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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 22nd June 2016

commencing at 10.00 am

(Day 213)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as  
Counsel to the Inquiry.

1 Wednesday, 22nd June 2016

2 (10.00 am)

3 WITNESS R4/HIA534 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. I know  
5 everyone here is familiar with this by now, but just in  
6 case anyone forgets, please ensure that if you have  
7 a mobile phone, it is either turned off or placed on  
8 "Silent"/"Vibrate", and no photography is permitted  
9 either here in the chamber or anywhere on the premises.

10 One final point, which I know Ms Smith will  
11 reiterate: for those who are not familiar with our  
12 procedures, it may well prove to be the case that  
13 individuals who have been given a designation by the  
14 Inquiry are referred to by name in the chamber. This is  
15 done from time to time because otherwise it would simply  
16 be too difficult for the witnesses in particular, and  
17 I am bound to say probably the rest of us also, to  
18 follow, but those names must not be mentioned outside  
19 the Inquiry without the express permission of the  
20 Inquiry.

21 MS SMITH: Thank you, Chairman. Good morning, Chairman,  
22 Panel Members, ladies and gentlemen. There is  
23 an appearance to be announced this morning in respect of  
24 our witness today.

25 CHAIRMAN: Yes.

1 MS KYLE: Yes. Miss Kyle appearing on behalf of the witness  
2 on the instructions of Mr Mitchell of Trevor Smyth &  
3 Company. Mr Boyd had been instructed in this case  
4 originally; however is detained on a trial.

5 CHAIRMAN: Thank you.

6 MS SMITH: Our first witness today, Chairman, is R4/HIA534.  
7 He is "HIA534" and he's also got the designation from  
8 the Hughes Inquiry of "R4". R4/HIA534 wishes to take a  
9 religious oath, Chairman. He has mobility issues. So  
10 if he could sit while taking the oath, that would be  
11 helpful.

12 WITNESS R4/HIA534 (sworn)

13 CHAIRMAN: Thank you, R4/HIA534.

14 Questions from COUNSEL TO THE INQUIRY

15 MS SMITH: Now, R4/HIA534, if you stay there, I'm just going  
16 to tell the Panel where there are certain pages relevant  
17 to your evidence in our bundle of papers. I am just  
18 going to give the page numbers and then I will come back  
19 and speak to you.

20 R4/HIA534 has given two statements to the Inquiry.  
21 They are in the bundle from KIN046 to 050. He spoke to  
22 the police twice: in 1980, and that statement is at  
23 10161 to 10165; in 1982, and the statement is at 40623.

24 He also spoke to police in 2015, and there is an ABE  
25 interview at KIN60091 to 60114.

1           He gave a statement to The Hughes Inquiry that can  
2           be found at 75608, and there is also a psychiatric  
3           report dating from 1983, which is at KIN120874.

4           Now, R4/HIA534, as we have discussed, I am going to  
5           do most of the speaking. Now I know -- you gave two  
6           statements -- you signed them in your solicitor's office  
7           yesterday -- for the Inquiry. Isn't that right?

8           **A. That's right.**

9           Q. They are on the screen now. Can you see them?

10          **A. Yes.**

11          Q. I just want you to confirm that these are the statements  
12          that you gave to the Inquiry. The first one is three  
13          pages long. If we could just scroll to page -- the  
14          third page, please, and you will see your signature is  
15          on it, R4/HIA534. Can I just ask you to confirm that  
16          that is your signature?

17          **A. Yes.**

18          Q. And then the second statements starts on the next  
19          page also. That's the second statement that you signed.

20          Now just I am going to remind people, R4/HIA534, we  
21          are going to use names here, but you will see that there  
22          are a number of names on this -- on your statements, and  
23          whenever they go up on the Inquiry website, they will be  
24          blocked out to protect people's identities, including  
25          your own, because you do wish to maintain your

1           anonymity. Isn't that right?

2   **A. That's right.**

3   Q. Now you are now 67?

4   **A. That's right.**

5   Q. If we could go back, please, to paragraph 064, you were  
6   put into care at the age of 4 in 1953, when you were  
7   about 4, and you set out in the first paragraph about  
8   why you went into Childhaven. You were with your two  
9   younger brothers and your younger sis... -- and your  
10   sister. Sorry. When you were in Childhaven, you  
11   attended at           Primary School. You went to  
12   a special school in           in the afternoons and you  
13   later went to           Secondary School. You left  
14   school without any formal qualifications.

15           You describe in paragraph 3 being happy at  
16   Childhaven. You said that the matron and staff were  
17   good to you. When you look back, you consider the time  
18   there as the best days of your life. After you left you  
19   often went back down to visit your brother and sister,  
20   who were still there. Isn't that right, R4/HIA534?

21   **A. That's right.**

22   Q. You go on then to describe your time in Kincora. You  
23   said you went to Kincora in August 1965. You were 16  
24   when you went to Kincora, and you were there, in fact,  
25   from 2nd August '65 to 4th November 1966. So that was

1 between the ages of 16 and 17.

2 Before -- I am just going to pause there in your  
3 statement, because before you went to Kin... -- before  
4 you spoke to the police in 1980 about your time in  
5 Kincora Joe Mains was spoken to by police. I don't  
6 think we need to call up his interview. I will just  
7 summarise for the Panel. It is at KIN10423. Police  
8 spoke to him on 1st April. He said that the first time  
9 he engaged with you in Kincora in any way of an improper  
10 manner was because he said you wouldn't wash and he was  
11 bathing you. He said that he thought that you would  
12 make allegations about him, and when police asked him  
13 why he thought that, he said that he didn't know, but  
14 that you were a bit simple, and the officers asked him  
15 had he done anything to you and had anything ever  
16 happened between you and him and he said "No". So  
17 that's what he told police.

18 I know you spoke to police in 1980. We will come  
19 back to that in a moment. In your statement here you  
20 say that you didn't want to go to Kincora. You wanted  
21 to go home, because you knew your other brothers were at  
22 home, but you were told you had no choice, and you were  
23 unhappy in Kincora, mainly because you had left school  
24 and hadn't got any employment. You sat about the hostel  
25 all day and you were required to do chores, such as

1 cleaning, washing up and gardening, although you enjoyed  
2 working in the garden, and you went back to visit  
3 Childhaven usually on a Sunday to see your sister.

4 You remember there was one time your brother came to  
5 Kincora and he was chased away. He was told that if he  
6 came back, the warden would phone the police. I was  
7 asking you about that, R4/HIA534. You don't know why  
8 they chased your brother away. Sure you don't?

9 **A. I don't know.**

10 Q. You talk about the regime at Kincora being quite strict.  
11 You said you remember getting beaten with a leather  
12 strap by one of the assistants in the home. When you  
13 talked to somebody else, you said that was an assistant  
14 called a KIN384 who did that. Is that right?

15 **A. That's right.**

16 Q. You think it was for coming in late. You didn't get on  
17 well with the other boys. They treated you as though  
18 you were a simpleton. You said that shortly after you  
19 entered the home you did get friendly with one boy  
20 called KIN167 . However, during a camping holiday at  
21 Magilligan he was drowned. You found it very difficult  
22 to cope after this. For a long time you were very  
23 depressed and refused to leave the hostel.

24 You said that your first sexual experience happened  
25 about six months after you'd entered Kincora. One

1 evening you brought Joe Mains, the warden, a cup of tea  
2 to his room. He asked you to rub some cream on his  
3 back. You did that, and nothing else happened that  
4 night, but a few nights later he asked again you to rub  
5 some cream on his back. When you did, he began to  
6 fondle your privates and your backside. He wanted you  
7 to take your trousers off, but you refused and nothing  
8 else happened that night.

9 You say the same thing happened again about a month  
10 later and matters progressed. You participated in  
11 mutual masturbation and then mutual oral sex. That  
12 developed into a regular occurrence and it continued  
13 after you left Kincora, when you would call up to the  
14 hostel to visit the boys. You continued to visit  
15 Kincora up to Joe Mains left in the late 1970s.

16 You say that you weren't physically abused by Joe  
17 Mains, nor were you ever physically or sexually abused  
18 by anyone else in the hostel.

19 "Furthermore, I never witnessed nor was aware of any  
20 of the other boys being abused by any of the staff at  
21 Kincora, nor did I ever witness anyone from outside the  
22 home abusing any of the boys or taking them off  
23 anywhere.

24 I did participate in various consensual sexual acts  
25 with some of the other boys in the home."

1           You deal with these in more detail in the next  
2           statement.

3           You never complained about Joe Mains. You didn't  
4           feel there was anyone there to whom you could complain,  
5           and you do remember you had a social worker. You  
6           thought her name was Miss Beacon. The Inquiry know I  
7           think your social worker was Felicity Beagon, with a G  
8           rather than a C, but that's the name that you remember,  
9           and you remember that lady coming to see you?

10       **A. That's right, yes.**

11       Q. You say you met and spoke to her about six times in the  
12       time that you were in Kincora, but the meetings always  
13       took place in the office with Joe Mains present, and you  
14       didn't feel you could speak freely to her.

15           You were also frightened of being moved into  
16       Rathgael, because you were unhappy in Kincora and you  
17       didn't want to be moved further away from your father's  
18       home in                    :

19           "... as it would mean I would see less of my  
20       brothers."

21           Can I ask you did anybody ever threaten you with  
22       going to Rathgael or that you would end up in Rathgael?

23       **A. I don't remember.**

24       Q. You just think this was something you had in your head,  
25       that some boys went to Rathgael and you were afraid that

1           you might end up there?

2

3       **A. Yes, because I heard about Rathgael and that was it.**

4       Q. "I should add that I did not see anyone else in  
5       authority while in Kincora except a man who I think was  
6       called KIN342 and who came to the hostel -- came as a  
7       hostel inspector and was friendly with Joe Mains. I was  
8       aware that some of the boys talked about me and the fact  
9       that I was always doing chores for Mains and was in and  
10      out of his room. However, I was keen to keep my  
11      experiences with Mains from them and did not tell them  
12      what was happening to me."

13            You go on there to talk about what life has been  
14      like for you after you left Kincora. I am not going to  
15      go into the details of that in public, although it's  
16      obviously in your statement, R4/HIA534, and it's fair to  
17      say that you haven't had an easy time since you left  
18      Kincora and you have had various difficulties in your  
19      life.

20            But you go on in the second statement -- the Inquiry  
21      gave you some material that they had received and asked  
22      you to comment on the material that were given to you.  
23      So you talk about this in the second statement, and you  
24      say you:

25            "... have read the allegations made to the Inquiry

1 against me and wish to say as follows."

2 You talk about a boy called . I think he was  
3 also known as KIN5 . You said that:

4 "He mentions in his statement about walking into Joe  
5 Mains' office and seeing Joe and me kissing. It is  
6 an incident I don't remember, but which I accept may be  
7 true."

8 So you are saying that he might have seen you and  
9 Joe Mains kissing, that that could have happened.

10 "I also had various sexual encounters with other  
11 boys in the hostel when I would call up and visit the  
12 boys in the hostel after I left. These encounters  
13 included ..."

14 You name R9, who you had anal sex and masturbated in  
15 the toilets of the hostel.

16 "R17 was a boy in Kincora with whom I practised  
17 mutual masturbation and oral sex on several occasions.  
18 That took place in the bathroom, back garden and the  
19 toilet."

20 The name here -- again I am going to use the name --  
21 it is actually R18. Is that the name you remember, not  
22 " " ?

23 **A. Yes.**

24 Q. "On one occasion another boy, R18, masturbated me in the  
25 TV room. He asked me to reciprocate, but I refused

1 because the curtains were open at the time."

2 You go on to say you got on reasonably well with the  
3 staff at the hostel.

4 "I was never physically or sexually abused by any of  
5 the staff with the exception of the beating I received  
6 with a leather strap by one of the assistant care  
7 workers, as outlined in my first statement, and the  
8 sexual abuse I suffered at the hands of the warden,  
9 Joseph Mains. I would like to add that I regard the  
10 grooming and introduction to homosexual practices by Joe  
11 Mains as the main cause of most of my subsequent  
12 difficulties in forming meaningful and emotional  
13 relationships throughout my adult life.

14 Finally, I did not see and was not aware of any  
15 physical or sexual abuse of any of the other boys at the  
16 hands of any member of staff or anyone else. I did not  
17 see nor was I aware of anyone from outside abusing any  
18 of the boys or taking them out of the hostel for any  
19 purpose."

20 You signed both of those statements yesterday, as  
21 I said, 21st June 2016.

22 Now I am going to come and look at what you've said  
23 on other occasions, R4/HIA534. I know that you have  
24 been quite nervous. Are you okay so far about how we  
25 are going through things?

1           So if we look at your police statement of 3rd April  
2           1980 and that's at 10161. Now it's on the screen and I  
3           am not going to read it all out, but if I can summarise,  
4           you told police in 1981 -- when I was talking to you,  
5           you don't really remember talking to the police back  
6           then, do you? It's some years ago.

7           **A. Too long ago.**

8           Q. But you told them that Joe Mains was practically like  
9           a father to you.

10          **A. That's correct.**

11          Q. Then you talked about you getting the beating with  
12          the strap and sitting on the steps, Joe coming in,  
13          making some tea in the kitchen, taking it to his  
14          bedroom, and you say it's the office now. The flat  
15          wasn't there at the time. So this was when he was  
16          living in the main house before the annexe was built on.  
17          Isn't that right?

18          **A. That's right.**

19          Q. And you go on to talk about the abuse that you suffered  
20          there. You talk about him getting you to rub cream on  
21          his back and him feeling around you and that leading to  
22          mutual masturbation and to oral sex. You say to the  
23          police that anal intercourse never occurred between the  
24          two of you. You did say that after you left Kincora  
25          you'd go back and visit and the same mutual masturbation

1 and oral sex would occasion. You said that the last  
2 time you did it with Joe Mains was just before last  
3 Christmas. You went to Joe's house just before  
4 Christmas and you went up to visit and he let you stay  
5 overnight. He stayed in the front room downstairs after  
6 his girlfriend BAR1 had gone to bed. You said that he  
7 wanked and sucked you off and you wanked him.

8 That was -- that was in his house, though. That  
9 wasn't in her house. Is that right, or can you  
10 remember?

11 **A. His house.**

12 Q. His house. You go on then to talk about -- you told  
13 police that when you came back to Kincora, you engaged  
14 in sexual activity with three boys, the boys that you've  
15 named, R9, R17 and R18.

16 You also went on to tell police about two further  
17 adult homosexual relationships that you had had. We  
18 know the police spoke to them and they admitted that  
19 they had been involved with you.

20 You also at the end of your statement at the next  
21 page you talked about an incident involving a young boy,  
22 an 8-year-old boy, where you had been looking after this  
23 child. He needed to go to the toilet, and when you were  
24 helping him to go to the toilet, you actually touched  
25 the boy and suddenly realised what you were doing,

1           stopped doing it, pulled the child's trousers up and  
2           went home. You are sorry for whatever you have done  
3           with the child and you are ashamed and disgusted.

4           It was as a result of that admission on your part  
5           that you were actually prosecuted for the assault on  
6           that child. Isn't that right --

7           **A. That's right.**

8           Q. -- R4/HIA534? You were sent to prison for that and you  
9           served time for that assault, but the police would not  
10          have known anything about that only that you had told  
11          them. Isn't that right?

12          **A. That's correct.**

13          Q. You also told police about having a relationship with  
14          another man, a John McKeague, who you lived with for a while.  
15          Isn't that so?

16          **A. That's right.**

17          Q. Now when you were -- when the police got this statement  
18          from you, R4/HIA534, they recommended that Joe Mains be  
19          prosecuted for what he'd done with you during your time  
20          as a resident in Kincora, but that didn't happen and  
21          there was no charge directed against him in respect of  
22          you. As I say, you were imprisoned for three months on  
23          21st October for the assault on the child.

24          Police then spoke to you again on 10th June 1982.  
25          If we look at that, that's 40623. You said that what

1 you'd told them in April 1980 tells the whole story.

2 "I don't know of anything else happening at the  
3 hostel. While I was there I didn't hear or see anything  
4 of boys being used sexually by important people like  
5 police officers, Justices of the Peace, businessmen or  
6 civil servants. When I heard the allegations on  
7 television of prostitution and vice ring, I was shocked,  
8 because nothing like that was going on while I was  
9 there."

10 You don't remember -- these were English policemen  
11 who spoke to you. You don't remember that either?

12 **A. No.**

13 Q. You also spoke to a psychiatrist when you were bringing  
14 a civil claim. That was in 1983. I am just going to  
15 look at what you told the psychiatrist. We don't need  
16 to go into all of the details, but at 120875, please.  
17 Just if we can scroll down. Sorry. Just scroll down to  
18 there. You see there -- sorry. Excuse me one wee  
19 second, R4/HIA534. Yes.

20 Just one of the things I was going to ask you about, you  
21 had spoken to the police and you had said to them about  
22 John McKeague being -- you were involved with McKeague  
23 after you left Kinchora. Isn't that right, R4/HIA534?

24 **A. That's right.**

25 Q. Did you ever see him in Kinchora when you were there?

1 **A. No.**

2 Q. No. Thanks. You talked here about -- on the subject of  
3 you visiting Kincora, you admitted that physical  
4 relationships took place between yourself and at least  
5 one or two Kincora residents when you went back visiting  
6 when you were about 22, but there was no further  
7 physical relationships between the warden and yourself.  
8 The warden was Joe Mains.

9 "He told me that he used to go back and visit the  
10 warden, but if the warden were to go out, [you] would  
11 just stay in and keep an eye on the place and be sure  
12 there was no nonsense."

13 So was it the case that Joe Mains was leaving you to  
14 look after the place when he wasn't there or did you  
15 just feel you had to do that?

16 **A. Uh-huh.**

17 Q. He wasn't leaving you. You just were there.

18 **A. Just there.**

19 Q. Because you were older, you were looking after the boys.  
20 Is that right?

21 **A. (Nods).**

22 Q. Just if we can scroll back up a bit, please, to -- I've  
23 lost the place. You were just talking about Joe Mains  
24 to the psychiatrist and you said that you thought he  
25 must be bisexual as he was getting engaged and you were

1 to go to his -- you were to go to his wedding, but that  
2 didn't happen. Isn't that right?

3 **A. That's right.**

4 Q. You gave evidence to the Hughes Inquiry on 25th  
5 October 1984. You were saying that was up at Stormont.  
6 You remember going up there and speaking to people.  
7 Isn't that right?

8 **A. Yes.**

9 Q. I am not going to look at all of this, but it is at  
10 KIN71374 to 71401. You said that while Mains -- I am  
11 just going to summarise what you told The Hughes  
12 Inquiry, R4/HIA534. You said that while Mains didn't  
13 necessarily threaten you to engage in sexual activity,  
14 you didn't like it and it was only as it continued on  
15 that you got used to it as a way of life, and after  
16 a while you were a willing enough participant, because  
17 it was what you were used to. You explained that you  
18 had a whole range of fears about making any complaint  
19 about it, and you said that Mains wanted to keep it  
20 a secret and so you did that. You said none of the boys  
21 ever teased you about the sexual activity, because they  
22 didn't know about it. They teased you about doing  
23 things for Mains. Isn't that right?

24 **A. That's right.**

25 Q. And you also said that Semple never made any sexual

1 advances towards you.

2 I am not going to open this up, but just for the  
3 benefit of the Inquiry, the report of the Hughes Inquiry  
4 deals with your evidence at paragraphs 3.76 to 3.86,  
5 which is at 75230 to 75232, and the conclusion the  
6 Hughes Inquiry reached is at 75232. That's at 3.86.

7 You also brought a civil claim, as we know, and we  
8 were looking at what the psychiatrist was saying there.  
9 That was in the 1980s. The Health & Social Care Board  
10 couldn't confirm what happened in those proceedings.  
11 Are you all right, R4/HIA534?

12 **A. Uh-huh.**

13 Q. Okay, but you were telling me you got £10,000?

14 **A. That's correct.**

15 Q. And you thought you got less than you might have done  
16 because of the incident involving the 8-year-old boy and  
17 you felt that your money was reduced because of that?

18 **A. That's right.**

19 Q. Now there was an article in the Sunday World. If we  
20 look at that, please, it is at 60085. This is from  
21 August 2015, R4/HIA534. There's a photograph of you in  
22 this. Again I am not going to read it all out, but it  
23 is written by Jim McDowell, who was a Sunday World  
24 journalist and I think, in fact, editor at the time.

25 In this it says that you told him -- this is what

1 the article says -- that you told him that you were  
2 raped in Kincora every night, but that isn't, in fact,  
3 correct, sure it is not, R4/HIA534?

4 **A. It's not.**

5 Q. No. You also told -- said in this article -- they say  
6 that you said there was a senior RUC officer involved in  
7 the abuse and he said that you knew that because you ran  
8 away. You were found by the police and you were brought  
9 back. You said that one of Mains' main men in  
10 organising abuse was a senior CID officer in the RUC.  
11 You said that the annexe was set aside for the rape and  
12 abuse of boys, that you were especially vulnerable,  
13 because you were deemed to be backward, and you also  
14 said that you and two other boys went to Ian Paisley to  
15 tell him about the abuse, but you got nowhere. So you  
16 then went to Gerry Fitt and he believed you.

17 Now that's me summarising what's in that article,  
18 R4/HIA534, and I just wanted to ask you a little bit  
19 about that. You don't remember -- you didn't actually  
20 agree to this article, did you, or didn't actually say  
21 that it could be put in the paper?

22 **A. I didn't agree with anything. I didn't even know it was**  
23 **in the paper until I was lying in hospital and then**  
24 **I was told.**

25 Q. What you told me is that you used to drink in a bar in

1 Belfast. This journalist would have been in that bar.  
2 He did have a conversation with you. You remember  
3 having a conversation with him?

4 **A. I do, yes.**

5 Q. You said there was something in the paper at that time  
6 about Kincora and he asked you about it and you don't  
7 really remember what you told him?

8 **A. Not offhand.**

9 Q. You had been drinking quite a lot. Is that right?

10 **A. Quite a lot.**

11 Q. Now just -- you then -- when the police saw this, they  
12 tried to speak to you. In fact, I mean, you talk in  
13 this statement as well about wanting to talk to this  
14 Inquiry and were surprised that we hadn't contacted you  
15 at that stage. You said that you were willing to come  
16 and talk to us and you have been as good as your word in  
17 that sense. You are here today, R4/HIA534.

18 So the police managed to get contact from you again.  
19 They spoke to you and they had what we call an ABE  
20 interview. You remembered you went to Garnerville and  
21 you spoke to police there in a room.

22 **A. Video link.**

23 Q. Pardon?

24 **A. Video link.**

25 Q. Yes, by -- well, I think it was recorded -- it was

1 recorded on video --

2 **A. Yes.**

3 Q. -- rather than actual video link. That's at 60091.

4 I am not going to go through all of that, because you  
5 talked to him about a lot of things, but you did -- you  
6 start off -- if we can just call it up and we can scroll  
7 down it as well, if need be. 60091. You talk there --  
8 it was a Constable Chris Hutton. Do you remember  
9 talking to somebody called Chris?

10 **A. Yes.**

11 Q. You said you knew you were there to talk about Kinchora.  
12 You talked about moving out of Childhaven. I am not  
13 going to say -- go through it. You talked a lot about  
14 the boy who drowned at Castlerock and the details of  
15 that. You told police that you heard that there were  
16 supposed to be paramilitaries, police and judges, and  
17 you said that you thought it was KIN385 and R7 who  
18 were supposed -- sorry -- who were supposed to have gone  
19 and seen some MP who didn't want to know. They went  
20 then and saw another MP and you named him, Gerry Fitt.  
21 You didn't go. That was just something you heard.  
22 Isn't that right?

23 **A. That's correct.**

24 Q. So whenever -- whatever the journalist heard from you or  
25 whatever he misheard from you, you yourself never went

1 to speak to Ian Paisley about Kincora?

2 **A. No.**

3 Q. And you never went to speak to Gerry Fitt about Kincora?

4 **A. Never spoke to anybody.**

5 Q. Those two told you that they had done that. Isn't that  
6 right?

7 **A. Uh-huh. That's right.**

8 Q. But you don't know whether they actually did or not.

9 Just what they told you?

10 **A. I don't know.**

11 Q. You told police that Mains touched you and asked you to  
12 touch him.

13 You also gave an account in there about being  
14 approached by some solicitor who wanted to sign you up,  
15 but you already had your own solicitor and you said you  
16 didn't -- sure there was no civil claim in it, but what  
17 was said was all over and it was done and dusted, and  
18 that everybody had got a claim, and you yourself had got  
19 £10,000.

20 You talked about someone approaching you after you  
21 were in the Sunday World and telling you to be careful  
22 about what you said. Was that what you said to the  
23 Inquiry that they were telling you to be careful about?

24 **A. Something to do with the Inquiry probably. I don't know  
25 who he was.**

1 Q. You didn't know who that person was. You had never seen  
2 them before. They approached you when you were going to  
3 the shops. Isn't that right?

4 **A. Approached me when I was going to the off-licence.**

5 Q. The off-licence?

6 **A. Uh-huh.**

7 Q. You are not sure whether or not that was a threat.  
8 That's at 60097. I don't know if we need to look at it,  
9 but that's the page reference for it.

10 You also told police about Joe Mains trying to touch  
11 you in his girlfriend's house. This was a different  
12 occasion from what you'd said to the police about the  
13 last time that he touched you. Is that right?

14 **A. That's right.**

15 Q. You said that one night you made him a cup of tea. He  
16 undressed you. He told you to stay. He started playing  
17 with you. He tried to kiss you. He tried to put his  
18 hands down your pants and you probably touched him.

19 You also told the police in 2015 that there was  
20 a policeman called ov 6 who was involved in this  
21 ring thing. When the police asked you a bit more about  
22 that, they asked you, "What did he do?", and you said he  
23 didn't do anything that you know of. You just saw him  
24 coming in and out.

25 Can I -- have I -- please correct me, R4/HIA534, if

1 I have got this wrong, but is what you are saying is  
2 that you heard about this paedophile ring what that was  
3 going on in Kincora. You knew nothing about this. The  
4 only people that you saw coming in who were a police  
5 officer was this man ov 6 . Is that right?

6 **A. That's correct.**

7 Q. But he didn't do anything that you knew of?

8 **A. No.**

9 Q. And later you go on to say that he was a friend of Joe  
10 Mains who came in and had a drink with him in Kincora?

11 **A. That's right.**

12 Q. And you just saw him coming in and out.

13 You talked about had the incident involving the  
14 8-year-old boy. You said you never laid a finger on  
15 him. You probably touched him, but it wasn't that type  
16 of thing. We know what you told the police in 1980  
17 about that and what you pleaded guilty to.

18 You said that Joe Mains just put his hand down and  
19 touched your penis and tried to play with you. You  
20 probably touched his, but you didn't know what you were  
21 doing. You told police that it happened twice, but it  
22 actually happened a lot more than that, R4/HIA534,  
23 didn't it?

24 **A. Yes.**

25 Q. You also told the police that R18 tried to do it with

1           you in the toilet and he offered to pay you. You told  
2           them that nothing happened with R18 because you said  
3           "No", but that isn't actually right, sure it's not? You  
4           did have --

5           **A. I did.**

6           Q. -- episodes with R18.

7                    You also told the police that you had spoken to your  
8           father. After you left Kincora you went back to live at  
9           home. You said that you told your father. When we were  
10          talking, you weren't sure whether you told your father  
11          or your brother.

12          **A. I wasn't sure.**

13          Q. But they didn't do anything, whoever it was you told?

14          **A. No.**

15          Q. You did talk then in this police statement about doing  
16          gardening for Joe Mains' girlfriend. You talked about  
17          an episode where you stayed in her house, that you were  
18          on the settee. He came down and you said, "I'm not  
19          doing anything". She came in and you told her that he  
20          was trying to touch you up. She said, "I don't think  
21          he'd do that". You told her, "It happened before in  
22          Kincora", but you told me today you don't remember  
23          telling her that?

24          **A. I can't remember.**

25          Q. But you said to the police in 2015 that you said, "I'm

1 going" and you managed to get out of the house and find  
2 your way back down to Dundonald, where you recognised.

3 Is that right?

4 **A. Yes.**

5 Q. This woman BAR1, who was his girlfriend, and  
6 ov 6 , you told police they were drinking partners of  
7 Joe Mains and they came in and out of Kincora for drinks  
8 with him?

9 **A. Yes. That's correct.**

10 Q. You also told police you never saw a uniformed policeman  
11 in Kincora, and you didn't tell any adults about what  
12 was going on at the time, and you didn't know anything  
13 about any social workers, but you do vaguely remember  
14 Miss Beagon being your social worker?

15 **A. Yes.**

16 Q. You also tell them about your life a bit after that, and  
17 again I am not going to go into that, R4/HIA534, but  
18 there's -- that's really all of the evidence that  
19 I wanted to cover with you about your time in Kincora.

20 Do you want to say anything more about it or is --  
21 are you happy enough with how we have covered --

22 **A. I'm happy.**

23 Q. -- what happened to you in Kincora?

24 **A. I'm happy.**

25 Q. One final question then that we ask everybody who comes

1 to talk to us, and that's that the Inquiry at the end of  
2 its work has to give a report to the Government about  
3 what should happen. I was talking to you about this  
4 earlier. I think you feel that the people who were  
5 abused, the children who were abused, should be  
6 compensated. Is that right?

7 **A. They should be.**

8 Q. Okay. Well, is there anything else that you want to  
9 say, R4/HIA534? I am going to hand you over to the  
10 Panel. They might have some questions for you.

11 **A. Just let me go home.**

12 Q. Sorry?

13 **A. Just let me go home.**

14 Q. Just happy to go home.

15 Questions from THE PANEL

16 CHAIRMAN: R4/HIA534, can I just ask you to go back to when  
17 you arrived in Kincora and ask you something about your  
18 time there? You came in 1965, when you were 16, and you  
19 were there for about fifteen months or thereabouts --

20 **A. (Nods).**

21 Q. -- and you left when you were 17. So you are there in  
22 the mid-1960s. Isn't that right?

23 **A. That's correct.**

24 Q. Now you have described how you weren't very happy when  
25 you were there, because you'd left school but you'd no

1 job to go out to.

2 **A. That's right.**

3 Q. Did at that remain the position all the time you were in  
4 Kincora or were you able to get a job?

5 **A. I had a couple of wee jobs, but they weren't very big.**

6 Q. Did they not last very long perhaps?

7 **A. No, they didn't last long.**

8 Q. And who arranged those jobs for you?

9 **A. Probably the Welfare Officer or something to do with the**  
10 **hostel.**

11 Q. Did you remember discussing any jobs with Mr Mains, for  
12 example?

13 **A. No, I didn't.**

14 Q. Because we have heard that in relation to some other  
15 boys that he arranged jobs for them. Do you remember  
16 anything like that happening to other boys when you were  
17 there?

18 **A. No. I can't remember.**

19 Q. When you were there, were most of the boys who were  
20 there in your time going out to work each day?

21 **A. I don't remember any of them going to work. Well,**  
22 **I remember one, KIN10, he was working signs or**  
23 **something.**

24 Q. Yes. I don't mean to ask you whether you knew the exact  
25 job they were going to, but looking back now -- and

1 I appreciate it's very long time ago and it's no doubt  
2 difficult to remember -- but doing the best you can,  
3 when you were there, not having a job to go out to, were  
4 you the only boy in the hostel during the day?

5 **A. Oh, no. There was other -- there was other boys there.**

6 Q. But were they, like you, just doing jobs or sitting  
7 around because they hadn't got a job to go out to  
8 somewhere else?

9 **A. That's correct.**

10 Q. And during that time was Mains the only staff member,  
11 the only man who was on the staff?

12 **A. No. Mr Semple was there at the time.**

13 Q. He was there at the time, was he?

14 **A. Yes, he was always there.**

15 Q. We know that he came for a while, then he left and then  
16 he came back later on, but you remember him being there  
17 in your time --

18 **A. Yes.**

19 Q. -- with Mains? During the time you were there as  
20 a boy -- I am not asking about when you came back -- but  
21 during the time you were there as a resident did  
22 Mr Semple make any approaches to you of a sexual nature?

23 **A. None whatsoever, no.**

24 Q. No. Were there any rumours amongst the boys, any talk  
25 amongst the boys about either of those two men being

1 homosexual?

2 **A. No.**

3 Q. Or that it might be safer to stay away from them, that  
4 they might make an approach?

5 **A. I never heard of that.**

6 Q. Whenever you have described the events that happened  
7 between you and Mr Mains, as I understand what you are  
8 describing, at that time when you were a resident he had  
9 a room upstairs in the building. Is that right?

10 **A. That's correct.**

11 Q. Because we know that later on, as you have described it,  
12 an annexe was built that had a --

13 **A. At the side of the house.**

14 Q. -- at the back, in fact --

15 **A. Uh-huh.**

16 Q. -- which had at least I think only two rooms in it. One  
17 was an office and one was his bedroom, but the events  
18 you have described, am I correct in thinking that they  
19 happened upstairs in the main building itself?

20 **A. Yes.**

21 Q. And how would you come to be in his room? Would he ask  
22 you to come in or would you go in and then he would make  
23 a sexual approach to you?

24 **A. Get a cup of tea and bring it in to him.**

25 Q. I see, and you may not be able to answer the question at

1 all, but do you think other boys were aware of what was  
2 happening between Mr Mains and yourself?

3 **A. I don't really know about that.**

4 Q. But nobody mentioned to you?

5 **A. Nobody mentioned. I didn't talk to anybody about it,**  
6 **no.**

7 Q. I see. You have described how after you left yourself  
8 and were no longer living in Kincora you came back to  
9 visit some of the boys who were still living there. Is  
10 that right?

11 **A. That's correct.**

12 Q. And in the years when you left after being the age of 18  
13 I think it would have been in your case, but you left  
14 when you were 17 -- and by that I mean most boys left  
15 when they were 18, so you left a little earlier -- did  
16 you come back often? Would it have been once a week or  
17 once a month? Can you give us any idea of the  
18 frequency?

19 **A. Roughly about once a week or so. I'd go up there, have**  
20 **a cup of tea, have my tea there.**

21 Q. And were there other ex-residents like yourself who you  
22 met coming back?

23 **A. Well, there's residents there, but I don't know if they**  
24 **were already left or not, because we never discussed who**  
25 **was leaving or doing what.**

1 Q. I see, but the sort of thing I'm asking is when you came  
2 back, let's say, when you were 22 or something like  
3 that, did you ever meet another boy who had been in  
4 there at the same time as you, who had come back on  
5 a visit like yourself?

6 **A. No.**

7 Q. And you have described how when you did come back there  
8 were a number of sexual encounters between yourself and  
9 boys who were still in the home. Is that right?

10 **A. That's correct.**

11 Q. And you have made it clear that what took place between  
12 you and these other boys who were still living there,  
13 that they were willing to engage in that behaviour?

14 **A. That's correct.**

15 Q. When you saw Dr Egan in 1983, you said that you were  
16 back visiting I think I am correct in saying when you  
17 were 22. As you got older and the years went by, you  
18 still came back to visit Mr Mains occasionally. Is that  
19 right? I think you told us the last time was --

20 **A. I don't know Dr Eakin (sic).**

21 Q. Well, he was the psychiatrist, Dr Egan. You maybe don't  
22 remember his name, but he's the psychiatrist who wrote  
23 that report that we heard about.

24 **A. Okay.**

25 Q. He would have seen you because your solicitors would

1        have asked him to see you on your behalf in connection  
2        with your civil action, but after that did -- as  
3        I understand it, you said that the last time that sex  
4        took place between yourself and Mr Mains was about the  
5        Christmas before 1980, in other words, Christmas '79 or  
6        something like that.

7        **A. That's correct.**

8        Q. Is that correct? Between the time you were leaving aged  
9        17 and 1979, that's about thirteen years or thereabouts.  
10       Did your pattern of visiting remain as frequent or did  
11       you just come back much more rarely later on?

12       **A. No. It was probably an odd day or two now and again,  
13       but I can't remember exactly.**

14       Q. No. I appreciate you mightn't remember the exact dates,  
15       but if somebody was to say, "Well, did you come back as  
16       often as you did when you were a younger man?", would  
17       you say "Yes" or "No"?

18       **A. No.**

19       Q. Not as often?

20       **A. No.**

21       Q. I see, and did any of the staff when you were coming  
22       back say anything to you about your visits? Were you  
23       welcome or did they try and stop you coming back?

24       **A. No. I was welcome.**

25       Q. And by the time you were coming back let's say up to

1 Christmas 1979, by that time in addition to Mr Mains  
2 Mr Semple was on the staff as well. Isn't that right?

3 **A. That's correct.**

4 Q. And so was Mr McGrath?

5 **A. Yes. That's when I first met him.**

6 Q. That's when you first met him?

7 **A. (Nods) .**

8 Q. You have said -- and I want to ask you just about this  
9 -- on any occasion, either when you were a resident in  
10 Kincora or in later years when you came back as  
11 a visitor, did you meet any men who were there who you  
12 were surprised to see there, you know, who didn't seem  
13 to have any good reason for being there?

14 **A. Don't know.**

15 Q. There have been allegations that certainly -- whether in  
16 your time or later time may not be clear -- that there  
17 were men who came to Kincora in order to abuse the  
18 children. Did you see any men who seemed to you to be  
19 there for that reason?

20 **A. The only ones -- I only ones I saw coming to Kincora**  
21 **when I was there was** OV 6 **and KIN342, who was**  
22 **actually a member of the Welfare Department.**

23 Q. Yes. So when you were there as a resident, did  
24 officials from the Welfare Department come to visit the  
25 home?

1 **A. The only one I saw was KIN342.**

2 Q. There was a KIN342 , who at some stage had been  
3 a social worker I think?

4 **A. Yes.**

5 Q. And was he coming in a private or an official capacity,  
6 or perhaps you don't know?

7 **A. Don't know. Sorry.**

8 Q. I see.

9 **A. All I know is they were -- they knew each other very  
10 well. So I take it he was in Welfare Department.**

11 Q. Yes, and the ov 6 you've referred to, who was  
12 a policeman, did he come in uniform?

13 **A. No. Civvy.**

14 Q. And did you know who he was?

15 **A. Oh, I knew him.**

16 Q. Was that --

17 **A. I knew him right away.**

18 Q. Was that because you had met him in the course of being  
19 in the courts?

20 **A. No, no. I met him -- I met him in Police  
21 Station.**

22 Q. I see, and when you say he came for a drink --

23 **A. Yes, they were drinking partners. They always went out  
24 drinking.**

25 Q. Well, would the two of them then go out together when

1           ov 6       had called or would they sit --

2   **A.       ov 6       would call and go out for a drink.  There**  
3   **would be no drinking in the house as far as I know.**

4   Q.  There was no drinking in the house as far as you know.  
5       So if they wanted to go for a drink, does that mean the  
6       two of them would have gone off to a pub or something up  
7       -- well, anywhere perhaps?

8   **A.  Yes, a club or something.**

9   Q.  Yes.  Well, R4/HIA534, that's the last question I have  
10     to ask you.  My colleagues might wish to ask you  
11     something.

12  MS DOHERTY:  Thanks, R4/HIA534.  Just a few more questions.  
13       Can I just ask when you were in Childhaven, did Mr Mains  
14       or anybody else from Kincora come to visit you there  
15       before you moved to Kincora?

16  **A.  Not that I know of.**

17  Q.  You can't remember them being involved in your transfer?

18  **A.  No.**

19  Q.  So it was mainly your social worker and then ...?

20  **A.  I don't -- I had a social worker when I moved into**  
21  **Childhaven.  That was a Miss Coulter, but that's the**  
22  **only social worker I ever had when I was in Childhaven.**  
23  **I don't know nothing about the transfer over.**

24  Q.  You don't remember anything about the transfer or how  
25     that --

1 **A. All I know was I couldn't go back home to my mother's**  
2 **parents because of the state of the house and you'd have**  
3 **to go into a hostel and they put me in that.**

4 Q. Put you in there. Okay. Did you tell Mr Mains or  
5 anybody about being strapped by KIN384 ? No?

6 **A. I didn't say nothing.**

7 Q. And was that the only time that he ...?

8 **A. Yes, that's the only time it happened.**

9 Q. That was the only occasion that he did it. Do you see  
10 when Mr Mains, his friends used to come to the house,  
11 were you ever around? Did you ever -- were you ever  
12 involved like socially with them or bringing them tea  
13 for anything like that?

14 **A. Just bringing tea. That's all.**

15 Q. Just bringing tea. Was that just a wee expectation,  
16 that you would help out bringing tea to him in the  
17 evening and if there was friends there?

18 **A. Yes.**

19 Q. You were saying there was no drink in the house at all.  
20 Mr Mains never offered you any drink, whiskey or sherry  
21 or ...?

22 **A. I didn't know nothing about drinking.**

23 Q. So there was no drinking at all --

24 **A. No drink that I've seen.**

25 Q. -- when you were there?

1 **A. Whether there was some in his flat I don't know.**

2 Q. But he didn't -- he never offered --

3 **A. No.**

4 Q. That wasn't what he ever did with you?

5 **A. No.**

6 Q. Okay, R4/HIA534. Thanks very much.

7 MR LANE: Thank you. You have mentioned Mr Mains. You  
8 mentioned Mr Semple and KIN384 . Was there any other  
9 staff or were those the only ones?

10 **A. There was -- the man beside you said there was McGrath.**

11 Q. That was later on?

12 **A. That was later on, but.**

13 Q. Right, and the two ladies I believe on the staff as  
14 well, did you see them?

15 **A. The only member -- lady member of staff there that  
16 I knew was a Elizabeth McCullough, the cook --**

17 Q. Uh-huh. Right.

18 **A. -- who did the cooking and all.**

19 Q. And that was the full group; there were no more staff?

20 **A. There were no more staff that I know of.**

21 Q. You mentioned that you got on well when you were at  
22 Childhaven and enjoyed it there.

23 **A. Uh-huh.**

24 Q. Did you ever think of telling them about what was  
25 happening at Kincora?

1 **A. No, because I didn't know the staff. When I went back**  
2 **down again, most of the staff were all changed, so they**  
3 **were.**

4 Q. Right. Okay. I think that's all I wanted to ask.  
5 Thank you very much.

6 **A. Okay.**

7 CHAIRMAN: Well, R4/HIA534, that is the last question we  
8 have for you. I'm sure you will be glad to hear that.  
9 Thank you very much indeed for coming to speak to us.  
10 I appreciate it might take you a few moments to gather  
11 yourself up to leave. We will rise just for a short  
12 while in any event. So if you want to stay where you  
13 are just for a moment until we leave, and you will be  
14 then helped out. Thank you very much for coming to  
15 speak to us.

16 **A. Thank you for letting me do it.**

17 **(Witness withdrew)**

18 **(11.15 am)**

19 **(Short break)**

20 **(11.25 am)**

21 **Material relating to Social Services, police, army and**  
22 **intelligence agencies dealt with by COUNSEL TO THE INQUIRY**

23 CHAIRMAN: Yes, Mr Aiken?

24 MR AIKEN: Good morning, Chairman, Members of the Panel.

25 Following my overview remarks at the start of week one,

1 we have endeavoured to give voice to the victims of  
2 Kincora through our examination in week one of the  
3 documentary material recording what the residents had to  
4 say. In week two, as you know, Ms Smith took the  
5 individuals who voluntarily came forward to the Inquiry  
6 through their oral evidence, and indeed today. You  
7 heard those voices first-hand. Ms Smith has also  
8 summarised material relating to Bawnmore, and you have  
9 heard from oral witnesses about their time in that home,  
10 and yesterday you also heard Ms Smith give voice to the  
11 material relating to Richard Kerr.

12 It is opened what we have done to date between us  
13 will have assisted you considerably with the first two  
14 of the key questions that I posed on the opening day.  
15 The key questions were, the eight of them that I listed:

16 Who was abused?

17 By whom?

18 Who knew about it?

19 What did they know?

20 When did they know about it?

21 What did they do with that knowledge?

22 What ought they have done with it?

23 Always coming back to the central question for this  
24 Inquiry whether systems failures by the State defined by  
25 this Inquiry in the widest sense in respect of this

1 module caused, facilitated or failed to prevent abuse  
2 occurring in Kincora.

3 It is hoped that what we have done will also have  
4 helped you in respect of questions 3 to 8 as far as they  
5 relate to those who were in the home and returning there  
6 as ex-residents.

7 However, what we are going to commence today is to  
8 examine in the context of questions 3 to 8 what  
9 organisations, such as Social Services, the RUC, the  
10 Army and the intelligence agencies, knew, when they knew  
11 it and what they did with that knowledge.

12 It is inevitable, Members of the Panel, as we carry  
13 out this investigation publicly that we will look at  
14 material that will be extremely difficult, embarrassing  
15 and upsetting for some individuals. While the Inquiry  
16 would prefer that this is not so, it has nonetheless  
17 revolved in the public interest that this investigation  
18 into Kincora must be carried out in public.

19 The Inquiry could cover over the names of and  
20 information relating to many individuals, who would  
21 prefer that their names were not associated with William  
22 McGrath and consequently not associated with Kincora.  
23 This could be done on the basis that it could be argued  
24 that their involvement was only of marginal relevance.

25 However, such is the controversy and suspicion

1 surrounding the story of Kincora that to engage in that  
2 exercise of covering over perhaps hundreds of names,  
3 some well-known, some not, would be entirely  
4 counterproductive and inconsistent with the HIA  
5 Inquiry's purpose.

6 Names of those associated with William McGrath in  
7 documents will not, therefore, be redacted. Where the  
8 individuals are said to have engaged in criminal  
9 activity, which, as you know, during the '70s and early  
10 part of the '80s included homosexual activity, then  
11 those names will be redacted, but to do other would  
12 potentially cause the HIA Inquiry to stand accused of  
13 being another part of what some claim is  
14 an establishment-led cover-up determined to avoid the  
15 truth about Kincora being revealed.

16 Whether there is such a basis for such a claim is  
17 neither here nor there, but the HIA Inquiry is not going  
18 to lend succour to it by engaging in the wholesale  
19 redaction of the identities of individuals in religion  
20 and politics in Northern Ireland who had some  
21 association with William McGrath because they would  
22 prefer not to be reminded about that association some  
23 forty years later.

24 I give that explanation because during the course of  
25 the coming days I will be looking at material that

1 demonstrates the pre-Kincora background and behaviour of  
2 William McGrath, just as I did for Joseph Mains and  
3 Raymond Semple through medical reports relating to them  
4 that the Inquiry had acquired during week one.

5 In addition, it is that pre-Kincora conduct of  
6 William McGrath that would be at the heart of the  
7 information provided to Social Services, the RUC and the  
8 Army. Therefore, in order to determine whether there  
9 were systems failures by emanations of the State to take  
10 action against William McGrath, or indeed anyone else,  
11 this Inquiry must have a proper understanding of what  
12 was said to have occurred and what representatives of  
13 various parts of the State were told had occurred.

14 I wish to be very clear, however. Examining what  
15 was said to any individual about historical events  
16 should not be taken as the Inquiry accepting that what  
17 was said actually did occur. I hope that distinction  
18 will be very clear. What we are looking at is what the  
19 documents record as having been said and the decisions  
20 that were taken on foot of what was said.

21 I want to turn now to look first at what the Social  
22 Services knew in relation to Mains, Semple and McGrath.

23 During the initial part of my opening I drew  
24 attention to some of the key occasions when matters came  
25 to the attention of Social Services in respect of what

1 was occurring at Kincora. I am not talking about those  
2 systems failures that arise because staff of the Social  
3 Services, so the three men who worked in Kincora,  
4 breached the trust placed in them and sexually abused  
5 boys in their care. I am also not talking about the  
6 occasions such as those involving potentially KIN66,  
7 an assistant working in Kincora in the second half of  
8 1967, where there appears to be failure to report  
9 concerns about Joseph Mains that he was expressing to  
10 some of the residents. I am also not talking about the  
11 occasions when post-June 1971 Raymond Semple received  
12 complaints from boys about William McGrath and didn't  
13 inform anyone other than potentially Joseph Mains, such  
14 as, for instance, telling the visiting social worker of  
15 the boy concerned. I am also not talking about those  
16 occasions when Joseph Mains failed to report to his  
17 superiors the behaviour of Raymond Semple in 1965 and  
18 '66 and that of William McGrath from at least 1974  
19 onwards that came to his attention either through the  
20 reports from boys or from reports from Raymond Semple.

21 Having said what I am not talking about, I want to  
22 say what I am going to talk about. What I am talking  
23 about are those occasions when information did leave  
24 Kincora and made its way to other Social Services staff  
25 outside Kincora. It is those matters that we are going

1 to look at now.

2 As this Panel is aware, these matters were examined  
3 in detail during the Hughes Inquiry in 1984 and 1985,  
4 including through some sixty days of oral evidence.  
5 You, Members of the Panel, have access to the  
6 transcripts and all other Hughes material that this  
7 Inquiry has been able to gather from the Public Records  
8 Office as well as to the report of the Hughes Inquiry  
9 from the three Members of the Panel who heard that  
10 evidence. Therefore, my examination of these issues  
11 will be in that context.

12 I am going to endeavour to deal with this in  
13 chronological order, and I am initially going to take us  
14 through to 1971, to the end of the Mason file period,  
15 and I refer you back to the charts that we had on the  
16 wall that Ms Slevin prepared for us. That period up to  
17 1971 covered the four periods of the five that I looked  
18 at during week one, when we were looking at what the  
19 residents had to say.

20 Then at the end of the period covered by the Mason  
21 file in the middle of 1971 I am going to pause the  
22 examination of what the Social Services knew to look at  
23 matters connected to Roy Garland, because of the central  
24 role that he played generally in the transmission of  
25 information about William McGrath post-1971, when

1 William McGrath began to work in Kincora, including what  
2 information came to Social Services about McGrath during  
3 that period.

4 So if it's not already clear, this is a complex  
5 jigsaw, and I trust that, Members of the Panel, you will  
6 bear with me as I endeavour to lay it out in  
7 a manageable form.

8 What I am going to deal with first is what I am  
9 going to call the 1967 Mason file or part one of the  
10 Mason file. As you know, Kincora opened in 1958. While  
11 both Joseph Mains and Raymond Semple abused their  
12 positions prior to Raymond Semple's resignation in  
13 June 1966, no information about those facts appears to  
14 have made its way beyond the confines of Kincora itself.  
15 Joe Mains did not report Raymond Semple's activity with  
16 B3/R1 and neither did B3/R1, who continued  
17 a relationship with Raymond Semple for a number of years  
18 after he left Kincora.

19 However, in 1967, after the end of Raymond Semple's  
20 first period working in Kincora -- you will recall he  
21 left in 1966 -- two boys would go to the headquarters of  
22 Belfast Welfare Authority, as it was then, and complain  
23 about Joseph Mains.

24 I am going to show us on the screen, please -- and I  
25 am going to do this quite often. I am going to show the

1 document, but I am going to let it be scrolled through  
2 and continue to speak, and perhaps if there's  
3 an occasion you want me to pause, you can direct me and  
4 we can do that.

5 At 11003, please, and scrolling through on to the  
6 next page, we have a two-page statement, which we looked  
7 at during week one, which is the statement that was  
8 recorded from R5. In addition to his statement we have  
9 also a one-page handwritten statement from R6, also on  
10 8th September 1967, if we look, please, at 11039. Now,  
11 as you know, in subsequent investigations R5 was capable  
12 of being traced. R6 wasn't. But what you have on the  
13 screen now is the statement that R6 provided at the same  
14 time as R5.

15 Henry Mason, the City Welfare Officer, on foot of  
16 these complaints being taken -- and it would appear that  
17 they were taken by Bob Moore -- interviewed Joe Mains on  
18 the same day. Now if we can look, please, at 11041 --

19 CHAIRMAN: Just before we leave that, I think it's more  
20 likely it was written out by R6 himself, judging by the  
21 writing.

22 MR AIKEN: Yes. Sorry. I am not suggesting Bob Moore wrote  
23 the documents --

24 CHAIRMAN: No.

25 MR AIKEN: -- but he was involved in the preparation of the

1 statement by the two individuals.

2 So on the screen now we have the handwritten record  
3 that Henry Mason prepared as he conducted the interview  
4 with Joe Mains on the same day, 8th September 1967, when  
5 he was facing him with the complaints made by the two  
6 boys.

7 So you can see on the left-hand side he's recording  
8 the allegation and then on the right-hand side Joseph  
9 Mains' response to the allegation. This particular page  
10 is covering the allegations relating to R6. If we just  
11 scroll up just a little bit -- sorry -- go the other  
12 direction for me -- you will see that -- just pause  
13 there -- there is a number "2" in the top left corner.  
14 The implication is there may have been a first page.  
15 There is not a handwritten page that I have been able to  
16 find recording R5's complaints and the responses in the  
17 same way, and it may be that's what was on page 1, which  
18 doesn't seem to be here, but if we just scroll through,  
19 because we get the position in a typed form shortly, but  
20 I just want to show you the handwritten record that's  
21 being maintained by Mr Mason. So he's recording you can  
22 see:

23 "Mr Mains said, 'Give me a kiss'."

24 Mr Mason records:

25 "Agreed",

1 and then it being said:

2 "R6 wears his hair too long",

3 and:

4 "Mr Mains going out every Friday and Saturday night  
5 and getting drunk."

6 You can see the response that's then given to that:

7 "He stated he did go out on Friday and Saturday  
8 night, although not necessarily getting drunk."

9 Then:

10 "When I talked to Mr Mains about the above matters  
11 on Friday, 8th September, he appeared at first to be  
12 tense and perspire visibly -- perspired visibly. During  
13 the interview he relaxed.

14 He told me that both boys were troublesome in the  
15 home and then R5 was cheeky and would not do as he was  
16 told. He had to chastise him the day before he came  
17 down to the office for refusing to clean his shoes  
18 before he entered the house. Both boys were there ..."

19 MS DOHERTY: "... wear their hair ..."

20 MR AIKEN: "... wear their hair too long and do not keep  
21 themselves clean enough. Mr Mains' difficulty was to  
22 get them to conform without being too overbearing about  
23 what were a minor points -- what were minor points. He  
24 tried to shame them by treating them as girls. Both of  
25 them have now had their hair cut."

1           Then you can see:

2           "Mr Mains and I talked about the situation.

3           I pointed out to him that all staff in charge of boys  
4           have to be extra careful as they were vulnerable to  
5           these forms of complaints. It occurred to me that the  
6           boys had, however, stated facts, most of them agreed by  
7           him", ie agreed by Mains, "to be true, but that they  
8           might have tried to put a construction upon them for  
9           malicious reasons.

10           I suggested that he might be careful not to give the  
11           impression that he was persecuting the boys for coming  
12           to see Mr Moore, the Children's Officer Designate. He  
13           felt that he should have been present ..."

14           So Mr Mains is saying he should have been present:

15           "... when the boys made their complaints, but  
16           I pointed out that (a) we didn't know that they had  
17           called to complain and (b) his presence would have been  
18           inhibiting to them -- to the boys."

19           So you can see there's a recognition on Mr Mason's  
20           part that he wanted the boys to be able to speak freely  
21           about what was the cause of their complaint and that he  
22           didn't agree that it was an appropriate procedure to  
23           have Mains there when they were making their complaint.

24           Then in summary he says in respect of these two  
25           matters and the conversation with Mains:

1            "This may have arisen from a spirit of retaliation  
2            from the boys. Taken as it stands, it does not present  
3            prima facie indication of wrongful conduct. We have to  
4            make up our minds what prompted the boys to make their  
5            complaints.

6            Was it a genuine belief that Mr Mains was making  
7            suggestive overtones to them -- overtures to them? Both  
8            these boys had lengthy experiences of institutional life  
9            and will have some comprehension of this aspect of male  
10           behaviour."

11           So that's the handwritten record that Henry Mason  
12           records the interview he conducts with Joseph Mains.

13           On 11th September then, three days later, he  
14           prepared his report, if we can look, please, at 10994,  
15           and this report does include the responses to the R5  
16           complaints, and you can see that they in terms of the  
17           numbering of the page -- the numbering of the complaints  
18           on the page, they are recorded before those that deal  
19           with R6, which is why I suggest perhaps there's  
20           a missing handwritten page that would have been  
21           number 1, given that we began looking at number 2.

22           You can see that this first section is addressing  
23           the responses to the claims made by R5 in his  
24           handwritten complaint, and his focus is also, as you can  
25           see, on the summer camp, where R2 and a social worker

1 called ov 4 had attended, and R5 was unhappy about  
2 that. You can see the response:

3 "Mr Mains stated that R2 had brought a few cans of  
4 beer with him the day that he visited the camp. There  
5 was no whiskey at all and certainly no excessive  
6 drinking."

7 Then a note that:

8 "Mr Mains appeared to be amused by this allegation.  
9 To my knowledge he's a very light drinker of  
10 intoxicating liquor, but ov 4 might be classified  
11 as a moderate drinker and does drink whiskey. I have  
12 heard it suggested that ov 4 earlier in his career  
13 with the department may have had a drink in the company  
14 of more junior officers. I would take this opportunity  
15 to emphasise the undesirability of this."

16 So recognising the potential issue over alcohol and  
17 those in the care of the men being aware of that. You  
18 can see the response to the allegation that:

19 "Mains wasn't there one of the evenings",  
20 and again he admitted, but said that was his night  
21 off, and then you can begin to see the reference:

22 "He said to R5, 'Do I not get a kiss then?'

23 R5 was wearing his hair too long. This was  
24 an effort to shame him into getting it cut by treating  
25 him like a girl."

1           Then the allegation that:

2           "He felt all over R5's body and put his hand down  
3 his underpants."

4           You can see the response:

5           "He put his hand down his underpants to check that  
6 he'd changed them. R5 won't change his underpants and  
7 frequently keeps the clean set in his locker."

8           Then he moves on to look at the allegations that we  
9 have touched on already in relation to R6. You will see  
10 the response at number 5 is missing, and we will see  
11 that shortly, but the rest of the numbering, 6, 7 and if  
12 we move on to the next page, are recording the  
13 complaints and Mains' response to them. You can see  
14 again at number 8 the referring to asking for a kiss  
15 and:

16           "Agreed."

17           The same explanation is given that:

18           "R6 is wearing his hair too long."

19           Then it records the conversation with Mains about  
20 the circumstances that we have just looked at on the  
21 handwritten document.

22           You can see that Henry Mason is pointing out that he  
23 warned or told or pointed out to Joseph Mains that all  
24 staff in charge of boys have to be extra careful, as  
25 they were vulnerable to these forms of complaints.

1           Then you can see that he has reached his decision  
2 effectively that he flagged up he would need to decide  
3 about in his handwritten note:

4           "It seemed to me that the boys have, however, stated  
5 facts, most of them agreed by him to be true, but that  
6 they might have tried to put a construction upon them  
7 for malicious reasons.

8           I suggested that he might be careful not to give the  
9 impression that he was persecuting the boys."

10          Then you can see:

11          "This may have arisen from a spirit of retaliation  
12 from the boys."

13          He poses the question then:

14          "Was it a genuine belief" -- if we scroll further  
15 down, please -- "or were they prompted from feelings of  
16 vindictiveness ...?"

17          Then in response, having reflected on the matter, he  
18 makes a series of recommendations, the first of which:

19          "(a) Mr Moore [should] interview the boys again and  
20 explain to them the reasons for the incidents",

21                ie provide to them the explanations that Joseph  
22 Mains has given, that they need not regard the matters  
23 as suspicions, but:

24          "(b) A closer supervision of Kincora, [and]

25          "(c) A careful sifting of any further information

1           which might come our way."

2           That phraseology would be summed up I think before  
3           the Hughes Inquiry as "the lingering doubt". So he's  
4           giving Mains the benefit of the doubt, but not totally  
5           convinced, because recommending at (b) and (c) the  
6           further steps that should be taken.

7           Now on 20th September, if we look at 10993, please,  
8           Henry Mason confirmed in writing to the Town Clerk,  
9           which is where the report went, the missing part of item  
10          5 on the report that we have just looked at. So he  
11          gives the answer about that particular incident.

12          Now in the file -- so you have the three  
13          recommendations that we have looked at, but also in the  
14          file, if we look at 10996, please -- sorry -- 10997, on  
15          another typed page you have the identification of the  
16          individuals involved in the complaints. So in the  
17          documents that we have looked at, the handwritten  
18          statements and the handwritten record of the responses  
19          from Mr Mains, there are a number of individuals  
20          referred to, and an effort appears to have been made to  
21          work out who they were.

22          So you can see, if we look at R2, the third up from  
23          the bottom:

24                 "R2: Ex-Kincora boy?"

25          So an effort has been made to work out who is being

1 referred to.

2 "KIN66" is KIN66, who was in post in that summer  
3 period.

4 Now in addition -- there's a handwritten version of  
5 this document as well. In addition, it seems that  
6 Mr Mason did obtain and kept on the file reports on the  
7 two boys, which appear to have been prepared by social  
8 workers. I am just going to show you them. I am not  
9 going to go through them.

10 If we look at 10998, please, this is a report on R6  
11 of 13th September 1967. So it's after the date of the  
12 report that we looked at, which was 11th September. If  
13 we just scroll through that document, please, there then  
14 is of 14th September a report from R5 that begins at  
15 11000 and then moving through on to 11001. Just scroll  
16 down further, please.

17 EPE OPERATOR: That's the last page of that.

18 MR AIKEN: Have we 11000? We may have another page that we  
19 need to ... It is maybe the next bundle on at 11001.  
20 If we type it in, will it bring it up for us? There we  
21 are. So this is the second page then of R5's social  
22 work report that was obtained and placed on the Mason  
23 file. If we scroll down just a little, you will see the  
24 date of it, 14th September 1967.

25 So it seems that, having formed his view and having

1 made his recommendations to the Town Clerk as to what is  
2 to happen, he did obtain for the file reports on the two  
3 individuals. Now whether it's -- the records on the  
4 file do not indicate whether he got a verbal briefing in  
5 advance of the formal written reports or whether they  
6 simply came in afterwards so that he had  
7 an understanding or a further understanding of the boys.  
8 There equally is not a record of Mr Moore subsequently  
9 speaking and explaining to the boys on foot of  
10 recommendation (a) that I am aware of.

11 I am going to show you, just for completeness, if we  
12 look at 114064 -- because, as you know, there comes  
13 a major debate about what happens to this file and where  
14 it is kept, in the drawer -- this is the cover of the  
15 Mason file. So you can see it is marked -- it begins  
16 initially "CWO", so the Chief Welfare Officer, "79  
17 Kincora" -- "22 Kincora, Opened September 1967".

18 Now the Hughes Inquiry would investigate this matter  
19 relating to the events of 1967 and would hear oral  
20 evidence from Henry Mason, who was the Children's  
21 Welfare Officer, from Robert Moore, who was the  
22 Children's Officer Designate at the time and was  
23 involved in the taking of the statements, and then  
24 William James Johnston, who was the Deputy Town Clerk at  
25 the time and later the Town Clerk. He will feature

1 again in the part two aspect of the Mason file.

2 Henry Mason, for instance, explained that Mains had  
3 convinced him that saying to the boys who had long  
4 hair -- if we just look at 71545 -- and obviously,  
5 Members of the Panel, you have access to the full  
6 transcripts of all of this evidence, and I am not going  
7 to go through all of it -- but you will see:

8 "Q. With regard to item 8 on the next page the  
9 allegation it had been said to R6 by Mr Mains something  
10 along the lines of, 'Give me a kiss'. Mr ..."

11 Just scroll back up, please:

12 "Mr Mains agreed with that and explained that on the  
13 basis that this boy wore his hair long too.

14 That was the explanation that Mr Mains offered for  
15 that remark",

16 replied Mr Mason. He is asked:

17 "What did you understand the purpose behind making  
18 a remark like that to be -- Mr Mains' explanation of it?

19 **A. The same explanation that he offered before,**  
20 **that he wanted to shame the boy into getting his hair**  
21 **cut."**

22 **If we just scroll down a little further, please. So**  
23 **you can see those marked with "A" are the answers that**  
24 **Henry Mason is giving to the questions that he's being**  
25 **asked.**

1           So that's the answer he was giving. He was  
2           convinced by the explanation, but when he was  
3           cross-examined -- of course, the Hughes Inquiry was  
4           conducted rather differently, and I am just going to put  
5           this on the screen, but I am going to summarise it.  
6           It's at 71584. He was cross-examined by John Gillen,  
7           QC, as he then was, and he eventually agreed with -- if  
8           we just scroll down this page slowly and on to the next  
9           page -- he eventually agreed with the picture that John  
10          Gillen, QC was building of Mains:

11           "Q. He was a man who was given to phrases like, 'Do  
12          I not get a kiss?',"

13           and Mr Mason agreed with that. Then the next point  
14          in the construction:

15           "Q. He was a man prepared to put his hand down  
16          underpants of a boy to check if they were dirty."

17          Mr Mason agreed with that.

18           "Q. He was prepared to watch a teenage boy having a  
19          bath."

20          He agreed with that.

21           "Q. He was prepared to feel the body of a teenage  
22          boy when he was in bed."

23          He agreed with that.

24           "Q. He was prepared to talk to the boys when they  
25          were in bed while he was wearing his underpants",

1           and Mr Mason agreed with that, and finally:

2           "Q. The allegation that he was prepared to use  
3 a phrase such as, 'You look lovely in the water'."

4           He agreed with that.

5           So this is a combination of the matters we were  
6 looking at in '67 and then matters that would come to  
7 the attention in '71.

8           Then he is asked given -- taking all of these things  
9 together and confirm whether he had met an officer in  
10 charge of a children's home who'd acted in this way  
11 towards boys. The answer that he gave was "No".

12           John Gillen, QC asked Henry Mason if all of this  
13 didn't suggest to him that Joseph Mains had all the  
14 hallmarks of a homosexual, and Henry Mason then referred  
15 to his notes and said that it suggested to him -- if we  
16 just scroll on to the next page, please -- suggested to  
17 him that there should be closer supervision of Kincora.  
18 When pressed further, he said that it didn't make him  
19 think that Joe Mains was a homosexual. It may have  
20 entered his head, but he couldn't remember.

21           On the same page when he is asked why he directed  
22 careful sifting of information, he said that he had  
23 a doubt in his mind about Joseph Mains' supervision of  
24 the boys and how he, Mains, saw his role as supervisor.

25           He did, however, deny, as we scroll on to the next

1 page, coming to the view that Joseph Mains was  
2 a homosexual and said that what had occurred may well  
3 indicate that he was clumsy and insensitive. He was  
4 then asked how many clumsy and insensitive people he met  
5 of that nature who weren't homosexuals, and Mr Mason was  
6 then going to give a personal example of a sergeant  
7 major that he knew, and then stopped, indicating his  
8 private experiences weren't really of interest.

9 He is then asked if he had experienced a social  
10 worker who engaged in that way and he confirmed that not  
11 that specifically.

12 At 71589 he went on to admit that to some degree he  
13 suspected that Joseph Mains was a homosexual and that it  
14 was a dangerous possibility, given he was in charge of  
15 boys.

16 You may consider then, Members of the Panel, that it  
17 was evident in 1967 that Henry Mason had a lingering  
18 doubt about Joe Mains in spite of not taking any further  
19 action beyond the recommendations that he made.

20 The report of the Hughes Inquiry looked at this  
21 sequence of events. If we can look, please, at 75235,  
22 and beginning at paragraph 3.107, you can see -- and  
23 perhaps if the operator can help me with the enlargement  
24 of pages just on a routine basis as we go -- that they  
25 record the complaints that are made, and then if we go

1 out, please, on to the next page -- and just enlarge the  
2 left-hand side of the page for me, please -- you can  
3 see:

4 "It appears likely that the written statements were  
5 taken by Mr Robert Moore, the Children's Officer  
6 Designate, who formally took up appointment in December  
7 '67 and who had been assisting the previous Children's  
8 Officer since some time in 1965."

9 They explain why they come to that conclusion, but  
10 you can see then:

11 "Neither the extant documents on a file marked CWO  
12 22 ..."

13 So that's the cover we looked at on the Mason file:

14 "... -- it was commonly referred to as the 'Mason  
15 file' during the Inquiry -- nor the oral evidence of  
16 Messrs Moore or Mason was able to throw any light on how  
17 the written statements were passed to Mr Mason for  
18 action."

19 So there is a lack of documentation to allow the  
20 sequence of events to be understood.

21 "It is evident, however, that Mr Mason assumed the  
22 leading role, as his 11th September '67 notes ..."

23 That's the report we looked at with the  
24 recommendations at the end:

25 "... establish that he interviewed Mr Mains on 8th

1           September. Mr Mason told us that Mr Moore may have been  
2           at that interview, but Mr Moore hadn't any recollection  
3           of being present and there's no indication in the  
4           records that he was."

5           Then you can see:

6           "The nature of the Mason/Mains interview of 8th  
7           September, however, is clearer from the 11th September  
8           notes and the working papers on the Mason file."

9           It is said that:

10          "Mr Mason had carefully listed all the allegations  
11          contained in the written statements ... and then put  
12          those to Mains ..."

13          Then they list out the allegations and the replies.  
14          If we scroll out, please, and then on to the next  
15          page -- you have gone one too far there, please. My  
16          apologies. If we scroll on to the next page, so you can  
17          see at 3.111:

18          "... Mr Mason's record of the interview notes that  
19          Mr Mains 'appeared to be tense and perspired visibly'."

20          If we go back out, please, and just make the whole  
21          left-hand side of the page large for me, please, you can  
22          see at 3.112 they record the assessment and the  
23          recommendations. You can see:

24          "Mr Mason's 11th September notes were not addressed  
25          and no covering memorandum was on the file. Mr Mason

1 gave evidence, however, that they were submitted to the  
2 Town Clerk and that the 20th September memorandum ...",  
3 which we have looked at, which contained the answer  
4 to point 5:

5 "... addressed to the Town Clerk was a follow-up to  
6 them. This and the fact that the 11th September notes  
7 were a typescript version of contemporaneous manuscript  
8 notes tends to support Mr Mason's evidence on this  
9 point. He had no specific recollection of putting the  
10 papers to the Town Clerk",

11 who at that time was Mr John Dunlop:

12 "Mr Dunlop, who retired in March '68, was not  
13 interviewed during the RUC or Terry Inquiry  
14 investigations, and we did not become aware that he was  
15 available until May 1985. We subsequently provided --  
16 he subsequently provided a statement to us to the effect  
17 that he had no recollection of the papers. He stated  
18 that the papers addressed to the Town Clerk as opposed  
19 to those addressed to him by name were opened in the  
20 Town Clerk's Department and passed for action to the  
21 appropriate officer according to their nature and  
22 importance. This made it possible that the papers were  
23 dealt with by someone other than Mr Dunlop. In view of  
24 the negative nature of his statement, we concluded that  
25 it was not necessary to reconvene to call Mr Dunlop as

1 a witness.

2 There is no record of a response from the Town  
3 Clerk's Department to Mr Mason's 11th September report  
4 or to his supplementary memorandum of 20th September.  
5 The existence and terms of the letter, however, are  
6 sufficient to establish that the 11th September notes  
7 had, in fact, been received in the Town Clerk's  
8 Department in the City Hall. Mr Mason's evidence was  
9 that any written response would have been filed on" --  
10 the file we have looked at -- "CWO 22, but that he had  
11 no recollection of any feedback from the Town Clerk. We  
12 can only infer that Mr Dunlop or whoever acted for him  
13 did not take issue with the conclusions and  
14 recommendations contained in Mr Mason's report. The  
15 burden of Mr Mason's evidence to the Committee was that  
16 Mr Mains' explanation had been plausible and that he had  
17 been given the benefit of the doubt. However, Mr Mason  
18 acknowledged that the allegations of R5 and R6 had  
19 homosexual connotations and that he did not consider the  
20 matter closed. He also agreed that the truth or untruth  
21 of the allegations should have been established one way  
22 or the other.

23 Mr Mason, and by inference the Town Clerk's  
24 Department, may also have been persuaded to give  
25 Mr Mains the benefit of the doubt by factors other than

1 the plausibility of his explanations. He had a good  
2 record as an employee since 1958; no record of previous  
3 complaints of this nature having been received; and  
4 there was the possibility that the complaints might be  
5 malicious. In addition, social reports on the boys  
6 dated 13th and 14th September" -- which we have looked  
7 at -- "referred to offences of dishonesty, below average  
8 intelligence and resistance to being placed in Kincora.  
9 It is not clear, however, whether or when these social  
10 reports were submitted to the Town Clerk's Department,  
11 but it is likely that, since Mr Mason commissioned them,  
12 they were submitted. A counterbalancing consideration  
13 which must also have been present was the fact that boys  
14 of 15 and 17 years of age with difficult home  
15 backgrounds had nonetheless been prepared to take the  
16 initiative and go to the Belfast Welfare headquarters  
17 and make complaints against a person in authority over  
18 them."

19 Then the Inquiry explains:

20 "We considered the handling of these complaints at  
21 great length, because on the evidence brought before us  
22 this was the first occasion on which papers were dealt  
23 with by someone ..."

24 Just scroll up a little bit for me, please:

25 "... this was the first occasion on which complaints

1 with identifiable homosexual connotations came to the  
2 attention of persons responsible for residential child  
3 care, and because a period of over twelve years was to  
4 elapse before the Irish Independent article in January  
5 1980 prompted the police investigation which led to  
6 Mr Mains' conviction.

7 It is clear ...",

8 and this is the report of the Hughes Inquiry and  
9 the conclusions they made on the evidence that they  
10 heard:

11 "It is clear that the complaints of R5 and R6 were  
12 taken seriously, since they were encouraged to make  
13 written statements, because the documentary record  
14 demonstrates that Mr Mason planned and carried out his  
15 interview with Mr Mains in a conscientious and  
16 methodical manner, and because Mr Mason considered them  
17 of sufficient importance to be drawn to the attention of  
18 the Town Clerk, who was Chief Executive in the Belfast  
19 Corporation and Secretary to the Welfare Committee.  
20 Secondly, we had little difficulty in accepting that  
21 Mr Mains' explanations to Mr Mason were individually  
22 plausible. Each taking them as a whole, we can  
23 understand Mr Mason's conclusion that the evidence did  
24 not constitute 'prima facie indication of wrongful  
25 conduct'. The complaints did not, for instance, refer

1 to any interference with the boys' genitals and  
2 suspicion that any of the complaints investigated by  
3 Mr Mason amounted to indecent assault would therefore  
4 have been less strong than it might have been. In  
5 addition, some of the complaints had no possible  
6 homosexual connotation and their inclusion might have  
7 been taken to imply malicious intent. While a charge of  
8 indecent assault on R5 ...",

9 because, as I said, the police couldn't find R6:

10 "... was brought in 1981, that was done in the  
11 context of a number of other more serious charges on  
12 which the evidence was stronger."

13 I think my recollection is Mains would not plead  
14 guilty to that and a nolle prosequi was entered in  
15 respect of it:

16 "We considered whether additional measures over and  
17 above those suggested by Mr Mason might have been  
18 appropriate. The obvious possibility which suggested  
19 itself was the involvement of the police. A theory can  
20 be constructed that this would have resulted in a more  
21 professional and inclusive interrogation of Mr Mains,  
22 the interviewing of the other current Kincora residents  
23 and ex-residents, the discovery of further allegations  
24 of homosexual activity and the prosecution of Mr Mains  
25 before the re-employment of Mr Semple in 1969 and the

1           employment of Mr McGrath in 1971. Mr Mason's evidence  
2           was that, with no legal training or experience, it had  
3           not been his view at the time that a criminal offence  
4           had been committed. His evidence on this point was  
5           consistent with his acceptance of Mr Mains' explanations  
6           as plausible, but in view of his residual doubts on the  
7           matter the safest course would have been to recommend to  
8           the Town Clerk that the police be called in. This much  
9           is clear in retrospect.

10           The likely outcome of a police investigation in 1967  
11           must, of course, be a matter for conjecture. We refer  
12           later in this report to a number of occasions when  
13           suspicions or allegations against the Kincora staff came  
14           to the attention of the police, including  
15           an investigation in which by 1976 both McGrath and Mains  
16           were under suspicion in respect of homosexual  
17           tendencies."

18           That's the Cullen/Meharg investigation that we will  
19           talk about later.

20           "A list of former Kincora residents was made  
21           available to the police at that stage ..."

22           The list related to those boys in care between '71  
23           and '76:

24           "... but no interviews were undertaken. While  
25           a different approach might well have been adopted in

1 '67, it would be unwise to assume that the involvement  
2 of the police on the basis of information available at  
3 that time would have inevitably prevented the  
4 continuance of homosexual offences at Kincora.  
5 Nonetheless, it must be a matter of regret that the  
6 complaints of R5 and R6, which raised at least  
7 a suspicion of criminal homosexual activity, were not  
8 referred to the police by the Belfast Welfare  
9 Authority."

10 Then reference is given to:

11 "Well, what further steps, what other possible  
12 measures might have been taken as alternatives or  
13 preliminaries to involving the police?

14 It was suggested, for instance, that Mr Mason or  
15 Mr Moore might have interviewed the other residents of  
16 Kincora to establish whether they had been the subject  
17 of any questionable or improper attentions. It was  
18 suggested that the social welfare officers assigned to  
19 each Kincora resident should have been briefed.  
20 Mr Mason had, of course, commissioned reports on the two  
21 boys by their social welfare officers as part of the  
22 documentation which he put to the Town Clerk. Mr Moore,  
23 to whom these two tasks would probably have fallen,  
24 indicated that he had no memory of the former being done  
25 and that it was unlikely that the matter was done,

1 because the complaints had not been substantiated, which  
2 we took to mean proved to be true, and because care had  
3 to be exercised in broadcasting unsubstantiated  
4 information or rumour. We take the view that neither of  
5 these courses would have been sensible preliminaries or  
6 alternatives to referral to the police. If the evidence  
7 available were considered sufficient to warrant these  
8 measures, it should have been considered sufficient to  
9 warrant direct referral to the police as the competent  
10 agency in the investigation of criminal matters."

11 Just move on to the next page, please, and we'll  
12 complete this. You can see that reference is then made  
13 to:

14 "The further possibility that the matter should have  
15 been reported to the Welfare Committee."

16 Reference is made to the late Joss Cardwell:

17 "Joshua Cardwell" -- we have spoken about him in  
18 a different context -- "who was the Chairman of the  
19 Welfare Committee at the material time, made a statement  
20 to the RUC."

21 You will recall this when we were looking at it from  
22 a different angle. Joss Cardwell, denying the  
23 suggestion that he was ever involved with any boy in  
24 Kincora, did tell the police that he could remember on  
25 one occasion being told something by Bob Moore. What's

1           being referred to here is that:

2           "He made a statement to the RUC in March '82 which  
3 referred to a conversation which Mr Moore had with him  
4 in which Mr Moore told him 'that some person had put  
5 a hand below a blanket'. Mr Cardwell's statement went  
6 on to say 'To my knowledge he did not say where or when  
7 this happened or who was the victim, if any, or who did  
8 it. I don't remember where he told me of this. No  
9 person, either in the Social Services or member of the  
10 public, ever made a complaint to me of any homosexual  
11 misconduct in any children's home'."

12           Then the Inquiry records:

13           "Mr Moore couldn't recall the conversation but  
14 acknowledged that it may have taken place on the need to  
15 know principle in view of Mr Cardwell's membership of  
16 the Welfare Committee. He surmised that he may have  
17 mentioned this to Joss Cardwell because of latter's  
18 statutory visiting responsibilities. The complaint was  
19 not precisely the same as those recorded in the written  
20 statements of R5 and R6, but the passage of time and the  
21 effect of reported speech could easily account for  
22 that", said the Inquiry. "Mr Cardwell's statement said  
23 that Moore 'did not make it sound serious' and he did  
24 not follow up questions to him."

25           You can see then consideration is given to:

1           "The minutes of the Belfast Welfare Committee at and  
2 around the material time", and they, "contained no  
3 relevant references, so there is no evidence of a more  
4 formal notification of the '67 complaints."

5           You can see:

6           "We have already inferred that the Town Clerk or  
7 whoever acted for him accepted the conclusions and  
8 recommendations of Mr Mason's 11th September report. It  
9 followed that it is unlikely that he would have placed  
10 it on the Committee's agenda. Mr Moore's reports to the  
11 Welfare Committee in relation to his statutory  
12 inspection duties as minuted also made no reference to  
13 the complaints. Since Mr Mason's conclusions and  
14 recommendations appear to have been accepted, there  
15 would have been no perceived need to seek a decision or  
16 direction from the Welfare Committee and we conclude  
17 that the matter was regarded as appropriate to be dealt  
18 with by officers. We do not see that decision as open  
19 to criticism in view of the fact that Mr Mason, as Chief  
20 Welfare Officer, took a substantial part in the  
21 investigation and referred his findings to the Town  
22 Clerk."

23           Then they turn to the action on the recommendations  
24 in Mr Mason's 11th September report. You will recall  
25 there were three of them.

1           "The first two were that Mr Moore should interview  
2 R5 and R6 again and there should be a closer supervision  
3 of Kincora. The latter task would also have fallen  
4 naturally to Mr Moore as the Children's Officer  
5 Designate. There is, however, no documentary record of  
6 Mr Moore having been instructed to undertake either  
7 task. Mr Mason had no recollection of giving such  
8 instructions, but stated in evidence that the 11th  
9 September report would have been available to Mr Moore  
10 and that the overwhelming likelihood was that he  
11 discussed the matter with Mr Moore. Mr Moore recalled  
12 interviewing Mr Mains as a follow-up to the Mason/Mains  
13 interview. His impression of his interview was that it  
14 took place in Kincora and he was counselling and warning  
15 Mr Mains that, although his explanations had been  
16 accepted, he must modify his relations with the boys and  
17 not leave himself open to such allegations in the  
18 future."

19           So you will recall there's no documentary indication  
20 of that, but that's the evidence that Bob Moore gave to  
21 the Hughes Inquiry, that there was a second  
22 conversation, this time between him and Joseph Mains.  
23 He believes it was in Kincora and that was as a reminder  
24 to Joseph Mains, following up on Mr Mason's interview.  
25 You can see:

1           "Mr Moore had no recollection of re-interviewing or  
2 interviewing R5 and R6 again, or of being instructed to  
3 do so, but said that both events may have taken place."

4           So already, if I can just pause there, something  
5 that's going to become apparent as we look through this  
6 material, the Hughes Inquiry was investigating hearing  
7 evidence in '84/'85. In this case it was doing it about  
8 events that were eighteen years old. You can already  
9 see the difficulty with memory of people who were --  
10 there is no suggestion from the transcripts or the  
11 report of the Hughes Inquiry that they were doing  
12 anything other than trying to assist the Inquiry to say  
13 what had happened, and there are substantial gaps in  
14 what people were able to remember, and that was at  
15 a remove of eighteen years, and obviously this Inquiry  
16 has the value of those transcripts, but we are at  
17 a remove substantially beyond that period of time. You  
18 can see:

19           "Similarly no recollection of being instructed to  
20 initiate a closer supervision of Kincora, but accepted  
21 that it is likely that this information would have been  
22 transmitted to him. Mr Moore told us that he would have  
23 interpreted that instruction primarily as requiring more  
24 frequent visiting of Kincora. Our researches revealed  
25 that Mr Moore visited Kincora on five occasions as

1 Children's Officer Designate between September '67 and  
2 February '68. In January '68 Mrs Wilson was appointed."

3 You will recall that name from material that we have  
4 looked at. That's Mary Wilson:

5 "She was appointed as the Assistant Children's  
6 Officer with specific responsibilities for the  
7 management, supervision and visiting of residential  
8 homes. Mrs Wilson's state of knowledge and her visiting  
9 of Kincora are considered in the context of other  
10 relevant matters later. The third recommendation was  
11 about a careful sifting of any further information.  
12 That's also relevant to a later part."

13 That's where we are looking at the 1971 events.

14 "We found the apparent failure of the Town Clerk's  
15 Department to commit its response to paper  
16 an unsatisfactory mode for dealing with a matter which  
17 Mr Mason had gone to considerable trouble to document.  
18 The absence of records and the lack of recollection of  
19 Messrs Dunlop, Mason and Moore placed us in great  
20 difficulty in assessing the efficacy of action initiated  
21 pursuant to Mr Mason's recommendations. In the absence  
22 of firm evidence on what specific measures were  
23 initiated we examined whether future action was  
24 consistent with closer supervision and a careful sifting  
25 of any further information."

1           The Inquiry goes on to set out its view about that.

2           Now I have taken some time, Members of the Panel, to  
3 go through that passage, which is examining the first  
4 occasion whenever information went beyond Kincora itself  
5 and was being dealt with. You can see -- it will be  
6 a matter for you -- but you may consider the rigour of  
7 what is going on in terms of the volume of transcript  
8 evidence that's available and then the analysis that's  
9 being conducted in the report, and that's obviously  
10 a resource that's there for you in the context of  
11 looking at systems failures connected to the Social  
12 Services. I am illustrating publicly that that material  
13 is there. We will look in due course, as we move  
14 through the chronology, at certain parts of it, but  
15 I want to make it clear that my not going through all of  
16 it at length is not to indicate that it is not all of  
17 value. I know that you have already read it and will be  
18 having recourse to it as you do your work in respect of  
19 Kincora.

20           The Health & Social Care Board have had  
21 an opportunity to consider all of this material as well,  
22 and I want to look briefly -- if we look at 1006,  
23 please, and paragraphs 24 to 26 of the "Missed  
24 Opportunities" statement from the Health & Social Care  
25 Board, where it acknowledges that not referring these

1           **1967 matters to the police was a missed opportunity.**  
2           **However, they also point out, as did the report of the**  
3           **Panel of the Hughes Inquiry, that it would be a matter**  
4           **of speculation whether a report at that time would have**  
5           **actually prevented further abuse from occurring. You**  
6           **can see at paragraph 25 they quote -- and they're using**  
7           **the HIA references but also available in the KIN bundle**  
8           **-- what the Hughes Inquiry say, which the Health &**  
9           **Social Care Board stand to before this Inquiry.**

10          CHAIRMAN: Well, the Board does not seem to have addressed a  
11           relative related question which occurs to me, and that  
12           is whether or not in the light of the concerns that  
13           Mr Mason clearly still entertained adequate or indeed  
14           any real steps were put in place to ensure that these  
15           matters would be looked at again if more matters of  
16           concern came to light. There seems to have been no  
17           procedure put in place either then or subsequently by  
18           Mr Mason to properly document these matters, to properly  
19           document decisions and to lay out what should be done in  
20           the future if there was reason for concern about  
21           complaints for Kincora again.

22          MR AIKEN: It may be, Chairman, when we come, as we will  
23           shortly, to look at the 1971 matters, that some of that  
24           is addressed.

25          CHAIRMAN: Yes, but here in 1967 there is no documentation

1 to show what Mr Moore was actually told to do.

2 MR AIKEN: Yes.

3 CHAIRMAN: There are no minutes to show that a relevant  
4 officer was being instructed to do certain things. Many  
5 years later he says he can't remember, but he might have  
6 been told, but surely any properly well-run department  
7 should have minuted what he was being told to do.

8 MR AIKEN: Yes, and the Health & Social Care Board at  
9 various points on this journey acknowledge in a general  
10 way and indeed in some specific instances that there was  
11 a failure to properly document what was going on and  
12 perhaps this is another example of that. It is  
13 something I can pick up with Ms McAndrew in her evidence  
14 and no doubt counsel for the Health & Social Care Board  
15 will reflect on that point in this specific context.

16 Before we get to the 1971 Mason file -- I am not  
17 going to deal with this in any detail, but it is set out  
18 in the Hughes Inquiry -- you have an instance in 1968  
19 where R7, who we spoke about -- he was involved with  
20 both Mains and Semple. You will recall he was the boy  
21 who Semple pulled towards him in the bathroom. He was  
22 not engaged in the type of relationship with R7 that he  
23 had with B3/R1, but after he had left Kincora he was  
24 talking to his social worker, James Maybin, who will  
25 feature again later in our work, and he was explaining

1           that he didn't want his brother to go to Kincora.

2           I referred to R7's story during the first week and  
3           the Hughes Inquiry examined this issue as well and heard  
4           oral evidence from R7 himself on Day 20, which was 25th  
5           October 1984. The transcript of his evidence runs from  
6           71401 to 71430, and his social worker at the time of the  
7           events in 1968, James Maybin, also gave evidence that  
8           day, and the transcript of what he had to say runs from  
9           71431 to 71455. He also gave evidence on Day 21 of  
10          their public hearings, which was Friday 26th October,  
11          and the transcript of that day of evidence runs from  
12          71456 to 71532.

13          The report then of the Hughes Inquiry dealt with the  
14          issue at paragraph 3.96 and following. If we can just  
15          look at 3.99, please, at 75234, they look at the nature  
16          of the communication that took place between R7 and  
17          James Maybin and the fact that the communication was not  
18          overt in terms of R7 telling him about what happened to  
19          him, and you can see in paragraph 3.99, please, if we  
20          can bring up 3.99 for me -- thank you -- and you can  
21          see:

22                 "A second course might have been for Mr Maybin to  
23                 report R7's comments and his desire to prevent his  
24                 brother being sent to Kincora."

25                 A decision which Mr Maybin had already made was that

1 he was not going to be sent to Kincora, not because of  
2 any conversation he had with R7. He could have reported  
3 that to his superiors. The information could well have  
4 been significant to Mr Mason and potentially to  
5 Mr Moore, who had dealt with the complaints in '67  
6 involving R5 and R6, but Mr Maybin, who was in I think  
7 South -- the South Belfast Area, wasn't aware -- South  
8 Belfast District, was not aware of that:

9 "From his standpoint it is quite understandable that  
10 he did not attach such significance to these comments as  
11 would have prompted him to make such a reference and it  
12 would be invidious to criticise him for that omission.  
13 We conclude that R7's comments to Mr Maybin did not  
14 convey a sufficiently clear homosexual connotation as to  
15 constitute a genuine opportunity for the detection of  
16 offences at Kincora."

17 The Health & Social Care Board address that issue in  
18 their "Missed Opportunities" statement at paragraphs 29  
19 to 32, which is at 1007 and 8. They stand on the  
20 finding of the Hughes Inquiry.

21 Then before we get to part two of the Mason file, in  
22 1970 we have another incident. This is the year before  
23 R8's August 1971 letter that would see the Mason file  
24 reopened or part two of the Mason file. This time  
25 Anthony McCaffrey appears to have been sent to Kincora

1 by Bob Moore to investigate an allegation that Joseph  
2 Mains had slapped a resident on the bottom as corporal  
3 punishment.

4 The Hughes Inquiry examined that issue and heard  
5 oral evidence from Anthony McCaffrey, Robert Moore, Mary  
6 Wilson and Henry Mason. If we look, please, at 75241,  
7 the report of the Hughes Inquiry dealt with the issue at  
8 paragraphs 3.133 through to 3.140 and the Panel asked  
9 themselves a number of different questions about this  
10 incident and then answered each of the questions that  
11 they posed.

12 I am not going to go through all of that now, but  
13 the Health & Social Care Board address it in their  
14 "Missed Opportunities" statement. If we look at 1008,  
15 please, paragraphs 33 to 35, you will see reference is  
16 made to this, and quoting from the findings of the  
17 Hughes Inquiry that I have just referred to:

18 "The Hughes Inquiry believed this was a separate  
19 incident."

20 That's again perhaps not properly documented, but:

21 "... it", the Inquiry that is, the Hughes Inquiry,  
22 "took the view that it did not contain 'any obvious  
23 homosexual colour'."

24 CHAIRMAN: Was the boy slapped on the bare buttocks?

25 MR AIKEN: I think it's a reference to the bare buttocks:



1           Therefore, I am not going to go through it in tremendous  
2           detail, but he sent two letters. One went to his social  
3           worker and I want to just show you the letter at 10947.  
4           We can see the form of it. You can see on the screen  
5           that the one given to the social worker or handed in at  
6           the office where his social worker was based had on the  
7           envelope marking "To be handed in at the Central Police  
8           Station". That wasn't noted by the social workers who  
9           dealt with the communication.

10           If we move on to the next page, you will see the  
11           handwriting of the letter. I am just going to let that  
12           scroll through as I speak about it. It has five  
13           pages to it, and it is identical to a letter that was  
14           also sent to the headquarters of the Belfast Welfare  
15           Authority in College Street.

16           I want to show you the copy that did make its way  
17           into the hands of Henry Mason. I am going to show you  
18           the cover envelope of it. If we look, please, at 90839,  
19           we can see that this one is addressed to Mr Moore. If  
20           we look at 11015, please, it's easier to read, and we  
21           looked at it during the first week. It runs from 11015  
22           through to 11019.

23           In brief summary, because it's a detailed letter, it  
24           describes the unwanted attentions of another boy called  
25           R34 towards R8 and another boy called KIN67. That's at

1 11015 and 6. Then R8 describes Joe Mains' own behaviour  
2 towards R8, taking him into his bed in his flat at 11018  
3 and 9. You will recall I trust that in the letter R8  
4 talks about once that event occurred, he got out and ran  
5 upstairs immediately, and then he explained to the  
6 police how that wasn't quite what happened as far as he  
7 then recalled it, but what we are going to look at is  
8 what was done on foot of this letter, so the actions  
9 that were taken have to be based on what is here as  
10 opposed to what he would subsequently or later say  
11 occurred.

12 He would explain at the top of 11019 that in  
13 addition to his own allegation that he was making  
14 against Joseph Mains about this incident in the flat  
15 that it would be possible to speak to another boy, R33,  
16 who is "R33", who would verify what was being said, who  
17 had the same experience as himself.

18 Then at the bottom of the letter on the last page at  
19 11019 the disclosure that R2 was staying over in Joe  
20 Mains' flat and sleeping in his bed, and the letter  
21 indicates that R33 would also be able to provide  
22 corroboration for that.

23 Now I am going to put on the screen, please, 11006,  
24 because again unfortunately there is not all of the  
25 documentation that one might hope for on the file.

1 Henry Mason -- and you glean this from this document  
2 that we have on the screen, which is itself dated 25th  
3 August 1971, but it has events recorded that occurred  
4 prior to that date -- Henry Mason, along with Mr  
5 Johnston, so the Deputy Town Clerk that you heard me  
6 mention previously, interviewed R8 on the same day as  
7 this letter has come to Henry Mason's attention, so  
8 23rd August 1971. There are that I am aware of no notes  
9 of the interview, but the summary of the position is  
10 recorded in Mr Mason's note. You can see:

11 "Mr Johnston, the Deputy Town Clerk, together with  
12 McCaffrey and I" -- so there are three people there --  
13 "interviewed the boy. He did not appear to be  
14 a convincing witness, but he re-affirmed all the  
15 statements made in the letter."

16 Now, as I said during week one, when the police came  
17 to interview R8 in 1980, they expressed a similar view,  
18 described him as strange in his manner and not  
19 necessarily going to be a convincing witness. So  
20 similar sentiments are being described about the person,  
21 but he is recorded here as having stood over what he was  
22 saying.

23 Then you can see from this document that the day  
24 after the interview with R8, so 24th August 1971, Henry  
25 Mason and Anthony McCaffrey -- so the Chief Welfare

1           Officer and the Assistant Children's Officer, if I have  
2           got that right -- then interview R33, "R33", the  
3           corroborating witness that R8 spoke of in his letter.

4           You can see what he related to his interviewers in  
5           the note of 25th August that we are looking at.

6           "Having been interviewed, R33, who was stated in the  
7           letter as having experienced the same approaches from  
8           the member in question" -- R33 was a resident from July  
9           '68 to July '71 -- "he related that he had been asked by  
10          the member of staff to rub his back and then invited to  
11          stay the night in his bedroom."

12          Now if we just pause there, you will know from when  
13          we looked at what the residents say that this issue of  
14          rubbing Joseph Mains' back and using cream to do it and  
15          thereafter what for some boys progressed beyond that to  
16          engaging in sexual activity was one of the ways in which  
17          that occurred.

18          You can see that R33 refused to engage in the  
19          activity and then returned to his own room.

20          Now what this note -- as I say, we don't have the  
21          interview notes, but you heard me during week one raise  
22          the issue that it does not -- the significance of the  
23          references to R2 staying over at the weekend in Mains'  
24          flat with him and potentially sleeping in his bed don't  
25          appear in the note. Now that's not to say R33 wasn't

1       asked about it. R8 is saying or it is being recorded he  
2       stood over all he had said, but the significance of that  
3       potentially does not seem to have been flagged up  
4       certainly in this note.

5       CHAIRMAN: Well, it is in the letter, which is in the file  
6       that accompanies the note. Isn't that right?

7       MR AIKEN: Yes, but it doesn't appear to have been drawn --  
8       specific reference doesn't appear to be what you might  
9       consider to be a quite separate issue, which is a boy is  
10      saying, "Someone is coming from outside and staying over  
11      in the flat" and with a clear connotation of  
12      homosexuality with it. Again unfortunately there's not  
13      a note of the interview with R33.

14             Now you can see then the recommendations that  
15      Mr Mason makes to the Town Solicitor, including  
16      referring back to the 1967 matters involving R5 and R6.  
17      So he says:

18             "No other investigation has been carried out  
19      regarding the rest of the statements made."

20             So unlike the 1967, where statements are made and  
21      Mr Mains is faced with them, what this note is telling  
22      the reader is, "We have spoken to the two boys and they  
23      have stood over what they have said" -- there may be  
24      an omission to do with the R2 part -- "but nothing else  
25      has yet been done".

1           So Mr Mains has not been confronted with the  
2           allegations.

3           "But it is thought that there are sufficient grounds  
4           to have the matter considered as one which should be  
5           referred to the police in view of the allegations which  
6           were made against the same officer in September 1967."

7           So there's no lingering doubt anymore for Henry  
8           Mason you may consider. What he is doing is saying, "We  
9           have spoken to these two boys. We haven't gone beyond  
10          that, but in light of what I told you about in 1967 we  
11          think this matter should be referred to the police".

12       CHAIRMAN: Well, pausing at that point, it would seem from  
13          the reference to the results of the 1967 Inquiry being  
14          in the file that what Mr Mason was doing was placing all  
15          of the information which had been gathered in '67 and  
16          now in 1971 before the Town Solicitor. So the Town  
17          Solicitor and presumably the Town Clerk -- it was  
18          discussed with the Town Clerk by the Town Solicitor --  
19          had access to all of the material that had been  
20          considered some years before, and what Mr Mason is  
21          unmistakably saying is, "Whatever happened in 1967, we  
22          now must add to that these allegations, and putting  
23          those two together, we recommend that the matter be  
24          referred to police".

25       MR AIKEN: Yes, and you have now, if we pause, four

1 individuals, because we have got two from '67, we have  
2 got R8's letter and we have got R33 being spoken to and  
3 corroborating it. On top of that you have -- I have  
4 mentioned this already, but so that it's part of the  
5 package as you reflect on it -- you have got this other  
6 aspect that doesn't seem to have been spotted at least  
7 in the -- but, as you have said, Chairman, it is in the  
8 letter that's being referred on along with the 1967  
9 material.

10 Now the recommendation wasn't followed and the  
11 conclusion reached certainly by RUC was that there was  
12 no evidence that it had been referred to the police. So  
13 the then Town Solicitor, who was John Young, and the  
14 then Town Clerk, who was David Jamison, did not do that.  
15 Now there is no document that records that decision, the  
16 basis for it or its dissemination.

17 During the RUC Phase One Inquiry Detective Chief  
18 Inspector Caskey, as he then was, would investigate  
19 these events based on the allegation made at that point,  
20 which was of a Social Services' cover-up. Now I am not  
21 going to go through it, but the reference in his Phase  
22 One report is at 10076 and it runs through to 10079.  
23 Can we just put that on the screen so it can be noted  
24 that's what it is, but I am not going to go through it.

25 Now having obtained a copy of the Mason file,

1 Detective Chief Inspector Caskey would proceed to take  
2 statements from a raft of individuals associated with  
3 this, including -- and this may not be all of them, but  
4 doing the best I can -- Henry Mason, Robert Moore,  
5 Anthony McCaffrey, Mary Wilson, Colin McKay, Robert  
6 Bunting, Robert Wilson, who was the Chief Clerk by 1980,  
7 Gerard Fox, who was the Town Solicitor in 1980, and the  
8 Secretary of the by then deceased Town Solicitor John  
9 Young, as well as William Johnston, the Deputy Town  
10 Clerk at the time of the events, and who was involved,  
11 as you saw, in the interview with R8, perhaps not with  
12 R33, but certainly with R8.

13 You will see on 10078 that Detective Chief Inspector  
14 Caskey also had searches for material relating to this  
15 issue conducted within the RUC and the DPP. That was in  
16 order to try and find out was there any evidence that  
17 this had, in fact, been referred to the police.

18 You will see, if we look at paragraph 450, if we go  
19 back, please, to 10077, that Detective Chief Inspector  
20 Caskey during the Phase One RUC investigation agreed  
21 with Mr Mason that based on the contents of his,  
22 Mr~Mason's file, the matters ought to have been referred  
23 to the RUC in 1971. He did not, however, find that  
24 there was evidence of a cover-up.

25 The Sussex superintendents re-examined matters

1 surrounding the Mason file. Superintendent Harrison  
2 devoted some 23 pages of his report. I am just going to  
3 put it on the screen and then let it be run through for  
4 the record. It is at 40056 to 40079.

5 CHAIRMAN: Well, just before we leave Mr Caskey's  
6 investigation, it appears to be the position, does it  
7 not, that despite exhaustive examination by the Caskey  
8 team and very, very thorough exploration of all of the  
9 evidence relating to it by the Hughes Inquiry, nobody  
10 has ever been able to find any trace of any evidence to  
11 suggest that the matter was referred to the RUC, and no  
12 doubt you will be drawing to our attention the evidence  
13 that suggests that Mr Mason was told it wasn't being  
14 referred to the RUC.

15 MR AIKEN: Yes, yes, but because the two individuals who  
16 took the decision --

17 CHAIRMAN: Were both dead.

18 MR AIKEN: -- were dead, the police seem to have gone down  
19 every rabbit hole they could go down to try and verify  
20 one way or the other whether or not there had been any  
21 attempt to pass this information to the RUC.

22 CHAIRMAN: Of course, if proper records had been kept in the  
23 Town Clerk's office or the Town Solicitor's office,  
24 there should be a minute replying to Mr Mason's  
25 recommendations.

1 MR AIKEN: Yes, and nobody has ever found one. So that's as  
2 far as the RUC were able to take the matter.

3 As I said, the Sussex superintendents then  
4 re-examine it, and from 40056 through to 40079  
5 Superintendent Harrison devotes 23 pages of -- if we  
6 just scroll down, you can see the start of it at 40056.  
7 He begins to look at the Mason file and this 23 pages  
8 then of analysis, which included the Sussex  
9 superintendents re-interviewing some of the individuals  
10 involved in this issue. It is fair to say that the  
11 Sussex superintendents were not satisfied that Henry  
12 Mason could not remember what happened beyond his  
13 submission of his recommendation to the Town Solicitor  
14 in 1971. So there are three pages of analysis from  
15 40071 through 72 and 73 where Superintendent Harrison  
16 explains the research he does about Henry Mason, the job  
17 he went on to after he left the Welfare Authority, the  
18 views of other people about him, about his quality, and  
19 his trustworthiness, and his reliability and his memory,  
20 and concluding that they just would expect him to  
21 remember, and Henry Mason's position remained to the  
22 Sussex superintendents, "That may well be so, but I do  
23 not remember", and that was the position that he  
24 explained.

25 Now matters would become somewhat clearer then

1 through the proceedings of the Hughes Inquiry, because  
2 around this Inquiry -- around this issue the Hughes  
3 Inquiry would hear evidence from Henry Mason, who was  
4 the Welfare Officer until 1973, and he gave evidence  
5 over four days. They were Day 21 on 26th October 1984,  
6 Day 22, which was 1st November 1984, Day 25, which was  
7 15th November 1984 and Day 26, which was 16th November  
8 1984. The transcripts of his evidence can be located at  
9 the following pages in the evidence bundle. It runs  
10 from 71533 to 71596 and from 71896 to 71975.

11 Robert Moore would give evidence to the Hughes  
12 Inquiry on Day 22, 1st November 1984, and again on Day  
13 50, 1st March 1985. His evidence can be found at 71597  
14 to 71648 and from 73979 to 74037 and also from 75383 to  
15 75387.

16 The Inquiry would also hear from Mr Bunting, who  
17 became the Children's Officer from October 1971,  
18 including about the passage of the file and what he was  
19 told about it. He gave evidence to the Hughes Inquiry  
20 over seven days about matters beyond just the Mason  
21 file, but nonetheless a very significant length of time.  
22 Day 12, 27th September '84, Day 13, 28th September '84,  
23 Day 14, 14th April -- sorry -- Day 14 was 4th  
24 October 1984, Day 15, the next day, 5th October, Day 31,  
25 6th December 1984 and Day 32, 7th December 1984 as well

1 as Day 49, which was 28th February 1985. So you can see  
2 that witnesses gave evidence and then, as necessary,  
3 they were recalled, sometimes more than once. The  
4 evidence relating to Bob Bunting runs from 70824 to  
5 71073 and from 72408 to 72471.

6 Mary Wilson, the Assistant Children's Officer  
7 between 1968 and 1973, gave evidence initially on Day  
8 23, 8th November 1984. That runs from 71648 to 71686.  
9 She was recalled on Day 26, which was 16th  
10 November 1984. That runs from 72000 to 72024.

11 Anthony McCaffrey -- you will recall he was involved  
12 in the interviews -- was the Assistant Children's  
13 Officer between 1969 and 1972. He gave evidence to the  
14 Hughes Inquiry on Day 23, which was 8th November 1984,  
15 and Day 24, the next day, 9th November. Transcripts of  
16 his evidence can be located at 71686 to 71712 and he was  
17 recalled then the following day at 71718 to 71719.

18 Then William James Johnston, the Deputy Town Clerk  
19 and later Town clerk, who was really the only person who  
20 could give any evidence as to the decision not to refer  
21 to the police, he gave evidence on Day 57, which was  
22 18th April 1985, and it runs from 71835 to 71895.

23 So you can see just from calculating the number of  
24 pages of transcript the huge volume of evidence that was  
25 gathered by the Public Inquiry to examine this issue

1 and, as you know, because of the time at which it took  
2 place, the electronic availability of that material has  
3 not been in the public domain. We intend to try to  
4 remedy that.

5 Now, because of the importance of this issue, I am  
6 going to summarise briefly for you the two key players,  
7 which is Henry Mason and William James Johnston.

8 Henry Mason could not recall any meetings with the  
9 Town Clerk or the Town Solicitor when he came back from  
10 his holiday. You will recall in his note, as he sent it  
11 off, he was going on holiday. He could not recall any  
12 decision being communicated to him indicating that the  
13 Town Solicitor had decided not to refer the matter to  
14 the police, but he added the caveat in his evidence that  
15 he was not denying that a decision was communicated to  
16 him, just that he could not remember it.

17 He accepted in -- as you know, everyone in the  
18 Hughes Inquiry was cross-examined by multiple counsel --  
19 he accepted in cross-examination that he was made aware  
20 by someone in authority in the Town Hall that the police  
21 were not investigating the matter. When asked if the  
22 Town Solicitor communicated to him that he wasn't going  
23 to involve the police what his reaction would be, Henry  
24 Mason said that since it was his recommendation that the  
25 police should be called in, the Town Solicitor must have

1 produced powerful arguments which Henry Mason simply had  
2 no recollection of. He goes on to say he must have been  
3 persuaded, whether by his legal knowledge or ability,  
4 that there was no case for the police. He couldn't  
5 recall if he asked the Town Solicitor if he should take  
6 the matter further by way of internal investigation, nor  
7 is it likely that he would have.

8 So there's two things at play here, if I can just  
9 pause, which the Health & Social Care Board have  
10 acknowledged in their admissions, that there's the  
11 non-referral to the police and trying to understand how  
12 did that come about, but the consequence of that  
13 non-referral was there was nothing further done  
14 internally to complete the investigation that had only  
15 got as far as speaking to the two boys.

16 When he was asked why under cross-examination he  
17 didn't conduct an internal investigation, he said he  
18 would have found it difficult to conduct without putting  
19 the boy at risk of defamation of character and placing  
20 himself at risk, given that he had referred the matter  
21 to his bosses, who took a different course. He used the  
22 phrase -- if we just look at 71925, he admits to being  
23 hog tied, as he described it, by the weight of the  
24 allegations.

25 CHAIRMAN: Well, in fairness to Mr Mason, in the absence of

1 an express direction or authorisation for him to carry  
2 out a further investigation, he was placing himself at  
3 risk that his actions, if he did that, would be seen as  
4 directly evading what his superiors had said.

5 MR AIKEN: Yes.

6 CHAIRMAN: And what there should have been no doubt would  
7 have been a minute from the Town Clerk saying he'd  
8 consulted the Town Solicitor, who felt there was  
9 insufficient grounds to refer it to the police, but if  
10 there was to be a further investigation, that should be  
11 carried out and they should then be informed by the  
12 submission of an updated file or something of that  
13 nature. There was no trace of any such action at all.

14 MR AIKEN: Yes. There was no -- the file ends up, as we  
15 will see shortly, back with Henry Mason, but there is  
16 nothing on the file of any form of communication as to  
17 the decision that was being reached, the basis for it or  
18 what was to follow on foot of it, such as, "And now we  
19 require you to do the following things, because we don't  
20 think this is something that needs to go to the police".

21 Attention was drawn, you know, to this. It was  
22 certainly being suggested to him while he was giving his  
23 evidence that he effectively was doing nothing. The  
24 point he made was he accepted the conclusion of a higher  
25 authority beyond him, which is the point you have just

1       made, Chairman.

2           He was shown, because it was on the file, there is  
3       a long account from Joseph Mains on the Mason file about  
4       R8 and it also refers back to R6. It is dated  
5       9th October 1971. So it is at some stage after the  
6       events that we are looking at, which were late August,  
7       but it is not clear why that document was obtained and  
8       what reason prompted its production. It's  
9       an unflattering profile of R8. Henry Mason confirmed he  
10      had seen it, but he had no knowledge as to how it came  
11      to be on the file, and he confirmed that if he required  
12      a portfolio of R8, he would have received it from the  
13      social workers, as they were the people trained to take  
14      such a report at the time. So how that communication  
15      from Joseph Mains ended up on the file he was not clear.  
16      The observation was made to him that it appeared as  
17      though someone brought the allegation to Joseph Mains,  
18      as he'd drafted a six-page submission on R8, which was  
19      found on the file. Mason speculated that perhaps the  
20      police had requested the report, but it was suggested to  
21      him that would be a remarkable type of police  
22      investigation if the police were asking for a pen  
23      picture of R8 from the person who was said to have  
24      abused him. So there was a lack of clarity as to what  
25      exactly had caused this document to appear.

1           Just so I can ground that, if I show you 11024,  
2           please, so you understand the document that I'm speaking  
3           of that was being discussed, this is the document here.  
4           You can see it headed "R8" and then also about R6. It  
5           runs through five pages until 11029. If we just go  
6           through to 11029, please, you will see that it's signed  
7           by Joseph Mains. You will see it's signed 9th October  
8           1971. So it speaks about R8 and R6, as I said. The  
9           question is: how did it come to be written, given there  
10          was, in fact, it appears no internal investigation that  
11          proceeded beyond? I am not sure any definitive answer  
12          was possible as to how that came about, but what we do  
13          know then happens and what Henry Mason explained is that  
14          in 1973 he passed on the Mason file which he'd kept in  
15          his desk to Bob Bunting, who was taking over after  
16          reorganisation as the Assistant Director for Family and  
17          Child Care Services. He did point out that the file was  
18          placed under its reference when it returned to him. It  
19          wasn't marked or kept confidential. It had a reference  
20          "HOM 2" when it returned from the Town Clerk's office  
21          and had never received a "Confidential" heading. You  
22          find that at 71902.

23                 Now, as I said to you, William Johnston was the  
24                 other person most likely to be able to explain the  
25                 circumstances of the file. He was the Deputy Town Clerk

1 at the time and -- but he had been involved, as you will  
2 recall, with the interview of R8. He explained to the  
3 Hughes Inquiry that his own impression was, and it was  
4 a subjective impression, that he was not very impressed;  
5 "not greatly impressed" were the words that he used. He  
6 explained that it was the first and only time that he  
7 was faced with an allegation of this particular nature  
8 in his time in the Belfast Corporation. He explained  
9 that it was only -- his only experience prior to that in  
10 terms of interviewing people was interviewing for jobs.

11 He agreed that R8's complaint was dreadful conduct  
12 on the part of a warden to the home, if it were true,  
13 and that he and Henry Mason came to the opinion that the  
14 matter should be referred to the police.

15 He was asked why he took that view and he explained  
16 that the position was allegations had been made in 1967  
17 against the particular officer. They had been repeated  
18 in 1971, and whilst the witness may not have been  
19 convincing, he had written out a detailed complaint  
20 about a serious matter, one which the police should be  
21 involved in as far as Mr Johnston was concerned.

22 It was suggested to him that, in fact, there should  
23 also have been an internal investigation with all social  
24 workers working with Kincora being interviewed. He  
25 replied to that that both he and Henry Mason were

1 waiting on the Town Solicitor and Town Clerk to suggest  
2 a new initiative. He had understood -- and, in fact,  
3 this is evident and was a finding of the Hughes Inquiry  
4 -- that Henry Mason had taken steps to strengthen the  
5 administration of the home. It was visited more often.  
6 It was then put to Mr Johnston that, in fact, any such  
7 investigation should have been recorded in writing.  
8 Mr Johnston admitted that that failing appeared to have  
9 happened several times in this case, but he agreed that  
10 it certainly should have been recorded.

11 He did accept, when this was being explored with him  
12 over and over again, that the Town Clerk had not  
13 forbidden him from taking any steps in relation to  
14 alternative investigations or internal investigations  
15 that might be conducted, but he referred to how he  
16 understood Henry Mason was carrying out that  
17 strengthening of the administration.

18 It was suggested to him that he knew the Town  
19 Solicitor well and this was a matter that he was  
20 concerned about. So why could he not have asked the  
21 Town Solicitor "Why?", and his reply to that was that,  
22 "My superior officers of the day had taken the decision.  
23 I wasn't carrying the can. They were carrying the can  
24 and they must have had a very good reason for doing what  
25 they were doing".

1           He was asked about whether his recommendation was  
2           the matter should be reported with a view to prosecution  
3           or simply that it should be reported for investigation.  
4           He replied that he could not say what Mr Mason may have  
5           had in mind, but he certainly felt, looking back on it  
6           now, and he still felt, the police should have been  
7           called in to investigate the whole matter and take  
8           whatever action they felt was appropriate.

9           He was asked, given that he felt strongly about it  
10          and pointed out to him that otherwise to not do  
11          something would be leaving the boys at risk, being told  
12          that his advice wasn't being taken, that he should have  
13          asked the basis for the decision, and Mr Johnston's  
14          reply to that was to ask why he should have questioned  
15          his superiors. He didn't have the same level of  
16          responsibility as them. He indicated that he initially  
17          believed they may have consulted the police and there  
18          was a reference in the discussion he believed to some  
19          form of lack of evidence, and it was suggested, "Well,  
20          you could have made more enquiries", but he deferred to  
21          the position that he could not tell his superiors how do  
22          their job, and he admitted that he accepted the decision  
23          of the Town Solicitor and the Town Clerk not to refer  
24          the matter to the police.

25          Now all of the transcripts of the oral evidence

1 around this issue are available to you, Members of the  
2 Panel. Because of its importance, though, and its point  
3 in time, I've given you a short overview of the evidence  
4 given over many days about these particular events by  
5 perhaps the two principal players who were still alive,  
6 because the question that it raises is if in 1971 the  
7 recommendation not just of Henry Mason but of  
8 Mr Johnston had been followed through, what the  
9 consequences of that would have been, and the potential  
10 that -- it's, of course, before William McGrath ever  
11 arrives in Kincora. So it could not necessarily have  
12 made sure he didn't abuse anybody -- perhaps it wouldn't  
13 have occurred at Kincora -- but it may have dealt with  
14 Mains and/or potentially Semple.

15 I doubt the Health & Social Care Board would regard  
16 it as unfair to their predecessor if I was to say in  
17 summary that the evidence of what occurred and what did  
18 not occur, what was documented and what was not  
19 documented, what was passed on and what was not passed  
20 on around this 1971 sequence of events was anything but  
21 satisfactory.

22 You will wish to consider, Members of the Panel,  
23 whether the views of the Chief Welfare Officer and the  
24 Deputy Town Clerk, who had conducted the interviews with  
25 the two boys and concluded there should be a referral to

1 the police, and those views being rejected by their  
2 superiors without any other direction or guidance as to  
3 internal steps that should be taken, left not just  
4 a sorry state of affairs in terms of the administration  
5 of Social Services, but also left the boys who resided  
6 and would subsequently reside in Kincora at serious  
7 risk.

8 Now the report of the Hughes Inquiry looked at this  
9 matter in some detail beginning at paragraph 3.141,  
10 which begins at page 75242, and it would run through to  
11 3.171 on 75250. So there are eight pages of -- I don't  
12 mean this in an unflattering way, lest this Inquiry's  
13 report be in the same vein -- but there are eight  
14 pages of dense analysis of the detailed factual  
15 background that was examined and established.

16 I want to show you just at paragraph 3.171, please,  
17 which is 75242 -- 75242, please. Sorry. 75250. My  
18 apologies. At 3.171 you can see that the Hughes Inquiry  
19 make this observation:

20 "It will be plain that we consider the failure to  
21 refer the Mason file to the police in 1971 as  
22 a fundamental error of judgment, which probably  
23 prevented the detection of Mr Mains' activities and  
24 possibly also those of Mr Semple. We would, however,  
25 wish to record our view that Mr Mason, who had the

1 misfortune to have his name associated with this file,  
2 and whose name has consequently featured prominently in  
3 the publicity surrounding Kincora, has emerged from our  
4 Inquiry as a man who acted conscientiously and did his  
5 best to protect the interests of the boys in Kincora.  
6 While we have indicated that some criticism may attach  
7 to his judgment of the 1967 complaints and his partial  
8 failure to communicate" -- if we take that out, please  
9 -- "with his subordinates in 1971" -- which was passing  
10 on the fact of there being this Mason file, as it were  
11 -- "the evidence shows that Mr Mason more than anybody  
12 else took steps to have the complaints against Mr Mains  
13 investigated. He also recorded his efforts."

14 If we just go up to the page before, please. Just  
15 scroll up again, please, to the page before. I'm  
16 looking for a particular ... Go up again, please, to  
17 the next page. It is paragraph 3.156 that I want to  
18 show you, Members of the Panel, but if we can just look  
19 at 3.155 just before we do that, please. So you can see  
20 the essential points that were established in relation  
21 to the 1971 complaints. Then if we go back out, please,  
22 and look at 3.156:

23 "There is no evidence to suggest that any formal  
24 written referral was made to the police, and this would  
25 surely have been retained on the record and communicated

1 to Messrs Johnston and Mason. Similarly any formal  
2 decision by the police not to proceed with  
3 an investigation would have been transmitted to the  
4 Belfast Welfare Authority and recorded by it."

5 Then they look at potential informal communications  
6 and they are not able to establish any basis to say  
7 there had been any informal communication either.

8 The Hughes -- if we look at the Health & Social Care  
9 Board statement for a moment at 1010, please, and  
10 paragraphs 43 to 45, the Health & Social Care Board  
11 describe the matter this way:

12 "The Hughes Inquiry determined that 'The decision  
13 not to refer the Mason file to the police was an error  
14 of judgment by the Town Solicitor and by the Town  
15 Clerk'. In the Committee's view the evidence of '67 and  
16 '71 in the Mason file 'was in our view sufficient to  
17 establish a pattern of suspicious behaviour by Mains and  
18 contained unmistakable allegations of criminal conduct  
19 in respect of the 1971 complaints, one of which was  
20 corroborated by R33.

21 This should have -- this should also be seen in the  
22 context of other evidence and findings by the Hughes  
23 Inquiry, namely:

24 (a) The letter of complaint was received in late  
25 August '71. Internment was introduced at the start of

1 the month, the effect of which was that August was  
2 characterised by very extensive civil unrest, which  
3 created extreme pressures for public officials'."

4 If we scroll down, please, on to the next page:

5 "The concerns over R8's reliability as a witness.

6 That the two boys were no longer in care, although  
7 this was considered to be of only marginal importance,  
8 given the risk to other boys that could have continued.

9 Mr Mason was commended as Chief Welfare Officer for  
10 his handling."

11 So those are points that are made, decisions that  
12 are made by the Hughes Inquiry and recorded in the dense  
13 analysis.

14 "The Health & Social Care Board, however, accepts  
15 this was a missed opportunity. It is noted this accords  
16 with the findings of the Hughes Inquiry where the  
17 Committee concluded at paragraph 3.164, 'We consider  
18 that on the balance of probabilities referral of the  
19 Mason file to the police in 1971 would have proved  
20 decisive in the discovery of Mr Mains' and Mr Semple's  
21 homosexual activities and would have created a major  
22 deterrent to future misconduct'."

23 So their conclusion is nine years earlier there  
24 would have been a significant change to the landscape  
25 didn't occur until 1980. They also note that:

1            "In giving evidence to the Hughes Inquiry Mr Mason  
2            accepted 'that there was a breakdown in the  
3            dissemination of information about the various  
4            complaints again Mr Mains resulting from a lack of  
5            written communications and his retention of the Mason  
6            file; and a lack of coordination in that nobody knew  
7            about all of the complaints'. The Inquiry remarked at  
8            paragraph 3.169 that they found it 'regrettable that  
9            Mr Mason did not appear to have made Mr Bunting and  
10           Mrs Wilson" -- so the Children's Officer and the Deputy  
11           or Assistant Children's Officer -- "fully acquainted  
12           with the complaints known to him by referring the Mason  
13           file formally to them in writing in view of their  
14           management responsibility for the hostel'."

15           So just to put some context to that, these are the  
16           two individuals who are going to be going into Kincora  
17           to check that everything is okay, and you know that  
18           there's much evidence, not just from these two  
19           individuals, but many social workers going in and out of  
20           Kincora over the course of its existence who did not  
21           detect or find anything, including those who were seeing  
22           the individuals that they were working to, who were  
23           themselves being abused, but the point that's being made  
24           is these two individuals were carrying out their work  
25           not infused with the knowledge so as to be on alert.

1 CHAIRMAN: One might say there wasn't a great deal of point  
2 in telling them to carry out an enhanced level of  
3 supervision without telling them why that was necessary.

4 MR AIKEN: Yes. The fundamental point, however, about  
5 whatever changes were made, and there was greater  
6 scrutiny it seems of Kincora in the aftermath of these  
7 events, is what might have happened had the RUC carried  
8 out that investigation that began with a media report in  
9 1980.

10 One point, however, the Panel will bear in mind:  
11 such an investigation in August 1971 may have dealt with  
12 Mains and Semple, but it wouldn't have dealt with  
13 William McGrath, unless the existence of it would have  
14 facilitated Roy Garland in coming forward.

15 CHAIRMAN: Well, McGrath did not arrive at Kincora until  
16 August 1971.

17 MR AIKEN: June 1971.

18 CHAIRMAN: June '71.

19 MR AIKEN: So he was there, but no boy --

20 CHAIRMAN: Has made an allegation.

21 MR AIKEN: -- made any allegation of anything in '71 or, in  
22 fact, probably 1972.

23 CHAIRMAN: If the police had investigated in 1971 in the way  
24 they did in 1980, I think there are at least two  
25 consequences that have to be considered. The first is

1           that it might well have led to an early confession by  
2           Mr Semple, and that would have revealed a much wider and  
3           even graver state of affairs, and, secondly, it is hard  
4           to see how Mr McGrath would have been able to perpetrate  
5           the crimes he did in the changed atmosphere following  
6           a major police investigation.

7   MR AIKEN:   Yes.  There is the potential for a major change  
8           in landscape generally, because the point that's been  
9           made to the Panel on a number of occasions by  
10           representatives of Social Services is that January 1980  
11           or the months that followed January 1980 was a watershed  
12           in the knowledge of and dealing with sexual abuse within  
13           institutional care.

14           What this is flagging up -- and one cannot overstate  
15           it, because it is a matter of speculating in the end --  
16           but whether that total change of landscape might have  
17           been capable of taking place at a much earlier point in  
18           time or at least beginning at a much earlier point in  
19           time if what Henry Mason and James Johnston had  
20           recommended had been done, and provided the police then  
21           carried out the type of investigation that Detective  
22           Chief Inspector Caskey began in 1980, and, of course, we  
23           are going to look at some events involving the RUC that  
24           perhaps have to be borne in mind in the context of  
25           trying to look at what might have been, but it certainly

1       deprived the opportunity of that landscape changing  
2       dramatically much earlier than it did, you may consider.

3           I want to show you the conclusions of the Hughes  
4       Inquiry at 75251, please, because there is obviously  
5       a wider issue in addition. So there are the type of  
6       failures that we -- that the Health & Social Care Board  
7       have acknowledged, the type of potential consequences  
8       that we have been discussing, but another issue that was  
9       before the Hughes Inquiry certainly as far as Social  
10      Services -- so it had a restrained terms of reference in  
11      terms of what it was looking at. It was looking at the  
12      Social Services, but you will recall that Detective  
13      Chief Inspector Caskey and ultimately then the Hughes  
14      Inquiry were being asked to investigate: "Well, was  
15      there some sort of cover-up here?"

16           I have tried through what I have said so far in  
17      a proportionate way to indicate publicly the level of  
18      detail that is it available through the transcripts of  
19      the material that was assessed by the Hughes Inquiry,  
20      equally, the personnel who were involved in it in terms  
21      of members of the legal profession and ultimately the  
22      Panel making their assessment of the witnesses that they  
23      heard and the documents that they considered, and then  
24      they make these findings in 3.174.

25           If I can just ask if the operator would blow that up

1 for me, please, on the left side under the heading at  
2 the end of this chapter, so as we get to the end of  
3 1971, "Was there a cover-up?" and they say this:

4 "No person ever came forward with evidence of  
5 a deliberate or concerted cover-up of the Kincora  
6 scandal by the Belfast Welfare Authority, but publicity  
7 frequently suggested that one may have been organised.  
8 The very term is sufficiently imprecise and elastic to  
9 be conveniently applied to any patent lack of candour or  
10 failure to disclose information that might be  
11 unfavourably construed. It is the most facile weapon  
12 available to commentators who wish to insinuate  
13 deception and dissimulation. We took the essential  
14 elements of this ambiguous noun to be the failure of  
15 persons in positions of responsibility to take action  
16 appropriate to their office and/or the destruction or  
17 suppression of information or records in pursuance of  
18 an improper motive."

19 So that's what the Hughes Inquiry indicated they  
20 were asking themselves as they looked at this material  
21 and heard this evidence. They say this:

22 "No such charge could possibly be levelled against  
23 Bob Moore or Henry Mason in respect of the 1967  
24 complaints against Joseph Mains. Mr Moore required R5  
25 and R6 to make written statements and thus formalised

1 and preserved their complaints. Mr Mason summarised  
2 these, made a full record of Mr Mains' explanation and  
3 referred the papers to the Town Clerk. In doing so, he  
4 created the opportunity for his assessment that no  
5 criminal offence had occurred to be approved or  
6 rejected. The failure to provide a written reply left  
7 the motives of the Town Clerk or whoever acted for him  
8 open to a pejorative interpretation. In the absence of  
9 specific evidence of an improper motive or actions we  
10 cannot find that a 'cover-up' was arranged by the Town  
11 Clerk's office. We bore in mind that the 1967  
12 complaints were known to the Town Clerk's office, to  
13 Messrs Mason and Moore and any other Belfast Corporation  
14 employees who saw or became aware of the Mason file as  
15 it passed between College Street and the City Hall."

16 Now what they're referring to there is the fact that  
17 the file has to be transmitted at a time whenever e-mail  
18 was not available:

19 "Mary Wilson was also involved in the interviews of  
20 Mr Mains and a boy complainant",

21 because they found that what she recollected was  
22 not a separate incident, that she was, in fact, involved  
23 in part of the 1967 work. Then they say this:

24 "Mr Mason's recommendation in relation to the 1971  
25 complaints clearly absolves him from any 'cover-up'

1 allegation",

2 and, of course, you have got Mr Johnston also  
3 involved with him in carrying out the interviews:

4 "The failure of City Hall officers, Messrs Young and  
5 Jamison, to record their part in the consideration of  
6 the Mason file left their motives open to pejorative  
7 speculation."

8 If we take it out, please:

9 "In the absence of specific evidence" -- if we just  
10 scroll up the page, please -- "in the absence of  
11 specific evidence of improper motive" -- just keep going  
12 up, please, so I can see the right-hand column -- "or  
13 actions we cannot find that there was a cover-up. The  
14 list of Belfast Corporation staff who by autumn 1971  
15 were aware of complaints against Mr Mains was  
16 formidable. This in itself would have been a major  
17 obstacle and disincentive to any attemptive --  
18 attempted, active 'cover-up'.

19 We received no evidence that the Belfast Welfare  
20 Committee became aware of complaints or suspicions  
21 concerning the Kincora staff except through Mr Moore's  
22 comments to the late Councillor Cardwell. There is no  
23 evidence that Councillor Cardwell took steps to prevent  
24 an investigation or suppress the matter. Nor is there  
25 any evidence that the Ministry of Home Affairs became

1       aware of allegations or rumours relating to homosexual  
2       misconduct at Kincora."

3               So where you are left, Members of the Panel, is  
4       a situation where two men who were deceased did not face  
5       the allegations to explain why they made the decisions  
6       that they made. You've got a Public Inquiry who were  
7       drawing attention to the fact that there was  
8       a formidable number of individuals who at least were  
9       aware of the basic facts around it, and there was no  
10      evidence that they had available to them that there was  
11      some deliberate action by those who were involved in  
12      this to try to conceal it.

13              Now the Hughes Inquiry did hear from Mr Mason and  
14      from Mr Johnston. So provided they were telling the  
15      truth, they did not come under any pressure to try and  
16      hide this set of facts, but you can see that ultimately  
17      the Hughes Inquiry is left -- and it will be a matter  
18      for this Panel as to whether -- how you are left --  
19      being simply not able, because the two individuals were  
20      dead, to ask them to account for their actions beyond  
21      that evidence which Mr Johnston was able to provide.

22              I'm going to pause at this point, Members of the  
23      Panel, because we have reached the point where William  
24      McGrath joins the staff at Kincora in June 1971, and  
25      I am going to take a slight detour from our present

1 course, because before we examine what Social Services  
2 knew from 1971 onwards, I am going to first give you  
3 an overview of matters relating to Roy Garland. This is  
4 because of a central role he plays in a number of the  
5 matters that come to the attention of Social Services  
6 outside of Kincora -- so again that focus getting beyond  
7 the walls of Kincora -- in the post-1971 period as well,  
8 of course, to the RUC and the Army. Maybe if we take  
9 a short break, Chairman.

10 CHAIRMAN: Yes. We are clearly moving to another topic. It  
11 is appropriate, therefore, we take a short break now.

12 (2.45 pm)

13 (Short break)

14 (3.00 pm)

15 CHAIRMAN: Yes?

16 MR AIKEN: Chairman, Members of the Panel, I've indicated  
17 I'm going on to look at matters relating to Roy Garland,  
18 and as a result of the central role that Roy Garland  
19 played in efforts to draw attention to William McGrath  
20 post 1971 he was offered the opportunity to participate  
21 in the HIA Inquiry and encouraged to do so.

22 I am just going to bring up on the screen the  
23 correspondence that the Chairman referred to on the  
24 first day of our public hearings in relation to this  
25 module. It is at 130002. It scrolls through until

1 130013. He was offered the opportunity to participate  
2 and encouraged to do so, but has chosen not to do that.  
3 If we just scroll through, we will come to a document  
4 where he explains his reason. What we are seeing at  
5 the moment as we scroll through is the Inquiry inviting  
6 him to and setting out questions that it wished him to  
7 answer. If we just scroll on through, please.

8 CHAIRMAN: So he was offered the opportunity to be a core  
9 participant, possibly with legal representation,  
10 depending on his means.

11 MR AIKEN: Yes.

12 CHAIRMAN: And it was explained to him he would be given the  
13 material which the Inquiry considered was appropriate  
14 for him.

15 MR AIKEN: Yes.

16 CHAIRMAN: And then he was asked what I think mathematically  
17 come to sixty questions.

18 MR AIKEN: Yes. He was asked -- I'm coming to make this  
19 point -- that even if he didn't wish to participate, the  
20 Inquiry asked him to in any event provide a witness  
21 statement answering particular questions that arose out  
22 of the Inquiry's investigation to the point of writing  
23 and he hasn't done that either.

24 You can see here that he's relying initially --  
25 pointing out that there's been a challenge to the

1 Inquiry and the suggestion that that judicial review was  
2 about taking this aspect of the Inquiry over to the  
3 Goddard Inquiry in England and indicating:

4 "Assuming this to be the case, I ... withhold any  
5 decision until a decision is made on this appeal."

6 As the Inquiry are aware, the High Court had  
7 dismissed the challenge for the reasons that  
8 Mr Justice Treacy gave, but an appeal was mooted, of  
9 which Roy Garland was clearly aware, and he was replying  
10 to the Inquiry's suggestion of participation, referring  
11 to that appeal and indicating he wanted to await the  
12 outcome.

13 The Inquiry then, as we will see as we scroll down,  
14 wrote back explaining how -- regardless of how the  
15 matter was being characterised in the media, that was  
16 a misunderstanding of what the judicial review was  
17 actually about, and indicating that whether or not there  
18 was a judicial review, the matter was still going to be  
19 looked at regardless by the HIA Inquiry, and again  
20 offering, as you will see in the fourth paragraph, the  
21 ability to participate and have legal representation,  
22 potentially at public expense, and in any event then  
23 asking for the witness statement, even if he didn't wish  
24 to participate, and drawing attention, as you can see in  
25 the second paragraph on the screen at the moment, as

1 someone who had regularly commented in the media about  
2 Kinchora, it would be regrettable if he did not avail of  
3 that opportunity being afforded to him by the Inquiry.  
4 So an endeavour to explain the correct position.

5 Then if we scroll down on to the next page, please,  
6 he has replied saying there had been a problem with his  
7 e-mail communication, but he wanted to draw attention:

8 "You can note my objection especially to the factual  
9 and misleading errors reflected in your original  
10 questions."

11 So the sixty questions that the Chairman referred to  
12 had been sent and what Roy Garland is indicating is,  
13 "I've sent you an e-mail that's objecting to those". If  
14 we scroll down, please, you'll see that communication  
15 being provided. You can see:

16 "Consideration of various factors has not encouraged  
17 my faith in or wish to participate in the Inquiry.

18 In addition, I note in relation to your letter ..."

19 That's the original letter which offered core  
20 participant status and/or in any event a statement  
21 asking questions:

22 "... some of these questions are based on false  
23 assumptions and are at times factually inaccurate and  
24 misleading."

25 If we scroll down, please, we will see the Inquiry

1 explaining again that:

2 "You have been offered the opportunity to  
3 participate.

4 Whether or not you avail of the participative rights  
5 that that would entitle you to as a core participant,  
6 the Inquiry has explained it wished to have a witness  
7 statement from you",

8 and pointing out that the ability to provide the  
9 Inquiry with a witness statement gave Roy Garland the  
10 opportunity to say whatever he wanted to say to the  
11 Inquiry about what caused him to try to bring the  
12 behaviour of William McGrath to the attention of others  
13 and the steps that he took to do that, and pointing out  
14 that the questions that were posed to him relevant to  
15 the HIA Inquiry's work arose from the Inquiry's  
16 consideration of material that it gathered, which we are  
17 now going to look at, and pointing out that where Roy  
18 Garland considered any of those questions to have  
19 an error of any kind, he could explain that in his  
20 statement, why he would say it was an error and set out  
21 what he said the correct position is. It was explained  
22 to him that that position remained open to him.

23 So pausing there, it's being made clear, "Even if  
24 you don't want to become a core participant and  
25 participate before the Inquiry, we have asked you for

1 a statement. You are saying there's a problem with the  
2 questions we have asked you. Well, that's fine. You  
3 tell us what the answers are and what you say the  
4 correct position is, and you can do that whether or not  
5 you agree to be a core participant before the Inquiry".

6 So that offer was made, but it was also pointed out  
7 in the communication -- just scroll up. Yes. It's in  
8 two places:

9 "You should understand that the matters that are the  
10 subject of the questions the Inquiry asked you to  
11 address will be the subject of public examination before  
12 the Inquiry whether or not you participate and whether  
13 or not you provide the requested witness statement."

14 Then explaining -- if we scroll down a little  
15 further, please -- asking for the witness statement by  
16 20th May:

17 "... will take it that you are refusing to  
18 cooperate."

19 Of course, the Panel are aware that on the first day  
20 of our public hearings the Chairman again made the offer  
21 of the ability to avail and participate and another  
22 opportunity was given until 10th June, that we would  
23 continue to try and carve out time in the timetable for  
24 the changing of mind by someone like Roy Garland, and he  
25 has not communicated with the Inquiry any further in

1 relation to it.

2 You may say, "What more can be done if someone wants  
3 to take the position that they have?" Well, the answer  
4 is there's little more that can be done other than  
5 a point that I am going to come to.

6 So he has not agreed to participate. He's not  
7 provided a statement and, as you know, that is in spite  
8 of many contributions in the media down the years about  
9 what he says were his efforts to reveal what was  
10 happening in Kincora. The latter media contributions,  
11 as you know, included pledges to assist this Inquiry.  
12 Those pledges you may consider for whatever reason have  
13 not been kept.

14 Chairman, Members of the Panel, you will wish to  
15 consider as we look at the material relating to Roy  
16 Garland and his involvement with William McGrath what  
17 the likely reason is for that refusal to cooperate with  
18 a statutory Public Inquiry into a matter which has drawn  
19 media participation from Roy Garland over so many years.

20 As you are fully aware, you have the power to compel  
21 Roy Garland to give oral evidence and/or provide  
22 a witness statement to the Inquiry, but in keeping with  
23 the Inquiry's approach throughout now over 200 days of  
24 its public hearings, you have to date elected not to  
25 exercise those powers in respect of him. That is

1 because the Inquiry has already gathered a significant  
2 volume of material in relation to Roy Garland and the  
3 matters relating to him, and it is those matters and  
4 what he was saying that we will now examine.

5 Those include -- and I want to just ground these at  
6 this point in time by showing them on the screen so that  
7 you can understand the breadth of material that I am  
8 going to speak about.

9 If we look at 10920, please -- and these are typed  
10 copies found within the RUC Phase One Inquiry -- you can  
11 see "Letters and newspaper cuttings received from DC  
12 Cullen". What you are about to see between 10920 and  
13 10932 -- there is no need to read them now, but just if  
14 we scroll down, please -- they are copies of letters  
15 that Roy Garland -- apart from this first page -- if we  
16 scroll on to the next page, please -- copies of letters  
17 that Roy Garland received from William McGrath in the  
18 early 1960s, and it appears that he, Roy Garland, has  
19 produced those letters to Detective Constable Cullen in  
20 1974, just as he did to a number of other individuals,  
21 including Valerie Shaw and the Reverend Ian Paisley, but  
22 his production of them to the police, which is DC Cullen  
23 as a police officer in 1974, he is then in a position to  
24 produce them to Detective Chief Inspector Caskey during  
25 the Kincora investigation phase one.

1           So these are documents that record -- it is  
2           one-sided, because it is letters Roy Garland received,  
3           not those which he sent, but obviously some of the  
4           letters indicating they're replying to a letter he has  
5           sent, but those are available to the Inquiry.

6           The second matter in the chronological sequence, if  
7           we can look, please, at 30343, is the transcript of the  
8           anonymous Rovaphone call -- that's a call to a police  
9           confidential telephone line in effect -- that Roy  
10          Garland made on 23rd May 1973. We are not going to  
11          dwell on that document at this stage, because we are  
12          going to be coming back to look at it in a number of  
13          different contexts, but here is recorded in 1973 that  
14          which Roy Garland was saying, although he would distance  
15          himself from the phrase about "a vice ring centred on  
16          William McGrath", not Kincora you will note, but centred  
17          on William McGrath. The significance of that will  
18          become apparent.

19          We then have, if we look, please, at 114014,  
20          a record of the anonymous call that the Hughes Inquiry  
21          was satisfied that Roy Garland made to Social Services  
22          in January 1974. If we scroll down just a little bit,  
23          please, you can see under the entry "23rd January 1974"  
24          -- this is in the handwriting of Mary Wilson. This is  
25          her record of what Brian Todd, Senior Social Worker,

1 passed on to her from Colin McKay, who was the social  
2 worker who answered the telephone call to Hollywood Road  
3 Social Services, and again this is a document that we  
4 will be coming back to look at in context.

5 Then we have a very substantial body of material,  
6 which are records made by Detective Constable Cullen of  
7 the RUC about his interactions with Roy Garland  
8 principally between March and July 1974 and then again  
9 in the early part of 1976.

10 Now I want to just put these up on the screen at  
11 114065, please, and there are 35 pages of this material.  
12 So I want to just explain, because I'm going to be  
13 coming back to it, and by giving you the overview of it  
14 at this stage hopefully it will make more sense.

15 There is a document called DBE16. That is  
16 a document that was produced to George Caskey during the  
17 Phase One Inquiry. You will find that at 114027. So if  
18 we just can move down on to the next page, please. You  
19 can just pause for a moment. Sorry. You can see  
20 "DBE16". Then scroll down on to the next page, please.  
21 You can see this begins:

22 "Report 21st March 1974 to Assistant Chief Constable  
23 Meharg."

24 Then it consists of 23 paragraphs. If we just  
25 scroll through it, please, it's of three pages in

1 length. So it's a typed document. That document was  
2 produced by DC Cullen to the RUC Phase One Inquiry along  
3 with the letters that we have just looked at, which have  
4 a newspaper clipping among them, which was given the  
5 exhibit number DBE1.

6 CHAIRMAN: Well, when you say "prepared by", strictly  
7 speaking it was created by Constable Cullen and later  
8 given to the Caskey Inquiry team -- isn't that correct  
9 -- the handwritten -- sorry -- the series of numbered  
10 paragraphs on this document that we see?

11 MR AIKEN: This is written by --

12 CHAIRMAN: He creates that?

13 MR AIKEN: Yes, but the letters he produces --

14 CHAIRMAN: Yes.

15 MR AIKEN: -- and they were given the exhibit DBE1. So, to  
16 stand back from it, you've got a report of March '74,  
17 DBE16, and letters from 1960, which are given DBE1 as  
18 the exhibit number.

19 But in addition the Inquiry has -- and if we can go  
20 back now, please, to 114065, please -- the Inquiry also  
21 has in addition a series of documents authored by  
22 Detective Constable Cullen said to have been written  
23 between March and July 1974. They have been labelled,  
24 as you can see -- this one has on the top right "JC1".  
25 The pages that run from 114065 to 114100 actually

1 encompass eight documents, JC1 through to JC8. We will  
2 be looking at these documents and I will explain it in  
3 further detail. Those documents were produced to the  
4 Hughes Inquiry by Detective Constable Cullen. They  
5 don't appear to have been available to the RUC Inquiry  
6 and not -- certainly not in this form available to the  
7 Terry Inquiry. There is certainly no reference to them  
8 or anything that looks like them in the Terry Inquiry,  
9 although it was explained to the Hughes Inquiry that  
10 police believed the Terry Inquiry had access to them in  
11 typed form. I know that the PSNI are working on what  
12 might have been meant by that, but certainly Detective  
13 Constable Cullen produced these 35 pages, some of which  
14 are typed, many of which are handwritten, to the Hughes  
15 Inquiry in 1985.

16 CHAIRMAN: They appear to be handwritten drafts in the  
17 sense, as we can see, they are in a very rough form.

18 MR AIKEN: Yes.

19 CHAIRMAN: So if they were going to be produced to someone  
20 in a formal way, one would assume they would be  
21 subsequently typed up as a final version.

22 MR AIKEN: Yes. If I can -- I am getting ahead of myself,  
23 but if I can say that Detective Constable Cullen on his  
24 own evidence only ever submitted one written report to  
25 Assistant Chief Constable Meharg. That's the document

1 at DBE16 that we have already looked at that was  
2 produced to the Caskey Inquiry. What we are looking at  
3 now are documents that contain information that  
4 Detective Constable Cullen gathered from Roy Garland,  
5 which he says he also told the Assistant Chief Constable  
6 Meharg in terms of telling him the content as opposed to  
7 producing a written report of them. We will see -- we  
8 will come back to this material shortly -- it's  
9 a mixture of handwritten record and some typed document  
10 in addition to that which is DBE16, but these documents  
11 contain information which will be of considerable  
12 assistance to you with your work.

13 If we just scroll through, please, those documents  
14 while I am speaking. So in addition to this 35 pages of  
15 record in one form or another, and we will look at those  
16 more closely, that Detective Constable Cullen produced,  
17 you will want to focus on these documents as something  
18 that on his case was created. He was recording this  
19 information contemporaneously to being told it by Roy  
20 Garland in 1974.

21 CHAIRMAN: Yes. I wonder just could we scroll back a little  
22 bit to the end of the typed document?

23 MR AIKEN: Keep going back, please.

24 CHAIRMAN: Yes. If we just stop there, we can see there are  
25 quite a lot of either completely blank paragraphs or, as

1 we see here, paragraph 27 is blank. Paragraph 26 there  
2 are blanks left in the text.

3 MR AIKEN: Yes.

4 CHAIRMAN: Just to make it clear, those have not been  
5 redacted by the Inquiry. Isn't that right?

6 MR AIKEN: No, they have no. It appears -- and I will be  
7 coming back to this -- that when the documents were  
8 produced to the Hughes Inquiry and labelled JC1 to JC8,  
9 what we have got are those that were publicly  
10 considered, or some of them were publicly considered by  
11 the Hughes Inquiry. The redactions appear to have been  
12 applied at that time to excise the names. I know the  
13 PSNI is working on whether there is in existence the  
14 same documents before they were redacted.

15 CHAIRMAN: You see, if we look at paragraph 24:

16 "Recently a person called [blank] was killed in a  
17 car accident."

18 My recollection is that in the handwritten documents  
19 the name of that person appears, .

20 MR AIKEN: In one --

21 CHAIRMAN: In a document.

22 MR AIKEN: In DBE16 the names are not redacted, the version  
23 that was produced to Caskey, but some of the names --  
24 the names in all of JC1 to JC8 are by and large  
25 redacted.

1 CHAIRMAN: Yes, but the point I am making is if you compare  
2 the handwritten drafts we have seen with this, there's  
3 a very close resemblance, which would suggest that these  
4 may have been later versions of the handwritten  
5 documents.

6 MR AIKEN: Yes and, in fact, I am going to bore you with  
7 engaging in that exercise, because it becomes of quite  
8 some considerable importance when I -- when I -- I am  
9 going to come back to this material in quite some  
10 detail.

11 So what we have, if I can just at this point  
12 indicate that we have 35 pages in one form or another of  
13 a police officer recording what he is told by Roy  
14 Garland, and it is something that we will be looking at  
15 in some detail. That's the fourth type of material that  
16 we have.

17 The fifth type of material -- if we can look,  
18 please, at 3533 -- we have -- and this is something  
19 perhaps has never before been seen or known about -- we  
20 have the contemporaneous record of Roy Garland's  
21 interview with Army Captain Brian Gemmell or -- and  
22 I will explain in due course why I say this -- or with  
23 his sergeant in 1975. In passing we will be coming back  
24 to look at what the Army knew, what Brian Gemmell had to  
25 say, but you will want to note the content of

1 paragraphs 1 and 2 and more note what's not in the  
2 content.

3 Then we have a seven-page resumé. Again this is  
4 something that's not likely to have been seen before.  
5 If we can look at 12188, please, now this document,  
6 seven pages -- and if we just scroll through it, it runs  
7 from 12188 to 12194 -- is of information Roy Garland  
8 provided to Detective Sergeant Berkley Elliott on 6th  
9 March 1980. The resumé itself is not dated, but it's  
10 referred to in a briefing note in preparation for  
11 William McGrath being interviewed.

12 Now I just want to show you that before going back  
13 to the document. If we go to 12182, please, William  
14 McGrath's interview was on 1st April 1980, and you can  
15 see:

16 "One final point I would like to make at this stage  
17 is the matter regarding letters written by McGrath to  
18 a person who has been interviewed by Detective Sergeant  
19 Elliott. Before these letters are mentioned to McGrath  
20 Detective Sergeant Elliott should be consulted for his  
21 views."

22 This is a reference back to the seven-page resumé  
23 that we have just referred to. So the resumé, while  
24 undated, was prepared on some date between the interview  
25 of Roy Garland by Detective Sergeant Elliott on 6th

1 March 1980 and 1st April 1980, whenever William McGrath  
2 is first interviewed.

3 I can tell you, if we go back to 12188, that  
4 throughout the seven-page resumé Roy Garland is only  
5 identified as "source", and you can see from the first  
6 paragraph wished to remain anonymous. This is a pattern  
7 that has been ongoing since 1974, when he spoke to  
8 DC Cullen, as you will come to see, but it is clear from  
9 the content of this document that the source is Roy  
10 Garland, and Detective Sergeant Elliott then provides  
11 a statement. I just want you to note -- you will see:

12 "The following is a resumé of information received  
13 from a source on Thursday, 6th March 1980."

14 Now if we can go, please, to 10762, but bearing that  
15 information in mind, you will see a statement from  
16 Detective Sergeant Elliott of 29th July 1980. I will  
17 ask to note:

18 "On 6th March 1980 I interviewed Roy Garland ..."

19 Now the statement is much briefer than the detail of  
20 the resumé and we will come back to look at that  
21 document.

22 Then we have statements that Roy Garland made to the  
23 press in January and February of 1982. If we can look,  
24 please, at 21507, to begin with, this is an article in  
25 the Belfast Telegraph of 5th February 1982. You can

1 see:

2 "Mr X broke his silence with a detailed statement  
3 volunteered to this newspaper giving his version of  
4 events."

5 This was to do with a debate that was going on by  
6 this stage in public between Dr Ian Paisley, a lady  
7 called Valerie Shaw, to whom we will be returning, and  
8 now Roy Garland, Mr X, about what Dr Paisley was or was  
9 not told. As you know, we are not investigating  
10 religious leaders or politicians as to what they were or  
11 were not told. We are investigating what the State knew  
12 or didn't know, but we get from this material an account  
13 from Roy Garland as to what he says occurred.

14 The following -- if we just scroll down on to the  
15 next page, please, you will see the second page of that  
16 article. You can see under the section "Anonymously":

17 "Mr X said shortly afterwards he spoke to the police  
18 when asked to do so by a friend of Miss Shaw."

19 That's a reference to DC Cullen. The friend of Miss  
20 Shaw is a man called Jim McCormick, which is a name  
21 you'll be familiar with. We'll be coming back to that.

22 "He also contacted the welfare authorities  
23 anonymously about Kincora."

24 So all begins to tie together I hope you will see.

25 Another article was carried the following evening at

1 21512.

2 One of the fundamental issues that arises, as  
3 I indicated in the first week, is in terms of the Panel  
4 looking at, "Well, what was emanations of the State  
5 actually told?" as opposed to people with hindsight  
6 looking back and saying what they say they told. What  
7 were they told and what contemporaneous material is  
8 there available to assist the Inquiry with what was said  
9 at the time?

10 So these are sources that record someone's  
11 recollection speaking in 1982, and we will be able to  
12 look back at that again later, because the account  
13 that's given here is rather different from that which is  
14 recorded in Detective Constable Cullen's records.

15 Then we have in addition -- because Mr X would  
16 eventually reveal himself to be Roy Garland, and  
17 eventually produced to the police was -- if we look,  
18 please, at 20839, and these notes run through to 20843,  
19 I just want to explain to you what they are. They are  
20 Andrew Pollak, who was working for the Irish Times along  
21 with Ed Moloney, and writing numerous articles about  
22 Kincora -- they made statements to the police that would  
23 result in police investigations into all manner of  
24 claims that would form part of Caskey 2 or Phase Two  
25 Inquiry, and as part of that Andrew Pollak and Ed

1 Moloney referred to having spoken to Roy Garland, and  
2 Andrew Pollak produced to the RUC the typed notes of his  
3 interviews with Roy Garland in January 1982, the content  
4 of which would later be clarified by both Andrew Pollak  
5 on behalf of Roy Garland when Andrew Pollak was speaking  
6 to the police during the Phase Two Inquiry in 1982 and  
7 then further clarified by Roy Garland when he was spoken  
8 to by Detective Sergeant Caskey during the Phase Two  
9 Inquiry. If we scroll through, please, there are five  
10 pages of records. So I'm alerting you to the caveat,  
11 lest you think that the content of these documents are  
12 said to be entirely accurate, the speaker who is being  
13 recorded and the author who claims to have recorded both  
14 disavow various parts of it in subsequent statements.

15 Then we have the police statements that Roy Garland  
16 did make in March 1982 to the Sussex superintendents.

17 So the reason why you have Detective Constable  
18 Berkley Elliott's statement in 1980 is because Roy  
19 Garland does not want to make a police statement. Then  
20 he is investigated or he's spoken to by the Sussex  
21 superintendents in 1982. If we can look, please, at  
22 40688, we have a four-page police statement, which  
23 begins on 30th March 1982. He goes into considerable  
24 detail about his background, his introduction to William  
25 McGrath and various events that happened between them.

1 You can see he is explaining at the bottom of the page:

2 "As far as I can recall it was at that first meeting  
3 that he suddenly put his hand above my knee just on my  
4 lower thigh. He said something like, 'What does that  
5 mean to you?' I said, 'Nothing. It means nothing'. He  
6 then opened the front of my trousers and touched my  
7 private parts. He said, 'What does that mean to you?'  
8 I said, 'Nothing. It means nothing to me'. He then  
9 instructed me never to let anyone do that to me, saying  
10 that my body was a sacred thing. He continued to make  
11 this type of approach to me throughout my teens until  
12 I went to the All Nations Bible College in 1962."

13 So that's a seven-year period. The statement begins  
14 with explaining he first meets William McGrath in 1955  
15 and this is, as you will see shortly, an augmentation of  
16 what was said to the police in 1980, which was that  
17 there had been just the placing of the hand on the leg.

18 If we just scroll through, please, there is then  
19 a subsequent statement also made to the Sussex  
20 detectives. So he is explaining in the next pages the  
21 efforts he made to bring attention to William McGrath,  
22 which we will be looking at shortly, and his -- speaking  
23 of his connection to various people, whose names will  
24 become very familiar to you.

25 Then there is a second statement from him at 40692.

1 If we just scroll down, please, you can see he is being  
2 asked now about the anonymous call to police. He says  
3 he wants to make the following changes:

4 "Although I agree that the content of the message  
5 embodies all that I was telling DC Cullen, this is not  
6 strictly accurate. I wish to make the following  
7 changes. I did not know any MPs who are homosexuals  
8 associated with McGrath. The point about pressurising  
9 young people in relation to politics, I do not believe  
10 this to be true about McGrath. I agree that the  
11 remainder is similar to the information I was aware of  
12 about McGrath."

13 So as happened with the Social Services call, there  
14 would be it seems some effort to distance himself from  
15 the document that otherwise was deemed to be from him,  
16 which the Hughes Inquiry would also conclude came from  
17 him.

18 Then we have access to -- and this begins at 21142,  
19 please, if we can look that, and it runs to 27 pages.  
20 This is a 27-page typed statement from Roy Garland from  
21 April 1982, which he penned in preparation for three  
22 April 1982 articles that he published in the Irish Times  
23 along with Andrew Pollak. I am not going to go through  
24 that material now. You will have the opportunity,  
25 Members of the Panel, to look at it and read it. Not

1 all of its content is reproduced in the three articles.  
2 You will find reference in it to his being asked about  
3 Tara and weapons. He says, "There were talk of weapons.  
4 I only saw one". The relevant section, when it comes to  
5 being published in the newspaper, that part is removed,  
6 but it follows in large part into the three articles.

7 If we can look, please, at 55011, those three Irish  
8 Times articles from April 1982 themselves the Inquiry  
9 has copies of. They set out his position, although, as  
10 I said, some of the content of the 27-page statement  
11 isn't necessarily reproduced into the articles. If we  
12 just scroll through, please.

13 CHAIRMAN: It is 13th April, not 3rd April.

14 MR AIKEN: Yes. It is 13th April. There are three articles  
15 in April '82, of which the first is 13th April, then  
16 14th and then 15th. If we scroll through, please -- we  
17 will come back to look at it -- we can see a detailed  
18 account is given. If we scroll through, please, on to  
19 the next page, we can see this one is of 14th April  
20 about Tara. Then the one of 15th April has more detail  
21 about the efforts to expose McGrath. If we scroll down  
22 on to the next page, please, you can see the strap line,  
23 as it were:

24 "Roy Garland explains why he left Tara and outlines  
25 his early fruitless efforts to expose William McGrath's

1 activities within the Orange Order despite a serious  
2 threat to his life."

3 You will see as we look at a number of these  
4 documents that Roy Garland is certainly expressing to  
5 the likes of DC Cullen that he is concerned for his  
6 welfare and his family's welfare. That's the reason he  
7 gives -- whether that is the reason or not, that's the  
8 reason he gives to Detective Constable Cullen for why he  
9 doesn't want to come forward, doesn't want to make  
10 a police statement in 1974. We will come back to look  
11 at that.

12 In addition to the articles then, as a result of Ed  
13 Moloney and Andrew Pollak speaking to police and  
14 producing this material to police, and the articles  
15 being published, Superintendent Caskey -- if we look at  
16 20243, please, Superintendent Caskey then interviews Roy  
17 Garland. You can see on 1st April 1982 he conducts  
18 an interview. It's a very dense police statement in  
19 terms of it covers an enormous amount of detail as the  
20 superintendent is getting answers to all sorts of  
21 questions that he is asking about information that has  
22 come to his attention and clarifying, re-clarifying and  
23 not standing over many of the allegations that are made  
24 in Andrew Pollak's interview notes that I was referring  
25 you to previously. So those two documents need to be

1 read together in order to see by the end of it what of  
2 what was being said to Andrew Pollak Roy Garland accepts  
3 when he is speaking to the police.

4 If we go to the last -- if we just scroll through,  
5 please, and we go to the last page at 20248, you will  
6 see that this interview, which is being conducted on  
7 12th April 1982, there is an exchange at the end of it  
8 that it is taking a turn that Roy Garland was not happy  
9 with, because he is starting to feel under suspicion  
10 himself. Okay. If we just scroll up a little bit so  
11 that the Panel can see -- yes. Just go up a little  
12 further, please. Okay. You can see that he is being  
13 asked about Tara and then:

14 "He expressed concern about the way the interview  
15 was going and that we were treating him more as  
16 a suspect. He said that the Sussex Police had got him  
17 to explain further about McGrath and himself than what  
18 he would have liked. When asked to explain that,  
19 Garland said they had got him to put in a statement to  
20 them that McGrath had touched him on his privates. He  
21 would have preferred not to have this matter discussed  
22 in depth. He said that he would like a solicitor's  
23 advice on some of the points raised at the interview."

24 Then you can see the superintendent asked him about  
25 weapons. You can see:

1            "He said that this happened at a meeting he attended  
2            some years ago."

3            Then the interview ends. You can see then on  
4            14th April 1982 he telephoned Roy Garland to request  
5            a further meeting. You can see over the next ten lines  
6            what happened. He wasn't prepared to provide  
7            a statement or answer any more of Superintendent  
8            Caskey's questions.

9            Then if we can look at 75619, please, running  
10           through to 75625, we have Roy Garland's handwritten  
11           statements that he made to the Hughes Inquiry. Now  
12           before the Hughes Inquiry he was given the designation  
13           "Informant B", and Jim McCormick, who was the first  
14           person he spoke to, who linked him into DC Cullen,  
15           Valerie Shaw, ultimately Captain Brian Gemmell, was  
16           given the designation "Informant A". So the  
17           communication here is from Roy Garland and there are two  
18           statements interposed with a letter from the Inquiry.  
19           Again here ultimately Roy Garland distanced himself from  
20           the call made to Social Services, but the Hughes Inquiry  
21           conclude the call did come from him, and that he doesn't  
22           give oral evidence to the Hughes Inquiry. It is clear  
23           from the transcripts there was great debate about that  
24           and ultimately the Inquiry's position may have been he  
25           did not need to give evidence to them, although there's

1 a newspaper report I will show you in due course which  
2 suggests he was not prepared according to him in  
3 a quotation to give evidence.

4 Of course, in addition to this, if we just scroll  
5 through the statement for now, please, through to 75625,  
6 the Inquiry has, as you saw yesterday with Richard Kerr,  
7 a large number of media contributions from Roy Garland  
8 about Kincora and his role in it down the years. As  
9 I have tried to make clear, what we are more focused on  
10 or what I am going to try to draw to your attention is  
11 not so much what subsequently has been said about past  
12 events, but what was being said at the time that then  
13 allows you to look at, "Well, who knew what and what was  
14 they knew?" in order to decide what they should have done  
15 with what they knew.

16 In addition to all of that primary material, as the  
17 Panel is aware -- and you can see how long it has taken  
18 me just to give you an overview of the volume of primary  
19 material that is available -- as the Panel is aware, the  
20 Inquiry also has a plethora of other statements from  
21 those with whom Roy Garland interacted in the 1960s and  
22 1970s, and some of their contributions will also be  
23 mentioned as we go along. They are to be found in the  
24 RUC Phase One Inquiry, the RUC Phase Two Inquiry, the  
25 Sussex Inquiry, also to a degree before the Hughes

1 Inquiry, and that material also feeds into the picture  
2 that I am going to try and condense and describe in  
3 hopefully a manageable way.

4 Now Roy Garland was born in 1940. I am afraid  
5 I don't at this point have a precise date of birth for  
6 him. If any of the core participants are able to help  
7 me with that, I am sure they will. He is married and  
8 has a number of children. Consequently from a human  
9 perspective, especially in light of some of the material  
10 we are going to look at, you may immediately understand  
11 his apparent reluctance, which will be demonstrated  
12 through the material we are about to look at, to have to  
13 disclose for public consumption the details of his  
14 relationship with William McGrath between 1955 and 1971.

15 He first met William McGrath in 1955, when he was  
16 15. He had heard McGrath speak at a mission about the  
17 need to evangelise Roman Catholics, who were in danger  
18 of becoming Communist, and it was part of McGrath's  
19 mission to recruit young people to take on this  
20 challenge. I am going to just mention the references  
21 each time as I go. You will find that material at 50646  
22 and 55012.

23 McGrath invited Garland along to his then house in  
24 Orpen Park in Finaghy. It was called "Faith House".  
25 Those who lived there were not restricted to just

1 McGrath's family. Others lived there and they pooled  
2 resources in a form of communal relationship. You will  
3 find that at 55012. From there William McGrath also  
4 operated what appears to have been his own missionary  
5 organisation, the Christian Fellowship Centre and Irish  
6 Emancipation Crusade.

7 In his 1982 article -- if we look, please, at 55012  
8 -- in his article to the Irish Times Roy Garland  
9 recounts his first two encounters -- if we can just  
10 maximise the second and third columns from about  
11 halfway, just beneath the strap line. Yes, if we can  
12 maximise that, please. Thank you. He records or  
13 recounts in 1982 his first two encounters in Faith House  
14 with William McGrath, explaining how William McGrath  
15 touched his leg and asked him what that meant to him.  
16 You can see the nature of the religious discussion that  
17 is then said to have taken place. You can see:

18 "He touched me again", again in the same form, just  
19 on the leg, "and again I responded similarly. Possibly  
20 realising my shock, he stated I must never permit anyone  
21 to touch me. I assumed that this was some kind of test,  
22 and he went on to talk about the very high standards  
23 which were required of young people in relation to sex.  
24 Even holding a girl's hand was to be discouraged, as it  
25 could lead to sexual arousal in the girl."

1           Reference then to having a close relationship with  
2           a member of his own sex; that David and Jonathan, Jesus  
3           and John, the beloved disciple, had close friendships,  
4           which had a physical side to them. He quoted the verse  
5           of a hymn. He says -- Roy Garland then says:

6           "I thought about this and then accused him of being  
7           a homosexual, though I didn't quite know what this  
8           meant. At this point he introduced me to his wife and  
9           family and this calmed my fears."

10           So you can see that that's the account that Roy  
11           Garland has given of the engagement he had with William  
12           McGrath.

13           Now some two months before as Mr X -- if we can  
14           look, please, at 21507 -- Roy Garland gave an interview  
15           to the Belfast Telegraph, and in the second column -- if  
16           we can maximise the second column for me, please --  
17           thank you -- in the third paragraph you can see:

18           "But his suspicions of McGrath grew between 1966 and  
19           1971."

20           So you can see just before that:

21           "He first met McGrath in 1955 at Faith House,  
22           Finaghy after being converted at a religious crusade.  
23           Early on their acquaintance he had accused McGrath of  
24           being a homosexual, but he (McGrath) had managed to  
25           convince him otherwise."

1           So that's -- you will see that again, and we looked  
2           at the subsequent version in 1982, and here you can see:

3           "But his suspicions of McGrath grew between 1966 and  
4           1971. During this period Mr X said that he 'was  
5           involved politically and religiously' and was a known  
6           member of a paramilitary organisation."

7           That's a reference to Tara. There is nothing to  
8           suggest any sexual activity between the two of them.  
9           That's what's being said in the newspaper.

10          If we move on to the next page, please, at 21508 and  
11          the first paragraph of the first column -- if you just  
12          can maximise the top of page for me -- that's great --  
13          thank you -- you can see he is saying as this public  
14          debate goes on:

15          "I never said that I had been corrupted by  
16          Mr McGrath, nor have I been".

17          If we just take that out again. While we are here,  
18          at the third column, because you will see this in the  
19          police statement when you come to -- as we come to go  
20          through it, that what was being publicly said -- you can  
21          see in the -- it is the second paragraph:

22          "Mr Paisley said, 'I said I would like to meet Mr X  
23          and Mr X came to the church and met me. He said he'd  
24          been corrupted by Mr McGrath'."

25          We will see some further material around that.

1           Now we're going to return to what exactly occurred  
2           between them later, but I want to digress just for a few  
3           moments so you can begin to understand the type of  
4           person that Roy Garland was trying to expose in the  
5           1970s in terms of the individual that was William  
6           McGrath.

7           I am going to refer to material that would come to  
8           the attention of Detective Chief Inspector Caskey as the  
9           RUC carried out its investigation. Of course, the  
10          15-year-old Roy Garland's 1955 assessment as he  
11          describing it in the newspapers of William McGrath as  
12          a homosexual, whether he fully revealed the basis of  
13          that to the newspapers or not, the assessment was  
14          correct, and I want to pause the Roy Garland story for  
15          just a moment to explain why I say that.

16          During the RUC Kincora Phase One investigation in  
17          1980 the RUC would speak to Valerie Shaw. I will be  
18          saying more about her in due course, but she was  
19          involved in Christian work, involved with the Free  
20          Presbyterian Church and Dr Paisley until 1975. Her  
21          information about McGrath, as we will come to see, came  
22          in the main from Roy Garland. Valerie Shaw explained to  
23          the police that in October 1976 -- just put this on the  
24          screen, please, at 10798 -- at a private function,  
25          a prayer meeting, she informed a social worker by the

1 name of Rita Johnston -- so this is October 1976 -- she  
2 tells Rita Johnston, the social worker, who worked at a  
3 Belfast Adult Day Centre called St. Martin's, but not  
4 involved with Kinchora, that one of Rita's adult clients,  
5 a man called R36, was suffering from mental health  
6 difficulties -- of course, R36's name should not be used  
7 beyond the chamber -- because of his previous  
8 association with homosexual men. It is clear from what  
9 is on the screen at 10798 that Miss Shaw named William  
10 McGrath as the individual concerned.

11 The police would in June 1980, if we can look,  
12 please, at 11405, would in June 1980 interview R36.  
13 Just scroll down through it, please. He was born in  
14 1930. As we look at this, you will see that he met  
15 William McGrath at religious meetings in 1948, therefore  
16 when he was 18. He explains that he later lodged with  
17 William McGrath and his wife in their Orpen Park,  
18 Finaghy home. So the place where Roy Garland would go  
19 and meet with McGrath and engage with McGrath from 1955.  
20 R36 explained he continued to reside in Faith House, as  
21 it was known, in Orpen Park up until he had a breakdown  
22 in 1958, when he was 28. As a result he went to  
23 hospital and had no contact with McGrath thereafter, but  
24 you can see that he explained to the RUC that during --  
25 if we scrolled -- just go up a little bit, please. You

1 can see on the screen he explained to the RUC in 1980  
2 that during the ten-year period of his involvement with  
3 McGrath between '48 and '58 he engaged in regular sexual  
4 activity in the form of masturbation, oral sex and  
5 simulated sexual intercourse without penetration  
6 actually occurring.

7 Now he married, that is R36, in 1960. He explained  
8 at the bottom of 11406 and then going on to 11407 that  
9 while he subsequently became aware of McGrath working in  
10 a boys' home in the Newtownards Road, he didn't know  
11 where it was, was never in it and didn't know any of the  
12 boys who resided there.

13 Now at the time that R36 and William McGrath, who  
14 was obviously much older than him -- his date of birth  
15 I think was 1916. So at that time I think William  
16 McGrath would have been 42 and he is 18 -- sorry -- 32  
17 and he's 18. At the time what R36 and William McGrath  
18 were engaging in, homosexual activity, the sexual acts  
19 were criminal offences. However, Chief Inspector  
20 Caskey, as he then was, recommended in August 1980 that  
21 in view of R36's personal circumstances, now married  
22 with children, he shouldn't face prosecution in respect  
23 of that historical sexual activity that he had disclosed  
24 to police. You will find the reference for that at  
25 10122. R36 was "R36" in Hughes.

1 I want to pick up the story just to complete the  
2 involvement of Ms Johnston and illustrate some of the  
3 difficulties involved by looking at -- if we can look,  
4 please, at 75277 at paragraph 4.131. So you have --  
5 this is someone who works in Social Services, albeit not  
6 in residential day care in terms of children, who is  
7 being spoken to in a private function, so not at work,  
8 is being given information about an adult that she had  
9 some involvement with who is said to be unwell because  
10 of historical engagement with William McGrath.

11 You can see -- if we just go out, please, you can  
12 see that the Hughes Inquiry then examines the  
13 circumstances around the communication to Miss Johnston  
14 and what it would or would not have been reasonable for  
15 her to do. The Hughes Inquiry make no criticism  
16 ultimately of Rita Johnston, who directed Valerie Shaw  
17 to speak to management, as it were, of residential and  
18 day care, albeit there seems to have been ultimately  
19 confusion between them and Valerie Shaw did not do that,  
20 and also Rita Johnston took steps to ensure that her own  
21 patient, as it were, who was said to have been affected  
22 in this way, R36, was safe and well, and how that was  
23 achieved is recounted. Rita Johnston gave evidence to  
24 Hughes, as did Valerie Shaw.

25 You can see, if we scroll through on to the next

1 page, please, that this engagement, this involvement  
2 with Valerie Shaw and these issues would then lead on to  
3 the Reverend Martin Smyth, and what he had to say as far  
4 as it related to Social Services would be considered by  
5 the Hughes Inquiry, because of a call he believed he had  
6 made to them in 1976. I want to mention it here so as  
7 to get it dealt with, because it also involves matters  
8 that predate Roy Garland's engagement with William  
9 McGrath but would it is said involve a call being made  
10 to Social Services then in 1976.

11 Reverend Martin Smyth would explain to  
12 Superintendent Cassidy in June 1982 during Phase Two of  
13 the Kincora Inquiry, when Detective Superintendent  
14 Caskey was investigating the veracity of allegations  
15 made by journalist Kevin Dowling of the Daily Mail in an  
16 article of 12th March 1982, that he, that is Reverend  
17 Smyth, had been informed in the early 1950s by a close  
18 friend, who he wouldn't name, that McGrath was suspected  
19 by police to be involved in homosexual activities.

20 Now this, if true, was also relevant as you  
21 consider, "Well, what did the police know?", if it is  
22 the case that, in fact, they were saying this in 1950 or  
23 in the '50s. The references for this you will find at  
24 20719 and 20170.

25 I just pause to observe that the Inquiry has not

1 received any police material from the 1950s relating to  
2 William McGrath.

3 In the 1950s the Reverend Smyth was a minister in  
4 Finaghy near where McGrath lived at the time in what was  
5 known as Faith House that we have just mentioned. If we  
6 look at 20719, please, Reverend Smyth explained to the  
7 police that a close friend had warned him in the early  
8 1950s that police suspected William McGrath of  
9 homosexual activities. Now it is not all clear who the  
10 person was who was passing this information or what  
11 their basis for what they had to say was. So you are  
12 heading towards triple, if not quadruple, hearsay, but  
13 Reverend Smyth explains in his statement he was less  
14 concerned about McGrath's potential homosexuality as the  
15 nature of the purported Christian work that Faith House  
16 was said to be engaged in. He had McGrath address  
17 a group at his church about that and said his group, as  
18 you can see in the statement, were no wiser after the  
19 talk than they were before it.

20 But he also revealed, if we can look at 20720, that  
21 he was approached by -- this is the last five lines or  
22 six lines -- he was approached by UDR Captain N. I want to  
23 ask you to note that name, because unfortunately this is  
24 like a spider's web. This name will come up again,  
25 because he was someone involved in the UDR and therefore

1 the Army in terms of what information was known and what  
2 was done with it. You can see here that Reverend Smyth  
3 is explaining that UDR Captain N along with a mutual friend  
4 approached him and spoke of his concerns and his  
5 experiences with McGrath.

6 Now just for the record -- and I will make this good  
7 when we get on towards UDR Captain N -- this is probably  
8 around 1968 that UDR Captain N is conveying this  
9 information or between 1968 and 1971. We will be coming  
10 back to it.

11 Reverend Smyth had spoken to police during Phase One  
12 of the Inquiry and had made a statement on 16th April  
13 1980. The reference for that is at 10790. We have  
14 looked at that. This was focused on what he was told by  
15 Valerie Shaw, what he says he told Dr Paisley and a call  
16 he says he made in 1976 to a Mr Jackson in the Eastern  
17 Health & Social Services Board to inform him of the  
18 allegations against McGrath after Reverend Smyth found  
19 out that McGrath was employed in a boys' home. Now it  
20 seems that information came from Valerie Shaw to him.  
21 The police were never able to trace the person the  
22 Reverend Smyth was referring to. You will find that if  
23 we look at 10086, please, paragraph 489. If we scroll  
24 down, please, we can see here the steps that were taken.  
25 Police weren't able to locate the person.

1           The Hughes Inquiry examined this in some detail, if  
2 we look at 75278, please, at paragraph 4.139. Just  
3 maximise 4.139. They went into some considerable detail  
4 to try and trace all the Jacksons who worked in one  
5 capacity or another for the Eastern Board and they were  
6 able to ultimately narrow it down to I believe two  
7 persons who it could conceivably have been, and both of  
8 those people were spoken to by police already and had  
9 made statements explaining they did not receive a call  
10 from the Reverend Smyth about this.

11           So it seems that he was certainly saying there was  
12 an intent on his part and a belief that he had  
13 communicated to Social Services concerns about William  
14 McGrath that had been communicated to him in and around  
15 1975/'76, but that had not been -- it's not been  
16 possible and no record has been produced to this Inquiry  
17 either by the Health & Social Care Board that would  
18 record a call from anyone anonymously or identified in  
19 '75/'76 of the nature that is being described here.

20           I want to just pause, Members of the Panel, just as  
21 we return to Roy Garland and observe that what we have  
22 now by 1955, when William McGrath first places his hands  
23 on Roy Garland, evidence that he's already engaged in  
24 much more extensive homosexual activity in the house he  
25 lived in with his wife and children and others, and



1 have copies of the ones he sent. According to one of  
2 the police statements the letters were kept in a locked  
3 tin box. After he parted company with William McGrath  
4 he would show at least some of these letters to Valerie  
5 Shaw and Dr Paisley in 1973 and '74 as proof of what he  
6 was saying about William McGrath. However, and more  
7 importantly for your purposes, he would also produce  
8 them to RUC Detective Constable Cullen during his  
9 meetings with him on some date between March '74 and  
10 July '74. It is the copies given to Detective Constable  
11 Cullen that are to be found in the exhibits to the RUC  
12 Kincora Phase One Inquiry and the exhibit number is  
13 DBE1. The copies that are available are typed, redacted  
14 copies of the letters received by Detective Constable  
15 Cullen. I don't know if it would be possible for  
16 Mr Robinson with his client to see if we can get the  
17 original, whatever the original that DC Cullen had, and  
18 we will see where that goes, and if there's anything  
19 more to report, I will bring it to your attention.

20 But you can see from this first letter in November  
21 1960 that William McGrath is now living -- if we just  
22 scroll up a little bit, please -- you can see he is  
23 living at 15 Wellington Park. So the Orpen Road,  
24 Finaghy house has been sold and he's writing from the  
25 new address at 15 Wellington Park.

1           If we just scroll through, Members of the Panel,  
2           there is underlining of the words that certainly those  
3           who were analysing the letters from their perspective  
4           have underlined, and as we go through, I am just going  
5           to move through them quickly, but if there's a place you  
6           want to stop and look at them in more detail, you can.  
7           It's the tone of the letters that would attract comment  
8           from the various individuals who saw them. Detective  
9           Constable Cullen obviously would receive them on behalf  
10          of the RUC in 1974.

11          Now if we look at 55012, please, you can see -- and  
12          just if you look at the centre bottom, as this starts to  
13          be able to be dovetailed, just that paragraph that  
14          begins:

15                 "In January 1961 ..."

16          Yes, that's right. If you just highlight that for  
17          me, that section there down to the bottom of the page.  
18          Thank you. You can see:

19                 "In January 1961 McGrath carried out a campaign in  
20          mission halls under church -- under churches -- and  
21          churches" -- sorry -- "in England. He asked me to meet  
22          him at the Foreign Missions Club in London.

23                 This was a strange and eerie meeting during which he  
24          left ..."

25          So you can see that it's being said that Roy Garland

1 would meet up with William McGrath in London in  
2 January 1961 and their exchange there would lead  
3 according to Roy Garland -- if we look at 55012, please,  
4 and this time the fifth column -- so one, two, three,  
5 four, five. Yes. Yes. Just blow that up for me,  
6 please. Thank you.

7 "The effect of the meeting was such that I wrote to  
8 him saying that I thought that he was an evil man and  
9 that I did not wish to have any further contact with  
10 him. He said that the devil was seeking to destroy our  
11 friendship because it had great potential for God."

12 He said:

13 "This is one of the letters that I showed to Ian  
14 Paisley in '74 to try to convince him ..."

15 Now that letter trying to break off contact is not  
16 one of the letters that was produced to DC Cullen.  
17 I can't -- I don't have what, if any -- and I think from  
18 the flow of the evidence ultimately the letters that  
19 were shown to Dr Paisley were given back to Valerie  
20 Shaw, who gave them back to Roy Garland, but whatever DC  
21 Cullen was given, this was not one of them, but it seems  
22 that whatever McGrath said in reply, it produced  
23 an apology from Roy Garland, and none of those letters  
24 are available. It may be for whatever reason they were  
25 not in a position to be or were not produced by Roy

1 Garland to Detective Constable Cullen.

2 But there is a letter of 30th January 1961, if we  
3 look at 10923, please, and you can see the tone again,  
4 the words that are underlined. Now this -- if in  
5 between there is a communication breaking off contact  
6 and then another communication reestablishing it, there  
7 is no hint of that in the letter that we are looking at  
8 in January 1961, and instead you can see the type of  
9 language that's being used in the first two paragraphs.  
10 You can see it certainly suggests that he has told, as  
11 in William McGrath has told, Roy Garland something of  
12 some importance. If we just -- subject to you wanting  
13 to -- if we just scroll down through the letter, again  
14 you can see the underlined words to which attention is  
15 being drawn.

16 The next letter from Roy Garland produced to the  
17 police was dated 15th January 1962. So it's eleven and  
18 a half months later, and you will find it at 10927, and  
19 you may consider as you look at the language that's used  
20 that it is very warm in tone. Just scroll down, please.  
21 One of the things that I would ask you to bear in mind  
22 as you are reading these letters, it is not just it  
23 shows the nature of the communication between William  
24 McGrath and Roy Garland, interesting as that might be.  
25 It's that this is the information that made its way into

1 the hands of the RUC, and ultimately the then Assistant  
2 Chief Constable, William Meharg, who turned out to be  
3 the longest serving police officer in the United  
4 Kingdom, was reading these letters and having to form  
5 a view about what they may have meant.

6 Now if we move on to 10928, please, then we have  
7 a letter of 5th February 1962. You can see it's talking  
8 about when there will be the opportunities to meet up.  
9 If we scroll on to the next page -- so you can see in  
10 that paragraph there's been some questions raised and  
11 that the author of this letter, William McGrath, is  
12 answering.

13 If we scroll down further, please, at 10931 then we  
14 have a letter of 2nd March 1962, so about four weeks  
15 later. You can see that in this in the second  
16 paragraph William McGrath is replying to something that  
17 was said to him. You can see then again the wording  
18 that has been underlined.

19 The last available letter then is a few months  
20 later, 2nd July 1962, at 10932. If I can pause at the  
21 end of you having a brief look at the letters to also  
22 observe that Roy Garland was obviously producing them as  
23 part of his evidence, whatever he was saying about his  
24 own engagement with William McGrath, as evidence of  
25 William McGrath's tendencies. So anyone reading the

1 letters understands that those who they were produced to  
2 they were produced to as evidence of "This is a bad  
3 man", whatever else was said to accompany them.

4 If we look, please, at 10501, this is the interview  
5 between Detective Chief Inspector Caskey and William  
6 McGrath on 1st April of 1980. You can see he's asked  
7 about an emotional block.

8 "A. It's a very common complaint. Some people even  
9 play a piano -- some people can't play a piano.

10 Q. How do you get rid of it?

11 **A. Medical people will deal with it."**

12 Then he is asked:

13 **"Have you ever talked to boys about an emotional**  
14 **block?"**

15 **If we scroll down a little further, please:**

16 **"Q. Do you talk to people who have sexual problems?**

17 **A. Not that I know of.**

18 Q. Wouldn't the allegations of some of the boys  
19 back this up?

20 **A. No.**

21 Q. Did you ever write to people on emotional  
22 blocks?

23 **A. Not to my knowledge.**

24 Q. Would you say that letters from one male to  
25 another male containing romantic matters would be

1 homosexual?

2 A. Yes, they would be I would say. So if there is  
3 a physical element, one would say it was homosexual."

4 Then, as you can see:

5 "Detective Chief Inspector Caskey then read from  
6 letters, DBE1 ..."

7 So those are the documents we have been looking at:

8 "... and referred to specific portions of them. One  
9 you saw, 'Have to keep your big legs well scrubbed.  
10 Someone might want to see them again'.

11 Q. Isn't that's peculiar?

12 A. It depends on the context. It could be innocent  
13 or it could be vile.

14 Q. 'You're quite a boy, irresistible', etc. What  
15 context is this?

16 A. It could be innocent; it could be vile.

17 '... however, my dear'. To that the defendant  
18 replied -- 'So don't forget to bring bathing briefs  
19 home, however, my dear'. To that the defendant McGrath  
20 replied, 'Uh-huh, Garland'.

21 Q. Did you write that?

22 A. It sounds like a letter I wrote to him.

23 Q. In what sense?

24 A. In the sense that my wife and I invited him to  
25 go on a holiday.

1           **Read from the letter, 'Now my dear'. At this point**  
2           **the defendant McGrath interrupted to say, 'To reduce to**  
3           **writing is impossible what is so big'.**

4           Q. What is so big?

5           **A. His opening to understanding of what was**  
6           **happening in Ireland.**

7           Q. Here was a lad from the Shankill with average  
8           knowledge of what?

9           **A. History of his country.**

10          Q. Religion or politics?

11          **A. Mixed."**

12          Scroll down further, please. So he is asked about  
13          the letters and it goes on for another couple of pages.  
14          I am not going to spend any more time on it, but you  
15          can see, if we just scroll through, please, through to  
16          10505. So he would in answering the letters explain  
17          that they weren't homosexual in nature. That was his  
18          position, but they were being produced for a different  
19          reason it seems by the recipient of them at least in  
20          the 1970s.

21          Now Roy Garland would explain in the first Irish  
22          Times article of 13th April 1982 that his father died in  
23          September 1962. This is the 55012 and the fifth column.  
24          As a result McGrath encouraged him to carry on with his  
25          father's small business. It appears that the

1 communication to Detective Constable Cullen about the  
2 history was a little different in that it is said in  
3 1964 he, Garland, had the opportunity to purchase a  
4 business and William McGrath, Garland claimed, managed  
5 to go into partnership with him. That is according to  
6 Detective Constable Cullen. You will find that at  
7 114067 or 50647 at paragraph 10. It would be debts  
8 incurred by William McGrath in Roy Garland's name that  
9 would ultimately lead to Roy Garland's litigation  
10 against McGrath in 1971.

11 But before we get there, in 1965 Roy Garland says in  
12 his newspaper article he had been invited by McGrath to  
13 join a ginger group called Cell, which would be  
14 ultimately the precursor to Tara. The reference for that  
15 is on the sixth column of 55012.

16 Then in September of 1966 he went on to explain --  
17 this is Roy Garland saying he and William McGrath went to  
18 meet the Reverend Ian Paisley to tell him that he, the  
19 Reverend Paisley, was being linked with the UVF. So you  
20 can see the circles that the two of them are moving in  
21 together in political terms. You will find the reference  
22 for that at 55014.

23 Then in November 1966 Roy Garland explains in his  
24 newspaper report that the name of the ginger group had  
25 then changed from Cell to Tara and now McGrath was the

1 Chairman.

2 In the '82 Irish News -- Irish Times articles at  
3 55014 in the second column Roy Garland explains that in  
4 the summer of 1969, according to him, that is Roy  
5 Garland, a special meeting of Tara decided that  
6 a Rotaprint machine -- if we just bring up 21138,  
7 please -- a Rotaprint machine would be purchased to  
8 allow the printing of literature to support the Tara  
9 cause. James Havern, who was assistant to the Reverend  
10 Paisley, and Roy Garland were said to be the guarantors  
11 and William McGrath was the signatory to the credit  
12 agreement. You can see the credit agreement which was  
13 produced to the RUC in 1980. If we just scroll through,  
14 please, there are three pages to it, and we will see on  
15 the third page I think the names of the guarantors.  
16 Just scroll down a little further, please. You can see  
17 also David Browne's name appearing as well, who was also  
18 involved in Tara.

19 Then on Thursday, 14th August 1969 in the midst of  
20 civil disorder and death on the streets Roy Garland and  
21 William McGrath were part of a delegation along with the  
22 Reverend Paisley that met the then Prime Minister, James  
23 Chichester-Clark, at RUC Headquarters in the dead of  
24 night. He explains that in the article. It is just  
25 after that period he was the publicity officer of the

1 Young Unionist Council. So heavily involved in Unionist  
2 politics.

3 In 1982 Garland would explain that in January 1970,  
4 when Tara secured permission to use a room in the Clifton  
5 Street Orange Hall, the ginger talking group Tara was now  
6 a group in paramilitary form, though perhaps not in terms  
7 of the common understanding of that word in this country  
8 at this point of our history. If I can explain, I am  
9 making reference to it now, because when we come to look  
10 at the intelligence material, you will see a constant  
11 reference to Tara, and it was this move from a talking  
12 group of individuals with a particular viewpoint on life  
13 in Northern Ireland moving to this quasi-paramilitary  
14 grouping formed in a central command with platoons in  
15 various areas, albeit with a defensive mindset as opposed  
16 to proactively --

17 I think, to quote Chris Moore, it never fired a shot in  
18 the Troubles, as they are characterised, but the fact  
19 that they existed is something that becomes of interest  
20 to the security forces, who are then looking at personnel  
21 who were involved in it.

22 Here you have Roy Garland explaining that the start  
23 of that in terms of Tara in that form he dates from  
24 around about January 1970. Of course, you will recall  
25 that William McGrath begins working in Kincora in

1 June 1971, that the catalyst for him taking that  
2 employment is there's been the fall-out with Roy Garland.  
3 He's had to sell the house in order to pay the debt  
4 ultimately that would form part of their litigation and  
5 so -- but at this point in time, January 1970, Garland is  
6 with McGrath in Tara in this new form, and by his own  
7 admission in the newspaper article explains he was the  
8 second-in-command of Tara.

9 As I said, it had this form of central command  
10 structure and then different platoons in different  
11 areas. The sergeants of each platoon would then attend  
12 a monthly central meeting, and we will in due course see  
13 what the police, army and intelligence agencies knew  
14 about it as well as McGrath. It was an organisation  
15 ready to be stepped -- to step in and to assist with  
16 what was called the "Doomsday Scenario" arising from  
17 perceived forthcoming British withdrawal from Northern  
18 Ireland.

19 On 28th June 1970, so happening around the same  
20 time, a new Orange Lodge, known as Ireland's Heritage  
21 Lodge, was formed. In keeping with McGrath's views, it  
22 had a sense of Irishness, perhaps different from some  
23 other Orange Lodges. It had -- and this will become  
24 a comment you will see in DC Cullen's material -- a 1917  
25 hymn penned by an IRA hunger striker called Thomas Ashe

1 was sung at the inauguration and the new lodge  
2 ironically received you may think endorsement from the  
3 Republic of Ireland's Department of Foreign Affairs.

4 Now Garland's involvement with William McGrath would  
5 continue until it seems they fell out in 1971, so sixteen  
6 years, by which time Roy Garland was 31 and William  
7 McGrath was 55. The basis of the falling out is not  
8 entirely clear. It may have been a mix of financial  
9 issues.

10 If we look, please, at 55015 and the third column and  
11 I think it is -- yes, the first half of the third column,  
12 you can see, if we just leave it at that size on the  
13 screen, that Roy Garland would explain that in early  
14 August 1971 he stopped attending Tara meetings. He also  
15 said that he visited a man who had been in the Tara group  
16 in 1968, but who left in what Garland described as  
17 mysterious circumstances. If we just scroll down a  
18 little, please. Scroll down a little further, please.  
19 We will shortly see he is referring to UDR Captain N and the  
20 circumstances were not really mysterious. UDR Captain N would  
21 explain to the RUC that he discovered in 1968 that  
22 William McGrath was a homosexual and a hypocrite as far as  
23 he was concerned and he, UDR Captain N, wanted nothing more  
24 to do with him.

25 In Roy Garland writing his third article with Andrew

1 Pollak in the Irish Times on 15th April 1982 -- and you  
2 can see at the bottom of the second column that's on the  
3 screen what Roy Garland says about his involvement in  
4 homosexuality with William McGrath. He then explains in  
5 the third column, and this is the fifth paragraph, bottom  
6 right, beginning:

7 "I decided ..."

8 You can see:

9 "I decided that it was my duty to warn young men  
10 that I had introduced to Tara, to McGrath's prayer  
11 meeting and to Ireland's Heritage Lodge. Most of them  
12 confirmed my worst fears that McGrath had been attempting  
13 to corrupt them, although none of them had to my  
14 knowledge been corrupted in the sense of becoming  
15 homosexuals."

16 So you can see that what Roy Garland is saying is,  
17 "There was an attempt to touch me on the leg and after  
18 I fell out with William McGrath I wanted to warn other  
19 people, and I spoke to them and my fears were confirmed  
20 about it, although none of them were corrupted in the  
21 sense of becoming homosexuals".

22 Now you may consider, like the Belfast Telegraph  
23 article, which referred to Roy Garland as Mr X, the  
24 article doesn't contain any acknowledgment of homosexual  
25 activity between William McGrath and Roy Garland or

1 indeed any purported knowledge on Roy Garland's part of  
2 homosexuality -- of homosexual activity between William  
3 McGrath and anybody else.

4 On 21st February 1972 The Gazette, now The Belfast  
5 Gazette, recorded that Roy Garland obtained judgment  
6 against William McGrath for £1,280.40 in respect of the  
7 money that William McGrath had not repaid to him. You  
8 may consider that to be clear evidence of the financial  
9 issues that there undoubtedly were between William  
10 McGrath and Roy Garland at the end of their  
11 relationship, however it should be characterised.

12 Consequently in 1973 -- and you will remember we are  
13 talking about the anonymous call to Social Services in  
14 '73 and then to the police in '74 as well as a series of  
15 meetings across '73 and '74 -- in 1973 Roy Garland went  
16 to Queen's as a mature student, did a social services  
17 degree and would become a teacher, by which time he was  
18 already attempting to draw attention to William McGrath.

19 In his third article in the Irish Times of 15th  
20 April 1982, when he's explaining -- if we look at 55016,  
21 please, and it's in the first column -- when he's  
22 explaining the position around drawing attention to  
23 William McGrath, for whatever reason the article does not  
24 mention the anonymous call to the RUC in May 1973, though  
25 he had mentioned that as Mr X in the Belfast

1 Telegraph in terms of his involvement with DC Cullen  
2 without being specific. It doesn't mention an anonymous  
3 call to the Social Services Office at the Hollywood Road  
4 in Belfast, which we know was 23rd January '74, but he  
5 did again as Mr X make reference to it, and we saw that  
6 earlier, to the anonymous call to Social Services, and  
7 he has in the article here mistaken the date when he  
8 first spoke to DC Cullen. It appears to have been 1st  
9 March 1974. He is here saying it is 1971/'72 you can  
10 see.

11 He doesn't mention at all speaking to Army  
12 intelligence, which he did in 1975 or before, if we  
13 count UDR Captain N in that bracket, and I will explain to  
14 you in due course what I mean by that.

15 Now if we look, please, at 30343, I have mentioned  
16 to you already that on 23rd May 1973 Roy Garland would  
17 make an anonymous call to the RUC on what was then the  
18 Rovaphone system. Perhaps if we --

19 CHAIRMAN: Well, I think this is quite a complicated area we  
20 are going to get into.

21 MR AIKEN: It is. It is.

22 CHAIRMAN: I suspect we would not finish it within  
23 a reasonable time.

24 MR AIKEN: No.

25 CHAIRMAN: I think again it is perhaps sensible to stop at



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