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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 Thursday, 23rd June 2016

commencing at 10.00 am

(Day 214)

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

1 Thursday, 23rd June 2016

2 (10.00 am)

3 Material relating to Social Services, police, army and
4 intelligence services dealt with by COUNSEL TO THE INQUIRY
5 (cont.)

6 CHAIRMAN: Well, ladies and gentlemen, if anyone has
7 a mobile phone, please ensure it's either turned off
8 completely or placed on "Silent"/"Vibrate", and I must
9 remind everyone that no photography is permitted here in
10 the chamber or anywhere on the Inquiry premises.

11 Finally for the benefit of anyone that has not been
12 here today -- sorry -- on previous occasions but are
13 here for the first time today, names may be mentioned of
14 people in the chamber to whom we have given
15 a designation. This is for ease of reference for
16 everybody as we go through the evidence, but those names
17 must never be used outside the chamber without the
18 Inquiry's express permission.

19 Morning, Mr Aiken.

20 MR AIKEN: Morning, Chairman, Members of the Panel. We
21 finished last night. We were about to move on to look
22 at Roy Garland's anonymous call to the RUC on 23rd May
23 1973. If we can bring up on the screen, please,
24 KIN30343, and we are going to look at this document
25 a number of times over the coming days from different

1 directions. We will look in due course at what the RUC
2 did with the information that was provided anonymously,
3 but just for now I want to ask you to concentrate on
4 what the information actually is.

5 So last evening we were looking at what Roy Garland
6 had said in the 1980s about his contact with William
7 McGrath and making reference to his efforts to make --
8 draw attention to William McGrath. What we are going to
9 look at now is this is what was actually said, although,
10 as I indicated to you, both anonymous calls, Roy Garland
11 would accept certain parts of it were accurate but not
12 all of it. I want you to look very closely at what he's
13 actually saying or what's actually being recorded in the
14 call.

15 So you can see that it's got a subject at the top
16 "Anonymous information received on the confidential
17 telephone line". This was the Rovaphone system, the
18 precursor to today's Crimestoppers' system. You will
19 see if we just scroll down a little bit so we can see
20 the numbers -- no, other way -- sorry -- in the top
21 right corner you see "Reference number 2024". So this
22 is the 2024th anonymous call in 1973 and this is May.
23 So it gives some idea of the extent, but looking at the
24 information:

25 "There appears to be a vice ring which is centred in

1 William McGrath, 188 Upper Newtownards Road."

2 So that is William McGrath's home address in 1973,
3 not Kincora, which was at 236 Upper Newtownards Road:

4 "There appears to be a vice ring which is centred in
5 William McGrath's, 188 Upper Newtownards Road, who is
6 employed as a social worker at Kincora Boys' Hostel, 236
7 Upper Newtownards Road."

8 Now this call has been described as a call about
9 what William McGrath was doing at Kincora, but I want
10 you to look very closely at the language that follows,
11 because what it actually says:

12 "McGrath practises various kind of homosexual
13 perversion, but is known to be indulging in other kinds
14 of perversion as well. He is deeply involved in
15 underground politics and boys of his are involved in all
16 shades of Unionist politics. Most of these young men
17 would have been involved in perversion with him
18 personally and he is not adverse to pressurising them
19 into adopting policies according to his political
20 objections which are unknown."

21 So if we can just pause there, what's being said --
22 "objections" might be "objectives" -- but what is being
23 said is that it is with the, and phrases used, "boys"
24 and then "young men" in politics with whom William
25 McGrath is involved who he is involved with sexually and

1 is utilising that sexual activity to manipulate that
2 group of boys/young men who are involved in the
3 politics. It then goes on to say:

4 "He has contact with certain local MPs who are known
5 for their homosexuality and it is thought that this is
6 the lever used to obtain his job as a social worker."

7 So you can see, if we pause there, that the part
8 that does relate to Kincora is not an allegation being
9 made that he is using his position in Kincora to engage
10 in homosexual activities, but that he has used his
11 homosexual contact in politics to get the job in the
12 first place. It then goes on to say:

13 "He has contacts throughout Northern Ireland and
14 also in London and beyond. He is constantly in
15 financial difficulty. He leads a secret militant
16 organisation known as Tara. He is widely known among
17 Loyalists and others, but mainly because of the shame
18 and danger attached to exposing him and the
19 repercussions he is allowed to continue. His methods of
20 dealing with boys is to suggest homosexual activities
21 will cure a variety of complaints ..."

22 Now if I can just pause there as you reflect on the
23 evidence in week one and all of the individuals who
24 spoke about their involvement with McGrath and those who
25 were aware of the involvement of others with McGrath,

1 whether any of them spoke about communication in that
2 form.

3 "... McGrath claims the boys are suffering. Once
4 allow McGrath to get his hands on them then they are
5 wide open to exploitation, sexually, politically and
6 financially."

7 Now, as I have said to you, that call -- this is
8 often the difficulty, as you know, Members of the Panel;
9 the reality of things is perhaps more in the detail than
10 in the headline -- but the call has been represented as
11 about McGrath abusing boys in Kincora. If you look at
12 what's actually said, it's of a rather different order.

13 What I'm going to suggest at this stage in the
14 context of what we're looking at in terms of Roy Garland
15 is you may wish to reflect on whether this is something
16 of a personal confession from Roy Garland of his
17 experience of and activities with William McGrath prior
18 to their fall-out, whatever be the reason for it, in
19 1971.

20 I want to ground what I say by showing you at this
21 point three different sets of documents. The first is
22 Roy Garland's own statement to the Sussex detectives in
23 1982. The reference for that -- I am not going to go to
24 it just yet -- is at 40688 to 40691.

25 The second set of documents are in the hand or the

1 typewriter in some cases of Detective Constable Cullen
2 recording what he says he was told by Roy Garland
3 between March and July 1974. So those documents will be
4 of assistance to you not just now as we look at Roy
5 Garland but also in reflecting on when we come to look
6 at what the police knew and what they did with that
7 knowledge, and those documents run from KIN114065 to
8 114100. There's a more limited version of them also at
9 50666 to 50670.

10 The third set of documents that I want to look at in
11 this context is the police statement obtained by the
12 Sussex superintendent from Jim McCormick, which is at
13 KIN40702. You have heard me mention his name before.
14 He was a vet but also an evangelist, and Roy Garland
15 went to see him for counselling after his break with
16 McGrath in 1971. Ultimately Jim McCormick would be the
17 conduit through which Roy Garland would meet the RUC in
18 the form of Detective Constable Cullen, would meet the
19 Army in the context of Captain Brian Gemmell, and also
20 Valerie Shaw that would then spark off her communication
21 with a series of individuals, including Superintendent
22 John Graham.

23 Now if we look, please, first -- if we go to 40688,
24 please, if we look first at the statement Roy Garland
25 made to the Sussex superintendents on 30th March 1982,

1 and if we scroll down, please, he is giving the
2 background. Now at the bottom of the page you can see
3 what he is describing was the engagement physically with
4 McGrath:

5 "As far as I can recall it was at that first meeting
6 that he suddenly put his hand above my knee just on
7 my" -- if we scroll down, please -- "just on my lower
8 thigh. He said to me something like, 'What does that
9 mean to you?' I said, 'Nothing. It means nothing'. He
10 then opened the front of my trousers and touched my
11 private parts. He said, 'What does that mean to you?'
12 I said, 'Nothing. It means nothing to me'. He then
13 instructed me never to let anyone do that to me, saying
14 that my body was a sacred thing. He continued to make
15 this type of approach to me throughout my teens until
16 I went to the All Nations Bible College, Maidenhead in
17 1962.

18 I recall that when I was about 16 years old
19 I accused him of being a homosexual. He just introduced
20 me to his wife and children."

21 Now if we just pause there, you will recall
22 yesterday we saw going to bible college was in 1960. We
23 have seen the letters that were going on through to
24 1962, and what -- in contrast to what was being said to
25 the RUC in 1980 what's being said to the Sussex

1 superintendents is that the advance was not just on to
2 the leg, but opening the trousers, and that it's gone on
3 for a number of years.

4 Now -- so it may be, as I have said, the dates are
5 wrong, but if I summarise it this way. He appears to
6 have been acknowledging, albeit in brief terms, that
7 sexual activity had been recurring over a prolonged
8 period of time in terms of McGrath interfering with him
9 in this way.

10 As you will come to see, Roy Garland was more
11 forthcoming with the Sussex superintendents than he had
12 been with the RUC and he would subsequently express the
13 view -- if we look, please, at 20247, and this is the
14 statement of George Caskey. We will see he is speaking
15 to Roy Garland. If we scroll down, please -- and this
16 is post the statement that Roy Garland has made to the
17 Sussex superintendents -- you can see -- scroll down
18 a little, please, further:

19 "... expressed concern about the way the interview
20 was going. He said that the Sussex Police had got him
21 to explain further about McGrath and himself than what
22 he would have liked. When asked to explain that,
23 Garland said that they got him to put in his statement
24 to them that McGrath had touched him on his privates."

25 Scroll down, please:

1 "He would have preferred not to have this matter
2 discussed in depth."

3 We will also look in due course at what the Sussex
4 detectives have to say about that as well.

5 However, you may have the impression from the
6 combination of the two statements that perhaps Roy
7 Garland had much more to tell than he was prepared to or
8 did disclose for his reasons to either police force in
9 1980 or 1982.

10 I say that because I want to show you now a series
11 of records, some typed, some handwritten, which
12 Detective Constable Cullen would claim to the Hughes
13 Inquiry were made by him between March 1974 and
14 July 1974 during his various meetings with Roy Garland.
15 What these documents contain is also very significant in
16 relation to what the RUC did or should have done in 1974
17 and how they came to light in terms of how these
18 documents came to light will also be of later interest.

19 So I want to first show you -- if we bring up,
20 please, 114098. I am going to take a little time to try
21 to explain these documents so they are fully understood,
22 because we are going to have to come back to them
23 a number of times for different reasons. You will see
24 in the top right corner that this is entitled "DBE16"
25 and I tried to explain this yesterday. I hope it made

1 sense to some extent. You will see it is a typed
2 document. It is not the main copy, but it is
3 a secondary -- I'm sure -- perhaps one of our witnesses
4 will be able to explain, but it's -- a carbon is likely
5 to have been -- the main document will have had lines on
6 the page and this is an underneath copy dated
7 21st March 1974. You can see it comes from Donegall
8 Pass. It is from Detective Constable Cullen and it's
9 addressed, as you can see, to ACC Meharg. So that's the
10 Assistant Chief Constable William Meharg, who was in
11 charge of CID in the RUC in 1974. It is in the form of
12 a report. It has 23 paragraphs.

13 It does contain, you can see in paragraph 2, where
14 McGrath lives and also where he works. You can also see
15 that the resident superintendent of Kincora Boys' Hostel
16 where he works is a "Mr Joseph Maynes", spelt wrong, but
17 the name is there. I am just going to give you
18 an opportunity to read this document rather than me
19 reading it out, but the information that is conveyed in
20 the 23 paragraphs is background information about
21 William McGrath.

22 CHAIRMAN: Can we just go back to the top of the page for
23 a moment? So this follows the conventional layout of
24 a report from a police officer to a senior officer of
25 whatever rank. In this case, in fact, it's to the most

1 senior detective in the RUC.

2 MR AIKEN: Yes.

3 CHAIRMAN: Saying which station he's in, his branch and the
4 date and then to whom it's sent.

5 MR AIKEN: Yes.

6 CHAIRMAN: Whether it's merely a draft or a copy of
7 a completed document, nonetheless it has all the
8 hallmarks of being a formal and official report by
9 a police officer to his superiors.

10 MR AIKEN: Yes. This is the document, DBE16, that -- and we
11 will look at this in greater detail for a different
12 reason in due course -- but this is the document that
13 Detective Constable Cullen produced to the RUC Phase One
14 Inquiry, so produced to Detective Chief Inspector
15 Caskey, as the report that he provided to Assistant
16 Chief Constable William Meharg in March 1974.

17 If we just scroll down a little further, so you can
18 see that the document is giving historical background
19 that the officer has been able to establish about the
20 housing status and the movement and the development of
21 his missionary organisation, the moving. Ultimately in
22 paragraph 7 you can see -- sorry -- paragraph 6 --
23 moving from Orpen Park in Finaghy to Wellington Park.
24 That was in 1960. You will recall in the McGrath letter
25 we looked at yesterday, the one from the end of 1960 was

1 being written from Wellington Park.

2 Then you can see in 1967 it is recording the move to
3 4 Greenwood Avenue on the Upper Newtownards Road and
4 recording the transaction around that. You can see it's
5 being noted then about the litigation, as it were,
6 between McGrath and Garland and recording in the
7 Commercial Gazette of 21st February 1972 the fact of
8 that. Then you can see:

9 "The sale of Greenwood Avenue was compulsory to pay
10 off debt to my informant."

11 So DC Cullen is talking to Roy Garland, and it may
12 be noted that his occupation stated in that publication,
13 ie the Belfast Gazette or the Commercial Gazette, as it
14 was known then, is a welfare officer.

15 "I understand that he likes to create this
16 impression."

17 Then you can see:

18 "Later McGrath moved to his present address at 188
19 Upper Newtownards Road, Belfast.

20 He is married and has a family of three."

21 Now what I ask you to note at this point, I want you
22 to look closely at paragraph 9, and you can see
23 paragraph 9:

24 "William McGrath is married and has a family of
25 three."

1 Then I want you to see where paragraph 10 begins.
2 So there's nothing else there at least in this copy
3 between that sentence at the start of paragraph 9 and
4 the sentence that starts paragraph 10.

5 CHAIRMAN: So although this will not appear clear from the
6 transcript, what we see on the screen looks as if
7 a large space has been left, into which subsequently can
8 be inserted more typed information.

9 MR AIKEN: Yes.

10 CHAIRMAN: Because we then find the next numbered
11 paragraph continuing as if something is going to be put
12 in later.

13 MR AIKEN: Yes. It does not appear -- and we will be able
14 to maybe explore this a little bit more -- I know
15 Mr Robinson and the PSNI are looking around these issues
16 at the moment -- it doesn't appear there was text here
17 that has been redacted out. It is just that there is
18 not typing in that space.

19 Then you can see:

20 "My informant had the opportunity of purchasing
21 a small business in [blank]."

22 So this is a position where a word appears to have
23 been removed possibly or it's been left blank because
24 the position is not precisely known:

25 "William McGrath by very subtle pressures managed to

1 go into partnership on an equal basis stating that he
2 would pay half the purchase price, which he never did.
3 The business did quite well, but McGrath borrowed from
4 his partner", Roy Garland, "to the amount of £2,000.
5 McGrath also started a sideline in carpets. This
6 venture resulted in him occurring debt in my informant's
7 name. Hence the later action to recoup the money owed."

8 If we scroll down a little further, please. Just
9 pause there. You can see another reference to carpets,
10 but in paragraph 11 it is being said:

11 "... was alleged to be importing carpets from
12 Belgium, but Roy Garland was under the impression that
13 the advertisements were of a sinister nature, conveying
14 a message other than the obvious."

15 So, as I said at the outset of looking at who knew
16 what, it's not whether what's being said is accurate or
17 not, but it's the fact that this is what's being said
18 and the questions that arise from it is based on what's
19 being said, what should be done about it?

20 You can see in paragraph 12 there is another line of
21 business being referred to about selling second-hand
22 furniture. Then reference to having a job as a filing
23 clerk in '70 and '71 in an estate agent's office.

24 Now the next paragraph I would ask you to note very
25 closely:

1 "On a number of occasions when my informant", Roy
2 Garland, "was present McGrath gave the impression that
3 he was a qualified masseur. He said that he was in
4 possession of a massage machine.

5 Quite recently it is alleged that he approached
6 a person working in the chemistry business and asked if
7 he could obtain arsenic or strychnine.

8 It is understood that William McGrath originally
9 comes from around Bleary."

10 Then you can see a space appears to be left in
11 paragraph 17. There's a start of a paragraph 18 as in
12 the number is there, no text. Then paragraph 18
13 restarts. So if it is the case that it's a draft
14 document, it is not perhaps the most impressive in its
15 form, but you can see the second paragraph 18 has text:

16 "Subject has also close connections with the British
17 Israelites. Some known associations in this religious
18 body" -- sorry -- "some known associates in this
19 religious body are."

20 If we scroll down, please, then it appears that --
21 at the moment we can't say and we will try and work on
22 whether the position is there was text there that's been
23 removed or the drafter has drafted it without putting in
24 the information that would identify who he's talking
25 about, and we will maybe come on to look at Detective

1 Constable Cullen's exchanges with Assistant Chief
2 Constable Meharg. He would say to the Hughes Inquiry
3 there was more information conveyed verbally than that
4 which is contained in the document, but associates are
5 being given. You can see in the second paragraph the
6 allegation is that William McGrath has ruined whoever
7 this person is financially. You can see that it is then
8 suggested:

9 "It is thought that [that person] would be worth
10 interviewing in relation to William McGrath."

11 Then you can see paragraph 20, that:

12 "A lady called [something] was very friendly with
13 McGrath for many years. It is alleged that her present
14 mental condition is due to pressures from McGrath."

15 We will see a reference to a KIN358 in due
16 course in another document from Roy Garland and it may
17 be that's who is being spoken about, but you will be
18 able to look at that document and see your view on it:

19 "I understand she has had treatment at mental
20 institutions."

21 Then at paragraph 21 reference is made to someone
22 who works in the Corporation Welfare Department of
23 [blank] and is believed to have obtained the job for
24 McGrath at the Kincora Boys' Hostel."

25 I think it is possible to work out who is being

1 referred to there. It's a man by the name of McGowan,
2 but we will be able to look into that a little further.
3 Then it is said:

4 "There is in existence a Loyalist
5 Committee comprising of prominent Loyalists.

6 [Something], who is the son of an Assembly man, is
7 passing on information to [somebody] junior, 20 years,
8 who is under the influence of William McGrath."

9 You can probably work out that's likely to be Frank
10 Millar Junior that's being referred to. As you know, he
11 ultimately would marry William McGrath's daughter.

12 Then you have at paragraph 23:

13 "[Someone] who is 20 years approximately at a house
14 beside a postbox (present address unknown) is said to be
15 under the influence of McGrath. It is alleged that he
16 was in the civil rights or Republican movement and later
17 was a member of John McKeague's Defence Association. He
18 is now a member of the Young Unionists."

19 There the document ends. So that is DBE16. I ask
20 you to bear in mind -- if you want it look at it again,
21 we can go back up to let you see -- paragraphs 9 and 14
22 in particular.

23 Now I want to now show you a very similar document,
24 but it is not the same. It is called JC2, which is
25 a numbering that the counsel involved in the Hughes

1 Inquiry put on the document, if I have interpreted the
2 material correctly. If we look, please, at 114066. Now
3 this is why I was saying the version that we looked at
4 was more of the carbon type idea, because this is the
5 main sheet that a report in the RUC at the time would be
6 compiled on. You can see in the top right-hand corner
7 the handwritten marking "JC2", which was placed there by
8 the counsel in the Hughes Inquiry. You can see that in
9 handwriting -- and this would be discussed in evidence
10 before the Hughes Inquiry -- you have got the:

11 "Intelligence log. William McGrath.

12 Intelligence of an unconfirmed nature relating to
13 William McGrath, 50/66 years, 188 Upper Newtownards
14 Road, Belfast and other people who have been associated
15 in some measure with subject."

16 Now this log and the reason for the handwriting that
17 I've just read out to you would be a subject of
18 considerable scrutiny when DC Cullen was giving his
19 evidence to the Hughes Inquiry, but whatever the --
20 whenever this annotation was placed on it, this document
21 has 26 paragraphs, not 23, and as you read the evidence
22 of Detective Constable Cullen, you will see that he
23 would explain that he was tasked with continuing to
24 investigate after his first report -- perhaps not
25 investigate; there's a particular meaning of that

1 phrase -- but make enquiries and to add to his
2 information and his log.

3 What I want to do just if we move through to
4 paragraph -- to 114068 so you can see --

5 CHAIRMAN: Just slowly, please.

6 MR AIKEN: I am going to go through the text.

7 CHAIRMAN: Yes.

8 MR AIKEN: But I want to show you the end of the document.

9 Just move through to 114068 for me for a moment. You
10 can see -- keep going down, please -- there's
11 paragraph 23 ending:

12 "He's now a member of the Young Unionists."

13 So the same as DBE16, but now added to that is
14 paragraphs 24, 25 and 26. There's a numbering of 27 but
15 no text, but you can see that 24 is identifying
16 an individual killed in a car accident:

17 "He was described as a pro-Loyalist Roman Catholic,
18 who it is alleged was responsible for forming a National
19 Front organisation at Queen's. It is also suggested it
20 was known he was a Young Unionist at one stage."

21 Then there was the suggestion that:

22 "... a check should be done on [an individual]."

23 They're said to be:

24 "... quite friendly with McGrath."

25 You can see:

1 "My informant", so Roy Garland, "on one occasion was
2 asked by William McGrath to go along to a person called
3 [blank] to warn him that the police were coming to
4 search his house. When my informant arrived, he was
5 under the impression that [this person] knew or that the
6 police had already been there. It is thought that [he]
7 has served a prison sentence. He is also alleged to
8 have tried to commit suicide around 1970. McGrath said
9 that he thought that [this individual] was a Communist
10 in Loyalist organisations."

11 You will see in a number of the documents that we
12 look at this smearing of "someone is a Communist". The
13 suggestion ultimately would be made that McGrath was
14 a Communist or had those inclinations as well as the
15 smearing to do with homosexuality.

16 Now if we can go back up to the start of the
17 document. So I wanted you to see it is 26 written
18 paragraphs, but 27 numbered paragraphs. The first
19 23 paragraphs are, unless I have got this wrong, exactly
20 the same as DBE16 except for paragraph 14. If we go to
21 114067, if we just scroll down through, please, you can
22 see, as you'll recognise, the content. If you go down
23 to paragraph 14, what's on this version, if we just
24 pause there, please, but not on DBE16, is in the second
25 sentence in paragraph 14. You will recall that it in

1 DBE16 said:

2 "He said that he was in possession of a massage
3 machine."

4 But here the document says:

5 "He was in possession of a massage machine which he
6 claimed had an attachment for fitting over the penis for
7 stimulation."

8 Now that creates you may consider a rather different
9 impression of the nature of and purpose of the machine
10 Detective Constable Cullen is being told that William
11 McGrath has. He is being told this by Roy Garland.

12 One of the issues when you come to look at Detective
13 Constable Cullen and Assistant Chief Constable Meharg is
14 whether this is the type of information, if you were
15 told it, that you could ever forget. The sentence in
16 DBE16 you may say well, that is something you may or may
17 not remember, a reference simply to a massage machine,
18 but a question I will ask you to reflect on is whether
19 the second part of this sentence that's recorded in JC2
20 is something that anyone being told it would ever
21 forget.

22 What I would also like you to look at -- if we
23 scroll up a little, please, so we can see paragraph 9.
24 Just pause if we go down. The one other difference that
25 there seems to be, you can see at 17, 18 and 19, it's

1 not 18 and then 18 continues, as it did in the other
2 document. It's been turned into 19 here. So DBE16 is
3 definitely not a copy of this document. By that I mean
4 not a carbon copy of it.

5 If we scroll up to paragraph 9, I would again ask
6 you to note the first sentence in paragraph 9 and then
7 the first sentence of paragraph 10 and nothing in
8 between except the gap which the Chairman has described
9 for the transcript.

10 CHAIRMAN: Well, given the manuscript title that's been
11 added, it may well be that this document was based upon
12 DBE16 and then expanded in part.

13 MR AIKEN: Yes, yes.

14 I now want to show you JC3, if we look, please, at
15 114069, and this will be an important document for your
16 work both in understanding the efforts made to draw
17 attention to William McGrath, but also in assessing what
18 the police, having received this information, ought to
19 have done with it.

20 If we scroll up a little so we can just see the
21 corner of the document in the top right. So you can see
22 again this has been marked "JC3". You can see that it's
23 in draft handwritten form:

24 "ACC Meharg.

25 Crime branch.

1 HQ."

2 You can see it begins again:

3 "Following my appointment with you, sir, on 2nd
4 March 1974 at your office I have made further inquiries
5 relating to William McGrath ... 188 Upper Newtownards
6 Road, Belfast.

7 McGrath is presently a warden in the Kincora Boys'
8 Hostel owned by the Belfast Corporation at 236 Upper
9 Newtownards Road, Belfast. The Superintendent of the
10 hostel is a man Joseph Maynes ..."

11 Now I am not sure whether it is possible -- you can
12 see:

13 "... who is ..."

14 We will be able to have a closer look at that
15 perhaps and see if we can work out what the rest of the
16 scored out information is.

17 But I want to pause. We're going to look at this
18 document and look at the paragraphs in it, but I want to
19 just show you for the moment --

20 MR LANE: "... who is resident at the hostel."

21 MR AIKEN: That may well be the ...

22 MR LANE: Or "resident at" something anyway.

23 MR AIKEN: Now I want to just deal with, first of all, the
24 form of this document. It has 54 paragraphs. I want to
25 show you just the end of it, please, at 114083. It is

1 all handwritten. You can see there's a page at the end
2 of it that's got a lot of scoring out about:

3 "... subject having associate ..."

4 CHAIRMAN: "... an association ..."

5 MR AIKEN: "... with ..."

6 CHAIRMAN: "... with a ..."

7 MR AIKEN: I think that's:

8 "... a man from Cork."

9 CHAIRMAN: Something -- well, a name perhaps:

10 "... from Cork said to be ..."

11 MR AIKEN: "... [something] engineer ..."

12 CHAIRMAN: "... said to be [something] engineer."

13 MR LANE: "... ship ..."

14 CHAIRMAN: "... ships engineer" perhaps.

15 Then:

16 "McGrath ..."

17 MR AIKEN: "... permitted ..."

18 CHAIRMAN: "... permitted ..."

19 MR AIKEN: "... this individual ..."

20 CHAIRMAN: "... to kiss his wife."

21 MR AIKEN: Now we will find more reference to that in the
22 body of the material, but if we just scroll up a little,
23 please, so we can see the bottom of the page before. So
24 there's that document. You can see it ends at
25 paragraph 54.

1 CHAIRMAN: Again there are numerous blank spaces.

2 MR AIKEN: Yes. Now it is unclear and we are trying to work
3 on whether -- because this document was produced in
4 front of the Hughes Inquiry and Detective Constable
5 Cullen was asked about it. The sequence of it being
6 produced is something we will look at. Assistant Chief
7 Constable Meharg was asked about it, and it is not clear
8 whether the names were redacted, and we are going to try
9 and look at whether that was the case or not, or
10 whether, in fact, even in the handwritten versions
11 Detective Constable Cullen had not put the names but had
12 left spaces for them.

13 CHAIRMAN: Yes. What we are looking at is a photocopy of
14 a document.

15 MR AIKEN: Yes. Now I want to go back to the start of the
16 document, please, at 114069. You will obviously have
17 time to go through this. We will be looking at it
18 again, Members of the Panel, in the coming days, but the
19 first 23 paragraphs are the same as DBE16. I say that
20 because I want to show you paragraph 14 of the document,
21 if we scroll through to 114072, please. So just pause
22 there, please.

23 So you can see that this handwritten version
24 paragraph 14 does not explain about the device for penis
25 stimulation. It simply refers to the massage machine,

1 full stop. So that's the same as DBE16, but different
2 from JC2 that we just looked at. As you know, JC2 did
3 have 26 written paragraphs or typed paragraphs and
4 paragraphs 25 and 26 of this document are the same as
5 JC2. However, I want you to -- if we scroll back up,
6 please, to paragraph 9, I want you to see paragraph 9 of
7 this document compared to DBE16 and JC2. So you can see
8 it begins:

9 "William McGrath is married and has a family of
10 three."

11 That's exactly the same as in DBE16 and in JC2, but
12 now if we scroll down -- so there's still text --
13 there's still a space left, but you can see now there
14 are four lines before paragraph 10 begins and this time
15 it reads:

16 "On one occasion some time ago Worth" -- so that is
17 William McGrath's son -- "demonstrated some 'bugging
18 devices' to my informant", Roy Garland, "who stated that
19 he (Worth) was a very devious type of person."

20 CHAIRMAN: Well, "Worth" is short for Worthington.

21 MR AIKEN: Yes. Now I will ask you -- there are a number of
22 reasons I draw attention to that. One is you can see
23 that it is different from the documents that we have
24 looked at, DBE16 and JC2, but it is also relevant when
25 you come back to look at what was done, what did the

1 police do, and here you have information that William
2 McGrath's son has bugging devices that were shown to the
3 individual the policeman is speaking to. It doesn't
4 matter whether that's true or not. It's the fact that
5 it's being said that I am asking you to note.

6 Now when we get beyond the handwritten paragraph 26,
7 the material through from that point to paragraph 54 is
8 in addition to what was on DBE16 and JC2 that we have
9 looked at. As you will see in due course, Detective
10 Constable Cullen explained to the Hughes Inquiry that he
11 continued to add to his log based on information that he
12 gathered from his informant, Roy Garland.

13 So if we move through, please, to paragraph 27, and
14 just pause. Just scroll up a little so the Panel can
15 see. So you can see paragraph 26 you will recognise
16 from the typed copy of JC2:

17 "My informant on one occasion was asked by McGrath
18 to go along to a person called [blank] and give them
19 this warning about the police."

20 So you have seen that before on JC2.

21 If we scroll down then to paragraph 27, so another
22 associate of McGrath has been referred to.

23 "He lives in a chalet type bungalow in ..."

24 the area that's not disclosed on this version:

25 "It is believed that [that person] is the type of

1 person who would supply the necessary information about
2 McGrath."

3 So another potential individual to speak to is being
4 identified.

5 Now then in paragraph 28 --

6 CHAIRMAN: Well, he is clear -- it is necessary to say --
7 well, it is obvious there is a reference to someone.
8 There is a blank. So we don't know who that person may
9 be --

10 MR AIKEN: No.

11 CHAIRMAN: -- because clearly on the construction of the
12 sentence someone's name either is there and has been
13 redacted or is to be written in later.

14 MR AIKEN: Yes, and you then have a similar situation in
15 paragraph 28, because you have:

16 "Other previous close ..."

17 and then there is a word stroked out:

18 "... above ..."

19 MS DOHERTY: "... current ..."

20 MR AIKEN: "... current ..."

21 So it is being said:

22 "Other previous close associates of McGrath are
23 ...",

24 and then all of these names are missing. The first
25 one you can see:

1 "(Further particulars to be obtained)."

2 Then the second person is:

3 "(Vanguard)."

4 The third person you can see is a:

5 "(Prison warder)."

6 And a current associate is ..."

7 Then you have got 4 that's also blanked out or not

8 there and the same for 5. Then you can see words that

9 have been stroked out:

10 "[Someone] is under McGrath's influence."

11 CHAIRMAN: It's:

12 "[Something] is alleged to be ..."

13 MR AIKEN: "... under McGrath's influence is homosexual ..."

14 CHAIRMAN: "... under McGrath's influence is homosexual

15 [blank] is alleged to be -- to have his own problems as

16 a transvestite. McGrath is said to be using this to

17 keep pressure on [blank]."

18 Then it carries on:

19 "[Blank] ...",

20 and then details about the individual.

21 MR AIKEN: Yes. Now this is a reference to Clifford Smyth

22 and, to be clear, Clifford Smyth has himself explained

23 in the Belfast Telegraph his problem, as he described

24 it, with transvestitism. What's being said here is Roy

25 Garland telling Detective Constable Cullen about

1 Clifford Smyth and the problem.

2 When you come to look at Detective Constable
3 Cullen's approach, the involvement of prominent people,
4 which the Hughes Inquiry would ultimately comment on,
5 was a misdescription, because the prominent people that
6 Detective Constable Cullen was referring to was Clifford
7 Smyth having this problem and the Reverend Ian Paisley
8 knowing about it. That's ultimately the prominent
9 context that Detective Constable Cullen explains.
10 What's being said here is that Clifford Smyth with this
11 problem as a transvestite, McGrath is said to be using
12 this to keep pressure on Clifford Smyth.

13 You can see then:

14 "He lived with him up until he got married."

15 Then you can see:

16 "On one occasion around 1967 at the Wellington Park
17 residence [somebody] went to the door when ..."

18 CHAIRMAN: "... when four men called. They cleared off and
19 later a shot was fired at the premises", perhaps.

20 MR AIKEN: Now again it doesn't matter whether that is right
21 or not right. This is the information that's being
22 provided. So now you have the suggestion of some form
23 of firearm on an occasion involved.

24 Now paragraph 29 of the document I am going to ask
25 you to note at this point, because when we come to look

1 at the Special Branch material, there is a resonance
2 with some of it in terms of McGrath's links to Holland
3 and supporters in Holland, but you can see:

4 "There is a body in Holland who are anxious to help
5 the Protestant community in Ulster with funds and social
6 support ..."

7 CHAIRMAN: "Secret", not "social", "secret".

8 MR AIKEN: "... secret support as McGrath has endeavoured to
9 become involved with this venture -- and McGrath has
10 endeavoured to become involved with this venture.
11 References have been arranged from some prominent people
12 in Northern Ireland by McGrath."

13 You can see a person whose name does not appear:
14 "... is the sponsor in Great Britain or has some
15 connection with McGrath. (See copy of leaflet
16 attached)."

17 So it seems there is some Tara type material or
18 documents of some kind attached or that were going to be
19 attached. That's the reference to Holland that I am
20 going to ask you to note. If we scroll down then,
21 please, there then is a major blank space:

22 "On one occasion [someone] was alleged to have been
23 seen acting ..."

24 MS DOHERTY: "... like lovers ..."

25 MR AIKEN: "... like lovers in public at Grove Baths."

1 CHAIRMAN: "... in a cubicle ..."

2 MR LANE: "... cubicle ..."

3 MR AIKEN: "... in a cubicle at Grove Baths."

4 That's what's on that page. If we scroll down to
5 the next page, please, it begins at paragraph 30. So
6 there's more reference to someone who is an associate of
7 McGrath in 30. In 31:

8 "Rumour has it that the subject spent some time in
9 Graham Home, Purdysburn Hospital."

10 Then 32:

11 "[Someone] is in prison for attempted murder at
12 present. Reported to be a double agent, associate of
13 McGrath."

14 Then 33 you can see reference to:

15 "[Someone] who is a homosexual was also involved
16 with McGrath. He lives in a house near Drumbo and
17 [something] near Drumbo."

18 Now in paragraph 34 this is information that's given
19 to a police officer:

20 "Informant", Roy Garland, "was photographed nude by
21 McGrath. At times he asked Roy Garland to write
22 imaginative letters to girls about sexual affairs. This
23 was designed to stimulate informant's emotions which
24 McGrath alleged were 'blocked'."

25 So there are two parts to what is being said in

1 paragraph 34, one of which is that there is photography
2 involved and then the writing of letters.

3 In paragraph 35 another tactic is described. You
4 can see:

5 "Another tactic used to deceive and influence my
6 informant when he was 19 years of age" -- so this would
7 have been 1959 approximately -- "was when McGrath told
8 him that he would go bald quickly, because he
9 (informant)", Roy Garland, "had an 'emotional block'.
10 The sign of this was receding hair."

11 You can then see in paragraph 36:

12 "McGrath had always a public telephone in his house,
13 Wellington Park, and then Greenwood Avenue and it is
14 thought that he has one in his house at 188 Upper
15 Newtownards Road."

16 Then you can so he in paragraph 37 a reference to
17 a person whose name is not there:

18 "... from Fermanagh was seen in McGrath's company
19 a number of times. Said to be well up in the Unionist
20 Party in Fermanagh. He is also the head of
21 a paramilitary organisation in that area now."

22 Now again this is information given to a police
23 officer. One of the issues will be whether information
24 contained in this document was ever passed to RUC
25 Special Branch. You can see in paragraph 38:

1 "Around 1967 McGrath had a draper's shop on the
2 Woodstock Road opposite ... The shop was run by his
3 wife and was called 'Elizabeth's'."

4 You can see then in the next paragraph reference to
5 being ruined financially. The person had a breakdown
6 because of this.

7 Then reference to a grocery shop on the Beersbridge
8 Road in paragraph 40.

9 Then if we scroll down to paragraph 41, please, you
10 will recall the page that we saw the information that
11 was scored out and you were able to read largely what
12 was under the text. Well, you can see it has
13 a resonance with the content of paragraph 41, which is
14 again referring to this man from Cork and his
15 involvement with William McGrath's wife to his
16 knowledge.

17 Then of particular importance for your work you may
18 consider, Members of the Panel, is paragraphs 42 and 43:

19 "Subject tells young boys that masturbation is
20 a 'sin' and leads to the asylum. He informs them that
21 each time they masturbate 70 grams of their life's blood
22 is lost, that it causes a person to become introvert,
23 that it is all right if it is performed with someone
24 else and states that it's healthy."

25 Now there are obviously a number of potential

1 characteristics of an individual that could be taken
2 from that paragraph. If I were to say "devious" is
3 potentially one of them, that will be a matter for you
4 to reflect on, but you have, on the one hand, it being
5 said that this activity done alone is something to be
6 avoided, but that if it's done with others, then it is
7 the opposite of that.

8 Then in paragraph 43:

9 "It is alleged that when a young man is not
10 interested in McGrath's sexual advances, McGrath
11 introduces nude male and female pictures and pornography
12 books. A locked filing cabinet holds the literature."

13 Then paragraph 44 refers to who his solicitor was
14 when he was being sued.

15 Paragraph 45 there's a reference to an IRA man
16 staying at Faith House. You can see paragraph 46:

17 "When the Queen visited, McGrath distributed
18 leaflets against her visit to the Pope."

19 The Queen must have visited the Pope at some stage
20 and the leaflets are about that at the time the Queen is
21 visiting Northern Ireland.

22 Then in 47 -- you can see 47, 48 and 49. I am going
23 to just summarise it in this way, but you can read
24 what's on the screen. It discloses McGrath's political
25 scheming involving Roy Garland and disruption to the

1 visit of the Bishop of Rippon in 1967 and it is about
2 calls being made that McGrath has instituted Garland to
3 engage in.

4 If we scroll down further, please, then 48 is
5 contacting the press. Then there's reference to
6 paragraph 49:

7 "After shootings at the Malvern Arms ..."

8 You can see:

9 "... McGrath devised a scheme."

10 You can see reference to him sending letters.

11 If we scroll further down, please, so at the top of
12 the page you have a continuation about that particular
13 occasion of letter writing.

14 Then in paragraph 50 you have:

15 "Russians stayed in McGrath's house around 1960.
16 Alleged to be from the Slavia and Baltic mission."

17 Then 51:

18 "An IRA veteran wrote a hymn ..."

19 I mentioned Thomas Ashe yesterday:

20 "... which McGrath used a lot"

21 in his work. Then you have paragraph 52:

22 "A Frenchman, born a Roman Catholic and now thought
23 to be a Communist and author of a particular book 'was
24 said to be on friendly terms with' McGrath."

25 Then in 53 someone in the Republic of Ireland who's

1 a politician had a friend who knew someone in France and
2 some connection between McGrath. Then you can see it
3 being suggested that someone may have connections with
4 McGrath.

5 So just reflecting on those paragraphs on the page,
6 you have the policeman being told of these, whatever the
7 rights or wrongs of them, whether they are accurate or
8 not, whether they are sinister or not, connections with
9 individuals beyond Northern Ireland.

10 Now that's the 54-paragraph handwritten document.

11 If we can look, please, at 114065, we are then going
12 to see a document which has been labelled JC1. Now I am
13 virtually certain that when we come to look at the
14 Hughes Inquiry material, and this document is put in
15 evidence in Hughes, this is -- and it won't come as
16 a surprise to you given we are looking at paragraph 10
17 and paragraph 11, a handwritten document that is part of
18 a larger document or paragraph 10 and 11 have been
19 transcribed from that larger document. The flow of
20 Detective Constable Cullen's evidence appears to suggest
21 that he kept a separate handwritten log to do with Tara
22 and the two paragraphs that we are looking at are from
23 that Tara document. Whether we are able to end up with
24 the whole document from which this page or these two
25 paragraphs were carved remains to be seen. I know it is

1 something the Police Service are working on to see
2 whether there is a larger document of which this is
3 part, but you can see:

4 "Source states that William McGrath through a third
5 party ..."

6 I am going to ask you to note that reference. This
7 is what Detective Constable Cullen is being told:

8 "... through a third party invites young [something]
9 teenagers from the organisation to his home for pep
10 talks."

11 So the organisation appears to be Tara that's being
12 referred to.

13 MS DOHERTY: "... young male teenagers ..."

14 MR AIKEN: "... young male teenagers from the organisation
15 to his home for pep talks. The main topic of the talks
16 is usually the need for Loyalist leadership today. Then
17 he would proceed to indoctrinate the vulnerable,
18 impressionable and idealistic young persons with the
19 idea that they are the potential leaders. In order to
20 achieve this leadership he stressed the need for
21 physical, moral and mental stability. After a few
22 meetings he would then introduce a further
23 characteristic, namely the need for sexual stability.
24 Without sexual freedom, he declared, there could not be
25 proper physical, moral or mental stability, the

1 conclusion being that without sexual freedom one is ..."

2 MR LANE: "... tensed ..."

3 MS DOHERTY: "... tensed ..."

4 MR AIKEN: "... tensed and 'keyed up'. This is what he
5 terms a 'block'. Another point covered was the need for
6 propaganda and told his pupil that every opportunity for
7 getting across their point of view should be taken,
8 whether it be television or other news media."

9 Then paragraph 11:

10 "Source", so Roy Garland, "a victim of McGrath's
11 deception and manipulation, stated that eventually he
12 was persuaded to undress. Sexual perversions took place
13 between McGrath and himself on numerous occasions.
14 A massage machine was used by McGrath for stimulating
15 his subject. McGrath always stripped, but before he did
16 so he left the room, went upstairs and was heard moving
17 about above the office where these activities took
18 place. The office had no windows with a single bright
19 light on the centre of the ceiling. There were two
20 locks on the door which were secured when the office was
21 in use. The impression was that when McGrath went
22 upstairs, he was setting up photography or tape
23 recording equipment."

24 Now there's a point I want to draw to your
25 attention. I just take you very briefly back to week

1 one going through what the victims had to say. Late in
2 the chronology in 1978/'79 we talked about a boy called
3 R21, who was "R" on the indictment and "R21" in Hughes.
4 I just want to show you KIN10301, because when we were
5 looking at what the victims had to say of those who
6 lived in Kincora, he described a particular occasion
7 when -- he is talking about being asked to massage
8 McGrath. If we look at the bottom of the screen,
9 please, if we just scroll down a little further, he
10 explains he was asked to give McGrath a massage:

11 "I finished my tea and went to the pantry. When
12 I opened the pantry door, McGrath was standing naked
13 with his back to me."

14 Then he describes what took place, but the point
15 I am making is that at the time when we were going
16 through the material this was the only boy who talked
17 about McGrath taking his clothes off in this way and
18 being naked, and you might have considered that it stood
19 out rather different from those who had spoken about
20 activity with McGrath. What I am showing you is that
21 based on what Roy Garland was telling Detective
22 Constable Cullen what R21 was describing during his time
23 of '78/'79 may seem less unusual to you than it did when
24 we first looked at it.

25 As you will recall, R21, McGrath pleaded guilty to

1 an indecent assault in respect of him, which I explained
2 during the first week.

3 If we can go to 114084, please.

4 Perhaps, Chairman, if we give the stenographer
5 a short break at this point, because there are some --

6 CHAIRMAN: Yes.

7 MR AIKEN: -- further documents of this type to look at.

8 CHAIRMAN: Just give me a moment. Yes.

9 (11.30 am)

10 (Short break)

11 (11.55 am)

12 CHAIRMAN: Yes, Mr Aiken?

13 MR AIKEN: Chairman, Members of the Panel, we have been
14 looking at JC1, which had paragraphs 10 and 11 and
15 appeared to be Tara-related. I was explaining that we
16 don't as yet have -- it may not be possible to have the
17 document from which those two paragraphs were gleaned or
18 extracted. There is information about Tara in the
19 documents that are known as JC5, 6 and 7 and they run
20 from 114085 to 114090. I am not going to go through
21 them at this stage. You have access to them and can
22 read the material that they contain. They don't seem to
23 be entirely -- you can't find a paragraph 10 and 11 in
24 them, but you can extract out and say that's what
25 created JC1.

1 The document we have on the screen now, if we just
2 scroll up a little bit so we can see "JC4" marked on it.
3 We can see the top left corner is marked "JC4". Now my
4 recollection is that it was JC1, JC2 and JC3 that was
5 discussed in evidence at the Hughes Inquiry, but it
6 seems these other documents were also produced by
7 Detective Constable Cullen at the same time, were
8 labelled but not then necessarily put into evidence and
9 looked at.

10 As you look at this document, it is difficult to
11 know whether -- what it's a covering note for, but you
12 can see the tone of it. It is not dated but it says:

13 "ACC Meharg.
14 Crime Branch.

15 Please find attached a collation of information
16 gathered over a period from February 1974 to the present
17 time in relation to one William McGrath, presently
18 residing at 188 Upper Newtownards Road, Belfast, and his
19 connection with the paramilitary organisation known as
20 Tara.

21 William McGrath presents himself as a ..."

22 MS DOHERTY: "... sensitive ..."

23 MR AIKEN: "... sensitive ..."

24 CHAIRMAN: "... as a religious personality of the
25 evangelical Protestant faith and politically ..."

1 MR AIKEN: "... purports ..."

2 CHAIRMAN: "... purports to ..."

3 MR AIKEN: "... purports to have extreme ..."

4 CHAIRMAN: "... purports to hold extreme ..."

5 MR LANE: "... Loyalist ..."

6 CHAIRMAN: "... Loyalist views. There is also
7 an association with the religious body known as the
8 British Israelites ..."

9 MR AIKEN: "... And it seems to favour ..."

10 CHAIRMAN: "... their viewpoint."

11 MR AIKEN: Or:

12 "... he seems to favour their viewpoint."

13 CHAIRMAN: "([Something] document number 1.)"

14 It looks as if:

15 "(See attached [something] ..."

16 It might be "flag" and then that's rubbed out:

17 "... document number 1.)"

18 MR AIKEN: "It will be discovered from the attached
19 information that while he preaches morality, his own
20 morals are questionable."

21 So it's not clear what documents the author is
22 referring to in the note, and I am also not sure that
23 Detective Constable Cullen says he actually provided
24 this document to Assistant Chief Constable Meharg. That
25 is something we will have to have a look at and no doubt

1 the PSNI will look at in the transcripts of Hughes, but
2 if we scroll on to the next page, you will see the
3 information about Tara that's contained in these
4 documents that I mentioned to you.

5 So you can see this is JC5. If we just scroll
6 through, because I am not going to go through all this
7 material now. You will have the opportunity to read it.
8 It is handwritten and then scored out and you'll find
9 the content chimes with the content of some of the
10 documents that we have already looked at. There's
11 a reference to weapons in it, as you can see on the
12 third section that's on the screen at the moment. If we
13 scroll further down. So you can see it's a handwritten
14 record of information to do with Tara, where it met.
15 Scroll down a little further, please.

16 CHAIRMAN: Sorry. There are marginal notes there we see.

17 MR AIKEN: Yes. Just scroll up so we can see.

18 CHAIRMAN: "Motivating influence ..."

19 MR LANE: "... behind the organisation ..."

20 CHAIRMAN: "... behind the organisation ..."

21 "Motivating influence ..."

22 MR AIKEN: "... behind the organisation ..."

23 CHAIRMAN: "... the organisation William McGrath."

24 MR AIKEN: "... William McGrath."

25 CHAIRMAN: Then the next one is:

1 "22 strong in Carryduff area",
2 in what seems to be the same hand.

3 MR AIKEN: Yes. If we scroll down a little further, please,
4 you can see just on the page at the moment the reference
5 to:

6 "... the physical or moral stability and usually
7 after a few meetings added sexual stability."

8 So that chimes with paragraphs 10 and 11 that we
9 were looking at. So whether paragraphs 10 and 11 of
10 that document that was JC1 was created out of this
11 larger body of material in order to present it, although
12 that doesn't explain then why it's got a paragraph 10
13 and paragraph 11.

14 If we scroll down further, you are moving on to JC6.
15 If we move on down on to it, please, you can see again
16 this is got a page number 3 in the top centre. The last
17 one had a page 2 in the top centre. You can see this
18 time there's reference to Clifford Smyth in these
19 documents. Of course, one of the questions that is
20 potentially rather obvious from this is, given this type
21 of information, is whether it's possible to match across
22 and see -- and this is something no doubt the PSNI can
23 look at for us -- whether this information is capable of
24 being tied into information that's in the Special Branch
25 records, because obviously Special Branch you will know

1 and we will be looking at had an interest in Tara and
2 an interest in some of the individuals that are
3 contained in this material, but whether this information
4 it could be said is being fed in, there is certainly no
5 suggestion from either Detective Constable Cullen or
6 Assistant Chief Constable Meharg that it ever was being
7 fed in. So it may be you have got just two entirely
8 separate gathering of information going on and certainly
9 the Special Branch may not have been aware that this is
10 what Detective Constable Cullen was doing or had access
11 to in terms of information, and obviously there was
12 an issue over what he was telling ACC Meharg about.

13 So if we scroll further down through, please, you
14 can see then on the screen JC7. Again it's information
15 about individuals. If we scroll down, we can see:

16 "McGrath said that he thought ..."

17 He is making a comment about this particular
18 individual. Keep going down, please. I think then we
19 move on to JC8.

20 So if we pause there, that's JCs 5, 6 and 7.
21 Whether that's what was covering JC4 or not isn't clear,
22 but it doesn't seem that JC4 necessarily matches the
23 form of the report at DBE16 or JC2 or JC3, ie its focus
24 was not Tara in those documents. So it may be that it
25 was referring to the whole document from which JC1,

1 paragraphs 10 and 11, were carved.

2 In any event, whatever the position be, the last
3 document I want to show you is the one that's marked
4 JC8. It runs from 114091 to 11496. Now this document,
5 if we just move on to the document, please, I want to
6 show you its form. This document is definitely not
7 written in 1974, as you will see when we get to
8 paragraph 11. In fact, if we just move through to
9 paragraph 11 --

10 CHAIRMAN: Just a moment.

11 MR AIKEN: We are going to work through the --

12 CHAIRMAN: So this is simply headed "Information re William
13 McGrath".

14 MR AIKEN: Yes. We are going to work through the
15 paragraphs, but if we can go to 11, so I can round that
16 point I'm making. Just scroll up a little bit, please.
17 You can see that:

18 "I made enquiries at the Eastern Health Board and
19 talked to a Mr Bunting ..."

20 Now we know that that's in February 1976. So this
21 document cannot have been authored in 1974. It may have
22 been produced in 1980, in January when the Kincora story
23 was published in the Irish Independent. It was clear
24 that when Assistant Chief Constable Meharg made aware of
25 the Kincora story, he directs his officer to get in

1 touch with Detective Constable Cullen, and there is
2 an exchange that appears to be for Detective Constable
3 Cullen to update his log and explain what he found out,
4 and there is also the suggestion that a report was
5 prepared by Detective Constable Cullen for the
6 assistance of Detective Chief Inspector Caskey to
7 understand what had been produced, and it's not clear at
8 this point whether this document is of that nature.
9 Some of the content, as we will see, can be found in
10 JC5, which we have just looked at. As you can see, it
11 is handwritten. If we just scroll through to the end,
12 you can see that it's got 16 paragraphs and then it
13 comes to an end.

14 So if we go back to the first page, please, at
15 114091. That's it. Just -- thank you. So you've got
16 the title and then:

17 "In the latter end of 1973 in conversation with
18 Mr McCormick, , Mr McCormick in passing
19 mentioned a matter relating to a friend who had been
20 sexually abused and influenced by an anonymous person.
21 At that stage he did not wish to disclose all the facts,
22 because he had received it in confidence."

23 Then paragraph 2 Detective Constable Cullen is on
24 a 10-week CID course at Hendon to February 1974.

25 Then 3:

1 "On return after thoughtful consideration of the
2 conversation I returned to Mr McCormick to ask if he
3 wished to make an official complaint."

4 If we scroll down, please:

5 "Arranged meeting with injured party at McCormick's
6 home.

7 Informant ..."

8 So you again can see Roy Garland is not being named
9 by Detective Constable Cullen, and Assistant Chief
10 Constable Meharg gave evidence to the Hughes Inquiry
11 that he was never told the name of the source that
12 Detective Constable Cullen was speaking to, and that
13 would not necessarily be unusual in police circles, how
14 these matters were dealt with.

15 "Informant explained that as a young Christian he
16 attended meetings with -- which McGrath organised."

17 Then this:

18 "These public meetings progressed to private
19 meetings in which McGrath talked to the young men of
20 'mental blocks'. He wanted -- he would touch them on
21 the privates, and if they objected, he would explain
22 that they were tensed and keyed up and he called this
23 a 'mental block'.

24 From this approach he would explain that they would
25 have no proper moral, physical or mental stability

1 unless they had complete sexual freedom. This
2 progressed to private contact with my informant and some
3 other young men when he masturbated them and on
4 occasions photographed my informant in the nude."

5 Now if just we pause there, there is at least
6 a suggestion in paragraph 7 that this is not necessarily
7 just one person on one person private encounter, but
8 that is one potential implication of it. The other is
9 there is more than one person involved with McGrath.

10 We can then see in paragraph 8:

11 "Informant on one occasion was naked in the room
12 without windows and locks on the door.

13 McGrath was generally naked on these occasions. He
14 used [something] or porn photographs to excite his
15 subject.

16 Informant gave names and other information about
17 people" -- scroll down, please -- "who came under the
18 influence of McGrath."

19 You will recall we did see a document that listed
20 out four or five people and talked about Clifford Smyth,
21 amongst others:

22 "During a conversation with informant mention was
23 made about McGrath being employed at the Kincora Boys'
24 Home, that a person called Maynes, who was the warden
25 there, had been investigated for interfering with young

1 boys at a holiday camp."

2 I am going to come back to that paragraph shortly.

3 "I made enquiries at the Eastern Health Board and
4 talked to a Mr Bunting and also a Mr Gilliland there.
5 I was eventually given copies of letters, etc, which
6 were related to the Health Board investigation into the
7 allegations against Mr Maynes. His explanation was
8 accepted and he was returned in his job at Kincora --
9 retained" -- sorry -- "in his job at Kincora.

10 All the information was forwarded to Mr Meharg and
11 no further enquiries were made ..."

12 It doesn't look like "... by me", but that would be
13 the natural flow of it.

14 "... or me."

15 "... no further inquiries were made ..."

16 MS DOHERTY: "... to me."

17 MR AIKEN: "... to me",

18 perhaps, which would sit with the file being sent
19 and never hearing back, because William Meharg explained
20 he never received the file.

21 If we move on to the next page, please,
22 paragraph 13:

23 "In the talks with Roy Garland he revealed that
24 McGrath was in some respects very politically motivated
25 and tried to influence the young men that he came into

1 contact with into politics.

2 It was revealed that McGrath organised the Tara
3 movement, who are a paramilitary Protestant organisation
4 who met in the Clifton Street Orange Hall under guise of
5 an Orange discussion group. McGrath was known as the
6 commandant. Ordinary officers wore a red ribbon in
7 their lapel."

8 Scroll down a little further, please:

9 "McGrath wore a green and red one."

10 You will see -- I did not take time to go through
11 JC5, 6 and 7, but you will see a reference in
12 a section of the handwritten notes about this exercise
13 of wearing a ribbon at meetings:

14 "He brought some of the younger members to his home
15 and talked of Loyalist leadership today, stressing the
16 need for moral, physical and mental stability and after
17 a few meetings added sexual stability. Most of the
18 young men were very impressionable ..."

19 MS DOHERTY: "... informant son."

20 MR AIKEN: "... informant son" or " ... informant said."

21 There is a dot above what looks like the "I" but
22 we're missing the rest of the "D".

23 Then paragraph 16:

24 "Clifford Smyth was the admin officer of the Tara.
25 Informant was intelligence officer (now not) -- (now

1 left)."

2 Now that's an indication as well this is written at
3 a remove from when the information was provided, because
4 he's mixed up the two. Clifford Smyth was said to be
5 the intelligence officer and Roy Garland at the time
6 that he was there was the second-in-command or admin
7 officer. Then you can see the reference to:

8 "David Browne" -- you will see him in other
9 documents -- "was the adjutant."

10 Then there's reference to the warrant-officer:

11 "... and other names and addresses are available."

12 Now I just pause to say all of these documents were
13 not in a file and we will come to see how these
14 documents were produced in due course by Detective
15 Constable Cullen. Obviously at this stage what I was
16 looking at was what information is available, what was
17 being provided in the context of Roy Garland and what he
18 knew, what he was potentially saying when you come to
19 assess the people that he spoke to as far as they were
20 involved with the State.

21 Now Roy Garland has never made admissions publicly
22 of the matters that we have been looking at in these
23 documents.

24 I want to take you back to paragraph 10. Go back to
25 114094. This is something you will be able to bear in

1 mind as we work over the next couple of weeks. You can
2 see that what's being said here in terms of the sequence
3 of events:

4 "During a conversation with the informant", so with
5 Roy Garland, "mention was made about McGrath being
6 employed at the Kincora Boys' Home and that a person
7 called Maynes, who was the warden there, had been
8 investigated for interfering with young boys at
9 a holiday camp."

10 Then the start of paragraph 11:

11 "I made enquiries at the Eastern Health Board and
12 talked to a Mr Bunting ..."

13 Now you will see that Detective Constable Cullen
14 would say to the Hughes Inquiry that when he went to
15 meet Bob Bunting at the direction of Assistant Chief
16 Constable Meharg, who told him to go to the Eastern
17 Board, find out about McGrath in February 1976, that he
18 had never heard of Mains. So Detective Constable Cullen
19 would say -- now he obviously had heard of Mains in the
20 sense that there's a document in his own type saying
21 Mains was the warden, but what he was saying was "I had
22 never heard any allegation about Mains". You will come
23 to see that the context of Detective Constable Cullen
24 from his recollection speaking to ACC Meharg was because
25 Roy Garland effectively out of the blue, because there

1 was no further developments beyond the documents from
2 July '74 until January '76, when DC Cullen says, "I got
3 a telephone call from Roy Garland, who wanted to know
4 what was happening".

5 Now you will be able to reflect on, when you look at
6 all of the material, whether that sits with the sequence
7 of events, but it's certainly the case that Detective
8 Constable Cullen was saying he did not know until he met
9 with Bob Bunting that there was any allegation against
10 Mains, and Assistant Chief Constable Meharg's position
11 was he didn't know about Mains at all in his
12 recollection. He thought when he was being told there
13 was a file, which he didn't get, he said, then it was
14 about McGrath, and you will see that in the material.

15 I am trying to give you the summary of the position
16 to let you look again at paragraph 10, because there are
17 two implications that come out of paragraph 10. If we
18 just scroll down a little bit so we can see all of it on
19 the page. One implication is it would explain why
20 Assistant Chief Constable Meharg being told by Detective
21 Constable Cullen, "There's something to do with Mains as
22 well", he might have given the direction, "Go to the
23 Eastern Board and find out", and we will shortly see Bob
24 Bunting's police statement, where Bob Bunting says he
25 was asked by Detective Constable Cullen about Mains, not

1 that he said, "Let me tell you. There is someone else
2 I think you should know about". We are able to look at
3 that again. I am just flagging it now.

4 But the second implication of this document or this
5 paragraph is that Roy Garland has found out that there's
6 an allegation against Mains. Now that is you may
7 consider potentially significant, depending on the date
8 at which Roy Garland conveyed that knowledge to
9 Detective Constable Cullen, given that as you look at
10 what's said in paragraph 10, it has a resonance with
11 R5's complaint in 1967 which formed the first part of
12 the Mason file, ie the reference here to the summer camp
13 or the holiday camp, though my recollection is R5's
14 allegations weren't of sexual abuse at that camp. They
15 were more to do with drinking and who joined the camp,
16 including R2.

17 It is, of course, possible, if this is being written
18 by Detective Constable Cullen in 1980, that he received
19 the Mason file and obviously may well have read the
20 Mason file and therefore may be mixed up as to the
21 sequence of events, but what I want to show you, if we
22 look at 40714, just to ground this point, this is
23 Valerie Shaw's witness statement or her police statement
24 to the Sussex superintendents on 25th March 1982.
25 I have said to you already her informant was Roy

1 Garland.

2 If we just scroll down a little bit, please, she
3 is -- we will come back to look at what she does in
4 a different context, but I want you to see the sentence:

5 "I learned of the second man, Mains, from Roy
6 Garland. He told me this in about 1974. He just said,
7 'The head of the home is one too'."

8 Now just for context and in fairness to those
9 involved:

10 "... 'The head of the home is one too'"

11 is likely to be a reference to "he's a homosexual",
12 because one of the things that you will note from all of
13 the material that we have looked at -- and this takes us
14 back to a central issue and, of course, the context then
15 is different from the context now -- but the documents
16 that we've looked at do not contain an allegation that
17 William McGrath is sexually abusing boys in his care in
18 Kincora. They contain information about William
19 McGrath's practices, deceptive, devious, taking
20 advantage of boys/young men in politics and this
21 organisation coming out of politics, Tara.

22 So the likely reference here -- because Detective
23 Constable Cullen will give evidence to the Hughes
24 Inquiry that he had no evidence at all of McGrath
25 abusing a boy in Kincora. He was receiving information

1 about McGrath's past activities from Roy Garland -- but
2 the reference here is:

3 "... 'The head of the home is one too'",
4 ie a homosexual.

5 Now the content, given that Valerie Shaw was also
6 saying Roy Garland was able to tell her about this, if
7 we go back to 114095 I think it is -- just if we scroll
8 up to the page before it, paragraph 10, that this
9 sequence could potentially be explained by -- could
10 explain the reengagement by Garland with Cullen in
11 January '76 sharing the information to get an update,
12 telling him about Mains, but that's not Cullen's
13 evidence to the Hughes Inquiry. He remained adamant
14 that he first heard of allegations against Mains from
15 the Eastern Board in February 1976.

16 As I have said, there is -- in all we have looked at
17 there is no allegation of any kind of McGrath abusing
18 boys in Kincora. The other point I want to draw to your
19 attention, and we will come back to look at it in the
20 context of the RUC, nor is the risk that that may be the
21 case identified in any of the documents. Now Detective
22 Constable Cullen would explain that that was his fear.
23 That's why he was taking this forward. We will see in
24 the Hughes Report they conclude that there was -- they
25 were satisfied that Messrs Meharg and Cullen were

1 concerned about paramilitarism, Tara, not just with
2 matters related to Kinchora, but that was what DC Cullen
3 said, and you will see that in his evidence, but none of
4 these documents, in addition to they don't contain
5 an allegation themselves of a boy being abused, but they
6 also don't identify that as a risk.

7 Now I want to show you -- if we look at 10756,
8 please, this is DC Cullen's statement to the police in
9 the first phase -- the RUC Inquiry Phase One involving
10 Detective Chief Inspector Caskey. A third of the way
11 down you will see, and this is to explain, the documents
12 that we have seen, the collation of information that is
13 recorded in them, you can see what Detective Constable
14 Cullen is telling Detective Chief Inspector Caskey in
15 the police statement:

16 "Later he said McGrath touched his privates and he
17 objected, but McGrath pointed out to him that he was too
18 tense and keyed-up. McGrath he said 'termed this as
19 an emotional block'. My informant stated that he was
20 prepared to assist the police and supply all the
21 information he could about McGrath. He objected to
22 having another police officer present during his
23 conversation."

24 You can see:

25 "He made it clear that he did not want to be

1 involved in any court proceedings, because he had broken
2 all connections with McGrath and was concerned about his
3 family's welfare and his future."

4 You may consider those are entirely legitimate
5 concerns to have. There are two points that come out of
6 that. One is you will see -- and you will be able to
7 reflect on this as we look further at what the police
8 knew and what they did with it -- that Detective
9 Constable Cullen was not telling Detective Chief
10 Inspector Caskey in 1980 the content of the material
11 that we have been looking at, certainly not in terms of
12 the level of sexual activity that's disclosed in that
13 material.

14 Now I mentioned at the outset that there were three
15 classes of documents. The first was Roy Garland's
16 statement to Sussex. The second was the collation of
17 material from DC Cullen. I now want to show you the
18 third part I want to look at in this sequence.

19 CHAIRMAN: I'm sorry. Just one moment. Well, what
20 Detective Constable Cullen says about his appointment
21 with Mr Meharg continues:

22 "From time to time I submitted in writing general
23 information about associates and background facts about
24 McGrath's political, religious and business activities,
25 but failed to obtain anything of a concrete nature by

1 which proceedings could be instituted. Copies of
2 correspondence from William McGrath to my informant
3 while at college were also submitted."

4 That appears to compress very considerably the
5 period of time over which information was or was not
6 given by Mr Cullen to ACC Meharg, but what he does say:

7 "From time to time I submitted in writing general
8 information about associates."

9 Now if "from time to time" is correct and if
10 "submitted in writing" is correct, some of those
11 documents we have looked at may have been drafts or
12 a series of documents which start in early 1974, but
13 it's unclear over what length of time further material
14 was submitted to Mr Meharg, which is the implication of
15 that series of remarks.

16 MR AIKEN: It is, although when we come to look at what
17 Detective Constable Cullen said to the Hughes Inquiry,
18 he disavowed this to a degree --

19 CHAIRMAN: Yes.

20 MR AIKEN: -- that he passed the information on, but not
21 necessarily the written documents. We will be looking
22 at and we will go through that. This is obviously very
23 important as to what made its way into the hand of the
24 head of CID in the police in Northern Ireland at the
25 time.

1 The -- just to be -- just taking up the point you
2 made, Chairman, I said to you that Detective Constable
3 Cullen produced DBE16 -- so that's the 21st March '74
4 report that doesn't contain any sexual references at all
5 -- to Detective Chief Inspector Caskey, and he also
6 produced the letters which formed exhibit DBE1. So he
7 produced to Detective Sergeant Berkeley Elliott the 21st
8 March '74 report and the letters and a newspaper
9 clipping and that is all. We will come back to look at
10 the circumstances around that.

11 Now the third document, group of documents, if we
12 look at 40702, please, this is Jim McCormick speaking to
13 the Sussex superintendents. He had made a police
14 statement in the 1980 inquiry, which was of a briefer
15 nature, but I want to show you towards the bottom,
16 please. So this is the veterinary surgeon, Carryduff,
17 also an evangelist, to whom Roy Garland would go for
18 counsel after he parted company with McGrath. You can
19 see what Jim McCormick says:

20 "By Garland's account McGrath operated by having
21 Garland arranging for boys to see him individually.
22 McGrath after telling the boy of his potential would
23 then convince him that he had an emotional block. He
24 would demonstrate this by inviting the boy to touch his
25 private parts and then use the refusal as evidence of

1 the block. McGrath would then suggest that the boy
2 needed liberating and in that manner induce them into
3 homosexual acts. Garland said he had arranged for some
4 twenty boys to be seen by McGrath for this purpose
5 during the '60s. He said that McGrath used the same
6 technique on women too. Garland also told of McGrath's
7 involvement in Tara."

8 He explains a particular political incident to do
9 with a crack Army team from the Republic of Ireland.

10 We will see later that Jim McCormick would be
11 Garland's conduit, as I said, to Valerie Shaw, to
12 Detective Constable Cullen and to Army Captain Brian
13 Gemmell and his sergeant.

14 Now if we pause here, Jim McCormick is telling
15 police officers -- because we will see shortly that
16 along with Detective Constable Cullen ultimately would
17 be a Detective Constable Duff, who himself did not
18 remember the detail of any of the conversations, but was
19 also present certainly in the March meeting in '74 --
20 Jim McCormick is telling police officers here in his
21 report or statement what he says Roy Garland, someone
22 who came to him for counsel, told him about his
23 activities with William McGrath. You will wish to
24 consider whether the context in which the information
25 was provided may assist in determining whether it was,

1 in fact, said, ie Roy Garland has gone to Jim McCormick
2 for help much as a patient would go to see a doctor.
3 What Jim McCormick says he was told is not just that Roy
4 Garland engaged in homosexual acts with William McGrath,
5 but he brought, according to Roy Garland, if Jim
6 McCormick is accurate, some twenty boys to McGrath to
7 engage, it appears, in similar homosexual acts.

8 Having looked at all the evidence disclosed in these
9 documents, I want to take you back to the Rovaphone
10 message. Go to 30343, please. I want to ask you to
11 read -- in light of all we have looked at this morning
12 I want to ask you to read that document again:

13 "There appears to be a vice ring which is centred in
14 William McGrath."

15 If we just pause there, bringing twenty boys,
16 exploiting their vulnerability into this emotional block
17 analysis in order that William McGrath can touch their
18 penis and/or whatever else came with it that some of the
19 documents might suggest, you can decide whether that
20 might be properly characterised as a vice ring,
21 especially if that progressed to more than just two
22 people at one time together.

23 "McGrath practices various kinds of homosexual
24 perversion, but is known to be indulging in other kinds
25 of perversion as well. Deeply involved in underground

1 politics and boys of his are involved in all shades of
2 Unionist politics. Most of these young men would have
3 been involved in perversion with him personally and he
4 is not adverse to pressurising them into adopting
5 policies according to his political objection --
6 objectives which are unknown."

7 If we just pause there, we can see manipulation of
8 young men potentially with religious convictions,
9 political views, very tumultuous time in the country,
10 going into various organisations and then it being said
11 that McGrath is able to manipulate them. In fairness
12 there is only one example of that given in the
13 handwritten material and that was a reference to
14 Clifford Smyth and his ability to pressurise him:

15 "He has contact with certain local MPs who are known
16 for their homosexuality and it is thought that this is
17 the lever used to obtain his job as a social worker."

18 Well, that's not something that -- there was one
19 section, as you know, in handwriting. The name was
20 removed. I said to you, "I think we can work out who is
21 being referred to", but it was not an MP. It was
22 someone who worked for the Belfast Corporation:

23 "... used as a lever to obtain his job ... contacts
24 throughout Northern Ireland, in London and beyond."

25 We saw that in some of the material:

1 "He is constantly in financial difficulty."

2 There had been a fall-out and a suing:

3 "He leads a secret militant organisation known as
4 Tara. Widely known among Loyalists and others but
5 mainly because of the shame and danger attached to
6 exposing him and the repercussions if he is allowed to
7 continue."

8 Now if we just pause there and read in Roy Garland,
9 again you see the concern he is expressing to DC Cullen
10 about not wanting to come forward, not wanting --
11 regarding concerns for his family, but also shame, the
12 shame and danger attached to exposing him and the
13 repercussions if he is allowed to continue. "Basically
14 he'll continue doing what I know him to be doing because
15 I don't feel able to come forward about it."

16 "His methods of dealing with boys is to suggest
17 homosexual activity will cure a variety of complaints
18 McGrath claims the boys are suffering. Once allow
19 McGrath to get his hands on them, they are wide open to
20 exploitation, sexually, politically and financially."

21 Now if I can just observe that this call is
22 May 1973. So it's before the conversations that take
23 place with Detective Constable Cullen, which are March
24 to July 1974, but it will be a matter for you to
25 consider whether the content of this call is an accurate

1 summary of what it appears according to Detective
2 Constable Cullen he was told in much greater detail
3 about the activities of William McGrath and what Roy
4 Garland knew about them.

5 Roy Garland has never made those admissions himself.
6 However, you may consider in addition to a series of
7 serious issues that they raise they would perhaps assist
8 in explaining why Roy Garland went to such lengths,
9 though in a very particular way, to tell people about
10 the character that was William McGrath as he knew him.
11 What he did not feel able to do was walk into a police
12 station and explain to a police officer what William
13 McGrath had done to him, nor what he, if Jim McCormick
14 is telling the truth, may have facilitated William
15 McGrath in doing to others, and he has provided you may
16 consider both in this document and in what he told DC
17 Cullen, which DC Cullen recounted, his reasons for not
18 feeling able to do that.

19 That very point about the steps that Roy Garland
20 took was something that the Sussex Superintendent
21 Harrison raised in his report. If we look, please, at
22 40116 and paragraph 236, Superintendent Harrison could
23 not accept from Roy Garland that he had gone on what he
24 described as his long campaign to expose or against
25 William McGrath based on nothing more than a single

1 incident in the mid '50s when McGrath was said to have
2 put his hand on Garland's knee. As you know, that was
3 his original position when spoken to by the RUC in 1980.
4 As a result of being confronted in that way -- if we
5 scroll down on to the next page -- confronted in that
6 way by the superintendent, he made the further
7 admissions, but not, as you know, to the extent that Jim
8 McCormick said to police. You can see the
9 superintendent's assessment in paragraph 237 of Roy
10 Garland's position as far as he took it:

11 "Although admitting being involved in this way with
12 McGrath, Garland, who is a schoolteacher, rather
13 stupidly maintained that whilst he naively concurred
14 with McGrath's wishes, he did not appreciate that he was
15 indulging in acts of indecency."

16 To be fair to the superintendent, if the type of
17 steps that's recorded in the anonymous call were being
18 taken, maybe that a comment he may or may not be
19 justified in looking.

20 But you will wish to consider, Members of the Panel,
21 as we look in some detail at matters surrounding William
22 McGrath and Kincora whether what I've just shown you
23 provides one of, if not the, reason why Roy Garland, in
24 spite of all his media interaction over the years on
25 this subject, did not appear before the Hughes Inquiry

1 and will not appear before this Inquiry. You will also
2 wish to consider whether his position, though
3 unfortunate, is understandable in the circumstances from
4 his perspective.

5 Roy Garland's potential embarrassment arising from
6 the disclosure of his involvement in wider homosexual
7 activity and also matters around, for instance, weapons
8 and Tara, which this Inquiry is not interested in, but
9 which, as we have seen, is on the pages of the material,
10 the police material, when he is being questioned that
11 we'll look at, that won't detract this Inquiry from
12 looking at the matters and at what Roy Garland did
13 actually tell Social Services, the RUC and the Army, nor
14 will it stop the Inquiry thereafter looking at what
15 those organisations did with the information they were
16 given and whether what they did or did not do amounted
17 to systemic failings by the State.

18 The -- I am not going through it now, but I am just
19 going to show you on the screen at 10762 the statement
20 that Detective Sergeant Elliott records in July 1980 of
21 what he says he was told. It records how Roy Garland
22 met McGrath, the single approach that we have mentioned,
23 the association breaking down and money in early 1970.
24 Some time later Garland finding out he's a warden in
25 Kincora, and that prompted him to see Jim McCormick, who

1 later introduced him to DC Cullen. He was saying that
2 he told DC Cullen about McGrath's employment and his
3 concern because he was convinced that McGrath was
4 a homosexual and unsuitable for this type of employment.
5 He went on to tell Valerie Shaw and Reverend Paisley
6 about his suspicions.

7 Now why is that important? Well, the motivation
8 behind conveying the information in 1974 is likely to
9 assist you with what was actually being said. So it is
10 being said to the police, "I was raising this issue
11 about Kincora, because I did not think he was suitable
12 to work there". I have shown you the handwritten
13 documents. That's not what's conveyed in the documents,
14 but that's what's being said. Whether that's with
15 hindsight or not will be a matter for you to reflect on.

16 However, Detective Constable Elliott, arising from
17 his meeting with Roy Garland on 6th March, if we look at
18 12188, please, this is the seven-page resumé that
19 Detective Sergeant Elliott recorded as a result of his
20 meeting. I explained yesterday how while it is not
21 dated, it came into existence it appears before 1st
22 April 1980. You can see:

23 "The following is a resumé of information received
24 from a source on Thursday, 6th March 1980. The source
25 at the moment wishes to remain anonymous. He had

1 relationships with the suspect, McGrath, between the
2 period '55 and '67.

3 The source originally contacted McGrath when he, the
4 source, was a keen missionary worker. At the age of 15
5 McGrath invited him to Faith House located in the
6 Finaghy area. On the first meeting with McGrath source
7 stated that McGrath made sexual approaches to him and
8 the result was that the source was scared off for
9 a time, but eventually his relationship with McGrath
10 came closer. Although the source does not admit at any
11 stage that he had sexual relationships with McGrath, it
12 seems apparent that this, in fact, did take place over
13 a long period. Source is able to state that McGrath is
14 a strange individual who originated from Earl Street in
15 the York Road area. He is not aware of his general
16 background, but feels that this could be covered by
17 a man called William McGowan of Newtownabbey, who was
18 Chairman of the Unionist Council in Newtownabbey and, in
19 fact, is or was a member of the Social Services."

20 So you will see the chime with the reference to the
21 person who might have got McGrath the job it is said in
22 what was told to Detective Constable Cullen.

23 "Further background to McGrath could be supplied by
24 a man called John Bryans, who resided in the York Road
25 area."

1 So now we are going to be filling in the names on
2 the handwritten documents that are not on the
3 handwritten documents, but you will be able to match
4 many of them up.

5 "Unfortunately no other details of this individual
6 are known at present. Other information regarding
7 McGrath may be supplied by a Lindsay Smith in the
8 Saintfield Road area. It is known that during the
9 period in the 1960s McGrath made frequent visits to the
10 South of Ireland and to England. Whilst in England he
11 lodged at the British and Foreign Missions Club,
12 Finchley Park, London."

13 You will recall back the reference in the 1960
14 letter and what Roy Garland told in his Irish Times
15 articles:

16 "Source heard information that McGrath on occasions
17 possibly prior to the '60s had members of the IRA visit
18 his home. It is also known that he had connections with
19 the Communist Party. Source would suggest that McGrath
20 is a Communist."

21 Just pause there. When we come to look at the Army
22 material, we will see at that one of the things that the
23 Army does in its document to do with William McGrath was
24 refer to him having more allegiance to the red flag than
25 the Union flag.

1 "Communist to some extent, but relates that the
2 author of a book titled 'A little Hungary', who is
3 a French author, introduced a Russian to McGrath."

4 You will recall that in the handwritten 54-page --
5 54-paragraph memo:

6 "That Russian apparently eventually contacted
7 McGrath and possibly the Reverend Paisley in the '60s.
8 This information coming from source was all rather vague
9 and clearly he is not definite and only received the
10 information second or third hand. He will also state
11 that McGrath is known to Basil Glass of the Alliance
12 Party and would suggest that Joss Cardwell is a friend
13 of McGrath's.

14 It seems clear that the Tara group originated within
15 membership of the Orange Order. At least those who
16 originally formed it were members of the Orange Order.
17 Initially in the mid '60s it was a political persuasive
18 group under the chairmanship of McGrath and a Reverend
19 Hamilton. At that particular time it was known as SEL,
20 which were the initials of the minister who, assisted by
21 McGrath, originated the idea. Eventually McGrath took
22 control of the group and slowly but surely during the
23 '60s it became apparent to the source that those members
24 of it were extreme right wing and prepared to use harsh
25 measures and efforts to establish the Protestant faith

1 within all of Ireland. McGrath indoctrinated the
2 members of the group with his own extreme feelings and
3 once again source became alarmed at the attitude of some
4 of these members of this group. He would suggest that
5 in '66 he was involved in distributing pamphlets which
6 originated from Tara. He recalls that two days prior to
7 the Malvern Street murders he assisted in the
8 distribution of leaflets."

9 You can see if we scroll further down the discussion
10 about those events:

11 "He feels certain that McGrath was one of the
12 instigators of the problems that were to come in
13 Northern Ireland. He seems to be praying -- preparing
14 others for the eventual outbreak of the present
15 troubles. He undoubtedly prepared the Tara group and
16 had considerable influence on them."

17 You see the members of the group that Roy Garland
18 then explains: Clifford Smyth, Frankie Millar, David
19 Browne, UDR Captain N.

20 "Source was also a member of this group."

21 Scroll down, please.

22 "He has no doubt that McGrath indoctrinated them
23 with his ideas and eventually it was accepted ..."

24 If we scroll back up, please. No. The other way.
25 The other way, please. It's jumped down on me. Keep

1 going. Thank you. Stop there. Thank you.

2 "Although source would not say that McGrath made
3 them join ..."

4 So in terms of the manipulation this section you may
5 consider:

6 "He has no doubt that McGrath indoctrinated them
7 with his ideas and eventually it was accepted that they
8 should enter other political groups, for example, the
9 Orange Order and the Unionist Party. Although source
10 would not say that McGrath made them join, he admits
11 that it seemed to be the proper thing to do at the time.
12 He", that is source, "entered the Orange Order and very
13 quickly established himself in a strong position.
14 Throughout his time within the Orange Order McGrath had
15 considerable influence over him and dictated some of
16 source's policies. Clifford Smyth entered the Unionist
17 Party at the instigation of McGrath and source has no
18 doubt that for a considerable period Smyth would have
19 been under the influence of McGrath. Source would state
20 that some members of the Tara group were eventually more
21 extreme."

22 He talks about particular views ab ut UDR Captain N
23 that he expresses. Then discusses the British Israelite
24 movement based in London and the links that it has. He
25 has no doubt that McGrath and Tara, including

1 UDR Captain N, were strong supporters of it. He ascribes
2 certain views to UDR Captain N.

3 "In summing up, source says that he is satisfied
4 that McGrath was linked with some organisations
5 encouraging him to infiltrate or cause confusion. He
6 would surmise that either McGrath was a member of
7 British intelligence or a Communist or Russian implant.
8 These comments by the source could be considered
9 frivolous, but they are genuinely held views by both the
10 source and his wife, who have both had a long connection
11 with McGrath. They certainly see it as a strong
12 possibility."

13 Now if we just pause there to observe that you are
14 getting from Detective Sergeant Berkeley having --
15 Berkeley Elliott having this meeting the views that Roy
16 Garland is expressing, and what that is important for is
17 your assessment of what information he is likely to have
18 provided in '73/'74 to those emanations of the State
19 that he met.

20 Then he explains about the financial difficulty that
21 he had with McGrath, if we scroll through, please, about
22 his money being used. Scroll up a little. Thank you.
23 Then he talks about:

24 "Eventually source could not cope with the debts
25 being accumulated by McGrath and they had a disagreement

1 and the result was that they both parted company."

2 Then he explains this, which is not included in
3 Detective Constable Cullen's notes:

4 "For a period the source received anonymous letters
5 and anonymous telephone calls and is in no doubt that
6 these originated from McGrath, who was possibly
7 frightened that the source might reveal all his
8 knowledge of McGrath and his companions."

9 So there you have a potential other further reason
10 why Roy Garland might have been reluctant to come
11 forward, if he was receiving, albeit he might have known
12 the source from which it came. You can see:

13 "The source, although, as already stated, not giving
14 any indication of his sexual relationship with McGrath,
15 obviously contacted a number of people regarding
16 McGrath's behaviour."

17 He talks about having approached the Reverend
18 Paisley and then other people:

19 "On each occasion he seemed to run up against
20 a brick wall. He took an action against McGrath for the
21 payment of monies. That was settled out of court.
22 Source found that he was being obstructed in various
23 directions. Although he was not able to put a finger on
24 any particular obstruction, he felt satisfied that
25 McGrath had considerable influence in various fields and

1 at sometimes source was frustrated."

2 If we scroll down, please, then Roy Garland gives
3 an example of another individual, a female that he spoke
4 to. You can see what he says. He says that this lady
5 was used unknowingly in McGrath's sexual activities and
6 on one occasion was brought by him into a room in
7 McGrath's house when there were three men standing
8 naked. He, Roy Garland, formed a particular view of the
9 information and the individual.

10 If we scroll further down, please, he then recounts
11 information to do with William McGrath's wife. Then you
12 can see:

13 "Source indicates that he has no doubt that McGrath
14 has equipment at his house in the form of vibrators and
15 such like. He states that McGrath had a locker with
16 drawers in one of the rooms and he very frequently went
17 to this drawer or locker and it was obvious that
18 documents and equipment were secreted therein. He would
19 advise a search on the eventual arrest of McGrath.

20 Source then related a number of instances where
21 clearly McGrath involved himself in other people's
22 financial problems."

23 If we scroll further down, please, he lists out the
24 examples that he gives. Then you will see that you are
25 able to take the names from this document and you will

1 be able to put them into the handwritten document where
2 they are not to be found that Detective Constable Cullen
3 wrote. If we scroll further down, please, we can see:

4 "Source states that Clifford Smyth was
5 a transvestite and a homosexual and for that reason
6 McGrath assisted him with these problems. Source has
7 knowledge that Clifford Smyth had a full dress female
8 outfit which he frequently wore."

9 Then there is reference to Alan Campbell. You will
10 recall me mentioning him. Detective Chief Inspector
11 Caskey or Detective Superintendent Caskey, as he was in
12 1982, investigated the case involving BM37

13 , who, while not at Kincora but living in
14 Bawnmore, was accosted he said by Alan Campbell, and
15 Alan Campbell was then acquitted in 1971. So there's
16 some involvement of McGrath with Alan Campbell in that
17 sequence of events it is being said. You can see then:

18 "In conclusion, source leaves one in no doubt that
19 he believes McGrath to be a very dangerous individual.
20 He clearly believes that McGrath had considerable
21 influence on the happenings in Northern Ireland prior to
22 the '69 Troubles and is convinced that McGrath and his
23 associates within the Tara group either permitted or had
24 others commit terrorist type offences."

25 So you can see the level of angst that there is

1 being communicated.

2 "He is able to state that McGrath used to tell the
3 group, 'As long as we keep our hands clean', that is did
4 not handle weapons or things, then nothing could be done
5 against them. Source assumed from remarks such as this
6 that McGrath was using others who were unknown to source
7 to carry out the particular actions McGrath required.
8 McGrath was clearly involved in some other conspiracy
9 but was so secretive that the source could not clearly
10 identify what the other activities were."

11 Scroll down, please:

12 "Source is prepared to assist the police in any
13 investigation involving McGrath, but he is now married
14 -- but as he is now a married man, he clearly does not
15 wish to identify himself or become publicly evolved. He
16 has been attempting over the years since his association
17 with McGrath to have his activities terminated and has
18 gone to some lengths in these efforts. He feels that in
19 these efforts he has been consistently frustrated and
20 eventually both he and his wife, who is fully aware of
21 his connections with McGrath, decided that they had done
22 their bit and had attempted to forget this part of their
23 lives."

24 Perhaps if we ...

25 CHAIRMAN: Yes. We will sit again at 2 o'clock.

1 (1.00 pm)

2 (Lunch break)

3 (2.00 pm)

4 MR AIKEN: Chairman, Members of the Panel, just before lunch
5 we were looking at the seven-page resumé that Detective
6 Sergeant Berkeley Elliott prepared from his meeting with
7 Roy Garland in 1980. As you know -- and I am not going
8 to open all of this now -- there is material that is
9 available in the bundle that adds to this story or is
10 around this story which covers similar ground. So you
11 have, for instance, Jim McCormick speaking initially to
12 the police in 1980, who provides a shorter statement
13 with less detail. That is to be found at 10761. It's
14 of 30th April 1980. I am not going to go through it at
15 this point in time.

16 Then you move into the Phase Two Inquiry, which is
17 what produced that seven-page resume. I was explaining
18 to you, if we can put on the screen, please, 21507, the
19 catalyst that ended up with detective chief inspector or
20 detective superintendent, as he was then, ultimately
21 talking to Roy Garland, which we are going to look at
22 that shortly, was this newspaper debate that begins
23 between Dr Paisley after a public statement he made,
24 Valerie Shaw and then Mr X, Roy Garland, and you can see
25 the article on the screen. The debate that goes on, to

1 be clear, this Inquiry is not investigating the debate
2 between Roy Garland, Valerie Shaw, Dr Paisley and others
3 about whose recollection is correct about what was said
4 to whom. We are looking at this material to assist with
5 the Inquiry's ultimate interest, which is what was said
6 to the Social Services, the RUC, the Army and the
7 intelligence agencies? What did they know? But it
8 allows you to see what was being said by Roy Garland.

9 You can -- if we scroll down a little bit, please,
10 so we can see the full text on the screen. If we just
11 pause there, so you can see the first occasion is
12 described, and we looked at this yesterday, and he then
13 explains the contacts that he makes and ultimately he
14 explains having gone and met Dr Paisley, amongst others.

15 Then there's a further article carried the
16 following -- just if we scroll through on to the next
17 page, please, we will see the article being finished
18 off. So we can see the article continues and on the
19 left-hand column you've got an account from Roy Garland
20 as to what he says took place and the steps that he
21 took. You can see in the third column the letters that
22 we have looked at have been produced. You can see it is
23 being said by Dr Paisley, for instance, had some -- the
24 letters had some undertones of homosexuality about them.

25 Then there is an article carried the following

1 evening, if we look at 21512, please, on 6th February
2 1982, and in this article you can see the debate on the
3 right-hand column about what exactly was being said.
4 The debate that's going on is over was a person saying
5 they were corrupted or not corrupted, and at the time I
6 think "corrupted" was talking about engaging in
7 homosexual activity, and whether or not that was the
8 case. So that's the public debate that's taking place,
9 but at the same time Roy Garland was speaking to Ed
10 Moloney and Andrew Pollak of the Irish Times, and the
11 latter ultimately would facilitate the April 1982
12 articles that we look at that disclosed Roy Garland's
13 identity.

14 Ed Moloney made a statement to the RUC on 19th
15 February 1982. That statement can be found at KIN20234
16 to 20239. When doing so, he handed over, amongst other
17 things, the five pages of typed notes, which would be
18 subsequently labelled EGM9 by police. If we can look at
19 20838, please, you can see the exhibit label EGM9. It
20 is typed "Document headed 'Material gleaned from talk
21 with Mr X'". In his actual statement it is quoted as
22 "Mrs X", but it is quite clear when you go to the
23 exhibit and, in fact, in the context in the statement it
24 is referring to Mr X.

25 He explains, Ed Moloney that is, if we look at

1 20239, at the end of his statement that his colleague
2 Andrew Pollak, if we scroll down to the bottom, please,
3 had -- we see:

4 "Exhibit number EGM9 relating to source Mrs X" -- it
5 should be "Mr X" -- "was compiled by Andrew Pollak."

6 So he is saying, "Here are these notes. Andrew
7 Pollak created them". Then we can see the typed notes
8 if we go back to KIN20839, please. So you can see it's
9 got some background about the contacts that are
10 involved. You can see David Browne was said to be:

11 "... one of McGrath's young men. Alan Campbell and
12 John McKeague charged with abuse of boys at Bawnmore."

13 Just so I make it clear, as I said I hope yesterday,
14 that there would be lots of allegations contained in
15 these documents that were said to have originated from
16 Roy Garland and we will shortly see that they were
17 qualified or stood away from by both Andrew Pollak and
18 later Roy Garland. So please don't take it as you are
19 looking at this document that this is fact or even what
20 was being said, because it would be later said,
21 "I didn't say that", but this is what was being recorded
22 by Andrew Pollak in his meetings. If we scroll down,
23 please, you can see that:

24 "X also told Jim McCormick, who said he would take
25 some steps to set something -- to get something done

1 about McGrath at Kinchora."

2 So the focus -- and not surprisingly you may
3 consider. This is 1982. The Kinchora Scandal had
4 already broken. It had been running for some two years
5 -- and the focus is being said here to be being directed
6 at Kinchora.

7 We can see in the paragraph above, the third
8 paragraph up from the bottom, that whoever was being
9 spoken to here was asking, "Was that part of the
10 treatment?"

11 So if we scroll down, please, you then can see a
12 reference to UDR Captain N. We're going to come back to
13 him shortly. Some rather unflattering views expressed.

14 Then you have the engagement with Valerie Shaw and
15 Dr Paisley. You will see UDR Captain N saying he had
16 complained to Dr Paisley in '68/'69. So that was long
17 before William McGrath worked at Kinchora.

18 You can see Roy Garland is saying he had also told
19 Clifford Smyth about McGrath's homosexual activities.

20 "Smyth, however, had said he only found out about it
21 recently."

22 Then you have got some of the information that we
23 saw in the 1974 handwritten work of Detective Constable
24 Cullen.

25 If we scroll down on to the next page, please, then

1 you can see further discussion about McGrath's
2 background and who is said to be involved in
3 Tara-related material.

4 Then there was another meeting, now on 21st January.
5 So there's been three meetings so far we have looked at.
6 The first was 18th January, then 20th. This is now
7 21st, and it is recording various religious people who
8 were spoken to. If we scroll further down, please, we
9 can see this is the fourth occasion, 26th January '82,
10 and there seems to be some picture that has been
11 produced that's being spoken about and various
12 individuals are recorded.

13 Now -- so that's four conversations that are --
14 appear to have taken place, but if we look at 20242, in
15 Andrew Pollak's statement to the RUC Phase Two Inquiry
16 he would explain that:

17 "I would like to make a few clarifying points with
18 reference to this document."

19 So he's being shown EGM9 and he is now going to
20 clarify some of the content of his own note. You can
21 see:

22 "With reference to notes I now believe John Malone
23 died. With reference to 20th January '82 I now know
24 that UDR Captain N complained to the Reverend Martin Smyth
25 and to the Reverend Paisley. Source X has also showed

1 me the letter signed by him, Jim Hayburn and David
2 Browne as a guarantor" -- we looked at that -- "and
3 witnesses for the sale or hire printing.

4 With reference to the 21st conversation X did not
5 say it was KIN346 but KIN347 , now deceased. He
6 emphasised that this was knowledge gained second-hand.
7 With reference to 26th January '82 KIN348 referred
8 to is not the who works in the ."

9 He also says that he heard of a false alibi that got
10 Campbell cleared of charges.

11 With reference to conversation of 20th January '82
12 on page 3 of EGM9 the first paragraph refers to Clifford
13 Smyth. In conversation -- and David Browne. In
14 conversation on 21st January '82 on the same page it is
15 unclear from my notes whether Clifford Smyth or the
16 Reverend Martin Smyth is being referred to. I am not
17 satisfied as to which one it is."

18 So you can see that there's clarifications being
19 given of the content, and some of the clarifications,
20 their nature is such that it implies a fifth
21 conversation has taken place with Roy Garland before the
22 police statement is made.

23 Then if we -- I can say that Roy Garland would
24 subsequently tell the police he spoke to both
25 journalists. That's at 20243. If we can look at 20243,

1 please, because this is now Detective Superintendent
2 George Caskey's interview with Roy Garland on 12th April
3 1982. You can see that it's taking place at RUC
4 headquarters:

5 "Detective Superintendent explained to Mr Garland
6 the purpose. He brought along with him proofs of an
7 article which was to be published in the Irish Times.
8 He handed a photocopy of the proofs to me."

9 That's the 27 pages that I am not going to open to
10 you, but which you have access to, that were the basis
11 for the Irish Times articles.

12 "I told him I was in possession of a typed document
13 which was EGM9" -- so the notes from Andrew Pollak --
14 "which I believed was a record of an interview that he
15 gave to the Irish Times reporters Ed Moloney and Andrew
16 Pollak. He was surprised that I had the document and
17 appeared upset. He said that he did not see the
18 reporters together, but had talked to both of them.

19 I said I was going to go through the document with
20 him and he agreed to cooperate. In relation to Cullen,
21 the RUC man at Donegall Pass, it was not as early as
22 1971 and it was not right to say that Cullen was not
23 interested. Mr Garland said he did not speak to the
24 inspector and was not keen to speak to Cullen's boss.
25 It was not fair to say that Cullen was a Paisleyite. He

1 first met Cullen in Jim McCormick's home and had several
2 meetings with him."

3 So you can -- we have seen this a number of times
4 and a number of different ways in this story, but here
5 you have the notes that a journalist made of
6 conversations with an individual and then both the
7 journalist, but more so the individual, saying, "That's
8 not right", "That's not what I said" or "That's not
9 accurate".

10 "With reference to David Browne, Alan Campbell and
11 John McKeague, Garland said that he did not tell the
12 reporters that John McKeague and Browne had been
13 charged, but he did say about Campbell."

14 Of course, John McKeague and Browne not charged in
15 relation to Bawnmore or anything else in relation to
16 children's homes:

17 "He was told by Campbell that William McGrath had
18 brought him to his house to discuss the case."

19 That's the BM37 case in 1971.

20 "It was only hearsay on his part that Paisley got
21 Campbell off."

22 Of course, as you know, the documents that I showed
23 you in relation to the 1971 issue that Detective
24 Superintendent Caskey investigated demonstrated that
25 when Dr Paisley was told by two politicians that they

1 had lied to the police to assist Alan Campbell, he sent
2 them to the police to tell the truth, which is what then
3 took place, and they withdrew their false alibi that
4 they had provided. He didn't know who told him that
5 piece of information, which was wrong.

6 "He emphasised that it was only hearsay and said
7 this three times. Mr Garland said that he had met
8 [a particular individual] in the Dunmurry Young
9 Unionists. In the winter of '71/'72 he was doing
10 an 'O' level thesis and went to this man McIlroy's house
11 to discuss it. McIlroy closed the door in his face,
12 saying, 'I'll phone you. I'm in a hurry'. With
13 reference to John Malone, Mr Garland said, 'John Malone
14 I believe is dead'. He lived in Belmont Park,
15 headmaster of Orangefield. McGrath thought Malone was
16 a good man. He taught McGrath's son. Garland said that
17 he told Malone about McGrath being in Kincora. He said
18 that Malone seemed to know what he was talking about.
19 Malone said to him, 'It might be part of the treatment'.
20 Mr Garland did not know what he meant, but did not think
21 it was in the homosexual context. When Garland told Jim
22 McCormick, McCormick said that he would have something
23 done about it and put Garland in touch with Detective
24 Constable Cullen. UDR Captain N told Garland that he had
25 been to Paisley in '71 to tell him about McGrath.

1 UDR Captain N gave Paisley four names, but Garland did not know
2 these. McGrath was not in Kincora at that time.
3 Garland said that UDR Captain N was scared stiff twelve years
4 ago. UDR Captain N thought he was in danger. Garland did not
5 tell the reporters anything about the Orange Volunteers.
6 He did tell them about political and paramilitary
7 organisations. In August and September '71 Garland
8 tried to see Paisley twice accompanied by a Tara officer
9 named George McCoubrey. He did not see Paisley, but he
10 did confide in McCoubrey that McGrath was in Kincora at
11 that time and it was about Kincora he was going to see
12 Paisley. He made two more attempts after that to see
13 Paisley and he thinks he saw James Herbert -- Hayburn."

14 So this is what's being said in 1982 to Detective
15 Superintendent Caskey, but, as you know, there's a major
16 debate about what was actually said:

17 "Garland told David Browne about McGrath. This was
18 in the presence of McCoubrey, and Browne's reaction was
19 strange. Browne stayed an hour with them. Garland said
20 that he had a list of names of people he went to see
21 about McGrath. He promised to give the police this
22 list. He said it was at his home. Garland gave the
23 following names: UDR Captain N, Clifford Smyth, Reverend
24 Martin Smyth, Reverend Ian Paisley", or "Ian Paisley" as
25 it is recorded here, "John Malone, Reverend Acheson,

1 Reverend John Lockington, Reverend Brian Kennoway,
2 Reverend John Morrow, Reverend Sydney Callaghan,
3 Reverend Tom Shaw ..."

4 I will ask you to note that name:

5 "... Reverend Fergus Bell, Valerie Shaw, James
6 Cullen" -- recorded as "the constable, RUC"
7 --"Dr Glasgow (McGrath's own doctor)",

8 and then:

9 "Belfast Telegraph anonymous call in 1972."

10 Now ultimately Detective Superintendent Caskey would
11 pursue that and discover that the Belfast Telegraph had
12 no record of any anonymous call about this matter in
13 1972 or otherwise.

14 Then two Orange Order people:

15 "Joe Reid and Thomas Passmore."

16 Then you may consider this to be of importance:

17 "Garland was not sure to whom he said that he linked
18 McGrath to Kincora. He saw the Reverend Morrow and
19 Reverend Callaghan in the context of lost faith in the
20 evangelical sense. He told Reverend Shaw about
21 Kincora."

22 I will ask you to note that.

23 "He was not sure that he told Dr Paisley about
24 Kincora, but he did say to him, 'I'm giving you
25 information. What you do about it is your business'.

1 He also rang the police on the confidential phone and
2 parts of the message he has already seen from
3 Mr Harrison and Mr Flenley", the Sussex superintendents,
4 "he identified. He rang Social Services, Holywood Road,
5 anonymously. He did not see Paisley until '74, which
6 was arranged by Valerie Shaw. Garland was never with
7 UDR Captain N and Dr Paisley. Garland thought that McGrath
8 was recruiting boys to his political ideals. He did not
9 say to the journalist anything about the Malvern Street
10 murders, but he said it was to the UVF that Paisley was
11 linked. It was only hearsay that Martin Smyth had
12 complaints from his parishioners. Valerie Shaw told him
13 about the two ladies in the Free Presbyterian bookshop.
14 Garland wouldn't reveal their names, saying we should
15 ask Valerie Shaw. He did not contribute to the Sunday
16 News article. He still has the document for printing
17 equipment".

18 which was produced.

19 "He was not sure ..."

20 So you begin to see that a lot of statements that
21 are made in the five-page notes by the journalists are
22 then being disavowed or qualified or recognised as
23 hearsay. If we can scroll down, please, you can see
24 that that's the pattern that continues in relation to
25 the material that was in the five-page notes.

1 Then he said:

2 "He said he wasn't aware of the trans..."

3 You can see:

4 "He thinks it was called 'Elizabeth's'. He said
5 that he was only going along with KIN347 and they saw
6 a man in the shop. He doesn't know him, because he
7 stayed outside. He said he wasn't aware of the
8 transaction or if it ever took place. At this point
9 I advised Garland that he should now be careful what he
10 had to say as it appeared he was involving himself in
11 what may be a crime. Garland was quite taken aback at
12 this and suggested that perhaps he should consult
13 a solicitor before saying anything more about it" or
14 "about this. Garland said that he was only trying to be
15 helpful, but now we were putting a different slant on
16 it."

17 This is a transaction to do with arms and Tara:

18 "Valerie Shaw told him about the Johnston thing.
19 Reid did not tell him. Shown a picture. Could not say
20 it was Whiteside. Could not say if Whiteside was a
21 homosexual. It was only hearsay. He knows Campbell
22 (inaudible), Campbell's girlfriend. Garland said he
23 might have told the reporters that it was a Kincora boy
24 involved with Campbell",

25 which, of course, wasn't the case, if he did say

1 that, although the boy would subsequently stay in
2 Kincora, as you know.

3 "McGrath told him that he had brought Campbell to
4 his home. Campbell denied to Garland that he was a
5 homosexual, but that McGrath had talked to Campbell. It
6 was put to Garland by Joe Carroll of the Sunday Tribune
7 and Chris Moore of the BBC that there was another Tara
8 trial. Garland said that he met James Molyneaux in
9 McGrath's home and it was a political meeting. 'You
10 should see UDR Captain N about this'. It was Valerie Shaw
11 who may have told him about McGrath and Clifford Smyth
12 asking for references."

13 If we scroll down, please:

14 "Detective Constable Cullen told him that McGrath
15 and Smyth went to Holland and a policeman followed them
16 over."

17 Now Detective Superintendent Caskey would then speak
18 to Detective Constable Cullen, get a statement from him
19 and he would explain that he did not say to Roy Garland
20 that William McGrath and Clifford Smyth went to Holland
21 followed by a policeman, but that's what Roy Garland is
22 saying he was told.

23 "He told the reporters that Clifford Smyth wrote for
24 the Covenant Message."

25 So it goes on. You can see that you have just about

1 ten, twelve lines:

2 "Garland said that the soldier was a Christian who
3 was introduced to him by Jim McCormick."

4 So here we are talking about Brian Gemmell:

5 "The soldier was interested in McGrath but not in
6 the homosexual context, which annoyed Garland. Garland
7 wanted to see the soldier about Kincora, but he wasn't
8 interested. The soldier was also interested in a fellow
9 called Hogg."

10 We will see that in the interview notes that we
11 touched on, the 1975 record of the interview between
12 Garland and potentially Gemmell, if not his sergeant,
13 that Hogg's name comes up. We can see then this
14 suggestion:

15 "Garland said he didn't know the name of the senior
16 member of Tara who came to see him to warn him that it
17 had been decided to kill Garland. This visit took place
18 recently. The member called at his home to tell him of
19 the danger he had been in in the early '70s."

20 So Roy Garland is saying he didn't know the person
21 in Tara who came to speak to him to tell him that he had
22 been at risk in the '70s.

23 "Garland refused to name the man. I put it to
24 Garland that as he had been a member of Tara himself, he
25 must know the man. Garland became reluctant to talk

1 about the matter. He said that this member might come
2 forward voluntarily. Garland expressed concern about
3 the way the interview was going and that we were
4 treating him more as a suspect. He said that the Sussex
5 Police had got him to explain further about McGrath and
6 himself than he would have liked."

7 Then he -- we have looked at that. If we scroll
8 further down, please, you can see then:

9 "He would like a solicitor's advice on some of the
10 points raised. I put it to Garland that I believed that
11 he was in a position at one time where firearms were on
12 show. He said that this happened at a meeting he
13 attended some years ago. He couldn't remember where it
14 was. One revolver or a pistol was being passed around.
15 He did not know who owned it, nor did he know who held
16 the meeting. He did not handle the weapon."

17 Then you can see the interview ends.

18 Then two days later, because that was 12th April
19 1982 and Detective Superintendent Caskey recording the
20 exchange. On 14th April 1982 detective superintendent
21 telephones Roy Garland to his home to request a further
22 meeting with him.

23 "Garland said he felt that he was being unfairly
24 treated by the police in pressing him to answer all
25 those questions. He said, 'I am not prepared to pursue

1 the matter any further in view of all the danger to my
2 wife and children. I think I have cooperated to the
3 best of my ability. I'll make sure that I have
4 a solicitor when you come round'. I told Mr Garland to
5 think seriously about the questions raised and to get in
6 touch with a solicitor if he felt he should. He said he
7 had been in touch with Robert McCartney, QC, who advised
8 him not to answer any further questions to the police.
9 I told Mr Garland that it may be necessary for me to see
10 him again and he replied that it was up to me to make
11 the next move."

12 Now, as it happens, I don't think the detective
13 superintendent then pursued Roy Garland any further, but
14 from this statement he identifies, if I have added them
15 up correctly, seventeen people in total that he says he
16 told about McGrath and Kincora. You can add to that
17 list, because it is disclosed, although the identity is
18 not there, an eighteenth, which is Brian Gemmell.

19 You will recall he said he was not sure who had
20 linked to McGrath to Kincora. Obviously this is
21 important in assessing the information that made its way
22 to the various parts of the State. You will recall he
23 said, for instance, that he definitely did tell the
24 Reverend Tom Shaw.

25 If we look, please, at 20245, and I want in looking

1 at this statement to make it clear that we are not
2 looking at it because -- sorry. 20704. My apologies.
3 20704. We are looking at this statement not because we
4 are investigating what Tom Shaw was or was not told, but
5 because it illustrates an issue in fairness to all the
6 core participants involved before this Inquiry in the
7 examination of who knew what that you will want to
8 consider as to whether it permeates all of the evidence
9 around these issues, because Tom Shaw is spoken to on
10 foot of the allegation that he was told about McGrath in
11 relation to Kincora.

12 You can see he explains the background in terms of
13 how he knew Roy Garland. He explains how he had come
14 across or met William McGrath. This is at the time he
15 is living in Greenwood Avenue. He had a conversation
16 with him about books. He said he could not place a time
17 on it, but he received anonymously through the post
18 a semi-religious political poster sized document on
19 behalf of the Tara organisation:

20 "I was not aware then about the existence of it.
21 During one of my visits to Roy Garland's house I was
22 aware that he was politically involved within the
23 Unionist Party. I mentioned to him receiving the
24 document" -- if we scroll down, please -- "and asked him
25 about its relevance. He told me nothing about it other

1 than William McGrath was a member and that McGrath also
2 had homosexual tendencies. I gathered from the gist of
3 the conversation that Garland may have been approached
4 by McGrath. It was obvious that there was certainly no
5 love lost between Roy and McGrath. I definitely do not
6 recall Roy mentioning any Kincora connection during this
7 conversation, nor was I aware that McGrath was involved
8 with Kincora until the 1981 investigation. As such,
9 I did not from memory put any specific importance to
10 Roy's conversation to cause me to take any official
11 action of any kind."

12 He then recounts a conversation he has with another
13 politician, Fraser Agnew, in the early part of 1981,
14 though the date may not be right.

15 So you can see:

16 "He asked me if I could remember ..."

17 This is:

18 "During 1981 I took a passive interest in the
19 ongoing investigation, because I knew McGrath was
20 involved. One Saturday morning about six weeks ago,
21 I think about a week after the press divulged that Roy
22 was Mr X, Roy contacted me per phone. He asked me if
23 I could remember him telling me about the Kincora
24 situation involving McGrath. I answered him stating
25 that I vaguely recollected a conversation about McGrath,

1 but could not recollect Kincora being mentioned. He
2 told me that when he mentioned it to me, I got very
3 annoyed and was going to go to McGrath, but he advised
4 against this. I told him I could not recall this action
5 and still to date do not remember this happening within
6 our conversation in the early 1970s. We then talked on
7 the phone about his family, etc. About a fortnight
8 after the call from Roy I received a call from an
9 English reporter on behalf of the Daily Mail. He told
10 me that he understood that I may have information about
11 McGrath in the prison. I presumed that Roy had passed
12 on my name and was not pleased about this. What I told
13 this reporter was not in any way connected with the
14 Kincora investigation relating to McGrath, but simply
15 about religious aspects within the prison, where I would
16 sometimes visit and preach."

17 Then you can see that he phoned Roy Garland's house
18 to make him aware that he was not prepared to have his
19 name being utilised in that way.

20 So you can see that this was a person, according to
21 Roy Garland when speaking to Detective Superintendent
22 Caskey, that he definitely told about Kincora. That
23 person was chased down by the detective superintendent
24 and he gives his account in the statement you have had
25 access to. You will recall that right after the

1 reference to Tom Shaw was the statement to the police
2 that he didn't know whether he told Dr Paisley, and
3 again the Inquiry has no interest in whether or not
4 that's right, but you will be able to compare that with
5 what's in the newspaper articles in and around that
6 issue, because it bears on whether or not, looking at
7 the Rovaphone call, there was a focus being drawn to
8 Kincora or whether or not it was because there was
9 a focus being drawn to McGrath.

10 You have the articles that were published in and
11 around the same point in time that Roy Garland is
12 speaking to the detective superintendent. I want to
13 show you 55012, please. We have looked at the articles
14 at various times for a purpose. The point we have
15 reached -- I am not going to go through them. You have
16 access to them and can peruse them. I am showing you
17 the strap line here so you can see what the motivation
18 was for the articles being published. If we can just --
19 the way where we can blow up the top half of the page:

20 "I feel compelled to write these three articles for
21 two reasons. Firstly, I feel that it is necessary to
22 set my actions in a wider context because of
23 misrepresentations. Secondly, and more importantly,
24 I hope that fellow Ulster Protestants may be encouraged
25 to realise that we have been manipulated by forces which

1 have infiltrated our Loyalist organisations and which
2 are foreign to all that is best in our traditions.
3 I believe that these forces are on the wane, but the
4 price of liberty has always been eternal vigilance.

5 It seems to me these forces have up until now
6 succeeded with the help of the provisional IRA campaign
7 to destroy all attempts to achieve a settlement of the
8 conflict. We desperately need new stable structures of
9 government which would enable all Ulster people to
10 participate in decision-making and construct their own
11 future. It is my hope that these articles made
12 contribute to some small way towards this objective. It
13 goes almost without saying that any progress along these
14 lines depends upon the ending of the destruction --
15 destructive and vicious campaign of the provisional
16 IRA."

17 So that's the motivation that's being expressed for
18 the three days of articles that are then published and
19 we have looked at the relevant parts of them. The
20 articles run in the bundle from 55011 through to 55015
21 and 6. As you know, those articles were based on
22 a 27-page typed statement from April 1982 which Roy
23 Garland penned in preparation for the articles. I am
24 not going to take you through it, but it is found at
25 21142 to 21168.

1 We will be looking at the information Roy Garland
2 provided to various agencies of the State in more detail
3 in due course, but at this stage I want to draw your
4 attention to some matters of relevance from the
5 perspective of what Roy Garland was saying. This is
6 going to take us on a slight detour, because we need to
7 look at the secret RUC investigation file from 1982 into
8 military intelligence. That is because Detective
9 Superintendent Caskey would speak to a series of
10 individuals who also had spoken to Roy Garland. You
11 obviously have access to the entire file and a thorough
12 analysis of that file reveals that Roy Garland was not
13 just a source of information for Brian Gemmell and his
14 sergeant in 123 Intelligence Section of 39 Brigade,
15 which was based in Lisburn and Belfast in 1975, but he
16 was already a source of information to the UDR and army
17 officers based with 3 Brigade in Lurgan.

18 I want us to look at the statement made by Major
19 UDR Major H , if we look, please, at 30152. He was
20 an intelligence officer in 3 UDR between 1973 and 1980.
21 He made a statement to police of 28th September 1982.
22 If we scroll down, please. Just to put this in context,
23 we will shortly look at a letter from Major
24 Halford-MacLeod, who was based with 3 Brigade in Lurgan,
25 and that letter, which is four pages with a couple of

1 attachments setting out what's known about Tara, is
2 a document the Inquiry has seen on a raft of different
3 files held by different organisations, and where did the
4 information come from that's contained in that letter
5 has been a matter of speculation by many, but you can
6 see when we piece this jigsaw together that:

7 "I attended meetings at 3 Infantry Brigade for the
8 production of the document",

9 which we are going to look at, which is Major
10 Halford-MacLeod's letter.

11 "This together with what I told him formed the basis
12 of this intelligence report. The person who Major
13 Halford-MacLeod was introduced to by me was not the
14 source of information relating to McGrath and Tara."

15 So he is saying, "There is another individual
16 I connected Major Halford-MacLeod to. He has got
17 nothing whatever to do with this". Then he explains
18 that the people who did have to do with this, who were
19 his contacts for the information -- paragraph 2 of the
20 report mentions three contacts:

21 "These were my contacts."

22 So UDR Major H is saying, "I was getting the
23 information from these people".

24 "Number 1, Roy Garland; number 2, UDR Captain N; and
25 number 3, [someone called] KIN373 .

1 Number 2 is UDR Captain N , now attached to
2 3 UDR."

3 So he is working alongside UDR Major H . If we
4 just scroll down, please, you can see that he explains
5 -- and this is, as the Inquiry is aware, a practice
6 within the Army -- that when the information is utilised
7 and passed on to someone else, the documents, unlike
8 perhaps the approach of other organisations, who keep
9 every page that's ever written, the documents would be
10 destroyed, because the information is now on documents
11 held somewhere else. You have him saying:

12 "The documents which I had on file at 3 UDR" -- in
13 relation to the information I got from these sources --
14 "has been destroyed. This was because all relevant
15 information from these documents had been passed to
16 3 Infantry Brigade ..."

17 So from the UDR over to the Army proper, the
18 3 Infantry, where you have Halford-MacLeod:

19 "... and were no longer required. Prior to giving
20 the information to Halford-MacLeod ..."

21 He wrote his letter in January '76:

22 "... I had passed similar information in writing to
23 3 Infantry Brigade as early as 1973."

24 So the question that's going to arise: what was the
25 information that was going to be given in 1973 and which

1 was given in 1976?

2 Now I want us to take a look at the letter at this
3 point before we take a step back. So if we look,
4 please, at 30297, this is the letter from Major
5 Halford-MacLeod. You can see in the top right it is
6 from 3 Infantry Brigade and you can see there Lurgan.

7 So in Northern Ireland at the time you had three
8 Army brigades: 39, which covered Lisburn and Belfast --
9 Lisburn also had the HQNI, as it were, which sat above
10 the three brigades -- but you had 39 in Belfast and
11 Lurgan -- sorry -- 39 in Lisburn, Belfast area; you had
12 3 Brigade, which was based in Lurgan; and 8 Brigade,
13 which was based in Derry.

14 So you have Major Halford-MacLeod, who is in one of
15 the brigades, not in HQNI, not the headquarters, but in
16 one of the brigades writing a letter about "Extremist
17 Protestants. Secret organisation -- Tara". It refers
18 to a letter of 6th July 1974 that came from HQNI. When
19 we come back to look at the Army material, we will see
20 where that emanated from and what it was about.

21 But you can see in the letter, which, as you now
22 know, was based on UDR Major H 's three contacts
23 that he passed to Major Halford-MacLeod, you have him
24 saying:

25 "Very little is known about Tara, but some useful

1 information has come through which may be of value. The
2 following points will be covered:

3 (a) personality of William McGrath.

4 (b) Tara.

5 (c) Ireland's Heritage Lodge 1303.

6 (a) [the] involvement of Paisley."

7 You can see:

8 "The information comes from three contacts."

9 They grade their information. You can see then:

10 "William McGrath, 118 Upper Newtownards Road,
11 Belfast, is the leader of Tara."

12 Now you will immediately note 118 is the wrong
13 address. It was 188.

14 "He used to live at 5 Greenwood Avenue ..."

15 That's also not quite right. It was 4 Greenwood
16 Avenue:

17 "... and prior to that 75 Wellington Park."

18 That's also not quite right. It was 15 Wellington
19 Park:

20 "He originally came from Earl Street where his
21 father had a barber shop."

22 I don't know whether that's right or not. You can
23 then see:

24 "In 1941 he formed a group called the Christian
25 Fellowship Centre and Irish Emancipation Crusade. He

1 then embarked on evangelical preaching."

2 You can see:

3 "He operated from a large mansion at 25 Orpen Park."

4 That's Faith House at Finaghy. That is no longer
5 the house at the time of writing.

6 Now I want us to move through to paragraph 6 at this
7 point, because we will be coming back to this letter for
8 other reasons, but if we just pause there, please,
9 paragraph 6:

10 "McGrath is a homosexual and makes a practice of
11 seducing promising young men."

12 I want you to think back to the Rovaphone call and
13 the content:

14 "They include David Browne, the deputy editor of the
15 Protestant Telegraph, and Clifford Smyth, who at one
16 time lived in McGrath's house and is now Secretary of
17 the UUUC and DUP convention member for North Antrim."

18 You will note whose name is not there. He doesn't
19 refer to Roy Garland, but Roy Garland is one of the
20 sources of the information. You can see:

21 "Two of the contacts gave district impression that
22 McGrath was somehow associated with Communism."

23 Then reference is given to him attending
24 a revolutionaries' conference.

25 But the last sentence of paragraph 7 -- in fact,

1 it's the last two sentences:

2 "McGrath is currently described from the 1975
3 Belfast Street Directory as a welfare officer. He is
4 thought to be running some form of boys' home."

5 Now if we just pause there, this is coming from

6 UDR Major H . He's got three sources he has
7 explained. UDR Captain N is one of them, but Roy Garland
8 is another one of them, and what he's describing is
9 known about the homosexuality of McGrath is in
10 paragraph 6, which you may consider chimes with the type
11 of material we have been looking at in relation to Roy
12 Garland. Then you can see that in paragraph 7 there is,
13 not based on information that has been provided, that
14 William McGrath is working in Kincora, but rather that
15 someone has looked at the '75 Belfast Street Directory
16 to establish that he is there described as having the
17 role of a welfare officer and it is then said:

18 "He is thought to be running some form of boys'
19 home",

20 but the boys' home is not identified. Then the
21 document goes on to examine Tara.

22 Now I am drawing those details at this point to your
23 attention from this letter so you can bear them in mind
24 when we go back now to UDR Major H 's police statement,
25 If we go back, please, to 30152, as to what he says Roy

1 Garland told him. He says in the middle -- if we scroll
2 down, please -- middle of the page:

3 "Among people I spoke to was Roy Garland, who told
4 me about McGrath. I cannot remember exactly what all
5 Garland told me, but I do remember ..."

6 Remember this statement is being taken in 1982. So
7 the Halford-MacLeod letter written in '76:

8 "I cannot remember exactly what all Garland told me,
9 but I do remember Garland saying that McGrath was
10 a homosexual and was employed in a boys' home. He did
11 not tell me what home McGrath was employed in or that
12 McGrath had committed any offences",

13 ie in the home. That would be entirely consistent.
14 Roy Garland at no stage in the material we have seen was
15 alleging that he knew McGrath to be committing offences.
16 I think if I describe it this way: he was using his
17 known past conduct as a best indicator of future
18 behaviour.

19 You can see then in the rest of the statement how
20 UDR Major H comes to pass on the information
21 working alongside Major Halford-MacLeod. As you saw, he
22 had passed similar information on in 1973.

23 Now you have seen that one of the sources was also
24 UDR Captain N. If we can look, please, at 30154, he was at
25 the time a UDR captain -- if we scroll down, please --

1 and he had been interviewed already by police in 1980,
2 but he is explaining here that -- you may consider the
3 timing of this to be important -- he joins the UDR in
4 1971. He is commissioned as an officer in '72 and got
5 to know UDR Captain N :

6 "... and I passed to him what information I had in
7 relation to William McGrath and the organisation Tara."

8 So you can see that the time at which he is passing
9 the information is '72, and that's likely to be what
10 UDR Major H was talking about. It is from '72 on I
11 should say. So maybe it's '73. That's -- UDR Major H
12 was saying, "I passed on information in '73". That may
13 well be whatever information UDR Captain N had, and we are
14 about to see that.

15 "The information I passed was that I believed
16 McGrath to be a homosexual and his association with up
17 and coming young men in Unionist politics, including his
18 involvement with Tara."

19 So you can see it is in a similar vein to that which
20 we were looking at from the Rovaphone call.

21 "I knew Roy Garland and it was me who instructed" --
22 sorry -- "who introduced Garland to UDR Major H . It was
23 Garland who referred to the fact that he believed that
24 McGrath was working in a boys' home. The name of the
25 home was to the best of my knowledge not stated."

1 Now you will be able to consider whether
2 UDR Captain N 's recollection is accurate, given that Major
3 UDR Major H 's interaction with Major Halford-MacLeod would see
4 the 28th January 1976 letter say -- and that's at 30298
5 -- that McGrath was thought to be running some form of
6 boys' home without Kincora or its location being
7 mentioned.

8 UDR Captain N had already provided a statement to the
9 RUC on 19th May 1982, if we look, please, at 20690.
10 This was his second police statement. It was part of
11 the open RUC Phase Two Inquiry. That statement reveals
12 why he, when he came to be performing his role for the
13 UDR and assisting the Army's 3 Infantry Brigade in
14 Lurgan, was in a position to assist UDR Major H about
15 William McGrath. I want us to look at the statement.

16 You can see he first met William McGrath at a public
17 meeting in '67/'68. So at this stage Roy Garland still
18 involved with William McGrath:

19 "A little later I decided to join the Orange Order
20 and became a member of a private lodge, which included
21 in its membership William McGrath. Shortly after
22 becoming a member a little controversy broke out over
23 a visit of the Bishop of Rippon."

24 You saw me mention that earlier:

25 "The Orange Order became involved in this

1 controversy. William McGrath and the group of young men
2 that surrounded him played a considerable part in
3 organising opposition to the visit."

4 We saw exactly what happened in Detective Constable
5 Cullen's notes.

6 "The visit was called off and the result was
7 considerable bitterness within the private lodge, of
8 which I was a member. I decided to leave the Orange
9 Order, but was later persuaded so stay and remain
10 a member and to help found a new lodge. William McGrath
11 was to be a member of this lodge."

12 So if we just pause there, the new lodge was to do
13 with the Irishness, but the Bishop of Rippon coming
14 over -- this is where the contradictions come in -- so
15 steps were taken by William McGrath and Roy Garland to
16 not have that visit occurring. The result of it not
17 occurring was UDR Captain N and others were extremely
18 annoyed, and a new lodge was instead formed, which was
19 of the more Irish focused version, which William McGrath
20 was to join. You can see the irony that's occurring as
21 a result. You can see that:

22 "William McGrath was to be a member of this lodge.
23 At this point McGrath asked me to meet with him to talk
24 over past events. We met in Bangor. It was during this
25 conversation that McGrath confirmed my fears that he was

1 a homosexual. I immediately broke all contact with this
2 man, warned any of my friends that I had introduced to
3 him of my reasons for doing so. McGrath did not become
4 a member of our new lodge. At this time I relayed my
5 concerns about McGrath to the Reverend Martin Smyth and
6 later to Jim Molyneaux, both prominent members of the
7 Orange Order. Some time later (the early '70s) I spoke
8 to the Reverend Ian Paisley about not only McGrath but
9 some of the young men who were closely involved with
10 him. Mr Paisley was concerned" -- if we scroll down,
11 please -- "about one of these individuals, a David
12 Browne, involved in the production of the Protestant
13 Telegraph. He asked me to meet Browne and himself in
14 order to discuss my conviction about McGrath. The
15 meeting never took place. At no time did I mention
16 Kincora to either the Reverend Martin Smyth, Mr Jim
17 Molyneaux or the Reverend Ian Paisley. To the best of
18 my knowledge McGrath was then involved with a carpet
19 business and was not working in a boys' home."

20 Now the Sussex superintendents had already spoken to
21 UDR Captain N, if we look at, please, 40721, in what would
22 be his first police statement. So I appreciate we have
23 looked at them in reverse order, but hopefully the
24 reason for doing that will help understanding in the
25 end.

1 This was 6th April 1982. He referred to the
2 previous statement that he made during the phase one
3 part of the inquiry, and then there's three during this
4 second phase, part of which is closed. You can see:

5 "The first time I met William McGrath ..."

6 He explains the same detail. Then if we scroll
7 down, please, you can see:

8 "At this time McGrath was surrounded by a group of
9 young men, [including] David Browne, Clifford Smyth and
10 Roy Garland ... belonged to different lodges."

11 If we scroll down, please, on to the next page,
12 about a third of the way down you can see that:

13 "This culminated in my talking with McGrath in my
14 car one evening. We spoke about Orange matters with a
15 view to me seeking to reconcile some of the young men
16 who were in discord with some of the Orange senior --
17 Orange Order senior members. He discussed the moral
18 problems with one of the three young men I have
19 mentioned earlier in this statement, but whose name
20 I prefer not to disclose."

21 Now that's a reference to Clifford Smyth and being
22 a transvestite, as we will see shortly:

23 "The other matter he mentioned was his belief that
24 it was possible for two males to have a love for one
25 another and to express it physically, and referred to

1 Jonathan and David. I realised that McGrath was making
2 a homosexual approach and this conversation confirmed my
3 earlier suspicions about him. I stopped the
4 conversation and drove him to his original pick-up
5 point. I immediately went to the home of a man in the
6 Orange Order."

7 So he explains what steps he took. He didn't want
8 to name the individual that he was told about by
9 McGrath, but Clifford Smyth reveals in his statement to
10 the Sussex officers -- I will just give you the
11 reference: it is at 40728 -- that it was him that was
12 the subject of the discussion, and he also revealed that
13 UDR Captain N had subsequently discussed Smyth issues --
14 Smyth's issues with Roy Garland. That explains the
15 sequence of events in 1971, when Clifford Smyth was
16 confronted by Roy Garland as to his "problem", as it was
17 quoted in inverted commas, Garland having by that time
18 broken with William McGrath. You will find that on
19 40728 and 40725.

20 UDR Captain N then lists in his statement the various
21 people that he spoke to about McGrath, and you can see
22 that he's explaining that -- if we just scroll down,
23 please -- at the bottom of the page he's explaining that
24 the meeting -- this meeting was in the early '70s and
25 before Garland broke from McGrath. This is a meeting he

1 is having with Paisley. So this is before 1971, which
2 is when Roy Garland and William McGrath fall out. If we
3 scroll down, please. Now if I -- just about four
4 lines down:

5 "In the early '70s, when Garland had broken from
6 McGrath, I was asked to meet a police officer who
7 I believe was named Cullen. I met him and told him what
8 I knew about McGrath. I was not aware that McGrath was
9 working at Kincora at this time."

10 That is why UDR Captain N was in a position to in the
11 summer of '73 be involved with UDR Major H in
12 writing -- and if you can see -- if we can look at 40723
13 just at the bottom:

14 "In the summer of 1973 together with a UDR
15 colleague, UDR Major H , a military intelligence report
16 on Tara and McGrath was prepared dealing with what was
17 known about his involvement with Tara."

18 So, piecing that all together, you can see that the
19 Army document that was created in 1973 -- whether or not
20 it still exists, with the information from it, wherever
21 that was conveyed -- was talking about William McGrath
22 and it certainly was not talking about Kincora.

23 Now I appreciate that has been all rather detailed
24 and perhaps just before we take a break if I can
25 summarise it in this way. Roy Garland was a source of

1 information about William McGrath that was available to
2 the UDR in Lurgan through UDR Captain N and UDR Major H .
3 What those officers knew -- one of them, UDR Captain N, from
4 his own personal knowledge -- was that William McGrath
5 was a homosexual, that at some point prior to January
6 '76, when Major Halford-MacLeod would write his letter,
7 Roy Garland was telling them, UDR Captain N and UDR Major H, that
8 McGrath was a homosexual and was working in a boys'
9 home. You may consider that UDR Captain N was more than
10 just an ordinary recipient of the information, because
11 he had his own previous personal involvement with
12 McGrath and the Young Unionists around him. They, that
13 is UDR Captain N and , UDR Major H , were
14 each saying that Roy Garland had not told them about
15 Kincora, nor that McGrath was said to be committing
16 sexual abuse in Kincora.

17 If that is correct, you are left with a central
18 issue in all of this as we look at this material that
19 should it be that they made the presumption that because
20 a homosexual was working in a boys' home, therefore that
21 meant he was going to be committing offences there with
22 young boys, or should it be that there was a risk that
23 that was the case and therefore some step should have
24 been taken?

25 That Roy Garland's information provided to

1 UDR Captain N and UDR Major H would be part of that which
2 informed the Halford-MacLeod letter of 28th
3 January 1976, which says, as you saw, in paragraph 6:

4 "McGrath is a homosexual, who makes a practice of
5 seducing promising young men",

6 and in paragraph 7:

7 "He was thought to be running some form of boys'
8 home."

9 As you know now, it does not mention Kincora, nor
10 say that it is thought or being said that he was abusing
11 boys there, and I suggested to you on the first day of
12 our public hearings into Kincora that information
13 available about McGrath appears to always lead back to
14 Roy Garland. I am going to show you the further
15 examples of that in due course as far as it relates to
16 him telling or providing information that would reach
17 people who worked for Social Services, the RUC, the Army
18 and the intelligence agencies.

19 I have not at this point looked in detail at Roy
20 Garland's engagement with the RUC Detective Constable
21 Cullen in terms of what happened beyond the information
22 that was in the documents we have looked at, nor Army
23 Captain Brian Gemmell or Valerie Shaw, which would be
24 a further conduit to both Social Services and the RUC
25 and, believe it or not, it appears the Army from

1 a document that has been disclosed to the Inquiry.
2 These contacts would all stem from Roy Garland's initial
3 engagement with William James McKendrick -- McCormick or
4 Jim McCormick, , who was also
5 a Christian evangelist.

6 Those are matters to which I will return, those
7 individuals who were part of the State, now that you are
8 aware of the underlying background, which you will be
9 able to reflect on when hearing what you may consider to
10 be potentially the confused picture of what was being
11 said.

12 Just before we take a break, Chairman, Members of
13 the Panel, before I return to the chronology of what the
14 Social Services knew, I want to briefly draw your
15 attention to Roy Garland before the Hughes Inquiry. If
16 on 16th December -- if we can just look at 55010, please
17 -- I caveat this with a large "if" -- if on 16th
18 December 1984 the Sunday World was accurately quoting
19 the Hughes Inquiry Secretariat, Roy Garland was only
20 prepared to submit a written statement, but was not
21 prepared to give oral evidence. I say "if", because
22 there are some documents, as we have tried to understand
23 the precise position, that suggests the Inquiry, having
24 asked various questions and got various answers, didn't
25 feel the need to take the matter any further, but

1 whether what's being quoted here -- if we just scroll
2 down a little, please -- whether this is at a -- whether
3 it is accurate or not we will try and get to the bottom
4 of, but it is certainly the case he gave -- that is Roy
5 Garland gave -- a written statement to the Hughes
6 Inquiry. If we can look, please, at 75619, you can
7 see -- I am not going to take time to go through it now;
8 you will have the opportunity to consider this -- it
9 runs from 75619 to 75624. If we just scroll down, I'll
10 try and pick out some key points. You can see there's
11 reference to UDR Captain N. If we scroll down further, his
12 -- you can see, if we just pause there:

13 "My concern at this time was not simply that the man
14 was homosexual but that he had developed a fairly
15 complex and coherent set of rationalisations to justify
16 his activities. He used psychological jargon and taught
17 that physical relations between members of the same sex
18 were essential in a balanced life. Anyone who rejected
19 his approaches and ideas tended to be regarded as
20 'disturbed' or 'unbalanced'. I quickly realised that
21 young people at Kincora were very vulnerable to this
22 type of approach."

23 So you can see that in 1984, the end of 1984, Roy
24 Garland is saying that his concern was for the boys in
25 Kincora at the time he is trying to draw attention to

1 William McGrath in the '70s.

2 We can see he describes the number of contacts that
3 he had and he endeavoured to enlist to assist. If we
4 scroll further down, please -- keep going down, please
5 -- this is all about Dr Paisley and meeting with him.
6 Just pause there, please. Just scroll up a little bit.
7 You can see:

8 "I through ..."

9 He contacted Jim McCormick:

10 "... and some time after this he introduced me to
11 Detective Constable Cullen, Miss Valerie Shaw and some
12 other people",

13 which may be a reference to Captain Gemmell.

14 "It was in 1972 or not later than '73 that I met
15 Mr Cullen."

16 Well, we know that it was in March '74. So that's
17 not quite right. You can see what he says here:

18 "He told me that he had heard similar stories about
19 Mr McGrath. Whereas previously he had not believed
20 them, now he did."

21 So that is obviously different from the content of
22 any of the notes that we looked at this morning.

23 "He promised to investigate, but I warned him that
24 I was in grave danger and that his fellow police
25 officers must not be given access to the details, as

1 Mr McGrath had a contact at his station. He promised to
2 deal directly with a senior officer and asked if I could
3 get witnesses."

4 So if we just pause there, the PSNI and indeed
5 anyone looking at it might well comment on how -- what
6 was a detective constable doing going right to the top
7 of CID in Northern Ireland effectively? Well, if Roy
8 Garland is accurate, this might assist you with the
9 reason behind that, that Detective Constable Cullen, as
10 he will explain in his own evidence, was being told by
11 Roy Garland that he was extremely concerned for his
12 personal circumstances and safety, including that of his
13 family.

14 You can see that Roy Garland says that Detective
15 Constable Cullen accompanied him on a visit to
16 UDR Captain N, who provided further information, although
17 Detective Constable Cullen will explain in his statement
18 he saw UDR Captain N and he didn't really have any useful
19 information.

20 "A young man also spoke in detail about Mr McGrath's
21 approaches."

22 You can see then:

23 "I met Mr Cullen on a number of occasions ..."

24 MS DOHERTY: "... in the mid ..."

25 MR AIKEN: "... in the mid to late 1970s and I recall

1 phoning him at least once to ask if anything was being
2 done."

3 So you can see, if we were to pause there, that
4 might be the January '76 call.

5 "He said that he could not provide details, but had
6 learned that another person was suspected at the boys'
7 home."

8 So ... Then you can see:

9 "About this time I also learned from Mr McCormick,
10 who seemed to have an independent source of information
11 about Kincora, that three homosexuals were employed at
12 the home."

13 So if we just pause there, given what we were
14 looking at this morning, Detective Constable Cullen was
15 saying he didn't know about Mains until he went to the
16 Eastern Board. We looked at a document in Detective
17 Constable Cullen's own hand that suggested before he
18 went to the Eastern Board Roy Garland had been able to
19 tell him about Mains, and that there was some
20 corroboration for that from Valerie Shaw, who says she
21 was told by Roy Garland about Mains, and here Roy
22 Garland is saying that Detective Constable Cullen was
23 able to tell him about Mains, and that it seems Jim
24 McCormick was able to know more than -- because he had
25 information about three.

1 You can see:

2 "Detective Constable Cullen discussed the situation
3 at Kincora and what might be possible. He also told me
4 that when Mr McGrath and friends visited Holland in
5 1974, that a policeman had followed him in the same
6 plane."

7 Now, as I said to you, Detective Constable Cullen
8 would make a statement to police saying he did not tell
9 Roy Garland that at all, but you can see:

10 "I had given details of this proposed trip to
11 Mr Cullen after receiving information about it from
12 England."

13 If we scroll down, please, you then have in 1973
14 Mr McCormick linking in Roy Garland with Valerie Shaw.
15 If we scroll further down, please, that is more to do
16 with Ian Paisley again. Go up slightly. Sorry. Just
17 a little further. Thank you.

18 "I decided that the best course was simply to
19 present the facts in detail."

20 So he's saying that's what he did. That's again
21 about Dr Paisley. If we scroll down, please. Keep
22 going down, please. Stop there, please. Thanks.

23 "I took another -- a number of other steps in the
24 early and mid 1970s, including an anonymous phone call
25 to social workers at the Hollywood Road. I was assured

1 by the man who answered the call that an investigation
2 would be carried out ..."

3 We will shortly see that to be the case:

4 "... and I felt the matter was being treated
5 seriously. I believe that it was at an earlier stage
6 that I telephoned the police on the confidential line to
7 express my fears about Kincora. I took a number of
8 other steps, and although I was told that Mr McGrath was
9 not in a position to harm boys at the home, I was not
10 reassured. Although I spoke to Reverend Martin Smyth
11 about the situation, even though (sic) came to the
12 conclusion that nothing could or would be done."

13 That has been altered from a statement that he was
14 told something to he came to the conclusion. Then you
15 can see he signs the statement.

16 The Hughes Inquiry then would write to Roy Garland
17 on 10th December, so six days before the article we
18 looked at -- if we can look at 75653, please -- asking
19 him to address the question of his anonymous call to
20 Social Services. So it's referring back to the
21 statement we have just looked at:

22 "There is one matter in respect of which the
23 Committee would appreciate some further assistance.
24 That's the phone call which you made anonymously.

25 The Committee has already taken evidence from

1 a social worker in the Eastern Health & Social Services
2 Board, Colin McKay, that he received an anonymous phone
3 call to his office on the Hollywood Road in January 1974.
4 The details of the complaint are set out in his own
5 police statement and the statement and notes of his
6 principal, Mary Wilson, copies of which are attached."

7 So you can see that the Inquiry is giving Roy
8 Garland Colin McKay's police statement -- and we will be
9 turning to look at this material shortly -- and the
10 contemporaneous note recorded by Mary Wilson of what she
11 as told was the nature of the call, and then it is being
12 said:

13 "It would be of consideration assistance to the
14 Committee if you would confirm the date of your phone
15 call and whether there is any similarity between it and
16 that referred to in Mr McKay's statement and Ms Wilson's
17 notes",

18 which was from January '74.

19 "It will not be necessary for you to make
20 an additional statement, but the Committee would
21 appreciate a reply in writing. A pre-paid envelope is
22 provided."

23 Then if we look at the reply, please, at 75625.

24 It may be a wrong reference. No, there we are.

25 13th December '84:

1 "Having considered the information which you
2 provided with your letter dated the 10th of the month,
3 I have concluded that the phone call received by
4 Mr McKay was not that made by me.

5 I have no record of the date, but I am convinced
6 that my call was not made in January '74. I believe
7 that my phone call was in '72 or early '73. The details
8 provided by Mr McKay do not coincide with the
9 information which I provided. I did not indicate that
10 I knew that improper behaviour had taken place, but only
11 that this was likely, because of Mr McGrath's past.
12 I also distinctly recall giving details of the reasons
13 why" -- if we scroll on down, please -- "reasons why
14 I believe that Mr McGrath was able to continue with his
15 activities, ie because of his Loyalist and paramilitary
16 connections.

17 Yours sincerely.

18 Roy Garland."

19 So you can see he's distancing himself from the
20 content from Mary Wilson's record, which we will look at
21 in due course.

22 The Hughes Inquiry would conclude that we are
23 talking about one and the same anonymous call and it was
24 Roy Garland who made it. You will find that -- I will
25 look at it now -- but you will find that at 75261 and

1 75262 in the Hughes Inquiry report.

2 There's just one more matter, if I may, Chairman,
3 Members of the Panel, before we perhaps take a short
4 break and then come back to begin to look at what the
5 Social Services knew.

6 Just before I return to that, I want to show you the
7 statement of Clifford Smyth, who was a close friend of
8 William McGrath, lived with him for a number of years
9 until 1973, involved with Roy Garland in Tara, as it
10 will add to your understanding of the allegations that
11 we will look at that would emanate from Roy Garland.

12 If we look at 10776, please, this is a statement to
13 the police of 5th May 1980. We can see he explains he
14 was:

15 "... first introduced to McGrath through members of
16 the Orange Order, who had convened a private meeting at
17 McGrath's house at 15 Wellington Park to discuss
18 political and religious matters. There were about
19 fifteen people present."

20 He explains the background of that. He goes on to
21 say:

22 "It wasn't long before McGrath told me in private
23 conversation that he had an insight into many of the
24 emotional problems which afflict young men. He spoke of
25 how he counselled those who had problems with

1 masturbation and homosexuality and claimed to be able to
2 alleviate their distress. These conversations disturbed
3 me, because no other Christians that I had met had ever
4 conversed with me along these lines, and yet I was
5 anxious about my own youthful emotional hang-ups (which
6 were not homosexual in nature). In this atmosphere
7 I confided my youthful emotional concerns to McGrath,
8 who then persuaded me to submit to his form of
9 treatment, which involved his stroking and massaging my
10 thighs and which was supposed to relieve my emotional
11 tension. My role in these incidents, which took place
12 on three or four occasions, was entirely passive.
13 McGrath rationalised these incidents at the time very
14 plausibly and in such a way as to allay my natural
15 misgivings as to their nature, but with hindsight
16 I subsequently wondered if he gained some form of sexual
17 gratification from them."

18 That's how he was describing the matters. You can
19 see he is describing how McGrath would accommodate
20 lodgers in Wellington Park and they would pay for that.
21 If we scroll further down, please, you can see the
22 people he is describing McGrath being in contact with
23 and then discussing the political situation in Northern
24 Ireland. If we scroll further down, please, we can see
25 then he begins to talk about Tara. If we just pause

1 there:

2 "In the autumn of '69 the first part of this
3 scenario had been confirmed and a second meeting was
4 called and outline proposals for Tara were given by
5 McGrath. It was obviously his brainchild",

6 he explained. Then we can see further down:

7 "Initially the organism recruited very successfully,
8 only to collapse in late 1971, when the Belfast
9 paramilitary Loyalist groups took over many of the
10 membership, leaving McGrath and his closer associates
11 isolated. The circumstances of this collapse are of
12 interest, because there was some kind of character
13 assassination campaign mounted at that time.

14 I personally became aware of the fact that I was being
15 accused of being a homosexual. Contemporary with these
16 events Roy Garland broke off all his associations with
17 McGrath. The fact that the rumour campaign was directed
18 as far as I could detect chiefly at myself caused me
19 considerable distress at first. Then I came to
20 recognise that a number of public figures of different
21 callings and importance are the subject of all kinds of
22 gossip and innuendo."

23 You can see:

24 "I was the first to learn that there was trouble
25 brewing between Roy Garland and William McGrath, because

1 I called to Roy Garland's house. Roy Garland had
2 married a girl who was a member of the Young People's
3 Fellowship that had met at Wellington Park. When
4 I arrived at Roy Garland's home, he launched into
5 an attack on McGrath, accusing him of being a homosexual
6 and a Communist."

7 You will see the resonance of that in Army
8 documents:

9 "It was also alleged that these homosexual
10 tendencies were known to a particular evangelical
11 Protestant who had gone to Australia. This meeting left
12 me shattered and confused, and the way I responded to it
13 was to influence all the events that came after it.
14 I went to McGrath and started to relate what had taken
15 place."

16 So this is 1971:

17 "He was uncharacteristically curt with me and told
18 me that his friendship with Roy Garland" -- scroll down,
19 please -- "was none of my business. McGrath
20 emphatically refused to hear any more about the episode.
21 I was to go on holiday to my parents and I did. I was
22 left in the position that I had previously been accused
23 of being a homosexual and that was untrue. The same
24 accusation had now been made against McGrath and
25 furthermore he was said to be a Communist. I thought of

1 myself as being well read in political matters and could
2 not discern any way in any McGrath's activities as I saw
3 them advanced the cause of Communism. Furthermore, the
4 circumstances of the split with Garland, involving as
5 they did some kind of hiatus in their financial matters,
6 reinforced my view that Garland's accusations were the
7 product of bitterness and malice. I returned from
8 Scotland, and the altercation between McGrath and Roy
9 Garland overshadowed life in Greenwood Avenue for
10 months. Their business partnership ended, there was
11 a row in their Orange Lodge and it was split, and
12 eventually Greenwood Avenue was sold, and the McGraths
13 and myself moved to 188 Upper Newtownards Road. I had
14 been a student -- I had been teaching since September
15 '71 and was now planning to get married to a student
16 whom I had met at Queen's. I only stayed in 188 Upper
17 Newtownards Road for a short time. While I was there
18 Frank Millar Junior, whom I had met originally through
19 the Young Unionists and Orangeism, became a frequent
20 visitor and often stayed in the house. He later married
21 McGrath's only daughter. I was now paying £5 a week in
22 rent and busy either with DUP activities or house
23 hunting. In April '73 I married and left 188 Upper
24 Newtownards Road. In the meantime McGrath had taken up
25 employment in Kincora Boys' Home."

1 So what Clifford Smyth is saying is, "I lived with
2 him in Wellington Park. I lived with him in Greenwood
3 Avenue. I had lived with him in 188 Upper Newtownards
4 Road. Then April '73 I am getting married and go off
5 and don't live with him anymore".

6 "In the meantime McGrath had taken up employment at
7 Kincora. I was never made aware of how he obtained the
8 position and I was informed of his post in an off-hand
9 way some time after he had started to work there. The
10 very fact that McGrath had obtained this post seemed to
11 confirm my notion that Roy Garland's accusations were
12 false. Later McGrath was to say that as a result of Roy
13 Garland's activities his position in Kincora had been
14 investigated and he had been cleared."

15 That's likely to be a reference to Constable Long
16 visiting in 1973 on foot of the anonymous Rovaphone
17 call.

18 "No reference whatsoever was made to the other
19 officers in the home."

20 Then you can see there's reference to the Reverend
21 Paisley and Valerie Shaw -- if we scroll down, please --
22 Valerie Shaw's leaving the church, the Free Presbyterian
23 Church. He is recording he is now told that was because
24 of the fall-out over McGrath.

25 "She never did speak directly to me on the subject,

1 nor did I speak to the Reverend Paisley. I was aware
2 that the Reverend Paisley disapproved of Tara, but in
3 the absence of any reasons stated by him I assumed that
4 this was because he did not want members of the DUP to
5 have divided loyalties. He never directly mentioned
6 McGrath."

7 You can see he is aware he explains of the folio
8 document which the Inquiry has seen. If we scroll
9 further down, please, you can see he's talking about how
10 the DUP element in Tara:

11 "Tara had continued to function in a desultory
12 fashion in rural Ulster after the debacle of 1971. Now
13 the movement practically ceased to exist. At no time,
14 though, had I seen any evidence which linked boys in
15 Kincora Home to Tara either by attending meetings or in
16 any other way. I personally visited Kincora briefly on
17 about four occasions to see McGrath on political
18 matters. Twice we talked on the doorstep and on the
19 other occasions I was taken to a small ground floor room
20 behind the television room. At no time did I meet any
21 of the boys.

22 Somewhere about the time of my break with the DUP
23 a member of the security forces approached me" -- this
24 is UDR Captain N -- "and in the course of conversation
25 about other matters, long since forgotten, pointedly

1 ..."

2 Sorry. It's not UDR Captain N. It is Captain Brian
3 Gemmell:

4 "... in the course of a conversation about other
5 matters, long since forgotten, pointedly advised me as
6 follows: 'Don't trust McGrath. He's a homosexual and
7 a liar'. Kincora was never mentioned, but because this
8 member of the security forces didn't elaborate upon the
9 story and just left me with the bald statement, it
10 greatly alarmed me. Unlike my attitude to the Garland
11 episode, I was never able to free myself from this
12 statement and become suspicious of McGrath's own
13 propensities. The fact that the statement came from
14 a completely impartial source with no axe to grind gave
15 it added weight."

16 You will understand it came Jim McCormick via Roy
17 Garland meeting Brian Gemmell.

18 "As a result I kept a certain distance between
19 myself and McGrath from then on. In due course, though,
20 just as on previous occasions, I took the opportunity of
21 confronting McGrath with this statement. He seemed
22 shocked and hurt and complained that the subject of such
23 statements had no right of reply. In the end, though,
24 the very fact that McGrath worked in Kincora Boys' Home
25 weakened my suspicions. This episode brought to an end

1 the period of frenetic political activity which had
2 culminated in me leaving the DUP."

3 If we scroll down just a little further, please, you
4 can see:

5 "Many of the events of the late '60s and mid-'70s
6 had receded into the background and nothing occurred to
7 indicate that life in 188 Upper Newtownards Road might
8 be lived on any level other than that which appeared on
9 the surface. As far as Kincora was concerned, it was
10 seldom referred to directly in conversation. It seemed,
11 in fact, a world apart."

12 You can see then he explains he becomes aware:

13 "After the publication of the charges in the Belfast
14 Telegraph I went to see one of those who'd attended the
15 private meetings, UDR Captain N. I had not spoken to
16 UDR Captain N since about 1970, when he had broken with
17 McGrath. UDR Captain N confirmed that McGrath had discussed my
18 emotional hang-ups with him. Suspecting this, years
19 previously I had challenged McGrath as to whether he had
20 spoken to UDR Captain N. McGrath denied that any such
21 conversation had taken place."

22 So you can see what's happening. He divulges to
23 McGrath that he is a transvestite. McGrath tells both
24 Garland and UDR Captain N. Both UDR Captain N and Garland confront
25 Clifford Smyth with this, indicating that the

1 information had been shared by McGrath. McGrath, on the
2 other hand, denies and Smyth is saying he now knows that
3 McGrath is well capable of lying to him. Then he deals
4 with the point in the Focalin file, which again the
5 Inquiry has seen. Scroll further down, please. Scroll
6 further down. Thank you. He then addresses the Sunday
7 World article. Just scroll further down, please. I
8 think that's the end of the -- yes, that brings the
9 statement to an end. So if we take a -- we have
10 travelled a long way. If we take a break there for the
11 shorthand writer.

12 CHAIRMAN: Very well.

13 (3.37 pm)

14 (Short break)

15 (3.47 pm)

16 MR AIKEN: Chairman, Members of the Panel, before we took
17 a short break we ended the section about Roy Garland
18 that I wanted to allow you to try and understand all the
19 strands that are going to now become apparent in the
20 coming days and where they may have emanated from.

21 I am going to return now to what the Social Services
22 knew, having already completed the period up to 1971
23 with the second part of the Mason file. You may ask,
24 therefore, why if that's what I am doing, why I am going
25 to look first at the 23rd May '73 anonymous call to

1 police before I speak about the 23rd January anonymous
2 call to Social Services. If you bear with me for
3 a short time, that will hopefully become clear.

4 If we just put on the screen again 55077. You have
5 read it already, so it can just sit there while I speak.
6 The issue I want to look at is whether the Social
7 Services found out about this call to police in 1973.
8 So you've got the call, and then if we look at 114062,
9 please, you've got what I hope is a legible copy of
10 Constable Long's report. Constable Long -- and we will
11 come back to look at this -- having been sent out to
12 investigate the anonymous call, reports back ultimately
13 to his inspector at Strandtown and says:

14 "On 4th June 1973 I spoke to Mr Mains ..."

15 So this is within two weeks of the anonymous call
16 coming in.

17 "... the head of the home, father at Kincora Boys'
18 Hostel, Upper Newtownards Road, regarding a social
19 worker at the hostel named William McGrath. Apparently
20 McGrath has been employed there since August 1971 and is
21 aged 55-58 years. According to Mr Mains, McGrath is
22 a very decent type of chap and has deep religious
23 convictions and is high up in the Orange Order.
24 Mr Mains is not aware of any perversion as mentioned in
25 the above telephone conversation going on, and if there

1 was, he would be sure to hear of it."

2 I appreciate there's a horrible irony about the
3 exchange, but from Constable Long's perspective he has
4 got this anonymous call. He -- it's been passed down to
5 him from the head of his division through the various
6 ranks. He's the man who has to go and do it, and you
7 may consider, given that he doesn't know what we know
8 about Joseph Mains, that he is going to talk to this
9 person's boss effectively in the children's home and
10 find out what the story is based on what was
11 an anonymous allegation that was not making
12 an allegation about activity in Kincora. So it is being
13 said to him that McGrath is a very decent type of chap.
14 Then:

15 "As regards McGrath's financial difficulties, before
16 he came to the hostel he was in the carpet business and
17 lost £2,000 in that business. Mr Mains is satisfied
18 that this information came from some crank and that
19 although McGrath is not popular with the boys at the
20 hostel ...",

21 and you will see in various documents various
22 higher ranked members of staff expressing the view they
23 don't think Mains really liked McGrath and at one stage
24 complained about him, that he was not great with the
25 boys and he would have to improve:

1 "... he is convinced that no-one there would be
2 capable of this",

3 ie the allegations that are in the anonymous call.

4 "Mr Mains has no idea of who might have passed this
5 information on the phone."

6 Now Mains at interview, if we can look, please, at
7 10412 -- so that's what goes back in and ultimately the
8 sergeant following up on Constable Long's report says,
9 "No further action necessary. It seems to be
10 malicious". At interview on 1st April 1980 Mains speaks
11 about this. You can see:

12 "Mains said that after McGrath started in the hostel
13 during '72 ..."

14 So he has got the date wrong. It is May '73:

15 "... a confidential telephone call was received at
16 Strandtown Police Station about McGrath being involved
17 in homosexual activity. The sergeant sent a constable
18 up to Kincora and the constable discussed the matter
19 with Mains. Mains said he had spoken to McGrath about
20 this and McGrath denied being involved. McGrath told
21 him someone in the political field was trying to get his
22 own back and put him out of a job. Mains said he
23 reported this matter to Ms -- Mr Wilson ..."

24 It should be Mrs Wilson, Mary Wilson:

25 "... of the Social Services and he later saw an ad

1 in the paper put in by the police asking the person to
2 come forward who had telephoned the message."

3 Now we have not seen any evidence of that being the
4 case in any material. So what Mains is saying here at
5 this point is that he talked to McGrath about the issue
6 raised by the police and told Mrs Wilson about it. He
7 then goes on to speak about the anonymous call and his
8 involvement. You will see if you look at the bottom he
9 talks about Colin McKay:

10 "... call related to McGrath's homosexual
11 activities. Senior social worker Colin McKay and Ms
12 Wilson came to Kincora and interviewed McGrath in Mains'
13 office. The allegations were put to McGrath and he
14 denied them. He made the same suggestion that someone
15 was out to put him out of the job. Mains told us that
16 around this time he assumed from what had been talked
17 about that McGrath was being blackmailed by
18 a schoolteacher in one of the colleges called ..."

19 I don't know why that's redacted, but that's going
20 to say "Garland". Perhaps Ms Hunter will note that for
21 me and get that unredacted.

22 "McGrath had mentioned that he had to pay out £3,000
23 and had to sell his house in Greenwood."

24 So the gist is right; the precise details not quite.

25 When McGrath was interviewed on 1st April 1980, if

1 we look, please, at 10497 -- just scroll down a bit,
2 please, for me. Scroll down a little more. Yes. So he
3 is asked about:

4 "Have any allegations been made against about you in
5 the past?"

6 He said:

7 "The first time was ten years ago after I took over
8 in Kincora. An anonymous letter or a telephone call was
9 made to Strandtown Police, who informed my headquarters.
10 They got in touch with me. We had a conference with
11 a Ms Wilson and a Mr Mains."

12 If we scroll down a little further:

13 "... Mr Mains.

14 Q. What was the allegation?

15 **A. That I was engaged in homosexual activity.**

16 Q. Were you?

17 **A. It was a political attack.**

18 Q. Did you know from whom?

19 **A. Yes, I thought the UVF.**

20 Q. Who?

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

22 Q. Why?

23 **A. I am in Tara and we are all against all**
24 **lawlessness and we exposed ourselves to these people in**
25 **the UVF."**

1 If we scroll down a little further. So he is
2 acknowledging being aware. A bit of confusion or
3 conflation going on, as we will see, but I want to turn
4 now to 23rd January 1974 anonymous call received by the
5 Holywood Road office of Social Services.

6 The call appears to have been on Wednesday,
7 23rd January 1974, so seven months after the anonymous
8 call to police and before Roy Garland would first meet
9 Detective Constable Cullen. The Hughes Inquiry would
10 conclude that this call we are about to look at came
11 from Roy Garland, although you will recall from the
12 material we saw he did try to suggest it perhaps didn't
13 come from him, because he would have said it slightly
14 differently. You will recall a similar approach in his
15 commentary about the police call, that he wouldn't have
16 used the term "vice ring".

17 The chronology of this is a little complicated in
18 that the contemporaneous record in respect of this call
19 is actually in the handwriting of Mrs Mary Wilson, who
20 was the Principal Social Worker in the Eastern Board's
21 Castlereagh and East Belfast District Residential and Day
22 Care Division -- long I appreciate -- until 1975 and
23 consequently responsible for the running of, amongst
24 others, Kincora at that point in time. There doesn't
25 seem to be a record in the hand of Colin McKay, who took

1 the call. Mary Wilson did not take the call herself.
2 Colin McKay, a Senior Social Worker based in the
3 Hollywood Road office took the call. He reported the
4 call to Brian Todd, who was the Assistant Principal
5 Social Worker in the Eastern Board's East Belfast &
6 Castlereagh District between '73 and '76. Brian Todd
7 then telephones Mary Wilson to tell her about the call.

8 We can look, please -- if we look at 114014, we can
9 look at the contemporaneous record Mary Wilson made. If
10 we scroll down, please, we will see it there on
11 23rd January '74. Now the record that is made by Mary
12 Wilson of what she was told, albeit third hand, was the
13 allegation was that William McGrath had made improper
14 suggestions to the boys. So that he had done something
15 to the boys. Roy Garland would say, as you know, to the
16 Hughes Inquiry he wouldn't have said that he had done
17 this, just that he thought he would, but the information
18 that Mary Wilson was dealing with was as recorded that it
19 was being said that he did do something.

20 The second part of the allegation is that he'd gone
21 to live in the hostel for that purpose of making the
22 improper suggestions and, thirdly, that he had written a
23 note to one of the boys making improper suggestions.

24 Mary Wilson would explain to the Hughes Inquiry in
25 her lengthy evidence that one of -- her initial reaction

1 to receiving the call was she knew William McGrath did
2 not live in Kincora and was therefore immediately
3 thinking, "Well, this can't have come from one of the
4 boys, because if it was one of the boys, they wouldn't
5 say that".

6 Now Mrs Wilson records that she phoned Joseph Mains
7 that day to verify that William McGrath did not sleep in
8 the hostel and received that confirmation and she
9 arranged to see McGrath on her return from a course.

10 If we scroll down a little further, please, you can
11 see:

12 "Talked to Mains about this, Mr McGrath, who was off
13 duty, and Mr Mains is quite sure this is an untrue
14 statement and that there is a political reason for it."

15 You can see:

16 "Apparently the police had a similar call about Mr
17 McGrath a few months ago and told Mr Mains about it, and
18 their opinion was that someone was trying to get at Mr
19 McGrath because of his connection with the Orange Order.
20 I arranged to see McGrath on Monday, 4th February."

21 So what you have already got is Mains telling Mary
22 Wilson that there is a previous issue that arose
23 involving the police, but that the police were
24 discounting it.

25 Then six days later on Tuesday, 29th January 1974

1 Mrs Wilson visits Kincora, speaks to Joe Mains about
2 McGrath. Sorry. If we just scroll back up, I want to
3 make sure I'm right about this. Yes. Sorry. So the
4 call is received on 23rd. She arranges to see McGrath
5 when she comes back. On 29th she visits and McGrath
6 isn't there. She is talking to Mains and Mains is
7 telling you six days later effectively on 29th that he
8 was quite sure that the statement was untrue and for a
9 political reason.

10 Now if we look at 10412, please, this is the
11 interview with Joseph Mains on 1st April 1980, because
12 what he was saying to Mrs Wilson was infused with his
13 experience from Constable Long's visit from June the year
14 before -- if we just scroll down to the bottom, please --
15 and conversations he seems to have had with McGrath about
16 Garland. So we have looked at that. At the bottom of
17 the page you will see that he is able to relate to Mrs
18 Wilson what he had already been engaged in with the
19 police over McGrath.

20 Now if we go back to 114015, you see that a
21 political reason is the reference that's given to do with
22 the Orange Order. If you increase the size of that for
23 me. That's great. Thank you. You can see that Mrs
24 Wilson arranged to see William McGrath on Monday, 4th
25 February 1974. Mrs Wilson did see William McGrath on

1 4th February along with Colin McKay. So the both of them
2 are there. That's the person who received the call in
3 the first place and the person who was in charge, as it
4 were, within the district, going to not the very top but
5 responsible for checking on Kincora.

6 You can see that if Mrs Wilson is correct, there is,
7 in fact, a third communication of which William McGrath
8 was aware and of which he informed Mrs Wilson and Colin
9 McKay. That is in addition to the anonymous call to the
10 police in May '73 and now the anonymous call to Social
11 Services in January '74. It is said -- if we just scroll
12 down a little bit, so we get all of it on the screen --
13 thank you -- that:

14 "An anonymous letter was sent to an organisation he
15 was connected with."

16 The implication of the next sentence would suggest
17 it was the Orange Order in all likelihood that he is
18 referring to. The Inquiry has no further evidence about
19 an anonymous letter that apparently said McGrath was
20 a homosexual. However, the importance of it is not
21 whether or not there was a letter, but that Mary Wilson
22 and Colin McKay were being told that's the position,
23 introducing a third communication into their knowledge in
24 relation to McGrath.

25 You can see from the record that:

1 "McGrath holds himself out as being subject to these
2 allegations because of what he said were attempts to
3 prevent anyone from breaking the law, which was not
4 always well received by his companions in politics."

5 So in keeping with what he would later say to the
6 police in January 1980.

7 Then you can see Mrs Wilson's impressions of what
8 she was being told. She goes on to explain that they
9 are also concerned about his safety. So:

10 "He denies making any proper suggestions -- improper
11 suggestions to the boys or writing any note to any of
12 them. He appears to be involved in politics during his
13 time off duty, but does not talk about it in the hostel
14 or involve the boys in any way."

15 Scroll down, please:

16 "His involvement appears -- appears to be
17 a law-abiding way and he feels this is why -- appears to
18 be in a law-abiding way and he feels this is why someone
19 is trying to get him into trouble. I explained that we
20 were also concerned about his safety and felt he should
21 know what had happened ..."

22 You will recall that this is 1974. It is very
23 different from the world of today in Northern Ireland:

24 "... apart from the need to investigate any such
25 referral that concerned the boys."

1 The RUC did investigate this issue during the Phase
2 One Inquiry. Statements were taken from Mary Wilson and
3 Colin McKay and they recorded the events as they recalled
4 them. If we just look at 10748 and 9, which is the
5 statement of Mary Wilson, and then at 10750, as you
6 scroll through, you get the statement of Colin McKay. I
7 "am just going to summarise them as they scroll through
8 on the screen.

9 They together in combination explain that McGrath
10 was not surprised to see them when they came to do the
11 interview. He said he had received an anonymous letter
12 saying he was a homosexual, which had been sent to
13 an organisation he was a member of. According to Colin
14 McKay McGrath accepted that in a job like his he was
15 open to these sorts of allegations, and according to
16 Colin McKay he denied any improper behaviour had taken
17 place.

18 According to Mrs Wilson, if we just scroll back on
19 to her statement at the bottom of the page before --
20 just scroll up a little further, please -- according to
21 Mrs Wilson, she and Mr McKay were each satisfied that
22 there was no truth in what the caller alleged, and she
23 says they were more concerned with the potential danger
24 to McGrath because of his political involvement. She
25 explains that she was satisfied there was no necessity

1 to pursue the matter any further and Colin McKay equally
2 recorded to police that there seemed to be no grounds for
3 these allegations to be made.

4 Now it would appear that in coming to that
5 conclusion there are a series of things that didn't
6 happen which I am going to draw to your attention
7 shortly, but Colin McKay also recorded that in the course
8 of his work -- and this is relevant -- if we just scroll
9 down to the next page, please -- that he had visited
10 Kincora on several occasions and to him everything
11 appeared normal. As you consider the evidence of the
12 many Social Services employees who were spoken to by the
13 RUC, if there was any boy who made
14 an allegation, their own social worker was then traced
15 and spoken to, if they could be found, and the Sussex
16 detectives behaved in a similar fashion, and the -- if I
17 call it "litany", I don't think that's unfair -- litany
18 of social service witnesses who gave evidence to Hughes,
19 you will see they were saying they were in and out of
20 Kincora and nothing they saw or heard gave them any cause
21 for concern. You will no doubt wish to consider whether
22 that's in accordance with the statements of many of the
23 boys who spoke about the sexual activity being carried on
24 in secret.

25 Just pausing at that point, what doesn't happen it

1 seems is well, there's a suggestion that improper
2 suggestions have been made and, yes, an explanation has
3 been given, but there was now three communications,
4 including involving police, who were said to have
5 discounted it, but given this was about the boys, it
6 doesn't appear from the material that any consideration
7 was given to, "Well, we had better speak to the boys who
8 are here and see what any of them have to say about it"
9 in whatever subtle way that might have been done so as
10 not to suggest the answer.

11 Brian Todd I mentioned. He was the conduit between
12 Colin McKay and Mary Wilson. He was also spoken to by
13 police during the Phase One Inquiry and he made
14 a statement. That's at 11701. He explained he could
15 not recall the matter at all.

16 However, his memory would return in an article in
17 the Social Work Today magazine of 12th January 1982. I
18 just show you it. It is at 21072 and going on to 3
19 and 4. It carried an interview with the same Brian
20 Todd. Now if we just look at the bottom corner of
21 21072, you can see:

22 "Two complaints did emerge in the mid-'70s, one of
23 them from Brian Todd, who was Assistant Principal Social
24 Worker (Residential and Day Care) in East Belfast and
25 Castlereagh. Todd relayed in 1976 information from

1 an anonymous complainant living near the home that she'd
2 seen a member of staff interfering with a boy inside the
3 establishment."

4 Now I just pause there to observe how radically
5 different that is from what Mary Wilson recorded Brian
6 Todd telling her on 23rd January 1974 and what the
7 recipient of the call, ultimately Colin McKay, said to
8 police the call related to.

9 If we just scroll a little further:

10 "He informed", he says, "his immediate" -- and this
11 will now be on the top left of the next page -- "his
12 immediate superior, Mrs Wilson, and filed a report on
13 the incident, which is now in the hand of the police. He
14 was subsequently reassured that the complaint was being
15 investigated."

16 Now it would transpire ultimately Brian Todd had not
17 written a report and filed it with anyone, but as
18 a result of this newspaper article in effect, as with
19 many others, Detective Superintendent Caskey during the
20 Phase Two Kincora Inquiry would then investigate these
21 media allegations and as it turned out effectively
22 reinvestigate the January 1974 anonymous complaint to
23 Social Services which he'd looked at during the Phase One
24 Inquiry. He took the view that the matter should be
25 reinvestigated, because of the nature of the claims that

1 Todd was now making.

2 Mrs Wilson was reinterviewed by him on 8th April
3 1982. That statement is at 20595 and 6. She in her
4 statement to the police in the Phase Two part of the
5 inquiry explained she was present in and around '71
6 when Mr Mason interviewed Mains about the allegation of
7 placing a hand down the trousers. So that's the end of
8 the Mason file episode. She described it to the police
9 as a trivial complaint, as she saw it, and that Mains
10 had said he was checking the boy's underpants. She
11 explained that Mains' explanation was accepted and she
12 did not keep notes of that interview, but that she first
13 saw the Mason investigation file on 8th April 1982, but
14 that the only two things that ever came to her attention
15 concerning allegations relating to Kincora were the
16 interview with Mains in 1971 and the anonymous call that
17 we've looked at of 23rd January 1974. So she was
18 saying, "I never got a report of the type that Brian
19 Todd is describing".

20 It would be fair to say that Brian Todd's position
21 turned out to be less than satisfactory.

22 I am going to show you, if we look, please, at
23 20115, the observation made by Detective Superintendent
24 Caskey in his conclusions section of this area of his
25 Phase Two report at paragraph 249. Sorry. It is not

1 249. 428. In 429 -- sorry -- you can see:

2 "It may be significant that during the interview
3 with Detective Constable Mack", who was investigating
4 Brian Todd's allegations as part of the Phase Two
5 Inquiry, "he should say that he has a vivid imagination
6 which sometimes ran wild with him and that it is more
7 likely that the account of Mrs Wilson's notes of the
8 incident is the correct one."

9 So after a period -- initially he blamed the police
10 officer from the 1980 investigation for the manner in
11 which he was first interviewed, that she had not properly
12 recorded what was said by him, that he had made notes, and
13 then the position ultimately ended up when that officer
14 and her colleague were interviewed and confirmed what they
15 had recorded was what they were told and the notes from
16 Mrs Wilson were shown to Brian Todd, he accepted, in fact,
17 the notes were made by Mrs Wilson and that that is the
18 correct record of the incident.

19 So again you can see in fairness to the police
20 officers -- and you may say, "Well, where does this
21 end?" -- every time somebody says something in a
22 newspaper they go and investigate it and try and find
23 out what the basis of it is and discover again and again
24 that, in fact, the substance of it bears no relation to
25 the facts.

1 The Sussex superintendents also looked at the
2 circumstances surrounding this anonymous call. I am
3 just going to give you the reference. It's in
4 Superintendent Harrison's report at 40129 to 40131. If
5 we just put it on the screen and scroll through so it
6 goes into the record. So as part of -- so 40129. As
7 part of this exercise -- if we just scroll down through
8 -- they look at the anonymous telephone call to Social
9 Services.

10 I am just wondering, Chairman, perhaps that's --
11 I should pause at that point rather than try and
12 complete this part.

13 CHAIRMAN: Yes.

14 MR AIKEN: We can pick it up with the Sussex superintendents
15 on Monday interspersed with the witnesses who are
16 attending.

17 CHAIRMAN: Yes. Very well. We will adjourn now and we will
18 resume on Monday, ladies and gentlemen, at the usual
19 time.

20 (4.25 pm)

21 (Inquiry adjourned until 10.00 am
22 on Monday, 27th June 2016)

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I N D E X

Material relating to Social2
Services, police, army and
intelligence services dealt
with by COUNSEL TO THE INQUIRY
(cont.)