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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, 7th July 2016

commencing at 9.30 am

(Day 222)

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

1 Thursday, 7th July 2016

2 (9.30 am)

3 Material relating to MoD and RUC

4 dealt with by COUNSEL TO THE INQUIRY (cont.)

5 CHAIRMAN: Good morning, ladies and gentlemen. As always,
6 please ensure if you have a mobile phone it has been
7 turned off, and I must remind you that no photography is
8 permitted in the chamber or anywhere else.

9 Yes, Mr Aiken.

10 MR AIKEN: Chairman, Members of the Panel, good morning.
11 Day 222 of our public hearings. We finished last
12 evening. I was looking at one of the central
13 allegations made by Colin Wallace that in 1973 the Army
14 had decided through him to in a nuanced way to reveal to
15 journalists that there was a problem in Kinchora and that
16 that would prompt a journalistic investigation into it.
17 We looked at a number of journalists already in that
18 regard. I am going to pick that up and continue until
19 about 10.15 when we are going to prepare for Major C to
20 give his evidence and then I will return to the material
21 as well as summarising a number of further statements
22 that the Inquiry has received before we finish today.

23 I had dealt with David Blundy and David McKittrick
24 and what they had to say. You will recall David
25 McKittrick pointing out that he interviewed Colin

1 Wallace extensively in 1979 on Army affairs. There was
2 no mention of Kincora.

3 Kevin Dowling was spoken to by the RUC on 30th
4 March 1982. Can we bring up, please, 30086? He
5 explained his involvement in articles that he wrote in
6 1982 and he produced to the police the document -- we
7 just scroll through the three pages and I am just going
8 to summarise -- he produced to the police a document
9 that he said was a telex of information he sent to
10 London in the '70s as a result of the conversations he
11 had had. If we just pause there, you can see on the
12 screen:

13 "This information was given by Mr Colin Wallace,
14 then working in the Army's Information Policy unit at
15 Lisburn in 1973."

16 We can see that document at 30230, please. You will
17 see that it's very difficult to read. It's a telex, and
18 you can get the gist of it, but there is thankfully
19 a typed version that's easier to read. If we scroll
20 through to the next page, please:

21 "According to my Army source", that's Colin Wallace,
22 "its CO is William McGrath, a homosexual, whose
23 boyfriend is Tara's Intelligence officer, Clifford
24 Smyth, of the same address."

25 So you can see the smearing exercise:

1 "McGrath apparently uses a non-existent evangelical
2 mission as a front to entice young Protestant men into
3 homosexuality. Once in they are potential blackmail
4 victims and soldiers of Tara. My source says McGrath is
5 a known Communist who before the Troubles started
6 attended several meeting in Dublin with Eastern block
7 ..."

8 You can see he goes on to talk about David Browne,
9 Frank Miller. Scroll on to the next page, please. Then
10 you can see the 50p subscription you will recognise.
11 Then:

12 "My Army source says Paisley and Sir Knox Cunningham
13 have been told of this situation and warned about the
14 possible danger of associating with this man, but they
15 continue to do so."

16 You can see he is recording information briefing by
17 Wallace in 1973. Of course, the point that comes out of
18 that again, Members of the Panel, no mention of Kincora.

19 Conor O'Cleary was spoken to. He was abroad during
20 the Phase Three police Inquiry, but he was available
21 during the Phase Four Inquiry. If we look, please, at
22 51105, he was the Northern editor of the Irish Times
23 between '73 and 76. Superintendent Caskey spoke to him
24 in September 1985. You can see he says:

25 "I regarded him as a Ministry of Defence press

1 officer. I met him occasionally."

2 That is Colin Wallace:

3 "I have no specific recollection of discussing
4 McGrath with Colin Wallace. I have no recollection of
5 discussing with Wallace the murder of Brian McDermott."

6 He has no recollection of the briefing.

7 Jim Campbell was another journalist who was named.
8 He was spoken to. If we look at 30081, in March 1982 by
9 September Caskey. He dealt with a number of matters,
10 but it is the -- if we scroll down, please towards the
11 bottom -- yes.

12 "I do know that these original documents were
13 received by me in the mid '70s through the post. Colin
14 Wallace told me by telephone that he was sending them to
15 me. I believe that Colin Wallace was the author of both
16 documents."

17 You can see what document he is referring to. He is
18 referring to the folio document. Now Colin Wallace
19 would say at interview that he wasn't the author of the
20 folio document, that he believed it came from the NIO,
21 but you can see here that it's being disseminated and
22 that's the document that makes all sorts of allegations
23 about politicians that seem to first emanate in 1976.

24 CHAIRMAN: Just one moment. So what Mr Campbell is saying is
25 whether or not the folio document was created by

1 Mr Wallace, Mr Wallace certainly was one of those who
2 disseminated it to a number of journalists, one of whom
3 was Mr Campbell himself, and that it was Mr Wallace who
4 drew Mr Campbell's attention to the information that was
5 in the folio document.

6 MR AIKEN: Yes.

7 CHAIRMAN: Although when he wrote in his article of 28th
8 February 1982, he had an additional document from
9 Mr Wallace, which had some additional information in it,
10 but none of the information that he received in whatever
11 fashion he received it from Mr Wallace made any
12 reference to abuse of children in Kincora.

13 MR AIKEN: Yes. The second document he's referring to he
14 may not have received it from Colin Wallace. It was
15 an augmented or revised version of folio, as it were,
16 and he may have got it in a different way, but the point
17 you have just said, Chairman, for our purposes is yes,
18 there is nothing in what Jim McCormick has to say to
19 suggest he was ever told anything about Kincora. There
20 was simply no mention of it. In the --

21 CHAIRMAN: If we just pause at this point to review what you
22 said yesterday. The position, therefore, would appear
23 to be from material placed before us yesterday and today
24 that Colin Wallace has asserted at various times
25 subsequently that in the 1970s he spoke to a number of

1 journalists and not merely hinted at the existence of
2 a problem in Kincora but pointing out that McGrath was
3 a homosexual and therefore anybody could have made the
4 next jump, which was that if he is working at a boys'
5 home, there is at least a chance that he is interfering
6 with children, something which the Army knew, but wanted
7 to put into the public domain in this indirect way, but
8 that he went further than that and he has on a number of
9 occasions identified specific journalists as amongst
10 those, or only those perhaps, we don't know -- but
11 certainly amongst those to whom he spoke, and where the
12 names of journalists were interviewed by the police,
13 each one, not just one of them, but each one of them has
14 said that they were not given any such information or
15 have no recollection of ever being given such
16 information, information the nature of which if, as
17 Mr Wallace has asserted, was given by him in the 1970s,
18 was, to put it in as neutral a way as possible,
19 extremely interesting to a journalist and one might
20 characterise it in more extreme ways as being
21 potentially sensational or whatever.

22 MR AIKEN: Yes. In fairness to Mr Wallace he in giving his
23 accounts, and one is left with the impression therefore
24 he was telling them about assaults in Kincora, slightly
25 more nuanced from him in that he says "We weren't

1 drawing specific attention to assaults taking place in
2 Kincora", but as you saw from the Argus reporting, the
3 Argus reporting, he said that any journalist with an IQ
4 of more than 4 would have understood what I was trying
5 to tell them.

6 CHAIRMAN: That's why I say in an indirect way.

7 MR AIKEN: Yes.

8 CHAIRMAN: In other words, hinting at it and not coming out
9 specifically to say it.

10 MR AIKEN: Yes.

11 CHAIRMAN: And yet on other occasions the impression that's
12 given by him or as a result of what he has said, that he
13 was even more specific than that.

14 MR AIKEN: Yes.

15 CHAIRMAN: And the police questioned these journalists many,
16 many years ago and they have either said no such
17 information was conveyed or they have no recollection of
18 it, information which on any showing one would have
19 thought would have been of the utmost interest to the
20 journalists and so on.

21 MR AIKEN: Yes. If one was taking the account that's given,
22 and stepping back from it, if the intention was to in
23 a subtle way draw attention to Kincora and what was said
24 to be happening in Kincora, and that was a deliberate
25 policy decision by the Army, that they wanted these

1 journalists to spark an investigation, well, removed
2 from the document that was being handed to them was
3 a reference to a children's home, if one believes the
4 sequence of documents, including the one Colin Wallace
5 was in a position to produce, and his photograph did not
6 fall off his book and it has Clarke's IP and
7 Mr Broderick's initials on it. That was removed from
8 the version that he was circulating on his own
9 admission, and David McKittrick saying "This is the one
10 I got".

11 The deliberate aim that was said to have been
12 an Army direction to Colin Wallace appears to have had
13 the entirely opposite effect of that which it was
14 supposed to have. So you have a presence officer who
15 has been given a direction by the Army to communicate
16 yes, in a subtle way, but to draw sufficient attention
17 to Kincora and what was taking place or said to be
18 taking place there so that the journalists carried out
19 an investigation into it, because the Army didn't want
20 to be seen to be tramping on the police's toes, and that
21 was all done in such a way that the journalists who were
22 supposed to be receiving this indirect communication
23 didn't notice. The point that would be made by Colin
24 Wallace subsequently is that any of those journalists,
25 if they had an IQ of more than 4, would have known

1 exactly what he was doing.

2 Of course, another interpretation of the documents
3 is that the MoD knew or the Army knew the man is
4 a homosexual. He is said to ensnare people in Tara in
5 that regard. Homosexuality was of no interest to the
6 Army other than the smearing, as it were, amongst others
7 that was done of William McGrath and connecting people
8 to him in the way that's described here in respect of
9 Clifford Smyth.

10 The other point that comes out of all of these
11 communications is that none of these journalists at any
12 stage appear to have been told about the 8th November
13 dated '74 document that we are going to come to look at
14 later in the day, including in David Blundy's case in
15 1977 post Colin Wallace's departure from the Army, and
16 in David McKittrick's case in 1979 during extensive
17 interviewing of Colin Wallace. Unless David McKittrick
18 was telling lies, Members of the Panel, you may consider
19 that a conversation might have taken place something
20 like "David, did you not get what I was trying to tell
21 you in 1974 about Kincora? Here, have a read at my 8th
22 November '74 memo. That's why I was drummed out".
23 That's the conversation based on the case as it is made
24 to you through books, media down the years that you
25 might have expected that type of conversation to take

1 place with David McKittrick in 1979.

2 We looked at previously, and I just want to point it
3 out at this sequence of the chronology, in 1980 you will
4 recall that the Secret Intelligence Service were asked
5 to review books or notebooks that were uplifted from
6 Colin Wallace's offices at the time of his arrest in
7 Sussex in respect of Jonathan Lewis' death. We looked
8 at the fact there was no mention in the summary that was
9 prepared by the SIS officer, or indeed the more detailed
10 analysis by the Army officer of any reference to Kincora
11 in those books. That, of course, does not mean there
12 were not other books somewhere that did have a reference
13 or may have had a reference, but simply the ones that
14 were lifted don't appear to have had any reference of
15 that kind.

16 I want to look at the events then that arise in 1982
17 that involves Detective Superintendent Caskey looking
18 closely at Colin Wallace's allegations in the Phase
19 Three Inquiry. As you know, he began working for Arun
20 Council in September '76 shortly after we looked at
21 Peter Broderick's reference, and as with Peter
22 Broderick's reference that was in glowing terms of Colin
23 Wallace, you will know, Members of the Panel of the
24 Panel, you are aware that before the Civil Service
25 Appeals Board there were many illustrations of very

1 positive references about Colin Wallace's performance,
2 annual reviews they might be called, or something of
3 that nature, explaining the good work he was doing in
4 the Army. So it should not be said through what I am
5 opening to you that there isn't a positive case for the
6 man doing a very good job, at least in the view of those
7 who were working with him. That's not to say there is
8 not a significant issue over the documents that were
9 attributed to him as in leaking them to Robert Fisk.

10 He is carrying out that job in Arun Council. Then
11 in 1980 you have the death of Jonathan Lewis. You have
12 the SIS and Army review of the notebooks that were
13 uplifted.

14 Then begins the sequence of events looked at. Gerry
15 Fitt commenting in Parliament on 18th February '82 and
16 making reference to it was Colin Wallace needed to be
17 spoken to. We looked at Colin Wallace's reply to
18 a letter he wrote to Gerry Fitt in his handwriting
19 explaining that he had first become aware of Kincora,
20 not in '75, as Gerry Fitt had said to Parliament but, in
21 fact, in '72, and expressing the hope he would be able
22 to give evidence about these matters. He links in that
23 document, and you may consider this is significant, the
24 charge of murder he faced against Jonathan Lewis to the
25 McGrath case coming to light. You saw that in the body

1 of the document that Iain Macaskill received.

2 On 11th March 1982, if we look at 30280, Colin
3 Wallace solicitors wrote to Sir George Terry enclosing
4 a draft letter that Colin Wallace had written. If we
5 scroll down, please. Solicitors explain here they
6 retyped it, but the letter then sets out the position of
7 Colin Wallace in terms of his preparedness to engage.
8 It explains he has given the matter considerable thought
9 and he can't agree to participate in the current police
10 enquiry. So that's the Terry Inquiry. He regrets
11 having to take that position but he does not regard them
12 as going to be impartial. He required certainty that
13 there was going to be impartiality.

14 If we scroll on down, please, his relationship with
15 the Sussex police was such that that was not going to be
16 possible in his view.

17 He then raises a number of difficulties that he
18 foresees in engaging, including the Official Secrets Act
19 and then he raises concerns he has about particular
20 events relating to him.

21 If we just scroll further down, please, he has never
22 made a formal complaint about the matters he was unhappy
23 about:

24 "I must accept and support fully the need to
25 discover the truth behind the Kincora allegations but I

1 am now more conscious of the fact that I have been
2 convicted of an offence which I did not commit", he
3 says.

4 If we scroll down, please, he sincerely apologises
5 for appearing perhaps less than cooperative, not his
6 wish to do so, and:

7 "Bearing in mind the political implications of the
8 whole matter, I would ask that you inform the Secretary
9 of State of the contents of this letter because I do not
10 wish to be accused at a later date of being part of any
11 cover up or refusing to be cooperative without good
12 reason."

13 So you will see someone who was genuinely wanting to
14 cooperate but had genuine difficulties about doing so
15 and across a raft of correspondence that goes on for
16 many years and a desire to cooperate, but these issues
17 are identified as impediments that need to be resolved
18 so he can properly participate, but you will have to
19 decide whether in fact, that was a smokescreen for not
20 being prepared to cooperate whatever the lengthy
21 identification of conditions over the years are said to
22 be.

23 On 22nd March, 11 days later, Iain Macaskill
24 published the story we looked at -- just show it on the
25 screen, please, at 30234 -- and that's the story that

1 carried the reference to the secret list of 60 men.
2 Then the police, as you might expect, pursued him
3 swiftly. On 29th April after interviews on
4 22nd March -- so he was spoken to two days after the
5 article and then again on 27th April, he produced the
6 document we looked at yesterday, the 27-page handwritten
7 version relating to Colin Wallace's case that was SRN 9.
8 That can be found at 30235 to 30268. Then SRN 9A. If
9 we just look at that 30270. It is very small writing.
10 If we concentrate on it, it is in three parts, as I say.
11 The police had it retyped. Scroll down three pages,
12 please. The retyped version, which is easier to read,
13 is at 30273 through to 30275, and it is on this first
14 page that you can see on the screen at the moment that
15 mirrors the part 1 of the document that Iain Macaskill
16 says he received.

17 Unsurprisingly you may consider Detective
18 Superintendent Caskey wanted to investigate the claims
19 that were in this document, but I want to just pause
20 there before we look at what Detective Superintendent
21 Caskey did. You will see in this document there is no
22 mention of the document of 8th November 1974 or the
23 document that's dated 8th November 1974.

24 On 25th March, if we can look at 30094, please -- so
25 there's an interview on 24th with Iain Macaskill. The

1 next day the detectives go to Wormwood Scrubs to
2 interview Colin Wallace about the content. You can see:

3 "My solicitor wrote to Sir George Terry. Before
4 I answer the questions I need certain assurances.

5 Q. What are they?

6 A. I have not been given legal aid. I need the
7 background cover of the Official Secrets Act relating to
8 the information gained by me in Northern Ireland. I
9 will require advice before I give that so there is no
10 further point in your interview. I am bound by the
11 Official Secrets Act. I feel if I am called to give
12 evidence I'll need legal clearance to disclose
13 information."

14 Now if I can just pause there, one could spend much
15 time getting into a debate about the conditions, how
16 they might have been dealt with, how they were dealt
17 with, whether they were dealt with as well as they could
18 have been dealt with, whether they should have been
19 dealt with differently, but if I can ask you, Members of
20 the Panel, to consider a different question. Why was
21 all of this necessary if at the same time a detailed
22 document of the type that we have been looking at was
23 able to be sent to journalists?

24 If we just scroll down through the interview, a long
25 discussion goes on, and if we just pause there, please,

1 **you can see:**

2 **"Did you speak to journalists about Kincora?"**

3 **A. I mentioned Kincora in Northern Ireland to**
4 **journalists.**

5 Q. Was it in the context of McGrath?

6 **A. I'd rather not say.**

7 Q. Would your information be recorded -- would
8 other people know about it?

9 **A. Yes.**

10 Q. Are we talking in the context of William
11 McGrath?

12 **A. There are others.**

13 Q. Again in the context of William McGrath?

14 **A. I don't wish to talk about it.**

15 Q. Is there other information about Kincora?

16 **A. I don't wish to be drawn into that."**

17 **You might ask why would that have caused a problem.**

18 Q. You are not the only person aware of this
19 information?

20 **A. A number of agencies including Army**
21 **intelligence. I don't wish to be drawn further.**

22 Q. If journalists were writing in the past 2 months
23 speculating that you have information about MPs,
24 lawyers, policemen -- this could not have come directly
25 from you?

1 A. It would not have come from me. You are
2 referring to the News of the World. It is highly
3 inaccurate to say the least.

4 Q. Have you met the reporter?

5 A. I've met the reporter.

6 Q. What are the inaccuracies?

7 A. I won't say there's a secret list of 60.
8 I couldn't confirm or deny, or could I give any idea of
9 the figure."

10 Now the inference from that, you may consider,
11 Members of the Panel, is obvious. The fact there was
12 a secret list is not being disavowed. What's being
13 disavowed is the suggestion there is 60 names on it, but
14 you can see and, as you know, there is subsequent
15 correspondence from the solicitors when it is drawn to
16 their attention "your client has been speaking to
17 journalists", and the solicitors explains "Well, he has
18 been told expressly not to do that", but you can see he
19 is at least telling the police he did:

20 "Are there any children at risk?

21 A. I couldn't say that. My knowledge stopped in
22 '74. I support the current investigation. The
23 difficulties I face are greater at the moment but
24 I can't judge the wider aspect.

25 Q. Would you say there is still a danger?

1 **A. I can't say. My direct knowledge ended in '74.**

2 Q. Your direct knowledge?

3 **A. I don't wish to answer that.**

4 Q. Did you ever see the folio document?

5 **A. Which one?**

6 Q. It refers to Robinson, McKeague & Co?

7 **A. I don't want to wish to answer that.**

8 **I then showed Wallace the folio document.**

9 **'Was that dated 1974?' I replied 'No, 1976'.**

10 Q. Could that be the Army?

11 **A. No, it's not. It's an official file number.**

12 Q. An Army document?

13 **A. It's not an Army original one. I would have an**
14 **idea, official, yes, it could come from an official**
15 **side.**

16 Q. Would it be The Northern Ireland Office?

17 **A. I wouldn't deny that.**

18 Q. Was it a smear document?

19 **A. No, I wouldn't say that. I couldn't be sure.**

20 Q. Would you think it has been given that
21 file number to make it appear official?

22 **A. That's possible.**

23 Q. David McKittrick received a document from you?

24 **A. That's possible.**

25 Q. Is there information beyond that document.

1 **A. That would be dangerous for me to answer that.**

2 Q. Is there information beyond that document?

3 **A. Yes, but you'll appreciate everything given to**
4 **the press is vetted before being handed out.**

5 I then invited Wallace to read the Tara document,
6 **which he, in fact, did do.**

7 Q. Would that be a summary of Kincora?

8 **A. No, there is more than that.**

9 Q. Would you have access to it?

10 **A. I would have had access to it."**

11 So he is reading the David McKittrick, DMK1 document
12 **that talks about McGrath having more allegiance to the**
13 **red flag:**

14 "Would you have had access to all the information?

15 **A. I couldn't get involved in that. If you were**
16 **aware of my job you would be aware of what information**
17 **I handle.**

18 Q. If I did not know what your job was, would you
19 help?

20 **A. No, unless I get clearance.**

21 Q. Who from?

22 **A. I would need written authority from the Personal**
23 **Undersecretary of State, Frank Cooper, and I would have**
24 **to have counsel's opinion on the legality of that.**

25 Q. If in the near future you were given permission,

1 are you willing?

2 **A. Yes. Subject to other safeguards. There are**
3 **a number of issues.**

4 Q. Personal safety?

5 **A. It's a difficult area. Hypothetically in the**
6 **event of very many people being involved in a cover up**
7 **it could be that these people could have effect on my**
8 **future and in the event of a petition reinvestigating my**
9 **present case.**

10 Q. Have you made an appeal?

11 **A. No. My solicitor is looking into some matters**
12 **and I would like to see the outcome of that before**
13 **supplying any more.**

14 Q. If the authorities were to reinvestigate your
15 case, would it help?

16 **A. Yes, very much so.**

17 Q. If the investigation were to come to the same
18 answer, how would you feel?

19 **A. If the investigation were to come up with the**
20 **same answer, yes, it wouldn't make any difference.**
21 **I would be satisfied. I did not play any part in the**
22 **murder for which I was convicted. There are a number of**
23 **events connected that have taken place going back**
24 **immediately before my leaving Northern Ireland and going**
25 **through to my charge that I cannot explain. I cannot**

1 rule out the possibility that there may be a connection
2 between these events and my conviction."

3 Now, of course, you saw in the document that we
4 looked at that was given to Iain Macaskill the
5 suggestion that the conviction in respect of Jonathan
6 Lewis was part of smearing Colin Wallace because of what
7 he could tell and was articulating in the document,
8 although he does not wish to talk to the police about
9 it:

10 "Q. Are there any other Army officers we can speak
11 to?

12 A. I wouldn't answer that.

13 Q. To your knowledge?

14 A. I wouldn't answer that."

15 So it goes on. If we scroll down, please. Just
16 pause there, please:

17 "Q. You have no knowledge then of boys in care of
18 the health authorities that are exposed to moral danger?

19 A. That's true. My direct knowledge stopped in
20 January 1975.

21 Q. Did it apply to Kincora?

22 A. It's wider than that. There are other
23 children's homes.

24 Q. Can you locate the other homes?

25 A. I wouldn't answer that."

1 You may wish to ask yourselves a question, Members
2 of the Panel: well, what would have been caught up by
3 the Official Secrets Act to not explain where other
4 children were being abused in children's homes?

5 Q. A Portadown home?

6 A. No.

7 Q. Lurgan?

8 A. I wouldn't answer that."

9 And so on. If we scroll down again, please, you can
10 see:

11 "My difficulty is I wouldn't like to impart my
12 information to police so long as the Sussex Police are
13 involved. I am not being vindictive to Sussex, but
14 there are areas which might influence the investigation
15 in my case. Several officers were involved in the
16 investigation in my case. I believe this could be used
17 to destroy the credibility of my evidence and the
18 credibility of your investigation."

19 On 28th April, if we go to 30102, please, Detective
20 Sergeant Elliott and Detective Inspector Mack would
21 interview Colin Wallace again. If we scroll down,
22 please, you can see it is being said:

23 "Wallace stated there is still the Official Secrets
24 Act and since I believe my solicitor has spoken to
25 Mr Caskey. I wrote it to my solicitor and my wife spoke

1 **to him after Easter.**

2 Q. What is the situation now?

3 **A. There is problem here as I have a feeling that**
4 **Whitehall will be reluctant to give clearance, certainly**
5 **at high level.**

6 Q. You suggested someone for such clearance?

7 **A. Frank Cooper.**

8 Q. Isn't there some data you could disclose?

9 **A. I have no idea how much I could release, a lot**
10 **of Intelligence was restricted.**

11 Q. Have you asked your solicitor to ask for
12 clearance?

13 **A. I have a problem over legal aid. There is no**
14 **charge so then I can't get legal aid.**

15 Q. What steps can you take?

16 **A. Well, I need legal aid. I wrote to Sir George**
17 **Terry pointing out the problem.**

18 Q. Journalists point out that you could have the
19 key to the Kincora problem?

20 **A. I am not sure of how my evidence fits in.**

21 Q. Did you make anyone aware of Kincora in Northern
22 Ireland?

23 **A. I can't tell you who I made aware, because if**
24 **you were aware of my job, then you would know why**
25 **I can't tell you. All I can say is I talked to**

1 **a number.**

2 Q. Who were these people?

3 **A. Only one I can be sure of is David McKittrick.**

4 CHAIRMAN: Sorry. Can we just scroll up tomorrow previous
5 page?

6 MR AIKEN: Scroll up, please.

7 CHAIRMAN: The question is put:

8 "Journalists point out that you could have the key
9 to the Kincora problem?"

10 **A. I'm not sure of how my evidence fits in.**

11 Q. Did you make anyone aware of Kincora in Northern
12 Ireland?"

13 Then we scroll down, please.

14 MR AIKEN: Scroll down, please.

15 CHAIRMAN: "A. I can't tell you who I made aware because if
16 you were aware of my job then you would know why I can't
17 tell you. All I can say is that I talked to a number."

18 So the point is put expressly by the questioner,
19 "Well, the journalists are saying you have the answer to
20 all this," and his response is not to disclose the
21 information he is being said to have that would reveal
22 all of these matters.

23 MR AIKEN: You may consider, Members of the Panel, when we
24 stand back from it, that we are actually in a rather
25 circuitous position, because the journalists are

1 expressing that view to the police that he holds the key
2 to Kincora based on material that he has himself given
3 to journalists, and then as a result of giving that
4 material to journalists and journalists saying what they
5 say, the police investigate, which brings them back to
6 the person who gives the documents to the journalists,
7 and that person won't tell the police. So you have
8 a rather bizarre circuitous escapade occurring. The
9 question that you may be left with: well, if the
10 documents hadn't been sent to the journalists in the
11 first place they wouldn't be saying to the police
12 through their reporting and then the police chasing
13 them, "This man holds the key," and then the police
14 wouldn't be at his door saying "The journalists say you
15 hold the key. Can you open the door for us?" That's
16 where this ends up when one strips it back you may
17 consider, but you can see then:

18 "Q. who were these people?

19 **A. Only one I can be sure of is David McKittrick."**

20 **That is why you may consider that his statement**
21 **where he talks about, for instance, the extensive**
22 **interviewing in 1979 as well as saying in 1973, and in**
23 **his case '74, Kincora was never mentioned to him:**

24 **"... David McKittrick, probably about 5 or 6 others.**

25 Q. Did the information you had at that time relate

1 to homosexuality at Kincora?

2 **A. Yes."**

3 **Scroll down, please:**

4 **"Q. Any particular person?**

5 **A. I can't tell you, but there were a number of**
6 **people I believed to be at Kincora.**

7 Q. Did you know Kincora?

8 **A. I am a fairly familiar with Kincora.**

9 Q. As far as meeting journalists, was there any
10 person you ever informed outside that field?

11 **A. The answer would be yes.**

12 Q. Were any police officers informed by you?

13 **A. Not directly."**

14 **Scroll down, please:**

15 **"Q. Indirectly?**

16 **A. Whether my information was relayed to the RUC or**
17 **not I don't know.**

18 Q. Did you pass it to any MP or welfare?

19 **A. No.**

20 Q. Are you talking about whilst you were in
21 Northern Ireland?

22 **A. Yes, in the '72 to '75 period.**

23 Q. I have to ask you if you can confirm that you
24 handed or supplied a document to the press which related
25 to Kincora and the fringes?

1 **A. It is possible.**

2 Q. Did you pass such a document?

3 **A. I would need the document described before**
4 **I could be sure.**

5 Q. It related to Kincora?

6 **A. Yes, it's quite possible.**

7 Q. Did any document you gave out relate to Kincora?

8 **A. Unless I were to see the document I would not be**
9 **able to be specific."**

10 Now this is at seven, eight years' remove and this
11 Inquiry has had to deal with the problem of memory which
12 involves 30 to 40 years, but given all that is said
13 about Kincora, you might ask yourselves whether or not
14 it is likely that someone would forget that the document
15 they have authored related to Kincora, who maintained
16 those files:

17 Q. Were there to your knowledge in Lisburn ongoing
18 files on Kincora?

19 **A. Yes."**

20 As you know, Mike Taylor in 1990 would say, "Yes,
21 I saw files on Kincora when I was there" and he is
22 talking about the '73, '74 period. So there is
23 corroboration from Mike Taylor saying, "I saw these
24 files as well":

25 "Q. Who maintained those files?

1 **A. I wouldn't answer that.**

2 Q. Did you make the contents available to anyone?

3 **A. I wouldn't wish to answer that.**

4 Q. In more recent times within the last 2 months
5 did you supply information to anyone?

6 **A. Well, I doubt it very much. If I did,
7 I certainly wouldn't say.**

8 Q. We have information that you prepared a document
9 for the information of a journalist and we have
10 interviewed a journalist and he has told us he did
11 receive a document?"

12 Because by this time the Macaskill issue has been
13 run to ground:

14 "I see you had a visit from Iain Macaskill and he
15 told us that he received a document. If we received
16 such a document, is it factual of what you could tell?

17 **A. I can tell you it would be of no use to you.**

18 Q. Did you hand a document to Macaskill?

19 **A. I wouldn't answer that."**

20 **Well, now, you may again ask, Members of the Panel,
21 how the Official Secrets Act could bite on whether or
22 not Iain Macaskill when he visited Colin Wallace was
23 given a document by him:**

24 **"Q. Did you hand it to your solicitor?**

25 **A. I don't think so. He would have taken notes on**

1 **points raised with Superintendent Caskey.**

2 Q. Did you write a document for Sir George Terry?

3 **A. Yes.**

4 Q. In letter form."

5 Scroll down, please. Just pause:

6 "A. All the information which I believe to be of
7 value to your Inquiry would not been certainly held by
8 the press.

9 Q. Did you give information recently to the press?

10 **A. If I had given information to the press recently
11 it would not be of any use to your investigation."**

12 **Well, we have looked at the document that Iain
13 Macaskill says he received:**

14 "Q. You are quite sure that you didn't give your
15 solicitor a document relating to Kincora for passing to
16 a journalist?

17 **A. No, I did not.**

18 Q. When Iain Macaskill visited you did he make
19 notes?

20 **A. He wouldn't be allowed to.**

21 Q. Did you hand a document directly to
22 Mr Macaskill?

23 **A. I wouldn't answer that. All I would say is that
24 that particular line of enquiry would be a waste of your
25 time. If Iain Macaskill received information from me**

1 **I am quite sure he would publish it.**

2 Q. I have got possession of a document which
3 I believe is a transcript to the document. I'll read
4 parts of it to see if you were the author of the
5 document."

6 He then reads the document we have been looking at:

7 "Q. Do you recognise the contents?

8 **A. I wouldn't confirm or deny."**

9 **It will be a matter for you to consider, Members of**
10 **the Panel. There's many, many pages of this. It is as**
11 **if an intelligence agent is being interviewed about**
12 **a state secret. What's actually being asked is, "This**
13 **document that Iain Macaskill has given us, did you give**
14 **that to him?" Why the NCND Government principle would**
15 **apply to that question you may consider is rather**
16 **difficult to understand:**

17 "Q. Did you write that?

18 **A. I wouldn't write that."**

19 **Not "I didn't; "I wouldn't":**

20 Q. Did you dictate it?

21 **A. I wouldn't answer that.**

22 Q. Is that a copy of the document Macaskill has?

23 **A. I wouldn't know.**

24 Q. You appreciate that our inquiries are drawing to
25 a close and if you have any information, then the sooner

1 you give it the quicker we can act on it?

2 **A. There's no point in your getting only part of my**
3 **information. If you are to get all the information I'll**
4 **have to have authority.**

5 **Q. What clearance would you need, in what form?**

6 **A. I would accept a written letter from the**
7 **Ministry of Defence. It could be totally misleading to**
8 **you if you are only getting snippets and it's wasting**
9 **your time. What I'd like to do if I got clearance,**
10 **I would like to make a written statement to my solicitor**
11 **which I could pass to you, the RUC. You could then come**
12 **and see me and discuss it with me. I have a lot of**
13 **serious doubt of the Kincora situation. I don't trust**
14 **anyone so it's important that it's watertight. I feel**
15 **that you will not get cooperation from official sources.**
16 **If you do, I think it will be an effort to discredit my**
17 **evidence. There are other problems. If I am called to**
18 **give evidence my situation in here will be difficult if**
19 **I'm seen to be cooperating with the police. I don't**
20 **wish to spend the rest of my time in confinement. I'd**
21 **want an assurance that certain events between my leaving**
22 **Northern Ireland including my case were investigated,**
23 **not necessarily the Sussex Police. I'd like a member of**
24 **the RUC involved in that investigation."**

25 **So you can see that the police want answers to their**

1 investigation into Kincora, but what Colin Wallace wants
2 is very much more significant and different:

3 Q. Why an RUC man?

4 A. I think there are parts of the Kincora saga that
5 are only to be described as bizarre to them but to
6 a member of the RUC might be significant. I'm purely
7 guessing but someone may have the answer.

8 Q. If you can't get the assurances you require will
9 you continue to sit it out and withhold your evidence?

10 A. All I can do is lose in this situation. What
11 would you do?

12 A. I can't answer that not knowing your situation.

13 A. I accept that.

14 Wallace then asked 'Do you believe that you are
15 getting cooperation from official sources?'. Inspector
16 Mack: 'I'm sure we are'.

17 Q. Is it fair to say that the Macaskill document
18 and the snippets we have picked up is not all the
19 information available to you?

20 A. Yes, and the matters you have would be
21 completely misleading.

22 Q. Would the evidence you have relate to Kincora
23 directly?

24 A. It depends on the type of the public inquiry.
25 Even if you subpoena a witness and unless the

1 information is deemed to be not in the national
2 interest, then he doesn't have to disclose it. So you
3 are either going to have to get someone who is able and
4 willing to give the information. It may well be that my
5 information will be of no assistance. I did work on
6 Kinchora and Tara for a period of six months at one time.

7 Q. When?

8 A. 1974.

9 Q. How did Kinchora come to your notice?

10 A. Through an informant.

11 Q. What was the extent of the information?

12 A. No, I wouldn't answer that.

13 Q. Was the information related to a person
14 committing acts in Kinchora?

15 A. No, it's wider than that.

16 Wallace then asked: 'Are you investigating the Brian
17 McDermott case?'

18 I pause, Members of the Panel:

19 "'Yes, I have inquired into that. Are there any
20 matters you can tell me?' Wallace replied: 'I covered
21 the McDermott thing at the time'.

22 Q. Why do you ask that?

23 A. I'm glad to hear that you are.

24 Q. Six people have been convicted. Does your
25 evidence cover matters outside them? Are there people

1 other than those six who in your opinion should be
2 convicted purely or homosexual offences?

3 **A. No, I'm not sure.**

4 Q. Would your evidence then purely relate to the
5 cover-up aspect?

6 **A. No, I don't think that would be true. I looked
7 at it from a security side and for that reason it
8 obviously led into various other fields. My evidence
9 would not be aimed at homosexuality but the background
10 to it and such lead me to be able to get more precise
11 details.**

12 Q. Do you believe that your evidence would assist
13 us?

14 **A. If I were doing the investigation I would like
15 the information. We're shadow boxing. So I don't know
16 whether you already have my information. Your
17 investigation, unlike Sir George Terry's, seems to
18 relate to the mechanics whereas Sir George Terry is
19 dealing with the cover-up.**

20 Q. No, that's wrong. Our investigation covers all
21 aspects.

22 **A. I think I can say that on the basis of my
23 evidence the RUC don't have anything to worry about.**

24 Q. You are saying that you were aware of the goings
25 on in Kincora back in 1974?

1 **A. Yes.**

2 Q. In Lisburn you would have had information
3 relative to the Reverend Paisley and people like that?

4 **A. Yes.**

5 Q. McGrath?

6 **A. Oh, yes.**

7 Q. Were you aware that McGrath was homosexual?

8 **A. Oh, yes. Our interests would be the**
9 **personalities of paramilitaries and their personality**
10 **discrepancies. For obvious reasons we related to the**
11 **Loyalist side in 1974 with the Ulster workers strike.**

12 Q. Did you ever speak to or receive any complaint
13 from a Kincora boy?

14 **A. I wouldn't answer that. I certainly didn't**
15 **interview them.**

16 Q. Relating to the document we have, are you
17 prepared to answer any questions in relation to its
18 contents?"

19 That's the document we were looking at:

20 "A. No.

21 Q. Is there anything we can do for you?

22 **A. I'm stuck in the middle. I would like to help**
23 **but I'm look at my own problems first. If this had**
24 **blown up after my parole it would be all right. I would**
25 **be able to look after myself, my wife. I'm certainly**

1 **worried about my case, the 2 stumbling blocks, Official**
2 **Secrets Act and legal aid."**

3 **Scroll down, please:**

4 **"You know I wanted something done about Kincoira in**
5 **1974. It upset me that things were going on.**

6 Q. Why did you not act then?

7 A. I wasn't in a position but I can tell you it
8 **really upset me.**

9 Q. Do we take it from that that you were aware of
10 the assaults on boys?

11 A. You can take it that I was very upset that
12 **nothing was done.**

13 Q. You could have done something then and you
14 didn't?

15 A. It still upset me, knowing that I was aware."

16 So you can see there's a question being asked and
17 **an entirely different answer being given:**

18 **"Wallace indicated that he was reluctant to answer**
19 **any further questions and the interview then**
20 **terminated."**

21 **Now on foot of that --**

22 CHAIRMAN: Sorry. Just scroll up again, please?

23 MR AIKEN: Scroll up, please.

24 CHAIRMAN: Down again.

25 MR AIKEN: Just down a little, please.

1 CHAIRMAN: And the next page. Yes.

2 MR AIKEN: Now on foot of that on 27th May 1982 Detective
3 Superintendent Caskey consulted the DPP, which would
4 result in the DPP providing immunity to Colin Wallace.
5 If we look at 30021, please, at paragraph 78, you'll see
6 that:

7 "On 27th May Superintendent Caskey spoke to Mr
8 Dickson at the Public Prosecution Service. You can see:

9 "Resulting from that consultation a letter granting
10 Wallace immunity from prosecution for any breach of the
11 Official Secrets Act ... that letter is dated 10th July
12 1982."

13 We can see that at 30370, please. So you can see
14 the immunity that's being given.

15 I think if I pause there, Members of the Panel.

16 I have a witness who by video link is going to speak to
17 us this morning. If I pause the story at that point.

18 CHAIRMAN: Yes. Well, we'll rise for a few minutes to allow
19 that equipment to be made ready and we will start again
20 as soon as that has been done.

21 (10.30 am)

22 (Short break)

23 (10.40 am)

24 (By videolink)

25

1 MAJOR C (called)

2 MR AIKEN: Chairman, Members of the Panel, the next witness
3 before the Inquiry today is going to be known as
4 Major C. He appears on the screen and can hear what's
5 being said and can see you. He is aware, Chairman, you
6 are going to ask him to take the oath. He has the bible
7 and will stand to do that.

8 MAJOR C (sworn)

9 CHAIRMAN: Thank you very much. Please sit down.

10 Questions from COUNSEL TO THE INQUIRY

11 MR AIKEN: Major C, I am going to refer to you by that name
12 for security reasons during your evidence today. As you
13 know, only I and the Members of the Panel can see your
14 image, what you look like, but what I am going to ask
15 Ms Murnaghan, QC, to do, who appears for the Ministry of
16 Defence, is come forward and she is going to provide the
17 Panel with a piece of paper that has your real name on
18 it so the Panel will know exactly who they are speaking
19 to. She is going to show it to me so I can also in
20 a moment confirm that that is the person that I met,
21 just as she has met you. So bear with us just for
22 a moment while we do that. (Pause.)

23 That document in due course will be kept on the
24 Inquiry's secret file, as I was explaining to you. It
25 will be secured in a proper location and it will be

1 a record that you are the person who was speaking to the
2 Inquiry. I can confirm that the name on the page that
3 was given to the Panel was the man introduced to me in
4 London.

5 CHAIRMAN: I am sorry, Ms Murnaghan. Can we have that back
6 for a moment and I will just note that we have seen it.
7 Thank you. Yes. Carry on, Mr Aiken.

8 MR AIKEN: Mr Major C. You have before you your witness
9 statement that you have made to the Inquiry and you also
10 have the documents that are attached to it. I want you
11 just to look at the first page of your witness statement
12 for me. You will see it begins:

13 "I, C, say the following to the Inquiry ..."

14 I want to take you just to the word at the bottom of
15 the page. The last few words on the page are:

16 "... a wide range of individuals from an ..."

17 Can you see that page?

18 **A. No.**

19 **"... a wide range of individuals ..."**

20 Q. It is the end of paragraph 6. It should be the last
21 words appearing on -- maybe yours has formatted out
22 differently.

23 **A. Paragraph 6 ends:**

24 **"... never disclosed to me."**

25 Q. That's fine. I think it is how the words are appearing

1 on your page compared to ours. If you look at the first
2 page with me, Major C, can I just ask you, paragraph 3
3 begins:

4 "During my time in HQNI..."

5 Paragraph 5 begins:

6 "My role was to collate ..."

7 **A. Correct.**

8 Q. Paragraph 6 begins:

9 "I was a desk officer ..."

10 **A. Correct.**

11 Q. If we go to the last page of your witness statement,
12 paragraph 43 begins:

13 "I was not involved in ..."

14 **A. Correct.**

15 Q. I want to just ask you to confirm that's your witness
16 statement. We can see it on the public screens in
17 Banbridge where we are, and you want to adopt the
18 content of that witness statement as part of your
19 evidence to the Inquiry today?

20 **A. Correct. I do.**

21 Q. If I go back to the first page of your witness
22 statement, Mr Major C, you explain to the Inquiry that
23 you retired from the Army in 1990?

24 **A. I did.**

25 Q. So you have 26 years into your retirement voluntarily

1 come forward to assist the Inquiry at the request of the
2 Ministry of Defence?

3 **A. Yes. Yes.**

4 Q. And you make the point in paragraph 1, as you made to me
5 when we met, that you are being asked to look at
6 material that is for you some 30 plus years ago, and to
7 remember -- in fact, 40 plus years ago to remember those
8 events, and you make the point that it is very hard to
9 remember at that remove, but you stand by the content of
10 the records that you wrote at the time, which are
11 exhibited to your statement?

12 **A. 40 years is a long time and yes, I do confirm that.**

13 Q. You explained to the Inquiry that between September 1973
14 and September 1975 you worked in what was then the
15 Intelligence Branch in HQNI, which was known as G INT?

16 **A. Correct.**

17 Q. That involved you, as you explain, collating and
18 assessing and assimilating in intelligence relating to
19 the groups that you were responsible for looking at,
20 which were terrorist or extremist Protestant groups.
21 You were in charge of that desk and you had
22 an equivalent officer then who was in charge of the
23 Republican desk?

24 **A. Yes.**

25 Q. You had then staff who worked under you in doing work of

1 that kind in respect of Protestant extremists?

2 **A. Correct.**

3 Q. You explain in paragraph 5 of your statement that that
4 involved you being involved in disseminating or sending
5 information to the three brigades who then existed in
6 Northern Ireland: 39, 3 and 8, and also in a different
7 correction, which was into the Assistant Secretary
8 Political, who at the time that you were there was Ian
9 Cameron, and that was because he was feeding information
10 more of a political type of interest to the Director and
11 Coordinator of Intelligence in Stormont to assist the
12 Secretary of State to understand what was happening
13 within terrorism in Northern Ireland?

14 **A. Well, I don't accurately know what Ian Cameron did do,**
15 **because I wasn't privy to the information, but one can**
16 **speculate that that is what he was doing.**

17 Q. Yes. So for your part you fed into him anything of
18 a more political nature that you felt he needed to know
19 about?

20 **A. Yes, but he wouldn't necessarily refer it back to me, of**
21 **course.**

22 Q. Yes. You would simply pass on something you thought he
23 needed to know.

24 **A. Correct.**

25 Q. You explain in paragraph 6 that you were a desk officer,

1 not a field officer, and therefore that meant it would
2 really be a very exceptional thing for you to ever meet
3 a source, as it were, on the ground. Your job was to
4 receive reporting from field officers and to make
5 assessments about that with your colleagues and to
6 disseminate that information as you considered was
7 appropriate for the work you were doing?

8 **A. Yes.**

9 Q. You explain to the Panel in paragraph 6 of your
10 statement, Major C, that in terms of -- we talk about
11 the word "source", but you explain that a source could
12 be a wide category of individual from an actual agent
13 who was being handled by the brigade Intelligence
14 officer to a conversation taking place in a pub that has
15 been overheard by an individual who didn't realise they
16 were being overheard?

17 **A. Not entirely. It could have been a conversation or from**
18 **a soldier on a patrol speaking to someone over, say,**
19 **a garden fence as you walk around or indeed in a pub,**
20 **and then when he got back to base he might think that**
21 **was of interest and report it as that. So that's**
22 **a source in the loose term of the word, but not**
23 **otherwise.**

24 Q. What you are saying is there needs to be
25 an understanding that if information was received it

1 would always be described as coming from a source, but
2 that did not necessarily mean that the provider of the
3 information even knew that they had provided it, and
4 certainly it did not mean that they were necessarily
5 an agent being run by the Army?

6 **A. Correct.**

7 Q. You explain in paragraph 6 in the latter part of it,
8 Major C, about how information would be transmitted
9 generally using the MISRs, the Military Intelligence
10 Source Report, but not necessarily always. We have been
11 asking a generalised question, and you may or may not be
12 able to assist the Panel with it. Can you remember was
13 there a central place where a copy of every MISR had to
14 be sent so that if ever one needed to, you could go back
15 and there would be on a bookshelf, as it were,
16 a compendium of MISR number 1 through to whatever length
17 they went to in terms of numbers? Was there that type
18 of centralised system to collate them?

19 **A. I don't recall that sort of system operationally in the**
20 **headquarters at Northern Ireland. The brigades might**
21 **know. I don't know, but we didn't, is my recollection.**

22 Q. You explain also in your statement in paragraph 8 -- the
23 Inquiry's focus, as you know, has been on William
24 McGrath and his involvement in the Kincora Boys' Hostel,
25 but you were explaining to the Inquiry in paragraph 8

1 that Tara was an organisation of some interest, but
2 limited interest. Your interest was more on those
3 organisations that were actually carrying out terrorist
4 atrocities?

5 **A. Yes.**

6 Q. You explain in paragraph 9 that you would have had
7 a card index system where if a piece of information came
8 in about me, if you didn't have a card you might have
9 opened one and written a summary of whatever the
10 information was about me so that you at a later date or
11 someone coming after you, if my name came up again, you
12 could reach for the card and see what was said about me?

13 **A. That's right.**

14 Q. And you also explain there may well have been files that
15 would have kept the underlying material that would have
16 made up what was on the card, but you don't have
17 a specific memory of specific files about these events
18 that we have been talking about?

19 **A. Yes. That's right. That's correct.**

20 Q. A point that you make to the Inquiry in your statement
21 is that in the role that you performed, you would not
22 necessarily ever know the name of the person who
23 provided the information to the person who was providing
24 it to you?

25 **A. Yes. Yes. Correct.**

1 Q. And I want to look, if you have them there, Major C, the
2 Inquiry has already looked at the documents that are
3 exhibited to your statement, because I opened them
4 publicly as we were working through what the Army knew
5 at any given point in time, but if you can turn with me
6 to the documents, I am going to bring them up in the
7 screen in Banbridge so everyone here will be able to see
8 them, but I want to be sure that you have them. At 2513
9 there is your note of 6th July 1974. Can you see that
10 document?

11 **A. 2513.**

12 Q. If you use just the date of the letter, it has got the
13 HQNI strap across the top and it's dated 6th July 1974?

14 **A. Is this exhibit 1?**

15 Q. Yes?

16 **A. Yes.**

17 Q. You've got it, and this is a two-page letter that's sent
18 to 8 Infantry Brigade, which was based in Derry?

19 **A. Yes.**

20 Q. And you explain to the Panel that in order to write this
21 document, Major C, you have obviously had access -- you
22 are writing in July '74 and it refers to events in April
23 '73, confirmation that Tara was known about from '72.
24 You have been able to look back at material that must
25 have been available to you, whether from the card or

1 from a file about Tara in order to write this summary
2 document at this particular point in time of July '74?

3 **A. Yes.**

4 Q. In the top right corner we were looking during the week,
5 Major C, at the reference to SF, which we take to be
6 security forces, 704/INT. Does that mean there is
7 likely to have been a file with that reference on it
8 that might have been the Tara file and you are putting
9 the reference on it so it matches up? Someone puts
10 a copy of the letter on the Tara HQNI file?

11 **A. Well, 704 might have been a file solely about Tara or it**
12 **might have been a file about a variety of organisations.**
13 **I can't recall which.**

14 Q. It would have been a reference to a file of some kind?

15 **A. Yes, yes.**

16 Q. And you explain in your statement that you can't now
17 remember why you produced this document. You think it
18 may have been in response to 8 Brigade looking for
19 information about Tara and you explain it was a secret
20 organisation that nobody seemed to know a great deal
21 about. You explain at the end of paragraph 11 that you
22 probably would have asked your section staff to put
23 together what they knew about Tara and that would have
24 then formed the basis of the document that you wrote?

25 **A. Yes. When you say "secret organisation", I mean we**

1 **didn't regard it as a secret organisation. Tara may**
2 **have thought they were a secret organisation, but to us**
3 **they were just an organisation, but the rest of what you**
4 **said is correct, yes.**

5 Q. In paragraph 5 of the document of July '74, Major C --
6 if we just scroll down a little bit in the chamber,
7 please -- other than this very little is known about
8 Tara. You then set out what is known about the various
9 individuals. So at this stage in July '74 you have had
10 access to something that suggested William McGrath was
11 reputed to be a homosexual and that's at 5A in the
12 document. I was asking you would that have had any
13 particular significance for the Army, what someone's
14 sexuality was, and you were saying to me that it really
15 wouldn't have been of material importance. It's a piece
16 of information like another piece of information about
17 someone, but it was not something that would have been
18 of great import to you in your work?

19 **A. That is correct.**

20 Q. You explain in your statement that as part of us
21 discussing these matters, you have been shown the
22 document which is at exhibit 2 of your statement, which
23 is the document headed "Tara". If we can look at 2515
24 in the chamber, please, this is the document, Major C,
25 where you have written the word "section" across the top

1 at an angle?

2 **A. Yes.**

3 Q. And when we showed you this document, you could remember
4 seeing it. You had a memory of it. Is that a fair way
5 of describing it?

6 **A. That is a fair way to describe it, yes.**

7 Q. You were explaining that that's your signature as you
8 explained to the police in 1982. That's your signature
9 in the top right corner?

10 **A. No, not my signature, not my signature. I was just**
11 **annotating that to go to the section to file, my support**
12 **section.**

13 Q. Yes. It would mean it would go on the file of Tara, if
14 you like, in your office?

15 **A. Yes.**

16 Q. And you explain to the Panel that your belief is you got
17 this document from Colin Wallace in the PR section, and
18 I think there is another memo -- we will not look at it
19 now -- another memo from you where you explain you got
20 information from the PR section, and you recall or you
21 believe you got this document from Colin Wallace that we
22 are looking at?

23 **A. That is what I do recall. Yes, I agree.**

24 Q. We can see at the bottom of the document the reference
25 to, and the Panel have looked at this document a number

1 of times for various reasons, but it refers to McGrath's
2 homosexual activities and keeping people in his
3 organisation ensnared in it under the threat of
4 revealing homosexual activity which he had initiated?

5 **A. Where -- sorry, where are you pointing to now?**

6 Q. On the bottom of the first page, Major C, of the
7 document?

8 **A. Yes, yes.**

9 Q. There's a section:

10 "Other information that has come to light ..."

11 **A. Yes.**

12 Q. So the document you get from Colin Wallace says he is
13 said to be a homosexual. He is said to utilise that to
14 keep his members ensnared by threatening to reveal their
15 activities. Am I right in saying that whether or not he
16 did that within his organisation again wouldn't have
17 been something of any great interest to you in your
18 role?

19 **A. You are correct in saying that. I wouldn't have asked**
20 **Colin Wallace for any background detail on that,**
21 **I suspect, because it wasn't of interest. I was taking**
22 **this document as a bit of information on Tara without**
23 **actually going into the detail of it with Colin Wallace.**

24 Q. You explain in paragraph 15 of your statement, Major C,
25 on page 3 of it that the geography of HQNI, as it were,

1 you had an Intelligence floor and that floor had
2 a grille entrance. Basically to summarise what
3 I understand you to be saying, it was restricted access
4 to the floor where you were based?

5 **A. Heavily restricted access. Correct, yes.**

6 Q. And you were explaining to me that your office was
7 actually opposite Ian Cameron's office, that he was on
8 your floor, as were his colleagues?

9 **A. Correct.**

10 Q. You were explaining to me that the press relations
11 people, the PR people, or Information Policy, not just
12 Colin Wallace, there would have been perhaps I think in
13 your time Peter Broderick, Jeremy Railton, later a man
14 McDine -- I don't know if you remember any of those
15 names -- but they were not on your floor and didn't have
16 access to you unless they hit the buzzer and someone was
17 prepared to let them in?

18 **A. And if they did let them in, which I don't recall, but
19 if they did they would have been permanently escorted
20 during their time behind that security grille.**

21 Q. So what you are saying -- I am sure the Members of the
22 Panel have a sense of it -- but it's a bit like it
23 operated like a mini-intelligence agency in the sense
24 that very restricted access to not only the information
25 you hold, but the actual place where you are?

1 **A. That's right.**

2 Q. Now the Inquiry has looked at, and we are not looking
3 into it other than where it relates to Kinchora, but you
4 are aware of the allegations around black propaganda and
5 disinformation and so going on between the public
6 relations people in the early '70s within the Army to
7 the press, and there's a document the Panel have seen to
8 suggest that the Intelligence Section may well have
9 worked closely with public relations at a time on some
10 of those matters, but the point you are making is you
11 were not engaged in working closely with public
12 relations, and you would have taken information from
13 them to assist with your work by going down and asking
14 them what they knew about something, but you were not
15 working closely with them on your part of working on the
16 Protestant extremist desk?

17 **A. That's correct. I regarded them as a sort of open**
18 **source information to providing background, say the**
19 **Ulster Workers Strike or something like that, something**
20 **which could have been reported in the press. I didn't**
21 **work closely with them on any occasion, no.**

22 Q. You explain in relation to this particular document that
23 you got from Colin Wallace that he had a large stack --
24 you can remember as you reflect back -- a large stack of
25 A4 pages or A4 sheets relating to various organisations,

1 including relating to Tara. You are fairly certain you
2 would have asked him for a copy and he gave you a copy,
3 which is why you have it then to annotate "section" and
4 it goes on your file?

5 **A. Yes.**

6 Q. I want you to look with me at exhibit 3, if you would.
7 2517, please. This is a document. Again it's got the
8 HQNI head on it. This time it is to 3 and 8 Brigade.
9 It has the same file reference, but it is dated 10th
10 July and you are explaining in paragraph 1 that:

11 "A reliable source states that the following are
12 involved in an organisation called Tara which has
13 homosexual connotations."

14 You then set out the information that you've
15 gathered or that you have received. I shouldn't say
16 gathered; that you have received, because you have
17 explained to the Panel that you don't know, and doubt
18 you would have known the source of the information that
19 allowed you to write the document, but the information
20 will have come to your attention and you will then have
21 decided how that should be disseminated?

22 **A. Yes.**

23 Q. You speculate, Major C, that the reason why one of the
24 recipients wouldn't have been 39 Brigade, is that the
25 information may well have come from an officer in 39

1 Brigade and therefore you don't need to tell them what
2 they are telling you?

3 **A. That is what I assume, yes.**

4 Q. Then if we can look at the next exhibit, which is of
5 26th February 1975, and that is written to RO2. So we
6 were trying to work out that this may have been going to
7 the ASP, but we are not sure I think in the end where it
8 was going to. Have you had any further thought about
9 who you were writing to? You don't need to give their
10 name necessarily, but in what direction this was
11 travelling, this particular piece of information?

12 **A. I can't recall, but I suspect RO2 was a member of Ian
13 Cameron's staff who, as I said I cannot remember who it
14 was, but I suspect that is who it is a reference to,
15 yes.**

16 Q. The factors that you explain at paragraph 29 of your
17 statement, Major C, that makes you feel that it probably
18 was being communicated to the ASP's side, as it were,
19 was because the information indicates involvement or
20 connections to the DUP, propaganda work, fundraising,
21 visitors from abroad, an intention to go abroad, and you
22 summarise it in your statement in paragraph 29,
23 essentially the person had fingers in lots of piee and
24 therefore there were things that the ASP side of the
25 house, as it were, who might be feeding back into the

1 Secretary of State needed to know about, because there's
2 this international aspect to it?

3 **A. Yes.**

4 Q. You explain that again, as we saw with the other
5 document, the first three paragraphs are you drawing on
6 information that's available to you, and we can see
7 actually in paragraph 1, Major C, that inquiries with PR
8 HQNI indicated that McGrath was homosexual and had
9 Communist tendencies. That seems to refer back to the
10 document that you got from Colin Wallace that we were
11 looking at. You have perhaps put it in more measured
12 language than in the press document that he gave you,
13 but it's that sentiment that it's being said by PR that
14 he is homosexual and has Communist tendencies. I think
15 their words were "He owes more allegiance to the red
16 flag than the Union Jack or the tricolour."

17 That seems to be a link back to that earlier
18 document we looked at, and then you summarise further
19 information that seems to be available to you in
20 paragraphs 2 and 3. Then it is paragraph 4 and you
21 understand whenever I met with you I was explaining to
22 you, Major C, why the Inquiry was interested in
23 paragraph 4, because one reading of it would suggest
24 that you had met with William McGrath and were either
25 considering recruiting him or running him as an agent to

1 assist getting information. You explain in your
2 statement at paragraph 27 that you could understand why
3 the language in it might suggest that you had met
4 William McGrath, but you can say for certain that you
5 hadn't?

6 **A. I can say for certain I hadn't. That's correct.**

7 Q. Can you explain -- do you want to just explain as an
8 intelligence individual what you are doing in
9 paragraph 4 and why you might be doing it?

10 **A. I am not quite sure why I wrote a little assessment,**
11 **an overall assessment, but something I obviously felt**
12 **inclined to do, so I did, and that's just my summary of**
13 **the information which was on our desk at the time.**

14 Q. And when we were talking about -- for instance,
15 a reference to the word "devious", which might on one
16 view be seen as you would have to meet the person to
17 make a personal assessment, you were explaining to me
18 that when you looked at the information that was
19 available, the assessment of someone who is devious
20 comes from the fingers in the lots of pies, the various
21 connections that are going on, the reference to
22 ensnaring his members by holding their homosexuality
23 over them. Those were the types of things that you
24 could see from the material that would have led you to
25 say what you were saying?

1 **A. Yes. I wouldn't have assumed this chap was**
2 **a straightforward person and therefore I used this word**
3 **"devious". Yes, I agree with you.**

4 Q. But you know you had never met him and you were making
5 a personal assessment, but I am right in saying you are
6 doing your best today to look back at the material and
7 try and think what it's likely you would have thought,
8 but you don't yourself remember what you were thinking
9 40 years ago when you were writing this. You just know
10 that you didn't meet him?

11 **A. Yes. Alas, you are right in that. I don't remember and**
12 **I know I didn't meet him or ever intended meeting him.**
13 **That's a pure paper assessment.**

14

15 Q. And you have explained the same thing. Police
16 statements tend to be in starker form, but you have
17 explained that fact to the police in 1982 or '83,
18 whenever they came to Germany to speak to you?

19 **A. Yes. Yes.**

20 Q. You were shown exhibit 6 then, which was Major
21 Halford-MacLeod's letter in January 1976. You by that
22 stage had left Northern Ireland, left your post with
23 G Intelligence, and didn't have access to that document,
24 but you are aware towards the end of the discussions
25 that we had, and now you have addressed it in your

1 statement, Major C, I asked you to look at a document
2 dated 8th September 1974. I think you should have it
3 at -- it may be at exhibit 5?

4 **A. Yes, I have it.**

5 Q. And I asked you, as you know, to look at the document on
6 your own, which you did, and I suggested to you that
7 when you read the document, you suggested the answers
8 could be either "Yes, I have seen it", "No, I didn't" or
9 "I can't remember". You will recall me saying to you at
10 the time before you were given the document to read
11 I suggested to you, "No, it won't be one of three
12 answers. It will be one of two answers. When you read
13 the document you will know; Yes, you saw that document
14 before or; No, you definitely didn't". I don't know,
15 but do you remember us having that conversation.
16 I didn't tell you?

17 **A. I do remember. Yes, I remember you saying that.**
18 **I remember you saying that. Sorry.**

19 Q. I didn't tell you what was in it, but I told you that
20 no, your suggestion of three possibilities would only be
21 two possibilities. Our discussion then ended and
22 I didn't see you again until today, but you address in
23 your statement the document that you were asked to go
24 away and read. You read that document and you say in
25 your statement, Major C, that you can say with complete

1 certainty that until the Inquiry showed that document to
2 you you had never seen it before?

3 **A. I can say with complete certainty that's true.**

4 Q. So you will confirm I was right, that there was only one
5 of two possibilities. It was yes or a no?

6 **A. Yes.**

7 Q. A yes or a no?

8 **A. Yes.**

9 Q. Am I right in saying, Major C, that the reason for that
10 is because of the content of the document? Now we
11 looked at some documents written by you after the date
12 of this document which clearly don't draw on the content
13 of that document of 8th November '74. So, for instance,
14 when we were looking at your pen picture of 1975, it is
15 quite clear that the information you had to hand didn't
16 include any of the material that's either in or that
17 makes up the 8th November '74 document, because your
18 February '75 document would have to look completely
19 different?

20 **A. It looks that way.**

21 Q. If I can follow that through, you wouldn't have been
22 just saying "We know by April '73 the following. We
23 know by October '73 the following". You would have had
24 a whole list of other pieces of information that were
25 known by 8th November 1974?

1 **A. Yes.**

2 Q. I also suggested to you, and I will ask this question
3 now, I said to you at the time that I would ask you the
4 question; having read the document, if you had ever seen
5 it before could you have forgotten the fact that you had
6 read it?

7 **A. No.**

8 Q. And at paragraph 35 of your statement, Major C, I asked
9 you to do something that you weren't keen to do, but you
10 have been prepared to do it in your statement. You were
11 reluctant to speculate about what you might have done
12 40 years before if you had been shown that document,
13 which obviously relates to an individual and an
14 organisation that you were keeping an eye on and had
15 an interest in and, therefore, ought to have received,
16 given that it would have been about your sphere of work,
17 and I was asking you what you think you would have done
18 had you seen that document, which obviously suggests
19 that William McGrath is engaged in the homosexual
20 assault of boys in a children's home. You explained in
21 your paragraph 35 that you think you would have gone to
22 your Colonel, who was in charge of the Intelligence
23 Section?

24 **A. Intelligence Branch.**

25 Q. Intelligence Branch, and that the result of that would

1 have been the document would have been transmitted
2 across to the liaison officer with -- the Army officer
3 with the police so that the police were given this
4 document, because obviously it contains very serious
5 allegations, and very many serious allegations, if I put
6 it like that?

7 **A. Well, when I answered your question, I think what I said**
8 **was I would have shown it to the Colonel GS, who headed**
9 **the Intelligence Branch, and if he asked me for my**
10 **advice, which I think he might have, then I would have**
11 **done exactly what you have just said, that it should go**
12 **to 39 Brigade because it is an operating in their area,**
13 **and it should have gone on to the senior liaison officer**
14 **with The Royal Ulster Constabulary, who was a British**
15 **officer, yes.**

16 **Q.** I don't want to put words in your mouth at 40 years'
17 remove, Major C, but I take what you are saying is the
18 content of that document is such that whatever the
19 threshold there might have been in the Army of -- you
20 might hear about all sorts of petty crime and perhaps
21 getting towards medium level crime, but serious crime,
22 there's a certain threshold over which while you are not
23 investigating the crime, it will certainly have to be
24 reported to the police. This type of stuff that's in
25 this document -- I appreciate you had not seen it

1 before -- that's what you are saying, but having looked
2 at it now it is the type of stuff that would have been
3 well over the threshold that would have caused that
4 reporting mechanism to be engaged?

5 **A. Yes. I would have felt obliged to pass it on and I hope**
6 **that any successor of mine would have felt similarly and**
7 **I'm sure they would have. Yes, I agree with what you**
8 **have said.**

9 Q. And you confirm the content of the police statement that
10 you made, and I just want to walk on through with you to
11 the conclusion of your statement, Major C, because you
12 make the point that -- I have been keen as the Inquiry
13 counsel to draw to the Panel's attention the context,
14 but you will recall that your time period spent in
15 Northern Ireland was murder, serious injury happening on
16 a daily basis where you were based?

17 **A. Would you say that again?**

18 Q. Yes. At the time when you are in Northern Ireland in
19 1973 to 1975 the world is very different here today. We
20 are unlikely to hear of shootings and bombings today in
21 Northern Ireland, but that was a daily occurrence that
22 was going on in Northern Ireland at the time you were
23 working in the G INT on the Protestant extremist desk?

24 **A. Absolutely.**

25 Q. People were being killed every day. Bombs were going

1 off. People were being seriously injured?

2 **A. Yes.**

3 Q. So there was a very serious terrorist campaign on both
4 sides. Your side was to look at Loyalists, but the
5 Republican side, and the casualty list is massive. Is
6 that a fair way of describing it?

7 **A. Yes, yes.**

8 Q. And you make the point that you weren't in the Province
9 as an Army officer to investigate people's sexuality.
10 That was not your job and you weren't doing it?

11 **A. Yes. Correct.**

12 Q. But you explain in paragraph 41 that if you had been
13 made aware of an individual who was sexually abusing
14 children, then that would have been a different matter
15 and wasn't something you could have or would have
16 ignored?

17 **A. Correct.**

18 Q. You explain in paragraph 42 that while you worked in
19 HQNI you have no recollection of hearing about Kincora
20 or of any allegations of child abuse going on in
21 Kincora?

22 **A. No, never.**

23 Q. You make the point -- because, as you know, we asked you
24 to address this, because the suggestion has been that --
25 and it's a very broad sweeping allegation -- but that

1 the state, the intelligence services, the Army, and
2 connected to MI5 in this regard, were engaged in some
3 form of operation involving using child abuse at Kincora
4 or covering it up so as to gather information from it.
5 You are aware of those very toxic allegations that have
6 been made, and you explain in paragraph 43 that you were
7 not involved in, were not aware of and didn't hear any
8 discussion about an Army or intelligence agency
9 operation using a children's home or sexual activity
10 with minors to blackmail individuals for intelligence
11 gathering purposes?

12 **A. That is correct.**

13 Q. You had never heard of such a thing during your time in
14 the Army?

15 **A. In Northern Ireland, never.**

16

17 Q. Major C, those are all the questions that I want to ask
18 you. If you bear with us for a short time, the Panel
19 Members may want to ask you something.

20 **A. Yes.**

21 Q. Just remain where you are for a short time.

22 **A. Yes.**

23

Questions from THE PANEL

24 CHAIRMAN: Major, thank you very much for coming to speak to
25 us. Can I just, first of all, ask you some rather basic

1 factual questions just to get some things clear in our
2 mind, there may be more in your field than others. We
3 have seen a document, for example, with the military
4 acronym FINCO, F-I-N-C-O, which I understand to be Field
5 Intelligence Non Commissioned Officer; is that right?

6 **A. That's my recall, yes.**

7 Q. Another acronym used in the same context is C-O-N-C-O,
8 CONCO. What do you think C-O-N-C-O, stands for?

9 **A. Do you know, I don't recall. I don't recall, Chairman.**

10 Q. The NCO part of it clearly relates to a non-commissioned
11 officer?

12 **A. Yes.**

13 Q. And in military terms that's someone from Lance Corporal
14 up to Regimental Sergeant Major; is that correct?

15 **A. Yes.**

16 Q. And it appears to be the position --

17 **A. Again -- sorry -- it would refer to a Lance Corporal to
18 a Warrant Officer Class 1, not necessarily a Regimental
19 Sergeant Major, which is an appointment as opposed to
20 a rank. Sorry, if you understand my ...**

21 Q. Yes, I think I do. You are quite right to correct us on
22 that. These to outsiders subtle distinctions are often
23 of great importance to those whom they concern?

24 **A. Yes.**

25 Q. I can think of quite a few in the judicial world as

1 well?

2 **A. Uh-huh.**

3 Q. The reason I ask is there are a number of documents
4 which you have been asked about and others we have
5 looked at, which appear to have emanated from perhaps
6 corporals, sergeants, staff sergeants and NCOs of those
7 ranks. Was that a common type of person who was used by
8 the Army in a subordinate but important practical way
9 working with commissioned officers such as captains or
10 majors doing intelligence work?

11 **A. Yes, that's correct. Most of them, my recall was they**
12 **were members of the Intelligence Corps rather than**
13 **regiments of the British Army.**

14 Q. Because we have here in the context of Brian Gemmell,
15 a name you may have heard of in wider circumstances than
16 today being part of what is described as 123
17 Intelligence, something of that nature. So they weren't
18 people just taken in from the battalion that was
19 operating on the ground. These were a specialist corps
20 inside the wider Army circle?

21 **A. Yes, they were. The reason for that was that they gave**
22 **continuity with regiments and battalions coming in on**
23 **a four-month tour, these individuals were there to then**
24 **be present and pass on their knowledge and advice to the**
25 **next battalion coming in.**

1 Q. Thank you very much. Another aspect of military
2 practice that we have perhaps had to look at is that it
3 has been said on occasions, not just to us but to the
4 police, that where an original note is made which might
5 after all simply be a handwritten scribble on a piece of
6 paper, that once it is reduced to a formal military
7 document the document would then be sent to whoever or
8 whatever department it was directed towards and then the
9 original notes would simply be destroyed. Is that your
10 recollection of the general approach?

11 **A. Well, I don't know what the regs did and therefore**
12 **I can't comment on that, because they may have**
13 **transcribed the notes made by a FINCO, for instance,**
14 **when he did it and then kept the MISR or the written**
15 **report, but I am not in a position to comment on what**
16 **brigades would have done with it. I can't remember.**
17 **I am sorry.**

18 Q. Thank you very much. The MISR, the Military
19 Intelligence Source Report, was it always in the form of
20 entries on a printed document or might something much
21 less formal, rather more informal have answered that
22 generic description of being a MISR?

23 **A. It wasn't restricted. There was a proforma called**
24 **a MISR which had a format to it so people filled it out.**
25 **That is generally my recollection, but that didn't**

1 **prevent someone writing a note and expecting it to be**
2 **filed in a similar fashion.**

3 Q. Thank you. Now can I ask you a more specific question
4 about the way in which your colleagues and yourself
5 interacted with Colin Wallace and people in the Army
6 Information Service and the Information Policy Branch
7 who, as I understand the description, were in the same
8 building but not on the same floor, and you had
9 relatively little to do with them personally; is that
10 correct?

11 **A. That is correct. My recollection of the Northern**
12 **Ireland press office was it was on the ground floor and**
13 **relatively near the main entrance which meant that**
14 **visiting journalists therefore didn't have any recall to**
15 **venture too far into the building, and I personally only**
16 **used the press office to actually, as I said earlier,**
17 **and I put in my statement, to find out some loose**
18 **information about something that might have been**
19 **happening in the Province at that time, which I wouldn't**
20 **have had access to otherwise.**

21 Q. And if I have understood your description of the
22 location correctly, there was a door through which
23 someone such as Colin Wallace would not be allowed to
24 pass unescorted?

25 **A. Correct.**

1 Q. But can you comment on the possibility that a Military
2 Intelligence Officer, whatever that description might
3 include in terms of numbers of people, might have had
4 occasion to speak to someone such as Colin Wallace and
5 may have engaged in what one might describe from your
6 perspective as loose talk; in other words, not been as
7 discreet as you feel they should have been?

8 **A. The colleagues who I worked with, Chairman, during my**
9 **time there were all -- I am looking for the right**
10 **word -- responsible and were aware of the conditions**
11 **under which they were working, and they would not have**
12 **taken any form of risk or action which they felt would**
13 **be in any way, or even possibly circumvented. Does that**
14 **answer the question?**

15 Q. Yes. I think in a sense what you're trying to convey,
16 and was conveyed perhaps during a period that even you
17 and I aren't old enough to remember, but during The
18 Second World War there was a poster that said "Loose
19 talk costs lives", or something like that?

20 **A. That's right. We were very cautious as to who we**
21 **invited beyond that grille, and they had to have a very**
22 **specific reason to be invited through. There were**
23 **obviously exceptions but I can't think of any at the**
24 **moment. They were normally people of the intelligence**
25 **community in Northern Ireland.**

1 Q. I understand that entirely but I am looking at a
2 slightly different position which is that when someone
3 is speaking to a colleague in the most wide sense of the
4 term in the Army Information service or Information
5 Policy Section, they may not have been as tight with
6 information as you feel they should be but, as
7 I understand it, you are saying you don't think the
8 officers you worked with would have been indiscreet in
9 that way?

10 **A. That is my understanding, yes. I agree.**

11 Q. But human nature being what it is, I take it you cannot
12 exclude, perhaps, even if you regard it as
13 a hypothetical possibility, the possibility that
14 somebody might have said something that they shouldn't
15 have done?

16 **A. I can't exclude it. There is a possibility, but I think**
17 **actually if I had any criticism at all, we were all**
18 **slightly paranoid about our security and other peoples**
19 **security because of the conditions in which we were**
20 **operating in Northern Ireland at the time, as Mr Aiken**
21 **has referred to. They were difficult times.**

22 Q. Yes. If we perhaps just remind ourselves about the
23 latter part of 1974 -- you may or may not remember some
24 of the episodes I am about to refer to in that
25 context -- but there were daily gun battles on the

1 streets of parts of Belfast and other parts of Northern
2 Ireland where military and police patrols, UDR patrols
3 were the subject of sustained attack by terrorist
4 groups?

5 **A. I recall that, yes.**

6 Q. And there were bombs going off on a daily basis across
7 Northern Ireland, and in the Greater Belfast area
8 perhaps more than one bomb a day often?

9 **A. Oh, I would say there were probably ten or a dozen a day
10 and a lot of hoaxes. Yes, I recall that.**

11 Q. Then the specific instance I was going to mention. Do
12 you recall the murder in September of '74 of two members
13 of the judiciary on the same morning at their homes?

14 **A. No, I don't.**

15 Q. And then later in the run-up to the Christmas period do
16 you recall a political episode in the Republic of
17 Ireland where a number of Protestant clergymen had some
18 discussions with members of the IRA Army Council, who
19 managed to disappear a short while before the Garda
20 surprised the meeting?

21 **A. It doesn't surprise me, but I don't recall, Chairman,
22 that episode. I recall other unpleasant things like
23 three young men being led away and murdered in the hills
24 of Belfast, but I don't recall those two incidents.
25 I am sorry.**

1 Q. Yes. I think you are referring to the three very young
2 soldiers who were lured to their deaths; is that right?

3 **A. Yes.**

4 Q. If I could ask you again to look at the document that
5 you examined with Mr Aiken, which is our KIN2519.
6 I think it is exhibit 5 in your bundle?

7 **A. Yes, I have it.**

8 Q. Now you have had the opportunity to consider that at
9 leisure; in other words, it is not just as I understand
10 what you have read with Mr Aiken, you have glanced
11 through it and you have taken it away and reflected upon
12 it.

13 Can you envisage what military purpose such
14 a document would fulfill if, as its author asserts, it
15 was created in and around 8th November 1974?

16 **A. Do you know, I can't imagine why this document was**
17 **written? It's as simple as that. I don't know why he**
18 **would have written it. I don't know who it was**
19 **addressed to because it is blotted out, and why someone**
20 **like this would have written it, I would have thought he**
21 **would also have had to disseminate it through his**
22 **Superior, one of the -- I think they were Lieutenant**
23 **Colonels who headed up the Northern Ireland Press**
24 **Office. I don't know.**

25 Q. If I might also ask you about the document and its

1 nature, it would appear to be a reasonable observation
2 to make that it must have taken some considerable amount
3 of time to gather the documents that are referred to in
4 it, to collate them and then prepare and type out the
5 document which runs to four pages, and which purports to
6 have a large number of annexes, although they are not
7 part of the document that we are looking at. So it's
8 a very substantial piece of work that it appears to
9 represent itself as being; is that a fair observation?

10 **A. Yes, it is indeed.**

11 Q. And at the time which we are looking at in November, the
12 last months of 1974, can you give an opinion as to
13 whether or not anyone you know of would have approved
14 the amount of time and the resource being devoted to
15 this that it would seem to require to prepare? In other
16 words, put in a very blunt way, would the people in this
17 Department not have had more urgent tasks to perform?

18 **A. I would have thought so. I think they might have been a
19 little bit shocked.**

20 Q. When you say "they" do I take it you mean the superiors
21 of whoever constructed this document, if it was created
22 at that time?

23 **A. Well, I mean, Colin Wallace had -- my recollection is
24 there was a Lieutenant Colonel who headed up the
25 Northern Ireland Press Office in Headquarters Northern**

1 **Ireland and I would have thought he would have thought**
2 **that Colin Wallace should have had better things to be**
3 **doing, but that's not for me to judge, of course.**

4 Q. And if one might ask a final question, which may seem
5 rather obvious, but given the circumstances in which you
6 and your colleagues were operating, did you have to work
7 very long hours?

8 A. **We did whether we had to or not. No-one stipulated.**
9 **When you are in the Army you have a job to do and get on**
10 **and do it. Yes, I do recall I had to be in very early**
11 **in the morning to look at the activity which had taken**
12 **place the night before, because the operations room**
13 **wanted an intelligence assessment on what had taken**
14 **place and who may or may not have carried out an action,**
15 **a bombing or a shooting shall, and then on certain days**
16 **one was required to write reports it was always**
17 **a quieter time to write it when most people of the staff**
18 **had gone home, so I sat there when I had finished the**
19 **job. So yes, I worked quite long hours in Northern**
20 **Ireland.**

21 Q. That presumably applied to a great many people, not just
22 yourself?

23 A. **Of course.**

24 Q. In their different levels of work and responsibility?

25 A. **Of course, yes. I mean, even the generals worked long**

1 **hours in their office and then in their evenings they**
2 **felt obliged to go and visit the patrols out on the**
3 **streets in the Province to show their face and to see**
4 **what was going on. So I think everybody who was**
5 **stationed in Northern Ireland in those days worked long**
6 **hours. Yes, Chairman.**

7 Q. Thank you very much, Major. Yes. My colleagues I think
8 may have one or two questions for you?

9 MS DOHERTY: Thank you very much, Major. I just have one
10 question. I understand from what you have said that
11 generally a MISR form is used, but sometimes notes could
12 be filed as well, more informal notes, but given the
13 information that is in the four page typed document of
14 8th November 1974, given that it is typed, given that it
15 is detailed, would you have expected that type of
16 information to have been put into a MISR form? You
17 couldn't describe it as a note. If you were going to go
18 to that much trouble to type up and to paragraph and
19 whatever, would you have expected it to have gone into
20 the proforma?

21 **A. No. No, I wouldn't have, because Colin Wallace, who was**
22 **the author of this, may not have even been aware of the**
23 **existence of the MISRs, because he would never have been**
24 **shown one I guess, and his information would not have**
25 **been graded in any way an intelligence report by anyone**

1 I know. They might have taken his information, as I did
2 his card and used it as information, background
3 information, but it was not an intelligence report. And
4 however one might interpret it, a MISR then became
5 an Intelligence report. What Colin Wallace produces or
6 produced could not in my opinion in the widest sense of
7 word be graded as an intelligence report.

8 Q. So there would have been no expectation that Colin
9 Wallace in his job within the press would have produced
10 MISRs, that would not have been an expectation of his
11 post?

12 A. I couldn't rule out that he didn't produce a report
13 which would have been filed as an intelligence report,
14 but he himself would not have translated it onto a MISR
15 form, it would be my opinion. So what he produces, an
16 interesting document, perhaps, filed, but it wouldn't
17 have been classed in that sort of sense as a MISR or
18 a report which someone would have reported having been
19 on patrol as a soldier in the Province. Does that help?

20 Q. That's very helpful. Thank you.

21 CHAIRMAN: Major, I am sure you will be relieved to hear
22 that was the last question we have for you. We are very
23 grateful to you for coming away from your retirement
24 occupations to speak to us today and earlier in the
25 course of the week when the Inquiry contacted you, but

1 we are very grateful to you for doing so and throwing
2 light on events which, thankfully, are not merely alien
3 to, but the vast majority of today's population in
4 Northern Ireland have had absolutely no experience of.
5 Thank you very much for doing so.

6 **A. Well, I hope my contribution has helped your Inquiry and**
7 **brings it to a speedy and for you a successful**
8 **conclusion.**

9 CHAIRMAN: Thank you very much.

10 MR AIKEN: What we will do now, Major C, the Panel will
11 leave and then those who are assisting you will come in
12 and we will terminate the connection. So if you bear
13 with us just for a moment while the Panel leave. We
14 will take a short break and make the arrangement to
15 continue.

16 CHAIRMAN: Yes. I think given it is almost 11.55 I think it
17 is almost time for one of our breaks for the
18 stenographer. So we will stop for a few minutes anyway.

19 (Videolink terminated)

20 (11.55 am)

21 (Short break)

22 (12.05 pm)

23 Material relating to MoD and RUC
24 dealt with by COUNSEL TO THE INQUIRY (cont.)

25 CHAIRMAN: Yes, Mr Aiken?

1 MR AIKEN: Chairman, Members of the Panel, before we took
2 the evidence from Major C by videolink from London we
3 were looking at the immunity that Detective
4 Superintendent Caskey obtained for Colin Wallace from
5 Sir Barry Shaw, the Director of the Public Prosecution
6 Service. In between those discussions and getting the
7 letter which we looked at, if we can look, please, at
8 30132, on 7th June 1982 the RUC spoke to Peter
9 Broderick. You will recall for all the reasons he gives
10 Peter Broderick was a supporter of Colin Wallace in
11 terms of giving him the reference, setting out the good
12 work he did, albeit you also have the other letter where
13 he expresses some personal views, but you can see that
14 he is explaining he was the information adviser to the
15 General Officer Commanding responsible for all press and
16 broadcasting contacts. He explains that Colin Wallace
17 was a member of his staff with special responsibilities
18 for briefing visiting reporters. As you know, it seems
19 he may well have had responsibility for other types of
20 briefing as well that the Army Information Service was
21 involved with along with some Intelligence staff it
22 seems:

23 "I can state categorically that at no time did Colin
24 Wallace ever discuss with me affairs at Kincora Boys'
25 Home in Belfast. I first heard of Kincora at the time

1 of recent coverage into the affairs there by press and
2 news media."

3 He has been shown a document marked EGM3 by
4 Detective Inspector Mack. It is the folio document. He
5 says:

6 "I have never seen that document before. I have no
7 knowledge of its contents at all and I don't recognise
8 the format of the document of having any official
9 origin. Under no circumstances would documents of this
10 type ever be issued from HQNI."

11 That's the folio document he is referring to.

12 On the same day, if we look at 30131, please, David
13 McDine, who was Peter Broderick's successor -- Peter
14 Broderick left his role with the information Service
15 just before, I think September '74, so just before the
16 document, I think August '74 we will see in a later
17 statement, before the document of 8th September, but Mr
18 McDine was there throughout the period. You can see he
19 worked as an information officer between '72 and 76:

20 "On completion of the duty I was posted to Berlin
21 where I served until '79. Whilst at Northern Ireland
22 I served with a chap called Colin Wallace. I knew Colin
23 prior to my appointment in Ulster for about 3 years.
24 I resided in Northern Ireland from '62 until '76."

25 He explains where he worked:

1 "Initially Wallace and I were in the same grade but
2 later in my service with the MoD Wallace was promoted to
3 Senior Information Officer. Wallace was at no time
4 answerable to me and we were both involved at a level in
5 similar work. I have been asked if I have ever heard
6 about Kincora Boys' Home in my capacity whatsoever.
7 I have never seen any official document to my knowledge
8 on Kincora Boys' Home, although I do recognise as
9 a result of the situation that prevailed in Northern
10 Ireland at this time it may have been discussed
11 verbally. If Wallace may have discussed Kincora with
12 me, I cannot remember any specific detail. The names
13 McGrath and McKeague mean something to me, although
14 I cannot connect McGrath with any verbal conversation
15 regards Kincora. I did not know that McGrath worked at
16 Kincora Boys' Home but his assumed association with the
17 Protestant military organisation Tara was on record."

18 I am sorry. If we go up, please, to 30131. I am
19 reading there from the wrong statement. This is the
20 statement from -- I was trying to understand why
21 Mr McDine was said to be on the same level as Colin
22 Wallace. This is the man who took over from Peter
23 Broderick. My apologies. Ignoring what we were just
24 looking at. We will come back to it very shortly. He
25 explains he took over in September '74 from Peter

1 Broderick. He was adviser to the GOC. He explains he
2 directed the work of 40 or so members of the Army
3 Information Service. He knew Colin Wallace. As far as
4 he was aware his duties were to oversee the photographic
5 section and printers and to produce publicity material
6 on activities for the Army's newsletter.

7 "Because of his background knowledge he tended to be
8 the main briefer of visiting press."

9 As you know he was doing other duties as well:

10 "Around October 1975 my duty in Northern Ireland
11 terminated and I returned to England. At no time
12 whatsoever did Wallace discuss with me Kincora Boys'
13 Home in Belfast, nor was I aware that he discussed this
14 with any other member of staff and at no time can
15 I recall hearing the name Kincora until the recent
16 publicity."

17 He is shown the folio document and doesn't recall
18 ever seeing that document.

19 On 7th June, if we go to 30136, please, John Groves,
20 and as you know, he would ultimately hear the internal
21 hearing from Colin Wallace in 1975 before the matter
22 proceeded to the Civil Service Appeals Board. You can
23 see he was Chief of Public Relations in the MoD from '68
24 until '77, so a nine-year post:

25 "I know Colin Wallace as a member of the PR staff at

1 Lisburn. Aware he was working with the information
2 policy."

3 He had no day-to-day involvement. He did on 11th
4 February '75 interview him at the MoD on
5 an administrative matter. That's to do with his
6 removal:

7 "I at no time had discussion with Wallace about
8 Kincora or any matters connected with it."

9 You saw the documents passing between and involving
10 Mr Groves and Wallace over what ultimately leads to his
11 resignation after the Civil Service Appeals Board
12 hearing. As you know, there is no reference to Kincora
13 in them.

14 If we look at 30133, please, where we were before,
15 it is the 9th June 1982 statement from Mike Taylor.
16 What he is explaining is that he worked at the same
17 level as Colin Wallace. What is important about this is
18 what you see he says here:

19 "I have never seen any official document to my
20 knowledge ..."

21 Now this is a statement to the police in June 1982.

22 CHAIRMAN: Sorry. If we just go up to the top of the page.

23 MR AIKEN: Go up to the top, please.

24 CHAIRMAN: Yes. Thank you.

25 MR AIKEN: If we scroll down, please, he is saying:

1 "I never saw any official document about this."

2 He is describing as a result of the information that
3 prevailed. I presume that means the frenetic nature of
4 the work or potentially not wanting to write things down
5 potentially for security reasons:

6 "It may have been discussed verbally."

7 He is not saying it was, he is saying "It might have
8 been. I don't remember". He says:

9 "I did not know that McGrath worked at Kincora Boys'
10 Home but his assumed association with the Protestant
11 military organisation Tara was on record."

12 If we scroll down, please, he has been shown the
13 folio document:

14 "To my knowledge I have never seen this before. The
15 information laid out in the document is similar to the
16 work which was expected of Colin Wallace during his
17 period in the MoD. I have no doubt that this document
18 would be shown to a selected journalist for
19 a confidential briefing, part of Colin Wallace's
20 function whilst in Northern Ireland."

21 Now if we can look, please, at 80369, on 28th
22 March 1990 you can remember what Mike Taylor had to say.
23 Here he is being shown:

24 "You have no doubt at all that you have seen these
25 documents before in '73 and' 1974."

1 If we scroll up just to the page before for
2 a moment:

3 "When he first produced these two Army memos to
4 support his claim he'd just completed a jail sentence
5 for manslaughter, and his credibility was discounted by
6 Government spokesmen. They said he was a fantasist
7 who'd made it all up. But now this man says he can
8 vouch that the memos are genuine.

9 Mike Taylor worked at the time in the Army
10 information at Lisburn, responsible for filing and
11 checking all documents in the section called Information
12 Policy where Wallace worked.

13 Mike Taylor says: they formed a file that had been
14 established on all aspects of Kincora in which we had
15 discovered various events going on there and those
16 events related to the possible attraction of
17 paramilitaries and consequently the Army Intelligence
18 put together a documentation file of Kincora itself.

19 Q. You have no doubt at all that you have seen
20 these documents before in 1973 and 1974?

21 **A. No doubt whatsoever.**

22 Q. The first of these memos was written in 1973 and
23 is principally about Tara, the paramilitary group formed
24 by McGrath. It states: 'the Officer Commanding is
25 William McGrath. He is a known homosexual who has

1 conned many people into membership by threatening them
2 with revealing homosexual activities which he himself
3 initiated. He is a prominent figure in Unionist party
4 politics and in the Orange Order'.

5 It continues:

6 "McGrath also runs a home for children on the Upper
7 Newtownards Road."

8 Now that is the off-the-cuff for the press document
9 with the clerks IP diagonally across the top, annotated
10 by Peter Broderick, a copy of which is produced in Paul
11 Foot's book, so the middle of the three documents that
12 I was referring to, and he is saying:

13 "Not only do the documents suggest the Army knew
14 about McGrath years before his activities were stopped,
15 they also suggest that the RUC knew as well."

16 We are now getting into the second document, which
17 is -- so a conflation is occurring. Clerks IP document
18 does not make any reference to abuse occurring, but he
19 is then moving on or conflating with 8th September --
20 sorry -- 8th November dated '74 document, and then it is
21 said:

22 "Not only do the documents suggest that the Army
23 knew about McGrath before his activities were stopped,
24 they also suggest that the RUC knew as well. The '74
25 memo written by Colin Wallace cites three sources."

1 Then he goes through the sources. If we scroll
2 down, please:

3 "Mike Taylor: it was quite obvious that an element
4 that went into this memorandum came from the RUC.
5 I don't know at what level. I don't know from what
6 rank, but it was quite clear that there was certainly
7 knowledge by the RUC of what was going on in Kincora at
8 the time.

9 Q. Taylor says that this Wallace memo was sent up
10 to General Sir Peter Leng, at the time Commander of Land
11 Forces. It came back with a note attached from the
12 General."

13 Then look at what Mike Taylor says:

14 "The document attached to the memorandum was signed
15 by Sir Peter, endorsing the document, to say that he
16 agreed with the conclusions of the memorandum and that
17 the appropriate authorities should be notified and take
18 action. His recommendation was that this should be
19 brought to the notice of the RUC who were the correct
20 body for carrying out any further investigations, and if
21 necessary, prosecuting the people concerned."

22 Now if we just pause there, Mike Taylor here goes
23 further than Colin Wallace goes. Colin Wallace says:
24 "I can't remember who that document went to, but it
25 would definitely have gone to Railton," and we will look

1 that shortly, and he suggests two others. We will see
2 what he says in Paul Foot's book. What Mike Taylor is
3 saying is that he knows the document goes to the
4 Commander of Land Forces, who annotates it and has
5 a memorandum attached to it endorsing the document and
6 recommending that it should be reported to the police.

7 Now we are no longer in the territory of a draft
8 memorandum or a memorandum of which Colin Wallace has
9 a copy and no attachments. Where we are now at is this
10 went up the chain and came back down again and Mike
11 Taylor saw it all and these documents were all in a file
12 about Kincora.

13 CHAIRMAN: The point you are making, Mr Aiken, is that
14 Mr Wallace in all the accounts he has given has never
15 gone beyond saying it was merely a draft that he was
16 preparing, even if he had discussed some or all of the
17 contents verbally, but it never got past being put into
18 a document which was only in draft form, whereas
19 Mr Taylor is saying it went much further that. The
20 document was completed, went right up to General Leng,
21 came back down from him. It was approved, endorsed and
22 the complete document, not just the created document,
23 which Mr Wallace said by implication there never was
24 a completed document, only a draft, goes into a file
25 with the written approval of the second most senior

1 serving soldier in Northern Ireland.

2 MR AIKEN: Not only that, but that second highest soldier in
3 Northern Ireland directed that the RUC should be told
4 about it.

5 CHAIRMAN: Yes.

6 MR AIKEN: But if we scroll back up, whether Colin Wallace
7 in the end is saying it was only a draft, he only had
8 a copy of it and he seems to be saying potentially more
9 than a draft. It was shown to, he was, sure Railton.
10 We will look at that, but what's being said here, if we
11 scroll back up, what Robert Parker claims Colin Wallace
12 is telling him -- sorry. Scroll down just a little
13 further, please. So Taylor says his memo was sent to
14 General Leng. Can we just scroll up again? I can't
15 find the part I wish to draw to your attention. Scroll
16 up. Pause there for me. Come down a bit further. So
17 what he is saying when you put this all together is this
18 document goes up to the Head Commander of Land Forces
19 with a memorandum coming back from the Commander of Land
20 Forces, who has also annotated the document, but with
21 his memorandum directing what should happen, and it goes
22 on the Kincora file that Mike Taylor knows about.

23 So what we have now got is this document with all of
24 the attachments that the Army have never produced, but
25 we have also got a memorandum from the Commander of Land

1 Forces who says on foot of him considering that document
2 "This should be told to the police", and no record of
3 that happening, no production of his memorandum, nor the
4 file into which this memorandum along with Colin
5 Wallace's document, that file is not produced.

6 Of course, as you know, the MoD's position is this
7 is all a fix, but that's where this ends up. Colin
8 Wallace does not to my knowledge -- we can check to be
9 sure -- he is saying it went to Jeremy Railton. He is
10 sure about that, his boss, but it would have gone to
11 Intelligence staff he says. We will see what he says
12 shortly, but you can see what is said to be happening
13 here.

14 You can contrast that with what Mike Taylor told the
15 police, not a journalist, told the police in a police
16 statement in 1982, eight years before this interview.
17 So if I can put it this way, Members of the Panel, to be
18 frank, one of those was a lie. He either lied to the
19 police or he lied to the journalist.

20 If we look at 30315, please, as you know, there are
21 many interviews with many of these individuals. The 1st
22 June 1990 was the Public Eye programme Mike Taylor has
23 spoken to. You can see:

24 "Mike Taylor was one of Colin Wallace's colleagues
25 in the Information Section.

1 Mike Taylor: There was a specific file related to
2 the Kincora Home.

3 Chris Moore: Was it marked Kincora or was it marked
4 something else?

5 **A. No, it related to a broader -- a broader file.**

6 Q. And did the name Tara appear in the file as
7 well?

8 **A. Yes, it did. We had gained information that the**
9 **Kincora Boys Home was being run by a person who had or**
10 **appeared to have associations with paramilitaries and we**
11 **had gained information that some of the boys in care**
12 **were being abused by the people who ran that home."**

13 So Mike Taylor is not just saying that he saw the
14 document. He is associating himself with the
15 information. "We found out". Then he is asked:

16 "Taylor claims the information in the Tara file was
17 passed up the Army's chain of command to a very senior
18 level. He then says that a memorandum was written which
19 he says he saw recommending that the RUC should be
20 informed."

21 Then he moved on into Roy Garland.

22 If we look at 30135, please, this is the police
23 statement from Patrick Puttock of 10th June 1982:

24 "From 1973 until 1975 I served as G3 Information
25 Policy at HQNI."

1 So he is in the Intelligence Section:

2 "I met Colin Wallace, who was the Information
3 Officer. I have been asked if Wallace ever discussed
4 with me affairs at a boys' home called Kincora and I can
5 definitively say that he didn't. During my stay in
6 Ulster the name Kincora was never mentioned to me.
7 I have heard of Kincora recently in the news media.
8 Colin Wallace was not at any time answerable to me in
9 connection with his type of work."

10 He is shown the folio document:

11 "I am not aware of seeing this document before. It
12 is the type of document which could be compiled by Colin
13 Wallace in his capacity as an Information Officer. The
14 name McGrath means nothing to me and as far as Tara
15 organisation is concerned, I haven't heard of it
16 before."

17 So it was not something of this man's remit.

18 We saw the DPP immunity that was provided on 10th
19 July, and on 15th July, it we can look at 30371, please,
20 Assistant Chief Constable Whiteside said this. He
21 refers to the report about in particular the conditions
22 that were listed by Colin Wallace:

23 "Wallace should be advised as follows.

24 He is not charged with an offence, it seems unlikely
25 as he is not eligible for legal aid. That is not,

1 however, a matter about which the police can give
2 advice. He should consult a solicitor.

3 The DPP has granted immunity. Please refer to the
4 letter.

5 If he has any fears for his security he should
6 consult with the local police force in the event of him
7 coming to Northern Ireland the same would apply.

8 This is a matter which should be taken up with his
9 solicitor. The RUC were not involved in the
10 investigation of the investigation of the offence."

11 This is about the Jonathan Lewis case. That's the
12 Assistant Chief Constable setting that out.

13 On 27th July then Superintendent Caskey, if we look
14 at 30117, please, goes back to interview Colin Wallace
15 again. If we scroll down, please. So he explains the
16 position. Then he asks Wallace a number of questions:

17 "Q. Have you any information in relation to
18 homosexual offences?

19 A. The copy of the Official secrets Act which
20 I signed in '74 states that I could only disclose
21 information which I had gained during my employment on
22 the specific written authority from the MoD.

23 Since that time I have had further communication,
24 verbal from the MoD that if I disclosed specific
25 information relating to my period in Northern Ireland in

1 connection with my legal proceedings I would be
2 prosecuted under the Official Secrets Act."

3 Scroll down, please:

4 Q. When did you receive this verbal communication
5 and where?

6 A. In 1975 in London. As far as legal aid is
7 concerned that is a nonsense. I am not eligible. It is
8 silly that I should be expected to pay for
9 an investigation that I have nothing to do with. The
10 immunity with homosexual matters only. I assume that
11 your current investigation and the public inquiry to
12 come covers all aspects including allegations of an
13 official coverup by the various bodies. The current
14 statement appears to exclude the coverup aspect. Can
15 I assume, therefore, that the Inquiry is no longer
16 interested in this aspect and why has the DPP not
17 included any dispensation for me in relation to that?"

18 Then he is told by the policeman:

19 "Information relating to homosexual offences would,
20 in my view, take account of all information covered up
21 or otherwise of sexual offences.

22 Then sought advice from a solicitor on the
23 interpretation.

24 A. I am concerned because of this background that
25 all information that I consider relevant to the Inquiry

1 **should be made available to the RUC.**

2 Q. Do I take it that you consider that you have not
3 got sufficient clearance to disclose what information
4 you have?

5 **A. Certainly.**

6 Q. Are you making the case that this clearance must
7 come from the MoD?

8 **A. I have made that clear before. On previous**
9 **visits I made it clear that the clearance should come**
10 **from Sir Frank Cooper. The copy of the Officials**
11 **Secrets Act which I signed made it quite clear that**
12 **I must have the written consent of the MoD before**
13 **I disclose any information.**

14 Q. You are not satisfied with the immunity by the
15 DPP?

16 **A. Certainly not in the wording conveyed during**
17 **this meeting.**

18 Q. If you were to get written clearance from the
19 MoD are you prepared to disclose all the information in
20 your possession?

21 **A. Yes, subject to other conditions being met.**

22 **Firstly the legal aid situation. I would have to**
23 **prepare a lengthy statement which would have to be**
24 **vetted by legal representatives."**

25 **This is a man being questioned by police.**

1 Because of my current circumstances I do not have
2 the opportunity to carry out research. This would have
3 to be done by my solicitor.

4 There is also the problem of documents and material
5 needed by me being seen by third parties, e.g. prison
6 staff, because of vetting procedures during the
7 production of the statement.

8 There would be a lengthy time involved, maybe three
9 to four months."

10 Colin Wallace is being asked by the police
11 investigating sexual abuse at Kincora:

12 "what can you tell us about sexual abuse at
13 Kincora?" The answer is:

14 "I need to go back into Army HQ for three or four
15 months to prepare a detailed statement that will have to
16 be vetted by my lawyers". Then again he raises the
17 position of his own case. Scroll down, please:

18 Q. This information that you have, you had it
19 before your trial?

20 A. Not all of it, no."

21 CHAIRMAN: Sorry.

22 MR AIKEN: Just scroll up, please:

23 "I would therefore wish that these matters and all
24 the evidence relating to my case be examined in the
25 light of the information which I will supply about

1 Kincora."

2 So he is linking the death of Jonathan Lewis and his
3 manslaughter conviction to Kincora.

4 "Q. This information that you have, you had it
5 before your trial?

6 **A. Not all of it, no.**

7 Q. Why was it not raised at the trial?

8 **A. Such information as I had at the trial was
9 covered by the Official Secrets Act and such disclosures
10 would have led me open to prosecution under the Official
11 Secrets Act."**

12 Well, there's been no suggestion at any time that
13 his legal advisers were made aware of the need to raise
14 Kincora and get, otherwise that process that we are now
15 looking at of getting immunities and dispensation and so
16 on and so forth, would have been conducted by his legal
17 representatives during the criminal process for which
18 they were being paid:

19 "Did you have that information prior to your
20 appeal."

21 If you scroll down:

22 "Did you make an application to the Court of Appeal
23 in relation to this classified information?"

24 **A. No. I did at the first interview express there
25 were some difficulties (referring to the Official**

1 **Secrets Act) and the council.**

2 Q. Without attempting to interfere with the
3 confidence between you and your legal advisers, did the
4 information you gave relate to offences of homosexuality
5 in Kincora?

6 **A. It related to my employment in Northern Ireland
7 and certain information which I gave them which might
8 have a bearing on my case. I did not go into
9 considerable detail because I was not certain at that
10 time how much of that information I could disclose to my
11 legal advisers.**

12 Q. Does the information you possess identify any
13 person with having committed a criminal offence in
14 relation to the enquiry I am carrying out?

15 **A. I would not be prepared to reply to that
16 question at this stage.**

17 Q. Are you suggesting that there was a cover-up by
18 the authorities in relation to the Kincora enquiry?

19 **A. I cannot reply to that question without the
20 clearance of the MoD.**

21 Q. Did you have a meeting with News of the World
22 journalist, Iain Macaskill?

23 **A. I would not be prepared to reply to that
24 question.**

25 Q. Did you see that document SRM9?"

1 Now that's the document part 1, part 2, part 3 that
2 appears to be written by Colin Wallace:

3 "It is a photocopy. Are you the author of that
4 document?"

5 Scroll down, please:

6 ". I would not be prepared to make any comment in
7 relation to that document."

8 Now, Members of the Panel, you may consider if there
9 are matters relating to national security that Colin
10 Wallace knows about and needs to talk about, then to
11 suggest he needs clearance may be entirely legitimate.
12 Here he is simply being asked:

13 "Q. Did you write that document that was given to
14 Iain Macaskill?"

15 **A. I am not prepared to answer that question.**

16 Q. Well, why not? A serious allegation is made in
17 the document that in 1974 a complaint was made to senior
18 officers that a coverup of the Kincora ring was
19 preventing the killers of 10 year old Brian McDermott
20 from being apprehended and that three people were
21 suspected of the killing. Have you any comment to make
22 about this?

23 **A. As I said before, I have no comment to make
24 about this document.**

25 Q. I put it to you that the Official Secrets Act

1 does not extend protection to any person who has
2 information that would lead to the detection of persons
3 suspected of murder."

4 Then the solicitor intervenes to say he prohibited
5 disclosure by his client without comment of any
6 relevance information in his possession. I am not sure
7 that's actually correct, but that's what's being said.
8 If we scroll down, please:

9 "A. If this information is so important why don't
10 the military just give permission? It is in the public
11 interest for the MoD to give me the permission.

12 Q. Do you have any information that would lead to
13 the identity of these suspected killers?

14 **A. I could not reply to that.**

15 Q. To your knowledge are these suspected killers
16 still at large?

17 **A. I can't make any comment on that.**

18 Q. Would you agree with me this is a serious
19 matter, that if suspected killers are at large that
20 every effort should be made to make them amenable to the
21 law?

22 **A. I could not agree more.**

23 Q. If they are still at large, taking into account
24 the terrorist situation in Northern Ireland, assuming
25 they are of the terrorist type, there is every

1 likelihood of them committing further serious offences?

2 **A. This would apply even if they weren't**
3 **terrorists. Irrespective of who they were I would like**
4 **to see them brought to book.**

5 Q. If you would like this then this is the time to
6 disclose their identity?

7 **A. This is the time for the MoD to allow me to**
8 **disclose this information.**

9 Q. Was there an intelligence organisation within
10 the military in Northern Ireland prepared to discredit
11 a number of Ulster politicians by publicly implicating
12 them in the Kincora vice ring?

13 **A. I could not make any comment on that.**

14 Q. You are not prepared to name the three men even
15 though they may be killing today?

16 **A. I can't release any information."**

17 **Then he is asked: 'Have any inquiries been made in**
18 **the security forces. I said 'I will take that up'.**

19 **Wallace then related 4 conditions.**

20 **In the event of me providing you with a statement of**
21 **all the information will that information be supplied to**
22 **the Sussex police?**

23 **In me being subpoenaed when will I be required to**
24 **give evidence?**

25 **Will information provided to such an enquiry have**

1 total or qualified privilege?

2 Will such a public enquiry be set up under the 1921
3 Tribunal of Inquiries Act."

4 I am not sure how it is anticipated a Detective
5 Inspector investigating serious crime will be able to
6 answer any of those questions:

7 "I said 'at this stage I cannot answer these
8 questions' ... any contact or link should not be made
9 through Sussex police.

10 Q. You are not read prepared to make any statement
11 written or otherwise in relation to the information you
12 allegedly possess until you have clearance from the MoD?

13 A. Yes, and the other conditions I have stated.
14 I have written to my MP in respect of this."

15 On 3rd August 1982 Detective Superintendent Caskey
16 briefed the DPP on what Colin Wallace was saying and the
17 DPP directed that The Northern Ireland Office and the
18 MoD should be informed because he was raising issues
19 that affected them.

20 While this process is ongoing I want to rejoin at
21 30130. The police speak to Jeremy Railton. Now at this
22 point in time nobody knows about the November '74 memo,
23 but Jeremy Railton is being spoken to about what was in
24 the public domain, i.e., what had been given to
25 Macaskill, and the suggestion that Kincora was known

1 about:

2 "During my time there I had close working contact
3 with Mr Colin Wallace. I was a Lieutenant Colonel in
4 the Information Branch. I cannot recall at any time
5 Wallace ever mentioning to me or discussing with me any
6 matter relating to Kincora Boys' Home or anything
7 relating to homosexuality. Nor can I remember it ever
8 being discussed by any person within the headquarters.
9 I can recall the organisation Tara. The name William
10 McGrath does not mean anything to me."

11 Then if we look at 30372, please, on 25th October,
12 so it took a couple of months to resolve, but you can
13 see then from the Director of security Army:

14 "I enclose a sealed envelope which it has been
15 agreed Superintendent Caskey was to give to Mr Wallace
16 when he interviews him about criminal offences connected
17 with Kincora Boys' Home."

18 It is signed by Major General Garrett. If we move
19 on to the next page, please:

20 "Dear Mr Wallace,

21 Under the terms of the official Secrets Act
22 declaration which you signed when you resigned your
23 appointment with the Ministry of Defence, you undertook
24 to seek authorisation from the Department before
25 discussing with anyone information gained in the course

1 of your employment. It is now necessary for the police
2 to investigate fully allegations of criminal offences
3 involving homosexual conduct in or connection with the
4 Kincora Boys' Home in Belfast. The purpose of this
5 letter is to confirm that you may disclose to
6 Superintendent Caskey and Inspector Cooke of the RUC the
7 information that is in your possession which is directly
8 relevant to the investigation including, where
9 necessary, information which you gained in the course of
10 your employment with the MoD and which is security
11 classified. You will, of course, appreciate that your
12 responsibilities for safeguarding information not
13 related to the police investigation remain unchanged and
14 you must therefore be careful not to divulge any
15 information other than that which is directly relevant
16 to them."

17 Now unfortunately you get in then, as you recall in
18 any document of this type, like we saw over the Security
19 Service interest in 1982 to ensure someone else they
20 were involved with was not unnecessarily caught up in
21 the investigation, you have here a recognition "Well,
22 this man knows national security issues much beyond what
23 this police investigation is about." You may consider
24 whether this is an attempt to try and make sure:

25 "To talk about what they want to talk about. You

1 **are not going to tell them about anything else you**
2 **happen to know."**

3 **It is taken by the Detective Superintendent --**
4 **30136, please. On 11th November 1982 he goes back to**
5 **see Colin Wallace again. If we scroll down, please:**

6 Q. You have now been served with a document signed
7 by the Director of Security, Army, which authorises you
8 to disclose to myself and Inspector Cooke the
9 information you allegedly possess in relation to Kincora
10 Boys's Hostel. What information can you now give which
11 would assist me as an officer in the RUC in my
12 investigations?"

13 So he is given a very open question:

14 "Answer: Having considered the implications of the
15 letter written by Major-General Garrett, Director of
16 Army Security, against the background in which I am
17 unable to receive legal aid, and on advice I am unable
18 to provide any information whatsoever relating to this
19 investigation. The last sentence of the letter is
20 ambiguous."

21 Scroll down, please:

22 "Q. I would have thought that the third sentence of
23 Major-General Garrett's letter would have released you
24 from your obligations under the Official Secrets Act in
25 as far as Kincora is concerned, and I quote: 'The

1 purpose of this letter is to confirm that you may
2 disclose to Caskey and to Cooke the information that is
3 in your possession which is directly relevant to the
4 investigation, including where necessary information
5 which you gained if the course of your employment with
6 the Ministry of Defence and which is security
7 classified'."

8 Colin Wallace's reply:

9 "That's a matter of opinion. I do not believe that
10 an adequate opinion can be expressed on this matter
11 unless one is in possession of all the relevant
12 information. Without adequate legal advice in this
13 matter I would not be prepared to take such
14 responsibility on the strength of your interpretation."

15 Then says Caskey:

16 "At an earlier interview you stated that you were
17 bound by the Official Secrets Act and you considered if
18 called upon to give evidence you would need clearance to
19 disclose the information. You are now served with
20 a document giving you immunity by the DPP, a document
21 giving you the clearance you suggested you required
22 before you could release the information. I suggest to
23 you that the authorities have been more than reasonable
24 with you in meeting your demands and your concern in
25 relation to the Official Secrets Act and I, as the

1 police officer in charge of the investigation, can see
2 no bar in you divulging the information you allege you
3 possess."

4 Scroll down, please:

5 Colin Wallace says:

6 "I have now made it clear to you or your
7 representatives on four consecutive visits that owing to
8 the legal complexities of this matter that I would
9 require adequate legal advice relating to the disclosure
10 of any information and on the alleged immunity which
11 might be provided. The refusal by the authorities to
12 allow me to have that advice leads me to believe that
13 they do not wish all the information relating to this
14 matter to be disclosed. I hope I have made my position
15 very clear to you on each of these interviews with
16 particular regard to the complexity of the information.
17 Having regard to the totally negative attitude of the
18 authorities in this matter, I not think that I can be of
19 any further help to you until I am properly advised."

20 There is a solicitor present:

21 Q. Now that you have been given the clearance you
22 sought from the MoD I put it to you that you are in the
23 same position as any other citizen in relation to the
24 law to divulge any information you possess regarding any
25 criminal offence concerning Kincora in this instance?

1 **A. As a matter of fact your statement is incorrect.**
2 **The wording of the alleged clearance given by the**
3 **Director of Army Security is not the wording of the**
4 **clearance which I specifically requested from you on at**
5 **least two occasions, and on the face of it it is not**
6 **only insufficient but ambiguous. I think it is**
7 **fruitless going on any further with this interview."**

8 **The interview:**

9 Q. I would like to pursue one further question.
10 The information ...

11 The interview terminates. The solicitor advised
12 Mr Wallace not to continue with the interview. Wallace
13 and the solicitor then got up and left the interview
14 room (the question was to relate to where he got his
15 information and where it was to be found)."

16 Then if we look at 30026, Detective Superintendent
17 Caskey sets out in his report at paragraph 102:

18 "The interviewing police officers gained the
19 impression that Wallace was clearly surprised with the
20 terms of the Ministry of Defence letter. He gave the
21 impression that his bluff had been called and stated
22 that he thought it was fruitless going on with any
23 further -- going on any further with the interview. As
24 already stated, on the advice of his solicitor, Wallace
25 left the interview room in the company of his

1 solicitor."

2 On 14th January 1983 at 30172, please, Major
3 Saunders, who you have heard me speak of before, who was
4 assisting the RUC Phase Three Inquiry and produced
5 documents to it, was asked specifically to search Army
6 records in an attempt to discover whether any
7 information was held regarding the murder of Brian
8 McDermott in September '73. So what you can see
9 happening is, whether known to Colin Wallace or
10 otherwise, the information is there, given to Iain
11 Macaskill. It comes into the hands of the police. They
12 can't get Colin Wallace to answer but he investigates it
13 anyway. Here he is asking the Army through Major
14 Saunders to look for anything to do with the murder of
15 Brian McDermott, obviously a very, very serious issue
16 that the police want to get to the bottom of, given that
17 Colin Wallace is saying that there are three people
18 connected with the paedophile file ring at Kincora who
19 are as a result of their being protected the killers of
20 Brian McDermott can't be brought to justice. He
21 explains he has checked all of the records and he cannot
22 find:

23 "No evidence or intelligence can be found which
24 would indicate that Colin Wallace in the early '70s had
25 given information or told three senior officers that

1 a cover up of the Kincora vice ring was preventing the
2 killers of 10 year old Brian McDermott from being
3 apprehended. I can find no information of any kind
4 relating to Brian McDermott and neither was any found in
5 the record held at 39 Infantry Brigade."

6 If we look at KIN30058, and paragraph 267, I just
7 want to show you a couple of the concluding remarks
8 made:

9 "Inquiries into the allegations made by Colin
10 Wallace cannot be satisfactorily concluded whilst he
11 continues to remain silent. However, nothing has been
12 found to substantiate what must be considered serious
13 allegations against unnamed members of the security
14 forces, Government employees and public figures."

15 If we look at paragraph 273, please, you can see:

16 "It is considered significant that a number of
17 senior personnel, both civilian and military, employed
18 in the Army Information Unit should not have been aware
19 of the information that Wallace allegedly possesses."

20 Because he has gone and spoken to all of them and we
21 have looked at their statements. Then if we look at
22 paragraph 276:

23 "In highlighting this aspect it may be that Wallace
24 seized on these newspapers reports to make what is
25 considered an extremely serious allegation. It might

1 also be considered surprising that a person of Wallace's
2 position in 1973 had not made determined efforts to have
3 this information brought to the attention of the police
4 investigating this horrific murder which had received
5 widespread publicity."

6 If we go back up to paragraph 267, please:

7 "Inquiries cannot be satisfactorily concluded whilst
8 he continues to remain silent."

9 So he is saying, "There is nothing more I can do.
10 This is the man, as we know, who pushed the Security
11 Service over talking to Ian Cameron, caused all manner
12 of top level Government officials to be involved in that
13 sequence of events, and he is trying to get to the
14 bottom of this and sets out ultimately where he is at.

15 At 30062, please. In March 1983 ACC Whiteside
16 summed up Colin Wallace's position in this way:

17 "... placed in a central position in this enquiry
18 for the following reasons."

19 He sets out why that is so:

20 "It is strongly suspected that he provided
21 unattributable material to journalists after the
22 conviction of McGrath implying the existence of a 'top
23 men's vice ring' in relation to Kincora.

24 Wallace is in the category of persons who would have
25 been interviewed by the investigating team led by the

1 Chief Constable of Sussex, who is investigating the RUC
2 investigation of Kincora prior to '80. He refused to be
3 interviewed by the English police officers, he agreed to
4 meet the RUC officers investigating the current
5 allegations but immediately made several demands,
6 documented in the main report, which he wanted met
7 before he would allow a full interview by the RUC.
8 Presently in correspondence with the MoD in London about
9 aspects of the clearance they had given to enable given
10 to enable him to divulge to the RUC his knowledge. I am
11 not optimistic about the outcome.

12 It is almost a year since the first meeting between
13 Wallace and Detective Superintendent Caskey, but despite
14 every consideration having been given to his demands,
15 some of which have been fully met, he still manages to
16 manufacturer excuses for not allowing the interview. He
17 has been given every opportunity to cooperate but has
18 not done so.

19 In my view the time has now arrived to terminate
20 this line of enquiry with the knowledge that Wallace's
21 non-cooperation at an early stage of the police enquiry
22 can be made known to the public enquiry should he elect
23 to give evidence.

24 It would have been preferable to have had his full
25 cooperation if only to test his credibility prior to the

1 public inquiry. Equally allegations attributable to him
2 touching upon criminal matters such as the Brian
3 McDermott murder, if he remains silent may not be
4 capable of resolution.

5 There remains a very slight chance that Wallace will
6 relent and permit an interview. In that case
7 an additional report will be forwarded."

8 Well, that doesn't happen but, as you know, the
9 Inquiry has his account given to journalists many, many,
10 many, times over the years and we can look and are
11 looking at those accounts.

12 I am going to turn to the GC80 document next and
13 perhaps this is an appropriate time to pause.

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

15 (12.55 pm)

16 (Lunch break)

17 (2.00 pm)

18 MR AIKEN: Chairman, Members of the Panel, before lunch we
19 looked at the 1982 sequence of events, which was based
20 on interviews that were carried out by the police on
21 foot of the documents coming to light that Iain
22 Macaskill had available to him. We have looked over the
23 last couple of days at the reasons from the material for
24 in Wallace leaving Northern Ireland. We have looked at
25 the material relating to the Social Services call in

1 1972. We have looked at the sequence of events over the
2 direction to bring to the press attention Kinchora in
3 1973, and we have touched on 8h November '74 memo on
4 a number of occasions, and I have shown you, for
5 instance, what Mike Taylor says happened to the memo in
6 its aftermath of being written, but I want us to look at
7 the document itself and at matters specific to it as we
8 go this afternoon.

9 The document was given the label GC80 whenever it
10 came to the RUC attention in what would become Phase
11 Four of the Caskey Inquiry. The document itself can be
12 found in the bundle if we go to 35079, please, and it
13 runs through -- there are four pages. There is a page
14 of notes that are recorded on the next page on 35080,
15 and I am not entirely sure whose signature is whose on
16 that, but if we move through to the next page at 35081,
17 you have then the first of four pages in respect of this
18 memo. We are going to look at what it says --

19 CHAIRMAN: I think before we look at 35079, this is
20 a standard form of RUC exhibit label.

21 MR AIKEN: Yes.

22 CHAIRMAN: It is described, and then underneath the box:

23 "As referred to in statement, signature and date,"
24 it purports to show those individuals to whom it
25 was shown and therefore in respect of whom they refer to

1 it in their statements. So Mr Caskey refers to it in
2 his statement of 4th February '85 and therefore signs
3 the label and it certainly looks like, the second is
4 almost illegible, probably his colleague who was present
5 on that day, one might guess.

6 MR AIKEN: That's Mr Broderick.

7 CHAIRMAN: Mr Broderick, Mr McDine.

8 MR AIKEN: Yes.

9 CHAIRMAN: And Mr?

10 MR AIKEN: It might be either Mr Power or Yower. There are
11 a number more, as we will see.

12 CHAIRMAN: Then turn over the page and they have added more
13 to it. So if one compares the dates of many of the
14 witnesses that we will be hearing about, that's them
15 saying that they saw this document we are now about to
16 examine.

17 MR AIKEN: Yes. Before we turn to look at the content,
18 which is what I want us to content trait on, you have
19 detailed statements from the PSNI with their GC11A
20 appendix analysing this document that begins at 1858,
21 because you are aware the document claims to be looking
22 at and to have responded to, as you can see, reference A
23 RUC background paper on Tara. The police position, as
24 you know, is they don't have any such paper, certainly
25 not one that reflect the content as described in this

1 document. I will come back to that. You now also have
2 the MoD's second statement from Jonathan Duke Evans
3 which runs from 2529 to 2536 which draws together
4 a number of matters that we are going to cover just now.
5 But before we look at the document in detail I want to
6 show you what Colin Wallace says was going on in respect
7 of it. If we look, please, at 30273, this is the '82
8 document that comes into Iain Macaskill's hands. We are
9 looking at the retyped version of that. You can see
10 halfway down you can see the reference:

11 "He discussed Kincora with a number of journalists
12 in 1974 and was suddenly posted out of Ulster ... later
13 an intelligence organisation planned to discredit
14 a number of Ulster politicians by falsely implicating
15 them in the ring -- Wallace refused to take part. He
16 discussed Kincora with a number of journalists in '74
17 and was suddenly posted out of Ulster."

18 So there does not appear to be an explicit reference
19 to this sequence of events contained in that document.

20 I want to show you at 30017, please, just so you are
21 aware if I complete this point, so that's the document
22 that Iain Macaskill received and you saw Colin Wallace
23 was responsible and he would not admit he had sent it to
24 him, although Iain Macaskill had visited him in prison,
25 but this is what Detective Superintendent Caskey says:

1 "Prior to the police receiving this document."

2 So the one we are looking at is the retyped version
3 of SRM9(a) from Macaskill:

4 "Detective Superintendent Caskey received a similar,
5 barely legible copy from a journalistic source."

6 So there appears to have been more than one copy in
7 the hands of different journalists.

8 If we look then, please, at 5202, this is what Colin
9 Wallace says in the book about him.

10 "On 8th November 1974 Colin wrote a memorandum. He
11 is not clear today, because he only has a copy, for whom
12 the memo was intended, but it would certainly have gone
13 to his Superior officer, Jeremy Railton, the head of
14 Information Policy, and almost certainly also to Army
15 Intelligence and the Army's RUC liaison officer at
16 Police Headquarters in Belfast."

17 So what's being said of this document is it
18 certainly goes to Jeremy Railton.

19 I want us to look, please, at 35049. Jeremy Railton
20 was shown this document on 3rd July 1985. So you can
21 see he refers back to the previous statement which we
22 looked at from Phase Three enquiry. This is now in
23 Phase Four. He said he did not recall Colin Wallace
24 ever discussing matters relating to Kincora. He knew
25 Tara, but the name William McGrath was not known to him.

1 He was a Lieutenant Colonel in the Information Branch
2 from June '74 to October '75:

3 "The two dates given in my previous statement are
4 incorrect."

5 So he corrects the dates of his Service.

6 "I have been shown a document marked GC80, which is
7 dated 8th November 1974. I have had an opportunity to
8 read over this document and examine it, and I would say
9 that the context in which this document appears to have
10 been compiled does not ring true. I note that the
11 document is addressed to me in manuscript. I can state
12 that I do not recall having seen this document before
13 and can categorically state that I had no knowledge of
14 homosexual activities at Kincora Boys' Home or any
15 knowledge of the McDermott murder other than that which
16 appeared in the press at the time. Had I been aware of
17 the subject matter of GC80, I would have brought this to
18 the attention of the appropriate authorities. I also
19 note that this document was produced in response to
20 a request from Commander of Land Forces, General Leng,
21 or from Colonel M , the Head of Intelligence."

22 If we scroll down, please:

23 "I have no knowledge of this document nor do I know
24 of such a request having been made. The signature at
25 the end of this document is similar to that of Colin

1 Wallace. I would also state that I have no knowledge of
2 the reference documents mentioned in GC80. I would
3 further add that it is highly unlikely that the
4 referenced RUC documents, if they existed, would have
5 been physically distributed to my Department, and that
6 would have included Colin Wallace, who was in my
7 Department at the time."

8 So the man at the head of his Department is saying
9 "I have never seen this document. I did not see the
10 documents upon which it was based. I did not see the
11 request for a document of this type from either General
12 Leng or Lieutenant Colonel M , and following that
13 through you can take it that he did not see General
14 Leng's memorandum added to this document which directed
15 that it should be conveyed, or the information should be
16 conveyed to the RUC, which is what Mike Taylor said was
17 the position in 1990.

18 But you can also notice from what Colin Wallace says
19 to Paul Foot, if we go back to 5202, he is not saying
20 this document is just a draft. He is saying that he
21 only has a copy of it. Of course, it couldn't be
22 a draft if Mike Taylor was correct and, in fact, Colin
23 Wallace is correct, because he says it definitely went
24 to Jeremy Railton, but Mike Taylor says it went right up
25 to General Leng and came back down again.

1 Now what I want to do is to show you, please, 35081
2 and I want to look at the third reference C.

3 Reference C. You can see:

4 "Your request for a press investigation into the
5 matters referred to above."

6 Now if we look at the one that's in Paul Foot's book
7 at 5202, just focus on that language, it's a press
8 investigation. This is an experienced journalist. On
9 the right-hand side of the page:

10 "To the memo were attached three documents, none of
11 which Colin managed to keep: an RUC paper on Tara,
12 a forensic report on the murder of Brian McDermott and
13 the Army's earlier request for a press briefing on
14 Tara."

15 It could, of course, just be the loose language, but
16 the Police Service draw attention to the fact that
17 there's quite a difference between the suggestion of
18 an investigation by the press and a briefing.

19 I want us to take then a close look at the document.
20 If we go back to 35081, please. I want to say that one
21 could get into all sorts of interesting debates about
22 typewriters, forensics, polygraphs. You know that it
23 appears in the end this document was potentially
24 a retyped version of the copy that Colin Wallace had.
25 To get into those debates I am going to suggest to you

1 with respect to those who have gone before who did try
2 to get into them and had a forensic analysis, the RUC
3 did a forensic analysis on the first page of the
4 document. The Irish Times did an analysis on the
5 document, and because they had a copy that proved
6 inconclusive. Colin Wallace has done a polygraph about
7 saying the document is authentic. I am going to suggest
8 to you, with respect, that is to ask entirely the wrong,
9 or to adopt entirely the wrong approach and ask the
10 wrong question.

11 I am going to suggest to you that all that will be
12 necessary is for you, immersed as you are in the detail
13 of what you know happened at Kincora through our work,
14 to closely study this document. There you will find the
15 answer as to whether this document was written in
16 November 1974. Thereafter what typewriters were used,
17 whether it's a copy of a copy or a copy of a draft will
18 perhaps, you may consider, fall away into more of
19 an insignificant position. If you need to you can, of
20 course, come back to the point that it never received
21 a mention at any time up to 1984 when it first appeared.

22 You will recall, Members of the Panel, that we have
23 been looking at the account produced to Iain Macaskill
24 in 1982 and all that happens thereafter between 1982 and
25 1984 and this document never sees the light of day.

1 In writing the document the author -- and you have
2 had the opportunity to consider this document in detail,
3 so I am going to move quite quickly through this
4 material -- in writing the document, its author had
5 access to reference A an RUC background paper on Tara.
6 I want us to ask the question: what can we glean from
7 this four page memo is definitely in the police document
8 to which this memo refers?

9 If you look at paragraph 4, that reveals that the
10 RUC background paper must suggest something other than
11 that the Kincora Hostel opened in 1959. You can see the
12 author is taking issue with the Kincora Hostel in
13 considerable detail, but it is inaccurate in a number of
14 respects. The Kincora hostel in the Newtownards Road
15 where he works was opened in 1959. So the background
16 papers he is looking at says something other than that.

17 In paragraph 4 the RUC background paper claims that
18 McGrath runs the hostel whereas the author is pointing
19 out that the author knows him only to be the
20 housefather.

21 In paragraph 5, if we scroll down, please, the RUC
22 background paper available at the time of the author's
23 memo in November 1974 apparently says that assaults on
24 the inmates of Kincora began shortly after McGrath's
25 appointment, and the author is able to point out that

1 that's not correct.

2 So this is a police document dated prior to
3 November 1974 that says assaults have begun on inmates
4 by McGrath after he took up his employment, which you
5 know is in June 1971, and the author is putting the
6 police right -- or he is putting the person to whom he
7 is replying right that the police are wrong in that
8 regard.

9 In paragraph 6 of this document you can see that the
10 police paper, the background paper, has at least six
11 paragraphs, because you can see on the fifth line:

12 "For example, in paragraph 6 of reference A it is
13 claimed that McGrath left his employment 'as a result of
14 a lovers quarrel' with his employer."

15 You can see that there seems to be information known
16 about Roy Garland.

17 In paragraph 7 this memo reveals that the RUC
18 background paper contains an assertion that the
19 homosexual assaults on inmates were confined to Kincora.
20 So he is reading the police document and that police
21 document, the summary that's available on Tara is
22 recording that the homosexual assault are limited to
23 Kincora, whereas the author knows that there are similar
24 allegations before November 1984 relating to Bawnmore,
25 West Winds and Burnside. So the author of this document

1 knows more about homosexual assaults occurring at
2 children's homes than the author of the police document.

3 Now the PSNI draw your attention, Members of the
4 Panel, to the fact that there were no matters relating
5 to West Winds known to police until 1975 and that was
6 connected to the R 23 case

7 that the matters
8 relating to Bawnmore and Burnside did not emerge until
9 the Kincora scandal broke in 1980.

10 So there is no indication in this document about
11 where the information that this author has by
12 November 1974 has come from. You are aware that there's
13 never been any suggestion by Colin Wallace that he spoke
14 to anyone other than the unidentified female social
15 worker, who had only a person in Kincora who was making
16 allegations against William McGrath, but this author is
17 saying they know much more. If we look at paragraph 10,
18 if you scroll down, please, you can see that:

19 "Reference A claims that a number of key
20 personalities in the political arena are aware of the
21 Kincora situation and McGrath's background."

22 Now if I can ask you to look at 10(c) with me,
23 please:

24 "Various public and political figures who hold
25 positions of power and who are also homosexual protect

1 each other from prosecution. The claims of
2 a prostitution ring involving juveniles and centred on
3 Bangor is not really substantiated other than by
4 Garland's own personal account."

5 As we will see one of the documents that's said to
6 be available to the author is an account from Roy
7 Garland. So Roy Garland is said in a document that's
8 available to the author to be talking about
9 a prostitution ring involving juveniles centred on
10 Bangor.

11 Now I have been looking at reference A. I have been
12 showing you what the RUC paper has to contain. So if we
13 scroll back up just so I ground the point about:

14 "Reference A claims that a number of key
15 personalities in the political arena are aware of the
16 Kincora situation and of McGrath's background."

17 So we have looked at from what you can glean from
18 the document what must be in the RUC background paper on
19 Kincora and we have looked, as you know, at all of the
20 material around that the police have produced in respect
21 of that, but I want to show you the addendum to the --
22 if we go to 102817, please. This is the index of the 57
23 documents that were said to ground the paper that would
24 ultimately be sent to the Prime Minister, the political
25 implications, the security around the Kincora story. We

1 have got the 57. You can see at number 5:

2 "RUC background brief on Tara."

3 But what I ask you to note:

4 "The following items have not been included with
5 this copy of the file."

6 Now it will be a matter for you, Members of the
7 Panel, whether the natural implication of that
8 communication suggests that, "Well, I have the following
9 document but I have not included them in the dossier
10 I am sending you."

11 Or whether the natural meaning is, as Paul Foot says
12 in his book, the reference A and the other two
13 documents, which I don't believe appear on these lists,
14 were said to have been attached to the memo, none of
15 which he managed to keep.

16 So the natural implication that you may wish to
17 consider of this document we are looking at is that the
18 author of it has in his possession reference A, the
19 Tara, the RUC background brief on Tara, but has not
20 included it in what has been sent to the Prime Minister,
21 but, in fact, what Paul Foot was told in 1989 was,
22 "I don't have reference A, reference B or reference C".

23 Just to ground that, if I show you 5202, please,
24 none of which Colin managed to keep.

25 Now you, Members of the Panel, have seen the RUC

1 Special Branch file. The most likely place where you
2 might expect to find the type of Tara document that's
3 said to exist, a background paper on Tara, unless it is
4 in a police investigation file, but you might have
5 expected it therefore would be produced to the Inquiry.
6 It hasn't. The Special Branch file on Tara, as you
7 know, there is no document remotely resembling this
8 present. You will wish to consider whether the supposed
9 content of it -- so what I am asking to you think about
10 is not the document of 8th November '74, but the
11 background paper on Tara and what you now know it must
12 at least have contained, whether the content that it is
13 said to have had resembles any of the documents that you
14 have seen emanating from The Police Service.

15 CHAIRMAN: So the point you are making is, amongst others,
16 that the Inquiry has expressly asked Mr Wallace amongst
17 other questions if he has any of those documents to
18 produce the originals. So he has had the opportunity,
19 which he is not taking advantage of, to produce to the
20 Inquiry any of these documents which are in any way
21 related to the account purporting to be included in this
22 document.

23 MR AIKEN: Yes. It is not only the case -- what I am asking
24 you to consider is not only the police position, which
25 is "We don't have that document. So we can't produce it

1 to you", but a document can get lost in a Government
2 organisation. There is no doubt about that. The
3 question is in all the documents that postdate 8th
4 November 1974 that the police have produced, including
5 the Special Branch summaries that we have looked at to
6 do with William McGrath, to do with Kincora, whether
7 there is anything in those subsequent documents that are
8 consistent with the purported content of this RUC paper,
9 given that it has to have come from the RUC in the first
10 place.

11 If we can go back, please, to 35081, and this,
12 Members of the Panel, takes us back to a absolutely
13 horrendous murder, the dismemberment of a 10-year-old
14 boy in 1973. You can see that in this document:

15 "Reference B. Attached RUC report on the death of
16 Brian McDermott."

17 Now if we can look, please, at 35082, paragraph 9:

18 "Reference B, which deals with the circumstances
19 surrounding the murder of Brian McDermott last year puts
20 forward a theory that the killing had both sexual and
21 witchcraft overtones. The only link that can be
22 identified between the murder and the homosexual
23 community is via John McKeague. McKeague's own
24 statements raise more questions than they answer.
25 Certainly his boast that he will not be prosecuted

1 because he knows too much about some people, merit
2 serious investigation, but I suspect that he will not be
3 prepared to talk until he is released. It is also
4 rather remarkable that no charges have been preferred
5 against him at least during the past 3 to 4 years. Our
6 own investigations of instances of alleged witchcraft or
7 other Satanic rights in the Province would tend to
8 dismiss the RUC's theory that Brian McDermott's murder
9 could be part of these activities."

10 As you know there was suggested Army activity of
11 leaving candles about the place that were suggestive of
12 witchcraft and the police acknowledge they looked at
13 this suggestion of a Satanic link:

14 "In the past black magic practices have been mainly
15 confined to groups operating from Republican areas.
16 I think, however, that from a press point of view we
17 would be very foolish to give any credence to such
18 claims without the most convincing evidence. The
19 forensic reports on the McDermott murder (see flag T)
20 would tend to indicate that someone tried to dispose of
21 the body by cutting it into pieces and burning them. It
22 would also appear that when this failed, the pieces were
23 dumped in the river. The insinuation made in the
24 document regarding the boy's disappearance and the
25 proximity of the Reverend Paisley's church is dangerous

1 nonsense."

2 Now if we can look at 32073, please -- 32073.

3 EPE OPERATOR: I don't have that.

4 MR AIKEN: 30273. Apologies. Now what I want you to
5 reflect on, Members of the Panel, as you read this
6 section, given what you have now read in the November
7 '74 document -- so here in 1982 the author of this is
8 linking Kincora, the vice ring to the murder of Brian
9 McDermott and how the killers are being prevented from
10 being brought to justice because of that.

11 Now when you look at what's in the November '74
12 document about Brian McDermott, that analysis does not
13 appear, but if we look at 123001, please, in light of
14 what you have seen in the document dated November '74
15 and in the document that came to light in 1982, I show
16 you again the police statement of 2004:

17 "When I was writing about the McDermott case
18 I linked his death with witchcraft purely because it was
19 an area I was exploring at that time."

20 Well, the November '74 document is referring to
21 a police document that did that:

22 "I had no evidence that witchcraft or any other
23 occult associated with witchcraft was involved. As
24 a result of linking the McDermott case with witchcraft
25 it followed that anyone associated with witchcraft

1 became a possible suspect for the murder. One such
2 person at the time was a paramilitary leader by the name
3 of John McKeague. This was not based on any evidence."

4 If you go back to the document November '74, that
5 document purports to quote from John McKeague and what
6 he has said in response to the allegation that he was
7 involved in the murder of Brian McDermott. It says:

8 "It was only -- this was not based on any evidence.
9 It was only a supposition on my part based on
10 intelligence at hand being evaluated and linked."

11 So he is claiming he is an intelligence evaluator
12 when, in fact, what he had according to him in 1974 are
13 the police report and the forensic report and the
14 statements from John McKeague. Scroll down, please.
15 You have that point already, the contrast with the 1982
16 document.

17 Now if we go back to 35081, you have reference C,
18 then a request from an unidentified individual to whom
19 the writer is replying asking for a press investigation
20 into the matters referred to above. Then I want to
21 touch on the other documents that the author is looking
22 at based on the assessment of the record and the memo.
23 If you look at paragraph 6, you have reference M and
24 reference M are copies of personal correspondence
25 between Roy Garland and William McGrath.

1 Now in fairness to Colin Wallace there is the
2 potential for those letters to be with the Army, but you
3 can see they were submitted by the MISR of
4 22nd May 1975, which we looked at, which is Brian
5 Gemmell's initials in the bottom right corner.

6 So the question that would arise is: well, if Roy
7 Garland talked to Brian Gemmell in 1975 where did the
8 documents come from? Well, the answer to that could be
9 he gave them to UDR Captain N and UDR Captain N produced them
10 at an earlier point in time, but there is no suggestion
11 in Roy Garland's police statements or UDR Captain N's
12 police statements that one showed the other the
13 documents, or that UDR Captain N produced them attached to
14 his report about William McGrath.

15 You can see in paragraph 4 reference N, and
16 reference N is notes of a report by Mr H Mason.

17 Now, as you know, Members of the Panel, we have
18 looked at this in considerable detail. The Mason file
19 was in Bob Bunting's drawer until 1976, which is when
20 the police first got it. So what must arise from that
21 is well, how did Colin Wallace get it? As the Chairman
22 identified the only conceivable way is that there was
23 somebody within Social Services within the small number
24 of people who were aware of the Mason investigation,
25 because it never went to the police, who has transmitted

1 some form of note or spoke about the contents of the
2 Mason file so that a note could be prepared that then is
3 passed across to the Army.

4 Now Colin Wallace does not appear to have suggested
5 that he got such a document. You have his account of
6 the meeting with his social worker, probation officer in
7 1972. So where did the document come from? It may have
8 to carry the inference that some other Army officer
9 received this document and that other officer has never
10 been identified.

11 If you look in paragraph 6, you will find reference
12 O. Reference O is a document that contains:

13 "Garland's own version of events ..."

14 Five lines up from the bottom of paragraph 6 --
15 sorry -- yes, from the bottom of paragraph 6:

16 "Garland's own version of events (see flag O) is of
17 course very enlightening but I'd suggest that it should
18 be treated with caution until it can be substantiated
19 because of the antagonism between them."

20 You will see in the next line, as we will come to,
21 the author also it seems has access to many of the RUC
22 source reports on this matter after 1971 which are said
23 to have originated from Garland.

24 But you can see at paragraph 10(c), if we scroll
25 down, what has to have been included in what is

1 described as Roy Garland's own version of events. We
2 have touched on that. It involves the Bangor
3 prostitution ring.

4 Now you have Garland's notes with Gemmell or
5 probably Corporal Q. You have his police statements.
6 You have the record -- the statements from the officers
7 who interviewed him when he would not make a police
8 statement. You have his accounts in the media. You
9 have an analysis conducted by me over a prolonged period
10 going through that material in chronological order.
11 I will stand corrected if at any stage Roy Garland ever
12 made reference to a paedophile ring in Bangor.

13 If we look at paragraph 8, you will find reference
14 Q. Reference Q is a document containing claims from
15 a female that key individuals in the Welfare Department
16 were themselves homosexuals and appointed other
17 homosexuals to posts and covered up the offences that
18 took place and protected the offenders.

19 You can see based on the content of paragraph 8 that
20 reference Q must also include that the same female
21 appears to have been in a position prior to
22 November 1974, which is the date of this document, to
23 make allegations about Joss Cardwell.

24 Now you may say to me why do I say there are
25 allegations about Joss Cardwell? Well, for that we need

1 to look at 33562, please, because at the same time as
2 these events Ed Moloney and Andrew Pollak in the Irish
3 Times are publishing this document in full. 35362.
4 I hope -- I have maybe got the wrong -- yes. That's us.
5 You can see the document begins:

6 "Two November 8, '74 Tara reports regarding
7 reference A, reference B."

8 So it is the same document. If we scroll down,
9 I want us to look, please, at -- this is published on
10 25th June 1985. It is the fifth column from the left.
11 So one, two, three, four, five, and halfway down the
12 column you will see:

13 "... Q) ..."

14 and then:

15 "... key individuals were themselves homosexuals and
16 thus also covered up the offences that took place."

17 You can see just slightly further down:

18 "... requires very serious examination. In
19 particular, I view her allegations about Joss Cardwell
20 with great concern, because it illustrates the political
21 difficulties we are likely to face if we become
22 involved."

23 So by November 1974 some unidentified female has
24 made allegations against Joss Cardwell. You are aware
25 of how his name came up in the Kincora Inquiry in 1982

1 and how there has never been an allegation made against
2 him by anyone at any time.

3 If we look at 35071, just to complete this segment,
4 Ed Moloney, whenever he was spoken to by the police,
5 came with a pre-prepared statement, and in the statement
6 he explained that he would not -- if we scroll down --
7 he points out he ran three articles concerned with the
8 document we are looking at amongst other things:

9 "Other than that the ethics and rules of my
10 profession as a journalist do not allow me to discuss
11 with third parties the sources of the information
12 contained in these articles or to indicate in any way
13 how this information was obtained, and thus I am not at
14 liberty to discuss these matters in this statement."

15 But if we can look, please, at 35072, we will find
16 what Detective Superintendent Caskey says about that
17 meeting. You can see:

18 "I explained to Mr Moloney I was investigating
19 allegations made in GC80 purported to have been signed
20 by John Colin Wallace. Told him that I believed he had
21 in his possession a similar document of which details
22 were published in the Irish Times in June '85.

23 I produced GC80. Mr Moloney commented that it was the
24 same document he had. His was a better photocopy. He
25 stated that his copy also contained deletions and he

1 noted that the manuscript note on page 2 of GC80 was
2 barely legible on his copy. The name 'Joss Cardwell'
3 was clearly legible."

4 So it is not legible on this copy, but it is legible
5 on Ed Moloney's copy.

6 "He added that forensic tests carried out did not
7 assist with the deletions. Mr Moloney handed over a
8 signed statement and said that he was not prepared to
9 discuss sources of information. He did not possess any
10 evidence that could help the police in their inquiries.
11 Andrew Pollak, who was in Spain" -- if we scroll down --
12 "would be in the same position."

13 So here we have another unidentified person who has
14 never been traced or come forward who is purported to
15 have written a document that was available to Colin
16 Wallace that included an allegation against Joss
17 Cardwell, something that never has come to light ever.

18 If we go back, please, to 35082, that is a reference
19 Q we have looked at. I want us to look at reference R,
20 which is referred to in paragraph 7. Now, as you know,
21 this document we are looking at is dated November '74,
22 but in paragraph 7 this document contains information
23 from Mr Orr which it is said is confirming information
24 in paragraph 7 that by 1972 there had been a number of
25 complaints about McGrath passed to welfare and the RUC

1 and no action was taken by them against him:

2 "This would appear to be confirmed to some extent by
3 Mr Orr (see flag R) in 1973."

4 So there is some document that's being referenced
5 here that refers to Mr Orr and it reflects that:

6 "in 1973 allegations were known to have been made."

7 Now Ronnie Orr, as you know, featured in the Hughes
8 Inquiry. He did not take the R 15 complaint, or it
9 did not come to him via Miss McClean, later Miss Gray,
10 until May and then September 1974. You are aware he was
11 determined in the Hughes enquiry to have engaged in
12 a failing because he did not pass on the information to
13 anyone, but yet there is a reference here which
14 certainly suggests his information of some form was
15 passed on to someone.

16 At paragraph 9 you will then see flag S. Flag S:

17 "The only link that can be identified between the
18 McDermott murder and the homosexual community is via
19 John McKeague. McKeague's own statements (see flag S)
20 raise more questions than they answer. Certainly his
21 boast that he will not be prosecuted because he knows too
22 much about some people merits serious investigation, but
23 I suspect that he will not be prepared to talk until he
24 is released."

25 Scroll down, please.

1 Now the Police Service have confirmed -- I will just
2 give you the reference for this -- at 18866 at point 9
3 that John McKeague did not provide a statement in 1973
4 in respect of the McDermott murder because he was not
5 considered a suspect. Of course, you can't rule out
6 that perhaps in some document somewhere a source report
7 or something of that nature, is quoting John McKeague,
8 but certainly he was not interviewed by the police,
9 because he was not regarded as a suspect.

10 But perhaps of more importance, Members of the
11 Panel, given the content of the document and the
12 material here relating to John McKeague, you may
13 consider that if this document is genuine that the
14 content of 25th March 2004 police statement from Colin
15 Wallace where he says he had no basis at all for linking
16 John McKeague is simply inexplicable.

17 If one looks at the last sentence of paragraph 6, if
18 we scroll up, please, although not referred to as being
19 one of the flagged documents, the last sentence of
20 paragraph 6 implies that the author had access to
21 a series of RUC source reports, which the author says
22 emanates from Garland.

23 If we look in the second sentence of paragraph 7,
24 although again not referred to as being a flagged
25 document or, indeed, a document, the second sentence of

1 paragraph 7 implies that the author also had access to
2 an Army source that had confirmed in 1972 at whatever
3 point in 1972 the source provided the information that
4 by that date there had already been a number of
5 complaints about what -- the previous sentence is
6 referring to homosexual assaults on the inmates of
7 Kincora. There had been prior to that date a series, a
8 number of complaints received about McGrath's behaviour
9 which had been passed to senior welfare staff and the
10 RUC.

11 Now if we go back up, please, to paragraph 2, the
12 author says that the person to whom he is replying is
13 already aware that the author did try to generate press
14 interest "In this matter last year but without any
15 success". The matter appears to be identified in the
16 sentence before in paragraph 2: "Assaults on youngsters
17 in these hostels."

18 That, of course, would date the previous attempt to
19 generate press interest some time in 1973, and we have
20 looked at that sequence of events and what those who
21 worked with Colin Wallace had to say about it, given
22 that the person to whom he is replying in this document
23 is on notice of all of that.

24 Now aside from any issues that you may consider
25 arise from the content of the note and the content of

1 the document to which it was based, there is one
2 difficult fact to deal with if one wanted to accept this
3 document as genuine. No one in any organisation, and in
4 particular the police and the Army, but also potentially
5 welfare, has ever seen a single one of the source
6 documents referred to in the note, nor does the
7 subsequent content of any other document that postdates
8 this one signal their existence.

9 I want to briefly show you how this document
10 emerged. I say briefly, because if the document isn't
11 genuine then it does not matter when it was created,
12 what typewriter was used to create it and how it came to
13 light. The only question must surely be why does it
14 exist at all?

15 On 24th July 1984 a man called Fred Holroyd and, as
16 you know, he's been a running mate of Colin Wallace and
17 indeed has communicated on Colin Wallace's behalf with
18 this Inquiry, if we look at 51076, please, on 24th
19 July 1984 -- now in passing Fred Holroyd is an ex-army
20 officer who left the Army, made a series of allegations
21 of his own about the Army's activities. They are also
22 not part of the remit of this Inquiry. The relevance of
23 Fred Holroyd in addition to what he would say to the
24 RUC, which we have looked at about his knowledge in
25 Kincora, which was information he had picked up in the

1 RUC station, and then the RUC officer from Special
2 Branch who was also based there, made a statement to the
3 police saying "I never heard any of that" but that is
4 the position. That was expressed. But in addition to
5 that the relevance of Fred Holroyd is that he is the
6 conduit for the production of the document that we have
7 looked at.

8 You can see that this Detective Constable Roberts
9 who is the writing to his Detective Chief Inspector:

10 "He telephoned asking for an appointment."

11 If we scroll down, please, he is suggesting MI5 are
12 conspiring to further their political ends and influence
13 elections:

14 "Considerable contact with the force over the last
15 two years persistently using us as a vehicle through
16 which to pass the results of various investigations he's
17 made concerning the Security Services and the RUC.

18 He is obsessed with the reasons for his removal by
19 the Army."

20 Whether or not he has justification for this or
21 otherwise is not this Inquiry's investigation, but if we
22 scroll down, please, you can see then the reference to
23 Wallace:

24 "Holroyd has compiled to date six scrapbooks of
25 evidence about these allegations together with press

1 cuttings and letters. He wanted DC Roberts and myself
2 to read them. We obviously could not in the time
3 available and so he loaned them to us. They have been
4 copied.

5 I make no comment on the comment on the truth or
6 otherwise of the suggestions made by Holroyd."

7 So you can see that the Essex police are being
8 engaged with by Fred Holroyd, who is producing Colin
9 Wallace material to them as and from July 1984.

10 If we can look, please, at 51074, because on 8th
11 August, so not 24th July, but 8th August 1984 he would
12 see the Essex officers again, and it is on this occasion
13 that he would provide the document that we have been
14 looking at:

15 "During the afternoon Fred Holroyd telephoned.

16 After consultation an appointment was made.

17 Holroyd stated that he had spent the previous day in
18 Northern Ireland with a film crew who were making
19 a documentary regarding the lack of progress in solving
20 the problems."

21 If we scroll down, please:

22 "Holroyd then produced a four-page photostat
23 document which he said was a report from Colin Wallace
24 in his capacity of Information Officer in Northern
25 Ireland and stated this document was sent by Wallace to

1 an MI5 officer at HQNI. The document was dated 8th
2 November '74 and bore a signature similar to Wallace's.

3 The following details were blanked out.

4 Classification.

5 Person report was to be sent to.

6 Other departments to circulate report to.

7 The document was a report to an unknown person
8 recommending certain lines of enquiry be made."

9 Then you have got the conclusions that are at the
10 end of the fourth page. Then if we scroll down a little
11 further, please:

12 "Holroyd stated that he knew the identity of the MI5
13 officer but would not disclose this information."

14 Now you can immediately see the problem. Whatever
15 General Leng is, he is not an MI5 officer and this
16 document is said to have transferred to Railton and then
17 General Leng. General Leng makes a memorandum,
18 annotates the document. It comes back down and it goes
19 into Mike Taylor's file, and the directions of General
20 Leng to tell the police were ignored.

21 Now if we look at 51028, and I will mention this
22 again shortly when I have obtained a statement from the
23 officer named at the top of this, now retired, Detective
24 Inspector Cooke, who worked alongside Detective
25 Inspector Caskey, but this is a contact note, which

1 I think from recollection Inspector Cooke, now retired,
2 would say he didn't -- it not his handwriting. He is
3 likely to have dictated it. If we scroll down, please,
4 what he says is:

5 "21st February telephoned Detective Constable
6 Roberts re documents. He stated with reference to GC80
7 that Holroyd had produced a photocopy stating that this
8 that been retyped from the original document and
9 photocopied. Various things had been crossed out by
10 Holroyd to protect the source. Holroyd stated he got
11 the document from a 'very high up well placed source'.
12 Detective Constable Roberts believes that Wallace
13 indicated to Holroyd where this document could be
14 obtained. He believes that Wallace was aware that
15 Holroyd was producing these documents to the police. DC
16 Roberts believes that Duncan Campbell is also aware and
17 advised against. He also states that within the last
18 couple of days Holroyd informed him that a Parliamentary
19 select Committee was being set up to look into the
20 Holroyd and Wallace cases."

21 So this is a contact note and it says what it says.
22 If it is correct it means that the document that was
23 produced to the police ultimately via Holroyd and Essex,
24 which has been labelled GC80, is not, in fact, a copy of
25 the document that would have been in Mike Taylor's file

1 annotated by General Leng, and it is also not the copy
2 that Colin Wallace told Paul Foot that he kept, because
3 if this contact note is correct Fred Holroyd retyped
4 whatever document he got from this well placed source --
5 and it is his retyped version that's produced to Essex
6 police, which is why I began by saying getting into the
7 forensic reports and typewriters you may consider to be
8 of little value if this is correct.

9 CHAIRMAN: May we scroll back up again?

10 MR AIKEN: Just scroll back up, please.

11 CHAIRMAN: So according to this second-hand account, because
12 it's Chief Inspector Cooke recounting what Constable
13 Roberts recounts Holroyd said to him, the photocopy is
14 not a photocopy of whatever the original or an earlier
15 version of the document was. It was a photocopy of
16 a retyped version or a reworked version because some
17 matters were apparently left out or deleted, that the
18 document came into Holroyd's possession from a very high
19 up, well placed source, but the person who has said he
20 created the document in whatever form the initial
21 version was in was Wallace himself.

22 MR AIKEN: Yes.

23 CHAIRMAN: So one construction of those second-hand accounts
24 is that Wallace was taking advantage of his connection
25 with Mr Holroyd but not revealing that connection as

1 Holroyd passed the document to the Essex police.

2 MR AIKEN: If Holroyd was telling the truth about --

3 CHAIRMAN: That's why I say it is one construction of it.

4 MR AIKEN: Yes.

5 CHAIRMAN: Because what Holroyd could perfectly easily have

6 said was "Here is a document created by Colin Wallace

7 that he has directed me to obtain from wherever he

8 placed it, to give to you so that it can be put into the

9 proper hands and whatever investigations flow from it

10 can be carried out." But what we have here is a round

11 about method which reports to conceal, however ineptly,

12 the identity of the creator of the document.

13 MR AIKEN: Yes.

14 CHAIRMAN: Even when the document we now know from what

15 Mr Wallace has said is his creation, he appears not to

16 want to be identified as the creator of that document at

17 that moment in August 1984.

18 MR AIKEN: Yes. It almost, you may consider, suggests that

19 on one construction to give credence to the document

20 distances one that is to be created between the author

21 of it and its production so as to suggest that the

22 document was submitted on, and its that other person who

23 is the high placed source who received the document is

24 then going to produce it.

25 Now you may ask why after all of these years

1 somebody does not just say, "I gave the document to
2 general A. I gave the document to Lieutenant Colonel M
3 and they gave it to me. I don't want to tell.
4 I don't want to say. It's all terribly embarrassing."

5 But after 40 something years we have to keep going
6 round the houses trying to trace who might have received
7 the document, to identify who passed it on, and that's
8 why I say, Members of the Panel, the focus of why I took
9 you to the subject matter of the document, because if
10 the subject matter of the document means that the
11 document is not genuine, then how and when they become
12 interesting but less relevant than if there was no
13 doubt, because the content was entirely mirroring
14 everything else that came before and after.

15 Now, as I said when we looked at the March '82 typed
16 document that's in considerable detail explaining the
17 account, the political implications for security, the
18 relations with Kincora, was submitted to the Prime
19 Minister. We saw there were two versions, one in the
20 scrapbook and the scrapbooks were produced by Fred
21 Holroyd on 11th September '84 and 21st November '84. He
22 had already produced a series of them when he first
23 spoke to the police in July, and then on 1st
24 November 1984 Colin Wallace wrote to the then Prime
25 Minister, Margaret Thatcher, and provided her, as you

1 looked at, with a limited dossier. There's 57 documents
2 identified. There is the summary document and then
3 a series of documents, but not all of them and, as you
4 know, there would subsequently be a major row about who
5 copied what, who retained what, who gave what to who,
6 who would be getting what, because somebody else had not
7 copied it correctly or had not transmitted it correctly.
8 And you could spend a week investigating just who could
9 say what about the copying of the documents in the
10 Cabinet Office, the Northern Ireland Office, and to what
11 end, Members of the Panel? What is of importance is why
12 I say a limited dossier was sent. That's the 57 items.
13 As you know, what was not included was item number 5,
14 the RUC background paper upon which this 8th November
15 '74 document is said to be based, and as you know,
16 according to Paul Foot, that document was not in Colin
17 Wallace's possession.

18 Now, to be clear, Members of the Panel, all the RUC
19 Tara material the Inquiry has seen, including the
20 Special Branch material, is all written as if the
21 authors had no knowledge of the content of the RUC
22 report which Colin Wallace claimed to have in his
23 possession in 1974, and may still have had in 1984,
24 depending on the implication of the document, the
25 addendum. One might ask why had it, but nonetheless

1 that's the natural flow of it, but which he didn't
2 produce to the Prime Minister when submitting this
3 dossier, and you are left in the position where the
4 police don't have this document and say they never had
5 it. The Army, who are said to have received it, say
6 they don't have it and never had it, and the person who
7 is said to write the document about it can't produce it.
8 Well, I leave that with you, Members of the Panel.

9 But beyond that the Inquiry has seen no documents
10 that might be expected to exist around the RUC paper
11 such as the correspondence sending it to the Army. What
12 you may consider telling is what happens. When you look
13 at the recommendations, if we look at 35084, please, the
14 Chief of the Land Forces in Northern Ireland writes a
15 memorandum saying: "The police are to be told". As
16 a result of this piece of work by the Information
17 Officer and nothing happens.

18 Now perhaps for ease of our stenographer, Chairman,
19 Members of the Panel, if we take a short break before we
20 look at what those who worked with Colin Wallace had to
21 say about this document and then we will have some
22 statements to summarise and then --

23 CHAIRMAN: Well, I will rise for a short time.

24 (3.17 pm)

25 (Short break)

1 (3.27 pm)

2 MR AIKEN: Chairman, Members of the Panel, before our break
3 we had looked at the document itself, GC80, and if we
4 can look, please, at 51030. On 14th January 1985
5 Detective Superintendent Caskey reported to his
6 Assistant Chief Constable that in November '84 Fred
7 Holroyd produced to Essex police a large number of
8 documents. One of the documents is GC80. There are
9 a number of points which throw some doubt on the
10 authenticity of the document, paragraphs 4 and 10C.

11 "In paragraph 4 it is known the report the Mason
12 file was not made available to the RUC until '76. This
13 was the file allegedly sent by Detective Constable
14 Cullen to Mr Meharg, which was never found, and in
15 relation to paragraph 10C the allegation that there was
16 a homosexual prostitution ring centred on Bangor was not
17 made until 1982. The case to which this referred was
18 the R 23 investigation by the RUC in 1976."

19 If we scroll down, please:

20 "It is suggested that the contents of this document
21 cannot be ignored and should be brought to the attention
22 of the Hughes Inquiry into the Kincora allegations, but
23 it is recommended that before such a course is adopted
24 the document itself should be thoroughly investigated by
25 police and forensics."

1 You can see who is suggested to be involved in the
2 investigation.

3 CHAIRMAN: Can we just scroll up again?

4 MR AIKEN: Scroll up please?

5 CHAIRMAN: It starts by saying the document is produced on
6 21st November.

7 MR AIKEN: Yes.

8 CHAIRMAN: Is it not 8th August?

9 MR AIKEN: It is.

10 CHAIRMAN: So that date is wrong?

11 MR AIKEN: That date is wrong. It may be that is the last
12 date on which the series of scrapbooks -- I think
13 21st November '84 is the last date of the scrapbook --
14 the last three scrapbooks were produced. Yes, it was.
15 If I show you 35400.

16 CHAIRMAN: It tends to give the impression at first sight
17 that everything arrived at the same time in November but
18 that's not correct?

19 MR AIKEN: That's not right. They came in, at least I think
20 it would be right to say, four lots possibly or at least
21 three lots.

22 CHAIRMAN: Yes, because you have told us it was on
23 21st November that he produces the second batch of three
24 scrapbooks.

25 MR AIKEN: Yes, and the first occasion in July '84 was

1 another set of three scrapbooks, all of which eventually
2 make their way to the RUC and become the exhibits to the
3 Phase Four Inquiry which we have.

4 Now he is saying let's investigate this and tell the
5 Hughes Inquiry about it.

6 If we look at 51025 then, I want to look at what the
7 Army officers who might have been expected to see this
8 document had to say about it. This is the initial notes
9 of a meeting with Roy Pace, who was the Chief Clerk,
10 Public Relations Branch HQNI June '73 to June '75.
11 Peter Broderick was the boss of Colin Wallace during
12 that time:

13 "One of Mr Pace's prime tasks was maintaining the
14 classified document register and accounting for
15 classified documents. He was shown GC80 and was adamant
16 that he had never seen this document before although he
17 was aware of branch files relating to Tara.

18 In relation to GC80, Mr Pace stated that the
19 document had never been brought to his attention because
20 if it had it would have been stamped with the registry
21 and circulation stamps. He was suspicious of the
22 document as it is page numbered as for a secret
23 document, not one for classified or confidential.
24 Further ..."

25 I think that's a reference to the pagination being

1 page 2 of 4, page 3 of 4 was how they would paginate
2 a secret document, whereas classified documents would
3 not have that type of pagination. Then:

4 "Further, Wallace was renowned for not handling
5 classified documents in the normally accepted manner,
6 nor was he in the habit of classifying documents.

7 During the latter part of Mr Pace's tour the Public
8 Relations Branch was split into PR and Information
9 Policy."

10 He gives the address of the person who took over the
11 inspection policy element:

12 "In relation to Brian Peck, Mr Pace believes this
13 might refer to Lieutenant Colonel Peck (Information
14 Policy). He left the Army in 1985."

15 If we look, please, at 35063, on 6th June 1985 then
16 what Mr Pace had to say was encapsulated into a police
17 statement to the RUC, where he recorded his views about
18 the document that we have just looked at.

19 Now on 22nd May 1985, if we just scroll down,
20 please, so that both pages have been on the screen, and
21 on 22nd -- if we just pause there. Sorry. He says
22 a little more just so you can see. I should have
23 covered this. I am sorry. If we scroll up, he also
24 says:

25 "Individual page numbering in this matter as it is

1 in this document is not necessary for a confidential
2 document. Thirdly, the word "reference" would only
3 appear once and A, B and C would appear under it."

4 So he is saying how this document is written is not
5 how you would normally write. So you would have
6 "reference" along the top and then beneath it A, B, C,
7 not reference, A, reference B, reference C:

8 "I would also have expected each of these references
9 to be dated as there may have been more than one report
10 on any particular subject. The word "continued" should
11 not appear at the bottom of the page as it clearly
12 states at the top of the report the number of pages the
13 report contains."

14 So he's saying it's not necessary for you to have
15 "continued" written at the bottom of each page, because
16 you know from the way the pagination is set, page 3 of
17 4, that there's going to be one more page:

18 "In relation to the flagging system used by the
19 author, I would say that this is incorrect and unusual
20 in that the first item referred to is flag N and
21 a number of letters preceding this in the alphabet have
22 not been produced. In addition the letter O would not
23 be used to avoid confusion with a zero. I would also
24 say that since reference is made to a number of flagged
25 documents, I would have expected to find a list of

1 enclosures to the left of the signature block on page 4
2 of the document. I would also have expected to have
3 seen all documents which had been flagged to enable me
4 to check that the flagging was correct and also to enter
5 any of the flagged documents which may have been
6 classified into the classified documents register.
7 Every classified document, draft or otherwise, on
8 receipt at my office would have been entered into the
9 classified documents register, stamped and given
10 a serial number. The movement of the draft classified
11 document would have been recorded as would its
12 destruction. I see no such stamp on this document,
13 neither does the document have a reference number, which
14 it would have been given had it come through my office.
15 Generally this document is incorrectly laid out and
16 would never have been accepted by a military office.
17 I can state that this draft would never have been
18 presented to a senior military officer in its present
19 form. The style of writing is, as far as I can recall,
20 similar to that of Colin Wallace."

21 Then if we can look at 51027, please, on
22 22nd May 1985 General Sir Peter Leng was interviewed.
23 You can see he is the Commander of Land Forces between
24 January '73 and March '75. He is shown GC80 and made
25 the following comments:

1 "No way any member of the staff at HQNI would
2 produce a draft document to him as the Commander of Land
3 Forces.

4 He has no knowledge of the document, nor does he
5 recall asking for such a document to be produced.

6 He recalls a general conversation with Lieutenant
7 colonel M and possibly the then Chief of Staff,
8 Brigadier Len Garrett, regarding military concern over
9 the number of juveniles who were absconding from homes.
10 The main problem was related to youngsters on the
11 fringes of paramilitary groups who are finding their way
12 back on to the streets so quickly after being detained.
13 The main question was related to whether or not there
14 was anything sinister in what was going on. Further,
15 what could the military do about it? The name Kincora
16 was not mentioned specifically.

17 During the late '74, early '75 there was some
18 concern about the activities of the information policy
19 element of the Public Relations set up. The Information
20 Policy element was not the avenue to ask about boys'
21 homes and he would not have spoken to Information Policy
22 about such a matter.

23 In addition to Lieutenant Colonel M and ...
24 Brigadier Garrett, General Leng suggested that
25 ex-Brigadier colonel F , late of the Intelligence Corp,

1 who was his GSOI (Intelligence) might be able to
2 assist."

3 If we look at 35051, please, his police statement of
4 2nd July is then recorded. You can see what he says:

5 "I always insisted on personal briefing rather than
6 having to read a mass of documents. I would not,
7 therefore, have received a document in draft and usually
8 only handled the most important policy documents in
9 final form. Nor have I any knowledge of this document,
10 nor was the information contained in the document under
11 question ever brought to my notice. I certainly cannot
12 recall having heard of any of the hostels named in the
13 document, nor was I aware of any allegations of
14 homosexuality in any boys' homes in Northern Ireland.
15 However, I was aware of the remand home, St. Patrick's,
16 situated in West Belfast. In 1974 the Army Belfast
17 commanders were concerned about the number of young men
18 on remand for terrorist charges who were absconding from
19 this home and reinvolving themselves in terrorist
20 activities. I was aware of the Protestant organisation
21 Tara but cannot recall any of the personalities
22 involved. I do recall the McDermott incident.

23 With regard to the press allegation in January '85
24 I can state there was an Army Information Policy Unit at
25 my headquarters and its purpose was to produce quick

1 reaction responses. With regard to the allegation that
2 this unit used black propaganda I can categorically
3 state that I would not have accepted such, as I was
4 clear that in security operations the good name and
5 integrity of the Army must ride above everything else."

6 He is not saying he didn't have it -- it didn't
7 happen. He is saying he would not have accepted it.

8 Now, as you know, and I am not going to go through
9 the detail of this, but General Leng would be telephoned
10 by Barry Penrose, a name that you have heard before, and
11 would be subsequently misrepresented by the Sunday Times
12 as a result of an interview that Barry Penrose had with
13 him.

14 That resulted in the then editor, one Andrew Neil,
15 who will be familiar from BBC politics programmes, who
16 was the then editor of the Times withdrawing a story
17 penned by Barry Penrose as to what General Leng had said
18 to him. The Inquiry's investigations, as you know, has
19 involved obtaining papers from as far as the Merlyn Rees
20 collection of the London School of Economics, and found
21 within that, if we look at 124555, please, was a letter
22 of 22nd February 1990. Now, as you can see, the
23 intention is that this is never going to see the light
24 of day, but it is in this Inquiry, and you can see that
25 Andrew Neil is saying:

1 "You expressed an interest in seeing the transcript
2 of the conversations between the Sunday Times and
3 General Sir Peter Leng and I have pleasure in enclosing
4 that transcript.

5 I am only making this available to you because of
6 the misunderstandings that occurred earlier in the week
7 regarding our decision to drop a story on the Wallace
8 affair from last week's Sunday Times. I would like to
9 stress that the transcript is for your information only
10 and is not under any circumstances for public use."

11 That was written to the Right Honourable Merlyn Rees
12 in February 1990. I think the only way I can deal with
13 that is to say "Too bad", because this Inquiry has the
14 transcript. If we look, please, at 124556, we have the
15 commencement of 27 pages of the transcript of interviews
16 that Barry Penrose conducted with General Leng and also
17 with Frank King. I just want to show you pages 7 and 8.
18 Obviously you have had the opportunity to read all of
19 it, but if we look at 124562, you can see:

20 "On the other hand the interesting thing is that
21 this was never mentioned to you obviously by the people
22 that they wanted to extend to politicians and, in fact,
23 did so.

24 Leng: No never.

25 Penrose: Did you know there was a Clockwork Orange

1 one and two?

2 Leng: Really?

3 Penrose: No. And on Kincora you come out
4 absolutely as one would expect saying there's got to be
5 action on Kincora."

6 So you can see that's a reference back to Mike
7 Taylor's purported having received a memorandum from
8 Leng, and he says:

9 "No.

10 Penrose: Well, you should take your virtue, because
11 in fact Taylor says I remember it very well and we were
12 all delighted that the RUC were -- you said in the memo
13 according to Taylor that the RUC and the Social Services
14 I think ought to be brought in here because the file
15 named men and boys who were obviously part of this abuse
16 which we all know about now.

17 Leng: Yes, I recall that.

18 Penrose: Do you? And you said take action. They
19 waited because obviously there had been other members
20 suggesting this from junior offices, but it was yours
21 that finally convinced Taylor that this was going to
22 happen, but of course it went on for another six or
23 seven years, but again that wasn't your fault."

24 Now if I just pause to explain, the Sunday Times
25 article then ran on the basis that General Sir Peter

1 Leng said he knew about this memo and directed action be
2 taken, but the reason why the story was withdrawn and
3 what we now see in the transcript:

4 "Leng: I think the action, now that I recall it,
5 was the absconding of boys."

6 Of course, from our work you will know immediately,
7 as he said in his police statement, he is talking about
8 St. Patrick's:

9 "And if I've got the thing right, there was an awful
10 lot of what I will call -- well, I will call them" --
11 scroll down, please -- "terrorist boys who were put away
12 in the home and they kept on absconding, and I do
13 remember talking to the Chief of Staff saying: 'Look, we
14 have to stop these boys escaping from this remand home
15 and there is far too much escaping and they are going
16 back into terrorism. So take action to stop that'.

17 Penrose: It was also just to remind you there were
18 homosexuals abuses taking place, namely the housefathers
19 says McGrath.

20 Leng: Yes.

21 Penrose: Who was also the leader of Tara, of course
22 eventually that was all proven in court some years
23 afterwards and also a man called McKay."

24 That may be meant to be a McKeague:

25 "But a man this is obviously outside.

1 Leng: Yes, I do remember the homosexual
2 insinuations and I do remember saying this is police
3 business, not ours.

4 Penrose: Yes, because you probably know that since
5 then the suggestions have been that MI5 or others, not
6 the Army, but others were, in fact, using obviously
7 a blackmail hold on people like McGrath, which he has
8 since confirmed. I mean, that's a matter of record now,
9 that he was blackmailed into working for Intelligence to
10 inform and so on."

11 Well, you have William McGrath's public statement
12 that he issued from prison in 1982, and that's just
13 simply untrue. Now this is a cold call, if you like, to
14 General Sir Peter Leng. The transcript is him dealing
15 with that call:

16 "I mean that is a matter of record now, that he was
17 blackmailed into working for Intelligence to inform and
18 so on. So you can see the tug-of-war that was taking
19 place from your side saying; police, Social Services
20 take action and the other side saying; no, we need the
21 information.

22 Leng: But of course I wasn't part of the other
23 side.

24 Penrose: No. Quite. Well, I will get this in the
25 post ..."

1 So it goes on. You can get a flavour of just what
2 has gone on. If we look just at the bottom of page 10,
3 124565, please, he is then talking to Frank King:

4 "I find it very difficult to understand in fact
5 because I mean it's all being blamed on the security
6 forces."

7 You can see he is asked about Clockwork Orange. He
8 says:

9 "I am being absolutely honest. I can never remember
10 hearing that phase before.

11 Penrose: No. Because you know in the Commons Tom
12 King and indeed Archie Hamilton have said they have now
13 found mention of it in the files which has surfaced, it
14 was always secret about it.

15 King: I find it very difficult to understand in
16 fact because it is all being blamed on the security
17 forces.

18 Penrose: Security Forces, yes.

19 King: And I only had to the best of my memory of 13
20 years, I only had one man and I know exactly how he was
21 tasked, and he was a very sensible and very good man and
22 he wasn't tasked on anything like that.

23 Penrose. On the other matter of McGrath and Tara
24 and that nasty business of Kincora, you don't recall
25 anything of that?

1 King: I remember seeing it in the Belfast Telegraph
2 as a scandal in Northern Ireland.

3 Penrose: That would have been 1980?

4 King: Was it?

5 Penrose: Yes. Because a chap again, Mike Taylor,
6 he amongst his duties was to look after various files
7 including Clockwork Orange and Kincora, and he recalled
8 that General Leng had put a memo, as had other people,
9 around about '73, '74, saying must bring in the RUC and
10 Social Services into Kincora because it is a scandal and
11 this must stop .I mean this was about homosexual abuses
12 and people running away.

13 King: Was that the place where young men had been
14 locked up?"

15 So you can see again he is talking St. Patrick's, or
16 you may consider that's what he is doing:

17 "Penrose: No, this was a young boys' home and the
18 suggestion has been, the point being that General Leng
19 and others had said in memos on the Kincora file at
20 Lisburn that there must be action here and urgent and so
21 on, but, of course, nothing happened until 1980.

22 King: Why does this concern the Army?"

23 He goes on to put the internal memos that are said
24 to exist:

25 "No, I don't quite honestly. One always realised

1 that in the jungle of Ireland on both sides a lot of
2 murky things happened, but quite honestly I was far too
3 busy in a sense at the higher level to know about those
4 things."

5 So it goes on. You can see what's said if we just
6 scroll back up a little bit, please, you can see what's
7 said about Peter Broderick.

8 "Well, one thing that two or three people have said,
9 and I remember their names quite well, having spoken to
10 them for quite some time about this:

11 Oh, yes, I know one of them was Peter Broderick. Do
12 you remember Peter Broderick?"

13 Scroll down, please:

14 "King: He was my information policy officer.

15 Penrose. That's right. Now he says he was brought
16 over and the first thing you said to him when he
17 arrived -- this is a quote from Peter Broderick -- none
18 of this nonsense about black propaganda or dirty tricks
19 or something to that effect. Is that anything that
20 you --

21 King: I don't remember, but I can understand it.
22 You see, one of the problems ..."

23 and he goes on to talk about matters unrelated. So
24 you can get a flavour of what's happening and you can
25 now understand perhaps why Andrew Neil's letter is as it

1 was.

2 If we look at 35057, please, just when we saw
3 mention of Peter Broderick, you will see on 29th May, so
4 35057, him explaining that he has been shown the GC80
5 document from November '74, and he says in November '74
6 he had left, he had left as the Chief Information
7 Officer in September '74:

8 "Having been there since July '73. Colin Wallace
9 was at that time a member of my staff. His job title
10 was Head of Production service and additionally he
11 provided briefing sessions on Northern Ireland
12 generally. He had been given this role as he was local.
13 In relation to matters discussed in GC80 I would have
14 expected these to have come or been brought to my
15 attention he was and they had been known about prior to
16 my leaving Northern Ireland in September 1974."

17 Scroll down, please:

18 "I have no knowledge of the document GC80, the
19 contents or the request which resulted in its
20 production. I would refer to my previous statement made
21 to the RUC in June '82 and would again state that when
22 I first heard about Kincora and the allegations
23 associated with it at the time of the press release in
24 the early '80s. I have been shown a document GC81.
25 I have no ..."

1 That's the document he annotated. It has "IP
2 clerks. Some off-the-cuff remarks for the press". So
3 two of the '73 documents. He has been shown that:

4 "I have no perfect recollection. My signature
5 appears at the bottom of this document which I believe
6 to be a response to a request for a job reference."

7 Sorry. I am wrong in what I am describing. The 82,
8 GC82 is the reference letter that we looked at.

9 If we look at 35074, please, this is dated 29th May
10 as well, but it's a different police statement. He
11 explains that:

12 On 25th May '85 he answered a knock to the door. He
13 opened the door at 6.30 pm to find Andrew Pollak and Ed
14 Maloney:

15 "I checked Maloney's press card. I had never met
16 either of these gentlemen before. They said they wanted
17 to talk about Colin Wallace. They were both asking
18 questions, although Pollak was taking notes. I invited
19 them in. Pollak produced a document from a Manila
20 envelope. I don't recall either having a briefcase with
21 them. He showed this to me. I have been shown
22 a document today marked GC80. These two documents
23 appear to be identical photocopies. I recall the
24 handwritten additions on the documents. The document
25 Pollak produced was a photocopied document. They

1 questioned me about my knowledge of the document.
2 I told them that I had no knowledge of it as I had left
3 Northern Ireland in September '74 and the document was
4 dated November '74. They asked for my opinion on the
5 document and I replied that I did not believe it was
6 genuine. They then asked whether I knew anything about
7 a number of people that they named."

8 Scroll down, please:

9 "I can't recall all the names they mentioned, as
10 many of them were totally unknown to me. I do recall
11 them asking about a person called Yarnold, whom I know
12 to be a press officers. David McDine, my successor.
13 Railton, military positions on the General Staff.
14 I recall being asked about Ian but this meant nothing to
15 me. There was no other discussion and they both left
16 after about 20 minutes. Following their departure
17 I immediately telephone the staff duty officer and
18 informed him. On Sunday, 26th May Pollak returned alone
19 and asked me what I knew about civilian press officers
20 attending the psyops school. I told him I knew nothing
21 about any such establishment and he left."

22 Now if we look at 35059, please, on 4th June 1985
23 David McDine was spoken to. So he is the successor of
24 Peter Roderick, and what he says is:

25 "On 7th June 1982 I made a written statement to

1 Detective Inspector Mack."

2 He is referring back to that. He explains he held
3 the post from September '74 until October '75. He
4 examined the document marked GC80. He noted the names
5 Railton, Leng and Colonel M had been written in manuscript:

6 In 1974 Railton was the Lieutenant Colonel holding
7 the appointment of General Staff Officer Grade 1
8 (Information policy). Colonel M worked in HQNI as
9 the Colonel (General staff) (Intelligence) and General
10 Peter Leng was the Commander Land Forces Northern
11 Ireland. As already stated in my previous statement
12 I was adviser to the GOC and CLF on public relations
13 matters affecting the Army. I was also responsible for
14 liaising with the RUC on information aspects of the
15 security information.

16 I have today closely examined the document marked
17 GC80 which is purportedly signed by John Colin Wallace
18 dated 8th November '74 and I would make the following
19 observations about it.

20 None of the information contained in this document
21 has been previously brought to my notice except for that
22 brought to my attention in 1982. I have strong
23 suspicions about the authenticity of the document for
24 the following reasons. That period of time life was so
25 busy that there would not have been time to produce such

1 a detailed and apparently well researched document.
2 Wallace was not in the habit of producing such detailed
3 reports. His reports were not as well presented. My
4 memory of Wallace was that of an untidy person with an
5 untidy office. I would also point out that in the Army
6 Information Service we were known by our titles rather
7 than names. I was known as the CIO. As Wallace's boss,
8 I would have expected him to forward any correspondence
9 through me. Any such correspondence I would have been
10 addressed as CIO, but the obliterate on GC80 would
11 suggest a much longer title or name. In relation to the
12 references A, B, and C, I do not recall seeing any of
13 the items referred to and do not recall ever seeing any
14 RUC reports.

15 I would also say that with regard to the manuscript
16 notes indicating that this document was addressed to
17 Colonel Railton in response to a request from General
18 Leng or colonel M it's extremely unlikely that such
19 a document would be forwarded in draft form and any such
20 document going to that level would have come through my
21 office for assessment and presentation. It would not be
22 presented in draft form.

23 Apart from what I heard from Detective Inspector
24 Mack in '82 I would again state that I had no knowledge
25 of the material in GC80. The nature of the material in

1 fact is such that I feel that I would have recalled it.
2 In my position of responsibility at that time I can
3 state that I knew of no reason why such important
4 information, if it were known then, would not have been
5 brought to the attention of the RUC.

6 I would also add that as far as I can recall the way
7 in which the references are laid out in GC80 is not in a
8 style that we would have used at that time."

9 On 3rd July 1985, if we look at 35049, please,
10 Jeremy Railton was spoken to. He was the Lieutenant
11 Colonel in the Information Branch from June 1974 until
12 October 1975. He provided, as you know, a statement in
13 August '82. He says that he didn't recall Colin Wallace
14 ever discussing matters relating to Kincora with him.

15 As I said at the time, I recalled Tara, but not the
16 name William McGrath. It meant nothing to me."

17 He explains the two statements were incorrect and
18 then he goes on to say, and we have looked at this
19 statement wherein he explains:

20 "I can state that I do not recall having seen this
21 document before and can categorically state that I had
22 no knowledge of homosexual activity at Kincora or any
23 knowledge of the McDermott murder, other than that which
24 appeared in the press at the time. Had I been aware of
25 the subject matter of GC80..."

1 And this is said to be addressed to him:

2 "I would have brought this to the attention of the
3 appropriate authorities. I also note that the document
4 was produced in response to a request from the Commander
5 of Land Forces, General Leng."

6 Scroll down, please:

7 "I have no knowledge of the document nor do I know
8 of such a request being made."

9 Didn't know about the reference of documents either.

10 At 35056, please, we have Lieutenant Colonel Peck
11 who was traced. He explained he served in the General
12 Staff office Grade 1 from June '72 until June '74 when
13 he succeeded by Lieutenant Colonel Railton:

14 "I have been aware of the allegations and I have
15 examined carefully the document which is GC80. While it
16 is appreciated that I was not serving in HQNI in
17 November '74 nevertheless I can state that I have no
18 knowledge whatsoever of any criminal activity as alleged
19 in the document. I do recall the organisation Tara but
20 do not recall any discussion relating to Tara and
21 homosexuality. In relation to the document I would
22 state that it is likely that I would have been aware of
23 the preliminaries into the document but this was not the
24 case. With regard to the references A, B and C I would
25 likely have seen background papers on Tara, but I do not

1 recall any papers relating to the subject matter on
2 GC80."

3 If we look, please, at 35053, on July 1982 Major
4 General F -- sorry -- Major-General Garrett provided
5 this statement explaining that he was the Chief of Staff
6 from November '72 until January '75:

7 "I have examined a document marked GC80. I have not
8 seen this document before and I was not aware of the
9 content during my period in Northern Ireland. I knew
10 the alleged author, Wallace, during my tour and would
11 state that had Wallace been in possession of this
12 information at the time he would have brought this to me
13 at any time as he was considered part of the team and as
14 such had easy access to me. It would have been more
15 likely that he would have discussed this with his
16 immediate supervisors and if he had not got satisfaction
17 at that level, would then have felt he could come to me.
18 I do not recollect any such information being brought to
19 my notice by Wallace or anyone else."

20 Scroll down, please. Then if we just stay there,
21 please. That's Brigadier F then of
22 London. He is speaking on 16th July 1985. He explains
23 he is in Intelligence end in '73 to September '74. So
24 he leaves shortly before the document. He read the
25 document. He has not seen the document before nor any

1 earlier draft of it. He can say this document was
2 produced in the style of the alleged author Colin
3 Wallace:

4 "He was a very experienced and clever press
5 relations officer and produced material for the media as
6 well as counter propaganda. Wallace at any time would
7 not have been given access to Intelligence papers or
8 papers held in the Intelligence community at HQNI. In
9 the production of this document GC80, Wallace is stating
10 that he had access to intelligence papers from the RUC.
11 I would state that any such documents would have come
12 through me as the Head of Intelligence and not have gone
13 to the Information Policy Department where Wallace was
14 employed.

15 If this was a genuine document and had been produced
16 at the time, it would have been brought personally to
17 the Head of Intelligence Department, who would have had
18 the documentary searched and vetted. On no account
19 would Wallace have been given access to Intelligence
20 documents. In relation to the content of GC80 I do
21 recall the organisation Tara but do not recall any
22 details. I do not recall any complaints or allegations
23 of homosexuality in boys' homes in Northern Ireland.

24 My personal observation of Wallace, who I knew very
25 well during my period, was that he was a man of

1 exceptional ability in producing this information. GC80
2 makes reference to a number of flagged documents. This
3 would have suggested that Wallace would have had access
4 to a large number of Military Intelligence files. This
5 would not have been the case."

6 Now against that, this is this gentleman's view he
7 is expressing. You have Ian Cameron's letter that
8 suggests that at some point in time in his view, G INT
9 was working too closely with information policy, and
10 therefore there may have on occasions have been
11 intelligence material being shared in some way, but the
12 point I take this gentleman to be making is that this is
13 not the case where you would have a desk full of files
14 to be able to work from.

15 If we look at 35061, please, on 19th July Major I
16 was traced and he explains that he served in
17 HQNI March '74 to March '76 in the rank of Captain. For
18 the first year he was at the Army press desk. From
19 February '75 until he left he was attached to the
20 Information Policy. He has read over and examined
21 closely the document marked GC80:

22 "I have not seen the document before. I note it is
23 dated 8th November '74 and signed by Colin Wallace who
24 had an office in the Army PR organisation at HQNI at
25 that time. My first reaction to this document is that

1 I would have remembered it had I seen it before, and I
2 surely would have remembered if any of its content had
3 been discussed at that time. Wallace's role at the time
4 was to brief the press and put over the security forces
5 point of view. Although Wallace may have received
6 Intelligence briefings, it is unlikely that he would
7 have been given access to Intelligence documents.
8 I recall the organisation known as Tara. I do not
9 recollect any information about this group which relates
10 to homosexual activity.

11 I did not hear anything about Kinchora until
12 publicity was given about it in 1980. While I was in
13 Northern Ireland I was not made aware of homosexual
14 activity at any boys' homes. On 28th May '85 I had
15 a visit from Ed Moloney and Andrew Pollak. They said
16 they had a document and asked me if I knew some of the
17 names on it. They did not produce the document but from
18 what I have read in GC80 it would appear that the
19 information they referred to was the same. They asked
20 me if I served in Northern Ireland."

21 He explained what he said:

22 "The journalists did not say how they traced me to
23 my business address. I should add that as the
24 journalists could see I was reticent about disclosing
25 matters they gave me an undertaking in writing that they

1 would not compromise me. While I accepted this note
2 I did not provide any information."

3 He hands over the note.

4 At 35066, please, Special Branch were then tasked on
5 24th July ...

6 CHAIRMAN: I think we will take a short break at this stage.
7 (4.15 pm)

8 (Short break)

9 (4.25 pm)

10 CHAIRMAN: Yes.

11 MR AIKEN: Chairman, if we -- Members of the Panel, before
12 we broke we were just about to look at the request made
13 of Special Branch to check arising out of this document
14 of 8th November '74. If we look, please, at 35066, so
15 reference is made back to a statement that was made in
16 March '83. That's the one from the Phase Three Inquiry
17 when military material -- when Superintendent Caskey
18 asked for an analysis by the Special Branch. You can
19 see:

20 "As a result of a request I carried out a further
21 search in relation to information contained in
22 a document marked GC80 with particular reference to two
23 documents under the headings reference A and reference
24 B. This further examination records -- of records did
25 not provide any evidence that the documents referred

1 unto -- to under reference A and reference B in exhibit
2 GC80 ever existed."

3 That is the PSNI position.

4 If we look, please, at 35065, because there is
5 a reference in one of the interviews to certainly
6 a suggestion or one of the documents that has been
7 submitted to the Inquiry that Colin Wallace may not have
8 typed the document himself and therefore he may --
9 someone else may have typed it at his direction, and the
10 police spoke to Elizabeth Yarr:

11 "I am a personal secretary employed at HQNI. In '74
12 I worked in the Public Relations branch. Colin Wallace
13 worked in that branch. I have been shown a document
14 allegedly written by Colin Wallace in '74 and marked
15 GC80. I can state that I did not type this document,
16 neither have I any knowledge of the contents apart from
17 what I have read and heard in the press and media since
18 Kincora hit the headlines."

19 Now that's the one secretary that was spoken to.

20 At 35067 on 1st August 1985 the replacement for
21 Major Saunders in effect, who was Major Hodges -- you
22 will recall Major Saunders was tasked with assisting the
23 Army in -- assisting the police during the Phase Three
24 investigation. This officer has been similarly tasked
25 in the Phase Four investigation over this document and

1 he says:

2 "I am aware that a search was carried out by
3 Major Saunders in December '82, my predecessor, in
4 relation to an enquiry been inducted by the RUC into
5 allegations in respect of Kincora. I was requested to
6 conduct a further search into any intelligence held at
7 HQNI in relation to the organisation known as Tara and
8 also any intelligence that would relate to Kincora Boys'
9 Hostel. I have examined today a document marked GC80
10 and I can state categorically that no such document
11 exists in military intelligence at HQNI. I can also
12 state the documents referred to at reference A and B of
13 GC80 as being RUC reports on Tara and the death of Brian
14 McDermott do not exist on file at HQNI. Equally, there
15 is no record of these documents as having been on file
16 at HQNI."

17 If we look at 35068, please, we have Major Loftus
18 speaking on 1st August 1985. He says:

19 "I am a major in the SIB. In July '85 I personally
20 visited G2 branch at the request of Detective
21 Superintendent Caskey where I examined two classified
22 files in the presence of Major Hodges."

23 So this statement may be of assistance to you given
24 we don't have the files at this remove.

25 "These two files were headed 'Kincora' and 'Tara'

1 respectively. With regard to the Kincora file, the
2 first document is that file is dated December '82 and
3 relates to the RUC investigation being conducted at that
4 time. Other documents in the file are subsequent to
5 that date. I could find nothing in that file that
6 indicated a military awareness of homosexual offences
7 having been committed in Kincora or any other boys' home
8 prior to the RUC investigations. I also examined the
9 Tara file in detail and found that the first document in
10 that file is dated August 1973. Subsequent documents
11 would suggest that military intelligence's knowledge of
12 Tara was limited and certainly did not extend to any
13 knowledge of homosexuality in boys' homes in Northern
14 Ireland. The document marked GC80 and references A and
15 B in this document do not exist in either of these
16 files. Further examination of the folio of each file
17 clearly accounts for each document in the file including
18 those which were destroyed in accordance with military
19 regulations. The subject matter of the destroyed
20 documents are clearly legible on the folio sheets and
21 none of them relate to the matters under investigation."

22 If we look at 35030, please, on 7th August 1985
23 Ronald Orr you will recall from North & West Belfast,
24 the [surname redacted] case in May and September '74, he
25 was named in a document dated 8th November '74. As you

1 will recall, he was -- if we look, sorry, at 35070 -- he
2 was named in the document dated 8th November '74. As
3 you recall, he was criticised by the Hughes Inquiry for
4 not passing on the information in relation to R15. He
5 confirmed that he had not had any contact with police or
6 military sources in relation to Kincora prior to being
7 contacted by the RUC in 1980.

8 You can see he was shown GC80. He stated that he
9 did not at any time contact any police officer or
10 soldier in relation to social work. He had nothing to
11 add to the statements he made to the RUC in February '80
12 and June '80, which, as you know, was to the effect that
13 he had not passed on the matters.

14 We looked at Ed Moloney's statement of 16th August
15 wherein he explained that because of his ethics and
16 rules of his profession as a journalist he couldn't
17 reveal his sources.

18 Then if we look at 3... -- on 28th September 1985,
19 if I just show you the start of it, please, at 35508,
20 you have a 32-page report from Detective Superintendent
21 Caskey. That is the summary report of the
22 investigation. 35008. We can see the start of his
23 report written to the ACC Crime Department, August '85.

24 I want to show you paragraph 11 at 35011. He
25 explains that he tried to interview Colin Wallace -- if

1 we just scroll down, please:

2 "... but these have not been successful. Letters
3 relating to these attempts are attached in part IV.
4 Wallace continues to make what appears to the police to
5 be unnecessary and undue demands. These letters will be
6 referred to later in the report."

7 If we go to 35037, please, he says this at
8 paragraphs 101 and following:

9 "On 11th July '85 a letter was forwarded to
10 Wallace's solicitor acknowledging receipt of Wallace's
11 letter of 4th June '85 and their letter of 11th June
12 '85. The RUC in this letter said that should Mr Wallace
13 change his mind, the RUC would be willing to see him at
14 any time. A reply has never been -- has been received
15 dated 19th July '85 stating that Wallace has never been
16 unwilling nor unable to give information, but certainly
17 prerequisites still exist. A reply dated 21st August
18 '85 to this letter has been sent to Wallace's solicitor.
19 In this reply Chief Superintendent Thompson restated
20 that the RUC would interview Wallace should he decide to
21 see them."

22 He then refers to the four conditions that were set
23 previously:

24 "All aspects of these conditions are dealt with in
25 the military intelligence/John Colin Wallace file from

1 paragraphs 76 to 104."

2 That's a reference back to the Three -- Phase Three
3 investigation that we looked at.

4 If we can look then, at 35005, on 4th September 1985
5 ACC Mellor from the RUC said:

6 "This file is the end product of an investigation
7 which was commenced as a result of Frederick Holroyd's
8 handing numerous documents to the Essex police in
9 November 1984. In the main these documents relate to
10 grievances harboured by Holroyd in respect of his
11 resignation from the Army and by Wallace in respect of
12 his conviction on a charge of manslaughter.

13 However, amongst the document is one dated 8th
14 November '74 under the signature of Wallace, which, if
15 authentic, would indicate that both the RUC and the Army
16 knew of homosexual activity in the Kincora Boys' Home
17 and of homosexual and other illegal activities by
18 persons named in the document well before the Kincora
19 investigation commenced in 1980. There is, however,
20 nothing in GC80 or the other documents of a potentially
21 criminal nature which has not already been investigated
22 and reported to the DPP.

23 If the information in GC80 had been known to the RUC
24 and Army prior to the date on the document, and had this
25 information been deliberately suppressed, then both

1 could be severely criticised for not taking the
2 appropriate action to ensure that the allegations were
3 fully investigated."

4 If it is your view, Members of the Panel, that the
5 document is authentic and what it discloses was known
6 to, therefore, the police and the Army in November 1974,
7 then you are aware that a litany of people have
8 repeatedly lied to cover up what they, in fact, knew
9 about what was occurring in Kincora. You may consider
10 that the Assistant Chief Constable then Mellor
11 expressing the view that the organisation should be
12 severely criticised is exactly right, but he goes on to
13 say:

14 "There is, however, doubt as to the authenticity of
15 document GC80, both from forensic examination and also
16 because those who might be expected to know of its
17 existence or content have denied knowledge of it, and in
18 some cases cast doubt on its format.

19 Wallace has continually refused to cooperate with
20 the investigating officer and has made pre-conditions
21 before agreeing to be interviewed, which he must know
22 that the RUC cannot meet, because some of them are
23 beyond the jurisdiction of the Force. The door has been
24 left open to Wallace to be interviewed about the
25 document but he continues to prevaricate. If Wallace

1 was able to prove that the document was genuine, no
2 further investigation into its content would be, in my
3 view, warranted unless he can also produce other
4 evidence to corroborate its content as all the
5 allegations have already been investigated. I do not
6 believe that it would be possible to prove a conspiracy
7 to pervert the course of justice by the RUC or the Army,
8 or both, as it has not been possible to trace any of the
9 documents on which the contents of document GC80
10 purports to be based.

11 I therefore recommend no further action be taken in
12 respect of this file unless you consider it necessary
13 for Colonel M to be interviewed."

14 He was living in America:

15 "I further recommend that if either Wallace or
16 Holroyd make further allegations of criminal activities
17 which have already been investigated, they should be
18 informed at the outset that no investigation will take
19 place unless they are prepared to cooperate fully at the
20 commencement of the investigation.

21 Due to the nature of some of the documents in this
22 file and the fact that names of persons in the Security
23 Services have been included the whole file has been
24 classified 'secret'. Mr Junkin is, however, fully
25 conversant with its contents and there would, of course,

1 be no objection to him having access to it. As you
2 know, it was marked secret. The PSNI has declassified
3 it and made it available to the Inquiry for your
4 consideration.

5 Just to complete the final matter that I identified
6 to you that was at the core of Colin Wallace's
7 allegations about his involvement with Kincora relates
8 to a call he says he made in 1975. I want to show you,
9 please, 104101. That is the start of a five-page letter
10 from Colin Wallace to his solicitor of 13th December
11 1985. It is the last paragraph on 104103 that I want to
12 show you. So, as you know, this is post the date of the
13 police finishing the phase 4 investigation and it
14 involves communication with the Hughes Inquiry because
15 I am about to show you that material was passed to them:

16 "Despite the total absurdity of the situation" says
17 Colin Wallace, "I think we should put on record that
18 I do confirm that the points raised by Mr Mercer during
19 our meeting on Thursday are correct. I was contacted in
20 1972 by a person who claimed to be a social worker and
21 who provided me with information regarding allegations
22 about Kincora. I did make a telephone call from London
23 to the Welfare Authorities in Belfast in 1975 (note: not
24 1974 as has been reported -- if a call was made 1974,
25 then it was made by someone else.) Of course the call

1 in '74 was made by Roy Garland, but he is saying he made
2 a call in 1975. The position in respect of that, as you
3 know, the Health and Social Care Board have said they
4 have no record of a call being made in 1975, and there
5 is no further detail about who was called, what they
6 were told. You can see:

7 "The Clockwork Orange material did contain
8 allegations" -- scroll down, please -- "that children
9 were taken to meet with clients in Bangor, Co. Down."

10 Now I mentioned the Hughes Inquiry were now
11 involved, because if we scroll back this letter we are
12 looking at to December 1985 but at the same time as the
13 RUC Inquiry into GC80 is going on the matter is referred
14 to the Hughes Inquiry. If we look, please, at 35361, on
15 24th January 1985 the RUC sent the document to the
16 Hughes Inquiry. If we just scroll down, please, you can
17 see it is being said by Assistant Chief Constable
18 Cushley:

19 "If this document is genuine it is relevant to the
20 Hughes Inquiry. RUC are doubtful if it could be genuine
21 and an investigation into its authenticity is being
22 pursued by a team of detectives under the direction of
23 Detective Superintendent Caskey."

24 Then if we look, please, at 35380, we have the
25 letter from the Hughes Inquiry of 4th April 1985. If we

1 scroll down, please, you can see:

2 "The Committee wishes to have Mr Wallace interviewed
3 with a view to his making a statement."

4 They identify the various issues that they want to
5 ask him about, which relate obviously to Social
6 Services, because the GC80 document contains a lot of
7 information that would have been relevant.

8 Just keep scrolling down, please. They are asking
9 for a response to that. If we look at 35385, please, on
10 21st April 1985 Colin Wallace wrote to his solicitors
11 saying:

12 "I have considered the points.

13 Of course I am still willing to assist the Inquiry.
14 If this were not the case then I would not have spent
15 a considerable part of the last three years in
16 protracted correspondence with various individuals in
17 Whitehall. Before doing so, however, I would like to be
18 absolutely certain in my own mind that the current
19 Inquiry is genuinely determined to get at all the true
20 facts of the matter and that it is not being used simply
21 as means of preventing the full story from emerging.
22 Indeed, I find it rather disturbing that Mr Quinn and
23 the members of the Committee do not appear to be aware
24 of the efforts we have made to assist them during the
25 past three years."

1 They he talks about the terms of reference:

2 "I have read the copy of the terms of reference
3 which you sent to me but I am not at all clear about
4 what their exact parameters are. Indeed, they would
5 appear in parts to conflict strongly with the assurances
6 given by the former Secretary of State for Northern
7 Ireland, Mr James Prior, when he announced the setting
8 up of the Inquiry on 18th January 1984. Speaking in the
9 House of Commons, Mr Prior said amongst other things
10 'I think it would be within the terms of reference for
11 them to examine why no inquiry was instigated before
12 1980 because I think this goes to the heart of a lot of
13 the concern that has been voiced in Northern Ireland'.
14 As you know, that is precisely my own view and it is
15 an issue that appears to be missing from the terms of
16 reference as supplied to us by Mr Quinn."

17 You may consider, Members of the Panel, that Colin
18 Wallace has a point, that the terms of reference as they
19 were framed meant the focus was on what Social Services
20 knew and, therefore, was not looking, unless it was
21 biting on what the Social Services knew, what the police
22 had done or anyone beyond the police such as the Army or
23 the Security Service in the way that this Inquiry has.

24 You can see that he rejects as totally spurious the
25 conclusion reached by Sir George Terry that Army

1 Intelligence had no knowledge of abuses at Kincora.
2 Given that, one can understand the Secretary of State
3 could find no reason for setting up a full Inquiry under
4 the Tribunals of Enquiries (Evidence) Act 1921.

5 So he is making the point:

6 "There is a strong suspicion that the current terms
7 of reference were drawn up to prevent the present
8 Inquiry from delving into areas that might be
9 politically embarrassing, albeit the most important
10 areas if one is to get a true picture of the overall
11 situation."

12 Of course, that may well be the case, but it is not
13 the case, as you know, for this Inquiry, which is
14 examining these issues. As you can see the Official
15 Secrets Act is then raised as an issue:

16 "The Director of Army Security has already stated
17 that I must not communicate certain classified
18 information relating to Kincora to any third party."

19 Now it will be a matter to you, Members of the
20 Panel, whether that is, in fact, what the Director of
21 Army Security's letter actually says:

22 "In another letter he pointed out that if I were
23 asked to give evidence to any subsequent Public Inquiry,
24 the Ministry of Defence would have to consider my
25 position further. It would appear, therefore, that

1 someone is Whitehall is going to have to decide
2 precisely what I can and cannot say to the Inquiry.
3 Bearing in mind the totally negative responses I have
4 received to date on this matter, I would suggest that
5 this should now be resolved by the Committee ."

6 So you can see the same sequence of events is about
7 to commence, and you will have to consider whether that
8 contrasts or not with the briefing that was going on to
9 journalists and the documents that were being passed to
10 journalists as opposed to the interaction when it came
11 to some investigative body of some kind being tasked
12 with responsibility for examining the issues.

13 "Mr Quinn asks that I confirm whether or not I have
14 information that would be of assistance to the Inquiry.
15 In his letter he said that certain papers had been drawn
16 to the Essex police by Captain Holroyd, have been drawn
17 to the Committee 's attention. Among those papers where
18 he claims documents which appear to have been prepared
19 by me which contain a number of references to Kincora
20 Boys' Hostel which seems to be relevant to the Inquiry.
21 He then went on to list a series of topics about which
22 he said he would like to interview me. From his letter
23 it would appear that Mr Quinn is in a much better
24 position to judge whether or not I might have
25 information which could be of assistance to the Inquiry,

1 because I have not seen the documents which he has in
2 his possession."

3 Then he explains the unresolved difficulties he has
4 experienced trying to get various Government departments
5 to agree to precise information he might release, and
6 that after three years of fruitless correspondence he
7 eventually submitted a comprehensive file on the subject
8 to the Prime Minister on 1st November 1984 in the hope
9 that she would relay the information to the Inquiry and
10 take such other action as she considered necessary.
11 Then he expresses his amazement in the rest the letter.

12 You can see then in paragraph 5 the pre-conditions
13 section:

14 "Mr Quinn has asked if there are any pre-conditions
15 on my assistance, the two important ones."

16 So there are, two:

17 "Are those which I have repeatedly stated during the
18 past three years: the payment of your costs and
19 disbursements, clear, unambiguous, written authority to
20 disclose classified information which I consider
21 relevant to the Inquiry, and an acceptance of the fact
22 that I would not be prepared to disclose the identity of
23 any of my sources or members of the Intelligence
24 Services."

25 So this is the point I was drawing to your attention

1 earlier. So he would come and give evidence to the
2 Public Inquiry on a pre-condition that he will not be
3 disclosing the sources of his information.

4 As you know, Members of the Panel, there is
5 a substantial section in the Hughes Inquiry devoted to
6 the GC80 document, the desire to have Colin Wallace
7 speak to it and the efforts they as an Inquiry say they
8 went to. As you know, we have gathered all of the
9 available material relating to the internal
10 correspondence of the Inquiry and matters of that nature
11 as well as their secret file in terms of correspondence
12 that was going on over these types of issues.

13 Ultimately the Hughes Inquiry set out their position
14 at paragraph 4.70 to 4.87, which you can find in the
15 bundle at 75264 to 75267. I am not going to open all of
16 that to you now.

17 There is also, just so I draw your attention to it,
18 a very useful summary of the position of the nine Army
19 officers who are most likely to have seen the GC80
20 document, if it existed in November '74, and you will
21 find that in exhibit GC11A from the Police Service, and
22 at 1868 and 1869 in the bundle. There are various ways
23 they explain that they have not seen the document before
24 and doubt its authenticity for the reasons they give.

25 As you know, there have been vast swathes of media

1 allegations with this story being covered. You have the
2 Ed Moloney article with Andrew Pollak in the Irish Times
3 of 25th June which we have touched on, 25th June 1985
4 quoting from the document:

5 "The following day -- I will give you the reference
6 for this at 35364. The same journalists ran another
7 story that the information about William McGrath and
8 Kincora was used by MI5 in discrediting operations.
9 Their sources also told them that files existed in
10 HQNI that showed there was Army and other agencies had
11 launched an investigation into events at Kincora in the
12 early to mid '70s. They refer back to their 1983
13 article with -- the source is not named, but it is
14 clearly Jim McCormick. In 1983 he claimed he had been
15 visited by a series of Army officers interested in Tara,
16 Unionists and on one occasion, Kincora. As you know,
17 Jim McCormick is deceased, but it is clear from the
18 material that at least he met Brian Gemmell and
19 Corporal Q. It may be there were others who visited
20 him, although in the article it says "series of Army
21 officers were interested in Tara, and on one occasion
22 one of them was interested in Kincora." It is not clear
23 if that's a reference to Brian Gemmell.

24 On the same day, 26th June '85, as well as linking
25 Kincora to Clockwork Orange, the psychological operation

1 said to have been engaged in by the Army, the Ed Moloney
2 source also explained that in March '72 a social worker
3 had telephoned HQNI to speak to a named MoD officer not
4 normally an officer, and then records the subsequent
5 meeting between the social worker and the MoD officer.
6 So you may reflect on who the source is likely to have
7 been for that information.

8 On the next day, 27th June 1985, the Irish Times
9 again repeats its story, this time based on the Colin
10 Wallace dossier sent to the Prime Minister and refers to
11 a report in the Guardian, including reference to the
12 seven-page report compiled by Wallace on the secret MI5
13 operation aimed at using intelligence gathered from
14 sexual assaults on inmates at Kincora to discredit and
15 divide Loyalist politicians on the eve of the Ulster
16 Workers Council's strike. That's the document that we
17 have looked at, and we have looked at the specific
18 allegations that have been made.

19 As you know, Members of the Panel, the Rucker
20 report, which has been disclosed to the Inquiry in terms
21 of the parts that are relevant to the issues we are
22 examining over Kincora, is a helpful document from 1989.
23 It was a secret report prepared by the Ministry of
24 Defence with input from the NIO and the security
25 services, and it collates and analyses the information

1 that was then available to Mr Rucker, who was the author
2 of the report at that point in time. Its focus was not
3 specific to Kincora but on matters relating to Colin
4 Wallace more generally. Obviously it contains the views
5 of Mr Rucker based on what he had to say and what he
6 looked at. And you have had the opportunity to read
7 that report. Obviously it's a matter entirely for you,
8 Members of the Panel, what conclusions you draw about
9 the matters that we have been examining.

10 If I show you 102660, in fairness to Colin Wallace,
11 because, as I have explained throughout, there are many
12 occasions documents that showed positive things being
13 said about Colin Wallace, but then on the other hand you
14 have issues as to whether the allegations that are being
15 made are reliable.

16 At paragraph 229(U) what Mr Rucker says:

17 "To stigmatise the Wallace element of this saga as
18 six of one and half a dozen of the other would be unfair
19 to the Government. But ten of Wallace and two of MoD
20 would seem a reasonable assessment."

21 So what Mr Rucker is acknowledging is the MoD didn't
22 get all of this right over the handling Colin Wallace
23 and, as you know, they clearly did not get it right when
24 it came to the Civil Service Appeals Board and how that
25 process was dealt with.

1 In his covering letter to his report -- I want to
2 show you, please, 102173 and paragraph 4 at the bottom,
3 and it is rather difficult to read. Hopefully we can
4 read it, but if we scroll down, please, what he said
5 was:

6 "Very little of what Mr Wallace has said has turned
7 out to be completely untrue. He has generally succeeded
8 in building an over-dramatic superstructure on
9 foundations which are basically accurate."

10 If one stands back from that assessment -- obviously
11 that's just Mr Rucker's view and you will reach your own
12 view, but using that as an analogy, the MoD and in terms
13 of the Security Service working with them, clearly knew
14 that William McGrath was a homosexual. They were on one
15 view not interested in that fact other than save
16 potentially to engage in the smearing to do with it, and
17 you will then need to consider whether all the rest in
18 terms of Colin Wallace's allegations that we have been
19 looking at is the superstructure that has been built
20 upon that basic fact.

21 Unless there is anything I can address you further
22 on in respect of the matters relating to Colin Wallace,
23 I have tried as best I can in a proportionate way to
24 condense and summarise what is simply a vast quantity of
25 material. I come back to the point I made at the outset

1 of what I was going to say, that it is necessary for
2 this Inquiry to focus on the key questions. One could
3 engage in an analysis of all that has occurred over the
4 past 30 years and where will that take you?

5 Ultimately the central questions are in respect of
6 those six matters that he is said to be involved in, the
7 sixth of the which I have not touched on, but will leave
8 for you to look at, which is there was an MI5 conspiracy
9 either proactively for intelligence reasons or
10 reactively to cover up, and he's carried that allegation
11 as well on many occasions in the media.

12 What I want to do then, Members of the Panel, is
13 just bring to your attention three witness statements as
14 a close. The first of those, if we can bring up,
15 please, 1971, is from Samuel Edward Cooke. He was
16 involved in the Phase Two Inquiry with Detective
17 Superintendent Caskey. He was an Inspector at that
18 time. By the time he retired in 2001 he had obtained
19 the rank of Detective Superintendent. The Inquiry spoke
20 to him, as you know, because he was identified in the
21 way I explained when going through Detective Inspector
22 Mack's statement as one of the two officers who spoke to
23 Liam Clarke and were alleged to have claimed that a Tory
24 MP was a visitor to Kincora, and having (inaudible)
25 identified Inspector Mack, it was possible to speak to

1 Inspector Mack, who identified the other with him as
2 being former Inspector Cooke.

3 We spoke to him, as you know, and Inspector Cooke,
4 now retired's position was there was no basis for such
5 a statement in the report. He sets out his position in
6 relation to that in his statement. If we scroll through
7 to paragraph 9, we did ask him also about the contact
8 note that we looked at earlier today where it was
9 recorded what was said to him by Detective Constable
10 Roberts in respect of the GC80 document being retyped.
11 He explains to the Inquiry he recalls dealing with
12 Detective Constable Roberts but he does not specifically
13 recall the conversation. The action sheet is not in his
14 handwriting and he can only conclude that he dictated it
15 and it was handwritten by one of the administrative
16 staff. He does confirm it is his signature on it and he
17 confirms the conversation must have taken place.

18 It is drawn to his attention that the police
19 statements that he provides and which Constable Roberts
20 provide don't refer to that fact that Constable Roberts
21 was recording to him being told that it had been
22 retyped, and he explains at paragraph 11:

23 "I do not recall."

24 Obviously this is 34 years ago and we have asked
25 a man to look at a contact sheet:

1 "I do not recall why I did not include this in my
2 statement of 8th August 1985, and I can only conclude
3 that I did not consider it to be of particular
4 significance at the time."

5 Then he expresses his views based on his
6 investigation with Superintendent Caskey. He agreed
7 with his conclusions about there being no evidence of
8 a paedophile ring, and many allegations with no
9 evidential basis being made through the media. He
10 explains:

11 "Where possible we investigated such allegations."

12 And he remains content:

13 "That we conducted a proper thorough going
14 investigation."

15 Exhibited to his statement from 1975 through to 2011
16 are the documents that speak to the matters I have been
17 touching on.

18 The second statement that I want to draw to your
19 attention can be found at 2539. This a detailed
20 statement that runs from 2539 to 2544. It is
21 25 paragraphs. It comes from a Captain L, as we are
22 going to call him, who was in the Special Investigations
23 Branch of the Army who assisted the RUC with their
24 engagement with military officials during the Phase 3
25 Inquiry.

1 Captain L sets out how he was the person who tracked
2 down Brian Gemmell. You will see in paragraph 5 he also
3 tracked down Fred Holroyd, and we have looked at the
4 allegation that he made based on gossip that he picked
5 up. He expresses his view, if we scroll down to
6 paragraph 10. As you know, throughout the statement,
7 which you have read, he is making the point that he's
8 being asked about events a long time ago. He has some
9 memory, but by and large he is relying on the content of
10 the records that were available to him, and he draws
11 attention and makes the point:

12 "I do, however, recall that for reasons I cannot now
13 identify when I left the interview with Fred Holroyd,
14 I was not entirely assured of Mr Holroyd's motives for
15 making his allegations public."

16 He goes on then to explain the events leading to the
17 identification of Brian Gemmell. You can see he
18 explains in some detail how he was given initially very
19 scant information reference to "a Christian soldier" and
20 the efforts that he made to track the individual down
21 who turned out to be Brian Gemmell. He notes his
22 surprise when that turned out to be the case that he'd
23 found the individual.

24 If we scroll down to paragraphs 16 and 17, he
25 explains that:

1 "Mr Gemmell provided me with a significant amount of
2 information. He was very forthcoming about his
3 involvement with the Security Service. I had neither
4 known about nor anticipated any such involvement and
5 recognised immediately that the information he was
6 providing, if accurate, was very sensitive and, albeit
7 hearsay in terms of child abuse as far as I recall, was
8 of relevance to both the RUC enquiry team and to the
9 Security Service."

10 You have a contemporaneous record of what Captain L
11 recorded he had been told by Brian Gemmell. That is
12 exhibited to his statement beginning at 2547 and is
13 a document that we have looked at previously for other
14 reasons. It runs from 2547 to 2552 in this part of the
15 bundle.

16 He goes on to explain his involvement in the taking
17 of statements to assist the RUC Inquiry, and he is shown
18 then a Security Service document which records the
19 communication, because, as you know, he was to report
20 about what was being said to the Commander of Land
21 Forces and the Security Service, because you are aware
22 of the concern around Brian Gemmell confining himself to
23 matters that were directly relevant to the police
24 inquiry because of the concern that straying out into
25 other matters that were not relevant to the police

1 inquiry could lead to difficulties.

2 He addresses the content of that note in
3 paragraph 24 and explains that he didn't recall making
4 the comments that are attributed to him, but he accepts
5 that that's what the note says. He does his best to try
6 and work out the chronology of events and is prepared,
7 as you can see, to acknowledge that perhaps his initial
8 view that the events happened in a certain sequence of
9 events may, in fact, be incorrect based on what he was
10 in a position to read.

11 He explains in his conclusion, paragraph 25:

12 "I do recall my June '82 interview with Mr Gemmell
13 both because of my surprise at having managed to
14 identify him on the basis of the most limited
15 information and also because of the unexpected details
16 of Security Service involvement provided in that
17 interview. Save for that, my role in Detective
18 Superintendent Caskey's investigation was unremarkable
19 and due to the passage of time I cannot now remember the
20 details with any certainty. Therefore, I am fully
21 prepared to accept that there may be additional
22 documentation or personal testimony that contradicts my
23 recollection of events and that may also serve as
24 an aide-memoire to me if I were to be afforded sight or
25 knowledge of such document or testimony."

1 Then the third statement that I want to draw to your
2 attention, Members of the Panel, if we look at 4501,
3 please, is provided -- I should acknowledge, Members of
4 the Panel, that in respect of both of the witnesses
5 Mr Cooke and Captain L, those are both retired
6 gentlemen. They no longer work for either the Police
7 Service or the Army. They were contacted by both
8 institutions, as it were, and asked to assist and that
9 they did.

10 The same pertains to the now retired Roy Junkin, who
11 was the -- a member of -- I think he was the Assistant
12 Director of Public Prosecutions by the time he retired.

13 CHAIRMAN: Deputy Director.

14 MR AIKEN: Deputy Director. He again in his retirement has
15 been of assistance to the Inquiry by being asked and
16 answering a series of questions to try to assist. As
17 you know, we have the issue of the thirty questions,
18 trying to understand just what exactly was conveyed to
19 who, and Sir Barry Shaw, who, as you are aware, wrote
20 the actual direction that related to the matter
21 affecting Ian Cameron, he is deceased and therefore,
22 because of the absence of any documents in the file and
23 the Attorney-General not having their file about the
24 sequence of events, all the Inquiry having was the
25 record from Mr Sheldon of the Security Service, we asked

1 Mr Junkin as far as he could recall to assist the
2 Inquiry.

3 Of particular import I wanted to draw your
4 attention, because he believes and expresses the view
5 that the flow of the material would suggest that, in
6 fact, the direction concerning Ian Cameron was written
7 by Sir Barry Shaw himself, and he didn't have input in
8 it but simply then executed its outworking. He explains
9 at 4503 the arrangements for contact between the
10 Director of the Public Prosecution Service and the
11 Attorney-General.

12 There's two matters in particular that I wanted to
13 draw your attention to in paragraphs 7 and 8 effectively
14 on page 4504. He says understandably, because he is
15 saying he was not himself involved:

16 "I do not know if the Director saw the full answers
17 given by Mr Cameron. However, I am also asked in
18 question 7 for a view on what the Director, Sir Barry
19 Shaw, was likely to have done. In that context
20 I believe everyone, whether in the legal profession in
21 Northern Ireland or otherwise, who knew him well would
22 have regarded Sir Barry Shaw as a person who was very
23 conscious of his responsibilities as a public prosecutor
24 and who was meticulous and thorough in the conduct of
25 his professional duties as the Director. Certainly that

1 was my own experience of his approach to his work. If
2 a document was available with the full answers, I would
3 be surprised if he accepted a gist of it or that he did
4 not insist on seeing it in order to reach his decision
5 in the case.

6 As indicated, the Director was meticulous and
7 thorough in all respects -- in all aspects of his
8 professional duties. I would have expected either that
9 he saw and agreed a copy of the minute of the meeting
10 which would have been taken by one of the
11 Attorney-General's officials in the normal course of
12 events and held in the Attorney-General's office or he
13 made his own attendance note after meeting the
14 Attorney-General. I do not recall the Director's
15 personal arrangements for filing, but I would have
16 thought a file at least for his own attendance notes, if
17 any, of meetings with the AG would have been maintained
18 in his private office."

19 As you know, the DPP file, which was obviously
20 a secret file, because it was dealing with a secret RUC
21 file, has been produced to the Inquiry. We can see the
22 direction on it with the handwritten annotation drafted
23 by Sir Barry Shaw, and what Roy Junkin is saying to the
24 Inquiry is it is likely that the Attorney-General's
25 staff would have taken a note of any of the meetings and

1 therefore the note would be on the Attorney-General's
2 file and, as you know, the Attorney-General's office has
3 said to the Inquiry that they destroyed the file upon
4 which these matters are likely to have been filed. So
5 we can't take the matter much further than we have, but
6 again we acknowledge Mr Junkin out of his retirement
7 looking at a whole series of documents taking him back
8 to 1983 and trying to assist us as best he can.

9 I hope you will indulge me for a moment, Chairman,
10 Members of the Panel, if I acknowledge that I have
11 reached the end of Day 222 of our hearings before you.
12 There is another day tomorrow at least, which Ms Smith
13 is going to deal with. I am not going to be here, all
14 being well.

15 I wanted to say that obviously this has been a long
16 and difficult journey, but I acknowledge the work done
17 by those who have come forward to work with Ms Smith and
18 I, with our staff in the Inquiry, who have worked
19 tirelessly to assist us.

20 I want to acknowledge the colleagues who have
21 engaged in this Inquiry, who against perhaps the normal
22 run of legal services, which is now more the modern way,
23 but engaging to a collaborative working pattern as
24 opposed to an adversarial and combative one in order to
25 assist the Inquiry to make this as effective as we

1 possibly can, and I acknowledge that that spirit has
2 been seen throughout.

3 I also want to say thank you for listening to me so
4 tolerably over the number of days that we have had our
5 public hearings. With that, I believe that is it.

6 CHAIRMAN: Thank you, Mr Aiken.

7 Well, ladies and gentlemen, it is not, as you
8 I think are already aware, the last day of the public
9 sittings of this Inquiry, because we are going to sit
10 tomorrow. We have throughout our two and a half years
11 of public hearings, preceded by a year and a half's
12 preparation, been anxious at all times to deal with
13 whatever problems crop up from time to time in relation
14 to witness availability and we have tried wherever
15 possible to accommodate witnesses.

16 Now I mention that because we have also been I hope
17 flexible in our approach to matters such as the
18 availability of witnesses, but also as to how we take
19 their evidence, and rather than fly people from
20 different parts of the world, we have made extensive use
21 of the Livelink facilities, which are now so helpful for
22 both judicial proceedings and other types of
23 proceedings, such as our own Inquiry.

24 We have also throughout the Inquiry worked on the
25 basis that while we make every possible preparation

1 before the start of each module in terms of who we will
2 need to call as witnesses, it often proves to be the
3 position that, though everyone does their best,
4 a witness is not traced until that module is underway or
5 even traced until quite a late stage of the module.
6 This module has been no different in that respect to
7 every other module, and any impression that might be
8 given to the contrary ignores what we have done over the
9 two and a half years of public hearings.

10 I mention this because we are not in a position
11 often until a very late stage to confirm who will give
12 evidence, and in this particular module that has been
13 the case and it remains the case, because we have been
14 able to trace a witness who we intend will give evidence
15 tomorrow. Unfortunately, because of the witness' other
16 commitments, he can only give evidence for what to him
17 is an early point in the working day. Unfortunately,
18 seeing as he lives in a significantly different time
19 zone to us here in Northern Ireland, the effect of that
20 means that we are going to have to take his evidence at
21 7.30 tomorrow morning. We will then interrupt the day's
22 proceedings, depending on what time it is, because we
23 have other witnesses who are scheduled or a witness at
24 least who is scheduled to give evidence later.

25 So the long and the short of it is we will be

1 starting at the very early hour of 7.30 tomorrow
2 morning. There will then we anticipate be a break
3 probably for a fairly substantial period of time to
4 enable Ms Smith to consult with another witness. Then
5 we will call that witness. I think all I can say at the
6 moment is we won't be calling that witness before
7 10 o'clock. So anybody who has a very early start
8 tomorrow morning might get the chance to have breakfast
9 while Ms Smith is consulting.

10 Then when we have completed the evidence at a later
11 stage of the day, I propose to invite those representing
12 the core participants to make a short oral submissions
13 to the Inquiry, because, as again is our practice, we
14 will be giving them the opportunity to file more
15 detailed written submissions, and that will take place
16 after tomorrow, but on that basis, ladies and gentlemen,
17 we will adjourn now at 5.25 and we will resume
18 hopefully, if all the equipment works, at 7.30 tomorrow
19 morning.

20 (5.25 pm)

21 (Inquiry adjourned until 7.30 tomorrow morning)

22 --ooOoo--

23

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25