

Statement Made By **R5** on 2 Sep 1968.
 On Sunday the 16th of July Mr Mease was at camp
 and Mr **R2** and Mr **OV 4** came down to the camp
 in a car. And some of the boys were sitting in
 the main bus and Mr Mease said their way to the
 camp till I seen these men. and when we went into the
 camp we seen them drinking and Mr Mease said to
 us their way in your tent and lay down. and when
 they went away we went in the camp and seen a
 whole lot of bottles of whiskey and there was whiskey
 in the tea and me and **KIN 66** had to clear
 it all away. then I got the ball played football
 in the big field then they came back and I was
 got knock down and they were laughing then I was
 sitting with **KIN 66** one night and all the boys
 were in bed then **KIN 66** said to me he mustn't
 be coming in the night. and when I woke up next morning
 I seen him coming back he said he was just down
 town a message. Then that night **KIN 66** said to
 me **R5** he wasn't in last night at all then he
 said there's my we **R5** how are you sleeping son.
 and I said all right.

R 5

5th 9. 67

I was getting into washed that night I had my cloths of all but my trousers and he came in and said to I not let a kiss then he felt all over my body and put his hand down my under pants. Then the next day I told KIN 66 that I was going to tell all about him to Mrs [REDACTED]

R 5

2. 9. 67 I ask Mr Mease could I go to the bath. he said all right and when I was come back. I seen a fellow out of the home and when I got of the bus the fellow was right behind me. Then when I went in Mr Mease said what did I tell you not to hang about with him. I said I wasate with him. Then he said wash the dishes and when washed the dishes he told me to get up to my bed at 7 o'clock and the other day he groped me and said dont you anser me back and I havent been close home since.

R 5

GC21 of 9 GC3.

STATEMENT MADE BY

R6

R6

O.V. FRIDAY 1.9.67 MR MAZE CAME TO MY BED AND KEELED
 AROUND MY DUFF. ON WED. 7.1.67 I WAS GETTING A DATA
 AND MR. MAZE SAID TO ME YOU LOOK LOOPY IN THE WATER. ON
 THESDAY THE 7.9.67. MR. MAZE SAID TO ME. GIVE
 ME A KISS ON SATOURDAY. 2.9-67 MR MAZE
 CAME TO CALL ME FOR WORK IN LAB MINDER
 PANTS AND SAID TO ME GIVE ME A KISS AND
 DAVIT DICKER HARD HIM. THE NIGHT HE CAME TO MY
 BED SOULD SNEEL DRINK OF HIM. HE GOES OUT EVERY
 FRIDAY AND SAT AND GETS DRUNK. MR. MAZE
 SAID TO ME HE IS VERY GOOD AT THAT. HE ALSO
 SAID TO ME MACH WHAT YOU SAY BECAUSE H HAS
 VERY BAD MAN.

KIN66

R6

OFFICIAL - SENSITIVE - PERSONAL

CC 21 of 9 GC 3

Kincora Corporate 3 Complete -

allegations (69) - HSCB - 20-05-16

STATEMENT

MADE BY

R 6

ON 01.08.96

ON FRIDAY 1.9.67 MR MAZE CAME TO MY BED AND REELLED
 AROUND MY BODY. ON WED. 7.1.67 I WAS GETTING A DATA
 AND MR. MAZE SAID TO ME YOU LOOK LOVELY IN THE WATER. ON
 THESDAY THE 7.9.67. MR. MAZE SAID TO ME, GIVE
 ME A KISS. ON SATOURDAY. 2.9-67 MR MAZE,
 CAME TO CALL ME FOR WORK IN HIS UNDER
 PANTS AND SAID TO ME GIVE ME A KISS AND
 KIN 14 HARD HIM. THE NIGHT HE CAME TO MY
 BED SOON SMOKE DRINK OF HIM. HE GOES OUT EVERY
 FRIDAY AND SAT AND GETS DRUNK. MR
 SAID TO ME HE IS VERY GOOD AT THAT. HE ALSO
 SAID TO ME MUCH WHAT YOU SAY BECAUSE HE IS
 KIN 66 VERY BAD MAN.

R 6

OFFICIAL - SENSITIVE - PERSONAL

CC 22 pt 4 GC3

2/

R6 states that Mr. Harris came to his bed and fucked round his body.

Perit - clear back on the wall Mr Harris - can not remember discussing it with him

That Mr. Harris said whilst he R6 was bathing looked lovely in the water

Mr. Harris laughed at this and said he was unlikely to have said this. He surprised R6's bath because the boy would not bath unless superficial and he washed his hair because it was long and tended to become dirty

Mr. Harris called him for work in his under pants.

Mr Harris states R6 is a bad riser and he wakes him as soon as he gets out of bed. He sleeps without pyjamas in the warmer weather and although he normally puts on a dressing gown he may have omitted to do so.

OFFICIAL - SENSITIVE - PERSONAL

CC 22 pt 4 9C3

Kincora Corporate 3 Complete

allegations (69) - HSCB - 20-05-16

R6

states that Mr. Mavis came to his bed and feel'd round his body.

Perist - closer back on the wall Mr Mavis - can not remember discussing it with him

that Mr. Mavis said whilst he **R6** was bathing looked lovely in the water

Mr. Mavis laughed at this and said he was unlikely to have said this. He supervised **R6** bath because the boy would not bath unless supervised and he washed his hair because it was long and tended to become dirty.

Mr. Mavis called him for work in his under pants.

Mr Mavis states **R6** is a bad riser and he wakes him as soon as he gets out of bed. He sleeps without pyjamas in the warmer weather and although he normally puts on a dressing gown he may have omitted to do so.

Mr Mavis said "Give me a kiss"

agreed. **R6** wears his hair long too.

Mr. Mavis goes out every Friday and Saturday and gets drunk.

Mr. Mavis stall denied ~~that~~ this although he stated he did go out on Friday and Saturday night.

When I talked to Mr Mavis about this above matters on Friday 8th Sept he appeared at first to be tense and perspired visibly. During the interview he relaxed

He told me that both boys were Troublesome

OFFICIAL - SENSITIVE - PERSONAL

1. OV 4 [REDACTED], Mr. Mains and R2 [REDACTED] drinking whiskey at the Summer Camp.

Mr. Mains stated R2 [REDACTED] (an ex Kincora boy) brought a few cans of beer with him the day he visited the Camp. There was no whiskey at all and certainly no excessive drinking.

Note: Mr. Mains appeared to be amused by this allegation. To my knowledge he is a very light drinker of intoxicating liquor - (but OV 4 [REDACTED] might be classified as a moderate drinker and does drink whiskey). I have heard it suggested that OV 4 [REDACTED] earlier in his career with the Department may have had a drink in the company of more junior officers. Will take this opportunity to emphasise the undesirability of this.

2. Mr. Mains did not sleep in camp one night.

Admitted - his night off!

3. He said to R5 [REDACTED] - 'Do I not get a kiss then'

R5 [REDACTED] was wearing his hair too long. This was an effort to shame him into getting it cut by treating him like a girl.

4. He felt all over R5 [REDACTED]'s body and put his hand down his underpants.

He put his hand down R5 [REDACTED]'s pants to check that he had changed them. R5 [REDACTED] will not change his underclothes and frequently keeps the clean set in his locker.

5. R6 [REDACTED] states that Mr. Mains came to his bed and feelled round his body.

6. That Mr. Mains said whilst he (R6 [REDACTED]) was bathing looked lovely in the water.

Mr. Mains laughed at this and said he was unlikely to have said this. He supervised R6 [REDACTED]'s bath because the boy would not bath unless supervised and he washed his hair because it was long and tended to become dirty.

7. Mr. Mains called him for work in his underpants.

Mr. Mains states R6 [REDACTED] is a bad riser and he wakens him as soon as he gets out of bed. He sleeps without pyjamas in the warmer weather and although he normally puts on a dressing gown he may have omitted to do so.

Confidential.WELFARE DEPT.,
16 COLLEGE STREET.

From City Welfare Officer. Ref. CWO/22/FM.
To Town Clerk. Date 20.9.67.

re Kincora

I refer to Item 5 of my report regarding the above. Mr. Mains states that some of the boys go to bed with part or all of their day clothing under their pyjamas and R6 is one of the worst offenders. He was ascertaining, therefore, that R6 was dressed properly for bed.

City Welfare Officer.

FM/WMCQ.

- 3 -

- (b) Were they prompted from feelings of vindictiveness because Mr. Mains was firm towards them. Does he single them out for reproach. Is he making them unhappy? Do they want to live in Kincora or would Mr. Mains unconsciously prefer them to live elsewhere.

RECOMMENDATIONS

- (a) Mr. Moore interview the boys again and explain to them the reasons for the incidents.
- (b) A closer supervision of Kincora.
- (c) A careful sifting of any further information which might come our way.

11th September, 1967.

Mr. Meaze

- Mr. Mains - Superintendent

KIN14

- A boy in residence

KIN66

- KIN66 - Assistant Warden -
3 months in post.

R6

- A resident - likely to be E.S.N. - committed
to care non-attendance at school 1961 - care
and protection - long history of neglect -
De La Salle.

R2

- ex Kincora Boy?

OV 4

- May be OV 4

R5

- Boy resident - committed to care - offender -
breaking and entering - below average in
intelligence.

11th September, 1967.

CONFIDENTIAL

R6 (b)

Home address:

At present: Kincora working boys' Hostel.

Father: Unemployed
 Mother: Housewife
 Brother:
 Sister:
 Brother:
 Sister:
 Brother:

Family background:

This family were known to the Welfare Authority and the N.S.P.C.C. since 1957 (and possibly earlier) when they lived at . The picture presented then was of poor housing conditions, bad debts, children developing reasonably normally almost despite their environment, parents who were generally inadequate and sought a solution to their many problems in alcohol, a mother ill because of T.B. and a father seldom in steady employment.

Supportive and material help from various organisations including the Welfare Authority and the rehousing of the family led to an improvement. Even so, the family's level of social functioning is not very satisfactory.

R6

R6's presenting problem was non-attendance at school and though supervised by an Education Welfare Officer after an appearance at the Belfast Juvenile Court, this did not improve. Eventually, on 17th May 1961 he was committed to the care of the Welfare Authority for non-attendance and was admitted to Nazareth Lodge. He was transferred to De La Salle Boys' Home on 24th August 1961. In the protective environment of this Home there was little to distinguish him from the other boys. His performance at school was adequate, though he had to be pushed intellectually he was rather dull and at the age of 15 his reading and arithmetic ages would have been about 11. He absconded from De La Salle on two occasions but was found again before he could get into trouble.

In December 1965 he was found lodgings with a and supervised by the Welfare Officer, Nazareth Lodge Welfare Committee. For about a year this placement appeared to progress satisfactorily - R6's employment was steady and his landlady had no complaints to make about his behaviour. However, in December 1966 he and another boy absconded from , having been picked up by the police on the Heysham boat. Since then, during which time he has been keeping company with an older brother, R6's behaviour has become less settled and more irresponsible, characterised by periodically staying away overnight and stealing articles from his landlady's house. It was these factors which led to R6's admission to Kincora on 17th August 1967.

R6, as has been indicated, is of limited intelligence, poor educational ability and rather immature generally. He would appear to be easily led and at present very unsettled. He was admitted to Kincora very much under duress and no doubt viewed this as not only a restriction on his freedom but also as a punishment. He "agreed" to the arrangement provided that once his behaviour warranted it, he would return to , his previous landlady and since his admission has been pressurising

Confidential

R 5

(b)

Home address:

At present: Kincora working Boys' Hostel.

Family background:

The general impression is that Mr. and Mrs. [REDACTED] have been lax and careless in the upbringing of their child and that their failure has been due to ignorance rather than intent. Though fond of the children they have little idea of their parental responsibilities. A Probation Officer reported "they do their best according to their lights but they are really no help to their children, who one after the other get into trouble". [REDACTED] the eldest, was on probation for two years; [REDACTED] first appeared before the Belfast Juvenile Court in January 1961 charged with larceny and was placed on probation for two years shortly after the Probation Order expired, she was again brought before the court on a larceny charge and committed to the care of the Welfare Authority on 19th June 1963. The Order was revoked on 15th March 1967 and [REDACTED] aged 17 was discharged to the care of her parents.

R 5

R 5 first appeared before the Belfast Juvenile Court on 12th June 1963 charged with shopbreaking and larceny and was placed on probation for two years. On 2nd November 1964 he was jointly charged with an adult in a shop breaking offence before the Belfast Custody Court. Though given a Conditional discharge, he was later brought back before the Custody Court for the commission of a further offence whilst on probation. As a consequence a fresh Probation Order was made with the special requirement that he attended school regularly.

He did not respond to probation supervision "to any degree" and on 3rd October 1966 he was brought before the Belfast Juvenile Court charged with housebreaking with intent. He was committed to the care of the Welfare Authority and admitted to Bawnmore.

He remained in Bawnmore for a period of 5 months and during that time behaved reasonably well. He is of about average intelligence and attended school regularly. However, he is inclined to be moody, frequently withdraws into himself and becomes unapproachable. During these periods he is particularly reluctant to avail himself of the opportunity to visit his parents at home.

He resented being transferred to Kincora, though this can probably be attributed to the mere fact of change and the unsettlement of breaking newly made friendships. His behaviour in Kincora since he arrived there on 31st March 1967 has in no way been noteworthy, except that the moodiness previously observed has persisted. Of late he has expressed a wish to join the Army, ostensibly as a means of getting away from Kincora, but I am not sure how determined this is.

The general impression is that of an implacable young boy who will go his own way whatever happens. Very little is known about his thoughts and feelings as his personal relationships appear to be superficial.

14th September, 1967.

~~CW 22~~

Horn/2

Kincora

Opened September, 1961.

KIN-114064

A

Q With regard to item 8 on the next page, the allegation that it had been said to R 6 by Mr Mains something along the lines of "give me a kiss", Mr Mains agreed with that, and explained that on the basis that this boy wore his hair long too.

A That was the explanation that Mr Mains offered for that remark.

B

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

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

Q Finally, in relation to the allegation that he went out every Friday and Saturday and got drunk, what did Mr Mains say about that?

A Mr Mains denied this, although he admitted that he did go out on Friday and Saturday nights.

C

Q Apart from recording how Mr Mains appeared to you, that he was first tense, then perspired and then relaxed eventually in the interview, have you recorded in that account Mr Mains's description of the two boys?

A Yes. I have recorded that in the discussion with Mr Mains, after or during the interview, he told me that both the boys were troublesome in the home, that one of the boys was cheeky and would not do as he was told. He went on to say that he had to chastise the boy --

D

Q R 5 --

A -- before he came down to the office for refusing to clean his shoes, and he said that both boys wore their hair too long and that they did not keep themselves clean enough. He stated that his difficulty was to get them to conform without being too overbearing about what were minor points in the boys, and his way was to shame them by treating them as girls; and he went on to say that indeed, both boys had had their hair cut.

E

I talked with him about the situation, and I pointed out to him that all staff who were in charge of boys had to be very careful because they could be vulnerable to complaints, even innocently, and that it seemed to me that the boys had stated facts, and that he agreed with them. He did not contend any of the facts. But it would appear, as I was reporting this to the Town Clerk, that it could come up in the discussion that there was a construction put upon the facts for malicious reasons. I recommended to him that he should be careful not to give the impression that he was persecuting the boys, for coming to see Mr Moore. It appears from that report that the boys had come in to see Mr Moore, who was the designated children's officer.

F

Q Did Mr Mains comment that he felt he ought to have been present?

G

A Yes, he felt he ought to have been with me when the boys were making the complaints, but I said, "No". We did not know that the boys had called to complain, and when a boy came down, we did not turn him away. They came down to see us and we saw them. In any case, his presence would have inhibited the boys from saying what they wanted to say.

H

Q Will you just read your summary out to the Committee, and your recommendations to the Town Clerk?

A The summary was intended for the Town Clerk, to give him some flavour of the whole thing, and I said that this may have arisen from a spirit

DB/10/5

39

MR MASON
BY MR GILLEN

A

A No. I disagree with your summary there, with respect.

Q Well, let us go through it.

A Go through it.

Q Have we agreed those five things?

B

A No. We did not agree them in the way you have summarised it. What we did agree was that he said to R 5 "Do I not get a kiss, then?"

Q Just stop there now We are agreed that we are dealing with a man who was given to that kind of phrase in particular circumstances.

A We are agreed that he said that to the boy R 5.

Q We are agreed ---

C

A I do not agree that I recollect or have any indication that he was going around saying this to all the boys.

Q I am not suggesting that.

A No, but --- (Interruption)

Q He was a man who was ---

D

MR FEE: Could I ask my learned friend to allow Mr Mason to finish his answer.

MR GILLEN: Yes.

Q We were dealing with the question of whether or not Mr Mains was a man given to phrases like "Do I not get a kiss, then?" and you were saying "Well, I did not understand him to be saying that to every boy."

A There was no --- Could I refer to the notes? There was no indication on the notes that I made that Mr Mains said to any other boy "Do I not get a kiss, then?" I would have recorded it. At least I think I would.

E

Q Did you ask him if he said that to the other boys?

A No.

Q We know that Mr Mains was a man who was prepared to use phrases like "Do I not get a kiss then?" Right?
(No answer)

F

Q I think that is clear, Mr Mason.

A I think I am prepared to make a comment under those circumstances. Yes.

Q He was prepared to put his hand down the underpants of a boy to check if his underwear was dirty.

A Yes.

G

Q He was prepared to watch a teenage boy having a bath?

A Yes

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

A Yes.

H

Q He was prepared to talk to these boys when they were in bed when he was wearing his underpants.

A Yes.

DB/10/66

40

MR MASON
BY MR GILLEN

A

Q In addition to that there was an allegation that he was prepared to use a phrase such as "'You look lovely in the water".

A Yes.

Q Adding all those things together, had you come across, in your experience, any other officer in charge who had acted in that way towards boys?

A No.

B

Q Do you tell this tribunal that you, with your experience of the world, the army, a man who is in his 50s, taking those things not in isolation but as a group -- that it did not occur to you "This sounds like a photokit picture of a homosexual"?

A I had no photokit of a homosexual.

C

Q You knew what a homosexual was, Mr Mason? Or did you not?

A Yes.

Q You hesitated there for a moment. Perhaps it was you just gathering your thoughts.

A No.

D

E

F

G

H

Q Then you did

MR MASON
BY MR GILLEN

41

A

Q Then you did know what a homosexual was at the age of 50?
A Yes.

Q You knew what homosexuals were given to, the kind of sexual activities that they engaged in?

B

A That is why I am hesitating; I cannot say that I inquired very deeply into the subject. I knew, as it were, as I know of other things, but it was not as if I had a detailed knowledge of the subject.

Q Then let me ask you this; I have a fear, very present, of drifting into the vernacular, but did you know that some homosexuals were given to touching up teenage boys?

C

A (Pause) I am trying to be as honest as I can here, if you know what I mean. I must have known, it stands to sense, yes, I must have known.

Q Given that you must have known that at the age of over 50, with your knowledge of life and your experience of the Army, do you seriously tell this Committee that that cumulative picture that I have given you of Mains did not suggest to you that this man "has all the hallmarks of a homosexual"?

D

A It suggested to me -- and may I refer to my notes -- that there should have been a closer supervision of Kincora.

Q I am asking you something quite different from that -- or it may not be different, depending on how you answer it -- I ask you again: did that cumulative picture not present itself to you as of a man having all the hallmarks of a homosexual?

A It presented to me the cumulative picture that there was a need for closer supervision of Kincora. I cannot remember --

E

Q Subject to the Committee, I want to ask you to answer the question. I am not asking you about the supervision or the steps you took, I am asking you something somewhat different. Did it not present a picture to you of a homosexual?

A (Pause) No.

Q It never entered your head that he was a homosexual?

F

A It did not -- I answered "no" to your question, that it did not present a picture of a homosexual.

Q This time I am asking something slightly different. Did it ever enter your head that this man was a homosexual?

A I do not remember.

G

Q Do you agree with me it is quite extraordinary, in view of those five or six factors I have mentioned here, it did not enter your head that this man may well be a homosexual?

A It may well have entered my head; I do not remember specifically.

Q If it did not occur to you that this man was a homosexual, why did you ask for a careful sifting of further information?

A There was doubt in my mind.

H

Q About what?

A About his supervision of boys; how he saw his role as a supervision of boys, entering into the boys' privacy, as it would appear.

Q Leaving aside the question of drink, every one of these allegations

A

was to the effect that this man was acting in a homosexual fashion, is that not right?

A I do not recall coming to that view.

Q You have the allegations before you; leaving aside those of drink, could there be any suggestion put to you other than that these allegations were of a homosexual nature?

B

A It could well be that he was not a homosexual, but that he was clumsy, insensitive.

Q Clumsy and insensitive to put his hand in the underpants of a boy of 15?

A Clumsy and insensitive indeed to subject a boy to an embarrassing situation where instead of doing something it was suggested more reasonable, he would do an insensitive and clumsy thing like that, to check on a boy's underclothes. That is clumsy and insensitive. I have had clumsy and insensitive treatment myself, without thinking that the man who was examining me was a homosexual.

C

Q Have you come across any man before who was clumsy and insensitive to the degree that he was asking for kisses, and watching boys in baths, putting his hand down their underpants, feeling their bodies? How many clumsy and insensitive people have you met of that nature who were not homosexuals?

D

A As many regimental sergeant-majors and non-commissioned warrant officers who were clumsy and insensitive to my feelings.

Q And were putting their hands down the underpants of teenage boys? How many sergeant majors have you met doing that?

A I think it would be prurient to investigate into the further subjections that I have had to --

E

Q Have you ever come across anyone who --

MR FEE: I think the witness should be allowed to finish his question.

MR GILLEN: I think he has finished, Mr Fee; it is fairly obvious that he has finished.

F

MR FEE: I think if he is still speaking it is fairly obvious that he has not, Mr Chairman.

MR GILLEN: He has stopped now.

THE CHAIRMAN: Perhaps he wants to tell you a bit more about the sergeant majors.

A No, Mr Chairman, I am sure Mr Gillen would agree that my private experiences are of no further interest.

G

MR GILLEN: Obviously not. Have you never come across any social worker or any officer in charge, or anyone in charge of a residential boys' home who has ever acted in this way before?

A Yes, I have indeed come across one particular person who acted in an insensitive manner towards boys.

H

Q No; I said "in this way", such as putting hands in underpants, watching them have baths, feeling their bodies; have you come across that before?

A Not that specifically, no.

A

Q Do you agree with me that it must have occurred to you at that stage that "if this man is a homosexual, these children are in very great danger"?

A I cannot recall taking into account that the man was a homosexual. At that particular point there was no hard evidence for me in my limited knowledge of homosexuality to come to the conclusion that the man was a homosexual.

B

Q Do you seriously suggest to this Committee that it may well be that in 1967 it never even occurred to you that he was a homosexual? Do you seriously entertain that as a possibility?

A This is a fine gradation, of coming to an opinion, and I am without clear recollection here. I may well have taken that into account. It may well have crossed my mind, but it did not cross my mind to the extent that I seriously considered putting it down as a complaint. The fact that the man had carried out this manner of supervision of the boys did not lead me to the conclusion, if I can recall, that the man was a homosexual. All it led me to the conclusion was that the man required further supervision and that he was insensitive to the boys' needs.

C

Q I think you will find that this question, though a repetition of the last one, is given to a "yes" or a "no" answer.

D

Q May we take it that under no circumstances would the possibility of this man being a homosexual have been absent from your mind?

A Could you put that into a positive rather than a double negative ...?

Q Yes. May we take it that you must have entertained at least the possibility that this man was a homosexual?

A I cannot recall but I would not deny your right to take it that way.

E

Q Do not worry about my right at all, Mr Mason. I was saying to you, may the Tribunal take it that you must have entertained the possibility that this man was a homosexual?

A I cannot recall coming to any views on the matter.

Q Then let me ask you this: should the Committee take it that there is a possibility that you did not entertain the chance of this man being a homosexual?

F

A (Pause) The man in my view --

Q Would you answer the question, Mr Mason.

A -- was suspect.

G

/Q Answer....

H

A

Q Answer the question, Mr Mason.

A To whatever degree, and I cannot recall the degree. To some degree I suspected ...

Q That he was a homosexual?

A ... that he had homosexual tendencies.

B

Q Given that you did suspect that to that degree, would you agree with me that that was a very dangerous possibility, given that he was in charge of a home of boys?

A It was a dangerous possibility.

Q And it was a situation that clearly demanded to be cleared up one way or the other?

A Yes.

C

Q You never did that, did you?

A Looking at the records, I think I did.

Q You never came to a firm conclusion, one way or the other, did you?

A I did not say I had a firm view.

D

Q You never adopted a conclusion, or you never formed a conclusion, as to whether or not this man was innocent, ie not a homosexual, or guilty, ie was a homosexual. You never did that.

A I never did that.

Q And you never ascertained whether anyone else did or not?

A I cannot recall.

E

Q Well, may we take it that a matter like that was so serious, so serious, or potentially so serious, that it would have stuck out in your mind if you had been told 'Ay' or 'Nay'?

A I cannot recall.

Q Do you agree with me that an allegation like that is so serious that a positive decision, one way or the other, should have been taken?

A This was not an allegation that the man was a homosexual.

F

Q All right - I do not want to go over all that again, Mr Mason. I thought we had pretty well established that that was what it came to, but would you agree with me that the truth or untruth of those allegations should have been established one way or the other?

A Yes.

Q Nowhere on any file is there any record of that having been done. Is that right?

A Yes.

G

Q Do you not find that quite an extraordinary state of affairs?

A No. Given the circumstances as they then existed I considered I acted in a reasonable manner.

Q It looks as if, Mr Mason, the possibility of this man being a homosexual was never cleared up, certainly not 1967 onwards.

A At 1967 it was not cleared up.

H

Q Nor 1968, nor 1969?

A No.

of age and discharged from it in February 1974. His residence in the hostel, therefore, bridged the reorganisation which transferred responsibility for Kincora from the Belfast Welfare Authority to the newly-created Eastern Health and Social Services Board. For convenience, however, his evidence as regards his stay at Kincora is dealt with as a whole in this section of the report.

3.101 No person was charged with an offence relating to Bl's stay in Kincora. His March 1980 police statement, however, contained allegations that Mr McGrath made certain homosexual advances but disclosed that he had not told anybody about these. In evidence to us he repeated the allegations. Reference to these allegations does not represent an acceptance by us that criminal offences occurred.

3.102 Bl gave evidence that he was warned by other residents about Messrs Mains, Semple and McGrath being homosexuals. He said that he resisted Mr McGrath's alleged advances, which consisted mainly of wakening Bl by putting his hand underneath Bl's bedclothes onto his private parts. Bl's November 1984 statement to us referred to his eventually telling Mr Mains but he had no recollection of Mr Mains' reaction. Although he was not aware of Mr McGrath's alleged paramilitary connections (see paragraphs 4.102-4.108) he said that he joined a paramilitary organisation himself in 1974 in the hope that it would deter his advances.

3.103 Bl was visited by Social Workers during his time at Kincora but said that their visits were short and that they were primarily interested in his relationship with his family. He also said that he could not recall their names. He gave evidence, in any case, that even if the nature of his contact with his Social Workers had been different he probably would not have confided in them about homosexual misconduct.

3.104 We noted that Bl gave Mr Mains and Mr Peter Bone (see Chapter 6) as referees when applying to join the armed services in 1973. He explained that, in spite of his stated animosity towards Mr Bone, he regarded him as a potentially useful referee. A 22 January 1973 note on Bl's personal file, in mentioning the matter of references, indicated that Bl was to meet Mr Bone on that day. Bl, however, was adamant that he had nothing to do with Mr Bone after he left Bawnmore.

3.105 Bl's unwillingness to confide in his Social Workers does not constitute grounds on which they could be criticised and we are satisfied that their visiting was sufficiently frequent and regular to provide an opportunity for complaints to be made. Equally it is understandable that Bl did not wish to open up the question of homosexual activity in the light of the experiences which he had undergone from such an early age while resident in Bawnmore. The resistance to Mr McGrath's alleged advances which he described in evidence was, perhaps, as much as could be expected of him in the circumstances and may have prevented the commission of more serious offences than those which he alleged. We found it difficult, however, to accept Bl's evidence that he joined a paramilitary organisation in 1974 to deter Mr McGrath's alleged advances, since he would reach his eighteenth birthday in March 1974 and would then be out of statutory care.

3.106 There was nothing in Bl's evidence or the papers relating to him, looked at in isolation, that led us to conclude that Mr McGrath's alleged offences could have been detected by the relevant authorities. Whether they might have been uncovered as a consequence of any investigations initiated in response to other events, for example an anonymous telephone call in January 1974 (see paragraphs 4.41-4.49), is a matter of conjecture.

The "Mason file" 1967

3.107 Two Kincora residents, referred to in evidence as R5 and R6, went in early September 1967 to the headquarters of the Belfast Welfare Authority in College Street and made written statements outlining complaints against Mr Mains. The complaints were as follows:-

- a. at a summer camp Mr Mains, another employee of Belfast Welfare and an ex-resident of Kincora (R2 - see paragraphs 3.63-3.71) drank whiskey;
- b. Mr Mains did not sleep in the camp on the night;
- c. Mr Mains had asked R5 "Do I not get a kiss then?" when R5 was washing himself;
- d. Mr Mains had then felt all over R5's body and put his hand down R5's underpants;
- e. Mr Mains had come to R6's bed and felt around his body;

- f. Mr Mains had said "You look lovely in the water" to R6 when he was taking a bath;
- g. Mr Mains had called R6 for work while Mains was dressed only in his underpants;
- h. Mr Mains had said "Give me a kiss" to R6;
- i. Mr Mains went out every Friday and Saturday and got drunk.

3.108 Nolle prosequi was entered for Mr Mains on a charge of indecently assaulting R5. R6 was not traced by the RUC in course of its 1980 investigations and no charge was brought against Mr Mains in respect of him.

3.109 It appears likely that the written statements of R5 and R6 were taken by Mr Robert Moore, the Children's Officer designate who formally took up appointment in December 1967 and who had been assisting the previous Children's Officer since some time in 1965. This probability is established by references in typescript notes dated 11 September 1967 and prepared by Mr Henry Mason, who had been the City Welfare Officer since 1960. Mr Moore gave evidence that he did not recall this event but accepted that it is quite likely that it was he who dealt with R5 and R6 at the College Street office. R5's February 1980 police statement referred, however, to having made his complaints to a Mr Ross. Mr William Ross was Collecting Officer in the Belfast Welfare Authority from 1960 to 1973. He informed us that he did not receive any complaints in September 1967 or at any time and that he took no part in the interviewing of R5 and R6. We accept that Mr Ross had no involvement in the incident and conclude that R5's statement was inaccurate in this respect.

3.110 Neither the extant documents, on a file marked CW022 which was commonly referred to as the "Mason file" during the Inquiry, nor the oral evidence of Messrs Moore and Mason was able to throw any light on how the written statements were passed to Mr Mason for action. It is evident, however, that Mr Mason assumed the leading role as his 11 September 1967 notes establish that he interviewed Mr Mains on 8 September. Mr Mason told us that Mr Moore may have been at that interview but Mr Moore had no recollection of being present and there is no indication in the records

that he was. The nature of the Mason/Mains interview of 8 September, however, is clear from the 11 September notes and the working papers on the "Mason file". Mr Mason had carefully listed all the allegations contained in the written statements of R5 and R6 and he put these to Mr Mains, whose explanations were separately recorded as follows:-

- a. an ex-resident, R2, had brought a few cans of beer with him the day he visited the camp. There was no whiskey and certainly no excessive drinking. Mr Mason noted that Mr Mains appeared to be amused by this allegation and that, to his knowledge, Mr Mains was a very light drinker of intoxicating liquor;
- b. Mr Mains admitted that he did not sleep in the camp on the night, it being his night off;
- c. the remark "Do I not get a kiss then?" to R5 was an effort to shame R5 into getting his long hair cut by treating him like a girl;
- d. Mr Mains said that he put his hand down R5's pants to check that he had changed them as R5 was inclined not to change his underclothes and frequently kept the clean set in his locker;
- e. Mr Mains stated that some of the boys went to bed with part or all of their day clothing under their pyjamas and that R6 was one of the worst offenders. Mr Mains was ascertaining that R6 was dressed properly for bed. It should be noted that this explanation was not recorded in the 11 September report to the Town Clerk, but in a short supplementary report dated 20 September;
- f. Mr Mains laughed at the allegation that he had said "You look lovely in the water" to R6. He said that he supervised R6's bath because the boy would not bath otherwise and he washed his hair because it was long and tended to become dirty;
- g. Mr Mains stated that R6 was a bad riser and that he wakened R6 as soon as he (Mains) got out of bed. Although he normally put on a dressing gown he might have omitted to do so;
- h. Mr Mains admitted saying "Give me a kiss" to R6. This was because R6 also wore his hair long;
- i. Mr Mains denied that he got drunk every Friday and Saturday, but agreed that he went out on those nights.

3.111 Mr Mason's record of the interview noted that Mr Mains "appeared at first to be tense and perspired visibly. During the interview he relaxed". Mr Mains said that both R5 and R6 were troublesome in the home and that he had had to chastise R5 the day before the boy had gone to the College Street office. The record also indicated that Mr Mason pointed out to Mr Mains that "all staff in charge of boys have to be extra careful as they were vulnerable to these forms of complaints" and suggested to him that he should be careful not to give the impression that he was persecuting the boys for coming to see Mr Moore, the Children's Officer designate.

3.112 Mr Mason's assessment at the time, as recorded in his 11 September notes, was that the boys had stated "facts, most of them agreed by (Mr Mains) to be true, but that they might have tried to put a construction upon them for malicious reasons". In his summary he said that "Taken as it stands it does not present prima facie indication of wrongful conduct" and he concluded with 3 recommendations:-

- a. "Mr Moore (should) interview the boys again and explain to them the reasons for the incidents;
- b. a closer supervision of Kincora;
- c. a careful sifting of any further information which might come our way."

3.113 Mr Mason's 11 September notes were not addressed and no covering memorandum was on the file. Mr Mason gave evidence, however, that they were submitted to the Town Clerk and that a 20 September memorandum addressed to the Town Clerk was a follow-up to them. The 20 September memorandum referred back to the 11 September report. This, and the fact that the 11 September notes were a typescript version of contemporaneous manuscript notes, tends to support Mr Mason's evidence on this point. Mr Mason had no specific recollection of putting the papers to the Town Clerk, Mr John Dunlop, in person. Mr Dunlop, who retired in March 1968, was not interviewed during the RUC or Terry Inquiry investigations and we did not become aware that he was available until May 1985. He subsequently provided a statement to us to the effect that he had no recollection of the papers. He stated that papers addressed to the "Town Clerk", as opposed to those addressed to him by name, were opened in the Town Clerk's Department and passed for action to the appropriate officer, according to their nature and importance. This made it possible that the

papers were dealt with by someone other than Mr Dunlop. In view of the negative nature of his statement, we concluded that it was not necessary to reconvene to call Mr Dunlop as a witness.

3.114 There is no record of a response from the Town Clerk's Department to Mr Mason's 11 September "report" or to his supplementary memorandum of 20 September. The existence and terms of the latter, however, are sufficient to establish that the 11 September notes had, in fact, been received in the Town Clerk's Department in the City Hall. Mr Mason's evidence was that any written response would have been filed on CW022 but that he had no recollection of any feedback from the Town Clerk. We can only infer that Mr Dunlop or whoever acted for him did not take issue with the conclusions and recommendations contained in Mr Mason's report. The burden of Mr Mason's evidence to the Committee was that Mr Mains' explanations had been plausible and that he had been given the benefit of the doubt. However, Mr Mason acknowledged that the allegations of R5 and R6 had homosexual connotations and that he did not consider the matter closed. He also agreed that the truth or untruth of the allegations should have been established one way or the other.

3.115 Mr Mason, and by inference the Town Clerk's Department, may also have been persuaded to give Mr Mains the benefit of the doubt by factors other than the plausibility of his explanations. Mr Mains had a good record as a Belfast Welfare employee since 1958; there is no record of previous complaints of this nature having been received, and there was the possibility that the complaints might be malicious. In addition, Social Reports on the boys dated 13 and 14 September referred to offences of dishonesty, below average intelligence and resistance to being placed in Kincora. It is not clear, however, whether or when these Social Reports were submitted to the Town Clerk's Department but it is likely that, since Mr Mason commissioned them, they were submitted. A counter balancing consideration which must also have been present was the fact that boys of fifteen and seventeen years of age with difficult home backgrounds had nonetheless been prepared to take the initiative and go to the Belfast Welfare headquarters and make complaints against a person in authority over them.

3.116 We considered the handling of these complaints at great length because, on the evidence brought before us, this was the first occasion on which

complaints with identifiable homosexual connotations came to the attention of persons responsible for residential child care and because a period of over twelve years was to elapse before the "Irish Independent" article prompted the police investigation which led to Mr Mains' conviction.

3.117 It is clear that the complaints of R5 and R6 were taken seriously since they were encouraged to make written statements; because the documentary record demonstrates that Mr Mason planned and carried out his interview with Mr Mains in a conscientious and methodical manner; and because Mr Mason considered them of sufficient importance to be drawn to the attention of the Town Clerk, who was chief executive in the Belfast Corporation and Secretary to the Welfare Committee. Secondly, we had little difficulty in accepting that Mr Mains' explanations to Mr Mason were individually plausible. Even taking them as a whole, we can understand Mr Mason's conclusion that the evidence did not constitute "prima facie indication of wrongful conduct". The complaints did not, for instance, refer to any interference with the boys' genitals and the suspicion that any of the complaints investigated by Mr Mason amounted to indecent assault would therefore have been less strong than it might have been. In addition, some of the complaints had no possible homosexual connotation and their inclusion might have been taken to imply malicious intent. While a charge of indecent assault on R5 was brought in 1981, that was done in the context of a number of other more serious charges on which the evidence was stronger.

3.118 We considered whether additional measures, over and above those suggested by Mr Mason, might have been appropriate. The obvious possibility which suggested itself was the involvement of the police. A theory can be constructed that this would have resulted in a more professional and incisive interrogation of Mr Mains; the interviewing of the other current Kincora residents and ex-residents; the discovery of further allegations of homosexual activity and the prosecution of Mr Mains before the re-employment of Mr Semple in 1969 and the employment of Mr McGrath in 1971. Mr Mason's evidence was that, with no legal training or experience, it had not been his view at the time that a criminal offence had been committed. His evidence on this point was consistent with his acceptance of Mr Mains' explanations as plausible but in view of his residual doubts on the matter, the safest course would have been to recommend to the Town Clerk that the police be called in. This much is clear in retrospect.

3.119 The likely outcome of a police investigation in 1967 must, of course, be a matter for conjecture. We refer later in this report to a number of occasions when suspicions or allegations against the Kincora staff came to the attention of the police, including an investigation in which by 1976 both Mr McGrath and Mr Mains were under suspicion in respect of homosexual tendencies. A list of former Kincora residents was made available to the police at that stage but no interviews were undertaken. While a different approach might well have been adopted in 1967, it would be unwise to assume that the involvement of the police on the basis of information available at that time would have inevitably prevented the continuance of homosexual offences at Kincora. Nonetheless, it must be a matter of regret that the complaints of R5 and R6, which raised at least a suspicion of criminal homosexual activity, were not referred to the police by the Belfast Welfare Authority.

3.120 A number of other possible measures which might have been taken by the Belfast Welfare Authority, as alternatives or preliminaries to involving the police, were also considered. It was suggested, for instance, that Mr Mason or Mr Moore might have interviewed the other residents of Kincora to establish whether they had been the subject of any questionable or improper attentions. It was also suggested that the Social Welfare Officers assigned to each Kincora resident (about 10-12 in number) should have been briefed on the affair and put on the alert. Mr Mason had, of course, commissioned reports on R5 and R6 by their Social Welfare Officers as part of the documentation which he put to the Town Clerk. Mr Moore, to whom these two tasks would probably have fallen, indicated that he had no memory of the former being done and that it was unlikely that the latter was done because the complaints had not been substantiated, which we took to mean proved to be true, and because care had to be exercised in broadcasting unsubstantiated information or rumour. We take the view that neither of these courses would have been sensible preliminaries or alternatives to referral to the police. If the evidence available were considered sufficient to warrant these measures, it should also have been considered sufficient to warrant direct referral to the police as the competent agency in the investigation of criminal matters.

3.121 A further possibility was that the matter should have been reported to the Welfare Committee. The late Mr Joshua Cardwell, who was Chairman of the Welfare Committee at the material time, made a statement to the RUC in March 1982 which referred to a conversation which Mr Moore had with him in which Mr Moore told him "that some person had put a hand below a blanket". Mr Cardwell's statement went on to say "To my knowledge he did not say where or when this happened, or who was the victim, if any, or who did it. I don't remember where he told me of this. No person, either in the Social Services or member of the public ever made a complaint to me of any homosexual misconduct in any Children's Home in the Belfast area". Mr Moore could not recall the conversation but acknowledged that it may have taken place on the "need to know" principle in view of Mr Cardwell's membership of the Welfare Committee. He surmised that he may have mentioned this to Mr Cardwell because of the latter's statutory visiting responsibilities under the 1952 SR and O. The complaint was not precisely the same as those recorded in the written statements of R5 and R6 but the passage of time and the effect of reported speech could easily account for that. Mr Cardwell's statement said that Mr Moore "did not make it sound serious, and I did not follow up with questions to him".

3.122 The minutes of the Belfast Welfare Committee at and around the material time contained no relevant references, so there is no evidence of a more formal notification of the 1967 complaints. We have already inferred that the Town Clerk or whoever acted for him accepted the conclusions and recommendations of Mr Mason's 11 September report; it would follow that it is unlikely that he would have placed it on the Committee's agenda. Mr Moore's reports to the Welfare Committee in relation to his statutory inspection duties, as minuted, also made no reference to the complaints. Since Mr Mason's conclusions and recommendations appear to have been accepted, there would have been no perceived need to seek a decision or direction from the Welfare Committee and we conclude that the matter was regarded as appropriate to be dealt with by officers. We do not see that decision as open to criticism in view of the fact that Mr Mason, as Chief Welfare Officer, took a substantial part in the investigation and referred his findings to the Town Clerk.

3.123 Turning to action on the recommendations in Mr Mason's 11 September report, the first two were that Mr Moore should interview R5 and R6 again and there should be a closer supervision of Kincora. The latter task

would also have fallen naturally to Mr Moore, as Children's Officer designate. There is, however, no documentary record of Mr Moore having been instructed to undertake either task. Mr Mason had no recollection of giving such instructions but stated in evidence that the 11 September report would have been available to Mr Moore and that the overwhelming likelihood was that he discussed the matter with Mr Moore. Mr Moore recalled interviewing Mr Mains as a follow-up to the Mason/Mains interview. His impression of his interview was that it took place in Kincora and he was counselling and warning Mr Mains that, although his explanations had been accepted, he must modify his relations with the boys and not leave himself open to such allegations in the future. Mr Moore had no recollection of interviewing R5 and R6 again or of being instructed to do so, but said that both events may have taken place. Similarly he had no recollection of being instructed to initiate a closer supervision of Kincora but accepted that it is likely that this information would have been transmitted to him. Mr Moore told us that he would have interpreted that instruction primarily as requiring more frequent visiting of Kincora. Our researches revealed that Mr Moore visited Kincora on five occasions as Children's Officer designate and Children's Officer between 6 September 1967 and 23 February 1968. In January 1968 Mrs Wilson was appointed as Assistant Children's Officer with specific responsibilities for the management, supervision and visiting of residential homes. Mrs Wilson's state of knowledge and her visiting of Kincora are considered in the context of other relevant matters later in this chapter. The third recommendation in the 11 September report, about a careful sifting of any further information, is also relevant to later parts of this chapter.

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

24. In considering the handling of these complaints, the Hughes Inquiry described: *"this was the first occasion on which complaints with identifiable homosexual connotations came to the attention of persons responsible for residential child care..."* [HIA 727, para 3.116]. The following findings were made:
- a. *"It is clear that the complaints of R5 and R6 were taken seriously..."*;
 - b. *"We had little difficulty in accepting that Mr Mains' explanations to Mr Mason were individually plausible. Even taking them as a whole, we can understand Mr Mason's conclusion that the evidence did not constitute 'prima facie indication of wrongful conduct'..."*
- [HIA 728, para 3.117]
25. It was however concluded: *"the safest course would have been to recommend to the Town Clerk that the police be called in. This much is clear in retrospect."* [HIA 728, para 3.118] They continued by acknowledging that it would be *"unwise to assume"* that the involvement of the police *"would have inevitably prevented the continuance of homosexual offences at Kincora"*, but nonetheless described the fact a referral was not made to police by Belfast Welfare Authority as *"a matter of regret"*. [HIA 729, para 3.119]
26. What would have flowed from any police investigation in to these complaints at the time would be speculation. However the HSCB acknowledges that this was a **missed opportunity** to have an investigation into what was occurring in Kincora, which may have resulted in further abuse being prevented.

1968

27. While Mrs Wilson, Assistant Children's Officer, recalled a complaint having been made to her on an unknown date following her appointment in January 1968 of Mr Mains putting his hands down a boy's underpants, it is noted that this was not recalled by any other witness as a separate event and no written record of same was uncovered. The Hughes Inquiry concluded that this was likely relating to elements of the follow-up to the 1967 complaint rather than a separate matter. [HIA 734, para 3.131].

IS 11/2

A

Q And the police came to see you?

A Yes.

Q You told no-one?

A Never told a soul until this public inquiry started.

B

Q Until the police came to see you?

A Yes.

Q And the reason for that is that you felt they were private matters that you wanted to keep to yourself?

A Yes.

C

MR WEIR: Thank you very much.

MR SMITH: May I just record my establishing my position in relation to eventually asking [REDACTED] perhaps some questions at a time that is convenient.

THE CHAIRMAN: We have heard what he has said, Mr Smith. I will leave this open to you, but it doesn't really seem to me I must say, having heard what he has said and having read his statement, that Miss Beacom is in any degree vulnerable at all, but you think about it. You could write to her, you could send her a transcript. There are all sorts of things.

D

MR SMITH: That is what we have in mind to do, Mr Chairman, but I am very grateful to the tribunal for that indication because that is very helpful indeed.

E

THE CHAIRMAN: Thank you very much indeed, [REDACTED]

(The witness withdrew)

MR GILLEN: [REDACTED] has finished rather more quickly than I anticipated. Although I have consulted with [REDACTED] R7 I would have made the opportunity to have spoken to him just ten minutes before today.

F

THE CHAIRMAN: You shall have the opportunity.

(Luncheon adjournment)

[REDACTED] R7 called and sworn)

G

Examined by MR GILLEN

Q [REDACTED] R7 what is your date of birth?

A

Q Can I ask you initially something about your family background. At what age did you go into care?

A When I was ten.

H

Q Where was that?

A Williamson House.

A

Q What were the circumstances that led to you going into care?

A My father took a nervous breakdown.

B

Q So far as your father is concerned, he suffered a nervous breakdown when you were about 10 or 11?

A It was before that when I was about when I was about 8 year old.

Q Had he spent a number of periods receiving in-patient treatment at Purdysburn Hospital?

A Yes.

THE CHAIRMAN: How old were you then, **R 7**

C

A About 8 year old.

MR GILLEN: Who had looked after you when your father was ill?

A My grandparents.

Q What about your mother?

A My mother was taking tablets.

D

Q Was your mother undergoing any kind of treatment?

A No.

Q Did she appear to be unable to look after you?

A Yes.

Q Prior to going into care your grandmother had been looking after you?

A Yes.

E

Q What age was she?

A About 65.

Q What about your grandfather?

A My grandfather done all the cooking in the house.

Q Was your grandmother in poor health?

F

A No, my grandmother was a dealer.

Q In any event, how did it come about that you went into care if your grandfather and grandmother were there?

A When I was put into care my grandmother was in Purdysburn then.

Q So your father had suffered mental problems and your grandmother suffered similar problems?

G

A Yes.

Q Your mother was unable to look after you and your grandfather couldn't look after you either?

A No.

Q So you were left with no-one, so you went into care?

A Yes.

H

Q Initially where did you stay when you went into care?

A Williamson House.

DB/12/1

56

R7

A

Q For how long, approximately, did you stay in Williamson House?
A Until I was about 11 $\frac{1}{2}$.

Q And then did you transfer to Bawnmore home?
A Yes.

B

Q How long did you stay there?
A Until I was 15.

Q At that stage did you transfer to Kincora?
A Yes.

C

Q I will just deal with the situation prior to going into Kincora. Whilst you were in Williamson House and Bawnmore House, or Bawnmore home, rather, had you received any sex education of any kind?
A No.

Q When you had been at Bawnmore had you attended school?
A Yes.

Q Was that St Patrick' school,, Antrim Road?
A Yes.

D

Q Had you been rather slow at schooling at being able to read and write?
A Yes. I still cannot read.

Q And you still cannot write.
A Yes.

E

Q Were you in the bottom class in school?
A That is correct.

Q Indeed were you getting some special attention from a school teacher?
A From my form master.

Q To try and teach you to read and write?
A Yes.

F

Q But that did not prove successful.
A No.

Q Was that the situation when you were transferred to Kincora?
A Yes.

G

Q At the age of 15?
A Yes.

Q Now, when you went to Kincora, how did you find things there initially?
A It was very strict.

Q In what way do you mean "strict"?
A If you went out at night and were not in for half-past 10 you were kept in the next night.

H

Q Did anything else happen to you apart from being kept in?
A You got beat.

DB/12/2

57

A

Q Who was it that inflicted these beatings on you?
A Joe Mains.

Q Was he there right from the moment that you arrived?
A Yes. He was the only one there at the time.

B

Q How often did he beat you?
A He beat me once.

Q In what manner did he beat you?
A He took a stair rod off the stairs. He beat me with that.

Q And what did he do with that stair rod?
A He put it back on to the stairs again.

C

Q Once he took the stair rod off what did he do with it?
A He beat me round the legs and the back.

Q Was that a very painful beating?
A Yes.

D

Q How long had you been in Kincora when that beating occurred?
A About 6 months.

Q Did that beating instil any fear into you about Mains?
A Yes.

Q When you were in Kincora, did you form any friendships with the staff or the boys there?

A Yes: friends called [REDACTED] KIN 5 [REDACTED]

E

Q Can I just deal with one thing for a moment touching on the last case. Do you remember a boy called [REDACTED] HIA 534/R 4 being there?

A Yes.

Q How was he regarded or treated by the boys, the other boys?
A The other boys thought he was a bit simple.

F

Q He said that during the time he was there, for example, he was picked on.
A Yes.

Q Did that happen?
A Yes.

G

Q You have made a statement to the police in which you indicate that when you went into Kincora, after you had been there about 3 months Joe Mains carried out certain sexual attacks upon you.

A Correct.

Q You also mention subsequently Raymond Semple.
A Correct.

H

Q Who carried out again certain sexual acts of sexual misbehaviour with you.

A Correct.

Q You have had that statement read over to you by a solicitor and indeed by me. You agree with everything you said in that statement about what happened to you in Kincora?

DB/12/3

58

A

A Yes.

Q When you were in Kincora how did you react to these acts of sexual misbehaviour by Mains and Semple?

A The first time that Mains tried it I pulled away from him.

B

Q Did you ever consent at any time to these acts on you?

A No.

Q How did you feel about them?

A I thought they were dirty.

C

Q Incredible though it may seem, the trend in cross-examination on behalf of the Board when you have not been here has been to suggest that boys were willing to engage in these acts. If, as I assume it will be, that suggestion is put to you, what do you say about that?

A Well, it is as simple as this. None of you had to be in Kincora. I had to be in Kincora. I could not leave Kincora until I was 18 $\frac{1}{2}$. I had to stay in Kincora along with Joe Mains. I had to live with Joe Mains for 3 $\frac{1}{2}$ years like that.

D

Q Why did you never complain about this?

A There was nobody to complain to.

Q Let me just put some of the possibilities to you. I appreciate you said that Mains and Semple were engaged in these activities. Was there no other member of the staff to whom you could have confided or in whom you could have confided?

A No.

E

Q Why could you not have told somebody else?

A There were only the two staff, the cleaner and the cook. The cook was very close to Jo Mains. She was there from the start.

Q It may be obvious. Can you just spell it out? What did you think would have happened if you had told the cook about Joe Mains's behaviour?

A If I had told the cook about Jo Mains's behaviour she would have told Joe Mains.

F

THE CHAIRMAN: I am sorry. I did not catch that.

A The cook would have told Joe Mains. He would have come back to me on it.

G

MR GILLEN: What about your family?

A There was nobody to tell in the family. The only person I could have told was my older brother. If I had told him he would have come up to the house and started shouting. It would have fell back on me again.

Q Do you remember any social workers at all seeing you whilst you were in the hostel?

A No.

H

A

MR GILLEN: I should say, Sir, at this stage, that I think this is in the additional statement handed in on behalf of this witness.

THE CHAIRMAN: I have got it.

B

MR GILLEN: There was an addition. However, the point does not arise, as you have got it. On the third page there is a reference. It is in the sentence starting, two lines down:

"There were voluntary workers who occasionally visited. These included a girl who taught cooking and a scout master and somebody else who taught joinery. I would not have considered complaining to these people about matters in the home. There were no such things as parental visits."

C

That is in fact inaccurate. Those four or five lines refer to Bawnmore. They do not refer to Kincora. I should indicate that.

THE CHAIRMAN: Yes.

MR GILLEN: You were in Kincora, I think, on three occasions, in total.

A That is correct.

D

Q I think you entered there in August 1964. I am sure that you will not remember the exact date. Does that occur to you at this time?

A Yes.

Q Then you were subsequently left in Kincora on 17 December 1965.

A Yes. I did. I went to foster parents.

E

Q Why did you not tell the foster parents what had been happening?

A The same again. It might have got back to Joe Mains.

Q In fact were you then readmitted to Kincora?

A I was.

Q That was on 3 June 1966?

A Yes.

F

Q Did anything happen on the second occasion in Kincora that you recall?

A No.

Q Then you left Kincora again in September 1966 and went to [REDACTED]

A Correct.

G

Q Why did you not tell anybody in [REDACTED] what had been happening to you?

A Joe Mains got me a job in [REDACTED]. He knew the manager very well. So if I told the Manager it might have got back to him again.

Q But you were out of Kincora at that time?

A Yes. I know. But that did not last too long.

H

Q Because then in fact you were taken back into Kincora.

A I got the sack. I went back to my parents' home. Joe Mains came up to my parents' home and brought me back to the hostel.

DB/12/4
DB/12/5

60

R7

BY MR GILLEN

A

Q So was it always present in your mind that you might have to go back to Kincora and face Mains again?
A Yes.

Q Did anything happen to you in the final stay at Kincora?
A No.

B

Q Do you recall during one stage in Kincora you and some other boys -- or you being present, rather, when some of the boys wrote a letter?
A Yes.

Q Which was posted to the Welfare at 16 College Street.
A Correct.

C

Q Do you recall roughly when that letter was? In your police statement you said March 1966. Is that roughly when it was, do you think?
A Yes.

Q Do you remember even the contents of that letter now?
A No. I cannot remember the contents. I remember that it was written in the bedroom. There were four of us present.

D

Q Do you remember even who signed it?
A I cannot remember who signed it. I know that R6 wrote it.

Q Do you remember why that letter was written?
A To complain about the things that were happening in the hostel.

E

Q When you say "things happening in the hostel" can you just indicate in general terms what things we are talking about? Are we talking about bad food? Are we talking about sexual behaviour, or what?
A The food was all right. We were talking about sexual behaviour.

F

G

H

/Q Of whom?

- A Q Of whom?
A At that time it was HIA 534/R 4
- Q Who was misbehaving? Who had been causing --
A Joe Mains.
- Q Did anything ever happen about that letter?
A No.
- B Q Do you remember it being posted?
A Yes.
- Q You have said in your police statement that you saw
R 6 post the letter in the post box at the corner of the North
Road opposite the Hostel."
- C A That is correct.
- Q Did you see him do that?
A Yes.
- Q Did anything ever come of that at any time?
A No.
- D Q Did you at any time during your stay in Kincora invite or encourage
Mains or Semple to behave in the way they did to you in terms of sexual
malpractice?
A No.
- Cross-examined by MR FEE
- E Q Is it correct to say that you came directly from Bawnmore to Kincora?
A Correct.
- Q During the time that you were in Bawnmore, was any form of improper
sexual advance made to you?
A No.
- F Q Did you have any contact in Bawnmore with a man called S 1
A Yes, he used to take us to running.
- Q Do you remember a B3/R1 being in Bawnmore when you were
there as a resident, one of the boys at the time?
A B3/R1
- Q Yes.
A Yes..
- G Q Was any form of improper approach made to you by Mr Barnes during
the time that you and B3/R1 were both there?
A No.
- Q You have indicated already in answer to my learned friend that when you
went to Kincora you had not had any form of sex education, but I think it
arises from your statement that you did know that when Mr Mains began
to make these approaches to you that they were wrong?
H A I knew what the birds and the bees meant.

- A Q In other words, you were aware that when he began this activity towards you it was wrong for him to be doing it?
A Certainly.
- Q According to the police statement, he seems to have made a couple of attempts to get you to indulge in this behaviour with him, is that not right?
A Yes.
- B Q You managed to fend him off eventually, so he left you alone?
A Yes.
- Q You would have been about 15 when you went in to Kincora, is that right?
A I was 15.
- C Q I think you indicated that you stayed in Kincora until you were 18?
A I was 18 $\frac{1}{2}$.
- Q During the time that Mains made the approaches to you, what was your attitude towards him at that time? Were you afraid of him?
A No, I was not afraid of him. I was not in the hostel all that long. I knew what he was like.
- D Q Whenever he made these advances to you, did you feel that if you resisted them, that was a safe enough course for you to take?
A There was not all that to it; it is as simple as that.
- Q When you rejected his advances, was there any form of retaliation against you for that?
A No, I do not think so.
- E Q With regard to the beating to which you have referred, which I think you said that Mr Mains gave you on one occasion, that was not directly related to a refusal by you to indulge in sexual behaviour with him?
A No, I will tell you what happened. His bedroom was at the top of the stairs, and we slept in the top attic, and we were running up and down the stairs, bouncing up and down the stairs, and he came out of his bedroom, and he was annoyed.
- F Q Was that the only occasion on which he beat you?
A Yes.
- Q Were there any other members of staff who beat you?
A No.
- Q That was the only beating that you got during the time when you were in Kincora?
A Yes.
- G Q At the time that you rejected the advances from Mains, did you feel any fear at all that there would be any form of retaliation at all?
A You mean, retaliation to keep me in?
- Q Yes, either perhaps by hitting you, or getting you sent to another home, or perhaps being sent to a Borstal institute?
A No, if you had done something really wrong, that is when he threatened me with it.
- H Q But not specifically in relation to rejecting his sexual advances?
A No.

- A Q During the time that you were in Kincora, did you have any form of relationship with any girls, say, when you were out working, and allowed to go out at night?
A I met my wife when I was 17.
- THE CHAIRMAN: I am sorry?
A I met my wife when I was 17.
- B MR FEE: Was that at a time when you would have been allowed out of Kincora in the evenings?
A Yes.
- Q And when perhaps you were working at the time?
A Yes.
- C Q You have mentioned that your father became ill when you were 8 years of age, I think?
A Yes.
- Q You had a brother - is that your brother [REDACTED] - who was a little older than you?
A Yes..
- D Q Did you have a fairly good relationship with him?
A Well, when we were young, yes.
- Q For example, at the time when you were in Kincora, would you have been fairly friendly with him?
A I had not seen him for six years, because he was in a home too.
- E Q Did you have any contact with him during the three or four years when you were in Kincora? Did you ever get the opportunity to visit him, or he to visit you?
A Yes, I saw him when I went home.
- Q Roughly how often would you have seen him?
A When I got a chance to get home at weekends; that is if he was early.
- Q Would you have seen him most weeks, or only on an odd occasion when your visits would have coincided?
F A When I was about 17, he and I fell out, and I did not see him for two years.
- Q Whenever Mr Semple became involved with you, I think you indicated in your statement that he began working while you were there, in your first period in Kincora.
A He was there temporarily; he was not employed. He was a voluntary.
- G Q When you went back for your second stint, he was there at that stage working full time?
A Yes.
- Q What was his attitude towards you? Did he threaten you?
A No, Raymond Semple was a very kind-hearted person.
- H Q Did he give you a hard time in any way be either physical beatings or by threatening you in any way?
A No.

- A Q What was your attitude towards him? Did you get on well with him?
A Most of the boys got on very well with him.
- Q As far as you were concerned, did you maintain that view of him throughout the time that you were there?
A I always liked him; I did not dislike him.
- B Q In Bawnmore you had been looked after -- there was a Mr and Mrs [REDACTED] who were there, is that right?
A That is correct.
- Q Did you get on fairly well with him?
A I did.
- Q Had you any contact at all with him after you went into Kincora?
A Yes.
- C Q Did you go and see Mr and Mrs [REDACTED] from time to time?
A Yes.
- Q Did you ever think of referring to them the behaviour that Mr Mains had exhibited towards you?
A No.
- D Q Why was that?
A Because Mr Smith knew Joe Mains very well too. Mains came down to see him again and again.
- Q Would you not have trusted Mr and Mrs [REDACTED] if you knew them over a period of three or four years, to take any complaint that you made seriously?
A No, as I say, I was scared of Joe Mains finding out.
- E Q You were not really afraid of Mains himself, is that not right?
A No.
- Q What was it exactly that you were afraid of? Say that some of these people that you had told had gone and told Mains about a complaint, what were you afraid was going to happen?
A What are you referring to? What do you mean?
- F Q You have indicated that you were not frightened of Mains, is that not right?
A No, I said, I was not frightened of him beating me.
- Q You were not afraid of him sending you to another home or something like that, is that right?
A Only of Borstal.
- G Q Was that what you were afraid might happen if you complained to someone who passed the complaint on to Mains?
A That, and also of getting a hiding.
- Q Were you afraid of him beating you?
A He really beat me severely once with a stick, so I was thinking of that too.
- H

A

Q I appreciate that it is difficult for you to remember after a number of years have passed, but doing the best you can, and looking back to the time when you were in Kincora, you have indicated fairly clearly that the major reason why you would not have considered complaining to various people would have been that you were afraid that for one reason or another they might have passed the message on to Mains, is that right?

A Correct.

B

/Q . And what I....

C

D

E

F

G

H

A Q And what I want to ask you is why exactly you had that fear? In other words, what was it that you were afraid that Mains was going to do if he found out?

A Get me put somewhere else; give me another hiding. It was just the way he was: he put the fear into you.

B Q Were you afraid of him, that for various reasons he might have given you a hiding? Was that something which was in your mind throughout the time you were in Kincora?

A It was.

Q But you had managed to stand up to him when he had made advances towards you?

A I pulled away.

C Q And he had let you alone after that?

A Yes.

Q So you are saying to Tribunal that the reason for not telling Mr and Mrs [REDACTED] for example, would have been that you were afraid Mains would get the message and there would be some form of repercussion?

A Yes.

D Q You have mentioned that you became friendly with a number of other boys when you were in Kincora?

A Correct.

Q And would some of those boys have shared a room with you, for example?

A [REDACTED] KIN 5 and [REDACTED] KIN 10

E Q Yes. Would you have mentioned to them what Mains had tried to do to you?

A No.

Q Why would you not have told them?

A You do not tell your friends things like that there. You would be kept going.

Q You had not in any way co-operated with him?

A No.

F Q And you had not wanted him to do it?

A No.

Q And you had managed to fend him off?

A Yes.

G Q Did you feel in any way ashamed of what had happened?

A Certainly.

Q Did you feel it was in any way something that was your fault?

A It was not my fault.

Q You and your friends were aware at one stage that something was going on between Mr Mains and [REDACTED] HIA 534/R 4- is that not right?

A Correct.

H Q And that was something that was talked about by you?

A Yes.

- A Q And you would have been aware - you might not have known for sure, but had you a good idea that it was probably some form of sexual relationship?
A Well, he was not bringing **HIA 534/R 4** into his bedroom for nothing.
- Q Yes. And that would have been something that you would have been aware of at the time?
A Yes.
- B Q Would you ever have mentioned at that stage, when the discussions were going on about what Mains was doing with **HIA 534/R 4** what he had tried to do to you only you had fended him off?
A No.
- Q But at one stage did you tell **KIN 5** and **KIN 10** what had happened?
A No.
- C Q Even when it came to the time when this letter was sent? Did you not indicate to them then what had happened to you?
A No.
- Q What was the reason for the letter being sent at that time?
A To complain about what was happening in the hostel with Joe Mains.
- D Q What exactly was it that was happening with Mr Mains at that time?
A He was messing the boys about.
- Q In what way?
A Sexually.
- Q Who was the complaint - who was it that felt bad about what was being done?
A All of us.
- E THE CHAIRMAN: Who wrote it?
A **R 6**
- MR FEE: Had you and these other boys who felt bad about what was happening talked about what Mains was doing to each of you?
A No.
- F Q How, for example, did you know, apart from **HIA 534/R 4** that Mains was doing anything else to any other boy?
A Just the way he got on with them.
- Q Would any other boy have known what he had done to you?
A No.
- G Q Why would you have been involved whenever this complaint was being made about the way Mains was messing people about?
A What do you mean?
- Q You had not told anyone that he had messed you about?
A What do you mean?
- H Q You had not told anyone that he had messed you about?
A Yes.
- Q And as far as you were aware, nobody knew that he had messed you about?
A Yes.

A

Q What I am asking you is, why were you involved whenever a complaint was being made about Mains messing people about?

A Because we had watched him doing things to HIA 534/R 4 or watched what was going on. The three of us slept in the same bedroom like and Joe Mains' bedroom was facing ours at the time.

B

Q Was it only in relation to HIA 534/R 4 that this letter was written?

A Yes.

Q I mean, as far as you can remember at the time this letter was being written the only concern among the people who were writing it was because of this relationship between HIA 534/R 4 and Mr Mains?

A As far as I know, yes.

C

Q Can you remember what it was that this letter said?

A No.

Q Even in general terms? Can you remember was it a complaint about HIA 534/R 4 coming to the hostel, was it a complaint specifically ...

A No, it was not a complaint about HIA 534/R 4 coming to the hostel. It was a complaint about Joe Mains.

D

Q Can you remember whether or not it would have said, for example, that he was making sexual advances towards HIA 534/R 4

A I do not know.

E

Q Excuse me, Mr Chairman. There is a statement, Mr Chairman, which I think everybody has had an opportunity of seeing. This is a statement for the benefit of the Tribunal, and for the benefit of my learned friend Mr Gillen. It is a statement setting out a letter signed by R 6. There is no particular date on the letter apart from the fact that it refers in the first line to a date. I would propose, Mr Chairman, with your permission, to read the contents of this statement to R 7 in order that he may have the opportunity of commenting upon whether or not this might be the letter that had been talked about. This is a letter, R 7, which is signed, or purports to be, by R 6

"On Friday 1.9.67 Mr Mains came to my bed and felt round my body. On Wednesday 7.1.67 I was getting a bath and Mr Mains said to me ..."

F

I cannot make out the next part, Mr Chairman. Yes, I see now what it is.

"... you look lovely in the water. On Tuesday 7.9.67 Mr Mains said to me 'Give me a kiss'. On Saturday 2.9.67 Mr Mains came to call me for work in his underpants, and said to me 'Give me a kiss'. KIN 14 heard him. The night he came to my bed I could smell drink of him. He goes out Friday and Saturday and gets drunk. said to me 'He is very good at that'. He also said to me 'Watch what you say because he is a very bad man'."

G

That is then signed in the name of R 6. What I would ask you, R 7, first of all is, given the content of what I have just read to you, does that fit in with what you remember being written, or do you think that relates to a different incident?

A I do not remember that at all.

H

Q Why I ask you that, R 7, is that this letter refers to dates in September 1967 whereas I think, although you have indicated that

IT/14/4

69

A

you cannot be specific about when the letter you remember being written was written, you said you think it was probably around March 1966 - is that right?

A Yes.

Q Having heard that, can you say whether that might be the letter, whether it is the letter or whether it is definitely not?

B

A It might be the letter. I remember the letter getting wrote.

Q That is why I was asking you in particular, just before I read this to you, as to whether or not the letter that you remember would have been one which referred to HIA 534/R 4

A I cannot remember.

C

Q Do you remember at the time this letter was being sent whether the discussion that went on - there was a bit of a talk between you and some of the other boys - is that right?

A Yes.

Q Was that discussion about one of the boys writing something that was done to him, or was it a discussion about what was going on between ...

A It was a discussion about Joe Mains.

D

Q Was it about anything that Joe Mains had done to any of the people who were writing the letter, or involved in the letter being written?

A No.

Q Was the discussion only about Mr Mains and HIA 534/R 4

A Yes.

E

Q You cannot say whether or not anything was specifically written about HIA 534/R 4

A No.

Q Do you remember to whom that letter was addressed?

A Yes: 16 College Street.

Q Do you remember was any specific name put on it, or was it just sent to the Welfare Office, or what?

F

A It was sent to the Welfare Office.

Q And you say you remember it being posted?

A Yes.

Q Do you remember, for example, whether or not any stamp was put on the letter?

A Well, if you do not put a stamp on a letter you cannot post it.

G

/Q Well, that's what ...

H

- A Q Well, that's what I was wondering, was a stamp put on it?
A Well, it got posted so it must have been.
- Q But all that you need to do to post it is drop it into a box, isn't that right?
A Yes.
- B Q And that's what you think was done in this case?
A I said the letter was posted, I didn't mention whether there was a stamp on it, you're the one saying.....
- Q Yes, I'm asking you?
A Well, there must have been a stamp put on it.
- Q Why do you say that?
A Maybe I can't read and write but I know what you do with a letter, like.
- C Q Yes, I appreciate that, and that the normal thing is to put a stamp on a letter, but in the absence of this letter being available, I am asking you, for purposes of time, to clarify whether or not that letter might have reached the destination it was supposed to reach?
A Well, that's what it was posted for.
- D Q Whether or not you are sure, from your own knowledge, that there was a stamp on it?
A You don't put - you don't write a letter out, write the address on the envelope and don't put a stamp on it, that's stupid.
- Q Did you see the stamp on the envelope?
- E MR GILLEN: Really, may I say this, Mr. Chairman, it is getting to a quite ludicrous extent, asking a young man to remember 20 years ago if he put a stamp on a letter.
- MR FEE: I am merely asking, Mr. Chairman, whether he remembers it, I am not suggesting that he should remember it, I am asking him whether he remembers it, and I don't see that that's something that should cause.....
- F A Well that's as good as saying did I put a letter in the envelope, or was a letter put in the envelope, or did I send an empty envelope and why.
- Q Could I ask you this then, R7; after you had been involved in that letter, which was some form of complaint about Mr. Mains?
A Yes.
- G Q You realised that if you wanted to write a letter of complaint or do something about Mr. Mains, the people that you were to contact were the Welfare Office, is that right?
A Yes.
- Q Now, after that had happened, Mr. Semple made various approaches to you, is that right, during the time of your second stay in Kincora?
A He made it but I can't remember whether it was my second time or not, but it was in Kincora, yes.
- H Q Well, can you not remember that, whether it was your first or second time?
A Can you remember 20 years ago.

- A Q I am just asking you - if you can't remember.....?
A No, I don't remember 20 years ago, I'm only telling you what happened.
- Q Well, in general terms could you say, for example, whether or not it was during the period.....?
A It was when he came to work in Kincora as a full time staff.
- B Q Yes, and I think you have already agreed that during the first time you were in Kincora he was just working as a voluntary helper?
A Yes.
- Q So can we take it from that that it must have been the second time?
A It must have been the second time then, yes.
- Q Now, when Mr. Semple made those approaches towards you, how did you feel about them?
C A He didn't make any approaches to me, he came into the bathroom and dried me. He was feeling my bum and pulling me into him.
- Q And he did that more than once?
A Yes.
- Q And that wasn't something that you wanted to happen?
A No.
- D Q Did you want that to stop happening?
A Yes.
- Q Did you ever think of trying to do the same thing in relation to Mr. Semple that had been done about Mr. Mains, namely sending off a letter to the Welfare Office?
A Raymond Semple didn't do anything like Mains did, so
- E Q Well, did you not think that what Mr. Semple was doing was worth a complaint, to put it that way?
A In my eyes he was trying to get a cheap thrill.
- Q And you didn't feel that that was such conduct towards you, compared with what Mains had done, that you would complain about it?
A Well, in my eyes it was really nothing he done, like.
- F Q Well, would you have complained to anybody about what Mr. Semple had done?
A Well, I suppose if I had went to complain about Joe Mains I would have complained about Raymond Semple too.
- Q Well, would you have, or would you have felt that there was such a difference between what each of them had done to you that whereas you might complain about Mains you wouldn't say anything about Semple?
G A No.
- Q You were in contact with policemen during your time in Kincora, isn't that right?
A Correct.
- Q And I think it appears from the record that you were in a bit of trouble with the police in or about the end of 1966 - I appreciate it is difficult for you to remember precise dates?
H A Yes, I know I was in trouble.

- A Q And is it right that about that time you were put on probation?
A I was put in Crumlin Road jail first.
- Q Well, do you remember being put on probation at one stage?
A Yes.
- Q For two years?
A Yes, I remember it well.
- B Q And during that time would you have had contact with a probation officer?
A The only thing I remember about that is when I went to the court I was 16½ or 17½, and I got put on two years probation and put under Joe Mains' care until I was 18½.
- C Q It was a condition of your probation that you remained resident in Kincora?
A In Kincora till I was 18½.
- Q But did you have - maybe you can't remember, but can you remember whether or not there was a probation officer to whom you had to report from time to time?
A No.
- Q You don't remember anything like that?
A No.
- D Q Can you remember anybody interviewing you from time to time to see how you were getting on in relation to this period of probation?
A No.
- Q Was there any form of supervision that you were aware of, following that sentence of two years probation being imposed on you?
A The only thing I remember is Joe Mains taking me back to the hostel after the court.
- E Q Whenever you were in contact with the police at that time, did it ever cross your mind that maybe here was an opportunity to speak to someone about what Mains, and indeed Semple, were doing to you?
A Well, I wasn't brought into the police station voluntary, they brought me into the police station for breaking into 27 telephone boxes. If I started saying things to them like that there they would say I was trying to get out of what I had already done, so I didn't even think of telling the police.
- F Q Well, for example, did you think about doing it and decide not to do it, or did you just never think of making a complaint like that to the police at all?
A At that particular time Kincora wasn't even on my mind. I was stuck up in Crumlin Road and that was what was on my mind, and I was only 17.
- G Q You have mentioned the fact that you had various jobs from time to time, I think there was a job in [REDACTED]
A Yes.
- Q And you wouldn't have complained, I think you said to the man there because he was a friend of Mr. Mains?
A Yes, well it was Joe Mains got me the job in there.
- H Q Did you have other jobs when you were in Kincora? Had you a job in [REDACTED]'s for a while?
A Yes, I worked in [REDACTED]'s bakery.

A Q Well would you have thought of mentioning to anybody there about what was happening to you in Kincora?

A No.

Q Generally at that time were you happy in Kincora or unhappy?

A I couldn't tell you.

B Q Do you have any memory at the time that you were working in these various jobs, of wanting to get out of Kincora?

A I always wanted to get out of Kincora.

C

D

E

F

G

/Q I appreciate that

H

IS 16/1

A

Q I appreciate that from the answers you have already given that you had to stay in Kincora until you were over 18; that was conditional, that was probation.

A Yes.

B

Q During that last year, for example, that you were in Kincora were you anxious to get out?

A I was in [REDACTED] I got the sack at [REDACTED] [REDACTED] went home to mother and father, and Joe Mains came up and pulled me out of bed and brought me back to the hostel, so what were we supposed to do? I tried to leave, he brought me back.

C

Q I take it from that that you definitely wanted out of Kincora?

A Nobody wants to be stuck in that place.

Q Was one of the reasons you wanted out because of what Mains and Semple had done to you?

A Yes.

D

Q And you have already indicated that the major reason why you wouldn't have complained was that you were afraid that word might be passed to Mains and you would end up in being punished in some way?

A Yes.

Q After you left Kincora when you were 18 or 18½ -- would that be correct?

A 18½.

E

Q After you left Kincora did you think at that stage of making a complaint to anybody?

A No.

Q Why was that?

A Because I was getting married.

F

Q Would you, for example, have considered at that stage going to either some of the people you knew like the [REDACTED] or going to the welfare office and saying, "I was afraid to say this beforehand but now that I have left Kincora" ---

A Before I left Kincora I went to Mr Maybin and said to Mr Maybin that I didn't want my younger brother to come to Kincora. I didn't tell him what was going on, but I said I didn't want my younger brother to come to Kincora.

G

Q I am going to ask you about that in a moment. I just wanted to know first of all did you consider after you had left Kincora going to someone, whether it be someone you knew or to the welfare office?

A No, I wanted to forget about Kincora.

Q Is that the reason why you did not make any complaint?

A Yes.

H

Q At the time you left Kincora was Mr Mains still indulging in this relationship with HIA 534/R 4

A Yes. I think HIA 534/R 4 was still there when I left.

A

Q Did it ever cross your mind over the years - I appreciate what you said as the reason for not reporting it at that time that you wanted to put it behind you. Is that something that stayed with you over the years or did you ever think of making a complaint before this all broke in 1980?

B

A It has always been with me; it is still with me today.

THE CHAIRMAN: How old were you when you got married?

A 19.

MR FEE: At no time between then and 1980 would you have considered maybe going to the police or going to welfare?

C

A No, I just forgot about Kincora when I left it.

Q Did you know in the years after you left whether or not Mr Mains was still in Kincora?

A Yes.

Q You knew that he was still there?

A Yes.

D

Q Would you not have considered at any stage going to the authorities to report what he had done to you in case he might do it to someone else?

A As I say, when I left Kincora I didn't want to know about it.

Q You have mentioned that you did at one stage have a conversation with Mr Maybin; is that right?

A Yes.

E

Q Mr Maybin was someone who worked in the hostel for a while?

A Yes.

Q He worked there for a number of months?

A Yes.

Q Did you get on all right with him?

A I did.

F

Q Would you have trusted him?

A Yes.

Q How long would you have known him for during that time, just the few months that he was there?

A I knew him before that.

G

Q Did you have any contact with him after he stopped working in the hostel?

A Yes, he was at my wedding.

Q Was it after your wedding that you heard about your brother possibly going to Kincora, or was that before that?

A At the time Mr Maybin came to my wedding I think [REDACTED] was still under his care. [REDACTED] lived in [REDACTED]

H

IS 16/3

A

Q Can you remember at the time that you went to have the conversation with Mr Maybin if that was because you had heard that there was a possibility of [REDACTED] being sent to Kincora?

A I thought [REDACTED] would have been sent to Kincora when he was 15.

B

Q Was the reason for you going to see Mr Maybin that you wanted to prevent [REDACTED] being sent there?

A Yes.

Q Where did you see Mr Maybin?

A I can't rememeber whether it was in the hostel or whether it was down College Street.

C

Q Can you remember whether or not you specifically went looking for him or was it a chance conversation?

A Sometimes I had to go down to College Street to get tokens.

Q Can you remember this particular conversation that you had with him? Was it just that you happened to bump into him in the hostel or did you go down to look for him specifically?

A Can't remember.

D

Q What you wanted to convey to him was that your brother, [REDACTED] shouldn't be sent to Kincora?

A Yes.

Q And you wanted to persuade him of that?

A Yes.

E

Q Can you remember exactly what you said to him as being the reason why [REDACTED] should not go?

A No, can't remember exactly what I said at all.

Q Would you have, for example, said to him that Mains was funny?

A No, didn't say that at all.

F

Q What did you say? You were going to have to give him some reason for your brother not being sent there.

A I think it was I just said to him I didn't want [REDACTED] to go to hostel.

Q He presumably would have asked you a reason why you held that wish. Can you remember what it was you told him?

A No.

G

Q Can you remember whether or not you mentioned Mains as being the reason why?

A No, can't remember.

Q You are quite certain that you didn't say something like Mains was funny and that was the reason you didn't want him to go?

A No, if I had told him that Mains was funny he would have went into it further.

H

Q Did he not press you for any explanation as to why you did not want

A

your brother to go to Kincora?

A No.

B

Q What did you understand was going to be the situation after you had spoken to him and said that you didn't want your brother to go?

Did you think that that was going to do any good to be saying that?

A It did do good; John didn't go to Kincora.

Q Did he indicate to you there and then that was all right, I will make sure he doesn't go?

A I can't remember, but I know one thing, [REDACTED] didn't go to Kincora.

C

Q As far as you can remember, was Mr Maybin surprised at your approach?

A I can't remember.

Q Can you not remember anything at all about this conversation apart from the fact that you asked for your brother not to be sent to Kincora?

A No.

D

Q Can you remember whether or not you would have mentioned anything about HIA 534/R 4 for example?

A Didn't mention anything about HIA 534/R 4

Q Would you have mentioned anything at all about Mr Mains?

A Don't think so.

Q What about Mr Semple?

A Don't think so.

E

Q Is it the situation that you don't think you gave any reason to him or you just can't remember whether or not you gave a reason?

A At the time I wasn't interested in giving reasons. I was just making sure my brother didn't go to Kincora.

Q Did you understand from Mr Maybin that it was enough for you to have asked?

A Well, it must have been because he ended up giving [REDACTED] digs in [REDACTED]

F

Q Had you any further conversations at any time with Mr Maybin?

Did you ever say thanks for not sending my brother to Kincora? Did you ever have any further talk with him about what had happened, for example at the time of your wedding. I think you said that was after.

A No.

G

Q No further talk at all?

A I don't think so.

Q During the period that you were in Kincora there were episodes where you were out in lodging; is that right?

A Yes.

H

Q Do you remember being with [REDACTED] [REDACTED] at one stage?

A Yes, [REDACTED]

A

Q How well did you get on with her?

A She was okay.

B

Q Would you ever have thought of telling her, for example, what was going on in the hostel?

A No.

Q Why was that?

A You are coming back to the same thing again; it always comes to the same thing of Mains finding out.

C

Q Would it have made any difference to you if, for example, a social worker had come and visited you every month? Would you have complained to her or him?

A Probably would have, but I hadn't got a social worker.

Q If you had had a social worker, would you not have had the same fear that maybe this person might know Joe Mains and maybe this would get back to Joe Mains?

A You are asking if I -- I hadn't got a social worker.

D

Q I know you did not have one. I am simply asking you, doing the best you can ---

MR GILLEN: With respect, how can the witness say something that he says he didn't have. How would he know what effect a social worker visiting him each month would have had if he didn't have that situation?

E

MR FEE: Mr Chairman, it is very relevant in my submission for one simple reason. One of the terms of reference of this entire Inquiry is to find out reasons why this was not picked up sooner, what was going on. We have already heard in cross-examination of various witnesses who were called by the Department and Board and who have been questioned at great length by all interested parties, including representatives of the Inquiry, as to why it was not picked up earlier. One of the salient features as far as the ex-residents are concerned is to ascertain whether or not it would have made any difference if they had had access to a social worker on a regular basis.

F

THE CHAIRMAN: What is your question, Mr Fee.

MR FEE: I appreciate that you did not have access to a social worker from your evidence every month, for example. If you had had access to a social worker do you think that this is something that you would have mentioned to him or her?

G

A If I had a social worker I probably would have mentioned it to him or her.

Q Why would there have been any difference in your attitude towards someone like that than, for example, your attitude towards mentioning this to Mr and Mrs [REDACTED]

A You are saying if I had a social worker every month. I didn't see [REDACTED] all that often.

H

Q Say, for example, your brother [REDACTED]. You would have seen him

A

fairly regularly I think.

A As I said earlier on, I didn't see my brother, [REDACTED] for nearly two years.

Q That is after you were 17?

B

A Yes.

Q What about if there had been a system where there was some form of instruction given to you about making complaints? Would that have been something that you would have been interested in or would you have had a fear that no matter what system there might be Mr Mains might find out about it?

C

A There was no system so there is not much point asking me questions like that.

Q I am just asking you, doing the best you can, would it have made any difference to you if you had been told that if you want to make a complaint there is a certain way you go about it?

D

MR GILLEN: Until a system of complaints, whatever it is, is explained to the witness and he knows what the opportunities were, how can he answer that question?

MR FEE: I will elaborate on it and ask you this, [REDACTED] R7 If, for example you had been told that if you want to make a complaint the person to make a complaint to is someone you can confide in, someone you can trust, or if you don't know anybody you can trust, then send off some form of confidential letter?

E

THE CHAIRMAN: He cannot read or write.

MR FEE: I appreciate that.

Q If you had been told that that was the system, would it have made any difference to you in your particular circumstance?

A It might have, but there was no such system.

F

MR FEE: I have no further questions, Mr Chairman.

Cross-examined by MR BRANGAM

G

Q [REDACTED] R7 my name is Brangam. I am here on behalf of the Area Boards. I just want to ask you a few questions about your evidence. You were admitted first into care on 5th April 1961. Is it correct that that was following appearance in the Juvenile Court?

A Yes, for stealing 2 and 9 pence.

THE CHAIRMAN: From a telephone box?

A No, from a shop.

MR BRANGHAM: I am merely trying to establish the background, Mr [REDACTED] R7 Between 1961 and 1964 you made no complaint whatsoever about your treatment in Bawnmore and Williamson House; is that correct?

H

A Correct.

A

Q In 1964, on 10 August you were transferred to Kincora.
A Correct.

B

Q Do you know why you were transferred to Kincora?
A When I went to Williamson House, 446 Williamson House was for girls; 448 was for boys. Mr Smith came and took over Williamson House until Bawnmore was ready; and boys from 11 and over were transferred to Bawnmore until they were 15. Once you left school, when you were 15, at Bawnmore, you got transferred to Kincora.

C

Q Is it correct that after you left school you went to the working boys' hostel, which was Kincora?
A Yes.

D

Q Did you have a job to go to at that time?
A No.

Q Is it correct that through Mr Mains you managed to get employment shortly afterwards?
A Yes.

Q Whilst in the care of the board or the welfare authorities at that time you had formed some form of friendship with Mr and Mrs [REDACTED]
A Correct.

E

Q Did you keep up that friendship after you went to Kincora?
A Yes.

Q Did you meet any other people with whom you had any friendship in Bawnmore and Williamson House?
A Yes: the scoutmaster, called [REDACTED]

Q Yes. Did you have any contact with the welfare authorities down at College Street?

A When I was in Bawnmore some of the staff from College Street came up to the home.

F

Q For example, Mr Magee would have visited Bawnmore and Williamson?
A Who?

Q Mr Magee.

THE CHAIRMAN: Did you know a Mr Magee?

A Who was that? Was that the man in charge of welfare at the time?

G

MR BRANGAM: Do you know a Mr Magee who used to visit Williamson or Bawnmore?

A There used to be. The only ones I remember were two male officers in charge of the welfare.

H

Q What I should like to ascertain from you is what opportunities you would have had to complain about the treatment which you now complain was meted out to you by Mr Mains and Mr Semple. You could have complained to Mr and Mrs [REDACTED]. Is that correct?

A Yes.

Q You could have complained to the scoutmaster who you knew?
A No. I did not know him so well.

DB/17/2

81

R7

BY MR BRANGAM

A

Q You were employed at the [REDACTED] Is that right?
A Yes.

Q It would have been possible for you to have mentioned that to your employer? Was that possible?
A Yes.

B

Q Could you have taken your employer's advice on it?
A Probably I could.

Q Whenever you were in Kincora did you know anyone in the welfare at all, any visitors to Kincora?
A No.

C

Q You would have been in Kincora around about the same time as [REDACTED] R2 and Hugh Quinn? Is that right?
A No.

Q If is my understanding of the evidence is correct, Hugh Quinn was there between 1960 and 1964.
A Hugh Quinn had just left when I came.

D

Q I see. You did not come across Mr Moore from the welfare?
A No.

Q Or Mrs Wilson?
A No.

Q Or Mr Mason?
A No.

E

Q But I think in your statement of evidence to the tribunal you indicate that you had done messages down to College Street?
A Yes.

Q When you went to College Street, who did you bring the messages to?
A I did not bring messages. I went down to get tokens.

F

Q Yes. And when you went down to get these tokens, who did you see at College Street?
A I could not tell you.

Q Would it have been possible, if you had felt the complaint to be so serious, for you to have gone to College Street and said "Look, I really want to see someone about this. There are all sorts of nasty things going on at Kincora and I would like to complain about it"?

G

A You come back to the same thing. It would have got back to Joe Mains again.

Q Be that as it may, [REDACTED] R7 is it your evidence that the reason why you did not complain was because you were afraid of it all coming back to Mains?
A Yes.

H

Q However, at some stage, you, together with other boys, decided that it was time to complain. Is that right?
A Uh-huh.

DB/17/3

A

Q You got together and wrote a letter.

A Yes.

Q Surely, if that letter had had the effect that you desired, would that not have come back to Mains?

B

A But the letter never came back to Mains. There was no word ever about it.

Q But if the letter had had the effect that you desired then Mains would have found out?

A Yes.

C

Q Does that not really make it rather ridiculous for you to suggest that the reason why you did not complain was that Mains would find out?

A No. You are pointing that out. Not me.

Q During the time that you were in Kincora were there any members of the welfare who visited at any stage?

A I cannot remember.

D

Q Did you see any members of the district committee -- the ladies with the big hats -- who came to drink tea?

A No. I think they came by Joe Mains's office.

Q I think also, if I understood your evidence correctly, you say that another reason why you did not complain was that you did not want to have the public embarrassment. Is that correct?

A Correct.

E

Q Certainly that was one of the reasons why you did not complain, say, in 1968, or so, after you left.

A Uh-huh.

Q You now feel that you can make this complaint without embarrassment? Is that right?

A Well, it is as simple as this. You sent for me. I did not want to come here.

F

Q Were you interviewed by the police in 1980?

A Yes.

Q You did not approach the police. They approached you?

A The police approached me. Yes.

G

Q You made a statement to the police on 31 March 1980.

A Yes.

Q Were you in fact at the Crown Court for the hearing against Mr Mains?

A Yes.

H

Q When you were at the Crown Court did you meet any of the former residents of Kincora?

A Yes.

Q Did you talk with any of them?

A Yes.

A

Q Which residents did you meet?

A Hugh Quinn. B3/R1

Q Was R 2 there?

A No. I do not think that I saw R 2

B

Q At that time, at the Crown Court, was there any talk of issuing any proceedings or taking any action or looking for any compensation from the welfare authorities or from the board?

A No.

Q You have, however, subsequently issued a letter of claim through your solicitors. Is that right?

A Yes.

C

Q You have decided that you now wish to press that claim?

A Yes.

Q You are now a married man?

A Yes.

Q You have some family?

A Yes.

D

Q What family do you have?

A children.

Q Between 1968 and, say, 1980 did it not occur to you that Mains might be doing this sort of thing, about which you now complain, to other children?

A Yes.

E

Q Did you not feel that it would be a good idea to have brought that to the attention of the authorities?

A Maybe it was, like. But I had forgotten all about Kincora by then.

Q You did not make any complaints at all?

A No.

F

Q Thank you very much.

THE CHAIRMAN: Thank you.

MR FEE: Could I say, as R 7 evidence is finished, about the letter which has been referred to, to which R 7 put an approximate date of March 1966, that despite investigation no such letter has actually come to light as far as this inquiry is concerned.

G

THE CHAIRMAN: Thank you, Mr Fee.

(The private session was adjourned at 3.20 p.m.)

H

DAY XX

Thursday, 25 October, 1984

COMMITTEE OF INQUIRY

into

Children's Homes and Hostels

held at

Castle Buildings, Stormont, Belfast, BT4 3RA

Chairman: His Honour W H Hughes

Members: Mr W J Patterson OBE
Mr H Whalley

Secretary: Mr S Quinn

A P P E A R A N C E S

A MR H KENNEDY, QC, MR D MARRINAN and MR B FEE, of Counsel, instructed by the Crown Solicitors, appeared on behalf of the Committee;

MR BRIAN F KERR, QC, MR P COGHLAN and MR J MARTIN, of Counsel, instructed by Mr R Cole, appeared on behalf of the Department of Health and Social Services;

B MR M LAVERY, QC, MR R WEIR and MR A BRANGAM, of Counsel, instructed by Mr M Sittlington of the Central Services Agency, appeared on behalf of the Eastern Health and Social Services and other Boards;

C MR P SMITH, QC, of Counsel, instructed by Mr B Turkington of McCartan, Turkington, Breen & Company, appeared on behalf of certain members of the Northern Ireland Public Services Alliance;

MR J GILLEN, QC and MR D SMYTH, of Counsel, instructed by T Smyth & Company, appeared on behalf of three former residents of the Kincora and Williamson House Homes;

D MR R L McCARTNEY, QC, of Counsel, instructed by John Johnson & Sons, appeared on behalf of two former residents of Kincora;

MR J McNULTY, QC and MR C SIMPSON, of Counsel, instructed by Patterson, Taylor & Company, appeared on behalf of a former resident of Bawnmore and Kincora Homes;

E MR J GILLEN, QC and MR P CUSH, of Counsel, instructed by R Murphy, appeared on behalf of a former resident of the Kincora Homes; and

MR P MAGUIRE, of Counsel, instructed by Mr G Farrell, appeared on behalf of Mr J M Maybin.

F

G

H

A

I N D E XPage No

MR JAMES MICHAEL MAYBIN, called and sworn

Examined by MR MAGUIRE

84

B

Cross-examined by MR FEE

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Cross-examined by MR McCARTNEY

100

C

D

E

F

G

H

DB/17/5

84

A

MR JAMES MICHAEL MAYBIN called and sworn
Examined by MR MAGUIRE

MR MAGUIRE: Mr Chairman, I appear for Mr Maybin.

Q Mr Maybin, perhaps first of all we could trace your back career.
When were you born?

B

A

Q When did you leave school?

A In the summer of 1964.

Q What job did you begin in?

A I had two temporary jobs that summer, one with the Ulster Folk Museum and one as a van driver.

C

Q In what job did you start?

A I started as a welfare assistant in the Belfast Corporation Welfare Department, as it was then.

Q Could you tell us the date you started?

A It was 2 November 1964.

D

Q Could you just tell us where, in the hierarchy, the job of welfare assistant it?

A It was the lowest professional role in the welfare department.

Q How long were you a welfare assistant with the Belfast Welfare Authority?

A For 2 years.

E

Q When did you leave?

A I went as a student at Queen's University in the autumn of 1966 to study for a diploma in social studies.

Q Was that by way of secondment?

A Yes.

F

Q For how long were you at Queen's?

A Approximately 2 years.

Q Did you get the diploma?

A Yes. I did.

Q Did you go back to the Belfast Welfare Authority?

A That is correct.

G

Q When did you return to Belfast Welfare Authority?

A In July 1966.

Q You left in September 1966 until July 1968?

A July 1968. I beg your pardon.

Q What job did you go back to?

A To the post of social welfare officer.

H

Q Yes. Is that the equivalent of an ordinary field work social worker at the present time?

A Yes.

DB/17/6

85

MR MAYBIN
BY MR MAGUIRE

A

Q Where were you based?

A In Lower Crescent, which was the south divisional office of the Welfare Department.

Q For how long did you work there?

A For approximately 2 years.

B

Q When did you leave there?

A In the autumn of 1970.

Q Where did you go?

A To the University of Dundee.

Q What did you do there?

C

A To study for the professional social work qualification, which was at that time the Home Office letter of recognition in child care.

Q For how long were you at Dundee?

A One year.

Q Did you qualify?

A Yes. I did.

D

Q Once you had qualified did you go back to Belfast Welfare Authority?

A That is correct.

Q On what date and in what position?

A The post was the same as before -- social welfare officer -- and the date was August 1971.

E

Q Yes. Were you promoted shortly after this?

A That is correct: in April 1972: to senior social welfare officer.

Q What district were you working in then?

A The west divisional office.

Q That is West Belfast?

A Yes.

F

Q Reorganisation came along at the end of September 1973.

A That is correct. It took it back to 1 October.

Q Did reorganisation make any difference to you?

A Yes. I was promoted to the post of assistant principal social worker in the same general area.

G

Q How long did you remain in that post in the West Belfast area?

A Until March 1975.

Q What happened then?

A I transferred to a similar post in East Belfast, in Castlereagh district.

H

Q When you took up your post as assistant principal social worker in East Belfast, in Castlereagh, what were you doing? What was your particular job?

A Essentially I managed a field work office in the Castlereagh Road. It was one of three in that district.

DB/17/7

86

MR MAYBIN
BY MR MAGUIRE

A

Q How long were you in that district?

A Approximately 2 years.

Q When did you leave?

A In November 1977.

B

Q Where did you go then?

A I taught in the Ulster Polytechnic on the social work courses for 2 years.

Q When you left the Ulster Polytechnic, where did you go to?

A I took up a post at that time as assistant divisional director with Dr Barnardo's.

C

Q Was that in September 1979?

A That is correct.

D

E

F

G

H

/Q Have you

A Q Have you held that post since then?
A Yes, Mr Chairman.

Q Can you just say, in the course of your career, in its development, and your training, what contact you had specifically with residential child care?

B A Yes. The first contact I had with residential child care was in the winter and early spring of 1966, when I spent a short period of time in Bawmore Children's Home, which at that time was short staffed, and I went there at the request of the then children's officer to help out. I was there for about six or seven weeks, and the staffing level was then increased, someone was recruited, and I then had a similar period of time in Kincora hostel from about May to about September of 1966.

Q During your training, did you have any placements which related to residential child care?

C A Yes, on the professional social work course I did a placement up in Origin in Scotland, at a school for mal-adjusted boys in Peebles.

Q Was that while you were at Dundee University?

A Yes, it was.

Q Subsequently, when you were at the Ulster Polytechnic, did you have an interest in child care matters there?

D A Yes, my main teaching responsibility at the Ulster Polytechnic was in child care.

Q Obviously, since you joined Dr Barnardo's in 1979, you have been dealing with child care matters?

A Yes, Mr Chairman.

E Q Am I right in saying that other than those matters that we have recited to the Chairman, your involvement would have been in general social work - field work, as it is described?

A Yes, that is correct.

Q May I bring you back to the beginning of 1966. At that time you were working for the Belfast Welfare Authority, and you were a welfare assistant, is that not right?

A That is correct.

F Q Were you in a field work office at that time?

A Yes, Mr Chairman.

Q Where was that office?

A In Lower Crescent.

G Q You have told the Chairman very briefly that you were asked to to some work at Bawmore Home?

A Yes.

Q Would you tell the Committee how many hours you were to do in Bawmore Children's Home per week?

A The arrangement was, 20 hours per week.

Q Why were you asked to take on that work?

H A Essentially because they were very short staffed at that time and they needed an extra pair of hands for the duty roster.

A

Q Was that work included in your ordinary working week, or was it in addition to your ordinary working week?

A It was additional.

Q In a sense, therefore, it was overtime, is that right?

A Yes, Mr Chairman.

B

Q What age were you at the beginning of 1966?

A I was 20.

Q For how long did you work in Bawnmore?

A For about six or seven weeks.

Q What sort of work were you doing there?

C

A Essentially, it was working with the children, in terms of helping them with their homework and the general running of a children's home, providing recreation for the youngsters, supervising meals, and that kind of thing.

Q At what times of the day were you working at Bawnmore?

A Primarily, two evenings and one weekend day per week.

D

Q That was a very short-term arrangement, is that right?

A Yes, Mr Chairman.

Q Can you remember when you left Bawnmore?

A It would have been about January or February 1966.

Q You have told us that you then did a similar job at Kincora, is that right?

A That is correct.

E

Q When did you start at Kincora?

A My memory tells me that it was about May 1966.

Q How did you come to obtain this work at Kincora?

A I was asked by the then children's officer of the welfare department if I would consider it.

F

Q Was it essentially the same arrangement as that at Bawnmore?

A Essentially, yes.

Q In other words, it was overtime, so to speak?

A That is correct.

Q How many hours a week were you doing at Kincora?

A Again, it was 20 hours per week.

G

Q At what times of the day would you have been working there?

Was there any general pattern to the arrangement?

A Primarily two or three evenings a week and quite often one day at the weekend.

THE CHAIRMAN: Saturday or Sunday?

A It could have been either.

H

MR MAGUIRE: Who were the other staff at Kincora when you arrived?

A At that time there were only two members of staff: Joe Mains, who was the warden, and a cook.

A

Q How many boys would have been in the home at the time?

A There were about nine at that time.

Q What were your duties while you were working at Kincora?

A Essentially supervising the boys to make sure they came in on time at night, and generally keeping an eye to the hostel. Most of the time that I was there Mr Mains was off duty.

B

Q Would you have been in the hostel at night?

A In the evenings, up until 11 or 11.30.

Q Did you live in the hostel at any stage?

A No, Mr Chairman.

Q For how long were you working in Kincora?

C

A For about six months; my memory is until about the end of September, 1966.

Q You stayed there until you went off to do the course at Queen's?

A Yes.

Q During the time that you were in Kincora, was any approach ever made to you by any of the residents?

D

A No, Mr Chairman.

Q Were there ever any rumours that met your ears about the place?

A No.

Q Was there anything that might have led you to believe that something was awry with the place, or wrong?

A No, Mr Chairman.

E

Q As regards Joe Mains, was there anything to give rise to suspicions on your part about him?

A No, Mr Chairman.

Q You left Kincora to go off to the course at Queen's; that is right?

A That is correct.

F

Q We have heard from the witness R 7 about a conversation which took place between him and yourself. Did you hear that evidence?

A Yes, I did.

Q Am I correct in saying that that evidence relates to the time when you were a social welfare officer in Belfast?

A That is correct.

G

Q At what office would you have been working at that time? I think this was in or around, or certainly after, July 1968?

A That is correct; in the South Division office, in Lower Crescent.

Q Did you know the last witness, R 7?

A Yes, I had met him in Kincora.

H

Q Do you recall a conversation that took place between him and you?

A I can remember a conversation that took place, principally regarding the question of placing his younger brother, for whom I was responsible. I was social welfare officer at that point.

A

Q Were you as a social welfare officer working on the field work side?
A Yes, Mr Chairman.

Q Did you have responsibility for placing some boys who would have been in care?
A Yes, a number of boys.

B

Q Would you just tell us first what the position was as regards R 7's brother?
A At the point when I came back from Queen's, I became responsible for a number of social work cases, among which were children in care, and one of those children was R 7's younger brother. At that time he was in a children's home in County Down, and was due to leave because of having reached the school leaving age, and my responsibility was to place him in alternative suitable accommodation.

C

Q We have heard from the witness, R 7, that he had a conversation with you which had the intention of persuading you not to place his brother at Kincora, is that right?
A That is correct.

D

Q Perhaps you would just tell the Committee what you can recall about that conversation.
A It is difficult to remember the precise details of it at this distance in time, but my memory of it was that I had already made up my mind that R 7's brother would be more appropriately placed in foster care, and it was in the context of that decision that the conversation took place. Essentially, R 7 wished to persuade me not to place his brother in Kincora, but at the time the conversation took place, I had certainly come to a decision in my own mind that I had not intended to do so in any case.

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Q Do you remember where this conversation took place?
A My recollection of it was that it took place in Lower Crescent, but I certainly cannot be specific about that.

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Q Can you tell us what to your memory R 7 said to you?
A Again, I can just about remember the gist of the conversation, but he was keen for me not to place his younger brother in Kincora. My memory of it was that he had not had a particularly good experience there himself, and that he had made a comment, if my memory is correct, that Joe Mairs was "funny". Although I pressed him to define this more clearly, he chose not to do so.

G

Q Did you pursue the matter with him?
A I asked him to explain what he meant, but he did not elaborate any further. I think it was just making the point that the conversation took place in the context of what I had already decided, for social work reasons, not to place R 7's younger brother in Kincora anyway.

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Q What happened to R 7's younger brother?
A He was placed in foster care, in the [REDACTED] area.
Q Subsequent to that, in the rest of your career to date, were you ever in the situation of placing a child in Kincora at any time?
A I can remember only one further occasion, in the 1970s, when I was on standby duty for the social services department, and had occasion to place in an emergency two boys in Kincora overnight. That is the only occasion that I can recollect.

- A Q May I bring you forward to 1975, when you were working in East Belfast and Castlereagh. What office were you working in East Belfast and Castlereagh?
A The Castlereagh Road sub-district office.
- Q Did you have any management responsibility for Kincora in that office?
A No, Sir.
- B Q To whom were you accountable?
A To the Principal Social Worker for Field Work Services, Miss Molly Kyle.
- Q To whom was she accountable?
A To the District Social Services Officer, Mr Clive Scoular.
- C Q At that time -- this was 1975 -- did you hear any rumour about Kincora?
A Not directly about Kincora, I recollect hearing a rumour about Joe Mains to the effect that he was a homosexual.
- Q In what way did you regard that?
A As low-level gossip.
- THE CHAIRMAN: "low-level"?
D A Low-level, Mr Chairman.
- Q What do you mean by "low-level"?
A Well, without any supporting evidence of any kind, and in the context where it was not being passed as a piece of specific information, but just a rumour that was being passed from one person to another.
- MR MAGUIRE: Did you hear this on one occasion or more than one occasion?
E A It is difficult to remember, but certainly I have the impression that it was just on one occasion.
- Q Did you take any action as a result of that rumour?
A No, Mr Chairman.
- Q Then if I may take you to some time in the late 1970s, did you hear a rumour at that stage about Joe Mains?
F A Yes.
- Q First of all, can you date it more precisely than I have done?
A No; the late 1970s would be as accurately as I could date that.
- Q Where were you working at the time you heard that?
A In 1977 I had taken up the post at the Ulster Polytechnic, where I remained until 1979.
- G Q What was the rumour that you heard then?
A The rumour that I heard at that time was that Joe Mains had been interfering sexually with the youngsters in Kincora.
- Q Again, what was your reaction to that?
A In some ways it was similar to my reaction to the previous rumour, that it was unsubstantiated and it was not specific in the sense of names, dates or places; that it was a low-level rumour.
- H

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Q Finally, may I go back to one point during the period when you were working in Kincora; the number of months when you were helping out on a part-time basis.

A Yes.

Q To go back to that period, did you ever administer corporal punishment to anyone?

A No, Mr Chairman.

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/Cross-examined by MR FEE

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A Cross-examined by MR KEE

Q Mr Maybin, if I could ask you first of all in relation to the conversation which has been referred to with R7, can you remember exactly where it was that that conversation took place?

A I cannot be precise, Chairman, but my memory is that it took place in the Lower Crescent social work office. It is a vague memory.

Q Can you remember the circumstances in which it happened? In other words, do you remember whether or not R7 specifically came to see you about this or whether it arose in the course of a discussion about something else?

A My recollection is that he spoke to me specifically about this.

Q How well had you known him prior to that?

A Only in the context of one of the residents in Kincora during the six months or so that I was there.

Q Had you known him at all in Bawnmore? Had he been there at the time you were helping in Bawnmore?

A No, Chairman.

Q So your knowledge of him would have been over a five or six-month period? Is that correct?

A That is correct.

Q And during that time he would have been one of maybe nine or ten boys who would have been in Kincora?

A That is correct.

Q During that period of five or six months, did you get on reasonably well with him? Did you have a reasonably satisfactory relationship with him?

A Yes, Chairman.

Q And when he approached you in relation to his brother, could you give any idea as to what sort of contact you would have had with him in the period between that approach and the time of your leaving Kincora?

A I am sorry - do you mean the time between leaving Kincora and that approach?

Q Yes.

A I do not recollect having any contact.

Q So would this have been the first time, as far as you can remember, you would have seen him from the time you had left Kincora?

A As far as I can remember, yes.

Q Was that something which struck you as unusual, that he should search you out at that time?

A It would not have been unusual for the parents or older brothers of children in care for whom a decision to place was coming up to wish to be involved in that decision.

Q Yes, but would you not consider it at all unusual for a brother of someone to approach you after an interruption of, say, two years from the last time you had seen him, concerning a possible placement?

A At the time that decision was being made I had only had a relatively

A short experience as a Social Welfare Officer, and at that point had made relatively few decisions to place children.

Q In any event you understood pretty clearly from his approach that his specific concern was that his brother should not be placed in Kincora?

A Yes, Chairman.

B Q Was that something he conveyed to you with some conviction?

A Yes, Chairman.

Q Was that something which surprised you, the fact that he had such a strong view about it?

A I do not recollect being particularly surprised about it at the time. As I have said earlier, in my mind the decision was already quite clear that I wished to place R7's younger brother in fostering for a variety of other reasons. In effect, that conversation was in a sense R7 knocking on an open door.

Q Accepting that, Mr Maybin, for the moment, you had been in Kincora for five to six months and during that time you had noticed nothing unnatural or wrong about the atmosphere in the home? Is that correct?

A That is correct.

D Q And as far as you were concerned, it seemed to be a reasonably well run hostel?

A In the context of the very limited experience I had had.

Q Faced with an approach from someone who was putting forward a very strong view that he did not want his brother to be sent to Kincora, you had no preconceptions about why one would have a strong view like that?

A Not other than at that time it was a fairly widely held social work view that in general foster care was preferable to residential care, so that a lot of people were attempting to foster young people rather than placing them in residential care.

Q Would I be right in suggesting to you, Mr Maybin, that that was not the type of approach that R7 was making to you, that fostering was more desirable than residential care, but that his specific concern was in relation to Kincora and that his brother should not go to Kincora?

F A Yes, Chairman, that is correct, but, as I have pointed out, there was not really any dispute between the point that R7 wished to establish and what I had wished to carry through anyway.

Q Yes, but you did nevertheless, naturally enough, regard it as important to find out why he held that view?

A I asked him what his reasons were, yes.

G Q You felt it was important to find out from him why he held the view that it was not a good idea for his brother to go to Kincora, even though you had already made up your mind, for other reasons, that he was not going there? You felt it important to find out from R7 why he held that view?

A I asked him why, yes.

Q And he was a bit vague in his answers?

H A Yes, Chairman.

Q And you were not satisfied with that? Is that right?

A I am sorry - I was not satisfied with?

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A Q You have made a statement to the police about this - is that right?
A Yes, Chairman.

Q And in your statement to the police you have said:

"He was vague as to his reasons for those comments. When pressed to be more precise R7 indicated that he had not found Kincora a good experience and suggested that Mains was funny."

B In relation to that it is clear that you pressed him?
A Yes, Chairman.

Q So you felt it was important to find out why he held that view?
A Yes, I asked him to elaborate on what he had said.

C Q And even when he gave vague responses you wanted to press him further?
A I can just recollect the one asking of him. I do not recollect it as an interrogatory session.

Q I accept that, but would it be putting it too strongly to suggest to you that you were anxious to find out what his reason was?

D A I think "anxious" probably would be overstating it a little bit. In a sense, as I have said, the decision in my mind was really quite clear anyway and what I had hoped to achieve for R7's younger brother and what R7 had hoped would not be achieved for his younger brother were not counter to each other.

Q Presumably one of the things that would have concerned you would have been to know if there were some reason why Kincora was not considered desirable by people such as R7? That would be something that you would want to know about?

E A Certainly in relation to R7's brother, yes, but I did not particularly set out to try and interrogate R7 as to the reasons for the view he had expressed. I just asked him to elaborate on it and he chose not to do so.

Q Accepting that, and leaving aside R7's brother for the moment - and you have indicated that you had already reached a fairly firm view on that placement prior to him coming to you - if someone were expressing a view like this about a particular residential home, you would regard it as important to find out why he was expressing that view? That would be something which would be of interest to you in your professional duty?

F A Yes, Chairman.

Q And when you pressed him further for a response he indicated to you that he had not found Kincora a good experience - is that right?
A Yes, Chairman.

G Q Did you press him about what he meant about not finding Kincora a good experience?
A Yes, I asked him to expand upon that. He did not.

Q Did you put any possibilities to him, that you can remember, as to why Kincora was not a good experience? Did you, for example, say to him: "Why was that? Did you think it was too strict? Did anybody ever give you a bad time there?"

H A I do not recollect offering him a range of possibilities to come back to, no.

/Q As far as you ...

- A Q As far as you can remember, when he said it wasn't a good experience and you asked him to elaborate, was it left at that then, when he didn't elaborate?
A Yes, Chairman.
- Q But he did suggest to you that Mains was "funny"?
A Yes, that is my recollection of the word he used.
- B Q I accept that it is a considerable time ago, Mr. Maybin, but as far as you can remember what did you understand by that, when he said Mains was "funny"?
A I didn't understand anything specific about that because, certainly in my view, the word "funny" in that context was capable of a variety of interpretations.
- Q Yes, it could mean a whole lot of different things?
C A It could mean a lot of different things.
- Q Well, did you suggest any of those different things to him to try and find out which meaning he was attaching to the word?
A No, Chairman, I didn't offer him a range of possibilities.
- Q Did you probe him at all on that to try and find out what he meant?
A My recollection is that I asked him what he meant by "funny" and he was no more specific.
- D Q Well, did it strike you as one of the possibilities at that time that he might be referring to Mains being in some way, strange or abusive towards him?
A Yes, that would have been one of the possibilities, certainly.
- Q Well, would that not have been something that you would have been anxious to pursue to find out whether or not that's what he did mean?
E A He wasn't prepared to elaborate.
- Q Can you remember did you, for example, say to him - "Has Mains ever done anything to you" or "what do you mean by that?"
A I can't remember the exact words but I imagine asking him something like "what do you mean by that" or "can you be a bit more specific?" - I can't remember the exact words I used, obviously, but he did not elaborate any further on either of those two points.
- F Q He was showing some reticence about saying out what he was really wanting to say, isn't that right?
A Certainly, in the context of what we know now, clearly yes.
- Q Well, at the time did you not understand, from his general approach and from what he was saying to you that he had a fairly strong view about it, but he wasn't coming completely clean about what the reason was?
G A Yes, Chairman, but as I said, this was in the context of the decision having been already fairly clear in my mind - and I can't remember at what point R7 would have appreciated the degree to which I wished to deal with fostering, I was concerned with fostering, but clearly he had achieved what he set out to.
- Q Yes, but leaving aside R7's brother for the moment; here a comment has been made about someone who is in charge of a residential home, isn't that right?
H A That's right.

- A Q And you don't exactly know what he means by this comment?
A That is correct.
- Q But one of the things you consider it could have meant would have been some form of strange or abusive behaviour?
A Yes, amongst other possibilities, that is correct.
- B Q Now, can you remember whether or not you asked him whether he meant that Mains had been abusive towards him or had behaved strangely to him in some way?
A I can't remember specifically asking that question, no.
- Q Well, were you content, Mr. Maybin, when he refused to elaborate any further, I mean, were you content to leave it without trying to wheedle further information from him?
A My memory of it was that he made it clear and at that point he didn't wish to go any further, and it wasn't so much a question of being content as that that was the situation that it was.
- C Q You understood pretty clearly, that whatever he meant by it, he didn't mean "funny" in its natural sense of being a bit of a joker?
A No, I didn't take that construction from it.
- THE CHAIRMAN: He meant "funny peculiar" rather than "funny ha-ha"?
A Yes, Chairman.
- D MR FEE: Q And you understood that from his approach?
A That he wasn't referring to humour?
- Q Yes?
A Yes, Chairman.
- E Q Well, given the fact that you couldn't wheedle any further information from him - and I appreciate you saying you weren't necessarily content with that, but given the fact that you couldn't get any further information from him, did it strike you that perhaps this was something that you should try and follow up, maybe refer it to someone who knew Mr. Mains better or who knew what Mr. Mains might be doing better?
A No, it didn't, Chairman.
- F Q Can I ask you this, Mr. Maybin, if - and I appreciate this is a hypothetical situation, but if R7 had said to you that - let's take one situation, if he had said to you - "there's behaviour being carried out by Mr. Mains which involves sexually abusing people in Kincora", you would have regarded that as something that should be reported?
A Yes, Chairman.
- Q I mean, that's pretty clear, that if someone had reported that to you, that is something that you would have felt should be reported?
G A Yes, if the witness had made a formal complaint or statement to that effect.
- Q Well, leave aside the word "formal"; if he had just made the same approach to you that he did make, except that instead of continuing to be reticent, he had simply said - "well, the situation is he has been sexually abusing someone in the hostel, and I don't want my brother going there", if he had said that, would you have regarded that as a serious matter?
H A Yes, Chairman.

- A Q And would that be something which you would have felt important to pass to your superior?
A Yes, Chairman.
- B Q Now, given that he didn't provide that additional piece of information, but that among the possibilities that this could mean that this was one of them, did you not feel that this was a sufficiently serious matter to merit at least passing on to your superiors?
A Given that he didn't make those comments and that the information available to me was no more specific than I have already said, I didn't at that time, Chairman.
- C Q Did it surprise you that someone of ¹⁸~~28~~ years approximately, would have been reticent about giving a reason for not wanting some particular thing to happen. Is that something you would have come across before?
A I would have come across it before, I think, but again it is in the context of a relatively small number of cases at that point. I can't recollect a specific incident, at present.
- D Q But in general terms you would have realised that from time to time with boys of that age, saying something about somebody in authority, that that might be something that would have to be probed, before they would develop the line any further?
A It is difficult to separate how I view that now, with a number of years' experience, from how I viewed it at that time with a number of months' experience as a social worker. It is very difficult to say how I would have viewed that.
- E Q Did you do nothing at all after that conversation, or did the matter entirely drop there as far as you were concerned?
A In relation to that conversation the matter dropped there. Obviously I had continuing responsibilities with R7's young brother.
- F Q Then, in answer to my learned friend, you indicated that in or about 1975 when you had gone to the East Belfast and Castlereagh District, you heard certain rumours regarding Mr. Mains, is that right?
A Yes.
- F Q At that time did you remember at all what had been said to you by R7?
A I don't recollect making the link at that time, Chairman.
- G Q Would this have been something that had happened to you frequently in the course of your experience? In other words, can you remember any other incident where an inmate or a former inmate of a residential home approached you and said to you - made some sort of reference that wasn't complimentary about a person who had been in charge of a residential home, or would it have been an unusual thing?
A At 1975?
- G Q Yes, by 1975, how many times would that situation have arisen?
A I'm not sure how many, a small number, possibly two or three.
- H Q And are you saying that in 1975, when you heard this remour about Mr. Mains, that it didn't click with you at all that this was the same man that the comment had been made about by R7?
A I certainly hadn't made the link between R7's comment and its possible interpretations, and the rumour that was around at that point. I knew it was the same man, of course.

- A Q You knew it was the same man, so would it be right to say that you made the link in so far as you knew that the rumours in 1975 were about the man that the comment had been made about in 1968, even though you didn't relate "funny" to being what was the content of those rumours in 1975?
A Well, obviously from today's standpoint, they both referred to the one person, Joe Mains, yes.
- B Q What I want to know, Mr. Maybin, is; in 1975, did you remember that a comment had been made to you about Mr. Mains, but didn't tie in the nature of that comment to the rumour that you were hearing, or is it the situation that you just didn't remember at all?
A I'm sorry, I think I probably have taken you up wrongly. As I remember it in 1975, I hadn't remembered the discussion with R7 a number of years before that, 10 years before that or whatever.
- C Q You hadn't remembered it at all?
A No.
- Q When you heard a further rumour in the late 1970s suggesting on this occasion that Mains was sexually interfering with boys in Kincora, at that stage did you make the link?
A With the?
- D Q With the fact that a comment had been made to you, irrespective of what that comment was, that some comment, with a possibly adverse meaning, had been made to you in 1968?
A No, Chairman.
- Q You didn't remember that?
A No, Chairman.
- E Q When did you remember that a comment had been made to you?
A In relation to the 1968.....?
- Q Yes. In 1975 you didn't remember that a comment had been made to you in 1968 about Mains, and you still didn't remember it in the late 1970s; when did you first remember it?
A The first time I can remember it would possibly have been the discussion I had with the police on the Terry investigation.
- F Q In 1982?
A In 1982.
- Q So even in 1980, when this entire scandal broke and you would have been aware of it from the newspapers, etc., at that time, is that right? I mean, you would have known that there was a scandal about Kincora in 1980?
A Yes, Chairman.
- G Q Even at that stage you had no memory of the 1968 conversation in which R7 had made this comment?
A I certainly can't recollect that specifically coming to mind, but it is very difficult to know at what point something a number of years previously came to mind. As far as I can remember the first time that I can now remember it coming to mind at, would have been during my interview with the police, but I can't be absolutely certain about that. It may have been slightly earlier.
- H

A Q In relation to the rumours in 1975 and in the late 1970s, you have referred to the rumour circulating within social work circles, to the effect that in 1975 Mains was a homosexual, is that right?
A Yes, Chairman.

Q Was that as far as you heard or knew at that time, was that a fairly widespread rumour?

B A I can't really be sure, because I don't have a memory of hearing it frequently or over a period, so it is difficult for me to know how much that would have been held by other people.

Q Well, would the other social work people - put it this way, would the other social people that you were coming into contact with at or about that time, as far as you knew, were they aware of this rumour?

A I don't know, Chairman; as far as I knew, probably not.

C Q And what about the late 1970s?

A Again I have only a recollection of hearing that rumour relayed once to me, at that point.

Q And until the police came to you in or about 1982, that was the first time that it really came back to you, this comment that had been made by R7?

A Yes, Chairman.

D I have no further questions.

THE CHAIRMAN: Thank you, Mr. Fee. Yes?

Cross-examined by MR McCARTNEY

E Q Tell me, Mr. Maybin, you of all the people that were involved in this, had a special knowledge of Kincora, in that you had actually, as a young social worker.....

A Welfare assistant.

Q Welfare assistant, well whatever way you like to describe it; had spent six months working two nights a week plus a Saturday or Sunday, as I understand your hours in Kincora, is that right?

A Yes.

F Q And during that time I take it that you would have formed a fairly close relationship with Mr. Joe Mains, who was the man in charge?

A I would certainly have known him, I wouldn't have described it as a close relationship.

G Q Well I am talking that in terms of close relationship you would have been working in the place where he was the man in charge, for six months, and I would venture to suggest that you probably had a closer contact with him than any of the other social workers or people likely to give evidence in this Inquiry? I mean, you had actually worked in the place for a continuous period of six months?

A I did work there for six months, yes.

H Q I know you did work there for six months, but comparatively speaking I don't think we have heard of anyone else of your subsequent seniority or experience, who actually had that length of continuous work with Joe Mains?

A MR MAGUIRE: Mr. Chairman, the witness doesn't know and can't know what other witnesses might be called, so it is very difficult for him to compare.....

MR McCARTNEY: I am suggesting to him that, as far as my knowledge is concerned up to the present - and I am subject to correction by the Tribunal, that there doesn't appear to be any other witness of your professional qualifications and standing, who had such a length of sustained service with Joe Mains?

B A I don't know of any witness called to date who worked in Kincora for that period.

Q Yes. I'm glad we have got that clarified; and therefore, for a period of some 26 weeks you would have been 20 hours each week in Kincora and during each of those weeks you would have come in contact with Joe Mains, you would have been presumably from time to time drinking tea with him, even having a meal with him from time to time perhaps?

C A Well, I ate with Mr. Mains and the rest of the group.

Q Oh yes, but you were the two people there, and therefore - I mean, Joe Mains wasn't a sort of ship that passed in the night, he was very much an identifiable personality with whom you had worked?

A Yes, Chairman, I knew him certainly in that context.

Q And when did this period of work end - September 1966, was it?

D A Yes, Chairman.

Q And in September 1966, you went off - where?

A To Queen's University, Chairman.

Q To Queen's University for a period of two years, I think, to do your Social Work Diploma, is that correct?

A That's correct.

E Q And you returned sometime in 1968?

A That's correct.

Q And it wasn't very long after you returned in 1968 that, discharging your duties in relation to your new caseload, you had R7's brother?

A That is correct.

Q Had you known R7 when you were working in Kincora for a period of six months?

F A Yes, Chairman, he was one of the group of young men that were there at that point.

Q And in fact was he there during the whole period of six months that you worked there?

A That I can't be absolutely specific about, he was certainly there for a period.

G

H

/Q A substantial portion of it?.....

A

Q A substantial portion of it?

A That's correct.

B

Q And when he came into your office in, you believe, Lower Crescent, to speak to you he was speaking first of all as a person who, like Joe Mains, you had possibly broke bread with over a period of six months on very frequent occasions; is that right?

A I had eaten meals in Kincora.

Q Again, he wasn't a ship that passed in the night, he was a living, breathing person whom you knew as R 7; is that right? You knew him by his Christian name?

A Yes, Chairman.

C

Q And he came in to you specifically to talk about his brother; his younger brother; is that right?

A Yes.

D

Q In what way was this connection organised? Did he come into you because he knew you as Mr Maybin who had worked for a period of six months in Kincora or did he come to you as Mr Maybin who was the social worker allotted to his brother's case?

A I don't know, Chairman. I was both of those people.

Q Indeed, as far as he was concerned he was very fortunate because he was getting the man who had his brother's file and therefore ought to be familiar with the case, and he was also getting a man whom he knew personally and had eaten with, and therefore might be more sympathetic to what he had to say; is that correct?

A It is possible, Chairman.

E

Q Is it probable? All things are possible, Mr Maybin.

A I am sorry, I find it difficult to answer what views R 7 would have brought with him to ---

Q Even as an experienced social worker with qualifications in child care and a wealth of experience behind you; you find it difficult to give anything other than a very logical and; if I may say so, distant answer to that question?

F

A I am sorry, at the time this discussion took place I had done one basic social work qualification and had several months experience as a social worker.

G

Q You are not any of those things now. You are giving evidence now, albeit with the benefit of subsequent experience. Do you not think looking back on it and with the wealth of experience and professional training you have in child care that R 7 ought to have been able to look to you as a special sort of person because he knew you personally through your joint experience in Kincora, and you also were the specific social worker allotted to his brother's case?

A I am sorry, I am not clear on the question.

H

Q I am saying that you were in all the world at that time -- R 7 would not have got a better person to talk to about his brother's case. Do you want me to give you some examples. He was coming to you to talk

A

about his brother's placement, or rather his brother's non-placement in Kincora?

A Yes.

Q

Q You had worked in Kincora for six months?

B

A Yes.

Q So you knew better probably than anybody else at that time what the actual conditions, etc., were in Kincora; right?

A I can't claim to know better than anybody else.

Q I am suggesting to you that having worked there for six months you knew a fair bit about Kincora, right? You also knew something of the place and you also knew something of the characters that were involved? You knew something of R 7 and you knew something of Joe Mains, right?

C

A Yes, Chairman.

Q By virtue of your experience? And R 7 was in a position, was he not, where he himself was out of Kincora at that stage, he was not a resident of Kincora?

D

A No. At that time my recollection is that he had left.

Q He wasn't under the control of Joe Mains, right? He was out of Kincora?

A Yes.

Q He wasn't making a complaint on his own behalf about Kincora; is that right?

E

A That is correct.

Q So there wasn't in a sense any element of vindictiveness about what he was having to say because it didn't affect him, he personally was not in Kincora?

A That is correct.

Q What he was asking you to do or suggesting to you to do was that he did not want his brother to come into Kincora?

F

A That's correct.

Q I would have thought on the face of it, having regard to your experience both of Joe Mains and of Kincora, having worked there for a period of six months, that you would have been interested, to say the least of it, as to why someone with no personal axe to grind was coming along to you and saying, "Look, I don't want my brother in that place". Even if you hadn't any social training or anything else, you knew the scene, you knew that this man was saying, "Please, I don't want my brother in Kincora"? Did that not strike you as being significant?

G

A As I have already given evidence, the discussion took place in the context of my having already decided ---

Q I will come to that in a moment, because that is a point, if I may say so, Mr Maybin, that you have been very anxious to express. But the point about it is, when he arrived he didn't know that?

H

A That is correct. I ---

A

Q I want you to tell the tribunal this. As soon as he started to open his chirper about his brother not going to Kincora did you say to him, "R 7, you need not worry, I have already made up my mind; the recommendation for your brother is not Kincora, it is foster parents"?

B

A I would certainly have said that to him during the conversation.

Q Did you say that?

A I can't remember the ---

C

Q Because if you did say that right away, I am suggesting to you that there would have been very little purpose or cause in him developing, or indeed, any reason, in him developing arguments as to why you should decide against Kincora? It was a fait accompli; you just said, "Look, you need not worry R 7, he is already allotted somewhere else? It doesn't arise, I don't need to hear anything else". Did you put him down in that way or say, "No, not to worry"?

A My recollection, Chairman, is that by the end of that discussion R 7 was certainly of the view that I did not wish to place John in Kincora, that I wished to place him in foster care.

D

Q That might have been, but R 7 might have gone away with the idea on that basis that you had been persuaded by what he had to say, that he wasn't going to Kincora. But in fact what you are telling the tribunal is something subtly different. It is that from the moment R 7 entered there his plea was a futile one in the sense that he was pushing an open door from the word go?

A That is correct, Chairman.

E

Q Why didn't you tell him that? If you had told him that I suggest in the light of his evident embarrassment at expressing the exact reasons about Joe Mains that this would not have arisen. This man on your own evidence didn't want to tell you about Joe Mains. He was evasive about the reasons.

A Yes.

F

Q Why should he even have been placed in the position where clearly he was trying to avoid fingering Joe Mains, if that is the word, if in fact you made it clear to him from the word go that his brother wasn't going to Kincora?

A My recollection is that R 7 was made aware that his brother was not going to Kincora and that having achieved what he had set out to achieve, he didn't feel the need to develop the point. At what point I told him that in the conversation, I can't recollect.

G

Q With respect, as your statement is analyzed and as your evidence is analyzed here today, it is one of him making suggestions about Joe Mains, about Kincora, of saying Joe Mains was funny, of you saying that funny is open to a number of interpretations, ha, ha, peculiar, queer. I take it you tried to find out what was funny, but you found that he wasn't volunteering any definitive or clear evidence of what he meant by funny. Is that right? Is that the gist of your evidence?

A That is correct.

H

Q What I am putting to you is why was there any need for any development of this at all if as soon as he told you the nature of his errand you had said, "Not to worry, he is going to foster parents"?

DB/22/1

105

MR MAYBIN
BY MR McCARTNEY

A

A I am sorry. Is that the question?

Q That is the question. Yes. I think everybody else here knows that that is the question.

A As I tried to explain, I cannot remember specifically at what point I would have said that, in the discussion, to R 7, as specifically as I can remember. I am sorry.

B

Q But I take it that you must have been, to put it in its most neutral fashion, a little intrigued by this. Here was a former inmate of Kincora whom you knew, talking about a man who ran the place, which you knew, and using evasive and odd language, but language capable in the context of this being an all-boys' home -- "funny" -- of having sexual overtones. I mean, that must have crossed even your relatively inexperienced mind at that time - that "funny" could have that connotation. Did it?

C

A I honestly cannot remember whether that was one of the interpretations that I would have thought was possible. Clearly, it is an interpretation of the words. Whether I specifically thought that was one of the options is difficult to remember at this stage.

D

Q Let me put a question that was put to you by Mr Fee, again, in a different form. It is not every day that you are faced with a situation where a former resident of a home in which you have worked for a period of 6 months comes in and, in fairly vehement terms --- I mean, there was no doubt about R 7's determination to make his point about his brother. Is that right?

A Yes. He wished to make that point and he made it. Yes.

E

Q It is not very often that you would get --- For example did you know, as a result of your experience in Kincora, that R 7 could not read or write?

A Yes. I think I was aware of that at that time.

F

Q I think you would also accept that for a boy like that to make his way down into a public office and seek out someone who was in charge of his brother's case, to make a plea on his behalf, was a sort of cri de coeur. It is not the sort of thing that happened every day.

A It did not happen every day. But then I was not responsible for placing children every day.

G

Q I know you were not. But even if you were responsible for placing, it takes a lot of caring or a lot of worry to take a guy like that down to speak to an official, not even on his own behalf, but on his brother's behalf.

A I would accept that.

H

(The hearing was adjourned at 1625 hours until 1030 hours the following day)

DAY XXI

Friday, 26 October, 1984

COMMITTEE OF INQUIRY

into

Children's Homes and Hostels

held at

Castle Buildings, Stormont, Belfast, BT4 3RA

Chairman: His Honour W H Hughes

Members: Mr W J Patterson OBE
Mr H Whalley

Secretary: Mr S Quinn

A

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MR JAMES MICHAEL MAYBIN (still under oath)

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A P P E A R A N C E S

=====

MR H KENNEDY, QC, MR D MARRINAN and MR B FEE, of Counsel, instructed by the Crown Solicitor, appeared on behalf of the Committee;

B

MR BRIAN F KERR, QC, and MR J MARTIN, of Counsel, instructed by Mr R Cole, appeared on behalf of the Department of Health and Social Services;

MR M LAVERY, QC, and MR A BRANGAM, of Counsel, instructed by Mr M Sittlington of the Central Services Agency, appeared on behalf of the Eastern Health and Social Services and other Boards;

C

MR P SMITH, QC, of Counsel, instructed by Mr B Turkington of McCartan, Turkington, Breen & Company, appeared on behalf of certain members of the Northern Ireland Public Services Alliance;

MR J GILLEN, QC and MR D SMYTH, of Counsel, instructed by T Smyth & Company, appeared on behalf of three former residents of the Kincora and Williamson House Homes;

D

MR R L MCCARTNEY, QC, and MR D RINGLAND, of Counsel, instructed by John Johnson & Sons, appeared on behalf of two former residents of Kincora;

MR J McNULTY, QC and MR C SIMPSON, of Counsel, instructed by Patterson, Taylor & Company, appeared on behalf of a former resident of Bawnmore and Kincora Homes;

E

MR J GILLEN, QC, instructed by Mr R Murphy, appeared on behalf of a former resident of the Kincora Homes; and

MR P MAGUIRE, of Counsel, instructed by Mr G Farrell, appeared on behalf of Mr J M Maybin.

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DB/1/1

1 . . .

A MR JAMES MICHAEL MAYBIN (still under oath)
Cross-examined by MR McCARTNEY (ctd)

Q Mr Maybin, yesterday evening you were telling us about the interview with R 7. I had put it to you that it really had required a lot from R 7, who could neither read nor write, and of whom you had some experience, to make his way down to Lower Crescent really to make it very plain to you that the sole reason for him being there was to prevent his brother going into Kincora. Would you accept that it took a lot of effort on his part?

A Yes.

Q Therefore do I take it, as an intelligent man, you must have said to yourself: "What, in the name of all that is reasonable, is pushing this chap down here to make damn sure that his brother does not go to Kincora?"

A Yes.

Q As a man who had completed a 2-year course for a professional qualification in social work, and who was later because of his interest in child care to do a year at Dundee, because you obviously had this interest in children, why did you not say "I have got to find out from this fellow what is up here"?

A As I said yesterday, the witness R 7 did not wish to expand on the two points that he had made.

Q You had formed a number of impressions at that time. You had formed the impression that there was something he did not want to talk about. Right? He was evasive about it. Did that not put you on notice that it was a matter that was not easily expressed?

A I was certainly aware that he did not wish his brother to go to Kincora.

Q That is not quite the point. The point is this. Did you not form the clear impression from the behaviour of R 7 that there was something about Mains that he found difficult to express -- something funny?

A He certainly used that word, as far as my memory goes.

Q I take it you said to him "Well, look, what is funny? What are you saying? What is it about this man that brings you down here, not on your own behalf but on your brother's behalf?"

A Yes. I did invite him to expand upon that.

Q I take it that at this time you were inviting him to expand upon that, not because that expansion was necessary to your decision about his brother, which according to your evidence had already been taken, but because you wished to know what was funny.

A Yes, Chairmn.

Q How far did you get along that line?

A Not very far.

Q Did this not intrigue?

A As I said, that was as far as the witness was prepared to go.

Q Let us return for a moment to the period of your stay in Kincora. How were you introduced in Kincora? Were you brought down by a more senior official and introduced to Joe Mains, or what did you know of Joe Mains before you arrived there?

DB/1/2

2

MR MAYBIN
BY MR MCCARTNEY

A

A I knew very little about Joe Mains before that point.

Q Yes. But how were you brought there?

A I am sorry. That I cannot remember.

B

Q Are you sure you cannot remember? It was probably the first real field work you had done as a social worker or social assistant or welfare assistant, whatever the term was.

A It would certainly be the first residential work I had done.

C

Q Yes. So, can you recall? Were you simply sent down there? Did you have an introduction to Joe Mains? You see, some of the witnesses here, without the benefit of your professional expertise, have been asked questions of a very specific nature about events of 28 years ago. I am asking you about the events of 1966, which is a long time ago, to be sure, but a little shorter.

A I am sorry. I cannot remember the specific method by which I was first ---

Q Can you recall the first occasion when you met Mains?

A No.

D

Q Can you recall what your first impressions of Mains were? For example, the tribunal have never seen this man. Was he a big man, physically?

A Yes. My recollection is that he would be about 6 foot.

Q Quite heavily built? Well built?

A Yes.

E

Q What impression did he make upon you at this stage?

A At my very first meeting?

Q Well, let us say after a month in your job; after you had seen him for 80 hours.

A He did not make any outstanding impression. He was the first warden of a boys' hostel I had ever met -- a previous officer in charge of a residential unit in Bawnmore.

F

Q You were a young man coming down there. What age were you then -- 20; 21?

A In 1966 I would have been 20.

G

Q You were coming into the home and here was this man who had been the warden of this home at that period for a period of some 8 years, and was considerably older than you in terms of years. Did he offer any avuncular advice? Did he say "Look, you have got to watch out for these boys" or "Here is the drill: A, B and C are here because they had had trouble at home: C is here because he stole something worth 2s 9d and he has been put in here to be sort of supervised"? Did he give you any sort of thumb-nail sketch of the residents to fill you in in terms of your duties?

A I do not recollect that.

H

Q What did he tell you that you had to do? Who assigned to you the specific duties that you were to do at the home?

DB/1/3

3

MR MAYBIN
BY MR McCARTNEY

A

A Jo Mains.

Q What did he tell you?

A A little bit, as I recollect, about the basic living regulations in the unit: times for meals, times for coming in; the normal residential routine.

B

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Q What impression

MR MAYBIN
BY MR McCARTNEY

4

A

Q What impression did you form of his relationship with the boys? Was he a hearty individual? Was it one of a sort of hearty conviviality, or was he something of a martinet, or disciplinarian? What was the atmosphere between him and these boys?

A My impression was that he was a disciplinarian, that in general he seemed to get on with them fairly well, but at that time that was in the context of a very limited experience that I had had with which to compare it.

B

Q Nevertheless, in terms of impression, I have to suggest to you, Mr Maybin, that when you have a clean sheet and are beginning your professional training, the imprint upon it then is of a much more indelible kind than later on -- early impressions. This was your first stint of residential care?

A That is correct, it was.

C

Q You formed the impression that he was something of a disciplinarian. Would you have described him as a sort of "man's man"? Was that the sort of attitude he was projecting? A "nonsense" Joe Mains?

A I am sorry, I am not clear what you mean by that expression.

Q That he was -- I suppose the current word is -- macho; he was very much a masculine figure?

D

A I do not recollect having a strong impression about that, one way or the other.

Q For the three nights a week and the Saturday, you had at least one meal with these lads and with Joe Mains every night, is that right?

A On many nights, certainly.

E

Q During the period you were there, were you assigned -- I think you specifically mentioned it -- the duty for seeing from time to time that these boys were in on time?

A That was part of the residential --

Q How did you go about discharging that duty? What did they do if they did not come in on time? What advice was given to you by Joe Mains?

A Generally, I would have informed Mr Mains on his return that a boy was late, or whatever.

F

Q Did you ever take any steps yourself?

A In terms of punishment?

Q I never said that.

A I am sorry --

Q But if you did, tell us about it.

G

A No.

Q Did you ever beat a boy called R4 with a strap?

A No, Chairman.

Q For being late?

A No, I never administered any corporal punishment.

H

Q Are you sure about that?

A Yes, Mr Chairman.

- A Q Were you aware that there was a strap there?
A Yes, I have seen it used once.
- Q By whom?
A By Joe Mains.
- B Q Are you aware that there is a suggestion that someone --although you are not named as the person --described as a student, in the period that R 4 was there-- and I think R 4 was there when you were there; is that right?
A Certainly for part of that time.
- C Q -- R 4 makes the allegation that someone in the capacity of student -- he does not name you, Mr Maybin, he just says someone -- beat him during that period with a strap, and it was as a result of him recovering from that beating that the first --again I use it as a term of art -- "pass" was made at him by Joe Mains. During the period that you were there, was there any other student or person who might fall into that broad category?
A Not to my knowledge.
- Q Were you present on the occasion when Mains beat a boy?
A Yes.
- D Q Who was the boy? Is he on that list?
A Excuse me one moment, please. (Pause) No, he is not.
- Q What was he beaten for?
A I cannot remember.
- Q Was he beaten because he was late?
A I cannot remember.
- E Q What sort of a beating was it? This was the only occasion, and presumably the first occasion you had seen a beating administered, so it must have made some sort of impression on you. How did he go about this beating?
A As far as I can remember, it was some kind of rubber strap, I am not sure precisely what.
- F Q What was the procedure? Was he beaten on the buttocks, was he beaten on the legs, or where was he beaten?
A My memory is that he was bent over a chair and beaten on the bottom.
- Q Was that over his trousers?
A He had his trousers on.
- G Q What did you think of that performance?
A It was not particularly pleasant to watch.
- Q Was that because it was quite a severe beating?
A In my limited experience at that time, I would have said so.
- Q Did the boy weep?
A I cannot remember. He certainly cried with pain, in the sense of shouting.
- H

A Q Are you telling the Chairman that although this was a severe beating, a beating you found unpleasant, you cannot recall why the boy was beaten? I would have thought that that was the sort of thing you would have known, because you would have used it as a yardstick as to whether a punishment of this kind was merited?

A I cannot recollect if I was aware of the cause of it; if I was at that time, certainly I cannot recollect the reason for it now.

B Q At least we know this about the boy whom I have mentioned, and whose numerical connotation is R 4: at least R 4 was correct in this, that there was a procedure whereby boys for certain misdemeanours were beaten, and he was correct as to the manner in which they were beaten; they were beaten with a strap-- right?

A I only witnessed the one.

C Q The one that you saw?
A That is correct.

Q So that if R 4 is telling untruths, certainly there is a fair injection of truth among the untruth, is that right?

A I really cannot comment on --

D Q If R 4 said that he was beaten, and that he was beaten with a strap, and he was beaten for being late, and that he wept -- do you remember R 4?
A Yes.

Q R 4 was a rather pathetic character, was he not?
A Yes, Mr Chairman.

Q He was small, he was rather timid and frightened, and he was educationally sub-normal?

A Yes, Mr Chairman.

E Q He was the sort of boy that in an atmosphere like that readily becomes the butt of every jest and gibe, is that right?
A That is certainly possible.

Q He was the sort of boy who could easily be taken advantage of?
A That is possible.

F Q What do you recall of the relationship of Joe Mains with R 4?
A I cannot recall anything specific or outstanding about that that would mark it out in my mind as in any way different from the relationship with the group of boys generally.

G Q If I were to suggest to you with the benefit of hindsight -- indeed, knowledge -- that at the time you were there Mains had been sodomising boys for a number of years up to that date, and during the whole period that you were there, was actively sodomising, or attempting to sodomise some of the boys that you were eating with, do you find that surprising?

A With the benefit of hindsight we know--

Q Yes, with the benefit, but I am asking you to project yourself back into that time.

A Without the benefit of hindsight, yes, I would have found that surprising.

H

A

Q Why?

A I think I would have found it surprising because I would not have expected that kind of activity to have taken place in a welfare hostel.

Q That is the general question, but why, specifically, in a hostel that you knew a lot about?

B

A Because I had seen no evidence or indication that that was taking place.

/Q Tell us.....

C

D

E

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H

IT/3/1

8

- A Q Tell us about why, in terms of the assessment you made of Joe Mains: that is the why I want to know about.
A At that time I had no indication at all that Joe Mains was homosexually inclined. I cannot recollect ever having given it any thought at the time.
- B Q Supposing one of the boys had come along to you at that time, after you had been there for a period and watched Joe Mains in action, with his discipline and lack of any effeminate attributes, and said to you: "Look, this fellow is pestering me". Say R7 had come along to you when you were in Kincora and said: "This boy is a queer; he is a 'funny' boy", what, in the light of your experience, would you have felt about R7's complaint in those terms - your experience at that time?
A I may have been rather sceptical.
- C Q Yes. If the boys in the home at that time had seen you come in as a student, and you and Joe Mains were the persons in authority and they could see that Joe Mains was projecting this image of masculinity, certainly not of any effeminacy, and of discipline, would it be fair to say that most of those boys would have rightly forecast the answer you have just given, that you would have been sceptical of any complaint that they had made?
A I do not think I can answer that question, Chairman, as to what the boys would have thought in that situation.
- D Q Well, just as a person trained in social work, and trained specifically in child care, and in a sense an expert, a man who has lectured on child care at the polytechnic, I am asking you as an expert what you think the prospects of any of those children coming along to you and saying: "Joe Mains is really not the pleasant, genial, firm housefather that you see sitting presiding over this table. He is asking me to involve myself in anal and oral intercourse with him when you go away at 11 o'clock at night"? You have already told this Tribunal that you would have been sceptical about any such allegation. Is it too much to assume that the boys would have thought you would have been sceptical?
A They certainly may have done so.
- E Q Yes.
A I said I may have been sceptical, in answer to the hypothetical question.
- F Q It would not be too harsh, would it, Mr Maybin, to describe the boys in Kincora at that time as the sort of human flotsam and jetsam of our society: boys from broken homes, boys who were ESN, boys who had committed petty crimes? The Chairman mentioned Oliver Twist, but in fact there were boys like David Copperfield here whose parents had died, and there were boys like Oliver Twist, and boys perhaps whom Fagan might have been interested in had he been about. They were a rather under-privileged, pathetic lot, were they not?
A That is correct, Chairman.
- G Q But Joe Mains was a figure in authority, was he not?
A Yes.
- H Q He was a man established there for some time, a man - you may be able to tell us - upon whom the local police dropped in from time to time and had a mug of hot tea in Joe's office? Is that right?
A I do not personally recollect that happening.

- A Q But people who called were taken into Joe's office and he was 'the man' as far as Kincora was concerned? Is that not correct?
A He was the Officer-in-Charge, yes.
- Q You are not really suggesting in those circumstances that these boys could manipulate the system, or manage the system, or make complaints with any prospect of being believed, are you?
A I have not made that suggestion, Chairman.
- B Q Would you accept, therefore, that they would not have been in a position to manipulate or manage or organise the system, these rather pathetic individuals?
A That is a difficult question to answer. I ...
- Q Why is it difficult?
A Because you are asking me to give an opinion as to whether someone else could have done something or not.
- C Q I am asking you, and I put it absolutely plainly, Mr Maybin, as an expert, a person who is trained and works specifically in child care, to review a situation, the case histories of which you mostly know, and to give an expert judgement as to whether those pathetic individuals, like R4, for example, would be capable of manipulating, or managing, or organising the system to make their complaint heard. Is that too difficult a question for you? If it is, say so.
A I would certainly accept that witness R4 ...
- D Q. You are plumping for the ESN man to make a specific judgement on.
A That was the witness you ...
- Q What about R7, who could not read or write? Where would he fall in the scheme of things?
A With that restriction he would have found it, I would consider, more difficult to make a complaint.
- E Q What about a boy with a disturbed background who was brought to Kincora as the last stop before being put in a place where he would be more controlled, a place like Rathgael, a borstal?
A It would depend on the nature of the disturbance as to whether or not that would inhibit him in informing other people.
- F Q We have looked at the question of whether or not they would have been capable of making a complaint, and you have told us that if such a complaint had been made while you were there you would have been sceptical.
A I said I may have been sceptical.
- Q May have been sceptical.
A It was in answer to the hypothetical question you posed.
- G Q Oh of course. The record will keep you right on hypotheses, Mr Maybin. Let us progress a little further. You were there in 1966, and then you went off on a sabbatical for two years to Queen's and came back in July 1968. Is that right?
A It was a training course, yes, Chairman.
- H Q A training course. And when you were away did you have any connection with the Welfare Department or the office generally? Did you report back, go in and see Mr Mason or Mr Moore, who was, I believe, then the children's officer - in 1968.
A I think so. I cannot recollect those dates specifically.

IT/3/3

10

A Q If he was not, he was about to be. Did you, during your period of secondment to Queen's University, liaise with the office?
A It is difficult to remember at this distance in time, but I would certainly have dropped in to the Divisional Office.

Q Were you friendly with Mr Moore?
A No, he was a very senior officer in relation to me at that point.

B Q He was a senior officer. We have heard he went on his training course in 1964 or 1965 - the dates are not of great relevance except that it is only a few years in front of you. He was trained at Liverpool for two years and he was not then - well, he may have been the children's officer but he was not all that much older than you, was he? Four or five years?
A I am not sure of his age, Mr Chairman.

C Q Did you talk to Mr Moore?
A I do not recollect talking to him specifically during the time that I was at Queen's.

Q Were you ever made aware that there was an investigation by Mr Mason and possibly by Mr Moore in 1967?
A No, Chairman, I was not.

D /Q If you had been ...

E

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- A Q If you had been made aware that there was an investigation in 1967 because a boy - and again this is in connection with the correspondence, Mr. Chairman, of September 1967, the so-called "Mason File"; there was an investigation into allegations by other boys that they were being interfered with, that attempts were being made to kiss them, that hands were being put down their underpants apparently searching for nits, and this was all attributed to Joe Mains, and you knew nothing about that, you say?
- A That is correct, Chairman.
- B Q And that one of the conclusions of that examination was that some of these boys might be wicked or vindictive, but that nevertheless Kincora should be kept under close observation - this is 1967 we are talking about?
- A Yes, I was not aware of the investigation, nor the conclusions.
- C Q Tell me this, do you not find it a little surprising that if there was an investigation carried out by the Welfare Officer and possibly the Children's Officer, Messrs. Mason and Moore, in 1967 about allegations involving Joe Mains, that you as a Welfare Assistant and a person thought well enough to send on a university course, were never called in, as a person who had actually worked in that home for six months in 1966, the year previously, and that someone didn't say to you - "Look here, there is this allegation about this sort of behaviour from Mains, you have been in the place for six months, any whimper of it? Anything you noticed? Anything going on?". Wouldn't that have been a prudent thing to do if there was an allegation made of this kind to ask a Welfare Assistant who had worked in the place for six months had he noticed anything?
- D A I don't know the reasons for that, but.....
- E Q I know you don't, but I am asking you, would that not seem to you on the face of it - if you were conducting the investigation now, and you had one of your staff who had actually worked in the place for six months and therefore would have been in a prime position to give advice, that you would have called him in?
- A Yes, Chairman, I would.
- Q It seems a sensible thing, doesn't it?
- A Yes.
- F Q Yes; and of course, if you had been called in and had been, as it were, put on the qui vive about the 1967 operations and complaints, it would have been a very different kettle of fish in July 1968 when R7 now out of the home presented himself and said - "I don't want my brother to go into Kincora, Joe Mains is a funny boy", right? You would have immediately put the two together, wouldn't you?
- A Depending on what I had been told, if I had been told, yes, Chairman.
- G Q Well, supposing you had been told - and I will put it to you absolutely bluntly; supposing you had been told when you returned or you had been called in in 1967, about a year after you had left this home, and you had been told that an allegation had been made by a number of boys that they were being sexually interfered with and molested by Joe Mains, and that a decision had been made to keep an eye on Kincora particularly, and you had been asked if there was anything about the place that you had noticed; and then, about eight or nine months later R7 had come in and said - "I don't want my brother to go there, Joe Mains is funny"; would you have had the slightest doubt at that stage what "funny" meant?
- H A No, Chairman, I don't think so.

- A Q You would have known that it meant homosexual behaviour?
A In the context you describe.
- Q And you would also have known at that stage that R7 had no axe to grind personally because he was no longer in it?
A Yes, Chairman.
- B Q And therefore you could have immediately ruled out any element of vindictiveness on his part?
A Yes, Chairman.
- Q And it would have begun to assume the hallmarks of honesty?
A R7's.....?
- Q R7's intervention on behalf of his brother?
A Yes, Chairman.
- C Q And this would have been another piece of information that would have been added to the pile that had started with the 1967 investigation. Now, let's move on to 1971; where were you in 1971?
A For the first eight months of the year I was at the University of Dundee, Chairman.
- Q And then you returned?
D A That is correct.
- Q In about September/October?
A About September.
- Q And what duties did you take up in September/October 1971?
A Those of the post of a Social Welfare Officer.
- E Q Where?
A In Lower Crescent.
- Q That was your headquarters were still then in College Street, is that right?
A The Welfare Authority's headquarters were in College Street.
- Q And when you returned were you ever made aware that there was another investigation?
F A No, Chairman, I was not.
- Q And that that investigation again was prompted by a boy no longer in Kincora writing a letter in which he outlined details of the homosexual advances of Joe Mains?
A No, Chairman, I was not.
- G Q On that occasion were you ever - you were now back, you must have been one of the best qualified social workers at that time, because you had a two-year course for your Social Work Diploma qualification in Queen's, and you had just completed a year's training at the University of Dundee in Child Care, so you were big into child care - to use a phrase; you had also worked for six months with Joe Mains in Kincora. Were you ever called in at that time to say - "look, this thing has bubbled up again, further allegation against Joe Mains; do you know anything about this, anything as a result of your six months' experience there?"
H A No, Chairman, I was not.

BA/4/3

13

MR MAYBIN
BY MR McCARTNEY

A

Q But if you had been called in in 1971 and you had been told about the letter of complaint in 1971, and you had been told about the earlier complaints in 1967, and you had been able to make the connection of R7's request about his brother - again, all of these things would be adding up, wouldn't they, if you had been consulted?

A Yes, Chairman, I would expect so.

B

Q And you were a person now doubly qualified; you were qualified as the person who knew most about Joe Mains because you had worked in the place for six months, and you were also professionally very expert, having been trained; but you were never ever consulted?

A That is correct, Chairman.

C

Q If you had been, do you agree that with the information in 1967, the complaint in 1971 and your additional piece of information that you were now aware of, the significance of July 1968 in the interview with R7, all of this pile would have begun to build up to a noticeable degree, is that right?

A In the sense that I presume the Welfare Authority would have had the results of the two investigations to which you referred.

Q Plus, plus your contribution, the R7 interview?

A That is correct.

D

Q

E

F

G

H

/Q Then we come on to

A

Q Then we come on to 1975. In 1975 you have had a period of lecturing in child care; is that right?

A No, Chairman.

B

Q Was child care part of your brief at University?

A Yes, but later than 1975.

Q When was that?

A It was in '77.

Q In 1975 where had you been working after reorganisation?

C

A Immediately after reorganisation as an assistant principal social worker in North and West Belfast, and from 1975 at a similar post in East Belfast and Castlereagh district.

Q So in 1975 you were back in an area, East Belfast and Castlereagh district into which Kincora fell?

A That is correct, Chairman.

D

Q So from 1975 until when were you in East Belfast?

A From '75 until late, I think, November '77.

Q From '75 until '77 who was your immediate superior in terms of line management?

A Miss Molly Kyle. She was a principal social worker for field work services.

E

Q Was she what has been described earlier as a team leader?

A No, Chairman, I think that team leader normally refers to a senior social worker position.

Q What was your status at that time?

A I was an assistant principal social worker.

Q Then was a senior social worker below that?

A Yes, Chairman.

F

Q So you were above a team leader?

A Yes, Chairman.

Q That was Mrs Molly ---

A Miss Molly Kyle.

G

Q Who did she report to? We know that Mr Scoular was the divisional welfare officer for East Belfast. I take it that Miss Molly Kyle didn't report directly to Mr Scoular?

A Yes, she did, Chairman, to the district social services officer.

Q Did your function relate in any way to any of the residents in Kincora?

A No, it did not.

H

Q Did any of those who were directly responsible to you have functions relating to Kincora?

A That I don't remember, Chairman. The situation in the field work office is that social workers will have individual responsibility for children in residential care.

A

Q There was also a social worker who was attached to the home apart from the individual social workers attached to residents of the home?

A Not to my recollection, Chairman.

B

MR McCARTNEY: I am subject to the Tribunal's recollection, but I understood that to be the position as it has been described.

MR KENNEDY: I understand that there is a residential day care manager.

MR McCARTNEY: Would the function of the residential day care manager in relation to the home have been as the social worker for that home?

C

A In terms of the regulations, yes, Chairman.

Q Where did you fit in with the residential day care manager in East Belfast who was responsible for Kincora?

A Not in line management, I would have consulted with my principal for field work services about the placement of children if I needed some information or support, and she in turn would have related to the principal social worker for residential services.

D

Q In 1975 I think you mentioned in your evidence you became aware of rumours about Joe Mains?

A I had heard a rumour. That is correct, Chairman.

Q You say that you had heard a rumour. Was this a rumour which you heard in the context of your work?

A I can't remember the context in which I heard it.

E

Q What was this rumour?

A The rumour was to the effect that Joe Mains was homosexual.

Q This must have come as quite a shock to you, did it?

A It came as a surprise.

F

Q They say that rumour has a thousand tongues, and one of them was whispering to you that Joe Mains was a homosexual. But you had worked with Joe Mains. This wasn't just a vague rumour about somebody whose name you knew in the social welfare work. This was a specific rumour about a man whom you had worked with for six months on not exactly a daily basis, but on four days out of every seven for 26 weeks. I therefore take it that this rumour when reported to you must have had some significance to you, Mr Maybin, you jelled on it because you knew the man?

A I had known Mains previously, yes.

G

Q I know that you had known him previously. That is like stating the obvious, but did this rumour not have special significance? You were being told something about a man whom you had worked with.

A Yes, I worked with Joe Mains.

H

Q First of all, what was the nature of the rumour? You said that broadly that he was homosexual, but was that all there was, Joe Mains is homosexual?

A That is as much as I can remember, certainly.

A

Q What was your reaction to this rumour?

A I found it difficult to believe.

B

Q You were sceptical?

A Yes, Chairman.

Q Did not a little bell ring in your head, Mr Maybin, about poor old illiterate R 7 and his brother - "Joe Mains is a funny man". And now some seven years later there is a rumour that Joe Mains is a homosexual. Are you honestly telling this Tribunal that you did not make that connection in 1975?

A Yes, Chairman.

C

Q I have to suggest to you, Mr Maybin, that with the best will in the world I find that very, very surprising that you hearing that Joe Mains is a homosexual by way of rumour in 1975, you forming a judgement on it that you were sceptical, and forgetting entirely about a boy who couldn't read and write but who screwed himself to the sticking point and came into Lower Crescent and said to you, "Don't send my brother to Kincora because Joe Mains is a funny boy".

D

A I don't recollect that expression being used. My recollection was that he had described Joe Mains as funny.

Q And you have already accepted that he wasn't suggesting Joe Mains wasn't a natural successor to W C Fields?

A That is correct, Chairman.

E

Q He wasn't suggesting that Joe Mains was idiosyncratic, and that it crossed your mind that funny in this context might mean homosexual?

A Idiosyncratic might have been one of the possible interpretations.

Q But it also crossed your mind according to your evidence that funny at that stage might have meant homosexual?

A I can't recollect that specifically crossing my mind at that point.

F

Q Again I am subject to the note, but I think yesterday you might have been persuaded to that effect.

G

H

/ A I knew very...

DB/6/1

17

MR MAYBIN
BY MR MCCARTNEY

A MR BRANGAM: Page 105.

MR MCCARTNEY: It was during my cross-examination. The page reference you gave me, Mr Brangam, was Mr Maguire's evidence. We will leave it in the meantime. I am told that it is page 105.

B "Q But I take it that you must have been, to put it in its most neutral fashion, a little intrigued by this. Here was a former inmate of Kincora whom you knew, talking about a man who ran the place, which you knew, and using evasive and odd language, but language capable in the context of this being an all-boys' home -- "funny" -- of having sexual overtones. I mean, that must have crossed even your relatively inexperienced mind at that time -- that "funny" could have that connotation. Did it?

C "A I honestly cannot remember whether that was one of the interpretations that I would have thought was possible. Clearly, it is an interpretation of the words. Whether I specifically thought that was one of the options is difficult to remember at this stage."

D I am suggesting to you now that in the ordinary use of language it must have crossed your mind, Mr Maybin.

A I cannot honestly remember now whether that did cross my mind at that time. It is now 15 or 16 years ago.

Q Of course. But 1975 is only 10 years ago. You were being told then, or rumour had it, that Joe Mains was a homosexual, or reputed to be a homosexual, and you did not make the connexion with R 7, and you still would have continued to be sceptical about the truth of it. Right?

E A That is correct.

Q And you still did not know about the 1967 and the 1971 investigations of Mains?

A That is correct.

F Q How strong was this rumour? Because although you did not remember other things you remembered this rumour. Was it fairly current in social work circles?

A I do not know. I certainly became aware that it was there. I had news (?) of it. I did not pass it on; nor did I discuss it with other people. I cannot know how --- (Interruption)

G Q You can remember that you did not pass it on. You can remember that you did not discuss it with other people; and it came as a surprise and a shock to you. Can you tell the tribunal the context in which you were told this and by whom?

A No. I am sorry. I cannot.

Q Your mind is a blank on that?

A Yes. I cannot remember the source or context in which I heard that.

Q Were you told it more than once?

H A I do not think so.

Q Did you not think it important to at least have a word with Mr Scoular about this?

A No.

DB/6/2

18

MR MAYBIN
BY MR McCARTNEY

A

Q Or Mr Bunting, who was the assistant director with a brief on child care?

A No. I did not discuss it with Mr Bunting.

THE CHAIRMAN: Mr Maybin, I think you said yesterday that it was low level gossip.

B

A That is correct, Mr Chairman.

MR McCARTNEY: Low level gossip -- which proved, very rapidly, to take on the title of a pop group. It became Hot Gossip fairly shortly. Is that not right?

A As I recollect, the story broke publicly in 1980.

Q Yes. But it began to bubble again in 1977 and 1978 and 1979, did it not?

C

A I had heard another rumour in the late 1970s.

Q You heard another rumour in the late 1970s. Would it be right, Mr Maybin, that really if you had inquired at the time of R 7 and had passed it up the line -- if you had pushed R 7 to find out what was happening, and had discovered an allegation of homosexual behaviour by Mains, you would have had to pass that up the line.

D

A That is correct.

Q That would have created a bit of a wave. I mean, Mains would have had to have been investigated, would he not?

A I certainly expect so.

Q And you had worked with Mains and you would have been sceptical.

A At what point?

E

Q You would have been sceptical about any suggestion about Mains being queer. You were even sceptical about it 7 years later, in 1975.

A That is correct.

Q You see, Mr Maybin, part of the reason why boys continued to be sodomised from 1976 at least on is because there were so many sceptical people who were not putting even their tuppence-worth of information into a common pool. Because you do accept, do you not, that if all the information that had been to available to others was available to you, plus your bit of information, you might have taken a very different view of Joe Mains and been less ceptical?

F

A Had I been aware of all those other things, that is certainly possible.

Q Yes. But there were other people, were there not, who might have been in a position to have had that information.

G

A At that time I would not have been aware of that.

Q Tell me something about the office that you worked in in East Belfast. Where did you work?

A It was located at 213 Castlereagh Road, above a tyre depot.

Q Who else worked in that office?

H

A There were two senior social workers and, I think, four or five social workers, a similar number of social workers' assistants, and some clerical staff

DB/6/3

19

MR MAYBIN
BY MR MCCARTNEY

A

Q What was your connexion with Mr Scoular?
A He was my ultimate line manager.

Q How many people were in between you and him in the line management?
A One person.

B

Q Who was that one person?
A Miss Kyle.

Q Was Miss Kyle succeeded by Mr Higham for a period?
A Not to my knowledge.

C

Q Did Higham figure there during your time as a person in line management above you and beneath Scoular?
A No. My recollection is that Mr Higham was also an assistant principal social worker.

Q The same as you?
A Yes.

Q How often did you see Higham?
A I would have seen him at management meetings of the district.

D

Q How frequently?
A Possibly once a monthh

Q Were you aware at any stage that Higham had information or was getting some of this gossip about what was going on?
A No. I was not.

E

Q Did Mr Higham ever mention anything to you ---
A No.

Q --- about what was going on in Kincora, or suggestions of what was going on in Kincora?
A No.

F

Q In 1977, was it, that you next got a whiff of the Kincora-Joe Mains situation?
A I can only date it to the late 1970s; not more specifically than that.

Q What was the nature of the stuff that you were getting, whether it was low-level, high-level, cool, or hot gossip in the late 1970s?
A The effect of that rumour was that Mains had been sexually interfering with the boys in his care.

G

Q Now, this was getting a lot hotter, because not only was it not a vague suggestion that he was a homosexual at large, but that he was a homosexual preying upon the boys under his care. This was a very specific rumour that you were now hearing.
A That is the rumour. Yes.

H

Q Where did you hear this rumour?
A I cannot remember the context.

Q We are talking now, Mr Maybin, about 5 years ago, 6 years ago, at most 7 years ago. Are you seriously telling us that you do not know where you got this absolutely dynamite stuff?
A Yes.

DE/6/4

20

MR MAYBIN
BY MR McCARTNEY

A

Q It just sort of materialised.

A I was obviously told it by some person. But who was that person was, or the context in which --- (Interruption)

Q I do not mind if you take the point that you know the source but do not wish to reveal your source. That is one thing. But are you telling us that you just do not know?

B

A Yes.

Q What was your reaction on this occasion?

A Again I find that difficult to believe.

Q At the risk of asking you to emulate St Thomas, at what stage, Mr Maybin, would you have stopped doubting? If you had caught Joe Mains in flagrante delicto? I mean, at what stage do you begin to think that you have a duty to act or to at least relay this information to a person who can act?

C

A That is a difficult question to answer.

Q Of course it is a difficult question.

A It was a rumour. It was specific in the sense that you describe but not specific in the sense of referring to times, dates, places or people other than the general point about the young men in Kincora.

D

Q Let me put two points to you. Until an article appeared in The Irish Independent, and somebody blew the whistle, it was all rumour. Until Semple, McGrath and Mains were charged, prosecuted and convicted, it was all rumour, subject to investigation. But someone somewhere along the line had to decide that they would act to investigate the rumour, or at least to correlate the rumours. At no time did you ever do that, did you go along to someone in authority and say "Look, I do not know; this is rumour; but it is a persistent rumour. The information I have about it is limited. Is there any other information anywhere else?" Did you ever take that decision?

E

A No. I did not.

Q For 2 days, Mr Maybin, a number of former residents of Kincora were cross-examined to within an inch of their lives. I think you were here for part of it.

F

A For part of it.

Q Yes. As to why they did not make a complaint; why they did not go to somebody in authority; why they did not say. I think it was even inferred that they may have acquiesced in this behaviour. But what you are really saying, Mr Maybin, is that although you heard all these rumours, and even though you had been told, or if you had been told this, you would have been sceptical.

G

A No. I do not think I said that had I been told of the previous investigations to which you referred that I would have continued to be sceptical up until that point.

Q But what did you do as a senior responsible social worker -- an assistant principal social worker -- with a team under you, in East Belfast? Did you not at least go along to Miss Kyle, or whoever then was your senior, and say "Look, this is in our area. This is in East Belfast. These rumours are persistent. Do headquarters know anything about it?"

H

A No. I did not.

DB/6/5

21

MR MAYBIN
BY MR McCARTNEY

A

Q Let me bring you up to date, Mr Maybin, with your headquarters. By 1976 Mr Gilliland, Mr Scoular and Mr Bunting knew all about the Mason (?) file of 1967 and 1971. They also knew all about a man called McGrath, who was alleged to be a homosexual. He was under investigation by the police, Det. Con. Cullen. You did not know that, did you?

A No. I did not.

B

Q Had you ever at any time, or any staff under you, been given a monitoring brief on Kincora? Had anyone ever said to you: "Look, there is a question mark. We are not very sure. It is rumour. It has not been substantiated, but there are continuing rumours about goings-on in Kincora. We want you to monitor the place, and if you get any information, or if you hear any further rumour, will you relay it back to us for correlation?"

A No. That did not happen.

C

D

E

F

G

H

/Q If you

A

Q If you had had that brief from your management, if someone had taken you aside and said, "Look, there are a number of files on this man Mains going back to 1967, and we have a monitoring function and duty to keep an eye on this place; we have obviously got to sift the wheat from the chaff, but if you hear anything, any 'vibes' coming through any of your social workers, or you hear anything in the district, report it back" -- were you ever given any instructions of that kind?

B

A No, I was not.

Q Do you accept that it was only when rumours became so rife publicly that Members of Parliament like Mr Fitt and the press actually blew the whistle, and up until that time there had been absolutely no correlation or action by a mass of social workers within the Eastern Health and Social Services Board?

C

A I cannot answer that question directly. I am not aware personally of what correlation did or did not take place.

Q Yes, but Mr Maybin, if everybody was adopting the attitude that you adopted in relation to their own little piece of information -- "It is a rumour, I am sceptical of it, I know Joe Mains; I would not pass it on; I would not talk about it" -- that effectively kept the dead hand on the situation, did it not? It was a blanket on it?

D

A Yes, Mr Chairman.

Q If this Committee from the evidence should find that a whole series of social workers are all holding their own bit of information and are all getting these "vibes" and nobody is doing anything about it, that is a condemnation of the system for not putting it together, is it not?

A Certainly the system did not put it together, from the evidence.

E

Q The system ultimately only put it together because someone not in the Eastern Health and Social Services stood up and shouted. For how long did the late 1970s rumours persist? When you give it as the late 1970s, was that a spread of time for one rumour or was it a spread of time for a succession of rumours?

A In so far as my knowledge goes, there was only one rumour within that period.

F

Q Did you hear that same rumour on more than one occasion? In other words, did it become pervasive?

A Not to my recollection, no.

Q You only heard it once?

A As far as I can remember, yes.

Q And, like the Chinese monkeys, you saw no evil, you spoke no evil and you heard no evil; and it died with you?

G

A I did not pass it on or discuss it with people, yes.

Q You never made any of the connections right back to your time in Kincora?

A No, Mr Chairman.

Q If you were hearing this rumour, would you accept that it was pretty widespread at that time?

H

A I would have presumed so --

A

Q You were not hearing it as a special informant; the very fact that you cannot recall who told you indicates that it was a gobbet thrown out at large rather than someone coming along and saying "for your ears only, Mr Maybin, there is a rumour that Joe Mains is a homosexual who is not only homosexual but who is practising it on the boys in his care". It was not some Iago figure whispering in your ear; it was common knowledge?

B

A Certainly my memory of it was that the context was not a specific one for my ears only, to use your expression.

Q Therefore am I right in suggesting to you that it was fairly widespread?

A It may have been, but I cannot answer that from personal knowledge.

C

Q Did Mr Bunting serve with you in the old Belfast Welfare organisation?

A Yes, he did.

Q I take it that you had really three children's officers in your time: you had Miss Brown, who was the original incumbent; Mr Moore; and for the last period of your service, Mr Bunting?

A That is correct.

D

Q So that Mr Bunting would have had a direct continual contact with East Belfast and Kincora because he was the Children's Officer under the Belfast Welfare Department?

A Yes.

Q And Kincora would have been a responsibility not of the divisional welfare officer but of the children's officer?

A Yes, that was a responsibility carried by headquarters.

E

Q Directly?

A Directly.

Q We have heard subsequently that after the reorganisation in 1973 he became the Assistant Director with a specific function in residential and child care?

A Yes, he was Assistant Director of Social Services for all the child care services, I believe.

F

Q Had you any contact with Mr Bunting on a personal level in Belfast when you worked together there?

A Not on personal level, no.

Q Did you know him on Christian-name terms?

A Yes.

G

Q You were reasonably friendly with him as a subordinate employee, nevertheless?

A Yes, Mr Chairman.

Q When you moved into the reorganised structure, again, he was a superior to you, is that right?

A He was not in direct line management.

H

Q No; but you knew him?

A He was a more senior officer.

- A Q Did you meet him from time to time?
A I would have met him from time to time, yes.
- Q Do you ever remember at any time discussing Kincora with Mr Bunting?
A No, I do not.
- B Q Would it not have been a possible subject of conversation? After all, he was an old Belfast welfare man, he was in child care; you were qualified in child care; Kincora was in your area in East Belfast; there were a number of common denominators. Did he never ever mention Kincora?
A Before the scandal broke in 1980?
- Q Well, ever: you tell me.
A Certainly not before then that I can recollect.
- C Q Why "Certainly not"? Why not just "not"?
A Not.
- Q I see.
A Your question was, did I remember discussing it with him, and my recollection was that I did not.
- D Q No; your recollection was not "not"; your recollection was "Certainly not". You certainly had a number of discussions about it afterwards; I assume that to be the natural inference from your question.
A No, I do not think that it would be correct to say that we had a number of discussions afterwards.
- Q When I said, had you had any discussions about Kincora, you asked whether it was before or after the matter broke in the press.
A Yes, I asked that.
- E Q I am suggesting that that inferred that you may have had discussions afterwards, although certainly not before. I am asking you whether you did have discussions after that?
A It may have been mentioned; it was not the subject of a formal discussion or meeting.
- F Q I am not suggesting that you had a formal discussion. I am suggesting to you that it would have been the most natural thing in the world for two former professional employees of the Belfast Welfare Committee or Department, one of whom had worked for six months in Kincora under Joe Mains -- he was then the subject of charges and public contumely -- and the other the children's officer for the Belfast Welfare -- if you two did not have something to say about Kincora after the news broke, it is difficult to think who would have had a subject matter for a conversation. Did you have such conversations?
- G A I can only recollect one specific brief conversation about Kindora with Mr Bunting in the context of a discussion about something else.
- Q So you are telling us that you can remember one specific brief conversation about Kincora in the context of something else -- in those circumstances I wonder you talked about Kincora at all -- it was brief, specific, and in another context.
- H A Well, the purpose of the --

A

Q Tell us now when it was, why it was brief, what was its specific nature, and in what other context.

A I am sorry, it is very difficult to remember.

Q You put the terms on the conversation; not I.

A I am sorry, would you repeat the question, please?

B

Q You said the conversation was brief; you said it was about a specific point and that it was in the context of something else. How brief was it?

A A few minutes.

Q What was its specific nature?

A I think we were both expressing surprise at the events that had turned out.

C

Q What events?

A The conviction of Mains and others in Kincora.

Q Surprise? Even after these gentlemen had been charged, tried and convicted, are you telling this Committee that the reaction of you and Mr Bunting was one of surprise?

D

A Well, certainly on my part, in the sense that I had been sceptical earlier on, and I think he was too; I do not know. I think he had asked me, had I ever had any inclination --- I am sorry, any knowledge or suspicion, before the thing broke in 1980, and I said I had not.

Q He was surprised. When Mr Bunting was asking you about the information that you had before 1980, and you told him you had not, did he also express surprise? Was this mutual surprise?

A Yes, I got that impression.

E

Q That is very curious, if Mr Bunting was surprised as well, and sceptical, because Mr Bunting, unlike you, was privy to the Mason file of 1967, the letters written in 1971, to the queries with the police of 1976, to a meeting in 1967 with Gilliland and Scoular, and to the passing on to Scoular, your divisional welfare officer, also of information of an investigation by Detective Constable Cullen on McGrath. He would also have been aware of statements made by --- I think it was --- Detective Constable Scully and others at Strandtown police station in 1977 and 1978.

F

Despite all of this information which Mr Bunting had and which you did not, apparently, have he was expressing surprise that Joe Mains had come to this sorry pass, is that right? That was your impression?

A That was my impression.

Q I take it that during the course of this brief conversation in which you and he expressed mutual surprise, he did not mention to you any of this prior knowledge which he had?

G

A That is correct.

Q He did not ever reveal to you that there had been a cloud over Mains at that time for 13 years?

A No, Mr Chairman.

H

/Q And he...

IT/8/1

26

A Q And he asked you, did he, had you any knowledge - he made a reference to you having worked in Kincora for six months during this brief and specific and other context conversation - or suspicion of him?

A I do not remember him specifically making that reference.

Q I thought a moment ago he asked you - I may be wrong - but did he not make any reference to your experience of Joe Mains?

B A Yes, I think he had asked a general question if I had had any reason to think that this was likely to happen. I do not recollect him specifically ...

Q And you said at that stage "No"?

A Yes.

C Q You were surprised, despite the fact that in 1975 you had been the recipient of a rumour that he was a homosexual in general terms, despite the fact that you had been the recipient of a rumour in the late 70s that not only was he a homosexual but he was actually practising it on the boys in the home, a rumour that proved to be absolutely 22 carat genuine, and despite the fact that you never made a connection that an illiterate 17-year old had come along to you and pleaded with you to do your best to keep his brother out of Kincora because Mains was "funny", you joined with Mr Bunting in mutual surprise?

D A Yes, that conversation, as I have indicated, had taken place after the story had become public.

Q Did you never say to him: "Well, you know, Mr Bunting, why should we be surprised about this. There has been a gossip now for five or six years that Joe Mains was at it?"? Because that was true, you could have said that truly: "Well, it is not a total surprise because there was generalised gossip at least, a rumour".

E A I do not recollect saying that, no.

Q No, but that was the case, was it not?

A I had certainly been the recipient of two rumours.

F Q Answer me this, Mr Maybin: why should you have been surprised when he was charged and convicted, in view of your prior knowledge of these suggestions, right out of the blue that this man was a homosexual, sodomising the boys in the home? You had known that for a number of years - whether it was true or not you knew it as a statement which had been made.

A As a rumour.

Q Yes, as a rumour. Why then, when it proves to be true and he is convicted and sent away to prison for four or five years, should you be surprised?

G A Because obviously it could have been not true. The conviction clearly indicates that it was true.

Q The truth of the matter, Mr Maybin, is from beginning to end you remained sceptical and after conviction you were surprised about Joe Mains?

A Yes, Chairman.

H Q You appreciate also that one of your direct line management - Mr Scoular - after the police had made an investigation in February of 1980 also was expressing, at that late stage, and he had much more information than

A you, the view that the police were alarmists. Were you aware of that?

A Not at that time. I have read the transcript since.

Q Mr Maybin, how would any of these wretched boys have had the slightest prospect, in the system as it operated, of having any of their complaints overwhelm the mass of scepticism of people like you and Mr Scoular about their bona fides in making those complaints? How could they have beaten the system?

B A I find that a difficult question to answer. There were various things which they may or may not have been able to do but obviously, for whatever reason, they chose not to do so, or were ...

Q They chose not to do so?

A ... unable to do so.

C Q I have no further questions of this witness.

THE CHAIRMAN: Mr Gillen, I am trying to make some calculations about the time. Could you give me any kind of estimate of how long you will need? I am not trying to confine you.

MR GILLEN: I appreciate that. I would think about half or three-quarters of an hour.

D THE CHAIRMAN: Thank you.

Cross-examined by MR GILLEN

E Q Mr Maybin, my name is Gillen and I appear on behalf of, amongst others, R4 and R7. Just to start with the last thing that Mr McCartney dealt with, am I right in saying that the sort of questions you have been asked today about, for example, the source of the rumours, how widespread they were, and so on, this is really the first time that anyone has questioned you about those things, other than perhaps the police?

A Yes, Chairman.

Q So may we take it then that no one in the Board has ever inquired from you these kinds of things?

F A You may.

Q And may we take it then that so far as you aware there has been absolutely no investigation by the Board as to how this situation came about, that rumours were rife, or that a rumour was rife - certainly no investigation involving you anyway?

A No investigation involving me, Chairman.

G Q And I assume that you would have known if there were any such investigation carried out?

A If there were an investigation involving me, yes, I would have known about that, Chairman.

Q So far as you are aware, no attempt has been made to trace the source of these rumours - by the Board?

A I am not aware whether that has happened or not.

H Q And of course the Board must have been aware, from 1980 onwards, that you had heard of these rumours? I take it you made it known to the Board,

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A or somebody in the Board, that you were aware of these rumours?
A No, Mr Chairman, I did not.

Q Not until the Terry investigation?
A That is correct.

Q And that was in 1982?
A Yes.

B Q So may we take it the Board, Messrs Gilliland, Bunting, Scoular and so on, must have been aware that you had heard these rumours from 1982 onwards?
A If the police had shared that information with them, yes, Chairman. I do not know whether that was the situation.

C Q May we take it also that no instructions, so far as you are aware, have been given by the Board to people, in your rank, for example, as to what should happen if such rumours should abound again?
A I do not work for the Eastern Board and therefore would not be able to comment in detail about subsequent instructions.

Q When did you leave the Eastern Board, Mr Maybin?
A In November 1977.

D Q 1977. What Board do you work for now?
A I work for Barnardo's.

Q May I turn now to your progress as a social worker. At the risk of embarrassing you, Mr Maybin, it looks as if you have been something of a real success story in the social field, if promotion is anything to go by. You seem to have ascended the scales fairly rapidly - would that be true?

E A There was general promotion at that rate around at that time.

Q You were a social welfare officer in 1971, in 1972 you were a senior social welfare officer, in 1973 you were assistant principal social worker: that is pretty rapid promotion.
A Yes, Chairman. The latter was a fairly general one at reorganisation.

F Q And you also have been sent on at least three courses: Queen's, for your diploma, University of Dundee for something involving child care and then the Ulster Polytechnic?
A No, the Ulster Polytechnic was not a course which I attended.

Q What was that?
A That was a job I had in lecturing in social work.

Q You were lecturing in social work?
A Yes.

G Q Does that mean, when you were a lecturer in social work, you were lecturing to other social workers, or trainee social workers?
A Mainly trainee social workers.

Q Between 1977 and 1979?
A That is correct.

H Q Was it whilst you were a lecturer that this rumour that you heard in the late 70s came to your ears?
A It is difficult to be absolutely precise about that. I can only date the rumour in the late 1970s, and I was at the Ulster Polytechnic.

A Q It is just by virtue of the fact that you do not say "mid 70s" but "late 70s", and I assumed it must have been during the polytechnic time.
A Yes, I would probably make that assumption too.

Q I take it that you knew what homosexuals were from school days?
A I had certainly heard the term before. I do not recollect, in my very early experience, having a particularly clear or specific knowledge of the subject.

B Q I am sure when you entered social work and after you left school you knew what a homosexual was.
A In general terms, yes.

Q And you knew there were some homosexuals who practised their art on young men?
A I would have known that probably, yes.

C Q And you would have known that that band of homosexuals who carried out activities with young men very often could happen in all-male establishments where there were young men?
A I do not recollect particularly thinking of that.

Q But you would have been aware of that, would you not?
D A If I had been asked I may have been. It is difficult to say at what point that particular piece of knowledge would have come.

Q During the time you were in Kincora for the first time, a period of about six months?
A Yes, about that.

Q You were 20 then?
E A Yes, Chairman.

Q 20. You knew what homosexuals were then, I take it?
A I had certainly heard the term.

Q You say you had heard the term: Mr Maybin, did you know what a homosexual was when you were 20 years of age?
A Yes, Chairman, I think so.

F Q Are we intended to gather from your hesitation, Mr Maybin, that you have some doubt in your mind whether or not at the age of 20 you knew what a homosexual was?
A I was just trying to recollect, if I could have done, the first time that I would have become aware of that and to check that that was, as I suspect, before 20.

G Q I take it we can accept that at 20 years of age you knew what a homosexual was?
A Yes, Chairman.

Q And may we take it also then that by the time R7 came to see you you knew what homosexuals were?
A Yes, Chairman.

H Q And you knew that the phrase "funny", used in the Belfast vernacular, very often could mean homosexual?
A I accept that that is one of a number of possible interpretations.

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A Q May we take it, therefore, that when R7 spoke to you and he said, amongst other things, that this man was "funny", one of the possibilities that entered your head was this: "He may mean that this man is a homosexual"?

A I honestly cannot remember making that as one of the options at that time.

B Q No, but while a couple of members of the Tribunal may not be aware of this, you know, don't you, that in the Belfast vernacular, when tough wee boys from Belfast used the phrase "funny", they were referring very often to homosexuality, weren't they?

A Not necessarily.

Q Not necessarily, but very often that is what they meant.

A No, I do not think I would accept that.

C Q Do you tell us that when a boy used the word "funny", and he was not meaning funny "ha ha", do you tell us that very often that would not have meant homosexual?

A It is difficult to know how often it would and how often it would not.

Q Certainly it was one of the interpretations that you embraced?

D A I do not particularly remember embracing that as an option at that time.

Q Do you agree with me that you must have?

A No, Chairman. I cannot recollect having done so; therefore I cannot say that I must have done so.

Q Well, now, could you tell us if "funny" did not mean "funny ha ha", what possible interpretations you could have taken out of that?

E A It is difficult at this stage to recollect back.

Q Can you think of any?

A Peculiar.

Q Well, now, what would peculiar mean?

A Out of the ordinary.

F Q Just stop there for a moment. What would you have meant by "peculiar"?

A Different in some way.

Q In what way?

A In a variety of ways.

Q Such as?

A Different dress, different ...

G Q Different dress: you would have known that was not so because you had been here for six months, so he could not have meant different dress.

A No, I didn't ...

Q So he could not have meant that, because you would have known that was wrong. Right?

A Right.

H Q What other way could it have meant different?

A Different mode of speech.

A Q Let us stop there: different mode of speech. You had been with him for six months, so you knew he did not mean that?
A Yes.

Q Right - what else could it have meant?
A Strict disciplinarian.

B Q When a man is "funny" it means a strict disciplinarian?
A No - I thought you were asking me for possible interpretations for the word "peculiar".

Q No: possible interpretations of "funny": "peculiar" in the context of "funny".
A That is one possible interpretation.

C /Q What?

D

E

F

G

H

- A Q What?
A A strict disciplinarian.
- Q So when he said he was "funny", you say now that you might have thought he meant "strict disciplinarian"?
A Yes, Chairman.
- B Q Well, now, would you agree with me that to describe a strict disciplinarian as "funny" would be a most odd way to be describing a strict disciplinarian - for a little boy or a boy of 17 from the back streets of Belfast? He would hardly have meant that now, would he?
A That certainly is possible, Chairman, that he did mean that.
- Q Well, what else now?
A Another possible interpretation is that he was particularly mean with money.
- C Q Particularly mean with money? When he said "funny"? Do you mean to say that a boy wouldn't say "mean" or "he's hard with money" or possibly he wanted his brother not to go to Kincora because this man was mean with money? Are you serious about that, Mr. Maybin?
A You asked me for possible interpretations of that.
- Q Well now, would you agree with me that that is an interpretation you wouldn't have taken from him that day?
D A No, I don't think I could agree with that. That is a possible interpretation.
- Q I just want to get this clear now, Mr. Maybin; do you tell this Tribunal that, thinking back now, you are of this view - "maybe I thought, when he used that word 'funny', maybe I thought he meant that Mains was tight with money"? Is that what you are telling this Tribunal?
A I am telling the Tribunal that I wasn't clear what witness R7 meant by using the phrase, and in answer to your question of what other possible interpretations could there be, that that may be one.
- E Q Are you telling this Tribunal, Mr. Maybin, that you may well have thought that when this boy used the phrase "funny", you may well have thought that he meant "tight with money"?
A Or a variety of other reasons.
- F Q Stop there for a moment, I'm only asking you about "tight with money". I just want to know the possible interpretation you may have taken. Do you tell this Tribunal that you may well have thought he meant "tight with money"?
A That is a possibility, Chairman.
- Q Well, do you not agree with me now, that if you did think that, it must have been quite the most ludicrous interpretation one could conceive of?
A I don't think I would accept that that is the most ludicrous interpretation that I could conceive of.
- G Q Have you ever heard in your life, a boy from the back streets of Belfast ever describe someone who was tight with money as being "funny"?
A Yes, Chairman.
- Q You have? "Funny" meaning "tight with money"?
A That is certainly a possible interpretation.
- H Q And you have heard that used in that way have you? Aren't you in cloud-cuckooland, Mr. Maybin, if you think that, aren't you?
A No, Chairman.

- A Q Well now, we have heard that he might have meant "tight with money"; he might have meant "strict disciplinarian"?
- A Yes, Chairman.
- Q What else now?
- A Possibly the use of sarcasm in maintaining discipline or running down the child's parents or home background?
- B Q Well now, you had been with him for six months, did that happen?
- A I already have given evidence that I considered him to be a strict disciplinarian.
- Q We have dealt with that possibility, we have dealt with "strict disciplinarian", we have dealt with "tight with money". Now, we are dealing with "sarcasm" or something?
- A Yes, I've heard Mr. Mains using sarcasm.
- C Q And do you think that's why maybe he didn't want his brother to go to Kincora, because Mr. Mains was sarcastic?
- A It may have been one reason.
- Q And you think that is maybe what he meant by saying "funny"?
- A I honestly don't know what witness R7 meant by that.
- D Q You see, Mr. Maybin, one of the reasons this boy didn't want his brother to go to Kincora was because this man was "funny" - right?
- A Yes, Chairman.
- Q Now, would you agree with me it would be extraordinary if a boy had come all the way down to your office to seek you out - he did come to seek you out, didn't he?
- A That is my recollection. I cannot remember clearly the context of that interview at this point in time, but that is the best that I can remember.
- E Q Well he came to your office anyway?
- A As far as I can recollect, Chairman.
- Q Wouldn't it have been an extraordinary thing - and it must have occurred to you as an extraordinary thing - if he had come down to see you to tell you that his brother shouldn't go to Kincora because the man over it was sarcastic?
- F A My memory of that discussion was that witness R7 wished to persuade me not to send his younger brother to Kincora; that I had already been convinced in my own mind, for other reasons, that the most appropriate placement was in fostering, and in that context the discussion took place.
- Q I don't want to be rude to you, and I hope I'm not, Mr. Maybin, but I don't know how on earth that answers the question I put to you. I have said this to you; did you consider that the boy would have come down to your office to speak to you, to ask you not to send his brother to Kincora, if his complaint was that Mr. Mains was sarcastic?
- G A I do.
- Q Seriously now, Mr. Maybin?
- A I think that would have been unlikely had that been the only reason.
- Q That would have been very unlikely; so may we take it that "sarcasm" would have been something you dismissed from your mind in deciding what this boy meant by "funny" in the context in which he was speaking to you - right?
- H A Yes.

- A Q Now, that leaves us with "tight with money" which apparently you cling to, and "strict disciplinarian". What else now could have entered your mind? There aren't any others, Mr. Maybin, are there?
A Not that I can consider at the moment, Chairman.
- Q No. Do you still say that you think this boy would have come down to see you in the context I have mentioned, to stop his brother going to Kincora because Mains was tight with money? That seems ludicrous, doesn't it?
B A I think that unlikely if that were the only concern that he had.
- Q So it looks as if you probably would have dismissed that as an interpretation, right?
A Yes, Chairman.
- Q That leaves then, "strict disciplinarian". May we take it that the usual vernacular for someone being a strict disciplinarian would be "a hard man", "very tough" or "he hits me", more likely than using the word "funny"?
C A That was the word that the witness used.
- Q Ah sure I know that, sure you have told us that about 25 times. What I am asking is something different; if he had meant "strict disciplinarian", a tough boy from the back streets of Belfast would have used a phrase like "hard man", "tough guy", "hits me", something like that - not the word "funny"?
D A I find it difficult to answer what word the witness would have used to convey something.....
- Q Well now, Mr. Maybin, may I suggest to you that a man like you, who has gone up the promotion scale as quickly as you have done, you are not quite as cabbage as you are making yourself out to be, and that you have as much knowledge of the boys in Belfast as any of the rest of us; and may I suggest to you that you are well aware that a boy such as R7 would never have used the word "funny" if he was talking about a hard man or a tough man, would he?
E A I think it is certainly possible that he would have done so.
- Q Isn't it very unlikely?
A It is difficult to say how unlikely or not it would be.
- Q Well now, that is the one interpretation that is left from all your possible interpretations anyway, that seems likely. The one, of course, you haven't mentioned is "homosexual", that must have entered your head too, if things like "tight with money" entered your head, and "sarcastic", "homosexual" must have entered your head as well?
F A I can't recollect that specifically entering my head at that time. I can't recollect any of those particular interpretations.
- Q Would you agree with me that set in that context, homosexuality was as likely an interpretation, to say the least, as any of the others you have mentioned?
G A It was one of a number of possible interpretations.
- Q But it was as likely, to say the least, as any of the others you have mentioned?
A It is certainly a possibility, yes.
- Q That's not what I am asking you. It was as likely an interpretation as any of the others you have mentioned - right?
H A It was certainly a possibility.

3A/9/4

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- A Q Now, would you agree with me that if the head of a home was a homosexual, and if a boy had got to know that he was a homosexual, the overwhelming likelihood is that the boy has gotten to know that because he has seen something that has led him to that conclusion?
A Or heard.
- B Q Or heard?
A Yes.
- B Q If a boy has come to the conclusion that a man in charge of a home is a homosexual therefore it is because he has seen something or heard something - right?
A Yes, Chairman.
- C Q Now, even at that stage would you agree with me, that you would have been of the view that if a man in charge of a home is a homosexual, and he is really there - I think at that stage, am I right in saying, the only staff were him, someone like yourself, and the cook?
A During the time I was there, that is correct, Chairman.
- Q And I think there were nine boys, were there?
A About nine boys.
- D Q And did you understand the situation to be that maybe after your left, someone such as yourself or like yourself took over?
A I don't know directly from personal experience what happened, but I would assume so.
- Q In any event, you would have recognised that if a man such as Mains was a homosexual in charge of a home with nine boys, that would be potentially a very dangerous situation - I say "potentially" a dangerous situation?
A I would accept that, Chairman.
- E Q And this boy, R7, had actually gone out of his way to come down and speak to you?
A Yes, primarily for the purpose of
- Q stopping his brother going to Kincora?
A Correct.
- F Q I mean, I know you had made some decision already not to do it, but we are looking at R7's mind. Now, did that combination of factors, namely he has come out of his way to get at you about his brother; secondly, he is obviously embarrassed in some way about telling you this - right?
A Not particularly about persuading me not to put his brother in Kincora.
- G Q No, about his description of Mains? He was obviously embarrassed?
A That was my impression.
- Q And he was obviously reluctant to come out and tell you exactly what he meant?
A That was also my impression.
- H Q Am I right in saying that R7, whilst he may not have been very articulate, he wasn't a shy, retiring type - or was he?
A I don't think so, Chairman, no.

BA/9/5

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MR MAYBIN
BY MR GILLEN

A

Q Not the kind of boy who would have been afraid to say to you "somebody is tight with money" or "somebody is hitting me", not shy or retiring in that way?

A No, Chairman.

B

Q I think what you say must be true because - the Chairman will make up his own mind about R7 now, but that is not the impression he gave us of being shy and retiring about someone hitting him, because he certainly gave as good as he got here. You see, if you knew that, that here was a boy who was not shy and retiring about talking about money or people hitting him, and he used this word "funny", and he has come out of his way to talk to you about it, and he is embarrassed about talking about it, surely it must have seemed to you that this was something of a sexual connotation? "Why is he embarrassed? Why has he come down here? Why has he used this word? Why will he not tell me what he means?"

C

A As I understood it, the main reason for his making his way down was to persuade me not to place his brother in that unit.

Q Sure we know that, Mr. Maybin, sure we know that, but we are not talking about the reasons he gave for this, and may I suggest to you, Mr. Maybin, if you would listen to the question rather than falling back every time you think you are in trouble. Here is a boy who had come down for a specific reason and was embarrassed in giving you that reason - right? We are agreed on that?

A Yes, my impression was that he was embarrassed.

D

Q Embarrassed to the point where even though you said something - "what do you mean by 'funny'" or something like that - right?

A I can't recollect the expression I used.

Q No, but you would have said something like that - I think you said you pressed him, you remember pressing him?

E

A I certainly invited him to expand upon that, yes.

Q If he is embarrassed, and if he is down there for a specific reason, to stop you sending his brother there, and if he won't give a reason for being embarrassed, do you seriously tell this Tribunal that even a man of 20, such as yourself, that it didn't occur to you - "there is some sexual connotation here"?

A I cannot honestly say that that connotation immediately did occur to me, no.

F

Q Would you agree with me that if it did occur to you that there was a sexual connotation there, you should have done something about that?

A It would depend what the sexual connotation was.

Q Well now, if it is a man with a boy, and a boy is talking about some embarrassing connotation, does it take you to be an Einstein to work out what that might be, does it?

A There was no reference to that in the discussion.

G

Q But isn't that all the more reason why you should have investigated it? Here he was embarrassed to talk about it, even though you pressed him? Why didn't you do something about that?

A As I said, he didn't elaborate any further.

Q But wasn't that all the more reason why you should have investigated it? Here he was too embarrassed to elaborate any further - that's clear, wasn't he too embarrassed to elaborate any further?

H

A Or had felt by that stage that his brother wasn't going to Kincora, and may not have felt sufficiently that it was necessary to pursue it.

/Q Why didn't you consider.....

A

Q Why didn't you consider it within your duty to inquire why he was embarrassed?

A As I explained, I did invite him to elaborate and he chose not to do so.

B

Q Why didn't you talk to someone else about that? The young fellow has come down here out of his way to talk to me about an allegation about Mains and he is embarrassed about the allegation.

A He didn't make an allegation in that sense.

Q No, but he said he was funny.

A He said as I remember that Mains was funny.

C

Q Don't you agree with me that you should have taken that up with someone else?

A No, Chairman.

Q You think that when a boy came down in that context, said funny, was embarrassed to explain what he meant, you just swept it away, put it out of your head?

A After he had refused to elaborate any further.

D

Q Didn't make a note even about it?

A I don't recollect whether I made a note or not at that time.

Q Wasn't R 7 in his own pathetic way trying amidst his embarrassment to get through to you as to what was happening? You recognise that now, don't you?

A With the benefit of the knowledge presently available, yes.

E

Q In that home the persons whom he would have been closest to would have been Mains and you, right?

A We were the only two staff other than the cook at that time.

Q You would recognise now that a boy like that - you know his background, his family background and so on?

A In very general terms, Chairman.

F

Q We know now that Mains was interferring with him. The only person really he could relate to or turn to was you?

A I would have been one person, Chairman, there may have been others that I ---

Q He obviously chose you though, he chose you because he went down to see you?

G

A Primarily to persuade me not to place his brother ---

Q That's right. And in his own pathetic way he was attempting to confide in you the reasons why his brother shouldn't go there?

A Yes, Chairman, probably.

Q Would you agree with me that to him it must have looked as if you were ignoring his cry for help?

H

A Not necessarily in that the decision with which he was primarily concerned was as he would have wished.

A

Q But you then dropped the matter completely about Mains being funny?

A Yes, Chairman.

Q You never approached him again about it?

A No, Chairman.

B

Q You didn't ask him to come back and see you again about it?

A No, Chairman.

Q You didn't tell him that you were going to pass this on to anybody else?

A No, Chairman.

C

Q You dropped the matter completely?

A Yes, Chairman.

Q And you had made him realise that you were dropping the matter completely?

A I don't remember specifically saying to him that I wasn't intending to take it any further, but ...

D

Q He would have been left with little doubt that you weren't taking it any further?

A I would say that that would be correct, Chairman.

Q For a long time ---

A The primary reason that he came down was as I have already stated.

E

Q For a long time R 7 was cross-examined by counsel for the Tribunal and counsel for the Board as to why he didn't complain, why he didn't do this and didn't do that even after he left the home. Would you agree with me, Mr Maybin, that a boy like that makes an attempt to the person to whom perhaps he feels closest to, you, and if that fails as far as he is concerned that is the end of the line?

A I am not aware in detail of other people that he would have had around in terms of family or brothers or whatever, but I did not ---

F

Q In principle isn't that a proposition with which you would concur?

A That in general if a young person wishes to confide in someone the person they would choose would normally be that in whom they have the greatest amount of confidence.

Q And if they fail that particular person, by and large that would be the end of the line for them?

A I would accept that.

G

Q This conversation that you had with him in '67, that conversation as I understand your evidence although you have not expressly this, you put out of your mind really, or at least it escaped your mind right up until '82 when the Terry Report came about?

A My recollection is that I hadn't given that any thought until about that time.

H

Q Is that because you hadn't regarded it as a very serious matter?

A Yes, I think so.

A

Q You hadn't thought that it was of any significance?

A As I have explained, the main significance for me was the decision to place R 7's brother.

B

Q But R 7's conversation with you about Mains being funny, and that is the only thing I am talking about now -- you may not have appreciated it Mr Maybin but I am not asking you about what you did with his brother. I am asking you about his conversation about Mains. Did you regard that as insignificant, saying Mains was funny, didn't have a good experience there?

A He certainly didn't expand upon that.

C

Q We know that. May we take it then that you didn't regard it as significant?

A I don't remember thinking about it again until the early eighties.

Q I take it you also say, as you said already, that when you heard the rumour in '75 and late seventies this conversation didn't come to mind with R 7?

A That's correct, Chairman.

D

Q Because it hadn't been significant?

A Yes.

Q How is it then that this insignificant conversation which you put out of your mind stuck in your memory and came back in 1982 15 years later?

E

A It was in the context as I remember it of being interviewed by the police from the Terry investigation and I was asked what involvement I had had with witness R 7 and his family.

Q When you were asked about that you remembered that conversation that was 15 years before?

A Yes.

F

Q And you remembered that he had said something about Mains?

A Yes.

Q How is it that you can remember that 15 years later in the context of Mains but you couldn't remember it or didn't remember it a mere 8 years later in 1975 when you heard the rumour?

G

A Possibly for two reasons; one, I was asked specifically about the nature of the contact I had had with R 7 and his family in the 1982 statement, and also that in the context of fostering R 7's younger brother he was probably one of the first young men I had fostered at that time and there is a good deal of administration and professional decisions that have to be taken.

Q You must have had literally hundreds if not thousands of conversations with boys between 1967 and 1982?

A A certain number; I wouldn't be able to quantify ---

H

Q Hundreds anyway. I can certainly understand you remembering a general conversation with R 7, but for 15 years later you to be able

A

to remember that he used the word funny, how do you explain that if it didn't have some great significance for you when it was said in '67? I am not talking about a general meeting with R 7; I am talking about this word funny being remembered 15 years later.

A As best as I can recollect that is the word he used. I was ---

B

Q We know that; that is what you have told us.

A Yes, Chairman.

Q You have told us also that you regarded this as rather insignificant information that didn't really matter much. You put it out of your head. Yet you can remember the use of that one word, funny, 15 years later. How do you account for that if you did not regard it as significant and important at the time?

C

A My attention was directed toward whatever contact I had had with that family by the police, and I obviously did my best to remember the circumstances ---

Q You must have a very good memory, Mr Maybin, if you can remember this word funny 15 years later, if at the time it was used you didn't regard it as significant or important. It might have meant hard up for money? Is that what you are saying?

D

A My memory ---

Q How do you account for remembering that if you didn't regard it as significant?

A Well, I did, and I can't account for it.

E

Q Would you agree with me that it is extraordinary that you remember it if you didn't regard it as significant at the time?

A I wouldn't accept it as extraordinary when my attention was specifically directed toward that.

Q I suggest to you that this word funny that was used you did not think of in the context of hard up for money or a man being tough, otherwise you would never remember it being used. You did think of it in terms of homosexuality and that is why it stuck in your mind.

F

A At this point in time I find it very difficult to recollect what I remembered then as the possible interpretations of it. I don't recollect thinking it through in a great deal of ...

Q Let me ask you then about this rumour in 1975. You don't remember the source, you don't remember, I think I am right in saying, how many times you were told?

A I don't remember being told more than once.

G

Q You don't even remember actually being told?

A I don't remember the incident at which I was told, no.

Q Do you remember where you were when you were told?

A No.

H

Q It could have been on a bus, it could have been on a train?

A My impression certainly was that it was in social work circles, but I can't be more specific than that.

A

Q At that time in 1975 you were still an assistant social worker, were you?

A That's correct, Chairman.

B

Q If this rumour is so vague in your recollection, why is it that you can pinpoint it to 1975 rather than the mid-seventies?

A What I have said is that it was about that time, that time being when I was transferred to East and Castlereagh.

C

Q You were transferred in 1973, weren't you?

A No, sir.

Q 1975?

A Yes, sir.

Q You were in Castlereagh from 1975 until 1977?

A That's correct.

Q Why didn't you say then some time during the mid-seventies, '75, '76, '77?

A I think what I said was that it was about that time.

D

Q The next one was really in the late seventies. You seem to be much more particular about this in positively naming it as 1975.

A I am not positively naming it as 1975. I can't be more precise than saying it was about that time.

E

Q Do you remember if you were in your office when you were told about this?

A I don't remember the context, Chairman.

Q That suggestion that he was a homosexual. At that stage am I right in saying that in the office where you were there were -- did you say two senior social workers?

A Two or possibly three.

F

Q Were you the top man in the office?

A In the sub-district office, yes.

Q You were the number one man in that sub-district office?

A In that sub-district office, yes.

Q And you had a staff of about what, twelve, below you apart from clerical staff?

A Approximately, yes.

G

Q Does that mean that the likelihood is that the rumour came to you in the context of you being the number one man in that district office?

A I honestly can't answer whether it was likely in that context or not.

H

Q May we take it that it certainly came to you from someone in the social field?

A I think that most likely.

A

Q It wasn't some boy meeting you in a pub?

A No, sir.

B

Q So therefore we know that in your district office it looks as if some social worker at least had passed that on to you, whether it be a senior social worker or an assistant social worker?

A I can't remember the person that passed it on.

Q It looks as if it came from someone on your staff?

A Or from another office or from someone more senior to me. That is a possibility.

C

Q You said you regarded this as low gossip. What made you think that?

A There was no additional information at all as I recall about times or dates or places or people.

Q Is that right? If you can't remember anything about it, can you say that?

A I can say that I don't remember any of those things.

D

Q What is it that today persuades you that you can tell the Tribunal that this was low gossip? It might have come from some very serious minded senior social worker on whose word you reposed great confidence.

A I can't remember the source, Chairman.

Q If you can't remember the source, why do you describe it as low gossip?

A I think principally because there was no supporting evidence at all.

E

THE CHAIRMAN: Low level gossip.

MR GILLEN: Why do you regard it as low level gossip if it might have come from some very important person such as a senior social worker?

A Because there was no further supporting evidence. It was just a rumour to the effect I have described.

F

Q Would you agree with me that when that allegation or that rumour rather came to you, it was a very serious allegation to make about someone who was the head of a home?

A Yes, Chairman.

G

Q Apart from murdering the inmates, interfering with them, must be as serious a matter as one can conceive of in a home like that?

A It is a serious matter, yes, Chairman.

Q As a homosexual there, there was that possibility, not certainty, but that potential was always there?

A Yes, Chairman.

H

Q If it had been true, it would have been a matter of great concern?

A Yes, Chairman.

IS 10/7

43

A

Q If it had been true, it was a matter that would have by necessity had to have been considered at the highest level in the Board?

A You are referring to 19 ...

B

Q 1975 or thereabouts.

A I would expect so, yes.

C

D

E

F

G

H

/ Q You would have...

DB/11/1

44

MR MAYBIN
BY MR GILLEN

A

Q You would have felt that if there had been any truth in that rumour, if it had been established as a fact, that was something that must and ought to be referred to the very highest level in the board?

A Yes.

B

Q And you would agree with me that if someone had come along to you and said "Look, it is absolutely an established fact that this man, the head of this home, is a homosexual, and I can tell you that for certain" you would have immediately got on to the headquarters and said "Look, I have got to give you this information. You deal with it as you see fit, but I must pass it on to you." Right?

A It is difficult to know how one would react to hypothetical situations. If that had been put to me I would likely have passed it on. Yes. Or I would have suggested that the person who gave me the information pass it on direct himself.

C

Q Rumours may be factual or they may be non-factual. Right?

A Yes, Chairman.

Q They may be factual even though there is no corroboration.

A Yes.

D

Q Why is it that you did not entertain that possibility in 1975, even though there was no corroboration, and at least pass it on to headquarters for them to deal with it?

A Again it is difficult to recollect in hindsight but it was a rumour with no corroboration.

E

Q But you were not some little girl or some little boy pen-pushing, some clerical assistant. You were the No 1 person in that district office ---

A Sub-district office.

Q Sub-district office. Yes. You were a person of some responsibility.

A Yes.

Q At that stage you were, what, 27 or 28, something like that?

A Yes.

F

Q You must have also embraced the possibility that this rumour was true. It might have been true; it might not have been true.

A Yes.

Q On the basis that it might have been true, how do you attempt to justify not having passed that on?

A Well, I have given evidence that I have not done so. In terms of why I did not, I can only repeat what I have already said, which was that there was no supporting evidence to it. It may or may not have been true. I was fairly sceptical of it. I did not either share it with other people or report it upwards.

G

Q Mr Maybin, I am bound to put this to you on behalf of R 4 and R 7. May I suggest to you that you cannot escape criticism for having failed to do that. Would you agree with that?

H

A That will be for the tribunal to decide.

B/11/2

45

MR MAYBIN
BY MR GILLEN

A

Q That failure on your part to pass it on might be seen on two levels. First, we know that you did not actually get on the phone and phone up about it. But, secondly, in your capacity in that district sub-office, did you from time to time meet officials who were in charge of you or responsible for you?

A Yes.

B

Q Such as? Did you meet Mr Scoular, Mr Bunting or Mr Gilliland?

A Principally Mr Scoular and Miss Kyle.

Q She was your immediate supervisor?

A That is true.

Q How often would you have met Miss Kyle?

C

A Probably once in two or three weeks.

Q Would that be once every two or three weeks?

A Not necessarily.

Q You might meet her once in two or three weeks, and then a month would pass, and you would see her again? Was it as infrequent as that?

A I cannot recollect the precise frequency at this stage.

D

Q Does it look as though you were meeting her, in any event, on an average of once a month?

A That would be a fair conclusion.

Q How often would you have met Mr Scoular?

A Probably with a similar frequency.

E

Q Once per month? (No answer)

Q Would you have seen even higher mortals than Mr Scoular -- Mr Bunting or Mr Gilliland?

A Fairly rarely.

Q At your level, the main contact above you would have been Miss Kyle and Mr Scoular?

F

A That is correct.

Q When you met Miss Kyle would that have been to discuss things in general touching upon your district or your sub-district office?

A Yes.

Q Would that not have been --- Did she come to your office to see you or did you go to her office?

G

A Both.

Q You would spend an hour or two together.

A Yes.

Q Would that not have been a very easy opportunity for you to have said "Listen, by the way, now there is a rumour here in our office that Mr Mains is a bit funny"?

H

A Yes. I would have had that opportunity.

DB/11/3

46

MR MAYBIN
BY MR GILLEN

A

Q Can you explain why it is, even if it is low-level gossip, you did not mention that to her, given that opportunity? She comes to your office. She is sitting beside you or opposite you for an hour. Why did you not pass that on?

A I can only repeat that there was no supporting evidence of the allegation -- sorry, the rumour. It could well have not been true in terms of the information that was available to me.

B

Q What harm, what offence would you have been committing, by saying to Miss Kyle "In confidence, Miss Kyle, I have to tell you this now to pass on to those above you, because this is a very serious matter if there is a homosexual in charge of this home"?

A I do not think that that would have been an offence.

C

Q No. It would have been quite a natural thing to do. Right?

A I did not pass on that information because there was nothing to back it up with. It was a --- (Interruption)

Q Even though you knew that it might have been true?

A There is always the possibility that any rumour, no matter how unlikely, could be true.

D

Q And the probability is that it came from a reputable source, namely one of your social workers?

A No. I did not say that. I said that I was unable to remember from whom I had heard it.

Q I thought we agreed that the probabilities were it came from within the social service bracket.

A That is correct. But it may not have been one of my social workers.

E

Q But if it came from a social worker, maybe not one of yours, you would regard that as a reputable, responsible source. The information might be wrong but the source was reputable.

A In most situations, yes.

Q Then, when we come --- Even though that was Mains who was specifically mentioned you did not for some reason recall that R 7 had said something rather peculiar about Mains?

F

A Yes. That is correct.

Q That never entered your head at all?

A At that time, no.

G

Q Did you on that occasion, or indeed on the next occasion, say to the person who gave you that rumour, or do you remember saying "That is a terrible thing to be saying about a man. You know, that really is vile if that is untrue. Something should be done about that, if it is untrue"?

A I cannot remember any discussion about it.

Q It sounds as if you must have had the most perfunctory of conversations about it.

A That is certainly possible. Yes.

H

Q Is that not odd? Here is a man being absolutely vilified in this way, and you seem to have treated it in a rather perfunctory way. Does it not seem so?

A I do not recollect it being a long, detailed conversation, no.

DB/11/4

47

MR MAYBIN
BY MR GILLEN

A

Q Let us move on to the late 1970s. Again the rumour about Joe Mains -- this time that he had interfered with boys in the home. I do not want to go through it all again. Time is pressing. But may we take it that the situation has emerged in much the same way? Here is a rumour that probably emanated from a source in the Social Services.

A Yes. That is certainly possible, and, I would say, probable.

B

Q Again, this is not an example of bar-room tittle-tattle.

A Not to my memory.

Q This is from a responsible, reputable source.

A Not necessarily from a source within the Social Services Department.

Q I am sorry?

C

A I said: it was from a source within the Social Services Department, but I did not give any value to the quality of the source.

Q You remembered that you had heard this rumour in 1975?

A Yes. I think so.

D

Q So now here you had --- Can I ask you this. The rumour that came up in 1975 -- did it sort of die after that, as rumours do? You hear a rumour and then it dies for a while.

A Yes. That is my memory of it. I do not recollect it coming up ---
(Interruption)

Q During the ensuing 2 or 3 years?

A No.

E

Q Here it comes again, probably 2 or 3 years later.

A Yes.

Q In the late 1970s.

A Yes.

Q Was there probably a 2- or 3-year gap between you hearing these rumours?

A About that.

F

Q And now there is a rumour that not only is he a homosexual but that he is interfering with boys in the home -- and the home mentioned was Kincora, was it?

A Yes.

Q You of course remembered that you had heard this rumour before?

A No. The rumour I heard before was to the effect that Mains ---

G

Q Was a homosexual.

A Was a homosexual.

Q You knew that you had heard a rumour before that he was a homosexual.

A Yes.

H

Q And now you had heard it a stage further that not only was he a homosexual but that he was interfering with boys in Kincora.

A Yes.

Q And again the rumour seems to have emanated from some source inside the Social Services.

A Yes, as far as my memory goes.

OB/11/5

48

MR MAYBIN
BY MR GILLEN

A

Q If it emanated from inside the Social Services there was a better chance than normal that this would be an informed rumour.

A That is a conclusion I would need to think about.

Q Do you want to think about it?

A As I cannot remember the particular source, other than that it was within the Social Services, I do not think I can offer any comments about its quality.

B

Q Do you remember where you were when you heard this rumour?

A No.

Q This was only 5 or 6 years ago.

A No. I do not.

C

Q At that stage, what was your job? Were you lecturing at that time?

A I was lecturing from 1970 until the autumn of 1979.

Q In the course of your lectures were you giving any guidance to trainee social workers about the necessity to watch carefully when they visited homes?

A Not specifically.

D

Q Were you dealing with people who were attending homes?

A Yes. I was responsible for placing students as part of their course in practical work placements, of which residential placements would have been a part.

E

Q If during one of your classes a girl had raised her hand and said "Can I ask you this as a lecturer? Supposing I am seconded to one of these homes and I hear a rumour that one of the officers in charge is interfering with the boys, what should I do?" -- what would you have told her?

A Again, that is a hypothetical question.

Q Supposing it had been put to you as a lecturer to people you were training -- people you were training -- what would you have told them to do? Would you have told them to refer it to their superiors?

A I certainly would now.

F

Q Would you then?

A I probably would have done.

Q Why did you not follow that advice yourself?

A Because, as I think I have already tried to indicate, it was low-level gossip.

G

Q All right. The girl who puts up her hand says "I have heard this rumour while I was at the home, or while I was visiting the home, and it was just a rumour that I heard. Do you think I should just forget all about it, Mr Maybin, or should I refer it to my superior?" What would you have said to her?

A I think, for the answer to the question, I would obviously have talked about the context, because people clearly can make rumours that are untrue for --- (Interruption)

H

Q She said "I do not know whether it is true or not. I have just heard this rumour. Should I ignore it or should I tell my superiors about it?"

DB/11/6

49

MR MAYBIN
BY MR GILLEN

A

A I think what the advice would be would to some degree depend on the context in which she heard it.

B

Q Suppose it is the context of which I have told you: your context: "I cannot remember who told it to me. I know it was from Social Services sphere; but I do not know what to do about it. Shall I just forget it?" -- as you did -- "Or shall I tell someone over me?" What would you have said to her as a lecturer, lecturing trainee social workers? (A pause) You would have told her to report it, would you not?

A I would have told her to report it up, being a trainee social worker.

Q You, who were not a trainee social worker but a lecturer, did not bother to do that. How do you justify that? Do you attempt to justify it?
(No answer)

C

Q Do you attempt to justify it?

A With hindsight, obviously not.

Q I suggest to you, Mr Maybin, even without hindsight, for a person who is lecturing people, to have acted in the way that you did -- I have to put this to you -- was nothing short of negligence.

D

A I do not accept that. But obviously that is for the tribunal to make a judgment upon.

Q The long and the short of it was this: that even though there was now an allegation that children were being interfered with -- not that there was a homosexual -- you did not refer that to anybody else.

A That was a rumour rather than an allegation.

E

Q The rumour was an allegation. The rumour alleged that he was interfering with children.

A Yes.

Q When you were a lecturer were you meeting other social workers from time to time apart from the people whom you were lecturing?

A Yes, I would have done.

F

Q Would you have met Mr Higham from time to time?

A I do not recollect specifically meeting him.

Q Who would you have met in the hierarchy from time to time during your lectureship?

A Principally those people in social work practice who were supervising students for whom I would have been responsible.

G

Q Would you have ever come across Messrs Gilliland, Scoular or Bunting during that time?

A I do not think so.

Q Did you ever mention this rumour to any of your other people you were talking to?

A No.

H

DB

50

MR MAYBIN
BY MR GILLEN

A

Q Even during ordinary discussions over a cup of coffee, or having a meal together, whatever it was?

A I do not remember mentioning this to anyone.

Q But surely that is quite a sensational rumour -- that he is actually interfering with kids. Did that not strike you as a quite sensational rumour?

B

A It is certainly a serious rumour.

C

D

E

F

G

H

/Q It is virtually

MR MAYBIN
BY MR GILLEN

51

A Q It is virtually as serious an allegation as could be made against an officer-in-charge?

A That is a difficult comment to make if it is a serious rumour.

Q Let us look at how serious it was. It is virtually as serious an allegation as could be made against a man in charge of a boys' home?

A It is a serious allegation.

B Q In the light of the serious nature of that allegation about a man whom you knew, surely you must have discussed that with somebody?

A I do not recollect telling anyone about it.

Q If you do not recollect it, would you agree with me that it seems very strange if you did not mention it to someone -- even to some of your fellow lecturers -- that you had heard this rumour about this man running Kincora?

C A I do not know whether it was strange; I did not pass it on for the reasons I have indicated.

Q Why did you feel a rumour like that should not be spread, it should be nailed on the head; stopped?

A As I have already mentioned in evidence, I had some scepticism about it.

D Q Do you recall feeling "That rumour is not going to go any further with me; it is going to die with me"?

A I do not recall specifically thinking that, but certainly I did not pass it on.

Q Was that your attitude? "This rumour will die with me; I will not convey it to anybody else"?

E A My attitude was that I was not going to; I had no intention of passing on that piece of gossip, yes.

Q Even though you must have realised that by so doing there was at least a possibility that you were exposing children to further degradation? Is that not so?

A Yes, Mr Chairman.

Cross-examined by MR P SMITH

F Q I appear for some social workers, and I have only a few questions that I want to ask you. I suppose the social services are very much like the Bar and other professions, in that in a year there are dozens of rumours that circulate about people, about promotion, about their conduct and all sorts of things?

A There are always rumours of various kinds.

G THE CHAIRMAN: Are you familiar with the Bar?

A No, I am not familiar with the Bar, Mr Chairman.

MR SMITH: I assure you that the Bar is no different from any other profession.

A I accept that.

H Q Although we are all a victim to passing on gossip, is it fair to say that we have to be a little careful to see that in recounting gossip we are not actually throwing mud around about other people in our profession?

A I think it is important to bear that in mind when deciding to pass on gossip or otherwise.

A Q It can seriously damage professional relationships if a colleague thinks that you have spread a rumour about him; is that not fair comment?
A I think that is probably fair comment.

B Q You yourself can damage your own professional standing if it is thought by your colleagues that you are the kind of person who passes on unsubstantiated gossip about other colleagues; is that not fair?
A Yes, I think a reputation for passing on unsubstantiated gossip would lead to that conclusion.

Q It could be a dangerous thing that could lead to litigation, that is to say, a legal action for defamation, if one passes on what you might think might turn out to be absolutely baseless gossip and rumour?
A That is possible.

C Q I want to take you back to the 1960s in concluding my questions. You worked in Kincora for a period in 1966, is that correct?
A That is correct.

Q Then in 1968 you became responsible for R 7's brother, is that correct?
A That is correct.

D Q So that your conversation with R 7 must have taken place in 1968 or later, is that fair?
A That would be my recollection.

Q In 1967, if you had been asked about Mains and about Kincora, that conversation with R 7 had not occurred in 1967; is that not right?
A That is correct.

E Q If you had been asked in 1957 as to what you thought of how Kincora was run, or what you thought of Mains, would it have been virtually certain at that time that in substance you would have given him a clean bill of health and the hostel a clean bill of health as far as your knowledge of it went?
A In general terms.

F Q By 1967, that is to say, about a year, at least, before R 7 came to you and talked to you about his brother, you had not heard the slightest whisper about misconduct on the part of Mairs; is that not fair?
A That is correct.

G Q I think your evidence is that no record has emerged -- no file or document -- of your writing down in any document this conversation with R 7?
A I do not recollect that.

H Q So that as far as you can say, you cannot point to any document or any record that would have been kept that would have been available to others in relation to this conversation that you had with R 7 some time around the period 1968/1969?
A The only document that would have been relevant to that would have been R 7's younger brother's case file; it would have been in that document --

A Q It seems unlikely that you would have recorded the reference to "funny" in that document, if you had already made the decision that you were going to send the younger brother to fostering rather than into this particular hostel, is that not fair?

A I do not recollect recording the conversation.

B MR MAGUIRE: In relation to the last point, the file of R 7's younger brother, in fact that was sought by me, and the Board was ready to co-operate in providing it, but it could not be found. I would like to make that clear.

THE CHAIRMAN: Yes, well, that is the end of that.

C MR KENNEDY: A matter arose in the replies of this witness to some of the questions which were asked. With your permission, Mr Chairman, and I take over from my learned friend, Mr Fee, in this, I wish to ask four questions only.

THE CHAIRMAN: Pray do, Mr Kennedy.

Cross-examined by MR KENNEDY

D Q You told us that you were present at the infliction of corporal punishment by a rubber strap or implement by Mr Mains, which you found unpleasant?

A Yes, Mr Chairman.

Q Are you aware of the 1952 Regulations governing children's homes?

A Yes, I have seen those before.

E Q Did it occur to you that the infliction of punishment other than with a light cane as provided in those regulations was irregular?

A I cannot remember whether I thought that at that particular time. I would certainly be aware of it now.

Q You were a trained social worker at the time?

A No, Sir, I was not.

F Q Were you aware whether the infliction of the punishment at that time was recorded in any book or books at Kincora?

A I was not aware of whether it was or not.

Q Have you ever been aware of any book or record at Kincora which kept details of any corporal punishment which had been inflicted?

A Not personally, no.

(Luncheon adjournment)

G Cross-examined by MR KERR

H Q You have been asked at some length about the interpretation that you placed and now place on this word "funny", and I do not want to go over that ground unnecessarily, but am I right insuggesting that you certainly would not like this Committee to have the impression that you exclude as one interpretation of that word that R 7 was seeking to convey to you that Mr Mains was engaging in homosexual activity? You would not like to leave the Committee with that impression?

A In the context of what I know now, and the evidence that R 7 has given, and others, no.

A Q Certainly now you accept that that was what he was trying to convey to you, is that not right?

A Yes.

Q The difficulty that you experience is in remembering what interpretation you placed on it at the time, is that not right?

A Yes, Mr Chairman.

B Q Then why, when you were interviewed by Chief Inspector Flenley on 24 September, 1982, did you convey to him the impression that you did not take up the possibility of R 7 alleging that Mr Mains was guilty of homosexual activity? If I may put that in context, what you said in your statement to the Chief Inspector was this:

"He certainly did not make any allegations of a homosexual nature."

C A That is correct.

Q Why did you make that statement to Chief Inspector Flenley?

A As I remember, that was in answer to a direct question -- in answering that.

Q Is it your evidence to the Committee now that you accept that in his own inadequate way, R 7 was indeed trying to make allegations of a homosexual nature?

D A In the context of what I know now, yes, I would accept that.

Q When did your change of view come about, and why?

A Principally, I think, as a result of the evidence that has been laid before this Committee, including oral and written evidence, which I have had the opportunity of considering.

E Q If that is right, was it correct for you to have told the Committee -- as you have told them in evidence -- that you cannot remember whether this was a possibility when, as I must suggest to you, the clear implication of your statement to the police is that you had rejected that as a possibility when you were being interviewed by Chief Inspector Flenley? Is that not what it means, your statement to the Chief Inspector, that you did not believe that any allegations of a homosexual nature were being made to you?

F A Yes, at the time I gave my evidence to the police officer, that was my belief, and he followed that up with a direct question, the answer to which I have given.

/Q I appreciate...

G

H

- A Q I appreciate that all right. You see, your evidence during cross-examination by a number of counsel has been that you could not remember whether, when you were approached by R7 in 1968, this was an interpretation you had put on his suggestion to you. What I am putting to you now is that in 1982 you did not appear to experience that difficulty because you were firmly, I suggest to you, rejecting that as a possibility.
- B A Yes, I gave evidence this morning that I do not remember specifically considering that as a possible interpretation in 1968 or whenever it was, and I still maintain that. The comment at the bottom of that page was in response to a direct question the police officer asked.
- Q May I take it, Mr Maybin, that at the time you were being asked questions by the Chief Inspector you were alive to the need for you to be absolutely candid in your replies?
- A Yes, Chairman.
- C Q Did you ever mention to him that you were not sure whether or not R7 was trying to tell you that Mr Mains was engaging in homosexual activity?
- A I do not recollect that, Chairman.
- Q You told the Committee this morning, Mr Maybin, that R7's younger brother was one of the first you placed in care after you took up responsibility for that particular function - is that right?
- D A In foster care, Chairman.
- Q May I ask you, for how long did you continue to have responsibility for placing young persons in care?
- A For about a year following that placement.
- Q Do you have any recollection of the number of people you placed in care during that year?
- E A Not specifically.
- Q Do you remember whether you placed any in Kincora?
- A No, I did not.
- Q You didn't. Did the occasion ever arise after your interview with R7 to consider whether any child should go to Kincora?
- A I do not recollect that being specifically thought of in relation to any of the young people for whom I had responsibility to place.
- F Q May I ask you, do you accept, Mr Maybin, that quite apart from his concern about his younger brother, the conversation you had with R7 had wider implications?
- A Yes, in the context of what we know now.
- G Q Quite apart from the context of what we know now, any child who has been in residential care who expresses concern that his younger brother should not have to repeat the experience, or should not have to go to the home in which he had been a resident, must give rise to implications or considerations beyond that particular case? Would you not agree?
- A Not necessarily, Chairman.
- Q Why not?
- A There can be a variety of reasons why young men do not wish their younger brothers or whatever to experience residential care.
- H Q Yes, but unless you have been able to identify his particular concern and to be confident that that applies only to that individual case, it must give rise to wider concern on your part? Let me put it to you this way:

A if for instance in the year following your conversation with R7 you had occasion to consider whether a child should go to Kincora, would you not agree with me that it would be relevant to hark back to what you had been told by R7 and say: "Well, I wonder is this a suitable place?"

A If that situation had arisen it may have been, but not necessarily.

B Q Well, you cannot remember in any event whether you actually were called upon to make a decision as to whether Kincora was a suitable place?

A Not at that time.

Q It is difficult, and of course it is a hypothetical question, but if you were and you remembered this conversation you had had with R7, would you have thought about it and said to yourself: "Well, really, is this a suitable place?"

C A It is very difficult to answer such a hypothetical question. One of the things that I would have thought, I would have taken into account, was the degree of choice which would have been open to me in deciding where to place a young person. For long periods of time the statutory and voluntary children's homes in Northern Ireland were continuously full and when an admission had to be made quite often there was little choice as to where to place the child.

D Q I was really trying to get at, Mr Maybin, just how seriously or otherwise you regarded this conversation. I think it has already been drawn to your attention that you were apparently able to remember it when you were asked about it by the Chief Inspector in 1982, albeit that it had taken place some 14 years previously. Did you regard it as something that you ought to think about seriously, or ought to pursue further inquiries into?

A At the time of the event?

E Q At the time of the conversation.

A No, Chairman, I cannot say I did.

Q Would it be unfair to say then that you really dismissed it as worthy of further consideration?

A Yes, it would.

F Q I want to ask you finally about the rumours which you had heard in 1975 and again towards the end of the 1970s. It has been suggested to you by my learned friend, Mr Smith, that one must be very careful about passing on what I think he referred to as "faceless gossip and rumour", but may I ask you when you heard the rumour about Mr Mains, particularly the second one, that is, that he had been interfering with the children, were you concerned, not about the content of the rumour but about the fact that such a rumour existed? Whether or not it was substantiated, may I suggest to you, the very fact that such a rumour was going round should have been a matter for concern to a person such as yourself. Would you agree with that?

G It is a very serious thing, isn't it, Mr Maybin? If it were untrue, it is a very serious thing, isn't it, that an Officer-in-Charge was being accused of these heinous activities?

A Yes, Chairman.

Q So whether or not it was substantiated, may I suggest to you, that you ought to have been extremely concerned that such a rumour was current?

A Yes, you may.

H Q And do you accept that?

A I am having some difficulty over the word "concerned".

A Q Can I go on, develop that argument a little further, and suggest to you that the proper expression of concern about the existence, irrespective of whether the rumour was substantiated or not, of such a rumour would be to draw it to the attention of a person who could deal with it, the fact that such a rumour existed.

A At that time the rumour was, as I have said earlier on, no more than low-level gossip. It was unsupported by any evidence of any kind.

B Q But you see, even if it is guttersnipe gossip, even if it is gossip of the lowest common denominator, what I am suggesting to you is, leave aside the quality of the gossip, the fact that it exists, and the fact that it is going round, must surely be a matter for concern if only to stamp it out and make sure that it is not repeated. Is that not so?

A I do not agree that the only proper response in that situation was to pass that gossip on.

C Q I am not suggesting that it was to pass it on; in fact, quite the reverse. I am not suggesting that you avail yourself of an opportunity to repeat what to you was an unsubstantiated story. What I am suggesting to you is that the proper approach then was, believing as you did that it was unsubstantiated, to take steps to make sure that it was not repeated and that something was done about it.

A The only steps I could have taken would have involved obviously repeating that to someone else.

D Q No, it would have been to someone in authority, would it not?
A To repeat the rumour, yes.

Q You see, Mr Maybin, whatever way one looks at it, what I must suggest to you is that the proper response in any circumstances cannot have been to do nothing. Is that not right?

A No, I would not agree.

E Q All right. Thank you very much.

Cross-examined by MR McNULTY

Q Have you got any views on the appropriateness of a homosexual being in charge of a boys' home?

F A As far as I am aware there is no formal bar in the code of employment against that situation.

Q Yes. Have you got any views about it yourself?

A As to whether there should be a bar?

Q Yes.

G A I cannot honestly say I have given it a great deal of thought. That is the situation as I understand it.

Q So you have not got any views about it - is that what you are saying?

A Other than that that is the situation that exists. I have not given it a great deal of thought as to whether that should exist or not or whether I would wish to change it if I had the opportunity to do so.

H Q You took up position in 1975 in the sub-district in Castlereagh, is that right?

A That is correct, Chairman. It was the East Belfast and Castlereagh District.

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A

Q And you were there from 1975 until 1977, as I understand it?

A That is correct.

Q And there were roughly 12 members of staff in that sub-district. Is that right?

A I did not count it particularly but at least that number, yes.

B

Q And you had no direct responsibility at that time for child care?

A No, that is not quite correct. I had a management responsibility for the child care which the field workers were carrying out.

Q Amongst those field workers were there the field workers who were responsible for contacts with boys who were in Kincora?

A I cannot recollect particularly that any of the social workers for whom I was responsible had youngsters in Kincora but I certainly could not say categorically that they did not.

C

/Q Well, so far as ...

D**E****F****G****H**

- A Q Well, so far as the visitation to Kincora was concerned, were there field work staff who did a regular monthly visit to Kincora in that sub-district office?
- A Again without access to those records, I can't remember specifically if there was a policy in the Board at the time that any child in a residential unit was expected to be visited by his social worker on a monthly basis.
- B Q Well, is it likely that, in fact, a number of boys in Kincora in fact were visited by people from your office?
- A I don't think that's likely, Chairman.
- Q You don't think that's likely? Well, why do you not think that's likely? Is there something about the distribution of the cases that suggests that to you?
- A No, not particularly, but I would certainly read the majority of reports done on a summary basis of children in residential care, and certainly cannot recollect seeing reports on youngsters in Kincora.
- C Q Right. Now, was there any member of your field staff responsible for the actual checking of the home itself?
- A No, Chairman, there was not.
- Q So you had no contact at all, so far as you can recall, with Kincora during that period?
- A No. Chairman, not that I can recollect.
- D Q Well now, if the rumour that you became aware of came to your attention in 1975, and it came to your attention through social work circles, is it not likely that it came as a result of contact with some workers who had contact with Kincora?
- A It is certainly possible, Chairman.
- E Q Yes; and at that time did you not have any views as to whether it was appropriate to have a homosexual in charge of a boys home?
- A I can't recollect specifically thinking of that point at that time.
- Q Well, when you heard the rumour, even though you were sceptical about it, did you consider or did you not consider, that if it might be true, then there would be at least a possibility that the children in Kincora would be at risk?
- A It is difficult to remember exactly what I thought at that time and as I have said before it was looked on by me as fairly low-level gossip.
- F Q But if it came to you through social work circles in the ordinary way, it meant it was information that had come to light through social work operations?
- A Not necessarily.
- Q Well, it concerned people who were the subject of the social work care?
- A Yes, Chairman.
- G Q And, of course, any information relating to those sort of persons would be of significance and of importance to you, even though it wasn't your direct responsibility, isn't that right?
- A If the information concerned young people for which my office and myself had responsibility, yes.
- H Q Well, did you not have some responsibility for child care services?
- A In the field work sense, yes.

- A Q And when you got that information - let's take it this way; if you got that information now about a different home - right? You got from a source that you couldn't recollect, that the person in charge of a boys' home was homosexual, how would you react to it?
A Well, if I were given that piece of information now, I probably would recollect the source from which it came.
- B Q Well, why is it different now?
A Because I can't now recollect the source from which it came nine years ago.
- Q Is the reason that you cannot recollect the source because you didn't, at the time, want to pass on the information?
A No, I can't say that that is the particular reason why I cannot now recollect.
- C Q Well what is the reason that you cannot recollect the source of the information so far as the baser rumour is concerned, where there was a specific allegation that, in fact, children were being interfered with?
A The allegation was certainly more specific, the context was not in the sense that there was no - apart from the fact that it happened to youngsters, there was no other supporting evidence of dates or names or places or people.
- Q But Kincora was a working boys' hostel which had been in an area in respect of which you had had some responsibility and interest; it had been located in your subdivision in the post that you had last held.....?
D A No, Chairman.
- Q It hadn't?
A No, Chairman.
- Q Well, you had been there?
A In Kincora?
- E Q Yes?
A Yes.
- Q You had worked there, you had some contact with it, you knew the personality involved. What I don't understand is why, when you were being questioned about this in 1982, which would only at that point in time have been three or four years afterwards, why you couldn't remember even any potential sources?
F A I think I had indicated that it was probably within social work circles but not more specifically than that.
- Q Oh yes, but surely within that limited area, when you take into account where you were and what contact you had between 1977 and 1979, and you had got limited enough contact - because you were lecturing at that time - you should be able to have given some further assistance, I would suggest, as to the potential sources?
G A I'm sorry, I cannot be more specific on that.
- Q Because at that time it was only about three years after the events, and these were more specific allegations, they were about a personality that you knew and a scene that you had some knowledge of? Are you telling the Tribunal that you didn't and still don't have any more specific knowledge about the - even if you can't remember the particular person that told it to you, the number of people you were likely to have been in contact with between 1977 and 1979, who could have given you that sort of information?
H A No, Chairman. I could work out a number of people with whom I would have been in contact at that time.

- A Q Well, did you not do that for the police?
A No.
- Q Were you asked to do that for the police?
A No, Chairman.
- B Q Are you suggesting to the Tribunal that the police did not ask you to attempt to recall, as best you could, the people from whom you would have been likely to have received the information from?
A Yes, they asked that, but they did not ask for a list of all the people with whom I would possibly have been in contact over that period.
- Q But you yourself would have been able to do that without making a list to hand over to the police? You would have been able to narrow it down, surely, to five or six, that sort of level, would you not?
A I don't think it would have been as low a number as that.
- C Q You don't think that?
A I don't think so, Chairman.
- Q Can you explain why you didn't consider that that information, that is the third time you had - this is the late 1970s - the more specific allegation; can you explain now why you did not take any action?
D A Yes, I can refer you to my earlier comments that it was no more than a rumour. It certainly referred to Mains by name and the fact, the allegation, the suggestion that he was involved in abusing boys in his care, but there was no further supporting evidence than that.
- Q But sure there couldn't be any supporting evidence, or you couldn't know whether there was any supporting evidence, unless the matter was investigated?
A The point I was making was, in the context of the rumour that I had heard there was no additional information.
- E Q Well, I still don't understand why that - the fact that there were no times and dates and names of actual boys involved, I still fail to understand why the absence of that sort of information would have persuaded you to take no action?
A The only information that I could have passed on was the rumour that I heard.
- F Q Well, wasn't that very valuable information?
A At that time it didn't strike me as that.
- Q Well, why did it not strike you as that, if it was a serious matter, a most serious matter; an identified person; an identified place; allegations of serious criminal acts with children?
A It is difficult to remember why it didn't strike me, but it didn't. As I have said, it was a low-level rumour with no supporting evidence and.....
- G Q Well, can you say whether it was a low-level rumour if you can't even identify the source?
- H /A Because of the lack of.....

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A

A Because of the lack of supporting evidence.

Q When does a low level rumour in your judgment become other than a low level rumour?

B

A At some point in the ascending scale with additional evidence, but precisely what is difficult.

Q But the additional evidence may or may not be there to be collected. It is not for you to make the assessments as to whether or not there is additional evidence there or not?

C

A I didn't make an assessment as to whether there was additional evidence there or not, I said that in the context of that rumour it was, as I have described, with no further information.

Q And you simply decided to leave it? Do you accept that that was wrong?

A I did not report it upwards, no.

Q Do you accept that that was wrong?

A That is for the Tribunal to decide.

D

Q Do you feel yourself now that it was wrong?

A In the context of the information available to me at that time, no.

Q You still think that if you were in that same situation again that you would take the same action, no action?

A Without the benefit of the information that is now available to everyone?

E

Q Yes. If tomorrow someone told you that the person in charge of the boys home was interfering with boys committing criminal offences with him, and they identified the home and the person, you would still take no action?

A No, Chairman, not necessarily.

MR McNULTY: Thank you.

F

THE CHAIRMAN: Yes, Mr Brangam.

Cross-examined by MR BRANGAM

Q My name is Brangam. I represent the Area Board and I have a number of questions for you. I will try not to cover ground that has been covered.

G

THE CHAIRMAN: Thank you, Mr Brangam, very much.

MR BRANGAM: As I understand your evidence, you are very much a career social worker and specialist in social work; is that right?

A I have been in social work for most of my life, yes, Chairman.

Q Is it correct that you started your social work practice in 1964?

H

A Yes, Chairman.

Q In 1966 you spent a period of six months assisting in Kincora hotel?

A

A Yes, Chairman.

Q During that six-month period what were your duties in Kincora hostel? What sort of work were you doing?

B

A Essentially it was relief work for the warden who at that time was virtually unsupported in terms of staff; it was to allow him some free time. My duties would have involved supervising the evening meal if he was not there, taking part in it if he were, supervising the young men in their evening activity, ensuring that they come in at night at the correct time and do various chores, etc.

C

Q It seems clear from the evidence that you managed to build up some sort of repore or relationship with R 7, he reposed some trust in you?

A He was one of the group of young men that were there at that time, yes, Chairman.

Q Has it been your experience that social workers do build up some sort of repore with their clientss?

A Yes, Chairman.

D

Q Not invariably, I suppose?

A Not invariably.

Q But R 7 certainly knew you well enough to come to speak to you?

A R 7 wasn't technically my client at that time, his younger brother was.

E

Q In 1968 he came to see you at Lower Crescent and I think you indicated yesterday that there was nothing in itself unusual about him coming along to see you?

A That is correct, Chairman.

Q Would you have been on first names terms with him?

A I would have referred to him by his first name.

F

Q And how would he have known you?

A Normally by Mr.

Q When he came along, if I understand your evidence correctly, he told you something about Kincora hostel, that he didn't really enjoy his experience there. Would that be a fair summary?

A Yes. My recollection was that his phrase was that he hadn't personally had a good experience there.

G

Q Is it fair to say that there was nothing at that time in the tone of his voice or the nature of the information that he communicated to you which would have caused you to have registered it in any way as being a complaint from that boy about Kincora?

A No, I had not taken it that way.

H

Q Again, it seems that you were interviewed by the police in 1982, and may the Tribunal take it that the inquiry about R 7 and his contact with you in 1968, the information in relation to that interview, came as a result of a direct question from the police?

A

A I think so, Chairman, yes.

Q Did you understand, for example, when you had been interviewed in 1982 by the police that R 7 had already been talked to or interviewed by the police?

B

A I can't recollect at this stage if I would have known that at the time of the interview.

Q It also seems from your witness statement to the police that between 1968 and 1982 this interview really didn't cause you a thought?

A I certainly don't remember it coming to my memory; that is correct.

C

Q If immediately after the interview in 1968 your superior had come in and said, for example, what was that all about, Mr Maybin, or had required you to make some report on it, what information could you have recorded in relation to the conversation with R 7?

A Excluding the decision about his younger brother, very little more than I have already said, that he made the two comments that I remember as best as I can that he did make.

D

Q The two comments he made were, one, that Mains was funny; is that correct?

A That is my memory, yes.

Q. And the other one was that he didn't generally have a good experience at Kincora; is that so?

A That is correct, Chairman.

E

Q Prior to the interview in 1968 with R 7, had R 7 ever spoken to you about his stay in Kincora?

A Not to my memory, no.

Q Were you aware of whether or not he was happy in Kincora?

A I had known him only in the context of the time I worked in Kincora, and he didn't strike me as being particularly unhappy about it.

F

Q Is it a fair assumption that he might have resented the discipline that was operated in Kincora?

A It is possible, Chairman.

Q Was there any sort of running complaint about the times that people had to be in or anything of that nature?

A There was a time by which the residents were expected to come in. I think it was 10.45. Occasionally young men would have come in a bit later than that, but I don't remember it being a major issue.

G

Q Is it fair to say then that after the interview with R 7 in 1968 you felt that you had nothing significant to report?

A Yes, Chairman.

Q How long did the interview take in 1968 with R 7?

A I honestly can't remember, not very long I think, but I couldn't put a time on it.

H

Q In 1975, just going through your curriculum vitae, it appears that

A

after 1971 when you returned from Dundee you took up post again with Belfast welfare; is that correct?

A That's correct, Chairman.

B

Q And then on reorganisation you became an assistant principal social worker?

A Yes, in April 1972, in between those two dates, I was promoted to the post of senior social welfare officer with Belfast.

Q Between 1975 and 1977 you were attached to East Belfast and Castlereagh, correct?

A Yes.

C

Q And you were the assistant principal with responsibility for field work?

A One of them.

Q Is it correct that other assistant principals and other principals would have been responsible for residential and day care, health care, care of the elderly, and other specialist functions?

A Yes, and other sub-district field work officers in addition.

D

Q Between 1975 and 1977 you would have reported up the line of management to Miss Kyle?

A . Yes.

Q Presumably also you would have had access to the district social services officer if you had any particular problem that required his attention?

E

A Yes, Chairman.

Q Is it correct also that if we were to go back in time to 1968 if R 7 had come in with some form of specific complaint which you determined was a serious complaint and which required to be reported to someone, there would have been a procedure available, you would have gone perhaps to the children's officer; would that be correct?

F

A In the situation that you outlined, if a serious complaint had been made I would probably have taken it to my major line manager at that time who was the senior social welfare officer, I think.

Q I don't have a note of the exact question that you were asked, but I think this morning Mr McCartney suggested to you that if R 7 came in to you and said, "Look, Mains is a bit of a queer" - he asked you what your reaction would be and your reply was that you may have been rather sceptical; is that right?

G

A I don't recollect Mr McCartney using that particular expression in that question.

Q The transcript will reveal it, but if, for example, R 7 rather than simply saying that Mr Mains was a bit funny had come in with some form of specific complaint such as, "Mr Mains made an improper advance towards me", would that have caused you to report the matter up the line?

H

A I would have thought so, Chairman, yes.

A

Q Moving forward again to 1975, as assistant principal with responsibility for field work in your sub-district were you part of the district management team?

A Yes, Chairman, I was.

B

Q Did you attend any meetings, for example, with the district social services officer?

A Yes, Chairman, on a number of occasions.

Q Were there regular meetings or were these meetings arranged for particular purposes?

A No. My memory is that they were fairly regular, about once a month.

C

Q There has been evidence about this, I think. The situation was that there would be regular meetings with the district social services officer where the people with responsibility for residential and day care, field work and the other specialist groupings could meet together and discuss common problems. Is that your recollection of the events?

A That's right.

D

Q In 1975 if you had received some form of specific complaint that a direct approach had been made to some boy, improper approach made by Mr Mains to a boy, you would have I presume conveyed that to the person responsible, being the principal involved in residential and day care?

A Possibly, but I also would have been equally likely, possibly more so, to convey it to my immediate line manager who was the principal social worker for field work.

E

Q At these regular meetings with the district social service officers and the other specialists, people responsible for specialist functions, were day-to-day problems in Kincora discussed?

A No, not that I can recollect.

Q There would have been the opportunity, would there not, if a problem had arisen for the principal in charge of residential and day care to speak to the district social services officer and perhaps pool the information available from the various specialists such as the leaders in the field work?

F

A Yes, Chairman. As I recollect, the meetings generally focused on topics of fairly general interest, but that opportunity would have been there.

Q In 1975 in your police statement and in your evidence today you have indicated that you heard a rumour to the effect that Mains was a homosexual and, if I understand your evidence correctly, you are unable to identify the source of either that rumour in 1975 or the later rumour later in the 1970s; is that correct?

G

A That is correct.

Q If you had in 1975 determined that this matter ought to be looked into, you presumably would have gone to Miss Kyle first of all; is that right?

H

A Yes, probably.

A

Q Doing the best you can and casting your mind back to 1975, if you had spoken to Miss Kyle what information could you have conveyed to Miss Kyle about Mains' activity or alleged activity?

A It obviously depended on the content specifically in the rumour and as to what I could convey to her.

B

Q I accept that you are in some difficulty since you don't have a clear recollection of these events, but I think it would be helpful to the Tribunal to know as near as possible exactly what was the state of your knowledge in 1975. You simply indicated that there was a rumour that Mains was a homosexual.

A That's correct.

C

Q Is that all that you could have told Miss Kyle?

A Yes, Chairman.

Q Whenever you were in Kincora in the period in 1966 you were age 20 at that stage?

A Yes, Chairman.

D

Q Could I ask you when you were at school was sex education any part of your curriculum?

A No, Chairman.

Q Did you receive any formal teaching in sex education from your school?

A Not that I can remember, no.

E**F****G****H**

/ Q Presumably in...

/16/1

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MR MAYBIN
BY MR BRANGAM

A

Q Presumably in 1966 you were aware that homosexuality was at least an evil to be identified.

A I would certainly have been aware of the concept. Yes.

Q Prior to 1966 had you ever come across any person whom you had even the slightest suspicion had homosexual tendencies?

A No.

B

Q During the 6 months that you were in Kincora, did you see or observe any telltale signs that Mr Mains might be involved in untoward conduct with the boys?

A No.

C

Q Was there anything at all that you felt you should have reported or could have reported to any of the authorities in 1966?

A No.

Q I think also this morning you indicated that even after 1980 you still found it difficult to believe that Mr Mains had been involved in these activities. Is that right?

A Yes.

D

Q Now, those are not your words. They are mine. I think you said that you were surprised.

A Yes.

Q Is it correct that you accept that those events did take place and that Mr Mains was responsible for those events, but nevertheless it is still a source of surprise that you did not, and no one else noticed that?

A I certainly accept it.

E

Q Is it a fair comment to make that really Mains had everyone fooled here?

A I cannot really comment on other people's perceptions, but I certainly had no reason to have those suspicions.

Q Thank you.

F

MR BRANGAM: There is one final matter, Mr Chairman. I did not in any way interrupt the cross-examination this morning, but I do think it is fair to point out to the tribunal that the witness R 7 did not in fact give any direct evidence concerning his complaint to Mr Maybin.

Re-examined by MR MAGUIRE

G

Q First, could I approach with you the subject of beatings that we have heard something about? Did you ever inflict corporal punishment on anyone at Kincora?

A No. I did not.

Q Now, were you here yesterday when witness R 4 gave his evidence?

A Yes.

H

Q Perhaps we could for the sake of the record clarify what witness R 4 said yesterday. If I could refer you to yesterday's transcript.
(No answer)

B/16/2

69

MR MAYBIN
BY MR MAGUIRE

A

THE CHAIRMAN: He said that he had been beaten with a stair rod, did he not?

MR MAGUIRE: Yes. I should like to refer you to yesterday's transcript.

MR KENNEDY: I trust you will remember that yesterday's proceedings were in camera.

B

MR MAGUIRE: Yes; although, on the other hand, this morning's proceedings were in public and certain questions were put by Mr McCartney to Mr Maybin. It is important that I try to clarify this matter. Perhaps I could refer you, Mr Chairman, to the top of page 44 of yesterday's transcript, the second question, where Mr Fee asked a question and received an answer. It is the second question and answer down on that page. If I could then refer you forward to page 46 of the transcript, and to a question asked by Mr Weir and an answer by witness R 4, at letter designation C and D. Could I remind you, Mr Chairman, that according to the Board's records, witness R 4 came into Kincora on 2 August 1965. So it would appear from those questions and answers by witness R 4 that the beatings to which he referred took place at the latest in or around the beginning of 1966. Now, Mr Maybin, could you remind the tribunal when you began working in Kincora?

C

A In May 1966.

D

Q Had you any contact with Kincora before May 1966?

A No, Chairman, other than I have a memory of delivering some papers over there on one occasion at some time before then. That was simply handing them in at the door.

E

Q And did you ever inflict -- just for the avoidance of doubt and for the repudication of matters that were put to you in public session this morning -- any corporal punishment upon witness R 4 or any other resident of the Kincora boys' home?

answered

THE CHAIRMAN: He has/this already, Mr Maguire, on several occasions.

A In answer to the question, no, I did not.

F

MR MAGUIRE: Could I move to another area? You said in your evidence that you were sceptical about the rumours about Mr Mains. Is that right?

A Yes.

Q Do you know, or did you know at the time of these rumours of any sexual misconduct on the part of Mr Mains?

A No.

Q Did you have any knowledge of the sexual preferences of Mr Mains?

A No.

G

Q At the time when you were in the home did you ever see him with a girl friend?

A Yes, on one occasion that I can remember he brought a girl friend back to the home (?) one evening. It was one of the evenings that he was off duty and I was on duty. They were in the room together for some time.

H

Q Yes. Did you ever see that girl friend subsequently?

A Yes. After the occasional social function held in the welfare department Mr Mains would have brought that girl along with him. I cannot recollect on how many occasions -- probably one or two.

DB/16/3

70

MR MAYBIN
BY MR MAGUIRE

A

Q At the time of these rumours had you any reason to believe that Mr Mains was a homosexual?

A No. I had not.

THE CHAIRMAN: Thank you, Mr Maybin. You have had a long time. We are very grateful.

B

The witness withdrew.

C

MR KENNEDY: Mr Chairman, gentlemen, we propose to deal with the complaint which occurred in 1967. It relates to complaints of two former residents known as R 5 and R 6. It has been impossible to trace either of these possible witnesses. Therefore we propose to tender the following documents as evidence: the statement of R 5 to the police, dated 23 February 1980; the statement of R 5 to the Terry investigation dated 8 June 1952; the manuscript statements of R 5 and R 6 to the Belfast Welfare Authority dated September 1967 containing allegations against Mr Joseph Mains, warden of Kincora boys' hostel. These documents have been made available to all the parties by the committee staff on 31 August of this year. Now, with your permission I propose to read into the transcript a portion of one of the statements which I referred to, which is the police statement of R 5, on the second page, which is at page 34 of your briefs. Our of a sense of delicacy and for other reasons I do not propose to read the substance of any of the statements. This is in relation to a complaint rather than the actual material.

D

A SPEAKER: R 5?

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MR KENNEDY: Yes. He first of all identifies the making of a statement on 8 September 1967 and then he returns to the Kincora home.

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"When I returned with R 6 to the Hostel Mr Mains asked us where we had been. He started shouting at us and told me to bend over a table in his office. I refused, at this time he had a length of wooden rod in his hand and he intended to hit me. I told him he would not be hitting me because I had reported him to the Welfare and they were coming up to see him. When I told him this his nerves went and he started giving R 6 and I cigarettes. His hands were shaking. He asked me what I had said to the Welfare and I said 'I've told them everything'. This frightened him and he did not say anything else. I am nearly sure that he also gave R 6 and me money as well while we were in his office. I remember that two people from the Welfare came to the hostel and saw Mains but I don't know what happened. About a month after all this happened I left the hostel and returned home to live."

G

I would also remind the witness and my learned friends to use the confidential designations throughout when they are referring to the various people concerned.

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The next witness will be Mr Mason. He will be called on behalf of the inquiry by my learned friend Mr Fee and he will be examined by Mr Marrinan and cross-examined by myself.

3/16/4

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MR GILLEN: May I raise one matter for clarification?

THE CHAIRMAN: Yes.

B

MR GILLEN: This next witness, Mr Mason, will at some stage -- it is my submission that it should be at this stage -- be dealing with allegations arising out of complaints in 1971 and so on. That is simply this set of allegations, 1966/67. Do I understand the position to be, Mr Chairman, that rather than call this witness back time and time again, we, at least I and other people on behalf of the residents, can cross-examine him not only about these allegations, 1967 and so on, but also about the 1971 situation?

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/THE CHAIRMAN:

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A THE CHAIRMAN: Mr Kennedy?

MR KENNEDY: No. That has been considered by the Committee, and whichever way it was done would cause difficulties.

B One course would be to follow the pattern which Mr Gillen has outlined, and the other course would be to take each complaint so far as it can be taken in chronological order. It so happens historically that some witnesses, such as Mr Mason, could give material evidence about matters that occurred later in time. If the whole matter is to be investigated at the first "go", that is to say, when he is giving evidence about the 1967 events, then the matter will become topheavy, because the next witness who might give material evidence about that would be liable to be cross-examined about matters of which at that time he would have no knowledge. The result would be that we would be putting to various witnesses the circumstances of events which would have occurred later in time and about which more direct evidence would be given in due course.

C Therefore, while one can foresee some difficulties whichever course is taken, it is the view of the Committee -- and they are the people who have to absorb the material -- that the most logical way of presenting it and the easiest way for them to assess it is for it to be presented in chronological order, which will mean that at the particular date of the termination of the event and the consequential inquiries the matter will be left. It can be taken up again afterwards, and it is our intention as Counsel to the Inquiry to call whatever witnesses appear to us -- and we are open to suggestions from my friends -- as could give material evidence in retrospect, looking backwards from the beginning of 1980.

D I hope that that clarifies the situation for Mr Gillen. He will have our sympathy in this; I hope that we have his. However, to try to do it in any other way would in the long run lead to very great complications and difficulties, and we have been so instructed by the Inquiry that this is the way in which the Committee want it presented. Therefore, I would ask my friends to follow it in that way.

E MR GILLEN: With the greatest respect, certainly I understand the point that my learned friend is making, but in my submission, to follow that particular procedure would lead to a doubling up each time the witness reappeared. For example, let us take Mr Mason. We shall deal with him now on the incidents arising in 1967. Obviously, when he comes to deal with the period 1971, it will be quite impossible to deal with 1971 on its own. That will have to be seen in the context of 1967. That will mean that each time Mr Mason comes back we shall be dealing again, almost de novo, with 1967, 1971, and so on. It will simply mean that he will be cross-examined about the same thing, ie, 1966/1967 two or three times, because each time it has to be seen in the context of the new case, that is, 1971, or whenever else it may be.

G In my submission, to try to put this in little pigeon holes will simply elongate the nature of our cross-examination and the nature of the material that we put to him. One cannot look at these matters in separation from the matters that follow on.

H MR KENNEDY: With respect to Mr Gillen, the difficulty is that, to be realistic, if we are going to investigate what happened, for example, in 1967 always in the light of what happened in 1971, 1975, 1976 and 1970-1980, it seems to me that is an equally forceful objection to doing it in the

A alternative way, because my friends can rest assured that the witnesses will be called at each time, and the Committee are alert to the points that have been raised. It seems to me that they will not be likely to permit excessive cross-examination and going over the same ground over and over again. It will be for them to tell us what they find of assistance and what they find to be purely repetition.

B MR McCARTNEY: I have the most grave reservations about the method proposed, Mr Chairman, because although we were given an undertaking that the original rule on generalities and specifics would be subject to a benevolent and flexible interpretation, it was the source of harassment and difficulty, and a literal interpretation from beginning to end.

C For my part, I find it inconceivable that a complete and composite cross-examination can be done in pieces. The great force of a cross-examination consists very frequently in relating specific pieces of evidence together. If we are to bring Mr Mason, and he is to give evidence on the 1967 incident, and then we are to bring him back to deal with the correspondence that was left in in 1971, I really do not see how I can cross-examine with the greatest effect if I am going to be told at intervals that I cannot deal with Mr Mason on the 1971 issue now because I am dealing with him on the 1967 issue, and that I will get my chance.

D In that way, I am sorry to say that the sum of the parts will never be equal to the whole, in terms of presentation. I have the gravest reservations about this matter. It may seem logical to do it chronologically, but then the law, like life, has never been a question of logic but of experience.

E MR P SMITH: From a slightly different perspective, may I take the liberty of suggesting to the Committee that the logic might be to deal with the Belfast Corporation complaints all at once, the reason for that being, that one of the alleged complaints is Mr McCaffrey's complaint, in which it is alleged that he did something at the behest of Mr Moore. Mr Moore is not down as a witness in relation to that complaint, according to my documentation. It seems to me that the logic of Mr Moore's position should be that he should give his evidence all in one piece and he should not be recalled simply to deal with Mr McCaffrey's evidence, which would be given subsequently if a rigid interpretation of the policy were to be followed.

F MR MARRINAN: Mr Mason is in the unusual position for most of the people who are being called here of not having independent legal representation. I want to make it clear first that he was offered independent legal representation. I have now been designated to call him and to examine him in chief.

G On Mr Mason's behalf I think it only fair to make his case for him, and that is that first he has come here prepared to deal with the evidence of 1967. That was by direction of this Committee, and it follows the pattern which happened in relation to Mr Bunting and Mr Scoular --- and indeed one or two other witnesses.

H I think it would be invidious if Mr Mason who is not separately represented were to be put in any less favourable a position than those representing Mr Bunting and Mr Scoular. Therefore I ask if we could deal with 1967 as has been agreed and set out on the table of witnesses for at least the last month.

MR McCARTNEY: May I say that Mr Marrinan moves on a completely false premise. Mr Mason has never been in the same position as the witnesses for either the Department or for the Eastern Board, in that there was never

A a general agreement that he fell into a category of witness who would give first of all general policy evidence of a very general kind and then would subsequently come back and give detailed evidence, so the analogy of comparing Mr Mason to these others is simply a false one, for a start.

B Secondly, while one appreciates the endeavours of Mr Mairinan to act as a friend of the court and indeed of Mr Mason, the reality is that if needs be Mr Mason can be prepared with his other evidence.

I feel very strongly about this, and I endorse entirely what Mr Gillen has said, that it is going to become impossible to cross-examine in a series of vignettes about a matter that has a composite relevance to the subject matter of this inquiry.

C THE CHAIRMAN: Well, there we are. We shall just have to do the best we can, because that is what we are going to do, Mr McCartney.

MR MCCARTNEY: So be it.

MR KENNEDY: May I make the suggestion that if my friends feel their cross-examination would be the more effective all at the one time, they could indicate after the evidence-in-chief has been given that they do not propose to cross-examine about that matter, but reserve it later.

D THE CHAIRMAN: Certainly. Let us get on, shall we? We shall consider that matter. I would be perfectly willing to agree to that.

MR FEE: I call Mr Mason.

E /MR HENRY MASON.....

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it if it did arrive in College Street, is a matter of speculation. It is regrettable that what appears to have been the first sign of positive protest to the authorities did not meet with more success.

3.96 Although he did not mention it in his police or Terry Inquiry statements, R7 had taken steps, probably in 1968, to prevent his younger brother from being sent to Kincora, as revealed by a 1982 Terry Inquiry statement by Mr Michael Maybin. Mr Maybin was a Welfare Assistant in the Belfast Welfare Authority and performed additional duties at Kincora from May to September 1966 due to a staff shortage there, Mr Semple having resigned in February 1966. Mr Maybin and R7 became acquainted during that time. In July 1968 Mr Maybin was appointed as a Social Welfare Officer in the South Belfast Division of Belfast Welfare, based in offices in Lower Crescent, and R7's younger brother became one of his clients. He recalled that R7 came to see him because his younger brother was reaching school leaving age and was thus due to be moved from the children's home in which he was residing. R7 was anxious that his younger brother should not be sent to Kincora. Mr Maybin's recollection was that R7 told him that he "had not had a particularly good experience in Kincora himself" and that he made a comment that Mr Mains was "funny". Mr Maybin stated that he asked R7 what he meant but R7 did not elaborate. Mr Maybin said that when this conversation took place he had already decided that R7's brother would be more appropriately placed in foster care and this is, in fact, what happened. R7's memory of the conversation with Mr Maybin was very limited. He thought that he merely said that he did not want his brother to go to Kincora; he stated that he did not say that Mr Mains was "funny"; and he could not remember Mr Maybin's reaction or being pressed for an explanation.

3.97 It was put to Mr Maybin by R7's Counsel that "funny", in the Belfast vernacular, could very often mean homosexual. While Mr Maybin accepted that as one possible interpretation, he stated that he could not remember what interpretations of "funny" occurred to him at the time. Our view is that this expression, if it was actually used and R7 denied that it was, must be considered in the context of the conversation in which Mr Maybin recalled it. We accept his evidence that he had already decided that R7's brother should be fostered and not placed in Kincora and that R7, in Mr Maybin's words, was knocking on an open door. We accept that Mr Maybin pressed R7 for elaboration of his comment about Kincora and Mr Mains and

we believe that R7 declined to elaborate primarily because he had achieved his objective of keeping his brother out of Kincora, but also partly due to a natural embarrassment about discussing his experiences at the hostel. Having made his decision about the placement of R7's brother and having satisfied R7 on that score, we believe that Mr Maybin regarded R7's comments as of subsidiary importance. That he did not embark on an exhaustive analysis of the meaning of "funny" or seize on its possible homosexual connotation is not surprising in the circumstances and we do not make a criticism of him. In the face of R7's unwillingness to elaborate, we believe that there was little further that Mr Maybin could have done.

3.98 Mr Maybin did not interrogate R7 vigorously as to the meaning and significance of his remarks but R7 was out of care by this time and Mr Maybin's powers of interrogation were thus limited. We believe that R7 might have been more forthcoming if there had appeared a continuing danger that his brother might be sent to Kincora but that, having achieved his objective, he would not necessarily have been amenable to interrogation. R7's own evidence was that, in general, he wished to put his Kincora experience behind him once he left the hostel, hence he did not make any complaint against Messrs Mains or Semple after his discharge.

3.99 A second course might have been for Mr Maybin to report R7's comments, and his desire to prevent his brother being sent to Kincora, to his superiors. This information could well have been significant to Mr Mason, the City Welfare Officer, and to Mr Moore, the Children's Officer, who had dealt with complaints against Mr Mains in September 1967 (see paragraphs 3.107-3.124), but Mr Maybin was not aware of that. From his standpoint, it is quite understandable that he did not attach such significance to these comments as would have prompted him to make such a reference and it would be invidious to criticise him for that omission. We conclude that R7's comments to Mr Maybin did not convey a sufficiently clear homosexual connotation as to constitute a genuine opportunity for the detection of offences at Kincora.

Evidence of former resident B1

3.100 B1 was resident in Bawnmore Boys' Home prior to his admission to Kincora. His evidence in relation to Bawnmore is considered in paragraphs 6.31-6.43. B1 was admitted to Kincora in April 1972 when he was sixteen years

28. No further incident therefore arises for consideration by the Board as to whether there was a missed opportunity.
29. On another date probably in 1968 [HIA 720, para 3.96] R7 attended at offices of the Belfast Welfare Authority. He had been discharged from Kincora in January 1968 and gave evidence that he *“was anxious that his younger brother should not be sent to Kincora”* [ibid]. He spoke to Mr Maybin, Social Welfare Officer, responsible for his brother. Mr Maybin recalled that R7 told him that he did not have a particularly good experience in Kincora and made a comment that Mr Mains was “funny”. By the time of this meeting Mr Maybin was already planning for an alternative placement for R7’s brother and did not intend to pursue Kincora. He did not *“embark on an exhaustive analysis of the meaning of “funny” or seize on its possible homosexual connotations”*. The committee considered that this was *“not surprising in the circumstances”* and made no criticism of him. [HIA 720, para 3.97]
30. No further step was taken in relation to this conversation. The Hughes Inquiry noted that a course open to Mr Maybin may have been to report to conversation to his superiors, noting: *“This information could well have been significant to Mr Mason, the City Welfare Officer, and to Mr Moore, the Children’s Officer, who had dealt with complaints against Mr Mains in September 1967”*. It was however noted that Mr Maybin was not aware of that, and thus could not have been aware of the potential significance to the comments. No criticism was therefore made. The committee concluded: *“R7’s comments to Mr Maybin did not convey a sufficiently clear homosexual connotation as to constitute a genuine opportunity for the detection of offences at Kincora”*. [HIA 721, para 3.99]
31. This complaint and investigation was never reported to the Belfast Welfare Committee. The Hughes Inquiry considered this and did not criticise the decision not to do so having regard to: *“since Mr Mason’s conclusions and recommendations appear to have been accepted, there would have been no*

perceived need to seek a decision or direction from the Welfare Committee...

[HIA 730, para 3.122]

32. Given the limited nature of information that was made available, and having regard to the fact that this did not come to the attention of any person that was in the line of management for Kincora hostel, the HSCB does not consider that this was a missed opportunity to detect abuse.

1970

33. Following the appointment of Mr McCaffrey as Assistant Children's Officer in December 1979 he recalled being asked by Mr Moore to investigate a complaint that Mr Mains had slapped a boy on the buttocks. The boy's name was not identified. Upon attending with Mr Mains he was advised that this slap had been in response to misbehaviour or horseplay. [HIA 735, para 3.133] The Hughes Inquiry believed this was a separate incident, [HIA 735, para 3.136] and took the view that this contained "*no obvious homosexual colour*" [HIA 735, para 3.136].
34. The committee concluded that this incident "*would not have provided Mr Mason with sufficient corroboration of his residual doubts concerning Mr Mains' sexual preferences to justify a further reference to the Town Clerk's office*".
35. The HSCB does not therefore consider that this offered any opportunity to detect or prevent abuse that occurred at Kincora.

1971

36. In August 1971 the Mason File was reopened following receipt of written complaints from R8, who had been placed in Kincora from 29 April 1968 to 2 August 1971 [KIN 114025]. Two letters were received: one in the District Office, and a second at EHSSB Headquarters. The letters were "*virtually identical in form and content*". [HIA 737, para 3.141]

3.130 Mr Mason's evidence was that he received no complaints between 1967 and August 1971 (see paragraphs 3.141-3.164), at which time he submitted papers on the new complaints and the 1967 complaints to the Town Solicitor. He suggested that the increased supervision of Kincora undertaken by Mrs Wilson and himself must have been after 1969 in view of the difficulties associated with civil unrest in Belfast and surmised that it may have been part of the follow-up to the 1971 investigation. He also suggested that the interviews of Mr Mains and a boy, which Mrs Wilson recalled, may have been part of a follow-up to the September 1967 investigation.

3.131 Whether or not a further complaint was dealt with by Mr Mason after September 1967 but before August 1971 simply cannot be established with any degree of certainty on the evidence available. The task faced by Mr Mason and Mrs Wilson of dating events accurately and in sequence at such long range was formidable. On the balance of probabilities, and given Mr Mason's standard of record-making in 1967 and 1971, we were inclined to believe that Mrs Wilson's recollection may well in fact refer in part to elements of the 1967 investigation and its follow-up and in part to a later increase in the supervision of Kincora. In particular, we found it hard to envisage why, having referred the 1967 complaints in some detail to the Town Clerk, Mr Mason would have chosen not to refer a similar complaint at some later date, and then reverted to his original approach in 1971. The absence of any reference to the interviews in Mrs Wilson's 1968-1973 notes also carried weight. In any case, the evidence is certainly not sufficient for us to conclude that Mr Mason dealt with this as a separate complaint from the 1967 and 1971 complaints.

3.132 The other possibility, that Mrs Wilson's recollection refers to an incident during her 1961-1965 term as Homes Officer, we discounted on the grounds that it is most improbable that Mrs Wilson would have associated interviews held at that time with travelling difficulties arising from the civil unrest which began much later.

A further incident

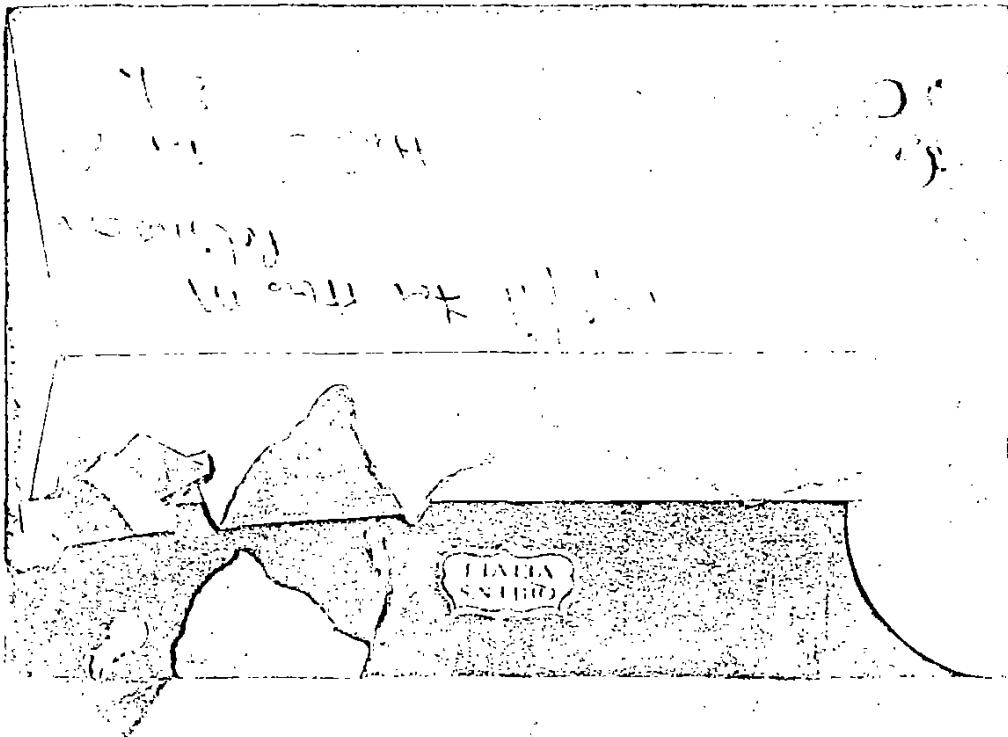
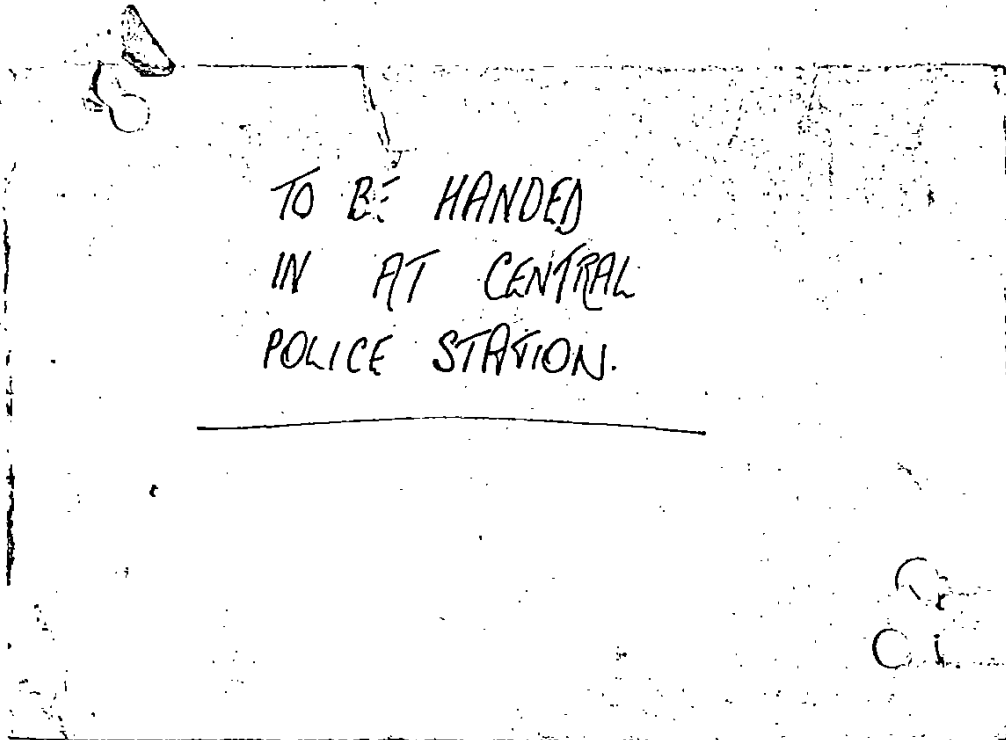
3.133 The next incident of possible relevance was dealt with in the evidence of Mr Anthony McCaffrey, who from December 1969 was Assistant Children's Officer with responsibility for field work services, based in College

Street. Mr McCaffrey gave evidence that, at some time after his appointment as Assistant Children's Officer, he was asked by the Children's Officer, Mr Moore, at his College Street office, to investigate a complaint that Mr Mains had slapped a boy on the buttocks either the previous evening or two evenings previously. Mr McCaffrey's recollection was that he went to see Mr Mains at Kincora and received the explanation that there had been misbehaviour or horseplay in the dormitory or upstairs and that a slap on the buttocks had been administered.

3.134 It is clear that this was a minor breach of the statutory regulations governing corporal punishment in children's homes, but the question arose as to whether there was any homosexual significance. Mr McCaffrey said that he had not been made aware of the 1967 complaints, with which Mr Moore had been involved, and that no homosexual connotation was conveyed to or inferred by him in relation to the slapping incident. Mr McCaffrey accepted Mr Mains' explanation at the time. He stated that he did not interview the boy concerned, whose name he did not recall, but surmised that this may have been done by the boy's Social Welfare Officer. Mr McCaffrey had no recollection of making a report to Mr Moore, either verbally or in writing, but stated that it would have been normal for him to do so. No written report came to our attention.

3.135 Mr Moore gave evidence that he did not recall the incident to which Mr McCaffrey referred or asking him to carry out an investigation and speculated that Mr McCaffrey's recollection might be based on his being informed of the 1967 investigation on appointment as Assistant Children's Officer. We are, however, satisfied that Mr McCaffrey's evidence related to a separate incident which post-dated his appointment in December 1969 and pre-dated Mr Moore's departure to the Down County Welfare Authority in June 1971. This conclusion is based on Mr McCaffrey's evidence that he was not aware of the 1967 complaints; on the distinct nature of the complaint which he investigated; and on the firmness of his recollection of the main points. There is an entry in the Kincora record book for Mr McCaffrey on 20 October 1970, but there is no evidence to establish this as necessarily the date on which he interviewed Mr Mains in relation to this complaint.

3.136 Given that we believe this to be a separate incident, a number of issues arise. The most outstanding was whether Mr Moore, having been involved



GC 24pt y 9011

R8

I have been a resident in Kincora Boys' Hostel for 2 years. On entering the said hostel I accepted everything in my surroundings as being quite "natural". I have, through time, made amends regarding this opinion and have decided to write an account of everything, or almost everything that has happened to me while in the hostel, under the care of the welfare and placed under the supervision of Mr. Mains and also Mr. Gentle. I have been asked in the past to write a letter about my time in the hostel, but I have not done so. I have been looking after boys for a number of years now, but I have come to the conclusion that:

1. THEY HAVE NOT THE GRADES FOR THE JOB.

2. THEY ARE NOT EMPLOYED IN THEIR RESPECTABLE JOBS.

From the above two points will have no doubt in summing up my opinion about them. I can no say truly that I have never been angry with such a filthy dirty (sexually) man as Mr. Mains. I have come to this conclusion by seeing things which I will now relate.

On my first night in the hostel I was placed in a room with another boy in it - his name is: R34. The same night I conversed with the latter. The conversation went something like this.

ME - How long have you been here?

R34 - No! About 2 months.

ME - Where were you before you came here?

R34 - I'm Kinkabon.

ME - Did you like it?

R34 - Yes - I miss it. I loved that place.

ME - What was it like?

R34 - It was good. A man used to come and take me and a friend of mine out. He took us over fields for cricket and he gave us things to eat.

R34 - He also ended the conversation here. I could not understand his purpose for talking to me this but later I was to find out why.

I had been in the home for about two weeks after that last incident before the following happened.

I was already in bed. R34 was reading comics, and the light was left on for that purpose. I had my head under the blankets to shield the light from my eyes. The next thing I remember was feeling a hand on my hip blanket - it seemed to be pulling it. I immediately thrust my head down under the bedclothes - and what I saw was this:

R34 WAS STANDING NAKED BEHIND ME TRYING TO GET TO ME HE WAS WHIMPERING. When he saw I was having nothing to do with it he withdrew to his own bed. He kept saying, or rather repeating, I'M SORRY GOD HELP ME YOU WON'T TELL MR. MAIR YOU WON'T TELL MR. MAIR PLEASE! PLEASE! This went on for about fifteen minutes. He stopped this whimpering and got out of bed to turn off the light. I could see clearly that he was still naked. I was damned near sick, all I could think about was telling Mr. Mair, but seeing as R34 had shared with me so I decided not to. I don't think I had had such a sickening experience before in my life.

The thing I dreaded then most was facing him again the next morning. What would his feelings be - I asked myself, but when he did see me he acted quite naturally, the only difference being his lack of conversation. Later this got to a point where he did not talk at all. From then until now I have spoken to him very rarely. I had forgotten all about that last incident when the following happened:

It concerned a fellow boy named KIN174. He had been to England to pursue his career as a jockey; from the tales my readers will have gathered that he was a rather small lad, very thin and decidedly built. On his arrival he was placed in our room in the Mess & Res. house. He told me that he had had a similar experience to that of my own before he had gone to England. He therefore did not like sleeping in the same room as R34. But he decided to try it again, as I was there.

I was in quite late one night (I had acquired a late pass) when I did arrive home - I went directly to bed. My time of bedding down was about 10.30 o'clock. 34

It was not until the following morning that KIN174 told me what had happened. Evidently he had been in bed about 10 minutes before the same thing happened again. R34 had been running around the room naked for a while. Later he had tried to get into bed with him. KIN174 was disgusted. He came to me in tears. He also told me he was not going to sleep in that room again. I told him that we would have to tell Mr. Mains what had happened and after a little persuasion from myself - he agreed.

When we did tell him, he only laughed. He was standing in the back garden at the time. I remember that day so well. I told him that KIN174 wanted to be moved out of the room (and after a little persuasion from myself he agreed) therefore leaving R34 and myself alone. I then asked him to let me move into another room, but he would not have it. He said "Just talk someone". Having had no, I think he believed me. He did not want to get one of his boys a bad name. Anyway when KIN174 told him the story he must have believed him, because I was told he said "Don't worry". I was in complete disagreement. I think he should have (at that time) told the welfare Christians about him, and they could have helped him, after all, it really was not his fault. He had (I found out later) been in homes all his life. I had no doubts of his being a homosexual, and therefore it seems now that he had been moved - to a treatment centre of something of that nature.

Only started here - reading his story well (I have no doubt) agree that Mr. Mains' decision to overlook the matter was totally wrong.

R34 has now grown out of it. (and that was 2 years ago) because I have had no rather heard complaints about him from a lot of other new residents, all of which have been overlooked by the said Mr. Mains. I must mention at this time that Mr. Sample was not working in the hostel and possibly knows nothing about this. Also I feel it necessary to mention that there are 10 boys in the hostel. (including myself). 35 means to say 10 boys

being in a house with a thermometer, it is a bit much, isn't it?

Shortly after **KIN174** was moved out of the room Mr. Main started complaining of a sex "back". He eventually asked me to rub it, which I, like school, agreed to do. I went down, after the boys had gone to bed, to do so. I did not (I must apologise) get out of bed to go down. I waited until ~~the~~ the boys had gone to bed. Mr. Main had come & asked me to do this. He told me I was to get 5/6. If I done a good job I was 15 at the time. He gave me some cream and told me to massage it into his back. While I was doing this, he started making grunting noise of satisfaction. I had no notice of him. All I was interested in was the 5/6.

While I was doing this, he started talking about how what had happened had between **R34** and myself. He asked me what **R34** had said, what I told him yet again and again, he told me I was lying. He said "You got to bed with him, as he got into bed with you - come on admit it". I got fed up and told him I was going to bed. He then told me I was not safe going up this, that it would be safe to stay down in his room for the night - ~~and~~ he then said something like "He don't think I'm like that, danger. I - feel that I was agreed to stay downstairs with him". He told ~~him~~ me I could sleep next to him - in his bloody bed, ~~and~~ that I think of it - I agreed. I took off my shirt - but kept on my jeans - I did not feel safe. When I got into bed beside him, I turned to face the wall hoping to get some sleep. (as soon as possible). It was very late - and I was tired. When I had been lying for about 5 minutes I felt his arm around me. He was muttering "On to it, On to it!" I got to hell out of it as fast as I could. I ran upstairs into my ~~room~~ room, and jumped into bed, shaking violently and sweating. What I have stated is the truth. The conduct of Mr. Main that night happened exactly as I have described it, except I was really more frightened than I have stated I was. The exact same thing happened to another boy, he told me this afterwards. I thought, at the time, of going to the welfare authorities and telling them what happened, but I felt I was too young **36** and maybe they would not listen.

R8

R33

to me anyway. Gradually, the other boys' names in [redacted] the
 all the others for it.

I thought, after the incident, that Mr. Main would be too embarrassed
 to speak to me. But when I was, he was just the same as he had
 been before. I think I felt pity for him, I am not sure.

Also, when these incidents were taking place, I was working
 in his brother's shop in [redacted]. I was getting £4 per
 week. - I'd keep his pocket money - 1/- for T.V. deduction - the
 rest was for keep. I put this 1/- in the bank for a year, and
 later £1 (when I got a rise to £5). I did not spend all that
 money on clothes. That is what it was supposed to be for. All I
 got was a coat, 1 pair or 2 pairs of shoes and a couple of pairs
 of jeans (for work). The latter would not account for £60 (£1
 of anything new at £20 at the least.

My reader will now have (after reading this) have doubts about the
 validity of the position Mr. Main holds. He also a friend, namely

R2

whom he regularly sleeps with.

R33

went into Mr.

Main flat and saw R2 lying in his bed. I think Mr. Main's
 open approach to homosexuality is disgusting, he has a filthy mind,
 and a mind like that is not fit to look after or take care of
 growing boys.

R8

KIN - 90839

OFFICIAL - SENSITIVE - PERSONAL

Kincora Corporate 3 Complete - L McKibben, H Barkley, C Godden, M Todd allegations (69) - HSCB - 20-05-16

MR. MOORE

COLLEGE STREET;



OFFICIAL - SENSITIVE - PERSONAL

WHAT I HAVE WRITTEN IS THE TRUTH.

R8

GC19
P 9 GC3

I have been a resident in Kincora Boys Hostel for 2 years. On entering the latter I accepted everything (my surroundings) as being quite "natural." I have, through time, made amends regarding this opinion, and have resulted in the writing of an account of everything that happened to me while in the hostel, in care of the welfare, and placed under supervision of MR. MAINS, and also MR. SEMPLE. I have been treated with little respect, definitely been pushed about, and have often been made a fool of. I have no doubt that these two wardens have been looking after boys for a number of years now, but I have come decisively to the conclusion that:

(i) THEY HAVEN'T THE BRAINS FOR THE JOB.

(ii) ARE OLD FASHIONED IN THEIR ACTIONS.

(iii) OVERALL DECISION IS DISAGREEMENT.

From the above my reader will have no doubt in summing up my overall feelings for them. I now can say truly that I have never met such a filthy dirty man (SERVANT) as MR. MAINS. I have come to this opinion by seeing things that I will now relate.

On my first night in the hostel I was placed in a room with one other boy in it, his name was R34. On that same night I conversed with the latter. The conversation went something like THIS:-

ME:- ARE YOU IN HERE LONG.

R34:- NO! ABOUT 2 MONTHS.

ME:- WHERE WERE YOU BEFORE YOU CAME HERE.

R34:- IN KIRCUBBIN.

ME:- DID YOU LIKE IT.

R34:- YES, I MISS IT, I LOVED THAT PLACE.

ME:- WHAT WAS IT LIKE.

R34:- IT WAS GOOD. A MAN USED TO COME AND TAKE ME AND A FRIEND OF MINE OUT. HE TOOK US OVER FIELDS FOR WALKS AND HE DONE EVERYTHING ON US.

R34 abruptly ended the conversation here. I could not understand his purpose for telling me this, but later I was to find out why.

I had been in the room for about two weeks after that last incident before the following happened.

I was already in bed. R34 was reading comics, and the light was obviously on, left on for that purpose. I had my head under the blankets to shield the light from my eyes. The next thing I remember was that I felt a hand on my top blanket, it seemed to be pulling it. I immediately thrust my head out from under and what I saw was this: R34 WAS STANDING NAKED BESIDE ME: TRYING TO GET TO ME. HE WAS MUTTERING SOMETHING. When he saw that I was having nothing to do with it he withdrew to his own bed. He kept saying "I'M SORRY, GOD HELP ME" "YOU WON'T TELL MR. MAINS, "YOU WON'T TELL MR MAINS", PLEASE PLEASE." This went on for about 15 minutes. He stopped this whimpering and got out of bed to turn off the light. I saw clearly that he was still naked. I was daunt near sick, all I had in my mind was to tell MR MAINS, but seeing as R34 had pleaded with me so, I decided not to. I don't think I have had such a sickening experience before in my life.

The next thing was facing him again the next morning. What would his feelings be, I thought to myself, but when he did see me, he acted quite naturally, the only difference being his lack of conversation. This got to a point where he did not talk at all. From then until now I have spoken to him very rarely. I had forgotten or nearly forgotten about the last incident, when this next happened:

It was with another boy that it happened, he had been away from the hotel, and gone to England to become a jockey. From the latter my reader will gather that he was a relatively small lad, very thin and delicately built. His name was KIN174. On arriving back to the hotel he was placed in our room. i.e. Mine and R34. He told me that he had had a similar experience to that of my own before he had gone to England, and he did not like the idea of sleeping in the same room as R34. He decided to try it for a while seeing as I was there.

WHAT I HAVE WRITTEN IS THE GODS TRUTH.

R8

5.

I was not in to late one night, which obviously left KIN174 and R34 in the room together, when I did arrive home I went to bed, incidentally my time of bedding down was about 1100 o'clock. I had got a late pass.

It was not until the following morning that KIN174 told me what had happened. Evidently he had been in bed about 10 minutes when the same thing happened again. R34 was running naked around the room for a while, later he tried to get into bed with him. KIN174 was disgusted, he came to me in tears, and told me he was not going to sleep in that room again. I told him we would definitely have to tell MR. MAINS what had happened, and, after a little persuasion from myself, he agreed.

When we did tell him, he only laughed, he was standing in the back garden. I remember that day so well. I told him that KIN174 wanted moved out of the room, he finally agreed after a little persuasion to let him be moved, therefore leaving R34 and myself alone. I then asked him to let me move into another room, but he would not have it. He said "Don't talk nonsense." I think now he believed me all the time. He did not want to get one of his boys a bad name. Anyway, when KIN174 told him the story he must have believed him, because he said "Awk He'll Grow out of it Don't worry." "HE DOESN'T MEAN ANY HARM".

I was in complete disagreement. I think he should have told the welfare authorities about this, and they could have helped him, after all, it wasn't his fault, he had (I found out later) been in houses all his life. I had no doubts of his being a homosexual, and therefore I thought it would be better if he were moved, - to a treatment centre, or something.

Any educated person, reading this story, will agree that MR. MAINS' decision to overlook the matter was totally wrong. R34 has never grown out of it, and that was two years ago, because I have heard complaints about him from a lot of other boys, all of which have been overlooked by the said MR. MAINS. I must mention, at this time, that M.R. SORRE was

not working in the hotel, and possibly knows nothing about it. So I feel it necessary to mention that there are about 10 boys in the hotel. I mean to say friends, 10 boys being affected by a homosexual, and nothing done about, I think it's a bit much.

Shortly after KIN174 was moved out of the room, Mr Main started complaining about a sore back. He eventually asked me to rub it, which I, like a fool, agreed to. I went down, after all the boys had gone to bed, to carry out my work. He told me I was to get 3/- if I done a good job. I was 15 at the time. When I got down to him he was lying (MR MAINS THAT IS) in his undiepants on top of his bed, face downwards. He gave me some ointment and told me to massage it into his back. When I was doing this he started making grunting noises of satisfaction. I took no notice of them, all I was interested in was the 3 shillings. I was broke at the time.

While I was doing this, he started bringing up what I had told him about R34 and myself. He asked me what R34 had said, and he told me I was lying. He said "You GOT INTO BED WITH HIM, OR HE GOT INTO BED WITH YOU" come on, admit it." I got fed up and told him I was going to bed. He told me then that I was not safe going upstairs, that I would be better staying with him for the night - safer? He said something like - COME ON, YOU DON'T THINK I'M UKE THAT, DO YOU? I - fool that I was - agreed to staying downstairs with him. He told me I could sleep next to him - in his bloody bed, now that I think of it - I agreed. I took off my shirt, but kept on my jeans, I did not feel safe. When I got into bed beside him I turned to face the wall, hoping to get to sleep as soon as possible. It was very late, and I was tired. When I had been lying for about 5 minutes, I felt his arms around me. He was muttering "OW TO IT, OW TO IT" I got to hell out of it as fast as I could. I ran upstairs into my own room, and jumped into bed, still shaking like

a leaf. What I have said is the truth, I will swear on my aunt's death to it. The conduct of MR. J. MAINS that night happened exactly as I described it, except I was more frightened than I have said I was. The exact same thing happened to another boy (about the same time also, he ~~(R33)~~ told me this afterwards. I thought of going (at the time) down to the welfare buildings in College Street and telling them what had happened, but I felt I was too young, and maybe they would not listen to me anyway. It is only now, that I realise how wrong I was. Incidentally, the other boy's name is R33, he was also sworn to it.

I thought, that after this had happened, Mr. Main would be too embarrassed to speak to me. How wrong I was, he was just the same. I think I had pity on him at this time, I am not sure. Also, while these incidents were taking place I was working in his brother's shop in [REDACTED]. I was getting four pounds a week. That is 16s for myself 16s for the bank, and the rest for keep. I put this 16s in the bank, for a year, and later I put a pound in (when I got a rise of 5s). I did not spend all that money on clothes, for that is what it was supposed to be for. All I got was 1 coat (about 4s), 1 or 2 pair of jeans, and a couple of pair of shoes. I have no doubt the latter would not account for 8s or anything near it. 2s at the least.

My reader will now begin to picture the kind of man MR. MAINS is. He also has a friend, namely R2, whom he regularly sleeps with. R33 went into MR. MAINS flat one Saturday morning and saw R2 lying on the bed. I think his ~~(display)~~ open approach to homosexuality is disgusting, he has a filthy mind, and a mind like that is not fit to look after or take care of growing boys.

GC 17
Part 9 GC 3.

WELFARE DEPT.

16 COLLEGE STREET

OWC
S.C. En
20.9.71

From City Welfare Officer

Ref. HOM/2

To Town Solicitor

Date 25th August, 1971

re Staff

I enclose a file containing a letter received by me on 23rd August, 1971, written by R8 who resided in Kincora from 29th April, 1968, to August, 1971. It was during this period that the alleged incidents would have taken place and the boy states that he wrote the letter two years ago.

Mr. Johnston the Deputy Town Clerk, together with Mr. McCaffrey, Assistant Children's Officer and I interviewed the boy on 23rd August. He did not appear to be a convincing witness but he reaffirmed all the statements made in the letter.

On 24th August Mr. McCaffrey and I interviewed R33 who was stated in the letter as having experienced the same approaches from the member of staff in question. R33 was a resident in Kincora from 1st July 1968 to 12th July 1971. He related that he had been asked by the member of staff to rub his back and then invited to stay the night in his bedroom. He refused and returned to his own room.

No other investigations have been carried out regarding the rest of the statements made, but it is thought that there are sufficient grounds to have the matter considered as one which should be referred to the Police in view of the allegations which were made against the same officer in September 1967. A copy of the results of the departmental enquiry into these allegations are contained in the file.

The officer concerned is not due back from leave until 29th August.

I am going on leave from 28th August but Mr. McCaffrey will give any further details which may be required.



City Welfare Officer.

HM/JH.

OCD-18-(248pg) Kincora Phase I Part III EXHIBITS A - Box 15

DAY	DATE	NAME OF BOYS	DATES OF NON-ATTENDANCE AT SCHOOL/WORK & WHY.	NOT PRESENT FOR MURALS WHEN EX-PECTED.	EVENINGS OUT - WHERE, WITH WHOM, TIME BACK IF LATE.	INCIDENTS CAUSING CONCERN (C.B.) POLICE.	REMARKS.
FRI.	7/12/79	[REDACTED]	Present		Spending the week-end with Relatives & Friends		
SAT.	8/12/79	[REDACTED]	Present	Present	Late Pass to 1.A.M attending Disco Shows in the Europa Hotel. Belfast		
SUN	9/12/79			All Satisfactory			
MON	10/12/79			All Satisfactory			
TUE	11/12/79			All Satisfactory			
WED	12/12/79			All Satisfactory			
THU.	13/12/79			All Satisfactory			

DATE:

13TH December 79.

SIGNED:

J. Trainor

OFFICER IN CHARGE

Form 38/29(A)

COURT EXHIBIT LABEL

R. v. _____

DESCRIPTION OF EXHIBIT
CASE CONFERENCE REPORT
DATED 18.2.76.
RE: STEPHEN WARWICK

AS REFERRED TO IN
MY STATEMENT

SIGNATURE	DATE
<i>Robert Simpson</i>	14/5/80
<i>John McMillan</i>	14/5/80
<i>W. J. G. G. G.</i>	14/5/80

EXHIBIT
NUMBER

FOR LABORATORY
USE ONLY

LAS/1.
PART OF GC/9.

Re: Stephen Waring.

Case Conference 18.2.76.

Kincora Boys Hostel,
North Road,
Belfast.

WARING
ROUTED

Present: Mr. J. Maynes, Hostel Supervisor,
Mr. L. Conway, Rathgael T. School.
Mr. F. Hill
Housefather: Rathgael T. School.
Miss R Simpson

The case conference had been arranged to discuss future care of Stephen. Stephen will be leaving Rathgael at the end of August. His progress from Supervisor's reports has been slow, but he feels that with support and adequate supervision Stephen could re-adjust to living in the community. He has been staying at Kincora on an irregular basis following a "trial" stay over Christmas. Mr. Maynes commented on Stephen's acceptance of these surroundings and staff, and no notable absence of "social graces". He had voiced concern over Stephen's recent involvement with political groups, and could foresee difficulties with this.

The absence of appropriate accommodation in [REDACTED], and in addition the lack of any social contacts in the area, removed any likelihood that Stephen would return to [REDACTED]. It was pointed out that any remaining family ties for Stephen were located in [REDACTED] namely his Grandmother, Mrs. Waring, [REDACTED] Stephen regularly visits her while at Kincora. He has local knowledge of the neighbourhood, and past school friends reside there. [REDACTED] who stays in Bawnmore Children's Home is also a regular visitor to the area and stays with his Granny for week-ends. Kincora Hostel offers a home to Stephen in what was his "old" neighbourhood, before the family moved to [REDACTED].

Mr. Maynes agreed to continuing week-end visits by Stephen on a regular basis. Mr. Conway felt that an extended stay at Easter and in the summer would be beneficial, before Stephen would become a permanent resident at the end of August. It is intended that Stephen attend [REDACTED] Secondary School. His attendance there during the day would assist his adjustment to hostel life. There are two other boys attending school in the hostel.

Mr. Conway remarked on Stephen's high intelligence and adroitness in the use of his hands. He feels that Stephen with encouragement could progress satisfactorily. He intends maintaining contact with Stephen in Kincora.

It is hoped that arrangements for [REDACTED] to stay in the Four Winds Hostel, Newtownards can be pursued in similar lines, the occasional week-end, and extended leave. [REDACTED] it would appear, does not present the same behaviour problems as Stephen. It is considered inadvisable to bring the two boys together to stay in the same hostel. There is minimal contact between them at Rathgael. To unite one or other with [REDACTED] in Bawnmore could possibly upset the stability of that present situation. Stephen has however remarked that when he and [REDACTED] find employment they would share a flat.

Stephen is eager to stay at Kincora. Mr. Maynes however does not underestimate the difficulties that he may encounter with Stephen, but he feels with Rathgael's support he can assist Stephen. Arrangements for the next week-end visit were confirmed.

R. Simpson, (Miss)
Social Worker.

[Signature]

COURT EXHIBIT LABEL

R. v. _____

DESCRIPTION OF EXHIBIT

Letter from Mr. K. V. V. to the court dated 10/10/19

EXHIBIT NUMBER

*DBE 8 Part 9
9-10*

with a leather belt for returning late to Kincora and for being absent from work during the week. Sussex Police officers asked Mrs McCULLOUGH about this and she (SPS 7) denied ever witnessing such an incident.

67. There is no record of the investigation team putting this matter to MAINS but **KIN 12**, who resides in [REDACTED] was not traced and interviewed until 17th April 1980, some two weeks after MAINS had been charged. Detective Superintendent CASKEY told me that this was a detail that was overlooked. In the circumstances I consider that in any event it did not require a further interrogation of MAINS.

68. **KIN 12** statement included a number of more serious allegations concerning the De La Salle Boys Home which I will deal with in paragraphs 559-589 of this report.

69. In common with the pattern that was well established over the years the witnesses **KIN 15** (KINMS 56) and **KIN 17** (KINMS 85 SPS 31), who both spent short spells in residence at Kincora during 1966, say they were unaware of what was taking place.

1967 - THE HARRY MASON FILE

70. The Royal Ulster Constabulary's 1980 Kincora enquiry culminated in a number of men being charged with sexual offences

on boys in care in homes in Northern Ireland. The charges indicated that offences had been committed over a period of 20 years and obviously begged the question as to why the offenders had remained undetected until 1980 following Peter McKENNA's initial article on 24th January 1980 in the Irish Independent newspaper. One of the fundamental issues Superintendent FLENLEY and I were required to attend to, was to examine, in some depth, the facts available regarding each instance when someone in authority became aware of complaints that member of the staff in charge of the boys had committed, or were suspected of committing, sexual offences on the boys.

71. It will be appreciated that I have already dealt with R7's statement that a letter of complaint was sent to the Belfast City Welfare Department in paragraphs 58-61 of this report and the incident where MAINS is said to have punched KIN 5. In neither case is there any evidence to positively confirm that someone in authority became aware of any allegations, but in 1967 a complaint was lodged that was drawn to the attention of Henry MASON, the Belfast City Welfare officer. The two boys making the complaint were R5 (KIMS 37-38 SPS 32) and R6. R6 was a resident at Kincora from 31st March 1967 to 30th November 1967, and R6 from 17th August 1967 to 3rd August 1968. According to R5 after leaving school at Easter 1967 he began living at Kincora. After some six months in residence he realised that MAINS was behaving oddly with some of the boys. R5 describes how, when the boys were washing, "He (MAINS) would come into the washroom, put his arms around our chests and hold us tightly to him. Also sometimes as boys

walked past him in the homes he would touch them up. That is to say, would touch their behinds with his hand." R5 states this happened to him personally, and he decided that MAINS was a 'queer'.

72. One incident that R5 particularly remembered was an approach by MAINS who said, "Do I get a kiss then?" and after rubbing his hands up and down R5's side, he slid his hand down inside R5's trousers. R5's response was to pull MAINS' hand away and to tell him to fuck off. MAINS did not persist with this behaviour on this occasion but walked out of the washroom. R5 then recounts how MAINS punished him for rejecting his advances by making R5 scrub floors, work in the garden and go to bed by 7 pm. R5 was 15 years old at this time.

73. This youth also relates how one Sunday evening at a summer camp at Port Rush, MAINS, (KINMS 102-103) and R2 were adding whiskey to cups of tea that the three men were drinking.

74. This fairly innocuous activity hardly appears to be sufficiently remarkable to require inclusion in a statement made to the police some 13 years later, but it does give an indication as to the mentality of some of the youngsters in care in Northern Ireland, many of whom were regularly subjected to earnest preaching from a number of religious sources about subjects such as the sanctity of the Sabbath and the evils of drink.

75. It was following this drinking 'incident' at the summer camp that [R5] conferred with [R6] and they decided to report MAINS to the Welfare Authorities. I have already indicated that the police have been unable to locate [R6] and the only information about his encounters with MAINS is contained in the hand written statement which he made on 8th September 1967. [R5] claims they made a complaint to a Mr ROSS of the Social Services and that in Mr ROSS' office they wrote out their statements outlining their complaints (KI EX 87-88 & 103).

76. Detective Superintendent CASKEY's report to the Director of Public Prosecutions (KIDPP 134) comments that enquiries failed to locate the Mr ROSS concerned. Superintendent FLENLEY located a Mr William ROSS (SPS 33) who in 1967 was a collecting officer who sometimes visited the parental homes of children in care. He emphatically denied that any complaint had been made to him about MAINS. In a report prepared by MASON dated 11th September 1967 (KI EX 65-68) he refers to the boys coming to see Mr MOORE, the Childrens' Officer, to make a complaint. MOORE apparently does not remember too much detail about the incident which I explore more fully in paragraphs 87 to 92.

77. The person to whom [R5] and [R6] spoke remains uncertain but whoever it was obviously listened to what the boys had to say, caused them to put their complaints into writing, and referred them to MASON.

78. [R5] concludes his account about what happened upon his return to Kincora after speaking with MASON by describing finding MAINS to be in an aggressive mood. MAINS had a wooden rod to hand and it was obvious he was going to use this to punish [R5] and [R6]. By [R5] account after they told MAINS that a complaint had been laid with the Welfare Authorities, and that MAINS was to be interviewed, MAINS became nervous. [R5] claims he gave them cigarettes and asked what had been said to the Welfare people. [R5] is not certain whether MAINS gave them both money in addition to cigarettes.

79. Henry MASON (KIMS 597-599 SPS 34-35) had the complaints referred to him although there was no evidence to show who passed it to him. There is ample evidence to indicate that MASON paid careful attention to what the boys had to say. He made notes (KI EX 104-107) and extracted specific allegations from the content of their statements. Four pages of MASON's original notes remain in the file being part of a series of notes from which MASON eventually prepared an official report to the Town Clerk of the City of Belfast (KI EX 64-72).

80. Having listed the areas of complaint MASON interviewed MAINS on 8th September 1967. It is not clear who, if anyone, was with MASON at this interview. It is evident that MASON raised all the issues touched on by [R5] and [R6] with MAINS and submitted a report to the Town Clerk, carefully recounting MAINS' explanations in answer to the complaints (KI EX 65). MAINS denied [R5] allegations of drinking whiskey but agreed that

[REDACTED] R2 and [REDACTED] had visited the camp and that a few cans of beer had been consumed. MASON included his observations about MAINS' response to the interview saying that MAINS appeared to be amused by the drinking allegation. MAINS agreed that the complainants were right in noting that he did not sleep at the camp on one occasion, saying that it was his night off. He agreed that he had asked [REDACTED] R5 for a kiss, maintaining he did this mockingly, implying that [REDACTED] R5 hair was long enough for him to be mistaken for a girl. He agreed that he had put his hand down [REDACTED] R5 underpants and explained that his object was to find out if the boy had changed his underwear.

81. MAINS denied saying to [REDACTED] R6 that he looked lovely in the bath, but admitted supervising the boys bathing, and that he washed [REDACTED] R6 hair which MAINS maintained was long and needed careful washing. He agreed that he had awakened BARKLEY one morning when he, MAINS, had only been clad in a pair of underpants but said that this was due to his habit of awakening [REDACTED] R6 who was a bad riser, as soon as he got up. Due to hot weather MAINS felt that he might well have been dressed only in underpants on the occasion [REDACTED] R6 was referring to. He denied getting drunk on Friday and Saturday nights whilst conceding that he went out on those evenings.

82. MASON's report noted that MAINS first appeared tense and that he perspired visibly but that he relaxed as the interview progressed. It is clear that he performed his task conscientiously but lacked experience in interrogation. Certainly he tried to be

fair to both the parties involved in this complaint.

83. He finalised the matter by accepting MAINS' explanation that the boys had maliciously, wrongly interpreted his actions in carrying out his role as officer in charge at Kincora but prudently recommended that Kincora be more closely supervised. He further observed that any further complaints should be carefully sifted. The report obviously reached the Town Clerk because on 20th September 1967, MASON submitted a further report in response to a query from the Town Clerk's department dealing with Item 5 of his original report (KI EX 64). There is no record of the Town Clerk's reaction to MASON's report but presumably he considered MASON's action was sufficient.

84. Although it is impossible to pronounce with any confidence on what might have happened had this complaint been passed to a competent Detective Constable, there are points which are worthy of note. It is clear from the evidence available that MAINS was not a strong character well used to resisting interrogation and that even 15 year old youngsters like **R6** and **R5** could reduce him to offering pathetic 'bribes' of cigarettes or money when they told him they had reported him.

85. We know that he sweated freely and appeared nervous when seen by MASON but apparently gained confidence as the interview progressed (and he realised that his explanations were being believed?). A competent detective would have taken a

fuller statement than the inadequate efforts the boys were required to produce themselves by the Welfare Authorities. A policeman might well have looked for information about what other boys at Kincora had to say. Certainly he would have had sufficient evidence from statements made by R5 and R6 to justify arresting MAINS on suspicion, particularly as the Kincora Boys Home was hardly a suitable place to conduct an interview with MAINS, with the prospect of interruptions and eavesdropping from some of the residents. It is a fact that some 13 years later the Royal Ulster Police first became aware of MAINS activities with the boys and MAINS was arrested, he admitted acts of gross indecency within a short time of the interview commencing and as the interview progressed confessed to the full offence of buggery over a period of years.

86. Allegations that a crime has been committed is a matter for police investigation, and well meaning administrators holding positions of authority such as that held by Mr Henry MASON, in this instance, permitted a criminal whose activities involved vile practices on boys, to continue over a period of many years.

87. I have looked carefully at the statements made by MASON (KIMS 597-599 SPS 34-35), Mr Robert MOORE (KIMS 600-601 SPS 36-39) and Charles Anthony McCaffrey (KIMS 602 SPS 40-41). MASON says he cannot remember who accompanied him when he interviewed MAINS but thinks it might have been Robert MOORE. MOORE in a statement made to the Royal Ulster Constabulary on 13th March 1980 (KIMS 600) says he 'recollects participating in

an investigation into the person in charge of the hostel run by MAINS. I remember attending the hostel and interviewing Mr MAINS regarding these allegations'. He goes on to state that he thinks Mr Henry MASON caused him to become involved in the enquiry and remembers putting the allegations to MAINS and asking him for an explanation. He also recalls that the matter concerned MAINS looking in on the boys when they were washing or showering. When Superintendent FLENLEY and I interviewed MOORE (SPS 36-39) on 11th March 1982, he qualified what he had said in his statement, saying that he definitely saw MAINS on his own but states it possible that he was not investigating the complaints but following up MASON's interview with advice to MAINS. He adds that MAINS denied touching the boys' private parts in horseplay.

88. Bearing in mind that neither [R6] nor [R5] made allegations of having their private parts touched, and in view of MOORE's clear belief that he saw MAINS on his own, it seems possible his investigation was not concerned with the [R6] [R5] matter but another complaint entirely. MAINS told the Royal Ulster Constabulary officers (KIMS 303) that he was seen by MOORE about [R6] and [R5] MOORE insists he saw MAINS on his (MOORE's) own and MASON (KIMS 597) speaks of conducting an interview with MAINS.

89. In an effort to bring some enlightenment on this confused issue, Superintendent FLENLEY and I saw MAINS again at the H.M. Prison, The Maze, on 20th September 1982. He was

asked who had questioned him about the [REDACTED] R6 and [REDACTED] R5 allegations (SP EX 4). He said, "I'm not too sure, either MASON or MOORE."

90. McCAFFREY (KIMS 602), in a statement made on 17th March 1980, remembers being brought into an enquiry at Kincora Boys Hostel in 1971 and is without doubt referring to a letter of complaint by [REDACTED] R8 (see paragraph 94). This is substantially confirmed in a letter found in the Harry MASON file (KI EX 75) in which MASON gives details of the [REDACTED] R8 matter and refers to McCAFFREY's involvement in the interviewed with the complainants.

91. McCAFFREY, (SPS 40-41) in a statement made to Sussex Police officers, introduced the question of another complaint quite separate from the [REDACTED] R5 / [REDACTED] R6 issue in 1967, or the [REDACTED] R8 complaint in 1971, by referring to an interview McCAFFREY had with MAINS in 1969. It appears that at the behest of Mr MOORE, McCAFFREY questioned MAINS about an incident involving MAINS smacking a boy's bottom when the lad was being supervised when being put to bed. McCAFFREY's recollection is that MOORE asked him for an independent look at the complaint as it should properly have been given to Mrs WILSON, who was then the Principle Social Worker with a direct responsibility for Kincora. If one considers this information in conjunction with MOORE's reference to horseplay, it strengthens the proposition that after the complaint in 1967 which MASON dealt with, and which MOORE was aware of, a further complaint was made which MOORE and McCAFFREY dealt with. Superintendent FLENLEY and I

have not been able to find any notes made by MOORE or McCAFFREY on this matter that might provide a more reliable means of ascertaining what took place, other than the seemingly vague recollections of the two men responsible for enquiring into this problem at the time.

92. Mrs Jane Mary WILSON is mentioned by McCAFFREY as having a direct responsibility for Kincora but experiencing difficulties in her working relationship with MAINS due to a personality clash (SPS 40-41). She makes no reference to any such problem but introduced at least the possibility of yet another separate complaint that necessitated MAINS being interviewed. She recalls accompanying MASON to Kincora to interview MAINS about MAINS putting his hand down a boy's underpants (KIMS 613). In view of this the first consideration is whether or not Mrs WILSON is referring to MASON's interview with MAINS on 8th September 1967. Apparently this is not the case since Mrs WILSON's responsibility for Kincora only commenced in January 1968 upon her appointment as Assistant Children's Officer. She also refers to one complainant rather than two.

93. If Mrs WILSON's memory can be relied upon, there is no ambiguity on this point. She is referring to a second complaint following fairly closely on the first complaint by **R5** and **R6** which was resolved by accepting MAINS' explanation that he was making a hygiene check. Mrs WILSON is in her mid 60's, appears to be in good health and appears a competent witness. She is also certain that she was unaware of

MASON's report dated 11th September 1967, which dealt with the [R5] [R6] allegations, nor was she ever made aware of the content of the report. She has no recall of either MOORE or McCAFFREY informing her of the incident, probably in 1969, which I have dealt with in the foregoing paragraphs, although as the Assistant Children's Officer with responsibility for Kincora she should have been informed. She is certain that she was not told of the two letters of complaint by [R8] detailing a number of matters concerning indecency by boys and staff at Kincora.

94. [R8] became resident at Kincora in April 1968 when aged 15 years. On 12th August 1971, 10 days after leaving Kincora he wrote two identical letters detailing incidents that occurred during his residence there. He alleged that within two weeks of arriving in April 1968 a boy called [R34] with whom he shared a room had tried to get into his bed for sexual purposes. He describes how a boy named [KIN 174] had told him of a similar experience with [R34]. ([KIN 174] who is said to be a [] currently working in [], has not been traced.) When they informed MAINS of [] approaches he apparently laughed and declined to take any action.

95. [R8] letter goes on to describe how MAINS offered him five shillings to rub ointment into his back and persuaded him to sleep in MAINS' bed. According to [R8] whose explanation as to the reasons for sharing MAINS' bed is not very convincing, he was sexually assaulted by MAINS and had to run from the room back to his own bedroom. In fact when seen by Royal Ulster Constabulary

officers (KIMS 41); [R8] stated that contrary to what he said in his letter he remained in bed with MAINS but discouraged MAINS from paying him any further attention.

96. [R8] explained that he told a different story in his letter because he was ashamed to admit that he had not left MAINS' bed when MAINS made a homosexual approach to him. In the letter [R8] mentions that [R2] (who ceased residing in Kincora in 1960) was sleeping with MAINS and that a boy named [R33] had suffered a similar approach from MAINS. The letters, although written in a style that reflects on the disturbed state of mind and immaturity of [R8] at the time, are clearly the work of a boy with some intelligence. He endorsed one envelope to be handed to the police and left it with a member of the staff at the Social Services office. The second envelope was addressed to Mr MOORE, College Street (KI EX 62). The envelope containing the first letter was endorsed by someone to Mrs Margaret ROBINSON, [R8] Social Worker. She states that she received a letter (KIMS 42-43 SPS 42-43) but does not recall that it was endorsed to be handed to the police. When she read the letter, by her account, she was horrified at its content. She states that she took the letter straight to a senior member of the staff but cannot remember who that person was. When seen by Sussex Police officers she stated that she considered [R8] to be a strange boy. MAINS had apparently caused [R8] to be removed from Kincora a matter of days before he wrote the letter, and she says she assumed that this was [R8]'s way of maliciously getting back at MAINS. She also makes the quite remarkable observation that even if the allegations in the letter were true,

she felt that although she considered it wrong of MAINS to be taking advantage of the boys, she did not consider at the time that a criminal offence had possibly been committed.

97. Mrs ROBINSON believes that R33 was interviewed and that he did not corroborate R8 letter. She thinks MASON conducted this interview with R33. Although she cannot recall to whom she passed the letter it appears to have been Mrs Eddis NICHOLL, who in 1971 was a senior Social Worker. NICHOLL recalls (KIMS 43A SPS 44) receiving R8 letter from Mrs ROBINSON who came under her supervision. She then discovered that MASON had an identical letter from R8 and was relieved when the responsibility to do something was passed to MASON. Apart from providing information to a senior member of the staff (she cannot remember who) about R8 NICHOLL took no further part in the matter.

98. Although the second letter from R8 was addressed to Mr MOORE, he states that he transferred from the Belfast City Welfare Department to the County Down Welfare Authority on 1st July 1971. He is therefore quite certain he did not receive the letter or play any part in the investigation of R8 complaint. Detective Superintendent CASKEY's report (KIDPP 150) to the Director of Public Prosecutions states that enquiries have failed to locate MOORE. In fact he had been located and had made a statement (KIMS 600-601).

99. [R8] second letter, by whatever source, came to MASON's attention. He apparently conferred with Eddis NICHOLL concerning [R8] background and learned of the existence of the second identical letter which by now was in NICHOLL's possession. MASON then spoke with William JOHNSTON, the Deputy Town Clerk, and together they interviewed [R8] on 23rd August 1971. According to MASON, Charles McCAFFREY was also present at the interview but both JOHNSTON and McCAFFREY are not convinced that McCAFFREY was present. It is likely that MASON's recall is correct because a letter prepared by MASON and sent to the Town Solicitor on 25th August 1971 (KI EX 75) shows that McCAFFREY was present at the interview. No doubt this document, a record made at the time, is more reliable than the memories of JOHNSTON and McCAFFREY.

100. It is clear from the same source that McCAFFREY accompanied MASON when interviewing [R33] the youth named by [R8] as having suffered MAINS' attentions in a similar fashion to [R8]. [R33] apparently was asked by MAINS to apply ointment to his back and invited to spend the night with him. As a result of this preliminary examination allied to the 1967 [R6] / [R5] complaints MASON wrote to Mr YOUNG (now deceased), the City of Belfast Town Solicitor expressing his opinion that the complaint should be passed to the police. Having dispatched the letter and the file of evidence including the 1967 complaint, MASON commenced leave on 28th August 1971.

101. It is not known how long he was absent from duty.

Evidence that MASON did submit the report and that it was received by the Town Solicitor's office is to be found through an endorsement at the top right hand corner of the original letter (KI EX 75). The note reads, 'CWO to see TC on 20.9.71'.

102. Mr William James JOHNSTON, the Deputy Town Clerk of the Belfast Corporation in 1971 is currently Secretary to the Association of Local Authorities of Northern Ireland. He identifies the note on the MASON letter of 25th August 1971, as being in his hand writing. The note is not ambiguous and plainly refers to a proposed meeting between MASON, the CWO (City Welfare Officer) and the TC (Town Clerk) on 20.9.71, by which time one concludes MASON would have returned from holiday. MASON claims to have no recollection of that meeting taking place.

103. He was seen initially on 8th February 1980, by Detective Sergeant Barkley ELLIOTT of the Royal Ulster Constabulary when a statement was obtained detailing how the 'Harry MASON file' came into being. MASON was re-interviewed on 27th May 1980 by Detective Superintendent CASKEY and he denied attending a meeting with the Belfast Town Clerk on 20th September 1971. He was unable to explain how the file came back into his possession but conceded that if Mr Robert BUNTING (see paragraph 116) says he obtained the file from MASON he accepts that to be so. MASON states that the police did not see him about the matter in 1971 and that he has no knowledge as to whether his recommendation that the police be called in was acted upon or not. MASON was questioned by Superintendent FLENLEY and I on 10th March 1982, when it

was put to him that having dispatched a report on a serious allegation about a member of his staff the matter must have progressed to a conclusion. MASON, whose attitude to being questioned was quite cordial, agreed that it was logical that a decision would be taken one way or another, and that some record would be made, but claims to have no knowledge of what took place following the submission of his letter on 28th August 1971.

104. I questioned him closely about this point and it was put to him in plain terms that his explanation was unsatisfactory and unbelievable. MASON nevertheless still denied that he could recall anything that would assist the police and denied that any person in authority over him has exerted any influence to persuade him to suppress any information. He said he knew of no connection between MAINS, SEMPLE or McGRATH with any of his colleagues in the Belfast Corporation or of any association they might have that was political or otherwise.

105. Concisely, MASON's position is as follows:
After dealing with the 1967 [R6] / [R5] complaint he learned of no other complaints until 1971. After speaking to [R8] and [R33] in 1971 he referred the matter to the Town Solicitor, drew attention to the 1967 complaint and recommended that the police be informed. From that point on he claims to remember nothing.

106. When interviewing former colleagues of MASON, Superintendent FLENLEY and I obtained their views about MASON's qualities and characteristics. The consensus of their opinions

are that he had an excellent memory. It is perhaps relevant to indicate at this point that after leaving the Belfast City Welfare Department in 1973 he was appointed Head of Administration at Ulster Television, which gives an indication of his abilities and makes his failure to recall such an important issue as the Kincora complaints all the more difficult to accept.

107. It is apparent that the Royal Ulster Constabulary investigators pursued lines of enquiry, following their unsuccessful efforts to obtain information from MASON, that sought to resolve the question of what actually happened after MASON's report went to the Town Solicitor on 25th August 1971. They questioned and obtained statements from Miss Florence HOGG (KIMS 608), Secretary to the Belfast Town Solicitor in 1971, and Mr Gerard FOX (KIMS 607), the Belfast Town Solicitor (Mr FOX having succeeded the late John YOUNG who was in office in 1971). Neither individual could assist at that time.

108. Royal Ulster Constabulary officers also obtained statements from James PAKE (KIMS 609), the Deputy Town Solicitor in 1971, now retired, and Robert WILSON (KIMS 606), Chief Clerk to the Belfast City Council. WILSON referred to the late Mr JAMESON's diary for 1971 but could find no record of a meeting between these parties on 20.9.71. The diary does, however, record a meeting between MASON and JAMESON on 28th September 1971 at 10.15 am. A Welfare Committee meeting followed immediately at 11 am that day. This meeting was minuted but no reference to Kincora or R8 etc. appears in the minutes.

109. The Royal Ulster Constabulary investigating team pursued enquiries via Robert John MARTIN (KIMS 611), the Chief Law Clerk at the Director of Public Prosecutions office, John McCONKEY (KIMS 610), the Registrar at the Crime Branch Registry and Edward Noel JOHNSTON (KIMS 612) of the Crown Solicitors office, in their efforts to trace any evidence to show any police knowledge of this matter. These enquiries produced a negative answer to this question.

110. I have referred to William James JOHNSTON in paragraph 99 of this report as being with MASON when he interviewed [REDACTED] R8. He was interviewed on two occasions by officer reporting (SPS 47-48). At the first interview, he was not able to advance any information beyond what he had told the Royal Ulster Constabulary investigators, but at the second interview, he referred me to a diary entry in the Town Clerk's diary dated 1st September 1971, regarding an appointment at the Town Clerk's office by a Superintendent THOMPSON (SPS 49-50) at 9.30 am. This was thought to possibly have considerable significance in view of the progress of the [REDACTED] R8 enquiry, i.e.

12.8.71 [REDACTED] R8 letter to Welfare Department

23.8.71 [REDACTED] R8 interviewed by MASON, JOHNSTON & McCAFFREY

24.8.71 [REDACTED] R33 interviewed by MASON & McCAFFREY

25.8.71 MASON reports to Town Solicitor seeking police referral

1.9.71 Superintendent THOMPSON has appointment to attend Town Clerk's office.

111. On 18th March 1982, Assistant Chief Constable Colin SMITH of the Thames Valley Police (now Deputy Assistant Commissioner, Metropolitan Police) and myself interviewed Superintendent THOMPSON. This was not arranged by appointment and Superintendent THOMPSON had no forewarning, as far as I am aware, that we were to question him. Superintendent THOMPSON co-operated fully with us and replied to questions in a forthright manner. He said quite categorically that he had visited the Town Clerk, Mr JAMESON at the City Hall on only one occasion. Mr YOUNG, the Town Solicitor, was present at this interview.

112. Superintendent THOMPSON was unable to remember the precise date of the meeting and had disposed of his diary covering 1971, so was unable to refer to any document that might have assisted his memory. The officer was in no doubt that the meeting had been held soon after the beginning of the 'Troubles' in August 1969, but obviously the meeting had followed his promotion to Superintendent in 1970. He remember that his reason for seeing the Town Clerk was to discuss security matters concerning the safety of the Town Hall and its precincts etc. I searched through the Town Clerk's diaries for 1970, 1971 and 1972 and noted that the only time Superintendent THOMPSON's name appeared was on the entry for 1st September 1971. I discovered an entry for 31st August 1971, recording that a meeting was arranged for 3 pm at the City Hall to be attended by the various heads of security. The diary entry did not indicate which individuals were to attend.

113. The Town Solicitor's diary for 1st September 1971 shows that Mr YOUNG had an appointment in Ballymena at 11.30 am. Mr John Gerard FOX, the present Town Solicitor, told Superintendent FLENLEY and I (SPS 45-46) that although Mr YOUNG could have attended a meeting at 9.30 am at the City Hall and still have travelled the 40 miles from his home to Ballymena, such a tight schedule would have been out of character.

114. I discovered entries in the diary for 13th, 22nd, 27th & 28th September 1971, which showed that the Town Solicitor had tried unsuccessfully to contact Mr MEHARG, a Royal Ulster Constabulary Assistant Chief Constable, on the first three dates but appeared to have succeeded on 28th September 1971. The entries give no indication as to what subject was discussed. A search was made through the diary and revealed that no other entries concerning Mr MEHARG could be found throughout the whole of that year.

115. Mr William MEHARG (now retired) was questioned by Mr SMITH and myself about the telephone call believed to have been made by YOUNG on 28th September 1971. MEHARG said he thought it was possible that Mr YOUNG, whom he knew both through his Church affiliations and official duties, telephoned him on that date but is quite certain that the subject of Kincora, homosexuality or complaints from boys was never mentioned. Enquiries made do not provide absolutely positive evidence (notwithstanding the denials by THOMPSON and MEHARG) to prove one way or another whether complaints were passed to the police for action, although the coincidence of the dates shown in the diaries is remarkable.

R8

116. There are, however, sound reasons to doubt that they were informed. It is clear that the file of papers prepared by MASON found its way back to him although he claims to have no recall of this. Evidence that he retained some interest in it quite separate from other files is provided by Mr Robert BUNTING, an Assistant Director of the Easter Health and Social Services Board (KIMS 618 SPS 57-58). BUNTING recalls the circumstances in which he was given the file by MASON just prior to reorganisation of Local Government on 1st October 1973. He admitted that when he (BUNTING) became Children's Officer in November 1971 he was aware that MASON had investigated complaints made by boys against MAINS in 1967 and 1971. He remembers that supervision was increased at Kincoira and that Mrs Mary WILSON was undertaking the supervision. With regard to the 'Harry MASON file', BUNTING says in his statements "I did not see the investigation file prepared by Mr MASON until he gave it to me just prior to re-organisation in 1973. He said he was retiring and he had been holding the file".

117. Perhaps the most significant pointer to the probability that the matter was not referred to the police is to be found in a six page report submitted by MAINS dated 9th October 1971 (KI EX 89-94). He details the matters raised by [REDACTED] R8 and also makes comments about [REDACTED] R8 friendship with [REDACTED] R6. The report, which is hand written by MAINS and gives no indication as to the person for whom it was intended, was found in the Harry MASON file. It was obviously written in response to a request from someone in authority over MAINS, probably MASON, and clears any doubt that [REDACTED] R8 allegations were put to MAINS by someone.

118. During the 1980 investigations, Detective Sergeant MIDDLEMASS raised the allegations made by [R8] (KIMS 287-288) when interrogating MAINS. He denied committing any offences on [R8] and made no reference to any previous police investigation (which he would have been expected to do in the circumstances). Superintendent FLENLEY and I re-interviewed MAINS on this point. He stated (SPS 150 SP EX 4) that MASON had told him [R8] had made some sort of complaint and that MASON required a pen picture of [R8] which MAINS had supplied. He was never questioned about [R8] complaint.

119. [R8] also wrote a letter (KI EX 76-81) to [KIN 342] on 3rd August 1971. The letter does not contain any allegations or evidence of any sexual relationship between [R8] and [KIN 342] but is written in [R8] peculiar style. [KIN 342] now aged 76 years, was seen by the Royal Ulster Constabulary detectives and made a statement (KIMS 44-45) explaining that, as a bachelor who had spent the last 18 years of his working life as a Welfare Officer with the Belfast Corporation, he had kept in touch with homes like Kincora. After ceasing employment with the Welfare Department he has provided lodgings for boys such as [R8]. He considered the letter which he says he had never seen before to be merely typical of [R8] irrationality and considered it was connected with [R8] embarrassment brought on by telling [KIN 342] that he had passed certain GCE examinations when in fact [R8] had failed to turn up for the examination. [KIN 342] is mentioned by Richard KERR (KIMS 53-54) as being subject of talk amongst the Kincora boys that he was a homosexual, but no complaints

have been made against him, and there is no evidence to indicate that the rumours were based on any incidents.

120. My comments regarding the Harry MASON file have covered the period 1967 - 1973. Although this file figures conspicuously in 1976, for the purposes of clarity and in order to maintain a chronological sequence, it is convenient to leave the subject of the Harry MASON file and examine such evidence as is available concerning events and personalities at Kincora between the years 1967 - 1973.

121. In 1967 [REDACTED] KIN 22 (KINMS 120 SPS 61), [REDACTED] KIN 23 [REDACTED] KIN 23 (KINMS 36 SPS 62) and [REDACTED] KIN 24 (KINMS 31 SPS 63) were resident at Kincora for various periods. They say they were unaware of anything untoward taking place.

122. During the same year, [REDACTED] KIN 26 (KINMS 120 SPS 26) and [REDACTED] KIN 25 (KINMS 121 SPS 27), who I have already mentioned in paragraph 55, were aware of talk that SEMPLE and MAINS were homosexuals but did not appear to be subject of any indecent assault or sexual overtures from either man.

[REDACTED] KIN 26 refers to a resident named [REDACTED] KIN 14 staying with SEMPLE at his home weekends. There is no record of anyone named [REDACTED] KIN 14 staying at Kincora but a [REDACTED] KIN 14 was resident there from 30th June 1967 to 31st May 1968. It would seem that [REDACTED] KIN 26 has made a mistake over the name and is referring to [REDACTED] KIN 14. This man, who is now aged 32 years, as indicated in paragraph 55 of this report, was interviewed and made no complaints of any misbehaviour towards him but referred to being warned about

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75

A MR HENRY MASON, called and sworn
Examined by MR MARRINAN

Q In 1949 did you take up employment in the Belfast City Welfare Department?

A I did.

B Q And were you appointed City Welfare Officer in 1960?
A I was.

Q Before 1949 where were you employed? What was your career before then?

A I worked in the Health Department as an executive officer in the clerical grades.

C Q When you went to the City Welfare Department in what capacity did you go there?

A As the Assistant Administrative Officer.

Q When you took up your post in 1960 as the City Welfare Officer, can you explain briefly to the Committee what your responsibilities were?

A In 1960 I was in charge of the overall administration and the running of the Welfare Department.

D Q What did that consist of? How was it broken up?

A First of all, obtaining resources to carry out the duties of the Welfare Committee, both in manpower and finances; to formulate overall policy; to liaise with the other welfare authorities; to liaise with the two Ministries; in effect to carry out the policies as laid down by the legislation and the Welfare Committee.

E Q I am going to be asking you, and no doubt other people will be asking you, about boys' homes, but did your duties include other areas of welfare: old people, for example?

A The duties included the care of elderly people, both in old people's homes and in their own homes; the care of handicapped people; and the care of children both in and out of homes; children who were boarded out; children who were day nursed: very wide duties.

F Q Can you say approximately how many staff you would have had under you?

A I would guess there would have been somewhere in the region of 600 - that would be towards the end of my career - permanent staff. If you were to include the Home Help Service you would probably be thinking in terms of about 3,000.

Q You retired in 1973 - is that correct?

A Yes, I retired in 1973.

G Q To whom did you hand over?

A When I retired in June 1973 the reorganisation had not been completed so I handed over to the Deputy City Welfare Officer, who at that time was Mr Jackson - that is, the running of the Welfare Department. That was only for a few months because the Belfast Welfare Authority was then assimilated into the Eastern Health Board under reorganisation.

H Q In terms of all your files and matters of that kind, we understand they were eventually handed over to Mr Bunting. Is that correct?

A The relevant files in respect of children would have been handed over to Mr Bunting as a custodian because he was going to the Eastern Welfare Services Board.

- A Q Dealing specifically with children's homes, in 1967 if you were City Welfare Officer, as you were, what was the structure under you? Was there a children's officer?
A Yes. There was a Deputy Welfare Officer, a Children's Officer, and, I believe, an Assistant Children's Officer. I believe, possibly by 1st January 1968, there was also a Homes Officer.
- B Q Can you recall who those personalities were in 1967. Who was your deputy?
A No, I cannot recall who my deputy was in 1967. I believe the Children's Officer was Mr Moore.
- Q Is that Mr Robert Moore?
A Yes, Mr Robert Moore.
- C Q And you mentioned an Assistant Children's Officer. Do you know who he or she was?
A I cannot recall.
- Q In 1967 where were you based? Where was your office?
A I would think we were probably in College Street.
- Q College Street?
A Yes.
- D Q Would Mr Moore have had an office there as well?
A Without being specific, the Children's Officer would have had an office, yes.
- Q In that year did you receive a complaint or complaints made by two boys who were residents of the Kincora hostel?
A I did.
- E Q Were those complaints in terms in relation to complaints of misbehaviour by a member of staff, Mr Joe Mains?
A Yes.
- Q Can you remember how those complaints came into your possession? Can you remember whether they were delivered to you personally or whether you received them from some other person?
A I cannot recall the details.
- F Q Do you have those complaints in front of you? Were these hand-written complaints by the witnesses who have been called R5 and R6?
A Yes, I have both complaints here.
- Q Do those complaints appear to have been written by the witnesses we now call R5 and R6, in their handwriting?
A Yes.
- G Q When you received those complaints, although you say you cannot say from whom you received them, what did you do with those complaints?
A I listed the complaints because the writing was not terribly well done. I listed the complaints to clarify my own mind and to make sure I had a reasonable paraphrase of the complaints.
- H Q Without reading the complaints in detail, can you turn to the complaint written by the boy R5 for a moment?
A Yes, this is the complaint here.

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- A Q Without, as I say, going into all the details, in terms what was that boy complaining of? Were there a number of different areas of complaints?
A There were a number of different areas.
- Q What were they?
A He complained of drink being taken.
- B Q By whom?
A He complained about drink being taken by Mr **OV 4** Mr Mains and R2.
- Q In analysing these complaints did you prepare a key, as it were, to the various names mentioned by R5 and R6?
A I did.
- Q And was that because there were mis-spellings in these documents?
A Yes.
- C Q If you could refer to that key you prepared, and I think it is dated 11th September 1967 - page 54 of the papers, sir. Perhaps using that key you could identify who R5 was talking about when he was making these complaints? You mentioned first of all complaints about drinking.
A The complaint he made about drinking was about Mr Mains and Mr **OV 4**
- D Q Who did you understand Mr **OV 4** to be?
A I understood **OV 4** to be Mr **OV 4** who at that time was, I believe, a superintendent because he subsequently became the supervisor of old people's homes. I believed that to be Mr **OV 4**
- Q And who did you understand him to mean when he referred to R2?
A I had put down "ex-Kincora boy?".
- E Q So far as that complaint was concerned, was he complaining that at a camp Mr Mains and other people had been drinking and putting whiskey and so forth into their tea?
A Yes.
- Q And does that complaint in relation to the drink occupy a page of this two-page complaint?
A It does.
- F Q Was that alleged to be in relation to a holiday that R5 had been on in Portrush?
A Mr Mains took the boys to camp. I do not think it was in Portrush; it was probably Portstewart or thereabouts, but it was in the north Antrim coast.

/Q That general ...

G

H

BA/19/1

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MR MASON
BY MR MARRINAN

A

Q That general area. Is that what the first complaint was about?

A That was the first complaint that I had listed.

Q Now, the second complaint of the second page of R5's letter, what is that in relation to?

A The boy stated that he was getting washed that night.....

B

Q And he is referring to the 5th September 1967?

A Yes, the 5th September; and he complains that he was getting washed that night, he had his clothes off all but his trousers, he came in and said to him - "Do I not get a kiss then. He felt all over my body and put his hands down my pants. Then the next day I told KIN 66 that I was going to tell all about him to KIN 66".

C

Q Yes, I think you have already said that was the 5th September 1967, is that right?

A Yes.

Q Who did you understand the person mentioned as KIN 66 to be?

A I'm not sure if I am clear in my mind about this, but I would assume that KIN 66 would have been an attendant, an assistant there, at that time.

D

Q Is that how you have referred to him in your key - I think you have, in fact?

A Yes, KIN 66 who I state is an Assistant Warden, three months in his post.

Q And finally then, is there a third general complaint made by R5?

A R5 made a complaint that on the 7th September - he went on to say could he go out, and when he came back Mr. Mains scolded him and made him wash the dishes and he was sent off to bed early. Now, he said "he gripped me" or "groped me" - he has misspelt it again - and he said "don't you answer me back, I haven't been" - something - "since", but that was the end of that.

E

Q The third complaint was in relation to Mr. Mains complaining about him being out and about him ordering him to wash the dishes and so forth?

A Yes.

Q Now, in relation to the complaint made by R6, could you just indicate the nature of that complaint, what is he complaining of?

F

A It is more difficult to read from the letter, so I will refer to my translation, as it were, that Mr. Mains said that whilst he was bathing he looked lovely in the water, and that Mr. Mains called him for work whilst Mr. Mains was in his underpants.

Q Yes, and I think there was something else as well?

A Mr. Mains said - "give me a kiss", and that "Mr. Mains goes out every Friday and Saturday and gets drunk".

G

Q And does he give various dates for those, ranging between 1st September 1967 to.....?

A He starts dating it from Friday, 1st September and refers to Wednesday, 7th September, and Saturday 9th September.

Q Can you say when these complaints reached your desk or reached you, even though you can't say who gave them to you?

H

A From the dates on my notes they reached my desk not later than 11th September.

- A Q Now, you say that you had to really translate them?
A Yes.
- Q And that you wrote out general headings of the complaints, is that correct?
A That is correct.
- B Q What did you do in relation to the complainants themselves, did you take any steps to interview them or talk to them?
A Yes, I interviewed both the boys.
- Q When was that?
A I would gather it was on the 11th September, since I have my notes dated 11th September.
- C Q Can you remember where you saw them?
A No, but I would assume that I would have seen them in my own office.
- Q Can you remember was there anyone present with you when you interviewed them?
A I don't believe I recalled it the first time I was asked, but I subsequently was able to corroborate that it was Mr. Moore who was present - now, I'm using my memory here.
- D Q And can you say, either with the use of your notes or from your memory, can you say whether or not you formed any impression as to what they were telling you?
A I formed the impression that the boys had spoken the truth and had given facts. Mr. Mains, in the interview, had given.....
- Q Well, I haven't come to Mr. Mains yet, I just want to deal with your impressions of the boys when you saw them. You said you felt that they had given you factual information?
A Yes.
- E Q Now, did you take any steps to obtain any background information on the boys from their social workers?
A Yes, I called for two reports on both boys, their background information.
- Q And are those reports the reports that are before the Committee, at pages 49, 50, 52 and 53?
A Yes.
- F Q And you say you obtained those from whom?
A Again my memory fails me but they appear to have come from the social workers.
- MR McCARTNEY: Perhaps Mr. Marrinan will enlighten us, Mr. Chairman, as to where exactly those reports are on the file, and who were the authors of the reports.
- G MR MARRINAN: As I understand it, Mr. McCartney, they came from what is known as the "Harry Mason File", and Mr. Mason says that as far as he is concerned he thinks they were the boys' social workers, but he can't say.
- MR McCARTNEY: They don't appear to be signed.
- MR MARRINAN: They are not signed. They are dated but not signed.
- H Q In relation to R5, Mr. Mason, is it dated 14th September 1967? Perhaps they could be photocopied.
A Yes, it is dated 14th September 1967, R5.

A MR MARRINAN: I assumed that Mr. McCartney would have these, perhaps they could be given out.

MR MCCARTNEY: It is not impossible, Mr. Chairman, that I have them, but all my colleagues share my puzzlement at present.

MR MARRINAN: Q Mr. Mason, could I just ask you in relation to those, were those reports on your file, what is known as the "Harry Mason File"?

B A I believe so.

MR MARRINAN: That file has been available, Mr. Chairman, I should say, but I am giving out copies now.

Q And in relation to R6, is the report on him dated 13th September 1967?

A It is.

C Q Now, why did you ask for those reports?

A I proposed to - indeed I did make a report to the Town Clerk on my investigations, and I asked for those reports to give the Town Clerk the fullest possible background information.

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/Q Were they of any

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Q Were they of any assistance to you or can you say whether or not they affected your mind in relation to the manner in which you dealt with the complaints?

A My recollection is that I dealt with the complaints as they were put to me without reference to the reports on the boys.

B

Q You passed them on to the Town Clerk as well as your own report and recommendations?

A Yes. The Town Clerk hadn't the opportunity that I had of meeting the boys.

C

Q In general terms can you say how you would analyze those reports? Can you say whether or not they were favourable or unfavourable reports on these two boys, or if it is not possible to put them into such a wide bracket, perhaps you would say so?

A My views or my intention in making the report was to give a factual report.

D

Q Sorry, I am not talking about your report. I am talking about the two reports that were prepared by, you think, the welfare, the social workers.

A Both of those reports I would have accepted as being factual.

Q When you say that, in terms what are those reports saying about these boys?

A On reading them I would say that they were balanced and fair reports. If they put the boys in a not good light, there was no intent on that score.

E

Q Perhaps we will leave it up to the Committee to make their own assessment of what the reports say about the boys. In relation to your own investigations, after you had interpreted and translated the complaints that were made and also obtained these reports, did you then take any steps to further investigate these complaints?

A I referred to my report in which my recommendations were that ---

F

Q We haven't got as far as your report. Just take it in chronological order, Mr Mason. I am asking you did you do anything more than simply interview these boys?

A No. I summarised my interview with the boys and submitted a report on the interview to the Town Clerk.

G

Q Before submitting that report to the Town Clerk did you interview Mr Mains?

A Yes, I did.

Q That is what I am asking you about. Can you remember how that was and who was present?

A I can only assume it would be logical for it to be in my office and that Mr Moore would have been present.

H

Q Is it possible that someone else could have been present?

A It is possible but I have no recollection.

Q Have you made any notes on your note as to who was present?

A I don't believe so.

A

Q I think that is right. In relation to that can you say when that was? Can you say within how many days of the boys' complaints you interviewed Mr Mains, or can you put a date on it?

B

A The report is dated 11th of September, and I would take it that that was the date on which I interviewed Mr Mains.

Q From your file apparently there is a typewritten copy of that report that you made. There are also handwritten copies that are I think word for word approximately the same. Do you see that?

A Yes.

C

Q The typed file on our file, anyway, is from pages 55 to 57.

A I have the typed copies.

Q The handwritten copy which almost corresponds to that is from page 58 onward; is that right?

A It is.

D

Q Can you explain which was made first or was one a question of typing up what was in the other or what is the position about that?

A The handwritten copy would have been the first rough copy of the interview with Mr Mains.

Q Can you explain why it is written in two columns, a column down the left and a column down the right?

A It was for a matter of convenience for myself. I wanted to make sure that I covered the points to the best of my ability that the boys had raised, so I wrote those notes down before I saw Mr Mains. Either during my interview with Mr Mains or immediately afterwards I would have written in his replies to my notes.

E

Q Before I come to what you asked Mr Mains, what he said and how he struck you, can I ask you if you had known Mr Mains before you made this investigation of him?

A Yes.

F

Q How well?

A As well as one would expect to know the person who was running a home under the control of the welfare committee. I would have had a reasonable knowledge of Mr Mains.

Q Was he in any sense a friend or someone whom you would socialize with?

A No.

G

Q How often, approximately, would you have come in contact with Mr Mains in the course of your work??

A Mostly when I would have been visiting Kincora. In fact, except for possibly once a year when we had pre-Christmas drink, I would not have been in contact with Mr Mains other than visiting Kincora, or perhaps he could well have called in to see me in my office on any particular matter, but I wouldn't have recall of that.

H

Q When you talk about a pre-Christmas drink, is that something that you are referring to having with him alone or is this something that you

A

are talking about that the welfare department as a whole was having a pre-Christmas drink?

A That would be all the superintendents of the homes to meet the administrative staff. I had a view that sometimes the administrative staff and people who were running the homes may have been not seeing eye to eye with one another, deliveries may have been slow, misunderstandings. This was a small effort to clear away those misunderstandings, a small effort.

B

Q To the best of your recollection and knowledge can you say whether or not you had ever received any adverse complaints about Mr Mains prior to 1967, September 1967?

A I cannot recall any adverse reports on Mr Mains prior to 1967?

C

Q May the Committee take it that you interviewed him having made your own notes beforehand and at the time of the interview or some time after that filled in your comments on his responses?

A Yes.

D

Q In relation to the allegation about the drinking at the camp, what was his attitude to that and how did you deal with that? How have you recorded that?

A I recorded that he stated that **R2** had brought a few cans of beer with him that day when he visited the camp, but there was no whiskey and certainly no excessive drinking. My knowledge of Mr Mains up to that time was that he was a light drinker. In fact, at the beginning of his career, and I noticed this when he would come to the pre-Christmas drinks, he drank orange juice. He may have progressed to something stronger like sherry, but I had no impression that Mains was a whiskey drinker and accepted, consequently, his explanation in full. I knew that **OV4** did drink whiskey, but Mains I had no knowledge of whiskey drinking.

E

Q Were you watching Mains' reaction?

A I was.

Q What did you note about his response to this allegation about excessive drinking? I think perhaps you have noted it.

F

G

/ A I did...

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B/21/1

84

MR MASON
BY MR MARRINAN

A

A I did. I put a note down to say that when I talked to Mr Mains about the above matters on Friday 8 September -- in fact, I have a note of when I interviewed him. He appeared at first to be tense and perspired visibly and then during the interview he relaxed.

B

Q Specifically about the question of the drinking, have you noted his reaction to that? I think it is on a different page in your typed copy.

A My note was that he appeared to be amused by the allegation that he was a heavy drinker.

Q Yes. And have you then made notes about your recollection of the state of his drinking?

A Yes. I recall that to my knowledge he was a light drinker.

C

Q Now, then, have you gone on to No 2, the allegation that he did not sleep in the camp one night?

A Yes. He agreed that it was his night off.

Q Could you go through the various complaints, Mr Mason, and tell the committee what you have recorded?

A I stated each complaint to Mr Mains. He said ---

D

Q Just be careful to use the R 5 and R 6 designation.

A Yes. He said to R 5 "Do I not get a kiss, then?"

Q That was the allegation?

A That was the allegation. His reply was "R 5 was wearing his hair too long." This was in an effort to shame him into getting it cut, as he would be treating him like a girl. (Interruption)

E

Q Go on.

A I am sorry. I heard Mr McCartney's remarks and they disturbed me.

MR MCCARTNEY: I am sorry about that.

MR MARRINAN: Mr Mason, do not worry.

A I am sorry, Sir.

F

Q Please go on with No 4.

A He felt all over R 5's body and put his hand down his underpants. He said he put his hand down R 5's pants to check that he had changed them, as the boy would not change his underclothes, and frequently kept his clean clothes in the locker.

G

Q What did you think about that response?

A It was plausible.

Q Why?

A It has been my experience that males -- their fathers, their mothers, and their wives indeed, make sure that they keep their clothes or their underclothes clean.

H

Q Yes -- to the extent of putting his hand in that area?

A Well, it was plausible to see that he had clean underclothes on that he would look.

1/21/2

85

MR MASON
BY MR MARRINAN

A

Q You are indicating. You are putting your hand near the waistband and under the waistband.

A Yes. He said that he would have a look and see.

B

Q I forgot to ask you about your attitude to the earlier complaint, that when he made the remark about the kiss that was his way to shame the boy into getting his hair cut. What was your reaction to that explanation?

A At that time I can definitely recall that I shared Mr Mains's view about long hair; that it was something that was undesirable for boys. I would have preferred to see the boys' hair short, too. If he was taking what I thought was a way of getting the boys to cut their hair, there was nothing sinister about that to me.

C

Q You felt that was plausible.

A Yes.

Q Now, No 5, the complaint by R 6 that Mr Mains came to his bed and felt around his body. You have not recorded anything there. Can you explain that?

A I had in my pencil notes that I did not recall the matter clearly, and that I would check back on this with Mr Mains.

D

Q Does that mean it is something that perhaps you have not recorded and in fact you had to go back to Mr Mains and check that?

A That I would have to go back to Mr Mains.

Q When you went back and checked it with him, what explanation was forthcoming and what was your reaction to that explanation?

E

A That explanation was contained in a further memorandum to the Town Clerk because I was anxious to get the original report to the Town Clerk. On 20 September I wrote to the Town Clerk and referred him to item No 5 of my report and said that Mr Mains states that some of the boys go to bed with part of all of their day clothing on under their pyjamas, and the boy in question was one of the worst offenders. He was ascertaining therefore that the boy was dressed properly for bed.

F

Q You say that that was sent on to the Town Clerk. Can the tribunal take it from that that the original report you sent had nothing about that No 5 in it and that the Town Clerk queries it with you, or appears to have queried it with you, and that therefore you sent him a further memo about it?

A I think it may well be that the memorandum was sent off on my own initiative. I had left it blank because I had hoped that I would get that information before I sent the Town Clerk his report. But I was anxious to get that report to the Town Clerk. I was unable to fill in the blank. I followed it up with the subsequent memorandum.

G

Q Dealing now with Mr Mains's explanation that boys were going to bed with part of their clothes on under their pyjamas and he wanted to check that, what was your reaction to that? Did you find that plausible?

A I found that plausible.

H

Q Why was that?

A Again, it would not have been outside my own experience of boys wearing their underclothes underneath their pyjamas.

Q You have a family yourself?

A I have two boys.

B/21/3

86

MR MASON
BY MR MARRINAN

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Q Before we go on to No 6, may I just ask you in general terms, can you recall how Mr Mains presented himself? You indicated that at the start of the interview he was tense and perspired visibly and he relaxed during the course of the interview. Was he giving these answers with any difficulty or were they coming out pat, or what was the position?

B

A I would not recall the way he had relaxed, but I did mention in my reply No 6 that he laughed at this particular allegation. So I presume that during the interview he was relaxing.

Q No 6 refers to an allegation that R 6, when he was bathing, and Mr Mains is alleged to have said that he looked lovely in the water. Is that right?

A Yes. That is right.

C

Q You have recorded that Mr Mains laughed at this and said he was unlikely to have said this; that he supervised R 6's bath because the boy would not bath unless supervised; and he washed his hair because it was long and tended to become dirty.

A This was the explanation that Mr Mains gave to the boy's allegation.

Q What did you feel about that?

A Again, I felt that this was a plausible explanation.

D

Q Can you say why you felt that?

A Again, this was of course a bit further outside my own experience; or, rather, this was outside my own experience. But I found it an acceptable statement that a boy might not bath as well as he was expected, and if his hair was long it needed extra attention. I was not surprised by Mr Mains's reply.

E

Q In relation to the next allegation -- that is that Mr Mains called R 6 for work in his underpants -- he gave you the explanation that R 6 was a bad riser and he woke him as soon as he got out of bed.

A Yes.

Q And that Mr Mains slept without pyjamas in warm weather, and although he normally puts on a dressing gown he may have omitted to do so on that occasion. Is that right.

F

A Yes. That was right. Again, this seemed to be a plausible explanation of the incident. At that time I cannot say that I would have attached a great deal of importance to that aspect, on its own, separately from the whole of the context that there was anything terribly serious about this.

G

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Q With regard

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Q With regard to item 8 on the next page, the allegation that it had been said to R 6 by Mr Mains something along the lines of "give me a kiss", Mr Mains agreed with that, and explained that on the basis that this boy wore his hair long too.

A That was the explanation that Mr Mains offered for that remark.

B

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

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

Q Finally, in relation to the allegation that he went out every Friday and Saturday and got drunk, what did Mr Mains say about that?

A Mr Mains denied this, although he admitted that he did go out on Friday and Saturday nights.

C

Q Apart from recording how Mr Mains appeared to you, that he was first tense, then perspired and then relaxed eventually in the interview, have you recorded in that account Mr Mains's description of the two boys?

A Yes. I have recorded that in the discussion with Mr Mains, after or during the interview, he told me that both the boys were troublesome in the home, that one of the boys was cheeky and would not do as he was told. He went on to say that he had to chastise the boy --

D

Q R 5 --

A -- before he came down to the office for refusing to clean his shoes, and he said that both boys wore their hair too long and that they did not keep themselves clean enough. He stated that his difficulty was to get them to conform without being too overbearing about what were minor points in the boys, and his way was to shame them by treating them as girls; and he went on to say that indeed, both boys had had their hair cut.

E

I talked with him about the situation, and I pointed out to him that all staff who were in charge of boys had to be very careful because they could be vulnerable to complaints, even innocently, and that it seemed to me that the boys had stated facts, and that he agreed with them. He did not contend any of the facts. But it would appear, as I was reporting this to the Town Clerk, that it could come up in the discussion that there was a construction put upon the facts for malicious reasons. I recommended to him that he should be careful not to give the impression that he was persecuting the boys, for coming to see Mr Moore. It appears from that report that the boys had come in to see Mr Moore, who was the designated children's officer.

F

Q Did Mr Mains comment that he felt he ought to have been present?

G

A Yes, he felt he ought to have been with me when the boys were making the complaints, but I said, "No". We did not know that the boys had called to complain, and when a boy came down, we did not turn him away. They came down to see us and we saw them. In any case, his presence would have inhibited the boys from saying what they wanted to say.

H

Q Will you just read your summary out to the Committee, and your recommendations to the Town Clerk?

A The summary was intended for the Town Clerk, to give him some flavour of the whole thing, and I said that this may have arisen from a spirit

A

of retaliation from the boys, but taken as it stood, it did not present a prima facie indication of wrongful conduct. I have looked up this expression prima facie, and I believe now that I misused the words, because I probably did not understand them. Unfortunately, people who use legal language do not... I mean, non legal people. I beg your pardon, Sir, I am not casting any reflection on the legal profession.

B

Q Would you just go on, Mr Mason? What else did you tell the Town Clerk?

A I posed the summary to the Town Clerk as a series of questions. I said:

"Was it genuine belief that Mr Mains was making suggestive overtures"

C

to the boys, because this was something that had to be asked, both by myself and the Town Clerk. Both of the boys had had lengthy experience of institutional life, and they would have had some comprehension of this kind of male behaviour, so that the boys should not be brushed to one side; they had made a specific statement.

D

On the other hand, were they prompted by feelings of vindictiveness? Mr Mains had said that he had had to bear hard down on them, as it were, because he was firm towards them, and did he single the boys out because they did not conform to his ideas, and was he making them unhappy? He may not have wanted them to live in Kincora; he may have wanted to get rid of them, and in getting rid of them he could have taken this action. I was, as it were, drawing the scenario for the Town Clerk, to help the Town Clerk to come to a view in the matter.

E

Then I went on to my recommendations. Because Mr Mains had replied to the boys' allegations, I recommended that Mr Moore would go back and tell the boys what Mr Mains had said; he may have prompted the boys, if they had anything else to say. I did not say that to Mr Moore, I did not want to. I merely put down what I thought should happen.

I also recommended a closer supervision of Kincora, and this was a recommendation to myself, that I should carefully sift any further information which would come our way.

F

Q In relation to those recommendations, one of the things you have recommended is a closer supervision of Kincora. Can you say who this report would have been available to apart from the Town Clerk? Would it have been available to anyone in your department, or would it just have been left on the file, or what was the position?

A I have no recollection of how I would have made this report available, but subject to any correction, I would have said that the report would have been available to Mr Moore, the Children's Officer.

G

Q He was supposed to go and interview the boys again?

A He was supposed to go, yes.

Q Would anyone else have been privy to it?

A No, it would not be within my recollection.

H

Q What I am asking is, when you are talking about a closer supervision of Kincora, who was to carry out that closer supervision?

A The closer supervision would normally have been carried out by the officer who was in charge of the children's homes.

A

Q Who was that?

A If Mrs Wilson was in post, she would have been that officer.

Q Can you recollect whether or not you gave instructions to any of your staff that that recommendation be carried into effect from late 1967 onwards?

A No, I have no clear recollection; in fact I have no recollection of giving direct instructions.

B

Q You were making that recommendation to the Town Clerk. I want to get the lines of demarcation clear here. When you were making that recommendation, were you asking the Town Clerk to initiate that, or were you telling him that that was what you intended to do in the future?

A I was indicating to the Town Clerk that that would be the future policy of the Department, subject to any amendments and further corrections that the Town Clerk would give.

C

Q Would you look at the statement of R 5 at page 34. Have you got that?

A I have.

D

Q You see that R 5 claims in his statement that after certain incidents, he and R 6 reported the matter to a Mr Ross, he calls him, of the Social Services. Can you say whether there was a Mr Ross working for you at that time?

A Yes. Mr Ross worked in the Welfare Department. If I remember correctly, Mr Ross was mainly concerned with the parental contributions that parents made towards the care of their children, where children were committed to the care of the Welfare Authority, the juvenile courts sometimes made an order for parental contributions. Mr Ross was responsible for presenting the information to the courts to enable them to come to a decision as regards the contributions and then was responsible for collecting them by going around the various parents of the children, so he could well have been known to the boys.

E

Q Whether that was the same person to whom R 5 was referring, one cannot be sure. Was that the only Mr Ross about whom you knew who was working for you at that time?

A That was the only Mr Ross, as far as I can recall.

F

Q I want to ask you a couple of general points in relation to these complaints. First, did you take these boys seriously?

A Yes.

G

Q You said that Mr Mains accepted most of the statements of fact, like the allegation about saying, "Do you want a kiss?" and remarks of that kind, and putting his hand down their trousers -- he gave the explanation, to check their underwear and so forth. Apart from the allegation of excessive drinking and going out on Friday and Saturday night and getting drunk, and so forth, by and large he was accepting most of what the boys were saying?

A By and large he accepted what most of the boys said.

H

Q In those circumstances, it may be suggested to you that the proper course for you to take would have been to report that to the police. What would you say about that?

A I was under the impression that it was a standing order -- but I believe that that is not quite correct -- I was definitely under the

A

impression that in the Belfast Corporation no matters were to be referred to the police, other than through the Council Solicitor. I can even recall other times when matters were referred to the police, and they were referred through the Town Solicitor. If these were not instructions, it was general practice.

Q You interviewed Mr Mains, is that right?

B

A I did.

Q At the time when you were interviewing him you say you took these boys' complaints seriously?

A Yes.

Q And you made these recommendations to the Town Clerk?

A Yes.

C

Q May I ask you why you did not recommend any involvement of the police? Can you indicate that to the Committee?

A Subject to correction, and I had no legal training or experience, it was not at that time my view that Mr Mains had committed a criminal offence such as would be referred to the Town Solicitor for reference to the police.

D

Q It may be suggested to you that in terms, Mr Mains did a good job in taking you in. What would you say to that?

A I would leave this to the judgment of the Committee, Mr Chairman, and in all honesty I would not be -- I am seeking a word --- offended, as it were, if indeed someone said to me "You were taken in".

Q You would be or you would not be?

A I would not be offended if someone said "You were taken in". It is a matter of judgment.

E

Q Mr Moore, who will presumably give evidence later, has made a statement at page 39 to the police in which he said

"As far as I can remember after this interview and taking into account Mains' previous good record over a number of years, and the fact that it wasn't unknown for boys in care to make malicious complaints about residential staff, I informed Mr Mason that there was nothing to substantiate the allegations."

F

/ Can you.....

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IT/23/1

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Can you remember being told that by Mr Moore?

A No, I would have no recollection that would either add to or take away from Mr Moore's statement.

Q It appears from your statement that Mr Moore was the one who originally saw the boys. Do you recall that?

A Yes, it would appear from my statement that Mr Moore was the person to whom the boys first went.

B

Q If Mr Moore says he reported those matters to you, would you accept that or not?

A I can only rely on the detailed report which I made on the incident and it would seem to me that it was I who investigated the matter. I could be wrong.

C

Q You sent this off to the Town Clerk is that right?

A I did.

Q And you kept this, and indeed other matters relating to a later date in 1971 which we will be returning to at some other time on what is called "the Harry Mason file" is that correct?

A I did.

D

Q Is there anything on that file which shows that the Town Clerk ever responded to you about this?

A No, there is nothing on the file that shows that the Town Clerk responded to me in writing because it would have been filed.

Q What was the hierarchy? You had to report to the Town Clerk? In what circumstances would you go direct to the Town Solicitor?

E

A I doubt if I would go direct to the Town Solicitor. I would keep the Town Clerk, if nothing else, informed. It would have been a matter of courtesy as well as policy. The Town Clerk was the secretary to the Welfare Committee and as such was entitled to know, in any case. But I would have also found it of more support to have the Town Clerk's views on a matter. The Town Clerk, as well as being the executive head of the Belfast Corporation, was also a qualified solicitor. I had received support and advice from the Town Clerk on quite a few occasions, none that I can remember in detail, but I have that impression.

F

Q Thank you.

THE CHAIRMAN: I think this is a suitable time to adjourn.

(The hearing was adjourned at 1605 hours until 1030 hours on Thursday 1st November 1984.)

G

H

PRONI REF: INQ/1/1/22

File name: Transcripts of evidence heard during Day 22 of the Committee of Inquiry into Children's Homes and Hostels.

Excerpt:

Part 1 – Continuation from Day 21 – Cross-examination of Mr Henry Mason (Welfare Officer)

- Complaints procedure
- Record keeping
- Lack of availability of proper guidance
- Joseph Mains
- Kincora

Discussion of record keeping on personnel and children in welfare authority. Questioned regarding the complaints procedure and the lack of guidance available to staff and children on how to make and handle complaints.

Part 2 – Cross examination of Mr Robert Moore (Belfast Welfare Authority)

- Complaints procedures
- Knowledge of Mr Mains activities
- Investigation procedures

Concentrated on knowledge that Moore had regarding Mr Mains activities at Kincora and how he dealt with complaints.

Submitted for scanning to TRIM: 14/06/2013

GW

- A Q Well, did the relatives of those who were the subject of welfare benefit in homes for elderly people or for displaced persons or children who had no parents or homes of their own, did people who were friends or who were concerned about them, did they ever make complaints in your experience?
A Yes, I have had complaints made by relatives, friends and people who were interested in the homes.
- B Q Would I be right to say that you must have received, in your years, a great variety of complaints about all sorts of things?
A Yes.
- Q Now, we have been told that there was no written procedure laid down for your guidance?
A Yes.
- C Q Did you receive complaints by people calling at your office, people sending in letters, people telephoning your office or people speaking to a public representative to make some application to you on their behalf, or on behalf of some resident?
A That would be a fair comment on the type of - yes, the type of experience one would have.
- D Q Were you ever given any guidance, when you took office, as to how you were to treat these complaints?
A I think that one's guidance would have been in one's service in a local authority. You started learning early that politeness and civility and listening to people, was the manner in which one dealt with the public.
- Q Well, that's what you learned as a result of your experience?
A Yes.
- E Q What did you do with the complaints after you had met with or listened to the particular complaint, what did you do as a result of your experience and, perhaps, training; what did you do with the complaints you received? Did you record them, process them, did you pass them on?
A Minor complaints would have been rectified on the spot and major complaints, which were investigated and found to have substance, would have been reported upwards to the Town Clerk for advice, guidance and as to whether the matter should be taken further.
- F Q Now, you have touched on two different aspects of the question. You differentiate between minor and major?
A Yes.
- Q And then you differentiate further between major complaints which were substantiated?
A Yes.
- G Q What about major complaints that were not substantiated, for example if you had an allegation that "Nurse So-and-So stole my £5. note" - which is a serious allegation, but which, for some reason or other rightly or wrongly was determined to have been unsubstantiated; what would happen that sort of complaint, can you remember?
A I think each complaint would have been dealt with on its merits without having, you know, a general rule of thumb.
- H Q Were there any rules?
A No.

A

Q So may we take it then that you were left entirely to your own devices, as to how you were to deal with the complaints?

A I think that you had to remember, of course, that you had the support of your Town Clerk behind you.

Q Well, that would only be in relation to such matters that he would know about, and I think that minor complaints you wouldn't have referred to him?

B

A No.

Q And other complaints, that's non-minor complaints, which were found to be unsubstantiated, wouldn't be referred to him either, it was only the major ones that would be referred to him, is that right?

A Yes.

C

Q Now, you see - and this is the other aspect of the answer which you were good enough to give, you said they were investigated?

A Yes.

Q Who investigated them?

A After I took over - it may well have been before and after, but there were the supervisors, the supervisors of old people's homes, for instance, and the supervisors of the children's homes, they would have investigated complaints, unless it would have been the subject of a very serious allegation and then I would have been involved.

D

Q Well, when you told us that other complaints, that is to say apart from the minor ones, they would have been investigated and if substantiated they would have been passed up to the Town Clerk?

A Yes.

E

Q May I take it from that that you yourself wouldn't necessarily have been involved in the investigations?

A Not necessarily.

Q It would have been passed on to somebody else?

A At the initial stages.

Q How did you know which ones should be investigated by someone other than yourself?

F

A That would have been a decision taken, as it were, on your feet.

Q By yourself?

A Yes.

G

Q Now, if you did get a complaint which you thought was serious, and let's say you weren't sure whether it was substantiated or not but it was one in which you required the backing of the Town Clerk, what would you do, you personally? What was your experience and what was your practice?

A Could you.....?

Q Would you like to have that again?

A Yes.

Q Just say you got a complaint about an old people's home, for example?

A Yes.

H

A Q By a relative of a lady who came to you or wrote to you and said - "Look, my aunt feels that she is not getting enough food", or "my aunt feels that the Matron is very overbearing to her" or whatever; and you interviewed or caused the particular Matron to be interviewed and began to think there might be something in it and you decided "well, I'd better have the assistance of the Town Clerk on this" - do you understand that situation?

A Yes.

B Q Does that pose to you a fairly readily understandable situation, which might have arisen?

A Yes, it would be a matter of the relative degree of substantiation or non-substantiation.

C Q Well, let's say for whatever reason, either because the complaint was made very vociferously or it had been made by - or supported by - a Member of Parliament or for whatever reason, and you felt this was a sensitive matter "I'd better have the assistance of the Town Clerk". Now, can you tell the Committee, would you have written to the Town Clerk? Would you have telephoned the Town Clerk, or would you have walked round to the Town Clerk's office in the City Hall and asked for his assistance on it? What would you have done?

A Normally I would put it in writing.

D Q And, having put it in writing, did you have a courier or did you put it in the post or was there a regular means of transmission of matters of that nature between you and the Town Clerk's office?

A If my memory serves me right, there was a messenger service between the City Hall and my department.

E Q And in your years of service, would I be right to suggest that there must have been dozens - if not hundreds - of occasions in which you found it proper, in your wisdom, to refer such matters to the Town Clerk from a variety of sources?

A Without being able to recall the specific times on which I referred matters to the Town Clerk, I would really be unable to put a figure - a number - on the time

Q But it happened, certainly, would you agree with me, more than a dozen times in all your years of experience?

A Yes, it could well have.

F Q You have no difficulty in saying that?

A Yes, it could have.

Q And it might have been a hundred or more?

A It could quite well be. Taking the whole of the run of the Department, this relates to all the work of the Department.

G Q Well now, let us assume that you have sent off a report to the Town Clerk by courier?

A Yes.

Q Would you keep a file anywhere of your reference to the Town Clerk, or would you send off all the papers that you had in the file, or what was the situation, can you assist us about that?

A I would normally have sent a report - I would only send the file if the file contained back-up information that was necessary for the Town Clerk, but normally a report would have been sufficient.

H

/Q Would you have kept.....

MT/4/1

9

A

Q Would you have kept in your office a copy of your letter transmitting the things to the Town Clerk?

A All correspondence was typed out in duplicate.

B

Q Would you have filed that somewhere, for your own guidance and records, or would you have had your clerk do it?

A Yes, it would normally be that.

C

Q Let us say there was a complaint in relation to some old people's home somewhere, where would the copy letter be filed? Would a new file have been opened or would that have been in a particular file in relation to that home, or would it have been in a general complaints file, or would it have been in a file of correspondence with the Town Clerk? Or can you help us, casting your mind back to the days when you were the chief officer? Where were they kept?

A The principle of the filing system, if I recall it, was generic. Letters were filed under the subjects rather than people, unless it referred to someone who was in the care of the Welfare Committee. So I would venture to think that a letter, say, referring to an old people's home or a children's home would have been filed under the name of the home.

D

Q How do you mean under the name of the home? Would a new file have been opened, because I think a moment or two ago - correct me if I am wrong - you could not remember there being separate files in relation to each home. Do you see my difficulty?

A Yes.

E

Q Can you explain, that, Mr Mason?

A That would have necessitated opening a file. We would have opened a file with the name of the home.

F

Q Where would that file have been kept?

A Probably in the general filing system.

Q What else would have been in the general filing system?

A All the matters relating to the running of the Department that would not fall into specific categories such as Establishment. The individual files of children, adoption files, were kept separate. They would have been kept in the general filing system, I think, subject to correction.

G

Q You did not have, I take it, any general complaints file in relation, for example, to old people's homes, children's homes?

A No, I do not recall that.

Q Generally or specifically?

A Generally or specifically.

H

Q Was ever any complaint made to you in your term of office by those above you, that is to say by those in the City Hall, or those below you, in line management below you, about the inadequacy of the filing system which your office operated?

A Not that I can recall.

Q Correct me if I am wrong, but would the Tribunal be right to think that you were left very much to your own devices as to how you should process

A

any complaints that you received, of whatever nature?

A Yes, I would say that without rancour.

Q Why do you say that?

A I think that was what one would expect any man running a department to do, to look after his department.

B

Q You felt you were perfectly capable of making any decisions as to how to process complaints if any were received?

A Yes, remembering that I was not infallible, of course.

Q None of us is, Mr Mason. Last time you were telling us that you have a recollection of there being some standing order, but I think you corrected that --

C

A Yes.

Q -- in relation to matters that could possibly have required attention from the police?

A Yes.

Q What is your recollection about that?

D

A My recollection is that it was a standing order. I spoke to the present Town Clerk and asked him if he could check back to see if there was a standing order.

Q Is that since last day?

A No, that is before, and he checked and said there was not a standing order, but it may well, as he said, have been an instruction from the General Purposes Committee.

E

Q What was the instruction? At least, what did you believe to be your duty, whether it was founded on a standing order or not?

A I believed my duty to be that if any matter was likely to be a matter of a criminal offence it should be referred to the Town Solicitor.

F

Q Can you say, apart from the specific matters about which we will ask you again in a moment or two, whether there were any matters at present in your recollection which involved the suggestion of a criminal offence, for example, the taking of money from a resident or a patient, or undue use of force on a resident or a patient, or something of that nature? Have you any recollection of this procedure being operated by you saying "This is something which could involve criminality and therefore it will be referred to the Town Solicitor"?

A There were two instances which really remain in my memory because of the characteristics of them.

G

Q I am asking you about matters which have nothing to do with the matters we are inquiring into in this case, in other words, homosexual approaches to boys, but were there other matters?

A Yes, as I say, there were two which were in my memory.

Q Did you refer those directly to the Town Clerk or to the Town Solicitor?

H

A I could not recall.

A

Q Can you tell us whether there were criminal prosecutions out of either of those cases?

A In one particular instance there was a criminal prosecution.

B

Q Can you remember what happened? Did you get the file back, or what was the process that was followed in those cases? Can you remember?

A No, I cannot.

C

Q I want to take you to the two letters which you were asked about last time. Do you remember those? They were apparently proffered to you in your office by people that we have described as R5 and R6. I think R5 had been in care about nine months, and R6's period overlapped to a certain extent in the end of 1967 and 1968.

A Yes.

D

Q You cannot remember how those came to you, is that not right?

A I cannot remember, but it may well have been that in page 56 I wrote, I suggested that he might be careful not to give the impression that he was persecuting the boys for coming to see Mr Moore.

Q Well, I will come to that, but the two documents which you received, these were documents which you understood to have been prepared by two teenage boys - is that not right?

A Yes.

E

Q They are headed "Statement", are they not?

A Yes.

Q Did that convey to you, as a man of experience, that this was something which they were intending to be taken rather seriously?

A Yes.

F

Q And when you read them, did it seem to you that they were clearly making suggestions of homosexual overtones, overtures, approaches, being made by this man to each of them?

A I could not recall my exact --

Q Well, could we just examine them now. Would it be right to suggest that you would wish to emphasise that it is difficult for you to cast your mind back to what the situation was in your mind back in 1967?

A Yes.

G

Q But guided by what is contained in those documents, and guided by what you wrote down at the time, you might be able to assist the Inquiry as to what was really your reaction to all this? Is that not right?

A Yes, looking at my report, I would say that I treated the complaints of the boys seriously.

H

/Q Does that mean ...

DB/5/1

12

MR MASON
BY MR KENNEDY

A

Q Does that mean that when you read them you thought that these were allegations which were potentially serious?

A Yes. In support of that I paraphrased the boy's complaints.

Q You treated those, if I may say so, very carefully and very professionally.

A Yes.

B

Q Because what they had said certainly revealed a very unhealthy situation, if it was true.

A It --- We are --- Yes.

Q Yes. Because what you have noted, for example, is that the chief of the boys' home asked one of them "Do I not get a kiss?" That seemed to be rather suggestive, did it? (No answer)

C

Q There was also a complaint which you recorded that he felt all over R 5's body and put his hand down his underpants. Is that not right?

A I recorded that.

Q Yes. That is a serious complaint?

A That was serious. Yes.

D

Q Then R 6 had made a suggestion that when he was bathing, the chief of the home said that he looked lovely in the water.

A Yes.

Q That conveys the situation that he was naked.

A Yes.

E

Q And that this man was taking a prurient interest in his body -- an unhealthy interest in his body. Is that not right?

A Well, I cannot recall this. It may well be --- (Interruption)

Q I am sorry, Mr Mason. I appreciate that you cannot recall it.

A Yes.

Q I am asking you now, in the light of what you saw fit to ask them at the time, as guided by your contemporaneous note.

A Yes.

F

Q It does rather look as if you attached some significance to that. Is that not right?

A Yes.

G

Q Leaving aside what your recollection may or may not be, guided by your note, if you saw a note that the head of a boys' home said to a teenager of 15 or 16 years of age that he looked lovely in the water, that would make you raise your experienced eyebrows, would it not, Mr Mason?

A I do not think that I could follow you all the way there.

Q I do not know where you think I am trying to take you.

A I am sorry. What I would like to say is that I have had 6 years' experience in the forces. It was not outside my experience that the men did run around naked. I was in what you might call a forward area -- I am talking in operational terms -- in which one undressed with a fair amount of --- (Interruption)

H

DB/5/2

13

MR MASON
BY MR KENNEDY

A

Q Yes, but ---

A I had to -- What I am trying to say is that I was not a prude. In other words, any suggestion of nakedness did not make me feel as if it were ---
(Interruption)

B

Q Mr Mason ---

A I am sorry.

Q What I am just putting to you is this. If one of your officers had made a remark like that to a boy of 15 who was running about in the nude would you not have raised your eyebrows and said "Well, now that is a bit off"?

A Well, it is a difficult thing.

C

Q It is difficult. Very well. There was also a suggestion that he had said to another boy "Give me a kiss". That, on the face of it, is a remark with a clear sexual suggestion. It may have an innocent explanation, but at first blush it seems to be a rather suggestive remark.

A Yes.

Q Made by one male to another. Is that not right?

A Yes.

D

Q And especially made by a man in charge of a teenage boy.

A Yes.

Q I might just go back then to ask you about that. You put these suggestions eventually to Mains -- is that not right? -- dealing with R 6's complaints originally?

A I did.

E

Q There was some suggestion about drinking. Is that not right?

A Yes.

Q Dealing with R 6's or R 5's initial complaint, if he had really been anxious to damn Mr Mains, he could have made it a great deal more colourful than that, could he not, if he was lying?

A I do not follow.

F

Q Let us assume that this boy, R 5, had wanted to blacken Mr Mains. Apart from saying that he put his hand down his underpants, he might have said "And he touched and felt my privates."

A He might.

Q So that what he has said there is rather a restrained version of what appears to be, on one view, an initial approach to this boy. On one view that could be interpreted that way, could it not?

G

A Yes. May I say that I had myself pointed out that the boys had stated facts.

Q Yes -- which you accepted in the main.

A And I accepted and Mains accepted.

H

Q Well, now, let us just take the facts. The question of drink. From your experience you thought that there was no great importance to be attached to that either because he was not a strong drinker and in any event he was entitled to take a night off. Is that right?

A Yes.

DB/5/3

14

MR MASON
BY MR KENNEDY

A

Q That was something which was not very serious.
A Taken by itself.

Q This boy had decided, for some reason or other, to incorporate that in what he described as a statement of complaint.
A Yes.

B

Q And then he stated "Do I not get a kiss, then?" The answer given to you was that this boy was wearing his hair too long. This was an effort to shame him into getting it cut by treating him like a girl.
A Yes. Aye.

Q That was plausible, was it?
A In my experience.

C

Q Facile?
A Facile.

Q Would it be right to suggest that in so saying you were accepting that this may have been true though not necessarily so.
A Not necessarily so.

D

Q Would it be right to suggest that you were giving him the benefit of a doubt in your mind about it at that time? That is reading from your note. I am not asking you to cast your mind back.
A I think that what I was trying to do was keep right in the middle.

Q Yes. I can see that.
A Neither believe him nor disbelieve him.

E

Q That is right.
A But he had the right, as indeed any member of the staff of the welfare department had, to a fair hearing from the head of the department, if you know what I mean. In other words, my policy would not be to be seen to be as it were to haunt people on the slightest pretext, but to listen to what they have to say and not either to back them up or denigrate them, but stay in the centre.

F

Q Are you telling us, then, that looking at your note it would seem that you neither believed nor disbelieved Mr Mains at that time?
A At that time?

Q That would be a fair way of putting it?
A That would be a fair way.

G

Q Then you put to him that the complaint was that he had felt all over this boy's body.
A Yes.

Q And put his hand down his underpants.
A Yes.

Q He told you that he was doing that to check whether he had changed them.
A Yes.

H

DB/5/4

15

MR MASON
BY MR KENNEDY

A

Q He did not tell you, as far as the note seems to suggest, that he looked at the underpants; but it seems to be that he put his hand down the underpants. Is that right?

A Yes. That is correct.

B

Q How could one tell, by feeling, whether underpants were changed or not?

A I --- (Interruption)

Q Mr Mason, I am very much alert to what you told us last time about wives and mothers and fathers and boys. We can understand that. But just looking back at this particular note, can you assist the inquiry, just looking at that note now, as to how feeling, by putting a hand down underpants, a man could tell whether those pants had been changed, or not?

A (The witness nodded.) I could have made a mistake there.

C

D

E

F

G

H

/Q One can

A

Q One can appreciate that you were being fair, but looking at this note, it seems that you did not put to him at that time the other allegation, that he had felt all over his body, and the explanation about the underpants seems to be something that was perhaps accepted at that time; it was not pursued further?

A Yes.

B

Q Am I right in suggesting also that, looking at the note, you probably neither believed nor disbelieved Mr Mason at that time?

A That is --

Q But you did not see it as your duty to cross-examine him; is that fair, or is it perhaps going too far?

A It may well be that I had not got the ability to cross-examine.

C

Q Then you have a further note at No 5, that R 6 stated "that Mr Mains came to his bed and feelled round his body". You gave an explanation about that later.

A Yes.

Q That was as to whether or not he had gone to bed with his clothes on?

A Yes.

D

Q Looking back on that note, without your recollection, which you have told us is perhaps unreliable, does that appear now to be an excuse rather than an explanation of the truth?

A Looking back, looking at it now, I think it is a more acceptable reason, rather than an excuse.

E

Q What do you mean by that?

A Mains said that the boys would put their nightclothes over part of their day clothes. It would seem to me, even now, for him to examine, for Mains to satisfy himself that the boys did not have on their day clothes, he would have needed to have touched the boys, put his hand to the boys' clothes.

Q First, was there any necessity for Mr Mains to take this vigilance to see whether or not they had their day clothes on under their pyjamas?

F

A I think yes, indeed; I would like to think that he would have been vigilant in seeing that the boys did not go to bed with their day clothes on.

Q Could he not have looked at the chair beside their beds and said, "Where are your pants? Have you still got them on"?

A Yes, that is -- indeed, yes.

G

Q So far as the underclothes are concerned, I think you said that the answer was given that he frequently kept them in his locker. He could have looked in the locker to see whether there were clean underclothes there rather than on him?

A Yes.

H

Q I am suggesting this: does it not appear that this was a very unnecessary piece of physical interference with their bodies to try to investigate these matters by touching them rather than by making an inquiry or looking somewhere else?

A I must have been satisfied at tht time to accept his explanations or excuses.

A

Q Could it not be that you decided that this possibly was an explanation but that you neither accepted it nor rejected it?

A In my conclusions I seem to have kept that in mind.

B

Q If I may just put this point to you, at the end of your investigation with Mr Mains, you could have been in one of three states of mind: you could have said "The boys' story in the main is correct and it has got this very unhealthy connotation" -- is that not right?

A That is right.

Q -- or you could have said, "The boys' stories are completely untrue"; or you could have been in a situation of doubt; you could have said to yourself: "This is something about which I am not sure"?

A Yes.

C

Q And from the fact that you referred the matter to the Town Clerk and that you advised that certain precautionary vigilance should be instituted, does it seem now, looking at your note, that it was in the third category of mind that you were in; that you were just not sure whether this was the true explanation or not?

A I would not disagree with that inference.

D

Q Looking at your note, does that not appear to have been really what occurred?

A It appears --

Q Because you did not write across at the end of your report "I accept Mr Mains's explanation; I am quite satisfied there is nothing untoward to explore here". You never gave him a "not guilty" verdict, is that not right?

E

A That is right.

Q In fact, you referred it for further investigation and directed whoever was the Town Clerk's mind to certain questions which you had left unanswered, is that not right?

A That is true.

F

Q If it was right that he had felt over these boys' bodies, and if it was correct that his explanation was not the genuine one, then that was a situation that could not have been allowed to continue, is that not right?

A That is true.

Q Because this would have been the revelation of a man with a homosexual tendency making overtures to two young men within his care?

A Yes.

G

Q As you have told the Inquiry this morning, in your experience, citizens who have been in care are reluctant to make complaints?

A Yes.

Q And here were two boys making a complaint which, if true, was indeed a very serious matter?

A Yes.

H

Q For example, did you find it really acceptable as an excuse that he had to go and watch them in the bath, instead of looking at their

A

heair afterwards to see whether it was wet?

A Without cross-examination, I accepted it.

Q When you say you accepted it, are you agreeing that you accepted it as a possible explanation, but one which required further investigation by those superior to you?

A As a possible excuse, or reason.

B

Q But not an explanation which you would have accepted as a complete explanation of what had happened?

A That is true.

Q Because you did note that when you talked to him first about the matters on Friday, 8 September, he appeared at first to be tense and perspired visibly?

C

A I noted that.

Q And, of course, he knew that you were putting to him matters which had very much the suggestion that he was making homosexual overtures to these two young men, is that not right?

A That is true.

D

Q At the end of your report, you suggested to Mr Mains "that he might be careful not to give the impression that he was 'persecuting' the boys for coming to see Mr Moore, the Children's Officer/designate"; is that not right?

A Yes.

Q You had been in the Army and you had had control of these homes for some time, and you were a man of the world?

A Yes.

E

Q And you knew that that was just the sort of thing that was likely?

A I was warning him off.

Q From what we have learned from the boys' statements made much later, parts of which I read out last time, it appears -- if that is right -- that Mr Mains did try to threaten and bully them when they came back?

A Yes.

F

Q Did you make any inquiries from the boys or anyone else as to whether Mr Mains did attempt to frighten off the boys on their return to Kincora?

A No.

Q Looking back on it now, would you agree that that might have been a very prudent step to take?

G

A My recommendations, although they were not specifically directed to ascertaining if Mr Mains had persecuted the boys after they returned, were that Mr Moore interview the boys again and explain to them the reason for the incidents.

Q May I come to that in order --

A Yes. Would that be in some way, though, a partial explanation? I am sorry, I am not supposed to ask you questions.

H

Q Do you think it is?

A Yes, it was in my mind that a follow-up with the boys would have been useful; perhaps, indeed, as you said, I was in two minds. The boys may well have decided to defend themselves by revealing something more damaging, if indeed there was anything damaging.

A

Q There were all sorts of possibilities, but did you ensure that any follow-up inquiries were made?

A No, to my recollection.

Q If there had been, you would have made a further report about it, would you not?

B

A If anything had come out of any follow-up, I would have reported it.

Q You very frankly said, no, that you did not ensure that there was any follow-up?

A To my recollection.

Q Just looking at the part of your report that is headed "SUMMARY", you say

C

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

A Yes.

Q You are still putting a question-mark as to whether or not this complaint amounted to anything serious, but on the whole you found that the statements made by the boys were accepted by Mr Mains?

A Yes.

D

Q Last time you were good enough to say that you used the words, so far as you could recollect, "prima facie" in the wrong connotation, there, and you said

"Taken as it stands it does not present prima facie indication of wrongful conduct."

E

What did you mean to say there? Leaving out the words "prima facie", what did you intend to say there, Mr Mason?

A What I intended to say was, it did not appear to me that he had committed an offence, taking the boys' statements even as they were; in other words, I was thinking in my mind, probably, that this was not something that would be referred to the Town Solicitor, and this was not something that was a criminal offence.

F

Q Could it be -- and correct me if I am wrong -- that what you meant to say there was, taken as it stands, it does not present conclusive indication of wrongful conduct? Because your next sentence is

"We have to make up our minds what prompted the boys to make their complaints. ... Was it genuine belief that Mr Mains was making suggestive overtures to them."

G

A Yes.

Q Could that have been what you were intending to convey there, that it was not conclusive, or do you still say that it was not even coming to the first beginnings of wrongful conduct? What was in your mind? Can you assist us about that?

H

A It is not possible for me to -- what I am really doing is trying to translate what somebody has written down on paper without -- you know, I am not using my memory any more; I am trying to translate the --

A

Q I have invited you to cast aside the memory for this morning, and just try and interpret what the document said, whoever wrote it, accepting, of course, that "prima facie" was not used correctly.

A Yes.

B

Q If one wants to look at the possible feelings which prompted them, you had accepted-- and still do, I think, reading your report -- that what they had told you principally was true?

A Yes.

Q Then you recommended that Mr Moore interview the boys again and explain to them the reasons for the incidents?

A Yes.

C

Q In one way that could mean that the reasons for the incidents were the explanations given by Mr Mains.

A Yes, that is really what I had --

Q It might have been revealing if the boys had rejected those and said why they rejected them.

A Yes.

D

Q Then you suggested a closer supervision of Kincora?

A Yes.

Q Why was that suggested by you?

A Again, there was sufficient impression coming from the interview to leave me -- that I was not satisfied, that I did not consider the matter closed. Mr Mains, in spite of his reasons, had not satisfied me completely that the boys were not in a position, as indeed I always had it in mind, all boys would be in a vulnerable position and any flag of distress should at least put in one's memory, or to have it kept in mind.

E

Q In other words....

F

G

H

IT/7/1

21

- A Q In other words, Mr Mason, a very definite red light was flashing there about the possible danger of boys under the care of Mr Mains?
A Yes.
- B Q In your experience would you have expected to have found on a file somewhere some follow-up note by yourself or someone else as to what happened on further interview with Mr Mains or further interview of the boys, either in relation to the explanation that Mains had given or in relation to the possible attention that he would have paid to them, they having made these complaints?
A I would have expected a note if anything detrimental had come out of an interview all right.
- C Q But you see, it does appear, Mr Mason, that the matter was left hanging, does it not? I will put into your hand the folder which has become known as "the Mason file", if you wish, but it does appear, does it not, that the matter was left open; there was never any firm conclusion reached by anyone that these complaints were of no value, or unsubstantiated or were found to be without support, nor is there any finding that they were found to be corroborated? It is left hanging, is that not right?
A Yes.
- D Q To what extent would you have conceived it your duty to see that closer supervision of Kincora would have been maintained, from that time onward?
A I would have conceived it as giving instructions for closer supervision of Kincora.
- E Q Would you have considered it appropriate to have told, for example, the Welfare Officers who were visiting the home that two boys had made allegations of homosexual overtures made to them by Mr Mains which had not been cleared up one way or the other, which might, in other words, be true? Would you have warned people to be on the look out for this very matter which had been disclosed? You are shaking your head.
A I am shaking my head because I cannot recall having done it, nor even ...
- F Q So even without the benefit of hindsight, Mr Mason, having regard to what the person making these entries, and making this report, had to say, do you think that some attention ought to have been drawn to the Welfare Officers visiting the home about this possible danger which had been revealed here?
A Looking at it, I would have thought that communication would go downwards; in other words, the report was not a secretive report. The information was not secret; it was known at least to two people - myself and Mr Moore - and we would not have been treating it as secretive. It would have been ...
- G Q Would you, for example, have made enquiries as to whom these boys had contact with, for example, their personal social workers, to enquire whether they had any complaints of that nature?
A No.
- H Q Why not, Mr Mason?
A I do not recall whether the boys had specific social workers at that time.
- Q Do you remember the last time that Mr Marrinan put into your hands the confidential reports which you had directed should be obtained about each of these boys?
A Yes.

A

Q About these reports, I think you were not able to tell us - and one is not criticising you for that - the authorship of them, but they were a compilation of information coming from the home, the probation officers, social workers or whatever. Do you remember those reports?

A I remember them.

B

Q If one looks, for example, at the report of R5, one finds in the second last paragraph - dated 14th September 1967 - have you got it? It is page 50 of the file which is before the Inquiry. Do you see the one I mean?

A Yes.

Q We have in that paragraph this statement:

C

"He resented being transferred to Kincora ... His behaviour in Kincora since he arrived there on 31st March 1967 has in no way been noteworthy, except that the moodiness previously observed has persisted. Of late he has expressed a wish to join the Army, ostensibly as a means of getting away from Kincora, but I am not sure how determined this is."

This was in September?

A Yes.

D

Q This was about the same time as he made this written complaint, is that not right?

A Yes.

Q Joining the Army subjects a boy to a much more rigorous régime than he would have been under at Kincora - is that right?

A Yes.

E

Q Did it occur to you at the time, Mr Mason: "This is very odd. Here is a chap actually who wants to put himself in the Army, but ostensibly as a means of getting away from Kincora"? Does that suggest to you, looking at that report now, that this young man must have been fairly desperate: he is prepared to join the Army - and I am not suggesting joining the Army is such a dreadful event in life - but he is prepared to do that as a means of getting away from Kincora?

A It was not outside my experience, and I am an administrator rather than a social worker, that boys in institutional care rather looked to the Army as another form of institution, as an alternative institution. It has not been outside my experience that boys think of the Army as an alternative to an institution, rather than a calling.

F

Q But here we have a young man who is making quite serious allegations - is that not right?

A Yes.

G

Q And at the same time it is clear from those who know him that he is anxious to get away from Kincora?

A Yes.

Q Now of course making these allegations might be one way of getting out of Kincora?

A That is true.

H

Q But the other of course is at least equally possible, that he wants to get out of Kincora because his allegations are well founded?

A That is an inference I could not disagree with, obviously.

- A Q And no disrespect, Mr Mason, the man who made this report which we were examining together earlier, a gentleman called Mr Mason, in the past he would have allowed that these complaints might well have been true and justified. You have agreed with that, haven't you?
- A Do you suggest that ... I don't know ... Is it a fact that Mr Mains made these reports?
- B Q Oh no. You say you cannot rely on your memory and are just looking at the report as made by somebody and I am asking you to look at the report made by this Mr Mason. I think you have agreed that that Mr Mason, who happens to be yourself, allowed for the possibility that these complaints were well founded. Isn't that right?
- A Yes, it did.
- C Q So that the reason why this boy wanted to join the Army was only a means of getting away from Kincora because of what had been happening to him? Would you accept that as a possibility?
- A I would accept it as a possibility without knowing that it was a probability or not.
- D Q Then if we turn to the same report which you required to be obtained on R6 - page 52 - and he had the same reluctance to go to Kincora, I think it should be fairly stated. At the bottom of page 52 of your document:
- "He 'agreed' to the arrangement provided that once his behaviour warranted it, he would return to [REDACTED] his previous landlady and since his admission has been pressurising Mr Mains, Miss Brown (Children's Officer) and Father Lowry (Nazareth Lodge Welfare Committee) into discharging him. When I visited Kincora on 6th September he tackled me on this issue and became disgruntled when I said I would prefer to see him settled in a job before even considering his discharge."
- E Have you found that bit, Mr Mason?
- A Does it relate to R6?
- Q Yes - at the bottom of page 52 and top of page 53.
- A Yes; I have it here.
- F Q You see, if a sympathetic social worker had gone back to either or both of these young men and said: "Why do you want to get away from Kincora?", they might have got at what we know to be the truth. What do you say about that?
- A That may have happened.
- Q Yes. They could have asked, for example: "Have the matters which you complained of in your letters anything to do with your very clearly expressed desire to get out of Kincora?" - at that time.
- G A That may well be.
- Q Such a question, do you think, would have brought out the truth, asked in the proper circumstances and by the proper person?
- A That is possible, yes.
- H Q Is it not more than possible, Mr Mason? Is it not likely, having regard to your experience of life?
- A Well, I am reluctant to make judgement of the mental and emotional attitudes of people in institutional care. There may well be a reluctance to talk about things. I really don't know, and I would not be competent to pass a firm opinion on whether the boys, given the circumstances that you have outlined, would have been more forthright to the social workers than

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A what they were to me. I have no belief, or I have no professional knowledge, that would enable me to come to that conclusion, whether it was possible or probable, but I would not deny someone's views on that matter.

Q Mr Mason, I think you have told us, very fairly and frankly told us, that you behaved as you saw it being as fair in your investigation to both sides.

A Yes.

B

Q And you did not seek to cross-examine, for example, Mr Mains?

A That is true.

Q May I take it that you did not seek to cross-examine either of the boys?

A I don't even recall talking to the boys.

C

Q Yes. In other words, the only face-to-face confrontation which you had was with Mr Mains, at least that is the only one you can remember?

A Yes.

Q But so far as you can recollect, or is there any record of this, was there any investigation by anyone of the two boys: "What exactly do you mean by this?", or "Could this not have had an innocent complexion?" Was that ever taken up by anyone?

A I do not recall.

D

/Q Well, Mr Mason ...

E

F

G

H

- A Q Well, Mr. Mason, should that have been done? Should someone have gone to interview the two boys, in the light of Mr. Mains' explanations, to see whether they still maintained what they had been complaining about was true?
A Yes.
- Q That should have happened?
A Yes.
- B Q And are you prepared to tell the Inquiry now, should someone have interviewed Mr. Mains more closely about these allegations, either an official of your Department or a police officer?
A No, no.
- Q Why not?
A Looking at it from the position in which I carried out the interview, I had come to the conclusion that no further investigation should be carried out with Mr. Mains. He had given his explanations, he had agreed that what the boys said were facts, he had agreed that.
- C Q Well in some instances I think, to be fair, Mr. Mason, he hadn't always accepted what they said, isn't that right? He was somewhat selective. For example he never agreed - or did he - that he had felt over R5's body or that he had felt over R6's body?
A No, that's true, but that could have been my lack of ability to interrogate him.
- D Q You see, he never really was interrogated about these allegations at that time, isn't that right?
A That's true, he was asked to give an explanation.
- E Q And then you said that he accepted what the boys said. In reference to R6's allegation that he had said that when he was bathing he looked lovely in the water, didn't Mr. Mains laugh at that and say he was unlikely to have said it?
A That's true.
- Q I mean, you never took him up and said - "Well, this is what this boy said, are you denying that you said it?". I think you have told us, Mr. Mason, that you didn't see it as your duty to cross-examine him?
A I think - did I not say that I didn't think I had the ability to cross-examine him?
- F Q Yes. Well now, what I put to you a moment ago, Mr. Mason, was this; do you not think that someone should have cross-examined him about these allegations? He should have been investigated thoroughly, isn't that right?
A At that point I didn't think so.
- G Q At that point, did you not tell us, that you had left it open; you weren't completely satisfied one way or the other?
A Yes.
- Q Well, is that not right?
A That's right.
- Q Because there was a file prepared by you about it, isn't that right?
A That's right.
- H Q Now, I want to ask you about one or two other matters; do you remember another incident in which it was alleged that Mr. Mains had smacked a boy on the behind when supervising him going to bed?

A A No, I have no recall of that.

Q Or asking Mr. Charles Anthony McCaffrey to investigate that particular matter - does that ring a bell with you?

A No, that doesn't, no.

B Q Now, the file which you opened, which is now known as "The Mason File", about this matter - where was it kept?

A I can't recall.

Q Well now, was it kept in your office?

A I don't recall that, I just don't recall where it was kept.

C Q Well, the allegations were fairly serious allegations about a man of some seniority in the service, a man that you knew of and had met on a semi-professional social occasion at least once a year?

A Yes.

Q A man under your supervision?

A Yes.

D Q When the file was sent by you to the Town Clerk, were you interested to know what would happen? I mean, what was the Town Clerk going to do about it?

A Yes.

Q And I think you have told us that you would seek the assistance and backing of the Town Clerk?

A Yes.

E Q On this occasion, either from the file or from your recollection, can you tell us what assistance or backing did you receive from the Town Clerk about these two letters and your investigation of them?

A I have no recall, no recollection of that.

Q Having regard to the circumstances, that there doesn't seem to be any entry on the file or any reply from them to you, and that you have no recollection of it, does it appear to you now that you received any guidance or backing about it from those above you.

F A It could well have happened that the Town Clerk would have acquiesced in the recommendations and not have found it necessary to write back and say - "yes, I agree" - I'm varying it, rather than.....

Q You just have no recollection at all?

A No recollection.

G Q You see, supposing someone were to say that the result of an investigation such as you carried out would normally be recorded on the personal file of the individual concerned in the establishment office, and may also have been put on a hostile file in the children's department, that is to say a facility file; supposing the Inquiry were to hear that evidence, what would you say about that? Do you understand the question?

A Yes, but there is no hard and fast rule on the files, there was no reason - and there is no reason now, that I can see, why two files couldn't be in operation, one personal file and one the Home's file or one operational file; there is no reason why we shouldn't have more than one file.

H

- A Q You see, apparently evidence might be given by Mrs. Wilson that sometime between 1968 and 1973 she was with you interviewing Mr. Mains, following a complaint from a boy, not two boys, that Mr. Mains had put a hand down the boy's trousers, and apparently she will say that her recollection is that Mr. Mains said he was checking the boy's underclothes with regard to hygiene, and that you warned him to be careful about this, that he could be vulnerable. Does that strike a cord in your memory at all, of Mrs. Wilson being present?
- B A The date there - my investigation took place in 1967. Mrs. Wilson has suggested it is 1968....
- Q Yes, she didn't come into office until 1968?
- A Yes, but I am subject to recall again; if she came into office on 1st January 1968, she is likely to have been - some indication of her appointment - in other words - I have no recollection of that incident as a separate incident. The only suggestion I can make is that perhaps that is the same incident that I investigated in 1967.
- C Q But I think you have told us this morning that you have no recollection of interviewing Mr. Mains at all, yourself?
- A I have no recollection of interviewing Mr. Mains?
- Q Yes, is that right? Sorry - after the report was sent to the Town Clerk?
- D A Well, if I may just correct myself there; there was one item in which I wasn't able to explain, to give his explanation, and I picked that up again with Mr. Mains. Now, it is not the same item as Mrs. Wilson has reported on, it was a matter of Mr. Mains coming to the boy's bed and feeling round his body, and Mr. Mains gave that an explanation. That was the subject of a separate memorandum to the Town Clerk, so I would infer that I had seen Mr. Mains twice and it may be now.....
- Q In 1967?
- E A In 1967. Now, I have no recollection of the incident completely, so I would not - I am not contradicting Mrs. Wilson, I want to make that clear. If Mrs. Wilson said that happened in 1968 I am not contradicting her, but I have no recollection of it in 1968.
- Q Now, would you like to refresh your memory by having the actual file in your hand? I would like to ask you about it and how it went from your hand...?
- A If you feel it could be.....
- F (The file was passed to the witness)
- Q Now, the document which you now have, Mr. Mason, is that "The Mason File" which you initiated, you yourself?
- A Yes, yes - and this refreshes my memory; there is a CWO 22.
- Q And what does that tell you?
- G A That is a City Welfare Designation in which I initiated the file. In other words, I was the initiator. If I initiated a file I put my initials on front of the file.
- Q Well, what would have been - I know you can't tell us specifically, but what would have been in the file 21 and in the file 23? Where would that have been kept, in what drawer or with what other documents would that file have got that number from?
- H A That would have been a running number, that would have been a running number.

- A Q Yes, but what would have been the file immediately before it, what would have run before it and what would have run after it?
A I would have no recollection.
- Q Well, what could it have been, Mr. Mason?
A I have no recollection.
- B Q Would you have initiated many files?
A Well, in 1967 it would appear I had initiated 22.
- Q At least?
A At least.
- Q Well, what would they have been about?
A I have no recollection.
- C Q Well now, it seems fairly clear now, Mr. Mason, that that file left your hands and was transmitted to the Town Clerk's office?
A Yes.
- Q And it came back?
A Yes.
- D Q And was preserved with all the documents?
A Yes.
- Q And got into the hands of Mr. Bunting in 1973?
A Yes.
- Q Would you have expected to have found some file in the Town Clerk's office acknowledging receipt by that office of that file? For example, containing a copy of a letter returning the file to your custody or to your office?
E A I think - yes, yes, I would have assumed that the Town Clerk, but I have no knowledge - I would have assumed, yes, that that would be normal practice.
- Q Would you be fairly certain that that would be normal practice?
A I am fairly certain it would be normal practice, but I am not certain and I have no knowledge of the practice of the Town Clerk's department.
- F Q But you had received a number of matters which you had transmitted in other years, if not in that year, to the Town Clerk's office for assistance and direction?
A Yes.
- Q Now, when that file would leave your office, would you have kept a photocopy of the letter as in that file indicating that it had gone to the Town Clerk?
A A photocopy?
- G Q Not a photocopy but an office copy?
A I am not quite sure whether I would or not, I mean, I am trying to think now; my attitude then would have been, if I was sending something to the Town Clerk, I would have had no doubt in my mind that the Town Clerk would deal with it and return it to me. I wouldn't feel, if I was dealing with a private company most certainly I would keep a copy to remind that they would respond but not with the Town Clerk.
- H

A Q Well, are you accrediting him with a divinity that none of the rest of us have? A moment ago you said - and you are smiling, Mr. Mason - that we are all human, we are all fallible. Why should you attribute to the Town Clerk a greater degree of infallibility than to any of the rest of the concerns with whom you were corresponding?

A That's a fair question, but it does reflect, to some extent, the reliance, the confidence that one had in one's Town Clerk.

B Q But you see, accepting that you relied on the Town Clerk's office, there doesn't appear to be on that file, any indication that you had received any decision, direction, support or back-up whatsoever, isn't that right?

A Well, I think that might be more critical than I would wish to subscribe to.

C

D

E

F

G

H

/Q Isn't it a fact, whether.....

MT/9/1

30

A

Q Is it not a fact, whether it is critical or not, that it does not appear from that file that you received any such?

A That is all. It does not appear from the file.

B

Q Nor have you any recollection of having received any?

A But then I have very little or no recollection of the whole matter.

Q This was, would it be right to suggest, one of the most serious allegations or complaints that you had to deal with in your whole career, about staff I mean?

A It is a fair judgement.

C

Q And you can recollection two other matters, one of which finished up with criminal proceedings? --

A Yes.

Q -- not the subject matter of this Inquiry's investigations. I take it that the Mason file is something which you have been conscious of throughout the years, if not always at the forefront of your mind?

A That is true, it would have been that.

D

Q Might I take it that whenever Kincora was mentioned, or whenever Mr Mains was mentioned, from 1967 onwards, you would have recollected "Oh yes, I opened a file about that home and about that man"?

A Yes.

Q That would have been certainly in the back of your mind right up until you retired?

A Yes.

E

Q I am not going to ask you about it this morning, but there were other matters which you put into the same file in relation to further complaints in the following years to 1971?

A Yes.

F

Q Could I just see the file for a moment, Mr Mason? (Handed to Mr Kennedy) So far as you can recollect, is that file in the form, apart from additional matter which was added in subsequent years, in which you sent it off to the Town Clerk's office?

A Yes, there is no need to recollect it, that would be it, yes.

Q Would it have been put in an envelope of some sort?

A Yes.

G

Q And you have no recollection - am I right to suggest - of any covering letter returning it to you, or of how it came back to be in the files in your office?

A No.

Q None whatsoever?

A None.

H

Q After you had received these complaints - and I think that you recorded that you were anxious, at least you told us last time that you

MT/9/2

31

A

were anxious to get the report off to the Town Clerk's office - were you interested to see what was going to happen, how they were going to treat it, what advice, what directions you were to be given as a consequence? Were you anxious to follow it up?

B

A Yes, the report was made with the intentions of having comments or whatever from the Town Clerk.

Q And you have no recollection, in your mind, as to the reaction from the Town Clerk's office?

A None.

Q But with the assistance of the file your recollection is that as far as your mind was concerned the matter had not been closed?

C

A That is right.

Q Thank you, Mr Mason.

Cross-examined by Mr Gillen

D

Q Mr Mason, my name is Gillen and I represent some former residents of Kincora. Can I ask you this: when you approached Mains about these allegations and he gave you the explanations that you have outlined to us, did you form this picture of him: here is a man who perhaps regularly uses phrases such as "Do I not get a kiss?" whenever any boy had his hair long?

A No, I cannot recall having formed that opinion.

E

Q But if his explanation was that, yes, I probably did say that to R5 or R6 because their hair was long, he was making that as a general comment, was he not?

A No, it was a specific reply to the point that I posed to him.

Q But was he not answering that point by saying, in terms, "Yes, that is the way I deal with boys who have long hair. That is the kind of comment I make to boys who have long hair"?

A I cannot recall him adding to his comment.

F

Q Surely he would not be saying R5 and R6 are the only people to whom he would say "Do I get a kiss now?"?

A In my memory there was nothing in the interview that would bear that out, one way or other. He could well have said it, he could well not have said it. There is no way I can confirm it or deny it.

G

Q But the nature of his answer to you as recorded by you in the note must show a suggestion that that was the kind of phrase that he felt was quite normal to use?

A I will not deny your inference, Mr Gillen, but I do not infer that; nor do I recall it, nor do I remember it.

H

Q Can one draw any other inference from that other than that, that that is a kind of phrase that he accepted as perfectly normal?

A No, I cannot comment there. I have no recollection.

Q But you have got your notes, and that must be an inference from your notes, must it not?

A I cannot say it is an inference.

A

Q Let me look at it another way. He was saying to you, "Yes, I would have used that kind of phrase to R5 or R6, or indeed that very phrase to R5 or R6 because his hair was long"?

A Yes.

B

Q He was therefore saying, in terms, "That is a perfectly innocent phrase I use to boys like R5 and R6 to make them get their hair cut".

A No, he said, according to my notes, that it was an effort to shame him into getting it cut by treating him like a girl. He did not say, or I possibly would have recorded it in another way; as far as my memory served me at the point he stated that specifically. I wrote it down, and that is how he replied.

C

Q In any event, what he was saying in terms was this, "Actually, there is nothing wrong with using a phrase like that".

A He did not say that.

Q But that is what, in terms, you must have understood him to be saying?

A Would you mind repeating that?

D

Q In terms, he must have been saying "It is a perfectly innocent remark. I see nothing wrong with using that term."

A I am sorry, I cannot -- my recollection is not good enough to add to the statement that I have made.

Q Let me put it another way. You saw nothing wrong with him saying that?

A I did not form an opinion at that time.

E

Q Here is an allegation, and it was an allegation, made by one or two boys that they objected to a phrase "Do I not get a kiss, then?" They were obviously objecting to that being said to them?

A Yes.

Q You took this up with Mains, and he said "Yes, I did use that phrase"?

A Yes.

F

Q Did you consider that to be a proper phrase to use to boys of 15 or 16?

A I cannot recall my views at the point when Mains said that.

Q Let me ask you now, because it may well be that your views now will be the same as they were then. Would you now object to an officer in charge of a home saying that to boys of 15 or 16?

G

A I do not know. I have left social work for some considerable time. I do not know what the attitudes are towards rearing boys in institutions.

Q Do you tell this Tribunal, Mr Mason, that you are not able to recall, nor are you able to form an opinion now, as to whether or not you take exception to officers in charge of homes using a phrase like that to teenage boys?

H

A I think perhaps you have brought two things together there. You have brought my attitude when I asked Mr Mains did he say this, and he said he did, to my attitudes now. I will deal with those separately.

A

Q I asked you about the latter because you said you could not remember the former. What about the latter? What about your views now about that kind of phrase?

A Well, I have heard men say this to one another. I have heard men say "Give us a kiss".

B

Q Have you?

A It does not suggest to me by any means that they are rampant homosexuals.

Q Does that mean, then - it is a perfectly simple question - that you accept that as a perfectly reasonable thing for an officer in charge of to say to teenaged boys? That is all I want to know.

C

A I have tried to keep this clear in my mind. At the time when Mr Mains made this report I wrote it down and what he said, that is to say he was using it as a method to shame the boy into treatment by treating him like a girl.

Q I think we all know you wrote it down, and I am not disputing that you wrote that down, and I am going on the basis that you did write it down, because we know that. I am asking you something quite different. I am asking you about your view or your likely view about his answers.

D

A I cannot recall my view or my likely view. I can only rely on the information I wrote down at the time.

Q Does that mean, then, that we are in this position: it may well be on the one hand that you fully approved or that kind of language being used to teenage boys, or on the other hand it may well be that you completely disapproved of that kind of language being used to teenage boys. Is that the situation we are in?

E

A No, it is not.

Q Did you approve or did you not approve?

A I did not approve.

Q You did not approve of that kind of language being used?

A I did not approve of that kind of language.

F

Q Well, at least we have established that. Did you tell him that?

A Yes.

Q What did you say to him? Did you say to him "Stop using that kind of language to teenage boys"?

A Could I refer to my notes?

G

Q Yes.

A "I pointed out to him that all staff in charge of boys have to be extra careful as they were vulnerable to these forms of complaints." In other words, I did not approve of him asking a boy for a kiss because he was making himself vulnerable to a complaint that his attitudes could be misrepresented.

H

Q Am I right in gathering from that note that the reason why you did not approve was because it made him vulnerable to complaint, and that was the only reason you did not approve?

A No, not necessarily.

MT/9/5

34

MR MASON

BY MR GILLEN

A

Q What were your other reasons for disapproving of that kind of language being used to teenage boys?

A That that kind of language could have indicated a vulnerability, or could have indicated that he should not use that language.

B

Q I am not quite sure what that means.

A No, neither do I.

Q That is all right, then, we will just try to understand what it is you are trying to say.

A What I am trying to say is that when you use language you should be careful not to use it, if you are using it deliberately you certainly should not use it, if you are using it without intent you still should not use it.

C

Q Did you accept or did you disapprove of those words, for example?

A I have no recollection of whether I accepted or disapproved.

Q Would you accept that teenage boys would find it very uncomfortable in a sexual sense when a man in his forties or fifties was using that kind of language to them?

A I would accept that if Mr Mains said to a boy "Give us a kiss" it would have had the effect that Mr Mains suggested to me that he was trying to have the effect, that is to make the boy uncomfortable.

D

Q But trying to make the boy uncomfortable, according to him, to get his hair cut, but do you agree with me that if you want a boy to get his hair cut that is not the kind of language you should use to a teenage boy?

A I do not know what kind of language you should use to a teenage boy to get him to get his hair cut.

E

F

G

H

/Q We certainly ...

DB/10/1

35

MR MASON
BY MR GILLEN

A

Q We certainly know that you disapproved of him saying "Give us a kiss, now", anyway. Right?

A I thought it inadvisable that he should use language like that.

B

Q Did it occur to you that the use of that kind of phrase, if he was using it on a regular basis, was a manifestation of a homosexual personality?

A I must confess that I have no intimate or indeed -- and I talk from a professional viewpoint here -- I have no way in which I can identify homosexuality. I have no training in that sphere.

C

Q You have a training in life. That is what we are talking about now. Let me build up the picture of Mains that emerged during that interview you had with him. Point No 1: he was a man who was given to using phrases to teenage boys like "Do I not get a kiss now?" The second thing was that there was a suggestion -- and I am taking these in no particular order; I am just building up a general picture -- that here was a man who watched teenage boys having a bath. Is that right?

A Have you finished your picture?

D

Q No, not by a long way. That is point No 2.

A No. Could you briefly bring to my recollection what you are saying about watching a boy taking a bath?

E

Q He admitted that, did he not?

A Yes. He said that. But he gave a reason.

Q But we cannot take these in isolation. Let us build up the picture of him. He was saying to boys "Do I not get a kiss now?" The same man is given to watching teenage boys having a bath. Right?

A Yes.

F

Q The same man is given to putting his hand down the underpants of teenage boys to check if their underwear is clean.

A Yes.

Q I stop at that point. I take it again that you understood him to be saying "That is a perfectly reasonable thing to do with boys who may not be changing their underwear?"

A He did not say that it was a perfectly reasonable thing to do. What he said was that he did it, to check the underwear.

Q I take it that by saying he did it he was inferring that he felt it was a reasonable thing to do.

A I do not know what he inferred.

G

Q You told this tribunal that you are not prepared to say whether or not Mains was saying "I think that is a reasonable thing to do."

A With due respect, I am prepared to let the tribunal come to their own conclusions as to what inferences there were and what facts there were.

Q Mr Mains having said that he put his hands down the underpants of R 5, it would not have surprised you if he had said to you "Yes, I do it with one or two other boys whose hygiene I suspect."

A But he did not say it.

H

Q But if he said that, it would not have surprised you?

A But he did not say it.

DB/10/2

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MR MASON
BY MR GILLEN

A

Q I am asking you something different.

A No. (Interruption)

Q I will phrase it differently. Just listen to the question.

A I will.

B

Q He said that he put his hand down the underpants of R 5.

A Yes.

Q He gave as his reason, because he felt that this boy's hygiene was somewhat questionable.

A He did -- specifically that the boy had not changed his underpants. Is that what he said?

C

Q Therefore it would not have surprised you if he had said "Yes, I do that with one or two other boys whose hygiene I suspect."

A I do not recall whether (Interruption) ---

Q I know that he did not say that but I am asking you something different.

A I do not recall whether I would have been surprised or not.

D

Q Think about it now, Mr Mason.

A Well, I am thinking about it.

Q If he was prepared to do it with R 5, whose hygiene he suspected, presumably he was prepared to do it with other boys whose hygiene he suspected.

A I hope that he treated boys as individuals. That indeed was the ethos of caring for people: to treat them, as far as possible, as individuals. I would have assumed, if indeed there was any inference at all, that he was dealing with a boy; for some reason or another he wanted to check if the boy's underclothes were clean, and if he had changed them; not that he went around checking on all the boys or indeed some of the boys in that way.

E

Q What made you think that, now?

A The fact is that that was the only incident that I was dealing with.

F

Q But the reason he gave was that he felt his underpants might not be clean.

A Yes.

Q Presumably then there is no reason why he would not do that with other boys whose underpants he suspected of not being clean.

A I cannot comment.

G

Q Did you ask him?

A No.

Q Let me get this clear. "Are you putting your hands down the underpants of other boys?" Did you ask him that?

A No.

H

Q Why not?

A It did not strike me to ask him at that time.

Q Why not?

A My lack of experience in cross-examination.

DB/10/3

37

MR MASON
BY MR GILLEN

A

Q Lack of experience. You keep on saying that.
A Yes.

Q But you had been in social work since 1949.
A Not since 1949. I was an administrator in 1949.

B

Q You were the No 1 man in the City Welfare Department, were you not?
A Yes.

Q At the time of this interview.
A But at that time I was not the most knowledgeable social worker in the Welfare Department.

C

Q You were the No 1 man and you were a man in your 50s.
A Yes.

Q You were not a man without experience, were you?
A Of what?

Q Of life in general and of social work in particular.
A Of life in general.

D

Q May I suggest to you that you did not ask him whether he was putting his hand in the underpants of other children because you, for some reason, seemed to accept that that was a reasonable thing to do?
A No.

Q What other reason would there be, then, for you not asking "Are you doing this to other boys?"
A Because there was no reason that he was doing it with other boys.

E

Q Really, Mr Mason, here is someone who is putting his hand in the underclothing of boy R 5. Why on earth did it not occur to you that he might be doing it with other boys? Why?
A I cannot recall why.

F

Q Let us go back to the picture. Let us build it up again. "Do I get a kiss now?" Watching them having a bath. He is putting his hand in the underpants of at least one boy, to put it at its most neutral. Right?
A Yes.

Q You had all this picture before you. Next there is a suggestion that he is feeling the bodies of boys. Is that not right? R 6?
A Perhaps you would read to me the specific suggestion.

G

Q Did not R 6 say that he was feeling around his body?
A He came to his bed and felt around his body. Yes.

Q Indeed am I right in saying that Mains did not deny that because he answered it by saying that he was checking to see if he had any clothing on under his pyjamas.
A Yes.

H

Q So he was really accepting that he was feeling round the body of a teenage boy?
A Yes.

Q Did you ask him whether he was doing that with a number of boys?
A No.

A

Q Did it occur to you?

A At least I do not remember having asked him that. It is a fair assumption that I did not. Otherwise I would have taken note.

B

Q Can you tell me why it is you did not ask him if that was a rule of his to check and to feel round the bodies of 16-year-old boys in bed?

A I think, if I remember rightly, he said specifically that this was a boy who had given reason to check that he did not have his day clothes on.

C

Q Mr Mason, did you approve, then, of the policy or a policy of feeling round the bodies of 15--year-old boys who were in bed, to see if they had underclothing on?

A I will revert to what I said to Mr Mains, when I told him that this was the kind of --- (Interruption)

D

Q May we take it that you disapproved?

A I pointed out to him that all staff --- I do not want to go over it all. This was an indication that I did not think that this was the best way for him to carry out his duties.

E

Q May we take it you disapproved of an officer in charge doing that on a teenage boy?

A You can take it that it gave me cause for concern.

F

Q Would you agree with me that a boy -- we are not talking about a boy of 6 or 7 -- of 15 or 16 would feel humiliated at a grown man, who is not his father, feeling round his body when he is in bed?

A I would not be able to say whether the boy would feel humiliated or not.

G

Q We know that this boy certainly objected.

A Yes. He did.

Q Did you tell Mains to desist from that kind of behaviour and not to do it again?

A Not in those words.

H

Q Why not?

A I thought it would be more reasonable to put to him that he should not carry out his duties in that way and give him what I thought was a good reason for not doing it. He was putting this into my mind. He could read that, if he wanted to, from what I was telling him, that it made him vulnerable to complaints. He was putting it into my mind that he was vulnerable.

Q The fifth part of this picture is that he was approaching the boy when the boy was in bed, when he, Mains, was wearing his underpants. He called him for work in his underpants.

A Yes.

Q The boys obviously again found that embarrassing in some way.

A Yes.

Q The first five things about this man: he is using phrases like "Do I not get a kiss, then?"; he is putting his hand in the underpants of teenage boys; he is feeling the body of a teenage boy; he is looking at teenage boys when they are having a bath; and he wandering around talking to the in his underpants. In addition to that, there is an allegation that he was using phrases like "You look lovely in the water". Right?

DB/10/5

39

MR MASON
BY MR GILLEN

A

A No. I disagree with your summary there, with respect.

Q Well, let us go through it.

A Go through it.

Q Have we agreed those five things?

B

A No. We did not agree them in the way you have summarised it. What we did agree was that he said to R 5 "Do I not get a kiss, then?"

Q Just stop there now We are agreed that we are dealing with a man who was given to that kind of phrase in particular circumstances.

A We are agreed that he said that to the boy R 5.

Q We are agreed ---

C

A I do not agree that I recollect or have any indication that he was going around saying this to all the boys.

Q I am not suggesting that.

A No, but --- (Interruption)

Q He was a man who was ---

D

MR FEE: Could I ask my learned friend to allow Mr Mason to finish his answer.

MR GILLEN: Yes.

Q We were dealing with the question of whether or not Mr Mains was a man given to phrases like "Do I not get a kiss, then?" and you were saying "Well, I did not understand him to be saying that to every boy."

A There was no --- Could I refer to the notes? There was no indication on the notes that I made that Mr Mains said to any other boy "Do I not get a kiss, then?" I would have recorded it. At least I think I would.

E

Q Did you ask him if he said that to the other boys?

A No.

Q We know that Mr Mains was a man who was prepared to use phrases like "Do I not get a kiss then?" Right?
(No answer)

F

Q I think that is clear, Mr Mason.

A I think I am prepared to make a comment under those circumstances. Yes.

Q He was prepared to put his hand down the underpants of a boy to check if his underwear was dirty.

A Yes.

G

Q He was prepared to watch a teenage boy having a bath?

A Yes

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

A Yes.

H

Q He was prepared to talk to these boys when they were in bed when he was wearing his underpants.

A Yes.

DB/10/66

40

MR MASON
BY MR GILLEN

A

Q In addition to that there was an allegation that he was prepared to use a phrase such as "'You look lovely in the water".

A Yes.

Q Adding all those things together, had you come across, in your experience, any other officer in charge who had acted in that way towards boys?

A No.

B

Q Do you tell this tribunal that you, with your experience of the world, the army, a man who is in his 50s, taking those things not in isolation but as a group -- that it did not occur to you "This sounds like a photokit picture of a homosexual"?

A I had no photokit of a homosexual.

C

Q You knew what a homosexual was, Mr Mason? Or did you not?

A Yes.

Q You hesitated there for a moment. Perhaps it was you just gathering your thoughts.

A No.

D

E

F

G

H

Q Then you did

MR MASON
BY MR GILLEN

41

A

Q Then you did know what a homosexual was at the age of 50?
A Yes.

Q You knew what homosexuals were given to, the kind of sexual activities that they engaged in?

B

A That is why I am hesitating; I cannot say that I inquired very deeply into the subject. I knew, as it were, as I know of other things, but it was not as if I had a detailed knowledge of the subject.

Q Then let me ask you this; I have a fear, very present, of drifting into the vernacular, but did you know that some homosexuals were given to touching up teenage boys?

C

A (Pause) I am trying to be as honest as I can here, if you know what I mean. I must have known, it stands to sense, yes, I must have known.

Q Given that you must have known that at the age of over 50, with your knowledge of life and your experience of the Army, do you seriously tell this Committee that that cumulative picture that I have given you of Mains did not suggest to you that this man "has all the hallmarks of a homosexual"?

D

A It suggested to me -- and may I refer to my notes -- that there should have been a closer supervision of Kincora.

Q I am asking you something quite different from that -- or it may not be different, depending on how you answer it -- I ask you again: did that cumulative picture not present itself to you as of a man having all the hallmarks of a homosexual?

A It presented to me the cumulative picture that there was a need for closer supervision of Kincora. I cannot remember --

E

Q Subject to the Committee, I want to ask you to answer the question. I am not asking you about the supervision or the steps you took, I am asking you something somewhat different. Did it not present a picture to you of a homosexual?

A (Pause) No.

Q It never entered your head that he was a homosexual?

F

A It did not -- I answered "no" to your question, that it did not present a picture of a homosexual.

Q This time I am asking something slightly different. Did it ever enter your head that this man was a homosexual?

A I do not remember.

G

Q Do you agree with me it is quite extraordinary, in view of those five or six factors I have mentioned here, it did not enter your head that this man may well be a homosexual?

A It may well have entered my head; I do not remember specifically.

Q If it did not occur to you that this man was a homosexual, why did you ask for a careful sifting of further information?

A There was doubt in my mind.

H

Q About what?

A About his supervision of boys; how he saw his role as a supervision of boys, entering into the boys' privacy, as it would appear.

Q Leaving aside the question of drink, every one of these allegations

A

was to the effect that this man was acting in a homosexual fashion, is that not right?

A I do not recall coming to that view.

Q You have the allegations before you; leaving aside those of drink, could there be any suggestion put to you other than that these allegations were of a homosexual nature?

B

A It could well be that he was not a homosexual, but that he was clumsy, insensitive.

Q Clumsy and insensitive to put his hand in the underpants of a boy of 15?

A Clumsy and insensitive indeed to subject a boy to an embarrassing situation where instead of doing something it was suggested more reasonable, he would do an insensitive and clumsy thing like that, to check on a boy's underclothes. That is clumsy and insensitive. I have had clumsy and insensitive treatment myself, without thinking that the man who was examining me was a homosexual.

C

Q Have you come across any man before who was clumsy and insensitive to the degree that he was asking for kisses, and watching boys in baths, putting his hand down their underpants, feeling their bodies? How many clumsy and insensitive people have you met of that nature who were not homosexuals?

D

A As many regimental sergeant-majors and non-commissioned warrant officers who were clumsy and insensitive to my feelings.

Q And were putting their hands down the underpants of teenage boys? How many sergeant majors have you met doing that?

A I think it would be prurient to investigate into the further subjections that I have had to --

E

Q Have you ever come across anyone who --

MR FEE: I think the witness should be allowed to finish his question.

MR GILLEN: I think he has finished, Mr Fee; it is fairly obvious that he has finished.

F

MR FEE: I think if he is still speaking it is fairly obvious that he has not, Mr Chairman.

MR GILLEN: He has stopped now.

THE CHAIRMAN: Perhaps he wants to tell you a bit more about the sergeant majors.

A No, Mr Chairman, I am sure Mr Gillen would agree that my private experiences are of no further interest.

G

MR GILLEN: Obviously not. Have you never come across any social worker or any officer in charge, or anyone in charge of a residential boys' home who has ever acted in this way before?

A Yes, I have indeed come across one particular person who acted in an insensitive manner towards boys.

H

Q No; I said "in this way", such as putting hands in underpants, watching them have baths, feeling their bodies; have you come across that before?

A Not that specifically, no.

A

Q Do you agree with me that it must have occurred to you at that stage that "if this man is a homosexual, these children are in very great danger"?

A I cannot recall taking into account that the man was a homosexual. At that particular point there was no hard evidence for me in my limited knowledge of homosexuality to come to the conclusion that the man was a homosexual.

B

Q Do you seriously suggest to this Committee that it may well be that in 1967 it never even occurred to you that he was a homosexual? Do you seriously entertain that as a possibility?

A This is a fine gradation, of coming to an opinion, and I am without clear recollection here. I may well have taken that into account. It may well have crossed my mind, but it did not cross my mind to the extent that I seriously considered putting it down as a complaint. The fact that the man had carried out this manner of supervision of the boys did not lead me to the conclusion, if I can recall, that the man was a homosexual. All it led me to the conclusion was that the man required further supervision and that he was insensitive to the boys' needs.

C

Q I think you will find that this question, though a repetition of the last one, is given to a "yes" or a "no" answer.

D

Q May we take it that under no circumstances would the possibility of this man being a homosexual have been absent from your mind?

A Could you put that into a positive rather than a double negative ...?

Q Yes. May we take it that you must have entertained at least the possibility that this man was a homosexual?

A I cannot recall but I would not deny your right to take it that way.

E

Q Do not worry about my right at all, Mr Mason. I was saying to you, may the Tribunal take it that you must have entertained the possibility that this man was a homosexual?

A I cannot recall coming to any views on the matter.

Q Then let me ask you this: should the Committee take it that there is a possibility that you did not entertain the chance of this man being a homosexual?

F

A (Pause) The man in my view --

Q Would you answer the question, Mr Mason.

A -- was suspect.

G

/Q Answer....

H

A

Q Answer the question, Mr Mason.

A To whatever degree, and I cannot recall the degree. To some degree I suspected ...

Q That he was a homosexual?

A ... that he had homosexual tendencies.

B

Q Given that you did suspect that to that degree, would you agree with me that that was a very dangerous possibility, given that he was in charge of a home of boys?

A It was a dangerous possibility.

Q And it was a situation that clearly demanded to be cleared up one way or the other?

A Yes.

C

Q You never did that, did you?

A Looking at the records, I think I did.

Q You never came to a firm conclusion, one way or the other, did you?

A I did not say I had a firm view.

D

Q You never adopted a conclusion, or you never formed a conclusion, as to whether or not this man was innocent, ie not a homosexual, or guilty, ie was a homosexual. You never did that.

A I never did that.

Q And you never ascertained whether anyone else did or not?

A I cannot recall.

E

Q Well, may we take it that a matter like that was so serious, so serious, or potentially so serious, that it would have stuck out in your mind if you had been told 'Ay' or 'Nay'?

A I cannot recall.

Q Do you agree with me that an allegation like that is so serious that a positive decision, one way or the other, should have been taken?

A This was not an allegation that the man was a homosexual.

F

Q All right - I do not want to go over all that again, Mr Mason. I thought we had pretty well established that that was what it came to, but would you agree with me that the truth or untruth of those allegations should have been established one way or the other?

A Yes.

Q Nowhere on any file is there any record of that having been done. Is that right?

A Yes.

G

Q Do you not find that quite an extraordinary state of affairs?

A No. Given the circumstances as they then existed I considered I acted in a reasonable manner.

Q It looks as if, Mr Mason, the possibility of this man being a homosexual was never cleared up, certainly not 1967 onwards.

A At 1967 it was not cleared up.

H

Q Nor 1968, nor 1969?

A No.

A

Q And instead the consequence was this: that children in that home continued to be exposed to a man who you knew, the Town Clerk knew, Mr Moore knew, might well be a homosexual. Isn't that the truth of it?

A No. You are using the word "knew" ...

Q You knew he might be a homosexual.

A I suspected.

B

Q All right, let me put it another way: these children continued to be exposed to a man whom you suspected, Mr Moore suspected and the Town Clerk suspected might be a homosexual.

MR SMITH: Mr Chairman ...

THE CHAIRMAN: He does not know about that.

C

MR SMITH: With respect, I object to anything being put in Mr Moore's mind.

THE CHAIRMAN: As I said, he does not know that.

MR GILLEN: All right then. Certainly you, Mr Mason, and the Town Clerk, because you two had spoken together?

A No, I cannot speak for the Town Clerk.

D

Q All right then. We know he had your full report, isn't that right?

A That is right.

Q I just want to ask you about the people to whom you had exposed your mind. First of all, Mr Mason, had you and Mr Moore discussed this?

A I cannot recall details.

E

Q I am not asking you for details, because it is a long time ago.

A If I recalled it I would recall some detail. What I am saying in fact is I cannot recall discussing it with Mr Moore.

Q Do you agree with me that it seems virtually inevitable that you would have discussed it with Mr Moore?

A It is, that's true. It would be normal practice.

F

Q It would have been very strange if you had not?

A It would.

Q So the overwhelming likelihood is Moore was one man with whom you discussed it?

A The overwhelming likelihood is that Mr Moore and I discussed it.

Q You also discussed it with the Town Clerk, did you?

A I do not recall discussing it with the Town Clerk.

G

Q Again is it likely that you would have discussed it with him?

A That is not as likely as Mr Moore.

Q You might just have sent him the file?

A Yes, I might just have sent him the file.

H

Q Who else would have been informed of this whole affair?

A I have no recollection of who else would have been involved.

IT/12/3

46

- A Q In the normal turn of events with allegations as serious as this, who else is likely to have been informed?
A I don't really know who would be likely to be informed.
- Q Let me put it another way: you had given certain recommendations, which presumably you were hoping would be followed up. To whom would those recommendations have been passed - for example, a closer supervision of Kincora?
- B A That in the normal course of events would have been passed on to the Children's Officer.
- Q That was Mr Moore, was it?
A That was Mr Moore, I believe.
- C Q When you said "a closer supervision of Kincora", what kind of supervision did you envisage there? Did you mean, for example, that Mr Moore should visit the home more regularly or some others should visit the home more regularly, and, if so, who?
A That would have been a reasonable ...
- Q Would you just explain to me now: who would you have envisaged would have carried out that closer supervision? I think you have said the Children's Officer, and that was Mr Moore.
A Not necessarily though, if the Children's Officer had felt that the closer supervision could have been carried on by the Homes' Officer or indeed anyone else in whom he had confidence.
- D Q This recommendation you were making was a serious one?
A It was.
- Q Surely you must have discussed how it was going to be implemented?
A I cannot recall.
- E Q Do you know if you meant by that phrase "closer supervision", regular visits by social workers concerned with boys in care at the hostel?
A I didn't ... I cannot recall it being discussed in detail.
- Q You know you did make a statement, Mr Mason, to the police on 10th March 1982, which is not that long ago, in which you said:
- F "I recommended that closer supervision be paid to Kincora and by this I mean regular visits by social workers concerned with boys in care at the hostel."
- Certainly a couple of years ago you envisaged that that closer supervision would have meant the social workers.
- G A The Children's Officer was a social worker. I used the phrase "social workers" in a wider context.
- Q That is why I am giving you the opportunity now -- who did you mean by that?
A Social workers, which included the Children's Officer, the Homes' Officer - anyone who had training in social work.
- H Q Would you agree with me that that closer supervision could only have any meaning if those people were told why it was that this closer supervision was required?
A Well, I would accept that, but, on the other hand, closer

A supervision could reveal any untoward incident without necessarily being in possession of the 1968/69 incidents.

Q Do you not agree, Mr Mason ...

A It would have been more helpful.

B Q Yes. That recommendation of yours - "closer supervision of Kincora" - could only have maximum impact if those who were carrying out the supervision were told: "Here is what we have got in mind. There are certain allegations made" - something of that kind.

A On the other hand, one has to be careful that one doesn't set up a witch hunt in a Department.

C Q What I want to know is this: what was done? You are the man who made the recommendation; you were the man presumably responsible for ensuring that steps were set in motion to have that recommendation carried out.

A Yes.

Q What steps did you take?

A I cannot recall.

Q May we take it that at the very least you told Mr Moore to do it?

D A I think it is reasonable to infer that Mr Moore was so instructed.

Q Now if Mr Moore were so instructed, what would you have expected a man in Mr Moore's position to have done to carry out that instruction?

A Carry out closer supervision.

Q In what way would he have done that?

A I cannot recall discussing it with him.

E Q I know that but what would you have expected him to have done? What wheels would you have expected him to have set in motion?

A I would have expected him to set wheels in motion that we had discussed and come to the conclusions that they were the most satisfactory ways of doing it.

/Q What wheels ...

F

G

H

- A Q What wheels would you have expected him to have set in motion, Mr. Mason?
A Supervision, closer supervision.
- Q By whom?
A By the officers that he had available to him.
- Q Which officers now, would you have expected him to have asked to supervise more closely?
B A Specifically the homes officer.
- Q Which officer is that now?
A I don't recall.
- Q No, but what does the homes officer do?
A A homes officer is someone who calls round and visits the homes, would visit the children's homes from time to time.
- C Q Is that each month?
A There was no specific period laid down for visiting them.
- Q Alright; the homes officer. Who else now would you expect to have been brought into this?
A Well, if I remember correct - and it is subject to my memory; the social workers didn't call - or maybe they did, there was a changeover in which we encouraged social workers to follow their children into the homes, as it were, to form a continuity of care, but I don't recall at what time that was done.
- D Q We are dealing now with the possibilities of people who would carry out this supervision. We have had first of all the homes officer, and then you have said now the social workers - though in fairness you say you are not too sure how often they would call; but if you were going to carry out a proper and closer supervision of Kincora, it would be, to say the least, idiotic not to bring into the circle people like the homes officer, and the social workers? I mean, why would you leave them out?
E A Well, I would say that probably - the organisation of the Department was that information was passed down; if I passed information down to the children's officer, then the children's officer would decide. If I said to the children's officer - "we require to have a closer supervision of Kincora", then the children's officer would formulate his own procedure in doing that.
- F Q And you would expect him to tell people like the homes officer and the social workers?
A No, I wouldn't go as far as to say that. If I didn't instruct him to tell the social workers and the homes officer, it would be unfair for me to say then that I expected him to do it.
- Q Mr. Mason; Mr. Mason, if a closer supervision is going to be carried out, it has to be carried out by people?
G A Yes.
- Q Now, we know that one of those people would probably have been Mr. Moore?
A Yes.
- Q Now, all I am asking you is this; with your experience of this sphere that you were working in, would you agree with me that Mr. Moore, if he was going to carry out your recommendation, ought to have informed the homes officer - right?
H A Yes.

- A Q He ought to have informed the social workers?
A Well, I don't recall having asked Mr. Moore to.....
- Q I'm not asking what you asked him to do, I am asking would you agree with me that if he was going to carry out your instructions that's what he ought to have done?
A I would have to leave it for Mr. Moore to come to his own decision in the matter.
- B Q But, Mr. Mason, if your instruction was going to be carried out, surely if it was going to be carried out effectively, it must have involved the homes officer and the social workers carrying it out, otherwise you're not going to have a closer supervision?
A I would have had a closer supervision if Mr. Moore had carried out the closer supervision himself.
- C Q Well, did you envisage a situation where he would just do it himself and not get others to help him?
A No, I don't, I am merely putting that forward as an alternative.
- Q But that's a silly alternative, isn't it, Mr. Mason?
A It could well be.
- D Q I mean, you would never have expected him to have done it just on his own, you would have expected him to have got assistance? Are you a bit frightened, Mr. Mason, that you are going to step on Mr. Moore's toes?
A No, I think that possibly Mr. Moore could answer this.
- Q Oh no; I am asking you how you would have expected your recommendation to be carried out? Whether Moore did it or not is a matter for him to say, or whether his perception was the same as yours is a matter for him to say. I am asking what you expected?
- E A I have no clear recollection of what I expected Mr. Moore to do when I said that we wanted a closer supervision of Kincora. Now, if I have no clear recollection.....
- Q But, Mr. Mason, you must have had some idea how this supervision would be carried out?
A I must have some idea now?
- F Q No, then?
A I can't recall.
- Q Well now, Mr. Mason, could you have had any other conception other than it must be the homes officer, the social workers or Moore, that's who must carry out this supervision. Who else could it have been?
A It could have been that way, yes.
- G Q Could it have been any other way?
A I can't recall. What I mean to say is, I can't recall having considered it as carefully as that.
- Q Mr. Mason, did you make the slightest inquiry, subsequent to that, as to whether any closer supervision had been carried out?
A I don't remember, I don't remember.
- H Q Well, would you agree with me that you should have done?
A I don't think I would agree with you. My confidence in the children's officer would have been such that - I had no reason to believe that he wouldn't carry out my instructions.

- A Q But surely you would want to know what the result of his inquiries were?
A Sometimes one ran a department on the positive, that is to say; if Mr. Moore had anything positive to report he would have reported it.
- Q In other words, no news is good news?
A No, I didn't say that.
- B Q Isn't that what it comes to, Mr. Mason?
A No, it is not what it comes to, it comes to a principle of management.
- Q May I suggest to you, Mr. Mason, that what it comes to is this; that you washed your hands of it?
A No.
- C Q You made a recommendation, you didn't care or you didn't take any steps to ascertain whether the Town Clerk had dealt with it; you took no steps to ascertain whether the supervision was being carried out; you did nothing other than make this recommendation and leave it at that?
A No.
- Q Well, what else did you do?
A I can't recall.
- D Q What we can say is this; "the careful sifting of any further information which might come our way" - to whom was that communicated?
A That was - and I am putting myself now in the position of now; I would think that that was telling the Town Clerk what my future policy was, that I would carefully assimilate or carefully sift, any further information which might come my way.
- E Q Did you tell anybody else, other than Mr. Moore, or tell Mr. Moore to tell anybody else that - "listen, there are alarm bells ringing here, we must be on the lookout for A,B,C,D"?
A It comes back to the same point about the supervision, that is to say, Mr. Moore would have been aware of the three recommendations but that is as far as I would be positive about.
- F Q Did you recommend that any note be put on Mr. Mains' personnel file until the matter was resolved one way or the other?
A I had a file on Kincora, that file would have been available to us.
- Q But not on Mr. Mains' own personnel file?
A I don't think I would have been - going back to that, the circumstances as they were there, since if that file was not under confidential cover, that is to say complete confidential cover, I don't think I would have put it on his personnel file.
- G Q The last thing I want to ask you is this; you said to Mr. Kennedy that it was no secret about this inquiry or this investigation you made?
A Yes.
- Q Was it widely known then by officials other than you and Mr. Moore, that this investigation had taken place?
A I don't recall.
- H Q But do you think it's likely it would have been known, if it was no secret?
A That is conjecture. I don't recall it, just simply don't recall.

A Q Well, what did you mean by saying that there was no secret about it?
A I made no secret about it.

Q Well, what did you mean by that now, does that mean that you told other people?

A The file wasn't marked even "Private and Confidential", the file would have been passed by way of normal cover from myself to the Town Clerk's department. It wasn't marked "Strictly Confidential", it wasn't dealt with - if I can recall properly, it wasn't dealt with in a way that it would be secret. In other words it wasn't dealt with in a way that we wanted to keep the information away from people. We didn't seek to make it known, we didn't seek to make it secret.

Alright, Mr. Mason. Thank you.

C LUNCHEON ADJOURNMENT

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MR WEIR: I wonder whether I might inquire at this stage, Mr Chairman, what the position is, so far as my learned friend Mr Fee understands it, about the existence of City Hall files?

THE CHAIRMAN: You mean whether we have tried to find any file that exists?

B

MR WEIR: Well, not so much whether the Committee has tried, as I am sure it has, but whether, more importantly, the officials at the City Hall have tried to find either in the Town Clerk's office or in the Town Solicitor's office appropriate files.

C

MR FEE: Mr Chairman, the position is in relation to that that inquiries were made at an early stage, but in view of information which has recently come to light in the course of evidence being given it has been decided to investigate the matter further with both the Town Solicitor's office and the Town Clerk's office, and I can tell my learned friend that that investigation is under way. Obviously, if anything comes to light everybody will be kept fully informed.

MR WEIR: I am very much obliged.

D

THE CHAIRMAN: We are in a position, you see, in a way to move much more specifically than we were originally.

MR KERR: Could I ask through you, Mr Chairman, my learned friend to confirm that those investigations will include investigations as to whether there were individuals in the Town Solicitor's department at the time who might have been privy to the decision not to refer this matter to the police? Those will include that, will they?

E

MR FEE: Those are the people referred to by ...

MR KERR: Mr Weir, Mr Fox, the present Town Solicitor, Mr Pake, who was then the Deputy Town Solicitor, and possibly also Mr Smith.

MR FEE: In fact, those people have already made statements which confirm that they knew nothing about it.

F

MR MARRINAN: Mr Chairman, may I ask leave to recall Mr Henry Mason?

THE CHAIRMAN: Yes.

MR HENRY MASON, recalled
Examined by MR MARRINAN

G

Q Mr Mason, you have already given evidence in this case during the course of which you indicated that you were the Chief Welfare Officer in 1971, which is the period which we are concerned with?

A I have.

H

Q I think you have also indicated to the Committee, and I will ask you again: were any complaints or any information regarding any alleged misconduct of a sexual nature by Mr Mains brought to your attention between your 1967 inquiry and the 1971 inquiry involving R8?

A No.

A

Q In relation to the 1971 inquiry, can you tell the Committee how that was brought to your attention? What happened?

A The 1971 inquiry?

B

Q Yes, involving R8.

A I think it was brought to my attention by the arrival of the boy's letter at the Welfare Department.

Q Did you read the letter?

A I did.

Q What did you do after receiving it and reading it?

A I contacted the Town Clerk to ask for his help to investigate the letter.

C

Q What did he do in terms of giving you help?

A He deputed the Deputy Town Clerk to give me help and assistance to investigate the letter.

Q After receiving the letter, why did you immediately go to the Town Clerk rather than conduct some form of internal inquiry yourself?

A I had already made an inquiry in 1967 and had submitted the full details to the Town Clerk. I have no recollection or record of having had anything other than silent acquiescence to my recommendations, so it appeared to me as an administrator that the next step was to invite the Town Clerk to participate in the investigation and the recommendations.

D

Q In relation to the actual content of the letter without going through the letter, was there anything about that letter that struck you, which would have caused you to take the matter to the Town Clerk rather than conduct some internal inquiry? Can you say with what degree of seriousness he viewed that letter?

E

A There were allegations of a crime, and I considered that I needed the help of the Town Clerk to come to any decisions in the matter of this allegation.

Q There was the allegation in relation to R8 himself; is that correct?

A There was an allegation that involved both Mr Mains and R2.

F

Q Yes, that was one allegation. And the other allegation ...

A Yes, that was one allegation, and that seemed to me the prime allegation in respect of crime. The second allegation was the allegation of R8, in which he made allegations regarding Mr Mains. The third allegation was the misbehaviour of the boys, or at least one of the boys, in the home itself.

G

Q When you referred the matter to the Town Clerk, we understand that the last witness was deputed by the Town Clerk to give you some assistance, Mr Johnston. Is that right?

A That is right.

Q What did you do?

A I made arrangements for Mr Johnston and myself, together with Mr Mc Caffrey, to interview the boy.

H

A

Q Can you recall where that took place?

A No, I do not recollect the details of the meeting.

Q Can you say why Mr McCaffrey was involved in it?

A No, I have ny recollection of any specific reason for involving Mr McCaffrey.

B

Q Can you recall the meeting of itself? Do any other details of the meeting come back to you?

A No, I have no further recollection of trhe meeting other than what I have put on the memo to the Town Solicitor.

Q Then after that did you have a meeting with another person, R33.

A I interviewed R33 together with Mr McCaffrey, and confirmed that the statements that were made by R8 were corroborated by R33.

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/Q Did it appear ...

LB17/1 A

Q Did it appear from what you wrote in your memo of 25th August that in large part it was corroborated, the allegation he was invited to stay the night, for example?

A Yes.

B

Q You have said in your memo, which I will come to, the boy R8 did not seem to be a convincing witness, but he reaffirmed all the statements made in his letter?

A Yes. It was probably in my mind to make it clear that if the boy was to be interviewed, although he did not appear to be a convincing witness, I was satisfied with him.

C

Q By 'satisfied', what do you mean?

A I was satisfied that he had made statements that needed to be investigated.

Q Did you consider before taking the matter any further the question of whether or not you should interview Mr Mains or did you think that would not be appropriate?

A I did not think that would be appropriate.

D

Q Why was that?

A Since I had referred it to the Town Clerk, I suppose almost immediately, I would then be taking directions from the Town Clerk.

Q What did you do then, after interviewing both those boys with Mr Johnson and Mr McCaffrey and then on the second occasion only with Mr McCaffrey?

A I wrote a memorandum to the Town Solicitor in which I stated I enclosed a file. It was necessary that he would have the file, to have all the information available to him, and I made recommendations that the matter be referred to the police.

E

Q Did you indicate that you were going on leave?

A I did.

Q And that Mr McCaffrey would give any further details if required?

A I did.

F

Q In relation to that memo, it says, "I enclose a file containing a letter received by me". What file are you referring to when you say that?

A I am referring to file HOM/2.

Q That is the reference given to the file at the top of the letter?

A That is the reference given to the file at the top of the letter.

G

Q Did the file always have that reference number?

A No.

Q What was the original reference number the file had? You have the file in front of you, I think.

A The original reference number was CWO/22.

H

Q What would that signify to you in terms of your office and the way your office was run?

LB17/2

A

A That the file in the first instance was in my possession, but by the time I had referred it to the Town Solicitor that the file had passed back into the general filing system of the Department.

Q Is the general filing system given the initials HO?

A We used this type of identification. HOM stood for home and each home would have had HOM/ and a number. That would have referred to the home.

B

Q When did you first open that file? It does contain details of the 1967 allegations, if I can put it like that.

A Since there is no other information on the file other than the 1967 investigation, I would assume that I had opened it in 1967 .

Q When you sent that file off to the Town Solicitor do you recall going on holiday?

C

A Yes, I can indeed.

Q When you came back do you recall whether or not the Town Solicitor or the Town Clerk or anyone acting on your behalf got in touch with you to indicate what view they took of it or what inquiries they wanted pursued, if they did want any further inquiries pursued?

A I have no recollection of any ensuing meetings with the Town Clerk or Town Solicitor.

D

Q You have heard the evidence given by Mr Johnston this morning that he said today for the first time that he has recollected for some time apparently that a decision was taken by the Town Solicitor that the matter should not be referred to the police. Was that decision ever communicated to you as far as you can remember?

A I cannot remember the decision, any decision, being communicated to me, but I will not deny that the decision was communicated to me.

E

Q Could you elaborate on that for the record?

A Well, I had the fullest confidence in the Town Clerk. If I referred something to the Town Clerk I never found that the Town Clerk withheld advice or directions, or instructions if necessary. The fact that the file had come back into the Department's filing system must have indicated the Town Clerk and the Town Solicitor had considered it and I cannot imagine under any circumstances that the Town Clerk and the Town Solicitor would not have given this matter consideration and advised me on the action that had to be taken.

F

Q Since you do not recall anything about any such decision having been communicated to you, if we accept for the moment that the Town Solicitor did come to this conclusion that the matter should not be referred to the police, it has been suggested to a previous witness that both you, and to some extent he also, ought to have , or were likely to have wanted to question or query that decision, even in a polite way, because of the fact that you had made a positive recommendation which apparently had been ignored or had been ruled against by the Town Solicitor. Have you any comment on that?

G

A I would like to put a finer point on the administrative provisions here. The Town Clerk, not only was the Executive Head of the Corporation; he was the Secretary to the Welfare Committee and as such he derived powers towards the Welfare Committee which were specific. I thought when that recommendation was going to the Town Solicitor it was not going from the

H

LBL7/3 A

Deputy Town Clerk and I. It was going from the Town Clerk and I. I did not refer this matter to the Town Clerk. If the Town Clerk chose to depute his authority to his Deputy, then he did it in the full knowledge that his Deputy was taking (I am trying to think of the word) action in his name, and he should have had full confidence in his Deputy. The Town Clerk was persuaded by the Town Solicitor that there was no cause for having this matter referred to the police, or if it was referred to the police that there was no further action that could be taken on it. It was not the Deputy Town Clerk that I dealt with. I dealt with the Town Clerk and there I felt that I was sufficiently persuaded that I could take no further action on the matter.

B

Q In other words, although you do not recall any such direction coming back from the Town Solicitor, what are you saying in relation to what you ought to have done or what you could have done vis-à-vis the Town Solicitor? Had he given you his decision? What are you saying about that?

C

A I am saying had he given me the decision, he would have given me the decision as I assume he had come to a decision that no action could be taken and that he communicated this decision to the Town Clerk as well, and that the Town Clerk was also persuaded that no action could be taken, and I was taking direction from the Town Clerk.

D

Q Again I appreciate it is difficult because you have no recollection about that; had that decision been communicated to you by the Town Solicitor or by the Town Clerk, can you say whether you would have asked for any further clarification as to your responsibilities in further following the matter up or not?

A No, I would not have questioned the decision.

E

Q It appears from the Town Clerk's diary that there was a meeting between yourself and the Town Clerk on 28th September, after you came back from holidays. You have heard of that?

A I think when I was asked about that I was asked, did I recall the meeting on the 20th, and I said that I had no recollection. I have no recollection of the meeting at all.

F

Q But it appears from his diary that there was a meeting on the 28th. Would you accept that?

A Yes, I accept that.

G

Q It appears to have been followed by a meeting of the Welfare Committee?

A Yes, this could well be a fairly normal procedure. The Town Clerk, when it was possible, always had a word with the Head of the department to clear up any matters that might be contentious, that would appear on my report. I reported all matters in a report to the Welfare Committee.

H

Q In answer to my friend Mr Weir he said that by the time you got back from your holidays the question of the decision whether or not to go to the police would have been a fait accompli, by the time you returned. I want to ask this. It has been suggested that it certainly was not minuted in the Welfare Committee meeting on 28th September. Do you understand that?

A Yes.

Q It has been suggested that you could and ought to have raised this with the Town Clerk and insisted, since you were the Chief Welfare Officer, that this matter be minuted. What would you say about that?

LBL7/4 A

A I would have had no jurisdiction over the matter. The Town Clerk would have decided in that particular instance whether the Welfare Committee would have been informed and I would have had no jurisdiction.

B

Q Had there ever been occasions before where you had disagreed with the Town Clerk over what should be minuted or what should not be minuted or discussed at Welfare Committee meetings?

A On several occasions I would even have had something in my report which I proposed to report to the Welfare Committee and the Town Clerk would have thought it inopportune at that particular time and I would have agreed on his advice or direction to withdraw the information or the note, whatever.

C

Q And on his direct instruction?

A Yes.

Q So far as the file itself is concerned, you have said that it appears to have returned to your department at some stage?

A Yes.

D

Q Can you say when that was?

A No.

Q It would appear from the file that there is no letter or memorandum or anything of that sort from the Town Hall or from the Town Clerk or from the Town Solicitor. Can you say whether or not to the best of your recollection that file is complete, as you remember it, in 1971?

A I do not remember any memorandum from the Town Clerk or the Town Solicitor on the file and this includes the 1967 Inquiry.

E

Q Can you say what you did with that file when it came back?

A I would only be using my knowledge of the department. The file had never got a 'confidential' tag on it and if it were returned by the Town Solicitor in a closed envelope and if it had the file number, HOM/2, it would have gone directly into that file.

F

Q What did you do with that file in 1973?

A I cannot recall the details, but I believe from information received that Mr Bunting received that file directly from me.

Q He was taking over from you?

A No, he was going to the Eastern Health Board but he was going there as the Assistant Director in charge of the children's work and consequently he would have in some respects taken over from me in that respect.

G

Q If, as has been suggested today, the Town Solicitor did come to this conclusion about not bringing in the police, various points have been raised in relation to what you could have done after that decision was taken; in other words, it has been suggested that you could have conducted your own internal inquiry; you would have had Mr Mains suspended on full pay; you could have interviewed him or asked him for his side of the case. Can you make any comment about that?

H

/A Having made

A

A Having made a recommendation such as I did, there would not have appeared to have been any other action that could have brought the matter to a successful conclusion.

Q Why do you say that?

B

A If the police were unable -- and I had assumed that the police had been given all of the information -- to pursue the matter to a conclusion, then I certainly had not got the competence to do so. The Police had all the information that I had.

Q You are saying that you have no recollection of being told about the decision not to involve the police?

A No.

C

Q Would you explain what you meant by saying that if the police could not have taken it any further you do not see what you could have done?

A I must say, I am assuming that the Town Solicitor at least had had a word with the police about the matter.

Q That is something that you were assuming??

A Yes. I confess that I have no knowledge that he did.

D

Q Assuming for the moment that he did not, but that a decision was communicated to you that they were not going to involve the police, which is what Mr Johnston now says he recalls -- do you follow?

A Yes.

E

Q Although he thinks there may have been some kind of discussion with the police, although he has no evidence for that -- if you just assume for the moment that the police were not involved, either by way of advice or any other way, what do you say to the point that once it came back into your lap, as it were, you could have done a great deal more by way of internal inquiry, internal discipline, of Mr Mains?

A I would have considered that there was nothing further I could do in any manner of further inquiry.

Q Why is that?

A I would have been persuaded by the Town Solicitor that there was no basis for proceeding.

F

Q If the Town Solicitor had communicated that decision to you either personally or through one of his officials, can you say whether or not you would have asked for any direction as to what you should do?

A I am sorry, I missed that.

G

Q If he communicated to you that he was not going to involve the police, can you say what your reaction to that would have been? I appreciate that you cannot recall any such direction, but if he had given any such direction, can you say what your reaction to that would have been?

A I cannot recall; since I had recommended that it be forwarded, both I and the Town Clerk had recommended that it should be forwarded, to the police, he must have produced some powerful arguments which I have no recollection of that it should not. He just must have persuaded me, by his legal knowledge, or his legal ability, that there was no case for the police.

H

Q Can you say whether or not you would have been likely to have asked him whether you should have taken the matter any further by way of internal inquiry, in view of his decision?

A No, I cannot remember having asked him, nor do I think it likely that I would have asked him.

A

Q So far as Mr Mains is concerned, do you recall whether or not you interviewed him, or caused him to be interviewed about this matter?

A I have no recollection, nor indeed would I have considered there to be cause, having Mr Mains interviewed about the matter.

Q Why not?

B

A Because I was satisfied that the matter had gone beyond Mr Mains being interviewed by someone who had not got the competence to carry out a careful interview, in view of the fact that an allegation of a crime had been made, which involved not only Mr Mains but R 2, who I would have assumed could have been interviewed as well.

C

Q Had you considered it appropriate to interview Mr Mains either yourself or through one of your officers, can you say whether or not he would have done that before making the recommendation that the police should be involved?

A No, the first decision I came to was, on receiving the letter from the boy, that the Town Clerk be asked to give me advice and directions on how the matter would be proceeded with. That was the first reaction. From then onwards, I would have acted in accordance with the advice and instructions from the Town Clerk.

D

Q There is on what is called the Mason file this long account from Mr Mains dated 9 October 1971, in which he refers briefly to one of the boys mentioned in the 1967 investigation, and then goes on to deal with a profile, a very unflattering profile, of R 8. You have seen that?

A I have seen it.

Q Can you tell the Committee how that came to be on the Mason file and where it came from?

A I have no knowledge of how that came to be on the Mason file.

E

Q If you had wished to have a profile on R 8, from which source would you have obtained it?

A A social worker. I would not have considered Mr Mains as competent to write a profile on any boy in his care. He may well have given the social worker information on which he or she would have prepared the profile, but I would not have asked Mr Mains for a profile.

F

Q Was that purely because of his lack of competence, or should there have been any other reason in view of the allegations made against him?

A No, it is simply that there were more competent people in the Department at that date, people who had been trained to make reports such as this.

Q Can you recall at any stage actually meeting the Town Solicitor to discuss your recommendation?

A No.

G

Q If you cannot recall any recommendation or any ruling coming back from the Town Solicitor, can you say what you did after coming back from your holidays? What is your recollection of how you followed up this memorandum of 25 August?

A I have no recollection of how I followed up this memorandum. Mind you, I would have assumed that the initiatives would be coming from the Town Clerk, and the Town Solicitor from then onwards.

H

Q If, as has been said, it was said to Mr Johnston positively, the matter had been resolved, certainly as far as the police were concerned, by the time you came back from holiday, if that is true, what would you have seen your role to have been in relation to the matter from then on?

A

A To accept the decision that was made by the Town Solicitor and the Town Clerk, but to reserve my own actions for the future, that is to say, if anything untoward happened again, to make another report.

Q Would you have considered it proper or not for you to have reported the matter independently to the police, if that ruling came back from the Town Solicitor?

B

A No.

Q So far as Mr Mains was concerned, and Kincora was concerned, if that was the position in 1971, can you say what happened between 1971 and the time that you gave up responsibility for this general area? You kept the file?

A The file was retained in the filing system.

C

Q So far as Kincora was concerned, did you take any action there, did you do anything? What was your attitude on how you would over-look the situation from 1971 until you finished with the matter in 1973?

A Mr Johnston referred to a strengthening of the supervision; I cannot recall that. Mrs Wilson referred to some discussions that both she and I had about the supervision of Kincora, and indeed I had suggested to her that because of the troubled conditions that the city was in, I would make evening calls, which would have saved her from being out late at night. I have no doubt-- in fact I think Mrs Wilson has jogged my memory on this aspect. I have no recollection of anything coming to my knowledge from 1971 until I retired that would have enabled me to raise the matter again.

D

Q In 1973, did you go on to other duties?

E

A In 1973, I retired, but it is fair to say that I knew in early 1973 that I was not appointed to the chief post.

Q Was any further incident drawn to your attention, apart from the 1967 incident and the 1971 incident?

A No.

F

Q What did you regard the position to be so far as your responsibility for Mr Mains was concerned after 1971? You had felt that the matter ought to be reported to the police. When it was not reported to the police by order of your superiors, what was your attitude to Mr Mains and to watching out for him, and so forth?

A My attitude was that I accepted the guidance and the directions from the Town Solicitor and the Town Clerk, but that I would continue to the best of my ability to record, keep an eye on, anything that would be in the normal course of my duties, on Kincora.

G

MR MCCARTNEY: Mr Chairman, I have made an application to Mr Fee, Counsel for the Committee, for permission to examine at this stage. I have a difficulty in another place tomorrow morning. I do not think that the Inquiry would suffer if there were some minor readjustment in the order of cross-examination, but I am in your hands, Mr Chairman.

H

THE CHAIRMAN: In principle, Mr McCartney, you know the position here. It is that Mr Mason did not wish personally to be represented by Counsel. Had he been so, he would have been examined in chief by his own counsel and the first counsel to cross-examine him would have been the Inquiry Counsel. As it is he is an Inquiry witness and the mode laid down -- I say "laid down; it is not binding in law -- or propounded in the Salmon report is that

A representation is then undertaken by one member of the Counsel; what they say is that it is impossible that he should be examined and cross-examined by the same person.

Therefore, the system that we have adopted, I think, is the only logical one, and is the copy of what would have been if he had been represented by his own counsel and cross-examined by counsel for the Committee.

B It is that he is first examined by one of the Counsel for the Committee and then cross-examined immediately afterwards by another Counsel for the Committee. It is really the only possible way of doing it. I take it that what you are asking for is indulgence because you are going to be in difficulty tomorrow? That is rather a different matter.

MR McCARTNEY: Yes. I think it is important that this witness be cross-examined by me for my clients.

C THE CHAIRMAN: Yes, certainly you should cross-examine.

MR McCARTNEY: If I cannot be here tomorrow, would it be acceptable that the witness be brought back on another day so that I may cross-examine him then?

D THE CHAIRMAN: No, I do not think that Mr Fee would object if Mr McCartney were to cross-examine now, as it were, on this occasion, in those circumstances.

MR FEE: I have no objection, Mr Chairman.

MR McCARTNEY: I appreciate that it is an indulgence for which I am asking, Mr Chairman.

E THE CHAIRMAN: I will indulge anyone in the course of the Inquiry if they have good and proper reasons for indulgence, and I think that all of you realise that now.

MR McCARTNEY: It is just that I may be able to be here tomorrow for half an hour, but there is another engagement in the Criminal Court which I cannot avoid.

THE CHAIRMAN: Then you may proceed.

F MR McCARTNEY: I am very grateful to you, Mr Chairman, and I shall endeavour to be as succinct as I can.

THE CHAIRMAN: I am sure that you will.

/Cross-examined by MR McCARTNEY

G

H

A Cross-examined by MR McCARTNEY

Q Mr Mason, there was no doubt that when you received this letter some time in August 1971, you were already in possession of a body of information resulting from your inquiry in 1967 that immediately alerted to you the seriousness of the contents?

A Yes.

B Q And I think you would also accept that whatever the problems that might arise as to the mode of investigation of the contents of that letter, you, as Chief Welfare Officer, owed an abiding and paramount duty to the children in care?

A I shared an abiding responsibility to the children in care.

Q Well, I am not interested in ...

C A I wasn't the sole custodian.

Q I am not suggesting that you were the sole custodian because the matter of care resided in the lowest welfare worker and social worker right up the scale to the boss, who in this case was yourself?

A Yes.

D Q I am simply saying that you, apart from any mode of investigation, owed a paramount duty to the children in the care of the Belfast Welfare Department as its most senior executive.

A Yes.

Q And therefore, regardless of what decision might have been taken about the mode of investigation of this complaint, you continued to owe that duty until the day you ceased to be the Chief Welfare Officer?

A Yes.

E Q And therefore for the period from August 1971 until the date of your retirement in 1973 you owed that duty to every child or adolescent who was in care, including those in Kincora?

A Yes.

F Q And as I understand your evidence, for the period from August 1971 until your retirement in 1973, you took absolutely no steps whatever to investigate the position of Mr Mains, or to tighten security in relation to the possible depredations of Mr Mains, on the basis that you had passed on the complaint, with the Deputy Town Clerk, to the Town Solicitor?

A There was no further information that came to me that would have encouraged me or indeed in any way to make further investigations, and I was satisfied that I had carried out, to the best of my ability, the investigations into the allegations that were made in 1971.

G Q Mr Mason, on 25th August 1971 you, in company with Mr Johnston, the Deputy Town Clerk, investigated a matter which you have said in evidence you were satisfied that there was a serious matter to be investigated - is that right?

A Yes.

Q You also conducted with Mr McCaffrey an interview of one, R33?

A Yes.

H Q As a result of that interview, the complaints in R8's letter were further corroborated?

A Yes.

A Q You were therefore hardened further in your decision that these complaints had at least been established on a prima facie basis and were worthy of further investigation and of investigation by the police?

A Yes.

Q Am I right in therefore thinking that you were of the opinion at that time that the boys in care were at a real risk, at least on a prima facie basis, of being interfered with or sodomised?

B A I was of the opinion at that time that the matter was to be referred to the police for investigations.

Q I am not asking you that question, Mr Mason, and I want you to listen carefully. After you, Mr McCaffrey and Mr Johnston had interviewed the boy and read the letter, after you had interviewed R33, did you all come to the conclusion that there was a real risk, and there was prima facie evidence that the children in Kincora were in danger, on the evidence before you, of being sodomised or sexually interfered with or harassed?

C A I cannot recall coming to those conclusions, but I can recall coming to the conclusion that there was an allegation of a crime having been committed and that that matter rightfully belonged to the police for investigations.

Q Mr Mason, I really cannot permit you to answer questions that are not asked. Now listen carefully: you had read a letter with detailed allegations - right? You had interviewed the boy, who had affirmed, in an interview that he wasn't bound to attend, all of those allegations which he had made. He had now made them face to face to the Chief Welfare Officer and to the Deputy Town Clerk and to the Assistant Children's Officer. Is that correct?

D A That is right.

Q He had shown willing to come in and be examined and interviewed?

E A Yes.

Q And he had affirmed everything in his letter?

A Yes.

Q He had given names and you had interviewed a boy, R33, who had confirmed a suggestion of an entirely different kind?

A Yes.

F Q Mains having his back rubbed and an invitation to spend the night in his bedroom?

A Yes.

Q You also knew that Mains in 1967 had been accused of improper advances and improper remarks?

A Yes.

G Q Did you come to the conclusion at that time that this was a matter so serious, and the evidence even then sufficiently convincing, to make you think that the boys in the home were at risk?

A Yes.

Q Yes. And after you took your decision as to the mode of investigation, namely to send it to the police, the factual situation on the ground would not have changed: those boys would, on your assessment, have continued to be at risk?

H A On my assessment.

IT/19/3

75

A Q Yes, and it was also an assessment shared by the Deputy Town Clerk, isn't that right?
A Yes.

B Q After a decision was taken, whether or not you were privy to it I will come to that in a moment, but even if you weren't privy to it, even if this decision were taken and they were not referring it to the police, the situation remained factually the same: in your opinion as Chief Welfare Officer, no investigation having taken place, the prima facie case still existed that the boys were at risk?
A The facts were still there.

C Q The facts were still there. And am I to understand that because the mode of investigation which you suggested, and the Deputy Town Clerk suggested, was not adopted, you did absolutely nothing?
A The mode of investigation would have appeared to me to have been as my recommendations; in other words, I would have assumed that the Town Solicitor would have referred the matter to the police.

D Q Yes, but I am suggesting to you that since no policeman ever came to interview the man who was not only chief executive of the Welfare Department but who had actually sat in and interviewed the boy, one would have needed to have been wanting in ordinary common sense to assume that the police had been put on to the investigation at all.
A Oh no, I couldn't follow your assumption in that respect, with respect.

E Q So as far as you are aware, as Chief Welfare Officer, no social worker in your Department involved with the administration of the home, or involved with the welfare of the boy, or you yourself, or Mr McCaffrey, were ever interviewed by the police, but you still assumed that a police investigation of some kind had been mounted and nothing further occurred?
A The only person I knew was not interviewed by the police was myself. I knew that.

F Q But having made this assumption, rightly or wrongly, and I will deal with that in a moment, that the police had been informed, and the police had had a mysterious investigation that didn't include you, did you do a single thing between August 1971 and the date of your retirement to alleviate in any way the risk which you continued to feel these boys were at?
A If I can put myself back into 1971, I couldn't see at that point any other action I could take other than the action I had taken.

Q So you reckoned that once you had sent your letter of 25th August, you were relieved entirely of any responsibility for discharging the paramount duty of care, which you as Chief Welfare Officer owed to the boys of Kincora?

G MR MARRINAN: Mr Chairman, before the witness answers that, may I ask - Mr McCartney has made this point about four times now, perhaps rightly so - that he indicate to Mr Mason what he suggests he ought to have done, he having been told apparently by his superiors to do nothing.

MR McCARTNEY: Well, I don't know that that is either logical or follows. It is for Mr Mason, who has already declared that he has done nothing, and I am merely emphasising that he did nothing, and if he confirms that he did nothing, I am content.

H THE CHAIRMAN: What he is really saying, Mr McCartney, is "I did what I was told i.e., nothing".

IT/19/4

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A MR MCCARTNEY: You weren't in fact told to do nothing, as I understand it. Your argument was that nothing happened and therefore you did nothing.
A I think if I could put it this way: I was told nothing further can be done.

Q Who told you that?
A I am assuming that now.

B Q Yes - you are assuming it?
A Yes.

Q Now you are assuming it in circumstances where, as I understand it, you were never told by the Town Solicitor, according to you, that the police were not going to be brought into the inquiry. Is that right?

A If I can recollect my statement, I said I could not recollect having been told by the Town Solicitor or the Town Clerk any further information.
C I simply cannot remember.

Q Right: you cannot remember. Are you therefore accepting that you may have been told by the Town Clerk, and you may have been told by the Town Solicitor, that the police were not going to be informed or brought into it?
A I may have been.

D Q You see, I want to make one clear distinction so that there is no looseness about this matter, Mr Mason. The decision as to whether or not the police were to be brought into it was a decision purely as to one mode of investigation. There were several modes of investigation: they could have put it in the hands of the police, they could have conducted an internal inquiry, simply within the Welfare Department, or they could have conducted an internal inquiry with the assistance of the Town Clerk, the Town Solicitor and the Chief Welfare Officer. Those are three possible modes of inquiry into this serious complaint. Are you saying, first of all, that a decision was taken by the Town Clerk and the Town Solicitor not to involve the police?
E A No, I didn't say that. What I did say was that I would have accepted it if someone had said they had told me that.

Q You see, the primary decision, as I understand it, that you sent this memo of 25th August 1971 up for, was to decide not that the matter wouldn't be investigated, you were saying that the matter ought to be investigated and you were suggesting a mode of investigation: "Put it in the hands of the police". Isn't that right?
F A Could I read from the memorandum, Mr Chairman?

THE CHAIRMAN: Yes, of course.

A I stated in the memorandum: "But it is thought that there are sufficient grounds to have the matter considered as one which should be referred to the police."

G Q Right.
A There is a fine difference there. In other words, I was bowing to the better knowledge of a man who was versed in legal matters as to what should be done. My views were that he should consider it.

/Q Mr Mason, that is ...

H

A Q Mr. Mason, that is not, with respect, the point that is being made. You were saying in your opinion the matter ought to be investigated, and in your opinion it ought to be investigated by the police?

A I don't deny your right to paraphrase my remarks....

Q I'm not paraphrasing - I'll read it out to you again: "There are sufficient grounds to have the matter considered as one which should be referred to the police"?

B A Yes.

Q First of all, you don't deny for a second that this matter was worthy of investigation?

A No.

C Q And secondly you are saying in this letter, not only is it worthy of investigation but it is worthy of investigation "in my considered opinion by the police"?

A Yes.

Q Right; we have established that. Now suppose the decision is that it is worthy of investigation but not worthy of investigation in the mode suggested by the police; is that the decision that you are suggesting was taken by the Town Clerk - "this is not a matter for the police"?

D A That is the decision which I suggest was taken by the Town Solicitor.

Q Right. The Town Solicitor, in fact, you went so far as to say that he must have overborne you with some powerful legal argument?

A. Yes.

Q On the point, not that the matter ought not to be investigated but that it ought not to be investigated in your suggested mode by the police?

E A You are assuming - Mr. Chairman, it is being assumed that I have had a direct advice from the Town Solicitor, that the Town Solicitor told me it was not a matter to be investigated by the police.

Q Mr. Mason, that is exactly what you said. In fact you suggested that the arguments advanced to get you to that position must have been some powerful ones, I think that was the phrase. If that doesn't imply a communication between you and the Town Solicitor, if one can have powerful arguments imposed in vacuo, please tell me about the methodology?

F MR MARRINAN: Mr. Chairman, may I just intervene again. So far as that is concerned Mr. McCartney is working with pure hypothesis. Until this morning, no one, no one knew or had the slightest idea that the Town Solicitor had made any decision - Mr. Johnston wasn't asked any questions about that by Mr. McCartney, but in relation to that, the first evidence that anyone had was that the Town Solicitor had apparently come to a decision which he communicated to Mr. Johnston. If a decision was communicated to Mr. Mason, Mr. McCartney doesn't know - nor does anyone else know - and Mr. Mason can't recollect, whether that decision was only that the police should not be involved, or that the file should be closed, and it is not fair

G MR MCCARTNEY: But.....

H MR MARRINAN: Let me finish, Mr. McCartney. It is not fair of Mr. McCartney to badger the witness about something he doesn't recollect when we don't have any direct, or even indirect, evidence, of what the Town Solicitor may or may not have said to Mr. Mason.

A MR McCARTNEY: With the greatest respect, Mr. Chairman, I can only categorise the argument that has been addressed to you as nonsense, on two basis: (1) This witness himself, on oath, has stated that he must have been convinced by some powerful argument, legal argument, of the Town Solicitor, I think I am entitled - without badgering the witness - to infer that that implies some face-to-face communication when he was in receipt of these arguments. (2) There is evidence from Mr. Johnston this morning that in his opinion, this information would have been communicated, and thirdly there is written evidence which suggests that there was a meeting on the 28th September 1971 between the Town Clerk and the Chief Welfare Officer immediately before a meeting of the Welfare Department. Now, the only thing that Mr. Marrinan appears to me to be correct about is that these are matters of inference, and I think the law is well established, that if basic facts are established from which an inference may be drawn or ought to be drawn, then that inference can be taken as making up a basic, logical syllogism upon which one can proceed.

C MR MARRINAN: Sorry - Mr. McCartney didn't understand my objection.

MR McCARTNEY: I'm very dim today, Mr. Marrinan.

D MR MARRINAN: No, you're not, Mr. McCartney, and there is no need to take it that way. What I am saying is there is absolutely no reason to exclude from such an inference the reasonable inference that the Town Solicitor, in coming to such a serious decision, may very well have said to Mr. Mason - "we are not going to involve the police, we don't think there is sufficient evidence and you are not to do anything more". There is no reason to exclude that from the inference that you are creating.

MR McCARTNEY: Well, I will proceed on the factual matters to establish this basis.

E Q. Mr. Mason, how frequently did you have or did you attend a meeting of the Welfare Committee?

A Once a fortnight.

Q Can you recall for how long you went on holiday on the 28th August 1971?

A It was either two weeks or three weeks, I know I was away two weeks, I know that for sure.

F Q Yes, you were away for two weeks. Did you, for example, attend a meeting on Tuesday 31st August, with the Town Clerk, that was three days after your alleged departure on holiday? You see, there is an entry in his diary that you - well certainly the Chief Welfare Officer - attended a meeting at 3 p.m. on Tuesday, 31st August. You are the Chief Welfare Officer and "CWO" is shorthand for your title?

A Did you say 3 p.m.?

G Q Yes?

A On what date?

Q On Tuesday, 31st August?

A. On Tuesday the 31st August?

Q Yes. Perhaps you would like to look at the diary. (Diary handed to witness) It is the entry for 3 p.m.?

H A The entry under 3 p.m. on Tuesday, 31st August is "Primary and secondary sub-committee".

A

Q There are two entries?

A 3 p.m. "Heads security followed by meeting with CS, ES, MOH, CWO, Chief Architect".

Q And who are you, are you CWO?

A Could I put an explanation on this?

B

CHAIRMAN: Yes, Mr. Mason.

A Obviously this is a heads of departments. What the Town Clerk would have done was written in all the heads of departments that he expected to be there. If I hadn't been there my deputy would have been there.

Q But you, of course, were present for sure on the 28th August - September, the 28th September?

C

A I am confused, Mr. Chairman.

Q Tuesday 28th September, the note in the Town Clerk's diary is "10.15 a.m. Mr. Mason" - that's not your deputy?

A Well, that's a different day.

Q Of course it is a different day, we do have different days?

A Yes, I know.

D

Q You are Mr. Mason?

A Yes.

Q You want to pinch yourself to make sure?

MR MARRINAN: Now, Mr. McCartney, age should be given some consideration.

E

A Not only that, Mr. Chairman, but that is not the way to address any witness, is it? I mean, I am not here on trial.

CHAIRMAN: No indeed you are not, Mr. Mason, you are doing your best.

MR McCARTNEY: You were there at 10.15 on September 28th, Mr. Mason?

A If the note is there I will not deny it.

F

Q And you had a meeting with the Town Clerk?

A Yes.

Q And it was the Town Clerk in his form as Mr. Jamison, not in any deputed form like Mr. Johnston?

A Correct.

G

Q And that was immediately before the first Welfare Committee that you would have attended, after these matters relating to R8 had arisen?

A Perhaps I could ask for elucidation - is there actually evidence that there was a Welfare Committee on that day?

Q "11 a.m. Welfare Committee"?

A Yes.

CHAIRMAN: We have a diary, you see. We only got that today?

H

A In that case, Mr. Chairman, I would have been at the Welfare Committee, I would have returned from holiday.

A CHAIRMAN: You were back from holiday and therefore you would have been there?
A Yes.

MR McCARTNEY; Q. And I have to suggest to you, Mr. Mason, that going in to that Welfare Committee you would have certainly had some words with the Town Clerk about this very, very serious matter that you had made in your memo of 25th before departing on the 28th August?

B A I can't recall having had any discussion on the subject.

Q Are you saying by that phrase that it did not take place, or simply that you cannot recollect it?

A I'm simply - I cannot recollect it.

C Q But I am going to suggest to you, wouldn't it be an incredible situation if you should be seeing the Town Clerk and going into a Welfare Committee meeting, in the wake of having written a memo in which you suggested that a matter should be referred to the police, if this wasn't the subject of at least some of your deliberations?

A I can't recall. Whether it can be inferred or not - there are other reasons, it may well be - I was not aware that a final decision had been taken on that particular day.

D Q Tell me this; in the normal course of your duties how frequently would you have come across your senior colleagues, like Mr. John Young, the Town Solicitor or Mr. Jamison the Town Clerk?

A The Town Solicitor very infrequently; the Town Clerk only when the occasion necessitated it.

Q Well, that answer is like saying "how long is a piece of string". I am asking you on average how frequently you would meet this senior - you are a head of a department?

E A Yes.

Q And he is the chief executive?

A Yes.

Q There must have been very many matters - how frequently would you have seen him on average?

A I have no basis on which I can venture an estimate there.

F Q Well, let me try and put a few, would it have been twice a week?

A I can't recall.

Q Would it be once a year?

A Well, it would be definitely once a year.

Q That would be at the staff party, would it be, at Christmas?

G A I wouldn't recall that.

Q I am suggesting to you that you are being deliberately obtuse?

A No.

Q In saying that you cannot, after working as Chief Welfare Officer for very, very many years, venture an opinion for the assistance of this Tribunal, as to how frequently you in an average week would see the Town Clerk?

H A Simply, Mr. Chairman, because I haven't got sufficient knowledge or recollection to venture an opinion, which would be in my view.....

A CHAIRMAN: Mr. Mason, we can all understand the difficulties about this matter. It happened a long time ago. You now cannot remember, but by dint of a good deal of inquiry and a good deal of questioning there are some things we have established, aren't there?
A Yes.

B Q The first is that you recommended to the Town Clerk that police investigation of these matters should be considered?
A Yes.

Q You concede that? That's in your letter. The second thing is, I think we can now say with certainty that police investigations were not started, can we not?
A That was outside my knowledge.

C Q And I think the third thing that one can say with certainty is whether you remember when or how or in what manner it happened or not, you must have been made aware by someone in authority in the Belfast Town Hall, that that is what had happened - would you concede that?
A Yes, I concede that.

Q Then we have made a lot of progress.

D MR McCARTNEY: Thank you very much indeed, Mr. Chairman.

E Q But as far as you were concerned, did you, for example, give any additional instructions to Mr. Bunting who had become your Children's Officer; to Mr. McCaffrey or to Mrs. Wilson, saying - "Look here, there has been this incident relating to Mr. Mains in Kincora, it is the second one, there is apparently not going to be any investigation; what you will have to do is increase your surveillance of the premises, you should really also call in your social workers attached to each of these boys and see or let it be made aware, that there is an increased interest in Kincora," because in 1967 when you had only one report, you made three recommendations; one, that Mr. Moore should see the boys, a second one that - the third one really was the important one because you suggested that all the information should be sifted very, very carefully in the future?
A Yes.

F Q "Closer supervision of Kincora and a careful sifting of any further information which might come our way". Now, if that was your view on the 11th September 1967, what was your view on the 11th October 1971, after receiving this horrendous letter?
A That continued supervision, close supervision should be on Kincora.

G

H

/ Q Obviously as the.....

A

Q Obviously, as the Chief Welfare Officer you would have executive functions. Who did you communicate this to? Who did you make privy to the 1971 allegations? What did you do to implement this further shifting and surveillance and watching and general increase in care?

A Obviously, the first action was as outlined in the memorandum.

B

Q Well, we know that nothing happened from that. Go on from there.

A From there onwards, it was just a matter then of continued supervision of Kincora without any specific directions.

Q But there were no directions. I mean, are we going to hear from your then Children's Officer, Mr Bunting? Did you confide in Mr Bunting? Did you bring him in and give him any instructions about Kincora as your chief executive officer in the realm of child care?

C

A I cannot recall.

Q Is there any written evidence, or memos?

A No, I have no written evidence or memorandums.

Q Did you impart any of this information about the 1971 incident, for example, to your Assistant Children's Officer, Mrs Wilson?

D

A I would have thought that I had imparted information to both the Children's Officer and the Assistant Children's Officer.

Q I think Mrs Wilson's evidence was that she knew nothing about the 1971 incident at all. I am subject to the Chairman's correction there, but that is my recollection.

THE CHAIRMAN: That is mine, too.

E

A I can confirm that myself.

MR McCARTNEY: That she knew nothing about this incident?

A That she stated she knew nothing.

Q For example, are you aware that the only people who had any knowledge of this, namely Miss Nicholl and Mrs Robinson, were just left hanging in the air; they never ever heard the outcome?

F

A I am aware of that.

Q Surely, if there had been even the most perfunctory step taken to discharge your paramount duty of care to these children those people ought to have been put on notice as to what was happening, and of what additional steps were to be taken in the future.

A I am sure I took action on those lines.

G

Q You did not take any action on those lines if the evidence and testimony of those witnesses is to be believed.

A I mean, as regards the Children's Officer and the Assistant Children's Officer I would have discussed Kincora with them.

Q So are you saying that Mr Bunting would have been made fully au fait with what was going on?

H

A I cannot imagine the circumstances under which Mr Bunting was not au fait with the circumstances.

MT/21/2

A

Q Mr McCaffrey, who was your other Children's Officer and, indeed, who was the man who with you carried out the inquiry with R8, has no recollection whatever of anything in the way of increased supervision or anything. He barely remembers the incident at all. Certainly, any detailed instructions which you gave him must have been of a kind which made no impression whatever upon him.

B

A I cannot comment on that.

MR MARRINAN: Mr Chairman, I hope this time Mr McCartney will find my intervention a friendly one in terms of clarification. Mr Bunting made a police statement, which is 13 May 1980. I do not know whether you have it or not, but if not I will give you a copy. In that he says:

C

"I took up the post of Childrens officer in November 1971 and I was aware that Mr Mason had investigated these complaints. I do recollection that supervision at that time was increased at Kincora and Mrs Mary Wilson, my Assistant Childrens officer was undertaking the supervision."

I hope that is of assistance.

D

MR MCCARTNEY: Yes, it is helpful because it is quite contrary to what Mrs Wilson said. Indeed, Mrs Wilson said she had no recollection whatever of this incident at all. So I am grateful to you, Mr Marrinan,

Q You see, Mr Mason, the impression - it may be a wrong one - which you have certainly conveyed to me, and possibly to the tribunal, is that having recommended that this should be investigated and be investigated by the police, and that not having come to pass, you appear to have considered that you had discharged your entire duty to these children, and since you had done that by passing it to your superiors you were under no obligation to take any further steps or investigation on the basis that if your superiors were not doing the job why should you?

E

A With respect, I think that related to that one incident. In other words, if my superiors were unable to process the recommendation that I had put before them, then I had to accept that. But this did not mean that I then put the matter out of my mind. If I can recall, Mrs Wilson did state that I had talked to her about Kincora, the increased supervision, and indeed that I had suggested that I would call in Kincora in the evenings so that it would relieve her from ...

F

THE CHAIRMAN: Yes, because of the lateness of the hour.

A The lateness of the hour.

G

MR MCCARTNEY: But I have to put it to you that that was in an entirely different context, and one which I will now approach. That was in the context not whatever of a letter like R8's which Mrs Wilson could not conceivably have forgotten about had she known, but in relation to an incident arising out of the inspection of a boy's underpants while he was still in them, by Mr Mains, allegedly upon the pretext that the boy might possibly be incontinent. It has nothing to do with the suggestions that appear in R8's letter. What I have to suggest to you is that after the incident of August 1967 there was a further incident, after January 1968 when Mrs Wilson became the Assistant Children's Officer, in which you told her about this incontinence inspection, and you and her had a number of conversations at that time about going to Kincora at different hours, possibly in the evening.

H

A

A No. In fact, not only do I have no recollection of the incident that Mrs Wilson has stated, but I do not believe that it really happened. I think Mrs Wilson's memory must be at fault there.

B

Q Mrs Wilson was absolutely certain about the matter, because while her memory may be at fault she certainly described it in relation to the examination of a boy's underpants, and she also gave detailed evidence of her discussions with you and of the various visits and agreements, and indeed of subsequent meetings from time to time when you discussed your calls at Kincora. So if her memory is failing her it is not an absence of memory but an apparent recollection of a wide variety of events.

C

A There are two points there. Number one is that when I said I had put into practice some additional supervision of Kincora, if you can recall I stated that I would go in the evenings to relieve Mrs Wilson from calling out in the evenings. This was because of the unrest in the city. This happened after 1969.

THE CHAIRMAN: Yes, and she had to get home early. We remember that.

A This happened after 1969, Mr Chairman.

D

Q That is right, yes.

A So the increased supervision did not arise out of the alleged 1968 incident. I would like to make another point, Mr Chairman, that is that the matter of incontinence has been spoken of. Incontinence in a boy is a serious matter; it is more than just -- it is something that has to be dealt with in a medical fashion. For someone to state that a boy is incontinent means that a boy is soaking wet. That sort of thing would not have passed out of my memory as easily as that, and it would have needed recording. My history is that if I dealt with something I recorded it. I have no record of that meeting or that allegation.

E

F

G

H

MR McCARTNEY: You see ...

LB22/1

A

MR McCARTNEY: You see, Mr Mason, that suggestion was made, and my recollection is that it was to some degree an assumption on the part of Mrs Wilson, but I have to put it to you that your earlier suggestion that one could test whether or not a boy's underpants required changing by some sort of tactile test is just nonsense unless there was some indication of dampness or depth of dirt that could be appreciated.

B

A Yes, the depth of dirt, Mr Chairman.

Q Are you suggesting that these boys were so filthy and dirty that it was common practice for someone to feel inside their underpants to decide, not by view, but by touch, whether or not they were dirty?

A I reported that this is what Mains said, that he had said that he had examined the underpants to see if the boys had changed them.

C

Q Did you not think that was an absolutely insane suggestion that people would be feeling round inside a boy's underpants to decide whether or not they required changing?

A No, at that time I accepted Mains ---

Q On reflection, Mr Mason?

A It is not on reflection. It would be only because I have further knowledge of Mr Mains's behaviour that I would make a different assessment.

D

Q To get back onto the line, I am suggesting to you that in 1968 there was another incident quite separate from the 1967 incident and quite separate from the 1971 letter of R8 that you had contact with Mrs Wilson.

A I believe that Mrs Wilson's memory fails her in that particular incident.

E

Q I have got to suggest to you that your contact with Mrs Wilson and your increased surveillance was definitely not in connection with R8's letter. For example, on Thursday, 8th November, Day 23, page 49G:

"Q Well, now, if you did not know about that complaint why should there be any surprise that you did not know about the complaint in 1967, by the two boys in the summer camp? Why should you make an assumption that Mr Mason told you everything when it is absolutely clear beyond peradventure that Mr Mason did not tell you everything about Kincora?"

F

I think it is in relation to 1971.

"A. Chairmen, 1971 was a totally different situation for all of us ---"

I am sorry, I think there is a much more specific reference, Chairman. It is paragraph H.

G

"A. Chairman, 1971 was a totally different situation for all of us in Belfast and I can only think, as I have done, thinking it all over since, that Mr Mason dealt with the 1971 complaint without telling me, and without me knowing about it, because at that time I was very, very seldom in the office."

H

THE CHAIRMAN: That is right. She said there was a general emergency here, so she was taken off the children's ward.

LB22/2

A

MR MCCARTNEY: Then at paragraph E:

"Q Right - I think that is a fair point for you to make. Let me put this to you: that all rests on your assumption that Mr Mason **would have** kept you informed, because certainly by 1971 you continued to be the Assistant Children's Officer in Belfast and had a direct responsibility for Kincora. Is that right?

A. Yes, that is correct."

B

But there is no mention anywhere of her knowing of the 1971 incident. So I have to put it to you, Mr Mason, that according to Mrs Wilson she never ever knew at any time of R8's letter or the investigation or anything about it.

A I find this impossible, that Mrs Wilson could not have known about the 1971 incident. The 1971 incident was known by two officers in West Belfast. It was known by the Children's Officer. It was known by the Assistant Children's Officer. It was known by even Mr Herron who was quoted by Miss Nicholl. The matter was not dealt with in somewhat of a secretive nature. Mrs Wilson may not have recollected it. She knew it.

C

Q Mrs Wilson specifically and clearly and repeatedly said that she did not know anything about the 1971 incident. The evidence of Mrs Robinson was that she felt that having been referred upwards she should not talk about it. That was also the evidence of Miss Nicholl and their evidence was they continued to ask Mr McCaffrey what was happening. A wall of silence descended upon it. I am not suggesting to you that Mrs Wilson did not know about it. We will move on to another incident. What did you know about an incident that probably occurred, from the visitors' book records in Kincora, some time in February 1970 when Mr McCaffrey, one of your two Assistant Children's Officers, apparently was sent down by Mr Moore, the then Children's Officer, to Kincora to investigate and give an independent view on a bottom-smacking incident or horse play in the sleeping room or dormitory. Did you have any knowledge of that?

D

A The matter was not brought to my attention.

E

Q Mr Moore was not only your Children's Officer but Mr Moore had assisted you in the investigations of 1967 when the allegations of homosexual advances had first been made against Mains.

A That is correct.

F

Q Are you saying that you had no knowledge of that?

A I am.

Q Is it surprising that your Children's Officer would not communicate that to you, he having been with you on the 1967 investigation?

A I understand that he gave it as an explanation that he had not connected the two incidents. I would accept that explanation.

G

Q But also do you not find it curious that you knew nothing about it, despite the fact that the Assistant Children's Officer deputed to do that job was also the man whom you had called in a year later in August 1971 and to be present with Mr Johnston while you investigated the R8 letter?

A No, I do not consider it curious.

H

Q You see, I have to suggest to you, Mr Mason, that you did absolutely nothing whatever once you had, as you thought, cleared your own responsibility by joining with Mr Johnston in the memo of 25th August 1971. You did

A absolutely nothing from then until you retired and then you were out of it.

A No, that is not correct.

B Q You washed your hands of it and you failed to discharge the most basic duty that you owed to those boys. You left them under the charge and, as it happened, they continued under the charge for a further nine years, of a man who was systematically sodomising generations of boys in care.

A That is not correct.

C Q If it is not correct, would you draw the attention of the Tribunal to a single memo, to any proof of any kind of any arrangements you made between August, 1971, and 1973 to have Mains dealt with in any way?

A In two details; one, discussions with Mrs Wilson as regards the supervision of Kincora; the visitations of myself to Kincora and the absence of any further information that came to my knowledge that would enable me to pursue the matter, and, finally, before handing over it appears from Mr Bunting's evidence, that I went to a file, a general file, and got it out, HOM, and handed it over to Mr Bunting. Those are the facts.

H / A' You handed over

A

Q You handed over in 1973. You took your rotten, suppurating file out -- you were no longer responsible for it -- you put this cooking hot potato in Mr Bunting's hands, and then you departed the stage.

MR MARRINAN: I object to that, on behalf of Mr Mason.

Cross-examined by MR FEE

B

Q In relation to the investigation which you carried out regarding this letter of complaint from R 8, you formed a certain view in conjunction with Mr Johnston and sent off a recommendation?

A Yes.

C

Q In relation to that, would you have been aware that at least at the initial stage you were better placed to have made an assessment about the situation than the people to whom you were sending the information?

A Yes.

Q Because you would have had a number of advantages over them?

A Yes.

D

Q Firstly, you had a previous interview with Mr Mains, who was the subject of this complaint, in relation to another allegation?

A Yes.

Q You had had the benefit on that occasion of interviewing R 8?

A Yes.

Q In addition to that, you had formed, after the 1967 incident, a suspicion that Mr Mains might have had homosexual tendencies?

A Yes.

E

Q As far as that was concerned, you knew that sending off the information that you were sending was not going to put the people who were receiving it in as good a position as you were in as regards an assessment of the situation?

A I tried, to my best ability, to put them in the same position by affording them all of the written evidence that I had before me.

F

Q One of the other disadvantages that the people receiving the information would have been in, would have been that in the file that you sent them there was no up to date report from a social worker in relation to R 8, is that not correct?

A That is true.

Q That would have been something about which you might have had certain information, is that right?

G

A To my knowledge, I had no up to date information regarding R 8.

Q I understood from previous witnesses that the situation was that reports would be sent about every three months concerning each boy?

A Yes.

Q Would you have seen those reports?

A No, not as a matter of routine duty.

H

Q You would have been pretty much in the dark as regards the up to date social worker's assessment of R 8, then?

A Yes.

MR MASON
BY MR FEE

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A

Q In those circumstances, can you say to the Committee whether you considered getting an up to date report from a social worker?.

A The only thing that I can infer is that because I had seen the second letter, which I understand was on R 8's file, I may have looked at R 8's file; I may have.

B

Q But you were not communicating that information up the line, as it were?

A No.

Q Can you give any other explanation why you would not have obtained a social worker's report from Mrs Robinson about R 8 in this case?

A Because I really thought that here was an allegation of a crime. We did not need to have the boy's background. He was stating something specifically, and he stuck to his guns.

C

Q The reason why I ask you that is this, that in 1967, when R 5 and R 6 were making a complaint, you felt it necessary at that stage to get a social worker's report in relation to each of those boys.

A Yes.

Q They had made specific allegations, is that not right?

A Yes.

D

Q Why did you change the procedure on this occasion?

A I had moved further along the line. I had made my first investigation, and my second investigation was tied into the first one, and indeed it was reinforcement; I did not think it was necessary to have a social report on R 8, since the first investigation. The allegations were admitted by Mains, and in the second investigation it was an allegation of a crime. I had made an investigation from that point of view. The boy's integrity was hardly in question in that case.

E

Q In order to assess whether or not the boy was telling the truth, it would have been helpful to have had as much information about his background and as up to date information about his background as possible?

A It would have been, yes.

F

Q Without reading the exact words that you stated from the transcript, I suggest to you that the reason you told the Committee, on the last occasion that you gave evidence, the reason why you got reports from the social workers in relation to R 5 and R 6, was that you wanted to put the Town Clerk, to whom you were making your report, in a good position to assess the situation.

A That is correct.

G

Q Here on this occasion you were against sending a recommendation plus the file up the line. On this occasion you did not go and get up to date social worker's reports on R 8. If you had done that, would you not have achieved the same purpose as you expressed in relation to the earlier incident?

A There was one essential difference. The Town Clerk was doing the second interview. The Town Clerk had an opportunity of meeting the boy.

H

THE CHAIRMAN: The Deputy Town Clerk.

A Yes, Mr Chairman, but my views were --

Q No; you said "Town Clerk"; that is all.

A

A The Town Clerk had an opportunity of assessing the boy in a face-to-face situation. He did not need the additional information.

MR FEE: Leaving aside the question of Deputy Town Clerk or Town Clerk, you and Mr Johnston were making a recommendation?

A Yes.

B

Q You wanted someone, in this case the Town Solicitor, to consider that?

A Yes.

Q Obviously, the more information he had at his disposal, the better?

A Yes.

Q Yet on this occasion you sent less information in this respect, I am suggesting to you, than you did in relation to the 1967 allegation?

C

A Yes.

Q Can you offer any convincing reason for that departure from the practice that you had followed earlier?

A None, other than that I had considered that the second investigation was one that was going to be carried out by the police, and that the boy's social background really was not relevant to the allegation he was making.

D

Q I think you have accepted that you must have been told the result of your recommendation to the Town Solicitor?

A I must have.

Q Although you cannot remember who it was who communicated it to you or exactly what was said, something along the lines that the recommendation was not being accepted must have been conveyed to you?

E

A It must have been.

Q Would you accept that that must have taken place relatively soon after you had returned from your holiday?

A No, I would have thought that it would have taken a lot longer to have carried out those investigations than appeared from Mr Johnston's evidence.

F

Q Given that there was a meeting between yourself and Mr Jameson on 28 September, and that was shortly before a Welfare Committee meeting, would you accept that by that stage, either on that day or prior to that day, you were probably told what the situation was?

A Yes. As it is Mr Johnston's evidence now that it was within a week of the report going to the Town Solicitor that he had made his decision I must have been told.

G

Q Can you remember what your attitude -- I appreciate that you do not perhaps have a specific recollection in relation to that -- was? May I ask you, if it had been suggested to you that this matter was not going to be reported to the police, and furthermore, it was not going to be brought out in the open before the Welfare Committee, what would your attitude have been if that had been communicated to you either by the Town Clerk or by the Town Solicitor?

A Acceptance.

H

/Q Would you.....

A Q Would you have felt that there was any need to do anything further at that stage, or would you have been simply content to leave it that word had come from above and that was that?

A No. I think I had had to accept that it was an error of judgement on my part recommending that it be referred to the police, and I must have been convinced that it was an error of judgement and that even though I was convinced I could have had it in the back of my mind that all I could do was to wait for another opportunity to convince authorities that it was a matter for investigation.

Q Let us assume that for the moment, Mr Mason, you were told it wasn't being referred to the police.

A Yes.

Q That meant that if you accepted that decision, and you say if you had been told that you probably would have accepted it, if that were the situation that would still have left open the possibility of some further form of action? Isn't that right?

A If it were not being referred to the police.

Q Yes. In other words, without going into the various alternatives, it could, for example, have given rise to an internal inquiry without referral to the police?

A Yes.

Q Is that something which you are likely to have considered, whenever the word came back from up above that the matter was not going to be referred to the police? Are you likely to have considered at that stage: "Well, what about an internal inquiry?"

A I cannot remember having considered an internal inquiry. If I had, and if I could get myself back to 1971, I probably would have considered that I was not going to get very much further on an internal inquiry. The only evidence that I could have probed - I could not have probed the allegation of homosexuality between R2 and Mains. In fact, I would have been of the opinion that I could not have raised that without lending myself to defamation of character.

Q Could I suggest to you a number of steps which you could have taken if you had felt that an internal inquiry was a possibility? You could have interviewed Mr Mains again: isn't that correct?

A Yes.

Q And you could have said to him: "Well, the situation is, you were told on at least two previous occasions, namely once by myself and once by Mr Moore, that if you made improper types of suggestions or behaved in a certain way you were going to leave yourself very vulnerable, and now here we are with a further complaint against you, what have you to say about it?" You could have interviewed him along those lines.

A I think in duty bound I would have had to explain to Mr Mains that I had referred the matter to the Town Solicitor and recommended that it be referred to the police. I think I would have had to put him in that position. Once having said that I would have found great difficulty in moving into an inquiry without actually putting the boy at risk on defamation of character, and myself at risk. I think I was almost hog-tied by the weight of the allegation.

Q But what is the difficulty in telling Mr Mains that you referred the matter upstairs and were told that it wasn't being referred to the police

- A but that you still were faced with what was a very serious allegation in writing and ask him for his views on it? What is the difficulty in that?
- A I would have seen difficulty with it.
- Q It appears that someone must have brought this allegation to Mr Mains' attention, isn't that right?
- A Someone, yes.
- B Q Because we know, and I think you are aware, that Mr Mains wrote a six-page submission in which he gave a pen picture of his view of R8. That must have been in response to something, isn't that right?
- A It must have been.
- Q Can you offer any guidance to the Committee as to whom he was responding when he gave that submission?
- A If I had been asked, simply on the information that I have, I would have suggested that that report came out of an investigation by the police; in other words, this is the sort of information that the police might have asked Mains for regarding the boy.
- C Q You are suggesting, Mr Mason, that that submission is something which might have been sent to the police by Mr Mains in response to a police investigation.
- A They are the only people that I would imagine would have asked Mr Mains for a social report on a boy.
- D Q Wouldn't that be a most remarkable type of police investigation, because that presumes that the police, when told about an allegation against Mr Mains by R8, would go to Mr Mains and say to him: "Give us a pen picture of R8". Isn't that a most remarkable type of investigation?
- A It could be, yes.
- E Q I mean, that just doesn't make sense, Mr Mason.
- A No, it may well not, but it is the only explanation I can give for that report. I cannot see any social worker calling for that report or someone in the Welfare Department.
- Q Is a further possibility, Mr Mason, that you brought this allegation to Mr Mains' attention in some way and that in order to cover his back he, without expressly referring to the specific allegations, gives a picture for the record of R8, so that if this matter is ever raised he has already put in his view of R8?
- F A I cannot imagine or cannot agree with that assumption.
- Q Is it possible that you put this to Mr Mains and said: "Listen, there is a serious allegation about you. It is not being referred to the police, because a decision has been taken, but this fellow R8 had made a serious allegation against you"? Have you any recollection - well, leave aside whether you have any recollection or not - is that something that you possibly would have done?
- G A No, I would not have asked Mr Mains for a report on R8. The date on which Mr Mains has dated this - I cannot see why, or how, I would have asked for that report.
- Q Would you agree with the suggestion that the submission from Mr Mains would be compatible with a situation whereby he has been made aware of the allegation by R8 and is attempting to put R8 in a bad light?
- H A Yes.

- A Q Can you think of anyone who would have received that report from Mr Mains apart from yourself?
A The difficulty about that report is that it is not addressed to me. There is no record of it coming into the Department or being put on the file. I cannot accept that that report was returned to me by Mr Mains.
- B Q When do you first remember seeing this submission or report from Mr Mains?
A I think it was at this Inquiry.
- B Q Do you remember whether or not that document was ever in the file?
A I cannot remember seeing that document until the Inquiry.
- C Q I take it that you are not suggesting that it wasn't there, but simply that you cannot remember it?
A If I cannot remember it ... I cannot remember it. I cannot remember having seen that document.
- C Q I appreciate that is what you are saying, Mr Mason.
A And I read it and I cannot remember the details of it.
- (Q Do you agree that it is quite possible that that document was in the file from 1971 onwards, you don't remember seeing it but it could well have been there?
A Yes.
- D

/Q Another step ...

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Q Another step that you could have taken, if you had felt some form of internal inquiry was justified was, you could have spoken to the social worker for R8, Mrs. Robinson?

A I could have.

Q And you could have ascertained from her what she knew about R8 and what his relationship with Mr. Mains was like?

B

A Yes.

Q Do you ever remember considering taking that sort of step?

A No.

Q Another step you could have taken would have been to interview or speak to people who had worked in Kincora around this period, people who had spoken to Mr. Maybin, and taken their views on what was happening in Kincora during that period. Did anything like that ever strike you?

C

A No.

Q Did you ever speak to any members of the Welfare Committee in a private capacity - and when I say in a private capacity, without bringing it to the attention of the full Welfare Committee at a meeting; did you ever speak to any members of the Welfare Committee about the allegation against Mains by R8?

D

A I don't think it was my police - practice indeed, to speak to members of the Committee in matters such as that, so the answer is "no", I never did.

Q Would that be applicable to any complaint that might be made of this nature, you wouldn't have felt it appropriate to speak to an individual member of the Welfare Committee?

A I wouldn't have felt it appropriate to speak to a member of the Welfare Committee on a complaint of that nature.

E

Q Did you know that Mr. Moore had spoken to a member of the Welfare Committee?

A I understand from his evidence, yes.

Q But did you know that until you heard him saying it in court?

A No, just from knowledge of his evidence.

Q Would that be something that you would regard as unusual?

A I would have considered it inappropriate.

F

Q If one takes it, for the minute, Mr. Mason, that you didn't object when the decision was conveyed to you that the matter was not being referred to the police - that's one limb gone?

A Yes.

Q If one takes it that you didn't adopt any of the steps that I have suggested to you by way of an internal-type inquiry, the explanation for that would be - what?

G

A I wouldn't have considered that it would have been productive.

Q If you felt that that type of exercise wouldn't be productive, the very minimum step you could have taken would have been to make sure that anybody who had any responsibility for boys in Kincora or for visiting Kincora and reporting on it, would have been made aware of what happened?

A Yes.

H

A

Q Now, are you saying - just to be clear about this, are you saying to the Committee that you did inform those people?

A Yes. What I believe is that I made the information available to them. Now that could well be - in other words, if I informed the Children's Officer then I would have been relying on the Children's Officer to make the information available to whoever he was responsible for. In lines of communication like this that would have been the normal way of doing it.

B

Q You have already, in answer to my learned friend Mr. McCartney, you have indicated that Mrs. Wilson, for example, would have had access to this information?

A Yes.

Q How exactly would Mrs. Wilson have had access to it if you didn't tell her?

C

A If I hadn't told her or had not mentioned it at all, I would have assumed that the Children's Officer would have mentioned it or told her.

Q In other words were you simply leaving it for the message to percolate whatever way it managed to get out, you weren't too concerned how it got out?

A It wasn't a matter of concern, it was a matter of normal practice for percolation of information downwards.

D

Q Would this not have been a situation unusual enough and serious enough for you to speak directly to the people concerned, people like Mr. McCaffrey and Mrs. Wilson, and say "here is the situation, an allegation was made by R8" - Mr. McCaffrey would have known because he was in on the early stages - and told them that the matter had been considered by the Town Solicitor's office, it had been decided that it wasn't being reported to the police, but nevertheless it was still a serious allegation - "keep your eyes open and watch out what is happening"?

E

A I agree that greater emphasis could well have been put on the dissemination of information.

Q You see, not only does Mrs. Wilson say very clearly that she knew nothing about the 1971 incident, but Mr. McCaffrey doesn't remember ever being officially told that this matter wasn't being reported to the police?

A Yes.

F

Q Now those are two people whom one would have expected to receive the information and they don't appear to have received it. What explanation do you have for that?

A Well, simply - Mrs. Wilson may not recall and, indeed, may not have been informed of the 1971 situation in detail, but I would still have to contend that she would have known of it. As regards Mr. McCaffrey, whether he was told or not - I would accept the fact that he wasn't told, he wasn't directly involved in the management of homes.

G

Q But surely it was going to be important to him to know whether or not this investigation in which he had played a part initially, whether it was being followed up by the police or what was happening?

A As to whether he was told that it wasn't being pursued by the Town Solicitor, I don't know whether he was informed of that or not, but I thought you were referring to the additional supervision of Kincora.

H

Q Yes, well I am going to come back to that, but apart from Mrs. Wilson not having any memory of it, and in fact saying exactly the opposite, and

A Mr. McCaffrey not having any memory of being told what had happened, Mrs. Robinson and Miss Nicholl, they were equally in the dark as to what had happened. Mrs. Robinson felt that at some stage she heard it wasn't being taken any further, Miss Nicholl says she tried to find out what was happening but couldn't. There must have been - would you accept, that that picture overall, looking at Mrs. Wilson, Mr. McCaffrey and Mrs. Robinson, that presents a picture of a total breakdown of the passage of this information from yourself to various other bodies?

B A I accept there was a breakdown in the dissemination of information.

Q Now, at some stage you received the file back again, isn't that right?

A Yes.

Q Can you remember how you got the file back?

A No.

C Q Would you agree that it is likely to have been sent back to you fairly quickly after the initial decision had been taken not to refer the matter to the police?

A I would agree that it would be normal practice, yes. Once the matter had been decided the file would be returned.

Q Did you make any effort to make the material in that file available to people like Mrs. Wilson and Mr. McCaffrey?

D A Well, if I could put it now into datal order, as Mr. Johnston has suggested that a decision was taken within a week of the matter being referred to the Town Solicitor, the file was returned to the Welfare Department when I wasn't there, and since I had had an HOM file number it could well be that if it had been returned without any covering memorandum at all, it would have went straight into the HOM file.

Q That is the ordinary Kincora file?

E A That is the ordinary Kincora file.

Q Well, you see, the difficulty with that is that nobody can ever remember seeing the Mason File in the ordinary Kincora file?

A There must have then have been two, you see, because when the CWO 22 file was re-numbered HOM 2, it would have gone into a file which already had an HOM file, so what we had then was two files.

Q And did you keep one of the files apart from the other one, did you keep one to yourself?

F A I kept the CWO file, but once I put an HOM file on it, that was an indication at least to me, that that file was being passed out into the general filing system.

G Q There are two reasons why I suggest to you that it is unlikely that you put or anyone put, the Mason File into the ordinary Kincora File. The first reason is that nobody, either Mrs. Wilson or anybody else who had frequent access to the Kincora file, can ever remember seeing it there; and secondly, when you were handing over files in 1973, you handed this file specifically, the Mason File, over to Mr. Bunting?

A Yes.

H

/Q Mr. Bunting clearly.....

A

Q Mr Bunting clearly recollects that you told him you had been holding that file. Why would you extract that particular file, the Mason file, from some other general file and take it and say "Right, I'll give this over to Mr Bunting. I've been holding this". If it was such a general file open to everybody, why make a fuss about handing it over to Mr Bunting?

B

A I can only use my inference here, that is, I would have considered the matter as sufficiently important, since I was leaving the Department, to draw Mr Bunting's attention to the file, to the matters that were on the file. Kincora was going to continue although I was leaving, and I suppose that I wanted to emphasise to Mr Bunting that this was a matter that I had kept in the back of my mind and that I wished him to do the same.

C

MR FEE: Mr Chairman, I might be some further time with this witness. Can I just ask him one question?

THE CHAIRMAN: Yes, do, please.

MR FEE: It is to clear up something which may avoid the necessity for another witness to attend tomorrow.

D

Q Can you give any guidance to the Committee as to whether or not Mr Heron had any involvement in the investigation in 1971?

A Mr Heron had no involvement at all in the investigation in 1971.

THE CHAIRMAN: Well, that is a very definite and clear answer. . Thank you, Mr Mason.

(The hearing was adjourned at 1635 hours until 1030 hours the following day)

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PRONI REF: INQ/1/1/26

File name: Transcripts of evidence heard during Day 26 (16.11.84) of the Committee of Inquiry into Children's Homes and Hostels.

Excerpt:

Cross –examination of Mr Henry Mason (Welfare Officer - Belfast), Mr Colin William Belshaw McKay (Deputy Town Clerk) and Mrs Mary Jane Wilson (Assistant Children's Officer).

Discussion on loss of Mason File on Kincora

Record keeping

Processes and procedures

KINCORA

Submitted for scanning to TRIM: 12.7.2013

GW

COMMITTEE OF INQUIRY

into

Children's Homes and Hostels

held at

Castle Buildings, Stormont, Belfast, BT4 3RA

Chairman: His Honour W H Hughes

Members: Mr W J Patterson OBE
Mr H Whalley

Secretary: Mr S Quinn

A

A P P E A R A N C E S

MR H KENNEDY, QC, MR D MARRINAN and MR B FEE, of Counsel, instructed
by the Crown Solicitors, appeared on behalf of the Committee;

B

MR B KERR, QC and MR J MARTIN, of Counsel, instructed by Mr R Cole,
appeared on behalf of the Department of Health and Social Services;
MR M LAVERY, QC, MR R WEIR and MR A BRANGAM, of Counsel, instructed by
Mr M Sittlington of the Central Services Agency, appeared on behalf of
the Eastern Health and Social Services and other Boards;

C

MR F O'REILLY, of Counsel, instructed by Mr B Turkington of McCartan,
Turkington, Breen & Co., appeared on behalf of certain members of the
Northern Ireland Public Service Alliance;

D

MR J GILLEN, QC, and MR D SMYTH, of Counsel, instructed by T Smyth & Co.,
appeared on behalf of three former residents of the Kincora and
Williamson House Homes;

E

MR R McCARTNEY, QC, and MR D RINGLAND, instructed by John Johnson & Son,
appeared on behalf of two former residents of Kincora;
MR J McNULTY, QC, and MR C SIMPSON, of Counsel, instructed by Patterson, Taylor & G
appeared on behalf of a former resident of Bawnmore and Kincora Homes;
MR J GILLEN, QC, and MR P CUSH, of Counsel, instructed by Mr R Murphy,

F

appeared on behalf of a former resident of the Kincora Homes;
MR MATEER, of Counsel, instructed by Bogue & McNulty, appeared on behalf
of Mrs M Robinson and Miss E Nicholl.

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I N D E X

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Page No

MR HENRY MASON (still under oath)

Cross-examined by MR FEE (Contd)

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Cross-examined by MR LAVERY

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Re-examined by MR MARRINAN

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MR COLIN WILLIAM BELSHAW McKAY, called and sworn

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Examined by MR LAVERY

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Cross-examined by MR KENNEDY

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MRS MARY JANE WILSON, recalled (still under oath)

Examined by MR WEIR

65

Cross-examined by MR KENNEDY

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• Cross-examined by MR McCARTNEY

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Cross-examined by MR GILLEN

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Cross-examined by MR McNULTY

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Re-examined by MR WEIR

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A MR HENRY MASON, recalled

Cross-examined by MR FEE (continued)

Q Mr Mason, may we continue where we left off yesterday afternoon?
I was asking you about the Mason file which you handed over to Mr Bunting and you had been saying that you assumed that that file when it was returned from the Town Solicitor's office would probably have gone into the general Kincora file?

A Yes.

Q I was indicating to you that it appeared difficult to reconcile that with the fact that you handed the file over to Mr Bunting, the Mason file in 1973.

A Yes.

Q Can you indicate why you would have felt that that particular file, the Mason file, should be handed over to Mr Bunting in 1973 as opposed to just remaining as part of the general records which would have been transmitted?

A Well, I assume that the situation was still on my mind. It has not been resolved. I assume that the Town Solicitor had indicated that in some way the evidence that was produced was not sufficient to enable further investigations but I still would have thought that the matter could not have been forgotten about completely, as indeed it was not, in 1967.

Q What I suggest to you, Mr Mason, is, is it not more likely that you had been holding that file separately from the general Kincora file?

A It is a possibility I would not rule out.

Q Because what Mr Bunting says is that when you handed the file to him you said you were retiring and that you had been holding the file, that is, the Mason file, and I suggest to you that that gives the impression that this was a singular, important file and not part of the general records?

A Yes, that is a possibility.

Q If you had been holding the file in the manner I suggest as a separate file, whereabouts would that file have been kept?

A In my own desk.

Q And that would also reconcile with the evidence of Mrs Wilson and Mr McCaffrey and Mr Moore, etcetera, that they never saw this Mason file as being part of the general Kincora file?

A That would reconcile.

Q If I understood your evidence correctly yesterday, Mr Mason, you were suggesting that Mrs Wilson's memory must have let her down in relation to the incident that she has described?

A Yes.

Q Because your understanding of the situation is that Mrs Wilson and yourself were not involved in any incident that could be regarded as separate from the 1967 or 1971 investigations; is that not correct?

A I have no recollection of the 1968 incident.

Q But I think you were going further than that yesterday in saying that not only did you not have any recollection of it, which you have always said, but that in fact Mrs Wilson must be wrong about that?

A Yes.

A

Q What I want to ask you in relation to that is this, Mrs Wilson has given not a general description but a fairly specific description of an interview which took place when Mrs Wilson and yourself interviewed Mr Mains?

A Yes.

B

Q And she has given details of a specific complaint by a boy and what Mr Mains's response to that was?

A Yes.

Q She has further said that yourself and Mrs Wilson interviewed the boy?

A Yes.

C

Q If Mrs Wilson is wrong, what that means is that she is not simply forgetting something but that she is imagining a complaint, an investigation that never occurred?

A I have put forward as an alternative that the investigation that she recalls is the one in which we followed up part of the 1967 complaint that I had not finished.

D

Q I think there is a number of reasons why that cannot be right, Mr Mason, which I suggest to you. The first one is that the 1967 allegation concerned two boys and not one; is that right?

A Yes.

Q And the second point is that the 1967 investigation concerned a number of detailed allegations and not simply one allegation of putting a hand down trousers?

A Yes.

E

Q The third reason is that Mrs Wilson remembers that there was just yourself and herself involved in this investigation, whereas in relation to the 1967 incident Mr Moore was involved?

A Yes.

Q A further reason is that Mrs Wilson says that it was after the interview and investigation that she carried out closer supervision during the day, and you would have been calling in in the evenings?

F

A Again I think possibly Mrs Wilson's memory is not clear there as I explained why I would call in in the evenings.

Q For all those reasons, is it not fairly clear, Mr Mason, that the incident as described by Mrs Wilson - whether that incident be right or not - or her description of it, is not in any way compatible with that incident being the same as the one you investigated with Mr Moore in 1967?

A Well, I believe that is the only explanation.

G

H

/Q You have indicated

- A Q You have indicated also that you believe that Mrs Wilson's memory must be letting her down in a further respect, and that is in relation to whether or not she was informed about the 1971 complaint and investigation?
A Yes.
- Q I think your evidence is that she must have been, is that not right?
A Yes.
- B Q Mrs Wilson is adamant - she has been very certain - that she was never informed of the 1971 complaint; she never saw R 8's letter, and she was never told about any complaint or any investigation in relation to that. So if you are right, Mrs Wilson is on the one hand imagining a specific interview and follow-up to an interview, and on the other hand she is forgetting about something she was told in 1971?
A Yes.
- C Q I have to ask you, Mr Mason, given your knowledge of Mrs Wilson, during the time that you were acquainted with her in a professional sense, did she ever strike you as the sort of person who was likely to imagine something that did not happen or forget something important that had happened?
A No.
- D Q You have already accepted in your evidence yesterday that there was a breakdown in communication as regards first gathering information to be sent to the Town Clerk and Town Solicitor for investigation, and secondly in relation to communicating the decision taken by the Town Solicitor to people who were, if I may so call them, your subordinates - people like Mr McCaffrey and Mrs Wilson.
A Yes, I believe so.
- E Q Would you accept firstly that if Mrs Wilson is correct, if you assume - and I appreciate that your evidence is that she must be mistaken - that, then there was a serious allegation and investigation say, in 1968/69 that was not conveyed to the Town Clerk or Town Solicitor in 1971?
A I have lost you.
- F Q What I am suggesting to you is that if Mrs Wilson is correct, that there was an incident in 1968 or 1969 that was investigated by you and Mrs Wilson, then that information was not given to the Town Clerk or Town Solicitor when you were forwarding your memorandum in 1971?
A That is correct.
- Q Would you agree that that would be a serious omission, if Mrs Wilson is correct?
A Yes, it would.
- G Q In relation to an incident in 1969, in which Mr McCaffrey was involved, you have stated that you had no knowledge of that incident, is that not correct?
A I have.
- Q Is it the situation that you can say that you were not informed of that incident and knew nothing about it, or is it a situation where you cannot remember whether or not you were told about it?
A I was not informed.
- H Q Does that in turn mean that Mr Moore must have dealt with that incident at his level without passing it on to you?
A Yes.

- A Q What is your view of him doing that?
A At the time I would have considered that he had acted within his own -- reasonably within his own competence.
- Q Is that right? Would you not have expected that any allegation or complaint regarding Mr Mains would have been passed to you after the 1967 investigation?
A I must accept that it would have been reasonable for Mr Moore not to have associated the incident that was described as happening in 1969.
- B Q It would be reasonable for him not to have associated that with that in 1967?
A Yes.
- Q Why is that?
A As I understand it, the explanation was that it was a matter of horse-play.
- C Q Whatever type of matter it was, and I think the phrase has been used already, it required Mr McCaffrey to be sent down like a fire brigade to Kincora to try and sort out what had happened?
A I am not aware of just how urgently the matter was dealt with, or with the terms.
- D Q If the complaint was that Mr Mains had slapped somebody's bare bottom, would you have expected that complaint to have been passed on to you, given the allegations that had already been made and investigated in 1967?
A If it had been a complaint of punishment of a boy, it ought to have been recorded.
- Q Ought it not to have been referred to you?
A It was a matter of judgment on Mr Moore's part.
- E Q You had made a recommendation to the Town Clerk in 1967; one of your recommendations was that any further complaint or information should be carefully sifted?
A Yes.
- Q You have already given evidence, on the last occasion that you gave evidence, that that was really for your benefit, so that you would know that any further information that came in had to be carefully sifted?
A Yes.
- F Q How were you going to sift the information carefully if you were not receiving it?
A Yes.
- Q So for that reason it was very important that any information or allegation that came in regarding Mr Mains should have been brought to your attention?
A Yes.
- G Q If that was not brought to your attention, that was a serious omission?
A An error of judgment.
- H Q Not only was it an error of judgment in the initial stage of whether or not it should have been referred to you, but it had a very serious consequence when any further information came in, because it meant that in 1971, when you were passing on to the Town Clerk and the Town Solicitor's office your recommendation, because you did not know about the 1969 incident, you did not give them any information about it?
A That is true.

A Q That meant that they were at a disadvantage that they should not have been at?

A Yes.

B Q In so far as the breakdown of communications was concerned, would you accept that one of the major reasons for that breakdown appeared to be a lack or a failure to put in writing recommendations and responses and results of inquiries and communications about what had happened in inquiries? Would you accept that a lack of written records appears to have been one of the major reasons for the breakdown in communication?

A Could you exemplify that?

C Q If, for example, you were told by the Town Solicitor's office in 1971 that this matter was not being referred to the police, then one way of ensuring that that message was conveyed was to put out a memorandum to all relevant members of staff, people who might have a responsibility in that area, like Mr McCaffrey, Mrs Wilson, or whatever, so that that would have been there in writing, there would have been a record on the Kincora file which said what had happened, so that anybody in future -- if Mrs Wilson passed to somewhere else, and some other person took up responsibility for Kincora -- would have been able to see a memorandum on Kincora file which showed what the response to the recommendation was?

A Yes, I agree that that would have been useful.

D Q Similarly, if the situation was that nothing was put in writing, for example, in relation to Mr Moore and Mr McCaffrey's investigation in 1969, so that whenever Mrs Wilson returned to her duties to inspect Kincora, and knew nothing about it, if there had been something in writing on the Kincora file she would have seen that and the disadvantage would have been removed?

A Yes, I think that that would have been an advantage.

E Q Using those two examples, would you accept that a lack of writing appears to have been a major cause of the breakdown in communication?

A In this particular instance, yes.

Q Would you agree that a further reason appears to have been a lack of coordination in relation to the collection of information about complaints and in relation to the investigation of complaints?

A I would not go as far as to say that there was a lack of cooperation. I think that the coordination may have failed at times.

F

Q To bring that into blunt terms, what I am suggesting to you is that Mr McCaffrey knew about two incidents, one in 1969 and one in 1971; Mr Moore knew about 1967 and 1969; Mrs Wilson, if she is right, knew about 1968/69; you knew about at least two and, if Mrs Wilson is right, three, if you are right, only two, incidents. Nobody knew about all four incidents, is that not correct?

A Yes.

G

/Q And that is.....

H

- A Q And that is a pretty undesirable state of affairs? Isn't that right?
A I think in fairness I ought to point out that I committed all the information I had on to paper in writing.
- Q Without saying who is to blame ...
A This is what I am saying - and I am not assigning blame - from my point of view there appeared to be a co-ordination, a centralisation, of information in the file.
- B Q Yes. I accept that that is the way it appeared to you at that time, but what I am suggesting to you now is, with the benefit of hindsight, looking back, what you have is a situation where in 1967 a recommendation is made by you, and presumably accepted by the Town Clerk since he didn't come back to you about it, that any further information or allegation concerning Mr Mains or Kincora must be carefully sifted.
A Yes.
- C Q And what happens after that is that there are three further incidents, and I appreciate that you are saying you only knew about two.
A Yes.
- Q But there are three further incidents after that, and nobody, if asked in October 1971, would have known about all four?
A That is correct.
- D Q And in fact no one person, if you are right, would have known about more than two?
A Yes.
- Q Would a further reason for the breakdown in communication be that if - and this is the matter I raised with you first this morning - my suggestion to you is correct, that you held the Mason file in your office and not as part of the Kincora file, that would be a further reason for the breakdown in communication in this sense, Mr Mason: whoever was using the Kincora file, or who had access to the general Kincora file, would not have known about the separate file?
A If I had been holding my file in my office.
- E Q Because Mrs Wilson goes further than saying that not only was the Mason file not in the general Kincora file: she goes further and says that she has no recollection of seeing any memo or note in the Kincora file which would have led one to believe that the Mason file existed somewhere else. Would you accept that?
A I cannot refute Mrs Wilson's views on the matter, but what I am saying is in fact that the Mason file was originally a CWO file and at the end of the day was an H0 file; in other words, it was a general file.
- F Q Yes, but whatever designation it had if it were kept in your office, and there was no reference to it in the general Kincora file, that would have meant that people like Mrs Wilson, coming and using that file, would not have known about the Mason file.
A The only other corroborative point I can make is that if one looks at the file one can see that the CWO has been struck out and written underneath it is an H0 number, and that H0 number is not my writing. That writing must have been done by someone who was handling the file in the general file.
- G H Q Someone else, in other words, at some stage has received that file and stroked out something and written something underneath it?
A Yes.

IT/3/2

7

- A Q That may have been done when the file came back from the Town Solicitor's office?
A I suggest that it didn't because the file was forwarded to the Town Solicitor's office under an HO number ...
- Q So it then was done before that?
A It was numbered before that, yes.
- B Q But whatever the situation, what I am suggesting to you is, it appears likely that you had the file in your office. I appreciate what you have said in relation to that already, but I am saying to you that if that is right, and if there was no reference in the general Kincora file to the existence of the Mason file, that would be something that would put anyone using the general Kincora file at a disadvantage?
A If the file was in my possession, it would.
- C Q I think you have accepted already, Mr Mason, that the police probably were informed - and I know that you do not have any direct knowledge of this, from what you have said - by either the Town Clerk or the Town Solicitor of your recommendation in 1971, or not necessarily about your recommendation but about the incident?
A Yes.
- D Q And I think that if one looks at the situation where on the 1st September the Town Clerk is diaried to meet a Superintendent Thompson and then on four occasions between 1st September and 28th September, when you met the Town Clerk, Mr Jameson, the Town Solicitor tries to contact Assistant Chief Constable Meharg and eventually succeeds on the fourth occasion, it is a reasonable inference from that that the police probably were informed. Is that correct?
A I would rather support that from my knowledge of the Town Clerk and the Town Solicitor.
- E Q If the police were informed would you have expected to be contacted?
A No.
- Q Were you contacted at any stage after you returned from holiday by the police in order to ascertain what your view on this matter was, you having had the advantage of interviewing not only R8 but on a previous occasion of interviewing Mr Mains?
A I have no recollection of being interviewed by the police.
- F Q Would you agree that if you had been contacted by anyone who wanted to carry out a further investigation you would have been in a position to provide some very useful and essential information?
A I would have been in the position of giving a very strong opinion.
- Q Yes. I mean, you could have told them what view you formed of Mr Mains in 1967?
A Yes.
- G Q You could have told them how he appeared to you to be very tense initially, how you ended up with a suspicion that he had homosexual tendencies even though there was no corroboration at that time?
A I had a suspicion of his behaviour.
- H Q I suggested to you yesterday, Mr Mason, various steps that might have been taken by way of an internal type of investigation. You have indicated reasons why you felt that that wouldn't really have been very productive. Does

A the failure to hold any type of internal inquiry mean that in fact the matter stood in a limbo after the word came back from the Town Solicitor that there was to be no formal referral to the police?

A Yes, I would agree that that could happen.

Q And as far as you are aware or can remember, nothing specific was done after that?

A There were no specific inquiries after that.

B Q So does that in summary mean that a message from the Town Solicitor's office of no formal referral to the police meant in turn no action, and that in turn meant that there had been four, if the sum total is correct, wasted complaints?

A I might disagree with the use of "wasted" in so far as I would have hoped that a further complaint would have been added to the complaints which were recorded.

C Q Well, all right: you have four complaints about which nothing has been done, and maybe if there is a fifth complaint something would be done?

A Yes, something could be done.

Q But that is the only use that the four complaints had achieved to that stage?

A That was the final result.

D Q Do you know who told R8 what had happened as a result of his complaint?

A No.

Q Do you know whether R8 was ever told what happened as a result of his complaint?

A No.

E Q What do you think about that?

A Well, it's a point that I feel unable to answer now.

Q I appreciate that you cannot answer whether or not he was told, but what I am asking you is, what do you think of a situation where R8, who has not only made a very detailed written complaint but who has subjected himself to an interview and re-affirmed those complaints, may not even have been told the outcome of his complaint?

F A You see, I am going back to the situation when I dealt with it in 1967, and without going into it in detail, at the end of my investigation I instructed the Children's Officer to go to the boys and tell them the outcome of their complaint. I presume - I can only assume - that I have either inadvertently left the explanation to the boy to the police; in other words, I assumed the police had seen the boy. That is without knowledge, but I am only assuming. If you say, putting me back to that day, and you had said to me: "Do you think the boy ought to be informed?" I would have said: "Yes", and I would then have gone on to say that I assume the police have done so. The boy made the complaint; he made a complaint of a crime, and he was entitled from the police to be told that his complaint of a crime was unsubstantiated.

H

/Q I think you ...

A

Q I think you would agree, Mr. Mason, there is absolutely no doubt but that someone who makes a complaint of the type R8 had made, and went into the detail that R8 went into, has every right to be told what the result of his complaint is - there is no doubt about that?

A But may I add that in my private life I have made a complaint once to the police and I haven't been informed as to the outcome of the complaint.

B

Q Well, to leave aside your unfortunate experience with the police in that regard, you agree that whoever should have been told, R8 ought to have been told?

A Yes.

Q Now, you assumed - doing the best you can at this stage you say you must have assumed that the police were going to tell him?

A I must have, yes, that's true, I must have assumed that.

C

Q Would you agree that, whether he was informed or not, whether the police ever informed him, one thing that appears clear is that nobody from your department ever informed him?

A I have no knowledge of anyone informing him from the Welfare Department.

D

Q There is not one scrap of writing to suggest that R8 was ever seen again by anyone in the Welfare Department to put him in the picture and explain to him what had happened?

A No.

E

Q And I appreciate - and I don't want to be unfair, Mr. Mason, about the difference perhaps between procedures now and then in relation to complaints, because I think it has already been given in evidence to the Committee that at that stage there was no specific system for dealing with complaints in relation to child care, or child complaints; but what I would ask you briefly to consider, Mr. Mason is, there are two documents which I am going to ask you to look at briefly, and they deal with a system of complaints in relation to the hospitals authority, the Northern Ireland Hospitals Authority, which was not directly applied, as I understand it, in the Welfare Department in relation to child care, but the general principles of it would have been germane, as far as your department was concerned, Mr. Mason - would you accept that? If perhaps Mr. Mason could be shown a copy of the Northern Ireland Hospitals Authority circulars - one is dated 15th February 1951 and the second, 10th March 1969, and what I am going to ask you - and I don't want you to read the entire document, but what I am going to ask you is, in relation to the first document of the 15th February 1951 - have you got that?

F

A Yes.

Q The second paragraph of that document says this:

G

"It is desirable, as Management Committees will agree, that such complaints should be examined not only thoroughly but also expeditiously in order that a reply may be sent as quickly as possible to the person complaining. Such a practice tends to promote good relations with the public, and is specially important where the complaint has been made against an officer of the Authority?"

A Yes.

H

Q Now, if I could then refer you to the second document dated 10th March 1969, and in the first paragraph there it says:

- A "It is appreciated that Management Committees give careful consideration to complaints made by or on behalf of patients and that, in general, Committees realise the importance of ensuring that all such complaints are sympathetically received and dealt with speedily. There is virtue, however, in adherence to a well-recognised procedure and it is appropriate that there should be general guidance about what this should be.
- B "Two general principles apply to all that follows. First, all complaints should be dealt with as promptly as the circumstances require. Secondly, not only should complaints be investigated, but it should be made evident to complainants that their complaints have been fully and fairly considered."
- And if I could then refer you to paragraph 5, finally, Mr. Mason, as far as this document is concerned:
- C "Where Court procedures in relation to the subject matter of a complaint have been started, or are thought likely, the Authority's Legal Adviser should be consulted before dealing or continuing to deal with the complaint"
- and this is the part that I want you, in particular, to consider, Mr. Mason:
- D "Whenever investigation of a complaint may point to action to ensure the proper running of the hospital, however, the Management Committee will wish to take such action without delay and legal proceedings, or the likelihood of legal proceedings, should not deter the Committee from themselves carrying out whatever investigation is needed to this end."
- I thought it was in that paragraph but in fact it is in paragraph 8 on the next page of that document, Mr. Mason, and paragraph 8 says :
- E "In all cases replies to complaints, including replies given after enquiries have been held, should be given with sufficient explanation and in appropriately sympathetic terms."
- Now, I would suggest to you, Mr. Mason, that what those documents show is that even in 1971 there was an appreciation that, if someone made a complaint, not only should the complaint be investigated thoroughly and expeditiously but the complainant should be kept fully informed and should have explained to him in careful and sympathetic terms what the outcome of his complaint is?
- A Yes.
- F Q And that didn't happen in R8's case?
- A Yes.
- Q Now, if I could ask you finally then, Mr. Mason; you have suggested to me and you also suggested to my learned friend Mr. McCartney yesterday, that the only useful thing to come out of R8's complaint and what happened in relation to it, would be that it meant that there was a further complaint there and if something happened to come up again in the future about Mr. Mains, well perhaps the next time round your recommendation might be accepted?
- G A Yes.
- Q That is a possibility?
- A Yes.
- H Q That next time round you would have put in a memo recommending referral to the police or whatever, and that somebody - either the Town Clerk or the Town Solicitor - would have agreed with you and that would have been done, that's a possibility?

A

A That's a possibility.

Q Would you also agree that it is quite possible that a number of other things would have happened if a further complaint had been made? For example, the complaint might have been dealt with by someone like Mr. Moore - and I appreciate he was gone, but someone like him, who decided that it should not be referred to you and dealt with it himself - that's a possibility?

B

A That's a possibility.

Q Because that had already happened once?

A Yes.

Q Alternatively it might be investigated by someone like Mr. McCaffrey, who doesn't link it up with what had happened previously?

A Yes.

C

Q Another alternative is that it might be the subject of a recommendation by you that it should be referred to the police or whatever, but that once again for reasons best known to themselves, either the Town Clerk or the Town Solicitor or both together, would conclude that nothing should be done about it?

A That might be less possible.

D

Q But what I am suggesting to you finally, Mr. Mason, is this; that given what had happened in relation to the four incidents up to October 1971, there is no reason for being at all optimistic that if a fifth complaint had been made that it would have met with any greater success?

A I can only say that in my recollection - or I would have assumed, that I would have been more optimistic.

Thank you very much, Mr. Mason.

E

Cross-examined by MR GILLEN

Q It rather looks from the evidence you have given, Mr. Mason, that - to put it at its lowest - you were reasonably convinced that there was a case to be made out that Mains was a homosexual and had interfered with children?

A I was of the opinion that there was a case to be investigated.

F

G

H

/Let me put something.....

A

Q Let me put something further than that to you. You were reasonably convinced that there was a reasonable chance he was a homosexual and had interfered with children?

A No, I can only repeat that I was reasonably convinced that there was a case to be investigated.

B

Q Does that not mean that you felt there was a reasonable chance he was a homosexual and was interfering with children?

A I do not deny the inference there, but I cannot recall the ...

Q The inference is unavoidable, is it not?

A Yes.

C

Q May we take it that in all the steps that you took or did not take thereafter, after you made the recommendation to the Town Solicitor and Town Clerk, you must have had in the back of your mind this thought?

A Yes.

Q And this thought was that here we have a man in charge of a home of boys of whom one can say there is a reasonable chance he is a homosexual and of whom one can say there is a reasonable chance he is interfering with the boys?

A Yes.

D

Q Indeed, one could say that it must have been in the back of your mind that irrespective of what R8 had said, and R8 was away from the home, there was certainly one boy still in the home, namely R33, who had been interfered with in a sexual manner, or at least there was a reasonable chance of that?

A I think the evidence was that an approach had been made to the boy.

Q That is right: an approach had been made that he should spend the night?

E

A Yes.

Q And that seemed to back up what R8 had said, and it seemed to back up what the two earlier complaints had said?

A It supported.

Q You knew, therefore, that there was still a boy in that home to whom advances had been made and to whom advances might be made again?

F

A Yes.

Q What did you do to protect that boy?

A Well, I referred the whole matter to the Town Solicitor.

Q They obviously did nothing about it. What did you do to protect that boy?

A At that point in time there was nothing further I could do.

G

Q Does that mean, then, that your view was: that boy must remain unprotected, that boy must remain at danger to further sexual advances?

A No, my view was that I was wrong in my assumptions. That is the view I must have taken.

H

Q I am not really concerned about your assumptions at the moment. I am concerned about what steps you took to protect a boy who quite clearly was a danger to this man.

A The report that I had from the Town Solicitor and presumably the police was that there was no evidence to proceed.

MT/5/2

A

Q Yes, they had said that the matter was not to be referred to the police. Were they saying, or did you understand them to be saying, "And leave R33 for whatever fate is waiting for him in Kincora at the hands of this man Mains". Were they saying that, or did you understand them to be saying that?

A No, they did not say that.

B

MR MARRINAN: Mr Chairman, I may be incorrect - and I will be corrected if I am - but Mr Mason's memo of 25 August he said that R33 was a resident in Kincora only to 12 July 1971. I am not sure, in fact, whether he continued after that, but the suggestion is that he was there from 1 July 1968 to 12 July 1971. I do not know if Mr Gillen has any other evidence about it.

MR GILLEN: Did you make any inquiries as to whether R33 was taken out or not after that?

C

A I cannot recall.

Q Do you recall where you interviewed R33? Was it in the home?

A No, I do not recall where I interviewed R33.

Q Do you agree with me it is an extraordinary thing that you did not make any, if you did not make any, inquiries to ascertain the whereabouts of R33?

D

A No, I do not think that I would look upon that as extraordinary.

Q Surely, if you knew that a little boy was being invited to spend a night with the officer in charge, how do you justify saying "I don't think I'd have made any inquiries about that boy"?

A I do not understand the implication. Could you rephrase it?

E

Q Well, if you need it rephrased I will certainly do that. Are you suggesting to this inquiry that this proposition did not merit very careful investigation? There is a little boy possibly in Kincora home who is being invited to spend the night with the officer in charge. Do you say that that situation does not require instant and careful inquiry?

A But it does say that the boy was a resident in Kincora from 1 July 1968 to 12 July 1971.

F

Q Do you think that a man who has already interfered, or at least the reasonable chance is that he has interfered, with two boys in 1967, has interfered with R8 in 1971 or thereabouts, and has interfered with R33, do you think that that man is likely or was likely to have confined his attentions to simply those four boys?

A That was the inference of my recommendation to the Town Solicitor.

G

Q Let me ask you this, so that we are absolutely clear on what the issue is here: do you tell this Inquiry that you did not consider that boys other than the four I have mentioned might be at risk?

A That was the inference of my report, my letter to the Town Solicitor.

Q That other boys were at risk?

A Yes.

H

Q And as a reasonable man you felt, may we take it, that there was a very good chance that other boys would be interfered with in the future by this man?

A I cannot recall making my mind up on that point.

A

Q Knowing as you did that four boys in four years had been sexually interfered with, do you tell this Inquiry ...

MR MARRINAN: I am sorry, Mr Chairman: my friend is begging the question.

B

MR GILLEN: All right, knowing that there was a reasonable chance that four boys had been interfered with in the last four years, do you tell this tribunal that it was not to the foremost in your mind that there was a reasonable chance that other boys would be interfered with sexually by the same man?

A I referred this matter to the Town Solicitor on that inference.

C

Q I am not asking you what you referred. I am asking you: would it not have been to the foremost of your mind that there was a reasonable chance that other boys in that home would be sexually interfered with?

A You may infer that.

Q Do you not agree with me that the reasonable chance of boys being sexually interfered with demanded the most thorough and careful precautions to avoid that?

A Yes.

D

Q It would require, would it not, investigation from the remaining boys in that home whether or not they had been interfered with or were being interfered with?

A I had left the directions of the investigations to the Town Solicitor and to the police.

E

Q But the Town Solicitor had done nothing.

A I cannot say that the Town Solicitor had done nothing.

Q Knowing, or being aware of the reasonable chance, that these boys were currently being interfered with, what steps did you take to ensure that those boys were not exposed for one single day beyond your conclusions?

A I followed my training and experience, and that is that when I considered the matter had gone beyond my competence I referred it to a higher authority who I considered were competent to deal with the matter.

F

Q Does that mean this: that when that higher authority decided not to take any steps, or at least when that higher authority had not communicated to you what steps they were going to take, you concluded "Out of my hands. There's a reasonable chance that these boys are being sexually interfered with; it must be just ignored; I can do nothing"?

G

H

/A No ...

LB6/1

A A No. I would have come to the conclusion that the higher authority with their additional competence had come to a decision that I had to accept.

Q Does that mean then that you had concluded that as a result of that higher authority refusing or not agreeing to refer to the police your situation was this: "In my own mind I think there is a reasonable chance those children are being sexually interfered with but because of the decision of the Town Clerk I must leave them to be exposed. There is nothing I can do"?

A I did not get that impression. I got the impression that the Town Clerk and the Town Solicitor had referred it to the police.

Q What gave you that impression?

A Because I had recommended that it would be referred to the police.

C Q What made you conclude that they would accept your recommendation?

A I had never any experience of the Town Clerk and the Town Solicitor not accepting a recommendation such as that.

Q Why did you not inquire whether or not they had done that?

A I cannot remember whether I inquired or not. I can only assume that I did inquire and that they said they had referred it to the police.

D Q Now, Mr Mason, are you seriously telling this inquiry that you are now assuming that you asked the Town Clerk or the Town Solicitor, "Have you dealt with this matter? Have you referred it to the police", and that they said, "Yes, we have". Is that what you are asking this Tribunal to believe?

A Not in that language but rather in a manner of when I was being informed as to the decision. I had made a recommendation that the matter be referred to the police. I would assume that in replying to that memorandum in a verbal fashion they explained to me the action they had taken on my recommendation.

Q The action was not to refer it to the police?

A The recommendation ---

MR MARRINAN: Mr Gillen will recall Mr Johnston's evidence yesterday in which he indicated in the clearest possible terms his recollection was that the police had been involved at some stage after the reference had gone to the Town Solicitor. Consultation, he said, with the police.

MR GILLEN: That is only because of the diary. That is the only reason he said that -- because of the diary. Are you suggesting to this Tribunal, Mr Mason, that you are now of the mind that the Town Clerk or the Town Solicitor told you something that made you think the police were involved?

A No, I am not of the mind. I can only infer that from the recommendation that I had put to the Town Solicitor, in consultation with the Deputy Town Clerk, that the normal competent action which I would have expected from the Town Solicitor, who was a qualified solicitor, and the Town Clerk, who was also a qualified solicitor, was that they would have looked at the evidence and the information that I had passed them and that they would have taken appropriate action. I have no doubt in my mind in that respect. My memory fails me, and indeed, Mr Chairman, I could have recalled very easily, because neither of the two gentlemen were there to deny my recollection, but I have tried to be as honest to this Tribunal as possible, within my knowledge and memory.

LB6/2

16 . . .

MR MASON
BY MR GILLEN

A Q Mr Mason, had you ever come across a matter as serious as this before?

A No, not as serious as this but I have dealt with serious matters in my time.

Q This was the most serious matter you had dealt with in your career up to date?

A Yes.

B Q Surely, dealing with the most serious matter in your career up to that stage, you accept you must have spoken to the Town Clerk or the Town Solicitor to ascertain if the police had been involved and an investigation initiated?

A I think it would have been the other way around, that the Town Clerk and the Town Solicitor or or both would have spoken to me, that they would not have ignored my memorandum.

C Q So you accept then that they must have spoken to you?

A Yes.

THE CHAIRMAN: I think he did that, Mr Gillen, yesterday.

MR GILLEN: He accepted that yesterday. (To the witness) Having spoken to you, do you not agree it must have become obvious to you that the police were not carrying out an investigation into Mains in that home?

D A No, I could not infer that, Mr Chairman.

Q Mr Mason, I must confess that your lack of memory in this matter confuses me. Here is the most serious allegation.

A It confuses me, Mr Chairman, too.

E Q I am just asking why that confusion should be there. Here is the most serious allegation that had been made in your career, an allegation that you were particularly involved in having known about the previous suggestions. How is it that your memory is such that a matter like that does not stand out absolutely X'd on your memory?

A I have no explanation to offer.

Q It is not because you know that you have been guilty of a dereliction of duty here and that is why your memory is failing you?

F A Of course not.

Q In any event, whatever the Town Clerk or the Town Solicitor told you, you must have known, as the days and weeks and months went on, that Mains was still the head of that home?

A Yes.

G Q And you must have known that whatever investigation was going on those children were still being exposed to Mains?

A Yes.

Q And during those weeks and months did you ever contact the Town Clerk or the Town Solicitor to say, "What is happening here? Are the police doing their job? This man is still here. Nothing has happened"?

H A I think that it has already been indicated, not by me in direct evidence, but the Town Clerk and the Town Solicitor and the police had made up their minds about the matter.

LB6/3

A

Q But did you, with this fear in your mind that the reasonable chance was that these children were being exposed, not go back to them again and again to ask, "What is happening about this man? I am not happy about him being here"?

A I think that if I had gone back to the Town Clerk or the Town Solicitor, having asked them for directions and advice, I would have got short shrift. I would have been referred to the advice and direction that I had already got.

B

Q If that was your fear then, why did you not act on your own initiative?

A I had no further initiative to use.

Q But does that mean that you felt you were helpless to protect these children?

A I would not use the word 'helpless'. I would feel that I had taken the position to as far as my competence allowed me .

C

Q If you had taken the position as far as your competence had allowed you to, does that mean that as the weeks and months went on you felt there was nothing more you could do to protect these hapless children against this man?

A There was no further information that I could act on other than the information that I passed to the Town Solicitor and the Town Clerk.

D

Q Maybe you would listen to the question, Mr Mason. Does that mean then that you felt there was nothing more you could do to protect these children from this man?

A It must have been.

MR GILLEN: May I ask you this, Mr Mason? If you could not protect them, who could?

E

THE CHAIRMAN: You know, Mr Gillen, I think what he is really trying to say is this, and he said it yesterday. He is saying, "I concede that I was told at some time or other by the Town Clerk or the Town Solicitor, either that they were not prepared to approach the police, or that they had approached the police and that was going to be the end of the matter". I think probably the first of them; from that moment and that moment on he felt that he had done all he could do because he had reported those matters to his superior officers and he relied on their direction to take the matter any further forward.

F

MR GILLEN: Does that mean then, Mr Mason, and I understand exactly what you have been saying ---

MR MARRINAN: May I just add something to that? Mr Mason is being attacked here, although oddly enough Mr Johnston was not attacked yesterday by either Mr McCartney or Mr Gillen, for what he said, and he was a more senior officer. Mr Johnston said yesterday his view was it was too serious a matter for an internal investigation. Here is someone who is junior, and may I say Mr Mason was the only man in a number of years in this whole business who had the guts to put his signature to a recommendation that this man Mains, this criminal Mains, be prosecuted, yet here is this man of advanced years who is now being attacked while his superior, Mr Johnston, was left untouched yesterday on these matters.

H

LB6/4

A

MR GILLEN: I think Mr Marrinan can safely leave the role of cross-examination on this matter on behalf of my clients to me.

MR MARRINAN: I will protect Mr Mason, Mr Gillen, if he is being treated unfairly. He is being treated unfairly.

MR GILLEN: This emotional outburst really is without any kind of logic.

B

MR MARRINAN: The emotional outbursts have come from you, Mr Gillen.

C

MR GILLEN: May I say this, that so far as Johnston is concerned, he has made it quite clear yesterday that the administrative matters were left - in fact he dealt explicitly with this - to Mr Mason. He said, "I am not a social worker. I leave matters, as I have no experience as a social worker, to Mr Mason". He expressly said that. It certainly occurred to me as a not unreasonable thing for Mr Johnston to say. Mr Mason is the man who essentially is in charge of the social workers' aspect of it. That is why I want to ask these questions.

D

MR MARRINAN: I want to add something to that. Mr Johnston accepted that his department had supervision of the Welfare Department, and I also ask Mr Gillen, now that he has gone on in this vein for some considerable length, to suggest to Mr Mason what exactly he should have done, his recommendation having been refused?

E

MR GILLEN: If Mr Marrinan had been listening to, a, my cross-examination of Mr Johnston yesterday, and, b, Mr Fee's cross-examination of Mr Mason both yesterday and today, he would not have needed to ask that question. (To the witness) Mr Mason, does that mean in terms, therefore, that your superior officers, having said, "Don't go to the police", or, "We are not going to the police", and it looks likely that is what they said, that you felt, "I have done all I can. I have referred it to the top and that is the end of it"?

A That would be a fair summary of the position I was in.

Q That meant in terms then, on your case for the moment, that because those at the top had said, "We are doing nothing", really these children had to remain exposed to that danger?

F

A I think you are being unfair to the Town Clerk and the Town Solicitor when you said that they told me they were doing nothing.

Q They were not referring it to the police.

A Your assumption is that they did not refer it to the police. I must still affirm my belief in the Town Clerk and the Town Solicitor, that at least at the very lowest the Town Clerk and the Town Solicitor consulted the police. There may not be any record but I believe, in the same way as Mr Johnston did, that the Town Clerk and the Town Solicitor would not have treated this in the 'cavalierish' manner in which it has been suggested.

G

Q Let us look at it this way, Mr Mason. You knew that whatever had happened Mains was still remaining in that post. He was still in charge of those children as the weeks and months went on?

A Yes.

H

Q And you knew therefore in your own mind that there was still a reasonable chance during those weeks and months that children were in danger?

A Yes.

LB6/5

A

Q And you knew, whatever was being done, nothing was being done to solve that problem, that children were still being exposed during those weeks and months to Mains?

A Yes.

B

Q And did you not feel in your own mind that is a totally unacceptable situation?

THE CHAIRMAN: What should he have done, Mr Gillen, acting on his own? Resigned?

C

MR GILLEN: No. What he should have done is either instituted investigations with Mains, talked to Mains, either investigated with the other children whether they were, in fact, being attacked in this way; some steps should have been taken either by way of suspension or further investigation. In my submission it is certainly nonsense to say that the children should have been left with nothing done. To suggest otherwise is to suggest that these children had to suffer their fate.

THE CHAIRMAN: I do not think he is saying that and, God knows, I would not be saying that but I think perhaps you do not appreciate the difficulty he really was in.

D

MR GILLEN: Tell me this, Mr Mason: was there nothing you could do to help these children or to stop them suffering that fate?

A At that time I felt that I had explored all the avenues to protect the children.

E

Q But surely the situation cannot be that you in your position as the Head of that particular branch were in a helpless position so that the children remain exposed without someone to help them?

A If I may recall, Mr Chairman, there were three clear allegations by the boy, R8. One was that the boy misbehaved himself in the bedroom. The second was that Mains had made improper approaches to both that boy and the other lad and that was confirmed. The third one was a clear-cut allegation of a homosexual relationship between Mains and an ex-boy of Kincora. It seemed to me at that time that the matter was clearly within the competence of the police force who had all the resources to investigate what was a clear-cut complaint and I was told by the Town Solicitor and the Town Clerk, men who I had the greatest respect for; I had been reared in local government. My belief was on the basis that a town solicitor and a town clerk were beyond criticism. They were like Ceasar's wife to me. They were beyond ---

F

G

H

/THE CHAIRMAN:

A THE CHAIRMAN: In military terms, they were like your commanding officer, were they not?
A Exactly.

MR GILLEN: It was quite clear that Caesar's wife had done nothing to stop Mains remaining in his post during the ensuing months and weeks?

A I am not here to defend the Town Clerk or Town Solicitor. I am here to say what my belief was in my organisation.

B Q If you would just concentrate on defending yourself at the moment, Mr Mason, irrespective of the Town Clerk and Solicitor --

A I do not feel that I have to defend myself. I am here to give you as much information as is humanly possible to avoid something like this happening again.

C Q Do you agree with me that during the ensuing weeks and months it would have been within your power to have taken aside the social workers or to have ensured that steps were taken by others to ensure that each of the social workers visiting the boys in the home were aware of what the allegations were, and that a careful eye should have been kept on developments?

A I left the matter of information being disseminated in the normal way, that is, through the Children's Officer. If the dissemination of information was not good enough, I accept the responsibility for the poor dissemination of information in the department.

D Q Do you agree with me, first that the dissemination of information, as you say, ought to have been done?

A Yes.

Q And the dissemination of information should have included the social workers visiting these boys being informed of what the allegations were?

E A It had to be within the judgment of each officer as to how much of the information he would pass on.

Q Would you agree with me that some information should have been passed on to the social workers visiting the homes so that at least they were aware in general terms of what the allegations were?

A Yes.

F Q Do you agree with me that that dissemination of information should have included those social workers being, if not instructed, at least advised to ascertain from the particular boys that they were dealing with whether or not there had been any sexual activity with those boys?

A I am not sure whether -- I am not a qualified and trained social worker -- that is the way in which social workers would go about their business.

G Q Do you agree with me that there should have been, albeit sensitive, inquiries made of the other boys in the home to ascertain if they had been sexually interfered with?

A I would have assumed that at that particular time that was the sort of investigation that would have been carried out at my behest by the police.

Q No, I am saying, by the social workers, now?

H A No, I think that what we would have been doing would have been alerting -- if at all, in our minds -- if any further information had come to us, it would have been carefully sifted and action taken.

A Q That was sitting back, was it not, and waiting for other information to come to you. Do you not think that this should have been done: that the information, if it was available, should have been taken from the boys already there, as to whether or not they had been interfered with?

A I can only repeat that that is the sort of action I would have expected the police to have taken, that is to say, to investigate the matter as it was at that particular time of the referral to them.

B Q If the police had been doing that, surely that would have sifted through to you?

A As I say, I did not think it would necessarily have been sifted through me. The police had at least three people to whom they could go who were named in the boy's allegations.

C Q Are you seriously suggesting that if a police investigation had been going on in Kincora along the lines you have suggested, talking to the boys, talking to the social workers, talking to the other officers who had been there, you would not have heard about that?

A I did not hear about it.

Q Are you seriously suggesting that if such an investigation had been going on you would not have heard about it?

D A I could assume, yes, that the police would have carried out their investigations in a confidential manner so that no one would have known about their investigations unless they were entitled to know.

Q Do you mean to say that boys could be interviewed, social workers could be interviewed, members of staff could be interviewed, and you would not have heard about it through the social work grapevine?

A It could well have been.

E Q Are you serious about that?

A I am quite serious that if the police had told whoever they were investigating -- they may well have told the people concerned that they were not to let this go further in the interests of pursuing the matter.

F Q As the weeks and months went on, did you believe that that is what was happening? Are you telling this Committee that you believe, as the weeks and months went on, that the police were investigating here, in a very thorough manner, and you just went on in that belief?

A No, what I said was that I expected the police to do this. You asked me whether I did it or not. I said I did not do it because I expected the police to do it.

Q Do you tell this Committee that you believed the police were doing that?

A I expected the police to do it.

G Q I am asking you something different. As the weeks and months went on, do you tell this Committee that you believed the police were doing that?

A I was informed by the Town Clerk and the Town Solicitor that they had come to a conclusion, and that was that the matter would not be proceeded with.

H THE CHAIRMAN: We go round and round in circles about this, Mr Mason. Surely what you were being told was that the Town Clerk, for bad or good reasons - never mind, we are looking beyond time now - and the Town Solicitor - and the Town Clerk was a solicitor himself - had decided that they would not take the matter to the police, and sooner or later in this Inquiry I think we shall be able to ascertain whether that is so or not; do you follow?

A Yes.

A MR GILLEN: That means that you did not think that they were carrying on this investigation, then, Mr Mason, as the weeks and months went on?
A (No reply).

Q Is that not right?

A If that is as the Chairman has said, that is correct; you see, I did not know then that the police were not carrying out any investigation.

B Q You say, if it is as the Chairman suggests; do you not agree that it is as the Chairman suggested?

A Yes.

Q That means then that you did not believe that the police were carrying out this thorough investigation as the weeks and months went on.

C A (Pause) Mr Chairman, my first information about the Town Clerk and the Town Solicitor's opinions I heard in this Court yesterday from the Deputy Town Clerk. I thought that he had inferred, or suggested, that the police had been contacted.

Q I want to make it absolutely clear now. Irrespective of what you expected, are you telling this Committee that you believed at any time that the police had carried out a thorough investigation including speaking to the boys, speaking to social workers, and speaking to members of staff? Did you believe that?

D A I stated that I expected the police would carry out a thorough investigation.

Q I am quite sure that you understand the question, because it has been put to you a number of times. I will put it one final time. If you do not want to answer it, then just say so. I am not asking you what you expected. I am asking you now, did you believe that had been done?

E A Yes.

Q That the police had carried out a thorough investigation of the boys, of the social workers and of the staff?

A Yes.

Q When did you believe that?

A All along.

F Q There was nothing at all said to you that made you believe that that had not happened?

A No.

Q Even though you seem to accept that the Town Clerk and the Town Solicitor had said to you that the matter was going no further, you still believed that this thorough investigation had taken place?

G A Yes.

Q I suggest to you that if you did believe that, that is an extraordinarily naive view to take.

A I believed it.

Q If you did believe that, did you ever ask the Town Clerk or the Town Solicitor, "What was the result of this investigation"?

H A I cannot recall having asked that specific question.

Q Surely you would have asked about the result of this most serious inquiry, the most serious in your career?

A Yes, I agree that I must have asked it.

A Q But you do not remember?
A No.

Q How do you explain that, despite the passage of time?
A I cannot explain it.

Q It seems quite extraordinary, does it not?
A Yes. I agree that you think it is extraordinary, yes.

B Q Suppose that you had not thought the police were carrying out this thorough investigation, that they were investigating the boys, the social workers and the staff, in those circumstances, would you have done something to try and protect these boys, or would you have felt helpless?
A I would still have felt that I had taken the matter as far as I could.

C Q Would you have instructed the social workers, for example, or instructed others to ensure that the social workers spoke to the boys to see if they had been interfered with?
A I doubt if I would have instructed social workers to carry out that kind of investigation after having made the recommendation to the Town Solicitor and to the Town Clerk.

D Q Supposing you had been told that the police were not going to be involved; there was going to be no investigation by the police?
A Then I would have had to take directions from the Town Clerk and the Town Solicitor, that there was nothing in the statements that I had put forward to them that would have sustained the allegations.

Q Does that mean that if the police were not going to investigate it, your view would have been that unless told by the Town Clerk, no other investigations of any form should be taken?
E A I would have been under instructions by the Town Clerk.

Q You do not recall whether you asked for those instructions or not?
A No, I do not recall.

Q It looks as if the position was this: if the police did not make any inquiries, and it looks as if they did not, it looks as if no step whatsoever was taken to deal with the situation that had arisen, leave aside who was responsible; it looks as if no step was taken if the police did not investigate?
F A Only the Town Clerk could answer that question.

Q From your point of view, you were unaware of any single step being taken if the police did not investigate?
A No further step other than my report.

G Q Do you agree with me that that is an extraordinary state of affairs, that there was you and the Deputy Town Clerk seemingly reasonably convinced that there was a reasonable chance of these children being exposed to this man, and that if the police had not investigated, nothing was done at all?

A The answer there lay outside my competence. The matter was referred to the Town Clerk and the Town Solicitor. They were the two men who made the decision. As to how they arrived at the decision and what action they proposed to take, or should be taken after the decision, is something to which I was not privy. I cannot recall that.
H

/Q

A

Q You could have taken a number of steps without going to the Town Clerk or the Town Solicitor. We know what they are: internal investigation, and so on; right?

A No. I felt that I was under a duty in this matter to report it to the Town Clerk and to the Town Solicitor as expeditiously as possible.

B

Q But if you had decided not to report it to the Town Clerk or the Town Solicitor there were a number of steps you could have taken of your own initiative?

A I do not agree that I had any steps that I could have taken on my own initiative.

/Q Could you not....

C

D

E

F

G

H

A Q Could you not have done as you did in 1967? You could have investigated it yourself?

A Not a criminal offence.

Q Does that mean that the only thing you felt you could do was recommend that it go to the police and, if that were not taken up, there was just nothing else you could do? If it were a trivial matter there were a whole lot of things you could do?

B A No. I don't agree with that but I would say that my clear action was to report this to the Town Solicitor with a recommendation that it be dealt with by the police, because that was the most competent way I felt the matter could be dealt with.

Q I want to suggest to you, Mr Mason ...

A Anything other would have been less competent.

C Q I want to suggest to you, Mr Mason, that you are being less than frank when you inform this Tribunal that (a) you thought the police were doing a thorough investigation and (b) when you inform this Tribunal that you do not recall discussing with the Town Solicitor and the Town Clerk what was their view about this recommendation.

A I cannot see that I am being less than frank if I had stated that in my view a reference to the police would have been the most competent way to deal with an allegation of a criminal offence.

D Q All right, Mr Mason. Thank you.

THE CHAIRMAN: Thank you, Mr Gillen.

Cross-examined by MR SIMPSON

E Q Mr Mason, my name is Simpson and I represent an ex-resident of Kincora, and I have very few questions to ask you. First of all I would ask you to explain to me what is the function of the Town Clerk? What is his job?

A He is the Chief Executive Officer of the Corporation.

Q Of the Corporation?

A Yes.

F Q And am I right in saying, therefore, that he is in charge of everything that the Corporation is responsible for?

A Yes.

Q And he would then have heads of department, as it were, of which you were one?

A Yes.

G Q That is, of all features of Corporation work?

A Yes.

Q He would expect, wouldn't he, that those heads of department would first of all be experienced men who could inform him of difficulties or give him recommendations as to changes, is that right?

A Yes.

H Q But as far as the day-to-day running of any one department is concerned, he would leave it to the heads of those departments?

A He would.

A Q And therefore the Town Clerk would not be aware of anything except those things that he is kept informed about by his heads of department?

A Yes.

Q One of the ways in which the heads of department would keep him informed would be to either have discussions with him, monthly meetings with him or indeed put things in writing to him?

B A I don't recall the Town Clerk having monthly meetings, but most certainly the Town Clerk would expect the heads of department to keep him informed more particularly in writing.

Q In writing.

C A And any meetings of the various committees. He would receive, for instance, a report that I would have made out which would be submitted to the committee that would detail all the work of the committee, the policy of the committee and indeed anything that required to be minuted. The Town Clerk would have this report before the committee would meet.

Q And the reason for that is so that he can inform the committee what is going on in the department?

A Yes.

Q And the only way he knows that is because you would write and tell him that or else you would speak to him. Isn't that right?

D A Yes.

Q So far as Mr Johnston yesterday was concerned, he would have the same function really, as Deputy Town Clerk?

THE CHAIRMAN: Same function as who?

MR SIMPSON: The Town Clerk.

E A I think it is possibly only in the absence of the Town Clerk would he assume that role.

Q Yes, but he wasn't assuming any role as head of any department; he was in fact administering or assisting the Town Clerk to administer everything for which the Corporation was responsible? Is that right?

A He could act as the Town Clerk if ...

F THE CHAIRMAN: He said yesterday he could act as the Town Clerk when the Town Clerk was away, otherwise he took orders from the Town Clerk - rather like the second-in-command of a regiment.

MR SIMPSON: So that, so far as his experience was concerned, and particularly in welfare, he would have less experience of that division than you would have had?

G A Oh yes.

Q And therefore, so far as Mr Johnston was concerned, he really would have relied on you to keep him informed about things concerning welfare of people?

A Yes.

H Q So while you say he is in command, and indeed the Town Clerk is in command, in fact you knew more about the whole thing than they did? Isn't that right?

A I had put on paper, within reason, all the information I had available.

IT/8/3

27

A

Q I am talking generally now.

A Oh yes, generally speaking, yes.

Q So that while you wouldn't question the Town Clerk, the very fact of the matter is that the Town Clerk couldn't question you, because you knew more about everything than he did, so far as welfare matters are concerned? Isn't that right?

B

A He wouldn't have let me away with making a decision which he felt he was competent to make.

Q But the point is this: am I not right in saying that the Town Clerk was not competent to make any decision about welfare matters unless he knew about them, and unless you gave him recommendations about the matter? Isn't that right?

A That's right.

C

Q His decision at the end of the day only came about through what he was recommended to do? Isn't that right?

A Yes.

Q You have given evidence throughout here that really this man, the Town Clerk, was like Caesar's wife, or a Commanding Officer, or that sort of thing, but the fact of the matter is that while he might have that role, as it were, theoretically, he could not have exercised that role very well unless you kept him informed about things?

D

A Yes.

Q And therefore he was totally reliant on you, as Chief Welfare Officer, for everything that went on in the department?

A Yes.

E

Q Let us then look at the other end of it. You, Mr Mason, are the man who is ultimately in charge of all homes to which children go for care?

A Yes.

Q And you ultimately are in charge of all persons who work at those homes?

A Yes.

F

Q And therefore everyone would have known, from the social worker upwards - children's officers, senior social workers and all the rest of them - that you were their boss?

A Yes.

Q Coming down the way then, you would have had certain heads of department: for example, a senior social worker or a children's officer, to assist you in the running of homes and children in care?

A Yes.

G

Q Let me ask you this: would you, Mr Mason, ever have had monthly meetings, or weekly meetings, or meetings at all, with those persons I am talking about? I have referred to them as department heads, although it may be wrong to call them that.

A Yes, I had meetings with the section heads.

H

Q All right: section heads. Had you any meetings, for example, around this particular time with a section head? Would I be right in calling Mrs Wilson a section head?

A No, the section head there would have been the Children's Officer.

- A Q Who was that?
A I think Mr Bunting would probably have been the Children's Officer at that particular time.
- Q All right. I am referring to around the time of this investigation. Mr Bunting would have been the section head?
A Yes.
- B Q Who else would have been a section head?
A Mr Herron would have been a section head; Mr Magee; the Deputy City Welfare Officer, who was, I believe, at that time Mr Jackson.
- Q Right - you needn't go any further. So far as the section head of the children in care was concerned, did you meet with that section head monthly, or weekly, or what was the position?
A I think it was monthly.
- C Q Presumably the reason for those meetings was for you to keep them informed of what was going on administratively and for them to keep you informed of what was going on on the ground, as it were?
A Yes.
- D Q Did you, Mr Mason, ever discuss this particular incident with Mr Bunting or any other section head?
A The 1971 incident?
- Q Yes.
A I think there must be a record of Mr Bunting being aware of it.
- Q That may or may not be true. All I am asking you is, around this particular time, in the month of August when you had a monthly meeting, did you tell Mr Bunting about this particular letter, your investigation of it and your recommendation?
A I don't recall, and I couldn't infer that I would have told him at that monthly meeting.
- E Q Why not? Presumably they are entitled to know as section heads about things going on in their patch, as it were, or what I would refer to as their areas of responsibility?
A Yes.
- F Q All right. Why wouldn't you then have told Mr Bunting - just as one person now; there are others as well - of this allegation, investigation and your recommendation?
A It goes without saying that I would have told Mr Bunting.
- Q You would have told him?
A Yes.
- G Q On 25th August?
A Well, thereabouts.
- Q Let me ask you this: would Mr Bunting also then, as a section head, have had people responsible to him? Is that right?
A Yes.
- H Q And would some of those people have been Mrs Wilson, or Miss Nicholl, or people like that? Would he have been their section head, as it were?
A I understand, at least I think I can recall, that the children's officer had meetings with his section heads. This was to disseminate information.

A Q From the very definition of section head, they were first of all given a great deal of responsibility, and secondly they were trusted people?
A Yes.

Q You say that you would have told Mr Bunting about this incident in the August monthly meeting? Is that right, as you said?
A Not necessarily at the meeting but most certainly I would have told him.

B Q What about the 1967 incident? Did you tell Mr Bunting then about that?
A Mr Moore was in post, and Mr Moore was in the initial investigations.

Q Am I right to say that Mr Bunting was Children's Officer then?
A Mr Moore was Children's Officer in 1967 and Mr Bunting was Children's Officer in 1971.

C Q I see.

MR MARRINAN: Mr Chairman, for the purpose of clarification, this question came up yesterday and I thought we had dealt with it. May I remind Mr Simpson of the statement made by Mr Bunting on 13th May 1980, page 167, in which he says:

D "I took up the post of Children's Officer in November 1971 and I was aware that Mr Mason has investigated these complaints. I do recollect that supervision at that time was increased at Kincora and Mrs Mary Wilson, my Assistant Children's Officer, was undertaking the supervision."

"These complaints" being 1967 and 1971. Perhaps that is of some assistance.

E MR SIMPSON: Yes, thank you. Now, Mr Mason, turning back then to your investigation of this thing, in other words, in the investigation which you carried out with Mr Johnston, Mr McCaffrey and yourself, would it be right to say that even though Mr Johnston would be your boss, as it were, nonetheless you were the man most experienced to carry out that investigation?
A I think Mr Johnston had wide experience in the matter of carrying out investigations, particularly where a crime was alleged to have been committed.

F Q Am I right to say - and again I will repeat it - that really you were the man experienced to carry out an investigation, and, more than that, you were the man given the responsibility of making out the memo to send to the Town Clerk?

A I was the man who had more experience in the welfare services.

Q And really you took overall charge of it; Mr Johnston just sat in there, isn't that right?

G A No, no. Mr Johnston recalled that the meeting took place in his office and it has been my experience that the man in whose office the meeting takes place is the acknowledged head of the team, whether or not that is ... but that has been my experience.

Q At the end of the day, Mr Mason, it was you who wrote this memo, it was you who made the recommendations and not Mr Johnston? Isn't that right?

H A Mr Johnston also stated, I have no doubt about it, that before the memorandum was completed he had sight of it and agreed to it. It may well be that I drafted it but it is not necessarily the man who drafts the memorandum is the man who has the final say on it.

/Q But at the ...

A

Q But at the end of the day, he just agreed to it. You were the man who carried out the investigation and wrote out the memo, and he just agreed to it, isn't that right?

A No, no. Mr. Johnston was not that kind of a man to just agree to things. Mr. Johnston was a meticulous administrator.

B

Q In any event, I think he used the same words, that he agreed to what you had put down, but anyway that is a matter for the Tribunal. Now, going on from there, you made the recommendations and your recommendations basically were that this matter should be investigated by the police? Is that right?

A Yes.

C

Q Now, let us go back then and speak with the Town Clerk. That was your recommendation and he would rely on your recommendation as we have heard, for matters of this type, is that right?

A Yes, that's true.

D

Q And he followed recommendations you made because he wouldn't be in a position not to follow them, isn't that right?

A Yes, yes.

Q What I would like to know is this; if that is right then why, in fact, did he fail to follow your recommendation at this particular time?

A Because he thought - he must have thought - he was more competent than I was.

E

Q Well, let me ask you this, Mr. Mason; what do you think made up his mind to take that course?

A His legal training.

Q Alright; his legal training?

A Yes.

Q Now, he hadn't seen anyone - is that right?

A He hadn't seen anyone.....?

CHAIRMAN: He didn't interview anyone, he received the report and recommendation from Mr. Mason and his deputy. He himself was a solicitor, and he had a solicitor

F

MR SIMPSON: But in fact I am right in saying that he didn't see anyone, therefore he was deciding not to go to the police on this memo - that's all he had, is that right?

MR MARRINAN: I'm sorry, but again Mr. Johnston's impression which he gave several times yesterday was that there had been some consultation, even unofficially, with the police.

G

MR SIMPSON: Well, I'm just asking Mr. Mason....

MR MARRINAN: Well, Mr. Mason doesn't know what the Town Solicitor did.

MR SIMPSON: Q Well, Mr. Johnston gave his evidence, Mr. Mason is now giving his evidence, and all I am putting to Mr. Mason is; am I right in saying that this is all he had, or is there something - or had he more?

A You're right, that's all he had.

H

Q I'm right, I thought that, yes. Now, Mr. Mason, how do you think the Town Clerk could have gone against that leaflet, which in fact is something that recommends him to do something, from his chief in the Welfare Division?

- A A I have frequently, in my experience as an administrator, been overruled by someone who I believed was more competent in the matter, and this would go down to home teachers for the blind. I was not a trained solicitor, therefore I must accept what a solicitor tells me. That was the way I was trained as an administrator, if I was trained wrong then I was trained wrong and I accept I was trained wrong, and I accept that if I were back in administration I should re-evaluate my position, but at the point in time my whole training - and may I say, Sir, that I had already spent 40 years in administration in all aspects,
- B both in private and in public work, and my whole training was to listen to experts and I was listening to experts day in and day out - city surveyors, city architects, city treasurers, they were men who were giving me directions whether I liked it or not, because they knew more about the subject than I did, and all I could do was make my views known to them. If they overruled me, I had to accept it; I would never have been able to run a welfare department spending over one million pounds, if I hadn't listened to experts. I agree I may be wrong; I was trained wrong, but that was my training; I was trained to listen to experts and take directions.
- C Q Mr. Mason, I think you have agreed earlier on that in fact the Town Clerk was listening to you, because he only found out what was going on in the Welfare Department through you keeping him informed - I understood you to say that?
A With respect, Mr. Chairman, he was also listening to his own Deputy.
- D Q Yes. In any event, going on then from there, the fact of the matter is that the Town Clerk made a decision. Now, did he have the file regarding the 1967 incident when he would have made this decision, do you think?
A I think so.
- Q You think so?
A I do.
- E Q And that was contained in what was known as the "Mason File", would that be right.
A That was contained in what was known as the "Mason File".
- Q Now, let me ask you this then; Mr. Johnston, as I recall, did make the comment that the Town Clerk and the Town Solicitor were men who really would have kept memos of things, in other words would have made out notes and memos of things that happened, that was his experience of them - is that your experience of them?
- F A I have no experience to lead me to believe that the Town Clerk and the Town Solicitor would not put down on paper what they considered necessary.
- Q Well, let me ask you generally then, Mr. Mason; would it have been - obviously in your position you would have had to recommend many times on certain matters; you would have had to ask their advice on certain matters, in other words you didn't commit it just to memory or word of mouth, you kept memos about things, is that right? You would send them a memo and they would return one to you, would that be right?
- G A That would be normal practice.
- Q That would be normal practice?
A Yes.
- Q And really so far as the Town Clerk and the Town Solicitor were concerned, they would have made sure to do that, isn't that right - generally?
- H A Generally the normal practice is to reply.

A

Q We know that there is no memo of reply, at least if there is I haven't seen it; no memo to you in answer to your memo to them recommending referral to the police, is that right?

A Well, in both instances there is no - the 1967 and the 1971, there is no memorandum coming back, although there are memorandums going from the Welfare Department to the Town Clerk's department.

B

Q If they were men who were described by Mr. Johnston and now you, as people who would normally keep, or indeed reply by memo as opposed to word of mouth, why do you think that is?

A I can't make any constructive suggestion.

Q Well, can the Tribunal take it that it is out of the ordinary?

A Yes.

C

Q And so that, there is some reason - or some peculiar reason even - why there is no memo here to you contained in the "Mason File" saying - "we have recommended not to put this to the police" - would that be right?

A I'm sorry, I missed the beginning of your.....

Q I am just merely saying that there is no reason, that you can think of?

A No.

D

Q Why there wasn't a memo?

A No.

Q And really it is outside the normal behaviour, is that right?

A It is outside normal administrative practice.

Q Now let me ask you specifically then, do you really think there was no memo to you?

A Yes.

E

Q Or do you think it has got lost?

A No, I think there was no memorandum to me.

Q Why do you think that?

A Because there is no memorandum on the file.

F

Q But that is not, surely, an answer. In other words, I am asking you to reflect now; do you think there was no memorandum to you, or it might have got lost?

A I think there was no memorandum.

Q And the reason you give for that is because there are none on file?

A Yes.

G

Q But you are not taking yourself back to that time and saying "there was no memorandum given to me", what you are saying is "I believe there is no memorandum because there is none on the file"?

A I take your point.

Q Is that right?

A Yes.

H

Q That also could explain if it was taken away or got lost, is that right? Have you thought of those possibilities?

- A I can think of no reason for the memorandum not to have been on the file, if there was a memorandum on the file.
- Q Yes, but Mr. Mason, you can't recall, is that the position now, whether there was a memorandum in reply to you or not? Would I be right in saying that?
- A Yes, that's true.
- Q And therefore there may well have been, but the Committee of Inquiry have not had sight of it for one reason or another? Is that right?
- B Yes, that's right. May I also, however, say that I did state specifically to the police that there did not appear to be anything removed from the file.
- Q Well, how do you know that?
- A I want to say that.
- Q Yes, but you can't really say that at all?
- C They asked me that specific question and I answered it in that specific way.
- Q Yes, but in other words, even though you may answer it, Mr. Mason, you cannot say that?
- A That's right.
- CHAIRMAN: Well, he can say to the best of his knowledge that was so.
- D MR SIMPSON: Well, that is alright, adding that, Mr. Chairman.
- Q Now, coming to this file of yours, you did say yesterday, I believe, that this file - and indeed on a previous occasion - that this file was open for all to see, this "Mason File"?
- A If I did say that perhaps you will forgive me if I say that it was not a secret file, it was not marked "confidential" but it was available.
- E CHAIRMAN: You said you usually kept it in your desk?
- A I kept the CWO file in my desk, Mr. Chairman.
- MR SIMPSON: Q What about the HOM file?
- A I have agreed that it may well have been in my desk but I would have inferred, because of the reference number and the fact that the reference number was changed by someone whose handwriting was not mine, that the HOM file was in the general files.
- F Q Well, let me ask you this, Mr. Mason; would it have been, for example, within Mrs. Wilson's knowledge or indeed, Mrs. Robinson's knowledge or Miss Nicholl's knowledge, that such a file would be there regarding Kincora?
- A Mrs. Robinson and indeed Miss Nicholl would not have been aware that I would have CWO files.
- Q I am talking about the HOM file now?
- G Oh, the HOM. HOM files were in the general filing system, whether they would have specific knowledge of it or not I wouldn't know.
- Q Well, you would know what training these people have, after all they are your staff. Would they have known or not known that there was a file on Kincora regarding all matters that related to it?
- A It is a fair inference that they would know.
- H Q That they would?
- A Yes, without being trained. It is a fair inference that they would know that there were files in existence.

A

Q Therefore, as far as Mrs. Wilson in particular is concerned, she would have known, when she was investigating a particular complaint regarding Kincora and Mr. Mains, that there was a file relating to that particular home?

A Yes.

Q And she would have had recourse to it without any difficulty, is that right?

A Yes.

B

Q And if she had, in fact, sought this file out, she would have noted your notes on the 1967 incident?

A Yes.

Q Now, just one or two specific questions, Mr. Mason.....

A It has just come to my recollection; the 1967 incident was contained in the CWO file. Now, that was in my possession. Mrs. Wilson would not have access to that unless she had asked me for it.

C

Q Well, would she have known you had it?

A No, she may not even know that. I can't answer for that, no.

Q Why did you keep this file in your desk, by the way?

A At the particular time I felt that it was a matter that I ought to keep under personal supervision.

D

Q From 1967 on?

A From 1967 to 1971, yes.

Q Now, finally then, Mr. Mason, so far as these complaints were concerned, we know that there were four complaints, anyway?

A Yes, I am aware of four.

E

Q And is it right, Mr. Mason, that there is no one person who knows about all four?

A That has now been made very clear.

Q And do you see that now, Mr. Mason, as really a slip-up on your part?

A Oh yes, I see that as a breakdown in communications.

Q That is, that you should have informed people and they should have kept you informed?

F

A As to how the breakdown in communications should have been remedied, it would have been.....

Q So it is not right to say that had there been a fifth complaint, that Mr. Mains would then have been finally found out, as it were?

A Well, I was acting on the assumption that the fifth complaint would have arrived on my desk; by that time sufficient people were aware.....

G

Q You see, it might well, Mr. Mason, if what you say is correct and I know this is theoretical, but it might well have been that had another complaint arrived on your desk you would have recommended to send it to the police, and the same course may have been taken by the Town Clerk?

A Like all disasters, Mr. Chairman, it had the ingredients built into it.

Thank you, Mr. Mason.

H

BA/9/6

35

MR MASON

A Cross-examined by MR LAVERY

Q Could I just ask you, Mr. Mason, to remind us briefly about 1971. It is right, isn't it, that on the 9th August 1971 internment was introduced in Northern Ireland?

A I understand that now, Mr. Chairman.

B

C

D

E

F

G

/Q That brought in a period.....

H

MT/10/1

36

A

Q That brought in a period of disorder, one of the most serious periods of disorder that these troubles have seen?

A It only exacerbated the situation which was already existing in the Welfare Department.

B

Q But August 1971 was a particularly troublesome period because of the introduction of internment; is that not so?

A Yes.

Q Everybody, I think, in the Province at that particular time was preoccupied and gave a great deal of thought to the troubles; is that not so?

A Yes.

C

Q People in the public service, of course, were particularly preoccupied with them?

A Stretched to the limit.

Q You have been cross-examined over the last couple of days as if you really had nothing to do from when you went in to your office in the mornings till you left in the evenings but consider what should be done with R8's complaint. Was that the position?

D

A That is fair comment.

Q We are talking about your cross-examination, of course. I do not think you quite got the drift of what I was saying. I am not as adept at leading as some of my friends.

MR MARRINAN: I would like to interrupt, but I cannot.

E

MR LAVERY: What I am saying is that you obviously had a great deal on your plate; is that right?

A I had.

Q And the Town Clerk and everybody in the public service had a great deal on their plate; is that not so?

A That is so.

F

Q Even apart from your duties there was a general preoccupation among everybody in the Province with the troubles; is that not right?

A Yes, that is true.

Q In particular, also, the police were very much overstretched at that time?

A I understand they were.

G

Q It is possible, if the Town Clerk or somebody did mention this matter informally to the police, or even formally, that the police might not have given it the priority that it possibly deserved, or possibly that resources did not permit them to give it?

A They could have been in that position.

H

Q Somebody might have said, for example, what sort of informant is this, and the Town Clerk would have said "Well, Mr Mason didn't find him very convincing", and the police might have said "Well, if that is the case, we'll leave it for the moment", or something like that?

A The police could have taken that view.

MT/1072

37

A

Q Of course, if the police had not got the resources to investigate this matter you certainly had not?

A I hadn't the resources, nor the competence.

Q Let me ask you about these two letters that R8 issued or sent. One of them apparently went to headquarters, College Street; is that right?

A Yes.

B

Q And the other went to Townsend Street?

A Yes.

Q If a letter like that went to Townsend Street, which was a district office, they no doubt would immediately forward it to College Street? Would that be right? You would expect that anyway, would you not?

A Not if I had a duplicate letter, if I had a copy of the letter.

C

Q But they would not know, would they, at that particular time whether you had that or not?

A Well, I understand that they did know.

Q It is possible, though, is it not, that they forwarded that letter to you, the second letter?

A It is possible, yes.

D

Q If it had been forwarded to you, the natural place to put it would have been in the CWO file, as you call it, the Mason file?

A That is right.

Q Is it possible that both those letters were in fact in the Mason file at the time that you handed them over to Mr Bunting?

A I cannot recall. I just cannot recall at all.

E

Q But it is possible that at the time you handed this file over to Mr Bunting in 1973 both of those letters were in it?

A Yes.

Q I think it is right to say that you did tell the police that at the time in question you had, in fact, seen both those letters?

A Yes, I did.

F

Q That would suggest that both those letters were in your possession at about that time?

A I do not think that I could follow that inference. All I could say was that I had seen the letter.

Q You physically had seen it?

A Yes.

G

Q That could have been in the context if somebody had brought it round and shown it to you in College Street?

A Or, as suggested by the social worker, it was on the boy's file, and I had seen the boy's file.

Q Putting it on the boy's file would be a very unusual thing for a letter of that sort, would it not?

A This is what appears what happened.

H

MR MASON
BY MR LAVERY

MT/10/3A

Q Even if it had been put on the file, it is possible that at some stage it was detached and sent to you, is it not?

A Yes, that is possible.

Q What happened then to the boy's file when he would have been discharged from care? It would not have been in general circulation, would it?

A No.

Q So even if it had been on the file, on some individual boy's file, it would not have been generally available to the staff after his discharge from care?

A No, indeed, it could well have been lost in the filing system.

Cross-examined by MR KERR

Q Mr Mason, my name is Kerr. I appear for the Department of Health and Social Services, and you will be glad to hear I want to ask you only a very few questions. When you were examined by my learned friend Mr Marrinan about the 1967 investigation, you remember when you interviewed Mr Mains, one of the questions he put to you towards the end of his direct examination was that it might be suggested to you that Mr Mains had done a very good job of, as he put it, taking you in. I think your reply was to the effect that that was a matter for someone else's judgment, but that you would not be offended if that conclusion was reached. May I ask you, when this 1971 allegation was investigated did it occur to you at that time that perhaps you had been taken in by Mr Mains in 1967?

A I would infer that I was probably ambivalent; in other words, I still retained some vestige after 1967, and that all that happened in 1971 was that the two came together and I was no longer taken in. As to whether I reflected on my attitude towards Mr Mains in 1967, I cannot recall. I may well have.

Q But certainly, if you had, that would have added, if you like, an edge to your anxiety that this matter be properly investigated, the fact that in 1967 these allegations had been made and investigated by you and that you had accepted what might in retrospect appear to be implausible answers by Mr Mains. Therefore, can I ask you against that background: when you made the recommendation in the memorandum of 25 August 1971, did you expect that your recommendation would be accepted?

A Yes.

Q Indeed, it is right to recall, is it not, that you made an explicit invitation to the Town Solicitor, to whom after all you were making the recommendation, that if any further information was required, that he could obtain it from Mr McCaffrey while you were on holiday and, implicit in your recommendation, from you after you returned from holiday?

A Yes.

Q Would it be fair to suggest, therefore, that if the recommendation was to be rejected, you would have expected some further discussion with the Town Solicitor before that decision was taken?

A Yes.

Q Can I ask you just to clarify the situation once and for all about your understanding of what was done about your recommendation. It would appear

A

from your replies to my learned friend Mr Gillen that it was your belief that in fact your recommendation was followed, and that the police were asked to investigate. Is that right?

A Yes.

B

Q If I understand your evidence correctly - and do not hesitate to correct me if I am wrong - that was your belief for some time after this recommendation was made at the end of August 1971?

A Yes.

C

Q And while, of course, it is difficult to place any time limit on that do I understand your evidence to be that at least for several months you believed that a Police investigation was taking place?

A I could not put a date on it, but I believed that the matter had not been closed.

D

Q If that is right, it follows, does it not, that Mr Johnston must be wrong when, as he told the Inquiry, it was his belief that you would have been informed within a short time from your return from holiday. That cannot be right?

A No, either Mr Johnston is mistaken or I am mistaken. I accept that.

E

Q In fairness to Mr Johnston, of course, it is his clear evidence that he does not know that you were informed. I think he was saying he believed that since he had been informed by the Town Solicitor you also would have been informed, but that is as far as he could put it. Certainly, is the Committee to understand clearly now that for some time after this recommendation was made by you you believed that a police investigation was, in fact, taking place?

A Yes.

F

Q If that is right, as I have suggested to you, there can be no question that you were told in September 1981 by the Town Solicitor that he had decided not to follow your recommendation?

A That would have been ...

Q And the situation therefore appears to be, if we try to draw together the threads of your evidence and the evidence of Mr Johnston, that Mr Johnston raised with the Town Solicitor, as best he can recollect, in the course of a casual conversation about something else whether or not the recommendation was to be followed and he was told that it was not to be followed, and your evidence is that the Town Solicitor never told you, certainly for some time after this, that your recommendation was not to be followed; is that not right?

A Yes.

G

Q It rather looks like that, does it not?

A Yes.

Q Added to that is the fact that there was a departure from normal practice in that no written memorandum or reply was given to you by the Town Solicitor about this?

A That is right.

H

A

Re-examined by MR MARRINAN

Q Mr Mason, Mr Lavery was asking you about the second letter, that is the one sent apparently to Mrs Robinson. Do you recall that?

A Yes.

B

Q There were apparently two letters?

A Yes.

Q You were asked: could you have been shown that letter? I think you agreed that that is what you told the police?

A That I recollect seeing it, yes.

C

Q Lest there be any doubt about it, was that letter Mr Lavery was referring to left in your possession?

A Well, if I recall, when the police referred the matter of the second letter, I cannot recall, but I am quite sure that at the time the police brought the letter to my attention there was only one letter on the Mason file. That was the letter which I had actioned. The other letter was in a separate file. That I know.

D

Q If you had had two letters in your possession, would you have sent two letters to the Town Solicitor together with your Mason file?

A Yes.

THE CHAIRMAN: Thank you very much, Mr Mason. We are very grateful to you.

(The witness withdrew)

E

MR MARRINAN: Mr Chairman, may I say for the record, in relation to that second letter, so that the Committee's position, or that of the advisers to the Committee, is quite clear about it: that letter that was originally sent to Mrs Robinson with "To be handed in Central Police Station" on the envelope was given to us as part of a file from the possession of Eastern Health and Social Services Board. That is File GC/1, and it has endorsed on the letter the words GC/24, but the actual letter was given into our possession from that custody. As to what happened to it between 1971 and 1984 we are not in a position to say. It is, in fact, the general Kincora file.

F

THE CHAIRMAN: Yes, thank you very much, Mr Marrinan.

G

H

A Q Would you have felt that there was any need to do anything further at that stage, or would you have been simply content to leave it that word had come from above and that was that?

A No. I think I had had to accept that it was an error of judgement on my part recommending that it be referred to the police, and I must have been convinced that it was an error of judgement and that even though I was convinced I could have had it in the back of my mind that all I could do was to wait for another opportunity to convince authorities that it was a matter for investigation.

Q Let us assume that for the moment, Mr Mason, you were told it wasn't being referred to the police.

A Yes.

Q That meant that if you accepted that decision, and you say if you had been told that you probably would have accepted it, if that were the situation that would still have left open the possibility of some further form of action? Isn't that right?

A If it were not being referred to the police.

Q Yes. In other words, without going into the various alternatives, it could, for example, have given rise to an internal inquiry without referral to the police?

A Yes.

Q Is that something which you are likely to have considered, whenever the word came back from up above that the matter was not going to be referred to the police? Are you likely to have considered at that stage: "Well, what about an internal inquiry?"

A I cannot remember having considered an internal inquiry. If I had, and if I could get myself back to 1971, I probably would have considered that I was not going to get very much further on an internal inquiry. The only evidence that I could have probed - I could not have probed the allegation of homosexuality between R2 and Mains. In fact, I would have been of the opinion that I could not have raised that without lending myself to defamation of character.

Q Could I suggest to you a number of steps which you could have taken if you had felt that an internal inquiry was a possibility? You could have interviewed Mr Mains again: isn't that correct?

A Yes.

Q And you could have said to him: "Well, the situation is, you were told on at least two previous occasions, namely once by myself and once by Mr Moore, that if you made improper types of suggestions or behaved in a certain way you were going to leave yourself very vulnerable, and now here we are with a further complaint against you, what have you to say about it?" You could have interviewed him along those lines.

A I think in duty bound I would have had to explain to Mr Mains that I had referred the matter to the Town Solicitor and recommended that it be referred to the police. I think I would have had to put him in that position. Once having said that I would have found great difficulty in moving into an inquiry without actually putting the boy at risk on defamation of character, and myself at risk. I think I was almost hog-tied by the weight of the allegation.

Q But what is the difficulty in telling Mr Mains that you referred the matter upstairs and were told that it wasn't being referred to the police

R 8

Admitted 27th April 1968. GC 20
H 7403.

R 6

discharged from Kincora 3rd August 1968.

Further suggests informant regarding

R 8

Shortly after R 8 was admitted to Kincora he had made complaints regarding R 34 who had apparently made sexual suggestions it was feared necessary at that time to keep R 34 accommodated in the attic and R 8 in Bedroom N° 4 on the first floor R 34 however was made known to the Social Worker on the case at that particular time and I think Mrs. [redacted] was also informed (Social Worker Mrs. Margaret Robinson.)

R 34 stated that he had been interfered with sexual while he was in De-La-Salle Boys Home Kincardin by some men who had been watching the Boys in the playing fields

Joe Harris

✓
Regarding **R 8** admitted to
him on the 29.4.68 from Rathgall Training School
where he had been removed on a charge of stealing
a Bank Book and forging cheques to the extent of £100.

This money belonged to an elderly Aunt that had been
fostering **R 8** at this particular time.

On admission to Kincore we found him to be very
unsettled, we had difficulty in making him wash and
Bath himself and always generally appeared to be untidy
and withdrawn living in a World of his own. He
did not appear to mix at the Beginning with any of
the other Residents, but later became friendly and familiar
with **R 6**. Later on when **R 6** left Kincore
R 8 always tended to mix with the more delinquent
type of Boy, he also would have spoken freely of his
escapade in Drumbo and Ballynahunich Cemetery where he
alleged breaking into tombs and scattering the remains around
the Cemetery. He also stated that at that particular
time he tried to dig up his Father's grave at Drumbeg
Churchyard but was caught in the act by a Policeman.
This last incident took place prior to his admission
to Kincore.

2/ Employment.

He commenced employment as an apprentice grocer in the V.G. store Dundonald and for the first few months he appeared to make satisfactory progress, however this was not to last very long as his employer had complaints regarding his insulting behaviour towards customers and for this reason he was not allowed to serve behind the counter. He was then occupied mainly in the store of the shop putting up and delivering orders.

His employer stated that he had to dismiss him because he was abusive towards customers, destructive in the shop. When delivering an order to a house in Summerhall he threw the order through the glass panelled front door costing his employer £7 to repair.

On one other occasion he put up a large notice at the back of the shop accusing a customer of shop lifting.

For these reasons his employer could no longer keep him and had to dismiss him.

He was then unemployed for a period and expressed the desire to go back to school and obtain his 'O' Levels. It was arranged for him to do so by Mrs. Robinson Social Worker West Division and he commenced a course for 'O' Levels at [REDACTED]

3/ College he pretended that he had an interest in going ahead with this and appeared to be very enthusiastic; it was however later discovered that he did not attend his lectures and subsequently was not allowed to sit his examinations by the college.

On discovering this I was deeply shocked as he always maintained that he was doing well in school and had no difficulty in passing the examinations, he even showed me the examination questions which he had acquired some where and I was quite confident that he had passed his exams. When I later asked him why he did not sit his examinations he stated that he had not suitable clothing and he also appeared distressed about the acne on his face. Although we supplied him with clothing he either sold his clothing or gave them away. On one recent occasion he gave R 33 a Brand new pair of Boots for two cigarettes.

In general he was very careless with his clothing and always preferred to dress in the Beatnik fashion which was a pair of dark jeans and an old Black Polo neck which he would not discard in any way.

4 Prior to his discharge from Kincora.

In his latter days in Kincora he again retracted into his own shell and became more an isolate spending much of his time in the study writing weird poems on dissections of the Body, Sex, Horror and Death. I recently found some of his writings in a Bookshelf at the top of the stairs. The title of this Poem was the death of a 'White Virgin', the writing was so perogative I found it necessary to destroy it.

Around about this time he stated that he would no longer be required to work again and was going to spend the next five or six years doing Educational examinations once hoping to receive government grants.

On several occasions he tried to impress on younger Boys of the Hostel that being in Welfare Care they had no need to work that we would have to supply them with clothing, food and pocket money. In view of this and the effect it was having on the other Boys in the Home. I found it necessary to negotiate a transfer to Arlington Boys Club where he would be in company of much older Boys than himself and also a change of environment would be to his advantage.

cont -

5/ Since his discharge from Kincora he has been making a general nuisance of himself by going round the places of Employment where the Boys are working to ask them for cigarettes and money.

Recently he organised a Break-in at a home in Dummurry involving two of our Boys [REDACTED] and [REDACTED]

When he was arrested by the Police for this he alleged that the Police beat him up. He has since been summoned to appear at a Court in Leaburn on Friday 22nd October 1971.

In general I feel that this Boy is in rebellion against authority and does not intend to conform with Society. I feel also that he regrets very much that he did not sit his 'O' Levels examinations and in turn he is picking against those people who have helped him in the past.

In conclusion I feel that this Boy is in need of Psychiatric assistance. At one time stated that he had an older brother in a mental institution.

It would now appear that he has turned thoughtless disillusioned and a Boy without consensus.

Jo Morris (Warden)
9/10/71

LBL7/4 A

A I would have had no jurisdiction over the matter. The Town Clerk would have decided in that particular instance whether the Welfare Committee would have been informed and I would have had no jurisdiction.

B

Q Had there ever been occasions before where you had disagreed with the Town Clerk over what should be minuted or what should not be minuted or discussed at Welfare Committee meetings?

A On several occasions I would even have had something in my report which I proposed to report to the Welfare Committee and the Town Clerk would have thought it inopportune at that particular time and I would have agreed on his advice or direction to withdraw the information or the note, whatever.

C

Q And on his direct instruction?

A Yes.

Q So far as the file itself is concerned, you have said that it appears to have returned to your department at some stage?

A Yes.

D

Q Can you say when that was?

A No.

Q It would appear from the file that there is no letter or memorandum or anything of that sort from the Town Hall or from the Town Clerk or from the Town Solicitor. Can you say whether or not to the best of your recollection that file is complete, as you remember it, in 1971?

A I do not remember any memorandum from the Town Clerk or the Town Solicitor on the file and this includes the 1967 Inquiry.

E

Q Can you say what you did with that file when it came back?

A I would only be using my knowledge of the department. The file had never got a 'confidential' tag on it and if it were returned by the Town Solicitor in a closed envelope and if it had the file number, HOM/2, it would have gone directly into that file.

F

Q What did you do with that file in 1973?

A I cannot recall the details, but I believe from information received that Mr Bunting received that file directly from me.

Q He was taking over from you?

A No, he was going to the Eastern Health Board but he was going there as the Assistant Director in charge of the children's work and consequently he would have in some respects taken over from me in that respect.

G

Q If, as has been suggested today, the Town Solicitor did come to this conclusion about not bringing in the police, various points have been raised in relation to what you could have done after that decision was taken; in other words, it has been suggested that you could have conducted your own internal inquiry; you would have had Mr Mains suspended on full pay; you could have interviewed him or asked him for his side of the case. Can you make any comment about that?

H

/A Having made

with the 1967 complaints, should have made a connection between the two incidents. Mr Moore gave evidence that he would not have put even the 1967 complaints in the context of homosexuality until the Kincora scandal broke in 1980. We found this difficult to reconcile with the contents of the R5 and R6 statements which Mr Moore received, and also with the general tone of the 1967 investigations. It seems unlikely that written statements would have been taken, Mr Mains interviewed by the City Welfare Officer and the matter reported to the Town Clerk if the R5 and R6 complaints had been construed merely as indicating an insensitivity of manner towards the boys. The slapping incident, however, contained no obvious homosexual colour and we do not consider it reasonable to suggest that Mr Moore should have linked it with the 1967 complaints.

3.137 The corollary of this, of course, is that Mr Moore was not obliged to refer the complaint to Mr Mason in the context of the "careful sifting of any further information" recommendation in Mr Mason's 11 September 1967 report. Mr Mason's evidence, in fact, was that the matter was not brought to his attention, and Mr Moore's lack of recollection precluded his offering evidence on this point. In our view the slapping incident would not have provided Mr Mason with sufficient corroboration of his residual doubts concerning Mr Mains' sexual preferences to justify a further reference to the Town Clerk's office.

3.138 Another issue which arose was why Mr McCaffrey, whose responsibilities lay in the field work services, was deputed by Mr Moore rather than Mrs Wilson, who had specific responsibilities for residential child care. Mr Moore referred in his evidence to the fact that, at the material time, he, Mrs Wilson and Mr McCaffrey were a small team within which there were no strict lines of demarcation and Mrs Wilson gave evidence to similar effect. Mr McCaffrey's 1982 police statement referred to a "personality clash" between Mrs Wilson and Mr Mains as being the reason given by Mr Moore for deputing him rather than Mrs Wilson. However he told us that he regretted having used this expression and that Mr Moore did not in fact tell him in specific terms why he rather than Mrs Wilson was selected for this task. He surmised that he may have been selected because it was easier for a man to deal with Mr Mains on this matter than for a woman, but that was not fully consistent with his evidence that no homosexual connotation was conveyed to or inferred by him. Mrs Wilson was emphatic that there was no conflict between herself and Mr Mains. It is not

possible, given Mr Moore's and Mr McCaffrey's lack of recollection on this point, to establish the reason for Mr McCaffrey's involvement with certainty, but it is possible to accept that such assignments would have been made within the small child care team in College Street.

3.139 Mrs Wilson had no recollection of being told of Mr McCaffrey's interview with Mr Mains by either Mr McCaffrey or Mr Moore but we attached no particular significance to this since a negative report, passed on verbally, on an incident with no overtly sexual implications would not necessarily have registered with her. It should also be borne in mind that Mrs Wilson's knowledge of previous complaints against Mr Mains appears to have been limited.

3.140 Finally, there was the question of whether the boy should have been interviewed as well as Mr Mains. It was not possible to establish whether Mr McCaffrey limited his investigation on his own initiative or on Mr Moore's instruction. It is odd that an investigation should consist of hearing only one side of a story and we can only infer that Mr McCaffrey and Mr Moore were sufficiently impressed with the plausibility of Mr Mains' explanation that they considered no further action was necessary. While such an interview might usefully have taken place, there is no evidence to suggest that it would have yielded anything noteworthy.

The "Mason file" 1971

3.141 Paragraphs 3.107-3.113 refer to the the creation and contents of the "Mason file" in 1967. This file was re-opened in 1971 on receipt of further complaints against Mr Mains. The new complaints came in the shape of two letters, virtually identical in form and content, from a recently discharged resident of Kincora, referred to in evidence as R8. The complaints were as follows:-

- a. R8 and another resident, whom he named, complained to Mr Mains about homosexual advances by a third resident, referred to in evidence as R34, with whom they shared a bedroom. Mr Mains moved the second boy, but not R8, and did not report the matter to the welfare authorities;
- b. Mr Mains offered R8 five shillings to rub ointment into his back and made grunting noises of satisfaction;

- c. during the massage, Mr Mains suggested that R8 had lied in complaining about R34 and suggested that they had been in bed together;
- d. Mr Mains said that it was not safe for R8 to go back to his own room and persuaded R8 to stay the night with him;
- e. R8 kept his jeans on in Mr Mains' bed and turned to face the wall. Mr Mains put his arms round him and muttered "On to it, on to it";
- f. the same thing happened to another boy, referred to in evidence as R33;
- g. Mr Mains regularly slept with a friend, whom R8 named as R2 (see paragraphs 3.63-3.71);
- h. R33 had seen R2 lying in Mr Mains' bed.

3.142 The letters indicated that these events had taken place some two years previously, and that R8 had considered complaining to the welfare authorities at the time but had decided that he would not be listened to because of his youth.

3.143 The RUC took statements from R8 and R2 in the course of its 1980 investigations. No charge was brought in respect of R8; Mr Mains was convicted of homosexual offences involving R2; R33 was not traced.

3.144 As indicated above R8 wrote two virtually identical letters. One was delivered by him to the Townsend Street office of the Belfast Welfare Authority, which was located in the West Belfast Division. The other went to College Street. The Townsend Street envelope was endorsed "To be handed in at Central Police Station", and the back of the envelope was marked "12/8/71 For Mrs M Robinson - Handed in at desk", indicating that the letter had been handed in at Townsend Street on 12 August 1971. Mrs Margaret Robinson had been R8's Social Welfare Officer for some three years when the letter was handed in on 12 August 1971. She gave evidence that, about two weeks before the letter was received, Mr Mains had suddenly telephoned her to say that R8 was a disruptive influence in the hostel and asked that he be removed. Mrs Robinson had him placed in another hostel within 48 hours but he only stayed there one night and left without re-establishing contact with her. Mrs Robinson said that she did not interview R8 before his transfer from Kincora because he was over eighteen and out of care and because Mr Mains was adamant that he should be moved.

3.145 On receipt of the letter, which had been opened by one of the office secretarial staff, Mrs Robinson took it to her immediate superior, Miss Eddis Nicholl, Senior Social Welfare Officer. Miss Nicholl checked through R8's personal file and established that there was nothing significant in it in terms of relevance to homosexual misconduct. Miss Nicholl told us that she then either made or received a telephone call to or from the College Street Headquarters, during which she was told that a similar letter had been received at College Street, that Mr Mason was dealing with it, and that she was to do nothing about the letter. Miss Nicholl thought that either Mr McCaffrey or Mr Stanley Herron, a Principal Social Welfare Officer, was her contact, more likely the latter. Mr Herron had no recollection of these matters and Mr Mason gave evidence, which we accept, that Mr Herron took no part in these events.

3.146 In relation to the endorsement on the envelope that the letter was to be passed on to the police, Mrs Robinson stated in evidence that she had not seen it and in any case would not have done this on her own initiative. Miss Nicholl saw the endorsement but her attitude to it seems to have been determined by the fact that Mr Mason had taken the matter out of her hands. What was subsequently done with the Townsend Street letter is something of a mystery. Miss Nicholl says she put the letter on R8's personal file but in 1980 the file was not available to the RUC whereas both of R8's letters were extant. When we received the file in 1984 neither letter was filed on it. There is some doubt, which cannot be resolved, about whether both letters ultimately found their way onto the "Mason file" or whether the Townsend Street letter found its way at some point onto a more general Kincora file. The latter seems rather more likely since, when the Townsend Street letter came into our custody it was on a general Kincora file and had been given an Exhibit Number by the RUC as part of that file. It is possible, however, that it was not on this particular file throughout the 1971-1980 period.

3.147 No further action in relation to these complaints was taken at Townsend Street. Miss Nicholl and Mrs Robinson's evidence was that they were not asked to provide a report on R8, over and above information from his file which Miss Nicholl thought she gave during her telephone conversation with College Street on 12 August. Miss Nicholl had no recollection of being asked for the file, although she stressed that she was out of the office for long periods on emergency relief work arising

from civil disturbances following the introduction of internment.

Miss Nicholl did inform Mr Robert Bunting, the Divisional Welfare Officer for West Belfast, on his return from leave some two weeks later and showed him the Townsend Street letter. She gave evidence that she enquired about the matter on a number of subsequent occasions from Mr McCaffrey and Mr Bunting. While no official message was passed down from headquarters, Miss Nicholl's recollection was that she heard that R8 and R33 had been interviewed; that R33 had not corroborated R8's allegations; and that the matter had been referred to the Town Solicitor.

3.148 R8's second letter was apparently delivered by hand to the headquarters office in College Street. In view of the telephone conversation which Miss Nicholl had with College Street, it is likely that this letter was also delivered on 12 August 1971. The envelope was addressed to Mr Moore but he had ceased to be Children's Officer in June 1971 prior to taking up appointment as Deputy Welfare Officer with Down County Welfare Authority. Mr Moore was not replaced until Mr Bunting took up post as Children's Officer in October 1971, and in fact R8's letter was brought to the attention of Mr Mason. The only documentary record indicates that Mr Mason received the letter on 23 August, some eleven days after the other letter was handed in at Townsend Street. We received no evidence which threw direct light on the interval though Miss Nicholl's evidence would suggest that Mr Mason was at least aware of the College Street letter on 12 August. It may be that the interval was taken up with tracing R8. An entry in the Town Clerk's Diary referred to that officer going on leave for two weeks from Friday 6 August, which would have brought him back to the City Hall on Monday 23 August. It seems likely that Mr Mason awaited his return and contacted him on that day. In any event, Mr Mason contacted the Town Clerk, now Mr David Jamison (since deceased), who directed his Deputy, Mr William Johnston, to participate in an investigation of the matter.

3.149 The documentary evidence on the form of the investigation is contained in a memorandum of 25 August 1971 from Mr Mason to the Town Solicitor, the late Mr John Young. Mr Mason's memorandum indicated that he was forwarding the letter which had been received in College Street along with the papers relating to the 1967 investigation (ie the "Mason file"). There was no mention of the Townsend Street letter, which suggests that at that point it was not on the "Mason file". The memorandum stated that R8

was interviewed on 23 August by Messrs Johnston, Mason and McCaffrey in Mr Johnston's office in the City Hall; that he did not appear to be a convincing witness but that he had reaffirmed all the statements made in his letter. It also said that R33 had been interviewed by Messrs Mason and McCaffrey on 24 August and had corroborated R8's allegation that R33 had received a similar approach from Mr Mains. The memorandum went on to say "There are sufficient grounds to have the matter considered as one which should be referred to the police in view of the allegations which were made against the same officer in September 1967". It closed by saying that Mr Mason was going on leave from 28 August but that Mr McCaffrey would give any further details which might be required.

- 3.150 There is no record of the Town Solicitor's response to Mr Mason's 25 August memorandum and both Mr Young and Mr Jamison predeceased the 1980 RUC investigation. We were, therefore, left with the recollection of Messrs Johnston and Mason as a source of evidence on this point. In this connection we would mention that the RUC made enquiries with the relevant City Hall officials in 1980 and that we pursued further lines of enquiry in 1984. No further relevant documents were discovered.
- 3.151 Mr Johnston gave evidence that he was aware of and agreed with Mr Mason's recommendation that consideration should be given to referring the matter to the police. His recollection of his part in the 1971 investigation was limited and this was reflected in his 1980 police statements. He did, however, go further than his police statements when he gave evidence that he now has a clear recollection of speaking to the Town Solicitor within roughly a week of the 23 August interview with R8. Mr Johnston said that the Town Solicitor told him he had discussed the matter with the Town Clerk and they had come to the conclusion that there was not sufficient evidence to take proceedings in the case. Mr Johnston could not recall the basis of that decision.
- 3.152 Mr Mason had no recollection of any meetings on this matter with either the Town Solicitor or Town Clerk after he returned from his holiday, which he thought lasted two or three weeks from 28 August. Nor did he recall a decision on the recommendations in his 25 August memorandum being communicated to him but accepted that it is most unlikely that he would not have been informed of it. A possible clue lies in a manuscript note on the 25 August memorandum, in Mr Johnston's handwriting, to the effect

"CWO to see TC on 20.9.71", indicating that the City Welfare Officer was to see the Town Clerk on 20 September. Mr Johnston surmised that he had arranged such a meeting, possibly in Mr Mason's absence on leave, when he discussed the matter with the Town Solicitor within a week or so of the 23 August interview. The Town Clerk's Diary, however, contained no record of such a meeting but did indicate that Mr Mason was to see the Town Clerk at 10.15 am on 28 September, prior to a Welfare Committee meeting at 11.00 am on the same day. While it would have been normal practice for the Town Clerk and Chief Welfare Officer to meet before a Welfare Committee meeting, this would also have provided a prime opportunity for any decision which had been reached by that time to be communicated to Mr Mason. It is, therefore, likely that any decision reached by the Town Solicitor and the Town Clerk, on the timescale suggested by Mr Johnston, was made known to Mr Mason on or before 28 September.

3.153 It is not clear whether the decision communicated by the Town Solicitor to Mr Johnston was taken after some form of consultation with the police, or whether the decision was that no referral should be made to the police. Mr Johnston had no recollection of any referral being made to the police. Mr Mason stated in evidence that he assumed that the Town Solicitor at least had had a word with the police about the matter but had no knowledge that Mr Young did so. The Town Clerk's Diary contained an entry for a meeting between the Town Clerk and Superintendent William Thompson of the RUC on 1 September 1971. Superintendent Thompson was not called to give evidence at this Inquiry but he had told the Terry Inquiry that at that time he was the Commander of a Sub Division which included the Belfast City Hall within its boundaries and that his reason for seeing the Town Clerk on 1 September was to discuss security at the City Hall. This is consistent with the security climate at the time and more particularly with a 31 August Diary entry for a meeting of City Hall heads of security. The Town Solicitor's Diary contained entries for 13, 22, 27 & 28 September in respect of telephone calls to Assistant Chief Constable William Meharg (now retired). These appear to suggest that the first three calls were unsuccessful but that contact was made on 28 September. The Diary provided no evidence as to the subject matter of these telephone calls and Mr Meharg gave evidence that he had no recollection of any telephone conversation or meeting with Mr Young about Kincora or homosexuality and that such an event would have remained in his mind. Mr Meharg speculated

that Mr Young's business with him may have related to doubts as to the position of the police in the enforcement of Belfast County Borough by-laws.

3.154 The only other documentary material which may be relevant to the consideration of R8's complaints is a manuscript memorandum by Mr Mains dated 9 October 1971. This was not addressed, but it was headed by the names of R8 and R6 (one of the 1967 complainants) and was on the "Mason file". The memorandum referred to:-

- a. R8's complaints against R34;
- b. allegations that R8 broke into graves at named locations;
- c. R8's dismissal from employment for insulting behaviour and destructiveness;
- d. R8 pretending that he had passed examinations which he had not sat;
- e. R8's penchant for wearing black clothes;
- f. R8 writing morbid and obscene poetry; and
- g. R8 organising a break-in involving two other named Kincora residents.

The memorandum concluded by describing R8 as in rebellion against authority and in need of psychiatric assistance.

3.155 The essential points which were established in relation to the 1971 complaints are as follows:-

- a. Mr Mason, with Mr Johnston's agreement, recommended on 25 August that the Town Solicitor should consider referring the "Mason file" to the police;
- b. within a short time, probably during the following week, the Town Solicitor informed Mr Johnston that following discussion with the Town Clerk, it had been decided that there was not sufficient evidence to take the complaints further;
- c. there were a number of contacts between the Town Clerk, Town Solicitor and the police between 1 September and 28 September;
- d. a meeting between the Town Clerk and Mr Mason was arranged for 10.15 am on 28 September, prior to a Welfare Committee meeting; and
- e. Mr Mains wrote his memorandum about R8 on 9 October.

3.156 There is no evidence to suggest that any formal written referral was made to the police and this would surely have been retained on the record and communicated to Messrs Johnston and Mason. Similarly any formal decision by the police not to proceed with an investigation would have been transmitted to the Belfast Welfare Authority and recorded by it. We also considered the possibility that either the Town Clerk or Town Solicitor referred the matter to the police on a less formal basis. The 1 September meeting between the Town Clerk and Superintendent Thompson would fit in with the timescale as described by Mr Johnston but Superintendent Thompson's explanation that he was engaged on security business was convincing and there was no mention of him on the "Mason file". The series of four telephone calls, or attempted telephone calls, from the Town Solicitor to Assistant Chief Constable Meharg all post-date the decision not to proceed (based on Mr Johnston's timescale) but would be consistent with a longer investigation as possibly indicated by the existence of Mr Mains' 9 October memorandum. It might be expected that a negative response, even to a verbal approach to the police, would have been recorded and transmitted and we do not consider, therefore, that the circumstantial evidence is sufficiently strong to infer that the police were consulted informally. In any case, we take the view that the position as revealed by the "Mason file" in 1971 was such as required a formal referral to the police and that informal consultation would not have met the case.

3.157 In our view, the decision not to refer the "Mason File" to the police was an error of judgement by the Town Solicitor and by the Town Clerk. It is most regrettable that this finding has to be made as the late Messrs Young and Jamison were not in a position to explain or defend their actions at this Inquiry. Nonetheless we feel bound to make this finding on the evidence provided by the "Mason file", which was in our view sufficient to establish a pattern of suspicious behaviour by Mr Mains and contained unmistakable allegations of criminal conduct in respect of the 1971 complaints, one of which was corroborated by R33. We are satisfied that Mr Johnston's evidence was sufficient to establish that the effective power of decision on this matter was exercised by the Town Solicitor and Town Clerk.

3.158 A number of extenuating circumstances may have existed at the time that Messrs Young and Jamison reached their decision. The period following the

introduction of internment in August 1971 was characterised by very extensive civil unrest which created extreme pressures for public officials. In addition, Mr Mason's memorandum stated that R8 did not appear to be a convincing witness and while no written social report on him was commissioned, it is possible that a negative impression may have been conveyed by Miss Nicholl and Mrs Robinson. Mrs Robinson's perception of R8 was consistent in several respects with the picture painted in Mr Mains' 9 October memorandum in respect of his introverted personality, preference for black clothing, the possibility of misbehaviour in graveyards and deception over his educational activities. This perception may conceivably have been transmitted through Miss Nicholl's contacts with the College Street office and Mr Mason's initial contact with the Town Clerk, though there is no evidence that this is the case. It might also be said that, by the time Mr Mason's 25 August memorandum was under consideration, both R8 and R33 were no longer in care and R2 had not been in care for ten years. This could, however, have only been a marginal factor since there remained the possibility that other boys were at risk.

3.159 We commend Mr Mason's handling of the 1971 complaints. He gave evidence that at that time he regarded R8's complaints against Mr Mains, as corroborated by R33, as allegations of criminal activity and that the references to R2 were of a similar nature. We believe that the residual doubts about Mr Mains which Mr Mason harboured after the 1967 investigation had by 25 August 1971 developed into a strong suspicion that Mr Mains had homosexual tendencies which placed the residents of Kincora at risk. His memorandum reflected that state of mind although it was cast in terms which were in fraction short of a direct recommendation that the police be brought in. We are bound to say that the apparent failure to provide a written reply to Mr Mason was unsatisfactory given the gravity of the matter.

3.160 As to whether R8's letters should have been processed through a formal complaints procedure (see paragraphs 2.41-2.42), several points need to be made. Firstly, Mr Mason's 25 August 1971 memorandum preceded the implementation of the procedures by the Belfast Welfare Authority, as did almost certainly any decision taken by or before 28 September. Secondly, Mr Mason's modus operandi was at least equal to the requirements of the procedures insofar as they would have affected him. There is no indication, however, that R8 was informed of the outcome subsequent to his

being interviewed; nor of the Welfare Committee receiving any report on the complaints. However, given that it is unlikely that the procedures had been formally introduced by the Authority at the material time, we cannot find that there was a failure to comply with them.

3.161 This left the 9 October memorandum of Mr Mains. It did not refer to the alleged assault on R8, or on R33, or to the allegation that Mr Mains was having a homosexual relationship with R2. The memorandum effectively consisted of an unflattering pen picture of R8 and a reference to his friendship with R6 (one of the 1967 complainants). In spite of the absence of a detailed commentary on R8's highly specific allegations, it seems reasonable to infer that either R8's letter or the substance of it was put to Mr Mains and that the memorandum was his response. The inclusion of R6, who had left Kincora in August 1968, would imply that he was suggesting a malicious conspiracy between two complainants.

3.162 The circumstances in which the memorandum was commissioned are far from clear. Mr Mason gave evidence that he had no knowledge of how the document came to be on the "Mason file", nor had he any recollection of how the file came back into his possession. Mr Johnston, who gave evidence that his involvement in the matter ceased once the Town Solicitor informed him of the decision not to go to the police, was also unable to throw any light on the memorandum. Mr Bunting, who became Children's Officer during October 1971, stated that he had no knowledge of the commissioning, receipt or consideration of the memorandum. The 9 October date of the memorandum seems to allow of two possibilities. Firstly, that Mr Mains' side of the story was taken into account before the Town Solicitor and Town Clerk reached their decision, and that Mr Johnston's evidence as to timescale was mistaken. Secondly, that the memorandum was prepared after the decision was taken and was requested by the Town Solicitor, Town Clerk or Mr Mason or some combination of them. The uncertainty cannot be resolved in the absence of any written response from the Town Solicitor to Mr Mason's 25 August memorandum but the second possibility seems more likely. The only other inference that we would wish to draw is that, if Mr Mason had been responsible for commissioning the memorandum, he would have recorded his part in the process. The evidence of the "Mason file" is that this was his practice.

3.163 In one sense, however, the uncertainties as to the origins and purpose of the 9 October memorandum are immaterial. It does not affect in any way our view that the "Mason file" should have been referred formally to the police following Mr Mason's 28 August memorandum and we are satisfied that the decision not to do so was taken by Messrs Young and Jamison.

3.164 There is a temptation to assume that the involvement of the police in September 1971 would have brought to light all previous homosexual misconduct at Kincora and prevented all subsequent offences, and we thought it worthwhile to examine that assumption. The "Mason file" identified five possible complainants: R5 and R6, who had made their complaints in September 1967 and had left Kincora subsequently; R8 who had made the current complaint and R33 who had provided an element of corroboration (both of whom had only recently left Kincora); and R2, who had left Kincora in 1961 but had maintained a relationship with Mr Mains thereafter. In our view this formed a substantial basis for a police investigation which would doubtless have entailed the interview of Mr Mains and may also have extended to the interview of other former residents. This last possibility is important because Mr Mains' convictions in 1981 related to offences either before May 1966 (involving persons out of care by 1971) or after 1977, except in the case of R2, who may not have been willing to make a complaint in 1971. In addition Mr Semple, who was not mentioned in the "Mason file" and against whom no complaints had been recorded, was convicted of offences prior to September 1966 save in the case of R3, who had been out of care since 1966. Mr McGrath did not take up employment in the hostel until August 1971 and his convictions related to offences after March 1973. Much, therefore, would have depended on the scope and quality of the police investigation but we consider that, on the balance of probabilities, referral of the "Mason file" to the police in 1971 would have proved decisive in the discovery of Mr Mains' and Mr Semple's homosexual activities and would have created a major deterrent to future misconduct.

Action subsequent to the "Mason file" 1971-1973

3.165 The evidence on what was actually done in the aftermath of the decision not to refer the "Mason file" to the police came from Mr Mason, Mrs Wilson and Mr Bunting. Mr Mason's evidence, as previously indicated, was that supervision of Kincora was increased at some time during a period of civil disturbance. This consisted of additional visiting by Mrs Wilson and also

by himself because of the difficulties facing Mrs Wilson in crossing Belfast due to the disturbances. Mrs Wilson accepted that there was an increase in supervision but attributed it to concern arising from the single complaint against Mr Mains which she recalled. She gave evidence that she did not become aware of the "Mason file" until after the scandal broke in 1980 and that she was not aware of the complaints made by R5, R6 and R8 in 1967 and 1971 respectively. Mrs Wilson surmised that this may have arisen because, at the material time in 1971, she was involved in emergency work in West Belfast and was very seldom in the office. Mr Bunting's recollection was that he was aware that a complaint had been received from R8, that supervision had been increased, and that Mrs Wilson was undertaking this increased supervision.

3.166 Mrs Wilson's precise state of knowledge at the time raised some difficulties. Mr Mason could not recall any specific discussions with or directions to his subordinates, but contended that he would have imparted information about the 1971 complaints to both Mr Bunting and Mrs Wilson. He drew our attention to the fact that the "Mason file" had been re-registered from CWO22 (as in 1967) to HOM2, this being the reference number on his 25 August 1971 memorandum to the Town Solicitor. Mr Mason stated that the HOM series was part of the general filing system whereas the CWO series was particular to his office and speculated that, if the file had been returned from the Town Solicitor while he was on holiday, it could have gone straight into the general filing system. However Mr Bunting gave evidence that, to the best of his recollection, Mr Mason handed him the "Mason file" in June 1973 when Mr Mason was retiring. The inference which we draw is that, notwithstanding the HOM registration, the probability is that the file was retained personally by Mr Mason after it was returned from the Town Solicitor. That inference does not, of course, exclude the possibility that Mrs Wilson was given some information about Mr Mason's concern over Mr Mains short of being given direct access to the file. Mrs Wilson's evidence was that she was aware of only the single complaint and she was emphatic on that point; Mr Mason was equally emphatic that a number of Belfast Welfare staff had direct knowledge of R8's complaints and that, although Mrs Wilson may not recollect the case and may not have been informed of it in detail, she would have known of it. Despite the considerable value which we placed on many aspects of Mrs Wilson's evidence, we consider that Mr Bunting's evidence tended to corroborate Mr Mason's interpretation and we conclude that Mrs Wilson's

increased supervision of Kincora most likely arose out of the concern created by the addition of R8's complaints to those of R5 and R6. We also accept, however, that Mrs Wilson did not see the "Mason file" in 1971 or before the RUC investigation in 1980.

3.167 The documentary evidence does not throw any light on the extent of the increased supervision of Kincora. Mrs Wilson's file notes recorded monthly inspections from September 1971 to September 1973, precisely as for the preceding period. The Kincora record book confirmed these visits and registered only one visit by Mr Mason during the period, on Christmas Day 1971. It is clear, however, that the record book is not a comprehensive register of visits to the hostel, and we accept Mrs Wilson's evidence that she visited more frequently than once per month and also Mr Mason's that he made evening visits as an additional element of supervision. Mr Bunting gave evidence that he and Mrs Wilson regularly discussed Kincora, as well as the other homes, and that nothing untoward emerged from the supervision of the hostel up to the October 1973 reorganisation.

3.168 As to what more might have been done following the decision not to refer the matter to the police, Mr Mason's evidence was that he had accepted the guidance and directions of the Town Solicitor and Town Clerk; that all he could do was to wait for another opportunity to convince the authorities that it was a matter for investigation; that he had taken the matter as far as his competence allowed him and explored all the avenues to protect the children; and that he was under instruction by the Town Clerk. He also stated that close supervision was to be maintained on the hostel.

3.169 We accept that it was not open to Mr Mason, acting in his official capacity, to refer the matter to the police or to undertake an investigation such as would involve interviewing Mr Mains or the hostel residents about what were clear-cut allegations of criminal misconduct. He could only have done this on the direction of the Town Solicitor or Town Clerk. In any case, neither he nor his officers would have been an appropriate medium for the investigation of such allegations. Mr Mason, however, accepted that there was a breakdown in the dissemination of information about the various complaints against Mr Mains resulting from a lack of written communications and his retention of the "Mason file"; and a lack of co-ordination in that nobody knew about all the complaints. Not

all of these deficiencies, of course, can be attributed to Mr Mason by any means but we do find it regrettable that he does not appear to have made Mr Bunting and Mrs Wilson fully acquainted with the complaints known to him by referring the "Mason file" formally to them in writing, in view of their management responsibility for the hostel. In fairness to him, he had taken the case to the highest official authorities in the Belfast Corporation; he clearly had the greatest respect for the judgement of the Town Clerk and Town Solicitor; and the failure to make a direct disclosure of the contents of the "Mason file" to the Children's Officer and Assistant Children's Officer may conceivably have been intended as an act of proper discretion given his superiors determination that they constituted insufficient material on which to proceed. In addition, Mr Mason made a personal effort to safeguard the interests of the Kincora residents by undertaking evening visits on his own account.

3.170 Mr Mason also agreed that the various Social Welfare Officers who had clients in Kincora should have been informed of the suspicions against Mr Mains, in general terms at least. Given the apparent deficiencies in the communications between Mr Mason and Mr Bunting and Mrs Wilson, this did not happen even at second hand. It would, however, be unreasonable to criticise Mr Mason for a reluctance to give a wide currency to suspicions which his superiors had decided were insufficient to warrant referral to the police, even if he had reservations about that decision. While this might have afforded some protection to the residents of the hostel, great discretion must be exercised in circulating allegations of criminal misconduct, even on a professional network.

3.171 It will be plain that we consider the failure to refer the "Mason file" to the police in 1971 as a fundamental error of judgement which probably prevented the detection of Mr Main's activities and possibly also those of Mr Semple. We would, however, wish to record our view that Mr Mason, who has had the misfortune to have his name associated with this file and whose name has consequently featured prominently in the publicity surrounding Kincora, has emerged from our Inquiry as a man who acted conscientiously and did his best to protect the interests of the boys in Kincora. While we have indicated that some criticism may attach to his judgement of the 1967 complaints and his partial failure to communicate

with his subordinates in 1971, the evidence shows that Mr Mason more than anybody else took steps to have the complaints against Mr Mains investigated. He also recorded his efforts.

The "Mason file" 1973

3.172 Mr Mason's continued concern about Kincora was demonstrated in June 1973 when he passed on the "Mason file" to Mr Bunting at or around the time of his retirement. Mr Bunting by that time was designated as Assistant Director (Family & Child Care Services) in the incoming Eastern Health & Social Services Board. Neither Mr Mason nor Mr Bunting had a detailed recollection of the handover of the file, but Mr Bunting said that it was the only file which Mr Mason gave him and that he was to retain it in case anything further arose. He did not recall any discussion of how the complaints had been investigated at the time. Mr Bunting said that he read the file after he received it and concluded that the complaints had been thoroughly investigated and had not been substantiated. He did not consider reopening the matter in 1973 although he did not know what had been decided about whether the matter should be referred to the police.

3.173 We do not believe that either Mr Mason or Mr Bunting can have been in any doubt in June 1973 that Mr Mains remained under suspicion of committing homosexual offences involving residents of Kincora and that a threat to the residents existed. This is notwithstanding Mr Bunting's evidence that he did not regard Mr Mains as a cause for concern at this time. Their dilemma was that the matter had been referred to the highest official authority and there seemed to be no further action which they could take on their own account. It might be suggested that Mr Bunting could have referred the file back to the Town Solicitor's Office and enquired whether a written response to Mr Mason's 25 August 1971 memorandum existed. Doubtless he now wishes he had done so, but it is understandable that he did not take this course since the last document on the file was almost two years old. He gave evidence that he treated the file as a "dead file" and that it was consigned to his desk drawer. He told us that, when he transferred to his new post on 1 October 1973, he forgot about the file and did not bring it to the attention of the appropriate Eastern Board personnel. We have already suggested that direct access to the "Mason file" by officials with management responsibility for Kincora had been unduly restricted and Mr Bunting's treatment of it compounded this problem. He accepted that this was an oversight, a conclusion with which

we concur. The circumstances in which he was given the file, as well as its contents, should have prompted him to brief the incoming management staff at the earliest opportunity to enable them to carry out their duties with the benefit of all available information.

Was there a "cover up"?

- 3.174 No person ever came forward with evidence of a deliberate or concerted "cover up" of the Kincora scandal by the Belfast Welfare Authority but publicity frequently suggested that one may have been organised. The very term is sufficiently imprecise and elastic to be conveniently applied to any patent lack of candour or failure to disclose information that might be unfavourably construed. It is the most facile weapon available to commentators who wish to insinuate deception and dissimulation. We took the essential elements of this ambiguous noun to be the failure of persons in positions of responsibility to take action appropriate to their office and/or the destruction or suppression of information or records, in pursuance of an improper motive.
- 3.175 No such charge could possibly be levelled against Mr Moore or Mr Mason in respect of the 1967 complaints against Mr Mains. Mr Moore required R5 and R6 to make written statements and thus formalised and preserved their complaints. Mr Mason summarised these, made a full record of Mr Mains' explanations and referred the papers to the Town Clerk. In doing so he created the opportunity for his assessment, that no criminal offence had occurred, to be approved or rejected. The failure to provide a written reply left the motives of the Town Clerk, or whoever acted for him, open to a pejorative interpretation. In the absence of specific evidence of an improper motive or actions, we cannot find that a "cover-up" was arranged by the Town Clerk's office. We bore in mind that the 1967 complaints were known to the Town Clerk's office, Messrs Mason and Moore and any other Belfast Corporation employees who saw or became aware of the "Mason file" as it passed between College Street and the City Hall. Mrs Wilson was also involved in the interviews of Mr Mains and a boy complainant.
- 3.176 Mr Mason's recommendation in relation to the 1971 complaints clearly absolves him from any "cover-up" allegation. The failure of City Hall officers, Messrs Young and Jamison, to record their part in the consideration of the "Mason file" left their motives open to pejorative speculation. In the absence of specific evidence of improper motive or

actions, we cannot find that there was a "cover-up". The list of Belfast Corporation staff who by autumn 1971 were aware of complaints against Mr Mains was formidable. This in itself would have been a major obstacle and disincentive to any attempted, active "cover-up".

- 3.177 We received no evidence that the Belfast Welfare Committee became aware of complaints or suspicions concerning the Kincora staff, except through Mr Moore's comment to the late Councillor Cardwell. There is no evidence that Councillor Cardwell took steps to prevent an investigation or suppress the matter. Nor is there any evidence that the Ministry of Home Affairs became aware of allegations or rumours relating to homosexual misconduct at Kincora.

40. The investigation was initially progressed by interviewing R8. It was recorded that he *“did not appear to be a convincing witness but ... had reaffirmed all the statements made in his letter”*. R33 was also interviewed by Messrs Mason and Johnston. He corroborated R8’s allegation that he had received a similar approach from Mr Mains. **[Hughes Report, para 3.149]**
41. On 25 August 1971, by memorandum, details of the investigations were passed to Mr John Young, Town Solicitor. The memo included: *“There are sufficient grounds to have the matter considered as one which should be referred to the police in view of the allegations which were made against the same officer in September 1967.”* **[ibid]**
42. No further written record appears to be available as to the outcome thereafter. Some suggestion was made in evidence that the matter may have been discussed with police. The police did not however recall any such discussion, and there was certainly no written reference to them. Mr Johnston also recalled that the Town Solicitor and Town Clerk had discussed the matter, leading to a conclusion that there was not sufficient evidence to proceed.
43. The Hughes Inquiry determined that *“the decision not to refer the “Mason File” to the police was an error of judgment by the Town Solicitor and by the Town Clerk”*. In the committee’s view the evidence of 1967 and 1971 in the Mason File *“was in our view sufficient to establish a pattern of suspicious behaviour by Mr Mains and contained unmistakeable allegations of criminal conduct in respect of the 1971 complaints, one of which was corroborated by R33.* **[HIA 742, para 3.157]**
44. This should also be seen in the context of other evidence and finding by the Hughes Inquiry, namely:
- a. The letter of complaint was received in late August 1971. Internment had been introduced at the start of that month, the effect of which was that August *“was characterised by very extensive civil unrest which created extreme pressures for public officials”* **[HIA 742, para 3.158];**

- b. R8 had been recorded to have presented as an unconvincing witness; **[ibid]**
 - c. R8 and R33 were no longer in care, although this was considered to be of only marginal importance given the risk to other boys that could have continued; **[ibid]**;
 - d. Mr Mason was commended as Chief Welfare Officer for his handling of these complaints **[HIA 743, para 3.159]**
45. The HSCB accepts this was **a missed opportunity**. It is noted this accords with the findings of the Hughes Report where the committee concluded: “*we consider that, on the balance of probabilities, referral of the “Mason File” to the police in 1971 would have proved decisive in the discovery of Mr Mains’ and Mr Semple’s homosexual activities and would have created a major deterrent to future misconduct.*” **[HIA 745, para 3.164]** It is also noted that in giving evidence to the Hughes Inquiry, Mr Mason accepted “*that there was a breakdown in the dissemination of information about the various complaints against Mr Mains resulting from a lack of written communications and his retention of the “Mason file”; and a lack of co-ordination in that nobody knew about all the complaints*”. The Hughes Inquiry found it “*regrettable that [Mr Mason] does not appear to have made Mr Bunting [Children’s Officer] and Mrs Wilson [Assistant Children’s Officer] fully acquainted with the complaints known to him by referring the “Mason file” formally to them in writing in view of their management responsibility for the hostel*”. **[HIA 747, para 3.169]**

1972 – 1974

46. B1 was placed in Kincora from 9 April 1972 to 25 February 1974 **[KIN 114026]**. He made no complaint until 1980, when he complained to police that Mr McGrath had made homosexual advances to him. No person was charged with any offence relating to his stay in Kincora.
47. B1 was visited by Social Workers during his placement in Kincora. He recalled that their visits largely focussed on his relationships with his family, but accepted that even if the nature of his contact with them had been

we concur. The circumstances in which he was given the file, as well as its contents, should have prompted him to brief the incoming management staff at the earliest opportunity to enable them to carry out their duties with the benefit of all available information.

Was there a "cover up"?

- 3.174 No person ever came forward with evidence of a deliberate or concerted "cover up" of the Kincora scandal by the Belfast Welfare Authority but publicity frequently suggested that one may have been organised. The very term is sufficiently imprecise and elastic to be conveniently applied to any patent lack of candour or failure to disclose information that might be unfavourably construed. It is the most facile weapon available to commentators who wish to insinuate deception and dissimulation. We took the essential elements of this ambiguous noun to be the failure of persons in positions of responsibility to take action appropriate to their office and/or the destruction or suppression of information or records, in pursuance of an improper motive.
- 3.175 No such charge could possibly be levelled against Mr Moore or Mr Mason in respect of the 1967 complaints against Mr Mains. Mr Moore required R5 and R6 to make written statements and thus formalised and preserved their complaints. Mr Mason summarised these, made a full record of Mr Mains' explanations and referred the papers to the Town Clerk. In doing so he created the opportunity for his assessment, that no criminal offence had occurred, to be approved or rejected. The failure to provide a written reply left the motives of the Town Clerk, or whoever acted for him, open to a pejorative interpretation. In the absence of specific evidence of an improper motive or actions, we cannot find that a "cover-up" was arranged by the Town Clerk's office. We bore in mind that the 1967 complaints were known to the Town Clerk's office, Messrs Mason and Moore and any other Belfast Corporation employees who saw or became aware of the "Mason file" as it passed between College Street and the City Hall. Mrs Wilson was also involved in the interviews of Mr Mains and a boy complainant.
- 3.176 Mr Mason's recommendation in relation to the 1971 complaints clearly absolves him from any "cover-up" allegation. The failure of City Hall officers, Messrs Young and Jamison, to record their part in the consideration of the "Mason file" left their motives open to pejorative speculation. In the absence of specific evidence of improper motive or

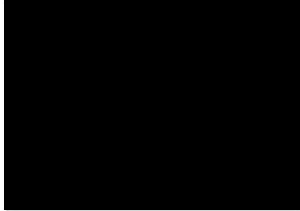
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- 3.177 We received no evidence that the Belfast Welfare Committee became aware of complaints or suspicions concerning the Kincora staff, except through Mr Moore's comment to the late Councillor Cardwell. There is no evidence that Councillor Cardwell took steps to prevent an investigation or suppress the matter. Nor is there any evidence that the Ministry of Home Affairs became aware of allegations or rumours relating to homosexual misconduct at Kincora.

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

Mr Roy Garland



Tuesday, 19 April 2016

Dear Mr Garland

Historical Institutional Abuse Inquiry into Kincora Children's Home and Colin Wallace

As you may be aware on Friday 8 April 2016 Mr Justice Treacy dismissed the application brought against the Inquiry and the Secretary of State for Northern Ireland for judicial review relating to Kincora, describing the application as "premature and misconceived".

The way is now clear for the Inquiry to proceed to the next phase of its preparation for the hearings relating to Kincora which the Inquiry intends to hold in June 2016.

The Chairman has noted newspaper reports in the *Belfast Telegraph* of 12 April 2016 and the *Irish News* of 13 April 2016 in which you are reported as saying that you are not prepared to give evidence to this Inquiry. He is aware that on many occasions you have made comments to the press and media which suggest that you have information which is relevant to the Inquiry's investigations.

The Chairman believes that your participation in the Inquiry's investigations would be helpful, and he hopes that in the light of this letter you will re-consider your position and agree to co-operate with the Inquiry. He has directed me to request you to provide a witness statement to assist the Inquiry in its investigations, and to invite you become a core participant in these hearings.

He believes that your participation in the Inquiry's investigations would be helpful, and If you are willing to be designated a core participant then, depending upon your financial circumstances, you may be eligible to receive funding at public expense for

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yourself and your legal representatives to enable you to engage with the Inquiry. Engaging with the Inquiry includes preparing a witness statement for the Inquiry, consulting with Inquiry counsel and giving evidence at the hearings held by the Inquiry.

The ALR 1 form to apply for legal representation, and the Inquiry Protocol governing the way in which such funding is allocated, are both to be found on the Inquiry Website www.hiainquiry.org, but for your assistance I enclose copies of both. You should note that the Inquiry operates a pre-authorisation policy for legal funding, which means that no expenditure will be met by the Inquiry unless it has been approved in advance by the Chairman. If you or your solicitor wish to discuss how this works in practice please do not hesitate to contact me.

I should also draw to your attention that the Attorney General has given an undertaking to the Inquiry that expressly includes the Official Secrets Act and I enclose a copy of his letter to the Inquiry for your assistance.

If you agree to become a core participant then in due course you will receive those documents the Inquiry has gathered which the Chairman believes to be relevant to the issues on which you may be able to assist the Inquiry.

Please confirm by close of business on Tuesday 26 April, 2016 whether you wish to become a core participant. If you wishes to become a core participant, please provide the name(s) of the solicitor and counsel you wishes the Inquiry to designate as your legal representatives by the same date.

Whether or not you wish to become a core participant the Inquiry requests you to provide it with a witness statement.

The issues the Inquiry wishes you to address in a witness statement are as follows.

1. What form the homosexual conduct/sexual abuse you suffered at the hands of William McGrath took, how often it occurred and over what period?
2. The Inquiry is aware of evidence suggesting you brought perhaps 20 other youths or young men to see McGrath for what he may have been describing as some form of "treatment" and/or to assist with an "emotional block" he claimed they may have?

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- a. What ages were these youths or young men?
 - b. When did this occur?
 - c. Where did this occur?
 - d. What form did these occasions take?
 - e. Who knew or might have known these matters were occurring?
3. When did you and William McGrath part company?
4. What were the circumstances that brought you and him to part company?
5. When did you decide to start telling others about his behaviour?
6. Why did you feel unable to make a statement to the police in the 1960s, or 1970s, about William McGrath's homosexual conduct towards you?
7. Why did you feel unable to make a statement to the police in the 1960s, or in the early 1970s when you and William McGrath parted company, about his homosexual conduct to other boys?
8.
 - a. To whom did you speak in the Department of Health about McGrath?
 - b. When did you speak to them?
 - c. What precisely did you tell them?
 - d. Did you tell them McGrath was a homosexual?
 - e. Did you tell them he was working in Kincora?
 - f. Did you tell them he was abusing boys in Kincora?
9.
 - a. To whom did you speak in the Social Services about McGrath?
 - b. When did you speak to them?
 - c. What precisely did you tell them?
 - d. Did you tell them McGrath was a homosexual?

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- e. Did you tell them he was working in Kincora?
 - f. Did you tell them he was abusing boys in Kincora?
10. a. To whom did you speak in the police about McGrath?
- b. When did you speak to them?
 - c. What precisely did you tell them?
 - d. Did you tell them McGrath was a homosexual?
 - e. Did you tell them he was working in Kincora?
 - f. Did you tell them he was abusing boys in Kincora?
11. a. To whom did you speak in the Army (including military intelligence) about McGrath?
- b. When did you speak to them?
 - c. What precisely did you tell them?
 - d. Did you tell them McGrath was a homosexual?
 - e. Did you tell them he was working in Kincora?
 - f. Did you tell them he was abusing boys in Kincora?
12. a. To whom did you speak in the Intelligence Services about McGrath?
- b. When did you speak to them?
 - c. What precisely did you tell them?
 - d. Did you tell them McGrath was a homosexual?
 - e. Did you tell them he was working in Kincora?
 - f. Did you tell them he was abusing boys in Kincora?

The Inquiry is working to a very tight timetable and so I would be grateful for your confirmation by return that you are will to provide the Inquiry with a witness statement by close of business on Tuesday 3 May, 2016. If you are willing to provide a statement, and wish to have legal representation to enable you to prepare the statement, please return the completed ALR1 form to me by close of business Tuesday 26 April, 2016 to enable the Chairman to decide the amount of funding necessary to enable you to make the statement.

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I look forward to hearing from you as soon as possible.

Yours sincerely

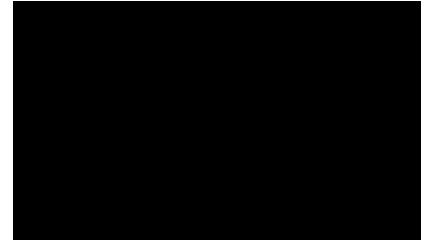
A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the HIA Inquiry

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: William Garland [REDACTED]
Sent: 29 April 2016 21:17
To: Butler, Patrick (HIA)
Subject: HIA



29 April 2016

Paddy Butler
Inquiry Solicitor
Historial Institutional Abuse Inquiry

Dear Paddy

I understand that Gary Hoy is appealing the rejection of his bid by the High Court to keep the Kincora inquiry within Northern Ireland rather than with the Goddard Inquiry in England.

Assuming this to be the case, I would like to withhold any decision to participate or otherwise in the Hart Inquiry until a decision is made on this appeal.

I hope this is in order.

Regards

Roy Garland

[REDACTED]
[REDACTED]

HIA Historical Institutional Abuse Inquiry

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Mr Roy Garland



Tuesday, 3 May 2016

Dear Roy

Thanks for your email of 21.17 on the 29 April 2016.

While it is correct that Gary Hoy is appealing the High Court's dismissal of his judicial review it is important that I explain to you that, regardless of how the matter was or is portrayed in the media, the judicial review was never about whether the Kincora inquiry would remain with the HIA Inquiry or be transferred to the Goddard Inquiry. It is extremely unfortunate that, for whatever reason, the matter has been misrepresented in the way that it has.

The HIA Inquiry was always going to investigate Kincora, and no Court can change that, because it is something that falls within the HIA Inquiry's Terms of Reference.

The challenge brought was actually framed before the Court as requesting the Court to order the HIA Inquiry to conduct its investigation into Kincora in a particular way that was said to require Gary Hoy to have legal representation. The Court concluded that the application was both misconceived and premature. The HIA Inquiry expects the Court of Appeal to say exactly the same thing.

In any event the issue does not arise in your situation as the HIA Inquiry has offered you both core participant status and the opportunity to have legal representation which may be paid for at public expense.

Further, even if you do not agree to participate as a core participant, the HIA Inquiry, as an independent public inquiry investigating allegations relating to Kincora, has requested you provide it with a witness statement dealing with the matters I have specifically raised with

you on behalf of the HIA Inquiry. This position is entirely unaffected by Gary's Hoy's judicial review.

As someone who has regularly commented in the media about Kincora it would be regrettable if you then did not avail of the opportunity being afforded to you by the HIA Inquiry.

I trust this clarification will be of assistance to you but you must appreciate that the very tight timetable to which the Inquiry is working means that it cannot allow you to continue to delay engagement. If we do not hear from you by close of business on Friday 6 May that you wish to be a core participant and/or will provide the Inquiry with the witness statement it has requested then the Inquiry will have no alternative but to conclude that you are refusing to assist it.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Patrick Butler', with a stylized flourish at the end.

Patrick Butler
Solicitor to the Inquiry

13 MAY 2016



11 May 2016

Mr Patrick Butler
HIA Inquiry
PO Box 2080
Belfast
BT1 9QA

Dear Paddy

I sent an email to you last week, which has just now – five days later - returned to me marked as “delivery time expired”.

I would like you to receive a copy of this so that you can note my objection especially to the factual and misleading errors reflected in your original questions.

I am therefore forwarding a copy of my email etc with this letter.

Regards

A handwritten signature in black ink, appearing to read 'Roy Garland', located below the 'Regards' text.

Roy Garland

Dear Paddy

Thank you for your letter of the 3 May 2016.

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

Additionally, I note that in relation to your letter of the 19th April 2016, some of these questions are based on false assumptions and are at times factually inaccurate and misleading.

Yours sincerely

Roy Garland

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T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

Mr Roy Garland



Tuesday, 17 May 2016

Dear Roy

RE: You and the HIA Inquiry

I am writing in my capacity as Solicitor to the Inquiry into Historical Institutional Abuse 1922 to 1995 (the HIA Inquiry).

Thank you for your letter of the 11th May, 2016 and your email of the 6th May, 2016 that was attached to it.

The HIA Inquiry has offered you the opportunity to participate in the HIA Inquiry investigation of Kincora as a core participant.

Whether or not you agreed to become a core participant, and avail of all the participative rights that would entitle you to before the HIA Inquiry, the HIA Inquiry already explained that it wished to have a witness statement from you in any event.

Your ability to provide the HIA Inquiry with a witness statement gives you the opportunity to say whatever you want to say to the HIA Inquiry about what caused you to try to bring the behaviour of William McGrath to the attention of others, and the steps you took to do that.

The questions that were posed to you are relevant to the HIA Inquiry's work and arise from consideration of material that it has gathered. Where you consider any of those questions to have an error of any kind you could explain that in your statement, why you say it, and set out what you say the correct position is. That position remains open to you.

You should understand that while the HIA Inquiry recognises that matters it is tasked with investigating may be difficult and embarrassing for individuals, nonetheless it is essential that the HIA Inquiry establish the facts. The HIA Inquiry recalls that you conducted media interviews pledging to help with that task.

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

If the HIA Inquiry does not receive the witness statement sought from you by Friday the 20th May, 2016 it will take it that you are refusing to co-operate with it.

Yours sincerely

Patrick Butler

Solicitor to the inquiry



Form $\frac{38}{30}$ **COURT EXHIBIT LABEL****R. v.****DESCRIPTION OF EXHIBIT**

Letters + Newspaper
cuttings received
from D. C. Cullen

EXHIBIT NUMBER

DBE 1

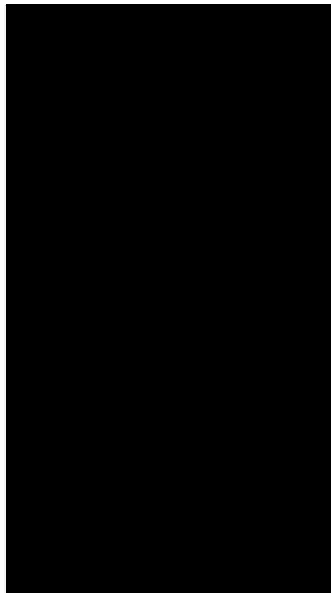
UVF gives reply

A Brigade Officer of the Ulster Volunteer Force has issued a statement in answer to the accusations made against the organisation by the leadership of the Tara Brigade.

The statement says the UVF is opposed to the establishment of any kind of United Ireland, and is also opposed to the political philosophies of both sections of the republican tradition.

The suggestion that UVF officers would ever contemplate joining forces with the republican movement against their fellow citizens on the British mainland was utter rubbish, said the statement.

The UVF believed that the vast majority of Ulster Protestants desired to live in peace with their Roman Catholic fellow mortals, and for this reason had declared the intention of setting up a political wing and calling for a Council of Ulster to be used as a debating chamber.



Mrs. & Mrs. R. Garland



London

30th Jan. 61

My Dear

This place is like a tomb without you! When I got back here last night as I was turning the key in the door, I thought, "Wouldn't it be lovely if had missed his train and was in the room waiting for me". What a naughty thought! Alas when I opened the door there was no! Its well you did not come with me for it was almost 12 when I got home.

I don't know how it affected you, telling you what I did but it must have taken a lot out of me for I just don't know how I got through the meeting last night, I was really "washed out" and today I feel as weak as a kitten!

Please do not let what I told you occupy too much of your thought lest it affects your studies, for you have got to get equipped for the big task ahead!

I would value your special prayer for tomorrow morning and Wed. afternoon! I cannot say more than that. I am not afraid to die! Eternity is so real and as you were saying in your letter "so much part of the present" that death for me would be like stepping from one room into another.

My Fathers Home on high,
Home of the Soul,
How ever at times, to Fathers
Farseeing eye the golden gates appear!
Oh! Then my spirit faints to see the
land I love, the bright inheritance of
Saints, Jerusalem above!

No I am not afraid to die, but I do want to go on living! There is so much yet to be done! and I have got a very dear wife whom I would like to stand by and three children I would like to lead into the "front line" and then there is you. How I would hate to be called away without seeing you equipped and in the thick of the battle! Oh, if I could only tell you all that is inside my heart for you, but that must await the Lord's Will and time!

2.

Now I am so grateful for you spending so much time with me here. It has made all the difference to my visit. It is a wonderful privilege to be allowed to share in a life as lovely and as pure and good as yours. I feel very humble because of it. You can be assured that my thoughts are with you all the time,

Certified a true copy of the original  D/Sergt.

9A.

CHRISTIAN FELLOWSHIP CENTRE, AND IRISH

EMANCIPATION CRUSADE

15 Wellington Park Malone Belfast 9

10th November 60.

My Dear

Your letters get better and better! It is wonderful to see the real progress you are making. I wouldn't worry too much about your low marks for the essays. These will improve as you go on. I think if we had had another twelve months together before you entered College things would have been easier for you. What do you think?

I think you would be very foolish to continue to write to the girl you spoke of. After all she is only a child and you are now a man and Gods MAN at that! If you continue to write she will naturally think you are interested. I would not mention this to the Tutor as he would expect you at your age to know the right answer. The less you discuss with your Tutor about things to do with character, ie, Girls, Sex, Honesty, etc., the better. These talks will colour the Report that one day may be sent to some Missionary Society to which you apply. Just put your best into your studies and I will try and keep you right on these other things. I think you would find that most, if not all, of the students have never had a friend with whom they could discuss these things, so you are away ahead of them.

Sorry to hear about the 'Queer' chap. It is very sad. He is obviously neurotic in some way. The trouble is that in most Colleges there is no one capable of dealing with this type of trouble. I think the best thing for you is to keep away from him as much as is possible. Dont let your eyes meet and

dont let him touch you, like putting his hand on your shoulder etc.

Sorry this letter is shorter than usual but I thought it better to let you have a reply at once and two visitors have just arrived from Dublin so I have to stop. Four more weeks and then letters will be forgot for a little while!

Write soon. All my love and prayers.

Yours in Christ

(Signed) W McGRATH.

Certified a true copy of orininal  D/Sergt.

15 Wellington Park
Belfast 9

15th Jan. 62

My Dear

It was a very pleasant surprise to get your letter first post last Wed.
The "go slow" certainly did not affect it for you only posted it on Tuesday.

I started life last Monday with the realisation that I could not expect to hear that short sharp ring on the doorbell which has come to be known here as " ring" My reaction to this realisation was that I started to count the days or rather the week still end of term! Only eleven weeks!!!! Still we have a lot of precious memories to live on till then.

I enclose a letter from Keasit, this may help you to understand the position better, please return this letter when you write next as I have to reply to his miles.

As soon as you left I started off after that elusive thousand! I am still hard on its tail and with the help of God will yet catch it! Because of this I was able to send you the Yeast Tablets and I am posting today another parcel with vitamins and something to keep you on the move! You take the vitamins one each morning in addition to the Yeast Tablets. You can adjust the dose of the Sennakot to give you one or two good clean outs each day.

I feel miserable that I have been able to do so little for you financially, I believe however that I will be able to do more in the future than in the past.

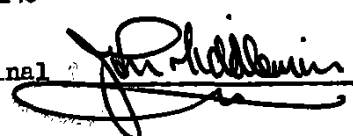
Another bit of news which I know will interest you the letter has gone off booking our places in Donegal for the last two weeks in July. Kathleen is also writing to the O'Connells so that they can join us! So keep those big legs of yours well scrubbed, someone will want to see them again at Fintra!!!!

Well I will now as I want to go after that thousand again.
Do write soon. My thoughts and prayers are with you.

Yours as ever

12

William

Certified a true copy of the original  D/Sergt.

15 Wellington Park,

Belfast, 9.

5th February 62.

My Dear

At last I have started a letter to you. What with chasing that thousand etc., life has become very hectic, and that is putting it mildly! Well you seem to be 'growing' by leaps and bounds, your last letter was just wonderful, indeed it was by far the best you ever wrote. It bore the mark of one who was becoming very mature and of one who was discovering real freedom!

This year promises to be a good one for you and I. First It seems that Kathleen and the children and Theresa will be going to England for Easter, Miss C and Miss B will also be going away so I have to 'hold the fort' here alone!

This would give us lots of time together particularly if you could stay here during the Easter holidays. It would be like a 'little Donegal'. Then I will see you in London in May as I have been asked to give the Term Lecture in London Bible College on 'Roman Catholicism and the Gospel'. Then a few weeks later we will be in Donegal! Then in October I will be again with you in London! So 62 is going to go very fast!

Now I will try and answer the various points you raised in your letter. Yes it is right to have self esteem or self respect. We can have this without getting a 'big head' about ourselves. That is why we are told to think 'soberly' Oswald Chambers can be very easily misunderstood in his writings. That is why so many people dont like him. I dont think that paragraph spolit your letter.

Regarding Tithing. No matter how great your difficulties you should lay aside on the first day of the week according as the Lord has prospered you'. That should be at least a tenth.

Re the Dip. I think it would be quite O.K. to leave it till later.

Glad you are reading the book by Northridge. I have it here, it is quite good as far as such books go. Northridge belongs to our University Road Church. I haven't got down to the Dream book yet!

I had a phone call from last Friday, he wanted to come up that night but I had a meeting. He is supposed to be coming up next Wed afternoon. He says he wants to be a home missionary!

Well I think I have covered all the points you raised in your letter. I have just checked and find that it is only seven weeks from next Sat till you are home again. You couldn't come too soon! By the way, what date do you return to College on next Term? Dont forget to bring your Bathing Briefs home this time! (I think I can see you smile).

Now my Dear I will close. Writing to you, in a sense, seems harder than ever, what now exists between us is so 'big' and so wonderful that to reduce it to writing is almost impossible! Still seven weeks will soon run in, and then

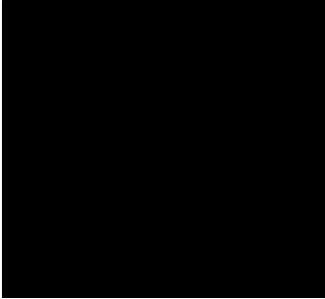
My thoughts are ever with you. Dont do as I do but do as I say and write soon!!

Yours as ever in Christ.

(Signed) William McGrath

I thought you would like the enclosed. You can put one up on the Notice Board! You can mention our name.

Mr & Mrs Palmer



Certified a true copy of the original

D/Sergt.

15 Wellington Park
Belfast 9

2nd March 62

My Dear

Here I am at last! You should see my desk, its just a mass of papers and unanswered letters! going after that thousand is taking up quite a lot of time. It is essential that I should lay a good foundation during the first six months of '62. Things have been going quite good so I reported to the Bank Manager and he has increased my authority to £200 so that gives me more scope. It will be some time of course before I can take much out for personal use.

Sorry to know you were ill it could have been that bacon. Some of the enclosed leaflets were sent to me so they will be of interest to you!

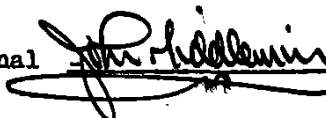
I was very interested in that dream of yours. Yes, it is possible to get emotional release during sleep, indeed some people never get it any other time! This is what causes sex dreams, of course this can go much further into what is known as teleportation that is too big a subject for a letter, so roll on Easter! Your remark about longing to be with me in a "different way than ever before" will also be an interesting subject for discussion!

Glad you got that £20 its wonderful how the Lord undertakes. Yes, I had up, he is still very pious but in an unhealthy way! He still says he is going into Bible College but I feel that "the damage has been done" in his life. He has put the girlfriend 'bnto the alter" but intends going back to her after he is trained!!!

I hope you enjoyed your tea at the Principals house! You are quite a boy! irresistible is the word!

16

Certified a true copy of original



D/Sergt.

15 Wellington Park,
Belfast, 9.
2nd July 62.

My Dear

Sorry for this long delay in answering your letter. I have been ill again getting a tremendous amount of pain. For three weeks I hadn't the slightest pain and then it hit me like a ton of bricks! I probably overdid it just because I was feeling well! Yesterday was hell, the heuritas went into my eyes but this morning I am feeling a bit better.

I was worried when you said you were not feeling in top form, just as I got your letter I got a few sales of Furniture, so I rushed out and got the Vits. for you. After all we both can't go down together! I hope that by this time you are feeling much better and all the Exams behind you. Perhaps the air in Donegal will set us both on our feet again! Just 14 more days and then 13 nights together to talk till 4.0am. That should be a good tonic!

I haven't got any news yet about the car for 12th and 13th but will let you know. There is some difficulty about insurance. The two Reid girls and their parents who come to the P.M. would like to come to Donegal and get accommodation near us but it would take something like a Minibus to hold us all!

I wont try and tell you now about I have seen him twice,
suffice to say that he and his girl friend are well down the slippery slope that leads to tragedy!

My thoughts are with you as ever in Christ.

17

(Signed) William McGrath.

Certified a trus copy of the original



D/Sergt.

RESTRICTED

Reference No 2024 KIN-30343

SUBJECT: - ANONYMOUS INFORMATION RECEIVED ON CONFIDENTIAL TELEPHONE LINE

Divisional Commander,
'E' Division.

Headquarters
The Royal Ulster Constabulary
Brooklyn
Knock Road
BELFAST
BT5 6LE

I give hereunder a precis of information received on confidential telephone line during period 8.30 am/~~pm~~ on 23.5.73 to 8.30 am/~~pm~~ on 24.5.73

276/3 There appears to be a vice ring which is centred in Wm. McGrath, 188 Upper Newtownards Road, who is employed as a Social Worker at Kincora Boys' Hostel, 236 Upper Newtownards Road. McGrath practices various kinds of homosexual perversion, but is known to be indulging in other kinds of perversion as well. He is deeply involved in underground politics and boys of his are involved in all shades of Unionists Politics, most of these young men would have been involved in perversion with him personally and he is not adverse to pressurising them into adopting policies according to his political objections which are unknown. He has contact with certain local MPs who are known for their homosexuality and it is thought this is the lever used to obtain his job as a Social Worker. He has contacts throughout N. Ireland and also in London and beyond. He is constantly in financial difficulty. He leads a secret Militant Organisation known as 'TARA', he is widely known among Loyalists and others, but mainly because of the shame and danger attached to exposing him and the repercussions he is allowed to continue. His methods of dealing with boys is to suggest homosexual activities will cure a variety of complaints. McGrath claims the boys are suffering. Once allow McGrath to get his hands on them they are wide open to exploitation, sexually, politically and financially.

Male Caller.

Received 1505 hours 23.5.73.

78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084

Please cause this information to be investigated and report results.

Chief Superintendent
for Chief Constable

Copy to/-

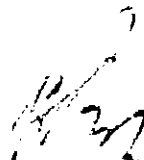
A.C.C. Special Branch
A.C.C. 'C'

RESTRICTED

KIN-30344

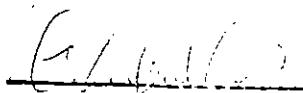
SDC MOUNTFOTTLER

For information and compliance without delay.


CHIEF SUPERINTENDENT

INSP STRANDTOWN

For immediate report.


Sgt.Sergt. ClintonTransmitted for enquiry on the lines discussed and report
result without delay.
Insp. for C.I.

Sc!

though a third party ^{writes}

- (10) Source states that William m'Grath ~~presented~~ ^{invited} ~~gang~~ ^{male} teenagers from the organization, to his home for a ^{talk} ~~talk~~. The main topic of the talk ~~was~~ ^{was} usually the need for loyalist leadership to-day. Then he proceeds to indoctrinate the vulnerable ^{impressionable} and idealistic young persons with the idea that they were potential leaders. In order to achieve this leadership he stressed the need for ~~the~~ physical, moral and mental stability. After a few ~~talk~~ ^{meetings} he ~~often~~ ^{would} introduce ~~the~~ a further characteristic, namely the need for sexual stability. Without sexual freedom, he declared, there could be proper ~~sexual~~ physical, moral or mental stability. The conclusion being that without sexual freedom one is ~~tensed~~ ^{tense} and "kayed up". This is what he termed as a "block". Another point covered ~~was~~ the need for propaganda and ~~told~~ ^{told} his ~~future~~ ^{present} pupil that every opportunity for ~~for appearance~~ ^{for appearance} getting across their point of view should be taken, ~~whether~~ ^{whether} it be Television ~~or~~ ^{or} other news media.

- (11) Source, a victim of m'Grath's deception and manipulation stated that eventually Source was persuaded to undress. Sexual perversions took place between m'Grath & himself on ~~times~~ ^{on} numerous occasions. A massage machine was used by m'Grath for stimulating his Subject. m'Grath always stripped but before he did so he usually left the room, went upstairs and was heard moving about above the office where these activities took place. The office had no windows with a single bright light on the ~~in~~ ⁱⁿ centre of the ceiling. There were two locks on the door which were secured when the office was in use. The impression was that when m'Grath went upstairs he was setting up photography or tape recording equipment.

ROYAL ULSTER CONSTABULARY

KIN-114066

SC2

..... A Division Donegall Pass Sub-Division
 CID. Drugs Squad Station/Branch Date
 SUBJECT *INTELLIGENCE LOG. WILLIAM MC GRATH*

(1). *Intelligence of an unconfirmed relating to*
William Mc Grath, 50/60 yrs., 188 Upper Newtownards
Road, Belfast, and other people who have been
 To: ACC. Meharg *associated in some measure with subject.*
 Crime Branch

2. Following my appointment with you Sir on the 2 March 1974 at your office I have made further enquiries relating to William McGRATH, 50/60 years (date of birth available later), 188 Upper Newtownards Road, Belfast.
2. McGRATH is presently a warden in the 'Kincora Boys Hostel' owned by the Belfast Corporation at 236 Upper Newtownards Road, Belfast. The Resident Superintendent of the hostel is a Mr Joseph MAYNES.
3. Subject is self styled lay preacher who, when my informant first met him, was holding meetings advertised as 'Campaigns of Challenge to Christians to dedicate their lives'. These occurred around 1955.
4. He also had close connections with the Young Peoples' Christian Fellowship, 269 Antrim Road, Belfast (Faith House) which later moved to premises known as Faith House, Orpen Park, Finaghy, Belfast. Subject left there in 1960. He was reputed to have stated that the had guaranteed a loan for Faith House.
5. An organisation known as the Christian Fellowship Centre and Irish Emancipation Crusade was formed in 1941. McGRATH was the General Secretary of that organisation. This body is still in existence but has now dropped the word 'Centre' from its title.
6. After leaving Finaghy in 1960 McGRATH bought a house at 15 Wellington Park, Belfast, which was used as a headquarters for the above organisation. (Tel. No. [REDACTED]). This telephone number no longer has any connection with McGRATH. He is reputed to have said that he bought these premises for £2500 and sold them in 1967 for £12 500.
7. His next residence was at 4 Greenwood Avenue, Upper Newtownards Road, Belfast. The purchase price of the house was said to be £5500 and it was later sold for £6000. This occurred about the beginning of 1972. The sale was compulsory to pay off debt to my informant. The record appeared in the Commercial Gazette, Northern Ireland dated the 21 February 1972. It may be noted that his occupation stated in that publication is a Welfare Officer. I understand he likes to create this impression.

8. Later McGRATH moved to his present address at 188 Upper Newtownards Road, Belfast.

9. William McGRATH is married and has a family of three.

10. My informant had the opportunity of purchasing a small business in 1964. William McGRATH by very subtle pressures managed to go into partnership on an equal basis stating that he would pay half the purchase price, which he never did. The business did quite well but McGRATH borrowed from his partner to the amount of £2000. McGRATH also had a sideline in carpets. This venture resulted in him incurring debts in my informants name. Hence the later action to recoupe the money owed.

11. Until 3 to 4 years past McGRATH advertised in the Belfast Telegraph under the 'For Sale' column. His adverts started 'Carpets Beautiful'. The subject termed himself as a carpet importer and imported carpets from Belgium. My informant was under the impression that the advertisements were of a sinister nature conveying a message other than the obvious.

12. Another line of business he was involved in was the buying and selling of second-hand furniture. This necessitated frequent visits to auction rooms etc.

13. It is known that for a time around 1970/71 he worked as a filing clerk at Estate Agents Office.

14. On a number of occasions when my informant was present McGRATH gave the impression that he was a qualified massuer. He said that he was in possession of a massage machine which he claimed had an attachment for fitting over the penis for stimulation.

15. Quite recently it is alleged he approached a person working in the Chemistry Business and asked if he could obtain arsenic or strychnine.

16. It is understood that William McGRATH originally comes from around Bleary and in his early days lived in Earl Street, Belfast.

17.

18.

19. Subject has also close connections with the British Israelites. Some known associates in this Religious body are:-

1.

2.

It is alleged that McGRATH ruined them financially resulting in them having to find employment. He is said to have purchased a house at Wellington Park for them and through the deal their financial standing was undermined.

It is thought that [redacted] would be worth interviewing in relation to subject.

20. A lady called [redacted] was very friendly with McGRATH for many years. It is alleged that her present mental condition is due to pressures from McGRATH. I understand she has had treatment at mental institutions.
21. [redacted] works in the [redacted] Corporation Welfare Department of [redacted] and is believed to have obtained the job for McGRATH at the 'Kincora' Boys Hostel.
22. There is in existence a 'Loyalist' Committee' comprising of prominent loyalists. [redacted] an Assemblyman, is passing on information to [redacted] (junior) 20 years, who is under influence of William McGRATH.
23. [redacted] approximately, formerly living in [redacted], at a house beside a postbox (present address unknown) is said to be under the Civil Rights or Republican movement and later was a member of John McKEAGUES Defence Association. He is now a member of the Young Unionists.
24. Recently a person called [redacted] was killed in a car accident at Antrim Road, Belfast. He was described as a pro-loyalist Roman Catholic who it is alleged was responsible for forming a National Front Organisation at QUB. It was also suggested known that he was a Young Unionist at one stage.
25. There was the suggestion that a check should be done on [redacted] and is quite friendly with McGRATH.
26. My informant on one occasion was asked by McGRATH to go along to a person called [redacted] to warn him that the police were coming to search his house. When my informant arrived he was under the impression that [redacted] knew or that the police had already been there. It is thought that [redacted] has served a prison sentence. He is also alleged to have tried to commit suicide around 1970. McGRATH said that he thought that [redacted] was a communist in Loyalist organisations.
27. [redacted]

5c3

A.C.C. McHenry.
 Prime Branch.
 H.R.

- (1) Following my appointment with ^{Sis} you on the 2 March 1974 at your office ~~in~~ ^I ~~received information which I had received~~ have made further enquiries relating to William M. Grath; 56 to 60 yrs. (~~to~~ ^{his} Date of Birth ~~is~~ ^{is} available later), 133 Upper Newtownards Road, Belfast.
- (2) Mr Grath is presently a warden in the "Kincora Boys Hostel", owned by the Belfast Corporation, ~~located~~ ^{at} 236 Upper Newtownards Road, Belfast. He is ^{the} ~~Superintendent~~ ^{Superintendent} of the Hostel ~~located~~ ^{at} 236 Upper Newtownards Road, Belfast. ~~Joseph (mailed) who is resident in the hostel.~~
- (3) Subject is a self styled lay preacher who, when my informant first met him, was holding meetings advertised as "Campaigns of Challenge to Christians to dedicate their lives". These occurred around 1955. ~~check~~.
- (4) He also had close connections with the Young People's Christian Fellowship, 269 Antrim Road, Belfast (FAITH HOUSE) which later moved to premises known as FAITH HOUSE, ORPEN PARK, FINAGHY, BELFAST. Subject left there ~~in~~ ⁱⁿ 1960. He was reputed to have stated ~~that he~~ ^{had} guaranteed a loan for Faith House.

5. ~~At present I am not aware of~~
An organisation known as the Christian Fellowship Centre and Irish Emancipation Crusade was formed in 1941 in Rath. ~~was~~ the General Secretary of that organisation. This body ~~is~~ is still in existence but has now ~~been~~ dropped the word CENTRE from its title.
6. After leaving Tynagh in 1960, ~~in 1960~~ in 1960, he bought a house at 15 Wellington Park, Belfast, which was used as a headquarters for the above organisation. (T/N 669018). This telephone number is no longer ~~applicable~~ has a connection with ~~in~~ in Rath. He is reputed to have said that he bought these premises for £2500 & sold them in 1967 for £12,500.
171. His next residence was at 4 Greenwood Avenue, Upper Newtownards Road, Belfast. The purchase price of the house was said to be £5,500 and it was later sold for £6000.. This occurred about the beginning of 1972. The sale was compulsory ~~to pay off a~~ ~~to my informant~~ ~~to my informant~~. The record appeared in the Commercial Gazette, North Ireland dated the 21st Feb. 1972. It may be noted that his occupation stated in that publication is a Welfare Officer. I understand he likes to make this impression.

(8) Later Mr. Brath moved to his present address at 188 Upper Newtownards Road Belfast.

(9) William Mr. Brath is married and has a family of three.

On one occasion some time ago ~~the~~ North demonstrated some 'digging' devices to my informant who stated that he (North) was a very devious type of person, ~~the~~

(10) My informant had the opportunity of purchasing a small business in which Mr. Brath by very subtle pressures ~~for~~ ^{persuaded} ~~him to attempt to~~ to go into partnership on an equal basis stating that he would pay $\frac{1}{2}$ the purchase price which he never did. The business did quite well but Mr. Brath borrowed from his partner to the ^{amount} of £2000 +.

Mr Grath also started a sideline in Carpets. ~~He~~ This venture resulted in him incurring debts in my informant's name. Hence the later action to recoup the money owed.

- (11) About 3 to 4 yrs past Mr Grath advertised on the Belfast Telegraph under the "For Sale" column. His adverts started - "Carpets Beautiful". Subject ~~he~~ termed himself as a Carpet importer and was alleged to be importing Carpets from Belgium. My informant was under the impression that the advertisements were of a somewhat nature conveying a message other than the obvious..
- (12) Another line of business he was purported to be involved in was the Buying and Selling of Secondhand Furniture. This necessitated frequent visits to auction rooms etc.
- (13) It was also thought that for a time around 1970/71, he worked as a filing clerk at Estate Agents Office..
- (14) On a number of occasions when my informant was present Mr Grath gave the impression that he was a qualified messenger. He said that he was in possession of a message machine.
- (15) Quite recently it is alleged he approached a person working in the Chemistry Business

And asked if he could obtain Arsenic
or ~~Strich~~ Strychnine.

(16) It is understood that Van m^e Brath
originally comes from around Bleary.

(17)

(18)

(19) Subject has also close connections with
the British Israelites. Some of his known
associates in this religious body are.

(1)

(2)

It is alleged that m^e Brath ruined them
financially, resulting in them having to ~~leave~~
find employment. He is said to have
purchased a house at Vellington Park for
them & through this deal their financial
standing was undermined.

It ^{is} thought ^{that} ~~the~~ ^{would be} worth interviewing
in relation to Subject.

(20) A lady called

was ~~always~~ very friendly with m^c brath. It is alleged that for many years. her present mental condition is due to pressures from m^c brath. I understand she has had treatment at ~~mental~~ ^{Sanitary} Institutions.

(21)

Works in the Belfast Corporation Welfare Dept. of " is believed to have obtained the job for m^c brath at the "Kincora" Boys Hostel.

(22)

There is in existence a "Loyalist Committee" comprising of prominent Loyalists. (Gen) Assemblyman ~~is~~ ^{is} passing on information to Junior ^{20 yrs} who is under influence of m^c brath.

(23)

^{20 approx} formerly living in at a house beside a postbox. (Present address unknown) is said to be under the influence of m^c brath. It is alleged that he was in the Civil Rights ~~movement~~ Republican movement and later was a member of John m^c Keague's Defence association. He ~~is~~ ^{is} a member of the Young Unionists.

(24) Recently, a person called [redacted] was killed in a car accident in [redacted] Belfast. He was described as a pro-Loyalist Roman Catholic who it is alleged was responsible for forming a National Front Organisation at D.V.B. It is also ^{known} ~~known~~ that he was a young Unionist at one stage.

(25) There was the suggestion that a check should be done on [redacted] and so 'quite friendly with me' [redacted].

(26) ~~A man named person called,~~

my informant on one occasion was asked by Mr. [redacted] to go along to a person called,

to 'warn him' that the police were coming and that his name was on the list for to search his house. When my informant arrived he was under no impression that [redacted] knew or that the police had already been there. It is thought that [redacted] has moved a prison sentence. He is also alleged to have tried to commit suicide around 1970. Mr. [redacted] said that he thought that [redacted] a communist in Loyalist organisations.

(27)

is ~~at~~ at present an associate of Mr. Brath.
He ~~is~~ lives in a chalet type bungalow in that
area. (~~Address being~~ further enquiries being
made to establish correct address.)
It is believed that ~~is~~ is the type of person
who would supply the necessary information about
Mr. Brath.

(28) ^{Previous content} Other close associates of Mr. Brath are.

(1) (further particulars to be obtained).

(2) (Hanguard).

(3) (Prison Warden)

and a current associate to

(4)

(5)

~~Mr. Brath~~ ^{affected to be} ~~is~~ ^{is} alleged to ~~be~~ have his own
problem as a Transvestite. Mr. Brath is said
to be using this to keep pressure on
his ~~live~~ ^{lived} with him up until he got married. ~~then~~
~~he~~ ^{he} ~~lives~~ ^{lived} one occasion around 1967 at the Hollings
Park Residence, ~~and to the door when four men called. He~~
cleared off and later a short time later at his house.
~~personally was caught by four charged overnight.~~

(29) There is a lady in Holland who ~~is~~ anxious
to help the Protestant Community in Ulster with
funds and social support. Mr. Brath has endeavored
to become involved with this venture. ~~He~~

References have been sought from some prominent
people in Northern Ireland by Mr. Brath.

is the sponsor
in St. Britain or has some connection with Mr. Brath.
(See copy of leaflet attached)

On one occasion ~~the~~ ~~man~~ was alleged
to have been seen acting like lovers in a cubicle at
Grove Bath.

30. A person called ~~is an associate of~~ ^{is an associate of} Mr. Grath.
31. Rumour has it that subject spent some time in Graham Home, Percydom Hospital.
32. ~~is in prison for attempted murder at present. Reputed to be a "double agent"~~ ^{is in prison for attempted murder at present. Reputed to be a "double agent"} Associate of Mr. Grath.
33. ~~is a homosexual was also involved with Mr. Grath. He lives in a house near Grumbert.~~ ^{is a homosexual was also involved with Mr. Grath. He lives in a house near Grumbert.} near Grumbert.
34. Informant was photographed ^{made} by Mr. Grath. At times he asked informant to write imaginative letters to girls about sexual affairs. This was designed to stimulate informant's emotions which Mr. Grath alleged were "blocked".
35. Another trick he used to deceive ~~and influence my informant~~ ^{and influence my informant} was ~~to make him~~ ^{to make him} ~~think~~ ^{think} ~~that~~ ^{that} ~~he would go bald quickly~~ ^{he would go bald quickly} because ~~he had an~~ ^{he had an} "emotional block". The sign of this was receding hair.

36. Mc Brath always had a public telephone in his house. - Wellington Park - Greenwood Ave - and it is thought that he has one at Upper Newington Road Telephone No. 657040.
37. A person called [redacted] from Fermanagh was seen in Mc Brath's company on a number of times. [redacted] is said to be well up in the Unionist Party in Fermanagh. He is the head of [redacted] military organisation in that area and
38. Around 1967 Mc Brath had a Kipper shop on the Woodstock Road, opposite Ardarastr. The Shop was run by his wife and was called "Elizabeth's".
39. [redacted] (See paragraph 23) bought the Shop and it is alleged that he was charged more than it was worth. This was said to have ruined him financially. [redacted] was said to have had a nervous breakdown [redacted] because of this.
40. A person called [redacted] who had a small grocery shop on the Newbridge Road [redacted] was said to be a contact for [redacted]. Mc Brath was known to have been negotiating with [redacted] and another person to obtain [redacted]

~~14~~
~~Mr. McGrath's search in relation to~~
 (30) Mr. McGrath's search in relation to ~~Mr. McGrath~~
 who in ~~Mr. McGrath~~ proved negative.

(41) Mr. McGrath condemned petting & kissing but condoned sexual intercourse. Another associate called, ~~Mr. McGrath~~ said to come from Cork kissed Mr. McGrath's wife but no objection was raised by Mr. McGrath who was present.

(42) Subject tells young boys that masturbation is a "sin" and leads to the Asylum. He informs them that each time they masturbate Toys of their life's blood is lost. That it causes a person to become introvert. That it is alright if it is performed with someone else and states that it is healthy.

(43) It is alleged that when a young man is not interested in his sexual advances Mr. McGrath introduces ~~pictures~~ nude male and female pictures and pornography books. A locked filing cabinet holds ~~the~~ this literature.

(44) Mr. McGrath's solicitor when ~~Mr. McGrath~~ were suing him (Paragraph 19) was ~~Mr. McGrath~~ Belfast.

(45) It is alleged that I.R.A. men stayed at Faith & Finaghy, around 1955. They were alleged to have been sent by ~~Mr. McGrath~~ (see leaflet).

- (46) When the Queen visited Ulster in 1960 Mc Grath distributed leaflets against her visit to the Pope.
- (47) [redacted] held a meeting in his house about the time of the Bishop of Repen's visit. [redacted] and the [redacted] were present. Mc Grath disrupted the meeting by sending the Fire Brigade, Ambulance and Taxi to the house.
- (48) My informant phoned [redacted] house twice. At Mc Grath's chest. A conversation took place in which [redacted] complaints were made in order to cause a split. Informant pretended that he was a parishoner of [redacted] church.
- (49) Again on Mc Grath's instruction informant contacted the press pretending that he was giving Confidential information about the actions of the Orange Order at above meeting (Para 47). The story was that the visit ^{by} of the Bishop of Repen was widely acclaimed by a County Grand Lodge meeting that had taken place. (See Newspaper cutting).
- (50) After the shooting ~~took place~~ ^{when} at the Malvern Arms Public House in (1968?) and subsequent arrests took place, Mc Grath devised a scheme. It was suggested that the purpose of the scheme was to ~~clear~~ ^{to} [redacted] of allegations made and ~~to~~ ^{to} save [redacted] "neck". Informant assisted Mc Grath to send out duplicated letters to various people of note some of which are as follows.

and other people right and left very political views. Copies were sent to Russian and other countries. ^{the judge} ~~it was~~ mentioned at the trial ~~by the~~ that these letters should be ignored. The letters were all posted in Carrickfergus and gave the message that the O.V.F. was Unionist-party inspired and not a organisation.

(50) Russians stayed in Mr Brath's house around 1960. They were alleged to be from the Baltic and Baltic Mission.

(51) Mr Brath an I.R.A. Veteran wrote a Hymn on his death died in prison which Mr Brath used a lot at his meetings (Hymn 53 on leaflet)

(52) Mr Brath, Frenchman, born a Roman Catholic and now thought to be communist and Author of the book "The Frenchman" was said to be on very friendly terms with Mr Brath.

(53) Mr Brath, a Politician had a friend who knew Mr Brath in France and Paris gave Mr Brath's name and address. This person visited Mr Brath in 1967 at his Hellington Park home.

(54) It was suggested that Mr Brath may have connections with Mr Brath.

~~Subject had possession of the~~
~~from work and to take on~~
~~the subject~~
~~on both permitted to return to his wife.~~

(S/P)

JC 4

Continuation Page

Page No.

A/CC. Meharg.
Crime Branch.

Please find attached a collation of information gathered over a period from February 1974 to the present time in relation to one William M. Smith, presently residing at 188 Upper Newtownards Road, Belfast, and his connection with the para military organisations known as "TAKIT".

William M. Smith presents himself as a ~~Devotional~~ Religious Personality of the Evangelical Protestant Faith, and politically ~~extreme~~ ^{prophetic} extreme loyalist views. There is also an association

~~with the religious body known as the British~~
 with the religious body known as the British
 Bible and seems to favour their viewpoint.
~~(See attached Document No 1)~~

It will be ~~can~~ discovered from the attached information that while he preaches morality his own morals are questionable.

JC 5

11

impressable. He stressed the need for
propaganda. After a time his theme was
that unless one had complete sexual freedom,
there could be no proper moral, phy or ment. stat.
The idea being that one was tense and keyed up
and he called this a "block".

He used a message machine after a time on his
subject.

The room used had no windows. 2 lock on door.
single light in ceiling.

Subject was asked to strip & he was generally naked.
Before m^r to. stripped he left room & went upstairs
just about the office. ^{as I suppose with that he} Thought to set up photography
or tapes recorder.

Always indicated that there was plenty of weapons
provided the men did their job regarding finance
etc. The fee per person then was £1 per week
or 10/6 per 2 weeks. At ^{most} meetings about
200 present. Approx membership said to be 6 to 800.

No arms were ever seen. The method used
to obtain same was that a platoon paid first then
only they knew when & where they were to obtain etc.

Plans for blocking roads, taking over buildings,
and fighting to the death if necessary. The occasion
would be if definite movements of I.R.A. from one
area to another or the movement of arms.

In Dec 1969. all units started. Went to L'Derry
patrols on all roads surrounding Bogside & Baggin
watching for alleged movement of arms. Thought
afterwards by some members to be a screen for I.R.A.

1970

TARA met in Clifton St. Orange Hall
under the guise of an Orange Discussion
Group.

Motivator influence
behind the organizers
William Mc Smith

Met in the Brownlow Room.

Strict security on all doors.

Introduction was made if a person
was said to be an all out extreme loyalist.
Dedicated

After two of these inaugural meetings to
approximate one of the requirements of the organization
the person was then attached to a
local platoon.

If the recruit showed promise (perhaps
monitored by m.c.s.) he was invited back to
other meetings.

The officers present were known as the
Army Council.

Mc Smith was the Commander, known
as the Commandant.

Ordinary officers wore a red kiltie in Lepel
& m.c.s. wore a green and red.

m.c.s. then usually through a 3rd party
~~selected~~ ^{personally} invited individuals to his house. The main
topic was generally the need for loyalist
leadership today. He stressed the need
for moral, physical & mental stability and
usually after a few meetings added the
sexual stability. Mostly his meetings were
with ~~individual~~ managers who were very

22 strong in
Barry's office

JC b

1969

+3,

Clifford Smith & m.b. were alleged to be in receipt of Inf that about 3000 Armalites were coming in for I.R.A.

Since then Arm. have been used extensively by I.R.A.

Clifford Smith - Admin Officer

Poy Garland - I.O. (Out).

David Brown - Ranger, Officer (Adjutant)

Geo. m. Doucey - Warrant Officer (Out) Spring '72
Blacks, Jan, (Blacks) Ballynahinch.

Joe Anderson, Drumming, Carryduff. (Carryduff platoon)

Robert m. Clements, Lisburn St, Ballynahinch (In charge Carryduff Platoon) (Out), Spring '70.

m.b. boasted a person that he could be great leader, in province or even P.M. someday. Said he was reporting progress to superior. Later shown subject letters alleged to be reports on progress. He (m.b.) was congratulated in one letter for his continuing progress on (subject's name). m.b. changed his typewriter every couple of months. Believed to be all his own work. Later compared in other letters and leaflets (style same).

SC7

Worth & Harvey

[REDACTED]

Lived with mother

CLIFTONVILLE ROAD. Bachelor

MAY HAVE been in Prison

Also said to have tried to Commit Suicide
around 1970.

D

Inf. was sent to warn him that the police
were coming and that his name was on
the list for house being searched.Worth & Harvey

Mr. Worth said that he thought that

[REDACTED]

was a Communist in
regulator organization.

D

[REDACTED] Orangefield: is
still associated with Mr. Worth
in a Baker Bungalow
May talk

Box S25

IC 8

Reference _____

Information re William McBrath
1818 Upper N'ards Road, Belfast.

- (1) At the latter end of 1973 in conversation with Mr Mc Cormick, Met. Carryduff. Mr Mc Cormick, in passing, mentioned a matter relating to a friend who had been sexually abused and influenced by an anonymous person. At that stage he did not wish to disclose all the facts because he had received it in confidence.
- (2) On 10 week C. I. D Course Hendon to Feb 1974.
- (3) On return after thoughtful consideration of conversation, I returned to Mr Mc Cormick, to ask if he wished to make an official complaint.
- (4) Arranged meeting with injured party at Mr Cormick's home.
- (5) Informant explained that as a young Christian he attended meetings which Mc Brath organised.

Reference _____

(6) These public meetings progressed to private meetings in which Mr. Brath talked to the young men of "mental blocks." He would touch them on the privates and if they objected he would explain that they were tensed & keyed up and he called this a "mental block."

(7) From this approach he would explain that ^{they} would have no proper moral, physical or mental stability unless they had complete sexual freedom. This progressed to private contact with my informant and some other young men when he masturbated them and on occasions photographed my informant in the nude.

(8) Informant on one occasion was naked in a room without windows and two locks on door.

Mr. Brath was generally naked on these occasions. He used ^{various} ~~nudes~~ or porn. photographs to excite his ^{partner}.

(9) Informant gave names and other information about people

CODE 18-78

Reference _____

who came under the influence of m^r Brath.

(10). During a conversation with informant mention was made about m^r Brath being employed at the Kincoira Boys home & that a person called Maynes who was the warden there had been investigated for interfering with young boys at a holiday camp.

(11) I made enquiries at the Eastern Health Board and talked to a Mr Bunting and also a Mr Galliland there. I was eventually given copies of letters etc which were related to the Health Board investigation into the allegations against Mr Maynes. His explanation was accepted and he was retained in his job at Kincoira.

(12) All the information was forwarded to Mr Meharg & no further enquiries were made.

CODE 18-78

Reference _____

(13) Further talks with the informant revealed that Mr. Brath was in some respects very politically motivated and tried to influence the young men, that he came in contact with, into politics.

(14) It was ~~also~~ revealed that Mr. Brath organised the TARA movement who are a para-military protestant organisation who met in the Clifton St.

Orange Hall under the guise of an Orange discussion group. Mr. Brath was known as the Commandant.

Ordinary officers wore a Red Ribbon on Lapel.

Mr. Brath wore a Green & Red one.

(15) He brought some of the younger members to his home and talked of loyalist leadership to-day stressing need for moral physical & mental stability and after a few meetings added sexual stability. Most of the young men were very impressionable (informant said).

CODE 18-78

Reference _____

(16) Clifford Smyth was the
Admin. Officer of the TARA.
Informant was Intelligence Officer
(mar. out)
[REDACTED] Bangor was
admiral
[REDACTED] - Warrant Officer
to Smyth of 1972.
✓ other names & address
available.

CODE 18-78

Jim Cullen
~~649587~~
646597

Daria McNeill
644468

DBE 16
I
Thindelmist
will listen.

A

Donegall Pass

CID Drugs Squad

XXXXXX

21 March 1974

ACC Meharg
Crime Branch

1. Following my appointment with you Sir on the 2 March 1974 at your office I have made further enquiries relating to William McGRATH, 56/60 years (date of birth available later), 188 Upper Newtownards Road, Belfast.
2. McGRATH is presently a warden in the 'Kincora Boys Hostel' owned by the Belfast Corporation at 236 Upper Newtownards Road, Belfast. The Resident Superintendent of the hostel is a Mr Joseph MAYNES.
3. Subject is a self styled lay preacher who, when my informant first met him, was holding meetings advertised as 'Campaigns of Challenge to Christians to dedicate their lives'. These occurred around 1955.
4. He also had close connections with the Young Peoples' Christian Fellowship, 269 Antrim Road, Belfast (Faith House) which later moved to premises known as Faith House, Orpen Park, Finaghy, Belfast. Subject left there in 1960. He was reputed to have stated that he had guaranteed a loan for Faith House.
5. An organisation known as the Christian Fellowship Centre and Irish Emancipation Crusade was formed in 1941. McGRATH was the General Secretary of that organisation. This body is still in existence but has now dropped the word 'Centre' from its title.
6. After leaving Finaghy in 1960 McGRATH bought a house at 15 Wellington Park, Belfast, which was used as a headquarters for the above organisation. (Tel. No. [REDACTED]). This telephone number no longer has any connection with McGRATH. He is reputed to have said that he bought these premises for £2500 and sold them in 1967 for £12 500.
7. His next residence was at 4 Greenwood Avenue, Upper Newtownards Road, Belfast. The purchase price of the house was said to be £5500 and it was later sold for £6000. This occurred about the beginning of 1972. The sale was compulsory to pay off debt to my informant. The record appeared in the Commercial Gazette, Northern Ireland dated the 21 February 1972. It may be noted that his occupation stated in that publication is a Welfare Officer. I understand he likes to create this impression.

8. Later McGRATH moved to his present address at 133 Upper Newtownards Road, Belfast.
9. William McGRATH is married and has a family of three.
10. My informant had the opportunity of purchasing a small business in . William McGRATH by very subtle pressures managed to go into partnership on an equal basis stating that he would pay half the purchase price, which he never did. The business did quite well but McGRATH borrowed from his partner to the amount of £2000. McGRATH also started a sideline in carpets. This venture resulted in him incurring debts in my informant's name. Hence the later action to recoupe the money owed.
11. About 3 to 4 years past McGRATH advertised in the Belfast Telegraph under the 'For Sale' column. His adverts started 'Carpets Beautiful'. The subject termed himself as a carpet importer and was alleged to be importing carpets from Belgium. My informant was under the impression that the advertisements were of a sinister nature conveying a message other than the obvious.
12. Another line of business he was purported to be involved in was the buying and selling of second-hand furniture. This necessitated frequent visits to auction rooms etc.
13. It was also thought that for a time around 1970/71 he worked as a filing clerk Q - . Estate Agents Office.
14. On a number of occasions when my informant was present McGRATH gave the impression that he was a qualified masseur. He said that he was in possession of a massage machine.
15. Quite recently it is alleged he approached a person working in the Chemistry Business and asked if he could obtain arsenic or strychnine.
16. It is understood that William McGRATH originally comes from around Dleary.
- 17.
- 18..
18. Subject has also close connections with the British Israelites. Some known associates in this Religious body are:-

- 1.
2. It is alleged that McGRATH ruined them financially resulting in them having to find employment. He is said to have purchased a house at Wellington Park for them and through the deal their financial standing was undermined.

It is thought that . . . would be worth interviewing in relation to subject.

20. A lady called . . . was very friendly with McGRATH for many years. It is alleged that her present mental condition is due to pressures from McGRATH. I understand she has had treatment at mental institutions.
21. . . works in . . . Operation Welfare Department of . . . and is believed to have obtained the job for McGRATH at the 'Kincora' Boys Hostel.
22. There is in existence a 'Loyalist' Committee' comprising of prominent loyalists. . . (son) an Assemblyman, is passing on information to . . . (junior) 20 years, who is under influence of William McGRATH.
23. . . 20 years approximately, . . . at a house beside a postbox (present address unknown) is said to be under the influence of McGRATH. It is alleged that he was in the Civil Rights or Republican movement and later was a member of John McGRATH Defence Association. He is now a member of the Young Unionists.

A

Donegall Pass

CID Drugs Squad

XXXXXX

21 March 1974

ACC Micharg
Crime Branch

1. Following my appointment with you Sir on the 2 March 1974 at your office I have made further enquiries relating to William McGRATH, 56/60 years (date of birth available later), 188 Upper Newtownards Road, Belfast.
2. McGRATH is presently a warden in the 'Kincora Boys Hostel' owned by the Belfast Corporation at 236 Upper Newtownards Road, Belfast. The Resident Superintendent of the hostel is a Mr Joseph KAYNES.
3. Subject is a self styled lay preacher who, when my informant first met him, was holding meetings advertised as 'Campaigns of Challenge to Christians to dedicate their lives'. These occurred around 1955.
4. He also had close connections with the Young Peoples' Christian Fellowship, 269 Antrim Road, Belfast (Faith House) which later moved to premises known as Faith House, Orpen Park, Finaghy, Belfast. Subject left there in 1960. He was reputed to have stated that the Rev Alfred Martin had guaranteed a loan for Faith House.
5. An organisation known as the Christian Fellowship Centre and Irish Emancipation Crusade was formed in 1941. McGRATH was the General Secretary of that organisation. This body is still in existence but has now dropped the word 'Centre' from its title.
6. After leaving Finaghy in 1960 McGRATH bought a house at 15 Wellington Park, Belfast, which was used as a headquarters for the above organisation. (Tel. No. 669018). This telephone number no longer has any connection with McGRATH. He is reputed to have said that he bought these premises for £2500 and sold them in 1967 for £12 500.
7. His next residence was at 4 Greenwood Avenue, Upper Newtownards Road, Belfast. The purchase price of the house was said to be £5500 and it was later sold for £6000. This occurred about the beginning of 1972. The sale was compulsory to pay off debt to my informant. The record appeared in the Commercial Gazette, Northern Ireland dated the 21 February 1972. It may be noted that his occupation stated in that publication is a Welfare Officer. I understand he likes to create this impression.

8. Later McGRATH moved to his present address at 183 Upper Newtownards Road, Belfast.
9. William McGRATH is married and has a family of three. Two boys and a girl. The boys are called William Worthington and [REDACTED].
 Little is known about [REDACTED] or the girl. William Worthington known as North is a salesman at [REDACTED] Radio and TV firm, Chichester Street, Belfast, DOB [REDACTED], home address [REDACTED]. North McGRATH is a member of the RUC Reserve. On one occasion some time ago North communicated some 'bugging' devices to my informant who stated that he (North) was a very devious type of person.
10. My informant had the opportunity of purchasing a small business in [REDACTED]. William McGRATH by very subtle pressures managed to go into partnership on an equal basis stating that he would pay half the purchase price, which he never did. The business was quite well run but [REDACTED] borrowed from his partner to the amount of £8000. [REDACTED] also started a sideline in carpets. This venture resulted in him occurring debts to my informant's name. Hence the later action to recoupe the money owed.
11. About 3 to 4 years past McGRATH advertised in the Belfast Telegraph under the 'For Sale' column. His adverts started 'Carpets Beautiful'. The subject termed himself as a carpet importer and was alleged to be importing carpets from Belgium. My informant was under the impression that the advertisements were of a sinister nature conveying a message other than the obvious.
12. Another line of business he was purported to be involved in was the buying and selling of second-hand furniture. This necessitated frequent visits to auction rooms etc.
13. It was also thought that for a time around 1970/71 he worked as a filing clerk at Brian Mortons, Estate Agents Office.
14. On a number of occasions when my informant was present McGRATH gave the impression that he was a qualified painter. He said that he was in possession of a painting licence.
15. Quite recently it is alleged he approached a person working in the Chemistry Business and asked if he could obtain arsenic or strychnine.
16. It is understood that William McGRATH originally comes from around Bleary.
17. He had close associations with the [REDACTED] from that area. This Minister has had a nervous breakdown.
- 18.. Another associate from that area was a Philip [REDACTED]. McGRATH was reputed to have said that [REDACTED] was the illegitimate son of a well known businessman. The [REDACTED] family adopted him.
18. Subject has also close connections with the British Israelites. Some known associates in this Religious body are:-

1. [REDACTED]
2. [REDACTED] sisters now living in Dublin. It is alleged that McGRATH ruined them financially resulting in them having to find employment. He is said to have purchased a house at Wellington Park for them and through the deal their financial standing was undermined.

It is thought that [REDACTED] would be worth interviewing in relation to subject.

20. A lady called [REDACTED] was very friendly with McGRATH for many years. It is alleged that her present mental condition is due to pressures from McGRATH. I understand she has had treatment at mental institutions.
21. William MAGGIAN works in the Belfast Corporation Welfare Department of 'Verbena' Ballyclare Road, Newtownabbey and is believed to have obtained the job for McGRATH at the 'Mincora' Boys Hostel.
22. There is in existence a 'Loyalist' Committee' comprising of prominent loyalists. Frank MILLER, (sen) an Assemblyman, is passing on information to Frank MILLER (junior) [REDACTED] years, who is under influence of William McGRATH.
23. Robert McFARLAND, [REDACTED] years approximately, formerly living in [REDACTED] at a house beside a postbox (present address unknown) is said to be under the influence of McGRATH. It is alleged that he was in the Civil Rights or Republican movement and later was a member of John McLAGHLEN Defence Association. He is now a member of the Young Unionists.

Notes of an interview with Roy Garland ex TARA member left 1972
 778 - MCGARLAND (loc. 101)

Garland introduced to McG when he was approx 15 (20 years ago) McG at the time Christian/ Evangelical crusader. Held meetings at McG's attended also by C.S. UDR Captain N McG proposed they should form a group as these youngsters all had makings of becoming P.M.s etc. They first formed groups called "cell" however McG thought this sounded rather red and they decided on TARA (this was about 1965-6?)

They held meetings between themselves and McG would single them out after meetings. McG attempted to seduce them by claiming to show them emotional freedom, to this end he made them feel guilty by admitting to masturbation, therefore showing up their guilt complex. This is important to emphasise as it is the very beginning of McG's hold on them.

Garland Smith & UDR Captain N members of Young Unionist (YU). At one (YU) meeting addressed by McG, attended by McIlroy merchant banker gave card to R.G. 'INTERNATIONAL FINANCE CORPORATION'. R.G. believes McIlroy helps TARA with finance.

Also with finance Clarence Hogg, Capt Hogg (UDR) TARA one time treasurer arranged finance for printing machine. Current involvement of McIlroy & Hogg not known.

McG suggested to C.S., R.G., UDR Captain N, that they should join LOLs. R.G. joined Irish Heritage Lodge & became master (it had very few members). The idea was to put motions to the various lodges which would gain momentum when they reached the Grand Lodge. One such motion put by R.G., framed by McG, was that Ulster should prepare a Provisional Govt now "IRISH" flavour to lodge

The idea that TARA when it was first formed (early 70) was an elite, is laughable according to R.G. who claims to have been 2IC to McG. Recruits were accepted by personal recommendation, there was no vetting as such. Wpn training etc was talked about, but, R.G. never saw any weapons. Many people became disillusioned after joining either with McG's unsavoury reputation, or with all the talk and no action. The Christian overtones did not go down well with % of recruits.

Thomas Clarke (PINK) is supposed to have carried out surveillance on McG for several months and concluded that he was a communist.

Amongst persons attended early meetings of TARA R.G. mentioned elderly man named [redacted] Presumably [redacted]

* Frank Pootsie Millar is amongst persons currently involved with TARA and is reported as being engaged to McG's daughter. (now married)

Worthington McG is still on TARA scene and is now also Sec of Irish Heritage Lodge. Robert MacFarland, Monkstown previously of [redacted] is currently an official in TARA & claims to have been given info regarding IRA/PIRA from SF at a meeting in Russell Court Hotel early this year. He is thought to own a business on the N'Ards Rd, and was an associate of J.W. McKeague.

R.G. claims that McG was responsible for spreading rumours of J.D. McKeague's homosexual activities, having posters posted around Belfast "NICE BOY McKeague". According to R.G., McK knows that McG was responsible for this.

R.G. believes that current aims of TARA will have moderated, as CS is close to McG also David Brown, but nevertheless, their basic aim remains to keep RCs down by force if necessary.

R.G. believes that although I.P. knows of McG's nefarious activities he would be better to take action because the expose would also effect CS therefore doing DUP no good. He further believes that McG has knowledge of Paisley's involvement with the UVF in early 70.

The present para militaries still regard TARA with degree of respect as they still have members like CS whose standing in society makes them privy to such info which would not ordinarily reach the para mils.

As IO of TARA CS seeks info on various aspects of mil Int i.e. Southern Irish Army. The does found on Bate & Simpson were destined for CS. Among Names & tel Nos listed on

EXHIBIT 3 (Page 2)

Baseson are Worthington, McG, [REDACTED]

CS currently IO TARA, wife Scots therefore has connections in Scotland believed to have TARA members in Scotland. Visits England and meets Phyllis Raffern (Nat Front). R.G. states that CS is a transvestite who has ~~had~~ assistance from McG regarding afore problem.

The following is a resume of information received from a source on Thursday, 6 March 1980. The source at the moment, wishes to remain anonymous. He had relationships with the suspect, McGrath, between the period 1955 and 1967.

The source originally contacted McGrath when he, the source, was a keen missionary worker. At the age of 15, McGrath invited him to Faith House which was located in the Finaghy area. On the first meeting with McGrath source stated that McGrath made sexual approaches to him and the result was that source was scared off for a time but eventually his relationship with McGrath came closer. Although the source does not admit at any stage that he had sexual relationships with McGrath, it seems apparent that this in fact did take place over a long period. Source is able to state that McGrath is a strange individual who originated from Earl Street in the York Road area. He is not aware of his general background but feels that this could be covered by a man called William McGowan of Newtownabbey who was a chairman of the Unionist Council in Newtownabbey and in fact is, or was, a member of the Social Services. Further background to McGrath could be supplied by a man called John Bryans who resided in the York Road area. Unfortunately no other details of this individual are known at present. Other information regarding McGrath may be supplied by a Lindsay Smith who resides in the Saintfield Road area. It is known that during the period in the 60s, McGrath made frequent visits to the South of Ireland and to England. Whilst in England he lodged at the British and Foreign Missions Club, Finchley Park, London. Source heard information that McGrath on occasions, possibly prior to the 60s, had members of the IRA visit his home. It is also known that he had connections with the Communist Party. Source would suggest that McGrath is a Communist to some extent but relates that the author of a book titled "A little Hungry" who is a French author introduced a Russian to McGrath. That Russian apparently eventually contacted McGrath and possibly the Rev Paisley sometime during the 60s. This information coming from source was all rather vague and clearly he is not definite and only received the information second or third hand. Source will also state that McGrath is known to Basil Glass of the Alliance Party and suggests that Jos Caldwell is a friend of McGrath's.

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It seems clear that the TARA group originated within membership of the Orange Order. At least those who originally formed it were members of the Orange Order. Initially in the mid 60s it was a political persuasive group under the chairmanship of McGrath and a Rev Hamilton. At that particular time it was known as SEL⁹, which were the initials of the minister who assisted by McGrath originated the idea. Eventually McGrath took control of this group and slowly but surely during the early 60s it became apparent to the source that those members of it were extreme right wing and prepared to use harsh measures in efforts to establish the Protestant faith within all of Ireland. McGrath indoctrinated the members of the group with his own extreme feelings and once again source became alarmed at the attitude of some of these members of this group. He would suggest that in the 1966 era he was involved in distributing pamphlets which originated from this TARA group. He recalls that two days prior to the Malvern Street murders he assisted in the distribution of leaflets in Belfast which related to the policy of the TARA group and clearly was inviting the people to take action against members of the Roman Catholic faith. There was a vain suggestion that they should take up arms and thereby establish the Protestant faith and eradicate Roman Catholics who are seen as the enemy of Northern Ireland and the South of Ireland. Source became alarmed at that time and says that when he heard of the Malvern Street murders he related that to his distribution of the pamphlets. Source is in no doubt that McGrath predicted a holocaust in Northern Ireland which came in the '69 period. He feels certain that McGrath was one of the instigators of the problems that were to come to Northern Ireland. Source would state that McGrath seem to be prepaying others for the eventual outbreak of the present troubles. He undoubtedly prepared the TARA group and had a considerable influence on them. Members of this group included Clifford Smith, Frankie Millar, Brown and UDR Captain N. Source was also a member of this group. He has no doubt that McGrath indoctrinated them with his ideas and eventually it was accepted that they should enter other political groups, for example, the Orange Order and the Unionist Party. Although source would^{not}/say that McGrath made them join he admits that it seemed to be the proper thing to do at the time. He, that is source, entered the Orange Order and very quickly established himself in a strong position. Throughout his time within the Orange Order McGrath had considerable influence over him and dictated some of source's policies. Clifford Smith entered the Unionist Party at the instigation of McGrath and source has no doubt that for a considerable period Smith would have been under the influence of McGrath. Source would state that some members of

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the TARA group were eventually more extreme in their ideals than what McGrath was. Source was alarmed at the extreme views of UDR Captain N in particular. On a number of occasions he had conversations with UDR Captain N and UDR Captain N expressed his admiration for people like Hitler etc. Source further states that McGrath in fact is the Irish Representative of the British Israelite Movement. This movement is based in London and apparently it originates from Biblical times in that the members of the group believe that they are the original Israelites who left the promised land and spread throughout the world. They believe that on the second coming of Christ they will be the chosen people. The British Israelite Movement is apparently closely linked with the National Front Party and source is in no doubt that McGrath and the members of the TARA group particularly UDR Captain N, were strong supporters of both the British Israelite Movement and the National Front. Source would describe UDR Captain N as an extremist certainly in his views. UDR Captain N has often commented on his admiration for Hitler and other such like political leaders. In summing up, source says that he is satisfied that McGrath is linked with some organisation encouraging him to infiltrate and cause confusion. He would surmise that either McGrath is a member of British Intelligence or a Communist or Russian Implant. These comments by the source could be considered frivolous but they are genuinely held views by both source and his wife who have both had a long connection with McGrath. They certainly see it as a strong possibility.

Source after a considerable time mentioned to McGrath that a chemical business was for sale in Belfast at a price of £400. McGrath showed some interest in this and eventually persuaded source to buy this business. Source assumed that McGrath would enter the business on a fifty fifty basis and this was accepted but McGrath never paid his share. McGrath did assist in running the business for some time but source discovered that he was running debts with other business firms in Belfast. The source found that McGrath was using him and taking far more money out of the business than he deserved. On one occasion McGrath borrowed a figure of £2,000 from source for allegedly use in the Mission Field. McGrath was able to persuade others to give money to this Field. Eventually source could not cope with the debts being accumulated by McGrath and they had a disagreement and the

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result was that they both parted company. For a period the source received anonymous letters and anonymous telephone calls and is in no doubt that these originated from McGrath who was possibly frightened that the source might reveal all his knowledge of McGrath and his companions. The source although as already stated, not giving any indication of his sexual relationship with McGrath obviously contacted a number of people regarding McGrath's behaviour. The source stated that he approached the Rev Paisley but received no sympathy or advice from that man. Source also stated that he contacted other people but on each occasion seemed to run up against a brick wall. Source took an action against McGrath for the payment of monies due and during this action which was settled out of Court source found that he was being obstructed in various directions. Although he was not able to put a finger on any particular "obstruction" he felt satisfied that McGrath had considerable influence in various fields and at times source was frustrated.

KIN 358

Source states that **KIN 358** resided with the McGrath family for a number of years and was present during the time he was connected with McGrath. Source has no doubt that **KIN 358** although being a little naive was fully aware of McGrath's indiscretions with boys and girls. Source stated that **KIN 358** had admitted to source and his wife that she was aware of McGrath's activities. She related an occasion when they were in the South of Ireland on a mission operation and McGrath interfered with two young children whom **KIN 358** had been speaking to. **KIN 358** also referred to an occasion when McGrath brought her to a room in McGrath's house where three men were standing naked. Source also states that **KIN 358** **KIN 358** may have been used unknowingly in McGrath's sexual activities although in a sexual fashion in McGrath's assisting other females and males with their "problems". **KIN 358** had admitted to source that on a number of occasions McGrath had attempted to seduce her. Although **KIN 358** **KIN 358** did not admit anything further source genuinely believes that there was some form of relationship between **KIN 358** and McGrath and possibly Mrs McGrath. Source has no doubt that **KIN 358** told everything to **KIN 388** and they're in no doubt that **KIN 388** advised **KIN 358**

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not to return to Northern Ireland or to McGrath. Source would further state that in their belief **KIN 388** has homosexual tendencies and may have had relations with McGrath.

Mrs McGrath

Mrs McGrath came to Northern Ireland as a representative of Worldwide Evangelisation Crusade which were based at Antrim Road, Belfast, and originated in London. Mrs McGrath (nee Hancock) knew McGrath for only a period of six months before their marriage. Source believed that Mrs McGrath was genuine in her missionary beliefs but was fooled into her marriage with McGrath. They have no doubt that she has now come under the influence of McGrath to the extent that she would be used in his care or assistance of other people in their sexual problems. Source again can only relate this to second hand information but sincerely believes that there were occasions when Mrs McGrath was used in a three or foursome situation in sexual activities.

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

Source then related a number of instances where clearly McGrath involved himself in other peoples financial problems.

1. It would seem that McGrath agreed to purchase property in the North of Ireland for two elderly sisters known as the McGowans who at that time resided in the South of Ireland. They presently reside in Bangor. The result of their association with McGrath was that they were financially ruined. Action was taken through Solicitors, Culbert and Martin, against McGrath but apparently this action failed.
2. **KIN 389** who resides at [REDACTED] Road, lived with the McGrath family quite recently. Source has no doubt that **KIN 389** was drawn into the McGrath's sexual activities, that is in a way that she was asked to assist with other peoples sexual problems. Source

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indicates that as a result of her association with McGrath, **KIN 389** is now mentally and physically ruined. He knows that she is presently attending a mental clinic and as a result may not be of great assistance to us.

Source states that there was a close association between Clifford Smith and a Phyllis Raffon who was a member of the British Israelite Party in London. Source would not indicate that there was any sexual relationships here.

Source states that Clifford Smith was a transvestite and a homosexual and for that reason McGrath assisted him with these problems. Source has knowledge that Clifford Smith had a full dress females outfit which he frequently wore.

Source also referred to a charge against an Alan Campbell who was a member of the Unionist Party for an alleged indecent assault against an inmate of Kincora. Apparently this case was heard in the early 1970s and was dismissed. Source states that McGrath put pressure on Campbell in an effort to get an admission for this offence, source clearly felt that McGrath having got such an admission would have blackmailed Campbell into sexual activities with him.

In conclusion source leaves one in no doubt that he believes McGrath to be a very dangerous individual. He clearly believes that McGrath had considerable influence on the happenings in Northern Ireland prior to the '69 troubles. He is convinced that McGrath and his associates within the TARA group either permitted or had others commit terrorist type offences. He is able to state that McGrath used to tell the group as long as we keep our hands clean, that is, did not handle weapons and things then nothing could be done against them. Source assumed from remarks such as that that McGrath was using others who were unknown to source to carry out the particular actions McGrath required. Source states that McGrath was clearly involved in some other conspiracy but was so secretive that source could not clearly identify what the other activities were.

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Source is prepared to assist the police in any investigations involving McGrath but as he is now a married man he clearly does not wish to identify himself or become publicly involved. He has been attempting over the years since his association with McGrath to have his activities terminated and has gone to some lengths in these efforts. He feels that in these efforts he has been consistently frustrated and eventually both he and his wife who is fully aware of his connections with McGrath decided that they had done their bit and had attempted to forget this part of their lives.

B. Black 1/5/86

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well be that he will be reticent when it comes to para-military and political involvement if he feels that his life might be in danger. Nevertheless every avenue in this regard should be explored and that would include his association with leading politicians in 1970, '73 and up to this date. I don't think I can elaborate any further on this point as all the information you will require will be made available on the day prior to the arrest of this man.

One final point I would like to make at this stage is the matter regarding letters written by McGrath to a person who has been interviewed by D/Sergeant Elliott. Before these letters are mentioned to McGrath D/Sergeant Elliott should be consulted for his views.

By Belfast Telegraph Reporters

A HEAD-ON CONFLICT came to light today between the Rev. Ian Paisley and Mr. X, the man he referred to at a Press conference 10 days ago in controversy over the background to the Kincora scandal.

Mr. X broke his silence with a detailed statement volunteered to this newspaper, giving his version of events.

In the statement Mr. X claimed that he had never been asked by Mr. Paisley to confront Mr. William McGrath with allegations of homosexuality.

McGrath, a former house father at Kincora boys' home, was jailed last December for sexual offences against boys in care.

According to Mr. X, Mr. Paisley, at a meeting in January, 1974, "did not wish to know about Mr. McGrath", but only about a Church member who was linked with McGrath. Mr. X said he had been asked by Mr. Paisley to confront this Church member and had agreed, but such a meeting never took place.

Mr. Paisley, at a Press conference on January 26, last, claimed that Mr. X had been unwilling to meet McGrath: "He said on no account would he be prepared to face Mr. McGrath."

Recalling his course of action, Mr. Paisley told journalists he had informed McGrath, then a leading member of Ireland's Heritage Orange Lodge, that he (McGrath) would not be welcome in any pulpit of the Free Presbyterian Church.

Explained

But Mr. Paisley explained that he had not gone to the police to convey suspicions about McGrath's homosexuality "because I had no evidence because Mr. X would not stand. I am saying that if Mr. X had stood over what he said I certainly would have gone

to the police with Mr. X."

When we approached Mr. Paisley this week about Mr. X's statement and claims, Mr. Paisley replied that he had nothing to add to what he had said at the Press Conference. He stood over it absolutely; he had asked Mr. X to face McGrath, but Mr. X refused.

Mr. X said he approached the Belfast Telegraph with a statement, as he felt he must make public his version of what had happened at his interview with Mr. Paisley in January, 1974. Friends who could identify him might assume that Mr. Paisley's account was correct if he made no response.

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

Suspicions

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

It was in 1971 that he first attempted to convey his suspicions to Mr. Paisley. The reason why he thought of Mr. Paisley was that he had met him previously with McGrath.

On the first occasion he tried to make contact Mr. Paisley was not at home; he tried again and spoke to Mrs. Paisley, leaving "an

urgent message and a telephone number". Mr. Paisley did not telephone him back.

Mr. X said that he then contacted the Rev. Martin Smyth. His recollection was that this was in August, 1971, and that he had not mentioned Kincora, but had mentioned that McGrath worked in a boys' home.

"I continued to warn a number of religious and other influential people in the community," said Mr. X. "One of these asked me to meet Miss Valerie Shaw, a leading member of Mr. Paisley's church."

Miss Shaw, to whom he provided details about McGrath and mentioned his suspicions about McGrath's job in a boys' home, in turn asked him to meet Mr. Paisley, and he agreed.

Mr. X said: "To ensure that my story would be believed I sought out some old letters which illustrated some of Mr. McGrath's activities and methods and passed these on to be forwarded to Mr. Paisley."

This happened some days before November 4, 1973, when McGrath was due to take part in a service in the John Knox Memorial Free Presbyterian Church. Mr. Paisley did not meet Mr. X at that time.

Anxious

Mr. X said he became increasingly anxious as time went by.

He said: "I felt that if these letters got into the wrong hands they could be misinterpreted. I asked Miss Shaw on a number of occasions about the letters and had given up all hope when Mr. Paisley agreed to meet me on January 11, 1974.

"I was greatly relieved at this news and prepared to present Mr. Paisley with a lot of information about Mr. McGrath. I decided that it was not my responsibility to press him to take any particular action but simply to present the facts as I knew them."

Mr. X continued: "At the meeting Mr. Paisley returned the letters stating that he had not retained any copies. To my amazement he then informed me that he did not wish to know about Mr. McGrath but only about one of the members of the Church who was linked with Mr. McGrath."

"I told him all that I knew about this person and stated that I believed that he was as much a victim of Mr. McGrath as the others. He asked me to confront this member and I agreed although I pointed out that I had already done so with no satisfactory result. This meeting never took place."

Continued on Page 4.

*Belfast
Telegraph
5/2/82*

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Mr. X speaks out on Paisley claim

Continued from Page 1.

Mr. X declared: "I was never asked to meet Mr. McGrath by Mr. Paisley. I never said that I had been corrupted by Mr. McGrath, nor have I been." (Mr. X added that he accepted an attempt had been made to corrupt him).

Anonymously

Mr. X said shortly afterwards he spoke to the police when asked to do so by a friend of Miss Shaw. He had also contacted the welfare authorities — anonymously — about Kincora.

Mr. X said he was prepared to give evidence to the inquiry being conducted by Mr. Stephen McGonagle, but wished his anonymity to be preserved.

Mr. X approached us with his statement last Monday afternoon. It was not until 11 pm that a Telegraph journalist was able to contact Mr. Paisley who had been in London and then at a political meeting in Belfast.

When told that Mr. X had made a statement containing claims which were at variance with what Mr. Paisley had said at his Press conference, Mr. Paisley said he did not want to comment.

He said Mr. X was speaking from behind a cloak of anonymity; let him come and put whatever he had to say face to face. Mr. Paisley said he was prepared for Telegraph journalists to be present at such a meeting.

This was put to Mr. X on Tuesday and he agreed to a meeting in such circumstances.

Mr. Paisley was informed accordingly by us but then asked whether Mr. X wished to retain his anonymity. We confirmed that this was the case.

On Wednesday Mr. Paisley said that he was considering the situation

and would contact us the following day.

He did so and informed us yesterday (Thursday) that as Mr. X was not prepared to shed his cloak of anonymity he was not prepared to trade questions with him through the Telegraph.

Mr. Paisley said that he would meet Mr. X but only if he shed his anonymity. From Mr. X's position of anonymity an attack was being made on a public figure.

The truth about the matter, said Mr. Paisley, could not be established in this way. He wished to emphasise and reiterate that "this whole matter" could be properly investigated in a sworn public inquiry.

He had been calling for an inquiry of this status before there were any allegations from Miss Shaw or Mr. X and he was continuing to do so as it was "the only way."

Repeated

We said that in fairness we wished to put to him the substance of Mr. X's statement. Having done so, Mr. Paisley said that he had nothing to add to what he had said previously at his Press conference. He stood over it absolutely; Mr. X would not face McGrath.

Mr. Paisley said he had no recollection of a message being left for him by Mr. X in 1971. Had Mr. X been anxious, he wouldn't simply have left a telephone number and let the matter rest until 1974.

Mr. Paisley repeated that he had nothing to hide; had he had he would not have called a Press conference. Mr. X had come to him to talk about McGrath and he had asked Mr. X if he would

meet McGrath but Mr. X would not.

Mr. Paisley said that if Mr. X's claims were published, then he felt under no obligation to preserve Mr. X's anonymity.

Subsequently, we made this clear to Mr. X.

At his Press conference on January 26, Mr. Paisley said Valerie Shaw had shown him a letter written by McGrath to "Mr. X". The reason why he was not naming Mr. X was because the man was now happily married and had a family.

The letter, said Mr. Paisley, "had some under-tones of homosexuality about it."

Mr. Paisley said: "I said I would like to meet Mr. X and Mr. X came to the church and I met him. He said he had been corrupted by Mr. McGrath. I asked him would he face McGrath and he said certainly not."

Mr. Paisley said that Mr. X's refusal to confront McGrath put him in great difficulty. A serious accusation had been made about a person, who was going to take part in an Orange service in one of his churches and he was not in

a position to face him with evidence.

He consulted with his office-bearers and it was decided that he should meet McGrath, accompanied by his secretary. When this meeting took place he informed McGrath that he would not be welcome in any pulpit of the Free Presbyterian Church.

Earlier this week we contacted the Rev. Martin Smyth and put to him Mr. X's recollection that he had contacted Mr. Smyth in August, 1971, and that there had been no mention then of Kincora, but mention had been made that McGrath worked in a boys' home.

Mr. Smyth told us: "I am not even sure who Mr. X is, because nobody has mentioned his name and I have mentioned no names. It could be one of two people, but I suspect I know who it is."

"I question the recollection you have mentioned. I am sure that Kincora was not mentioned and, to the best of my recollection, there was no discussion at that time about McGrath being employed in a boys' home."

Bring Kincora into the open — DUP petition

Paisley reaction to claims by Mr. X

PASSERS-BY outside the former Kincora boys' home in Belfast were today signing a petition calling for a full judicial inquiry to bring out the facts behind the homosexual scandal involving teenage boys.

Members of east Belfast DUP organised the petition, and hope to raise thousands of signatures in an effort to bring about a full-blown legal investigation.

Local DUP councillor Cedric Wilson was today standing at the gates of the now-empty home on the Upper Newtownards Road asking people passing by to sign the petitions.

Other DUP members were asking people to sign the petitions in south Belfast, east Belfast and Holywood.

Mr. Wilson said they would also be leaving petition forms at DUP headquarters on the Albertbridge Road during the week.

Demand

The petition campaign was being mounted as the SDLP joined in the call for a judicial inquiry today.

Dr. Joe Hendron, the SDLP spokesman on health and social services, said that nothing short of a full judicial inquiry will satisfy public demand, and should be set up at once.

Councillor Wilson said there was an enormous groundswell of opinion in east Belfast for a full judicial inquiry.

He said: "If there has been no cover-up then the Government have nothing to worry about."

"The public are entitled to know the facts, and at the moment they feel the Government obviously has something to hide."

"If there is no proper full judicial inquiry people will be asking questions about this in years to come. It should all be brought out into the open now."

Merits

Mr. Wilson said he did not think it was too late to organise a petition calling for a judicial inquiry when the private inquiry into the Department of Health Services running of the Kincora home was set to begin within the next few days.



Mrs. Eleanor Hillis, of Carryduff, signs the petition being held by DUP councillor Mr. Cedric Wilson outside the Kincora Boys' home.

He said: "This inquiry certainly will have its merits because it is looking into the Department's shortfalls. That is a worthwhile exercise."

"But I feel that sooner or later there should be a full judicial inquiry because people obviously feel there is some truth in the allegations that are being made."

One of the first people to sign the petition outside the former boys' home today was Mrs. Eleanor Hillis, from Carryduff.

She said: "I think it should all be brought out into the open because there is some form of cover-up."

"People just know there is something that needs to be brought out. Everyone I have talked to shares this belief."

THE Rev. Ian Paisley today issued the following statement to the Belfast Telegraph:

"As Mr. Roy Lilley and Mr. Jim Gray of the Belfast Telegraph made no attempt to authenticate to me the identity of the Mr. X they refer to, I can only treat with the contempt they deserve the lying accusations they have now printed."

"I was prepared to confront in their presence this Mr. X if he would shed his cloak of anonymity but, according to Mr. Gray, their Mr. X would not agree to such a meeting. That seems very strange as he asserts that he was not corrupted by McGrath. What has he to hide? Under these circumstances, I reserve further comment but am continuing to press for a public sworn inquiry so that the full truth can come out."

Mr. Lilley, the editor of the Belfast Telegraph, said today: "At his Press conference on January 26 last Mr. Paisley referred to a Mr. X. During our conversation with Mr. Paisley this week, we are satisfied that, when we mentioned a Mr. X he (Mr. Paisley) understood we were referring to the same person."

"As was made clear in the report published in yesterday's editions, Mr. X was prepared to meet Mr. Paisley in our presence but wished to retain his anonymity. Mr. Paisley was prepared to meet Mr. X in our presence but only if Mr. X shed his anonymity."

Belfast Telegraph
6th Feb 82

Exhibit E4m 9

F. Kelly

①

Material gleaned from talks with mr "x"

18/1/82 "x" on udc delegation to chichester clark in summer 1969 together with paisley and mcgrath ("x" chairman of duncairn young unionists at the time). In 1971 complained to RUC at donegall pass (ruc man ~~was~~ called cullen - "x" thought he was a bit of a Paisleyite - not interested in his complaint) about mcgrath at kincora. he'd only heard about kincora because mcgrath had gone there. cullen asked "x" if he would talk to his boss, probably an inspector.

david brown of protestant ~~the~~ telegraph one of mcgrath's young men. alan ~~camp~~ campbell and john mckeague charged with abuse of boys at bawnmore. paisley supposed to have got them off.

harry mcilroy, manager of merchant banking co (and former young unionist from dunmurry?) in donegall street used to know mcgrath. "x" met him at a political meeting and later wrote to him asking if he could discuss a thesis he was doing with him ("x" later went to queens). "x" says that when he arrived at mcilroy's door and mcilroy saw who it was he closed the door in his face.

"x" also went to john malone with his complaint about mcgrath. malone is big champion of comprehensive education, now teaches at Queens. "x" went to him in the early 70s but malone wanted to know nothing about it. Asked "x" why he was so worried about it and asked him whether homosexual activity around mcgrath was "overt". when told that it was he said: "it might be part of the treatment." "x" said malone seemed to know exactly what he was talking about. later when malone was due to turn up at meetings on educational matters in which "x" was also due to take part, he never appeared. malone used to live very near kincora.

when andy phoned malone he said he must have the wrong man and pointed him towards a man who used to work for the eastern health board, ted malone.

"x" also told jim mccormick, a vet and lay preacher from carryduff, who said he would take some steps to get something done about mcgrath at kincora.

ESM

(3)

UDR Captain N, British Israelite, member of security forces and friend of roberts bradford and fraser agnew (read lesson at bradford's funeral), ~~was~~ complained to paisley about mcgrath long before "x" - and before mcgrath had gone to kincora. (done [redacted]). Lives at [redacted] ~~some~~ somewhere off [redacted]. He was scared stiff 12 years ago - when he made the complaint - thought he was going to be killed - was suspicious of orange volunteers. Hates all political and paramilitary organisations now, but still in religious cloud cuckooland.

20/1/82 "x" said he tried to make approaches to paisley as early as 1971 - unsuccessfully - so original approach was from valerie shaw. UDR Captain N told "x" he had complained to paisley about mcgrath as early as 1968/69.

when he saw paisley in january 1974 - at valerie's urging - paisley ~~asked~~ did not want to know about mcgrath but ~~only~~ about his men c. smyth and david brown. paisley asked both "x" and UDR Captain N whether they were prepared to confront clifford smyth - both said yes - did not hear anything further.

"x" says he had already told clifford smyth about mcgrath's homosexual activities. smyth said he had only found out about it recently.

in the paisleyite counter demonstration to the 1916 commemoration march in 1966 mcgrath provided many of the banners in the parade. asked paisley if he could carry his own banners: "ireland belongs to christ by right of calvary" and "renew national vigour by crowning christ king".

mcgrath carried hymn written by thomas ashe in ~~fly-leaf~~ fly-leaf of his hymnbook: "Let me carry your cross for Ireland, lord, for Ireland weep with tears..."

in 1966 mcgrath met paisley and said he was worried that paisley was becoming too identified with the malvern street murders. mcgrath also wrote anonymous letters trying to smear unionist leaders with 1966 violence and take spotlight away from paisley.

martin smyth when he was minister at finahy, had complaints from his parishioners about mcgrath's homosexual activities at faith house, then in finahy. two ladies in a free presbyterian bookshop (in done-gall street?) said they know mcgrath was homosexual before he got married in the 1940s.

Handwritten: K. W. J.

Handwritten: (3)

around 1969-70 at paisley's old church at the bottom of the ravenhill road paisley held an ~~arranging~~ after church meeting to raise volunteers for the defence of the church. mcgrath, smyth and brown collecting names of volunteers.

article in sunday news 24/3/74 consisting of attacks by UVF and tara one each other.

"x" signed letter together with heyburn and brown in order to buy printing equipment for tara - still has letter.

in 1969 mcgrath sent out a letter to all leading loyalists inviting them to take part in unity talks in his house. only norman porter, of old n.u. prods, refused to go. desmond boal. martin smyth, james molyneaux, william douglas (dungen), ian paisley, bill craig all accepted. but meeting never took place.

21/1/82

~~James molyneaux~~ "x" said molyneaux met mcgrath in ~~port~~ portadown around 1969 together with "x", billy douglas and c. ~~sm~~ smyth (or m. smyth).

said **KIN 346** of martyrs memorial arranged arms sales to tara.

valerie shaw said a man called 'johnston something' (reid?) left the free presbyterian church in dungenon and is writing a book about it.

"x" told three presbyterian ministers about mcgrath at various times: rev h.h. acheson, who is also a malone road psychologist; rev. roy lockington, and rev brian kennaway from crumlin (who is the man who phoned ~~me~~ andy anonymously and said he should look at free presbyterian ministers - also said martin smyth was telling people inside the orange ~~co~~ order to keep away from mcgrath because he was bent).

"x" also told rev john morrow (corrymeela) and rev sidney callaghan (sazaritans) ⁴.

26/1/82

(of udc delegation to bill craig)
People in picture: man ~~correcting~~ crossing in front he thinks is frank mallon; others are billy belshaw, now dup mayor of lisburn, and ronnie ~~with~~eside, a homosexual friend of alan ~~camp~~ campbell.

33

ESM

alan campbell (a british israelite who is still a regular worshipper at martyrs memorial) picked up kincora boy and took him to ~~rob~~ roy larmour (bbs) 's flat in the shore road area, where he interfered with him. boy made complaint and campbell was charged. mcgrath said boy was from kincora. ~~margaret mickillians~~ miskimmins provided alibi that got campbell off.

mcgrath brought campbell to his house before trial and told him he could do something for him but first he (campbell) would have to admit he was homosexual. campbell refused.

when "x" broke with mcgrath he went to campbell but campbell denied that he was a homosexual. campbell a nasty - one of a for anonymous letters and phone calls. records of ~~mcgrath~~ campbell's trial lost? - nothing appeared in the papers.

campbell ~~was~~ close to ~~mcgrath~~ his girlfriend, nora hurns (from fortwilliam area) - who "x" thinks he took as cover for his homosexuality - worked politically with mcgrath.

mcgrath disliked mcgrath - ~~thought he was~~ regarded him as a communist.

was there another tara trial in which mcgrath used his influence and the people got off and nothing appeared in the papers?

"x" said he met molyneux in mcgrath's house in early 1970 or early 1971 (greenwood avenue). UDR Captain N he claims, had told molyneux about mcgrath's homosexuality before this. lecky broke away from mcgrath after he found out about mcgrath's homosexuality.

tara led by university graduates. m

mcgrath and o. smyth both got references from paisley before they went on a trip to holland in the mid seventies. they bought arms in holland - link up, claims "x", with right wing international organisation religious organisation with south african connections which paisley is involved in.

was mcgrath a member of british intelligence? asks "x".

a man called robert mcgarlane also involved - had a wee shop in shore road or rathcoole - member of tara, close to ~~frank~~ frank millar, involved with mcgrath.

tommy passmore and perhaps james molyneux also closely involved with tara.

*ESW**(3)*

"x" ~~was~~ talked twice (to different people?) to the british army. on one occasion british intelligence officer brought him to ~~the~~ thiepval barracks and left him in a room with a folder ~~was~~ marked "tara" lying on the table. the person the officer seemed most interested in in the organisation was Oetobogg, a manager at the ~~the~~ lombard and ulster bank in belfast.

"x" also said he had been in contact with a senior member of tara who had once been told to kill him, "x". this man is talking about international connections, arms buying etc and is thinking of talking to the press about it all. he has to be careful because some of the things he will talk about would put him in jail.

"x" said mcgrath had him lined up for the political leadership of the movement that would take over no ireland in the middle of some doomsday situation, like a british withdrawal. the only problem mcgrath told "x" was that he had an "emotional block" meaning he was not yet a homosexual. there was also talk about a "night of the long knives" in which alternative loyalist political leaders would be done away with.

STATEMENT OF: William Robert GARLANDAGE OF WITNESS (if over 21 enter "over 21"): Over 21 yrsOCCUPATION OF WITNESS: LecturerADDRESS: [REDACTED]

I declare that this statement consisting of 5 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 30th day of March 19 82G. Harrison D/Supt.Roy GarlandSIGNATURE OF MEMBER by whom
statement was recorded or received.

SIGNATURE OF WITNESS

Although my name is William Robert GARLAND I am known by all my friends as Roy GARLAND. At the age of 15 years in 1955 I first heard William McGRATH speak at a public meeting. He was showing colour slides on "The Challenge of Ireland". The substance of his talk was that the Evangelican Faith was dying throughout Ireland and a national crisis would be coming and blood would be flowing in the streets of Belfast. One of his stated objectives was to recruit young men and women for Christian service. People who attended were invited to give their names and addresses in order that literature would be sent to them. In consequence I received a letter which invited a response from me concerning my potential for the Lord's service. I would guess that it would be about December 1955 when I first met him. We met in a room at Faith House, Orpen Park, Finaghy, and he spoke to me about the high standards required of Christian young people and he discouraged them from having anything to do with girls in any physical way whatever, including holding hands. As far as I can recall it was at that first meeting that he suddenly put his hand above my knee just on my

Roy Garland

SIGNATURE OF WITNESS:

STATEMENT OF: William Robert GARLAND

CONTINUATION PAGE NO: 2

lower thigh. He said to me something like, "What does that mean to you". I said, "Nothing, it means nothing". He then opened the front of my trousers and touched my private parts. He said, "What does that mean to you". I said, "Nothing, it means nothing to me". He then instructed me never to let anyone do that to me, saying that my body was a sacred thing. He continued to make this type of approach to me throughout my teens until I went to the All Nations Bible College, Maidenhead, in 1962. I recall that when I was about 16 years old I accused him of being a homosexual. He just introduced me to his wife and children. He said that homosexuality involved buggery or ejaculation and was immoral but he didn't use that term, I think he said something like 'penetration of the back passage'. Whilst at Bible College he wrote a number of letters to me. I retained some of them. The manner in which they were written can perhaps be misconstrued, but perhaps indicate homosexual connotations. In 1964 McGRATH arranged a meeting for young men concerned about the lack of leadership in the Orange Order. He argued that the Orange Order was too liberal and needed strong leadership. I attended with other young men. We had all made independant approaches to join the Orange Order or had joined already. He formed an organisation called TARA which eventually could be classed as a para-military organisation.

I have been asked by the Police officers from Sussex to provide such information as I can about how I came to meet DC CULLEN in 1973/4. I am not sure but it could have been in 1972/73 that I met DC CULLEN. I met him through Jim MacCORMICK. I told him about the events that had taken place by McGRATH against myself, and that I believed McGRATH to be a homosexual. I told him that other young men had experienced similar approaches from

STATEMENT OF: William Robert GARLAND

CONTINUATION PAGE NO: 3.

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In my efforts to provoke some Police action I telephoned the Police on the confidential telephone anonymously. I have had a robotphone message read over to me by Chief Inspector FLENLEY. Although I agree that the content of the message embodies all that I was telling DC CULLEN, except for the vice ring which I would never have mentioned because I had no suspicions of any vice ring.

I should have mentioned earlier that on one occasion I introduced a 20 year old friend to DC CULLEN and he related to the officer how McGRATH had made the same physical approaches of a

STATEMENT OF: William Robert GARLANDCONTINUATION PAGE NO: 4.

homosexual nature to him and obviously these assaults had obviously been more recently made. I was also introduced to Valerie SHAW in 1973 and I related all I knew about McGRATH to her. I gave her the original letters McGRATH had written to me for photocopying and also supplied DC CULLEN with the letters for copying. I destroyed the originals eventually because I felt that the only evidence the Police had was what I could say against McGRATH and I did not feel this was something I should do alone.

(signed) Roy Garland.

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Dated this 31st day of March 19 82G. Harrison D/Supt.Roy Garland

*SIGNATURE OF MEMBER by whom
statement was recorded or received.*

SIGNATURE OF WITNESS

I refer to a statement that I made yesterday, 30th March 1982. I have given a good deal of thought to the content of the statement and wish to qualify the section in the statement which deals with the Robophone message. The statement reads "Although I agree that the content of the message embodies all that I was telling DC CULLEN". This is not strictly accurate. I wish to make the following changes. I did not know any MPs who are homosexuals associated with McGRATH. The point about pressurising young people in relation to politics - I do not believe this to be true about McGRATH. I agree that the remainder is similar to the information I was aware of about McGRATH.

(signed) Roy Garland.

SIGNATURE OF WITNESS:

BEGINNING

I feel compelled to write these articles for two reasons. Firstly I feel that it is necessary to set my actions in a wider context. Secondly and more importantly I hope that fellow Ulster Protestants may be encouraged to realise that we have been manipulated by forces which had infiltrated our loyalist organisations and which are foreign to all that is best in our traditions. I believe that these forces are on the wane but the price of liberty has always been eternal vigilance.

It seems to me that these forces have, up until now, succeeded with the help of the Provisional IRA campaign to destroy all attempts to achieve a settlement of the conflict. We desperately need new stable structures of government which would enable all Ulster people to participate in decision making and construct our own future. It is my hope that these articles may contribute in some small way towards this objective. It goes almost without saying that any progress along these lines depends upon the ending of the destructive and vicious campaign of the Provisional IRA.

There were two strands of Protestant tradition on the Shankill Road where I was born. One was a colourful and exciting "kick the Pope" element which merged into a respectable Orangism. The other was a fundamentalist Protestantism which regarded Orangism as ungodly. One of William McGrath's stated objectives was to unite these two strands of Ulster Protestantism.

My father's family had a long history of Orange associations but both my parents were "saved" in the spring of 1928. As a result my father transferred to a "Christian" Lodge which only admitted "saved" men. Eventually he left

the Order and devoted his spare time to the work of a mission on the Shankill in which he became an associate Pastor.

I was "saved" at a mission conducted by my father's lodge in 1948 at the age of seven. However after pinching fruit from shops and raiding the Shankill Graveyard for wood for bonfire night I decided that I had "backslidden". At a religious crusade in the Kings Hall in Belfast in 1955 I decided not only to "come back to the Lord" but to dedicate my life to His Service.

A few months after this I heard William McGrath speak at a meeting in the mission hall. I can distinctly remember feeling that there was something about this man I didn't like, but what he had to say did impress me. He showed slides of his work and told about Faith House - which he said had been bought with money supplied by the Lord's people through "faith".

His message was basically that the "ancient" Protestant faith was dying out even in Ulster and that we were heading towards a great crisis during which the street would flow with blood. His slides depicted superstitious Catholics benighted by the "foreign and cruel system of Romanism" climbing Croagh Patrick on bare feet. These same Catholics were in danger of becoming Communists if they were not evangelised and it was part of his calling to recruit young people to face this challenge. To demonstrate the meaning of Communism he told of a Communist who named one of his dogs 'Jesus' and the other 'Christ'. Nothing further needed to be said!

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McGrath later invited me to visit Faith House, and on a cold, dark November night at the age of 15 I made my way to Finaghy, surprised that a missionary should show an interest in me. I found a notice board at the end of lane in Orpen Park and was able to make out the words "Faith House". McGrath answered my knock and left me in a study.

The windows were shuttered and I noted a text on the wall "Dare to do right, Sware to be true, Keep the Great Judgment Day always in view. Look at your work as you'll look at it then, scanned by Jehovah and angels and men".

McGrath eventually returned and began talking about religion. He said that I had great potential for God's work. He was concerned that so many young people were prepared to settle for less than their best for God - unhealthy attitudes about sex were often the cause. He said that single people could serve God better than married people - although he was married himself.

He said that his "fellowship" was following the ancient Celtic tradition in a kind of monastic set up. Most of the men at Faith House had outside jobs and pooled their wages to be used for the salvation of Ireland. He was full-time secretary of the "Christian Fellowship Centre and Irish Emancipation Crusade". One problem was that men tended to leave after being married.

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At one point in the discussion he touched me on the leg and asked me what this meant to me. I was shocked and replied that it meant nothing. He touched me again with the same reaction. Possibly realising my shock he stated that I must never permit anyone to touch me. I assumed that this was some kind of test and he went on to talk about the very high standards which were required of young people in relation to sex. Even holding a girl's hand was to be discouraged as it could lead to sexual arousal in the girl and the dissipation of emotional energy which should be devoted to God.

He asked me to return in a month or so and after some initial doubt I returned. He continued to talk about politics and sex but always in the context of Christian service. While he condemned homosexual relationships he told me that a balanced individual must have a close relationship with a member of his own sex. He said that David and Jonathon, Jesus and John the beloved disciple had close friendships which had a physical side to them. He quoted the verse of a hymn "Touched by a loving hand, wakened by kindness, chords that were broken will vibrate once more". I thought about this and then accused him of being a homosexual though I didn't quite know what this meant. At this he introduced me to his wife and family - this calmed my fears.

I had left school at the age of 14 the previous summer and had a great desire for learning which had been denied to me at school. McGrath loaned me books on various topics. One of these was to have a tremendous impact on my life. This was "One Hundred Per Cent for God" by "A London Journalist". The basic message was that a Christian must present not just his abilities to God but his potential abilities as well. It was the

Christian's duty to seek to develop all his talents. I began to read widely and in this sense felt that I was gaining a lot from McGrath's teaching.

I became restless in the later 1950s and thought of joining the Army. McGrath suggested Bible College. I had always had a desire to become a missionary and eventually started College life at a place near Windsor in England in September 1960.

The experience of College life was refreshing and liberating. I felt a growing sense of the presence of God in my life. This was weakened somewhat as the old Ulster suspicion began to assert itself. McGrath thought that the teaching of the College was not as fundamentalist as it should be. McGrath also loaned me a book entitled "The Secret History of the Oxford Movement" by Walter Walsh, published in 1899. The book gave evidence to suggest that some Protestant ministers had secretly become Roman Catholics. They were using very devious means to win over the support of other Protestants. They would even condemn Popery with the objective of gaining the confidence of Protestants, who would then be led into Rome.

McGrath and his friends believed that Jesuits were everywhere infiltrating Protestant churches and he even quoted cases in which IRA men professed conversion to gain information. (The interesting thing about all this is that the devious methods which McGrath ascribed to Jesuits were, it seems, being used by themselves'.)

Coincidentally it was common knowledge at Faith House, Finaghy, in the 1950s, that IRA men, supposedly converted, stayed at McGrath's home - at least one slept with a gun under his pillow.

In January 1961, McGrath carried out a campaign in mission halls and churches in England. He asked me to meet him at the "Foreign Missions Club" in London. This was a strange and eerie meeting during which he left to complete some "political" business which he could not discuss with me. I was left reading "The Devil Rides Out" by Dennis Wheatley. McGrath said that this was a true story which had taken place in the area of the college. Later he seemed perturbed about his children and asked me to promise that if anything happened to him I would care for them.

The effect of that meeting was such that I wrote to him saying that I thought that he was an evil man and that I did not wish to have any further contact with him. He replied that the Devil was seeking to destroy our "friendship" because it had great potential for God. This was one of the letters which I showed to Ian Paisley in 1974 to try to convince him that McGrath was a sinister man. The effect of his reply was to make me feel very unkind and I apologised.

In September 1962 my father died of cancer. McGrath had often spoken of the way a lack of money had hindered the Lord's work in Ireland. He suggested that I should carry on with my father's small business which could help finance the Lord's work. I did not return to college and instead tried to build up the business while helping in the distribution of religious tracts prepared by McGrath.

In 1964, McGrath called a group of young men, whom I had never met before, to a meeting at his home. The objective was to discuss ways of bringing a "Christian" influence to bear on the political situation in general, and the Orange Order in particular. All present at the meeting except myself were British Israelites who believed that the people of the British Isles were descendents of the lost tribes of Israel. British people therefore had a special destiny to prepare for the return of Jesus Christ who would rule the world from Westminster. This destiny was being fulfilled when organisations like the British and Foreign Bible Society distributed Bibles throughout the world. The Bible had a special meaning in that it carried a message about Israel's - ie Britain's destiny. This was, they claimed, the point of Queen Victoria's statement, often displayed on Orange banners, that the Bible was (ie contained) the secret of England's greatness.

McGrath differed from many British Israelites in that he believed that fundamentalist Christians would play an active part in the establishment of Christ's rule from Westminster. Ulstermen would have a special place in the events leading up to Christ's return and this was why Ulster had become a target for the enemies of God - Romanism and Communism.

The infiltration of Orangism and Unionism was seen in the light of this coming fight for the faith. McGrath often quoted Cromwell as saying "Choose ye out Godly men to be captains and Godley men will follow them". Cromwell's other saying "Trust in God and keep your powder dry" was also quoted, with the implication that prayer must be backed up with action.

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McGrath claimed that the 19th century Unionist Presbyterian Minister, Henry Cooke, had often preached with a Bible in one hand and a gun in the other. There was no doubt about the extreme sectarian nature of McGrath's views.

In the early 1960s McGrath told me that a member of the County Grand Orange Lodge had informed him that there was a great dearth of leadership in the Orange Order, which was dominated largely by old men. He was hopeful that young men who accepted his views would be able to provide the needed leadership. By joining the Order he gained an opportunity to spread his message to men who were already half prepared for it by their membership of the Order because part of the Orange tradition was a defence of Protestant ascendancy - a basic part of McGrath's belief.

McGrath's message to Orange Lodge meetings was that only the gun could save Ulster.

In 1965 I was invited by McGrath to become a member of " a private ginger group of Orangemen chaired by a Church of Ireland minister in Co Down. Members of District, County and Grand Orange Lodges took part. The objective seemed to be to encourage leadership in Orangism, but when McGrath found that the Chairman regarded the Catholic Church as Christian he was very unhappy.

In November 1966 the name of the group was changed to Tara and McGrath became Chairman. An illustration of the growing influence of McGrath in Orangism was the fact that an "Act of Dedication" written by him was read at the Boyne Anniversary Service of Nos 2 and 3 Belfast District Lodges in the Presbyterian Church's Assembly Hall in Belfast on 10 July 1966. It stated "the final battle with our ancient foe still lies before us" our "ancient foe" being Romanism. Paisley was so pleased with this "Act" that he read it at his own Church Service that same day. Romanism, McGrath stated, was an evil system which could not improve, and was seeking to take over the government of the whole world. Every priest and nun was "an agent of that government" and "move as one army in accordance with the orders from the Vatican". McGrath and the other British Israelites spoke at times of the "Protocols of the Learned Elders of Zion" an acknowledged forgery pretending to be a Jewish plan for world domination. While others saw this as evidence of a genuine Jewish plot, McGrath believed that it was really a Jesuit plot. This was one of the books used by the Nayis to justify that persecution of the Jews.

In 1966 McGrath obtained permission from Paisley to provide banners for his anti-1916 Rebellion celebration. The banners seemed peculiarly inappropriate with slogans like "For God and Ireland" and "By Right of Calvary Ireland belongs to Christ". Strangely enough many loyalists watching the procession seemed to be favourably impressed. A new tract was issued that year by McGrath which spoke of "armed conflict" which would develop between the "children of God" and their enemies.

In September 1966 McGrath asked me to accompany him on a visit to meet Paisley at his church. He informed Paisley that two clergymen in the Orange Order had linked him with the UVF. Paisley said he would seek legal advice on this. At about this time McGrath also produced a number of anonymous sheets dissociating Paisley from the UVF and stating that Unionist Party members were in the UVF. We posted these in Carrickfergus to politicians and newspapers as far away as Moscow.

In 1967 I myself received an anonymous letter which I now believe was written by McGrath. This encouraged me to join the Young Unionists. There is some evidence to suggest that McGrath regularly used anonymous letters to further his ideas. I joined the Duncairn Branch and was immediately made vice-chairman; in a relatively short time I became Publicity Officer of the Ulster Young Unionist Council. Throughout these years McGrath was able to bring his message to Unionist Meetings, churches, mission halls and Orange Lodges. The message was always about the coming crisis and the bloody fight which was necessary to stem the tide of Romanism and Communism. I later came to believe that there was a kind of self-fulfilling prophesy about all this. It seems inevitable that if people are told to prepare for war they will become conditioned to expect it and take steps to carry it out. However many saw McGrath's prophesies like Paisley's, as evidence of tremendous political foresight.

McGrath had claimed to have links with Unionist Politicians including some at Cabinet level, though he himself was not a Party member. He

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He also had a number of associates who were ordinary members of the Party. Some of these were Tara members and some attended his prayer meetings. It was therefore not surprising that he was able to suggest to me that a chance had come up for me to become a Stormont MP in 1968. I was then told of a meeting with three leading Unionists - one of whom is now a top Unionist politician. Their aim was to ensure that Robin Bailie, a leading Terence O'Neill supporter, did not receive the Unionist nomination for Newtownabbey in Co Antrim. McGrath knew the chairman of the association and tried to gain his support for my nomination. Another well-known Unionist was, apparently, making abusive phone calls to Bailie in the hope that he would drop out of the race for nomination. Despite all this, Bailie gained the nomination.

In April 1969 various explosions took place in Northern Ireland. McGrath informed us that a top Government source had told him that a crack unit of the Eire army had been responsible. When it became more likely that a loyalist group was responsible McGrath suggested that they must have some friends in high places.

The growing unrest of 1969 led McGrath to invite most of the leading loyalists to a meeting at his home to discuss loyalist unity. These were Norman Porter, Rev Martin Smyth, Ian Paisley, Rev John Brown, James Molyneaux, William Douglas, W Black, William Craig, Harry West, Norman Laird, Desmond Boal and Rev Robert Dickinson. McGrath told me that all had agreed to attend except Norman Porter. Porter's opposition seems to have led to the cancellation of the meeting. However some

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leading Unionists subsequently are known to have visited McGrath for meetings at his home including James Molyneaux, the present leader of the OU Party.

At a special Tara meeting in the summer of 1969 it was decided that a rota-print machine should be purchased to produce literature to promote the cause. Paisley's church secretary, and myself were guarantors for about £400 which was used to purchase a machine in McGrath's name. We obtained the loan through a financier who was a Tara member. I only know of one piece of literature to be produced on this machine - a call for platoons of 20 men to be formed for the protection of loyalist areas in August 1971 (see over). This was written by McGrath and the "chain of command" referred to was Tara's organisation.

Many loyalists felt under considerable threat during the violence of August 1969 and it is not surprising that McGrath was talking about the need for a "People's Militia". What is surprising is that at the height of this violence McGrath, Paisley, myself and a man called Black from Armagh, were talking to the Prime Minister, Major James Chichester Clark, about it. This was during the early hours of Thursday, 14th August 1969, at Knock RUC Headquarters. We were demanding that the 'B' Specials be mobilised and a "People's Militia" be formed. This arose out of a meeting largely composed of members of Paisley's Ulster Constitution Defence Committee in his offices at Shaftesbury Square.

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Some days later plans for a militia were taken a step further when Paisley called a meeting in his church in the Ravenhill Road to enlist men. McGrath and I and some other members of Tara enlisted the men while Paisley supervised. Some men raised objections to giving their names. It is not clear what happened to this list of men.

McGrath then turned to the Orange Order. He addressed a meeting of leading Orangemen in Clifton Street on the militia, without success. It was at a meeting of No 3 Belfast District that we again raised this issue. A District Official asked why McGrath and I did not go ahead with the forming of a militia ourselves. We took this as encouragement and began to collect names after the meeting. This was about November 1969 and by January 1970 we had obtained permission to use a room in Clifton Street Orange Hall under the title of the "Orange Discussion Group". The Hall Committee was however unaware of its true nature.

The real title of the Group was "Tara" and it was seen as the continuation of the old Tara ginger group in paramilitary form, its officers had all been members of the old Tara; some were members of the Unionist Party and some were close associates of Paisley. The title 'Tara' was McGrath's idea. It was associated with the ancient kings of Ireland who were, he claimed, descended from the Kings of Israel. Queen Elizabeth is supposed to be the present descendent of

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the same line. The story goes that the coronation stone, now in Westminster Abbey, had once rested at Tara in Co Meath but had originally been Jacob's pillow. It was brought to Ireland to Jeremiah, who was said to have been buried on Devenish Island in Lough Erne. Apparently in the 1930s a British Israelite disturbed part of the site at Tara digging for the Ark of the Covenant!

Politically all this meant that the Irish people were as a of Israel, part of the United Kingdom, although they were separated by the Roman Catholic religion which was likened to the heathen worship of Baal in the Old Testament. McGrath said that all Irish people were Royalists at heart and one day would become aware of this. The emphasis on Irishness in McGrath's propaganda was always seen by him in the context of the United Kingdom. He argued that it should be possible to be proud of our Irish heritage - as Scots people were of theirs - and yet be citizens of the great British Empire. The Easter Rebellion in 1916 was the first attempt to break up this empire and Ulstermen would play a significant part in its reconstitution - this was linked with the establishment of Christ's rule, so it appeared at that time that the British Empire and the rule of Christ would eventually be synonymous. Part of this process would endure the conquest of Ireland at the point of the gun.

Although for most members of Tara it was simply a defensive organisation, McGrath believed that it would ultimately provide the muscle alongside

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the British security forces in this reconquest. The political and religious struggle was all part of the same movement to bring Ulster under right-wing sectarian control. Links had already been forged with the British Israelite Movement in South Africa and later with members of the right-wing International Council of Christian Churches in Holland. In the mid-seventies money was brought from Holland to be shared between Paisley and McGrath for evangelical work.

Much of this appears ridiculous but, if, as has been claimed in more recent times, there were links between Tara and sections of the British establishment, it is not inconceivable that in a doomsday situation there might have been support for a reconquest of Ireland.

My duty as second in command in Tara was to call the central monthly meeting to order for the entrance of the Commanding Officer, William McGrath. The meeting began with a ritual statement about our part in the struggle for the soul of Ireland. Sergeants from the various platoons attended this meeting, new sergeants were initiated and new members admitted. Most new members did not again attend the central meeting. Each platoon was responsible for its own affairs and in fact there was little liaison. There were weapons stockpiled, though I saw few of these.

For the most part the objective was to prepare and wait for the appropriate moment and if the right political leadership existed Tara could be offered to the security forces to work alongside them. Weapon training was provided by former members of the British Army.

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I felt that Officers should be trained as well. It did not seem right that we

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control of Ulster. Many of the officers in Tara were Unionist graduates with a fanatical zeal for this cause.

On 28 June 1970 Ireland's Heritage Orange Lodge was founded. This was largely a reflection of McGrath's ideas but the Lodge had originally been associated with St Mary's Church of Ireland on Belfast's Crumlin Road and many members shared an obscure sense of Irish identity. It seems to me that many Ulster Protestants have an identity crisis. They don't really like to think of themselves as British and if the Irish Republic has become a foreign nation with strange ways to most Protestants. The Lodge did however seem to awaken in many a sense of Irishness which was not uncomfortable. It seems that the objective in having an "Irish" Orange Lodge was to provide a legitimate means of promoting McGrath's ideas.

Martin Smyth and John Bryons who was also known as a British Israelite, though a non-militant one, and was Grand Master of the Orange Order at the time, took part in the inauguration of the Lodge. We sang a hymn from McGrath's hymn book "Let me carry your cross for Ireland Lord" which had been written by Thomas an IRA hunger striker who died in a Dublin Jail in 1917. Dr Hillery, the Irish Minister of External

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Affairs at the time corresponded with the Lodge soon after it was founded and two Government Bulletins were produced depicting the Lodge Banner and carrying the correspondence. McGrath earlier proposed that the flags of the four Irish provinces be carried but rejected any suggestion that the Six County Ulster Flag be carried.

Before the end of 1970, although I had not sorted out my own ideas in relation to Tara or McGrath, I did come to a firm rejection of what I saw was the extreme fascism of McGrath which identified Protestants as God's chosen people. I thought that this idea was not only mistaken but dangerous. At one point I even asked McGrath if there was any difference between himself and Hitler. His reply was that he did not send people to the gas chambers.

McGrath had already civil and religious liberty for all. This was contrary to the ideas of equality and separation of religion and politics which were part of the teaching of the small mission in which I had been brought up. I was prepared to fight to defend the rights of Protestants and others to retain their freedom but not to deny that freedom to others. It seemed that McGrath would deny freedom to Protestants who did not accept their narrow views.

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This decision was put to the test at an Ulster Jubilee Year Rally on 1 March 1971 chaired by Martin Smyth and organised by the Belfast Area Young Unionists under the chairmanship of Frazer Agnew. We asked McGrath to write an "Act of Dedication" but when it was written I discovered that it identified Ulster Protestants as the sons of God. Agnew had attempted to get McGrath to alter the wording but he had refused. I said I would not read it at the Rally. Agnew was in a difficult position and we were threatened with exposure for having betrayed the cause. I eventually wrote a new Act which was just as strong as McGraths but without the "sons of God" idea.

One big problem in my thinking was that having rejected the "chosen people" idea I began to see this as permeating many loyalist organisations. A popular expression on gable walls in loyalist areas was "We are the people" and this seemed a crude expression of the same theme.

I decided that it was impossible at that time to reach firm conclusions on all the wider implications of my decision. I did however need to consider two other aspects of McGrath's activities, the financial and the sexual.

McGrath's tracts had stated "Our sin is lovelessness and faulty fellowship; and the remedy is not a prayer meeting but a day at the writing desk getting rid of the property which stands between us and our brothers". I had covenanted ie agreed to pay a set sum of money

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each month to McGrath's Christian Fellowship Centre. I had given other sums of money and loaned a considerable amount (besides allowing McGrath to build up substantial debts in my name in the course of his business dealings in carpets and furniture. I had also supplied carpets to his home and had not been paid for them. I had guaranteed him a loan from my bank because he claimed that the "Lord's Work" was suffering greatly through a lack of finance. My accountant told me that I was being fleeced and I had begun to wonder if this was true. McGrath had always promised to repay my loans so I decided that I would face him on this. When I spoke to him he became very angry because I suggested that he had used religion to get money from me. He said that he had always intended to repay - I said that the road to hell was paved with good intentions. He left me in a rage saying that he would remember my words not only throughout life but throughout eternity. I decided that McGrath had no intention of repaying the money.

On sex McGrath had always preached the highest standards of relationships between the men and women which meant that no physical relationship should exist whatever until marriage. However he had also told me that a physical relationship between men was not only acceptable but desirable. I thought over the early days in the 1950s when I had met him and the subtle and devious methods he had used in trying to get me involved in what I now clearly saw as homosexual activities. I realised that when he said that I had an "emotional block" this simply

meant that I could not take part in homosexual activities. Even at this stage it was impossible to be sure because he had always denied being a homosexual and he even condemned homosexual activity. In the early days he had said it had been part of his 'ministry' to help homosexuals with their problems. Had this been true I would have supported him but I found no evidence of it. I accept that homosexuals have problems and I do not believe that the attitude of the church or society should be one of condemnation. There needs to be an acceptance in the church of all kinds of people and I see this as an entirely different issue to that which Kincora raises. It is not only homosexuals who exploit young people and I feel that such exploitation wherever and by whoever this takes place must be dealt with.

In early August 1971 I stopped attending Tara meetings. I knew that this was putting me in an extremely dangerous situation but I felt that there was no other course. I visited a man who had been in the Tara Group in 1968 but who had left in mysterious circumstances. What he had to say confirmed that I was making the right decision but it also made me feel very angry and disillusioned. Many loyalist leaders had known that McGrath had been involved in homosexual activities for years and had done little or nothing about it.

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I decided that it was my duty to warn some young men I had introduced to Tara, to McGrath's prayer meeting and to Ireland's Heritage Lodge. Most of them confirmed my worst fears that McGrath had been attempting to corrupt them - none of them had however been corrupted in the sense of becoming homosexuals.

McGrath appeared to be able to exert a strong influence over these young men. I felt that he was using sex to brainwash them into his political ideas. I was convinced that this was very dangerous and it seemed obvious that if I did nothing to stop McGrath his tentacles which through Tara and his religious activities were already in every Northern Ireland county, would be tightened. I felt that no matter what one's political views were, this situation was brought with great potential for evil.

I approached Martin Smyth in 1971 despite knowing that he had been earlier approached by another Orangeman. I thought that with greater knowledge of McGrath's sexual and political activities something might be achieved. I also thought that McGrath's job in the boys' home which he had taken up in 1971 was a new element. Smyth confirmed that he knew about McGrath and promised to do something about McGrath's position, if McGrath was using his position at Kincora to recruit young men to his political ideals.

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I also approached some other Orangemen in 1971/2 and discovered that they also knew of McGrath's activities. One of these told me to forget about it and "shake hands" with McGrath. A leading Belfast Orangeman expressed some disbelief and was unwilling to be persuaded. I felt that I was becoming an outcast in the Orange Order, because of my opposition to McGrath. I left the Order in 1972.

Also in 1971 I had tried to see Paisley at his home twice. On one occasion I was accompanied by a former Tara Officer and left an urgent message and my phone number with Mrs Paisley. I then contacted David Browne an associate of Paisley who promised to convey the information to Paisley. After two more attempts to contact Paisley at his church by phone I decided that Paisley did not wish to know anything more about McGrath. This was confirmed in January 1974 when at last I saw Paisley at his church. He then told me that he did not wish to know about McGrath but asked if I was prepared to meet a leading figure in his DUP who was a close associate of McGraths. I agreed but he failed to arrange this meeting.

I received a written threat on 25/11/71 which said "Your blood is on your own head now finally" and was later tipped off that the threat was real. I believe that it was a Shankill Road loyalist - one of McGrath's "cannon fodder" who saved my life.

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Another leading Presbyterian minister told me that it was wrong to "take a brother to law before the unbelievers". This seemed to illustrate the attitude of most evangelicals and loyalists. It was acceptable to preach about the sins including the sexual ones, of Catholic priests, ecumenicals or Communists, but not to criticise one of our own kind. One young man who admitted that McGrath had made sexual advances to him said that whatever else McGrath was "he was a good loyalist".

In 1972 or early 1973 I was asked if I was prepared to talk to a reliable "Christian" policeman from Donegall Pass RUC Station. I agreed although I believed that McGrath had contacts in this station. I was able to provide two witnesses who talked of McGrath's homosexual activities. On a number of occasions in the mid and late 1970s I met this policeman and at times he came to home. I urged that action be taken. He said that the information I had provided was out of date and he needed up-to-date evidence. I suggested raiding McGrath's home in the Newtownards Road and questioning the boys at Kincora. It was not until 1980 that steps were taken to question the boys who had been at the home.

The claim by Rev Ian Paisley that he knew nothing about "happenings" at Kincora is a lame excuse. He knew, like others, that McGrath was

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trying to corrupt countless numbers of young people and apparently did nothing to stop this. He did not even attempt to warn members of his own Free Presbyterian Church who were involved with McGrath. As a reward for trying to warn him for his own and others good he told a completely fabricated version of what took place at his meeting with me in January 1974.

Paisley was not, by any means, the only one to have done nothing, but he was in a much better position to take action than many others. Some of the young men McGrath tried to corrupt do not appear to have suffered in the slightest from their experience. The lives of some others have, it seems, been twisted and ruined.

Statement from Tara (published anonymously) distributed in working class areas of Belfast on 12/8/71.

Being convinced that the enemies of our Faith and Freedom are determined to destroy the State of Northern Ireland and thereby enslave the people of God, we call on all members of our loyalist institutions and other responsible citizens to organise themselves immediately into platoons of twenty under the command of someone capable of acting as Sergeant. Every

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effort must be made to arm these platoons with whatever weapons are available. The first duty of each platoon will be to formulate a plan for the defence of its own street or road in co-operation with platoons in adjoining areas. A structuring of command is already in existence and the various platoons will eventually be linked in a co-ordinated effort.

Instructions: Under no circumstances must platoons come into conflict with Her Majesty's Forces or the Police. If through wrong political direction Her Majesty's Forces are directed against loyalist people members of platoons must do everything possible to prevent a confrontation. We are loyalists, we are Queen's men! Our enemies are the forces of Romanism and Communism which must be destroyed.

Members of platoons must act with the highest sense of responsibility and urgency in preparing our people for the full assault of the enemies within our Province and the forces of the Eire Government which will eventually be thrown against us. We must prepare now! This is total war!

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END

In conclusion I would briefly like to attempt to set the events referred to in these articles in an even wider context. When I became a member of the Orange Order and the Unionist Party in the 1960s I found that there was little sympathy with extreme ideas. This of militancy was interpreted by some working-class loyalists as weakness and we began to seek, encourage a more militant attitude in loyalist circles. I found that even on the Shankill Road this was not easy - few people had sympathy with the extreme right-wing.

I believe that this situation changed because great uncertainty and insecurity was generated by a number of factors. The Civil Rights Movement was not seen by loyalists in general as a genuine movement but a front for IRA propaganda. The Unionist Government which was attempting to push through much needed reforms, was not communicating effectively with rank and file loyalists. Their position was also being undermined by three factors. Firstly the Westminster government instead of creating a feeling of confidence in the future was creating feelings of insecurity in the way it appeared to force the Stormont government into subservience.

SECONDLY The speeches and activities of the Republican government ministers was having a similar effect and it did not help to learn that in September 1969 that some of the Republic's Military Intelligence officers were in direct contact with members of the IRA army council apparently with the full knowledge and consent of some members of the Republic government.

Thirdly the position of Unionist and Orange leaders was made extremely difficult because of the vociferous campaign being waged by Ian Paisley. These three factors made it possible for Tara to gain considerable influence within loyalism. The process was similar to that of the rise of Nazism in Hitler's Germany and of course the whole situation encouraged the rise of the Fascist Provisional IRA leading to an almost intractable situation.

Despite all these factors I know that members of both communities have sought to maintain Christian attitudes and neighbourly relationships. Orange leaders, often at considerable risk to themselves, sought to calm the tide of loyalist anger and frustration which at times threatened to break out into vicious conflict and Evangelical Pastors in the midst of all this continued to seek to inculcate Christian values. I have found that people of all shades of loyalist and nationalist opinion are prepared to be flexible in their approach to the future. I have made firm friends in all sections - including even some British Israelites. I believe that the future in Ulster holds great potential and, given a decline in provisional violence, the future of Ulster could yet be bright for all of us. It is to this end that I have written these articles.

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THE IRISH TIMES, TUESDAY, APRIL 13, 1982

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NEWS FOCUS

In a profile of "Mr X," the man who has played a key role in the Kincora affair, ANDREW POLLAK introduces Roy Garland, whose own story begins below.

ROY GARLAND, the man named by Rev Ian Paisley as 'Mr X' during the Kincora controversy, is now in his early 40s and teaches social studies at a further education college in a town outside Belfast. He is married with three children. His wife is expecting a fourth child this week.

He says that when he was involved with the politics of extreme Loyalism in the '60s he did not have any opportunity to really think about the political issues affecting Northern Ireland. At around the time he started to become disillusioned with William McGrath's brand of Loyalism, he also started going to night classes and in 1973 was admitted to Queens University, Belfast to do a social science degree.

He says his studies of Irish history during this period showed him that different people, people who felt British and Irish, had different ways of viewing things. "I became much more tolerant, more left of centre," he says. "Before I had felt almost embarrassed that I came from the Shankill Road. Now I'm proud of it, though I feel that Shankill Road people have had a hard deal. But then the Catholics of the Falls Road have had the same hard deal."

His studies of his own family's history "absolutely intrigued" him. The Garlands



Roy Garland: "The good Samaritan parable doesn't seem to apply in Northern Ireland."

came over with Strongbow in 1169. He found that two County Louth Garlands, one

a Protestant and one a Catholic, both had their lands seized under Cromwell. He

also discovered that one of his ancestors had been a founder member of the first ever

Orange Lodge in the 1790s, but that members of another branch of the family had fought on King James' side at the Battle of the Boyne a hundred years earlier.

Mr Garland says he is not a practising member of any Protestant denomination now, though he still believes in "the basic teachings of Jesus Christ — loving your neighbour and so on — though as practised they've been twisted, especially in Northern Ireland." "The good Samaritan parable doesn't seem to apply in Northern Ireland," he goes on, "especially in the context of relations between Catholics and Protestants."

However he is still "passionately Protestant in believing in the freedom of the individual's conscience." In that sense, he sees the Rev Ian Paisley as less than authentically Protestant because he discourages people from thinking for themselves. Neither is he a member of any political party, though he might be interested in getting back into politics one day — he was publicity officer of the Young Unionist Council in 1969-70 — if he could find a party he could feel at home with. He still has a keen interest in Irish history but otherwise his concerns now are principally with his family, his job, and his garden.

of the British Isles were descendants of the lost tribes of Israel, therefore, a special destiny to prepare for the return of Jesus Christ who would rule the world from Westminster. This destiny was being fulfilled when organisations like the B and Foreign Bible Society distributed Bibles throughout the world. The Bible had a special meaning in that it carried a message about Israel's — Britain's — destiny. This they claimed, the point of Queen Victoria's statement, often played on Orange banners, the Bible was (i.e. contained) the secret of England's greatness.

McGrath differed from many British Israelites in that he believed that fundamental Christians would play an active part in the establishment of Christ's rule from Westminster. Ulster men would have a special place in the events leading up to Christ's return and this was why Ulster had become a target for enemies of God, Romanism and Communism.

The infiltration of Orange and Unionism was seen in light of this coming fight for faith. McGrath often quoted Cromwell as saying "Choose out Godly men to be Captains and Godly men will follow then Cromwell's other saying, "Tr in God and keep your powder dry" was also quoted, with the implication that prayer must be backed up with action. McGrath claimed that the 19th century Unionist Presbyterian Minister Henry Cooke had often preached with a Bible in one hand and gun in the other.

Old men

In the early 1940s McGrath informed him that there was

THERE WERE two strands of Protestant tradition on the Shankill Road where I was born. One was a colourful and exciting "Kick the Pope" element which merged into a respectable Orangeism. The other was a fundamentalist Protestantism which regarded Orangeism as ungodly. One of William McGrath's objectives was to unite these two strands of Ulster Protestantism.

My father's family had a long history of Orange associations but both my parents were "saved" in the spring of 1928. As a result my father transferred to a "Christian" Lodge which only admitted "saved" men. Eventually he left the order and devoted his spare time to the work of a mission on the Shankill in which he became an associate pastor. I was "saved" at a mission conducted by my father's lodge in 1948 at the age of seven. However after pinching fruit from shops and raiding the Shankill Graveyard for wood for bonfire night I decided that I had "backslidden." At a religious crusade in the King's Hall in Belfast in 1955 I decided, not only to "come back to the Lord" but to dedicate my life to His service.

A few months after this I heard William McGrath speak at a meeting in the mission hall. I can distinctly remember the feeling that there was something about this man I didn't like, but what he had to say did impress me. He showed slides of his work and told about Faith House in Finaghy, South Belfast, which he said had been bought with money supplied by the Lord's people through "Faith." His message was basically that the "ancient" Protestant faith was dying out even in Ulster and that we were heading towards a great crisis during which the streets would flow with blood. His slides depicted superstitious Catholics benighted by the "foreign and cruel system of Romanism" climbing Croagh Patrick on bare feet. These same Catholics were in danger of becoming Communists if they were not evangelised, he said, and it was part of his calling to recruit young people to face this challenge. To demonstrate the meaning of Communism he told of

a Communist who named one of his dogs "Jesus" and the other "Christ". Nothing further needed to be said.

McGrath later invited me to visit Faith House, and on a cold, dark November night at the age of 15 I made my way to Finaghy, surprised that a missionary should show an interest in me. I found a notice board at the end of a lane

and the dissipation of emotional energy which should be devoted to God.

He asked me to return in a month or so and after some initial doubt I returned. He continued to talk about politics and sex but always in the context of Christian service. While he condemned homosexual relationships he told me that a balanced individual must

eventually start college life at a place near Windsor in England in September 1960. The experience of college life was refreshing and liberating. I felt a growing sense of the presence of God in my life. This was weakened somewhat as the old Ulster suspicion began to assert itself. McGrath thought that the teaching of the college was not as fundamentalist as it should be.

complete some "political" business which he could not discuss with me. I was left reading "The Devil Rides Out" by Denis Wheatley. McGrath said that this was a true story which had taken place in the area of the college.

Later he seemed perturbed about his children and asked me to promise that if anything hap-

I feel compelled to write these three articles for two reasons. Firstly I feel that it is necessary to set my actions in a wider context, because of misrepresentations. Secondly and more importantly I hope that fellow Ulster Protestants may be encouraged to realise that we have been manipulated by forces which had infiltrated our loyalist organisations and which are foreign to all that is best in our traditions. I believe that these forces are on the wane but the price of liberty has always been eternal vigilance.

It seems to me that these forces have, up until now, succeeded, with the help of the Provisional IRA campaign to destroy all attempts to achieve a settlement of the conflict. We desperately need new stable structures of government which would enable all Ulster people to participate in decision making and construct their own future. It is my hope that these articles may contribute in some small way towards this objective. It goes almost without saying that any progress along these lines depends upon the ending of the destructive and vicious campaign of the Provisional IRA.

ROY GARLAND tells his own story

in Orpen Park and was able to make out the words "Faith House."

McGrath told me that I had great potential for God's work. He was concerned that so many young people were prepared to settle for less than their best for God — unhealthy attitudes about sex were often the cause. He said that single people could serve God better than married people, although he was married himself.

He said that his "fellowship" at Faith House was following the ancient Celtic tradition in a kind of monastic set-up. Most of the men at Faith House had outside jobs and pooled their wages to be used for the salvation of Ireland. He was full-time secretary of the "Christian Fellowship Centre and Irish Emancipation Crusade." One problem was that men tended to leave after being married.

Touched me

At one point in the discussion he touched me on the leg and asked me what this meant to me. I was shocked and replied that it meant nothing. He touched me again and I responded similarly. Possibly realising my shock he stated that I must never permit anyone to touch me. I assumed that this was some kind of test, and he went on to talk about the very high standards which were required of young people in relation to sex. Even holding a girl's hand was to be discouraged as it could lead to sexual arousal in the

have a close relationship with a member of his own sex. He said that David and Jonathan, Jesus and John, the beloved disciple, had close friendships which had a physical side to them. He quoted the verse of a hymn: "Touched by a loving hand, wakened by kindness, chords that were broken will vibrate once more." I thought about this and then accused him of being a homosexual, though I didn't quite know what this meant. At this point he introduced me to his wife and family and this calmed my fears.

All talents

I had left school at the age of 14 the previous summer and had a great desire for learning which had been denied to me at school. McGrath loaned me books on various topics. One of these was to have a tremendous impact on my life. This was "One Hundred Per Cent for God," by A London Journalist. The basic message was that a Christian must present not just his abilities to God but his potential abilities as well. It was the Christian's duty to seek to develop all his talents. I began to read widely and in this sense felt that I was getting a lot from McGrath's teaching.

I became restless in the later 1950s and thought of joining the Army. McGrath suggested the Bible College. I had always had a desire to become a missionary and

Around this time McGrath loaned me a book entitled "The Secret History of the Oxford Movement," by Walter Walsh, published in 1899. The book gave evidence to suggest that some Protestant ministers had secretly become Roman Catholics. They were using very devious means to win over the support of other Protestants. They would even condemn Popery with the objective of gaining the confidence of Protestants, who would then be led into Rome.

Jesuits everywhere

McGrath and his friends believed that Jesuits were everywhere infiltrating Protestant churches, and he even quoted cases in which IRA men professed conversion to gain information. The interesting thing about all this is that the devious methods which men like McGrath ascribed to Jesuits were, it seems, being used by themselves. Coincidentally it was common knowledge at Faith House, Finaghy, in the 1950s that IRA men, supposedly converted, stayed at McGrath's home — at least one slept with a gun under his pillow.

In January 1961 McGrath carried out a campaign in mission halls and churches in England. He asked me to meet him at the Foreign Missions Club in London.

This was a strange and eerie meeting during which he left me to

pened to him I would care for them.

The effect of that meeting was such that I wrote to him saying that I thought that he was an evil man and that I did not wish to have any further contact with him. He replied that the Devil was seeking to destroy our "friendship" because it had great potential for God. This was one of the letters which I showed to Ian Paisley in 1974 to try to convince him that McGrath was a sinister man. But the effect of McGrath's reply was to make me feel very unkind and I apologised.

In September 1962 my father died of cancer. McGrath had often spoke of the way a lack of money had hindered the Lord's work in Ireland. He suggested that I should carry on with my father's small business which could help finance the Lord's work. I did not return to college and instead tried to build up the business while helping in the distribution of religious tracts prepared by McGrath.

British Israelites

In 1964 McGrath called a group of young men, whom I had never met before, to a meeting in his home. The objective was to discuss ways of bringing a "Christian" influence to bear on the political situation in general, and the Orange Order in particular. All present at the meeting except myself were British Israelites.

to "provide" the "needed" leadership. By joining the order he gained an opportunity to spread his message to men who were already prepared for it by their membership of the order, because part of the Orange tradition was a defence of Protestant ascendancy — a basic part of McGrath's beliefs.

McGrath's message to Orange Lodge meetings even in the early 60s was that only the gun could save Ulster. In 1965 I was invited by McGrath to become a member of "Cell," a private ginger group of Orangemen chaired by the Church of Ireland minister. Members of District, County and Grand Orange Lodges took part. The objective seemed to be to encourage leadership in Orangeism, but when McGrath found that the chairman regarded the Catholic Church as Christian he was very unhappy.

'Act of Dedication'

In November 1966 the name of the group was changed to Tara and McGrath became chairman. An illustration of the growing influence of McGrath in Orangeism was the fact that an "Act of Dedication" written by him was read in the Boyne Anniversary Service of Nos 2 and 3 Belfast District Lodges in the Presbyterian Church's Assembly Hall in Belfast on July 10th 1966. It stated "the final battle with our ancient foe still lies before us", our "ancient foe" being Romanism.

Romanism, McGrath stated, was an evil system which could not improve, and was seeking to take over the government of the whole world. Every priest and nun was "an agent of that government" and they "move as one army in accordance with the orders from the Vatican." McGrath and the other British Israelites spoke at times of the "Protocols of the Learned Elders of Zion," an acknowledged forgery pretending to be a Jewish plan for world domination. While others saw this as evidence of a genuine Jewish plot, McGrath believed that it was really a Jesuit plot. This was one of the books used by the Nazis to justify their persecution of the Jews.

Tomorrow: McGrath transforms Tara into a paramilitary

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THE IRISH TIMES, WEDNESDAY, APRIL 14, 1982

NEWS FOCUS

the second part of his series ROY GARLAND tells how William McGrath's politico-religious theories led Tara to armed activity.

Tara sets out to reconquer Ireland

1966 McGRATH obtained mission to provide banners Rev Ian Paisley's anti-1916 million celebration. The news seemed peculiarly appropriate, with slogans: "For God and Ireland" "By Right of Calvary and belongs to Christ". Angely enough many nationalists watching the session seemed to be

PSNI Docs - annotation added by the HIA Inquiry

Despite all this, Bailie gained the nomination.

In April 1969 various explosions took place in Northern Ireland. McGrath informed us that a top government source had told him that a crack unit of the Ulster Army had been responsible. When it became more likely that a loyalist group was responsible, McGrath suggested that they must have some friends in high places.

The meeting of 1969 that

Committee in his offices at Shaftesbury Square. Some days later plans for a militia were taken a step further when Paisley called a meeting in his church in the Ravenhill Road to enlist men. McGrath and I and some other members of Tara enlisted the men while Paisley supervised.

McGrath then turned to the Orange Order. He addressed a meeting of leading Orangemen in Clifton Street on the militia, but without success. The men were



was little liaison. There were said to be weapons stockpiled though I saw none of these.

For the most part the objective was to prepare and wait for the appropriate moment when, if the right political leadership existed, Tara could be offered to the security forces to work alongside them.

I felt that officers should be trained as well. It did not seem right that we should expect men to train to fight without being prepared to use guns ourselves. This idea got little support. It seemed that although some "Godly" men had carried weapons in the past, "Christians" generally should not be tainted with blood.

Driving to a Tara meeting one evening I overheard McGrath and the Intelligence Officer of Tara — now a leading official Unionist — referring to the Shankill men as the "cannon fodder" who would man the barricades in the coming conflict. McGrath and his fellow officers, who seemed to regard themselves as an intellectual elite, would simply direct operations. I

it was issued that year by McGrath which spoke of armed conflict which would develop between the "children of God" and their enemies.

In September 1966 McGrath asked me to accompany him on a trip to meet Paisley at his church. I informed Paisley that two regiments in the Orange Order were linked with the UVF. Paisley said he would seek legal advice on this. At about this time McGrath also produced a number of anonymous sheets associating Paisley from the UVF and stating that Unionist members were in the UVF. I posted these in Carrickfergus politicians and newspapers as far away as Moscow.

Throughout these years McGrath was able to bring his message to Unionist meetings, churches, mission halls and Orange Lodges. The message was always about the coming crisis, the bloody fight which was necessary to stem the tide of nationalism and Communism. I came to believe that there was a kind of self-fulfilling prophecy about all this. It seems probable that if people are told to prepare for war they will become conditioned to expect it and take steps to carry it out. However, I saw McGrath's prophecies, Paisley's, as evidence of mendacious political foresight.

McGrath, although he himself was not a party member, had managed to have links with Unionist politicians, including one at Cabinet level. He also had a number of associates who were ordinary members of the party. Some of these were Tara members and some attended his meetings. It was therefore not surprising that he was able to persuade me that a chance had opened up for me to become a Member of Parliament in 1968. I was then at a meeting with three leading Unionists — one of whom was a top Unionist politician. His aim was to ensure that in Bailie, a leading Terence Hill supporter, did not receive a Unionist nomination for townabba in Co Antrim. McGrath knew the chairman of association and tried to gain support for my nomination.

leading loyalists to a meeting at his home to discuss loyalist unity. These were Norman Porter, Rev Martin Smyth, Ian Paisley, Rev John Brown, James Molyneux, William Douglas, W. Black, William Craig, Harry West, Dr Norman Laird, Desmond Boyd, and Rev Robert Dickinson. McGrath told me that all had agreed to attend except Norman Porter. Porter's opposition seems to have led to the cancellation of the meeting. However, some leading Unionists subsequently are known to have visited McGrath for meetings at his home, including James Molyneux, the present leader of the Official Unionist Party.

Call for platoons.

At a special Tara meeting in the summer of 1969 it was decided that a Rotaprint machine should be purchased to produce literature to promote the cause. Paisley's church secretary and myself were guarantors for about £400 which was used to purchase the machine in McGrath's name. We obtained the loan through a financier who was a Tara member. I only know of one piece of literature to be produced on this machine, a call for platoons of 20 men to be formed for the protection of loyalist areas in August 1971 (see box). This was written by McGrath and the "chain of command" referred to was Tara's organisation.

Many loyalists felt under considerable threat during the violence of August 1969 and it is not surprising that McGrath and Paisley were talking about the need for a "Peoples Militia". What is surprising is that at the height of this violence McGrath, Paisley, myself and a man called Black from Armagh were talking to the Prime Minister, Major James Chichester-Clark, about it. This was during the early hours of Thursday, 14th August, 1969 at Knock RUC Headquarters. We were demanding that the "B" Specials be mobilised and a "Peoples Militia" be formed. This arose out of a meeting largely composed of members of Paisley's Ulster Constitution Defence

Belfast District. An Orange official asked why McGrath and myself did not go ahead on our own. We interpreted this as encouragement. This was in November 1969 and by January 1970 we had obtained permission to use a room in Clifton Street Orange Hall under the title 'The Orange Discussion Group'. The 'Hall Committee', however, was not aware of the true nature of the group.

"Tara"

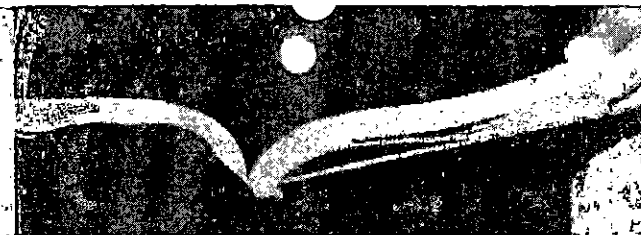
The real title of the group was "Tara" and it was seen as the continuation of the old Tara ginger group in paramilitary form. Its officers had all been members of the old Tara; some were members of the Unionist Party and some were close associates of Paisley. The title "Tara" was McGrath's idea. It was associated with the ancient kings of Ireland who were, he claimed, descended from the Kings of Israel. Queen Elizabeth is supposed to be the present descendant of the same line. The story goes that the coronation stone now in Westminster Abbey had once rested at Tara in Co. Meath, but had originally been Jacob's pillow. It was brought to Ireland by Jeremiah, who was said to have been buried on Devenish Island in Lough Erne. Apparently in the 1930s a British Israelite disturbed part of the site at Tara digging for the Ark of the Covenant!

Statement from Tara distributed in working class areas of Belfast on 12th August, 1971.

Being convinced that the enemies of our Faith and Freedom are determined to destroy the State of Northern Ireland and thereby enslave the people of God, we call on all members of our Loyalist institutions, and other responsible citizens, to organise themselves immediately into platoons of twenty under the command of someone capable of acting as Sergeant. Every effort must be made to arm these platoons with whatever weapons are available. The first duty of each platoon will be to formulate a plan for the defence of its own street or road in co-operation with platoons in adjoining areas. A structure of Command is already in existence and the various platoons will eventually be linked in a co-ordinated effort.

Instructions: Under no circumstances must platoons come into conflict with Her Majesty's Forces or the police. If through wrong political direction Her Majesty's Forces are directed against Loyalist people, members of platoons must do everything possible to prevent a confrontation. We are loyalists, we are Queen's men! Our enemies are the forces of Romanism and Communism which must be destroyed.

Members of platoons must act with the highest sense of responsibility and urgency in preparing our people for the full assault of the enemies within our Province and the forces of the Eire Government which will eventually be thrown against us. We must prepare now! This is total war!



Roy Garland relaxes after digging his garden.

Politically all this meant that the Irish people were, as a tribe of Israel, part of the United Kingdom, although they were separated by the Roman Catholic religion which was likened to the heathen worship of Baal in the Old Testament. McGrath said that all Irish people were royalists at heart and one day would become aware of this. The emphasis on Irishness in McGrath's propaganda was always seen by him in the context of the United Kingdom. He argued that it should be possible to be proud of our Irish heritage — as Scots people were of theirs — and yet be citizens of the Great British Empire.

The Easter rebellion in 1916 was the first attempt to break up this empire according to McGrath, and Ulstermen would play a significant part in its reconstitution. This was linked with the establishment of Christ's rule, so it appeared at

times that the British Empire and the rule of Christ would eventually be synonymous. Part of this process would involve the re-conquest of Ireland at the point of the gun.

Although for most of its members Tara was simply a defensive organisation, McGrath believed that it would ultimately provide the muscle alongside the British security forces in this re-conquest. The political and religious struggle was all part of the same movement to bring Ulster under right-wing sectarian control. Links had already been forged with the British Israelite movement in South Africa and later, with members of the right-wing International Council of Christian Churches in Holland. In the mid-seventies money was brought from Holland to be shared between Paisley and McGrath for evangelical work.

Much of this might appear ridiculous but, if, as had been claimed in more recent times, there were links between Tara and sections of the British establishment, it is not inconceivable that in a doomsday situation there might have been support for a re-conquest of Ireland.

Soul of Ireland

My duty as second-in-command in Tara was to call the central monthly meeting to order for the entrance of the Commanding Officer, William McGrath. The meeting began with a ritual statement about our part in the struggle for the soul of Ireland. Sergeants from the various platoons attended this meeting, new sergeants were initiated and new members admitted. Most new members did not again attend the central meeting. Each platoon was responsible for its own affairs and in fact there

of a Protestant ascendancy.

McGrath's idea of a Protestant ascendancy was much narrower than the old Anglican ascendancy of the 18th century. In the sectarian ascendancy of Tara, Roman Catholic churches would be burnt and their images destroyed. I felt a growing disquiet over these ideas. In later years I was to hear rumours of plans for a "night of the long knives" when Tara soldiers would assassinate alternative-loyalist leaders and take control of Ulster. Some of the officers in Tara were university graduates with a fanatical zeal for their cause.

On 28th June 1970 Ireland's Heritage Orange Lodge was founded. This was largely a reflection of McGrath's ideas although the lodge had originally been associated with St Mary's Church of Ireland on Belfast's Crumlin Road and many members shared an obscure sense of Irish identity. It seems to me that many Ulster Protestants have an identity crisis. They don't really like to think of themselves as British, and the Irish Republic has become a foreign nation, with strange ways, to most Protestants. The lodge did however seem to awaken in many a sense of Irishness which was not uncomfortable. It seems that the objective in having an "Irish" Orange Lodge was to provide a legitimate means of promoting McGrath's ideas.

Rev Martin Smyth and Rev John Bryans, who was also known as a British Israelite though a non-militant one and was Grand Master of the Orange Order at the time, took part in the inauguration of the lodge. We sang a hymn from McGrath's hymn book, "Let me carry your cross for Ireland Lord" which had been written by Thomas Ashe, an IRA hunger-striker who died in a Dublin jail in 1917. Dr Hillery, the Irish Minister for External Affairs at the time, corresponded with the Lodge soon after it was founded and two Irish Government Bulletins were produced depicting the lodge banner and carrying the correspondence. McGrath earlier proposed that the flags of the four Irish provinces be carried but rejected any suggestion that the six county Ulster flag be carried.

(More tomorrow)

THE IRISH TIMES
15.4.82

'Your blood is on

BEFORE THE end of 1970, although I had not sorted out my own ideas in relation to Tara or McGrath, I did come to a firm rejection of what I saw as the extreme fascism of McGrath, which identified Protestants as God's chosen people. I thought that this idea was not only mistaken but dangerous. At one point I even asked McGrath if there was any difference between himself and Hitler. His reply was that he did not send people to the gas chambers.

McGrath had already told me that he rejected civil and religious liberty for all. This was contrary to the ideas of equality and separation of religion and politics which were part of the teaching of the small mission in which I had been brought up. I was prepared

expression of the same theme. I decided that it was impossible at that time to reach firm conclusions on all the wider implications of my decision. I did however need to consider two other aspects of McGrath's activity — the financial and the sexual.

Large debts

McGrath's tracts had stated that "Our sin is lovelessness and faulty fellowship, and the remedy is not a prayer meeting but a day at the writing desk getting rid of the property which stands between us and our brothers." I had covenanted — i.e. agreed to pay a set sum of money each month to McGrath's Christian Fellowship Centre. I had given other sums of money and loaned him a considerable amount, besides allowing McGrath to build up substantial debts in my name in the course of his business dealings in carpets

had always denied being a homosexual and he even condemned homosexual activity. In the early days he had said it had been part of his "ministry" to help homosexuals with their problems.

Had this been true I would have supported him, but I found no evidence of it. I accept that homosexuals have problems and I do not believe that the attitude of the Church or society should be one of condemnation. There needs to be an acceptance in the Church of all kinds of people and I see this as an entirely different issue from that which Kincoira raises. It is not only homosexuals who exploit young people, and I feel that such exploitation, wherever and by whoever this takes place, must be dealt with.

In early August, 1971, I stopped attending Tara meetings. I knew that this was putting me in an extremely dangerous situation but I felt that there was no other

IN THE final part of his series, ROY GARLAND explains why he left Tara and outlines his early fruitless efforts to expose William McGrath's activities within the Orange Order, despite a serious threat to his life.

to fight to defend the rights of Protestants and others to retain their freedom — but not to deny that freedom to others. It seemed that McGrath would deny freedom to Protestants who did not accept his narrow views.

This decision was put to the test at an Ulster Jubilee Year Rally on March 1st, 1971, chaired by Rev Martin Smyth and organised by the Belfast Area Young Unionists under the chairmanship of Frazer Agnew. We asked McGrath to write an "Act of Dedication" but when it was written I discovered that it identified Ulster Protestants as the sons of God and the Rev Martin Smyth agreed that this should be changed. Agnew had attempted to get McGrath to alter the wording but he had refused. I said I would not read it at the rally. Agnew was in a difficult position and we were threatened with exposure for having betrayed the cause. I eventually wrote a new act which was just as strong as McGrath's but without the "sons of God" idea.

One big problem in my thinking at this time was that, having rejected the chosen people idea, I began to see this as permeating many Loyalist organisations. A popular expression on public walls in Loyalist areas was "We are the people" and this seemed a crude

and hurtful.

My accountant told me that I was being fleeced and I had begun to wonder if this was true. McGrath had always promised to repay my loans, so I decided that I would face him on this. When I spoke to him he became very angry because I suggested that he had used religion to get money from me. He left me in a rage, saying that he would remember my words not only throughout life but throughout eternity. I decided that McGrath had no intention of repaying the money. I later successfully sued him for the return of the money.

On sex McGrath had always preached the highest standards of relationships between men and women, which meant that no physical relationship, whatever should exist until marriage. However, he had also told me that a physical relationship between men was not only acceptable but desirable. I thought over the early days in the 1950s when I had met him, and the subtle and devious methods he had used in trying to get me involved in what I now clearly saw as homosexual activities. I realised that when he said that I had an "emotional block" this simply meant that I could not take part in homosexual activities. Even at this stage it was impossible to be sure, because he

course, I visited a man who had been in the Tara group in 1968 but who had left in mysterious circumstances. What he had to say confirmed that I was making the right decision, but it also made me feel very angry and disillusioned. Many Loyalist leaders had known of McGrath's homosexual activities for years and had done little or nothing about them.

I decided that it was my duty to warn young men I had introduced to Tara, to McGrath's prayer meeting and to Ireland's Heritage Lodge. Most of them confirmed my worst fears that McGrath had been attempting to corrupt them, although none of them had, to my knowledge, been corrupted in the sense of becoming homosexuals.

McGrath appeared to be able to exert a strong influence over these young men. I felt that he was using sex to brainwash them into his political ideas. I was convinced that this was very dangerous and it seemed obvious that if I did nothing to stop McGrath, his tentacles which through Tara and his religious activities — were in every Northern Ireland county, would be tightened. I felt that no matter what one's political views, this situation was fraught with great potential for evil.

your own head now'

I approached Rev Martin Smyth in 1971 despite knowing that he had been earlier approached by another Orangeman. I thought that with greater knowledge of McGrath's sexual and political activities something might be achieved. I also thought that McGrath's job in the boys' home, which he had taken up in 1971, as a new element. Smyth told me that he knew about McGrath and promised to do something about McGrath's position. At that stage I wondered McGrath was using his position in Kincora to recruit young men to his political ideals.

Shake hands'

I also approached some other Orangemen in 1971/2 and covered that they also knew of McGrath's activities. One of these told me to forget about it and 'shake hands' with McGrath. A leading Belfast Orangeman expressed some disbelief and was willing to be persuaded. I felt I was becoming an outcast in the Orange Order because of my position to McGrath. I left the Order in 1972.

Also in 1971 I had twice tried to see Rev Ian Paisley at his home. On one occasion I was accompanied by a friend and left an anonymous message and my phone number with Mrs Paisley. I then called David Browne, an associate of Paisley, who promised to convey the information to Paisley. After two more attempts to contact Paisley at his church, by which time I decided that Paisley did wish to know anything more about McGrath. This was confirmed in January, 1974, when I saw Paisley at his church. He then told me that he did not want to know about McGrath, but if I was prepared to meet a leading figure in his DUP who was an associate of McGrath's, I would, but he failed to arrange a meeting. There was never any question of asking me to meet McGrath.

I received a written threat on November 25th, 1971, which said: 'Blood is on your own head finally, and I believe the threat was real. I believe that it was the Shankill Road Loyalist who saved my life.'

no witnesses

In 1972 or early 1973 I was if I was prepared to talk to a 'Christian' policeman Donegall Pass RUC station. I was able to provide two witnesses who told this Christian

policeman about McGrath's homosexual activities. On a number of occasions in the mid and late 1970s I met this policeman and at times he came to my home. I urged that action be taken. He said that the information I had provided was out of date and he needed up-to-date evidence. I suggested raiding McGrath's home in the Newtownards Road and questioning the boys at Kincora. It was not until 1980 that steps were taken to question the boys who had been at the home.

The Rev Ian Paisley's version of what took place at his meeting with me, in January 1974, was highly inaccurate, but he was not by any means the only one to have done nothing. However, he was in a much better position to take action than many others. Some of the young men McGrath tried to corrupt do not appear to have suffered in the slightest from their experiences. The lives of some others have, it seems, been twisted and ruined.

In conclusion, I would briefly like to attempt to set the events referred to in an even wider context. When I became a member of the Orange Order and the Unionist Party in the 1960s, I found that there was little sympathy with extreme ideas. This lack of militancy was interpreted by some working-class Loyalists as a weakness and we began to seek to encourage a more militant attitude in Loyalist circles. I found that even on the Shankill Road this was not easy — few people had sympathy with the extreme right wing.

Uncertainty

I believe that this situation changed because great uncertainty and insecurity was generated by a number of factors. The Civil Rights movement was not seen by Loyalists in general as a genuine movement but as a front for IRA propaganda. The Unionist Government, which was attempting to push through much-needed reforms, was not communicating effectively with rank-and-file Loyalists. Their position was also being undermined by three factors: Firstly, the Westminster Government, instead of creating feelings of confidence in the future, was creating feelings of insecurity in the way it appeared to force the Stormont Government into subservience. Secondly, the speeches and activities of the



Working on the vegetation in pastoral service.

Republic's Government Ministers was having a similar effect and it did not help to learn that in September 1969 some of the Republic's military intelligence officers were in direct contact with members of the IRA Army Council, apparently with the full knowledge and consent of some members of the Government.

Thirdly, the position of Unionist and Orange leaders was made extremely difficult because of the vociferous campaign being waged by Ian Paisley. These three factors made it possible for Tara to gain considerable influence within Loyalism. The process was similar to that of the rise of Nazism in Germany and of course the whole situation encouraged the rise of the Provisional IRA, leading to an almost intractable situation.

Despite all these factors I have

that members of both communities have sought to maintain Christian attitudes and neighbourly relationships. Orange leaders, often at considerable risk to themselves, sought to calm the tide of Loyalist anger and frustration which at times threatened to break out into vicious conflict. Evangelical pastors in the midst of all this continued to seek to inculcate Christian values. I have found that people of all shades of Loyalist and Nationalist opinion are prepared to be flexible in their approach to the future. I have made firm friends in all sections — including even some British Israelites. I believe that the future in Ulster holds great potential and, given a decline in Provisional violence, the future of Ulster could yet be bright for all of us. It is to this end that I have written

STATEMENT OF WITNESS

STATEMENT OF: GEORGE CASKEYAGE OF WITNESS (if over 21 enter "over 21"): OVER 21OCCUPATION OF WITNESS: DETECTIVE SUPERINTENDENTADDRESS: RUC HEADQUARTERS, KNOCK

I declare that this statement consisting of 6 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 23 day of April 1982.

SIGNATURE OF MEMBER by whom
statement was recorded or received.

G. Caskey
SIGNATURE OF WITNESS

On 12 April 1982 at 9.40 am Detective Sergeant Elliott and myself interviewed Roy Garland at RUC Headquarters, Knock. I explained to Mr Garland the purpose of the interview. He had brought along with him the proofs of an article which was to be published in the Irish Times starting on 13 April 1982. He handed a photocopy of the proofs to me. I told him I was in possession of a typed document which was exhibited EGM9 which I believed was the record of an interview he gave to Irish Times Reporters, Ed Moloney and Andrew Pollok. He was surprised that I had the document and appeared upset. He said that he did not see the reporters together but had talked to both of them. I said I was going to go through the document with him and he agreed to co-operate. In relation to Cullen, RUC man at Donegall Pass, it was not as early as 1971 and it was not right to say that Cullen was not interested. Mr Garland said he did not speak to the Inspector and was not keen to speak to Cullen's boss. It was not fair to say that Cullen was a Paisleyite. He first met Cullen in Jim McCormick's home and had several meetings with him. With reference to David Browne, Alan Campbell and John McKeague, Garland said that he did not tell the reporters that McKeague and Browne had been charged but he did say about Campbell. He did not know that it was a Bawnmore Boy who had been assaulted. He was told by Campbell that William McGrath had brought him to his house to discuss the case. It was only hearsay on his part that Paisley got Campbell off. He did not know who told him. He

SIGNATURE OF WITNESS: G. Caskey

TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

Form 38/36
(Plain)

STATEMENT CONTINUATION PAGE

STATEMENT OF: GEORGE CASKEY CONTINUATION PAGE NO: 2

emphasised that it was only hearsay and said this 3 times. Mr Garland said that he met Harry McIlroy twice. McIlroy knew McGrath and McIlroy was keen in Dunmurry Young Unionists. In the winter of 1971/72 he was doing a 'O' Level Thesis and went to McIlroy's house to discuss it. McIlroy closed the door on his face saying "I'll phone you, I'm in a hurry". With reference to John Malone, Mr Garland said "John Malone I believe is dead". He lived in Belmont Park and was ex headmaster of Orangefield Secondary School. McGrath thought Malone was a good man, he had taught McGrath's son. Garland said that he told Malone about McGrath being in Kincora. He said that Malone seemed to know what he was talking about. Malone said to him "It might be part of the treatment". Mr Garland did not know what he meant but did not think it was in the homosexual context. When Mr Garland told Jim McCormick, McCormick said that he would have something done about it, and put Garland in touch with Detective Constable Cullen. (First paragraph - page 2 - EGM9).

UDR Captain N told Garland that he had been to Paisley in 1971 to tell him about McGrath. UDR Captain N gave Paisley 4 names but Garland did not know these. McGrath was not in Kincora at that time. Garland said that UDR Captain N was scared stiff 12 years ago, UDR Captain N thought he was in danger. Garland did not tell the reporters anything about Orange Volunteers. He did tell them about political and paramilitary organisations. (The 20/1/82 refers) - In August and September 1971 Garland tried to see Paisley twice. He was accompanied by a Tara Officer named George McCoubrey of [REDACTED] Road, Ballynahinch. He did not see Dr Paisley. He did confide in McCoubrey. McGrath was in Kincora at that time and it was about Kincora he was going to see Paisley. He made 2 more attempts after that to see Paisley and he thinks he saw James Heyburn. Garland told David Browne, Editor of the Protestant Telegraph about McGrath. This was in the presence of McCoubrey and Browne's reaction was strange. Browne stayed an hour with them.

SIGNATURE of STATEMENT MAKER: *G. Caskey*

STATEMENT CONTINUATION PAGE

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Garland said that he had a list of names of people he went to see about McGrath. He promised to give the police this list. He said it was at his home. Garland gave the following names - UDR Captain N, Clifford Smyth, Rev Martin Smyth, Ian Paisley, John Malone, Rev Acheson, Rev John Lockington (Rathfriland), Rev Brian Kennoway, Rev John Morrow, Rev Sidney Callaghan, Rev Tom Shaw (Abbots Cross) Rev Fergus Bell, Free Methodist Church, Park Avenue, Valerie Shaw, James Cullen (Constable RUC), Dr Glasgow (McGrath's Doctor), Belfast Telegraph - anonymous call in 1972, Joe Reid No 3 District Orange Order, Thomas Passmore (Orange Grandmaster). Garland was not sure to whom he said that he linked McGrath to Kincora. He saw the Rev Morrow and Rev Callaghan in the context of lost faith in the evangelical sense. He told Rev Shaw about Kincora. He was not sure that he told Dr Paisley about Kincora but he did say to him, "I'm giving you information, what you do about it is your business". He also rang the police on the confidential phone and parts of the message he has already seen from Mr Harrison and Mr Flenley he identified. He rang Social Services, Holywood Road, anonymously. He did not see Paisley until 1974 which was arranged by Valerie Shaw. Garland was never with UDR Captain N and Dr Paisley. Garland thought that McGrath was recruiting boys to his political ideals. He did not say to the journalist anything about the Malvern Street Murders but he said it was to the UVF that Paisley was linked. It was only hearsay that Martin Smyth had complaints from his parishioners. Valerie Shaw told him about the two ladies in the Free Presbyterian Bookshop. Garland refused to reveal their names saying that we should ask Valerie Shaw. (Page 3 - EGM9) Garland said he did not contribute to the Sunday News Article of 24/3/74. He still has the document - an agreement - for printing equipment. (21/1/82) - He was not sure if James Molyneaux attended the meeting in Portadown in 1969.

SIGNATURE of STATEMENT MAKER: *George Caskey*

STATEMENT CONTINUATION PAGE

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Garland would not go as far as to say that Mr Molyneaux was there. Garland said that it was not **KIN 346** but **KIN 347** (Former Deputy Lord Mayor, Belfast) who arranged arms sales to Tara. **KIN 347** is now dead. Around 1971, but he couldn't be sure, he and **KIN 347** went to a shop on Beersbridge Road. It was the first shop past the Post Office at the bottom of Castlereagh Road. He thinks it was called "Elizabeths". He said that he was only going along with **KIN 347** and they saw a man in the shop. He doesn't know him because he stayed outside. He said he wasn't aware of the transaction or if it ever took place. At this point I advised Garland that he should now be careful what he had to say as it appeared he was involving himself in what may be a crime. Garland was quite taken back at this and suggested that perhaps he should consult a solicitor before saying anything more about this. Garland said that he was only trying to be helpful but now we were putting a different slant on it. Valerie Shaw told him about the "Johnston thing". Reid did not tell him. (26/1/82) - He was shown a picture but could not say if it was Whiteside. He could not say if Whiteside was a homosexual. This was only hearsay from Nora Hume, who knows Campbell and Whiteside. Hume was Campbell's girlfriend. (Page 4 - EGM9) - Garland said that he might have told the reporters that it was a Kincora boy involved with Campbell. McGrath told him that he had brought Campbell to his home. Campbell denied to Garland that he was a homosexual but that McGrath had talked to Campbell. It was put to Garland by Joe Carroll of the Sunday Tribune and Chris Moore of the BBC that there was another Tara Trial. Garland said that he met James Molyneaux in McGrath's home and it was a political meeting. He said we should see **UDR Captain N** about this. It was Valerie Shaw who may have told him about McGrath and Clifford Smyth asking for references.

SIGNATURE of STATEMENT MAKER: 

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Detective Constable Cullen told him that McGrath and Smyth went to Holland and a policeman followed them over. He told the reporters that Clifford Smyth wrote for the "Covenant Message" a religious paper which was South African connected. Garland thought that McGrath was connected with British Intelligence. Garland said that he met Robert McFarland in the Young Unionists. There was a rumour that he was a homosexual. He heard from the reporters that McFarland was close to Frank Millar, McGrath's son-in-law. This was all hearsay to the point of rumour. It was speculation that James Molyneaux and Thomas Passmore were connected with Tara. (Page 5 - EGM9) - Garland said that the soldier was a Christian who was introduced to him by Jim McCormick. The soldier was interested in McGrath but not in the homosexual context which annoyed Garland. Garland wanted to see the soldier about Kincora but he wasn't interested. The soldier was also interested in a fellow called Hogg who had a loose connection with McGrath. Garland said Hogg was a decent fellow. Garland said that he did not know the name of the senior member of Tara who came to see him to warn him that it had been decided to kill Garland. This visit took place recently. The member called at his home to tell him of the danger he had been in in the early seventies. The member did not know if any arms came in. The member said he had no part in it. Garland refused to name the man. I put it to Garland that as he had been a member of Tara himself he must know the man. Garland became reluctant to talk about this matter. He said that this member might come forward voluntarily. Garland expressed concern about the way the interview was going and that we were treating him more as a suspect. He said that the Sussex Police had got him to explain further about McGrath and himself than what he would have liked. When asked to explain that, Garland said they got him to put in his statement to them that McGrath had touched him on his privates.

SIGNATURE of STATEMENT MAKER:

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He would have preferred not to have this matter discussed in depth. He said that he would like a solicitor's advice on some of the points raised at this interview and agreed to see us again when he had seen a solicitor. I put it to Garland that I believed that he was in a position at one time where firearms were on show. He said that this happened at a meeting he attended some years ago. He could not remember where it was in the Belfast area or the exact time. One revolver or pistol was being passed around. He did not know who owned it nor did he know who held the meeting. He did not handle the weapon. The interview ended at 1.00 pm. On 14 April 1982 I telephoned Mr Garland to his home and requested a further meeting with him. Mr Garland said he felt that he was being unfairly treated by the police in pressing him to answer all those questions. He also said, "I am not prepared to pursue the matter any further, in view of all the danger to my wife and children. I think I have co-operated to the best of my ability. I'll make sure that I have a solicitor when you come round". I told Mr Garland to think seriously about the questions raised and to get in touch with a solicitor if he felt he should. He said that he had been in touch with Mr Robert McCartney QC who advised him not to answer any further questions to the police. I told Mr Garland that it may be necessary for me to see him again and he replied that it was up to me to make the next move.

SIGNATURE of STATEMENT MAKER: A. Caskey

5th December 1984

I, Roy Garland, make this statement in response to a letter from the Committee of Inquiry into Children's Homes and Hostels dated 27th November 1984. The letter stated that the Committee wished to afford me "the opportunity of commenting on Det. Sen. Bullen's evidence" and on "an approach made to Dr. Paisley" by myself.

My first attempt to contact Dr. Paisley regarding Mr. William McGrath and his position at Kincora and elsewhere, took place about September 1971. I had had suspicions about Mr. McGrath but only came to a full realisation of the danger that he represented after receiving information from a number of acquaintances of his and having that confirmed by **UDR Captain N** **UDR Captain N** had known about Mr. McGrath's activities but had not known about his position at Kincora before this. He had already passed on some of this to Dr. Paisley.

My concern, at this time, was not simply that the man was homosexual but that he had developed a fairly complex and coherent set of rationalizations to justify his activities. He used psychological jargon and taught that physical relations between members of the same sex were essential in a balanced life. Anyone who rejected his approaches and ideas tended to be regarded as "disturbed" or "unbalanced". I quickly realized that young people at Kincora were very vulnerable to this type

of approach. I also felt that his well known religious and political standing made him very plausible.

I knew that there had been a number of contacts between Mr. McGrath and Dr Paisley and that close links existed between the various organisations. I therefore felt duty bound to inform ^{Dr Paisley} him of the situation. I expected that this would result in immediate decisive action. I called at Dr. Paisley's home and spoke to Mrs. Eileen Paisley who said that he was not at home. I told her that the matter was very urgent and left my telephone number. When it became obvious that Dr. Paisley would not phone I contacted Mrs. Paisley by phone but again he was not at home. After a discussion about this with Mr. George McBourey, who thought that it was vital that Dr. Paisley knew about the situation, we again visited Dr. Paisley's home. Again Dr. Paisley was out.

I phoned the church on the Rovenhill Road and spoke to Mr. Jim Heyburn, Dr. Paisley's General Secretary who was known to me personally. He said that I had telephoned at a bad time and advised me to phone on some Sunday after evening service as Dr. Paisley was always available then. I tried this some time later and again spoke to Mr. Heyburn who said that he would get Dr. Paisley. However he returned to the phone to say that Dr. Paisley was very busy. He advised me to go to the church myself but I decided against this.

As a last attempt I spoke to Mr. David Browne, deputy editor of the Protestant Telegraph and Manager of the Puritan Printing Company. I stressed the importance of passing on the information to Dr. Paisley. He seemed shaken but said that he would do this. Some weeks later I phoned him to ask if he had spoken about the matter to Dr. Paisley. In the middle of the conversation he suddenly said he would phone me again and put down the receiver. I never heard from him again.

Mr. M^c Bourey and I then contacted Mr. Jim M^c Cormick, a well known evangelical speaker in Northern Ireland. Some time after this he introduced me to Det. Ron Bullen, Miss Valerie Shaw and some other people. ~~It was in 1972 or not later than 1973 that I met Mr. Bullen.~~ It was in 1972 or not later than 1973 that I met Mr. Bullen. He told me that he had heard similar stories about Mr. M^c Graft but whereas previously he had not believed them, now he did. He promised to investigate but I warned him that I was in grave danger and that his fellow police officers must not be given access to the details as Mr. M^c Graft had a contact at his station. He promised to deal directly with a senior officer and asked if I could get witnesses. He accompanied me on a visit to UDR Captain N who provided further information. A young man also spoke in detail about Mr. M^c Graft's approaches. I met Mr. Bullen on a number of occasions in the mid and late 1970s and

I recall phoning him at least once to ask if anything was being done. He said that he could not provide details but had learned that another person was suspected at the boys home. About this time I also learned from Mr. Mc Cormick, who seemed to have an independent source of information about Kincora, that three homosexuals were employed at the home. Det. Bob Bullen discussed the situation at Kincora and what might be possible. He also told me that when Mr. McGrath and friends visited Holland in 1974 that a policeman had followed in the same plane. I had given details of this proposed trip to Mr. Bullen after receiving information about it from England.

On one occasion in 1973 Mr. Mc Cormick said that he was now in a position to get to the heart of the Free Presbyterian Church as he had made contact with a leading figure, Miss Valerie Shaw. I agreed to talk to her and provided information which she said would be passed on to Dr. Paisley. I told her that in view of my previous experience I was doubtful of his response. I asked to speak directly to Dr. Paisley and I believe that it was at the beginning of November 1973 that I forwarded some letters to Dr. Paisley through Miss Shaw. This was just before a service in John Knox Memorial Free Presbyterian Church on the 5th November 1973 at which Mr. McGrath was to take a leading part. Dr. Paisley kept the letters

for many weeks and I recall speaking to Det. Bon Bullen about this. Dr. Paisley did eventually agree to meet me on the 11th January 1974.

I decided that the best course was simply to present the facts in detail and leave Dr. Paisley to take whichever steps he thought appropriate. After arriving at the office I was quickly deflated by Dr. Paisley's remark that he did not wish to know about Mr. McGrath. Despite this I tried to ensure that he was in no doubt about the situation. He paced up and down the room as we talked. He said that he was concerned about a member of his church who was also a colleague of Mr. McGrath. I said that this man, like myself, had been innocently caught up in a situation which he did not fully understand. I made it clear that my intention was to deal and not to hurl. He asked if I was prepared to face this man to help ^{him} disentangle himself from the situation. I agreed to do this and Dr. Paisley said that he would phone me to arrange a date. He never made that phone call. The meeting was very short and ~~as I had not said all that I had intended~~ I left feeling very uneasy.

I next heard from Dr. Paisley through the Belfast Telegraph in the first week of February. As a result of Dr. Paisley's press conference on 26th January 1982 I felt impelled to issue a statement to refute some inaccuracies in what he had said about Miss Valerie Shaw and myself. He challenged¹⁹

me to meet him and I agreed. He later laid down the condition that my name be made public. I rejected this and later he issued a series of warnings about the consequences which could follow if I persisted in issuing the statement.

I took a number of other steps in the early and mid 1970s including an anonymous phone call to social workers at the Hollywood Road office. I was assured by the man who answered the call that an investigation would be carried out. I felt that the matter was being treated seriously. I believe that it was at an earlier stage that I telephoned the Police on the Confidential line to express my fears about Kincora. I took a number of other steps ^{eg. I spoke to the Rev. Martin Smyth, about the situation.} and although I was told that Mr. McGrath was not in a position to help ~~boys~~ ^{at the time}, I was not reassured. I eventually came to the conclusion that nothing could or would be done.

Ray Garland,

18 DEC 1984

9/12

13 18 December 1984

Dear Mr. Quinn,

Having considered the information which you provided with your letter dated the 10th of this month I have concluded that the phone call received by Mr. Mc Kay was not that made by me.

I have no record of the date but am convinced that my call was not made in January 1974. I believe that my phone call was made in 1972 or early 1973. The details provided by Mr. Mc Kay do not coincide with the information which I provided. I did not indicate that I knew that "improper behaviour" had taken place but only that this was likely because of Mr. McGrath's past. I also distinctly recall giving details of the reasons why I believed that Mr. McGrath was able to continue with his activities i.e. because of his loyalist and paramilitary connections.

Yours sincerely

Ray Garland

A Division Donegall Pass Sub-Division
 CID Drugs Squad Station/Branch Date
 SUBJECT INTELLIGENCE LOG. WILLIAM MC GRATH

(1). Intelligence of an unconfirmed relating to
 William Mc Grath, 50/60 yrs., 188 Upper Newtownards
 Road, Belfast, and other people who have been
 To: ACC. Meharg associated in some measure with subject.
 Crime Branch

2. Following my appointment with you Sir on the 2 March 1974 at your office I have made further enquiries relating to William McGRATH, 50/60 years (date of birth available later), 188 Upper Newtownards Road, Belfast.
2. McGRATH is presently a warden in the 'Kincora Boys Hostel' owned by the Belfast Corporation at 236 Upper Newtownards Road, Belfast. The Resident Superintendent of the hostel is a Mr Joseph MAYNES.
3. Subject is self styled lay preacher who, when my informant first met him, was holding meetings advertised as 'Campaigns of Challenge to Christians to dedicate their lives'. These occurred around 1955.
4. He also had close connections with the Young Peoples' Christian Fellowship, 269 Antrim Road, Belfast (Faith House) which later moved to premises known as Faith House, Orpen Park, Finaghy, Belfast. Subject left there in 1960. He was reputed to have stated that the had guaranteed a loan for Faith House.
5. An organisation known as the Christian Fellowship Centre and Irish Emancipation Crusade was formed in 1941. McGRATH was the General Secretary of that organisation. This body is still in existence but has now dropped the word 'Centre' from its title.
6. After leaving Finaghy in 1960 McGRATH bought a house at 15 Wellington Park, Belfast, which was used as a headquarters for the above organisation. (Tel. No. 669018). This telephone number no longer has any connection with McGRATH. He is reputed to have said that he bought these premises for £2500 and sold them in 1967 for £12 500.
7. His next residence was at 4 Greenwood Avenue, Upper Newtownards Road, Belfast. The purchase price of the house was said to be £5500 and it was later sold for £6000. This occurred about the beginning of 1972. The sale was compulsory to pay off debt to my informant. The record appeared in the Commercial Gazette, Northern Ireland dated the 21 February 1972. It may be noted that his occupation stated in that publication is a Welfare Officer. I understand he likes to create this impression.

THERE WERE two strands of Protestant tradition on the Shankill Road where I was born. One was a colourful and exciting "Kick the Pope" element which merged into a respectable Orangeism. The other was a fundamentalist Protestantism which regarded Orangeism as ungodly. One of William McGrath's objectives was to unite these two strands of Ulster Protestantism.

My father's family had a long history of Orange associations but both my parents were "saved" in the spring of 1928. As a result my father transferred to a "Christian" Lodge which only admitted "saved" men. Eventually he left the order and devoted his spare time to the work of a mission on the Shankill in which he became an associate pastor. I was "saved" at a mission conducted by my father's lodge in 1948 at the age of seven. However after pinching fruit from shops and raiding the Shankill Graveyard for wood for bonfire night I decided that I had "backslidden." At a religious crusade in the King's Hall in Belfast in 1955 I decided, not only to "come back to the Lord" but to dedicate my life to His service.

A few months after this I heard William McGrath speak at a meeting in the mission hall. I can distinctly remember the feeling that there was something about this man I didn't like, but what he had to say did impress me. He showed slides of his work and told about Faith House in Finaghy, South Belfast, which he said had been bought with money supplied by the Lord's people through "Faith." His message was basically that the "ancient" Protestant faith was dying out even in Ulster and that we were heading towards a great crisis during which the streets would flow with blood. His slides depicted superstitious Catholics benighted by the "foreign and cruel system of Romanism" climbing Croagh Patrick on bare feet. These same Catholics were in danger of becoming Communists if they were not evangelised, he said, and it was part of his calling to recruit young people to face this challenge. To demonstrate the meaning of Communism he told of

a Communist who named one of his dogs "Jesus" and the other "Christ". Nothing further needed to be said.

McGrath later invited me to visit Faith House, and on a cold, dark November night at the age of 15 I made my way to Finaghy, surprised that a missionary should show an interest in me. I found a notice board at the end of a lane

and the dissipation of emotional energy which should be devoted to God.

He asked me to return in a month or so and after some initial doubt I returned. He continued to talk about politics and sex but always in the context of Christian service. While he condemned homosexual relationships he told me that a balanced individual must

eventually start college life at a place near Windsor in England in September 1960. The experience of college life was refreshing and liberating. I felt a growing sense of the presence of God in my life. This was weakened somewhat as the old Ulster suspicion began to assert itself. McGrath thought that the teaching of the college was not as fundamentalist as it should be.

complete some "political" business which he could not discuss with me. I was left reading "The Devil Rides Out" by Denis Wheatley. McGrath said that this was a true story which had taken place in the area of the college.

Later he seemed perturbed about his children and asked me to promise that if anything hap-

I feel compelled to write these three articles for two reasons. Firstly I feel that it is necessary to set my actions in a wider context, because of misrepresentations. Secondly and more importantly I hope that fellow Ulster Protestants may be encouraged to realise that we have been manipulated by forces which had infiltrated our loyalist organisations and which are foreign to all that is best in our traditions. I believe that these forces are on the wane but the price of liberty has always been eternal vigilance.

It seems to me that these forces have, up until now, succeeded, with the help of the Provisional IRA campaign to destroy all attempts to achieve a settlement of the conflict. We desperately need new stable structures of government which would enable all Ulster people to participate in decision making and construct their own future. It is my hope that these articles may contribute in some small way towards this objective. It goes almost without saying that any progress along these lines depends upon the ending of the destructive and vicious campaign of the Provisional IRA.

ROY GARLAND tells his own story

in Orpen Park and was able to make out the words "Faith House."

McGrath told me that I had great potential for God's work. He was concerned that so many young people were prepared to settle for less than their best for God — unhealthy attitudes about sex were often the cause. He said that single people could serve God better than married people, although he was married himself.

He said that his "fellowship" at Faith House was following the ancient Celtic tradition in a kind of monastic set-up. Most of the men at Faith House had outside jobs and pooled their wages to be used for the salvation of Ireland. He was full-time secretary of the "Christian Fellowship Centre and Irish Emancipation Crusade." One problem was that men tended to leave after being married.

Touched me

At one point in the discussion he touched me on the leg and asked me what this meant to me. I was shocked and replied that it meant nothing. He touched me again and I responded similarly. Possibly realising my shock he stated that I must never permit anyone to touch me. I assumed that this was some kind of test, and he went on to talk about the very high standards which were required of young people in relation to sex. Even holding a girl's hand was to be discouraged as it could lead to sexual arousal in the

have a close relationship with a member of his own sex. He said that David and Jonathan, Jesus and John, the beloved disciple, had close friendships which had a physical side to them. He quoted the verse of a hymn: "Touched by a loving hand, wakened by kindness, chords that were broken will vibrate once more." I thought about this and then accused him of being a homosexual, though I didn't quite know what this meant. At this point he introduced me to his wife and family and this calmed my fears.

All talents

I had left school at the age of 14 the previous summer and had a great desire for learning which had been denied to me at school. McGrath loaned me books on various topics. One of these was to have a tremendous impact on my life. This was "One Hundred Per Cent for God," by A London Journalist. The basic message was that a Christian must present not just his abilities to God but his potential abilities as well. It was the Christian's duty to seek to develop all his talents. I began to read widely and in this sense felt that I was getting a lot from McGrath's teaching.

I became restless in the later 1950s and thought of joining the Army. McGrath suggested the Bible College. I had always had a desire to become a missionary and

Around this time McGrath loaned me a book entitled "The Secret History of the Oxford Movement," by Walter Walsh, published in 1899. The book gave evidence to suggest that some Protestant ministers had secretly become Roman Catholics. They were using very devious means to win over the support of other Protestants. They would even condemn Popery with the objective of gaining the confidence of Protestants, who would then be led into Rome.

Jesuits everywhere

McGrath and his friends believed that Jesuits were everywhere infiltrating Protestant churches, and he even quoted cases in which IRA men professed conversion to gain information. The interesting thing about all this is that the devious methods which men like McGrath ascribed to Jesuits were, it seems, being used by themselves. Coincidentally it was common knowledge at Faith House, Finaghy, in the 1950s that IRA men, supposedly converted, stayed at McGrath's home — at least one slept with a gun under his pillow.

In January 1961 McGrath carried out a campaign in mission halls and churches in England. He asked me to meet him at the Foreign Missions Club in London.

This was a strange and eerie meeting during which he left me to

pened to him I would care for them.

The effect of that meeting was such that I wrote to him saying that I thought that he was an evil man and that I did not wish to have any further contact with him. He replied that the Devil was seeking to destroy our "friendship" because it had great potential for God. This was one of the letters which I showed to Ian Paisley in 1974 to try to convince him that McGrath was a sinister man. But the effect of McGrath's reply was to make me feel very unkind and I apologised.

In September 1962 my father died of cancer. McGrath had often spoke of the way a lack of money had hindered the Lord's work in Ireland. He suggested that I should carry on with my father's small business which could help finance the Lord's work. I did not return to college and instead tried to build up the business while helping in the distribution of religious tracts prepared by McGrath.

British Israelites

In 1964 McGrath called a group of young men, whom I had never met before, to a meeting in his home. The objective was to discuss ways of bringing a "Christian" influence to bear on the political situation in general, and the Orange Order in particular. All present at the meeting except myself were British Israelites.

to "provide" the "needed" leadership. By joining the order he gained an opportunity to spread his message to men who were already prepared for it by their membership of the order, because part of the Orange tradition was a defence of Protestant ascendancy — a basic part of McGrath's beliefs.

McGrath's message to Orange Lodge meetings even in the early 60s was that only the gun could save Ulster. In 1965 I was invited by McGrath to become a member of "Cell," a private ginger group of Orangemen chaired by the Church of Ireland minister. Members of District, County and Grand Orange Lodges took part. The objective seemed to be to encourage leadership in Orangeism, but when McGrath found that the chairman regarded the Catholic Church as Christian he was very unhappy.

'Act of Dedication'

In November 1966 the name of the group was changed to Tara and McGrath became chairman. An illustration of the growing influence of McGrath in Orangeism was the fact that an "Act of Dedication" written by him was read in the Boyne Anniversary Service of Nos 2 and 3 Belfast District Lodges in the Presbyterian Church's Assembly Hall in Belfast on July 10th 1966. It stated "the final battle with our ancient foe still lies before us", our "ancient foe" being Romanism.

Romanism, McGrath stated, was an evil system which could not improve, and was seeking to take over the government of the whole world. Every priest and nun was "an agent of that government" and they "move as one army in accordance with the orders from the Vatican." McGrath and the other British Israelites spoke at times of the "Protocols of the Learned Elders of Zion," an acknowledged forgery pretending to be a Jewish plan for world domination. While others saw this as evidence of a genuine Jewish plot, McGrath believed that it was really a Jesuit plot. This was one of the books used by the Nazis to justify their persecution of the Jews.

Tomorrow: McGrath transforms Tara into a paramilitary

By Belfast Telegraph Reporters

A HEAD-ON CONFLICT came to light today between the Rev. Ian Paisley and Mr. X, the man he referred to at a Press conference 10 days ago in controversy over the background to the Kincora scandal.

Mr. X broke his silence with a detailed statement volunteered to this newspaper, giving his version of events.

In the statement Mr. X claimed that he had never been asked by Mr. Paisley to confront Mr. William McGrath with allegations of homosexuality.

McGrath, a former house father at Kincora boys' home, was jailed last December for sexual offences against boys in care.

According to Mr. X, Mr. Paisley, at a meeting in January, 1974, "did not wish to know about Mr. McGrath", but only about a Church member who was linked with McGrath. Mr. X said he had been asked by Mr. Paisley to confront this Church member and had agreed, but such a meeting never took place.

Mr. Paisley, at a Press conference on January 26, last, claimed that Mr. X had been unwilling to meet McGrath: "He said on no account would he be prepared to face Mr. McGrath."

Recalling his course of action, Mr. Paisley told journalists he had informed McGrath, then a leading member of Ireland's Heritage Orange Lodge, that he (McGrath) would not be welcome in any pulpit of the Free Presbyterian Church.

Explained

But Mr. Paisley explained that he had not gone to the police to convey suspicions about McGrath's homosexuality "because I had no evidence because Mr. X would not stand. I am saying that if Mr. X had stood over what he said I certainly would have gone

to the police with Mr. X."

When we approached Mr. Paisley this week about Mr. X's statement and claims, Mr. Paisley replied that he had nothing to add to what he had said at the Press Conference. He stood over it absolutely; he had asked Mr. X to face McGrath, but Mr. X refused.

Mr. X said he approached the Belfast Telegraph with a statement, as he felt he must make public his version of what had happened at his interview with Mr. Paisley in January, 1974. Friends who could identify him might assume that Mr. Paisley's account was correct if he made no response.

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

Suspicions

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

It was in 1971 that he first attempted to convey his suspicions to Mr. Paisley. The reason why he thought of Mr. Paisley was that he had met him previously with McGrath.

On the first occasion he tried to make contact Mr. Paisley was not at home; he tried again and spoke to Mrs. Paisley, leaving "an

urgent message and a telephone number". Mr. Paisley did not telephone him back.

Mr. X said that he then contacted the Rev. Martin Smyth. His recollection was that this was in August, 1971, and that he had not mentioned Kincora, but had mentioned that McGrath worked in a boys' home.

"I continued to warn a number of religious and other influential people in the community," said Mr. X. "One of these asked me to meet Miss Valerie Shaw, a leading member of Mr. Paisley's church."

Miss Shaw, to whom he provided details about McGrath and mentioned his suspicions about McGrath's job in a boys' home, in turn asked him to meet Mr. Paisley, and he agreed.

Mr. X said: "To ensure that my story would be believed I sought out some old letters which illustrated some of Mr. McGrath's activities and methods and passed these on to be forwarded to Mr. Paisley."

This happened some days before November 4, 1973, when McGrath was due to take part in a service in the John Knox Memorial Free Presbyterian Church. Mr. Paisley did not meet Mr. X at that time.

Anxious

Mr. X said he became increasingly anxious as time went by.

He said: "I felt that if these letters got into the wrong hands they could be misinterpreted. I asked Miss Shaw on a number of occasions about the letters and had given up all hope when Mr. Paisley agreed to meet me on January 11, 1974.

"I was greatly relieved at this news and prepared to present Mr. Paisley with a lot of information about Mr. McGrath. I decided that it was not my responsibility to press him to take any particular action but simply to present the facts as I knew them."

Mr. X continued: "At the meeting Mr. Paisley returned the letters stating that he had not retained any copies. To my amazement he then informed me that he did not wish to know about Mr. McGrath but only about one of the members of the Church who was linked with Mr. McGrath."

"I told him all that I knew about this person and stated that I believed that he was as much a victim of Mr. McGrath as the others. He asked me to confront this member and I agreed although I pointed out that I had already done so with no satisfactory result. This meeting never took place."

Continued on Page 4.

*Belfast
Telegraph
5/2/82*

5/2/82 Belfast Telegraph

4 Belfast Telegraph, Friday, February 5, 1982

Mr. X speaks out on Paisley claim

Continued from Page 1.

Mr. X declared: "I was never asked to meet Mr. McGrath by Mr. Paisley. I never said that I had been corrupted by Mr. McGrath, nor have I been." (Mr. X added that he accepted an attempt had been made to corrupt him).

Anonymously

Mr. X said shortly afterwards he spoke to the police when asked to do so by a friend of Miss Shaw. He had also contacted the welfare authorities — anonymously — about Kincora.

Mr. X said he was prepared to give evidence to the inquiry being conducted by Mr. Stephen McGonagle, but wished his anonymity to be preserved.

Mr. X approached us with his statement last Monday afternoon. It was not until 11 pm that a Telegraph journalist was able to contact Mr. Paisley who had been in London and then at a political meeting in Belfast.

When told that Mr. X had made a statement containing claims which were at variance with what Mr. Paisley had said at his Press conference, Mr. Paisley said he did not want to comment.

He said Mr. X was speaking from behind a cloak of anonymity; let him come and put whatever he had to say face to face. Mr. Paisley said he was prepared for Telegraph journalists to be present at such a meeting.

This was put to Mr. X on Tuesday and he agreed to a meeting in such circumstances.

Mr. Paisley was informed accordingly by us but then asked whether Mr. X wished to retain his anonymity. We confirmed that this was the case.

On Wednesday Mr. Paisley said that he was considering the situation

and would contact us the following day.

He did so and informed us yesterday (Thursday) that as Mr. X was not prepared to shed his cloak of anonymity he was not prepared to trade questions with him through the Telegraph.

Mr. Paisley said that he would meet Mr. X but only if he shed his anonymity. From Mr. X's position of anonymity an attack was being made on a public figure.

The truth about the matter, said Mr. Paisley, could not be established in this way. He wished to emphasise and reiterate that "this whole matter" could be properly investigated in a sworn public inquiry.

He had been calling for an inquiry of this status before there were any allegations from Miss Shaw or Mr. X and he was continuing to do so as it was "the only way."

Repeated

We said that in fairness we wished to put to him the substance of Mr. X's statement. Having done so, Mr. Paisley said that he had nothing to add to what he had said previously at his Press conference. He stood over it absolutely; Mr. X would not face McGrath.

Mr. Paisley said he had no recollection of a message being left for him by Mr. X in 1971. Had Mr. X been anxious, he wouldn't simply have left a telephone number and let the matter rest until 1974.

Mr. Paisley repeated that he had nothing to hide; had he had he would not have called a Press conference. Mr. X had come to him to talk about McGrath and he had asked Mr. X if he would

meet McGrath but Mr. X would not.

Mr. Paisley said that if Mr. X's claims were published, then he felt under no obligation to preserve Mr. X's anonymity.

Subsequently, we made this clear to Mr. X.

At his Press conference on January 26, Mr. Paisley said Valerie Shaw had shown him a letter written by McGrath to "Mr. X". The reason why he was not naming Mr. X was because the man was now happily married and had a family.

The letter, said Mr. Paisley, "had some under-tones of homosexuality about it."

Mr. Paisley said: "I said I would like to meet Mr. X and Mr. X came to the church and I met him. He said he had been corrupted by Mr. McGrath. I asked him would he face McGrath and he said certainly not."

Mr. Paisley said that Mr. X's refusal to confront McGrath put him in great difficulty. A serious accusation had been made about a person, who was going to take part in an Orange service in one of his churches and he was not in

a position to face him with evidence.

He consulted with his office-bearers and it was decided that he should meet McGrath, accompanied by his secretary. When this meeting took place he informed McGrath that he would not be welcome in any pulpit of the Free Presbyterian Church.

Earlier this week we contacted the Rev. Martin Smyth and put to him Mr. X's recollection that he had contacted Mr. Smyth in August, 1971, and that there had been no mention then of Kincora, but mention had been made that McGrath worked in a boys' home.

Mr. Smyth told us: "I am not even sure who Mr. X is, because nobody has mentioned his name and I have mentioned no names. It could be one of two people, but I suspect I know who it is."

"I question the recollection you have mentioned. I am sure that Kincora was not mentioned and, to the best of my recollection, there was no discussion at that time about McGrath being employed in a boys' home."

STATEMENT OF WITNESS

STATEMENT OF: MISS RITA JOHNSTONAGE OF WITNESS [if over 21 enter "over 21"]: "OVER 21"OCCUPATION OF WITNESS: DAY CENTRE ORGANISER, ST MARTIN'S DAY CENTREADDRESS: [REDACTED]TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

I declare that this statement consisting of 2 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 21st day of March 1980(Sgd) P J MontgomeryRita JohnstonSIGNATURE of MEMBER by whom
statement was recorded or received.

SIGNATURE of WITNESS

RE: INVESTIGATION INTO SCANDAL ABOUT KINCORA BOYS' HOME

About the end of October 1976, when attending an undenominational missionary prayer meeting held in a friend's home, Miss Valerie Shaw approached me about a client who was attending the woodwork class held in St Martin's Day Centre. The client's wife had been talking to Miss Shaw and mentioned that he was attending the Centre for rehabilitation following his discharge from Purdysburn Hospital. Miss Shaw asked me if I was aware that my client had attempted suicide and that he was bent on self destruction following his association with other men who were alleged to have homosexual tendencies. Miss Shaw stated that one of these men was in charge of a Boys' Home. I did not personally know the man she named and having no contact whatever with Kincora Boys' Home, I had no further interest in what seemed to be gossip about adults. At this time Miss Shaw seemed to be going round a number of people telling the story and saying that she was in possession of letters to substantiate her story. I did not see any letters and had no wish to read them. I felt that any groups of adults were responsible for their own actions and the matter was not my direct concern. I also felt that if Miss Shaw was seriously concerned about these matters she would report them

SIGNATURE of WITNESS: Rita Johnston

WRITTEN STATEMENT AFTER CAUTION

STATEMENT OF R 36

ADDRESS: [REDACTED]

OCCUPATION [REDACTED] AGE: [REDACTED] YEARS

TAKEN BY: D/CONST W McGLADDERY AT: HOLYWOOD ARCHES HEALTH CENTRE

ON: 24TH JUNE 1980 IN PRESENCE OF: D/SERGT B W GARDNER

I, R 36 : Wish to make a statement.
I want someone to write down what I say. I have been told that I need
not say anything unless I wish to do so and that whatever I say may be
given in evidence.

(Sgd) R 36
SIGNATURE OF STATEMENT MAKER

I lived with my parents at [REDACTED] until I was [REDACTED]
years old. I then left home and went to live with a man called Mr McGrath
at 25 Orpen Park, Finaghy. I had met Mr McGrath about 1948 at a religious
meeting in a building in Ann Street, Belfast. Mr McGrath was then living
at [REDACTED] religious [REDACTED]
at 269 Antrim Road, Belfast. I attended/meetings at Mr McGraths
house/for about one year. Mr McGrath then moved to 25 Orpen Park,
Finaghy. After I had known Mr McGrath for about 6 months he started to
discuss my sexual life. He asked me did I abuse myself and I took this
to be masturbation. I told him that I did and he suggested to me that

STATEMENT CONTINUATION PAGE

STATEMENT OF:

R36

CONTINUATION PAGE NO: 2

it was wrong to do this on my own in private and that he would assist me to masturbate. Mr McGrath and I used to have sexual relations regularly after this. They took place in a bedroom at 269 Antrim Road, Belfast. We used to both undress and masturbated each other. We used to push our private parts in between each others legs but we never penetrated each others rear passage. On some occasions Mr McGrath sucked my private parts but I never sucked his privates. Sometime about 1949 or 1950 Mr McGrath moved house and went to live at Orpen Park, Finaghy. I then attended religious meetings at Mr McGraths house at Finaghy. The sexual acts with Mr McGrath and myself continued to take place at his house in Finaghy. In 1951 I left home and went to live in Mr McGraths house at Finaghy. Mr McGrath and his wife were living alone and as the house was very big they kept lodgers. There were two women and two other men as well as myself lodging in the house. I had my own bedroom and Mr McGrath used to come into my bedroom regularly and sexual acts took place. This was masturbating each other and putting our private parts in between each others hips. Complete sexual intercourse never took place. I lived at Mr McGraths home up until 1958 when I had a nervous breakdown. I was in Purdysburn Hospital for a few months and when I got out of hospital I went back home to living live with my parents who were then at [REDACTED] Since I left Mr McGraths home at Finaghy to go into Hospital I have not had any contact with him since then. I heard that Mr McGrath was working in a Boys Home on the Upper Newtownards Road. I don't know where the home is and I have never

SIGNATURE OF STATEMENT MAKER: (Sgd) R36

STATEMENT CONTINUATION PAGE

STATEMENT OF:

R36

CONTINUATION PAGE NO: 3

been in it and I don't know any of the boys who ever stayed there. I
address
have been married since 1960 and I live at my present/with my wife and
daughter.

(Sgd)

R36

I have read the above statement and I have been told that I can
correct, add, or alter anything I wish. This statement is true.
I have made it of my own free will.

(Sgd)

R36

Statement taken at Hollywood Arches Health Centre

Statement commenced: 9.15 am

Statement terminated: 10.10 am

Date taken: 24.6.1980

Persons present: D/Sergeant [REDACTED] and D/Constable [REDACTED]

CHECKED AND CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL

SIGNATURE OF STATEMENT MAKER: (Sgd)

R36

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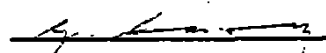
618. See paragraphs 115, 379, 380, 381 and 586 for observations in relation to the recommended charge against [REDACTED] HIA 534 / R4

619. It is recommended that no prosecution be directed in respect of admissions by [REDACTED] R 36 that he had homosexual relations with McGrath between 1948 and 1958. As a result of this relationship [REDACTED] R 36 had a nervous breakdown and spent several months in Purdysburn Hospital. He married in 1960 and now lives with his wife and daughter. (See paragraphs 494 - 496).

620. His Medical Practitioner, [REDACTED] believes that [REDACTED] R 36 present depressive disorder stems from his past association with McGrath. The Doctor has noticed an improvement in [REDACTED] R 36 condition since he was interviewed by police in relation to this investigation. This in part is due to his shedding of guilt he has carried for a number of years.

621. A complaint made by [REDACTED] KIN 284 a former resident of Kincora, against a member of staff at Bawnmore Boys' Home, is also the subject of a separate investigation and will be reported to the Director of Public Prosecutions in due course.

622. Submitted for directions please.

 D/Chief Inspector
G CASKEY

matter. There remained, therefore, no evidence to suggest that Miss Shaw's contact with Superintendent Graham resulted in the allegations against Mr McGrath being passed to the Social Services authorities.

4.131 In October or November 1976 Miss Shaw was introduced to Miss Rita Johnston at a prayer meeting held in the home of a mutual friend. Miss Johnston was employed by the Eastern Board and at that time she was in charge of St Martin's Day Centre in East Belfast. The Day Centre provided occupation for adults through the medium of various crafts and Miss Johnston herself was a handicraft instructress rather than a Social Worker and had no direct responsibility for Kincora or any of its residents. She was, however, on the complement of the East Belfast and Castlereagh District Residential and Day Care section, which also carried direct management responsibility for Kincora.

4.132 Miss Shaw told Miss Johnston that the wife of an out-patient at the Day Centre was distraught because her husband was suicidal as a result of a previous homosexual relationship with Mr McGrath. The patient concerned was referred to in evidence as R36 but it should be understood that he was never a resident at Kincora and his association with Mr McGrath had developed outside the context of residential care. Miss Shaw also told Miss Johnston that Mr McGrath was employed in a boys' home somewhere on the Newtownards Road but it is not clear whether she mentioned Kincora by name. She did not show Miss Johnston the letters which Mr McGrath had sent to Informant B but referred to them. Miss Shaw told us that her information related to Mr McGrath's activities in the 1950s and 1960s and that there was no allegation of homosexual misconduct at the hostel. Miss Johnston gave evidence that she suggested that Miss Shaw should go to see management at Purdysburn Hospital but could not recall whether she mentioned Miss McGrath, whom she knew, by name. Miss Shaw agreed that it was suggested that she should contact someone in Purdysburn with regard to R36 but could not recall any reference to Residential and Day Care management. In any case, she did not make any approach to the Eastern Board's management.

4.133 Following the October/November 1976 meeting, Miss Johnston contacted R36's Social Worker in the Psychiatric Unit in Purdysburn Hospital and informed her that she had been told that R36 had attempted suicide on more than one occasion. She did this specifically because R36 had access to potentially

dangerous tools in the Day Centre. She told us that the Social Worker reassured her that R36 was neither a danger to himself nor to others and indicated a cause for his psychiatric problems unconnected with homosexuality. Miss Johnston did not refer to Mr McGrath, or to the allegations of homosexuality, when enquiring about whether R36 was suicidal.

4.134 Miss Shaw met Miss Johnston again at a subsequent prayer meeting in or around February 1977. Miss Shaw gave evidence that, at this meeting, Miss Johnston said that "men like that are attracted to that kind of work", and that she got the impression that Miss Johnston had discussed the matter and was quoting an opinion of which she did not approve. Miss Shaw also stated that, during this second conversation, Miss Johnston referred to the difficulty of recruiting people for residential jobs, again as if quoting someone else. Miss Johnston gave evidence that she did not discuss Mr McGrath with anyone within the Board and that she did not make the statements attributed to her by Miss Shaw. She also suggested that she had no experience on which to base such statements.

4.135 Miss Johnston acted promptly and effectively in discharging her direct responsibility for ensuring the safety of R36 and her other clients at the Day Centre. We understand her decision not to pass on what she must have regarded as unsupported allegations against Mr McGrath when seeking reassurance from the Psychiatric Unit that R36, who was under professional psychiatric care, was not suicidally inclined. She was entitled to assume that R36's wife, who was Miss Shaw's informant on this matter, would have made all her anxieties known to his psychiatrist in the course of his treatment. We were also satisfied, from Miss Shaw's evidence as well as Miss Johnston's, that concern for R36 was Miss Shaw's prime motive in approaching Miss Johnston.

4.136 As to the question of whether Miss Johnston specifically directed Miss Shaw towards Residential and Day Care management, we are inclined to the view that she sought to do so but that a breakdown in communication occurred. The fact that the Psychiatric Unit which R36 was attending and the offices of R&DC management were both located in the Purdysburn Hospital complex may well have resulted in Miss Shaw failing to grasp the particular purpose of Miss Johnston's suggestion. Certainly there would have been no reason for Miss Shaw to represent the anxieties of R36's wife

STATEMENT OF WITNESS

STATEMENT OF: REV WILLIAM MARTIN SMYTHAGE OF WITNESS (if over 21 enter "over 21"): OVER 21OCCUPATION OF WITNESS: MEMBER OF PARLIAMENTADDRESS: [REDACTED]

TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

I declare that this statement consisting of 2 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 3rd day of June 19 82

(Sgd) S E Cooke, Inspector

(Sgd) W Martin Smyth

SIGNATURE OF MEMBER by whom
statement was recorded or received.

SIGNATURE OF WITNESS

I am presently the Member of Parliament for Belfast South. I have been shown a statement marked SEC24 made by Mr Kevin Dowling, Journalist, concerning an interview with me. I confirm that this interview took place on 6 March 1982 at 1.30 pm but question the interpretation put on it by Mr Dowling and especially the use of emotive language. I concur that I had been warned by a close friend in the early fifties that McGrath was suspected by police of homosexual activities; but I did not say he was being investigated. There was no specific information given to me about McGrath's homosexual activities. As Assistant Minister in Finaghy where he was based I was not so concerned about his alleged homosexual practices but rather the nature of the purported Christian work which Faith House claimed to be doing in the Republic of Ireland. It was to learn men of this work that Mr McGrath spoke on one occasion to a group from my church. We were no wiser after the talk than we were before it about his work. The surprise when questioned about Kincora was not because he was an alleged homosexual but because people believed him to be a business man rather than a social worker. The information given to Mr Frank Miller Jnr was never in the context of Kincora. Like most others in Ulster I was aware of Tara amongst other groups but apart from Colin Wallace's statement I was unaware of names and positions. On discussion with Mr Dowling I ventured a response to his question why did I think McGrath had not been investigated or charged earlier. This suggestion involved the possibility of security forces seeking

SIGNATURE OF WITNESS: (Sgd) W Martin Smyth

Form 38/36
(Plain)

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Part II
Ps 445-446

638. Rev Smyth is alleged to have suggested that British Intelligence were prepared to keep McGrath as head of TARA in the hope that this would lead to something else. He is also alleged to have said that McGrath had many contacts with the Security Forces and in particular with police officers at every level.
639. On 3 June 1982 the Rev Martin Smyth made a written statement to Inspector Cooke. In relation to his interview with Dowling the Rev Smyth said that he questioned Dowling's interpretation of what he had said and especially his use of emotive language. He agreed that he had been told by a close friend, whom he would not name, in the early 1950s, that McGrath was suspected by police to be involved in homosexual activities. He did not say that McGrath was being investigated. There was no specific information given to him about McGrath's homosexual activities. As Assistant Minister in Finaghy, where McGrath was based, he was not so concerned about McGrath's homosexual practices but rather the nature of the purported Christian work which "Faith House" claimed to be doing in the Republic of Ireland. To discover what this work was he invited McGrath to speak on one occasion to a group from his church, but "we were no wiser after the talk than we were before it about his work". In answer to an allegation that he told Dowling that McGrath's appointment to Kincora came as a surprise to most folk, Rev Smyth said the surprise was not because he was an alleged homosexual but because people believed him to be a business man rather than a social worker.

Continuation Page

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Part II
Pages 651 - 652

487. The Rev Ivan FOSTER of the Free Presbyterian Church, Enniskillen, and the Rev Alan CAIRNS of the same Church in Ballymoney, were also approached by Miss Shaw in relation to McGrath. The Rev Cairns is now in Canada and has not been interviewed by police, however the Rev Foster was interviewed on 2 May 1980 by D/Inspector McClure. He remembered Miss Shaw's visit to him and that the matter regarding McGrath being discussed. He referred Miss Shaw to Dr Paisley. The Rev Foster declined to make a written statement but remembered that Kincora Boys' Hostel was not mentioned.

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488. Miss Shaw also approached Pastor William David MULLAN of [REDACTED]. When interviewed by D/Inspector McClure Pastor Mullan did not recollect this meeting.

Page 655

489. The Rev Martin SMYTH, Grand Master of the Orange Order and Minister of Alexandra Presbyterian Church, Belfast, was also contacted by Miss Shaw during 1975. As a result of what she told him, he made his own enquiries and during 1976 he contacted a Mr William Jackson of the Eastern Health and Social Services Board, University Street, Belfast, concerning McGrath's employment at Kincora. Although in his statement the Rev Smyth states he contacted Mr Jackson, police enquiries have to date failed to locate this person; and it may well be that this refers to a William Jackson, now deceased, who was an Assistant Matron employed by the Eastern Health and Social Services Board at James Dickson House, South Belfast, although this man at no time worked in Eastern Health and Social Services Board, Personnel Department.

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Pages 657-658
Page 658(A)

490. During her efforts to bring McGrath's activities to notice Miss Shaw made contact with the then Head of Belfast Criminal Investigation Department, Detective Superintendent John M GRAHAM, in June 1974, via her friends Benjamin and Victoria FLEMING of [REDACTED] and another policeman - Sergeant Andrew HILLIS, Fingerprint Branch, RUC Headquarters.

to the Psychiatric Unit. This apparent misunderstanding was unfortunate since Miss Johnston's advice was clearly correct in the circumstances. Given the purely social context in which Miss Shaw approached her and her understandable reluctance to discuss a client in that setting, it is not surprising that Miss Johnston did not take a more active part in furthering the matter. Nor may it be entirely without significance that Miss Johnston was aware that Miss Shaw's agitation against Mr McGrath had not persuaded others, including persons of influence, to take action.

4.137 We considered whether Miss Johnston should have taken the initiative and alerted R&DC management to the allegations against Mr McGrath. While Miss Shaw's evidence was that she regarded her approach as a request for action to be taken, Miss Johnston stated that she did not understand that to be the case and that Miss Shaw did not press her. We take the view that, in her state of knowledge and having directed Miss Shaw to R&DC management, Miss Johnston would not have felt it necessary to do so and we make no criticism of her on this point. Nor did the information given to her constitute a complaint within the terms of the Board's procedures. This is not to say that communication with R&DC management would have been valueless. While the allegations originating from Informant B were already known to the Eastern Board at Headquarters and District levels by virtue of the Meharg/Cullen investigation, the allegation concerning R36 would have been an additional piece of evidence which could have been usefully passed to the police.

4.138 Miss Shaw's evidence also threw some further light on the currency of rumours about the homosexual inclinations of the Kincora staff. She explained her reluctance to make a direct approach to the Eastern Board partly by the fact that, by 1975 or 1976, Informant B had told her that he had heard that not only Mr McGrath, but one or possibly two other members of the staff were homosexually inclined. This would fit in with the rumours about Mr Mains which came to the attention of Mr Maybin (see paragraphs 4.88-4.91) and Mrs Fiddis (see paragraphs 4.92-4.100), but the suspicion about a third member of staff, presumably Mr Semple, was a new element. However Miss Shaw told us that as these were only rumours she did not pass on any allegations to her various contacts other than those relating to Mr McGrath. In her evidence Miss Shaw said that, in retrospect, she had gone to the wrong people in her attempts to expose Mr McGrath's alleged homosexuality.

The evidence of Reverend Martin Smyth MP

4.139 One of the persons with whom Miss Shaw had been in touch prior to her approach to Miss Johnston in October 1976 was the Reverend Martin Smyth. Reverend Smyth made a statement to the police in April 1980 referring to Miss Shaw having expressed concern to him in late summer 1975 about Mr McGrath's alleged homosexual activities. Nothing relevant to this Inquiry resulted from that meeting. Mr Smyth's statement, however, went on to say that later in 1976, having heard from another source that Mr McGrath was employed in a boys' hostel, he telephoned the Eastern Health and Social Services Board, spoke to a Mr Jackson, drew his attention to the allegations which he had heard, and suggested that it was possible that the police could confirm or deny them. Following this statement, the RUC interviewed four persons named Jackson. Two of these were employed by the Eastern Board, one in a professional capacity by the Central Services Agency and one by the Confederation of Health Services Employees. All four stated that they had not received any report from Reverend Smyth. A further person named William Jackson, who had been Assistant Matron in an Old People's Home had recently died. Another Eastern Board employee, Mr Girvan Jackson, was known to Reverend Smyth and had been ruled out by him as his 1976 contact.

4.140 In an effort to clarify some of the details of Reverend Smyth's 1980 statement, we asked for and received a further statement from him in September 1984. This included the following points:-

- a. Reverend Smyth could not recall who told him in 1976 that Mr McGrath was employed in a boys' hostel;
- b. to the best of his recollection, Reverend Smyth telephoned the University Street office of the Eastern Board;
- c. Reverend Smyth asked for the head of the Personnel Department and was put through to a Mr Jackson. He thought that this officer was called William Jackson;
- d. Reverend Smyth explained to Mr Jackson that he had no firm evidence to support the allegations against Mr McGrath; and
- e. Mr Jackson said that he would look into the matter but did not give any indication of what specific steps he proposed to take.

CHRISTIAN FELLOWSHIP CENTRE, AND IRISH

EMANCIPATION CRUSADE

15 Wellington Park Malone Belfast 9

10th November 60.

My Dear

Your letters get better and better! It is wonderful to see the real progress you are making. I wouldn't worry too much about your low marks for the essays. These will improve as you go on. I think if we had had another twelve months together before you entered College things would have been easier for you. What do you think?

I think you would be very foolish to continue to write to the girl you spoke of. After all she is only a child and you are now a man and Gods MAN at that! If you continue to write she will naturally think you are interested. I would not mention this to the Tutor as he would expect you at your age to know the right answer. The less you discuss with your Tutor about things to do with character, ie, Girls, Sex, Honesty, etc., the better. These talks will colour the Report that one day may be sent to some Missionary Society to which you apply. Just put your best into your studies and I will try and keep you right on these other things. I think you would find that most, if not all, of the students have never had a friend with whom they could discuss these things, so you are away ahead of them.

Sorry to hear about the 'Queer' chap. It is very sad. He is obviously neurotic in some way. The trouble is that in most Colleges there is no one capable of dealing with this type of trouble. I think the best thing for you is to keep away from him as much as is possible. Dont let your eyes meet and

THERE WERE two strands of Protestant tradition on the Shankill Road where I was born. One was a colourful and exciting "Kick the Pope" element which merged into a respectable Orangeism. The other was a fundamentalist Protestantism which regarded Orangeism as ungodly. One of William McGrath's objectives was to unite these two strands of Ulster Protestantism.

My father's family had a long history of Orange associations but both my parents were "saved" in the spring of 1928. As a result my father transferred to a "Christian" Lodge which only admitted "saved" men. Eventually he left the order and devoted his spare time to the work of a mission on the Shankill in which he became an associate pastor. I was "saved" at a mission conducted by my father's lodge in 1948 at the age of seven. However after pinching fruit from shops and raiding the Shankill Graveyard for wood for bonfire night I decided that I had "backslidden." At a religious crusade in the King's Hall in Belfast in 1955 I decided, not only to "come back to the Lord" but to dedicate my life to His service.

A few months after this I heard William McGrath speak at a meeting in the mission hall. I can distinctly remember the feeling that there was something about this man I didn't like, but what he had to say did impress me. He showed slides of his work and told about Faith House in Finaghy, South Belfast, which he said had been bought with money supplied by the Lord's people through "Faith." His message was basically that the "ancient" Protestant faith was dying out even in Ulster and that we were heading towards a great crisis during which the streets would flow with blood. His slides depicted superstitious Catholics benighted by the "foreign and cruel system of Romanism" climbing Croagh Patrick on bare feet. These same Catholics were in danger of becoming Communists if they were not evangelised, he said, and it was part of his calling to recruit young people to face this challenge. To demonstrate the meaning of Communism he told of

a Communist who named one of his dogs "Jesus" and the other "Christ". Nothing further needed to be said.

McGrath later invited me to visit Faith House, and on a cold, dark November night at the age of 15 I made my way to Finaghy, surprised that a missionary should show an interest in me. I found a notice board at the end of a lane

and the dissipation of emotional energy which should be devoted to God.

He asked me to return in a month or so and after some initial doubt I returned. He continued to talk about politics and sex but always in the context of Christian service. While he condemned homosexual relationships he told me that a balanced individual must

eventually start college life at a place near Windsor in England in September 1960. The experience of college life was refreshing and liberating. I felt a growing sense of the presence of God in my life. This was weakened somewhat as the old Ulster suspicion began to assert itself. McGrath thought that the teaching of the college was not as fundamentalist as it should be.

complete some "political" business which he could not discuss with me. I was left reading "The Devil Rides Out" by Denis Wheatley. McGrath said that this was a true story which had taken place in the area of the college.

Later he seemed perturbed about his children and asked me to promise that if anything hap-

I feel compelled to write these three articles for two reasons. Firstly I feel that it is necessary to set my actions in a wider context, because of misrepresentations. Secondly and more importantly I hope that fellow Ulster Protestants may be encouraged to realise that we have been manipulated by forces which had infiltrated our loyalist organisations and which are foreign to all that is best in our traditions. I believe that these forces are on the wane but the price of liberty has always been eternal vigilance.

It seems to me that these forces have, up until now, succeeded, with the help of the Provisional IRA campaign to destroy all attempts to achieve a settlement of the conflict. We desperately need new stable structures of government which would enable all Ulster people to participate in decision making and construct their own future. It is my hope that these articles may contribute in some small way towards this objective. It goes almost without saying that any progress along these lines depends upon the ending of the destructive and vicious campaign of the Provisional IRA.

ROY GARLAND tells his own story

in Orpen Park and was able to make out the words "Faith House."

McGrath told me that I had great potential for God's work. He was concerned that so many young people were prepared to settle for less than their best for God — unhealthy attitudes about sex were often the cause. He said that single people could serve God better than married people, although he was married himself.

He said that his "fellowship" at Faith House was following the ancient Celtic tradition in a kind of monastic set-up. Most of the men at Faith House had outside jobs and pooled their wages to be used for the salvation of Ireland. He was full-time secretary of the "Christian Fellowship Centre and Irish Emancipation Crusade." One problem was that men tended to leave after being married.

Touched me

At one point in the discussion he touched me on the leg and asked me what this meant to me. I was shocked and replied that it meant nothing. He touched me again and I responded similarly. Possibly realising my shock he stated that I must never permit anyone to touch me. I assumed that this was some kind of test, and he went on to talk about the very high standards which were required of young people in relation to sex. Even holding a girl's hand was to be discouraged as it could lead to sexual arousal in the

have a close relationship with a member of his own sex. He said that David and Jonathan, Jesus and John, the beloved disciple, had close friendships which had a physical side to them. He quoted the verse of a hymn: "Touched by a loving hand, wakened by kindness, chords that were broken will vibrate once more." I thought about this and then accused him of being a homosexual, though I didn't quite know what this meant. At this point he introduced me to his wife and family and this calmed my fears.

All talents

I had left school at the age of 14 the previous summer and had a great desire for learning which had been denied to me at school. McGrath loaned me books on various topics. One of these was to have a tremendous impact on my life. This was "One Hundred Per Cent for God," by A London Journalist. The basic message was that a Christian must present not just his abilities to God but his potential abilities as well. It was the Christian's duty to seek to develop all his talents. I began to read widely and in this sense felt that I was getting a lot from McGrath's teaching.

I became restless in the later 1950s and thought of joining the Army. McGrath suggested the Bible College. I had always had a desire to become a missionary and

Around this time McGrath loaned me a book entitled "The Secret History of the Oxford Movement," by Walter Walsh, published in 1899. The book gave evidence to suggest that some Protestant ministers had secretly become Roman Catholics. They were using very devious means to win over the support of other Protestants. They would even condemn Popery with the objective of gaining the confidence of Protestants, who would then be led into Rome.

Jesuits everywhere

McGrath and his friends believed that Jesuits were everywhere infiltrating Protestant churches, and he even quoted cases in which IRA men professed conversion to gain information. The interesting thing about all this is that the devious methods which men like McGrath ascribed to Jesuits were, it seems, being used by themselves. Coincidentally it was common knowledge at Faith House, Finaghy, in the 1950s that IRA men, supposedly converted, stayed at McGrath's home — at least one slept with a gun under his pillow.

In January 1961 McGrath carried out a campaign in mission halls and churches in England. He asked me to meet him at the Foreign Missions Club in London.

This was a strange and eerie meeting during which he left me to

pened to him I would care for them.

The effect of that meeting was such that I wrote to him saying that I thought that he was an evil man and that I did not wish to have any further contact with him. He replied that the Devil was seeking to destroy our "friendship" because it had great potential for God. This was one of the letters which I showed to Ian Paisley in 1974 to try to convince him that McGrath was a sinister man. But the effect of McGrath's reply was to make me feel very unkind and I apologised.

In September 1962 my father died of cancer. McGrath had often spoke of the way a lack of money had hindered the Lord's work in Ireland. He suggested that I should carry on with my father's small business which could help finance the Lord's work. I did not return to college and instead tried to build up the business while helping in the distribution of religious tracts prepared by McGrath.

British Israelites

In 1964 McGrath called a group of young men, whom I had never met before, to a meeting in his home. The objective was to discuss ways of bringing a "Christian" influence to bear on the political situation in general, and the Orange Order in particular. All present at the meeting except myself were British Israelites.

to "provide" the "needed" leadership. By joining the order he gained an opportunity to spread his message to men who were already prepared for it by their membership of the order, because part of the Orange tradition was a defence of Protestant ascendancy — a basic part of McGrath's beliefs.

McGrath's message to Orange Lodge meetings even in the early 60s was that only the gun could save Ulster. In 1965 I was invited by McGrath to become a member of "Cell," a private ginger group of Orangemen chaired by the Church of Ireland minister. Members of District, County and Grand Orange Lodges took part. The objective seemed to be to encourage leadership in Orangeism, but when McGrath found that the chairman regarded the Catholic Church as Christian he was very unhappy.

'Act of Dedication'

In November 1966 the name of the group was changed to Tara and McGrath became chairman. An illustration of the growing influence of McGrath in Orangeism was the fact that an "Act of Dedication" written by him was read in the Boyne Anniversary Service of Nos 2 and 3 Belfast District Lodges in the Presbyterian Church's Assembly Hall in Belfast on July 10th 1966. It stated "the final battle with our ancient foe still lies before us", our "ancient foe" being Romanism.

Romanism, McGrath stated, was an evil system which could not improve, and was seeking to take over the government of the whole world. Every priest and nun was "an agent of that government" and they "move as one army in accordance with the orders from the Vatican." McGrath and the other British Israelites spoke at times of the "Protocols of the Learned Elders of Zion," an acknowledged forgery pretending to be a Jewish plan for world domination. While others saw this as evidence of a genuine Jewish plot, McGrath believed that it was really a Jesuit plot. This was one of the books used by the Nazis to justify their persecution of the Jews.

Tomorrow: McGrath transforms Tara into a paramilitary

London

30th Jan. 61

My Dear

This place is like a tomb without you! When I got back here last night as I was turning the key in the door, I thought, "Wouldn't it be lovely if had missed his train and was in the room waiting for me". What a naughty thought! Alas when I opened the door there was no! Its well you did not come with me for it was almost 12 when I got home.

I don't know how it affected you, telling you what I did but it must have taken a lot out of me for I just don't know how I got through the meeting last night, I was really "washed out" and today I feel as weak as a kitten!

Please do not let what I told you occupy too much of your thought lest it affects your studies, for you have got to get equipped for the big task ahead!

I would value your special prayer for tomorrow morning and Wed. afternoon! I cannot say more than that. I am not afraid to die! Eternity is so real and as you were saying in your letter "so much part of the present" that death for me would be like stepping from one room into another.

My Fathers Home on high,
Home of the Soul,
How ever at times, to Fathers
Farseeing eye the golden gates appear!
Oh! Then my spirit faints to see the
land I love, the bright inheritance of
Saints, Jerusalem above!

No I am not afraid to die, but I do want to go on living! There is so much yet to be done! and I have got a very dear wife whom I would like to stand by and three children I would like to lead into the "front line" and then there is you. How I would hate to be called away without seeing you equipped and in the thick of the battle! Oh, if I could only tell you all that is inside my heart for you, but that must await the Lord's Will and time!

15 Wellington Park
Belfast 9

2nd March 62

My Dear

Here I am at last! You should see my desk, its just a mass of papers and unanswered letters! going after that thousand is taking up quite a lot of time. It is essential that I should lay a good foundation during the first six months of '62. Things have been going quite good so I reported to the Bank Manager and he has increased my authority to £200 so that gives me more scope. It will be some time of course before I can take much out for personal use.

Sorry to know you were ill it could have been that bacon. Some of the enclosed leaflets were sent to me so they will be of interest to you!

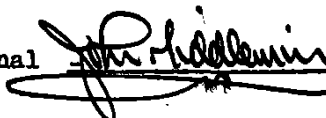
I was very interested in that dream of yours. Yes, it is possible to get emotional release during sleep, indeed some people never get it any other time! This is what causes sex dreams, of course this can go much further into what is known as teleportation that is too big a subject for a letter, so roll on Easter! Your remark about longing to be with me in a "different way than ever before" will also be an interesting subject for discussion!

Glad you got that £20 its wonderful how the Lord undertakes. Yes, I had up, he is still very pious but in an unhealthy way! He still says he is going into Bible College but I feel that "the damage has been done" in his life. He has put the girlfriend 'bnto the alter" but intends going back to her after he is trained!!!

I hope you enjoyed your tea at the Principals house! You are quite a boy! irresistible is the word!

16

Certified a true copy of original



D/Sergt.

15 Wellington Park,
Belfast, 9.
2nd July 62.

My Dear

Sorry for this long delay in answering your letter. I have been ill again getting a tremendous amount of pain. For three weeks I hadn't the slightest pain and then it hit me like a ton of bricks! I probably overdid it just because I was feeling well! Yesterday was hell, the heuritas went into my eyes but this morning I am feeling a bit better.

I was worried when you said you were not feeling in top form, just as I got your letter I got a few sales of Furniture, so I rushed out and got the Vits. for you. After all we both can't go down together! I hope that by this time you are feeling much better and all the Exams behind you. Perhaps the air in Donegal will set us both on our feet again! Just 14 more days and then 13 nights together to talk till 4.0am. That should be a good tonic!

I haven't got any news yet about the car for 12th and 13th but will let you know. There is some difficulty about insurance. The two Reid girls and their parents who come to the P.M. would like to come to Donegal and get accommodation near us but it would take something like a Minibus to hold us all!

I wont try and tell you now about I have seen him twice,
suffice to say that he and his girl friend are well down the slippery slope that leads to tragedy!

My thoughts are with you as ever in Christ.

17

(Signed) William McGrath.

Certified a trus copy of the original



D/Sergt.

STATEMENT OF WITNESS

STATEMENT OF: DENNIS BARKELEY ELLIOTTAGE OF WITNESS [if over 21 enter "over 21"] OVER 21OCCUPATION OF WITNESS: DETECTIVE SERGEANTADDRESS: HEADQUARTERS CRIME SQUAD, KNOCK, BELFAST.

TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

I declare that this statement consisting of _____ pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this

28

day of

July19 80

SIGNATURE of MEMBER by whom
statement was recorded or received.

B. Elliott D/Sgt.
SIGNATURE of WITNESS

I am a Detective Sergeant of the Royal Ulster Constabulary attached to Headquarters Crime Squad, Knock, Belfast. At 8 am on 1 April 1980 I saw the accused, William McGrath, DOB [REDACTED] at his home at 188 Upper Newtownards Road, Belfast. I was accompanied by D/Constable N McLaughlin (now Detective Sergeant) and assisted by him I carried out a search of McGrath's home. During this search we examined documents held in a bedroom which McGrath stated that he used as his office. I seized samples of various pamphlets and booklets and marked these Exhibit DBE9. Likewise D/Sergeant McLaughlin seized samples of pamphlets and booklets in my presence and these he exhibited NMCL1 to NMCL8 inclusive. After consultations by telephone with McGrath's solicitor, Mr H Hall, McGrath accompanied D/Sergeant McLaughlin and myself to Mountpottinger Police Station, arriving there at 8.50 am. McGrath remained in my custody at an interview room (No 38) until 9.15 am. At 9.40 am I commenced an interview with McGrath. At that stage I was accompanied by D/Sergeant McLaughlin who recorded notes of my interview. I again reminded McGrath of our identity and that we were making enquiries into alleged homosexual activities at Kincora Boys' Hostel, Upper Newtownards Road, Belfast. I then cautioned McGrath but he made no reply. I asked him to tell us about his antecedent history and general background. The background he related

SIGNATURE of WITNESS: B. Elliott D/Sgt.

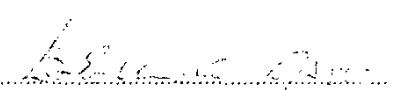
STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 2

covered the period between his leaving school at 14 or 15 years of age until 1971. In that year he joined the staff of Kincora Boys' Hostel. At that time Joseph Mains was in charge and Raymond Semple was his deputy. McGrath was asked what his duties were when he first entered Kincora. He stated that these duties were the same then as they were up until the time he was suspended. These duties were from 6.45 am on four days of the week, Tuesday, Wednesday, Thursday and Friday until 12 noon or 1 pm. His duties entailed attending to the paper work in the office and supervising the boys going out to work. When he was asked if he wakened the boys in the morning McGrath replied "No, very seldom, only after the female staff could not get them out to work". McGrath went on to say that the idea was to try to get the boys out in relays and that by 8.30 am they had all left the hostel unless some were not working. McGrath further stated that he would not see the boys again until he came on duty at nights. When asked if Mains and Semple were in the hostel in the mornings he stated that they were but that he was not residential and the other two were. McGrath further stated that he worked Tuesday, Friday and Saturday between 7 pm and 12 mn and this entailed supervising the boys in the hostel. Asked if the boys went out often McGrath replied that on Tuesday nights there would usually be three or four boys in. When asked about Friday and Saturday he said that these nights were the most popular for the boys to go out. He was asked what he did on those nights on duty, McGrath stated that he would merely sit around and read a book and wait until the boys returned. The interview continued in question and answer form. I put the following questions to McGrath. Both these questions and McGrath's replies were noted by D/Sergeant McLaughlin.

Q Allegations have been made against you in the past?

A "The first time was 10 years ago after I took over in Kincora. An anonymous letter or a telephone call was made to Strandtown Police who informed my Headquarters - they got in touch with us. We had a conference with a Miss Wilson and Mr Mains".

SIGNATURE of STATEMENT MAKER: 

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTTCONTINUATION PAGE NO: 3

Q What was the allegation?

A "That I was engaged in homosexual activity".

Q Were you?

A "It was a political attack".

Q Did you know from whom?

A "Yes, I thought the UVF".

Q Who?

A "I don't know".

Q Why?

A "I am in TARA and we are against all lawlessness around and we exposed ourselves to these people in the UVF".

At that point in the interview D/Chief Inspector Caskey entered the room and identified himself to McGrath, the time being 10.10 am. The interview continued with the Chief Inspector asking the questions:

Q You have heard the allegations made against a member of staff at Kincora - is there any truth in these allegations?

A "Absolutely none".

Q Tell me why a number of these boy residents should make allegations of homosexual behaviour by you which seems to follow a pattern?

A "I don't know".

Q Let me quote from a statement of one of the boys - Ronald Graham. Quote, "When I was there about two weeks I was in the bathroom one afternoon having a bath. I had the bathroom door locked. I heard someone trying to open the door and a man's voice asked who was in the bath. I said "It's Ronnie who is that?" The man said, "Mr McGrath I want to get something". I told him to wait and I heard him walking away, I got out of the bath and put a towel round me. I went out of the bathroom and went up to my room. When I went into the room Mr McGrath was sitting on one of the boy's beds. I asked him to get out because I wanted to get changed. Mr McGrath said no I have a job to do. I got my clothes and went out of the bedroom. I walked towards

SIGNATURE OF STATEMENT MAKER: Dennis Barkeley Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 4

the bathroom and Mr McGrath walked behind me. He followed me into the bathroom and closed the door over slightly. I still had the towel round me and I walked over and sat on the toilet. I was still holding my clothes. Mr McGrath walked towards me and I could see his fly was open. I set my clothes down beside the toilet and when I looked up I saw Mr McGrath had his cock out. He was holding it in his hand. He said I'm going to stick this up you. I was scared and I said I'm going to tell Mr Mains. Mr McGrath said nobody will listen to you. He then said if I didn't co-operate he would hit me. McGrath told me to turn round and hold on to the toilet. I turned round and he said open your legs and he pulled the towel off me. I then felt him sticking his cock up my arse, it was very sore and I told him it was hurting. Mr McGrath said I won't be long. He was holding me round my waist and I could feel him pushing his cock in and out. This lasted for about five or ten minutes and then he pulled his cock out. I felt a bit damp and sore. When Mr McGrath finished he told me to keep quiet about it."

Q What have you to say about that?

A "Well it is a lie".

The remainder of Ronald Graham's statement was read to McGrath and the following questions asked -

Q What have you to say to that?

A "Unbelievable".

Q Do you think that these were proper things to do to a boy?

A Very wrong to do.

Q How can you explain why a number of boys who never met each other should make similar allegations against you?

A "I don't know, it is a hazard of my job".

SIGNATURE of STATEMENT MAKER: Dennis Barkeley Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 5

Q How do you explain these boys making similar allegations?

A "I can't".

Q Several different police officers have interviewed these boys and have got the same picture of you interfering with them?

A "I can't explain that".

Q Do you want all these boys to have to come into Court and explain what you did to them?

A "There will be other stories come out in Court".

Q What do you mean?

A "There will have to be a rebuttal to these allegations".

Q What do you mean?

A "We will have to deny them".

Q Can you provide us with details?

A "No I will not do that now".

Q Your name appears in the Newsheet Focalin?

A Yes.

Q There are other names mentioned in the newsheet?

A "Peter Robinson".

Q Do you know him?

A "Never met him".

Q Who else?

A "Clifford Smith".

Q Who is he?

A "A teacher at Newtownbreda School, I think he is a History Teacher".

Q How long do you know him?

A "A long time, I met him in the Orange Order when he lived in Wellington Park. I met him through Orange activities. He was in digs near the University and his flat was raided and Orange papers taken. He knew my wife took in boarders and he came to live with us, after subversive people raided his room".

Q How long did he live with you?

A "About three years up until he got married".

Q Are you worried about the allegations?

A "Yes".

SIGNATURE of STATEMENT MAKER:

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 6

- Q What have you to say about them?
- A "I completely deny them, there is nothing I would say here would change your opinion of me".
- Q Try us?
- A "I don't imagine that I could change your mind about me".
- Q What do you understand by an emotional block?
- A "It is a very common complaint, some people cannot even play a piano".
- Q How do you get rid of it?
- A "Medical people will deal with it".
- Q Have you ever dealt with it?
- A "On scores of times I have talked from platforms about it".
- Q What about an individual?
- A "I have if I had been asked".
- Q Who?
- A "I will not name them".
- Q Why?
- A "It is part of understanding to talk to people".
- Q Did you ever study what an emotional block was?
- A "I took a course in Astral Psychology as it is called from J Wesley McKinney and Doctor Northridge, both ex-presidents of the Methodist Church".
- Q How long did the course last?
- A "Monthly, over a period".
- Q Do you feel qualified?
- A "Only elementary".
- Q Did you ever talk to any of the boys about an emotional block?
- A "I could have, you got to be able to talk to people".
- Q Do you talk to people who have sexual problems?
- A "Not that I know of".
- Q Wouldn't the allegations of some of the boys back this up?
- A "No".

SIGNATURE OF STATEMENT MAKER: Dennis B. Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTTCONTINUATION PAGE NO: 7

Q Did you ever write to people on emotional blocks?

A "Not to my knowledge".

Q Would you say that letters from one male to another male containing romantic matters would be homosexual?

A "Yes they would be, I would say so if there is a physical element, one would say it was homosexual".

D/Chief Inspector Caskey then read from letters Exhibit Number DBEL and referred to specific portions of these letters and asked questions about them. Referring to one portion - "Keep your big legs well scrubbed, someone might want to see them again".

Q Isn't that peculiar?

A It depends on the context, it could be innocent or it could be vile".

Another portion - "You are quite a boy, irresistible etc".

Q What context is that in?

A "It could be innocent or it could be vile".

Another portion - "Don't forget to bring bathing briefs home. However my dear". To that the defendant McGrath replied, "mmmmmm Garland".

Q Did you write that?

A "It sounds like a letter I wrote to him".

Q In what sense?

A "In the sense that my wife and I invited him to go on a holiday".

D/Chief Inspector Caskey then read from a letter beginning - "Now my dear". At this point the defendant McGrath interrupted to say - "To reduce to writing is impossible what is so big".

Q What is so big?

A "His opening to understanding to what was happening in Ireland".

Q Here was a lad from the Shankill with average knowledge of what?

A "History of his country".

Q Religion or politics?

A "Religion and politics mixed. The burden of my life has been to make

SIGNATURE OF STATEMENT MAKER: Dennis Barkeley Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 8

people understand the position in Ireland".

Q What has "bring your bathing briefs with you" to do with that?

A "Because he had already been invited to a holiday and that was one point to indicate that it was a holiday. He was thrilled at having a holiday over the border".

At this stage I took over the recording of notes from D/Sergeant McLaughlin. Quoting from the letters - "So keep those legs of yours well scrubbed, someone will want to see them again".

Q Who will want to see them again?

A "That was the holiday we were going on. My wife and I had been kidding him about the girls looking at him on the beach".

D/Chief Inspector Caskey quoted another portion - "Just 14 more days and 13 more nights"

Q What does that mean?

A "Yes perfect. Exactly what it says. When he came home from College we would elucidate in what we had planned to do".

Q What?

A "In relation to religion and politics".

Q What had Mr Garland to do?

A "That will come out in a Court".

Q What you are saying is that you are not prepared to explain Garland's reason for discontinuing his way of life with you?

A "I don't like the phrase".

Q Discontinuing his association?

A "It will all come out in Court. I'm holding in reserve my explanation".

Q Why?

A "That is the position, pointed out by my legal adviser. You don't think I would have taken myself on a holiday and think this was a lot of hot air".

Q Were you taking action against any newspaper?

SIGNATURE OF STATEMENT MAKER: Dennis Barkeley Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTTCONTINUATION PAGE NO: 9

A "It's too early for that".

Q Why?

A "Simply because it appears to be more to it than a spicey story against us. I believe it is a political campaign against us".

Q Are you saying there is no reason for these allegations of homosexual behaviour at Kincora?

A "I have no idea where Mains and Semple fit in. Nothing has been done by me and I have no suspicions that they were involved. If so I would not have remained in Kincora. This is a political campaign against me and TARA. We don't make titles - we don't have generals or brigadiers".

Q Can you give the date of TARA's formation?

A "It's difficult, it was never formed. It's not an organisation".

Q Where was it formed?

A "It just grew out of nothingness. There was a group and lectures regarding events and then all the trouble started, but there was TARA meetings for 10 years prior to the trouble starting. It started as a Study Group. In those days you could have used the Presbyterian Hostel. Some were held in Orange Halls in various places in the country. If there was any necessity to have a public hall, that would have been done".

Q Any meetings held in your house?

A "Say in Wellington Park, there were meetings held in our big drawing room. That would have been about 20 people".

Q What was the strength of the group in 1970?

A "You can't join TARA you don't become a member, there is not a TARA member in the country".

Q If it is not an organisation as you say then why does it require your post as Secretary?

A "If someone requires a meeting, there are people scattered in various Churches throughout the country".

Q Do you keep a list of members?

A "No we don't have members".

Q Then who are these people?

SIGNATURE OF STATEMENT MAKER: Dennis Barkeley Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTTCONTINUATION PAGE NO: 10

- A "We know there are certain people in the Orange Order, in the Masons who are interested".
- Q How are the members known to you?
- A "We have met them in Orange and Church connections to formulate a Ginger Group. Supposing a situation comes up for instance, devolution or integration".
- Q You're talking about a pressure group?
- A "Yes".
- Q Is it a secret organisation?
- A "No".
- Q Do people swear on oath of allegiance?
- A "We have no oath ritual etc".
- Q If TARA is not an organisation and it has no members affiliated to it then who is responsible for the distribution of leaflets?
- A "They're printed, there's a considerable supply in my home".
- Q Who is responsible?
- A "Last week I walked into a newsagent's shop and the newsagent knew that I was a member of TARA. He asked me for a parcel of booklets for a lady who was going to Canada and America. That lady left last week and took these with her".
- Q Who was responsible for the distribution?
- A "They came to my home from the printers".
- Q Who runs TARA?
- A "There's a loose connection with the British Israelites. There's no committee and I'm not responsible to anyone".
- Q Isn't it true you started this organisation as a front for your homosexual activity?
- A "That's ridiculous. Are you suggesting that all TARA members are homosexuals?"
- D/Chief Inspector Caskey then referred to a booklet entitled "Ireland For Ever" which is exhibited NMCL1 and produced it to the defendant McGrath.

SIGNATURE OF STATEMENT MAKER: *Dennis Barkeley Elliott*

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 11

- Q Who wrote that?
- A "I wrote every word of that book".
- Q Who formulated the TARA proclamation?
- A "I wrote every word of it, I wrote it in that form".
- Q Have you been a member since it came into being?
- A "Yes".
- Q Whose idea was it?
- A "I suggested a name. It grew up from the Orange Institution".
- Q How long ago?
- A "I'm in it a lifetime".
- Q Would you agree with me that everything you have said up to now suggests that you are TARA and TARA alone?
- A "I couldn't possibly be that".
- Q You can't name the founder members?
- A No I can't, there are none. There are scores of them".
- Q Have you a set of rules?
- A "Only what is contained in that book and the other leaflet the TARA Group, there are no rules governing TARA, it is for a way of life".
(The other leaflet referred to by the defendant was Exhibit Number NMCL2)
- Q What are the aims of TARA?
- A "To maintain the connection between Ireland and Britain and to maintain our freedom as a Protestant people. We are not anti-Catholic, I think our literature proves that conclusively. Our aims are in that document".
- Q To sum it all up you are a founder member of TARA?
- A "If you culminate the idea that it was formed. We believe organisations have been the curse of this country. Supposing we wanted to organise a meeting in Tyrone. People would come along. We are purely a pressure group to influence others".
- Q How do you communicate with people?

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STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 12

A "You would know someone in the area who is sympathetic and tell him the time and date. He is free to bring along interested people".

Q Communication is by word of mouth?

A "Yes, there would be people there whose names I wouldn't even know".

Q What does TARA stand for?

A "It is the seat of the ancient Kings of Ireland, that's where the present seat of the present Kings is planted".

D/Chief Superintendent Caskey then referred to the statement made by

KIN 46

Q Do you know **KIN 46**?

A "Yes, I know him".

Q He was in Kincora between July 1976 and 1978?

The Chief Inspector made reference to the Kincora register of residents Exhibit Number PJM3.

Q **KIN 46** has alleged that you indecently assaulted him by putting your hand on his knee and moving it up inside his groin and then moved your hand in a rubbing motion, and that this was done on the couch in Mr Mains' office. What have you to say to that?

A "A complete denial".

Q Is there any reason for him saying that?

A "The only time that there was any physical contact between

KIN 46 and myself was when I had to drag him by the scruff of the neck when he was involved in a fight with another lad. He went upstairs and returned to the sitting-room where I had separated him and was about to attack me. Other boys came to my assistance".

Q This is a serious allegation, why should **KIN 46** want to make such an allegation?

A "He must be telling lies. You're not dealing with perfect gentlemen".

Q He is one of many boys who has made allegations?

A "Yes, you have underlined that".

SIGNATURE OF STATEMENT MAKER: Dennis Elliott

STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 13

Q Does that mean they're all telling lies?

A "Yes, I have told you I have had no homosexual activity at any time".

Q Before I outline all the allegations I can tell you that this is a relatively minor one compared to others - do you know a boy called Ritchie Kerr?

A "Yes, he was resident in Kincora. He was actually in twice".

Q He has alleged that from July 1975 to November 1977 that you would play around with him by pulling his jumper and wrestling with him and that you placed your belly up to his back in a homosexual way?

A "Ritchie Kerr said that".

Q Comment?

A "Not one bit of truth in that. From the day he came there he continually showed animosity. He was one of the few boys who did not conform. There was always stress and strain between us. That is partly explained in some cases because the officer on duty in the mornings always fell for ill will because he has to insist on the boys getting up".

Q Kerr told Mains about this and after that the boys were wakened by a woman cleaner and by that I mean the complaint to Mains was that you interfered with boys?

A "When I went to waken them".

Q When you went up to waken them in the mornings, did the woman cleaner take over that responsibility?

A "No, it was a free and easy arrangement, there was no hard and fast rule. The last two years there was two boys who were out early, but that only involved switching on the light and giving them a shake, and leaving the light on, on the landing. That process was repeated later in the morning".

Q Why should Kerr, like **KIN 46** make such an allegation against you?

A "I haven't a clue".

Q Didn't you say earlier it was your responsibility to get the boys out?

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STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 14

A "That is true, there was no particular responsibility".

Chief Inspector Caskey then referred to the statement of KIN 48 and the defendant McGrath said, "That's a long way back, that's the boy who's in ". The Chief Inspector said "Yes". The defendant said "He out of , what did he say?"

Q He said that one morning he woke up to find you had your hand under his bedclothes touching his thigh?

The defendant, McGrath, said "Yes" meaning the Chief Inspector to continue.

Q That he told you to beat it. Is that true?

A "No sir, I shook him by the shoulder. If he attributed it to a homosexual approach he's telling lies".

Q Did you have your hand under the bedclothes?

A "No I did not".

Q Do you know a person called R 12?

A "Yes, that's going a bit back".

Q Yes from May 1973 until May 1974, do you accept that?

A "Yes".

Q He has said that you sexually assaulted him on several occasions in the hostel whilst an inmate there?

A "Yes, not true".

Q Let me take you through the points then - "He says one night that he was alone in the hostel with you when you asked him to go to the toilet with him and when you got into the toilet you opened his trousers and pulled them and his underpants down to his ankles and then you undressed in a similar way and made him bend over and hold on to the toilet seat and that you committed an act of sodomy with him and that this hurt him very much. What do you say to that?".

A "A complete denial there is not a word of truth, it would be revolting".

Q He says that this happened on a number of occasions?

A "My goodness".

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- Q Including that you asked him to suck him off and that you put your penis into his mouth?
- A "Oh please".
- Q And you ejaculated into his mouth?
- A "Never in my life".
- Q He says that on another occasion you sucked him until he ejaculated and this went on for a considerable period?
- A "No truth in it sir".
- Q He says he was frightened of you and that was why he did it?
- A "That was the very opposite to the relationship with **R 12**. He was a foolish lad and certainly those things are not true".
- Q A medical examination has shown that the boy has had sexual intercourse in this fashion?
- A "That's understandable".
- Q Why?
- A "Because he openly talked about his activities around the City Hall".
- Q What do you mean around the City Hall?
- A "Around the toilets".
- Q Why should this boy make a serious allegation against you?
- A "It's a mystery to me".

At this stage D/Sergeant McLaughlin wrote down the questions and recorded the answers. Chief Inspector Caskey then referred to the statement made by **KIN 44**.

- Q Did you know **KIN 44**?
- A "Yes he joined **KIN 44**".
- Q Would you agree that he was there in 1974 for about one month?
- A "I think he was in two or three times, at least twice".
- Q The 12th October 1973 to June 1974, do you agree?
- A "Yes".
- Q He says on the first occasion that you had a conversation with him about men interfering with him sexually and that you put your arm

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around his shoulder like a man and a girl do?

A "That's no offence".

Q Did it happen?

A "I don't know".

Q Was it homosexual advice you gave him?

A "No I would only put my arm on his shoulder".

Q On the second time in Kincora he says that one evening whilst alone with you watching television that you tried to kiss him?

A "No sir that is really foreign".

Q Two or three nights later you tried to kiss him again?

A "Nothing".

Q Two or three nights later you did kiss him on the cheek?

A "No truth in it".

Q Why should he say that?

A "I have no idea".

Chief Inspector Caskey then referred back to the statement made by Ronald Hugh Graham and told the defendant McGrath that he had been in Kincora Hostel from December 1974 to June 1975.

Q Did you know him?

A "Yes".

Q Is it right he was then about 16 years of age?

A "Well they are supposed to come at 16 and stay until they are 18".

Q He has made serious allegations against you - in fact I would say that he alleged you raped him?

A "What is the difference in rape and other incidents you mention except is one against the will".

Q He means rape by forcibly making him submit to you. You ask what rape is, rape can be committed through force by putting a person in fear or by threatening someone in order to achieve your objective, namely sexual intercourse. Why should he make the allegations which have already been put to you earlier?

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STATEMENT CONTINUATION PAGE

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- A "I have no idea, staggering".
- Q Do you agree it is horrific?
- A "It does, he must have a wonderful imagination".
- Q If the allegations are true, wasn't he at the mercy of a dangerous man?
- A "I would agree whole-heartedly".
- Q At the mercy of a man who was responsible for his care?
- A "That is different, yes if the allegations were true".
- Q This boy said that he told you that he was going to report you to Mr Mains and you said, "Nobody will listen to you".
- A "That never happened either, I would imagine that Mr Mains would have taken it to the right authority".
- Q Did Mr Mains ever speak to you about complaints from boy residents?
- A "Only on one occasion when we had two brothers in who were the
KIN 224 & R 15,
- Q Is that the only one?
- A "Yes, apart from the original accusations".
- Q I am telling you that similar allegations of homosexual acts by Mr Mains have been made by some of the other residents?
- A "You are telling me Mr Mains is accused".
- Q If that is the case then would there not be some truth in what Graham has said when he said he would report you to Mr Mains and that you said, "Nobody will listen to you"?
- A "These circumstances would be very damning, they tie in perfectly, but I have no suspicion that Mr Mains was involved with boys, or that Mr Semple was involved. I have discussed this with my folk at home and said if it was going on I was not involved. If this were true I would have been a very busy man. I left on a Saturday night and was not back until Tuesday. I was never there at the weekends. I never saw a boy all day Sunday and Monday and on a Tuesday only for 1½ hours in the morning and again at night and there was always a number of boys in on a Tuesday night. I saw them again for 1½ hours on a Wednesday morning and didn't see them until Thursday morning for 1½ hours, on Friday

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morning for 1 $\frac{1}{4}$ hours and on Friday night between 7 pm and 11 pm and a Saturday from 7 pm to 11 pm".

Q A medical examination of Ronald Graham supports his allegation that an act of sodomy had taken place some time ago?

A "You're attributing that to me".

Q What have you got to say?

A "It had nothing to do with me".

Q Have you any information that he was involved with anyone else?

A "No, we have had homosexuals, we have two at the moment, **R 18** and **KIN 59**, on their own admissions".

Q How do you know that?

A "**KIN 59** told me about it in the course of my work, I talked to him about money he had. He always had money and his relationship with other boys from his arrival was strained and part of my job was to talk to him and rationalise his position. I spoke to him to try to change his way of life. I told Mr Mains about the boy **KIN 59**".

Q When?

A "On the day it occurred, I can't remember when, it was a routine report. He said he hitched lifts in lorries and that was how he made his contacts".

Q Did he tell you he got money?

A "I took it for granted that's where the money came from. I told Mr Mains and it was up to him from that".

At 2.05 pm on 1 April 1980 I was present with D/Sergeant McLaughlin when D/Chief Inspector Caskey further interviewed McGrath. A record of the interview was made by D/Sergeant McLaughlin. The D/Chief Inspector reminded McGrath the nature of our enquiries and that he was still under caution. The D/Chief Inspector told McGrath that he wished to refer to a statement made by **R 9** and asked him if he knew **R 9** and if he could recall when he was in the hostel. McGrath replied "He is such a regular I cannot remember when he was in, I think he was in twice".

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STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 19

D/Chief Inspector Caskey then read aloud the statement of [REDACTED] R 9 and asked McGrath if [REDACTED] R 9 had been friendly with any particular member of staff. McGrath replied "No he was a bit of a nuisance, he kept hanging about". The D/Chief Inspector then told McGrath that [REDACTED] R 9 had made allegations that he had sexual intercourse with him and vice versa. McGrath replied "Well that is not true, he is telling lies. I had no sexual connections with [REDACTED] R 9".

Q Did you know that he was a homosexual?

A "No I knew he was a masturbator, I've caught him at it in the room".

Q What did you say?

A "[REDACTED] R 9 cut it out".

Q Did you tell the Social Workers about this?

A "Yes, it would have come up in conferences".

Q He said that you and he indulged in sexual intercourse of several kinds in many occasions?

A "It never happened once".

Q He said it happened regularly in Kincora Hostel?

McGrath - "With me". Detective Chief Inspector said, "Yes".

McGrath - "It never happened".

Q He also alleged that he was involved with Mr Mains?

A "I don't know about that, if I had thought that this was the type of things going on in Kincora I would have resigned and got out".

Q He says that you and he committed sodomy with each other, oral sex with each other and masturbated each other?

A "Not a word of truth in it".

Q Did you know of any relationship between [REDACTED] R 9 and Mr Mains?

A "No I was not on duty with any of the other male staff when the boys were about. I saw nothing or heard nothing".

Q Can you think of a reason why [REDACTED] R 9 should complain about you?

A "No I have had no sexual connection with him".

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STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 20Q Did you know R 17?A "Yes from ".

Q Did you know when he was in the hostel. Would you agree it was between October '74 and August '76. He also has made an allegation that you committed homosexual acts with him in Kincora Hostel?

A Well it wasn't with me".

Q He said that for a while he had sex with you about 3 times a week and this included sodomy, oral sex and masturbating?

A "Not a word of truth, it's unthinkable. I have no explanation about this"

Q Well the medical evidence shows that about him - what do you say?

A "I am amazed it is unthinkable".

Q Do you know HIA 534 / R 4?

A "Yes, he is always in and out of the hostel".

Q Why does he come to the hostel?

A He used to look for odd jobs to do".

Q What do you know about him?

A Well, HIA 534 / R 4 smells and I am very hygienic. He is filthy he was never an inmate during my time".

Q Why did he keep calling at the hostel?

A "I don't know, a good question".

Q You know R 18?

A "Yes, he is there now".

Q He has made allegations that you were involved in homosexual acts with him?

A "No, I discussed his life-style with him. He was a practising homosexual".

Chief Inspector Caskey then read a portion of R 18's statement to McGrath - "After I had been staying in Kincora a few weekends I asked Mr McGrath to rub some cream into my back, I was suffering with protiais a skin complaint and I couldn't rub the cream in myself. He put the cream on and he didn't concentrate on the spots, he rubbed the cream all over my

SIGNATURE OF STATEMENT MAKER: B B Lusk 45gr.

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back and give me the impression he was trying to make advances to me. I told Mrs Hylands about this incident the next time she came up to see me. She advised me to keep away from any conversation which might lead to homosexuality or sex in general and to avoid being alone in a room with Mr McGrath. She also asked me if I was gay and I told her that I was having problems trying to relate to girls and that I found it easier to be with a fella. She asked me if I was repulsed by McGrath's actions and I told her I was not".

Q Did you ask him about homosexual activity?

A "No, I only tried to get him to change his way of life".

The Chief Inspector then read a further portion of **R 18**'s statement to the defendant McGrath starting at - "The next incident with Mr McGrath was a couple of weeks after I had spoken to Mrs Hylands" and ended on the third page as "I told Mr Mains the same as I told Mrs Hylands", and started again at - "During my affair with Mr McGrath I sometimes put my penis between the cheeks of his bum" and ended with "Mr Mains told me that if the police or reporters came round about the homosexual allegations to be careful what I had told them about Mr McGrath". Mr Caskey then asked the defendant a number of questions.

Q Did you know Mrs Hylands?

A "Yes, she was his Social Worker, I only met her at case conferences".

Q How often was that?

A "It was not regular, only when they arose".

Q Would you have been called in to a case conference if a complaint had been made against you?

A "Yes I would".

Q Who with?

A "Mr Mains, the person concerned, the Social Worker and maybe someone from Foster Green".

Q Who told you **R 18** was a homosexual?

A "We got it on the file".

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STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 22

- Q Did Mrs Hylands ever make a complaint about you involved in homosexual acts with R 18 to Mr Mains?
- A "No I have never heard of it".
- Q R 18 says that you had a relationship with him up to the time you were suspended?
- A "We talked up until I was suspended but we never had a relationship".
- Q Can you think why he should make allegations against you?
- A "I have no idea".
- Q Do you know R 22?
- A "Yes he's still in the hostel".
- Q This boy alleges that you interfered with him in a homosexual fashion and kissed him and you placed his hands on your penis and tried to get him to masturbate you?
- A "No not a word of it".
- Q Why should he make this allegation?
- A "I have no idea".
- Q Did you know R 10?
- A "Yes he is married and living at ".
- Q Do you know when he was in Kincora Hostel?
- A "No, we had three brothers in the hostel".
- Q He alleges that one morning when you wakened him you put your hand on his penis under the bedclothes and rubbed him?
- A "Never, never".
- Q You asked him why he panicked?
- A ~~"Well that could be said of some of them, you would think that the QID were lifting them when you went to waken them in the morning".~~
- Q Why should he make allegations?
- A "I have no idea".
- Q Do you know Richard James Millar?
- A "Yes, from Bangor".
- Q He alleges that every morning you wakened him you indecently assaulted him in some form or other?

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- A "It couldn't happen".
- Q Did you say to him, "You are a nice looking boy"?
- A "Only in a joke".
- Q What would you have said?
- A "Something like you are a nice looking boy".
- Q Did you tell him that God said it was OK?
- A "No definitely not".
- Q Did you ever kiss him and masturbate him?
- A "No definitely not".
- Q Any reason why he should make this allegation?
- A "I have no idea".
- Q Did you know a boy called Clinton Massey?
- A "Yes, the name is familiar".
- Q He also has made allegations against you?
- A "Yes".
- Q That you were masturbating him as he woke up one morning and that this happened between April 1973 and October 1973. Any reason why he should make this allegation?
- A "No".
- Q Do you know KIN 43?
- A "Yes a brother of R 9".
- Q He makes the allegation that when you wakened him he felt you touch his penis under the bedclothes?
- A "Just unbelievable".
- Q Why should he make this allegation?
- A "No idea".
- Q Do you know a KIN 254 from the Salvation Army Hostel?
- A "No, the only person I know from the Salvation Army Hostel is R 17".
- Q Do you know R 21?
- A "Yes he was a recent one at the hostel".

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Q That would be between April 1978 and August 1979. He also alleged that you kissed the back of his neck once and he felt your penis against his backside?

A "Very false, he was a difficult boy".

Q He alleges that you were naked in the back kitchen on one occasion?

A "Absolutely wrong".

Q Do you know **HIA 533** ?

A "Yes".

Q He was an inmate of the hostel?

A "Yes".

Q He alleges that you had your hand under his underpants when you wakened him one morning?

A "Ridiculous".

Q He says he reported this to Mr Mains and he said that in future Mrs Smith would waken him - do you deny this?

A "Absolutely".

Q Did you sit in on case history discussions of this boy?

A "I might have, I can't tell".

Q Do you know **R 15** ?

A "Yes".

Q He alleged that you caught him by the penis one time and that his mother made a complaint about this?

A "Not to my knowledge".

The time being 3 o'clock the defendant McGrath was given a tablet as prescribed by his own family Doctor. The defendant, McGrath, then went on to say that prior to **R 15** arriving at the hostel he had had a phone call from the police asking if they had a supply of warm water to give the **R 15** family a wash. He said that when the **R 15** family arrived at the hostel he gave **R 15** a wash and that was as near as he got to touching him.

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- Q Don't you think it strange that a number of boys make the same or similar allegations about you regarding you wakening them in the mornings, bearing in mind that they were not in the hostel at the same time?
- A "I don't know, it could be malice".
- Q Unless these boys have been in contact with each other what other way could the pattern emerge?
- A "Only by the grape vine in every Borstal and Institution in Northern Ireland.
- Q How would it start?
- A "If you are strict you become unpopular and the person who wakens these boys in the mornings bears the brunt of their ill will".
- Q I put it to you that your behaviour in the mornings was a means of testing which boy would be amenable to homosexual advances?
- A "You have it all wrong".
- Q In view of the large number of complaints against you I put it to you that there is truth in these allegations?
- A "No not a word of truth, it is a contradiction of all I live for".
- Q Do you think it would be possible for all these boys to get together and concoct this story about you showing a similar pattern?
- A "I did not behave in the way it is alleged".
- Q Forensic evidence will show dense concentration of seminal stains in the hostel in the area that these boys allege the acts took place with you?
- A "Not with me I have never been in a position where a boy had lost seminal fluid through my activity".
- Q I suggest to you that the boys were frightened of you and in practically all cases did not make any complaints?
- A "Why were they frightened of me, what threat had I over them, I have heard of a campaign about other organisations by certain people".
- Q What do you mean by that?
- A "I won't say".

SIGNATURE OF STATEMENT MAKER:

B. Elliott

STATEMENT CONTINUATION PAGE

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Q Are any of these boys who have made allegations in any of the organisations you have referred to?

A "No not to my knowledge, I have never talked to them about religion".

Q What type of organisation do you mean and in what context do you refer?

A "I will have to wait and see I will not say any more now".

At 3.15 pm D/Chief Inspector Caskey left the interview room at which stage I continued the interview in question and answer form:

Q How do you explain these allegations?

A "My statement is a complete denial".

Q Are you prepared to show at this stage your defence?

A "No".

Q If as you say other organisations have a vendetta against you, why don't you make a complaint to us now?

A "I will keep that for Court".

Q Why should **R 18** say that you could not look him straight in the face the day that Mr Scoular called at Kincora Hostel, after the news of the homosexual activity in Kincora had broken in the Press?

A "**R 18** said that if anybody should go to gaol it should be him".

Q Who did he say this in front of?

A "Mrs Smith".

Q Who else?

A "That is all".

Q Were you there?

A "No, Mrs Smith told me, I have not been guilty of any acts of homosexual activity with any boy in or outside Kincora".

Q Were you harsh with the boys?

A "I liked the place run well, but I would not be very strict".

Q Are you saying you're not a homosexual?

A "Yes".

Q Are you prepared to take a medical examination?

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STATEMENT CONTINUATION PAGE

STATEMENT OF: DENNIS BARKELEY ELLIOTT CONTINUATION PAGE NO: 27

A "Not until I speak to my solicitor".

Q When did you first hear of the meeting with Mr Scoular in Kincora Hostel after the allegations had been made in the Press?

A "I had been at a funeral that morning and when I arrived home my wife told me that Mr Mains had been on the phone. My wife said that Mr Mains seemed to be agitated. I went up to the hostel and Mr Mains asked me what was this all about. He had already got Mr Semple to buy the Dublin paper and had a copy of it. The article in the paper made mention of political involvement and about an Orange man and leader of a paramilitary group. I asked Mr Mains if he had told Head Office. He said he hadn't and then we rang Head Office and they said they knew nothing about it. Later on that day Mr Scoular and a ~~MAN~~ McGrath, a namesake of my own, and a Mr Gibson came to the hostel. The three of them and the rest of us, that is, that is the staff at Kincora, discussed the whole thing. Mr Scoular asked me about the political angle and I told him about my involvement in TARA and the Orange Order".

Q Did anyone stay at the hostel that night?

A "Yes, Mr Scoular got an outsider to stay that night".

Q Have you had any other approaches about the allegations?

A "Yes, from the Press, I don't know who, but we had been told not to make any comment".

Q Do you realise that Mr Mains and Mr Semple have accepted that there is truth in the allegations made against them?

A "That does not help my case".

D/Sergeant McLaughlin and I then had a discussion with McGrath regarding his family circumstances. On returning to the allegations by the boys who had been in Kincora Hostel. McGrath continued to deny any involvement in any way in a homosexual manner. At 4.30 pm Detective Chief Inspector Caskey returned to the interview room and again put

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further questions to McGrath:

Q Tell me about TARA membership?

A "It has no membership, no structure and does not receive any payments".

Q Who is responsible for the day to day running of TARA?

A "No one is responsible, it is not an organisation".

Q I suggest to you that you formed this group to gather around you young men for homosexual purposes and then later blackmailed them for financial and political gain?

A "Definitely not. The leaflet you have been given gives the views and aims of TARA".

Q I suggest you used TARA to infiltrate other political groups?

A "Definitely not".

Q I suggest that you dreamed up TARA as a front for your own activities and that you were used by some other more sinister groups?

A "I can answer all that but I will only do it in Court, that's British justice, I have that right".

There then followed a discussion with McGrath regarding his family circumstances and later the allegations made by the boys. The defendant continued to deny that he had interfered with them in a homosexual way. The interview terminated at 5.10 pm. At 7.10 pm on 1 April 1980 I again saw the defendant in interview room 38 at Mountpottinger Police Station accompanied by D/Chief Inspector Caskey and D/Sergeant McLaughlin. The Chief Inspector reminded McGrath that he was still under caution and then put further questions to him. A record of the interview was maintained by D/Sergeant McLaughlin.

Q Who is your solicitor?

A "Mr Hall".

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- Q You wish to seek his advice before agreeing to a medical examination?
- A "Yes".
- Q Do you accept that the case is heavily stacked against you?
- A "Oh yes".
- Q Do you accept it when I tell you that in the case of R9 Mr Mains has accepted his part in the allegations of R9. The fact that Mr Mains has accepted his part would tend to corroborate the allegations of R9?
- A "I would accept that".
- Q Would you accept in the light of Mr Mains' admission that the newspaper allegations are true?
- A "It would appear that way".
- Q The fact that Mr Semple has also accepted his part, again would tend to weigh heavily against you".
- A "Yes, makes my case all the more difficult".
- Q I must tell you that Mr Mains and Mr Semple are involved only with a small number of boys, yet in your case a large number have made allegations. Would that not suggest that you were involved in running a homosexual ring at the school?
- A "I can only assume that I will get the biggest end of the stick".
- Q If these allegations are true, then the three of you were involved in homosexual acts?
- A "In my case the allegations are not true".
- Q That would mean that complaints made about your behaviour to Mr Mains were falling on stoney ground?
- A "That would be a good interpretation".
- Q These boys would have no one to turn to, to look for help in the hostel?
- A "They were being seen by their social worker every week, why did they not make complaints to them".
- Q Mr Mains has been there for 21 years?

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- A "There is something lacking in the structure if this never came out before this. If all this is true the whole structure of welfare work would need to be overhauled".
- Q Quite a lot of these boys were from broken homes who had no one to turn to for help, other than Mr Mains?
- A "They had their social worker".
- Q But you were asked specifically about a complaint made by **R 18** to a social worker?
- A "I was never approached by anyone about **R 18**. Yes I stood in on discussions on **R 18**, everyone knew he was a practising homosexual".
- Q You were also asked about **R 15**?
- A "Not by his social worker, by Mr Mains".
- Q What did you say to him?
- A "I told him everything that had happened, it was all over in thirty seconds. I told Mr Mains that the boy was passing me in the corridor, the front of his trousers was open and I told him to zip up - that was all that happened".
- Q Mr Mains was told by other boys about you?
- A "I was never approached by Mr Mains about other complaints".
- Q I suggest that the allegations made by these boys are true, bearing in mind as I have said before that they had no opportunity to fabricate these allegations?
- A "I can only say that they were not true. How they concocted them I do not know".
- Q Are you suggesting that some outside agency got them together to concoct them?
- A "No sir, I haven't a clue".
- Q But you did infer earlier today that you knew the source of earlier allegations and that they were out to destroy you. Are you prepared to name these people?
- A "Not at the moment".

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- Q At what stage will you tell the police?
- A "I will have to talk it over with my legal advisers, it's a new situation for me I just don't know".
- Q Bearing the seriousness of the allegations, don't you think it would be to your advantage if the police conducted investigations on your behalf?
- A "If I wasn't convinced that you are satisfied that these allegations against me are true then I would consider that course of action".
- Q It is a serious matter if people conspire together to fabricate allegations of this nature. Don't you think such a serious matter should be investigated by the police?
- A "I think I know the original source of the allegations made 10 years ago.
- Q What were these allegations?
- A "Simply that I was a homosexual".
- Q Were you a homosexual at that time?
- A "No".
- Q What form did the allegations take?
- A "A whispering campaign".
- Q You know the source of these allegations?
- A "Yes we do".
- Q Whose we?
- A "Those who know".
- Q Are you prepared to give the names of these other people against whom allegations have been made other than yourself?
- A "No".
- Q At what stage are you prepared to give these names?
- A "Later on, this will have to be discussed, you boys will have had your share".
- Q Are these people in high places?
- A "No higher than myself".

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Q Are they connected with TARA?

A "Some of them".

Q What reason is there for spreading such allegations?

A "I think that will be brought out in the Court".

Q What is the reason for the allegations - political, religious or other?

A "I should think it is political".

Q Once again I am prepared to give you the opportunity to disclose to me the names of the persons responsible for the source of these allegations?

A "No I reserve that".

Q Even though it would help your defence to these serious allegations?

A "I will be charged anyhow, it wont alter that".

Q But if you are being blackmailed?

A "That's a different kind of picture".

Q If you were being threatened it would benefit you to have the case investigated by the police?

A "The term I would use is character assassination. If you do that successfully you don't need to threaten or blackmail.

Q Nevertheless as you say these allegations are untrue. I repeat again it would strengthen your case if you were to co-operate by naming the sources that you allege were responsible for putting about rumours that you were involved in homosexual acts?

A "I don't believe that there is any connection between this present case and the one brought up some 10 years ago. It would be impossible for them to get together but I think the Kincora boys jumped on the band-waggon".

Q If there is no direct connection as you say how would they know about these allegations which were made 10 years ago?

A "Half the country knew about these allegations".

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- Q How then would 16 year olds from broken homes whom you had in your care know about allegations made 10 years ago, when some of them would not have been in their teens at the time?
- A "It was known in every street in the land about the allegations. It was a whispering campaign".
- Q As you say you know the source of 10 years ago, did you ever consider legal action against that source?
- A "You can only take legal action against an individual and they wanted us to take action years ago".
- Q Who are they?
- A "That will not be told now because they would have got into the witness box and swore as much lies as these boys are telling now".
- Q Do I take that to mean that the allegations made 10 years ago emanated from people who had been associating with you?
- A "Definitely not".
- Q Then why put them in the same class as the boys from Kincora?
- A "They were not boys, but we know that they were prepared to swear our lives away as people and what we stood for".
- Q Surely it would be in your interest to tell the police their names and to have the matter investigated?
- A "No that needs to be reserved for the moment".
- Q Are you frightened?
- A "No we will simply have a defence to prepare".
- Q To tell me now might prevent very serious charges being preferred against you at this stage?
- A "In the light of all you have said I can't believe that there is anything I could do to prevent this going to court".
- Q On the face of the evidence and the statements made by the boys from Kincora, the fact that you are not prepared to reveal what you consider vital information for your own defence would leave the police with little choice?
- A "What choice have I".

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D/Chief Inspector Caskey left the interview room at 8 pm and I continued to question McGrath:

Q You are aware of the allegations made by **R 9** in the statement?

A "Yes".

Q You are also aware that he has made certain allegations against Mr Mains and that Mr Mains has accepted that these allegations were true. Don't you agree that in view of this there is truth in **R 9**'s statement?

A "I agree that it looks bad for me in view of that, but there is not a word of truth in it and I have no suspicion of the other two".

Q You were the subject of previous allegations and should have been on the lookout for this type of allegation again?

A "We can't legislate for the boys and I agree I talked freely with **R 18** about his violent aspect".

Q Would you consider it your duty to be on the lookout for homosexual activity in the hostel?

A "Yes, if I had been residential, yes I would".

Q We were told that you were stopped wakening the boys in the morning?

A "If I was stopped no one told me. There was a time Mrs Smith insisted on wakening them and I thought this was to get her own back on the boys".

Q You took up a position in Kincora after as you allege that you were smeared and left yourself open to more slander?

A "I didn't consider I was leaving myself open, I knew I was innocent".

Q Did you tie down the source of the smear campaign to a particular individual?

A "No, I would say to a few people. It had to do with our attitude against lawlessness".

Q What era are you talking about?

A "About 10 years ago".

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I then produced the newsheet entitled 'Focalin File' Exhibit GC58.

Q Do you know Mr McKeague?

A "No, it says in an article in that paper that Mr McKeague and I had a homosexual connection and I don't even know him".

Q Was it because you were supporting law and order that some people smeared you?

A "That is absolutely correct, that is it".

Q Is that the same with the present allegations?

A "Yes I put these allegations with the previous smears against me, I would say they originated from the same people".

Q Who?

A "I told you I refuse to name them".

Q Do you remember the boy called R 21 who was an inmate of the hostel?

A "Yes".

I then read aloud part of statement number 101 by R 21. When I had finished reading I asked McGrath what he had to say about the contents of the statement -

A "When a boy is coming up to within a few months of being due to leave Kincora, one of our tasks is to find out accommodation and if he has somewhere to go. In these days most of them want a flat or digs. R 21 was about the most undomesticated person we have ever had. He could do nothing to look after himself. In discussing the problem of accommodation I advised him he would be better getting digs in a good home. I advised him to place an add in the Newsletter or the Telegraph to this end. I had no idea of any flat or accommodation. I told him of other boys' experiences and of what had happened to them".

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Q Have you ever arranged for a flat for any boy?

A "No only to advise them to advertise in a newspaper, I never told them to go to a particular address".

Q Have you any influence where a boy could go?

A "No only to tell them to go to an Estate Agents".

Q Have you any idea where the boys go after Kincora?

A "No that is not my job".

Q Some of them have returned to Kincora?

A "The only one I know ever came back was [REDACTED] R 9".

Q What about [REDACTED] R 17?

A "He may have called once or twice over a couple of years".

Q Did you do any duty over last Christmas and was there anybody stayed in the hostel during last Christmas?

A "I remember getting a message about two people at that time".

Q Did you know that Mr Mains was aware that two people were there?

A "I presume he did, he did not tell me and I did not see them".

Q What do you know about HIA 534 / R 4?

A "He did call quite often".

Q Did Mr Mains give you permission to let him into the home?

A "No, but he was in charge".

Q Were you aware that a man called and collected Richard Kerr from Kincora Hostel?

A "Richard Kerr was a bad ticket all round and what he was involved in I didn't know. The only thing I knew was that he was involved in crime, never in sexual activity. He worked in the Cavalier Hotel and I heard he was thrown out because he had some man in his room although I never heard of any sexual activity".

Q Were you aware that Richard Kerr was a criminal?

A "No he never told me anything, he never spoke to me only when he had to do".

Q What about Stephen Waring?

A "He was very smart and I talked to him a lot about his future. He told me his idea was to resist authority".

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Q In the light of this were you surprised that he committed suicide?

A "Well was it suicide".

Q Well people have said that they tried to pull him back over the side of the boat again?

A "Well his body has never been found".

Q Is there anything else you want to say about these allegations at the moment?

A "No".

At 8.45 pm D/Sergeant McLaughlin and I were relieved in the interview room by D/Constables Preater and Bell. At 9.55 am on 2 April 1980 I was present in interview room number 38 when D/Sergeant McLaughlin and D/Constable Preater commenced an interview with McGrath. After a period of five minutes I left the interview room. At 1 pm that same day I conveyed McGrath to the Police Office where he was medically examined by Dr Irwin on behalf of the police between 1.25 pm and 2.10 pm. After consultations with Dr Irwin I brought McGrath back to Mountpottinger Police Station. At 2.55 pm accompanied by D/Sergeant McLaughlin I saw McGrath in interview room number 36. I reminded him that he was still under caution and the nature of our enquiries. D/Sergeant McLaughlin recorded my interview with McGrath as follows:

Q Mr McGrath, there are two points revealed in the medical examination by Doctor Irwin. One point is - the doctor states that you are not in good health - who is your doctor?

A "Doctor Harte of the Hollywood Arches".

Q Doctor Irwin is of the opinion that you have been a homosexual for some time and have had sex on many occasions and that you are a classic example of what he would expect to find, and his conclusion is quite clear?

A "Never, whatever the reason is for my physical condition, it is not that".

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- Q The doctor will say that the irritation close to your back passage is aggravated by homosexual intercourse?
- A "Never, never, I know it is ridiculous to fly in the face of medical evidence, there is no way whatever I have had sexual intercourse ever in my life. He is the expert, we have got to accept his conclusion".
- Q Can you explain the scarring?
- A "The only thing I can say - I had an operation at the edge of my rectum and had suppositories pushed into my rectum".
- Q The doctor is apparently aware of that, but apart from this it is indicated to him as an expert that you had had sexual intercourse?
- A "Never once, never once in my life".
- Q Why did he contradict himself - I asked him, maybe I shouldn't ask this, "Are you at liberty to tell me". "The doctor said he was not at liberty to tell me and he could not tell the police for at least three or four days".
- Q Do you think we are telling lies?
- A "No I have no complaints about that and I accept that what you told me is correct".
- Q It makes you out as telling lies?
- A "No in law it appears against me but I couldn't accept that it happened in my sleep. I know that I would have to have been aware of it and I wasn't".
- Q Doesn't it look bad for you?
- A "It hasn't helped my case, but I never had sexual intercourse with anyone in my life, never, never."
- Q Wouldn't you be better to consider your position seriously?
- A "I am not going to make a liar of myself to myself and I know that I am telling the truth".
- Q You will never admit it?
- A "No".

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Q You dare not admit to this because of the allegations that you say other people have made about you in the past might have been correct?

A "No that is not the case".

Q Don't you think of the young people and what you have done to them?

A "I don't worry because I have never done anything".

Q I don't know why you can't tell the truth?

A "I know my position".

Q What is your position?

A "I know that I never had sex with any person in my life, either taking or giving".

Q Do you accept Doctor Irwin's evidence. He will say that he has examined up to 20 others in this case and you are the best example of a homosexual so far?

A "It is a mystery".

At this stage in the interview D/Constable Preater entered the room, the time then being 3.15 pm. The interview continued in question and answer form and D/Sergeant McLaughlin recorded the questions and answers:

Q Would you accept what I am telling you is true?

A "No I accept that you have been fair to me and I would be very wrong if I ever complained about you, I have been fairly treated".

Q Well why deny the allegations which appear to be strong against you?

A "I know that it appears that way, but I will never understand why, maybe some day there will be an explanation by medical profession as to my state which Doctor Irwin refers to".

Q At least 16 boys will be giving evidence in Court against you and also forensic evidence will show that seminal stains were found at places where the boys allege you committed acts against them, this, plus the evidence of Doctor Irwin and the admissions

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of Mr Semple and Mr Mains?

A "There would appear to be corroboration. I appreciate everything you say but I know that I have never done the things of which I am accused of".

Q Dr Irwin would suggest that the problem with your back passage is connected with your homosexual activity and is irritated by it?

A "I have always had problems with my back passage and I use Betnovate on it".

Q I would suggest that you are a practising homosexual?

A "I know that it points that way, you have established your case but I will not admit to something I have never done".

Q You are very calm and seem to treat it very lightly?

A "I know but no one ever entered me and I never entered anyone".

We then had a discussion with McGrath regarding his family and his antecedents. The interview then continued and notes of the questions posed by myself were made by D/Constable Preater at the time.

Q Have you ever had Russian people stay in your house?

A "During war time many people were fleeing from behind the Iron Curtain and the missionary groups would put these people in their homes".

Q Where were you living when these people stayed at your home?

A "In Finaghy and Wellington Park".

Q Can you remember their names?

A "No I can't remember any of their names".

Q What nationality were these people?

A "All nationalities from behind the Iron Curtain. I remember being wakened one morning by three taxis driving up to the door. There were six children and three adults. They were given addresses in Europe in the refugee camps".

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Q Were these people Russians?

A "Not necessarily, Hungarian. This was 1948 period after the war. Refugees were fleeing from behind the Iron Curtain".

Q How long did they stay?

A "They only stayed for a few days en route to Donegal to a big house near Ballybofey".

Q Any other people stayed with you?

A "American couple called Mr and Mrs Minter, they were missionary workers and are now living in Austria".

Q Are you a Communist?

A "No very Protestant".

Q Some people would suggest that you are a Communist?

A "No that is not true".

Q It has been suggested that you have been undermining everything you went into?

A "I have heard it before as part of the smear campaign against me. I have heard it before that I was a 'homo', a Russian spy, a British Agent".

Q Isn't it true that you went into Kincora Hostel when you were caught out?

A "No".

Q Are you still in missionary work?

A "Yes, I distributed leaflets throughout the 32 counties and I make slide lectures".

We then had a discussion with McGrath regarding his missionary work and how it was carried out. On return to the matter regarding Kincora I posed the following questions:

Q Did you ever meet a R2 in Kincora?

A "May have spoken to him on the 'phone."

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Q Did you know Hugh Quinn who used to come to Kincora Hostel?

A "I may have saw a postcard from Hugh Quinn".

Q Did you know the two men who stayed at Kincora Hostel over the last Christmas period?

A "No".

Q Are you sure you do not know a **R2** who used to call at Kincora?

A "No I may have had a 'phone call occasionally from him".

Q What was the 'phone call about?

A "He was looking for Mr Mains".

Q Do you still deny the allegations made by these boys at Kincora?

A "Yes there was never anything up my back passage".

Q You have said you had suppositories up your back passage?

A "Yes".

Q Ever use a vibrator?

A "No".

Q Did you know prior to today that the Doctor could by examination tell if a person had sexual intercourse?

A "No I did not know that".

Portions of statement made by **R18** were again read to McGrath.
He was asked if he wished to make any comment.

A "I have absolutely nothing to do with him it is not true. I would rather go away for 20 years rather than admit to something I did not do and get 10 years".

Q That is not for us to decide?

A "I appreciate that".

Q Would you agree that if you were in my position and knowing the amount of evidence against me that you would believe I was guilty of the allegations?

A "I would accept that it looks bad against me".

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Q This article on the Focalin file refers to you,
where did you obtain this article from?

A "From Mr Passmore".

Q Didn't you take a writ out against the editor of this article?

A "I had already made approaches along those lines but was told to hold fire by the solicitor".

I then produced the article - the Focalin file, Exhibit GC 58, and read part of it to McGrath. I asked him if he knew Peter Robinson who was referred to as being a friend of his.

A I don't know Peter Robinson. I heard that Robinson was going to issue a writ but that Mr Paisley came home and stopped the issue of the writ".

Q Who is Alan Campbell?

A "I did hear that there was a charge preferred against him but he was found 'Not guilty'. Robinson, McGrea are all Paisley men".

Q How did you know that the writ by Robinson had been stopped?

A "My solicitor told me".

Q Do you know Clifford Smith?

A "Yes he is a fellow Orange man".

Q How often do you see him?

A "I see him every six months approximately at meetings".

Q Is it true that Clifford Smith was asked to leave the DUP?

A "The DUP have a theory that if you are educated you get a rough ride in that Party".

Q Did you know that Clifford Smith was a transvestite?

A "I had no idea".

Q Did you ever have a relationship with Clifford Smith?

A "No, he stayed at my place".

Q Did you ever try to sort out problems which KIN 358 had?

A "No she had this complex about being bow legged. I talked to her about this".

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Q Did you ever invite her to your house and in a room there were three young men who were naked?

A "Absolutely not, no".

Q Why did KIN 358 leave your house?

A "I will reserve that reason at the present".

Q Can you explain the condition your back passage is in?

A "No but I will have to find some medical explanation".

Q What about the letters you wrote to Roy Garland?

A "I believe there is a connection between the Kincora case and a row in the Orange Order which took place some time ago".

Q Will you discuss that with us?

A "No".

Q Haven't you tried to clear your name?

A "No because it's not the time considering the evidence against me".

I then produced a statement made by R 22, an inmate of Kincora Hostel. I read aloud part of this statement to McGrath and asked him if he could offer any explanation.

A "No I have no explanation to make. I found R 22 a decent respectable lad".

Q What is your opinion of him?

A "I rate him very high and found him to be a truthful boy".

Q How did he behave in the hostel?

A "He was always very well conducted in the hostel".

Q Did you ever touch him as he alleges?

A "I may have touched his back just to look at it".

Q What do you mean - just to look at it - why did you do that?

A "Just to have a look at it, no particular reason".

Q Did you ever undress in front of any of the boys?

A "No".

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Q How could some of the boys tell us you had scars on your back?

A "Because I told them. They say that I had bandages on my back after the cysts were removed".

Q What about the cyst close to your backside, how could the boys have seen that?

A "They did not see it I told them about it".

Q How did they know the exact position of it if they did not see it?

A "I don't know I used to have trouble sitting down and they used to make fun of me".

We again had a discussion with McGrath about **KIN 358** and he insisted that he never discussed any problems with her apart from the fact that she was very much aware of having bow legs and was very conscious of this saying that she did not appeal to men because of her legs.

Q Did you ever try to sort this problem out for her in a way that she would suggest, by bringing her into a room where three young men were naked?

A "No, never, absolutely not".

Q This is probably the last chance for you to give an explanation regarding the allegations and also to tell the police about any other thing that you would want us to investigate?

A "My final answer is a denial of all the allegations".

The interview terminated at 5.50 pm. At 8 pm I conveyed McGrath to the Police Office, Townhall Street, where the present charge was preferred by D/Chief Inspector Caskey.

SIGNATURE OF STATEMENT MAKER: B. Elliott

8. Later McGRATH moved to his present address at 188 Upper Newtownards Road, Belfast.

KN-50647

9. William McGRATH is married and has a family of three.

10. My informant had the opportunity of purchasing a small business in 1964. William McGRATH by very subtle pressures managed to go into partnership on an equal basis stating that he would pay half the purchase price, which he never did. The business did quite well but McGRATH borrowed from his partner to the amount of £2000. McGRATH also had a sideline in carpets. This venture resulted in him incurring debts in my informants name. Hence the later action to recoupe the money owed.
11. Until 3 to 4 years past McGRATH advertised in the Belfast Telegraph under the 'For Sale' column. His adverts started 'Carpets Beautiful'. The subject termed himself as a carpet importer and imported carpets from Belgium. My informant was under the impression that the advertisements were of a sinister nature conveying a message other than the obvious.
12. Another line of business he was involved in was the buying and selling of second-hand furniture. This necessitated frequent visits to auction rooms etc.
13. It is known that for a time around 1970/71 he worked as a filing clerk at Estate Agents Office.
14. On a number of occasions when my informant was present McGRATH gave the impression that he was a qualified massuer. He said that he was in possession of a massage machine which he claimed had an attachment for fitting over the penis for stimulation.
15. Quite recently it is alleged he approached a person working in the Chemistry Business and asked if he could obtain arsenic or strychnine.
16. It is understood that William McGRATH originally comes from around Bleary and in his early days lived in Earl Street, Belfast.
- 17.
- 18.
19. Subject has also close connections with the British Israelites. Some known associates in this Religious body are:-

it was issued that year by McGrath which spoke of armed conflict which would develop between the "children of God" and their enemies.

In September 1966 McGrath asked me to accompany him on a trip to meet Paisley at his church. I informed Paisley that two regiments in the Orange Order were linked with the UVF. Paisley said he would seek legal advice on this. At about this time McGrath also produced a number of anonymous sheets associating Paisley from the UVF and stating that Unionist members were in the UVF. I posted these in Carrickfergus politicians and newspapers as far away as Moscow.

Throughout these years McGrath was able to bring his message to Unionist meetings, churches, mission halls and Orange Lodges. The message was always about the coming crisis, the bloody fight which was necessary to stem the tide of nationalism and Communism. I came to believe that there was a kind of self-fulfilling prophecy about all this. It seems probable that if people are told to prepare for war they will become conditioned to expect it and take steps to carry it out. However, I saw McGrath's prophecies, Paisley's, as evidence of mendacious political foresight.

McGrath, although he himself was not a party member, had managed to have links with Unionist politicians, including one at Cabinet level. He also had a number of associates who were ordinary members of the party. Some of these were Tara members and some attended his meetings. It was therefore not surprising that he was able to persuade me that a chance had opened up for me to become a Member of Parliament in 1968. I was then at a meeting with three other Unionists — one of whom was a top Unionist politician. My aim was to ensure that in Bailie, a leading Terence Hill supporter, did not receive a Unionist nomination for townabney in Co Antrim. McGrath knew the chairman of association and tried to gain support for my nomination.

leading loyalists to a meeting at his home to discuss loyalist unity. These were Norman Porter, Rev Martin Smyth, Ian Paisley, Rev John Brown, James Molyneux, William Douglas, W. Black, William Craig, Harry West, Dr Norman Laird, Desmond Boyd, and Rev Robert Dickinson. McGrath told me that all had agreed to attend except Norman Porter. Porter's opposition seems to have led to the cancellation of the meeting. However, some leading Unionists subsequently are known to have visited McGrath for meetings at his home, including James Molyneux, the present leader of the Official Unionist Party.

Call for platoons.

At a special Tara meeting in the summer of 1969 it was decided that a Rotaprint machine should be purchased to produce literature to promote the cause. Paisley's church secretary and myself were guarantors for about £400 which was used to purchase the machine in McGrath's name. We obtained the loan through a financier who was a Tara member. I only know of one piece of literature to be produced on this machine, a call for platoons of 20 men to be formed for the protection of loyalist areas in August 1971 (see box). This was written by McGrath and the "chain of command" referred to was Tara's organisation.

Many loyalists felt under considerable threat during the violence of August 1969 and it is not surprising that McGrath and Paisley were talking about the need for a "Peoples Militia". What is surprising is that at the height of this violence McGrath, Paisley, myself and a man called Black from Armagh were talking to the Prime Minister, Major James Chichester-Clark, about it. This was during the early hours of Thursday, 14th August, 1969 at Knock RUC Headquarters. We were demanding that the "B" Specials be mobilised and a "Peoples Militia" be formed. This arose out of a meeting largely composed of members of Paisley's Ulster Constitution Defence

Belfast District. An Orange official asked why McGrath and myself did not go ahead on our own. We interpreted this as encouragement. This was in November 1969 and by January 1970 we had obtained permission to use a room in Clifton Street Orange Hall under the title 'The Orange Discussion Group'. The 'Hall Committee', however, was not aware of the true nature of the group.

"Tara"

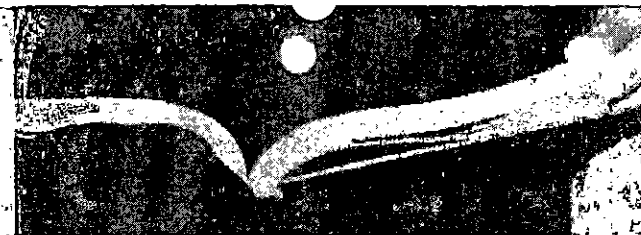
The real title of the group was "Tara" and it was seen as the continuation of the old Tara ginger group in paramilitary form. Its officers had all been members of the old Tara; some were members of the Unionist Party and some were close associates of Paisley. The title "Tara" was McGrath's idea. It was associated with the ancient kings of Ireland who were, he claimed, descended from the Kings of Israel. Queen Elizabeth is supposed to be the present descendant of the same line. The story goes that the coronation stone now in Westminster Abbey had once rested at Tara in Co. Meath, but had originally been Jacob's pillow. It was brought to Ireland by Jeremiah, who was said to have been buried on Devenish Island in Lough Erne. Apparently in the 1930s a British Israelite disturbed part of the site at Tara digging for the Ark of the Covenant!

Statement from Tara distributed in working class areas of Belfast on 12th August, 1971.

Being convinced that the enemies of our Faith and Freedom are determined to destroy the State of Northern Ireland and thereby enslave the people of God, we call on all members of our Loyalist institutions, and other responsible citizens, to organise themselves immediately into platoons of twenty under the command of someone capable of acting as Sergeant. Every effort must be made to arm these platoons with whatever weapons are available. The first duty of each platoon will be to formulate a plan for the defence of its own street or road in co-operation with platoons in adjoining areas. A structure of Command is already in existence and the various platoons will eventually be linked in a co-ordinated effort.

Instructions: Under no circumstances must platoons come into conflict with Her Majesty's Forces or the police. If through wrong political direction Her Majesty's Forces are directed against Loyalist people, members of platoons must do everything possible to prevent a confrontation. We are loyalists, we are Queen's men! Our enemies are the forces of Romanism and Communism which must be destroyed.

Members of platoons must act with the highest sense of responsibility and urgency in preparing our people for the full assault of the enemies within our Province and the forces of the Eire Government which will eventually be thrown against us. We must prepare now! This is total war!



Roy Garland relaxes after digging his garden.

Politically all this meant that the Irish people were, as a tribe of Israel, part of the United Kingdom, although they were separated by the Roman Catholic religion which was likened to the heathen worship of Baal in the Old Testament. McGrath said that all Irish people were royalists at heart and one day would become aware of this. The emphasis on Irishness in McGrath's propaganda was always seen by him in the context of the United Kingdom. He argued that it should be possible to be proud of our Irish heritage — as Scots people were of theirs — and yet be citizens of the Great British Empire.

The Easter rebellion in 1916 was the first attempt to break up this empire according to McGrath, and Ulstermen would play a significant part in its reconstitution. This was linked with the establishment of Christ's rule, so it appeared at

times that the British Empire and the rule of Christ would eventually be synonymous. Part of this process would involve the re-conquest of Ireland at the point of the gun.

Although for most of its members Tara was simply a defensive organisation, McGrath believed that it would ultimately provide the muscle alongside the British security forces in this re-conquest. The political and religious struggle was all part of the same movement to bring Ulster under right-wing sectarian control. Links had already been forged with the British Israelite movement in South Africa and later, with members of the right-wing International Council of Christian Churches in Holland. In the mid-seventies money was brought from Holland to be shared between Paisley and McGrath for evangelical work.

Much of this might appear ridiculous but, if, as had been claimed in more recent times, there were links between Tara and sections of the British establishment, it is not inconceivable that in a doomsday situation there might have been support for a re-conquest of Ireland.

Soul of Ireland

My duty as second-in-command in Tara was to call the central monthly meeting to order for the entrance of the Commanding Officer, William McGrath. The meeting began with a ritual statement about our part in the struggle for the soul of Ireland. Sergeants from the various platoons attended this meeting, new sergeants were initiated and new members admitted. Most new members did not again attend the central meeting. Each platoon was responsible for its own affairs and in fact there

of a Protestant ascendancy.

McGrath's idea of a Protestant ascendancy was much narrower than the old Anglican ascendancy of the 18th century. In the sectarian ascendancy of Tara, Roman Catholic churches would be burnt and their images destroyed. I felt a growing disquiet over these ideas. In later years I was to hear rumours of plans for a "night of the long knives" when Tara soldiers would assassinate alternative-loyalist leaders and take control of Ulster. Some of the officers in Tara were university graduates with a fanatical zeal for their cause.

On 28th June 1970 Ireland's Heritage Orange Lodge was founded. This was largely a reflection of McGrath's ideas although the lodge had originally been associated with St Mary's Church of Ireland on Belfast's Crumlin Road and many members shared an obscure sense of Irish identity. It seems to me that many Ulster Protestants have an identity crisis. They don't really like to think of themselves as British, and the Irish Republic has become a foreign nation, with strange ways, to most Protestants. The lodge did however seem to awaken in many a sense of Irishness which was not uncomfortable. It seems that the objective in having an "Irish" Orange Lodge was to provide a legitimate means of promoting McGrath's ideas.

Rev Martin Smyth and Rev John Bryans, who was also known as a British Israelite though a non-militant one and was Grand Master of the Orange Order at the time, took part in the inauguration of the lodge. We sang a hymn from McGrath's hymn book, "Let me carry your cross for Ireland Lord" which had been written by Thomas Ashe, an IRA hunger-striker who died in a Dublin jail in 1917. Dr Hillery, the Irish Minister for External Affairs at the time, corresponded with the Lodge soon after it was founded and two Irish Government Bulletins were produced depicting the lodge banner and carrying the correspondence. McGrath earlier proposed that the flags of the four Irish provinces be carried but rejected any suggestion that the six county Ulster flag be carried.

(More tomorrow)

THE IRISH TIMES
15.4.82

'Your blood is on

BEFORE THE end of 1970, although I had not sorted out my own ideas in relation to Tara or McGrath, I did come to a firm rejection of what I saw as the extreme fascism of McGrath, which identified Protestants as God's chosen people. I thought that this idea was not only mistaken but dangerous. At one point I even asked McGrath if there was any difference between himself and Hitler. His reply was that he did not send people to the gas chambers.

McGrath had already told me that he rejected civil and religious liberty for all. This was contrary to the ideas of equality and separation of religion and politics which were part of the teaching of the small mission in which I had been brought up. I was prepared

expression of the same theme. I decided that it was impossible at that time to reach firm conclusions on all the wider implications of my decision. I did however need to consider two other aspects of McGrath's activity — the financial and the sexual.

Large debts

McGrath's tracts had stated that "Our sin is lovelessness and faulty fellowship, and the remedy is not a prayer meeting but a day at the writing desk getting rid of the property which stands between us and our brothers." I had covenanted — i.e. agreed to pay a set sum of money each month to McGrath's Christian Fellowship Centre. I had given other sums of money and loaned him a considerable amount, besides allowing McGrath to build up substantial debts in my name in the course of his business dealings in carpets

had always denied being a homosexual and he even condemned homosexual activity. In the early days he had said it had been part of his "ministry" to help homosexuals with their problems.

Had this been true I would have supported him, but I found no evidence of it. I accept that homosexuals have problems and I do not believe that the attitude of the Church or society should be one of condemnation. There needs to be an acceptance in the Church of all kinds of people and I see this as an entirely different issue from that which Kincoira raises. It is not only homosexuals who exploit young people, and I feel that such exploitation, wherever and by whoever this takes place, must be dealt with.

In early August, 1971, I stopped attending Tara meetings. I knew that this was putting me in an extremely dangerous situation but I felt that there was no other

IN THE final part of his series, ROY GARLAND explains why he left Tara and outlines his early fruitless efforts to expose William McGrath's activities within the Orange Order, despite a serious threat to his life.

to fight to defend the rights of Protestants and others to retain their freedom — but not to deny that freedom to others. It seemed that McGrath would deny freedom to Protestants who did not accept his narrow views.

This decision was put to the test at an Ulster Jubilee Year Rally on March 1st, 1971, chaired by Rev Martin Smyth and organised by the Belfast Area Young Unionists under the chairmanship of Frazer Agnew. We asked McGrath to write an "Act of Dedication" but when it was written I discovered that it identified Ulster Protestants as the sons of God and the Rev Martin Smyth agreed that this should be changed. Agnew had attempted to get McGrath to alter the wording but he had refused. I said I would not read it at the rally. Agnew was in a difficult position and we were threatened with exposure for having betrayed the cause. I eventually wrote a new act which was just as strong as McGrath's but without the "sons of God" idea.

One big problem in my thinking at this time was that, having rejected the chosen people idea, I began to see this as permeating many Loyalist organisations. A popular expression on public walls in Loyalist areas was "We are the people" and this seemed a crude

and hurtful.

My accountant told me that I was being fleeced and I had begun to wonder if this was true. McGrath had always promised to repay my loans, so I decided that I would face him on this. When I spoke to him he became very angry because I suggested that he had used religion to get money from me. He left me in a rage, saying that he would remember my words not only throughout life but throughout eternity. I decided that McGrath had no intention of repaying the money. I later successfully sued him for the return of the money.

On sex McGrath had always preached the highest standards of relationships between men and women, which meant that no physical relationship, whatever should exist until marriage. However, he had also told me that a physical relationship between men was not only acceptable but desirable. I thought over the early days in the 1950s when I had met him, and the subtle and devious methods he had used in trying to get me involved in what I now clearly saw as homosexual activities. I realised that when he said that I had an "emotional block" this simply meant that I could not take part in homosexual activities. Even at this stage it was impossible to be sure, because he

course, I visited a man who had been in the Tara group in 1968 but who had left in mysterious circumstances. What he had to say confirmed that I was making the right decision, but it also made me feel very angry and disillusioned. Many Loyalist leaders had known of McGrath's homosexual activities for years and had done little or nothing about them.

I decided that it was my duty to warn young men I had introduced to Tara, to McGrath's prayer meeting and to Ireland's Heritage Lodge. Most of them confirmed my worst fears that McGrath had been attempting to corrupt them, although none of them had, to my knowledge, been corrupted in the sense of becoming homosexuals.

McGrath appeared to be able to exert a strong influence over these young men. I felt that he was using sex to brainwash them into his political ideas. I was convinced that this was very dangerous and it seemed obvious that if I did nothing to stop McGrath, his tentacles which through Tara and his religious activities — were in every Northern Ireland county, would be tightened. I felt that no matter what one's political views, this situation was fraught with great potential for evil.