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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 28th June 2016

commencing at 9.30 am

(Day 216)

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

1 Tuesday, 28th June 2016

2 (9.30 am)

3 Material relating to RUC and Special Branch

4 dealt with by COUNSEL TO THE INQUIRY

5 CHAIRMAN: Good morning, ladies and gentlemen. If anyone
6 has a mobile phone, please ensure it is turned off or
7 placed on "Silent"/"Vibrate", and may I remind everyone
8 no photography is permitted either here in the chamber
9 or anywhere on the premises.

10 Yes, Mr Aiken?

11 MR AIKEN: Chairman, Members of the Panel, good morning.

12 Last evening we finished our examination of what the
13 Social Services knew after -- and then had the evidence
14 of Ms McAndrew from the Health & Social Care Board.

15 I want to turn now to what the RUC knew, that's The
16 Royal Ulster Constabulary, the predecessor to the Police
17 Service of Northern Ireland, about what was occurring in
18 Kincora and given the wider issues that you have to
19 consider about some sort of state-sponsored intelligence
20 operation said to be centred on Kincora and utilising
21 William McGrath in some form of paedophile ring in order
22 to blackmail individuals for intelligence purposes.

23 I describe it in that way, because, as you know from
24 our examination of what the residents had to say and
25 giving voice to the victims, there is no victim of

1 Kincora who describes anything like that from their own
2 knowledge, but while the nature of the allegation has
3 changed in form and nature over time, it is
4 an allegation nonetheless that has continued to be
5 repeated over and over again across a number of decades.
6 Indeed, you will be aware that the media when describing
7 our present work continue to characterise the allegation
8 in relation to Kincora in that broad way.

9 Therefore I want to begin by looking at what the RUC
10 Special Branch knew in relation to William McGrath and
11 Kincora.

12 I want to acknowledge the cooperation the Inquiry
13 has received from the intelligence arm of the Police
14 Service of Northern Ireland. Members of the Panel, you
15 are aware of the complicated issues that are involved in
16 making the type of material that we are about to look at
17 available for publication and for public consumption.

18 One of the issues you will want to bear in mind as
19 we look at this material is whether the type of
20 operation envisaged in the allegation, that's the
21 broader allegation of a state-sponsored blackmailing
22 operation through intelligence players, and as we look
23 at this material whether that type of operation
24 envisaged by the allegation and all of the structures
25 that would inevitably have had to come with it would be

1 capable of being hidden and kept hidden over the course
2 of forty plus years.

3 While the allegation is repeated over and over
4 again, there appears to have been little attempt to
5 analyse how that would be done, and some of the
6 questions you will want to consider are: how would you
7 conduct that type of operation? Who would you need to
8 perform it? How would you go about doing it? How would
9 you perform the blackmailing element that arises from
10 it? Who would extract the information the blackmail was
11 utilised for? How would you record the product of what
12 you obtain? How would you hide the operation? How
13 would you keep all the participants and victims involved
14 silenced over the course of now some forty years?

15 Those are perhaps some, no doubt you will think of
16 others, that on a proper analysis of the allegation
17 would have to be answered in order to explain how this
18 type of operation would take place.

19 But having those issues in mind, the Inquiry has
20 looked at what in this case the RUC Special Branch knew,
21 and the Inquiry sought from the PSNI and received, as
22 you are aware, unrestricted access to RUC Special Branch
23 files relating to Kincora and the individuals connected
24 to Kincora in its broadest sense.

25 In addition, the PSNI was itself asked by the

1 Inquiry to identify from its own Special Branch records
2 whether there was anything else it considered of
3 relevance to the Inquiry's work.

4 So there was a proactive investigation by the
5 Inquiry based on individuals and subjects that the
6 Inquiry wanted to see files in relation to and then
7 a reactive one, requiring the PSNI to consider whether
8 it had anything beyond that which the Inquiry's own wide
9 net had identified.

10 That process that was engaged in resulted in the
11 PSNI producing for publication at the Inquiry's request
12 relevant material from the following Special Branch
13 files held by the RUC and now by the PSNI.

14 There are at least twelve files in total, and what
15 I am going to do at this stage is just look at the file
16 covers to ground the broad scope of the files that the
17 Inquiry has obtained and considered.

18 The RUC Special Branch held files on the Tara
19 Brigade, which, as you know, William McGrath was
20 involved in. If we can look, please, at 55085, we will
21 see on the screen the front cover of the section 1 or
22 part 1 of the Tara Brigade RUC Special Branch file. You
23 can see, and perhaps of significance, the date the file
24 was opened was June 1971, and we will shortly come to
25 see what's likely to have been the catalyst for that.

1 This part, part 1, was closed in May 1974, when part 2
2 was opened. If we just scroll down, please, so we can
3 see the bottom of the page and you can see:

4 "File closed. See Section 2."

5 It is closed in around 31st May 1974. Now as The
6 Police Service has explained in their statement,
7 initially they could only find part 2, which we are
8 about to look at the cover of, and it is clear there was
9 an earlier part, and considerable work was done to find
10 it, which was on microfiche, and have it then produced
11 for the Inquiry.

12 That part 2 file, if we look at 55041, please, the
13 file cover crosses two pages, because of the manner in
14 which it is found. You will see again this file,
15 because it's the second section:

16 "File opened 1st June '74."

17 So you can see it follows on from the previous file
18 that closed on 31st May 1974. You can see it remained
19 open until August 1997. You can see it is referred to
20 as "section 2". If we scroll down on to the next page,
21 you can see just at the bottom here:

22 "Tara Brigade."

23 If we move slightly further down, please, and we can
24 maybe rotate again, it is indicating that it's the
25 second section.

1 So the RUC Special Branch had and the PSNI have
2 produced to the Inquiry the two, as it were, Tara
3 Brigade files that the RUC had maintained.

4 Then if we look at 55072, please, the Special Branch
5 had a file on William McGrath. This is the cover
6 page of that file, and it doesn't have annotated on it
7 the date the file was opened, but we will see through
8 the material broadly speaking when the file was opened
9 as we go.

10 If we scroll down, you can see that the files -- if
11 there is a file on an individual, an attempt is made to
12 identify those files to which it is related. You can
13 see that the only file to which William McGrath's file
14 was related -- and a lot of the issues that we are going
15 to look at this morning are of a circumstantial but
16 significant nature -- that the file that was related to
17 William McGrath's file was that of his son. You can see
18 that there are no other files linked to William McGrath
19 at least on the file cover where the linking would take
20 place.

21 So you can see this is the William McGrath file
22 cover, and then we have the file of his son if we look
23 at 55065, please. So you can see -- if we scroll down,
24 please, you can see the name "William Worthington
25 McGrath" and then again there's a linking to William

1 McGrath senior, as it were.

2 I should make clear, Members of the Panel, for the
3 record and the transcript that the Inquiry Panel and the
4 Inquiry counsel have seen the unredacted versions of all
5 of this material and those matters that are redacted are
6 pieces of information that the Inquiry considers is not
7 relevant to its investigation and therefore it is not
8 necessary for it to be published, but the Inquiry has
9 seen and considered the unredacted or the unvarnished
10 document.

11 CHAIRMAN: Not only the document, but all of the documents
12 in the file.

13 MR AIKEN: Yes. I should have made that clear as well.
14 What we are producing are those key documents that are
15 relevant to the Inquiry's work, but the Inquiry has
16 considered and had access to the whole unredacted file
17 from which these documents come.

18 Then for reasons that will become clear the PSNI
19 have also produced to the Inquiry a Special Branch file
20 on a man called George McGrath, if we can look, please,
21 at 55112, and you can see again his name. The file is
22 stamped "Dormant". The reason for that will become
23 apparent shortly.

24 Then if we look at 55006, Special Branch have
25 produced or had a file on Roy Garland or William Robert

1 Garland was his full name. As you know, he was involved
2 with Tara for a period of time. If we scroll down,
3 please, I think we -- that's all there is of the file
4 cover perhaps. Yes. That's the bottom of the file. So
5 you can see the date that this file was opened was 5th
6 December 1970.

7 Then if we look at 55017, the Inquiry has also
8 received the Special Branch file relating to Clifford
9 Smyth. You will recall he was also associated with
10 Tara. You can see that file was opened in
11 September 1971. If we scroll down a little further,
12 please, just down to the bottom so we can see the --
13 there is no further information on that file.

14 Then we have also received the Special Branch file
15 relating to a man called SB19 . If we look,
16 please, at 55001, if we just scroll down again, please,
17 you can see the date it is opened is June 1977, and we
18 will look at matters relating to SB19 over the
19 coming days.

20 Then the RUC also opened a file called the "Kincora
21 Boys' Home Scandal". If we look, please, at 55028, and
22 if we scroll down, please, so you can see:

23 "For previous papers see ..."

24 and a reference is being made then to the Special
25 Branch file of William McGrath. We are going to look at

1 it. You can see when this file is opened. It is
2 13th January 1982. So this is in the wake of the
3 beginning of Phase Two and the reference back to papers
4 on the file of William McGrath is a summary report
5 produced for the Phase One Inquiry, which we are going
6 to look at shortly, but the significance again of the
7 date you may consider to be important, given when you
8 reflect on the content of 8th November '74 memorandum
9 from Colin Wallace and the RUC document that that memo
10 refers to. We will look at that in more detail and go
11 through the material in coming days.

12 Then if we look at 55023, please, we have the
13 Special Branch file on John Colin Wallace. If we scroll
14 down, please, we can see hopefully a date I think at the
15 bottom. If we move a little further down, please, yes,
16 and you can see that reference is made to files
17 continued in:

18 "Alleged passing of classified documents to
19 unauthorised persons -- John Wallace, Senior Information
20 Officer, Army HQNI at Lisburn."

21 That's a reference back to the events of 1975 when
22 the British Army were investigating the leaking of
23 classified material to a journalist called Robert Fisk.

24 If we look, please, at 55105, because the -- you
25 will see then a file opened on 8th June 1973 in RUC

1 Special Branch. The date I will ask to note for our
2 future look at Army-related material and its
3 significance, because you can see when the examination
4 begins to try and understand "Who is doing this?", if
5 you scroll down, please, you can see the subject is:

6 "Robert Fisk.
7 (Reporter 'The Times')

8 This file contains a file on passing of classified
9 document to unauthorised persons -- John Wallace, Senior
10 Information Officer, Army HQNI Lisburn."

11 So we will come to see that there's material the RUC
12 is involved in the investigation, because consideration
13 was given before the DPP and the Attorney-General about
14 whether there should be a prosecution under the Official
15 Secrets Act in respect of the leaking of the
16 information.

17 Then if we look, please, at 55053, the final file
18 that I am going to make reference to is that relating to
19 Sir Maurice Oldfield that was held by the RUC Special
20 Branch. You will be aware that post Sir Maurice
21 Oldfield's death an allegation was first made by
22 a journalist that the reason he in the latter part of
23 his working life, after he had retired as the Chief of
24 The Secret Intelligence Service and was asked to and
25 began the role as the Director and Coordinator of

1 Intelligence in Northern Ireland -- he would stop that
2 job. Thereafter, having already been suffering from ill
3 health, he passed away, and after his death then
4 an allegation would be made that the reason he was
5 removed from Northern Ireland was because he was
6 involved with sexual abuse at Kincora. So the Inquiry,
7 being aware of that, is looking at that allegation and
8 that has included us obtaining relevant material from
9 Sir Maurice Oldfield's RUC Special Branch file.

10 Now I should make it clear, Members of the Panel, as
11 you are already aware, that the Inquiry has looked at
12 other RUC Special Branch files beyond those that it has
13 asked to be produced. They are not produced because
14 there is nothing of significance for the Inquiry's work
15 contained in them.

16 I should also make it clear again that intelligence
17 material, some of which we are about to look at, is just
18 that. It is not fact and shouldn't be taken as such.
19 Sometimes intelligence gathered turns out to be
20 accurate; sometimes it does not. What we are looking at
21 for our purposes is what was being said. The Inquiry is
22 not examining the material as evidence that it is true,
23 but as evidence of what was being said to the RUC in
24 respect of those said to be involved in some way with
25 Kincora.

1 I want to look first at a summary document of 4th
2 February 1980. If we can look, please, at 55047, you
3 can see that it is dated 4th February 1980. It is
4 entitled "Criminal Intelligence Section". Subject is:

5 "Brief outline of the organisation known as Tara and
6 some of its principal members for the information of
7 C1(A)."

8 You can see an annotation on the left-hand side:

9 "This is a copy of a paper supplied to Detective
10 Chief Inspector Caskey who is investigating alleged
11 homosexual activities at a boys' home in Belfast
12 (allegation by ..."

13 maybe "Sunday News" possibly, and signed off by the
14 Detective Inspector. So you can see it is prepared for
15 the benefit of Detective Chief Inspector Caskey, whose
16 RUC Phase One Inquiry was now underway.

17 The title allows you to know that it's a brief
18 outline, so it's not an all-encompassing document. It
19 is a summary that's being provided. We are going to
20 work through the document. You can see that:

21 "The Tara Brigade was formed as a result of a split
22 in the Unionist organisation in 1968. Some Young
23 Unionists did not agree with policy and political
24 decisions taken by the parent organisation and a group
25 called the Tara Brigade was formed. This body was to be

1 used as a pressure group to try and influence decisions
2 taken by the Unionist Party.

3 In 1971 a split occurred within the Tara Brigade and
4 a lot of members who were opposed to the low key profile
5 left and joined the UVF. At one time the UVF called
6 themselves Tara."

7 So you will recall that 1971 is also whenever Roy
8 Garland breaks with William McGrath and William McGrath
9 takes up employment in Kincora. Then you can see:

10 "Then followed a period when Protestants sought to
11 give expression to their feelings about the situation
12 then evolving in Northern Ireland. A variety of
13 organisations came into being, ie LAW, Vanguard,
14 paramilitary groups, etc. There were reports at this
15 time about dual membership of some of these
16 organisations by some reported members of Tara."

17 You can see then:

18 "In April 1973 there was a poster campaign in local
19 newspapers setting out 10 points which Tara considered
20 the base for a united action by Protestants in Northern
21 Ireland. Their campaign evoked a large amount of
22 comment in the media, especially as the group identified
23 itself by name and labelled itself 'the hard core of
24 Protestant resistance'. It projected the image of being
25 behind 'law and order' and called for support for the

1 security forces.

2 At this time there was a report ..."

3 So if we just scroll up a little, in April '73. So
4 it is being said:

5 "At this time", April '73, "there was a report which
6 identified William McGrath as the officer commanding of
7 Tara, his assistant as Frank Millar and the information
8 officer as Clifford Smyth."

9 As I said, the Inquiry is not looking at the truth
10 of whether or not that's the case, but at the fact that
11 is what the RUC Special Branch were being told and
12 recording:

13 "The report went on to state that", as you can see,
14 "that McGrath was a reported homosexual who was alleged
15 to have kept members ensnared in the organisation" -- so
16 that's a reference back to Tara -- "by threatening to
17 reveal homosexual activities which he had initiated. He
18 used the Irish Emancipation Christian Fellowship,
19 Wellington Park, Belfast as a front for Tara.
20 Membership had been falling drastically and they went
21 public to create a myth about their size. A separate
22 report stated that McGrath's son Worthington was also
23 involved in the organisation."

24 So you can see that there's obviously an important
25 record in April 1973 that refers to homosexuality and

1 also that that's being used by McGrath to keep
2 individuals ensnared in Tara.

3 Then you can see the Robophone confidential call
4 being referred to that we have already examined. It is
5 quoted in the body of this document. If we scroll
6 further down, please. If we just keep going down. We
7 have read that already. Just -- sorry. Just go up
8 a little bit. Thank you. Up a little bit further. So
9 having set out the content of the Robophone call, then
10 the author of this summary document goes on to say:

11 "During the next year the only activity was by post,
12 letters and articles until in April 1974 the UVF in
13 their magazine 'Combat' took them to task for a recent
14 attack in a newspaper article against the UVF."

15 You can see then what is said about that episode.
16 You can see then:

17 "There is a report in the same month that the Tara
18 consisted of only businessmen who were not connected to
19 any other organisation."

20 Couldn't put a

21 "... not possible to give a figure for total
22 membership."

23 Then there is reference to the time of the Loyalist
24 strike.

25 Then on 20th June 1974 there is issued

1 a proclamation of Tara, and the Inquiry has seen that
2 document published in The Newsletter.

3 Then an episode on 3rd July 1974 when a resident of
4 Kincora, KIN 301, had been arrested and when the
5 police were investigating, they are obviously in Kincora
6 and going through his locker in the hostel and there
7 they find Tara literature. He wouldn't say where he had
8 obtained the documents:

9 "... but it was noted that one of them was written
10 by William McGrath, who is employed as a housefather as
11 Kincora."

12 Then you can see there's a reference in later 1974,
13 25th October, about the UVF and Tara and the DUP.

14 Then in November '74 a report explaining the
15 requirements for acceptance into the organisation. If
16 we scroll down further, please, you can see it is
17 described as:

18 "It is a very selective and secretive body which
19 includes many wealthy and influential people."

20 Then:

21 "A report dated December 1974 stated that Tara still
22 existed and was centred around members of the DUP."

23 Then further material of that type. Then there was
24 an article on 4th February 1977 recorded in the Hibernia
25 publication referring to various members of Unionist

1 politics, and then reference later in March '77, which
2 reports the uncovering of an Army black propaganda
3 campaign, as it is described. This is a reference to
4 an article by David Blundy. We will be coming back to
5 look at it in a different context.

6 Then in 1979 reference is made:

7 "Little has been heard of the Tara organisation for
8 some time until an article appeared in Hibernia dated
9 25th October '79 which stated there was now a link
10 between Tara and The National Front ..."

11 Then the conclusion:

12 "There has been a large amount of press speculation
13 about Tara over the years. Its involvement in
14 paramilitary incidents has not been established. It has
15 for some time issued booklets and articles stating its
16 position. The allegations of homosexuality by some of
17 its members has been a recurring issue about which there
18 is little factual detail.

19 Exact numbers of members are not known but the
20 number is thought to be small. Details of persons named
21 is the foregoing summary -- in the foregoing summary are
22 attached."

23 Then if we scroll down, you will see the list of
24 names that are associated with Tara based on this
25 officer's analysis. You can see McGrath, Millar,

1 Clifford Smyth, the son McGrath, KIN 301 and then
2 associated with, rightly or wrongly, is the Reverend
3 Paisley, Peter Robinson, John McKeague and the guy Colin
4 Wyatt that you saw a reference to in the document.

5 So again I make it clear it is not being looked at
6 for the purposes of saying that is a fact. It is simply
7 that's what's being recorded. That's what was in the
8 summary document prepared for Detective Chief Inspector
9 Caskey.

10 Now just so I ground it, I mentioned to you that --
11 if we scroll up a little bit, please, just so we can see
12 the reference to the 1977 article again. Just go up
13 a little further. Thank you. Go on just a little
14 further. Yes. The article in the Sunday Times
15 13th March '77 that is being referred to, if we look,
16 please, at 55052 and the middle of the right-hand
17 column, this is difficult -- if we can make -- if we
18 scroll down a little bit and then if we can make the --
19 yes. There's a section that begins:

20 "There were similar attempts ..."

21 So if you take the arrow just up two or three
22 inches. Yes. If we can try and maximise from that
23 point down as big as it can be made. So you can see:

24 "There were similar attempts ..."

25 This is David Blundy writing in 1977, and the

1 significance of this will become increased when we get
2 to the MOD material, but for now so you are aware of the
3 RUC Special Branch knowledge:

4 " There were similar attempts to discredit Paisley,
5 who was linked at an Army briefing at which a Sunday
6 Times reporter was present with the Protestant
7 paramilitary group called Tara. Tara is a small,
8 obscure and ineffective group as Ulster's paramilitary
9 organisations go. The Sunday Times has a copy of
10 an Army intelligence summary on Tara which contains
11 accurate details about its organisation.

12 It also contains some startlingly inaccurate
13 information discrediting members of the organisation.
14 One member, which the summary names, is" -- and that, as
15 we will see in due course is William McGrath -- "is
16 called 'a homosexual and has conned many people into
17 membership by threatening them with revealing homosexual
18 activities which he had initiated'."

19 So you can start to see a resonance. There's
20 a reference to an Army briefing document and that has
21 a resonance with the intelligence document that we are
22 going to look at from April '73, which is in broadly
23 similar terms.

24 If we go to 30200, please, just to ground at this
25 point briefly what David Blundy is referring to, I am

1 not going to have you look at the detail of this
2 document now, but you can see that the document has to
3 be authored at least just after 12th April 1973, and if
4 you scroll down to the bottom, and you will bear that in
5 mind because there is an intelligence document of 17th
6 April '73 that's referred to in the summary we have just
7 looked at:

8 "Other information that's come to light includes the
9 name of the CO, William McGrath. He is said to be
10 a homosexual and has conned many people into membership
11 by threatening them with revealing homosexual activities
12 which he had initiated. He is also thought to owe more
13 allegiance to the red flag than to either the Union Jack
14 or the Tricolour."

15 Now the significance of this -- and we will come
16 back to this document again at a later time -- is that
17 it is said to emanate from the information policy or the
18 press office of the Army HQNI and Colin Wallace and its
19 relevance, amongst other things, includes what's not in
20 it as well as what is in it. Those are matters that we
21 will come back to.

22 If we can go back, please, to 55049, you will note,
23 Members of the Panel, that there is no suggestion from
24 the material covered in the summary document that
25 William McGrath is an agent of the RUC or that the RUC

1 were operating any sort of intelligence operation in
2 relation to Kincora. So if they were doing either of
3 those things, they were not telling Detective Chief
4 Inspector Caskey about it in this summary document.

5 I want to refer you to a second summary document of
6 9th April 1981 at 55083. This document is found on
7 William McGrath's Special Branch file. You can see that
8 the catalyst for it appears to have been something
9 written in a newspaper article. Now, as you know, some
10 of these documents are very difficult to read because of
11 their nature on microfiche, but:

12 "There seems little doubt ..."

13 This is Assistant Chief Constable E. So that's the
14 Assistant Chief Constable in charge of Special Branch.
15 If we just scroll down, please, so you can see who the
16 document is coming from. It is coming from
17 a Superintendent in Special Branch to his boss in effect
18 or the head of Special Branch. One of the issues that
19 you will reflect on as you look at this material is
20 whether at the time it is being written it is ever
21 conceived that it is going to see the light of day.

22 If we scroll back up, please, you can see:

23 "There seems little doubt that the person referred
24 to in the Irish Independent article of 30th March 1981
25 ..."

1 So that's not the article that began The Kincora
2 Scandal. It's a year later:

3 "... is William McGrath, born 11th December 1916, of
4 188 Upper Newtownards Road, Belfast, formerly employed
5 as housefather as Kincora Boys' Hostel. He has been
6 charged with two other former staff at the hostel,
7 Joseph Mains and Raymond Semple."

8 Then they give the charges:

9 "McGrath first came to the attention of Special
10 Branch in July 1966 when he appeared on the platform at
11 a Paisley rally in the Ulster Hall in Belfast. He was
12 at that time secretary of an organisation named
13 Christian Fellowship and Irish Emancipation Crusade,
14 a pro-Loyalist organisation, which had a strong
15 anti-Roman Catholic policy."

16 Then you have the same reference to:

17 "During 1973 leaflets, posters and public
18 announcements in the press on behalf of an organisation
19 named Tara resulted in information being received that
20 McGrath was OC of same. His assistant was reported was
21 Frank Millar."

22 Reference to Clifford Smyth. Then a reference to
23 David Browne, who was another individual associated with
24 Tara:

25 "... later killed in a road accident, who was also

1 in 1973 the Deputy Editor of the Protestant Telegraph.

2 This report also stated that McGrath was a reputed
3 homosexual who kept members ensnared in Tara by
4 threatening to expose homosexual activities which he had
5 initiated and that he used the Christian Fellowship and
6 Irish Emancipation Crusade as a front for Tara.

7 There is no doubt that over the years McGrath has
8 had contact with prominent persons within all strands of
9 the Unionist camp, eg ...",

10 and then they list, if we scroll down, please:

11 "Reverend Paisley.

12 Peter Robinson."

13 I think that's:

14 "Walter Williams, Orange Order.

15 William Craig."

16 That's signed off by the Superintendent.

17 So again you will note there is no suggestion from
18 the material covered in the summary document that's
19 written between two Special Branch officers that, and
20 including written to the head of Special Branch, that
21 William McGrath is an agent of the RUC or that the RUC
22 were operating any sort of intelligence operation in
23 relation to Kincora.

24 Then if we look, please, at 55028, I want to turn to
25 another summary document in a file that, as you know,

1 was opened by Special Branch on 13th January 1982
2 entitled:

3 "The Kincora Boys' Home Scandal."

4 As I said, that timing would link it to the Phase
5 Two Inquiry. It, as you saw, referred back, if we
6 scroll down just a little bit, to William McGrath's
7 Special Branch file.

8 If we can look, please, at 55037, on 19th
9 February 1982 the Assistant Chief Constable in charge of
10 Special Branch asked his Superintendent to answer three
11 questions:

12 "In connection with the Kincora investigation please
13 research records and report as follows:

14 1. What do Special Branch know of the Kincora
15 affair and the personalities concerned?

16 2. Any matters of value or interest linked to the
17 Tara organisation.

18 3. Army involvement by way of any intelligence or
19 reports made available to Special Branch.

20 Treat as urgent."

21 It appears that the Superintendent in perhaps if
22 I call it typical fashion asked his Detective Chief
23 Inspector to carry out the leg work or the investigation
24 sought by the Assistant Chief Constable, and if we can
25 look, please, at 55738, I want to show you the replying

1 document from the Special Branch Detective Chief
2 Inspector to his Special Branch Superintendent in RUC
3 Special Branch. So again this is all within the Special
4 Branch.

5 The document is dated 4th March 1982 and summarising
6 what was said to be known by Special Branch about
7 matters relating to Kincora. So you will remember the
8 three questions and this document has paragraphs 1, 2
9 and 3 that match the questions that were posed. You can
10 see:

11 "The undermentioned persons now serving terms of
12 imprisonment were formerly employed at Kincora Boys'
13 Home.

14 William McGrath."

15 Gives his details:

16 "Subject first came to the notice of the RUC during
17 1966."

18 So you have the reference again to that meeting in
19 the Ulster Hall. Then:

20 "On 9th February 1973 police receive information
21 that another prominent Loyalist in Belfast of the new
22 styled United Ulster Unionist Party believed that
23 McGrath had been responsible for inciting members of the
24 Tartan Gang in East Belfast to vandalise St. Anthony's
25 Roman Catholic Church."

1 So that's February '73. At the time McGrath is
2 working in Kincora from June '71:

3 "On 16th April '73", you can see, "a Special Branch
4 officer reported that subject held the rank of
5 Commanding Officer in the Tara Brigade and named several
6 other persons who held ranks in the organisation.

7 This report also stated that McGrath was reported to
8 be to be a homosexual who kept members ensnared in the
9 organisation by threatening to reveal homosexual
10 activities which he had initiated."

11 One of the issues you will want to consider around
12 that document is where the information is likely to have
13 emanated from.

14 Then you have got reference to the Robophone call on
15 23rd May 1973 and then a document of 6th November '73
16 reporting that:

17 "McGrath intended to visit Amsterdam in the near
18 future ..."

19 You can see this information was forwarded to MI5 in
20 November '73, with copies also being sent to the
21 Metropolitan Police and to the DCI who was the MI5
22 officer on secondment to The Northern Ireland Office at
23 the time, the Director and Controller of Intelligence in
24 Stormont. We will see that document shortly.

25 Then you have again a reference to 4th July '74

1 incident involving KIN 301 and the searching of
2 his locker. You can see:

3 "Any allegations which KIN 301 might have made at
4 that time about McGrath's homosexual activities at
5 Kincora were not reported to Special Branch."

6 Well, there was no allegation ever from Hugh
7 KIN 301 to anyone in the material that the Inquiry has
8 seen.

9 If we scroll down, please, further, you can see
10 then:

11 "During May 1977 McGrath in a letter to the Chief
12 Constable on behalf of Tara recommended the reading of
13 a booklet enclosed with the letter. Nothing further was
14 reported on the subject from that date until the present
15 scandal broke in the press in 1980."

16 Then you can see the comments:

17 "The foregoing is not a summary of the contents of
18 McGrath's PF",

19 or personal file, Special Branch file. So the
20 author is saying, "Here is the relevant bits, but it's
21 not a full resumé of all that's in McGrath's Special
22 Branch file".

23 Then you have a section on Joseph Mains and you can
24 see that it is recognised by the author that when the
25 Robophone message was investigated, Joseph Mains was

1 spoken to by uniformed police. That's Constable Long:

2 "Apart from this interview and subsequent report to
3 Divisional Commander E ..."

4 So that was the person in charge at Mountpottinger
5 and Strandtown:

6 "... he was not known to Special Branch and there
7 was nothing to suggest he was connected with homosexual
8 activities or Tara",

9 based on the material that the Special Branch
10 officer was reviewing. Then Raymond Semple is said:

11 "Subject was not known to Special Branch prior to
12 his arrest.

13 There was not", then the author says, "at any time
14 a suggestion that Tara activity was taking place within
15 Kincora, but rather that as OC of Tara McGrath had
16 a group around him of Unionists, both Official and
17 Democratic, who had in common membership of the Orange
18 Order. Neither of his fellow employees, Mains
19 and Semple, were reported as being members of Tara or
20 indeed of being involved in any type of political
21 activity.

22 A number of reports were received from the Army
23 regarding both William McGrath and Tara. None of these
24 reports mentioned Kincora Boys' Home."

25 So, as you know, this makes reference to William

1 McGrath's Special Branch file in the comments
2 section and his Special Branch file the Inquiry has also
3 seen. The PSNI has produced those parts of it that the
4 Inquiry wished to have made publicly available.

5 You will note that there's no suggestion from the
6 material covered in the summary document, which is
7 an internal document within Special Branch, that -- no
8 suggestion William McGrath is either an agent of the RUC
9 or the RUC were operating or aware of any sort of
10 intelligence operation in relation to Kincora, or aware
11 of the -- I don't want to call it the lesser level --
12 but aware that William McGrath was abusing boys in
13 Kincora.

14 The one question that this summary perhaps does
15 raise, which the Inquiry has asked and which the PSNI
16 has and is addressing, is whether it could or should be
17 said that the piece of intelligence information of 16th
18 April '73, which we will shortly look at, which talked
19 of McGrath being homosexual and using his interaction
20 with others in Tara to keep them ensnared, which came in
21 six weeks before the Robophone call of 23rd May 1973
22 from Roy Garland, whether that piece of intelligence
23 should have been matched up with the Robophone call of
24 23rd May 1973 and provided to the relevant Divisional
25 Commander in Mountpottinger and Strandtown when he was

1 assessing what to do, and thereafter his officers in the
2 doing of it, because that would have meant that they had
3 two pieces of information upon which to decide how to
4 act or react, one a source report and the other
5 an anonymous call in relatively quick succession, upon
6 which they could act.

7 Now it is the case, as you know, the piece of
8 intelligence material did not relate to Kincora. As
9 I drew your attention closely to the Robophone call, in
10 fairness neither did it.

11 What I want to do now, if we can do this -- I hope
12 we can -- I want to show two documents side by side.
13 They are the two principal documents that are referred
14 to in this summary. If it is possible to do that, we
15 can put them both on the screen at the one time. 55076
16 and then 55077. In fact, before we do that if that's --
17 if it's -- if we could look at 55076 first simply as
18 a single document. I think maybe "KIN" came up twice
19 there. So maybe we need to go again. If we can -- yes.
20 That's excellent. Thank you.

21 You can see -- we looked at the Robophone call very
22 closely and the document that contains that information
23 dated 23rd May '73. This document is dated 17th April
24 1973. The information was provided on 16th April '73
25 and it's typed up on 17th. You can see it emanates from

1 Newtownards and it is being said from the summary
2 document to have emanated from a Special Branch officer.
3 What it is a report on is Tara:

4 "The Tara group which became public as announced in
5 the press on 11th April '73 ..."

6 So you can see it may well be a reaction to the
7 newspaper article:

8 "... is formed in platoons of 20. All membership is
9 from within the Orange Order. Each platoon has one
10 sergeant, a quartermaster and an intelligence officer.
11 Dues of 50p per month are collected -- one half of the
12 dues go to a central fund and the other half to the
13 platoon. Platoons requiring stores could draw from the
14 central fund.

15 The CO of Tara is William McGrath."

16 You can see the address is given as "Greenmount
17 Avenue, Upper Newtownards Road, Belfast".

18 "His assistant is Frankie Millar, who lives on the
19 Shore Road."

20 Now I am not sure if you can work out the number
21 that's given at Greenmount Avenue, whether that's a 3 or
22 a 5, but that's maybe something we can clarify:

23 "The former intelligence officer is Clifford Smyth.
24 The administrative officer is David Browne -- the
25 administration officer is David Browne, close associate

1 of Paisley and Deputy Editor of Protestant Telegraph,
2 who resides in Bangor.

3 An ex-member of Tara is UDR Captain N."

4 You will remember his name. He is given here as a
5 work study engineer, but, as you know, he was also
6 a member of the UDR and working alongside 3 Brigade, and
7 it's said he provided information in 1973, you will
8 recall, as well as being then involved with UDR Major H
9 in the information that was part of Halford-MacLeod's
10 January '76 letter.

11 So you will recall UDR Captain N saying at the end of
12 his statement that he provided information in 1973
13 similar to that which he was providing in 1975 which
14 facilitated part of the or was one source of the letter
15 in '76.

16 You can see that:

17 "He joined Tara believing it to be a sincere
18 organisation but learnt that it was otherwise.

19 The CO McGrath is a reputed homosexual and he is
20 alleged to have kept members ensnared in the
21 organisation by threatening to reveal homosexual
22 activities which he had initiated. He used the Irish
23 Emancipation Christian Fellowship, Wellington Park,
24 Belfast as a front for Tara. Membership has been
25 falling drastically and they went public to create

1 a myth about their size."

2 Now what you will immediately note, Members of the
3 Panel, is there is no reference whatsoever to Kincora.
4 William McGrath has been working in Kincora for almost
5 two years at the time of this document, having commenced
6 in June 1971. This document is April 1973. You can
7 also see, Members of the Panel, when you look at the
8 last paragraph, there is from this document not
9 a suggestion that we are talking about children in
10 relation to McGrath's activities.

11 Now if we just scroll down a little further so we
12 can see the end of the document:

13 "Further details, when obtained, will be submitted."

14 So in reaction to the article about Tara the Special
15 Branch officer appears to have gathered the information
16 that's contained in this report and you can see what it
17 does say and you can see what it does not say.

18 If we can now, if it's possible, look at 55077
19 alongside this document. That's excellent. Thank you.
20 Now you will immediately note in the Robophone call
21 which we are looking at it's got the right address for
22 William McGrath at 188 Newtownards Road. So one of the
23 things that that assists with is understanding where the
24 information in the Special Branch source report has come
25 from. You can see that the address is wrong. It is

1 Greenwood or Greenmount Avenue, and you will find when
2 you look at the Halford-MacLeod letter in January '76
3 that it contains a similar error.

4 Now it is the case those two documents were both
5 placed side by side one after the other in William
6 McGrath's Special Branch file, because, as you will see
7 from Detective Chief Superintendent Clarke's statement,
8 the way the Robophone system worked is a copy of the
9 record was always placed to Special Branch and that
10 resulted in this case on it being put on William
11 McGrath's file, but when you go back to the summary
12 document at 55039 or 38 and 9, what we have looked at is
13 the expressed position of Special Branch in the
14 aftermath, and we have looked at it across three
15 different documents, one being disclosed to Detective
16 Chief Inspector Caskey, and you will note, and I am not
17 going to take you back to do the comparison exercise,
18 but the information that was conveyed to Detective Chief
19 Inspector Caskey is by and large exactly the same as was
20 being communicated internally within Special Branch in
21 two subsequent summary reports, including this latter
22 one, which is in the aftermath of the newspaper articles
23 that sparked Phase Two of the RUC Inquiry and the
24 involvement with the Terry Inquiry and the Sussex
25 superintendents.

1 It is the express position of Special Branch when it
2 was being asked for relevant information and what that
3 part of the RUC knew about Kincora, and what may be of
4 more significance to you, Members of the Panel, is what
5 it does not contain as opposed to what it does.

6 So having looked at those summary documents, what
7 did Special Branch know? The Inquiry, as you know,
8 carried out its own review and looked at those files it
9 wished to see and I want to show you the result of that
10 investigation.

11 If we can look, please, at 55074, the earliest
12 available record of William McGrath coming to the
13 attention of the RUC, and you saw it flagged up in one
14 of the summary documents, is in July 1966. We can see
15 a card on the screen that was maintained on William
16 McGrath and the latter half is the card that relates to
17 his son, Worthington McGrath. You can see on the screen
18 at the moment the entries relating to William McGrath
19 senior. The first date is 7th July 1966 when he is seen
20 on a platform in the Ulster Hall during one of the
21 Reverend Paisley's rallies.

22 Then you can see on 5th August 1966 -- it may well
23 be perhaps because he was seen on the platform and
24 therefore looked at -- a record shows that a detective
25 constable is able to report some information on William

1 McGrath and you can see reference to his Christian
2 organisation at 15 Wellington Park, Belfast.

3 You can see the reference at the bottom of the
4 second entry sitting alone beneath the text:

5 "See BCS 12/55."

6 The reference to "BCS" the PSNI believes is likely
7 to stand for the Belfast Crime Squad and the PSNI has
8 not been able to locate the file, which would be in
9 fairness from fifty years ago, that's referred to on the
10 card, though from what's recorded as a summary of the
11 information and what we are about to look at it doesn't
12 appear to be of particular relevance to the issues that
13 the Inquiry is examining.

14 You can see further down, if we scroll down, the
15 second card that relates to Worthington McGrath and the
16 entry of 5th November 1969. You can see that the
17 Inspector General of the RUC has received an anonymous
18 letter about Worthington McGrath wearing a particular
19 pin badge.

20 We can see from 55073, but there's a better copy if
21 we look actually at 55069, that as a result of this
22 anonymous complaint a detective sergeant was sent out to
23 investigate. You can see as you read -- I am not going
24 to go through all of the document -- but it records what
25 was then the correct address at 4 Greenwood Avenue,

1 Belfast. Worth, as he was known, was then 19, was
2 spoken to by the officer. If we scroll down, you can
3 see he's referring to the visit that he's had. He
4 examines the badge, and you can see he:

5 "... cautioned McGrath about wearing this badge and
6 told him the organisation known as the UVF was now
7 an illegal organisation and by wearing same he would
8 bring himself unfavourably under notice. Apologised for
9 the wearing the badge and told me he would remove it,
10 which he did in my presence."

11 If we go back to 55074, please, we can see that the
12 fact of that investigation, as it were, is being then
13 recorded. If we scroll down to the bottom, please, you
14 can see the November '69, 27th November '69, reply to
15 the Inspector General:

16 "About the person concerned, there is no political
17 significance in the wearing of the badge."

18 You can see that's given a BCS reference. Now you
19 may consider these documents to be of significance in
20 reflecting on the allegation that William McGrath was
21 long -- an agent of the state from the '50s. That's
22 something you can consider in the context of these
23 documents and others.

24 If we look, please, at 55085, we know that in
25 June 1971 the RUC opened -- and you can see it on the

1 page, "File opened June 1971" -- opened a Special Branch
2 file on the Tara Brigade. The catalyst for that, if we
3 can look, please, at 55100, may well be the next
4 document that we are going to look at, which is of 16th
5 June 1971. Now this is difficult to read. It's from
6 a microfiche. It's the best production that The Police
7 Service can manage in bringing it off microfiche for the
8 Inquiry to look at publicly and publish. What it is is
9 the RUC receiving from MI5 a report that seems to
10 indicate the emergence of Tara in its potential
11 paramilitary form. You can see the source of the
12 information that's then recorded in the MI5 document and
13 conveyed to the RUC is that the -- a meeting was
14 attended and the individual was accepted into the
15 organisation. There's various references to the nature
16 of the membership being largely from the Orange Order.
17 Then:

18 "According to the officer commanding ..."

19 So this is just after the redaction:

20 "According to the officer commanding, a man called
21 McGrath ..."

22 Now I ask you to note the significance of this:

23 "... a man called McGrath ..."

24 First name unknown, as it were, when you see
25 references to "FNU" in the documents. So the individual

1 is able to convey and the MI5 then convey to the RUC.
2 The RUC Special Branch then open a file and on the file
3 then goes this document indicating that there is a man
4 called McGrath who is the officer commanding. You then
5 have in paragraph 3 a description of the form of the
6 organisation and McGrath explaining the aims of the
7 organisation. You can see:

8 "You don't have to engage in offensive action but
9 will be required to carry out drill and a certain amount
10 of intelligence work."

11 If we scroll down, please, on to the next page, you
12 will see:

13 "Message ends."

14 So the content that's relevant for the Inquiry's
15 purposes the Inquiry has caused to be made available.
16 The Inquiry has seen the unredacted document in full.
17 It is only information that the Inquiry considers needs
18 to be made public is being made public in the document.

19 Then if we can look, please, at 55087, on
20 31st August 1971 a direction was then issued by Special
21 Branch to its officers about Tara. So we have seen this
22 communication from MI5 raising this group that they have
23 become aware of in June 1971, telling the RUC about it,
24 and then in August 1971 -- now you will appreciate,
25 Members of the Panel -- and it has been set out in the

1 Detective Chief Superintendent Clarke's statement and
2 you are also aware from your own knowledge of the
3 context -- that the level of terrorist activity,
4 murders, bombings, civil unrest going on at this period
5 of time is immense. Therefore I am saying that so you
6 will bear in mind not to read necessarily significance
7 into the time period between one communication and
8 another, because it may be accounted for by the fact
9 that the officers were so busy doing -- responding to
10 and dealing with murder on the streets that
11 investigating something that was not actually engaged in
12 murder on the streets would not necessarily have had the
13 same priority. A subject of interest absolutely, and
14 the documents demonstrate that that we are going to look
15 at, but not at the level of significance of the
16 organisations that were, in fact, carrying out murders,
17 attacks, bombings.

18 You can see that this is a direction given on
19 31st August 1971 to all Special Branch officers:

20 "In recent times we have had intelligence to the
21 effect that a Protestant/Loyalist organisation known as
22 the Tara Brigade exists in the Province. This is
23 reported to operate on a platoon basis with a membership
24 of 20 including a platoon sergeant and NCOs."

25 Then they give the prerequisites of membership. You

1 can see the third paragraph again is detailed about the
2 nature of the structure. Then you can see in the fourth
3 paragraph, which will no doubt have been of concern:

4 "There has been a suggestion that firearms should be
5 purchased from sympathetic persons holding them legally
6 on firearms certificates and a huge robbery set up to
7 cover -- a bogus robbery set up to cover ..."

8 CHAIRMAN: "... the owner when he is called to account for
9 the weapon."

10 MR AIKEN: Yes. You can see then two paragraphs further
11 down:

12 "Most of those involved in this organisation are
13 described as middle-aged family men, mainly from the
14 middle class, and there appears to be no criminal or
15 near criminal elements amongst them. The average age of
16 persons being promoted to platoon sergeant is said to be
17 between the late 30s and early 50s and includes members
18 of the UDR and ex-service men, preferably ex-Army."

19 So you can see it may be already being classified as
20 a rather different organisation than some of the others
21 that the RUC may well be already having to confront.
22 Then the exhortations:

23 "Give this matter close attention. Where
24 confirmation already exists report immediately. Where
25 it does not, developments should be reported as they

1 come to hand.

2 The security of this minute and its contents should
3 be carefully safeguarded and nothing done which might
4 jeopardise the information already available to me."

5 So you can see that in the direction there's no
6 mention of William McGrath or indeed any of the other
7 individuals that you have seen in later documents become
8 a subject of reference in the material relating to Tara.

9 You will note, Members of the Panel, the date of
10 this document in August '71. William McGrath is already
11 working in Kincora from June '71.

12 On the same date at 55088 Special Branch in Belfast
13 communicates with its officer in Dungannon and you can
14 see that Special Branch have received information that
15 the OC of Tara is a man with the surname McGrath. So
16 you can see this is a document with a clear link to the
17 communication received from MI5 on 16th June 1971.

18 Special Branch headquarters, as it were, in Belfast
19 in trying to work out who this might be suggest to their
20 officer in Dungannon that it could be a man called
21 George McGrath and a photo of that individual is
22 attached to the communication. That photo of George
23 McGrath has been shown to a source of information, who
24 has seen the actual officer commanding Tara, and the
25 source is saying, if we just scroll down, please, that

1 the photograph is of someone who looks similar but is
2 different, but given the age of the photograph the
3 Special Branch officer is asked to have a very close
4 look at George McGrath.

5 Now we all know that this was William McGrath, but
6 here you have in June 19... -- August -- sorry -- 1971
7 the RUC don't know that, and it seems neither does MI5,
8 as we will see. I just want to make it clear as we look
9 at this that George McGrath of Dungannon has nothing
10 whatever to do with Kincora and, as we will see, he has
11 been mistakenly associated with Tara during the efforts
12 to actually identify William McGrath.

13 Now if I can just pause there, Members of the Panel,
14 to spell out in the clearest terms the potential
15 implication for you to consider of the first few
16 documents we have looked at. The documents show that
17 there are personnel in their respective offices in MI5
18 in London and in the RUC in Belfast sharing information
19 between each other to try and work out who William
20 McGrath is. You will wish to consider, Members of the
21 Panel, whether there is a second implication that
22 follows from the first. Why would communications like
23 this exist if William McGrath was already an agent of
24 the State and/or central to an intelligence-gathering
25 operation involving Kincora?

1 I will draw public attention to another issue you
2 may consider to be of significance. In communicating in
3 this way and indeed in the rest of the documents we are
4 going to look at whether the individuals authoring the
5 documents will have had any expectation that this
6 Inquiry, for instance, would be exposing their
7 communications to public scrutiny forty-five years
8 later. These are secret communications.

9 If we look, please, at 55089 found on the Tara part
10 1 file. There is also a copy on George McGrath's
11 Special Branch file. RUC Special Branch send
12 a communication to MI5 -- you can see it is referred to
13 as "Box number 500" but that's the Director General of
14 MI5, The Security Service -- replying to MI5's
15 communications of what are said to be 4th and 5th
16 September and enclosing two photos of the man named
17 McGrath and suggesting that they be shown to the
18 individual who was at the meeting who saw the officer
19 commanding, who may be in a position to identify him.

20 Then if we can look at 55114, please, we have on
21 George McGrath's Special Branch file an MI5 source
22 report on Tara, and it records the source being shown
23 the photographs that the RUC have provided to MI5 and
24 the individual who is shown the photos confirming that
25 they are not -- so they are providing photographs of

1 George McGrath of Dungannon. They are being given to
2 MI5. MI5 are showing them to the individual who saw
3 William McGrath and that individual is then saying,
4 "This is not the same person".

5 Then if we can look, please, at 55113, there is then
6 a reply from MI5 to that effect, which is also found on
7 George McGrath's Special Branch file. It appears to be
8 of 20th October 1971, and it shows you can see -- why
9 I say it appears -- date of information, I think that is
10 20th October 1971. If we scroll down a little bit, we
11 can see:

12 "Reference Special Branch RUC letter dated 24th
13 August 1971."

14 So the -- in fact -- sorry -- that's 24th September.
15 I think that's a "9.71".

16 "The more recent photographs of McGrath supplied by
17 the RUC was shown to the [individual] on ..."

18 In fact, it is not going to be 20th October, because
19 you can see it's --

20 CHAIRMAN: It is possibly 21st or 24th, 21st possibly, the
21 same day as the memo.

22 MR AIKEN: Yes.

23 "... commented that whilst certain features were
24 similar to the McGrath who was head of Tara Brigade,
25 that McGrath had much thinner and straighter hair and

1 could not, therefore, be identical to the McGrath in
2 this photograph."

3 If we can look at 55115, please, then on
4 23rd November 1971, so about a month later, Special
5 Branch headquarters communicates with its officer in
6 Dungannon to confirm that George McGrath is definitely
7 not the OC of Tara. If we just scroll down a little bit
8 so we can see the text.

9 Now if we can look, please, at 55090, which is
10 another communication from the headquarters of Special
11 Branch on 3rd December 1971, and you can see that it's
12 a communication from headquarters to various regional
13 offices listing out what is known about Tara by that
14 time. If we just scroll down so we can see the text,
15 please, you can see that they're describing those said
16 to be involved in different regions of Northern Ireland
17 and describing the platoon structure. If we can scroll
18 down a little further, please, on to the second page,
19 you can see in the last paragraph of the second
20 page that:

21 "The commandant of the organisation is said to be
22 a George McGrath ..."

23 So here you have even still a belief, whether it's
24 arising from the fact that everyone has been talking
25 about George McGrath, but being circulated out beyond

1 the headquarters of Special Branch that the commandant
2 of Tara or the OC commanding Tara is George McGrath as
3 opposed to William McGrath. You can see that the
4 intelligence officer is described as Clifford Smyth. So
5 that part is something that's repeated in many of the
6 documents.

7 Now on 18th December 1971, if we can look, please,
8 at 55075, found on William McGrath's Special Branch file
9 there is a report from Cheshire Constabulary received
10 into the RUC. This is not the only occasion when
11 a police force in England or Scotland would refer having
12 found literature related to Tara. It seems to have been
13 material was sent to various locations or found in
14 various locations in England as well as in

15 KIN 301 's locker in Kincora, and this document is
16 setting out about a leaflet from the -- if we scroll
17 down, please, you can see that it's given -- just pause
18 there. Sorry:

19 "Christian Fellowship Centre and Irish Emancipation
20 Crusade."

21 So the religious organisation associated with
22 McGrath. You can see it is 4 Greenwood Avenue, Belfast,
23 which was his address when -- in the early part of the
24 '70s. You can see that that document has caused
25 Cheshire Constabulary to write this report and send it

1 to the Metropolitan Police but also to RUC Special
2 Branch. You can see that in paragraph 4 it is said:

3 "A search of Special Branch, Royal Ulster
4 Constabulary, revealed that the address on the leaflet
5 is false and that they have no knowledge of this
6 organisation."

7 That may be there's no organisation at that address.
8 The address itself is not a false address, but in any
9 event that is what is received into RUC Special Branch.

10 On -- if we look at 55067, please, on 10th
11 January 1972 a request is made in the RUC for some
12 discreet inquiries to be made. We will see:

13 "Noted. A check with the Belfast Street Directory
14 shows that number 4 Greenwood Avenue is occupied by
15 a William McGrath and on record here we have a William
16 Worthington McGrath, shop assistant, born about 1950 of
17 4 Greenwood Avenue, Belfast, who was interviewed in late
18 1969 regarding the wearing of a UVF badge."

19 So again, Members of the Panel, you may consider it
20 significant that the information that's being linked and
21 its nature in contrast to the allegations that have been
22 made.

23 If we scroll down:

24 "Please have discreet inquiries made and furnish
25 a report of what can be learned of McGrath and the

1 activities ..."

2 If we scroll down, then we see the response:

3 "Submitted. Please find attached this office BCS
4 a file dealing with the Christian Fellowship Centre."

5 So a reference back to the material we saw on the
6 card dating from 1966:

7 "I believe this file will answer the queries
8 required."

9 The PSNI can't find that file, as I already said,
10 but you can see:

11 "Please find attached photostat copies of cards for
12 the two persons named above."

13 That photostat card is what we have already looked
14 at. We will see it as we scroll down on the next page.

15 Chairman, I wonder whether we should ...

16 CHAIRMAN: Yes. This might be a convenient point to rise
17 for a few minutes since we started somewhat earlier than
18 usual this morning.

19 (11.12 pm)

20 (Short break)

21 (11.30 pm)

22 MR AIKEN: Just before the break, Members of the Panel, we
23 have been looking at the confusion over who William
24 McGrath actually was and that continued into 1972. If
25 we can look, please, at 55092, we will see a report on

1 the Tara Brigade. You can see the date is 15th March.
2 It is 1972 from an annotation at the bottom, and
3 a report indicates that the Tara Brigade is now
4 disbanded. You can see in the first paragraph McGrath,
5 as he is described, who was its leader, has not been
6 seen since the first two weeks of December 1971. Now
7 remember, Members of the Panel, as you will, he is
8 already been working at Kincora from June 1971. You can
9 see then in the first paragraph that McGrath is said to
10 be a civil servant, who it was believed was last working
11 on the problem of drug addiction and also holds an MBE.

12 Now perhaps this is the starkest example of the
13 point I was making in terms of context that just because
14 it is given the label "intelligence", and as mystical as
15 that might be, it doesn't mean it is fact and in some
16 cases can be shown to be demonstrably not fact. This is
17 perhaps one example. The Inquiry has not seen any
18 evidence to show William McGrath working in drug
19 addiction and certainly he did not hold an MBE, but in
20 any event that's the content of the report.

21 CHAIRMAN: Whoever the source has in mind is somebody
22 utterly different from the William McGrath who
23 ultimately appeared in court.

24 MR AIKEN: Yes. Whether it was to the same individual but
25 completely inaccurate information conveyed to him or

1 they themselves had gathered, whatever it be, not
2 remotely correct.

3 55093 then. You will see that on 6th April 1972 the
4 content of the document that we have just looked at is
5 disseminated.

6 Then on 7th April 1972, so the next day, if we look
7 at 55020, please, this is a document that was on
8 Clifford Smyth's Special Branch file. You can see that
9 this has come from MI5:

10 "It is observed that Clifford Smyth, information
11 officer of the Tara Brigade, seems to have changed
12 political horses."

13 So you can see that Tara and those associated with
14 Tara are clearly of interest to the various arms of
15 intelligence, including MI5 and the RUC.

16 Then we have 11th April 1973. To 55022, please. So
17 this is a year later. There then is a daily
18 intelligence summary. Again it is very difficult to
19 read, but it's on you can see Protestant organisations
20 and then on Tara. You can see:

21 "Information officer Tara."

22 "Information" -- sorry -- "on Tara. Protestant
23 organisation about which there have been recent press
24 reports."

25 You can see:

1 "Tara originated in 1968 from within the Orange
2 Debating Society. In its refurbished form the leader is
3 William McGrath."

4 So this is the first document at least amongst the
5 RUC papers that indicates finally they are being told in
6 this case that the McGrath of Tara is William McGrath.
7 You can see he's described as a Paisleyite and his --
8 various other individuals who are also being referred
9 to, but that's the part that's relevant to William
10 McGrath.

11 Then six days later, if we can look at 55076,
12 please, we have the report of 17th April 1973, which we
13 have looked at, which was on William McGrath's Special
14 Branch file, also on the Tara 1 file, and this is
15 a report on Tara that we have looked at already. You
16 can see, and I just want you to note at this point,
17 Members of the Panel, that Roy Garland has according to
18 him already left Tara, having broken with William
19 McGrath, and the report makes no reference to him in
20 the -- amongst the individuals who are being associated
21 with it. It does identify the key individuals that are
22 said to be involved. While, as I have observed, the
23 document does have an address for McGrath in Greenwood
24 Avenue, it doesn't refer to his employment or the
25 location of it.

1 But the next day -- so this document was typed on
2 17th April -- on 18th April, if we can look, please, at
3 55019, we can see that an intelligence summary of
4 "Protestant subversive activity" dated 18th April 1973
5 you can see in the top right and it has a section at
6 paragraph 5 on "Tara Brigade". You can see:

7 "A new Protestant organisation discussed in
8 paragraph 4 of last week's summary is probably after all
9 only the re-emergence of the Tara Brigade. In a series
10 of posters Tara presented itself as the new 'law and
11 order' Protestant group. Tara has, in fact, existed
12 since 1970. It is thought to have had close links with
13 UVF and the Orange Order. A reliable report names
14 William McGrath as the Belfast brigade commander and
15 Clifford Smyth as his intelligence officer. McGrath is
16 said to be homosexual. He and Smyth share a house.
17 Tara training is reported as being held in the Clifton
18 Street Orange Hall, Belfast under the guise of an Orange
19 discussion group."

20 Now, as you are aware, Members of the Panel, it does
21 appear that Clifford Smyth did share a house with
22 William McGrath up until April 1973, when he moved out
23 of what was then the 188 Upper Newtownards Road property
24 as he was getting married. The reference for that is at
25 10779.

1 Then the next in the sequence of information is the
2 Robophone call at 55077, please, of 23rd May '73. We
3 have looked at that already, so I am just putting it on
4 the screen to ground it. There it is, the information
5 derived from Roy Garland. We looked at the context of
6 that and what it is about and what it is not about
7 previously, but William McGrath's Special Branch file
8 did also contain a copy of Constable Long's report of
9 4th June 1973. It is at 55078, please, and if that is
10 not terribly legible, we can look at 21066. This is the
11 document where Constable Long is reporting back. Let's
12 try 114062. That's probably as good as we are going to
13 get. We have looked at this document previously.
14 Constable Long goes, speaks to Joe Mains:

15 "McGrath said to be a decent chap."

16 Also on 5th June 1973 then, if we look at 55080, the
17 step taken on foot of that report was for the inspector:

18 "Reference attached copy of message received on
19 confidential telephone line. Inquiries reveal that the
20 subject McGrath is a decent type of person and there is
21 nothing to indicate that he is engaged in the type of
22 conduct alleged by the caller. It would appear from
23 inquiries into this matter that the allegations are
24 totally malicious and would not in my opinion merit any
25 further investigation."

1 Of course, one has to try as best we can to not use
2 hindsight. That's the information that was received in
3 an anonymous call. Constable Long goes to the person's
4 boss to find out about him, and unfortunately that boss,
5 as it turns out, as the PSNI point out in their
6 statement, was himself someone abusing children, not
7 known to the RUC at the time Constable Long goes and
8 speaks to Joseph Mains.

9 I also observed when we were looking at what the
10 residents say that at the point that Joseph Mains was
11 speaking to the police officer in May '73 it may well be
12 the case he was not aware at that point in time that
13 William McGrath would go on to abuse boys in Kincora and
14 therefore the information he provided at that point in
15 time may have been accurate. Those documents were also
16 to be found on the Special Branch file of William
17 McGrath.

18 Then on 17th October 1973, please, if we can look at
19 55098, now this document is difficult to read, but it's
20 a report prepared based on information received by
21 police on 13th October 1973. You can see that on the
22 top of the document.

23 "Date of information: 13th October 1973."

24 It seems to be arising from the questioning of
25 an individual. The subject about a third of the way

1 down -- so the individual was talking about lots of
2 different matters, but if we move a third of the way
3 down the document, please, he begins to talk about Tara.
4 Yes. You can see:

5 "Subject then stated that he had knowledge of
6 another organisation called Tara. Subject explained
7 that Tara is a splinter group formed from the UVF.
8 Subject stated that Tara is run by McGrath from his home
9 on the Hollywood Road."

10 So you can see, and that will creep through into
11 other documents, reference to the Hollywood Road.
12 William McGrath didn't live on the Hollywood Road at any
13 time the Inquiry is aware of, but he's being referred to
14 here:

15 "Subject emphasised that McGrath got them young and
16 preached religion to them. Subject appeared to mean
17 that McGrath preached bigotry and anti-Catholic sermons.
18 Subject stated that Tara were responsible for wrecking
19 the chapel on the Cregagh Road."

20 You can see reference:

21 "Tara is very secret. Not generally talked about or
22 known to exist."

23 You can see the individual also speculated that
24 McGrath may be part of the UFF. I will ask you just to
25 note this piece of source material, because we will see

1 later in the week that that key piece of information
2 would make it way into other material about the fact
3 that he gets them young, preaches religion at them.

4 Then on 26th October 1973, if we can look, please,
5 at 55097, this is an RUC report. You can see that it's
6 found on the Tara part 1 file. So it's a microfiche
7 document, but you can see that it's being said:

8 "William McGrath of the ..."

9 If we just scroll down a little bit, please:

10 "... of the Christian Fellowship Centre, 188 Upper
11 Newtownards Road ..."

12 So it's the correct address for William McGrath.

13 "... is said to have a supervisor called Mayne."

14 You can see that's spelt incorrectly, the reference
15 to Mains:

16 "... at his work with Belfast Corporation."

17 Then you have a comment:

18 "McGrath is reported to be the OC of Tara Brigade."

19 Now on 22nd November 1973, if we can look, please,
20 at 105010, and this is a document that was produced to
21 the Inquiry by MI5, it's a letter, as you can see, from
22 the RUC Headquarters of 22nd November 1973 and it says:

23 "Information has recently been received to this
24 office to the effect that William McGrath intends to
25 visit Amsterdam on a date unknown. He will stay with

1 ..."

2 a particular individual in Holland. Then it gives
3 William McGrath's date of birth, his occupation. You
4 can see:

5 "Social worker, Kincora Hostel, Belfast ... has been
6 the subject of a number of reports as being the officer
7 commanding Tara Brigade in Northern Ireland."

8 You can see then the assessment that's provided to
9 MI5:

10 "Intelligence on this group, which is believed to
11 have close links with the Ulster Voluntary Force and
12 Orange Order, show that it was dormant for some time
13 prior to 11th April 1973 when it made a public
14 pronouncement in the form of its -- in the press" --
15 sorry -- "a public announcement in the press of its
16 reform -- reformation. Little threat is offered by this
17 group at present, and while it has claimed a large
18 membership throughout Northern Ireland, it is, in fact,
19 a small group of people operating in Belfast with a very
20 small membership.

21 The purpose of McGrath's visit to Amsterdam is not
22 known and there is no record at this office ..."

23 of the individual who he was going to visit.

24 Now a copy of that letter -- so you can see from the
25 material that we have already looked at this summary

1 document tends to lift that material and condense it
2 into the passage that we have just looked at. It
3 doesn't make any reference to homosexuality, but it's
4 referring to what is known about Tara and William
5 McGrath's place in it.

6 A copy of this letter was also found on the -- if we
7 can bring up 55118, please -- found on the microfiche
8 Tara part 1 file, and you can see this is the draft, as
9 it were. We have been given the MI5 copy it received
10 and here is the draft, as it were, of the one that went
11 across to MI5 where the copy of it kept on the Tara
12 file.

13 Now the document that precipitated the letter from
14 the RUC to MI5 appears to be, if we look at 55117,
15 please, an SB50, source report document, of 8th
16 November 1973:

17 "Text of report.

18 William McGrath intends to visit Amsterdam. He will
19 stay with ...",

20 a particular individual, whose name we can take out
21 of the document.

22 So it's the fact of him travelling, you may
23 consider, beyond Northern Ireland that causes RUC
24 Special Branch to make MI5 aware of him, because he is
25 someone that was a person of interest amongst those on

1 the Special Branch radar. So it seems that the catalyst
2 for that communication that we have looked at was this
3 information suggesting that he was going to be
4 travelling to Amsterdam.

5 On 20th June 1974, so moving six months, seven
6 months further on, if we can look, please, at 55045, on
7 20th June 1974 the -- if we scroll down, please, you can
8 see that this is a communication from the Assistant
9 Chief Constable Johnston, who was I think Head of
10 Special Branch at that point in time, writes to his
11 Superintendent in Special Branch saying:

12 "It is some time now since we heard of the Tara
13 Brigade which we first heard of as a paramilitary
14 outfit.

15 Please see attached advertisement in The Newsletter
16 of 20th June 1974 -- a full page advertisement suggests
17 a big money back-up.

18 Please update as to the present constitution,
19 personalities, aims, objects, etc."

20 Now I want to pause there, Members of the Panel, to
21 observe this is a letter from the Head of Special Branch
22 on 20th June 1974 saying to his officer, "Give me
23 an update on this outfit. We haven't heard from them in
24 a while" as a result of him seeing a document in the
25 newspaper, but DC Cullen -- Detective Constable Cullen's

1 communications with Roy Garland and all of the
2 information they produced in the documents JC1 to JC8,
3 which we looked at and which we will come back to,
4 appears to have been completed at latest by July 1974.
5 If that information had been passed to Special Branch,
6 then you might have expected that this communication and
7 other material in the file in and around this time would
8 have been in a different form from that which it is.

9 Now the reply, if we look at 55046, bearing that
10 point in mind that I have just made, sent to the
11 Assistant Chief Constable, and you can see he's
12 referring back to the communication of 20th June 1974.
13 There is a stamp, if we scroll up, please. I think
14 we've maybe taken the stamp out because of something
15 else that's contained on it, but the document, the
16 reply, is dated November 1974. So the letter went in
17 June '74 and the Assistant Chief Constable got a reply
18 in November 1974. You can see at the end of the letter
19 that:

20 "The delay in submitting this report is regretted."

21 I was going to say the Inquiry gets a few of those
22 over the course of its existence.

23 So it's taken some time for the officer to reply,
24 but you can see what the information is that's being
25 provided. So there's no link being made -- if we scroll

1 up just a little bit, please -- a little bit further so
2 we can see -- in the summary that's made available there
3 is no link being made here to the April '73 -- 16th
4 April '73 intelligence document about McGrath being
5 a homosexual or the May '73 Robophone call about McGrath
6 in the homosexual context as well. It focuses on Tara.
7 You can see "William McGrath":

8 "This man was secretary to the Christian Fellowship
9 Irish Emancipation Crusade",

10 and it describes other individuals who are said to
11 be associated with Tara.

12 Now that document comes after the -- a document --
13 if we look at 55081, please, we have mentioned the
14 KIN 301 , resident of Kincora, arrested for burglary.
15 It produced this report, which was on 5th July 1974.

16 You can see this is indicating the documents that were
17 found in his locker were Tara-related and identifying:

18 "William McGrath is employed as the housefather at
19 Kincora Hostel."

20 Now in 1975 then -- it appears to be around
21 April/May 1975 -- MI5 in London, if we can look, please,
22 at 55104, and you can just -- I will give you the
23 reference, Members of the Panel. We don't need to go to
24 it, but why I say it is April/May '75, the reference is
25 at 105014. This document is on Tara part 2 file, it

1 having been opened in June 1974. MI5 in London sends
2 a request for information to the DCI rep in Knock in the
3 RUC headquarters, so the MI5 officer on secondment to
4 the Northern Ireland Office and working on behalf of the
5 Director and Coordinator of Intelligence on secondment
6 to the NIO based in RUC headquarters. The request for
7 information is based on information that had come to MI5
8 London's attention from Merseyside Special Branch about
9 the UVF in Liverpool. You can see what MI5 in London is
10 saying:

11 "In 1975 ..."

12 If we can just scroll down a little further, please,
13 so we can see all of the text -- that it had:

14 "... a trace of William McGrath ...",

15 and gives his correct date of birth and his correct
16 address:

17 "... as being the one time officer commanding of the
18 Tara Brigade."

19 You can see that the author is asking the question
20 whether the person referred to by Merseyside Police --
21 and you can see the reference to someone from Belfast,
22 a homosexual who arrived in Liverpool around this time
23 in 1970, so five years previous in connection with
24 organising Tara and the UVF, being associated with it --
25 he is asking the question whether that's one and the

1 same person as the trace of William McGrath that is
2 described and set out in paragraph 2.

3 Now given the allegation that's made in respect of
4 the status of William McGrath you may consider that to
5 be a strange document if, in fact, MI5 were running
6 William McGrath as an agent, because this is
7 a communication between two MI5 officers, one in London
8 and one in Belfast.

9 What appears to be the reply to that request is also
10 found in the RUC Tara file at 55103 and the reply
11 summarises what is said to be known about William
12 McGrath senior and William McGrath junior.

13 So you can see it's being said:

14 "He first came ..."

15 You can see it is from the RUC Headquarters Knock:

16 "He first came to our attention as the organiser of
17 the Christian Fellowship Centre, Wellington Park,
18 Belfast."

19 You can see then in 1970:

20 "Tara originated from '68 from Orange -- the Orange
21 Debating Society."

22 You will remember that from a document we looked at:

23 "The leader was William McGrath."

24 Another individual:

25 "... was acting as secretary. In 1975 it was

1 learned that Worthington McGrath was secretary of ..."
2 a particular orange institution. Then you can see:
3 "The above may give some background of the McGraths,
4 who are regarded as being somewhat eccentric and
5 unstable. Reports have been received that McGrath
6 senior is a homosexual, though we have nothing to
7 confirm. It is possible that he was involved in the
8 beginning of the rebirth of the UVF in 1972."

9 Now, unfortunately, like the last document, it is
10 undated, but you can see from the content of the first
11 paragraph that it has to be authored post-1975 unless it
12 was written prospectively. If we just scroll down,
13 please, so you can see the message:

14 "Communication ends."

15 If we just pause there, please. So it's being said,
16 "Background on the McGraths. Regarded as somewhat
17 eccentric and unstable. Reports have been received that
18 McGrath is a homosexual, though we have nothing to
19 confirm".

20 I will ask you, Members of the Panel, to bear this
21 document in mind in a number of different contexts, in
22 particular when we come back to look at Colin Wallace's
23 memo dated 8th November 1974; also in the context of the
24 allegation that William McGrath was an MI5 agent
25 operating a paedophile ring in Kincora, a boys' home, on

1 its behalf; and another relevant feature you may
2 consider is that the author does not seem to have any of
3 the knowledge that Detective Constable Cullen has
4 obtained between March and July 1974 through his contact
5 with Roy Garland and which we saw through looking at the
6 combination of documents at JC1 to JC8. As I indicated,
7 we have not found any of that information on any of the
8 Special Branch files the Inquiry has looked at, which in
9 fairness is consistent with William Meharg's evidence,
10 the Assistant Chief Constable at that time, that he
11 based on whatever he was told did not refer the matter
12 to Special Branch.

13 Now those, Members of the Panel, are the documents
14 that I want to open to you at this stage from the
15 Special Branch files. Having done so, I want to make
16 the following observations based on the Inquiry's
17 investigation.

18 Those Special Branch records the Inquiry has looked
19 at do not disclose any documents referring to William
20 McGrath or anyone else sexually abusing boys in Kincora.
21 The closest one comes to that is the Robophone anonymous
22 call from Roy Garland, which, while stating where
23 William McGrath works, does not actually make
24 allegations of sexual abuse in Kincora.

25 The Special Branch records that the Inquiry has seen

1 do not disclose that William McGrath was an agent of the
2 RUC. He clearly was someone being reported on from time
3 to time in the context of Tara after a considerable
4 period of time working out who he was, and the Special
5 Branch records do not disclose any involvement by the
6 RUC in Kincora in operating or being aware of or
7 covering up some sort of intelligence operation centred
8 on Kincora.

9 The point that the Detective Chief Superintendent
10 Clarke makes to the Inquiry on behalf of the PSNI is
11 that there is nothing in the intelligence material
12 received by the then RUC to suggest that it was aware of
13 sexual abuse taking place in Kincora by William McGrath
14 prior to the police investigation beginning in 1980.
15 That applies equally to Raymond Semple and Joseph Mains.

16 I want to now turn, Members of the Panel, to look at
17 three specific issues involving the RUC that have come
18 into sharp focus before this Inquiry. The first is the
19 23rd May 1973 confidential telephone call to police; the
20 second relates to June 1974 and Valerie Shaw and
21 Superintendent John Graham; and the third relates to the
22 March to July '74 and then '76 through to perhaps
23 mid-'77 events involving Detective Constable Cullen and
24 Assistant Chief Constable William Meharg.

25 I am going to deal first with the 23rd May '73

1 anonymous call. I am going to deal with it briefly,
2 because we have looked at at various points along the
3 way material relating to it. If we can look at 30343,
4 we have looked at the call that was recorded by the
5 Robophone system and you can see it on the screen. We
6 have looked also at the Constable Long report at 114062,
7 please, and we have looked at the report that flowed
8 from that, which directed there was nothing further
9 needed to be done. I have also drawn your attention to
10 the piece of intelligence material which was some weeks
11 beforehand, five weeks beforehand, of 16th April '73,
12 which, while not -- again also not related to Kincora,
13 did talk about homosexual activity and those being
14 utilised by William McGrath, and that's at 55076.

15 Now the Sussex detectives who were called in to
16 reinvestigate, as it were, and to oversee the ongoing
17 investigation in phase two did look at this matter. If
18 we can look, please, at 40096, you can see:

19 "Anonymous information was received ..."

20 This is in Superintendent Harrison's report:

21 "Anonymous information was received by the RUC on
22 confidential telephone, which brought to the attention
23 of the police information that McGrath was a homosexual,
24 employed at Kincora and was involved with a paramilitary
25 group named Tara.

1 Before examining the available facts concerning this
2 particular issue, it is helpful to consider McGrath's
3 background, covering what's known about his homosexual
4 activity and his political/paramilitary involvement."

5 If we scroll down, please, you can see it gives his
6 date of birth, early information now known which had
7 been uncovered about his activity with R36. If we
8 scroll down, please, we can see that's recorded in some
9 detail. Move down a little further, please. You can
10 see:

11 "Further information on McGrath's background is
12 provided by [a lady called] KIN 358 ..."

13 who was spoken to. We saw a reference in the
14 resumé document which Detective Constable Elliott had
15 compiled from his discussions with Roy Garland. She is
16 recounting here or Detective Superintendent Harrison is
17 recounting here what she had said to police about
18 McGrath. If we scroll down further, please, and then
19 you can see reference is made to Roy Garland.

20 Now what I would like you to note, and I am not
21 going to read all of this out, but as you look at this
22 with in mind the content of the JC1 to JC8 documents and
23 whether there is any indication in this material that we
24 are about to look that suggests Superintendent Harrison
25 ever knew about that material.

1 So you can see that:

2 "At the first meeting -- private meeting according
3 to Garland McGrath interfered with his private parts and
4 during the next 16 years the McGrath/Garland association
5 continued."

6 You can see reference to the letters. So that's
7 found in the exhibit DBE1. If we scroll down, please,
8 you can see:

9 "Garland must have been a willing party to McGrath's
10 sexual activity with him over the years but perversely
11 insists that he was sexually naive and did not
12 understand what was happening to him."

13 Then he begins to talk about various political
14 matters that arise out of the association. If we scroll
15 further down, please, you can see:

16 "... continued until 1971 ...",

17 and then there was the break-up of their
18 relationship. Then he concludes:

19 "More than likely, therefore, that Garland made
20 an anonymous call at 1505 hours on 23rd May 1973."

21 Now just pausing there, grounding the observation
22 that I have made, he has set out a summary, he's
23 referred to and exhibited police statements which either
24 were RUC Phase One or collected by the Sussex
25 investigation and summarised what Roy Garland had

1 admitted to to the Sussex detectives, and you can see
2 that none of that is infused with the knowledge that's
3 available in the JC1 to JC8 documents.

4 Then he says:

5 "It seems more than likely Garland made the
6 anonymous call on 23rd May 1973."

7 He refers to the full text, which we have looked at:

8 "But in essence McGrath was a homosexual, the centre
9 of a vice ring, was employed at Kincora, that the young
10 men were involved with him sexually and politically,
11 that he had influence with MPs who themselves were
12 homosexuals and were instrumental in obtaining McGrath's
13 employment at Kincora and that he was the leader of
14 a militant organisation called Tara."

15 You can see then he said:

16 "Garland was asked about this by Superintendent
17 Flenley. He agreed he had made an anonymous call to the
18 police, but he denied he would have used the expression
19 'vice ring'. He pointed out other irregularities which
20 effectively amount to a denial that he had made this
21 particular call."

22 So I was explaining to you earlier I think during
23 last week that similar process which I showed you in
24 relation to the Social Services' anonymous call before
25 the Hughes Inquiry was taking place over the Robophone

1 call. He then explains how:

2 "The Robophone message was transcribed from the tape
3 recording, passed to Divisional Commander E at
4 Mountpottinger for inquiries and report. It was the
5 Chief Superintendent's responsibility upon receipt of
6 the Robophone message to decide who should undertake the
7 inquiry. It was passed through a number of supervisory
8 officers to Police Constable Long ..."

9 That officer was deceased at the time of the
10 investigation:

11 "... constable in uniform nearing the completion of
12 30 years' service."

13 So in fairness to the RUC and to Constable Long in
14 looking at this, he was someone of long service as
15 a police officer at the time he was asked to deal with
16 this matter.

17 "It is clear that PC Long visited Kincora on 4th
18 June 1973, some twelve days after the information had
19 been received. The officer does not appear to have made
20 any inquiries beyond approaching the officer in charge
21 of Kincora, Mains, and asking him questions about
22 McGrath. It is obviously from PC Long's report on his
23 inquiries that he revealed that an anonymous telephone
24 call had been made and detailed the substance of what
25 had been said in the anonymous call",

1 which is why, as you know, Joseph Mains was in
2 a position to tell Mary Wilson about it and make that
3 point to the police during interview in 1980:

4 "PC Long reported the results of his inquiries in
5 writing ultimately to Inspector McCullough".

6 who read the original Robophone or had the
7 opportunity to read the original Robophone message
8 together with Constable Long's findings. Then the
9 covering report that we have looked at this morning
10 resulted in the papers being marked and sent on with
11 a dismissal that the anonymous information was perceived
12 to be malicious based on the character reference from
13 Mains about McGrath.

14 "All the supervisory" -- if we scroll further down,
15 please -- "officers accepted the matters set out in the
16 report and required no further action.

17 When considering the nature of the information
18 contained in the anonymous message and the fact that it
19 was passed to a uniform patrol constable for action,
20 a question obviously arises as to whether The Royal
21 Ulster Constabulary made a mistake in not allocating
22 this information to a more senior policeman, such as
23 a Detective Inspector or at least a Detective Sergeant.

24 This matter was considered to be a very important
25 question, with implications that The Royal Ulster

1 Constabulary had failed to recognise important
2 information when it was passed to them or alternatively
3 failed to accord it the proper priority, having given it
4 due recognition.

5 It is now apparent, albeit with the benefit of
6 hindsight, what was taking place at Kincora as far as
7 the sexual activity of the staff were concerned. We
8 know that it eventually required a team of detectives
9 headed by a detective chief inspector" -- scroll down,
10 please -- "several months to enquire into and deal with
11 the problem. With regard to the paramilitary/terrorist
12 activity, all members of the Sussex Police enquiry team
13 had only a general appreciation of the task faced by The
14 Royal Ulster Constabulary. In order to responsibly
15 express opinions as to what a senior officer should have
16 done with regard to the 2,024th anonymous message
17 received that year, in accordance with your
18 instructions, Superintendent Flenley produced statistics
19 that would give an indication as to the problems faced
20 by the police in Mountpottinger subdivision at the time
21 the Robophone message was received. (Strandtown records
22 were unavailable, having been destroyed in accordance
23 with The Royal Ulster Constabulary code.)

24 An examination of the occurrence book for
25 Mountpottinger Police Station by the Sussex Police

1 enquiry team covering the period 1st April '73 to 30th
2 June '73 shows the following matters were reported,
3 which gives an indication of the pressure under which
4 the police were working.

5 16 explosions.

6 26 suspect/hoax bombs.

7 1 murder.

8 32 shooting incidents.

9 3 kidnappings.

10 19 arms finds.

11 26 robberies (mostly armed).

12 95 burglaries.

13 20 stolen cars.

14 2 hijackings (cars).

15 14 assaults."

16 You can begin to imagine, Members of the Panel, the
17 extent of the difficulties that the police were
18 confronting at that point in time:

19 "There were in the same period 21 arrests for
20 serious crimes such as murder and the possession of
21 explosives and firearms, etc. One individual arrested
22 was subsequently implicated in more than a dozen
23 sectarian murders which necessitated additional
24 detectives being drafted into the division."

25 If we scroll down, please:

1 "Additionally, although not strictly matters of
2 crime but in order to complete the picture, this
3 subdivisional station, which also housed The Royal
4 Ulster Constabulary divisional headquarters, an Army
5 battalion headquarters and company headquarters, and
6 which were responsible for policing a fairly small but
7 prominent Republican population, recorded 7 riots of
8 various severity, 73 incidents of stoning and 37 reports
9 of damage. In addition, the police station and police
10 officers were shot at, there were an abnormal amount of
11 fire calls, numerous reports of intimidation and
12 a number of house searches made by the Army, which
13 required the presence of the RUC. All this work was
14 over and above the usual policing demands involving" --
15 perhaps I think what the Sussex detectives are saying
16 they would be more familiar with -- "road traffic
17 accidents, sudden deaths, missing children and general
18 police work.

19 Any judgments or opinions about whether the
20 anonymous message should have received more critical
21 attention and perhaps been passed to a more senior
22 officer for more careful investigation have to be
23 considered in conjunction with the overall policing
24 situation at the time. The information did not warrant
25 a thorough enquiry by a team of detectives.

1 A superficial check by a policeman who was considered to
2 be a reliable, experienced man with a sound local
3 knowledge of the area concerned must have seemed the
4 appropriate level of enquiry at that time.

5 It is fairly pointless speculating as to what
6 PC Long might have discovered had he followed other
7 lines of enquiry."

8 If we scroll down, please:

9 "Action taken in relation to anonymous information
10 received has to be governed by many differing practical
11 considerations. In this instance as far as the
12 allegations of homosexuality are concerned, McGrath was
13 aged 57 years, a married man living with his wife and
14 three children. He had no previous convictions, and as
15 far as the police were aware, prior to this anonymous
16 call having been made had not been the subject of any
17 complaint.

18 I consider it worth recording that the facts
19 surrounding the anonymous Robophone message were
20 introduced by The Royal Ulster Constabulary
21 investigators themselves. Any embarrassment they may
22 feel arising from their failure to identify the
23 homosexual problem at Kincora after being given
24 a tip-off comes in part from the care with which they
25 have first documented and then preserved the records

1 relating to one anonymous call among thousands received
2 in a year. With regard to allegations or suggestions
3 that policemen in high places covered up the goings on
4 at Kincora, it should be noted that as far as the
5 Robophone message is concerned, a person advocating
6 an acceptance of the idea that the call was malicious
7 was an officer no higher in rank than that of constable.

8 There is evidence in the cautioned statement made by
9 Joseph Mains that McGrath became aware of the anonymous
10 call to the police. The knowledge that the police were
11 making enquiries apparently had little or no effect on
12 his behaviour."

13 He draws attention, does Superintendent Harrison, to
14 the fact that:

15 "R12 described how William McGrath committed an act
16 of buggery upon him in about June or July 1973, a few
17 weeks after the Robophone message and Police Constable
18 Long's visit to Kincora. The association between R12
19 and William McGrath developed and further offences were
20 committed involving gross indecency and acts of buggery
21 between both parties."

22 If we scroll further down, please:

23 "In paragraph 86 of this report I have referred to
24 the desirability for police officers rather than
25 administrators" -- that's Social Services -- "to

1 investigate allegations of crime. This point seems to
2 be well illustrated in the statement of Mrs Johnston,
3 the social worker who interviewed R12 after the Kincora
4 allegations received widespread publicity in 1980 and
5 the police were still at an early stage of the
6 investigation. She reports that she interviewed R12
7 and asked him if he had been approached in a homosexual
8 way. He denied that anything had taken place."

9 Then he is spoken to by the RUC and he explains what
10 took place as a result of their engagement.

11 So that's the analysis of the Robophone call that
12 was engaged in by Superintendent Harrison. It does not
13 appear that Superintendent Harrison had the piece of
14 intelligence of 16th April '73 that referred to McGrath
15 in the terms of Tara as a homosexual who used that to
16 ensnare members of the organisation, and therefore in
17 the analysis does not engage in whether, given he
18 doesn't know about it, whether that would have changed
19 the outcome.

20 But I want to look at what Detective Chief
21 Superintendent Clarke has to say about this in his first
22 statement. If we look, please, at 1535 and
23 paragraph 26, he says:

24 "This will also be considered when intelligence held
25 by RUC is commented on below."

1 He describes then the call that's received and
2 recording the admission by Roy Garland that the call --
3 that he made a call to police. If we scroll down,
4 please. Just keep going. Thank you. "Police
5 response." So he sets out:

6 "The subdivisional commander in Mountpottinger
7 directed uniform officers to provide him with
8 an immediate report. The matter was passed to Constable
9 Long in Strandtown for investigation. Constable Long
10 went to Kincora and spoke to Joseph Mains. Based on
11 this conversation concluded that this information came
12 from some crank and that McGrath was a very decent type
13 of chap and had deep religious convictions and was high
14 up in the Orange Order. This assessment was accepted by
15 Inspector McCullough, who signed off the report, stating
16 that the allegations were malicious and didn't merit
17 further investigation."

18 Now then he points out that:

19 "The transcript of the call was copied to the ACC of
20 Special Branch, the ACC Crime and the Divisional
21 Commander of E Division. So the following police
22 officers were aware of the content of the anonymous
23 phone call."

24 He identifies Chief Superintendent Shute, who is the
25 Divisional Commander of E Division, so Mountpottinger,

1 Strandtown.

2 Also Superintendent Hamilton, who was Subdivisional
3 Commander at Mountpottinger, who received the
4 instruction and then sent it on to Inspector McCullough,
5 who ultimately sent it on to Constable Long.

6 If we scroll further down, please, the reference to
7 Inspector McCullough, Sergeant Clinton, ultimately
8 Constable Long. Then if we go a little further down,
9 please, I think Chief Superintendent Monaghan was in
10 place as the information came back up, and you have got
11 the perhaps customary sequence of events of it coming
12 back up through the chain.

13 Then you have Chief Superintendent SB19
14 (Deputy Head of RUC Special Branch).

15 "His initials appear on a three-page document
16 relating to the anonymous call. SB19 acknowledged
17 that he had noted the contents of the message, though
18 does not recall what, if any, action was taken at the
19 time."

20 Then the Detective Chief Superintendent sets out
21 about the Terry review of the call, if we scroll further
22 down, please, and draws attention to the fact that
23 apportioned no blame for failing to carry out a further
24 example.

25 Then reference is made in paragraph 32 to the 1971

1 evidence subsequently given by KIN27 that he told
2 unidentified police officers who gave him a lift home
3 about Mains. You will recall from week one he said
4 about them all being queers, and then when asked about
5 it in more detail, said, "I will be more specific", and
6 he was delivered home to his mother. They were never
7 able to trace who the officers were. What Detective
8 Chief Superintendent Clarke is doing here is saying
9 well, if that had been right and if that was followed
10 through, then that might have linked in, given what
11 Constable Long comes along to do.

12 If we scroll further down, please, then he is
13 identifying about how now, unlike then, there would be
14 much better information sharing between the different
15 organisations in terms of the Welfare Services or Social
16 Services and police.

17 Also if we can look at paragraph 227, please, at
18 1599, he makes the point that:

19 "The Robophone message was investigated, albeit
20 perhaps to a more limited extent than would now be
21 accepted and shared with the Kincora management",
22 and says:

23 "Unforeseeably that was Mains, also a paedophile
24 abuser."

25 Then he addresses this matter in his second

1 statement in some considerable detail, if we can look at
2 1838, taking on board the point about the intelligence
3 information of 16th April 1973. If we scroll down,
4 please, he explains what we have just looked at:

5 "In my previous statement I addressed the handling
6 of the anonymous call.

7 Of particular interest to the Inquiry may be the
8 handling of the call in light of the 17th April '73
9 document."

10 If we scroll then further down, please, and then he
11 explains:

12 "The Robophone system was an automated answering
13 machine system which was designed to allow members of
14 the public to pass information to the RUC in
15 a confidential and anonymous manner.

16 PSNI records show that instructions were issued on
17 26th October 1972 for the Duty Inspector at RUC
18 Headquarters Brooklyn to monitor the Robophone calls and
19 then disseminate the information. Section 5 of the
20 instructions states the following:

21 'Where the information obviously indicates a Special
22 Branch interest, such personnel at this headquarters
23 will be informed in addition to the message being passed
24 to the station responsible for the area referred to
25 using a [particular] telephone line'.

1 The contents of this Robophone message ..."

2 This is now Detective Chief Superintendent Clarke:

3 "... would have been of interest to Special Branch
4 in relation to Tara. This message was therefore copied
5 to them, as is evidenced by a handwritten note on the
6 bottom of the Robophone transcript: 'Copy to SB
7 Belfast'.

8 This Robophone message was received and sent out
9 'for information and compliance without delay' by the
10 divisional officer at Mountpottinger. This supports the
11 fact that the contents of the Robophone message were
12 transmitted by a [particular] telephone line as per the
13 instructions by the RUC guidelines.

14 As I stated in my statement of 20th May, the RUC
15 responded to the Robophone by sending a uniform officer
16 from Strandtown, Constable Long, to Kincora, where he
17 spoke with Joseph Mains on 4th June.

18 Research conducted by PSNI can confirm that the ..."
19 -- that's the 16th April '73 intelligence document that
20 we have been looking at -- "and the Robophone message
21 were filed together in the relevant Special Branch
22 files",

23 which is a point I have made:

24 "Records show that it was copied to at least six
25 different Special Branch files. All of these files have

1 been viewed by the Inquiry and relevant intelligence
2 extracted, as requested.

3 There is no evidence to show what action, if any,
4 was taken by Special Branch once both documents were
5 received and filed together. This is a point to which I
6 will return later in the statement.

7 The intelligence document or the 16th April '73
8 document appears to be the first occasion on which
9 William McGrath is identified positively as the leader
10 of Tara.

11 It is important to consider what the intelligence
12 document of 16th April '73 actually states. In essence
13 the following is recorded.

14 William McGrath is the OC of a Loyalist group called
15 Tara.

16 He is a reputed homosexual.

17 He is alleged to have kept members ensnared in the
18 organisation", ie Tara, "by threatening to reveal
19 homosexual activities which he had initiated.

20 Tara members are all members of the Orange Order.

21 It is important to reflect what is not said" in the
22 document:

23 "No reference is made to Kincora.

24 No mention is made of McGrath's occupation.

25 No reference is made to McGrath having any

1 paedophilic tendencies.

2 No suggestion is made of the abuse of children by
3 McGrath, neither personally or directly by him or by
4 others with his assistance.

5 No mention is made of any illegal activity other
6 than the suggestion of a form of homosexual
7 entrapment/blackmail practised by McGrath upon other
8 members of Tara.

9 No suggestion is made that any juvenile is a member
10 of Tara. All Tara members are also members of the
11 Orange Order. Thus it is reasonable to suggest that
12 this requires the member to be an adult member, as no
13 mention is made of the Junior Orange Order.

14 There is no record of any specific investigative
15 actions being raised on the grounds of this SB50."

16 That's the form of the intelligence document:

17 "It appears instead to have been produced to inform
18 RUC authorities on the activities of a Loyalist group
19 which had recently adopted a more public profile (press
20 coverage of Tara on 11th April 1973)."

21 If we scroll down, please:

22 "There is no record of that 16th April '73 document
23 being disseminated more generally, ie to local police
24 performing uniform patrol duties. However, barring
25 an identification of those who may be extremist

1 Loyalists, it is unclear what a more general awareness
2 of the contents of this document would achieve.

3 It is therefore my assessment that when the 16th
4 April '73 document was received, there were no
5 opportunities presented to identify a risk posed by
6 McGrath or any other person to residents at Kinchora. It
7 was handled it would appear", says the Chief
8 Superintendent on behalf of the PSNI, "appropriately.

9 There is no evidence to suggest that when the
10 transcript of the Robophone message of 23rd May '73 was
11 filed by Special Branch that any review of previously
12 held intelligence was carried out, particularly in
13 relation to the 16th April '73 document, which had been
14 received five weeks earlier.

15 The question arises, however, as to the potential
16 impact of the 16th April '73 intelligence document on
17 how the RUC actioned the Robophone message of 23rd May
18 '73. The two pieces of information were filed by
19 Special Branch, as they were both located together in
20 the Special Branch file on William McGrath, as provided
21 to the Inquiry.

22 It is possible that had both documents, so the 16th
23 April '73 and 23rd May '73, been connected and
24 disseminated for action together by Special Branch,
25 greater weight may have been attached to the allegations

1 made in the Robophone message. The information
2 contained in this message may have been assessed as
3 having been corroborated to some degree.

4 The potential outcome of having linked these two
5 documents is speculative.

6 The Robophone message of May '73 was allocated to
7 E Division on 27th May and subsequently to a uniform
8 constable, who attends on 4th June. One alternate
9 approach which might have been adopted had both pieces
10 of information been considered collectively would have
11 been to allocate a detective to investigate the
12 allegations. Allocation of the enquiry to a detective
13 officer would have engaged an officer and supervisor
14 with a higher level of investigative skills.

15 In the Terry review a number of RUC officers
16 considered that with hindsight the Robophone enquiry
17 should have been allocated to a CID or Special Branch
18 officer. In the statement of Superintendent Monaghan,
19 Deputy Divisional Commander of E Division in 1973,
20 recorded by the Sussex detectives in 1982 Superintendent
21 Monaghan describes that he would have, had he seen the
22 Robophone message at the time, allocated it to
23 a detective. However, later in his statement he
24 comments that the Divisional CID were under extreme
25 pressure to the extent that extra detectives had been

1 drafted in to deal with a number of sectarian murders.
2 He concludes (as the Deputy Divisional Commander):
3 'An anonymous Robophone message of the type of
4 23rd May 1973 would, therefore, have been accorded
5 a fairly low priority at that time'.

6 The fact that the Robophone message was actioned by
7 Detective Constable -- by Constable Long on 4th June
8 appears to support Superintendent Monaghan's view as to
9 policing priorities in May 1973 within E Division,
10 Mountpottinger and Strandtown, in that it was
11 a uniformed constable 'investigating' twelve days after
12 initial receipt of the call.

13 The starting point for any enquiry by any RUC
14 officer (detective or uniform) responding to the
15 contents of the Robophone message would be to engage --
16 would be to engage with Joseph Mains as the officer in
17 charge of the home.

18 There was at this time no reason whatsoever for the
19 RUC to suspect Mains to be anything other than the
20 officer in charge of the boys' home. In ignorance of
21 Mains' true criminal proclivities (and the Welfare
22 Authorities concerns around him) his reassurance and
23 'vouching for' McGrath would be taken at face value."

24 He has discussed the previous statement which we
25 have looked at:

1 "The situation described above may in all
2 probability have had the same outcome regardless of who
3 had visited the home.

4 It can be proposed that the officer responding
5 should have interviewed McGrath. McGrath as per the
6 Robophone was alleged to be involved in homosexual
7 relations with unknown members of Tara, using
8 homosexuality as leverage. It was further alleged that
9 he, McGrath, was concerned in a 'vice ring' and
10 exploited young boys. Had any officer interviewed
11 McGrath in 1973 about paedophilic behaviour, they would
12 have been met by a 56-year-old married man with three
13 children with 'deep religious convictions' and who was
14 'high up in the Orange Order'.

15 The enquiring officer may well have been satisfied
16 with these facts as noted. In May and June 1973,
17 however, no identified complainants or victims of abuse
18 by McGrath had come forward to the RUC. It is unclear
19 in light of the above what evidence could have been put
20 to McGrath in an interview setting",

21 ie, if he had been arrested and brought in to be
22 interviewed:

23 "During interview in 1980 under arrest and with
24 written statements of complaint made against him by his
25 victims, we know that McGrath never confessed until

1 immediately before his trial commenced" -- in fact, on
2 the second day of his trial -- "in December 1981. It is
3 therefore unlikely that he would have made admissions to
4 serious criminal activities in a less formal setting."

5 He points out that:

6 "It could be opined that consideration should have
7 been given to an interview of the residents who were in
8 Kincora on 4th June 1973. At the time of Constable
9 Long's visit to Kincora these would have included R12,
10 KIN43, Clinton Massey, R10 ...",

11 names with which you will be familiar from our look
12 at what the residents had to say:

13 "... KIN 285, KIN 42, HIA532/B1/R13 and KIN 217. Of
14 these residents, R12, Clinton Massey and R10 were
15 subsequently to complain of abuse by McGrath and for
16 which McGrath was convicted in December 1981. It is
17 speculative but possible that, had these residents been
18 interviewed in June 1973, they may have disclosed abuse
19 to a police officer. Equally it should be noted that
20 none of the victims above proactively sought police --
21 sought out police to report abuse. Indeed allegations
22 of abuse were made after they were approached by
23 Detective Chief Inspector", as he was then, "Caskey in
24 1980."

25 Then Detective Chief Superintendent Clarke says this

1 on behalf of the PSNI:

2 "In 1973 little was known about the complex dynamics
3 of child abuse and paedophile offending. The
4 significant resource pressures (as described by
5 Superintendent Monaghan at the time) as well as the
6 operating environment of the day (the ongoing civil
7 disorder and terrorism) and the fact that this was the
8 2,024th Robophone message of 1973 must", the Detective
9 Chief Superintendent submits, "be considered in any
10 assessment of the actions of Constable Long or his
11 authorities.

12 Whilst this was therefore a potential missed
13 opportunity to stop the abuse at Kincora, the actions
14 taken at the time seem reasonable and proportionate
15 based on the information available at the time."

16 So he is flagging up the danger of hindsight in
17 respect of this:

18 "It should also be considered that the Robophone was
19 assessed and closed as a 'malicious call'. This
20 conclusion may well have had an impact on subsequent
21 readers of the information contained within ..."

22 If we scroll, please, on to the next page:

23 "The contents of the Robophone message and the 16th
24 April '73, or the typed -- typed on 17th, were pieces of
25 information which could have been shared by the RUC with

1 the Welfare Authorities. Had the information been
2 shared, this may have prompted the Welfare Authorities
3 to share their concerns about Mains with the RUC at this
4 time (in particular, it may have triggered sharing of
5 the Mason file, which was not shared with the RUC until
6 1976)."

7 So that carries the implication that the supposition
8 is based on the police going to the Board and speaking
9 to the likes of Bob Bunting, which would be part of the
10 multi-agency approach today. The Chief Superintendent
11 says:

12 "The absence of a multi-agency approach based on
13 sharing of information between the RUC and Welfare
14 Authorities has been discussed in my previous statement
15 with regard to the general observation but also
16 specifically the Robophone message."

17 So the point he is making is that now today there is
18 a multi-agency, information-sharing approach which would
19 not have been part of policing or, in fact, Welfare
20 Authority activity at the time that we are
21 investigating.

22 Then if we can look at 1850, please, paragraphs 158
23 and 159, you can see that:

24 "The SB50 ...",

25 so the intelligence document that refers to him as

1 using his position in Tara to keep members ensnared:

2 "... appears to be the first occasion that William
3 McGrath is referred to as a reputed homosexual.

4 Therefore -- thereafter much of the intelligence on
5 McGrath refers to his homosexuality",

6 although, as we looked at, the later documents
7 point out, "But we have nothing to confirm".

8 "Aside from the Robophone message (May '73) no other
9 intelligence document refers to McGrath's employment in
10 Kincora and none refer to his sexual abuse of boys."

11 Members of the Panel, I am about to move on to
12 another substantial -- the second of the three matters
13 involving the Police Service. So whether you want to
14 take an earlier --

15 CHAIRMAN: I think it would be appropriate to take an early
16 lunch, because the next matter I think may take some
17 considerable time. So we will rise now and sit again at
18 1.45.

19 (12.45 pm)

20 (Lunch break)

21 (1.45 pm)

22 CHAIRMAN: Yes.

23 MR AIKEN: Chairman, Members of the Panel, before lunch we
24 had looked at what the Special Branch within the RUC
25 knew about William McGrath, Tara and Kincora in advance

1 of the 1980 newspaper article, and I am going to now
2 turn to the -- having looked also at the anonymous call
3 from May 1973, I am going to turn now to the second of
4 the three significant issues involving the RUC that
5 I mentioned at the outset.

6 The second matter relates to June 1974 and involved
7 Superintendent John Graham and his meeting with Valerie
8 Shaw. I appreciate that Detective Constable Cullen's
9 initial contact with Roy Garland shortly predates events
10 relating to Superintendent John Graham, DC Cullen having
11 first met Roy Garland in March 1974, not June. However,
12 the Detective Constable Cullen and Assistant Chief
13 Constable Meharg story continues on until 1976 and 1977.
14 It is also more complicated to explain and it has been
15 looked at to some degree before, but the matter
16 involving Superintendent Graham is more of a discrete
17 issue and it has not been publicly examined before. So
18 I am going to look at it first.

19 I should say at the outset Superintendent John
20 Graham is deceased and therefore the matters we look at
21 he is not in a position to respond to.

22 The story starts with Valerie Shaw, though, as we
23 will see, it ultimately again actually started with Roy
24 Garland. Valerie Shaw was a member of and worked in
25 Martyrs Memorial Free Presbyterian Church and was

1 associated with Dr Ian Paisley. She resigned in 1975
2 from that position.

3 In late September 1973 a female friend of hers,
4 a lady called Emma Greenwood, went to see Jim McCormick,
5 the Carryduff vet and evangelist, for counselling in the
6 same way as Roy Garland. Jim McCormick I should say
7 also died on 17th August 1989 and he was Informant A in
8 the Hughes Inquiry.

9 By September 1973 Jim McCormick had already seen Roy
10 Garland. So we don't know the precise date of their
11 meetings, but it had taken place by December -- by
12 September 1973, because although Roy Garland had not yet
13 met through Jim McCormick either Detective Constable
14 Cullen or Captain Brian Gemmell, it was in late
15 September 1973 that Jim McCormick was able to tell Emma
16 Greenwood about what Valerie Shaw would subsequently
17 describe to police as a man in the Orange Order in
18 Christian circles and in political circles who was
19 a homosexual and had used his position to corrupt young
20 men and boys into homosexual practices.

21 If we can look at 40708, please, this is Valerie
22 Shaw's statement to the Sussex superintendents and you
23 can see it is given on 29th March 1982. You can see
24 what I have just described recorded as her telling the
25 Sussex detectives. You can see the concern was that she

1 believed this individual, though not initially named by
2 Jim McCormick, was extending his activities to involve
3 young men in the Free Presbyterian Church.

4 According to Valerie Shaw -- and we can just slowly
5 scroll through her statement as I am speaking --
6 according to Valerie Shaw, Emma Greenwood passed on to
7 her the information that Jim McCormick had told Emma
8 Greenwood. The Inquiry is not investigating the rights
9 or wrongs of that information being disclosed if it was
10 received in the form of a counselling session, but in
11 any event Valerie Shaw then made contact with and met
12 Jim McCormick about what she had been told by Emma
13 Greenwood.

14 Jim McCormick repeated to Valerie Shaw what he had
15 said to Emma Greenwood. He did not in that first
16 meeting name the person he said was engaging in the
17 activity he was describing.

18 According to Valerie Shaw she met Jim McCormick
19 a second time and questioned him further about these
20 matters, and at this second meeting Jim McCormick named
21 William McGrath as the alleged perpetrator of what had
22 been described, and Jim McCormick also disclosed the
23 identity of his source of information, which was Roy
24 Garland.

25 Valerie Shaw then explained that she went to visit

1 Roy Garland at his home. You can see that at the top of
2 the page that we are presently on, and she records in
3 her statement to the Sussex Police what she says Roy
4 Garland told her about McGrath. So you can see that she
5 is saying that:

6 "Roy Garland told me that McGrath was currently
7 employed in a boys' home called Kincora."

8 So you will recollect from material we have looked
9 at already that Roy Garland himself was in doubt as to
10 who he actually identified Kincora to, and we have seen
11 some already Army material that indicates they were not
12 told the name of the boys' home, but there was a boys'
13 home, but in Valerie Shaw's case she is saying, albeit
14 she is saying it in 1982, that she had been told that
15 the boys' home was Kincora.

16 She also records what she says Roy Garland told her
17 about Clifford Smyth and his being a transvestite. You
18 will recall that that sits with Clifford Smyth's
19 statement where he was able to explain that he
20 discovered William McGrath had divulged that problem, as
21 it was described, to Roy Garland, who had also explained
22 it to UDR Captain N, and that these individuals were then
23 able to in Roy Garland's case confront Clifford Smyth
24 about it when also talking about McGrath.

25 Valerie Shaw explains in her Sussex statement what

1 she says her main concerns were and what steps she took
2 in respect of approaching Dr Paisley. The Panel is also
3 aware that what exactly occurred between Valerie Shaw,
4 Roy Garland, Dr Paisley and indeed others was and has
5 remained the source of great debate. This Inquiry is
6 not investigating, as I have said before, the behaviour
7 of church leaders and politicians, what they knew or
8 didn't know and what they did or didn't do. It is
9 investigating what agencies of the State knew, when they
10 knew it and what was done with the knowledge.

11 To that end Valerie Shaw goes on to explain to the
12 Sussex detectives through -- if we keep going through to
13 40713 -- that through friends of hers, whom she named as
14 the Flemings, she would speak to a senior police
15 officer, RUC Detective Superintendent John Graham, who
16 was at that time the head of CID in Belfast. Valerie
17 Shaw had earlier mentioned the same thing to the RUC
18 during the Phase One Inquiry in her statement of
19 2nd March 1980.

20 If we just scroll down for the moment, she is
21 describing here -- just pause there -- thank you -- the
22 meeting that she had, and we will come back to look at
23 the detail of that in a moment, but if we can look at
24 10772, please, you can see at the bottom of this page in
25 her statement to Detective Chief Inspector Caskey in

1 March 1980 she makes the same point. She said:

2 "I felt he didn't want to do anything. I am
3 friendly with parents-in-law of a policeman, Andy Hillis
4 of the Fingerprints Department. He arranged for" --
5 scroll down, please -- "Superintendent John Graham to
6 come and see me."

7 You can see she is saying that:

8 "Mr Graham said he would get it investigated and put
9 a watch on McGrath's house and on Kincora and see if
10 there was any traffic between the two. Let me know how
11 things go, but I have not heard from him since."

12 She says:

13 "I saw Mr Graham in June 1974."

14 Now I want us to look -- because this also comes
15 back to assist you with what was Roy Garland telling
16 people and including those parts of the state that he
17 met -- I want us to look at what Victoria Fleming, the
18 friend of Valerie Shaw, had to say to Detective Chief
19 Inspector Caskey.

20 If we look, please, at 10792, you can see this
21 statement is dated 2nd June 1980, and in keeping with
22 the pattern as you are aware from the police
23 investigation, any time someone was named by someone
24 else, the RUC officers endeavoured to track them down
25 and took statements from them, and here you can see:

1 "My husband put Valerie in touch with a high-ranking
2 police officer."

3 Now you can see just before that:

4 "On a later occasion Valerie confided in my
5 presence -- confided in my husband in my presence that
6 she was concerned about Mr McGrath having an appointment
7 in a boys' home. My husband said he thought this was
8 a matter for a police investigation rather than a church
9 matter because of the association Mr McGrath had with
10 the boys' home."

11 You will see that she had access to the letters.
12 Valerie Shaw has access to the letters and was
13 describing having read them to her friend.

14 If we just scroll down please, you can see she is
15 also -- Victoria Fleming is also aware of Valerie Shaw,
16 Rita Johnston and R36 that we spoke of, who had
17 a relationship with Mr McGrath in the '50s. If we
18 scroll down, please.

19 Now if we look, please, at her husband at 10791, you
20 can see he explains that she was concerned -- that is
21 Valerie Shaw -- because she believed that William
22 McGrath was a homosexual.

23 "In view of the seriousness of the matter and
24 because a boys' home was involved I suggested that
25 Valerie should contact the police. Accordingly

1 I arranged for Valerie to see a Mr John Graham, a senior
2 police officer."

3 It seems Benjamin Fleming achieved that through his
4 son-in-law, a police officer by the name of Hillis. He
5 would explain at 10794 to Detective Chief Inspector
6 Caskey and then later to the Sussex detectives at 40715
7 that while he may have been asked how to contact John
8 Graham, he was never told about William McGrath or
9 Kincora.

10 If we go to 40713, please, back to Valerie Shaw's
11 statement to the Sussex detectives, you will see that
12 she explains in her statement that she saw -- if we just
13 scroll down a little bit:

14 "I cannot remember the date but I know it was at
15 the time he was due to retire."

16 Superintendent Graham's requirement from the RUC was
17 on 30th June 1974. So it would appear that their
18 meeting would have taken place shortly prior to that
19 date.

20 I pause at that point to ask you, Members of the
21 Panel, to note the importance of the date. This is
22 coming after the Roy Garland anonymous Robophone call to
23 the RUC in May '73 that saw Constable Long visit
24 Kincora. It is after Roy Garland's anonymous call to
25 Social Services in January '74, which Social Services

1 didn't report to the RUC. It is three months after Roy
2 Garland speaks directly to Detective Constable Cullen,
3 who approaches Assistant Chief Constable William Meharg
4 directly, who was Head of the Crime Department overall
5 in the RUC and based in headquarters, where
6 Superintendent John Graham was also based, and it is
7 also before most of the more serious offending in
8 Kincora involving William McGrath.

9 Now you can see from her statement that she, Valerie
10 Shaw, says that she spoke to Superintendent John Graham
11 in his car so her, Valerie Shaw's, mother would not
12 overhear what was being said. You can see that she says
13 she told the Superintendent that she believed (a)
14 William McGrath to be a homosexual; (2) -- (b) -- sorry
15 -- that she was concerned about William McGrath working
16 in Kincora; (c) that he also lived near Kincora; and (d)
17 the identity of the source of her information, Roy
18 Garland.

19 You can see that she says there was discussion
20 between them about the police setting up observations on
21 both Kincora and on McGrath's home.

22 Now if we can go to 40718, please, the Sussex
23 superintendents took a statement from then the retired
24 former Superintendent John Graham on 7th April 1982. He
25 was -- had returned to work in a different capacity as

1 an office manager for the RUC.

2 In his statement, as we scroll through it, he agreed
3 that -- if we just move slowly through it, please --
4 that there had been a conversation with Valerie Shaw in
5 he said her motor car, that Valerie Shaw had told him
6 about McGrath being a homosexual, that Valerie Shaw had
7 told him that William McGrath was employed in Kincora
8 and that he had told Valerie Shaw -- and you can see
9 this on the screen at the moment -- that the police
10 would need to obtain evidence and that a way this might
11 be done was to maintain observation on the house,
12 meaning Kincora, or McGrath's home.

13 So John Graham had said broadly the same thing to
14 Detective Chief Inspector Caskey on 16th April 1980.
15 I will just show you, please, 10795. Just scroll down,
16 please. You can see that:

17 "She suggested", it seems, according to John Graham
18 in this statement, "that Clifford Smyth might be able to
19 assist, as she believed he knew the person concerned.
20 I accepted the information given to (sic) Miss Shaw as
21 confidential and assured her I would pass it to the
22 police of the area for investigation. At the same time
23 I pointed out to her that before the police could take
24 any action they would need to obtain evidence upon which
25 to act and this would require time and would have to be

1 handled very delicately. I informed Miss Shaw I was
2 retiring from the police but the police in all
3 probability would be in touch with her."

4 So broadly similar to what he said to the Sussex
5 superintendents.

6 If we go back, please, to 40718, which is the Sussex
7 Police statement, you can see that John Graham says to
8 the Sussex officers that he was very concerned by the
9 information, infused by his own views on the subject.
10 So, as you know, very similar sentiments to those of
11 Assistant Chief Constable William Meharg. So they had
12 personal views which would have caused them to have
13 a determination in respect of these issues. That seems
14 to be the point being made. Their level of concern was
15 heightened because of their own personal view about the
16 subject.

17 What he says, that is John Graham, is that he went
18 straight to Mountpottinger CIA, so Mountpottinger Police
19 Station, and spoke to a member of the CID there. He
20 said he did that by word of mouth, but he could not
21 recall to whom he spoke.

22 But if we just scroll down, please, on to the next
23 page, just at the end of the statement we can see
24 another point. He says in the conversation:

25 "I know I passed this view on to Mountpottinger

1 CID."

2 So what he is saying is, "The view I had was how
3 this might be done, some form of observation between the
4 two houses, Kincora and 188 Upper Newtownards Road, and
5 I passed that view on to the person in Mountpottinger
6 CID to whom I spoke."

7 As you saw on the screen from the previous page, he
8 couldn't recall to whom he spoke. He explained in his
9 statement -- and we see that at the top of the page we
10 are looking at -- that he did not have recourse to his
11 notebook for the period prior to his retirement. He
12 believed he had got rid of it because of his retirement.
13 So if he made a note in it, he was consequently unable
14 to refresh his memory by it, but there certainly was no
15 written report. He did not suggest he had created one
16 or caused anyone else to create one.

17 Superintendent Harrison explained to John Graham
18 that none of the supervisory officers, so the more
19 senior officers, in Mountpottinger CID was prepared to
20 accept that John Graham had informed them about this
21 engagement. John Graham at 40718 you will see -- if we
22 just scroll up a little bit so we see the bottom half of
23 the statement -- you will see that's explained to him
24 and he remained adamant that he so informed
25 Mountpottinger CID.

1 Now Superintendent Harrison explained in his report
2 that he had initially interviewed the retired Detective
3 Superintendent on 30th March 1982 and as a result of
4 that meeting Superintendent Harrison commentated --
5 commented in his report that John Graham agreed during
6 the earlier interview, so before the interview that led
7 to this statement, that Valerie Shaw's recollection was
8 substantially correct. Having been asked what action he
9 took, he said to Superintendent Harrison, which is not
10 recorded in the statement but it is recorded in
11 Superintendent Harrison's report, that he went straight
12 to Mountpottinger Police Station and passed Valerie
13 Shaw's information to someone in CID, but he could not
14 remember who that person was. He admitted to the
15 Superintendent that he had not submitted a report in
16 writing.

17 If we can look, please, at 10796, Detective Chief
18 Inspector Caskey had already checked during Phase One
19 investigation of the RUC with the then DCI in charge in
20 Mountpottinger, which was Detective Constable Inspector
21 Carlisle, who was retired by the time he was being
22 spoken to on 12th May 1980, and you can see he was in
23 charge of CID in E Division in that period that would
24 have covered June '74, and that Mountpottinger was the
25 HQ of E Division:

1 "... and I don't recall receiving a complaint from
2 Superintendent John Graham regarding the activities of
3 a man named McGrath employed at Kincora Hostel."

4 Sussex Superintendent Harrison explains in his
5 report that he contacted all the supervisory officers at
6 Mountpottinger named by Detective Superintendent Graham
7 and they all said that they had not been the person
8 spoken to and had never received information of that
9 type.

10 If we can look, please, at 10087, Detective Chief
11 Inspector Caskey during Phase One of the RUC Inquiry, if
12 we look at paragraph 493, explains that he had
13 a physical check of records in E Division conducted by
14 a detective inspector with negative results. If we
15 look, please, at 79251, we can see the statement of the
16 officer who carried out that check, who was Detective
17 Inspector Young. If we just scroll down, please, you
18 can see that he checked the occurrence book for
19 Strandtown covering the period May to August 1974, the
20 divisional CID incident book for '74 and the divisional
21 crime forms 38 for '74 and could not find any trace.
22 I don't know whether that means by the way that's
23 phrased he was not in a position to check the occurrence
24 book at Mountpottinger or there was just one occurrence
25 book at Strandtown.

1 Following the Sussex officers' own inquiries -- so
2 just so I am clear, John Graham has been spoken to by
3 Detective Superintendent Harrison. He has explained his
4 position. Detective Superintendent Harrison has carried
5 out his own inquiries in respect of who might have been
6 spoken to, and then he reinterviews John Graham, who
7 provides the statement that we have looked at of
8 7th April 1982.

9 In fairness to John Graham, I want to show you the
10 more detailed statement made to the Sussex
11 superintendents by the then retired Detective Chief
12 Inspector Thomas Carlisle. So we have looked at his
13 statement from 1980, but he spoke to the Sussex
14 superintendents. If we look, please, at 40716, he
15 explains in much more detail:

16 "As the Detective Chief Inspector in charge of
17 E Division I had a number of CID officers under my
18 supervision at Strandtown, Holywood, Mountpottinger and
19 Dundonald. (Inaudible) any names who the inspectors
20 were at each of the locations."

21 You can see:

22 "I have been told by Detective Superintendent
23 Harrison of the Sussex Police that Superintendent John
24 Graham is said to have reported to Mountpottinger CID
25 that a man named McGrath was a homosexual and was

1 employed at a boys' hostel called Kincora. It is
2 inconceivable that this matter could be reported to
3 Mountpottinger CID without one of these men or myself
4 getting to hear about it."

5 So I think the point he is making is if it was
6 reported other than to them, ie, to one of their
7 subordinates, he considers it inconceivable that it
8 would not have been referred up to his inspectors or one
9 of his inspectors, who would have then brought it to
10 him. He does identify the other supervisory officer who
11 occasionally covered Mountpottinger:

12 "I would have taken a very serious view of
13 an allegation about homosexuality at a boys' home."

14 You will appreciate that was not the allegation that
15 was conveyed by Valerie Shaw:

16 "To my mind it is as serious as murder, for
17 I consider that the effect on the boys was so serious as
18 to ruin their lives."

19 Scroll down, please:

20 "I have known Superintendent John Graham for many
21 years and consider him to be a man of absolute
22 integrity, and I have no doubt that he would not say he
23 had reported the matter to the CID at Mountpottinger if
24 that was not the case. This matter would be recorded as
25 a crime complaint if the proper procedures were followed

1 at Mountpottinger Police Station."

2 So just pausing there, Detective Chief Inspector
3 Carlisle obviously has known Superintendent Graham for
4 a long period of time. He is saying, "He did not tell
5 me. If he told any of the CID officers, I would have
6 expected to know about it, but I have known this man for
7 a long time and my knowledge of him is such if he says
8 that is what he did, then that's what he did", but the
9 problem that arises is there is absolutely no record of
10 it. So if it was passed to somebody other than an a CID
11 officer at Mountpottinger, then it was not properly
12 dealt with, or the other alternative is that it was not
13 reported in the way that John Graham believes that he
14 did.

15 Now I want to look at Superintendent Harrison's
16 report on this issue, because this raises a number of
17 issues that I want to bring to the Panel's attention.

18 If we look, please, at 40109, and at paragraph 213,
19 so you will see here is recounted the history that we
20 have just been looking at resulting in the meeting with
21 Superintendent Graham with Valerie Shaw. If we scroll
22 down, please, you will see a comment is made about
23 having --

24 "Valerie Shaw appears to have a detailed recall of
25 her meeting. For some reason she was concerned that her

1 mother did not hear the conversation."

2 Then you can see the reference to Detective
3 Superintendent Graham retiring on 30th June 1974. Then
4 you can see:

5 "When interviewed by the RUC, he frankly admitted",
6 that is John Graham, "that Shaw's version of what was
7 said was substantially correct."

8 Then Superintendent Harrison says this:

9 "He" as in John Graham, "was interviewed by me on
10 30th March 1982. I found him excessively nervous and
11 ill at ease. He was asked what action he had taken
12 after seeing Miss Shaw. He said he had gone straight to
13 Mountpottinger Police Station and passed Shaw's
14 information about McGrath to somebody in the CID. He
15 could not remember who that person was. When questioned
16 as to whether he" -- scroll down, please -- "had
17 submitted a report in writing, he said he had not done
18 so. Questioned further, but persisted in his
19 explanation that he could not remember who he had spoken
20 to. At my request he named all the supervisory
21 policemen within the CID at Mountpottinger in June 1974.
22 The interview ceased with Graham agreeing to search for
23 his notebook or journal to check whether he made
24 an entry at the time concerning his meeting with Valerie
25 Shaw and his actions immediately afterwards.

1 I contacted all the supervisory staff named by
2 Graham, including ex-Detective Chief Inspector Carlisle,
3 as possible recipients of Graham's information about
4 McGrath. All concerned were certain that Graham had not
5 passed the information to them, and had not heard any
6 talk from anyone else at the time."

7 You can then see he was reinterviewed, that is John
8 Graham, by Superintendent Flenley and Superintendent
9 Harrison.

10 "He stated" -- that is John Graham -- "could not
11 find any notebooks or journals relating to his work in
12 '74 or indeed to previous years spent in the police."

13 If we scroll down, please, and again the officers
14 who recount -- this time Superintendent Harrison is
15 writing but he is writing speaking on behalf of both of
16 the officers:

17 "We found Graham nervous, unconvincing and difficult
18 to imagine as a person holding the rank of Detective
19 Superintendent in the Royal Ulster Constabulary only
20 a few years earlier."

21 Then Superintendent Harrison says this:

22 "When considering whether Graham is being truthful,
23 it has to be remembered that if he had reason not to
24 tell the truth, the easiest course would have been for
25 him to deny that Valerie Shaw had spoken to him about

1 McGrath and Kincora. When she passed this information
2 to him, they were alone together in his motor car with
3 no chance of being overheard. It is possible that after
4 listening to Miss Shaw he either decided to disregard
5 the matter as little more than gossip, or he may have
6 simply failed to pass the information on. He was in his
7 last month of police service when he spoke to Miss Shaw.

8 Another option is that he did pass the information
9 on to Mountpottinger CID and for some reason is refusing
10 to name the person or persons concerned.

11 Neither Superintendent Flenley nor I have discovered
12 any evidence to link this officer in any way with any of
13 the Kincora staff or boys, or any other offender or
14 victim uncovered by The Royal Ulster Constabulary's
15 Kincora investigations."

16 I just pause there. You will appreciate, Members of
17 the Panel, that's a very wide number of people and the
18 Sussex officers are saying, "We can't find any
19 connection between this man and any of them".

20 "It appears certain that ex-Detective Superintendent
21 Graham's unsatisfactory performance will provide
22 headline material if this aspect of the enquiry is
23 examined in public. It seems probable that Mr Graham's
24 credibility will be in doubt and this will be reflected
25 inevitably, it is feared, on The Royal Ulster

1 Constabulary."

2 Scroll down, please:

3 "His evidence may generate much idle speculation
4 that there is some truth in the media's theorising about
5 a cover-up by the police."

6 Now those are you may consider very strong words to
7 be written about a senior police officer, retired.

8 Valerie Shaw gave evidence to the Hughes Inquiry and
9 in her evidence she covered these issues. She gave
10 evidence on Day 37 of its public hearings -- that was
11 Thursday, 17th January 1985 -- and on Day 38, which was
12 the next day, Friday, 18th January. You can find that
13 evidence running from 72871 to 72921 and from 72922 to
14 72949.

15 In view of the seriousness of this issue and the
16 fact that it was not something that was subject to
17 scrutiny before the Hughes Inquiry in and of itself
18 I want to show you some of the pertinent passages in
19 relation to Superintendent Graham.

20 If we can look, please, at 72892 and at G on the
21 page, if we scroll down, please:

22 "Q. And that might have been something that was
23 dead and gone and passed?

24 **A. I thought it unlikely that a man with McGrath's**
25 **history would seek employment in a residential boys'**

1 home if he had repented of his ways. Let's put it that
2 way."

3 So past behaviour best indicator of future
4 performance is the argument Valerie Shaw is making:

5 "Q. Did you ever consider, apart from what you told
6 us, that late on you went to an inspector -- did you
7 ever consider yourself going to the police and saying,
8 'You ought to do something about the situation'?

9 A. No. It was the Superintendent actually.

10 Q. But that was late on, wasn't it? When did you
11 go to him?

12 A. It was immediately preceding his retirement and
13 I think he retired about 1974. I thought when I put it
14 in the hands of a Superintendent -- and, I mean, he said
15 to me at the time that obviously they would have to do
16 a lot of investigating, waiting, watching and that it
17 could take quite a long time. No, I mean I didn't go to
18 the police and say, 'You should do something', because,
19 as I say, I didn't know what was happening.

20 Q. After he had retired did you take it up with his
21 successor and say, "Look, this situation so far as I can
22 see still obtains. This man is still in office at the
23 boys' home'?

24 A. No, because I lost contact with Mr Graham.
25 I left it in his hands and, as he said, if he couldn't

1 find out anything, the police couldn't act unless they
2 had evidence to go on, and I took it that possibly they
3 weren't able to get enough evidence or maybe even that
4 they didn't know what was happening in the home."

5 Then she is asked:

6 "You took it then that from '74 the police had no
7 evidence to go on since, after he retired, nothing
8 apparently happened?

9 A. Yes, I took it that they hadn't been able to
10 come up with anything, because he didn't get back to me
11 as he had promised.

12 Q. And you didn't make it your business to contact
13 him again ...?

14 A. No."

15 Context is then discussed with her, about the fact
16 that there was major terrorist campaign on. You can see
17 at F:

18 "When I was speaking to Mr Graham, he did say that
19 the police would have to have much more concrete
20 evidence than perhaps someone acting out of social
21 conscience, and that's why I thought my other sources
22 were much more likely to be able to do something about
23 the situation than even the police."

24 So she is talking about the religious individuals
25 with whom she engaged. You can see then a discussion

1 about her giving the letters. If we can look, please,
2 at 72894, if we just scroll on to the next page, please,
3 to the letter B, you can see she is asked:

4 "Yes, never at any time did I have actual evidence
5 that there was anything happening in Kincora, but merely
6 judging by McGrath's history and the employment he had
7 sought I put two and two together.

8 Q. How old was the history?",
9 she was asked:

10 "A. Well, it dated from the '50s and extended
11 I think into the early '60s. It predated McGrath's
12 employment in Kincora."

13 So she is then asked:

14 "Q. At that time it was certainly 14 or 15 years
15 out of date.

16 A. Yes."

17 You can see then from:

18 "Q. I would be right to gather that Roy Garland
19 didn't suggest to you that McGrath was still a
20 homosexual or alternatively engaging in homosexual
21 activities?

22 A. As I say, we discussed it quite often, because
23 we were both very concerned about it, and we concluded
24 that his actions in seeking that employment indicated
25 that he was still interested and was very likely still

1 to be carrying out the same kind of, well, almost
2 brainwashing as he did with the young men of another
3 place."

4 Then if we can look, please, at 72897 and section G
5 now -- and this is something, Members of the Panel, you
6 will want to note:

7 "Q. You are a mature person. Did it not occur to
8 you in '75, '76 when your approach (sic) efforts to have
9 something done about this situation were meeting with no
10 success to write to the Eastern Board?

11 A. I talked this over with Witness B", so Roy
12 Garland, "and by that time we'd heard that not only one
13 member of staff, but two members of staff, and possibly
14 three, were also homosexually inclined.

15 Q. When did you learn this?

16 A. I think it was about 1975, and I thought that if
17 two out of three members of staff in a home the size of
18 Kincora are homosexually inclined, it is a very strange
19 situation. We talked this over, because I had intended
20 to go and talk to the head of Kincora about McGrath.
21 Then I was told, 'You needn't bother. He is one too'."

22 She dates that in '75/'76. So that implies, if
23 Valerie Shaw is correct, in keeping with Detective
24 Constable Cullen's note that either Roy Garland has
25 found out about Joseph Mains and told Detective

1 Constable Cullen, or perhaps potentially, if the
2 conversation is actually later, if Detective Constable
3 Cullen continued to be in touch with Roy Garland, then
4 it might have happened the other way around, after he
5 has found out about the Mason file.

6 If we look at 72899, please, and at F you can see --
7 this is something that will be reflected in Detective
8 Constable Cullen's evidence:

9 "Q. Had you not the permission of Roy Garland to
10 make whatever use of those letters you saw fit?

11 A. No, I hadn't."

12 If we look at 72905, please, and section E, so she
13 is being asked then about the police officer:

14 "Q. Did you go to his office or the police station
15 or what?

16 A. No, he came to my home.

17 Q. Do you know why he came to your home?

18 A. No. He just --

19 Q. Did he tell you why it was that he suddenly
20 landed at your house?

21 A. Not really. We had to discuss it privately
22 somewhere and I suppose he thought at my home."

23 If we scroll down, please:

24 "I had not contacted him, but I think it was
25 actually Mr and Mrs Fleming's son-in-law who made the

1 arrangement for him to telephone me and make the
2 arrangement for us to meet.

3 He telephoned and I think he said he was in that
4 direction, could he call and have a talk with me about
5 this, and I talked to him outside in the car, because
6 I did not want my mother involved.

7 Q. How long?

8 A. Possibly three-quarters of an hour.

9 Q. Did he appear interested?

10 A. Yes. He made notes of names, that kind of
11 thing.

12 Q. Did he tell you what he was going to do?

13 A. He said -- I can't -- I can remember he said,
14 'You've done all you can do. Now leave it in my hands'.
15 The very distinct words that he said were, 'I'll have a
16 watch put on McGrath's home and Kincora Boys' Home and
17 see if there's any traffic between the two places', but
18 he said, 'You understand that this may take a long time
19 to get any sort of evidence and we do need to have
20 something very concrete to go on. This is a very
21 serious business, a very serious charge'.

22 Q. He told you that he was going to have a watch
23 ...?

24 A. Yes.

25 Q. Without going into the details, he was a ...

1 **A. Superintendent.**

2 Q. You gathered there was going to be some
3 surveillance?

4 **A. Yes.**

5 Q. Was he from the local station?

6 **A. I honestly don't know what station he was from.
7 I did hear later he was connected in some way with
8 Mountpottinger, but wasn't sure about that. I thought
9 Strandtown was the local station.**

10 **That was the gist of it."**

11 **Then if we can look at 72933, please, and section C,
12 she is saying:**

13 **"Never to any of the people I talked to could I have
14 specified that ..."**

15 **This is about whether she was making an allegation
16 that McGrath was actually abusing any of the children:**

17 **"Never to any of the people I talked to could I have
18 specified that, because I didn't know. I just
19 suspected."**

20 **If we look at 72941, please, and section B, her
21 concern was purely about an individual with those
22 proclivities. On to the next page, please, at
23 section E:**

24 **"Q. When you spoke to the police superintendent,
25 did you give him the name of Roy Garland?"**

1 **A. Yes.**

2 Q. Did you give him sufficient information to
3 enable him, had he been so disposed, to locate him?

4 **A. Yes, I imagine so. He could have located him**
5 **through me. I do not think that I would have given him**
6 **his address, but I certainly could have facilitated him.**

7 Q. Did you mention to the police superintendent
8 that you had already discussed the matter with Contact
9 One?"

10 I think that's a reference to Ian Paisley, and then
11 went through a whole series of people that she had had
12 contact with. Then if we look at 72945, please, at the
13 letter F:

14 "A. I am afraid I have. The original reason ..."

15 This is:

16 "Q. You must have asked yourself that question
17 often",

18 as in the steps that were taken:

19 "A. I think I did refer to him. My concern was
20 that it should be dealt with, first of all, by a
21 Christian with a moral conscience. I had no up-to-date
22 information on McGrath, no knowledge that he was
23 actually involved in any activities in Kincora. I felt
24 it needed someone with authority, with influence to
25 investigate the matter. Another reason is that I knew

1 Roy Garland had made an anonymous approach to the Board
2 and had acquainted them with the facts. I also knew
3 that Witness A" -- that's Jim McCormick -- "at some
4 stage in the proceedings had some kind of contact within
5 the Social Services, because Roy Garland was able to
6 tell me when I suggested going to the head of Kincora,
7 'You needn't bother. He's one too'."

8 So there's a suggestion that that further
9 information about Mains is coming from Jim McCormick:

10 "Then at a later date he said, 'You know, it seems
11 now there is three of them'. I must say I considered it
12 rather more than coincidence that three people out of
13 three were employed in a home the size of Kincora, and
14 I must say it did occur to us, because we would talk
15 often of how could we go about this. I mean --

16 Q. May I ask who is 'us'?

17 **A. Roy Garland. We often talked about what further**
18 **steps we could take. I must say I very often spent**
19 **sleepless nights trying to think of some other way to do**
20 **it."**

21 **So she's then being asked:**

22 **"Q. So you knew that Roy Garland had given**
23 **anonymous information?**

24 **A. Yes.**

25 Q. Social workers received an anonymous call."

1 It is then suggested to her that:

2 "Q. Really an anonymous call is extremely difficult
3 to evaluate or indeed investigate. Do you not accept
4 that?

5 **A. Yes, I would accept that.**

6 Q. As far as there being two or three people of
7 this type in the home, I'm sure it must have occurred to
8 you and to Roy Garland, who is an educated person. Is
9 that not so?

10 **A. Yes."**

11 **Then she's asked about the echelons of people:**

12 "A. I will be quite frank with you. One of the
13 reasons why we didn't was because, having heard these
14 rumours about three members, we suspected there might be
15 someone further up either directing these men into the
16 situations or covering up for them. I mean, I must
17 admit that I was suspicious of a home employing three
18 homosexuals out of three."

19 Then she is asked to confirm that she did not think
20 everyone in the Eastern Board should be tarred with the
21 same brush.

22 Then if we scroll a little further down, please.
23 Just pause there. Thank you. Then the Chairman of the
24 Inquiry asks her:

25 "Well, Miss Shaw, the simple truth is that you

1 knocked at a great many doors?

2 A. I did.

3 Q. And they turned out to be the wrong doors?

4 A. That's right."

5 If we scroll further down, please. Just move on to
6 the next page till I make sure. Yes.

7 So this matter was touched on in the Hughes Inquiry
8 report if we look at 75276, please, at paragraph 4.130.
9 Maximise the size of that page out for me, please.

10 "At this point it is also appropriate to deal with
11 another of Miss Shaw's contacts who was mentioned in
12 evidence in terms which caused us to make inquiries as
13 to his possible relevance to this Inquiry. In about May
14 '74 Superintendent John Graham (now retired) was put in
15 touch with Miss Shaw and was told that Mr McGrath was
16 allegedly a homosexual and that he worked in Kincora.
17 Superintendent Graham's April 1982 Terry Inquiry
18 statement indicated that he went to Mountpottinger
19 Police Station and reported verbally to a member of the
20 CID, but he could not recall which member. The RUC and
21 Terry Inquiry investigators had been unable to identify
22 the alleged contact and there was, therefore, no
23 evidence that the matter had subsequently come to the
24 attention of the Social Services. In the course of her
25 evidence, however, Miss Shaw intimated that

1 Superintendent Graham might not have been entirely
2 satisfied with the efforts made to identify his 1974
3 contact. We wrote to Superintendent Graham listing the
4 six officers who had been interviewed with negative
5 results in relation to his '82 statement and seeking any
6 possible additional names. Superintendent Graham
7 replied that to suggest further names would be beyond
8 his memory and that he would rather be sure than
9 uncertain about naming officers. He also said that
10 while he was disappointed the police inquiries had not
11 revealed the identity of the officer to whom he spoke,
12 he was never in a position to criticise police
13 investigations ..." -- if we scroll out, please --
14 "into" -- can we just move on to the next page -- "into
15 the matter. There remained, therefore, no evidence to
16 suggest that Miss Shaw's contact with Superintendent
17 Graham resulted in the allegations against William
18 McGrath being passed to Social Services."

19 The -- if we look, please, at 79257, on
20 13th February 1985 it appears that the Inquiry spoke to
21 Superintendent Harrison and recorded a note of the call.
22 You can see:

23 "Further to our telephone contacts for
24 Superintendent Flenley, Superintendent Harrison informed
25 me:

1 Superintendent Graham had provided the following
2 names to him re possible recipients of info message re
3 Miss Shaw's allegations."

4 Then he names the various officers.

5 "Superintendent Graham was aware that Superintendent
6 Harrison had interviewed Detective Inspector Carlisle."

7 Scroll down a little further, please.

8 On 19th February, if we can look at 79241 -- in
9 fact, if we stay -- we can stay on the same page if that
10 helps, and just scroll down. I think we have a second
11 copy of it. Yes, we do. If we scroll down, you can see
12 the letter of 19th February. This is the letter written
13 to John Graham inviting him to confirm whether the list
14 of names that were explored is exhaustive of all
15 personnel with whom he might have spoken or if there
16 were any additional names:

17 "Could you please let me have them as soon as
18 possible?"

19 John Graham replied, if we look at 79240, please:

20 "As far as my recollection is concerned I believe
21 that the list was compiled through suggestions that
22 named officers were attached to Mountpottinger Station
23 at the time I passed on the information I received.

24 To suggest further names would be beyond my memory."

25 So he is saying he did not list out the names. The

1 names were suggested as people who worked in
2 Mountpottinger. Therefore he was not in a position to
3 take the matter any further.

4 Obviously, Members of the Panel, you will recall the
5 Hughes Inquiry was focused on what came to the attention
6 of Social Services and therefore their conclusion is it
7 not go beyond the fact that the information Valerie Shaw
8 gave to the then Superintendent Graham was not passed to
9 Social Services, but this Inquiry may wish to ask itself
10 a different series of questions based on the following
11 points which the evidence would appear to establish.

12 Firstly, an RUC Detective Superintendent received
13 information about William McGrath as a homosexual
14 working in a boys' home named Kincora in June 1974 that
15 he considered worthy of investigation by the relevant
16 CID division. I pause there to say, as we did with the
17 content of intelligence material, it doesn't matter
18 whether that assessment was right or not. That was the
19 decision that the Superintendent reached based on the
20 information that he had.

21 Secondly, he didn't make a written report about it.

22 Thirdly, he couldn't recall who in CID he told about
23 it.

24 Fourthly, the person to whom he says he passed the
25 information so an investigation could be commenced

1 couldn't be traced.

2 Fifth, there was no written record of him
3 reporting -- there was no written record of him having
4 reported it that was traced either.

5 Sixth, there was consequently no June 1974 CID
6 investigation.

7 Seventh, that investigation, had it taken place, may
8 have linked the Robophone call and come to a stop on the
9 basis that this had been looked at before. It may have
10 involved speaking to Roy Garland, given what he has
11 disclosed, but on a proper police investigative basis,
12 which may have been met with a "not prepared to publicly
13 cooperate". It may have involved speaking to the
14 residents in Kincora at that point in time or former
15 residents. It may have involved informing the Eastern
16 Board and its district officers responsible for Kincora,
17 which may or may not have led to reference to the Mason
18 file. Who knows where it would have led, if anywhere?

19 Finally, on the basis that Detective Superintendent
20 Graham was being truthful and did exactly what he said
21 he did, Sussex Detective Superintendent Harrison formed
22 the view that his performance in relation to this issue
23 was unsatisfactory and would potentially entirely
24 unjustifiably fuel press speculation of a cover-up by
25 the police.

1 It may be said if we look at 40112, please, that
2 paragraph 223 of Superintendent Harrison's report should
3 for this -- 40112, please -- should for this Inquiry's
4 purposes -- if we scroll down, please, to 223 -- ask not
5 just about the performance of Superintendent Graham but
6 the organisation's performance rather than just the
7 focus on the individual.

8 The questions this Inquiry may wish to ask based on
9 the established facts may include:

10 Whether the sequence of events taken entirely at
11 face value disclose a systems failure by the then RUC in
12 the handling of this information.

13 This Inquiry may want to ask itself how it should
14 have been handled, and that if it should have been
15 handled differently, what were the likely consequences
16 from that, and to reflect on, given the point in time of
17 these matters, the potential for dovetailing with
18 amongst others the Cullen and Meharg line of enquiry.

19 If we look, please, at 1550, on behalf of The Police
20 Service of Northern Ireland Detective Chief
21 Superintendent Clarke examines this issue in his first
22 statement at paragraph 168. You can see he recounts the
23 facts, if we scroll down, please, that we have been
24 looking at. Just keep going down for me, please. Just
25 pause there. Just scroll up a little:

1 "It would seem reasonable to conclude that a senior
2 and experienced detective officer should have made
3 a record of such information, to whom it was passed, and
4 that he would subsequently have satisfied himself that
5 appropriate action had been taken. In her evidence to
6 Hughes Valerie Shaw described Graham as making notes
7 during their 45-minute meeting. Recording this
8 complaint and investigating it may well have built upon
9 or alternatively supported the other disparate
10 allegations known to the RUC by June 1974. It is,
11 however, appropriate to observe that it was Roy Garland
12 who made the 1973 anonymous Robophone call and who was
13 also Detective Constable Cullen's and Valerie Shaw's
14 source of information."

15 If we scroll down, please:

16 "These observations echo, it must be acknowledged,
17 comments made within the Terry report."

18 If we can look, please, at 1854 and paragraph 161,
19 this is in Detective Chief Superintendent Clarke's
20 second statement:

21 "Detective Superintendent John Graham's failure to
22 respond to the allegations brought to him by Valerie
23 Shaw in June 1974 amount to a significant personal
24 failing and neglect of duty. Valerie Shaw had relayed
25 to John Graham the allegations she had been made aware

1 of by Roy Garland which included the abuse of boys
2 (albeit not in Kincora).

3 An officer as experienced as John Graham and noting
4 his rank and role (as head of Belfast CID) inexplicably
5 failed to do anything with the information he had
6 obtained directly from Valerie Shaw and that amounts to
7 a systemic failure for the following reasons.

8 Detective Superintendent Graham by virtue of his
9 seniority and role within the RUC failed to grasp the
10 strategic significance of the information provided to
11 him by Valerie Shaw.

12 He as the then head of Belfast CID failed to appoint
13 an appropriately skilled officer to investigate the
14 allegations of homosexuality, paramilitary involvement
15 and child abuse.

16 And he, Superintendent Graham, failed to keep any
17 record of his meeting with Valerie Shaw and subsequent
18 actions.

19 Although Superintendent Graham never denied having
20 received the information from Valerie Shaw in 1974, his
21 statements to the RUC and Sussex Police highlight
22 inconsistencies in Superintendent Graham's account of
23 what he did with the information.

24 It is worthy of comment to reflect on the findings
25 of the Terry review in relation to Graham. The Sussex

1 detectives who interviewed John Graham found him to be
2 'nervous' and 'unconvincing' and someone who they could
3 not imagine having held the rank of Detective
4 Superintendent in the RUC 'only a few years earlier'.

5 I concur with Detective Superintendent Harrison in
6 his summation of his interviews with John Graham",

7 and quoting Superintendent Harrison:

8 "'It appears certain that ex-Detective
9 Superintendent Graham's unsatisfactory performance will
10 provide headline material if this aspect of the inquiry
11 is examined in public. It seems probable that
12 Mr Graham's credibility will be in doubt and this will
13 be reflected inevitably, it is feared, on The Royal
14 Ulster Constabulary."

15 A separate issue, Members of the Panel, given the
16 allegations of cover-up and the nature of Superintendent
17 Harrison's report on this issue may be whether the
18 conclusions expressed by Sir George Terry, if we look,
19 please, at 40019 at paragraphs 50 and -- sorry -- 51(b)
20 and (c):

21 "My conclusions after the fullest possible
22 investigation are:

23 (b) there was no cover-up or concealment of evidence
24 or disciplinary breaches by the RUC personnel. There
25 was some degree of lack of awareness over

1 information/intelligence but this was at a time of
2 intense terrorist activity, which placed an excessive
3 strain on police resources and undoubtedly dictated
4 priorities. There was, therefore, at this time
5 an understandable inability to recognise that extremely
6 vague information which arose in 1974, if probed
7 thoroughly, may well have revealed that which was
8 finally discovered in your 1980 investigations."

9 If we scroll down, please:

10 "In 1976 there was some other information which was
11 not thoroughly recognised as relating to that which came
12 to hand in 1974. In no way, however, by any stretch of
13 imagination was this a question of a cover-up, only
14 I repeat a lack of awareness of interpretation and
15 recognition. Any later critics had the benefit of what
16 never exists at the time, namely hindsight. In fact, it
17 was Detective Superintendent Caskey's excellent work
18 which ultimately focused attention upon this!

19 (c) No complaint was ever received by the police
20 from any victim at Kincora or other boys' homes of
21 homosexual abuse by the staff until your 1980 enquiry
22 team was launched. In the absence of such complaints
23 there are constraints and limits to the action which can
24 be taken by the police on the basis of unsubstantiated
25 rumour or allegations, even where they emanate from

1 well-motivated and genuine people. That being said,
2 there were several occasions when through inadequacy or
3 inefficiency insufficient cognisance was taken by
4 supervisory officers of the implications of information,
5 which, unsupported and lacking credibility from its
6 original source, should nevertheless have attracted
7 greater interest and a more positive response. I do not
8 consider, however, despite those lapses of
9 professionalism, that an earlier investigation would
10 reasonably have been prompted on the basis of the
11 information available to those officers."

12 Now it was only the conclusions that at that point
13 were made public and the question you may wish to
14 consider, Members of the Panel, is whether those
15 conclusions expressed by Sir George Terry sufficiently
16 convey the potential systems failures arising out of
17 this sequence of events that we have just been looking
18 at and in view of the terms in which Superintendent
19 Harrison expressed himself.

20 As you know, Sir George Terry is deceased. This
21 Inquiry is not carrying out an audit of previous
22 investigations, including his, but having said what
23 I have said, it perhaps nonetheless ought to be borne in
24 mind that the central focus of Sir George Terry when he
25 came to write his report in May 1983, which was in the

1 middle of a continuing terrorist insurrection, was
2 whether there had been sins of commission by the RUC, ie
3 for some reason the police had deliberately concealed
4 known abuse at Kincora that was said to involve
5 a paedophile ring encompassing establishment figures as
6 opposed to what you may consider, whether this amounts
7 to a sin of omission arising from this potential missed
8 opportunity to investigate allegations relating to
9 William McGrath, albeit pre-dating his time in Kincora.

10 However, you may still wish to ask whether the
11 conclusion that what Sir George Terry called lapses in
12 professionalism would not reasonably have prompted
13 an earlier investigation than the one that began in 1980
14 was sustainable.

15 Chairman, I have reached the end of what I want to
16 say about Detective Superintendent John Graham's
17 involvement with Valerie Shaw. That brings us to the
18 third matter and perhaps if we take a short break before
19 we commence that.

20 CHAIRMAN: Yes. We will just rise for a short while.

21 (3.10 pm)

22 (Short break)

23 (3.30 pm)

24 CHAIRMAN: Yes.

25 MR AIKEN: Chairman, Members of the Panel, we have looked at

1 two of the three main issues that arise in respect of
2 the knowledge of and decisions made by the RUC during
3 the 1970s. I am going to turn now to the third set of
4 events. Those relate, bringing all of the information
5 together, from March to July 1974 and then reigniting in
6 January 1976, probably coming to an end again around
7 October 1977, and they involve Roy Garland and his
8 meetings with Detective Constable Cullen and then what
9 Detective Constable Cullen did with that information in
10 terms of approaching directly Assistant Chief Constable
11 William Meharg, who was the head of CID for the RUC.

12 The Inquiry has gathered a significant number of
13 documents that are sources of information relating to
14 this aspect of the Kincora story which I want to
15 highlight.

16 The first is a 1980 RUC police statement from
17 Detective Constable Cullen. I am not going to go
18 through all of this material, because we have looked at
19 various aspect of it and you will have time to reflect
20 on the material itself, but the first 1980 RUC police
21 statement from Detective Constable Cullen of 30th April
22 1980, we will find that at 10755 to 10758. As we go if
23 the operator can pop them on the screen, that would be
24 excellent.

25 The -- then we have a second 1980 RUC police

1 statement from Detective Constable Cullen of 19th
2 June 1980. That is at 10759, and in that statement
3 Detective Constable Cullen would clarify that it wasn't
4 January '76 that he first heard about Kincora, that he
5 was mistaken in saying that in his first police
6 statement, but also in his second police statement he
7 would refer to the documents that he gave to Detective
8 Sergeant Elliott, which were exhibited at DBE1, which
9 you have heard me speak about, and those were letters
10 between -- written by William McGrath to Roy Garland.

11 I want to give you the reference in the bundle for
12 the full DBE1 exhibit, which contains the material that,
13 doing the best I can, is the material that there is
14 which is likely to have been the full suite of documents
15 that Assistant Chief Constable Meharg was given by
16 Detective Constable Cullen.

17 They included the letters that we have looked at and
18 also the hire purchase agreement and some Tara-related
19 literature, and that full DBE1 exhibit, which The Police
20 Service have made available, is at 114122 to 114144. As
21 I said, it's that material that appears to have been the
22 documents. The only thing that may have been also shown
23 missing from that suite of documents is a photograph
24 I think in -- some form of Orange Order parade or some
25 form of regalia being worn, as it is described in

1 evidence in Hughes, which doesn't seem to be part of
2 that exhibit.

3 So you have those -- this in the second statement,
4 those documents at DBE1. If we scroll through to the
5 next page, please, of the police statement, also
6 produced you can see is DBE16 and that is the
7 23-paragraphed 21st March '74 report, which is typed and
8 which doesn't contain any of the sexual content. So
9 that is what is produced.

10 Then we have the 1980 police statement from
11 Assistant Chief Constable William Meharg, still in that
12 post at that time of 22nd July 1980. That can be found
13 at 10763 and scrolling on to 10764, and in -- while he
14 is asked about Detective Constable Cullen, he is also
15 asked about the Mason file and he's shown a copy of the
16 Mason file, and he explains it's the first time he's
17 seeing it.

18 Unhelpfully, given we have got a JC1 exhibit from
19 the Hughes Inquiry, the copy of the Mason file that was
20 shown to Assistant Chief Constable Meharg in 1980 by the
21 RUC Phase One investigation was also called JC1, but
22 it's a different JC1 from the one that contains the Tara
23 handwritten information that we looked at, paragraphs 10
24 and 11 written by Detective Constable Cullen. That JC1
25 exhibit formed part of another George Caskey exhibit

1 called JC3, but that is what was shown to Assistant
2 Chief Constable Meharg at the time of this police
3 statement.

4 Then as part of the Phase One RUC investigation we
5 have the police statement of Bob Bunting of
6 13th May 1980. Now that statement runs from 10751 to
7 10754, but the relevant part, if we look at 10753,
8 please, is that to be found at the bottom of the page of
9 page 3. You can see that:

10 "In February '76 Detective Constable Cullen saw me
11 in my office in University Street. He told that he was
12 enquiring into information about Mr William McGrath. He
13 asked if McGrath was employed at Kincora Hostel and
14 I confirmed that. He said that he had information that
15 he had got from an ex-student of Queen's University
16 alleged that McGrath was involved in a paramilitary
17 organisation and homosexual activity. He said that he
18 had no evidence, but he was carrying out
19 an investigation. I asked if this involved any of the
20 boys at Kincora and he said it had no -- he had no
21 knowledge of that. He thought that McGrath's activity
22 was outside the hostel."

23 If we scroll down, please:

24 "He enquired about the staff at Kincora and
25 specifically mentioned Joseph Mains. He wanted to know

1 if we had any information on the staff relating to
2 homosexual activity or involved in organisations.
3 I told him about the previous allegations and the Mason
4 file."

5 So you can see it's being referred to as GC3 and, as
6 I said to you, GC3 contained JC1, which was the Mason
7 file shown to Assistant Chief Constable Meharg. So you
8 can see what's being said there by Bob Bunting as to the
9 sequence of events.

10 You then have in the RUC Phase One Inquiry a police
11 statement of Edward Gilliland of 15th May 1980, so Bob
12 Bunting's boss. That's at 10765 and that runs through
13 to 10767, and he explains what's conveyed to him by Bob
14 Bunting and the meeting that he then subsequently has
15 with Detective Constable Cullen and Bob Bunting.

16 You then have in the RUC Phase One Inquiry the
17 analysis by Detective Chief Inspector Caskey in his
18 report of these events. That can be found at 10079 to
19 10081. It runs from paragraph 459 to paragraph 470.

20 Now then we move into the 1982 RUC Phase Two Inquiry
21 and the investigation in that part also involves
22 Detective Constable Cullen and Assistant Chief Constable
23 Meharg, although by then he is retired, but for
24 different reasons. Various media articles make comment
25 about Detective Constable Cullen or a police officer,

1 which is clearly indicated at Detective Constable Cullen
2 and similarly at Assistant Chief Constable Meharg,
3 including allegations that the Assistant Chief Constable
4 Meharg destroyed or extracted papers from a file
5 relating to Kincora and so on.

6 So in Phase Two the then Detective Superintendent
7 Caskey is investigating those media-related articles
8 that relate to the officers, and Detective Constable
9 Cullen's police statement of 17th August 1982, which is
10 at 20722, dealt with his rebuttal of an allegation that
11 we saw when we looked at the Roy Garland material, which
12 was Roy Garland alleging that William McGrath --
13 sorry -- Roy Garland alleging that Detective Constable
14 Cullen had told him about McGrath and Clifford Smyth
15 going to Holland and the allegation that Cullen told
16 Garland that a police officer followed them there.

17 Now you will note there is a resonance with
18 an intelligence document that we saw which involved the
19 RUC notifying MI5 that there was going to be a trip to
20 Holland, but Detective Constable Cullen says very
21 clearly he at no time told Roy Garland that information.

22 Then you have the now retired Assistant Chief
23 Constable Meharg's statement of 21st June 1982. That's
24 at 20665, and that is in response to Roy Garland telling
25 the Irish Times journalists in the notes that William

1 Meharg had attended Clifford Smyth's wedding. Here you
2 have the Assistant Chief Constable explaining, or
3 retired now Assistant Chief Constable explaining, that
4 he checked that out and he did not attend Clifford
5 Smyth's wedding, his brother did, and his family had
6 known the Smyth family for a long period of time.

7 Then there is a second police statement from him of
8 7th July 1982, which is at 20565, and again during the
9 Phase Two Inquiry, and that is responding to
10 an allegation that has been made in a media article of
11 William Meharg allegedly extracting files and destroying
12 files and so on, which may be a -- I am not sure
13 "extrapolation" is the right word, but some form of
14 distortion of the events to do with the Mason file.

15 You then have together with that there's
16 an allegation about William Meharg's relationship with
17 a man called Nesbitt.

18 Detective Superintendent Caskey's analysis of the
19 various media allegations that relate to William Meharg
20 and to Detective Constable Cullen you will find in his
21 second report at 20138 to 20140 and also at 20148 and
22 20149 and ultimately he would conclude there was no
23 substance to the allegations that were being made.

24 Then we come to an even more detailed analysis of
25 this material and these events in the Sussex

1 investigation. There you have Bob Bunting's police
2 statement to the Sussex superintendents of 10th
3 March 1982. You can find that at 40661 and scrolling on
4 to 40662, and you will see that Bob Bunting here
5 explains again what he says he was told about what
6 Detective Constable Cullen was doing and what the
7 allegations were and what the allegations were not.

8 Then the Sussex superintendents also spoke to Edward
9 Gilliland, who provided a statement the next day, 11th
10 March 1982, and that's at 40900 and scrolling on to the
11 next page at 40901.

12 Now then we have a twelve-page interview record of
13 Detective Constable Cullen's interview with the Sussex
14 superintendents of 12th March 1982. It is one of the
15 exhibits to the Sussex reports. It begins at 40945 and
16 runs through to 40957. So just for now if that can just
17 be scrolled through so that it can be seen as to the
18 type of document that we are dealing with, but it's
19 a detailed question and answer session that is taking
20 place and we will look back at a couple of particular
21 aspects of that shortly.

22 Now then in addition to this interview we have the
23 further police statement given to the Sussex
24 superintendents of 22nd April 1982 from Assistant Chief
25 Constable, now retired, William Meharg, and that police

1 statement you will find at 40655 to 40660. It's
2 a detailed statement looking again at the events leading
3 to him becoming involved with Detective Constable Cullen
4 and how the matters were handled.

5 Now we then have the Sussex superintendents'
6 analysis of the Cullen and Meharg issue conducted by
7 Superintendent Harrison, and that runs -- and I am
8 afraid we have reached the point where scrolling through
9 is just not possible or we will be here all day -- that
10 runs from 40113 to 40129, and we will come back, but
11 Ms Irvine will take a note and we will make all of the
12 documents available as part of the suite of them, and we
13 will look at some particular aspects of what
14 Superintendent Harrison had to say.

15 Then we have -- and this is where it becomes
16 impossible to scroll through -- over 400 pages of
17 transcript of the evidence of Detective Constable
18 Cullen, retired Assistant Chief Constable Meharg, Bob
19 Bunting and Edward Gilliland to the Hughes Inquiry,
20 which spanned across six hearing days in November and
21 December 1984 from Days 28 to 31 -- I think I have got
22 that wrong -- Days 28 to 33 of their public hearings.

23 I am going to briefly indicate Detective Constable
24 Cullen gave evidence first on Day 28 and that can be
25 found at 72120 to 72208. The following week in the

1 morning Assistant Chief Constable Meharg then gave
2 evidence. That's at 72209 to 72262.

3 Then on the same day Detective Constable Cullen was
4 recalled and he -- his evidence can be found then at
5 72262 to 72275, and then after he gave evidence
6 Assistant Chief Constable Meharg was recalled again and
7 that can be found at 72275 to 72295.

8 Then the following day -- and that -- between
9 occasions two and three of giving evidence for Detective
10 Constable Cullen is significant, because that's when the
11 JC1 to JC8 documents appear, and he was giving evidence
12 for the third time on Day 30, which was Friday, 30th
13 November 1984, and that can be found at 72296 to 72343.

14 Then on the next sitting day, which was the
15 following week, Day 31, on 6th December Assistant or
16 retired Assistant Chief Constable Meharg was recalled
17 and gave evidence for the third time, and that can be
18 found at 72344 to 72407.

19 After the two officers had given evidence on three
20 occasions each across the number of public hearing days
21 then Robert Bunting, the Assistant Director of Social
22 Services, gave evidence on Day 31, which was the
23 6th December '84, and continued that evidence on into
24 Day 32, Friday, 7th December '84, and that evidence was
25 about this particular course of events involving

1 Detective Constable Cullen, and his evidence in relation
2 to that -- he gave evidence over a number of other days
3 about other events -- can be located at 72408 to 72456.

4 After he had finished his evidence then Edward
5 Gilliland, his boss, the Director of Social Services,
6 followed Bob Bunting, gave evidence about the matter on
7 Day 32 and continuing into Day 33, which spanned a week.
8 One was Friday, 7th December '84 and the next was
9 13th December '84, the following Thursday. The
10 transcripts of that evidence on this issue to do with
11 Detective Constable Cullen can be found at 72472 through
12 to 72564.

13 Just in setting it out you begin to see the
14 magnitude of the breadth of the evidence that was
15 gathered through multiple cross-examination across
16 multiple days.

17 In addition to the oral evidence that was given to
18 the Hughes Inquiry, which you, Members of the Panel,
19 have access to, and of particular importance to this
20 Inquiry, was the documentary material that Detective
21 Constable Cullen produced to the Hughes Inquiry on --
22 between days -- on the morning of day -- his third day
23 of giving evidence in effect, but which may not have
24 been available to the RUC investigation or the Terry
25 investigation, although it was said at a point in the

1 Hughes Inquiry that these documents were available in
2 typed form to the Terry Inquiry. I know The Police
3 Service are looking into that, because it doesn't appear
4 from any of the Terry material that they were imbued
5 with the knowledge that's contained in these documents,
6 but whether that were the case or not, we will see if we
7 can get to the bottom of it, but they were produced to
8 the Hughes Inquiry. They were labelled as exhibits JC1
9 to JC8 and they run from 114065 to 114100. So they
10 include JC1 to JC8 and then also DBE16, which is the
11 document that was always available, available to the
12 RUC, available to Terry, and then available before
13 Hughes, and the documents JC1 to 8 that were produced to
14 the Hughes Inquiry. As we know -- we looked at those
15 documents -- they're mostly handwritten, but some typed,
16 and we will look at them again as necessary, although
17 all being well, that won't be necessary.

18 Then we have the report of Hughes Inquiry, which
19 deals with the evidence of the police officers as far as
20 it relates to the terms of reference of the Hughes
21 Inquiry. They do that over the course of five pages.
22 I will just show you that on the screen. 75270, you can
23 see that it begins by the title "The Meharg/Cullen
24 investigation '74-'77". Effectively there are ten
25 pages of the Hughes Inquiry report devoted to this

1 issues, albeit it is infused not just looking at the
2 police officers and what they did as far as looking at
3 the terms of reference but also then extrapolating
4 something we have looked at, which is the response of
5 Bob Bunting and Edward Gilliland based on what they were
6 told or what the Inquiry determined they were told, and
7 what Social Services should or did do with that
8 information.

9 That's all the material before we get to the
10 material that the HIA material has gathered. In that
11 regard the Inquiry has the first PSNI statement from
12 Detective Chief Superintendent Clarke, which addresses
13 matters relating to Detective Constable Cullen and ACC
14 Meharg at paragraphs 55 to 63 and that's at 1545 to
15 1548. Then the second statement from Detective Chief
16 Superintendent Clarke which addresses these matters at
17 paragraphs 146 to 151 and that runs from 1848 to 1849.

18 Then in addition the PSNI has provided the Panel for
19 its assistance exhibits 18 and 19. The two statements
20 between them have exhibits 1 to 17. These stand alone
21 as -- and have been given the numbers exhibits 18 and
22 19, which are biographies of Detective Constable Cullen
23 and Assistant Chief Constable Meharg prepared for the
24 benefit of the HIA Inquiry. They are found at 1896 to
25 1907.

1 As if that weren't enough, Members of the Panel, you
2 will also be receiving another document from the PSNI
3 that's in an advanced state of readiness, which I think
4 is going to be called GC20, or it may have another name,
5 but it endeavours to assist the Inquiry with what
6 exactly the position is over these documents that were
7 produced on the third day of Detective Constable
8 Cullen's evidence to the Hughes Inquiry and whether or
9 not they were ever available to the RUC Inquiry and to
10 the Terry Inquiry.

11 That all having been set out, if I have missed
12 anything, I am sure Mr Robinson will bring it to my
13 attention during the break, but before we look at the
14 events I want to say something about the two officers
15 principally involved in the matters under consideration.

16 James Cullen joined the RUC in March 1958. He moved
17 to the Drug Squad in June 1970 and had a role as a dog
18 handler amongst other -- amongst his duties, and at the
19 time of the events we are going to look at in the 1974
20 through to 1977 period he remained a detective constable
21 with the Drug Squad, which was based at Donegall Pass in
22 Belfast. He retired from the RUC on 2nd May 1988,
23 having completed thirty years' service. On his
24 retirement it was noted on his personnel record that his
25 general conduct during his service had been exemplary

1 and his disciplinary record was entirely clear.

2 In respect of Assistant Chief Constable Meharg at
3 the time of the events we are going to look at in 1974
4 and '76 William Meharg was an Assistant Chief Constable
5 in charge of the RUC Crime Department, so otherwise
6 known as CID, so the head of CID, and one of the
7 questions that we were looking at and The Police Service
8 are checking is whether John Graham, who was the head of
9 Belfast CID, whether he was reporting directly to
10 Assistant Chief Constable Meharg. He may have had
11 another Assistant Chief Constable he reported to, and
12 I will confirm that once I have looked at a book that
13 has been produced to us.

14 But Assistant Chief Constable Meharg was born on
15 19th July 1917 and joined the RUC in 1936. He became
16 an ACC in 1971, in May, and he retired from the RUC at
17 that rank on 18th July 1981. He had by that time
18 completed 44 years and 7 months of service and was the
19 longest serving police officer in the United Kingdom.
20 The PSNI have confirmed to the Inquiry he was awarded
21 the MBE in 1957 after he had served some 21 years and
22 then he was awarded the OBE in 1972. Further, that his
23 personnel record is full of accolades for his
24 performance and conduct during his time in the RUC and
25 he had a clear disciplinary record at the time of his

1 retirement. William Meharg died on 18th March of 2011.

2 I am going to turn now to look at the events that
3 cause these matters to be before the Inquiry. In
4 November 1973 Detective Constable James Price Cullen, as
5 I said, was a member of the Drug Squad at Donegall Pass.
6 He at that time was 38. He had fourteen and a half
7 years' experience in the RUC and was also a part-time
8 dog handler since 1971.

9 He met with Jim McCormick first it appears in 1973,
10 the Carryduff vet and evangelist, on other matters, but
11 Jim McCormick also told him about William McGrath based
12 on the information he, Jim McCormick, had received from
13 Roy Garland.

14 Detective Constable Cullen went off on a detectives'
15 course in England, but on 1st March 1974 he went to see
16 Jim McCormick again. This time he was accompanied by
17 his colleague in the Donegall Pass Drug Squad Detective
18 Constable Robert Duff, and you also have his statement,
19 which is at 40720.

20 It would appear from Detective Constable Robert
21 Duff's police statement to the Sussex detectives that
22 Roy Garland -- this is at 40720, please -- may not have
23 been present at this meeting on 1st March with Jim
24 McCormick and Detective Constable Cullen in that you
25 will see there is no mention of Roy Garland. The Hughes

1 Inquiry would state in paragraph 4.102, which is at
2 75270, that the meeting between Detective Constable
3 Cullen and Roy Garland was on 1st March, and that's
4 because Detective Constable Cullen told them in evidence
5 that Roy Garland was present on that visit when he went
6 with Detective Constable Duff. You will find the
7 reference for that in the transcript at 72124. There
8 is, however, unfortunately no written record of exactly
9 what happened to which we could refer.

10 We can say, however, that it appears that on
11 2nd March 1974, so the day after Detective Constable
12 Cullen and Detective Constable Duff see at least Jim
13 McCormick and possibly also Roy Garland, that Detective
14 Constable Cullen goes to see the Assistant Chief
15 Constable William Meharg at RUC headquarters in
16 Brooklyn.

17 In so doing, Members of the Panel, he is entirely
18 by-passing the entire rank structure within any police
19 service or force including the RUC, and he explains why
20 he does that to the Hughes Inquiry. We can -- we have
21 looked at this before. This is DBE1. 50671, please, if
22 you put that on the screen. There is another version at
23 different pagination, but you can see in the top right
24 corner this is DBE16. 21st March:

25 "Following my appointment with you, sir, on

1 2nd March 1974 at your office I have made further
2 inquiries ..."

3 Then we have the 23-page -- sorry -- 23-paragraph
4 document, three-page typed report to Assistant Chief
5 Constable William Meharg. There seems to be no debate
6 that Assistant Chief Constable Meharg received this
7 report. As you are aware when we did the compare and
8 contrast exercise earlier, there is no mention of any
9 sexual activity in this document, including the
10 paragraph 14 reference to the augmentation to the
11 massage machine.

12 The opening paragraph would suggest that at the
13 meeting on 2nd March Detective Constable Cullen had been
14 asked as far as he understood it to make further
15 inquiries about William McGrath.

16 It would also seem that at some point, and it is
17 likely to be some later point, he had obtained copies
18 from Roy Garland of at least some of the letters that
19 he, Roy Garland, had received from William McGrath in
20 the early 1960s. He explained that in his police
21 statement or his interview with the Sussex detectives,
22 and that he at some point submitted them to Assistant
23 Chief Constable Meharg to consider. Those would
24 eventually form part of DBE1, and Assistant Chief
25 Constable Meharg would say he read those letters, and he

1 gives evidence about them during the Hughes Inquiry.

2 At the moment, doing the best I can, it is this
3 report and those letters that we looked at which are
4 produced as evidence by Detective Constable Cullen
5 during RUC Phase One Inquiry in 1980.

6 Now it, however, transpired during the Hughes
7 Inquiry that Detective Constable Cullen had made other
8 notes and records that recorded what he had been told by
9 Roy Garland in 1974, but which were not incorporated --
10 not incorporated into his report of 21st March 1974
11 that's marked DBE1. He would produce them in between
12 his initial evidence and being recalled on the third
13 occasion. We looked in detail at those documents last
14 week. So I just want to remind you of them at this
15 stage.

16 If we look at 114098, please, this is the copy that
17 seems to have been produced to the Hughes Inquiry. It's
18 the same document as we have just been looking at. You
19 will see again it is marked "DBE16" in the top right
20 corner. It runs through to 114100.

21 Then we have JC2, and I am taking them in this order
22 for this reason, because it's the next document similar
23 to this one. If we look at 114066, please, this is also
24 dated the -- it's based on 21st March 1974 document, but
25 this one has 26 paragraphs and it has the written

1 annotations giving it a title, and Detective Constable
2 Cullen would explain, if I have understood him correctly
3 in his oral evidence to the Hughes Inquiry, that this
4 annotation was added in 1980. It wouldn't have been
5 there at the time this document was originally typed up.
6 You can see that it has been marked with the reference
7 in the top right corner "JC2". This document has the
8 three extra or the two extra paragraphs -- three extra
9 paragraphs, 24, 25 and 26, and it runs through to
10 114068.

11 Then we have JC3 at 114069, please, and this is
12 a similar document to that which we have just looked at.
13 It begins in the same form:

14 "Following my appointment with you, sir ..."

15 You can see it is marked -- just scroll back up for
16 me -- in the top right corner "JC3", and this is the
17 handwritten equivalent of DBE16 and JC2 except that this
18 document carries on to 54 handwritten paragraphs and
19 runs through to 114083, and we looked at much of the
20 sexual content in relation to it last week.

21 Then we have JC1 at 114065, please. This document
22 appears to be two paragraphs, paragraphs 10 and 11. So
23 it has -- as we discussed last week, it is likely to be
24 part of a wider whole. It seems to relate more to Tara,
25 although it has sexual elements to it in that context as

1 well, and at this stage it hasn't been possible to trace
2 the wider document from which these two paragraphs
3 appear to have been carved.

4 It is the case that those documents marked JC5, 6
5 and 7 do appear to contain Tara information. I will
6 just show you those. 114085. We looked at them. They
7 are more handwritten notes and have been scored through.
8 If we just scroll down please for recognition, you can
9 see the type of content, and we were able to see that
10 some of the paragraphs from this suite of material can
11 then be found in the document that we have just looked
12 at that is JC1.

13 Then we have a covering note or what appears to be
14 a covering note at 114084, which is JC4. If we can look
15 at that, please, and it isn't dated, but it appears to
16 indicate an intention that the material attached to it
17 is a collation of information gathered over a period of
18 time from February '74 to the present. So it's at some
19 date post February '74, and his connection with the
20 paramilitary organisation known as Tara.

21 Then we have at JC8 -- 114091, please -- another
22 handwritten document. If we scroll through, please, to
23 the next page -- but this time it has the hallmarks of,
24 as I was explaining last week, a report written around
25 1980, because it included the sequence of events about

1 hearing about Mains from Garland according to the record
2 here -- whether that's right or not is a matter of
3 debate -- and then going to see Bob Bunting, having
4 talked to Assistant Chief Constable Meharg, and getting
5 the Mason file and so on. That document runs from
6 114091 to 114096 and that document has 16 handwritten
7 paragraphs and does include sexual content.

8 Now when we were looking at these documents, I was
9 drawing to your attention, Members of the Panel, the
10 sequence of events of when they were collated, how they
11 were produced. I want to show you a letter of
12 14th December 1984, if we can look, please, at 79261.
13 Hopefully this letter will assist with understanding the
14 dating of these documents. This was a letter from the
15 RUC. It is from the legal adviser. If you scroll down,
16 I think you will see Mr Lynagh's name at the bottom,
17 yes, legal adviser to the RUC. This -- if we scroll up
18 again, please, you can see that on 14th December 1984
19 the RUC are telling the Committee of Inquiry -- so
20 I think by this stage the individuals have all given
21 their evidence over a number of days. Yes, I think they
22 have all given their evidence. Yes, they have by the
23 time -- so this is after Messrs Cullen and Meharg have
24 given evidence and you can see:

25 "In general terms these documents (except for one)

1 were prepared by Detective Constable Cullen in
2 March/July '74. Documents JC5, 6 and 7 ..."

3 So that's the documents with a lot of scoring out on
4 them. There's three or four lines and then a black
5 line underneath, separate sections to the document, and
6 they have been scored out through. It is being said on
7 behalf of Detective Constable Cullen that he:

8 "... wrote down the information contained therein as
9 and when it was given to him by his informant",

10 who was Roy Garland. It is said:

11 "These are the documents from which JC1, 2 and 3
12 were prepared and all the information contained in JC5,
13 6 and 7 appears to be contained in JC1, 2 and 3."

14 Now that may well be right, although it doesn't
15 necessarily explain how JC1 has paragraphs 10 and 11 and
16 not paragraphs 1 to 9, but then it is said that:

17 "Document JC4 ...",

18 which is the document I suggested to you appeared
19 to be a report from 1980:

20 "... is a draft of a covering letter ..."

21 Sorry. I am quite wrong about that. JC4 is the
22 very short covering letter to ACC Meharg in handwriting
23 saying, "This is a collation of documents which began in
24 February '74". It is being said of that document:

25 "This is a draft of a covering letter which was

1 addressed to Assistant Chief Constable Meharg and which
2 appears to be unfinished."

3 That document, JC4, was also prepared in March to
4 July 1974.

5 Now we come to JC8, which is the document I was
6 trying to speak about, which is said to be:

7 "Prepared on or about 25th January 1980 ..."

8 So you will immediately note that's the day after
9 the Irish Independent article was published, and it
10 said:

11 "[It] is an unfinished rough first draft of the
12 report prepared by Detective Constable Cullen for the
13 formal police investigation which commenced on 24/25
14 January 1980. This rough draft was started and prepared
15 by Detective Constable Cullen from memory at police
16 headquarters without him having before him his papers,
17 which were at Donegall Pass Police Station."

18 Now that's a point you will wish to note when we
19 come to look at what is said to or what is in the police
20 statements in 1980 and 1982, but which is encapsulated
21 in this report in contrast in -- said to be of 25th
22 January 1980 aside from documents JC2 and JC3.

23 Then the explanation is given:

24 "These documents were found by Detective Constable
25 Cullen when he came across the documents now shown as

1 JC1, 2 and 3, but these documents were not produced by
2 Detective Constable Cullen, as it appeared that they did
3 not materially add to the information already before the
4 tribunal in documents JC1, 2 and 3."

5 So what seems to be happening is JC1, 2 and 3 is
6 before the Inquiry during the evidence and then JC4, 5,
7 6, 7 and 8 are subsequently produced.

8 Now I am not sure -- and Mr Robinson can check this
9 for me to see if it can be found -- but the JC8
10 document, if we just look at that for a moment, please,
11 at 114091, if you can scroll down on to the next page,
12 so this is what is said to be a draft of the report from
13 Detective Constable Cullen to the RUC Phase One police
14 investigation, and I am not sure that we have yet found,
15 if one exists, the final submitted copy or final
16 submitted report of which this is said to be a draft,
17 but you will note it is being said this was produced in
18 January 1980.

19 If we look, please, at 114093 --

20 CHAIRMAN: Just scroll down a moment or two before we leave
21 it, please.

22 MR AIKEN: Just scroll down, please.

23 CHAIRMAN: Yes. Keep on scrolling.

24 MR AIKEN: It is paragraphs 6 to 9 that I would like you to
25 note at this point, Members of the Panel.

1 CHAIRMAN: I am interested in a different point. Does he
2 refer in this to his meeting with ACC Meharg in 1974?

3 MR AIKEN: If we scroll down a little further, I think he
4 does.

5 CHAIRMAN: Logically it would come a little bit further
6 down.

7 MR AIKEN: Move down that further, please.

8 CHAIRMAN: No, no, it doesn't.

9 MR AIKEN: I think it does at the end. Just scroll a little
10 bit further down to the end. I think it is done in an
11 odd -- there, if we pause there:

12 "All the information was forwarded to Mr Meharg and
13 no further inquiries were made ..."

14 CHAIRMAN: "... were made by me."

15 MR AIKEN: "... by me."

16 Then if we scroll down on to what I think is the
17 last page, which runs from 13 to 16, I'm not sure if
18 there's any further reference to ACC Meharg on it.

19 So taking the report -- sorry -- taking the letter
20 from Mr Lynagh, this is a draft report written in 1980,
21 in January on 25th.

22 I want you to look, please, at paragraphs 6 to 9, if
23 we go back to 114093. So you can see:

24 "These public meetings ..."

25 So this is what he is recording and this is from

1 recollection. This is not having access -- according to
2 the RUC letter, not having access to the documents, the
3 handwritten documents JC1 and 3, or the typed document
4 which is JC2, which is a slightly augmented version of
5 DBE16, and he is writing this draft and says:

6 "These public meetings progressed to private
7 meetings in which Mr McGrath talked to the young men of
8 'mental blocks'. He would touch them on the privates
9 and if they objected, he would explain that they were
10 tensed and keyed up and he called this a 'mental block'.

11 From the approach he would explain that they would
12 have no proper moral, physical or mental stability
13 unless they had complete sexual freedom. This
14 progressed to private contact with my informant and some
15 other young men when he masturbated them and on
16 occasions photographed my informant in the nude.

17 Informant on one occasion was naked in a room
18 without windows and two locks on the door. Mr McGrath
19 was generally -- McGrath was generally naked on these
20 occasions. He used nudes or porn photographs to excite
21 his subject."

22 Then:

23 "Informant gave names and other information about
24 people who came under the influence of McGrath",

25 presumably in this way that we have looked at.

1 Now I want you to look at the first 1980 RUC police
2 statement from Detective Constable Cullen, which is at
3 10755. It's of 30th April 1980. So it's written or
4 formulated three months -- four months -- no, three
5 months -- yes, three months after the statement -- the
6 draft that we have looked at, and in particular if we
7 scroll down on to 10756, you can see we have the -- now
8 you will recall that on 7th March 1980 we have the
9 resumé from Detective Sergeant Berkeley Elliott, who met
10 Roy Garland, and over the course of seven pages,
11 although it does not name Roy Garland, it explains that
12 although he wouldn't admit to any sexual activity
13 himself, it was being suggested by Detective Sergeant
14 Berkeley it sounded very much to him like there had
15 been, but he wouldn't admit it to him, but you can see
16 then on 30th that Detective Constable Cullen when he is
17 making his statement:

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

24 Now you can immediately see what's not there from
25 the report that was written from memory a few months

1 beforehand without recourse to those notes that were
2 then produced to the Hughes Inquiry.

3 Just for completeness if we look at the statement
4 that was then made on 19th June 1980 at 10759, I don't
5 believe that there's any more -- no, there's no more
6 information given about what Detective Constable Cullen
7 said he was being told in 1974.

8 Now I'm sure it is reasonably clear what I am
9 saying, but I am drawing attention to the fact that the
10 draft report from January 1980, which we looked at, is
11 rather different from the content of Detective Constable
12 Cullen's police statement as far as it related to the
13 sexual matters that are disclosed.

14 Now if we look at 75271, the report of the Hughes
15 Inquiry at paragraph 4.107 says this about the
16 compilation of documents that we have looked at:

17 "We accept that all the information contained in the
18 documents produced by Detective Constable Cullen was
19 available to him in 1974 and that these included
20 allegations that Mr McGrath had been involved in
21 homosexual activity with young men some considerable
22 number of years previously. The letters to Roy Garland
23 were ambiguous rather than overtly homosexual, though
24 suspicious in the context of Roy Garland's direct
25 allegation that McGrath was a homosexual. The documents

1 also contained references to political activity with
2 strong hints of paramilitary associations, though no
3 direct allegations of paramilitary activity. There was
4 no allegations that McGrath's homosexual activity
5 involved residents at Kincora."

6 Then they go on and do make specific reference to
7 the massage machine, but it would appear that the
8 substance of the information contained in all the
9 documents was available March to July 1974.

10 I want to show you an exchange before the Hughes
11 Inquiry that shows Detective Constable Cullen meeting
12 with Roy Garland and other informants, which may well be
13 UDR Captain N and one other, who he didn't name in his
14 police statement. If we look at 72302, please, we don't
15 have the source document from which what is described
16 here was being put, but you can see, if we scroll down,
17 I think this is the RUC counsel who is putting the
18 documents. Detective Constable Cullen's attention is
19 drawn to his journal and an entry of 4th July 1974. It
20 is being said:

21 "Q. There are no copies of the journal,
22 Mr Chairman, available or going to be made available at
23 this point. The entries are, in fact, very short and
24 I propose to deal with it simply by way of oral
25 evidence, if that's acceptable.

1 When is the first entry in your journal relevant to
2 this Inquiry?

3 **A. 4th July 1974.**

4 Q. What does that entry say?

5 **A. 'Went with informant to meet other contacts re
6 special investigation to obtain intelligence on suspects
7 (permission of Detective Sergeant McBride to perform
8 this duty).'**

9 Q. Can you tell us when is the very first entry in
10 that journal?

11 **A. The first entry was 1st July '74.**

12 Q. Did you have or have you ever had previous
13 journals relating to periods prior to July 1974?

14 **A. Yes.**

15 Q. Where are they or what happened to them?

16 **A. In March '77 there was a bomb at Donegall Pass
17 Police Station. There was an oil tanker placed outside
18 the station ... a blast wall that covered the lower half
19 of the station. Our offices were just above that, and
20 when the bomb went off, it destroyed a lot of documents.
21 It covered the place in thick oil and soot. As a result
22 of that many documents had to be destroyed and journals
23 in lockers and things. It permeated right throughout
24 the place. There was stuff that was saved that was
25 inside other folders. The folders were simply taken off**

1 **and the documents were retrieved.**

2 Q. Were any of the previous journals relating to
3 the period prior to July '74 retrieved by you?

4 A. **The only one I retrieved was this one here,**
5 **which was in a drawer in a desk."**

6 He is then asked to go to the next entry which is
7 relevant to this Inquiry, which is 21st January '76.

8 "Q. What does that entry relate to?

9 A. 'I talked to Mr Meharg, later to headquarters to
10 see Mr Meharg and to bring the file.'"

11 We will be coming back to those entries, but you can
12 see that there was before the Hughes Inquiry a journal
13 of Detective Constable Cullen and a reference in it to
14 a meeting taking place in July 1974 with Roy Garland.
15 Detective Constable Cullen in the statement explained
16 another source was UDR Captain N, although he said he
17 didn't have anything useful to say, and you will find
18 that in his police statement.

19 But whatever about the record saying there was
20 a meeting taking place in July, the Hughes Inquiry
21 would, however, conclude that the Cullen and Meharg
22 inquiry had effectively lapsed by July 1974. You will
23 see that at 75271. Paragraph 4.109 you can see a
24 conclusion was reached that:

25 "The Meharg/Cullen investigation which had

