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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, 5th July 2016

commencing at 9.30 am

(Day 220)

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

1 Tuesday, 5th July 2016

2 (9.30 am)

3 (Proceedings delayed)

4 (10.30 am)

5 Material relating to MoD and RUC dealt with
6 by Counsel to the Inquiry

7 CHAIRMAN: Good morning, ladies and gentlemen. Sorry we are
8 rather late in starting but we had some unexpected
9 difficulties with the equipment which we hope have now
10 been resolved. Can I, as always, remind anyone who has
11 a mobile phone to make sure that it is turned off and
12 also to remind you that no photography is allowed in the
13 chamber or anywhere on the Inquiry premises.

14 Yes, Mr Aiken.

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

16 I want to begin this morning by looking at what the Army
17 knew about William McGrath and Kincora. As you are
18 aware, Members of the Panel, I tried to find
19 a relatively contemporaneous summary document post the
20 breaking of the Kincora scandal to try to show you
21 an overview of at least what was being said in the
22 aftermath of the story breaking in the media in 1980.
23 I~am going to show you one such MoD summary, which was
24 prepared around March or April of 1982 by an Army
25 intelligence researcher in HQNI. You will note that

1 that's in and around the time whenever there is also the
2 RUC phase three investigation.

3 What I want to show you first, if we can look at
4 30163, this intelligence researcher explained to
5 Inspector Cooke n behalf of Detective Superintendent
6 Caskey what he had been asked to do, what he had been
7 asked to do by the Army in his police statement of 20th
8 December 1982. He says:

9 "I am the joint intelligence research officer
10 attached to the G2 branch at HQNI. My job is to prepare
11 studies and papers for G2 branch on all aspects of
12 intelligence in relation to Northern Ireland. I have
13 been shown a report", which we will look at shortly, "by
14 Inspector Cooke. This I a report prepared by me in
15 March/April 1982 for Colonel Westropp who was head of G2
16 branch. The information contained in this report was
17 obtained from a single file headed "Tara 5523/6."

18 I will ask you to note that reference, because we
19 will see that throughout the day. I believe we will
20 establish that is the HQNI Tara file. He explains:

21 "My report was based mainly on documents which I now
22 see marked SWJS1, 2, 10 and 11."

23 Now if I can just explain, we will see later in the
24 day that a Major Saunders, whose surname being S as the
25 fourth initial, produced 11 documents ultimately to the

1 Caskey Inquiry and those documents are being shown to Mr
2 Noakes, who wrote the report we are about to look at.
3 He is identifying that his report was based mainly on
4 four of the documents that are being shown to him,
5 numbers 1, 2, 10 and 11.

6 "The reason for the request to prepare this paper
7 was that G2 branch's interest in contemporary newspaper
8 reports of the implications of the Kincora affair on the
9 Northern Ireland scene. The branch were interested in
10 the possible impact of the affair on Loyalist
11 politicians and paramilitaries. In the course of
12 preparing this paper I consulted various file lists
13 looking for any reference to Kincora related subjects.
14 The only file I found to be relevant was the one
15 referred to already in this statement."

16 So we can't be sure at this remove what the file
17 lists were that Mr Noakes was looking at, but he's
18 saying, "I was looking for files relating to Kincora,"
19 and the only file he found of relevance in the lists he
20 was looking at is that headed "Tara number 5523/6". You
21 can see he says:

22 "I am aware of no other files on this subject and my
23 interest in the Kincora affair and related matters ended
24 shortly after the preparation of my report."

25 As you know, retired or former officers would make

1 claims in the early '90s that there were Kincora files
2 in HQNI during their period, and obviously the person
3 writing this report isn't yet to know that, because
4 that's an allegation not yet made, and he is looking for
5 files to address the question that he's being asked, and
6 this is what he's saying the result of it is.

7 There is ultimately, as we will see, a Kincora file
8 created by Major Saunders in 1982, when he is assisting
9 the Caskey Inquiry, but if I have understood the MoD
10 position correctly, albeit they will be the first to
11 accept they don't any longer have all of the files they
12 may once have had, that as a result of what we are going
13 to look at they don't accept the proposition that there
14 was a file on known abuse at Kincora in HQNI in 1973/74,
15 when some of the retired officers in 1990 would
16 subsequently claim that there was.

17 He says:

18 "I am aware of no other files on this subject and my
19 interest in the Kincora affair and related matters ended
20 shortly after the preparation of my report."

21 Now just to be clear for your note as we go through
22 his report, SWJS1 that he says he consults is the
23 January '76 Halford-MacLeod letter from Lurgan 3 Brigade
24 based, as you know, on sources from UDR Major H , one of
25 whom included Roy Garland, another of which was

1 UDR Captain N. We will be coming back to look at the
2 Halford-MacLeod letter later, but he is saying to you
3 "that's part of what I based my report on".

4 SWJS2 is a 1974 source report from an Army source
5 called Brazil Nut. We will look at that later in the
6 day. He is saying, "I had access to that as far as it
7 talks about Tara".

8 SWJS10 is a January 1977 MIONI, which is a summary
9 document that's come from the police, as to the position
10 in respect of Tara.

11 Then SWJS11 and we will see the sequence of how
12 that's produced, is a letter of 6th July 1974 from
13 Major C, as he is now known before us for the moment,
14 who was in the G INT Intelligence Section looking at
15 Loyalist paramilitaries and Loyalist activity in HQNI,
16 and we have a statement, as you know, from Major C that
17 I will be referring to as we go.

18 So if we can look then at Mr Noakes' report, having
19 given you what I hope will assist in understanding what
20 we are about to see, if we look at 30318, please, if we
21 can just scroll up on to the page before. Yes. Keep
22 going up for me, please. Up one more. My apologies.
23 We begin at 30316 and it runs to 30318. So it begins:

24 "Kincora.

25 General.

1 On 16 December 1981 William McGrath and two others
2 (probably irrelevant in this context), which were Mains
3 and Semple, "were convicted of buggery-related offences.
4 The trial followed allegations made in 1980 by The Irish
5 Independent and Gerry Fitt about incidents at the
6 Kincora Boys' Home.

7 That much is known. However, speculation continues
8 that there is much more to the affair than has so far
9 emerged. This has led to the setting up of a private
10 enquiry by the Government."

11 So that seems to be the reference to the McGonagle
12 Inquiry:

13 "Allegations made fall into two categories: that the
14 situation at Kincora was known much earlier, but nothing
15 done; and that there has been a cover-up which has
16 blocked investigations. (Even now the private enquiry
17 was only to have been into the social welfare aspects of
18 the case. The RUC is investigating possible further
19 criminal proceedings)."

20 You are aware that throughout the material that
21 postdates the scandal coming to light there are major
22 debates that go on over what form an Inquiry should
23 take, who should be involved in it, what should be
24 investigated and as a result much time spent arguing
25 over that issue and ultimately ending up with the Hughes

1 Inquiry, which is looking just at the Social Services'
2 aspect.

3 "Newspapers are alleging that the RUC, the Army and
4 prominent Loyalist figures knew of Kincora before the
5 mid-'70s and that several RUC and other investigations
6 were blocked. There does seem to be truth in these
7 assertions."

8 Now if I could just pause there. We are not looking
9 at this report as evidence of the truth of its contents,
10 because from our own detailed examinations the author
11 probably didn't have the capacity to achieve. There are
12 assertions that are contained within this report that
13 are not necessarily correct or you may consider
14 conclusions are expressed by him in the report that are
15 not necessarily correct, but he says:

16 "The question yet to be answered is why there should
17 be such a cover up and why certain figures were (and
18 remain) unwilling to pursue the Kincora affair. There
19 may be security ramifications."

20 So if I can pause there, what's important about this
21 document is the author is taking at face value the
22 allegations that there has been a cover-up, and what
23 he's then looking at is, "well, why did that happen?".
24 It doesn't matter whether he is right about that or not.
25 That seems to be the import of what he's saying in

1 paragraph 1(c) and therefore that's the context in which
2 he is then setting out internally within the Army what
3 the position is as far as he can establish it. He then
4 says:

5 "All this revolves around the figure of William
6 McGrath, who in 1971 became the housefather at Kincora.
7 He is homosexual. He is also reported to have been OC
8 Tara -- a shadowy grouping (not a paramilitary
9 organisation as such) of staunch, elitist Loyalists --
10 founder of the esoteric 'Ireland's heritage Orange
11 Lodge, member of the Free Presbyterian Church and
12 associate of Unionist politicians.

13 From what little intelligence is available it is
14 possible to make the following assessments of the
15 ramifications to the major parties involved."

16 Then he begins looking at the Army and its
17 knowledge:

18 "Newspapers have alleged that the Army knew of
19 McGrath's activities in the mid-'70s, but did nothing
20 about them. In particular David McKetterick of the
21 Irish Times says that in 1975 a British army intelligence
22 operative told him that McGrath was a homosexual and
23 that he was OC Tara."

24 So I pause there. We will see in due course that's
25 a reference to Colin Wallace and his engagement with

1 David McKittrick, and we will look at what David
2 McKittrick says about that. You can see then the next
3 passage:

4 "He does not allege", that is David McKittrick does
5 not allege, "that he was told McGrath was working at
6 Kinchora or that McGrath was involved in any vice rings.
7 McKittrick was given such information by Colin Wallace."

8 If we scroll down, please:

9 "Then Army press officer, Lisburn. (A copy is still
10 on our files)."

11 We will look at that document, because that document
12 is available. Based on what David McKittrick says he
13 was shown, he was also in a position to produce a copy.
14 So the journalists produce a copy, but also the Army
15 have a copy:

16 "Wallace clearly drew heavily upon a secret Army
17 report written in July 1974 on the subject of Tara."

18 I think we will see that that assessment is
19 probably not correct and, in fact, the document was
20 prepared in 1973 and we do have access to the material
21 that shows how the document was created. So that
22 assertion should not be taken as read:

23 "Army papers and source reports still on file show
24 that in the mid-'70s Army intelligence did have evidence
25 that McGrath was a homosexual, that he was OC Tara, that

1 he was working at a boys' home," and it is said, "(First
2 identification of Kincora by name on file is in
3 January 1977)."

4 So there is earlier reference to the fact he was
5 working in a boys' home but the first time a name was
6 attributed to it, according to what work this gentleman
7 has done, was in January 1977:

8 "That he had connections with several prominent
9 Loyalists and he was using homosexuality as a lever for
10 influence. It is not known what, if any, of this was
11 passed to other agencies for investigation. Much of
12 what follows on the implications of Kincora is based on
13 this Army intelligence, which largely consists of source
14 reporting of various gradings."

15 Then he says:

16 "There have been allegations that one reason for the
17 alleged blocking of investigations into Kincora is that
18 a man at Kincora (almost certainly McGrath) was
19 protected because he was supplying details about
20 Protestant paramilitary organisations. McGrath would
21 clearly" -- he is making further reference -- "have been
22 in a position to gather information of great interest.
23 On file there is only one paper which might suggest that
24 the Army did or were thinking of running William McGrath
25 as a source. In a secret memorandum dated 26th February

1 1975 sent by the then G SO 3A."

2 That's Major C, who we have obtained a statement
3 from:

4 "To the then RO2 the following is said in conclusion
5 about McGrath: 'an intelligent though devious man who
6 needs extremely careful handling. I do not at present
7 fully trust him but he is undoubtedly a mine of useful
8 information on past incidents, organisation and
9 personalities'."

10 You can see then that Mr Noakes, the author of this
11 report, says:

12 "The possibility cannot be discounted that McGrath's
13 known homosexual activities were also used in attempts
14 at black propaganda. If either of these possibilities
15 were true and made public, the ramifications of the
16 Army's involvement are obvious."

17 So there are two propositions that are contained in
18 this paragraph. The first is there's this document, and
19 we will look at it in due course, that suggests that
20 William McGrath was someone who either was being
21 considered for or was being engaged with in some way by
22 the Army. That was written by Major C. That's why the
23 Inquiry asked the MoD to trace Major C, which they have
24 done, and why we have obtained a statement from Major C,
25 but the second proposition that's being suggested that

1 comes out of it:

2 "The possibility cannot be discounted that McGrath's
3 known homosexual activities were used in attempts as
4 black propaganda."

5 As you know, this Inquiry is not investigating the
6 conduct of the British Army in Northern Ireland in the
7 early '70s and black propaganda operations and so on and
8 so forth, such as they were, save to the extent that it
9 touches on the issues the Inquiry is investigating about
10 Kinchora. He is suggesting that if either of these two
11 pockets, so the involvement with McGrath and/or
12 potentially using it for black propaganda, that would
13 have ramifications for the Army and, in fact, as you
14 know, there are media reports, including written by
15 David Blundy, where he says in 1977, and we will look at
16 this, that the Army were trying to discredit politicians
17 and one of the documents he quotes from is the document
18 that Colin Wallace prepared as a summary for the press
19 about Tara in 1973 that we will look at shortly.

20 Then he goes on to say:

21 "The RUC does appear to have had several
22 opportunities prior to 1981 to investigate the Kinchora
23 Boys' Home.

24 1971. A complaint was made upon the employment of
25 McGrath at Kinchora. Nothing came of any RUC

1 investigation."

2 That seems potentially to be a reference to the 1973
3 anonymous call in that it is not clear that there is
4 a complaint made upon the employment of McGrath in 1971:

5 "As early as 1975 social workers, who wanted to
6 investigate complaints made to them about vice at the
7 home, were repeatedly given assurances that officers
8 were already under investigation by the RUC and the
9 Government -- and Government. Again nothing seems to
10 have resulted."

11 So these seem to be claims that are being drawn from
12 the media allegations, because again this appears to be
13 more references to the '77 incidents involving Gogarty,
14 Morrow -- sorry -- Gogarty and Kennedy, based on what
15 David Morrow was saying to them.

16 "1976. The Irish Times alleges that an RUC
17 investigation into a homosexual prostitution ring
18 involving Kincora boys and at least 7 men was blocked.
19 The 7 are said to include 2 seconded Brits in the NIO, 2
20 JPs and RUC and businessmen."

21 Now just to be clear, I think the Irish Times
22 article, whichever one it is he is referring to, of
23 which, as you know, there are lots, is not dated 1976.
24 It is a subsequent report in and around 1982 that's
25 referring back. It seems to be a reference here to the

1 R 23 sequence of events, which were being linked
2 to Kincora but which, as you saw ultimately on
3 R 23 case, had ultimately nothing to do with Kincora.
4 Then you can see:

5 "1977. The suicide of a former Kincora boy was
6 investigated but no homosexual or vice crimes -- vice
7 crimes were brought to light."

8 That's a reference to Stephen Waring and whether it
9 was suicide or accident that led to his death on the
10 boat. Then:

11 "In 1980 following newspaper revelations an RUC
12 investigation led to the conviction of McGrath.

13 It is not clear why earlier investigations were not
14 so fruitful. It may be irrelevant, but William
15 McGrath's son, Worthington (also a Tara member) was
16 employed at this time as an RUC reserve constable at
17 Strandtown, the office responsible for the patch in
18 which Kincora is situated."

19 So the officer is speculating that's maybe a reason
20 that the previous investigations such as they are
21 claimed in the media and he is setting them out in his
22 note, were unsuccessful. Then he looks at Loyalist
23 figures and says:

24 "McGrath's homosexual activities at Kincora were
25 probably known in the mid '70s to several prominent

1 Loyalist politicians and leaders. An Army report
2 (undated but from 1976 or 1977) states that Paisley,
3 Molyneaux and Martin Smyth all knew McGrath and had been
4 told of his activities. So far as was known by the
5 report's author no action had been taken by any of
6 them."

7 Now we will shortly see that attributing '76 or '77
8 to the documents that I think Mr Noakes is talking about
9 is a mistake, the document is likely to date from '73,
10 and we will see why that is so shortly. You will recall
11 UDR Captain N comes into the the UDR and is involved with
12 Major Saunders, and UDR captain N describes in his police
13 statement having submitted a report in 1973. In his
14 other statements he talks about the various politicians
15 that he spoke to in the late '60s, early '70s. You can
16 see then reference is made to what firstly under
17 "Paisley":

18 "Valerie Shaw, one time secretary at Paisley's
19 Martyrs' Memorial Church, has stated adamantly that she
20 acquainted Paisley with the matter. Paisley said he was
21 told of McGrath's activities in 1975, later changed this
22 to '74 but denied all knowledge of his work at Kincora."

23 So that's the debate that had been going on in the
24 press, as you know, in 1982:

25 "This is hard to accept in view of the fact that

1 Paisley had known McGrath since at least 1969, that one
2 of Paisley's close political associates at the time,
3 Clifford Smyth, lived with Smith for purportedly
4 8 years, that McGrath was a member of and assisted at
5 MMC, Martyr's Memorial Church, and that Paisley probably
6 did know both of McGrath's homosexuality and his job at
7 the boys' home but did nothing about either."

8 Of course that's Mr Noakes' view, and Reverend
9 Paisley's was different. Then:

10 "Martin Smyth. Smith accepts he was told of
11 McGrath's homosexuality and place of work by Valerie
12 Shaw in 1975. Her statement was corroborated at the
13 time, as it was to Paisley, by a former Kincora boy, who
14 alleged that he had been corrupted there. Smith says
15 that he notified the 'relevant authorities' of the
16 matter."

17 Now I take that to be a mistaken reference to Roy
18 Garland because, as you know, the person who was
19 corroborating Valerie Shaw's account was Roy Garland.
20 It was not, Valerie Shaw explained in her evidence to
21 Hughes, that she had no evidence that McGrath was
22 actually committing offences in Kincora. It was her
23 belief in the same way as Roy Garland that because of
24 his previous conduct he was bound to be. Roy Garland
25 was obviously never in Kincora, but Roy Garland was also

1 involved with Paisley and also spoke to Martin Smyth:

2 "Other Loyalists who must have been aware of the
3 situation were according to army reports.

4 David Browne.

5 Clifford Smith.

6 Frank Miller.

7 James Highburn."

8 All 4 were Tara members."

9 You can see the allegation:

10 "David Browne and Clifford Smyth are reported to
11 have been lovers of McGrath."

12 Again that's being said. That does not make it
13 correct:

14 "Miller, his son-in-law had once lodged at Kincora."

15 As you know, there is no evidence whatever that
16 Frank Miller Junior had lived at Kincora at any stage.

17 Then he deals with a cover up:

18 "It is again unclear why Paisley, among others,
19 should deny knowledge of Kincora or rather not have done
20 anything about it in the mid '70s. This fits uneasily
21 with the hard line Loyalist's public stand against
22 sodomy. It does seem that McGrath's used others'
23 homosexuality both as a lure to gather people around him
24 (this seems a major reason for the membership of Tara)
25 and as a means of influence over them."

1 Then he says:

2 "An Army report of April '73", and we will look at
3 this shortly, "states that McGrath is alleged to have
4 kept members in Tara by threatening to reveal homosexual
5 activities which he had initiated. A later Army report
6 indicates that The Red Hand Commandos once had
7 a contract out on McGrath. One reason for this move was
8 said to be that McGrath was known to be responsible for
9 circulating rumours about John McKeague and his
10 homosexuality."

11 Now if I pause there, it seems that Mr Noakes is
12 reading or is referring to a report that he saw which
13 made that allegation that there was a contract out on
14 McGrath. We don't have that document that he is
15 referring to, but the source for the fact one existed is
16 Mr Noakes' report. You have seen references to this
17 from Roy Garland saying about McGrath putting up posters
18 about John McKeague.

19 Then you can see:

20 "More alarmingly there is a further January 1976
21 Army report which makes 3 related assertions:

22 That Paisley appeared to fear McGrath, who was
23 a member of the Martyrs Memorial church, and that
24 McGrath was able to use threats to get use of the
25 church. (Contradicted by Paisley's press statements).

1 That Paisley was closely surrounded by Tara members,
2 an although not a member had close ties with Tara,
3 although Tara membership had an inordinate number of
4 homosexuals, others could be attracted to it by
5 political considerations.

6 That intelligence suggested that Paisley had done
7 a U-turn on a major issue of policy", to do with
8 "(voluntary coalitions) because of pressure from
9 McGrath. This apparantly supported by an independent
10 source report."

11 So you can see the summary of the January '76
12 document and we will come back to that. If we scroll
13 down, please:

14 "It is possible that in the mid' 1970s McGrath may
15 have had some hold over Paisley and other leading
16 figures who may have protected him."

17 Again speculation from Mr Noakes as to the reason
18 why certain things are said in the way that they are:

19 "However, it must be stressed that this office has
20 nothing to suggest that Paisley et al are or have been
21 homosexual or have laid themselves open to blackmail.
22 Once again if this were to be proven wrong in public,
23 the ramifications for the careers of Paisley and others
24 are clear."

25 So you can see Mr Noakes is doing the two things

1 that he describes. He is looking at what the Army knew,
2 summarising that and then he is looking at the impact
3 potentially on these matters in respect of Loyalist
4 figures or Unionist politicians that the Army has
5 an interest in. As I said, we are not looking at this
6 as evidence of the truth of its contents, but what's
7 important you may consider is that having been tasked
8 with establishing in 1982 what did the Army know, this
9 is a man on the ground, as it were, looking to establish
10 what the Army knew and identifying the relevant
11 documents that he can find that assists with that, and
12 of importance you may consider is what he doesn't appear
13 to have access to, which is the document of 8th
14 November 1974. It is dated on that date and it was
15 produced, as you know, in 1984 in a roundabout way which
16 we will come to. The MoD's position is they never had
17 that document and it does not appear to have infused Mr
18 Noakes' report.

19 I also want to look at the work done by Major
20 Saunders to assist the RUC in the phase three
21 investigation. If we can look at page 30156, because,
22 as I said, it is the case that all of the files that
23 were being looked at from these gentlemen are not going
24 to be available to the Inquiry. You can see that Major
25 Saunders is explaining on 17th December 1982:

1 "I am at present in the G2 at headquarters."

2 So the same place as Mr Noakes.:

3 "This means that I am the main coordinating staff
4 officer in the intelligence branch."

5 So we can see G2 the language has changed from the
6 time of Major C, when it is G INT. It is now G2
7 intelligence branch at HQNI:

8 "When the police started their inquiries into the
9 allegations surrounding Kincora Boys' Hostel and the
10 Army was contacted, I was appointed by Colonel Westropp,
11 the senior officer of my branch, to assist the police in
12 their inquiries and to search and provide any
13 documentary evidence considered relevant."

14 So you can see Colonel Westropp has given Mr Noakes
15 one job, which is what is the position for the Army, and
16 Mr Major Saunders has been given another job, which is
17 to assist the police with their inquiries:

18 "My subsequent search embraced not only headquarters
19 Northern Ireland but also the headquarters of 39
20 Infantry Brigade. I was advised by DS Caskey and
21 Captain L of the Special Investigation Branch
22 as to the nature of the documents which would be
23 relevant to the enquiry. I have subsequently extracted
24 the following documents which I now produce as exhibits
25 SWJS1-10."

1 You can see he explains that 1 is the
2 Halford-MacLeod letter and you can see:

3 "This document is number 2 copy of 4 copies."

4 He also says:

5 "Number 1 copy of this document is contained in the
6 HQNI Tara file."

7 You can see he gives the reference for that at
8 5523/6, which is the same reference as the file that Mr
9 Noakes was looking at. So what he is producing to
10 Detective Superintendent Caskey is the MacLeod letter
11 that's on the H -- sorry -- my apologies -- that's on
12 the 39 Brigade Tara file, and not the one that's on the
13 HQNI Tara file. What that shows you is he's got access
14 to the two different Tara files, one in HQNI and one in
15 39 Brigade. You can see:

16 "The number 2 copy I retrieved from the G2 branch at
17 39 Infantry Brigade."

18 So from the intelligence branch at 39 infantry,
19 which, of course, is the Brigade where Brian Gemmell and
20 Corporal Q, who worked alongside him, were based:

21 "The other 2 copies would have been produced for the
22 internal use of 3 Infantry", in Lurgan, "which was the
23 source of the document. 3 Infantry disbanded in
24 January 1981 and it must be presumed that copies 3 and 4
25 were destroyed."

1 The records retention policy in the Army, as you
2 know, is not necessarily the same as for other
3 departments and agencies. He then produces SW 2 -- JS
4 2, a one page document dated in two parts."

5 That's the Brazil Nut document that we will look at:
6 "It is classified secret."

7 If we scroll down, please:

8 "I understand that this means that it would only be
9 seen by regular Army personnel."

10 So reference to UK eyes A, so UK eyes Army.

11 Then there is a MISR at SWJS 3, dated 22 May 1975.
12 That will be of some significance and we will return to
13 that. Then he is saying, and this is of importance that
14 all of those documents came from the 39 Infantry Brigade
15 Tara file. Then he refers to SWJS 4, which is a memo
16 from Major C dated 26th February '75 and headed 'William
17 McGrath (Tara)'. He is explaining:

18 "I recovered that from HQNI Tara file numbered
19 5523/6."

20 We will be looking at these documents. Then he
21 refers to a two-page document with the file reference
22 SF/704/INT and says that that's undated. That file
23 reference is from the same file as other documents of
24 Major C that we will look at. You can see again:

25 "This I recovered from HQNI Tara file 5523/6."

1 Then you can see:

2 "SWJS 6, an undated two-page document with a file
3 reference 3350/18, which I recovered from 39 Infantry
4 Brigade."

5 Now if I can pause there to say that that is the
6 typewritten two-page record of the interview with Roy
7 Garland and what will be of additional significance for
8 you, Members of the Panel, is that that reference which
9 is written at the top of that document, 3350/18, is the
10 same reference as you will find on the note for file of
11 Brian Gemmell of 14th October 1976. I am flagging these
12 issues so that they are of some clarity when we come to
13 look at the documents, but I will show you what I mean
14 when we do. Then you have JS 7 is the report we just
15 looked at which was produced to the police, which is
16 that produced bring Mr Noakes.

17 Then:

18 "8 is a one page document attached to a photocopy of
19 a booklet by Clifford Smyth, which again was retrieved
20 from 39 Infantry Brigade's file."

21 We will look at that document shortly.

22 Then you can see that -- again that document is
23 obtained from 39 Infantry Brigade. Then:

24 "SWJS 9, one page document dated 10th July 1974."

25 This again is from Major C. This document comes

1 from the HQNI Tara file."

2 Then the MIONI document I mentioned that Mr Noakes
3 referred to basing his report on amongst others is SW JS
4 10 dated 5 January 77. He got that from the HQNI Tara
5 file. Then you can see:

6 "It has the HQNI file number on it of 5512."

7 So that may suggest there was an earlier file at one
8 stage which had that reference on to which this document
9 is later placed on to the one that we have mentioned,
10 which is 55236. You can see:

11 "The documents that I retrieved from 39 Infantry
12 Brigade all came from the same file which relates to
13 Tara."

14 Now that will be of significance as we go. Then you
15 can see:

16 "I have been asked to research a document which has
17 the following reference number folio 4782/9/76 LB. This
18 is marked 'classified and confidential' and is undated."

19 If I can just explain, this folio document as it is
20 become known, was widely circulated in the late '70s.
21 It's a document that makes all sorts of allegations
22 about politicians, and the issue was where did this come
23 from? It seems to have originated in and around 1976:

24 "Having studied this document it is my opinion that
25 this is not a military document as it bears none of the

1 hallmarks of military procedure. I cannot trace this
2 file number or attribute it to a military origin.
3 I also conducted a search for a copy of this document in
4 military files and could not find one."

5 Now some of the journalists would say they got
6 a copy of this document from Colin Wallace.

7 If we scroll on to the next page, please, --

8 CHAIRMAN: Just before we leave that, so you say it was
9 circulated somewhere around 1976, which later we will
10 hear is some years after Wallace had left Northern
11 Ireland?

12 MR AIKEN: Yes. What is not clear there is there are
13 a number of versions of that folio document and various
14 people who received the various versions produced them
15 at various points in time. It is rather an unclear
16 picture, but the document itself as far as the Army are
17 concerned are saying "Well, this is not an Army
18 document", but it is a document that is contained within
19 the Caskey 3 or the RUC phase three investigation,
20 because it was produced by journalists to Detective
21 Superintendent Caskey, who then tried to get to the
22 bottom of where it had originated from.

23 Now Major Saunders then produces a second statement
24 on 20th December, if we scroll down, please, 1982, when
25 he explains that he also wanted to produce to Detective

1 Superintendent Caskey a document which would be labelled
2 SWJS11, which is why I say he produced 11 documents. He
3 explains that this is a two-page document headed
4 extremist Protestant secret organisation Tara. He
5 explains:

6 "The document was originally in the Tara file marked
7 5523/6 had been extracted by me and placed in a file
8 marked Kincora number 2924, April '82", which seems to
9 be the date that this file is produced with a title of
10 Kincora, "because I believed it to be relevant to the
11 enquiry and was", this is Army speak, "overtasked when
12 producing the documents referred to in my statement of
13 18 December 1982."

14 I think what he is saying is "I made an oversight.
15 I meant to give you this document, I didn't. Here it
16 is. I want you to have it."

17 That document we will look at.

18 It is 6th July 1974 letter from Major C and we will
19 look at that in sequence.

20 So that's what was happening in the aftermath of the
21 Kincora scandal breaking as far as the Army is
22 concerned, and in particular in the early part of 1982
23 through 1982 as the wider allegations have been made and
24 carried in the press and the RUC are investigating with
25 military intelligence.

1 I want us to turn now to the source documents that
2 the Inquiry has been able to gather relating to the
3 knowledge of the Army. It will be apparent and, indeed,
4 the MoD will admit this, as I said, that not all the
5 records that did once exist are available either because
6 they have been destroyed or cannot now be found.

7 I indicated that as far as it related to a number of
8 files when taking MI5 Officer 9004 through his evidence,
9 because as you know, the supplementary Rucker report
10 indicates that two files in fact may be the two files we
11 have just been referring to, the HQNI Tara file and the
12 39 Brigade Tara file in 1990 appear to have been given
13 across to the Security Service to examine.

14 As you know, they appear to have been examined by at
15 least these two gentlemen, Mr Noakes and Major Saunders
16 with relevant documents according to Major Saunders
17 being produced. They were also examined by Mr Rucker in
18 his report and they also were examined by the Security
19 Service. To date it has not been possible for them to
20 be produced to the Inquiry so we can't examine them
21 ourselves, but we have various people at various times
22 commenting on what they contained.

23 Now in 1972, if we look, please, at 30322 and I've
24 got to do a little bit of jumping about to achieve the
25 proper chronological sequence. So if I can ask you to

1 bear with me, Members of the Panel, while I do that.
2 This is a document of 6th July 1974. We will turn to it
3 at the right point. It emanates from Major C. It is
4 SWJS11 that was produced latterly by Major Saunders.
5 You can see in paragraph 1 the author is saying:

6 "The existence of a Loyalist organisation known as
7 Tara has been known since 1972."

8 So in July '74 the officer in charge, as it were, of
9 the Protestant desk or the Loyalist desk, as you will
10 see from Major C's statement, is saying, "We first knew
11 of this outfit in '72".

12 Now I think in fairness Mr Duke Evans in his
13 statement says that the date of knowledge that
14 Mr McGrath was a homosexual was 1972. I can't find
15 a source for that, it may have been an error on his
16 part, who was looking back to assist the Enquiry, not
17 having been involved at the time, and that's something
18 that I will ask Ms Murnaghan to check for me as to what
19 the basis for that is, because the first basis that
20 I can find is in 1973.

21 If we can look, please, at 105026, this is of 11th
22 April 1973 in order to show you why I give it that date,
23 and we will be coming back to this document, but you can
24 see in the top:

25 "Reference Tara. Now right ring organisation.

1 Reported in press 11th April 1973."

2 We will see on a number of occasions that there
3 seems to be a cluster or a series of documents that
4 follow on within the police, Army and others in response
5 to media reporting in respect of Tara. So in this case
6 there has been material published and it seems to date
7 from 11th April '73.

8 If we can look at 55076, please, this is the police
9 document which we will be coming to but again if I can
10 just ask you to see:

11 "The Tara group became public and announced in the
12 press on 11th April 1973."

13 So you can see that these combination of documents
14 appear to be a reaction to that. If we can look at
15 55047, please, and paragraph 4, I am using a combination
16 of sources to try to explain what happened in April '73:

17 "In April '73 there was a poster campaign in local
18 newspapers setting out 10 points which Tara considered
19 the base for a united action by Protestants in Northern
20 Ireland. Their campaign evoked a large amount of
21 comment in the media especially as the group identified
22 itself by name and labelled itself 'the hard core of
23 Protestant resistance'. It projected the image of being
24 behind law and order and called for support for the
25 security services."

1 So that's the type of language that's in the media
2 reports and if we can look at 30322, please, and
3 paragraph 2, you will see again we have come back to
4 Major C's document of 6th July '74. You can see:

5 "Little was heard of Tara until the appearance of
6 posters in Belfast on 11th April '73. The posters were
7 issued by Tara which called itself 'the hard-core of
8 Protestant resistance'. The Tara message was
9 'resistance with responsibility'."

10 One of the important things that I will ask you to
11 bear in mind as we look at these documents is you have
12 looked at in detail the allegations of Colin Wallace.
13 We will be looking at them in the coming days, but you
14 can bear in mind the sequence of dates that he speaks of
15 in contrast to what is in the documents, and you will
16 need to examine why that is the case.

17 So we have seen the catalyst, it seems, for this
18 Army reaction in the document that refers to 11th April
19 '73. If you could just put 102056 back on the screen
20 for a moment, please -- 105026 -- you can see this
21 summary document about Tara and its catalyst. I am
22 going to come back to that.

23 What I want to do just to complete this segment, if
24 we look at 40723, please, which is UDR Captain N's Sussex
25 statement of 6th April 1982, you can see:

1 "In the summer of '73 -- now whether he is right
2 about the date or not -- "together with a UDR colleague,
3 UDR Major H , a military intelligence report on Tara and
4 McGrath was prepared detailing what was known about his
5 involvement with Tara."

6 Now it is obviously a matter of some speculation, I
7 am afraid, because we don't have all of the papers, but
8 what he is saying, and he is, of course, not to know all
9 that we are now trying to get to the bottom of in terms
10 of who was doing what when, but he is flagging up that
11 he writes a MISR in effect, a Military Intelligence
12 Source Report, along with UDR Major H about McGrath and
13 Tara.

14 Now you may consider that it is one potential
15 explanation for the document we were just looking at on
16 the screen, which is a summary about McGrath and Tara,
17 may well ultimately stem back or at least be infused in
18 part by that which UDR Captain N was saying he contributed
19 to along with UDR Major H given, as you know, he had
20 pre-knowledge, as it were, from his own political
21 involvement with McGrath from 1968 and breaking with
22 him, as you saw in his statement, because he was
23 satisfied as a result of a conversation in a car in
24 Bangor that McGrath was a homosexual, and he then
25 proceeded to tell a series of people, including

1 politicians, about that.

2 So he appears to be flagging up "I did something
3 with UDR Major H in 1973." He says the summer.
4 Obviously the documents we are looking at are April, but
5 you may consider that's potentially more than just
6 a coincidence.

7 But if we look then, please, at 105025, and this is
8 subjective, we have got to come back to it at a later
9 date, but I want to just show you this is written by Ian
10 Cameron. It is written in April 1976, so following on
11 from a point the Chairman made, this is after Colin
12 Wallace has already left Northern Ireland:

13 "In an article in The New Statesman on 19th March
14 1976 about the extreme Loyalist organization Tara, copy
15 attached marked A."

16 Just so we ground that, please, if we move through
17 to 105026, you can see what he is attaching at B, which
18 we are about to see is the document we have already
19 looked at, so the summary document on Tara. If we
20 scroll back up, please. So:

21 "In this article Robert Fisk refers to the Army's
22 account of their activities collated by an intelligence
23 officer at Lisburn.

24 The reference is almost certainly to a summary on
25 Tara (copy attached marked B) held in the Army

1 Information Service records at HQNI. The information in
2 the summary was no doubt drawn from G INT" -- so the
3 intelligence section's -- "files at a time when the IP
4 information policy element."

5 Where Colin Wallace and others worked "within the
6 AIS was working closely -- too closely -- with G Int,
7 The Intelligence Section. So that may be a hint to the
8 black propaganda type events. You can see, and know,
9 Members of the Panel, from having looked at the
10 material, April 1976 Ian Cameron has already conducted
11 the leak inquiry and contributed his report. The
12 decisions would then be made by The Northern Ireland
13 Office and the Army. That would see Colin Wallace exit
14 Northern Ireland in the early part of 1975. So Ian
15 Cameron is writing, having been involved in that process
16 to the limited degree that he was, but he is then
17 drawing attention to the fact, "This article was written
18 by Fisk". As you know, the allegation was Wallace and
19 Fisk were together, Wallace passing documents to Fisk:

20 "Wallace would have had access to the Army
21 Information Service file, and I do not think there is
22 much doubt that also in this instance he was Fisk's
23 source.

24 The passages which have been underlined had been
25 published in one form or another previously."

1 Now we will come back to look at that at the point
2 in time. I can't now show you. I will have to come
3 back to the article itself, but of particular
4 significance you will wish to consider is if Fisk's
5 article is based on the document that we are -- if we
6 scroll down, please -- that we are looking at here, and
7 Ian Cameron has carried out and set out in his memo the
8 detective work he has done to express the view that this
9 is it, what did Fisk not have and that's a matter you
10 will want to consider. He is receiving documents from
11 Colin Wallace and he is being given this document, or
12 the gist of this document, which is said to be available
13 as a result of the Intelligence Section working too
14 closely with the information press section, why would we
15 get this document and not 8th November '74 document?

16 Now if I can ask you just to look very closely at
17 what this document says:

18 "Tara. One word -- individual letters have no
19 significance.

20 William McGrath. 3 Greenmount Avenue."

21 So we vacillate between 3 and 5, neither of which
22 is right. It was 4 Greenmount Avenue:

23 "Upper Newtownards Road, Belfast.

24 Admin office: David Browne, Bangor, Deputy Editor --
25 Protestant Telegraph. Then assistant."

1 Then:

2 "Details -- CO uses non-existent evangelical mission
3 as a front. Homosexual. Said to have attended
4 a meeting in Dublin prior to troubles where three
5 representatives of the Eastern Block countries were
6 present. Thought to owe more allegiance to the Red Flag
7 than the Union flag or tricolor and has conned many
8 genuine people into membership keeping them ensnared by
9 threatening to reveal homosexual activity which he had
10 initiated."

11 Then, and this is important for what I am going to
12 show you:

13 "Details -- Tara, organised initially in platoons of
14 20, now probably in companies and drawn almost
15 exclusively from members of the Orange Order. Each
16 platoon has a sergeant, quarter master, " and I think
17 that's "IO", "contributions -- 50p per man per month,
18 half to a central fund, half kept to platoon level.
19 Platoons were able to draw on a central fund if
20 opportunity to buy", I think that's "stores possibly"
21 "arose. Meetings held in Clifton Street Orange Hall
22 about every two weeks under name of Orange Discussion
23 Group. Training in radio, weapons and lectures in
24 guerilla tactics."

25 Then:

1 "Ian Paisley, Molyneaux (MP), Reverend Martin Smyth
2 and Sir Knox Cunningham all said to know McGrath and to
3 have been told of his activities. So far is known -- so
4 far as is known no action ..."

5 MR LANE: "Action".

6 MR AIKEN: "No action has been taken by any of them."

7 Now that last phrase in particular when you go back
8 to look at UDR Captain N and what he says he did in terms
9 of who was informed, that will be something you will
10 want to consider.

11 Now having looked at that document, which you have
12 Ian Cameron saying in 1976 is a G INT or an intelligence
13 document summary that is available to the Army
14 Information Service, if we then look at 80249, please,
15 this is a document that Colin Wallace was able to
16 produce to Paul Foot when he was writing the book "Who
17 Framed Colin Wallace?" in 1989 and also to the likes,
18 for instance, of Peter Brooke in a letter of 12th
19 May 1990. If we just show you that, please, at 80247
20 and then we will go back to this document. 80247 you
21 can see:

22 "Broderick has confirmed publicly."

23 This is a letter from Colin Wallace. As you know,
24 we have hundreds of them.

25 CHAIRMAN: This is then Secretary of State for Northern

1 Ireland.

2 MR AIKEN: Yes to Peter Brooke:

3 "Publically in 1973 he had in his possession a
4 document headed Tara which bears in his handwriting the
5 words "clerks IP. Mr Broderick has also confirmed that
6 he been instructed me to release its contents to the
7 press. That document formed the basis for my press
8 briefings on Tara and Kincora in '73/74 and was used to
9 produced to produce the Army's unattributable press
10 briefing document on the subject."

11 So that's what Colin Wallace is saying about the
12 document. If we go back to the document, please, at
13 80249, you can see there is the reference to clerks IP
14 on it and if we just scroll up a little bit, please, you
15 can see:

16 "Information policy."

17 And it's got various annotations of those who signed
18 the document in the top right and then:

19 "Some off the cuff information on Tara for the
20 press."

21 Now I am asking you to bear in mind the summary
22 intelligence document that Ian Cameron expressed the
23 view was on the Army Information Service file when he
24 was looking at the Fisk article from '76, and having
25 looked at the content of that if we look at this

1 document:

2 "Tara first came to notice in the late '60s when the
3 group issued a statement to the press claiming to be
4 'the hard-core of Protestant resistance' and it is
5 thought that the organisation was set up to counter the
6 civil distribute answers associated with the NICRA
7 marches.

8 The name Tara is derived from the place where the
9 ancient high Kings of Ireland were crowned and is
10 therefore an unusual choice of title for a Loyalist
11 paramilitary group."

12 So that part you may think is slightly different.
13 Then this:

14 "Operating from its HQ at Clifton Street Orange
15 Hall, Belfast as the Orange Discussion Group Tara was
16 organised initially into platoons of 20 or so men and
17 run on military lines not unlike the old Ulster Special
18 Constabulary."

19 So you can see again an augmentation of what's in
20 the grounding document we have looked at, but the same
21 general information:

22 "Membership is drawn almost exclusively from the
23 Orange Order."

24 Again the same as the document we saw:

25 "And each platoon has a sergeant/quartermaster and

1 an intelligence officer."

2 Then you may consider striking:

3 "Contributions: 50p per month -- half to the central
4 fund -- half at platoon level."

5 So you can see the similarity between the document
6 that Ian Cameron found in the Army Information Service
7 file, which he took to originate from Intelligence
8 Section, and this document which is information to be
9 conveyed to the press about Tara. You can see:

10 " platoons are able to draw on the central fund if
11 the opportunity to by stores arise. Training includes
12 radio, weapons and guerilla tactics."

13 If we scroll down, please:

14 "The OC is William McGrath. He is a known
15 homosexual who has conned many people into membership by
16 threatening them with revealing homosexual activities
17 which he himself initiated. He is a prominent figure in
18 Unionist party politics and in the Orange Order."

19 So you can see that before the last sentence that
20 language about him using his position in Tara to con
21 people that he's got involved with revealing homosexual
22 activity which he himself initiated, is almost word for
23 word what was in the document that we have looked at
24 previously. You can see then:

25 "McGrath uses a non-existent evangelical mission as

1 a front for his homosexual activities and also runs
2 a home for children on the Upper Newtownards Road,
3 Belfast (telephone: Belfast). Also at."

4 And for some reason I can't explain, because this is
5 a document that was produced by Colin Wallace and
6 I don't know why the annotation is in the way that it
7 is, but you can see:

8 "Also at (some address) Newtownards Road Belfast."

9 Then it has been written:

10 "236." Now 236 is the address for Kincora, but
11 given the section above is:

12 "Runs a home for children on the Upper Newtownards
13 Road, Belfast. Also at ..."

14 One would have thought that would say beneath it
15 188. I.e., he runs the home the 236. It doesn't matter
16 whether that's right or not. Runs the home at 236 but
17 then he is also at 188, which is where he actually
18 lived, but the document is annotated in the way that it
19 is. You can see then:

20 "The Tara second in command is Roy Garland, a close
21 personal friend of McGrath and his former employer.

22 McGrath's ADC is Frank Miller."

23 CHAIRMAN: Someone has written in in manuscript after
24 Garland's name:

25 "He said he resigned."

1 MR AIKEN: Yes. We know that in the interview notes with
2 Garland that we will look at, a two-page record of
3 Gemmell or Corporal Q, whichever of them it actually
4 was, there is reference to him resigning in 1972 written
5 in hand in the top right corner. We will see that. You
6 are aware that UDR Captain N has said that Roy Garland was
7 one of his sources that he introduced to UDR Major H ,
8 and Roy Garland explained in his statement that he broke
9 with McGrath in 1971 and thereafter spoke to UDR Captain N,
10 and you are aware in due course when Garland sees
11 Detective Constable Cullen he would eventually introduce
12 him to UDR Captain N. So whether Roy Garland is at this
13 stage a source for the information, whether by
14 UDR Captain N or some other way, it's not possible to know
15 clearly at what point this annotation was put on it, but
16 it is the case by 1975 in the interview note that
17 Gemmell or Corporal Q makes, Garland is recorded as
18 having resigned in 1972 or left in 1972.

19 You can see, for instance, and you are aware of all
20 of the reporting around the bottom right corner of this
21 document linking Dr Morris Fraser and the serious issue
22 that arises over him because the Army can't produce this
23 document and given that if -- to be clear, it is unclear
24 why Colin Wallace should have taken the document with
25 him if that's what he did when he left HQNI in

1 February 1975 in order for him to be able to produce it.

2 CHAIRMAN: Well, we need to look I think at some of the
3 annotations on this document, because on the screen at
4 the moment in manuscript is written across the bottom:

5 "Ulster's children of conflict. New society 15th
6 April 1971." Beside that is clearly an asterisk which
7 in turn presumably relates to the asterisk opposite the
8 paragraph you have already out:

9 "McGrath uses a non-existent evangelical mission
10 ...", etc.

11 So whoever wrote that is drawing attention to this
12 April 1971 article and then in the circle:

13 "Dr M Fraser RVH" surrounded by a circle and then we
14 have in what looks like a different hand:

15 "?? Samuel Dornan or William Wilson",
16 or:

17 "Samuel Dornan on ...",
18 but more likely:

19 "Samuel Dornan or William Wilson."

20 Now if you could just scroll up, please, to the top
21 of this document.

22 MR AIKEN: Scroll up, please.

23 CHAIRMAN: As you have pointed out there are a number of
24 other manuscript annotations:

25 "(something) off the cuff information on Tara for

1 the press" is one.

2 Do we know or can we identify that writing and
3 therefore why that's likely to be put there?

4 MR AIKEN: It is not clear. As I said, the difficulty is
5 the Army don't have this document to produce it.

6 CHAIRMAN: Yes, but then underneath it in a different hand
7 it would seem:

8 "Clerks IP", information policy, which is the
9 section of the Army information Service in which Wallace
10 was.

11 MR AIKEN: Involved with.

12 CHAIRMAN: Based. Then in what may or may not be the same
13 hand as "off the cuff information" someone has written:

14 "Information policy file PL."

15 Which is presumably "please". And then there is
16 a series of initials by presumably one person, and then
17 it looks as if in normal military or civil Service
18 fashion two others have initialled it to show they have
19 seen it.

20 MR AIKEN: Seen it, yes.

21 CHAIRMAN: So what that appears to come down to is the
22 information on this page bears a strikingly high
23 resemblance to the information contained in a military
24 intelligence document.

25 MR AIKEN: Yes.

1 CHAIRMAN: Passages are cirtually word for word the same.

2 MR AIKEN: Yes.

3 CHAIRMAN: So a military intelligence document has made its
4 way from its military intelligence point of origin to,
5 according to these annotations, information policy.

6 MR AIKEN: Yes.

7 CHAIRMAN: So what this, on the face of it, appears to
8 indicate is that in this instance at least information
9 which originated from, or at least was known to military
10 intelligence, was being provided to information policy
11 and the off the cuff information on Tara for the press
12 words are at least consistent with somebody saying "pass
13 this to journalists".

14 MR AIKEN: Yes.

15 CHAIRMAN: Now we know from what you say the indications are
16 that since Colin Wallace was able on 12th May 1990 to
17 send this to the Secretary of State, it follows that he
18 must have had it in his possession after he was
19 dismissed from the Ministry of Defence by way of
20 resignation in his case following the Civil Service
21 appeals Board proceedings. So he severs his connection
22 with the Ministry of Defence at the end of 1975. He
23 leaves Northern Ireland earlier that year to go to
24 Preston, as we will hear. So it follows from what you
25 are saying he takes this document with him.

1 MR AIKEN: He either does that or someone else --

2 CHAIRMAN: Provided it to him.

3 MR AIKEN: -- provided it to him.

4 CHAIRMAN: Because this document from its origin would have
5 come into existence when?

6 MR AIKEN: If it appears, if I have --

7 CHAIRMAN: Leaving the notations out.

8 MR AIKEN: April '73. We will see shortly why I say that.

9 CHAIRMAN: So what it looks like at the moment is that if
10 one assumes for the present that those, or certainly the
11 information policy file please notes were written at the
12 time the document was passed, that that's a photocopy of
13 a 1973 document you are saying, which Mr Wallace was
14 able to pass to the Secretary of State in 1990. So
15 either he took it with him from Northern Ireland or
16 somebody subsequently gave it to him.

17 MR AIKEN: Yes.

18 CHAIRMAN: But in either event it is a document which has
19 its origins in terms of the information it contains with
20 the intelligence branch and whether it is created for
21 this purpose or not, but it is made use of to be passed
22 to the press.

23 MR AIKEN: Yes.

24 CHAIRMAN: In or around 1973.

25 MR AIKEN: Yes. Now there are --

1 CHAIRMAN: It is rather convoluted but I think it is
2 important to try and tease out some of these annotations
3 and implications. So if we go back down to the bottom
4 again, please.

5 MR AIKEN: Scroll down, please.

6 CHAIRMAN: So somebody has written on this at some stage or
7 other various manuscript annotations to the typed
8 originals such as after Roy Garland, he said he
9 resigned.

10 MR AIKEN: Yes.

11 CHAIRMAN: And you have indicated what is probably 188
12 Newtownards Road, which is redacted and possibly the
13 telephone number is redacted.

14 MR AIKEN: Yes.

15 CHAIRMAN: Yet in on the other hand we have "Ulster's
16 children in conflict. New Society, 15th April 1971.
17 Dr M Fraser RVH" and in yet another hand "Samuel Dornan
18 or William Wilson." Or possibly the writer of "Ulster's
19 children, " is the writer of Samuel Dornan.

20 So quite a lot of individuals appear to have written
21 comments of various types on this document.

22 MR AIKEN: Yes, and as part of this process there are, if I
23 have counted them up, probably four further observations
24 I should draw to your attention.

25 CHAIRMAN: Yes. Just before we come to those, does it

1 follow, therefore, that any of these notations were put
2 on before the original was photocopied, because the only
3 copy of this that has survived that the Inquiry has
4 found is that which was sent to the Secretary of State.

5 MR AIKEN: And produced to Paul Foot, yes.

6 CHAIRMAN: And produced to Paul Foot. So wherever it has
7 been from the moment the typed version was created and
8 the annotations are then added subsequently, but at some
9 point from that point of time until 1990 it is either in
10 or has come into Mr Wallace's possession.

11 MR AIKEN: Yes. It is not possible to say when the
12 annotations in the body of the text and at the bottom
13 are added. You can be reasonably certain or infer if we
14 scroll up to the top, that the annotations at the top,
15 including those who are saying:

16 "I have seen this document and it is being passed
17 off the cuff information on Tara for the press", it
18 follows that that's the sequence that leads to
19 a document we are about to see. What I can't say and
20 assist with, if we scroll down, please, is at what point
21 any of the rest of these markings were added.

22 CHAIRMAN: That more exactly draws out the point I was
23 coming to. Can we go to the top again before we leave
24 this? You see in the top right-hand corner just to the
25 right of our Bates numbering:

1 "Letter A."

2 MR AIKEN: Yes.

3 CHAIRMAN: And then what looks like possibly part of
4 a bracketed letter or something that has been cut off in
5 the copying. Is that "letter A" annotation of any
6 apparent significance?

7 MR AIKEN: I am not sure about that. That's something we
8 can, I am sure, given our looking at this this morning,
9 Ms Murnaghan will also look very closely at this
10 document to see what can be said about it.

11 If we come down just a little further, the
12 section of:

13 "McGrath uses a non-existent evangelical mission as
14 a front for his homosexual activities and runs a home
15 for children on the Upper Newtownards Road."

16 Now if we go back for a moment to 105026 -- scroll
17 down for me, please -- you may consider significant:

18 "Details: CO uses non-existent evangelical mission
19 as a front. Homosexual."

20 Now this document -- and this is the first point of
21 clarification, if I may, Ian Cameron when he is writing
22 his letter in '76 isn't saying that this document that
23 we are physically looking at is an intelligence
24 document, but that the information contained within it
25 he assesses to come from the G INT files, the

1 intelligence files. So it may or may not be an actual G
2 INT section document or a summary of material that's
3 there. I will draw attention to the fact that if we look
4 at the top of the screen above "Reference Tara" you can
5 see it looks like there is a piece of paper placed on
6 the top before the document is photocopied. Now that
7 may well be if this document still existed on an Army
8 file, and it may be it is on one of those files that the
9 Inquiry can't see because they are not able to be found
10 or have been destroyed, it may well have given slightly
11 more information as to its origin, but what is not here,
12 and you can see the section under "Details -- CO" is
13 a reference to McGrath working in a boys' home on the
14 Newtownards Road. Leave aside the issue of the
15 numbering, the addresses.

16 Now if we go back, please, to 80249, and follow the
17 sequence that I am going to describe, if I've understood
18 the material correctly, and obviously you have looked at
19 the material and will continue to look at the material,
20 this document Colin Wallace is not saying he produced.
21 He is saying this was given to him and we will see what
22 he produced from it shortly, but if we scroll down,
23 please, you can see that in:

24 "McGrath uses a non-existent evangelical mission as
25 a front for his homosexual activities and also ..."

1 Now if Ian Cameron's assessment is right,
2 an intelligence summary or an intelligence document,
3 whatever it be, comes into Army Information Service and
4 someone in the Army Information Service ultimately
5 directs that this document is prepared and directs it be
6 shared with the press. The information that's
7 additional in this document you can see is that bit
8 relating to:

9 "He runs a home for children on the Upper
10 Newtownards Road."

11 So it follows that if the document we were looking
12 at, the potential intelligence summary that's produced
13 to the AIS, someone in the AIS in order to prepare this
14 document, if it is not itself prepared by the
15 Intelligence Section, is able to from their own work add
16 some further information. When this document is being
17 authored and that further information is that William
18 McGrath runs a home for children on the upper
19 Newtownards Road, and then we have got the issue over
20 the annotation and the redaction and so on, but ...

21 So the documents are not identical in that there's
22 more information in this document than was in the
23 summary document that Ian Cameron assessed as having
24 come ultimately one way or the other from intelligence
25 material.

1 CHAIRMAN: So somebody has added to the intelligence
2 material the words:

3 "Runs a home for children on the Upper Newtownards
4 Road".

5 MR AIKEN: Yes, and gives the telephone number of it.

6 CHAIRMAN: Yes.

7 MR AIKEN: So it may be be someone in the Army Information
8 Service was able to make enquiries and given that they
9 were tasked with communicating to the press about Tara,
10 make enquiries and establish certain further information
11 that they are able to put in.

12 But if you see the information at the bottom:

13 "Other people closely associated with McGrath and
14 aware of his activities are: Thomas Passmore, Reverend
15 Paisley, Reverend Martin Smyth, James Molyneaux, and Sir
16 Knox Cunningham."

17 Now if we just briefly go back, please, to 105026
18 and look at the bottom.

19 CHAIRMAN: Mr Passmore's name is not there.

20 MR AIKEN: Yes. So in fairness we could step back to what
21 Ian Cameron is doing in 1976. This article has
22 appeared. He is looking to try to understand where did
23 that information come from? He finds this document in
24 the Army Information Service file that seems to explain
25 the content of the article, and he is saying this seems

1 to have been available. I think it is drawn from
2 ultimately intelligence material in the Intelligence
3 Section, but added to that you have the document that
4 Colin Wallace was able to produce, which has further
5 additional material and, for instance, the point that
6 you just made about Thomas Passmore has been added in as
7 a further individual. It is not clear what the sequence
8 of events were that led to the augmentation of the
9 material that's in this document into the document at
10 80249, if we go back to it, please.

11 I know we have been going for some time, but before
12 we potentially take a break, if that's what you would
13 like to do, Members of the Panel, I want to show you
14 30200. 30200. Now this is the document that David
15 McKittrick says he got from Colin Wallace. If I have
16 understood Colin Wallace's position correctly he is
17 saying "This is the document that I authored", based on
18 the document we have just been looking at. And Major C
19 explains in his statement he received a copy of this
20 document and he explains the circumstances under which
21 he gets it, which we will see shortly, but you can see:

22 "The name Tara is supposed to be derived from the
23 place name where the ancient high Kings of Ireland were
24 crowned. The Guardian of April 12th 1973 said that the
25 organisation was formed from a small but militant

1 evangelical Protestant movement devoted mainly to
2 anti-catholicism and it described itself as 'the
3 hard-core of Protestant resistance'."

4 So the author of this document is drawing on a
5 newspaper article which is not referred to in the
6 earlier document we looked at and we will be going back
7 to in a moment. Described as:

8 "The hard-core of Protestant resistance it claimed
9 that Protestantism in Northern Ireland was threatened
10 with extinction and recommended a 10 point plan which
11 included the proscription of the Catholic church. It
12 was imperative all Protestants were prepared to bear
13 arms so that all resources were in a state of
14 readiness."

15 So you can see 11th April document references were
16 made to reports on 11th April. It is clear that the
17 next day the Guardian is carrying the story that's being
18 referred to here.

19 "Tara also recommended that responsible Protestants
20 should gain a thorough knowledge of guns and military
21 craft, that Protestant areas should be physically
22 cleaned, law and order should be restored, true
23 Protestant ministers should be established in all
24 churches, should be integrated education with all
25 religious teaching done by evangelical Protestants,

1 organisations said to be against intimidation, sectarian
2 murders, hijacking and illegal drinking clubs."

3 The Sunday independent of April 22, 1973. So you
4 can see this document is authored after that date,
5 commented on the non-emergence of Tara as nothing had
6 been heard since first reports in the press ten days
7 previously.

8 "Other information that has come to light includes
9 the 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 The information officer, Clifford Smith, lives with
16 McGrath. The admin officer is David Browne from Bangor.
17 He is also Deputy Editor of the Protestant Telegraph.
18 The CO's assistant is Frankie Miller, who lives off
19 Road, Belfast. He has written a book called
20 'Dangers and Sinister Realities' and has appeared on
21 television.

22 Militarily, the organisation was initially in
23 platoons of 20 but is now probably in companies. Each
24 platoon has a sergeant, a quartermaster and
25 an information officer. Contributions were 50p per man

1 per month, of which half went to a central fund and half
2 was kept at platoon level. Platoons were able to draw
3 on a central fund if the opportunity to buy funds arose.
4 Meetings were held in Clifton Street Orange Hall about
5 every two weeks under the name of an Orange Discussion
6 Group when there was training in radio, weapons and
7 lectures and tactics.

8 CHAIRMAN: There is clearly a mistake on the part of the
9 author which doesn't make sense:

10 "If the opportunities to buy funds arose."

11 An obvious substitute might be guns.

12 MR AIKEN: Or stores.

13 CHAIRMAN: Again there's a very high degree of commonality
14 between this and the earlier documents.

15 MR AIKEN: Now what I want you to note, if we scroll back up
16 because, obviously, as you know, and we will come to
17 this specifically, but if we just pause there, please.
18 Just scroll down a little. Thank you. This would be
19 said later by Colin Wallace to be an attempt to interest
20 the journalists in Kincora, the document he produced to
21 make the journalists aware.

22 Now whether it is possible for you at this remove to
23 ever get to the bottom of this given the Army can't
24 produce the document, but if you look at the language:

25 "Other information has come to light includes the

1 name of the CO, William McGrath. He is said to be
2 a homosexual and has conned many people into membership
3 by threatening them with revealing homosexual activities
4 which he had initiated. He is also thought to owe more
5 allegiance to the red flag than to either the Union Jack
6 or the tricolor."

7 I want us to do two things. If we go back, please,
8 to 105026 and look at the language here:

9 "Thought to owe more allegiance to the red flag than
10 the Union Jack or tricolour. Conned many into
11 membership, keeping them ensnared by threatening to
12 reveal homosexual activities which he had initiated."

13 So if we go back, please, to 30200 to the bottom of
14 the page. Scroll down, please. I want to now take you,
15 having read those two passages together, if we go back,
16 please, to 80249, scroll down, please. Under:

17 "The OC."

18 So you can see this information:

19 "He is a prominent figure in Unionist party politics
20 and in the Orange Order."

21 That isn't in the press brief. Then the next
22 passage:

23 "Non-existent evangelical mission ..."

24 Well, there's reference to that in the earlier
25 document we have looked at which Ian Cameron identified:

1 "Said to be a front for his homosexual activities
2 and also runs a home for children on the Upper
3 Newtownards Road, Belfast."

4 So this document, the one we are looking at on
5 screen, rather than the one I call the Cameron document,
6 was the source for the press brief that Colin Wallace
7 prepared, if we go back, please, to 30200, and scroll
8 down, please, to the bottom, there's no reference to the
9 children's home.

10 CHAIRMAN: If we just for a moment, at the top of the next
11 page there is the words "David McKittrick".

12 MR AIKEN: Yes.

13 CHAIRMAN: Do we know who wrote "David McKittrick".

14 MR AIKEN: No, but we will see in due course that David
15 McKittrick would identify this document as having been
16 given to him.

17 CHAIRMAN: Yes.

18 MR AIKEN: By Colin Wallace.

19 CHAIRMAN: So, in other words, that looks on the face of it
20 to be Mr McKittrick authenticating the document as the
21 document he received by writing "David McKittrick" on
22 it.

23 MR AIKEN: Yes, and if we scroll up, please -- just scroll
24 up to the page before this one.

25 CHAIRMAN: And the same with the top of that page.

1 MR AIKEN: Yes, and if we just move up a little further and
2 see the exhibit reference. So David McKittrick is
3 producing this document to the police in 1982.

4 CHAIRMAN: And to draw it all together at this point, this
5 document which may in turn have drawn upon the earlier
6 documents makes no reference to Kincora, nor do any of
7 these documents refer to abuse of children by McGrath in
8 Kincora.

9 MR AIKEN: Yes.

10 CHAIRMAN: And some at least of these documents appear to
11 have come into existence at the time when Mr Wallace was
12 working for the Army Information Service.

13 MR AIKEN: Yes.

14 CHAIRMAN: And he says that the reason why he created what
15 we call the McKittrick document, is to interest the
16 press in Kincora.

17 MR AIKEN: Yes, he subsequently said that.

18 CHAIRMAN: But these contemporary documents, while they
19 contain a lot of material about Mr McGrath which has
20 a bearing on Kincora, his address, his associations in
21 politics with the Orange Order, he has been
22 a homosexual, ensnaring young men, all of which is in
23 general terms very familiar to the case Mr Garland was
24 making.

25 MR AIKEN: Yes.

1 CHAIRMAN: There appears to be no contemporary records by
2 Mr Wallace to children being abused in Kincora by
3 McGrath, and yet subsequently in later years he appears
4 to be making the case that that was one the reasons why
5 he created this document and gave it to the press.

6 MR AIKEN: Yes, and we will look at this, that a deliberate
7 decision was made, communicated to him, to communicate
8 this information.

9 CHAIRMAN: Yes.

10 MR AIKEN: So as to draw attention to Kincora because the
11 Army didn't want itself to get involved in those sorts
12 of things.

13 Now I want to show you, just so we ground this for
14 you then, if we look at 30198, this is David Blundy
15 writing in the Sunday Times on 13th March 1977. If we
16 scroll down, please, we will see in the right-hand
17 column -- he will later say to the police that he got
18 the document we were looking at. If I call it the
19 Wallac/Tara summary. I think it would be fair to say he
20 was not impressed. If we just scroll up a little,
21 please. Scroll up, please. So what he's attacking in
22 this article is in his view -- just pause there:

23 "There were similar attempts to discredit Paisley
24 who was linked at an Army briefing at which a Sunday
25 Times reporter was present with the Protestant

1 paramilitary group called Tara. Tara is a small,
2 obscure and infective group as Ulster's paramilitary
3 organisations go. The Sunday Times has a copy of
4 an Army intelligence summary on Tara which contains
5 accurate details about its organisation. It also
6 contains some startlingly inaccurate information
7 discrediting members of the organisation. One member
8 which the summary names is called a homosexual and has
9 conned many people into membership by threatening them
10 with revealing homosexual activities which he had
11 initiated. He is also thought to owe more allegiance to
12 the red flag than to either the Union Jack or the
13 tricolour."

14 So you can see that is a direct lift from, if we go
15 back to 30200, please, and to the bottom of that page,
16 whereas it is not quite a direct lift from the other two
17 documents that we looked at.

18 CHAIRMAN: Well, certainly by 13th March 1977 at the latest
19 David Blundy, the journalist, has in his possession
20 a document created by Mr Wallace.

21 MR AIKEN: Yes, and he is saying --

22 CHAIRMAN: That's the information we can draw from that.

23 MR AIKEN: Yes.

24 CHAIRMAN: Whether he got it from Mr Wallace or someone
25 else.

1 MR AIKEN: Well, that --

2 CHAIRMAN: Looked at in isolation may be unclear.

3 MR AIKEN: We will come back to look at the four journalists
4 that Colin Wallace says he spoke to, and David
5 McKittrick is an example in point. He explains he got
6 this document from Colin Wallace.

7 CHAIRMAN: Yes.

8 MR AIKEN: While Colin Wallace was employed. This document
9 we are looking at now appears to have been handed out to
10 journalists in 1973/'74.

11 CHAIRMAN: So it may have come in Mr Blundy's possession
12 later?

13 MR AIKEN: Yes.

14 CHAIRMAN: But if Mr McKittrick's recollection is correct,
15 it went into what one might call the journalistic
16 domain.

17 MR AIKEN: Yes.

18 CHAIRMAN: In '73 or '74.

19 MR AIKEN: Yes.

20 CHAIRMAN: Ans was placed there by Mr Wallace.

21 MR AIKEN: Yes.

22 CHAIRMAN: And it bears no reference whatever to abuse by
23 McGrath of the boys in Kincora, but does refer to
24 McGrath working there.

25 MR AIKEN: Not in this document.

1 CHAIRMAN: Gives the address.

2 MR AIKEN: Not in this document. So this document that's
3 the one given to the press --

4 CHAIRMAN: Does not contain as much material as was
5 available to Mr Wallace it would seem.

6 MR AIKEN: Is in the document that he is in a position to
7 produce to Peter Brooke in 1990 and to Paul Foot in
8 1989.

9 CHAIRMAN: In documents which it appears were in his
10 possession, or may it appears have been in his
11 possession in the mid '70s.

12 MR AIKEN: But which the Army are not in a position to
13 produce to the Inquiry.

14 CHAIRMAN: No, but the copy which the Inquiry has can be
15 traced back to Mr Wallace.

16 MR AIKEN: Yes.

17 CHAIRMAN: Well, this might be a time to allow our hard
18 pressed stenographer a break.

19 MR AIKEN: Yes.

20 CHAIRMAN: We will rise for a few minutes.

21 (12.25 pm)

22

23 (Short break)

24 (12.40pm)

25 MR AIKEN: Members of the Panel, we were looking at the fact

1 that journalists appear to have the 30200 document. I
2 am going to be coming back to that, so I will leave that
3 now, if I may, other than to say David McKittrick says,
4 and you will find this in his article that he writes in
5 December 1981, at 30210, that he has the article and the
6 document as well, and his article is based on that, but
7 what I was doing was trying to -- you will recall Mr
8 Noakes said he thought the documents you were looking at
9 were '76, '77. I want to just show you 30322, please,
10 just to complete that sequence, just to take it back
11 into sequence, at 30322.

12 We were looking at the fact there had been this
13 media coverage of Tara in April 11th/12th we have seen
14 in the combination of the document. I want to show you
15 this is from Major C from 6th July 1974, but
16 paragraph 2:

17 "Little was heard of Tara until the appearance of
18 posters in Belfast on 11th April. Posters were issued
19 by Tara, which called itself 'the hard-core of
20 Protestant resistance'.

21 Now if you look at the next paragraph:

22 "Tara is formed in platoons of 20. Each platoon has
23 one sergeant, a quartermaster and an information
24 officer. Each member pays 50p dues per month, one half
25 goes to the central fund and the other half to the

1 platoon. This info dated 16th April 1973."

2 Now that carries the implication -- this is the
3 intelligence officer who is writing this document. So
4 if you go back at 105026, please and look at the content
5 of the document, in particular the penultimate
6 paragraph, you may consider that he's clearly drawing on
7 a document that looks remarkably like this one, which
8 he's dating in front of him as it is from 16th April
9 1973.

10 Now if we can look, please, at 55095, this is
11 a military intelligence summary of 18th April 1973.
12 Now, if we scroll down, please, you can see:

13 "The new Protestant organisation discussed in
14 paragraph 4 of last week's summary ..."

15 So now we are taking it back to 11th April and the
16 articles have just started appearing in the press:

17 "After all, only relate to the reemergence of the
18 Tara brigade. In a series of posters Tara presented
19 itself as the new law and order Protestant group."

20 You can see:

21 "It is thought to have close links with the UVF and
22 the Orange Order. A report names William McGrath as the
23 Belfast brigade commander and Clifford Smyth as the
24 intelligence officer. McGrath is said to be homosexual.
25 He and Smith share a house."

1 So you can again see where the material is being
2 drawn from in order for someone to write this summary on
3 18th April 1973, by which it is entirely clear the Army
4 know William McGrath is a homosexual. What we can't say
5 for certain is that they knew he worked in Kincora,
6 because we cannot yet date the off-the-cuff remarks for
7 the press document, because we know that the document
8 that went to the press in '73 does not make reference to
9 him working in a children's home or name it.

10 CHAIRMAN: Just by way of explanation, the document we see
11 on the screen is apparently an RUC Special Branch copy;
12 isn't that right?

13 MR AIKEN: It comes from an RUC Special Branch file, but if
14 we scroll up to the top it is a military intelligence
15 summary that has been shared --

16 CHAIRMAN: Exactly.

17 MR AIKEN: -- with the police.

18 CHAIRMAN: So this is one of the situations that we have
19 already seen quite frequently and we may see more of,
20 where each of the organisations which collectively might
21 be said to form the Security Services in plural, on
22 occasions were passing documents from one to another and
23 we have on occasions found the only copy of a document
24 coming from one organisation on the file belonging to
25 another.

1 MR AIKEN: Yes.

2 Now if we look at 30308, having looked at what is
3 said -- if we just scroll down before -- that's okay.
4 We can go back as necessary. We have been looking at
5 the July '74 document from Major C. This one is of 26th
6 February '74 and I want to draw to your attention the
7 first paragraph of this document:

8 "Subject first came to notice in April '73 when Jean
9 Coulter said he was leading Tara and that his son was
10 also involved. Inquiries with PR HQNI indicated that
11 McGrath was homosexual and had Communist tendencies.
12 Clifford Smyth (Tara and DUP) was reported to be living
13 at McGrath's home at that time."

14 So two things are happening. You can see that Jean
15 Coulter appears to have been the source of the
16 information also in 1973, that McGrath and his son were
17 involved. We don't have the document that that
18 information is based on, which is being summarised by
19 Major C in February '75, but he's also indicating in
20 February '75 inquiries with PR HQNI indicated that
21 McGrath was homosexual and had Communist tendencies.

22 Now that is a reference back to -- it may give the
23 suggestion that the documents we have been looking at --
24 so if we look at 105026, despite Ian Cameron's belief,
25 may not necessarily have emanated from the Intelligence

1 Section, but from the Army information section or the
2 document that he's specifically referring to in that
3 regard is, if you look at 30200, which is the one that
4 Wallace was sharing with with the press. We can see at
5 the bottom a reference to Communist leanings and the
6 document we are looking at from Major C, if we go back,
7 please, to 30308, perhaps puts it in less colourful
8 language, but conveys the same message:

9 "McGrath was homosexual and had Communist
10 tendencies."

11 We know, and we will look at this later, Major C
12 receives a copy of the Wallace document, if we call it
13 that, 30200, and writes the word "section" on the top.
14 And if we look at 30311, please, -- if fact, go up to
15 the page before. Sorry. 30310. You can see it's the
16 same document, but this is not the version circulating
17 amongst the press, because this one has "section"
18 written and Major C identifies that as his handwriting,
19 who is in the Intelligence Section. He is basically
20 saying: "I went down and Colin Wallace had a sheaf of
21 these summary documents and he gave me one of them."

22 This is the one. I have written "section" on it and
23 it is on our file".

24 If we go down to the bottom of the document ...

25 CHAIRMAN: Not so fast. Yes.

1 MR AIKEN: If we scroll down to the bottom of the next
2 page -- sorry -- you will see that somebody has given
3 an assessment here:

4 "The group has recently placed full page ads in the
5 Protestant orientated newspapers."

6 So again reference back to 11th April '73:

7 "Which brings to light an access to substantial
8 funds, as full page ads cost at least £800 ago."

9 Now that combination of documents allows us to be
10 reasonably certain of the information circulating in
11 April '73 in response to the security forces in one way
12 or the other responding to Tara appearing on the radar
13 and the press, and if we can look, please, at 35068, we
14 know from a statement made by Major Loftus to the RUC on
15 1st August 1985 as part of the RUC phase 4 Inquiry into
16 Colin Wallace's 8th November dated document, also
17 involved him looking at two files in HQNI. You can see
18 he says one is in relation to Kincora dated 1982, but
19 also a Tara file which had its first document in
20 August 1983. Now he explains that -- just scroll down
21 a little bit, please. Scroll down a little further. So
22 you can see:

23 "I also examined the Tara file in detail and found
24 that the first document in that file is dated
25 August 1973. Subsequent documents would suggest that

1 military intelligence's knowledge of Tara was limited
2 and certainly did not extend to any knowledge of
3 homosexuality in boys' homes in Northern Ireland."

4 Of course, that's important when you consider and
5 reflect on the 8th November '74 dated document. He is
6 saying:

7 "That document does not exist in the files" he was
8 examining.

9 But the importance of it is he is saying that the
10 further examination of "the folio of each -- scroll
11 down, please "file clearly accounts for each document in
12 the file including those which were destroyed in
13 accordance with military regulations."

14 So this one is August 1973. He is saying the first
15 document is -- if we can look, please, at 30325, we have
16 a note of 19th October 1973 from Hugh Mooney and he is
17 writing to Miss Bunbury, as you can see in G3, so the
18 Intelligence Section. You will see clerks annotation in
19 the top right relating to information policy if I have
20 understood it correctly. He is communicating to the
21 Intelligence Section:

22 "I understand that you have an interest in this
23 extremist Protestant organisation and I attach a recent
24 proclamation.

25 This and the booklet by Clifford Smyth (of which

1 I also attach a copy)."

2 You will find it runs from 30326 to 30339, a book
3 written by Clifford Smyth on RUC target for treachery,
4 and you can see:

5 "Were sent to PR."

6 So public relations:

7 "By Gerald Bartlett of the Sunday Times, who
8 obtained them from Tara in the course of an interview
9 that he had with its leaders recently.

10 Bartlett told Colin Wallace of PR that the Reverend
11 Ian Paisley was implicated with Tara according to Tara
12 leaders. The booklet is interesting since Smith is
13 known to be close to Paisley and has given sermons at
14 Paisley's church."

15 You will see this is dated 19th October 1973.

16 Obviously in all of these documents given by what is
17 subsequently said by Colin Wallace, an indeed later by
18 others, it is what is not referred to anywhere in these
19 documents.

20 Now if we then can look at 30308, please, and the
21 second paragraph of Major C's memo of 26th February '75
22 and again we don't have this report. What we have is
23 a reference back to it. You can see:

24 "By October 1973 further reports confirmed that
25 McGrath was homosexual and was using the Puritan

1 Printing Company for propaganda purposes."

2 Then in the same memo:

3 "During October and November '73 police reports
4 indicated that McGrath received a visitor from England
5 and two journalists from Holland. We do not know the
6 purpose of these visits but on 6th November '73 an A2
7 report stated that McGrath intended to visit (one
8 particular individual) in Amsterdam."

9 Just to ground that if we can look at 55117, please,
10 you can see the document. The top left shows you the
11 date of issue 6th November '73. This is an RUC Special
12 Branch document, and if we scroll down, please, you can
13 see:

14 "William McGrath intends to visit Amsterdam."

15 And the same individual. You will recall that this
16 document prompted the RUC to send a summary letter to
17 MI5 saying "Here's what we know about this man and he's
18 going to Holland."

19 Now that is all of the documents that I can find
20 subject to anything anyone else will bring to my
21 attention and then I will draw to yours, Members of the
22 Panel, that relates to 1973.

23 Then we move into in 1974 if we can look at 55048,
24 please, there appears to be nothing until June of 1974,
25 and if we scroll down, please, just a little, you can

1 see:

2 "On 20th June 1974 the views of Tara came to the
3 fore again when they issued a proclamation which was
4 published in The Newsletter. See copy attached at
5 appendix B."

6 If we just scroll up, please, so we can see the
7 origin of this document. Just keep going up for me,
8 please. So you can see this is from the police summary
9 that was provided to assist the then Detective Chief
10 Inspector Caskey during Phase One, and I am showing you
11 that reference to the proclamation being issued in The
12 Newsletter for this reason. That seems to again spark
13 a set of activity amongst the Security Services in the
14 widest sense.

15 If we can look at 55081, please. So the
16 proclamation is published in The Newsletter on 20th
17 June 1974. Here you will see 4th July 1974. Now this
18 is an RUC document but if I can ask you to look at the
19 officer of origin. FINCO. So this is an Army
20 information that's being recorded and it seems to
21 recall, as you know, both police and Army in the sense
22 that what's happening is KIN 301 is arrested
23 for theft and they find documents about Tara in his
24 locker in Kincora, where William McGrath is described as
25 the housefather.

1 Now it's not possible -- I draw this to your
2 attention in the context of the Army because it has
3 an Army officer involved in it, it seems, according to
4 the document. I don't have any Army document that
5 indicates this information is being circulated within
6 the Army. It may well have been. It may not have been,
7 but someone in the Army is aware, having been involved
8 in this incident, of Tara documents being in a locker in
9 Kincora Boys' Hostel.

10 Then we have a document of 6th July 1974. If we can
11 look, please, at 30304, and bearing in mind we have had
12 this communication in the Newsletter on 20th June. If
13 we can scroll down to the bottom half of the document,
14 so you can see again this time Sergeant A is
15 involved, FINCO. I think it is B rather than E. He is
16 talking to this source called Brazil Nut:

17 "When asked source stated that he knew little of
18 Tara."

19 So you can see this is an extract about Tara from
20 a larger document which is an interview of Brazil Nut.
21 This is paragraph 6 from that document:

22 "When asked source stated that he knew little of
23 Tara. He went on to say that whatever he said were his
24 own views and as such were not 100% accurate. Tara up
25 to 1970 was the old UVF. The present Spence UVF then

1 broke away although links are still maintained and
2 source believes that Tara have some control over some,
3 but not nearly all UVF actions. As an illustration of
4 this he said that he was of the opinion that Tara were
5 behind the friction between the UVF and the UDA."

6 He goes on to describe further military connections,
7 as it were, in respect of it. You can see:

8 "He described Tara as being made up of the worst
9 type of petty minded prod bigot. Can you imagine it?
10 They even want to ban drinking. He went on to say that
11 Tara had strong links with The Orange Volunteers and the
12 DUP. The only names he knew who were connected with it
13 were Clifford Smyth, who stood in the recent North
14 Antrim byelection, Frankie Miller Junior, whose father
15 is the assemblyman for North Belfast, and a Frank
16 McGrath."

17 So you can see he got the first name wrong:

18 "He has also heard that Desmond Boal QC is in some
19 way connected with them. Source have heard that a large
20 number of Tara members were homosexual."

21 And it seemed they both formed another way of
22 expressing that between each other.

23 Now I just want to show you ssgt A 's police
24 statement. The police spoke to him, if we look at
25 30159, he was the FINCO who spoke to Brazil Nut, as you

1 can see in that document, and he explains he was -- if
2 we scroll down, please -- speaking in January 1983, and:

3 "At the time I held the rank of staff sergeant.
4 I now see produced a one page document which has been
5 marked SWJS2 which is the Brazil Nut summary we just
6 looked at:

7 "I was responsible for the production of the
8 paragraph marked 6, not the top piece which is marked
9 paragraph 9. The markings in pen are not mine. The
10 paragraph that relates to me has been cut from the
11 original report submitted by me. I would accept that
12 I sent in my report around July '74. The information
13 which I submitted concerned a Protestant organisation
14 known as Tara. Brazil Nut was the source of this
15 information. He told me that a large number of Tara
16 members were homosexual. He named some people which
17 I had put in the report. At no time was Kincora Boys'
18 Hostel or any boys' home mentioned in relation to this
19 or any other inquiries I made whilst in Northern
20 Ireland. I had not heard of William McGrath until
21 I read in the newspapers about Kincora Boys' Hostel."

22 You can see he was told about a Frank McGrath:

23 "I notice that my report has since been marked 'UK
24 eyes A Army only'. At the time, i.e., 1974, the military
25 were just interested in Tara as an organisation. I got

1 no special instructions regarding homosexual activity
2 within the organisation. I was never aware of any
3 offences concerning young boys in care with regard to
4 homosexual behaviour."

5 That's all of his statement. If we just scroll up
6 again, please.

7 Now on the same day, if we can look, please, at
8 30322 --

9 CHAIRMAN: If we --

10 MR AIKEN: Just scroll down for a moment.

11 CHAIRMAN: Just pause before we leave that.

12 MR AIKEN: Scroll down, please.

13 CHAIRMAN: Yes. Thank you.

14 MR AIKEN: So if we look at 30322, please, we have looked at
15 this document before for a couple of contextual matters,
16 but this you will see is dated 6th July 1974, and this
17 is authored by Major C, who is in the G IN, as it were,
18 Intelligence Section of Headquarters in Northern
19 Ireland. He is a desk officer, as he has explained to
20 the Inquiry. You can see he is writing on 6th July '74.
21 If you can just note before the date the reference "SF"
22 which I take it means security forces, "704 INT". That
23 will be relevant in due course and I will draw that to
24 your attention.

25 You can see he is writing to 8 Infantry Brigade. So

1 he is writing to the Army in Derry, as it were. You can
2 see in the top "copy number 3 of 3". So there are three
3 copies of this document. We have looked at the first
4 two paragraphs where he is explaining found out about
5 them In 1972. More matters in '73. He is recounting in
6 April '73 we have looked at 11th and 16th. Then if we
7 look at paragraph 4, please, we can see he is quoting
8 a particular individual who states that:

9 "Tara was a network of cells ... these men were
10 prepared to use their weapons in an emergency. Tara was
11 not a Doomsday force.

12 Other than this, very little is known about Tara,
13 which has always been shrouded in mystery. (It claims
14 to be a secret organisation). Some personalities known
15 are:

16 William McGrath, 5 Greenwood Avenue, Upper
17 Newtownards Road, Belfast."

18 So the number is wrong:

19 "CO of Tara. Has Communist leanings and a reputed
20 homosexual."

21 So you can see the flavour coming from the 1973
22 documents that we were looking at. What doesn't appear
23 at least if it was available to him, he is not giving
24 any indication that he is referring to it, is the
25 document that Colin Wallace was able to produce in 1990

1 with "clerks IP" written across the top of it because it
2 doesn't say "he runs a boys' home", which is what was
3 contained in that document. So if that document was in
4 the Army information service in 173 it either wasn't
5 also with the Army intelligence section, or if it was it
6 wasn't considered significant by Major C to refer to the
7 fact the individual worked in a boys' home.

8 Then you have his description about various other
9 individuals including the names that we are aware of,
10 and you can see:

11 "A recent report stated that Tara organisation has
12 appeared in the Larne area with HQ approximately ten
13 miles outside Larne."

14 Gives the personalities involved in that. As you
15 can see, it's a two-page document:

16 "A recent report by MI OP division states that Tara
17 groups are throughout to be three groups each of nine
18 men in "a particular area)."

19 MI OP is probably a military reference. You can see
20 that this is the Intelligence Section, the person who is
21 responsible for the Protestant extremist desk, as it
22 were, with staff under him is sending out this
23 communication about what is known about Tara to the
24 Derry brigade.

25 So you have in paragraphs 6 and 7 a reference to two

1 recent reports and we don't have the reports, but this
2 is a summary of what is said to be of relevance within
3 them.

4 Now four days later if we look, please, at 30341, we
5 have another letter from Major C. Now again if we just
6 scroll up a little, please, you can see:

7 "Copy 3 of 3."

8 If I can show you again the reference:

9 "Our reference SF/704/INT."

10 So it's the same reference, dated 10th July. This
11 time the letter is being sent to the Intelligence
12 Sections of both 3 Brigade and 8 Brigade. You will
13 notice in respect of both documents 39 Brigade is not
14 being written to and that may well be because they have
15 been able to provide the information which the central
16 intelligence section has then collated and disseminated
17 in this way, although again I am doing my best. There
18 are no documents that show that's the position, but you
19 can see he makes reference to "our letter we have just
20 looked at dated 6th July."

21 Then this is said, if we scroll down, please:

22 "A reliable report states that the following are
23 involved in an organisation called Tara which has
24 homosexual connotations.

25 Frank Miller -- see reference A.

1 Clifford Smyth -- see reference A.

2 Fred Magla -- no trace.

3 Tara is thought by the source to have connections
4 with the UVF (for whom Desmond Boal acts as an adviser),
5 Red Hand Commandos perhaps, UFF and DUP.

6 Source does not think there is a connection between
7 Tara and the UDA:

8 "This information is not to be passed to the police
9 or disseminated without reference to G SO 3."

10 That is Major C:

11 "G SO 3A."

12 Now you may consider that it is clear the person
13 being spoken to, whoever they are, can't be William
14 McGrath, because if it is William McGrath he would know
15 what is suggested may be the case in respect of the
16 connections, and there are two other points that
17 I observe about this document.

18 Given that Major C had written a letter on 6th July
19 1974, you may infer that this information has come to
20 his attention between 6th July and 10th July in order
21 for him to write again, and he's obviously attaching to
22 this document a reference A. We don't have that
23 reference A that I am aware of. It was not produced to
24 the police. It may have been it wasn't there or it
25 wasn't attached or it wasn't considered significant or

1 appropriate, but it's not there in order to show you
2 what was being said about Frank Miller and Clifford
3 Smyth in the document, but you can see that this time
4 it's going to Lurgan and Derry.

5 Now if we can go back, please, to 30304, we looked
6 at the bottom half of this document for the 6th July '74
7 communication with Brazil Nut. The top half seems to
8 relate to 13th July 1974, and you can see that it has
9 reference to Tara and this time it's reference in the
10 Ballymena area. And we did see information of that sort
11 if we go back, please, to 30323 you can see a reference
12 to Slatt and Broughshane. This is a letter of 6th July.
13 So it is seven days before that summary we were just
14 looking at. You can see Slatt, Crebilly and
15 Broughshane. Now if we can look then at 30308, and
16 paragraph 3, you can see that:

17 "McGrath again came to light in September 1974 when
18 a Tara/ULA propaganda cassette tape was transcribed
19 which exhorted the listener to send funds to McGrath,
20 giving his previous address, 5 Greenwood Avenue,
21 Belfast."

22 So again we don't have the underlying report from
23 which Major C is drawing that summary, but that is what
24 he is saying in the summary document of February 1975.
25 Now if I can show you, please, 105011, that takes us to

1 November 1974. We have looked at this letter for
2 a different reason previously, but you can see that this
3 document is emanating from LINCO/CONCO in East Belfast
4 and over the past six months the sergeant, who is
5 Sergeant R, and Corporal D, and their names shouldn't be
6 used outside the chamber, have developed a good personal
7 relationship with, and that's Constable Crummy. If we
8 scroll down, please:

9 "Since November 1974 the corporal has been working
10 on a project concerning an organisation known as Tara."

11 Then he gives the summary information and you can
12 see that the summary information includes:

13 "He lives at 188 Newtownards Road and he is the
14 warden of Kincora Boys' Hostel."

15 Now there is a reference to the scandal in Faith
16 House, if there was a scandal that's when it would be
17 because he left Faith House in 1960, but you can see
18 then this reference, that the source who is being spoken
19 to, who is Valerie Shaw, by Constable Crummy, "went to
20 Paisley with a set of letters and papers written to one
21 Roy Garland."

22 If we scroll down, please:

23 "By McGrath when they were having an affair ..."

24 Now the importance of this, and there's then
25 a reference to that further in the Roy Garland

1 section slightly further on down. The importance of
2 that is this is Valerie Shaw being spoken to by a police
3 officer, who is then conveying the information to the
4 Army. You can see the focus of it is not on the
5 suggestion that boys in Kinchora are at risk, but you can
6 see that Corporal D, which we are calling Corporal D, so
7 he is Corporal D, has been working on a project
8 concerning Tara since November 1974. He is summarising
9 this under the title of "DUP talent spotting" in March
10 '75 along with his sergeant.

11 If I pause there and perhaps if we end at this point
12 for now, Members of the Panel, subject to your wishes.
13 If genuine -- the project is begun in November '74. The
14 other event that would take place in November '74, if
15 genuine, is Colin Wallace's document which is at 35081.
16 I am just going to show it at this point. I am not
17 going to go through it. You can see the document that
18 would be produced in August 1984 and would form the
19 basis of the Phase Four RUC Inquiry, which is where this
20 version of the document was found. It runs from 35081
21 to 35084.

22 Now this document, given it is dated 8th November
23 1974, would fit in the chronology at this point, and if
24 this document is genuine then it raises extremely
25 significant questions for the police and the Army, given

1 its content, but what I am going to do, without
2 pre-judging it, it is a matter for you, Members of the
3 Panel, to consider the matters around this document that
4 we will look at specifically -- as its content is like
5 no other document and no later document is infused with
6 its content, i.e., there's neither a reference to it nor
7 anything in terms of content that nods the head to
8 knowing what this document knows, if a document can know
9 something, because no other document is infused with its
10 content I am not going to look at it in detail at this
11 point. I am going to deal with it specifically at
12 a later point when I am going to later carry on with the
13 chronology in respect of it, because if I deal with it
14 now I will distract entirely from the point that flows
15 thereafter, which is no other document makes any
16 reference to it. So we will come back to that. If we
17 pause there for now?

18 CHAIRMAN: Yes. We will try and start at 2 o'clock, ladies
19 and gentlemen. Unfortunately we lost quite a lot of
20 time this morning and we've got to try to make that up
21 if we can.

22 (1.20 pm)

23 (Lunch break)

24 (2.00 pm)

25 CHAIRMAN: Yes, Mr Aiken?

1 MR AIKEN: Chairman, Members of the Panel, before lunch we
2 were approaching the end of 1974. As you know,
3 Detective Chief Superintendent George Clarke has
4 attended to complete his evidence in relation to the
5 third of the material issues affecting the RUC
6 investigations, and he understands and is quite content
7 for the chronology and the rest of this material not to
8 be interrupted and is happy to oblige by waiting to
9 complete his evidence.

10 CHAIRMAN: Good.

11 MR AIKEN: I want to turn then if we can look, please, at
12 30308. This document we have looked at before to assist
13 with the chronology of certain matters that are referred
14 to and upon which we don't have the actual reports, but
15 the summary of this document ultimately of
16 22nd February 1975, you can see there's only two copies.
17 It's from Major C, who has been, as you know,
18 disseminating into the brigades information, but this
19 time he's communicating with R02, which I think is still
20 an Army officer. We will try to get to the bottom of
21 just exactly who he is communicating with, but of
22 importance, having given his summary of what's known
23 about William McGrath, and you can see he has the
24 correct address for him, 18 Newtownards Road. He says
25 this in paragraph 4:

1 "An intelligent though devious man, who needs
2 extremely careful handling. I do not at present fully
3 trust him, but he is undoubtedly a mine of useful
4 information on past incidents, organisation and
5 personalities."

6 You will recall that this was the document, or this
7 reference in the document that Mr Noakes on behalf of
8 the Army was concerned about giving the impression that
9 either the Army were considering or had engaged William
10 McGrath and, as you know, it was produced to the RUC
11 Inquiry, which is why it has been available to this
12 Inquiry, and this Inquiry was obviously concerned about
13 the content of it as well, and to that end the MoD for
14 the assistance of the Inquiry traced Major C, who has
15 provided to the Inquiry a witness statement which runs
16 from 2505 to 2512, and in 2513 to 2528 you have the
17 exhibits to that statement. Now he explains to the
18 Inquiry, and all being well we will be able to hear from
19 him later in the week, that he was a desk officer who
20 never met William McGrath, and he is writing as
21 an intelligence officer a pen picture of his assessment,
22 as he would of individuals based on material he's
23 reading, and that that is the position here and to the
24 extent that paragraph 4 is otherwise read, that would be
25 an error. It's an issue that we will come back to.

1 As you know, the next step in the sequence, because
2 there's not a response that's available to the Inquiry
3 from the person to whom Major C was writing, the next
4 document that appears to follow is that of 22nd March
5 '75. If we look at 105011, this again the Army were not
6 in a position to produce this document to the Inquiry,
7 but a copy had made its way to the Security Service, who
8 were able to produce it. The document emanates, it
9 seems, from 39 Brigade and from officers operating in
10 East Belfast.

11 You can see, as we mentioned earlier, at the
12 appropriate point in the chronology, paragraph 2, what
13 the document demonstrates is Corporal D and Sergeant R
14 have been looking into Kincora, more particularly
15 Corporal D, and he has been working on that project
16 since November '74, and the RUC constable who is one of
17 the liaisons with the Army is involved in the Special
18 Patrol Group is giving him some useful background
19 information on Tara. You can see from the flow of the
20 document that the information has been coming from
21 Valerie Shaw. The information you can see. His address
22 is correctly given at 188 Newtownards Road, not 236,
23 which was Kincora, but it does describe him as the
24 warden of Kincora Boys' Hostel. So by March '75
25 certainly the Army knows that is where this said to be

1 homosexual is working. If that was not known in 1973,
2 and you will appreciate this is earlier than Mr Noakes
3 when he was writing his report, who thought it was 1977,
4 what that indicates you may consider is that Mr Noakes
5 did not have access to this document whenever he was
6 doing his review, and does not refer to it as being in
7 the HQNI file and the 39 Brigade file when Major
8 Saunders was working through it. It is not produced
9 then either.

10 You can see if we scroll down, the reference to the
11 scandal in Faith House in 1960 before moving to
12 Wellington Park. So the information is incomplete in
13 that it seems to jump from Faith House to 5 Greenwood
14 Park. It should be 4 Greenwood Avenue, but I know that
15 the move to Wellington Park was in between those moves.
16 If we can look over the page you can see what the
17 scandal may relate to. It is not clear.

18 In the second paragraph you can see what is said to
19 have occurred causing McGrath to sell off Faith House or
20 pay the debt to Roy Garland, and that's obviously not
21 correct because it was Greenwood Avenue that had to be
22 sold.

23 Then you can see at the bottom of 10501 that Valerie
24 Shaw is recorded as having gone to Ian Paisley with
25 a set of letters and papers written to one Roy Garland.

1 That is going to be important, if I can ask you to bear
2 that in mind for the moment. They were said, according
3 to this report, to be having an affair. So you can see
4 that FINCO and CONCO are clearly aware of where McGrath
5 works, that he is said to be a homosexual. However, the
6 information that's come to their attention through
7 Constable Crummy, but ultimately from Valerie Shaw,
8 doesn't appear to make any reference to McGrath being
9 involved with boys in the hostel or indeed anywhere
10 else.

11 Equally the fact that McGrath, a homosexual, was
12 said to be a warden of a boys hostel shall does not seem
13 to have drawn the attention of the authors in terms of
14 it being any significance. It will be a matter for you,
15 Members of the Panel, to say whether there is any basis
16 to say it should have been.

17 However, in that regard I want to just pause and
18 draw your attention for your assistance. If we look at
19 75351, please, this is a passage in 1320 in the Hughes'
20 Inquiry, and what they say is:

21 "We received conflicting evidence on whether
22 homosexuality should in itself be a bar to employment in
23 residential child care. Dr Hayes for the Department
24 said there is not a policy which says homosexuals may
25 not be employed in children's homes and hostels, but

1 there is an attempt to ensure people in making
2 appointments do so in knowledge of the history of the
3 applicants'. He indicated that the Department was
4 conscious of the possibility that a policy of excluding
5 homosexuals from employment might contravene the
6 European Convention on Human Rights.

7 Mr John Compton for the Northern Ireland branch of
8 the British Association of Social Workers, gave evidence
9 that his organisation does not regard homosexuality as
10 a basis for disqualifying people from employment in
11 child care. He suggested that it is the 'potential for
12 abuse' and the applicant's motivation in applying for
13 a job which should be the crucial considerations.
14 Mr Andrew Mains, formerly of the same organisation, now
15 a Director of Social Services in St. Helen's, presented
16 a personal submission which argued this line forcefully.
17 He made a distinction between homosexual and paederasts
18 and said: 'Throughout the length and breadth of this
19 country there are mature, stable homosexuals who are
20 caring for children and adults in a responsible way.
21 Their private lives are of no concern unless they spill
22 over and affect performance. I hope the Committee will
23 feel able to recommend that the conduct of three
24 paedophiles should not be allowed to affect the careers
25 or job prospects of responsible homosexuals'.

1 A contrary view was presented by the Eastern Board,
2 whose final submission referred to having 'asked The
3 Department of Health & Social Services to give further
4 consideration to introducing a policy of not employing
5 homosexuals or bisexual people in the direct care of
6 children'.

7 Mr Edward Gilliland, the Director of Social Services
8 in the Eastern Board from 1973-84, in referring to the
9 code of employment which applies to all the boards
10 stated 'We would not wish with our experience have such
11 people appointed, but there is nothing in the code of
12 employment which precludes this happening'.

13 The Northern Board's Director, Mr Douglas Smith,
14 described the Board's policy as giving 'equal
15 opportunities to all suitably qualified and experienced
16 candidates where a candidate exhibits a lack of
17 knowledge or skill, portrays an attitude or indicates
18 a lifestyle considered unsuitable for a person in charge
19 of children, the candidate would be excluded from
20 consideration. In the current climate it would be my
21 view that risks should not be taken even if that means
22 that the Board at a later stage is sanctioned in some
23 way'. The final submission of the Northern Board
24 advocated that a policy statement by the Department of
25 Boards of employment of homosexuals should be made'."

1 Then it is said:

2 "It is not hard to sympathise with Mr Gilliland's
3 point of view, born out of bitter experience. We
4 concluded, however, that the weight of opinion is
5 against a policy of exclusion of homosexuals per se if
6 it is only based on the misconduct of a minority. The
7 same criticism could be applied to heterosexuals and we
8 believe that the Department could usefully establish the
9 legal provision at its policy in a way which would
10 assist the Boards and other relevant employers as to how
11 in this context they should exercise their
12 responsibilities. This would not, of course, relieve
13 the employing authorities of the duty to take all
14 reasonable steps to scrutinise applicants for child care
15 posts for any evidence which indicated a threat to the
16 welfare of children and young people in their care."

17 Now I looked at that passage at this point to
18 illustrate the issue that's at play. You have the
19 representatives of the Eastern Board, who have had
20 a crisis descend upon them, you may say it is a natural
21 reaction to say "we exclude all and then we are not
22 going to have a problem", but the response of the
23 Inquiry along with the evidence that it received was
24 that that wouldn't be an appropriate policy, and that
25 the risk, such as it is from either heterosexuals or

1 homosexuals being, in fact, paedophiles is simply
2 something that has to be accepted so as to treat
3 everyone equally, and to be dealt with as far as it can.

4 Now I raise that with you because infused in all of
5 the material we have been looking at in respect of the
6 police, the Army, the Security Services, is this
7 question about; well, everybody seems to know from the
8 early '70s, if I put it no higher than that, '73, 74.
9 When I say everybody, the police, the Army, the
10 intelligence services, that there is a homosexual
11 working in a boys' home. The question that flows from
12 that is; well, what, if anything, should they have done
13 about that? You are seeing in the analysis that's on
14 the screen the issue that's at play. Well, just because
15 someone is a homosexual it does not follow that they are
16 not suitable to work in a boys' home.

17 So the question that follows, if that principle is
18 right, the question you will wish to consider is: well,
19 why should any of these organisations have been
20 reporting that there was a homosexual working in a boys'
21 home? The only issue you may wish to consider beyond
22 that is for those who received the type of account that
23 Roy Garland was giving in the detail that he was giving,
24 in particular, for instance, to Detective Constable
25 Cullen, which we will come back to with Detective Chief

1 Superintendent Clarke, is whether that moved the matter
2 on beyond the "this person is a homosexual". You have
3 the Army being told he uses his position within Tara to
4 ensnare people, but you may consider there is at some
5 point a line between the person is a homosexual and he
6 works in a boy's home to there being something else that
7 elevates it beyond those two facts to something that
8 should be dealt with in some way by the State. That's
9 a difficult issue, no doubt, that you will have to
10 grapple with.

11 That's based on the March '75 document where it is
12 clear a homosexual working in a boys' home. There's the
13 reference to letters having been produced showing that
14 McGrath and Garland were said to have an affair. That
15 does not appear to have raised anything of any
16 significance for the authors of the 22nd March '75
17 letter.

18 Now if I then can take you to 30306, and this is
19 a document, if I can put it that way, hidden in plain
20 sight potentially for a very long time. I want to ask
21 you to look at it very closely. This is a MISR,
22 a Military Intelligence Source Report. You have heard,
23 as has the media and then, therefore, the public, over
24 many years Brian Gemmell, initially as James and then
25 subsequently as himself, Brian Gemmell, saying that he

1 believed that he wrote a four-page MISR. I want to just
2 take you, please, to 30145. This is his police
3 statement of 16th July --

4 CHAIRMAN: Just before we leave that, if you move back to
5 the last document.

6 MR AIKEN: Yes. 30306. I am going to be taking us back
7 shortly in any event.

8 CHAIRMAN: Yes. Very well.

9 MR AIKEN: What I want to show you is what he says about it.

10 CHAIRMAN: Yes.

11 MR AIKEN: Then if we go back to look at the content of
12 this. At 30145 he is explaining to -- 30145, please --
13 explaining to Detective Superintendent Caskey his
14 meeting with Mr McCormick and then Mr Garland. If we
15 scroll down on to the next page, please, because we will
16 look at this again at a later date, we hopefully will
17 reach the point -- yes. If we just pause there, please,
18 he says:

19 "I made a written report of my second meeting with
20 Garland."

21 Now I should make clear there is an issue over
22 whether he was at a second meeting or whether Corporal Q
23 had the second meeting and the notes that follow, but in
24 any event what he is saying is:

25 "I believe this was a four sided MISR and," and the

1 result of this is he ends up being told off, as he
2 describes it ultimately. Now what's important, if
3 I take you up to the passage above:

4 "At this meeting I had an intelligence file on Tara
5 and spoke to Garland on this subject and the various
6 personalities connected with this group. Again
7 McGrath's home homosexual tendencies, his background and
8 all aspects of Tara were discussed. Although I can't
9 remember if it was named, I do know that Garland told me
10 about McGrath being in charge of a boys' home."

11 Now, as you know, that is very different from what
12 Brian Gemmell would subsequently say, but he's saying he
13 then remembers going to the Newtownards Road to look for
14 the home. I wanted to get a picture in my mind as to
15 what we were working in. Saw a large detailed house.
16 Didn't go in:

17 "I remember that Garland was quite outraged that
18 McGrath should be in charge of a boys home. I didn't
19 feel too happy about it myself, especially for potential
20 victims and the fact that McGrath was presenting an
21 evangelical front."

22 You will recall Brian Gemmell and Mr McCormick were
23 of a similar evangelical Christian disposition. Then he
24 says he made this report. So we will have to look very
25 closely at the sequence of events as to what the

1 contemporaneous documents show, but he refers to writing
2 this MISR. As you know, no-one has been able to find
3 that MISR ever.

4 If we go back, please, to look at 30306, you are
5 aware already from the evidence of the MI5 and the
6 Secret Intelligence Service that there is an issue of
7 conflation for Brian Gemmell between two different
8 individuals. So the sequence of events that the
9 documents disclose as opposed to what he's saying in '82
10 and what it becomes at a later point in time is, "I see
11 Mr McCormick in March '75. I write a report. The
12 report is considered and I get a direction" -- not Brian
13 Gemmell now, but this is the documents -- "I get
14 a direction from Ian Cameron's second in command. That
15 direction in April '75 says you can have a one-off
16 debrief with Roy Garland. We are not interested in
17 homosexuality. We are not interested in religious
18 aspects of the group. That's a matter for the police."

19 So that's after the McCormick meeting and
20 potentially the balling out exercise if it happened, or
21 it was perceived to have happened, that may explain that
22 course of events, but what you then have is a meeting
23 with Roy Garland. You will see tomorrow the conflation
24 between Brian Gemmell and Corporal Q as to who actually
25 sees Roy Garland when, and it seems to be putting the

1 accounts of Gemmell, Garland and Corporal Q together,
2 that the most likely explanation is Gemmell and Q see
3 him at McCormick's and then Corporal Q sees him at HQNI,
4 which would suggest Brian Gemmell's recollection in '82
5 is not correct as to the sequence of the seeing of Roy
6 Garland, but we have the two-page interview notes from
7 that exchange and we have looked at them previously and
8 we will look at them again, but it doesn't change the
9 fact that Brian Gemmell's recollection is he wrote the
10 MISR, albeit he says it is four pages.

11 We speculated that when he gave documents the next
12 year in October '76 to the Secret Intelligence Service
13 he gave them a note for file that was three pages in
14 length of 14th October 1976, and that was a summary of
15 Tara. You are aware there was no reference to Kincora
16 in it, but it wouldn't square with where is the MISR?
17 Was there ever a MISR? Is there a four page MISR
18 somewhere, or some other MISR that might conceivably be
19 conflated with, in Brian Gemmell's recollection given
20 there are two other things that appear conflated.

21 I want you to look at this document. You can see
22 that it is dated 22nd May 1975, that the source is
23 Corporal D, who is the corporal who was tasked with the
24 project in September '74 on Tara. You can see:

25 "Contact gave me the attached documents on 20th May

1 1975."

2 So somebody has met the person who has written that
3 sentence and has given them documents:

4 "Document A is one that was issued by Tara about mid
5 '73."

6 That may be the proclamation or another such Tara
7 document:

8 "Document B contains the last pages of two letters
9 written by William McGrath, date of origin unknown."

10 Then somebody has written:

11 "Letters appear to be to Roy Garland, who was
12 studying at Bournemouth Bible College, '63/'64. The
13 letters probably ..."

14 CHAIRMAN: "Date from then".

15 MR AIKEN: "Date from then."

16 You can see it is being said "Tara File", not
17 "Kincora File", but "Tara File".

18 If we scroll down, please, the significance is in
19 the initials at the right-hand side of the page. Now,
20 as you know, it is not my job to give evidence, but I am
21 going to suggest you may wish to consider whether that
22 reads "BSG", which are the initials for "Brian Smart
23 Gemmell".

24 CHAIRMAN: And it looks like 24th May. Is that right?

25 MR AIKEN: 24th May. You can see the question is then

1 posed:

2 "Do we action, sir?"

3 Then you can see:

4 "Give to OC 123",

5 which is the Intelligence Section of 39 Brigade:

6 "Corporal Q",

7 or "Corporal Q" for the transcript, Corporal Q.

8 CHAIRMAN: I think before we analyse this further it is
9 important to place on record that the MISR is a Military
10 Intelligence Source Report and it is clear from the
11 layout of this document that there is a specific
12 pre-printed form to be used for that purpose and that's
13 what the writer appears to have done. They have typed
14 in a few lines and then there is a handwritten addition
15 and then there are the various notations that you have
16 referred to, but it's a printed form, not, as it were,
17 a scrappy pro forma type document.

18 MR AIKEN: Now in fairness to Brian Gemmell, obviously, as
19 you know, the Inquiry invited him to participate and he
20 has chosen not to do that, in fairness to him it would
21 have been opportune to show him his three page report
22 from '76 and this document, which if the third occasion
23 of conflation has occurred -- so standing back from it,
24 if I can put it this way, if it is the case that Brian
25 Gemmell conflated two individuals that he was dealing

1 with and rolled them into one by the time he is giving
2 accounts, in fairness to him he does not make that
3 conflation in '82. The conflation occurs over the two
4 individuals at a later point in time. If he is making,
5 or if he has conflated the second occasion the sequence
6 of events as to which of the two officers saw Roy
7 Garland when, because he talks about he having seen him
8 twice. Corporal Q says "No, I saw him the second time on my
9 own", and we have the notes of that interview which
10 Corporal Q, Corporal Q, says were done by him, and he gave
11 them to Brian Gemmell. Then you will wish to consider
12 whether a third incident of conflation has occurred,
13 which is that there are not one MISR document that was
14 a four-page summary but, in fact, two documents,
15 a MISR -- here it is -- and a three-page summary, which
16 were two separate documents written a year apart. So
17 that theory may simply be wrong. It may be he wrote
18 a four-page MISR, but it's just never been available.
19 Equally it is possible that the interview of Jim
20 McCormick was a four-page report which resulted in the
21 direction based on what Jimmy McCormick had to say of;
22 well, you can have a one-off debrief of Roy Garland, but
23 we are not interested in homosexuality. We are
24 interested in homosexuality or in matters of religion.

25 So that is the position that's arrived at, because

1 Major Saunders -- I want to show you 30173 -- when
2 tasked by the RUC on foot of Brian Gemmell's assertion
3 that he wrote a MISR, Major Saunders in his fourth
4 statement to the police Inquiry of 18th February 1983,
5 explains that he has searched for and cannot find a MISR
6 document relating to Roy Garland that was said to have
7 originated from Captain Gemmell. So at least with the
8 MISR that does exist you can see that Brian Gemmell is
9 not wrong. He did contribute to a MISR, just not of the
10 form that he describes. At least no-one has ever been
11 able to find one of the form that he describes and, as
12 you know, Ian Cameron would tell his colleagues in the
13 Security Service, though not ultimately back to the RUC,
14 that he never destroyed any MISR and couldn't remember
15 receiving one about Roy Garland.

16 CHAIRMAN: Well, the position is, as we understand it, that
17 over the years many, many efforts have been made to find
18 the MISR.

19 MR AIKEN: Yes.

20 CHAIRMAN: Not just in 1983, but indeed right up to the
21 present time.

22 MR AIKEN: Yes. When Mr Rucker was writing his report,
23 files that were available were looked into and no-one
24 found the MISR. Obviously it was a fundamentally
25 important document for this Inquiry, that it asked the

1 MoD to endeavour to find and it hasn't been possible to
2 find it to date.

3 I want to just show you so that the sequence is
4 clear if we look at 30313, because I said to you that if
5 you look at the top -- this is the set of what I am
6 going to describe as the Garland interview notes that
7 were on the 39 Brigade Tara file that were produced by
8 Major Saunders along with the MISR to Superintendent
9 Caskey, and you can see the reference 3350/18 in the top
10 of the document.

11 What I want to show you is at 105027, please. Just
12 maximise that for me, please, if you would. Look in the
13 top left corner. So 3350/18, volume 2. So it may be
14 there was a second volume by then of the Tara 39 Brigade
15 file, but it appears to be that this document, although
16 a copy of it never seems to have been produced by Major
17 Saunders and the Army don't have the file for us to look
18 and see if this note or file was on it, but they didn't
19 produce this note for file in the police inquiries.
20 This note for file was produced to the Secret
21 Intelligence Service in 1976 by Brian Gemmell and
22 whether that means this was the only copy of it or not
23 isn't clear, but you can see that it has the same file
24 reference as the interview notes. If we go back,
25 please, to 30313, now it is the case that a copy of the

1 interview notes that Brian Gemmell produced to the
2 Secret Intelligence Service along with the note for
3 file, if we can look, please, at 3533, does not have
4 that pen marking along the top. So it may be someone at
5 the time the other version was produced to the RUC
6 annotated on it the file reference number from which it
7 came, but given you may consider that they were
8 producing that document and didn't have, or didn't
9 produce the note for file that has the same number on
10 it, that may be of significance in assisting you whether
11 you are satisfied or not that they have come from the
12 same 39 Brigade file.

13 CHAIRMAN: If we go back to 105027.

14 MR AIKEN: 105027, please.

15 CHAIRMAN: The typed title "Note to file 3350/18 volume 2",
16 is on the same line as "14th October 1976". Taking it
17 for the moment at face value, it has all the signs of
18 being the start of a contemporary document.

19 MR AIKEN: Yes.

20 CHAIRMAN: Rather than something added in later, because it
21 is typed in. So the possibilities appear to be, so it
22 is quite clear to everyone, in 1982 Brian Gemmell says
23 to police "I produced a four-page MISR in 1976." Is
24 that correct?

25 MR AIKEN: '75.

1 CHAIRMAN: '75. Then we know that there is a document on
2 a MISR form but extremely terse in 1975. In 1976 he
3 creates a much longer document which contains a great
4 deal of information, part of which is sitting on the
5 screen.

6 MR AIKEN: Yes.

7 CHAIRMAN: So the possibility is that either he's mistaken
8 the length of the document he remembered in 1982,
9 creating in 1975, or he has mixed up in 1982 '75 and 76.

10 MR AIKEN: Yes, or there is the document that he refers to,
11 which simply no-one has been able to find.

12 That deals with 1974, although we have jumped
13 slightly ahead to, grant it, October '76.

14 CHAIRMAN: I wonder perhaps if we just pause at this point,
15 because it would seem to me that the evidence you have
16 laid before us today suggests that despite quite
17 a number of references over a number of years in
18 contemporary Ministry of Defence documents to McGrath
19 being a homosexual and ensnaring those who were
20 political associates of his at Tara and his employment
21 in Kincora, and I don't mean to imply each of those
22 components appeared in each document at the same time.

23 MR AIKEN: Yes.

24 CHAIRMAN: But by the end of 1975 at the latest they are all
25 there at various stages in documents that have been

1 created over the previous two to three years. Nobody,
2 including both Mr Wallace and Mr Gemmell, has ever
3 referred to him, that is McGrath, abusing children in
4 Kincora or anybody else abusing children in Kincora, or
5 to anybody resorting to Kincora to use it as some form
6 of brothel.

7 MR AIKEN: Yes.

8 CHAIRMAN: Although saying half a dozen other things about
9 Mr McGrath as being homosexual and so on, but the key
10 thing which Mr Wallace says concerned him and others
11 prior to his leaving his employment at the Ministry of
12 Defence in the circumstances in 1975. One thing that's
13 never mentioned by anybody, including him, is that this
14 man, who was clearly of interest because of his position
15 in Tara and who worked in Kincora, was doing anything
16 wrong with children.

17 MR AIKEN: Save for 8th November, which we have parked, his
18 8th November '74 document refers to assaults.

19 CHAIRMAN: Yes, but I am talking about sexual abuse of
20 children.

21 MR AIKEN: Yes.

22 CHAIRMAN: So equally other than Major C there's nothing to
23 suggest that this man is in some way an agent of the
24 state in those documents we were looking at this
25 morning.

1 MR AIKEN: No, no. In fact, it will be a matter for you to
2 reflect on whether it's not that the documents don't
3 provide any evidence for William McGrath being an agent
4 of the MoD or the Army but, in fact, because of their
5 form and nature point to something that is the opposite.

6 CHAIRMAN: Yes.

7 MR AIKEN: Save for Major C's comment in paragraph 4.

8 CHAIRMAN: Exactly. So leaving Major C to one side for
9 a moment, all the other material you have shown us when
10 one draws it together, show that so far as the Ministry
11 of Defence are concerned a significant number of
12 different individuals are trying to find out who this
13 man is who is represented to them as being the head of
14 Tara. This is a man who it has been asserted by many
15 over the years afterwards to have been an agent of some
16 part of the state.

17 MR AIKEN: Yes. Now obviously one of the exercises that
18 this Inquiry will be able to do, which perhaps has not
19 been capable of being done before, albeit Mr Rucker may
20 have tried to do it to a degree for the purpose for
21 which he was set, but this Inquiry will be able to
22 examine when one takes, we say, the four legs of the
23 chair -- you have the RUC Special Branch; you have MI5;
24 you have the Secret Intelligence Service; and you have
25 the Army, all with intelligence capability, all with the

1 potential to be running agents, and you will be able to
2 look, as we have done in effect at what information
3 there is, if one doesn't like the chair analogy, four
4 trains and look at; well, when you put all of that
5 together is that a consistent picture of someone who is
6 of interest for reasons that you have outlined,
7 Chairman, or does it hang together in a consistent way
8 or, in fact, does it not hang together in a consistent
9 way and therefore if it doesn't hang together in
10 a consistent way, perhaps there is something more than
11 is being said or might be inferred from material, but
12 you will be able to put all of them together and see
13 what they show.

14 We move into January '76. If we can look at 30297,
15 please, we have looked at this letter a number of times
16 in passing, and I want to do a little more than in
17 passing at the moment, because you will see that this
18 letter is 28th January 1976. It is emanating from 3
19 Brigade in Lurgan and is being written by Halford
20 MacLeod.

21 Now perhaps understandably those who have come
22 before the Inquiry have suggested and, in fact, there
23 was a suggestion in the MI5 statement to the Inquiry,
24 that perhaps this document is the outworking of what's
25 gone before in '75, perhaps the outworking of the

1 meetings with Roy Garland and so on. The likelihood is
2 that that's probably not the case. It will be a matter
3 for you to consider. I say that, though, with the
4 knowledge that this is infused with information from Roy
5 Garland, because the sources for this document are you
6 have Halford-MacLeod writing it but you have UDR Major H
7 working with him and, as you know, three sources,
8 UDR Captain N, who is now himself in the UDR, Roy Garland and
9 a third individual whose first name is KIN 373. I will
10 come back with his name.

11 This information is returning, as it were, from 3
12 Brigade to -- there are four copies of the letter. If
13 we go to the end just for a moment, please, to 30300 --
14 I think it's about six numbered pages, but four are text
15 and six pages are exhibits. You can see at the bottom
16 of the letter where is it going to. It is going to
17 intelligence section HQ, to HQNI, to 39 Brigade and
18 a copy going to the research office and a copy going to
19 file. You can see:

20 "It is hoped that this short paper will be the basis
21 upon which future MISRs will be written."

22 This is, if you like, not coming from headquarters.
23 It is going back into headquarters from 3 Brigade in
24 Lurgan.

25 If we just show you annexes A and B so you can see

1 what they are. If we just scroll on to the next page,
2 please, you can see Annexe A is a report on "Orange Men
3 liking the sound of Gaelic" written by Ivan Little.

4 Annexe B, if you move on to the next page, please,
5 is another article written by David Parker on
6 "Politicians or paramilitaries" about Tara.

7 Now if you go back to the start of the letter,
8 please, at 30297. So it's a four page letter with three
9 pages of attachment. As I said, it is from Major
10 Halford-MacLeod from 3 Infantry. If you look at the
11 reference:

12 "Your letter SF/704/INT dated 6th July 1975."

13 We have looked at that letter. That's Major C's
14 letter of 6th July.

15 If we just go to 340304, please -- sorry. I have
16 given a wrong reference. 30322. And if you look at the
17 reference, SF/704/INT, 6th July '74. If we go back now,
18 please, to 30297:

19 "Your letter SF/704/INT, 6th July '74."

20 Now there is also:

21 "Your letter SF/712/INT dated 5 June '75."

22 I don't have that letter and I don't know what it
23 says. You might infer that it's from a different file,
24 because you can see it's got SF/712 rather than 704, but
25 what that file is and to what it relates I am not sure.

1 Whether Ms Murnaghan's core participant will be able to
2 assist with that I am not sure. So you can see what is
3 being said:

4 "Very little is known about Tara. Some useful
5 information."

6 Then he gives the categories he is going to address.
7 If we scroll down, please, you can see:

8 "William McGrath, 118 Upper Newtownards Road."

9 So the number is wrong.

10 "... used to live at 5 Greenwood Avenue."

11 So it was 4:

12 "Prior to that 75 Wellington Park."

13 I don't think that's right either. Then reference
14 is given to the Christian Fellowship Centre and Irish
15 Emancipation Crusade. Various other individuals linked
16 to him.

17 You can see he joined the Orange Order in about '64
18 it is said. Reference is made to the nature of his ...

19 "Roman Catholicism is allied with Communism and
20 Protestant Ulster was the main stumbling block."

21 Then:

22 "McGrath is a homosexual and makes a practice of
23 seducing promising young men. They include David Brown,
24 Clifford Smyth, who at one time lived in McGrath's house
25 and is now secretary of the UUUC ...

1 Two of the contacts gave distinct impressions that
2 McGrath was somehow associated with Communism. McGrath
3 is said to have attended a revolutionaries conference in
4 Dublin in the mid '60s."

5 Now you will wish to consider, Members of the Panel,
6 who is most likely to have known that piece of
7 information about the mid' 60s. You will recall later
8 on foot of this letter and others, MI5 saying they have
9 no sight of, coverage of a revolutionaries conference
10 taking place in Dublin in the mid '60s. We can see:

11 "This association may account for his financial
12 position. Details are very obscure, but he managed to
13 live in a sizeable mansion in Belfast even though his
14 only visible means of support was the sale of
15 second-hand carpets from his house."

16 So you can appear they think he is well off when in
17 fact, as you know by 1971 he had difficulty paying his
18 debt to Roy Garland:

19 "McGrath is currently described from the 1975
20 Belfast Street Directory as a welfare officer. He is
21 thought to be running some form of boy's home."

22 So you can see that even though Roy Garland appears
23 to be a contributor, you have the statement from
24 UDR Captain N saying he does not recall Kincora being
25 mentioned. UDR Major H saying he does not recall

1 Kincora being mentioned, and you may consider whether or
2 not that's consistent then with Halford-MacLeod's
3 letter, which does refer to some form of boy's home, but
4 not identifying what that is.

5 The letter goes on then to look at various other
6 members of Tara. Scroll down, please. I am not going
7 to spend time on those just now, but if we move on to
8 the next page, if we just pause -- pause there, please.
9 Scroll up a little bit so you can see names you have
10 heard of before connected to Tara. We can see reference
11 to dual membership of Tara with other matters. Then
12 you've got the involvement of Ian Paisley being
13 recorded. Then the conclusion is:

14 "The picture is confused. You are in a better
15 position to assess the information than we are. Perhaps
16 the most interesting aspect is the many contradictions
17 around the central figure, McGrath.

18 McGrath would appear to have had little formal
19 education and yet his views, though militant, are
20 sophisticated enough to interest bright young men.

21 McGrath's message is designed to appeal to staunch
22 Protestantism. Roman Catholicism, its enemy, is closely
23 linked with leftish ideas and Communism, and yet 2 of
24 the contacts were left with this lingering impression of
25 McGrath's involvement with Communism. It might be fair

1 to ask whether McGrath is a 'sleeper' with the brief to
2 keep the pot boiling whilst others organise. He
3 certainly uses the classic Communist tactics of the cell
4 system, infiltration of an organisation, i.e., the
5 Orange Order, and the introduction of divisive elements.

6 There is no obvious indication of where McGrath's
7 income stems from, but he appears to be comfortable
8 financially.

9 One might ask why the apparently all powerful
10 Paisley can be influenced by a McGrath sponsored
11 pressure group from within his own church. Paisley
12 himself is probably not a member but many of his
13 supporters are.

14 There is an apparent contradiction between the
15 aspirations of the Ireland's heritage LOL 1303, eg
16 learning Gaelic and its opposition to Roman Catholicism.
17 This may be reconciled by the view held by many members
18 of the Church of Ireland that certain churches as direct
19 descendants of the ancient Celtic church predate Roman
20 Catholic bibles in Ireland and are therefore more
21 authentic.

22 There is very little indication of Tara in the 3
23 Infantry Brigade area, although it has been reported to
24 exist in Lurgan, Portadown and Banbridge. It clearly
25 also has sympathisers in North Down. The most

1 interesting figure is Douglas Hutchinson, the DUP
2 convention member and President of the Portadown and
3 district branch of the strong Paisleyite organisation."

4 You can see:

5 "There is only one recorded occasion when the
6 security forces came into contact with Tara in the 3
7 Infantry Brigade area." Then they give that example,
8 you can see:

9 "Contacts are retaskable. We would be grateful for
10 any direction that addressees might be able to give. It
11 is hoped that this short paper will be the basis upon
12 which future MISRs will be written."

13 Now I just observe at this point, Members of the
14 Panel, you will be aware from your own consideration of
15 the material that Mr Holroyd will say, and did say that
16 he heard some gossip about Kincora in Lurgan police
17 station in a date that's unclear. You will recall
18 there's a notebook that has the word Kincora in May '73
19 but then some debate as to when something Fred Holroyd
20 was actually in Northern Ireland serving, but this is
21 the same area we are talking about. This is Lurgan.
22 Major Halford-MacLeod writing.

23 You can see that there is no mention of Kincora at
24 all. You are aware that in fairness to the RUC, Major
25 Halford -- Fred Holroyd suggested the information had

1 come from the RUC, and Superintendent Caskey spoke to
2 the RUC officer in Lurgan station, who said he had never
3 heard of Kincora and didn't know anything about it.

4 This letter is January 1976. It seems that Major
5 Halford-MacLeod is able to see that the Belfast
6 directory says McGrath is working in a boys' home --
7 sorry -- is a welfare officer, and he is said to be
8 running some form of boys' home, but that boys' home is
9 not identified.

10 Now Major Halford-MacLeod made a statement to
11 police. If we can look, please, at 30153 -- on
12 22nd September 1982, and he explains that he was
13 stationed with 3 Infantry Brigade at Lurgan from October
14 '74 and later Portadown until July '76. He was general
15 staff officer, grade 3 intelligence:

16 "Responsible for all intelligence on extremist
17 Protestants in my brigade area, which was the Southern
18 part of the Province."

19 So you can see this is the intelligence man in 3
20 Brigade between '74 and 76:

21 "I have been shown a classified secret document
22 reference number 13912/2 dated 28th January 1976.
23 I identify my signature. My attention has been directed
24 to paragraphs 6 and 7 which alleges that William McGrath
25 as a homosexual makes a practice of seducing young men

1 and also is thought to be running some form of boys'
2 home. When I produced this document in January '76 it
3 was on the basis of information passed directly to me by
4 a source I met through UDR Major H , then a captain
5 stationed at Ballykinler. I had seen some documents
6 given to me by UDR Major H before I met my source.
7 I also used these documents to prepare my report.
8 I think I gave the documents back to UDR Major H . The
9 correct order in which I got the information was I saw
10 the documents first and then I had an interview with my
11 source. Being a secret document, my report would be
12 carefully accounted for and only 4 as shown on page 4
13 were produced. All drafts would have been destroyed.
14 Distribution of copies were as shown."

15 So we looked at where they were going:

16 "When handling this information I was not aware in
17 which boys' home McGrath was employed. I cannot recall
18 any specific boys' home being mentioned. When I was
19 preparing this report I was not so much interested in
20 McGrath's homosexual activity but rather in his
21 involvement with Tara and possible Communists links, and
22 links with Ian Paisley and his links with the security
23 forces.

24 Whilst it is likely that I would have written
25 a Military Intelligence Source Report in relation to

1 this information I cannot recall specifically having
2 done so. As I recall any reaction to my report was
3 minimal and in passing, and I certainly was not made to
4 feel that it was of any significance and McGrath's
5 homosexual activities were not highlighted. I cannot
6 remember the name of my source and I believe I had only
7 one meeting with him. UDR Major H should know him."

8 If we look, please, at 30152, on 28th September, so
9 six days later Detective Superintendent speaks to

10 UDR Major H. You can see he says:

11 "In '73, '75 I had gathered intelligence on an
12 organisation known as Tara which I passed to 3 Infantry.
13 At the time 3 UDR were under its command. Some of the
14 information I collected related to the activities of
15 William McGrath, who was alleged to be the leader of
16 Tara. Among people I spoke to was Roy Garland, who told
17 me about McGrath. I cannot remember exactly what all
18 Garland told me but I do remember him saying that
19 McGrath was a homosexual and was employed in a boys'
20 home. He did not tell me what home McGrath was employed
21 in or that McGrath had committed any offences. In '75
22 Major MacLeod was in charge of intelligence. I used to
23 meet him frequently. I attended meetings at 3 Infantry
24 Brigade. For the production of the document the
25 Halford-MacLeod letter of 28th January he had access to

1 some documents I had on file at 3 UDR. This together
2 with what I told him formed the basis of this
3 intelligence report. The person who Major
4 Halford-MacLeod was introduced to by me was not the
5 source of information relating to McGrath and Tara.
6 Paragraph 2 of the report mentions 3 contacts. These
7 were my contacts: Roy Garland, UDR Captain N and
8 KIN 373 ."

9 Number 2 is UDR Captain N.

10 If we scroll down onto the next page, please:

11 "To make it clear it was none of them who
12 Major Halford MacLeod met through me."

13 So you can see what he is saying is:

14 "I did introduce him to a source but not someone who
15 could speak about McGrath and Tara, and my three sources
16 were", and he identifies who they were. The
17 documentation they had on file has since been destroyed:

18 "This was because all relevant information from
19 these documents had been passed to 3 Infantry and were
20 no longer required."

21 You will see this is a recurrent theme in respect of
22 Army documentation where when the information is passed
23 on and it is then held in some form by someone else, it
24 is not necessarily kept with its originator, but you can
25 see:

1 "Prior to giving the information to Major MacLeod
2 I had passed similar information in writing to 3
3 Infantry Brigade as early as 1973."

4 Then just to complete the sequence, if we look at
5 30154, please, we can see UDR Captain N took up his post in
6 '72:

7 "The information I passed was that I believed
8 McGrath to be a homosexual and his association with up
9 and coming young."

10 I think that should be "young men in Unionist
11 politics, including his involvement with Tara. I knew
12 Roy Garland and it was me who introduced Garland to
13 UDR Major H . It was Garland who referred to the fact
14 that he believed that McGrath was working in a boys'
15 home. The name of the home was, to the best of my
16 knowledge, not stated."

17 Now, as you know, there are two other statements
18 from UDR Captain N, not as an Army officer.

19 So that's the sequence of events that surround the
20 Halford-MacLeod letter. I want to just finish, if I
21 may, this sequence. If we look at 105023, you heard me
22 mention the article that was written by Robert Fisk "The
23 Murder of Sammy Smith". If we scroll onto the next
24 page, please, at 105024, and the first column, the
25 section that you can see:

1 "Take, for example, the Army's private report on
2 Tara, a Protestant organisation founded in 1973 which is
3 well-armed but has links with a Northern Ireland
4 political party and is perfectly legal. The Army's
5 account of their activities collated by an intelligence
6 officer at Lisburn reads:

7 Commanding Officer used none existing evangelical
8 mission as a front ... Tara organised initially in
9 platoons of 20, now probably in companies, and drawn
10 almost exclusively from members of the Orange Order.
11 Each platoon has a sergeant/quartermaster and IO.
12 Contributions, 50p per man per month, half to central
13 fund, half kept at platoon level. Platoons were able to
14 draw on central fund if opportunity to buy stores arose.
15 Meetings held in Clifton Street Orange Hall about every
16 two weeks under name of the Orange Discussion Group.
17 Training in radio, weapons and lectures in guerilla
18 tactics."

19 Now if we look at 105026, what I want you to note is
20 that's what's quoted by Robert Fisk, and if you look you
21 can see:

22 "Uses non-existent evangelical mission as a front."

23 Then you will remember three dots. So if we just go
24 back, please, at 105024:

25 "Commanding Officer uses none existent evangelical

1 mission as a front ... Tara organised initially ..."

2 Now if we go back, please, to 105026, if you take:

3 "Uses non-existent evangelical mission as a front

4 ..."

5 The rest isn't there. Then:

6 "Tara organised initially in platoons of 20 ..."

7 Now if we go back to 30200, please, and if we scroll
8 down, please, scroll down a little further, please. Now
9 what I am drawing attention to is in this document,
10 which is the one that was available to the press, David
11 McKittrick got a copy, David Blundy had a copy. Scroll
12 up, please. I am happy to stand corrected, and someone
13 will assist me with this if it is the case, but what's
14 missing here if this was the document that Robert Fisk
15 had, this document does not contain the reference to the
16 evangelical mission being used as a front.

17 So just to go back, please, to 105024, just make
18 that larger for me, if you can. Just look at that
19 section that begins:

20 "Commanding Officer ..."

21 Then if we go back, please, to 105026.

22 Now it will be a matter for you, Members of the
23 Panel, and obviously the core participants can provide
24 their observations as necessary, but it would appear
25 that Robert Fisk was looking at this document. (Pause.)

1 Now when I say looking at this document, I didn't mean
2 the copy we were looking at on the screen, because that
3 was in the Army Information Services file for Ian
4 Cameron to put his hand on it, because if we go up to
5 the next page just above, please, 102025, and just pause
6 there. I appreciate that I have has come right back
7 round to where I began this morning, but why I have done
8 that is very clear. It is a very difficult analysis to
9 conduct, but if I step back from it what I am saying or
10 drawing to your attention is that the sequence of events
11 seem to be the document that we have just looked at, if
12 the document that Colin Wallace was able to produce to
13 Peter Brooke and others was a summary of this document
14 to then be communicated to the press, and Colin Wallace
15 then prepared his own version of that which was
16 circulated to journalists, how would Robert Fisk have
17 the first of the three documents rather than just the
18 third?

19 Just to finish the sequence -- I am going to show
20 you it. I am not going to go through it now, but if we
21 look at 3530, you have the note for file, three pages on
22 Tara, October '76, paragraph 4, albeit, as I said, those
23 who went through these files don't seem to have picked
24 up on this document. So whether it was there after
25 14th October or 15th October isn't clear, but even if

1 one assumes that it is and therefore it is army
2 knowledge because the author of it is at the time
3 working for the Army, if we scroll down, please,
4 a little, we can see paragraph 4. Just pause there.
5 Thank you:

6 "... evidence that a number of the members are
7 sexually deviant. William McGrath the past OC almost
8 certainly is bisexual and there were homosexuals in his
9 immediate circle of Tara associates."

10 Kincora is not mentioned in the document anywhere.

11 Now the last document I want to show you in the
12 sequence takes us into 1977. If we can look at 30320,
13 please. This is what's called a MIONI, which comes from
14 the police if my understanding is correct. This extract
15 is disseminated then, this one to the Army, and is found
16 on the Tara file. You can see:

17 "The unsigned letter in the newspaper last week
18 regretting the Queen's message of the Peace People in
19 her Christian message was written by William McGrath or
20 his son, Worthington, at the instigation of Frank
21 Miller. Miller, the son of Councillor Miller, used to
22 lodge at Kincora Boys' Hostel, Upper Newtownards Road,
23 where McGrath was housefather."

24 So Mr Noakes was saying this is the first mention of
25 Kincora. That may be so in the documents he was looking

1 at but we have seen there was knowledge about Kincora at
2 an earlier point within the Army as a place where
3 William McGrath worked. You can see again we are not
4 vouching for the accuracy of the documents on the
5 screen, because clearly there's nothing to suggest Frank
6 Miller lived at Kincora. Then it goes on to make
7 various other remarks thereafter.

8 The one document that we can't date, as I said to you, Mr
9 Noakes in his summary refers to a report to do with the Red
10 Hand Commandos taking out a contract on McGrath, because he
11 was responsible for circulating rumours about John McKeague
12 and his homosexuality. The reference for that is at 30318. I
13 can't put that somewhere in the chronology, because it is not
14 clear from Mr Noakes' report and the document has not
15 otherwise been found or made available in order to say where
16 that came. You are aware of Roy Garland talking about the
17 fact William McGrath did that in terms of spreading posters
18 about "Nice boy John McKeague", and it seems there was some
19 intelligence to suggest that McKeague was not very happy about
20 that course of action.

21

22 That is what I want to say at this stage about what
23 the Army knew. Ms Murnaghan I will rely on to draw to
24 my attention anything I have missed out in the sequence
25 of available material, and if there is then I will bring

1 that to your attention at an appropriate time.

2 Perhaps if we take a ...

3 CHAIRMAN: Yes and then we will return to Mr Clarke.

4 MR AIKEN: Yes.

5 (3.27 pm)

6 (Short Break)

7 (3.37 pm)

8 MR AIKEN: Chairman, Members of the Panel, when we were last
9 looking at the three issues relating to the RUC, the
10 first was to do with Constable Long and his attendance
11 in May of '73, June of '73, then the response to
12 Superintendent Graham's meetings with Valerie Shaw, and
13 then we turned to look at the March to July '74 and then
14 subsequently '76 through on and off to beyond '77
15 involving Detective Constable Cullen and Assistant Chief
16 Constable Bill Meharg. We have lots of material which
17 I summarised to a degree. We were looking through that
18 third issue before I asked Detective Chief
19 Superintendent Clarke to come back to finish his
20 evidence. I want to draw to your attention to where we
21 have got to. You are aware, as I was showing you the
22 handwritten documents JC1 through to JC8, which contain
23 much more sexual information than had been in Detective
24 Constable Cullen's police statement, and thereafter I
25 put to Assistant Chief Constable Meharg, and the same

1 sequence of events seem to pertain before the Sussex
2 Inquiry, in spite of them wanting and pushing Roy
3 Garland to be more forthcoming as to explain why it was
4 he pursued William McGrath and his exposure in the way
5 that he had. The Police Service of Northern Ireland
6 have engaged in considerable work. Mr Robinson tells me
7 that concluded at the weekend, although he did not admit
8 that he was present when that work was going on.

9 MR ROBINSON: I supervised from a distance, members. Panel.

10 MR AIKEN: There it is. He had some involvement it seems.
11 The work that has been done was to try to get as clearly
12 as possible to the bottom of what had happened over this
13 set of documents.

14 I am going to try to summarise it that so we are not
15 trying to do it through Detective Chief Superintendent
16 Clarke. If I can show you 50579. So we have looked at
17 a suite of documents that are handwritten and that seem
18 to date from 1974. They run in the bundle from 114066
19 through to 114100 and include at the end DB 16, but it
20 appears that on 26 January, so in the immediate
21 aftermath of the Irish Independent article Detective
22 Constable Cullen is told to update the work that he had
23 done. That message was conveyed to him, and what he
24 then produces are three typed documents. The one that's
25 on the screen you can see is dated 26 January 1980:

1 "Allegations of indecent behaviour and questionable
2 activities of William McGrath."

3 It is to ACC Meharg of Crime Branch. It follows
4 a broadly similar pattern. I am not going to go through
5 it now in the type of detail we looked at the
6 handwritten ones. It flows slightly differently from
7 21st March '74 documents that we looked at, but is
8 similar to but not the same as JC8, which appeared to be
9 a draft of what ended up being this report, but if we go
10 through to 50581, please, you will see there are
11 30 paragraphs to this typed report. If we just scroll
12 up a little, please, so we can see paragraph. He is
13 referring in 25 and 26 to the meeting he had with the
14 Board, but you can see that he refers in this document
15 to:

16 "A log is attached giving each item of information
17 which are not necessarily connected or related in any
18 way and not always in the sequence of events. Most of
19 the information is of an unconfirmed nature relating to
20 personal incidents and associations which are not
21 evidence of any criminal offences.

22 A separate log is attached giving details of the
23 organisation known as Tara and McGrath's role in its
24 formation.

25 I respectfully submit this report for information

1 and direction."

2 Now if we just go back to paragraph 7 on 50579, we
3 can see that in paragraph 7 the allegation which is
4 recorded here is that:

5 "William McGrath had sexually interfered with him as
6 a teenager.

7 At first McGrath would discuss religion ... and the
8 emotional block.

9 My informant at first objected when McGrath touched
10 his privates but later through subtle psychological
11 suggestions by McGrath that he was too tense and keyed
12 up, then sexual indiscretions took place."

13 Now I stand corrected, but if we scroll through this
14 covering report does not -- that is how the sexual
15 matters are described. It does not go into the detail
16 that's in the handwritten records that we looked at from
17 March to July '73 in terms of the nudity and
18 photographing and devices and so on, but it says in
19 paragraph 15:

20 "After discussing the matter with my authorities
21 ..."

22 You can see:

23 "My informant was married and then took up studies
24 at Queen's. He has a young family and is very much
25 ashamed of his association with McGrath.

1 It is understandable that he was reluctant to talk
2 about those early years but was concerned that McGrath
3 was still using his religious front. He expressed the
4 wish that he would not be asked to appear at any hearing
5 in relation to his past as this could undermine the life
6 which he has built up for himself, his wife and family.

7 After discussing the matter with my authorities, and
8 when further inquiries were made it was decided that no
9 useful purpose would be gained by pursuing the
10 investigation as no other evidence was available."

11 Certainly in January 1980 in his report Detective
12 Constable Cullen is saying that in effect a decision was
13 made in light of Roy Garland's position that the matter
14 wasn't going to be pursued further. I am not going to
15 now, because we have had and will have the opportunity
16 to re-read Detective Constable Cullen's police statement
17 of March 1980 when set against this report in
18 January 1980. You can see again there's further
19 discussion in January 1976, paragraph 16, of further
20 contact:

21 "It was disclosed in our meeting that he had reason
22 to believe that McGrath was working in the Kincora Boys'
23 Home, that the Superintendent there may have been
24 involved in interfering with some of the boys."

25 Then he describes various meetings with his

1 authorities and then going to see the Eastern Board, Mr
2 Bunting, then Mr Gilliland.

3 Now, as you know, that sequence of events is not how
4 either he or Mr Meharg would subsequently describe the
5 matter to the Hughes Inquiry, but that is what he was
6 explaining, and I had speculated that that sequence of
7 events had sat easier potentially with what occurred
8 than a call-out of the blue in 1976 just to see how
9 things were going with no new information to impart,
10 given what Detective Constable Cullen is saying in this
11 document is that Roy Garland effectively wanted the
12 matter left if it was going to require him to step
13 forward.

14 So that's what this report seems to suggest,
15 although you will see shortly that the PSNI have looked
16 closely at the documents. But attached to this, if we
17 move through to 50573, please, is the first of the two
18 logs that are attached to the report. You can see:

19 "Intelligence of an unconfirmed nature relating to
20 William McGrath ..."

21 This goes through to paragraph 54. If we just
22 scroll through, please, and you will find at paragraph
23 34 and 35 of the sexual activity, and also at
24 paragraph 14 it does include the reference to the
25 attachment for stimulation of the penis.

1 The document at 43, if we scroll through to the next
2 page, please, paragraph 43 covers the type of activities
3 he is said to be engaged in with the young man.

4 Paragraph 42 is the encouragement to encourage with
5 a second party, so that's the second document. The
6 third one, if we scroll through, has 18 paragraphs at
7 50582. This is more to do with Tara, but you will see
8 at paragraphs 10 and 11 that this matches JC1 where the
9 sexual activity is described. Sexual perversions took
10 place between them on numerous occasions.

11 So the question that arose as The Police Service
12 worked to get to the bottom of this, was what happened
13 to those reports because, as you know, the handwritten
14 versions from an earlier period didn't materialise until
15 the Hughes Inquiry, but the position seems to be that
16 typed reports were required and were produced.

17 If we look at KIN, just bring it up, please, 1943.
18 This is exhibit GC20 in the bundle. We already have
19 a GC20 in the bundle. So we are going to call it GC20,
20 version 2. It is at 143 and runs through to 1970. What
21 this does at 1965, and I am not going to go through any
22 detail of this now, but in considerable detail the
23 Police Service analyse a suite of documents that are
24 available to the Inquiry. Now that this issue is alive,
25 those documents are going to be collated into an order

1 and we will place them into the bundle Bates number to
2 demonstrate what is set out from 1965 on.

3 If we just scroll down, please, what the documents
4 show is that these reports that we have just been
5 looking at were provided to the Caskey Inquiry, as it
6 were, the RUC Phase One Inquiry, and there are a number
7 of grounds for saying that, including a request that's
8 made to Special Branch on foot of the names contained,
9 some of them, at least in March 1980.

10 In addition to that I want to show you, please -- so
11 there's no doubt as far as the work the Police Service
12 have done that these type of documents with their
13 content was available to the Phase One Inquiry, and the
14 question then flows: well, were they available to the
15 Terry Inquiry? You will recall me mentioning that
16 during the Hughes Inquiry when the handwritten versions
17 were being put to the witnesses, because the typed
18 versions were not present before the Hughes Inquiry, the
19 question was asked by one of the counsel representing
20 one of the parties: well, were these documents available
21 to the Terry Inquiry?" And the answer that counsel for
22 the RUC gave after time and instructions were taken was
23 that typed versions, or there was a typed document that
24 went to the Terry Inquiry. We were trying to get to the
25 bottom of; well, what was that?

1 If we look at 40736, as I said to you, in the
2 exhibits to the Terry Inquiry you have
3 a 12-page interview with Detective Constable Cullen, and
4 this is Superintendent, as he would become, or Detective
5 Chief Inspector, or Chief Inspector Flenley, is
6 recording after his interview, if we scroll down,
7 please:

8 "I then obtained from Detective Constable Cullen
9 photostat copies of the three reports all dated 26th
10 January 1980 ..."

11 So in the interview they are talking to Cullen about
12 an indecent assault, touching of the privates and
13 thereafter communication with Garland to have him
14 communicate what really happened. These reports appear
15 to have been with the Terry Inquiry. It will be
16 a matter for you whether the flow of the Terry Inquiry
17 appears to be infused with the content of these
18 documents.

19 I described the way in which questions are asked of
20 Roy Garland, Detective Constable Cullen, Assistant Chief
21 Constable Meharg similar to how they were done in the
22 Caskey One Inquiry, Phase One Inquiry, whether they
23 should be and whether they were put to use during that
24 process. But in the end it seems that this material,
25 whether in typed form in RUC Phase One and Terry, or

1 handwritten form in Hughes, ended up in front of the
2 various people involved.

3 Now the question that arises when one comes to look
4 at the Hughes Inquiry -- and I am not going to go
5 through the detail of this now, but you are aware that
6 over the course of days 29, 30 and 31 of the hearings,
7 Detective Constable Cullen and Assistant Chief Constable
8 Meharg would give evidence one after another on three
9 occasions. For the first two sets everyone is talking
10 about an attempted indecent assault, and Assistant Chief
11 Constable Meharg is saying they didn't know about that.
12 Then on the third occasion it is the handwritten
13 versions of these documents that disclose more serious
14 sexual activity taking place, albeit in the 1960s. By
15 the time the information is given to Detective Constable
16 Cullen in '74 it's a number of years old. By the time
17 it's being looked at by or in the hands of the Caskey
18 and Terry inquiries it is beyond ten and fifteen years
19 old and, of course, it is slightly more by the time one
20 is dealing with the Hughes Inquiry, but Detective
21 Constable Cullen initially talks about just the attempt
22 to touch on the genitals, then the romantic letters that
23 we saw, given not necessarily at the first meeting, but
24 saying the detail of what happened was told, but Cullen
25 was adamant that no homosexual activity in Kincora, he

1 was not aware of that ever having taken place and there
2 was no evidence of anything in Kincora.

3 His position remained, whatever the detail of the
4 information, that he had always made his senior officer
5 aware of any fresh intelligence that he had gained. Why
6 the documents are then in the way that they are,
7 whatever the reason for that, whatever the reason for
8 the way in which the communication was done to the
9 Assistant Chief Constable directly, the way the Mason
10 file was at, whatever the reason for all of that, what
11 he is saying ultimately when it comes down to is; "Well,
12 I still told him all of the information". We looked at
13 the more measured way perhaps or the -- he didn't
14 disclose all the text of the information to Bob Bunting
15 and the Eastern Board.

16 He accounted in terms of the documents for how his
17 first police statement was wrong as to when he first
18 knew about Kincora. He talked about the bomb that there
19 had been on his premises. He talked about DBE16 and 1
20 on the Mason file. Then when he came back he brought
21 JC1 and JC8.

22 He was asked why he had not produced or made
23 reference to them until his third occasion giving
24 evidence. He did say what were JC1, 2 and 3 were given
25 to George Caskey. Now he is talking about what were

1 handwritten and a mixture of typed documents. What he
2 seems to be referring to are the three January '80
3 reports that we are talking about.

4 Whenever Assistant Chief Constable Meharg comes to
5 give evidence -- as you know, there were several hundred
6 pages of this and I am trying to condense it down in
7 fairness to the PSNI, who can't speak for Messrs Meharg
8 and Cullen for reasons you are aware of, but the
9 Assistant Chief Constable's position was it was not
10 unusual for someone to come to him in the way that
11 Detective Constable Cullen did, but he remained adamant
12 that he was not told of the homosexual acts with
13 Garland, and if that had been communicated to him he
14 would have had it investigated. The basis of the
15 information that he said he was told was that the source
16 believed McGrath to be a homosexual. The source was not
17 disclosed to him.

18 Now you have all of the reasons why Roy Garland did
19 not want to come forward in the knowledge of Detective
20 Constable Cullen, and the issue ultimately is did he
21 keep that back? Did he keep the full nature of the
22 information back from Assistant Chief Constable Meharg
23 and not tell him the true nature of the information, but
24 simply tell him that the source, undisclosed, believed
25 McGrath was a homosexual? Or did he, as he said he did,

1 tell him, maybe not giving him the document form, but
2 tell him the gist of the nature of the information he
3 was collecting? Ultimately his position remains that he
4 did not know the information.

5 Now in the end if we can look, please, at 72234 --
6 in fact, 72233 -- scroll up, please:

7 "You heard nothing more about Kincora until some
8 time in early in 1980, so as far as you were aware
9 from '76 in that second meeting when he sent Detective
10 Constable Cullen off to get the file you heard nothing
11 more about Kincora until some time early in 1980.

12 **A. That is so, sir.**

13 Q Have you any explanation to offer?

14 **A. I have no explanation to offer.**

15 Q. Did it not occur to you to get on the phone to
16 the Eastern Board, for example, and say 'I have been
17 told by my constable that there is in existence a file.
18 I want to see it right away'.

19 **A. No, I made no contact with the Eastern Board.**

20 Q. Did you get in touch with your Detective
21 Constable to inquire 'what about this file that
22 I directed you to get for me'.

23 **A. No, sir.**

24 Q. Why not?

25 **A. I can't give any explanation for not inquiring**

1 **why I didn't get the file.**

2 Q. And yet this was a matter of importance?

3 **A. It was, sir.**

4 Q. A matter in which you were professionally
5 interested?

6 **A. Quite so, sir.**

7 Q. A matter of great potential danger I suggest to
8 young people?

9 **A. Quite so, sir.**

10 Q. And a matter about which a matter of the public
11 was complaining about the apparent inactivity?

12 **A. That's so, sir.**

13 Q. During the years '76 to '80 did the name ever
14 come up?

15 **A. I can't recall the name coming into my mind
16 again, sir."**

17 **If you look at H, please, if we scroll down to H.
18 Just pause there, please:**

19 **"You have no explanation to offer after all this
20 time, and no doubt you have been thinking about it since
21 1980, why you did not contact the Board, why you did not
22 contact Cullen's superiors, why you did not contact
23 Cullen?**

24 **A. I cannot offer any explanation other than to say
25 that I was in charge of a very busy Department."**

1 He explains if we look at 72254, please, that at A:
2 "... if it had been followed up all the boys
3 sodomised between 1976 and 1980 might have been to use
4 a public phrase 'saved from sodomy'.

5 A. I would accept that, sir."

6 At 72290, and at letter A:

7 "He is saying that the reason why the investigation
8 did not take place was because he had put the whole
9 mess, if that is the right word, into your lap and you
10 did not give him proper directions?

11 A. I had given him improper directions. I regret
12 that."

13 Then he explains what Detective Constable Cullen put
14 to him:

15 "'Mr Meharg is a man of high rank in the RUC. He
16 did not gain that high rank easy. He is an intelligent
17 man. He knew his job. He knew it probably much better
18 than I did. He was involved in major investigations
19 over the years into serious criminal activities. He
20 knew what he was about and I could not tell him how to
21 get -- how to go about his job; it was up to him to tell
22 me'.

23 And all you told him was to go and make some further
24 inquiries?

25 A. Make some further inquiries and then when he

1 **came back with regard to the fact that there had been**
2 **an earlier complaint, I told him to follow up that**
3 **aspect and report it back to me.**

4 Q. 'I supplied information from which it was
5 apparent that there was a dangerous situation that there
6 were allegations against a gentleman who worked in a
7 childrens home, later on there were papers that
8 I acquired and I was not aware that he did not get
9 those. I expected he would make that decision from the
10 facts that I gave him."

11 He is asked then:

12 "His case is that this was a matter that should have
13 been investigated more thoroughly than it was, the
14 reason it was not was because the responsibility was not
15 his, it was 'Mr Meharg's?

16 **A. Yes, I accept that it was my responsibility.**

17 Q. I am merely putting to you what Mr Cullen says,
18 giving you an opportunity to comment on that?

19 **A. His approach is understandable.**

20 Q. The tragedy in a way is that if Mr McGrath had
21 even been interviewed at that stage, it might have
22 deterred him from committing further acts of indecency
23 against these boys?

24 **A. That could well be, sir."**

25 **If we look, please, at 72295, and at A he says:**

1 **"Well, perhaps with hindsight I should have come**
2 **back at the Detective Constable about the files.**

3 Q. To see where it was?

4 **A. Yes, sir.**

5 Q. But it never dawned on you between '76 and '80
6 that there was a piece missing in the investigation?

7 **A. It never occurred to me."**

8 **Then if we look at 72364 you can see the breadth of**
9 the evidence at B:

10 "Apart from what appears to have been alleged in the
11 newspapers, were you in possession of any further
12 evidence to trigger off routine inquiries in 1980 than
13 in 1974 or 1976?

14 **A. No.**

15 Q. It was just because of the publication of this
16 article in the newspaper that police inquiries then
17 began?

18 **A. Correct. There was a proper investigation**
19 **carried out.**

20 Q. Is it not quite clear that there was no reason
21 why that investigation could not have taken place five
22 or six years previously?

23 **A. With hindsight, that is quite true."**

24 **The Chairman of the Inquiry then asks:**

25 **"What you are really saying, Mr Meharg, is that it**

1 **was not until 1980 that there was what I call a formal**
2 **police investigation?**

3 **A. That is quite correct.**

4 **Mr Kennedy: But as far as the police were concerned**
5 **and you were head of the crime branch and you were in**
6 **contact with Mr Mooney there was no further evidence in**
7 **your possession to enable you to go and direct routine**
8 **inquiries to be made?**

9 **A. No.**

10 Q. In 1974 you had directed the names of people to
11 whom these routine inquiries could have been directed.

12 In 1974 -- in 1976 you directed the names to be
13 obtained, that is to say, from former residents from
14 whom these identical enquiries could have been made?

15 **A. That is quite true.**

16 Q. And then police inquiries involved an ever
17 widening number of people ..."

18 If we look at 72374, please. At B you can see:

19 "In hindsight do you consider it would have been
20 prudent to have given or to have established contact at
21 the very highest level with the Board ...

22 **A. I would accept that, sir, and I would also**
23 **accept that with hindsight I should have investigated --**
24 **carried out an investigation in 1974, which I regret,**
25 **sir."**

1 Then please, 72378. Scroll down, please. You can
2 see:

3 "And if I was to suggest to you in the light of what
4 was uncovered and in the light of what should be done
5 that the police failed in their duty not to investigate
6 ...

7 A. I would have to accept that, sir."

8 At 72384 at E:

9 "But this man, and there seems to be no doubt about
10 it, went and got the file on Mains, had it photocopied
11 in his office, took it back, parcelled up the copy of
12 the file, put it in in the internal post and then there
13 was another blunder or mistake or curious happening.
14 That file is not transmitted to you?

15 A. That is so, sir.

16 Q. That's another unfortunate error?

17 A. It is unfortunate that I didn't follow it up
18 too, sir."

19 Now, as you know, the Hughes Inquiry then deals
20 with -- what I have tried to do in fairness is to
21 demonstrate that the then retired Assistant Chief
22 Constable Meharg was accepting that he should have done
23 more in 1974 and should have caused an investigation to
24 take place, but his position remained, despite those
25 concessions, in fairness to him, that he had not been

1 told the nature of the information which is available in
2 the papers that we have.

3 As you know, Detective Chief Superintendent Clarke
4 in his second statement -- I just want to show you,
5 please 1847. Just scroll down, please, to
6 paragraph 146. You can see the fact that Detective
7 Constable Cullen didn't approach Special Branch during
8 his inquiries, either to make them aware of the
9 information he had received or to seek information from
10 them, Cullen told the Hughes Inquiry in relation to
11 whether the matter ie Garland's information, was for
12 Special Branch. 'My senior officer was made aware of
13 it. He would have passed it on to his equal in that
14 rank'."

15 We looked at Special Branch, as you know, and there
16 is nothing that matches the content of Cullen's
17 material:

18 If we scroll down on to the next page, please, it is
19 recorded:

20 "ACC Meharg disputed Cullen's account that he had
21 been briefed in '74 on the paramilitary Tara involvement
22 based on Cullen's account. Meharg told the Hughes
23 Inquiry he had never received intelligence from Cullen
24 before 1980 of a paramilitary involvement ... and stated
25 that if he had such information 'I would certainly have

1 alerted Special Branch'."

2 Then:

3 "Meharg, despite being one of the most senior and
4 experienced RUC officers was, per Cullen's evidence, not
5 ensuring the necessary flow of information to and from
6 an enquiry. This prevented the enquiry into Garland's
7 allegations about McGrath from being as effective as it
8 could be and prevented the systems of investigation and
9 intelligence gathering from operating effectively.

10 In '74 when Cullen began his enquiries the
11 information held by Special Branch was to the effect
12 that McGrath was a homosexual with a single report
13 mentioning his exploitation of young boys and his
14 involvement in a vice ring. In all the intelligence
15 held by the RUC up to and including at the time of
16 Caskey's 1980 investigations there was no suggestion
17 that McGrath was abusing or facilitating the abuse of
18 boys in Kincora.

19 It is clear that Cullen and Meharg would have been
20 better informed on McGrath had they requested
21 information held by Special Branch, albeit the Robophone
22 message is believed to have emanated from Cullen's own
23 source, Roy Garland.

24 Additionally, Special Branch would also have been
25 more informed on McGrath and Tara by what Cullen had

1 gleaned from Garland, ^{UDR Captain N} and his third unidentified
2 male information source."

3 Then if we move through to paragraph 160, please, at
4 1853, Detective Chief Superintendent Clarke on behalf of
5 the Police Service says:

6 "I consider the fact that Assistant Chief Constable
7 Meharg and Detective Constable Cullen did not adequately
8 investigate the allegations made by Roy Garland between
9 1974 and 1976 constitutes a systemic failure for the
10 following reasons:

11 ACC Meharg by virtue of his seniority within the RUC
12 failed to grasp the strategic significance of the
13 information provided to him by Detective Constable
14 Cullen.

15 ACC Meharg failed to provide direction to an officer
16 significantly more junior in rank.

17 He failed to appoint an appropriately skilled
18 officer to investigate the allegations of homosexuality,
19 paramilitary involvement and child abuse",

20 although, as you know, there's a -- he does not
21 accept he was told that:

22 "Together they (Cullen and Meharg) operated in
23 isolation from the rest of the RUC, failing to seek or
24 provide intelligence to Special Branch colleagues.

25 Detective Constable Cullen's inquiries lacked

1 rigour, grip, proactivity and focus and were marred by
2 large periods of inactivity.

3 Detective Constable Cullen and ACC Meharg failed to
4 keep detailed written records of their meetings,
5 inquiries, directions and decisions.

6 Detective Constable Cullen failed to show any
7 personal proactivity in his dealings with Roy Garland.
8 Further, when provided with clear investigative
9 opportunities, he failed to carry out basic inquiries
10 (ie interviewing Kincora residents for whom he had been
11 provided details by the Eastern Board).

12 In February '76 Cullen was made aware by the Board
13 that Mains was suspected of abusing boys in his care.
14 He states that he briefed Meharg on receipt of this
15 information. Therefore, Cullen, and by his evidence
16 Meharg (and given his seniority, therefore the RUC) knew
17 that two suspected child abusers were working in Kincora
18 and failed to take action.

19 Whilst the actions of Cullen and Meharg clearly did
20 not amount to a thorough investigation, the fact remains
21 that had such an investigation occurred between 1974 and
22 '76, any outcome would be speculative."

23 That is the police position in relation to the
24 Cullen and Meharg events, and unless there is anything
25 you want me to clarify, I am going to ask Detective

1 Chief Superintendent Clarke to come forward, and I am
2 going to just ask him a few brief questions about those
3 matters.

4 **DETECTIVE CHIEF SUPERINTENDENT GEORGE CLARKE (recalled)**

5 **Questions from COUNSEL TO THE INQUIRY**

6 MR AIKEN: Detective Chief Superintendent, welcome back.

7 **A. Thank you, sir.**

8 Q. You remain under oath, as you know.

9 **A. Yes.**

10 Q. You have been given leave to talk to your team about the
11 matters that we were trying to work through. What you
12 have been able to establish, if we bring up 1965, just
13 to deal with this sequence of records to do with Meharg
14 and Cullen -- KIN1965, please -- just to be clear again,
15 Detective Chief Superintendent, you had no involvement
16 in any of this set of events. What you are doing is
17 going back to the historical record and with your team
18 doing the best you can to piece together what exactly is
19 taking place.

20 **A. Yes. I did not join the Royal Ulster Constabulary until**
21 **1994. So there's lengthy -- this predates me by quite**
22 **some time.**

23 Q. You have provided considerable detail from pages 23
24 through to 28. I know, having spoken to Mr Robinson,
25 you are going to work on bringing the documents that you

1 refer to in paragraphs 23 to 28 --

2 **A. Yes.**

3 Q. -- into a chronological order, and we will Bates number
4 them, and then they will be available for the Panel to
5 go with this, but what you have established, taking it
6 step by step through the material, is that the message
7 was communicated to Detective Constable Cullen to update
8 his material --

9 **A. Yes.**

10 Q. -- that ACC Meharg knew he previously had, and the
11 outworking of that are the documents I have been
12 opening. Where they're stapled together in original
13 form in different order we have reordered them. There
14 seems to be a covering report and then two further logs
15 that are referred to in the covering report.

16 **A. Yes.**

17 Q. Doing the best that The Police Service can at this
18 remove, those documents appear to have been transmitted
19 into the Caskey Inquiry, if I call it that, or the Phase
20 One Inquiry?

21 **A. Yes. This is the three 26th January documents.**

22 Q. Yes.

23 **A. They do appear to have reached Mr Caskey, and indeed**
24 **Mr Caskey's journal on 29th January I believe refers to**
25 **a meeting involving himself and Detective Constable**

1 **Cullen. So after being directed to prepare the reports,**
2 **dating those reports 26th January, not only are those**
3 **reports submitted, but Cullen himself meets Caskey on**
4 **29th January.**

5 Q. I am not going to go into it with you, Detective Chief
6 Superintendent, because you are aware of what the issue
7 is, that these documents, the handwritten ones were not
8 available to the police inquiry, but these typed
9 documents were.

10 **A. Yes.**

11 Q. They disclose a more extensive type of historical sexual
12 conduct between McGrath and Garland than appears in
13 subsequent documents such as the Cullen statement from
14 March 1980, when he talks about a minor indecent
15 assault.

16 **A. Yes.**

17 Q. Now you obviously cannot speak for why that is so or why
18 it may have been considered, if it was thought of and
19 considered, why this material from Detective Constable
20 Cullen wouldn't infuse any further through the Inquiry
21 than it has.

22 **A. I think one of the points in that is that the material**
23 **in the January 1980 reports is by the time it is written**
24 **down six years older than originally. So it is**
25 **originally disclosed to Cullen in '74. He is now**

1 writing about it in 1980, but even in 1974 when he is
2 writing about it, it is of some vintage and it is not to
3 do with Kincora. It is also of a different modus
4 operandi on the part of McGrath.

5 So there may have been a thought process -- and I am
6 trying to apply a detective process now, some
7 forty years later -- but the material that has been
8 talked about in 1974 and then repeated in 1980, it
9 relates to a different way of assaulting children, for
10 example, assaulting boys than McGrath demonstrated in
11 Kincora. In the stuff that has been talked about by
12 Cullen that he is getting from Garland it's a particular
13 grooming approach, if I may use that slightly modern
14 term, whereas the abuse in Kincora is not built up in
15 a period of emotional block, stability, helping you deal
16 with your emotional issues. It is much more -- if you
17 forgive me, it is much more brutal. Not to diminish any
18 of the abuse that McGrath perpetrated on the other boys,
19 but it is of a different nature.

20 Q. I think there are two issues at play, Detective Chief
21 Superintendent. One is that if -- that information is
22 clearly conveyed to Detective Constable Cullen in 1974,
23 and Assistant Chief Constable Meharg then was accepting
24 in 1985 even on a more limited evidential basis there
25 should have been an investigation.

1 **A. Yes.**

2 Q. The issue -- the point you make is to what extent that
3 would have produced a different outcome ultimately.
4 Well, it might have meant McGrath was interviewed. It
5 might have meant there was a search of his house in some
6 form, albeit not because of allegations in Kincora at
7 that point, but because of his engagement with Roy
8 Garland.

9 There is a couple of paragraphs in the summary
10 report from January 1980 where -- one can't now explore
11 with either of these two gentlemen what exactly has gone
12 on here, which is part of the difficulty, but there is
13 language to suggest that, "Well, this man won't come
14 forward. So there's nothing more evidentially --
15 nothing more -- what can the police do?" That's one way
16 of reading what's being said in the summary document,
17 maybe not entirely consistent with the evidence before
18 Hughes, which was that Cullen felt something really
19 should be done, but he is saying, "Well, the man won't
20 come forward. He has made a new life for himself. He
21 doesn't want to have this -- he doesn't want to play
22 a part in this".

23 Can you do much more with that position? If that
24 remained the position and there was no evidence of at
25 that point abuse in Kincora other than a belief that,

1 because he was homosexual, then he is bound to, or
2 because of his particular behaviour with Garland, that
3 makes a homosexual even more likely to behave in that
4 way in Kincora, what -- what I am trying to understand
5 is what form a police investigation would have taken,
6 albeit Assistant Chief Constable Meharg conceded in very
7 difficult circumstances clearly for him that there ought
8 to have been one, but do you have a view on what would
9 it have actually looked like if your person that can
10 give you the starting point, as it were, isn't going to
11 step up? It is not a criticism of that person, but I am
12 just saying what would the investigation have looked
13 like?

14 **A. There's an inevitable difficulty investigating offences**
15 **against a person if that person will not cooperate. So**
16 **the position that Mr Garland adopts of not being**
17 **prepared to cooperate in an evidential sense probably**
18 **renders it impossible to investigate, far less**
19 **prosecute, offences against him. However, equally in**
20 **1980 -- and I think, sir, you want me to go back to '74,**
21 **but if I could talk about '80 briefly --**

22 Q. Yes.

23 **A. -- in 1980 the trigger for the investigation is**
24 **a newspaper article, and some of the matters that are**
25 **within that newspaper article are not subsequently**

1 prosecuted. They function as a trigger for
2 an investigation into events at Kincora, albeit that the
3 Irish Independent article is very specifically about
4 Kincora and Mr Garland is never very specifically about
5 Kincora, but that's the difference that happens in 1980.
6 So even though Mr Garland isn't talking about Kincora in
7 1974, he could have functioned as a trigger into the
8 activities of the person about whom he was talking.

9 Now to my mind there were a number of very specific
10 things that could have been done. There was
11 an opportunity to further develop exactly what
12 Mr Garland was saying. Mr Garland simply saying,
13 "I don't want to" -- pardon me -- Mr Garland simply
14 saying, "I don't want to give a statement" does not mean
15 that he won't talk to Cullen again. He clearly does
16 talk to Cullen. He could have been taken to
17 a particular place: "What happened at this time, at this
18 date, at this remove? What happened to you?" The
19 question that I would have expected to be put to
20 Garland, if I was the SIO, would be, "What causes you
21 concern about this man McGrath?", because something
22 caused Garland to have a concern. That I don't really
23 seeing being explored with him.

24 Additionally, you could have researched or
25 investigated who this man McGrath is. Now a proper --

1 one of the points, sir, that you have already opened is
2 in my statement where I talk about the non-contact with
3 Special Branch. There were opportunities, had proper
4 research been done, even within The Police Service to
5 identify that McGrath had previously been the subject of
6 a report, albeit a report that had been written off, but
7 he was known to The Royal Ulster Constabulary at that
8 point.

9 The third point is probably the one that underpins
10 that and the one that as a detective would be the key
11 for me, which is the starting point if you have
12 a concern that something needs to be investigated, and
13 both of these men did, it is to set up a structure and
14 appropriate people and resources to investigate it.
15 Whatever Cullen was being asked to look at, it wasn't
16 drugs. He was the wrong man for this investigation.
17 Mr Meharg, an extremely experienced, committed, capable
18 police officer, let a man from the Drug Squad
19 investigate something. Even if he did not know what it
20 was, even if it was nebulous, it certainly wasn't in
21 Cullen's field of expertise. He did not introduce any
22 structure of supervision, of reporting, of providing
23 updates, case reports or whatever else. He simply sees
24 this man, on his case sends him away to find out some
25 more, whatever that some more might be, and then come

1 **back to him. That's a very, very loose structure. It**
2 **is not likely to be an effective structure. It is not**
3 **good case building. It is not good investigation**
4 **building.**

5 Q. Can I ask you this, Detective Chief Superintendent,
6 staying in 1974? If -- and one of the things, if you
7 have been here, you have heard me repeatedly say to the
8 Panel: the danger of hindsight, the need to try as far
9 as we can to go back to what was known at a particular
10 point in time and base your consideration of the
11 decisions made based on what was known then and what the
12 approaches were then. We were talking about that in the
13 context of a very different approach to information
14 sharing compared to how matters would have been
15 approached in the '70s.

16 The difficulty when you take -- there is
17 an evidential debate between them as to what -- who was
18 told what when about what was going on, but taking it at
19 its height, Detective Constable Cullen shared this
20 information. The Assistant Chief Constable is then
21 informed that there is this aspect of grooming that you
22 are describing.

23 So even if he had -- even if Roy Garland had reached
24 beyond 18 at that point, doesn't want to participate,
25 was the approach to policing such that you still could

1 have turned that on its head in terms of flexibility and
2 said, "Well, all right. We are not going to get him
3 prosecuted for what he did with Roy Garland, but what's
4 being described by Roy Garland is a dangerous guy and
5 therefore we are going to have to do something in terms
6 of" -- I know the modern motto is keeping people safe
7 but -- "We are going to have to do something about this
8 dangerous guy".

9 **A. Something clearly caused concern to Cullen and Meharg**
10 **and they could have investigated it in the sense of**
11 **dealing with McGrath, as I have already discussed, but**
12 **the other point, sir, that occurs to me is in January**
13 **of 1976 there's a direction given by Mr Meharg to Cullen**
14 **to go to see the Board, to go to the Health Board.**

15 Now I cannot see what changed between July of 1974
16 and January of 1976 that couldn't have led to Cullen
17 being sent to the Board in the middle of 1974. If he
18 had gone to the Board in 1974, there is a possibility
19 that at that stage he would have received what has
20 become known as the Mason file. He might also,
21 dependent on how Social Services were structured -- and
22 that's not a matter I can comment on -- but there was
23 the January of 1974 anonymous phone call made to the
24 Hollywood Road Social Services office that could have
25 triggered further action or further concern or given

1 rise to further investigative opportunities.

2 So in the same way that there's this material in The
3 Royal Ulster Constabulary they don't pick up in '74,
4 there is material in Social Services available in '74
5 which they don't pick up. Had they in July of '74 also
6 been to the Board, there may have been either
7 a recognition then, or more probably in September of
8 1974, when the R 15 allegations seemed to
9 substantiate. That again, even if that had not been
10 shared with the police, let's say in September the Board
11 might have said, "Well, hang on. There is now even more
12 about this man. We are talking about him from a number
13 of different directions. We need to work together to
14 investigate this".

15 Q. I am going to pause you, because unfortunately the two
16 instances in particular you have given did not actually
17 get to the Board, which is part of the catalogue of
18 errors I think was the word the Chairman used to
19 describe it, but the point you are making, if I have
20 understood it, is well, it could have gone to the Board
21 in 1974. At least a conversation would have taken
22 place. There is not really anything -- I think the
23 point you were making: there is not really anything
24 different in January '76.

25 The one -- we are not going to get to the bottom of

1 this either it would appear -- the one piece that might
2 explain the sequence of events is a communication from
3 Garland to Cullen that he found out something about
4 Mains, and there is some evidence of that. In fairness
5 this January '80 report seems to be written on that
6 basis, although I think your analysts have drawn
7 attention to that. It does not quite necessarily fit
8 with something else that Detective Constable Cullen has
9 said, but either way the point you are making is more
10 could have been done in '74 than was done, even if you
11 didn't have a willing participant in terms of --

12 **A. Yes.**

13 Q. -- somebody who was going to stand to it.

14 The -- the point you make whatever about the
15 concessions that Assistant Chief Constable Meharg, then
16 retired, made was that one can't be sure -- you are
17 dealing with a loss of opportunity as opposed to being
18 able to say, "Oh, yes. Nobody would have been abused
19 thereafter by X or Y". That's just not something that
20 anyone can know with certainty, because the point that
21 you make elsewhere in your statement -- in your evidence
22 previously when we were discussing it, if Constable Long
23 had brought William McGrath in in 1973, he would take
24 the same course as 1980, which is to say, "This is all
25 nonsense and I deny it all". Similarly, unless you

1 could find a willing victim, as it were, who was
2 prepared to speak, bringing him in in 1974 may not have
3 made a button of difference either.

4 **A. But I think the difference is whether or not you would**
5 **have had a willing victim if you had looked in the right**
6 **place.**

7 Q. Yes. So if the list had been taken of the boys and
8 someone had gone to speak to the boys --

9 **A. Yes, sir.**

10 Q. -- on the basis that what was being disclosed to Cullen
11 -- this takes me back to where I was beginning -- is
12 a dangerous man?

13 **A. Yes.**

14 Q. The -- I want to take you from there then to 1980, and
15 there are two parts to this. There is 1980 and 1982.
16 You have on behalf of the Police Service done all you
17 can to establish the sequence of events. The January
18 '80 reports and all that they contain are available to
19 the RUC Phase One Inquiry, and the three January 1980
20 reports are also available to the Terry Inquiry --

21 **A. Yes.**

22 Q. -- on it seems the day -- just the same day that they
23 have just completed the twelve-page interview with
24 Detective Constable Cullen. Then DCI Flenley is handed
25 the documents. That's what appears from his own police

1 statement that you have drawn attention to in the
2 summary. To what extent and, if so, why those -- the
3 material in those sets of documents don't appear in the
4 flow of certainly the Terry Inquiry, which is looking at
5 what failures there were in the RUC, albeit they are
6 looking specifically at Cullen and Meharg, you can't
7 answer for why that's the position?

8 **A. No, I can't, sir. That's a matter for Sir George's**
9 **team.**

10 Q. And similarly with the position with Cullen and Meharg,
11 obviously you can see what the issue is, that here's
12 this material. It raises a serious issue for a serving
13 Assistant Chief Constable, and the full extent of it
14 certainly does not appear in Detective Constable
15 Cullen's police statement for whatever reason, and we
16 are not going to be able to establish with him why that
17 was. You on behalf of the Police Service will assist
18 with -- we will have to ask now retired Chief
19 Superintendent Caskey and perhaps other members of his
20 team what they can remember, having refreshed their
21 memory from these documents, and see where we can get to
22 with why it may be that the material that discloses this
23 was a dangerous man was less intense in the two sets of
24 investigatory papers in terms of how it is described
25 than in the 1980 January documents.

1 **A. Is that the Terry and Hughes ...?**

2 Q. I am talking about the 1980 Cullen statement is taken --

3 **A. Yes.**

4 Q. -- as part of the Phase One Inquiry.

5 **A. Yes.**

6 Q. And the allegation that's put to Assistant Chief
7 Constable Meharg at that time is being told about
8 a minor indecent assault. Obviously that's not the
9 information ultimately that Detective Constable Cullen
10 would claim he had given to Assistant Chief Constable
11 Meharg, but that's where the matter sits in the Phase
12 One Inquiry.

13 In comes the Terry detectives, the Sussex
14 Constabulary officers, who are supposed to look very
15 closely at what the RUC did or didn't do. They focus
16 on -- we looked at Superintendent Graham. Very
17 trenchant criticism, which you agree with, but trenchant
18 criticism set out saying, "If this becomes known, it
19 will be extremely embarrassing for the RUC", but when
20 they are looking at the issue over ACC Meharg and
21 Detective Constable Cullen, even though they are handed
22 the documents that on any reading would have someone
23 say, "Whatever I thought about the dangers of McGrath
24 grooming at Roy Garland and attempting an indecent
25 assault on him, they get elevated whenever you read

1 nudes, photographs, groups, masturbation, that type of
2 activity", the level of danger that might be ascribed to
3 the person goes up.

4 **A. I think the point about the three January reports is**
5 **that I do believe at least circumstantially that Caskey**
6 **clearly has them in January of 1980. He is meeting with**
7 **the author within three days or four days of them being**
8 **directed to be prepared and within three days of them**
9 **being dated. So that material was available to Caskey.**

10 Now I am trying to walk in Mr Caskey's shoes to
11 a very large extent here, but I think what he has got
12 out of January -- the January reports evidentially from
13 Cullen and otherwise he then uses. His focus in his
14 Phase One is very much the abuse of the children in
15 Kinchora. That's -- we don't really have policy books in
16 the '80s in the way one does now, but he is clearly in
17 that stage investigating the abuse within Kinchora, and
18 although the January '80 reports are substantial, they
19 do cover a broad brush, not all of which is therefore
20 directly relevant to Kinchora, and that might constitute
21 why, and I would reason that that would constitute why,
22 they are of less utility to Caskey in Phase One.

23 When you come to Terry in '82, one of his terms of
24 reference -- and forgive me because I don't have the
25 exact words -- but it is along the lines of concerns

1 about the efficacy of police investigations.

2 Now that must -- that must include Cullen and
3 Meharg, because he spends -- I think 55-odd
4 paragraphs of his report are devoted to considering
5 Cullen and Meharg. So whilst January '80 has perhaps
6 less absolute relevance to Phase One of Caskey, perhaps
7 coming into more play in Phase Two, but in Phase One
8 it's got a certain degree of application. When it comes
9 to Terry, it is considered in some detail, because they
10 are specifically looking at that issue. It is harder
11 for me to work out exactly the approach that Terry has
12 taken to that issue of Cullen and Meharg.

13 Q. If I -- if you don't feel comfortable, you say so -- if
14 I said it was "strange", is that a fair word to
15 summarise it?

16 A. I think they reach a conclusion that they have had --
17 unlike -- unlike ourselves, sir, they have had the
18 opportunity to interview Cullen and Meharg as well as
19 obtain documentary evidence. They do reach some
20 conclusions and they do consider disciplinary matters.

21 Sir George Terry actually says that whilst he
22 considered -- forgive me -- I don't have the KIN to my
23 mind -- but he does, if I recall correctly, say that he
24 has considered that this was an error of perception, of
25 understanding, of consideration as opposed to actually,

1 for example, a disciplinary lapse. He is conscious of
2 the context. He is conscious of what else is going on.

3 I would be very cautious at this remove to second
4 guess why he has reached that conclusion, but I can say
5 that he clearly had those reports and he clearly
6 considered them or had them at least available to be
7 considered during his investigation. They are given to
8 him during his inquiry.

9 Q. I suppose -- I think he talks in his -- in the
10 conclusions that are made available of lapses in
11 professional judgment --

12 A. Yes.

13 Q. -- is one of the phrases he uses, but I suppose when you
14 strip it down, as I tend to do, you have a detective
15 constable that's just given a lengthy interview to
16 a superintendent and a chief inspector. They are then
17 handed documents that in the language and content of
18 them is radically different from a minor indecent
19 assault. One could speculate that one might expect,
20 "Hold on a minute. What were you telling us that for
21 whenever you have written this only a short time ago"?

22 A. I think -- I think, sir, there is a very specific point
23 in that in that he is interviewed, he produces documents
24 and there does not appear to be a reinterview to take
25 him through those documents.

1 Q. Yes.

2 A. He has the interview. The way the statement is written
3 may not be absolutely contemporaneous in terms of
4 exactly at what stage it happens, but it certainly reads
5 that the documents come over to him at the later stage
6 of the interview. There is certainly no record of them
7 being put to him. In exhibit RAF1, which is Sussex 7,
8 there is no mention of, "Can you take me through
9 paragraph 14?", which at this remove I would say I would
10 have expected to see. If you are handed an exhibit by
11 anyone, you would take them through it and determine
12 exactly what it is, the circumstances in which it came
13 to be created and so forth as opposed to an interview,
14 removal of documents and move on.

15 Q. However it comes about, the facts are that it is not
16 until Assistant Chief Constable (retired) Meharg is
17 giving evidence and he's being cross-examined and
18 re-cross-examined that the actual content of this
19 material is ever put to him. It is not put to him at
20 any police interview, because it doesn't permeate to him
21 in that way. When he is being asked, he is being asked
22 about a minor indecent assault. It doesn't -- that
23 material doesn't emanate for him to answer, which -- his
24 position is, "I wasn't told about the minor indecent
25 assault" and therefore his position remained, "I was not

1 told about any of the rest of it either. If I had been,
2 there would have been something -- the world would have
3 been very different", but that was never put to him, as
4 it were, in the various occasions he was interviewed
5 until he is giving evidence in the Hughes Inquiry?

6 **A. I think certainly, sir, the not being put to him in**
7 **Caskey Phase One, I can see the investigative logic of**
8 **that, because Caskey in Phase One is trying to determine**
9 **what has happened in Kincora. I think the question**
10 **about why Terry takes the line he takes with Mr Meharg,**
11 **I do feel I need to step back from it because I don't**
12 **feel equipped to comment on that, other than to say they**
13 **did have the material that the RUC had. They did look**
14 **at it. They did interview him, albeit they did not put**
15 **those matters to him, and I think that's a question**
16 **respectfully, sir, I feel for someone else.**

17 Q. Yes. Ultimately you are going to assist us to do what
18 we can to get to the bottom of --

19 **A. Yes.**

20 Q. -- what the officers at the time can recollect.
21 Obviously it was a matter of concern that came up in
22 Phase One. It got looked at. No doubt part of the
23 reason for the outside officers being brought in, and we
24 will do what we can to get to the bottom of it given
25 that we can't unfortunately speak to either of the two

1 people who principally could explain the position.

2 This will be one of those matters that came up in
3 most of our modules, but this one will be more
4 significant, beyond our public hearings we will continue
5 to look think and see if we can continue to look at it
6 through statements and correspondence and see where that
7 ends us?

8 **A. Yes.**

9 Q. I know you have continued to give considerable
10 assistance on behalf of the Police Service of Northern
11 Ireland, including the work that has gone into trying to
12 very quickly produce this material so that the Panel
13 could understand in public hearing that at least this
14 material was being transmitted in the way that you have
15 described, and you have made the detailed concessions
16 already in respect of the Police Service's view of the
17 three -- concessions in relation to matters 2 and 3, as
18 it were, Superintendent John Graham and ACC Meharg and
19 Detective Constable Cullen.

20 Is there anything else, Detective Chief
21 Superintendent, that I haven't covered that you would
22 like to say, or have I covered matters that you want to
23 bring out in your evidence on behalf of the Police
24 Service?

25 **A. I think, sir, the Police Service has sought to cooperate**

1 very fully with this Inquiry, because we believe this
2 matter needs to be dealt with. It happened a long time
3 ago, but clearly still features quite a lot now in
4 people's thoughts. There is a clear difference that
5 I have set out within my first statement, sir, in
6 relation to how these matters would be approached now.
7 It is a matter of regret that these things were
8 approached in the way that they were approached, and
9 I think that applies across the entire sector and
10 spectrum of child protection and people concerned with
11 that matter. I do have a professional confidence and
12 I really do feel that this would not occur now with all
13 checks and the safeguards, but I think we must bear in
14 mind that this was 42 years ago, and 42 years ago was
15 a very, very different place for a whole host of
16 reasons: The Troubles, the violence, the pressure of
17 the Royal Ulster Constabulary and people like Cullen and
18 Meharg were under, but also the state of knowledge that
19 we had of the abuse of children. Thank you, sir.

20 Q. Detective Chief Superintendent, I am not going to ask
21 you anything more but the Panel Members may want to ask
22 you something. So please bear with us for a short
23 while.

24 Questions from THE PANEL

25 CHAIRMAN: Chief Superintendent, if we could look at the

1 broad outlines of what happened here. When Detective
2 Constable Cullen received the information he did from
3 Roy Garland, there were two aspects to that. The first
4 was that it revealed, it seemed, a much more significant
5 form of sexual exploitation, to put it in the most
6 neutral way possible, by an older man of a younger man
7 who, when it started, was probably a teenager. It went
8 on over quite a number of years and it took some fairly
9 extreme forms. So looking at that part of it, you would
10 have something to be concerned about; is that right?

11 **A. Yes, sir.**

12 Q. Even in 1974?

13 **A. Yes, sir.**

14 Q. This was not someone coming along and saying:

15 "Here are two elderly homosexuals who have been
16 living together quietly for 25 years. They have caused
17 no offence to anybody. They are not disturbing the
18 public. We are not going to pursue them".

19 This was a quite different cement of circumstances.

20 The second aspect was that: Well, how do we do
21 something about it? Here the immediate problem, as you
22 pointed out, is that Constable Cullen was faced with the
23 difficulty that the person telling him these things was
24 anxious to cooperate, but only to the extent that he
25 would give information, he not go to court as a witness.

1 So it wasn't just that he was saying: "I am not going to
2 do anything", as I understand it, he was prepared to
3 cooperate in whatever way was necessary, whether it was
4 disciplinary proceedings that resulted or whatever
5 resulted against McGrath, provided he didn't have to go
6 to court. So if we pause at that point, as I understand
7 it what you are saying is: Well, a competent police
8 investigation would have at least involved someone going
9 to Mr Garland and saying: "What else can you tell me
10 about this man"?

11 **A. Yes, sir.**

12 Q. Because it wasn't just, as I understand it, that he was
13 a single person involved in this. There were
14 indications that McGrath had in some way exploited other
15 young men and, therefore, an obvious question is:
16 "Well, who else might he have done it to? Can you give
17 me other names?" And then the officer may have gone to
18 A or B or C, who may have said: "Well, actually I will
19 help you". So that whole line of inquiry just was never
20 taken up; is that right?

21 **A. That's missed, sir. You also make the point about the**
22 **age differential and the fact that there's clearly some**
23 **sort of power dynamic to use that term. If you look at**
24 **the letters that pass which Mr Meharg does see, there's**
25 **another, to me an example of where you should be going**

1 back to Garland and saying: "What age were you when you
2 received these?" Because that's significant as well,
3 that you have a much older man. We would say now -- it
4 wouldn't have been in the language in the 1970s I am
5 sure, but we can see a pattern of grooming.

6 Q. Yes.

7 **A. A pattern of distancing Garland from other support areas
8 to increase his dependence on McGrath.**

9 Q. Yes. I think it is right to remind us that expressions
10 or concepts such as "grooming" might have been
11 recognised in the sense that people may have realised
12 there is something wrong about that, but not described
13 or analysed in such a comprehensive way as that concept
14 would imply now?

15 **A. Yes.**

16 Q. Then the next thing is that, as I understand your
17 concern, to be blunt about it, Detective Constable
18 Cullen had neither the experience nor the skills to be
19 entrusted with even what it was that he was given to do?

20 **A. Detective Constable Cullen, sir, in the early part of
21 1974 attends his CID initial. Now that's the language
22 of today, it may not have been the language of that
23 time, but certainly an early stage detective career
24 training course. So he was not an experienced detective
25 on that analysis, he wasn't a fully trained detective on**

1 that analysis, and, sir, whatever he was being asked to
2 look at, it wasn't within his province of knowledge or
3 expertise.

4 Now it has to be acknowledged that there were not
5 specialist child abuse investigators at that time, but
6 it may well have been a more appropriate matter for
7 a generalist detective CID officer. It certainly wasn't
8 a matter for a man who works in a particular niche area
9 of policing, and it certainly wasn't a matter for a man
10 with that level of expertise, that level of experience
11 to operate in the absence of supportive direction,
12 supervision or leadership, which he did.

13 Q. Your point, as I understand it, is that by sending him
14 back to do this without some form of provision being
15 made for further reporting, either direct to Mr Meharg
16 himself or through a more conventional line of command,
17 his sergeant, his chief inspector, whatever, as the
18 senior man, the man with very much more experience,
19 whether there was anybody else more experienced, perhaps
20 his colleagues at the same level and the Chief Constable
21 above him, ACC Meharg did not do what he should have
22 done?

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

24 Q. Would it be fair to say that the simplest thing he could
25 have done was to have sent a direction to the senior

1 person in Donegall Pass or to his divisional commander
2 and say: "I have had matters reported to me by
3 Detective Constable Cullen, he will tell you what they
4 are. Investigate and report"?

5 **A. What I would have expected, sir, would have been: "Thank**
6 **you very much for bringing this matter to my attention,**
7 **I am now going to give it to somebody in the local area,**
8 **the local CID. This is not a matter for Drugs Squad."**
9 **It would have gone, if I understand the structure of the**
10 **RUC at that time, it would have gone to Mountpottinger.**
11 **It would have gone to Mountpottinger CID who would have**
12 **made inquiries that would have been managed within the**
13 **local CID structure. Mr Meharg is completely outside**
14 **that structure. He is a very senior officer. He is not**
15 **going to be able to attend the matter day by day, but he**
16 **also would not have the local knowledge that's so**
17 **important to policemen.**

18 **Q. But the way he starts the ball rolling is to send**
19 **a written direction or ring somebody up to say: "You**
20 **will get a short direction from me tomorrow. Take it**
21 **from here and then report back in the conventional way."**
22 **It might never have gone back to him but it certainly**
23 **would have gone further up to what was considered**
24 **locally an appropriate level, Chief Inspector,**
25 **Superintendent, Chief Superintendent, as the case may**

1 be?

2 **A. Sir, if you look at January 1980 there is a minute of**
3 **four points of very specific actions that the Assistant**
4 **Chief Constable wants to be taken. Within the copy that**
5 **we have within our papers there's then**
6 **a forwarding minute from the Detective Chief**
7 **Superintendent C. It is signed by, I believe,**
8 **Superintendent Dessie Browne on behalf of Mr Mooney, but**
9 **Mr Brown receives this written report from Mr Meharg**
10 **which he then passes on to the then DCI Caskey, and**
11 **actually Brown's minute it says: "This confirms my**
12 **earlier verbal direction", which, sir, is proof of**
13 **exactly the point you are making. A verbal direction**
14 **would be followed in writing.**

15 **Q.** The issue about whether the information that was
16 contained in all of the documents, particularly the
17 three typed documents prepared in January 1980, being
18 made known first to Mr Caskey and his team and then some
19 years later to Sussex, as I understand the point you are
20 making is one has to look at it from the point of view
21 that they were doing somewhat different things. In 1980
22 Mr Caskey and his team were carrying out a pure and
23 simple investigation into a serious allegation, some of
24 which did not stand up in the event, but what did stand
25 up was a very serious state of affairs, but in 1982 the

1 focus was rather different, because what the Sussex team
2 were there to do, in part at least, was to see whether
3 the 1980 investigation had been thoroughly and properly
4 carried out?

5 **A. Yes.**

6 Q. Now at the same time they were also taking part in Phase
7 Two in the sense that they were overseeing what was
8 happening in that, but their focus was a different
9 focus?

10 **A. Yes.**

11 Q. To some degree; isn't that right?

12 **A. Yes, sir.**

13 Q. But whether or not Mr Caskey and his team might have
14 been more diligent in taking these things forward is
15 perhaps open to argument, because it's getting into the
16 internal argument as to whether Officer A told officer B
17 something, and whether officer B did the right thing,
18 but that's exactly what the Sussex Police were then to
19 look at?

20 **A. Yes.**

21 Q. Isn't that right?

22 **A. That's Terry -- as I read and understand them, that is**
23 **within Terry's terms of reference. Caskey has Phase Two**
24 **with a specific remit, and I think that the issue at**
25 **play here about what Cullen and Meharg knew or didn't**

1 know, said or didn't say would have sat quite naturally
2 within Terry, and I think Sir George Terry sees it that
3 way himself, because that's why he devotes a substantial
4 bit of his report thereto.

5 Q. Because when one goes back to the beginning, Sir George
6 and his force were invited by the then Chief Constable
7 to effectively check whether the RUC had done or ought
8 to have done everything they ought professionally to
9 have done in their earlier investigation?

10 A. Yes, sir. I think there's a comment in the summing-up
11 at the end of the '81 trial to the effect of how could
12 this have come to pass.

13 Q. Yes.

14 A. How did these events happen, and I think that played
15 a part in the thinking, much as I can try and imagine
16 how Sir Jack Hermon or others were thinking. I think
17 that clearly played a part in the decision in the early
18 part of 1982 that someone external needs to come in and
19 look at this and address the point that a trial judge
20 has made about how could these set of circumstances come
21 to pass. Well, Sir George Terry came in, and he is
22 appointed by, I believe, Her Majesty's Chief Inspector
23 of Constabulary on request of the RUC. He comes in to
24 look at that aspect. That, I think, would have been
25 Mr Caskey's approach. That is Terry's area. We will

1 **cooperate and supply everything to them but we are**
2 **operating within their umbrella of supervision.**

3 Q. Yes. Thank you very much.

4 MS DOHERTY: That has been very helpful, both Friday and
5 today. Just one small question. When you talked on
6 Friday, you talked about a bring forward system, and
7 I just wanted to know was that a formal system that
8 officers were expected to use and record or an option
9 system that officers could use to manage their work?

10 **A. Any form of police work, particularly detective work,**
11 **requires proper supervision and the provision of**
12 **accurate, timely, concise and precise reports. So a**
13 **system of administration of calling forward would be**
14 **required and would have been absolutely to be expected.**
15 **It wasn't an optional thing. It wasn't a good practice.**
16 **It was standard. In my experience, albeit that I am**
17 **talking perhaps 20 years later, but certainly as a young**
18 **sergeant the first thing I was required to understand**
19 **was the whole process of call up registers, and I don't**
20 **believe they were a new invention. I think they had**
21 **been running in the 1970s.**

22 Q. So the fact that the Mason file was requested, the
23 information requested, you would have expected that to
24 have shown up as something that was outstanding and
25 hadn't come forward?

1 A. I think that's a slightly different point, but I think
2 it is answered in the same way. The initial request for
3 the Mason file I would have expected to be followed with
4 a minute, i.e., "Cullen, go and get me that," and in
5 51.1, which is police terminology for a report sheet or
6 a half sheet, all the various terms that would have been
7 used, but a written report would have been sent to say:
8 "Obtain this and report compliance in due course". You
9 will find standard forms of language if you look at the
10 police material that we have supplied to the Inquiry,
11 commentary such as "for information and direction,
12 report compliance in due course for the perfection of
13 records." It's a standard way of working.

14 Q. So it would have been a standard flag up that said: "I
15 have asked for this and it hasn't come"?

16 A. Yes, and that's the issue, that not only does Mr Meharg
17 appear to ask for it in a somewhat informal manner, but
18 having asked for it and not received it he does not
19 follow it up, which a system of Bfing, as I referred to
20 it, would have allowed and would have supported
21 Mr Meharg to say "Oh I notice" -- because Mr Meharg was
22 running an extremely busy department, but that
23 administrative support and organisation would have
24 allowed him to say: "Oh, I see that I haven't obtained
25 a report I asked DC Cullen for one week ago. I must

1 **have it chased up." But again the ACC in his way of**
2 **working directly with the Detective Constable and the**
3 **process that Detective Constable Cullen, for example,**
4 **adopts in sending the report directly through the**
5 **internal post, it deprives them of that administrative**
6 **support and that accountability and ultimately that**
7 **audit trial.**

8 Q. Yes. Can I just going back to a different issue just
9 about Constable Long, I mean, I understood completely
10 what you said on Friday about how busy it was and he had
11 no reason not to suspect Mains, but in a way what he
12 chooses not to do is interview the subject of
13 an allegation, even to put that person on notice that
14 allegations were being made against them. Would that
15 not have been something that would have been expected?

16 A. **I think we do need to be careful, and I have had to**
17 **almost warn myself about trying to unknow what I know.**

18 Q. Sure?

19 A. **About the man Mains, but when the constable arrives out**
20 **to Kincora House he meets a man -- the activities of the**
21 **late '60s and early 70s are unknown to the RUC and**
22 **unknown to Long. So actually if Long is told at the**
23 **first meeting by the man who runs the home, "This is**
24 **nonsense, there is no truth to this whatsoever", I think**
25 **it is reasonable for him to have left satisfied.**

1 I think Long would also have had reason to walk away
2 thinking that the authorities were also aware of
3 concerns about McGrath, because he had passed those
4 concerns on to --

5 Q. To Mains?

6 A. -- to Mains, who was in charge of McGrath and was
7 supervising his work.

8 Q. We can't think what people were thinking, but even
9 I just thought that sense of putting the individual
10 directly on notice, but I hear what you are saying about
11 what he expected from Mains or what he might have
12 expected?

13 A. I think to be fair about Mr McGrath, there are a number
14 of occasions on which allegations of that type are put
15 to McGrath and he completely compartmentalises and deals
16 with them and is not prevented from offending. He is
17 not a man who takes notice of these allegations. He
18 argues back and he provides on a number of occasions the
19 allegation that this is being -- this allegation that
20 has been made against me is politically motivated. It
21 is put in by this paramilitary group or the other
22 paramilitary group.

23 Q. He is quite robust when he is interviewed by the police
24 when there is direct allegations against him,
25 I understand that, but, I mean, it is the issue that

1 none of us will know what might have happened if some of
2 the earlier interventions had happened. He is not a man
3 clearly that was easily daunted, but there may have been
4 a body of concern that might have changed how he
5 reacted. Okay. Thank you.

6 **A. Thank you.**

7 MR LANE: The only defence that Mr Meharg seems to have put
8 forward was the excessive pressure of work. Obviously
9 we have to accept that the Troubles and so on would have
10 been enormous at that time, but I have the impression
11 that you don't consider that is a sufficient defence?

12 **A. I don't want to judge the man. We are talking some many**
13 **years later.**

14 Q. Right?

15 **A. Factually he was extremely busy. He was dealing after**
16 **40 plus years of service, he was dealing with**
17 **a massively busy business, hundreds of people were dying**
18 **or being badly injured, and I think that is relevant in**
19 **terms of assessing his workload.**

20 My difficulty is that with the utmost respect to
21 a man who gave a lot to policing and a lot to this
22 country, is that his process that he adopts and his
23 absence of system, of structure, of organisation,
24 actually makes it harder for a busy man to do his work
25 well. Actually had he had records, call up registers,

1 passed it to an appropriate supervisor or passed it to
2 an appropriately trained person, the pressure of work
3 would have been less of an issue. I think, to be fair
4 to Mr Meharg as well, is there must be an element here
5 that our knowledge now, and even our knowledge in the
6 late 1980s was light years away from his knowledge in
7 1974 of the abuse of children and of the potential
8 dynamics for the abuse of children, whether it be within
9 a care setting, whether it be, for example,
10 an understanding that there was no interrelation
11 whatsoever between homosexuality and paedophilia. So he
12 wouldn't have had that understanding that we have now,
13 that actually a man may well be to all intents and
14 purposes a happily married man with three children, but
15 also be a highly active and brutal paedophile.

16 Q. If he had come to the conclusion that because of the
17 pressure of work this was too low a priority to spend
18 time on, was there a process where he would have said
19 this was closed or put on the back-burner, or whatever?

20 A. I think, sir, I answer that almost in a different way.
21 An ACC should not be directly supervising any
22 investigation. He should be assessing whether or not
23 there is anything in it to be done, and if there is
24 anything in it to be done, and he does send Cullen away
25 to do something, so he is clearly determined that there

1 is something to be done, he should have put in place at
2 that stage: "Thank you for coming to me, Detective
3 Constable. I value your work. You are a good man. You
4 have come to me with this but it is going to go to the
5 Detective Chief Inspector in Mountpottinger CID office,
6 so bring all of your papers to him or bring them to me
7 and I will report on them and send them to him."

8 So it is not that he would have closed it but that
9 he would have sent it to someone who had the capacity to
10 deal with it. It may be the case here actually that
11 Mr Meharg simply took on too much on to himself.

12 Q. Thank you?

13 A. Thank you, sir.

14 **Further questions from COUNSEL TO THE INQUIRY**

15 MR AIKEN: Just one matter before the Detective Chief
16 Superintendent finishes. Mr Robinson just raised one
17 issue with me. If we can bring up 10757, just before
18 the point is forgotten, this is the witness statement of
19 Detective Constable Cullen. If we scroll down, please,
20 just a little further, please. Just go back up to the
21 page before. You can see he is saying here:

22 "No evidence William McGrath has been involved in
23 any irregular behaviour at Kincora Boys' Home. All the
24 intelligence related to events that were not current
25 information and did not relate to any direct allegations

1 of any irregularities at the Kincora Boys' Home other
2 than what had already been investigated. I did not have
3 any contact with my informant. After that I received no
4 further instructions from Meharg. Because no further
5 information was forthcoming I did not pursue my
6 enquiries. On 24th January I received a telephone
7 call."

8 That begins the sequence of events. That's what
9 Detective Constable Cullen was saying about the nature
10 of the information he had. Mr Robinson wanted me to
11 draw that to attention just so it is there at the point
12 we are looking at this. I don't think there is anything
13 further we need to ask you about it at this stage,
14 Detective Chief Superintendent?

15 **A. Thank you. Thank you, sir.**

16 CHAIRMAN: Well, Detective Chief Superintendent, thank you
17 for coming back to speak to us and for dealing with
18 those additional issues that the Inquiry raised with you
19 about what was and was not conveyed to Mr Caskey and his
20 team and to the Sussex team. We are very grateful to
21 you for doing so, and we appreciate that in many
22 respects, although you are the person answering the
23 questions, you do so on the basis of a lot of work that
24 has been done by others at your direction.

25 **A. Yes, sir.**

1 Q. To draw this information together, and I am sure my
2 colleagues will agree with me that you have a very
3 comprehensive, detailed analyst support you have
4 received which is very helpful to us indeed?

5 **A. Thank you, sir.**

6 Q. No doubt you will pass on to them our comments about
7 that?

8 **A. I am, sir.**

9

10 (Witness withdrew)

11 MR AIKEN: Chairman, Members of the Panel, I know it is
12 5.30. I know there is one final matter. If I keep
13 pushing them back it will make my desire of getting it
14 completed more problematic.

15 CHAIRMAN: Are we happy to let Detective Chief Clarke go.

16 MR AIKEN: Yes, we can. I release you from your position.

17

18 (Witness withdrew)

19 MR AIKEN: Just one final matter. As you know, Members of
20 the Panel, we have a number of witness statements coming
21 in over the course of days and we have tried to get to
22 the bottom of as many of the issues as we possibly can.
23 If we can bring up 4506, please. We looked, for
24 instance, at Inspector Mack, and his interaction with
25 4506.

1 EPE OPERATOR: It is going to take a minute.

2 MR AIKEN: We don't have that?

3 EPE OPERATOR: It is just going to take a minute.

4 MR AIKEN: I will explain. We had Inspector Mack, who had
5 given an interview and then was just making it clear to
6 the Inquiry what was ascribed to him was not the case.

7 One of the other issues that the Inquiry is aware of is
8 that in the book "The Kincora Scandal" written by Chris
9 Moore, there was a foreword written by Clifford Smyth.

10 As you know from all of the material, Clifford Smyth was
11 involved in the same things, as it were, in politics and
12 so on that William McGrath was involved in, Tara, and he
13 lived as a lodger with William McGrath and his family
14 for a number of years. In the book "The Kincora
15 Scandal" Clifford Smyth wrote a foreword and, indeed,
16 a concluding section in which, as we can see -- this is
17 his statement coming on the screen now, please,

18 paragraph 2. What we wanted him to explain is whether
19 he had any evidence for the propositions in the book
20 that either William McGrath was an agent of the state or
21 that Kincora involved an operation run by the
22 intelligence agencies, which were two of the
23 propositions that were to be found in what he had to
24 say, given that he had lived with William McGrath and
25 had knowledge of him for a long period of time. We

1 wanted to explore that. He then explains:

2 "I confirm that I did not and do not have any
3 evidence for the propositions. I was writing at a time
4 when there had already been years of speculation."

5 The book being written in 1996:

6 "About William McGrath and the involvement of
7 intelligence agencies in Kincora. The allegations were
8 met largely by silence from the authorities. That is
9 why I speculated as I did in the book."

10 He explains:

11 "I spoke to the RUC in May 1980."

12 He confirmed that the content of the statement which
13 is exhibited to the statement is true, but he does
14 explain:

15 "It is the case that the interactions with McGrath
16 over my sexual problems with transvestitism in the mid
17 1960s and his supposed treatment of them went so far as
18 him masturbating me, but this did not involve others.
19 I questioned his so-called therapy/treatment and I felt
20 uncomfortable. The whole episode came to an end when
21 McGrath encountered me dressed in women's clothes in my
22 flat in Fitzwilliam Street. His action surprised me --
23 he simply abruptly left without speaking. Later when
24 I quizzed him about the whole matter he said I was cured
25 and these incidents were never referred to again.

1 I didn't want to speak of the extent of his behaviour to
2 the RUC because of embarrassment. However, I did
3 describe the sessions in which I was passive."

4 If we scroll further down, please, he explains he
5 spoke to the Sussex officers in 1982 and confirms the
6 content of that statement, which is exhibited.

7 He explains he was a rent paying lodger in William
8 McGrath's house where he lived with his wife and
9 children from about '68 to 1973. So he lived with him
10 for five years in the sense that he was lodging in his
11 house. This is, of course, during the period that based
12 on the allegations William McGrath has been an agent of
13 the state for a long period of time already. He says:

14 "I was involved with him", as in William McGrath,
15 "in Tara, Unionist politics and the Orange Order from
16 about 1965 to '75. To clarify, I returned to Northern
17 Ireland in '62 from Scotland and shortly thereafter
18 joined the Orange Order. I then joined the Ulster Young
19 Unionists and became very active in both. I met McGrath
20 through Orange circles in '65 and was closely associated
21 with him when he set up Tara in the autumn of '69. My
22 association with Tara and McGrath continued until about
23 '75.

24 While two individuals spoke to me about McGrath in
25 the 1970s I was not persuaded that he was a homosexual

1 as the claim was inconsistent with what I saw of him and
2 his family. After 1980 I could begin to understand his
3 compartmentalised life and why he was able to deceive
4 someone like me who thought he knew McGrath reasonably
5 well. I concluded you could not know him at all.

6 I have been asked about a document by the Inquiry
7 which I have never seen before."

8 This is the folio document, or the covering page for
9 a version of the folio document that was contained
10 within the Caskey 3 papers. He was asked about that
11 document because it alleged that William McGrath at the
12 behest of British intelligence was blackmailing Clifford
13 Smith and others, and he was shown that document by the
14 Inquiry and the point he made:

15 "I want to state categorically that I have never
16 been blackmailed by McGrath or any other person for that
17 matter."

18 He explains then in paragraph 10:

19 "As the Inquiry is aware in 2005 I revealed publicly
20 in the Belfast Telegraph the struggle that I have had
21 with transvestism all through much of my life."

22 The articles are exhibited at 4:

23 "That was what McGrath was supposed to be helping
24 with during the treatment in the 1960s. I obviously
25 recognise now those notices were not for my assistance.

1 Allegations about my private life was thrown at me in
2 the 1970s when smearing and attempting to undermine and
3 damage people about such things were common."

4 You may consider that an important issue as you
5 reflect, Members of the Panel, because it is the case
6 through the material that we can see lots of smearing of
7 politicians or people involved in politics and in trying
8 to assess what should organisations of the state do.
9 That is the context that there is much smearing going on
10 of which, therefore, the state organisations are aware,
11 because that was what was happening on the ground.

12 "And attempting to undermine and damage people about
13 such things was common. However, I have addressed the
14 affliction of transvestism through sessions with a
15 number of counsellors and finally through a NHS
16 psychiatrist. I now lead a stable and relatively normal
17 life. I would prefer not to have to discuss the subject
18 in public."

19 Because of what he has had say, Members of the
20 Panel, we consider it is not necessary for the Inquiry
21 to have him come along to give oral evidence. He says:

22 "I can say that it was not until 1980 that I learned
23 that William McGrath was said to be sexually abusing
24 boys in his care in Kincora. I appreciate that it could
25 be said I should have realised what he was capable of

1 because of my own experiences, but I believe that is
2 a claim based on hindsight which is unfair. The fact is
3 that I did not suspect him during the 1970s and no
4 claims or rumours of him abusing his position in Kincora
5 ever came to my attention until after 1980."

6 If we scroll on to the next page, we will see that
7 Clifford Smyth, 4508, signed his statement and the
8 exhibits run in the bundle from 4509 to 4544.

9 I know I have pushed my luck, Members of the Panel,
10 but that concludes our work for today. We will begin
11 with more tomorrow.

12 CHAIRMAN: Well, thank you very much. It has been a very
13 long way, but we will rise now and we will endeavour to
14 start again tomorrow at the earlier time of 9.30.

15 (5.40 pm)

16 (Inquiry adjourned until 9.30 am tomorrow morning)

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