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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 Wednesday, 6th July 2016

commencing at 9.30 am

(Day 221)

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

1 Wednesday, 6th July 2016

2 (9.30 am)

3 Material relating to MoD and RUC

4 dealt with by Counsel to the Inquiry (cont.)

5 CHAIRMAN: Good morning, ladies and gentlemen. Please
6 ensure if you have a mobile phone that it is either
7 switched off or placed on silent/vibrate. I must also
8 remind everyone that photography is not permitted either
9 here in the chamber or anywhere on the premises.

10 Good morning, Mr Aiken.

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

12 What I would like to deal with first this morning is, as
13 you know, the Inquiry has received two further witness
14 statements from Jonathan Duke Evans on behalf of the
15 Ministry of Defence. I want to deal with the third
16 witness statement just now. If we can bring up 2537,
17 please. This is to add to and complete what we were
18 doing yesterday looking at what the Army knew. As you
19 know, the MoD is hampered by the fact that it is known
20 that there are a number of files that once existed which
21 are not capable of being produced, which is different
22 from maybe the case for other parts of the state we have
23 been looking at, who at least have files they are in
24 a position to produce to the Inquiry or are in
25 a position to demonstrate that they didn't have a file

1 or, as in this case there clearly were documents in
2 relevant files and those files themselves are not
3 available.

4 So the third statement from Jonathan Duke Evans
5 endeavours to address the position of William McGrath as
6 far as the MoD are concerned. He begins, if we look at
7 2537, by explaining that the MoD is aware that
8 allegations have been made to the effect that William
9 McGrath was a covert human intelligence source or CHIS
10 for the Army. The MoD's position in respect of this is
11 constant with the Government wide principle of NCND, to
12 neither confirm nor deny such allegations and I can
13 therefore neither confirm nor deny that any individual
14 acted as a CHIS on behalf of the state.

15 Equally, as you know, the core participants
16 recognise that while that may be the position of
17 Government departments and agencies, it's a matter for
18 the Inquiry to determine whether the Inquiry is
19 satisfied that someone was or was not certainly in
20 respect of William McGrath. Nonetheless the MoD would
21 like in this connection to draw the attention of the
22 Inquiry to certain considerations which may be
23 considered relevant by it.

24 "Firstly, the MoD carried out what was described as
25 a research project into the Loyalist organisation known

1 as Tara, which included attempts to gather information
2 on Mr McGrath."

3 You may consider there's a natural implication which
4 flows from that if that position of the MoD is correct.
5 This confirms that the Department held limited
6 information on and had limited knowledge of him and of
7 Tara more widely at that point. So you can see that's
8 a reference to the project that Corporal Q was said to
9 be engaging in -- sorry -- Mountpottinger Corporal Q --
10 Corporal D in November 1974 and the implication: why
11 would you do that if the position was --

12 CHAIRMAN: Could I just ask that we have Mr Duke Evans'
13 statement displayed on the screen?

14 MR AIKEN: It may be we are having a technical problem.

15 TECHNICAL SUPPORT: Sorry, we are having a technical problem
16 again.

17 MR AIKEN: Perhaps if Mr Magee can hear me he will come and
18 have a word with me and we will try to establish how
19 long it will take to resolve this.

20 CHAIRMAN: Yes.

21 MR AIKEN: The second point that he makes in the statement
22 in light of the allegations which have been made about
23 the MoD's relationship with Mr McGrath:

24 "I can confirm that I have been unable to locate any
25 relevant documents other than those which have been

1 provided to the Inquiry for its consideration."

2 In this context it is apposite to note that the MoD
3 have and had at the relevant time very robust policies
4 on the creation and retention of records in respect of
5 those individuals who assisted security forces as
6 a CHIS, a covert human intelligence source. These
7 records have been searched and any relevant material has
8 been disclosed to the Inquiry.

9 Thirdly, although the MoD cannot now locate the
10 background file that was held on Mr McGrath -- indeed it
11 was noted as being missing by the time Mr Rucker was
12 preparing his report in 1989 -- there we are. We have
13 managed it. It is clear that this file was available at
14 an earlier stage to a number of individuals. None of
15 the subsequent actions or contemporaneously made records
16 of those who saw the background file indicated that
17 anything contained therein suggested any relationship of
18 the kind alleged between Mr McGrath and the MoD.

19 CHAIRMAN: I think we still haven't got the statements up on
20 the screen, at least on our monitors.

21 EPE OPERATOR: No. It will be in a minute hopefully.

22 MR AIKEN: Is it a short time before we will be operational?

23 TECHNICAL SUPPORT: Mr Magee is talking. I don't have
24 a timescale at the moment. It should be short.

25 CHAIRMAN: Yes, it is more difficult for our stenographers

1 and others to follow who don't have the text in front of
2 them.

3 MR AIKEN: I wonder if we --

4 CHAIRMAN: I think we might rise for a short time to see if
5 this can be sorted out.

6 (9.45 am)

7 (Short break)

8 (10.45 am)

9 MR AIKEN: Chairman, Members of the Panel, I am pleased to
10 say that the frantic efforts by the technical team and
11 Mr Magee have us up and running and we are ahead of
12 everyone else.

13 CHAIRMAN: So are we completely on line?

14 MR AIKEN: Completely back up and running it seems.

15 CHAIRMAN: For the moment.

16 MR AIKEN: I was referring to Jonathan Duke Evans' third
17 statement which we can see on the screen. I had reached
18 paragraph 5 where I was explaining that:

19 "Although the MoD cannot now locate the background
20 file that was held on Mr McGrath (indeed it was noted as
21 being missing by the time of Mr Rucker preparing his
22 report in 1989 albeit he had access, as did others to
23 the Tara file from HQNI and 39 Brigade).

24 It is clear that this file was available at
25 an earlier stage to a number of individuals. None of

1 the subsequent actions or contemporaneously made records
2 of those who saw that background file indicated that
3 anything contained therein suggested any relationship of
4 the kind alleged between Mr McGrath and the MoD."

5 To explain what I understand him to be saying, when
6 we were looking at the documents yesterday, none of the
7 documents that we looked at suggested -- they were not
8 in a form or content that suggested something other than
9 he was a person that they were interested in knowing
10 something about.

11 On to the next page he explains in paragraph 6:

12 "To conclude, I confirm that I have been unable to
13 find any evidence in the MoD records that the MoD used
14 any relationship with Mr McGrath in order to elicit any
15 information from him."

16 Now as a result of the evidential gap in the sense
17 that there are files that exist that aren't available,
18 the Panel are aware that the efforts the Inquiry has
19 asked the MoD to go to in terms of tracing people who
20 might conceivably have had some involvement in looking
21 at Tara and that process has been going and is ongoing.
22 I will be able to say more about that in due course.

23 What I want to do now, there are a number of other
24 statements that I will be dealing with during the course
25 of the next two days, but what I want to do now is to

1 turn to look at the allegations that are made by Colin
2 Wallace in relation to Kincora.

3 The first thing I want to make clear, as I have said
4 before, this is not an inquiry into Colin Wallace and
5 all his claims. It is not an inquiry into the rights
6 and wrongs of the conduct of the British Army in
7 Northern Ireland in the 1970s. It is an inquiry in
8 respect of this module asking eight key questions, which
9 I am going to remind us of again.

10 Who was abused? By whom?

11 Who knew about it?

12 What did they know?

13 When did they know about it?

14 What did they do with that knowledge?

15 What ought they to have done with it?

16 Coming back to the central question for the Inquiry
17 whether systems failures by the state defined by the
18 Inquiry in the widest sense in respect of this module
19 caused, facilitated or failed to prevent abuse occurring
20 in Kincora.

21 I emphasised defined by the Inquiry because, as the
22 Panel is aware, having spent many months looking at the
23 material in and around Colin Wallace, one of the points
24 being made, perhaps legitimately, perhaps not, is the
25 terms of reference of the investigations that have

1 looked previously into these matters are said to be
2 constrained in some way that prevented certain matters
3 being looked at that in his view, and perhaps the views
4 of others, they ought to have been looked at. Well, you
5 may not consider that does not apply here, because this
6 Inquiry has set its own breadth of terms and no-one has
7 to tried to suggest otherwise to us, but it is important
8 that we bear those central questions in mind as we look
9 at the material and as we consider the issues around
10 Colin Wallace, and I will explain what I mean by that as
11 we go.

12 As you are aware, Chairman, Members of the Panel,
13 Colin Wallace was offered the opportunity to take part
14 as a core participant in this Inquiry, to potentially
15 have public funds provided for his legal representation
16 in the knowledge of the immunities provided by the
17 Attorney-General for the United Kingdom and the Director
18 of the Public Prosecution Service in Northern Ireland,
19 and in what you may consider to be unfortunately
20 predictable fashion, he was not prepared to participate
21 and face questions about his allegations.

22 The correspondence between the Inquiry and Colin
23 Wallace can be found on the Inquiry's website. I am not
24 going to take time to go through that this morning, but
25 the record of the attempts the Inquiry made to have

1 someone who regularly speaks to these matters engage,
2 participate and answer questions are set out in the
3 correspondence.

4 It will not be lost on you, Members of the Panel,
5 and I trust upon those who reflect on and report on our
6 proceedings that those who seem to talk most to the
7 media about wanting an Inquiry into Kincora appear to be
8 the last people to want to face any questions about the
9 story they so willingly want to tell to journalists.

10 Of course, the Inquiry made it clear for reasons
11 that will shortly become abundantly apparent, that we
12 would suggest Colin Wallace's claims in relation to
13 Kincora whether he participated or not. That was the
14 same for the three other individuals who, for
15 potentially different reasons, fell into the same broad
16 category of not being prepared to participate and have
17 their allegations examined where they would face
18 questions.

19 However, the Inquiry is quite satisfied that, in
20 fact, Colin Wallace did attempt to manipulate this
21 Inquiry's proceedings despite his public position as
22 published on the Inquiry's website of non-cooperation.
23 I say that because, as you know, last week the Inquiry
24 received a letter from Fred Holroyd, long time running
25 mate of Colin Wallace, which attached what you may

1 consider to be a very well written submission with
2 vouching documentation which quite clearly emanates from
3 Colin Wallace. While such an approach from the
4 proponent of what are among the most serious allegations
5 that could be made against this state is at best
6 disappointing you may consider in that he remains
7 unprepared to come and speak to his allegations,
8 nonetheless the Inquiry has determined that it will take
9 this submission into account, it will publish it and the
10 Inquiry's reply to the letter received from Fred Holroyd
11 on the Inquiry's website. This document, as you know,
12 will join an exceptionally large volume of material this
13 Inquiry has gathered surrounding Colin Wallace.

14 Members of the Panel, it is neither necessary nor
15 proportionate for this Inquiry to spend months of public
16 hearings pouring over material surrounding this one
17 individual. As students of public inquiries will be
18 aware, oral public hearings are only one part of our
19 investigative work. In circumstances such as these you,
20 Members of the Panel, have been engaged in reading this
21 material in preceding months and, as with other
22 material, will continue to do so. What I am, however,
23 going to do is publicly summarise the key issues around
24 the claims Colin Wallace makes about Kinchora.

25 Before I do that, I am going to publicly explain, as

1 you are already aware, Members of the Panel, the breadth
2 of the material that the Inquiry has considered and will
3 consider in respect of Colin Wallace and the allegations
4 he makes about Kincora. The material, as you know, is
5 much, much wider than just relating to his allegations
6 about Kincora, but all of it has been and will be
7 considered and taken into account.

8 The Inquiry has, as you are aware, material relating
9 to Colin Wallace's time working in HQNI in Lisburn until
10 early 1975. We looked, for instance, at the 1973 Mooney
11 document relating to Colin Wallace yesterday and what he
12 was in a position to say Colin Wallace had been told by
13 a journalist. We have much material of that nature
14 about his time working in HQNI. We have, as you know,
15 the Ministry of Defence leakage inquiry in 1974 and
16 early 1975 looking at the leakage of classified
17 information to one journalist in particular, and all of
18 the material relating to that has been made available to
19 the Inquiry.

20 As a result of the last aspect of that leakage
21 Inquiry, which was, as you know, Colin Wallace leaving
22 a particular document through the letter-box of the
23 rented house in Hillsborough where Robert Fisk lived,
24 that resulted in an RUC leakage inquiry, and the Inquiry
25 has gathered the police material in relation to that.

1 You have in addition the DPP papers relating to the
2 RUC investigation of the leakage inquiry, and those
3 papers have been gathered from the DPP.

4 We have Colin Wallace's RUC Special Branch file.
5 Then you have the RUC phase three 1982/'83 Inquiry into
6 military intelligence. As you are aware, that involved
7 four police interviews with Colin Wallace during 1982 as
8 Detective Superintendent Caskey endeavoured to
9 investigate the allegations Colin Wallace was at that
10 point making. As you know, that did not include the
11 document dated 8th November 1974, even though if it was
12 written on 8th November 1974 it must clearly have been
13 known in 1982, but not revealed. That would not form
14 part of the Phase Three '82/'83 Inquiry.

15 You have then the DPP file arising from the RUC
16 Phase Three Inquiry where the position of Colin Wallace
17 was considered in respect of the allegations he was then
18 making.

19 You then have the 1982/'83 Sussex Police Inquiry
20 involving Sir George Terry, and you are aware that for
21 reasons connected to the criminal charge that Colin
22 Wallace faced, which was investigated by The Sussex
23 Constabulary involving Superintendent Harrison, Colin
24 Wallace was not prepared to engage with the Sussex
25 officers, but nonetheless in the Sussex Inquiry you have

1 an analysis of the allegations that he makes at that
2 point in time and the evidence gathered by the police in
3 respect of them.

4 Then you have the 1984/'85 RUC phase 4 Inquiry
5 conducted by Detective Superintendent Caskey, which
6 examined principally the document dated 8th
7 November 1974. It will become known before us as GC80.

8 You then have the material from the 1985 Hughes
9 Inquiry who, amongst other things, wanted to examine the
10 document dated 8th November 1974 and have Colin Wallace
11 speak to it. In addition to what is said in the report,
12 the Inquiry has gathered the Hughes Inquiry secret file,
13 given that cover presumably because it involved someone
14 involved in intelligence, and the efforts that were
15 engaged in to have Colin Wallace cooperate and speak to
16 the claims that he was making.

17 Then you have vast quantities, as you know, of
18 Government files both devolved and non-devolved relating
19 to Colin Wallace. They are not, as you know, all about
20 Kincora. We had many allegations about his time working
21 in the Army, and caught up in those relate to his
22 allegations about Kincora.

23 The engagement between Colin Wallace and others on
24 his behalf with Government and their officials would go
25 on, as you know, for years, and ultimately that would

1 lead, post the recognition that as a result of what the
2 MoD had erroneously said about its disinformation
3 operation in Northern Ireland in the early 1970s and the
4 reference to there being a Clockwork Orange Operation,
5 the Prime Minister had to explain publicly in Parliament
6 that Parliament had been misled. The result or the
7 outfall or outworking of that was to see what was
8 a secret MoD investigation, which also pulled in the
9 Security Service, the NIO and others, which was
10 conducted on behalf of the MoD by a Mr Rucker.

11 As you know, he produced a very substantial report
12 and its supplementary report into all of Colin Wallace's
13 allegations. As some of those related to Kincora,
14 sections of the report deal with that. As you know,
15 substantial work has been undergone by the MoD to make
16 the relevant parts that the Inquiry wishes of that
17 report to be made public.

18 Part of the outworking of that, and you have had the
19 opportunity to consider, is the Calcott review that was
20 conducted into Colin Wallace's hearing before the Civil
21 Service Appeals Board. The process, as you know,
22 involved information being conveyed to the Chairman,
23 which was not then shared with Colin Wallace, and the
24 result of that when that was reviewed as part of the
25 Rucker process, involved the Calcott review being set up

1 to examine what occurred, and led to a recommendation
2 that the process was unfair and compensation being paid.

3 So, to be clear, and it will, I hope, be clear in
4 the summary that I am giving, there are clear occasions
5 when how Government interacted with Colin Wallace was
6 inappropriate, you may consider, unfair, but the central
7 issue is not whether at any time the Government or its
8 officials made mistakes, behaved inappropriately, did
9 wrong things in relation to Colin Wallace. The central
10 issue is whether the claims he makes about Kincora are
11 true.

12 As you know, vast quantities of communication over
13 various issues involving Colin Wallace are available to
14 the Inquiry in both devolved and non-devolved files, and
15 they include matters over his dismissal from the Army,
16 but also examining the issue of psychological operations
17 and so on, terribly interesting for many people, no
18 doubt, but the central focus for the Inquiry, as you
19 know, is to look at what the position is in respect of
20 the allegations relating to Kincora.

21 There are substantial secret Cabinet Office papers
22 that have been made available to the Inquiry and which
23 you have already considered as Colin Wallace's
24 allegations made their way before the Prime Minister of
25 the day. Those papers indicate that the matter elevated

1 right to the top of the United Kingdom Government.

2 In addition to the Inquiry gathering those papers
3 from the Cabinet Office, the Inquiry has gathered
4 Government and other papers from the Merlyn Rees
5 collection at the London School of Economics. So you
6 can appreciate, Members of the Panel, the breadth of the
7 investigation to try to ensure that when this matter is
8 looked at, all the relevant material that can touch on
9 the issues related to Kincora are available to you.

10 In addition, matters relating to Colin Wallace have
11 been discussed in Parliament on a number of occasions.
12 You have the Hansard extracts in relation to those
13 discussions. While I have made the point before, as you
14 know, there are literally hundreds of letters from Colin
15 Wallace and people on his behalf and replies from those
16 in officialdom answering his questions, queries,
17 responding to allegations and all of that material that
18 has been available to you as you have poured through
19 them, and I am not going to be looking at vast
20 quantities of that correspondence during the course of
21 our public hearings.

22 In addition, and perhaps of particular significance
23 in relation to our work, you have Wallace's account in
24 1989 recorded in the book Paul Foot wrote called "Who
25 Framed Colin Wallace?" As you know, the Inquiry has and

1 has considered both the hardback and the paperback,
2 because there was a slight difference in what was said
3 about the approach of Judge Hughes between the first
4 edition, the hardback, and the second edition, being the
5 paperback, but recorded in that book is what Colin
6 Wallace says occurred in respect of Kincora.

7 Equally there is the account that he gives to Martin
8 Dillon in "The Dirty War" book, which Dillon authored,
9 which includes in chapter 7 Colin Wallace's claims about
10 an MI5 operation at Kincora. You will recall we looked
11 at that right on the first day indicating where the
12 allegation came from.

13 We also have, as you know, and I am not going to go
14 into the detail of it, but Colin Wallace in 1980 was
15 arrested for the murder of Jonathan Lewis, the husband
16 of a lady that he was having some form of liaison with,
17 and ultimately he was convicted of the manslaughter of
18 Jonathan Lewis. That resulted in, as you know, the
19 issues over Kincora being raised by Colin Wallace
20 effectively from his prison cell in Lewes in Sussex, but
21 you have Colin Wallace's appeal ultimately to the Court
22 of Appeal which resulted in his manslaughter conviction
23 being quashed and you have the written judgment of the
24 appeal judges before you from 9th October 1996.

25 In addition, you have Colin Wallace's evidence to

1 Barron Inquiry in 2004 and his contribution, what Barron
2 Inquiry had to say about it, and I make it clear this is
3 what they said:

4 "When speaking about matters directly within his own
5 experience, the inquiry believes Wallace to be a highly
6 knowledgeable witness. His analysis and opinions,
7 though derived partly from personal knowledge and partly
8 from information gleaned since his time in Northern
9 Ireland, should also be treated with seriousness and
10 respect."

11 But, as you know, and you have the Barron Inquiry
12 report they, having said that, went on to reject all of
13 the claims that he was making.

14 You also have Colin Wallace's evidence to the
15 Saville Inquiry in 2002, and I will mention that again
16 shortly.

17 In addition, you have the PSNI file into the murder
18 of Brian McDermott, which was reopened on a further
19 occasion at the start of this century, and that involved
20 a police statement being taken from Colin Wallace, which
21 will be of considerable significance to your work.

22 You then have the vast quantities of direct and
23 indirect media contributions to the visual and written
24 media made by Colin Wallace over many, many years.

25 That brings us to the last set of documents which,

1 as you know, was provided by Fred Holroyd by letter of
2 23rd June 2016, so right up to date to the HIA Inquiry
3 on behalf of in the Inquiry's view it is satisfied it is
4 written in terms of the material annexed to the letter
5 by Colin Wallace together with the supporting
6 documentation provided with it. As you know, that
7 included a copy of a report from a polygraph company
8 where it was said Colin Wallace passed a polygraph in
9 respect of his allegations, and he explains in the
10 written submission what he says a number of the
11 questions were that he passed as part of that polygraph
12 report. So all of that information is before you in
13 respect of his position.

14 I would like to say that what I have endeavoured to
15 encapsulate in that summary is all encompassing, but
16 I doubt it is. However, as you have spent many months
17 reading the material, the breadth of what I am trying to
18 communicate to the public, which is already known to
19 you, is the extent of what has been looked at in
20 relation to these issues.

21 In addition, this Inquiry has received from its core
22 participants statements that also deal with the issues
23 relating to Colin Wallace. You have the SIS statement.
24 You have the statement from MI5. You have two
25 statements from the MoD. We have looked publicly at the

1 first statement and today at the third statement, but
2 the second statement deals specifically with the
3 document GC80 and I will come back to that at a later
4 point. You have the PSNI first statement. As you know,
5 that includes the police analysts preparing
6 an 18-page personal profile of Colin Wallace. You will
7 find that at GC10, which is at 1710 to 1727.

8 In addition, the PSNI first statement has exhibit
9 GC11, which is a 24-page analysis of the GC80 document
10 as it was known to the RUC. That's the Wallace memo
11 that is said to be dated 8th September 1974. You can
12 find that document at 1728 through to 1751.

13 In the PSNI second statement to the Inquiry at
14 paragraphs 73 to 106, Detective Chief Superintendent
15 Clarke addresses Wallace's attempts to link Dr Morris
16 Fraser to Kincora and his engagement with Dr Meehan,
17 whose report you saw we used to identify Inspector Mack
18 as the person said to have spoken to Liam Clarke about
19 a Tory MP being in Kincora. As you know, Inspector
20 Mack, now retired, has made it clear to you he did not
21 make that allegation and it was not correct.

22 That second statement from the PSNI also includes
23 GC11A, which is a 24-page amended analysis of GC80,
24 which is, as you know, the Wallace memo said to be dated
25 8th September. We can find that analysis at 1858 to

1 1881.

2 As you stand back from the breadth of the material,
3 Members of the Panel, and the years that it has spanned,
4 you may legitimately ask yourselves: how could this have
5 been possible?

6 What I want to draw your attention to before we move
7 into the specifics of the Kincora allegations are some
8 key facts you may consider that arise from the breadth
9 of the material that you have considered already, and we
10 are going to look at some specifics of today.

11 Colin Wallace was clearly and is clearly
12 an intelligent individual. When you read the written
13 submission that has been annexed to Fred Holroyd's
14 letter you may consider that's immediately apparent,
15 whatever you consider about the content of it. He is
16 someone with an ability to manipulate the media. His
17 role within the Army, as he himself will explain,
18 involved that process, and you will, as you have had the
19 opportunity to, be able to consider some of the
20 communications that appear to have gone on in the '80s
21 onwards, from '82 onwards, in relation to these matters
22 connected to Kincora and what the media have to say
23 based on what they claimed was being said to them by
24 Colin Wallace.

25 As you know, he engaged on his own admission with

1 others in disinformation. It was his claims about this
2 and the Army's involvement in black propaganda in
3 Northern Ireland in the 1970s and the Army's subsequent
4 denials of it that would cause the Prime Minister to
5 mislead Parliament and would lead ultimately to the
6 Rucker report and the Calcott review.

7 It is also the case that on occasions you may
8 consider the State has mishandled and you may also
9 consider behaved inappropriately in some of its dealings
10 with Colin Wallace, such as the non-disclosed
11 pre-briefing of the Chair of the Civil Service Appeals
12 Board in 1975, but also, Members of the Panel, Colin
13 Wallace by his own admission is someone who repeatedly
14 lies, including to the police. He lied to the police in
15 1975 about the material he gave to Robert Fisk. He lied
16 to the police in the aftermath of the death of Jonathan
17 Lewis in 1980, for which he was convicted for
18 manslaughter, the conviction of which was subsequently
19 quashed by the Court of Appeal.

20 I want to show you, Members of the Panel, if we can
21 bring up, please, 122066, what three appeal court judges
22 had to say about this issue. If we scroll to the bottom
23 of the page, please, penultimate paragraph. I am not
24 interested you may consider, Members of the Panel, in
25 the context of it being discussed about being in the SAS

1 or engaging in a karate chop or whether or not he was in
2 a position to do that, but what I want to draw your
3 attention to is four lines from the bottom of the
4 penultimate paragraph:

5 "He was, after all, a Defendant with a proven record
6 of deception and dishonesty ..."

7 Now those are the words of three Court of Appeal
8 judges in England and Wales. Then if we move on to the
9 next page, please, you can see this:

10 "In his summing-up to the jury, the judge said:

11 'At the heart of the prosecution case is
12 a submission that the accused lied and lied to the
13 police and changed his story time after time, and that
14 he did so to cover up or to escape from his guilt, and
15 that he lied to you, members of the jury, in the witness
16 box in an endeavour to hoodwink you into a belief in his
17 innocence or an uncertainty as to his guilt'.

18 Later the judge said:

19 'Now it may be convenient if I leave prosecuting
20 counsel's comments on the interviews to the time when
21 I take you through the interviews, but simply just to
22 leave it with you on this basis, that counsel says that
23 the pattern of the interviews shows that the defendant
24 started either concealing facts or telling lies to all
25 and sundry, and he made the point which you may think is

1 a point of some significance -- it is a question though
2 entirely for you to decide -- and that point was this:
3 why not tell that distraught young woman, the anxious
4 young woman at the dinner party" -- this is the wife of
5 Jonathan Lewis -- "why, I should not worry, my dear.
6 I saw him at half past 6. Dropped him off just after 7.
7 Perfectly all right"? Not a word at the dinner party.
8 Back at home throughout the long hours of Wednesday
9 night or Tuesday night and early Wednesday morning,
10 a desperately worried young woman. Why on earth not
11 tell her then and why fob her off with other possible
12 excuses? The prosecution say and they invite you to
13 conclude the reason why was that in his heart of hearts
14 he knew the real truth was that he was not safe and
15 sound deposited unharmed at 7 o'clock'.

16 The judge ..."

17 That's quoting the trial judge, but what the court
18 of appeal judges said.

19 "The judge very properly reminded the jury in detail
20 of the appellant's interviews with the police, pointing
21 out the numerous occasions upon which the appellant told
22 lies, or failed to give the account which he had ended
23 up by giving and the various occasions upon which he had
24 changed his story and engaged in deliberate deception."

25 So you can see, Members of the Panel, that that is

1 not the Court of Appeal judges simply quoting a position
2 taken by the trial judge. They are indicating that that
3 is the content of the material that they have assessed.

4 Now, as you know, and we don't need to go into the
5 legalities of it, but the conviction was quashed because
6 of how the forensic evidence was presented and the Court
7 of Appeal elected that there should not be a retrial,
8 but the point that I am drawing to your attention is as
9 a matter of public record the Court of Appeal judges
10 expressed the view that they do based on the material
11 before them. That will be a matter for you to consider
12 when you look at the reliability of what Colin Wallace
13 has to say.

14 It is also the case, Members of the Panel, that
15 those who promote his claims in the media appear to
16 ignore the facts that I have just shown you. That you
17 may consider has a resonance with much of the reporting
18 around the Kincora story, as you have seen over the
19 course of this module. Colin Wallace, as I said, has
20 given evidence to at least two public inquiries before.
21 The Barron Inquiry in the Republic of Ireland found him,
22 as I said, a knowledgeable witness, whose analysis and
23 opinions, though derived from personal knowledge and
24 partly from information gleaned since his time in
25 Northern Ireland, should also be treated with

1 seriousness and respect. Having said that, they
2 rejected his allegations.

3 He gave to the Bloody Sunday Inquiry, the Saville
4 Inquiry, and if we look at 124618, please, he gave
5 evidence over a number of days. At 9.216 you can see:

6 "In evidence to this Inquiry Edward Heath and Lord
7 Carrington both said that they had no recollection of
8 having been concerned about events at Magilligan
9 Street."

10 MS DOHERTY: 9.217.

11 MR AIKEN: I am sorry it is 9.217. He is explaining
12 a particular aspect of evidence he was giving and those
13 who responded to it, and then the Inquiry says this:

14 "In these circumstances we are of the view that we
15 cannot rely on Colin Wallace's evidence on this point.
16 We consider that his recollection in this regard is
17 faulty."

18 As you know, Colin Wallace will not be giving
19 evidence to this Inquiry. It is important, Members of
20 the Panel, you may consider that it is recognised and
21 acknowledged that he was an individual highly regarded
22 in HQNI, described as having an encyclopaedic knowledge
23 of Northern Ireland affairs that was a considerable
24 benefit to the Army in the early 1970s. That said,
25 Members of the Panel, he was a press officer, albeit

1 potentially engaged in disinformation and assisting with
2 black propaganda, but you may consider that the flow of
3 the material that you have looked at may suggest that
4 Colin Wallace was prone to and has continued to
5 overstate his role and importance within the Army.

6 After the Army had decided in the context of the
7 leak inquiry that he would be leaving the Army, his
8 former boss, Peter Broderick, would remain supportive of
9 him. I want to show you, please, 50512. This is
10 a letter from Peter Broderick of 22nd September 1976.
11 You can see he described:

12 "I knew him professionally from March '72 until
13 March '75.

14 During '73 and '74 I had personal command of all the
15 Army information activities at HQ Northern Ireland where
16 I was resident. Wallace was my senior information
17 officer and had a key position. He became a social
18 friend of my family and remains so today.

19 Without hesitation, he is one of the most active and
20 professional of all the information officers with whom I
21 have served anywhere. His quick grasp of any subject,
22 sound advice, rapport with the press and public, writing
23 skills, research and briefings and creative thinking are
24 truly excellent. He had practical skills in all the
25 related crafts -- from photography, printing, editing

1 and advertising. There are better orators, but he talks
2 confidently and with good sense.

3 On application, it is sufficient to say that when
4 I arrived in Northern Ireland he had served 80 hours
5 a week, 365 days a year, and had taken no leave (even
6 Saturdays and Sundays) for four years.

7 He is not an easy character to know. His upbringing
8 was in the bible belt of Ulster and I believe not with
9 his own parents. He is reserved about his past life,
10 but his highly intelligent wife (they married last year)
11 is giving him a new lease of life. He is a perfect
12 socialiser, however, and a great raconteur. He enlivens
13 any party. He is totally dedicated to the Army. Whilst
14 in Northern Ireland he held a reserve Army Commission,
15 did two nights duty each week on armed patrol as
16 a captain in the Ulster Defence Regiment and was
17 an active member of the Northern Ireland Regular Army
18 freefall team.

19 In my experience he gets on well with everyone. He
20 is very polite and conscious of his superiors. He was
21 certainly highly regarded by the generals and general
22 staff in Northern Ireland. He was also very popular and
23 respected by those who served under him.

24 To explain the full nature of our work together in
25 Northern Ireland is not possible. Some of it was of

1 a sensitive nature. Suffice to say that he had my full
2 confidence during my tour of duty.

3 If the choice were mine I would have him in
4 a position of full trust tomorrow."

5 Now that's a letter that appears to have been
6 written as a reference to assist Colin Wallace getting
7 further employment, because you will recall the date of
8 the letter is 22nd September 1976. He has already left
9 the Army. Whether it's a reference or not is
10 irrelevant. Those are the views that were being
11 expressed by Peter Broderick about the person with whom
12 he worked but, as you know, Peter Broderick would and
13 did deny to the police that he had ever been told by
14 Colin Wallace about Kincora at any time. The reference
15 to are that, as you know, Members of the Panel, is at
16 30132.

17 However, what I want to show you, given the letter
18 we have just looked at of September 1976, is a letter
19 written on 19th July 1976. If we can bring up, please,
20 102121. This is a letter written in confidence. If we
21 can just scroll down to the bottom so you can see -- on
22 to the next page, please, so you can see who it's from:
23 Peter Broderick. If we go back to the start, please:

24 "Dear John,

25 After many months of silence, Colin Wallace and his

1 wife dropped in for a casual social visit yesterday.

2 I thought you ought to know that he is still in my
3 opinion" -- this is Peter Broderick, a supporter of
4 Colin Wallace -- "unable to separate fact from fiction.
5 Far from having accepted the honourable" --

6 MS DOHERTY: "Resignation".

7 MR LANE: "Resignation".

8 MR AIKEN: -- "resignation formula, he is now having a fresh
9 round of lawyers' advice, seeing his MP (Roland Moyle,
10 who is NIO incidentally) and still in touch with IPCS.
11 He is contemplating an appeal to the Industrial
12 Tribunal against the CS Appeal Board on grounds of
13 incorrect" --

14 MR LANE: "Procedures".

15 MR AIKEN: -- "procedures and missing evidence. I tried to
16 get him to clarify what evidence had been missing. He
17 wasn't very coherent but I get the impression that in
18 a final crunch" --

19 CHAIRMAN: "He would not be averse to getting CLF ..."

20 MR AIKEN: "... Commander of Land Forces, then Peter Leng
21 and Lieutenant Colonel Jeremy Railton (GI -- Information
22 Policy then) to own up for their parts in the various
23 operations which, so he thinks, are now being pinned on
24 him alone and which have clouded the atmosphere and
25 prejudiced his own case. Needless to say from my own

1 knowledge of the situation that could be embarrassing."

2 So you may infer from that that clearly Peter
3 Broderick is aware of the type of black propaganda
4 operations that may have been going on involving Colin
5 Wallace:

6 "I pressed --

7 MS DOHERTY: "Probed".

8 CHAIRMAN: "Probed."

9 MR AIKEN: -- "probed him on why he is not content to let
10 matters lie and start afresh. He still hasn't got a job
11 after 50 applications (and his wife was also made
12 redundant from HMG Service apparently).

13 He has two grievances apparently:

14 (a) He saw a statement by MoD which they sent to
15 the Department of Employment about the circumstances of
16 his leaving. It apparently said 'resignation by mutual
17 agreement after a breach of discipline'. He says that
18 having agreed to resign" --

19 CHAIRMAN: "It is churlish."

20 MR AIKEN: -- "churlish of MoD to add this final phrase
21 which effectively" --

22 CHAIRMAN: "Damns him."

23 MR AIKEN: -- "damns him.

24 (b) He says that his departure from HQNI is now
25 being used as a cover-up for the Army's past misdeeds.

1 He claims that Fisk has told him of an unattributable
2 briefing by [a particular individual] (at the time of
3 the press pass story) in which the blame was laid on the
4 departed Wallace and (incidentally) Broderick. Let me
5 say that I do not believe such a story. I know about
6 these passes and it was I who formally complained to the
7 GOC. Wallace's fear is that he doesn't know what else
8 he is likely to be blamed for.

9 This is not a happy letter. I thought you should
10 know that there is still plenty of scope for further
11 trouble. Wallace is just not acting rationally or
12 responsibly.

13 Yours,

14 Peter Broderick."

15 You should imagine neither Peter Broderick or Colin
16 Wallace for different reasons ever thought that letter
17 would see the light of day. One thought in writing it
18 it would remain in confidence. The other probably
19 doesn't know it exists, but you can see what's being
20 said by Peter Broderick, and in addition you can see
21 what he doesn't appear to have been told, or certainly
22 there is no specific reference to anything to do with
23 Kincore or anything to do with the September '74 memo.

24 I am aware, Chairman, Members of the Panel, that the
25 microphone doesn't appear to be working. I wonder is

1 this an appropriate point -- we are back and running.
2 I thought we had lost it. It seems to be working again.

3 So there you have Peter Broderick just one month
4 before the letter that we have seen.

5 Ultimately, Members of the Panel, the lengthy
6 debates that go on post 1982 when what you may consider
7 to be sensational media stories attributed to Colin
8 Wallace start to appear into, and these debates into
9 conditions that would attach to his communication or
10 engagement, attempts to meet those conditions, belief as
11 to his deliberate avoidance or otherwise, disagreements
12 over interpretations of letters of comfort and
13 immunities, lengthy exchanges to, and among the highest
14 echelons of the British Government, are all terribly
15 interesting. You could spend months dissecting who was
16 more right than the other in the approach that was taken
17 and find that the State in one of its guises could have
18 done more, should have done more, did more than enough,
19 did more than can be expected. You could find any of
20 those. However, I ask this question: to what end?

21 The key question, you may consider, is what happened
22 at the time? The allegations of Colin Wallace you need
23 to consider are:

24 Did he have contact with a female social worker in
25 1972 about William McGrath abusing a boy in his care and

1 thereafter take the course he says he took on foot of it
2 by telling another officer and being told that the
3 matter was already in hand?

4 Did he receive direction from his superiors to try
5 to interest journalists about what was happening in
6 Kincora in 1973 and, as you know, the journalists appear
7 to have failed to notice?

8 Did he in 1974 write a memo dated 8th November 1974,
9 which was based on a raft of documentary evidence that
10 indicated children were being abused not just in Kincora
11 but in other children's homes as well, and did he try to
12 sound the alarm?

13 Did he get forced from Northern Ireland and the Army
14 in 1975 because he tried to blow the whistle on Kincora?

15 Did he make an anonymous call from London to Belfast
16 Social Services in 1975 to try to sound the alarm?

17 Did he have any basis to make the claims post 1982
18 that MI5 were running an intelligence operation centred
19 on Kincora through the abuse of boys?

20 If none of those claims are true, then why make them
21 and persist in making them, inevitably heaping
22 unnecessary misery on the heads of the abused?

23 If we can look, please, at 122512, on 17th July of
24 2014 Liam Clarke in the Belfast Telegraph carried
25 an interview with Colin Wallace which incorporates

1 a number of allegations he makes about Kincora:

2 "Mr Wallace feels the Inquiry could be the last
3 chance to find out the truth of what happened at
4 Kincora, that's this Inquiry we are talking about.

5 "He said: 'David Cameron has said no stone will be
6 left unturned in uncovering child abuse rings in the
7 1970s and 1980s'.

8 'Well, I can tell him there was a lot of information
9 on Kincora, but people who know about it are dying and
10 files may be destroyed. This is the last big
11 opportunity to put Kincora and the other children's home
12 allegations to rest for good'.

13 Mr Wallace stated: 'When I was working with military
14 intelligence the Army did want to expose Kincora, but
15 MI5 didn't. That led me to the conclusion that MI5 had
16 some extra interest.

17 'Some in the RUC also tried to uncover it but were
18 stymed. Whoever was stopping further activity had a lot
19 of influence'.

20 Wallace (71)", in 2014, "is now a management
21 consultant. He worked in the British Army's information
22 Policy Unit in Northern Ireland between December 1971
23 and September 1974.

24 During that time he tried to make official knowledge
25 of the Kincora scandal public with the support of more

1 senior Army officers.

2 While in the Army he believed" -- sorry.

3 "Since leaving the Army he said he had been told
4 that boys from Kincora were being taken to Brighton to
5 be abused.

6 While in the Army he believed well-connected
7 paedophiles were using the home, including Sir Knox
8 Cunningham, who was Parliamentary private secretary to
9 former Prime Minister Harold Macmillan."

10 Now in respect of the last two allegations, Members
11 of the Panel, no-one has made those allegations to this
12 Inquiry:

13 "The abuse allegations in the home centred around
14 a secretive Loyalist paramilitary organisation known as
15 Tara, which met in Clifton Street Orange Hall at the
16 time and was largely made up of Orange Order members.
17 Some, like William McGrath, who was later jailed for
18 child abuse at Kincora, were in an Orange Lodge known as
19 Ireland's Heritage.

20 Mr Wallace said: 'We in the Army were looking at
21 Tara as a paramilitary organisation on the fringe of the
22 conflict from 1970 on. The emphasis changed late in
23 1972 when we got a call from a woman who was either
24 a Welfare Officer or Probation Officer, and I was
25 delegated to meet her'.

1 The woman told him that she was dealing with
2 a Kincora resident who had been in trouble with the
3 police.

4 The boy had told RUC officers that sexual assaults
5 were taking place at the home and, although they were
6 sympathetic, the officers told her that they were being
7 blocked at a higher level from doing anything."

8 Just pause and unpack that, if I can ask you.
9 A call has come in. He has been delegated. So someone
10 else in the Army knows of the call. He has been sent.
11 The person he meets is a Welfare Officer or Probation
12 Officer who has inevitably in order to meet with him had
13 it disclosed to them by a boy that they were being
14 abused by William McGrath, and the boy had reported
15 these matters to the RUC, and the RUC were able to tell
16 the Welfare Officer or Probation Officer, whatever she
17 was, that they were trying to do something about his
18 complaints of sexual abuse but they were being stopped
19 from doing that. This is 1972. You will recall from
20 our chart the issue that that raises as to when the
21 first person would ever say they were abused by William
22 McGrath in terms of those who had ever come forward:

23 "In 1973 Captain Wallace prepared a briefing paper
24 for journalists which set out allegations about Tara and
25 its role in homosexual activity in Kincora, and named

1 Sir Knox."

2 Well, we looked yesterday at that briefing paper,
3 30200. No mention of Kincora.

4 "It was mentioned in a number of papers but no
5 action was taken."

6 But then he is quoted as saying this:

7 "'We didn't specify allegations of assault in the
8 home because the Army felt that it couldn't be seen to
9 be briefing on a police matter'."

10 So here you have an explanation for not being overt
11 in disclosing Kincora. It was known about, but the Army
12 decided not to be overt about its attempts to disclose
13 it to the media:

14 "'However, we gave the names of those involved'.

15 In 1974 Wallace and his colleagues received
16 documents from the RUC showing that although some
17 officers were aware that McGrath was a child abuser,
18 they were obstructed from pursuing him. Wallace also
19 tried to make this public."

20 So you can see that he is saying the document we
21 will come to when we are looking at the November 1984
22 memo, that that document showed that officers were being
23 obstructed by fellow officers in trying to have this
24 matter pursued.

25 "After that he was removed from his job, accused of

1 passing a classified document to a journalist, and
2 eventually charged and convicted of murder."

3 Well, he was convicted of manslaughter:

4 "Years later it emerged that he had been cleared to
5 pass the document and the murder conviction was
6 quashed."

7 Well, we will be able to consider whether that's
8 accurate or not:

9 "Asked if he believed it was an attempt to discredit
10 his allegations Mr Wallace said: 'I can't prove that,
11 but when I asked a former colleague why he didn't speak
12 out he told me: "Look what happened to you"'.
13

14 He added: 'The terms of the Inquiry would need to be
15 watertight if people are to have the confidence to
16 cooperate with it fully'."

17 So you can see that in 2014 it is being said that
18 there was deliberate decision-making about these issues
19 by the Army, including that they wanted to bring
20 attention to the matter but didn't want to be seen to do
21 so. You will want to bear that allegation in mind when
22 you reflect on the material we looked at yesterday and
23 in respect of the material that we are going to look at
24 around these matters.

25 Colin Wallace was born on 6th June 1943. Another
document suggests 1942, so 1942/'43. I am only going to

1 briefly give you, as you know, because you have read
2 around all of these issues, he was in the Army as
3 an information officer and then Senior Information
4 Officer between 1968 and 1975. He had been in the
5 Ulster Special Constabulary in the late '60s. From
6 January '72 he was a member of the UDR until his
7 resignation in November '75. He held the rank of
8 Captain. Jonathan Lewis, as you know, was murdered on
9 5th August 1980. Colin Wallace was charged with that
10 murder on 18th September 1980. The police officer
11 appointed to lead the investigation into the murder of
12 Jonathan Lewis was Detective Superintendent Harrison of
13 Sussex Police, who would later in 1982, so after Wallace
14 was already in prison, be one of the two superintendents
15 to carry out the main investigative work on behalf of
16 Sir George Terry of Sussex Constabulary.

17 On 20th March 1981 Colin Wallace was acquitted of
18 murder but convicted of manslaughter and sentenced to
19 ten years' imprisonment. On 12th February 1982 the
20 Court of Appeal in London refused his leave to appeal.
21 On 18th February 1982 Gerry Fitt -- if we look at 30368,
22 please -- informed the House of Commons during a debate
23 on the then Secretary of State for Northern Ireland
24 James Prior's statement announcing the Chief Constable's
25 request for an outside force to investigate the RUC and

1 oversee the ongoing police investigation and the
2 Government's intention to hold a Judicial Inquiry at the
3 end of the police investigation, that Colin Wallace
4 said, if you look. Gerry Fitt. If we can just scroll
5 down a little further, please, you can see:

6 "It is important that the right honourable gentleman
7 should tell us whether the tribunals of enquiry
8 (Evidence) Act 1921 ..."

9 Obviously one of the issues was a full blown enquiry
10 was not what ended up taking place. The Hughes Inquiry
11 was not under the Tribunals of Inquiry (Evidence) Act,
12 but you can see:

13 "... would empower the Inquiry to take out of prison
14 those who have already been convicted because of
15 allegations at Kincora? Would it enable Mr Colin
16 Wallace, a former British Army security spokesman, who
17 gave an interview to journalists in 1975 and made them
18 aware of all the aspects of Kincora, to be brought
19 before the Inquiry or the Courts?"

20 Now if we just pause there:

21 "Made them aware of all the aspects of Kincora ..."

22 Now if we look at 30222, please, you will see that
23 on 1st March 1982 from then Wormwood Scrubs Colin
24 Wallace writes to Gerry Fitt and says:

25 "I have just seen the text of your question in the

1 House to James Prior regarding the Kincora Inquiry and
2 the possibility of my giving evidence. As you will no
3 doubt have gathered, I would be very happy to do so and
4 indeed I hope that I shall be called.

5 I didn't think I need to spell out to you that there
6 will probably be great opposition from certain sources
7 to my appearing, and I shall require considerable help
8 to overcome that. There are also a number of legal
9 problems" -- if we scroll down, please -- "relating to
10 the Official Secrets Acts, the problems ...

11 MS DOHERTY: "Precise".

12 MR AIKEN: "The precise Terms of Reference of the Inquiry,
13 etc, to be resolved. Incidentally, I first became aware
14 of and reported the situation back in 1972 and not 1975
15 as was reported in the press. You may think it
16 significant that I was charged with the offence", that
17 is the charge of murder, "shortly after the McGrath case
18 came to light", in 1980.

19 But you can see there is no attempt to disavow Gerry
20 Fitt of the belief that at least in 1975, although it is
21 now being '72, that Colin Wallace was telling about
22 Kincora.

23 On 22nd March, if we look at 20234, please, this
24 article appeared by Iain Macaskill in the News of the
25 World. You can see:

1 "I'll expose top men's vice ring says killer.

2 A convicted killer holds the key to a growing sex
3 scandal involving top members of the establishment.

4 Colin Wallace, serving 10 years for manslaughter, is
5 threatening to expose the guilty men. He says he knows
6 the names of MPs, lawyers, civil servants, councillors
7 and policemen involved.

8 Wallace has told friends of a secret list of 60 men
9 in the homosexual vice ring centred on Kincora House, a
10 school for deprived children in Belfast.

11 The ring was smashed at the end of last year when
12 three staff were jailed for offences against boys."

13 Just bear with me for a minute.

14 CHAIRMAN: It says:

15 "Now the Government has offered an Inquiry into why
16 it operated undetected for 20 years."

17 MR AIKEN: "For 20 years."

18 CHAIRMAN: "Wallace ...

19 MR AIKEN: I will get a better copy for us printed, but you
20 have already seen the essence of the allegation, and in
21 the bottom section under "secret papers" you can see:

22 "Wallace has told friends that he saw the list",
23 that's the list of the 60 individuals connected to
24 Kincora, "at Army HQ in Lisburn. The names were on
25 three foolscap sheets.

1 The file is said to be made up of ten portraits --

2 CHAIRMAN: I think "ten portraits".

3 MR AIKEN: "And of people involved and details of the roles
4 they played.

5 The list includes names of MPs who visited Ulster
6 before the scandal was first exposed two years ago.

7 Senior civil servants seconded from London to
8 Belfast are also named, plus local politicians who used
9 the vice ring to [something] in the cover up."

10 I will get a proper copy printed for us.

11 CHAIRMAN: "Or knew about it and took part in the cover-up".

12 MR AIKEN: So you can see that that is a sensational
13 allegation on any reading, and on 29th April -- I should
14 just so it's clear, when Colin Wallace was interviewed
15 by Detective Superintendent Caskey he would not accept
16 that he was the source for Iain Macaskill's article. He
17 would not accept the extent of the list, but did not
18 disavow Detective Superintendent Caskey of a belief that
19 there was a list, but on 29th April 1982 after
20 interviews with the RUC, if we look at 30093, please,
21 after interviews with the RUC on 24th March 1982 and on
22 27th April 1982, Iain Macaskill produced documents which
23 were given the exhibit SRM9.

24 Now if you just -- if we scroll down, please, so we
25 can see the sequence of events:

1 "I told Mr Macaskill that I had reason to believe
2 that he may be in possession of a document which
3 I believed emanated from Colin Wallace. Mr Macaskill
4 after some hesitation admitted that he did have
5 a document which was not at that time available to him.
6 He stated that he received it in the post and could only
7 assume that it came indirectly from Wallace or
8 a relative. After further discussion we agreed that we
9 would further interview Mr Macaskill when the document
10 would be made available. On 29th April we again saw Mr
11 Macaskill and his solicitor at his office. Mr Macaskill
12 handed me two documents marked SRM9 and SRM9A. Mr
13 Macaskill again confirmed that these documents were
14 received by him in the post and he could only assume
15 that they came from Colin Wallace. Mr Macaskill said
16 that he hadn't used the content of either document in
17 any publication as he was not satisfied as to the
18 truthfulness of the content. He assured us of his full
19 cooperation should any further information come to his
20 notice."

21 Now the documents that he was referring to, if we
22 look at 30235, please, is the first page of SRM9. You
23 can see SRM9 on the page. If we scroll down on to the
24 next page, please, you will see that it begins as the
25 grounds after the letter -- if we scroll down, please,

1 to the -- with the grounds of appeal against conviction
2 in respect of Colin Wallace. If we scroll down a few
3 pages, please, we will see the commencement of
4 a 27-page handwritten version also relating to his case.
5 Just keep going down for me, please.

6 CHAIRMAN: Just as we are doing that, because -- just stop
7 there.

8 MR AIKEN: Just pause, please.

9 CHAIRMAN: We are looking at KIN30241. It is quite evident
10 from this document that this is not, as it were,
11 a document created personally by Mr Wallace setting out
12 the reasons why he was unjustly convicted, as he would
13 maintain.

14 MR AIKEN: Yes.

15 CHAIRMAN: Of the type we have seen and will see no doubt
16 again today.

17 MR AIKEN: Yes.

18 CHAIRMAN: This is a document prepared by, signed by
19 counsel.

20 MR AIKEN: Yes.

21 CHAIRMAN: Which shows that someone has underlined certain
22 portions as being significant with question marks and so
23 on. So this has come from someone who has access to the
24 lawyers' papers who are acting on his behalf in his
25 appeal.

1 MR AIKEN: Yes, and in the normal course, as you will be
2 aware, Chairman, there are three options. There is the
3 counsel sending them to the journalist; the solicitor
4 sending them to the journalist; or the client sending
5 them to the journalist or someone the client has given
6 them to, but they are the only three individuals who
7 ever because of legal professional privilege will have
8 access to that document before it is lodged in court.

9 As we move on to the next page, you will see the
10 beginning of beyond the formal document -- just pause
11 there, please -- the handwritten. There are 27 pages of
12 a document that begins:

13 "Grounds for appeal against conviction -- verdict
14 unsafe and unsatisfactory."

15 CHAIRMAN: Just a moment, the writer says in the second
16 paragraph:

17 "In this context and in addition to the grounds for
18 appeal already submitted, I would again ask that
19 consideration be given to seeking leave to call 'new
20 evidence' as provided by the forensic --

21 MR AIKEN: "Toxicologist."

22 CHAIRMAN: "Toxicologist at Guy's Hospital in February. My
23 reasons for this are."

24 Then the reasons are set out. This handwritten
25 document would appear to be written by Mr Wallace.

1 MR AIKEN: Yes.

2 CHAIRMAN: So the documents which arrive through the post
3 according to Mr Macaskill are a document coming from
4 Mr Wallace's legal team and Mr Wallace's own formulation
5 of the grounds of his appeal.

6 MR AIKEN: Yes.

7 CHAIRMAN: Because he is writing in the present tense.

8 MR AIKEN: Yes, which is why, no doubt, Iain Macaskill said
9 to the police "I can only assume they came from Colin
10 Wallace or someone on his behalf sending them to me".
11 Now there is 27 pages of this document, which is not
12 something I am going to go through now. It runs through
13 to 30268, but what I do want to show you at 30269 was
14 the other document that he says was received by him in
15 the same fashion. You will see this document has, as
16 per the statement we looked at, been given the reference
17 SRM9A. If we scroll down on to the next page, please,
18 you will see that it is handwritten and on a close study
19 you can read the text. It is in three parts. You can
20 see in the top left corner part 1, and it's got
21 background. I am not going to ask you to read that
22 document, because we have a better version of it that
23 the police prepared, but the original is here and you
24 can see in this first section, because it is the first
25 section that has the relevant part, but if we scroll

1 down just so you see the rest of the body of it -- move
2 on to the next page -- you can see part 2, death of
3 Jonathan Lewis. Then part 3, just stay there --
4 reasons -- questions for Professor Keith Simpson, to do
5 with the death of Jonathan Lewis.

6 So it's got three parts to it and it is part one
7 that we are concerned with. However, when you look at
8 the totality of the document, you may consider that it
9 can only have been written by Colin Wallace. An easier
10 to read version is at an exhibit GC76. If we move
11 through, please, to 30273. You can see that's GC76.
12 Someone has written out in a neater hand the content.
13 We looked at this briefly on the first day. You can
14 see:

15 "Background -- Senior Information Office (equivalent
16 rank to Lieutenant Colonel) in the Ministry of Defence's
17 psychological warfare organisation. Was a senior
18 officer in the Psychological Operations Unit which
19 operated in Northern Ireland under the cover of the
20 title 'Information Policy' with the Army Information
21 Services. Also served as a captain in the UDR from '71
22 to '75. First reported the Kincora vice ring in the
23 early '70s, but no action was taken. In 1974 he
24 complained to senior officers that a cover-up of the
25 Kincora ring was preventing the killers of 10-year-old

1 Brian McDermott from being apprehended. Named three
2 people thought to be linked with the vice ring who were
3 suspected of the killing, later an intelligence
4 organisation planned to discredit a number of Ulster
5 politicians by falsely implicating them in the ring.
6 Wallace refused to take part. He discussed Kinchora with
7 a number of journalists in 1974 and was suddenly posted
8 out of Ulster, accused of being pro RUC and of giving
9 information to the press without authority. It is
10 believed that a number of senior MPs at Westminster,
11 including several cabinet ministers, were involved in
12 the cover-up.

13 The following sequence of events may be of
14 significance -- McGrath questioned by police; Wallace
15 charged with murder, a senior Tory Minister resigns,
16 John McKeague is shot dead. On three separate occasions
17 Wallace was recommended for decorations for services in
18 Ulster. He left the Ministry of Defence and resigned
19 his Commission in the UDR in 1975."

20 CHAIRMAN: Scroll down: KIN302274:

21 "And served" something that has been redacted:

22 "Wallace passed information from him to British
23 Intelligence in the double agent at Heathrow plot."

24 Then there is a reference to Holroyd.

25 MR AIKEN: You can see in the sixth line this is all

1 happening:

2 "At the time that Wallace had the dispute with one
3 of the intelligence agencies over Kincora."

4 CHAIRMAN: This continues:

5 "He," that's Captain Holroyd at the time, "he also
6 worked with Wallace over in Northern Ireland."

7 MR AIKEN: That's what the document claims, as you know.

8 That would not appear to be the case.

9 Now when you look at the nature of the allegations
10 that are being carried, if we scroll back up, please, to
11 the page before. Just keep going up, please. I want to
12 draw your attention to the fact that this document is
13 received it seems -- as you know, the sequence of events
14 was that at the start of February as a result of Ed
15 Moloney speaking to Detective Superintendent Caskey the
16 murder of Brian McDermott was reopened after Ed Moloney
17 suggested a link, and thereafter the story was run in
18 the media about the fact it had been reopened. Then you
19 have this document and the story that followed it by
20 Iain Macaskill in the News of the World.

21 You may consider, given what this document says, if
22 we look, please, at 123001, that when the PSNI reopened
23 the Brian McDermott murder again, as you know,
24 an absolutely horrific murder for which no-one has ever
25 been convicted, a police statement was obtained from

1 Colin Wallace of 18th March 2004:

2 "During the 1970s I was involved with the
3 intelligence services in Northern Ireland. Part of this
4 role was exploring the use of witchcraft within the
5 realms of the paramilitaries. When Brian McDermott was
6 murdered in September 1973 there was some speculation
7 that his death had been something to do with witchcraft.
8 This speculation was neither fact nor evidence based.
9 It appeared to be hype that was sensationalised within
10 the media. When I was writing about the McDermott case,
11 I linked his death with witchcraft purely because it was
12 an area I was exploring at that time. I had no evidence
13 that witchcraft or any other occult associated with
14 witchcraft was involved. As a result of linking the
15 McDermott case with witchcraft, it followed that any one
16 associated with witchcraft became a possible suspect for
17 the murder."

18 Scroll down, please:

19 "One such person at that time was a paramilitary
20 leader by the name of John McKeague, who lived and
21 worked near the area that McDermott had gone missing.
22 This was not based on any evidence. It was only
23 a supposition on my part based on intelligence at hand
24 being evaluated and linked. There were a number of
25 issues in the 1970s and into the 1980s concerning the

1 investigation into the abuse of children at the Kincora
2 Boys' Home in Belfast. I had concerns that the
3 murderers of McDermott would not be apprehended due to
4 a cover-up in relation to this investigation. However,
5 I had no knowledge that would have linked anyone from
6 the Kincora investigation to the murder of Brian
7 McDermott. I am not in possession of any information
8 that would link anyone to the McDermott murder. I can
9 confirm that I am not aware of any cover-up concerning
10 the McDermott case."

11 Now it would be possible just to skirt over the
12 content of that police statement, but when you stand
13 back from it you may consider it would be difficult to
14 have a more circular argument being presented. "This is
15 something I don't know anything about, but I speculate
16 that it might be involving this, although I have no
17 evidence or basis for that belief, but having formed
18 that belief I then consider that it might be linked to
19 this, for which I have also no evidence and accordingly
20 I will therefore say all of that."

21 So if we scroll back up just so you can see exactly
22 what is being said, so there was speculation in the
23 media that Brian McDermott's death was linked to
24 witchcraft. It appeared to be hype:

25 "When I was writing about his case I linked his

1 death to witchcraft because it was an area I was
2 exploring at the time. I had no evidence that
3 witchcraft or anything associated with witchcraft was
4 involved, but I wrote that it did. As a result of
5 linking the McDermott case with witchcraft, which I had
6 no basis for, it followed that anyone associated with
7 witchcraft would therefore become a suspect in the
8 murder, which I had no basis to link to witchcraft in
9 the first place. One such person at the time was a man
10 called John McKeague, who because he was linked to
11 witchcraft which had to basis to be linked to McDermott,
12 he was therefore linked through witchcraft to the murder
13 of McDermott and consequently linked with no basis
14 whatever."

15 That is what is being said in this police statement.

16 Now when you go back to 30273, please, and look at
17 this statement, he complained to senior officers that
18 a cover-up of the Kincora ring was preventing the
19 killers of 10-year-old Brian McDermott from being
20 apprehended. Named three people thought to be linked
21 with the vice ring who were suspected of the killing.

22 You may consider it, Members of the Panel,
23 interesting to know, however, especially when you come
24 to look at the 8th November 1974 document, that that is
25 what was said to the police on 25th March 2004.

1 Chairman, I am aware that.

2 CHAIRMAN: Yes. I think we should give our stenographers
3 a short break. Through the technical problems we have
4 had earlier we have lost a considerable amount of time
5 today. So we will take a short break not to exceed
6 ten minutes. We will resume at 12.25.

7 (12.15 pm)

8

9 (Short break)

10 (12.25 pm)

11 MR AIKEN: Chairman, Members of the Panel, we broke just
12 looking at the 2004 disavowal of the matters relating to
13 Brian McDermott.

14 I want to turn now to one of the central allegations
15 that is made by Colin Wallace, which is that he was
16 effectively put out of the Army in Northern Ireland
17 because of what he was trying to do over Kincora. I am
18 dealing with that out of sequence, as it were, in that
19 it relates to the period '74/'75, because there is a lot
20 of contemporaneous material, whereas, as you know, the
21 allegations that come first in time, as it were, the '72
22 social worker and the '73 Army direction, the '74 memo,
23 those come to light at a later date. These are events
24 that contemporaneous material is available for.

25 Therefore, I am going to deal with this first because,

1 as you know, this is a central plank of what is said by
2 Colin Wallace about Kincora.

3 It is important, you may consider, to understand
4 before we look at the events surrounding him leaving
5 Northern Ireland at the start of 1975 to understand what
6 he would subsequently say about the cause of that
7 departure. If we can look at 104035, please, so 104035,
8 it's a good example in a passage in a four-page letter
9 that he wrote to Terence Higgins, MP of 26 May 1986. As
10 you know, there are literally hundreds of letters, but
11 this letter was obtained by the Inquiry from the Cabinet
12 Office in London. So, as you know, all of the secret
13 papers were made available to the Inquiry and amongst
14 them was this letter. I want to show you the third
15 paragraph on the final page. So if we scroll down -- I
16 am not going to go through all of the detail. As you
17 know, you have had the opportunity to read this already,
18 but if we scroll down, please, to the final page and the
19 third paragraph. Just scroll back up, please. If we
20 scroll up just a little further, please. No. Just
21 scroll down for me a moment:

22 "There can be no doubt that the Ministry did act
23 totally unreasonably in my case, with a view to covering
24 up the true nature of my work and thus protecting
25 themselves from public criticism or legal action. That

1 cover-up is still going on, as the enclosed
2 correspondence shows."

3 If we scroll down a little further, please I can't
4 find the passage I am looking for. So I will park that,
5 if I may and I will come back to you with the passage
6 that I am after.

7 If we scroll up just on to the page before. Just
8 scroll up a little further, please. No. I will come
9 back. I can't find the passage that I am looking for at
10 the moment.

11 I want to look at what Colin Wallace told the Barron
12 Inquiry in the Republic of Ireland. If we can look at
13 122004, please. As you know, this was an Inquiry held
14 in the Republic of Ireland into the Dublin and Monaghan
15 bombings. You can see that Colin Wallace told the
16 Inquiry:

17 "I was fairly treated by the Army. I took up my
18 post in '68. Left in '75. I was forced out of Northern
19 Ireland as a result of a dispute with the Security
20 Service over the Kincora Boys' Home scandal in Belfast,
21 and then spent a number of years working with
22 Mr Mansfield QC", I assume that is who he is referring
23 to:

24 "Who was here this morning, trying to sort out my
25 life out as a result of what happened to me."

1 Then he uphold his position. So you can see that's
2 his evidence under oath to a Public Inquiry saying
3 that's why I was put out of Northern Ireland; dispute
4 with the Security Services over Kincora.

5 Now I am going to move quite rapidly through this
6 because I know, Members of the Panel, you have read the
7 material already, but I want to publicly cover the
8 sequence. I want to take us back then into 1974 to
9 7th August. If we go to 102007, please, you can see
10 that this is being recorded. This is in a secret leak
11 Inquiry report from 1975, but you can see what is being
12 said in paragraph 9:

13 "On 7th August 1974 Colin Wallace was reported to
14 HQNI to be absent without leave and an inquiry, when he
15 returned to barracks the following day, showed that he
16 had deliberately misled the Chief information Officer
17 into thinking he was attending an Army Parachute
18 Association meeting on the continent when, in fact, he
19 had been visiting the Republic of Eire accompanied by
20 a girlfriend."

21 If we scroll slightly further down, please:

22 "The reason for this deception was thought to be
23 diffidence about exposing his affair with the girl and
24 Wallace was reported to be under a degree of emotional
25 stress, but it may also be significant that Wallace was

1 in Dublin at the time when Fisk was also there and could
2 then have made the acquaintance of Fisk's own
3 girlfriend."

4 So you can see and you are aware from the other
5 document initially there is reference to him saying he
6 was going on a parachute competition that's happening in
7 countries that were behind the iron curtain. When that
8 was raised with him he said it had moved to Italy. Then
9 ultimately what, in fact, appears to have been taking
10 place was a journey to Dublin, not to Italy and nothing
11 to do with para chutes.

12 On 26th September 1974, 102002, please, this is
13 a letter from Sir Frank Cooper, who was the Permanent
14 Undersecretary at the NIO, and just so we get the
15 sequence of this right the damage report, leakage report
16 we were looking at is December '74. Colin Wallace would
17 not leave until February '75, but this is a letter of
18 25th September 1974 and already the investigation of the
19 leaks of classified material to Robert Fisk are under
20 investigation. So you can see:

21 "You may have seen in the Times Diary of 24th
22 September there is a quote from what is claimed to be
23 'a confidential memorandum within The Northern Ireland
24 Office' written just before Robert's Fisk disclosures in
25 the Times of August 31 and September 2 of plans to

1 expand local part-time security forces and to withdraw
2 1,000 British troops from Northern Ireland.

3 The section quoted appears to be verbatim from
4 an internal minute classified confidential sent by the
5 NIO Security Operations Division located in Dundonald
6 House. There were two addressees and nine copy
7 addressees. It is an accurate word for word quote from
8 that document.

9 At this stage I have no reason to believe that
10 the minute in question was copied to any other
11 Government Department. It does not, therefore, appear
12 appropriate to put the formal interdepartmental leak
13 procedure into effect under the existing guidelines of
14 appendix E to security and Government departments.
15 I think you should know, however, that I have issued
16 instructions for the mounting of an immediate and
17 thorough investigation within the Belfast and London
18 offices of the NIO.

19 In view of the extremely unusual and delicate
20 circumstances in which we are operating and the special
21 seriousness which we must attach at the present time
22 (following the recent assassinations of a judge and
23 resident magistrate and further threats to judicial
24 officers and civil servants) to the unauthorised
25 disclosure of sensitive information on law and order

1 matters in Northern Ireland, I have already asked the
2 Security Service for their assistance in conducting the
3 necessary investigations, and I would be most grateful
4 for all help which Michael Hanley, to whom I am copying
5 this, can give us. In these special circumstances and
6 because my own staff are so fully extended, I would
7 greatly appreciate it if an officer from his Service
8 could handle the investigation as an exception to what,
9 of course, I understand is the usual advisory role.
10 Speed is important. If Michael Hanley can help" --
11 scroll down, please -- "my establishments officer (John
12 Waterfield) will be at his disposal to facilitate his
13 inquiries.

14 I am also sending a copy of this to Michael Cary."

15 As you can see, that's signed off by Sir Frank
16 Cooper."

17 If I just pause there, Members of the Panel, this is
18 September 1974. This is the head of the NIO. There
19 could be a danger at this remove of reflecting "Well,
20 it's only a leak of a document. What is the
21 importance?" Well, the material is classified for
22 a reason and the head of the NIO, the head civil servant
23 to the NIO is drawing attention to the fact that people
24 are being killed. Therefore, the leakage of material
25 from Government in Northern Ireland has potential

1 dreadful consequences if that material falls into the
2 wrong hands.

3 So an operation is going to be put in place to try
4 and get to the bottom of how this has happened.

5 CHAIRMAN: Yes. The references are plainly to the murder of
6 Judge Conaghan and Martin McBirney, QC RM, both of whom
7 were murdered at their homes on the morning of the same
8 day by the IRA. The letter, it seems, is written to the
9 head of the United Kingdom Civil Service and Secretary
10 to the Cabinet, an indication of the significance which
11 was attributed to the set of affairs that's the subject
12 of the letter.

13 MR AIKEN: And at this point in time it is not involving
14 Colin Wallace. Simply it has been discovered this leak
15 is happening, they are extremely concerned about it and
16 they are having an investigation into it because of the
17 potential consequences for life.

18 Having indicated the next day on 27th September, Sir
19 Frank Cooper asks for the assistance of the Security
20 Service. That's at 102004. That leak Inquiry is then
21 carried out by the Security Service and the findings are
22 set out in this detailed report over six pages in
23 December 1974 that runs from 102004 to 1020010.

24 Now, Members of the Panel, obviously you have read
25 the report already. We are looking at it publicly. It

1 is obviously an important matter, but I don't want to go
2 through the report word for word. The Inquiry, if it
3 determines it ought to, will publish the document in due
4 course, but what I want to show you is just some key
5 passages that come out of it, because this investigation
6 has been conducted over the course of essentially six
7 weeks, or five weeks to try to get to the bottom of the
8 leaks. So if we scroll slowly down, please, to
9 paragraph 5A, the leaks are going to Robert Fisk, as you
10 know -- I said 5(a), I meant 6(a). You can see if we
11 just pause there:

12 "During his tour as Belfast correspondent for the
13 Times, Fisk has on several occasions given proof that he
14 has access to classified information. The facts made
15 available to the Security Service by the NIO and
16 HQNI are summarised below. (For convenience the leakage
17 which forms the basis of the present enquiry is referred
18 to subsequently as leakage Number 1), the other items
19 are given the numbers shown."

20 Then each of the articles said to emanate from the
21 leaks are exhibited to the report.

22 You can see:

23 "On 14th August 1973 the Times published an item by
24 Fisk which indicated he had seen an example of the Blue
25 Card issued to troops in Northern Ireland and

1 instructing them in arrest procedures."

2 So what the report is drawing attention to is that
3 Robert Fisk is receiving material he ought not to be
4 receiving as early as April 1973. That's the first
5 occasion when the Security Service conducting this
6 investigation can identify access to something that
7 a journalist should not have had access to. Then he
8 goes through each of the leaks and the detail of them.
9 You can see there's another story in March '74. If we
10 scroll further down, please, keep going down, please --
11 there is another one in August and September '74, and
12 then the Times Diary for 24th September refers to
13 another example. And then there's, as you can see, two
14 more leading up to 5th December, so shortly before the
15 report:

16 "An article by Fisk refers to an intelligence
17 operation by the Army in Northern Ireland using
18 a computer linked to observation posts beside main roads
19 in Ulster."

20 Then he says this in paragraph 7:

21 "It is, of course, possible that these several
22 leakages of information were from a number of sources.
23 But someone who figures as a common factor in all of the
24 incidents and must be considered a strong candidate as
25 the principal source of Fisk's unauthorised information,

1 and of leakage number 1 in particular, is Colin Wallace,
2 an information officer in the press office at HQNI in
3 Lisburn."

4 He then refers to Colin Wallace and gives some of
5 his background. As you can see he summarises in
6 paragraph 8. He has established himself -- this is
7 Colin Wallace -- within HQNI as a leading authority on
8 the IRA and on the history of the northern Ireland
9 emergency.

10 "As such he is the source to which the press most
11 naturally turn for information and is himself a source
12 of a great deal of valuable information derived from the
13 press which he presses onto the G INT staff."

14 So to the intelligence section of the Army:

15 "Thinks duties -- and this is a complicating factor
16 in the present case -- include passing unattributable
17 items of information to journalists. Because his
18 position at HQNI is so well-known, Wallace regards
19 himself at some considerable personal risk and for this
20 reason is inclined to leave the HQNI compound as little
21 as possible."

22 Then you have the incident that I was mentioning
23 from 1974, in August, to do with the trip to Dublin.

24 Then if we scroll down further, please, he then sets
25 out the linkage between Colin Wallace that he can

1 establish for each of the leaks that have occurred. If
2 we scroll further down, please, he does that for each of
3 the leaks and then he sets out in detail the reasons why
4 Colin Wallace can be linked to leak number 1 that he is
5 investigating. And then if we scroll further down,
6 please, to paragraph 12, you can see the conclusion on
7 9th September 1974 is:

8 "It can be seen that the evidence for Wallace being
9 a source of unauthorised disclosure to Fisk is" at this
10 point, 9th December 1974, "is all circumstantial,
11 although its cumulative weight is strong. For his
12 involvement in some of the leakages to Fisk Wallace
13 might be able to produce an explanation compatible with
14 a generous view of his discretion as an information
15 officer (as with the disclosure of the Blue Card). But
16 the pattern of the relationship between him and Fisk,
17 and in particular its clandestine elements, are very
18 difficult to reconcile with innocence. In an
19 accompanying note the possible courses of action to deal
20 with this situation are examined."

21 Now I should just pause because, as you know,
22 Members of the Panel, when just as he is leaving
23 Northern Ireland on 4th February he puts another
24 document through the letter-box of the rented house in
25 Hillsborough where Robert Fisk is residing, and the

1 discovery of that document led to the police Inquiry.
2 It would be that particular event which would be used to
3 remove Colin Wallace and he would give his explanations
4 for why he did that. What he did not know was that
5 eventually when it comes to his appeal board, the Army
6 having decided with the NIO that he was being removed,
7 when it comes to his appeal board in '75, the Chairman
8 was told some other information. Now one was not there,
9 so we can't say exactly what. You may consider these
10 documents and their content may assist with that,
11 because this is not something that would have been known
12 to Colin Wallace.

13 The report that's referred to, if we look at 102019,
14 there is a report on the courses of action that could be
15 taken. You will see:

16 "The accompanying paper report the position reached
17 in the investigation of the leakage of official
18 information to Robert Fisk. It demonstrates a strong
19 circumstantial case that the source of leakage to Robert
20 Fisk is Colin Wallace. However, the evidence against
21 Wallace in its most significant parts ..."

22 The other part is redacted:

23 "Subject to any decision of the Attorney General
24 there appears to be three possible courses of action to
25 deal with the situation now reached."

1 So you can see what's happening here. We have had
2 the top civil servant in the NIO engaging with the top
3 civil servant in the Cabinet Office. They are involved
4 with the Security Service and the Attorney General. So
5 this is right at the top of Government that this issue
6 of the leak of information is being dealt with. You can
7 see option 1:

8 "To leave Wallace where he is and to continue the
9 investigation.

10 The risk that Fisk will acquire by this channel even
11 more delicate information makes this an unattractive
12 choice. The only justification for continuing the
13 investigation while leaving Wallace unchallenged in his
14 post would be if there was a reasonable prospect of
15 obtaining directly incriminating evidence with which he
16 could be confronted. The nature of Wallace's duties,
17 coupled with the opportunities available to him to cover
18 his tracks by contriving cover stories with Fisk's help,
19 make it unlikely that this objective would be achieved
20 within a reasonable time, particularly as Fisk is
21 expected to be away from Northern Ireland for at least
22 three weeks from 13th December."

23 The second option is -- scroll down, please:

24 "To challenge Wallace now as being the source of
25 Fisk's information.

1 For Wallace to be seen and closely interrogated
2 about his dealings with Fisk would be a logical next
3 step in the present situation. Whether this could be
4 done under departmental arrangements or whether a police
5 officer would be required to undertake the task is
6 a matter which would depend on the view taken by the
7 Attorney-General of the facts in the accompanying paper.
8 Whoever the interviewing officer was he would begin with
9 the disadvantage that the information most likely to
10 produce admissions from Wallace would not be available
11 for use because of", how it was obtained. "Moreover,
12 the extent of the discretion allowed to Colin Wallace in
13 the discharge of his duties (as described in the
14 accompanying paper) would greatly assist him in
15 constructing a defence in which any admissions would be
16 qualified by references to disclosures necessitated in
17 situations where he had discovered there had already
18 been leakage."

19 So you can see the concern about how plausible
20 explanations could be put forward to justify what was
21 happening, or potentially plausible:

22 "The outcome of an interview, however firmly
23 conducted could well be no satisfactory acknowledgment
24 of guilt. There is the further point that if Wallace is
25 to be challenged the question of action against Fisk

1 must also be considered. Notwithstanding his relatively
2 advantageous position, as stated in the preceding
3 sentences, Wallace might confess to giving official
4 information to Fisk. And even if he did not, the
5 'secret papers', which are the subject of leakage number
6 in the accompanying paper are presumably still in
7 Fisk's possession. If they are thought to be of real
8 importance, the best hope of recovering them is for
9 a police officer to call on Fisk armed with a search
10 warrant, and action on this could not safely be delayed
11 after Wallace had been challenged otherwise the evidence
12 would probably be destroyed or securely hidden.

13 In short, a decision to challenge Wallace cannot be
14 separated from a consideration of Fisk; more
15 particularly of the importance of the 'secret papers' he
16 apparently has in his possession and of the likelihood
17 that they or admissions that Wallace might make under
18 interrogation could create circumstances in which the
19 Attorney-General would need to consider a possible
20 prosecution under the Official Secrets Act of the Times
21 correspondence in Northern Ireland."

22 So you can see it's an extremely serious situation.

23 The third option:

24 "The removal of Wallace from HQNI.

25 This course, which would exclude challenge, would

1 have the advantage of depriving Wallace of access to the
2 classified information at HQNI. If the Ministry of
3 Defence were able to arrange this the end would have
4 been achieved at the expense of denying Wallace any
5 opportunity of hearing why he was being removed and of
6 stating his side of the case. No doubt he would have
7 his suspicions and would probably voice them to Fisk,
8 but there is less likelihood of adverse publicity than
9 is offered by course (ii)", which is having the police
10 do it and the risks that would bring in engaging with
11 Fisk, "where an unsuccessful challenge could give Fisk
12 good ammunition for the future. Implicit in this choice
13 would be a virtual acceptance of Fisk remaining in
14 undisturbed possession of whatever documentary
15 information he may have received from Wallace, and
16 an assessment that the so-called 'secret papers' can
17 safely be abandoned is clearly a pre-condition."

18 That also is of 9th December 1974.

19 So you can see that there is option 3 being flagged
20 up and, of course, as you know, that's what would come
21 to pass, but the two other options are set out. If we
22 can look, please, at 102002, you have a letter -- sorry.
23 I am wrong about that. If we can look at 102022, we
24 have a letter from Sir Michael Cary, who is the
25 Permanent Undersecretary at the MoD writing to Sir Frank

1 Cooper, the Permanent Undersecretary at the NIO
2 following the meeting that day about Wallace. You can
3 see:

4 "This is to confirm the conclusions of the meeting
5 this afternoon at which you, Michael Hanley, Bill
6 Geraghty, John Groves and myself were present.

7 We agreed that we should now try to move Colin
8 Wallace as soon as possible into the post in North-West
9 District which is at present vacant, that's in Preston:

10 "This can be represented quite fairly as a sensible
11 posting in career planning terms, although it is a level
12 of transfer, it is an independent command, and four
13 years in Northern Ireland posting is long enough in all
14 conscience.

15 To this end you will have an early word with Frank
16 King and make sure that he would be prepared, if
17 necessary, to take a tough line on the need for the
18 move, even to the extent of saying that he has lost
19 confidence in Wallace in the light of his behaviour in
20 recent weeks, which shows that he is suffering from
21 stress and that he is not prepared to take the risk of
22 continuing Wallace in post at a time when developments,
23 both on the military and on the political front, may put
24 a very great strain on HQNI staff in general and PR
25 staff in particular.

1 You will also have a word with David McDine", who by
2 that point is Colin Wallace's boss, "to explain the
3 action that is being put in hand, giving him as much or
4 as little of the background as you think necessary. You
5 and Michael Hanley will also explain the position to the
6 Attorney-General and get his agreement to the plan.

7 When all this has been cleared, you will let either
8 myself or John Groves know, and we will then arrange for
9 Mr Chinneck to whom it would fall in the normal course
10 to send for Wallace and in the course of a career
11 planning interview try to persuade him to accept the
12 posting to North-West district as being."

13 I think it is another:

14 "Posting in his own interest. If Wallace objects,
15 Chinneck would have to reveal that the move, apart from
16 being sensible in its own right, is being insisted on by
17 the General Officer Commanding and if Wallace still
18 objects it may be necessary for Frank King to see him.

19 If Wallace, either immediately or on reflection
20 accepts the posting, we should let it go ahead and not
21 alert North-West District to the background, other than
22 to say that Wallace has been under strain in Ulster and
23 needs a break. We will, however, arrange through other
24 channels to keep as close a watch as we can on his
25 performance in the new job. If he refuses the posting,

1 Bill Geraghty will then arrange for CM action."

2 CHAIRMAN: I think that's Civilian Management.

3 MR AIKEN: Civilian Management, which is the section he was
4 part of as a civilian servant than a professional
5 officer:

6 "I, for my part, will let my Secretary of State know
7 in very general terms what has happened and what action
8 is to be undertaken.

9 I am sending a copy of this to Michael Hanley."

10 So you can see that on foot of the investigation the
11 recommendations and this meeting at which very
12 significant individuals at the top of more than one
13 Government Department have decided that he is going to
14 be removed, and it's going to be handled in, painted as
15 if it's a career move in the hope that he will accept
16 that and, therefore, the problem is resolved without
17 encountering the difficulties that were envisaged in the
18 other options.

19 If we look at 10204, please, we have 24th
20 December -- sorry, 102024 I hope. Yes. This is
21 a minute by, if we scroll down to the bottom so you can
22 see, it is from Mr Chinneck, who was mentioned in the
23 previous letter. You can see it is of 24th
24 December 1974. It is recording his meeting with Wallace
25 telling him of the decision, inviting him to accept the

1 posting to Preston. If we scroll back up, please, you
2 can see:

3 "I was asked by the Permanent Undersecretary to see
4 one of our staff in Northern Ireland about a move from
5 his present position. He came to see me this morning.

6 I began by explaining that we were concerned in
7 general about PR staff in Northern Ireland staying in
8 post for too long a period and that in his case the
9 Department had decided in its own interests, and also in
10 his own that the time had come for him to be moved. We
11 had a vacancy in North-West district where a new SIO
12 post had recently been established and we intended to
13 post him to this job.

14 He said that if he had been given this move a year
15 ago he would have welcomed it, but there were now
16 personal reasons why he would have difficulty in
17 accepting it. The main one was that his only close
18 relative in Northern Ireland, an aunt, had terminal
19 cancer. He was also her only close relatives and apart
20 from visiting her about three times a week, he was
21 assisting her and her two children financially. The
22 doctor did not expect her to live for more than
23 12 months and after her death he would gladly accept
24 a posting away from Northern Ireland, but in the
25 meantime he felt he must remain near her.

1 His second concern was his profession. When he
2 originally joined PR he expected to stay for only about
3 2 years and then to return to the chemist business in
4 which he had inherited a one-third share. He had stayed
5 on because he found greater job satisfaction in PR work,
6 though financially he would be much better off if he
7 went back to his business. However, he had realised
8 that the longer he stayed in PR the more difficult it
9 would be for him to resume his previous profession, and
10 even if he were to return now, he would need a three to
11 four month refresher course before he could practice
12 again. He would have to come to GB for this course. He
13 had not resolved this conflict of interest because his
14 aunt's terminal illness made it impossible for him to
15 contemplate being anywhere but close to her until she
16 died, but his recent promotion to SIO, the Senior
17 Information Officer, post had inclined his thinking more
18 towards the possibility of staying in PR because of the
19 job satisfaction.

20 I then pointed out the advantages to him from
21 a career point of view of the move to North-West
22 district. He accepted my arguments but returned to the
23 problem of his aunt. Since he showed no sign of being
24 willing to accept the posting or off willingly resigning
25 to resume his former career, I decided that I should

1 introduce the question of his personal safety.
2 I explained that I had not mentioned it earlier because
3 I did not want to alarm him unnecessarily, but I had now
4 to tell him that the Department was determined to move
5 him from his present post because they were concerned
6 about his personal safety. In reply he said that he
7 had accepted for a long time that he was at risk, but he
8 considered that by living within the security perimeter
9 in Northern Ireland he was in the safest place. When he
10 had to go out side, for instance, when visiting his
11 aunt, he never gave any forewarning of visits and varied
12 his routes and times. He believed it would be a long
13 time before he could live elsewhere in Northern Ireland
14 in safety, and in particular that if he returned to his
15 old home near his aunt he would be at great risk from
16 the PIRA", Provisional IRA:

17 "I pointed out to him the obvious personal advantage
18 of a move to GB as well as the career ones, but he was
19 unwilling to make a decision on the spot."

20 So you can see:

21 "He appeared to be somewhat shaken by what I had
22 said and asked whether it would be possible to have
23 a stay of execution of 8 to 12 months. I said that
24 a stay of this long would not be possible. He said he
25 would like a little time to reflect on what I had said."

1 If we scroll further down:

2 "I believe that he will seek an interview with the
3 GOC, Northern Ireland when he returns to Lisburn."

4 So the plan of getting him to accept a voluntary
5 transfer isn't working. He is not keen on it taking
6 place. If we look, please, at 10206, Mr Geraghty, who
7 you will recall was at the top level meeting of 17th
8 December, sends a memo to his Permanent Undersecretary.
9 You can see:

10 "John Waterfield of NIO called to see me on 2nd
11 January. He wanted to express concern on behalf of
12 Frank Cooper", that's the NIO "that there might be
13 a delay in removing Wallace from a position where he
14 could do further harm, particularly concerned at the
15 implication in my letter of 30th December to Frank
16 Cooper that the idea of keeping Wallace in post as long
17 as April '75 was being even expressed.

18 He said that he and Frank fully appreciated the risk
19 being that Wallace, if he felt himself injured, might
20 seek to make public certain potentially sensational
21 activities with which he has been associated."

22 You can see they are on notice of the type of things
23 that Wallace might be able to say about his Army
24 activities:

25 "However, they judged this risk, such as it was, to

1 be significantly less than the risk of leaving Wallace
2 in post; and this had been made clear in Frank Cooper's
3 original letter to you.

4 There were now two further important considerations
5 he wished to put forward in favour of rapid action. The
6 first was that very delicate negotiations were now in
7 progress which could be sabotaged by premature
8 disclosures. The second was that NIO owed a report to
9 number 10 on the previous leaks which they were now in
10 a position to make. They really could not report that
11 they had conclusively established the source of the
12 leaks", and you will note the change, "conclusively
13 established the source of the leaks but were unable to
14 take prompt action accordingly. Waterfield also told me
15 that he had received confirmation of a new leak through
16 the same channels (the helicopter story).

17 I said that Wallace had not yet reported back as
18 provided in paragraph 6 of Chinneck's note. McDine was
19 however coming over on Monday and we believed that he
20 would then report on Wallace's conclusions and the GOC's
21 views. Waterfield was unhappy about waiting so long.
22 I therefore raised McDine on the phone. He said that
23 Wallace now accepted that he should vacate his post,
24 either on posting to North-West district or on
25 resignation. He had not yet decided which. He wished

1 to remain in post until March. He had had an interview
2 with the Chief of staff, who was reported by McDine to
3 support the plea for an extension to March. Too hasty
4 a move would, he thought, arouse unwelcome speculation.

5 Waterfield was unhappy about any delay at all but
6 will, of course, await the outcome of your meeting.
7 I suggested that a possible way out would be to accept
8 Wallace's resignation on say three months' notice and
9 excuse him from duty forthwith."

10 Now you can see in that document, which is dated 3rd
11 January 1975, that there has been a move from a
12 circumstantial case to reporting to the Prime Minister
13 in number 10 that there is conclusive proof. The
14 Security Service has provided the Inquiry with a gist
15 summarising the content of material that became
16 available to the MoD in January 1975, so you can see the
17 timing. The gist says:

18 "In January 1975 reliable intelligence obtained by
19 the Security Service in the course of a leak inquiry
20 indicated that Colin Wallace intended to remain in
21 contact with the journalist Robert Fisk after Wallace's
22 departure from Northern Ireland, and that he promised to
23 provide Fisk with a significant news story."

24 The Inquiry, as you know, has seen the records of
25 the material upon which the gist is based because, as

1 you know, the Inquiry is given unrestricted access to
2 material by all of the core participants. The material
3 seen by the Inquiry which we have looked at just now,
4 and the absence of any document linking Wallace's
5 departure with anything to do with Kinchora, indicate
6 that the reason he was moved from Northern Ireland was
7 because the NIO, the Army and the Security Service
8 believed he was leaking classified documents to Robert
9 Fisk. In those circumstances the Inquiry is satisfied
10 that it is not necessary for it to make public the
11 nature of the material that lies behind the gist and
12 proposes to leave that additional material out of
13 account when assessing the overall reliability of the
14 account given by Colin Wallace about Kinchora.

15 If we look at 102027, there is then on 7th January
16 '75 a meeting with Colin Wallace when he agrees to go.
17 It is set out:

18 "It may be helpful if I set the present position on
19 the Colin Wallace affair. Following the meeting with
20 the Permanent Undersecretary on Monday, David McDine
21 interviewed Wallace again yesterday. The outcome of the
22 interview is that Wallace has agreed to take the
23 North-West district post. He is going on leave this
24 weekend, returning on 27th January. I hope to have his
25 successor in Lisburn on 27th January so that there can

1 be a very short takeover. Wallace will then depart to
2 make personal arrangements for his transfer and will
3 travel to England with all his baggage on 4th February."

4 Now you can see the importance of that for an event
5 that's about to come:

6 "Wallace has continued to express concern about his
7 aunt and we have overcome this problem by arranging
8 with."

9 I have now forgotten CM:

10 "Civil Management, that he will be posted on
11 detached duty to North-West district for one year. This
12 would mean that he would be able to return to visit his
13 aunt on free travel warrants from time to time. When
14 the period of detached duty ended, he would continue on
15 a normal posting."

16 That's from Mr Groves, who is high up in public
17 relations within the Army. So it is said that Wallace
18 is on leave essentially from 8th January until 27th.
19 27th January is going to be handover day with 4th
20 February '75 being the day that Wallace is going to
21 travel to England.

22 Now, you know, Members of the Panel, on that day,
23 4th February on his way, it seems, to the boat Wallace
24 posted a 30-page restricted document, a presentation for
25 the Chief of Land Forces Study Day, on

1 31st January 1975, through the letter-box of the rented
2 home of Robert Fisk in Hillsborough. The document is at
3 102035 to 102064. He would in due course explain that
4 it was because of his fear of Robert Fisk, that Robert
5 Fisk was going to expose the Army and psychological
6 operations that he gave him this document to try and
7 ameliorate that and have him warded off, as it were.
8 Obviously we can see the case in the papers is rather
9 different.

10 On 5th February, if we look at 30069, as a result of
11 the document coming to the attention of police, having
12 been found by a cleaner in the entrance hall floor, you
13 can see here, if we just scroll up, you can see it was a
14 Detective Chief Inspector involved in Special Branch:

15 "On 5 February 1975 I was directed to investigate
16 the alleged passing of classified military documents to
17 unauthorised persons by John Colin Wallace. A report of
18 the investigation was forwarded ... during my
19 investigation I interviewed a number of senior military
20 officers and Wallace and no mention was made about
21 homosexuality or Kinchora Boys' Hostel. I would describe
22 Wallace as the 'Walter Mitty' type who tried to create
23 the impression that he was more involved in intelligence
24 and security matters than he actually was."

25 Now that was a view expressed by the police officer.

1 Obviously it is the case that clearly there was
2 something going on between the Intelligence Section and
3 the PR section that involved black propaganda,
4 disinformation and so on. So there is some degree of
5 involvement, but you can see the view that was being
6 expressed.

7 The point that the officer is making is that during
8 that police investigation Wallace would make a police
9 statement and there would be no mention of Kincora in it
10 or, for instance, the document said to be dated 8th
11 November 1974.

12 As a result of this sequence of events and, as you
13 know, Members of the Panel, you have the police papers
14 in relation to the Inquiry. If we can look at 102031,
15 please, you can see that a decision was taken on 10th
16 February 1975. So 102031, please:

17 "Mr Wallace is now being suspended from duty pending
18 the outcome of the police investigations."

19 So you can see, if I can put it that way or this
20 way, there's a series of leaks. A decision is taken.
21 He is the man. He is going to be moved. That process
22 is underway when on the day of his move the last
23 document said, as far as those who were involved in this
24 are concerned, is said to drop onto the floor in
25 Hillsborough and that presents a new opportunity, as it

1 were, because there's no doubting that Colin Wallace
2 placed that document, but the issue that then arises, as
3 you know, is explanations are given broadly in line with
4 what was envisaged in the Security Service report, that
5 a plausible explanation could be given for the delivery
6 of the document. He is being suspended from duty.

7 "We already have sufficient information about the
8 affair to enable us to establish clear presumption in
9 accordance with manual personal security measures that
10 Wallace was unfit to have access to classified
11 information in any category. He has shown himself as
12 lacking in judgment, grossly indiscreet and unreliable
13 in a security context.

14 The security position for the present is held as
15 since Wallace's arrival in HQ North-West district his
16 access has been restricted and with effect from today he
17 will be suspended from duty.

18 The formal removal of his security clearance can
19 await the outcome of the police investigations and this
20 has presentational advantages. Should the investigation
21 prove to be inconclusive we are empowered to remove his
22 clearance under the provisions of the manual persons
23 security.

24 In such an event in view of the evidence against
25 Wallace, we shall need to consider carefully what

1 information will need to be disclosed to Wallace at that
2 time."

3 So you can see they don't want to disclose, and will
4 have to carefully consider what of the evidence they
5 have they are prepared to disclose. That's from
6 Director of Security of the Army.

7 If we look at 102032, please, you can see a note,
8 and I want to just take you to this before we pause for
9 lunch, Members of the Panel. This is a note to the
10 Permanent Undersecretary about a meeting that has taken
11 place with Colin Wallace. The meeting is on 11th
12 February:

13 "You will be aware that Colin Wallace had arrived at
14 Wilton yesterday morning for his briefing on taking up
15 the post of PR in North-West. GOC North-West district
16 summoned him back to Preston soon after arrival in order
17 to carry out the decision to suspend him from duty while
18 police inquiries are continuing.

19 Wallace was in MoD this morning while waiting for
20 his train to Preston and asked if he could come to see
21 me. I had expected that he wanted to ask why he had
22 been summoned back to Preston and therefore saw him
23 alone at about 9.45 this morning.

24 Wallace began by indicating that he well understood
25 that the GOC would wish to tell him that he should take

1 leave while the police inquiries were proceeding. He
2 seemed well aware that this was likely to be the reason
3 for his recall. He went on, however, to say that he was
4 extremely worried about the situation in which he found
5 himself as a result of his activities in the information
6 policy field in Northern Ireland. He said that he had
7 over the last five years been drawn more and more into
8 these operations, some of which he did not approve, and
9 that on at least one occasion his name had been linked
10 by the press with a rather doubtful Army information
11 policy activity. He said he had attended his farewell
12 party in Belfast at the beginning of the month and that
13 he had become aware that a number of journalists,
14 including Fisk, were preparing to write stories linking
15 his departure with Army information policy activities in
16 a way that would be damaging to the Army.

17 He had telephoned risk Fisk and had arranged to drop
18 some photographs into his house on Fisk's return from
19 London. In view of the possibility of Fisk writing
20 a damaging story about Army information policy, he
21 decided to pass Fisk a copy of the presentation on
22 information policy which had been made to a joint
23 audience, including the RUC. He thought that this would
24 put the matter more into context. When he arrived at
25 Fisk's house Fisk was not in and he decided to put the

1 document and the photographs through the letter-box."

2 Can we just pause there, Members of the Panel? This
3 is someone who knows they are being transferred. The
4 duty hand over, as you know, was to take place on the
5 27th, although Colin Wallace would later say there was
6 lack of clarity between his two roles and he would
7 continue, but he has decided without discussing it with
8 anyone to pass this document to Robert Fisk:

9 "At this point I interrupted him and asked him if he
10 was saying to me that he had passed to Fisk the document
11 about which he had been questioned by the police. He
12 said he had, but that it was not classified. I said my
13 understanding was that the document was restricted and
14 this was a classification. He agreed."

15 Scroll down, please:

16 "I then asked him why in that case he had apparently
17 denied that he had put the document through Fisk's
18 letter-box when he had been interviewed by the police.
19 He said that one of the policemen who had interviewed
20 him was an RUC officer. He felt that he could not
21 reveal to the RUC the extent of the Army's information
22 policy activity and the concern about their revelation
23 which had led him to try to pass the document to Fisk."

24 Now you may ask yourself why would that stop him
25 saying "Yes, I did it, but I can't tell you why":

1 "He believed the RUC had contact with Protestant
2 extremists and he didn't feel he could reveal to them
3 confidential information about Army activities.

4 I said that Fisk and others had now written stories
5 about information policy and I asked him whether the
6 document which he had attempted to pass to Fisk revealed
7 any of the past 'dirty tricks' about which he said he
8 had been worried. He said it only mentioned one of them
9 and that was a minor matter. I said I considered he had
10 been very foolish to lie to the police and that he
11 should tell them the truth at the earliest opportunity.
12 I also said that I would have to inform the Permanent
13 Undersecretary.

14 Wallace thanked me for the advice I had given him
15 and said he understood that I would have to tell the
16 Permanent Undersecretary. He then volunteered the
17 information that he had not passed any other classified
18 documents to Fisk. He added that he had given Fisk some
19 information about the shortage of spares for helicopters
20 in Northern Ireland."

21 You will recall there was a reference to that in the
22 earlier leaked report:

23 "He went on to say that he was worried about where
24 he should live while on leave during police inquiries.
25 He said he felt that there might be danger to his safety

1 if he lived with his aunt in Belfast. I asked if he
2 could live in the mess at Lisburn during this period.
3 I said I was quite sure he could not, and I asked him
4 whether he felt that he was in any greater danger as
5 a result of event of the last few weeks than before. He
6 said he did not think he was but that he had not
7 intended to stay in Belfast for more than a few days at
8 a time in order to visit his aunt."

9 You can see finally I said to him:

10 "That if he had at any time passed any other
11 classified documents to Fisk he should tell the police
12 as soon as possible. He assured me he had not passed
13 any other classified documents to Fisk."

14 That is John Groves, who is the Chief Public
15 relations officer.

16 I want to show you 102034, please. This is what the
17 Chief of the General Staff said on 25th February '75
18 about the handing over of this document:

19 "I understand that you have been asking to see the
20 document which was found on Robert Fisk's doormat.
21 A copy is attached.

22 You will see that it is in the form of the text for
23 a presentation for Commander of Land Forces study day at
24 the end of January. As one would expect in view of its
25 purpose, it is informal, pointed and challenging. It

1 highlights the constraints to which we are necessarily
2 subject, the lack of scruple of IRA propaganda and the
3 need for swift and energetic reactions up and down the
4 Army chain of command if we are not to be left behind in
5 the propaganda race.

6 Because of its specialised purpose and limited
7 audience it is emphatically not the kind of document
8 which anybody would wish to see communicated to the
9 press, any more than a Minister would want to see
10 reported say an informal debrief to his senior officials
11 of an exchange with his colleagues, or I would my obiter
12 dicta in the Chiefs of Staff Committee or ECAB or you
13 would your franker asides at one of your weekly meetings
14 with your own senior staff.

15 To my mind the fact that Wallace should have
16 selected a document of this kind for disclosure to
17 a journalist adds a new dimension to his culpability.
18 Straightforward unauthorised disclosure is quite bad
19 enough, but to lift the script of a colleague's remarks
20 on a privileged occasion is worse to the extent that it
21 superimposes an official impropriety -- that it
22 superimposes on official impropriety a total lack of the
23 human qualities of trustworthiness and discretion upon
24 which relationships between colleagues depend.

25 With Frank King I feel strongly that if the evidence

1 is sufficient, Wallace should be prosecuted. However
2 this if -- however this turns out to be, it is obvious
3 that behaviour of this kind makes him an entirely
4 impossible colleague in any environment, official or
5 other."

6 That's from the Chief of the General Staff.

7 If we pause there.

8 CHAIRMAN: Yes. We will resume at 2.10. As I indicated
9 earlier, we have lost a lot of time this morning through
10 technical malfunctions. So we will have to try and do
11 our best to catch up. So 2.10, ladies and gentlemen.

12 (1.25 pm)

13 (Lunch break)

14 (2.10 pm)

15 (Proceedings delayed)

16 (2.45 pm)

17 OFFICER 9347 (called)

18 CHAIRMAN: Yes.

19 MR AIKEN: Chairman, Members of the Panel, the next witness
20 today is MI5 officer 9347, now retired. He appears on
21 your screen. For reasons of security, as you know,
22 Chairman, Members of the Panel, his actual identity is
23 not disclosed, but before he takes the oath,
24 Ms Murnaghan is going to come forward. If you would
25 just bear with us for a moment, Officer 9347, and is

1 going to provide me with a note. That has the actual
2 identity of 9347 on it. I confirm that that is the
3 individual who was introduced to the Inquiry as the
4 individual who is on the screen.

5 What we will do, 9347, as I explained, that document
6 which identifies you will eventually be placed on
7 a secret Inquiry file that will be stored securely post
8 the Inquiry. We will refer to you today as 9347?

9 **A. Thank you.**

10 Q. 9347, I have explained to the Chair that you are going
11 to take the oath and he will now proceed to administer
12 that. If you just bear with us.

13 OFFICER 9347 (sworn)

14 CHAIRMAN: Thank you very much, Officer 9347. Sit down.

15 Questions from COUNSEL TO THE INQUIRY

16 MR AIKEN: Officer, coming up on the screen in the chamber
17 where we are are copies of the documents that you and
18 I are going to speak about. I hope you have a copy of
19 your statement. If it has numbering in the top
20 right-hand corner, it is that reference I will be giving
21 in the chamber. If it doesn't, not to worry as long as
22 you can see the paragraph numbers, then you will be able
23 to know what we are referring to.

24 **A. Okay.**

25 Q. Can we bring up on screen, please, 4119? On the screen

1 in the chamber is the first page -- 4119, please -- is
2 the first page of your witness statement. I trust it
3 begins:

4 "I, 9347 ..."

5 Then in the bottom right corner, if we just scroll
6 down, please, the last word is a reference -- just
7 scroll up again, please -- is:

8 "... Jim McCormick of 25th March 1975."

9 Does that accord with the first page of your witness
10 statement?

11 **A. Yes.**

12 Q. And if we can move through to the last page, which is
13 4122, what we will have on that page if it matches the
14 copy you have is simply:

15 "Signed: 9347.

16 Dated. 8th June 2016."

17 **A. Correct.**

18 Q. Your statement is of four pages in length and I want to
19 just confirm with you, 9347, that you have signed the
20 statement and you want to adopt it as part of your
21 evidence to the Inquiry today?

22 **A. I do.**

23 Q. With that statement you have provided a number of
24 exhibits. Those exhibits run from 4123 to 4134 in our
25 electronic bundle. They are referred to in the

1 narrative of your statement and, as you know, we have
2 uncovered a difficulty that's arisen over a document of
3 29th June 1982 in that you know the document that we are
4 referring to. The Inquiry staff who met with you know
5 the document we are referring to, and you discuss that
6 document in your statement, but unfortunately those who
7 put the appendices together have put another document of
8 29th June 1982 also by you and relevant to the Inquiry's
9 work, but not the one you and I were talking about. So
10 we will discuss that document based on how you have
11 described it in the narrative of your statement and
12 shortly later on today the document itself will be
13 provided to the Panel as it makes its way from London,
14 and it is one of those things unfortunately that has
15 happened in the process at that we have been working.
16 So bear with us in that regard. The Panel don't have
17 access to the note for file of 29th June 1982 that you
18 describe in paragraphs 7 through to 13 of your
19 statement, but we will work through those paragraphs in
20 any event and then they will have the document later on
21 today which confirms what you have described in the
22 narrative part of your statement.

23 **A. Okay.**

24 Q. I can't promise that's all that's going to go wrong with
25 us, but we will work on that basis, 9347.

1 You explain in your statement that you were an
2 officer in the Security Service for 34 years. That's in
3 paragraph 1, and, in fact, you are retired and at the
4 request of the Inquiry and the Security Services you
5 have while in retirement agreed to engage with the
6 Inquiry and look at some material that you authored
7 a long time ago. As you explained to me when you met,
8 you wanted to be entirely frank and said that having
9 read the documents you could not remember the content of
10 them other than to say "If that's what I wrote at the
11 time", then you would be satisfied that's an accurate
12 record of what was occurring?

13 **A. That's correct.**

14 Q. You are aware that the reason why the Inquiry asked the
15 Security Service to get in touch with you isn't because
16 of something you did, but you are aware the Inquiry has
17 been looking at what Brian Gemmell says he told Ian
18 Cameron, your predecessor, as the Assistant Secretary
19 Political, in HQNI in 1975 and trying to explore what
20 exactly was said and what exactly the response was, and
21 in the doing of that we have potentially identified some
22 conflations that have occurred between Brian Gemmell's
23 subsequent recollection of what he believed he had said
24 at a particular point in time and what Ian Cameron
25 believes was said to him at a particular point in time.

1 As a result of that conflation everybody's focus was
2 on a set of documents post Gemmell's meeting with Roy
3 Garland, but it may be if misremembering had not
4 occurred the focus would have been on documents that
5 predated the meeting with Roy Garland?

6 **A. That's correct.**

7 Q. I hope you recollect discussing that. I want just to go
8 straight to that issue. We have just lost the signal?

9 **A. I can see -- I can see you.**

10 Q. You can see us, 9347. Unfortunately --

11 **A. I can see you okay.**

12 Q. You can see us and we can hear you but we can't ...

13 9347, if you mind just -- you will not talk about
14 your evidence with anyone, but if you mind just stepping
15 outside the room for a moment.

16 **A. Okay.**

17 **(Pause to fix videolink technical fault)**

18 Q. 9347, if you can hear me, if you could return, that
19 would be excellent.

20 **A. Okay. I am back.**

21 Q. I did say I couldn't rule out anything else going wrong,
22 I'm afraid. There we are.

23 **A. Okay.**

24 Q. If I could take you to your memo that I think is the
25 last memo in the exhibits. It is dated 19th/20th

1 July 1982. It should have four physical pages, although
2 I think at the time it had five pages of telegram, or
3 possibly four pages of telegram?

4 **A. Yes.**

5 Q. It is to paragraph 8 that I want to take you.

6 **A. Right.**

7 Q. Now just to put this in context, you in your then role
8 as the Assistant Secretary Political, and you have
9 explained in your statement you were not in Northern
10 Ireland in the 1970s?

11 **A. Correct.**

12 Q. But in this role you were performing between '81 and '83
13 that ended up with you having to be involved in the
14 interaction that was going on between the RUC Phase Two
15 Inquiry, as we call it, and various members of the
16 intelligence community who had worked in Northern
17 Ireland, and one of the issues involved a man called
18 Brian Gemmell, as we have spoken about, and he was being
19 potentially interviewed by Detective Superintendent
20 Caskey, and that interview was causing concern to the
21 Security Service and the Army, and we talked to the MI5
22 principal witness about this, the difficulty where the
23 Service wants to keep matters strictly within what the
24 police are actually looking at and the danger of matters
25 of intelligence that is not of direct relevance being

1 brought in as a consequence of the doing of that.

2 So there appears to have been a period of time where
3 that's closely watched to make sure that only that which
4 has to be covered is covered and extraneous issues are
5 not covered.

6 **A. Correct.**

7 Q. In that sequence of events that involved you having been
8 told what Brian Gemmell was saying occurred between him
9 and Ian Cameron in 1975. So in your document you are
10 recounting that at paragraph 2 that:

11 "Detective Superintendent Caskey explained that he
12 was primarily interested in the interview with Roy
13 Garland in 1975, what he had learned and what he did
14 with that information."

15 That is what Brian Gemmell was asked about, and at
16 paragraph 3 you explain:

17 "Brian Gemmell explained that he had carried out
18 numerous interviews in '75 with individuals who were
19 members of Loyalist groups in Belfast. He explained one
20 organisation of considerable interest had been Tara. He
21 had a particular corporal with him", who we refer to as
22 Corporal Q, "who was a member of his staff, and through
23 his own contacts he met Jim McCormick, and then through
24 him Roy Garland and both of those men have given
25 statements to the police inquiry, and thereafter Garland

1 had told Gemmell the following according to Gemmell:
2 that William McGrath was a evil man, a sexual deviant
3 and undoubtedly corrupted the boys in his care. McGrath
4 owed Garland £2,000. Garland had married in 1974 and
5 his previous homosexual experiences as a juvenile with
6 McGrath were causing him embarrassment. Gemmell could
7 not elaborate on this.

8 Gemmell said he saw Garland on two occasions,
9 although it was possible Corporal Q might have seen him
10 once more. The Panel is aware that there is an issue
11 over the sequence of events to do with that, 9347.

12 Following his interview with Garland, Gemmell said
13 he produced a four-page MISR source report, which had
14 a restricted circulation of three copies. He was sure
15 that one copy had gone to the ASP, which is Ian
16 Cameron."

17 Then in paragraph 6 you confirm that there was
18 a particular individual. No repeat -- no mention was
19 made of that other individual during the interview with
20 Gemmell. That other individual was your primary concern
21 in all of this?

22 **A. Yes.**

23 Q. There had been:

24 "Throughout the interview with Gemmell ..."

25 I think this is the captain of the SIB, Captain L,

1 as we call him --

2 **A. Yes.**

3 Q. -- who had confirmed to you that:

4 "Throughout the interview Gemmell had appeared
5 relaxed and cooperative and he made no attempt to widen
6 the discussion, but remained content to confine his
7 answers to Caskey's questions, which were centred on
8 Garland. At the interview Caskey told Captain L that
9 his next step was to trace and interview Ian Cameron and
10 also Corporal Q, who was now a sergeant. Caskey said
11 that before doing that he proposed discussing the matter
12 at Headquarters RUC. Confirmed that he saw Caskey with
13 the head of Special Branch on the morning of 19th July.
14 Also wished to find the MISR produced from the Garland
15 interview and what action was taken on it."

16 So I have read all of that out, 9347, but what's
17 happening is you are being given a summary of what it is
18 Brian Gemmell is saying about your predecessor in terms
19 of the information that was conveyed to him?

20 **A. Well, I think this note is a record of what MoD Officer**
21 **L told.**

22 Q. Yes. As a result of getting that information in
23 paragraph 8, which is the one that has caused us to want
24 to speak to you, you explain that stepping back from
25 this, you have a file in HQNI where you are at the time,

1 that you obviously have access to and on that file you
2 were able to find the documents that you referred to
3 paragraph 8?

4 **A. Yes.**

5 Q. And you explained, as you do in your statement, that you
6 don't at this remove have a recollection of the doing of
7 that, of the file, of the documents, but the point you
8 make to the Inquiry is the record that you created at
9 the time in 1982 will e been an accurate record of what
10 you found?

11 **A. That is correct.**

12 Q. And you explain that there is on the file an interview
13 with Jim McCormick on 25th March 1975, which included
14 a request for authority to approach Roy Garland. That
15 was filed on a particular file that was a local file
16 and, as we were discussing, unfortunately the local file
17 appears to have been destroyed and the records you were
18 looking at that you refer to in this paragraph it seems
19 did not transfer across to London, or if they did, they
20 weren't put where they were supposed to be and the
21 result of that is that the file where they would have
22 been expected to be found, there is no record of them
23 ever having been on that file, and consequently nobody
24 is able to produce them. So you are the last person
25 that we can identify who has at least seen these

1 documents, that they existed, but you were seeing them
2 in 1982, not '75, and unfortunately you are being asked
3 to remember documents that you saw that you yourself
4 involved with at some 30 years' remove.

5 In paragraph 8, 9347, you explain you have these
6 interview notes with Gemmell and Jim McCormick and with
7 them they record a request for authority to approach Roy
8 Garland. Then you identify:

9 "Responding to this request an MI5 officer", other
10 than Ian Cameron but who worked alongside him, "wrote
11 a note for file of 4th April recording that Brian
12 Gemmell and his corporal were told by the Assistant
13 Secretary Political", so by Ian Cameron, and I think
14 this is the other officer, "that:

15 'It was in order for Garland to be interviewed on
16 the strict understanding that the overt and clearly
17 expressed reason was a requirement for information on
18 Tara. It was emphasised that the Army had no interest
19 in the investigation of deviant sexual activities or
20 religious aspects of the group, which was solely the
21 function of a specialist section of the RUC. Therefore,
22 this discussion should be steered away from this type of
23 issue. Anything Garland might say about the
24 personalities involved, particularly one in particular,
25 could be of interest'.

1 The Garland trail ends there. We have no other
2 papers on him. Nor do we, or another particular
3 individual, know where the MISR was filed. The Army are
4 now attempting to locate the document."

5 Now just unpicking that, and you know we had this
6 discussion previously, 9347, the implication of your
7 summary of what was in the 4th April direction implies
8 that in the McCormick record, which included a request
9 for permission to speak to Garland, there is obviously
10 some description of homosexual activities and religious
11 aspects of the group, and you know that I was asking you
12 can you remember what was in the document and whether it
13 had any reference to Kincora, and you explained to me at
14 the time -- do you want to just explain to the Panel you
15 can't now remember other than what you have written that
16 you know you wrote at the time?

17 **A. I am afraid that is the case. I can remember nothing**
18 **about these records at all. The only thing I remember**
19 **at all about Kincora is having conversations with MoD**
20 **Officer L. I remember meeting him, but other than that**
21 **I remember nothing other than what I have been able to**
22 **refresh from these contemporaneous records here.**

23 Q. This is, as it were, the best that we can end up. If we
24 don't have the records, this is what you wrote at the
25 time in 1982, reflecting back on documents that were

1 written in 1975 by predecessors of yours?

2 **A. Yes.**

3 Q. And this is the direction that was given post the
4 meeting with McCormick, not post the meeting with
5 Garland?

6 **A. Yes.**

7 Q. But in addition you explain, moving on to the top of the
8 next page, that there didn't appear to be anything more
9 on the file that you had that suggested anything more
10 with Garland beyond that. Now the Inquiry has got more
11 in that we have got the interview notes with Roy
12 Garland, but it doesn't seem that the file you were
13 looking at had those on it?

14 **A. Correct.**

15 Q. Because you make no reference to it and, in fact, you
16 say:

17 "The Garland trail ends there."?

18 **A. Yes.**

19 Q. I.e., you have got this direction of what to do and what
20 not to do, but the actual doing of it or the outworking
21 that follows from that, there's no record that you are
22 looking at about that?

23 **A. Correct.**

24 Q. You also make the point, and I appreciate again you are
25 doing this based on what you wrote at the time.

1 It seems that everybody was then looking around for
2 the MISR that Brian Gemmell said he wrote in terms of
3 the one he was describing, and at least in 1982 at the
4 time you are writing this record to communicate the
5 position, nobody can find the MISR?

6 **A. Correct. That's correct.**

7 Q. And that the Army were essentially on the hunt for it to
8 see could they find it?

9 **A. Apparently so, yes.**

10 Q. And the position is no-one has yet been able to find
11 that MISR in a form as described by Brian Gemmell in
12 1982.

13 If we go back, 9347, to paragraph 7 on from your
14 statement, and that's at 4120, please, you, having
15 looked back at the record, which you may well have with
16 you, 9347, but the Panel don't yet have, what you are
17 explaining to the Panel is that it is apparent from your
18 note for file to you, as you look back on it, that it
19 indicates the Security Service was concerned about the
20 parameters of the police investigation and its potential
21 to stray into matters concerning intelligence agents and
22 intelligence generally, which were not related to
23 Kincora, and a possibility of which the Security Service
24 would have been keen to avoid.

25 Now your documents do make clear -- I think there's

1 an earlier document that records a meeting. It's the
2 note for file that you do perhaps have of 29th
3 June 1982?

4 **A. Yes.**

5 Q. It's got two pages and six paragraphs. Do you have that
6 document?

7 **A. Yes, I do.**

8 Q. It begins at the top "Note for file". Then you can see:

9 "Brian Smart Gemmell.

10 Date of birth, 18th June 1950."?

11 **A. Yes -- 18th August 1950.**

12 Q. My apologies. If we look at 4123, please, if we can
13 show that on the screen, if we scroll down to
14 paragraph 4, you are explaining in the document that you
15 were summoned to this meeting, as it were, because Brian
16 Gemmell was going to have to be interviewed. You were
17 explaining that the issue you were concerned about was
18 not a Security Service operation as such, but because of
19 the nature of it the Assistant Secretary Political had
20 been involved in it in '75 and the case then transfers.
21 If we scroll on to the next page, please, what you are
22 explaining is, you say:

23 "We had no worries regarding the criminal aspects."

24 Now I take it that what you are -- again you are
25 having to do this from the documents, I presume, 9347 --

1 what you are explaining is the issue you were concerned
2 about you didn't have any concern that that had any
3 criminal aspects to it, that it was not something that
4 anyone needed to be concerned about other than the fact
5 that you were trying to ensure that it wasn't exposed
6 unnecessarily?

7 **A. I think so, yes.**

8 Q. You record in your own note:

9 "I accepted that there could be no question of
10 a cover-up. However, Caskey (the RUC investigating
11 officer) was probably not personally vetted and we did
12 not wish him (if at all possible) to read any papers
13 relating to the IJS's activities."

14 Now I was having this discussion with your now
15 member of the Security Services speaking on behalf of
16 MI5, and the discussion that's going on around this is
17 not to keep the police away from investigating something
18 to do with one of your people that they are actually
19 involved in, but it is a concern that a separate issue
20 is going to be strayed into which has no actual bearing
21 or relation to the Kincora Inquiry. Is that a fair
22 description of what's going on here?

23 **A. I think it is. My reading of these documents is that**
24 **the Security Services' intelligence interests were not**
25 **connected with Kincora and therefore the investigation**

1 **by the RUC, CID into Kincora, we wished to ensure that**
2 **it focused on Kincora and not on our activities, even if**
3 **they were running alongside, though they were not**
4 **directly related.**

5 Q. I was describing this analogy to your colleague. The
6 difficulty in the Kincora Inquiry, the net was thrown
7 wide and wider and every person who was identified was
8 spoken to, and then if they referred to somebody they
9 were spoken to, and the danger was in that
10 ever-increasing circle something you were interested in
11 was going to be caught up unnecessarily, and it is that
12 tension you are trying to manage in this process?

13 **A. Yes, but at the same time we are very much trying to**
14 **assist the investigation itself. In no way should we be**
15 **seen in any way to prevent or hinder that. So it is**
16 **just a question of agreeing the lines of inquiry as far**
17 **as we could.**

18 Q. What comes out of the -- how this had to be managed,
19 given that one of the persons to be interviewed
20 obviously was involved in intelligence in terms of Brian
21 Gemmell, and that had implications for the Official
22 Secrets Act, you are recording in paragraph 5 then the
23 directions that the Commander of Land Forces at the time
24 has handed down as to how this is to be managed through?

25 **A. Yes.**

1 Q. You can see at 5(c) I think it is Officer L, and we will
2 apply that redaction. His name shouldn't be used
3 outside the chamber. Officer L explained -- you are
4 recorded as saying he is going to give you a full
5 written report?

6 **A. Yes.**

7 Q. And obviously that full written report was provided to
8 you of what Brian Gemmell's position was?

9 **A. That's right.**

10 Q. And that has been also exhibited to your statement.
11 I am not going to go through that document today?

12 **A. Okay.**

13 Q. Because the Panel have had an opportunity to read that,
14 but it runs from 4126 to 4131. It's a very detailed
15 account, which ultimately broadly covers the same ground
16 that was summarised in your document that recorded what
17 had you were being told, he had said, to Detective
18 Superintendent Caskey?

19 **A. Correct.**

20 Q. I have covered the main issue that I wanted to deal
21 with, 9347, and obviously it is unfortunate that we
22 don't have the records and therefore we have had to ask
23 you, and you have willingly agreed to do that and come
24 out of retirement to deal with this, and you have done
25 the best you can, and the records are there for the

1 Panel to consider, and they say what they say, but if we
2 go to the last or penultimate page of your statement
3 where you begin paragraph 18 under a section on "General
4 Matters"?

5 **A. Yes.**

6 Q. You worked in Northern Ireland as the ASP, the Assistant
7 Secretary Political, in HQNI between '81 and '83.
8 That's the period that you can refer to in the context
9 of Northern Ireland, but what you are saying in
10 paragraph 18 perhaps is of more general import, that
11 your recollection of working in the Security Service and
12 in particular the time you worked in Northern Ireland,
13 the Security Service wasn't concerned with questions of
14 investigating people's sexuality one way or the other?

15 **A. Correct.**

16 Q. And you comment that, therefore, the guidance given to
17 Brian Gemmell that, you know, the interest was in Tara
18 and the Army wasn't interested in engaging in an
19 investigation of deviant sexual activities, which at the
20 time is clearly referring to homosexuality, or religious
21 aspects of the group. That comes as no surprise to you
22 to find that direction in the papers from 1975?

23 **A. I would expect if I had been in Ian Cameron's shoes
24 I would have said exactly the same thing.**

25 Q. When we were having the discussion you were explaining

1 to me talk of abuse to children might have been
2 an entirely different matter, but references to
3 homosexuality or someone's --

4 **A. Yes.**

5 Q. -- predilections, whether they were heterosexual or
6 homosexual, that was not something that was of any
7 interest to people --

8 **A. Yes.**

9 Q. -- engaged in your type of work?

10 **A. I think that, and any other serious criminal activity**
11 **which appeared in the course of intelligence operations**
12 **we would be bound to report it to the appropriate**
13 **authorities.**

14 Q. And I don't want to go into -- at the time there were
15 liaison officers who worked with the police. You had
16 one with the RUC, the DCI rep in Knock and obviously
17 that was one channel of communicating information of
18 that kind if it arose?

19 **A. Yes, but the military also had their own links to the**
20 **police. So if they wanted to raise anything of**
21 **a criminal nature which they came across, I would have**
22 **expected them to do that on their own channels and, as**
23 **I said, if I had been Ian Cameron during my time there,**
24 **I would have encouraged, in fact, insisted, that**
25 **anything of a serious nature was reported.**

1 Q. I think that's where the issue we were exploring with
2 your colleague, the difference between someone talking
3 about homosexuality, someone being a homosexual, and
4 someone actually engaging in the abuse of minors, as it
5 were, or young people or that type of thing, they would
6 be two different things, as it were?

7 **A. Yes, I think it is, but I think the other part about the**
8 **advice that was given to Gemmell is that the whole point**
9 **of his contacts with the people around Tara was to get**
10 **intelligence on Tara, and that's what he should focus**
11 **his attention on. As you say, if anything of a serious**
12 **criminal nature were to emerge as a side product, then**
13 **that needed to be acted upon too, but by the appropriate**
14 **authority, in this case the RUC.**

15 Q. You explain in paragraph 19, and when we were discussing
16 this matter, 9347, you were explaining to me -- in fact,
17 you pointed out in paragraph 20 that you can see the
18 natural implications that flow from your document, as it
19 were, as to well, what is said and what's not said and
20 what the Panel might, therefore, infer you were reading,
21 and what wasn't in the documents that you were reading
22 but you were explaining to me that you can understand
23 those inferences might well naturally be drawn, but you
24 did not feel comfortable speaking from silence and
25 speculating about what's not in the record, that what

1 you wrote you are happy to stand over is what you saw
2 and wrote, but as to what, therefore, wasn't in the note
3 and what you might have recorded had it been you didn't
4 feel comfortable speculating 30 years on about that?

5 **A. No. As I said, I can't remember any of this. What**
6 **I can say is I knew quite well one better than the**
7 **other, that two of our officers who were there in 1975**
8 **and both of them were officers of the highest integrity**
9 **and personal standards and professional standards, and**
10 **I am absolutely sure, having recalled reading some of**
11 **their records, although I can't remember the details,**
12 **how impressed I was by the lines and directions and work**
13 **they did. So I am absolutely sure that Ian Cameron and**
14 **his assistant were doing what they thought was right,**
15 **and I am sure it was right.**

16 Q. And you explain in paragraph 19, which I suppose goes
17 some way towards the type of inference that might come
18 from what's in your documents, you say you don't
19 remember reading any document that would indicate that
20 the Service had any knowledge of the abuse of children
21 at Kincora prior to the revelation in the media in 1980?

22 **A. That's correct.**

23 Q. You don't remember reading --

24 **A. I don't remember anything of that kind, no.**

25 Q. 9347, I am not going to ask you any more questions. You

1 can appreciate, albeit it has disrupted your retirement,
2 the Inquiry is trying to run to ground a very important
3 issue.

4 **A. Yes.**

5 Q. And because your note is the only one that makes
6 reference to documents we can't otherwise see, we have
7 asked you to do what you have done, and I am grateful
8 for you doing that. If you bear with us for a short
9 while, the Panel Members may want to ask you something.

10 **A. Okay.**

11 Q. So bear with us for a short while.

12 **A. Thank you.**

13 **Questions from THE PANEL**

14 CHAIRMAN: Could we have 4134, please? Bring it up on the
15 screen. Now this is the page that has paragraph 8 on it
16 that you were asked about, 9347.

17 **A. Unfortunately my copies are not numbered. Okay. I have
18 got paragraph 8. This is paragraph 8 of my telegram.**

19 Q. Yes. Page 3 of the telegram of 19th/20th July 1982.
20 The top of --

21 **A. Yes.**

22 Q. Page 3 at the top is paragraph 6. Then we have
23 paragraph 7?

24 **A. Okay. Yes, yes. I have got it.**

25 Q. If you just look back quickly through paragraphs 1 right

1 through to paragraph 6, as I understand your evidence,
2 what that recorded at that time was the report you were
3 getting from MoD Officer L of his presence at the
4 interview of Gemmell by Superintendent Caskey a few days
5 before. So you are recording, as it were, what you are
6 told has just happened a few days before when Officer L
7 is present when Superintendent Caskey interviews Brian
8 Gemmell?

9 **A. That's correct.**

10 Q. Then at paragraph 8 what you are then doing, as
11 I understand it, is at the time you write this in
12 1972 -- I beg your pardon -- 1982, you have available to
13 you a file from which you then quoted in paragraph 8;
14 isn't that right?

15 **A. That's correct.**

16 Q. So what you were saying, as I understand it, is that at
17 least part of paragraph 8 is not just your synopsis or
18 paraphrasing of what is in that 1975 file, but that five
19 lines down where it says "Quote", you then are actually
20 quoting for your 1982 telegram the words that you are
21 taking from the 1975 report you have in front of you?

22 **A. Yes. I think that is correct.**

23 Q. Because the Inquiry has seen quite a number of these
24 telegrams and for some reason, which I am sure has
25 a good justification, where the telegram comes to the

1 point where if you are writing a document you would put
2 in quotation marks, it says "Quote" but it doesn't seem
3 to say afterwards "Unquote" or maybe "End quote", and
4 even it will say "colon" or "semicolon" in words; is
5 that right?

6 **A. I think it's -- it might be sloppy drafting.**

7 Q. It is not that point at all. The point I am making is
8 the words that follow after "Quote", that's not
9 a paraphrase. That's your actual quotation of a passage
10 from the 1975 report you had in front of you at the
11 time?

12 **A. Yes. I think after the word "Tara" there should be**
13 **inserted there should be inserted "end quote".**

14 Q. So we have a sentence there:

15 "It was in order for Garland to be interviewed on
16 the strict understanding that the overt and clearly
17 expressed reason was a requirement for information on
18 Tara."?

19 **A. Yes.**

20 Q. And then the telegram continues over the next page and
21 I think, in fact, if we look at, as Mr Aiken has pointed
22 out to me, the quotation is somewhat longer than you had
23 suggested, because if you look at the first line?

24 **A. Yes. There is an unquote there.**

25 Q. So that would suggest that the quotation starts:

1 "It was in order ..."

2 And finishes --

3 **A. I am sure you are right, Mr Chairman.**

4 Q. Yes. The importance of this is that, if I have
5 understood what you have agreed with Mr Aiken, the
6 original note from which you are quoting in 1982, that
7 is the 1975 note, no longer appears to be capable of
8 being found, whether it exists or not?

9 **A. That's right.**

10 Q. So it's not just the paraphrase of what was in it, but
11 it's a direct lift in quotation marks?

12 **A. I think that is correct. That's how I interpret it.**

13 Q. So what it means, therefore, is that if that
14 interpretation is correct, you were saying in 1982 that
15 in 1975 there was contemporary record that it was in
16 order for Garland to be interviewed but it was subject
17 to the strict understanding that the reason given to
18 Garland was that there was a requirement for information
19 on Tara, and the person who was being given these
20 instructions is being told the Army has no interest in
21 what are described as deviant sexual activities or
22 religious aspects of Tara, and anything that brings up
23 either of those topics is to be avoided and is to be
24 steered away from?

25 **A. Yes.**

1 Q. Then if we go over the page, you go back to recording
2 what Officer L and yourself are discussing and then it
3 reverts to that contemporary 1982 report?

4 **A. Yes.**

5 Q. Now if I can just ask you a general question following
6 on from what Mr Aiken has said, but coming from what we
7 have just been discussing, may we take it that it was
8 apparent to you and, no doubt, to many others with whom
9 you were working on a daily basis, that by 1982 there
10 were rumours going round, which if true, would indicate
11 that in years gone by your Service did know something
12 and that was a matter of concern in '82 to you as ASP,
13 but to many other people as well. I mean, that's why
14 Superintendent Caskey was questioning Mr Gemmell; isn't
15 that right, because --

16 **A. That may be so. What I can say is I knew nothing about**
17 **Kincora until I was aware of, and I can't remember how**
18 **I was made aware of, the Caskey investigations. So**
19 **I wasn't generally aware of anything to do with Kincora,**
20 **and obviously when I looked at the papers that we had at**
21 **HQNI, I produced what I have recorded here.**

22 Q. Well, that's the point I am bringing you to, perhaps in
23 a rather roundabout way. In other words, your interest
24 at that moment was not confined only to what Officer L
25 was reporting back to you, because you say somewhere,

1 "That's the end of the Garland trail."

2 **A. Yes. That's on page 4, the top line:**

3 "The Garland trail ends there."

4 I think what I mean by that is I had reviewed
5 whatever records we had and I had no more information
6 other than what I recorded here.

7 Q. Yes, and then you continue:

8 "We have no other papers on him."?

9 **A. Yes.**

10 Q. That would suggest to me that either you personally or
11 somebody has reported to you that some form of search
12 has been carried out or some form of oral inquiry and
13 there's nothing to suggest that there was anything more
14 on Garland in that way.

15 **A. That's right.**

16 Q. Nor does anybody know where this MISR was put?

17 **A. No, and that's apparent.**

18 Q. Because you record:

19 "The Army are now attempting to locate this
20 document."

21 **A. Well, it was a military document.**

22 Q. Thank you very much, 9347. I don't have any questions,
23 unless my colleagues have. Yes, just one from David
24 Lane.

25 MR LANE: Was there any central register of MISRs or a place

1 in which they were kept?

2 **A. I am afraid I can't recall. I am quite sure at the time**
3 **in 1982 I would have known, but I can't recall what the**
4 **arrangements were, I am afraid.**

5 Q. Thank you.

6 **A. Thank you.**

7 CHAIRMAN: Well, 9347, that's all we want to ask you. Thank
8 you very much for coming to assist us today and in
9 particular, no doubt, having had your retirement
10 interrupted to require you to do that, but thank you
11 very much. I am sorry that our technical equipment
12 failed from time to time, but we now at last can say
13 thank you and you are free to go.

14 **A. Thank you very much.**

15 MR AIKEN: If we can end the link, please.

16 (Videolink terminated)

17 MR AIKEN: Perhaps if we take a short break to ...

18 CHAIRMAN: We will rise to allow this equipment to be
19 rearranged and for the stenographers to take a very
20 short break.

21 (3.40 pm)

22 (Short break)

23 (3.50 pm)

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

1 CHAIRMAN: Yes, Mr Aiken?

2 MR AIKEN: Chairman, Members of the Panel, before we broke
3 for lunch and then had the retired MI5 officer, we had
4 been looking at Colin Wallace's allegation in respect of
5 the reason why he left Northern Ireland and him saying
6 that that was to do with Kincora, and we have been
7 looking at documents as to the sequence of events that
8 led to his removal from Northern Ireland, and we
9 finished on 25th February 1975 document from the Chief
10 of the General Staff about his view of just the singular
11 act of the document put through Fisk's rented house on
12 4th February '75.

13 The sequence of events thereafter I am going to
14 cover in short order, because the position continues in
15 a similar vein. The RUC on 19th March 1975 submitted
16 their file to the DPP, and we looked at what the
17 investigating officer, Detective Constable SB11, said
18 of his experience or view of Colin Wallace. If we look
19 at 102069, please, you can see from a Ministry of
20 Defence minute, 102069 -- 102065. My apologies.
21 102065, you can see who all is copied into this memo.
22 So you can see it is all the people at the top, as it
23 were, the various organisations who are concerned with
24 these issues:

25 "The purpose of the minute is to outline the action

1 we propose to take in the case of Colin Wallace. You
2 will remember that he is currently under suspension ..."

3 You can see the Attorney-General's view is recorded.
4 If we scroll down, please:

5 "The police investigation is now completed and the
6 Northern Ireland Director of Public Prosecutions has
7 reported to the Attorney-General. The
8 Attorney-General's initial view is that in view of the
9 low classification of the document passed to Fisk
10 (graded restricted) legal action would be inappropriate
11 (and in any case unlikely to succeed)."

12 So you can see the total focus is on just the last
13 disclosure. There is no reference being contemplated to
14 those that have gone before:

15 "(and in any case unlikely to succeed) and that the
16 appropriate course would be for departmental
17 disciplinary action to be taken against Wallace and
18 under a remit to report to the Attorney General on the
19 action we should take if he decides not to prosecute
20 following which he will take his final decision.

21 I have discussed the action we should take with copy
22 addressees of this minute in the light of the
23 Attorney-General's views. We are clear that Wallace
24 must be dismissed. The Department no longer has any
25 confidence in him, and in any case his actions have been

1 such as to make it necessary to deprive him of his
2 security clearance, which makes him virtually
3 unemployable.

4 But because the process itself is covert, because
5 Wallace can argue about the degree of discretion
6 afforded to him in his job in Northern Ireland, and
7 because of the damaging revelations he can make about
8 the Army's information policy activities in Northern
9 Ireland should he have a mind to do so, this will be
10 by" -- scroll down, please -- "no means
11 straightforward."

12 If we scroll on down, please:

13 "We must follow the formal procedure for
14 disciplinary charges against civilian staff."

15 Then they set out the charges they propose:

16 "We are agreed that the above constitutes the basis
17 of an adequate and defensible case."

18 So you can see from an early stage the Army and, in
19 fairness, all of those, the MoD, all of those around it
20 involved in these discussions have decided based on what
21 they have, what they know that Colin Wallace must be
22 dismissed. You can see:

23 "We have considered whether as an alternative to
24 straight dismissal we might offer Wallace the
25 opportunity to resign. We are inclined to think that

1 the advantages are likely to be minimal, while any such
2 action might enable Wallace to claim publicly that we
3 were trying to blackmail him into going quietly."

4 Then you see this:

5 "As annexe A indicates, Wallace has the right of
6 appeal to the Civil Service Appeals Board.

7 Nevertheless, either the Chairman or Deputy Chairman of
8 the Civil Service Appeals Board always sit as Chairman
9 of the Panel hearing the case and is entitled to
10 overrule his fellow assessors. It is therefore open to
11 us to brief the Chairman in confidence on relevant
12 aspects of the case. In any event, the final decision
13 rests with me and even if the Civil Service Appeals
14 Board recommendation went the wrong way, I would be
15 entitled to reject its recommendation .It is true that
16 such a redaction might leave us open to an award of
17 damages against the Department, but in our view this
18 would be acceptable."

19 If we just pause there, you can see these are people
20 at the top. They have decided "this man is going". If
21 he proceeds with an appeal to the Civil Service Appeals
22 Board it is clearly being contemplated "well, not to
23 worry. We will be able to talk to the person who is
24 going to Chair the Panel and make him aware of the
25 relevant aspects of the case in confidence". So you can

1 see whether the right outcome, and that's a matter for
2 you -- whether the right outcome is achieved because of
3 what was known, the manner in which it was going to be
4 achieved is a different matter. You can see that even
5 if that all being said, the Civil Service Appeals Board
6 didn't agree and Wallace wasn't to be dismissed, then it
7 would be unfortunate, but ultimately the head of the MoD
8 would get rid of him anyway and he accepts "If that
9 means we have to pay compensation to him, so be it".

10 So you can see because of the circumstances that
11 were being considered by the individual who are looking
12 at these matters, the decision has been reached that,
13 come what may, even if it means paying out compensation
14 to this individual he is not going to work in the Army
15 again, and that is as a result you can see from the note
16 we were looking at, because of their belief of the
17 breach of trust and the danger that leaks attributed to
18 him posed to others.

19 CHAIRMAN: Can we just see who writes the memo, please?

20 MR AIKEN: Yes. If we just --

21 CHAIRMAN: Scroll down.

22 MR AIKEN: Scroll further down, please. I don't think it's
23 been --

24 CHAIRMAN: No.

25 MR AIKEN: We will be able to. We have the unredacted

1 version.

2 CHAIRMAN: If we go right up to the top, please.

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

4 CHAIRMAN: Yes.

5 MR AIKEN: I think it is the Permanent Undersecretary at the
6 MoD.

7 CHAIRMAN: I think it must be judging by the reference. In
8 other words, there is the Civil Service Head of the MoD
9 writing to the Secretary of State, coying the letter to
10 the professional head of the Army and various others,
11 saying in effect, "Wallace must go. We have lost trust
12 in him. He has the right to challenge that in various
13 ways, one which is an industrial tribunal. One is to
14 invoke an internal Civil Service appeals procedure and
15 we can be sure that may have the right outcome because
16 we will brief the Chairman in confidence". So they
17 weren't leaving anything to chance.

18 MR AIKEN: No.

19 CHAIRMAN: And saying "Well, even if we brief the Chairman
20 in confidence", which was clearly an improper thing to
21 do, I may say, "even if the decision goes against us,
22 it's technically only a recommendation. I will dismiss
23 him anyway and if we get a case brought against us,
24 well, it's worth paying damages to achieve that".

25 MR AIKEN: Yes.

1 CHAIRMAN: So that's where the germ of what I think we will
2 discover some years later came to light.

3 MR AIKEN: Yes. That's what would end up as a result of
4 this whole issue around black propaganda and
5 psychological operation of the Army arriving -- looked
6 at in the Rucker report. This piece of activity that
7 could be seen to be unfair, regardless of outcome, and
8 as a result the Calcott review was set up which reached
9 its conclusion and compensation was paid. Now I think
10 its conclusion was that dismissal wasn't justified.
11 That's obviously the view that David Calcott, QC, came
12 to.

13 What he was looking at, obviously we have all of the
14 papers, but the fundamental issue you may consider is
15 it's been said by Colin Wallace that this was all
16 fallout with the Security Service over Kincora. We have
17 looked at whether this was known to him or otherwise --
18 this is being looked at at the highest level of
19 Government across departments and agencies and you can
20 see from the material, correctly or otherwise, the
21 decision is about the material that was walking out the
22 door into the hands of Robert Fisk. Whether Colin
23 Wallace did or did not do that, that is the belief of
24 all of those involved in this decision-making process,
25 which resulted in a belief, as the Chairman has

1 described, that this person must go, and you saw some
2 examples quoted and there are many more around this
3 period, of just how many Government figures were exposed
4 to the risk of being murdered and were murdered, and
5 while at this remove one might say, as I said earlier,
6 "What is the big deal that he gave some documents of the
7 MoD out to a journalist?" Well, the risk is someone's
8 life could end up sacrificed. That's the fear. Whether
9 it was going to happen in his case or not is a different
10 matter, but that's the fear that's being addressed in
11 the material.

12 CHAIRMAN: Well, Mr Wallace, as you have reminded us,
13 maintained years later that the reason he was got rid
14 of, to use that expression, was because of the concern
15 he believes various officials of all sorts of levels had
16 that to do that would remove a risk of their knowledge
17 of what was going on in Kincora was being exposed.

18 MR AIKEN: Yes.

19 CHAIRMAN: Whereas these documents you have taken us through
20 contain absolutely no hint whatsoever that Kincora was
21 in any way involved in this decision. The decision
22 follows a leak Inquiry, goes right to the Civil Service
23 head of the MoD to the professional head of the Army,
24 and the Secretary of State for Defence and the
25 Attorney-General, and what they are all looking at is

1 "this man is leaking material to the press".

2 MR AIKEN: Yes.

3 CHAIRMAN: Nothing to do with Kincora, but other types of
4 leaks.

5 MR AIKEN: Yes. One can take that one step further, because
6 not only is that the position from these documents, but
7 as you have seen and will see, Colin Wallace does not
8 make that case that it has anything to do with Kincora.
9 I am not going to go through the detail, but we have the
10 record of the Civil Service Appeal Board hearing, the
11 case that's being put, the case that's being answered,
12 and there is no reference, as you know, to Kincora in
13 any of that material.

14 To follow that through, the Attorney-General
15 decides, if we look at 102071, you will see on 13th May,
16 as heralded in the previous discussions, the
17 Attorney-General reaches his decision and:

18 "You will have seen the Secretary of State's minute
19 to PUS of 9th May agreeing with the course of action
20 proposed in PUS's minute of 30th April."

21 So you can the Secretary of State at the MoD agrees
22 with all that the Permanent Undersecretary has said,
23 which is that this man will be got rid of and this is
24 how we will do it". Then:

25 "The Permanent Undersecretary saw the

1 Attorney-General this morning and was told that the
2 Attorney-General has decided not to prosecute. The
3 arrangements are being made to inform the Northern
4 Ireland Director of Public Prosecution of the
5 Attorney-General's decision and through him to call off
6 the RUC investigation. Mr Sheldon."

7 That's the MI5 legal adviser at the time, "will let
8 me know as soon as this process is carried out and we
9 shall then be in a position to proceed with disciplinary
10 action against Wallace. I have suggested to Mr Sheldon
11 that the General Officer Commanding in the North West
12 district should inform Wallace that he's not to be
13 prosecuted at the same time as the written charge sheet
14 is handed to him."

15 You can see on the next page the Attorney-General's
16 formal decision of 14th May 1975."

17 Now I want to draw your attention to the second
18 paragraph. So this is the Attorney-General of the
19 United Kingdom writing to Sir Barry Shaw, the Director
20 of the Public Prosecutions, and you will see in the
21 second paragraph:

22 "The Attorney-General is of the opinion that the
23 interim report discloses clear evidence of an offence
24 under Section 2 of the Official Secrets Act. Both the
25 Attorney-General and the predecessors have felt it

1 proper in exercising their discretion on the granting of
2 a consent to a prosecution under Section 2, to take
3 account of the circumstances of the offence, the nature
4 of the document or information and the balance of public
5 interest. The Attorney General has in mind the
6 recommendation of the Frank's committee in this regard,
7 however, having considered these factors including the
8 probability that the public interest might better be
9 served by disciplinary proceedings than a prosecution,
10 the Attorney-General has decided that he would not
11 consent to a prosecution in the present case."

12 So you can see that the Attorney-General's
13 assessment is not that there is no case to answer and
14 therefore I am not going to prosecute, that there is
15 clear evidence of a breach of the Officials Secrets Act,
16 but in the wider public interest a prosecution is not
17 going to take place.

18 On the same date, if we move through to the next
19 page, please, you will see there's a letter requesting
20 that four disciplinary charges be served on Colin
21 Wallace, and the charges are put on 19th May of '75.
22 You will see that at 102085. On foot of that happening
23 the next day on 20th May 1975 Colin Wallace seeks an
24 oral hearing before the Civil Service initially. That
25 can be found at 102074. You can see:

1 "I wish to strongly contest these charges on the
2 grounds that they are inaccurate and that considering
3 the background circumstances prevailing at the time when
4 these offences are alleged to have taken place I did not
5 act in a manner which amounts to serious misconduct."

6 Then on 30th May 1975 he has an oral hearing before
7 Mr Groves, whose name you saw before. He is the Chief
8 of Public Relations in the Army. You will find that at
9 102075. Now the record of the oral hearing runs across,
10 and this is, as you know, in keeping with many
11 subsequent years of documents, a very detailed record of
12 what's occurring, and the oral hearing takes place where
13 explanations are provided for all that has occurred, and
14 in it there is no mention of Kincora as the supposed
15 reason as believed by Colin Wallace for his removal
16 being raised. That is never mentioned anywhere in the
17 pages. As you scroll through them we will see he does
18 accept that he lied to the police, but he gives
19 an explanation for that, which is the explanation
20 previously given.

21 If we just scroll through the document I am not
22 going to take you through the detail of it now, the
23 position does not change. This takes me back to the
24 fundamental point I was making at the outset. There's
25 a whole litany of documents that follow in the

1 chronology from this point, but they follow the similar
2 pattern. There is nothing in any of the documents that
3 the Inquiry has access to and which I am displaying,
4 that in any way in 1975, as this process is ongoing
5 internally -- that's the one we are looking at at the
6 moment -- and then with the Civil Service Appeals Board
7 that suggests Kincora was ever mentioned by anyone.

8 At 102081 Wallace produces additional submissions.
9 He sets out where he thinks things need to be altered,
10 but you can see he gives further justifications for the
11 sequence of events that occurred in respect of this one
12 particular document handover.

13 So what you have got is him addressing and
14 proceeding to deal with one leak. He does not know that
15 the decision is based on a whole series of leaks which
16 are attributed to him, including something that moved us
17 from a strong circumstantial case to conclusive.

18 Then Mr Groves writes back, 102083 on 10th June
19 accepting the various changes that Colin Wallace has
20 suggested to the minute, albeit he didn't think they
21 were:

22 "Most of them were clarifications of his case. In
23 some cases he has changed what he actually said but none
24 of these changes basically alter the point he was
25 making. I think I can accept them all."

1 Then the decision of the MoD of 25th June 1975 at
2 102085, you can see the communication of the decision.

3 Paragraph 2:

4 "The first two charges against you -- the
5 unauthorised retention of a classified document and the
6 improper passing of it to a person not authorised to
7 have access to it -- have been held to be proved.
8 A most serious view is taken of these breaches. It has
9 been decided that you should be dismissed from your
10 employment in the Civil Service."

11 That's what takes place. As you know, there is then
12 an appeal to the Civil Service Appeals Board, I am not
13 going to you through all that material now. It is the
14 same sequence of events except what was being heralded,
15 i.e., the confidential briefing of the Chairman that
16 takes place. One Chairman was to sit and was to receive
17 that briefing. They were then not sitting and the other
18 subsequent Chairman wanted to receive the briefing.
19 That briefing was given. The appeal takes place. The
20 outcome is he is given the opportunity to resign and he
21 resigns in lieu of being dismissed. Through all of that
22 process, and you have seen the documents relating to it,
23 Kincora is never mentioned.

24 So that's one allegation that is made. The rest of
25 them you may consider rest upon it, but it is being

1 said:

2 "I was put out of Northern Ireland because I was
3 trying to blow the whistle on Kincora".

4 Well, we have looked at the material that relates to
5 that. But I want to look then at some of the other
6 allegations. The first in time is that in 1972 Colin
7 Wallace says he received a call from Social Services,
8 from a social worker or a Probation Officer or Welfare
9 Officer, as we will see. I want to show you first,
10 please, 102978, please. Now this is another lengthy
11 detailed document that sets out Colin Wallace's
12 position. 102978.

13 EPE OPERATOR: I don't have that.

14 MR AIKEN: Try 102778. Look for me at 35165. Yes. Thank
15 you. If you try for me 102898.

16 MR LANE: 798 could it be?

17 MR AIKEN: Sorry. 102798. Brilliant. Thank you.

18 Apologies. Too much late night listing. On the page
19 this is a document that's in an annexe to the Rucker
20 report. It is titled "Political and security
21 implications regarding the disclosure of security
22 classified information to assist in the investigation of
23 the allegations relating to the Kincora Boys' Hostel,
24 Belfast."

25 A very long title. If we scroll down, please, to

1 begin with, just to orientate where we are at, you will
2 see this is version is dated -- scroll down a little
3 further -- March 1982. Now this document runs from
4 102798 through to 102817. If we can just go to 102817
5 for me, please, and if we just scroll up to the
6 page before and keep going up, and keep going up until
7 we get up to document 1. I will just explain this,
8 a lengthy dossier setting out Colin Wallace's position
9 together with an annexe of contents of documents that
10 are said to go with it, and you can see the first
11 document is the title of which we have just looked at.
12 You then can see at number 5, I want to draw your
13 attention to in particular:

14 "RUC background brief on Tara."

15 That will be referred to in 8th November '74 dated
16 memo, but if we scroll, this is the contents that are
17 said to be, if we scroll down, please, I think it is 55.
18 Just keep going down. 57 documents. If we scroll down
19 on to the next page you will see that of that 57
20 documents here's what's not been included, number 5:

21 "RUC background paper on Tara."

22 That's a point we will come back to. What I am
23 showing you is this document of March 1982 was said to
24 be the submission, as it were, that would be sent to the
25 Prime Minister in November 1984 through Fred Holroyd.

1 I want to go back to 102798, please, to the front page.
2 Just if we scroll down to the bottom, you can see that
3 this is dated March 1982. Now I just want to show you
4 that in the Caskey or RUC Phase Four Inquiry, which was
5 looking at the 8th November '74 dated document, a whole
6 series of scrapbooks were produced to the RUC. I want
7 to take you to 35165, please. This was scrapbook
8 number 6 in the exhibits. Scrapbook 6 is where this was
9 contained. If we just scroll down, please, you will
10 immediately notice that at the -- just pause there. At
11 the bottom of this page that two paragraphs aren't moved
12 down and you don't have March 1982 written on it. So
13 the document is largely the same, but it's not the same.
14 I hope that makes sense. The front page is not the same
15 as the one that ends up attached to the Rucker report.

16 CHAIRMAN: You are saying it's of a different version with
17 a material omission?

18 MR AIKEN: Yes. I can't say, because I have to confess
19 I have not compared every word of the two documents,
20 because it literally would take hours upon hours.

21 CHAIRMAN: No, but you are pointing to a particular portion.

22 MR AIKEN: Yes.

23 CHAIRMAN: That does not appear in the version on the
24 screen, just remind us of when that was created?

25 MR AIKEN: It is not clear when this version is created. It

1 is also not clear when the other version was created.

2 It happens to have a date 1982 on it.

3 CHAIRMAN: Yes. I am sorry. I have not put it quite right.

4 When does this document have an identifiable date in
5 that it comes into someone's -- we can point to it being
6 attached to a letter or something of that nature?

7 MR AIKEN: This version I am not sure we can do that. In
8 fact, if we scroll up, we will maybe see the front
9 page of the scrapbook that it's contained within. Just
10 keep going up for me. Just keep going up for a few
11 pages and we will see it's a scrapbook into which it has
12 been placed. Just keep going up. There's a whole
13 series of letters that are found in the scrapbook,
14 handwritten material. Just keep going up a bit more,
15 please. Keep going up. Letters from solicitors,
16 letters to Fred Holroyd. So it's as if it is
17 a compendium of material and this is where we get to you
18 can see "scrapbook". If you just scroll down, you will
19 see it has been given the number 6 in the bottom
20 left-hand corner. There are a whole series of these
21 scrapbooks that are ultimately produced to the police
22 and in this particular scrapbook, scrapbook 6 is this
23 version of the document.

24 So what I want to draw to your attention is that
25 there is this very detailed narrative that ultimately

1 a version of is submitted to the Prime Minister and
2 essentially, if I can put it this way, this is Wallace's
3 case. This is the case he is making to the Prime
4 Minister, who asks to look at how he's been treated.

5 What I want to show you in the context, because
6 again, as I said, we could spend days looking at all the
7 ins and outs of what was done when by who, but the
8 focus, I want to show you the call to Social Services
9 in, or the call about or from Welfare in 1972. In fact,
10 if we look at 102801, please, so this is within the
11 version that's attached to the Rucker report and there's
12 a similar content in the version that is in the
13 scrapbook, and if we can scroll down, please. Now here
14 is the passage:

15 "I believe it was in early 1972 that I was first
16 made aware of the situation in Kincora. I had just
17 returned to HQ Northern Ireland from Londonderry where
18 I had been on detached duty for the Bloody Sunday
19 Tribunal. At this time I had been running an Army
20 freefall parachute team (the Phantoms) as an information
21 policy/community relations project."

22 I don't want to get into the debates over whether he
23 was a parachutist or not:

24 "The team had been a very popular attraction and
25 appeared at numerous events and functions, including

1 many where the security forces would otherwise have been
2 very unwelcome. Shortly after one such display I was
3 telephoned by a woman who claimed to be a social worker
4 and who said that she had been given my name by
5 a clergyman at whose church fete the parachute team had
6 recently given a display. She said that she had some
7 information to give me in confidence and I agreed to
8 meet her in Belfast. When I met her, she told me that
9 she had a young boy in her charge who was a resident in
10 the Kincora Boys' Home and who claimed that he had been
11 sexually assaulted by the staff of the home. She went
12 on to say that there had been similar claims by other
13 inmates of the home and that although the matter had
14 been reported to the RUC, no action had been taken. She
15 asked if through Army channels I could get the police to
16 take action.

17 Quite clearly she was very distressed and she asked
18 me to ensure that her identity was not disclosed. She
19 was particularly worried because key personalities in
20 the Welfare Department were understood to be
21 homosexuals, as was a senior member of the Kincora staff
22 who also held influential posts in the Unionist Party.
23 This man she identified as William McGrath.

24 McGrath was well-known to me through the P&O files
25 which I kept as part of my job at HQNI, but I had not

1 known that he was employed at a hostel for boys.
2 According to my records he had been employed by another
3 prominent Unionist with whom he had a homosexual
4 relationship."

5 Well, now, just pausing there, we haven't seen, that
6 I am aware of, a record of that type:

7 "McGrath was also a key member of the Free
8 Presbyterian Church and a well-known figure in the
9 Orange Order. He had come to the attention of the
10 Intelligence Services because he had tried to set up
11 a paramilitary organisation within the Orange Order
12 during the late '60s. The organisation called Tara
13 never developed beyond the planning and propaganda stage
14 but it could have formed the basis of something quite
15 substantial. Tara was important to information policy
16 because of its ideology, anti Communist and anti-UVF.

17 I reported."

18 So all of that has taken place:

19 "I reported my conversation with the social worker
20 to a member of the intelligence staff when I returned to
21 Lisburn and asked if he could raise the matter with the
22 RUC through our liaison channels. Some days later the
23 officer with whom I had raised the matter came to my
24 office and asked me to leave the incident alone because
25 it was already under consideration by other people.

1 I did not regard this as unusual at the time, because it
2 frequently happened when two agencies became involved in
3 the same activity or with the same target. I had no
4 further information about Kincora for almost a year and
5 I do not know if my information was ever passed to the
6 RUC."

7 So that is the case being made, certainly in
8 a document dated March 1982 and ultimately definitely
9 was sent to the Prime Minister in November 1984, but if
10 we can scroll back up just so you can see what's -- just
11 pause. Scroll down a little bit so we can see as much
12 of -- just keep it up so we can keep "I believe" at the
13 top of the screen. That's great. So the Phantoms
14 freefall Army parachute team are at a church fete and
15 shortly after that the Minister of the church fete
16 causes this lady to ring up Colin Wallace in early 1972,
17 wherein she has a meeting with him in Belfast and she
18 explains to him, an Army information officer, that
19 a young boy in her charge, who was a resident in
20 Kincora, claimed that he had been sexually assaulted by
21 the staff of the home. Not only that. This same social
22 worker was able to reveal that there had been similar
23 claims by other inmates of the home and that although
24 the matter had been reported to the RUC, no action had
25 been taken.

1 So what we have now is a number of individuals have
2 made complaints, including the boy to this social
3 worker. The matters have been reported to the RUC, but
4 nothing has been done.

5 So if we scroll down a little further, please, the
6 steps that Colin Wallace takes is to inform another
7 unidentified individual, someone in the intelligence
8 staff, who goes off and a number of days later comes
9 back to tell him that it's all in hand.

10 Now I want us to look, please, at 5200. This is the
11 account of the same episode in his account in Paul
12 Foot's book "Who Framed Colin Wallace?" If we just look
13 at the left-hand side of the page half way down:

14 "When he returned from the tribunal into the Bloody
15 Sunday killings in Derry in the summer of 1972, however,
16 he discovered something more. He got a phone call from
17 a woman who seemed very agitated and asked him for
18 a meeting. He met her in a cafe near the Arts Theatre
19 in Belfast."

20 So we now know where the meeting took place:

21 "He met her in the cafe. She was, as Colin
22 remembers, 'a cheery woman in her late 30s'. She didn't
23 say what her job was or give her name, but she was
24 clearly a welfare worker of some kind."

25 So Colin Wallace has met in a cafe in Belfast

1 someone who never revealed her name. Now I don't know
2 how one was to meet -- perhaps she had been described to
3 him on the phone:

4 "She said that she had been in charge of a youngster
5 who had alleged that he had been assaulted by William
6 McGrath."

7 I draw that to your attention, because there could
8 have been some question over who was said to have done
9 the assaulting in the earlier version, but there's no
10 question now. It's William McGrath has done the
11 assaulting in the early part, or before the early part
12 of 1972. She said the matter had been referred to the
13 police, but the police didn't seem to be doing anything
14 about it. She had been given Colin's name but
15 a clergyman who had met him at a parachute display and
16 she wondered if the Army could do anything to persuade
17 the police to take action. She thought the matter
18 important, not just because of the one youngster, but
19 because others in the home might be at risk."

20 Not that they had been assaulted, the others, but
21 just they might be at risk. Now:

22 "Colin took the story back to Intelligence at
23 Lisburn. He reminded the Intelligence officers that
24 McGrath was well known as the commander of Tara and was
25 very high up in the Orange Order and in extremist

1 Protestant politics. The Intelligence officer agreed to
2 look further into the allegation but came back in a day
3 or two with the news that it was already being dealt
4 with."

5 Now, if I can pause there, there is, as you know,
6 produced to the Inquiry not a single record of anything
7 in the Army of this exchange. Unless the records have
8 been destroyed, it is all verbal communication both
9 between Colin Wallace and the Intelligence officer,
10 unidentified, the Intelligence officer and the police,
11 unidentified. The police, of course, have not produced
12 a record of this conversation either from what took
13 place or is said to have taken place at their end. Of
14 course, perhaps of fundamental importance, you are now
15 aware, which is why we did the work in the first week
16 giving voice to the victims, what do the residents say:
17 well, at least in respect of those who were traced or
18 who have otherwise come forward as part of the police
19 inquiries, any subsequent inquiry or to this inquiry,
20 there is not anyone who claims they were sexually abused
21 by William McGrath in the early part of or before the
22 early part of 1972.

23 Of course, it is possible in addition to the
24 individual, no welfare worker that you are aware of has
25 ever made a complaint to either her employers or any

1 subsequent investigation. It didn't come out in the
2 Hughes Inquiry. It has not come before this Inquiry
3 that there had been one or more boys complaining about
4 William McGrath that had been referred to the police in
5 the early part of 1972 or before. In addition, as you
6 know, the Police Service have now produced a single
7 record to suggest that they ever received any referral
8 from anyone about William McGrath at any stage before
9 March 1974, whenever Roy Garland speaks to Detective
10 Constable Cullen, and that at no time is there
11 an allegation made to the police about William McGrath
12 until one might infer one in 1977, but that was to do
13 with Detective Constable Scully and Mains and Richard
14 Kerr."

15 So matters don't really come before the police on
16 the papers until 1980 in respect of an allegation about
17 William McGrath abusing in Kincora."

18 CHAIRMAN: Well, there is the matters pursued in front of
19 Hughes about whether or not there was a discussion
20 between the Town Solicitor in 1971 and the police, which
21 seemed to ultimately come to be categorised as there was
22 a discussion, but it was something to do with the
23 enforcement of local authority bylaws.

24 MR AIKEN: Yes.

25 CHAIRMAN: So this account that is being given, if it was

1 one that there was any basis in fact, must relate to
2 someone in the Welfare Department who was aware of the
3 existence of the Mason file and the 1971 complaints that
4 were contained within it, and was aware at the time the
5 Town Clerk or Solicitor had had some form of discussion
6 with, I think, Mr Meharg and that in any event no
7 prosecution had come about, and therefore that the
8 police weren't pursuing it. So it is somebody who is
9 party to what Mr Mason discussed with a small number of
10 people or has heard from one of those people, and in
11 addition has directly or indirectly received
12 a communication of a type that no-one else has ever
13 found any trace of, which is that a boy was complaining
14 McGrath had sexually assaulted him by 1972.

15 MR AIKEN: Yes.

16 CHAIRMAN: I have reminded myself that Mr Wallace was asked
17 to provide a witness statement relating to the identity
18 of that person.

19 MR AIKEN: Yes.

20 CHAIRMAN: And to provide details that might assist the
21 Inquiry to find that person. If that person could be
22 identified and if she was still alive, then it would be
23 of very great importance indeed to see what she could
24 remember about what she told Mr Wallace and what
25 information she had and how she had got it, because it

1 would appear to be a completely unverified line of
2 investigation that can only be pursued if Mr Wallace
3 provides information that results from it.

4 MR AIKEN: Therein there are two issues that arise from
5 that, Chairman, and Members of the Panel. The first is
6 that given that there are so many other participants in
7 this sequence of events, so that includes a social
8 worker, a boy, the police, you may consider whether or
9 not it is significant that there's nothing emanating
10 from any of those other organisations that fits this
11 platform and, as you know, replete through the many
12 years of correspondence over these issues, one of Colin
13 Wallace's conditions throughout is he will not reveal
14 the name of source nor the name of the intelligence
15 officer. So the position is even if we had dragged the
16 man kicking and screaming into the witness box, he has
17 made his position clear over 30 years that under no
18 circumstances will he tell you who the welfare person
19 was or who the intelligence officer was in HQNI that
20 allegedly told him this piece of information, that the
21 matter was being looked into by the police and he could
22 leave it alone.

23 Given what we were looking at yesterday, and that's
24 why I want to deal with this just now as a minor aside,
25 if we go up to 5198, please, I want to show you just the

1 bottom of -- because, as you know, this book is held out
2 as the seminal account of what happened in Kincora and
3 so on. I want you to look at the bottom of 5198. This
4 is just two pages before where we were at:

5 "If the Belfast Corporation from the Town Clerk
6 downwards could not believe the allegations from the
7 boys, some policemen could. In 1972, when McGrath was
8 well-established at the hostel, Detective Constable
9 Cullen, a former Drug Squad officer who had been in the
10 Belfast police for 27 years, got information from
11 a witness, a former inmate at Kincora, whom he named as
12 B. DC Cullen initiated his own inquiry and took
13 evidence from B and some of his friends. The results
14 were devastating as far as McGrath was concerned. They
15 exposed not only his assaults on the boys in his care,
16 but the political chicanery and cant which accompanied
17 them. One moment he would be lecturing the boys on the
18 need for Protestant purity. The next without a word he
19 would be stripping and raping them in the toilet.

20 DC Cullen wrote up his report and sent it to his
21 Superior officer. Many years later he produced his
22 notes to show that he had sent his report to Assistant
23 Chief Constable William Meharg. Mr Meharg denied ever
24 receiving the file."

25 I show you that just for this reason. This is

1 Detective Constable Cullen who saw Roy Garland in 1974
2 in March. Roy Garland never lived at Kincora, never
3 made any allegations remotely like what's being ascribed
4 to him here, and what you will wish to consider is it is
5 interesting he has been given the name B. There was
6 Informant B in the Hughes enquiry. Anyone who read the
7 report of the Hughes Inquiry, never mind followed the
8 actual transcript of the evidence, would not have
9 described the matter in this way, because that is not
10 any of the evidence given by Detective Constable Cullen
11 at any point.

12 I show that one example. I am not going to show you
13 any more.

14 This book is written in 1989. It is described as
15 the seminal work. That is information that was
16 verifiable.

17 If we can look at 122496, please, I want to show you
18 an article published on the Argus, Your Voice Website on
19 20th April 2015 called "The man who blew the whistle".
20 You will recall that when interviewed by the police in
21 1982 Colin Wallace would not necessarily accept that he
22 had spoken to a journalist, or if he did, the journalist
23 had, in fact, accurately reported what he had said over
24 the issues to do with the list, and so on. You can see
25 that he is criticising the Terry report. He may have

1 some grounds for that. If we scroll down:

2 "... has been weakened as a result of the report
3 more than 30 years before.

4 Speaking to the Argus, he said the Government needed
5 to face up to omissions in the report.

6 He and Amnesty are calling for an Inquiry to have
7 enough powers.

8 Mr Wallace, 72:

9 "I think the Government has to face up to the Terry
10 Inquiry from the absence of information. All subsequent
11 inquiries were based ... This is why the Sussex police
12 one is really important. The summary report says they
13 knew nothing. There is no vice ring. Impossible."

14 Scroll down, please:

15 "It does not disclose the fact that Terry was not
16 allowed to interview the MI5 officer who blocked the
17 investigation. Now come on. Those three elements of
18 information are of such importance that their failure to
19 be considered in the report must raise serious question
20 marks."

21 There is, in fairness, as you know, there's a memo
22 from Detective Chief Superintendent Caskey in 1990 who
23 said:

24 "While the Terry report did not cover the
25 intelligence he did keep in touch with my

1 investigation".

2 But he then goes on to describe, or the author goes
3 on to describe the allegations, but if we scroll down to
4 the narrative, please, now you can see:

5 "The well-being of children in residential care was
6 not high on Colin Wallace's list of priorities when he
7 agreed to meet an agitated welfare worker in a cafe near
8 the Arts Theatre in East Belfast. The year was 1972.
9 He was 29. He had just returned from Bloody Sunday.

10 Yet what he was to hear at that cafe would evolve
11 into an on-going saga that would consume him for the
12 next 40 years and counting. The first thread pulled on
13 a toxic national scandal that he claims is yet to fully
14 unravel.

15 The welfare worker told him of a boy who had alleged
16 he had been sexually assaulted at Kincora by housemaster
17 William McGrath, already on Mr Wallace's radar dual to
18 the paramilitary group Tara.

19 At first he followed routine and told his superiors.
20 Nothing happened."

21 Then:

22 "Acting on, he says, the advice of his new boss,
23 General Peter Leng, Mr Wallace flagged up stories to the
24 many national journalists covering the conflict at the
25 time via an off-the-cuff record briefing in 1973."

1 This is a subject I am going to come to:

2 "In his memo to them he didn't expressly state there
3 was child abuse at the home, but highlighted
4 Mr McGrath's reputation for homosexuality and the fact
5 he ran a children's home."

6 I ask you to note that and we will come back to it.
7 You can see:

8 "'Any journalist with an IQ of more than 4 would
9 suddenly go "Hang on. Wait a sec"', he recalled.

10 Yet it took more than seven years for the first
11 press reports about abuse at Kincora to appear."

12 So just to be clear, at the time that we are talking
13 about here of this incident we are talking about the
14 middle to end of March 1972, because the hearings of
15 what was then the Widgery Tribunal were held in Northern
16 Ireland on 14th March 1972. They finished on 14th March
17 and there were London hearings on 20th March by way of
18 closing submissions.

19 So the Northern Ireland proceedings ended on the
20 14th. So we are talking about mid-March. This appears
21 to be the first social worker to be told about William
22 McGrath abusing a boy and there's no record of it, and
23 then you have the point about the boy himself and the
24 difficulty over time.

25 You can see that according to the report if we

1 scroll up just a little bit, please, that the allegation
2 is reported to superiors. He has never identified who
3 they were said to be, but you are aware from police
4 statements from all of the people who worked with him
5 and were his superiors in 1982 to Detective
6 Superintendent Caskey that they had no knowledge about
7 Kincora. I will come back to them. Then you can see he
8 flags up then the interaction and advice from General
9 Leng, who is right at the top of the Army in Northern
10 Ireland.

11 But standing back from the accounts that we have
12 looked at across from '82 in the book in 1989, then
13 right up to date in 2015, perhaps a fundamental question
14 in your consideration of this allegation is: why would
15 this set of events happen? Why would an unidentified,
16 it seems, female social worker through a Minister as
17 a result of a parachute show at a fete, get in touch
18 with an Army information officer to get done that which
19 the RUC couldn't get done?

20 Scroll down, please. Scroll a little bit for me the
21 other way. Thank you. Scroll down to the bottom of it.
22 Keep going down. Thank you. Just pause and go back up
23 a little. So you are left with the question: who was
24 the boy abused? Who was the social worker who was told?
25 Who were the police officers who were investigating?

1 Who was the intelligence officer that Colin Wallace
2 spoke to? Who did the intelligence officer speak to in
3 the police? That is where the matter sits.

4 I am conscious of the time, Chairman. If we are
5 going to sit on a little further if we took a short
6 break for the Stenographer.

7 CHAIRMAN: Yes. We will sit around 5 o'clock.

8 (4.50 pm)

9

10 (Short break)

11 (5.00 pm)

12 CHAIRMAN: I think we will attempt about another half
13 an hour, no more, Mr Aiken.

14 MR AIKEN: Perfectly understandable, Chairman.

15 The issue I am going to turn to now is 1973 and you
16 are aware when I summarised the matters, the allegation
17 is that Colin Wallace received a direction from his
18 superiors in 1973 to try to interest journalists about
19 what was happening in Kincora, and the journalists did
20 not really notice.

21 If we can look, please, at 102802, please, and this
22 is taking us back to the 1982 document we are looking at
23 previously for the '72 story. So if we look, please, at
24 the third paragraph, if we just scroll down a little
25 bit, please. That's fine. We can see:

1 "However, in 1973 a senior officer at HQNI gave me
2 a written brief relating to McGrath and his activities
3 and asked if I could get a reporter to investigate the
4 matter. I did pass the information on to several
5 journalists but I do not think any of the information
6 was ever published."

7 Now that sentence you may consider to be ambiguous,
8 because information, written brief about McGrath and his
9 activity and ask a reporter to investigate the matter,
10 well, what are the activities? What is it the reporter
11 is to investigate? But you may consider that the reader
12 is intended to infer, given the context of the document,
13 that it's to cause journalists to look into McGrath and
14 Kincora, because you can see the paragraph that precedes
15 it in the '72 incident is all about Kincora.

16 If we look, please, at 5200, in 1989, and this
17 begins in the top right of the page, we can see:

18 "Colin heard nothing more about it until early in
19 1973 when information policy was approached by Army
20 Intelligence and asked if they could arrange for
21 publication of a press expose about Tara. Colin has
22 kept the document which was provided by Intelligence to
23 Information Policy headed 'Some off-the-cuff information
24 on Tara for the press'."

25 So you can see the document that Colin has kept, the

1 off-the-cuff document that is said to have come from
2 Intelligence to Information Policy.

3 The document is initialled as being received by the
4 head of Information Policy at the time, Lieutenant
5 Colonel Peck. It is also initialled by Peter Broderick,
6 head of the Army Press Desk, and by Colin who had the
7 specific job of placing the material in the press. In
8 full it read as follows.

9 Now if we scroll on to the next page, please. So
10 the document being quoted here is the one that Colin
11 Wallace kept, the off-the-cuff for the press. We looked
12 at the document that may have preceded that and the
13 document Colin Wallace was said to have authored that
14 succeeded it had. This is the middle document,
15 therefore. You can see then what's said:

16 "Using this information Colin constructed his own
17 briefing paper for the press, which he distributed to
18 several selected journalists. These included David
19 Blundy of the Sunday Times, Jim Campbell of the
20 Protestant Sunday News, David McKittrick of the Irish
21 Times and Kevin Dowling of the Sunday Mirror. All these
22 journalists recalled this some years later."

23 Now you can then see what the journalists are
24 recorded as saying. So you can see:

25 "So did every other editor in Britain and in

1 Ireland. One of the most scandalous and salacious
2 stories of modern times was presented to the press with
3 the necessary names, telephone numbers and addresses.
4 The press unanimously, quality and popular, serious and
5 gutter, turned it down. To this day Colin has never
6 understood how the biggest (true) story he ever leaked
7 never got into a single newspaper."

8 So whether the content of the document that is
9 described here which we looked at, justifies that
10 assessment of it, that's a matter for you to consider,
11 Members of the Panel, but if we go back 10502 -- in
12 fact, just before we do that, there's two points I want
13 to draw to your attention about what we can see on the
14 page.

15 First, which journalist is not named as a recipient
16 of the information? You will recall yesterday we looked
17 at a story in The New Statesman in 1976, which appears
18 to show, if we look at 105026, please, appears to show
19 that it was this document that Robert Fisk had.

20 If we go to 80249, please, this is the off-the-cuff
21 document about the press that Colin Wallace had. Just
22 scroll down so you can see the passage we looked at
23 yesterday. You can see just:

24 "The OC ...",

25 and then the next paragraph:

1 "McGrath uses non-existent evangelical missions as a
2 front for his homosexual activities and also runs a home
3 for children on the Upper Newtownards Road."

4 So the implication is that by constructing it in
5 this way that would alert all the journalists to the
6 fact that what is actually being said is boys in Kincora
7 are being abused and consequently that would spark
8 a journalistic investigation into the matter and all the
9 names are said to be given.

10 Now you will recall from the Paul Foot book that we
11 just looked at that it goes on to say from that
12 off-the-cuff document the press Colin Wallace would
13 produce his own. We looked at that yesterday. 30200.
14 It will be this document that gets leaked to the
15 journalists, 30200. And at the bottom there's no
16 mention of running a children's home of any name.

17 So given the express intention is said to be that
18 the Army officers want Colin Wallace to communicate with
19 the press in a way that doesn't directly indicate but
20 gives him enough information to identify that what the
21 Army want to happen is what's going on in Kincora will
22 be revealed, he produces a summary that is disclosed to
23 the press which doesn't make any reference to McGrath
24 working in a children's home.

25 If we can look again, please, at Liam Clarke's

1 article of 17th July 2014, please, at 144512. Just
2 scroll down:

3 "When I was working with Military Intelligence the
4 Army did want to expose Kincora but MI5 didn't."

5 If we scroll down, please -- scroll down, you can
6 see:

7 "In 1973 Captain Wallace prepared a briefing paper
8 for journalists which set out allegations about Tara and
9 its role in homosexual activity in Kincora and named Sir
10 Knox. It was mentioned in a number of papers but no
11 action was taken. 'We didn't specify allegations of
12 assault in the home, because the Army felt that it
13 couldn't be seen to be briefing on a police matter.
14 However, we gave the names of those involved'."

15 Now look at the next paragraph:

16 "In 1974 Wallace and his colleagues received
17 documents from the RUC showing that although some
18 officers were aware that McGrath was a child abuser,
19 they were obstructed from pursuing him. Wallace also
20 tried to make this public."

21 Now what I want to show you before we finish, you
22 saw the mention of some journalists, albeit Robert Fisk
23 is not among them. David Blundy, if we look at 30070,
24 this is a record of interview with David Blundy, because
25 he wouldn't make a police statement himself. It is on

1 16th December 1982, and he explains, if we scroll down,
2 please, you can see he is condemning here -- he is
3 saying:

4 "Two reporters from the Sunday Times and the Irish
5 Times attended an Army briefing in 1974 to discuss the
6 appearance of the German businessman, Thomas Niedermayer
7 who was abducted. The Information officer attempted to
8 link him to William Craig, and allegation which was
9 wholly untrue."

10 Scroll down, please:

11 "Mr Blundy recalled he had meetings with the Army
12 authorities at Lisburn, so many that he could not
13 remember each specific meeting. Because of the passage
14 of time he could not remember the various names but
15 agreed if he wished to identify:

16 Question: Do you wish to identify any of your
17 sources?

18 **A. I would rather not.**

19 Q. Was one of them Colin Wallace?

20 **A. Yes.**

21 Q. What information did he give you?

22 **A. The Niedermayer story, including the information
23 about Craig."**

24 **If we scroll down, please. It is then read.**

25 **I think that's part of the folio document. You can see:**

1 **"Colin Wallace was concerned about the black**
2 **propaganda carried on against the Reverend Paisley,**
3 **which was released by the psyops group at Lisburn. He**
4 **was always prepared to confirm the authenticity of such**
5 **information."**

6 **Scroll down, please. Just pause there, please:**

7 **"Inspector Cooke then showed Blundy a copy of the**
8 **Tara document marked DMCK1."**

9 **We have just looked at that. That's the 30200**
10 **document:**

11 **"He recalled that the information officers at**
12 **Lisburn also had the same document.**

13 Q. Did you ever establish the origin of this
14 document?

15 **A. From sources from within the Army. They**
16 **originated within the Army.**

17 Q. Did you attend briefings that were attempts to
18 blacken Paisley?

19 **A. Yes.**

20 Q. At Lisburn.

21 **A. Yes.**

22 Q. Who was present on the Army side?

23 **A. I don't recall."**

24 **Then he is asked about that particular section that**
25 **someone is alleged to owe more allegiance to the red**

1 flag than the Union Jack or the tricolour. Do you see:

2 "The purpose of the Army briefing was clear, to link
3 Paisley with homosexuality, Communist sympathisers.
4 There is, of course no truth in this. Our source
5 claimed in the Army which produced three anonymous
6 documents on this which circulated in Belfast."

7 Q. Was any place in particular mentioned?

8 A. No.

9 Q. Was Kincora mentioned?

10 A. No.

11 Q. Was the alleged homosexual referred to at
12 various meetings?

13 A. Yes, and Colin Wallace was very concerned.

14 Q. Are you saying that the three documents referred
15 to in the article were given to you by the Army?

16 A. Yes.

17 Q. Have you got these articles?"

18 So the concern that he's describing, if we go back
19 two pages, you can see it is about Paisley being linked
20 in this way, which was untrue.

21 If we look at 30198, please, and in the middle
22 column -- just there -- thank you -- you can see this is
23 March 1977. Alarminglly inaccurate information he is
24 describing, and then he quotes from the document we have
25 just been looking at, 30200 about William McGrath.

1 What I want to show you is --

2 CHAIRMAN: I just ask before you leave that, remind us,
3 please, who is the author of this in 1977?

4 MR AIKEN: This is David Blundy.

5 CHAIRMAN: This is Blundy.

6 MR AIKEN: He appears to have written this article making
7 clear he did not believe the stories that were being
8 pedalled to him, and sets that out in this article in
9 '77.

10 If we look at 30077, please. Just scroll up
11 a little on to the page before. Scroll up a little
12 further. Yes. This is what I want to draw to your
13 attention:

14 "When was your last contact with Wallace?

15 **A. '77.**

16 Q. Where?

17 **A. At his home in Arundel in Sussex."**

18 **So two years after he has been drummed out of the**
19 **army.**

20 "Q. For what purpose?

21 **A. Purely social. My last professional contact was**
22 **to talk about the black propaganda. We talked about**
23 **Prior when he was in Northern Ireland. Nothing in**
24 **relation to Kincora or homosexuality.**

25 Q. Did you ever visit him in prison?"

1 Scroll down, please:

2 "A. No. I received his letter from his wife
3 recently, but it was purely social.

4 Q. Did he leave the Army under a cloud?

5 A. Officially, no. Unofficially, yes. On the
6 night of his farewell party I was taken to the side by
7 someone at the party and told that Wallace was
8 homosexual and not to talk to him. I didn't believe it.

9 Q. Who suggested it?

10 A. I don't remember who it was. Just some Army
11 officer at the party."

12 Scroll down, please:

13 "Q. Did Wallace give you any information that
14 homosexuality was taking place in any children's home in
15 Northern Ireland?

16 A. No."

17 Now you may wish to consider, Members of the Panel,
18 why it is David Blundy wasn't told about Kincora and the
19 other homes where abuse was said to be taking place
20 according to the 8th November '74 document, why he
21 didn't tell him about the '74 memo that was said to have
22 got him removed from Northern Ireland, and why he did
23 not give him a copy of the 8th November '74 memo when he
24 is seeing him in 1977.

25 David McKittrick, then of the Irish Times, was

1 interviewed by police. He made a statement on 25th
2 February 1982. This is a statement you may consider to
3 be of some importance. If we look at 30078, please, he
4 explains that he was a reporter with the Irish Times
5 when he met Colin Wallace about the beginning of '74.
6 He was the Army's Chief Civilian Press Officer in
7 Lisburn. Visited him frequently in his office there or
8 background briefings on Loyalists and other matters:

9 "In about late September '74 I discussed Tara with
10 him and according to my notes he named William McGrath
11 as its leader. He gave me his address as 188 Upper
12 Newtownards Road and the telephone number as Belfast
13 . He said that the Reverend William McCrea of 4
14 Greenwood Avenue was suspected of being a member. Also
15 named Clifford Smyth as Tara's intelligence office and
16 said its administrative officer was David Brown, who
17 came from Bangor and was Deputy Editor of the Protestant
18 Telegraph. He also said Frankie Miller of the Shore
19 Road was a member. Wallace said that McGrath ran
20 an evangelical mission hall but added that he was
21 suspected of Communist leanings. Wallace said that
22 before the Troubles McGrath was said to have attended
23 a meeting in Dublin where three representatives of the
24 Eastern block countries were present."

25 Now what I will ask you to observe, Members of the

1 Panel, is here is the reference to the evangelical
2 mission hall. That's in the off-the-cuff remarks for
3 the press document, but then so is the reference to "and
4 he runs a children's home" and you will note what's
5 missing from the information:

6 "Wallace said that before the Troubles McGrath was
7 said to have attended a meeting in Dublin where three
8 representatives of the Eastern block were present."

9 If we scroll down, please:

10 "At a later meeting, probably some weeks or some
11 months afterwards, Wallace gave me a document giving
12 information about Tara. This is the document headed
13 ..., two pages, each signed by me."

14 That's 30200. If we scroll down a little further,
15 please, of particular significance you may consider:

16 "This document alleged that McGrath was
17 a homosexual. Wallace did not tell me McGrath worked
18 with children and it was not until McGrath was charged
19 that I realised that this was the case."

20 Now this isn't the 1973 planned subtle briefing to
21 get the journalists to spot Kinchora. This is
22 September 1974, which is two months before the memo
23 that's dated 8th November '74, and this is what David
24 McKittrick is saying he was told and what he was not
25 told. Then perhaps of particular significance:

