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Chapter 28:

Module 15 – Kincora Boys’ Home (Part 2)

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Kincora, the Intelligence Agencies and HM Government

PART ONE

Introduction

- 1 This chapter is devoted to an examination of what the security services knew of the sexual abuse of residents in Kincora that we have examined in a previous chapter, and whether any of those agencies exploited, connived in, or ignored the sexual abuse of residents at Kincora (and by security services in this context we refer to the RUC Special Branch, the Security Service (also known as MI5), the Secret Intelligence Service (SIS, sometimes referred to as MI6) and British Army Intelligence). It is essential to bear in mind that this was the focus of our investigation, because although the Inquiry examined a large volume of material in relation to the Security Services this was to see what relevance this might have to Kincora. We were not engaged in a general review of the way intelligence activities were conducted in Northern Ireland in the 1970s, although we have to refer to some aspects of the work of the security services at that time in order to put issues relating to Kincora in their proper context.
- 2 In this chapter we also examine the responses of various Government departments and agencies over the years to allegations relating to Kincora. As part of that examination we consider the way in which each of the four agencies we have already referred to responded to the allegations that had been made. We also examine the responses by the Ministry of Defence (MoD) and by the Northern Ireland Office (NIO) as the departments of central government primarily involved with the work of the Army and the RUC in Northern Ireland. When we express a critical view of the activities of the non-devolved departments and agencies we do not describe the criticism as a “systemic failing” because we reserve that term for use in connection with the institutions and other bodies examined under our Terms of Reference from the First Minister and deputy First Minister.

The Inquiry’s objective

- 3 In previous chapters we have examined the nature of the sexual abuse perpetrated on residents of Kincora, and the way in which the social services and the police responded to the allegations of actual or suspected sexual abuse of those residents. In this chapter we examine what the security services and Government departments:
 - 1 knew of that sexual abuse;
 - 2 when they knew of it;
 - 3 what they did with any knowledge they had; and
 - 4 what they should have done with any knowledge they had.
- 4 As part of that examination we considered the various investigations carried out by the RUC which we have referred to as Caskey Phase Two, Phase Three and Phase Four in the 1980s, each of which had a bearing on these issues. In that context we also examined the contacts between MI5 and the RUC, between MI5 and the Attorney General and the Director of Public Prosecutions for Northern Ireland (DPP) prior to the DPP issuing directions in May 1983 following his consideration of the reports on the Caskey Phase Two and Phase Three investigations. We also examined the report issued by Sir George Terry following his investigation, and the circumstances leading to the setting up of the Hughes Inquiry. As we have explained in earlier chapters, many of the allegations relating to what the security services did or did not know about Kincora have come from various individuals, including Colin Wallace and Brian Gemmell among others. It was therefore necessary for us to examine what Colin Wallace in particular has said in considerable detail, as well as the responses of the Prime Minister, various secretaries of state and other ministers in the NIO, the MoD and the Home Office to the matters raised by Colin Wallace over many years. As we shall see, some of the matters raised by Colin Wallace in his voluminous correspondence with ministers, officials, members of parliament and others over many years were not solely related to Kincora, but some reference to those matters will be necessary to place in context matters that did relate to Kincora. We do not consider it necessary to refer to every document we have examined, or to the evidence of every witness, or to every submission by the core participants, or every document sent to us by others such as Roy Garland and Colin Wallace and the arguments advanced by them in correspondence with the Inquiry. We have carefully considered them all and taken them into account.

The structure of our investigations

- 5 As we have explained, when HM Government approached our Inquiry in the Autumn of 2014 we required, and were given, the following assurances:
- 1 Details of all files relating to Kincora held by all UK Government departments and agencies would be provided to the Inquiry.
 - 2 A senior civil servant will confirm to the Inquiry at a suitable time whether all relevant files have been produced or accounted for.
 - 3 All the additional costs the Inquiry would incur in investigating the non-devolved UK Government departments and agencies investigated by the Inquiry would be covered in principle by HM Government.
 - 4 That a suitable form of immunity would be provided by the Attorney General for England and Wales for witnesses who cooperate with the Inquiry, and in particular that undertaking would relate to any allegation of an offence arising under the Official Secrets Act.
- 6 Up to 30 November 2016 the Inquiry spent £532,442 on its investigations into the non-devolved aspects of Kincora, although the final figure will be greater to reflect time spent upon this aspect of our work up to the end of the Inquiry.
- 7 On 7 January 2015 the Attorney General provided such an undertaking, stating that for the avoidance of doubt:
- “...the undertaking covers any allegation of an offence arising under the Official Secrets Act.”¹
- 8 On 21 October 2014 the Secretary of State for Northern Ireland also said that:
- “...there will be the fullest possible degree of co-operation by all of HM Government and its agencies to determine the facts.
- All Government departments, who receive a request for information or documents from the Inquiry will co-operate to the utmost of their ability in determining what material they hold that might be relevant to it, on matters for which they have responsibility in accordance with the terms of reference of the Inquiry.”

1 The undertaking can be found in the [Background, Legislation, Protocols, Procedures and Rulings](#) section on the Inquiry website.

Examination of relevant documents

- 9 Following that assurance the Inquiry provided a list of search terms to the NIO so that all UK departments and agencies could search their records for material which the Inquiry considered might have relevance to its investigation. As can be seen from the list of terms in Appendix 1 this list covered a wide range of subjects and titles. Sir Jonathan Stephens, the Permanent Under Secretary of the NIO, then wrote to all UK government departments and agencies asking them to provide lists of any files held by them which related to the search terms. Not surprisingly some departments and agencies had no contact or connection with Kincora and made nil returns.
- 10 The Inquiry then examined the lists provided, identified those files which appeared most likely to be relevant to the Inquiry’s work, and requested their production. Given the nature of many of the files disclosed to the Inquiry, except for the Chairman it was necessary for those who had not been subject to developed vetting already to be developed vetted before they could examine the files. Developed vetting is the most detailed and comprehensive form of security clearance in the United Kingdom, and is required for individuals who require frequent and uncontrolled access to documents with the highest levels of security classification. References in this chapter to documents being examined by the Inquiry mean that the documents were examined in their un-redacted and complete form, as were the files in which they were contained, by one or more of seven individuals on behalf of the Inquiry. These were the Chairman, both panel members, the Secretary to the Inquiry, the Solicitor to the Inquiry and senior and junior counsel to the Inquiry. Given the nature of the allegations that have been made about Kincora we considered all documents which we examined with a degree of scepticism, whether they emanated from the security agencies or other bodies or individuals.
- 11 As can be seen from the following list, the Inquiry examined a very large number of files, mainly, but not exclusively, from the departments listed below. For example we examined a small number of files made available to us by the Public Prosecution Service which it had inherited from the Department of Public Prosecutions, and a small number of files were produced to us by the National Crime Agency.
- 1 The RUC Special Branch²

2 KIN 55001-55119.

- 2 The Security Service³
- 3 The Secret Intelligence Service⁴
- 4 The Ministry of Defence⁵
- 5 The Northern Ireland Office⁶
- 6 The Cabinet Office⁷
- 7 The Foreign and Commonwealth Office⁸
- 8 The Home Office.⁹

12 These totals include many files that were not on the original file lists produced to the Inquiry. During our examination of files originally identified to us we identified other files that we considered might be relevant, and asked that these files be produced as well. The department or agency concerned searched for every file the Inquiry asked for, and in the few cases where the file could not be found the reasons why it could not be found were explained to us.

13 Those which appeared to us to be most likely to be of greatest relevance to our work were examined by the Inquiry between May 2015 and the conclusion of the public hearings on Kincora on 8 July 2016. After 8 July 2016 the Inquiry continued to examine the remaining files identified by it as being possibly relevant to ensure that every file that might have some value, however slight, to our work was considered. As part of this post 8 July examination process we identified and examined a substantial number of additional files and documents which had not been previously identified as possibly relevant, and therefore had not been disclosed to the Inquiry, which we considered had some relevance to the issues we examine in this chapter. These documents have been added in redacted form to the evidence bundle for the Kincora Module, and, where relevant, will be added to the other documents displayed on our website. Inquiry counsel and the Inquiry solicitor spent a considerable amount of time on the examination of the additional material, and the process was substantially completed by 28 November 2016. Where we consider the additional documents throw some light on these issues we refer to them in this chapter.

3 KIN 105001-105543.
4 KIN 3501-3648.
5 KIN 102001-102869 and KIN 190001-190217.
6 KIN 103001-103370.
7 KIN 104001-104324.
8 KIN 200501-200614.
9 KIN 185001-185020.

- 14 As part of its investigation into what the non devolved departments and agencies, and the RUC, knew or did not know about the sexual abuse of residents in Kincora, and what they did or did not do with that knowledge the Inquiry examined and considered many thousands of pages of documents in these files in addition to those to which we referred during the public hearings, those to which we refer in this chapter and those which appear in the evidence bundle. These files are not paginated and we have not sought to count the total number of documents we have examined in different locations. The best way we can describe their volume is that if they were all to be brought together in one location and placed on their sides we estimate they would take up at least 20 metres of shelf space. As will be appreciated from the number and size of the files that were examined, it was an extremely laborious and time consuming process to examine them all before and after the public hearings.
- 15 We emphasise that in every case where the Inquiry examined a file we examined every part of every document in the file we considered relevant. Many of the files held by the RUC Special Branch, the Secret Intelligence Service, the Security Service and the Ministry of Defence in particular contain references to individuals whose identity was only given in the form of a code name or number in the documents. In every instance where the Inquiry asked for the identity of the person to be disclosed to us that was done. While a great deal of the information contained in many of the files we examined was not relevant to our work, we insisted that all the documents, or parts of documents, that we identified as being relevant be produced to the Inquiry in a form that would enable the relevant part or parts of the document to be publicly disclosed by the Inquiry. As can be seen from the transcripts from the public hearings, the documents, or contents of the documents, were then brought up and displayed by the Inquiry during the public hearings relating to Kincora. The process of checking the remaining files after the end of the public hearings identified more documents which we considered were of some relevance.
- 16 A senior officer of each department or agency has provided the Inquiry with a statement confirming that their department or agency has identified every file requested by the Inquiry, and produced those they have been able to find. Where they have not been able to find a file because they believe that it has been destroyed they have explained

why that has been done, and, so far as they can, when the file may have been destroyed. Lists of every file examined by the Inquiry in the possession of the PSNI, SIS, MI5, the MoD and the other non-devolved departments and agencies have been compiled by each department or agency and countersigned on behalf of the Inquiry as having been examined by the Inquiry. By nature of their subject the titles of these files themselves contain secret information. The Inquiry required the agencies concerned to provide the Inquiry with file lists and then place them in a secure location known to the Inquiry, and the agencies have undertaken to preserve these lists so that if it is necessary in the future for these lists to be examined they will be available for examination by appropriately authorised individuals.

Publication and redaction of documents

- 17 Throughout our work on this Module in particular, the Inquiry was conscious of the understandable public interest in documents that have not been publicly available in the past. Throughout we have insisted to all the departments and agencies that all documents that we considered relevant to the issues we set ourselves to examine in relation to Kincora would be made publicly available to the greatest possible extent. As a result of our work, the Inquiry has obtained a considerable quantity of material that has not been previously available. Some of this material would not normally be publicly available, such as reports submitted by investigating officers, for example Detective Superintendent Caskey in the Caskey Phase One, Two, Three and Four investigations, the report (s) by Detective Superintendants Harrison and Flenley of the Sussex Police that were part of the investigation carried out by Sir George Terry, or internal papers of the DPP.
- 18 While some material that we produced might find its way in due course to The National Archives, other material would not. For example, we have examined files from the MoD, the NIO and the Cabinet Office that fall into this category. As a result of our work we have required material to be made publicly available that normally would never be disclosed publicly. This includes material from files held by the PSNI which it inherited from the RUC Special Branch, and files from the Security Service, from SIS and from the MoD relating to intelligence matters. Wherever possible we required such material to be disclosed in un-redacted form so that it could be made publicly available during the public hearings and eventually placed on our website.

- 19 We recognised that the contents of some documents we considered relevant could not be disclosed in full. Some of the contents were not relevant, whilst other parts could reveal information that we considered it was not in the public interest to reveal, such as the identities of agents or of those who worked in the intelligence services, whether past or present officers in the RUC Special Branch, members of the SIS or the Security Service, or Army and UDR personnel. In such cases, although we examined the entirety of each document before they were redacted, and, where we considered it necessary, were told the identity of the individuals concerned, portions of documents that we intend to publish have been redacted, i.e. blacked out. Where it is necessary to explain the nature of the identity of an individual, that person has been given a designation, and explanations have been included in the text as necessary to explain the nature of the document.
- 20 Where the Inquiry identified an individual member of any of the intelligence agencies, a soldier or other person we considered might be able to assist the Inquiry we requested the agency concerned to trace that individual and the Inquiry spoke to them where necessary. Many of those closely involved in these matters are dead, but as we shall see at various stages in the past they described their connection with, or knowledge of, relevant events. With the exception of Brian Gemmell and Colin Wallace those who were still alive and able to give evidence were prepared to do so.

PART TWO

The political and security background

- 21 The events relating to Kincora that we examine in this chapter have William McGrath and Tara at their centre. We touched upon both in the previous chapter when examining Roy Garland’s role during our consideration of the responses of social services and the police to the allegations made about sexual abuse in Kincora. It will be necessary to examine what was, or was not, known about McGrath and Tara in this chapter, but before doing so it is appropriate to briefly describe the wider political and security background of the time. That is because the events we examine in this chapter happened several decades ago, some as far back as 50 years ago, and those events have to be viewed against the background of very different times to those of the present day.
- 22 What follows is a very brief summary of some of the main political and security events in Northern Ireland between October 1968 and the publication of the Irish Independent article of 24 January 1980, to which we referred to in previous chapters. We selected October 1968 as our starting date because the confrontation between civil rights marchers and the RUC at a march in Derry which had been banned by the Minister of Home Affairs is generally regarded as marking the start of what proved to be more than three decades of unprecedented violence and political instability in Northern Ireland. 1980 has been chosen because that was when the investigations into Kincora may be said to have started following the commencement of the RUC investigation to which we have already referred and which we describe as Caskey Phase One.
- 23 The first relevant event involving McGrath happened in 1966, and as most of the events with which we are primarily concerned happened more than 40 years ago, some of those referred to in this chapter are dead. The history of Northern Ireland throughout these decades was extremely complex and highly contentious. It has been the subject of many scholarly works, as well as innumerable polemic works, newspapers articles, radio and television programmes, some of which we refer to later in this chapter. It is not the task of this Inquiry to attempt to review the wider history of Northern Ireland during this period, but in order to place the matters we have considered in their proper context it is necessary to make some reference to parts of that wider history.

In the following paragraphs we only refer to some important dates and events in order to indicate something of the gravity and complexity of the political and security landscape relating to Northern Ireland affairs at that time. As some of these events remind us, violence relating to Northern Ireland was not confined to the geographical area of Northern Ireland, as Loyalist and Republican bombings in the Republic of Ireland and in Great Britain which caused major loss of life demonstrated.

Some key dates and events

- 24
- 5 October 1968 – confrontation between civil rights marchers and RUC at a banned march in Derry.
 - 21 April 1969 – British troops from 39 Brigade were sent to guard public buildings and utilities.
 - 24 April 1969 – Terence O’Neill resigned as Prime Minister of Northern Ireland.
 - 12 August 1969 – prolonged rioting spread to other areas in Northern Ireland resulting in sectarian clashes, notably in Belfast where hundreds of houses were destroyed by fire. It was later estimated that 1.6% of all households in Belfast were forced to move in July, August and September 1969. 1,505 of these were Roman Catholic families, 315 were Protestant. These amounted to 5.3% of all Roman Catholic families, and 0.4% of all Protestant families in Belfast.
 - In succeeding years, thousands of people from both communities were forced to move from areas where they were in the minority. In 1974 the Community Relations Council estimated that 60,000 in Belfast, more than 10% of the population, had moved by February 1973. Other areas outside Belfast saw smaller but significant population movements.
 - 14 and 15 August 1969 – the United Kingdom Government agreed to the deployment of regular Army troops in Derry and Belfast.
 - 1 April 1970 – the Ulster Defence Regiment (UDR) was inaugurated. This was a locally recruited unit of the British Army under Army command.
 - 30 April 1970 – the Ulster Special Constabulary was disbanded. A largely part-time force, the B-Specials as they were generally known, consisted of over 8,000 part-time armed special constables.

- 18 June 1970 – the United Kingdom general election resulted in the defeat of the Labour Government which was replaced by a Conservative Government with Edward Heath as Prime Minister.
- 9 August 1971 – suspected terrorists were detained without trial under the Civil Authorities (Special Powers) Act (Northern Ireland) 1921 (commonly known as the Special Powers Act). Internment, as this was generally known, lasted until 5 December 1975. During this time 1,981 individuals were detained; 1,874 were regarded as Catholic/Republican, 107 were regarded as Protestant/Loyalists.
- 30 January 1972 – thirteen men were shot dead and seventeen wounded by members of the Parachute Regiment in Derry.
- 24 March 1972 – the United Kingdom Government announced the suspension of the Northern Ireland Government, and the prorogation of the Northern Ireland Parliament, a decision which received legal effect on 30 March 1972 with the enactment of the Northern Ireland (Temporary Provisions) Act 1972.
- 31 July 1972 – the British Army carried out 'Operation Motorman' during which thousands of troops removed barriers around what had been known as 'no go areas' in Belfast and Derry. These were areas where barriers or barricades had prevented the security forces from entering various areas of the cities.
- 28 June 1973 – elections were held for a new Northern Ireland Assembly.
- 22 November 1973 – a new power-sharing Northern Ireland Executive was announced.
- 28 February 1974 – a United Kingdom general election resulted in the formation of a minority Labour Government on 4 March with Harold Wilson as Prime Minister.
- 15 May 1974 – the Ulster Workers Council, a loyalist group, threatened widespread civil disobedience unless fresh elections were held in Northern Ireland.
- 17 May 1974 – car bombs in Dublin and Monaghan in the Irish Republic killed 33 people and injured over 120.
- Widespread power cuts and factory closures across Northern Ireland followed the call from the Ulster Workers Council.
- 19 May 1974 – the Secretary of State for Northern Ireland declared a State of Emergency.

- 27 May 1974 – the British Army took over a number of petrol stations in Northern Ireland to ensure the maintenance of petrol supplies.
- 28 May 1974 – the Chief Executive and other Unionist members of the Northern Ireland Executive resigned.
- 10 October 1974 – following a further general election the minority Labour Government was returned to office with an overall majority of three seats.
- 22 November 1974 – nineteen people were killed and 182 injured in explosions at two public houses in Birmingham.
- 20 December 1974 – the Provisional IRA declared a temporary ceasefire lasting from 22 December 1974 until 2 January 1975. The temporary ceasefire was later extended to 17 January 1975.
- 1 May 1975 – elections were held in Northern Ireland for a Constitutional Convention.
- 3 May 1979 – the United Kingdom general election resulted in the return of a Conservative administration with Margaret Thatcher as Prime Minister.

The level of violence

25 The intensity of the violence in Northern Ireland during the years 1969 to June 1977 can be seen from the following figures.¹⁰

1969 to 1977

Deaths	1,768
Injuries	19,947
Shootings involving the security forces	16,465
Shootings not involving security forces	9,636

1970 to 1977

Bomb attacks	8,314
Vehicles hijacked	4,143
Malicious fires	2,086

¹⁰ Cmnd. 7009 The Protection of Human Rights by Law in Northern Ireland, p.6. (published November 1977).

1969 to 1976

Compensation for personal injuries £25,498,153

1971 to 1976

Compensation for damage to property £190,585,130

- 26 As we shall see when we consider Colin Wallace’s allegations, 1974 was a very violent year. In the eleven months up to and including 30 November 1974 there were 205 deaths, 648 explosions and 3,052 shootings.¹¹
- 27 We have given this relatively brief survey of the political developments, and the scale of the violence, to convey something of the gravity and complexity of events in Northern Ireland throughout the last years of the 1960s and the 1970s. When examining the events relating to William McGrath, Tara, Kincora and the various individuals, it is easy to fall into the trap of ignoring the backdrop of events within which the departments, agencies and individuals whose actions we examine in this chapter were operating.

The structure of Government

- 28 Following the suspension of the Northern Ireland Government in March 1972 a new department of the United Kingdom Government was created. The Northern Ireland Office (NIO) was responsible for administering Northern Ireland. It was under the leadership of the Secretary of State for Northern Ireland and as such its function was essentially two-fold. As part of the United Kingdom Government the Secretary of State was answerable to Parliament for the actions of the entirety of government in Northern Ireland.
- 29 The structure of devolved departments and administrative structures of the Northern Ireland Government that existed before direct rule continued to function largely as before under the control of the Secretary of State and his junior ministers. The Secretary of State and his junior ministers were therefore also answerable to Parliament for all of those aspects of government which previously had been the responsibility of the devolved Northern Ireland Parliament, the Northern Ireland Government and its ministers. This included the Department of Health and Social Services, which was the Northern Ireland department responsible for childcare

11 Cmnd. 5847 Report of a Committee to Consider, in the Context of Human Rights, Measures to Deal with Terrorism in Northern Ireland, p62.

matters, although the administration of the childcare services was the responsibility of four regional health and social services boards. As we have seen in previous chapters, Kincora Boys’ Hostel was the responsibility of the Eastern Health and Social Services Board.

The Security Services

- 30 Before we turn to examine the material relating to the individual security services it is appropriate to explain their respective structures and functions. As was the case with other United Kingdom police forces, the RUC had a separate Special Branch which was responsible for gathering information relating to terrorist organisations, and those organisations and individuals who might be considered to be involved in, or who might be thought to be likely to become involved in, terrorist crime. Special Branch was a separate department within the RUC structure, with its own officers stationed in each RUC division across Northern Ireland. The RUC Special Branch was answerable to the head of the RUC. The chief officer of the RUC in 1969 was the Inspector General, and after that for almost all of the period with which this Inquiry is concerned was the Chief Constable. Whilst the Chief Constable exercised operational independence, he was answerable to the Secretary of State.
- 31 The Ministry of Defence was responsible for the British Army and related bodies operating in Northern Ireland in aid of the civil power. The involvement of the British Army in peace-keeping operations in Northern Ireland from August 1969 meant that very soon there were several thousand regular troops serving in Northern Ireland at any given time. From April 1970 they were supported by the locally recruited Ulster Defence Regiment (UDR) which grew until it comprised several thousand full-time and part-time soldiers. The UDR was organised in battalions on a territorial basis and commanded by regular Army officers.
- 32 The regular Army units and UDR were under the control of the General Officer Commanding in Northern Ireland (GOC) who was a lieutenant general. Under the GOC was the Commander Land Forces in Northern Ireland (CLF), who was a major general and responsible for the day-to-day control and direction of all regular Army and UDR units in Northern Ireland. These units were in turn attached to one of three brigades, each of which had responsibility for a specific geographical area. The GOC and CLF were based at Army Headquarters for Northern Ireland (HQNI) at Thiepval barracks on the outskirts of Lisburn.

33 Both regular Army and UDR units engaged in intelligence gathering about individuals and matters they considered had a bearing on their operations, and this was carried out at a number of levels. HQNI had a number of officers whose task this was, as did each brigade and each unit. Our attention focused primarily on the HQNI and brigade intelligence, but it will be necessary at some point to make reference to other Army intelligence personnel.

34 Both the Secret Intelligence Service (SIS) and the Security Service (MI5) operated in Northern Ireland during this period. In the initial period of their involvement it is clear to us that there was considerable confusion about their respective roles, and the roles of the Army and the RUC, as well as a lack of effective coordination between the police, Army, the SIS and MI5. It was not until the establishment of direct rule in 1972 that an Irish Joint Section (IJS) was established by MI5 and SIS with jointly staffed offices in both Belfast and London.¹²

35 MI5 described the role of the IJS in Northern Ireland to the Inquiry
“...as comprising a small number of Security Service and SIS agent running officers focused on obtaining strategic and political intelligence about the plans and intentions of paramilitary organisations.”¹³

It is apparent from the material we have examined that when MI5 and the SIS ran agents under the auspices of IJS it is not always straightforward to establish now which of the two agencies was responsible for a particular agent at a given time.

36 From 1969 MI5 had a liaison officer attached to RUC Headquarters at Knock. In 1972 the Secretary of State for Northern Ireland established the post of Director and Coordinator of Intelligence (DCI) to act as both his personal security advisor and his main link with the GOC and Chief Constable. The first DCI was appointed from outside MI5 because no-one of sufficient seniority was prepared to accept the post. However the post was held by MI5 officers from 1973 onwards. In his *The Defence of the Realm the Authorised History of MI5* Christopher Andrew described the DCI’s role.

“The title...was a partial misnomer. DCIs never directed intelligence operations in Northern Ireland. Their main function was intelligence liaison and coordination, which in the early 1970s were difficult and sometimes thankless tasks.”¹⁴

12 KIN 3505.

13 KIN 4079.

14 p.261.

- 37 The DCI had two subordinates in Northern Ireland who acted as senior liaison officers with the RUC and the Army. The DCI Rep Knock was stationed at RUC HQ, whilst his representative at Army HQNI at Thiepval operated under the cover title of Assistant Secretary (Political) or ASP. According to MI5, the IJS was not under the direct control of the DCI.¹⁵
- 38 By the end of 1974 the DCI, according to Christopher Andrew, had become an influential figure. He had become the chief intelligence advisor of the Secretary of State, ran an office which produced daily intelligence summaries, and acted as the channel for passing intelligence on Northern Ireland to the Joint Intelligence Committee (JIC) in London.¹⁶ We have occasion to refer to the DCI and the daily intelligence summaries later. However, it is clear from the material we have examined that the DCI was not the sole channel of intelligence from Northern Ireland, because both SIS and MI5 officers reported to their respective colleagues in London on an extremely frequent basis.
- 39 Whilst there was a significant sharing of information between the RUC, MI5, the SIS and the Army at various levels, to a considerable degree each operated independently of the others. On occasions some information gathered by one organisation might be shared with another by individual officers on an unofficial, personal basis, the receiving agency then being wary of revealing to the other agency that it had obtained such information. A further complication is that it was official policy that certain information was withheld from the RUC because of fears of leaks from within the RUC to paramilitary organisations or political figures. In order to establish what each agency did or did not know at any given time is therefore not always straightforward.

15 KIN 4079.

16 p.62.6

PART THREE

William McGrath and Tara

- 40 Whilst we have already referred to William McGrath and Tara in the previous chapter in connection with Roy Garland, it is necessary to examine again what Tara was doing in order to understand why it, and individuals believed to be associated with it, were of interest to the RUC Special Branch, Army Intelligence, MI5 and SIS.
- 41 William McGrath was born on 11 December 1916. Throughout his adult life it appears he devoted the greater part of his time to preaching the Christian Gospel as a Protestant wherever and whenever he found a willing audience. His audiences appear to have been like-minded individuals in mission halls, churches and Orange halls throughout Northern Ireland, but on occasion he appears to have operated elsewhere, for example in England, in the early 1960s. Much of this activity was organised by him under the auspices of a body describing itself as the Christian Fellowship Centre and Irish Emancipation Crusade, of which he was the secretary. In the 1940s and 1950s he was also the principal figure amongst a group of young men who lived a form of communal life in premises known as Faith House in Finaghy in south Belfast. By the mid-1960s the Finaghy premises had been sold and the Christian Fellowship Centre and Irish Emancipation Crusade was based in 15 Wellington Park, Belfast.
- 42 By 1969 he had bought a house at 4 Greenwood Avenue in east Belfast, not far from Kincora. He lived at Greenwood Avenue with his wife and three children, one of whom was his son William Worthington McGrath.¹⁷ Although McGrath appears to have devoted most of his time and energy to his religious work, he also carried on a business selling carpets, saying in his application form in 1971 for the post at Kincora that he had been employed for most of his life in the carpet import business.¹⁸ As we have seen in an earlier chapter, although little is known of his financial affairs, these do not appear to have prospered. By 1971, when he obtained the post at Kincora, he was working as a counter clerk in an estate agent’s office in Belfast city centre. In June 1971 he took up the position of housefather in Kincora at 236 Upper Newtownards Road.

17 KIN 55073-55074.

18 KIN 1213.

- 43 We have already referred to the business relationship between William McGrath and Roy Garland in the previous chapter, and it is sufficient to say that the relationship ended acrimoniously with Garland obtaining a judgement against McGrath for the then substantial sum of £1,280.40 in February 1972.¹⁹ Following his appointment to the post at Kincora, McGrath sold the house at Greenwood Avenue and moved to a house at 188 Upper Newtownards Road. This was very close to Kincora, although when he actually made the move is unknown.
- 44 McGrath’s involvement with the Christian Fellowship Centre and Irish Emancipation Crusade continued when he moved to 4 Greenwood Avenue to judge by a leaflet issued by that body with the address 4 Greenwood Avenue which was found at Manchester airport on 17 December 1971, and notified to RUC Special Branch amongst others by Cheshire Constabulary.²⁰
- 45 McGrath was also active in the Orange Order, and in 1970 was instrumental in the formation of a new Orange Lodge known as “Ireland’s Heritage”. From the mid-1960s onwards his political views found expression in various ways, notably through Tara. In the previous chapter we have considered Tara in the context of Roy Garland’s involvement with it and with McGrath. For present purposes it is sufficient to say that according to Roy Garland the origins of Tara were to be found in a “private group of Orange men” which he joined in 1965. In 1966 he said the group changed its name to Tara and McGrath became chairman. Tara’s members were supporters of the Union between Northern Ireland and Great Britain, and in its early years it would appear that many of its members, such as Roy Garland and others, were young and active in the Unionist Party. In his *Irish Times* article of 14 April 1982, Roy Garland described how Tara evolved in the period from November 1969 and January 1970 into a paramilitary group which met in the Clifton Street Orange Hall in north Belfast under the cover name of “the Orange Discussion Group”.²¹
- 46 Tara was organised on a paramilitary basis with McGrath as the Commanding Officer (CO) and Garland as second in command. “Platoons” commanded by “Sergeants” were formed, with each platoon responsible for its own affairs. On 12 August 1971 Tara distributed

19 KIN 1684.

20 KIN 55075.

21 KIN 55014.

a statement in working class areas of Belfast, part of which reads as follows:

“...we call on all members of our Loyalist institutions, and other responsible citizens, to organise themselves immediately into platoons of twenty under the command of someone capable of acting as Sergeant. Every effort must be made to arm these platoons with whatever weapons are available. The first duty of each platoon will be to formulate a plan for the defence of its own street or road in co-operation with platoons in adjoining areas. A structural Command is already in existence and the various platoons will eventually be linked in a co-ordinated effort. ...We are loyalists, we are Queen’s men! Our enemies are the forces of Romanism and Communism which must be destroyed.”²²

- 47 A clandestine organisation avowedly organised on paramilitary lines, claiming to have a command structure, ostensibly seeking armed members, and, as subsequently became apparent, a large proportion of whose members at one stage were members of a loyalist terrorist organisation, would naturally be of considerable and legitimate concern to the various intelligence agencies. Their duty would be to find out as much as possible about the membership, structure and objectives of such an organisation in order to see whether the organisation posed a threat to others, or might do so in the future, and to enable the Government to react accordingly if necessary. When considering what the various departments and agencies we examine in this chapter did, or did not know, it is essential to bear in mind throughout why Tara was of interest to those departments and agencies.

The efforts of RUC Special Branch and MI5 to identify the officer commanding of Tara

- 48 In this chapter we refer to various documents that have emanated from the agencies which we are examining. In each case the Inquiry has examined not only the original of that document in unredacted form but the entire file or group of files containing that document. The documents to which we expressly refer have all been examined by the Inquiry and we only consider it necessary to refer to some of those documents. The documents we consider relevant can be examined in their full redacted form when placed on the Inquiry website.

22 KIN 55014.

- 49 When examining the contents of the documents that contain information about McGrath, Tara and other individuals named in the documents, it is essential to bear in mind throughout that the information gathered was not necessarily true, or accurate in every respect. The files we are considering plainly contain information of varying degrees of reliability that had to be assessed or verified. Depending on the source from which it came, the information could range from the well-informed and authentic at one extreme to idle and ill-informed malicious gossip at the other, that had no foundation in fact and may have been circulated to smear individuals. Whilst we now know that McGrath committed sexual crimes of a homosexual nature against residents in Kincora, it does not follow that references at the time to him being homosexual were necessarily accepted as true. Put simply, everything in the files is not and was not necessarily true.
- 50 The RUC Special Branch files show that the first time McGrath came to the attention of the RUC Special Branch was on 7 July 1966 when he was reported as being present on the platform at a rally held by the Reverend Ian Paisley in the Ulster Hall in Belfast. Further details were obtained, and by 5 August 1966 the records listed his date of birth, address and occupation as secretary of the “Christian Fellowship and Irish Emancipation Crusade”. That body was described as a “pro-loyalist organisation and every opportunity is taken to display the Union Jack on its premises”.²³
- 51 The RUC Special Branch does not appear to have had any interest in, or information about, Tara until June 1971 when it received a report from MI5 with information dated 16 June 1971. This report contained some information about Tara and its leader based on a report of a meeting attended by a source who referred to “the officer commanding, a man called McGrath”.²⁴ The Special Branch then opened a file on the “Tara Brigade” in June 1971²⁵ and it is probable that the file was opened because of the information received from MI5.
- 52 A reference in the MI5 document to the Commanding Officer being “a man called McGrath” is significant because there were no other details apart from the surname to enable the person to be further identified. The response of Special Branch was to issue two sets of instructions

23 KIN 55068.

24 KIN 55100.

25 KIN 55085.

on 31 August 1971. The first, by the Assistant Chief Constable (ACC) Special Branch was directed to “All Special Branch Officers” and commenced with the following sentence:

“In recent times we have had intelligence to the effect that a Protestant/Loyalist organisation known as the ‘Tara Brigade’ exists in the Province.”

The document went on to describe what was known about the membership, structure, geographical spread and objectives of Tara. The penultimate sentence read:

“Give this matter close attention. Where confirmation already exists report immediately. Where it does not, developments should be reported as they come to hand.”²⁶

- 53 The second document issued on that date took the form of an instruction from a superintendent at RUC HQ on behalf of the ACC Special Branch to the detective sergeant of Special Branch at Dungannon RUC station in which the writer said about Tara that:

“It has not to date been identified with U.S.C. [Ulster Special Constabulary] Associations or any of the other well known loyalist groups.”

Referring to the “man named McGrath” the instruction continued that it had been suggested that this person “might be identical with George McGrath” whose Dungannon address was given. Details of the appearance of the “man named McGrath” were given and a photograph believed to be that of George McGrath was attached. The recipient was directed to report with a full description and “if at all possible a recent photograph”.²⁷

- 54 On 24 September 1971 RUC Special Branch sent MI5 two copies of a photograph of George McGrath.²⁸ On what appears to be 20 October 1971 MI5 responded by saying that the source had been shown the photographs and confirmed that George McGrath was not the same person named “McGrath” he had seen at the Tara meeting earlier in the summer of 1971.²⁹ On 23 November 1971 Special Branch headquarters wrote to the detective sergeant in Dungannon Special Branch confirming

26 KIN 55087.

27 KIN 55088.

28 KIN 55089.

29 KIN 55113-55114.

that George McGrath of Dungannon was not the person sought.³⁰ We must make it clear that the George McGrath of Dungannon referred to in these exchanges had no connection whatsoever with William McGrath.

- 55 A Special Branch HQ two-page instruction of 3 December 1971 to four Special Branch local offices giving more details of the membership and activity of the Tara brigade concluded with the sentence that the commander:

“...is said to be a George McGrath and the Intelligence Officer Clifford Smith.”³¹

So although George McGrath had been eliminated as a candidate for the McGrath said to be leader of the Tara brigade, Special Branch still believed that the McGrath was called George, or perhaps had simply mistakenly continued to call that person George McGrath.

- 56 We have already referred to the communication to RUC Special Branch (amongst others) from Cheshire Special Branch of 18 December 1971 relating to the Christian Fellowship Centre and Irish Emancipation Crusade leaflet found at Manchester airport the day before. That communication appears to have prompted RUC Special Branch to enquire into that organisation on 10 January 1972, when RUC HQ said that “a William McGrath” was the occupier of 4 Greenwood Avenue, Belfast. It is noted that the person on record at that address was William Worthington McGrath, who was William McGrath’s son. The request to Belfast Special Branch was:

“Please have discrete enquiries made and furnish a report of what can be learned of McGrath and his activities and of the ‘Christian Fellowship Centre and Irish Emancipation Crusade’.”

- 57 That request resulted in the 1966 entry on William McGrath being copied by the local Special Branch to Special Branch headquarters. As we have seen, the 1966 record identified William McGrath as the organiser, gave his date of birth and his address as 15 Wellington Park. It is noteworthy that the conclusion of the writer was that “this person [ie William McGrath] is obviously the father of William Worthington McGrath”.³²

30 KIN 55115.

31 KIN 55091.

32 KIN 55067.

- 58 William Worthington McGrath, but not his father, was already the subject of a Special Branch file, and the other Special Branch file referred to dealt with the Christian Fellowship Centre and Irish Emancipation Crusade, and not Tara. That suggests William McGrath only came to the notice of the RUC Special Branch again in January 1972 when he was identified as being connected with his son Worthington and with the leaflet found at Manchester airport the previous month. The possibility that William McGrath might be the person named as “McGrath” believed to be the commander of the Tara brigade was not suggested.
- 59 The next indication of RUC Special Branch information on Tara is to be found in a Special Branch report of 15 March 1972, which referred to:
- “...reports that the Tara brigade is now finally disbanded. McGrath, who was its leader, has not been seen since the first two weeks in December 1971. McGrath is a Civil Servant who was last working on the problem of drug addiction in Northern Ireland it is believed. He also holds the M.B.E.”³³
- 60 So far as the identity of the person referred to as McGrath was concerned, the information given in the March 1972 report was clearly inaccurate in so far as William McGrath was concerned. Although he was now working in Kincora and therefore was an employee of the Eastern Health and Social Services Board, and so could perhaps be mistakenly described as a civil servant, there is nothing to suggest that he ever worked on drug problems in Northern Ireland or held the M.B.E. Not only is the information inaccurate as far as he was concerned, but again the William McGrath of 4 Greenwood Avenue does not appear in the document as connected with Kincora.
- 61 RUC headquarters informed Belfast Special Branch on 6 April 1972 that “the Tara brigade is now disbanded. McGrath who was its leader has not been seen since December 1971.”³⁴ The report also referred by name to various other individuals who it was said held subordinate positions in the Tara brigade.
- 62 The last 1972 record relating to Tara is a document dated 7 April 1972, which appears to have emanated from MI5 in London. This document refers to Clifford Smith as the “IO [Intelligence Officer] of the Tara brigade”

33 KIN 55092.

34 KIN 55093.

who was thought to have “changed political horses”.³⁵ It was not until a year later that either RUC Special Branch or MI5 files contained any reference to Tara or the identity of its Commanding Officer.

- 63 The next record relating to Tara on the RUC Special Branch files is a report from a Special Branch officer stationed at Newtownards in County Down dated 17 April 1973. This report referred to a press announcement about Tara of 11 April 1973, and gave details of Tara’s structure and some of its leading figures, including its Commanding Officer who was named as William McGrath of 3 Greenwood Avenue.³⁶
- 64 This document is significant for a number of reasons. First of all, although William McGrath had been identified on Special Branch records in 1966, and identified in January 1972 as the occupier of 4 and not 3 Greenwood Avenue, in both instances he had been identified as the secretary of the Christian Fellowship Centre and Irish Emancipation Crusade, not as the Commanding Officer of the Tara Brigade. The records suggest that it was not until April 1973 therefore that he was identified by Special Branch as being the person who had been first named in June 1971 as the Commanding Officer of the Tara Brigade. Thereafter it appears to have taken some 20 months for Special Branch to connect the William McGrath of Greenwood Avenue with the person named McGrath who had been named as the Commanding Officer of the Tara Brigade. William McGrath had been working as a housefather in Kincora since June 1971, and so he had been working there for almost exactly the same length of time that had elapsed during which some efforts had been made – unsuccessfully – to identify the McGrath named as the Commanding Officer of the Tara Brigade in June 1971.
- 65 Secondly, until the press announcement in April 1973 the Tara Brigade had not been known publicly, although some named individuals had been reported as being amongst its senior personnel in earlier Special Branch records. This is an indication of the clandestine nature of the existence of the Tara Brigade at that stage.
- 66 Thirdly, the report said that the membership of the Tara Brigade “had been falling drastically and they went public to create a myth about its size”. That suggests that the assessment of the author of the report was that this meant that the Tara Brigade was of less significance because of its falling membership.

35 KIN 55020.

36 KIN 55076.

67 Fourthly, the report referred to McGrath’s sexual behaviour in the final passage in the following terms:

“The C.O. McGrath is a reputed homosexual and he is alleged to have kept members ensnared in the organisation by threatening to reveal homosexual activities which he had initiated. He used the Irish Emancipation Christian Fellowship, Wellington Park, Belfast as a front for Tara. Membership has been falling drastically and they went public to create a myth about their size”.³⁷

The officer submitting the report commented that “Further details, when obtained will be submitted.”

68 It is noteworthy that the report refers to McGrath as “a reputed homosexual” without giving any details as to whatever information was available to support that assertion. The reference to McGrath being “alleged to have kept members ensnared in the organisation by threatening to reveal homosexual activities which he had initiated”, strikingly anticipates the tenor of the anonymous Robophone message from Roy Garland to which we have referred in the previous chapter and which we examine again in the next paragraph. It is significant that the entire emphasis of this report is on the Tara Brigade.

Special Branch and the Robophone message

69 The next document received by RUC Special Branch relating to McGrath came some five weeks later when it received a copy of the anonymous Robophone message of 23 May 1973 from Roy Garland. We have set out the text of the Robophone message in full in the previous chapter, and it is therefore unnecessary to set it out again. The Robophone message expressly linked McGrath to what it called “a secret Militant Organisation known as Tara”, and that was no doubt why it was sent to Special Branch for consideration.³⁸ The Robophone message was also sent to the Divisional Commander of E Division in which Kincora was located, and as we have stated in the previous chapter there then followed an investigation by the local police from Strandtown RUC Station, who duly reported on their findings through the chain of command to Divisional Headquarters and then to RUC Headquarters.

37 KIN 55076.

38 KIN 55077.

- 70 The Robophone message alleged that McGrath was centred in a “Vice Ring” based in his new address at 188 Upper Newtownards Road, and his occupation was given as a “social worker at Kincora Boys’ Hostel, 236 Upper Newtownards Road”. The details of McGrath’s home address, occupation and work address added considerably to the information about McGrath which was now available to Special Branch and which we have so far considered.
- 71 Although Special Branch had received information only five weeks earlier that alleged McGrath was a “reputed homosexual” who was “alleged to have kept members ensnared in [Tara] by threatening to reveal homosexual activities which he had initiated”, there is nothing to suggest that Special Branch shared this information with their CID or uniformed colleagues. The information was clearly of some relevance to the enquiries that had been put in train in relation to the Robophone message. On the face of it, the Special Branch Report of 17 April suggested that there was another source or sources known to Special Branch who alleged that McGrath was a reputed homosexual, who “ensnared” members of Tara and had initiated homosexual activities. This information placed the allegations about McGrath on a more substantial basis than was the case so far as the Robophone message was concerned, because CID could then have requested Special Branch to approach the source or sources of their information to see whether there were individuals to whom CID or Special Branch could speak, or lines of enquiry which could be followed, in order to see whether there was other evidence to corroborate the serious allegations made by the anonymous author of the Robophone message.
- 72 Whilst the source or sources of the information on which the 17 April 1973 Report was based might not have been able or willing to advance the investigations, the information in the Report of 17 April was potentially relevant to the Inquiry that had been ordered by RUC Headquarters. We believe that that Report should have been shared by Special Branch with CID in the first instance. If there was Special Branch concern about revealing a source, that was something that should have been discussed at an appropriate level within the RUC. There is nothing whatever to suggest that that was done, even though Special Branch was kept informed of that investigation, because a copy of the Report on Constable Long’s investigation was placed on the Special Branch file on McGrath.³⁹

39 KIN 55079.

- 73 We are satisfied that Special Branch should have made the information contained in the 17 April 1973 Report known to the appropriate level of CID so that that information could be shared in an appropriate way with those carrying out the investigation directed as a result of the Robophone message. **We consider that the failure of Special Branch to share this information, or even consider how it could be shared, with their CID colleagues in the first instance was a systemic failing on the part of Special Branch.** Whether that would have materially affected the outcome of the investigation that was carried out by Strandtown RUC is clearly a matter of speculation because we do not know what additional information the source or sources upon which the 17 April 1973 document was based could have contributed.

PART FOUR

RUC Special Branch interest in Tara and McGrath after the Robophone message

- 74 The Special Branch records we have examined show that from time to time over the following months throughout the remainder of 1973 Special Branch received additional intelligence relating to McGrath. A report of 17 October 1973 dealt with information from a source on another matter, in the course of which the source referred to Tara. The source said that it was a splinter group formed from the UVF and was run by McGrath from his house on the Hollywood Road, that he had been told Tara had 500 Thompson machine guns and that “Tara was ‘very secret’ and was not generally known to exist”. This suggests that the source was not particularly well informed, because McGrath was never known to have lived on the Hollywood Road, and as Tara had issued a press release earlier that year it could not be said to be ‘not generally known to exist’.⁴⁰
- 75 Another brief Special Branch report referred to McGrath as being of the Christian Fellowship Centre at 188 Upper Newtownards Road, and to have a supervisor named “Mayne”, presumably a mistake for Mains.⁴¹
- 76 The next, and a more significant, Special Branch document relating to McGrath is a letter to MI5 by RUC Headquarters dated 22 November 1973. This letter was copied to the DCI at Stormont Castle. The letter said it was believed McGrath was intending to visit Amsterdam on an unknown date, to visit a named person for an unknown purpose and that the person named was not known to Special Branch. Two parts of the letter are relevant to the issues for this Inquiry. The first is that the letter identified McGrath by name, date of birth, occupation, place of work and national insurance number. Although Kincora was mentioned as McGrath’s place of work, the greater part of the letter referred to his role in Tara, saying that he “has been the subject of a number of reports as being the Officer Commanding Tara Brigade in Northern Ireland”. The letter continued:

“Intelligence on this group, which is believed to have close links with the Ulster Volunteer Force and the Orange Order, show that it was

40 KIN 55098.

41 KIN 55097.

dormant for some time prior to the 11 April 1973 when it made a public announcement in the press of its re-formation. Little threat is offered by this group at present and while it has claimed a large membership throughout Northern Ireland it is in fact a small group of people operating in Belfast with a very small membership.”⁴²

77 Whether or not all of the information was accurate, the references by Special Branch to Tara, that it was believed to pose “very little threat” and it being “a small group of people operating in Belfast with a very small membership”, are indications that by that time Special Branch considered the Tara Brigade to be a relatively insignificant group.

78 It is not until the summer of the following year that there are to be found any Special Branch documents relating to Tara or the Tara Brigade. It appears that an advertisement was placed in the Belfast Newsletter on 20 June 1974 by Tara, and this sparked a query from an Assistant Chief Constable at RUC Headquarters to the superintendent at Belfast’s Special Branch the same day. The ACC wrote:

“It is now sometime since we heard of the Tara Brigade which we first heard of as a par-amilitary outfit...please update as to present constitution, personalities, aims, objects, etc.”⁴³

79 This request appears not to have been responded to by Special Branch until November 1974 when a superintendent replied. Having described the origins of the Tara Brigade he wrote:

“...the Tara Brigade we now know are not activists or militants, but are a group of people who are genuinely concerned about the situation in Northern Ireland.

The following persons are known to be associated with the Tara Brigade:

(1) William McGRATH, DOB 11.12/1916.

This man was Secretary of the Christian Fellowship and Irish Emancipation Crusade”.⁴⁴

80 Coincidentally, shortly after the ACC’s requests of 20 June 1974, the arrest of a boy at Kincora for theft resulted in the discovery of Tara leaflets in his locker in the home, and Special Branch was notified.

42 KIN 105010.

43 KIN 55045.

44 KIN 55046.

Entries on a Special Branch Records Action Slip of 6 July 1974 and 30 July 1974 noted that McGrath was a housefather at Kincora, and that a pamphlet written by him had been published by the Christian Fellowship and Irish Emancipation Crusade of 15 Wellington Park, Belfast.⁴⁵

- 81 No further references to McGrath had been found on Special Branch files until April/May when MI5 sought information about the Tara Brigade and William McGrath because of its interests in the Liverpool UVF. The RUC response referred to both William McGrath and his son Worthington McGrath, giving some background information about Tara and concluding with the following passage:

“The McGrath’s are regarded as being somewhat eccentric and unstable. Reports had been received that McGrath Senior is a homosexual, though we have nothing to confirm. It is possible that he was involved in the beginning of the re-birth of the UVF in 1972.”⁴⁶

- 82 The absence of any Special Branch records relating to McGrath thereafter, other than being told about a leaflet sent to the Chief Constable by McGrath on behalf of Tara in May 1977,⁴⁷ suggests that McGrath was of little interest to Special Branch after 1975 or thereabouts. Other than occasional newspaper articles that referred to Tara and were noted in passing, Special Branch appear to have had no interest in Tara or the Tara Brigade for several years prior to the publication of the *Irish Independent* article of 24 January 1980⁴⁸ to judge by a lengthy report submitted on 4 February 1980.⁴⁹

- 83 As part of our examination of material relating to what RUC Special Branch did or did not know, and did or did not do, in respect of Kincora, we examined the two-part Special Branch File on the Tara Brigade, a file called the Kincora Boys’ Home Scandal, and files on the following nine individuals:

- 1 William McGrath⁵⁰
- 2 Worthington McGrath⁵¹
- 3 George McGrath⁵²

45 KIN 55044.
46 KIN 55103.
47 KIN 55026.
48 KIN 11529.
49 KIN 55047.
50 KIN 55072.
51 KIN 55065.
52 KIN 55112.

- 4 Roy Garland⁵³
- 5 Clifford Smith⁵⁴
- 6 James Millar⁵⁵
- 7 Colin Wallace⁵⁶
- 8 Robert Fisk⁵⁷
- 9 Maurice Oldfield⁵⁸

84 We also examined a number of other Special Branch files that might have some relevance to the issues we are considering in this Report. The documents to which we have specifically referred in the preceding paragraphs are the only documents from all of these files that are relevant to Kincora that were created by RUC Special Branch, or received by it from other RUC departments or from MI5. The contents of the small number of documents to which we have referred from all of these files suggest that RUC Special Branch first learned of McGrath in 1966. From June 1971 until April 1973 they were attempting to identify the individual who was identified only by the surname of McGrath and reported to be the Officer Commanding of a clandestine group known by Special Branch as the Tara Brigade. In January 1972 Special Branch learnt William McGrath was the author of a pamphlet published by the Christian Fellowship Centre and Irish Emancipation Crusade, of which McGrath was the secretary.

85 Special Branch do not appear to have made the connection between William McGrath in that capacity and the person named McGrath whom they were attempting to identify as the Commanding Officer of the Tara Brigade until April 1973. Thereafter, their interest in him was clearly because of his position as the Commanding Officer of the Tara Brigade. As the Tara Brigade was not believed to be a threat, and was believed to have significantly reduced in numbers, it is clear from the content of the documents we have described that Special Branch had no real interest in Tara, and therefore in William McGrath, from November 1973 onwards.

53 KIN 55006.
54 KIN 55017.
55 KIN 55001.
56 KIN 55023.
57 KIN 55105.
58 KIN 55053.

- 86 We have explained why we regard the failure of RUC Special Branch to tell their colleagues in CID of the Special Branch Intelligence that McGrath was “a reputed homosexual” who was alleged to have kept members of Tara ensnared by threatening to reveal homosexual activities he initiated to be a systemic failing by Special Branch. During our comprehensive examination of the Special Branch files we found nothing whatever that suggests McGrath was ever a Special Branch agent, or that Special Branch were aware of any allegations that McGrath was abusing residents in Kincora.
- 87 Tara was a clandestine paramilitary organisation and, as such, other RUC officers examining allegations that referred to McGrath and others alleged to have some connection with Tara should have thought to explore with Special Branch whether it had any intelligence relating to the allegations that McGrath was homosexual and believed to be a risk to the boys in Kincora where he worked. Just as Special Branch did not tell their CID colleagues about the intelligence Special Branch received in April 1973, there is nothing to suggest that D/Supt Graham, DC Cullen, or ACC Meharg ever contacted their Special Branch colleagues to see if Special Branch had any information about McGrath’s links with Tara, or about the allegations he was homosexual and the possible implications of that for boys at Kincora. **We consider the failure of D/Supt Graham, DC Cullen and ACC Meharg to contact their Special Branch colleagues to find out if Special Branch had any information about McGrath that might assist their enquiries to be a systemic failing.**

McGrath’s links with MI5 and Tara between June 1971 and January 1976

- 88 Before we consider the evidence relating to MI5, McGrath and Tara it is appropriate to repeat that the Inquiry has examined a large number of files held by MI5 which we considered might be relevant in some way to the issues we examine in this report. When we examined many of those files we were satisfied that by far the greater part of the files were not relevant to these issues. Some files did contain material that could be said to have had some relevance to those issues, however slight, but even those files contained substantial numbers of documents which were not relevant to those issues in any way.

- 89 Other documents which were relevant also contained irrelevant information, or information which we accepted had to be redacted to protect the identities of officers of MI5 or SIS, or those who are now referred to in the current terminology as a Covert Human Intelligence Source or CHIS.
- 90 Throughout our work we have approached our task on the basis that the Inquiry would make as much of an original document publically available as possible so that the authenticity of the document can be seen, and we have taken the same approach when dealing with MI5 and the other intelligence agencies. Many of the documents from MI5 were referred to during the public hearings relating to Kincora. After the public hearings were completed the Inquiry examined other MI5 documents, which we requested to see, or which were disclosed to us by MI5. Where the Inquiry considered that part or all of those other documents had some relevance to our work they have been produced to the Inquiry in the same redacted form as earlier documents, and will be included in the MI5 documents placed on our website at the conclusion of the Inquiry. While we have not considered it necessary in this report to refer to every document, or every part of a document, produced to us during the public hearings or subsequently, the result of our work has been that a large number of MI5 documents whose contents would never have been shown to those who were not members of the Security Service have been examined in their unredacted entirety by us, and made publicly available for the first time, albeit in redacted form.
- 91 We have already explained something of the structure of MI5 in Northern Ireland during the period we have considered, and it is appropriate at this stage to consider what the role of MI5 was. This was explained to the Inquiry by a member of the Security Service referred to as Officer 9004, whose identity is known to the Inquiry. He made a number of witness statements, to some of which were exhibited disclosed MI5 documents. Two of these statements were made for the public hearings. The first statement of 30 May 2016 was effectively superseded by the second statement of 20 June 2016 which repeated the material in the previous statement, but dealt with an additional issue. At the conclusion of the Inquiry’s post-hearing examination of other MI5 documents, Officer 9004 produced a further statement dated 29 November 2016. That statement, and the documents exhibited to it, can be found at KIN 4135 onwards in the Kincora documents.

- 92 During the public hearings Officer 9004 gave evidence to the Inquiry by live TV link, and his evidence can be found on the Inquiry website on Day 219. In addition to those parts of the structure we have already described, he explained that although the first Assistant Secretary Political (ASP) was a member of SIS, the subsequent ASPs all came from MI5.
- 93 The role of the Irish Joint Section (IJS) which consisted of the SIS and MI5 was to:
- “...help to illuminate the security situation as it was developing in Northern Ireland at that time, bearing in mind that the Province was politically very unstable and there were an awful lot of worries that the situation might get out of control or it might even approach civil war”.⁵⁹
- 94 He went on to explain that the focus of the IJS was:
- “...very much on the strategic and the sort of political at the top end of the paramilitary spectrum. The police were heavily engaged at the time in the insurgency that the Provisional IRA and the Loyalist Paramilitaries [sic] continue groups were mounting. Our focus was much less tactical than that. It was much more strategic, and some of the agents that we were running at the time were providing effectively political intelligence that was not directly relevant to counter-terrorist policing work.”⁶⁰
- 95 The evidence of Officer 9004 was that whilst McGrath was identified as one of the leaders of what he described as “a potentially threatening organisation”, namely Tara, “he just wasn’t all that important to us at the time”.⁶¹ He also said:
- “Tara was a potential threat, not an actual threat at most stages, and McGrath was a relatively peripheral figure to us”.⁶²
- 96 It is noteworthy that MI5 did not create a permanent file on McGrath until May 1977,⁶³ and the references to McGrath and to Tara or the Tara Brigade during the 1970s were few in number and intermittent. The first reference to McGrath is to be found in a report in mid-June 1971 by

59 Day 219, p.14.

60 Day 219, p.15.

61 Day 219, p.27.

62 Day 219, p.116.

63 KIN 4051.

an MI5 CHIS on a meeting he attended with a large number of loyalists which was addressed by a person who the source only referred to “as a man named McGrath” who was the “Officer Commanding” of “the Tara Brigade”. This man explained:

“...the aims of the organisation as the preparation of an effective defence force against the day when it would be required. He emphasised that those joining would not be required to undertake offensive action, but would be required to carry out drill and a certain amount of intelligence work”.⁶⁴

- 97 In the previous chapter we referred to the public statement issued by Tara in working class loyalist areas in August 1971, and the record of the June 1971 report also says that a new MI5 file was being opened entitled “the Tara Brigade”. It is not until April 1972 that the next reference to the person named McGrath in the June 1971 Report is to be found. That came in a letter written by James Miller dated 7 April 1972 in which he reported being told by a third party:

“...that Tara CO McGrath had been accused of assaulting small boys and that he could not account for any cash that had been handed to him over a period of twelve months”.⁶⁵

We consider the significance of the reference to the accusation that McGrath “had been assaulting small boys” later in this chapter, and at a later stage we shall also refer to the letter when considering what James Miller did or did not say in an article in the *Sunday Times* issue of 29 March 1987.

- 98 Earlier in this chapter we described the efforts by the RUC and MI5 from June 1971 onwards, to establish the identity of the man called McGrath identified in the June 1971 Report, as the Officer Commanding of the Tara Brigade. The next MI5 record relating to McGrath does not appear until a report of 18 April 1973 was recorded on a card index. This described him as the “leader of the refurbished form of the Tara Brigade”.⁶⁶ We have found no report relating to that entry, but the date of 18 April 1973 suggests this information may well have come from the RUC Special Branch note typed on 17 April 1973, to which we have already referred.⁶⁷

64 KIN 15002.

65 KIN 105005.

66 KIN 105008.

67 KIN 55076.

- 99 The next entry on the card is to a document of 29 November 1973 which states:

“he runs the Christian Fellowship Centre qv (same ref as above) Subject “gets them young and preaches religion to them” which means he preaches bigotry and anti-catholic sermons. Possibly also a member of the UVF.”

The card then contains a further reference to a document of 13 November 1973 before adding:

“188 Upper Newtownards Road, Belfast. OCC: Boys Hostel Warder [sic] at Kincora Boys’ Hostel, Belfast. He runs the Irish Emancipation Crusade, 4 Greenwood Avenue, Belfast, which sent threatening letters to Birmingham firms. Reported to be homosexual. He has long made a practice of exploiting other people’s sexual deviations and Paisley has expressed strong animosity towards subject”.⁶⁸

- 100 The date of 29 November 1973, the details of McGrath’s address and occupation, are consistent with having come from the RUC letter of 22 November 1973,⁶⁹ and the references to McGrath being homosexual and “exploiting other peoples’ sexual deviations” echoes the RUC Special Branch Report of 17 April 1973 and so may have come from RUC Special Branch. However the references to the “Irish Emancipation Crusade” having “sent threatening letters to Birmingham firms”, would suggest that information had been gathered outside Northern Ireland.
- 101 A Daily Intelligence Summary of 17 January 1976 referred to a report in March 1975 that McGrath was the Warden of the Kincora Boys’ Hostel. In April 1975 the Army passed information to MI5 in the form of a summary of allegations about McGrath which was said to have come from Valerie Shaw, to whom we have referred in another chapter.⁷⁰ Apart from referring to McGrath’s address of 188 Upper Newtownards Road, and to his being the “Warden” of Kincora, this document dealt primarily with McGrath’s relationship with the Reverend Ian Paisley and with Roy Garland.
- 102 In May 1975 Merseyside Police Special Branch sent a message to MI5 relating to the origins of the UVF and saying that it had grown out of Tara. The message did not name McGrath, but referred to the instigator of the Liverpool Tara as a:

68 KIN 105008 and 105009.

69 KIN 55118.

70 KIN 105011-105013.

“‘queer’ [who] returned to Belfast where he was investigated by Loyalists who decided because of his homosexual tendencies he constituted a security risk”.⁷¹

Although the person is unnamed we agree with Officer 9004 that it is likely that the person referred to was McGrath.

- 103 The Daily Intelligence Summary was a summary sent by the DCI to a wide range of recipients. That of 17 January 1976 was numbered 725A, and the extract relating to McGrath is as follows:

“comment: William McGrath was reported in March 1975 to be Warden of Kincora Boys’ Hostel. He has previous Tara traces and is said...to be a homosexual. Another regular and reliable source has recently indicated that the UDA, and also William Craig, may be aware of this Tara / UVF activity in the arms field.”⁷²

- 104 Pausing at January 1976, the very occasional and sparse references to McGrath in the contemporary MI5 records suggest a number of things. Firstly, MI5’s interest in the Tara Brigade was because it was part of what Officer 9004 aptly described as “the quite grey, murky area between Protestant Paramilitarism and the Protestant Politics of the day”.⁷³ Secondly, it was because someone named McGrath had been identified as the Commanding Officer of the Tara Brigade that this person came to their attention. Thirdly, it was not until April 1973 at the earliest, possibly not until November 1973, that MI5 were able to establish completely that the man named McGrath and believed to be the Officer Commanding of the Tara Brigade was one and the same as the William McGrath who worked in Kincora. Fourthly, the references to McGrath’s homosexuality are not associated with his work at Kincora.

Ian Cameron, Roy Garland and Brian Gemmell

- 105 In the previous chapter we examined the various efforts made by Roy Garland to alert social services and the police to the dangers he believed (correctly as events have shown) which McGrath posed to the residents of Kincora. In his letter to the Inquiry of 26 September 2016 Roy Garland said that he “also agreed to speak with a Christian Military Intelligence Officer in 1975”, and described being taken to Thiepval

71 KIN 4048.

72 KIN 4046.

73 Day 219, pp. 34 and 35.

Barracks by “another MIO”. Later in the letter Roy Garland said that Jim McCormick, to whom we have also referred in the previous chapter in connection with Roy Garland, introduced him to Brian Gemmell in 1975. Although Roy Garland did not say who it was they discussed, it is reasonable to infer that the “Christian Military Intelligence Officer” was Brian Gemmell. It is therefore appropriate to describe who Brian Gemmell was and how he came into contact with Roy Garland. Before we do so, we should point out that Brian Gemmell also declined the Inquiry’s invitation to become a core participant. He was requested to provide a witness statement to the Inquiry but did not do so, although it would appear from references in Roy Garland’s letter of 26 September 2016 that Brian Gemmell and he had corresponded about evidence considered by the Inquiry during the public hearings relating to Kincora.⁷⁴

106 Brian Gemmell was a graduate of Strathclyde University, where he was active in student politics. Before he graduated he had decided to join the Army and hoped to get a short service commission, if possible in the Intelligence Corps. In February 1971 he applied to join MI5, but was advised to get more experience and to return some years later if he was still interested.⁷⁵ He then joined the regular Army, was commissioned into the Intelligence Corps and served in Northern Ireland between December 1974 and 1976 as a captain attached to 123 Intelligence Section of 39 Brigade based in Lisburn and Belfast.⁷⁶

107 Brian Gemmell was an Evangelical Christian, and through his contacts in those circles he was introduced to the Carryduff veterinary surgeon Jim McCormick, who introduced DC Cullen of the RUC to Roy Garland in 1974. We have examined what transpired between DC Cullen and Roy Garland as a result of that introduction in the previous chapter when we considered the Cullen/Meharg investigations. In his police statement of 16 July 1982 made during the Caskey Phase Three investigation Brian Gemmell said, “it was well into my tour that I met Roy Garland through James McCormick of Carryduff”.⁷⁷ He said that there were two meetings, one in McCormick’s house and the second in Lisburn when he was accompanied by his Sergeant, witness Q. Garland said in his letter to the Inquiry of 26 September 2016 that he was introduced to

74 KIN 130022.

75 KIN 105001.

76 KIN 30145.

77 KIN 30145-30147.

Brian Gemmell in 1975, and witness Q said in his police statement that it may have been in the summer of 1975, and that witness Q left the province in February 1976.⁷⁸

108 In October 1976 Captain Gemmell met two officers who, unknown to him, were officers in SIS and not, as he believed, MI5 Officers. He gave them two documents that SIS recorded him as describing as coming from his Army files. One of these came from 3 Brigade in Lurgan⁷⁹ and was signed by Major Halford McLeod. We shall refer to this again later in this chapter. However it is appropriate to point out that this document is an example of how one intelligence agency might come into possession of a document belonging to another intelligence agency unofficially. At the time SIS said the document “was obtained unofficially”,⁸⁰ although on 31 January 1977 it was recorded that Gemmell had no objection to it being discussed with the Army.⁸¹

109 The other document was described as:

“Notes on interview with Roy Garland. These were made by Gemmell and an NCO after a “one off” debrief sanctioned by Ian Cameron”.⁸²

Ian Cameron was an MI5 officer attached to HQNI at that time as the ASP, and was a significant figure in the events we examine in this chapter. The NCO was witness Q.

110 In 1982, in his police statement, Brian Gemmell said that after his second meeting with Roy Garland he wrote a four page Military Intelligence Source Report or MISR.⁸³ We shall refer to the MISR again when we consider the connection of the Ministry of Defence with Kincora in due course. There is an issue as to whether or not Brian Gemmell took part in a second meeting with Roy Garland, or whether that meeting was with witness Q, and we shall consider the evidence relating to that shortly. The document which we are satisfied was prepared by Brian Gemmell after a meeting with Roy Garland runs to just over one page. It is inexpertly typed, which would suggest it was a rough note or aide memoire rather than a finished document.⁸⁴ The information in the note refers to the history of Tara,

78 KIN 2569.

79 KIN 3510.

80 KIN 3508.

81 KIN 3510.

82 KIN 3509.

83 KIN 30146.

84 KIN 30313 and 30314.

and to a number of individuals who were alleged to be members of, or sympathetic to, Tara. The information clearly came from Roy Garland, who is described in the document as “RG” and who “claims to have been 2IC [second in command] to [McGrath]”.

- 111 The sole reference in this document to McGrath’s sexual proclivities is where it is recorded what are referred to as “youngsters”

“...held meetings themselves and [McGrath] would single them out after meeting. [McGrath] attempted to seduce them by claiming to show them emotional freedom. To this end he made them feel guilty by admitting to masturbation, therefore showing up their guilt complex. This is important to emphasis as it is the very beginning of [McGrath’s] hold on them”.⁸⁵

- 112 The other document handed over by Brian Gemmell at the same time was headed “Note to file 3350/18 Volume II” and dated 14 October 1976. It is a three page, typed document and provides considerable detail about the origins of Tara, its structure and objectives. Whilst the report refers to ‘sources’ some of the information appears in the note of the meeting with Roy Garland. Other references suggest that the author(s) had access to other sources of information, such as the statement:

“Military intelligence and RUC Special Branch records have about 30 names of members or former members of the organisation in the Belfast area”.

The OC is described as “William McGrath, 5 Greenwood Avenue, may be stood down due to ill health”.⁸⁶

The inaccurate reference to 5 and not 4 Greenwood Avenue, when McGrath had been living at 188 Upper Newtownards Road since at least 1973, is an indication of how details in such documents may be inaccurate.

- 113 The only reference in a long three-page, closely typed document to McGrath’s sexual proclivities is a single sentence:

“There is evidence that a number of the members are sexual deviant; William McGrath the past OC almost certainly is bisexual and there were homosexuals in his immediate circle of TARA associates”.⁸⁷

85 KIN 30313.

86 KIN 105029.

87 KIN 105027.

114 There are a number of significant features of the information contained in these documents when both documents are considered together. First of all, the emphasis throughout is predominantly on the Tara Brigade, its origins, membership, aims and objectives. Secondly, McGrath is named because it is thought that he may still be the leader, although there is clearly some doubt about that. Thirdly, although there are references to his sexual proclivities in seducing ‘youngsters’ the context clearly relates to members of the Tara Brigade. Fourthly, there is no reference to Kincora or to McGrath’s position there, or to residents of Kincora being sexually abused by McGrath. Finally, there is no reference either to other abusers being on the staff at Kincora either then or in the past. In the previous chapter we have referred to Roy Garland’s allegation in his letter to the Inquiry of 26 September 2016 that Jim McCormick told him “that there were three abusers employed at the Kincora Hostel”.⁸⁸ It is significant that there is no such reference in either of the two contemporary documents in which Brian Gemmell referred to McGrath and referred to what Roy Garland had told him. The first such reference that the Inquiry is aware of appears to have been made by Brian Gemmell in a *Belfast Telegraph* article of 6 August 2014, where he is reported as saying that:

“The third source was Mr McCormick, an evangelical Christian, who set up a meeting between Mr Garland and Mr Gemmell in 1974. Mr McCormick said at the meeting that there were three child abusers working at Kincora.”⁸⁹

Witness Q

115 He was initially a corporal, and then a sergeant, who served in Northern Ireland under Brian Gemmell, who was then Captain Brian Gemmell. Witness Q made a statement in 1982 during the Caskey Phase Three investigation when he described how he met Roy Garland with Captain Gemmell “about the summer of 1975” at Jim McCormick’s house.⁹⁰ It was arranged at that meeting that he would meet Roy Garland again and bring him to 123 Section HQ at Thiepval, but the meeting did not take place as planned because he was told by Captain Gemmell that an instruction had been given that it was forbidden to see Roy Garland

88 KIN 130039.

89 KIN 3544.

90 KIN 30148-30149.

again. However, that decision was changed and a second meeting did then take place.⁹¹ It would seem likely that witness Q was therefore the second Military Intelligence Officer (MIO) to whom Roy Garland referred in his letter to the Inquiry of 26 September 2016.⁹²

- 116 In addition to providing a statement to the Inquiry, witness Q gave evidence by Livelink on the morning of Day 223, the last day of the Inquiry’s public hearings into Kincora and the last day of the Inquiry’s programme of public hearings. Witness Q made it clear that before he met Roy Garland he was aware from Jim McCormick’s comments that Roy Garland said that he had suffered some sexual abuse from McGrath in the past. When he met Roy Garland he thought that what Roy Garland described was not ongoing, but had happened before. From the outset of their discussions, witness Q was aware that McGrath was a figure of some authority in a boys’ home. He recalled that it was probable that he prepared either a hand-written, or a typed, note of what had transpired at the second interview which he provided to Brian Gemmell who then translated that into the poorly typed document to which we have referred⁹³ before witness Q destroyed his original notes. He was positive that Brian Gemmell did not attend the second meeting that he had with Roy Garland. He described how he was told before the second meeting that he was to keep the discussion to Protestant extremism and to stay away from any sexual references.
- 117 In the event it proved almost impossible to steer Roy Garland away from McGrath’s sexual perversions. He particularly recalled Roy Garland saying that McGrath “tried to get us to go with animals”, something that stuck in his mind over the years. He was emphatic that the name of the boys’ home was never mentioned and that he had never heard of Kincora until it became news in the 1980s.
- 118 We found witness Q to be a straightforward witness who was doing his best to help the Inquiry by recalling events that occurred over 40 years ago. We are satisfied that, as Roy Garland said in his letters to the Inquiry, there were two meetings, and that witness Q was present at both. The first took place in Jim McCormick’s home. The first meeting between Brian Gemmell and McCormick appears to have taken place on 25 March 1975 according to MI 5 records, which refer to ASP

91 KIN 2570.

92 KIN 130019.

93 KIN 30313.

authorising a meeting with Garland on 4 April 1975 after an earlier meeting with McCormick on 25 March 1975. Both meetings with Roy Garland are therefore likely to have taken place in 1975 on dates after 4 April 1975.⁹⁴

- 119 Witness Q was present when Roy Garland spoke to Brian Gemmell at the first meeting. We accept that the second meeting took place at Thiepval, and are satisfied that Brian Gemmell was not present when witness Q interviewed Roy Garland on that occasion. We accept that witness Q subsequently reported the details of that meeting to Brian Gemmell, and having done so then followed the usual procedure by destroying his notes of that second interview.
- 120 We are satisfied that after the first interview it was clear to both Brian Gemmell and witness Q that Roy Garland's purpose in speaking to them was to convey his concerns about McGrath's sexual proclivities and that after the first meeting that must have been reported to the ASP. Ian Cameron was the ASP and initially decided that there should be no further contact with Roy Garland, but changed his mind and agreed that a second meeting could be arranged. Ian Cameron ordered that the meeting should concentrate solely on Tara and Protestant extremism.
- 121 We are satisfied that after his experience with the first interview, witness Q believed that it would prove very difficult to prevent Roy Garland from talking about McGrath's sexual proclivities, and it is noteworthy that the reference to going with animals quite understandably remained in his mind to the present day, given the nature of the allegation.
- 122 It is clear from witness Q's account of the second meeting with Roy Garland that, as he anticipated, it proved very difficult to keep Roy Garland to the topic of Tara. We are satisfied that during both meetings witness Q believed from what Roy Garland was saying that Roy Garland's experiences with McGrath had happened in the past and were not current. We are also satisfied that although witness Q was aware of McGrath before the first meeting, and aware of rumours that McGrath was homosexual, and believed him to be a person of some authority in a boys' home, the name Kincora was never mentioned to witness Q, and witness Q believed that Roy Garland's concerns about McGrath were based on his past experiences and not on any current connection with McGrath.

94 KIN 4134.

123 In paragraph 17 of his Inquiry witness statement witness Q said that in the second interview Roy Garland:

“...again referred to the abuse of boys at a boys’ home connected to the Protestant community”.⁹⁵

When asked by Inquiry Counsel whether he might have conflated the references to abuse of boys with his knowledge that McGrath worked in a boys’ home, witness Q said that while he still had the impression that Roy Garland was saying that McGrath was abusing boys in a boys’ home, he could not discount that he had conflated the two pieces of information.

124 We consider it significant that Kincora was never mentioned, and that there is no evidence to suggest that Roy Garland ever alleged to anyone that McGrath was abusing boys in Kincora. The entire thrust of all of the accounts that had been recorded by numerous individuals, or in accounts that he has given, was that he believed boys in Kincora were at risk of being abused. It is also significant that the notes made by Brian Gemmell of his meeting with Roy Garland do not mention Kincora or refer to abuse of boys in Kincora, but do refer to McGrath’s sexual proclivities.⁹⁶ Nor did Brian Gemmell mention Kincora or record that McGrath was believed to be abusing boys in Kincora, in the much longer and more detailed three-page report dated 14 October 1976 which he handed over on 15 October 1976 to two people who he mistakenly believed to be MI5 officers (but were in fact MI6 officers).

125 We have considered the possibility that, because witness Q and Brian Gemmell had been told not to become involved in discussions about homosexuality with Roy Garland, when they reported the outcome of that discussion they left out references to Kincora and boys in Kincora. We can see no reason for their doing so, and there were references to McGrath’s homosexuality in the contemporary documents created by Brian Gemmell which suggest that they did report the allegations about McGrath’s homosexuality that came from Roy Garland even though the instruction from Ian Cameron had been to steer away from the issue of homosexuality.

95 KIN 2562.

96 KIN 30313 and 30314.

126 Having carefully considered witness Q's evidence, we were satisfied that in this instance he mistakenly conflated what Roy Garland told him about McGrath abusing young people such as himself in the past with his prior knowledge that McGrath was in a position of some authority in an unknown boys' home. We are satisfied that Roy Garland did not mention Kincora by name, or say that McGrath was abusing boys in Kincora, but said he was concerned that McGrath could be abusing boys without specifying the location or the circumstances.

PART FIVE

Ian Cameron, Brian Gemmell and the MISR

- 127 In the preceding paragraphs we have referred to instructions given by Ian Cameron in his position as ASP to Brian Gemmell about what topics were to be considered when Brian Gemmell and witness Q spoke to Roy Garland, and the MISR Brian Gemmell said in 1982 that he had submitted. Ian Cameron was an MI5 Officer seconded to HQNI, where he served as the ASP and discussions with Brian Gemmell are important in establishing what MI5 did or did not know about McGrath’s abuse of residents of Kincora. As we shall see when we come to examine the efforts by the RUC to question Ian Cameron as part of the Caskey Phase Three investigations, what Ian Cameron did or did not say to Brian Gemmell in the context of the discussions between Brian Gemmell and Roy Garland, and whether or not there ever was a MISR, are intertwined. It is therefore convenient to discuss the evidence relating to all of these matters at this stage.
- 128 Brian Gemmell was one of those whom the Inquiry invited to become a Core Participant in Module 15. At the same time he was also requested to provide the Inquiry with a witness statement addressing a number of questions posed to him by the Inquiry. He did not accept our invitation, nor did he produce a witness statement. The correspondence between him and the Inquiry in which these questions were set out can be found on our website at Day 204. Whilst Brian Gemmell explained his reasons for not wishing to participate in the Inquiry or give a witness statement, the Inquiry is aware that in the past he has given media interviews and contributed to newspaper articles about the issues we are examining in this module, and in particular which we now examine. We are also aware that he has been in contact with Roy Garland about some of the evidence given to the Inquiry during the public hearings relating to Kincora, to judge by Roy Garland’s reference to their correspondence at page 9 of his letter to the Inquiry of 26 September 2016.⁹⁷ The Inquiry was not therefore given the benefit of whatever Brian Gemmell wishes to say about the matters that we now propose to discuss.

129 As we have already explained, in 1975 Brian Gemmell was serving in Northern Ireland and commanding 123 Intelligence Section attached to 39 Infantry Brigade. As part of the Caskey Phase Three investigations he was interviewed by D/Supt Caskey and made a detailed statement on 16 July 1982. By that time he had left the Army, where he had held the rank of captain. In his police statement he said that his particular responsibility as Commanding Officer of 123 Intelligence Section was to collate and disseminate intelligence on Protestant paramilitary groups. He described how his personal contacts in Christian evangelical circles led him to meet James McCormick who raised the topic of McGrath with him.

“The question of Tara was raised at one stage and that its leader William McGrath was a homosexual pervert. It was McCormick who actually spoke to me about this and he suggested that I should speak to Roy Garland who was ex-Tara and Garland was trying to expose Tara and McGrath.”⁹⁸

130 He then described what Roy Garland said to him in the following passage in the police statement:

“I was introduced to Garland by McCormick and I remember the gist of what he said. Garland was afraid of McGrath and he mentioned that McGrath owed him a lot of money and also owed other people money. He told me how McGrath had recruited young boys into his circle of influence and it was partly religious and partly sexual – masturbation being the main theme – how McGrath had spoken to small boys about this subject. This occurred back in the 1960s and Garland was one of these boys. Some of it developed into homosexuality and I believe this also included Garland. I recollect Garland saying something about McGrath pursuing him after Garland got married and this was causing him distress and that it might break up his marriage.”⁹⁹

131 He went on to describe a second meeting with Roy Garland:

“Again McGrath’s homosexual tendencies, his background and all aspects of Tara were discussed. Although I can’t remember if it was named I do know that Garland told me about McGrath being in charge of a boys’ home. However, I do remember going to the Newtownards

98 KIN 30145.

99 KIN 30145-30146.

Road area looking for this home. I went there to get the picture in my mind as to what we were working on. I remember seeing a large detached house which I thought it was. I did not go into this house. I remember that Garland was quite outraged that McGrath should be in charge of a boys’ home. I didn’t feel too happy about it myself especially for potential victims and the fact that McGrath was presenting an evangelical front.”¹⁰⁰

132 He later described what he did to report these matters:

“I made a written report of my second meeting with Garland. I believe that this was a four side MISOR [sic], which would have been graded SECRET-UK eyes A. Because of the political implications surrounding Tara the information was only passed to Headquarters N Ireland and retained at 39 Infantry Brigade HQ. After this interview I was debriefed by the Assistant Secretary (Political) in his office at HQNI. I believe it was on a Saturday morning just prior to lunch. The Assistant Secretary, Mr Ian Cameron, was told by me the details of the interview I had with Garland. I believe that the interview I had with the Assistant Secretary was either tape recorded or his secretary, a female, took notes. When I told Mr Cameron about the homosexual involvement of various persons in Tara he reacted very strongly and said that we did not want to be involved in this kind of thing. He was abrupt to the point of being rude and instructed me to terminate my enquiries concerning Tara and in particular to get rid of another informant with whom I had been associating. This other informant was not throwing any light on the subject in question, i.e. the homosexuality. However, other events took place shortly afterwards which resulted in the Assistant Secretary reversing his decisions and allowing me to pursue the enquiry concerning Tara through the other informant. I can’t remember any other specific information regarding McGrath and the boys’ home. As I said I only had two meetings with Garland and it was he who gave me this information about McGrath and the home.”¹⁰¹

133 There are several aspects of the account given by Brian Gemmell in this statement that are significant. First of all, although he says that he had two meetings with Roy Garland, the evidence of witness Q was that Brian Gemmell was not present at the second meeting with Roy Garland,

100 KIN 30146.

101 KIN 30146 and 30147.

and indeed the accounts given by Roy Garland of the meetings in his letter to the Inquiry of 26 September 2016 support the recollection of witness Q on this point. We are satisfied from the evidence given by witness Q that Brian Gemmell is mistaken in his belief that he took part in a second meeting with Roy Garland, and we consider it probable that what Brian Gemmell described as the information conveyed to him by Roy Garland in the second meeting came to him from the report from witness Q of his meeting with Roy Garland, or it may have been said by Roy Garland in their first meeting.

- 134 Secondly, Brian Gemmell refers to the four-page MISR but no such document has ever been traced, despite exhaustive efforts over the years by MI5, by the Army and, most recently, by this Inquiry to find it. So far as MI5 was concerned these efforts started within days of Brian Gemmell making his statement to D/Supt Caskey because MI5 received a report by a member of the Army Special Investigation Branch (SIB) who accompanied D/Supt Caskey during the interview.
- 135 On either 19 or 20 July 1982 MI5 noted that Brian Gemmell said that the MISR had a restricted circulation of three copies, and that Brian Gemmell was sure he had given one to Ian Cameron.¹⁰² MI5 said about Garland that:
- “We have no other papers on him nor do we... know where the MISR was filed. The Army are now attempting to locate this document.”¹⁰³
- 136 The Caskey Phase Three investigation pursued the existence of the MISR with the Army. In a lengthy two-page police statement dated 17 December 1982, Major Saunders described in considerable detail the documents he had been able to locate in both HQNI and HQ 39 Infantry Brigade (being the brigade to which Brian Gemmell and 123 Intelligence Section were attached), and where one would expect to find either or both of the two Army copies of the MISR described by Brian Gemmell.¹⁰⁴ The eleven documents Major Saunders did locate can be found in full at KIN 30296 to 30341 with their RUC identification labels attached.
- 137 None of these documents corresponds to Brian Gemmell’s description of the document he compiled as being a four-page MISR. In a further police statement of 17 December 1982, Major Saunders confirmed that

102 KIN 4133.

103 KIN 105047.

104 KIN 30156 and 30157.

none of his searches at HQNI and 39 Infantry Brigade “produced a four sided MISR relating to Roy Garland which was allegedly submitted by Captain Brian Smart Gemmell”.¹⁰⁵

138 Despite repeated searches over the years by the Army no such MISR has been found. In 1990 the author of the internal Ministry of Defence Rucker Report, who had access to all the surviving Ministry of Defence files, said it had not been found then.¹⁰⁶

139 If, as Brian Gemmell claimed, he gave one of the three copies of the MISR to Ian Cameron then one would expect that if it exists it should be in an MI5 file, or at least we would have expected to have found a reference to it, or to it having existed at some time. No copy of any such document, and no reference to one, has been found by the Inquiry in all of the MI5 and MoD files which the Inquiry has examined.

140 However, the Inquiry has identified two documents which we believe are relevant when we try to establish whether a four-page MISR was compiled by Brian Gemmell as he has subsequently claimed. The first document was listed by Major Saunders as SWS3 in his 17 December 1982 statement.¹⁰⁷ As can be seen from the document, it is a MISR. It is clear from the layout of the document that a MISR was a printed form on which the necessary information was then entered. The printed form contains various spaces for information such as dates, distribution and for “Comment/Assessment/Action by Superior HQ”. This MISR is dated 22 May 1975 and is said to come from a person identified as “CONCO East Belfast” located at Castlereagh. In that portion of the document in which the report should be entered it contains three typed paragraphs totalling in all four lines. In addition three handwritten lines had been added:

“Letters appear to be to Roy Garland who was studying at Bournemouth Bible College 1963/64. The letters probably date from then”.

141 In the space provided on the document for comment are two sets of initials, one of which appears to be “BSG” followed by 24/5. We infer from this that BSG means Brian Smart Gemmell and that he saw and initialled the report on 24 May. Given that the report was submitted on 22 May 1975 it seems reasonable to infer that it was 24 May 1975 that

105 KIN 30173.

106 Day 220, p.104.

107 KIN 30305-30306.

Brian Gemmell saw and initialled the report. Whether he, or someone else, added the handwritten entries, or the handwritten inscription “Tara file” which also appears in the face of the document we cannot say.

- 142 Although this document is a MISR and refers to Roy Garland, and is initialled by Brian Gemmell on 24 May 1975, it does not in any way correspond with Brian Gemmell’s description of the MISR as being a four-page document. However, the Inquiry identified another document which, although not on a MISR printed form, in its size and content more closely corresponds to the description of the MISR by Brian Gemmell as a four-page document. This document was initially found in an SIS file. We have already referred to the document Brian Gemmell handed to two members of the SIS whom he believed at the time were members of MI5. He had a meeting on 15 October 1976 to discuss other matters with those individuals on that day as his term of duty in Northern Ireland was coming to an end. During that meeting he gave those individuals this document and the earlier document, the notes of the “one off debrief sanctioned by Ian Cameron” to which we have already referred.¹⁰⁸
- 143 Both documents were noted on 19 October 1976 by SIS as having been obtained by Brian Gemmell from his Army files, and the other document is described as:

“Tara – Not [sic] to File 3350/18 VOL II this paper was written by Gemmell and is based on his file on Tara”.¹⁰⁹

The meeting was on 15 October, and that document is dated 14 October 1976. It extends to two-and-a-half typed pages and follows the layout characteristic of other Army documents we have examined. It is very different to the scrappy, badly typed, rough notes of the debrief with Garland to which we have already referred. The 14 October 1976 document contains a detailed account of the origins of Tara, its structure, how many members it is believed to have, its geographical distribution across Northern Ireland and other such matters. As we have already observed, there is no reference whatever to Kincora or to the abuse of boys there. The only reference to McGrath is the phrase “OC-William McGrath, 5 Greenwood Ave. May be stood down due to ill health”.¹¹⁰ By 1976 McGrath had long since ceased to live in Greenwood Avenue, and

108 KIN 3509.

109 KIN 105030.

110 KIN 105029.

when he did live there it was at number 4 and not number 5. This, and the reference to McGrath as having possibly stood down as the OC of Tara due to ill health, suggests that the information about McGrath was of some vintage.

144 There are other indications that Brian Gemmell’s recollection of the events relating to his contact with Roy Garland may not be entirely accurate. On 1 June 1990 Brian Gemmell gave an interview which was carried as part of a BBC *Public Eye* programme under the title “Kincora – The MI5 Connection”, although the person speaking in the relevant part of the programme appears under the pseudonym “James” we are satisfied from the content of the discussion that James was Brian Gemmell. During the programme the following exchange between Brian Gemmell and the interviewer takes place:

“Question: Does Roy Garland mention Kincora?

(Brian Gemmell): Yes he tells me that at that stage McGrath has a position in Kincora and that Kincora is a boys’ home, he’s very concerned about that.

Question: Does he mention Kincora by name or does he just say boys’ home?

(Brian Gemmell): I believe it’s by name, I can’t remember exactly but I believe it’s by name. He doesn’t know exactly what is going on but we are putting 2 and 2 together and making 4 when history shows that we should have made 6.

Question: Does he say that he believes that boys or young people are being abused in the boys’ home?

(Brian Gemmell): I think he says he believes it but he doesn’t know it to be true.

Question: No evidence?

(Brian Gemmell): I do not think he has been into the boys’ home, put it that way.

Question: Are you concerned at the allegation?

(Brian Gemmell): I am concerned at the allegation. Yes.

Question: Did you believe him?

(Brian Gemmell): I believed that Mr Garland believes he is telling me the truth. It obviously has to be investigated and enquired into.”

The programme continues with the statement that:

“James wrote a report of his meeting and sent it up to his Army superiors as a matter of routine. He says it was then passed to MI5 who shared the same building at Army Head Quarters”.¹¹¹

145 Contrary to what he says in that extract from the *Public Eye* interview, in none of his contemporary records does Brian Gemmell refer to Kincora or to McGrath abusing boys there. By 1982 when he made his statement to D/Supt Caskey, McGrath and the others in Kincora had been exposed, convicted and sentenced, and the events relating to Kincora were subject to widespread publicity over the previous two years or so before he made his police statement in July 1982. Whilst Brian Gemmell correctly viewed McGrath as “an evil man”, “a sexual deviant who undoubtedly corrupted the boys in his care”, as the SIB officer present at the police interview appears to have reported afterwards,¹¹² if, as he said to the *Belfast Telegraph* in 2014, Mr McCormick had told him there were three abusers in Kincora it is extremely hard to see why he would not have remembered that, would not have thought that it was plainly relevant to what he was being asked about, and said it in his police statement. No reference to such an assertion by Mr McCormick appears in any of the contemporary documents written by Brian Gemmell.

146 A further indication that Brian Gemmell’s recollection in subsequent years may not be entirely reliable can be seen from his reference in the *Belfast Telegraph* article to his assertion that he severed his relationship with the Intelligence Services when he left the Army in 1976. He is quoted as saying:

“It was a profession in which lies and cover-up were tools of the trade. As a Christian, I could not make that separation between private and professional morality”.¹¹³

We observe that whilst that appears to be Mr Gemmell’s view today, by the end of his military service he renewed his attempt to join MI5. He had a meeting about that with MI5 Officers on 7 September 1976,¹¹⁴ and on 23 November 1976, a few weeks after he handed over the documents on 15 October 1976 he was interviewed by MI5 but was

111 KIN 3549.

112 KIN 105045.

113 KIN 3545.

114 KIN 4015 and 105036.

rejected as a candidate for that service.¹¹⁵ He appears to have been applying for continuing work in the intelligence field on a permanent basis by working for the Security Service at the end of two years working in Military Intelligence in Northern Ireland, and that suggests to us that his present views as to the immorality of such work do not represent his views at the end of his military service in Northern Ireland in 1976.

- 147 The position is that since July 1982 no one has been able to find the MISR which Brian Gemmell said at that time he wrote and gave one copy of to Ian Cameron. The context of the account he gave in his 1982 police statement as to when he did that suggests that it must have been written in 1975 when the contemporary records show that he was in contact with Roy Garland, and indeed as Roy Garland himself says. We consider it probable that when Brian Gemmell compiled the October 1976 Tara Report in which he referred to McGrath, but did not refer to Kincora, he was relying on his 1975 notes of his meeting with Roy Garland, as well as possibly relying on other material in his Army file.
- 148 No document has been found corresponding to his description of the document he prepared as a four-page MISR. The MISR which he signed on 24 May 1975 cannot be that document because it has only a few lines of typed and hand written information on it. However, the two-and-a-half page 14 October 1976 document, although it is not on a MISR form, and is two-and-a-half and not four pages in length, corresponds much more closely in content with what would be expected to be in a MISR dealing with Tara.
- 149 In his statement to the Inquiry, Dennis referred to discussions he had with Brian Gemmell.

“I later had several discussions with Captain Gemmell at HQ 39 Bde during one of which he described how the report had been disseminated up to HQNI, in the normal way, but that a strongly worded rebuke had come back from them to drop the matter immediately – whether this rebuke was in written or verbal form, or by whom, I do not know. I do know from other, later, discussions with him that he continued privately to pursue the matter of TARA and reports of the abuse of boys at the Kincora premises. Capt Gemmell eventually left the Province, I believe prematurely, and I later heard that he had resigned his commission.”¹¹⁶

115 KIN 4062 and 105031.

116 KIN 190219.

- 150 It is unclear from this whether Dennis had these discussions with Brian Gemmell before Brian Gemmell left the Province, or subsequently, although the implication is that the discussions were before Brian Gemmell left Northern Ireland. However, in his 1982 police statement Brian Gemmell made no reference to his having known that boys were being abused in Kincora, his belief was there were potential victims because McGrath was in charge of a boys’ home, and that was based on what Roy Garland had told him of his experiences with McGrath years before McGrath worked at Kincora. We consider it probable that Dennis’s memory of these discussions has been tainted by what he may have heard about Kincora in later years; we therefore prefer what Brian Gemmell said to the police in 1982.
- 151 It is clear from witness Q’s evidence that from the military perspective the object of speaking to Roy Garland in 1975 was to obtain information about Tara. We have referred to other aspects of Brian Gemmell’s recollection of what he did or did not say in 1975, and we consider that he was mistaken in 1982 when he said that he prepared three copies of a four-page MISR, and gave one copy to Ian Cameron. We are satisfied that he has mistakenly conflated the short May 1975 MISR and the 14 October 1976 document into his recollection of a single MISR. It is easy to see how this could have happened. By the time he made his July 1982 statement he was no longer in the Army and therefore did not have access to the files to refresh his memory or check his recollection. In addition, the events he described happened between five-and-a-half and nearly seven years before. In his reply to the Inquiry Warning Letter Mr Gemmell informed us that although he maintained there were numerous inaccuracies and unjustified assumptions in that portion of the Draft Report provided to him by the Inquiry with the Warning Letter he did not wish to respond to the Warning Letter.
- 152 In the 1 June 1990 *Public Eye* programme Brian Gemmell referred to other matters which we have considered. In particular he described the reaction of Ian Cameron to his discussions with Roy Garland. These were investigated by D/Supt Caskey in 1982 and 1983 as part of the Caskey Phase Three investigations, and it is therefore more convenient to examine Ian Cameron’s version of those discussions in the context of the unsuccessful efforts of D/Supt Caskey to interview Ian Cameron in person at that time. At this point we therefore turn to examine two other matters which may have a bearing on the issues we have to consider. The first relates to MI5’s attitude towards John McKeague, and the second concerns MI5’s attitude to Tara in 1977.

MI5 and John McKeague’s homosexuality

153 In the 1 June 1980 *Public Eye* programme Brian Gemmell referred to a meeting he said he had with two MI5 officers in London when there was a discussion about the chances of using John McKeague, who was a prominent suspected loyalist terrorist figure of the time, as an informant. McKeague was widely believed to be the founder of the proscribed loyalist terrorist organisation called the Red Hand Commando, and to be homosexual. He was murdered in 1982.

154 The transcript of the programme to which we have earlier referred contains the following exchange between the interviewer and Brian Gemmell:

“(Brian Gemmell): According to them they have some compromising film of a homosexual nature of John McKeague which they wonder could it be used to make Mr McKeague co-operative as an informant.

(Interviewer): Are you sure they are suggesting or asking your advice on using Mr McKeague’s alleged homosexuality as a way of blackmailing him into co-operating with the Security Service?

(Brian Gemmell): I don’t think that the word blackmail was actually ever used in our discussions. Enticing, encouraging, putting pressure on; I’m quite certain about that.

(Interviewer): Does it surprise you when you are asked that kind of question involving the alleged homosexuality of a person?

(Brian Gemmell): Not really, I am more surprised at the protestations that intelligence forces do not deal with a thing like that.”

155 The response of MI5 to this is contained in the statement of Officer 9004 of 20 June 2016 at paragraph 72-81.¹¹⁷ He said the following at paragraph 74:

“We have examined this allegation and established that MI5 had no compromising film of McKeague and never made any attempt to blackmail him. However, one MI5 officer did put forward an

117 KIN 4068 and 4069.

operational proposal (which was never endorsed) which involved using McKeague’s homosexual activities in London in an attempt to recruit him. We describe the chronology of events below.”

- 156 Officer 9004 went on to describe how McKeague was the subject of surveillance during a visit to London in June 1976 when he was suspected of being part of a UVF arms procurement operation. Photographs were taken of him in public places which suggested to those conducting a surveillance that McKeague had contact with young men to establish homosexual assignations. On 7 September 1976 Gemmell had an informal lunch meeting with an MI5 officer. There is no record of what was said, but we consider it probable this is the meeting to which Brian Gemmell was referring in his *Public Eye* comments, although he did meet two MI5 officers in London on 10 May 1976 in connection with the handling of an agent unrelated to McKeague.¹¹⁸
- 157 Officer 9004 said that there was a proposal in November 1976 by the MI5 officer with whom Brian Gemmell had lunch in September that “serious consideration should be given to using [McKeague’s] homosexual tendencies to recruit him”.¹¹⁹ Officer 9004 related that although the proposal was examined by other officers, including management, it was not endorsed. He also said that MI5 neither took nor possessed any compromising photographs of McKeague.
- 158 That such a suggestion was made in November 1976 renders it quite possible that there may have been some discussions between MI5 officers and Brian Gemmell of the type Brian Gemmell described in the *Public Eye* programme. The Inquiry examined the original records relating to this proposal and to the meetings between Brian Gemmell and MI5 in the Autumn of 1976. These records support the account given to the Inquiry by Officer 9004. We are satisfied there was a discussion of a general nature by an MI5 officer with Brian Gemmell, a discussion which probably took place at the lunch in September 1976, when the possibility of exploiting McKeague’s homosexuality was discussed. We are satisfied that although that possibility was considered and examined by MI5 it never progressed to the stage of being more than a proposal. We are also satisfied that no photographs were taken of a compromising nature.

118 KIN 4068.

119 KIN 4069.

159 As we have already pointed out, by September 1976 Brian Gemmell had served the best part of two years in an intelligence capacity in Northern Ireland. His visit to London on 7 September 1976 was because he was pursuing his earlier ambition to join MI5, and he had a meeting for that purpose that afternoon. The discussion about the possibility of exploiting McKeague’s homosexuality does not appear to have deterred him from pursuing his application to join MI5 at that stage because he was interviewed for that purpose in November 1976 but was rejected.¹²⁰

MI5 and Tara in 1977

160 On 19 October 1976 MI5 received from SIS a copy of the lengthy intelligence report on Tara prepared at 3 Brigade dated 28 January 1976.¹²¹ The full report can be found at KIN 30297–30302. It runs to six pages and gives considerable detail about what was known about Tara, its origins, membership, structures and objectives. The information was said to have come from three contacts. In that portion relating to McGrath appears the following paragraph:

“McGrath is a homosexual and makes a practice of seducing promising young men”.¹²²

Having given a number of names, in the next paragraph there are references to intelligence which gave “distinct impressions that McGrath was somehow associated with communism”. At the end of paragraph 7 there appears the following:

“McGrath is currently described from the 1975 Belfast Street Directory as a Welfare Officer. He is thought to be running some form of boys’ home”.¹²³

161 It will be apparent from the document that whilst it describes McGrath as a homosexual “who makes a practice of seducing promising young men”, it is clear from the names and descriptions of the “young men” then referred to that they were young men active in politics and not residents of Kincora. Whilst there is a reference to McGrath being “thought to be running some form of boys’ home” there is no reference to Kincora as such, and the reference is clearly incidental to a discussion of his financial position and means of support. We consider it significant that

120 KIN 4062.

121 KIN 3508.

122 KIN 30298.

123 KIN 30298.

there is no reference of any sort in this document to McGrath engaging in the seduction of, or sexual activity with, residents of Kincora.

162 The receipt of this document from SIS on 19 October 1976 appears to have prompted MI5 to pay further attention to Tara, because on 31 January 1977 an SIS officer in London referred to the 28 January 1976 report, and explained that MI5 have asked if “the source mentioned in the letter could be retasked for further information”.¹²⁴ An intelligence officer in Northern Ireland replied on 2 February 1977 by saying that they did not have a copy of the letter, nor did they know who the source was.¹²⁵ It is clear that the interest of the security services at this stage came about because they wished to explore what was described as “RIS [Russian Intelligence Service] involvement with the Protestant Extremists in Northern Ireland”.¹²⁶

163 Following further exchanges about Tara, on 11 February 1977 an SIS officer in London wrote:

“We look forward to learning more about the orbat [sic] and finances of this organisation. When we have such information we may be able to put Tara in its proper perspective”.

The writer then made two requests to intelligence staff in Northern Ireland and to MI5, one of which was:

“Would the Tara recruiting campaign offer... a loophole to penetrate Tara, if we consider it a worthwhile target”.¹²⁷

164 We regard this document as being of considerable significance. So far the documents and events we have examined show that both MI5 and SIS were interested in Tara and sought to obtain information about it. One of the details MI5 had attempted to establish from June 1971 onwards was who was the person described as McGrath, and it appears to have taken until 1973 before that was fully accomplished. Thereafter there are occasional documents relating to Tara and McGrath. The events from 1975 and 1976 involving Brian Gemmell strongly suggest that by that stage MI5, SIS and the Army were still gathering such information as they could about Tara, including confirmation that McGrath remained the commanding officer. It is in that context that the references to McGrath that we have examined occur.

124 KIN 105032.

125 KIN 105204.

126 KIN 105205.

127 KIN 105208.

165 On 15 February 1977 SIS asked MI5 if Tara was a worthwhile target to penetrate. If, as has been suggested by various journalists and commentators, McGrath had been an agent of SIS for many years, or was an agent of MI5, and in either event was controlled by either or both agencies, it is extremely surprising that all the contemporary records from MI5 and SIS show that both had devoted much effort to finding out who McGrath was, and as much as they could about Tara. That they were doing so suggests that he was not an agent of either agency. What would be the point of considering penetrating Tara in February 1977 if, as alleged, he was an agent of either agency? On the other hand, if he were not an agent, then all the efforts that were made to gather the information that we have examined are entirely consistent with, and indicative of, the fact that he was not such an agent of either agency. Later in this chapter we examine other material that bears on this question.

The interaction between Brian Gemmell and Ian Cameron in 1976

166 We have already quoted what Brian Gemmell said to the police in his 1982 statement about the occasions on which he spoke to Roy Garland in 1975, and what he claimed was Ian Cameron’s response. We also refer to this in the context of the Public Eye programme when he described being summoned to see “the senior MI5 officer”, meaning Ian Cameron.

“I can’t honestly say I was expecting three gold stars but I went up feeling fairly positive, expecting a normal meeting”.¹²⁸

In the 6 August 2014 Belfast Telegraph article he is quoted as saying:

“Ian Cameron was very much a father figure to me at the time, ...I was in my mid-20s and he was in his early 60s. He was a very nice chap, but he reacted very strongly. He told me that MI5 did not concern itself with what homosexuals did and he ordered me to stop using an agent I had within Tara...”¹²⁹

167 In seeking to establish at this remove many years later what Ian Cameron said to Brian Gemmell, and his response to the information Brian Gemmell gave him after his initial meeting with Roy Garland, it

128 KIN 3549.

129 KIN 3545.

is necessary to consider what Ian Cameron said about this when D/Supt Caskey pursued this issue as part of the Caskey Phase Three investigations. We have already explained why we believe there was only one meeting between Gemmell and Garland, and because witness Q made clear to us that after Brian Gemmell and he spoke to Roy Garland at Mr McCormick’s house, the intended second meeting with Roy Garland at Thiepval was cancelled. However, it was reinstated when Brian Gemmell was instructed that there could be a second meeting, but the focus was to be on Protestant extremism, meaning Tara, and not the sexual matters relating to McGrath that Roy Garland had described at the first meeting.

- 168 There is no contemporary reference to discussions between Brian Gemmell and Ian Cameron, apart from the note for file that Gemmell and witness Q were told they could interview Garland,¹³⁰ an instruction given after the meeting with Jim McCormick. A file note of 9 June 1975 by Ian Cameron referring to instructions he gave Brian Gemmell to break off contact, did not refer to contact with Roy Garland, but to contact with an agent whose identity is known to the Inquiry. Brian Gemmell acknowledged that there was another informant in his 1982 police statement.¹³¹ It is likely that Brian Gemmell mistakenly conflated the separate sets of instructions when he gave his interview with the *Belfast Telegraph* of 6 August 2014 to which we have referred. This conflation may account for Ian Cameron’s answer to Q10 of the Caskey 30 questions when it was recorded that;

“...he does not accept that he reversed his decision but is not sure what the police are getting at”.¹³²

The evidence of Officer 9347

- 169 Before turning to consider other matters which may bear on the issue of what Brian Gemmell said to Ian Cameron, or what Ian Cameron said to Brian Gemmell, it is convenient to consider the evidence of Officer 9347, who gave evidence to the Inquiry on Day 221. He is a retired officer of the Security Service who served as the ASP at Thiepval between 1981 and 1983. Although his period as ASP was some years after Ian Cameron, he knew Ian Cameron. Officer 9347 explained that because

130 KIN 4134.

131 KIN 30146.

132 KIN 105059.

he was the ASP in post in 1982 he became involved in the response of the Intelligence Services to the Caskey Phase Three investigation. More specifically, he was aware of that part of it which involved the questioning of Brian Gemmell by D/Supt Caskey. We have already explained that this part of the investigation was dealt with in a separate secret report to the DPP which we call Caskey Phase Three. As part of that he prepared the 4-page report of 19/20 July 1982 to which we have already referred and which is to be found at KIN 105044-KIN 105047.

- 170 Officer 9347 explained that while he cannot now remember the documents on which he based this report, and particularly those which he must have consulted when preparing paragraph 8, he did have access to those documents at the time. We are satisfied that those documents were held on a local file in Thiepval, which has now been destroyed.¹³³ We are therefore reliant on Officer 9347’s evidence of what he must have seen in 1982 when he wrote paragraph 8. It is in the following terms.

“Gemmell’s [sic] interview with McCormick on 25 March 1975 (which included a request for authority to approach Garland) is filed on [codeword] PF. Responding to this request [MI5 Officer] wrote a note for file recording that Gemmell [sic] and [MOD Officer Q] were told on 4 April 1975 by ASP and [staff des] that quote it was in order for Garland to be interviewed on the strict understanding [sic] that the overt and clearly expressed reason was a requirement for information on Tara. It was emphasised that the Army had no interest in investigation of deviant sexual activities or religious aspects of the group which was solely the function of a specialist section of the RUC. Therefore this discussion should be steered away from this type of issue. Anything Garland might say about personalities [sic] involving particularly [codeword’s] would be of interest.”¹³⁴

- 171 In effect, Officer 9347’s evidence was that in 1982 the file on which he based paragraph 8 enabled him to say that in 1975 Ian Cameron recorded that he had instructed Brian Gemmell that (1) the reason for the interview with Roy Garland was to gather information on Tara; (2) the Army was not interested in investigating deviant sexual activities or religious aspects of Tara; because (3) those were solely the function of a

133 Day 221, p.103 and KIN 4011.

134 KIN 105046 and 105047.

specialist section of the RUC. What was meant by “a specialist section of the RUC” is not clear. At that time the RUC did not have a specialist CARE (Child Abuse and Rape Enquiry) Unit, and so the reference to a “specialist section” may have referred to RUC Special Branch.

- 172 Paragraph 8 clearly contained a direct quote from another document, as indicated by the standard MI5 usage in such telegrams of the words quote and unquote rather than placing a quotation in inadvertent commas. We see no reason not to accept the evidence of Officer 9347 that paragraph 8 was an accurate record of what he saw in the file in 1982. That is relevant when we come to consider the interaction between Brian Gemmell and Ian Cameron in 1976, because the use in paragraph 8 of a direct quotation from a contemporary document which no longer exists provides support for Ian Cameron’s 1982 account of these events. As we shall see, by that time he had retired from MI5.

Ian Cameron’s account of these events in 1982

- 173 Ian Cameron died some years ago, and so we are dependent upon his answers to questions posed to him during the Caskey Phase Three investigations as recorded at the time by the legal adviser of MI5. We shall examine why Ian Cameron was not interviewed in person by D/Supt Caskey in the next part of this chapter. At this stage we concentrate on what Ian Cameron is recorded as saying in answer to the list of 30 questions drawn up by D/Supt Caskey in order to establish what Ian Cameron’s responses were to what Brian Gemmell had said about Ian Cameron’s approach to Brian Gemmell’s contacts with Roy Garland.
- 174 The 30 questions are to be found at KIN 105055-105058, and the answers are set out KIN 105059 and 105060. When considering the answers it has to be borne in mind throughout that the answers do not purport to be the actual words of Ian Cameron, but are the answers as recorded in the third person by Bernard Sheldon, the former MI5 legal adviser, following a conversation he held with Ian Cameron on 1 November 1982 when Ian Cameron was about to go abroad. By then Ian Cameron had retired from the Security Service.¹³⁵
- 175 For the purposes of the present issue as to the instructions Ian Cameron gave Brian Gemmell, and how Ian Cameron reacted, the relevant answers are to questions 6 to 17 inclusive. These indicate that in

135 KIN 105063

November 1982, some six-and-half years after the events (that period being calculated on the basis that the interviews with Roy Garland were in the spring or early summer of 1975) Ian Cameron’s recollections can be said to be as follows:

- 1 He received information from Brian Gemmell that McGrath was a homosexual.
- 2 He had no recollection of any details, or of any reference to a boys’ home.
- 3 He did not accept that he reversed his decision.
- 4 In response to Brian Gemmell’s account to the police that he, Ian Cameron, reacted very strongly when told of the homosexual involvement of various persons in Tara he did not comment.
- 5 He agreed that he would have told Brian Gemmell not to pursue the allegations of homosexuality, and would have told him that the Army should not handle investigations in this field.

176 As we are satisfied from witness Q’s evidence that Ian Cameron decided that there should not be a second interview of Roy Garland, and then reversed that decision, we are satisfied Ian Cameron was mistaken when he said that he did not reverse his decision. Ian Cameron agreed with Brian Gemmell that Brian Gemmell told him McGrath was homosexual and that he, Ian Cameron, told Brian Gemmell not to pursue the allegation of homosexuality, meaning McGrath’s homosexuality, because the Army should not carry out investigations in that field. However, Ian Cameron did not respond to the assertion that he had reacted very strongly when Brian Gemmell told him about the homosexual involvement of various people in Tara. We consider that his failure to comment on the assertion that he had reacted “very strongly” means that we should infer that he did not dispute that assertion.

177 It is also relevant that he accepted he told Brian Gemmell not to pursue McGrath’s homosexuality because this was not a matter for the Army. Ian Cameron did not address the assertion that he told Brian Gemmell to terminate his enquiries concerning Tara. The file note of 4 April 1975 by an MI5 officer who had been present at the meeting with Gemmell and witness Q made it clear that the Army’s only interest in permitting Brian Gemmell to speak to Roy Garland was to obtain information about Tara, and that Brian Gemmell should not pursue the allegation of homosexuality, which in this context clearly meant Garland’s allegations about McGrath’s homosexuality.

Whether he put it in such stark terms as Brian Gemmell alleged or not, we are satisfied that the effective result was that Ian Cameron took the position that Roy Garland’s allegations about McGrath were not matters for the Army.

- 178 Ian Cameron’s response to the effect that he had no recollection of any reference to a boys’ home, does not necessarily mean that a boys’ home was not mentioned. We are satisfied that while Brian Gemmell did tell Ian Cameron about McGrath’s homosexuality, and that Ian Cameron may have reacted strongly in order to emphasise that this was not a suitable topic to be pursued, the effective result was that Roy Garland was to be interviewed to see if he had anything useful to say about Tara and not about anything else.

D/Supt Caskey, Ian Cameron and MI5

- 179 We have referred to the answers given by Ian Cameron in November 1982 to the 30 questions prepared by D/Supt Caskey, and at this stage we examine the circumstances relating to the preparation of those questions, how they were answered, and whether the answers were made available to the RUC or the Director of Public Prosecutions, Sir Barry Shaw QC. The background to those circumstances was that, as part of the Caskey Phase Two investigation into whether there had been a cover-up which might amount to criminal offences by anyone who may have had knowledge about sexual offences committed against residents of Kincora, D/Supt Caskey agreed with the DPP that he would submit a separate secret report on that part of the investigation that related to the Intelligence Services. We refer to this report, and the related enquiries, as Caskey Phase Three.
- 180 Sir John Hermon, the Chief Constable of the RUC had invited Sir George Terry to investigate both the way in which the RUC carried out the Caskey Phase One investigation, which led to the conviction of McGrath and others, and to oversee the Caskey Phase Two investigation at the same time. The Caskey Phase Three investigation was therefore in effect a separate sub-part of the Caskey Phase Two investigation which was being carried out by the RUC, but subject to the oversight of Sir George Terry. That is relevant when we come to examine Sir George Terry’s part in the events we now consider.
- 181 By 1 July 1982 MI5 were aware that D/Supt Caskey wished to interview Brian Gemmell, and MI5 were concerned that the interview with Gemmell might result in information relating to intelligence matters being disclosed

to the RUC, and subsequently disclosed in any public inquiry that might follow the RUC investigation.¹³⁶ A meeting took place between an MI5 officer, the MI5 officer who was the DCI Rep Knock (i.e. the MI5 officer attached to RUC headquarters) and D/Supt Caskey during which the MI5 representatives “emphasised that our sole concern was to ensure that intelligence matters did not get an airing in public”.¹³⁷

182 After D/Supt Caskey’s interview with Brian Gemmell on 18 July 1982 the Army Special Investigation Branch Officer present reported on the content of the interview, and we have already referred to that report when examining what Brian Gemmell said in the statement. MI5 anticipated that D/Supt Caskey would then seek to interview Ian Cameron about the allegations Brian Gemmell made to him about the nature of Ian Cameron’s instructions to him. A meeting took place at RUC headquarters on 4 August 1982 which was the subject of an MI5 report of 5 August 1982. During the meeting MI5 explained their position to Caskey about Ian Cameron being interviewed in this way.

“...I explained your principle – that no serving or former member of the Security Service should be interviewed by the Police”.¹³⁸

183 The MI5 note also explains a number of matters about which D/Supt Caskey wished to interview Ian Cameron, as well as the suggestion as to how the information might be obtained.

“(Letter three) Caskey made a number of points:

A. One of the aspects of the enquiry that he is pursuing is that “military intelligence” was aware that McGrath was committing criminal offences but they concealed this or did not report it for their own reasons: this, if true was a criminal offence. Garland has alleged this and Wallace has hinted at it to Caskey.”¹³⁹

“G. Caskey would be prepared to meet LA [legal advisor], explain to him what questions he wanted Cameron to answer and then receive a written statement drawn up by LA and Cameron. Caskey returns from leave on 23 August and would like to meet LA soon afterwards if this idea is accepted.”¹⁴⁰

136 KIN 105039.

137 KIN 105043.

138 KIN 105049.

139 KIN 105049.

140 KIN 105050.

184 It is clear that throughout the autumn MI5 were still extremely concerned about the prospect of Ian Cameron being interviewed by the RUC. Their legal adviser, Bernard Sheldon, raised this concern with the Attorney General and the DPP on a number of occasions. A memorandum from Bernard Sheldon of 1 October 1982 refers to his having at least two meetings with the Attorney General, and the DPP was present at one of them. Although the date of the meeting is not given, it appears to have been before another meeting between the Attorney General and DPP on 24 September 1982 at which Bernard Sheldon does not appear to have been present, but about which he was informed by a senior official in the Attorney General’s office. A full memorandum can be found at KIN 105052 and 105053. In the memorandum Bernard Sheldon made a number of points to the Attorney General and DPP:

- 1 He confirmed that the RUC wished to interview Ian Cameron.
- 2 He explained that MI5 had spoken to Ian Cameron and set out in brief terms what Ian Cameron had said in answer to the assertions by Brian Gemmell.
- 3 He explained why MI5 were reluctant to allow Ian Cameron to be interviewed.

“I said that this had been reported to the RUC but we had been unwilling to allow Cameron to make a formal statement. He had no personal knowledge which was relevant to any alleged offence and it also appeared that the RUC thought that they were collecting evidence for an enquiry as well as investigating criminal offences. If there were other factors which had not been declared to us, we would of course reconsider the position and equally if there should be a public enquiry we would discuss the handing of any relevant information which we might have (and I thought we had none) with those responsible for setting it up. We were not, however, willing to create statements which did not appear to assist in the criminal investigation and which might touch upon the organisation of intelligence in Northern Ireland – particularly as we had no idea who would have access to the statements or whether their creation might not automatically lead to their disclosure in the event of an enquiry.”¹⁴¹

141 KIN 105052.

185 It is significant that Bernard Sheldon recorded the Attorney General as commenting that any information which Cameron could give:

“would appear to be ‘hearsay upon hearsay’”.¹⁴²

The DPP’s response appears to have been more non-committal, as he was recorded as saying that this problem had not been reported to him and he would ascertain the position.

186 It appears from the memorandum that the Attorney General and the DPP had discussed the request beforehand and the DPP’s view was that he needed to know whether Cameron had made a report to people in the Northern Ireland Office where there were some suspects. Their failure to take action in that event might be significant. It would seem that that discussion must have taken place after the earlier meeting referred to in the memorandum. A suggestion was then made by James Nursaw, who was the Attorney General’s legal secretary at the time, that the police should set out a clear list of questions to which they wished to have answers. Bernard Sheldon recorded that his response was:

“I said that we would consider any such request on its merits but the police would also have to come clean with us about their objectives. If there was a real as opposed to a fanciful problem we would certainly wish to find ways of helping”.¹⁴³

187 It would seem that that may have been the origin of, or at least played a part in, the genesis of the list of 30 questions, because on 11 October 1982 D/Supt Caskey submitted the 30 questions to ACC Whiteside. As can be seen from the opening paragraphs of the memorandum to the ACC, D/Supt Caskey’s view now was that there should be an interview of Ian Cameron by the RUC.

“It is essential to the Kincora Enquiry that Mr Ian Cameron is interviewed by the Royal Ulster Constabulary in relation to intelligence concerning Kincora Boys’ Hostel allegedly passed to him by Military Intelligence Officers.

I hereby submit a list of questions to be put to Mr Cameron.

It will be necessary in the first instance to ask Mr Cameron to provide such personal details as full name, age, occupation, address or contact address.

142 KIN 105052.

143 KIN 105053.

Whilst it is intended to adhere to the list of questions now supplied, answers to these questions may demand a follow-up question or questions:”¹⁴⁴

188 There can be no doubt that the request was for a face-to-face interview with Ian Cameron by the RUC; during that interview they would ask him the 30 questions but there may well have been other matters that would emerge which would demand a follow-up question or questions.

189 The list of questions was forwarded by ACC Whiteside to the Northern Ireland Office the same day. The recipient of the letter had had a conversation with the Chief Constable and the RUC position was set out in clear and unmistakable terms.

“The questions are all relevant and clearly define the area of police interest. It may be that if Mr Cameron answers certain questions in a certain way further unscripted questions may have to be asked in order to clarify some points so raised. I mention this lest there would be any misunderstanding about unscripted questions being asked.”¹⁴⁵

190 The documents we have examined show that after that memorandum from the ACC, MI5 maintained its position that it was not prepared to make Ian Cameron available to the RUC for interview. The reasons for this were set out at some length by Bernard Sheldon in a note to the Director General of MI5 dated 3 November 1982.

“2. I have made it plain to Nursaw and to Barry Shaw and the Attorney General that our unwillingness to authorise Cameron to give a statement should not be taken as meaning that we have anything to hide in connection with homosexual offences or that we wish to be obstructive. We believe that we have nothing to contribute to any criminal investigation and are unwilling to allow statements to be taken from Cameron which will disclose intelligence arrangements to those who have no need to know. We are conscious that once a statement has been taken we will have no control over who has access to it and that its very existence could cause problems if an enquiry is ordered. If an enquiry is ordered, we would of course be in touch with those responsible for arranging evidence for it (this would normally be the Treasury Solicitors) if it was thought that we

144 KIN 105055.

145 KIN 105054.

had some contribution to make. Nursaw has suggested that it might be sensible to explain the position informally to the Chief Constable and to stress that we have no knowledge of criminal offences.”¹⁴⁶

191 Bernard Sheldon subsequently spoke to the Chief Constable of the RUC on 11 November 1982 explaining why MI5 did not believe that Ian Cameron could deal with the questions because he was retired and remained subject to the provisions of the Official Secrets Act.¹⁴⁷ D/Supt Caskey pursued his investigations and traced and took statements from Army personnel in Germany. Bernard Sheldon then went to Lewes to the headquarters of the Sussex Constabulary where he explained MI5’s position to Sir George Terry. Having outlined in considerable detail MI5’s position, and the various meetings that had taken place, in the course of the memorandum he referred to:

“f. the list of questions prepared by the RUC which they wished to put to Cameron. These confirmed our fears that, if permitted, they would lead to an unacceptable identification of UK Intelligence Officers and their functions,”¹⁴⁸

192 The RUC position remained that they wished to interview Ian Cameron, and when no such interview was forthcoming by 24 February 1983 ACC Whiteside again wrote to the NIO. His memorandum makes it abundantly clear that Ian Cameron was not being made available for interview, and that no replies to the 30 questions had been communicated to the RUC. The letter made it clear that the RUC wanted an interview with Cameron, or at least wished to obtain a statement from him.¹⁴⁹

193 Although Ian Cameron was by now retired, he remained subject to the provisions of the Official Secrets Act and therefore required authorisation from MI5 in order to discuss anything relating to his duties as the Assistant Secretary (Political). We are satisfied that the documents to which we have referred make it abundantly clear that MI5 were not prepared to allow him to be interviewed under any circumstances because, as it was put on 5 August 1982, it was their “principle that no serving or former member of the Security Service should be interviewed by the police”. That position was maintained throughout by MI5 despite repeated formal requests by the RUC that Ian Cameron should be made

146 KIN 105061.

147 KIN 105063.

148 KIN 105066.

149 KIN 100015.

available for interview. Ian Cameron was never made available for interview by the RUC, nor was any statement prepared by him to the RUC in which he answered the 30 questions, nor is there any record to show that the text of his answers as recorded by Bernard Sheldon were ever communicated to the RUC.

- 194 We appreciate the concern of MI5 that intelligence matters might be exposed, perhaps inadvertently, by an interview with Ian Cameron. However, this could have been dealt with by an RUC officer of higher rank and experience, such as a Detective Chief Superintendent or even an Assistant Chief Constable, carrying out the interview in the presence of an MI5 Officer of suitable standing. That such a high ranking officer would conduct an interview was by no means unknown at this stage, certainly in the RUC and indeed Sir George Terry himself took part in an interview with the Rev Ian Paisley during the course of his enquiries. If there were arguments about whether irrelevant intelligence matters were being explored, then those questions could be considered as necessary by either the DPP personally or the Attorney General personally. We consider that MI5’s “principle that no serving or former Officer of the Security agencies should be interviewed by the police” in the course of a criminal investigation was wholly unjustified. We are satisfied that in the ultimate analysis it was for the RUC and not for MI5 to decide what was relevant to that criminal investigation. We criticise MI5 for consistently obstructing a proper line of enquiry by the RUC by their refusal to allow the RUC to interview Ian Cameron, and by their refusal to authorise Ian Cameron to provide a written statement answering the 30 questions. We are also satisfied that MI5 did not communicate the full details of the answers to the RUC that Ian Cameron gave to Bernard Sheldon on 1 November 1982. We noted that in its response to the Inquiry Warning Letter, MI5 did not accept that it had obstructed the RUC in its efforts to interview Ian Cameron.
- 195 Whilst we accept that MI5 were entitled to make their concerns known to the Chief Constable of the RUC, the DPP, and to the Attorney General about the implications of the questioning of Ian Cameron, we have reservations about the frequency of these representations. We are satisfied that the approach to Sir George Terry was made so that he could put pressure on the RUC not to pursue this line of enquiry.
- 196 That MI5 felt it could approach Sir George Terry to enlist his support in MI5’s efforts to prevent RUC officers interviewing Ian Cameron demonstrated

a weakness in the arrangement whereby Sir George had been invited to oversee the Caskey Phase Two investigation, and therefore the associated secret Phase Three investigation as well. It is unclear to us what oversight meant in practice. It is clear that Sir George was not directing the RUC investigation because that remained very firmly under the control of the RUC as is clear from the approaches by MI5 to Sir John Hermon, the correspondence between ACC Whiteside and the NIO, and that it was the RUC who submitted D/Supt Caskey’s report to the DPP. If Sir George was expected to give advice during the investigation, how was that to be done? Was it just that he would offer advice (but not directions) if his advice was sought by Sir John Hermon or his subordinates, or was Sir George free to offer unsolicited advice to D/Supt Caskey and his team? We were struck by the lack of clarity in what oversight meant in practice.

- 197 We do not accept that it was proper for MI5 to approach Sir George Terry in an attempt to enlist his support. This was an RUC investigation, and although it was being overseen by Sir George we do not consider that that gave him the right to interfere in the way that it was being conducted. It was of course open to him to offer advice to Sir John Hermon if Sir George thought that was necessary or if Sir John Hermon sought that advice.

The DPP and Ian Cameron’s responses to the 30 questions

- 198 In order to ascertain whether Sir Barry Shaw received and considered the responses to the 30 questions made by Ian Cameron and recorded by Bernard Sheldon we are dependent upon MI5 records to which we have referred. This is because there do not appear to be any surviving records held by the Public Prosecution Service in Northern Ireland relating to meetings held between Sir Barry Shaw and the Attorney General in relation to the Caskey Phase Three investigation. When we asked the Attorney General’s Office in London to produce any papers they held regarding these meetings we were informed that the files they held in relation to Kincora had been destroyed in 2004. In response to the Inquiry Warning Letter the Attorney General’s Office informed us a mistake had been made (for which they apologised) and that the relevant file was destroyed in 2009. We criticise the destruction of files relating to Kincora in view of the persistent allegations that there had been over many years about wrongdoing at Kincora.

- 199 The original files relating to the decision of the DPP to issue a direction on 17 May 1983 that there should be no prosecution in respect of the matters considered in the Caskey Phase Three secret report have survived, and the Inquiry has examined them. We have also had the benefit of a helpful written statement from Mr Roy Junkin, a former Deputy Director of Public Prosecutions in Northern Ireland who was an Assistant Director of Public Prosecutions in May 1983. Mr Junkin signed the direction of 17 May 1983.
- 200 Mr Junkin explained that the Director and the Attorney General met regularly and discussed a wide range of matters, including high profile or sensitive cases, or of particular concern, including cases where the Attorney General as a Law Officer might be required to answer Parliamentary Questions. However, unless the consent of the Attorney General was specifically required by legislation, the general understanding of their working relationship was that decisions in, and professional responsibility for, the conduct of criminal proceedings in Northern Ireland were regarded as a matter for the Director. As we shall see, an instance where the Attorney General’s consent was required arose in 1975 when the then Attorney General was asked for his consent in respect of a possible prosecution of Colin Wallace for offences under the Official Secrets Act, a matter to which we refer later in this chapter.
- 201 We are satisfied that there was nothing unusual or improper about the Director and Attorney General discussing the implications of the RUC requests to interview and question Ian Cameron. Anything to do with Kincora was likely to be a high profile matter, and the decision of the Director to request that the Caskey Phase Three report should be submitted to him in the form of a secret report was justified, given the sensitivity of the matters being examined in the Caskey Phase Three investigation.
- 202 The MI5 documents show that whilst the Director was understandably sceptical about the evidential value of the general line of questioning which the RUC wished to pursue with Ian Cameron, as early as 12 February 1982 he made it clear that his interest as Director was:
“...to have the way clear for any prosecutions which ought to be brought. I therefore favoured police investigations continuing”.¹⁵⁰

150 KIN 100003.

203 Whilst the Director or his staff might advise the RUC on a potential line of enquiry if the RUC sought advice, as Bernard Sheldon recognised in his memorandum of 3 February 1982, Sir Barry Shaw was known for his:

“Unwillingness to give directions to the investigating officers. We had inferred that this was connected with his well known desire to maintain the integrity of his office”.¹⁵¹

204 It is noteworthy that on 1 October 1982 Bernard Sheldon recorded a conversation with the Attorney General’s office in which he was told that the Director:

“...had developed an argument that he needed to know whether Cameron had made a report to people in the Northern Ireland Office where there were some suspects. Their failure to take action in that event might be significant”.¹⁵²

205 However, this is not easily reconciled with the view expressed a short time later by the Attorney General’s Legal Secretary to Bernard Sheldon that the Director “gave Nursaw to understand that he would not be concerned one way or the other whether they were answered”.¹⁵³

Was the DPP informed of Ian Cameron’s answers to the 30 questions?

206 We have examined the original DPP file in which consideration was given to the Caskey Phase Three secret report, and we are satisfied that Sir Barry Shaw personally examined the papers, and then drafted the direction issued under Mr Junkin’s signature on 17 May 1983. On 8 April 1983 Sir Barry Shaw agreed with the recommendations of Mr Junkin and Mr Junkin’s superior Mr Cossham, both of whom were of the opinion that there was no basis for a prosecution on the Caskey Phase Three papers.¹⁵⁴ Sir Barry Shaw’s request on 16 May 1983 to Mr Junkin to consider the draft direction satisfies us that Sir Barry Shaw drafted the direction himself after consideration of the file.

207 The direction is important and we therefore set it out in full.

“Such information and evidence as is contained in this file does not warrant the initiation of criminal proceedings against any person.

151 KIN 105068.

152 KIN 105053.

153 KIN 105061.

154 KIN 100023.

It is however, appropriate for me to refer expressly to two particular lines of enquiry which the investigating officer has sought to follow. Firstly, from the course of the interviews of Mr J C Wallace it seems that no information or evidence of materiality is likely to be made available to police by him. Either he has no such information or evidence or, if he has, he is unwilling to impart it. Further, I am not satisfied that he could be put forward as a credible witness upon any issue dependent on his testimony. Secondly, although Mr Cameron has not been and is not available to the police for interview, it does not appear that there is any admissible evidence which can be given by him relevant to any crime or crimes known to the police.

In such circumstances and in the light of the whole of the careful and protracted investigations which Superintendent Caskey has conducted, it does not appear to be necessary or appropriate for me to request further investigation of whatever matters are or may be within the knowledge of either Wallace or Cameron. I have concluded that without their full and voluntary co-operation consideration of possible criminal proceedings cannot be advanced. Accordingly, but subject to consideration of any further facts or information which may otherwise come to light, I direct that this file may be marked no prosecution.”¹⁵⁵

- 208 So far as Ian Cameron is concerned, the relevant passage relates to his not being thought to be able to give any relevant admissible evidence relating to any crime or crimes known to the police. We consider that this was an inevitable, and legally impeccable, decision. Ian Cameron’s answers to the 30 questions showed that, in the phrase attributed to the attorney general, the evidence of Ian Cameron was ‘hearsay upon hearsay’. As the criminal law stood at that time there was no evidence that Ian Cameron could give that could be used in criminal proceedings. All he knew was what Brian Gemmell told him what Roy Garland had told him, and there was nothing to show that Roy Garland had personal knowledge of any criminal offences that had been committed by McGrath involving residents at Kincora, as opposed to Roy Garland’s belief that McGrath was a person who might commit such offences. There was simply no legally admissible evidence to support a prosecution.
- 209 Did the Director have sight of the text of the replies of Ian Cameron to the 30 questions as recorded by Bernard Sheldon before he drafted this

155 KIN 100020.

direction? We have found no documentary evidence that directly shows that he did. Mr Junkin expressed his view at paragraph 7 of his witness statement where he said:

“...I believe everyone, whether in the legal profession in Northern Ireland or otherwise, who knew him well would have regarded Sir Barry Shaw as a person who was very conscious of his responsibilities as a Public Prosecutor and who was meticulous and thorough in the conduct of his professional duties as the Director. Certainly that was my own experience of his approach to his work. If a document was available with the full answers I would be surprised if he accepted a gist of it or that he did not insist on seeing it in order to reach his decision in the case”.¹⁵⁶

- 210 A note made by the then Director Sir Alasdair Fraser QC (Sir Barry Shaw’s successor) with Juliet Wheldon (then of the Attorney General’s office) recorded that Miss Wheldon told him in 1990 that there had been a conference, presumably meaning a conference with the Attorney General, at which the Director was present. Sir Alasdair’s note said that he would not be surprised if the conference took place between 6 April 1983 (when the Director agreed there was no evidence) and 17 May 1983 when the direction drafted by Sir Barry Shaw was issued. That suggests Miss Wheldon did not have a date for the meeting. Miss Wheldon and Sir Alastair Fraser are both dead. The absence of any contemporary document makes it difficult to be certain, but it seems to us that the most likely occasion on which the Director may have been shown Ian Cameron’s answers to the 30 questions would be the meeting which it appears may well have taken place after 6 April and before 17 May 1983.
- 211 On balance we are satisfied that Sir Barry Shaw was shown the full text of the answers provided by Ian Cameron as recorded by Bernard Sheldon at some point prior to drafting the Direction that there should be no prosecution on 16 May 1983, and did not accept a mere gist or summary. As the RUC never received the answers, the text of the answers could only have come to Sir Barry Shaw either directly from MI5, or more likely was produced to him at his request so that he considered them before he reached his decision.

156 KIN 4504.

Holroyd and the DPP

- 212 There is material which indirectly throws some light on what Sir Barry Shaw’s approach to this would have been. Mr Holroyd made allegations about allegedly unlawful actions by a number of military personnel engaged in operations in Northern Ireland. As a result, a large-scale RUC investigation led by D/Supt Caskey was launched. The prospect of this investigation involving the questioning of Army personnel, and the risk that this would damage the confidentiality of intelligence structures in Northern Ireland, caused considerable concern to the Government, and it is clear that these concerns were raised with Sir Barry Shaw.
- 213 On 3 February 1983 a meeting took place at which there was discussion about whether the RUC investigations into the allegations by Mr Wallace relating to Kincora, and the allegations made by Mr Holroyd about Army personnel, impinged on intelligence matters. Those present included Sir John Hermon, the Chief Constable of the RUC, Sir George Terry, the Chief Constable of Sussex, Mr Nurshaw, the Attorney General’s Legal Secretary, the Director and Coordinator of Intelligence at the NIO (an MI5 Officer), Bernard Sheldon, (the Legal Advisor to MI5), as well as Sir Philip Woodfield, the Permanent Under Secretary of the NIO.
- 214 A note of the meeting made by Bernard Sheldon recorded that there was considerable discussion of the issues raised in both cases. During the discussion Mr Sheldon noted that Sir Philip Woodfield,
- “...reverted to the general problem of reconciling Police enquiries with the need to protect HMG’s intelligence interests. He asked that in future any problems which might arise should be elevated to a more senior level. He thought this was preferable to, for example, CASKEY pursuing his enquiries by other means. We all agreed that this was an acceptable way to behave.”¹⁵⁷
- 215 It would appear that efforts were made after that meeting to agree a procedure along the lines suggested by Sir Philip Woodfield. On 4 March 1983 he wrote to the DPP following a meeting earlier that week with Sir Barry Shaw and outlined a procedure that could be adopted in such circumstances.
- 1 Any requests by the RUC would go to a named Colonel at HQNI indicating the intended line of questioning.

157 KIN 105493.

- 2 The request would be discussed at HQNI and then referred to Major General Garrett in London. He was the head of Army Security.
- 3 If General Garrett felt there was no objection then the RUC could go ahead with their questioning.
- 4 But if General Garrett concluded that the RUC’s line of questioning would be likely to take them into the area of intelligence work he would discuss it with the RUC at an appropriate level.
- 5 If the RUC were not persuaded, the matter would then be referred to the DPP himself to decide the relevance of, and importance to, the information being sought to the police investigations.¹⁵⁸

216 Sir Philip Woodfield commented that:

“When we met and discussed this procedure in outline, you were kind enough to say that on the basis of the information I had given you, you saw no objections to the procedure in general and would be happy to play the part envisaged for you in particular. I should be grateful if, after you have reflected on the terms of this letter, on which I understand you may wish to consult the Attorney General, you would let me know if that remains your view. If it does, the next step will be for the GOC to put the new arrangements to the Chief Constable for his consideration, indicating that I have been consulted and am in agreement. I would also contemplate seeing the Chief Constable myself if that seemed helpful. Can you confirm that you are content that the Chief Constable should be told that you are aware of what is proposed and are prepared to play your part?”¹⁵⁹

217 The matter was then discussed with the Attorney General on 22 March 1983, and again with the Attorney General and Sir Barry Shaw on 29 March 1983, according to a note for file prepared by Bernard Sheldon of MI5 on 30 March 1983.¹⁶⁰ Following these meetings the Legal Secretary to the Attorney General wrote to the Permanent Under Secretary of the NIO confirming the position of the Attorney General and the DPP in respect of the proposed procedure. He said that the Attorney General

“...acknowledged that in the last analysis the decision must be taken by the Service or Security authorities and he said that, if the decision

158 KIN 190185-190187.

159 KIN 190186-190187.

160 KIN 105495-KIN 105498.

were that the information could not safely be made available, he and the Director of Public Prosecutions must accept this”.¹⁶¹

The Legal Secretary confirmed that the Attorney General and Sir Barry Shaw had seen the letter in draft and were content with it.

- 218 The Inquiry has examined the DPP file on the Holroyd Case held by the PPS and found no document recording a response by Sir Barry Shaw to Sir Philip Woodfield’s letter, or comment on the Legal Secretary’s letter. However, given the approach to which he was said to have given his approval it appears to us probable that he would have acquainted himself with the responses by Ian Cameron to the 30 questions before he reached his decision on whether any prosecution should follow from the Caskey Phase Three Report. For him to do so would be in accordance with the approach mooted in the Holroyd Case. Whilst the two cases did not overlap, they presented similar issues as to how the police investigations were to be handled by the Army in the Holroyd Case and therefore offered a relevant precedent to be applied to the Caskey Phase Three investigation which was considered by the Director in April and May of that year.

161 KIN 105500.

PART SIX

James Miller and the *Sunday Times* in 1987

219 We now return to the letter written by James Miller on 7 April 1972 to which we have already referred. On 25 March 1987 the *Irish Times* carried an article saying that James Miller had been asked by MI5 to infiltrate Tara, to compile information on its leader William McGrath, and that Miller passed on this information to MI5 in 1970. The article said that Miller would not say if the information he compiled related to McGrath’s homosexual or paedophilic activities. This article appeared after a long article in the *Sunday Times* edition of 22 March 1987 referring to allegations made by Miller that MI5 had been active in promoting the UWC (Ulster Workers Council) strike. In a second article in the *Sunday Times* of 29 March it was said that:

“...Miller claims that the Intelligence Services had known about the activities at Kincora for a number of years, and believes the boys’ home was used to entrap men who would be blackmailed into providing information”.¹⁶²

220 A note to the Cabinet Office dated 30 March 1987 said that Miller had contacted officials the day before saying that he had not spoken to the author of the article since an earlier discussion. The note recorded that Miller confirmed that he had mentioned his acquaintanceship with McGrath to the author of the article, Barrie Penrose, whose second article Miller claimed was “built on machinations” and scraps of detail he (presumably Penrose) had not used in his original story.¹⁶³

221 As a result Miller was interviewed by two officials on 6 April 1987, and their account of his explanation can be found at KIN 105072 to 105079. We note Miller’s assertions that the statements attributed to him were a mixture of “pure fiction and gross distortion”, and that he did not request money for his “revelations”, nor was it offered to him. The reference at KIN 105075 to the follow-up article of 22 March appears to be a mistake for 29 March. Miller’s position about what was attributed to him about Kincora is contained in the following passage from the report of his meeting with the two officials.

162 KIN 105071.

163 KIN 105080.

“Kincora Boys’ home (29 March Article). The reference to ‘new claims’ by [Miller] about the Kincora Boys’ home was pure fabrication. The implication that [Miller] had made further revelations to PENROSE since the 22 March article was false. [Miller] had indeed been questioned by PENROSE about the Kincora Scandal but had told him honestly that he knew nothing about this episode except what he had read in the newspapers. His [officials] had never given him any reason to suppose that MI5 were interested in the place. He told PENROSE that he had fleeting contact with William McGrath in the latter’s capacity as leader of the Tara Brigade. [Miller’s] membership of Tara was short lived; he resigned from the organisation when it became clear that he was under suspicion as possible security forces infiltration agent. Though there had been speculation in Loyalist circles that McGrath was a homosexual, [Miller] did not know him well enough to comment on these allegations, and was unaware at the time of his ‘housefather’ role at Kincora.¹⁶⁴

222 Of those involved in the preparation of the article, Miller has since died, as has Liam Clarke who was the other journalist mentioned in Miller’s report. We approach Miller’s account on the basis that the references attributed to him in the *Sunday Times* article of 29 March were accurately reported. As can be seen from the above quotation, the explanation Miller is recorded as providing to the officials of what he claimed he said to the journalist was significantly different from the terms of the article. He said that although there had been speculation in Loyalist circles that McGrath was a homosexual, Miller did not know McGrath well enough to comment on these allegations, and was unaware in 1971 and 1972 of McGrath’s housefather role at Kincora.

223 We have examined all of the documents relating to James Miller held by MI5, and have found nothing to support the account he is said to have given to the *Sunday Times* other than the extract from his letter of 7 April 1972. In that letter he said that he had been told:

“that the Tara OC McGrath had been accused of assaulting small boys and that he [McGrath] could not account for any cash that had been handed to him over a period of 12 months.”¹⁶⁵

164 KIN 105076.

165 KIN 4073.

Whatever the implication of the phrase that “McGrath had been accused of assaulting small boys”, had Miller known of McGrath’s employment at Kincora, or that Kincora was believed to be being used to entrap men we can see no reason why he would not have said so in 1972 in this brief reference just quoted. That he did not make any such reference in 1972, and that no other information has been found by us in the MI5 documents we have examined to support what the article claimed Miller said, led us to conclude that whatever he did or did not say to the *Sunday Times* reporters in 1987 did not represent what Miller actually knew in 1972.

- 224 When viewed in isolation the 1972 reference to the man known as McGrath who was the OC of Tara (and it will be remembered how difficult it was for the Security Services to establish who the man named McGrath was in 1971-73) having “been accused of assaulting small boys” could be said to imply either physical or sexual assaults of children. Given the notorious perpetration of physical violence by all terrorist groups in Northern Ireland, whether Loyalist or Republican, towards members of what they saw as “their” communities, it should not be assumed that the obvious meaning in April 1972 of “assaulting small boys” inevitably meant sexual assault.
- 225 By November 1973 MI5 had been told by the RUC that McGrath worked in Kincora, and their records show that McGrath was reported to be homosexual and to exploit other people’s sexual deviations.¹⁶⁶ It is easy in retrospect to suggest that because McGrath was reported to be homosexual it should have been appreciated that he posed a risk that he would sexually abuse children, and therefore the reference to “assaulting small boys” should have been interpreted as indicating that he was sexually assaulting residents in Kincora.
- 226 However, we do not accept that that was an inevitable or correct deduction that should have been made at the time. We agree with Officer 9004 when he said to the Inquiry that “...the mere fact that someone who happened to be a homosexual in a boys’ home” would not have met MI5’s criteria for reporting such information to the police.¹⁶⁷ We cannot emphasise strongly enough that just because a man was homosexual did not mean then, any more than it does now, that he was

166 KIN 105008 and 105009.

167 Day 219, p 97.

capable of sexually abusing children. Child sexual abusers, although overwhelmingly male in our experience, can be either homosexual or heterosexual males, as shown by the number of married fathers who have sexually abused children, whether their own children or others.

- 227 We are satisfied that it was not until 1980 that MI5, the SIS, the MoD and RUC Special Branch became aware that McGrath had been sexually abusing residents of Kincora when that became a public allegation. All four agencies were aware that McGrath was alleged to be a homosexual, but had no proof of that. They were aware he worked in a boys’ hostel where he was in a position of authority. They were aware of allegations that he had abused Roy Garland a long time before McGrath went to work in Kincora.
- 228 However, by November 1973 MI5, unlike the other three agencies, were also aware that the person who had by then been identified as William McGrath had been accused of “assaulting small boys”. By virtue of section 5 (1) of the Criminal Law Act (Northern Ireland) 1967 MI5 were subject to the same legal obligation as everyone else in Northern Ireland to report the commission of an “arrestable offence” (that is an offence punishable with five years imprisonment) to the police where they knew or believed that such an offence, or some other arrestable offence had been committed. An alleged assault on small boys could, depending on the nature of the alleged assault, have been an arrestable offence which ought to have been reported to the police.
- 229 With the benefit of hindsight, and in the light of what is now known about McGrath’s abuse of residents in Kincora, it might be argued it was the duty of MI5 to bring to the attention of RUC Special Branch that MI5 had received a report that McGrath had been accused of assaulting small boys, and that by not doing so the MI5 officers who had this information were in breach of that duty. However, we consider that to take that view would be unjustified for several reasons. First of all, although the information was known to MI5 because it had been received eighteen months before, eighteen months separated the receipt of that information and the information confirming the identity of William McGrath as the leader of TARA. Secondly, the information came to MI5 in a letter from James Miller who was simply reporting what an unidentified source said at a time when unsubstantiated allegations of discreditable behaviour by TARA members about each other were commonplace, and the report was therefore assessed as being of dubious reliability. Thirdly, the MI5

officers were concentrating on establishing what sort of organisation TARA was, and whether it could be a possible Loyalist terrorist group in the context of the extremely volatile political and security circumstances of that time. In all of those circumstances we do not criticise them for failing to appreciate the significance of this information.

- 230 We have earlier referred to the practice whereby intelligence services did not always share information with colleagues in other agencies, especially the RUC. The failure by MI5 to pass this information to RUC Special Branch may have been influenced by a desire to protect the existence of their source, and to ensure that his position was not compromised by any leak from the RUC, because it is clear that the other intelligence agencies were concerned that leaks to terrorist organisations, or hostile political figures, of a Loyalist and Unionist persuasion might occur.
- 231 We consider that had this information been passed to the RUC Special Branch and by it to their uniform colleagues, it may still not have made a significant difference to the approach of the RUC. It received much more detailed allegations from the Robophone message and from Valerie Shaw’s conversation with D/Supt Graham, as well as Roy Garland’s conversations with D/C Cullen that brought about the Cullen/Meharg investigations. An anonymous allegation of assault on small boys in an unspecified context passed to MI5 might not have added much, if anything, to that information. On the other hand, it might have prompted the RUC to look more closely at the information it held about McGrath and to investigate it more robustly.
- 232 There is nothing whatever in these references, or in the many files and documents that we have examined relating to the period from June 1971 to January 1976, to suggest in any way that McGrath was an MI5 agent, or was believed by MI5 to be an agent of any other British intelligence agency. It took from June 1971 until at least April 1973 to establish that the William McGrath who worked at Kincora and the William McGrath reported to the security agencies were one and the same. This strongly suggests that McGrath was not an agent.

PART SEVEN

The Secret Intelligence Service (SIS) and Kincora

233 We have already explained that the SIS was part of the Irish Joint Section and provided the first person to hold the post of Director and Coordinator of Intelligence (DCI). We have already referred to the exchanges of information between the Security Service and the SIS in 1976 and 1977 when the SIS obtained a copy of the 3 Brigade Intelligence Report on Tara dated 28 January 1976, and it is unnecessary to repeat the details of those exchanges. We have also examined the documents handed over by Brian Gemmell to two SIS officers on 15 October 1976¹⁶⁸ when Brian Gemmell was apparently under the impression that he was speaking to MI5 officers. However, the request of 31 January 1977 by an SIS officer in London to MI5 merits further examination. This was a request to MI5 and intelligence staff in Northern Ireland to consider whether the source mentioned in the 3 Brigade letter “could be retasked for further information”.¹⁶⁹ The response of intelligence staff in Northern Ireland to the suggestion that Tara could be “a worthwhile target”, and that they supported recruitment to penetrate Tara, was revealing.

“Beyond knowing that there is a recruiting campaign in Tara, we know little about it, so are not sure whether we are yet in a position to discover a loophole that could be exploited by IJS. We do not know, for instance, where Tara seeks its recruits, apart from other organisations” [Intelligence Staff NI] certainly considers Tara to be a worthwhile target. Both [blank] and [blank] have been briefed to find traces of this elusive organisation”.¹⁷⁰

234 It has been alleged that McGrath had been an SIS agent for many years, perhaps from as long ago as 1958, for example by Chris Moore at pages 29 and 30 in his book, “*The Kincora Scandal*”. If that were the case, it is remarkable that in 1977 the SIS were saying that they knew very little about Tara, and describing it as an “elusive organisation”. If McGrath had been an SIS agent for many years, then SIS was in a position to find out whatever it needed to know about the Tara Brigade whenever it wished, if its leader was in fact one of their agents. That the SIS knew very little about Tara in 1977 strongly suggests that McGrath was not an SIS agent either then or at any other time.

168 Day 218, p 26.

169 KIN 3510.

170 KIN 3512.

The SIS and homosexuality

235 In his witness statement of 27 May 2016, Officer A explained the approach of the SIS to a question of homosexuality in the following way.

“SIS does not exploit children or vulnerable adults for operational purposes, nor tolerate their abuse either by their staff, or those who work on their behalf or in their support including SIS agents. In dealing with cases of child abuse or exploitation, our guiding principle is, as is set out in the UN Convention of the Rights of the Child and in the Children Act, that the best interest of the child should always prevail.”¹⁷¹

236 However, that is a statement of the SIS approach at the present day. Was that the position at the time the Inquiry has to consider?

237 In his evidence on Day 218, Officer A explained that while homosexuality was of interest to the SIS, SIS would not use homosexuality to pressurise an individual, but because homosexuality would make others vulnerable to blackmail it would be of interest to SIS. He expressed that in this way.

“Our concern.. Our concern would have been.. The concern around that would have been that people who were practising homosexuals at the time, at a time when it was possibly illegal in some parts, or certainly not as socially acceptable in other areas, might come under pressure from hostile foreign intelligence services or others seeking to undermine our National Security.”¹⁷²

“I mean, I would say SIS at that time and... would not use blackmail in that way, but our concern would have been over other... others using blackmail on people who were homosexual. So that’s why we would have had concern for that vulnerability.”¹⁷³

238 We have examined all the material held by the SIS on McGrath and Tara that has been disclosed to us, as well as other documents held by the SIS which we asked to see and which were provided to us. We found nothing whatever that suggests that McGrath was ever an agent of the SIS, or that the SIS had any knowledge of McGrath or Tara other than the information and documents to which we have referred. Nor have we

171 KIN 3525.

172 Day 218, p. 25.

173 Day 218, p. 26.

found any evidence to suggest that the SIS knew anything more than MI5 knew before the revelations in the *Irish Independent* of 24 January 1980 made public the sexual abuse of residents in Kincora by McGrath and others.

- 239 For the same reasons that we have explained in respect of MI5’s knowledge of McGrath’s homosexuality, information which came from the RUC, MI5 or the Army, we are satisfied that the Secret Intelligence Service cannot be legitimately criticised for its failure to appreciate that McGrath was in fact abusing residents in Kincora because we are satisfied it had no other information which suggested that he had abused, or might abuse, residents in his care at Kincora other than that he was homosexual.

Sir George Terry’s report

- 240 On several occasions we have referred to the investigation carried out by Sir George Terry, the Chief Constable of Sussex, and his officers, at the invitation of the Chief Constable of the RUC. Sir George Terry’s Terms of Reference were summarised by the Secretary of State for Northern Ireland to the House of Commons on 18 February 1982 as being:

“To investigate allegations about the way in which the Police have conducted their enquiries and in addition to have general oversight of the continuing investigations.”¹⁷⁴

This meant that Sir George Terry’s remit was firstly to examine the manner in which the RUC conducted the Caskey Phase One investigation, and secondly to oversee both the Caskey Phase Two and Phase Three investigations, because Caskey Phase Three was the secret part of the Caskey Phase Two.

- 241 Sir George Terry and his team carried out an exhaustive re-examination of the Caskey Phase One investigations, as can be seen from the extremely detailed reports and associated witness statements and exhibits prepared and compiled by D/Supt Harrison and D/Supt Flenley. In doing so, the Sussex Police interviewed all those former residents of Kincora who had been interviewed by the RUC, as well as many other witnesses, and we have previously referred to parts of the Sussex Police reports and to some of the witness statements taken by the Sussex

174 KIN 40003.

Police. In his report which was published on 28 October 1983,¹⁷⁵ Sir George Terry did not confine himself to his Terms of Reference, but expressed his views on a number of matters. These included the shortcomings as he saw them of the Social Services relating to Kincora, and steps that he considered should be taken to remedy those shortcomings. Those matters were not within his Terms of Reference. They had been examined in considerable detail by the Hughes Inquiry, and we have examined them in our Report, so it is unnecessary to make any comment on his views on those matters.

242 A matter which was within his Terms of Reference related to the approach of the RUC to the events in 1974 and 1976, which we have examined in considerable detail in the previous chapter. He said at No 51 (b):

“There was no cover-up or concealment of evidence or disciplinary breaches by the RUC personnel. There was some degree of lack of awareness over information / intelligence but this was at a time of intense terrorist activity which placed an excessive strain on Police resources and undoubtedly dictated priorities. There was, therefore, at this time an understandable inability [sic] to recognise that extremely vague information which arose in 1974, if probed thoroughly, may well have revealed that which was finally discovered in your 1980 investigations. In 1976 there was some other information which was not thoroughly recognised as relating to that which came to hand in 1974. In no way, however, by any stretch of imagination was this a question of a cover-up, only, I repeat, a lack of awareness, of interpretation and recognition. Any later critics had the benefit of what never exists at the time, namely, hindsight. In fact, it was D/Superintendent Caskey’s excellent work which ultimately focused attention upon this!”¹⁷⁶

243 In the previous chapter we have expressed our views on the manner in which the RUC investigated the Robophone message in 1973; the way in which D/Supt Graham dealt with the information he was given in 1974; and, the Cullen/Meharg investigations of 1974 and 1976. It will be apparent that our views do not coincide with Sir George Terry’s assessment of the competence displayed by the RUC in relation to those matters.

175 KIN 102162.

176 KIN 40019 and 40020.

244 At 51 (k) he expressed the following conclusion.

“The media have also given a degree of prominence to the fact that some Military Circles were aware of homosexual mis-practice in the Kincora Boys’ Hostel. The Military sources had been very frank with me and perfectly open during the ongoing enquiry by your own team under D/Superintendent Caskey. Let me say quite clearly that once more I sought evidence from all sources including the media with negative result.”¹⁷⁷

245 Sir George Terry’s assertion that military sources were “very frank” and “perfectly open during the ongoing enquiry by your own team under D/Superintendent Caskey” is difficult to understand. Whilst Ian Cameron was an officer of the Security Service, it is clear that his role at Army HQNI was such that he should have been regarded by Sir George Terry as coming within his description of “Military sources”. Whatever Sir George Terry may have been told about Ian Cameron, and what Ian Cameron did or did not say or do, appears to have come only from MI5 through Bernard Sheldon. As we have seen, Sir George Terry was aware of MI5’s efforts to prevent the RUC from interviewing Ian Cameron about the allegations made by Brian Gemmell.

246 We regard Sir George Terry’s assertion that military sources had been frank with him and perfectly open with D/Supt Caskey as unjustified.

The reasons for setting up the Hughes Inquiry

247 In an earlier chapter we recalled that on 18 February 1982 the Secretary of State for Northern Ireland announced that he did not intend to reconstitute the McGonagle Inquiry, but intended to appoint another Inquiry after the current police investigations were complete (that is Caskey Phase Two and Phase Three and the Terry Inquiry).

“...with a High Court Judge as Chairman sitting in public. The Terms of Reference of such an Inquiry and the powers it might need cannot be determined until the results of the present investigations are known. But I am anxious that there should be no lasting cause for public disquiet that the truth has not been wholly discovered.”¹⁷⁸

177 KIN 40023 and 40024.

178 KIN 21274.

248 Following the statement by the Secretary of State, the following exchange took place between him and Mr Gerry Fitt MP. Mr Fitt asked whether the Inquiry:

“Would enable Mr Colin Wallace, a former British Army Security Spokesman, who gave an interview to journalists in 1975 and made them aware of all the aspects of Kincora, to be brought before the Inquiry or the Courts?”¹⁷⁹

249 The Secretary of State replied by saying:

“The hon gentlemen asked about the powers of the Tribunals of Inquiry (Evidence) Act [1921]. He asked whether, if we decided on that type of Inquiry, the Inquiry would have power to call for people who had been imprisoned for one offence or another. Such an Inquiry has complete powers to call for evidence from whomsoever it desires. Therefore, the answer to his question is ‘Yes’.”¹⁸⁰

250 The statement by the Secretary of State, and the exchanges between himself and Mr Fitt MP, were significant for a number of reasons. While there was a call for an Inquiry to be set up under The Tribunals of Inquiry (Evidence) Act, 1921 (The 1921 Act) the Secretary of State did not definitely commit himself to establishing an Inquiry under that Act. However, he had committed the Government to there being an Inquiry which would be chaired by a High Court Judge, which would sit in public and call witnesses. Significantly the reference to Colin Wallace, at that time serving a prison sentence for manslaughter, being brought before such an Inquiry identified one of the reasons that contributed to the ultimate decision that there would not be a public inquiry held under the 1921 Act.

251 It was not until the DPP issued his direction of no prosecution on 18 May 1983 following consideration of the Caskey Phase Three Report, and the publications of Sir George Terry’s conclusions on 28 October 1983, that the way was clear for a decision to be taken on the form the promised inquiry should take and its Terms of Reference. Pending the delivery of the Terry Report, since 1982 the Northern Ireland Office had been giving considerable thought to whether the proposed Inquiry should be held under the 1921 Act or, as was eventually the case, a more limited form of Inquiry should be held under the provisions of Article 54 and Schedule 8 of the Health and Personal Social Services (Northern Ireland) Order, 1972 (The 1972 Order).

179 KIN 21275.

180 KIN 21275.

- 252 The NIO considered a 1921 Act Inquiry would have had a number of disadvantages. Lord Salmon’s 1966 Royal Commission on Tribunals of Inquiry had suggested that the use of the 1921 Act should be “limited to matters of public importance concerning which there is something of a nationwide crisis of confidence”. Officials doubted whether a local concern in Northern Ireland could be said to come within the category of a nationwide crisis of confidence. In any event, a debate in Parliament would be required to set up such an Inquiry.
- 253 A further factor was that it was anticipated that a 1921 Act Inquiry would be very long and very costly. It was later estimated that it might cost as much as £2 million.¹⁸¹
- 254 Another consideration was that a general immunity from prosecution for witnesses would normally be considered necessary, although some form of immunity would still be required for any Inquiry, whether under the 1921 Act or the 1972 Order.
- 255 A particular consideration appears to have been the concern that public hearings would attract public attention, and perhaps provide a platform for “those anxious to make political mileage or satisfy personal grudges.”¹⁸² A 1972 Order inquiry was thought to be speedier and less likely to become a media circus.¹⁸³
- 256 An important technical point was that although a 1921 Act Inquiry would have power to subpoena witnesses throughout the entirety of the United Kingdom, as the Secretary of State had expressly recognised in his reference to Colin Wallace in the exchanges in the House of Commons already quoted, a 1972 Order inquiry could only subpoena witnesses in Northern Ireland, something which was to prove significant when the Hughes Inquiry tried to interview Colin Wallace.
- 257 Notwithstanding the disadvantages of a 1921 Act inquiry, a meeting of Northern Ireland Office officials chaired by the Permanent Under Secretary on 30 March 1982 decided that:
- “public expectations had been aroused; and the wider powers of subpoena of the [1921] Act gave it an advantage over the 1972 Order. It was agreed that, in the absence of powerful arguments to the contrary, a 1921 Act would be required.”¹⁸⁴

181 KIN 102159.

182 KIN 102156.

183 KIN 102156.

184 KIN 102157.

258 Early in 1983, as the expected date of publication of the Terry report approached, discussions within the Northern Ireland Office on the form of inquiry resumed in earnest. At this stage it was still considered that only a 1921 Act inquiry was appropriate. As a meeting of officials on 28 April 1983 presciently concluded:

“It was likely that the extent of concern in the Province would mean that only the institution of such a wide ranging and powerful Inquiry [under the 1921 Act] would represent a sufficient response by Government”.¹⁸⁵

259 We have not considered it necessary to recite the details of every meeting or discussion of the arguments for or against a 1921 Act inquiry because, as a helpful Northern Ireland Office survey of events prepared in 1990 observed, “the picture began to shift” by 30 June 1983 when further considerations were examined. One was that the Security Service was concerned about the likely intrusion of the proposed inquiry into intelligence matters if the Terms of Reference were as wide as the NIO had in mind. The reference to there being at least two witnesses who it was thought could come forward with evidence which might, perhaps gratuitously, reveal information about the structure and range of activities of the Intelligence Services at the time in question was significant. One of the two possible witnesses was Colin Wallace, who was explicitly referred to in advice given to the Secretary of State on 20 July 1983 as a person serving a prison sentence for a manslaughter charge. The other, who was referred to as “a born again Christian who served in Military Intelligence” was obviously Brian Gemmell.¹⁸⁶

260 A further concern was that the Chief Constable of the RUC was expressing the view very strongly against any public inquiry with Terms of Reference that would allow “all the rumours to be aired yet again”.¹⁸⁷

261 Advice tendered to the Secretary of State on 20 July 1983 examined three possibilities.

- 1 A 1921 Act Inquiry
- 2 A 1972 Order Inquiry.
- 3 A non-statutory Inquiry without formal powers.

185 KIN 102158.

186 KIN 102159.

187 KIN 102158.

The Secretary of State considered the advice and discussed it with Sir Philip Woodfield, the Permanent Under-Secretary of the NIO. The Secretary of State was apparently attracted to the suggestion of a 1972 Order Inquiry chaired by a Northern Ireland High Court Judge, expressing the hope that:

“Whilst much would depend on public reaction to the publication of the Terry Report, it would be possible to resist establishing an Inquiry under the 1921 Act”.¹⁸⁸

262 In the event, what emerged was a 1972 Order Inquiry. The Lord Chief Justice of Northern Ireland had been consulted about making a Northern Ireland High Court Judge available as Chairman, but his lack of enthusiasm for that suggestion was evident. The Secretary of State announced the setting-up of the Hughes Inquiry on 18 January 1984. It had the following Terms of Reference:

“to

- a. inquire into the administration of children’s homes and young person’s hostels whose residents were subjected to homosexual offences which led to convictions by the Courts or where homosexual misconduct led to disciplinary action against members of the staff, and into the extent to which those responsible for the provision of residential care for children and young person’s could have prevented the commission of such acts or detected their occurrence at an earlier stage;
- b. consider the implications for present procedures and practices within the system of residential care, including in particular the adequacy and effectiveness of arrangements for the supervision and protection of children and young persons in residential care; and
- c. make recommendations with a view to promoting the welfare of such children and young persons and preventing any future malpractice.”¹⁸⁹

263 The Hughes Inquiry Terms of Reference therefore excluded any examination of the Security Services. In the event, the Hughes Inquiry only examined in a restricted fashion the RUC’s action in the 1970s insofar as it considered the Cullen/Meharg investigations of 1974 and

188 KIN 102159.

189 KIN 75380.

1976. That was in the context of what was or was not disclosed to social services at the time, and did not examine the wider issues of the adequacy of the RUC response because that was clearly outside the Terms of Reference of the Hughes Inquiry.

- 264 The NIO officials recognised in 1982 that despite the strength of the arguments against holding a 1921 Act Inquiry, a 1972 Order inquiry was not likely to allay public concern about Kincora. We are satisfied that the balance of the argument tipped away from a 1921 inquiry in favour of a 1972 Order inquiry because of the concerns expressed in 1983 by the Security Services about the risks to intelligence operations if witnesses such as Colin Wallace or Brian Gemmell had a public platform on which to advance their arguments. A further factor was the objections of the Chief Constable to a public inquiry which would permit, “all the rumours to be aired again”. The Chief Constable’s view is entirely understandable given the decisive views expressed in the Caskey Phase One, Two and Three Reports. Together these rejected allegations of abuse of residents by public figures and others, and dismissed the allegation of a cover-up. These conclusions were reached after an extremely extensive and thorough investigation. The Chief Constable no doubt anticipated that a public inquiry which was empowered to look at allegations relating to the Security Services would inevitably involve going over the same ground as had been covered by the RUC investigations to date. This was particularly as the outcome of the Sussex Police investigations under Sir George Terry supported the RUC findings.
- 265 Whilst there were valid and strong arguments against a 1921 Act inquiry as opposed to a 1972 Order inquiry, it was always possible that a 1972 Order inquiry would not allay the public concerns for the reasons identified by Northern Ireland Office officials on 28 April 1983.
- 266 The concerns about revelations of intelligence methods in Northern Ireland cannot be dismissed as merely an excuse for avoiding the examination of matters which might result in inconvenient truths being established. MI5 had repeatedly asserted that it had nothing to hide in respect of a criminal investigation, but the security and political environment was still extremely complex. Terrorist murders, bombings and shootings were still occurring at a very high level of frequency, and to that point all initiatives to bring about a political solution in Northern Ireland had foundered. Although we recognise the weight of the arguments against a wide-ranging public inquiry under the 1921 Act

at the time, as anticipated in April 1983 it proved in practice that the 1972 Order option did not bring an end to the rumours and innuendo about what did or did not happen in Kincora so far as the police and intelligence agencies were concerned.

- 267 We are surprised that greater consideration was not given to a variation of the third option, namely a non-statutory inquiry without formal powers. The direction of the DPP that there should be no prosecution merely established that there were no grounds for criminal proceedings. Without a prosecution the full nature and extent of the extremely thorough Caskey Phase Two and Three Investigations and the equally thorough Sussex Police investigations would never be made public. Only Sir George Terry’s conclusions were published. Therefore, so far as the public, politicians and the media were concerned they were being asked to take on trust that the role of the Security Services had been examined.
- 268 However, as we have concluded in our consideration of Sir George Terry’s Report, it appears to be the case that he accepted the assurances of MI5 without investigating the Ian Cameron issue, and officials in the NIO were aware at the highest level that the RUC had been obstructed in their efforts to interview Ian Cameron.
- 269 We are satisfied that the NIO were not justified in forming their belief that the RUC investigations, the decision of the DPP, and Sir George Terry’s Report, taken together, provided a firm basis upon which to argue against an inquiry into the role of the Security Services. We recognise the validity of the concerns of the Security Services if intelligence methods were to be examined in public at a time of continuing serious terrorist activity and political instability. Nevertheless, we consider that it should have been possible to establish a non-statutory inquiry conducted by a senior judge or retired judge from outside Northern Ireland which would sit in private, but have access to all the relevant witnesses and documents. There was a recent precedent for an Inquiry of that general type in the form of the *Report of the Committee of Inquiry into Police Interrogations Procedures in Northern Ireland*¹⁹⁰ under the chairmanship of His Honour Judge H G Bennett QC, which reported in 1979. That committee sat in private but heard oral evidence on fourteen days at Stormont and on three days in London, as well as hearing from 58 witnesses.¹⁹¹

190 Cmnd. 7497 *Report of the Committee of Inquiry into Police Interrogations Procedures in Northern Ireland*.

191 *Ibid*, pp.3 and 4.

- 270 An Inquiry of that type presided over by a senior judge from outside Northern Ireland, such as either a serving or a retired lord of appeal or a lord justice of appeal, would have provided a mechanism whereby an authoritative and thorough investigation could be carried out of those issues which were not possible because of the Terms of Reference of the Hughes Inquiry. Such an Inquiry could have been provided with suitable Terms of Reference which would have enabled it to proceed in private in parallel with, or to be held immediately following, the Hughes Inquiry. Whilst it would be held in private, the Report could have provided sufficient detail to explain why it reached its conclusions without imperilling intelligence operations. We have seen nothing to suggest that such an option was seriously considered, let alone explored in detail.
- 271 Whilst it could be argued that such an inquiry should have been set up is to view the matter with the advantage of hindsight, we do not accept that that is the case because in July 1982 NIO Officials accurately foresaw the very problem which was not answered by the deliberately narrow terms of the Hughes Inquiry, namely that such a limited inquiry would not provide answers to many of the questions which were being raised at the time. The decision that was made to rely on the basis of the DPP’s direction of no prosecution and the outcome of the Terry Report was misguided.

PART EIGHT

Military intelligence, Tara and McGrath

- 272 When considering Brian Gemmell and Ian Cameron, we have examined whether there was a MISR as Brian Gemmell claimed to the police when interviewed by D/Supt Caskey on 16 July 1982. For the reasons we have already given, we concluded that Brian Gemmell mistakenly conflated the short 1975 MISR and the 14 October 1976 document that he prepared and then handed to two members of the SIS on 15 October 1976. We now turn to consider other material that is relevant to establishing what military intelligence knew about McGrath. By military intelligence we mean the Intelligence Units of the Regular Army and Intelligence or information obtained by Intelligence Officers in the UDR.
- 273 As Junior Counsel to the Inquiry explained on Day 220, the Ministry of Defence have not been able to find two files which it is clear were still in existence in 1990, because they were referred to in the supplementary Rucker Report prepared in 1990. This was an internal Ministry of Defence Report to which we refer later. The two files were the HQNI Tara file and the 39 Brigade Tara file, which appear to have been passed to the Security Service at some point in 1990. Officer 9004's evidence on behalf of the Security Service was that the two files were in the possession of the Security Services as late as 18 June 1990, but it was not possible to say with any certainty what happened to them after that. He speculated that they might have been returned to the Ministry of Defence, or destroyed for one reason or another.¹⁹²
- 274 We have already considered the evidence of Major Saunders, who examined the HQNI Tara file and the 39 Infantry Brigade file and as a result produced eleven documents which he gave to D/Supt Caskey. Some of these came from the HQNI file, 5523/6, others from a file 3350/16, which was recovered from 39 Infantry Brigade. The documents from 39 Infantry Brigade included the 22 May 1975 MISR. Although neither the HQNI Tara file nor the 39 Infantry Brigade file can now be found, their contents were examined at various dates between 1982 and 1990 by Major Saunders, by Mr Noakes who was an MoD researcher, and by Mr Rucker. We have the eleven documents produced from both files by Major Saunders and which he provided to the RUC. This makes it possible to establish with reasonable confidence that nothing else of relevance to this Inquiry was in the two files, although we cannot say that with complete certainty as the files cannot now be found.

192 Day 219, p.45.

Witness C

- 275 On Day 222 we heard evidence from witness C who was a Major serving in the Intelligence Branch at HQNI at Thiepval, known as G Int in 1974 and 1975. He explained that he was a desk officer responsible for looking at terrorist or extremist protestant groups. As such it was his task to receive reports from field officers, and then to make assessments about the reports before disseminating that information as he considered appropriate.¹⁹³ One of those groups was Tara.
- 276 Witness C wrote a report on Tara dated 6 July 1974 in which he said that Tara’s existence had been known since 1972, and that little had been heard of it until the appearance of posters in Belfast on 11 April 1973. He went on to say that:
- “...very little is known about TARA which has always been shrouded in mystery. (It claims to be a secret organisation). Some personalities known are:-
- a William McGrath, 5 Greenwood Avenue, Upper Newtownards Road, Belfast, CO of Tara, has communist leanings and a reputed homosexual”.¹⁹⁴
- 277 This assessment is interesting for a number of reasons. First of all, the address given for McGrath of 5 Greenwood Avenue was wrong, and in any event out of date. When he lived at Greenwood Avenue it was at number 4 and not at number 5 and he had been living at 188 Upper Newtownards Road for a considerable period of time. Secondly, although the report refers to McGrath as a “reputed homosexual”, it makes no reference to his employment at Kincora, or to Kincora in any form. Thirdly, witness C’s view of Tara was revealing when he commented to us that at the time his branch did not regard Tara as a secret organisation, saying “to us they were just an organisation”.¹⁹⁵ In his inquiry witness statement he said that Tara was an organisation of limited interest to the Army.¹⁹⁶ He also told us that the reference to McGrath’s homosexuality was a piece of information that would not have been of great importance to him in his work.¹⁹⁷

193 Day 222, p.44.

194 KIN 2513.

195 Day 222, p.49.

196 KIN 2506.

197 Day 222, p49.

278 Witness C explained that he had asked Colin Wallace for a copy of a sheet he knew Wallace had on Tara, and he believed that he based his report of 6 July 1974 on the document Colin Wallace gave him.¹⁹⁸ That document contains the following reference to McGrath.

“Other information that has come to light includes the name of the OC-William McGrath. He is said to be a homosexual and has conned many people into membership by threatening them with revealing homosexual activities which he had initiated. He is also thought to owe more allegiance to the Red Flag than to either the Union Jack or the Tricolour”.¹⁹⁹

279 If witness C is correct that he obtained this document from Colin Wallace, then it must have been created by Colin Wallace at some time before witness C drew on it to prepare his 4 July 1974 report on Tara. We consider it significant that the document Colin Wallace prepared makes no reference to Kincora, or to McGrath’s employment there, or to McGrath being believed to sexually assault residents at Kincora. We are satisfied from the passage quoted above that the reference to McGrath having conned many people into membership relates to membership of Tara. We refer to this document again when we examine Colin Wallace’s account of events.

280 The next Army document in chronological sequence that refers to McGrath was written by witness C on 26 February 1975, and was addressed to RO 2. We are satisfied that RO 2 was a subordinate of Ian Cameron. Given the importance of this document we set it out in full.

“William McGrath (Tara) – 188 Upper Newtownards Rd

1. Subject first came to notice in April 1973 when Jean Coulter said he was leading Tara and that his son was also involved. Enquiries with PR HQNI indicated that McGrath was homosexual and had communist tendencies. Clifford Smyth (Tara and DUP) was reported to be living at McGrath’s house at that time.
2. By Oct 73, further reports confirmed that McGrath was homosexual and was using the Puritan Printing Co for propaganda purposes. During October and November 73, police reports indicated that McGrath received a visitor from England, a Miss De Verne, and 2 Dutch journalists, one of them called Elisabeth

198 Day 222, p.51.

199 KIN 2515.

Schaait. We do not know the purpose of these visits but on 6 Nov 73 an A2 report stated that McGrath intended to visit KIN 390 of Amsterdam.

3. McGrath again came to light in September 1974 when a Tara/ULA propaganda cassette tape was transcribed which exhorted the listener to send funds to McGrath, giving his previous address, 5 Greenwood Avenue, Belfast.
4. An intelligent though devious man, who needs extremely careful ‘handling’. I do not at present fully trust him but he is undoubtedly a mine of useful information on past incidents, organisation and personalities.”²⁰⁰

281 This assessment of McGrath incorporated some new information. It correctly gave his address as 188 Upper Newtownards Road. Whilst the reference to “PR HQNI” suggests that this was referring to the document received from Colin Wallace in July 1974, because it echoes the assertion in that document that McGrath was homosexual and had communist tendencies, the reference in paragraph 3 to McGrath coming to attention again in September 1974 is a reference to events which must have occurred after witness C wrote his July 1974 report.

282 It is paragraph 4 that is of particular significance to the Inquiry. On reading paragraph 4 one possible construction of that paragraph is that witness C had formed his assessment of McGrath because he had met him, and that McGrath was providing information to the Army. However, we consider that, looked at in isolation, the other construction is that it was an assessment arrived at by the author after considering other information available to him. Witness C explained to us that what he did was to prepare an overall assessment based on the information that his desk, that is the Protestant/loyalist extremist desk, had on McGrath at the time. He was emphatic that he never met McGrath, nor that he intended to do so at the time. As he put it, “that’s a pure paper assessment”.²⁰¹

283 There is no other material which we have so far examined which provided any basis for a suggestion that McGrath was an Army agent. The way in which he was referred to in the contemporary records shows that he was a person who was of only limited interest, and that interest was

200 KIN 2518.

201 Day 222, p.58.

because he was the commanding officer of Tara. It is also clear that relatively little was known about him. These considerations suggest to us that the explanation witness C gave for the way he wrote paragraph 4 was entirely plausible, and having seen and heard him give evidence we accept that his evidence on what he wrote and why he wrote it, and what he meant, was credible and reliable.

- 284 The next Army document in chronological terms that we examined in this context was dated 22 March 1975. This came from a Sergeant and a Corporal attached to an Army Intelligence Unit based at Castlereagh in East Belfast which reported to 39 Infantry Brigade. They reported that since 1974 they had been working on Tara, and had been given information by an RUC constable attached to what they described as the SPG (Special Patrol Group) “Int”, that is intelligence. The Special Patrol Group was an RUC uniformed unit that performed various policing tasks as necessary whenever and wherever it was needed, such as quelling riots or carrying out large scale police searches. The SPG was a predecessor of the present day PSNI Mobile Support Units which perform broadly similar functions.
- 285 The 22 March 1975 Report contained a great deal of background information on McGrath, and on his relations with other figures including Roy Garland. The Report said that much of the information was attributed to Miss Shaw, and that “Miss Shaw has a grievance to settle with McGrath, whom she dislikes intently for moral reasons”.²⁰² While the report refers to McGrath as the “warden of Kincora Boys Hostel”, and states that there were letters “written by McGrath to one Roy Garland when they were having an affair”, it contains no reference to McGrath abusing residents in Kincora.
- 286 As we have already considered the events involving Brian Gemmell and Ian Cameron that occurred in the months following this report of 22 March 1975 we now turn to examine the document dated 28 January 1976. It will be remembered that this is the document which had made its way unofficially to MI5 in October 1976, when a copy was handed over by Brian Gemmell on 15 October 1976. The 28 January 1976 document came from 3 Infantry Brigade in Lurgan and was signed by Major Halford McLeod. The document was sent to both GI “Int” HQNI and GI “Int” HQ39 Infantry Brigade: it consisted of four pages and two pages of press cuttings which

202 KIN 105013.

were attached. The report explained that the information came from three sources. It contained considerable detail about, and observations upon, McGrath, his religious and political views and his associates.

287 The following three passages are relevant.

- a) Paragraph 6 “McGrath is a homosexual and makes a practice of seducing promising young men”.²⁰³
- b) Paragraph 7 “McGrath is currently described from the 1975 Belfast Street Directory as a Welfare Officer. He is thought to be running some form of boys’ home”.²⁰⁴
- c) Paragraph 17 heading conclusion
“The picture is confused. You [HQNI and HQ39 Infantry Brigade] are in a better position to assess the information than we are. Perhaps the most interesting aspect is the [sic] many contradictions around the central figure, McGrath”.²⁰⁵

288 The reference to McGrath “seducing promising young men” clearly refers to adults involved at some stage with Tara, as can be seen from the names of those whom McGrath was said to have seduced. The reference to his being “thought to be running some form of boys’ home” is clearly incidental to McGrath’s financial and work history. The boys’ home was apparently unknown, and there is no reference to Kincora, or to McGrath sexually abusing residents.

289 When interviewed by D/Supt Caskey in September 1982 Major Halford McLeod said he was not aware in which boys’ home McGrath was employed. He continued:

“I cannot recall any specific boys’ home being mentioned. When I was preparing this report I was not so much interested in McGrath’s homosexual activity but rather in his involvement with Tara and possible Communist links and links with Ian Paisley and his links with security forces.”²⁰⁶

290 Major Halford McLeod said that he had received the information upon which this report was based from UDR Major H who was a UDR officer, and from a source to whom he was introduced by UDR Major H, but

203 KIN 30298.

204 KIN 30298.

205 KIN 30299.

206 KIN 30151.

he could not remember who the source was. At this time 3 UDR to whom UDR Major H was attached was under the command of 3 Infantry Brigade.²⁰⁷ UDR Major H told the police in 1982 that Major Halford McLeod did not meet three people whom Major Halford McLeod had named through him, one of whom was Roy Garland. He said in his 1982 police statement that at the time he was the 3 UDR Intelligence Officer and that he collected information on McGrath. He said:

“I cannot remember exactly what all Garland told me but I do remember Garland saying that McGrath was a homosexual and was employed in a boys’ home. He did not tell me what home McGrath was employed in or that McGrath had committed any offences.”²⁰⁸

- 291 UDR Captain N also served in 3 UDR. He explained what he told UDR Major H in a statement he made to D/Supt Caskey on 28 September 1982 in this way:

“The information I passed was that I believe McGrath to be a homosexual and his association with up and coming young men in Unionist Politics, including his involvement with TARA. I knew Roy Garland and it was me who introduced Garland to [UDR Major H]. It was Garland who referred to the fact that he believed that McGrath was working in a boys’ home. The name of the home, was to the best of my knowledge, not stated.”²⁰⁹

- 292 When the accounts given by Major Halford McLeod, UDR Major H and UDR Captain N are compared with the contents of Major Halford McLeod’s January 1976 report they indicate that whilst a number of Army and UDR officers believed McGrath to be homosexual, or that he was reputed to be, and that McGrath was alleged to have seduced “promising young men”, the young men were adults connected with McGrath through Tara. Although it was established that McGrath worked in a boys’ home, Kincora was not mentioned by name, nor was any allegation made that he was abusing the residents of any boys’ home, whatever he was said to have done in the past so far as Roy Garland was concerned. All these officers, including WITNESS C, were interested in McGrath solely because he was the Commanding Officer of Tara. That McGrath worked in a boys’ home was merely incidental to their interest in him and that interest was because of his connection with Tara.

207 KIN 30151.

208 KIN 30152.

209 KIN 30154.

PART NINE

The allegations of Colin Wallace

- 293 Mr Colin Wallace is a former civilian employee of the Ministry of Defence who was employed as a Senior Information Officer at HQNI when he was moved to a post in Lancashire in January 1975 and then dismissed later that year. Mr Wallace has made many statements over the years to the effect that the Army were aware that residents of Kincora were being sexually abused by McGrath and did not intervene to stop it. In particular, he claims to have prepared a long memorandum dated 8 November 1974 which recommended that the Army, amongst other steps, make a final attempt to get the RUC to investigate the matter. This memorandum appears in *Who Framed Colin Wallace?* by Paul Foot, first published in 1989. The references which we make to that book are taken from the paperback edition published in 1990. *Who Framed Colin Wallace?* considered this memorandum as well as other matters relating to Colin Wallace, including the circumstances leading to his conviction for the manslaughter of Jonathan Lewis in 1980.
- 294 From its investigations the Inquiry was aware that over the years Mr Wallace had written many letters to prime ministers, ministers, civil servants, members of parliament, as well as speaking to many journalists, about his allegations relating to Kincora. The Inquiry examined letters from him in the possession of various Government departments and these, and the allegations contained therein, led us to decide that he should be invited to help the Inquiry with its investigations into Kincora because of what he had said and written in the past. The Inquiry therefore contacted Mr Wallace through his solicitors by letter dated 19 April 2016. We invited him to become a core participant in the Kincora module, and made it clear that if he was prepared to become a core participant, depending upon his financial circumstances, he may be eligible for legal representation at the Inquiry at the Inquiry’s expense. In addition, we requested that in any event he provide the Inquiry with a witness statement dealing with 32 questions which the Inquiry regarded as relevant to the issues it identified.
- 295 Mr Wallace’s response by way of an email of 26 April 2016 from his solicitor was to request details of witnesses and documents in order to assist him to decide whether “he wishes to engage with the Inquiry in any capacity”. The Inquiry responded to Mr Wallace’s solicitors on

28 April 2016 pointing out that it was not the Inquiry’s practice to disclose details of this nature before the opening of the module, and it saw no reason to depart from that practice. The Inquiry repeated the invitation to Mr Wallace to become a core participant, and again pointed out that he may be eligible for funding for legal assistance to enable him to prepare the witness statement the Inquiry had already requested him to provide. This letter from the Inquiry solicitor concludes:

“If Mr Wallace does not wish to assist the Inquiry in its work by providing a witness statement in which he answers the questions set out in my letter of 19 April, questions which are plainly relevant to the Inquiry’s work, the Inquiry will have no alternative but to conclude that Mr Wallace refuses to answer any questions and will proceed accordingly.”²¹⁰

- 296 Mr Wallace’s solicitors replied by email on 29 April 2016 saying that he “will not engage in any capacity with the Inquiry”.
- 297 Despite Mr Wallace’s attitude, on 31 May 2016 on the opening day of the Inquiry’s public hearings into Kincora the Chairman stated that although Mr Wallace, Brian Gemmell and Roy Garland had each refused to become core participants, and had not provided witness statements dealing with the various questions posed to them by the Inquiry, if they changed their minds by Friday 10 June 2016 and provided the witness statements requested, they could still take part in the hearings as core participants. If they did not do so by 10 June it would be too late. Mr Wallace did not respond to that invitation, and the public hearings into Kincora ended on 8 July 2016.
- 298 Two months after the public hearings ended, Mr Wallace wrote to the Inquiry on 9 September 2016 attaching a 51-page document headed “Response to the Historical Institutional Abuse Inquiry by Colin Wallace September 2016”. He attached a large number of documents to that letter. From the document and the attachments it was clear that Mr Wallace had closely analysed the transcripts of the public hearings during the intervening period of two months.
- 299 He subsequently sent four further letters.
1. On 26 September 2016 he sent a further two-page letter to the Inquiry, to which he attached two further documents.

210 KIN 123332.

2. On 17 October he sent a nine-page letter to the Inquiry attaching seven further documents.
3. On 27 October 2016 he sent a three-page letter to the Inquiry attaching three further documents.
4. On 7 November 2016 he sent a two-page letter to the Inquiry attaching four further documents.

The Inquiry has considered each of these letters and documents, and we took them all into account. In due course these will be placed on the Inquiry’s website.

- 300 As will become apparent, Mr Wallace has engaged in voluminous correspondence about Kincora over the years. We do not intend in this Report to refer to each and every letter he has written, or to every document or press cutting to which he has referred, nor to every document referred to by the Inquiry in the Kincora module transcripts which may touch on Mr Wallace. The Inquiry has examined and considered them all. For the Inquiry to respond to each and every one of those documents, many of which contain repetitions of the same or similar points made in other documents, or refer to matters that are not relevant to Kincora would be out of all proportion to their relevance to the issues which the Inquiry has considered.
- 301 When assessing the credibility of the various accounts Mr Wallace has given about his knowledge of Kincora we have taken into account that he has not provided a witness statement to this Inquiry dealing with the questions posed to him, and that in the past he has refused to answer pertinent questions about Kincora which had been put to him by the RUC and by the Hughes Inquiry. In his response to the Inquiry Warning Letter Mr Wallace complained that he had been given insufficient time to respond to, and comment upon, the extracts of the Draft Report sent to him which referred to him and in which he was criticised. However, he produced a 45 page response with some attachments in which he again avoided responding to relevant matters within his knowledge to which the Inquiry referred in the draft sent to him, but concentrated on points and material which were of little value to the Inquiry. We have taken into account his continued failure to provide relevant information.
- 302 Mr Wallace’s history is unusual in many respects, as will be apparent from the following brief résumé of some of the principal events in which he was concerned. Some of these events, particularly his conviction

for the manslaughter of Jonathan Lewis, are only indirectly relevant to the issues which this Inquiry considered it necessary to examine, but because they are closely interwoven with those issues some reference to them is inevitable when his allegations about Kincora are being examined.

- 303 In 1975 Mr Wallace was dismissed from his post as a Senior Information Officer by the Ministry of Defence after he attempted to pass classified Ministry of Defence documents to a journalist. As we shall explain, the documents were found and handed to the RUC before the journalist could receive them. Mr Wallace appealed his dismissal to the Civil Service Appeals Board (CSAB), which ultimately suggested that he be permitted to resign. He and the Ministry of Defence accepted this with the result that Mr Wallace resigned from his employment with effect from 31 December 1975.
- 304 At the time, Mr Wallace contended that the nature of his work was such that he was acting properly in attempting to pass the documents to the journalist, and that this would be apparent from an examination of his job description. The full job description was not produced, although some reference was made to its scope by Mr Wallace’s representatives in their submissions to the CSAB. The failure to produce a full description, and what Mr Wallace maintained was therefore a distortion of his true position, was a major grievance on his part at that time, and remains so.
- 305 Unknown to him at the time, but as has since been established, the MoD approached the Chairman of the CSAB before the hearing and secretly briefed him about the reasons relating to Mr Wallace’s dismissal. When this emerged in 1989, the then Conservative Government appointed David Calcutt QC to review the matter. Mr Calcutt concluded that representatives of the MoD had been in private communication with the Chairman before the appeal, and that the full range of Mr Wallace’s work was not made plain to the CSAB. He concluded that Mr Wallace should not have been dismissed and recommended that he receive £30,000 compensation.
- 306 Mr Wallace has long contended that prior to his dismissal he was involved with a project known as “Clockwork Orange”. For many years the Government denied that there was such a project, but in 1989 documents which led to the revelation about the approach to the CSAB

also confirmed that, in the Government’s view, whilst there had been a discussion of such a project it never came to fruition. The denials that Clockwork Orange existed continue to annoy Mr Wallace to the present day, as can be seen from correspondence to which we later refer. It was the discovery of documents relating to Clockwork Orange that set in train the events that led to the appointment of David Calcutt QC to review the hearing before the CSAB.

307 Mr Wallace has also claimed that his dismissal in 1975 was because of what he knew about Kincora. On 17 February 2004, when giving evidence to a committee of Dáil Éireann (the lower house of the Irish Parliament) in connection with a report prepared by Mr Justice Barron on the Dublin and Monaghan bombings, Mr Wallace said:

“I was forced out of Northern Ireland as a result of a dispute with the security service over the Kincora Boys’ Home scandal in Belfast...”²¹¹

308 As we shall see, Mr Wallace was posted from Thiepval to a new posting in Preston in Lancashire early in 1975. If, as he claims, that posting came about because of a dispute with the Security Service over what was happening in Kincora that would be an important matter supporting his general credibility. For that reason we have examined the circumstances surrounding his leaving Northern Ireland and which led to his dismissal from his post as a Senior Information Officer, and the events surrounding the appeal before the Civil Service Appeal Board.

309 Following his resignation from his MoD employment at the end of 1975, Mr Wallace took up employment with a local authority in the South of England. In 1980 he was charged with the murder, and convicted of the manslaughter of Jonathan Lewis and sentenced to ten years imprisonment. His initial appeal against his conviction was dismissed. Subsequently, his conviction was referred back to the Court of Appeal (Criminal Division) which quashed the conviction and decided not to order a retrial. Much of the correspondence to which we refer in which Mr Wallace engaged while he was in prison serving the sentence on the manslaughter charge related to his conviction on that charge. Those circumstances are not relevant to the issues considered by the Inquiry which relate to Kincora.

211 KIN 122004.

310 The 8 November 1974 document to which we have already referred is of great significance. If it was compiled in November 1974, as it purports to have been, it very strongly supports the credibility of Mr Wallace’s account of what he knew and what he claims others in HQNI knew about sexual abuse in Kincora in 1974. The document first came to the notice of the RUC when it was passed to Sussex Police by Mr Holroyd in 1984. In due course we examine issues which have been raised about its authenticity, but we consider it appropriate to examine those issues, and the nature and content of the document, when we come to consider other material relating to events in 1974 and 1975. We examined the relevant events relating to Mr Wallace and Kincora in a broadly chronological form, but before turning to them we consider it appropriate at this stage to refer to his background and work at Thiepval.

Colin Wallace’s background

311 Although different dates are given in the documents we have examined it appears that Mr Wallace was born on 6 June 1943, and is now 73. He was educated at Ballymena Academy in County Antrim, leaving in 1960 after passing eight O-levels. He then appears to have attended Belfast Technical College before working for a number of years in a pharmaceutical company in Ballymena. In 1964 he joined the Territorial Army Volunteer Reserve (TAVR) and was commissioned as a Captain in the Army Cadet Force (ACF). He also served in the Ulster Special Constabulary (USC, commonly known as the ‘B’ Specials) from 28 December 1965 until 1968.²¹² On 17 January 1972 he became a part-time member of the UDR,²¹³ and in May 1972 was granted a commission as a Second Lieutenant, with the acting rank of Captain backdated to 18 January 1972. During his service with the ACF he undertook a number of courses. It is clear from the details of the courses he went on between 1966 and 1971, which included parachute courses at the French Free Fall School at Pau, the US Parachute School at Fort Benning in Georgia, and the New Zealand SAS (Special Air Service) Patrol Course, that he was a very active part-time soldier, and in particular became an enthusiastic free fall parachutist.²¹⁴

212 KIN 30007.

213 KIN 30361.

214 KIN 30363.

312 On 1 May 1968 he became a civilian employee of the Army Information Service based at Lisburn as an Assistant Information Officer, and by the end of 1974 had recently been promoted to Senior Information Officer. We consider his role in the Army Information Service when we examine the events of 1974 and 1975 which culminated in his dismissal and appeal to the CSAB, but at this stage we examine the circumstances in which he has claimed that he first heard of concerns about the abuse of boys who were resident in Kincora.

Contact by a social worker in 1972

313 In 1982 Mr Wallace described the circumstances in which he first became aware of what he described as “the situation at Kincora” in the following passage of a longer document he prepared at that time:

“I believe it was in early 1972 that I was first made aware of the situation at Kincora. I had just returned to HQ Northern Ireland from Londonderry where I had been on detached duty for the ‘Bloody Sunday’ tribunal. At this time I had been running an Army Free Fall Parachute Team (The Phantoms) as an Information Policy/Community Relations Project. The team had been a very popular attraction and appeared at numerous events and functions, including many where the Security Forces would otherwise have been very unwelcome. Shortly after one such display I was telephoned by a woman who claimed to be a social worker and who said that she had been given my name by a clergyman at whose church fete the Parachute team had recently given a display. She said she had some information to give me in confidence and I agreed to meet her in Belfast. When I met her she told me that she had a young boy in her charge who was a resident in the Kincora Boys’ Home and who claimed that he had been sexually assaulted by the staff of the Home. She went on to say that there had been similar claims by other inmates of the Home and that although the matter had been reported to the RUC no action had been taken. She asked if, through Army channels, I could get the police to take action. Quite clearly she was very distressed and she asked me to ensure that her identity was not disclosed.”²¹⁵

314 There are a number of aspects of this account that are curious. First of all, it is difficult to understand why Mr Wallace’s name would have been

215 KIN 102801 and 102802.

given to this lady by a clergyman. If she were concerned about her charge we would have expected her to be pointed elsewhere and not to an Army Information Officer. There is no suggestion in this account that this lady had approached more obvious candidates, such as an MP or journalist, if the RUC were not taking action. Secondly, this conversation is said to have taken place sometime after the Widgery Hearings ended. Those hearings ended in Northern Ireland on 14 March 1972, and the first resident of Kincora known to have been sexually assaulted by McGrath was HIA 532 who arrived at Kincora on 9 April 1972. He gave evidence to us on Day 208, and said that Mains and Semple never abused him but McGrath abused him on each of his three periods in Kincora, the first of which started on 9 April 1972. He told us that he never reported the abuse to anybody, and that his social worker was a male.²¹⁶ HIA 532 could not therefore be the person about whom the female social worker was speaking. If such a conversation took place, it must have related to abuse of other residents by either Semple or Mains before 1972. As is now known, Mains had been the subject of complaints in 1971, which were not reported to the police, nor were the earlier 1967 complaints about him reported to the police. There were no complaints known about Semple until the Caskey Phase One RUC investigation in 1980. It is therefore difficult to understand who this lady could have referred to, or how a reference came to be made by her in 1972 to a report to the police and the RUC not taking action when no report had been made to the Police in any shape until 1973.

- 315 The identity of the female social worker to whom Mr Wallace referred was clearly something which is important to any examination of his account, and there had been a number of attempts to obtain further information about this lady to see whether she could be traced in order to establish whether Mr Wallace’s account could be confirmed. On 21 April 1985 Mr Wallace wrote to his solicitor responding to an enquiry by the Hughes Inquiry as to whether he would be prepared to assist it. The Inquiry had asked whether Mr Wallace had any preconditions, and he said that there were three, the third being

“...an acceptance of the fact that I would not be prepared to disclose the name of any of my sources or members of the Intelligence Services.”²¹⁷

216 Day 208, p.134.

217 KIN 35387.

316 The most surprising aspect of this account is that Mr Wallace said that the lady told him that the boy “had been assaulted by by the staff of the Home”. (Emphasis added) Whilst McGrath joined the staff at Kincora in 1971, he is not referred to by name in this account, although by 1982 when Mr Wallace wrote the account McGrath’s name had been at the centre of references to Kincora in the media following his conviction and sentence at the end of December 1981. However, when *Who Framed Colin Wallace?* appeared in 1989 Mr Wallace claimed the lady told him that it was McGrath who was abusing the boy and no reference was made to other staff, that is to Mains and Semple, abusing residents, and Kincora was not referred to at all.

“She said that she had been in charge of a youngster who had alleged that he had been assaulted by William McGrath. She said the matter had been referred to the police, but the police didn’t seem to be doing anything about it.”²¹⁸

Given the attention to the smallest detail that is a characteristic of Mr Wallace’s communications the change between 1982 when it is “the staff” who are responsible for the abuse described by the lady, to McGrath being the abuser is striking. We regarded this as a significant inconsistency between accounts Mr Wallace has given of this conversation.

317 On Friday 13 December 1985 Mr Mercier, the solicitor to the Hughes Inquiry, went to Lewes Prison to see Mr Wallace. Two of the questions he wished to put to Mr Wallace on behalf of the Inquiry were the name of the social worker and the name of the boy assaulted. Mr Mercier’s note of that meeting stated that Mr Wallace’s response, after consulting his solicitor, was to say that there was no point in answering questions in the narrow context suggested by the Hughes Inquiry. His answers could be taken out of context and used to create a story which was not true.²¹⁹ Mr Wallace’s letter to his solicitor the next day accepted by implication that he was not prepared to answer these questions.²²⁰

318 Our Inquiry also wished to establish if at all possible the identity of this person and Mr Wallace was asked to answer the following questions:

- 1 Give the identity of the woman who is described at p134 of *Who Framed Colin Wallace?* as approaching him in 1972 to voice concerns about Kincora.

218 Page 134 of the book, KIN 5200.

219 KIN 75521.

220 KIN 104104.

- 2 If he does not know her name, please give any information, such as her age, hair colouring, size or any other feature that might help to identify her.
- 3 Did she say the address or department in which she worked?
- 4 Did he make any record then or subsequently of the conversation? If so, if he still has such a record please produce the original to the Inquiry.”²²¹

None of these questions have been answered.

319 Mr Wallace’s 1982 account strongly implies the social worker did identify herself to him at the time in some way, because he says she asked him to protect her identity. We can conceive of no valid reason why Mr Wallace has not been prepared to provide the name, or any information that would assist in identifying this social worker. By his account of her actions she was performing a public duty. She would not have been subject to the Official Secrets Act. Mr Wallace’s consistent refusals to identify the social worker, and the strange, even bizarre, account as to how and why the social worker approached him, raised considerable reservations in our minds as to the credibility of his account. His refusal to provide any information that could help to identify her without any good reason suggests that this social worker may not even have existed.

Colin Wallace, the press and “psyops”

320 Mr Wallace’s role as a Senior Information Officer was an unusual one. Between July 1973 and September 1974 Peter Broderick was the head of the Army Information Service unit at HQNI, and as such Mr Wallace’s superior until Mr Broderick left Northern Ireland in September 1974 for a new appointment elsewhere in the Civil Service. In a lengthy statement which he submitted to the CSAB in 1975 in support of Mr Wallace, he described how there were two distinct sections or branches within the AIS at HQNI. One was PR (Public Relations) which dealt with what we regard as conventional public relations work on behalf of the Army by issuing press releases, liaising with journalists and matters of that sort. The other section was a separate military unit with the title IP (Information Policy). Mr Broderick explained that the brief of IP was:

221 KIN 123326.

“...to use psychological means to assist operations strategically and tactically. It is a skill that requires sensitivity, political finesse, and a thorough knowledge of the situation”.²²²

321 While Mr Wallace worked closely with IP, Mr Wallace’s primary job, according to Mr Broderick, was working with the press. Mr Broderick described that task in another passage from his statement to the CSAB.

“Though on the staff of public relations, he was used by Information Policy as their outlet to the press. He also had knowledge of the Irish situation which was totally unique in the Headquarters and surpassed that even of most of the Intelligence Branch. As time progressed, he was not only the main briefer of the press, but also the advisor on Irish matters to the whole Headquarters and – because of his personal talents – contributed much creative thought to the Information Policy Unit. In order to do his job he had constant and free access to information of high classification and extreme sensitivity.”

322 “Wallace’s primary job was to win friends among the press and to gain their total confidence as a reliable source of information. By agreement with Intelligence in each case, he was supplied with selected information about terrorists, their activities, their sources of money and arms at home and overseas, of the allegiances of so-called innocents and such matters. This – together with his long-term and intimate knowledge of the Irish scene – made him an invaluable contact for the press. Almost all of his background briefings he gave non-attributably – and it is a measure of his skill and the regard for him by the press – that I cannot recall a single occasion when any reporter, even from the hostile papers, disclosed the source of the briefings.”²²³

323 Although a part-time officer in the ACF, and later in the UDR, Wallace was not a Military Officer at HQNI, but a civilian employee. Nevertheless it is clear that he worked very closely with the Military IP section, and no doubt his part-time military role helped him to understand, and so to work closely with, and be of use to, the military staff in Information Policy.

222 KIN 102118.

223 KIN 102119.

324 It is clear that Mr Wallace was highly regarded by his military colleagues, and by Mr Broderick, as can be seen from another passage in his CSAB statement.

“I do not hesitate to say that Colin Wallace is the best thing that ever happened to Army Public Relations in Northern Ireland; that if it had not been for his talents, knowledge and efforts, the Army could well have lost the propaganda war; and I could not wish to meet anyone more dedicated to the Army than he was and, so obviously, still is.”²²⁴

325 In 1975, in a document which we refer to as the “Damage Assessment”, Ian Cameron, the then ASP at HQNI, recognised Mr Wallace’s value to AIS and HQNI.

“Wallace’s experience, knowledge and advice was invaluable to the AIS in maintaining good relations with the Press, and in projecting the Army’s interests through the Media.”²²⁵

In the Damage Assessment Ian Cameron drew a distinction between Information Policy and Information Planning, referring to the latter as IP, but it was unnecessary for us to dwell on these distinctions.²²⁶

326 The reference by Mr Broderick to the role of Information Policy requires some elaboration. Mr Wallace has claimed on many occasions over the years that his work involved activities designed to deceive the media and others in order to damage the public perception of individuals or organisations perceived to be hostile to the Army and to the state.

327 Some of the activities he has described are commonly referred to under various titles, such as “Black Propaganda”. As the following description by Ian Cameron in the Damage Assessment indicates, propaganda can be divided into different categories depending on the identification of its source of origin.

“a. Black Propaganda. Any propaganda, the origin of which is completely concealed from the target audience;

b. Grey Propaganda. Any propaganda, the origin of which is left in doubt. This category also covers propaganda the origin of which may be initially concealed but which may subsequently become known to the target audience.

224 KIN 102120.

225 KIN 190196.

226 KIN 190192.

c. White Propaganda. Any propaganda the origin of which is readily apparent.”²²⁷

- 328 That may take many forms, such as a press briefing to plant a story in a newspaper or in radio or TV programme, or the creation of forged documents designed to provide direct or indirect support for the apparent truthfulness of the false information. the...’It is not for this Inquiry to decide whether or not such practices as were undertaken by elements of the Army in Northern Ireland in the early 1970s, particularly the creation of false documents, that is forgery, were legitimate tactics or weapons used in Northern Ireland in the early 1970s. That such practices did exist and were part of the stock in trade of Mr Wallace and others will be clear from documents we examine later in the chapter.
- 329 Over many years much ink has been spilt over what exactly Mr Wallace did or did not do, and what he was allowed to do. In a letter to the Prime Minister of 21 July 1990 Mr Wallace described his activities in this way:
“The MoD has been totally dishonest through this whole affair in that the department knowingly employed me for a number of years to disseminate disinformation including forged documents and faked classified information to the press, but now not only deny that most of these activities ever took place but also refuse to investigate any corroborating evidence which I submit to them. It is probably true to say that most of my disinformation work from 1971 to 1975 was in direct conflict with Civil Service Codes of Conduct, however, I was not only commended and promoted for my work, I was also recommended on three occasions for the MBE for my performance of such duties.”²²⁸
- 330 Recommendations for honours are not revealed and so the Inquiry has proceeded on the basis that Mr Wallace was recommended on three occasions for the award of an MBE.
- 331 That Mr Wallace did engage in black information and propaganda was ultimately recognised by the Ministry of Defence in 1989. We refer later to the circumstances in which documents which led to that recognition came to light. In the present context relating to the nature of the work Mr Wallace did, it is sufficient to refer to the following description of his work contained in a note attached to the letter sent by the Secretary of State for Defence to the Prime Minister on 25 September 1989.²²⁹

227 KIN 190193.

228 KIN 104251.

229 KIN 104026.

332 In the note the work Mr Wallace did was described as follows.

“(1) Wallace dealt frequently with issues which were classified within HQNI at least up to the time at which details were provided un-attributably to the media. It is possible – but cannot now be confirmed – that extracts from (or copies of) documents so classified may have been handed unattributably to members of the press; Wallace should only have engaged in the later actions when authorised to do so by his superiors but available evidence suggests that they may have given him considerable latitude to use his own judgement.

(2) Wallace was directly or indirectly involved in a number of projects which involved spreading misinformation: documents recently recovered from Archive suggest that on occasions the information disseminated was false.”²³⁰

333 Mr Wallace’s “job description” was described in this way.

“c. Wallace’s formal job description referred only to normal PR and public information duties; the MoD gave this document to the CSAB. But whilst at HQNI Wallace also became involved in supplementary work relating to black propaganda and misinformation. At one stage the Chief Information Officer sought approval for the issue of a supplementary document which identified and would have regularised Wallace’s involvement in the latter activities. No record has been found to confirm that the supplementary job description was approved and issued. But Wallace has indicated a clear knowledge of what the draft document covered and he sought to have it presented in evidence to the CSAB. No such document was given to the CSAB but Wallace’s Union Representative, who had been briefed in confidence by the MoD about the broad nature of Wallace’s supplementary duties, drew the CSAB’s attention to them, as did the Chief Information Officer in his evidence to the CSAB.”²³¹

The Chief Information Officer was Mr Broderick.

Mr Wallace and the need for clearance of proposals

334 For the MoD a central issue was that Mr Wallace had acted without authorisation as can be seen from the letter from the Secretary of State to the Prime Minister in the passage just quoted above where he said,

230 KIN 104027 and 104028.

231 KIN 104027 and 104028.

“...Wallace should only have engaged in the latter actions when authorised by his superiors”.

In his Damage Assessment prepared in 1975 Ian Cameron described the procedures for obtaining clearance for specific IP Projects.

“21. The planning and production of specific I.P. Projects is more closely controlled than the exploitation of themes in the course of unattributable briefings. Unless they are of no more than trifling importance they are discussed formally in a committee meeting presided over by the GSO I IP and attended by the GSC III IP and the SIO; the latter being present to advise on production and dissemination. [The SIO would have been Mr Wallace] When a draft outline plan has been agreed and approved by the CIO clearance is sought from the appropriate authority; the initiation of major schemes or those which could have serious repercussions have to be referred to the CLF; those with a political content have to be cleared in consultation with the NIO. The GSO I IP has discretion to carry out low level projects provided their aims are within the scope of already laid down policy.

22. Execution is undertaken only when the appropriate clearances have been obtained. Dissemination of printed material is normally facilitated through units on the ground or through the post.”²³²

- 335 From the Army perspective there were therefore five relevant points.
- 1 The project had to be formally discussed and approved by the CIO, and until September 1974 that was Mr Broderick. At the meeting to discuss it the SIO, at that time Mr Wallace, would have been present in order to advise on production and dissemination.
 - 2 Clearance had then to be sought from the appropriate authority.
 - 3 This meant that projects with serious repercussions had to be referred to the Commander Land Forces. At that time the CLF was Major General Peter Leng.
 - 4 Those with a political content had to be cleared in consultation with the NIO.
 - 5 Execution of the project would only be undertaken after the appropriate clearances had been obtained.
- 336 That Mr Wallace had “considerable latitude” as to how he acted was acknowledged in a note prepared in July 1975 in advance of a meeting

232 KIN 190195.

between Sir Michael Cary, the Permanent Under Secretary of the MoD, and Bill McCall of the Institution of Professional Civil Servants, the Union representing Mr Wallace at the forthcoming CSAB hearing. The relevant part for present purposes was:

“To judge by what Wallace has told us, his case will hinge on the extent of his discretion. And there is no doubt that Wallace was permitted a wide degree of discretion. But one thing, as you will no doubt now know, Wallace was a key man in the Army’s “information policy” or black propaganda activities in Northern Ireland, and secondly he had an encyclopaedic knowledge of the Irish scene.”²³³

337 As we shall see in due course, the nature of Mr Wallace’s work was central to the events which led to his dismissal. These events, and his dismissal, are only relevant to this Inquiry in so far as they relate to the assertions Mr Wallace has made that he was forced out of Northern Ireland because of what he knew about Kincora, and to whether the contemporary documents support the claims he has made about his knowledge, and the actions of the Army, in relation to Kincora between 1972 and 1975.

Colin Wallace and the Bill Fuller episode

338 An example of the way in which such IP activity was conducted is the way in which material was placed in the media which would show an American named Bill Fuller in an unflattering light because of his perceived support for the IRA. This episode is enlightening for a number of reasons. It illustrates how such material was created, and Mr Wallace’s part in disseminating it. It is also relevant because it is apparent that although SIS were involved, SIS went to considerable lengths to conceal their involvement from Mr Wallace.

339 In the 1970s a major concern for all Government departments and agencies directly involved with Northern Ireland, such as the NIO, MoD and the security agencies, was the level of public sympathy and financial support for terrorist organisations in Northern Ireland from individuals and organisations in the USA. One of those individuals was Bill Fuller, described by SIS in a 21 March 1975 summary of Wallace’s RUC interview of 12 March 1975 as “an American millionaire who

233 KIN 102090.

provides bail and funds for the IRA”.²³⁴ Throughout 1974 SIS provided information about Mr Fuller to Mr Wallace to enable Mr Wallace to pass that information on to a sympathetic journalist. The information was not passed directly to Mr Wallace by SIS, but through G Int at HQNI.

- 340 The use of G Int as a conduit was to provide a “cut out” to avoid Mr Wallace suspecting where the information he was being given came from.²³⁵ The intention was that when the journalist discussed the story with Mr Wallace he would then refer queries back to G Int, and G Int would then obtain information which would be given to Mr Wallace to give to the journalist. G Int obtained the information from SIS and/or the Army as required. The information was given to Mr Wallace who, it was believed by SIS, would understand that the information had been compiled by G Int, that is by the Army, and not by the security agencies.²³⁶
- 341 SIS maintained that in this instance false information was not provided, but true facts were passed on in this fashion.

“We can therefore be confident that SIS had no conscious operational involvement with WALLACE of any kind. It appears that we used WALLACE only once, on an unconscious basis, than using G Int as a cut-out. This was in the FULLER case, a straight information operation. Our role was to provide true facts through G Int for PR HQNI to pass on without attribution to suitable journalists...”²³⁷

The reference to using Mr Wallace “on an unconscious basis” implies that he would not realise that the facts emanated from SIS.

- 342 In this instance it appears that the procedure adopted was that MoD Officer J showed what was described as a “sanitised write-up” to Mr Wallace who then intended to add further details which he had obtained from his “press sources” and could then add to the information by giving it orally to the journalist concerned.²³⁸
- 343 A telegram to SIS in London from the IJS at HQNI asked for further information which was being requested by the newspaper concerned. This suggests that in this particular instance SIS were simply providing information in response to requests by a journalist to Mr Wallace, but

234 KIN 3585.

235 KIN 3598.

236 KIN 3578.

237 KIN 3602.

238 KIN 3578 and 3579.

doing so in a way in which they intended would conceal from Mr Wallace that they were involved. However, in 1990, after a detailed search of their records, SIS recognised that Mr Wallace may have realised what the true source of the operation was.

“It is unclear whether WALLACE was aware that SIS was one of the original providers of this information. Strictly speaking WALLACE should not have known, and the files indicate the care that was taken by [IJS HQNI] to ensure that he did not find out. However, WALLACE must have known that the detailed information he was given could not have come from Army sources alone. We are therefore dependent to a considerable extent on the Army's own security in this case, and must hope that knowing winks and glances were not exchanged. Otherwise WALLACE could claim that he was part of an SIS/MI5 dirty tricks operation, and provide sufficient details to be believed.”²³⁹

344 Whether or not Mr Wallace did know, or suspect, that the facts about Bill Fuller came from SIS, he played his part in preparing the information for dissemination to the journalist concerned. An SIS memo of 7/8 April 1975 contains the following reference to Mr Wallace's efforts in this respect.

“The sanitised write-up on Bill FULLER (copy attached). In handing this to [redacted], WALLACE photocopied on to the last page some of his own information, ie that contained in para 3 of our tel [SIS LONDON] of 7 June 74.”²⁴⁰

345 The reference to Mr Wallace photocopying his own material onto the last page suggests that he may have put together the document he later passed to the journalist by using a photocopier to join two documents together, that which he received from G Int and some of his own information. That could of course have been a perfectly innocent means of compiling a document which would still clearly reveal that it had at least two distinct origins. The alternative is that that could be a device to conceal that the document had two distinct origins by making it appear that it was a single document. Whichever was the position, at best it is a possible example of the skills Mr Wallace clearly possessed in view of his own admission that he regularly created false documents.

239 KIN 3599.

240 KIN 3587.

PART TEN

Mr Wallace’s knowledge of sexual abuse in Kincora in 1973 and 1974

346 In 1982 Mr Wallace prepared a long document entitled “Political and Security Implications regarding the disclosure of Security Classified Information to assist in the investigation of the allegations relating to the Kincora Boys’ Hostel, Belfast.” For convenience we refer to this as “Political and Security Implications”, and it is to be found in full from KIN 102798 onwards. In it Mr Wallace described what he did after meeting the social worker to whom we have already referred, and who, he said, reported abuse at Kincora to him.

“I reported my conversation with the social worker to a member of the Intelligence staff when I returned to Lisburn and asked if he could raise the matter with the RUC through our liaison channels. Some days later the officer with whom I had raised the matter came to my office and asked me to leave the incident alone because it was already under consideration by other people. I did not regard this as unusual at the time because it frequently happened when two agencies became involved in the same activity or with the same target. I had no further information about Kincora for almost a year and I do not know if my information was ever passed to the RUC. However, in 1973 a Senior Officer at HQNI gave me a written brief relating to McGrath and his activities and asked if I could get a reporter to investigate the matter. I did pass the information on to several journalists but I do not think any of the information was ever published.”²⁴¹

347 From this passage it is apparent that Mr Wallace was saying that he reported his conversation with the social worker to a member of the intelligence staff shortly after the conversation took place. That would indicate that the discussion was around the early spring of 1972. The account clearly indicates that the member of the intelligence staff concerned took the matter away and then returned and told him that it was being dealt with. The identity of the officer concerned is clearly of the utmost importance in establishing whether or not any such information was ever passed to him by Mr Wallace, and if so what the nature of the

241 KIN 102802.

information was. If there was such a conversation or conversations in the terms suggested by Mr Wallace that would also be of the utmost importance when considering the credibility of his account. The Inquiry asked Mr Wallace to answer the following questions:

- 5 Please identify the “Intelligence Officers” or “Intelligence Officer” who said to him that this is already being dealt with; See p.135 of *Who Framed Colin Wallace?*.
- 6 When and where did that person or persons say this?”

348 Mr Wallace has not answered these questions. If he is concerned about revealing the identity of a member of the Intelligence Services, and that identity consequently being disclosed to the public, he could have asked the Inquiry to treat the name in confidence. From his close study of the transcripts of Module 15 he must be well aware that the Inquiry gave designations to several present and retired witnesses from MI5, MI6 and the Army in order to protect their identities. We can see no reason whatever why Mr Wallace has not answered these questions.

349 In the extract above from the 1982 document Mr Wallace claims that he did pass what the social worker told him to a number of journalists. In *Who Framed Colin Wallace?* at page 136 the following journalists are named as being provided with a “briefing paper” by Mr Wallace.²⁴² We will have occasion to consider the document or documents to which such a description may apply in due course, but each of the four journalists named below was interviewed as part of the RUC Caskey Phase Three investigation in 1982. A fifth journalist, Conor O’Cleary, was interviewed in 1985 because he had been out of the jurisdiction in 1982 during Caskey Phase Three.

350 Each of these journalists recalled they were told various details about Mr McGrath, and that he was homosexual, but none recalled Kincora being mentioned to them at any time. The journalists, and the papers to which they were attached at the time, were as follows:

- 1 David Blundy (*Sunday Times*) said Kincora was never mentioned at any Army briefing, nor homosexuality at any home in Northern Ireland, nor had he any knowledge of homosexuality in any children’s home in Northern Ireland in 1973 or 1974.²⁴³

242 KIN 5201.
243 KIN 30075.

- 2 David McKittrick (*Irish Times*) said Mr Wallace did not tell him that McGrath worked with children.²⁴⁴
- 3 Kevin Dowling (*Sunday Mirror*) provided a copy of a telex he had sent to his editor in 1973. Having said that according to Mr Wallace the CO of Tara was William McGrath and a homosexual the telex continues:

“McGrath apparently uses a non-existent evangelical mission as a front to entice young Protestant men into homosexuality. Once in they are potential blackmail victims and soldiers of Tara.”²⁴⁵
- 4 Jim Campbell (*Sunday World*) said he received two documents from Mr Wallace through the post in the mid-1970s. It would appear that no mention was made of abuse of children in Kincora at that time.²⁴⁶
- 5 Conor O’Cleary (*Irish Times*) said that he had no recollection of any discussion with Mr Wallace about Kincora, or any other boys’ home.²⁴⁷

351 At page 16 of his submission to the Inquiry of 9 September 2016 Mr Wallace provided the following explanation for not naming Kincora to journalists.

“The name “Kincora” was not used in any of the documents or briefings produced by Information Policy because I was specifically instructed not to for reasons associated with the RUC. In any event, the name “Kincora” had no significance whatsoever for the press in the mid-1970s. The address of the property was believed to be sufficient to give the press a clear indication of the building and what it was used for. I believe the redacted words on the document were “Faith House”. McGrath called his previous residences by that name, but I seem to recall that he did not use that name after he moved from Greenwood Avenue to the 188 Newtownards Road, hence the removal of the name from the briefing sheet.

The Inquiry appears to be confused over the two press briefings used by me. One document was designed to be given to the appropriate press contacts, the other one, for legal and security reasons, was only

244 KIN 30079.

245 KIN 30231.

246 KIN 30081.

247 KIN 124648 and 124649.

to be referred to during un-attributable briefings. It was not designed to be given to the press. In other words, if a journalist claimed to have been given the names of any of the non-Tara personalities, such as Thomas Passmore, or William McGrath’s address or telephone number, then that information would have come from the second version. We were aware that some journalists had very close relationships with the RUC and that information obtained from us would almost certainly be passed to the police. It had to appear that we were focusing on William McGrath and Tara as paramilitary entities, and not on allegations of sexual abuse at the hostel.”²⁴⁸

352 The assertions in it that the focus was on William McGrath and Tara as paramilitary entities, and not on allegations of sexual abuse at the hostel, are irreconcilable with the account he gave in 1982 when he says he did pass the information he received from the social worker to journalists. The accounts by the five journalists in 1982 and 1985 do not support the 1982 account either.

353 We have already examined the document Wallace provided to witness C before the latter prepared his report of 4 July 1974. Mr Wallace’s document made no reference to Kincora, nor to McGrath’s employment at Kincora, nor to McGrath being believed to sexually assault residents in Kincora.²⁴⁹ We can see no reason why, if Mr Wallace possessed the information he says he possessed about abuse at Kincora in 1972 and 1973, he did not refer to those matters when he gave information to the Major who was in charge of the HQNI Intelligence Branch desk in G Int responsible for Protestant terrorist or extremist groups.

The 1974 investigation leading to Mr Wallace’s removal from Northern Ireland

354 We have already noted that Mr Wallace claims that he was forced out of Northern Ireland as a result of a dispute with the Security Services over what he termed the “Kincora Boys’ Home Scandal in Belfast”.²⁵⁰ If he were forced out of Northern Ireland for that reason that would be an important matter supporting his credibility. For that reason we now consider the evidence relating to the events which led up to his dismissal in order to establish why he was dismissed.

248 KIN 124648 and 124649.

249 KIN 2512516.

250 KIN 122004.

- 355 As we have previously observed, Mr Broderick’s evidence to the CSAB in 1975 was that Mr Wallace was highly regarded by his colleagues for his energy and professionalism. As Mr Wallace justifiably points out, his annual confidential reports that were placed before the CSAB in October 1975 show that was the case. For example, in 1972 it was said that he “continues to demonstrate that his talents in the PR field are of the very highest standard”. In 1974 “his total dedication and sheer professionalism” were commended.²⁵¹
- 356 However, some aspects of Mr Wallace’s conduct attracted unfavourable comments from military personnel in 1974. In July 1974 there was a query whether he had gone to Hungary with a parachute team. At that time Hungary was a Communist country and as a civil servant Mr Wallace required permission to go there.²⁵² Mr Broderick pointed out that Mr Wallace had notified him of the trip, but the venue had been changed to Austria at the last minute.²⁵³ Mr Wallace duly went on holiday but did not return as scheduled. Mr Broderick recorded Mr Wallace’s explanation that he had missed his flight (presumably to Austria) at Shannon, gave up the idea and had an ordinary holiday in the Republic of Ireland. Mr Broderick felt that disciplinary action was not appropriate.²⁵⁴
- 357 Whilst the matter was relatively unimportant, indeed trivial, that was not the way it was viewed at the time by the Command Secretariat at HQNI to judge by comments in a letter of 3 October 1974. The writer said that he would not have recommended Mr Wallace for the promotion which he had by then received to Senior Information Officer, describing Mr Wallace as having “shown himself to be irresponsible to say the least”, and that he had warned CM (Civilian Management) of Mr Wallace’s irresponsibility in July.²⁵⁵ Civilian Management was that part of the MoD responsible for civilian employees such as Mr Wallace, and these comments are an indication that not everyone at HQNI may have shared the high opinion of Mr Broderick and others of Mr Wallace.
- 358 Not everyone at Army HQ was as impressed by Mr Wallace as Mr Broderick. Mr Hugh Mooney served there on secondment from the Information Research Department (IRD) of the Foreign and Commonwealth Office

251 KIN 104047.
252 KIN 190061.
253 KIN 190062.
254 KIN 190064.
255 KIN 190065.

from 1971 until 1973. In later years Mr Mooney became disenchanted with Mr Wallace for a number of reasons, and approached the FCO for advice and assistance in how to deal with what he perceived as allegations made by Mr Wallace which were damaging to Mr Mooney. On 9 April 1990 Mr Mooney met Miss Spencer, an Assistant Under Secretary in the FCO. In her note of their discussion she recorded Mr Mooney’s views on Mr Wallace, on Clockwork Orange and on Kincora.

“5 Wallace was officially a member of PR but was used by IP when necessary to exploit stories. He squared his contacts with IP within the PR system and the two to some extent became enmeshed. Mr Mooney now believes that Wallace played one side against the other. He was a civilian but involved on the fringes of the Army in every way possible. He was very active in making contacts (“a great runner-around”) who never realised the importance of timing a story. Ultimately Wallace seemed to be fighting what he saw as the Army’s battles against everyone, including other Government departments, though not at the Army’s behest. Wallace had had a pretty freehand after promotion (to Senior Information Officer – technically after Mooney had left Belfast, but in practice changes seem to have taken place before his departure).

6 Mr Mooney said that he had known nothing about Clockwork Orange. He recalled one meeting referring to the Kincora Boys’ Home, but no reference to it as a homosexual honey-trap run by MI5. IP had only been interested in Tara, the alleged protestant paramilitary group.”²⁵⁶

359 Whilst Mr Mooney’s comments must be treated with caution because of his ill feeling towards Mr Wallace, the picture he painted of Mr Wallace having “a pretty free hand” both before and after his promotion to SIO echo what others were to say about the latitude extended to Mr Wallace in 1975. Mr Mooney’s recollections of references to Kincora are consistent with the contemporary references by the MoD, MI5, SIS and RUC Special Branch records that we have already examined.

360 Mr Mooney’s contemporary comments on Mr Wallace were more favourable. On 20 March 1975 he recorded in a memorandum that a conversation with an MoD official the day before resulted in his learning that Colin Wallace was leaving Northern Ireland and had been disciplined

256 KIN 200535.

in some way following an investigation into the leaking of information to the press.

“4 I was somewhat shattered to hear this, since, like Brigadier [MOD Official] I considered Wallace the most valuable member of the Army Information Services, who throughout the time I was there launched many very damaging stories against the IRA and other extremists.”²⁵⁷

361 The IRD Official to whom he addressed the memorandum noted on 24 March 1975 that “...Mr Mooney fears that [Mr Wallace] may have been the victim of a “terrible injustice” since, in his view, he may have received insufficient guidance from the Army IP Section on the clearance of classified material for unattributable briefing.”²⁵⁸

362 The reference in the letter of 3 October 1974 to “Wallace is still under investigation” may have referred to the matters we now consider. On 24 September 1974 the *Times* quoted from what it described as a “confidential memorandum within the Northern Ireland Office”, that was said to have been written just before Robert Fisk’s:

“Disclosures in the *Times* of August 31 and September 2 of plans to expand local part-time security forces and to withdraw 1000 British troops from Northern Ireland”.

The NIO believed the section quoted in the article to be;

“verbatim from an internal minute classified CONFIDENTIAL sent by the NIO Security Operations Division located in Dundonald House Belfast. There were two addressees and nine copy addressees. It is an accurate word-for-word-quote from that document”.²⁵⁹

363 Such was the concern of the NIO about the nature of this leak that, apart from instituting an investigation within the Belfast and London offices of the NIO, the Permanent Under Secretary, Sir Frank Cooper, asked the head of the Security Service, (Sir Michael Hanley) to provide an officer from MI5 to handle the investigation. Sir Frank Cooper wrote to Sir Douglas Allen, the recently appointed Head of the Home Civil Service, on 25 September 1974 to inform him of the investigation. He explained his reasons for asking the Security Service to conduct the investigation in this way.

257 KIN 200507.

258 KIN 200508.

259 KIN 102002.

“In view of the extremely unusual and delicate circumstances in which we are operating and the special seriousness which we must attach at the present time (following the recent assassinations of a Judge and Resident Magistrate and further threats to judicial officers and civil servants) to the unauthorised disclosure of sensitive information on law and order matters in Northern Ireland, I have already asked the Security Service for their assistance in conducting the necessary investigations, and I would be most grateful for all help which Michael Hanley, to whom I am copying this, can give us. In these special circumstances, and because my own staff are so fully extended, I would greatly appreciate it if an Officer from his Service could handle the investigation as an exception to what of course I understand is the usual advisory role. Speed is important.”²⁶⁰

The letter was copied to Sir Michael Cary, the Permanent Under Secretary of the MoD.

- 364 When considering the reaction of the Northern Ireland Office to this leak it has to be remembered that the terrorist activity was continuing at a very high level. The reference in the letter to the assassinations by the IRA of members of the judiciary was to the murders of Judge Conaghan QC and Martin McBirney QC, a Resident Magistrate, at their homes on 16 September 1974. On the wider political front the Ulster Workers Strike brought about the collapse of the Northern Ireland Power Sharing Executive, and the Prorogation of the Northern Ireland Assembly at the end of May 1974. We consider that the Government was entirely justified in regarding “the unauthorised disclosure of sensitive information on law and order matters in Northern Ireland as warranting action at the highest level, and the instigation of an investigation. That it was being addressed at the highest level, i.e. Permanent Under Secretaries of two departments, enlisting the assistance of the Director General of the Security Service and reporting the matter to the Head of the Home Civil Service demonstrates the level of concern within Government at the time.
- 365 It would appear from comments made by Ian Cameron in May 1987 when he took up his post at HQNI as ASP that he had concerns about AIS in general, and Mr Wallace in particular, even before Mr Wallace came under suspicion in the MoD leak inquiry set in train at the request

260 KIN 102002.

of Sir Frank Cooper of the NIO in late September and which we examine below. A letter from MI5 to SIS on 18 December 1989 contained the following reference:

“I must tell you that at a late stage we discovered a note of May 1987, interestingly by [MI5 Officer 1] himself, of an informal conversation he had with Ian Cameron [SIS Officer B]’s successor as ASP at HQNI) in which Cameron had said that on arrival at HQNI in June 1974 he had found that [SIS Officer B] had had dealings of some sort with WALLACE. Being the cautious man he was, Cameron had then issued instructions to his staff not to speak to WALLACE”²⁶¹

366 In 1990 Ian Cameron confirmed that he gave these instructions when he spoke to MI5 Officer 1 not long before 12 March 1990. On that date an SIS Officer made the following note of what MI5 Officer 1 told him about the conversation.

“2.[MI5 Officer 1] told me that he had been to see Ian CAMERON recently. They discussed CAMERON’s recollection of possible [SIS Officer B] – WALLACE contact in the light of CAMERON’s earlier conjecture [MI5 Officer 2] letter of 18 December to [SIS Officer O] that [SIS Officer B] had some dealings with WALLACE.

3. CAMERON took over from [redacted] in July 1974 and had a handover lasting only three days, at the end of which he was not much the wiser. It was only after [redacted]’s departure that CAMERON discovered some file which [redacted] had kept and which contained details of a few journalists. There wasn’t very much in the files but as CAMERON also heard that [redacted] had been in the habit of meeting journalists he suspected that [redacted] had been studying journalists for some undisclosed purpose. [the references to “redacted” are to SIS Officer B].

4. It was because everybody at Lisburn regarded WALLACE as the local guru on every subject, and because whenever anything cropped up the immediate reaction was to ‘ask WALLACE’, that CAMERON told his staff to keep well away from the Army Information Services and from WALLACE in particular. This of course was well before WALLACE had fallen under any sort of suspicion.”²⁶²

261 KIN 3592.

262 KIN 3596.

367 Ian Cameron’s directions suggest that even before Mr Wallace fell under suspicion Ian Cameron’s instruction to his staff would have insured minimal contact between Mr Wallace and MI5 Officers.

The MI5 investigation of the leaks

368 It is likely from the reference in the letter of 3 October 1974 to Mr Wallace being “still under investigation” that he very soon came under suspicion as a possible source for the leak. The Security Service investigation culminated in a seven-page report of 9 December 1974. The full report can be seen at KIN 102004 to 102010. The report examined seven leaks in all. The first, described as “Leakage number 1” related to the items referred to in *The Times* of 31 August and 2 September 1974 referred to in Sir Frank Cooper’s letter of 25 September 1974. Three others related to leaks believed to be connected to the journalist Robert Fisk in 1973 and 1974. Three further leaks were believed to have occurred after Leakage number 1. Two of the three, leakages Number 6 and Number 7, must have occurred after the publication of the quotation in *The Times* of 24 September 1974. In other words, the report established that further leaks had taken place, the most recent being leakage Number 7 relating to an article by Robert Fisk in *The Times* of 5 December 1974.

369 The report contained the following comments on Mr Fisk and the concerns of the Army that “his indiscretions could lead to loss of life”.

“Fisk emerges from the investigations as a competent and highly ambitious reporter who is determined to make his name professionally in Northern Ireland. He is highly regarded by the Times management and hopes to be rewarded for his work in Belfast with an important foreign posting. Fisk prefers to exploit his own contacts rather than use the press facilities provided by Stormont Castle and Lisburn; he also enjoys needling the authorities when the opportunity arises. The Army have expressed fears that under some circumstances his indiscretions could lead to loss of life.”²⁶³

370 The report suggested that Mr Wallace was “a strong candidate” as the principal source of Mr Fisk’s information.

“It is of course possible that these several leakages of information were from a number of sources. But someone who figures as a

263 KIN 102004.

common factor in all the incidents and must be considered a strong candidate as the principal source of Fisk’s unauthorised information and of leakage Number 1 in particular is Collin [sic] Wallace, Information Officer in the Press Office at HQNI Lisburn.”²⁶⁴

371 Under the heading “Future Action” the report concluded with the following passage.

“It can be seen that the evidence for WALLACE being a source of unauthorised disclosure to FISK is all circumstantial, although its cumulative weight is strong. For his involvement in some of the leakages to FISK WALLACE might be able to produce an explanation compatible with a generous view of his discretion as Information Officer (as with the disclosure of the Blue Card). But the pattern of the relationship between him and FISK and, in particular, its clandestine elements, are very difficult to reconcile with innocence. In an accompanying note the possible courses of action to deal with this situation are examined.”²⁶⁵

372 The accompanying note referred to, also dated 9 December 1974, suggested three possible courses of action “subject to the decision by the Attorney General”. The reference to the Attorney General was because his consent would be required if a prosecution were to be brought against Mr Fisk under the Official Secrets Act. Therefore, whether the other possible courses could be adopted depended upon whether the Attorney General would consent to a prosecution, or would be content if the matter were to be dealt with administratively. The “possible courses document” suggested three options.

- 1 To leave Mr Wallace where he was and continue the investigation.
- 2 To now challenge Wallace as being the source of Fisk’s information.²⁶⁶
- 3 The removal of Mr Wallace from his post at HQNI.²⁶⁷

373 Following receipt of the Security Service Report and accompanying note Sir Frank Cooper wrote to Sir Michael Cary, the Permanent Under Secretary of the MoD, on 11 December 1974. He explained that there was a “cumulative weight of evidence” that Mr Wallace was a source

264 KIN 102006.

265 KIN 102010.

266 KIN 102019.

267 KIN 102021.

of leakage to Robert Fisk,²⁶⁸ and having considered the three courses of action suggested by the Security Service, asked whether Sir Michael would:

“agree to arrange for Wallace’s posting away from HQNI as soon as possible, and that this should be done without confrontation”.²⁶⁹

374 Sir Frank Cooper emphasised the need for a speedy action.

“From NIO’s point of view our overriding objective must be to eradicate quickly the source of FISK’s access to classified information. I should say at this point that the GOC has been brought fully into the picture by the Head of [DCIS Staff], and would also take the view that steps be taken urgently to stop any further potential source of leakage.”²⁷⁰

375 The meeting between Sir Michael Cary, Sir Frank Cooper, the Director General of the Security Service and the Deputy Under Secretary in the Ministry of Defence responsible for Civilian Management on 17 December 1974 decided to adopt the third option. It was decided that Mr Wallace would be given the choice of moving to a vacant post in the North West District based at Preston in Lancashire. If he did not agree to go to the GOCNI Lieutenant General Sir Frank King would see him, obviously in an effort to underline the necessity for him to accept the posting. If Mr Wallace refused to accept the posting then action would be taken by Civilian Management. What that might be was not spelt out, but it is clear from subsequent developments that this would result in Mr Wallace being forced to resign.²⁷¹

376 On 24 December 1975 (Christmas Eve) Mr Wallace was interviewed and offered the posting to Preston. He explained why he did not wish to accept for both career and family reasons, but was told that if he did not accept the move the Ministry of Defence would ask for his resignation. He asked for, and was given, time to consider the matter until early the following week.²⁷²

377 By 3 January 1975 Mr Wallace had not given his response, and the delay in resolving this matter clearly concerned the NIO. The documents

268 KIN 103323.

269 KIN 103325.

270 KIN 103323-103324.

271 KIN 102022 and 102023.

272 KIN 102024 and 102025.

show that the NIO was pressing the MoD very hard, as can be seen from the following note of the NIO views made on 3 January 1975.

“There were now two further important considerations [John Waterfield] of the NIO wished to put forward in favour of rapid action. The first was that very delicate negotiations were now in progress which could be sabotaged by premature disclosure. The second was that NIO owed a report to Number 10 on the previous leaks which they were now in a position to make. They really could not report that they had conclusively established the source of the leaks but were unable to take prompt action accordingly. Waterfield also told me that he had received confirmation of a new leak through the same channels (the helicopter story).”²⁷³

- 378 The reference to “very delicate negotiations [which] were now in progress which could be sabotaged by premature disclosures” very probably referred to efforts that were being made by the Government to persuade the Provisional IRA to extend the Christmas cease-fire, which the IRA had announced on 20 December 1974, to last from 22 December to 2 January. That cease-fire had been extended by the Provisional IRA on 2 January to 17 January. Although the IRA planted four bombs which exploded in London, and 19 people were injured in another explosion in Manchester, on 9 February 1975 the Provisional IRA announced an indefinite cease-fire to begin the following day.
- 379 These, and other important occurrences, were all taking place at the time of the events described in this part of the report and we are satisfied that the Government was entitled to take a very serious view indeed of the disclosures that were being made, and to take action to identify the source(s) of the leaks and to attempt to prevent further leaks.
- 380 By 7 January 1975 Mr Wallace had agreed to accept the posting to Lancashire, and arrangements were then made relating to his travel back to Northern Ireland from time to time to visit a sick relative, and for him to hand over his HQNI post to his replacement and to travel to England on 4 February 1975.
- 381 However, prior to Mr Wallace’s move to England the MoD was informed that Mr Wallace was believed to be in contact with Robert Fisk, and to have promised significant information to him. The Security Service

273 KIN 102026.

provided the Inquiry with a gist summarising the contents of the material that became available.

“In January 1975 reliable information obtained by the Security Service in the course of a leak inquiry indicated that Colin Wallace intended to remain in contact with the journalist Robert Fisk after Wallace’s departure from Northern Ireland, and that he promised to provide Fisk with a significant news story.”²⁷⁴

The Inquiry has examined the documents to which the gist relates and is satisfied that the gist is a correct statement of the content of those documents.

382 In his 9 September 2016 letter to the Inquiry Mr Wallace confirmed the accuracy of that information when he stated:

“It is correct that I was going to release a sensational story to Robert Fisk. Indeed, I did release it as part of “Clockwork Orange” and with the full agreement of my superiors. It was probably the last piece of Psy Ops work I did before leaving Northern Ireland and involved demonstrating not only how the IRA obtained arms and money from the USA, but also some business people and organisation in both Northern Ireland and the Irish Republic, who were involved.”²⁷⁵

We examine his reference to Clockwork Orange later.

383 In the previous paragraph of his letter, Mr Wallace made the following points.

“Setting aside that fact that my role was to “leak” information to the press, neither MIS [sic] nor any of my superiors ever questioned me about such an allegation. Moreover, if I had been guilty of such an activity, it is simply not credible that I would have been permitted to retain my security clearance and be offered a post at the same rank in another Army HQ in England.”

384 The events that we have described relating to the leak Inquiry make it very clear why Mr Wallace was not questioned by MI5 or his superiors. To have done so would have revealed to him the nature and extent of their concerns and that was something they understandably did not wish to do. The action they took was to permit him to retain his security clearance by offering him a post at the same rank at Preston as part of

274 KIN 4213.

275 KIN 124669.

a process designed to avoid him suspecting that the real reason for his posting was because he was suspected of leaking information to Robert Fisk. The true reasons for moving Mr Wallace to Preston could not be explained to him, and so it was necessary to provide him with reasons for the move which were misleading and so untrue.

- 385 There was strong circumstantial evidence that it was Mr Wallace who was providing Robert Fisk with at least some material which the Army understandably believed to be damaging, and was intending to pass further information to Robert Fisk. As he now admits, he also intended to provide Mr Fisk with “a sensational story” before he went to Preston and this related to the events surrounding his arrest to which we now turn. Subsequently he admitted to Mr Groves that he had supplied Robert Fisk with information about helicopter spares.²⁷⁶

Mr Wallace’s arrest

- 386 In preparation for his move to Preston, arrangements were made for Mr Wallace to hand over all documents to his successor. On the evening of 4 February 1975 Mr Wallace left Lisburn to travel by boat to take up his position in Preston. At some stage during the day before he left for the boat he left HQNI and drove to 6 Harry’s Road, Hillsborough, where he expected to find Robert Fisk. Mr Fisk was not there. Mr Wallace then put a bundle of papers (referred to hereafter as “the document”) through the door and left for the boat. 6 Harry’s Road was the home of Prof Green, with whom Robert Fisk had been staying for some time. Prof Green was away that weekend, and his next door neighbour’s wife looked after the house for him and kept it clean. She told the police that on the afternoon of Tuesday 4 February 1975 she went to number 6 intending to tidy but found that some papers were blocking the door. She had to move the papers to open the door and when she lifted them she saw “Restricted” on every page, and references to the IRA. She was alarmed and took the papers next door to her house and showed them to her husband when he returned from work later that afternoon. He was an RUC Constable and he immediately alerted his superiors. An investigation was immediately set in train and the form it took was described by SB 11 in an interim report he prepared on 10 February 1975.²⁷⁷

276 KIN 102033.

277 KIN 50963-50964.

- 387 The next day police went to 6 Harry’s Road and spoke to Mr Fisk. He was shown the document and denied having any knowledge of it or who had left it there. He was not prepared to make a statement to the police without the advice of his editor and of his newspaper’s legal department. It seems that Mr Fisk went to Dublin believing that the house would be searched, having gathered up all his papers, including restricted documents, and putting them in his car. That at least was the account he gave to Mr Gilliland, the Chief Information Officer of the NIO.²⁷⁸
- 388 On 5 February 1975 SB 11 was flown to Preston where he briefed SB 12 of Lancashire County Constabulary Special Branch. On 6 February 1975 both officers were given background information on Mr Wallace by an MI5 Officer. SB 11 and SB 12 then questioned Mr Wallace who made a written statement under caution (the first statement). In the first statement he admitted going to 6 Harry’s Road on 4 February but strenuously denied leaving any documents at the house.²⁷⁹
- 389 On 11 February 1975 Mr Wallace was in London and asked to see Mr Groves, the Chief of Public Relations at the MoD. When Mr Wallace saw Mr Groves, he told Mr Groves that he had in fact delivered the document to the house for Fisk. Mr Groves advised him to tell the police the truth at the earliest opportunity. Mr Wallace said initially that the document was not “Classified”, but when Mr Groves pointed out that it was “Restricted”, Mr Wallace agreed that was a classification. When he was asked why he denied putting the document through the letter-box when he was interviewed by the police, Mr Wallace replied,
- “One of the policemen who interviewed me in Lancashire was an RUC Officer. I did not feel that I should reveal to the RUC information about the Army’s information policy activities”.
- 390 Mr Groves also told him that he would have to inform the Permanent Under Secretary, to which he noted Mr Wallace as replying,
- “I understand. I have not given Fiske [sic] any other classified document. I did tell him about the shortage of spares for helicopters in Northern Ireland.”²⁸⁰

278 KIN 50933.

279 KIN 50949-50950.

280 KIN 100121.

- 391 On 12 February 1975 Mr Wallace was again questioned by SB 11 and SB 12 and made a further statement (the second statement). In the second statement he started by saying that he wished to clear up one or two points following the previous interview, saying he,
- “was not at liberty to give you the full facts of the matter because of security implications”.²⁸¹
- 392 Mr Wallace explained in the second statement that he had decided to give the document to Fisk in an effort to demonstrate,
- “that the Army was not involved in Black Propaganda activities”.
- He concluded by saying,
- “My handling of this incident may seem irregular, however, in the course of my job I frequently had to adopt unconventional methods to influence the press or plant stories in support of Security Forces activities. I have never given classified information or documents to any journalist except with prior clearance.”²⁸²
- 393 On 12 March 1975 Mr Wallace was again interviewed by RUC officers and proceeded to explain in considerable detail how he said the Army did engage in black propaganda. He said he had two jobs.
- “I had two jobs – my official one as Head of Productions for Public Relations, HQ, Northern Ireland, was my white or front job. My second job was unattributable briefing and psychological warfare known as Psyops. This was my black job.”
- 394 One of the things he described was getting a Republican paper or leaflet “and we would then produce a doctored version which we then distributed in republican areas and also in overseas areas especially in communist countries and America”.²⁸³
- 395 At this point we observe that not only did Mr Wallace lie to the police in the first statement, but by his own account he was saying in the second statement that he was attempting to deceive Robert Fisk in to believing that the Army did not in fact engage in black propaganda when according to Mr Wallace, that was what part of his job involved.

281 KIN 50951.

282 KIN 50953.

283 KIN 51016.

PART ELEVEN

The decision to dismiss Mr Wallace

- 396 The document which Mr Wallace put through the letter-box at 6 Harry’s Road was the text of an IP/PR Presentation prepared for what was described on the front as the “CLF’s Study Day 31 Jan 1975”. The full document can be found at KIN 102035 to 102064. It contained a detailed explanation of the Army’s approach to taking what it described as “the propaganda initiative”.²⁸⁴
- 397 The RUC Report to the DPP on their investigations dated 19 March 1975 contained the following observation from the Chief Superintendent who forwarded the report.

“Although the official Army view is that the actions of Wallace in relation to the document in question was [sic] totally wrong and would never have been approved by them, nevertheless, the investigation officers whilst speaking to Lt.-Col Railton, General Staff Officer, Information and Planning, HQ, NI, gained the impression that he was of the opinion Wallace’s actions were more an error of judgement than criminal.”²⁸⁵

Lt Col Railton was Wallace’s superior and if that was a correct assessment of his view by the RUC, that view was certainly not shared by more senior officers. It is a measure of the importance that the Army attached to this whole matter that the CGS – the Chief of the General Staff and therefore the professional head of the Army – wrote to the Permanent Under Secretary of the MoD about this on 25 February 1975. The relevant portions of the CGS’s minute are as follows.

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

4 To my mind the facts [sic] that Wallace should have selected a document of this kind for disclosure to a journalist adds a new

284 KIN 102035.

285 KIN 50971.

dimension to his culpability. Straightforward unauthorised disclosure is quite bad enough. But to lift a script of a colleague’s remarks on a privileged occasion is worse, to the extent that it superimposes [on] an official impropriety a total lack of the human qualities of trustworthiness and discretion upon which relationships between colleagues depend.

5 With Frank King [the GOCNI] I feel strongly that, if the evidence is sufficient, Wallace should be prosecuted. However this turns out to be it is obvious that behaviour of this kind makes him an entirely impossible colleague in any environment, official or other.”²⁸⁶

398 When their investigations were complete, the RUC submitted their report to the Director of Public Prosecutions in Northern Ireland. As the offences being investigated may have been committed under the Official Secrets Act the consent of the Attorney General was required to any prosecution and the papers were passed to him. On 14 May 1975 his office informed the DPP that the Attorney General would not consent to a prosecution.

“The Attorney General is of the opinion that the interim report discloses clear evidence of an offence under section 2 of the Official Secrets Act 1911. Both the Attorney General and its predecessors have felt it proper, in exercising their discretion on the granting of a consent to a prosecution under section 2, to take account of the circumstances of the offence, the nature of the document or information which has been disclosed, and the balance of public interest. Further, the Attorney General has in mind the recommendation of the Franks Committee in this regard. Having considered these factors, including the probability that the public interest might be better served by disciplinary proceedings than by a prosecution, the Attorney General has decided that he would not consent to a prosecution in the present case.”²⁸⁷

The DPP then issued a direction to the RUC that there should be no prosecution.

399 This decision formally cleared the way for Mr Wallace to be dealt with administratively. On 30 April 1975 Sir Michael Cary, the Permanent Under Secretary of the Ministry of Defence, wrote to his Secretary of

286 KIN 102034.

287 KIN 100189.

State that the Attorney General felt legal action was inappropriate, and in any event unlikely to succeed. The Attorney General felt that the appropriate course would be for departmental disciplinary action to be taken against Mr Wallace.²⁸⁸ The agreement of the Secretary of State was transmitted on 9 May 1975.²⁸⁹

400 With the submission to the Secretary of State of 30 April 1975 was sent Annex B, a list of what were described as “Examples of Information Policy Activities of the Army Information Service known to Colin Wallace”. Six episodes were described, one of which was “The Clockwork Orange”.²⁹⁰ We return to Clockwork Orange later.

401 By this time Ian Cameron had prepared the very detailed Damage Assessment to which we have already referred. Its full title was:

“Damage assessment on disclosures of information policy made by Mr Colin Wallace following his suspension from duty in December of 1974.”²⁹¹

The Inquiry has examined the full text of the Damage Assessment. The Damage Assessment also referred to various incidents involving Mr Wallace. At KIN 190198 Ian Cameron set out in some detail under the heading “Assessment of the Extent of Wallace’s Discretion” a number of factors he considered relevant. He concluded:

There can be no doubt that, whatever his motive for doing so, Wallace in passing a classified document to Fisk without prior authority, must have been aware that he was exceeding his discretion, was breaching a departmental ground rule, and was in contravention of his security regulation. Moreover, what he passed was not the kind of document which would in any circumstances be released to the media.”²⁹²

That succinctly summarised the view of the officials who considered Mr Wallace’s conduct.

402 We have considered these events in some detail because of the allegation Mr Wallace has made that he was removed from Northern Ireland because of what he knew about Kincora. Nowhere in any of the documents or correspondence connected to the circumstances leading

288 KIN 102065.

289 KIN 102071.

290 KIN 102070.

291 KIN 190191.

292 KIN 190198.

up to Mr Wallace’s transfer to Preston, nor in the police investigation, nor in Annex B or in the episodes considered in Ian Cameron’s damage assessment, is there any reference whatever, either direct or indirect, to McGrath, Kincora or to the sexual abuse of children. There is nothing to support Mr Wallace’s allegation that he was removed from Northern Ireland because of his knowledge of, and actions in respect of, Kincora. The overwhelming evidence is that he was transferred to Preston and then arrested and ultimately dismissed because there was concern at the very highest levels that Mr Wallace was engaged in leaking important information and classified documents to journalists and to Robert Fisk in particular. He was believed to have behaved in a completely improper manner by doing so, and, whatever latitude he had been given, or had been able to exercise, he had behaved in a manner that meant he could no longer be regarded as a trustworthy employee of the Ministry of Defence. We have no doubt whatever that his dismissal was for those reasons and those reasons only.

Colin Wallace and the CSAB

- 403 Following the decision by the Attorney General, Mr Wallace was served with four disciplinary charges, and in accordance with Civil Service procedure was given the opportunity to make representations to Mr Groves. This occurred on 30 May 1975 (and not 10 May as mistakenly stated on the summary note). Afterwards Mr Wallace was provided with a copy, to which he made a number of amendments on 5 June 1975. The amendments were accepted by Mr Groves. Mr Wallace also provided an additional short statement. The note and other documents are to be found at KIN 102075 to 102084.
- 404 Given the outcome of his subsequent appeal to the CSAB and what was disclosed about the approach by the MoD to the Chairman, and then the deputy Chairman, of the CSAB before the hearing of Mr Wallace’s appeal actually took place, it is unnecessary to examine the details of what Mr Wallace said on 30 May 1975. The following points are sufficient.
- 1 He accepted that the document he left for Robert Fisk was a classified document. He said he did so to safeguard IP Operations.²⁹³

293 KIN 102077.

- 2 He accepted that he had untruthfully told the RUC that the last time he had seen the document it had been in his in-tray.²⁹⁴
- 3 Any information he gave to Robert Fisk was on the basis that it would be “treated as ‘off the record’ or in specific parts, ‘unattributable’”.²⁹⁵
- 4 On 25 June 1975 he was informed that two of the four charges against him had been proved and he was to be dismissed from his employment in the Civil Service.

“I regret that I have to inform you that the first two charges against you – namely the unauthorised retention of a classified document and the improper passing of it to a person not authorised to have access to it - have been held to be proved. A most serious view is taken of these breaches of trust by an officer in the position which you held. It has accordingly been decided that you should be dismissed from your employment in the Civil Service.”²⁹⁶

He was told that it had been decided to take no action on the third and fourth charges and was informed of his right to appeal to the Civil Service Appeal Board (CSAB). In the interim he was suspended without pay from 1 July 1975.

- 405 Mr Wallace exercised his right of appeal, and after a hearing on 17 October 1975 the CSAB upheld the dismissal, but recommended that,

“...having regard to his previous good record of service, if Mr Wallace wishes to offer his resignation we recommend that the Department should accept this as an alternative to dismissal.”²⁹⁷

The MoD and Mr Wallace accepted the suggestion, and on 27 November 1975 he resigned with effect from 31 December 1975.

- 406 A number of aspects of the CSAB proceedings require comment. The first is that the MoD approached the Chairman of the CSAB before the hearing, and secretly briefed him about the background of the dismissal. The first stage in the process of briefing the Chairman occurred on 3 July 1975 when the Permanent Under Secretary of the MoD spoke to the

294 KIN 102078.

295 KIN 102084.

296 KIN 102085.

297 KIN 102113.

Chairman and sounded him out as to whether he, Sir John (Jock) Shaw, would find it useful to be briefed about the general background to the case. Writing to the Director General of MI5 the next day, Sir Michael Cary said that in anticipation of the appeal to the CSAB

“...I had a strictly private and personal word yesterday with Jock Shaw, the Chairman of the Civil Service Appeals Board. I started out by:

- a) Rehearsing the charges against Wallace.
- b) Outlining in the most general terms the Wallace’s connection with “information policy” in Northern Ireland.
- c) Explaining that both the circumstances and the nature of the man made it possible that the hearing would be attended by damaging publicity.

I went on to say that I had asked Jock for this meeting for two reasons. First, while we had no wish to embarrass him by pressing on him information which did not relate strictly to the charges and would not be used in “Open Court”, the fact was that, as he no doubt realised, the formal charge was merely the tip of the iceberg and, if you would find it useful, I would be prepared to consider arranging for him to have a briefing on the general background to the case. I added that the decision was not up to me since other departments, such as the NIO, were involved but that if he were interested I would see what could be done.”²⁹⁸

407 Sir Michael suggested to the Permanent Under Secretary of the NIO and to the Director General of the Security Service that a dossier of key documents would be put together and presented to the Chairman to read. Mr Shaw agreed to this proposal.²⁹⁹

408 Sir Michael Cary described this approach as “somewhat unorthodox”, but it is clear from his letter of 4 July that the Chairman did not object to the approach.

409 On 23 July 1975 Sir Michael wrote to Sir Frank Cooper of the NIO, copying the letter to the Director General of the Security Service to confirm that the briefing had taken place. He said

“Shaw departed saying that he had been convinced, particularly by the [redacted], that the Department’s decision was fully justified.”³⁰⁰

298 KIN 102087 and 102088.

299 KIN 102088 and 102089.

300 KIN 102093.

410 In the event, Mr Shaw was unable to preside at the hearing of the Civil Service Appeal Board, and Sir Leslie Williams, the Deputy Chairman of the CSAB, sat in his place. It is clear that Sir Leslie Williams had been informed of the briefing which Mr Shaw had received, presumably by Mr Shaw, and on 4 October 1975 he requested a similar briefing.³⁰¹ That briefing was given. On 12 December 1989 the Secretary of State for Defence explained to the Prime Minister that:

“The CSAB Chairman was briefed privately, and shown evidence, that Mr Wallace was likely to have been responsible for other more serious leaks, which were never put to Mr Wallace; and it appears that he told his two fellow Assessors that he was aware of additional sensitive material but that he would not tell them what it was. So this evidence was in the minds of the Appeal Board but was not put openly to them in a way which would have given Mr Wallace an opportunity to offer a defence.”³⁰²

411 We consider that the fact that National Security was involved did not excuse the approach that was taken. Courts and other quasi-judicial bodies have in more recent times developed procedures to deal with the difficult issues that can arise when dealing with sensitive information. For example, special advocates can now be appointed in certain circumstances. Such procedures did not exist at that time. As a later chairman of the CSAB confirmed, it had no power to hear information in camera. At the time the MoD faced a stark choice, either to reveal more information to the CSAB and to Mr Wallace, with the attendant risk that this information may be more widely disseminated, or to take the risk that the CSAB would find in Mr Wallace’s favour. In that case he would presumably have been entitled to some form of remedy, such as being reinstated completely, or subject to some form of penalty such as demotion or other financial penalty, or to compensation if he were not reinstated. The Ministry of Defence chose to rest its case on a narrow basis, but to avoid the risk of losing decided to secretly brief the Chairman in order to influence the outcome of the case and so increase the prospect of a successful outcome from the point of view of the Ministry of Defence.

301 KIN 102105.

302 KIN 104008 and 104009.

412 What happened in this instance was that the processes of the Board were deliberately interfered with by the Ministry of Defence in order to ensure that the outcome of Mr Wallace’s appeal was unsuccessful. We criticise all of those involved in what occurred in the strongest terms. Mr Wallace’s observation in his letter to the Inquiry of 9 September 2016 that the outcome of the Inquiry was “rigged” was entirely justified.³⁰³

The job specification

413 Mr Wallace has been, and remains, intensely aggrieved that his full job description was not produced by the MoD at the CSAB hearing, and that the Ministry of Defence did not concede at the time, or for a considerable number of years subsequently, that he was engaged in “black” operations. For many years the MoD asserted that his job description did not include such activities.

414 In his letter to the Inquiry of 9 September 2016 Mr Wallace asserted that the real job description was approximately four or five pages in length, was shown to him in draft by Peter Broderick, and shown to him again after it had been approved and his promotion ratified. He says that there were several copies of his “secret” job description available in 1974 and suggests that it is “...very strange that my job description has apparently not been made available to the Inquiry”.³⁰⁴

415 We understand the MoD position to be that whilst there was a revised job specification, it existed only in draft form, although Mr Wallace almost certainly knew,

“...at least in general terms, the thrust of the wording of the draft covert job description, [but] probably did not see the exact wording and almost certainly was not issued with formal written Terms of Reference concerning his covert duties.”³⁰⁵

On 12 December 1989 the Secretary of State for Defence explained that matter to the Prime Minister in the following terms.

“[Wallace] had no formal directive of that kind, so far as can be seen. But such a job specification was drafted... to justify the establishment of his post and it is reasonable to assume that Mr Wallace was told what it contained, even though it was never endorsed at Ministerial

303 KIN 124640.

304 KIN 124642.

305 KIN 102918.

level. MoD did not contest Mr Wallace’s evidence that such a job specification had been prepared; but nor did MoD acknowledge it or make a copy available.”³⁰⁶

- 416 We understand why Mr Wallace continues to attach such importance to the question why his job description was not revealed to the CSAB by the MoD, and the denials for many years that there was a revised job specification, or that Mr Wallace was engaged in “black” operations. However, we consider the job specification issue to be of peripheral relevance to what Mr Wallace did or did not know about Kincora, and when he knew what he did know. At the CSAB hearing Mr Wallace’s representatives explained in some detail to the Board, although in somewhat general terms, what Mr Wallace did. The passages from Mr Broderick’s statements to the CSAB on Mr Wallace’s behalf which we have already quoted supported the general thrust of Mr Wallace’s argument.
- 417 We have taken what Mr Wallace has said about the job specification, and the approach to it by the MoD over the years, into account because on one view it may be said to support the wider case which Mr Wallace makes, which is that the MoD, MI5 and the Government as a whole have lied about what he did. We have taken all of this into account when examining all the material the Inquiry has obtained, and assessing the various points made by the Government through the various non-devolved departments and agencies which have been core participants in the Kincora Module.
- 418 When considering what Mr Wallace did or did not know about Kincora, and what he did with whatever knowledge he had, in 1974 and 1975 we took into account that he did not mention Kincora to Mr Groves at the MoD, nor did he mention it to the RUC when describing what Mr Wallace clearly regarded as the significant matters he was engaged in before his arrest, nor did he refer to it in any of the materials placed before the CSAB by him or on his behalf.
- 419 We examined a very large number of contemporary documents from 1974 and 1975 relating to Mr Wallace and his dismissal. As can be seen from the documents to which we have referred, and the other documents examined which have come from the MoD, the NIO, and MI5 which relate to Kincora, and in which, if Mr Wallace had the knowledge

306 KIN 104008.

of Kincora that he has claimed, we would expect to find some reference, however slight or indirect, to two matters that Mr Wallace says were of importance. These are Kincora and Clockwork Orange. So far as Kincora is concerned, we found no such material.

420 Following the first statement Mr Wallace made to SB 12 and SB 11 on 6 February 1975, and his second statement to SB 12 on 12 February 1975, Mr Wallace was interviewed a third time. On this occasion it was by SB 11 and SB 13 of the RUC at Preston on 12 March 1975. No written statement was taken on that occasion, but notes were made of the questions and the answers. We have already referred to some of what Mr Wallace said about his operations. We should point out that the note of that interview is erroneously dated 12 February 1975, when it should be 12 March 1975. That is clear from the report submitted to the DPP on 19 March 1975 by a Chief Superintendent.³⁰⁷ The notes of that interview contain no reference to Tara, McGrath, Kincora or abuse of children.³⁰⁸

421 The only document Mr Wallace has put forward which he says were contemporary documents created by him are the 8 November 1974 document and a reference in a letter dated 29 September 1975, which he says he sent to Cliff Crook of the Institution of Professional Civil Servants who represented him before the CSAB.³⁰⁹ We examine both of these documents later.

422 Annex B of the paper submitted to the Secretary of State listed six “Examples of Information Policy Activities of the Army Information Service known to Mr Wallace”. Whilst one of these referred to Clockwork Orange, none referred to Kincora in any way.³¹⁰

423 The Damage Assessment prepared by Ian Cameron after Mr Wallace’s arrest, to which we have already referred, catalogued “Wallace’s IP Activities” over some six pages. Ian Cameron observed that

“...Grounds for embarrassment are certainly present but their significance and the extent of the potential damage involved will very much depend upon the nature and scope of what was in fact undertaken with Wallace’s knowledge and what, in his particular circumstances, he would wish to disclose.”³¹¹

307 KIN 100070.

308 KIN 51016-51019.

309 KIN 124726.

310 KIN 102070.

311 KIN 190200.

424 The Ministry of Defence subsequently agreed to provide the entire Damage Assessment in unredacted form and this will be placed on the Inquiry website in due course. The Inquiry has examined the full text of the original document, and considered the various matters described in it. There is no reference in those documents to Tara, Kincora, McGrath or the sexual abuse of children in Kincora. If there was any such knowledge on the part of MI5, the MoD or the NIO of Wallace’s 8 November 1974 document at that time, we can see no reason why Ian Cameron would not have referred to it. That he did not refer to it suggests that either Ian Cameron was unaware of it, or that the 8 November 1974 document did not exist at that time. Another explanation could be that Ian Cameron felt that it was too damaging to even admit in the document that Mr Wallace had completed the 8 November 1974 document. Given that Mr Cameron did refer to Clockwork Orange, we consider it most unlikely that he would have omitted any reference to the 8 November 1974 document, or to Kincora and sexual abuse had he known of these matters.

Clockwork Orange

425 Mr Wallace has consistently placed great emphasis on the refusal by the MoD for many years to acknowledge the existence of Clockwork Orange until it admitted in 1990 that there was such a project. He relies on this denial to support his assertion that the MoD, MI5 and the Government misled Parliament and have misled this Inquiry. We have taken these arguments into account when considering Clockwork Orange, and when we assess the significance of the documents we have examined and the submissions on behalf of the non-devolved core participants.

426 When Mr Holroyd produced the GC80 document to Essex Police in August 1984 he told Essex Police that Mr Wallace sent the document “to an MI5 Officer at HQ Northern Ireland office”.³¹² If Mr Holroyd did say this, that information must have come from Mr Wallace, yet, as we shall see, Mr Wallace has said he did not know who received the GC80 document once it was submitted. If an MI5 Officer was the recipient, there is no record or evidence to support that. If the MI5 Officer was Ian Cameron it is surprising that he did not refer to it in his Damage Assessment because in that he referred to other matters that could cause embarrassment to the Government.

312 KIN 51074.

427 In the Damage Assessment at paragraph 56 Ian Cameron referred to Clockwork Orange.

“56 This was the title of a project involving the ‘planting’ of an account of the organisation and activities of the PIRA purporting to have been written by a PIRA deserter. It was not in fact issued but it is of interest in at least two respects. It is a fair measure of Wallace’s competence in the IP field and his encyclopaedic knowledge of the subversive scene in Northern Ireland. It also demonstrates Wallace’s determination – with whatever intention – to take an independent line even to the point of disobeying instructions. Although, in this instance, he had been instructed not to proceed he nevertheless addressed a catchment letter in the form of a forgery to Gerard Kemp of the Daily Telegraph whose response entailed the CIO attending a meeting with Kemp in the Europa Hotel. Despite the embargo on premature action Wallace nevertheless – in advance of clearance – again acted independently by offering a story to another correspondent and in doing so enlisted the services of an NCO in the AIS. For a variety of reasons the project has not been cleared.”³¹³

428 We have already referred to the letter of the Secretary of State for Defence to the Prime Minister in December 1989 relating to Clockwork Orange, and to the CSAB Hearing. The Government recognised that it was necessary to correct what had been said in the past about Clockwork Orange, and a statement was made to the House of Commons on 30 January 1990 explaining what had happened.³¹⁴

429 An internal investigation into how it was that the Clockwork Orange document had been overlooked was carried out by Mr Heyhoe, a Senior Official in the Ministry of Defence. His report can be found at KIN 103315 and following. The nub of Mr Heyhoe’s conclusion was that so far as Clockwork Orange was concerned:

“(e) When the case next came to light in 1982 it was in the different context of Inquiries over Kincora, subsequently, “Clockwork Orange” emerged by name in 1984. Neither of these subjects appeared to play any part in Mr Wallace’s disciplinary proceedings in 1975.

313 KIN 190205.

314 KIN 124850-124852.

- (f) The result of these developments was to leave General Staff Secretariat, an extremely busy operational division supporting the Army, to deal with a difficult personal case on a basis of incomplete records and a total discontinuity of collective memory.
- (g) All this took place against a background of more than ten years’ individual and organisational change inevitable in a large and complex Department of State.”³¹⁵

430 The Inquiry has examined the Heyhoe Report and the papers associated with it, including the statements from the various officials who were involved with the documents, and we see no reason to disagree with Mr Heyhoe’s conclusion, that with the passage of time, changes in personnel and organisation resulting in a break in collective memory, meant that the Clockwork Orange documents were genuinely overlooked.³¹⁶ As a result, incomplete information was given to Government and on the basis of that incomplete and inaccurate information the Government took a stance on Clockwork Orange which it is now clear was unjustified. The Ministry of Defence accepted that in the statement to the House of Commons on 30 January 1990.

431 A further aspect of the Clockwork Orange matter that may be of some relevance to Kincora is whether Mr Wallace’s account of his involvement in Clockwork Orange has been consistent over the years. In Paul Foot’s *Who Framed Colin Wallace?* at page 113 he describes how he became disenchanted with Clockwork Orange.

“One afternoon early in October [1974] I saw “John Shaw” from MI5. I sat having a quiet drink with him at the White Gables Hotel, near Hillsborough. At one stage, I told him I didn’t want to go any further with Clockwork Orange without political clearance. He seemed surprised and suggested that I already had clearance. But I made it clear I wanted some proof that the whole programme had been seen and approved by a Minister.

Of course I was pretty certain that ‘Shaw’ couldn’t get a ministerial clearance for Clockwork Orange. I was pretty sure that no minister had a clue that Clockwork Orange even existed. But I knew I couldn’t go on doing it, and I wanted to get on with other things.”³¹⁷

315 KIN 103319.

316 KIN 103315-103320.

317 KIN 5189.

432 At page 147 there is a similar assertion³¹⁸ and at page 158³¹⁹ it is stated that:

“Colin felt, however, that after his refusal to do any more for Clockwork Orange and his testy memorandum about Tara and the boys’ home in Belfast, a powerful effort was being made by MI5 to take charge of Psyops and to push him to one side in the process.”

433 We are satisfied that the proper inference to draw from these passages is that Mr Wallace did no more work on Clockwork Orange after October 1974. However, he told Mr Groves on 30 May 1975 that he still had six briefings for the press to do after he left Northern Ireland, and in his letter to the Inquiry of 17 October 2016 he said that he was still engaged on that work.³²⁰

434 We consider there to be a significant inconsistency between the account of his involvement in Clockwork Orange contained in *Who Framed Colin Wallace?* and his accounts to Mr Groves in 1975 and to the Inquiry in October 2016.

The 1975 phone call to Social Services

435 Mr Wallace has asserted that in 1975 he made a phone call about Kincora to Social Services in Belfast. No trace of any such call has ever been found. In his recent communications with the Inquiry Mr Wallace has not volunteered any information that might assist the Inquiry in establishing whether or not such a phone call was made.

318 KIN 5206.

319 KIN 5212.

320 KIN 124812.

PART TWELVE

Mr Wallace and Kincora between 1976 and 1980

436 Mr Wallace married in 1975, and by December 1975 was living in London. On 10 December 1975 he wrote to Mr Groves thanking him

“...for all your kindness and understanding during my recent problems. My apologies for all the embarrassment caused to you and your staff, I hope the matter now dies.

Naturally I feel very bitter at the whole episode but I realise that to contest the outcome any further would not be in anyone’s interest.”³²¹

Despite Mr Wallace’s hope that “the matter now dies”, from the beginning of 1976 until his arrest in 1980 for the murder of Jonathan Lewis Mr Wallace devoted considerable time and energy to pursuing various matters relating to his time in Northern Ireland in various quarters.

437 At the beginning of 1976 Mr Wallace found it hard to find a suitable post. When he applied for posts in Government departments or in public bodies the Ministry of Defence response was to give favourable comments on his duties and to give the reason for the termination of his appointment as “resignation by mutual agreement following a breach of discipline.” Whilst Mr Wallace resented this, and clearly it made it very difficult for him to obtain positions in the public sector, the Ministry of Defence understandably felt that they could not recommend him for appointments in other departments. Given the circumstances leading up to his dismissal that attitude was justified. Later in 1976 Mr Wallace was appointed to the post of Information Liaison Officer with Arun District Council in West Sussex, and he and his wife moved to Arundel.

438 Between 1976 and 1980 Mr Wallace did not confine himself to his duties with the Council. Before and after his appointment he wrote to, or spoke to, many different individuals about matters relating to his dismissal and his activities in Northern Ireland. We examined the material held by the non-devolved departments and agencies, and the material sent to the Inquiry by Mr Wallace, to see whether there was anything to suggest that during this period Mr Wallace repeated the allegations contained in the 8 November 1974 document.

321 KIN 102115.

- 439 Early in 1976 when Mr Wallace was living in London and attempting to find employment, he approached his constituency MP, the Labour MP Roland Moyle, who at that time was a Junior Minister in the Northern Ireland Office. It appears that at that time the concerns which Mr Wallace made known to Mr Moyle related to his safety, and whether Mr Wallace could put his case about his dismissal to the Secretary of State for Defence. Mr Moyle discussed Mr Wallace’s concerns with the NIO on 6 May 1976³²² and later that month.³²³ The records relating to both meetings do not suggest that Mr Wallace had raised either Kincora or Clockwork Orange with Mr Moyle.
- 440 On 18 July 1976 Mr and Mrs Wallace paid a social visit to Mr Broderick, who was by that time working in the Department of the Environment in London. Mr Broderick described the conversation in a letter he wrote the next day to the Ministry of Defence. He recorded that Mr Wallace was considering appealing to an industrial tribunal against the CSAB decision, and identified what he described as two “grievances” held by Mr Wallace at the time. One was about the terms of his reference from the Ministry of Defence, which he felt made it very difficult for him to get a new job. The other was that Mr Wallace believed that he was being blamed “for the Army’s past misdeeds”, presumably meaning the Army’s activities in the area of Black Propaganda. There is no reference to Mr Wallace raising Kincora or Clockwork Orange with Mr Broderick.
- 441 Mr Broderick’s comments on Mr Wallace’s behaviour at that time are revealing, particularly as Mr Broderick had spoken so strongly on Mr Wallace’s behalf at the CSAB hearing.
- “I thought you ought to know that he is still, in my opinion, unable to separate fact from fiction”.³²⁴
- “Wallace is just not acting rationally or responsibly.”³²⁵
- 442 Mr Wallace’s contacts with the Labour Government during these years were not just with Mr Moyle. In 1977 he wrote to the former Labour Prime Minister Harold Wilson MP to assure Mr Wilson that Mr Wilson’s fears when he was Prime Minister that he was the subject of attempts by MI5 to discredit him were well founded. In *Who Framed Colin Wallace?*

322 KIN 102117.

323 KIN 105304.

324 KIN 102121.

325 KIN 102122.

page 179,³²⁶ it is stated that he (Wallace) and Information Policy had disseminated information hostile to the Government and its Ministers. He gave “tasty examples” from the Clockwork Orange material, and asked for an interview in which he could put the whole story. It appears from this account that his request was turned down. We note that no suggestion was made at that time that Mr Wallace referred to Kincora or the 8 November 1974 document.

- 443 Mr Wallace did not confine his contacts to members of the then Labour Government, because he was in contact at that time with Airey Neave MP, at the time a Conservative Party opposition MP. Pages 172 and 173 of *Who Framed Colin Wallace?* describe the contacts between Mr Wallace and Mr Neave in 1976 during which

“Colin happily supplied the MP with much of the information he had gleaned during his compilation of the material for Clockwork Orange”.³²⁷

- 444 During these years Mr Wallace continued his contact with journalists. At page 174 of *Who Framed Colin Wallace?* there is a description of a newspaper article that Mr Wallace wrote for the Daily Telegraph on 26 October 1976 “based on the Clockwork Orange document”, for which he was paid £70. Paul Foot wrote:

“That £70 was the only tangible advantage which Colin got from his brief association with Airey Neave. He had hoped through the association to raise once more his treatment at the hands of the Ministry of Defence. Airey Neave listened sympathetically to his story, but did nothing to help.”³²⁸

- 445 Mr Wallace’s contacts with the press between 1976 and 1980 were not limited to this article for the *Daily Telegraph*. One of the journalists to whom he spoke in 1977 was David Blundy of the *Sunday Times*. David Blundy and Mr Wallace met on several occasions in 1976 and 1977 according to *Who Framed Colin Wallace?* They collaborated on a front-page article on 13 March 1977 headlined “The Army’s secret war” which claimed the material came from “our sources”, the chief of whom, according to page 175 of *Who Framed Colin Wallace?* “was Colin Wallace”.³²⁹

326 KIN 5222.

327 Page 173 of the book, KIN 5219.

328 KIN 5220.

329 KIN 5220.

446 During an interview with the RUC on 10 December 1982 Mr Blundy told the police that Mr Wallace was one of his sources for a story he wrote about the abduction of Thomas Niedermeyer, the German Managing Director of the Grundig Factory on the outskirts of Belfast. Mr Niedermeyer was murdered by the IRA, and his body was not discovered for several years. During the December 1982 police interview Mr Blundy was asked about Kincora as can be seen from the following questions and answers.

“Q: Did you or Wallace at any of the briefings or conversations ever mention Kincora?

A: No, never.

Q: Did anyone at any briefing mention Kincora?

A: To my knowledge – not.

Q: Was any mention made of homosexuality at any home in Northern Ireland?

A: To my knowledge – no.

Q: Did you have any knowledge of homosexuality in any children’s home in Northern Ireland in 1973 – 1974 period?

A: No.”³³⁰

As Mr Blundy was clearly on good terms with Mr Wallace in 1976 and 1977, and received a lot of assistance from him, if Mr Wallace had the GC80 document and/or knowledge of abuse of residents in Kincora we believe he would have shared that information with Mr Blundy. He did not according to Mr Blundy.

447 After Mr Wallace was dismissed from the Army Information Service the Army believed that he was still in contact with other journalists as well as Mr Blundy to judge by a report from HQNI of 4 August 1977 which referred to Mr Blundy and Mr McKittrick of the Irish Times investigating stories on Black Propaganda and NUJ cards. The Army suspected that Mr Wallace was a source for some of the material in the press at the time.³³¹

448 In June 1976 Lt Col Sillitoe made a complaint to the Press Council about the way in which *The Times* published part of a manuscript by Lt Col Sillitoe which was his private property, and which he intended to

330 KIN 30075.

331 KIN 190167.

use for a book, and had deliberately misrepresented the document as a confidential Army memorandum. We do not consider it necessary to examine the contents of this letter in detail. It is sufficient to say that Lt Col Sillitoe repeatedly refers to having provided a copy of his manuscript to a person whom he describes as:

“a civil servant and former colleague for help with research, and that I made it quite clear to him that the material I had sent was private and for publication in a book”.³³²

449 It is clear from the letter that the “civil servant and former colleague” to whom Lt Col Sillitoe referred was Mr Wallace. Lt Col Sillitoe made it clear that he believed Mr Wallace passed the manuscript to Mr Fisk, despite Lt Col Sillitoe repeatedly asking Mr Wallace to return the document. Lt Col Sillitoe alleged that not only did Mr Wallace pass on the manuscript, before he did so Mr Wallace had caused the manuscript to be typed and represented as a “report”.

“If, at some later stage, he caused my manuscript to be typed and communicated to someone else as a ‘report’ he was acting improperly.”³³³

The relevance of this matter to the Inquiry is that, if Lt Col Sillitoe’s allegations about Mr Wallace were correct, it shows Mr Wallace had had no scruples about passing other material to Mr Fisk apart from the documents and material examined in the Security Service Leak Report, and was prepared to alter a document and represent it to be a ‘report’ when it was not. Lt Col Sillitoe’s letter to the Press Council can be found at KIN 200502 to 200506.

450 Mr McKittrick made his statement to the RUC on 25 February 1982, in which he said,

“In 1979 I interviewed Wallace extensively about Army Intelligence matters but Kincora or McGrath were never mentioned”.³³⁴

As Mr McKittrick worked for the *Irish Times* he might well be the person to whom Mr Wallace referred in a letter from Lewes Prison to Mr Holroyd in which he wrote on 27 May 1984,

332 KIN 200503.

333 KIN 200503.

334 KIN 30079.

“I am also fairly certain that a Dublin journalist asked me about you in 1979/80...”³³⁵

Whether or not the “Dublin journalist” was Mr McKittrick, this remark shows that Mr Wallace’s contacts with journalists were not limited to those who worked for United Kingdom newspapers.

- 451 The same letter contains a reference to Mr Wallace’s “discussions with a senior conservative MP in 1979 about another matter”, Airey Neave MP was such a person and, as we have seen, Mr Wallace had considerable contact with Mr Neave in 1976.
- 452 In his letter to the Inquiry of 27 October 2016, Mr Wallace said that he had been told by a reporter, “...in 1976, a year after I left the MoD” that the reporter had recently been given a copy of the Folio Document by an official at the NIO.³³⁶ Although this reporter is not named, it is a further indication of the number of contacts with journalists that Mr Wallace had after he left Northern Ireland after his dismissal.
- 453 As we have seen, Mr Wallace has claimed that he was moved from Northern Ireland to Preston because of what he knew about Kincora, and he has claimed that in 1974 he prepared the document dated 8 November 1974. He has claimed that he was aware from 1972 of allegations that residents in Kincora had been sexually abused, and that he was very concerned about what he was told. When considering the credibility of his accounts we consider it relevant to take into account whether Mr Wallace did anything to bring what he had been told, and the information he had gathered, about Kincora and the sexual abuse of residents there to light, and to bring to justice those who he had reason to believe from what he had been told had abused residents in Kincora, and thereby prevent further abuse as well. He claims he made a phone call to social services in 1975. There is no record of such a call. By his own account he was in contact with his Labour MP about his dismissal, and with Airey Neave MP about Clockwork Orange. He wrote to a former Prime Minister. He was in contact with several journalists.
- 454 There is no evidence to show that despite all of these contacts over several years he did anything to alert anyone to his concerns about Kincora, nor is there any evidence to corroborate his assertions as to what he did do.

335 KIN 51079.

336 KIN 124834.

455 If Mr Wallace had been concerned about the residents in Kincora during those years we consider it was his duty to give his information to the police. If, as a result of his experiences which led to his arrest and questioning by the police in 1975, he did not trust the RUC, we see no reason why he could not have given the information, and the 8 November 1974 document, to Mr Moyle MP, to Mr Neave MP, or to the various journalists with whom he was in frequent contact. All of the evidence shows that he did not do so.

Mr Wallace’s arrest in 1980, conviction and imprisonment

456 The existence of the 8 November 1974 document did not become known until 1984. Before we examine the document, and how its existence became known to the police and others, it is necessary to place the issues relating to Kincora against the backdrop of Mr Wallace’s circumstances from the summer of 1980 onwards. This is because for several years he was in prison. The reasons for his conviction, and the eventual quashing of his conviction, are not relevant to this Inquiry. Throughout his years in prison, much, but not all, of Mr Wallace’s voluminous correspondence related to his efforts to establish his innocence and overturn his conviction. Many of the letters he sent during this time dealt with his conviction and his efforts to establish his innocence. They also refer to other matters such as the circumstances leading up to and relating to his dismissal, Clockwork Orange and Kincora. Whilst the Inquiry has examined all of Mr Wallace’s correspondence to and from the Government ministers and officials, including two Prime Ministers, MPs, the Hughes Inquiry, and others held by the PSNI and the core participants in the Kincora module, only that which we considered touched directly or indirectly on Kincora is referred to in this portion of our Report.

457 As will be apparent, Mr Wallace was, and remains, an indefatigable correspondent whose letters contain a wealth of detail. Much of what is contained in the correspondence we have examined consists of repetition of the same arguments and references. Many of the documents to which he refers, such as newspaper articles, were of little assistance to the Inquiry. We have carefully considered all his correspondence, and the documents referred to therein. We only refer to those which, in our view, are of sufficient relevance to the issues we examine in this chapter.

- 458 The following dates in the 1980s and 1990s form part of the backdrop to the matters that we now examine.
- 6 August 1980 – death of Jonathan Lewis at Arundel, West Sussex.
 - 18 September 1980 – Mr Wallace was charged with the murder of Jonathan Lewis.
 - 20 March 1981 – Mr Wallace was convicted of the manslaughter of Jonathan Lewis and sentenced to 10 years imprisonment.
 - 12 February 1982 – Mr Wallace was refused leave to appeal (the first appeal)
 - 5 December 1986 – Mr Wallace was released from Lewes Prison on parole.
 - 9 October 1996 – Mr Wallace’s conviction was quashed after the case was referred to the Court of Appeal (Criminal Division) by the Home Secretary, (the second appeal).³³⁷
- 459 Following Mr Wallace’s arrest his house was searched by Sussex Police, and two notebooks were seized. These were later passed to the SIS.³³⁸ One contained lists of individuals, most of whom were alleged to be members of Loyalist or Republican terrorist organisations, or organisations and publications which were believed to be sympathetic to such terrorist organisations. This volume can be described as containing information of a miscellaneous nature related to terrorist activity in Northern Ireland. The other volume contains miscellaneous entries relating to intelligence and political matters in both the United Kingdom and other countries. Many of the entries relate to notorious episodes of international terrorism at the time, such as the hijacking of an EL AL flight from Zurich to Tel Aviv in February 1969. While most of the notes in the second volume relate to matters predating Mr Wallace’s departure from Northern Ireland, there are later entries, such as one relating to events in 1976.³³⁹ The only significance of both documents and the information contained therein is that they show that Mr Wallace

337 KIN 122058-122070.

338 KIN 3515.

339 KIN 190114.

had long been in the habit of recording information in relation to political and security matters in which he had an interest. There is no reference to Kincora in either of these volumes.

- 460 The SIS officer who reviewed the notebooks commented that during the six years since Mr Wallace left his position with the AIS he had:

“...demonstrated that he is mindful of the provisions of the [Official Secrets Act] and has not in fact publicised his knowledge of the Army’s intelligence activities in Northern Ireland in the way that we feared he might.”³⁴⁰

However, that comment has to be read in the light of what Mr Wallace says were his efforts during those years to interest Airey Neave MP and others in Clockwork Orange.

- 461 At some point while he was in prison Mr Wallace produced the extremely detailed 16-page document, parts of which we have already referred to, with the following title,

“Political and security implications regarding the disclosure of security classified information to assist in the investigation of the allegations relating to the Kincora Boys’ Hostel, Belfast”.³⁴¹

Despite the reference to “the investigation of the allegations relating to the Kincora Boys’ Hostel, Belfast”, a great deal of this document is devoted not to Kincora but to a very detailed statement of Mr Wallace’s grievances about the events leading up to his arrest and dismissal, the CSAB hearing and Clockwork Orange 2. He described in considerable detail the nature of the work that he did in Northern Ireland, and we have already quoted from, and examined, parts of this document already when we considered Mr Wallace’s account of how he was contacted by a social worker about her concerns relating to Kincora, and how he leaked Kincora information to journalists which no one used.

- 462 We consider it noteworthy that nowhere in this exceptionally detailed document dated March 1982, in which he developed in considerable detail how he came by the knowledge he claims to have had as early as 1972, did he make any reference to the existence of the 8 November 1974 document.

340 KIN 3514.

341 KIN 102798.

463 This was not the only opportunity Mr Wallace had about that time to disclose to others the existence of the 8 November 1974 document when he was informing newspapers and others about what he knew of the sexual abuse of children at Kincora and in Northern Ireland. On 22 March 1982 the *News of the World* carried an article about Mr Wallace by Iain Macaskill.

“A convicted killer holds the key to a growing sex scandal involving top members of the Establishment.

Colin Wallace, serving 10 years for manslaughter, is threatening to expose the guilty men. He says he knows the names of MPs, Lawyers, Civil Servants, Councillors and policemen involved.”³⁴²

464 Later in the article under “Secret Papers” appears the following.

“He [Mr Wallace] wants guarantees that he will be able to give a full account of what happened, the people involved, and refer to secret papers.

Then he says, he is prepared to ‘blow the lid’ off the whole Kincora affair.

Wallace has told friends that he saw the list at Army HQ in Lisburn. The names were on three foolscap sheets.

The file is said to be made up of ten portraits of people involved and details of the roles they played.

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

Senior Civil Servants seconded from London to Belfast are also named, plus local politicians who used the vice ring, or knew about it and took part in the cover-up”.³⁴³

465 The “list” to which the article referred was described in the article in this passage.

“Wallace has told friends of a secret list of 60 men in the homosexual vice ring centred on Kincora House, a school for deprived children in Belfast”.³⁴⁴

342 KIN 50159.

343 KIN 50159.

344 KIN 30234.

- 466 This was not the only reference by Mr Wallace to seeing such a list. On 4 March 1984 Mr Wallace was reported as saying in the *Sunday World* that he saw a three-page hand written document containing the names of many individuals involved in a paedophile ring in Northern Ireland.³⁴⁵ This appears to be a reference to the list which Mr Wallace was reported to have seen containing 60 names according to the *News of the World* report. The Inquiry asked Mr Wallace to (a) say who showed the document to him, where and when, (b) the circumstances in which he saw the document and (c) to “give any of the names on the document that he can remember.”³⁴⁶ Mr Wallace has ignored this request.
- 467 As we see below, Mr Wallace admitted to the police in 1982 that he had seen Mr Macaskill, yet in his letter to the Inquiry of 17 October 2016 he implied that he had not done so. Mr Wallace referred to a report in the *News of the World* of 21 February 1982 and said,
- “...I assume that [the reporter] was probably given the information verbally by someone who had access to my disciplinary hearing procedure. I was in Wormwood Scrubs prison in February 1982 and had no contact with the press”.³⁴⁷
- 468 We can conceive of no proper reason why Mr Wallace is not prepared to provide this Inquiry or the police with whatever information he can provide about the names that appear on that list. As the many documents to which we have referred amply illustrate, Mr Wallace has recounted over the years in great detail the names and functions of many of those in relation to whom he says he worked or in respect of whom he has made allegations. It is the duty of anyone who holds information that may lead to the identification and apprehension of those who are believed to have committed serious crimes, such as the sexual abuse of children, no matter how long ago that may have occurred to inform the police so that the police can investigate to see whether the alleged offenders are still alive, and if they are alive to question them.
- 469 If Mr Wallace has that information he should have provided it to the police, and he should provide it now. If he does not provide it, we can only consider that his reason for not doing so is because he did not have and does not have the information. Mr Wallace has not provided this

345 KIN 112363.

346 KIN 123328.

347 KIN 124810.

Inquiry with any of this information. We can see no reason whatever for his failure to do so if this information is, or ever was, within his possession.

- 470 On 29 April 1982 Mr Macaskill gave D/Insp Mack and D/S Elliott of the RUC two documents which they marked SRM 9 and SRM 9A. Mr Macaskill said he had received these through the post, and he could only assume they came from Mr Wallace. He told the police that he had not used any of the contents of either in any publications as he was not satisfied of the truthfulness of their content.³⁴⁸ SRM 9 can be found at KIN 30235 – 30268. It included the grounds of Mr Wallace’s appeal against conviction in a document which appears to have been signed by his counsel. It also included a hand written 27-page document setting out grounds for appeal. This appears to be in Mr Wallace’s handwriting; it is not relevant to Kincora and we only mention it for the sake of completeness.
- 471 SRM 9A is to be found at KIN 30270 – 30271 and appears to be in Mr Wallace’s handwriting, and consists of three parts, two of which relate to matters connected with his trial and conviction. An easier to read transcription can be found at KIN 30273 – 30276. Part one of this document is headed “Background information”. The following passage relates to Kincora.

“First reported the Kincora vice ring in the early 70’s but no action was taken. In 1974 he complained to senior officers that a cover-up of the Kincora ring was preventing the killers of 10 year old Brian McDermott from being apprehended. Named three people thought to be linked with the vice ring who were suspected of the killing. Later an intelligence organisation planned to discredit a number of Ulster Politicians by falsely implicating them in the ring – Wallace refused to take part. He discussed Kincora with a number of journalists in 1974 and was suddenly posted out of Ulster, accused of being pro-RUC and of giving information to the press without authority. It is believed that a number of senior MP’s at Westminster – including several cabinet ministers – were involved in the cover-up.”³⁴⁹

The reference to having named three people thought to be linked with the vice-ring who were suspected of the killing of Brian McDermott is a matter we consider later.

348 KIN 30093.

349 KIN 30273.

472 On 25 March 1982 Mr Wallace was interviewed at Wormwood Scrubs Prison by D/Supt Caskey and D/S Elliott. During the interview he was asked about the *News of the World* article.

“Q If journalists were writing in the past 2 months speculating that you have information about MP, lawyers, policemen – this could not have come directly from you?

A It could not have come from me. You’re referring to the News of the World. It is highly inaccurate to say the least.

Q Have you met the reporter?

A I’ve met the reporter.

Q What are the inaccuracies?

A I won’t say there is a secret list of 60. I couldn’t confirm or deny or could I give any idea of the figure.

Q If there were other children at risk in Northern Ireland and if we don’t have the information to assist the investigation, do you not think it would be helpful to us if you supplied information. Are there any children at risk?

A I couldn’t say that. My knowledge stopped in 1974. I support the current investigation. The difficulties I face are greater at the moment but I can’t judge the wider aspect.

Q Would you say there is still a danger?

A I can’t say. My direct knowledge ended in 74.

Q Your direct knowledge?

A I don’t wish to answer that.”³⁵⁰

473 Later in the interview the police returned to the question of Mr Wallace’s knowledge about the sexual abuse of children in Kincora.

“Q You have no knowledge then of boys in care of the Health Authorities that are exposed to moral danger?

A That’s true. My direct knowledge stopped in January 1975.

Q Did it apply to Kincora?

A It’s wider than that. There are other children’s homes.

Q Can you locate the other homes?

A I wouldn’t answer that.

350 KIN 30096.

Q Does it involve military?

A I wouldn’t answer that.

Q A Portadown Home?

A No.

Q Lurgan?

A I wouldn’t answer that.

Q If I said Clive Fleury you wouldn’t say no?

A I wouldn’t answer that.

Q Do you know him?

A I wouldn’t answer that.

Q If I said you knew him would it make a difference?

A Yes.

Q Is it wider than Clive Fleury?

A I wouldn’t wish to get drawn into that. If I say it does or doesn’t it would give an indication to my knowledge.”³⁵¹

474 On 28 May 1982 Mr Wallace was again questioned by RUC officers, on this occasion by D/I Mack and D/S Elliott. The witness statement of D/S Elliott setting out the Question and Answer exchanges can be found at KIN 30102 to 30114. A number of different issues were discussed during the interview, but the following extracts from the Questions and Answers are relevant to any consideration of what Mr Wallace knew, or did not know, about the alleged list of people referred to in the newspaper articles to which we earlier referred.

“Q Six people have been convicted, does your evidence cover matters outside them. Are there people other than those six who, in your opinion, should be convicted purely for homosexual offences?

A No I’m not sure.

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

A No I don’t think that would be true. I looked at it from a security side and for that reason it obviously lead [sic] into various other fields, my evidence would not be aimed at homosexuality but the background to it and such lead [sic] me to be able to get more precise details.

351 KIN 30100.

- Q Do you believe that your evidence would assist us?
- A If I were doing the investigation I would like the information, we're shadow boxing so I don't know whether you already have my information. Your investigation, unlike Sir George Terrys [sic], seems to relate to the mechanics whereas Sir George is dealing with the cover-up.
- Q No that's wrong, our investigation covers all aspects.
- A I think I can say that on the basis of my evidence the RUC don't have anything to worry about.
- Q You are saying that you were aware of the goings on in Kincora back in 1974.
- A Yes.
- Q In Lisburn you would have had information relative to the Rev Ian Paisley and people like that?
- A Yes.
- Q McGrath?
- A Oh yes.
- Q Were you aware that McGrath was homosexual?
- A Oh yes, our interests would be the personalities of paramilitaries and their personality discrepancies. For obvious reasons we related to the Loyalist side in 74 with the UWC strike.
- Q Did you ever speak to or receive any complaint from a Kincora boy?
- A I wouldn't answer that, I certainly didn't interview them.
- Q Relating to the document we have, are you prepared to answer any questions in relation to its contents?
- A No.
- Q Is there anything we can do for you?
- A I'm stuck in the middle. I would like to help but I'm looking at my own problems first. If this had blown up after my parole it would be alright, I would be able to look after myself, my wife. I'm certainly worried about my case, the 2 stumbling blocks, the Official Secrets Act and the Legal Aid. You know I wanted something done about Kincora in 74. It upset me that things were going on.

Q Why did you not act then?

A I wasn’t in a position but I can tell you it really upset me.

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

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

Q You could have done something then and you didn’t?

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

Wallace indicated that he was reluctant to answer any further questions on this line and the interview was then terminated.”³⁵²

475 During these interviews Mr Wallace made it clear that he was concerned about a number of matters, some of which were referred to in the previous quotation, such as the availability of legal aid and whether any information he might disclose would thereby put him at risk under the Official Secrets Act. Over the succeeding months the question of immunity for Mr Wallace under the Official Secrets Act was debated in interviews by the police with Mr Wallace and with his solicitor. On 10 July 1982 the Director of Public Prosecutions in Northern Ireland gave the following undertaking to the Chief Constable of the RUC.

“I am writing to inform you that there will be no prosecution of John Colin Wallace for any breach by him of the Official Secrets Acts 1911-1939 in respect of any communication by him to a member or members of the Royal Ulster Constabulary, of information relating to homosexual offences in Northern Ireland.

Mr Wallace may be so informed. When he is interviewed you will doubtless wish to arrange that it should be made clear to Mr Wallace that it is important that he should make full disclosure of all information which he has concerning the commission of homosexual offences in Northern Ireland at any time, and that in doing so he will not be liable to prosecution for breach of the Official Secrets Acts, irrespective of the source of his information.”³⁵³

476 On 27 July 1982 D/Supt Caskey again interviewed Mr Wallace and read the DPP’s undertaking to him. Mr Wallace made it clear that he did not consider that sufficient, and that he also required the consent of the Ministry of Defence.

352 KIN 30112–30114.

353 KIN 30370.

“I have made this clear before. On previous visits I made it clear that clearance should come from Sir Frank Cooper [sic]. The copy of the Official Secrets Act, which I signed, made it quite clear that I must have the written consent of the MoD before I disclose any information.

Q You are not satisfied by the immunity granted by the DPP in Northern Ireland?

A Certainly not – in the wording conveyed during this meeting.

Q If you were to get written clearance from the MoD, are you prepared to disclose all information in your possession in relation to Kincora and other matters?

A Yes, subject to other conditions being met –

1. Firstly the legal aid situation. I would have to prepare a lengthy statement which would have to be vetted by legal representatives.
2. Because of my current circumstances I do not have the opportunity to carry out research. This would have to be done by my solicitor.
3. There is also the problem of documents and material needed by me being seen by third parties, eg prison staff, because of vetting procedures, during the production of the statements.
4. There would be a lengthy time involved, maybe 3-4 months.
5. I am unhappy about various aspects of my own case. I state again that I did not commit the offence for which I was convicted. There are, in my opinion, various matters which may be linked to various aspects of the Kincora investigation and I would therefore wish that these matters and all the evidence relating to my case be examined in the light of the information which I will supply about Kincora.”³⁵⁴

477 On 25 October 1982 the Director of Security (Army) Major General Garrett, wrote the following letter to Mr Wallace.

“Under the terms of the Official Secrets Act Declaration, which you signed when you resigned your appointment with the Ministry of Defence, you undertook to seek authorisation from this Department before discussing with anyone information gained in the course of

354 KIN 30119–30120.

your employment. It is now necessary for the police to investigate fully allegations of criminal offences involving homosexual conduct in or connected with the Kincora Boys’ Home in Belfast. The purpose of this letter is to confirm that you may disclose to Superintendent C. Gaskey [sic] and Inspector S E Cooke of the Royal Ulster Constabulary the information that is in your possession which is directly relevant to the investigation – including, where necessary, information which you gained in the course of your employment with the MoD and which is security-classified. You will, of course, appreciate that your responsibilities for safeguarding information not related to the police investigation remain unchanged and you must therefore be careful not to divulge any information other than that which is directly relevant to them.”³⁵⁵

478 On 11 November 1982 D/Supt Caskey again interviewed Mr Wallace in the presence of his solicitor at Lewes Prison, and gave Mr Wallace this letter from Major General Garrett. The following exchange took place.

“Q At an earlier interview you stated that you were bound by the Official Secrets Act and you considered if called upon to give evidence you would need legal clearance to disclose the information you have. You have now been served with a document giving you immunity by the Director of Public Prosecutions (Northern Ireland) and also with the document giving you the clearance you suggested you required before you could release this information. I suggest to you that the authorities have been more than reasonable with you in meeting your demands and your concern in relation to the Official Secrets Act and I, as the police officer in charge of the investigation, can see no bar in you divulging the information you allege you possess.

A I have now made it clear to you or your representatives on four consecutive visits that owing to the legal complexities of this matter that I would require adequate legal advice relating to the disclosure of any information and on the alleged immunity which might be provided. The refusal by the authorities to allow me to have that advice leads me to believe that they do not wish all the information relating to this matter to be disclosed. I hope I have made my position very clear to you on each of these interviews with particular regard to the complexity of the information.

355 KIN 30373.

Having regard to the totally negative attitude of the authorities in this matter, I do not think that I can be of any further help to you until I am properly advised.

Q Now that you have been given the clearance you sought from the Ministry of Defence I put it to you that you are in the same position as any other citizen in relation to the law to divulge any information you possess regarding any criminal offence i.e. concerning Kincora in this instance.

A As a matter of fact your statement is incorrect. The wording of the alleged clearance given by the Director of Army Security is not the wording of the clearance which I specifically requested from you on at least 2 occasions and on the face of it, it is not only insufficient but ambiguous. I think its fruitless going on any further with this interview."³⁵⁶

479 D/Supt Caskey then started to ask Mr Wallace a further question, which he was not able to complete because Mr Wallace's solicitor advised him not to continue with the interview and both then left the room. That question was intended to ask where Mr Wallace had got his information from and where it was to be found.³⁵⁷

480 In his report to the DPP D/Supt Caskey gave the opinion that the investigating officers believed that when Mr Wallace was informed of the nature of the immunity and the undertaking he realised that the RUC had called his bluff and cut the interview short.³⁵⁸

481 We are satisfied that on several occasions over many months throughout 1982 Mr Wallace was given every opportunity to provide the police with whatever information he claimed to have that may have enabled the police to investigate other instances where boys may have been sexually abused. Despite being given what we consider to be ample assurances that he was free to do so in the form of the undertaking given by the DPP and the permission given by Major General Garrett, Mr Wallace was not prepared to disclose the names of other homes where he thought children had been abused, or any information relating to assertions he was justifiably believed to have made about a list of names and details of individuals who had been involved in such sexual

356 KIN 30127-30128.

357 KIN 30129.

358 KIN 30026.

abuse. We consider that, at the very latest, by the conclusion of the interview on 11 November 1982 there was no remaining reason why he could not provide the police with whatever information he had relating to the sexual abuse of children in Kincora or elsewhere. His refusal to perform that duty is a matter we have taken into account in assessing the credibility of Mr Wallace and the accounts he has provided both to this Inquiry and over the years about his purported knowledge of events at Kincora.

PART THIRTEEN

The importance of the 8 November 1974/GC80 document

- 482 We now turn to the memorandum relating to Kincora which Mr Wallace says he wrote on 8 November 1974, and which we have so far referred to as “the 8 November 1974 document”. This document first came to light in November 1984, and became the subject of the Caskey Phase Four investigation, where it was referred to by the RUC exhibit number GC80. The witness statements taken by the police during the Caskey Phase Four investigation, as well as references to this document in other papers, referred to the document as GC80, and we will therefore refer to it as “the 8 November 1974 document” or as “GC80”, or both as the context requires.
- 483 As will become apparent, the version labelled GC80 differs in some respects from other published versions of the 8 November 1974 document. The exhibit GC80 is reproduced in facsimile form in Appendix 2 of this chapter. It can also be found at KIN 35081 to KIN 35084. From that version it can be seen that there are hand written comments added to the type written text, some of which appear to have been written by Mr Holroyd, notably the comments appearing on page four of the document beside Mr Wallace’s signature. Other comments appear to be in Mr Wallace’s writing. When we refer to the 8 November 1974 document as GC80 it is to this version.
- 484 The importance of the 8 November 1974 document/GC80 when considering the accounts given by Mr Wallace over the years cannot be overstated. GC80 is not just an important element in the accounts given by Mr Wallace, it is at the very centre of those accounts, and is fundamental to the credibility of the allegations made by Mr Wallace about Kincora. The authenticity of the 8 November 1974/GC80 document was called into question as long ago as 1985. ACC Mellor succinctly described the significance of the document when sending the Caskey Phase Four Report to the DPP on 4 September 1985.

“This file is the end product of an investigation which was commenced as the result of Frederick John Holroyd handing numerous documents to the Essex Police in November 1984. In the main these documents relate to grievances harboured by Holroyd in respect of his resignation from the Army and by Wallace in respect of his conviction on a charge of manslaughter.

However, amongst the documents is one (GC80) dated 8 November 1974 under the signature of Wallace which, if authentic, would indicate that both the RUC and the Army knew of homosexual activity in the Kincora Boys’ Home and of homosexual and other illegal activities by persons named in the document well before the Kincora Investigation commenced in 1980. There is, however, nothing in GC80 or the other documents of a potentially criminal nature which has not already been investigated and reported to the Director of Public Prosecution.

If the information in GC80 had been known to the RUC and the Army prior to the date on the document and had this information been deliberately suppressed then both could be severely criticised for not taking the appropriate action to ensure that the allegations were fully investigated.

There is, however, doubt as to the authenticity of document GC80 both from forensic examination and also because those who might be expected to know of its existence or content have denied knowledge of it and in some cases cast doubt on its format.”³⁵⁹

- 485 The significance of GC80 can be illustrated by the following parts of the document. The document is headed

“‘TARA’ REPORTS REGARDING CRIMINAL OFFENCES ASSOCIATED WITH THE HOMOSEXUAL COMMUNITY IN BELFAST.

Reference A: Attached RUC background paper on ‘Tara’

Reference B: Attached RUC report on the death of BRIAN McDERMOTT.

Reference C: Your request for a press investigation into the matters referred to above.”³⁶⁰

- 486 On the same page paragraph four explains the relevance of Reference A in the following way.

“Reference A deals with McGRATH’S background in considerable detail but it is inaccurate in a number of respects. The Kincora Hostel in Newtownards Road where he works was opened in 1959 under the control and administration of Belfast Corporation Welfare Department. He does not, as the paper claims, “run the hostel” – he is employed as a ‘housefather’. The Warden of Kincora is JOSEPH MAINS and the Deputy Warden is RAYMOND SEMPLE. MAINS was

359 KIN 35005.

360 KIN 35081.

appointed in 1959 and SEMPLE in 1964. Both men are known homosexuals. Indeed, various allegations of homosexual assaults on inmates of the hostel were investigated by senior Welfare Department staff in 1967 but no action was taken against anyone. (see notes of a report by Mr H. MASON at flag ‘N’)”³⁶¹

487 On the fourth page of the document under the heading “Conclusions and Recommendations” there appears the following paragraph.

“On the other hand, if the allegations are true then we should do everything possible to ensure that the situation is not allowed to continue. The youngsters in these hostels almost certainly come from problem families, and it is clear that no one will fight their case unless we do. Those responsible for the murder of BRIAN McDERMOTT must be brought to trial before another child is killed, and if it can be proved that there is a connection with this homosexual group, then the RUC must be forced to take action irrespective of who is involved.”³⁶²

The circumstances surrounding the emergence of GC80

488 Before considering the contents of GC80 it is necessary to say something about the way in which GC80 emerged, as well as the physical nature of the GC80 version. When GC80 was given to the police it came in the form of a photocopy of a document which had been typed from an earlier version. It therefore appears to be the case that the photocopy of GC80 is not in fact a photocopy of what was the original version of this document, but a photocopy of a later version.

489 On 7 August 1984 ex-Capt Frederick Holroyd contacted Essex Police and arrangements were made for a meeting with him at Westcliffe Police Station. At the police station Mr Holroyd produced a Photostat, that is a photocopied copy, of GC80.³⁶³ Detective Constable Roberts of Essex Police later told DI Cooke of the RUC that Mr Holroyd told him that GC80 had been retyped from the original and then photocopied, and that various things had been crossed out by Mr Holroyd to protect the sources.³⁶⁴ In his Inquiry letter of 9 September 2016 and the submission attached thereto, Mr Wallace said that the suggestion that Mr Holroyd might have retyped this document was totally untrue.³⁶⁵

361 KIN 35081.

362 KIN 35084.

363 KIN 51074.

364 KIN 51028.

365 KIN 124637.

490 Whether GC80 is a photocopy of the version of the 8 November 1974 document is relevant to its authenticity, and the Inquiry therefore asked Mr Wallace to produce “all original versions (and not photocopies) of the memorandum – whether draft or final, for inspection by the Inquiry”.³⁶⁶ Mr Wallace has not done so.

491 In *Who Framed Colin Wallace?* it is said that forensic tests by *The Irish Times* “were inconclusive because the document had been photocopied”.³⁶⁷

492 On 23 June 2016 Mr Holroyd wrote to the Inquiry and attached 12 pages of material which the Inquiry is satisfied were either written by, or in conjunction with, Mr Wallace. That letter refers to GC80 and stated that,

“Paul Foot submitted a copy of the document to two of the UK’s foremost document experts independently. Both experts concluded that there was no evidence that more than one typewriter and one typist had been involved in the production of the document”.³⁶⁸

493 The Inquiry asked Mr Wallace to provide copies of any such reports,³⁶⁹ but he has not done so.

494 In the document sent with Mr Holroyd’s letter of 23 June 2016 there is a reference to Mr Wallace’s hand written notes on Clockwork Orange being submitted to Dr Julius Grant, and to Dr Grant’s conclusion,

“That the documents were consistent with being written in the mid-1970’s”.³⁷⁰

There are references in *Who Framed Colin Wallace?* to Dr Grant’s examination of the Clockwork Orange notes at pages 42 and 43, 357 and 358, and 379. The references in *Who Framed Colin Wallace?* to the reports of Dr Grant on the hand written Clockwork Orange notes contrast with the absence of any reference to forensic tests on GC80 being carried out other than by the *Irish Times*.

495 We consider it surprising that Mr Foot made no reference to forensic tests on GC80 being carried out at his request, when the only reference to such tests on GC80 is to the inconclusive reports apparently obtained

366 KIN 123327.

367 Page 144 of the book, KIN 5205.

368 KIN 124601.

369 KIN 123327.

370 KIN 124603.

by *The Irish Times*. If such reports had been obtained by Mr Foot, we consider it highly likely that Mr Wallace would have copies, yet he has ignored the Inquiry’s request to produce copies of any forensic reports that he may have on GC80. We considered his failure to do so, despite his assertions that such reports exist, was relevant when considering the authenticity of GC80 and the credibility of Mr Wallace’s accounts.

496 The reference to more than one typewriter and one typist being involved in the creation of the physical document which purports to be GC80, that is in the creation of the first version that physically came into existence, echoes comments that Mr Wallace used two typewriters in his work at HQNI. In May 1985 when he was shown GC80, Mr Broderick said that

“Wallace used two different typewriters, one was kept by Wallace for his un-attributable information leaked to press”.³⁷¹

If Mr Broderick’s recollection was correct, that shows that when Mr Wallace was creating false documents as part of his work at HQNI he was alert to the risk that unattributable information could be traced back to the Army if he were to use his Army issue typewriter.

497 GC80 was examined at the Northern Ireland Forensic Laboratory in 1985 as part of the Caskey Phase Four investigation. At that time Donald Budd specialised in examining documents whose authenticity was in question. In his report of 14 February 1985 he pointed to the possibility that the first page of GC80 had been interfered with, giving three reasons.

- 1 A horizontal line on the first page “could indicate the addition of a piece of paper to the top of this document, possible to cover other information, at the time of photocopying.”
- 2 Differences in “the shape of the tail of the number “9” in the date of 8 November 1974 from that of 9s in the remainder of this document would appear to lend some weight to this possibility”.
- 3 The absence of “CONFIDENTIAL” from the bottom of page 1 of document 1 [GC80] yet present though obliterated at the top and bottom of the remaining 3 pages of this document, could be further evidence of interference to page 1.”³⁷²

371 KIN 190029.

372 KIN 35048.

498 Mr Budd’s comments are cautiously expressed, and at their height the indications that GC80 had been “interfered with” are only described as “possibilities”. While we do not discount Mr Budd’s comments, we regard them as providing limited positive assistance in determining when GC80 was created.

The format of GC80

499 A number of military witnesses who were in HQNI in 1974, and who might be thought to be able to throw some light on the authenticity of GC80, were interviewed during the Caskey Phase Four investigation. One of those interviewed was Roy Pace, who as Warrant Officer Pace was the Chief Clerk of Public Relations Branch HQNI between June 1973 and June 1975. One of his main tasks was to maintain the Classified Documents Register, and he said that:

“Every classified document, draft or otherwise, on receipt at my office would have been entered in the Classified Documents’ Register, stamped and given a serial number. The movement of the draft classified document would have been recorded as would its destruction. I see no such stamp on this document, neither does the document have a reference number which it would have been given had it come through my office. Generally this document is incorrectly laid out and would never have been accepted by a military office. I can state that this draft would never have been presented to a senior military officer in its present form. The style of writing is as far as I can recall similar to that of Colin Wallace.”³⁷³

500 Mr Pace pointed to a number of other differences between the layout of GC80 and what he would have expected in a military document, differences that he regarded as significant. In particular he would have expected to see all the “flagged” documents. Whilst some of these points may seem arcane and pedantic, nevertheless the overall appearance of the layout of GC80 does not conform to the rigidly formulaic structure and layout of the very large number of Army reports and memoranda examined by the Inquiry. Mr Pace said,

“At the time that this document was apparently written, the Public Relations Branch had become part of Army Information Services. I have examined this document and do not recall ever having seen the document before. Neither do I recall any decision on the content

373 KIN 35064.

of the document. If such a document had existed at the time in question and had been passed to me I would have read it to establish the correctness of the service writing layout and in this I would have referred it back to the author for the following reason.”³⁷⁴

He then went on to refer to a number of specific points where the document departed from the format he would have expected in a military document.

501 A number of other military personnel stationed at HQNI in 1974, and who might also have been expected to have been aware of, or to have seen GC80 were interviewed. Each said that they had never seen the document, or had no recollection of doing so, and had no recollection of any discussions of homosexuality. These were

- 1 Elizabeth Yarr, a personal secretary who worked in the Public Relations Branch.³⁷⁵
- 2 Major I, who worked at the Army Press Desk.³⁷⁶
- 3 Lt Col Peck, who was a General Staff Officer One (GSO1) until July 1974.³⁷⁷

502 His successor was Lt Col Railton who was in the Army Information Branch at HQNI from June 1974 until October 1975, and the person to whom GC80 was addressed. He was shown GC80 in July 1985 and responded as follows.

“I have been shown a document marked GC80 which is dated 8 November 1974. I have had an opportunity to read over this document and examine it and I would say that the context in which this document appears to have been compiled does not ring true. I note that the document is addressed to me in manuscript. I can state that I do not recall having seen this document before and can categorically state that I had no knowledge of homosexual activities at Kincora Boys’ Home or any knowledge of the McDermot [sic] murder other than that which appeared in the Press at the time. Had I been aware of the subject matter of GC80 I would have brought this to the attention of the appropriate authorities.”³⁷⁸

503 Brigadier F was the Col GS (Intelligence) at HQNI and responsible for handling all intelligence on behalf of the GOCNI. When he was shown

374 KIN 35063.

375 KIN 35065.

376 KIN 35061 and 35062.

377 KIN 35056.

378 KIN 35049.

GC80 he said that he had never seen it before, nor had he seen any draft of it. He commented that it “is produced in the style of the alleged author John Colin Wallace”. He went on to say:

“Wallace was a very experienced and clever Press Relations Officer and produced material for media as well as counter propaganda. Wallace at any time would not have been given access to intelligence papers or papers held in the intelligence community at HQNI. In the production of this document GC80 Wallace is stating that he had access to intelligence papers from the RUC. I would state that any such documents would have come through me as Head of Intelligence and would not have gone to the Information Policy Department where Wallace was employed. If this was a genuine document and had been produced at the time it would have been brought personally to the Head of the Intelligence Department who would have had the document researched and vetted. On no account would Wallace have been given access to intelligence documents. In relation to the content of GC80 I do recall the organisation TARA but do not recall any details. I do not recall any complaints or allegations of homosexuality in Boys’ Homes in N Ireland.”³⁷⁹

504 In 1985 Major General H Garrett was the Director of Security (Army) at the MoD, but from November 1972 until January 1975 he was a Brigadier who was Chief of Staff at HQNI responsible for all staff including Intelligence. In 1985 he explained that in his time at HQNI the normal practice was that the majority of intelligence was briefed directly by the Col GSO Int to the Commander Land Forces (CLF). When Major General Garrett was shown GC80 he said this in his police statement of 16 July 1985.

“I have not seen this document before and I was not aware of the content of the document during my period in N Ireland. I knew the alleged author of this document, John Colin Wallace, during my tour in N Ireland and would state that had Wallace been in possession of this information at the time he would have brought this to me at any time as he was considered part of the team and as such had easy access to me. It would have been more likely that he would have discussed this with his immediate supervisors and if he had not got satisfaction at that level would then have felt he could come to me. I do not recollect any such information being brought to my notice by Wallace or anyone else.”³⁸⁰

379 KIN 35054 and 35055.

380 KIN 35053.

PART FOURTEEN

General Sir Peter Leng

505 General Sir Peter Leng died in 2009. From January 1973 until March 1975 as a Major General he was the Commander Land Forces in Northern Ireland, and as such the second in command to the GOCNI, who was Lieutenant General Sir Frank King. Mr Wallace has asserted on many occasions that in May 1974 Major General Leng was aware of the allegation about Kincora, although that allegation was not contained in *Who Framed Colin Wallace?*, which was first published in 1989. In the 1990 paperback edition the only reference to Major General Leng is at page 41 in the context of Clockwork Orange.

“The Army’s involvement in Clockwork Orange was approved early in 1974 by the Commander of Land Forces, Northern Ireland, Major General Peter Leng. Colonel Peter Goss, the Senior Army Intelligence Officer, Lisburn, was instructed to release to Colin secret information on terrorists. Captain “Tim Perkins”, another Intelligence Officer, was appointed to do the basic research and supply Colin with the results.”³⁸¹

506 The account given at page 139 of the reasons for the creation of the 8 November 1974 / GC80 document infers that Mr Wallace composed it solely on his own initiative, and it makes no reference to his being instructed or encouraged to do so, whether by Major General Leng or by anyone else.

“Colin wondered whether McGrath and his colleagues at Kincora were “held in place” to assist with such secret intelligence initiatives. If so, if the boys at Kincora were being sacrificed to the machinations of Intelligence, the process had gone too far. As with Clockwork Orange, the time had come to call a halt.

On 8 November 1974 Colin wrote a memorandum. He is not clear today (because he only has a copy) for whom the memo was intended, but it would certainly have gone to his superior officer Jeremy Railton, Head of Information Policy, and almost certainly also to Army Intelligence and the Army’s RUC Liaison Officer at Police Headquarters in Belfast.”³⁸²

507 However, in letters he wrote to the Prime Minister in 1990, Mr Wallace alleged that Major General Leng did know about the sexual abuse at Kincora, especially in his letter to the Prime Minister of 12 May 1990 in

381 KIN 5153.

382 KIN 5202.

which he referred to an interview given by General Leng to the *Sunday Times* and to extracts from the tape recordings upon which the *Sunday Times* article of 18 February 1990 was said to be based. To the present day, Mr Wallace continues to maintain that General Leng was aware of the abuse at Kincora and he refers to the *Sunday Times* interview and to the recordings in support of his assertions. An example is the following extract from his letter in submission to the Inquiry of 9 September 2016.

“Moreover, General Leng makes it clear in his recorded interview with the *Sunday Times* in February 1990 that he was aware in 1973/74 of McGrath, where he worked and the “homosexual insinuations”. General Leng also recalls writing a memo pointing out that the sexual abuse allegations were a police matter.”³⁸³

508 After quotations relating to *Clockwork Orange*, Mr Wallace gives the following quotation from the transcript of the *Sunday Times* interview. The interviewer (the journalist Barrie Penrose) turned to the subject of Kincora.

“PENROSE: You said in the memo according to [Mike] Taylor that the RUC and the Social Services I think ought to be brought in here because the file named men and boys who were obviously part of this abuse which we all know about since.

LENG: Yes, I recall that,

PENROSE: Do you? And you said take action. They waited because obviously there had been other members suggesting this from Junior Officers, but it was yours that finally convinced Taylor that this was going to happen, but of course it went on for another six or seven years, but again that wasn’t your fault. It was just to remind you that there were homosexual abuses taking place, namely by the House Father named McGrath.

LENG: Yes.

PENROSE: who was also the leader of TARA, and of course eventually that was all proven in court some years afterwards, and also a man named McKeague, but I mean this is obviously outside...

LENG: Yes, I do remember the homosexual insinuations and I do remember saying this is a police business, not ours.”³⁸⁴

383 KIN 124650.

384 KIN 124651.

509 Mr Wallace had this to say about the *Sunday Times* article.

“The *Sunday Times* story based on General Leng’s recorded interview with Barrie Penrose was published in the first edition of the newspaper on 18 February 1990. I was reliably informed that the MoD put pressure on the *Sunday Times* to withdraw the story. Indeed, the story was withdrawn from subsequent editions. It is not difficult to understand why the MoD reacted so negatively to the story, because General Leng’s comments undermine almost everything the Department and its Ministers had been saying about “Clockwork Orange” and Kincora.”³⁸⁵

510 As Mr Wallace says, the *Sunday Times* article was withdrawn, but not for the reason he believes. The editor, Andrew Neil, listened to the recording of the interviews and concluded that the story should be withdrawn from all future editions because the recordings did not support the assertion that General Leng had authorised Clockwork Orange. Mr Neil’s explanation given shortly afterwards makes it clear that he did not withdraw the story because of pressure from the MoD.

“[It] has been suggested by several politicians in the House of Commons that, under pressure from the MoD, The *Sunday Times* pulled the story about the Colin Wallace affair from its first edition last Saturday night. That is untrue. The story was pulled, but there was never any pressure from the MoD or anybody [else to] do so. The facts are as follows.

The *Sunday Times* first edition contained a page one story “General backs Wallace claims” in which it was said that General Sir Peter Leng, Commander Land Forces in Northern Ireland from 1973 to 1975, confirmed the existence of Clockwork Orange and, further, claimed it had not been authorised by the Northern Ireland Office. After the first edition went to press the MoD issued a statement which said that we had either distorted or misunderstood what the General had said. The General, said the MoD, had confirmed to the Ministry that he had said neither [of] the two statements attributed to him by the *Sunday Times*. My reaction was simple: the MoD, realising the import of what the general had told us, had got him to retract his statements as part of a damage limitation exercise. Luckily, I thought, our two telephone conversations with the General had been tape recorded.

385 KIN 124652.

[I] asked to listen to the recordings so that I could pick the best quotes from [the] General in order to refute the MoD rebuttal. But after listening to the tapes I was forced to conclude that the general had neither confirmed Clockwork Orange nor its official authorisation. I had no choice, therefore, but to withdraw the story from all future editions of the Sunday Times, and issued directions to that effect at 8pm Saturday night. At no stage did the MoD [or] any other official body ask for the story to be withdrawn, or put any pressures, directly or indirectly, on the Sunday Times to do so. The decision [was] taken for purely journalistic reasons, above all for reasons of accuracy.”³⁸⁶

511 Mr Wallace is therefore incorrect in his belief that the *Sunday Times* withdrew the story because of pressure from the MoD. The Inquiry has obtained a complete copy of the transcript made by the *Sunday Times* which was sent on 22 February 1990 by Mr Neil to Merlyn Rees, who was the Secretary of State for Northern Ireland in the Labour Government formed following the outcome of the General Election held on 28 February 1974.³⁸⁷ Mr Wallace clearly had a copy of that transcript when he wrote to the Prime Minister on 12 May 1990. In that letter he said,

“I attach for your information extracts from the tape recordings of the exchanges between General Leng and the Sunday Times. I think you will agree that they show:

1. Senior Army Officers at HQ Northern Ireland were aware in the mid 1970s of allegations of homosexual abuse at the Kincora Boys’ Home.
2. That the “Clockwork Orange” project originated at the Northern Ireland Office and involved members of MI5.
3. Setting aside the first paragraph of the story which I think is much too strong, the tape recordings do support the Sunday Times account of what the General allegedly said.”³⁸⁸

512 Mr Wallace has used quotations from the transcript over many years when referring to General Leng and Kincora, and has done so in his submission to this Inquiry. The transcript provided by the *Sunday Times* runs to 27 pages, and is to be found at KIN 124556 and following, see

386 KIN 185010.

387 KIN 124555.

388 KIN 104233 and 104234.

Appendix 3 of this chapter. It includes comments during an interview with Sir Frank King, who was the GOCNI at the time of the events the Inquiry is considering. As can be seen from the transcript both interviews took the form of telephone interviews during which the conversations were tape recorded. When the entire transcript of the questions and answers relating to General Leng are read we are satisfied that Mr Wallace’s selective quotations misrepresent what General Leng actually said about Kincora.

“PENROSE: Yes. And Colin Wallace you would have known?

LENG: Well hardly. I mean no and yes, but as he was a captain working right down the chain...

PENROSE: Yes

LENG: I didn’t. I mean I hardly came across him at all.

PENROSE: Because everyone, including Broderick, I must say, they speak so highly... and so do the records of him at the time, that he was hard working, and so on, but that’s something that obviously... You were at a level where you wouldn’t have come across him very much.

LENG: Correct.

PENROSE: But it wouldn’t surprise you that he was involved along with Broderick and the others and Taylor...

LENG: If he was working under Broderick he would be involved.

PENROSE: With Clockwork Orange, Yes. And how many people would have known about Clockwork Orange? Would it... I am just wondering...

LENG: Well I think that the senior intelligence officer would have known, Broderick would have known, Mike Garrett.”³⁸⁹

It is clear that General Leng was saying in 1990 that he had very little direct contact with Mr Wallace.

513 There then followed a number of exchanges about Clockwork Orange during which General Leng made clear that his memory of events more than fifteen years before was not good.

“PENROSE: Right, because there was Clockwork Orange one and two but I am sure your memory doesn’t stretch back that far?

389 KIN 124559.

LENG: It doesn’t I’m afraid. I’ve got a terribly bad memory anyhow.

PENROSE: So – I mean – when it was mentioned to you, it was mentioned to you as what?

LENG: Well, I don’t want to be quoted, because I can’t actually recall, but I think it was, from rough memory, it was because we have to investigate these terrorist organisations and I said “go ahead and investigate”.³⁹⁰

514 Some pages further on attention turned to Kincora.

“PENROSE: Did you know there was a Clockwork Orange One and Two?

LENG: Really?

PENROSE: ...who was also the leader of TARA, and of course eventually that was all proven in court some years afterwards, and also a man called McKay, but I man [sic] ...

LENG: Yes I do remember the homosexual insinuations and I do remember saying this is a police business not ours.

PENROSE: Yes, because you probably know that since then, the suggestions had been the MI5 or others, not the Army but others, where in fact using, obviously, a blackmail hold on people like McGraph [sic] which he has since confirmed. I mean that is a matter record now, that he was blackmailed into working for intelligence to inform and so on, so you can see the tug of war that was taking place from your side, saying police, Social Services take action, and the other side saying no, we need the information...

LENG: But of course I wasn’t part of the other side.

PENROSE: No, quite. Well look, I’ll get this in the post...”³⁹¹

515 When considering the entirety of these exchanges it has to be borne in mind that there were many leading and suggestive questions by the interviewer during a telephone interview with someone who was being asked to recall events many years before, apparently without

390 KIN 124558.

391 KIN 124562 and 124563.

time for reflection and who had made it clear his memory was poor. We are satisfied that when one looks at the entirety of these exchanges that although on one construction the words “yes I do remember the homosexual insinuations and I do remember saying this is a police business, not ours” suggests that General Leng did know about the abuse at the time, when the exchanges are considered as a whole the references by General Leng to boys escaping from a remand home clearly refer to St Patrick’s Training School and not Kincora. Kincora was not a remand home, and as we have established when examining St Patricks Training School on the Glen Road in West Belfast, there was a serious problem there during the 1970s with boys absconding after they had been remanded by the courts to the training school when charged with terrorist and public order offences. Mr Wallace ignores this reference.

516 After the *Sunday Times* article appeared, General Leng and General King had a meeting with officials from the Ministry of Defence on 17 February 1990. A note of that meeting contains the following reference to what General Leng said about Kincora.

“7. On Kincora Leng remembered discussing with the Chief of Staff the escapes of youngsters back into violence. Kincora came up in relation to escapes, he said.

8. Leng was questioned about Tara – “don’t remember”. MaGrath [sic] – No bells. Homosexual activity at Kincora – “I have a nagging thought about that. Len Garrett may have discussed homosexuality there with me. My recollection is unclear”.³⁹²

517 If this note is an accurate representation of what General Leng said in 1990, his recollection of any question of homosexuality was far from clear and the references to “insinuations” in the *Sunday Times* transcript have to be viewed with that in mind. However, looking at both accounts, it is clear that what General Leng remembered were not discussions about homosexuality at Kincora but discussions about the problems created by boys absconding from St Patricks Training School and not from Kincora.

518 In 1985 General Leng made a statement to the police during the Caskey Phase Four investigation into the 8 November 1974 / GC80 document. In this statement General Leng said that he had never seen the GC80

392 KIN 190035.

document before, nor had he any knowledge of any of the hostels, or of allegations of homosexuality in children’s homes in Northern Ireland. He confirmed that he was aware of St Patrick’s Training School in its capacity as a remand home, and the concerns of Army Commanders that “young men” on remand for terrorist offences were absconding from St Patrick’s.

519 In view of the significance attached to what General Leng has said about Kincora, we set out the relevant portion of his statement below.

“I was Commander Land Forces N Ireland from Jan 1973 until March 1975. I have closely and carefully examined the document marked GC80 and I can state that I have never seen such a document before. Documents of this nature would have been handled at a lower level and if a problem arose the subject in question would be discussed in my office with either the Chief of Staff, Brigadier Garrett, or for the major part of my tour by [Brigadier F], Col GS Intelligence or in the last three months by Col M. I always insisted on personal briefing rather than having to read a mass of documents. I would not therefore have received a document in draft and usually only handled the most important policy documents in final form. Nor have I any knowledge of this document nor was the information contained in the document under question ever brought to my notice. I certainly cannot recall having heard of any of the hostels named in the document nor was I aware of any allegations of homosexuality in any boys’ homes in N Ireland. However, I was aware of the remand home, St Patrick’s situated in west Belfast. In 1974 the Army Belfast Commanders were concerned about the number of young men on remand for terrorist charges who were absconding from this home and re-involving themselves in terrorist activities. I was aware of the Protestant organisation Tara but cannot recall at this late stage any of the personalities involved. I do not recall the McDermot [sic] incident.”³⁹³

520 We are satisfied that General Leng’s account in his police statement in July 1985 is incompatible with everything that Mr Wallace has alleged about General Leng’s knowledge of, and approach to, sexual abuse of children in Kincora in 1974. We are satisfied that General Leng’s recollection as he explained it later in 1990 in the *Sunday Times*

393 KIN 35051 and 35052.

interview can be seen from the transcripts, and his subsequent remarks to the Ministry of Defence, as consistent with his position as stated in his July 1985 statement.

- 521 General Leng’s recollection as he set it out in July 1985, more than four years before he referred to the matter during the course of a telephone conversation with the journalist Barrie Penrose, leaves no room for doubt that General Leng was saying then that he knew nothing about Kincora nor had received any information to suggest that children were being abused in Kincora. If General Leng’s statement in 1985, and his subsequent remarks, were true, they contradict and do not support Mr Wallace’s assertions.
- 522 From the following extract of his submission to the Inquiry sent with his letter of 9 September 2016 it can be seen that Mr Wallace regards the late General Leng as a person of great integrity, and he argues that General Leng’s comments in the *Sunday Times* interview provide powerful support for Mr Wallace’s assertions about Mr Wallace’s knowledge of sexual abuse in Kincora in 1974.

“Those who served with General Leng will be well aware that he was a very professional and forthright officer who had great integrity. There is no doubt in my mind that his knowledge of McGrath and Kincora as expressed above would have been communicated very clearly and forcibly to those around him. I am amazed that the Inquiry transcripts indicate that the Inquiry made no determined attempt to challenge senior military and Intelligence witnesses over General Leng’s comments. I am also disgusted that those officers and officials, including the senior Information Policy Officers, did not have the courage to speak out and confirm what General Leng had said.

I believe the Inquiry must face up to this issue because General Leng’s comments go to the very heart of the Inquiry’s investigation into Kincora. The Inquiry must decide: do they believe General Leng, who had no reason whatsoever to lie, or do they believe MoD and Intelligence witnesses who had very good reasons to lie. It is sad and very worrying that CTI [Counsel to the Inquiry] has attempted to play down the significance of what General Leng said. If it had not been for the stance he took on this issue, I would not have been talking to the press in 1974 about McGrath’s homosexual activities.”³⁹⁴

394 KIN 124652.

523 As Mr Wallace concedes, General Leng had no reason to lie. General Leng's recollections in 1985 of Kincora were given significantly closer to the events he was asked about in 1974, and when he had the opportunity to study, and reflect upon, the contents of the 8 November 1974/GC80 document. They are consistent with, and supported by, the accounts of the other witnesses who were interviewed in 1985. We see no reason not to accept General Leng's account contained in his 1985 police statement.

PART FIFTEEN

524 Before we consider the other contents of the 8 November 1974 / GC80 document we should make it clear that we accept Mr Wallace was the author of the document. The issue that was raised as early as the Caskey Phase Four investigation of 1985 is whether the document was composed in November 1974 or at a later date. In this part of this chapter we examine the contents of GC80 to see whether the internal evidence assists in establishing when the document was or was not compiled.

Reference A

525 At the head of the document appears the following.

“Reference A: Attached RUC background paper on ‘Tara’.”³⁹⁵

The RUC background paper referred to as Reference A is mentioned expressly in the paragraphs numbered 1, 4 and 6, and is identified as the source of much of the information referred to in paragraphs 1-9. No such RUC document has ever been found by the Ministry of Defence, by the RUC, by the PSNI, nor has this Inquiry in its exhaustive examination of files found anything that would answer that description.

526 Paragraph 4 starts,

“Reference A deals with McGrath’s background in considerable detail but it is inaccurate in a number of respects.”

The remainder of the paragraph does not say in what respects the RUC “background paper on Tara” was inaccurate, but, as can be seen from paragraphs 4 and 5, the references within the text suggest that Mr Wallace had knowledge of various matters, including the Mason File.

“4. Reference A deals with MCGRATH’s background in considerable detail but it is inaccurate in a number of respects. The Kincora hostel in Newtownards Road where he works was opened in 1959 under the control and administration of Belfast Corporation Welfare Department. He does not, as the paper claims, “run the hostel” – he is employed as a ‘housefather’. The Warden of Kincora is JOSEPH MAINS and the Deputy Warden is RAYMOND SEMPLE. MAINS was appointed in 1959 and SEMPLE in 1964. Both men are known

395 KIN 35081.

homosexuals. Indeed, various allegations of homosexual assaults on inmates of the hostel were investigated by Senior Welfare Department staff in 1967 but no action was taken against anyone. (see notes of a report by Mr H MASON at flag ‘N’)

5. It is untrue to say that allegations of assaults on the inmates of Kincora “began shortly after his appointment”. As I have pointed out in para 4 above, allegations were made as early as 1967 and there is also evidence that assaults may have taken place as early as 1959, soon after MAINS was appointed.”³⁹⁶

527 The reference to the “notes of a report by Mr H Mason at flag ‘N’” is an unmistakable reference to the Mason File, which we considered in Chapter 27, Mr Wallace has said that he did not keep any of the documents referred to in this document, such as “reference A” or the documents described as being flagged, in this case “flag ‘N’”.

528 In his submission to the Inquiry sent with his letter of 9 September 2016 Mr Wallace said,

“I did not retain the various RUC documents referred to in my memo. Neither those documents nor the memo, were designed for release – indeed, I am not convinced that the Army was even meant to see the police documents. In any event, I had no authority to retain them. Also, it is almost certain that I would have re-attached them to the memo when I submitted it to my superiors. The memo by itself would have provided an incomplete picture.”³⁹⁷

Mr Wallace’s explanation that he did not have any authority to retain the documents referred to as flags or References rings somewhat hollow since he clearly did retain a number of documents that he either obtained in the course of his work, or created during the course of his work, such as GC80 itself. If he kept the copy as he claims to have done, it is surprising that given its obvious importance he did not keep copies of the documents referred to in it.

529 The evidence from Mr Bunting of the EHSSB was that he received the Mason File from Mr Mason in 1973, when he took over from Mr Mason upon the reorganisation of health and childcare services and the creation of the Eastern Health and Social Services Board. Mr Bunting explained that he put the Mason File in a drawer in his office and forgot

396 KIN 35081 and 35082.

397 KIN 124665.

about it until he remembered it during the first meeting he had with DC Cullen in March 1976. He explained how DC Cullen then copied the Mason File and returned the original to him. There has never been any suggestion, let alone any evidence to show, that more than one copy of the Mason File had been created in 1971, nor that the RUC ever possessed a copy of the Mason File before 1976, nor that the RUC was aware of its existence before 1976.

530 The reference to both Mains and Semple being “known homosexuals”, and by inference from the context therefore known to be so in 1974, either from the RUC document or from the Mason File, is significant. As Semple’s superior, Mains knew that Semple had sexually interfered with residents at Kincora as we have explained in an earlier chapter. However, there is no evidence to suggest that the RUC, the Belfast Welfare Authority, or the EHSSB as its successor, knew anything about Semple’s offences until these were uncovered during the Caskey Phase One investigation which followed the allegations in the *Irish Independent* on 24 January 1980.

531 Paragraph 7 of GC80 contains a further reference to internal investigations by the Belfast Welfare Authority, described as “the Belfast Corporation Welfare Department” in the document. We attach no significance in the difference in terminology.

“7. MCGRATH was himself the subject of an internal investigation by the Belfast Corporation Welfare Department in 1972/73, following allegations of more homosexual assaults on the inmates of Kincora. One of our own sources confirmed in 1972 that a number of complaints had been received about his behaviour and that, although the complaints had been passed to senior welfare staff and to the RUC, no action had been taken against him. This would appear to be confirmed, to some extent, by Mr Orr (see flag ‘R’) in 1973. There were, of course, similar allegations relating to other hostels during this period (see Bawnmore, Westwinds, Burnside etc.) and this conflicts with Reference A’s assertion that the allegations were confined to Kincora.”³⁹⁸

532 The references to “one of our own sources” may well be to Mr Wallace’s assertion that he was in contact with a social worker in 1972, as we have already considered. The reference to Mr Orr providing some

398 KIN 35082.

confirmation in 1973 requires examination. The reference to “flag ‘R’” suggests that flag ‘R’ was a document of some sort containing references by Mr Orr to the earlier complaints “passed to senior welfare staff and to the RUC”. As with the other “flags” no such document has been found.

- 533 In chapter 27 we examined the way in which complaints made by R 15 in May and September 1974 that McGrath grabbed him by the genitals were dealt with by EHSSB staff, including Mr Ronald Orr. Mr Orr was a Principal Social Worker with the EHSSB at the College Street Office on the Shankill Road. He was interviewed by D/Supt Caskey on 7 August 1985 and shown paragraph 7 of GC80. Mr Orr told D/Supt Caskey that he did not contact any police officer or soldier in relation to social work.³⁹⁹ Since the only knowledge of allegations relating to McGrath possessed by Mr Orr related to events in 1974, the Inquiry is unaware of any document compiled by Mr Orr in 1973, or which could be said to support the reference in paragraph 7 of GC80 to Mr Orr possessing knowledge of allegations against Mr McGrath before May 1974.
- 534 Paragraph 7 goes on to refer to “similar allegations relating to other hostels during that period (see Bawnmore, Westwinds, Burnside etc.)”. However, as D/Supt Caskey pointed out in the Phase Four Report, the allegations about the Westwinds home in Newtownards were not made to the RUC until 1975; the allegations about Bawnmore were not made to the RUC until 1980, and the allegations about the Burnside Hostel for boys in Craigavon were not made until after 1980.⁴⁰⁰ The RUC documents referred to in Reference A could not therefore have existed in 1974.

Reference B

- 535 The reference to the “Attached RUC report on the death of BRIAN McDERMOTT” needs some explanation. Brian McDermott was a 10 year old boy who left his home in East Belfast just before 1pm on Sunday 2 September 1973 to go to the Ormeau Park beside the River Lagan. The last confirmed sighting of Brian McDermott alive was in the Ormeau Park at about 3.15pm that afternoon. On Saturday 8 September 1973 a report of what was thought to be a body floating in the River Lagan led

399 KIN 35070.

400 KIN 35017.

to the level of the river being artificially lowered so that a search of the river bed could take place. At a different point on the river the search discovered a hessian sack. The sack contained a torso and a severed right hand, all of which had been subjected to severe burning. The left arm, both legs and the head were missing. The remains were those of Brian McDermott. His murder remains unsolved 43 years later, and because of the horrific nature of the crime understandably attracted considerable media attention.

536 Paragraph 9 of GC80 refers to the murder of Brian McDermott.

“Reference ‘B’, which deals with the circumstances surrounding the murder of BRIAN McDERMOTT last year puts forward the theory that the killing had both sexual and witchcraft overtones. The only link that can be identified between the murder and the homosexual community is via JOHN McKEAGUE. McKEAGUE’s own statements (see flag ‘S’) raises more questions than they answer. Certainly, his boast that he will not be prosecuted because “he knows too much about some people” merits serious investigation, but I suspect that he will not be prepared to talk until he is released. It is also rather remarkable that no charges have been preferred against him, at least during the past 3-4 years. Our own investigations of instances of alleged witchcraft or other satanic rites in the Province would tend to dismiss the RUC’s theory that BRIAN McDERMOTT’s murder could be part of these activities. In the past, ‘Black Magic’ practices etc have been mainly confined to groups operating from Republican areas, with the possible exception of three cases in County Antrim. I think, however, that from a press point of view, we would be very foolish to give any credence to such claims without the most convincing evidence. The forensic reports on the McDERMOTT murder (see flag ‘T’) would tend to indicate that someone tried to dispose of the body by cutting it into pieces and burning them. It would also appear that when this failed, the pieces were dumped in the river. The insinuation made in the document regarding the boy’s disappearance and the proximity of the REV PAISLEY’s church is dangerous nonsense.”⁴⁰¹

537 The reference to “flag ‘T’”, described as the “forensic reports”, suggests that Mr Wallace had somehow obtained at least the post mortem report and probably other documents of a forensic nature. No document

401 KIN 35082 and 35083.

answering the description of “flag ‘T’” has ever been found in any of the MoD files that have been examined over many years, and examined by this Inquiry, despite repeated searches. Mr Wallace says that he did not keep the documents referred to as being flagged in GC80.

538 Mr Wallace said to the Inquiry that, to the best of his knowledge,

“The Army possessed no information about the murder of Brian McDermott other than that which was received by the RUC. Initially, we were told that a police suspect was an associate of John McKeague, but that others may also have been involved.”⁴⁰²

“In 1974 we at British Army HQNI were given information that the RUC believed the original suspect had been protected by influential people and that attempts to prosecute him had been blocked. The Inquiry should ask the RUC for details of their investigation into Brian McDermott’s murder to determine what links, if any, the original suspect had with John McKeague and/or Kincora, and if he was protected by influential people. However, as I pointed out to the police in 2008, I had no direct knowledge of the murder.”⁴⁰³

539 Mr Wallace’s reference to 2008 appears to be mistaken, because it was on 18 March 2004 that he made a police statement in which he said,

“When I was writing about the McDermott case, I linked his death to witchcraft purely because it was an area I was exploring at that time. I had no evidence that witchcraft or any other occult associated with witchcraft was involved. As a result of linking the McDermott case with witchcraft, it followed that anyone associated with witchcraft became a possible suspect for the murder. One such person at that time was a paramilitary leader by the name of John McKeague, who lived and worked near the area that McDermott had gone missing. This was not based on any evidence, it was only a supposition on my part based on intelligence at hand being evaluated and linked. There were a number of issues in the 1970’s and into the 1980’s concerning the investigation into the abuse of children at the Kincora Boys’ Home in Belfast. I had concern that the murderers of McDermott would not be apprehended due to a cover-up in relation to this investigation, however, I had no knowledge that would have linked anyone from the Kincora investigation to the murder of

402 KIN 124671.

403 KIN 124672.

Brian McDermott. I am not in possession of any information that would link anyone to the McDermott murder. I can confirm that I am not aware of any cover-up concerning the McDermott case.”⁴⁰⁴

540 Mr Wallace has not always been as forthright about his lack of knowledge about the McDermott murder as he was in the 2004 statement. In his interview of Mr Wallace, in the presence of Mr Wallace’s solicitor, on 27 July 1982 D/Supt Caskey questioned Mr Wallace about his knowledge of the three suspects for the killing of Brian McDermott which were mentioned in the “background notes” document to which we have already referred. This was part of the SRM9A document which Mr Maccaskill of the News of the World received through the post. The portion of that document referring to Brian McDermott’s murder was as follows.

“In 1974 he complained to senior officers that a cover-up of the Kincora ring was preventing the killers of a 10 year old Brian McDermott from being apprehended. Named three people thought to be linked with the vice ring who are suspected of the killing”.⁴⁰⁵
(emphasis added)

541 We consider that Mr Wallace’s response to the questions about his knowledge of the killers of Brian McDermott was revealing.

“Q: did you see that document SRM9(a)? It is a photocopy. Are you the author of that document?

A: I would not be prepared to make any comment in relation to that document.

Q: I suggest to you that you are the author of that document and that, that is clearly identified by the content?

A: I have already stated that I am not prepared to make any comment in relation to that document.

Q: A serious allegation is made in the document that in 1974 a complaint was made to senior officers that a cover up of the ‘Kincora Ring’ was preventing the killers of 10 year old Brian McDermott from being apprehended and that 3 people were named who were thought to be linked with the vice ring who were suspected of the killing. Have you any comment to make about this?

404 KIN 123001 and 123002.

405 KIN 30273.

- A: As I have said before I have no comment to make about this document.
- Q: I put it to you that the Official Secrets Act does not extend protection to any person who has information that would lead to the detection of persons suspected of murder?
- The solicitor stated that the Official Secrets Act prohibits disclosures by his client without [consent] of any relevant information in his possession.
- A: If this information is so important why don't the military just give permission. It is in the public interest for the MoD to give me the permission.
- Q: Do you have information that would lead to the identity of these suspected killers?
- A: Again I could not reply to that question.
- Q: To your knowledge, are these suspected killers still at large?
- A: I cannot make any comment on that.
- Q: Would you agree with me that it is a serious matter that if suspected killers are at large that every effort should be made to make them amenable to the law?
- A: I could not agree more.
- Q: If they are still at large, taking into account the terrorist situation in Northern Ireland, assuming that they are of the 'terrorist type' there is every likelihood of them committing further serious offences.
- A: This would apply even if they weren't terrorists. Irrespective of who they were I would like to see them brought to book.
- Q: If you would like this then this is the time to disclose their identity?
- A: This is the time for the MoD to allow me to disclose this information.
- Q: Was there an intelligence organisation within the military in Northern Ireland prepared to discredit a number of Ulster Politicians by publicly implicating them in the Kincora Vice Ring?
- A: I could not make any comment on that.
- Q: You are not prepared to name the 3 men even though they may be killing today?
- A: I can't release any information." ⁴⁰⁶

542 We are satisfied Mr Wallace was the author of the SRM9A document, and that he claimed that he knew the names of the three men believed to have committed this appalling murder. We are satisfied that in 1982 he knew that he was caught out in a lie because he knew nothing about the murder of this child, but in order to avoid admitting that he had lied by claiming to have knowledge he did not have, he retreated behind the risible device of saying the Official Secrets Act prevented him from giving information which, if he really possessed it, would have enabled the men to be identified, arrested and questioned.

Reference C

543 The third reference at the head of the document is in the following terms.

“Reference C: Your request for a press investigation into the matters referred to above”.

544 Who made the request is shown in a handwritten note above the typescript.

“Addressed to; GS01 (Inf Pol) Jeremy Railton in response to a request from Gen Peter Leng CLF [illegible] M”.⁴⁰⁷

It is unclear whose handwriting this is. Col M was living in the USA at the time of the Caskey Phase Four investigation in 1985 and it was decided it was unnecessary to interview him.⁴⁰⁸ As we have seen, General Leng and Lt Col Railton both denied that any such request for a report was ever made by General Leng, or that Lt Col Railton ever received GC80 from Mr Wallace.

Reference A and the Bangor prostitution ring

545 Paragraph 10 of GC80 again refers to “Reference A” that is to the RUC background paper on Tara, and at 10(c) states;

“Various public and political figures who hold positions of power and who are also homosexual protect each other from prosecution. The claims of a prostitution ring involving juveniles and centred on Bangor is not really substantiated, other than by GARLAND’s own personal account.”⁴⁰⁹

407 KIN 35081.

408 KIN 100192.

409 KIN 35083.

- 546 The reference to “a prostitution ring involving juveniles and centred on Bangor” is not elaborated in the GC80 document. The only known allegations made to the RUC that might answer this description related to allegations made in articles published in the *Irish Times* on January 12 1982; in a BBC News *Scene Around 6* programme broadcast on 11 February 1982, and in the BBC *Spotlight* programme broadcast on 12 February 1982. *The Irish Times* article claimed that a boy alleged that he was one of a group of boys, some of whom he met while a resident in Kincora, and that some of the boys were regularly escorted by men to hotels in various locations where sexual offences took place. One of these locations was Bangor, Co Down. The boy also alleged that he had been introduced to the men in the “ring” by a close relative. An interview with the unnamed boy was played in the BBC programmes on 11 and 12 February 1982.
- 547 The *Irish Times* article claimed that the offences dated back to 1972, had been investigated by the police, and the close relative had been prosecuted, convicted and sentenced to a period of imprisonment in 1976. The Caskey Phase Two investigation identified the boy and his identity was confirmed to them by the journalist concerned. We will refer to the boy by the designation given to him by the Hughes Inquiry, R 23. The offences involving R 23 came to the knowledge of the police in 1975 following his visit to Dundonald Police Station when he said he had run away from home. He was taken into care. Subsequently he alleged to Social Services that he had been involved in homosexual relations with his uncle with whom he had been living, and with other males.
- 548 A lengthy police investigation then followed. R 23 told the police that no more than four men were involved; his uncle, the driver of a mini car he met in Bangor, a man named Robert and a man named Maurice. Robert and Maurice were identified as Northern Ireland barmen. Robert admitted the allegations, Maurice denied them.
- 549 R 23 denied being a resident of Kincora, or being aware of a homosexual ring involving NIO Officials, policemen, legal figures, business men and boys in care in Kincora.⁴¹⁰
- 550 The authors of the *Irish Times* article were Ed Moloney and Andy Pollak. They told the police that a source they did not wish to name, but who

410 KIN 20063 and 20064.

they called Social Worker C, told Mr Pollak that he had been approached, “probably around late 1975 or early 1976”,⁴¹¹ by a boy who complained that his uncle sexually abused him and took him to hotels in the North Down Area. If any man in the group showed an interest in R 23 then his uncle permitted him to go off with the man for the night.

551 The Caskey Phase Two investigation pursued these allegations in great detail and it is unnecessary for this Report to consider the wider scope and outcome of the investigation. It is sufficient to say that the account given to Mr Pollak by Social Worker C was that he had been approached by a boy “probably in late 1975 or early 1976”. If that account by Social Worker C was correct, and for the purposes of this Report we assume that it was, we are satisfied that the boy was R 23. Whether Social Worker C was told what was happening by R 23 as early as late 1975, we are satisfied that the police were unaware of R 23’s allegations until 1976. The events relating to R 23 cannot therefore have been described in the RUC document purporting to be Reference A because no one knew about them other than those involved in the sexual activity. This information could not therefore have been available to Mr Wallace in 1974 and cannot therefore have been referred to in the RUC document described in GC80 as the background paper on Tara provided by the RUC and which was commented upon in the passage from GC80 already quoted.

552 Paragraph 10(c) also states that “the claims of a prostitution ring involving juveniles and centred on Bangor is [sic] not really substantiated, other than by Garland’s personal account”.⁴¹² This presumably relates to the reference to Mr Garland in paragraph 6 where it is stated that “flag ‘O’” is “Garland’s own version of events.” Paragraph 6 refers to Mr Garland at some length.

“...[McGrath’s] former employer, ROY GARLAND, is well known in Unionist Party circles (see also CLIFFORD SMITH) and was for some time 2i/c of ‘TARA’. Admittedly, some of the personal correspondence between the two men during this period cannot be regarded as normal between employer and employee (see flag ‘M’). Whatever the real reason for the row between GARLAND and McGRATH, there is certainly considerable animosity between them at present, and GARLAND has been actively engaged in trying to

411 KIN 20241.

412 KIN 35083.

have McGRATH removed from his post at Kincora. GARLAND’s own version of events (see flag ‘O’) is, of course, very enlightening, but I would suggest that it should be treated with caution until it can be substantiated because of the antagonism between them. It would also appear that many of the RUC source reports on this matter after 1971 originated from GARLAND.”⁴¹³

- 553 The reference to “flag ‘M’” and to the correspondence between McGrath and Mr Garland clearly relate to the letters which Mr Garland showed to DC Cullen in 1974 and which are referred to in chapter 27 from paragraph 193 onwards. We have found no evidence to suggest that in 1974 DC Cullen gave any information about Mr Garland to anyone other than ACC Meharg, and ACC Meharg gave the letters from McGrath to Mr Garland back to DC Cullen after he read them.
- 554 The reference to Mr Garland’s “own version of events” is not elaborated, but the reference to “flag ‘O’” clearly infers that a document was in existence that was either compiled by Mr Garland, or contained a record made by someone else of what Mr Garland had to say. The only documents we are aware of that could answer this description of Mr Garland’s “own version of events” are the documents prepared by DC Cullen of what he learned from Mr Garland, and Mr Garland’s anonymous Robophone message to the RUC of 23 May 1973. For the 1973 message to have answered the description of Mr Garland’s “own version of events” the RUC background paper would have had to identify Mr Garland as the maker of the anonymous call, and then passed that information to HQNI. There is no evidence whatsoever to show that anyone in the RUC was aware in 1974 of the identity of the author of the call. We consider that the Robophone message could not therefore be what is referred to in GC80 as “Garland’s own version of events”.
- 555 DC Cullen’s notes make no reference to Bangor or to youths being taken to hotels for the purposes of sexual abuse or prostitution, so the source of the information in “flag ‘O’” could not have been DC Cullen. Nor could it have been anything said in the 1973 Robophone message which we have already examined and which makes no reference to Bangor.
- 556 Mr Garland’s own comments about this passage in GC80 in his letter to the Inquiry dated 26/27 September 2016 are enlightening. Having said that “I have found Colin Wallace straight forward, intelligent and caring.

413 KIN 35082.

He knows what he is talking about”, Mr Garland then quotes from the Inquiry transcript of 7 July 2016 the relevant passage from GC80 about the prostitution ring in Bangor. His document then says,

“I never referred to Bangor in my “confidential” call, but I understand Bangor was involved.

As we will see, one of the documents that’s said to be available to the author is an account from Roy Garland. So Roy Garland is said in a document that is available to the author to be talking about a prostitution ring involving juveniles centred on Bangor.” (this is a quotation of Counsel’s remarks on 7 July 2016)

Comment;

Not in Bangor – I believe I said in my “confidential” anonymous telephone call that a ring existed – this was speculation based on what I saw and heard and guess work. It was an attempt to get something done.”

“...[McGrath] was also in sympathy with a Belfast Baptist Pastor accused of abusing two boys. I believe he did not act alone but was at least in contact with other pedophiles [sic] and probably shared some of his secrets with them. But I also understand that Bangor was involved.”⁴¹⁴

These remarks show that Mr Garland never mentioned Bangor at any time, and we therefore fail to see how there could have been a belief in any document that Mr Garland’s own version of events was in any way relevant to the allegation in GC80 about a prostitution ring in Bangor.

557 Mr Garland and Mr Wallace had been in contact with each other before Mr Garland wrote to the Inquiry on 26/27 September 2016 as is clear from the remarks quoted above, and from the final passages in Mr Garland’s document which are identical in every word to the final passages from Mr Wallace’s earlier letter and accompanying submission. Had Mr Garland been aware of any document that existed in 1974 that could have answered the description of “his own version of events” in GC80 no doubt he would have said so. He has not. We consider that Mr Garland’s statement does not provide any support for the authenticity of GC80; indeed it undermines the authenticity of the document.

414 KIN 130043.

Was the 8 November 1974 document sent to anyone?

558 In *Who Framed Colin Wallace?* at page 139 it is stated that:

“[Mr Wallace] is not clear today (because he only has a copy) for whom the memo was intended, but it would certainly have gone to his Superior Officer Jeremy Railton Head of Information Policy, and almost certainly also to Army Intelligence and the Army’s RUC Liaison Officer at Police Headquarters in Belfast.”

559 Given that GC80, which bears Mr Wallace’s signature, bears the handwritten words showing to whom it was addressed, namely Lt Col Railton, it is hard to see why there was any uncertainty on Mr Wallace’s part as to the identity of the intended recipient(s). Lt Col Railton said in 1985 that he had no recollection of ever seeing this document. GC80 carries a handwritten note indicating that Lt Col Railton was the intended recipient. If Mr Wallace did not do so, who wrote this on the document? In his submission to the Inquiry sent with his letter of 9 September 2016 Mr Wallace had this to say about the document.

“I do not know if my original document was re-typed after I submitted it to one of my superiors at HQNI in November 1974 and before it was passed on to other senior officers. I am only aware that General Peter Leng responded to the matter in a memo which instructed Information Policy to take action to ensure that the RUC took a more active part in the matters raised in the memo.”⁴¹⁵

560 We are satisfied that this makes it clear that Mr Wallace was saying that he did submit the document to one of his superiors, and therefore Lt Col Railton would have been the person who received it first, whatever may have happened to any such document afterwards.

561 Mr Wallace said in that passage that he did not know whether his original document was re-typed after he submitted it, and in the extract from *Who Framed Colin Wallace?* it is stated that Mr Wallace only had a copy. In 1986 Mr Wallace described the document which we believe to be GC80 as a draft, and a carbon copy of his original draft version. In a letter of 20 June 1986 to Lord Trefgarne, a Junior Minister in the Ministry of Defence at the time, Mr Wallace said that it was “the carbon copy of [his] original draft version of the one now held by your Ministry”.⁴¹⁶

415 KIN 124665.

416 KIN 190212.

As we have already stated, Mr Wallace was requested by the Inquiry to produce the original version of GC80 to the Inquiry and he has not done so. His 1986 description of the document as a carbon copy is important for the following reasons.

- 562 First of all, the carbon copy could be examined and any differences between its text and GC80 identified. Despite being requested by the Inquiry on 19 April 2016 to

“Please produce all original versions (and not photocopies) of the memorandum – whether draft or final – for inspection by the Inquiry.”⁴¹⁷

Mr Wallace has ignored that request, although as will be apparent from earlier parts of this chapter he has written to the Inquiry on several occasions since then.

- 563 Secondly, the references to “a first draft” suggests: either (1) that as a draft the document had not reached the stage where it could be, and therefore was not, submitted to his superiors; or (2) it had been submitted before he finished work on it; or (3) there were subsequent drafts.

- 564 In his letter to his Member of Parliament, Mr Marshall, of 28 August 1986, and in an attachment to that letter, Mr Wallace made the following points about the authenticity of the 8 November 1974 / GC80 document.

“As I have already made clear to Lord Trefgarne in earlier correspondence, it was nothing more than the first draft of a memorandum relating to a request I had received in 1974 to draw media attention to the overall situation relating to ‘Tara’, William McGrath and Kincora.

The copy of the document which I have seen did not have “the names of the addressees” hand written on it and, in any event, there was only ONE addressee.”⁴¹⁸

- 565 In the letter itself, Mr Wallace referred to the question of authenticity and made the following points.

“a. The document, was, indeed, ‘authentic’ in that the version published in the ‘Irish Times’ was entirely consistent with the memorandum written by me in 1974.

417 KIN 123327.

418 KIN 102307.

- b. I have seen a photocopy of the original memorandum but, contrary to what the Kincora Inquiry said, the names of the addressees on that document were NOT hand written and, indeed, there was only ONE addressee.
- c. There is no question whatsoever of the first page being tampered with nor of two typewriters being used, albeit the Forensic Report apparently claims that this is only a “possibility”.
- d. At no time since the document’s publication in 1985 did anyone at the MoD ask me about the document or its authenticity and I find this most odd bearing in mind the apparent importance which the committee [The Hughes Inquiry] placed on it and its contents. This is even more remarkable when one considers that I was the alleged author and that I was engaged in extensive correspondence with the Department during the period.
- e. I would very much like to know, however, how any alleged changes to the front page could possibly have altered the overall content of the memorandum or what the significance is of the Report’s claim that two type writers were allegedly used – other than to make the alleged alteration.”⁴¹⁹

566 Later in the same paragraph he said,

“Furthermore, the document’s authenticity has already been confirmed independently by other sources who were aware of its existence during the period, and the ‘Irish Times’ report correctly claims that it was not the only official document concerning the scandal to be in circulation at the time.

Despite the forgoing, the matter of the document’s authenticity is important to me and I intend to pursue this at some length in due course.”⁴²⁰

567 We observe at this point that in 1986 there was no reference to Mr Wallace having submitted the document for independent forensic examination. However, no doubt that may be because he has subsequently claimed that it was Mr Foot who did so and it was not until somewhere in November 1986 that it appears contact was made with Mr Foot on behalf of Mr Wallace. See the introduction to *Who Framed Colin Wallace?*

419 KIN 102294.

420 KIN 102295.

- 568 Of the paragraphs ‘a. – e.’ quoted above, ‘a.’ possibly and ‘b.’ certainly, imply that the original version created by Mr Wallace was not identical with GC80 because he says “the names of the addressees were not handwritten”. If that is correct, then there must have been at least one other version in existence. If it is correct, then the question of what differences there were between the version with his signature on it that appears on GC80, and the *Irish Times* or any other version, may be important. To say that the *Irish Times* version is “entirely consistent with the memorandum written by me in 1974” is meaningless without the ability to compare the two versions. In any event, it does not deny that there were differences between his memorandum and the published version.
- 569 The phrase “nothing more than a first draft” from the passage already quoted suggests to us that such a document would not be submitted by the author to whoever was supposed to receive the document until it was complete. That is normally what a first draft means. We consider that would be particularly the case given the rigidly hierarchical structures within the Army in HQNI, and the rigidly formulaic form in which documents were to be submitted. The proposition inherent in all of Mr Wallace’s accounts that a rough draft was submitted to General Leng does not bear examination. Yet the GC80 document bears Mr Wallace’s hand written signature above his typed signature. If GC80 was only “a first draft” we are in no doubt that it would not have been signed. At the very least this suggests that for whatever reason Mr Wallace sought to show that the version which has become public was in fact the final version.
- 570 The position becomes even more confusing when we consider what Mr Wallace wrote to Lord Trefgarne on 20 June 1986. In that letter, Mr Wallace said that there were two versions, because he had produced a further version with a new “Reference D” added under the old Reference C.

“From my examination of the document it is almost certainly the carbon copy of my original draft version of the one now held by your Ministry. You will have noticed that the only differences between the two versions relate to the fact that I was originally under the impression that the “Reference A” referred to was entirely an RUC paper, whereas, as I later discovered, one part of it comprised an Army analysis / commentary upon the police report. When this was drawn to my attention I amended the final memo i.e. the one which

your ministry now has, to take into account the correct attribution of source material. As a result, in your version “Reference C” has the title “Int comments upon the above” and a new “Reference D” has been added under the old “Reference C” title.”⁴²¹

571. Mr Wallace is there saying that he amended GC80 and prepared a “final memo”. If there was another such version, we consider it even less likely that his signature would appear on GC80. No such final memo has ever been traced.

The authenticity of the 8 November 1974 / GC80 document

572. Having carefully considered all of the material to which we have so far referred, we are satisfied that there is an extremely strong circumstantial case that the 8 November 1974/GC80 document was not created in November 1974 as Mr Wallace maintains, but was created in the form in which it emerged in 1984 at a considerably later date. In reaching this conclusion we have taken into account all of the various matters to which we have referred in this section of the Report, and we set out the most important matters below.

- a. Mr Wallace says GC80 was prepared in response to a request by General Leng. General Leng denied doing so, or ever seeing this document.
- b. Mr Wallace’s description of the document as “a first draft” is inconsistent with the implication of the passage we have already quoted from page 139 of *Who Framed Colin Wallace?* that the memorandum was submitted to his superiors. Why would Mr Wallace sign a document that was only a first draft?
- c. The evidence of the Military witnesses to the effect that a document in that form would not have been submitted to General Leng is persuasive.
- d. None of the documents referred to in the document as References A, B or C, or any of the many documents referred to therein as “flags” has been shown to have existed.

421 KIN 190212.

- e. Mr Wallace could not have known of the existence of the Mason File in 1974 because it lay forgotten in Mr Bunting’s drawer between 1973 and 1976.
- f. No one in authority, neither the police nor Social Services, had any knowledge of Semple’s abuse of residents in Kincora until 1980.
- g. There were no suggestions in 1974 that residents in Kincora had been taken to hotels in Bangor to be sexually abused.
 - i. Mr Garland knew nothing of that.
 - ii. R 23’s experiences do not support the Bangor allegations because the earliest time at which anyone in authority may have known of R 23’s experiences was when Social Worker C was approached in late 1975 or early 1976.
- h. Despite his many contacts with Members of Parliament and journalists about matters relating to Northern Ireland after his dismissal in 1975, GC 80 did not emerge until 1984. If it existed in 1974 there were many occasions when Mr Wallace had the opportunity to produce it.
- i. There is no evidence to show that he voiced his concerns about residents of Kincora being sexually abused in Kincora to anyone in the 1970s.

573 We have also taken into account Mr Wallace’s response to the Inquiry’s request that he provide information and documents. His response was at first to ignore our requests. Having ignored our invitations to take part in the Kincoara Module as a core participant, and to have legal representation, if necessary at public expense, several months later after carefully studying the transcripts of the public hearings into Kincora, he sent the Inquiry a number of submissions accompanied by much documentary material. Almost all of his submissions and the accompanying material had little or no bearing on the issues the Inquiry has identified, both in correspondence to Mr Wallace, and in the published transcripts of our hearings. Mr Wallace has chosen not to answer our questions or provide the documents we requested. We can conceive of no good reason for his not doing so. Mr Wallace has engaged with the Inquiry in a fashion which demonstrated that, as he has done over the years, he is adept at avoiding pertinent questions by drawing attention to other matters which do not deal with the questions he has been asked by this Inquiry, by the Hughes Inquiry or by the Police about his allegations.

PART SIXTEEN

Mr Wallace’s letter to the IPCS

574 In 1975 Mr Wallace was represented by Mr Cliff Crook of the Institution of Professional Civil Servants (IPCS) at his appeal to the CSAB against his dismissal. Among the documents sent to the Inquiry with his letter and submission of 9 September 2016 was a photocopy of a letter he says he sent to Mr Crook dated 29 September 1975. In his letter to the Inquiry of 26 September 2016 Mr Wallace referred to this letter to Mr Crook, and to an article in the *Guardian* on 30 May 1990. The relevant passage from the letter to Mr Crook is in the following terms.

“My concern now is that there may be an attempt by the Ministry to deny any form of official ‘dirty tricks’ organisation existed within the Security Forces. For example in the Ministry’s summary of my oral representations made to John Groves and Mr Fairbairn on 10 May reference is made in paragraph 3 to “actions” which I was asked to launch during the UWC strike. The word “actions” appears to have been used by MoD to conceal the fact that I referred to the attempts made by the Security Service to discredit various Loyalist Politicians, including the Rev Ian Paisley by the use of forged documents and by linking the MPs with Loyalist Paramilitary figures involved in homosexual prostitution at a children’s home in Belfast. [his emphasis] I can fully understand why the Ministry would not want to put such information on record, but I wonder if evidence of that nature will be made available to the Board sub-rosa.

It is clear from the above, therefore, that, within six months of leaving Northern Ireland and some 5 years before the Kincora story surfaced in the *Irish Independent*, I had been referring to homosexual prostitution at a children’s home in Belfast.”⁴²²

575 Whilst the words underlined by Mr Wallace refer to “homosexual prostitution”, the children’s home is not named. Loyalist figures could include McGrath, but “homosexual prostitution” at Kincora was not what Mr Wallace said in the 8 November 1974 document. At paragraph 4 of the document he refers to Kincora and to “allegations of homosexual assaults on inmates at the hostel”.⁴²³ The use of the term “prostitution”

422 KIN 124805 and 124806.

423 KIN 35081.

implies that money or money’s worth changed hand in return for sexual services. That is very different from “allegations of homosexual assaults on the inmates” of Kincora.

- 576 At paragraph 10(c) of the document he refers to “the claims of a prostitution ring involving juveniles and centred on Bangor”. The reference in the letter to Mr Crook to “homosexual prostitution at a children’s home in Belfast” does not therefore sit easily with the references to Kincora and Bangor in the 8 November 1974 document he claims he compiled less than a year before.
- 577 The failure of Mr Wallace to refer to Kincora by name is also curious in view of his present belief that his dismissal was due to his knowledge of what was happening in Kincora. If that was his belief in 1975, the failure to refer to Kincora in this letter, or during the hearing before the CSAB, is all the more surprising. If Mr Wallace was then so concerned about Kincora to make a phone call, which he says he did to Social Services in 1975, why did he not refer to Kincora and the abuse of children there in a clear and unambiguous fashion, rather than what at best appears to be an oblique and indirect way if it is even a reference to Kincora.
- 578 In the extract from the 29 September 1975 letter quoted above, Mr Wallace also refers to the oral representations he made to John Groves and Mr Fairbairn on 10 May 1975, implying that he told them about the linking of MPs “with Loyalist Paramilitary figures involved in homosexual prostitution at a children’s home in Belfast”. In fact the oral representations were not made on 10 May but on 30 May 1975 as Mr Wallace correctly stated in his comments on the notes dated 5 June 1975.⁴²⁴ The document was incorrectly dated 10 May, an error Mr Wallace perpetuates in the 29 September 1975 letter. Given his invariable practice of pointing out mistakes and omissions he says have been made by others, if he had made such a reference during his oral representations we believe that he would have insisted that it be included. That he did not so insist suggests to us that no such references were made during the oral representations. More importantly, Mr Wallace’s notes of amendments to the record of representations make no reference to homosexual prostitution at a children’s home in Belfast, notwithstanding that he meticulously listed his observations and corrections to the text on 5 June 1975.⁴²⁵

424 KIN 102081.

425 KIN 102080.

- 579 In 1990, in the aftermath of the Ministerial Statement to the House of Commons to which we have already referred, Mr Wallace complained to the Metropolitan Police about the actions of the MoD during the CSAB appeal process. As part of the complaint his solicitor sent to the Metropolitan Police a file of papers including Mr Wallace’s correspondence with Mr Crook relating to the appeal. The Inquiry has obtained a copy of the file and examined the schedule of the documents sent to the police. The schedule can be found at KIN 200028 to 200032. The letter of 29 September 1975 does not appear on that list, nor is there any reference to that letter in any subsequent correspondence between Mr Crook and Mr Wallace contained within the file. We are surprised that the file sent to the Police did not contain the letter of 29 September 1975.
- 580 We have taken into account all the matters to which we have referred in relation to the 29 September 1975 letter when considering its authenticity, and when we consider the overall credibility of Mr Wallace’s accounts of what he knew, and what he did, about the sexual abuse of residents in Kincora from 1972 onwards.

Other witnesses whose evidence may be relevant

Michael Taylor

- 581 Mr Taylor was born in 1938, and in 1963 moved to Northern Ireland. He joined the ACF in 1965 and got to know Mr Wallace through the ACF. In 1968 he was one of Mr Wallace’s referees when Mr Wallace joined the AIS. In December 1970 Mr Taylor applied to join the AIS and Mr Wallace was one of his referees. Mr Taylor was ultimately successful in his application, and took up his appointment with the AIS as an Information Officer on 1 March 1972. He served in that capacity at HQNI from 1972 until he was posted to Berlin in January 1976.⁴²⁶ His main responsibility at HQNI was as the editor of VISOR, a newspaper for Army personnel serving in Northern Ireland.⁴²⁷
- 582 On 9 June 1982 he was interviewed during the Caskey Phase Two investigations, when he had the following to say about Kincora.
- “I have been asked if I ever heard about Kincora Boys’ Home in my capacity whatsoever. I had never seen any official document, to my knowledge, on Kincora Boys’ Home although I do recognise as a

426 KIN 190054.

427 KIN 190055.

result of the situation that prevailed in Northern Ireland at this time, it may have been discussed verbally. If Wallace may have discussed Kincora with me, I cannot remember any specific detail. The names McGrath and McKeague mean something to me, although I cannot connect McGrath with any verbal conversation regards Kincora. I did not know that McGrath worked at Kincora Boys’ Home, but his assumed association with the Protestant Military Organisation called ‘TARA’ was on record.”⁴²⁸

583 On 28 March 1990 the ITN Channel 4 News Programme carried a report on the allegations relating to Kincora. Mr Taylor was one of those who was interviewed. In the course of the interview he referred to two documents, and it is clear that one was the 8 November 1974 memorandum. In the following passages from the transcript the interviewer is Robert Parker. Having referred to Mr Wallace producing two memos Mr Parker introduced Mr Taylor. The transcript continues.

“Michael Taylor: They formed a file that had been established on the... all aspects of Kincora, in which we had discovered various events going on there and those events related to the possible attraction of paramilitaries and consequently the Army intelligence put together a documentation file of Kincora itself.

Robert Parker: You have no doubt at all that you’ve seen these documents before in 1973 and 1974.

Michael Taylor: No doubt whatsoever.”⁴²⁹

584 Mr Taylor’s assertion that he had seen the 1974 document as part of a file is completely at variance with what he had said in his 1982 police statement.

585 The interviewer then refers to the 1974 memo in terms which make it clear that he is referring to the GC80 document because of the references to three sources of material, the first being “reference A, an RUC background paper on Tara.” After a number of quotations from that document Michael Taylor says.

“The document attached to the memorandum was signed by Sir Peter, endorsing the document to say that he agreed with the conclusions of the memorandum and that the appropriate authorities should be

428 KIN 30133.

429 KIN 80368 and 80369.

notified and take action. His recommendation was that this should be brought to the notice of the RUC who were the correct body for carrying out any further investigations, and if necessary, prosecuting the people concerned.”⁴³⁰

Mr Taylor’s assertion that General Leng saw the 8 November 1974 document and signed a note endorsing it contradicts what he said to the police in 1982, and raises the question that if General Leng did endorse Mr Wallace’s memo in writing, why was it that Mr Wallace was unaware of that endorsement of his recommendations throughout the 1980s when he made no reference whatsoever to that? We consider it significant that there is no reference in *Who Framed Colin Wallace?* to any such endorsement by General Leng in either the 1989 first edition or the 1990 paperback edition. In the forward to the 1990 edition Mr Taylor is described as a staunch supporter of Mr Wallace. As the book makes clear, Mr Taylor was interviewed by Mr Foot on several occasions. If Mr Taylor had seen the document and the document added in the form of a written endorsement by General Leng we are satisfied that it is inconceivable that he would not have made that known to Mr Wallace and/or Mr Foot long before the Channel 4 News Programme of 28 March 1990.

586 In his submission to the Inquiry sent with his letter of 9 September 2016 Mr Wallace claimed that in the recorded interview of General Leng in 1990 the General recalled writing a memo. We have already examined the full transcript and we do not need to repeat what is said there. The following extract is sufficient.

“Penrose: You said in the memo according to [Mike] Taylor that the RUC and the Social Services I think ought to be brought in here because the file named men and boys who were obviously part of this abuse which we all know about since.

Leng: Yes, I recall that.

Penrose: Do you? And you said take action. They waited because obviously there had been other members suggesting this from junior officers, [sic] but it was yours that finally convinced Taylor that this was going to happen, but of course it went on for another six or seven years, but again that wasn’t your fault.”⁴³¹

430 KIN 80370.

431 KIN 124651.

587 Mr Wallace claimed in his submission to the Inquiry sent with his letter of 9 September 2016,

“I do not know if my original document was retyped after I submitted it to one of my superiors at HQNI in November 1974 and before it was passed on to other officers. I am only aware that General Peter Leng responded to the matter in a memo which instructed Information Policy to take action to ensure that the RUC took a more active part in the matters raised in the memo.”⁴³²

588 Mr Wallace does not say how he is aware that General Leng responded in a memo, but this is an obvious reference to Mr Taylor’s version of events. Again we regard it as inconceivable that Mr Wallace was and is unaware of Mr Taylor’s assertions in the March 1990 Channel 4 Programme. If what Mr Taylor said in that programme was correct this was a vital and highly significant piece of corroboration of Mr Wallace’s accounts, but Mr Taylor’s 1990 account is irreconcilable with, his 1982 police statement. We also are satisfied that it is incompatible with the accounts Mr Wallace gave throughout the 1980’s, none of which contained any such assertion. We do not consider Mr Taylor’s account in the 1990 Programme to be credible.

Fred Holroyd

589 Mr Holroyd has been closely associated with Mr Wallace since the early 1980s, and has corresponded with the Inquiry in support of Mr Wallace. As we have stated earlier in this chapter, Mr Holroyd has made allegations about Army misconduct in Northern Ireland relating to knowledge he gained during his service in Northern Ireland. These matters do not relate to Kincora. The only matter that does relate to Kincora relevant to him, concerns an entry he made in a notebook.

590 Mr Holroyd made two statements to the police in 1982 during the Caskey Phase Three investigations. The first was on 22 May 1982 and made to an officer of the Royal Military Police Special Investigation Branch. In that statement he explained that he served in Northern Ireland between 7 January 1974 and June 1975 as an MIO (Military Intelligence Officer) attached to the RUC J Division, which covered south Armagh. He explained that his duties required him to have close contact with RUC Special Branch and Criminal Investigation Departments. He described his knowledge of Kincora and Mr Wallace at that time.

432 KIN 124665.

“I am unable to be specific but I would estimate that during the middle of my tour the name ‘Kincora’ came to my attention. I understood that Kincora was a home, (probably run by the Social Services in N Ireland) for boys.

To the best of my recollection I became aware of ‘Kincora’ through recreational conversation in RUC stations. It certainly did not come to my notice through any official briefing or intelligence and I did not attach any significance to ‘Kincora’.

The only information which came to my attention was that of rumour to the effect that a homosexual liaison had been formed between certain leading politicians and a number of boys in the home. This was general talk on occasions when I was in company with RUC officers. I am unable to recall any police officer by name who mentioned the events or alleged events at ‘Kincora’. It was not my understanding that this had ever been the subject of an official complaint to the RUC.

I did not attach any significance to this information and did not on any occasion pass the rumour about ‘Kincora’ to my direct superior in the Army nor to any other officers in HQ Northern Ireland.

I do not think there was any official police inquiry into ‘Kincora’ at that time. I am not acquainted with Colin Wallace. I was not getting any military intelligence from anyone working or involved at Kincora and my knowledge of the subject is limited to what I have outlined in this statement.”⁴³³

- 591 On 8 June 1982 he made a further statement, this time to DI Mack of the RUC. In it he said that since the previous interview and statement that he had made

“...I have found a reference to Kincora in my notebook. The note is undated but was made in May 1973 prior to the 13th. It states ‘Kincora Belfast – Rev Smyth’s, Paisley’s lot – queers’. As far as this entry is concerned I did not act on it as it was rumour and meant nothing to me. I do not know who gave me this information but I may have got it from someone in Portadown Police Station. ...I did not hear anything about Kincora at any other police establishment. I have given thought to who may have talked to me about Kincora. I have the feeling it may have been Detective Sergeant McMahon but on this point I’m not sure.”⁴³⁴

433 KIN 30164.

434 KIN 30165.

592 Whilst the notebook entry appears in the notebook prior to 13 May 1973, as Mr Holroyd’s tour of duty in Northern Ireland did not start until 7 January 1974 he must have made the entry sometime between 7 January 1974 and June 1975. It appears as if he made use of an old diary as a notebook on that occasion, whenever that occasion was. The entry itself “Kincora Belfast – Rev Smyth’s, Paisley’s lot – queers” says nothing about sexual abuse of children in Kincora. The references are indicative of jottings containing rumours about Tara of the type we have already examined in the Special Branch document of 17 April 1973 which referred to McGrath as a reputed homosexual.⁴³⁵ Other relevant information was contained in the Special Branch report of 5 July 1974, which referred to McGrath as a house father at Kincora hostel.⁴³⁶ Mr Holroyd’s recollection in 1982 of what he believes he was told during his tour of duty in Northern Ireland does not gain any additional support from the terms of the notebook entry. We have taken Mr Holroyd’s 1982 account of his recollection of events in 1974 to 1975 into account when examining the issues relating to Kincora and when examining Mr Wallace’s credibility.

Relevant opinions as to Mr Wallace’s credibility in relation to other matters

593 Mr Wallace has frequently pointed to comments made upon his evidence by Mr Justice Barron who conducted an Inquiry into the Dublin and Monaghan bombings. He has also referred to the Saville Inquiry into Bloody Sunday. He has put forward both as supporting his general credibility. For example, in his submission to the Inquiry he quotes the following assessment of him by Mr Justice Barron in support of his criticism of counsel to the Inquiry for saying that Mr Wallace’s evidence to that Inquiry had been rejected.

“In a personal assessment of me and my evidence, Judge Barron said;

“In person, Wallace comes across as intelligent, self assured, and possessed of a quiet yet unwavering moral conviction. Though he has reasons enough to be bitter – the abrupt and unjust ending of a promising career in Northern Ireland, five years spent in prison on a conviction which has since been quashed – he displays no outward

435 KIN 55076.

436 KIN 55081.

signs of resentment towards individuals or institutions. He remains intensely loyal to his country and to the Army: In so far as he has a quarrel, it is with individuals rather than the institutions concerned. He says he believes that much of the propaganda work undertaken by Information Policy was justifiable in the interest of defeating subversives and promoting a political solution to the troubles. When speaking of matters directly within his own experience, the Inquiry believes him to be a highly knowledgeable witness. His analyses and opinions, though derived partly from personal knowledge and partly from information gleaned since his time in Northern Ireland, should also be treated with seriousness and respect”.⁴³⁷

However, at page 163 of his interim 2003 Report Mr Justice Barron made the following pertinent point about Mr Wallace.

“The covert nature of Mr Wallace’s work, and his experience in manipulating truth and untruth to serve particular ends makes it especially difficult to assess the worth of his allegations...”

594 Mr Justice Barron gave evidence to the Joint Committee on Justice, Equality, Defence and Women’s Rights of the Oireachtas (The Irish Parliament), which was set up to consider the Report of his Independent Commission of Inquiry into the Dublin and Monaghan bombings. The final Report of the Joint Committee records Mr Justice Barron’s views on Mr Wallace’s claims about collusion between some of those involved in the bombings and RUC Special Branch and Military Intelligence.

“2.13 Mr Justice Barron also quoted from a letter from Mr. Colin Wallace, former British Army Senior Information Officer in Army Headquarters, to a former colleague, in which he wrote on 14 August, 1975:

‘...There is good evidence that the Dublin Monaghan bombings were a reprisal for the Irish Government’s role in bringing about the Executive. According to one of Craig’s people, some of those involved the Youngs, the Jacksons, Mulholland, Hanna, Kerr and McConnell were working closely with SB and Int at that time.’

Mr Justice Barron remarked in his Report that Mr. Wallace was making these allegations as early as 1975, but noted that his letter does not contain any objective evidence to support the claims...

437 KIN 124644 and 124645.

2.14 Even taking into account all the information received from Colin Wallace, John Weir and Fred Holroyd, Mr. Justice Barron felt he could not go beyond the conclusions reached in his report in relation to collusion.”⁴³⁸

595 We are satisfied that it is clear from these passages that Mr Justice Barron was not persuaded by Mr Wallace’s evidence, and we consider that counsel was justified in describing Mr Wallace’s evidence to the Barron Inquiry as “rejected”.

596 Mr Wallace also calls in aid his evidence to the Saville Inquiry into Bloody Sunday. The Saville Inquiry dealt with his evidence at 9.214, 9.215 and 9.217.

“9.214 Colin Wallace, who in January 1972 was a civilian Army Public Relations Officer based at HQNI, gave evidence to this Inquiry that Unionist Politicians took an entirely different view of events at Magilligan Strand and were furious at the apparent inability of the Parachute Regiment to deal effectively with the marchers. His recollection was that the Stormont Government was very concerned about the adverse reaction of Protestants who saw on television images of apparently illegal marches unchecked by the security forces. Colin Wallace stated that complaints from Unionist Politicians to Downing Street led to the Ministry of Defence issuing a directive to the effect that the scene such as those at Magilligan should never again appear on television screens.

9.215 No documents have been found that provide support for this evidence of Colin Wallace.

9.217 In these circumstances, we are of the view that we cannot rely on Colin Wallace’s evidence on this point. We consider that his recollection in this regard is faulty.”⁴³⁹

597 Again we are satisfied that counsel to the Inquiry was justified in describing Mr Wallace’s evidence to the Saville Inquiry as having been rejected.

598 Although Mr Wallace has sought to rely upon the favourable view expressed of him by Mr Justice Barron, and by his evidence to the Saville Inquiry, it can be seen that on crucial matters his evidence was not accepted by either Inquiry.

438 <http://www.dublinmonaghanbombings.org/DubMonFinal.pdf>, pp.19 and 20.

439 KIN 124618.

599 Mr Wallace has sought to portray these as judicial commendations of his reliability, and we therefore consider it appropriate to recall the comments made by the Lord Chief Justice of England and Wales in the course of delivering the judgement of the Court of Appeal (Criminal Division) when quashing Mr Wallace’s conviction for the manslaughter of Jonathan Lewis, and considering whether to order that Mr Wallace face a retrial.

600 At page 11 of the Judgment Lord Bingham said.

“There can be no doubt but that the appellant’s [Mr Wallace] dishonest and deceptive course of conduct raised and raises a formidable case against him. It may be that even if directed in accordance with the most recent authorities and on the facts as they have now emerged, a jury would still have convicted and properly convicted. ...it seems to us possible, even if unlikely, that the appellant initially withheld reference to his meeting with the deceased out of a desire to conceal the subject matter of that meeting; and from that moment onwards he found himself drawn into an ever-increasing spiral of deception.”⁴⁴⁰

Conclusions as to Mr Wallace’s credibility

601 Because of the complexity of the various matters to which we have referred and which relate to Mr Wallace, we dealt separately and in some detail with different matters relating to the accounts he has given over the years about Kincora. Looking at these matters in their entirety we reached the following conclusions.

- 1 Mr Wallace was an extremely energetic and hardworking member of the Army Information Service who earned high commendations for his work from his superiors.
- 2 Part of that work involved him in fabricating untrue information and forging documents to provide supporting evidence for the false information.
- 3 He did this with the knowledge and approval of some, though not all, of those with whom he worked.
- 4 Mr Wallace was proud of his effectiveness and considerable ability in disseminating false information and creating forged documents.

440 KIN 122068.

- 5 In addition to his conventional duties in providing information to, and answering questions from, journalists he was also leaking information and documents to journalists about matters that he knew should not have been disclosed, because he admitted passing a classified document to Mr Fisk and to giving Mr Fisk information about helicopter spares.
- 6 The investigation carried out in 1974 by the Security Service at the request of the Northern Ireland Office produced strong circumstantial evidence to show that Mr Wallace had leaked other documents as well.
- 7 The contemporary records to which we have referred relating to discussions at the highest level show conclusively that Mr Wallace was not dismissed because of anything he claims he knew about Kincora but because he was believed to be leaking documents.
- 8 We are satisfied that Mr Wallace knew in 1975 that that was the sole reason for his dismissal, and he knows now that his dismissal had nothing whatever to do with Kincora.
- 9 Mr Wallace made no reference at the time of his dismissal, or in the weeks and months afterwards, to any concern he had about Kincora when he was contesting his dismissal.
- 10 Following his dismissal the MoD deliberately interfered with the CSAB process to secure a favourable outcome. As Mr Wallace justifiably said they “rigged” the proceedings.
- 11 Mr Wallace’s concerns at the time related not to Kincora, but to the denial by the MoD of the full range of his responsibilities. Whether he was justifiably dismissed or not, the MoD deliberately chose not to disclose his full range of responsibilities as shown in the draft Job Specification.
- 12 This failure, and the secret briefing of the chairman of the CSAB, constituted major injustices which were not recognised and corrected until he was paid £30,000 compensation following the investigation by Mr Calcutt QC in 1990.
- 13 Mr Wallace was not concerned about Clockwork Orange or Kincora at the time of his dismissal; his concerns about Clockwork Orange surfaced later.

- 14 He was proved right to some degree at least that Clockwork Orange existed, when the MoD eventually admitted in 1990 that there had been a Clockwork Orange proposal, although this had been denied for many years.
- 15 At three crucial periods in his life Mr Wallace lied to the police. The first was when he was questioned in 1975; the second was when he was under investigation after the death of Jonathan Lewis; and the third was when he lied to D/Supt Caskey when questioned about the murder of Brian McDermott. He showed himself to be someone who is prepared to lie when it suited him.
- 16 Key aspects of his accounts of his knowledge of, and actions in respect of, sexual abuse at Kincora cannot be corroborated by anyone. His account of how he came to learn about sexual abuse at Kincora by meeting the Social Worker does not appear plausible, there is no record of him contacting Social Services in 1975, and those to whom he claims he spoke about Kincora after his dismissal have denied that he did so.
- 17 Between 1976 until his arrest in 1980 he was in frequent contact with Members of Parliament and with journalists, but none of the contemporary documents show that he raised Kincora in any way, nor did those to whom he said he spoke in some manner or other about Kincora and sexual abuse support his evidence.
- 18 During this period, although he had ample opportunity to do so, and might have been expected to do so if he really was concerned to prevent further abuse of residents of Kincora, the 8 November 1974 document was never referred to or produced until it emerged in 1984, many years after it purported to have been created.
- 19 Over the years he has consistently avoided answering relevant questions about his knowledge and the 8 November 1974 document when asked to do so by the police, by the Hughes Inquiry and by this Inquiry. Instead of answering pertinent questions frankly and openly he has reacted by seeking to divert attention by conflating matters such as Clockwork Orange and Kincora, and referring to matters that are of no relevance to the issues about which the police, the Hughes Inquiry or this Inquiry sought to obtain information.

- 20 The 8 November 1974 document is central to Mr Wallace’s credibility. No credible witness ever saw it in and around the time when, if Mr Wallace is correct, it must have gone through several hands including those of Sir Peter Leng.
 - 21 There are many other unanswered questions about this document, such as its layout, and the confusing and changing accounts as to how many drafts there were, or whether the document was ever submitted, and if so to whom and in what state.
 - 22 Above all, several important pieces of information contained in, or referred to in, that document either did not exist at the time, such as the allegations clearly referring to R 13, or could not have been known to Mr Wallace in 1974 as in the case of the Mason File.
 - 23 We do not accept that the 8 November 1974 document as contained in GC80 was created in 1974, and we are satisfied that it was created long after November 1974.
- 602 Taking all of these matters into consideration we are satisfied that Mr Wallace cannot be regarded as truthful in his accounts of what he knew about sexual abuse in Kincora, or what he did with that knowledge, in 1972 to 1974.

PART SEVENTEEN

Visits by officials to Kincora

- 603 At page 145 of his book *The Kincora Scandal*, Chris Moore refers to an account by a former Military Intelligence Officer he refers to as “Dennis” driving a civilian to Kincora “at the end of 1975 or early in 1976”. The Inquiry has been able to identify “Dennis”, and at the Inquiry’s request the MoD traced Dennis who provided a witness statement to the Inquiry. In it he described how he was instructed to drive an unnamed visitor to East Belfast. He collected his passenger at HQNI at night, he believes around 7pm. At his passenger’s direction he drove to a house in East Belfast that he now knows to be Kincora. His passenger entered the building where he remained for a period which Dennis describes as not being sufficiently longer or shorter than an hour, i.e., approximately one hour. When his passenger emerged Dennis drove him back to HQNI.
- 604 His passenger did not identify himself, but Dennis said he formed the impression his passenger was most probably civilian rather than military, something he thought little of at the time. Dennis described the man as,

“...aged approximately mid-40s with somewhat curly dark hair, about 5ft 7 inches in height, slim build, pointed features and wearing what appeared to be a suit under a fawn coloured raincoat”.⁴⁴¹

This description of the episode conveys a remarkable grasp of detail of an otherwise unremarkable event 40 years before, even allowing for the possibility that Dennis was able to refresh his memory from the account he gave to Chris Moore in the course of Mr Moore’s researches for *The Kincora Scandal*. It may be that there was a visit, but some of the detail may have been affected by the passage of time. If Dennis’s account is reliable, it suggests that the Army provided transport to and from Kincora, probably in early 1976, to a person who wished to visit what was by then known to several agencies to be McGrath’s place of work. That such an occasion occurred cannot be ruled out. There are two possible explanations for such a visit. The first is that there was a political, or security, intelligence purpose for the visit. Although Tara was believed to be of peripheral importance in early 1976, that does not mean it was necessarily of no importance. We cannot exclude the

441 KIN 5073.

possibility that an official might wish to speak to McGrath about political matters, unlikely though that may appear to be in the light of all the references to which we have referred in which it is said that little was known of Tara in early 1976.

- 605 The other reason could be that it was for some form of sexual assignation or enquiry. Such a reason appears highly unlikely in view of all the evidence we examined in chapter 26 to the effect that none of the residents recall visitors by men coming to the building for such purposes.
- 606 If there was such a visitor, it cannot have been the occasion described by Richard Kerr. In chapter 26 we examined his description coming home early from school one day and entering a room with three men in it. Richard Kerr was at Kincora from July 1975 when he was fourteen and he reached the school leaving age of 16 in May 1977 when he was still living there. He was therefore a resident of Kincora during the winters of 1975 to 1976 and of 1976 to 1977. His account was that he came home early from school because it was snowing, so he must have returned in daylight hours. The visit described by Dennis was at night, after 7pm when it was dark.
- 607 As we have explained, Richard Kerr has alleged that he was sexually abused by Sir Maurice Oldfield, but the description of his passenger given by Dennis makes it clear that the passenger was not Sir Maurice Oldfield. As can be seen from the photograph that accompanied his obituary in The Times of 12 March 1981 he was not slim, did not have dark curly hair, nor had he pointed features. By early 1976 he was 61 because he was born in November 1915.⁴⁴²

Sir Maurice Oldfield

- 608 Apart from the allegation by Richard Kerr, allegations were made in the media after his death that Sir Maurice Oldfield visited Kincora, and/or had contact with McGrath. Sir Maurice Oldfield was a member of the SIS from 1947 and became Chief of the Service in 1973 and remained as Chief until he retired in January 1978. In October 1979 he was asked by the Prime Minister to take on the newly created post of Security Coordinator in Northern Ireland. Because of the risk to his life that this post, and his previous history, created, he was assigned police officers in London who guarded his flat, and others who accompanied him when he left the flat. As the result of a casual conversation with the porter on

442 KIN 104320.

the desk of the block of flats in which Sir Maurice lived that took place in November 1979, one of Sir Maurice’s protection officers was told that Sir Maurice was homosexual. The protection officer immediately reported this conversation to his superiors in the Metropolitan Police. The Commissioner of the Metropolitan Police reported this matter to the Home Secretary, who informed the Prime Minister. On 22 November 1979 the Secretary to the Cabinet wrote to the Permanent Undersecretary of the Home Office that the Prime Minister had decided that Sir Maurice’s appointment should not be extended, and should be brought to an end as soon as reasonably possible.⁴⁴³

- 609 His appointment was terminated soon afterwards and Sir Maurice returned to private life in 1980. He soon became gravely ill and died aged 65 on 11 March 1981. Despite the necessity for dispensing with his services because of the revelation of his homosexuality, the Prime Minister wrote to him thanking him for his public service to which he replied on 25 June 1980.
- 610 Because of the nature of his admissions and the concerns that these created that he may have been vulnerable to blackmail by foreign intelligence services there was considerable concern about the nature and extent of his homosexuality. In March 1980 he denied to the Secretary to the Cabinet that he was a practising homosexual, nevertheless a direction was given that a full review should be undertaken of his Positive Vetting clearance. An investigation was then carried out by MI5. The investigation included thirteen interviews of Sir Maurice between 25 April 1980 and 7 January 1981 during which his life since leaving school was thoroughly investigated.
- 611 The Director General of MI5 reported the outcome of the investigation to the Secretary of the Cabinet on 19 February 1981. In his letter to the Secretary of the Cabinet of 19 February 1981, Sir Howard Smith, the Director General of MI5, observed that whilst Sir Maurice:
- “...revealed further details of his homosexual activities during the investigation, it is probable he did not admit the full extent of those activities. It is clear that he was not very discreet in his homosexual relations and that he laid himself dangerously open to compromise [by foreign intelligence services] through his admitted homosexual relations with hotel stewards in the Far-East during the 1950s.”⁴⁴⁴

443 KIN 104314.

444 KIN 104317-104318.

- 612 It is against that background of a possible, if not probable, failure by Sir Maurice Oldfield to disclose every aspect of the homosexual activities in which he had engaged that the Inquiry has examined the allegations that he may have visited Kincora, had dealings with McGrath, or may have had homosexual relations with residents of Kincora, whether as Head of the Secret Intelligence Service from 1973 until his retirement in January 1978, or during his subsequent period as Security Coordinator in Northern Ireland from October 1979.
- 613 One of the matters raised with him during an MI5 interview on 28 March 1980 was whether he had homosexual relations after he took up his position as Security Coordinator, to which he replied that it was quite impossible for him to have any such relations from the time he took up the “Irish appointment” and was placed under guard.⁴⁴⁵ Insofar as that remark may have included homosexual relations in London during his time as Security Coordinator that was almost certainly untrue as the circumstances which led to the discovery of his homosexuality suggest.
- 614 Nevertheless, so far as his time in Northern Ireland as Security Coordinator was concerned, while he was physically present in Northern Ireland Sir Maurice Oldfield was closely guarded for his own safety. His private secretary during his time as Security Coordinator explained to the RUC in 1982 that:

“For security reasons Sir Maurice always travelled in Northern Ireland with a police escort and was accompanied by police officers whenever he left the Stormont Estate.”⁴⁴⁶

It would therefore have been extremely difficult for Sir Maurice Oldfield to have visited Kincora, or to have homosexual relations with anyone in Northern Ireland, without such a visit being known to his private secretary or the police officers who accompanied him, or without such relations being suspected.

- 615 SIS provided the Inquiry with a hand written note on a document created by another SIS Officer in 2001. The handwritten note reads:

“MO was in N. Ireland at the time”.

This follows immediately after an entry which reads:

“[redacted] Colin Wallace the Army Officer engaged in psyops in N. Ireland in the 70s. He went to prison on a manslaughter

445 KIN 105274.

446 KIN 1987.

conviction. On release he attempted to clear his name. It was a cause celebre”.⁴⁴⁷

- 616 The Inquiry asked SIS to identify any material in SIS records that would enable the meaning of the comment, or what it referred to, to be understood. SIS have told the Inquiry that the writer of the hand written paragraphs on the document is unknown, and the person who composed the type written note upon which these words were written left the Service in 2001, and efforts to contact the author had been unsuccessful.⁴⁴⁸ In 2001 someone in SIS appears to have believed that Sir Maurice Oldfield was in Northern Ireland in the 1970s, but the basis for that belief, and whether it was accurate or not, have not been established. If the SIS are correct, Sir Maurice would not have arrived in Northern Ireland until long after Colin Wallace left, in which case the unknown author of the note was mistaken. In their response to the Inquiry Warning Letter SIS suggested that it was more likely that the annotation was no more than a ‘flag’ for the writer or someone else to follow up at a later stage, and that there being nothing to pursue the matter required no further comment.
- 617 SIS Officer F worked in the IJS on behalf of SIS at HQNI from 1973 to 1975. His statement to the Inquiry suggests that Sir Maurice did not visit Northern Ireland in the early years of his period as Head of the SIS. However, Officer F’s statement does not assist in establishing whether Sir Maurice may have done so from 1975 to 1979 after Officer F’s service in Northern Ireland.
- 618 Whilst on balance the absence of any reference in the SIS records to Sir Maurice Oldfield being in Northern Ireland before he became Security Coordinator in 1979 is indicative that he was not, however, the absence of an explanation for the note to which we have referred means that we cannot put the matter any higher than that.

The 2011 SIS note

- 619 In 2011 SIS Officer G examined four ring binders with material relating to Sir Maurice Oldfield, including the 1980 MI5 investigation. Officer G made the following comments at the start of his note.

“The relationship [Oldfield] had with the Kincora Boys’ Home (KBH) in Belfast and subsequent ‘rent boy sex scandal’ is, in my view the only remaining potential sensitivity in the papers.

447 KIN 3646.

448 KIN 3647.

The sensitivity being that [Oldfield] may have a link to (by association through his friendship of the KBH Head) of the alleged crimes at the boys’ home. Given the current climate surrounding similar cases, it may at some point emerge as an issue.”⁴⁴⁹

620 Paragraph five of the paper written by Officer G contains the following comment.

“More worryingly is the small collection of papers in file three which relate to the relationship [Oldfield] had with the Head of the Kincora Boys’ Home (KBH) in Belfast.”⁴⁵⁰

621 The reference to a friendship with the Head of the KBH, obviously the Kincora Boys’ Home from the context, is potentially significant because, if correct, it is utterly at variance with the mass of evidence examined by the Inquiry suggesting that there could not have been any such relationship or friendship.

622 SIS Officer A has stated to the Inquiry that this was explored further with SIS Officer G in 2014 having reviewed his 2011 note, and the underlying material. Officer G commented:

“Having been given full access to the papers, though my focus was on volumes 1-3, I conclude that my original statement was imperfectly drafted. As it stands this particular sentence is at odds with that which immediately follows it. This institution became the focus of press allegations of a homosexual vice ring – [Oldfield] was never implicated.”⁴⁵¹

This appears to infer that when he drafted the 2011 note Officer G did not make it sufficiently clear in the opening sentences that what he was referring to were allegations relating to Sir Maurice Oldfield, and not to material from which it might be inferred, or confirmed, that the allegations might be true.

623 This was a highly contentious issue that had received a great deal of attention inside the SIS on occasions in the past, quite apart from equally detailed attention in other Government departments, as well as critical comments in Parliament and elsewhere. We were not impressed by the bland reference to the document being “imperfectly drafted”, and consider that the lack of care shown merits criticism.

449 KIN 3639.

450 KIN 3640.

451 KIN 3641.

- 624 The Inquiry has examined all the material held by SIS relating to Sir Maurice Oldfield as described by SIS Officer A in his statement of 8 December 2016 and found nothing to indicate that Sir Maurice Oldfield ever visited Northern Ireland before he took up his appointment as Security Coordinator in October 1979.⁴⁵²
- 625 Having reviewed all of the evidence we are satisfied that the allegations about Sir Maurice Oldfield’s connections with Kincora have no substance.

Clifford Smyth

- 626 For several years Clifford Smyth was closely associated with William McGrath, both personally and politically. As we have seen from many of the documents examined, and as he accepted in his statement to the Inquiry of 5 July 2016, Clifford Smyth was closely associated with McGrath in Tara for several years. In addition, for some five years from about 1968 until he left in 1973 to get married, he was a paying lodger in the McGrath household where McGrath lived with his wife and three children.⁴⁵³ Mr Smyth told the Inquiry that he did not suspect McGrath of abusing his position in Kincora, and no claims or rumours that McGrath was abusing his position in Kincora ever came to his attention until after 1980.⁴⁵⁴
- 627 In 1996 Mr Smyth contributed a lengthy forward to Chris Moore’s *The Kincora Scandal*. He said.

“Furthermore, the police knew that McGrath had been instrumental in founding an organisation called Tara. There is evidence to suggest that this organisation may have been controlled and manipulated by British Intelligence for its own ends.

This book will argue that in forming Tara, William McGrath acted on the directions of his Intelligence handlers and that he set in motion events which led directly to the emergence of loyalist paramilitarism or counter-terrorism. He was not alone; others served similar ends. The questions that such evidence raises are devastating. Did British intelligence maintain a shadowy but firm control over loyalist paramilitarism from the early 1970’s onwards? Were the innocent lives and future prospects of male adolescents sacrificed to the cynical manipulation of one of the most mysterious and intriguing figures to emerge from the tragedy of Northern Ireland?”⁴⁵⁵

452 KIN 3647.

453 KIN 4506 and 4507.

454 KIN 4507.

455 KIN 4513 and 4514.

628 In his statement to the Inquiry Mr Smyth accepted that he did not have, and does not have, evidence for his propositions that McGrath was an agent of the state and that Kincora involved an operation run by the Intelligence Agencies, and that he speculated because there had been years of speculation about Kincora by others, and the allegations had been largely met by silence from the authorities.⁴⁵⁶

Allegations about other British Officials in the Northern Ireland Office

629 In early 1982 the then Political Correspondent of the BBC in Northern Ireland, the late W (Billy) D Flackes told Mr David Gilliland, who was the Director of Information Services for the Northern Ireland Office, that four former officials of the NIO had been concerned in homosexual activity, three of whom were believed to have been involved in homosexual offences against children. Mr Gilliland later told the police that Mr Flackes named the four officials as Peter England, Brian Watkins, Leslie Imrie and Peter Bell. It was also alleged to Mr Gilliland that the person who later became Sir Maurice Oldfield’s private secretary had been the subject of an attempted indecent assault by Peter England.

630 Mr Flackes was interviewed by D/Supt Caskey on 6 April 1982 about these allegations. He declined to make a written statement, but said that the information concerning the four officials was common gossip and had been for years. Mr Flackes said he had no knowledge of any criminal acts, and nothing to indicate a vice or prostitution ring.

631 Mr Hewitt who was Sir Maurice Oldfield’s private secretary while Sir Maurice was Security Coordinator in Northern Ireland, told the police that he had never been assaulted by Mr England.⁴⁵⁷ Mr England died on 24 August 1978. Mr Bell was interviewed by D/Supt Caskey on 7 April 1982. He denied the allegations relating to him.⁴⁵⁸ Mr Imrie was interviewed on 26 April 1982 and provided a written statement dated 28 April 1982. He also denied the allegations and denied that he was homosexual. He referred to a report in *Private Eye* relating to his conviction in April 1979 for masturbating in a public place in London, saying that he denied the allegation and felt the outcome was unjust.

456 KIN 4506.

457 KIN 1986.

458 KIN 1983.

He denied that he was homosexual, or having homosexual relationships while he was in Northern Ireland in 1972/1973.⁴⁵⁹

- 632 Mr Flackes said these allegations were common gossip and had been circulating among journalists and others for years.⁴⁶⁰ The Inquiry has found no evidence to support the allegations that these individuals were involved with homosexual activity connected in any way with Kincora residents.
- 633 During the process of examination by the Inquiry of other files after the conclusion of the public hearings, Inquiry Counsel raised a number of issues with MI5, and their response to these issues was contained in a further witness statement by Witness 9004 dated 29 November 2016. We do not consider it necessary to refer to each of the matters raised therein; they can be seen in the statement which can be found at KIN 4135 and following.

Reference by SIS Officer to an Agent ‘aware of sexual malpractice’

- 634 A reference by SIS Officer A in his witness statement of 27 May 2016 to “at least one agent who was aware of sexual malpractice at [Kincora] and who may have mentioned this to his SIS or Security Service Case officer” prompted Officer 9004 to deal with this. A Note for File dated 17 October 1989 which was written by MI5 Officer 1 contained a record of the meeting with the SIS Officer concerned. That note refers to a particular CHIS whose identity is known to the Inquiry. MI5 Officer 1 expressed a view in that record that some of the information on the CHIS’s file could be “incorrectly interpreted”.⁴⁶¹
- 635 In paragraph 9 of his witness statement Officer 9004 concluded:
“Extensive reviews of its files enables MI5 to confirm that no MI5 CHIS produced intelligence about child abuse at Kincora prior to the media revelations of January 1980.”⁴⁶²

459 KIN 1993.

460 KIN 1982.

461 KIN 4136.

462 KIN 4136.

Reference by ADCI to 'false files' in 1982

- 636 In a telex sent on 29/30 June 1982 by the MI5 Assistant Director and Coordinator of Intelligence (ADCI) he referred to the possibility of creating "false files" in anticipation of lines of enquiry which it was anticipated D/Supt Caskey would seek to follow in his Caskey Phase Three investigation into Kincora.⁴⁶³ The use of the expression "false files" demonstrates that a senior MI5 officer considered the possibility of creating a "false", that is a misleading or untrue, file to show to the police. This reference could be interpreted to mean either (a) that such a file would be composed of fabricated documents, or (b) that genuine documents would be brought together from other files but placed in a single file in a manner that would conceal sensitive material. Whichever was in the officer's mind when he used the expression, the use of the expression "false files" was at best unwise and at worst demonstrated a willingness to deceive the police.
- 637 The relevant portion of the telex relates to whether MI5 should disclose the identity of one of its agents to D/Supt Caskey because MI5 had not told the RUC Special Branch that the person was an MI5 source. The MI5 officer's telex continued:
- "We will also ask HSB [Head of Special Branch]/DHSB [Deputy Head of Special Branch] about the status of this particular enquiry and what is likely to happen to any report that is produced. We assume Caskey is an astute police officer and we should be in difficulty if we attempt to deceive him and manufacture false files or deny the existence of real ones."⁴⁶⁴
- 638 The context of the telex makes it clear that the idea was only raised to be discarded by the officer concerned, and we are satisfied the suggestion was not pursued in this instance.

463 KIN 4182.

464 KIN 4182.

APPENDIX 1: List of Search Terms circulated by NIO, 18 November 2014

Search terms notified by the NIO, after consultation with the Inquiry, to HMG Departments and Agencies in Sir Jonathan Stephens’s letter of 18 November 2014. Some Departments and Agencies augmented this list with additional search terms and variant spellings (the reference to “Valetta” below is to the Valetta Park Hostel in Newtownards, County Down).

Bawnmore

Bernardos, Ravelston Parade

Boy’s Home and Northern Ireland

Brian Gemmell

Child abuse and Northern Ireland

Children’s Homes and Northern Ireland

Colin Wallace

Hughes/Hughes Inquiry

Institutional abuse

Joseph Mains

Richard Kerr

Kincora

Kincora Boys’ home

Kincora Boys’ home inquiry

Mike Taylor

Nazareth Lodge

Palmerston

Rathgael

Raymond Semple

Rubane Boys’ Home (in the context of which a James McGuigan was charged with criminal offences)

Tara

Valetta

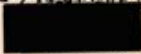
William McGrath

Williamson House

Manor House, Lisburn

5. It is untrue to say that allegations of assaults on the inmates of Kincora "began shortly after his appointment". As I have pointed out in para 4 above, allegations were made as early as 1967 and there is also evidence that assaults may have taken place as early as 1959, soon after MAJNS was appointed.
6. Reference A claims that McGRATH "is a known homosexual" but it avoids any mention of his links with various other key figures in the local homosexual community, other than to insinuate that a number of well known political personalities with whom he came into contact were also homosexuals. For example, in para 6 of reference A, it is claimed that McGRATH left his previous employment "as a result of a lovers' quarrel" with his employer, whereas our information would tend to indicate that he left following a row over an outstanding debt. His former employer, ROY GARLAND, is well known in Unionist Party circles (see also CLIFFORD SMITH) and was for sometime 21/c of 'TARA'. Admittedly, some of the personal correspondence between the two men during this period cannot be regarded as normal between employer and employee (see flag 'N'). Whatever the real reason for the row between GARLAND and McGRATH, there is certainly considerable animosity between them at present, and GARLAND has been actively engaged in trying to have McGRATH removed from his post at Kincora. GARLAND's own version of events (see flag 'O') is, of course, very enlightening, but I would suggest that it should be treated with caution until it can be substantiated because of the antagonism between them. It would also appear that many of the RUC source reports on this matter after 1971 originated from GARLAND.
7. McGRATH was himself the subject of an internal investigation by the Belfast Corporation Welfare Department in 1972/73, following allegations of more homosexual assaults on the inmates of Kincora. One of our own sources confirmed in 1972 that a number of complaints has been received about his behaviour and that, although the complaints had been passed to senior welfare staff and to the RUC, no action had been taken against him. This would appear to be confirmed, to some extent, by Mr ORR (see flag 'B') in 1973. There were, of course, similar allegations relating to other hostels during this period (see Bessmore, Westwinds, Burnside etc.) and this conflicts with reference A's assertion that the allegations were confined to Kincora.
8. It should be remembered that the 1967 Sexual Offences Act does NOT apply to Northern Ireland and homosexual intercourse between adults or with minors is a criminal offence. The apparent lack of interest, therefore, by the Welfare Authorities and the RUC is quite remarkable. Furthermore, the claim made by ~~Reference A~~ (see flag 'Q') that key individuals in the Welfare Department were themselves homosexuals and thus, not only appointed homosexuals to such posts but also covered up the offences that took place and protected the offenders, requires very serious examination. In particular, I view her allegations about ~~Reference A~~ with great concern because it illustrates the political difficulties we are likely to face if we become involved.
- Reference R which deals with the circumstances surrounding the murder of BRIAN MODERNOTT last year puts forward the theory that the killing had both sexual and withcraft overtones. The only link that can be identified between the murder and the homosexual community is via JOHN McKEAGUE. McKEAGUE's own statements (see flag 'S') raise more questions than they answer. Certainly,

27/11/73
 1/12/73
 11/12/73
 15/12/73
 18/12/73
 21/12/73
 24/12/73
 27/12/73
 30/12/73
 31/12/73



9. continued..

his boast that he will not be prosecuted because "he knows too much about some people" merits serious investigation, but I suspect that he will no be prepared to talk until he is released. It is also rather remarkable that no charges have be preferred against him, at least during the past 3-4 years. Our own investigations of instances of alleged witchcraft or other satanic rites in the Province would tend to dismiss the RUC's theory that BRIAN McDERMOTT's murder could be part of these activities. In the past, 'Black Magic' practices etc have been mainly confined to groups operating from Republican areas, with the possible exception of three cases in Co Antrim. I think, however, that from a press point of view, we would be very foolish to give any credence to such claims without the most convincing evidence. The forensic reports on the McDERMOTT murder (see flag 'F') would tend to indicate that someone tried to dispose of the body by cutting it into pieces and burning them. It would also appear that when this failed, the pieces were dumped in the river. The insinuation made in the document regarding the boy's disappearance and the proximity of the Rev PAISLEY's church is dangerous nonsense.

10. Reference 4 claims that a number of key personalities in the political arena "are aware of" the Kincora situation and, in particular, of McGRATH's background. It does not, however, explain the extent of their awareness nor of each individual's involvement with McGRATH. In summary, it would appear that the document is claiming that:-
- (a) Senior members of the Grand Orange Lodge are aware of the situation because of the discussions and correspondence relating to McGRATH within the Orange Order (see flag 'C'). It is further alleged that THOMAS PASSMORE and the Rev MARTIN SMITH have blocked any action against McGRATH.
 - (b) The Rev PAISLEY is aware of the situation but has failed to take any action because of possible blackmail pressure owing to his connection with McGRATH, DAVID BROWN and JOHN McKEAGUE. On the face of it, the statements made by VALERIE SHAW and TOM McNEILLY (see flag 'F') would tend to support the only part of such a claim. There are also a number of inconsistencies; McGRATH would appear to be strongly anti-communist and anti-U.V.F and this conflicts with the document's views on links with TOMMY HERRON, ERNIE 'DUKE' ELLIOTT, 'The Ulster Citizens Army' etc.
 - (c) Various public and political figures who hold positions of power and who are also homosexual protect each other from prosecution. The claims of a prostitution ring involving juveniles and centered on Bangor is not really substantiated, other than by GARLAND's own personal account. It would be interesting to check, however, the number of charges brought against people involved in homosexual activities in the greater Belfast area in the last 5 years. I also think that the RUC report on drug abuse in this connection merits

+ See New Complaint

• Supr Memoir

~~UNRECORDED~~

Continued/.....

10 (c) continued.

close examination because this is a natural area of fund raising for terrorists. There is, of course, the obvious problem of security with the possible blackmailing of civil servants, politicians etc.

Conclusions and recommendations.

I am far from happy with the quality of the information available on this matter, and I am even more unhappy because of the, as yet unexplained, failure of the RUC or the NIO to take on this task.

I find it very difficult to accept that the RUC consistently failed to take action on such serious allegations unless they had specifically received some form of policy direction. Such direction could only have come from a very high political or police level. If that is the case then we should be even more wary about getting involved.

On the other hand, if the allegations are true then we should do everything possible to ensure that the situation is not allowed to continue. The youngsters in these hostels almost certainly come from problem families, and it is clear that no one will fight their case unless we do. Those responsible for the murder of BRIAN McDERMOTT must be brought to trial before another child is killed, and if it can be proved that there is a connection with this homosexual group, then the RUC must be forced to take action irrespective of who is involved.

I would recommend therefore that:-

- (a) We make one final attempt to get the RUC to investigate the matter or at least discuss the matter with HUCLO. (S.M.C.) *DNM, based on 7000 Burgess, Inf copy*
- (b) We obtain very clear and unambiguous authority from London to proceed with a press disclosure.
- (c) We approach a responsible journalist whom we are confident will make a thorough investigation of the matter and not simply write a sensational type story purely on the information he is given.
- (d) We continue to look for additional information on this matter to ensure that we are not just being used as part of some political disinformation scheme.

Truly amazing that Sir George Terry and his independent investigation would state that the Army, RUC and NIO had no knowledge of the KINCORA activities, when their official analysis by Colvin and the reference mentioned clearly shows they were aware!!

the 7
J.C. Wallace
Senior Information Officer

APPENDIX 3: Transcript of interview with Major General Peter Leng by Barrie Penrose for *Sunday Times* article published on 18 February 1990

KIN - 124556

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FG:stl EDH: PG: PDTE: LER: RA179
MEMO: FR:NDMID :20/02,18:01 STYL:
KEY: HJ: 08337 WDS: DLIE:TAGART-HWE

FIRST CONVERSATION WITH PETER LENG

PENROSE: I am doing a piece for the weekend and I was going to suggest that as I mention you just in passing, it might be courteous to read it over to you on Friday. It's only a passing mention. I tell you what it is actually. We are still Wallacing, so to speak, and on that front we mention that Michael Taylor, you probably wouldn't remember him. He has been mentioned in the press just briefly, he was information officer, and he has told me that he remembers very well indeed, and he was delighted when he saw it, that on the Kincora file that he was looking after he says that you had a strong memo saying there has got to be some action on this or something to that effect, and he said that he remembered thinking well, we'll just wait for this to happen, it was obviously going to happen quite soon but it didn't. Now this was back in 74 and your memo was actually attached to the file. And his surprise was, along with a couple of colleagues that nothing did happen and he could only think that the RUC were taking their time, and of course as we all know now its a matter of two reports since then, the Ferry one and Judge Hughes, but of course nothing did happen until 1980. So basically it was just a passing reference to your memo being attached to the file.

LENG: OK.

PENROSE: So you're not obviously disagreeing about that. The other thing is did you by any chance see Paul Foot's book?

LENG: No.

PENROSE: Would you like me to send you a copy?

LENG: Yes and I'll pay you for it.

PENROSE: No, no, that's easily arranged because I have got two copies. Now the thing is that the paperback I'm told by the publishers is not out until March but the hardback copy it does actually mention you. And if I may I'll just read ... I was just looking at it this morning, it's on page 29, but as I say I will send you the whole book but it says here - this is the mention of Clockwork Grange, which as you know is now being mentioned in the House of Commons...

LENG: I have been away for 4 weeks, so I got only just got back two days ago, so I have missed it all you see.

PENROSE: Well I won't be in the office until tomorrow but what I will do
(HRR)

KIN - 124557

② 27

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is photocopy undecipherable couple of words from Leng - could be page 27 or 17... not only that, but I'll put that in the post to you, but also page 29 and also there are a couple of other things that will bring you right up to date - Let me just tell you very briefly. Peter Broderick, whose name you may recall, who was Taylor and Wallace's boss along with other people, now he came up while you were away, so this would be about 10 days ago, he came out and said he well remembers the matters of that time, so does Taylor, and they mention Clockwork Orange and in the House of Commons both Archie Hamilton and Tom King have mentioned Clockwork Orange saying that papers have been found showing that in fact it was, unfortunately, that the House had been misled, no fault of Tom King or Archie Hamilton, simply, the records had simply come to light more recently. So you probably may have picked that up already, had you or not?

LENG: No.

PENROSE: No, you didn't. Well that is the present state of play. Now it says here on page 28 of Foot's book - the documents which were filed under Clockwork Orange were not personally available to anyone else in the information policy department. A fact which Mike Taylor, an army information officer, recalls very clearly. And then he said, well he has actually said to me as well, that he was looking after Clockwork Orange and what it contained. He then goes on to say, and this is where you are mentioned. It says here, 'the army's involvement in Clockwork Orange was approved early in 74 by the Commander of Land Forces Northern Ireland, Major General Peter Leng. Col. Peter Goss, the senior army intelligence officer at Lisburn, was instructed to release to Colin Wallace secret information on terrorists. Captain...' and he mentions another Captain here, another intelligence officer was appointed to do the basic research and supply Wallace with the results. And it goes on to say that this was disinformation about paramilitary groups. Then in fact it went wider and included some material about politicians, some of them in Northern Ireland, some of them on the mainland. So, I don't know whether you recall the Clockwork Orange...

LENG: Well, I hardly recall it, and certainly I had no party sig at all in anything to do with politicians and nor would I. I mean my policy at that particular stage was that we had to play the game straight. We had to find out... we obviously had to do some research into terrorists but there was to be no dirty games at all as far as I was concerned, and one or two people, and I can't recall who, came up and said to me we'd like to do this, and my answer was always no. The army has got to be played clean because these things get found out in time.

PENROSE: Yes, well that's what I was told. It was not only about your role, such as it was, but also Frank King's as well, he also said the same thing. I mean the thing is ... I mean the Clockwork Orange operation as you recall it, if I understand you correctly, was directed against
(MORE)

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terrorists?

LENG: Correct

PENROSE: Yes

LENG: As far as I was concerned it was finding out information about them.

PENROSE: Right, because there was Clockwork Orange one and two but I am sure your memory probably doesn't stretch back that far?

LENG: It doesn't I'm afraid. I've got a terribly bad memory anyhow.

PENROSE: So - I mean - when it was mentioned to you, it was mentioned to you as what?

LENG: Well, I don't want to be quoted, because I can't actually recall, but I think it was, from rough memory, it was we have to investigate these terrorist organisations and I said "go ahead and investigate".

PENROSE: Yes, and 73, 74 sounds about right does it?

LENG: Yes it does, in timing.

PENROSE: And who - I mean, that would have been army people talking to you rather than...?

LENG: Well Peter Broderick was the army intelligence... information policy officer.

Penrose: Right

LENG: And he was a civilian.

PENROSE: Right

(MORE)

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LENG: And the rest of them were army.

PENROSE: Yes. And Colin Wallace you would have known?

LENG: Well hardly... I mean known yes, but as he was a captain working right down the chain...

PENROSE: Yes.

LENG: I didn't. I mean I hardly came across him at all.

PENROSE: Because everyone, including Broderick, I must say, they speak so highly ... and so do the records of him at the time, that he was hard working and so on, but that's something that obviously ... you were at a level where you wouldn't have come across him very much.

LENG: Correct.

PENROSE: But it wouldn't surprise you that he was involved along with Broderick and the others and Taylor.....

LENG: If he was working under Broderick he would be involved.

PENROSE: With Clockwork Orange, Yes. And how many people would have known about Clockwork Orange? Would it ... I am just wondering....

LENG: Well I think that the senior intelligence officer would have known, Broderick would have known, Mike Garrett..

PENROSE: Yes, I remember that name.

LENG: ... who I'm afraid is very ill with leukaemia now, he would be more involved than the chief of staff, and then what I would be doing is to listen to the policy.

PENROSE: How long would an operation like that have lasted?
(MORE)

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LENG: Well, as long as it takes to gather the information. It could have lasted, and this is entire guess work, a month, three months, six months, a year because it takes an awful lot of time to gather intelligence.

PENROSE: When you mentioned earlier that when anyone suggested to you that, and this is my word not yours, can we get into the black propaganda or dirty tricks and you said "No", that was when politicians were mentioned presumably?

LENG: Politicians were never mentioned to me...

PENROSE: To you.

LENG: ... I mean I have no recollection and no knowledge at all of the involvement of politicians, and the investigation of politicians, and certainly, had I known about it I would have stopped it at once. It is not our business.

PENROSE: Yes. You see what Wallace and Taylor say is that they were in a difficult position because from one side they were being told by the army and by you and your senior staff officers and saying absolutely play it clean and down the middle, and 100% on that, they then say that unfortunately the funnies as they call them, in other words MIS, were saying sometimes, well look you've got to release this or do this without anyone else knowing because ...

LENG: Well ... we ... ? ... other than an initial briefing by MIS and so on before I took on my appointment, I had no contact with MIS thereafter.

PENROSE: No. So you wouldn't have known that they had another interesting Clockwork Orange? That would have been outside your knowledge.

LENG: Completely outside.

PENROSE: Yes.

(MORE)

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LENG: Completely, and I suspect outside Frank King's jurisdiction too.

PENROSE: Absolutely. That's absolutely right from our ... yes, I mean, that's the case. Presumably you wouldn't have actually yourself looked at Clockwork Orange as a file itself? So therefore ...

LENG: I never saw the file of Clockwork Orange whatsoever.

PENROSE: Well I think your hair would have fallen out if you had. And you would have stopped it of course then...?

LENG: Well had I known - I mean any involvement I would have stopped it... I had one or two people who came up and suggested one or two things and I turned them down flat, every single time.

PENROSE: What sort of things? ..Just to give me an idea of what sort of...

LENG: Are we off the record?

PENROSE: Oh Yes!! We are now!!!!

LENG: Well I remember a case where they wanted to go and publish a diary - it was written by IRA people

PENROSE: Yes

LENG: ... and they were then going to leak it to the press...

PENROSE: Right.

LENG: ... for a sum of money to make it look authentic.

PENROSE: Yes..

LENG: And I think they did quite a lot of preparation for this, and then they came to me and said look we would like to do this because it would
(MORE)

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CATCH: TRANS2

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give quite a lot of evidence and would also cause the IRA perhaps to squeak. My answer as you can imagine was this is absolutely impossible to do - we are bound to be found out - stop it now.

PENROSE: Yes, otherwise it will rebound. You see on the other hand, the interesting thing is that it was never mentioned to you obviously by the people that they wanted to extend to politicians and in fact did so.

LENG: No, never.

PENROSE: Did you know there was a Clockwork Orange one and two?

LENG: Really?

PENROSE: No. And on Kincora you come out absolutely as one would expect, saying there has got to be action on Kincora. Do you recall that?

LENG: No.

PENROSE: Well, you should take your virtue because in fact Taylor says, I remember it very well and we were all delighted that the RUC were.... you said in the memo according to Taylor that the RUC and the social services I think ought to be brought in here because the file named men and boys who were obviously part of this abuse which we all know about now.

LENG: Yes I recall that.

PENROSE: Do you? And you said take action. They waited because obviously there had been other members suggesting this from junior offices, but it was yours that finally convinced Taylor that this was going to happen, but of course it went on for another six or seven years, but again that wasn't your fault.

LENG: I think the action, now I recall it, was the absconding of boys, and if I've got the thing right, there were an awful lot of what I call
(MORE)

KIN - 124563

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... well I'll call these terrorist boys who were put away in the home, and they kept on absconding, and I do remember talking to the chief of staff, saying "look we've got to stop these boys escaping from this remand home, and there is far too much escaping and they are going back into terrorism, so take action to stop that."

PENROSE: It was also just to remind you that there were homosexual abuses taking place, namely by the house father says McGraph...

LENG: Yes.

PENROSE: ... who was also the leader of TARA, and of course eventually that was all proven in court some years afterwards, and also a man called McKay, but I mean this is obviously outside...

LENG: Yes I do remember the homosexual insinuations and I do remember saying this is a police business, not ours.

PENROSE: Yes, because you probably know that since then, the suggestions have been that MI5 or others, not the army but others, were in fact using, obviously, a blackmail hold on people like McGraph which he has since confirmed, I mean that is a matter of record now, that he was blackmailed into working for intelligence to inform and so on, so you can see the tug of war that was taking place from your side, saying police, social services take action, and the other side saying no, we need the information..

LENG: But of course, I wasn't part of the other side.

PENROSE: No, quite. Well look, I'll get this in the post...indiscipherably few words. May I leave a number at the office so you know who you're speaking to. Its 01

LENG: Just wait one moment, I'll have to nip next door, I've just come in from the garden, will you hold on?

PENROSE: Right - 01 782 5644, and my name is Penrose and its Barry Pen-rose. P-E-N-R-O-S-E

LENG: Right, Barrie, thank you very much.

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PENROSE: And I'll pop that in the post so you'll get it Friday.

LENG: That's sweet of you.

PENROSE: Alright.

LENG: Thank you.

PENROSE: Goodbye.

LENG: Goodbye.
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PLEASE NOTE THIS HAS NOT BEEN CHECKED AGAINST THE TAPE AS YET.
INTERVIEW WITH FRANK KING

PENROSE: I'm doing a piece for the weekend Sunday Times on a subject that no doubt you have seen in the papers in recent weeks on the Colin Wallace affair. I just wanted to check with you, and you will understand why - there is a book called Who Framed Colin Wallace by Paul Foot.

KING: I haven't read it. I'll pay my library 32p and try and get a free copy.

PENROSE: I am sending one to a colleague of yours, Peter Leng. I may as well order 2 from our library and pop one in the post for you. The paper back is out next month - I was told that by the publishers. The thing is in the book he is talking about Wallace and his problems in the early stages of '75 and everyone we have spoken to speaks very highly of his abilities when he was in Lisbon, and then you're mentioned on page 110, just in passing but I thought I ought to check it with you. Wallace says his problems with Clockwork Orange and raising the whole business about the boys home in Belfast - the Kincora business - it says - when he returned to Northern Ireland on Monday 27th January 1975 he voiced some of his fears to the general officer commanding Northern Ireland Sir Frank King.

KING: Well he never did. I don't think I've ever met him quite honestly. I am getting old now - I am 71 and I've got a very bad memory. I've been reading all this in the press with great interest and I don't recognise his face. I'm pretty sure I did meet him but he was a very junior chap in my headquarters. We had various press - I remember when I arrived the PR
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people had a great reception for the press really to meet the new GOC and obviously Wallace would have been there but I don't quite honestly remember his face. The peculiar situation in Northern Ireland in that when General Tuso? (sorry can't quite make that name out) was there he had to governments to deal with he had the Strawman (Sorry another name I can't make out - had quality recording) government and the Westminster government so he demanded a CLF which he got to command all the troops and the chief of staff ran the headquarters, and when I got there the security problems were still at their height so I had a lot to do with the secretary of state, I had a lot to do with the police because I was director of operations, but I had very little to do with my own headquarters. Three days a week I was going round the province... I cannot in all honesty, ever remember meeting Clive Wallace, Colin Wallace, having said that, I probably did.

PENROSE: There are, not that that proves anything, but there are ordinary army photographs taken at the time and issued to the press where Colin Wallace is in the picture along with two or three other people but one would expect that with an information officer. When I spoke to Sir Peter, he confirms two things - firstly he recalls Clockwork Orange, and says, look I told people who wanted to play about with dirty tricks, leave it alone, it will all go wrong, blow up in our faces, I want nothing to do with it. That was on Clockwork Orange. Is that something that you recall at all?

KING: I am being absolutely honest - I can never remember hearing that phrase before.

PENROSE: No, because as you know in the commons Tom King and indeed Archie Hamilton have said that they have now found mention of it in the files that have only just surfaced, so there is nothing secret about it.

KING: I find it very difficult to understand in fact, because, I mean its all being blamed on the security forces...

PENROSE: Security services, Yes....

KING: And I only had to the best of my memory of 13 years, I only had one man, and I knew exactly how he was tasked and he was a very sensible and a very good man, and he wasn't tasked on anything like that.

PENROSE: On the other matter of McGrath and TARA and that nasty business of Kincora, you don't recall anything of that?

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KING: I remember seeing it in the Belfast Telegraph as a scandal in Northern Ireland.

PENROSE: That would have been 1980?

KING: Was it....yes.

PENROSE: Because a chap, again he was far too junior, but an army information officer, Michael Taylor, he, amongst his duties was to look after various files including Clockwork Orange and Kincora and he recalls that General Leng had put a memo as had other people, around about 73, 74, saying must bring in the RUC and the social services into Kincora because is a scandal and this must stop. I mean, this was about homosexual abuses and people running away....

KING: Was that the place where young men had been locked up?

PENROSE: No this was a young boys home and the suggestion has been, the point being that General Leng and others had said in memos on the Kincora file at Lisbon that there must be action here, and urgent and so on, but of course, nothing happened until 1980

KING: Why does this concern the army?

PENROSE: Well because the internal memos that intelligence people had used knowledge of homosexual abuses between people like McGrath who was the paramilitary leader of TARA, that MIS had actually had information about McGrath and homosexual abuses and this would prove very useful because McGrath had obviously given information about TARA and loyalist paramilitary groups - so you see the point - they were having leave well alone meanwhile the army were saying you have got to act... but this isn't something that you recall at all?

KING: No I don't quite honestly. One always realised that in the jungle of Ireland on both sides a lot of murky things happened, but quite honestly, I was far too busy in a sense at the higher level to know about those things.

PENROSE: Well, one thing that two or three people have said, and I remember their names quite well, having spoken to them for quite some time about this when your name just cropped up in passing.. Oh yes, I know, one of them was Peter Broderick.. Do you remember Peter Broderick?

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KING: He was my information policy officer.

PENROSE: That's right. Now he said that he was brought over and the first thing you said to him when he arrived... this is a quote from Peter Broderick...None of this nonsense about black propaganda or dirty tricks or something to that effect.. is that anything that you...

KING: I don't remember but I can understand it. You see one of the problems that the army had, it had a very bad reputation with the press to begin with and the reason was that we were always reactive. One thing I remember very well where a unit went in to search a house and their side of the story was that they carried out army orders which were that they would always have a carpenter there so that if they had to take up floor boards or take a lintel out of a window he would repair the damage. But suddenly on BBC television I think the whole place was totally wrecked, and imagine the pressure when you get the secretary of state ringing up saying why have the army done this and the GOC ringing up the commanding officer and saying why have we done that, but we didn't. So we had a rule then that whenever they searched a house, they got a certificate signed by the householder that they left the house in good condition. But again, the IRA would put pressure on householders and they refused to sign, and the same sort of thing would happen again. And you get another case, lets take a soldier on patrol where he sees two men with a rifle and he shoots one, and the other chap picks up the armour and runs away and then all the neighbours come out hearing the shots and swear with tears streaming down their faces that this man was taking a quiet walk a night and was suddenly shot by a soldier and he wasn't armed and so on. So you get both sides taking sides. The IRA are very good at this because quite often, one thing all commanding officers learn in Northern Ireland is that is there are television cameras in the street, don't send your soldiers up that street, because something is going to happen. They were very good at promoting these incidents, and by the same token, the only thing the army could do was to train its public relations people as well as it could, and we did run a school in Beconsfield to train people on television courses and so on, and have a nominated officer in each unit as a PR officer, and to use people like Broderick who were experts and professional at headquarters. But we were always on the defensive because the IRA could always provoke incidents and have their press things ready, and the army quite often had to make an investigation, get in touch with the unit, find out what happened and sometimes rather foolishly, issue a statement early and then find it was wrong and have to correct it later. So it was always a great problem.

PENROSE: Yes, I can see that. Tell me, on the, we have read about it and heard about it in Parliament recently in the last few days in fact, on the question of so called dirty tricks and black propaganda is that

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something.. after all SIDPSIS is an MDD leaflet or pamphlet, so again, there is nothing secret about that, is that something that would have crossed your desk at any time?

KING: Well I think basically that this is an invention of the press. I'm sorry to be rude about this but it's probably because we were always on the defensive and we quite often appeared to be telling lies, but one thing I'm quite sure all the PR people realise is that you can't feed off black propaganda unless it's based on truth because you lose your reputation with the press. But I think that this is how the thing blew up. Quite honestly there is only one thing I can remember while I was the DC - one of the elections there the IRA or Sinn Fein brought out a great poster for an election where they had a hooded monster with a rifle over his shoulder with the words underneath saying "Victory by 1974". Well we did the same sort of thing. We got hold of this poster and we did a bit of black propaganda but it was very harmless and rather humorous and we over printed the words "By Ballot, Not By Bullet" and we posted these up all over Belfast and took down the IRA ones and eventually, they reckoned that our posters were there posters. And quite honestly, that's the only thing I can remember.

PENROSE: Because the thing is that people like Wallace, and he is by no means alone, Broderick, and others as well, Michael Taylor, in that department, they seem to be saying, and I think I've got this absolutely right now, that the army are saying, at your level and obviously below your level, were saying look, black propaganda in a way against the IRA yes but not to go too far, but there were MI5 people who wanted to use it for a totally different purpose and that they widened it, and that's why we have had these allegations about smears against politicians, you know, the forgery, I mean the fact is at Lisbon....

KING: You may find this very difficult to believe, but to the best of my knowledge, I only had one chap, when I say to the best of my knowledge, I mean the best of my memory, I only had one chap working in my headquarters. He was a very nice reliable man. I know exactly what his job was and he did it extraordinarily well. Now by the same token, there was another chap working under the secretary of state, or anyhow, under his control, what he did I never knew.

PENROSE: I think that was Clifford Brand.

KING: Well they vary. There were about four chaps.

PENROSE: Are you talking about IRD people from the foreign office or the five people.

(MDE)

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KING: I think they were MI5 people... Rowley who had got a wooden leg, people like that. They in a way were the senior, that was the senior headquarters, and my press people went every week with the police press people to be briefed by Stormont's press officer, who laid down policy, which I presume was secretary of state policy, then so did the MI5 chaps.

PENROSE: Yes, this is where the rub seems to be, that a whatever level in MI5, it seems to be that they were attempting to move away from propaganda about the IRA, which is understandable, into the political area where for example, they expressed disagreements with Rees and Labour government policy, I suppose that is basically what.....

KING: I find this very difficult to believe. They basically wouldn't have time and really what is the point of it?

PENROSE: Well it does seem a little strange to me. I notice by the way, and you'll notice it when I send you the book by Foot on Wallace, that he quotes Rees's memoirs where he mentions... shall I just read it... its just a paragraph where you are mentioned. It says here - He wrote in his book, Northern Ireland, a Personal Perspective, this is Rees - I felt it important for my journey not to be publicised and asked Frank King, commander in chief of Northern Ireland forces to accompany me in my helicopter as far as Aldergrove, so it would look as if I was going back with him to Lisbon. However, when I arrived at Colerose, Cornwall, after a nostalgic flight over the valleys of south Wales where I was nurtured, it was to find that my trip had already been announced on BBC news. Was the leak from prying eyes at the castle or from Aldergrove or was it from other sources. - and it's really just Rees going on about what he claimed to be leaks from, I suppose he is talking about the security services not the army, but I mean we'll never know perhaps.

KING: I can never remember being in a helicopter with Merlin Rees in my life..

PENROSE: This is from his memoirs.

KING: Where was I flying in this helicopter?

PENROSE: You were flying .. Ah he doesn't say - it says - to accompany me in my helicopter as far as Aldergrove so it would look as if I was going back to Lisbon. So in other words you had set off from Lisbon it would seem, went to Aldergrove and then you were going back to Lisbon yourself. But anyway, that's just the two references. Well I'm very
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grateful for that and I'll get these books off in the post by the weekend.

KING: One thing that amused me in the press was Colin Wallace... I think Chris Ryder wrote an article... well anyhow... Colin Wallace claimed to have done three hundred parachute jumps. Well I have been a parachute soldier all my life and I can tell you the average number of jumps a parachute soldier does in a year is about six, so if he had been a parachute soldier, it would have taken him fifty years to do it. And then, in the same article, he said that he had been a member of a free-fall club, and the secretary there said he was a Roofer - he used to turn up in all the kit and nobody ever saw him go up.

PENROSE: Well in fact that has now been reversed. Records have been found where people have signed for.. I think... This is just a personal observation but one which people are making from both sides of the political divide and that is this - that many of the things that Wallace has said are now being confirmed by the government. For example, it was said that his 400 page document, file, had not been sent to number ten in 1985. Now Archie Hamilton said to the house last night that indeed that had been sent and it had been lost. So in other words, a lot of things that Wallace has been saying, now seem to be confirmed not just by his colleagues, but by the government saying that they are now delving deeper. But this is clearly something that was not in your orbit - it was in the intelligence orbit so it would seem, because it would seem that Wallace did have two hats as it were, two specific jobs.

KING: Well yes, one made use of all the intelligence one could get and he was a local man and to my knowledge, actively employed on intelligence. He was certainly a very Walter Mitty sort of chap. When I say that, I've already told you I never met him, I mean judging from what other people have said about him.

It makes life interesting.

PENROSE: Well thank you very much

END

JOE-END of side (sounds like radio broadcast of play)
STARTING CHECKING AGAIN HERE

SIDE 2 (B) Haeley/Long - Food

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SECOND CONVERSATION WITH PETER LENG

000

PENROSE: Is Sir Peter there please, my name is Penrose, I spoke to him the other night.

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PENROSE: I wonder if I could just clarify one thing so that I get it absolutely spot on. When something like Clockwork Orange (its such a silly name but anyway something like Clockwork Orange) comes on your desk and you say right go ahead and you must not go any further than this and this is what you must do, in this particular case gathering intelligence on para-military terrorists and so on. That would have come across presumably from MID and from MID go to your desk?

LENG: No, not necessarily. What it tended to do was to either go from intelligence to intelligence or from the northern sic office to Frank Kings office because, I put it crudely, he was a political general, and then I would get my marching orders from Frank King and really my role was just to carry out land operations, that is the day to day running of the army rather than get myself embroiled in that kind of work. Also it would be from intelligence quite often to special branch. Special branch and intelligence liaise together - the head of special branch of the RUC and the head of our intelligence and then I would have a morning meeting or maybe two or three daily meetings in which the head of intelligence would come up to me and say this is the sort of thing that is going on, and we would then discuss it.

PENROSE: The actual operation, I mean Clockwork Orange when it was first auted was in fact Dennis Payne - several people have mentioned that - who was at MID.

LENG: That's right. There was of course that branch as well. MID would come in and cross fertilise if they wanted to keep something from the RUC - don't quote me again.

PENROSE: No, no, no.

LENG: They would then - MID would get straight in touch with our intelligence chiefs.

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PENROSE: Yes, so something like Clockwork Orange, or perhaps you remember - do you remember if it came from Paine's desk?

LENG: No I don't remember if it came from Paine's desk but certainly if it had gone anywhere it would have gone from intelligence to intelligence, from Nigel's office across to our intelligence office...

PENROSE: I see - from - which office?

LENG: From Nigel's Office in the MID it would have gone across - if he wanted to involve us at all he would have got on to our intelligence officer - that was the passage of information, and then I'm sure that was the way, and then if our intelligence officer wanted to bring in our publicity people, information policy as I call it, which let me say, I have to be absolutely clear, information policy is either white propaganda or black propaganda, and we have no part in black propaganda in our information policy at all.

PENROSE: Right.

LENG: So it was white propaganda.

PENROSE: Now you said Nigel... is that Nigel....

LENG: Nigel Paine - do I mean that?

PENROSE: No Dennis Paine.

LENG: Dennis Paine at MID.

PENROSE: Yes.

LENG: And it would cross there, and quite often I suspect they had conversations which I wasn't party to at all and I wouldn't object to that.
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PENROSE: No, of course. It's just to see how, if you could forgive me, how the bureaucracy works, so Clockwork Orange in this case comes from Dennis Paine's office, so it's intelligence to intelligence, and then you're shown it...

LENG: I'm not always shown it. Only if they need to involve someone at a higher level.

PENROSE: Right.

LENG: Now if it was policy, then Frank King would come into it, because he went to Northern Ireland Office weekly for a weekly conference with the police and all the rest of it, but he was quite often summoned across to speak to the Secretary of State or whoever, across there, and he it was who really did all the liaison policy work with the Northern Ireland office.

PENROSE: I see.

LENG: And then if there was anything - I mean, he often knew things that I didn't know, and then all he would do is say to me, this is the policy I want, and it was normally if I say say, tactical policy, and I would then follow it.

PENROSE: Clockwork orange was policy. This sounds like a statement rather than a question, but a statement asking for confirmation..

LENG: And Clockwork Orange was policy.

PENROSE: Yes. And so - I see, so Dennis Paine sends the file over and this is policy from NIO...

LENG: I wouldn't have thought he would even send a file over if I say say so, because the less that was committed to paper the better...

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PENROSE: Oh, of course, I'm sorry, of course.

LENG: And I think there would be discussions because certainly intelligence and intelligence are meeting continually.

PENROSE: Yes, so ... fine, so it comes from there. Your job is of course.. you have to OK Peter Goss, the senior intelligence officer, and Tony Holman and others, to release information to the unit, to the Information Policy Unit.

LENG: Yes, to the information policy unit or down to the units of the army...

PENROSE: Yes.

LENG: ... as the case may be.

PENROSE: Right. So you knew obviously that there was a five sig involvement in Clockwork Orange but you obviously wouldn't have known ...

LENG: ... the detail.

PENROSE: ... the detail.

LENG: Correct.

PENROSE: Right, and the other thing is that - which is obviously very important, is that as you didn't see the file that was kept at Lisburn, you wouldn't have known obviously its contents because there would have been no need for you to know.

LENG: Right.

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PENROSE: So you, as it were, authorise your people, Peter Goss and others to release information to the unit, to the information unit, so it's on your authority, or is it Frank King's authority?

LENG: Oh we usually discussed that together, we usually had a - nothing worked so fast that it had to be dealt with, so we usually had a weekly conference and in fact often Peter Gough would go in to see Frank King about sensitive items direct and then he would see me

PENROSE: Ah - I see how it works.

LENG: ...about sensitive items.

PENROSE: So your...

LENG: My role with Peter Gough, if I may say so, was mainly running the straightforward tactical intelligence under his direction.

PENROSE: Yes.

LENG: I would, you know, we would discuss it and I would say right, that is what we want to tell the army and that is what the army ought to do.

PENROSE: Yes. I know you said your memory is sketchy sometimes on these things but the 73-74 date that you mention is absolutely spot on, and in fact the first fruits as it were of Clockwork Orange were in January of 74. Do you recall when you first heard the title Clockwork Orange?

LENG: To tell you the honest truth it doesn't ring an awful lot of bells in my mind, I have to say that now after 17 years.

PENROSE: No, sure.

LENG: I think it would ring more in Frank King's ears.

PENROSE: Yes. I mean, so you, it is correct in saying that it would be you and Frank King or Frank King and you rather, that would authorise...

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LENG: If it was something on policy Frank King would authorize it. I mean all I actually, it must be quite honest, all I really recall is all to do with the young offenders' home and what went on there.

PENROSE: Yes. The Kincora...

LENG: That is what I was brought into - not necessarily the homosexuality, but the fact that the boys were escaping all the time. //

PENROSE: Yes, I remember your saying.

LENG: That was my main involvement with that side.

PENROSE: And recommending the police be brought...

LENG: The rest hardly rings a bell in my mind at all.

PENROSE: No, except that you were saying intelligence gathering takes a long time and in fact it went on for about a year, and you said it could be six months to a year.

LENG: Yes, however long it takes - but intelligence takes a hell of a long time to get, as I discovered.

PENROSE: Yes, I saw the thing, the reason why Clockwork Orange - So you authorized Clockwork Orange as a policy so that ...

LENG: I didn't authorize Clockwork Orange as a policy. If it were authorized, it would have been authorized by the Northern Ireland Office and being that sensitive it would go to Frank King or the intelligence office and not to me.

PENROSE: Although in this case you were saying that you did know about it because of course you had to authorize Peter Gough's, and the others, to hand sensitive information about terrorists to the...

LENG: That was the normal practice, that goes on today.
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PENROSE: Yes.

LENG: I mean that was part of the routine of our life.

PENROSE: Yes I understand..

LENG: ... intelligence about terrorists.

PENROSE: Yes, indeed. But Clockwork Orange was going to be an operation that was new in the sense of obviously focussing on certain things about the paramilitary - I mean the terrorists.

LENG: Well yes, but if I say so, that goes on all the time. Collecting information about both sides of the divide.

PENROSE: Yes. So what was it about Clockwork Orange that was different, it anything at all?

LENG: I can hardly remember it to tell you the honest truth.

PENROSE: Yes.

LENG: I'm not much help there.

PENROSE: No, no, I understand. But you knew it simply as being information about terrorists.

LENG: That's right. Absolutely.

PENROSE: So when as you said, and others have said the same thing about you and indeed about Frank King, that you said you know straight wicket here, this has got to be kept clean, and so on. Now the other side of the coin, and for this you have obviously, and I understand this and I ... you know, this is important, that you had no knowledge about the fact that others were devilling. I mean there seems to be little doubt because in
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fact there have emerged in fact while you have been away, and I have also been told by people involved, that what they were doing was often marrying information for example, about terrorists with information that came from Dennis Paine's organisation, MIS, which was - about politicians. Let me give you if I may just a quick illustration of that, that has been described to me, and that was this. For example, in Clockwork Orange there was one little operation that was tried on the Daily Telegraph - in actual fact it was aborted by the people doing it because it would have become public of how they were trying to do it. This is what they did. They got in touch with, by forging a letter, apparently from an IRA man to the Telegraph, and they said look, the letter said something like, I am an IRA man, I am disenchanted, I am quite senior in the movement, I want to sell my story and tell you all about how I am disenchanted. So the letter arrived, and it said in the letter, if you are interested, put a personal ad in the Telegraph and that is how we'll communicate. Well the Telegraph did that and a man called Bartlett, the reporter who got the letter, was coming across to Northern Ireland to meet the disenchanted terrorist. In the letter it also said that - there was quite a bit about Harold Wilson saying what a good trip it had been for Wilson because Wilson had apparently said how good the IRA was - it was knitted well together, the security was good and so on. Now this was obviously complete nonsense because, a) it had nothing to do with Wilson and it was quite simply.....Peter Broderick took a call from the Telegraph man who said - marvellous story, I'm coming over because of this disenchanted IRA man and I am going to interview him if its all correct. And Broderick then turned to the information policy unit and said - look this chap from the Telegraph has rung, do we know anything at all about it? And they said - Good Heavens above, why has he called you - this is one of our operations that he doesn't know about and they immediately wrote to the Telegraph with another forged letter to say sorry, can't deal with you. You are obviously not trustworthy because you have been in touch with the security forces. Now the whole thing disappeared, it was aborted. So there was an example where people not in - I mean where there was a tug of war so to speak, between your clean policy and the policy of MIS or some of them there, who wanted to, you can see the point, use it for dirty tricks.

LENG: Who started that one up?

PEHROSE: Well it seems very clear that these were either middle grade MIS officers.

I cannot believe that Sir Michael Hanley for example would authorise that.

LENG: I'm sure not.

PEHROSE: I mean it doesn't make any sense.
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LENG: Yes.

PENROSE: It would have all blown up in his face. *It seems to be the kind of slightly right of Gengis Khan figures like Peter Wright and so on.

LENG: Yes.

PENROSE: You know - so that is apparently what happened, and also there are so many examples that were in the Clockwork Orange file, which of course you did not see, where this is what appears to have happened and that's where it got out of control.

LENG: Yes - um - I think that's right, but it certainly didn't come high up and I don't know where that would emanate from frankly, because certainly - I mean I can't see any of us being clever enough to do that.

PENROSE: No, no, quite. No, no, absolutely. I mean...

LENG: Indecipherable few words

PENROSE: But the point is, you see, you can see how, this is quite clearly what happened. I mean for example I have seen one particular document that was in Clockwork Orange, it was 134 pages, absolutely full of very right wing stuff about Labour, Liberal and also about Ted Heath and other people, obviously with the idea of sorting that in with material about paramilitaries, and that seems to be what was happening over there.

LENG: That I can assure you, I mean there was absolutely nothing that I ever recall that tried to defame politicians.

PENROSE: No.

LENG: I mean it wouldn't, it's not what we are there for. The army supports whatever government is in power whether we like them or not, but we certainly wouldn't go into what I call black propaganda like that, that would be dreadful. And indeed, all our life was directed into trying to deal with the IRA and UDF terrorists and politicians wouldn't come into it. No way would it benefit the land army to run politicians down in any way at all. It would do us a lot of harm.

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PERROSE: A lot of harm in fact - because - I mean - there would have been Parliamentary enquiry - I mean there would have been a royal commission and so on. So in fact, I mean, so that although when Dennis Paine sends over, well not sends over but discusses'... would you be in on that discussion?

LENG: No not necessarily, intelligence to intelligence was always kept absolutely at that one line.

PERROSE: So that's five to army intelligence.

LENG: That's right.

TO HER

PERROSE: And it only, as it were, comes on your desk. Because you have to presumably initial something to say OK for Peter Goss and others to hand....

LENG: Its all verbally and minutes would be kept of that and then destroyed after a certain time.

PERROSE: Indeed. So you did that and said "that's fine, you can..."

LENG: I hardly ever saw a minute I must admit, from intelligence or from any other people because we discussed it across the table and then said we'll do this and do that. That's the way we operate.

PERROSE: And in 74 of course it would have been ... GOC was Frank King then so he would have had to have nodded it, and you down the line.

LENG: Absolutely.

PERROSE: Yes, that's how it worked. I mean it is pretty incredible now that this is emerging as the pattern of people who clearly were out of control and also could have brought the army into disrepute if this had emerged then. I mean it will emerge of course there is a parliamentary enquiry. But it is an extraordinary story, I mean it...

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LENG: I long to read the book of that because in a curious way, as a Major General, one is fairly naive about things and one just gets on with the operation.

PENROSE: Yes.

LENG: And I sort of travelled every afternoon going to units, discussed early in the morning what had happened the night before and how you were to handle the tactical situation, and that frankly seemed to be a fairly straightforward ... I wouldn't say normal, but kind of normal job and I was very ... I mean I didn't get myself involved in intelligence work. I mean, you know, occasionally someone would come up with a strange idea and then one would knock it on the head.

PENROSE: Yes. You mention, I mean, about the diary, something of that kind you just knocked it on the head....

LENG: Indeed. I think I seem to remember someone said "we haven't enough evidence to prosecute terrorists, why don't we stick a poster up on a wall saying they are IRA terrorists and leave it to the protestants. Well these are the sort of wild ideas that came up and you can imagine the answer.

PENROSE: Frank King gave a marvellous example where he said that your chaps got hold of an IRA poster and superimposed on it the The Ballot or the Bullet, or something like that. Eventually the IRA thought they were marvellous so they put them up as well. He gave one example like that.

LENG: But I think that was very rare ...

PENROSE: Yes.

PENROSE: because they are not very good at it.

PENROSE: No, no sure. But I mean clearly the other people, I mean at five and the policy unit people who were working with them ... because you'll see in fact in Foot's book, it's not as detailed as it might be in some places but what Wallace and others found was that their loyalties were being tugged from both sides. Here for example, he was meeting Dennis Paine and somebody else whose name I forget from five, who hands in all these files, saying "Now sort these things into reports to the press
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that you are supposed to be giving to the Press from time to time.

LENG: Yes.

PENROSE: ... and on the other side of course, he dare not mention that to Peter Broderick because Broderick would go mad. So that's why it led up to of course the bang that led to his being you know forced to resign and the rest obviously you know. Well, anyway, that should arrive in the morning, that book. And um...

LENG: Very kind, thank you.

PEHROSE: Not at all. Goodbye.

LENG: Goodbye.
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Continuation of above (probably).
(EHD)