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Meeting with P. J. McGrory,
13 May 1987

I met P. J. McGrory, the Belfast solicitor, in his offices in Belfast on 13 May.

Among the points which emerged in our discussion were the following:

Loughgall

McGrory heavily criticised the security forces, complaining that they had used excessive force in Loughgall. I gave him a full account of the statement delivered by the Tánaiste in the Dáil on the previous evening. I pointed to its two main elements: on the one hand, the Tanaiste underlined the futility of IRA violence and, on the other, he pointed out that, given the longstanding nationalist suspicion of the security forces, it is important that any circumstances in which the security forces deploy extreme force should be clearly shown to have warranted the use of such force. McGrory recognised the balance between the two elements in the Tanaiste's statement.

He added, however, that, "for what it's worth", Republican prisoners in the Maze to whom he had spoken earlier in the day were alleging that the Government was reluctant to criticise the RUC because Jim Lynagh had been under Garda surveillance in Monaghan. The Gardai had passed on information to the RUC and the security forces in the South, therefore, had played an indirect part in setting up the ambush.

On the political implications of Loughgall, McGrory commented that the RUC have "won the battle but have lost the election" (i.e., West Belfast).

Replacement for Lord Justice Gibson

The speculation in Belfast legal circles is that during the summer recess a Protestant will be appointed to fill the Gibson vacancy on the High Court (on the grounds that Catholic representation is already 3:10 and that a Catholic replacement for Mr. Justice O'Donnell when the latter retires, probably early next year, is likely). The only name which has been mentioned so far is that of Anthony Campbell, QC. The Gibson killing has, of course, made both Unionist and nationalist candidates alike extremely wary of accepting a judgeship.

However, it is generally accepted that the recent attacks on the North Belfast homes of Mr. Justice O'Donnell and Judge John Curran were directed not at the judges themselves but at the policemen guarding the homes.

McElkerney case

The preliminary hearing of this case (in which a client of McGrory's, Martin McElkerney, has been charged with the killing of a soldier in Divis Flats in 1982) has taken place. McGrory voiced some concern at the fact that four Garda officers attended in order to make a statement incriminating McElkerney. In his view, the evidence they gave (though he did not cross-examine them) would not be sufficient to secure a conviction in a Southern court. In the Diplock Courts, however, there is every likelihood that it will suffice to convict McElkerney. McGrory has reservations (not related solely to the fact that McElkerney is his client) about assistance of this kind being provided (as people will see it) by the Irish Government.

Ill-treatment in custody

McGrory will provide me in the next week or so with details of a case in which a suspect has alleged ill-treatment in custody (in the form of a physical beating designed to leave no marks and accompanying verbal aggression).

Senate appointment

In conclusion, McGrory praised the Taoiseach's appointment of Brian Friel to the Senate as a "bold and imaginative" appointment which has been well received by nationalists in both political and cultural circles in the North.

David Donoghue

David Donoghue

15 May 1987

cc: *d* Mr. O Tuathail ✓

f *1575.* Counsellors A-I Section ✓
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Mr. Matthews, D/Justice ✓
Mr. Magner, D/Justice ✓