

NATIONAL ARCHIVES

IRELAND



Reference Code:	2014/32/1928
Creation Date(s):	25 July 1984
Extent and medium:	5 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
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Meeting with P.J. McGrory, 23 July 1984

I met in Belfast with Mr P.J. McGrory on 23 July 1984. McGrory is a prominent solicitor, much of whose business is taken up with the defence of persons charged in the Diplock Courts. It was Senator Bríd Rogers who originally introduced us. McGrory has defended many Republicans. He is at present acting for McGlinchey and is Gerry Adams' solicitor. He has also defended loyalists and RUC men. His own politics would be strongly nationalist and he said to me that the reason he had not joined the SDLP when they were founded was because he felt they were not sufficiently nationalist. He is not a supporter of violence. Among the points he made were the following:

- He is mystified by the delays in the McGlinchey trial. He had been told informally by Crown Counsel that the Preliminary Enquiry would be finished by June and that the case proper would begin in August. [The procedure is that before a case is heard in the non-jury Diplock Courts, a Preliminary Enquiry must be held before a resident magistrate. If the resident magistrate decides that a jury would consider the defendant had a prima facie case to answer then the case goes to the Diplock Courts. If not, it is dismissed. The purpose of this procedure is to provide some preliminary protection for those whom the authorities want tried in the Diplock Courts.] McGrory expects the R.M. will send this case to the Diplock Court.
- McGrory believes "something funny" is going on. As far as he is aware, the only evidence available to the Crown is that McGlinchey's finger-prints were found in the car which was used by those who killed Mrs McMullan in 1977. Those prints need not necessarily have been put there at the time the crime was committed.
- If the prosecution fail to obtain a conviction, and McGrory does not think they will get a conviction unless some other evidence, e.g. from a supergrass, becomes

available, there will be three options available to them.

- (i) Try McGlinchey for another crime committed in Northern Ireland. McGrory referred to the remarks of Judge Niall McCarthy in the Shannon case, and to international practice, and said that in his view to charge McGlinchey for crimes in Northern Ireland other than those for which he was extradited would cause major problems;
 - (ii) Extradite him back to our jurisdiction to stand trial here for the crimes he is alleged to have committed here;
 - (iii) Try him in Northern Ireland under the Criminal Law Jurisdiction (Amendment) Act for the alleged crimes committed within our jurisdiction. This, of course, would depend on whether these alleged offences were scheduled offences as defined in the Act.
- According to McGrory, if it were decided to try McGlinchey for the alleged offences committed within our jurisdiction McGlinchey, in the event that the British indicated a willingness to utilise the Criminal Law Jurisdiction (Amendment) Act, could opt for trial in the North or for extradition to the South. McGrory said he would opt for trial in the South if that option becomes available to him.
 - McGrory said McGlinchey is an intelligent, shrewd man. He is very careful in his conversations with McGrory not to incriminate himself.
 - The prosecution have made indirect attempts through McGrory's office to find out when he intends taking his holidays, which have only led to greater suspicion on his part. He intends to remain until the matter is decided.

- McGrory emphasised that publicity surrounding the case, especially that traceable to police sources, stressed that Mrs McMullan was an elderly postmistress, but generally failed to mention that her son was a policeman and that it could be claimed that it was he who was the intended victim and not his mother who was killed by a ricochet bullet.
- He was again very critical of court reporting in Northern Ireland. The journalists are not giving adequate attention to what is happening in the courts. A case in point is the McGlinchey Preliminary Enquiry, which is not being covered. The two trials earlier this year of policemen for murder went practically unreported, which is of serious consequence given the absence of trial transcripts.
- The inherent prejudices of Judge Gibson emerged again last week when he granted bail to a known UDA member who was charged with possession of a sub-machine gun and with possession of stolen police uniforms. Judge Gibson would not have granted bail to a nationalist on a similar charge.
- The struggle within the Provisionals between Adams and Morrison has now emerged clearly in public. Adams has criticised Morrison for the latter's claims that he would get more first preference votes than Hume in the Euro Election. More recently Adams has condemned the knee cappings of persons whom the Provisionals believe to be criminals while Morrison has supported them. [Morrison seems to have accepted that he made a mistake on this. Martin O'Brien, editor of the Irish News, believes this is the reason why he has been unable to track Morrison down for a comment about the statement he issued to the BBC on the morning of 23 July.] Interestingly, McGrory claims that the main reason for Adams' dislike of Morrison is because the latter linked the Armalite to the ballot paper, a phrase which has hindered Sinn Féin in obtaining public support.
- Adams' opposition to the knee capping is not only for political reasons but also because he has, unlike Morrison, a compassion for humanity. McGrory says that Adams claims

he neither likes nor wants violence but that he sees the violence as a reaction to a situation which consistently refuses to take account of nationalist interests. McGrory considers Adams is essentially a politician and that he sees the way of achieving power and influence is by assiduity in constituency business rather than by violence. He is learning rapidly how to use the system to further the interests of his constituents and is expanding his power base within West Belfast.

- Adams is much more intelligent and sophisticated than Morrison. Adams is generally liked by those with whom he comes into contact whereas Morrison is greatly disliked. There is considerable satisfaction within the Provisionals at the rebuff which Morrison received from the electorate.
- McGrory advised Adams and Morrison not to take ITV to court following the claims made that both were members of the IRA. He said that no jury in Northern Ireland would give damages in this instance.
- Adams was certainly a member of the IRA in the past. Adams told McGrory that Morrison was never a member of the IRA. McGrory is not convinced of the argument that Adams is now a member of the IRA and would on balance feel that he is not.
- McGrory claims that, contrary to general belief, Adams is circumscribed by the IRA. He gave a number of examples - La Mon, Harrods and the murder of Mary Travers, where he said he was almost certain Adams had no prior knowledge and where he was appalled by what had happened, though he would not say so publicly.
- McGrory said Fr Faul had asked him to use any influence he had to stop the harassment by the IRA of a man in Dungannon. Fr Faul knows McGrory is Adams' solicitor and he asked him to raise it with Adams. McGrory did so without mentioning Fr Faul's name. Adams' response was that he would "put out the word", that he was opposed to this type of thing, but that he couldn't control the IRA and he couldn't promise that he would achieve anything.

- The supergrasses are being used by the authorities in place of internment and the legal system is being undermined in consequence. The politicians should not have asked the judges to act in their place and imprison persons (most of whom are certainly thugs and murderers) on very flimsy evidence. McGrory would prefer the re-introduction of internment.

- An example is the Kirkpatrick case in which he is involved. He said he has no doubt but that some of those charged on Kirkpatrick's evidence are guilty of heinous crimes. They seem to have little human feeling, nor indeed does Kirkpatrick have much. Though he has no doubt about their guilt, the judges should not be asked to do the work of politicians by sentencing them solely on the word of Kirkpatrick, who is a convicted murderer.
- The RUC is less acceptable now to the minority than in the past. The older men were mostly straight, decent policemen whose interest was the detection of crime. Most of the younger men have joined in order to "catch taigs" and are of poor quality.

- He has noted recent speculation about joint security. In his view, both the Loyalist and the Republican paramilitaries would attempt to kill any Garda who might appear on the streets. Joint security would not answer the problem of the two identities. Of the three models presented in the Forum Report, he would favour federation. A unitary state is not feasible for the foreseeable future and he has doubts as to whether joint authority could attract sufficient support from the minority.

- He would not expect a major Protestant backlash in the event of a major initiative giving some recognition of the Irish identity of the minority. There would be isolated incidents close to the Protestant ghettos but they would be on a small scale and not sustainable provided the British indicated a clear and unequivocal support for the new structures. [He recognised that others disagree with him.]

D. Ó Ceallaigh
25 July 1984

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PSM
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Mr Lillis (on return)
Mr Davenport
Mr O'Donovan