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Meeting with P. J. McGrory, Belfast,  
25 April, 1986

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I met P. J. McGrory, the Belfast solicitor, at his home in Belfast on 25 April.

Among the points which he made were the following:

Supergrass Trials

- The Black appeal is likely to conclude this week. Judgement will be reserved, however, possibly until after the McGrady appeal. McGrory, who has always been sceptical about the chances of the Black appeal, has been hearing "astonishingly favourable noises from the Bench" which lead him to think that the appeal is going to be successful. There is also speculation that the Lord Chief Justice regards his own judgement in the McGrady case as a poor one and, prior to having it overturned at the appeal stage, wishes to "provide some company for himself" by throwing out Mr. Justice Kelly's judgement in the Black case. McGrory added that he has learned that the Lord Chief Justice has written to Cathy Tohill, wife of one of the Kirkpatrick defendants, in terms which allegedly hint that the Kirkpatrick appeal will succeed. (While the interpretation of this letter may be incorrect, McGrory finds it remarkable that Lowry wrote to a relative of one of the defendants at all).
  
- The McGrady appeal will get under way as soon as Black is concluded. It will last for about a fortnight. An interesting development in relation to the subsequent Quigley appeal is that, for tactical reasons related to the fact that a number of people arrested on Quigley's

evidence have yet to stand trial, <sup>the</sup> existing defendants wish to have their appeal postponed until after this trial has taken place. (They hope that Quigley's evidence might be disbelieved in the case of the 'latecomers'). This means that the Kirkpatrick appeal could be brought forward and could, therefore, be heard within the month of June after all. The work of assembling the transcripts for the Kirkpatrick appeal is proceeding well and should be completed in time for a possible June hearing.

- McGrory understands from the Kirkpatrick defendants, however, that many of them would have a preference for a date in early September. They fear that, with the political climate worsening as the marching season draws nearer, a hearing towards the end of June would be less advantageous than one in September. Another factor which makes September a more attractive option is that Mr. Justice O'Donnell, whom they would very much wish to see on their Court of Appeal but who had been due to retire before the summer, is now expected to postpone his retirement until the autumn. McGrory believes that Jimmy Brown will be "outvoted" if he tries to force a hunger-strike in protest at a September rather than a June hearing. Any date later than September, however, will definitely cause problems.
  
- We discussed the Havers statement of 19 March. McGrory said that, as all but one or two of the Kirkpatrick defendants were convicted solely on the basis of uncorroborated evidence, the statement caused considerable alarm. He himself regards it as a dishonest ploy on the part of the Attorney General, who seemed to be hinting that the DPP would take a more cautious view of supergrass evidence in future when, in fact, in McGrory's view, this will not be the case. Havers covered himself by extending the meaning of "corroboration" to include the (for McGrory) quite separate concept of "supporting evidence". As there will almost always be supporting evidence of some kind, the

hint that prosecution will not be instituted in cases "where there is no corroboration at all, either in the strict sense or in the looser sense of supporting evidence" represents in real terms no advance whatsoever. The Bar speculation at the time was that the Attorney General and the Lord Chief Justice had been anxious to reassure Unionists that "Peter Barry does not have as much influence over supergrass trials as you may think". A PQ from a right-wing MP had therefore been planted in order to give Havers an opportunity for a statement. Having delivered his statement on 19 March, furthermore, Havers travelled later that day to Belfast to attend a legal dinner in the company of Lowry. "The whole thing smelled of collusion" - Havers would hardly have gone to Belfast if there had been anything in the statement likely to upset Unionists. The apparently positive signal to opponents of the supergrass trials was, in fact, "phoney".

- However, McGrory is encouraged by what he is hearing in relation to the Black appeal and expects that a successful conclusion will have a knock-on effect on all the subsequent appeals. He observed that there is a significant difference between a trial decision reached by a single judge under the pressures of a trial (with the defendants sitting en masse in front of him) and the more considered judgement which is possible in the relaxed atmosphere of a three-man appeal court from which the defendants are absent. He mentioned a rumour, furthermore, that Lowry himself, conscious of the political importance of the supergrass trials, will sit on all of the appeal courts.
  
- McGrory understands that Nicholson (who has been acting for him in both the Black and Kirkpatrick cases) will be sworn in as a judge around 5 May.

Current Provisional IRA strategy

- McGrory, who is representing McFarlane and Kelly in Amsterdam, has had some contact with Gerry Adams there recently. In addition, he has had contact with leading Provisionals in the Maze. While he has never taken seriously the idea that Adams is Chief-of-Staff of the Provisional IRA, he is satisfied from these various contacts that Adams has a remarkably strong influence on the Republican movement. McFarlane and Kelly, who are strong individuals in their own right, "think the world of him" and even hardened Provos in the Maze, who might normally be expected to view with a jaundiced eye someone outside who is promoting a political approach, attest to considerable affection and respect for Adams. (This applies particularly to the Provo O.C. in the Maze, Robert Storey). McGrory's reading of the present situation is that, under Adams' influence, the Provos have decided to "lie low" until, as they anticipate, the Agreement falls apart of its own accord. They expect the Taoiseach and Mrs. Thatcher to make some concession on the Agreement which will appease Unionists and alienate nationalists. They will "stand in the wings", ready to reap the benefits when the time comes. Their thinking (which McGrory has worked out from his own contacts but also from some other information which has reached him via Paschal O'Hare) is that, while there will be official denials to this effect, the summer months will be offered to the Unionist politicians, through "nods and winks", as a period in which no meeting of the Conference will take place so as to facilitate devolution talks. By the end of the summer, it will become clear to nationalists that the Agreement has been "betrayed". Hume will lead the SDLP into a new Assembly and the Agreement will become "a ghost"; the Conference will effectively cease to exist, continuing to meet only to talk about "matters like tourism and drainage". This will result in a massive electoral shift to Sinn Féin and increased recruitment to the Provos.

- McGrory believes, therefore, that the Provos will "allow the Agreement to disintegrate by itself" but will not try to hasten its demise to any significant extent. When I mentioned a view that the recent murder of Inspector Hazlitt was the opening shot in a Provo campaign to provoke outright civil war (by goading the RUC into withdrawing police protection for nationalists), McGrory responded with the comment that this murder was probably an isolated local incident and did not form part of an overall strategy. (He has always been sceptical, in fact, about suggestions that Provo violence is centrally coordinated). The Hazlitt murder, in his view, was the work of a "hard-core" Provo unit in Castlewellan (which, incidentally, has also been mentioned by Kit Napier and Eddie McGrady). Hazlitt was well-known locally (having "got himself onto every committee in the town") and was also a very accessible target. (McGrory mentioned, however, that Hazlitt, whom he knew quite well when he served in Belfast, had been much less popular there than he evidently became in Newcastle).
  
- A number of so-called "District Defence Committees" have sprung up in North Belfast recently. McGrory knows personally of two of them, in Ardoyne and New Lodge, and he understands that there is a third in the Short Strand. He believes that, in contrast to the early seventies (when the Church was the prime mover behind the Catholic Defence Committees), the present committees are very much under the control of the Provos, who are exploiting widespread fears about mob attacks by Loyalists as the march season approaches. The committees have been meeting once a week for the past month or so and have drawn up plans for refugee accommodation, transport and communications in emergency situations, etc.

#### General political situation

- Noting that the Provos' strategy is based on mounting nationalist disaffection with the Agreement, McGrory said that, in his view, there is already considerable cynicism

about it because of the lack of results on the ground. Mallon's London speech has had a big impact and is "the talking point around town" at the moment. He is the first nationalist representative to stand up and say publicly what many nationalists (including McGrory himself) have felt for months. The vehemence of the Unionist reaction to the Agreement was certainly a powerful argument in the initial period but "it is beginning to wear a little thin". Nationalist patience is running out.

- On the RUC, McGrory felt that the positive effect of the banning of the Apprentice Boys' march on Easter Monday had been cancelled out by police inaction in relation to Paisley's impromptu march past Garvaghy. The RUC, "from the Chief Constable downwards", is not to be trusted. When it comes to the Twelfth marches, many will report sick or find some other way of dodging their responsibilities. Nationalists assume that the British Army will not be sent in to take their place.
- Peter Smith of the OUP told McGrory recently, however, that there is a very strong feeling coming through from OUP grassroots that "bully-boy tactics" must be outlawed this summer. The probable cancellation of the Apprentice Boys' march planned for 5 May is a positive signal. McGrory has also been encouraged by the fact that the High Court has been consistently refusing bail for Loyalists arrested during recent disturbances (even in the cases of people charged with relatively minor offences).

#### Amsterdam extradition hearings

- Finally, McGrory mentioned his involvement in the McFarlane/Kelly case in Amsterdam. His assessment is that McFarlane's bid to avoid extradition may well be successful. He praised the Dutch courts and was critical of the inadequacy of the British submissions both in the main trial and in the present appeal stage. Sean McBride

(appearing as a witness for McFarlane) gave an impassioned account of Irish history ("Northern Ireland has been in a state of insurrection since at least 1916") which went down very well with the judges.

*David Donoghue*

David Donoghue

21 April 1986.

c.c. Taoiseach  
Minister  
Minister for Justice  
Secretary  
Mr. Nally  
Mr. Ward  
Mr. Lillis  
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