

NATIONAL ARCHIVES

IRELAND



Reference Code:	2014/32/1928
Creation Date(s):	12 June 1984
Extent and medium:	5 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
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Confidential

Conversation with Patrick McGrory, 8 June 1984

I was a guest at dinner in Senator Brid Rodgers house in Lurgan on 8th June. Among those present was Patrick McGrory, a solicitor who has specialised in defending republicans in Northern Ireland. McGrory, who comes from the Falls Road is, I would guess, in his late fifties. He is an imposing impressive man of keen intellect. During the conversation he clearly indicated a personal preference for constitutional as distinct from violent methods. He said he hoped the SDLP would win the forthcoming European elections and was fearful of what might happen if Sinn Fein got more first preference votes than John Hume. Among the points he made in general conversation were the following:

- He believes that society in Northern Ireland is very close to a complete breakdown. The underlying cause is the failure of the two constitutional aspirations to find an accommodation. He would blame this failure more on unionists than on nationalists.
- One important element in the breakdown is the increasingly unacceptable nature of the legal system to the nationalist population. The belief among many lawyers and among a large number of the minority population is that the legal system is being increasingly used as an arm of the executive and becoming more and more dominated by the unionists. Examples are the use of supergrasses and the recent comments of Lord Justice McDermott and Lord Justice Gibson.
- The decision taken by the DPP to prosecute in the two recent cases where RUC men were charged with the murder of republican paramilitaries was taken after consultations with the Attorney General in Britain and following the advice of an independent Q.C.. He said it is usual for the DPP to consult an independent Q.C. in important cases and where that independent Q.C. indicates that the case has a 51% chance of success the DPP will normally prosecute.

- The British Attorney General Sir Michael Havers had himself wanted to prosecute in the Robinson case as he had done in the Waldorf case in Britain. Sir Michael Havers is of the view that he himself should prosecute in cases where the police are accused of murder or of attempted murder while they are on duty.
- Mr. McGrory said that Sir Michael Havers had been persuaded not to do this by legal sources in Northern Ireland. Their fear was that if he did so the RUC and the unionist legal profession would have been exposed. Contrary to stories in the Irish Times it was Unionist rather than Catholic legal advice which had led to him taking this decision. (A copy of Ed Moloney's column in the Irish Times of 9 June is attached. Moloney spoke with McGrory).
- Lord Justice Gibson is a straight up-right man of integrity. His success in his profession is due not to any orange background or to his family connections. It is more the result of his ability and perhaps owes something to his Masonic contacts. His remarks in court, to which McGrory took grave offence, were deliberate and were not by any means a slip of the tongue. He showed himself to be a bigot. He could not conceive that members of the RUC could be charged with murder for killing known members of the IRA. That view though unspoken is held by very many Unionists.
- Mr. McGrory thought that pressure "within the corridors" was probably put on Lord Justice Gibson to dismiss the case early on in the trial so as to avoid putting the defendants into the witness box. He did not think any pressure would have come from Government. The Judge would have known the Deputy Chief Constable, Mr. McAtamney, socially and would probably have considered it his duty to avoid the controversy which followed the revelations in the Robinson case. (McAtamney is a Catholic).
- Judge Gibson was very careful in his use of words. He avoided going into detail about his decision. The reason for this is that, although the prosecution cannot appeal against the Judge's interpretation of the facts, it is possible to take an

appeal to the House of Lords on a point of law. (Such an appeal was made in the McElhone case in the mid-seventies.) Secondly, his remarks were designed to question the motives of those who influenced the DPP to lay charges. In effect his words should be read as an attack on the British Attorney General.

- Lord Justice Gibson probably knew more about this case than a judge should as his son-in-law is employed in the DPP's Office.
- I asked McGrory if it would be possible to get transcripts of this and the Robinson trials. He said that unlike Britain the Court Stenographers are permanently employed by the Crown and it is not possible to get a transcript unless somebody connected with the case lodges a complaint which would lead to another case. In this particular instance the only way of getting a transcript is if some relative of the three men who were killed takes a case against the State for damages and demands a transcript for use as evidence.
- I mentioned to McGrory that the Minister would the following day make some remarks critical of what Judge Gibson had said. McGrory thought it most important that he do so as it is not possible for lawyers in the North opposed to what is happening to make public statements in the matter as they would wish. It was also important that Sinn Fein would thereby be denied an opportunity.
- Sinn Fein and the IRA owe their existence to the vacuum created by the absence of a constitutional system which will support an alternative within the minority community. The absence of minority trust in the legal and security system is leading to massive support for the provisionals.
- An essential element in this has been the Ulsterisation policy followed by successive Secretaries of State since the mid 1970's. In fact Ulsterisation re-armed and re-trained the Protestants who had been disarmed by the British Government in the period following 1969. This re-armament of the Protestants has

led to confrontation between the Protestants and the Catholics in places like Armagh and West Belfast. The reaction from Catholics is that whereas they always had differences with their Protestant neighbours those neighbours are now armed and willing to use their arms.

- He does not think that the judges and the lawyers in Northern Ireland have the stomach for any more supergrass trials once the present batch, which includes the Kirkpatrick, and Gilmore trials, are finished. Almost every member of the bench has now been involved in supergrass trials. They feel they have done their duty. Privately most of them have serious doubts about the use of this type of evidence. Basil Kelly, one time Attorney General in Northern Ireland, has let McGrory know that he is aware that innocent men may have suffered. McGrory's view is that most of those that have been sentenced are well known paramilitaries. The judges know that if doubts are raised about supergrass evidence in individual cases the whole process comes into doubt.
- McGrory is of the view that changes are occurring within the majority community and particularly within the leadership of the OUP and especially the DUP. There is an increased awareness of what is happening within the minority community between the SDLP and Sinn Fein.
- He said he sees a great deal of Desmond Boal, who still adheres to his federalist views and whom McGrory claims still has considerable influence with Paisley. They remain friendly and see each other quite a bit. He thinks Boal was responsible for the relatively moderate response of Paisley to the Report of the New Ireland Forum. He would also see Boal as a countervailing influence on Paisley against the likes of Robinson and Allister. McGrory also found the tone of the OUP document The Way Forward interesting.
- He was very critical of Bob McCartney, whom he thought had little political feel and whom he suspected of being guilty of "sharp practice".

- McGrory said that Adams had been in contact with him by phone from Donegal on the day of the shooting of Mary Travers. McGrory said he told Adams that to claim on the one hand that Catholics were not getting justice and to shoot Catholic judges on the other was incompatible. Many of those who had been shot by the IRA had been friends of his (McGrory). He said that Adams appeared to him to genuinely regret what has happened. He said he is convinced that Adams would like to dispell with violence but that he is constrained by a number of "hard men" in their late 30's and early 40's in West Belfast. (I should stress that throughout the conversation over dinner which lasted a long time McGrory condemned the use of violence). He confirmed it was Travers who had identified his daughter's killer. He had told McGrory he would never forget the look of hate on the man's face as he pulled the trigger. Another person had tried to shot Travers himself.

- He said that he intended travelling to Britain the following Monday to interview ^aUVF prisoner who was sentenced to life imprisonment about 5 to 7 years ago for sectarian murders in Northern Ireland and who asked to serve his sentence in Britain rather than in Northern Ireland. McGrory said that this man claimed that his life was in danger because he could name members of the RUC who provided weapons for UVF personnel engaged in sectarian murders.

- He intends travelling to the United States in the Autumn to lecture on the legal problems in Northern Ireland.

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D. Ó Ceallaigh
12 Jun3 1984

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