

SECURING THE IRISH STATE

1922 – 2022

JOHN O'BRIEN

Securing the Irish State
© John A O'Brien 2022
Hardcover ISBN: 978-1-914488-63-4
Ebook ISBN: 978-1-914488-64-1

ALL RIGHTS RESERVED
Including the right of reproduction in whole or in part in any form.

This edition printed and bound in the Republic of Ireland by
Lettertec Publishing
Springhill House,
Carrigtwohill
Co. Cork
Republic of Ireland
www.selfpublishbooks.ie



No part of this publication may be reproduced, stored in a retrieval system, transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright holder.

A CIP catalogue record for this book is available
from the National Library.

Acknowledgements

In the first instance, I am indebted to the GSRMA (Garda Síochána Retired Members Association) for their invaluable support for this project. I am grateful to the many serving and retired members of An Garda Síochána for their advice and practical encouragement.

A special thanks is due to the School of History and Archives, James Joyce Library, University College Dublin for providing access to the Mac Entee papers. This is a unique set of papers which provides a treasure trove of granular information on the security situation in the country from 1922 to 1947. Extensive use is made of this material and credit is given. I used material from my book “A Question of Honour *John A. O’Brien* – www.contrarian.ie, 2020”. This was particularly useful in the post 1970 period. The staff of the Garda Museum was willingly helpful despite the restrictions of Covid. The works by Gregory Allen, Conor Brady, Liam McNiffe, Donal O’Sullivan, Colm Wallace, Brian McCarthy and many more were my constant companions on this journey, and I owe them a singular vote of sincere thanks. The online Newspaper Archives were invaluable in providing information on key events.

Sincerest thanks to Margaret and our family who have supported me on this journey with great patience and borne with the slings and arrows which have come our way.

Any errors or omissions are entirely my own.

Dedication

The book is dedicated to the men and women of An Garda Síochána who have protected this State for 100 years. Many colleagues have made the supreme sacrifice.

*In the rising of the sun and in its going down
We remember them.
In the blowing of the wind and in the chill of winter
We remember them.
In the opening of buds and in the rebirth of spring
We remember them.
In the blueness of the sky and in the warmth of summer
We remember them.
In the brown leaves of autumn and in the shortening days
We remember them.
In the midpoint of the year and at its beginning and end
We remember them.
When we have joys and we yearn to share
When we have sorrows and we need someone there
We remember them.
As long as we live, they too will live.
And they will always be a part of us
As we remember them.*

SECURING THE IRISH STATE

POLICING THE 1920S	1
PROVISIONAL GOVERNMENT OF THE FREE STATE 1922.....	1
FILLING THE VACUUM – DEPARTURE ROYAL IRISH CONSTABULARY ...	3
IRISH REPUBLICAN POLICE (IRP).....	4
ORIEL HOUSE CID, PROTECTIVE CORPS, CITIZENS DEFENCE FORCE	5
FOUNDATION OF THE CIVIC GUARD/AN GARDA SÍOCHÁNA (AGS) 1922.....	5
MICHAEL COLLINS AND HIS AGENTS.....	8
TIMETABLE - NEW FORCE	10
POLICE ORGANISING COMMITTEE	15
RIC FINDING IT HARD TO LEAVE	16
HISTORIC MISCALCULATION.....	17
RECRUITS 1922 PRINCIPAL COUNTIES	19
RDS - INITIAL RECRUITMENT WAS NOT PUBLICLY ADVERTISED.....	19
MUTINY CIVIC GUARD RECRUITS – 15 MAY 1922	22
RIC AND IRA PERSONNEL APPOINTMENTS NOTIFIED MAY 1922	23
COMMISSIONER MICHAEL STAINES, TD (IRA), (10 MARCH) (MAYO).....	23
DEPUTY COMMISSIONER PATRICK WALSH (RIC), (6 APRIL).....	23
ASSISTANT COMMISSIONER PATRICK BRENNAN, TD (IRA), (CLARE).....	23
CHIEF SUPERINTENDENT MICHAEL RING (IRA), (MAYO)	23
DEPOT COMMANDANT CHIEF SUPERINTENDENT MATHIAS MCCARTHY (RIC).....	23
BARRACK MASTER CHIEF SUPERINTENDENT MICHAEL MCCORMACK (RIC)	23
ACCOUNTING OFFICER SUPERINTENDENT JEREMIAH MAHER (RIC).....	23
PRIVATE SECRETARY SUPERINTENDENT P. J. HAUGH (IRA)	23
ADJUTANT SUPERINTENDENT JAMES BRENNAN (RIC)	23
ASSISTANT BARRACK MASTER SUPERINTENDENT PATRICK HARTE (EX-RIC).....	23
ASSISTANT ACCOUNTING OFFICER SUPERINTENDENT BERNARD O'CONNOR (RIC)	23
THE TIPPING POINT.....	24
ORDERS OF THE DAY 17 MAY 1922	27
BRENNAN AND LIDDY SUMMONED TO MEET COLLINS 22 MAY 1922	27
9 JUNE STAINES REFUSED PERMISSION TO ENTER KILDARE BARRACKS	28
17 JUNE 1922 KILDARE ARMOURY RAIDED BY RORY O'CONNOR AND DEFECTIONS TO THE EXECUTIVE FORCES.....	29
CONSPIRACY AT NEWBRIDGE	29
REPORT COMMISSION OF INQUIRY – KILDARE MUTINY	31
CIVIC GUARD POSTINGS	35
SERGEANT JOHN NIXON SHAW 1747 JOINED 17 AUGUST 1922.....	36
JAMES GUNN RIC MEMBER AND AGS INSPECTOR	39
ADVERTISED - NEW RECRUITING OCTOBER 1922	40
COMMISSIONER O'DUFFY 1922	40
NEW YORK 1923.....	41

HISTORIC PARADE 1,400 CIVIC GUARDS THROUGH DUBLIN 20 FEBRUARY 1923	41
CIVIC GUARD CONSECRATED TO THE SACRED HEART GARDA DEPOT PHOENIX PARK 1 APRIL 1923	42
CIVIL WAR.....	43
AFTERMATH OF THE CIVIL WAR – CIVIL POLICING CONTEXT.....	46
POLICY OF SUCCESSIVE GOVERNMENTS TO THE INTERNAL THREAT.	47
EMERGENCY LEGISLATION 1923–1977	48
MINISTER O’HIGGINS, APPOINTED 1922 – ASSASSINATED 1927	50
GARDAI MURDERED ON DUTY IN THE FIRST DECADE	51
FIRST MURDER – GARDA HENRY PHELAN 1347 – MULLINAHONE, COUNTY TIPPERARY 14 NOVEMBER 1922.....	52
MURDER SERGEANT JAMES WOODS 2358 – SCARTAGLEN, COUNTY KERRY 3 DECEMBER 1923.....	53
MUTINY ARMY 18 MARCH 1924.....	54
ARMING THE GARDAÍ – ENFORCING THE LAW 1925.....	55
ARMED ELEMENT.....	56
CONCENTRATED ATTACK BY THE IRA - GARDAI MURDERED, 14 NOVEMBER 1926, SERGEANT JAMES FITZSIMONS AND GARDA HUGH WARD.....	58
GENERAL ELECTIONS 1927	60
UNREST IN THE RANKS.....	61
UNREST AGAIN	67
CULT OF PERSONALITY	69
ROME	71
POLICING THE 1930S	73
MURDER SUPERINTENDENT JOHN CURTIN TIPPERARY, 20 MARCH 1931	74
IRA JUSTIFIES MURDER.....	78
COMMISSIONER DOUBT’S PROSPECT OF SUCCESS IN FINDING THE KILLERS.	79
FUNERAL.....	79
COMPENSATION	80
CAT AND MOUSE BATTLE WITH THE IRA	80
GARDA MURDERS 1926 -1932.....	81
WILLIAM (BILLY) ROE IRA TO SPECIAL BRANCH 5 AUGUST 1933	82
PUBLIC ACCEPTANCE.....	84
FIANNA FÁIL IN CONTROL – GENERAL ELECTIONS 1932 AND 1933	86

FIANNA FÁIL TAKES POWER FOR THE FIRST TIME, 3 MARCH 1932.....	86
FIANNA FÁIL IN GOVERNMENT 24 JANUARY 1933.....	88
COMMISSIONER O'DUFFY FIRED 22 FEBRUARY 1933 COMMISSIONER BROY TAKES OVER	89
BROY HARRIERS OR DEVS HARRIERS?	91
CONTEXT – THE CONTENDING FORCES AUGUST 1933.....	93
ON 22 AUGUST THE CONSTITUTION (SPECIAL POWERS) TRIBUNAL WAS REINTRODUCED WITH THE SAME MILITARY PERSONNEL AS 1931.....	94
ECONOMIC CONTEXT FOR STREET BATTLES.....	95
MARSH'S YARD 13 AUGUST 1934	96
MINISTER FOR JUSTICE MR. PJ RUTLEDGE:	98
AMAZING CASE OF DEPUTY COMMISSIONER COOGAN 31 JULY 1936 .	99
DE VALERA READ THE SIGNS – IRA NOT HIS ALLY	101
NEW CONSTITUTION AND GENERAL ELECTIONS 1937/1938	102
WAR CLOUDS.....	103
TACA SÍOCHÁNA 1939 – 1942 AND THE AGEING FORCE	104
DISORDER AND MAYHEM 1931 – 1942	105
POLICING THE WAR YEARS 1939 -1945.....	106
IRON FIST 1939.....	106
MAGAZINE FORT RAID	108
INTELLIGENCE GATHERING.....	108
MURDERS GARDAÍ 1932 – 1942.....	109
ATTEMPTED MURDERS OF GARDAÍ BY IRA	110
CONSPIRACY TO MURDER GARDAÍ BY THE IRA	110
STATE RECOGNITION AND FAMILY COMPENSATION	111
D/GARDA RICHARD HYLAND, D/SERGEANT PATRICK McKEOWN (MURDERED), D/GARDA MICHAEL BRADY (WOUNDED) 16 AUGUST 1940	113
D/SERGEANT DENIS O'BRIEN (MURDERED) 9 SEPTEMBER 1942.....	114
DETECTIVE GARDA MICHAEL WALSH (MURDERED) AND D/SERGEANT DELANEY (WOUNDED) 1 OCTOBER 1942	118
DETECTIVE GARDA GEORGE MORDAUNT (MURDERED) 24 OCTOBER 1942	119
MONETARY COMPENSATION	121
FORMAL STATE RECOGNITION	122
RETROSPECTIVE ON THE WAR YEARS 1939 –1945	123
THE METRICS – STATE ACTION	125

IRA ACTIONS – METRICS.....	125
IRA CHIEFS OF STAFF	126
CHIEF SUPERINTENDENT SEAN GANTLY KILLED 21 JANUARY 1948	127
GENERAL ELECTION 4 FEBRUARY 1948	130
UNREST IN THE FORCE AGAIN	131
COMMISSIONER’S REPORT 1948	131
GENERAL SEAN MAC EOIN MINISTER FOR JUSTICE	132
MAJOR DE VALERA.....	133
IRA ARMY ORDER NO 8.....	134
POLICING THE 1950S	135
DEMOGRAPHIC TIME BOMB PRIMED 1950S.....	135
POLICING THE 1960S	141
POLITICAL CHANGES & IRA CAMPAIGN 1956–1962.....	141
OPERATION HARVEST 1956–1962	141
DEATH TOLL	144
TIPPING POINT 1961	144
ENTER EAMONN GUNN WITH ARCHBISHOP McQUAID	146
MINISTERS CHANGE PLACE, COMMISSIONER DEPARTS, DEPARTMENT OF JUSTICE	
REMAINS CONSTANT	148
JACK MARRINAN AND PETER BERRY	149
THE ROAD TO THE CONROY COMMISSION 1968.....	149
POLICING THE 1970S	151
TRUTH WILL OUT – CONROY REPORTS 1970	151
THE PERFECT STORM	156
CAPACITY AND INTEGRITY	158
CAN YOU TRUST THE POLITICIANS?	161
FOLLOW THE MONEY	162
ORDER OF DÁIL 1 ST DECEMBER 1970	162
MEETINGS OF THE COMMITTEE	163
WITNESSES	163
THE MONEY TRAIL	163
SUPREME COURT	165
CRIMINAL TRIALS.....	166
THE PRINCIPAL ACTORS - ARREST, TRIAL AND ACQUITTAL	166
PETER BERRY	168
MURDER GARDA RICHARD FALLON 3 APRIL 1970 - ROBBERIES.....	170

ARMED ROBBERIES	172
WHAT THE GARDAÍ KNEW	173
OPEN QUESTIONS AND FEW ANSWERS.....	175
WHEN THE DUST SETTLED.....	177
BURNING BRITISH EMBASSY 2 FEBRUARY 1972	178
FOURTEEN INNOCENT DEAD IN DERRY	180
ATTACKS ON GARDA STATIONS AND HUNGER STRIKE.....	182
OPPOSITION POLITICIANS VACILLATE – GOVERNMENT DEPUTIES WAVER DECEMBER 1972 – BOMBS EXPLODE.....	183
BOMBING ATTACKS IN THE SOUTH	186
CHANGING POLITICAL MINDS - CAR BOMBS – DECEMBER 1, 1972	187
CAR BOMB AND THE ALL-BLACKS DUBLIN 20 JANUARY 1973.....	189
BRITISH SPIES AND GARDA COLLUDER 1972-1973	190
DUBLIN & MONAGHAN BOMBINGS FRIDAY 17 MAY 1974	193
THE BOMBING ATTACKS	194
WHAT DID THE DUBLIN GOVERNMENT DO?	195
THE BRITISH GOVERNMENT ADMITS.....	195
LOYALISTS COULD NOT HAVE ACTED WITHOUT ASSISTANCE.....	197
FRANK KITSON.....	198
LOYALTY AND THE MINISTER 1972 -1977	199
ADVERSARIAL CULTURE.....	202
MEETING MINISTERS COONEY, COLLINS, AND COMMISSIONER GARVEY	206
MEETING COMMISSIONER GARVEY	208
COMMISSIONER FIRED & COMMISSIONER HIRED JANUARY 1978	210
ASSASSINATING AMBASSADOR, MURDERING GARDA - 1976	211
ARMED ROBBERY TRENDS.....	214
KEEPING THE PROVISIONAL IRA (PIRA) IN JAIL 1972 - 1988.....	215
18 MAY 1972 - RIOT MOUNTJOY PRISON	215
26 NOVEMBER 1972 – ARMED RESCUE MacStíopháin, MATER HOSPITAL	216
31 OCTOBER 1973 – HELICOPTER ESCAPE MOUNTJOY PRISON.....	217
18 AUGUST 1974 – NINETEEN PRISONERS ESCAPED PORTLAOISE.....	219
17 MARCH 1975 – BATTERING RAM ESCAPE ATTEMPT	221
16 OCTOBER 1976 – MURDER GARDA MICHAEL CLERKIN	224
15 JULY 1976 – SPECIAL CRIMINAL COURT ESCAPE.....	224
21 JULY 1976 – BRITISH AMBASSADOR MURDERED	224
25 MARCH 1983 CHIEF PRISON OFFICER BRIAN STACK SHOT.....	225
24 NOVEMBER 1985 – FOILED AT THE LAST GATE.....	226
18 MAY 1988 PATRICK McVEIGH PORTLAOISE.....	227
20 JULY 1988 TOMMY McMAHON HIGH COURT ESCAPE BID	227

ESCAPES UNAIDED?	228
POLICING THE 1980S – MURDER, CONFUSION AND DYSFUNCTION..	229
CONTINUOUS CHURNING OF KEY FIGURES – POLITICAL AND GARDA	230
EIGHT GARDA MURDER VICTIMS.....	232
JACK MARRINAN'S INFLUENCE.....	233
H BLOCK PROTESTS – 1981 – PROVOS BITE IN THE SOUTH.....	237
HAUGHEY AND THATCHER	238
GPO – BOBBY SANDS PROTEST – 5 MAY 1981.....	239
UBIQUITOUS BLACK FLAGS.....	240
GENERAL ELECTION JUNE 1981.....	242
18 JULY 1981 BRITISH EMBASSY RIOT	244
PROPAGANDA.....	247
COMMISSIONER'S CRIME REPORT 1981.....	249
D/GARDA JOHN MORLEY AND GARDA HENRY BYRNE 7 JULY 1980	250
PETER PRINGLE.....	252
COMMISSIONERS TUMBLE AGAIN 1983.....	255
THE DOWRA AFFAIR	256
THE WALL.....	257
SERGEANT TOM TULLY	257
PHONE TAPPING.....	258
PROVIDING A TAPE RECORDER AND TRANSCRIPTION OF A RECORDING BETWEEN MINISTERS	258
FLYING TOO CLOSE TO THE SUN	258
1983 MURDERS AND KIDNAPPING.....	261
H BLOCK ESCAPEES	261
DESSIE O'HARE'S KIDNAPPING OF JOHN O'GRADY 1987	265
1989 MURDERS OF SENIOR RUC OFFICERS	273
DRAMATIS PERSONAE	273
INDISPUTABLE FACTS	274
CRITICAL FACTS	275
SECURING THE STATE – INTERNATIONAL DIMENSION.....	279
POLICING THE 1990S	281
DUNDALK.....	281
STRATEGY.....	282
COMMUNITY CONNECTION	283
SECURITY MISSION	284
OPERATION MOONSHINE.....	287
PROVISIONAL IRA BUNKER ATHBOY.....	288

THE ARSENAL INCLUDED	288
SERENDIPITY – WIDOW SCALLAN’S – 1994	290
NEW MINISTER – COMMISSIONER UNIMPRESSED.....	291
CEASE FIRES AUGUST 1994, JULY 1997	292
NEW MINISTER, NORA OWEN FINE GEL (DECEMBER 1994 – JUNE 1997)	293
DETECTIVE GARDA JERRY MCCABE AND DETECTIVE GARDA BEN O’SULLIVAN	294
MURDER, MANSLAUGHTER, AND INTIMIDATION	296
MURDER VERONICA GUERIN, CAB, WITNESS PROTECTION, 1996	300
NEW COMMISSIONER – THE BYRNE YEARS.....	306
PUBLIC RELATIONS	307
FULL AGENDA	309
THE HONEYMOON	310
PEACE DIVIDEND – OPERATION LIFESAVER.....	310
DARK CLOUDS	311
SERGEANT ANDY CALLANAN 21 JULY 1999.....	312
POLICING THE 2000S DECOMMISSIONING AND LEGACY.....	313
SUBVERSIVE THREAT RECEDES	314
INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING (IICD)	316
INDEPENDENT MONITORING COMMISSION	316
INDEPENDENT REPORTING COMMISSION (IRC)	317
DEFINITION OF STATE SECURITY – GARDA SÍOCHÁNA ACT 2005	317
THE CHALLENGE OF CHANGE	318
ACCEPTABLE POLICE FORCE.....	319
INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND 1998.....	319
LEGACY ISSUES.....	320
CUSTODY OF THE PROTECTED INFORMATION	321
TRIBUNALS AND COMMISSIONS – WHAT’S THE POINT?	321
SMITHWICK TRIBUNAL - COLLUSION CONUNDRUM.....	323
SMITHWICK TRIBUNAL - APPOINTED 2005/REPORTED 2013 (KEY DEVELOPMENTS).....	326
FINDINGS	327
JURISDICTION PROBLEM.....	327
THE CENTRAL HYPOTHESIS.....	328
TRIBUNAL TARGETS UNFULFILLED	328
FRUIT OF THE POISONED TREE.....	330
OPINION OF ONE-MAN (JUDGE SMITHWICK)	330
EXTRACTS FROM THE SMITHWICK TRIBUNAL HEARING WITH KEY WITNESSES	330
OPERATION KENOVA TANGENTIAL TO THE SMITHWICK TRIBUNAL	334

CONFLICT OF INTEREST?	337
JON BOUTCHER (OPKENOVA.CO.UK)	338
BIZARRE INVOLVEMENT IN THE TOM OLIVER MURDER INVESTIGATION	341
DRAFT PROTOCOL ON THE PUBLICATION OF PUBLIC REPORTS	344
RE-VICTIMIZING THE VICTIMS.....	345
POLICE OMBUDSMAN NORTHERN IRELAND RIC HANDLING OF LOYALIST PARAMILITARY MURDERS.	345
OMAGH BOMBING 15 AUGUST 1998 - LEGACY ISSUES IN THE SOUTH	347
IMMEDIATE CONSEQUENCES	348
BACKGROUND	349
EXTRAORDINARY ADMISSION	351
REQUEST TO INCLUDE ODD JOB IN THE WITNESS SECURITY PROGRAMME	352
DAVID RUPERT	354
ATTEMPTS TO PENETRATE THE WITNESS SECURITY PROGRAMME	355
MORRIS TRIBUNAL – EXAMPLE OF DELAY	356
CARTY REPORT.....	359
WIDER PERSPECTIVE TO POLICING	360
COMPLEX ORGANISATION 2005	364
REPORT OF THE COMMISSIONER 2005 TO THE MINISTER	364
1. STRATEGIC GOAL ONE - NATIONAL/INTERNATIONAL SECURITY -EXAMPLES....	367
2. STRATEGIC GOAL TWO – CRIME	367
3. STRATEGIC GOAL THREE – TRAFFIC/ROAD SAFETY	369
4. STRATEGIC GOAL FOUR – PUBLIC SAFETY	370
5. STRATEGIC GOAL FIVE – PUBLIC CONFIDENCE	370
6. STRATEGIC GOAL SIX – ETHNIC AND CULTURAL DIVERSITY.....	371
GSOC REPORT AND SERGEANT MAURICE MCCABE.....	374
A DECADE OF CONFUSION.....	376
POLITICAL CURRENCY	378
HOUSE OF CARDS 2014.....	379
ALMOST UNKNOWN RECORDINGS.....	380
CALLINAN LOSING THE BATTLE.....	380
APPOINTMENT OF THE COMMISSION OF INVESTIGATION – JUDGE NIAL FENNELLY	381
NEW MINISTER AND NEW COMMISSIONER.....	382
POLICING AUTHORITY.....	383
UNREST IN THE RANKS.....	385
MEMBERS KILLED ON DUTY	386
DETECTIVE GARDA ADRIAN DONOHUE KILLED ON 25 JANUARY 2013.....	386

GARDA TONY GOLDEN KILLED ON 11 OCTOBER 2015	386
DETECTIVE GARDA COLM HORKAN KILLED ON 17 JUNE 2020.....	387
THE EMERGING ALTERNATE THREAT TO STATE SECURITY.....	388
INTERNATIONAL COOPERATION	390
PARADOX	392
THE NEXT BIG IDEA – COMMISSION ON THE FUTURE OF POLICING..	392
APPOINTMENT OF A NEW COMMISSIONER.....	393
POLICING (OPERATING) MODEL.....	394
COVID	394
EPILOGUE CAPTURING OUR HISTORY	396

PREFACE

This is the Centenary Year of the Civic Guard/An Garda Síochána. Historically it is well established that a functioning acceptable police force is an essential enabler for stable democracy . This is the lesson learned from our own national independence struggle.

The main purpose of this work is to share and explore factual information regarding the history of policing in Ireland from 1922 to 2022. The primary focus of the book is on the role of the AGS in protecting the State. Up to 1998 the threat was posed primarily by militant republicans and briefly by other elements. This was an existential danger to the very existence of the State. During the last decade this threat was supplanted by the threat from Organised Crime and Drug barons.

The relationship between politics and policing is also explored. A central part of that analysis is to achieve an understanding of what degree politics dominated policing or indeed vice versa.

The leadership role played by senior politicians and Gardaí is examined as part of the overall context. The history of labour relations played an important and sometimes divisive role in the overall equilibrium of An Garda Síochána.

These themes and others are explored using an evidence based approach regardless of the conclusions.

The overwhelming message is that history repeats itself, only the actors change.

POLICING the 1920s

PROVISIONAL GOVERNMENT OF THE FREE STATE 1922

POWER STRUCTURE	
Ministers for Home Affairs	Michael Collins Chairman Provisional Government January 1922 – August 1922
Eamon Duggan Jan – Sept 1922	
Kevin O’Higgins Sept 1922 – June 1924	
Minister for Justice	President Executive Council
Kevin O’Higgins June 1924 – July 1927	W.T. Cosgrave August 1922 – March 1932
	Cumann na nGaedheal
James Fitzgerald-Kenney 1927 - 1932	

Commissioner	Served
Michael Staines	1922 Feb – 1922 September
Eoin O’Duffy	1922 – 1933 February

The structure of government was very different from modern Ireland. In the literature it is described as that of the Executive Council and President.

The Executive Council was the cabinet and de facto executive branch of government of the 1922–1937 Irish Free State. Formally, executive power was vested in the Governor-General on behalf of the King. In practice, however, it was the Council that governed since the Governor-General was (with few exceptions) bound to act on its advice. The Executive Council included a prime minister called the President of

*the Executive Council and a deputy prime minister called the Vice-President. A member of the Council was called an executive minister as distinct from an external minister who had charge of a department without being in the Council. The President of the Executive Council was appointed by the Governor-General after being nominated by Dáil Éireann, the lower house of the Oireachtas (parliament), and the remaining Executive Ministers were nominated by the President. The Executive Council could also be removed by a vote of no confidence in the Dáil.*¹

There was a complicated government structure for legal and technical reasons due to the transfer of power from the British. The first Provisional Government was led by Michael Collins as Chairman of the Provisional Government from 16 January 1922 until his death on 22 August 1922. On 25 August 1925, W. T. Cosgrave was appointed as his successor, with the other members of the new Provisional Government appointed on 30 September. The first Provisional Government lasted 218 days from the appointment of Collins until his death, with three days elapsing until the appointment of Cosgrave as his successor.

Mr William T. Cosgrave TD informed the Dáil on 6 December 1922 that:

*My nomination as President of the **Executive Council** has been approved by the Governor-General, and I now nominate the other six Members constituting the Executive Council.*

I nominate for the approval of the Dáil, Deputy Kevin O'Higgins as Vice-President and Minister for Home Affairs; General Mulcahy, as Minister for Defence; Deputy Eoin MacNeill, as Minister for Education; Deputy Earnan de Blaghd, as Minister for Local Government; Deputy Joseph McGrath, as Minister for Industry and Commerce; and Deputy Desmond Fitzgerald, as Minister for External Affairs.

¹ *Wikipedia.*

FILLING THE VACUUM – DEPARTURE ROYAL IRISH CONSTABULARY

The Anglo-Irish Truce commenced in July 1921 which set in train the Treaty negotiations. The Anglo-Irish Treaty was ratified by the Dáil on the **7 January 1922** on a vote of 64 for and 57 against. This decision was to have momentous consequences. The next major development was that on **16 January 1922** there was a formal handover of power in Dublin Castle. Lord FitzAlan, the British viceroy, handed over power to Michael Collins, Chairman of the Provisional Government and Minister for Finance. This understated event marked the historic handover of power from the British Empire to the Free State administration. The northern six counties had become a separate entity and was now ruled by an administration in Belfast. The RIC was to be disestablished for the new Free State. An irrevocable decision had been taken to disband the RIC. This commenced in March 1922, but full disengagement did not happen until August.

A replacement force was required for the RIC. The ostensible requirement to select, train and deploy 4,000 members of the new force to every corner of the Free State within weeks was an impossible undertaking. One can reflect on the precise timetable to fully recognise the impossibility. One has to consider that the policing infrastructure had largely disintegrated, a civil war was moving inexorably forward. Michael Collins understood this situation and he exercised probably the only possible option available to him. In fact, he decided that the new police recruits should come from the Pro Treaty IRA volunteers and that the police organisational knowledge would be provided by former senior RIC members of proven nationalist sentiment. That prescription was logical except for one glaring difficulty. The War of Independence had been based on destroying the structure of the RIC and it succeeded in doing that. The impossible equation was to reconcile these two irreconcilable elements with each other, RIC senior officers and IRA Volunteers. This antipathy was exacerbated by the sheer number of new recruits assembled in the one location, which came close to 2,000 recruits. There

was the additional factor that some anti-treaty elements infiltrated the Civic Guard and their actions added to the tinder box atmosphere.

The newly formed National Army protected the foundation of the nascent state in the 1922/1924 period. The activities of the Oriel House Unit in the Dublin area also had a crucial role, but its existence was marred by allegations of extra judicial killings. It was in active existence for 12 months.

Irish Republican Police (IRP)

During the War of Independence, a quasi-police force was set up called the Irish Republican Police. It was in effect part of the Irish volunteer organisation or the IRA. Ostensibly it had several thousand members, but they had no police training or experience. It acted in conjunction with republican courts which had been set up as an alternative to the British court system. The organisation was not highly regarded by Michael Collins and there was some debate as to how it could be amalgamated into the Civic Guard. One other interesting footnote is that a temporary police force had been set up in Cork city before the arrival of the civic guard. This police force was augmented by some members of the IRP. Essentially a vacuum was being filled as the attempts were being made to properly establish a functioning Courts and Police system. This force was not held in high regard, and it is included for the sake of completeness.

Collins² wrote impatiently to the acting chairman, W. T. Cosgrave. *The nucleus must be the Civic Guard organisation ... The matter is one on which we ought to hasten slowly. We do not want a casual Police Force without proper training ... It is not necessary for me to illustrate this by pointing to the wretched Irish Republican Police System and to the awful personnel ... attracted to its ranks. The lack of construction and ... control*

² The Garda Síochána, Policing Independent Ireland, 1922–1982, Gill & Macmillan, 1999, Gregory Allen

in this force have been responsible for many of the outrageous things which have occurred throughout Ireland.

Oriel House CID, Protective Corps, Citizens Defence Force

The organisation referred to as Oriel House CID seemed comprised of three separate components, a CID Section, a Protective Corps, and a Citizens Defence Force. Historians say that it is extremely difficult to find definitive information on the activities carried out by the occupants of Oriel House. Reliably the organization was set up early in 1922 and was a part of the Free State army intelligence department. This association was relatively short lived, and it appears that by August of 1922 it had been transferred to the responsibility of the Minister for Home Affairs, Kevin O'Higgins. It was disestablished at the end of 1923 and some elements were absorbed into the new police force. In the region of 25 killings are attributed to the activities of Oriel House and at least three members of the organisation were themselves killed. Towards the end of its short existence the organisation was accommodated at Oriel House, 88 Merrion Square Dublin. The garda register of new members contains the names of ten Oriel House members who joined the force. These came from the CID section or the Protective Corps. There is no mention of senior officers like David Neligan or Eamon Broy. Their relationship, if any, with Oriel House is not recorded. The Garda general register does not specifically record those who joined as officers.

Foundation of the Civic Guard/An Garda Síochána (AGS) 1922

The shadow of Northern Ireland was to be ever present for the next century and made its presence felt in affairs of the Irish State. It became the catalyst for conflict and disruption in the South.

There were two police forces on the island of Ireland prior to the foundation of the state. The Royal Irish Constabulary (RIC) and the Dublin Metropolitan police (DMP). Both of these forces operated significant

intelligence gathering sections³ directed towards political and nationalist activities. Their *raison d'être* was the protection of the status quo of the British State. This in the view of the nationalists was political policing designed to suppress nationalist aspirations. The RIC was the most significant enforcer of the Imperial rule in Ireland. This was due to their distribution throughout the country. Also coupled with the fact the overwhelming majority of the RIC were from humble catholic backgrounds and they understood the common population very well. Wittingly or unwittingly, they were the “eyes and ears” of the Castle. They were to pay an enormous price for this relationship during the War of Independence. Many very ordinary policemen were to die at the hands of the revolutionaries.

The foundation of the Garda Síochána (AGS) in 1922/1923 resulted from the bloody War of Independence, and the Force had to exist through the equally bloody Civil War which followed. Also, the Dublin Metropolitan Police continued as the civil police force for Dublin until 1925 when it was amalgamated into the Garda Síochána. The Royal Irish Constabulary (RIC) was disbanded in 1922 and this led in turn to the formation of the Royal Ulster Constabulary (RUC) which provided a police force for the northern six counties which remained within the United Kingdom. The RUC was formed on 1 June 1922, and it also had a reserve force commonly known as the “B Specials”.

Academic research shows that the RIC and the RUC were paramilitary forces based on the British Colonial model. Indeed, it seems that many of the colonial forces were based directly on the RIC model. Training for many of their officers was conducted at Phoenix Park. Conversely the ethos of AGS was founded on the principle of policing by consent, which is in contrast to the colonial model.

³ *In the Irish context, Crime Investigation is divided into two categories, Crime Ordinary and Crime Special (Anti Subversive). These are not absolute categories and often are hybrid situations with crossover between the actors involved. Subversives self-categorise as being involved in Political Activity and seek to legitimise their physical force actions in that way.*

Mawby argues that the model of policing used by Britain as its Empire expanded was not London's Metropolitan Police Force, but the Royal Irish Constabulary (RIC). The RIC's legitimacy was not based on the local community in Ireland, but on London. This system of policing was replicated throughout the Empire where British rule often was imposed by a small occupying force. This was a central component of wider colonial policy to replace local customs with British institutions and to impose centralised social control.

The concept of consent presupposes that society as a whole is based on a national shared consensus whereby the political system is considered legitimate. This legitimacy is often contested and the best that can be hoped for is majority consent which relies on a system of law to mediate our differences when all else fails. These conditions of agreement, legitimacy and consent were strongly disputed concepts at the foundation of the state which of course was given expression in the War of the Independence and the Civil War.

This story began in the early days of 1922 in circumstances far from optimistic or certain. A century is a long time policing the needs of the nascent State. Political decisions played the most significant role in the formation and operation of the new police force. This factor remained constant throughout the history of the Garda Síochána. It may be surprising to some that common themes were present from the very foundation of the force. The principal recurring theme has been the direct effect on policing by the political establishment, recurring issues of state security. Additionally in modern decades the pernicious effect of organised criminal gangs has presented a particular challenge fueled by the domestic market for illegal drugs. The police force itself has encountered recurring bouts of industrial relations problems. Nevertheless, one of the unique experiences of the force has been the degree to which it has become incorporated into the lives of ordinary Irish citizens. This has been achieved by the employment of the policing by consent model and by general interaction with the community at large. Many Gardaí had been involved in voluntary activity and particularly with the Gaelic Athletic Association (GAA). The national

character of policing was preserved until the last decade irrespective of the different political regimes.

Michael Collins and his Agents

Collins was justifiably well known for his ability to select agents and influencers in the struggle for independence. Two such individuals were Eamon Broy and David Neligan. Eamon (Ned) Broy⁴ who was to become commissioner in 1933 under the De Valera government. Broy was attached to the G Division of the DMP, and he had direct access to high quality intelligence which he passed to Michael Collins. In his witness statement (Military Archives) he speaks about meeting with Collins. He was very impressed by Collins, and they shared the same view that one of the ways to negate the intelligence gathering of the RIC⁵ was to wage a ruthless campaign against their smaller stations spread around the country. In that way they would lose their immediate contact with localities and would be no better off than the British military. This policy was executed by the IRA, and it had the effect of totally incapacitating the RIC.

David Neligan⁶ was a very significant agent and like Broy he was a member of the DMP G Division where he was engaged in “political” work. Neligan had a longer shelf life and was not outed as an agent. Broy had been identified as a suspect and was arrested by the authorities in February 1921. He was to remain in custody until the Truce was commenced in July 1921. Neligan was based in Dublin Castle, and he continued to provide information to Collins up to the Treaty being signed. Both men were to have very significant roles in the new administrations. Broy’s account of the intelligence gathering capacity of the RIC is extraordinarily clear, as is his description of the counterintelligence

⁴Colonel Eamon Broy BMH.WS1280 Statement Bureau Military History

⁵Collins/Broy Formula – Destroy frontline policing capacity and civil administration would collapse, we decided that it was necessary to melt down the R.I.C.

⁶David Neligan BMH, WS0380 Bureau Military History, in retirement he enjoyed pensions from the British Secret Service, the DMP, the AGS, the Irish Civil Service and he also had an “Old IRA pension”.

measures adopted by Collins. He also outlines how the uniform service in the DMP were persuaded or inclined to remain neutral in the conflict. The G Division detectives were also neutralised as a result of the intimidation and murder strategy employed by Collins. Neligan was appointed Director of Intelligence in 1922. Neligan rejoined the DMP as the Chief Superintendent in charge of the G division, and in effect he took charge of the Garda Special Branch. He was removed from office in 1932 by the first Fianna Fáil government but he continued in the public service, in the Land Commission until his retirement.

By 28 January 1922 Collins had taken the direction of police organisation into his own hands. On 3 February he wrote from his office in City Hall Dublin.

The Provisional Government are setting up a committee for the purpose of drafting a scheme for the organisation of a new Police Force. Your name has been suggested to the Government for membership of this Committee and shall be glad to learn whether you would be willing to serve. The first meeting of the Committee will be held at Room 85, Gresham Hotel, Dublin, on Thursday, 9th inst., at 7 o'clock p.m.

Micheál O'Coileáin Chairman of the Provisional Government.

This invitation included RIC, DMP and IRA, including TDs.

RIC men invited on to the committee of 21 included, District Inspector Patrick Walsh (RIC Letterkenny) Head Constable James Brennan (RIC HQ), District Inspector John A. Kearney⁷ (Boyle), District Inspector Patrick Reardon (Cork), District Inspector Thomas McGetrick (Howth), Sergeant Mathias McCarthy (Belfast) and former RIC Sgt Thomas McElligott.

⁷ Kearney was to become the first casualty of the anti-RIC sentiment and he left after deployment to the RDS.

Members from the DMP, Inspector Michael Kelly (Donnybrook), Constable Thomas Neary (Kevin Street) and ex-G Division Sgt Eamon Broy.

IRA men, Brigadier Michael J. Ring, West Mayo Active Service Unit; Colonel-Commandant Patrick Brennan TD, Meelick, County Clare, East Clare ASU; and Jeremiah Maher, a former sergeant in the RIC, IRA Intelligence officer. Commandant Martin Lynch, Brigade police officer, County Laois (added later) and importantly Michael Staines TD, IRB member and 1916 veteran.

Timetable - New Force

9 February 1922 Police Organising Committee – Gresham Hotel – Recommendations to Provisional Government – An Armed Force – Accepted.

21 February 1922 Recruiting Commenced.

22 February 1922 – Civic Guard Formally Founded (8 August 1923 Reconstituted as An Garda Síochána).

3 April 1925 - Dublin Metropolitan Police amalgamated with AGS.

March 1922 – Recruiting in place at RDS – Early Agitation re former RIC present.

25 April 1922 – Recruiting Transferred to Kildare Military Barracks (Continued Agitation about former RIC).

May 1922 - RIC and IRA Personnel appointed to Senior Civic Guard ranks.

15 May 1922 – Protest Committee downfaced Commissioner Staines in Kildare Barracks.

16 May 1922 Staines moved 200 non-protesting recruits to Newbridge Barracks, which was recently vacated. Staines arranged for arms held in Kildare Depot to be secured by National Army. After a standoff the Army withdrew, Staines was not present having gone to Dublin. Later that day Staines returned to Kildare and was refused admittance and was forced to return to Dublin. Mutineers still in charge.

17 May 1922 - Standing Orders for the Day issued in Kildare affirmed Loyalty to the Provisional Government but declared five former RIC members now in senior positions persona non grata.

22 May 1922 - Assistant Commissioner Patrick Brennan and Superintendent Sean Liddy summoned to meet Collins and Eamon Duggan in Government Buildings, Collins furious.

25 May 1922 - Michael Collins intervened personally in Kildare but trod softly. **Civic Guard had divided into different factions**, the mutinous Kildare group, the Newbridge members and two facilities in Dublin, Great Denmark Street and Clonskeagh Castle. Commissioner Michael Staines had established a base in the Clarence Hotel.

9 June 1922 Staines returned to Kildare, Committee refused him admission, Brennan and Liddy not present.

16 June 1922 General Election victory for Pro Treaty side.

17 June 1922 - Rory O'Connor, Army Executive, with a small group of mutineers commandeered Rifles and Revolvers, as well as an amount of ammunition from the Civic Guard armoury in Kildare. The arms were brought to the Four Courts in Dublin for use by the Irregulars, the anti-Treaty I.R.A. men. A few of Civic Guard recruits joined the Irregulars.

20 June 1922 - Farrell Liddy, a member of the Civic Guard, stationed in Newbridge, was accidentally wounded, and died soon after.

24 June 1922 - President Arthur Griffith and Minister Eamon Duggan visited Kildare Barracks to resolve the Civic Guard Mutiny.

28 June 1922 - The National Army bombarded the Four Courts - Civil War (Open Warfare).

12 July 1922 - Kevin O'Shiel and Michael McAuliffe appointed as commissioners to hold an Inquiry into the Kildare Mutiny.

14 July 1922 Inquiry Hearings Commenced.

Main Recommendation⁸

That the Civic Guard be technically disbanded, but not dispersed. That arrangements be then made for the selective re-enrolment of members of the Civic Guard. That the Civic Guard be sent out on Police Duty as soon as possible.

They proposed that each member would be welcome to apply for a position in the new force on satisfying a three-man selection committee in addition to the proposed disbandment of the Civic Guard, the commissioners listed eleven specific recommendations to ensure the replacement force would attain the confidence of the Irish public and members of the force.

They accepted the primary grievance of the 'Men'. Rather than relying on ex-RIC personnel, the government was advised to seek the services of highly experienced officers from America, France or Germany for a three to five-year period.

The Government to prohibit elected or former elected representatives from serving in any capacity in the new force.

⁸ McCarthy, Brian. The Civic Guard Mutiny (pp. 103-104). Mercier Press. Kindle Edition

All members of the new force would be appointed on a temporary basis for a minimum period of one year to assess their suitability for a permanent position, and all members of the force would receive a syllabus of examinations to encourage each man to study for the rank 'he considers himself capable of attaining under the examination system'. Through study and examination preparation, it was envisaged that the training process would be expedited, and that the minds of the men would be employed 'in a useful way and take them off other and undesirable things that they appear to have taken to only too readily in the past'

The government was advised to reserve the most senior positions of the new headquarters staff for ex-IRA men, and that each officer's chief assistant should be an ex-RIC or DMP man with a good national record. Such a recommendation was considered necessary to ensure any propaganda against the new force could have no credence:

We are most anxious that ex-policemen with good records should be encouraged to come into the new force, but not into positions where they could have a majority voice in directing policy in general. We would strongly favour the presence of at least one ex-policeman in each established station – particularly a resigned or dismissed man who served with the IRA. This man need not necessarily be in charge of the station.

Following a study of comparable police forces in other countries, it was proposed that the new Civic Guard should be divided into three sections.

- (1) The first section*** would represent the main body of unarmed policemen and be deployed in stations around the country, as the disarming of the main body of the force would facilitate public acceptance of the new Civic Guard and in the prevailing political turmoil would 'be a safeguard to the officers and men themselves'. The commissioners expected that such a proposition would discourage the Executive Forces from identifying the new unarmed Civic Guard as a legitimate military target.

(2) *The second section would be a semi-military detachment of the force, whose members would be trained in the use of arms but would carry arms only in cases of emergency. It was anticipated that this body of men would be placed under the control of the commissioner and 'be a kind of reserve force at headquarters' that could be 'dispatched to any district in case of actual or anticipated disturbances where the presence of an armed force might be a vital necessity in keeping the peace'.*

(3) *The third section would consist of a liaison system between local council authorities and the Civic Guard for the deployment of the special armed force on occasions when the peace of a locality was disturbed or threatened.*

17 August 1922 - Recruits moved back to Dublin for formal handover from RIC – Billeted in Ship Street, very bad accommodation, old grievances surfaced but dissipated shortly.

22 August 1922 - Michael Collins Killed in West Cork.

30 August 1922 – Kevin O'Higgins Appointed Minister for Home Affairs (Justice).

11 September 1922 – General Eoin O'Duffy appointed Commissioner.

13 September 1922 - First Civic Guards Deployed to Swords Station.

4 November 1922 - Recruit Training moved to Collinstown (Now Dublin Airport).

14 November 1922 – Murder of Garda Henry Phelan, Mullinahone (stationed in Callan) He was unarmed and in plain clothes and accompanied by two colleagues. They had gone to buy a sliotar in Mullinahone.

18 December – Contingent of Civic Guard Led into RIC Depot (Garda Depot) by Pipers.

28 December 1922 - Recruit Training transferred to McKee barracks from Collinstown (Not the Garda Depot – RIC Depot)

20 February 1923 – Massed Civic Guard Parade through Dublin Streets to Government Buildings for review by the cabinet. Parade led by General O’Duffy and his officers with marching bands. Contemporary newspapers record the event in glowing detail.

Police Organising Committee

General Michael Collins sent a signed personal letter to an “invited” group of men to convene at the Gresham Hotel, Dublin on 9 February 1922. The purpose of this meeting was to set up a committee to organise a new civilian police force for the emerging State. The new force was to be called the Civic Guard and subsequently it was renamed An Garda Síochána (AGS) on 8 August 1923. The name change was symbolic rather than substantive. The committee were given weeks to accomplish this task. Their recommendations were accepted by the Provisional government. One of the immediate consequences was a mutiny in the Kildare barracks of the Civic Guard recruits in May 1922. The Civic Guard was formally founded on the 22 February 1922 and was reconstituted as An Garda Síochána on 8 August 1923. The Dublin Metropolitan Police (DMP) continued in existence until 3 April 1925 when it was amalgamated with the Garda Síochána.

The initial recruits were overwhelmingly IRA men, Pro Treaty. However senior RIC officers were appointed to senior Civic Guard positions. This imbalance was as a result of critical decisions made by Collins and the pragmatic necessity of having the force run by men experienced in the administration of a police force. The organising committee consisted of at least 19 individuals, 12 RIC members, 3 DMP

members and 4 IRA members. One of the group was Eamon (Ned) Broy⁹ who was to become commissioner in 1933. Another was District Inspector Patrick Walsh RIC, who was appointed a Deputy Commissioner, then forced to resign that rank, was appointed a civilian adviser to General Eoin O'Duffy and subsequently reappointed as Assistant Commissioner. Quite apart from his nationalist leaning he was a cousin to O'Duffy. The new police force was to be armed and the Kildare mutiny caused serious reservations on that score.

The fundamental recommendations¹⁰ of the committee proposed that the new force would be established on similar lines to the RIC. Each member would be armed with a Webley revolver, but the maximum number of men employed by the new force would be in the region of 4,300, approximately half the number who had served in the RIC. The organisation and the training of the force would follow the RIC format, to the extent that the latter's training manuals of instruction were recommended for use by the new force.

RIC Finding it hard to Leave

Just as the Civic Guard were going through birth pangs the disbanded RIC were having their own troubles. The *Freemans Journal* reported on 8 March 1922, with a certain amount of concealed pleasure, that the RIC officers had a major demonstration inside Dublin Castle. Seventeen hundred had formed up and marched from their quarters and assembled in the Castle Yard in front of the HQ of the RIC, some were in uniform and others in civilian clothes. They nominated a deputation which was received by Mr. Cope, the Assistant Under Secretary, General Tudor, and Assistant Inspector General Walsh. Their claims related to demobilisation payments and pension entitlements. An outstanding claim related to compensation.

⁹Colonel Eamon Broy *BMH.WS1280 Statement Bureau Military History*

¹⁰ McCarthy, Brian. *The Civic Guard Mutiny* (p. 34). Mercier Press 2012.

Following the deputation meeting the men reassembled in the Ship Street Barrack yard and were addressed by a solicitor, Mr. Burne. A petition had been drafted for the London authorities and further action was deferred for a week.

Historic Miscalculation

A historic miscalculation was made at the very inception of the force when it was decided to appoint senior RIC officers to key positions of authority within that force. This was the ostensible reason for the mutiny of recruits in Kildare in 1922. During my research, I have looked at the composition of the force recruits and they came almost universally from an IRA background. It is without dispute that the ordinary rank and file members of the Civic Guard came from the same social and religious background as their predecessors in the RIC. The senior leadership of their RIC came from a Protestant and unionist background, understandably they supported the British position in Ireland. The traditional oath of office of the RIC banned members from being members of any secret society other than the Society of Freemasons. There had been considerable agitation within the RIC to have a more equitable position adopted in relation to promotion and general advancement including the abolition of a cadet system of appointments to higher ranks. Policing in England had been liberalised to a certain extent with a general improvement in conditions, but those benefits were not extended to the RIC or the DMP. The British had adopted a policy of forcing the RIC to be the principal bulwark against the emerging nationalist aspirations. This placed them in a totally unwinnable position and the IRA campaign of violence and intimidation demoralised the organisation and caused many officers to resign or retire. There were significant members of the RIC and DMP who cooperated willingly with the national cause. This placed them in great personal risk but because their cooperation was secret the new recruits were in no position to give them credit for their national service. Tactically it was a major mistake to give such prominence at the very start to RIC officers even though their organisational experience was badly needed in the hastily constituted

new policing force. The looming Civil War made it almost impossible for the Provisional Government to consider the nuances involved in setting up the force. General Michael Collins was the dominant force, and he was not easily dissuaded and neither did he have the time to devote to ensuring a smooth and direct transition.

Colonel Eamon Broy¹¹ in his statement to the Military History Bureau described in a seminal conversation how Michael Collins outlined the counter tactic for undermining the RIC.

*I mentioned to Mick the danger of the village with the small party of police. They were a menace to Volunteers going to such an isolated area. We agreed that ruthless war should be made on the small stations, attacking the barracks if the police were in them, and burning them down where they had been evacuated. The R.I.C. would then be compelled to concentrate on the larger towns and attempt to patrol the vacated areas from these distant centres. Such concentration would cause the police to lose their grip, psychologically and otherwise, on the inhabitants of the vacated areas because the police, who returned from a distance to patrol the area, would be in no better position than the British military. **We decided that it was necessary to melt down the RIC.***

¹¹ Military History Bureau W.S.1280 File S.735

Recruits 1922 Principal Counties

	County	Number
1	Clare	229
2	Mayo	207
3	Galway	189
4	Limerick	176
5	Roscommon	170
6	Cork	164
7	Leitrim	149
8	Kerry	123
9	Tipperary	123
10	Sligo	115
11	Donegal	97
12	Kilkenny	97
13	Dublin	96
14	Longford	96

(Source: Garda Register)

The representation from individual counties was due to the influence of the Pro Treaty IRA officers who recruited the first members. The representation from Clare and other counties was disproportionate to their population and O'Duffy was anxious to remedy this position.

RDS - Initial Recruitment was not Publicly Advertised

Recruitment to the Civic Guard was not publicly advertised initially and it was largely conducted through local Pro Treaty IRA volunteers. This was a way of establishing the loyalties and the basic competence of these early recruits. They were initially based in the RDS showgrounds in Dublin, but were required to vacate that location and moved to their military barracks in Kildare. They were introduced to

senior officers and instructors who came from a RIC background. At an early stage there were 1,200 recruits in Kildare and the majority of these were Pro Treaty IRA volunteers.

It's obvious that Collins the pragmatist understood that a new police organisation should be administered by experienced officers who were familiar with that kind of structure. It was also evident that some members of the RIC had actively aided the national struggle. On the other hand, the IRA volunteers had been conditioned to believe that the RIC was the enemy. An enemy that should be killed, should be disrupted, should be driven from their position of influence in the community, families should be boycotted, and stations attacked and burned.

Those feelings ran very deep and remain a potent force today. There was a visceral reaction to the proposals by the government to hold a ceremony in Dublin Castle in January 2020 to honour the RIC and the DMP in a formal way. The proposal became synonymous with honouring the hated Black and Tans and Auxiliaries. Nevertheless, there was the no small matter of positions to be filled and human nature would dictate that at least some felt that the spoils should go to the victors.

Staines' discipline problems started in the RDS where Kerry recruits complained about the presence of former District Inspector John A Kearney¹² RIC who was wrongly and maliciously accused of ill-treating Roger Casement following his arrest in Kerry in 1916. The truth was that Kearney and his family had treated Casement with the utmost courtesy and did everything to make the unfortunate man comfortable while he was in the station overnight. This included getting him the services of a local doctor and priest. It was widely known that he was in custody, and it was open to the IRA to rescue him. It is reported that the front door of the station was open. He was escorted to Dublin by train with a guard of one RIC officer. This officer bought a newspaper for Casement when the

¹² *Roger Casement and DI John A Kearney, Síocháin Magazine, Winter 2015, Donal J O'Sullivan*

train stopped in Killarney. Casement was very upset and cried on the train journey to Dublin.

Eamon Broy in his Military History statement¹³ recounted.

Many years afterwards I met a government technical official who happened to travel by the same train as Casement and the R.I.C. escort of a" couple of men". The official did not know who the prisoner was, but said it was obvious to him that the prisoner was a most distinguished and important personage. The prisoner was crying all the way on the journey to Dublin. What struck the official most was how easy it would have been to rescue the prisoner from the small party of police had any efficient organisation been available to undertake the task.

The most important endorsement for Kearney arose from Collins' handwritten invitation to Kearney to participate in the new force. It also appears that Superintendent Sean Liddy TD, one of the key figures in the RDS and Kildare, was also misinformed on the true facts relating to Kearney and Casement. The ultimate endorsement came from Casement who sent his personal cigarette lighter to Kearney as a gesture of thanks. Casement had left his pocket watch behind in Tralee and Kearney had it forwarded to him.

A Protest committee had been formed in the RDS and they presented a series of demands which they submitted for the attention of the Provisional government. There had been concerted action in different parts of the country to disrupt the recruitment to the Civic Guard. Different Pro Treaty IRA officers were abducted to prevent them engaging in the recruitment process. There are accounts of recruits being intercepted on trains to Dublin and turned back home. The government issued a press release¹⁴ confirming that of the 400 recruited so far 370 are members of the IRA and 30 are resigned RIC men. At least 25 ex-RIC

¹³ Document No. W.S. 1,280 Bureau Military History - Colonel Eamon Broy

¹⁴ Irish Times 25 March 1922

men had seen war service, either in the columns or otherwise. There were no Black and Tans in the Civic Guard.

That statement mollified the protestors in the RDS but when they moved to Kildare the picture changed dramatically because of the new senior officer appointments. These appointments gave pride of place to former RIC men.

MUTINY CIVIC GUARD RECRUITS – 15 MAY 1922

The move to Kildare Military Barracks on 25 April 1922 and subsequently the housing of more recruits in Newbridge Barracks was caused by the forced evacuation from the RDS. A significant armoury of 200 Rifles and 1,000 revolvers and ammunition accompanied the recruits. There were worries that this material could not be properly secured, and these fears were well placed.

Michael Staines made numerous attempts to have alternate and more appropriate facilities sourced in Dublin. He sought the RIC Depot in Phoenix Park or other military facilities still retained by the British. Staines was threatening to resign if facilities were not provided, and he was not happy with the support from the Department of Home Affairs. He was at best a reluctant commissioner, and he didn't have the same IRA credibility as Eoin O'Duffy who was to succeed him in September. Nevertheless, his republican credentials as a 1916 man and a member of the IRB were impeccable.

RIC and IRA Personnel appointments notified May 1922
Commissioner Michael Staines¹⁵, TD (IRA), (10 March) (Mayo)
Deputy Commissioner Patrick Walsh (RIC), (6 April)
Assistant Commissioner Patrick Brennan, TD (IRA), (Clare)
Chief Superintendent Michael Ring (IRA), (Mayo)
Depot Commandant Chief Superintendent Mathias McCarthy (RIC)
Barrack Master Chief Superintendent Michael McCormack (RIC)
Accounting Officer Superintendent Jeremiah Maher (RIC)
Private Secretary Superintendent P. J. Haugh (IRA)
Adjutant Superintendent James Brennan (RIC)
Assistant Barrack Master Superintendent Patrick Harte (ex-RIC)
Assistant Accounting Officer Superintendent Bernard O'Connor (RIC)

As the Kildare barracks saga unfolded, several other officers came to prominence, Superintendent Sean Liddy TD (IRA) (Clare) and Superintendent Martin Lynch (IRA) (Laois).

The most significant development was the organisation of a Protest Committee which exercised de facto control of the Kildare Barracks. Their influence waned after a few weeks when the recruits were not paid. Within the Protest Committee were several men who were Anti Treaty supporters and who eventually went over to the Rory O'Connor garrison in the Four Courts. Thomas Daly was a key Anti Treaty figure, and he was supported by Patrick Sellars¹⁶ and together with colleagues seized on the opportunity presented by the promotions to senior ranks of RIC members to challenge Staines. In fairness the appointments were at variance with an earlier government commitment to the key role of IRA figures in the new force. Paradoxically when the mutiny subsided there was a return to the earlier IRA precedence with one notable exception, Deputy Commissioner Patrick Walsh was reverted to a civilian advisor role but was rapidly reappointed as an

¹⁵ *Civic Guard Ranks are used where appropriate rather than IRA Ranks.*

¹⁶ *Sellars was unaware that Daly was in the Anti Treaty group and acting on behalf of Rory O'Connor.*

Assistant Commissioner and served in that role for many years. Most senior RIC members did not continue in service. The Protest Committee demanded the removal of five named former RIC Officers, Deputy Commissioner Walsh, Private Secretary Jeremiah Maher and Superintendents, Edmond Prendiville, James Brennan and Bernard O'Connor.

The Tipping Point

Matters came to a boiling point when Commissioner Michael Staines went to Kildare Barracks on the 15 May to confront the dissenters. He held a general parade of the members present who numbered 1250 individuals in six companies. At the start he introduced the former RIC officers who had been appointed to senior positions and extolled their virtues in support of the national cause. He basically called on the parade to support him and it became very evident the overwhelming support rested elsewhere. In effect he lost his authority at that point and never recovered it. He was downfaced by the men on parade and contemporary accounts suggest that he was forced to retreat to a place of safety in the camp with the former RIC officers. Assistant Commissioner Brennan¹⁷ was not present in the camp and it was left to Chief Superintendent Michael Ring to attempt to restore order. It appears from contemporary accounts that he tried hard and did not lack for resolve. Commissioner Staines withdrew and that left Ring isolated. In effect there was a divergence between the Clare IRA men (Brennan, Liddy) and the Mayo men (Staines, Ring). It became clear that Clare officers were in sympathy with the anti-RIC view of the Protest Committee. Superintendent Liddy says that he became alarmed for the safety of Staines and the other officers, and he arranged that an armed guard was posted for their protection. There were other reports of the armoury being raided and weapons distributed to the mutineers.

¹⁷ *Staines was to later claim that Brennan was absent without leave.*

The mutineers had elected the Clare IRA officer Patrick Brennan who then held the rank of Assistant Commissioner as Commissioner. Intriguingly the written record of the first joiners nominates him as the first member of the Civic Guard to be sworn in on the 21 February 1922. His IRA rank is stated as Colonel Commandant. It will be appreciated that it was usual for the Volunteers/IRA to elect their officers. This tradition had carried on to the Kildare Civic Guard, but this was a once off occurrence. Staines remained in Kildare overnight as well as the other five officers. In the morning he ordered that the weapons in the armoury should be handed over for safety to the National army. He also led a party of 200 recruits to Newbridge Barracks to take over that location. On his return he drafted his resignation letter and returned to Dublin leaving the other senior officers behind in Kildare. There is some disagreement on this point as to whether Deputy Commissioner Walsh went with him. Superintendent Sean Liddy is one of the few officers to leave an account for posterity. Writing in 1962 in the *An Siothadoir* (magazine of Garda Retired) he recounts the events of that day 16 May 1922. Two representatives of the men (Daly and Sellars) were requested to go to Dublin to meet the Provisional Government (Collins) and explain their grievances. It appears that it was agreed at that meeting that they would return and discuss with the committee and put their views in writing, that an inquiry would be held, and that normality would return in the interim. Meanwhile there were dramatic developments outside the Kildare Barracks where a party of the National Army arrived to take possession of the armoury. They had an armoured car and other assets and were halted at a barricaded main gate. A parlay occurred between Superintendent Liddy and Chief Superintendent Ring with the army officer in charge. Indeed, it is suggested that Liddy and Ring disagreed as to who was in charge of the Civic Guards. It is also suggested that a priest was involved as an intermediary. The resolution to the standoff seems to have been achieved when the Civic Guard gave a solid assurance that they were loyal to the Provisional government and Pro Treaty. The military withdrew and a potential major calamity was avoided.

Superintendent Liddy¹⁸ says that he got a note from Deputy Commissioner Walsh requesting safe passage for himself and the other four officers. He also says that within an hour of the military leaving all rifles and ammunition was safely locked up in the armoury. It was agreed that the former RIC men would be escorted at 6 pm to the railway station to get the train to Dublin. Shortly afterwards Liddy was informed by the Duty Officer that eight men carrying rifles had crossed the boundary wall on the east side of the camp. (Not all the rifles were secure after all). Liddy anticipated that they were intent on intercepting the Deputy Commissioner's party and he decided to take pre-emptive action.

With all possible haste I selected a relief party and rushed to the railway station, where we found the RIC party sitting inside the waiting room, patiently awaiting the arrival of their train. At the back of the station boundary wall and facing the platform, we found the adventurous eight. They were collected and escorted back to camp. On our way through the town, I heard the shrill whistle of the approaching train. Back in camp the men were asked for an explanation of their unauthorised route march to the railway station. One of the party spoke for the rest. "Oh we just thought that there was no harm in giving the RIC men a departing salute of 8 guns"

However, the day was not over and at 9 pm Assistant Commissioner Brennan and Superintendent Martin Lynch returned

*The Assistant Commissioner. Col. Brennan, and the Commandant. Martin Lynch, arrived back in camp around 9p.m. I gave them a detailed verbal report of the day's happenings. Later the same night the Colonel received a deputation representing the N.C.O.s and men, headed by Sergt. Sean O'Brien, acting as their accredited spokesman. The unique situation created by the Commissioner's disappearance was discussed well into the night, and the meeting adjourned without arriving at any practical solution. **Discussion was resumed the following morning and after a prolonged sitting it was unanimously agreed to form a working***

¹⁸ Liddy, Sean, 'A Smothered History', An Sióthadóir (1962),

committee to take over temporary control of the camp pending the Government's decision.

Orders of the Day 17 May 1922

On 17 May 1922 Routine Orders were issued that day for the Kildare Civic Guard recruits which were signed by Sean Liddy Adjutant, Training Depot.

A daily timetable was published which consisted of six parades, reveille at 0630 and lights out at 2300. These orders also contained a "Declaration of Loyalty" to the Provisional Government and remarked that five persons holding senior Civic Guard commissions (disbanded and ex-members of the RIC) were retained against the wishes of the members of the Civic Guard. Their presence was deemed contrary to "good order and discipline" and their expulsion was demanded. Pending a decision, they found it necessary to take over temporary control of the barracks. The order also contained the names of the new office corps of the Civic Guard headed by "Commissioner" Brennan.

Brennan and Liddy summoned to meet Collins 22 May 1922

Collins was furious with these events but there was little he could do to prevent it. Civil War was imminent and so compromise had to be found. On the 22 May Brennan and Liddy were summoned to a meeting in Dublin "to give an account of themselves". The meeting was chaired by Eamon Duggan, then Minister for Home Affairs, and Michael Collins was present and not in a happy mood.

Liddy said that when both he and Brennan appeared at Government Buildings, he was told to wait, and Colonel Brennan was escorted upstairs by an official. He was summoned after about 45 minutes, and he described the scene.

I saw immediately that I entered the room, and I was to appear before a Board of an Inquiry at a high level. General Michael Collins sat at the head of the table. Mr. Duggan (Minister for Home Affairs) and Mr. Black (later Mr. Justice Black) sat at his right-hand side; and on the left-hand side Mr. Kevin R. O'Shiel, B.L. and Mr. Michael McAuliffe (Ministry of Labour). The Colonel sat on a chair by the wall.

'Liddy,¹⁹ what is your explanation for your conduct down in Kildare?' Liddy responded by reminding Collins that over 1,000 men of IRA origin stationed in Kildare and Newbridge Barracks 'strongly object to disbanded RIC men being promoted to commissioned rank'. Collins interrupted Liddy and declared, 'Liddy, you know as well as I do what the country owes these men.' According to Liddy, Collins then requested his own resolution to the impasse, to which Liddy retorted, 'I should hand them their pieces of silver and call it a deal.'

Liddy said that Collins stormed out of the room with a few expletives in the air. That ended the meeting and Brennan and Liddy returned to Kildare. Collins went personally to Kildare on 25 May, but he did not have a confrontation.

9 June Staines Refused Permission to enter Kildare Barracks

On the 9 June Staines returned to Kildare (On Collins Orders) but was denied admittance, neither Brennan nor Liddy were present for this confrontation. There were points of disagreement, but the Committee had a major issue about not being paid. This was another humiliation for the commissioner, and he was forced to return to Dublin. Later that day two of his colleagues went to Kildare in the mistaken belief that the commissioner was in situ, and they had a very narrow escape from serious harm. Superintendent John Byrne and Sergeant Patrick McAvinia were literally run out of the camp and pursued through the streets. Shots were fired and stones thrown at them by the mutineers, and they were very lucky to escape alive.

¹⁹ *Ibid.*

There was a General Election on 16 June which the Pro Treaty side won. Interestingly Staines, Brennan and Liddy were again returned as TDs.

17 June 1922 Kildare Armoury raided by Rory O'Connor and defections to the Executive Forces

The guard officers were well aware of the efforts being made by the Four Courts I.R.A. to bring about a coupe-de-main inside. To counteract any possibility of this happening, a specially selected squad was formed to keep the I.R.A. agents under observation and report on their movements. Unfortunately, one of the men selected was himself a secret I.R.A. agent which completely neutralised the work of the special squad.

Conspiracy at Newbridge

On Saturday, June 17th, around 5 p.m. the duty sergeant at Newbridge reported to me that the old guard, whose 24 hours period of duty terminated at 8 a.m. that morning, had again resumed duty, and dismissed the officially posted guard. I went immediately to the guard room and questioned the sergeant in charge. I shall refer to him as Sergeant X. Sergeant X was most confused and embarrassed. He tried to tell me he liked doing guard duty. He did it to oblige members of the guard he relieved, because of prior appointments several of its members had made, which they were anxious to fulfil, and, anyhow, he had got permission from Supt. O'Dwyer.

I knew that he was lying to me, and I told him so. I had him relieved immediately and replaced by the former party which I doubled. I also doubled the armed guard inside the walls and had sandbags erected at weak points.

Later that night I phoned Kildare to tell the Commandant there of what had happened at Newbridge, and the action I had taken. Sergeant Seán O'Brien (acting superintendent) answered. He told me Col. Brennan and the Commandant, Martin Lynch, had left the camp together, and he had no idea of what time they might return. I told him of what had happened and instructed him to report to the Colonel and Commandant upon their return. He did not do so. Both the Colonel and Commandant were in the camp at the time.

The night passed peaceably at Newbridge and at around 5 a.m. I received a phone-call from Mr. Lynch informing me of what had happened at Kildare. I drove over there immediately, accompanied by Supt. P. Kellagher. The Commandant told me that at around 1.15 a.m. Sergeant Seán O'Brien came to his bedroom and reported he was after receiving a phone message from Dublin from one of the boys, asking for a lorry to convey a number of them back to Kildare; this had happened before on numerous occasions. The Commandant had no suspicions and agreed that the lorry should go up and said he would go and take charge. O'Brien made some effort to prevent the Commandant from going, but Mr. Lynch was adamant, and so he left accompanied by O'Brien and four others. On their way through the Curragh, midway between Kildare and Newbridge, they were held up by an armoured car and a Lancia packed with soldiers.
– Liddy

This was a "set up" where the Anti Treaty elements in the Kildare Barracks had colluded with the Anti Treaty forces under Rory O'Connor who were in control of the Four Courts. The result was that the greater portion of the Civic Guard armoury was stolen. The interception took place on the road which ran through the Curragh. Rory O'Connor was present himself which highlighted the degree of planning and preparation which went into the operation. The defectors were Thomas Daly, Seán O'Brien, E.J. Ryan, Malachy Collison and John Doyle. The raid was significant but the major objective of subverting the 2,000 Civic Guard recruits in Kildare and Newbridge Barracks failed completely. The Civil War officially started on the 28 June 1922 with the bombardment of the Four Courts. There was no going back to what might have been and

the Civic Guard had many hurdles to overcome. Strong leadership was required and that was to emerge in the shape of a new Minister for Justice, Kevin O'Higgins and a new commissioner, General Eoin O'Duffy in September.

Report Commission of Inquiry – Kildare Mutiny²⁰

A Commission of Investigation²¹ was appointed into the mutiny and it was one of the last acts of General Michael Collins was to commission that investigation. The men appointed were Kevin R. O'Shiel, B.L. and Michael McAuliffe (Ministry of Labour).

The Inquiry itself was a short-run affair which commenced on 13 July and concluded on the 17 July following an exchange between Deputy Commissioner Patrick Walsh and Sergeant Patrick Coy who refused to be questioned by Walsh on the grounds that he was not entitled to ask him those questions considering their relative positions during the war. The Commission seemed to have struggled through this episode, but the next witness called was Sergeant McNamara who had been an active IRA man in east Limerick. The Commission had some uneventful questioning of him until Walsh²² asked him, "When did you say you joined the guards". McNamara adamantly refused to be questioned by Walsh and the atmosphere deteriorated rapidly. Then to everyone's surprise the Commission declared the proceedings over and that it was up to them to report to Government who would decide what was to be done with the Civic Guard. With that declaration they concluded and went back to Dublin. Then the Assistant Commissioner Brennan came on the scene, and amazed at the situation, he once more absented himself. He then wrote to Collins complaining that he wanted to be heard and to answer accusations of Commissioner Staines. As a result, a special session of the Commission was authorised and sat on the 21 July at Government Buildings to hear the evidence of Brennan. In effect it appears that a

²⁰ McCarthy, Brian., *The Civic Guard Mutiny*, Mercier Press (2012).

²¹ *Ibid.*

²² *Ibid.*

decision had already been made to remove him from the Civic Guards to other duties. There were animated exchanges between Walsh and Brennan. Walsh seems to have been the more dispassionate and asked relevant questions concerning Brennan's lack of policing experience. Brennan made telling points on obvious friction that was generated by the appointment of former RIC officers to senior positions. This special sitting concluded the following day. The Commission withdrew to consider their report for government, but forthcoming events were to have a major impact on the Civic Guard, particularly the death of Michael Collins.

Main Recommendation²³ - That the Civic Guard be technically disbanded, but not dispersed. That arrangements be then made for the selective re-enrolment of members of the Civic Guard. That the Civic Guard be sent out on Police Duty as soon as possible.

They proposed that each member would be welcome to apply for a position in the new force on satisfying a three-man selection committee. In addition to the proposed disbandment of the Civic Guard, the commissioners listed eleven specific recommendations to ensure the replacement force would attain the confidence of the Irish public and members of the force.

They accepted the primary grievance of the 'Men'. Rather than relying on ex-RIC personnel, the government was advised to seek the services of highly experienced officers from America, France or Germany for a three to five-year period.

The Government to prohibit elected or former elected representatives from serving in any capacity in the new force.

All members of the new force would be appointed on a temporary basis for a minimum period of one year to assess their suitability for a permanent position, and all members of the force would receive a syllabus of examinations to encourage each man to study for the rank 'he

²³*Ibid.*

considers himself capable of attaining under the examination system'. Through study and examination preparation, it was envisaged that the training process would be expedited, and that the minds of the men would be employed 'in a useful way and take them off other and undesirable things that they appear to have taken to only too readily in the past'

The government was advised to reserve the most senior positions of the new headquarters staff for ex-IRA men, and that each officer's chief assistant should be an ex-RIC or DMP man with a good national record. Such a recommendation was considered necessary to ensure any propaganda against the new force could have no credence:

We are most anxious that ex-policemen with good records should be encouraged to come into the new force, but not into positions where they could have a majority voice in directing policy in general. We would strongly favour the presence of at least one ex-policeman in each established station – particularly a resigned or dismissed man who served with the IRA. This man need not necessarily be in charge of the station.

Following a study of comparable police forces in other countries, it was proposed that the new Civic Guard should be divided into three sections.

The first section *would represent the main body of unarmed policemen and be deployed in stations around the country, as the disarming of the main body of the force would facilitate public acceptance of the new Civic Guard and in the prevailing political turmoil would 'be a safeguard to the officers and men themselves'. The commissioners expected that such a proposition would discourage the Executive Forces from identifying the new unarmed Civic Guard as a legitimate military target.*

The second section *would be a semi-military detachment of the force, whose members would be trained in the use of arms but would carry arms only in cases of emergency. It was anticipated that this body of men would be placed under the control of the commissioner and 'be a kind of*

reserve force at headquarters' that could be 'dispatched to any district in case of actual or anticipated disturbances where the presence of an armed force might be a vital necessity in keeping the peace'.

The third section would consist of a liaison system between local council authorities and the Civic Guard for the deployment of the special armed force on occasions when the peace of a locality was disturbed or threatened.

On the 22 August the recommendations were passed for the attention of Collins. He was shot that day in Cork and history took a different path without his dominant influence. Michael Staines' last act as commissioner took place in the 17 August 1922 when he accompanied Chief Superintendent Mathias McCarthy when they led a party of Civic Guard into Dublin Castle as a symbolic transfer of power from the RIC to the new police force. There was no storming of the Castle as some revisionists have portrayed it. This moment is captured in a number of iconic photos of the event. Chief Superintendent Mathias McCarthy²⁴ is in full Civic Guard uniform. Mr. Staines resigned as Commissioner the following day. He left an idealistic exhortation for posterity. "The Garda Síochána will succeed not by force of arms, or numbers, but on their moral authority as servants of the people." This quote was notable in sentiment but impractical in terms of operational policy.

The reaction to the Kildare mutiny ensured that the ex-RIC inclusion in the new force was almost completely stopped. One of the notable exceptions was that of Patrick Walsh who ultimately became an Assistant Commissioner and served for many years. Liam McNiffe²⁵ painstakingly examined the composition of the AGS in the period 1922 to 1932 and found that 0.9% came from the RIC. Assistant Commissioner

²⁴ *Mathias McCarthy was a former RIC sergeant stationed in Belfast. He was an agent for Michael Collins. He was one of a number of Garda officers who were required to resign from the force in 1941 with full pension privileges. Clearly, he did not meet with the approval of the Fianna Fáil administration.*

²⁵ *McNiffe, Liam, A History of the Garda Síochána (pp 34), Wolfhound Press (1997).*

Patrick Brennan, one of the key actors during the mutiny, left the force and resumed military duty.

The main players went very different ways, Michael Staines resigned as Commissioner, Patrick Walsh continued with his new career in the Civic Guard, albeit in the diminished rank of Assistant Commissioner. He served alongside his cousin the new commissioner General Eoin O'Duffy as his adviser and confidant. He retired in 1936. Sean Liddy also had a long career in policing and retired as a Chief Superintendent. Assistant Commissioner Patrick Brennan resigned and a striking photo in the *Freemans Journal* 4 October 1922 speaks volumes. Colonel/Commandant P. Brennan TD was presented with a 16 HP Wolseley car by the NCOs and men of the Civic Guard Training Depot, Kildare. Chief Superintendent Michael Ring (Brigadier General) returned to service with the National army and was killed in an action on the 13 September 1922 at Drumsheen, Bonniconlon in his native Mayo.

Civic Guard postings

General Eoin O'Duffy was leading the National Army in the southwest and he was appointed as the new Commissioner with effect from 11 September 1922. Kevin O'Higgins had been appointed as Minister for Home Affairs on 30 August 1922 in succession to Eamon Duggan.

General W.R.E Murphy, a former British soldier in the First World War, served under O'Duffy's command in the National Army. Murphy was appointed to head the Dublin Metropolitan Police on behalf of the government. O'Duffy and Kevin O'Higgins were to have a close relationship over the next number of years. Initially they agreed but as time progressed this was to change.

Following the new Commissioner's appointment, the allocation of the force commenced country wide. This was to be an extremely challenging time for them. Over 200 stations were attacked, and members were assaulted and intimidated on a wide scale but there was

a dogged determination to succeed. O'Duffy used some extravagant language²⁶ to inspire them.

Don't open your doors, let them be smashed in: don't surrender your property or that entrusted to your charge; defend it with your lives ... Far better the grave than dishonour. Don't be alarmed by the sound of a shot. You heard it before and you were not subdued because you had right on your side and the gunman had only might ... I know the stuff you are made of, and I know you would not allow me, if I wanted to, retain in the Civic Guard a weakling who would take off his uniform and hand it over to any coward who had never fought before.

Sergeant John Nixon Shaw 1747 Joined 17 August 1922

Records show that one recruit was signed into the Civic Guard on the iconic date 17 August 1922. Two others presented with him, but they were not ultimately accepted. He was Sergeant John Nixon Shaw, a native of Cornastauck, Manorhamilton, County Leitrim, but living in Dublin. Records show that he was a Protestant and, therefore in a minority, because most of his colleagues were Catholic. Fortunately, he left notes of his early experiences and he wrote two articles for the Garda Review in 1975/76 recounting aspects of his career. He proudly dedicated his articles to his colleagues who opened the first stations countrywide. He said that he was interested in joining the army, but his brother took the other side and he opted for the Civic Guard instead. His experiences mirrored the thousands who joined with him and those who were to follow into the fledgling police force. In his own words he said,

It is not realised that the men who were sent out in 1922 had no police training as such, they were just a party of uniformed men in a strange setting in a very disturbed country. They had no idea of what their work would be, only the general idea that they were police to try and keep the peace.

²⁶ McGarry, *Fearghal*, Eoin O'Duffy: A Self-Made Hero, Oxford Press (2005), (p 124).

He also made the point that there was no functioning court system until early in 1923. Republican Courts²⁷ were sitting which were a holdover from the War of Independence but they had no judicial function and cases were adjourned until the District Court system commenced to function. Originally, he presented himself to a warehouse in Denmark Street and was told to report to Dublin Castle on 17 August and bring references with him. Earlier that day he had passed by the Ship Street entrance to Dublin Castle and was surprised to see an RIC man on duty there. He returned at 5:30 pm and there had been a changing of the guard. A DMP officer was on duty at the gate accompanied by men in plainclothes wearing black RIC belts with revolvers attached. These were some of his new colleagues in the Civic Guard. There was no formal police duty instruction, and the days began with an 8:00 AM parade. Some members were allocated to security duty at Dublin Castle and others were detailed to protect banks around the city.

There were accounts of problems in the accommodation in Ship Street attached to Dublin castle. Some reports suggested that if they were not rectified that there could be a replication of what happened in Kildare. It appears that the barracks were in poor condition, with bad sanitation and no electric light. Sergeant Shaw seems to have been inventive in managing to find a billet outside of the allotted accommodation which seems to have met his needs very well. His family were living in Dublin at this stage and that certainly must have helped. He mentions that quite a few of his colleagues had their own revolvers and he himself had a short Webley 45. He was in Ship Street when the funeral of General Collins was being organized. He and his colleagues were permitted to visit the lying-in-state at Dublin City Hall before the public were admitted. He recalls that Sir John Lavery captured the scene in a famous painting. He was standing under the *Irish Times* clock as the Collins' funeral cortege passed by the following day. He saw the new Minister for Home Affairs Kevin O'Higgins with General O'Duffy when

²⁷ These Courts had been set up as an alternative to the British system during the War of Independence.

they were paraded on the square. He remarked that O'Higgins looked tired, and his clothes were worn looking. Eventually he was allocated to Waterford. With a colleague he went to stores to draw a great coat to provide protection from the winter weather. Unfortunately, they were late calling, and the store master sent them on their way minus their coats. He mentions that they really had no idea on how to run a station, no knowledge of forms or procedures, nothing of that kind. In Waterford there were two ex-RIC men in the station who were obviously conversant with procedure, and they were a great source of knowledge to the new recruits. On 15 May 1925 the *Munster Express* reported that members of the new detective force arrived in Waterford under the command of Detective Sergeant Shaw. They were to be attached to a Special Investigation Department at Lady Lane. They operated in plain clothes and were armed. This development no doubt was part of a wider deployment of armed detectives to selected centers around the country. Later the newspaper reported that Sergeant Shaw had arrested a man wanted for murder which had been committed in Kilfinane. A Sergeant Shaw is mentioned as a defendant in a very interesting case which came before the High Court in Dublin in September 1927. The High Court found in favour of Sergeant Shaw. He gave interesting evidence in which he said he had been a member of the British Army and had procured guns for the national cause. He had been court martialed and he became a member of the IRA. He had taken an oath to the Irish Republic, and he was still prepared to keep that oath.

He was to have a long career in the Garda and retired in the 1950s. On the 50th anniversary of the foundation of the force he read the first lesson in Saint Patrick's Cathedral in Dublin on 10 June 1972. This was the second of two religious services on that day, the other being a suitable ceremony at St. Pauls Church, Mount Argus. These ceremonies were attended by dignitaries from the political world including President de Valera. Gardai attended in uniform and occupied both establishments in large numbers. It was very clear that there was a very strong umbilical cord linking the Catholic Church and State and the force was very much part of that connection. Sergeant Shaw died in March 1986 at his home

in Portarlinton. His career mirrors that of thousands of others who served from the foundation of the state and through very difficult times which were challenging for him and many colleagues. The force that he was part of and the country that he served was not always kind to him or his family.

James Gunn RIC member and AGS Inspector

There are many interwoven histories linking the policing families before and after Independence. This history is exemplified by the story of RIC member James Gunn who joined the AGS on the 30 October 1922, was given registered number 2120 and promoted to Inspector the following day²⁸. His story was recounted by his son Eamonn, who joined the AGS on 3 December 1943 with the registered number 9298. His father was posted to Drogheda after an initial period and unfortunately, he resigned on medical grounds and died in 1924. He was an agent for Michael Collins, and he was attached as chief clerk to the County Inspector at RIC Head Quarters in Lisburn, Co Antrim at the time of the shooting of District Inspector Swanzy at Lisburn on 22nd August 1920. Eamonn's mother had recounted those stories and she also gave him a letter from Collins, which had been routed through the local parish priest, requiring his father not to resign from the RIC. He remained with the RIC until it was disbanded and then joined the AGS within months. Sadly, she also recorded that she did not receive financial support from the new Irish state during her lifetime and an RIC pension was not paid either. James Gunn had been presented with a watch by his IRA comrades bearing the inscription "*To James Gunn, with the compliments of the 3rd Northern Division IRA*". His official IRA role was, Intelligence Officer of that IRA Division.

Eamonn Gunn was to figure prominently in later years through his involvement with the Representative Bodies.

²⁸ *Gunn, Eamon, Sit Down, Guard! Choice Publishing (2013).*

Advertised - New Recruiting October 1922

Recruiting for the Civic Guard being now resumed, applications from Candidates will be received. Attention is drawn to the following conditions: - Candidates are to be unmarried and between 19 and 27 years of age. Minimum height 5 feet 9 inches. Minimum chest measurement 36 inches. Candidates will be examined in Reading, Writing from Dictation and Arithmetic – first four rules simple and compound. They will also be required to write a short composition or letter on a simple subject. *Reference Irish Independent 2 October 1922*

This was a sign of O'Duffy putting his stamp on the new force, it represented the second tranche of recruiting, and it was the first publicly advertised recruitment. Despite this public announcement standards were set aside for expedient reasons on several occasions subsequently.

Commissioner O'Duffy 1922

O'Duffy seems to have fitted into his role with a great deal of enthusiasm and comfort. In September he attended the Civic Guard Sports in the Curragh. He presented prizes and remarked, "this was the first time he gave a present to a policeman". He was to maintain a career-long interest in sporting activity and even after he retired, he was still associated with national sporting organizations.

On the 22nd of November 1922 he opened a new Head Quarters in Collinstown, County Dublin. He was accompanied on that occasion by several senior officers including Chief Superintendent Mathias McCarthy. In December he stepped down from his role in the National Army to devote his full attention to the Civic Guard. In February 1923 he advertised Cadetship (30 Vacancies) to the force. This competition was open to early members of the Civic Guard and Officers of the National Army, having at least two years pre-truce service in the Volunteers. There was an upper age limit of 28 years. By this time the force was training in the Phoenix Park in what was the RIC Headquarters and also occupied the nearby McKee barracks for some time.

New York²⁹ 1923

Media recalls that on 21 April 1923 Commissioner Eoin O'Duffy and his Assistant Commissioner Patrick Walsh, Ex. D.I. RIC, set sail for an International Police Conference in New York on board the SS Cedric. Mr. Walsh was a cousin of the commissioner and he had robustly sought his inclusion in the top echelons of the force. The commissioner was feted in New York with civil ceremonies but Fearghal McGarry³⁰ identifies this behaviour as a manifestation of an emerging personality cult.

Historic Parade 1,400 Civic Guards through Dublin 20 February 1923

On the 20 February 1923³¹ a parade of uniform Civic Guards took place in Dublin. This event was marked by the presence of President W.T. Cosgrave, Mr. Kevin O'Higgins, Minister for Home Affairs; Mr. E. Blythe, of Local Government; Mr. P. Hughes, T.D.; and Major-General McKeon, on the steps of Government Buildings in Merrion Street.

At 10.30 a.m. four companies assembled in McKee barracks and marched to the Depot Square where they joined four other companies drawn up in company column formation. At 10.45 a.m. the entire body moved off in route march headed by the Guards Brass Band under Inspector Tyrell. Immediately behind the band marched Commissioner Eoin O'Duffy, Deputy Commissioner Eamon Coogan, Chief Superintendent Mathias McCarthy, Superintendent Crosserly. A Pipe band followed next leading the McKee Barracks companies.

The route march followed the North Circular Road, Berkeley Street, Parnell Square, O'Connell Street, Westmoreland Street, Grafton Street, Nassau Street, Clare Street, and Merrion Square West. The Civic Guard

²⁹ Iris an Garda, Vol. 1 May 1923; Garda Museum Library.

³⁰ McGarry, Fearghal. Eoin O'Duffy: A Self-Made Hero, Oxford University Press (2005), (pp. 141-142).

³¹ 'A Grand Parade of the Civic Guard', Irish Independent 21 February 1923.

then marched back to the Depot where they were addressed by Mr. O'Higgins and Commissioner O'Duffy.

This was a very public endorsement of the Civic Guard and probably marked a cathartic government endorsement after the trials and tribulations of the previous year, particularly the Kildare Mutiny.

Civic Guard Consecrated to the Sacred Heart Garda Depot Phoenix Park 1 April 1923

Newspaper reports recalled that on that day 1,500 men and officers assembled on the Depot square. They were drawn up in a 'hollow square' format and they were also to provide a drill display for the onlookers. Father McAuliffe was pictured blessing a portrait of the Sacred Heart which was to be displayed in a prominent place in the Depot. The papers waxed lyrical on the influence of the commissioner and his interest in promoting an Irish ideal in his men. All present joined in the prayers which were led by Father McAuliffe.

CIVIL WAR

The Civil War lasted from April 1922 to May 1923. There were many telling events during this conflict but the most telling in terms of the new police force was the killing of General Michael Collins at Béal na Bláth in West Cork on 22 August 1922. At that time, he was the Commander-in-Chief of the National Army. He was a sitting TD, and ostensibly had resigned his position as Chairman of the Provisional Government to prosecute the Civil War on behalf of the government. In reality, he wielded immense power both politically and militarily. He was the main architect of the new police force, the Civic Guard. His death was of incalculable significance in terms of the organisation and direction of the new force.

The Civil War was a military conflict, and it was not a situation that would have been amenable to police control or intervention. The military had primacy in matters of prosecuting the Civil War and in dealing with criminal outrages. This primacy was to last with diminishing effect until 1924. In effect this provided a breathing space for the new police force to establish itself without carrying the burden of actively prosecuting the Civil War. Mercifully the Civil War was of relatively short duration, but it was bloody and vicious. It lasted from April 1922 to May 1923. Contextually the Civil War was progressing with increasing savagery, with daily killings and mayhem country wide. The National Army (Free State Army) began to assert its dominance. Overt military action with major engagements between the National Army and the Irregulars lasted for a few short months at the start of the conflict. It was clear that the National Army were militarily superior to the Irregulars in direct confrontation in the field. The conflict became transformed into typical guerrilla warfare. Attacks by the Irregulars concentrated on individuals and attacks on the infrastructure of the country. A new and more ruthless phase commenced following the shooting of Sean Hales TD in Dublin on 7 December 1922. The government implemented a

ruthless policy of reprisal killing. Liam Mellows, Rory O'Connor³², Dick Barrett and Joe McKelvey were executed the following morning in Mountjoy prison. This was the notice served on the men concerned.

You ____are hereby notified that, being a person taken in arms against the Government, you will be executed at 8 a.m. on Friday 8th December as a reprisal for the assassination of Brigadier Sean Hales T.D., in Dublin, on the 7th December, on his way to a meeting of Dáil Éireann and as a solemn warning to those associated [with] you who are engaged in a conspiracy of assassination against the representatives of the Irish People³³.

DEBATE ON MOUNTJOY EXECUTIONS. – Dáil Éireann (3rd Dáil) – Friday, 8 Dec 1922 – Houses of the Oireachtas 29/10/2021, 21:17

The Minister for Home Affairs, Kevin O'Higgins, speaking in a debate on the afternoon of the executions said;

We have no talisman except force. *Ultimately all government is based on force. If human nature were other than what it is, no doubt one could devise some other method; but we are not able to devise any other weapon to meet the situation that exists here except force. We do not find any other Government in any other country at any other time that did devise such a weapon or such a method. We are at a loss for such precedents of Governments that made that wonderful discovery. It is all right to say these are honest men. It is not a question of their honesty....*

..... There was never an act done through personal vengeance, and never an act done through hot blood. We have no higher aim than to place the people of Ireland in the saddle in Ireland, and let them do their will, but we will not acquiesce in gun-bullying, and we will take very stern and drastic measures to stop it. Personal spite, great heavens! Vindictiveness! One of these men was a friend of mine³⁴.

³² Rory O'Connor was Kevin O'Higgins' best man at his wedding some months before.

³³ Breen Timothy Murphy, B.A. Thesis for Ph.D. Department of History, National University of Ireland Maynooth, October 2010.

³⁴ His best man, Rory O'Connor.

They were taken prisoner months earlier. In effect a period of “martial” law was instituted after an offer of amnesty had been made to the Irregulars and rejected. The Dáil granted authority for this action through the introduction of an emergency resolution entitled the **Public Safety Resolution**³⁵ **28 September 1922**. The Free State constitution committed to a democratic system of government. Different provisions were suspended at the times of national emergency. This practice continued under different governments and continues to some extent in present times. It is also clear that typically opposition politicians oppose the introduction of emergency legislation but when in government readily use these same powers. This was true of the Fianna Fáil government following the 1933 general election when there was a transfer of power between the contending Civil War entities. The justification for this action is the contention that the very existence of the state is under threat and the significant forces opposing the state resolved to use violence as a means of attaining their objectives.

There are various estimates for the casualties³⁶. The Pro Treaty side suffered 1,000 casualties and the anti-treaty side suggest a smaller figure. However, information is unreliable from the anti-treaty side. Civilian casualties are equally difficult to quantify, and estimates vary from 1,000 to 1,500. Eighty-one men were executed in the course of the Civil War as a consequence of the Public Safety Resolution.

This was the vortex into which unarmed uniform members of the Civic Guard were thrust when allocated around the State. It is also alleged that the IRA issued an order in December 1922 that the Civic Guard were not to be fired upon.

³⁵ *This was not an Act, and there is some opinion which holds that it had no legal effect. A complex legal conundrum existed because under the Treaty terms a Governor General should be in place to give assent to the Bill and give it the force of law. In 1923 the Government introduced a retrospective Act of Indemnity designed to remedy any legal defects in the Resolution.*

³⁶ O’Farrell, Padraic, *Who’s Who in the Irish War of Independence*, Lilliput Press (1997).

Aftermath of the Civil War – Civil Policing Context

By the end of the civil war something in the range of 12,000 men had been interned by the Free State Government. These were held in many different locations around the country. Following the Irregulars' cessation of violence, a gradual release of those interned took place.

The Free State government had introduced military courts with the power to impose very severe penalties including the death penalty for a range of different offenses. These emergency powers were to become a feature of all Irish administrations in the years that followed with varying degrees of emphasis. It was obvious that when the integrity of the state was threatened normal democratic processes would be set aside in favor of emergency measures. These emergency measures have always been effective in dealing with the internal subversive threats. Self-evidently the exercise of draconian powers has a lasting and often detrimental effect on the participants involved on either side. On 2 October 1922, the Free State military (Óglaigh na h-Éireann) issued a proclamation providing for the trial and punishment of civilians before military courts. The penalties ranged from death, penal servitude, imprisonment, deportation, internment, and fines. Clearly the gloves were off, and no mercy would be shown. The Free State parliament passed a bill, 27 September 1922, called the Public Safety Bill. Therein lies an interesting technical point because no act of the Free State parliament could become law without the Royal Assent. Technically it appears that according to a strict legal interpretation such an Assent could only have been possible after the Anglo-Irish Treaty had been formally ratified. This ratification did not take until 6 December 1922. However, the army proclamation made it abundantly clear that the Free State was going to act in the manner outlined.

The default position for all the governments irrespective of political complexion has been to introduce special measures and legislation to deal with perceived or real threats to the existence of the state. The table overleaf contains the principal provisions enacted from

1922 to 1977. At the foundation of the state the enforcement role was fulfilled by the military and progressively from 1924 the AGS took the primary enforcement position. The military again took a significant position from 1939 in relation to the establishment of special courts and internment. Similarly in the 1970s they were again provided with extraordinary powers which were largely unused.

POLICY OF SUCCESSIVE GOVERNMENTS TO THE INTERNAL THREAT

Self-evidently policy was not developed in 1922 and it evolved as circumstances unfolded. Both main political parties were in turn to adopt the same strategy when dealing with the threats and actions of subversives and particularly dealing with the IRA.

The only pragmatic initial response was the military option exercised during the Civil War. This allowed the new Force to breath itself into existence without being directly involved in the military conflict. There were significant exceptions to that rule, including the murder of Gardaí. Subsequently the Garda Síochána assumed primacy in respect of law and order and the strategic and tactical approach changed, although the military still played a key role in their role as Aid to the Civil Power (ATCP). The key process was for government to declare a state of emergency. This policy allowed the government, through a series of enactments, to set aside the constitutional provisions which would normally provide for, trial by judge and jury, the rights to habeas corpus and other fundamental citizens' rights. These provisions were introduced on a temporary basis but over time acquired something close to permanence depending on the prevailing conditions in the country. Internment without trial was also provided. This approach commenced while Cumann na nGaedheal were in power and was reintroduced again when Fianna Fáil took power.

Fianna Fáil had protested strongly regarding these special measures while in political opposition. When they took office, they dismantled these provisions and initially operated a softly-softly approach to the IRA. Nevertheless, they were to reintroduce similar measures within a few short years in dealing with the threat from the IRA. In the interim before taking power, they used parliamentary privilege to repeatedly criticise the government for the use of these special powers. They also raised allegations concerning assaults committed or allegedly committed on detained persons.

The Garda reaction was one of close surveillance of suspected persons, arrests and questioning and often repeated arrests of the same individual. This was a highly contested tactic and was responsible for curtailing the activities of the IRA but not eliminating their threat.

Emergency Legislation 1923–1977

Public Safety Resolution 28 September 1922

No. 28/1923 – Public Safety (Emergency Powers) Act, 1923

No. 29/1923 – Public Safety (Emergency Powers) (No. 2) Act, 1923

Defence Forces (Temporary Provisions) Act, 1923

No. 1/1924 – Public Safety (Powers of Arrest and Detention) Temporary Act, 1924

15/1924 – Public Safety (Punishment of Offences) Temporary Act

No. 18/1925 – Treasonable Offences Act, 1925

No. 42/1926 – Public Safety (Emergency Powers) Act, 1926

No. 31/1927 – Public Safety Act, 1927

No. 38/1928 – Public Safety Act, 1928

No. 33/1929 – Juries (Protection) Act, 1929

Constitution (Amendment No. 17) Act, 1931*

No. 10/1939 – Treason Act, 1939

New Constitution 1937³⁷

Article 38 of the 1937 Constitution dealing with the trial of offences contains some of the most important provisions in our Constitution for the protection of the liberty of the subject. Basically it provides for the right to trial by jury in all criminal charges, save in three exceptional cases provided for by Sections 2, 3 and 4 of that Article. (Special Courts et al)

No. 13/1939 – Offences Against the State Act, 1939

No. 28/1939 – Emergency Powers Act, 1939

No. 1/1940 – Emergency Powers (Amendment) Act, 1940

No. 2/1940 – Offences Against the State (Amendment) Act, 1940

No. 16/1940 – Emergency Powers (Amendment) (No. 2) Act, 1940

No. 27/1940 – Offences Against the State (Forfeiture) Act, 1940

No. 19/1941 – Garda Síochána (Compensation) Act, 1941

No. 21/1941 – Offences Against the State (Forfeiture) Act, 1941

No. 16/1942 – Offences Against the State (Forfeiture) Act, 1942

No. 1/1945 – Garda Síochána (Compensation) (Amendment) Act, 1945

No. 17/1945 – Garda Síochána Act, 1945

No. 41/1947 – Garda Síochána (Pensions) Act, 1947

No. 14/1958 – Garda Síochána Act, 1958

(Women Recruited) Historic Event

No. 1/1962 – Garda Síochána Act, 1962

No. 1/1963 – Official Secrets Act, 1963

No. 26/1972 – Offences Against the State (Amendment) Act, 1972

No. 14/1976 – Criminal Law (Jurisdiction) Act, 1976

No. 32/1976 – Criminal Law Act, 1976

No. 33/1976 – Emergency Powers Act, 1976

No. 24/1977 – Garda Síochána Act 1977

³⁷ *Irish Jurist Reports 1965 Vol xxxi, Roderick J O'Hanlon*

MINISTER O'HIGGINS, Appointed 1922 – Assassinated 1927

The recently appointed Minister for Home Affairs was Kevin O'Higgins (30 August 1922), and he was instrumental in the appointment of the new Civic Guard Commissioner Eoin O'Duffy. These men were to have an increasingly stormy relationship as time passed but the Minister was a supporter overall. Kevin O'Higgins was assassinated on his way to Mass on 10 July 1927. He was grievously wounded but did not die immediately and he was brought a short distance to his own home. Many government ministers rushed to his side and the commissioner was also present. General O'Duffy was later to recount the dying words of O'Higgins to him "to carry on". These remarks were the cause of much cynicism on the part of O'Duffy's critics.

The new Minister was James Fitzgerald-Kenney who was less flamboyant than his predecessor and realistically was no match for O'Duffy in policing matters. He was a barrister, and he used his advocacy skills to good effect in Dáil debates. He steered significant legislation through the Dáil; the Public Safety Act 1928, the Juries (Protection) Act 1929 and the Constitution (Amendment No 17) Act 1931.

However, many dramatic events were to occur between the appointment of both men (1922) and the fateful events of July 1927. The commissioner put all his energy into ensuring that the new members of the Civic Guard were distributed around the country as quickly as possible. He was already showing his propensity for self-publicity, and he was developing a very strong ego. The force was to develop several magazines which were the vehicle for stirring and rousing statements from the chief and for different articles by members of the new force. These magazines were in turn, *Guth an Garda*, *Iris an Garda* and eventually the *Garda Review*. The commissioner used these magazines to great effect to promote his own views and to send messages to the government, the public and particularly to the force. Strange though it may seem, he adopted a communication strategy which was a century ahead of the social media propaganda of modern times. He placed great emphasis on the physical and moral characteristics the civic guards. Sport

and physical activity were high on his agenda, and he espoused a teetotal abstinence regime for these young men. He also promoted the idea that they were unique, and the cream of the country's manhood called to perform a great service to the nation. There are many photographs of him addressing officers and men in the front square at headquarters in the Phoenix Park while he stood on a wooden chair and in a highly animated fashion exhorted his men to high endeavours. Undoubtedly, he was a highly charismatic individual and many of the recruits identified closely with him, and he was highly respected as an officer with strong IRA credibility. Significantly most of the recruits were former IRA volunteers. It also appears that he was a very able administrator and had boundless energy for the task at hand.

GARDAI MURDERED ON DUTY IN THE FIRST DECADE

1. Murder Garda Henry Phelan 14 November 1922 – Mullinahone, County Tipperary
2. Murder Sergeant James Woods 3 December 1923, Scartaglen, County Kerry
3. Murder Garda Patrick O'Halloran, 28 January 1924, Baltinglass, County Wicklow.
4. Murder of Detective Arthur Nolan 29 February 1924 at Pearse Street Station, Dublin
5. Murder Sergeant Thomas Griffin, 6 May 1924, Cregg, County Tipperary
6. Murder Garda John Murrin, 6 May 1924, Cregg, County Tipperary
7. Murder Garda Thomas Dowling, 28 December 1925, Fanore, County Clare
8. Murder Sergeant James Fitzsimons, 14 November 1926, St. Lukes, Cork
9. Murder Garda Hugh Ward, 14 November 1926, Hollyford, County Tipperary

10. Murder Detective Garda Timothy O'Sullivan, 11 June 1929, Tullycrine, Cooraclare, Clare
11. Murder Superintendent John Curtin, 20 March 1931, Friarsfield, County Tipperary
12. Murder Detective Garda Patrick McGeehan, 14 February 1932, Fenagh, County Leitrim

First Murder – Garda Henry Phelan 1347 – Mullinahone, County Tipperary 14 November 1922

The first murder of a Civic Guard occurred on the 14 November 1922 in Mullinahone County Tipperary³⁸. Garda Henry Phelan and two colleagues were recently stationed in Callan, having been first allocated to Kilkenny. They had been stationed in Parliament Street on 27 September 1922. Garda Phelan had been an IRA volunteer in his native Laois. He was the youngest of nine children and in a bittersweet twist three of his brothers were members of the RIC. On that day himself and two colleagues cycled to Mullinahone to buy hurleys and a sliotar. The three men went into Mullaly's bar and general grocery shop having made their purchase. They were having refreshments, when three armed men entered the bar, and a shot was fired at close range hitting Garda Phelan in the head. He was killed instantly. Apparently, the raiders had been looking for guns. One of them is alleged to have said that "you can take it from me, it was an accident". No one was convicted of his murder although two local men went on trial sometime later but were not positively identified. Earlier an inquest was held into the shooting on 16th November 1923. The publican said she knew the identity of the killer and wrote his name on a piece of paper which was handed to the coroner. That person was never charged for the crime. The coroner's jury returned the verdict of willful and malicious wounding and the person who fired the shot was guilty of murder. The author Colm Wallace also related that the Garda Síochána Temporary Provisions Act, 1923 provided for payment to dependents of "murdered" Gardai. Subsequent history was to show that this provision was honoured in the breach for many years. The obvious facts are that

³⁸ *Ibid.*

the three members were identified when they entered the village that day and a word was sent to the Irregulars and the ensuing action followed. Equally so, probably every man and woman in the parish knew the identity of the killer. These were dangerous and frightening times and much of the population was certainly too scared to talk. A day later 25 Anti Treaty prisoners escaped from Kilkenny Jail and made good their escape. Four men convicted of possession of revolvers by a Military Tribunal were executed at 7 am on 17 November at Kilmainham jail. In these circumstances the murder of Garda Phelan got little national prominence. Conversely there were positive signs of emerging normality. In Kilkenny the first session of the District Court took place on Tuesday 14 November, and it was attended by members of the new force. District Justice Goff spoke in clear terms regarding the independence of their new Civic Guard and exhorting the public to support them. Latterly Liam Lynch Chief of Staff of the IRA Irregulars forbade the shooting of unarmed members of the Civic Guard. Garda Phelan was the only member of the new force to be killed during the Civil War. In the overall circumstances of the civil war this was a remarkable situation because killing on both sides was a daily occurrence. The Civic Guard achieved noncombatant status. This was achieved due to their well-publicised unarmed status, and they were yet to acquire the primary responsibility of dealing with subversive crime.

Murder Sergeant James Woods 2358 – Scartaglen, County Kerry 3 December 1923

Sergeant Woods was shot when a party of men entered his station on the night of 3 December 1923. The station was raided by several armed and masked men. The members present were assaulted and some of them stripped of their uniforms at gunpoint. In the course of the raid Sergeant Woods was shot as he ascended a sharp stairs at the point of a gun. One individual was charged but not convicted. In an ironic occurrence another man, Thomas Brosnan, was shot in the village by a Free State soldier,

Lieutenant Jeremiah Gaffney, who was subsequently executed for that killing on the 13 March 1924.

MUTINY ARMY 18 MARCH 1924

At the conclusion of the Civil War the Army strength numbered 52,000 men with 3,000 officers. This was an unsustainable position on economic or security grounds. The AGS established its position country wide with a presence in all counties with emerging acceptance by the population. The army situation came to a head in 1924 as a demobilisation process was in process.

An ultimatum was issued to the Executive Council (the Government) by Major General Liam Tobin and Colonel Charles Dalton. Subsequently on the 18 March the army raided a meeting of dissident officers at Devlin's public house in Parnell St Dublin. Devlin's was one of the pubs used repeatedly by Michael Collins and his colleagues during the war of independence and it is probably ironic that it was being used by the "mutineers" when raided by the national army. The raid resulted in the arrest of several officers and the seizure of some guns. Bizarrely the government seemed to consider this direct action by the army a usurpation of civil power and subsequently the army council and senior officers were required to stand down. The ubiquitous commissioner O'Duffy also figured in this drama. He was appointed GOC of the army in March of 1924. He remained in that position until October 1924. This was a most unusual position for somebody who was already commissioner of the police and continued in that role. This temporary appointment was a product of the rivalry between two ministers, the Minister for Home Affairs Kevin O'Higgins and the Minister for Defense General Richard Mulcahy who was also Chief of Staff of the army. O'Higgins was asserting the primacy and control of government over the army and the Executive Council were fully behind that decision.

ARMING THE GARDAÍ – ENFORCING THE LAW 1925

During the embryonic years of the State, force was met and overcome by force in a brutal and conclusive way. By 1924 the situation had changed certainly, and the State was now facing a threat of low intensity violence and criminality from disparate groups including the remnants of the anti-treaty IRA or Irregulars. This was a conflict unsuited to direct military action and required a response from a civil policing entity – An Garda Síochána. The dilemma for government was that the AGS had been founded as an unarmed force and much capital had been staked on that proposition. The emergency legislation on the statute book depended initially on Military action for enforcement and by 1924 that action was no longer considered acceptable from a political perspective. Self-evidently Eoin O’Duffy and the AGS was the only alternative.

Numerous legal provisions were enacted to provide the legal fibre to this new strategy.

No. 1/1924 – Public Safety (Powers of Arrest and Detention) Temporary Act, 1924

15/1924 – Public Safety (Punishment of Offences) Temporary Act

No. 18/1925 – Treasonable Offences Act, 1925

No. 42/1926 – Public Safety (Emergency Powers) Act, 1926

No. 31/1927 – Public Safety Act, 1927

No. 38/1928 – Public Safety Act, 1928

No. 33/1929 – Juries (Protection) Act, 1929

Constitution (Amendment No. 17) Act, 1931

In his book *Guardians of the Peace*, Conor Brady (Gill and Macmillan 1974) deals with the foundation of the Special Branch (Chapter 8) and Special Branch versus the IRA 1925-32 (Chapter 9). His work must be considered the seminal work on this period, and I have found it to be of considerable value in my own research.

Self-evidently the Government needed to unite three separate elements in implementing its counterstrategy, a credible body of law, a competent and efficient police force and an efficient and just, judicial system. Over and above these elements was the absolute requirement to maintain support from a significant majority of the population.

The AGS and the DMP were amalgamated in 1925 and that provided a singular police service for the State. It was also the mechanism by which a security service was provided technically part of the AGS but operationally separate. This new organization was headed by David Neligan, once again reinventing himself in this new role. The public face of this new body was to brand it an extension of the Detective branch in Dublin but extended country wide. In effect some twenty mobile units were set up consisting of ten to twelve men. These Gardaí operated in plain clothes and were armed. They had a remit to tackle both Crime Ordinary and Crime Special. Sergeant Shaw mentioned above was a member of one such unit sent to Waterford. It was also the intention that these Gardaí would also occupy separate premises from their uniform colleagues.

Armed Element

Minister O'Higgins informed the Dáil, during Committee Debate, Vote No 30, May 1, 1925. These provisions formally acknowledged the creation of an armed element as part of the force, albeit a plain clothes or detective element. This development also signaled the primacy of the AGS in matters of state security and subversion. In effect new battle lines were drawn with the IRA. Colonel David Neligan³⁹ was appointed to head this Detective Branch which had nationwide authority. He remained in that post until 17 December 1932 when the first Fianna Fáil government had taken power. He was offered and accepted a position in the Land Commission. His severance from the Force was painless, he was offered

³⁹ *Neligan drew pensions from the DMP, the British MI5, the Garda Síochána and the Irish Civil Service. He also received an 'Old IRA' pension through the Department of Defence.*

three months' salary, full pension rights and didn't formally leave until 18 March 1933. He was replaced by Colonel Eamon Broy who was to become commissioner the following year. Loyalty to the government of the day was a clear prerequisite for high office in the Garda. Neligan had proved himself to be the ultimate survivor and a complete contrast to Commissioner O'Duffy who declined a similar offer when the political tide changed in 1932.

The scheme of distribution for the Gárda Síochána provides for the establishment of 850 stations outside Dublin—that is, outside the area of the Dublin Metropolitan Division—and in addition to that 850 stations, 20 stations for the units of the detective branch. On the 1st April, 1924, 738 stations had been occupied; 84 additional stations have since been occupied, making a total of 822, and it is hoped that distribution will be completed before next winter.

With regard to the detective branch, when the Police Forces Amalgamation Bill was under discussion last December, I indicated that it was the intention to create a unified detective branch for the entire area of jurisdiction of the State—a plain-clothes detective branch, which would be armed, and which would deal, primarily at any rate, with major crime. That intention has been carried into effect. The strength of that branch is as follows: —1 Chief Superintendent, 3 Superintendents, 6 Inspectors, 39 Sergeants, and 192 Guards. The branch is made up of the former detective branch of the Dublin Metropolitan Police, 100 members specially selected from the Gárda Síochána, and in addition about 50 specially selected ex-members of the National Army, most of them being ex-officers. In forecasting the formation of this branch, I gave an undertaking that particularly close scrutiny would be made of the character of the men recruited for it, and I wish to mention that that undertaking has been very fully carried out.

The following shows the strength of the various ranks estimated as compared with the maximum strength authorized by the Police Forces Amalgamation Act. Chief Superintendents 25, authorised 29;

Superintendents 133, authorised 157; Inspectors 55, authorised 60; Station sergeants 44, Sergeants 1,298, 1,350 authorized; Guards 5,644, authorised 6,000.

In summary there was an authorised strength of 7,640 of all ranks, and the actual number recruited was 7,199.

Concentrated Attack by the IRA - Gardai Murdered, 14 November 1926, Sergeant James Fitzsimons and Garda Hugh Ward

The IRA had also thrown down the gauntlet by launching attacks on garda stations which resulted in the murder of two unarmed members of the force. These attacks took place on the night of Sunday 14 November 1926 all over the country. Two unarmed uniform Gardaí were murdered in these attacks.⁴⁰ It is not surprising that there was direct action by the force and undoubtedly heads were broken during this phase of the reaction. A tactic developed whereby individuals lodged civil claims in the High Court seeking damages and were successful in some instances.

The stations attacked were, Blackrock, Carrigtwohill, Rylane, Ballincurrig, Togher and St. Lukes in Cork. Rathgormack and Ballinamult in Waterford, Kilmessan in Meath and Castleisland in Kerry, Hollyford Tipperary. There was a general roundup of IRA members and suspected persons in the days which followed the attacks. The motivation for the attacks is difficult to pinpoint accurately because the stations attacked were not associated with the plain-clothes armed members of the force. Another factor was that De Valera was preparing to lead Fianna Fáil into government. They had split from the Sinn Féin party in May 1926, and this also was a break with the IRA who disputed the legitimacy of the Dáil. In effect they had the same ideological position as that adopted during the War of Independence but with extremely limited capability. However, there

⁴⁰ *Sergeant James Fitzsimons, St. Luke's Cork, Garda Hugh Ward, Hollyford, County Tipperary*

were many personal links and bonds existing between Fianna Fáil and Sinn Féin/IRA which were to influence forthcoming events. Additionally, a new Act was being debated in the Dáil, the Public Safety (Emergency Powers) Act 1926. This Act provided for the proclamation of a National Emergency⁴¹ and granted extensive powers of arrest and search to AGS and to the Military. It also granted powers of detention to any Executive Minister.

There was a High Court sequel to detention of several individuals at Rathgormack Garda Station. Damages were awarded against two Gardaí and a third member had his costs awarded against the plaintiffs.

The Jury found for the plaintiffs as against the two defendants, and assessed the damages as follows, For Healy. £3; Doherty, £20; For Crotty, £30. As against the third guard, the jury found in his favour and awarded his costs. Nenagh Guardian 19.11.1927.

This occurrence was also the cause of a serious disagreement between the Government and Commissioner O'Duffy who strongly resisted their wishes to have the gardai dismissed. O'Duffy ultimately prevailed in that regard. Ultimately no one was convicted of the murders of Sergeant James Fitzsimons and Garda Hugh Ward, a not unfamiliar result.

The horrible crimes did not reflect many other positive developments in the relationship between the AGS and the community. An example was recounted in the *Irish Independent* 15 November where the attacks were outlined in some detail, but a page was also devoted to a NACA cross country race which took place on the previous Saturday. The race commenced from the Garda Depot, Phoenix Park and massed competitors are photographed in the front square before setting out. Commissioner O'Duffy had no concerns about hosting the event and opening up the gates to the athletes.

⁴¹ This Proclamation would remain in force for three months only unless continued by the Executive Council.

GENERAL ELECTIONS 1927

There were two General Elections in 1927 and the result of the second election was to see Fianna Fáil under Eamon De Valera enter the Dáil for the first time and take the “Oath of Allegiance”, which they now described as an empty formula. The decision to take their seats was to have far reaching consequences politically but also for the AGS in the short term. One of the immediate consequences was that the anti-treaty IRA remained a potent force and did not support the parliamentary process and were to continue to engage in violence. It also emphasised the fact that the physical force adherents were not bound by the politicians. The main political parties had also left their Sinn Féin tag behind. Pro-Treaty Sinn Féin morphed into Cumann na nGaedheal and the Anti-Treaty Sinn Féin became Fianna Fáil. The battle lines were set for generations and were not redrawn until 2020. The last Election result in 1927 was a close run with Cumann na nGaedheal winning 61 seats and Fianna Fáil winning 57 seats. The balance of 34 seats were held by Farmers 6, Labour 13, National League 2 and Independents 13. Cumann na nGaedheal formed a government with the support of the Farmers and some independents. Public support once won could also be lost easily.

A vacuum had been occupied by the return of Fianna Fáil to the political forum and that presence served to undermine the claim by Cumann na nGaedheal that their security measures were mandated by the people. This new political reality also posed a problem for the AGS and for their commissioner because their *raison d'être* was that policing by consent was the enduring ethos. Essentially there was an emerging propaganda campaign which cast the AGS and principally the detective section as an enemy or a tool of government.

The concept of consent presupposes that society as a whole is based on a national shared consensus whereby the political system is considered legitimate. This legitimacy is often contested and the best that can be hoped for is majority consent which relies on a system of law to mediate our differences when all else fails.

Self-evidently as the political numeric gap narrowed between the parties the ground for popular support for the AGS narrowed.

There were two General Elections in 1927, in June and September. In the June election Cumann na nGaedheal got 314,703 first preference votes and Fianna Fáil got 299,486. In September Cumann na nGaedheal got 453,028 and Fianna Fáil 411,777, this translated into 62 seats and 57 seats respectively. Cumann na nGaedheal continued in power as minority government.

UNREST IN THE RANKS

There is a misconception that “labour” unrest in the Garda Síochána is of relative recent origin. Nothing could be more removed from the truth. Even before the Force was formed there was significant unrest in the British Police and in the RIC. The Desborough Report (1919) in the UK dealt with the British Forces but the RIC were not included in those changes.

There was an inevitable downturn in the economy as a result of the Civil War and the War of Independence. It was unsurprising that the “new” civil service mandarins recommended a pay-cut for gardaí and teachers. In 1924, Minister O’Higgins made an order reducing the pay of the AGS and the DMP. The commissioner was a strong advocate for the members of the force. He was to engage with the secretary of the Department of Justice, Henry O’Friel continuously but both the Department of Justice and the Department of Finance held the superior hand in money matters. Garda representation was provided by two Representative Bodies, one group represented the officers and one group represented Sergeants and Gardaí. For representation purposes they sometimes operated as a Joint Representative Body (JRB) but this group tended to be strongly dominated by the officers.

The Representative Bodies evolved into separate Associations for Chief Superintendents, Superintendents, Sergeants and Inspectors and Gardaí. This fragmentation along rank lines enhanced the negotiating power of the rank and file which led to powerful confrontations with government on pay and conditions of service. However, these developments were in the far distant future in the 1920s. The Gardaí did not have the right to vote in national elections until 1960. Nevertheless, the Representative Bodies were adept at lobbying through the newspapers and directly with politicians for vindication. This was even though they were formally prohibited from making direct representations to ministers. The Department of Justice was determined to keep them at a distance. In 1929 the government proposed more public sector pay-cuts and this directly involved the force. The Dáil debates strongly reflect the fact the Force was caught in the middle ground between the civil war parties.

Deputy Richard Corish speaking against the cuts in the Dáil 18 May 1929

That the *Gárda Síochána Allowances Order, 1929*, which was laid on the Table of the Dáil on Wednesday, 24 April 1929, be and is hereby annulled.

*In moving this motion to-night, I consider that I am performing a public service, as I am fully conscious of the discontent that prevails in the ranks of the *Gárda Síochána* since the Government's intentions in this connection were made known. Here we have a force established in the arms of a revolution, showered with praises by every member of the Government from time to time and by a great many members of other Parties, and deservedly so. Six years after its establishment, the members of it find themselves in the position that they do not yet know when they are going to reach bedrock, or what their future prospects are. They are not certain whether their position in the *Gárdaí* is tenable, or whether it is worth holding on to or not. Five years ago, there was an economy campaign started. One of the first bodies of people which the Minister for Finance or the Minister for Justice attacked was the *Gárda Síochána*. On*

that occasion the members of that force suffered a very severe decrease in their rates of pay, as well as a decrease in some of their allowances. Today they are in the same position, not to the same extent perhaps, but to an extent that they can less afford. Immediately prior to the cut in 1924, a *Gárda* had an allowance of £6 for his bicycle. It was afterwards reduced to £5, and today there is a reduction made from £5 to £2 10s. I think everyone will agree with me in saying that having regard to the increased work which a *Gárda* has to perform, it is absolutely impossible for him to maintain a bicycle in proper order on the amount of money now laid down by the Government he should receive.

Soon after the force was established, the work which a *Gárda* was called upon to perform was infinitely greater than the work of an R.I.C. constable, but since then his work has increased at least three-hundredfold. Regarding the administration of the School Attendance Act alone, a *Gárda* in a rural area is on his bicycle almost from daylight to dark in the effort to see that the Act is properly carried out.

I think everyone will agree with me when I say that the proposal to take away from the *Gárdaí* allowance is not alone very, very mean, but an outrage. When the *Gárdaí* were being recruited, they were told that they were to be supplied with uniforms. I think Deputies will agree with me that the boots are an essential part of their uniform—just as much as any other part of it. When I tell the House that the Government, or the Commissioner, or whoever is responsible, insists that a standard boot should be procured, and that it is against the regulations for the *Gárdai* to have a patch on their boots, or boots that are not in a suitable condition, I am sure the Deputies will also agree with me in saying that the proposal to cut down this allowance is certainly an outrage. In 1924 when the pay of the *Gárdaí* was reduced, the late Minister for Justice, Mr. Kevin O'Higgins, met the representative body of the *Gárdaí* and made them certain promises. **He gave them an assurance that there would not be any change in their conditions so long as the cost-of-living figure varied from 70, at the lower limit, to 100 at the higher limit. In view of the fact that the cost-of-living figure for the six months ending**

December, 1928, was 178, and that for the current six months it is 180, I believe that Deputies will agree with me in saying that this is a deliberate breach of faith on the part of the Government, because we must assume that the late Minister for Justice was speaking on behalf of the Government.

During the discussion on the Estimates here in 1926 the Minister for Justice, in answer to some suggestions that were made that some of the allowances of the *Gárdaí* should be cut, made the same statement and gave the same assurance. That assurance can be found in the records of this House in the debates that took place on the Estimate. I think we are all agreed that if we are to have a police force force it should be placed in an independent position. I am not going to suggest that the present force is corrupt in any way, but at the same time a force which is not properly paid and which considers that it is not being properly treated is subject to corruption. The treatment that is being meted out to the *Gárdaí* now might tend to corrupt, if not the whole force, at least some members of it, and the Government must keep that point of view in mind. In the Six Counties the position, in so far as the Royal Ulster Constabulary is concerned, is the same as was the position of the *Gárdaí* in 1924. The pay is the same as it was then, in accordance with the deliberations of the Desborough Commission. The members of that force have, I think, a cycle allowance of £3 18s., with a mileage allowance of 2d. per mile. I understand that the rates there are considerably higher in proportion than the rates for the *Gárdaí*, which at the moment are being cut. When speaking on economies, and when speaking of the *Gárdaí* Vote, people forget altogether that a great amount of the Estimate—I think it is £1,588,000 this year—is used in the interests of other Departments. The Department of the Minister for Agriculture has used the *Gárdaí* for taking the various census returns of production, and things of that kind. The Minister for Education has used the *Gárdaí* practically every day of the week, and in that connection, there are perhaps two or three *Gárdaí* employed in every area. The Minister for Local Government has used them for the compiling and checking of jurors' and voters' lists. I think it is only common justice that the expenses in that connection should be

charged to the particular department for which the *Gárdaí* are functioning in any particular way, and when speaking of the *Gárdaí* Vote being at a certain level we should take that into consideration. As a disciplinary force the *Gárdaí* are at the mercy of the Government.

They have a representative body, but as far as I understand as regards that representative body, things are cut and dried, and there is a fait accompli before the representative body is allowed to say very much. In that connection, I would say that in my opinion an illegal action has been done by the Government in decreasing these allowances, which are now under consideration. One would think they would have waited until the statutory period of twenty-one days had elapsed, when they knew a motion of the kind I am moving to-night was to be under consideration. I would like to hear what defence the Minister for Justice has to make in that connection. The allowances to the *Gárdaí* are made to cover unavoidable expenditure. One would like to ask how the Minister expects that the *Gárdaí* would do the duty they are expected to do in a rural area without a bicycle? I understand that so far as the *Gárdaí* are concerned there is a regulation preventing them from employing a motor car or any other vehicle inside a twelve-mile radius, so that it is absolutely necessary, especially for *Gárdaí* in a rural area, that a bicycle should be in use for practically the whole day. Certainly, the *Gárdaí* may be costing too much so far as the country is concerned, but I think it would be far better if the Minister, or the Executive Council, were to permit of a certain number of the *Gárdaí* resigning, as I believe there are parts of the country where there are too many *Gárdaí* and treat them as they have treated the officers in the Army. A great number of them are discontented on account of the uncertainty of their position, and I believe that as regards economy the same result could be brought about as in the case of the Army. If we are to have a contented police force the Ministry should announce that we have got down to bed-rock so far as the pay and other conditions of the force are concerned. In that connection, I believe the country would be behind the *Gárdaí*.

What was the position when the Gardaí were established? I am not going to refer to political matters. I hope our friends on the left will support me in this matter and not view it from a political viewpoint—because I daresay there is a certain amount of animus in some of their minds—but from the point of view of workman and employer. The country was in the arms of revolution, and every robber and criminal in the country took advantage of the position that prevailed and immediately set himself up as a menace to the country. Robberies were wholesale. As a matter of fact, a great number of people thought we would never reach a normal state of affairs. We know how the Gardaí worked, and we have given them credit for bringing the country back to a normal state in a shorter period than we thought possible. The Government who established the Gardaí, and the Party associated with the Government, praised the Gardaí, and justly so, for what they had done. In this matter they should reconsider their decision and give back to the Gardaí what they had robbed them of, and I do not think that "robbed" is too strong a word. The Gardaí are nobody's children. They are a disciplined force, and they cannot take advantage of the channels which would be afforded to the ordinary working people in the State. Because of that I think the Government have taken a very mean advantage of the situation.

The motion was defeated but set the tone for future debates in the following three years. The government was supported by Fianna Fáil and only the deputies on the Left voted for the motion. The government also decided to stop recruiting and to close several stations.

There was a strong sense of elitism in the social scene. One of the highlights of the year in many divisions was the Annual Ball. In the case of Clare that was held that year in the Old Ground Hotel in Ennis and the county set were very well represented.

There was tangible rank and file disenchantment with government regarding pay and conditions and this was to develop into a major test of wills. O'Duffy was publicly supportive of the Gardaí which

would not have endeared him to Government. Further pay-cuts again loomed as a new election was imminent in 1932. This election brought organised garda meetings country wide. The Fianna Fáil minority government pursued the cuts for gardaí, teachers, army and civil servants. A new dynamic was present and the gardaí gleaned strong public support in many quarters, and resolutions of support were passed by many local authorities. There was another unseen dynamic acting in the guards' favour, the Fianna Fáil government had set about the recruitment of "reliable" men into the AGS and specifically to the detectives, they certainly need a force that they could count on in the future. The pay-cuts suggested for the AGS were reversed and the initiative for that came from the Senate who rejected the cuts Bill in July of 1933. The government dithered for a while but eventually agreed to not apply the cuts to the AGS. This exemption was the exception to the rule as others had the cuts applied including the civil service.

Unrest Again

The inevitable question concerning pay continued to be an ongoing problem. The Representative Body (for Gardaí)⁴² remained the strong vehicle for representation on conditions of service. It was customary that the central committee would meet once a year in the Garda Depot, and it was also customary that the Minister for Justice would attend. That was the case until 1935 when the minister P.J. Rutledge declined to attend. This did little to improve the relationship between the respective parties. Matters came to a head in 1937 when the Representative Bodies in session decided to concentrate on the singular issue of the restoration of the 1929 allowances and the reversal of the pay-cut made in 1924⁴³. They wrote to the minister and got no reply, they then requested a meeting with him, he declined because he was ill. Their next move was to seek a meeting with Mr. De Valera and he refused to meet them. Commissioner

⁴² There were now three Representative Bodies, one for Officers, one for Inspectors and Sergeants and one for Gardaí.

⁴³ McNiffe, Liam, A History of the Garda Síochána (pp 144), Wolfhound Press (1997).

Broy⁴⁴ and senior officers had already indicated their support for the Representative Body case. Orders were given to the commissioner to direct the members to their stations. The door had been firmly shut in their faces. Statistical analysis by Liam McNiffe showed that in real terms garda pay had significantly decreased since 1922. By 1939 pay had decreased by -15% and this trend was not reversed until 1948 when the trend had gone positive to +27% on the 1922 base line⁴⁵. Sergeant P.J. Gallagher was the secretary of the JRB for many years, commencing in 1925 and concluding with his death in 1957. He made a major contribution to the welfare of his colleagues and to two welfare organisations, the Garda Benevolent Society and the Garda Medical Aid Society. The latter society developed into a highly professional organisation catering for the medical needs of garda members and their families. A new flash point occurred in 1939 when the government decided to recruit a new section into the AGS which was called the *Taca Síochána* and at a lower wage than the permanent. This fact did not endear them to the existing Gardaí. It's interesting to note that the *Garda Review* in December 1939 was reporting in positively glowing terms of a meeting with the Minister for Justice Mr. Boland where "From every point of view, this interview was most satisfactory, and the Minister showed a friendliness of spirit and an appreciation of the justice of the Garda claim, which was most heartening". The Minister was about to make a new Order improving the Rent Allowance payable to members of the Force.

One remarkable feature was the fact that despite the obvious incidences of armed crime, the occasional murder and disruptive behavior life seemed to go on in a relatively normal way. The social media of the day, the newspapers, are full of reports of Garda sports and athletics. There are many reports of the transfer of members from one station to another usually commenting on the good character of the member departing. Gardaí were playing a major role in the GAA and were

⁴⁴ *Irish Press* 11.6.1937

⁴⁵ McNiffe, Liam, *A History of the Garda Síochána*, Wolfhound Press (1997).

the holders of many All-Ireland medals in hurling and football. Celebrated sportsmen like Ned Tobin and Larry Stanley were household names. In 1927 nine Gardaí were on the Dublin Senior hurling team that won the All-Ireland title that year. The annual garda dances got prominence. Many Gardai were marrying local girls and they were welcomed gladly in far flung counties. Life could also be hard for families transferred away from their relatives and having to deal with that dislocation. Accommodation was often very poor and basic amenities not available in many cases. Nevertheless, the sons and daughters of these families went on to significant achievements in many cases. Education and hard work were the passport to a better life.

CULT OF PERSONALITY

From his earliest days as commissioner, O'Duffy exhibited a cult of personality within the force. The main vehicle for this was the Garda journal. In September 1923, a single issue of *Iris an Garda* included thirteen pictures of O'Duffy, three of them full-page portraits. A preceding issue contained a lengthy account of his revolutionary record, another reprinted his entry in *Hue and Cry*, while others rehearsed his achievements in the GAA. An editorial in another issue of the same month reprinted his oration on the death of Collins.

He produced a continuous stream of publicity using the garda magazines and regular print media incessantly.

1 October 1923: Issue of General Order No.14. "Intemperance in the Civic Guard - for no man of any rank who is addicted to drink will be permitted to remain a member of the Civic Guard. This is a penalty which will be rigidly enforced" (See *Iris an Garda*, November 1923 – Garda Museum Library).

8 January 1924⁴⁶: Letters from Walter Scott to Commissioner O'Duffy confirming the bequeathal of a gold bond to enable the striking of the

⁴⁶ Courtesy of retired Inspector John Duffy and *Síocháin* magazine

Scott Gold Medal in perpetuity to An Garda Síochána. (See *Iris an Garda Síochána* - January 1924; Garda Museum Library).

28 January 1924: Shooting of Garda Patrick O'Halloran in Baltinglass while attempting to arrest two armed bank robbers. Commissioner O'Duffy, delivered an oration at the graveside. (See *Iris an Garda*, Vol. 1, No. 51, 11 February 1924).

7 May 1924: Murder of Sgt. Thomas Griffin and Garda John Alphonsus Murrin at Cregg, Carrick-On-Suir, Co. Tipperary, while attempting to arrest an armed criminal. Commissioner O'Duffy delivered the oration. (See *Iris an Garda*, 19 May 1924, Garda Museum Library).

September 1924: Commissioner O'Duffy, honoured at a dinner in the Shelbourne Hotel hosted by Commissioner McDonald of the New York Police Department. (See *Guth an Garda*, Vol.1 No. 11, 18 September; Museum Library

December 1924: Profile of sports achievements of 1924; athletics, boxing, Gaelic Games (football, hurling and handball). (Photographs and text given in *Guth an Garda*, Vol. 1. No. 21, 18 December 1924, pp. 25-32).

28 December 1925: The murder of Garda Thomas Dowling, ambushed and shot dead at Croggagh, Fanore, Co. Clare, in reprisal for his enforcement of illicit distillation laws. (See *Garda Review*, Vol 1 No. 3 pp.

January 1926: Editorial note on the theme of "courage" on the presentation of a Scott Gold Medal to Sgt John Rooney of Kanturk Garda Station who disarmed a robber in Donegal in 1924.

April 1926: Under the heading 'Sport in the Garda' - outlines the welcome for the establishment of a Garda Week, which covers many

areas of sport ranging from athletics to tug of-war. (See Garda Review, Vol. 1.No. 5, April 1926 Garda Museum Library).

14 November 1926: Murders Sergeant James Fitzsimons, St. Luke's, Cork, and Garda Hugh Ward, Hollyford, County Tipperary.

10 July 1927: The assassination of Kevin O Higgins, first Minister for Justice while walking to Church from his residence 'Dunamais' Cross Avenue, Blackrock. (*Garda Review*, Vol. 11 No. 9 1927).

December 1927: Christmas message from the Commissioner quotes from the late Minister for Justice Kevin O'Higgins, as follows "The internal politics and political controversies are not your concern. You will serve, with the same imperturbable discipline and with increasing efficiency, any Government which has the support of the majority of the people's elected representatives. The party will, no doubt, succeed in the ebb and flow of the political tide. New issues will arise and the landmarks of today will disappear, but you will remain steadfast and devoted in the service of the people, and of any government which it may please the people to return to power. That is the real meaning of democracy, Government of the people by the people through their elected representatives. It is the only barrier between mankind and anarchy". (*Garda Review* Christmas Message; December 1927, Vol. 111 No. 1 p3).

Rome

O'Duffy certainly used his power pulpit as a means of advancing his personal profile and views. His interest in the sporting activity of the AGS had an obsessive quality, and he certainly enjoyed the sporting prowess of the young men of the new force. He firmly displayed his Catholicism, and one of his big adventures was marching the officer corps and colleagues to meet the Pope in 1928⁴⁷. The Passionists Religious Order based in Mount Argus in Dublin has a direct connection with the Dublin Metropolitan Police and subsequently with Garda Síochána for

⁴⁷ *Irish Independent* October 20, 1928

many years. They produced a booklet in 1993 marking 100 years of that connection, *The Passionists and the Policeman in Ireland, 1893 – 1993* and yes, I know, no mention of women. O'Duffy certainly had this ideal in mind when he visited Rome at the head of 250 Gardaí. They were received by Pope Pius XI in audience on 19 October. The good General did not come empty-handed and a “beautiful casket was presented which contained a large sum of money”. The paper also recalled that while the Pope read his address, the General remained prostrate and the gardai knelt. Unfortunately, no photograph accompanied that description. In the afternoon the General was invited by a certain Signor Mussolini, Italian Prime Minister, to review a military parade in Rome but he had to decline because of the pressure of other engagements – such self-sacrifice. The newspaper records that he had an opportunity to visit Mussolini the following day where they shared valuable information on the history of the guards. It was also noted that he planned to return home via Paris. On October 23 the *Irish Independent* recounted his triumphant entrance into Paris where he was met by Major General WRE Murphy, Deputy Commissioner, the officer in charge of the Dublin Metropolitan Division (formerly the DMP). The Deputy Commissioner was with a party of Garda boxers who were to engage with their French counterparts in what was termed a week of “Franco-Irish Free State Police Fetes”.

O'Duffy wore his Catholicism like his Nationalism on his sleeve for all to see. He led another Garda pilgrimage to Lourdes in 1930. He was accompanied by his cousin Patrick Walsh, Ned Broy, David Neligan and many other officers. He was also the Chief Marshall at Eucharistic Congress held in Dublin in 1932. These garda pilgrimages were emulated in 1982 when Commissioner Patrick McLaughlin organised another pilgrimage to Rome to mark the Diamond Jubilee of An Garda Síochána. However forthcoming shadows were looming on the horizon.

Policing the 1930s

POWER STRUCTURE

Minister for Justice	President Executive Council
James Fitzgerald-Kenney 1927 - 1932	W.T. Cosgrave August 1922 – March 1932
	Cumann na nGaedheal
James Geoghegan 1932 - 1933	Eamon De Valera Fianna Fáil 1932
P.J. Rutledge 1933 - 1939	
	TAOISEACH
Gerald Boland 1939 - 1948	Eamon De Valera Fianna Fáil 1937 -1948

Commissioner	Served
Eoin O'Duffy	1922 – 1933 February
Eamon Broy	1933 – June 1938
Michael Kinnane	June 1938 – July 1952

MURDER SUPERINTENDENT JOHN CURTIN TIPPERARY, 20 MARCH 1931

The spectre of IRA violence lurked beneath the surface and occasionally came roaring to the forefront.

This was particularly the case in the cold-blooded murder of Superintendent John Curtin⁴⁸, 20 March 1931, near Tipperary town. His killing represented a synthesis of key elements which were present during the formative years. The IRA had become emboldened and maintained their adherence to the physical-force aspect of nationalism, they saw themselves as the adherents to the struggle for an Irish Republic. In time it would become clear to Fianna Fáil, as well as to all shades of constitutional nationalism, that the IRA's fundamentalism could only be defeated by coercive measures and retention of good public support. Fianna Fáil, now in the Dáil, maintained an ambivalent attitude and advocated the interests of the physical force adherents as a matter of their civil rights. Tipperary was a "disturbed" county and the physical force tradition lived on there. Superintendent Curtin's murder was the tenth murder of a member of the AGS since the foundation. It was the fifth killing in Tipperary. Forty-six RIC men were killed there during the War of Independence. It was a region where the rule of law did not run easily when it came to militant republicans. The political tide was ebbing for Cumann na nGaedheal and almost by extension for members of the AGS who were identified with their policies, however unjustly.

Superintendent John David Curtin (783) was 29 years old and married. He was a native of Meengorman, County Cork and came from farming stock. He joined the AGS on 15 April 1922 and like most of his colleagues he had been in the IRA, despite his youth. He was posted to

⁴⁸ Wallace, Colm. *The Fallen: Gardai Killed in Service 1922-49* (pp. 117-126). *The History Press* (2017).

Killarney and served in Donegal, Leitrim and Longford. He had received rapid promotion and was appointed a superintendent in July 1926. He was sent to take charge of Tipperary district in May 1930 and a few months later he married Maureen O'Sullivan in Killarney. Local newspapers report the marriage of a popular superintendent and relate that the couple left for their honeymoon in Germany.

On a more reflective note, while General O'Duffy demanded and got dedication and application from the members of the AGS their welfare was not particularly a government priority. The most obvious sign of this malaise was the absence of significant compensation for members killed or injured in the course of their duty. Statutory provision had been made for the payment of gratuities or special payments at government discretion in the Garda Síochána Temporary Provisions Act. 1923. This was not an accessible or viable system and the process undertaken was by way of application to the Circuit Court and taken against the Local Authority where the outrage was committed. It transpired that many applications were unsuccessful due to a "failure to prove malice" against a particular garda by the perpetrators of the attacks. This factor was also to have an airing in Superintendent Curtin's case.

The circumstances of Superintendent Curtin's death were blatant and cold-hearted. It was a calculated assassination carried out in the hours of darkness. He had been on duty in his district, and he drove to his residence at Friarsfield House, outside Tipperary Town. His residence was set back from the road and had a substantial double iron gate. The gate had been damaged quite recently and had been left in the open position. When he arrived, one side of the gate had been pulled across effectively blocking his way in. He stopped his car and approached the gate and at that point he was fired on from an almost point-blank range and mortally wounded. He was wounded at least five times and one shot was discharged close to his chest, there was a burn mark on his coat indicating close contact with the firearm. The stark and tragic truth is that he left a young wife Maureen behind, and no amount of ceremony

could fill the abysmal grief experienced by her. She was pregnant with twins, and she was to experience even more grief shortly afterwards. The twins did not survive their birth, she now had to bear an unimaginable loss. On the night that her husband was shot she was in the house at Friarsfield. She had retired to bed and was alerted by her sister Irene. It was apparent that headlights were shining in the direction of the house from the gate. Both women went to the gate and found the superintendent lying unconscious on the ground beside his car. He was obviously badly injured. They summoned help and brought him to the house.

A comprehensive newspaper account of his killing and the background to it was provided in the *The Nationalist* (Tipperary), 25 March 1931. There was widespread condemnation both local and national with some exceptions. One of the most telling comments came from Judge Sealy, speaking in Clonmel Circuit Court where he emotionally referred to a case which Superintendent Curtin had prosecuted before him, in relation to illegal drilling by the IRA. He said, "Superintendent Curtin had been engaged here recently in a case of illegal drilling, and it may seem possible perhaps this had been as a result of his activities in that case". That case collapsed because of IRA-induced amnesia and shortly after that another man, John Ryan was shot as an informer with a placard hung around his neck denigrating him as a spy. He was a witness at the drilling case. This case had an inept conclusion in December 1931 when seven men were prosecuted before a military tribunal for perjury at their original trial. Two men were acquitted, and the remainder were found guilty but released on bail pending sentence. There is no record of arrests being made in connection with the murders of Superintendent Curtin or his witness John Ryan. One report suggests that extra garda manpower drafted into Tipperary had been withdrawn relatively quickly. It's reasonable to assume that the press reporting could not reflect the hidden stories.

There are unexplained time gaps in the sequence of events from the time of his murder to the arrival of medical assistance and Gardaí at

the scene. He arrived at his front gate at 10.30 pm. The gate was half closed, and he got out, car engine still running, headlights shining on the gate. He pulled the gate open and turned back to his car, he was shot at least five times, his body had four entry and exit wounds and one entry wound on his chest. The rough surface outside the gate showed evidence of hard braking because he did not expect to find the gate half closed. Two young boys passed the car, with headlights on and engine running and allegedly did not explore further. One of the boys lived in the same house complex as the victim. He walked by the car and in the driveway, taking the exact path that the victim would have taken. It was approximately 60 yards to his front door. His father was present in the house and said that he heard no shots. Another neighbour who lived 400 to 600 yards away, saw the car, saw the headlights, and heard the shots. He watched for 10 minutes but did not explore further. Mrs. Curtin and her sister went to the gate at 11:00 PM and made the horrible discovery. They got assistance from the man who lived in the same house complex and his sons. Together they brought John back to the house, he was unconscious but felt warm to the touch. The first Gardaí to arrive at the scene came at 1:15 AM and the doctor arrived at 1:20 AM. Considering the distance between the house and Tipperary town, this is a distance which would have been covered in minutes by a car and slightly longer on bicycle or by foot. There was at least a time gap of two hours before assistance arrived and no explanation was offered publicly for that. It is likely that the killers had been covered off by other colleagues to allow them to get away unhindered. Reliable information suggests that this was the second time that the killers lay in wait for Superintendent Curtin and therefore the ambush had been well planned to cover all contingencies. It is likely that locals had been warned to keep their heads down and see nothing until the trail had gone cold. This was in keeping with a strong feeling of intimidation that permeated the entire area.

Source material clearly indicates that the Gardaí knew the identities of the killers. They said all the relevant people lived within ten miles of Tipperary station. This was a finite number of people, but the plain fact was that the criminal justice system was incapable of dealing

with the mafia-like omerta that prevailed. Internment was the only temporary weapon which could take them out of circulation.

IRA Justifies Murder

Days after his death, the organisation Cumann na mBan, a women's group closely aligned with the IRA, circulated a poster in the local area which boldly stated, 'The men of Tipperary will not allow a Free State police superintendent to stand between them and freedom'. The deceased superintendent was also denounced by the socialistic republican party, Saor Éire, and An Phoblacht, which stated that he had overstepped the mark and made capturing republicans his hobby. The newspaper published an article in which they described how the Special Branch should be handled: 'Members of the CID must be treated as social pariahs. That treatment must be extended to district judges and uniformed police, to every individual who is a willing part of the machine by which our Irish patriots are being tortured.' Frank Ryan, editor of the same newspaper, gave an interview to an English journalist in which he defended the shooting of Superintendent Curtin and objected to it being called a murder or assassination. Ryan stated: The shootings were acts of war. Curtin had exceeded his duty. He went out of his way to persecute the IRA. The Civic Guard have no right to interfere in matters which don't concern them. If they ask for trouble they must not be surprised if they get it.

Similarly, when Frank Ryan of An Phoblacht was asked about John Ryan's killing he replied, "He was nothing else than a traitor".⁴⁹

There was widespread intimidation of public bodies attempting to prevent them issuing votes of sympathy. The GAA in Tipperary relied on their constitution preventing them from making a suitable expression of sympathy. Fianna Fáil did condemn both murders through their paper *The Nation* but in somewhat cringing terms.

⁴⁹ *Ibid.*

No matter how we may condemn the debasing methods of espionage adopted by the Free State Government, we cannot for a moment admit that the use of those methods gives to any citizens, or organisation of citizens, the power of life or death over the Government's agents

Commissioner doubts prospect of success in finding the killers.

General O'Duffy⁵⁰ also seemed to be losing confidence in the ability of the State to deal with these attacks. In the course of an interview at the Garda Depot he made very telling remarks. He remarked on the numbers of Gardaí who had been murdered since the foundation of the State. ***None of these members were involved in so-called political work and in no case were the murderers brought to justice. These murderers are being shielded by the people and from what I know the murder of Superintendent Curtin will go unpunished.***

The Nationalist recorded; The extra force of Civic Guards which has been in Tipperary since Saturday has left and at the moment everything is quiet.

Funeral

The funeral of the slain superintendent was a solemn and tragic affair. His remains were removed in the first instance to St. Michaels Church in Tipperary and a funeral service was held there the following Monday morning. The remains were then removed for interment at his family plot in Newmarket, Co. Cork. Church and State were fully represented, and full honours were rendered by members of the Garda Síochána. No ceremony, no matter how well intended, could mitigate the suffering caused.

⁵⁰ The Nationalist (*Tipperary*) and Reference Irish Independent, 31 July 1931.

Compensation

The next hurdle to be negotiated was the question of compensation to Mrs. Curtin. As mentioned already this involved making a claim against the local authority concerned for compensation for the criminal injury caused. This was a far from perfect system as the families of other slain Gardaí had discovered. In due course a claim was lodged with the Circuit Court against Tipperary South Riding County Council. The claim was for £15,000 and supporting information was supplied by the garda authorities. Mrs. Maureen Curtin was obliged to give evidence and she described for the first time what she had experienced that night. She also informed the Court that her twins had not survived their birth on the 18 April. Judge Seery awarded her £6,000 and made the insensitive remark that she had no children to support, and one could not allow oneself to be carried away with one's sympathies. In fairness he also remarked that the Superintendent was murdered because of his duty commitments.

The Council served notice to appeal and in October 1931 the appeal was withdrawn, and order confirmed, and expenses allowed. In their draft appeal the Council had stated by way of argument that the award was excessive, the applicant had not showed special malice (by the killers) and there was no evidence to show that the deceased was shot because of his duty in bringing offenders to justice. Thankfully they withdrew their appeal without putting the unfortunate widow through more trauma. Additionally, the State had stopped her Garda widows' pension and then subsequently had to reinstate it. The matter of garda compensation was not finally settled until 1945 and then only following the deaths of more Gardaí.

CAT AND MOUSE BATTLE WITH THE IRA

The hard-line IRA activists were still out in the cold as Fianna Fáil joined in the democratic process and took their Dáil seats in 1927. Fianna Fáil had swallowed the Oath of Allegiance and Cumann na nGaedheal had

introduced legislation following the murder of Kevin O'Higgins which would have disqualified non-attending TDs from contesting the next election. Fianna Fáil were being pragmatic, and the fundamentalists were increasingly frustrated. Nevertheless, the party now in the Dáil continued a policy of support for their radical wing. Questions were asked regarding arrests and searches and alleged assaults, and the need for emergency legislation was under attack.

Garda Murders 1926 -1932

Murder Sergeant James Fitzsimons, 14 November 1926, St. Luke's, Cork
Murder Garda Hugh Ward, 14 November 1926, Hollyford, County Tipperary

Murder Detective Garda Timothy O'Sullivan, 11 June 1929, Tullycrine, Cooraclare, Clare

Murder Superintendent John Curtin, 20 March 1931, Dundrum, County Tipperary

Murder Detective Garda Patrick McGeehan, 14 February 1932, Fenagh, County Leitrim

Several counties were very problematic such as Clare, Tipperary and Leitrim. There was intimidation of witnesses, and it became increasingly difficult to maintain successful court prosecutions. The government introduced two pieces of legislation, the Juries (Protection) Act, 1929 and the Constitution (Amendment No. 17) Act, 1931. The Gardaí employed a tactic of continuous disruption of IRA members. This involved multiple arrests of the same individual, which led to the inevitable complaints of harassment and assault and civil actions. The IRA also understood the efficiency of launching civil actions for damages and were successful in many cases. The Fianna Fáil TDs asked questions on the status of different confrontations and in some instances named the Gardaí.

A typical example were the questions raised by Sean Lemass TD in the Dáil on the 23 October 1929. Mr. Lemass, asked the *Minister for*

Justice if Mr. William Roe, Dublin, was arrested at 7 a.m. on October 3rd, released at 11 a.m., rearrested at 11.30 a.m., and again released at 3 p.m., and further, if at 7 p.m. on the same evening Mr. Rowe was followed through Thomas St. and Meath St., Dublin, by two members of the Detective Division, who, without warning, fired several shots at him with revolvers, and, if so, to state whether such members of the Gárda Síochána acted under orders and for what purpose.

William (Billy) Roe IRA to Special Branch 5 AUGUST 1933

Minister for Justice (Mr. Fitzgerald-Kenney) replied.

It is a fact that William Roe was arrested twice on the 3rd instant, but it is not true to say that on the evening of that day shots were fired at him without warning. Roe's movements were being watched by the police, and he was twice called upon to halt. He did not halt, and two shots were then fired in the air by the detectives who were pursuing him. Roe is a member of a gang who have been responsible for many serious outrages, and it is essential to watch his movements to prevent the perpetration of further outrages. Information continually comes to hand concerning Mr. Rowe's criminal tendencies, and the events of the 3rd instant in which he figured arose out of the police surveillance to which it has been found necessary to subject him.

A series of questions and answers followed, using a formula which had by then had become ritualised. The deputy accuses and the minister denies. There is an interesting sidebar to this exchange. On the 4 August 1933, under the new Fianna Fáil government, Roe was again to undertake national service!

There was an interesting sequel to this exchange in August 1933 when William Roe received a message from someone high up in government. He was to report to the Garda depot at 9:00 AM the following morning (5 August 1933) to be sworn in as a member of the AGS. He was promptly allocated to the Special Detective Unit (Special

Branch), the home of his old adversaries. He was sent on protective duty to government buildings. He was promoted to sergeant in 1934 and allocated to enquiries in Special Branch. In 1939 he was allocated to duty in the public office in Special Branch and remained in that posting until retiring in 1966. *Iris an Garda* reported on his retirement in April 1966. His services during the War of Independence were recounted together with decorations received, including that he was the last surviving member of the force with the 1916 medal. His service during the Civil War and afterwards is politely recorded, noting that he had been arrested several times and had succeeded in escaping each time. It also noted that he had been wounded twice.

Following the murder of Superintendent Curtin, a new crisis faced the government, and their ultimate solution was to pass the Constitution Amendment Act (no 17) 1931. The overall State of the Nation is comprehensively covered in Archive Documentation held in the School of History and Archives, James Joyce Library, University College Dublin⁵¹. This material provides an authentic record of intelligence gathering by the AGS and the collation of this information with contemporary events otherwise collected and presented in a contextually relevant manner. This information was contained in individual books which were compiled for the information of government ministers and departmental officials. Ministers were expected to relinquish this material on departure from office. This quite obviously did not happen.

Official thinking in 1931 reflects a frustration and realisation that the IRA were winning the battle against the AGS. The IRA had adopted a tactic that negated the AGS strategy of repeated arrest and detention of subjects. They took civil actions commencing in March 1931 and prosecuted before the Circuit Court in Dublin. They sought damages for illegal arrest and false imprisonment. They were successful and damages were awarded to them. It surprised officialdom that they didn't take this

⁵¹ Reference Sean MacEntee Papers – Departmental Notes on Events – 1931/1940, and Appendix O, Events Prior to January 1931, P67/534

action on a wider scale because undoubtedly, they would have driven a coach and four through the criminal justice system. This action was coupled with a determined policy of intimidating witnesses and jury members. There were three murders that year, Patrick Carroll an agent, Superintendent John Curtin, and John Ryan a witness in the case referred to already. The immediate action was to ban the Wolfe Tone commemoration at Bodenstown cemetery. This action succeeded because the railway company were ordered to cancel all trains servicing that event. A strong military and AGS presence ensured that order was maintained. Incredibly the Dáil took a long summer break from 17 July to 14 October 1931. On its resumption it set about passing the Constitution Amendment Bill. The Bill passed through all stages and became law on 17 October. A series of measures were implemented immediately. Several organisations were deemed unlawful, the IRA, Saor Éire and other left-leaning organisations. A Special Powers Tribunal was appointed and manned by Army Officers. Different publications including "An Poblacht" were banned and a proposed meeting in Dublin on 7 November to celebrate the Russian Revolution was also banned. The *Irish Press* was successfully prosecuted for seditious libel, and minor fines were imposed. The Dáil was dissolved on 19 January and the General Election campaign got under way. On 14 February a Cumann na nGaedhael candidate, Patrick Reynolds was canvassing when his accompanying protection officer Detective Garda Patrick McGeehan were shot dead by Joseph Leddy. Leddy was eventually convicted of manslaughter and given a 12-month jail term. Compensation was paid to Reynold's widow and the father of the detective was refused compensation, a familiar story.

Public Acceptance

1932 was to be a watershed year in the history of the AGS. It had become established throughout the State and was generally accepted by the population. Its initial members were now ten years on and were mostly married and were increasingly worried concerning pay and conditions. The AGS had now some 7,000 members and in most areas,

they were occupied with a range of duties which had little to do with stressful policing. Tasks included enforcement of School Attendance, a range of functions for government departments, collecting statistics and many other similar responsibilities. Nevertheless, danger lurked beneath the surface everywhere. . The force was stationed in every part of the State and contemporary accounts indicate that AGS was engaged in many sporting and social activities. These activities commanded widespread support and respect. O'Duffy, despite his many eccentricities, was a keen supporter of community involvement. Noel Hynes writing in *Guardians of the GAA*⁵² maps the connection between O'Duffy and the GAA and his enthusiasm for garda involvement in hurling and in football. He recalls that many Gardaí hold All Ireland senior medals in Hurling and in Football. There is a tremendous connection at every level of the GAA with Gardaí; as players, as mentors, as trainers, as officials. This speaks of acceptance and recognition on a grand scale. This connection is also present in other sports and athletics. The organising body covering all sports in the force is Coiste Siamsa. It has a unique logo⁵³; consisting of the colours Green and Gold to represent Ireland and navy blue to represent AGS. There is a half shamrock juxtaposed with a figure in blue stretching. Together they are meant to symbolize the Unity between the Gardaí and Ireland.

Newspaper stories of the first decade carry many accounts of Garda Sports meetings in every county, even the most disturbed areas. There is mention of Garda Annual dances in many towns and in Dublin. Cupid had also landed some targets, the Gardaí transferred from home were quick to marry and then were promptly transferred somewhere else to guard against compromise.

⁵² *Guardians of the GAA 2018, Naas Printing Limited, Noel Hynes and Brian Willoughby*

⁵³ *The logo was designed by Maura Willoughby-O'Shea RIP, sister to Brian Willoughby co-author.*

Fianna Fáil in Control – General Elections 1932 and 1933

The next political test came in the 1932 General Election with Fianna Fáil becoming the dominant party with 566,498 votes and 72 Seats, Cumann na nGaedheal got 449,506 votes and 57 seats. Fianna Fáil took power for the first time as a minority government. Another General Election took place in 1933 and this time Fianna Fáil got 689,054 votes and 77 seats and Cumann na nGaedheal got 422,495 votes and 48 seats. This was the start of Fianna Fáil hegemony and the demise of Cumann na nGaedheal. The AGS had to adjust to this new reality. Minister Kevin O'Higgins quoted from Cicero when addressing the Dáil on the 8 December 1922, the day of the Mountjoy executions "Salus populi suprema lex." "Let the welfare of the people be the supreme law". The difficulty for all politicians is that the people have a habit of changing their minds.

Fianna Fáil takes power for the first time, 3 March 1932

The political agenda changed dramatically on the 9 March 1932 when Fianna Fáil (FF) formed a minority government. Mr. De Valera was appointed President of the Executive Council and James Geoghegan was appointed Minister for Justice. The following day 20 IRA prisoners were released from custody. There was a large demonstration in College Green where some of the released men were in fighting spirit. The now out-of-office Cumann na nGaedheal adherents formed the Army Comrades Association (ACA). The battle lines were being drawn but no blood had been spilled, yet. The Fianna Fáil strategy of wooing the IRA from the violent path was to have short lived efficacy.

The FF Ard-Fheis took place on 9 November, Mr De Valera expressed disappointment that the IRA were not more amenable. He reminded them that the Special Powers had been stood down and the Oath to the Crown removed. What else did they want or need?

The first casualty in the AGS was the removal of Chief Superintendent Neligan from head of the Detective Division (Special Branch-S Branch). The ostensible reason was the fact that detectives in Clare had been involved in a shooting incident with IRA members T.J. Ryan, George Gilmore and Bernard Lowe. As a result of a subsequent inquiry, two Gardaí were dismissed and two were others reverted to uniform duties. Neligan had organised a collection for the dismissed officers. He provided a perfect excuse for the government to send him packing, but the real reason was that he was not now a “sound man”⁵⁴. Neligan was the ultimate pragmatist and took an appointment in the Land Commission where he served for many years. He was replaced by Colonel Ned Broy and Broy was to become commissioner in 1933 after Eoin O’Duffy was removed from office. Indeed, the window cleaning was not confined to Neligan, and the Department of Justice was also to figure. The long-term secretary Henry O’Friel was replaced by solicitor Daniel J. Browne, who was a member of the Inquiry Board into the Clare shootings. This was the time when the “sound men” were being placed in power. David Neligan was an extraordinary man who took many secrets with him when he left the AGS for the tranquil meadows of the Land Commission. One of the most intriguing stories relates to a great injustice which was done to Superintendent William Geary when he was summarily dismissed from the AGS on 25 June 1928⁵⁵. Brendon Colvert has examined this case in detail and with chilling accuracy. Superintendent Geary had been in charge of the Kilrush District which was a hot spot of IRA activity and centered around one individual in particular, T.J. Ryan. A coded letter was intercepted, and it “revealed” that *“I have handed over £100 to Superintendent Geary, he is very satisfied with that amount” ...* It has been argued persuasively that this message was a deliberate act to sow dissension in the garda ranks and to remove an efficient superintendent. The commissioner decided to take a full-frontal attack on Superintendent Geary. He was summoned to a 10 am meeting on 16 June. This meeting was held in Carmody’s Hotel in Ennis, and he had been ordered to attend in uniform by his Chief

⁵⁴ “Sound Man”: *politically reliable and amenable.*

⁵⁵ Colvert, Brendon, *On My Honour, Mercier Press (2011).*

Superintendent Edward O'Duffy. Deputy Commissioner Eamon Coogan was on an inspection tour of the county. When Geary entered the room, he was confronted by Commissioner Eoin O'Duffy, Deputy Commissioner Coogan and Chief Superintendent David Neligan. He was accused point blank of collaborating with the IRA based on evidence which the commissioner had. Geary denied the accusation but at the conclusion he was ordered to Dublin and remained in the Garda Officers Club until he was dismissed. He spent the rest of his life seeking vindication of his good name which was achieved belatedly in 1999. He had lived in New York for many years and died there in 2004. There was a gross failure to follow elementary investigative procedure rather than adopting the bull in the china shop approach of O'Duffy. It should have been elementary for Neligan to provide Geary with "hot information" regarding alleged friends in the IRA and to give him the necessary latitude to incriminate himself. Otherwise had the authorities not thought it strange that while encoding a message the IRA used the Geary name in the document. Any self-respecting intelligence officer would have used a code name, even in an encoded document on the basis that the recipient already knew the identity of the agent. David Neligan brought this and many other secrets with him as he retired.

Fianna Fáil in government 24 January 1933

In January 1933, Fianna Fáil again won that General Election. The transfer of power of power in democracies is normally considered a seamless if somewhat painful event for the losers. The question facing all parties in 1932 and in 1933 was whether power would pass peacefully from the old regime to De Valera. PJ Rutledge was appointed Minister for Justice. Could the AGS be trusted to protect the FF government with the same degree of application as they had done previously? Critically the behaviour of the detective special branch would be of particular significance. Several factors worked in favour of a smooth transfer. Police are normally conservative by nature and inclination. After 10 years in service most members of the AGS were married, had families and responsibilities. Times were tough economically and the last thing

needed was loss of income in pursuit of an ideal. Additionally, the brunt of the action against the IRA was undertaken by the detectives. The new government had obviously formulated a strategy to remove the key leadership of the detectives and of the force and at the same time recruit a coterie of armed men themselves. They also had taken a wise move of not cutting the pay of the AGS in 1932 and in this way ensuring a certain amount of goodwill. There were rumours of a coup de d'état by O'Duffy. Whatever the intention, it was an idea which had no backing, but it did serve to raise the temperature and ensured the political determination of the new government to populate the key offices with "sound" men.

COMMISSIONER O'DUFFY FIRED 22 FEBRUARY 1933 COMMISSIONER BROY TAKES OVER

The commissioner remained in office until 1933 but the writing was on the wall long before that. He was summoned to a meeting with the President of the Executive Council, Eamon De Valera and it was made perfectly clear to him that he was out. He was also offered an alternative appointment without loss of salary, but he declined this offer. He was dismissed 22 February 1933. De Valera subsequently informed the Dáil that he did not propose to give reasons for his dismissal. He replied to questions from Mr. Cosgrave in the Dáil⁵⁶, 1 March 1933.

Mr. Cosgrave;

Asked the President whether he is prepared to state the reasons for the removal of General O'Duffy from the office of Commissioner of the Garda Síochána and whether any charge was made against General O'Duffy.

The President

⁵⁶ Dáil Éireann debate - Wednesday, 1 Mar 1933 Vol. 46 No. 2

No charge was made against General O'Duffy. He was removed from office because, in the opinion of the Executive Council, a change of Commissioner was desirable in the public interest.

In subsequent exchanges the President admitted that; We want a chief of police who no section of the community⁵⁷ can say that this man is deliberately and politically opposed to us and is likely to be biased in his attitude because of past political affiliations.

This was the government line publicly on his dismissal and it was maintained irrespective of the questioning. At this stage (1933) the Special Branch team was being purged, Neligan was gone, Inspector E.M. O'Connell,⁵⁸ his second-in-charge was railroaded on false charges, Detective Sergeants Michael Gill and Philip McMahon and others were side lined. These sergeants were to return to Special Branch subsequently and to achieve significant rank⁵⁹ under subsequent FF administrations.

The appointment of Colonel (Chief Superintendent) Eamon Broy as commissioner was somewhat of a surprise for several reasons. He was not the next in line in seniority terms and he took the Pro Treaty side after the treaty. He had accompanied Collins to London for the Treaty negotiations. At the start of his career, he joined the RIC in 1910 and stayed for a couple of weeks and then joined the DMP. He became part of G Division and dealt with sensitive intelligence and subsequently became a vital agent for Michael Collins.

He was appointed to Neligan's vacated post in 1932 and that was a vote of confidence in him by FF. He provided a narrative (170 pages) to

⁵⁷ *The IRA?*

⁵⁸ *Inspector Billy O'Connell was charged with Colonel Michael Hogan with a spurious charge under the Official Secrets Act. The charges were dismissed, they had no evidential basis. O'Connell was victimised and reduced in rank to sergeant. He had his rank restored decades later.*

⁵⁹ *McMahon as Chief Superintendent and Gill as Superintendent in Special Branch.*

the Military History Bureau⁶⁰ in 1955 on his police career prior to Independence. This is a well-written informative account but unfortunately, he sheds no light on his role as commissioner. Before the Truce he had been arrested and placed in Arbour Hill. A raid had recovered documents which he had handled in the “G” Division of the DMP. It is highly probable that he would have been executed if the Truce had not intervened. In April 1919 he had facilitated Michael Collins’ night-time visit to the G Division Office where he had the opportunity to peruse the secret information on hand, some of which related to himself. This office was at 1 Brunswick Street (Now Pearse Street), and not as often reported in Dublin Castle. He had also taken counter action to prevent the arrest of De Valera in the Phibsboro area on another occasion. He had knowledge of French and German and was an articulate individual. Fundamentally he understood the world of subversion and intrigue. This was the man who agreed to be commissioner in replacement of Eoin O’Duffy.

BROY HARRIERS OR DEVS HARRIERS?

Donal O’Sullivan⁶¹ writing on the recruitment of the so-called Broy Harriers commented that;

By mid-1933 the Fianna Fáil Government and its Taoiseach decided to recruit new and politically dependent members to An Garda Síochána. On 5 August 1933, 42 men were attested and appointed detectives on the same day without training. On 9 August 1933 an additional 18 men were recruited, armed and in plain clothes, assigned to Dublin Castle.

In the following month another 19 men were attested, armed and assigned to Special Branch. The 79 men attested in this manner immediately became referred to as the ‘Broy Harriers’ – making an analogy between them and the Black and Tans of the 1920/21 era.

⁶⁰ DOCUMENT NO. W.S. 1,280 Bureau Military History - Colonel Eamon Broy.

⁶¹ Síocháin Magazine, Winter 2016 – Magazine of the GSRMA (Garda Retired)

They were all appointed detectives on the day they joined, and they got no training; 80% of the men were aged over 27 years; 62% were under standard Garda height; 43% were married. Overall, only 10% complied with standard Garda entry requirements. About 75% of them had been active in the IRA and had opposed the Treaty, later following Eamon De Valera into Fianna Fáil.

*By the end of 1934 another **310** men were recruited and assigned to Garda duties after a very brief training.*

Over 56% were over age; 32% were below the required height and 25% were married.

*In 1935 a further **170** men were attested and many of these did not meet the ordinary entry requirements.*

This analysis speaks for itself that it was deemed politically expedient to recruit these men, and which could only have been animated by a perception that the AGS and the Army would not protect the FF government.

Current AGS records state that 303 were recruited in 1933, 86 in 1934 and 171 in 1935. In the interests of clarity, the number given in current records for 1933 is 303 and in Donal O'Sullivan's analysis the number is 79. However, 79 is the number that joined in 1933 from Dublin. When the three years are totaled the numbers are the same i.e., 560 members recruited. It is crystal clear that the new government were putting their trust and tried and trusted Anti Treaty colleagues and undoubtedly IRA men as well. Paradoxically all these new members were former comrades in arms with the serving members. Nevertheless, the process drove a coach and four though any semblance of an organised recruitment drive. William (Billy) Roe already mentioned, was one of the new detectives who strode into Dublin Castle, equipped with his .45 revolver on 5 August 1933.

Context – The Contending Forces August 1933

The Army Comrades Association was formed on the 10 February 1932 in Wynns Hotel in Dublin. It was comprised of former army officers and Cumann na nGaedheal supporters. The next organisation was the National Guard, founded on 20 July 1933 and banned on 23 August 1933, General O'Duffy was its Director General. The Young Ireland Association was founded on 9 September 1933 and banned on 8 December 1933. The League of Youth (The Blueshirt Movement) was founded on 14 December 1933 and sought a High Court declaration protecting its legality. General O'Duffy was President of the League. The High Court eventually declined to endorse the League's claim for legality. On the 20 September 1934 O'Duffy resigned from the League and was ultimately replaced by Dr. T.F. O'Higgins. The United Ireland was formed from different elements, significantly including the O'Duffy Blueshirt movement. After a short time, it became universally known as Fine Gael. O'Duffy, in a series of bizarre manoeuvres, resigned from Fine Gael 18 September 1934.

The IRA (Irish Republican Army) had been flexing its muscles since 1931 and made a very big show at the Bodenstown, Wolfe Tone commemoration on 20 June 1931. They succeeded in mustering support from 19 counties. As an organisation they were increasingly active and continued their campaign of intimidation and violence. Their reward came quickly in 1932 and they were unbanned as an organisation.

Saor Éire had been formed in 1931, sources suggest that it was Communistic in outlook. The Republican Congress was a loose coalition of extreme groups with socialist views, and it again had shared membership with Saor Éire and the IRA.

The FF Government had a slim parliamentary majority, it had inserted its own Broy Harriers⁶² into the AGS, and it had the Army at its

⁶² *The specially recruited "sound men".*

disposal to deal with military conflict. It is very clear from source information that the intelligence service of the AGS was operating well and there was very good intelligence on the disparate elements and their key persons of interest. The first major test was posed by the National Guard and the Blueshirt movement who announced a massed parade for St. Stephens Green, Dublin for Sunday 13 August. The government returned to a familiar response but this time by Fianna Fáil. The relevant provisions of Article 2A were activated. This permitted the banning of the Blueshirt parade. O'Duffy then announced that memorial Masses would be held on 20 August but later called them off following Church disagreement.

On 22 August the Constitution (Special Powers) Tribunal was reintroduced with the same military personnel as 1931⁶³.

Significantly the IRA was not banned until 18 June 1936, and this gave them a distinct advantage in their repeated clashes with the Blueshirts and particularly with the AGS. Records⁶⁴ show that the Military Tribunal returned convictions arising from the disturbances. The Rule of Law was skewed in favour of the IRA.

Year	IRA Convicted	Blueshirts Convicted
1933	34	11
1934	102	349
1935	112	74
1936	129	Nil

Sources indicate that, despite the power of the Special Powers Tribunals in the period 1931 to 1937, many criminals escaped justice and many sentences were unduly lenient. One particular case seems puzzling. Michael Conway (IRA) was convicted of the murder of John Egan, on 26 April 1936 in Dungarvan. He was sentenced to death, which was commuted to penal servitude for life. He was released two years later,

⁶³ *A Signal to the Military* ("You must step Up").

⁶⁴ *MacEntee Papers UCD*.

on 4 May 1938, together with other IRA prisoners in custody. He immediately resumed his full time IRA activity. The overall picture was of a lenient government policy of early releases⁶⁵. This policy did little to inspire confidence in members of the AGS. The figures show a clear trend where the Blueshirts were in conflict with the AGS in 1934 and then rapidly activity diminished. No doubt that decrease was strongly influenced by the departure of O'Duffy from leadership and his increasing fascination with fascism and the Spanish Civil War. By way of contrast the IRA and other allies remained a continuous threat. O'Duffy was arrested and brought before the Military Tribunal on 17 December 1933. He was leading a League of Youth/UIP meeting in Westport when they were informed that they would not be allowed into the town while wearing the blue shirt. He was initially arrested and then released, only to be rearrested. He was taken to Dublin and the released as a result of a High Court order. O'Duffy took a High Court action against Superintendent Murray in 1935, for assault and was awarded damages, as were two others. Bizarrely on 1 January 1934 the Military Tribunal was restrained from hearing a number of charges against General O'Duffy, including one of incitement to murder the President of the Executive Council (De Valera). O'Duffy was moving on a different trajectory in any case and on 10 August 1936 he announced the formation of the Irish Brigade to fight on the fascist side in the Spanish Civil War. This ill-fated adventure is covered extensively in other publications. He was to fall into bad health on his return from Spain and died on the 30 November 1944. He was 54 years old, and his comet had burned out. He was awarded a state funeral despite his background in opposition to Fianna Fáil during the 1930s.

Economic Context for Street Battles

The political and economic policies employed by the De Valera government had a distinct role in creating widespread street disturbance. Opposition came from both the left and right wings and frequently morphed into violent confrontations and some death. The government

⁶⁵ *Reference Sean MacEntee Papers – Departmental Notes on Events – 1931/1940, and Appendix O, Events Prior to January 1931, P67/534,*

refused to pay the Land Annuities to Britain which was part of the Treaty conditions. The British retaliated by imposing tax on Irish imports and in turn Dublin imposed tariffs on British imports. This gave rise to the so-called economic war. It was to last until an agreement was reached in 1938. The Left Wing was led by people like Peadar O'Donnell and Eoin O'Duffy led the Right Wing now in his new role as political leader and Blue Shirt agitator. The strong farmers were very much against the new economic order which saw their cattle prices greatly reduced and they supported a no-rates campaign. The government retaliated by seizing cattle and selling them at state protected auctions. The AGS were cast in the role of protectors but more significantly the new Broy recruits, the Broy Harriers provided the strong armed and often undisciplined "protection" for these sales. O'Duffy pushed for an annuities and rent strike, but Fine Gael balked at the idea of advocating illegal action and the radicals lost the initiative. The deployment of special Garda units to counter the agitators and the easing of the Economic War from 1935, contributed to the demise of the campaign.

MARSH'S YARD 13 August 1934

One of the most significant events occurred at Marsh's sales yard in Cork on the 13 August 1934. A sale of seized cattle was planned, and the sale was protected by uniform AGS and armed 'Broy Harriers'. The fatal shooting of Michael Patrick Lynch in Marsh's cattle yard was one of the consequences of the 'Broy Harriers' action. It is agreed by all sides that a major policing operation was put in place to deal with expected disturbances at the cattle sale. The Gardaí had assembled 330 members mainly in uniform, comprised of six superintendents, one Inspector with local armed detectives under the command of Chief Superintendent Michael Fitzgerald. The local detective party consisted of One Detective Inspector, two Detective Sergeants and twenty-three detectives. All the local detectives were armed with revolvers. There is no doubt as to the fact that the Chief Superintendent was the officer in charge and in control of that component. However, the potential buyer of the cattle had been

escorted from Dublin by seven armed Gardaí who were ostensibly members of Special Branch but were in fact 'Broy Harriers' with little or no training. They were proficient in the use of firearms and been involved in many such operations around the country. Their commander was a Detective Sergeant Owen Moore and his party travelled to Cork in two cars and were heavily armed with revolvers and rifles. On arrival they deposited the rifles and some ammunition in Union Quay station from whence they collected them the following morning. It is clear from the information that they were not controlled by the Chief Superintendent although technically they were under his command. A crowd of some 2,000 to 3,000 assembled as the time of the sale approached at 12 noon. The Gardaí had set up a cordon system on the street to prevent ingress on the gate of the yard. The cordon was breached, and a lorry was driven against the yard gate where it became immobilised. Obviously a very serious situation was emerging and almost immediately the 'Broy Harriers' opened fire on the occupants of the lorry and more generally. One man was fatally wounded, and a series of baton charges ensued which dispersed the crowd with some considerable difficulty. It emerged at the subsequent inquest that no order had been given to open fire and no local Gardaí had fired. The action in driving the lorry at the gate had endangered Gardaí and others. It could have resulted in a major loss of life. It was an irresponsible act but could it have been justified that lethal force was used against them. Fourteen men were arrested and prosecuted for public order type offences.

In general, public opinion was very much opposed to the use of firearms by the Broy Harriers. The uniform members were liberally praised for their approach to the situation. There was a sequel subsequently in the High Court where a case for damages was taken against three named Broy Harriers, Detective Sergeant Owen Moore, Detective Officers John Rodgers and John Condon. The Court found against them, and they were required to pay £300 compensation to the father of the deceased. The Court found in favour of the Chief Superintendent. High Court Judge Hanna commented acerbically that "S" Branch was an excrescence on a reputable force. Owen Moore left the

force some years later and newspapers report that he died from injuries when felling a tree on his property at Ravensdale, Dundalk in 1943. He was described as having an extensive firewood business and as a detective sergeant who played a prominent part in the War of Independence in his native Armagh.

The Dáil debate on the 14 November 1934 was a bad-tempered partisan affair as shown in this exchange.

Minister for Justice Mr. PJ Rutledge:

Outside the gates of this sale yard there is a picked body of men, and certain prominent people connected with this campaign against the payment of annuities have taken up positions inside. I have heard some complaints today as to why certain people are not admitted to those sales. Certain prominent people took up their positions inside. Two or three minutes before the lorry made its charge against the gate there was absolute silence outside, and those responsible people who were let in to attend the sale walked out. The next thing the Guards inside hear is commotion on the street, and practically immediately this lorry dashes in through the gates. Remember those people whom, I suppose Deputy Fitzgerald-Kenney would even have the audacity to get up here and describe as law abiding citizens, had bludgeoned their way through three cordons of Guards on the streets. They had not much regard for life when charging with their lorry through those cordons of Guards, had they?

Mr. Fitzgerald-Kenney (former Minister for Justice)

Is that why you murdered them?

Colonel Broy retired from his position of commissioner of the AGS in June 1938. He had 27 years' service and an additional three years was added to his service for pension purposes. Questions in the Dáil failed to elicit a reason for his retirement. Newspaper speculation was rife for some time on the impending transfer. The *Connacht Sentinel* speculated on the reasons and remarked that his successor was

nominated as M.J. Kinnane an Assistant Secretary in the Department of Justice. They said that it implied that *there is no one in the Service today capable of fulfilling the post from which Colonel Broy has just been retired.*

Broy was somewhat coy in his departing remarks, instancing progress in a number of areas. A science laboratory had been established, there was strong support for the use of Irish and a special allowance was being paid to AGS who served in the Gaeltacht areas and who were proficient in the Irish language. He strongly defended discipline in the force. It's clear that he was not telling the full story, but he had seen the writing on the wall. He was content with being President of the Olympic Council of Ireland and other interests. He smiled when he was asked if he planned to go farming, he had no intention.

AMAZING CASE OF DEPUTY COMMISSIONER COOGAN 31 JULY 1936

The *Irish Press* reported on 31 July in 1936 that a Commission had opened the previous day in Kilmainham. It was set up on the authority of the acting Minister for Justice Mr. Boland. It had rather quaint terms of reference, to inquire and examine on oath, the truth of a complaint of violation of duty preferred against Eamon Coogan, a member and one of the deputy commissioners of the civic guard, *namely at the Gresham hotel Dublin, on Tuesday evening, July 14, where said Eamon Coogan acted in a manner likely to bring discredit on the reputation of the force.*

The commission consisted of two former secretaries of the Department of Justice, D.J. Browne and H.J. O'Friel and a representative of the Attorney General's Office, P O'Donoghue. The allegation by the complainant Mr. John Joseph Harrington, General Manager, the *Irish Press* was that he had been jostled and abused by a man who had drink taken in the Gresham hotel on the 14th of July. He said that that man had threatened to shoot him and had simulated holding a gun in his pocket.

He also made a complaint on the street to two policemen, and he had the man searched and it transpired that he did not have a gun. The police asked him did he want the man arrested and he declined and said he would forget about it. Sometime later he says that he discovered that the man was Deputy Commissioner Coogan and that he was unknown to him at the time of the incident. He had the photo library checked in the *Irish Press* and then identified the Deputy Commissioner. In 1931 the *Irish Press* had been prosecuted for sedition under the previous government. It is not unreasonable to assume that all parties would have recognised each other on that occasion. Mr. Harrington complained to the President of the Executive Council, Mr. De Valera, concerning the incident and the subsequent Commission was appointed because of that complaint. He made that complaint in person to Mr De Valera and of course the *Irish Press* was the organ of the Fianna Fáil party and directly connected to Mr. De Valera. On the 28 August 1936, the Commission reported its findings and found in favour of the complainant. Mr. Coogan resigned as Deputy Commissioner and was reappointed as a Chief Superintendent. This demotion involved a significant reduction in salary, from £1100 per annum to £650. Mr. Coogan continued to serve until 1941 when he was removed from office together with another seven officers⁶⁶ on the orders of the Minister for Justice Mr. Boland with pension rights. Mr. Coogan subsequently was elected to the Dáil for Fine Gael but died prematurely a few years later. The Commission made nine findings, three of which are particularly of note; neither party knew the other, the initial contact was accidental, and the Deputy Commissioner was not under the influence. All things considered this complaint should have been dealt with in an internal disciplinary inquiry or alternatively in the criminal courts or even in the civil courts. It is arguable that the holding of a star chamber did more to damage the reputation of the AGS than the event itself.

⁶⁶ *Chief Superintendents, Mathias McCarthy, George O'Dwyer, James J Hannigan, Patrick Clinton, Cornelius O'Halloran and Superintendents Peter Ennis and Loftus Herbert Smith. The Minister for Justice used power under the Garda Síochána (Retirement), Regulations 1941 certified by the Commissioner in respect of Officers. Ministerial permission not required for other Ranks – Commissioner only. (In the interests of efficiency)*

DE VALERA READ THE SIGNS – IRA NOT HIS ALLY

Mr de Valera had created somewhat a safe zone for his former IRA colleagues which ultimately would not end well for either side.

There were separate stages to this process, the initial context was the action taken in 1931 by the outgoing government

- The Cumann na nGaedheal government introduced the Constitution (Amendment No 17) Act, 1931 which provided for a range of powers including Trial by Military Tribunal
- Establishment of the Constitution (Special Powers) Tribunal
- Places and manner of detention and imprisonment
- Power of arrest on suspicion in certain cases
- Power of detention on suspicion in certain cases
- Power to stop and search vehicles
- Unlawful associations
- Power to proclaim public meetings
- Search orders

The prompt actions undertaken by the incoming Fianna Fáil government in 1932,

- The release of prisoners and the mitigation of sentences and then the suspension of the provisions enacted by Cumann na nGaedheal in 1931, in effect resetting the clock.
- The reimposition of Articles II, III, IV and V of Article 2A of the Constitution – in effect reintroducing the provisions enacted in 1931 and suspended in 1932 by the Fianna Fáil government.
- December 8, 1933: Declaration by the Executive Council that the Young Ireland Association (Blueshirts) was an Unlawful Association.
- June 18, 1936: the IRA was declared an Unlawful Association
- The IRA was declared an Illegal Organisation 23 June 1939

There was an obvious escalation in the attitude of the Fianna Fáil government to the IRA over time. This ambiguous approach posed serious problems for Broy and his officers around the country. They were empowered to deal with the excesses by the Blueshirts and thwarted in dealing with the actions of the IRA. It was obvious to Gardaí that they were being used by their new political masters.

NEW CONSTITUTION AND GENERAL ELECTIONS 1937/1938

A General Election and a Plebiscite on the new Constitution was voted on 1 July 1937. The Plebiscite voted in favour of the new Constitution. The General Election did not provide a clear majority because Fianna Fáil had the same number of seats as the combined opposition (69) and they also had to nominate the Ceann Comhairle, leaving them one seat short. They depended on the Labour Party for support. Labour was willing to support them but not on the question of Emergency Provisions as considered in Article 38, Section 3 and subsections 1 and 2. However Mr. De Valera decided not to act, and he waited until June 1939 before he introduced “emergency legislation”. Another election was called for June 1938, and this resulted in a majority Fianna Fáil government.

WAR CLOUDS

The events which led to World War Two are covered in other publications, but the gathering war clouds also cast a shadow over Ireland. The government took the initiative in setting up two groups the Local Defense Force (LDF) and the Local Security Force (LSF). These organisations were Home Defence assets, primarily to assist in terms of an invasion or the indirect consequences of war. Both organisations grew rapidly and in 1940 they had a combined membership of 140,000. The AGS played a central role as a country wide network in recruiting membership. The LDF became an armed military reserve and individuals were subjected to attack by the IRA and arms were stolen where possible. World War Two was declared in the European Theatre on 3 September 1939 and Ireland took a neutral stance in the conflict.

There were wider considerations on the geo-political front. It was plain that the IRA would wish to use the UK's weakness to their advantage. Inevitably that could jeopardise Ireland's stated position of neutrality. Mr. De Valera had renegotiated the relationship with the UK in an agreement commenced in January 1938 and concluded in April. This agreement provided for the return of the ports (Berehaven and Cobh) to Ireland. Ireland was required to make a payment of £10 million pounds in settlement of all financial claims and there was to be liberalising of the economic trade barriers. These developments were taking place in the context of the new 1937 Constitution, which removed some of the disputed provisions of the previous Constitution. One of the obvious changes was that the leader of the Government was now designated Taoiseach as distinct from President of the Executive Council. He had a credible international profile having been President of the Council of the League of Nations 1932, and President of its Assembly in 1938.

TACA SÍOCHÁNA 1939 – 1942 AND THE AGEING FORCE

The Government decided to start a recruiting campaign in 1939 for a new “Force” the Taca Síochána, albeit a cut-price one in terms of the pay of the serving Gardaí. The number recruited between 1939 and 1942 was 247. A decision was taken in 1942 to commence recruitment to the AGS. The Taca’s were to be absorbed into the Force proper and 100 men were recruited from the Defence Forces, the LDF and the LSF. The strength of the AGS at all ranks was approximately 7,000 members at that stage.

The Taca had a minor effect on the age demographic of the now ageing AGS. There was a ticking time bomb because the overwhelming majority joined in the first five years of the organisation as young men in their twenties. The overwhelming numbers continued to the full period of their service. The men who joined the Force in the 1922 -1926 period still constituted two-thirds of the Force in 1952⁶⁷. Some 396 members died from illness which would not have any long-term consequences in modernity. Pulmonary tuberculosis accounted for 25% of the deaths. All new recruits were required to sign a guarantee to take any vaccine as required by authority. This was a condition of service. Another crisis was to strike because as the older members reached retirement age, they negotiated a pension and retirement deal which was very favourable to their retirement but discriminated against new members with less than five years’ service. They were not awarded a pay increase. This discrimination was to result in the Macushla Affair in 1961.

⁶⁷ McNiffe, Liam, *A History of the Garda Síochána (pp 159)*, Wolfhound Press (1997).

DISORDER AND MAYHEM 1931 – 1942

It is important to consider the stress placed on the AGS from different sources, both official and unofficial during this period.

The Fianna Fáil governments from 1932 adopted an initial ambivalent attitude to the IRA as part of a conscious or unconscious strategy to get them to fully align with the political ambitions of Fianna Fáil. This placed a significant burden on the AGS and its latest commissioner Colonel Broy in relation to Law Enforcement and to obvious street disturbances between the IRA and the Blueshirts. The AGS was placed in the middle ground and invariably became targets themselves. Both the IRA and Blueshirts used intimidation and violence against opponents and the AGS. The main difference was that the IRA was able to sustain themselves whereas the Blueshirts slowly dissipated with the departure of Eoin O'Duffy. Fine Gael as a new party were largely committed to the political process rather than street violence or protest.

Policing the War Years 1939 -1945

POWER STRUCTURE

	TAOISEACH
Gerald Boland 1939 - 1948	Eamon De Valera Fianna Fáil 1937 -1948

Commissioner	Served
Michael Kinnane	June 1938 – July 1952

IRON FIST 1939

The security crackdown on the IRA was inevitable because their existence was anathema to public order and public peace. Fianna Fáil had not rushed into action but by 1939 they were politically secure and had built up a significant degree of trust in the AGS and particularly in the Special Branch. The public order administration was now in trusted hands, Michael Kinnane had taken over as Commissioner from Colonel Broy in 1938. He was an Assistant Secretary in the Department of Justice, Blackrock college educated, and a former member of the British civil service. He had assisted the Free state administration from 1922 onwards. Gerald Boland became Minister for Justice in 1939 and remained in that position in an acting capacity for some time. He had fought in the War of Independence and had a strong IRA reputation. He took the anti-treaty side in the Civil War. He had no difficulty in dealing with the threat from the IRA as time would tell. Mr. De Valera had succeeded in building a better relationship with Britain from 1937 onwards and the British-held ports had been returned to the State.

The IRA were damned by their own actions and the information flow through Special Branch and other sources was constant. The IRA were responsible for many outrages, including murder, attempted

murder, kidnappings and intimidation (particularly of witnesses). Their activities were brazenly carried out and as a result there were many seizures of their weapons dumps. In actual fact there had been a very noticeable lack of punitive measures employed up to that time. They declared war on Britain and announced that they were taking over as the legitimate government in the Free State. These quixotic declarations were made on the 17 December 1938 (IRA Takes Over Government of the Republic) and on 12 January 1939 (IRA Ultimatum to the British)⁶⁸. The Proclamation was signed by; Stephen Hayes, Patrick Fleming, Peadar O'Flaherty, George Plunkett, Laurance Grogan, and Sean Russell. An IRA bombing campaign commenced in Britain.

Now all of this was to change, on 8 February 1939, with the introduction of the Offences against the State Bill, 1939, on 14 June the Bill became law. The IRA was declared an Unlawful Organisation on 14 June. On 22 August Parts V and VI commenced, providing for establishment of the Special Criminal Court and providing Power of Internment. Five Military Officers were appointed to membership of the Special Criminal Court. On 3 September an Emergency Powers Act was introduced followed by Emergency Powers Order and on 8 September Gerald Boland was appointed Minister for Justice. The government's anti-terrorist architecture was then in place.

The same military officers were appointed to sit on Military Courts. There was a distinct difference to the power of the Military Courts as distinct from the Special Criminal Court. There was no right of appeal from the verdicts of the Military Courts as the sentences were required to be confirmed by Government. The Military Courts were impervious to appeals to the Higher Courts.

On the 9 September William McGuinness, Peadar O'Flaherty, Laurance Grogan and Patrick McGrath were found in possession of \$6,000 US dollars an assortment of intelligence information. McGuinness,

⁶⁸ Reference Sean MacEntee Papers – Departmental Notes on Events – 1931/1940 Appendix E and F, P67/534,

O'Flaherty, and Grogan were convicted before the Special Criminal Court and sentenced to 18 months imprisonment. McGrath went on hunger strike and a *nolle prosequi* was eventually entered in his case.

Seventy internment orders were signed by the Minister for Justice on 15 September and the prisoners were to be lodged in Arbour Hill Prison.

Magazine Fort Raid

On 23 December 1939 a large force of IRA men tricked their way into the Magazine Fort in the Phoenix Park. They used four lorries to make off with thousands of rounds of ammunition for .303 rifles and Thompson machine guns. The Government offered a reward of £1,000 for information. Within a week most of the ammunition was recovered at various locations including, Drogheda, Armagh, Straffan, Hazelhatch, and Swords areas. Seven men were convicted and got sentences ranging from 5 years to 12 years imprisonment. It should have been obvious to the most obstinate IRA men that their organisation was thoroughly penetrated by the AGS and that their campaign of violence could never end well for them.

Between January 1940 and October 1942 six members of the Garda Síochána were murdered by the IRA and four others had been wounded. Conspiracies existed to murder other members of the AGS.

Intelligence Gathering

It is apparent that the main threat to the state came from the IRA, but other groupings had a part in the dissenting strategy. These groupings had members who adhered to different ideologies but held positions in alternate organisations. A good example of this relationship was the

cooperation between Saor Éire⁶⁹ and the Republican Congress⁷⁰. Both organisations shared common membership and indeed some were members of the IRA as well. They had very little electoral success and ultimately that relegated them in terms of their threat to the State.

Murders Gardaí 1932 – 1942

1. Murder Detective Garda Patrick McGeehan, Fenagh, Co. Leitrim
14 February 1932
2. Murder Detective Garda John Roche, Patrick Street Cork, 3
January 1940
3. Murder Detective Garda Richard Hyland, Rathgar Road, Dublin,
16 August 1940
4. Murder Detective Sergeant Patrick McKeown, Rathgar Road,
Dublin, 16 August 1940
5. Murder Detective Sergeant Denis O'Brien, Ballyboden, Co.
Dublin, 9 September 1942
6. Murder Detective Garda Michael Walsh, Mount Nugent. Co.
Cavan, 1 October 1942

⁶⁹ **Saor Éire** (was a far-left political organisation established in September 1931 by communist-leaning members of the Irish Republican Army, with the backing of the IRA leadership. Notable among its founders was Peadar O'Donnell, former editor of *An Phoblacht* and a leading far-left figure in the IRA. Saor Éire described itself as "an organization of workers and working farmers" Wikipedia

⁷⁰ **The Republican Congress** (was an Irish republican and Marxist-Leninist political organisation founded in 1934, when pro-communist republicans left the Anti-Treaty Irish Republican Army. Wikipedia
Authors Note: Common Membership Peadar O'Donnell, Michael Price, Sean McGuinness, Tom Maguire, Sheila Humphries, Maire Laverty, Sean Mulgrew, Other Noteworthy Names: Frank Ryan (IRA), George Gilmore (Saor Eire), (IRA) and Sean MacBride (Republican Congress), (IRA) Source: MacEntee Papers *Ibid.*

7. Murder Detective Garda George Mordaunt, Donnellycarney, Dublin, 24 October 1942

ATTEMPTED MURDERS OF GARDAÍ BY IRA

1. Shooting and wounding, Sgt. John Bevan, Tralee, (shot in the back), 31 January 1933
2. Shooting and wounding, Sgt. Lockhart and Garda H. Leary, Grafton Street, Dublin, 23 March 1935
3. Shooting and wounding, Garda Joseph Egan, Leeson Street, Dublin, 11 May 1935, (shot in right arm and thigh), held his prisoner, promoted to sergeant, and awarded Scott Gold Medal for Bravery
4. Shooting and wounding, D/Gardaí William Shanahan, and James McSweeney, 7 May 1940, (Gardaí were escorting mails in Holles Street Dublin). Both men were awarded Scott Medals for Bravery and promoted sergeants. They were visited in hospital by Taoiseach Eamon De Valera who made a radio address to the nation.
5. Shooting and wounding, Detective Garda Michael Brady, Rathgar Road, Dublin, 16 August 1940
6. Shooting and wounding D/Sergeant Delaney, Mount Nugent, Co. Cavan, 1 October 1942

CONSPIRACY TO MURDER GARDAÍ BY THE IRA

Information was received in September 1941 that the IRA intended to murder three Gardaí because of their intelligence gathering success.

The members concerned were D/Sgt. Gill, D/Sgt. Fergus and D/Sgt. O'Connell.

The challenge for the AGS was to collect intelligence on them and to advise authority accordingly. This challenge was met very successfully.

STATE RECOGNITION AND FAMILY COMPENSATION

The changed Government policy in relation to the IRA presented clear challenges to the Garda Síochána and to the members of Special Branch. They were literally walking in harm's way and facing a ruthless enemy who was prepared to kill them. This was the scenario which unfolded on several occasions.

The first critical encounter occurred on the 3 January 1940 when D/Garda John Roche was murdered in Patrick Street in Cork. He was shot by Thomas Mac Curtain. Detective Garda Roche knew the suspect well and had a long history with Mac Curtain, having arrested him and his comrades several times over the previous years. He had also searched his house on more than one occasion. Mac Curtain was the son of the Tomás Mac Curtain, the Lord Mayor of Cork who was murdered on 22 March 1920 allegedly by disguised members of the RIC under the control of District Inspector Oswald Swanzy. Swanzy was subsequently killed in Lurgan in retaliation for Mac Curtain's death on the orders of Michael Collins.

Thomas Mac Curtain had involved himself in the IRA from a young age and he held a special place in folk memory because of the murder of his father. He was no republican novice and he escaped severe sentencing because of the status of his murdered father. He was arrested 18 September 1935, when together with another individual he was found beating up a man who had given evidence before a Military Tribunal. He was again arrested and convicted before a Military Tribunal, but his sentence was deferred owing to his family history. He was again before the Military Tribunal on 29 April 1936 and was sentenced to 12 months

imprisonment. He went on hunger strike and was released. Again on 12 April he led a marching party of IRA (54 men) through the Mayfield village in the Glanmire direction. He was Acting Adjutant, Cork No 1, Brigade. On the 28 October 1938 he was with a group of IRA who attacked and disarmed D/Garda Thomas Sweeney. He refused to recognise the court when charged on this offence. He was acquitted because witnesses had been intimidated.

Mac Curtain was overcome and arrested, charged with the murder of the D/Garda Roche, and sentenced to death by the Special Criminal Court. His execution was fixed for 5 July, but an appeal was lodged to the Supreme Court and therefore the sentence was deferred to 13 July. In the meantime, there was a groundswell of opinion asking that his life be spared again on account of the sacrifice of his father. On the 10 July his sentence was commuted to Penal Servitude for life. He was released in 1948.

Mrs. Mary Roche lodged a claim for compensation for the loss of her husband in Cork Circuit Court and was awarded £1200 from a claim for £5,000. This award was appealed to the High Court which sat in Cork in March and the Judge Meredith stated a case to the Supreme Court on a point of law following submissions by Cork Corporation barrister, Mr. Fitzgerald KC. The point of law was that there was "no special malice" in this case and an old case was quoted in favour of that position. This precedent case referred to a 1921 case where a Judge had ruled against a police applicant in a case involving the theft of fowl. The Judge did point out the difference in the two cases, but he also added that he found no evidence of "special malice" and remarked that he did not think the award excessive. The Supreme Court denied the Cork Corporation appeal. In 1945, in common with other garda compensation cases, her award was increased to £2,475. In any case the unfortunate Mrs. Roche got very little satisfaction from the legal system.

D/Garda Richard Hyland, D/Sergeant Patrick McKeown (Murdered), D/Garda Michael Brady (Wounded) 16 August 1940

The next outrages occurred on the 16 August 1940 at 98A Rathgar Road in Dublin. A party of detectives went to that place to make inquiries. The house was believed to be used as a training and planning location by the IRA. They were delayed on admittance and eventually three of them entered through the front door. Two other Gardaí covered the rear of the premises. Almost immediately they were fired on from a concealed position, all three men were hit. D/Garda Richard Hyland died instantly, D/Sergeant Patrick McKeown was seriously wounded and died the following day. D/Garda Michael Brady was seriously wounded but survived the attack. Three men then ran from the house and two of them were captured by D/Garda Wilmot and D/Garda Mullally. The arrested men were Patrick McGrath and Thomas Green aka Francis Hart who were tried by the Military Tribunal with the murder of D/Garda Richard Hyland. Both men were convicted and sentenced to death by shooting. The men appealed to the Supreme Court with the assistance of barrister Sean Mac Bride and their appeal was rejected. Both men were executed on the 9 September in Mountjoy Prison. Many firearms and other material were found following the search including a Thompson sub-machine gun. It contained an array of subversive material, a wireless transmitting set, two typewriters and a duplicating machine⁷¹.

On the 22 August 1940 a young man, Thomas Hunt, was arrested in Dublin, and he also was charged with murder. He was convicted and sentenced to death on the 23 September, but this sentence was commuted to penal servitude for life. These are the stark facts which relate to these murders. The grieving garda families had no such closure.

⁷¹ Wallace, Colm., *The Fallen: Gardai Killed in Service 1922-49 (p. 160). The History Press (2017).*

There was a bitter sequel for the family of D/Garda Richard Hyland when the AGS responded to a query by stating that they had no record of Richard. Richard's daughter Marie recalled,

When my mother died my father's associates were all dead. Despite her death notices identifying her association there was no Garda representation at her funeral from the organisation or staff associations. The celebrant at her Mass in Clarendon Street, a longtime family friend, contacted the Gardaí at Store Street who generously organised a motor-cycle escort. Recent correspondence from the (HR Department) declare that there is no record of my father – the final insult⁷².

Marie Hyland is a powerful, strong, resilient woman and she gained an ally from one of the serving members of the Garda Síochána. Inspector Aidan Hannon then serving in Rathmines station, (station responsible for Rathgar Road) took an interest in the history of that brutal event. He undertook detailed research and eventually his efforts and that of Marie bore fruit, albeit belatedly. On the 25 August 2021 at Dubhlinn Gardens, Dublin Castle, Scott Gold medals were presented posthumously to the relatives of D/Sergeant Patrick McKeown 11919, D/Garda Richard Hyland 8333 and D/Garda Michael Brady 8301.

D/Sergeant Denis O'Brien (Murdered) 9 September 1942

The next fateful year was 1942 in terms of garda casualties. D/Sergeant Denis O'Brien was ambushed and murdered on 9 September as he drove away from his home in Ballyboden, County Dublin. He was a very active member of detective branch SDU. Just like many others he had a stellar War of Independence record, and he took the anti-treaty side in the Civil War. He was interred both in Mountjoy and Newbridge. He was a friend of Liam Mellows and Rory O'Connor. He joined the AGS in 1933 when Fianna Fáil took power. There was little doubt that he had

⁷² Síocháin Magazine Autumn 2019

strong allegiance to Mr. De Valera and that was reflected in his ingestion into Special Branch and later promotion to sergeant. His unique knowledge of his old colleagues in the IRA certainly was a bone of contention to them and an enabler for him in his detective work. On the fateful morning 9 September, he left for Dublin Castle and drove down a short drive to the public road. He was ambushed by several men in the driveway who used a Thompson machine gun and small arms to attack him. He returned fire but it was an unequal fight, and he was mortally wounded. There was widespread outrage at his killing and the Government offered £5,000 as a reward for information leading to the arrest of the culprits.

There was intimidation of witnesses as the investigation progressed. The Gardaí publicly named several individuals as persons of interest, Michael Quille, Hugh McAteer, Liam Burke, Francis Daly, Henry White, Charles Kerins, Thomas Kealy and Timothy Drummond. Quille was the first one of the named individuals to be taken into custody. He was detained by the RUC and handed over to the Gardaí and initially was interned. On the 30 December 1942 the Government made an order that he was to be tried before the Military Court for the murder of Detective Sergeant O'Brien. Quille denied the charge and produced alibi witnesses that he was in Northern Ireland at the time of the murder. He was defended by Sean Mac Bride who was instructed by Con Lehane solicitor. The State's case primarily rested on the eyewitness testimony of a garda who deposed that he had seen him in Rathfarnham cycling away from the scene of the crime that morning. There were twenty civilian witnesses who saw different aspects of what happened but none of them could identify the suspect or suspects. Quille was found not guilty on 20 January 1943. He was released from custody but interned immediately. The next arrest was made on 17 June 1944 when Charles Kerins (26) was arrested in Dublin. Kerins was a Kerry man and was reputed to be Chief of Staff of the IRA at that time despite his youth. He appeared before the Special Criminal Court on the 2 October and was formally charged with the murder of D/Sergeant O'Brien. Initially he refused legal representation as if he did not understand the mortal danger he faced,

should he be convicted of murder. He was offered an opportunity to consider his position before sentence was passed. Kerins refused to enter a defence and he was sentenced to execution on the 31 October 1944. He then lodged an appeal to the Court of Criminal Appeal, one of his lawyers was the ubiquitous Sean Mac Bride. This appeal was heard over five days commencing on the 9 November and the Court gave its reserved judgement on the 15 November. The appeal was not successful, and the sentence was affirmed for the 1 December 1944. An application for leave to appeal to the Supreme Court was refused. Widespread agitation followed the decision, but the Government stood firm. A last-minute intervention in Dáil was unsuccessful, Kerins was executed by hanging on the 1 December 1944 in Mountjoy Prison. The manner of execution was deliberate in that this was the manner used for “ordinary” criminals.

There was a sequel, Ryle Dwyer⁷³ reported that the IRA planned to take revenge by murdering Detective Sergeant Pat O’Connell, a Kerry native, for his role in the arrest of Kerins. The plan was to assassinate him when he returned home for Christmas. Tadhg (Timothy) Drummond who was one of the persons of interest (in the murder) tipped off D/Sergeant O’Connell through an intermediary that he was going to be shot. Ryle Dwyer also mentioned that a young Justin Keating⁷⁴ (12 years) was a close eyewitness to the shooting. “I was less than 20 yards away”, “Behind his back and in my full sight, a man stood up with what I know was a machine gun”, I could see the bullets hitting my friend, I could see him fall”. D/Sergeant O’Brien was killed by a shot to the back of his head.

Justin Keating later recalled in his own words, the humanity of the victim and the inhumanity of his killer, the lack of empathy shown by his parents, and the ache in his heart.

Fit-ups were thriving when I was a kid. Drama, recitations, an unrideable mule, jugglers and – for me, best of all – the trapeze. I believed I could do

⁷³ *Sunday Independent* 10.9.201

⁷⁴ *Well known personality and a government minister in the Coalition Government, 1973-1977*

some of those things too. At home there was a row of beautiful beech trees. The perfect one for my purpose was about twenty yards from the entrance drive to the bungalow that our new neighbour had built. He had two daughters but no son, and I surmise that my pert self was to a tiny degree a surrogate son. He allowed me to walk all over the building site of his new bungalow and taught me (which I partly felt already from our own house) to love a building site and building skills. He rented our front field, which he cut for hay. He taught me, small as I was, how to sharpen a scythe and cut with it; lots of things. He was a friend. Over a low bough in the beech tree near his drive, I constructed a trapeze. And there I would go every morning and do my set: chin-ups, turnovers, hanging by my ankles; that kind of thing. One day, which started like any other (it must have been in holiday time because I wasn't at school), I went out to my trapeze and was just starting up. I heard the engine of his car in front of his house. He drove towards the road. As he passed over a little bridge on the mill stream, I heard what sounded like one or two shots. He jammed his car against the wall, threw open the driver's door, which he sheltered behind, and with a drawn revolver in his hand faced back towards where the first shot had come from. I was less than twenty yards away and frozen by surprise and fear. And then, across the road towards which he was driving, in the yard of Kyle's builders, behind his back and in my full sight, a man stood up with what I now know was a sub-machine gun. It hadn't a belt for the bullets, but a drum. I could see the bullets hitting my friend. I could see him fall, transformed from the lean, hardy, vigorous man he was into a bundle of crumpled rags. Who was he, my neighbour? Denis O'Brien, Detective Sgt; Dinny, my friend. His killers? The IRA. Apart from those killers, I was the only witness. For some reason I do not understand, and of which I am ashamed, my family was much less supportive towards his widow and daughters than they should have been. Too late, I can only apologise for that sixty years later. Later on, I was to go to court, which was trying one of the people involved in the murder, and for me, not personally involved, that was almost as traumatic as witnessing the murder. And again, for reasons I do not understand, my parents, usually so perceptive and supportive, paid almost no attention

to my trauma. Over the months and years, I internalised it and repressed the memory. I went on with my life⁷⁵.

Later. I am in Collins Barracks, where the Military Court was sitting. I was waiting (for what seemed hours and hours) to give evidence. There was a notice on the wall that read 'There is a place to spit and throw your cigarette ends.' I read this over and over, with the emphasis first on 'is' and then on 'place'. And then I was inside, before the soldiers who were the judges, and in the dock was the defendant, on trial for his life: Charles Kerins. He was quite young. He was born of woman. Hopefully was welcomed into the world and loved. And here he was, an ignorant young man, brainwashed and programmed before he had the power of independent judgment, inheriting a wicked paradigm he did not fashion; a belief he had inherited rather than choosing. Here he was, on trial for the most precious thing that any of us possess – his life. He had participated in the killing of my friend, whom I knew well. But Kerins, whom I did not know, was also a human being. In the words of Shylock, on the school curriculum that year, 'If you prick me, do I not bleed?' He did bleed. In front of me. It was really awful – beyond saying.

Detective Garda Michael Walsh (Murdered) And D/Sergeant Delaney (Wounded) 1 October 1942

Patrick Dermody was a leading member of the IRA and was suspected of being involved in two Bank Robberies in Oldcastle and Castlepollard, and other crimes. It was discovered that his sister was due to be married and it was presumed that Dermody would attend. Arrangements were made to have the farmhouse where the reception was taking place raided. The location was close to Mount Nugent. Co. Cavan, and the raid took place on the 1 October 1942. This was an extremely risky operation carried out at 1.30 a.m. in the morning and in the environment of a crowded house with a wedding party in full swing, music and dancing. The target and his colleagues were armed individuals with a history of violence.

⁷⁵ Keating, Justin. *Nothing is Written in Stone. The Lilliput Press (2017).*

Nevertheless, there was a strong garda force with the capacity to confront armed resistance and that was the operational decision made. It is reasonable to say that pandemonium broke out as the raid progressed. The house itself appears to have been a typical farmhouse of the period, single story, small windows and located with farm buildings around it. It is reported that Dermody fired when the Gardaí were inside the house and that he retreated to another room. When the firing stopped two men were grievously wounded, D/Garda Walsh was conscious, he was wounded in the stomach and left wrist. Dermody was found in a bedroom unconscious but obviously seriously wounded. Both men were removed to Cavan Hospital. D/Garda Walsh got blood transfusions and seemed to rally the following day only to succumb later that night with his wife at his bedside. Dermody did not regain consciousness and was certified dead on admission to the hospital. There was widespread sympathy expressed for D/Garda Walsh and the Taoiseach, Mr. De Valera offered public sympathy. D/Garda Walsh's wife Susan had two brothers serving in the AGS at that time. Another IRA man believed to be Harry White was in the house and he escaped in the general confusion.

Detective Garda George Mordaunt (Murdered) 24 October 1942

D/Garda George Mordaunt was a Dublin man. He fought in the War of Independence where he was a volunteer in D Company 2nd Battalion of the Dublin Brigade. He took the pro-treaty side and joined the National Army. In 1925 he was demobbed and joined the AGS. In 1942 he was serving in the Special Detective Unit in Dublin Castle. He lived in Fairview with his wife and two children, a boy and a girl.

He was involved in routine surveillance and intelligence gathering on the IRA together with his colleagues. Information came to hand which indicated that a house at 14 Holly Road had some unusual guests, probably IRA men. A decision was made to search that house on the evening of the 24 October 1942. It transpired ultimately there were

two IRA men in the house, the ubiquitous Harry White and Maurice O'Neill. The house was a terraced house and apparently one house from the end of a terrace. A laneway ran at the rear of the house and could be accessed from the back of house No 14 via the back garden and gate at that point. The house itself presented a difficulty from a surveillance perspective, normally an observation post would be established in an overlooking house or similar place. In these circumstances it is more likely that the Gardaí had good intelligence but no concealed observation post. When the Gardaí arrived, they took positions of relative concealment at the front of the house and some others were deployed in the lane at the rear.

The occupants discovered the impending raid and the two IRA exited from the rear of the house while Gardaí rushed in the front door which had been opened to let a female IRA courier depart. It is possible that she had spotted the garda activity and alerted her colleagues who made hasty preparations to get out the back. The Gardaí obviously did not find the men in the house and D/Garda Mordaunt went out the back door and into the laneway. D/Garda Mordaunt was not seen alive again. The situation at the laneway was confused with shots being exchanged. O'Neill retreated into the house with an empty gun where he was promptly arrested. White ran down the lane way (pursued by D/Garda Mordaunt) and he jumped into a back garden (No 3) and then over a fence into the back garden of No 5. This is where the body of D/Garda Mordaunt was eventually found. White ran into No 5 through the back door and emerged again on Holly Road. At this point more shots were exchanged and White escaped down that road and then through Clontarf Golf Club to make his eventual escape.

Medical evidence showed that D/Garda Mordaunt had been killed with a single shot to the head. The bullet wound was in his forehead just above his right eye, death would have been instantaneous.

Maurice O'Neill was charged with the murder of D/Garda Mordaunt and was arraigned before the Military Court and subsequently found guilty. He was executed on the 12 November 1942 despite the best

efforts of Sean MacBride who was again in a defence role. Henry White was not arrested until 1946 and he was convicted of the murder of D/Garda George Mordaunt by the Special Criminal Court and sentenced to Death. He appealed to the Court of Appeal where his charge was reduced to that of manslaughter, and he was sentenced to 12 years penal servitude. He was released in 1948 on the same day that Thomas Mac Curtain, the killer of D/Garda John Roche, was released (9 March 1948). Sean MacBride again was the defence barrister for White.

MONETARY COMPENSATION

The issue of compensation for the loss of their loved ones was a continuing matter of concern for families. Traditionally the courts and the law were notoriously unreliable. The legal provisions related back to a British system from the previous century. The first move to reform this position took place in 1941 but it wasn't until 1945 that an amending Act (Garda Síochána (Compensation) (Amendment) Act, No. 1, 1945) was passed with consequent improvements in the awards previously made.

This amending legislation provided these amended awards for the garda families.

Mrs. Annie O'Brien, for the murder of her husband Denis - £3,641 increased from £1,654

Mrs. Susan Walsh, for the murder of her husband Michael - £2,727 increased from £1,150

Mrs. Catherine Mordaunt, for the murder of her husband George - £2,007 from £1,660

Mrs. Kathleen Hyland, for the murder of her husband Richard - £2,677 from £1,323

Mrs. Mary Ann McKeon, for the murder of her son Patrick - £620 from £500

Mrs. Mary Roche, for the murder of her husband John - £2,475 from £1,300

These awards provided at least financial support but could not in any way assuage the grief and loss suffered.

Formal State Recognition

Members of the AGS can be awarded Scott Medals for Bravery when they place their lives on the line when serving the State. It is interesting to note that of the six Gardaí murdered in the 1940s none were given posthumous recognition at the time. In 2021 three members were posthumously awarded Scott Gold medals for bravery, D/Sergeant Patrick McKeown, D/Garda Richard Hyland and D/Garda Michael Brady (seriously wounded in the Rathgar Road encounter). It is stating the obvious to say other garda victims were not similarly honoured.

RETROSPECTIVE ON THE WAR YEARS 1939 – 1945⁷⁶

This work is not directly concerned with the international situation prevailing at this time other than to note that the progress of World War Two had a profound impact on the country in every respect.

On 28 May 1940⁷⁷ An Taoiseach Mr. De Valera advised the Dáil that: he had agreed with the leaders of the other parties to set up a non-executive body

I have asked the leaders of the Opposition Parties to join in a conference of three members of the Government, three of the principal Opposition, and two of the Labour Party, to meet each week and at such other times as may be necessary, to consult and advise on matters of national defence. They have agreed.

This statement was endorsed by the other party leaders. This was a unique agreement but then the challenges facing the country couldn't be more daunting.

The State conducted two General Elections in 1943 and 1944 and it appeared that the democratic basis of the country was assured. Fianna Fáil remained in power until 1948. The country faced a strong internal threat from the IRA principally. It also faced a threat from the actions of the IRA in the UK and various IRA adventures with Nazi Germany. The Government employed a well-used playbook when confronting the IRA internally. This was a playbook which had been adopted by the Cumann na nGaedheal government in the first decade of the new State. It followed a sequential path, initially the Declaration of a National Emergency which allowed democratic norms enshrined in the

⁷⁶ *Sean MacEntee Papers – Departmental Notes on Events – 1931/1940, and Appendix O, Events Prior to January 1931, and Sean MacEntee Papers P67/534 – Departmental Notes on IRA Activities, 1941-1947, P67/550 UCD Archives*

⁷⁷ *Dáil Debate 28 May 1940 Vol 80 No 9.*

Constitution to be set aside on a temporary time-linked basis. Power to proscribe certain organisations, power to prosecute the members of those organisations for a variety of criminal breaches including membership of the organisation in question. Power to intern such person without trial. Power to set up a Special Criminal Court or a Military Court/Tribunal to prosecute offenders. These Courts were manned by Military Officers and the Military Courts had sweeping powers of procedure including the ability to disregard the normal rules of evidence. They were empowered to impose one penalty in the event of conviction, the death penalty by firing squad. There was no right of appeal to a higher court, but the Government were empowered to confirm the sentence or to vary it.

These draconian powers could not operate in a vacuum. A strong law enforcement and intelligence gathering capacity was required together with a reasonably supportive public. The intelligence gathering capacity of the AGS was superb and Army Intelligence was also very much involved. There were strong North-South and East-West intelligence sharing networks, but this cooperation was carried out well behind the veil of secrecy.

Government direction to the AGS was clear and unambiguous when it came to the IRA. Mr. De Valera had entrusted the Department of Justice to Gerald Boland; the Secretary of the Department was S.A. Roche; the Commissioner of the AGS was Assistant Secretary Michael J. Kinnane, a Department of Justice official; and Special Branch was ultimately commanded by Chief Superintendent Sean Gantly. A clear political pecking order was established and none of these men were to be easily dissuaded from their primary task of securing the state, and they acted accordingly.

Posterity is indebted for the sterling work undertaken in the Department of Justice in collating the thousands of intelligence reports provided by the AGS and combining this with the initiatives undertaken at Government level regarding policy and legislation. Credit must go to

the MacEntee estate for making those papers available to UCD and to S.A. Roche under whose directions the notes were compiled in the first instance. It is also a fact that these papers were not intended to leave the Department of Justice and would have remained hidden were it not for the actions of Sean MacEntee who got possession of them in his capacity as government minister. It worth noting that this comprehensive information tranche is a mere fraction of the intelligence and information gained at garda station level.

This is a much-abbreviated summary of the information contained therein as it relates to the World War Two period. The raw facts underscore this message.

The Metrics – State Action

Six IRA men were executed for their crimes

Six Gardaí were murdered on duty

Two IRA men were executed in Britain

1,195 were interned

482 were convicted before the Special Criminal Court and /or Military Court

Vast quantities of Munitions were recovered from the IRA

IRA Actions – Metrics

13 Attempted Murders

5 IRA men went to Nazi Germany at different times to garner support

3 IRA men were parachuted back into Ireland by the Germans

13 German Spies were arrested (from 1933)

14 Men were designated as IRA Chiefs of Staff between 1936 and 1945

6 IRA prisoners escaped from Mountjoy Prison

Tunnels were discovered at the Curragh Internment Camp

Explosive attacks were attempted at Dublin and Cork Garda Facilities

29 Armed Holdups

200 Irish deported from Britain

1 IRA leader was murdered by his colleagues (Michael Devereaux)
1 IRA leader was kidnapped and held by his colleagues before escaping
(Stephen Hayes)
6 Arson – Including Garda cars Tralee
12 Armed Resistance to Arrest
4 Theft of State Arms
4 Damage to Cinemas
13 Intimidation LDF and National Army
33 Hunger Strikes (Including 3 Deaths)

IRA Chiefs of Staff

Twomey Maurice 1927 -1936
MacBride Sean 1936-37
Barry Tom 1937
Fitzpatrick Michael 1937-38
Russell Sean 1938 – 1940
Hayes Stephen 1940-41
McCaughey Sean 1941
McGlade Charles 1941
Harrington Sean 1942
McCool Sean 1942
McAteer Hugh 1942-43
Kerins Charles 1944
Fleming Patrick 1945-47
Fox John 1946

CHIEF SUPERINTENDENT SEAN GANTLY KILLED 21 JANUARY 1948

Special Branch was headed by Chief Superintendent Sean Gantly for the greater period of the war years. He proved himself a more than competent leader with a strong connection with the men who served with him.

Sources also say that there were internal tensions in Special Branch from time to time and that Chief Superintendent Sean Gantly demanded high standards from the men under his command and that was not always appreciated. When the Rathgar murders took place in 1940 (Detective Garda Richard Hyland, Detective Sergeant Patrick McKeown) he provided a particularly incisive report on that crime. This detailed report was 40 pages long and it was submitted within four days of the murders. It dealt with the details of the crime and the antecedent history of the perpetrators. There was no doubt that intelligence was of a high order.

Similarly, when Detective Sergeant Denis O'Brien was murdered in 1942, he again put pen to paper and had an article published in the *Garda Review* in November of that year. He commented on the sergeant's dedication to duty and his tireless work ethic. He added a deeply empathic note when considering Denis O'Brien, the man.

In reflective mood he often regretted surrendering civilian employment for the troublesome life of Detective Branch, and he looked forward to the return of sanity in the political life of the country and to the distant days when he could retire to the peaceful pursuit of gardening on the holding which he had found time somehow to make into a little paradise of lawns and rose gardens.

This was an accurate reflection and is echoed by the comments of Justin Keating above.

He rented our front field, which he cut for hay. He taught me, small as I was, how to sharpen a scythe and cut with it; lots of things. He was a friend. Over a low bough in the beech tree near his drive, I constructed a trapeze. And there I would go every morning and do my set: chin-ups, turnovers, hanging by my ankles; that kind of thing.

Tragedy was to strike Sean Gantly a short few years later. On 21 January 1948 Gardaí were mounting a search operation in the vicinity of Hammond Lane Foundries in Dublin. Two well-known criminals had been detained earlier, William Lavery and John Nugent, in relation to several serious crimes in Dublin. Gardaí were searching for a third man, James Nolan, who had evaded capture earlier. This search was led by the Chief Superintendent and other detectives.

The officers made a careful search of a loft over the main entrance shed but found nothing of note. They then returned downstairs. Detective Daniel Slattery, who was coming down the stairs behind Gantly, saw his colleague suddenly crouching down. When asked what he was doing, Gantly answered, 'There is something wrong there, come quickly.' Suddenly a tall man in an overcoat, of about 5ft 10in, appeared and seemed to pull something out of his breast pocket. A Garda behind Slattery shouted, 'There he is, get him.' The passageway was narrow and smoky due to a tar boiler nearby and confusion reigned. Slattery, who was to the left of Gantly, thought that the man had fired a shot in their direction. He pulled out his revolver and fired a shot towards the shadowy figure. The shot missed its target, however, and the suspect quickly disappeared out the door⁷⁸.

Following this phase of the action a body was lying on the ground and this was seen to be Chief Superintendent Gantly. Medical evidence would show that he had been shot in the back, near his left shoulder and an entry wound was present at that position. The bullet pierced his heart and death was immediate.

⁷⁸ Wallace, Colm. *The Fallen: Gardai Killed in Service 1922-49* (p. 230). *The History Press*, (2017).

Forensic evidence affirmatively proved that the bullet was fired from the gun of Detective Garda Daniel Slattery. He gave evidence at the inquest and apologised profusely for his actions. His account was that *“Thirty yards from the side door leading to the building concerned, I saw a tall man about 5’ 10” inches, wearing an overcoat and no head dress, pull a revolver from inside his overcoat as if from his breast pocket and fire point blank at the Chief Superintendent who was on my right. I immediately drew my revolver and fired at this man”*⁷⁹.

Chief Superintendent Sean Gantly was granted a state funeral, attended by the President and the Taoiseach and many other dignitaries. There was also a very powerful message delivered to the Commissioner Michael J. Kinnane by the Minister for Justice, Gerald Boland.

*Dear Commissioner, I desire to express to you, and: through you to his comrades in the Garda Síochána, my deep regret at the sudden and untimely death of Chief Superintendent Gantly. When I became Minister for Justice, more than eight years ago, his reputation was already firmly established as an officer of conspicuous courage, zeal and integrity. When I came to know him personally. I found in him also a modesty, a courtesy and a scrupulous fairness very remarkable in a man of his energy and courage. His death while under the age of fifty, is a tragedy, but he died at his post and has left behind him an honoured memory and a, fine example*⁸⁰.

D/Inspector Michael Gill was promoted to Superintendent and appointed to serve as a replacement for Chief Superintendent Gantly.

There is no record into any examination of the circumstances of the shooting. It is clear from the inquest information relating to the shooting that a focused inquiry would have been obligatory in all the circumstances. The other remarkable feature is that Sean Gantly’s

⁷⁹ Irish Press, *Saturday February 28, 1948*

⁸⁰ Irish Press, *Thursday, January 27, 1948*

sacrifice was given no formal recognition within the AGS. In 1948 the Dublin Castle Recreation Club commissioned several portraits of the fallen Gardai from Special Branch who been murdered in 1940 and 1942 and Sean Gantly's portrait was included in that number. This was not official garda recognition and the obvious and appropriate place for his mention was in the Garda Roll of Honour. His name was not included on that Roll of Honour until 15 May 2010. Prior to that a plaque was unveiled to his memory in May 1998 at the Special Branch HQ in Harcourt Square Dublin. This was a welcome development for the Gantly family but even then, the circumstances surrounding it was torturous. There was significant foot-dragging at Garda HQ in that respect. Tireless efforts were made by Gantly family members and retired D/Sergeant Noel Hynes (son in law) to keep the quest alive. No small credit is due to Liam Doran, a reporter with the *Nenagh Guardian*, who published several articles on the glaring omission and those articles were a powerful catalyst for action. It remains a mystery as to why there was so much official inertia in recognising and honouring this man.

GENERAL ELECTION 4 FEBRUARY 1948

A General Election was held on the 4 February 1948 which resulted in a change of government. The new government was comprised of a coalition of Fine Gael and other parties in the Dáil with the intention of displacing Fianna Fáil. It also contained a new party which won ten seats, Clann na Poblachta. This party was led by the ubiquitous Sean MacBride, former Chief of Staff, IRA and Senior Counsel and habitual defender of IRA men.

Automatically this government change meant a change in the Department of Justice with the appointment of a new Minister. In this case Fine Gael's General Seán Mac Eoin. The country was dealing with post war problems and food rationing was still in force. In crime and public order terms the country was returning to a more quiescent state. One of the main organisational challenges was that many of the original

garda members were eligible for retirement. Recruitment was stopped between 1949 and 1952 and this decision added to the demographic time bomb.

Unrest in the Force again

The *Evening Echo* reported in September 1948⁸¹ on comments in the *Garda Review* magazine regarding opinions within the Force. There were serious complaints about long working hours, little movement with social progress elsewhere. They also remarked that conditions in the British police forces were much better. The contributors were not very enamoured with what they considered to be aimless patrolling in the countryside and the wastage in manpower by having all stations always manned by one man (station orderly). There were critical comments regarding the lack of mobility and the reliance on the pedal cycle. Apparently, the humble bike was to be used for duty incurred within 12 miles of the member's station. *"The utility of using the push bike today is as outdated as the side car for the local dispensary or the horse for the army"*. The barrack regulations hadn't changed since 1922 and the interpretation of these regulations meant nothing to administrators who considered the Garda Code the Alpha and Omega of life.

Commissioner's Report 1948⁸²

The Commissioner M.J. Kinnane proudly reported in 1948 on technological advances particularly in the Dublin area.

A central transmitting and receiving station are installed at Garda Headquarters, operated by remote control from Dublin Castle.

9 Patrol Cars fitted with wireless are circulating continuously in Dublin City and suburbs. 4 Detective Branch cars are also fitted.

Receiving sets are also installed in 14 Garda Stations, and two-way sets in 8 Garda Stations around the perimeter of Dublin in adjoining counties.

⁸¹ *Evening Echo 14 September 1948, 'The Garda's Lot is not so Happy'.*

⁸² *Commissioner's Report 1948 to the Minister for Justice.*

Portable sets are also available for installation at short notice in disturbed areas when necessary. Patrol cars form a link with foot and cycle patrols and are in constant touch with Headquarters. Particulars of serious crimes are broadcast, and cars are directed to scenes or to cut off escape routes of criminals. Cars are also directed to the scenes of traffic accidents, street disturbances, etc. Due to deterioration of equipment during the emergency years when spares could not be obtained, a good deal of improvisation had to be adopted, using parts of one set to keep another going, until the service went, in effect, off the air in the mid-year 1948.

General Sean Mac Eoin Minister for Justice ⁸³

In the meantime, the newly elected politicians were also having their say⁸⁴. *The Estimate is prepared based on an estimated strength of 7,494 officers and men, the same figure as last year. The actual strength on 31st May was 7,496. Further recruitment has been suspended pending an examination of the whole question of Garda strength. Losses by deaths and retirements are at present at the rate of 18 per month. The average strength over the year will, therefore, assuming that recruitment remains suspended, be about 100 below the Estimate.*

While I am on the subject of the Garda Síochána, I want to say a word on the use of influence. It appears that every time there is a change of Minister there are always a few members of the force who think they see an opportunity of securing personal concessions by the use of influence.

Accordingly, I want to point out that any such approach by a member of the force is a breach of discipline, expressly forbidden by the Discipline Regulations made in 1926 by the then Minister for Justice with the approval of the Government. In addition to these Regulations, the use of influence is prohibited by the Garda Síochána Code in specific and clear-

⁸³ Committee on Finance. - Vote 32—Office of Minister for Justice. (13th Dáil) – Wednesday, 23 Jun 1948 – Houses of the Oireachtas 22/12/2021, 19:07

⁸⁴ Dáil Éireann debate - Wednesday, 23 Jun 1948 Vol 111 No.11 Minister for Justice General Mac Eoin

cut articles published in 1928, 1932 and 1933 and finally in December of last year when the articles came up in the ordinary way for revision and re-issue. There have also been periodic reminders emphasising the relevant provisions of the Regulations and of the Code; thus, there were reminders in 1932, 1933, 1934, 1935 and 1937.

Deputies and other public men who are approached by members of the force to use their influence on their behalf should bear in mind that the member is asking them to do something which is contrary to the regulations and, if done, may result in injuring the applicant instead of helping him. What I have said applies to attempts to use influence to obtain promotion or to escape punishment as well as to secure a transfer, but transfers are, in practice, the source of most of the trouble. Before I leave the subject, I should like to make it clear that every member of the force who has (or thinks he has) a legitimate grievance can be certain of having his case fully and fairly considered by making appropriate representations through the proper channels. Moreover, a member is allowed, if he so desires, to address representations directly to the Commissioner in a sealed envelope and can thus be sure that anything he may have to say will be brought to the Commissioner's personal notice.

Major de Valera

I have said that the Garda are men of efficiency, of integrity, and, in the great majority of cases, of honour. To a large extent, the administration of the State depends on the Garda. If the Garda are a good, reliable force, it will have a good reaction, but if the Garda are not a good force, it will react against the public good, and I say to the Minister that the Garda are entitled to reasonable conditions. Some of the barracks throughout the country in which they are compelled to live are a disgrace. The quarters in which the Garda are compelled to live in Dublin Castle are an absolute disgrace. I ask the Minister to carry out a personal investigation of the sleeping quarters of the Garda in Dublin Castle. I think he will be shocked by the conditions he will find there. We want a good police force, and we are proud of a good police force. Let us make the conditions under which

the Garda live and work as up-to-date and as decent as we can make them. (23 June 1948)

Mr Dunne

There is one aspect of Garda discipline that has always appeared to me to be rather irrational, and one which causes undue suffering upon certain Gardaí who may break regulations of a minor or even of a major character. That is the system that has existed of transferring men who may be a long number of years in an area from that area, in which they have probably built their homes and raised their families.

IRA Army Order No 8⁸⁵

There was an important change to the IRA's policy about members of the security forces of the State in 1948 allegedly because the Government had declared that the State was now a Republic. This broke the link with any vestige of Dominion status. Accordingly, the IRA instructed their volunteers not to engage with the Garda Síochána and to destroy or dump arms if confronted. Similarly, they were ordered not to take defensive action.

⁸⁵ Bell, J. Bowyer, *The Secret Army*, (pp 266), Routledge (1979).

POLICING the 1950s

POWER STRUCTURE

Minister for Justice	TAOISEACH
Sean Mac Eoin 1948 -1951	John A Costello Fine Gael
Daniel Morrissey 1951 March - June	Eamon De Valera Fianna Fáil 1951 - 1954
Gerald Boland 1951 -1954	
James Everett 1954 – 1957 Labour	John A Costello Fine Gael
Oscar Traynor 1957 -1961	Eamon De Valera Fianna Fáil 1959
	Sean Lemass 1959 - 1966

Commissioner Michael Kinnane June 1938 – July 1952 Daniel Costigan 1952 -1965

DEMOGRAPHIC TIME BOMB PRIMED 1950s

The first 30 years of its existence had been remarkable and challenging for the embryonic Garda Síochána. As the 1950s emerged it was not anticipated that the next twenty years would be so dramatic and profound changes would occur with long term consequences for the organisation and the State.

There were key ingredients in the melting pot. The early joiners were on the retirement path. Many new members were joining, and these were young eager men and in 1959 women who had a whole set of expectations for their life in the AGS. Recruitment started in 1952 but the first recruits did not emerge until 1953 having completed initial training. A total of 6,096 members joined between 1952 and 1970 and 682 resigned in that time. Others also left for a variety of reasons but the

rank-and-file composition was irrevocably changed and this profile was in sharp contrast to the senior leadership. These were basically the old men of the revolutionary era.

One of the young joiners was Clare man John Marrinan known to all as Jack. He joined on the 11 November 1953, his registered number was 10449 and he was posted to Rathfarnham station on the 9 April 1954. His career and his many accomplishments have been well recorded, and the latest contribution was made by Tim Doyle⁸⁶. I served with Jack on the National Executive of the Representative Body for Guards (RBG) in the early 1970s, but more of that later.

A new commissioner Daniel Costigan was appointed on the 16 July 1952, following the death in office of Michael J. Kinnane. Mr. Costigan⁸⁷ was an Assistant Secretary in the Department of Justice just like his predecessor in office. His appointment was not welcomed by the senior officers at Garda HQ, and legend has it, that he was met with an acerbic declaration, *Mr. Costigan you're not welcome here*. His appointment preserved the hegemony of the Department of Justice over the AGS and by virtue of his civil service rank he was junior to the Secretary of the Department of Justice. Peter Berry became Secretary of the Department of Justice in 1961 and he had acted in that capacity for considerable time due to the indisposition of his predecessor, T.J. Coyne. Berry used many opportunities to maintain the Department's superiority with his relationship with Commissioner Costigan growing increasingly tense. Costigan was to serve as commissioner until 5 February 1965 when he was "invited" back to the Department of Justice. He was viewed as a decent man, intelligent and reformist minded but he had inherited a poison chalice with enemies on all sides. In an early initiative, Costigan

⁸⁶ Doyle, Tim, *Changing of the Guard*, Currach Books (2021).

⁸⁷ He had served on an Interdepartmental Inquiry in 1950 set up to Review the status of the AGS, the net result was that savings of £500,00 and a reduction in strength to 6,500 from a level of 7,500 in 1948 were achieved – a temporary victory for Department of Finance.

sent selected officers on courses at the Irish Management Institute, a move that inspired dramatic changes in recruit training programmes⁸⁸.

Labour relations were not understood within the AGS. Since its inception the force had the system of Representative Bodies for different Ranks who were located under a Joint Representative Body (JRB) umbrella. This was the controlling body and it was dominated by the senior officers of the force. The Joint Representative Body could meet twice a year at Garda HQ and then present its suggestions to the Commissioner for processing with government or not. However, the guards had become quite adept at using the print media to highlight their grievances, and articles appeared testifying to this influence. Strictly speaking, this action was contrary to the Discipline Regulations but it was a case of needs-must.

Conciliation and Arbitration services were awarded to the Civil Service in 1950⁸⁹. The Joint Representative Body immediately applied for the same facilities for the Garda Síochána and these proposals were made in August 1955. The response was snail-paced and in 1958 the Department of Justice presented a memorandum to Government advocating the necessity to provide the Conciliation and Arbitration facility to the guards. The Department of Finance remained resolutely opposed and complained about the objectionable and disrespectful tone being adopted in the *Garda Review* magazine. Government settled on a compromise based on the system operating in the civil service where the most senior grades were excluded from the scheme due to their unique relationship with government at the most senior level. The compromise was that the service would be offered to members of the AGS up to and including Inspector rank and the more senior ranks would be excluded based on the civil service example. A meeting of the Joint Representative Body was held in December 1958 under the chairmanship of Chief Superintendent Tom Collins who proposed rejecting the scheme because

⁸⁸ Allen, Gregory, *The Garda Síochána, Policing Independent Ireland, 1922–1982*, Gill & Macmillan (1999).

⁸⁹ *Ibid.*

it excluded the senior officers, which on the face of it was a reasonable position. However as covered in his work “Sit Down, Guard!”, Eamonn Gunn⁹⁰ recalls that, Chief Superintendent Collins was determined to close the matter without further debate.

As their newly elected secretary, (Representative Body for Guards, RBG) I felt obliged to point out that the RBG had not received copies of the Scheme and was therefore not yet in a position to give the scheme proper consideration. I proposed that the meeting should adjourn in order to give the RBG an opportunity to meet separately and consider the scheme fully. I emphasized that the issue was of very great importance to the RBG and it should be given an opportunity to make its own decision. There was a full attendance at that meeting, but not one Guard or NCO rose to second my proposal. As the Chairman was about to proceed, I persisted in making my point. Nothing would be lost by allowing more time for the consideration of this very important matter, I argued. However, the solitary pleadings of a junior Garda echoed hollow in such a muted assembly. My continued protests that the Garda rank was not being allowed a say in its own affairs were met with a stern rebuke from the Chairman. Loud and clear came his very firm admonition, “Sit down, Guard!” Although I continued to protest at this arbitrary and undemocratic decision, the Chairman declared that the Conciliation and Arbitration Scheme, which the Bodies had been seeking for some years, had now been rejected.

What followed was a period of fractious communication between the Joint Representative Body and the Department of Justice. A “scorching” letter was returned from Justice citing disrespect and untruth with a refusal to consider such a communication. A sort of Departmental version of *Sit Down Guard*. A period of reflection followed and appropriate soothing words were formulated and the Minster Oscar Traynor became more receptive. The Department of Finance still held out resolutely relying on every possible nuance and largely feeling precious about themselves. Eventually on the 15 May 1959 the Government

⁹⁰ Gunn, Eamonn. *Sit Down, Guard!*, Choice Publishing (2013).

agreed to a Conciliation and Arbitration scheme for all ranks other than commissioners. Naturally the devil in the detail, the Conciliation Council was a forum where the Official side and the Garda Side debated items which were deemed conciliable. These discussions resulted in agreement or disagreement which was recorded in an Agreed or Disagreed report. An Agreed report would fall to be implemented. The next avenue for disagreement was the Arbitration Board, which was appointed by government following agreement with the Garda side. Findings by the Arbitrator were binding, subject to some caveats rarely if ever used. However not all items or grievances were arbitrable, so in effect as future events would show this process was far from straightforward. The Official side could procrastinate, claims could sit for years and ultimately Government could delay. The Joint Representative Body rapturously welcomed the new agreement according to Gregory Allen, greeting the recommendations with “a lighter heart than they had known for years”.

Probably the most immediate consequence of the agreement was that it gave the RBG and its rank-and-file members a status that they had not previously enjoyed, but their trials and tribulations were only starting. Retiring members would achieve maximum benefits carried into their pensions and gratuities but serving members under 6 years’ service would be even worse off.

There were to be three key developments, all of which were negative in terms of the young guards.

1. The Joint Representative Body accepted an offer (April 1960) of an increase of £1 per week for Guards on a reduced scale of ten years. Their claims for unique responsibilities and restoration of historic pay cuts were disregarded. Their claims for comparison with British and RUC police forces were ignored. They had sought a £3 per week increase.
2. In December 1960 the Joint Representative Body accepted a settlement of an outstanding Rent Allowance Claim. The

amount was £65 per year, and it was agreed that the increase would be incorporated into basic pay, thereby making the award pensionable. There was a proviso that members availing of official accommodation would be subject to clawback for their use of Official Accommodation. This clawback was set as £52 for sergeants and gardaí. This meant that non-qualifying members would have a nett increase of £13 per year which would be eaten up in income tax deductions. Obviously retiring members were mightily pleased and the Joint Representative Body declined to go to Arbitration. The scene was set for a major confrontation and that was not long in coming but there was to be another nail in the coffin before the storm broke.

3. The Conciliation Council reconvened in October 1961 to consider the Joint Representative Body claim for the application of the eighth round of the General Pay increases which had already been granted to the Civil Service. Again, there was the proverbial sting in the tail, younger guards with less than five years' service were excluded. The Department of Finance doctrine of making money awards cost neutral as near as possible was obvious. There was another instance of inequality and discrimination. A small number of women who joined the AGS in 1959 were already on an inferior pay scale to their male colleagues and they were required to resign on marriage, the so-called marriage ban.

POLICING THE 1960s

POLITICAL CHANGES & IRA CAMPAIGN 1956–1962

The 1950s was a time of changing political control. There were General Elections in;

- **1951** (FF minority), Gerald Boland Minister for Justice,
 - **1954** FG, Labour, Clann na Talamh, Minister James Everett,
 - **1957** FF Minister Oscar Traynor,
 - **1961** FF + Indeps, Minister Charles Haughey **1961**, Brian Lenihan Snr. **1964**,
 - **1965** FF Minister Brian Lenihan Snr. **1964**, Mícheál O'Móráin **1968**, Desmond O'Malley **1970**.
-
- **1965** Commissioner Daniel Costigan reverted to Department of Justice,
 - **1965–1967** Commissioner W. P. Quinn
 - **1967–1968** Commissioner Patrick Carroll
 - **1968–1973** Commissioner Michael Wymes
 - **Secretary Department of Justice** Peter Berry retiring in 1970 after long service

Operation Harvest 1956–1962

Sinn Féin had achieved electoral success in the British General Election 1955 where they polled 152,000 votes and gained two abstentionist seats. It is probable that this electoral success and activities by disgruntled Tyrone republicans who had formed a militant Saor Ulaidh organisation forced the IRA and its southern leadership to act.

The Fianna Fáil party was the dominant political influence from 1951 to 1971 with an exception for the 1954 Inter Party government led by Fine Gael supported by Clann na Talamh. On a point of note, Sinn Féin won 4 seats in 1957 in the Dáil but failed to retain seats in 1961. The IRA Border campaign influenced their electoral success in 1957 but the support was short lived.

The IRA campaign started on 12 December 1956, with a number of attacks proximate to the border. A BBC transmitter was bombed in Derry, courthouse burned in Maghera, an attack on a B Specials Post in Newry, an Army Barracks in Enniskillen and a brief attack on Gough Barracks in Armagh. These actions were followed by a retreat over the border where arrests were made by Gardaí. The IRA had settled on an approach of incursions into the north in relative force. No attacks were mounted in Belfast allegedly for fear of Loyalist reprisals on the catholic population and also because the IRA had been compromised in that city. The Stormont regime introduced Internment without trial. In the south full use was made of the Offences against the State Act, 1939 in terms of arrests and charges. There is no doubt that the IRA personnel were well known in both jurisdictions. The most spectacular attack was an abortive action at Brookeborough in Fermanagh. This was the first time where the IRA suffered casualties. Two volunteers were fatally wounded, Sean South (29) from Limerick and Fergal O'Hanlon (20) from Monaghan. There was something sad and futile in the deaths of these young men who were led down this path by more senior colleagues. There was a strong emotional reaction in the republic. The funeral cortege of Sean South attracted widespread interest as it passed through towns and Dublin on its way to Limerick. The Chief of Staff of the IRA, former army officer and journalist Sean Cronin was arrested. He was to serve as Chief of Staff on two occasions, interrupted by periods of imprisonment. The other erstwhile Chief was Ruairí O'Bradaigh who took alternate roles with Cronin. O'Bradaigh was to have a long enduring role in IRA activities spanning several decades.

The IRA campaign, so called *Operation Harvest* was doomed to failure and it failed to attract enduring support in either part of Ireland. Although, it did prove an unwelcome burden on the southern state in terms of garda personnel and reallocation of members to border duty. Fianna Fáil came into power again in 1957. One of the first actions was taken in July when the government issued a Proclamation under the Offences against the State Act activating powers of arrest and detention. This gave effect to internment without trial on the authority of the Minister for Justice or any Minister. This meant that internment was in operation on both sides of the border, and it was to prove a very effective deterrent. There was another General Election in 1961 and Fianna Fáil were in power once more with Charlie Haughey as Minister for Justice. The government decided to recommence the Special Criminal Court but manned by military officers as distinct from regular judiciary. This action was mistakenly reported as being a Military Court or Tribunal for obvious reasons because of the presence of military officers on the court bench. There was one very significant difference, a Military Court was a court of summary jurisdiction from which no appeal lay other than to the Government. The Special Criminal Court verdicts were fully appealable within the courts system. At this remove it is difficult to see why this decision was made at such an advanced stage in *Operation Harvest*. However, some indication may be gleaned from the comments of Taoiseach Sean Lemass to the Dáil⁹¹.

The Government have been advised by the Garda Authorities that, notwithstanding the widespread public condemnation of the acts of violence on the Border and the emphatic repudiation of those who supported them at the recent General Election, confidential information and observations indicate that further acts of the same character may be perpetrated. The Government are determined to do everything in their power to bring this campaign of violence to an end and as existing measures have not yet succeeded in this purpose have decided that it is now necessary to strengthen them.

⁹¹ *Private Notice Question: Military Courts – Dáil Éireann (17th Dáil), Thursday, 23 November 1961, Houses of the Oireachtas.*

The measures taken so far have reduced the number of these illegal activities but although only a small number of persons are engaged in them, they necessitate keeping a large force of Gardaí constantly on the alert. There are over 600 Gardaí engaged whole-time on duties in connection with these activities at a cost of the order of £400,000 per annum and there are over 250 on special duty in Border counties. Everything possible has been done up to now within the normal means to suppress this campaign of violence and it is because it is in the national interest to bring it speedily to an end that the Government have taken the step of filling the vacancies in the Special Criminal Court so that it may function again. The only cases which will be brought before the Court will be those arising from this armed conspiracy of violence.

Death Toll

The human casualties of *Operation Harvest* were eight IRA killed and the RUC had six constables murdered. It was a low intensity operation, but the loss of life was tragic and avoidable.

TIPPING POINT 1961

Fortunately, I knew some of the men involved in what's now referred to as the Macushla Meeting⁹². They were deeply concerned by their conditions of service, and they felt very badly let down by their representatives. They were shocked by the unfairness of the situation and appalled at the peremptory dismissal of 11 Colleagues. There was a strong concentration of the young guards working in Dublin and living in stations. This created a strong bond because of long duty hours and being permanently part of the same social group. They worked, played and socialised in that same bubble and so it was only natural that the widespread disquiet at their treatment would become the main topic of conversation. One such station was Fitzgibbon Street in the Dublin

⁹² A meeting held by disgruntled Gardaí in Dublin in 1961 at the Macushla Ballroom.

north inner city. This is a station well known to thousands of GAA supporters as the Croke Park landmark. A group were in animated discussion there when they were interrupted by the sergeant who advised them that he had his orders and they had to quit the station. They did not argue the point, but they decamped down the street to outside Croke Park at the Canal end. While these colleagues were meeting so were many others at stations around the city and in urban centres as well. Meanwhile the mood was bleak down at Croke Park and the thoughts turned to organising a big meeting of all the young guards. One young guard, Aidan Forde, had a suggestion. He knew the manager of the Macushla Ballroom and he was sure he would make it available. This is how the meeting took place on the 7 November 1961. The meeting was very well attended despite the fact that Commissioner Costigan had issued an order the previous evening that attendance would be considered a grave disciplinary breach meriting discipline. He had been ordered by the Minister for Justice to take action as administering the force was his responsibility albeit when politically suited. It is reported that 850 members attended, certainly the hall was full to capacity. Superintendent Tim O'Brien was the local superintendent, and he went into the hall accompanied by Inspector Albert Dawson. The Superintendent noted names of those attending but the Inspector did not, this did not endear him to the Superintendent. A number of meetings were held outside Dublin, including Cork and Limerick.

Commissioner Costigan had no room to manoeuvre, and he ordered the dismissal of 11 members⁹³ and the disciplining of 165 others who had been identified by Inspectors on duty outside the hall. These were to be fined £10 and transferred to a country station and were also to be required to give an assurance of future good behaviour. However, one of the members sought legal advice from leading senior counsel John A. Costello, a Fine Gael politician. He advised that the Gardaí had a right to fair procedure, and it appears that the Attorney General agreed that the

⁹³ *Dismissed and reinstated Gardaí: Jack Marrinan, David J. Walsh, Dick Keating, Donie Murphy, William T. Corcoran, Patrick JG Muldoon, J.A. Staunton, Mick Harlowe, Thomas Hegarty, Michael Murphy, Tom Bennett.*

Supreme Court would uphold that view. The commissioner responded that the Representative Bodies were democratically elected and that provided a means of reflecting these concerns to him for the information of government. In his heart he must have known that his declaration was not remotely close to reality. He was more prescient when he castigated “wild cat” action by some Gardaí involving a go-slow in relation to traffic control in Dublin. A subsequent meeting was planned for the Macushla on Sunday 12 November. At this stage the punitive action taken was having an effect and there was concern by the young Gardaí that they would not succeed. A meeting was in progress in Fitzgibbon Street the night before the scheduled second Macushla. There were already misgivings and then a party of colleagues arrived from the “A” district saying that they were pulling out, this news tipped the balance, and it was decided to cancel the meeting. Then serendipity played a major role, the wife of Assistant Commissioner W.P. Quinn was killed in a traffic accident. He was the officer in charge of the Metropolitan area and directly involved with the protests. This tragic event provided a tactical opportunity for the young Gardaí, who announced that the planned meeting was cancelled as a mark of respect owing to the death of Mrs. Quinn. A number of events had occurred, Jack Marrinan had been brought into the limelight, a position he was to occupy for close to the next 30 years.

Enter Eamonn Gunn⁹⁴ with Archbishop McQuaid

Towards the end of the week, my own involvement with the Dublin Institute of Catholic Sociology was about to draw me further into the Macushla Affair. Archbishop McQuaid had become concerned at the deteriorating situation, and Father Fehily - Director of the Institute - contacted me and others with a view to arranging a meeting with Archbishop McQuaid.

⁹⁴ Gunn, Eamonn. Sit Down, Guard!, Choice Publishing (2013).

This was the start of a most interesting segue into the power brokers of Irish society at that time, Church and State in harmony. The Archbishop had contacted Mr. Haughey voicing his concern at the emerging crisis and offering his assistance as a mediator. How could the minister refuse particularly when force majeure looked like being politically negative.

The Archbishop offered to persuade the men to guarantee that there would be no more meetings, and Mr. Haughey expressed his satisfaction with that. However, he was reluctant at first to reinstate the eleven dismissed men. Eventually, he agreed that discipline, which was his main worry, could best be restored by the goodwill that such a reinstatement would generate. There had been a shooting on the border that day⁹⁵, and the Archbishop felt that it was imperative to resolve the Garda problem. He told Minister Haughey that he would ask Father Fehily to bring some Garda representatives to him that night and stressed how necessary it was that Mr. Haughey, as a new Minister, should not make any mistake in his early days in office. Moreover, he said he was sure he could guarantee the goodwill of the Guards.

The realpolitik worked wonderfully, and all sides were glad to retreat from the extremes. The eleven Gardai were readmitted on a simple application, and disciplinary action was ceased but internal relations would never be the same again and the Representative Body for Guards was to become a trailblazer with Jack Marrinan at the helm ably assisted by colleagues. Mr. Haughey and the government came out of the conflict with colours intact, and the immediate loser was Commissioner Costigan who had responded to the ministerial directive to put his house in order and then he was swept away by the inevitable compromise which followed.

Early in 1962 there were elections to the Representative Bodies and the separate Bodies met under the umbrella of the Joint Representative Body. Discussions and negotiations took place at the

⁹⁵ *The IRA Border campaign was still ongoing.*

Department of Justice involving Eamonn Gunn and Tony Coffey, both members of the Dublin Committee of the RBG. Eventually new regulations were drafted and provided that the different Bodies could negotiate separately on matters relating to their rank. This was a complete departure from the old regime and as a consequence the RBG launched its own specific pay claim at the Conciliation in April 1962. The earlier disputed pay claim was withdrawn, and the battle was on for a better deal. The claim was not agreed at Conciliation and then it was moved to Arbitrator for his findings. The Arbitrator Judge Frederick Mangan conveyed his ruling to the Minister for Justice and reluctantly the award was accepted with the Department of Finance still protesting. There was no practical political room available to fight the claim. In January 1963 the Gardaí also qualified for a further pay increase in accordance with the terms of the 9th Round Public Sector increases. The guard on the lowest point of the pay scale had achieved a pay increase of 19.5% in a little over four years. This was the beginning of a confident RBG relentlessly pursuing its claim.

Ministers Change Place, Commissioner Departs, Department of Justice remains Constant

Justice Minister Haughey (1961–1964), replaced by Brian Lenihan Snr. (1964–1968), replaced by Micheál O'Móráin (1968–1970).

Commissioner Daniel Costigan replaced by Commissioner W.P. Quinn (1965–1967), replaced by Commissioner Patrick Carroll (1967–1968), replaced by Commissioner Michael Wymes (1968–1973).

Secretary Peter Berry Department of Justice was long-time incumbent until 1970

Jack Marrinan and Peter Berry

There was a simmering battle between Jack Marrinan as the General Secretary of the RBG and Peter Berry in the Department of Justice. It seemed very much the case that Berry was pursuing an attritional struggle with the AGS and Marrinan in particular. There was strong evidence of capricious and petty decisions to withdraw certain benefits⁹⁶. The Garda Band was disestablished and was not reintroduced until 1970 following the murder of Garda Richard Fallon. Facilities that were available to two garda welfare societies were curtailed and their personnel was reduced. Garda canteens were closed but the most striking dissonance was at the Conciliation Council. Mr. Berry was extremely acerbic in detailing the superior qualities of civil service clerks as opposed to members of the force. The RBG claims were disagreed at the Conciliation Council and were submitted to Arbitration. The Arbitrator was Judge Frederick J. Mangan, who held hearings in June and July 1963. He ruled massively in favour of the Gardaí and Peter Berry was gracious enough to privately agree with Marrinan on many of his representations. It would be remiss not to recognise the efforts of many others when enumerating the many positive achievements of Jack Marrinan. One of those men who performed magnificently and over many years was Michael Conway. He was seconded to a rejuvenated RBG after another struggle with Peter Berry. Michael was a tremendous powerhouse, incredibly efficient and passionately devoted to improving the welfare of all Gardaí. He eschewed the limelight and was the perfect foil to Jack Marrinan's public profile. He had endless patience and was temperamentally calm and collected.

The Road to the Conroy Commission 1968

The RBG continued on its campaign for an overall improvement in conditions of service, accommodation, hours of duty and a vast array of accumulated grievances and shortcomings accumulated over the

⁹⁶ Doyle, Tim, *Changing of the Guard, Currach Books (2021)*.

previous decades. A young Doctor Garret Fitzgerald, future Taoiseach and Fine Gael Leader, was taken onboard as a special economic adviser, his number crunching skills were invaluable for the Conroy Commission which was to take on a wide-scale review of the AGS from many different standpoints. This drive for an overall review was supported by all ranks which continued to make representations under the umbrella of the Joint Representative Body, but the real muscle rested with the RBG.

One particular concern provided a catalyst for protest and that was the long hours of duty and the many negative sides to that old system⁹⁷. The Government agreed in 1968 to appoint a Commission on Garda Pay and Conditions of Service, this body was chaired by Circuit Court Judge John Charles (Charlie) Conroy. His report became the **exploding bomb** for the Garda Síochána, Department of Justice and the Government in 1970. Judge Conroy interpreted his brief to the widest possible extent.

The garda strength in June 1961 was 6,646 members which was similar to the numbers over the previous eight years. There was also the no small matter of the Macushla incident in November same year where it was clear that all was not well in the Force. These warning signs were already manifesting.

⁹⁷ *Long Hours, Shift Work, Split Shifts, Night Duty, Weekends, Leave (2 Days per Month), Day Duty, 4 Days on Nights.*

POLICING the 1970s

POWER STRUCTURE

	TAOISEACH
Micheál O'Móráin 1968–May 1970	Jack Lynch FF 1966–1973
Des O'Malley May 1970–March 1973	
Patrick Cooney 1973–1977	Liam Cosgrave FG
Gerry Collins 1977–1981	Jack Lynch FF 1977
	Charles Haughey December 1979–June 1981

Commissioner	Served
Michael Wymes	1968–1973
Patrick Malone	1973–1975
Edmund Garvey	1975–1978
Patrick McLaughlin	1978–1983 January

TRUTH WILL OUT – CONROY REPORTS 1970

As a young garda attached to the suburban Santry Station in Dublin I waited with bated breath for the Conroy result. My station was a small bungalow-type building then overcrowded and with a grotty appearance. I lived in the station with two other recruits, and we coped with the manifest short comings with total optimism. We were proud and happy to be in the guards and full of enthusiasm for a future ahead. There was a lot of negativity from more senior colleagues who had endured very poor conditions.

Rumours were rife and we craved for information. It was no surprise that the media had the detail first and it was breath-taking in

its recommendations. **The Irish Press 24 January 1970 summarised the long-term recommendations succinctly.**

- *If the recommendations for the betterment of pay and conditions were accepted, they would go a long way to bringing about a better atmosphere in the force. Nobody would grudge the Garda Síochána this betterment.*
- *It was almost incredible that was the first review of the force since the foundation to undertake such a thorough investigation. It was a great pity that work had not been undertaken earlier.*
- *They remarked that Conroy felt that he had “not the opportunity, nor were we asked, to look at other factors influencing the morale of the force”*
- *There were even more outspoken comments on the lack of delegation from the Department of Justice. Why should there be “vagueness, uncertainty and ineffectiveness”? Was it because the current Commissioner was a career policeman unlike his predecessors?*
- *Judge Conroy was satisfied that all was not well in the Garda.*
- *Another problem was that bulk recruitment unfortunately would negatively impact on retirement and promotion bottlenecks.*
- *Presciently it recounted that “Society gets the government it deserves, and that is true of the police force, of which we have melancholy in the North’s RUC and para-military B Specials. The Garda is a people’s force, and its relationship with the public is, on the whole, a happy one. Complaints of strong-arm methods are few, and where they have occurred there has been a degree of provocation towards the Gardaí.*

The *Irish Press* reserved its final paragraph for the bread-and-butter issues.

- *The rank-and-file may find on examination that what may be called the fringe benefits recommended for them in the way of overtime pay, rent and living out allowances, a 42-hour week and extended time off are even more valuable than the suggested increases in pay. If morale can be boosted by the hammering out of a better working relationship between the Garda and the Department of Justice, then the Conroy Commission will have more than achieved the objectives.*

What do you mean, we'll have only 42 hours a week, we'll get paid overtime, we'll have special payments for working unsocial hours and more ancillary payments? No way it will never happen, just no way. This was the popular discourse.

The government accepted the recommendations, and the terms and conditions of Gardaí were changed for ever. Many of the allowance payments were paid to operational Gardaí only and were not applied to support or administrative colleagues. They were being left behind financially, but the majority were secure. Jack Marrinan understood this dilemma and he tried to negotiate changes which would consolidate allowances into basic pay. This would ensure an enhanced basic pay and would be pensionable as a consequence. He had no success with this approach because popular rank-and-file sentiment was opposed, and the Department of Finance would resist this move because of the long-term financial implications.

Nevertheless, the financial impact of the recommendations was immense.

In 1961/2 the Estimated Expenditure for the AGS was £5,847,027 and in 1971/2 the Estimated Expenditure was £18 million; this included a PAYMENT for OVERTIME was £917,023. In 1976 the corresponding

figures was, £59 million and £5 million and in 1981 the figures were £119 million and £10 million (Figures Approximate). The Minister introduced a supplementary budget on 4 March 1970⁹⁸ of £1,157,000 to take account of the Conroy recommendations.

The strategic implications of Conroy are still relevant in 2022. The relationships between all the power brokers are even more complicated than 1970.

The pressures created by this unique security imperative impacted between 1970 and 1998. In the post conflict situation, there were remaining security imperatives but inexorably the threat to the state began to gravitate to organised crime gangs and drugs. Naturally other events influenced the character of policing and security. These were recurring economic imperatives, labour relations within the AGS itself, the quality and nature of leadership and control of the organisation.

My fundamental premise is that significant figures of authority were charged with high level responsibility. This had been the case since foundation of the State but has particular relevance in modern times. These important individuals were in office from 1970 to 2020. They were the Ministers of Justice (20), the Departmental Secretary Generals (10) and the Commissioners (16). Occasionally the Taoiseach exerted direct influence on prevailing circumstances. This was the case with Taoiseach Jack Lynch in the 70s, Taoiseach Charlie Haughey in the 80s and Taoiseach Enda Kenny in 2014. The permanent government was represented by the Secretary General who normally exercised maximum administrative control. Ministers were usually inexperienced and typically spent a few years in post before moving on. History is not best served because collectively these important people have left no public record of their time in office. One exception was Desmond O'Malley. This obviously diminishes the ability of modern leaders to draw on past experience which tends to force them to transactional decision making. On average

⁹⁸ *Dáil Debate 4 March 1970 Vol. 244 No 13*

Ministers spent less than 3 years in office, the Commissioners served short terms usually and one served for 7 years but that was exceptional. One Commissioner was terminated in office and two were “eased” from office.

The Secretary Generals enjoyed the greater tenure and influence, with three SGs in position for a period of 33 years cumulatively. The strong SG influence remained in place until 2014. The period from 2014 to 2020 reflected an unprecedented level of disruption in that hegemony. These powerful figures were the policy makers and ultimate responsibility lies with them both for success and failure.

The terror that engulfed Northern Ireland and which had severe consequences in the Republic was caused by the rejection of the Civil Rights Campaign in Northern Ireland. This was the immediate cause, but the underlying factors related to the undemocratic sectarian nature of the Northern State. Street demonstrations became common place, and they were invariably peaceful, but they were frequently banned, and the RUC and B Specials were used to prevent them. Marchers were batoned and assaulted and this was tolerated or encouraged by the political establishment. These events were widely publicised, and television became a powerful medium of live information. Inevitably this institutional violence reached a crescendo.

I was a member of the AGS in 1969, a young recruit and it was easy to see the widespread resentment caused, particularly in August 1969. We were aware that the IRA was considered an impotent force at that stage but as the IRA split into two factions, the Provisional IRA and the Official IRA, all of this was to change. The Officials were more interested in developing socialist policies, but the Provisionals were intent on following a traditional republican physical-force ethos and both groups had political wings, Official Sinn Féin and Provisional Sinn Féin. Cathal Goulding was the chief of staff of the Officials (OIRA) and Seán MacStiopháin was the equivalent with the Provisionals (PIRA). Within a relatively short time the Northern IRA came to the fore with volunteers

like Gerry Adams and Martin McGuinness taking command. The Provisional IRA became the dominant IRA after 1969. However, confusingly it was also referred to as the IRA simpliciter.

It was inevitable that the Civil Rights movements' non-violent approach would falter in the face of intransigence from the Northern establishment. The point of no return for most (Provisionals) was the Bloody Sunday killings in Derry on 30 January 1972 which had been preceded by Internment on the 9 August 1971. This was a powerful recruiting sergeant for the PIRA, just like the H Block protests a decade later.

This work is about the protection of the Southern State and the role of the AGS in that regard. The wider story has been recounted in many other fora. Nevertheless, the role of the British and their activities North and South is a relevant consideration for reason which will become apparent. Despite the well-publicised British policy of not engaging with terrorists, that is what they did almost from the very start of the PIRA campaign.

THE PERFECT STORM

When one considers the last 50 years one is dealing with living history and many people involved are still living and historical records are recent and available.

In 2022 we can look at the AGS and the State with fresh eyes. If one accepts that the primary role of the Police and Security Service is to Secure the State for the government and the Community. This is a primary duty, and one should bear in mind our historical experience and the lessons from the War of Independence. Michael Collins and his colleagues developed a very simple mantra, destroy the RIC and government would lose control of the countryside. The functioning of normal civil society would be almost impossible, and the new regime would supplant the old.

The primary internal threat to state security came from the PIRA and its derivatives. Ultimately the drugs barons assumed a similar profile without the political ambitions of PIRA.

Internally the AGS was challenged by newfound strength of the Representative Bodies but particularly the Representative Body for Guards (RBG) and its successor the Garda Representative Association (GRA). General Secretary Jack Marrinan was a steadying hand as long he served with the GRA. The period following his retirement was tempestuous and the Central Executive Committee became very large which militated against efficient effective management.

Garda management simply was not equipped for the challenges in labour relations. The effect of the Conroy commission was to cut the operational strength of the AGS by 25% due to reduced working hours. This also created an enormous financial burden on the State.

There is no evidence that senior Gardaí were actively pursuing a constructive policy against the threat posed initially by the bank-robbing Saor Éire. Slowly the orientation turned to PIRA with remarkable results. Nevertheless, there was an ever-present danger of the northern troubles spilling over and engulfing civil society in the South.

Government seems to have forgotten the lessons learned from previous IRA campaigns. They were also riven with internal conflict as evidenced by the Arms Trials. Peter Berry, the long serving Secretary of the Department of Justice, was about to depart the scene taking with him a fund of historical state security information. This experience was lost to government who probably considered him an overzealous civil servant.

The Civil Rights campaign faltered in the North in the face of brutal repression and the scene was set for a historic split in the IRA, which led to the emergence of the Provisional IRA which was to prove the single biggest threat to state security. An ancillary threat was to come from Loyalist paramilitaries and shadowy elements in British state security.

Historically speaking, the 1970s was a decade like no other in the experience of the State. There were times when the very existence of the State was threatened by the actions of its own leaders as well as the PIRA.

The Northern Troubles impacted in an unprecedented fashion which disturbed and distorted policing in an unimaginable way. Any objective examination of the preceding decade would indicate that the Republic was a low crime location with a high degree of civic compliance. The overarching exception was the perennial threat posed by the IRA. The southern objective was primarily economic, with a premium of integration into the European Community.

Capacity and Integrity

This chapter examines the capacity and integrity of the State at all levels to meet the challenges. The analysis arrives at uncomfortable conclusions.

The first ostensible political challenge was the Arms Importation debacle (1970) and the consequential Arms Trials and the hearings of the Public Accounts Committee. The murder of Garda Richard Fallon on 3 April 1970 was a shocking event, but it came after a demonstrable period of armed robberies and the activities of the Saor Éire gang. It raised many unanswered questions as to complicity and incompetence. The sacking of two government ministers, Charlie Haughey and Neil Blaney, were body blows to Fianna Fáil who had been in power since 1957. The replacement of the Minister for Justice Micheál Ó'Moráin by Desmond O'Malley in May Of 1970 further added to the crumbling political façade. The long serving Secretary (General) of the Department of Justice was replaced by his colleague Andrew Ward. Berry had been in that department since 1927 and much was lost in the state security arena by his departure. He was an irascible character, but he had rendered state security some service. Commissioner Michael Wymes was the sitting commissioner and there is little evidence of what strategic contribution he made to the emerging situation.

The southern reaction to the Bloody Sunday killings (1972) was one of grief and outrage. It led to the burning of the British Embassy in Dublin. In May there was major riot of PIRA prisoners in Mountjoy prison. The Gardaí were dealing with their criminal activities with considerable success. The unknown dynamic was the prevailing status of public opinion which could be swayed by atrocities committed in the North. On June 8 Inspector Samuel Donegan was killed on the Fermanagh/Cavan Border by a PIRA device. On November 26, an unsuccessful attempt was made to rescue the PIRA Chief of Staff, Sean Mac Stiopháin from the Mater Hospital where he was on reputed hunger strike. There were two car bomb explosions in Dublin on 1 December 1972 which “encouraged” politicians to vote in favour of legislation targeting the PIRA and others. This was followed later that month by the arrest of Detective Patrick Crinnion who had been colluding with an MI5 agent in passing secrets to the British. Patrick Malone took over as Commissioner in January 1973 and he served until September 1975. The garda Representative Bodies had won a lot of power and influence because of the findings of the Conroy Commission. This was particularly true of the Representatives Body of Guards (RBG) which consistently sought the implementation of the Conroy Commission recommendation. They were strongly opposed by the Departments of Justice and Finance, who had a strong philosophy of not willingly conceding an inch. This contest was strongly exacerbated when Commissioner Garvey became commissioner in 1975.

Fine Gael and Labour formed a coalition government after the 1973 General Election and Patrick Cooney was appointed Minister for Justice. In October 1973 three top PIRA escaped from Mountjoy Prison by means of a hijacked helicopter.

The Sunningdale agreement resulted in a power-sharing government being set up in Belfast. This created massive protest from the Loyalist population including a province-wide strike. On the 17 May 1974 three car-bombs were exploded in Dublin followed by one in Monaghan later. Thirty-four people were murdered including an unborn

baby, which represented the highest total of the Troubles. The Sunningdale Executive collapsed as a result. On the 18 August 1974 PIRA prisoners escaped from Portlaoise Prison. The PIRA attempted another escape in March 1975 which was unsuccessful, and one prisoner was shot. Commissioner Edmund Garvey was appointed in 1975 and he served until he was dismissed in 1978 by Fianna Fáil. On the 11 September 1975, off-duty Garda Michael Reynolds was shot dead while he attempted to arrest bank robbers. Also, on 3 October 1975 Dutch industrialist Tiede Herrema was kidnapped in Limerick by Eddie Gallagher and Marion Coyle. He was traced to a house in Monasterevin in County Kildare on 21 October. He was released after a two-week standoff. The kidnappers demanded the release of three PIRA prisoners. On 15 July 1976, PIRA prisoners used explosives to escape from the Special Criminal Court in Dublin.

There was a big economic downturn, with inflation and interest rates in double digits. Unemployment was high and there was a housing crisis, strikes were common, and the PIRA campaign weighed on top of all that. The RBG were increasingly locked in a battle with government arising from cutbacks and the prominence of Jack Marrinan as the garda “spokesman” was greatly resented by Commissioner Garvey and senior officers close to him. There were two camps in the senior ranks, those which supported Mr. Garvey, and those who were very concerned at his personnel management approach. The representative bodies made it very clear to government that they considered that the situation was very grave and there was internal disquiet on the so called “heavy gang” tactics being employed against some subversives. Nevertheless, on the welfare front the RBG with support introduced a Medical Aid scheme catering for the welfare of all garda members and their families. This provided unprecedented medical cover including hospitalisation benefit.

On the 21 July 1976, the British Ambassador Christopher Ewart Biggs was murdered when his car was blown up by a roadside bomb in Dublin. This gave rise to a major disagreement in the Fingerprint Bureau where a misidentification was made. In October the Government

introduced a raft of legislation to deal with the PIRA. This was to have direct consequences for Gardaí. On the 16 October 1976 Garda Michael Clerkin was killed in a booby-trapped explosion at a house which was being searched near Portarlinton. Several colleagues received very serious injuries. Fianna Fáil were returned to power in July 1977 and Gerry Collins was appointed Minister for Justice. The Commissioner Edmond Garvey was dismissed summarily in January 1978, but he was later vindicated in a subsequent court case. The court considered that the manner of his dismissal was unlawful. Patrick McLaughlin was appointed Commissioner and he in turn was to be removed from office in 1983 by a Fine Gael Government. In 1979 I had a personal brush with death when myself and a colleague were fired on by a member of the PIRA. Many other colleagues had the same experience, it was a dangerous time to wear the blue.

CAN YOU TRUST THE POLITICIANS?⁹⁹

Terrorism may achieve political ends by either mobilising forces sympathetic to the cause of the terrorists or by immobilising the forces of the incumbent authorities.

T. P. Thornton, 'Terror as a weapon of political agitation' in H. Eckstein (ed.), Internal War (London: Collier-Macmillan, 1964).

In 1969 the Irish Government set up a committee with special responsibility for the situation in Northern Ireland. August '69 was a time of great turmoil in Northern Ireland with attacks on Nationalist and Catholic homes in Belfast. The membership of that committee was Mr. Charles J. Haughey, Minister for Finance, Mr. Neil Blaney, Minister for Agriculture and they were accompanied on that by Mr. Padraig Faulkener and Mr. Joseph Brennan. Their instructions were that they should

⁹⁹ A Question of Honour John A. O'Brien – www.contrarian.ie, 2020 and Amazon for detailed analysis

develop the maximum possible contacts with persons inside the six counties.

A plot¹⁰⁰ to bring in arms from Germany worth £80,000 for the north under the guise of the Dept of Defence has been discovered. Those involved are – Captain Kelly, I.O. Col. Hefferon x Director of Intelligence (both held over the weekend in the Bridewell) Gibbons, Haughey, Blaney and the Jones Brothers of Rathmines Road and Rosapena Hotel, Donegal. See that this scandal is not hushed up. Garda.

The active members of this special committee were Mr. Haughey and Mr. Blaney. Mr. Haughey used his position as Minister of Finance to draw down funds. This was one avenue of channeling money in an extracurricular way for activities that were not given general approval at cabinet level.

FOLLOW THE MONEY

Order of Dáil 1st December 1970

“That the Committee of Public Accounts shall examine specially the expenditure of the Grant-in-Aid for Northern Ireland Relief issued from subhead J, Vote 16 (Miscellaneous Expenses) for 1969-70 and any moneys transferred by the Irish Red Cross Society to a bank account into which moneys from this Vote were or may have been lodged and shall furnish a separate report on this expenditure as soon as possible.”

This was the first occasion that the Committee of Public Accounts was requested by Dáil Éireann to examine in detail Grant-in-Aid expenditure, which hitherto in most cases had merely to be certified to the Committee by appropriate Departmental Accounting Officer.

¹⁰⁰ *Anonymous note to Mr. Liam Cosgrave Fine Gael leader April 1970. Reference PAC 1971.*

Meetings of the Committee

Ninety-two meetings of the Committee were held to carry out the examination ordered by the Dáil. The business carried out at these meetings is recorded in the Proceedings of the Committee (Pages 70 to 178).

Witnesses

At thirty-three meetings, evidence was taken in public from thirty-seven witnesses. The unrevised Minutes of Evidence have already been published in booklet form—one for each meeting at which evidence was taken. Witnesses and Members were allowed to submit corrections to the printed evidence. Evidence was taken in private at eleven meetings from thirteen witnesses. In addition, the Committee met in private with eight persons.

The Committee failed in its task to account for the greater portion of **£100,000** provided by the Department of Finance (Haughey) for relief of distress. The precise figure unaccounted for was **£76,599 13s 9d**. The money trail tells the story.

The Money Trail¹⁰¹

The Government at a meeting on 16 August 1969, decided inter alia, that “a sum of money - the amount and the channel of the disbursement of which would be determined by the Minister for Finance - should be made available from the Exchequer to provide aid for the victims of the current unrest in the **Six Counties**.”

¹⁰¹ 11 §Ref. 2001/6/554 *Submission from the Department of Finance to the Public Accounts Committee on the provision of money to individuals and groups in Northern Ireland by the Irish government under the Northern Ireland relief expenditure scheme, with several references to Captain James Kelly. 9 December 1970*

On the same date the Government Information Bureau announced that “the Minister for Finance (Haughey) will make funds available for the relief of victims of the disturbances in the Six Counties and he will have early consultations with the Chairman of the Irish Red Cross”.

On 21st August 1969, the Government Information Bureau stated that the funds which the Government was making available for the relief of victims of the disturbances in the Six Counties would be administered mainly by the Irish Red Cross Society and would be sufficient to cater for any eventuality which would be likely to arise. This decision was the enabling artifice whereby money was diverted from relief of distress in Northern Ireland to the illegal purchase of firearms.

This policy declaration was calculated to deceive and was not founded on fact. The Irish Red Cross did not have authority under the Rules of the International Red Cross to operate in Northern Ireland. In effect monies were routed to the Irish Red Cross which in turn was disbursed by them to shadow accounts in the Bank of Ireland Clones and the Munster and Leinster Bank Baggott St., Dublin. However irrespective of this subterfuge £20,000 was paid via the Irish Red Cross to the Belfast Refugee committee.

The authority of the committee was challenged from the start by the attitude of many of the key witnesses. Charles Haughey played a masterly lawyer’s game (he was a barrister after all). He dictated the approach taken by the committee to himself so in effect he answered questions using his own reference frame as to what constituted evidence and that was a narrow definition. He pre-empted any discursive engagement with the Committee. Gibbons used verbal gymnastics to avoid answering directly and eventually he was to refuse to return so that he could be cross-examined by Captain Kelly and others.

Padraig Haughey (brother of Charles J. Haughey) about whom serious allegations had been made by Chief Superintendent Fleming was cited by the Committee for failure to cooperate. An application was made

to the High Court on the foot of his refusal and the High Court found in favour of the Committee. Haughey appealed to the Supreme Court, and he won a significant victory there.

Supreme Court

Mr. Pádraig (Jock) Haughey appealed to the Supreme Court against order of the High Court. In a judgment delivered on 24th June 1971 the Supreme Court ruled that subsection (4) of section 3 of the Act, which contained the provisions under which the offence had been certified to the High Court, violated Article 38 of the Constitution and was, therefore, invalid. This judgment deprived the Committee of effective powers in the event of a witness refusing to attend, to produce documents or to answer questions.

The Supreme Court also ruled that there should be provisions in the Committee's procedures for cross-examination and address by counsel in certain circumstances. The Committee immediately made appropriate provision in its procedures. Inexplicably the Committee rejected a proposal to seek amendment of the Act to restore to the committee powers of certification to the Courts of a witness who refused to attend, produce documents, or give evidence.

The decision of the committee not to pursue a restoration of its powers in effect emasculated the legal powers of the committee. Paradoxically it also showed witnesses in their true light and underlined those who had no intention of voluntarily complying with the committee. It also led to some interesting exchanges between Chief Superintendent Fleming and Captain Kelly. It underlined Minister Gibbons' refusal to submit to cross examination.

Captain Kelly's own account in the Thimble Riggers 1999, the Berry Diaries Magill 1980, documents in the National Archives together with

contemporaneous media reports provides a disturbing account of lies and denials at senior government level.

The ensuing criminal trials and the Public Accounts Committee elicited some truth, some half-truths and a large and incontrovertible body of lies.

In relation to the money a total sum of £76,599.13.9 was not accounted for in terms of expenditure. In terms of breakdown the unaccounted-for money was broken down in the following manner:

Colonel Hefferon	£250
Captain Kelly	£500
Clones Account	£8,000
Baggot Street main account	£23,150
George Dixon Account	£38,249
Ann O’Brien Account	£5,450

This simple proposition of following the money trail has been very much ignored in much of the narrative and public commentary. Mr. Charles J. Haughey was the Minister responsible for the Department of Finance and he and others created an obfuscating smoke screen to avoid true accountability.

Criminal Trials

There were two criminal trials for conspiracy to import arms following the arrest of Mr. Haughey and Mr. Blaney and others.

The Principal Actors - Arrest, Trial and Acquittal¹⁰²

*Haughey Charles J, Minister for Finance

*Kelly James, Captain, Intelligence Officer

¹⁰² *Contemporary News Paper Sources provide the quotations used.*

*Kelly John, Belfast Republican

*Luykx Albert, Belgian National

Berry Peter, Secretary, Department of Justice

Blaney Neil, Minister for Agriculture

Condon Colm, Attorney General

Cosgrave Liam, Leader Fine Gael opposition party

Delaney PJ, Incoming Director of Military Intelligence

Fleming John, Chief Superintendent, Special Detective Unit

Gibbons Jim, Minister for Defence

Haughey Pádraig (Jock) Brother of Charles J Haughey

Hefferon Michael, Colonel, Director of Military Intelligence

Lynch Jack, Taoiseach

Ó'Móráin Micheál, Minister for Justice

*Charged and acquitted on the charge of Conspiracy to Import Firearms after a Second Trial. Blaney initially charged but discharged without going to second trial.

Chief Superintendent John Fleming¹⁰³ made a statement of evidence which was to be used in the subsequent arms trials. This was not a report of the background circumstances and there is no mention of the intelligence information on which the garda investigation was based. This would be the normal procedure for a statement of evidence. It is clear from this document there are many byzantine twists to this story, and one is being offered a sanitised account. Surveillance had been undertaken on the 17 April 1970 to maintain constant observation on Dublin Airport. Therefore, the investigation had been in progress for quite a long time. Peter Berry was intimately involved in directing the garda investigation. He was in close contact with Chief Superintendent Fleming. At different points in his statement (Fleming) indicates that his investigation was being directed by the Taoiseach or the Attorney General. There is no justification offered as to why Haughey and Blaney were interviewed and not arrested initially. This contrasted with the

¹⁰³ *National Archives – Statement of Evidence Chief Superintendent John Fleming 2001/61/*

arrest and interrogation of Captain James Kelly. In a bizarre turn of events Captain Kelly, while under arrest, was allowed meet with Minister for Defence Jim Gibbons in the presence of Chief Superintendent Fleming. Even more bizarrely Captain Kelly was brought to Government Buildings, while still under arrest, where he met in private with Taoiseach Jack Lynch. Captain Kelly was arrested on the May 1st, 1970, and subsequently released. Haughey and Blaney were interviewed initially and then arrested on warrant on May 28th, 1970, and brought straight to court, no journey to the cells involved.

All accused stood trial on 26th September 1970. This trial was aborted and Blaney was discharged. The second trial commenced on 26th October 1970; all accused were acquitted. The trials were conducted before a jury and it's very easy to see that a charge of conspiracy had little chance of succeeding in such a forum because there was clear disagreement on the truth between government or former government ministers. In legal terms, conspiracy is almost impossible to prove and it's obvious that the best tactical option would have been to let the material arrive and to apprehend the culprits red-handed.

Peter Berry

Mr. Peter Berry, the long serving Secretary of the Department of Justice, died in 1979 just a year before *Magill* magazine and Vincent Browne published the so-called Berry papers. These are probably the nearest to an alternative narrative of the events that commenced on or about August 1969 and culminated in the Arms Trials in 1970.

Mr. Berry was the most influential actor in trying to prevent the arms importation, due to his pivotal role as Departmental Secretary. He played a key and vital role in recording the events of what happened. Mr. Berry left a record of his summation of the surrounding circumstances relating to the importation of arms into the country. His reflections were published in the *Magill* magazine 1980 and became known as the Berry Diaries. Mr. Desmond O'Malley who became Minister in succession to

Mr. O'Móráin in 1970 disputes some of the information in the *Magill* magazine.

Mr. Berry served in the Department of Justice in various capacities from the 20 January 1927 and his first Minister was Kevin O'Higgins who was murdered on the 10 July 1927.

He said the Gardaí had information that one such arms consignment went to the gang who were robbing banks, who on the 3 April 1970 were to shoot Garda Fallon.

It's difficult not to form the conclusion that Mr. Berry's political masters did not relish him shining a very bright light on the Arms conspiracy and much dust was swept under the political carpet at that time. Contextually the murder of Garda Fallon cast a long shadow over the subsequent actions by Government who had been flirting with disaster. Haughey went on to become Taoiseach a decade later, which made for an interesting juxtaposition with the forces of law and order.

For the record the alleged consignment consisted of an arsenal¹⁰⁴.

200 submachine guns, 84 light machine guns, 50 general-purpose machine guns, 50 rifles, 200 pistols, 200 grenades, and 250,000 rounds of ammunition, enough to equip a battalion of the British army.

¹⁰⁴ Moloney, Ed. *A Secret History of the IRA (Kindle Locations 5669-5674)*. Penguin Books Ltd. Kindle Edition.

MURDER GARDA RICHARD FALLON 3 APRIL 1970 - ROBBERIES

The real organised-crime action had already commenced because of the actions of Saor Éire. The first of a series of robberies happened on the 27 February 1967 at the Royal Bank of Ireland in Drumcondra. The most notorious crime committed by this group was the murder of **Garda Dick Fallon on the 3 April 1970. These robberies¹⁰⁵ started in 1968 and accelerated during 1969 and culminated with the murder of Garda Dick Fallon in 1970.**

The bank raids tapered off after the Fallon murder but were to resume with a vengeance in 1971.

- *20 June 1968, three partially disguised men with revolvers entered the Hibernian Bank, Newbridge*
- *19 April 1968, Royal Bank of Ireland Limited, Drumcondra*
- *14 April 1968, Munster and Leinster Bank Limited, Tallaght*
- *12 September 1969, three men armed with revolvers entered the Northern Bank, South Circular Road during business hours. They ordered the bank staff and customers to face the wall*
- *14 August 1969, three men allegedly armed with revolvers entered the National Bank of Ireland Ltd., Baltinglass*
- *18 September 1969, a 65-year-old retired Navy Captain was taken at gunpoint by a man to the Munster and Leinster Bank, Cork and ordered to withdraw the sum of £3,000*
- *26 September 1969, five men wearing khaki battledress and armed with revolvers entered the National Bank of Ireland Ltd., Kells, during business hours*
- *20 November 1969, National Bank Ltd., Coolock*

¹⁰⁵ AGS Commissioner's Annual Crime Reports

- 3 December 1969, two men allegedly armed with automatic pistols, entered the Royal Bank of Ireland, Prussia Street, during business hours
- 14 May 1969, a Securicor Guard was attacked by three men as he was entering the offices of Aer Lingus at Dublin Airport.
- 20 February 1970, an armed raid took place at the Rathdrum branch of the Hibernian Bank Limited
- **3 April 1970, armed men entered the Royal Bank of Ireland at Arran Quay £3,270. Garda Dick Fallon murdered**
- 21 July 1971, simultaneous armed robberies were carried out at branches of the Royal Bank of Ireland and the Hibernian Bank Ltd., Buncrana
- 12 October 1972, AIB Grafton Street armed raiders held captive the family of a bank manager, drove the manager at gunpoint to his bank and took £61,000 (Littlejohns)
- 9 August 1971 three armed and masked men entered the Ulster Bank at Edgeworthstown
- 30 August 1971 three armed and masked men entered the Ulster Bank at Kilcock
- 16 September 1971 an armed robbery took place at a branch of the Munster and Leinster Bank, Dunmanway. £4,462 was stolen. They fired a shot at a Garda who pursued them in his private car
- 8 October 1971, Provincial Bank, Collooney
- 21 October 1971, Northern Bank sub-office at St. Johnston
- 10 December 1971, Munster and Leinster Bank, Swords Road
- 30 September 1971, Royal Bank of Ireland Ltd., Greystones
- 6 January 1972 two armed men held up the staff of the Ulster Bank, Ranelagh
- 24 February 1972, Hibernian Bank, Bray £8,331 stolen
- 27 January 1972 Munster and Leinster Castlefin sub-office
- 15 February 1972, Northern Bank, Rush, £1,764
- 4 May 1972, Clogheen Branch Allied Irish Banks £4,050
- 6 April 1972, Munster and Leinster Bank, Artane

- 8 May 1972, Bank of Ireland, Merville
- 6 July 1972, Bank of Ireland, Waterford, £2,661
- 9 August 1972, Royal Banks, Gweedore, £1,674
- 25 August 1972, Hibernian Bank sub-office Kilcullen
- 4 September 1972, a man carrying a rifle held up the staff of the Ulster Bank, Baggot Street, and took £157
- 11 October 1972, Allied Irish Bank on Grafton St. Dublin (Littlejohns) £67,000

ARMED ROBBERIES¹⁰⁶

- 1973 - 105
- 1974 - 113
- 1975 - 153 *Garda Michael Reynolds murdered*
- 1976 - 186
- 1977 - 236
- 1978 - 217
- 1979 - 228
- 1980 - 194 *D/Garda John Morley and Garda Henry Byrne murdered*
- 1981 - 306
- 1982 - 158
- 1983 - 84
- 1985 - 86 *Sergeant Patrick Morrissey Murdered*

¹⁰⁶ (Now too numerous to individualise)

What the Gardaí knew

My first notebook carried the names of these men, so their notoriety had certainly percolated downward, but it is a moot point as to what certain Fianna Fail government ministers knew of these “patriots”. The persons of interest were publicly named in the press in the days following the murder of Garda Fallon. This was unprecedented and showed the gravity which attached to this crime and the prior knowledge which Gardaí had of their activities.

April 1970 was a time of considerable promise for members of the Garda Síochána, despite the looming clouds of the Northern Troubles. The hard-won benefits of the Conroy Commission were being implemented, all members would work a 42-hour-week and payment would be made for overtime and working unsocial hours. Garda Richard (Dick) Fallon had debated these new benefits with great interest. He chatted with his colleagues in Mountjoy Station on the morning of 3 April and his immediate thoughts were firmly on heading down to Roscommon for the weekend with his family. He needed to tie up some loose ends and he accepted a lift from the crew of ‘Delta 6’, the uniform patrol car attached to his station. Garda Pat Hunter was the driver and Garda Paul Firth was the observer. All were unarmed Gardaí with the singular protection of a short wooden baton. They got a radio message that there was a raid alert at the Royal Bank of Ireland on Arran Quay and the crew told Dick that they would drop him and continue to the raid on their own. He declined and agreed to go with them. The thing is that he was not assigned to the patrol car crew that responded to the armed bank robbery. Mobile patrol duty was not part of his usual brief. It was a dreadful coincidence that he happened to be in the patrol car when the alarm call came in. It transpired that the phone lines to the bank had been cut which triggered a silent alarm. The patrol car quickly arrived outside the bank. The time was 11am and at that moment three raiders spilled out, and Dick and his colleague Paul Firth ran to challenge them. Garda Fallon closed rapidly on the raiders, and he was shot at close range and

died instantly at the side of the building. He simply had no chance to survive. He had been shot twice from two separate guns.

Dick lived with his wife Deirdre and young family a short distance from my station in Santry. We were thoroughly shocked by the killing, but life went on for us as usual. We still performed unarmed protection duty outside the banks because of the threat to them. Understandably the frequency of the raids reduced dramatically for a time but only for a time.

I was present on 24 June 1971 when Patrick Francis Keane, charged with his murder, was acquitted by a jury to rousing cheers from the public gallery in Green Street Court House. He was defended by Sean MacBride S.C. former IRA chief of staff and now fully rehabilitated. However, all was not as it might seem, the State decided to have Keane tried through the ordinary courts when it was obvious that he should have been tried before the **Special Criminal Court**. He was part of a dangerous armed gang who had carried out numerous armed robberies and garda intelligence confirmed these suspicions. A key witness had refused to testify, and this had some impact on the jury who did not have the benefit of her evidence. There were other significant factors which linked Keane to Saor Éire. He had gone offside to the UK where he was subsequently arrested on an extradition warrant. He fought his extradition all the way and while he was in custody in Brixton prison a very revealing incident happened. He received a visitor and he held up a card to this visitor that was seized by a prison officer. It had a simple stark message, "I need an alibi in the Dublin Mountains for 3 April 1970". This was the day of Garda Dick Fallon's murder. His fingerprints were found on a copy of the *Evening Herald* newspaper which was found in the stolen gold Cortina getaway car. The paper was dated the previous day, 2 April 1970. There were other prints of identifiable men on the newspaper apart from Keane and the prints of these men had been found in the gang's base in Lacken near Blessington. An array of military equipment and other documents had been found at that location. Keane had written to several newspapers denying his involvement in the crime. A fingerprint

was found on the envelope which matched one of the men at the Lacken safe house and the newspaper in the getaway car. There was also evidence that Keane was with this other man in the safe house two days after the murder. There was also evidence that Keane was one of the men who rented the safe house.

The next significant arrests were made in Dublin on 16 October 1971. Sean Morrissey and Joe Dillon were arrested following a car chase by Special Branch. One of the Gardaí fired a three-shot burst from a submachine gun into the wheel of the other car and it was brought to a halt soon afterwards. The Special Branch members who made their arrests were, D/Sergeant Kennedy, D/Garda Tomas Gavin (who fired the shots) and D/Garda Mick Egan.

Both arrested men were wearing holsters on their belts. Dillon's gun was still in its holster and Morrissey's gun was on the floor of the car. Two women who were in the car were not detained. The prisoners were brought to the Bridewell station for processing. Both men were arraigned before the Central Criminal Court in January 1972 where they charged with the Capital Murder of Garda Fallon. Similar fingerprint evidence was given as in the Keane case. The jury deliberated for seven hours before returning a verdict of not guilty. A woman in the gallery shouted "Up the IRA" and a man shouted "Down the Free State" and there was general applause and cheering from the public gallery.

Open Questions and Few Answers

There is no doubt there was advance intelligence on the activities of this gang and this knowledge was shared by the most senior Gardaí, Minister O'Moráin, Secretary Peter Berry and ultimately Taoiseach Jack Lynch. The unanswered question is why nothing was done to curtail them before this murder.

Later there was an attempt to transfer local Gardaí for failing to locate the house at Lacken which was a Saor Éire base. The heaviest responsibility rested at the most senior level. The commissioner was

Michael Wymes who had been a senior Special Branch officer for many years in the 1940s. Ultimately internal responsibility for state security rested with him and there is little public information that he played a direct role in the Arms crisis or that he was acting on information known to his head of Special Branch, Chief Superintendent John Fleming or information which was shared continuously with Secretary Peter Berry in the Department of Justice. The open question was whether there was a connection between the Arms importation plot and the murder of Garda Richard Fallon. Minister Micheál Ó'Móráin was fired belatedly by Taoiseach Jack Lynch on 5 May 1970. He was replaced by Desmond O'Malley.

It is reasonable to conclude that there was a connection between three significant individuals because of information supplied to the AGS from the London Metropolitan Police (Special Branch) relating to activities in London relating to the quest for arms. A source has advised that a photograph was received from London which had three men photographed by the London Special Branch, John Kelly, Belfast Republican and later PIRA member, Pádraig "Jock" Haughey, brother of Charles J. Haughey, government Minister for Finance, and Martin Casey, prominent Saor Éire member. This single bit of information provides an indisputable link between three disparate but associated elements i.e., the IRA, the Haughey brothers and Saor Éire. I have no doubt that the closed intelligence files would be very illuminative on these associations.

The failure to draw on the previous historical strategies used to curb the activities of subversive organisations was a major error. This was best exemplified by the non-use of the Special Criminal Court until June of 1972. Prosecutions were taken in respect of members of Saor Éire, including Keane, Morrissey, Joe Dillon, and Martin Casey. They were charged with a variety of offences including bank robberies. In most cases the sole visual identification made by members of the AGS was not deemed sufficient to convict using the strict standards required in criminal cases.

In the High Court¹⁰⁷, on the 13 June 1972 on the application of the Attorney General, Mr. Justice O’Keeffe made an order transferring the trials of Martin Casey, Patrick Francis Keane, Brendan Walsh, Joseph Robert Dillon and John Dominick Morrissey to the Special Court. Casey was charged that on August 14, 1969, being armed with an offensive weapon—a revolver, and being together with others, he robbed Donal Waldron, bank manager, of £842, the property of the National Bank of Ireland Ltd., Main Street, Baltinglass, Co. Wicklow. He is also charged with having in his possession on the occasion a revolver with intent to endanger life or cause serious injury to property. (*Not convicted of those offences but convicted of possession of revolver and ammunition, sentenced to four years imprisonment, was found at the scene of a bomb explosion close to McKee Barracks, and a colleague had been killed in a premature explosion*). Dillon and Morrissey are charged that on October 16, 1971, at Grange Road, Baldoyle, Co. Dublin, they had in their possession a pistol and a number of rounds of ammunition with intent to endanger life. (*Convicted of Possession, sentenced to 4 years and 3 years imprisonment respectively*) Patrick Francis Keane is charged that on February 20 1970, at Main Street, Rathdrum, Co. Wicklow, being armed with an offensive weapon—a firearm—he robbed Sean O’Neill of £958. (Not Convicted). Brendan Walsh is charged that on February 21, 1971, at Parnell Road, Harold’s Cross, Dublin, he unlawfully assaulted Det/Garda William Quane in the execution of his duty (Jury Disagreed).

When the Dust Settled

When the dust settled, no one had been convicted of illegal importation of arms, no trace could be found of most of the money voted for relief in the North. The Dáil Committee was refused the power to fully investigate the money trail. Fianna Fáil were shortly to lose power and were riven by internal dissent in the years to follow. The uniform services of this State learned a strong lesson, some politicians could not be trusted despite

¹⁰⁷ Irish Press 13 June 1972 Page 4

their high office. Meanwhile together with many unarmed uniform colleagues I performed duty by protecting banks with our mere unarmed presence. We responded to all manner of armed robbery alerts in a similar vein. In other words, we carried on, every day was Groundhog Day. Despite the arms importation debacle, guns were to flow into the country from America and Libya and many thousands were to die in the future. Garda Richard Fallon lay dead, and his killers went free.

BURNING BRITISH EMBASSY 2 FEBRUARY 1972

I was at home and off duty on the evening of Sunday 30th January 1972. This was the day of a scheduled civil rights march in Derry, the second city of Northern Ireland. I wasn't to know that 14 people would be murdered by British Army gunfire that day or 479 people would be murdered in Northern Ireland that year, civilians, soldiers, police, all some mothers' children.

The six o'clock news was being read by Charles Mitchell. He was an actor turned news anchor and was renowned for his composure and presence. Immediately it became clear that he was upset, he stumbled his words and seemed to hesitate. He told us that the British Army had opened fire on the civil rights march in Derry and that many people were believed dead. We were shocked beyond belief even though we had by then become accustomed to daily violence from the North. Many years later the British Prime minister was to apologise for the murders that day, 14 people died, 13 on the day and one latterly. The British Machine went into overdrive, obfuscating and propagandising. All of this is now well recorded.

I reported for duty in Dublin Castle the following evening. Word had come through that people were gathering in Dublin and were going to the British Embassy, in Merrion Square, a Georgian Square near the city centre. When we met in the squad room, we were totally taken over by the stories from Derry. Much to our surprise we were allocated normal

crime patrols in the Kevin Street area about a mile from the embassy. The tension was growing in the city, there was outrage at the murders. All manner of protests and statements were made, including a work shut down on the following Wednesday, which was the day of the funerals in Derry. We reported for duty on Tuesday, the second day of the rioting. There was a change in our deployment, and we were detailed for duty at the Embassy. Bear in mind that we were in normal uniform dress, soft caps, no protective equipment or weapons other than a short wooden truncheon. I was a motor cyclist, so I had the luxury of a helmet and strong boots.

Shortly after we found ourselves outside the British Embassy on Merrion Square. There had been trouble all day with minor rioting and the presence of a large crowd. It was a dark wet night and there was a sinister foreboding atmosphere. This embassy was part of a Georgian terrace of houses, it had six floors over a basement. It presented a relatively small frontage. It was deceptively extensive with a considerable building running to a narrow street at the rear. The centre of this square was a grass and ornamental area, surrounded by a wrought iron fence and hedging. The embassy was located close to one corner of the square. It was close to another British building, the Passport office, which was located on an adjacent side of the square and at right angles to the Embassy. This Passport office was beside Holles Street Maternity Hospital which is mentioned in Joyce's *Ulysses*. Although mothers and babies didn't get much peace during this time.

Probably around 8pm things began to turn ugly. An open-bodied lorry was pulled up directly across the street from the Embassy. This provided a platform for speakers to harangue the crowd and it also provided concealment for other criminal activity. Missiles and petrol bombs began to whistle over our heads. Initially we had packed the steps leading to the front door but as the barrage intensified and the petrol bombs exploded against the door, we were forced away from the door, and we formed a half moon circle around this area. We had no protection, no riot gear, no protective clothing, a few were motor cyclists

and had helmets. Just as well, because later I took the full force of a rock on my helmet. Our only weapons were a short wooden truncheon which was not drawn. Essentially, we were a soft blue line, cannon fodder for the mob. Certainly, we had no leadership or a plan, other than stand our ground and prevent a takeover with our bare hands. The noise was intense, the air was heavy with the stench of petrol. Smoke hung heavy on the air and certainly we knew fear. What was coming next? Several things happened in succession. In true melodramatic style a young woman with red hair began to sing from the platform in a poignant haunting voice, the words of the ballad, "The men behind the wire" This song spoke of Internment without trial, which had been introduced in Northern Ireland the previous year. It was solely directed against Nationalists and Catholics and was to prove a powerful recruiting sergeant for the IRA.

Fourteen Innocent Dead in Derry

This was emotionally wrenching, powerfully targeting our basic loyalties. The hair stood on my neck. Just then a couple of men emerged from the protection of the lorry and threw a parcel with a smoldering fuse attached along the ground into our ranks. They screamed that it was a bomb and for the first time our ranks parted. When this happened a couple of guys ran through with what was a real bomb and placed it against the front door of the embassy. Seconds later, it exploded with ear-shattering force. I was knocked to the ground by the blast. The door was damaged but was still intact. Confusion reigned on all sides. As we gathered ourselves together an opportunity existed for a couple of minutes. I implored an Inspector to order us to take the lorry and eliminate the danger close to us. He didn't and we missed a tipping point - you just don't throw a bomb at the police and get away with it, or do you? The petrol bombing and missile throwing resumed with a vengeance and again we took up our leaderless defensive blue ring. There was fear in the air, certainly I felt it. Even today I still feel the tension of that night when I pass by that spot. Eventually the rioters ran out of steam and probably petrol and they began to drift away. As the

streets returned to our control we huddled around in groups and shared our thoughts with each other. Stories began to come in of attacks on other buildings in the city with British connections. As we prepared to stand down a senior officer, Eamon Doherty, moved around talking to us and praising our fortitude. I guess he was whistling in the dark but at least he tried.

The following day was Wednesday, and our unit was again detailed for the Embassy. This was the strangest day imaginable and fearful too in the country. The funerals of the murdered were taking place in Derry and attended by many of the southern government ministers. Effectively the country shut down in mourning, even planes didn't fly for a time. Thousands attended ceremonies and then converged on the British Embassy. The hard men were also in place and by the afternoon the building was well ablaze. This was true of the main part of the building, but the rear of the complex was intact.

When we arrived, we were posted to the side and rear of the building where the fire brigade was in place and trying to control the spread of the fire. A stalemate developed and eventually the crowd thinned out in preparation for a second attempt later that night.

We regrouped for the next round, and we were deployed in front of the British Passport office which was on the square but at right angles to the Embassy. Again, predictably the march began to arrive, it was headed by an open-bodied truck, and it drew up in front of the passport office. Almost immediately the petrol bombing started directed at the passport office. It was common to mix sugar in with the petrol, so it adhered to clothes. We had been told that no further damage would be allowed. A petrol bomb exploded near me and stuck to the uniform of a colleague; we smothered the flames. Then we charged the crowd with batons in hand. Anything that stood in our way was levelled we cleared the streets in every direction. It was effective but uncontrolled. It was over in minutes and "peace" was restored.

I heard our actions subsequently described as masterly inaction, meaning, by doing little we achieved a lot. The burning of the Embassy became a cathartic event by defusing the anger of the populous. Many more were to die that year and many by the bombs of the Provisionals, including Bloody Friday. They exploded 19 bombs in Belfast on July 21st and murdered nine people and injured many more.

It exposed a weakness in our operational response because we did not have a strategic or tactical approach to meet such a contingency. It was fortunate that we were not faced with this kind of major disorder in the capital for another ten years.

Attacks on Garda Stations and Hunger Strike

The closing months of 1972 were laced with drama. There had been attacks on garda stations in Dundalk in September, and Buncrana in October, following the closing of the Kevin Street Sinn Féin office in Dublin. There was severe rioting at both places. Bombs had gone off in Clones and Carrigans, probably the work of loyalists. Firebombs were planted in stores and hoax bomb calls were a daily occurrence. My wife worked in the GPO, and it was a continuous worry that she would be injured or worse. There was a lot of disruption to normal policing, and it was a continuous challenge whether to evacuate or not when bomb calls were received.

A not very bright officer issued an instruction to patrol cars that we were to carry long-handled shovels to remove suspect packages. Thankfully this instruction lasted only a week before it was rescinded. A bomb exploded in Burgh Quay. This was outside a cinema. In November Seán MacStíopháin, the IRA Chief of Staff, had been arrested and promptly went on hunger strike. He was removed to the Mater Hospital Dublin and there followed many demonstrations in the city. On Sunday November 26 a group of IRA tried to rescue him from the hospital and there was an exchange of gunfire with gardai.

A sergeant received a gunshot wound to the hand, but the attempt failed, and the rescue party was arrested. Four gardai were later awarded the Scott Medal for bravery in recognition of their action in the face of an armed assault on them. A few days later MacStíopháin was airlifted to the Curragh Military detention facility. He was reported to have started taking liquids and continued to improve physically. He was not going to martyr himself. He was removed to Mountjoy prison and airlifted from there. This airlift provided a useful template for the PIRA helicopter escape in October 1973.

Opposition Politicians Vacillate – Government Deputies Waver December 1972 – Bombs explode.

The government was increasingly desperate to curb the IRA. They were planning to introduce new tough legislation to streamline the court process so that convictions could be obtained more readily, and ordinary witnesses would no longer have to bear the brunt of giving evidence against the IRA. We were to learn shortly that the British had recruited a serving garda in the Security Section who was passing them secret information. It was clear that there were many different strands in the British approach to the northern situation. The infamous Littlejohn brothers had pulled off a major bank raid in Grafton Street on 12th October 1972. They claimed that they were British agents and certainly it seems certain that they had been endorsed or recruited to disrupt the IRA by the British.

The British had secret talks with the IRA and one such meeting took place on Tuesday June 20th. A UK note confirms the attendance of a certain Mr. Gerard Adams as a representative of the IRA at that meeting. It is unlikely that Dublin was aware of what was happening in these secret talks.

A brief truce took place for twelve days at the beginning of July. Gerry Adams is quoted as saying that the British were trying to trick them into a cessation through a series of minor actions but there was no

prospect of the British conceding substantive political change. Adams says that William Whitelaw (NI Secretary) told them that “all bets were off” if they did not agree. Adams claims that when he was arrested sometime later that he was beaten badly, and a soldier kept telling him “that all bets were off Gerry.”

The Dáil was in session on 1st December 1972 to debate and pass a Bill to amend the Offences against the State Act, to toughen it up to deal with the IRA threat. The outcome was by no means certain. Fine Gael and Labour were opposing. Some of the following contributions are quite revealing.

Mr. Desmond O'Malley Minister for Justice Fianna Fail. *Nobody should be under any illusion about the true nature of the problem with which this Bill is designed to deal. The men of violence at whom the Bill is aimed are the enemies of society. These people like to represent themselves in glowing terms as the heroes and martyrs of a holy war waged in the name of what they call patriotism. The reality is very different, very ugly and very sordid. The gospel of these people is a gospel of hatred and malice, and their only language is the language of physical force. The citizens of Dublin saw in no uncertain way last weekend how that brand of “patriotism” finds expression in the maiming of the innocent and the wreaking of indiscriminate destruction on property.*

The issue raised by the existence and activities of these unlawful organisations is stark and fundamental. The issue is whether we are to be ruled by the democratically elected Government and Parliament of this country or by a small unrepresentative and self-appointed group who, without any semblance of a mandate from the electorate, have arrogated to themselves the right to carry on a campaign of violence and bloodshed, and to dictate the policies to be pursued, in the name of the Irish people. What we as a community now have to decide—and specifically what the Members of this House have to decide—is whether our affairs are to be conducted according to

policies decided on by the elected Government and Parliament or whether we are to succumb to conditions of anarchy and mob rule in which a minority that has organised itself into private armies can terrorise and impose its will on the law-abiding majority.

Mr. Blaney (Independent) *As far as this Bill is concerned, I intend to devote only a short time to rounding up what I believe to be the real reasons why there is no need for a Bill of this nature to be brought before the House, never mind enacted. There is clearly no threat to the security of this State. There is no apparent danger that there will be a threat to the security of the State or its institutions. I am convinced that at no stage was the Offences Against the State Act ever intended to be operated or utilised, never mind extended, unless there was a drastic situation where the State and its institutions were in grave danger of being demolished.*

Mr. Cooney (Fine Gael) *It is window-dressing on the part of the Government to ask us to give them a power that turns the rights of the citizens, the very freedom we are here to protect into a nullity and I would ask this House, when it comes to decide how it votes on this particular matter, to decide in conscience if the Minister has demonstrated that the present laws are inadequate to justify this awful interference with individual freedom. It is a matter of conscience for every Member of this Parliament on which he must make up his own mind. If he feels that the rights of the individual are now threatened beyond a tolerable limit consonant with the necessity to protect democracy, then he must in conscience vote against this Bill. No case has been made, in my submission, for voting for this Bill and I ask this House to reject it.*

Mr. Blaney was a former Fianna Fail Minister who had been arrested in connection with alleged arms importation in 1970 and Mr. Cooney was soon to become the Minister for Justice but then he was playing the political game even though his own Leader Mr. Cosgrave seemed to favour the Government line on the Bill. There was a distinct possibility of a split in both Fianna Fail and Fine Gael albeit for opposing reasons. The political temperature was increased because a Referendum

campaign was running on the deletion from the Constitution of the special position of the Catholic Church. However, the touchstone incident was the hunger strike by Seán MacStíopháin who had been airlifted to the Curragh military camp and was being held in a hospital there. Journalists had gone on a 24-hour strike because of the arrest of Kevin O'Kelly who had recorded an interview with the IRA man, and the RTE Authority had also been sacked. All of this amounted to a perfect storm.

BOMBING ATTACKS IN THE SOUTH

This list contains both independent explosive devices and car bombs. There was no definitive claim of responsibility made in relation to the car bombs although popularly they have been attributed to Loyalists. Objectively it seems improbable that loyalists had the capacity to mount these attacks at a significant remove from their home base but certainly they would have been willing to support a packaged operation targeted to cause a mind change in the Dublin Parliament. There were further car bombs in Clones and Belturbert and a bomb in Pettigo on 28 December 1972. These attacks were more in the classic loyalist Northern Ireland model with localised no-warning attacks, characterised by relatively close physical proximity between attackers and victims.

5 August 1969 - RTE Studios

31 October 1969 - Bomb at Wolfe Tone's grave, Bodenstown

26 December 1969 - 10lb gelignite bomb at O'Connell monument, O'Connell St., Dublin

18 February 1970 - Bomb at RTE mast, Raphoe, Donegal

26 March 1970 - Bomb at ESB sub-station, Tallaght

02 July 1970 - Bomb on Dublin-Belfast railway track at Baldoyle, Dublin

17 January 1971 - Bomb at O'Connell monument, Glasnevin cemetery, Dublin

08 February 1971 - Bomb at Wolfe Tone statue, Stephen's Green, Dublin

29 October 1972 - 12lb gelignite bomb defused at
 Connolly Station, Dublin 29/10/1972 - incendiary
 bombs at 4 Dublin hotels
 01 November 1972 - Bomb at a
 pub, St. Johnston Donegal
 26 November 1972 - Bomb at
 Film Centre, Burgh Quay, Dublin
 01 December 1972 - Bombs at Eden Quay & Sackville
 Place, Dublin I (**Car Bombs**)
 13 December 1972 - Incendiary bombs at Clerys &
 Sackville Place, Dublin
 28 December 1972 - Bombs at Belturbet, Clones (**Car
 Bombs**) and Pettigo
 20 January 1973 - Bomb at Sackville Place
 17 May 1974- Dublin Monaghan Bombings
 29 November 1975- Dublin Airport
 19 November 1975 - Kays Tavern, Dundalk
 7 March 1976 - Castleblaney

(Non-Exhaustive List)

CHANGING POLITICAL MINDS - CAR BOMBS – DECEMBER 1, 1972

It was hardly surprising that the murky underworld of the Intelligence Services came to play a role that night. Leaving my home in Drumcondra I travelled to do protective duty outside the Dáil. Large protests were expected, and we had the usual job of manning the barricades. Already several hostile meetings had been held outside the Dáil as different stages of the Bill were taken. There had been a major overflowing protest meeting at Liberty Hall, which spilled out onto the street. (One wonders was this why Liberty Hall was picked for a car bomb attack?)

I drove down Gardiner Street heading for the Quays intending to

cross the river at the Custom House. The lights were against me at the junction of Gardiner Street and Talbot Street. Traffic was light and the evening was still. Just then an enormous explosion rent the air shaking my car and surrounding buildings. I knew full well that the north had come to Dublin. It was fortuitous that the lights were red rather than green because it was likely that I would have driven right into the full force of the blast. I drove a few hundred yards out onto the quays, and I saw that cars were on fire outside Liberty Hall. Liberty Hall itself was severely damaged, windows blown out and blinds were flapping through the broken glass. I drove to the Dáil and met up with my colleagues. We were posted at the lower end of Kildare Street when we heard another enormous explosion. Later we discovered that this bomb had gone off in Sackville Place killing two men.

These explosions and deaths had the probable intended effect of eliminating the political opposition to the Bill. In the event when the division was called most of the Fine Gael Party abstained and the Labour Party voted against. Fine Gael TDs, Eddie Collins and Oliver J Flanagan voted against. The former Fianna Fail TDs, Neil Blaney, Paudge Brennan, Des Foley and Sean Sherwin all voted against. The Bill passed, so who benefited?

This bombing operation used four cars; two hired cars were used in the actual bombing and a third hired car was probably a support car, used for advance scouting and escape. The fourth car was a car stolen in County Antrim some time previously. This car contained a driving licence, which would appear to have been used to hire all three cars. One car was hired in Belfast and two were hired at Aldergrove Airport from two separate car hire companies. The hired car method meant that none of the cars would have appeared on police or military watch lists.

The RUC and the Gardai shared stolen car lists daily. The actual bombing operation required advance reconnaissance, scouting ahead on the days of the operation and selection of an area to prime the bombs for use. Following placement of the bombs, an escape route would be

necessary and some preparation for contingencies.

The Liberty Hall bomb exploded at 7.58 pm and was followed at 8.15 pm by the Sackville Place bomb. A warning was telephoned to the Belfast Newsletter at 7.55 pm. The caller was alleged to have a “distinctly English accent”. The second bomb killed a bus driver George Bradshaw (30) and a bus conductor Tommy Duffy (23).

Car Bomb and the All-Blacks Dublin 20 January 1973

This outrage happened on 20 January 1973 when a red Vauxhall car EOI 1229 exploded in Sackville Place, off O’Connell Street. This was the same location where a car bomb exploded on December 1st 1972 when the emergency legislation was before the Dáil. This also was the day of the rugby international between Ireland and the All Blacks in Lansdowne Road. Warnings came from a rather strange source the *Ulster Vanguard Alliance*. This was a cover name in all probability and suggested a link with the Vanguard movement, which was led by William Craig, a former Home Affairs Minister in Stormont. On the 15 January 1973 a warning note was sent to the press in Dublin. This threatened dire consequences if demands were not met by January 20th. Dire consequences did follow as predicted.

The hand-written notation on the warning letter seen by Irish Officials says that the names and addresses are spurious and beyond talking to the Gardaí no useful action can be taken. It is not clear if this note was forensically examined or if its contents were circulated before the car bomb exploded.

An unfortunate busman was killed in the blast. A witness saw the car parked with northern plates and smoke coming from the boot, but he had no time to warn anyone as the car exploded. This probably indicates a crude device with a fuse attached and burning down which seems to be in line with the Loyalist capabilities at the time. The car had been hijacked on the Shankhill Road and probably mingled with the northern rugby fans heading to Dublin.

Two men were seen running to a car in Abbey Street and heading at speed towards O'Connell Street. No one claimed responsibility for the outrage. A warning had been phoned to the Gardai from the RUC minutes before the bomb exploded.

During 1972 there were approximately 53 car bomb attacks, with 28 attributable to the IRA and 12 attributable to the UVF or UDA. The Cain site also assigns the Dublin attacks to the UVF. This attribution may be partly accurate. <http://cain.ulst.ac.uk/sutton/chron/1972.html>.

In 1969¹⁰⁸, the UVF commenced a clandestine bombing campaign designed to destabilise Terence O'Neill's Stormont Government. In October of that year, its first cross-border attack ended in a bomb exploding prematurely at Ballyshannon power station, Co. Donegal, killing the bomber. Nonetheless, further minor bombing attacks in the South did take place.

British Spies and Garda Colluder 1972-1973

On 20th December 1972 there were extraordinary developments when D/Sergeant Patrick Crinnion from C3 Security Branch was arrested as he attempted to pass security information to John Wyman, his British handler in Dublin. This was sensational news, but it was to have a very mild sequel. On the 27 February 1973 both men were convicted on a minor charge under the Official Secrets Act and sentenced to time served. British government papers of the time seem to suggest that Jack Lynch was anxious that it should be business as usual between both countries. There were strong political moves at that time to introduce power sharing in Northern Ireland. Self-evidently the IRA was identified as the common enemy, "the enemy of my enemy is my friend".

¹⁰⁸ December 2003 Joint Committee On Justice, Equality, Defence And Women's Rights Interim Report On The Report Of The Independent Commission Of Inquiry Into The Dublin And Monaghan Bombings

Coincidentally on the same day as the spies were sentenced, a Newry man, Brian Mathers, was convicted of involvement in the Grafton Street AIB bank robbery in October. There had been arrests in England of the infamous Littlejohn brothers, Keith and Kenneth, shortly after the raid took place. According to some sources, the Littlejohns became a pawn in the exchange between both countries, spies in exchange for bank robbers. The only twist was that Kenneth Littlejohn claimed that he was working in Ireland as a British agent.

This was given absolute credence when on 3rd January 1973 the British formally advised the Irish Government that the Littlejohns related to British intelligence services. This information was conveyed directly to Mr. Lynch and through him to Mr. O'Malley, Minister for Justice. This matter was brought to a head in August 1973 when Mr. Lynch and Mr. Colm Condon, the then Attorney General, were denying that they had received this information in January. Mr. Lynch then admitted that he had *forgotten* that Mr. Hugh McCann the Secretary in the Dept of Foreign Affairs had given this information to him which had been provided by the Irish Ambassador to London. This information exchange took place in the context of assurances sought by the British regarding the charges which would be preferred if the Littlejohns were extradited to Ireland. Kenneth Littlejohn, the eldest of the Littlejohn brothers, made very explicit revelations both during his subsequent trial in the Special Criminal Court and through the media of his association with British Intelligence. He claimed that his handler in Ireland was the spy John Wyman under the alias Douglas Smythe. He claimed to have met Lady Jane Onslow and through her other top British political figures. Indeed, Littlejohn's Dublin Solicitor William Blood-Smith was struck off because he had admitted that a gun was provided to him by Kenneth Littlejohn. Kenneth Littlejohn had been discharged from the British parachute regiment and was an established criminal with a strong Walter Mitty complex which probably made him easy fodder for the Intelligence services. He lived in Ireland for different periods, in Clogherhead, in Cahirciveen and in Dublin and possibly Newry. There is little doubt that he was trying to infiltrate the

IRA. He obviously had some success because one of his co-accused was Brian Mathers, a sometime IRA figure from Newry. It is also clear that Garda Special Branch blew his cover in the same way as they had identified Wyman.

He was an accident waiting to happen and considering that he was arrested with his brother in London on October 21 following the Grafton Street robbery on October 12, this certainly means that he and his gang were well and truly compromised. He was later to escape from Mountjoy prison in March 1974 but was recaptured in Birmingham in December and extradited back to Ireland where he was eventually released in 1981. In effect the British had ensured the safe return of their spy Wyman together with his Irish agent Crinnion in exchange for the compromised Littlejohns. This certainly was a bad strategic deal for Dublin. It is an open question what intelligence could have been gleaned from Wyman and Crinnion had they been pursued more extensively.

The Irish ambassador called on me at 10 Downing Street at 1.00 pm on 23rd December 1972, to report upon the result of his visit to Dublin, following his conversation with the prime minister the previous day. The ambassador said that he had reported what the prime minister had said to Mr. Lynch. Mr. Lynch had been surprised to learn that the prime minister had been told that things were "back to square one" because of the Wyman incident. Mr. McCann's record of the meeting between Dr. Hillery and Sir John Peck had suggested nothing of this kind. I confirmed that Sir John Peck, in reporting his meeting with Dr. Hillery, had specifically quoted the words "back to square one". The ambassador said that Mr. Lynch had asked him to assure the prime minister that there was no question of this on his side¹⁰⁹. He did not wish the present level of relationships to be impaired in any way. The Irish government had welcomed the British government's agreement to discuss the Irish dimension and the Council of Ireland and hoped that nothing would interfere with that situation. The practice of collusion and spying, including on one's friends would continue indefinitely.

¹⁰⁹ *British Cabinet Secretary Robert Armstrong to Prime Minister Heath UK State Papers*

DUBLIN & MONAGHAN BOMBINGS

FRIDAY 17 MAY 1974

The Sunningdale agreement on a devolved assembly in Northern Ireland led to an Ulster Workers' strike in May 1974. These developments precipitated the Dublin and Monaghan bombings. The North was convulsed by the Loyalists strikes protesting the power-sharing Northern Assembly. Dublin was in deep economic crisis as well as dealing with the domestic threat from the IRA. The British administration was led by Harold Wilson's Labour government, which was widely distrusted. The power-sharing assembly in Belfast was suspended.

The attacks resulted in the deaths of 34 people, 26 in Dublin and 7 in Monaghan. Hundreds more were injured. An unborn, Baby Doherty, was killed in Dublin.

The British government formally told their Irish equivalents on two occasions¹¹⁰, "We know who they are, and we have interned them".

This was the end of the story until the *Hidden Hand – the Forgotten Massacre*, a Yorkshire television documentary broadcast on 6th July 1993. This programme raised all the uncomfortable questions, why had nothing happened for 19 years?

Four Fundamental Questions

1. *Did the Dublin Government learn of the identity of the Bombers from the British Government and if so, what did they do about it?*
They certainly knew and did nothing discernible for 19 years.

2. *What is the evidence of collusion by British interests with the loyalists?* ***There is significant evidence to sustain the probability of collusion.***

¹¹⁰ 11th September 1974, 21st November 1974

3. Did the loyalists have the capacity to carry out the attacks? *The loyalists did not possess that capability.*

4. Was the Garda Síochána deficient in the investigation? *There is a possibility that the investigation was wound down too soon but probably because of political “guidance” and through failure by the Northern authorities to cooperate.*

At least nine reports were eventually commissioned into the Dublin and Monaghan bombings and several other outrages. These reports were carried out sequentially by Judge Hamilton (2000) Judge Barron¹¹¹ (late 2000), by Patrick MacEntee SC. QC. (2005) and finally by the Dáil Joint Committee on Justice, Equality, Defence and Women’s Rights (Ardagh Committee).

The Bombing Attacks

On that fateful Friday, Dublin was busy and bustling with the city centre streets crowded with shoppers and visitors. The weather was good, and the weekend beckoned. Death was far from the minds of the populace. This illusion of tranquility was shattered in under two minutes by three car bombs. A car bomb is a frightening and vicious attack, and a no-warning car bomb is at the upper end of that scale. The noise of the explosion is tremendous particularly in an urban setting and the death and destruction is truly horrendous. It is difficult to fully understand the real nature of these attacks unless one was proximate to them.

The timings were

Parnell Street: 17:28 approx.

Talbot Street: 17:30 approx.

South Leinster Street: 17:32 approx.

Monaghan: 18:58 approx.

¹¹¹ Barron Report commenced late 2000

What did the Dublin Government do?

It was reasonable to expect that these most grievous crimes would be investigated with vigour and determination and that all the assets of the State would be brought to bear on the investigation. It was clear that the attacks had an established connection with Northern Ireland from the outset. It is also a fact that the Gardai had compiled a relevant suspect list of alleged Loyalist perpetrators resident in Northern Ireland. It is a fact that gardai travelled to the North on foot of this information seeking assistance there. It is a fact that none of these suspects were interviewed in connection with the crimes. It is a fact that the Garda investigation ground to a halt very quickly. Judge Barron and the subsequent inquiries are critical of this “lapse”. It is also a fact that many documents related to the investigation have gone missing from the Garda Síochána, the Department of Justice, the Defence Forces, and the Government. Some of this is unsurprising due to the passage of time and some of it is unforgiveable having regard to the enormity of the crimes.

The British Government Admits¹¹²

Certain information did come to the knowledge of An Taoiseach and the Minister of Foreign Affairs, as well as to some of their senior officials during high-level inter-governmental meetings.

A meeting was held in London on 11th September 1974, at which the British side comprised of the Prime Minister, the Secretary of State for Northern Ireland, the British Ambassador to Dublin, the Permanent Secretary to the Northern Ireland Office, and other senior civil servants. The Irish side comprised of An Taoiseach, the Minister for Local Government, the Minister for Foreign Affairs, the Irish Ambassador to London, as well as senior civil servants of the Department of the

¹¹² 112 *Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings December 2003* Page 129.

Taoiseach and the Department of Foreign Affairs. In the course of this meeting, minutes prepared in the Department of Foreign Affairs quote the Prime Minister as saying the following: *"In recent months some very nasty men had been lifted on the Unionist side. On the Friday and Saturday of the UWC strike, twenty-five interim custody orders had been signed and the perpetrators of the Dublin bomb outrages had been picked up and were now detained, but it was impossible to get the evidence to try them in ordinary courts"*.

These minutes were circulated to the Department of An Taoiseach, the Department of Foreign Affairs and to the Irish Ambassador in London.

This was not the only occasion where the British side provided critical information to the Irish side. A similar statement is recorded in minutes prepared by the Department of Foreign Affairs relating to a meeting in **Dublin on 21st November 1974**. This was a smaller meeting at which the British side comprised the Prime Minister, the British Ambassador to Dublin and senior civil servants. The Irish side comprised An Taoiseach, An Tánaiste and two senior civil servants, one each from the Department of An Taoiseach and the Department of Foreign Affairs. At this meeting the British Prime Minister is recorded as saying:

"He (the Prime Minister) emphasised again that the people who had bombed Dublin were now interned, and that this was the only way which they could be dealt with because the sort of evidence against them would not stand up in court. They were certain they had the right people, but they could not bring them to trial."

How could it be remotely possible that the cabinet of the day walked into cabinet meetings and blithely ignored the information in their possession?

The next persuasive reason which renders the inaction of the government inexcusable, is the fact that they had just received a key report on many aspects of state security. The government appointed Mr.

Justice T.A. Finlay to report into the escape by helicopter of three Provisional IRA prisoners from Mountjoy prison on the 31 October 1973 and related matters. Justice Finlay presented four separate reports on all aspects of state security. These reports should have raised the level of critical awareness in government to the highest level of knowledge and reaction.

Loyalists could not have acted without assistance.

The logistical capacity required to execute the Dublin Attacks were of a high order. The cars involved were stolen in Belfast on the morning of May 17th at different times but before 10 am. Belated reports were made to the RUC in respect of the theft of two cars and the third was reported more promptly. It is assumed that the planning stages of this operation had already been undertaken. The next stages involved loading the explosives in the stolen cars, driving the cars together with scout cars to Dublin. The bombs had to be armed (timers set for the explosion) at some location close to Dublin. The distance from Belfast to Dublin city center, taking a direct route is 105 miles and a detour through Armagh probably adds another 30 miles to the route. The use of back roads would also have added significantly to the distance and driving times. One must consider three stolen cars with their real number plates still intact, with scout cars to ease their passage through potential hostile territory. It would be reasonable to allow at least 4 hours in travel time for this journey. There were considerable difficulties and unpredictability on the ground in the North because the UWC strike was taking place currently. The operation could have involved up to thirty people each fulfilling different critical roles. Logically this kind of operation could only be attempted if there were significant redundancy measures in place to avoid detection. This would have required discipline, organisation, the ability to place the bomb cars and ultimately to detonate them within minutes in Dublin city centre. The loyalists had not demonstrated this capacity previously and they didn't demonstrate it subsequently. Quite the opposite if one considers the Miami show band attack in 1975.

Did the loyalists have the capacity¹¹³ to mount the Dublin and Monaghan attacks unaided? I believe the evidence clearly demonstrates that they didn't have the technical capacity to mount the Dublin Bomb attacks. They did have the capacity for the Monaghan attack because of border proximity. Exceptionally the Monaghan bombing does bear the hallmark of a loyalist attack. The car was stolen in Armagh a relatively short drive away. This attack location was conveniently close to the border allowing relatively easy access and escape.

The evidence of the explosive experts commissioned by the "Hidden Hand" programme was not rebutted by persuasive counter evidence. The capacity of loyalists to mount car bomb attacks was far less than the expertise of the IRA who had perfected this technology. Military experts, two British (Lt Col. George Styles and Mr. Nigel Wylde) and one Irish (Commandant Patrick Trears) felt that loyalists did not have the capability to mount these types of attack as late as 1974. Their verbatim evidence on the programme is a powerful statement on the inferior technical capacity of the loyalists. It was open to Judge Barron to rebut this evidence by counterbalancing technical expertise. He failed to do this, therefore the information of Styles and Trears should on the balance of probabilities be persuasive.

Frank Kitson

Brigadier Frank Kitson was the British Army's leading expert in counter insurgency operations. He was based in Northern Ireland officially from 1970 to 1972. He was decorated by the Queen following his service in the North. He retired from the army with the rank of General and he was knighted for his service. He was the hate figure for many activists, and he certainly practiced the black arts. He was in the North at a relevant time. It's speculation as to what role he played. One

¹¹³*The ability to detonate a bomb remotely without using the hands-on fuses used by the Loyalists.*

of his strategies was the development of counter gangs to take the fight to the enemy.¹¹⁴

Without court quality evidence it is virtually impossible to attribute collusion in the Dublin bombings to British security sources. Nevertheless, it is abundantly clear that the Loyalists did not have the ability to mount the Dublin attacks on their own. Ultimately one looks to who benefitted from the bombings. The Sunningdale Assembly collapsed, and the peace process was delayed by several decades. Thousands of lives were lost in an unwinnable struggle. The forces opposing power-sharing were a broad constituency. Certainly, many Loyalists and Unionists were well pleased. This viewpoint was shared by significant elements in the British establishment both civilian and military.

LOYALTY AND THE MINISTER 1972 -1977

My representational work started in 1972. I attended a District Representative Body meeting in Whitehall. The invite came principally because I lived near Whitehall station and not because I was a budding Che Guevara. I didn't know that this journey was to last over 30 years and through different ranks. I experienced challenges in my representative role but in all honesty my first love was policing. I can still recall that wonderful feeling when I buttoned up that tunic for the first time.

I found myself on the National Executive of the Representative Body for Guards (RBG), the youngest member of that twelve-man group.

I was an advocate for guards charged before disciplinary inquiries. This progression would not be considered a wise career move for obvious reasons. I was involved in welfare issues including the reform of the Garda Medical Aid Society. This society was to become a mainstay of

¹¹⁴ *Irregular locals acting on behalf of the British Military in a counter insurgency role with official deniability.*

garda medical cover in the succeeding generations providing a service incomparably better than anything else on offer from any other source. This welfare movement exemplified the garda genius for self-help and voluntary activity. I was a director of the Garda Building Society until 'Fingers Fingleton' absorbed it. I had occasional inputs on the *Garda Patrol* crime watch programme, as well as being totally involved in normal policing activity.

This was a time of conflict between Commissioner Edmund Garvey and the Representative Bodies. Ned was as tough as old boots; he had joined the Taca (Temporary) Síochána in the 1940s and he and colleagues were later absorbed into the Garda Síochána. The Taca were considered cut-price guards and certainly got a hard time from existing members when they joined. In time this group made its way through the ranks and acquired powerful positions. Mr. Garvey was the standard bearer for that group, and he was an active man on many fronts as well. He had been the housing officer at a later stage in his career and revolutionised the refurbishment of garda accommodation. He was very popular with certain groups when appointed commissioner in 1975. He was to last in office until January 1978 when Gerry Collins (Minister for Justice) and the Fianna Fail cabinet lost confidence in him.

He had become closely identified with the Fine Gael/Labour coalition government. This was a period of great economic hardship and the gardai were badly affected. The pressure on ordinary guards was even more acute because in the aftermath of the Conroy Commission earning power was greatly improved following the introduction of overtime payments. Many colleagues took on big mortgages based on this earning. When the coalition came into power an economic retrenchment took place with cutbacks becoming the order of the day. This was a very hard situation on young single-earning families. It manifested itself in internal pressure from the representative body on the commissioner and the minister of the day, Patrick Cooney. Mr. Garvey was not a compromiser or conciliator by nature. As part of his induction in his new role he embarked on a countrywide tour which

became notorious for the manner and tenor of its approach. He seemed to be supported by the unofficial garda chaplain Father Clarence. The minister also delivered a stern address in Templemore on loyalty within the force. The clear message was that dissent was not welcome nor would legitimate grievances get a hearing.

Remarkably Garvey wrote to Jack Marrinan who was the General Secretary of the RBG along conciliatory lines. *Basically, we can respect each other's positions and we should go forward on that basis.*

The seminal moment came when he sent a file to the DPP asking that members of the Garda Review Editorial Board be prosecuted under the Offences against the State Act and the Official Secrets Act. The Gardaí named were Jim Fitzgerald, Jack Marrinan and Mick Conway from the Representative Body for Guards, and Inspector Paddy Culligan (later commissioner) and Derek Nally of the Representative Body for Inspectors and Sergeants. The DPP supposedly laughed out loud at the suggestion. The coalition went out of power in 1977. It was replaced by Fianna Fail on the promise of unrealistic financial easements. Mr. Garvey was still Commissioner and relationships were still extremely poor.

Approaches were made from the representative bodies to Minister Gerry Collins complaining of Mr. Garvey's refusal to engage and subsequently the commissioner was removed from office. In effect Minister Collins was quite happy to use the representations for his own purpose. Garvey was to win a court case regarding the manner of his dismissal but by then the moving pen had moved on. This situation was detrimental to all on the garda side, and it emphasised the need for consensus building rather than confrontation.

In my long experience I would consider that Gardaí were not good negotiators in the main and given too readily to ultimatums. Jack

Marrinan and probably Derek Nally were exceptions and were people who understood the primacy of process over confrontation.

Adversarial Culture

Many Gardaí distrusted process as a problem-solving mechanism and this philosophy was shared by all ranks. It is reasonable to say that Gardaí had been radicalised by the events which led to the Conroy Commission. This tradition was to continue in each decade. The Garda rank fought a bitter battle for supremacy within its own membership. This followed the retirement of Jack Marrinan as General Secretary of the Garda Representative Association (GRA), which was the successor to the Representative Body for Guards. Wiser counsel had advocated a simple mantra; don't give ultimata unless you are also aware that you are applying this deadline to yourself and if the other side doesn't blink, have you figured your next move.

I was a member of the National Executive of the Chief Superintendents Association. It took us quite some time to understand, that process was the king regardless of the obduracy of the other side. Let it be said that there was a great reluctance on the part of the Department of Finance and to a lesser extent the Department of Justice to concede any claim no matter how well researched or deserved. This was particularly true in times of strained economic situations. The bean counters applied their scalpels with unholy relish and indeed this philosophy pervaded senior ranks in the force. The history of the Garda Síochána is interspersed with controversy, as the many Inquiries over the years will attest. It would be tempting but inaccurate to consider that these problems are of relatively recent origin. In effect there has been a slow burning crisis for at least five decades. The list of investigations and inquiries include the following:

- CONROY COMMISSION (1970)
- FINLAY (1974) (UNPUBLISHED)

- STOKES KENNEDY CROWLEY SKC 1976 (UNPUBLISHED)
- O'BRIAIN REPORT (1977)
- MURDER BRITISH AMBASSADOR – MCLOUGHLIN INQUIRY (1976)
- LOUDEN RYAN (1979)
- WALSH COMMITTEE ON PROBATIONER TRAINING (1985)
- TRIBUNAL INTO "THE KERRY BABIES CASE" (1985)
- FINLAY SOCCER HOOLIGANISM, (1995)
- SMI - DE LOITTE & TOUCHE (1996)
- BARRON DUBLIN MONAGHAN BOMBINGS (2003)
- CLANCY WITNESS PROTECTION (2005) (UNPUBLISHED)
- GEORGE BERMINGHAM SC - DEAN LYONS (2005)
- MACENTEE DUBLIN MONAGHAN BOMBINGS (2005)
- BARR TRIBUNAL (2006)
- DONEGAL MORRIS (2006)
- SMITHWICK REPORT (2013)
- CHARLETON 2017

I had no idea back then that I would be meeting Ministers for Justice, Commissioners, and assorted worthies. In my experience most police officers are innately conservative, and it came as a bit of a surprise to me that I had acquired a reputation for being a bit radical, or as one superintendent told me, I was a bit difficult to handle. Admittedly I was speaking at open meetings to Gardaí, dealing with pay and conditions. I also had been “appointed” as an advocate for Gardaí who were being disciplined for infractions within the force. These episodes were on the irritatingly trivial end of the scale. They were occurring with more frequency as the 1970’s progressed and particularly with the arrival of Commissioner Garvey in 1975.

There were two main causes of internal friction, in the first instance the economy started to implode because of the Oil Crisis and other industrial relations problems, and secondly the persona of Commissioner Garvey was extremely difficult. He did not see merit in dialogue. The recently won benefits of the Conroy Commission were being eroded. I had been appointed to a national training committee

and was working alongside Des Mathews who was later to become the Secretary of the Department of Justice, and John Mitchell a Superintendent and later a Chief Superintendent. He was the representative of the Commissioner in this grouping. It was quite difficult to maintain parity of esteem with these gentlemen for obvious reasons. We toured all the police training establishments in the UK and in time submitted a report, which recommended a total revamp of garda training.

The rock on the road was the issue of appropriate entry standards to the force and the fact that 500 new recruits were being appointed. Des Mathews came bearing orders from the Department that there would be no question of changing entry requirements at this stage. He was clearly riding to orders based on financial considerations that any increase in standards would result in a demand for increase in pay. I took the view that he was in breach of good faith and that he was undermining the overall process and worse still (for me) I said this openly at our Steering Committee meetings. In effect this brought the whole process to an end, and I returned to my station in Whitehall in Dublin a slightly wiser individual.

In 1976 I led a group of Gardaí on a fraternal visit to Berlin as guests of the Gewerkschaft der Polizei (GdP). A police trade union of all things. We arrived there on the day that the funeral of the Red Army Faction member Ulrike Meinhoff was taking place, 25 May 1976. This was an exciting environment. The Berlin wall was very much intact and there had been a history of recent street protest, anti-Vietnam war and anti-Capitalist. The police were in the middle of this scene, and they were themselves much more liberal than our concept of policing. They brought us to see their public order facilities, water cannon, mounted police and a more mechanised approach to public order than we were familiar with. Intriguingly the Berlin rail system ran into East Berlin and back again. This allowed one to transit from the West and through the East observing the contrast between the two parts of the divided city. However as non-Germans we were able to go into the East on a day trip by paying four D

Marks and showing our passports at the border checkpoint. East Berlin was grey and monotonous, and the only modern building appear to be the Post Office Tower with a restaurant on top. We went to a museum, and we chatted with an attendant, and she indicated she could show us something special for a few marks. We duly obliged and she pulled the curtains back in a small shelf to reveal a small shrunken head courtesy of the Nazi era. Indeed, it was hard not to think of the Hitler era at the heart of his empire. On a lighter note, leading a party of young Gardaí on this adventure was a bit like “herding cats”, difficult to predict the behaviour of the more sociable amongst us. Apart from absorbing the culture we certainly absorbed our fair share of schultheiss beer.

I can't stress strongly enough that we on the National Executive were not radicals for the greater part. Certainly, there were one or two souls who would be “agin” it whatever the circumstances. Jack Marrinan as General Secretary was a negotiator and compromiser and he had many of the same values as those in power in the organisation. Mick Conway was his assistant and an able administrator, he was totally disinterested in the limelight, but he was the one who kept the wheels turning daily. Marrinan believed in process over confrontation and was a great one for the quiet word on a one-to-one basis with the other side. He had developed particularly good relationships with some powerful figures in Justice and he used that back stairs to good effect. The emerging problem was that the Commissioner did not play by these rules and increasingly Paddy Cooney as Minister played hardball as well. This was a most difficult time in the country from a security perspective and from an economic viewpoint. The activities of the Provos and other dissidents posed a major threat to stability and government ministers were lampooned on the airwaves. Unforgettable titles like the “Minister for Hardship” and “Richie Ruin” have lived on in political folklore. As staff representatives we were swimming in stormy waters and indeed we acquired some new “best friends from garda plain clothes, friends of Ned Garvey”. These guys turned up in the RBG offices in Phibsboro Tower at very odd hours. They took great interest in our comings and goings. Part of our strategy was to negotiate a change in the Conciliation and

Arbitration scheme to be better able to advance our agenda and to blunt the excesses of the Garvey regime. The departmental officials were certainly open to this approach and effectively a change process began to build to facilitate this.

Two major stumbling blocks remained to be overcome. These were the Minister on the political front, and the Commissioner. Consequently, several significant meetings took place.

Meeting Ministers Cooney, Collins, and Commissioner Garvey

On the 16 July 1976 the Minister made an address to a Scott Medal Presentation and recruit Passing Out Parade in Templemore. This address was ostensibly about fostering the high values of loyalty and adherence to discipline, to the obvious exclusion of other noble qualities. He also reminded the recruits that they were entering “a force which is well paid, well equipped and provides in this uncertain age for material security realised within decent working conditions”. We found his address gratuitously insulting, we didn’t need an address on loyalty from him. We disputed his summary in every respect but what was particularly disrespectful to our innate sense of loyalty and devotion to duty was the fact that on that very day, Vera Reynolds, widow of Garda Michael Reynolds was receiving a posthumous award of the Scott Gold medal for bravery. He had been shot dead when off duty and accompanying Vera, when he pursued Noel and Marie Murray who had robbed a bank in Dublin on the 11 September 1975.

The first of these meetings took place 28 January 1977 in the Department of Justice with Minister Cooney. There were two civil servants present, Billy Walsh and Gerry Kenny. Walsh certainly was prepared to give us a listening ear on the back channel. Just one member of our national executive was absent, there were eleven of us in a crowded conference room. A distinct air of tension filled the

meeting room. We got down to business directly with Marrinan not mincing words and the Minister listening for a considerable period.

We are getting an extremely raw deal now. We attach some of the blame to you Minister.

He accused the Minister of misinforming the Dáil on several salient points regarding orders given by the Commissioner on summons quotas to be maintained by gardai. He spoke of arbitrary transfers and petty discipline being imposed. He also referred to the cutbacks in manning levels because of overtime restrictions. He alleged that promotions were being made based on loyalty to the Commissioner rather than on merit. These sentiments were added to by Jim Fitzgerald and Mick Conway who also cited examples. The minister was told that *there was nothing decent in the force now*. The Minister's response to this was a classic denouement.

Minister: You have gone beyond your memorandum...it would be imprudent to comment just yet....I have no responsibility for the day to day running of the Police Force. I have a secondary role as an intermediary, this is the natural corollary of the factual position..... The only matter that I'm concerned with is OVERTIME..... The terms of the Conciliation Council will be extended to cover principles governing transfer, promotion, and discipline. This should go a long way to restoring harmony. We will not be able to redress individual grievances. Special promotions are provided for in the regulations....

Marrinan: I am disappointed with your reply, we do not regard you as an intermediary, we regard you as the final Arbitrator.....

Brian Sheehan: The time may come when we will need a civilian Commissioner. We acted as a buffer in the past... Men wanted to go on strike, and we persuaded them not to, we would not be able to do it

again as we are discredited in their eyes.

Marrinan: You stung us recently regarding entry educational standards.... The formal standards have now taken a dive....

Minister: I gave this matter consideration and I felt this was the proper thing to do.... There was no financial consideration in the decision.

O'Brien: I probably have been involved with this question more than the others. First regarding the 500 recruits.... we do not have the capability to train this number in the next few months.... more likely to take two and a half years..... You said that financial considerations were not an issue, but I understood from your representative that they were? Another point is that 1,400 applicants claimed Leaving Certificate exemption in 1974 and now they will have to sit the competitive examination in 1977.

The meeting lasted for two hours and concluded at 4.45 pm. In effect this was an unrealistic attempt at some form of reconciliation. The relationship between us and the Minister and Commissioner was well and truly broken. It would take much more than mere words to remedy that breach of trust.

Meeting Commissioner Garvey

Wheels were moving and a meeting was agreed between Commissioner Garvey and a delegation from our National Executive. This took place 18 May 1977. The General Election was in the offing and this fact may also have been an impulse for the Commissioner in agreeing to meet. The meeting was tense and fractious. One of the ostensible big-ticket items was the reform of the Conciliation and Arbitration scheme which would/should provide for much greater involvement of the Representative Bodies in matters of Transfer, Discipline, Promotion.

Marrinan: *At every meeting we attend of our members, doubts are expressed as to the knowledge of what really is going on being known to you. It is known that you have placed your own informants throughout the country. It is our belief that they give you a coloured version of what really is going on, only telling you what they think you want to hear and over the heads of their local supervisors.*

Garvey: *I know your attitude to me. There is no need to come here to tell me, I know., things get said in the papers and not a grain of truth to them...*

A/Commissioner Devitt: *I had my suspicions that someone on an Inquiry Board has impugned the integrity of the Commissioner and myself, and you (addressing Jack Marrinan) have done untold harm going into print.*

Garvey: *This Garda spokesman bit is destroying the Force.*

Marrinan: *What have we achieved at this meeting?*

Garvey: *Well we had two hours of talking.....*

Commissioner Garvey did not understand that his manner and demand for increased summonsing coupled with an actual reduction in budget was inconsistent with his objectives. The reduction in manning levels was serious. A petty vindictive disciplinary system was in operation. The promotion system was biased. His stated aim of fostering good community relations and combating the terrorist threat at the same time while alienating his rank and file was shortsighted. Ultimately the Central Executive Committee of the RBG voted no confidence¹¹⁵ in the Commissioner on 13 October 1977, the die was cast.

¹¹⁵Brady, Conor, *The Guarding of Ireland*, Gill & Macmillan (2014).

COMMISSIONER FIRED & COMMISSIONER HIRED JANUARY 1978

In any event the Commissioner remained in office until January 1978 when he was summarily dismissed, with two hours' notice by the government. His replacement was Paddy McLaughlin, and this was no surprise. It was ironic because the new Commissioner was to depart office in troubled circumstances a few years later.

Ned Garvey's paternalistic manner and demands for increased summoning coupled with an actual reduction in budget and manning levels together with a petty vindictive disciplinary system and biased promotion system was in complete conflict with the new political dispensation. These circumstances sealed his fate. He successfully contested his dismissal, and he was awarded minor monetary damages. The Government also wanted to lessen the blow to him by awarding him his full pension of £6,436 together with a gratuity of £22,563, which included an additional ex gratia sum of £32,541. He received the Order of Orange from the Dutch government in recognition of the success in the Herrema kidnapping (1975) case. He acquired a brand-new Mercedes allegedly from the same source. Clearly the Government wanted him gone and to stay gone, but in the quietest way possible. There was no process to his removal, and it was even more arbitrary than the removal of General O'Duffy in 1933. The failure to invoke process and balance to these actions must be sincerely regretted. He would not have survived in office if a process were followed but the government was in a hurry. The triumvirate of the Minister for Justice, Departmental Secretary General and the Garda Commissioner was the power axis. This axis has remained virtually unchanged since the foundation of the State and, in that time, six commissioners have left office in troubled circumstances.

ASSASSINATING AMBASSADOR, MURDERING GARDA - 1976

1976 was a year of many difficulties in the South and much of the overspill from the North was animating the security situation in the Republic. Significantly, an IRA cease-fire in the North came to an end in January having been in place for nearly 12 months.

There was a dire economic situation and strikes were occurring with great abandon. The Banks, the Post Office, and RTE all figured. Mortgage rates were going through the roof. Fine Gael and Labour were in power in Dublin, and the Labour party was in power in the United Kingdom, with Merlyn Rees as the Northern Ireland Secretary. Early in March, political status was ended for prisoners in the North and direct rule was imposed from Westminster. Both events were to have a major impact, particularly the removal of special status for the prisoners. This set the seeds for the H Block Hunger strike in 1981. The impact of the Northern troubles on the South was palpable. A bomb factory was found in Ballyconnell and money supposedly stolen from an armed bank raid in Navan was also recovered.

In the first week of January the deadly cycle of sectarian murders struck again in the North. Firstly, the murders of the Reavey brothers and the O'Dowds in separate killings in County Armagh. These killings were followed in quick succession by the murders of ten protestant workmen at Kingsmill. The catholic murders were committed on Sunday January 4th and the protestant murders the following evening. The British government ordered the SAS into South Armagh to stop the cycle of murder. This assignment had a predictable outcome when early in May, eight SAS soldiers in plain clothes were arrested by Gardaí and army near Omeath in Co Louth. They were charged before the Special Criminal Court and released on Bail and flown back to the North. They were later convicted of possession of firearms without holding firearms certificates. The entire episode smacked of a comic-opera farce.

Frank Stagg, an IRA hunger striker, was to die in prison in the UK on the 12 February. This event was to lead to another dance macabre when his body was brought back to Ireland for burial in Mayo. His remains were buried in his family grave amidst protests by the IRA who wanted him buried in the Republican plot in Ballina. They staged a demonstration at the cemetery but were prevented from reaching his grave in the family plot. Later that year they removed his coffin and reinterred it in the republican plot. The Provo anger was also vented on the Shelbourne Hotel and department stores in Dublin where there was widespread use of firebombs, severe damage was caused.

A spectacular mail train robbery was committed at Sallins. The subsequent arrests were to lead to long-running allegations of prisoner maltreatment at the hands of the Gardai. There is no doubt this was a gloves-off investigation and ultimately Nicky Kelly, one of the charged, was granted a pardon in respect of his conviction for that robbery.

On the 15 July, a group of Provos blasted their way out of the Special Criminal Court in Green Street, Dublin. This was further evidence of the capacity of the IRA to engage in the South and to directly confront the organs of the State in a way that would have been unimaginable a short few years previously.

The British Ambassador Christopher Ewart Biggs and his colleague Judith Cooke were blown up in their car on 21 July 1976 despite being escorted by Gardaí. A finger mark print was wrongly identified as being found on a helmet at the scene. This had the hallmarks of a classic IRA roadside bomb, which was at this stage commonplace in Northern Ireland but unknown in the republic. The ambassador had only been in the country for a short while, but he was a key intelligence operative of many years' experience.

The immediate "heat" was to identify the perpetrators and this pressure had an unintended consequence. A senior fingerprint expert in the Garda Fingerprint Bureau claimed to have identified a mark found on

a helmet at the scene as that of a leading IRA operator. This officer was Detective Inspector Billy Byrne. He was a long-time friend and schoolmate of Charlie Haughey. Indeed, he was eventually to finish his career as the superintendent in charge of the Coolock garda district, which covered Abbeville, the Haughey residence. He figured prominently in a case involving an alleged case of personation by Mr. Haughey's election agent, solicitor Pat O'Connor during the general election of 1982. The same Mr. O'Connor represented Haughey during the arms trial in 1970. Two other fingerprint experts hotly disputed Billy Byrne's fingerprint identification. The mark was that of D/Sgt. Michael Diggin who had left it on the helmet following his own negative examination of the item. Patrick McLaughlin, later to be commissioner, conducted an internal review of the issue. It appears he agreed that the identification was not correct. This was confirmed in a review by external experts. Inexplicably Billy Byrne was the only one whose career prospered following that notorious episode. The message was clear, the rules were to provide the appropriate results. It was important to have a named suspect rather than maintaining the integrity of the fingerprint system. Politicians and some police colluded in this charade. This was not a good omen or signal in terms of standards or accountability.

The government's response was to increase the legal arsenal by introducing the Emergency Powers legislation. This legislation was to have a dramatic effect in the political world. The President Cearbhall O'Dalaigh resigned from office because he was criticised by the Minister of Defence Paddy Donegan. Donegan had publicly attacked the President for referring the Bill to the Supreme Court. In the event the Court found the Bill to be constitutional. The conclusion to the legislative wrangling did not take place until October 1976. Its introduction was to result in the murder of Garda Michael Clerkin and serious injury to several of his colleagues near Portarlington. They had been lured to a booby-trapped house and when Garda Clerkin attempted to enter through a window the bomb was detonated. This happened on the 16 October and was evidence, if evidence were needed, that the PIRA would use terror in the South to achieve their objective.

Armed Robbery Trends

The Commissioner's crime report for 1979 observed that;

The use of firearms in cases of robbery and other serious crimes continues to be a matter of grave concern. Robberies with arms numbered 228, an increase of 5.1 % on 1978, and there were 24 cases of aggravated burglaries with arms. Of the armed robberies, 65 (28.5%) occurred at banks or post offices.

Ten years previously this figure was twelve and negligible by comparison.

Interestingly the Drugs problem was emerging as a serious issue because an illicit laboratory for producing amphetamine was discovered during 1979. Large quantities of amphetamine had been produced at this laboratory over a period of months and exported before discovery. 90% of the illicit supply of hard drugs is obtained by larceny from chemists' shops. During the year there was an increase in the number of persons charged with drug offences; 594 compared with 501 in 1978. Cannabis continues to be the most widely used illegal drug. Homegrown cannabis is appearing much more frequently than heretofore.

KEEPING THE PROVISIONAL IRA (PIRA) IN JAIL 1972 - 1988

The Gardaí slowly but surely began to make significant arrests and arms seizures. The inevitable byproduct was pressure on the prisons to house these new prisoners.

18 May 1972 - Riot Mountjoy Prison

There had been a major riot in Mountjoy prison in 1972 and as a direct consequence, prisoners were moved to Portlaoise Prison and to the Curragh Military Camp. I was part of the escort from Mountjoy, which brought prisoners from there to the Curragh. It was obvious that the prison was in a bad state with the debris from the riot clearly in evidence. Almost by definition there is an unnatural atmosphere in a prison, and one is very aware that prisoners are being held in confinement. Doors are locked and unlocked, and movement is necessarily controlled. There is also a strong smell that only comes from human bodies in proximity, eating, sleeping, and moving around in this unhealthy atmosphere. In the case of Mountjoy there was a strong tension between the prisoners and the staff, and this menace hung over the place like a black cloud. The arrangement was that a uniform guard would be handcuffed to a prisoner for the journey. We used large coaches for this purpose. I drew a set of handcuffs for my prisoner, but I noticed straight away that one cuff was defective and could not be secured. I brought this to the notice of a sergeant, and he suggested that I put the secure end on the wrist of the prisoner and hold the broken end as a kind of a restraint for the duration. I was not impressed that this was a good idea because it was easy to see that if the prisoner broke free from grip in the confines of the bus, mayhem could have ensued. After a while reason prevailed and I travelled as part of the escort but not holding a loose tether to a prisoner.

The Minister for Justice Desmond O'Malley reported to the Dáil on the 23 May 1972¹¹⁶;

At lock-up time on Thursday 18 May, when most of the prisoners in three wings of the prison had been locked up, the so called "political" prisoners in the remand wing overpowered an officer and took possession of his keys. They wrenched a cell door from its hinges and engaged in other destruction and, in what appears to have been an attempt to escape, rammed a cell door through a large window at the end of their landing. They could not proceed further owing to the vigilance of the officers outside. Subsequently they engaged in further systematic destruction and urged the other prisoners to do the same. The disturbance spread to the entire prison. The damage caused was on a huge scale. Every pane of glass was broken, every toilet bowl and every wash-hand basin. Hundreds of cell doors were destroyed or rendered useless, cell furniture and bedding were broken up. A newly fitted dental surgery and much of the new kitchen were wrecked, as were all the records of the people in the corrective training unit. The roof was extensively damaged also. Water flowed freely from burst pipes until it was cut off. Some well-known dangerous criminals were released and many of the prisoners were in a state of terror.

In due course the prison was refurbished, and the IRA prisoners were returned there.

26 November 1972 – Armed Rescue MacStíopháin, Mater Hospital

Significantly the Provo's quixotic chief of staff in 1972 was Sean MacStíopháin. He was arrested following an interview with RTE journalist Kevin O'Kelly and charged with membership of the IRA. He received a tap on the wrist of six months imprisonment, and he promptly went on hunger strike. This was typical of the cat and mouse game the IRA and the Dublin government played out on the national stage with positive

¹¹⁶ *Dáil Éireann Debate Vol. 261 No. 1, 23 May 1972*

public opinion being the desired goal. Eventually MacStiopháin was brought to the Mater Hospital in a “weakened” state. This event provided a golden opportunity for sympathetic marches and protests. I was part of a garda contingent policing one such march from the GPO to the Mater Hospital. We were lined up at the main entrance and the crowd was attempting to storm the hospital to release MacStiopháin . Unbelievably missiles were thrown at us and one garda had a dart lodged in his coat. This was unpleasant and unpredictable and took place at night, which magnifies the sinister atmosphere considerably. Eventually the crowd dispersed after guarantees from some of their leaders. The most dramatic event was yet to come. On Sunday November 26 a party of Provos, some of whom were disguised as priests, tried to rescue MacStiopháin at gunpoint. There was an exchange of fire between Special Branch officers and the gunmen, and the attempt was foiled. One of the SB officers sustained a hand wound but miraculously no one was killed. It is difficult to imagine a more perilous situation than a gunfight in the middle of a packed hospital. The prisoner was transferred by helicopter to the Curragh the following day and shortly after that he ended his hunger strike. The PIRA did not accept the usual prisoner status as ordinary criminals. They were organised, relatively disciplined, and committed to escape.

31 October 1973 – Helicopter Escape Mountjoy Prison

The first spectacular escape happened at Mountjoy Prison. A helicopter landed in the prison exercise yard on the 31 October 1973 and three top PIRA made their escape. The government appointed Mr. Justice T. A. Finlay to report¹¹⁷ into the escape. Justice Finlay presented four separate reports on the question of state security.

4th January 1974 Report on the Prisoner escape from Mountjoy prison.

28th January 1974 Report on Security at State Airports

¹¹⁷ *Unpublished Report provided to Government*

26th February 1974 Report on The Garda, The Army and Vital Installations (1)

2nd April 1974 Government Departments, Banking Activities and Vital Installations (2)

There were 372 prisoners in Mountjoy prison at the time of the escape, 88 were Provisional IRA, 10 were Official IRA and the remainder was ordinary prisoners. At the time of the escape 23 PIRA were in the exercise yard being supervised by thirteen prison officers. The helicopter made an initial pass over the prison before making the actual descent into the prison. At this stage alarms had been activated in the prison, but the containment plans simply had no regard for an aerial escape. There was an armed detective inside the front gate and five unarmed uniform Gardaí on foot patrol around the perimeter of the prison. The prison officers were held back at gunpoint and Kevin Mallon, JB O'Hagan and Seamus Twomey got on board the helicopter. The occupants prevented a fourth prisoner from getting on board. The entire operation lasted in the region of two minutes and was clearly planned minutely.

The escape was a massive publicity boost for the PIRA and hugely embarrassing for the government. In fact, all prisoners were subsequently rearrested but not for some considerable time.

Dr. Garrett Fitzgerald, Minister for Foreign Affairs, was quoted,

"There has been a blunder of some sort," adding: "I hope it will be retrieved and the men captured quickly." Answering a question about the appearance of the Provisional I.R.A. leader, Dathi O Conaill, at the Sinn Fein Ard_Fheis in the Mansion House and the failure of the Gardaí to arrest him, Dr. FitzGerald pointed out that in the Republic they had arrested well over 390 people and secured convictions in 75 per cent of the cases, some of which involved membership of the I.R.A. Sinn Fein was not illegal in the Republic.

The helicopter used had been “hired” from Irish Helicopters at Dublin Airport. This had an immediate impact on duties in Santry station because the location was in our area. We spent many hours protecting the facility at Dublin Airport after the horse had bolted. This duty was usually performed on overtime, so we were all profiting a little from the escape.

Judge Finlay was critical of the lack of joined up actions by the state actors in preventing this kind of escape. There had been a suspicious hiring of a helicopter from the same firm a few weeks previously, by a person with apparently false Northern Ireland credentials. This action had been aborted in Tallaght. Gardaí and Special Branch were aware and Irish Helicopters had been asked to inform the Gardaí of any future suspicious bookings. Helicopters had flown into the prison in at least two previous occasions. Once late in 1972 to take Seán MacStiopháin who was on a putative hunger strike to the Curragh Military Prison. The UDA prisoner Robert Taylor had been helicoptered out to court previously. These airlifts had used the exercise yard at A Block, this area was similar in size to the D Block yard. Governor Kelly had previously expressed concerns regarding a helicopter intervention. He had requested the stationing of a military guard within the prison. Neither of his concerns was acted upon. John Lonergan, a later governor, said that,

*The prison service didn't know what hit them. It was like calling out “Dads Army” to deal with the war*¹¹⁸.

18 August 1974 – Nineteen Prisoners Escaped Portlaoise

There had been previous problems and rioting. Lessons weren't always learned. In 1974 the infamous Littlejohn brothers escaped over the wall of Mountjoy prison. The helicopter escape brought about an immediate response from the authorities and on the 9 November 1973 all remaining

¹¹⁸ Lonergan, John, *The Governor*, Penguin Books (2010).

IRA prisoners were removed from Mountjoy and the Curragh to Portlaoise Prison. This change only brought about a temporary respite. On the 18 August 1974 the PIRA attempted their most spectacular escape, this time in Portlaoise Prison. They blasted their way through security doors and made their escape from the prison in an area adjacent to the Governor's House. Nineteen prisoners made good their escape by hijacking cars locally. In effect they were well clear of the prison before an effective cordon could have been set up. A few weeks previously a tunnel had been discovered on the opposite side of the prison. The use of explosives was worrying in terms of their access to it. This raised the spectre of collusion from within which lingered for several years, and which has not dissipated to this day. The predictable response was the setting up of cordons and checkpoints throughout the country, but these measures were not to prove fruitful. Clearly the escapees were lying low. Amongst their number was Kevin Mallon the helicopter escaper from Mountjoy in 1973 (he had been recaptured and lodged in Portlaoise), and two brothers, Sean and Michael Kinsella, convicted of the murder of Senator Billy Fox. A certain Martin McGuinness was also in custody but did not escape with the others.

Uniform Gardaí were dropped at crossroads and mountain passes all over the country. Many had little idea where they were and less still what to do if confronted by the escapers. However urban myth has it that one guard from Clontarf Station was on the Dublin Mountains for two days without seeing a colleague. Reputedly he wasn't too unhappy as he was enjoying the wonderful benefits of overtime and the kindness of passing motorists. There were elements of black humour to this episode but what happened was shaking our democracy to its core.

The resources of the State were pushed to the extreme. Gardaí were drafted into Portlaoise to provide security cover, which was to be the new home for the PIRA for the next two decades. In addition, groups of Gardaí were sent from Dublin daily to provide initially, a standby cover at Portlaoise garda station, but ultimately this was changed to duty in the prison itself. The change was occasioned after a fresh outbreak of trouble

in the prison. I performed this duty many times and it was as unwelcome as it was financially rewarding. We were ferried from Dublin leaving the Phoenix Park at six am in a fleet of minibuses packed with Gardaí in full uniform including greatcoats. This was not a comfortable journey. The regime at the prison was very strict. All Gardaí were searched in a prefab facility outside the prison before being admitted to the prison itself, in small numbers. This activity was carried out under the watchful eyes of the army who were posted as sentries on the walls and watchtowers. The basic door/gate control system was an airlock system. One was admitted between gates with the rear door closing before the gate in front was opened. This process was repeated many times before one reached E Block where the subversives were housed. It was a four-floor structure over a basement. Each floor was eventually segregated from the one above or below. This cut down on the freedom of association, which had led to unmanageable situations in the past. We were posted on each floor landing, physically separated from the prisoners but in clear view of them. In effect there was a passive aggressive atmosphere with each side wary of the other. Occasionally we were posted outside the exercise yard while the prisoners were on exercise. It was interesting to see them close while they played football or walked around the yard. Their hierarchy was discernible by watching who walked with whom. Kevin Mallon was much in evidence on these walkabouts. The days ended with the prisoners being called to attention at their cell doors by their own OC and then dismissed by him. The prison staff did not give them group orders but naturally there was an “agreement” to allow them space to do their own thing within certain limits.

17 March 1975 – Battering Ram Escape Attempt

After another escape attempt, the Minister for Justice¹¹⁹ reported to the Dáil on the 19th March 1975;

¹¹⁹ *Dáil Éireann Debate March 19th, 1975, Vol. 279 No. 5*

At 8.22 p.m. on Monday, 17th March, a carefully prepared and elaborate attempt to affect a breakout from Portlaoise Prison was made by a large group of prisoners there. The group were at the time in the prison recreation hall where a film was being shown. The sequence of events which ensued is as follows;

The lights went out suddenly and, at a word of command, the prisoners threw themselves to the floor. The doorway from the recreation hall to the yard was then blasted by means of an explosive charge and about 40/50 of the group rushed into the yard and towards a gateway in the wire enclosure surrounding the yard, while the Prison Officers and the Gardaí present were threatened by the remaining prisoners using chairs as weapons. The emergency lighting system in the prison had automatically taken over from the main supply, which, it was later discovered, had been cut off deliberately by the creation of a short circuit not far from the prison. The gate in the wire enclosure was also blasted.

At about the same time fire was being directed at the prison from outside and Army personnel returned fire. At approximately the same time a vehicle, specially adapted to be, in effect, an armoured battering-ram for use against the prison perimeter, was driven right through a closed gate leading from the main Dublin Road to the prison farm and then in the direction of the prison wall. A Garda car was immediately positioned at the farm gate to cut off the vehicle's retreat and Gardaí from the area of the main gate of the prison moved towards the vehicle, which by then had come to a halt having been entangled with the protective wire fence which surrounds the prison wall. Two men are being charged in court today in connection with this incident.

The prison had been placed on general alert and the prisoners in the yard were by this time covered by armed soldiers, some of whom fired warning shots and thereby forced them back inside the wired compound. After staying in the compound for some short time they re-entered the recreation hall and the cell block. Later it was established that one prisoner, Thomas Smyth, had been killed from a wound received outside

the recreation hall and that two other prisoners had received minor injuries while in the yard. It is not yet possible to say precisely how the injuries were received. The results of tests on pieces of metal found in the dead man's body have not been received. At this point I want to make it quite clear that allegations or reports that official spokesmen have been asserting that the dead man was shot, or alternatively, have been asserting that he was not, are equally without foundation. From the facts, as established to date, it does not appear that the dead man was killed by a direct hit by a bullet. The question whether he was killed by shrapnel from the explosion or from parts of a ricocheting bullet remains to be established by scientific tests of various pieces of metal. The results of the tests will be presented publicly at the inquest. The necessary tests were in progress yesterday and are being continued. The amounts of explosives used to blast the two gates were very small. A tentative estimate is that not more than 4 ozs. were used and possibly less. A search of the prison and the prisoners which was carried out on Monday night did not uncover any explosives or any other escape material.

This escape was planned for the hours of darkness using explosives to blast out of the recreation hall. A mechanical heavy machine which had been protected with steel plating was driven into the farm field adjacent to the prison with the intention of providing cover from the military posted on the walls of the prison. They also intended to use it as a battering ram against a solid gate which led to the farm from the prison. The soldiers did open fire with containing fire as was their legal right¹²⁰ in the circumstances. There was a macabre sequel to the death of Thomas Smith in that his body was brought from Portlaoise to Dublin and handed over at that point. The PIRA then had his body brought back to Portlaoise for a formal funeral procession from there. Incidentally Volunteer Smith was serving a life sentence for an armed payroll robbery in Dublin in which Jim Farrell was shot.

¹²⁰ *The Defence Forces normally act in aid to the civil power (ATCP). This was not the case in Portlaoise prison where they were appointed on a statutory basis to provide security to the prison and as a result did not require a specific request from the Garda Síochána to assist.*

16 October 1976 – Murder Garda Michael Clerkin

The next major crime in the Portlaoise area happened on the 16 October 1976 when Garda Michael Clerkin was murdered by an explosion at a house which had been booby trapped by the PIRA. I remember attending the removal procession in Portlaoise in the pouring rain with many colleagues from all over the country. The appalling weather more than matched our mood and we had thoughts and concerns for other colleagues who had been injured in the attack, Tom Peters, and Jim Cannon in particular.

15 July 1976 – Special Criminal Court Escape

On 15 July 1976 a party of PIRA before the Special Criminal Court in Green Street Dublin, used explosives to blast their way out of holding cells in the court. Five prisoners escaped initially, but four were captured quickly and the fifth Michael O'Rourke made good his escape. Sergeant Tom Calnan was in the cells area at 1.30pm. Jim Monaghan, one of the prisoners, asked to go to a toilet adjacent to the cell. When the door was opened a bomb was thrown against a door and blasted it out and the prisoners got into a yard and set another charge against a door leading to the street and that in turn was blasted out and the prisoners ran into the streets. Soldiers on security did not open fire but the escapers were pursued on foot by gardai. O'Rourke remained at large until he was arrested in Philadelphia in 1979 and he fought his extradition to Ireland until he was finally returned on June 20, 1984.

21 July 1976 – British Ambassador Murdered

The British Ambassador Christopher Ewart Biggs was blown up in his car on 21st July 1976. These were truly dangerous times, and the State was under grave pressure.

25 March 1983 Chief Prison Officer Brian Stack shot

The regime in Portlaoise prison continued to be a challenging one. The Governor Bill Reilly, a former garda, was a tough man and he did not compromise with the PIRA. There were tensions around strip searching and visitors' arrangements. The prospect of further escape attempts was very real and on the minds of both sides. The prisoners initially went on a dirty protest and that was followed in March 1977 by a hunger strike involving twenty prisoners, including Martin Ferris. In April all hunger strikers were transferred to the Curragh Military hospital. Following interventions by the clergy and trade union officials the strike ended on April 27. There were differing perceptions as to whether a deal had been done or not. Not unnaturally the view from the PIRA was that they were being badly treated in prison by a harsh uncaring regime and in any event, they had a duty to escape. Martin Ferris¹²¹ who was a three times prisoner in Portlaoise, and an acknowledged IRA man provides an interesting perspective on life from his side of the street. There is a fair amount of historical reconstruction involved but certainly his actions affected his own family in a direct way. One can easily appreciate the human side of the story while not sympathising with his physical force doctrine and recognising the pragmatic transition to democratic politics. It is of course a great pity that the journey was so long and the innocent victims so numerous. In his narrative he demonises Chief Prison Officer Brian Stack who was shot by the PIRA on the 25 March 1983 as he left a boxing tournament at the National Stadium on the South Circular Road in Dublin. He died from his wounds on the 29 September 1984. The PIRA finally admitted his killing in 2013 following sustained pressure from his family.

The tough regime in Portlaoise scarcely compares with the murder and torture visited on their own volunteers by the PIRA "nutting squad" and the British agent Freddie Scappaticci¹²² otherwise aka Stakeknife. Brian Stack, according to sources, was a person who believed

¹²¹ Barrett, J.J., *Man of Kerry*, Brandon Books (2005).

¹²² Ingram, Martin, *Stakeknife: Britain's Secret Agents in Ireland* O'Brien Press (2004).

in strong discipline on all fronts and from his own officers as well. He adopted very good procedures in that he rotated prison officers from different posts. He rotated the use of certain locked doors, and he regularly changed the keys being used. This process made it difficult for the prisoners to predict security procedures and difficult to plan any kind of escape. There were further disturbances in the prison on the 30 October 1983 when a general search of the prisoners' cells was undertaken following some initial trouble. This was a Sunday, and the PIRA had an established pattern of attempting escapes on Sundays and Holidays. Industrial relations were bad in the prison. General Secretary PJ McEvoy of the Prison Officers Association (POA), complained at their Annual Conference 25 May 1984 that the treatment of the PIRA was too tough. They were themselves being subjected to arbitrary transfer. The Minister for Justice Michael Noonan refused to attend their conference. Their words of protest must have been welcome to the prisoners in Portlaoise.

I attended the prison many times during these years. There was a noticeable drop in appearance and standards by some of the prison officers. Caps weren't worn and tunics were left flapping open. Indeed, this drop in standards was also noticeable in garda members who were performing duty on a full-time basis in the prison. This was a difficult time for conscientious prison officers and their leaders.

24 November 1985 – Foiled at the last Gate

While PJ McEvoy was complaining, the PIRA were planning for a spectacular escape once more. The PIRA had possession of explosives, imitation prison-officer uniforms, a gun and remarkably individual keys to fifteen gates. Again, the PIRA chose a Sunday 24 November 1985 for this operation. They got all the way to the final gate which had a double key operation. This required a key to be inserted into a lock on the far side of the door and therefore could not be operated from the inside. Their plan was to blow the three locks on a wicket gate which was inserted in a large double gate/door. These explosives detonated but one

of the explosions jammed a bolt on the door and thus prevented it being opened by the escapers. They were yards away from freedom but there was no way through, and the attempt failed at the penultimate point. A motley crew of twelve prisoners were involved.

Tommy McMahon - Mountbatten Killer; Liam Towson - Murder Captain Nairac; Sean McGettigan - Murder Senator Billy Fox; Peter Rogers - Murder D/Garda Seamus Quaid; James Gavin - Murder Dublin Pub; Eamon Nolan - Murder Tramore bank; Peter Lynch - Galen Weston Kidnap attempt; Angelo Fusco - Crumlin Road escapee; James Clarke - Donegal car hijacking; Robert Russell - Extradition warrant; Martin Ferris - *Marita Ann* Arms importation; James Crawley - *Marita Ann* Arms importation.

McMahon was probably the leader and explosives expert, and Rogers was the one holding a gun on the prison officers. A source says that Rogers tried to fire the gun but that it malfunctioned.

18 May 1988 Patrick McVeigh Portlaoise

On 18 May 1988 there was an attempt by a crowd of supporters to prevent the rearrest of Patrick McVeigh who was being released following the completion of a sentence. He was wanted on warrant in relation to bombings in the UK. He ran into a cordoned area outside the wall of the prison and inside a security fence. The military fired several shots, and he was captured by a prison officer and handed over to gardai after a struggle.

20 July 1988 Tommy McMahon High Court Escape Bid

McMahon made one final bid for freedom on 20 July 1988. He had been brought to the High Court in Dublin. He produced a small gun in an ante room and tried to escape but he was overcome by prison officers at some risk to themselves. A shot was fired but fortunately no prison officer was injured. The paradox of this visit to the High Court was that McMahon was pursuing a personal injury claim against the State and Chief Prison

Officer John Keavey. He alleged that he had been injured during a search at the prison and he was awarded £4,000 by a jury. Sometimes justice is blind and deaf as well.

Escapes Unaided?

The simple and vexed question is could the PIRA have attempted these escapes without assistance? It is obvious that they needed help and there is one documented case of a female visitor being apprehended with explosives. Therefore, on the balance of probability, it was likely that they had one or more collaborators in the prison service. Sources indicate that there was serious concern regarding the behaviour of one senior prison officer and some junior officers. These concerns were well known to government, and it is remarkable that no action was taken. The last serious escape attempt by the Dirty Dozen in November 1985 screamed collusion and assistance. They had possession of explosives, imitation prison-officer uniforms, a gun and individual keys to fifteen gates. Normal civil prisons were not designed for the purpose of containing organised subversive groups and realistically this required military custody. The Irish solution was to amalgamate three services into this operation, the Prison Service, the Garda Síochána and the Defence Forces. In fact, none of the services wanted this role and the effect on the Prison Service and the members of the Garda Síochána permanently based there was extremely negative.

POLICING THE 1980s – MURDER, CONFUSION and DYSFUNCTION

The decade of the 1980s was an extremely troubled time in Irish history both north and south. This was characterised by the murder of Gardaí, the highest number in the history of the State; rampant street disorder and H Block protests; multiple changes of government, and many different Ministers for Justice. There were continuing economic problems. A garda commissioner and deputy commissioner were eased from office. There were significant problems relating to drug abuse, heroin was being widely used with devastating consequences. There were several kidnappings. The Provisional IRA continued to provide a major threat and disparate elements like the INLA and individuals like Dominic McGlinchey and Dessie O'Hare were on the loose. The legacy of the Sallins train robbery was bubbling, and the Kerry Babies controversy was yet to come.

The 1980s was the period of the greatest number of garda murders ever. As members of the wider garda family we feel the impact of garda murders directly. Our grief is as nothing compared to the loss felt by the families. I personally knew two of the men killed, Sergeant Patrick McLoughlin and Sergeant Patrick Morrissey. Paddy Morrissey was stationed in Whitehall Station with me. He was a reserved man, not given to long speeches. He was physically strong, and he had been a member of the sub aqua unit. He was killed in a most cowardly manner and had been lying on the ground wounded when the killer shot him again at point blank range. Paddy McLoughlin had studied for the Inspectors' promotion examination with me. This experience created its own bond. On each death there always is a great outpouring of grief and support from the community at large. All these deaths caused similar memories for all colleagues. The continuous churning on the political scene was not reassuring.

Continuous Churning of Key Figures – Political and Garda

The political establishment changed after the 1981 election with Fine Gael and Labour forming a coalition government. Jim Mitchell was appointed Minister for Justice and Garret Fitzgerald was Taoiseach having defeated his old rival, Charlie Haughey. On this occasion his time in office was very brief because on the 18 February 1982 Charlie Haughey was back in power, courtesy of the “Gregory Deal” and Sean Doherty became the Minister for Justice. The connection between Policing, Politics and Government is tangible, real and immediate. On the 8 March 1979 the Supreme Court held that the purported dismissal of Commissioner Garvey was “null and void”. They held that the rules of natural justice required that he be given reasons and an opportunity to be heard in his own defence. These had not been adhered to when he was summarily dismissed on 9 January 1978 by the Fianna Fáil government. This decision was to weigh heavily on the incumbents of that office and on successive governments. There was seven Justice Ministers, four Garda Commissioners. This was not a climate of stability or continuity capable of providing sustainable strategies in the criminal justice area. Despite the slings and arrows there were success stories operationally, often achieved despite rather than because of formal policies. One such venture in Dublin inner city was the informal formation of young gardai largely Dublin-born. These young guards, men and women, banded together to deal with the heroin dealing in Dublin’s north inner city. They forced the official garda organisation to adopt new tactics of flexibility and innovation. These members were known as the “Mockies” because of their undercover surveillance work copying the dealers and their runners. Self-evidently this police approach could not solve the drugs problem, but foundation work was undertaken in the Community Policing context. On the national scale there was many successes and some setbacks when dealing with the terrorist threat. The garda budget expenditure for 1981 was £163 Million pounds and the force strength was 11,000 members approximately. By 1989 the expenditure was in the region of £284 Million pounds. There also was capital expenditure of nearly £2 million on the Garda College in

Templemore. The economic situation was dire in 1981 with inflation running at 20.37% (World Bank). Politicians had many problems apart from the security situation. The rapid changes in government reflected this instability.

POWER STRUCTURE

Ministers for Justice	Taoiseach
Gerry Collins 1977 FF	Lynch/Haughey
Jim Mitchell 1981 FG	Fitzgerald
Sean Doherty 1982 FF	Haughey
Michael Noonan 1982 FF	Fitzgerald
Alan Dukes 1986 FG	Fitzgerald
Gerry Collins 1987 FF	Haughey
Ray Burke 1989 FF	Haughey

Commissioner	Served
Patrick McLaughlin	1978–1983
Larry Wren	1983–1987
Eamon Doherty	1987–1988
Eugene Crowley	1988–1991

Secretary Department of Justice – Andy Ward 1970 – 1986 (Succeeded by Des Mathews 1990)

The power axis was tilted very much in favour of the Department of Justice and different interests will argue the value of that dominance. Nevertheless, the decade of the 1980s had significant political turbulence and the Garda Síochána had problems as well. It is hard to envisage that this climate was one that was conducive to long term operational planning.

EIGHT GARDA MURDER VICTIMS

In a five-year period eight Gardaí and one member of the Defence Forces were murdered on duty.

Detective Garda John Morley and Garda Henry Byrne, 7th July 1980, Ballaghadereen. *Shot by INLA splinter group following Bank Raid in Ballaghadereen.*

Detective Garda Seamus Quaid, 13th October 1980, Cleariestown, Co Wexford. *Shot by a Provisional IRA gun man who was transporting IRA munitions.*

Garda Patrick Gerald Reynolds, 20th February 1982, Tallaght, Co. Dublin. *Shot when responding with unarmed colleagues to a report of suspicious activity in Avonbeg Gardens in Tallaght. INLA elements believed responsible.*

Sergeant Patrick McLoughlin, 11th April 1983, Dunboyne, Co. Meath. *Killed by a shotgun blast to his bedroom window in the Station House. Culprits had been previously cautioned by him for drug abuse.*

Recruit Garda Gary Sheehan, 16th December 1983, Ballinamore, Co. Leitrim. (Private Patrick Kelly Irish Army) Tidey Kidnapping. *Both killed by Provisional IRA gunmen who were holding kidnap victim Don Tidey.*

Detective Garda Frank Hand, 10th August 1984, Drumree, Co. Meath. *Shot by Provisional IRA while providing mobile escort to a Post Office cash delivery*

Sergeant Patrick Morrissey, 27th June 1985, Ardee, Co. Louth. *Shot following a Labour Exchange robbery, by dissident elements*

Jack Marrinan's Influence

Jack Marrinan, General Secretary of the Garda Representative Association (GRA) had been a constant in garda matters for many years. He was, by rank, a Garda but in actual fact he was head and shoulders over the official hierarchy in the guards. He was known and appreciated across the political spectrum, and he had many international policing contacts. He understood the policing profession well, both academically and professionally. He was entering the last decade of his service and in many respects, it seemed that times had not changed. He was a driving force behind the Louden Ryan report which recommended salary improvements and also pointed towards to the need for a professional approach to recruitment and training. However, all was not easy going within his own executive, which by now had increased to 24 colleagues and in more recent times that number increased to 31 members. This number was unwieldy, and it made it increasingly difficult to make decisions and keep his association realistically focused on the possible. He fought hard on behalf of his members for the Louden Ryan pay benefits and was successful. He had a hard struggle to convince government on the need for higher entry standards and improved training facilities at Templemore. He lost some support in his own ranks when he decried the standard of some existing recruits. Eventually there was agreement by government and then in 1985 Commissioner Larry Wren announced a Garda Advisory Training Committee. This work resulted in the production of the Doctor Tom Walsh Report which in turn transformed training. The winds of change were gathering force for improvements in Student Probationer Training. The relative isolation of the Garda Síochána as the only group in society qualified to perform the role of law enforcers was addressed by the Walsh Committee on Probationer Training in the report submitted to the Commissioner in 1985¹²³. The implementation was a major step in changing the way in

¹²³ *This report was a major endeavour, which has had far-reaching positive effects on the Training and Development policies of the force. It redefined the role of the Garda Síochána as having a strong service ethos, neither purely law enforcer nor social worker, but incorporating elements of both in a partnership model.*

which Gardaí were trained. The emphasis was modified from one of teaching law and discipline, to a more intensive curriculum over a longer period. Walsh characterised the changes required under three headings:

- *Openness towards the Community*
- *Attunement to the reality of Police Practice and*
- *Promotion of Individual Police Professionalism*

The Garda College was recognised as a third level institution in 1993 and the status of An Garda Síochána rose considerably. The college authorities embarked on an aggressive exchange and interchange programme with colleges in Europe and in the United States of America. We also affiliated to the Association of European Police Colleges (AEPC). This was a new European Police Training initiative. I signed our agreement in Brussels together with police representatives from the EU. The French sent representatives from the Police and Gendarmerie, both made speeches, but neither would sign the agreement, welcome to European reality.

As a result of the Walsh research, significant changes were introduced at the College. It was proposed to change the method of teaching from the didactic method to a student-centered approach. The change would reflect a third-level ethos. Police students in the new environment, instead of being supplied with course lectures, would be introduced to core texts on codified regulations and legislation. The emphasis would be on case studies and on research. These significant developments were also allied to technological change. Retrospectively it's tempting to argue that this promise was not fully realised in the years to follow.

In May 1983 Marrinan and the GRA sponsored a conference on the possibility of a Garda Authority and invited an interesting panel of speakers. Professor Mary McAleese¹²⁴ (future President of Ireland) was

¹²⁴ Doyle, Tim, *Changing of the Guard*, Currach Books (2021).

one of the key speakers and she shared an interesting critique on recent events. She commented that,

“Gardai have for some time demanded a number of changes in the law which would have the effect of increasing their powers. I would be the first to accept that some such changes are justified, but if they are legalised without the prior establishment of institutions designed to strengthen confidence in the gardai they may well be another nail in the coffin of police-public relations”

“The recent phone tapping and bugging scandal highlighted that the relationship between the Minister and the gardai is anti-democratic, and it must be a priority to dissociate the Garda [force] from the government. Whatever else this Garda Authority does, it must as a matter of priority disassociate itself and the government from the gardai in a number of respects. The Commissioner must be allowed to run the operational side of policing without having to look over his shoulder for the approval of the Minister, and whatever structure is envisaged, it must put the two at arm’s length from each other”.

The interesting point is that Jack Marrinan was promoting the notion that Gardai should look critically at themselves and government should do the same. It’s a moot point but many of Jack’s colleagues of different ranks did not approve of his critical analysis. A perennial reaction by some garda representatives was to claim “the right to strike” when confronted by seeming obduracy on the official side. Marrinan understood that the threat to use “the right to strike” was a useful tactical ploy but that it would provide no long-term advantage.

He was very critical, and justifiably so, of the operational strategy involved in the search for the kidnappers of businessman Don Tidey in 1983 which led to the killings of R/Garda Gary Sheehan and Private Patrick Kelly. The operational tactic of using untrained garda recruits was extreme folly. They were exposed to withering fire from Provisional IRA men who had no compunction in killing. This was the source of a bitter division with the Commissioner Larry Wren who asserted his view if he

had to do the same thing again, he would. It was many decades before the concept of armed uniform mobile support units were adopted for use on a regional basis.

Jack Marrinan retired in July 1989 having served for nearly thirty years at the head of his association. He had a well-deserved reputation at home and abroad for his prescient commentary and negotiation skills. His successors in office did not have his consummate skills as a leader or as a negotiator, he had set a very high bar for them. Turbulent times were ahead, much of it self-induced. Jack would have been pleased to be nominated for a Senate seat in recognition of his services. It was not to be, regrettably some politicians had short memories and his wishes were not fulfilled.

H BLOCK PROTESTS – 1981 – PROVOS BITE IN THE SOUTH¹²⁵

Long experience has shown that a democratic society is dependent on the acceptance of its police force for its continued existence. This was the history of the foundation of the independent Irish State. The RIC became totally marginalised and unacceptable. Michael Collins understood this principle very well. The Dublin Metropolitan Police suffered a similar fate but in a less dramatic way. They were an unarmed force, so they did not pose a direct threat to the Volunteers. Collins was able to move around Dublin with ease, evading all attempts at his capture, through a mixture of bravery and tradecraft. There is no doubt that he possessed these qualities in large measure. It should be remembered that Dublin was a much smaller city then, largely contained by the canals. Many DMP officers knew him on sight, but they chose to look the other way.

There were only two occasions when I felt there was a real possibility that we could lose control of the streets. The first occasion was in the wake of Derry's Bloody Sunday in 1972 when there was understandably enormous public antipathy to the British.

The second occasion was the progression of the H Block protests from 1979 to the riot at the new location of the British Embassy on Merrion Road in July 1981. The H Block Hunger Strike at the Maze prison in Northern Ireland gained a massive momentum with the death of Bobby Sands on May 5th. The 1980 Hunger Strike had been called off and the republican prisoners felt they had won key concessions from the government. Shortly after, they realised that they were mistaken, and nothing had really changed for them, and no concessions had been won.

¹²⁵ O'Brien, John A. *A Question of Honour*, Choice Publishing (2020).

Haughey and Thatcher

There was as always, a strong political context to this situation. Margaret Thatcher was the British Prime Minister and Charles Haughey was the Fianna Fail leader of the Irish government. Mrs. Thatcher was absolutely determined there would be no recognition of the prisoners' demands and if they embarked on further protest, it would literally be on their heads. Mr. Haughey was seen to be coming from an ultra-green tradition and certainly favoured an accommodation with the prisoners' demands. It would also be true to say that most of the people in the republic understand the powerful symbolism of the hunger strike weapon in Irish history. Indeed, those of us in the garda service would have been of a similar mind. We felt that the British were fated to make the same old mistakes yet again. The hunger strikes became an enormous recruiting agent for the IRA and paved the way for serious involvement by them in the political process North and South.

On the 5 May 1981 this political movement seemed far distant. Bobby Sands died in the Maze Prison after 66 days on hunger strike. The GPO is a key iconic building and was the popular centre for protest and demonstration in the city. Similarly, the Garden of Remembrance in Parnell Square was a short distance away. A pattern would develop where protestors would assemble at the Garden and then process to O'Connell Street. There were different variations on this theme, sometimes the event would end at the GPO. On several occasions, they would march to Leinster House and on other occasions they went to the British Embassy on Merrion Road beyond Ballsbridge. Another sinister feature was some protestors would detach from these demonstrations and attack buildings with an obvious or not so obvious British connection. The Embassy had been moved from its original site on Merrion Square to the Merrion Road. This relocation was fortuitous because the new location was at least 30 minutes' walk from the city centre, and this distance was dissuasive, for some protestors at least. It was also located in the leafy surrounds of Dublin 4 where the population was less inclined to riot.

GPO – Bobby Sands Protest – 5 May 1981¹²⁶

When we reported to the GPO that evening at about 4pm all was quiet, and we had no problem in taking positions at the GPO and in front of the BHS store which was beside the GPO. This store was to become a natural target for demonstrators. We had made use of crowd control barriers to protect our position and to provide some element of separation from the demonstrators. The first action was probably around 6 pm when people began to arrive. Some rowdy elements tried to acquire our crowd barriers as a means of blocking O'Connell Street. There were some short and quite vicious encounters. One of the main tactics was to block one side of the street and to inflate their presence by spreading the numbers out as much as possible. The atmosphere got quite sinister, black flags were in evidence and the speech making was at its rhetorical best. There were shouts of Armagh H Block and taunts directed to us as RUC bastards.

This initial contact passed off peacefully. The main action took place across the river in the garda "B" district. Dublin 2 and 4 postal districts roughly cover this area. North of the river Liffey we were operating in the "C" district and this area would approximate with Dublin 1. The demonstration ended in O'Connell Street and a considerable number of demonstrators made their way to the south side. Trouble broke out in Grafton Street and surrounding areas. At least one hundred parked cars had windows smashed and an attack was made on the British Airways office in Grafton Street. Many shop windows were smashed in Dawson Street. This disruption was an indication of the trouble and intimidation which was to follow over the next weeks.

On the eve of the Sand's funeral there was widespread intimidation of workers and business to force them to close for the funeral. CIE was a target in Dublin. Threatening phone calls were made to shops in Drogheda and other towns. There was little trouble in Dublin City centre on the day of the funeral. A crowd of about 5,000 processed

¹²⁶ *Author, I was serving in Fitzgibbon Street Station in Dublin City Centre at that time.*

around the streets and finished at the Garden of Remembrance. Fortunately, it rained heavily and that dampened down the propensity for violence. There was some trouble in Railway Street when a van was burned, and youths threw rocks and petrol bombs at us. We were pleased and relieved that these days had not produced more spectacular violence.

We settled into this daily pattern of demonstrations in the city centre. This was in many ways a “cat and mouse” game. Clearly, we were in the centre of a publicity and propaganda war. The H Block protests were getting immense publicity abroad and particularly in the US. The so-called National H Block committee has established an office in Mountjoy Square which was again in our backyard. We understood any misstep by us would be catapulted into further proof of collaboration with the enemy.

Many colleagues were well experienced in dealing with protests and demonstrations over the years. A clear distinction must be made between protests and riot. There was very little experience in dealing with serious violent disorder. A small traffic section in Store Street station acted as a kind of friendly blue contact with the organisers.

Ubiquitous Black Flags

I lived in Swords at the time and a black flag was mounted on the tower in Swords Castle. This was a semi-derelict but imposing stone structure, and it dominated the center of this otherwise unremarkable town. There was an unpleasant surprise when the council workers went to remove the flag. They luckily noticed something suspicious which turned out to be a small but viable anti-tamper explosive device. The army EOD were called and after a time the device was disarmed. The locals were being dragged into an uncomfortable situation not of their making.

Following the death of Bobby Sands everyone watched and waited

for the next man to die. A politician described this as “the macabre dance of death”. This was Francis Hughes who was a very serious IRA operator and was serving a sentence for murder and other serious offences. He was to die on the 12 May 1981 after 59 days on hunger strike. The tension continued to build and on May 10 we had another of the nightly events at the GPO. We got word those protestors intended to march to Leinster House. Together with Sergeant Louis Harkin I was detailed to head the march to prevent any disorder enroute and to control potential troublemakers. We had a group of twenty Gardaí with us. We headed across O’Connell Bridge with “our friends” in tow and made our way up D’Olier Street heading towards Trinity College and College Green. This was the route that would lead onto Leinster House. As we approached Trinity College the marchers turned about and headed down Westmoreland Street at a run. Many of them tried to smash windows and generally cause damage as they went. This change of direction brought them back into O’Connell Bridge and O’Connell Street. We drew batons and attempted to disperse them at the run. Petrol Bombs were thrown at the BHS store beside the GPO. We had made physical contact at this stage, and they were batoned away from their targets. The majority ran down Talbot Street and we followed them but halted at the junction with Malborough Street and regrouped.

A mini riot occurred outside the British Embassy on Merrion Road on the evening of Hughes’ death. Bricks and rocks were thrown at Gardaí protecting the building. This precipitated a baton charge which dispersed the crowd. Elsewhere in the city two buses were set on fire. There were other arson attacks at British-owned homes in the country. The GAA in Cork passed a vote of sympathy on the deaths of the two hunger strikers.

General Election June 1981

The political temperature was also rising because a General Election was due to be called. The terrible dance of death continued, and Charlie Haughey was forced to call the General Election. The next two hunger strikers were to die, Raymond McCreesh and Patsy O'Hara. Polling day was set for Thursday June 11. The National H Block Committee announced that they would field nine candidates in the election. The bright green elements in Fianna Fáil were snapping at Charlie's heels, Dr. Bill Loughnane and Silé DeValera were the main cheerleaders. Haughey was getting some aggression from the protestors. Paint was thrown at him in Dun Laoghaire and eggs during a border rally. The most serious incident was the finding of a bomb at Fianna Fail headquarters in Castleblaney. The INLA later claimed responsibility for this bomb.

The *Irish Independent* newspaper published a front-page headline on Saturday May 30th, *Provo Convicts to Stand For Dáil*. This was following the example set by Bobby Sands when he stood for and was elected to the Westminster parliament earlier in the year. The Sinn Féin policy at that time was one of abstention and the same policy applied to the elections in the South. The Provo convict label was accurate in the sense that all the hunger strikers had been convicted of serious criminal offences. These offences would have been recognised under the criminal law in the South, or in any other democratic jurisdiction. Nevertheless, the obduracy of Mrs. Thatcher and the deep instinctive and traditional southern views on Irish unity began to imbue these hunger strikers with the mantle of patriots and victims. This factor was manifested in increased popular support in some quarters in the South. Observing this development as a police officer one wondered would this increase in populist feelings, translate into anarchy on the streets of Dublin. In those circumstances the Garda Síochána would literally be in the firing line. It was obvious that this consideration should weigh heavily on the handling of protest even in the handling of major disorder and riot. It was vital to retain at least majority public support.

In any event Kieran Doherty was elected in the Cavan/Monaghan Constituency and Paddy Agnew was elected in Louth.

One of the unsuccessful candidates in Louth was the sitting Fine Gael TD Brendan McGahon. He was an implacable critic of the IRA and had opposed them on many occasions. He was to regain his seat in subsequent elections, but the H Block sentiment ran against him despite his long service on that occasion. It was fortunate in the political sense that none of the remaining hunger strikers died before election day on June 11th. Fianna Fail failed to achieve an overall majority in the Dáil, and indeed have failed to do so in all subsequent elections. Haughey was far from finished and he became Taoiseach on two further occasions. A new government was formed on June 30th comprising of Fine Gael as the majority party with the coalition support of the Labour party. Garret Fitzgerald was elected Taoiseach and he said that he had two priorities. Firstly, resolving the ongoing H Block situation and secondly dealing with the chronic state of the economy. As events transpired, he was to be tested very soon on the H Block issue.

During the election campaign, the H Block protest in the South seemed to lose some of its momentum in terms of street actions in Dublin. It is true that black flags were displayed everywhere and there were ongoing protests and demonstrations, almost daily. The next big test was to come on Saturday July 18th at the British Embassy on Merrion Road in Dublin. Some years later I got to spend a few days in Bellaghy, County Derry. This was home to many well-known militant republicans and of course Seamus Heaney country as well. I was struck by the fact that the area looked so normal. I saw the homes of some of the hunger strikers and went to mass in the local church or as the locals call it the chapel. As a southerner I felt a certain humility that I really didn't understand that world very well but perhaps that lack of understanding was also a two-way street.

It may seem paradoxical but, on the week leading into the British Embassy protest march the main topic was the state of the economy. A new budget was planned for the following Tuesday. It was clear that the

country was broke and there were many strikes in the offing.

There were predictable security incidents, a bomb placed on the North/South rail line north of Dundalk, a van hijacked and burned near Dunleer, three “hunger strikers” in Tralee, a green at Portmarnock Golf Club was vandalised ahead of the Irish Open Golf championship. The overwhelming action was on the publicity front. There were appeals to President Ronald Reagan and Prime Minister Margaret Thatcher. The propaganda value of the hunger strike was being fully realised by the IRA and exploited to the full.

18 July 1981 British Embassy Riot

The protest march assembled at Stephen’s Green, preparatory to moving off to the embassy on Merrion Road. Their stated aim was to march past the embassy and hold a meeting. Organisers were extremely coy as to what their intentions would be if they were prevented in marching by the embassy. The crowd was estimated to be ten thousand strong and the physical space at the embassy did not provide for such a gathering, not even a peaceful one. The march was preceded by several well-known figures, Bernadette McAliskey, Neil Blaney, Michael Mullen, Captain James Kelly and others. A lorry was provided as a mobile platform with loudspeakers. It looked like many other demonstrations which had been held in the North but rarely in the South.

As the march processed it passed by the US Embassy and some elements threw missiles at gardai on protective duty there. In visual terms this was a formidable sight with the marchers occupying the full width of the roadway, shouting and jeering as they went with cries of *Armagh H Block* and of *Maggie Maggie Out Out*. Black flags were in evidence with numerous banners and placards. The media had large numbers in attendance.

The garda crowd control techniques had not changed significantly since the burning of the British Embassy in 1972. The basic plan was to assemble many gardai and deploy them in a defensive line with the

intention of protecting the target. Their protective equipment consisted of a riot helmet and a short plexiglass shield. There was no radio communication in the helmets. Each officer had a short wooden truncheon. Metal crowd-control barriers were also in use, but they were primarily of benefit in dealing with a passive crowd because they could be displaced relatively easily by a hostile crowd. There were no dedicated and trained public-order units. Gardaí manning the barriers came from different stations and units. They were drawn up to prevent the marchers passing by the front of the embassy or making a direct frontal attack. The garda cordons were placed across the Merrion Road. A cordon line was also placed inside the railings on the marchers' right to prevent an outflanking attack.

The first garda cordon was about eighty-five meters from the road junction at Merrion Road/Sandymount Avenue/Simmonscourt Road. The Merrion Road was about twelve meters wide at this point. The effect of this configuration was to create a bottle neck for the marchers. Once they advanced beyond the junction, they were stopped by the garda cordon. The crowd piled up behind them and the pressure grew at the front of the marchers. They had the option to hold their public meeting using the lorry platform back at the junction or at the head of the march. This positioning would have allowed the organisers to control the crowd that they brought onto the streets. It would not allow them to approach the embassy or create an attack on the building. In the light of what transpired it is reasonable to assume that there was a general intention to mount a physical attack, and this is what they executed in short order.

A small group including Bernadette McAliskey, Daithi O'Connell, Michael Mullen and Ulick O'Connor were allowed through.

I estimate that there were about two hundred gardai at the front line and roughly the same number at the secondary line behind them. Chief Superintendent John Robinson "Robbo" was in charge of the front line. He was a tall old-school officer, very popular with gardai, physically

looked a bit like a biblical character, firm jaw line, grey hair and piercing eyes. On that day he was wearing a helmet and carrying one of the short shields like all gardai. Different groups of gardai were posted in the embassy grounds and further up the Merrion Road. A strong military presence in riot gear and a fully armed contingent was deployed.

The attack commenced as soon as the “deputation” was let through the gardai lines. Rocks, bricks and other missiles were hurled at the gardai. An attempt was made to pull the crowd-control barriers away, but they had been chained together which prevented them being dragged away. The rioters were able to knock them flat or nearly flat, but they remained a limited physical barrier. As the rocks rained down on the gardai they were unable to advance on the rioters because of the barriers. Long-handed flag poles were also used as weapons and the gardai could not reach their antagonists with their short truncheons. Two cars were overturned and set on fire close to the barrier. Elements in the crowd broke paving slabs and demolished iron fences to create more missiles. A vacant house was taken over by the rioters and they used this vantage point to rain missiles down on the gardai. Rocks were also collected from the nearby railway and the signal cabin was set on fire. The gardai were taking many casualties because while their helmets and shields largely protected their heads and upper bodies, the missiles were catching them on their lower limbs which were unprotected. This phase lasted about twenty-five minutes and the gardai were being treated like targets in a fairground side show. In a piece of video Robbo can be seen urging his colleagues to hold their line as the missiles fly about them. Then the dam broke and the gardai baton-charged the rioters scrambling with difficulty over the prone barriers before engaging the mob. The crowd broke when direct contact was made. Batons were used liberally, and the crowd retreated down the Merrion Road and into Sandymount Avenue. They left a trail of destruction as they went. Windows were broken in public houses and other buildings including British Airways. The scene was liberally strewn with tons of rocks and missiles, pitch forks, slash hooks, broken railings and black flags laced with barbed wire.

The number of members of the Force injured on duty in 1981 was 134, of

whom 81 were injured during protest marches to the British Embassy, Ballsbridge, Dublin. While the general upward trend in criminality continued and many Gardai were injured, it was fortunate that the year was not marked by the murder of any member of the Force.

Commissioner Crime Report 1981

This information was understated because over one hundred Gardai were injured on the 18 July alone and many were admitted to hospital. Chief Superintendent Robinson was injured, and two iconic photos appeared of him. The first where he is reasoning with Bernadette McAliskey before the trouble began and the second one where he is in a wheelchair in St. Vincent Hospital. He was being wheeled into the x-ray department and he was dressed in trousers and shirt only, gone was the helmet and tunic. Many gardai suffered serious injuries with lasting consequences.

This march was to be a watershed in terms of the nature and character of future protests. A follow-up march took place on the following Saturday from the GPO to the Dáil. There were no incidents and there was no attempt to go to the British Embassy.

Propaganda

The plain truth is that the protesters lost a great deal of support by their actions on July 18th. It was demonstrably obvious that the aggression came from them in a totally unsolicited way. The many injured Gardaí provided evidence of that. There is no doubt that some of those attending peacefully were injured in the baton charge, but it was extremely naive to allow themselves to be used by the troublemakers. It is well understood from research that when crowds participate in a joint enterprise, a form of solidarity exists between them. In those heightened circumstances the normal rules of civilised behaviour become discarded and there is a rapid descent to the lowest common denominator.

It is also apparent that the tactics adopted by us (Gardaí) on that day could not be sustained over a protracted period. The injury attrition

rate would have been too high and of course if a protestor was seriously injured or killed, the public mood would easily swing away from us. There had been major riots in England that year, largely to do with inner city deprivation and ethnic tensions. The police struggled to come to terms with the situation regarding tactics and equipment. They had sought assistance from the RUC on their tactics and equipment. It is easily understood that the RUC was a discredited force in many minds. The reality is that in terms of public-order policing, their tactics were well suited to protecting their own officers and reducing actual direct physical contact between themselves and the protestors. They used protected vehicles and barriers to prevent direct attacks on buildings and themselves. They understood the need for personal protective equipment and the need to have relatively small mobile units easily deployable in the light of emerging danger. Significantly they had adopted a more sophisticated command and control mechanism. This allowed the officers making strategic decisions to remove themselves directly from the immediate conflict site. Fundamentally their (radio) communication allowed orders to be conveyed with a relative amount of clarity. They had been forced to reconsider their approach to disorder following the debacle of the earlier years and they had largely succeeded. They used water cannon as a means of ensuring control of situations without engaging in hand-to-hand combat. In 2004 I persuaded my colleagues to borrow several water cannon vehicles from the PSNI for standby duty during the EU enlargement summit. Gardaí were trained to crew these vehicles and they did so responsibly.

The last hunger striker Michael Devine died on 20 August 1981. The relatives of the remaining prisoners decided to ask for medical attention if the prisoners lapsed into unconsciousness. This change of mind had been coming about for some time. The strike formally ended on October 3 and the hunger strikers' demands were largely conceded shortly afterwards with one exception. They were not exempted from prison work. Ten prisoners had died: seven members of the Provisional IRA and three members of the INLA.

The prisoners used the new regime to plan a prison escape. They were now able to move more freely about the block on their orderly duties. This enabled them to observe the critical security measures and to “befriend” prison officers. On Sunday 25 September 1983 thirty-eight prisoners escaped from the Maze Prison in Northern Ireland using a well-researched plan. They used several pistols which had been smuggled into the prison. One prison officer was murdered during the escape. Nineteen prisoners were recaptured within a short time and three of the others were killed in IRA operations subsequently.

Ordinary violent crime was still significant in the South. Three men were convicted at the Special Criminal Court of the attempted murder of a detective garda and armed robbery. They stole £102,000 from the Bank of Ireland in Stillorgan Shopping Centre the previous December. They had shot and wounded two detectives in a car pursuit after the raid. They were part of a five-man gang who had blasted their way into the bank shortly after it closed. They were heavily armed and clearly meant business. They fired a shot at an off-duty detective who happened on them as they made their escape. Two other detectives were alerted to the robbery, and they took up pursuit. They were ambushed at a crossroads and a total of 42 shots were fired at them. Both detectives were hit by the gunfire. Detective Garda Bill Daly was the most seriously wounded and his colleague Detective Garda Dick Curran, while wounded, was able to give assisting colleagues valuable information on the attack. Eventually the robbers abandoned their van, hijacked two other cars which they crashed and then took on foot to the woods. Three detectives, one of whom was armed, eventually captured the three after a pursuit on foot.

Commissioner’s Crime Report 1981

During the year, 1981, the following quantities of Arms, Ammunition, Explosives, etc., illegally held, were seized by the Gardai from various sources.

211 Firearms (including Rifles, Shotguns, Machineguns, Pistols, Revolvers, etc.
17,349 Rounds of ammunition (assorted).
4,964 Shotgun cartridges.
23 Magazines
45 Lbs. of Gelignite (approximately).
90 Detonators.
2541 Lbs. of explosive mixture.
3 Rockets.
49 Bombs.
5 Hand Grenades.
14 Timing Devices.
865 Yards of fuse wire.

In addition to the above, large quantities of Cordtex, detonating fuse and electric wire was seized. A large amount of component parts of firearms and explosive equipment was also seized, including timing devices and various items of radio equipment.

D/Garda John Morley and Garda Henry Byrne 7 JULY 1980

The murder of John Morley and Henry Byrne made an enormous impact on everyone. The fact that it was a double murder made it unique. It was the third time in the history of the State where a double killing of Gardaí had taken place. The previous occasion happened on 16 August 1940 when Detective Sergeant Patrick McKeown and Detective Richard Hyland were shot by IRA elements in Dublin. Two of the culprits were executed by firing squad within weeks and a third was sentenced to life imprisonment. The dependents of those Gardaí were initially refused monetary compensation and in fact they were not compensated until 1945 and had to cope with the additional trauma that imposed.

It is a fact that eight Gardaí were murdered between 1980 and 1985, and in the troubled war years 1940 to 1945, six Gardaí were murdered on duty. These were armed members of the detective branch,

whereas only three of those shot in the 1980s were armed detectives, the remainder were members of the unarmed uniform section. I was on a family holiday in Westport on the day of the murders. I heard about it in a random way. I had just walked off the golf course when a local man whom I didn't know said, "wasn't it terrible about the shooting of the two guards". I was unbelieving at the start but slowly it became obvious that this was indeed true. Over the next few days, we attended the funerals at Knock Shrine together with thousands of citizens and many Gardaí from around the country. It was hard to explain to one's young family that there was real danger to be confronted in the "ordinary" life of a garda. It was indeed a macabre coincidence that I was in the same place in 1996 when Veronica Guerin was murdered in Dublin. It is also of note that following the murders of John Morley and Henry Byrne that the incidence of armed robberies declined markedly. This was the same pattern, which occurred in 1970 following the murder of Garda Richard Fallon.

Three individuals were charged and convicted before the Special Criminal Court on the 27 November 1980. They were sentenced to be hung for the capital murder of Garda Henry Byrne. They were Colm O'Shea, Cork, Patrick McCann, Dungarvan and Peter Pringle originally from Dublin. All were alleged to be members of the INLA although their exact status was not known at that time. They had been active in criminal circles for several years. On the afternoon of 7 July 1980 three armed and masked men robbed the Bank of Ireland in Ballaghaderreen, County Roscommon. The group held staff and customers at gunpoint before leaving with £41,000. Two unarmed Gardaí arrived on the scene and were forced to lie on the ground at gunpoint. The criminals drove away from the bank in a stolen Cortina car, which they abandoned and set on fire a short distance from the town.

They changed to another stolen Ford Cortina car and then drove towards Shannon's Cross, Aghaderry, Loughglinn. Unknown to them a garda patrol car manned by four Gardaí was approaching that same location from a different direction. The driver of the car was Garda Derek

O'Kelly, and the front seat passenger was Sergeant Mick O'Malley, seated in the back seats were Detective Garda John Morley immediately behind the driver. Garda Henry Byrne was seated behind the front seat passenger. The patrol car had been alerted to the raid in Castlerea and had the first three Gardaí on board when they encountered Henry Byrne on the Main Street and he joined them at that point.

Both cars collided at Shannon's Cross, but no one was injured. The raiders opened fire on the Gardaí and Henry Byrne was hit in the head and killed almost instantly. It appears that all three raiders fired on the garda car using a pump-action shotgun and handguns. John Morley was hit with a shotgun pellet, but he fired on the raiders from inside the garda car. The raiders reversed from contact but became stalled when a door got caught against a telegraph pole. The raiders jumped out; Patrick McCann took to the fields separating him from his compatriots. At this stage John Morley was moving on foot following the other two raiders. In an exchange of gunfire, he fired several shots, but was hit by a shotgun blast. He sustained a wound to his femoral artery and collapsed. He died in the arms of a colleague. One of the raiders, Colm O'Shea, was picked up a short time later with a bullet wound in the chest. Early on the morning of the 9th July another culprit Patrick McCann was picked up near French Park. At this stage Gardaí believed that the other person of interest still not detained was one Peter Pringle. His description fitted that of the third raider. This was confirmed by a series of suspicious sightings. There had been a number of car-jackings in the vicinity of the shooting initially and then at a further remove from that scene.

Peter Pringle

It was not until July 18 that Pringle was finally run to ground. He was found hiding in a house at Ballybane Cottages outside Galway. He was clean-shaven and his hair was cut short and dyed reddish. He had been positively identified in Galway by a garda on July 2. He then had a full-face beard down to his chest and his hair was worn very long.

Subsequently all three culprits were convicted of the capital

murder of Garda Henry Byrne. Their sentences were subsequently commuted to 40 years imprisonment. Tom Connolly¹²⁷, a retired superintendent, played a major part in the investigation of the murders. He gave a clear account of his involvement of the critical issues which arose in the course of the investigation and subsequent appeal by Pringle. Connolly had numerous interviews with Pringle while he was in custody and the court found that he had made a crucial admission to the Gardaí, which linked him to the crime. Pringle waged a long campaign for his release and eventually in 1995 he was released on direction of the Court of Criminal Appeal.

In 1995, Pringle succeeded in an appeal against his conviction. He had discovered evidence about a blood sample of his that had not been examined in his trial. The appeal judges decided that a dispute over the sample between two Gardaí may have given rise to a credibility issue of Garda evidence. As such, the conviction was deemed unsafe, and it was up to the State to try Pringle again. Pringle attempted to portray this development as a miscarriage of justice. In a memoir entitled Surviving Ireland's Death Row, he claimed evidence was "concocted" by retired detective Superintendent Tom Connolly. In fact, the appeal judges made a point of noting they were not suggesting any officers had acted anyway dishonestly.

Irish Examiner- Michael Clifford 3rd September 2016

It was a fact that several key garda witnesses were deceased in 1995 and the DPP entered a Nolle Prosequi in Pringle's case. Pringle was not exonerated, and he has not taken court action to remedy that situation, nor has he taken a claim against the State for compensation for wrongful conviction or imprisonment. In many ways the most revealing information comes from his own mouth as quoted.

My journey to Killybegs, and my best of intentions regarding my children, became yet another binge of drinking in and around Galway, which lasted almost 12 days. "Those days and nights passed in a drunken

¹²⁷ Connolly, Tom, Detective: A Life Upholding the Law, The O'Brien Press (2015).

haze, eating nothing and sleeping fitfully,” he wrote in About Time.

During those 12 days he lent his car to somebody and did not get it back. Towards the end of his binge, he learned from somebody in a pub that detectives were looking for him.

He had made a plan to get to his solicitor before he was brought in for questioning. Again, he was distracted with drink and was eventually discovered by detectives upstairs in his friend’s house, with his beard shaved and his hair dyed.

Irish Examiner – Conor Ryan November 4, 2012

COMMISSIONERS TUMBLE AGAIN 1983

The Fine Gael/Labour government of 1981 was not fated to last long. The economy played a major part in its demise. It was in power from June 30 1981 to March 9 1982. This change put Charlie Haughey and Fianna Fáil back into power. Seán Doherty was appointed Minister for Justice. This was a remarkable appointment; he was a former garda and special branch officer. A Haughey loyalist and events were to reveal the extent to which he was prepared to go for his master. The commissioner was Paddy McLaughlin who had replaced Ned Garvey when he was dismissed by the Fianna Fáil government in 1978. Critically Joe Ainsworth held the position of Assistant Commissioner in the Crime & Security Branch. Ainsworth was a colourful and enigmatic man. Reputedly a Fianna Fáil stalwart and a native of Mayo. I met a retired garda who had measured Joe for entry to the Garda Síochána. His incisive comment was that Joe “had it every way bar the height”, meaning he had the right political connections but physically he made the entry height requirement by the slimmest of margins – maybe. Ainsworth cooperated with the RUC and its Chief Constable Jack Hermon on a regular basis. The terrorist campaign was in full flight, one hundred and ten people were killed that year in the North.

An Garda Síochána is the police service and the state security service. This convergence of power could be a heady and dangerous mix for unscrupulous governments, compliant civil servants and cooperating garda officers. It was to prove so in 1982.

Conor Cruise O’Brien coined the phrase GUBU “grotesque, unbelievable, bizarre and unprecedented”. GUBU certainly applied to the bizarre events which ensued. Murderer Malcolm McArthur had been arrested in the home of the Attorney General Patrick Connolly. Much more was happening behind the veil of secrecy. It became apparent that Mr. Ainsworth identified directly with the Taoiseach and the Minister absolutely, they were on the same team to all intents and purposes. The professional detachment which, ought to exist between senior garda

officers and government did not obtain. The consequences were to be considerable. There are examples of this unhealthy alliance in the public domain and most likely there are many other instances, which remain hidden. Fortunately, this Haughey government also had a short tenure from March 9 1982 to the 14th December 1982.

Five spectacular scandals marked this period which illustrated the unhealthy connection between Garda HQ, the Minister for Justice and the Taoiseach.

- The Dowra Affair
- Construction of a miniature “security” wall at the private residence of Minister for Justice Sean Doherty at state expense.
- Attempts by Doherty to have local Sergeant Tom Tully transferred to Ballyconnel station from Boyle, Co. Roscommon.
- Phone tapping of journalists Bruce Arnold and Geraldine Kennedy
- Provision of tape recorder used to tape the conversation between Tánaiste and Minister for Finance Ray MacSharry and Minister for Education Martin O’Donoghue. This was transcribed at Garda HQ and handed to Sean Doherty by Joe Ainsworth.

The Dowra Affair

Doherty’s brother-in-law was Tom Nangle, a serving garda. He had previously been stationed in the city where he earned the sobriquet “Don’t tangle with Nangle”. I reported him for failing to report for duty during the H Block period. I was left in no doubt that my seniors were not very anxious to deal with him. Dowra was a sordid affair where Nangle had been summoned for assaulting a man from Northern Ireland, while he was off duty. The case was set for hearing on 27 September at Dowra District Court. The injured party Jim McGovern was arrested at his home in Fermanagh by the RUC and taken to Gough Barracks in Armagh. He was detained there for the day and in his absence the case was thrown out against Tom Nangle. The RUC had acted on the behest of the Garda

even though there was no reason to arrest McGovern for any criminal offence. Joe Ainsworth was accused by a retired Department of Justice official Jim Kirby of engineering the tactical arrest. Ainsworth strenuously denied the accusation.

The Wall

It was standard practice that Ministers for Justice received security protection during their tenure. This involved armed protection and security enhancement at their residences. Doherty had a low decorative wall built at state expense around his private residence. This feature would have required garda sanction from Joe Ainsworth's department certifying that it was necessary on security grounds.

Sergeant Tom Tully

Sergeant Tully had been performing his normal duty in Boyle which involved detecting breaches of the licensing laws and other offences. This was not to Doherty's liking because it involved his friends and supporters. He persuaded the garda commissioner to transfer Tully to Ballyconnell, a border station. It was a classic "will you have a pint, or a transfer Sergeant". Clearly Sergeant Tully was not so minded and therefore he had to go. It is not to the credit of the commissioner that he agreed to this transfer move. Sergeant Tully appealed this transfer to a Review Body, which had been set up during the tenure of Commissioner Ned Garvey as an antidote to unwarranted transfers. I had played a significant part in ensuring that this body was established. It was in effect a tribunal comprising of a senior official from the Department of Justice, a representative of the officer's Staff Association and a representative of the Garda Commissioner. The commissioner's representative was D/Commissioner Larry Wren who voted against the transfer order much to Doherty's annoyance and the frustration of the commissioner. In the event Tully was not transferred and a semblance of due process was restored. This affair clearly showed that there were significant differences at the top of the Garda Síochána, between commissioners. A

rivalry existed there regarding power and preferment. This was exacerbated by the strong political influence being exercised by Doherty.

Phone Tapping

It was common gossip that the phones of prominent journalists were being tapped on the spurious grounds of national security. This initiative ostensibly came from Doherty, but Haughey was the prime mover. He was under fire from rivals within his own party and from political opponents and journalists alike. He was quite prepared to use the serious powers, which had been constructed to deal with serious crime for his own political survival. It is regrettable that some senior Gardaí were actively facilitating this process. It is a moot point as to whether some senior civil servants were turning a blind eye as well. This charge could not be levelled at Jim Kirby, a senior Justice official who did his best to resist and expose this pressure.

Providing a Tape recorder and Transcription of a recording between Ministers

Joe Ainsworth was directly involved in supplying a tape recorder which was used to record the conversation between two Ministers (Tánaiste and Minister for Finance Ray MacSharry and Minister for Education Martin O'Donoghue). This tape was transcribed at Garda HQ and handed to Sean Doherty by Joe Ainsworth. This was part of the attempt by MacSharry to gauge the loyalty of the other minister.

Flying too Close to the Sun

Sean Doherty became Minister for Justice on the 9th March 1982 and he remained in office until 14th December 1982. This was under Haughey's second term as Taoiseach. Mercifully for the Garda Síochána, this was one of the shortest terms in office for any administration. Undoubtedly the lines between the political demands of the Minister and Commissioner McLaughlin and Assistant Commissioner Ainsworth were

blurred to the point of insignificance. There had been considerable doubt that McLaughlin was fully aware of Joe Ainsworth's antics. He was the leader and responsibility ultimately fell on him. Ainsworth had been appointed Deputy Commissioner in the last days of the old regime.

The rise of Joe Ainsworth had been meteoric and of course he owed his progression in part to political patronage. This was irrespective of whatever qualities he brought to the post himself. It is obvious that he did not see the difference between the political process and the policing process. He obviously acted as if it was normal that he should identify directly with the objectives of the Minister and indeed the Taoiseach. It followed that he endeavoured to carry out their requests diligently and to the letter. It is fair comment that many politicians subscribed to that unitary view and possibly still do. Many members of the Garda Síochána of senior rank probably held the same view.

Time was running out when Haughey failed to retain power and was being replaced by a Fine Gael/Labour government. In keeping with the patronage principle, Joe Ainsworth was promoted to Deputy Commissioner or Detective Deputy Commissioner. He briefly became the supremo in charge of Crime and Security, and critically all detectives country wide. This move vested serious power in the hands of one individual and was without precedent. Also, having regard to the short-term turbulent role of Sean Doherty as minister it did not bode well for the future.

Garret Fitzgerald as leader of Fine Gael issued a warning that this appointment and others would be scrutinised when he came into government. He also advised the new incumbents to consider their positions carefully. This is precisely what happened, and the government papers record the "retirement" letter of Paddy McLaughlin on 20 January 1983. Interestingly a government memo revealed in the state papers indicates a high level of indecision in the cabinet decision of 19 January regarding whether both men could be fired. No doubt the Garvey decision was on their mind.

This was not a settled position even though the key ingredients for their removal were present. It seemed that the government couldn't decide on the precise firing offence. They vacillated between, *loss of confidence and proposing to remove them from office or proposing to consider removing them from office or allowing them to resign or to retire*. No doubt the removal of Commissioner Garvey in 1978 by the Fianna Fáil administration and his subsequent court victory was very much in their minds. No doubt Taoiseach Enda Kenny had the same attitude when Commissioner Martin Callinan was on the chopping block. Both McLaughlin and Ainsworth blinked, and the government had no hard decisions to make. The commissioner was replaced by Deputy Commissioner Larry Wren who had spear-headed the investigation which led to the departure of his colleagues. Mr. Wren had previously overseen C3 which was the bailiwick of Mr. Ainsworth until he "retired". Mr. Wren had held that position during the previous Fine Gael government and under then Commissioner Ned Garvey. One can call it coincidence or not, but the governing parties exerted a strong hand on the commissioner of the day.

There was an object lesson for top Gardaí which was no matter how powerful they might be, the government had primacy. Government would always exercise that power when they were threatened and inevitably commissioners bowed the knee when the challenge was made. So, it was for Eoin O'Duffy in 1933, Ned Garvey in 1978 and Martin Callinan in 2014.

A different situation would have obtained if any of these men chose to confront the pressure to depart the scene "in the best interests of the force". At a rank-and-file level we were unhappy to see McLaughlin depart.

1983 MURDERS AND KIDNAPPING

The Commissioner's crime report for 1983 reported in understated prosaic terms that.

During the year 26 murders were committed, 19 of which were detected. These included the murder in the course of their duties of two members of the Garda Síochána and one member of the Defence Forces. In 1982 there were 24 murders, 6 of which remain undetected.

This narrative did little to capture the attacks on civil society in the south in 1983. There had been a history of kidnappings typically involving the families of bank employees. In 1975 Dutch Industrialist Tiede Herrema had been kidnapped by Eddie Gallagher and Marion Coyle which ended with their capture. Most reported kidnappings were spectacularly unsuccessful. This was not true in all cases like the 1981 kidnapping of Ben Dunne, and there were probably several others that went unreported with ransoms paid. There was an attempt to kidnap the Weston family in August 1983 from Roundwood, County Wicklow. This resulted in a shoot-out with Gardaí and five men were arrested and subsequently convicted.

The IRA and other disparate republican elements were fully intent on kidnapping and intimidation in the Republic. There were several instances of unarmed uniform Gardaí being held up at gunpoint and stripped of their uniform at checkpoints. Dominic McGlinchey was rampaging through the country and was a proponent of this behaviour. Garda uniforms had also been stolen on a raid in Fenit Station in Kerry. It was obvious that kidnappers were supported by locals either willingly or unwillingly. Ballinamore was an IRA hinterland with many sympathisers, regardless of the atrocities committed.

H Block Escapees

Another active ingredient was the fact that 38 IRA prisoners

engaged in a mass jail break from the Maze prison in Northern Ireland on 25th September 1983. Many of those escapees made their way to the south and became involved again, including in the Don Tidey kidnapping.

The political atmosphere in the country was very tense because the previous Charlie Haughey led government had just gone out of office. Relationships certainly were not good with the British when Mr. Haughey was in power. He had rediscovered a brilliant shade of green once more. It was alleged that he had prohibited the use of the Criminal Law (Jurisdiction) Act 1976.¹²⁸ He had gone out of his way to attack the British position on the Falklands during 1982 while at the same time looking for progress on Northern Ireland. Irish sentiment had been deeply aroused by the 1981 Hunger Strikes with a resultant surge in support for Sinn Féin. It is not possible at this remove to ascertain if this political sentiment had any bearing on garda preparedness but certainly it should not be discounted completely.

The Weston family through Associated British Foods (ABF) had a direct interest in Quinsworth Ireland, and consequently in its senior executive Don Tidey. On the morning of 24th November 1983 Tidey was kidnapped as he travelled to work in Dublin. He was eventually released following an encounter in Derrada Wood, Ballinamore, County Leitrim. Recruit Garda Gary Sheehan and Private Patrick Kelly were murdered by his IRA captors. This happened on December 16th following searches and intelligence gathering. It was apparent that the identities of most, if not all, of the kidnappers were known to Gardaí. The option of naming and shaming the persons of interest was not exercised. This option was taken a decade previously when naming the alleged killers of Garda Dick Fallon.

Contact had been made by the kidnappers with ABF and ultimately with the garda. It is probable that ABF would have paid the ransom if they had that option open to them. Good information was coming to the Gardaí which led to the decision to mount the search operation centred

¹²⁸ *This Act provided for the Trial of Individuals in the South for offences committed in Northern Ireland*

on Ballinamore. This was effectively a cordon and search operation¹²⁹ over difficult terrain in the middle of winter. The theoretical basis for this kind of operation is relatively simple. Practical application is a different matter, and the first consideration would have been to evaluate the intelligence. One must assume that the information was good, and the prevailing paradigm may have been that the IRA would not open fire on southern security forces due to their own rules of engagement. That view would have handed the initiative to them to fire or not to fire. Logistically the Garda Síochána did not have the resources to mount this operation on their own. In those circumstances, the Defence Forces were tasked to act “in aid to the civil power” which meant that the military were supporting the police and did not have the legal right to engage independently. In effect they were the defensive element protecting the police in discharging their civil duty. Increasingly the gunmen had become desensitised, the more they killed, the easier it became. The non-engagement dictat was far from absolute and given a choice between freedom and shooting, shooting was to win out.

The Garda/Army operation commenced on the evening of December 15 and progressed overnight with checkpoints and patrols concentrating in an area north of Ballinamore but not confined to that immediate area. The land is tough with bog and forestry predominating in certain locations. There is a criss-crossing of roads, most of them narrow and winding. Local knowledge was at a premium. The kidnappers could not have survived without local logistical support. Their operation seemed to have a considerable network behind it. The actual kidnapping took place in Dublin, the escape brought them to Wicklow and then across the country to Leitrim. One of the cars used had been “hired” in Kerry so the Provos’ logistical base was well involved. The contact point came at around 2pm when shots were fired near the dugout where Tidey had been held. There were separate bursts of gunfire at different points of the wood. The garda and the soldier lay dead when the firing ceased.

¹²⁹ *A cordon or cordons constructed to contain a physical area with a secure perimeter, which then allowed the contained land to be searched on a methodical basis.*

It should be borne in mind that this action was taking place on one of the shortest days of the year in a wooded area. Visibility was difficult and the Provos wore camouflage clothing like the army.

An army witness told the Special Criminal Court in 2008 at the trial of Brendan “Bik” McFarlane that he saw his colleague Private Kelly being shot and heard him calling out to him. He also heard a loud explosion, and he was then disarmed by a man holding a rifle.

Tidey told the trial that it was a “battleground” when the shooting started. He described how he hit the ground and rolled away down an incline and then was confronted with a soldier pointing his gun at him. A garda was close by, but neither recognised him, he was taken through a field where he encountered D/Inspector Bill Somers and other armed gardai. It took some time for him to identify himself and a gun was held to his head while this happened. Mr Somers told the court that he was in charge of an armed search party code name “Rudolf One”. He saw Mr. Tidey being brought towards him and he recalled hearing gunfire. Shortly after a blue Opel Kadett car approached at speed and the occupants fired on them. He pulled Tidey to the ground but a colleague with him was wounded.

Despite the attempts to capture the killers they made good their escape under the cover of darkness. There was another encounter with armed individuals a few days later near Claremorris. This time a house was approached by a garda search party, and three men ran out and escaped through fields. Bik McFarlane was discharged at the Special Criminal Court following legal argument on the admissibility of evidence. He was quoted as saying that “He wanted to go home and get on with his life”. Recruit Garda Gary Sheehan and Private Patrick Kelly did not get the chance to go home or get on with their lives.

There was obvious soul-searching on what went wrong. My old colleague Jack Marrinan from the GRA was measured when speaking on RTE Radio. He questioned the wisdom of having unarmed Gardaí on

checkpoints. It was clear that the “rules of engagement” needed to be rewritten in the light of experience gained. Indeed, in subsequent encounters, Dominic McGlinchey was arrested after a gun fight with gardai in Clare in 1984. Similarly, the “Border Fox” Dessie O’Hare was arrested following a gun battle at an Army/Garda checkpoint in Tipperary. His companion was killed in that exchange.

DESSIE O’HARE’S KIDNAPPING of JOHN O’GRADY 1987

The headlines in April 2019 read that one Dessie O'Hare had been jailed for seven years for assault and false imprisonment. Former INLA member Dessie O'Hare, who was known as 'The Border Fox', has been jailed.

He admitted assaulting John Roche, at The Towers, Garter Lane, Saggart, Co Dublin, on 9 June 2015, and he pleaded guilty to falsely imprisoning Martin Byrne at Rathcoole and Saggart on the same date. He had a long history of terrorism and killing and managed to get out of prison belatedly under the Good Friday Agreement, having been sentenced to 40 years in prison in 1988 for kidnapping and mutilating dentist John O’Grady in 1987. One of the consequences of the Troubles was the phenomenon of splinter IRA groupings. The Provisional IRA remained the single biggest terrorist organisation and occasionally some of its members split away from the main group and formed individual terrorist groups. These in turn also splintered and this gave rise to vicious internecine conflict. These groups were never strong enough to challenge the security of the state in a strategic way. They were strong enough to engage in major criminality including, murder, bank robberies and kidnappings.

Dessie O’Hare, convicted in 2019 had a sordid criminal history behind him. His career as a gunman started with the Provisional IRA in his native Armagh. His family had a long history of republican activism.

He was not amenable to the Provisionals and he gravitated to the Irish National Liberation Army (INLA), but in turn broke from them. He earned a reputation for killing, robbing and mayhem. He was first charged with possessing explosives in 1975 but was given a suspended sentence when he claimed he had severed all links with the IRA. In October 1979 he was arrested a second time after a car he was travelling in crashed in County Monaghan after a high-speed chase. The other occupant in his car was killed and O'Hare had another of his many escapes from death. This time he was sentenced to 8 years in Portlaoise Prison. Nevertheless, on release he was soon back to his old ways. It has often been questioned why he escaped capture for so long and there is no doubt he was a formidable opponent for the AGS, particularly so in rural areas. There is one factor relating to him and that is his ability to develop a network of supporters who facilitated his cover. This support was provided for historical reasons and through fear. Detective Garda Martin O'Connor who was seriously wounded by the O'Hare gang remarked, "It was not easy for people to say no to O'Hare and his gang". It could be more than their lives were worth.

He and his gang carried out a home invasion at a house at Brennanstown Road in Cabinteely, Dublin on the 13 November 1987 at 9.30 p.m. Their intended target was Doctor Austin Darragh, a well-known doctor and businessman. Doctor Darragh no longer lived there. The house was occupied by his son-in-law, dentist John O'Grady and his wife Marise and three young children. The attack commenced at about 9.30 p.m. The gang smashed their way into the house using a sledgehammer on the outer wooden door. O'Hare was accompanied by Eddie Hogan from Cork, Tony McNeill from Belfast and Fergal Toal from Armagh. A Dublin barber, Gerry Wright, later emerged as a key support figure in the kidnapping. O'Hare was the only one unmasked and this facilitated his early identification. These were established terrorists. One of the O'Grady children tried to make an emergency call but was foiled by O'Hare. When they discovered that Darragh no longer lived there, they were not dissuaded from their evil intentions. Instead, they very quickly decided that John O'Grady would make a good substitute. Initially they had considered kidnapping one of the children as well.

The kidnappers remained in the house overnight and the following morning O'Grady was driven away by O'Hare and Hogan. McNeill and Toal remained behind with Mrs. O'Grady and the children until 1 p.m. They then drove away in the family car which was later found in Dundalk because of a call from O'Hare. This was most likely a diversionary call to deflect attention from O'Grady's actual location. The Gardaí were alerted, the hunt commenced, and a news blackout was put in place but appears to have been lifted soon after. It appears that O'Grady was driven to a garage in Dublin's northside. Subsequently he was brought to the basement of Wright's barbers in Parkgate street where he was handcuffed, Toal and McNeill were his minders for the most part. When the news broke of his kidnapping, he was asked to nominate likely contacts for ransom demands. He was again moved and this time he was brought to the vicinity of Carrigtwohill in Cork. No doubt Hogan's local knowledge had been used.

One of the kidnap contacts was told to go to Limerick Cathedral to locate instructions for a ransom handover. These instructions were not found and that was to have major consequences for John O'Grady later. In the meantime, suspicion was aroused in relation to the kidnappers' presence in Cork. The Gardaí attempted to mount a rescue operation and as they closed in on the location near Midleton, the gang reacted and made a dash for freedom with O'Grady in tow. They fired on the approaching Gardaí and return fire was problematic, but Hogan was grazed by garda fire and they made good their escape by hijacking cars. Eventually the gang made their way back to Gerry Wright's house in Dublin. O'Hare gave an interview to the *Sunday Tribune* where he said that he wouldn't be taken alive and that if any of his gang were killed, John O'Grady would be executed immediately. He admitted to a total of "26 Killings" in his paramilitary activities. It is impossible to verify that figure but there was no doubt that he was vicious cold-blooded killer and his intentions had to be taken very seriously.

When O'Hare realised that the ransom instructions had not been located in Limerick. He then decided in rage to cut off the tips of John

O'Grady's little fingers. This was done in an unbelievably savage manner with O'Grady lying on the floor and his arms pinned down and his fingers splayed on a board and O'Hare severed the fingers using a hammer and chisel. The pain was excruciating, and the blood loss was severe. O'Grady cauterised the wounds using a heated knife and with some help from his kidnappers. His mutilated fingers were photographed with a polaroid camera. The fingertips, photos and ransom directions were then brought to Carlow Cathedral to be picked up by a contact.

John O'Grady was rescued at Carnlough Road in Cabra on 5 November 1987. Three culprits escaped from the scene after shooting and seriously wounding Detective Garda Martin O'Connor. Martin had been shot three times and from three different guns. A support group of armed Gardaí arrived and there was a further exchange of gunfire with the fleeing criminals. O'Hare was not present because he was in Cork to arrange the pickup of a ransom £1.5 million pounds from Father Brian Darcy, who was acting as an intermediary between the family and O'Hare. Fr. Darcy heard the news on the car radio as he approached Cork and he aborted his delivery. It is also highly probable that his mission was under garda surveillance. There were unconfirmed reports that the Control Risks Group, a UK based security firm, were acting behind the scenes with the possible assistance of Stephen Fanning, a retired garda assistant commissioner.

A clue found in the Cork kidnap container led to two Gardai, D/Garda Martin O'Connor and Sergeant Henry Spring being given the job of checking out the information. The information did not disclose Gerry Wright's connection but another person living in Parkgate Street. It was only when the Gardaí made that contact that they realised that Gerry Wright had been given the membership card which had been found in Cork. Also, it's significant that only one of the Gardaí was armed, Detective Garda Martin O'Connor. When they spoke to Wright, he said that he had lost the card and in the course of conversation he said that he lived in Carnlough Road and there was no one else there at the time. The Gardaí asked would he mind if they looked in his house and he had

no objection. Then all three travelled to 260 Carnlough Road, about fifteen minutes away. Martin O'Connor spoke for the first time about what happened next on the *Liveline* program with Joe Duffy on the 5 November 2021. This was 34 years after the fateful events. His story should be compulsory reading for a modern generation. He spoke to Joe in an extremely calm and collected manner and even with a sense of self-deprecating humour at time. They approached the house with Wright who assured them that there was nobody present. On entry, Martin knew immediately that they had stumbled into a hornet's nest. The rooms were darkened but there were three electric fires plugged in and two unshaven men were in the front room. One of these men spoke in a northern accent. Martin understood he needed to play for time and get back to their patrol car and radio for help. Wright by way of explanation said these men were there overnight and were due to go to work. Martin checked upstairs and found another man fully dressed lying in a cold bed. This guy was as unconvincing as his companions downstairs. Martin invited him downstairs and there was no sign of John O'Grady, he had been forced into a space under the stairs. Wright was invited outside by Martin and he small-talked him while he grabbed his radio and called for urgent help. Wright then ran back into the house telling his "guests" that the game was up. Sergeant Spring was forced to lie on the ground inside the house and he was kicked in the head. The men then burst from the house clearly armed and dragging John O'Grady blindfolded with them. One of the men ran to Martin and pushed a gun into his mouth as he sat in the garda car radioing for help. A struggle developed and Martin managed to get out of the car and went for his own gun. He managed to fire some shots and in turn he was shot three times, the most serious wound was in his lower stomach area. The first shot was from a shotgun and that was the critical wound. Martin still carries pellets in his body from that blast. He was shot by a revolver and a rifle as he fell to the ground. He then lay on the ground bleeding heavily but conscious, as pandemonium reigned all round him. He says that he had an unusual, almost outer body experience. He could see everyone running around and he felt he was in a great place with no pain. Joe asked him, "Did you think you were going to die?" and he said, "At that stage it was just as

easy to float away, because I was in a state of harmony, you just float away”.

An ambulance arrived very promptly, and he was taken to the Richmond Hospital but as he lay on the ground he was heard to say, “tell my wife and children, that I love them”. He also recalled with good humour that a Dublin woman came to him and offered him a cigarette. Newspaper pictures show him being comforted and covered by blankets by the women as he lay there bleeding. He got fantastic treatment in the Richmond Hospital from a trauma team headed by Professor Boucher Hayes. They undoubtedly saved his life.

As Martin O'Connor was battling for his life in the Richmond Hospital a running gun fight was raging in Cabra. John O'Grady broke free from his captors. He tried to get into a neighbour's house for safety, but the people were frightened and closed the door on him. He then ran over the fences and hid in the hedges until the shooting died down and it was safe to come out. Similarly, Segreant Spring was able to get to safety in the back gardens. The next twenty-four hours were remarkable as the Gardaí struggled to capture Toal, Hogan and McNeill. McNeill had broken away from the other two and gone to Ballyfermot. He was arrested there on the 11 November. However, Toal and Hogan escaped through a series of hijackings and with some luck made their way to an unsuspecting woman's house in Clondalkin. Una Dermody got the surprise of her life when the two men walked in through her front door. She had been expecting furniture to be delivered when she had her “gentlemen callers”. She told Joe Duffy that they asked did she know who they were, and she said that she hadn't a clue. They then told her exactly who they were and mentioned John O'Grady. She had been enjoying the company of her friend Maria Hennessy and this was a lot to take on board. Hogan had a bullet graze wound on his knee and got Maria to dress it for him. Both men had some tea and then told the women that they were going to take them for a drive in Una's car. Although they first said that they would tie Maria up and then changed their mind when Una objected. Una then got into her car with the men and her friend. She drove them all the

way to Limerick and even stopped for petrol on the way. Both men got out of the car near a graveyard in Limerick much to the women's surprise. She then drove around to the local garda station and reported their adventure.

This started a big operation to capture the criminals. This operation did not go smoothly. Both men were arrested in a taxi in Tipperary as they were making their way to a safe house. This episode did not go well because as they arrived at the station in Tipperary, a fight developed and both men succeeded in escaping at least for a time. An extensive search followed which brought good results, much to the relief of all. Toal was rearrested quickly. He commandeered a car and crashed through a checkpoint. He was pursued and he crashed the car which overturned. He was arrested at gunpoint and handcuffed, this time there was to be no escape for him. Hogan remained at large until the following day. In his case he was spotted by a garda patrol as he walked along the roadway. He was caught easily enough but that was a ruse because he then started a vicious struggle to get away. He fought hard with the arresting Gardaí and at one stage he grabbed the barrel of the detective's gun. Two shots were discharged but no one was injured. Eventually he was subdued, and he too found himself in custody with no possibility of escape.

O'Hare was still at large and surfaced in bizarre circumstances in Dunleer, County Louth on the evening of 9 November. He had his pregnant wife with him and a 7-year-old daughter in the back seat of their car. He went into a chip shop, and his wife Clare ran from the car. O'Hare emerged and fired a shot at his fleeing wife. He then retrieved a shotgun from the car and fired at her again. He also fired into the window of the chip shop. She sought refuge in a pub, and he followed again firing his shotgun into the window of the pub. He then tore off with his daughter still in the back of the car. It is probable that he returned this little girl to one of his family.

The following day the government offered a £100,000 reward for his arrest. This may have borne fruit some three weeks later near Urlingford. On the 27 November around 2 pm in the afternoon a stolen BMW car, being driven by O'Hare and accompanied by Martin Bryan, approached a soft line garda checkpoint close to Minister's Cross in Kilkenny. He drove through that checkpoint, but he had a nasty surprise because a few hundred yards further on he encountered a hard checkpoint manned by the military and gardai. The road was blocked with army and garda vehicles. A short and deadly gunfight ensued. Martin Bryan was shot dead; a soldier received a grazed wound and O'Hare was shot multiple times but survived after an extensive hospital stay. There was solid intelligence which enabled this operation to be planned and executed. Locals had been warned to remain indoors from around midday and other road users were turned back from the location prior to the gunfight.

There was an inevitable sequel in the Special Criminal Court in April 1988 when O'Hare and his colleagues pleaded guilty to a series of charges arising from the kidnapping and assault on John O'Grady, the numerous shooting incidents, and the attempts to murder Gardaí. O'Hare and Hogan were both sentenced to 40 years in prison. Toal was sentenced to twenty years, McNeill to 15 years and Gerry Wright to 7 years. All of these criminals were to benefit under the terms of the Good Friday Agreement.

A few weeks later Clare O'Hare was found not guilty on the charges preferred against her.

There was an interesting sequel from a garda perspective. The Minister for Justice Gerry Collins announced significant reductions in the garda budget with the assistance of the new garda commissioner, Eamon Doherty. One of the negative cost-cutting measures introduced was the abolishing of 15 minutes parading time. This was a briefing time used, before "tours of duty" in urban centres, to task uniform members and to ensure routine supervision of standards of behaviour and uniform turnout. It was reintroduced in 2016 as part of a package to meet garda demands for restoration of pay.

1989 Murders of Senior RUC Officers

The fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan occurred on the 20 March 1989 just north of the border. Both men had attended a meeting in Dundalk garda station. They were ambushed as they returned home. The Smithwick Tribunal was established in 2005 to investigate suggestions¹³⁰ that members of An Garda Síochána or other employees of the State colluded in their murders. The sole member of the Tribunal was Judge Peter Smithwick. It reported eight years later in November 2013. It only managed to hold public hearings from June 2011. The Tribunal has cost €19.9 million to date.

These were brutal murders conducted by and acknowledged by the Provisional IRA and deserve total condemnation by right-thinking people. The findings of the Tribunal have been heavily criticised for their lack of fair process and for the failure of government to debate them in the Dáil.

Dramatis Personae

The principal actors in the drama which led to the Smithwick Tribunal were, journalist Toby Harnden¹³¹, Sergeant Alan Mains¹³², journalist Kevin Myers, David Trimble MP, Jeffrey Donaldson MP, Bertie Ahern TD, Michael McDowell TD, Charlie Flanagan TD, Jim Higgins TD, Kevin Fulton/Peter Keeley, Willie Frazer, Stakeknife/Freddie Scappaticci¹³³, ACC Drew Harris, Sergeant Owen Corrigan, Judge Peter

¹³¹ *Suggestions made by Journalists Toby Harnden, Kevin Myers and Jeffrey Donaldson MP, David Trimble MP, Charles Flanagan TD, Jim Higgins TD, Brian Hayes TD, British Agent Kevin Fulton/Peter Keeley, Alan Mains RUC and laterally ACC Drew Harris PSNI.*

¹³² *Sergeant Alan Mains was C/Supt Breen's Staff Officer and he claimed that Mr. Breen suspected Corrigan of assisting PIRA. Standard procedure would have required Mr. Breen to action this information from a security perspective. There is no record that he did so and this casts a shadow on the allegation.*

¹³³ *British Agent Inside PIRA – Granted representation by Tribunal (so he could prove – he wasn't Stakeknife) Did not give evidence.*

Cory and unseen shadow figures from the British security and intelligence world. The most critical figure was that of Tribunal sole member, Judge Peter Smithwick, President of the District Court, scion of the Kilkenny brewing family and brother of Paul Smithwick OBE honoured by the Queen in 2016.

Indisputable Facts¹³⁴

The overall security situation in South Armagh and Newry was highly problematic at this time. The PIRA in South Armagh were probably the most effective unit in the IRA structure in Northern Ireland. They had established this position over a period of twenty years and had launched many successful operations against the security forces with very little negative consequences to themselves. Their expertise was based on an intimate knowledge of the countryside together with field craft established over many generations involving smuggling activity quite apart from terrorist activity. In effect they controlled the ground, and the security forces controlled the air. Routine road and foot patrolling was almost impossible and there was a major reliance on air support. Security operations by the Northern Ireland authorities were conducted on a planned basis and it was not possible for them to react immediately to problematic situations without first carrying out detailed reconnaissance and threat assessments. By contrast the Garda Síochána operating on the southern side of the border operated in a vastly different security environment. They were not direct targets of PIRA but nevertheless many conflict situations developed over the years where uniformed members were placed in great danger when confronted by PIRA. In overall terms the difference between the two jurisdictions was that policing was carried out largely by consent in the south and the direct opposite was the case in the north. Sixty-Eight RUC Officers, 106 British Army soldiers and 38 UDR members were killed in Co Armagh between 1969 and 2001. (ref. Cain Web Site). The majority of these were

¹³⁴ Question of Honour John A. O'Brien – www.contrarian.ie, 2020 and Amazon for detailed analysis.

killed by the PIRA. This was indeed a very dangerous place for members of the northern security services.

Critical Facts

1. Edenappa Road (murder scene) had been out of bounds to security force personnel from the 5 March 1989 to 11 am on the 20 March 1989. A military presence had been in situ in the area.
2. PIRA or the former PIRA (FPIRA) is the only organisation that definitively knows how the operation was planned and executed from start to finish.
3. Superintendent Bob Buchanan was the border superintendent for the RUC since 1986 and his duties involved direct liaison with the Garda Síochána in Louth and in Monaghan.
4. He used his own car for transport, a red Vauxhall Cavalier registration number KIB1204. He did not change the registration number of this car even though there was a facility to do so every three months.
5. He regularly parked his car in front of Garda stations both in Louth and in Monaghan, sometimes arriving unannounced.
6. In order to get to the southern locations, he had to pass through the hostile territory of South Armagh or Newry. This involved a double exposure having regard to his outward and return journeys.
7. The Tribunal estimated that his car had travelled to the south on a least twenty occasions in a three-month period before the murders. No accounting for return journeys.

8. Realistically having regard to the three-year period it can be estimated that he passed through this hostile territory using this particular car several hundred times.
9. PIRA identified the car on at least two occasions as being used by officers of the RUC based on their visual identification. One of these occasions involved a sighting of Mr. Breen in the car in April 1988.
10. 6 June 1989: British army intelligence analysis of vehicles, known as 'Vengeful', concludes two cars were seen following Supt Buchanan on a number of occasions, including one linked to a member of PIRA.
11. A dinner was held in Stormont castle on the 6 March 1989 attended by Secretary State for Northern Ireland Mr. Tom King, Chief Superintendent Breen and other police and military officers. This dinner was the occasion when Mr King became animated at the smuggling activity being conducted on the border.
12. On the 15 March 1989, the Chief Constable of the RUC requested a full report on cross-border smuggling from Chief Superintendent Breen. This report was to incorporate the Garda view also. The order was transmitted through RUC channels to Mr. Breen.
13. On the 16 March 1989, a meeting was held in the late afternoon at Armagh RUC station at which the order from the Chief Constable was discussed and a decision taken to seek a meeting with Chief Superintendent Nolan, Dundalk on Monday 20th March. **The RUC are not agreed as to whether Mr. Breen attended this meeting or not, but it is clear that Mr. Buchanan was present.** The request to Mr. Nolan was not made until the following Monday morning March 20th.

14. On the 18th March, a cream Toyota LiteAce van was stolen from outside Mullaghbawn Chapel near Forkhill, while the owner attended mass. The time of reporting the theft to the police is not recorded. This was the van subsequently used during the attack on Mr. Breen and Mr. Buchanan.
15. On the 20th March, a number of phone calls were made to Dundalk Garda Station from the RUC requesting a meeting with Chief Superintendent Nolan. The substantive call seems to have been made at 10.15 am.
16. The British Army listening stations detected an increase in radio signal activity at approximately noon which they believed to be as a result of terrorist activity. *No verbatim details of this radio activity were available and there was no enhanced security profile adopted as a result. Any connection between this radio activity and the attack is speculative or coincidental. (Authors)*
17. The PIRA operated many illegal checkpoints and British Army report states that between 11.35 am and 12 noon March 20th a number of men and two cars appeared to be setting up a traffic light at Kilnassagart Bridge close to the ambush site. This activity was deemed to be suspicious.
18. At 2:20pm Mr. Breen and Mr. Buchanan arrived at Dundalk Garda Station. The red Vauxhall Cavalier was parked outside the station in full public view. Both men made their way into the station where they were encountered by different Gardai and brought to Mr. Nolan's office.
19. The men left the station at 3:20pm approximately and they reached the ambush scene on Edenappa Road sometime between 3:30pm and 3:50pm.

20. At the completion of the attack all PIRA left the scene going north in the van.
21. The parked murder van was observed by the security forces from the air on the 22nd March. It was found burnt out on 23rd March at Tullydonnell filling station, Forkhill, on the northern side of the border.
22. British Army WISREP 23rd March 1989 suggests four weapons were used: three assault rifles and one Ruger mini rifle. Two of the guns were used previously, 1st September 1987, murder of Eamon Maguire at Cullaville and an attack on a helicopter at Silverbridge on the 23rd June 1988.
23. Ann Cadwallader in *Lethal Allies* (2013) asserts at page 159 that the weapons used in the attack were also used by PIRA at Kingsmills massacre and 110 other attacks.
24. No record of Irish Military being consulted by the Tribunal.

Points 1- 24 provide an abbreviated synopsis of the key background to the attack and the events leading up to it.

There was no evidence adduced to the Tribunal to support a charge of collusion against unnamed Gardaí. The finding of the Tribunal was an egregious insult which has never been assuaged.

SECURING THE STATE – INTERNATIONAL DIMENSION

The Provisional IRA organised various gun running enterprises, principally in Libya and the United States. These international activities required cooperation between Irish authorities and intelligence services in many other countries, particularly in the United Kingdom and the United States. In blunt terms this meant on these Islands, North – South and East – West operational contact occurred on a frequent basis. The influence of fluctuating political agendas on operational activity was a factor at times.

Significant interceptions were made at sea. The first was off the southwest coast where the trawler *Marita Ann* was intercepted on the 29 September 1984. It had a major consignment of munitions on board which had been offloaded from a Boston trawler, the *Valhalla*. This operation had been thoroughly compromised from the inside. There was structured international cooperation organised through intelligence services and the Garda Síochána. Martin Ferris, a key Provisional IRA member, was directly involved and was captured on the *Marita Ann*. He confirmed the obvious that they had been betrayed internally.

The next major interception happened off the coast of France on 1 November 1987 when the *Eksund* was apprehended. It had major munitions on board destined for Ireland from Libya. Some information puts the estimate at 120 tonnes. These included Heavy Machine Guns, RPG 7s, SAM missiles, Mortar Shells and Semtex Explosives. The skipper was Adrian Hopkins who admitted bringing four consignments in previously. Two of these were brought in, in 1985 and the second two in 1986. The amount of Semtex explosive imported was believed to be several tonnes. This was a powerful explosive which was hard to detect and malleable in use.

An earlier seizure of munitions occurred on 28 March 1973 off the Waterford coast. These were on the *Claudia*. Joe Cahill, a leading

republican, was on board. It was also alleged that three previous consignments had got through. This material had been supplied by Libya. Colonel Gadaffi had been a strong supporter of the Provisional IRA with material and money.

The AGS continued to make seizures of high-quality Provisional IRA weaponry on a yearly basis and this activity had some positive impact. Despite these successes, the Provisional IRA had enormous amounts of guns and explosives stockpiled, probably far more than their capacity to use. A major Provisional IRA Bunker was discovered in Athboy County Meath 28 July 1994. This was typical of the many bunkers which had been populated after the Libyan importations.

As mentioned, Libya and the US were the main supply routes, but material was also sourced from mainland Europe. There were many disruptions of Provisional IRA arms procurement ventures in the US but weaponry did get through including the Barrett sniper rifle. This gun was used sparingly but effectively in South Armagh. It also had a psychological effect and the Provisionals used this for propaganda. Signs were placed on roadside poles, warning "Sniper at Work". The last British soldier killed in the troubles was Bombardier Stephen Restorick and he was shot by this sniper rifle. He was on check point duty on the 12 February 1997 near Bessbrook in County Armagh.

POLICING the 1990s

The 1990s was a decade of considerable change in terms of state security. The first Provisional IRA cease fire commenced on 31 August 1994 and lasted for 17 months. It was reinstated on the 20 July 1997. The Good Friday Agreement (GFA) was signed on the 10 April 1998 and copper fastened by Referenda North and South on 22 May 1998. There was many a hurdle to be crossed on the way to the GFA. Also, the infamous Omagh bombing took place on the 15 August as dissident republicans tried to roll back the tide.

Ministers for Justice	Taoiseach
Ray Burke 1989 FF	Haughey to 1992, Reynolds to 1994
Padraig Flynn 1993 FF	Reynolds
Maire Geoghegan Quinn 1993 FF	Reynolds
Nora Owen 1994 FG	Reynolds / Bruton to 1997
John O'Donoghue 1997 – 2002 FF	Ahern

Commissioner	Served
Eugene Crowley	1988–1991
Paddy Culligan	1991–1996
Pat Byrne	1996–2003

Secretaries General Department of Justice – Joe Brosnan 1990–1993, Tim Dalton 1993–2003

Dundalk

One of the best ways of describing the security mission is to recount my experience in 1994 when I took up responsibility as Divisional Officer for the Louth/Meath Division. This was a great opportunity to put theory into practice and more than a whiff of cordite in the air. It was sufficiently far

removed from the “Dead Hand Commandos” in Dublin, or so I thought, to allow one to get on with the job.

The station in Dundalk was located at The Crescent, visually imposing, sitting on the crest of an incline and commanding a view of the town. It had been populated with portacabins to accommodate the extra numbers occasioned by the northern situation. The old jail was located at the rear of the station and historically the station had been the prison governor’s house. This station had figured during the troubles and the Crescent had been the scene of riots and disturbances. One of my first tasks was to have a video made of the station and surrounds. Previously I served in Hackballscross as a sergeant in 1978. I had vivid memories of the Dundalk area.

There were six garda districts, Dundalk, Drogheda, Balbriggan, Kells, Navan and Trim. A Superintendent commanded each district. Dundalk also had a Detective Superintendent and a Detective Inspector mainly dedicated to anti-subversive duty. This was obviously a busy area, and it took some time to get a hold on the strategic issues.

Strategy

There were a myriad of issues requiring urgent attention. The strategic issues could be grouped under these main headings.

1. Threat posed particularly by the Provisional IRA both domestically and in Northern Ireland through cross border activities.
2. Additional threat posed by dissident elements post the declaration of the PIRA ceasefire in August 1994.
3. Security issues caused by the visit of Prince Charles to two locations in the division.
4. Slane Concert revival.
5. Ongoing search operations for explosives and firearms.
6. Serious problem of road deaths and injuries.

7. Drug abuse with relevance to clubs.

In essence one was searching for a border policing and security model. This model should be sensitive to the diverse needs of a border division. There was a strong rural bias with proximity to Dublin. I can't say that I was totally aware of the detail, but I was aware of the necessity of having a strategic view as well as having a local day-to-day focus. Like my experience in Laois/Offaly, there was little by way of policy direction. The biggest input from HQ related to budget and overtime expenditure. We had an ever-present need for fresh new resources. This division needed young active officers and this requirement was the source of continuous conflict with B Branch Personnel. There is a simple equation, overtime payment equated with extra resources and used constructively would provide a good return on investment. Gardaí would not salt away their overtime earnings in some offshore account. More likely it would be spent in the local shops and in family support, and of course more than half of it returned directly to the state in the form of income tax. In effect there was no "special events" budget and if any division needed one it was Louth/Meath.

Community Connection

Martin Naughton, the businessman and philanthropist, was the son of a garda who had been based in Dundalk station. He decided to fund a restoration of Icehouse Hill Park in Dundalk in memory of his father. Uniquely he commissioned a sculpture of his uniformed father standing beside a park bench, as if about to chat to someone sitting there. The statue was subsequently damaged by vandals on two occasions. This mindless behaviour further emphasised the need for good community relations. An example of the practical side to community policing was epitomized by Sergeant Brian Kealy. He had responsibility for Muirhevnamor. This was a housing estate in Dundalk with 850 houses and a population of 4,500 people. He embraced the role of community contact and rapport with enthusiasm. In an interview with a local paper he said, "there is a listening and caring role involved but at

the end of the day the people recognise that I am a policeman”.

Security Mission

Part of our security mission was the need for cooperation with the security forces in Northern Ireland. The connection was principally with the RUC, both uniform and Special Branch and CID (Crime Ordinary). This obviously involved reciprocal visits as the situation demanded, apart from more formal contact at HQ level. The central point was the ability to build and maintain trust in both directions, with the development of good personal relationships as well as strong professional contact. There was infrequent contact with the British Army but quite often their senior officers would attend at “social” events. Invariably there were questions about Thomas “Slab” Murphy, a leading Provo who literally lived on the border. A British general broached the subject one night. I asked him why they had not put manners on him, legally speaking, considering their huge concentration of resources in that area. The best I got from him was an enigmatic smile as he beat an orderly retreat. Did he know something that I didn’t?

There was an enormous chasm between the kind of policing practiced in the North and on our side. We were truly operating in the policing by consent mode. The RUC had paid an enormous cost in human lives for their service. The nearest main RUC station to us was in Newry and that station had lost the highest number of officers of any station in the North during the troubles. On the garda side we had the responsibility for ordinary policing of a democratic society. Our essential advantage was one of acceptance and, if not that, tolerance by the overwhelming body of southern society. This was not the case for the RUC.

One of the first interesting people I met was the rather exotic figure of Colonel Sean Lambe who was the British Military Attaché. He was a Dundalk native and a quintessential British Army officer. We joked that he was the official British spy and of course part of his remit was

intelligence gathering. This principle applied to all military attaches. The British had infiltrated the IRA to a large extent and at many different levels. The most egregious example was "Stakeknife" who had been operative for many years. He held a leading role in the IRA's infamous internal disciplinary squad, the "nutting squad", so called because they dispatched their victims with a shot to the back of the head.

Visiting the new RUC Station at Ardmore in Newry on the 14 July 1994 for the first time was a significant experience. The station was located on the northern side of the town, and it was formidable but modern in appearance. It had the ubiquitous security features, high walls and screening, bomb-blast proofed infrastructure and watch towers. It looked more like a "polite" military installation than a police station. This station had been constructed after the IRA mortar attack on the Corry Square RUC station on the 28 February 1985, during which ten RUC officers were murdered by the Provisionals. The RUC death toll in the "H" Division between 1957 and 1993 was 59, truly a horrendous death total and a wanton destruction of life. I attended a remembrance ceremony in Ardmore for these murdered officers on the 5 March 1995. Superintendent Michael Staunton accompanied me to that tribute. Four of the murdered RUC officers were detectives and the remainder were from the uniform branch of the RUC.

My opposite number in the RUC was the Chief Superintendent based in Armagh. He was the successor to Chief Supt Harry Breen who had been murdered by the IRA in 1989 with his colleague Superintendent Bob Buchanan. They were returning from a meeting with one of my predecessors, John Nolan, when they were killed. The event weighed heavily on my thoughts as I met with this officer and his colleagues in Newry. Our professional relationships developed well and indeed both officers came to visit at Dundalk station for the ubiquitous tea and scones within a relatively short time. This was the first visit of this kind since the murder of Harry Breen and Bob Buchanan. I was appreciative of their confidence and willingness to travel south. Indeed, when I was again leaving the following year, twelve RUC officers travelled to a public venue

in Dundalk to say farewell.

As we waited to gain admittance, we were stopped at the entrance that Eamon Collins ¹³⁵, one-time IRA intelligence officer, then supergrass, and laterally murdered victim of the IRA, used to spy on RUC officers. He watched them entering and leaving the station at shift-changing times. He would note car numbers and another Provo could access the car vehicle file for ownership details. They also had access to housing files to complete the intelligence gathering. The targeting process would start from there and would often end in murder. Unmistakably there were many differences between us from a cultural, religious, political perspective and of course there was historic baggage. These differences had much to do with our shared but divided history. For the greater part we had a common professional view on policing and the rule of law. It was inevitable that we looked for understanding vibes from their side and I'm sure that the process was reciprocated. In the social context we stayed on neutral ground, no politics, no religion. Curiously enough crime ordinary was an easy professional topic. There was an excellent and easy relationship between CID Newry and Dundalk Gardaí.

One case which cemented that was the horrible murder of Rose Moran in 1991. Rose Moran lived north of the border and worked in the DHSS in Newry. Her husband Joe was a native of Dundalk. He was having an affair with his wife's niece and eventually they hatched a plot to have Rose murdered. Two men from Dundalk were contracted to do the killing. Eventually three people were convicted of offences relating to her murder, one individual escaped justice due to legal technicalities. Rose had been stabbed 37 times. A joint team from Dundalk and Newry worked on the investigation. This fact created lasting professional and personal relationships. A welcome and unintended consequence was the fact that this cooperation became an enduring feature. We even played golf for a Rose Moran trophy; this respectfully kept her memory alive. Invariably we won those contests and the RUC claimed that they were far too busy to practice like us. There was more than a grain of truth in that

¹³⁵ Collins, Eamon, *Killing Rage*, Granta Books (1998).

assertion considering that many of those officers lived under a threat of death from the IRA.

Operation Moonshine

This was the operation to protect Prince Charles on his first visit to the Republic. He arrived on 1 June 1995 at Baldonnell. This day was also the Queens official birthday, so the initial part of his visit was in Dublin for the obligatory garden party at Glencairn, the British Ambassador's residence at Sandyford. John Bruton was the Taoiseach and naturally politics played some part in the planned visit to two locations in our division. The megalithic tomb at Newgrange in the Boyne Valley was an obvious choice and perhaps the second location at Butterstream Gardens in Trim was less so.

So it was, that at 15:20 on June 1st the Prince's red helicopter swept over the Boyne valley and approached Newgrange from the south. It had an escort of two smaller helicopters with the men in black on board. It descended into the operational area of Operation Moonshine. We had the responsibility of searching and securing the site of this visit and the Butterstream Gardens. Securing the site is an easy phrase but it means quite a lot. In effect both locations had to be searched, key personnel identified, and a written operational plan drawn up and approved. This involved the utilisation of all local resources. It also meant searching approach roads. The key concept is, once an area is searched it must be held secure until the operation is completed. Assistance was required from the military and blue light services. The effective security presence would number close to 1,000 on the day itself. Other officers were detailed for the holding and searching operation in advance of the arrival.

I had an opportunity to observe Charlie up close while he was taking tea with the great and the good at Butterstream Gardens. Physically he is a slightly unusual man, he has extremely strong hands, almost peasant like. He sports a signet ring on the little finger on his left hand. This conveys a slightly foppish impression and his habit of wearing

double-breasted jackets or coats is slightly old-worldly. He is most definitely his own kind of man. Naturally his visit was all about paving the way for a different relationship between the two islands.

Provisional IRA Bunker Athboy

One of the first introductions I had to the border subversive scene was when intelligence indicated that a major arms dump was hidden close to Athboy town. This was part of the search operation – Operation Prospect. This information had been circulated for some time, but it lacked the final piece of the jig saw puzzle. Eventually using a combination of local knowledge and national intelligence the picture was completed. A major bunker of Libyan Arms was discovered together with bomb parts and timers. There was enough in good working order to sustain a guerrilla campaign for several years. Policing and security were dominated by the proximity to the border with numerous crossing points and a history of violent terrorist incidents going back for years. There were several active subversives living in the area. Some of these were natives and more were displaced from the North. There was the inevitable pattern of patrolling and checkpoints. The business of intelligence-gathering went on at a human and electronic level. We had the active support of the military for operations together with the use of top cover support. The border was well known to smugglers and indeed there was a hybrid existence between terrorists and smugglers. The tradecraft was similar for both activities. There was a constant need for evasion, deception and ambushing as the terrorists employed their smuggler acquired skills.

The arsenal included

An RPG rocket launcher, two anti-aircraft machine guns, 24 Kalashnikov AKM assault rifles, one Heckler and Koch rifle, one Jagor rifle, pistols. Seventy bomb timers, 30,000 rounds of ammunition — 12,000 of which were anti-aircraft rounds, handguns, 315 detonators, walkie-talkies, sea searcher magnets used to attach bombs to target cars, a Mark 16 mortar and mortar tube, 4 General Purpose machine guns, 850

Grammes of Semtex explosive. One bit of exotica was a military grade flamethrower of little use in guerrilla warfare. The find was part of a Libyan consignment of firearms and explosives. Several follow-up searches were conducted, and quantities of ammunition were recovered hidden in sealed barrels hidden in remote scrubland.

Operation LIR had been run in County Westmeath in February which uncovered a range of arms including barrels for heavy machineguns, and ammunition.

The Athboy find was in addition to the earlier operation commenced in 1990 in the Munster area, called Operation Silo. This operation also recovered a large quantity of munitions in bunkers. These included 51 Romanian AKM assault rifles; a Soviet-made 12.7mm DSHKM heavy machine gun which has an effective range of 2,000 metres with armour piercing bullets.

The overall context for these discoveries was the large quantities of munitions which had been smuggled into the country from Libya. It was estimated that Libya supplied an armoury of 134 tonnes between 1985 and 1986. These shipments gave the Provisional IRA access to modern weapons, nearly 1,300-Kalashnikov rifles, four tons of powerful Semtex explosive, and more than 80 Belgian general purpose machine guns. The previous finds included 12 rifles and Semtex in Portmarnock, 5 GPMGs and 100 Kalashnikovs in Five Fingers Strand in Donegal, 100 similar rifles in three dumps in Sligo and Roscommon. A further major arm find was made in Clonaslee, County Laois on 21 June 1996. This was in the aftermath of the murder of Detective Garda Jerry McCabe by the Provisional IRA in Adare two weeks previously. This was a typical Provisional IRA bunker with guns, explosives, including a heavy machine gun. A few years previously I organised a search operation, Operation Green, in that area without success. We knew that the material was in the locality, but the exact spot was not discovered until after the Jerry McCabe murder.

Serendipity – Widow Scallan’s – 1994

One makes the point repeatedly that context is very important when evaluating key events and recognising that chance plays a major part in the eventual outcome. So it was on the 21 May 1994 when loyalist gunmen tried to bomb the Widow Scallan’s pub in Dublin. This resulted in the shooting dead of Martin Doherty, a doorman and the placing of a holdall loaded with explosives. This bomb failed to explode when the detonator fired but failed to initiate the bomb. The attackers escaped in a gold-coloured car which was later found abandoned in the North Strand in Dublin. The UVF claimed responsibility for the attack. It is now well known that there had been continuous contact behind the scenes involving politicians north, south and east for many years with the objective of weaning the men of violence from their campaign. This involved an internal dynamic in the Provisional IRA where it was by no means certain that cease-fire proposals would bear fruit. There were over two hundred people in the pub, some drinking in the downstairs bar, but most were packed into an IRA support event in the upstairs function room. This event had been advertised in *An Phoblacht* so it was widely known what was taking place. Had the bomb exploded there would have been massive casualties and it is certain that the Provisional IRA cease-fire which came into place on the 31 August 1994 would not have been possible. Garda Catherine Bartley and some colleagues were on the scene as the detonator misfired in the bag. They came that close to being obliterated and many more people with them. It transpired that there were 18 lbs of explosives in the bomb. It has hard not to pose the contextual question as to who would have benefitted from this attempted atrocity. Clearly it would have scuppered the embryonic cease-fire, and the conflict in the north would have been put back years. Loyalists were certainly opposed to the Provisional IRA’s acceptance as partners in peace and no doubt security elements would have been of a similar mind.

New Minister – Commissioner unimpressed

Maire Geoghegan Quinn was appointed Minister for Justice in January 1993 in succession to the flamboyant Padraig Flynn. Paddy Culligan had been in office from January 1991. He was a man who had a singular view on his role and the distance that he wished to maintain from the minister and politicians generally. He famously refused to attend a joint Dáil Committee in 1995. He considered that his appearance could have a detrimental effect on the power of his office. It is tempting to speculate that some of his successors might have wished that they had declined the many requests for their attendance. Self-evidently any police chief should be capable of engaging with the democratic process in a constructive way.

I was the Divisional Officer in Portlaoise in 1993 and I was to get an insight into their relationship. Much has been said and written about the relationship between Politics and Policing and more pointedly between Government and policing. It was an open secret that, Maire Geoghegan Quinn (MGQ) and the Garda Commissioner Paddy Culligan were scarcely on speaking terms. MGQ had barnstormed her way into a commissioner's conference in Templemore without a by-your-leave. The commissioner wanted to set up a Divisional HQ in Fermoy and MGQ wanted to move a superintendent's office to Salthill in her backyard. Eventually both moves were made, but Fermoy came a distant second to the superintendent's office move to Salthill. We were told on the grapevine that MGQ was undertaking full formal inspections of garda divisions. Now in the range of garda reporting there was no precedent for this kind of inspection. I rang the commissioner's office and asked what my instructions were when it came to my turn. I spoke to the commissioner's private secretary and asked if he could help me. He was normally extremely informed on the issues of the day. Clearly this was a solo run by MGQ and the commissioner could not intercept her. I rang Tony Mulligan, my colleague in Naas. He had entertained the good lady for a visit to his division. He was in the same boat as me, with the same lack of direction. Friday 1 October 1993 was set for her visit, but sad

circumstances intervened.

A colleague, Garda Patrick Kelliher, Portlaoise who had been battling a serious illness died. His funeral was set for the same day as the ministerial visit. The minister said she would come to the funeral mass where full honours were being rendered. The mass was followed by the interment in a local cemetery. We formed a marching party in tribute. We returned to the station and prepared for MGQ's visit which now was taking place in the afternoon. I had arranged to hold a divisional conference with the superintendents from the districts attending, so that we could brief the minister as appropriate. A uniform guard of honour was arranged in the station yard, and she arrived on cue. She was accompanied by officials including Noel Waters, who went on to become a reluctant Secretary General of the Department of Justice years later. She inspected the guard of honour. We adjourned to a conference room for a slightly surreal meeting. This was followed by the inevitable tea and goodies with the station party. A short time later I attended a social event in Tullamore with my wife and the formidable MGQ was present. There was a revealing moment when she described herself as "My Boss" to my wife and wondered what I thought of her. Clearly, she was one minister who believed in the primacy of politics over all else. In the nature of things, she was soon to move on and left little legacy in her wake. In fairness she was a lively interesting provocative person and good company. Some other senior officers were quite taken by her and enjoyed her repartee.

Cease Fires August 1994, July 1997

I was the Divisional Officer in Dundalk in 1994 when the Provisional IRA cease-fire was announced on the 31 August. The murder of postman Frank Kerr in Newry followed the announcement of the PIRA cease-fire. He was killed during a robbery which pointed to the fragility of the cease-fire announcement. The robbery took place at the Royal Mail centre in the town on the 10 November 1994. I was at Aiken Barracks Dundalk when the news came through. Frank Kerr had been abducted by the PIRA

previously and held for four days before being released. He was a most unfortunate man, another casualty of the “war” without mercy. Contact was made immediately with the RUC, and it was learned that two men had been arrested not far from the scene. The identity of another suspect living in our area was also established. Instructions were issued for his location as a matter of urgency. This alert lasted for some time, but he did not return to his address in the South. We cooperated unreservedly with the RUC in their investigation and had we the opportunity we would have arrested the individual sought. It seemed that the Provisional IRA could be quite Jesuitical in their choice of language because a cease-fire of military operations didn’t necessarily mean a cessation of armed robberies. The cease-fire lasted until 9 February 1996 when a massive lorry bomb was exploded in the centre of London, killing two people and injuring others with massive damage in the London Dockland area. On the 19 July 1997 the Provisional IRA announced a new cease-fire which was ultimately to be a key factor in the Good Friday Agreement (GFA) announced on 10 April 1998. The GFA also provided a catalyst for the formation of dissident republican groupings, the Real IRA and the Continuity IRA.

New Minister, Nora Owen Fine Gael (December 1994 – June 1997)

Nora Owen became minister in December 1994 and her term in office was a very significant one. She was in her post when there were significant industrial relations difficulties within the GRA. A group had also broken away from the GRA to form the Garda Federation. This schism was far removed from the emollient role played by Jack Marrinan during his long tenure as general secretary. In dynamic terms there were far too many members on the National Executive which by default generated a divisive mentality. At one stage the minister threatened to disestablish the GRA. She was in power when a decision was made to regionalise the force in 1975. This was a decision taken without research, costings, or impact study. It was ostensibly a response to several serious crimes which had been perpetrated and found the force allegedly

challenged in terms of response. These were the brutal murders of Imelda Riney, her son Liam and Father Joseph Walsh in 1994. They were killed between 28 April and 8 May by Brendan O'Donnell. He had rampaged through the north Clare, south Galway area. There was no denying the brutality of these crimes but the decision to redraw and enlarge garda boundaries has no logistical logic to it.

Detective Garda Jerry McCabe and Detective Garda Ben O'Sullivan

Detective Garda Jerry McCabe was brutally shot by a Provisional IRA gang on 7 June 1996 in Adare. His colleague Detective Garda Ben O'Sullivan was seriously wounded. On the 26 June the journalist Veronica Guerin was murdered in broad daylight in Dublin.

Both these events were attacks on the security of the state, in the first instance committed by the Provisional IRA and in the case of Veronica Guerin by a criminal drugs gang. The ultimate irony was that Veronica was writing coherently and critically on the murder of Jerry McCabe in the short period of time between his killing and her own murder. Ben O'Sullivan was wounded eleven times and his friend Jerry McCabe was shot three times and died instantly.

On the morning of 7 June 1996, both detective gardaí reported to their station in Limerick and in Ben's own words¹³⁶.

Yes, the 7 June '96. We left Henry Street. Went to the post office and met Willie Jackson who was driving the truck and proceeded to Adare arriving at Lamp and Lodge about around ten to 7. I remember clearly a mist started to fall. A mist, a weather mist, a bigger mist fell shortly after. But a mist started to fall, and I put on the wipers. From what I can remember, from what I know now the wipers were still on after we were shot. So, it was the month of June. We had pulled up outside the post office. I pulled

¹³⁶ Oral History Interview conducted October 2021 by the GSRMA

up about five or six yards behind the post office truck. Just after pulling up, I saw in the mirror, a Pajero Jeep ploughing into the back of us. I shouted, "Oh Jesus, Jerry", and Jerry didn't make an utterance. My right arm was broken with the ramming. They jumped out and jumped forwards past the car I was in. One of them stood, the fella who fired all the shots stood at a ten past two position. I was facing say straight on 12 o'clock. He was from the ten past two position about three to four yards forward of the car. He opened up and fired several bursts. 15 shots were fired altogether. Three hit Jerry, but regrettably Jerry died instantly. I was hit 11 times but if I was hit where Jerry was hit, I'd be gone where Jerry is gone, you know. But that is history now. I suppose I can't say, it is a hard thing to say but I suppose you have to play the cards that are dealt.

Jerry and myself joined Special Branch in November '73. He joined on his birthday actually. He was three months older than I was, not that I'm boasting about that at all because things like that weren't significant when it comes to seeing what happened to us. But he was, he was born in '43, November '43. I was born in February '44. So that's, it's only days, lads, when it comes to a marathon run. But, no, he was in Special Branch with me.

Both men were lifelong friends and colleagues, and their families were very close. They were doing a routine duty escorting a Post Office van on a delivery to the Post Office in Adare, County Limerick. It was routine but also deadly. A Provisional IRA gang had been active in the Munster area for some time. Some of the criminals responsible were brought before the Special Criminal Court in 1999. The four who pleaded guilty to the **manslaughter** (of Detective Garda Jerry McCabe) were Pearse McAuley (34), from Strabane, Co Tyrone, and three County Limerick men, Jeremiah Sheehy (38), of Abbey Park, Rathkeale; Michael O'Neill (47), of Lisheen Park, Patrickswell; and Kevin Walsh (42), also of Lisheen Park, Patrickswell. They also pleaded guilty to maliciously wounding Det Garda Ben O'Sullivan and to possession of firearms with intent to commit a robbery in Adare on June 7, 1996. Not before the court were Paul Damery from Cobh and Gerry Roche from Shannon. They had

been part of the murder gang but had fled the country no doubt with assistance from the Provisional IRA. McAuley and Walsh were each jailed for 14 years, Sheehy for 12 years and O'Neill for 11 years for the manslaughter of Det Garda McCabe. All four were also each jailed for five years for maliciously wounding Detective Garda Ben O'Sullivan. A fifth man, John Quinn, was jailed for six years for conspiracy. The judge said that Sheehy, O'Neill and McAuley had expressed regret for the death of Detective Garda McCabe, but Walsh expressed no such regret. Kevin Walsh was believed to be the man who fired the fatal shots. He and Sheehy had previous convictions for armed robbery. McAuley had firearms convictions and he was wanted in Britain for a jail break from Brixton Prison. Pearse McAuley had been freed by the government during the previous cease-fire.

The Provisional IRA and Sinn Féin had operated a rolling strategy of talking and bombing (in Britain, London Docklands 1996, 9 February 1996, and Manchester 15 June 1996). The on/off ceasefires were part of that strategy. The Provisional IRA initially denied the Adare killing and eventually migrated to accepting that the operation had been executed locally by their members but without overall sanction. This position finally migrated to fully accepting the killers and politically lobbying for their release under the terms of the Good Friday Agreement (GFA). There was widespread anger at suggestions that the killers would get early release and this campaign was publicly fostered by Ann McCabe, Jerry's widow. She continually challenged the Sinn Féin narrative even down-facing Gerry Adams in America.

Murder, Manslaughter, and Intimidation

There was widespread anger in the garda ranks at the downgrading of the murder charge to one of manslaughter. Taoiseach Bertie Ahern said that it was murder, and he scotched any suggestion that the men would benefit under the GFA. On the same day as the sentencing the Provisional IRA were well prepared, Martin McGuinness and Martin Ferris were both proclaiming that the men would qualify for early release. The campaign

for early release was to continue for several years but was unsuccessful. There was disquiet at their benign imprisonment in Castlerea Prison, in bungalows within the grounds and with special privileges not afforded to other prisoners. They could order takeaway food, and visits from their old comrades, as in Sinn Féin TDs, were common. The murder charge was negated by the fact that key witnesses were intimidated from giving evidence and on the evidence available to the court these men would have walked free. Key evidence was due to be tendered in court when the plea bargaining was announced. It is widely believed that this evidence would have serious implications for senior members of Sinn Féin who had been in touch with the accused prior to their arrest. The dichotomy was that the killers would have walked on the murder charge, so why did they plead on the lesser charge of manslaughter? There are strong reasons to believe that a deal was done and that the men took directions from Sinn Féin to make the plea so that Sinn Féin's political ambitions would be realised in the GFA. The unanswered question is to what degree did politicians in Dublin agree to this accommodation. The key evidence which would have copper-fastened the murder charge would have been given by farmer Patrick Harty, a farmer from Toomevara. It was alleged that the fugitives had gone to his farm following the murder. He refused to give evidence and was jailed for contempt of court, but he was deemed purged of his contempt on the same day as the killers were convicted. The Sinn Féin connection with the killers was maintained and Martin Ferris collected McAuley and Walsh from Castlerea Prison on their release in August 2009. McAuley was subsequently jailed for 12 years for stabbing his wife 13 times in December 2014. He had been given temporary release from prison in 2003 to marry Pauline Tully.

The real victims were the families of Jerry McCabe and Ben O'Sullivan, and fine words do little to assuage their grief, but sometimes fine words are all one has and hopefully the courage to use them. Ben was very seriously wounded, and he recalls his subsequent fight for survival.

There were several suggestions, I know it was murder. I have no doubt whatever it was murder. But the people of Ireland did not have the proof that it was murder or manslaughter. The perpetrators of that crime told the people of Ireland and myself that they were the guilty party involved, and they pleaded guilty. That is enough to satisfy my curiosity rather than to hear maybe that the wrong people were in the dock. They told the people of Ireland the right people were there.

I was, yes, yes. The Regional initially, and from that to Croom. I was in Croom then for five days and I was transferred from Croom Airport in the army helicopter to Belfast city, Belfast. And thanks to Mick Fitzgerald¹³⁷, my chief at the time, and his good wife - but for them I don't know would I be as good today as I am.

Because the first thing I was told, and I'm not criticising anybody in this. I thank everybody in the medical world that looked after me. But I was told after going to Belfast that I had no choice but to heal by scavenging¹³⁸. Now scavenging meant discarding every stitch that was there and be packed with -- that, which is flesh promotor as far as I know, and to be withdrawn daily if I had no problem with scarring. Now the scars are there but the scars are not affecting me. But Mr Craig as my surgeon in Belfast, was a wonderful man. The rest is history, lads. I came back from Belfast the 27th I think. I think it was the 27th. I was, I was three stone lighter but anyway.

Ben mentioned the role of Chief Superintendent Michael Fitzgerald, his divisional officer and his wife Margaret in a positive way. They were very instrumental in Ben being transferred to Belfast for special treatment for his wounds. Margaret was a nurse with specialist knowledge and for the abundance of caution it was decided that Ben should be brought to the City Hospital in Belfast where there was immense experience in dealing with gunshot wounds. Michael used his contact with RUC officer Superintendent Billy Browne to see if specialist

¹³⁷ Chief Superintendent Michael Fitzgerald and his wife Margaret.

¹³⁸ Also known as debridement – the process of removing the infected tissue.

gunshot treatment could be provided. Help was offered spontaneously and then it was a matter of getting the patient to Belfast as quickly and as safely as possible. Michael Fitzgerald spoke to Michael Noonan, who was then the Minister for Health, and asked his assistance in getting the services of a defence Force helicopter to provide the necessary transport. Ben O'Sullivan had provided armed protection for Mr. Noonan when he was Minister for Justice. The minister was as good as his word and the helicopter was provided. Members from the garda welfare service were very supportive throughout his long ordeal. Ben made a very good recovery, but he carried the bullet fragments for the rest of his life. Unfortunately, and with great regret we learned that Ben had passed away rather suddenly on the 25 February 2022. His funeral obsequies were attended by many people from different walks of life as well as hundreds of his retired colleagues and serving Gardaí. His sacrifice and service did not go unnoticed.

Detective Garda Ben O'Sullivan 15636H was the holder of two Gold Scott medals, awarded for bravery. This is quite unique. It is unusual to have any member awarded a Scott medal for bravery, more unusual to have someone appointed a Gold Scott medal, and it is indeed unique for one to be the holder of two Gold Scott medals.

Murder Veronica Guerin, CAB, Witness Protection, 1996

Journalist Veronica Guerin was shot to death on the 26 June 1996. She was travelling in her distinctive red Opel Calibra sports car from Naas Courthouse to Dublin on the main Dublin-to-Naas Road. She was leaving a phone message for a garda as she stopped at the red lights at Newlands Cross. A motorcycle pulled alongside of her and the pillion passenger fired six shots at her at point-blank range and she died instantly. The time was about 1 pm.

The normal investigative questions applied, motive, opportunity and means and who essentially would benefit from her death. She had been a forensic investigative journalist with an open inquiring and questioning mind and with little regard for her personal safety as she pursued her craft. She had strong personal charisma and she succeeded in getting men in particular to talk to her and reveal information that certainly was not in their own best interest. She numbered many criminals as targets, Gerry Hutch, John Gilligan, John Traynor, Christy Kinahan and many more. In the week before her death, she had been writing forensically on the murder of Detective Garda Jerry McCabe. She also numbered many senior Gardaí in her coterie of sources. She had been shot in the leg previously at her home. She was provided with armed protection which she declined after a time because it interfered with her investigative work. In essence she held a mirror to Irish society and the accumulation of wealth by criminals. She invented a series of pseudonyms when discussing them in the course of her articles. In effect she was doing what “Official Ireland” failed to do which was to anticipate the legal challenges manifesting in the criminal justice system. The Law Reform Commission had long advocated changes to the law to deal with the accumulation of wealth from criminal enterprises.

Personally, I learned that she had a strong ethical character. On one occasion a senior garda was the subject of scurrilous rumours emanating from rivals within the force. She had been fed this story as

being factual and when she did her due diligence, she discovered that it was a concoction of lies. She wrote to the commissioner repudiating the lies and inviting him to correct the injustice.

There was enormous public revulsion at her murder and political action was called for to ensure a strengthening of the Criminal Justice System. The intention was to provide the Garda Síochána, other state agencies and the Courts with a long overdue raft of measures to deal with the activities of organised criminals. Accordingly, the Taoiseach informed the Dáil on the 25 July 1996;

Today's debate is about more than passing six tough anti-crime Bills in one day. It is the culmination of the most concentrated month's work on one topic — crime — by all arms of Government in recent times. The result of that work will mean that we will have 600 more garda on our streets. It will mean hundreds more prison spaces, more criminals being caught and more criminals serving longer sentences. It will mean more judges in our courts, working with better back-up, and less delay in hearing criminal cases. It will mean criminals no longer being able to stash away the proceeds of their crimes for the rainy day, but these ill-gotten assets being pursued, identified and confiscated wherever they are hidden, at home or abroad. It will mean the mobilisation of the best brains from the public and private sectors and from abroad to help modernise our police force, and it will mean an opportunity for people themselves to decide, in a referendum, if they want to restrict the right to bail in our courts. In short, every area of the criminal justice system is being modernised with vigour and determination. We want law enforcement authorities that are so sophisticated technologically, and so focused and motivated organisationally, that they can outmanoeuvre and eliminate the small number of sophisticated criminal gangs operating here with the aid of their international criminal associates. The problem, however, goes beyond the criminal justice system itself. What sort of Irish society are we trying to build? We want a society in which everyone is willing to play his or her part courageously in the battle against crime. We want people who will give information freely to the garda, who will take the witness stand

and who will play their part in bringing back pride, beauty and security to neighbourhoods now blighted by graffiti, drug pushing and fear. We want a public that is honest enough with itself to recognise that there would be no drug pushers, no drug barons and no drug cartels if there were no drug users. The money casually used to buy an "E" tablet, can end up being used to finance a contract killing. We want to change the direction of peer pressure on young people. Instead of their peers urging them to seek oblivion in drug use, we want the peer pressure on Irish young people to work against drugs. Peer pressure, even more than law enforcement and formal education, will turn the tide against the drug barons. The battle against drugs is a battle for public opinion, and it is a battle that is only beginning today. We must have honesty in the political debate too. Better law enforcement costs money. Every new law requires new staff to implement it. That means less money for tax cuts. Wherever there is a priority, something else must take second place.

Criminal Justice (Drug Trafficking) Bill, 1996 ¹³⁹

Criminal Justice (Miscellaneous Provisions) Bill, 1996

Disclosure of Certain Information for Taxation and Other Purposes Bill, 1996

Criminal Assets Bureau Bill, 1996

Proceeds of Crime Bill, 1996

Courts Bill, 1996

He went on to state that;

Work on the strategic management initiative review¹⁴⁰ of the Garda has commenced. Mr. Tony Barry, Chairman of CRH, who has already presided over an efficiency audit of the Army, is chairing the review group looking into the Garda. He is assisted by distinguished and experienced people

¹³⁹ *The bills duly passed into Law and the acid test would be operational effectiveness of the measures.*

¹⁴⁰ *Referred to generally as the SMI Review, this made little practical difference and the increased resources proposals are standard Department of Justice playbook response, which took little account of retirements or other demographical factors. Twenty-five years on this playbook is still being used.*

from the public and private sector including the recently retired Deputy Commissioner of the New York Police Department, Mr. John Timoney. The review will be completed before the end of the year and the Government will take whatever action to reorganise the Garda arising out of the review. The Garda have served this country well since the foundation of the State and will serve the country as well in the next century. There are proposals for other action in other areas of the Garda. On 2 July, the Minister for Justice announced and accelerated additional recruitment of 400 new garda. The first intake of 70 of this extra 400 will begin training in Templemore on 29 July, less than four weeks after the Minister's announcement. The Minister for Justice also announced the recruitment of 200 civilians to enable an equivalent number of garda to be released from clerical and administrative type duties to fight crime on the streets. In all, over 600 garda will be released to fight crime by the decisions the Government has taken in the past month.

John Gilligan and his criminal associates were the early suspects for the murder of Veronica Guerin. Gilligan left Ireland the day before she was murdered. He was arrested 12 months later in the United Kingdom trying to board a flight for Amsterdam after a search of his baggage revealed thousands in cash. He was charged with money laundering. After a three-year legal battle, he was extradited to Ireland on 3 February 2000. He was subsequently tried and acquitted of Veronica Guerin's murder. He did not go free, and he was later convicted of importing 20 tonnes of cannabis and sentenced to 28 years in prison which was reduced to 20 years on appeal. The Criminal Assets Bureau (CAB) pursued his assets relentlessly, but it was a long and difficult road. It was not until 2012 that a judgment was registered against him and even then, he was still disputing the seizure of house property. In March 2014 he was shot and seriously wounded in Dublin and his bodyguard, Dougie Moran, was shot dead later that month. In 2018 he was arrested in Northern Ireland and charged with attempting to remove stolen property from the jurisdiction. He was to be arrested yet again in Spain in 2020, charged with drugs and gun offences.

Gilligan's significant criminal associates were Patrick Holland¹⁴¹, Paul Ward¹⁴², Brian Meehan¹⁴³, Charlie Bowden¹⁴⁴, Russell Warren¹⁴⁵ and John Dunne¹⁴⁶. The investigation was led by Assistant Commissioner Tony Hickey with a dedicated staff, and close to 200 arrests were made with seizure of guns and money. The Gilligan operation was totally disrupted as was the activities of other major criminals. However, such progress was not enduring with the regeneration of new criminals in the succeeding decades. The most obvious example being the activities of the Hutch and Kinahan gangs which boiled over in 2016 in the Regency Hotel murder of David Byrne, a Kinahan associate. This led to a vicious feud which continued for several years and is discussed later.

There was to be no perfect conclusion to the murder of Veronica, many criminals were arrested and drugs, guns and money seized but one is left with a profound feeling that justice was never fully achieved despite the trojan work of Assistant Commissioner Tony Hickey and his team. There were strategic changes in the legal armoury of the state, the introduction of the Criminal Asset Bureau (CAB) and the introduction of the Witness Security Programme – Witness Protection. This CAB initiative was empowered by the Proceeds of Crime Act 1996. It was a multi-agency organisation incorporating the Gardaí, Revenue and other specialists. This multi-agency concept became the model copied in other countries. The first Head of CAB was Chief Superintendent Fachtna Murphy, and its Bureau Legal Officer was Barrister/Solicitor Barry Galvin. They became a formidable team, the conservative Murphy, and the gang busters lawyer Galvin. Galvin had proclaimed for years that the country was wide open to drugs importation and the organs of the state were moribund. He succeeded in harnessing the power of Civil Law to mount

¹⁴¹Holland - Suspected but not convicted of the murder of Veronica Guerin, died in prison in the UK.

¹⁴²Ward - Originally convicted of the murder, freed on appeal.

¹⁴³Meehan - Convicted of the murder of Veronica Guerin.

¹⁴⁴Bowden -The armourer for Gilligan, turned states evidence and entered the Witness Protection Programme.

¹⁴⁵Warren - Turned state's evidence and entered the Witness Protection Programme, Tracked Veronica Guerin on the day of her murder and phoned her killers.

¹⁴⁶Dunne -Turned state's evidence and entered the Witness Protection Programme, handled drug shipments through the ports.

multi-pronged attacks on Criminal Organisations. He was not popular with the Department of Justice who were deeply suspicious of his flamboyant approach but together with Murphy they paved a new world of law enforcement.

There is a context and historical background to witness protection. Many civilized countries operate witness protection programmes. In historical terms the murder of Judge Giovanni Falcone in Italy in 1992 by the Italian Mafia, created a state response to the protection of witnesses and the prosecution of organised criminals. In the United States the prosecution of Mafia gangs had long been facilitated by a witness protection programme. Similarly, the United Kingdom has operated a programme for many years.

Continuing criminal activity in Ireland underlined the need for this programme. There have been many gangland killings where the evidence of vulnerable witnesses provided the only evidential link to the perpetrators. In 1997 the Garda Síochána gave effect to the commencement of a Witness Security Programme. Witness protection was an obvious necessity because of intimidation and violence towards potential witnesses. This phenomenon existed for decades but a new dimension was presented by the Gilligan gang. It was self-evident that some would leave his sinking ship and would be prepared to give evidence against him. This presented a dilemma on assessing the credibility of criminals turned witnesses. The second dimension which could be easily forgotten was all these people had families who would become protected persons. The obvious fact was that vital witnesses and dependants could not be protected indefinitely in Ireland and this raised the urgent need to negotiate relocation for them to other countries. The obverse side of these agreements was that agreeable countries would also request reciprocal arrangements for their protected witnesses.

The technical and legal structures adopted can be best characterised as those based on a “best endeavours” approach. There are no legal structures, there is no enabling legislation and that is a major

deficiency. Those charged with administering the ad hoc system argued strongly against this concept. Their reservations were based on the potential for avoidable ambiguity which could undermine the effectiveness of the programme, and ultimately seriously damage the ability of the state to combat organised crime. Nevertheless, through the exercise of due diligence and cooperation with international partners very robust systems were developed which protected the integrity of the programme. The regrettable weakness is that these excellent processes and procedures were not protected by legislation. This weakness often led to internal arguments regarding short termism and the desire to have momentary gains at the expense of the programmes longevity and sustainability. Despite these teething problems considerable success was achieved in maintaining the integrity of the programme and securing court convictions and preserving the lives of the protected.

New Commissioner – The Byrne Years

Deputy Commissioner Pat Byrne was appointed commissioner in July 1996 by the coalition government of Fine Gael, Labour and Democratic Left. Nora Owen was the Minister for Justice. Pat Byrne was to serve until 2003. He had one serious rival for the appointment, Deputy Commissioner PJ Moran. He was a much more cerebral individual. He was academically qualified and had a good grasp of handling the Department of Justice. He did have a very high operational profile and Pat Byrne had significant experience in security and intelligence. Paradoxically he had little experience of uniform operational policing and that was a disadvantage.

The government was to remain in place until June of 1997 and was to be replaced by Fianna Fáil (FF) and the Progressive Democrats (PD). John O'Donoghue then became the Minister for Justice. This government served until 2002 when FF was again returned to power with the PDs. This time the new Minister for Justice was the ubiquitous Michael McDowell who was to serve in that position until 2007. There was one

strong constant in terms of the permanent government. Tim Dalton was the Secretary General of the Department of Justice from 1994 to 2003 and was easily the most influential figure in garda matters over that time. He also continued to be a figure of influence long after his official retirement and was appointed to the Commission on the Future of Policing in 2017. Most politicians are in government for a short time and their scope for genuine reform is limited. This effectively means that the permanent government, the civil service, exercise major power over policing and security practice. Indeed in 2005 that power was placed on a legislative basis requiring the commissioner to report to the secretary general on behalf of the minister for justice.

Public Relations

Pat Byrne acquired perhaps unfortunately the sobriquet, 'PR Pat' because of his media exposure and his willingness to take the photo opportunity. He developed the habit of referring to Gardaí as "my people", which was greatly resented by some of "his people". No doubt there was an element of jealousy from the critics. He looked young and energetic in uniform and was the youngest commissioner since Eoin O'Duffy. Obviously, his substance would be tested sooner than he expected because of internal industrial relations difficulties. There had been a major rift in the Garda Representative Association which had led to a temporary breakaway by a group which became known as the Garda Federation. There was ongoing disgruntlement with pay and conditions which was to prove a deadly catalyst for an outbreak of 'Blue Flu'. Speak about giving hostages to fortune. Within a couple of weeks most of his people went on strike. These were the infamous 'Blue Flu' days. The first garda strike occurred on the 1 May 1998, and the second a month later. His mantra seemed to have been that this was an industrial relations matter and therefore not of concern to the commissioner. He did not seem to grasp the point that when "his people went sick, they mutinied on his watch, and it had everything to do with him and us". His power

was undermined, and the reputation of the force was tarnished badly, perhaps irreversibly.

On that day other members of the Garda Síochána were serving the public in dramatic fashion, near Ashford in Wicklow. Six members of an armed subversive group attempted to rob a Securicor Van at gun point. They were apprehended by members of the Emergency Response Unit (ERU). One of the raiders, Ronan McLouglin, was shot dead at the scene. The PIRA was on ceasefire at least officially but there were obvious connections between these criminals.

The next episode of 'Blue Flu' descended again without warning on the morning of Saturday June 13. It came as a surprise to everyone on the official side and to most of the members of the GRA. It also came as a surprise to key executive members of the GRA. The decision was taken in the early hours of Thursday morning by a small group of GRA top officials allegedly in an alcohol-infused state. The commissioner was in Cyprus visiting the UN contingent. He was caught flat-footed as well as everybody else, clearly his people were not responding to the helm. This time most Gardaí downed tools. There was no response from official Ireland other than to hasten to the negotiation table the following week and concede the GRA's demands. One may ponder what was the real price of this settlement. It is arguable that it had a profound negative effect on discipline which was to manifest itself over the succeeding years. In 2016 the spectre of another 'Blue Flu' was brought to the eleventh hour before a settlement was cobbled together. Objectively state security and the policing organisation cannot function efficiently with the sword of Damocles hanging over it. I have no doubt, that there was, and is, blame attached to all sides because of a failure to process legitimate demands and a failure to recognise the significance of a 'Blue Flu'. The commissioner's authority was well and truly diminished. That fact became an enduring legacy.

Full Agenda

On his appointment as commissioner, he inherited a full agenda. Detective Jerry McCabe had been murdered by the Provisional IRA during an attempted armed robbery of a post office van in Adare, County Limerick, on the 7 June 1996. Veronica Guerin had been murdered by the Gilligan gang on the 26 June. The unintended consequence of these crimes was that the new man had a fair wind to his back in terms of political and public support. The question for him was how was he going to use this advantage? Naturally he was interested in consolidating his own power within the organisation.

He was appointed on the condition that he would fully implement the findings of the Strategic Management Initiative (SMI Review). The review dragged on for years with no discernible benefits accruing. The commissioner became the accounting officer for the force, formerly it had been the Secretary General of the of Justice. This appointment changed nothing in practical terms because the commissioner still had to conduct budget negotiations through Justice with the additional workload of accounting for every penny spent. He was also appointed for a unique term of seven years in office. This was a strategic mistake in that it concentrated too much internal power in the hands of one person for far too long. In effect he was able to set in place his own succession line, and of course to advance the careers of many loyal supporters. The FBI played a significant part in the selection of Pat Byrne and other future garda leaders. They offered places internationally to law enforcement officers to attend in Quantico for an executive course. Nobody failed on these courses, the FBI were building an international network of friendly faces for future reference.

Even the most vociferous critics would have to concede that the business of leading and managing the Garda Síochána is an enormous task and strongly influenced by daily events. These events are often highly charged, politically sensitive and attract serious media interest. There is pressure to disregard the strategic approach and to lead

instinctively and transactionally. This made it difficult for ordinary officers to speak “truth to power”, and the safe response was to find out what the “Boss Wants” and deliver it uncritically to the leader. This creeping sycophancy became more pronounced as the commissioner continued in office. Eventually only agreeing voices were listened to and it became exceedingly difficult to introduce unfavourable topics.

The Honeymoon

Commissioner Byrne enjoyed a honeymoon period as he settled into his new role. He introduced initiatives which were progressive with just a hint of vanity. The establishment of the Criminal Assets Bureau, Air Support Unit, the Mounted Unit and the GATSO automated speed detection van all commenced. In his first report¹⁴⁷ to the Minister for 1996 he recounted that regionalisation had been introduced but he did not indicate the likely benefits of this change. It was as if the change itself was good news. There was a heavy reliance on the “good news” slant inherent in the crime figures and general reporting.

Peace Dividend – Operation Lifesaver

Operation Lifesaver was launched in 1997. It set out a structured template for road safety enforcement with the primary aim of preventing road death and injuries. More than 20,000 people were killed on Irish roads during the period of the troubles. The roads death toll in 1997 was 472 and the figure for 2021 was 136. This is the lowest figure recorded historically. The initial success was based on an automated enforcement model, coupled with strong legal provisions and integration of processes using Information technology with a direct online connection to the Courts system. In plain speak, all key elements were synchronised to provide for mass detection of offences. This was not an overnight success but slowly and progressively the figures began to decrease. I was lucky to play a key

¹⁴⁷ <https://www.garda.ie/en/Information-Centre/Annual-Reports/>

part in this initiative. I directed a small team in identifying key elements of this model. The biggest challenge was selling this totally novel concept to authority and achieving commitments for funding. The primary reference model was based on the experience in Victoria, Australia. The key technical weapon was the GATSO speed-detection van. It had the ability to undertake speed surveys and seat belt surveys and the ability to make automated speed detections in all-weather day and night. There was no way that individual Gardaí using single “shot” detection devices could match the detection capacity of this equipment. These units could be deployed on a flexible needs basis by the garda authorities, to crash hotspots anywhere in the country. Indeed, within a short time, different garda divisions were clamouring to have a GATSO unit allocated temporarily to their areas. Many years later when privatised cameras were introduced, they came with a mind-boggling list of do’s and don’ts operationally and were totally inflexible. Similarly, some “experts” were to contend that Gardaí would not have the ability to keep up with innovation in the detection field which of course was totally wrong. This overall opportunity was due in no small part to a peace dividend which freed resources which might otherwise be engaged.

The circumstances which gave rise to the establishment of the Judge Morris Tribunal in 2002 inquiring into major irregularities were bubbling beneath the surface in the Donegal Division.

Dark Clouds

There was overwhelming national and international support for the Good Friday Agreement. This joy was not shared by dissident republican elements and that was to lead to awful bombing outrages. The Provisional IRA had posed the single biggest threat to the security and integrity of the State for nearly thirty years. Their rubicon was the Good Friday Agreement and the obvious question related to their ability and intent to eschew violence from that point on. This road was to be long

and torturous with many hurdles to be overcome. The immediate challenge was the parting of the ways within that movement, and the emergence of the Real IRA and the Continuity IRA and their determination to continue down the violent path with the primary objective to derail to GFA by violent means.

Sergeant Andy Callanan 21 July 1999

Sgt. Andy (A.J.) Callanan was stationed in Tallaght station and in the early hours of Wednesday morning 21 July 1999 a terrible attack took place. He was finishing his last tour of duty at that station before he moved to the Computer Section. Daniel O'Toole entered the station foyer with two containers of petrol. He began pouring the petrol on the counter. Sergeant Callanan grabbed a fire extinguisher which was to no avail. O'Toole ignited the petrol with a flare causing a flash explosion which engulfed Sergeant Callanan who received fatal burn injuries. Andy was 37 years old, married to Yvonne with three young children.

The assailant was also burned in the attack, but he escaped the scene in a car and eventually went to hospital for treatment. On the 13 November 2001 O'Toole was convicted of manslaughter and sentenced to 15 years imprisonment. He had originally been charged with capital murder which would have carried 40 years in prison. The detail of his actions was unmistakable. During the seven-day trial the jury heard that O'Toole walked into Tallaght Garda Station in the early hours of July 21, 1999, carrying two five-litre canisters of petrol and two flares. He lit the flares and poured the contents of one of the canisters over the counter.

The awful random nature of the attack points to the ever-present danger to police officers as they walk in harm's way.

POLICING THE 2000s Decommissioning and Legacy

POWER STRUCTURE

Ministers for Justice	Actions	Taoiseach
John O'Donoghue 1997 – 2002 FF	- Barron Investigation commenced 2000 Bombings. - Morris Tribunal 2002	Ahern FF
Michael McDowell 2002 – 2007 PF	- Smithwick Tribunal 2005 - Garda Act 2005 - GSOC 2007 - Garda Inspectorate 2006	Ahern
Brian Lenihan Jnr 2007 – 2008 FF	O'Brien Report from GSOC	Ahern
Dermot Ahern 2008 – 2011 <i>Brendan Smith</i>		Cowen FF 2008 - 2011
Alan Shatter 2011 – 2014 FG		Kenny -2017
Frances Fitzgerald 2014 - 2017		Varadkar 2017 - 2020
Charlie Flanagan 2017 -		Varadkar 2017 – 2020 Confidence and Supply
Helen McEntee 2020 FG		Martin FF Coalition

Commissioner	Served
Pat Byrne	1996 - 2003
Noel Conroy	2003 - 2007
Facthna Murphy	2007 - 2010
Martin Callinan	2010 - 2014
Noirin O'Sullivan	2014 - 2017
Donal O'Cualáin	2017 – 2018 Acting
Drew Harris	2018
POLICING AUTHORITY 2015¹⁴⁸	Policing Only – No Security responsibility

Secretaries General Department of Justice –Tim Dalton 1993 – 2003, Sean Aylward 2003 – 2010, Brian Furlong 2010 – 2014, Noel Waters 2014 -2017 (Originally Acting), Aidan O'Driscoll 2017 – 2020, Oonagh McPhilips 2020 –

Subversive Threat Recedes

The old playbook of securing the Irish State from the subversive internal threat had fundamentally changed or was about to change. This was replaced by arms decommissioning and political engagement. Legacy issues both North and South gained prominence.

Decommissioning¹⁴⁹ in the context of the Irish Peace Process referred to the hand-over, or verified disposal, of weapons by paramilitary groups. The issue proved to be a stumbling block during the whole process of trying to find a solution to the conflict in Northern Ireland. Unionists consistently demanded that the Irish Republican Army (IRA), and other paramilitary groups, should decommission illegally held weapons. Unionists said it was an essential confidence building measure if they

¹⁴⁸ Due to be disestablished 2022 N.B. No Structural Movement in that Direction yet – Just Proposals

¹⁴⁹ <https://cain.ulster.ac.uk/othelem/chron/ch97.htm#26897>

were to share government with Republicans. Republicans stated that there would be no decommissioning before there was a political settlement to the conflict and that the matter should be dealt with by the Independent International Commission on Decommissioning (IICD) that was established on 26 August 1997.

On Thursday 28 July 2005 the leadership of the IRA issued a statement which formally ordered an end to its armed campaign and instructed all IRA units to dump arms. On Monday 26 September 2005 it was announced by the Independent International Commission on Decommissioning (IICD) that the IRA had completed the decommissioning of all of its arms.

The Provisional IRA had long maintained a strategy of constructive ambiguity to its strategy. The Northern Bank Robbery on the 20 December 2004 had netted £26.5 million pounds for the Provisional IRA. This robbery in Belfast was seen as a retirement package for the Provisional IRA. Their leaders strenuously denied involvement as was their typical response.

Both governments agreed institutional and procedural steps to ensure that the decommissioning process was valid and sustainable. These steps are listed below. The aim also was that political steps would mirror the decommissioning of arms by all illegal organisations, north and south.

Independent International Commission on Decommissioning (IICD)¹⁵⁰

The Decommissioning Act, 1997 in the Republic of Ireland and the Northern Ireland Arms Decommissioning Act 1997 in the United Kingdom enabled such a body, which was then set up in an agreement between the British and Irish governments on 26 August 1997. The commission was composed of, General (Ret.) John de Chastelain, Chairman, from Canada, Brigadier Tauno Nieminen, from Finland, and Ambassador Donald C. Johnson, from the US, 1997–99, Andrew D. Sens, from the US, 1999–2011. In 2000, Martti Ahtisaari, former President of Finland, and Cyril Ramaphosa, South African political and business leader, were appointed to inspect IRA weapons dumps. They submitted three reports over the next year.

Independent Monitoring Commission¹⁵¹

The IMC was created by the British and Irish governments to fulfil three responsibilities; to monitor and report on the continuing activities of paramilitary groups; to monitor and report at six-monthly intervals on the security normalisation measures taken by the British Government in Northern Ireland and, to consider and report on claims from any party in the Northern Ireland Assembly that a Minister or another party was not committed to democratic means or was not following the correct standards of behaviour. The Commission ceased operations in 2011.

Four commissioners were involved:

- Lord Alderdice former Alliance Party leader; former Speaker of the Northern Ireland Assembly, and current peer in the British House of Lords.
- Joe Brosnan, former Secretary General of the Department of Justice, Republic of Ireland.

¹⁵⁰ Wikipedia

¹⁵¹ Ibid

- John Grieve, former Deputy Assistant Commissioner of the Metropolitan Police and former head of the Metropolitan Police Anti-Terror Branch.
- Dick Kerr, former Deputy Director, Central Intelligence Agency.

Independent Reporting Commission (IRC)¹⁵²

The new Commissioners of the Independent Reporting Commission (IRC) were Professor Monica McWilliams, Solicitor John McBurney, former Irish diplomat Tim O'Connor and former U.S. Special Envoy to Northern Ireland Mitchell Reiss. The new international body was created by the UK and Irish Governments under the 2015 Fresh Start Agreement.

Definition of State Security – Garda Síochána Act 2005

3A. (1) In this Act 'security services', subject to *subsection (2)*, means the functions of the Garda Síochána referred to in *section 7* that are concerned with—

(a) protecting the security of the State including, but not limited to, the following:

(i) preventing, detecting and investigating offences under the Offences against the State Acts 1939 to 1998, the Criminal Law Act 1976, the Criminal Justice (Terrorist Offences) Act 2005 and the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010;

(ii) protecting the State from— (I) espionage,

(II) sabotage,

(III) unlawful acts that subvert or undermine, or are intended to subvert or undermine, parliamentary democracy or the institutions of the State, and

(IV) acts of foreign interference that are, or are intended to be, detrimental to the interests of the State and are clandestine or deceptive or involve a threat to any person,

¹⁵² Ibid

whether directed from, or committed or intended to be committed within, the State or not,

(b) identifying foreign capabilities, intentions or activities within or relating to the State that impact on the international well-being or economic well-being of the State, and

(c) co-operating with authorities in other states and international organisations aimed at preserving international peace, public order and security.

(2) The reference in *subsection (1)* to the functions of the Garda Síochána referred to in *section 7* that are concerned with protecting the security of the State does not include lawful advocacy, protest or dissent by any person.

(3) Where a question or dispute arises as to whether a particular matter relates to policing services or security services, the question or dispute shall be submitted to the Minister for determination.

(4) The determination by the Minister of the question or dispute referred to him or her under *subsection (3)* shall be final.

The Challenge of Change

The normally sure-footed and conservative Department of Justice also became immersed in controversy and lost much of its cohesion in the latter decade 2010–2020.

Minister for Justice Michael McDowell would probably consider that he was a reforming minister, it is probably more correct to say that he was a “change” minister. His 2005 Garda Act set in train many changes. He was responsible for setting up the GSOC and the Garda Inspectorate, all of which seemed laudable at the time. The real test for these initiatives, like in any organisation, was the operational test. Could these organisations function in terms of their capacity and integrity or were they mere ciphers to reform. On a personal level I found it amazing that a culture and attitude developed which espoused the idea that no Gardaí serving or retired possibly have an input in the reform process. This ‘anyone but garda’ mindset accelerated from 2014 onwards.

Northern Irish and British police officers serving and retired were recruited to fill senior positions in the AGS to the exclusion of home talent. A similar process was taken with regard to civilian positions. How had it not occurred that policing and security is a unique national responsibility and where else in the world was there such abdication of national control. Of course, there should be international cooperation and of course there should be the secondment of competent police officers from other jurisdictions. A glaring example of this mindset was exhibited when the Policing Authority was created in 2015. Serving or retired Gardaí were discriminated against regardless of competency or experience. A “céad míle fáilte” was offered to all others. This creation led to bizarre exchanges in open fora with Gardaí. This body was not given responsibility for security matters, mercifully.

Acceptable Police Force

The AGS throughout the troubles maintained a high degree of public acceptability and public confidence. This connection was and is part of the DNA of the organisation. It is based on blood lines and common culture across the range of Irish society. It is also based on a soft policing model or, put another way, policing with a human and caring face. This soft policing creates an atmosphere where it has been possible to exercise hard power in relation to subversives and organised criminals. This model does not and should not excuse poor performance but equally so, its value has not been truly recognised.

Independent Commission on Policing for Northern Ireland 1998

This report is more usually referred to as the Patten Report. It was to change in a fundamental way the manner in which a policing service was delivered to the different communities in Northern Ireland. It led to the disestablishment of the RUC and its replacement by the Police Service of Northern Ireland (PSNI) in 2001. The disestablishment of the RUC was extremely painful for members of the Unionist community and the police force itself. The RUC had suffered greatly

during the Troubles with many officers killed and injured. It was closely identified with the Unionist community and very few Nationalists supported it as an institution. It was obvious that in any rapprochement between communities it simply had to go.

There was an overreach on the southern side where some politicians and academics felt that the AGS should also be “reformed” almost as a gesture of solidarity with changes being made to policing in Northern Ireland. This attitude gained strength and remains a potent force. This position failed to understand the basic differences between both forces and the communities which they served, in terms of community support and approval. There were few commonalities between a national acceptable police force (AGS), and a provincial police force (RUC) which had been thoroughly identified with the Unionist ethos and subject to a vicious guerrilla campaign.

Legacy Issues

The legacy of the past is littered with terrible atrocities, involving murder and grievous injuries to thousands of people. These crimes were committed by all parties in the conflict. The Good Friday Agreement in 1998 marked a process of multilateral disengagement from the Troubles. It also had the effect of releasing the perpetrators of terrible crimes. The peace dividend was achieved at a price. The British government provided secret ‘*letters of comfort*’ to the IRA (On the Runs - OTRs). The calculation was that this strategy was justified for the greater goal of enduring peace and prosperity. Indeed, there was very significant pressure exercised in the South to free the killers of Detective Garda Jerry McCabe immediately. This was resisted and all were eventually released having served their sentences.

Another impactful issue on policing was the so-called reform and inquiry agenda. This was allied to the collusion agenda fostered by Northern Politicians and Loyalists. This was a transparent attempt to create a narrative of parity of collusion North and South but principally

in the South. Some Southern Politicians adopted the same line. Domestically the setting up of the Morris Tribunal, the Smithwick Tribunal, and the Judge Hamilton/Barron inquiry into the Dublin and Monaghan Bombings of 1974 was the southern approach to dealing with legacy.

Custody of the Protected Information

Who holds critical information on legacy crimes? In the first instance the PSNI has an enormous amount of relevant information. ACC Drew Harris, now Garda Commissioner, played a key role in managing this information. The PSNI hold over 3,500 files in a secure storage facility. The British Security Services control the Deep State information. It is absolutely 100% certain that Deep State information will never ever be disclosed. Ostensibly, the PSNI has said that it is willing to release information but in practice this process has been slow and, in most cases, nothing has emerged willingly despite many legal challenges. All of this information will be declared out of bounds if the amnesty proposals become law. Self-evidently certain individuals are personally aware of critical facts, but it would probably be a vain hope to consider that they would break ranks.

The Cain Website lists the horrors and crimes which were committed during the Troubles. This information is provided without bias. From a Southern perspective the Dublin & Monaghan bombings (1974) and the Omagh Bombing (1998) would be written off to expediency. The murder of farmer Tom Oliver in 1991, the murders of R.U.C officers Harry Breen and Bob Buchanan (1989), the Ballymurphy Eleven (1971) and countless more would be expunged.

Tribunals and Commissions – What’s the Point?

The government’s default response to emerging issues was to buy time and defer accountability by having a Tribunal or an Inquiry. The proverbial “kicking the can down the road” strategy. Supreme Court Judge Peter Charleton delivered a lecture to the MacGill Summer School

2019.¹⁵³ His talk was prescient. Significantly he said **that a Tribunal is the opinion of one person and not a trial verdict**. He commented on the duration, cost and methodology of Tribunals in a negative manner.

“It is a fact that under our system that all witnesses or parties whose reputations are potentially at risk are entitled to legal representation in whole or part. They are also entitled to see the statements made about them in advance. The UK changed their system in 2005 to provide for a single legal team with interested parties having the right to legal advice. This change has not been without its critics as well. It is also a fact that no person can suffer legal punishment for any actions uncovered by the Tribunals except for the actions of non-cooperation with the Tribunal”

In his speech, he said the tribunal system had “become totemic and symbolic and is constantly in peril of toppling over”. He emphasised the difference in cost outcomes between the UK and Ireland, pointing out that the Leveson inquiry into journalistic phone tapping cost some £5.4 million, while the Iraq inquiry cost £10 million. The final bill for tribunals in Ireland regularly runs into the tens of millions, with the planning tribunal costing €150 million. He said Irish tribunals are characterised by a “scrum” of lawyers’ involvement, with dozens of people given full “accused of murder” rights, and legal teams for each of them empowered to cross-examine witnesses, with questioning being the responsibility primarily of the tribunal itself. Judge Charleton was a leading counsel at the Morris Tribunal before his appointment to the Supreme Court.

¹⁵³ <https://www.youtube.com/watch?v=9lFNEWhKTIY&t=791s>

SMITHWICK TRIBUNAL - COLLUSION CONUNDRUM

One of the major news stories which broke in 2021 was the announcement by Northern Ireland Secretary of State Brandon Lewis that the British would not now hold an inquiry into the murder of Belfast solicitor Pat Finucane, who was murdered by Loyalist Paramilitaries in 1989. Pat Finucane had represented prominent members of the IRA and had successfully taken a number of human rights cases against the British Government. Fundamentally, the beneficiaries of this decision will be British State actors. There has been a very strong lobby in the Tory Party for this approach. I concede that concentrating on front line soldiers or security personnel places a burden of guilt far away from where key decisions were made. The secret State system will be protected by Public Interest Immunity Certificates. The ultimate defensive position is to provide amnesty to key state actors.

The Good Friday Agreement of 1998 was the historic agreement which basically brought an end to The Troubles, an end to the killing in Northern Ireland, or at least a transition to better times. A normalisation process followed involving the governments East and West, the political interests in the North, and of course the Paramilitaries as well. That in turn led to the Weston Park Agreement in 2001, and one of the issues for the Weston Park Agreement was to deal with legacy issues. In the Irish context, that means looking at all of the atrocities that happened during The Troubles and apportioning responsibility, blame, or at least getting a conclusion to them. In particular the whole idea of collusion and collusion by security services was considered. Both governments, East and West, agreed that a Canadian, a retired Judge, Judge Cory, would do an analysis of a number of cases North and South, and on the basis of his recommendations, then either government would then go ahead and hold full public tribunals in relation to those recommended cases.

Judge Cory then recommended, in relation to the South, that the murders of Chief Superintendent Harry Breen and Superintendent Bob

Buchanan, would merit examination. This recommendation led to the Smithwick Tribunal. He decided that there should be enquiries into four key murders/atrocities in the North and one of those was the Patrick Finucane murder in 1989. The real interesting question is what really happened from there? The South went ahead after some delay and the British prevaricated. When the British realised what damaging results the Pat Finucane inquiry was likely to reveal and how high the collusion could possibly go in their ranks, they moved quickly in 2005 to ensure that any such inquiry, if it were held, would be a toothless one. The British introduced an Act that limited the powers of their own Tribunals in relation to seeking information and holding public inquiries. Both crimes, North and South, had British Agents at the heart of the murderous actions.

Loyalists and Northern politicians employed a plausible strategy when they sought to influence Judge Cory in his decision making. They brought the British agent Peter Keeley/Kevin Fulton to the attention of Judge Cory, proffering him as a witness of repute. He became the key witness at the Smithwick Tribunal. His unverified statements to Judge Cory formed the basis of the Judge's decision to recommend the holding of what became the Smithwick Tribunal.

In relation to the Pat Finucane murder, that was influenced by another British agent for the British Military, Brian Nelson. There were British agents operating within the system, influencing the outcome for Cory, and obviously directly involved with the security services in the North in relation to the murder of Pat Finucane. I've called this process of allegation and denigration "Operation Collusion South". After the 1998 Good Friday Agreement, from the evidence available, it is clear that there was a concerted effort by some Northern politicians and others to make sure that there would be sufficient suspicion passed on to the Garda Síochána, in this case in relation to the Harry Breen and Bob Buchanan murders, and that was almost like a counterbalance to the manifest allegations of collusion on the Northern side. The Dublin government failed to see that they were literally being dragged down the

garden path to obfuscation and unjustified reputational damage to the AGS. There seems to be a lack of awareness as to how British intelligence systems operate. The key thing for us on this Island to remember is that the intelligence systems in the UK go back to the Prime Minister. There is direct political oversight of the actions of the security services. So, there's no question of political deniability.

There are many instances of a deflection strategy being employed by the British. The ultimate deflection strategy is the amnesty proposal (2021) by Westminster which effectively sanitises all actions by British State Actors. This is a not too subtle attempt to deflect the cries for accountability for the multiple crimes committed and the many allegations of State collusion in the North. This strategy has been aided by 'helpful idiots' in the South who do not seem to care or understand that our institutions are being deliberately undermined. It has also been aided by the process of the gradual anglicisation of the Garda Síochána in a way which would be anathema to our founding fathers. The purpose of the Deflection Strategy is to ensure there would be sufficient suspicion attached to the Garda Síochána and the Southern State so as to undermine any claims of collusion relating to crimes in the North. It gives me no pleasure to describe this Deflection Strategy because I fully recognise the hurt and pain caused to thousands in the conflict.

The Operation Collusion South strategy started with the 1999 book by Toby Harnden. He had been facilitated by skilful leaks and nudges by proponents of the Collusion strategy. His book *Bandit Country* was published in 1999. It became the seminal inspiration for Collusion proponents. Very interestingly on the 13 April 2000, Jeffrey Donaldson, Democratic Unionist Party MP in committee in the House of Commons, mentioned the mole allegedly responsible for the collusion on the deaths of the two RUC officers and named him as Owen Corrigan. On the very same day, 13th April 2000, Charlie Flanagan, Jim Higgins and Brian Hayes, three Fine Gael TDs speaking in Dáil Éireann, raised the same question without mentioning the alleged mole by name.

SMITHWICK TRIBUNAL - Appointed 2005/Reported 2013¹⁵⁴ (Key Developments)

The Smithwick Tribunal has been exhaustively covered by the author¹⁵⁵. This account covers some of the more obvious strategic points.

Appointed

The Smithwick Tribunal was established by Resolutions passed by Dáil Éireann and Seanad Éireann on the 23 and 24 March 2005 respectively, and by Instrument entitled Tribunals of Inquiry Evidence Act 1921 (Establishment of Tribunal) Instrument 2005.

Tribunal of Inquiry into suggestions that members of An Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on the 20th March, 1989.

The sole member of the Tribunal was His Honour Mr Justice Peter Smithwick.

Reported

The report of the Tribunal was presented to Government on 3 December 2013.

Methodology

The Tribunal conducted a private investigation from its appointment in 2005, until it commenced public hearings on the 7 June 2011

The tribunal held public sessions on 133 days.

¹⁵⁴ *Concise Critical Details* Page 273/278.

¹⁵⁵ A Question of Honour John A. O'Brien – www.contrarian.ie, 2020 and Amazon for detailed analysis.

The Report

The report ran to 1,652 pages that are available online in an electronic format, or in hard copy of 434 pages with Part II of the report contained on a CD disc. It was an extremely arcane document both in terms of layout and narrative and indeed the hard copy version is very unsatisfactory because of the reliance on the CD disc to provide the bulk of information. Also, one is treated to comments on individual contributions without seeing the full evidence offered by them. One has to turn to Part II of the report to find the detailed closing submissions from the parties to the Inquiry but not from the Tribunal itself and not from Counsel to the Tribunal. The longest contribution is made on behalf of Mr. Corrigan, and apart from anything else it is striking to note the number of mostly retired RUC officers and Garda Members who speak highly of his contribution in the fight against the IRA.

Findings

The Tribunal made these main findings,

1. There is no record of a phone call, no traceable payment, no smoking gun... (23.1.2)
2. The Dundalk Three (Hickey, Corrigan and Colton) **did not collude** with the PIRA on this day. (23.2.6 – 23.2.7 – 23.2.11)
3. **Other unnamed and unrepresented** Gardaí present in Dundalk on this day did collude with the PIRA. (23.2.5)

Jurisdiction Problem

The murders were committed in Northern Ireland, not in the Republic. The tribunal had no power to compel the attendance of witnesses or

procure documents from sources outside this jurisdiction. These sources attended (or not) or provided information on a voluntary basis.

The Central Hypothesis

The Central Hypothesis of the Tribunal was provided in its opening statement on 7 June 2011 by Counsel for the Tribunal.

I have already said at the outset of the opening statement that this Tribunal is inquisitorial rather than adversarial in nature. This is a prosecution of no one and at this stage the Tribunal has reached no conclusions in relation to suggestions of collusion. The fact that the Tribunal will present evidence in relation to named individuals is no indication of that person's guilt or innocence. It is simply a function of the Tribunal's inquisitive role and a reflection of the fact that, as early as 2000, there were three named people about whom suggestions were being made. These three people must be investigated, not least so that if they are innocent, their names can be cleared.

These three former guards referred to in the Camon report have applied for and been given representation before this Tribunal. They are retired Detective Sergeant Owen Corrigan, retired Sergeant Leo Colton and former Sergeant Finbarr Hickey.

Tribunal Targets Unfulfilled

These three former members of the Garda Síochána and particularly Owen Corrigan remained the focus of the Tribunal's investigation until a critical intervention was made by Assistant Chief Constable Drew Harris PSNI (later Garda Commissioner) which removed the possibility that collusion was perpetrated by Gardaí publicly associated with the Tribunal. The suggestion was that there was a "Fourth Man", i.e., some other unnamed members or member of the force. Mr. Harris could not name this individual.

Judge Smithwick concluded that **none of the three gardai had colluded in the murders**. He substituted an omnibus finding that collusion had taken place by unnamed individuals without answering the obvious question – How can you make this conclusion without knowing the names or names of the individuals allegedly concerned.

ACC Harris further damaged the central thesis¹⁵⁶ of the Tribunal when he responded to cross examination on Day 124.

Very significantly, Mr Harris told the Chairperson that based on all the intelligence and evidence, it was, in his opinion, highly unlikely that the trigger for the murders was a tip-off received when the men arrived in Dundalk Station.

“Q. Right. Now, that's an interesting analysis. It is one we have had from a number of British Army officers. But can I take it that your considered view, as the Assistant Chief Constable, is that because of all you have said about the preparation, et cetera, that a tip-off as being the trigger for the murders, a tip-off based upon their arrival at the station, being seen at the station or being present at the station, wouldn't have allowed enough time for the IRA to mount the operation?

A. I think it would have been difficult for the logistics of that scale of an operation to have been gathered together within the timescale of a meeting being conducted and then concluded.

Q. Okay. So, you are happy to rule out somebody in the foyer or around Dundalk Garda Station - this says a legitimate visitor to the station - tipping them off, giving the IRA operation time to plan and prepare and execute the operation?

A. Well, I suppose not impossible, but I just -- Q. Highly unlikely?

A. -- I just think highly unlikely.”

¹⁵⁶ *The Tribunal consistently disregarded the probability/possibility that the Provisional IRA carried out the murders unaided.*

Fruit of the Poisoned Tree

The terms of reference outlined that the Tribunal was to examine “suggestions”. These were the suggestions which were made by author Toby Harnden in his book *Bandit Country*. Harnden refused to give evidence to the Tribunal, literally pulling out 24 hours before he was due to attend. His allegations were echo-chambered by politicians and journalists as if they were proven facts. None of his admirers were able to substantiate his allegations when they came to give evidence. Judge Peter Cory’s¹⁵⁷ conclusion on the veracity and reliability of both Mr. Harnden and Mr. Myers was revealing. He concluded that their allegations were: “based upon hypothesis, speculation and a source or sources that the authors refused to disclose. Statements and allegations were put forward as matters of fact, when in reality they were founded upon speculation and hypothesis”.

Opinion of one-man (Judge Smithwick)

Judge Peter Charleton¹⁵⁸ made clear that Tribunals are the “opinion of one man”. It took the Tribunal eight years to arrive at unsustainable conclusions of collusion. It cost €20 million Euros and it caused immense reputational damage to the Garda Síochána. The technical investigative approach of the Tribunal was to pursue an exclusionary hypothesis¹⁵⁹ which ultimately had no evidential basis. The report was not debated in the Dáil despite the obligation to do so.

Extracts from the Smithwick Tribunal hearing with key witnesses

Deputy John O’Donoghue - Day 56, 18 November 2011 (Former Minister for Justice)

¹⁵⁷ *Cory Report on Breen and Buchanan, para 2.118.*

¹⁵⁸ *Lecture to the MacGill Summer School 2019.*

¹⁵⁹ *Collusion by Corrigan, Colton and Hickey.*

I have my own view in relation to why Mr. Donaldson said what he did say. I am not at all sure whether it was motivated by a desire to seek the truth in this matter or whether it was motivated by a desire to seek political advantage, but this much I do know: the whole question of Mr. Finucane and an inquiry into his death was being discussed around the same time.

Deputy Charlie Flanagan - Day 71, 7 November 2012 (subsequent Minister for Justice)

These exchanges are extracts from the evidence. It is clear that Deputy Flanagan had been the recipient of comments on collusion by the RUC and others on the margin of meetings in Northern Ireland. It appears that he did not bring those concerns to the Garda Commissioner. It would have been good security practice that parliamentarians would have been briefed on security matters on a restricted basis prior to operating in potentially sensitive areas. Mr. Flanagan was the Chairman of the Security Committee of the British-Irish Inter-Parliamentary Body, and as such it would be reasonable to assume that he would have been a person of interest to British securocrats. Gossip can be a very dangerous thing in these circles with far reaching consequences.

Q. Now, for how long had you been Opposition Spokesman on Northern Ireland affairs?

A. I was appointed in the autumn of 1997. When the Dáil resumed following the General Election in the summer of 1997, I was given responsibility for Northern Ireland affairs, by the then-Taoiseach John Bruton. I was also Vice-Chairman of the British-Irish Inter-Parliamentary Body, which is a body comprising of elected parliamentarians from the United Kingdom and Ireland, which met on a regular basis discussing northern issues.

In fact, there was a subcommittee of that which was entitled the Security Committee of the British-Irish Inter-Parliamentary Body, of

which I was Chairman. It involved meetings and discussions and special interest issues relating to Northern Ireland and, indeed, security matters.

Q. So, it seems to follow from what you have just said that prior to 2000, when you tabled a question, that this issue of collusion in some shape or form, was a matter that was discussed in some manner, either in political circles or on the margins of meetings, is that right?

A. In some shape or form, as you have said, not officially by way of an agenda item at meetings. When I say meetings, I'm saying official meetings of the British-Irish Inter-Parliamentary Body, in plenary session, and the less public or perhaps private meetings of the Security Committee, and also, meetings, party meetings or briefings or missions that I would have engaged upon by way of visits to Northern Ireland, where I would go with other parliamentarians or sometimes by myself, maybe with a party official, and arrange a day-long series of meetings with elected representatives of the parties in Northern Ireland and, on occasion, members of the police force.

Q. So is it fair to say that you have dealt with the political meetings - but is it also fair to say that this issue arose when you met members of the police force, by that I presume you mean the RUC, isn't that right?

A. Yes.

Q. So the issue arose in some shape or form when you had meetings with the RUC?

A. Yes, but very much on the fringes, never as an agenda item, and always in the context of questions being posed rather than allegations made.

Q. And what sort of questions were being asked?

A. Questions that were asked of me - did I believe that there would have been an element of collusion, was it my view or was it the view of members of the Oireachtas or was it the view of the Irish Government, that there may have been collusion or what was the reaction of elected parliamentarians in the Republic to allegations of collusion that would have been reported in the press that were very much evidenced by a book written by Toby Harnden, whose name I heard mention of when I was sitting before being called.

Q. Surprisingly, that happened on the same day as your parliamentary question¹⁶⁰? Which we assume is pure coincidence?

A. Yes

A. I believe it was coincidence, yes, although I may well have discussed the issue with Mr. Donaldson at meetings.

Q. So you didn't discuss it with the Garda Commissioner, for example, or somebody in the guards?

A. At no stage.

Q. And just finally, I think it is the case that you have absolutely no evidence to give to the Chairman of collusion between An Garda Síochána and the IRA in the murder of two officers?

A. No.

Q. Did Mr. Donaldson raise Mr. Keeley or a Mr. Fulton, as he is also known, at that time?

¹⁶⁰ *Jeffrey Donaldson, Democratic Unionist Party MP in committee in the House of Commons mentioned the mole allegedly responsible for the collusion on the deaths of the two RUC officers and named him as Owen Corrigan. On the very same day, 13th April 2000, Charlie Flanagan, Jim Higgins and Brian Hayes, three Fine Gael TDs speaking in Dáil Éireann, raised the same question without mentioning the alleged mole by name.*

A. It may have been mentioned in the context of other issues where Mr. Fulton was involved, but I can't specifically recollect a direct link between the -- between Dundalk and Mr. Keeley, no.

Operation Kenova Tangential to the Smithwick Tribunal

The Smithwick Tribunal wandered its torturous way for eight long years. It strayed into many areas which were not covered by its terms of reference. It seemed that they were trawling for information which would impugn their primary suspects. This approach had them examining issues, surrounding the murder of County Louth farmer Tom Oliver on the 18 July 2001 by the Provisional IRA. They sought to connect Owen Corrigan with this murder. In 2016, a High Court case taken by Mr Corrigan challenged certain paragraphs of the tribunal report and it was settled before it even got under way. The Tribunal presented a statement to the High Court which declared that the Tribunal had made no finding that information supplied by Corrigan had resulted in the death of Tom Oliver.

Tom Oliver was abducted and murdered by the Provisional IRA on 18 July 2001. They believed that he was supplying information to the Garda Síochána.

Three individuals have significant knowledge relating to this crime.

- Assistant Chief Constable Drew Harris PSNI, later commissioner of An Garda Síochána,
- Peter Keeley/Kevin Fulton, British Agent and Provisional IRA infiltrator,
- Freddie “Stakeknife” Scappaticci, British Agent and member of the Provisional IRA Internal Discipline Unit, “the Nutting Squad”.

Harris gave evidence to the Smithwick Tribunal on Day 124, 18 October 2012.

Peter Keeley/Kevin Fulton gave evidence over three days, 66, 67 and 68, 14 -16 December 2011.

Freddie "Stakeknife" Scappaticci, did not give evidence but he was represented throughout at the expense of the Irish Taxpayer.

ACC Drew Harris being examined by Mrs Lavery for the Tribunal (Who Had Jurisdiction?)

Q. Well, Number 9 states: "Intelligence indicates that a senior PIRA Army Council member was directly involved in ordering the murder of Tom Oliver. The senior PIRA Army Council member had been approached by several PIRA members and others requesting that Tom Oliver not be killed. Despite these requests, the senior PAC member directed that Oliver be executed. "And do you know who that person was, and if so, have you passed on the information to the Gardaí?"

A. I have, and that has been passed on in respect obviously of -- the murder of Tom Oliver happened in this jurisdiction¹⁶¹ so it's to aid to whatever inquiry An Garda Síochána is conducting into this matter.

Q. Did you get information as regards who actually..., in addition to whom directed that Mr. Oliver be executed, did you have information as regards who carried out the murder?

A. The information, as you see there, is that we know the identity of the senior PAC member and also the identity, in 10, of the senior PIRA figure. It reflects accurately the intelligence and it's been carefully worded to reflect that.

Q. MRS. LAVERTY: And item Number 10: "Further intelligence suggests that a senior PIRA figure sought direction and instruction from a senior

¹⁶¹ Mr. Harris nominated the location as being the Republic.

*PIRA Army Council member in relation to the discovery of allegations of Tom Oliver being an AGS informant. The senior PAC member subsequently ordered Oliver to be executed. And I take it that, again, that's information, **to the extent you have knowledge, you have shared with An Garda Síochána?***¹⁶²

A. Yes, that's correct.

He offered a seemingly different perspective following his appointment as commissioner.

(Northern Jurisdiction)

The Garda Commissioner Drew Harris told the Joint Committee on Justice & Equality on the 13 February 2019 - *I have met the family and I am due to meet them again in the next couple of months. They want an update on the review that An Garda Síochána committed to and has completed in respect of the abduction and murder of Tom Oliver. I will have a further meeting with the family to brief them on the review. The body of Tom Oliver was recovered in Belleek, south Armagh and so the Chief Constable of the PSNI has jurisdiction*¹⁶³ *of the investigation of that murder. An Garda Síochána will assist the PSNI in any review that it will do as well in respect of that murder.*

Question: *"In regard to the identity of the person who directed that Tom Oliver be murdered, where do the family go from here?"*

Answer: *That information is no longer mine. It is now information held by the Chief Constable in the PSNI and it is for him to determine what actions he will take next.*

¹⁶² *ibid*

¹⁶³ *This response is different from his previous evidence to the Smithwick Tribunal where he stated that jurisdiction lies in the Republic. In any event the location where the unfortunate man's body was found, isn't necessarily where he was killed. Legally speaking one can be prosecuted in this Jurisdiction for the murder of an Irish citizen regardless of where the killing took place.*

Conflict of Interest?

Does one understand that the Garda Commissioner has information relating to the murder of Tom Oliver which he is unable to share with his own investigators? This would surely be an incredible position and would be even more bizarre if the British amnesty proposals (Brandon Lewis) become law. A clear conflict of interest would then emerge and indeed, it is arguable that such a conflict already exists. What would the position be if the principle was applied to thousands of cases in the North which the Garda Commissioner has detailed knowledge of and may feel precluded from sharing with his own investigators?

Peter Keeley/Kevin Fulton: The other person holding considerable information is the self-confessed and acknowledged British Agent - Peter Keeley/Kevin Fulton - who gave specific detailed information to the Smithwick Tribunal on the abduction of Tom Oliver although he denied that he was involved in the murder.

He was present at the Tribunal on days 66, 67 and 68 commencing on 14 December 2011. Extracts of his evidence follow:

.... I was actually told to go and get a van. I would usually hire a van from a garage near Hilltown. I would hire cars, vans and I hired a small van with a sliding side door in it and the unit actually got together and arrested Tom Oliver; they took him away...

.... I had the van, there was another car went with us, we went to the Ballymascanlon Hotel, pulled into the car park, I got into the car with this other guy from Cooley and the team went in the van that I had brought down to his house and they arrested him...

.... Mooch¹⁶⁴ got into the back of the van, I got into the front, drove it and it already had been a prearranged place in Kingscourt for me to leave off the person, so it was...

.... so, what I did is, I pulled in at the, they call it the yellow house, it's a small estate but there's, like, a big wall and there's big grounds and I checked inside the back of the van and there was a wellington boot still in it, so I threw the wellington boot over the wall.

Peter Keeley/Kevin Fulton was given immunity by the Smithwick Tribunal and this State paid his lawyers €456,645. He was on the payroll of MI6 all that time. Incidentally the Smithwick Tribunal paid the lawyers for Freddie Scappaticci, also known as "Stakeknife", €382,270. He did not give evidence to the Tribunal. He was present to 'protect his name' and to assert that he was not the "Stakeknife".

Jon Boutcher (opkenova.co.uk)

The former Chief Constable of Bedfordshire was appointed in July 2016 to examine the issues concerning the British undercover agent Freddie Scappaticci, "Stakeknife". The terms of reference contain no mention of an investigation into the murder of Tom Oliver on 18 July 1991. He was authorised by the Chief Constable of the PSNI in 2019 to undertake further investigations but there is no mention of the Oliver case in this list.

These are the investigations undertaken by Kenova as published on their web site.

¹⁶⁴ *Seven men caught in a MI5 bugging operation targeting the Continuity IRA have been handed prison sentences totaling 33 years. The defendants pleaded guilty at Belfast Crown Court in January this year to charges arising from of a covert MI5 surveillance operation against the Continuity IRA in Newry almost six years ago, Patrick Joseph 'Mooch' Blair (65), of Lissara Heights, Warrenpoint, Co Down; pleaded guilty to charges of belonging or professing to belong to a proscribed organisation, providing weapons and explosives training, conspiring to possess explosives, firearms and ammunition with intent to endanger life.*

- OPERATION KENOVA (“STAKEKNIFE”)
- OPERATION MIZZENMAST (JEAN SMYTH-CAMPBELL)
- OPERATION TURMA (SEAN QUINN, PAUL HAMILTON & ALLAN McCLOY)
- OPERATION DENTON (THE BARNARD / GLENANNE SERIES REVIEW)

This British Police operation (Operation Kenova) was set up with the following background.

During his investigations into Brian Nelson¹⁶⁵, Sir John Stevens became aware of the activities of an alleged British Army agent, known as “Stakeknife”.

This then led to early discussions about a Terms of Reference to expand the Stevens Investigation until March 2006, when the matter was passed to the PSNI Historical Enquiries Team. Subsequent to this, the Criminal Cases Review Commission referred a group of people to the Court of Appeal in respect of convictions relating to the kidnapping of a Mr Alexander Lynch.

Following the quashing of these convictions relating to the Alexander Lynch abduction by the Court of Appeal in January 2009, the then Director of Public Prosecution, Sir Alasdair Fraser QC, issued a direction pursuant to Section 35(5) of the Justice (Northern Ireland) Act 2002 requesting information from the Chief Constable in relation to potential criminal conduct of police and military personnel in relation to the Alexander Lynch case.

A second referral pursuant to Section 35(5) was made by the former Director of Public Prosecutions, Mr Barra McGrory, on 29 January 2013,

¹⁶⁵ *Convicted British Agent*

following the quashing of the convictions of Messrs. Ryan and Martin in relation to the murder of Joseph Fenton in 1989.

In June 2015 the Office of the Police Ombudsman contacted the Public Prosecution Service and indicated that they had completed a review of Stakeknife papers referred to them by the Historical Enquiries Team in 2012. The former Director of the Public Prosecution Service then issued a third Section 35(5) referral on 11 August 2015 seeking information on the affairs of an alleged agent known as Stakeknife. A fourth Section 35(5) referral was issued in October 2015 regarding the possible commission of criminal offences in respect of allegations of perjury connected to the alleged agent. Following a Historical Enquiries Team review of the 1993 murder of Mr Joseph Mulhern, the Police Service of Northern Ireland Serious Crime Branch reopened the investigation into his death in 2011. This investigation is still progressing and an interim report was forwarded to the Public Prosecution Service in January 2016. All these matters now form the basis of Op Kenova and fall within the Terms of Reference.

The Chief Constable of the Police Service of Northern Ireland asked for the assistance of the (now retired) Chief Constable Jon Boutcher of Bedfordshire Police, to lead an external investigation team to carry out a full investigation in response to the Section 35(5) referrals, and the Mulhern investigation.

Mr Boutcher leads the investigation and appointed a Senior Investigating Officer and the investigation team. Chief Constable Boutcher will have the full delegated authority of the Chief Constable of the Police Service of Northern Ireland to direct the investigation.

The investigation team carry out their investigation by virtue of Section 98(1) of the Police Act 1996 and thus have all the necessary powers and privileges of police officers of the Police Service of Northern Ireland, to ensure an effective investigation and that the request from the Director of Public Prosecutions is fulfilled. The team is based in Great Britain and

carry out enquiries in Northern Ireland as necessary. This external investigation team is gathered from across UK law enforcement services. It does not include personnel who are serving in, or have previously served in, the Royal Ulster Constabulary, Police Service of Northern Ireland, Ministry of Defence or Security Services.

There are mechanisms in place to report any allegations of criminal or misconduct offences by the police officers or staff within the Op Kenova investigation team¹⁶⁶.

Bizarre Involvement in the Tom Oliver Murder investigation

It came as a remarkable surprise when Jon Boutcher appeared on *RTE News* in July 2021, standing in the field from where Tom Oliver had been abducted by the Provisional IRA. This was an extraordinary development because this was a British Police officer allegedly investigating a crime committed in the Republic, and clearly the responsibility for its investigation belonged with An Garda Síochána. Mr Boutcher claimed that he was working with the Garda and that they had taken a significant number of statements. He claimed to have discovered significant DNA evidence which could assist the investigation. The RTE reporter Vincent Kearney then went on to say that a number of former gardaí had not cooperated with the inquiry but “Jon Boutcher said that he was still working to speak with them”. Boutcher does not make this claim on camera, but it is assumed that Vincent Kearney is reporting his comments accurately.

It is a fact that British Police Officers had travelled to retired gardaí at their homes, arrived unannounced and sought to interview them in connection with the murder. They also said that the visit was in cooperation with the Garda. They provided no evidence to support this

¹⁶⁶ *These are direct quotes from the Operation Kenova Website, <https://www.opkenova.co.uk>*

assertion¹⁶⁷. The proper legal arrangements are outlined at the foot note below. Sources suggest that it seems that Boutcher's officers had an agenda to discredit the Garda Síochána, for some as yet unexplained reason. The plain fact of the matter is that the Provisional IRA murdered Tom Oliver in brutal circumstances, and that's where the focus should be North and South. Sources also state that the Gardaí had conducted a cold case review of the murder which uncovered significant evidential lines. They also requested crime scene information from the PSNI which was refused.

One has the right to be puzzled and dismayed by these manoeuvres. In straight forward terms it was open to the Garda and the PSNI to form a **Joint Investigation Team (JIT)** which would investigate the crime, collect the evidence, conduct the interviews, and bring the perpetrators before the courts. The venue or venues for trial would be a matter of pragmatic decision making. One of the points which needs reconciliation is the fact that the then ACC Harris seemed to be of the opinion in 2012 that the crime was committed in the Southern jurisdiction. Conversely in February 2019 as commissioner of the AGS he seemed to be of the view that the jurisdiction was Northern. He may also have not understood that the murder of an Irish citizen can be prosecuted in the Irish courts regardless of where the murder was committed. He also said that he had provided the Smithwick Tribunal with the name of the Provisional IRA man who ordered the killing. It is a matter of first principles to decide what agency should play the lead role in any investigation and to be open and transparent with the public on that score. It is also a legal fact that should the Boutcher team garner any evidence in the South, that it will not be usable in court proceedings because it has not been acquired legally under the Mutual Assistance legal provisions.

¹⁶⁷ *There are legal Mutual Assistance provisions which permit the evidence gathering in one jurisdiction for use in prosecutions in another jurisdiction. This is the only manner in which evidence can be used in the requesting jurisdiction and in those circumstances the visiting officers are ALWAYS accompanied by an officer from the Host jurisdiction.*

Mr. Boutcher has been interviewed several times. One of these was a *Morning Ireland* RTE radio interview with Audrey Carville on the 8 June 2020. On this occasion he was making an appeal in relation to the murder of Jean Smyth-Campbell in Belfast in 1972. He was then asked about his “Stakeknife” investigations and whether he thought there would be prosecutions. He said that he had submitted 12 files to the Director of Public Prosecutions, although it is not clear from his answer whether these files related directly to Freddie Scappaticci. He then went on to explain that he would do a **public facing report** regardless of whether there were prosecutions or not. He was then asked about the activities of the Glenanne gang suspected of many sectarian murders and involvement in the Dublin and Monaghan Bombings of 1974. It was also put to him that the families of the victims had fought a battle with the PSNI for years looking for documents and information. He was also asked if he faced any obstacles to his investigations and he did not answer that question. He responded by saying that “I don’t have jurisdiction to specifically investigate the Dublin and Monaghan Bombings because that occurred in the Republic of Ireland” and went on to say that “I am working closely with the commissioner of the Garda Síochána”.

In that interview he clearly understands the relevance of jurisdiction to the scope of his investigation. It is an open question as to whether he thinks that his relationship with Commissioner Harris cures that impediment in whole or in part. He also mentions his commitment to a “public facing report” in the interests of the families. Mr. Boutcher has a wonderful calming manner, and he exudes sincerity and empathy with almost every utterance. However professionally speaking I find his odyssey through legacy killings to be incomprehensible from an operational perspective. Does he really think he can lift the veil of secrecy from the many collusive killings in Northern Ireland? In any event the Brandon Lewis Amnesty proposals would end all his inquiries peremptorily. However, the most interesting aspect of Operation Kenova is the current reference on their web site to the much lauded “Public Facing Report”.

Draft Protocol on the Publication of Public Reports

The Kenova Website contains a draft document on the publication of public reports, and it qualifies the response by Mr. Boutcher to Audrey Carville where he declared very confidently that he would publish a report regardless of prosecutions or not. The qualifying phrase is the predictable **“any of its contents would be contrary to the public interest or prejudicial to national security”**. Now if one assumes that the **British** State engaged secret agents who were involved in the commission of serious collusive crimes over many years, how reasonable is it to expect that Mr. Boutcher would be allowed to publish the details regardless of the consequences for public policy? It is sometimes forgotten that agents operate within a system of control and directions, they are bought and paid for by the State. They do not exist as independent operators who just happen to infiltrate organisations and institutions. They are part of a system that recruits and manages them, and their presence is authorised by authority figures in State employment. It is criminal naivety to consider otherwise. “Stakeknife” was such an agent.

Stage 4: security checking process

*6.1 Once each report has been finalised, it will be necessary to consult the Cabinet Office (on behalf of HM Government) about **whether publication of any of its contents would be contrary to the public interest or prejudicial to national security, the prevention or detection of serious crime, the economic well-being of the United Kingdom or the continued discharge of the functions of any public authority.***

*6.2 Kenova cannot and would not wish to jeopardise any of the above public interest considerations and we will always listen and accord respect to the expertise, experience and assessments of those responsible for their protection. **We also recognise that the public interest has different facets and that these sometimes need to be balanced against each other.***

6.3 For the avoidance of doubt, the security checking process will be confined to public interest considerations, it will not extend to issues of fairness or accuracy falling within the representations process, it will be a consultation exercise in the same way as that process and it will not involve the exercise of any power of executive censorship or veto “as of right”.

Revictimizing the Victims

The Oliver family should not have endured the horror of the murder of Tom. There are no words that explain the tragedy or mitigate the loss. It is unconscionable that they would be dragged down the road to further grief by the false promises of Operation Kenova which cannot be fulfilled.

Police Ombudsman Northern Ireland¹⁶⁸ RIC Handling of Loyalist Paramilitary Murders.

Marie Anderson, Police Ombudsman for Northern Ireland, on the 13 January 2022 issued a Public Statement on the Investigation Into Police Handling Of Certain Loyalist Paramilitary Murders.

The Police Ombudsman’s report raised “significant concerns” about the conduct of the RUC in relation to 19 murders and multiple attempted murders carried out by the Ulster Defence Association (UDA) and the Ulster Freedom Fighters (the UFF was a cover name used by the UDA) between 1989 and 1993. Concerns included RUC Special Branch’s use of informants that were themselves suspected of murder. A senior PSNI officer has apologised for the findings of the report and said police remain committed to bringing those responsible for the murders to justice. Irish News 13 January 2022 and many other News Outlets.

¹⁶⁸ <https://www.policeombudsman.org/PONI/files/e0/e0cb934a-760f-4885-b423-b4fa40375aa4.pdf>

These crimes were committed within the time frame of the Breen, Buchanan murders and objectively the Ombudsman report gives grave cause for concern. *Operation Collusion South* served to deflect from very serious issues in the northern jurisdiction to the detriment of the Garda Síochána. I make no claim that honest RUC officers who suffered terribly were part of this dreadful scenario, but there should always be a factual and objective basis to allegations which require the closest and fairest investigation. I have extracted a list of the cases investigated by the Ombudsman and **I make no judgement as to the validity of findings or conclusions made by the Ombudsman**. The sole purpose is to highlight the fact that the issue of Collusion allegations were manifestly more serious and more numerous in the northern jurisdiction.

1. The Circumstances of the Murders and Attempted Murders
2. The Complaints and Scope of the Police Ombudsman Investigation
3. The Origins, Use & Recovery of Firearms used in the Attacks
4. Threat Management and Preventability of Attacks
5. The Role of Special Branch and Relevant Intelligence
6. The Use of Informants by the RUC
7. Security Force Involvement with Loyalist Paramilitaries
8. The Murder of Gerard Casey – The RUC Investigation
9. The Murder of Eddie Fullerton – The RUC Investigation
10. The Murder of Patrick Shanaghan – The RUC Investigation
11. The Murder of Thomas Donaghy - The RUC Investigation
12. The Murder of Bernard O'Hagan – The RUC Investigation
13. The Attempted Murder of James McCorriston - The RUC Investigation
14. The Murder of Daniel Cassidy – The RUC Investigation
15. The Attempted Murder of Patrick McErlain – The RUC Investigation
16. The Murder of Malachy Carey – The RUC Investigation
17. The Castlerock Murders – The RUC Investigation
18. The Greysteel Murders – The RUC Investigation

Omagh Bombing 15 August 1998 - Legacy Issues in the South

It is well recognised that 1998 was an historic year in the life of this country north and south. The Good Friday Agreement was signed in Belfast on the 10 April. An all-Ireland poll overwhelmingly endorsed that agreement on the 22 May. Terror was to revisit once again when a car bomb was exploded in Omagh on the 15 August killing twenty-nine people. The splinter group, the Real IRA, planned and executed the atrocity. The car used to convey the bomb was stolen in Carrickmacross on the 13 August and the number plates were changed to northern plates. The car was subsequently loaded with explosives and driven to Omagh in Northern Ireland. It is also alleged that a test bomb was exploded in the Cooley mountains before the real attack was made. The subsequent events and the many contentious issues have been widely discussed and reported on in many different fora. The stark fact remains is that no one was convicted of those murders. There were several successful prosecutions for civil offences. There were major controversies in Northern Ireland regarding the RUC investigation and handling of prior information regarding targeting. In the South it was obvious that the Real IRA had been penetrated by The Garda Síochána. It was obvious that there were several high-level informants or agents. This was evidenced by the fact that at least six seizures of explosives and car bombs had been made in the first six months of 1998. Some car bombs got through, particularly the attack on Banbridge on the 1 August 1998. This caused injuries but no deaths, and damage was extensive in the town centre. Both the Banbridge and Omagh attacks took place on a Saturday, and both used the same car models, a red Vauxhall Cavalier. An individual¹⁶⁹ had been involved in stealing cars to order for the Real IRA and its classic car thief methodology was to use a similar type of car for

¹⁶⁹ Code name “Odd Job”.

ease of familiarity. This approach has advantages from the bombers' perspective relating to the requirement to conceal explosives and strengthen suspension to carry a heavy consignment. There were important issues relating to the use of agents and sources and they are discussed in the following chapter.

The car, a maroon Vauxhall Cavalier, had been stolen in Carrickmacross two days previously. This *modus operandi* followed the pattern already established in similar attacks by the Real IRA. Michael McKevitt, the former Quartermaster of the Provisional IRA, had defected from the Provisional IRA and formed a new grouping, the Real IRA, which were believed to have carried out the atrocity. Shortly afterwards the Real IRA claimed responsibility for the attack but maintained that they did not intend to cause civilian casualties. The Real IRA announced a ceasefire although this was not to endure.

It is a cause of great regret that the perpetrators were never convicted of the bombing. Some criminal proceedings were taken, and convictions obtained which ultimately were overturned.

Private civil proceedings were launched and on 8 June 2009, and this civil case was successful in the Belfast High Court. Michael McKevitt, Liam Campbell, Colm Murphy and Seamus Daly were found to have been responsible for the bombing. They were held liable for £1.6 million of damages. The Real IRA as an organisation were found culpable in a landmark judgment.

Immediate Consequences

The reaction to the Omagh bombing forced the Real IRA to call a ceasefire on 7 September 1998 which was largely tactical and an attempt to limit the condemnation of their actions. Both the Dublin and the British governments made legislative changes to enhance their ability to deal with terrorism and those organising terror. **The Offences against the State (Amendment) Act, 1998** contained many provisions calculated to disrupt terrorist activity. One of the principal sections was;

6.— A person who directs, at any level of the organisation's structure, the activities of an organisation in respect of which a suppression order has been made under section 19 of the Act of 1939 shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

This provision was used to prosecute and convict Michael McKevitt on the 7 August 2003. He was sentenced to 20 years in prison. In June 2009, he was found liable in a civil court for the 1998 Omagh Bombing in an action taken by relatives of the victims. He had been the Quartermaster General of the Provisional IRA, until splitting from them and forming the Real IRA where he had a key leadership position. He was married to Bernadette Sands, sister of Bobby Sands, IRA hunger striker. She was a leading activist in her own right.

No one has been convicted of the Omagh Bombing in the Criminal Courts, though there have been successful civil prosecutions in Northern Ireland.

Background

On 22nd March 2002 the Police Ombudsman for Northern Ireland, Mrs. Nuala O'Loan, presented a report to Mr. Brian Cowen, Minister for Foreign Affairs, "raising concerns of the activity of An Garda Síochána Officers during 1998". The report related to allegations made by a person described as a serving officer of the Garda Síochána concerning the handling of intelligence information about the activities of a paramilitary group in that year and about drugs-related matters in 1995/1996. **The Minister for Foreign Affairs passed the report to the Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue T.D., who decided that an examination¹⁷⁰ of the issues should be carried out independently by**

¹⁷⁰ Report commissioned in effect to establish the role, if any, of the informant/agent Odd Job in the Omagh Bombing and other matters arising.

persons with the relevant experience and qualifications to look into sensitive security matters.

The Minister appointed Dr. Dermot Nally, former Secretary to the Government; Mr. Joseph Brosnan, former Secretary of the Department of Justice; and Mr. Eamonn Barnes, former Director of Public Prosecutions, with the terms of reference –

(i) to examine matters arising from the “Report raising concerns of the activity of An Garda Síochána Officers during 1998” dated 22nd March, 2002, prepared by the Police Ombudsman for Northern Ireland for the Minister for Foreign Affairs, and

(ii) on the basis of this examination to report to the Minister for Justice, Equality and Law Reform and, if considered appropriate, to make recommendations.

In May 1998, pursuant to information provided by the Detective Sergeant’s informant, three Garda anti-terrorist operations were mounted¹⁷¹. The Assistant Commissioner has told the Group that, on 4th June 1998, the informant was stood down but lines of communication between the informant and Detective Sergeant were kept open in case he would become aware of any further useful information.

The informant did provide information about one further matter after 4th June 1998. This related to an attempt to steal a vehicle as a ‘special order’ for Subversive X in the period preceding the Omagh bombing on Saturday, 15th August 1998.

Another serious allegation made by the Detective Sergeant is that Subversive X told his informant in early September 1998 that a deal was agreed between the RIRA and a government minister, whereby in return for calling a ceasefire no RIRA members would be harassed and any charges preferred to date would be dropped. This was shortly after the informant had been arrested¹⁷² and questioned in Monaghan Garda station. The Detective Sergeant also alleges that charges against seven

¹⁷¹ This disclosure in a public document increased the risk to Odd Job.

¹⁷² Odd Job was a person of interest to Gardaí who were then assisting the RUC Investigation into Omagh.

named individuals were dropped at that time in pursuance of this deal.

In March of 2003 the Nally Group asked that they be allowed to put certain questions relating to the Omagh Bombing to Odd Job. This was a reasonable request which was conveyed to his Brief who declined to put questions to his client or to agree to a meeting with the Group. We recommended that this was enough reason to exclude him from the programme. Authorities refused to take this course of action and Odd Job was allowed remain under cover. There were many instances of inappropriate behaviour by Odd Job, and his Brief openly admitted that he was incapable of keeping conditions.

The report went on to state.

*The Group had certain questions put to the informant by his legal adviser. The informant is now in the Witness Security Programme of the Garda Síochána. The Group understands that these questions were put to him by his legal adviser but, despite repeated attempts to elicit replies, the Group never received any. The Group was told more than once by the informant's legal adviser that his client was not prepared to reply to its questions but that he hoped to be able to do so at some time in the future. It is now nine months since the Group's questions were first conveyed to the informant. The Group also requested through his legal adviser an interview with the informant, but this was refused. **It is deeply regrettable that the Group should have to report without having had replies to these questions or an opportunity to interview the informant, but presentation of its report cannot be delayed indefinitely on the basis of nothing more than a vague prospect that these replies might be forthcoming, or an interview agreed to at some unspecified time in the future.***

Extraordinary Admission

This admission suggests that the Group accepted as a fait accompli that they could not interview the informant/agent. This conclusion is incredible in the light of the fact that Odd Job was effectively in the control of the State currently regarding his security. A singular condition

for all witnesses¹⁷³ was that they would cooperate with state agencies in matters of legitimate interest. This was a singular failure which was to have a profound negative effect on the way Odd Job was eventually dealt with. This was a major decision which had enormous negative results and most certainly the agent should have been compelled to comply with the request for a clarifying interview. Failure by him to comply should have triggered his exclusion from the formal protection programme. It beggars belief that while a government-appointed group were investigating the Nuala O'Loan report, that they were tamely dissuaded from pursuing this individual to a finality considering the enormity of the allegations. It certainly was Hamlet without the Prince.

Request to Include Odd Job in the Witness Security Programme.

A request was made in unusual circumstances to include this same agent Odd Job in the programme without the necessary due diligence exercise being carried out. It was clear from the very start that he did not meet the essential technical requirements for inclusion in the programme. He was not a witness and there was no possibility that he would become one.

The extraordinary fact was that his identity had been publicly disclosed on one occasion by the Garda and there was a possibility it happened a second time. During an investigation in Donegal a serving detective garda nominated Odd Job by name as being the secret operative helping the Gardaí to interdict car bombs being constructed for use by the Real IRA. This information was contained in a book of evidence which was served on the defendant who happened to be Odd Job's sometime sergeant handler. This was an unbelievable action, and it was tantamount to putting a price on his head. There is no doubt but that he would have received a bullet in the head if the RIRA got him. It has never been explained why his name was revealed but there were some inspired

¹⁷³ *Odd Job was not a witness, he was a garda agent and was a very efficient car thief who played a pivotal role until his identity was disclosed.*

media leaks which suggested that it was “inadvertent”. That suggestion was derisory. It was a self-defeating strategy to allow this agent to do the same car procurement role repeatedly. It was only a matter of time before he would be uncovered and killed. Incredibly his identity was revealed by Gardaí before the Real IRA could put his head on the chopping block.

The Brief began to manoeuvre a situation where he was clearly attempting to categorise Odd Job’s relationship with the Gardaí as one that should be solved by the payment of compensation rather than a witness protection type agreement. We repeatedly advised that this path should not be agreed to and that if we continued, we would be undermining our own position. We learned that Chameleon¹⁷⁴ was making private contact with the Brief and his client, outside the realms of the programme but with the consent of Authority. This clearly was an impossible situation. I learned Odd Job had been arrested as a person of interest by Gardaí earlier. He was now being facilitated with an approach that would result with him being paid enormous “compensation”. Self-evidently the disclosure of his identity was an egregious act but that deserved to be dealt with as a flagrant breach of good practice, not a criminal act.

Eventually we got permission to deal with the Attorney General on the nature and form of the agreement to be signed. That document gave rise to torturous negotiations with the Brief and his client. During one such meeting the Brief became unwell and had to be put to bed with Odd Job playing the role of minder. These were truly bizarre times and to complicate matters the UK authorities wanted to interview him in connection with Omagh. This was not facilitated, but I feel reasonably certain that they did reach him through undercover means. He may not have been aware of his “new friends”. During this sign off process the double dealings continued with the Brief contacting Authority directly

¹⁷⁴ *An undercover garda who operated as an agent handler and as a protection officer, contrary to good practice.*

and Chameleon continued to play both sides of the street. Odd Job was given a two-stage settlement with the agreement that the remaining amount would be paid on condition that he was of compliant behaviour for twelve months. He continued to draw attention to himself despite this and was paid regardless on the instruction of Authority. This was not our finest hour. Paradoxically, we had dealt successfully with several protected people where there had been no interference with the process. Odd Job is now deceased.

David Rupert

David Rupert¹⁷⁵ was the key witness/agent who sent Mickey McKevitt to jail for twenty years on a charge of directing terrorism. He was convicted in August 2003 at the Special Criminal Court in Dublin.

“Agent Ed Buckley pulls up at the Calumet Truck Plaza, 20 miles south of Chicago. It is a hot summer day in late July 1994 and the warm air is heavy with the acrid smell of diesel. Calumet is the city’s largest truck depot, a self-contained town with 22 fuel pumps, a diner, shops, tattoo parlour, motel and masseuse. It rests uneasily inside the old Dutch township of South Holland, which strictly prohibits Sunday trading and the sale of alcohol, and in which the truck plaza is a jarring and modern intrusion. Buckley is holding an envelope, containing photographs from Ireland of David Rupert and Joe O’Neill”.

This was the start of the engagement by the FBI with David Rupert which was to lead to the Special Criminal Court almost ten years later. The FBI were in turn to cooperate with MI5 and latterly the Garda Síochána in running Rupert as an agent within the Continuity IRA and the Real IRA. The RIRA and CIRA were infiltrated to the highest level. It says little for the counterintelligence ability of these groupings that this 6’7” tall, 300 pounds oversized American with no plausible Irish connection was able to gain their confidence.

Rupert wasn’t very complimentary about Gardaí.

¹⁷⁵O’Driscoll, Sean, *The Accidental Spy*, Mirror Books (2019).

Gardai later tried to suggest that Rupert deliberately brought McKevitt out to be seen by them, and even said that later in court, but he is adamant that is not true. "I didn't even know the gardai were there," said Rupert. "I would have been upset if I'd known they were there because I didn't trust them. It had to be a very tightly held operation with the Brits because the gardai were a sieve for information"¹⁷⁶.

He may well have been parroting what he heard from his benefactors. It was obvious that the Yanks and the Brits would run their own show irrespective of local sensitivities and they would cooperate when it was needed. They had to have garda cooperation in order to land McKevitt in court. We attended a conference on his security when he was about to give evidence and armed cover was, of course, provided from Gardai during his court evidence.

A curious feature was that Rupert was active here while Odd Job was involved but there is no suggestion that they were mutually aware. They shared Chameleon and other fellow travellers though.

Attempts to Penetrate the Witness Security Programme

It became commonplace in court cases for legal teams to test the secrecy of the programme and to categorise it in one of two ways. Firstly, that it was so draconian as to impose a regime on witnesses where they would say or do anything to please us. Alternatively, we were so generous that witnesses were induced to exceed their actual knowledge in their desire to help us. The courts took a pragmatic view in most instances and were convinced of the need to protect individuals and indeed the system itself, from malicious attack. We did not enjoy the protection of a strong system enshrined in law. That was a vulnerability we ceaselessly sought to change. Two independent reports into our ad hoc system recommended significant changes including the adoption of

¹⁷⁶ *Ibid*

a statutory approach. These recommendations were studiously ignored. Paradoxically good work continued to be done and great credit was due to our small staff who performed magnificently often in the face of obstructions and petty nuisances. The programme was well resourced by government and there was a genuine commitment to ensure its success, albeit misguided at times.

Morris Tribunal – Example of Delay

The Morris Tribunal was set up in April 2002 to investigate complaints concerning some Gardai of the Donegal Division. The Honourable Mr. Justice Frederick Morris, a former President of the High Court, was appointed to be the sole member of the tribunal. The majority of the matters investigated were nearly a decade old at the commencement of the Tribunal.

- *Complaints that some Gardai in County Donegal may have been involved in hoax explosives and bomb-making equipment finds (in particular discoveries on the,*
- **11 September, 1993,**
- **19 November, 1993,**
- **11 January, 1994,**
- **14 March, 1994,**
- **4 June, 1994,**
- **13 June, 1994,**
- **18 July, 1994,**
- *and a review of the management and investigation of those finds.)*
- *The Making of Extortion and Hoax Telephone Calls to the home of Michael and Charlotte Peoples on the 9 November 1996 and the subsequent Garda investigation into that complaint.*
- *Allegations relating to the Garda Investigation of an Arson attack on property situated on the site of the*

*Telecommunications Mast at Ardara, Co. Donegal in
October/November 1996.*

- *Investigations in relation to the death of Mr. Richie Barron of Raphoe, Co. Donegal on **14 October 1996** with particular reference to the arrest and treatment of persons in custody in connection with that investigation, the progress, management and effectiveness of the Garda investigation with particular reference to the management of informants.*
- *The circumstances surrounding the arrest and detention of Frank McBrearty Jnr. on **4 February 1997** and his subsequent prosecution in the Circuit Criminal Court in relation to an alleged assault in **December, 1996** on Edward Moss with particular reference to the Garda investigation and the management of both the investigation and the role of the Gardai in the subsequent prosecution.*
- *The circumstances surrounding the arrest and detention of seven persons at Burnfoot, County Donegal on **the 23 May 1998** and the investigation relating thereto.*
- *The circumstances surrounding the arrest and detention of Mark McConnell on **1 October, 1998** and Michael Peoples on **6 May, 1999.***
- *Allegations contained in documents received by Deputy Jim Higgins on **25th June 2000** and in information received by Deputy Brendan Howlin on **25th June 2000** that two senior members of An Garda Síochána may have acted with impropriety.*

The following shortcomings were raised in the findings of the tribunal:

- *The absence of structural command, along with defective local management.*
- *A lack of leadership.*
- *The failure of management to exercise proper control, with Garda policies and directions not being observed.*
- *Failure to report important information about serious incidents to Garda Headquarters and neglecting to confirm the accuracy of other reports.*
- *The culture of silence and not listening, where members were unable to raise legitimate concerns about the conduct of fellow Officers.*
- *The appointment of staff to positions without the appropriate training and experience.*

Morris was scathing of the many failures which he uncovered. He exonerated two senior gardai, Assistant Commissioner Kevin Carty and Assistant Commissioner Tony Hickey. Several gardai were dismissed, more resigned and the reputations of many were harmed. As professional police officers, the simplest of questions was, how could these events go unnoticed for many years without corrective action been taken? There were many contributing factors to the extraordinary behaviour, but I believe one of the most significant elements was the failure to recognise “RED FLAGS”.¹⁷⁷ There were abundant red flags, the level of subversive detections was unusually high in that Division, what was the reason for this? Did it mean that some unusual level of professional excellence was being applied? A golden rule was that a very good return should be scrutinised to learn, or equally a very bad return should be scrutinised to establish the causal factors. All arms or explosives finds were reported promptly to Garda HQ and to the department. This was done daily, seven days a week. There was no excuse for not asking the probing questions. Also, these finds were

¹⁷⁷ RED FLAG – A seminal negative event or action which went unrecognised and unactioned until a major catastrophic event occurred.

discussed monthly in North/South security talks. There was no question but that those at the top in Justice and Garda HQ were fully briefed. The terrorist scenario was part of the complex negotiations around the peace process. All operational garda officers and inspectors were required to keep daily journals but this practice lapsed during Commissioner Byrne's tenure. This information was important, and it was an important discipline for the officers concerned. This further loosened the bonds of accountability. Some serving gardai refused to account for their duty, citing some non-existent right of silence. This was an appalling lack of discipline.

Those in senior authority (Minister, Secretary General, Commissioner) have a direct responsibility to take decisions in business-like fashion. The facts are usually right there in front of them and do not require enormous forensic ability to unmask, just the willingness.

The Morris Tribunal¹⁷⁸ was not debated in the Dáil until 22 October 2008 and in the Seanad on the 30 August 2008. The Dáil debate was heavily politicised, but the Seanad was more thoughtful. It is difficult to see the value of this delayed debate a full decade after most events had happened, when practically all the actors had left the scene. In real terms the horses had truly bolted and the inordinate delay made the findings more of historical importance than immediate relevance. Nevertheless despite the validity of the failings listed, it is not without value to consider that the findings were more prejudicial than probative in terms of the overall garda reputation. In effect by the time the reports came in the information was dated and of little relevance to current operational policing.

Carty Report

It is widely believed in garda circles that a report carried out by Assistant Commissioner Kevin Carty clearly recommended strong and appropriate action, but this was expeditiously delayed with serious consequences. It is self-evident that no commercial organisation of a

¹⁷⁸ *This process was not followed in the Smithwick Tribunal, it was never debated despite the legal requirement to do so.*

similar size could possibly make industry-critical decisions based on studies or inquiries which would last for years and cost millions. The incumbent leadership would be forced to fall on their swords as a first principle. Investor confidence would demand it. The long-suffering Irish taxpayers have no such clout other than to pay up and wait interminably.

Wider Perspective to Policing

One is conscious of the fact that the nearer one gets to the present time, one is dealing with current affairs rather than history. This is a more subjective exercise than a retrospective look back over time.

There is a much wider perspective to policing, than dealing with state security. It is a fact that state security dominated the agenda politically from the foundation of the state until the 2000s. Policing was shaped by “the Political” situation for many years and this impacted on the nature of the policing service. One poses the hypothetical question, what would policing look like in the absence of state security imperatives? It is clear that there would have been no need for emergency legislation, no need for increased numbers of police. In effect policing was being redefined by the circumstances newly emerging.

The past was impacted by terrorism and its related violence. Public opinion was impacted at significant junctures by events like the H Block protests in the 1980s. Nevertheless, public support was very well maintained, and this was manifested when the Gardaí themselves were impacted by violence and on some occasion killed. The terrorist campaigns impacted on the economy, and on social and cultural norms and on the political process itself.

By 2005 government thinking was motivated by a desire to reshape the AGS in a different model.

The *Irish Independent* headlines on the 13 July 2005 heralded the fact that “Gardaí must now account for their actions”. Minister McDowell was quoted as saying that this was one of the important issues arising from the Second Report of the Morris Tribunal into events in Donegal¹⁷⁹. There was a recitation of the new persuasive legal provisions which would guarantee an accountable and responsive Garda Síochána. This approach was no doubt animated by the notorious ‘Blue Flus’ in 1998 and the effect that they had on the control and accountability of the force. There also was a desire to deal with the perceived negative issues which had arisen in the previous decade. The Minister for Justice, Michael McDowell, was determined to enact this change through the Garda Síochána Act 2005. This was a typical lawyer’s approach to dealing with problems and it ignored the executive responsibility of the Minister and the Commissioner to act in real time. Legislation would cure everything, and the operational world would find a way of catching up. In time this list of agencies was added to and most significantly in the formation of the Policing Authority in 2015. This Act provided for a range of ancillary bodies which would provide for control of the AGS and, in particular the actions of the commissioner. This approach was designed to distance the Minister from the sharp end of policing and difficult decision making. These bodies were the Garda Síochána Ombudsman Commission (GSOC)¹⁸⁰, and the Garda Inspectorate. Both of these were to play an important role in the future of the AGS. On the surface they seemed like typically British bodies who exercised controlling functions on the British police for the UK government. GSOC was ostensibly based on the Nuala O’Loan Police Ombudsman role in Northern Ireland. This comparison was superficial because Nuala O’Loan was the singular person in charge of that office with a very high degree of independence. Her officers were British police officers who were operating in a familiar criminal justice system. In the case of GSOC, this organisation was headed by three Commissioners each having the same authority. This approach made

¹⁷⁹ *Some Gardaí attending the Tribunal asserted a non-existent right that allowed them not to account for actions undertaken by them in the course of their duty. This was a myth which had been allowed to gain some foothold and made a nonsense of custom and practise since the foundation of the force.*

¹⁸⁰ *The author served as a special advisor to GSOC from 2007 – 2009.*

independent decision-making much more difficult. This construct was quite deliberate and probably motivated by the fact that Nuala O'Loan exercised her independence and commentary in a singular fashion. There was no appetite for such a system in the republic. Most of the investigators recruited by GSOC were non-Garda and while this was considered essential from an independence perspective, it also meant that they had no knowledge of the Irish criminal justice system. GSOC would have had a more effective role if they exercised an affirmative oversight role of internal Garda investigations. I firmly believe that subject to certain controls that the Garda should be fully responsible for investigating both criminal and discipline matters within a semi-independent structure in the force.

The Garda Inspectorate was headed by Kathleen O'Toole¹⁸¹ who had a significant reputation in international policing. Her team did not include any member with domestic policing experience, and this was a practice to be repeated in successive reviews. This inspectorate was a unique model. The nearest comparison was the former HM Inspectorate of Constabulary, now the HM Inspectorate of Constabulary and Fire Rescue Services. These UK services employ a combination of former police officers and other specialists directly familiar with the British jurisdiction. The Irish model did not have this experience and this practice of ignoring domestic experience has continued to the present. Traditionally the AGS had an internal Inspectorate and regrettably that was allowed to lapse.

Another surprising consequence of the 2005 Act was highlighted by Judge Fennelly (The Fennelly Factor¹⁸²) in the course of a Report in 2015.

¹⁸¹ *Former Boston police chief, member of the Patten commission in Northern Ireland and member of the Toland review of the Department of Justice, the future head of Commission on the future of Policing and board member of Operation Kenova (UK) and sometimes police chief, Seattle, Washington.*

¹⁸² *Fennelly Interim Report Par 3.25 Page 21, 31.8.2015 The Fennelly Factor*

*Par. 3.25 The reporting responsibility to the Minister for Justice is placed squarely on the shoulders of the Garda Commissioner. The Garda Commissioner is obliged under s.40 of the Act of 2005 to account fully to the Government and the Minister for Justice through the Secretary General of the Department of Justice for “any aspect of his other functions.” **The Act of 2005 does not provide, at least not expressly, for the operational independence of An Garda Síochána,** save that the Minister for Justice may not use the power to issue directives to the Garda Commissioner under s.25 so as to limit the independence of a member of the force in “performing functions relating to the investigation of a specific offence or the prosecution of an offence...”*

The underlined portion of the report is a remarkable statement, and it very clearly underlines the fact that in the opinion of Judge Fennelly the Minister is empowered to exercise operational control of the AGS. The only limit to that power relates to the individualised use of that power. The Minister does not have power to determine the individual actions of individual of Gardaí in matters of specific prosecutions or investigation of offences. The corollary of this legal position is that the Minister has a duty and authority to exercise operational control, and this means hands-on control of a wide range of activities and behaviour by the Commissioner. This also confers a responsibility on the Minister to act in real time.

There was an ill-informed decision to mirror structural changes which had been applied to policing in Northern Ireland and to apply these changes to the AGS. This view represented a fundamental misconception because there was little or no comparison between the policing context in Northern Ireland and the policing context in the Republic. The entire policing ethos in the North was based on tactics which had evolved in order to provide for the continuance of the RUC despite the many violent attacks and crimes perpetrated against them. As mentioned already this required a distinct form of paramilitary policing and critically there was significant divide between many parts of the Unionist and Nationalist communities. This civil profile was diametrically different in the South

where a “policing by consent” was the norm and there was strong cross-community support of the Gardaí. The AGS was and is a largely unarmed police force. These differences underlined the inappropriateness of importing policing models and policing attitudes from the North into the South.

Complex Organisation 2005

The AGS had developed into a complex organisation in terms of structures and scope. By 2005 there were over 700 individual garda stations, broken down to Six Regions, 26 Divisions and sub divided into Districts and sub-districts.

Report of the Commissioner 2005 to the Minister

The Commissioner of An Garda Síochána has two (2) Deputy Commissioners and twelve (12) Assistant Commissioners, with varied responsibilities. One Deputy Commissioner is responsible for strategic and resource management, while the other is responsible for all operational and security policing nationally.

For policing purposes, the country is divided into six (6) Regions, each of which is under the control of an Assistant Commissioner. This helps to facilitate effective management, leadership and co-ordination within and across regional boundaries. Each Region is comprised of a number of Divisions each of which comes under the command of a Chief Superintendent. Within each Division there are several Districts each of which is commanded by a Superintendent.

The Assistant Commissioners based at Garda Headquarters and DMR Headquarters, Harcourt Square, have a national remit for Crime & Security, Traffic, Strategy and Services, Human Resource Management and National Support Services (Harcourt Square). The Director of Finance and the Chief Medical Officer are also based at Garda Headquarters.

The total annual budget allocated to An Garda Síochána in 2005 amounted to €1,142 million. The annual budget was carefully managed and the actual net outturn for 2005 amounted to €1,140 million, resulting in a small surrender balance to the Central Exchequer.

In 2005 a new operational uniform was issued to 10,400 members and this major procurement and logistical exercise was undertaken by the Procurement Section.

Implementation of the decentralisation process within An Garda Síochána continued in 2005 with the Central Vetting Unit commencing business in Thurles, Co. Tipperary on the 7th November.

As part of improving high visibility policing and reducing administrative functions carried out by members of An Garda Síochána, the Garda Information Services Centre, a data-entry facility, based in Castlebar, commenced on a pilot basis for Limerick Division, in October 2005.

To facilitate the appointment of the Commissioner as the Accounting Officer for the Garda Vote, substantial progress has been made by the Finance Directorate in implementing the necessary financial management framework to assume this responsibility.

The strength of the organisation is;

Organisation Strength		Sworn Members	
		Male	Female
Commissioner	1	1	
Deputy Commissioner	2	2	
Assistant Commissioner	12	11	1
Chief Superintendent	47	44	3
Superintendent	173	168	5
Inspector	289	271	18
Sergeant	1,926	1,779	147

Garda	9,815	7,809	2,006
Total	12,265	10,085	2,180

Organisation Strength Unsworn Members 1,645 - All Grades

There was 26 Suspensions and three dismissals during the year.

Self-evidently, this was a very complex organisation which was dealing with meeting the day-to-day requirements of policing and security and also undertaking the “McDowell Reforms”.

Evaluation

An evaluation was provided of the AGS Policing Plan 2005¹⁸³ in respect of individual goals and performance.

Performance under each goal was minutely examined and it’s clear that an examination was carried out in a thorough fashion. This information was available to the Minister and the Garda Executive.

I have taken the approach to include some examples of this evaluation activity. The most striking conclusion is that this work was undertaken nearly two decades ago and it clear that there was a wide understanding then of the need for strategic and detailed evaluation of garda activity.

These strategic areas are grouped under six individual headings and are further subdivided into the individual strands of information, some of which are provided below.

In modern times there has been a very strong narrative that the AGS needs to be led on a more enlightened path, as if there was no historical memory of what the accumulated experience of years of policing had taught. This phenomenon has been exacerbated by the prevailing paradigm (2022) which suggests strongly that no experience of domestic policing is necessary for those who populate command positions in the AGS. This is amplified further when the same paradigm is

¹⁸³ *Commissioner’s report to the Minister 2005 Garda Web. www.garda.ie*

followed in the many oversight bodies. It is difficult to believe that any other comparable national bodies would accept such a diminution of their professional experience.

1. Strategic Goal One - National/International Security - Examples

Prevention of terrorist outrages in the State.

An Garda Síochána continues to monitor various groups, both domestic and foreign, who are assessed as posing a threat to State security or capable of carrying out a terrorist act either here or abroad.

During 2005 intelligence-led operations contributed to three prosecutions for possession of explosives. An Garda Síochána makes daily contributions to the Europol Analytical work file on Terrorism ensuring Garda members are aware of developments at Europol regarding the fight against terrorism.

Number of persons prosecuted for subversive/terrorist activity.

Six Continuity IRA and eight Real IRA members were prosecuted during 2005 as a result of Garda intelligence.

Containment of Irish dissident/paramilitary terrorist activity.

Monitoring of dissident republican activity remains a focal point for An Garda Síochána. Recent operations have resulted in the arrest and imprisonment of key players and the prevention of attacks in Ireland and in Northern Ireland & the UK.

2. Strategic Goal Two – Crime

There was a significant increase in the number of searches under the Misuse of Drugs Act 1977 as amended, from 10,033 in 2004 to 13,196 in

2005. Proceedings were commenced for 10,074 offences in 2005 (compared to 7,302 in 2004). 1,244 convictions were recorded in 2005 (compared to 1,900 in 2004).

During 2005 there were no additional Division/District Drug Units established. The strength of Drugs Units nationally remained at 2004 levels (Action 10).

The Garda Síochána Act 2005, which provides for the establishment of Joint Policing Committees passed into legislation in 2005. The Department of Justice, Equality and Law Reform, established a Working Group to examine the rollout of Joint Policing Committees. (Action 11)

During 2005, Operation 'Clean Street' targeted 12 areas within the Greater Dublin Area, resulting in 160 separate drugs seizures and 120 persons arrested.

Operation 'Nightcap' resulted in 44 separate drug seizures and 47 persons arrested. (Action 12)

The Pilot Counselling Service for Dun Laoghaire set up in 2004 received additional funding of €35,000 from the National Drug Strategy in 2005. Over the past 12 months 24 young persons identified through the Garda Juvenile Diversion Programme were referred for Counselling. During 2005 the Pilot Arrest Referral Programme continued to operate, and a number of young persons were referred to appropriate services. (Action 13)

In 2005 An Garda Síochána and the Customs Service conducted 20 operations resulting in the arrest of 12 persons and seizure of drugs with a value of €14,000,000. (Action 14-18)

The Review Group examining the issue of referrals from An Garda Síochána and Health & Social Services completed a draft report in September 2005. (Action 19)

In May 2005 An Garda Síochána and representatives of the Licensed Trade launched guidelines regarding drug dealing on licensed premises. The guidelines were circulated to over 14,500 representatives in the licensed trade. (Action 27).

Seizure of the proceeds of crime by the Criminal Assets Bureau. During 2005 the Criminal Assets Bureau continued to target proceeds of crime pursuant to its statutory remit. Criminal assets were targeted under the Proceeds of Crime Act 1996. In excess of €7 million was restrained, and in excess of €18.5 million was forwarded to the Central Exchequer.

3. Strategic Goal Three – Traffic/Road safety

Twenty-five per cent reduction in the number of fatal road collisions.

There were 399 road fatalities in 2005 representing a 6.4% increase in the figures reported in 2004.

Number of road traffic collisions involving death or serious injury per 1,000 population.

The number of fatal or serious injury collisions per 1,000 population was 1.75. (This figure is provisional pending release of final collision statistics by the NRA)

Number of detections of speeding vehicles in each Garda Division.

There were 143,651 detections for speeding in 2005. (Table 2 presents a breakdown by Garda Division).

Number of detections for non-wearing of seat belts in each Garda Division.

There were 18,084 detections for the non-wearing of seat belts in 2005. (Table 2 presents a breakdown by Garda Division).

Amount of time spent by members of An Garda Síochána attending Court.

87,418 hours were spent by members of An Garda Síochána attending court prosecuting road traffic offences in 2005.

4. Strategic Goal Four – Public Safety

Perceptions of public safety as indicated in the Public Attitude Survey 2005.

Seven out of ten respondents said they feel safe out walking in their neighbourhood after dark, but three in ten feel unsafe, similar to the picture that emerged in the last large-scale survey in 2002.

Number of public order incidents per 1,000 population.

There were 11.41 public order incidents per 1,000 population in 2005 (compared with 13.04 in 2004).

Number of proceedings for drunkenness. *There were 12,586 proceedings for drunkenness in 2005 (compared with 11,384 in 2004).*

Number of proceedings for assault. *There were 7,921 proceedings for assault in 2005 (compared with 9,497 in 2004).*

Number of proceedings for failing to obey directions of a Garda. *There were 6,138 proceedings under the Public Order Act for failing to obey directions of a Garda in 2005 (compared with 5,746 in 2004).*

Number of offensive weapons seized. *There were 2,106 proceedings for possession of offensive weapons in 2005 (compared with 1,867 in 2004).*

5. Strategic Goal Five – Public Confidence

Achievement of the 2005 recruitment quota in line with Government targets.

The Government target was the admission of 1,110 Garda trainees to the Garda College in 2005. 1,125 trainees were admitted to the Garda College in 2005.

Percentage of emergency calls responded to within 15 minutes.

Of the 120,140 emergency calls recorded on the Computer Aided Dispatch system in the Dublin Metropolitan Region during 2005, 66% of the analysed incidents were responded to within 15 minutes (compared to 65% in 2004).

Public Attitude Survey was conducted. The overall satisfaction with the Garda service to the community was 83 percent.

6. Strategic Goal Six – Ethnic and Cultural Diversity

Steps taken to encourage members of ethnic and multi-cultural communities to join An Garda Síochána.

The Garda Síochána (Admission and Appointments) Regulations allow persons who are not Irish citizens to apply for positions as Garda Trainees. Advertisements were placed in ethnic minority newspapers outlining Garda policies in relation to recruitment of ethnic minorities. A television presentation in conjunction with Crimecall was produced and outlined the recruitment process. Presentations were given by the Garda Racial and Intercultural Office to various ethnic and multicultural communities countrywide on the topic of joining An Garda Síochána which included the dissemination of information leaflets. Open days were held at the Garda College and relevant information was posted on the Garda and Public Appointments websites.

Steps taken to remove constitutional, equivalence, and linguistic barriers which restrict entry to An Garda Síochána.

The Garda Síochána (Admission and Appointment) Regulations 1988 were amended by The Garda Síochána (Admission and Appointment) (Amendment) Regulations 2005 – allowing applicants who do not have an Irish qualification admission to the organisation.

Further improvement of the Garda service in immigration matters to all persons.

The GNIB information system was extended to 10 new locations bringing the service provided nearer to the customer, removing the requirement to travel long distances to Registration Offices. Conflict Resolution training was provided to 34 GNIB personnel to assist communications with Foreign Nationals where language barriers are problematic. The GNIB Registration Office at Burgh Quay extended opening hours to include evenings. Human Rights and Intercultural

Training was provided on all immigration-training courses. During 2005 a Divisional Human Right committee was established at GNIB to ensure compliance with the Commissioners Strategic Perspectives. A Divisional Action Plan has been produced to promote the perspectives.

Extent of increased interaction at national level between ethnic and multi-cultural communities and the Garda Racial and Intercultural Office and also at local level with Ethnic Liaison Officers.

The following initiatives were conducted by An Garda Síochána, improving interaction with ethnic and multi-cultural communities.

Open days held by District Officers for members of ethnic minorities communities.

Divisional and District Officers inviting religious and community leaders representing the ethnic and religious minorities within their Division/District to events hosted by An Garda Síochána.

The Garda Racial and Intercultural Office monitors all racial incidents ensuring all are properly recorded and investigated.

Support of International Day Against Racism.

Distribution of information booklets to facilitate an understanding of the role of An Garda Síochána.

An Garda Síochána Multi Cultural Unit

Regular monthly meetings/contact is maintained with the following multicultural communities.

Chinese Information Centre, Sikh Community of Ireland, Hindu Representative in Ireland, Romanian Community, Comhlamh (umbrella group for Somalians, Algerians, Congolese, Sudanese and Nigerians), Pan African Organisation, Roma Gypsy Organisation, Latvian, Lithuanian and Polish Communities, Irish Traveller Movement,

*Pavee Point, National Consultative Committee on Racism and
Interculturalism, Sunni and Shia Mosque*

GSOC Report and Sergeant Maurice McCabe

In 2009 GSOC reported to the Minister for Justice that there were significant problems with the FCPS (Fixed Charged Penalty System). This was a system introduced to maximise the detection capacity of the AGS in relation to road traffic offences which had a direct bearing on road deaths and injuries. GSOC had received a small number of complaints concerning the fairness of that system. An examination was carried out and it registered the following features.

It was noted that the original focus of the FCPS was on offences that are considered to have a direct bearing on road deaths and injuries¹⁸⁴. The system had been extended to cover a total of 59 generic categories which created 390 specific offences including 129 Penalty Point Offences. The consequence of this meant that the initial focus on offences relating to safety had been significantly diluted.

It was also noted that;

- *The FCPS is under considerable pressure*
- *The volume of summonses now issuing has seriously overloaded the Courts system at District level.*
- *The summons system resulted in just 14% of summonses issued being resolved in court in 2007.*
- *Measurable leakage or loss¹⁸⁵ from the processing system is now apparent at the FCPS. This will be further exacerbated when the product of privatised speed cameras is added to the workload.*
- *The worst offenders can easily circumvent the FCPS.*
- *There is a lack of transparency at the FCPS, and it is less accessible to the public than comparable systems elsewhere; and*

¹⁸⁴ The system was being adapted as an alternative to normal court process for the majority of offences, which had little bearing on road safety.

¹⁸⁵ There was no coherent cancellation policy and there was no blue light policy, gardai could intervene with the system and cancel notices. Examples were provided to the authorities and promises were made for reform which clearly were not kept.

- *There is a likelihood that the level of justifiable complaints will increase significantly.*

The FCPS system was examined for the year 2007 and it revealed the following information. It was found that 459,037 were issued. This was comprised of 390 subcategories which covered 129 penalty point offences. Of these notices only 41 had a serious road safety context. These offences consisted of 198,963 for speeding, 30,440 for seat belts, 32,651 for mobile phones, and all other offences came to a total of 196,983. This generated a 71.3% payment rate overall, and also indicated that 74.7% of speeding notices were paid. These notices generated 91,138 items of correspondence. The unpaid notices generated 125,946 summonses for court hearing. 47,861 summonses were unserved. Records indicated that, of the cases which went to court, convictions were returned only in 14% of cases.

In simple terms the road safety strategy was working well in changing driver behaviour, with a consequent reduction in road deaths and injuries which continues to the present time (2022). Nevertheless, the system was creaking badly because of the over-ambitious inclusion of many irrelevant offences. It was also clear that offences were disappearing from the computerised system in an unauthorised manner, even though this number was a very small percentage of the overall. It was evident that the policy around cancellation of notices was not well based on solid criteria, and it was evident that cancellation could be carried out without reference to appropriate authority.

The report was submitted to the Minister and to the Commissioner, and no questions were asked regarding its contents or observations. This was a red flag which should have signalled a response and resulted in remedial action to ensure that Notices were not inappropriately cancelled. This failure resulted in the much-publicised complaints made by Sergeant Maurice McCabe, which led to political upheaval and upheaval in the AGS. It also devalued the excellent road safety work which had been accomplished by the AGS.

A Decade of Confusion

The General Election of 2011 produced a complete change of power with Fianna Fáil being swept from power in a dramatic fashion. A coalition government of Fine Gael and Labour was formed. Enda Kenny FG was elected Taoiseach and Alan Shatter FG, was nominated Minister for Justice and additionally Minister for Defence.

The country was in a dire situation economically.

The OECD described the situation in its study for 2011; the Irish economy was hit by a severe crisis in 2008, after over a decade of strong growth that propelled Ireland to the fourth highest level of GDP per capita in the OECD. Initially growth was well founded on solid productivity increases. However, during a period of low-cost funding on international markets and loan risk aversion globally, the expansion became increasingly reliant on a speculative housing bubble financed by lax bank lending standards and excessive credit expansion that collapsed in 2008 in the midst of the global economic and financial crisis. During the latter part of the boom, the acceleration of wages eroded international cost-competitiveness and the banking system became over-extended and, once the bubble burst, would have been insolvent without state support. Capital injections to help resolve the crisis have resulted in a sharply higher public debt. In the aftermath, households have been hit by wage cuts, job losses, tax increases and falling house prices, though living standards and perceptions of well-being remain high by international standards. A modest recovery is underway, driven by gains in competitiveness and increases in exports, but it comes with significant downside risks associated with market fears regarding financial stability in the euro area. OECD 2011.

Inevitably this economic situation had an adverse effect on policing in terms of recruitment, training, infrastructure and overall budget allocation. The various financial measures reduced basic pay and generally the impact on garda morale at all levels was not positive. This

was the environment in which Commissioner Martin Callinan took over from Commissioner Fachtina Murphy in December 2010.

Some of the newspaper headlines at that time raised alarm and there was a certain amount of political populism from the opposition parties. Fine Gael's justice spokesman, Charlie Flanagan, said the statistics showed that the Government was losing the war on crime. He told Dearbhail McDonald in the *Irish Independent* July 30, 2010, "Ireland is clearly a far more dangerous place than when Fine Gael left government. With robberies against the person soaring, people are right to be nervous on the streets. Fianna Fail's repeated pledges to clamp down on crime have rung hollow for many years now. In a separate report it was recorded that, no one prosecuted for white-collar **crime** by the corporate watchdog has been jailed in the 10-year history of the office. Sending criminals to jail "does not happen in company law" an official at the Office of the Director of Corporate Enforcement (ODCE) admitted.

It was recorded in the same year 2010 that the CAB had;

Taken a number of actions to target the proceeds of criminal conduct. These actions covered a wide range of Garda, Revenue and Social Welfare activities. CAB has continued to pursue persons involved in crime at all levels. Also in 2010, CAB commenced 15 new cases under the Proceeds of Crime Act in the High Court. Approximately € 3.114 million was paid over to the Minister for Finance. This money accrued from orders granted pursuant to Section 4A of the Act. As a result of its Revenue actions, CAB assessed 31 individuals for tax and approximately €4 million was collected in relation to income which was generated from criminal conduct. Under the Social Welfare legislation, the Bureau made savings of €633,000 for all schemes and approximately €181,000 was recovered from overpayments. The Bureau worked in close cooperation with other units attached to Garda National Support Services and with all Garda divisions in joint operations targeting the proceeds of crime in the possession or control of those involved in criminal activity at all levels. During 2010, the Bureau trained an additional 47 Gardaí as divisional assets profilers. This brought the number of trained Garda profilers to 150. On the international scene, CAB continued to work as the Assets

Recovery Office. Each European Member State is now obliged to have such an office, which deals with requests for intelligence in the targeting and tracing the proceeds of crime. The Bureau also participated in the CARIN network, which is an informal network of countries involved in the seizure of the proceeds of crime¹⁸⁶.

Political Currency

Politicians in power often seek to adopt Garda success as a political currency of their own. Success on the Garda front is converted to political capital and axiomatically opposition politicians adopt an adversarial approach. Self-evidently this criticism may be directed to the garda commissioner, justifiable or not. The phenomenon gained currency and Minister Shatter and Commissioner Callinan became identified by the opposition as having short comings. The Sergeant Maurice McCabe controversies assumed that profile, and his contention on the FCPS system provided a very simple and effective red button issue that just wouldn't go away. The role of Dáil committees was very powerful in that regards and it was common for politicians on those fora to use hearings to advance favourite theories on a partisan basis. A pattern also emerged that these same politicians would immediately make their way onto talk shows where they would deliver definitive views long in advance of the deliberative findings of their committees.

The proposed 30th Amendment to the Constitution on Oireachtas Inquiries was roundly defeated by the electorate in October 2011. Only two constituencies in the country voted in favour of the amendment, Mayo (Taoiseach Enda Kenny FG) and Wexford (Minister for Public Expenditure and Reform, Brendan Howlin Labour). This was an important lesson for politicians and paradoxically it is right that those in powerful positions should be publicly accountable for their actions and not just at election time. Obviously, the electorate did not trust the politicians to exercise that power in an appropriate way.

¹⁸⁶ Commissioner's report 2010

House of Cards 2014

Secretary General Brian Purcell arrived at Commissioner Martin Callinan's house close to midnight with a cryptic message. He certainly didn't want to be there and there was confusion on his message. Nevertheless, it was clear that the Taoiseach was not going to express confidence in him the following day. Callinan acted precipitately and decided to retire but asked for time to wind down. The Taoiseach denied his request and the leader of Fianna Fáil plainly accused Mr. Kenny of firing him.

The cauldron was indeed bubbling that extraordinary weekend in March 2014 (Thursday 20 to Tuesday 25). The midnight oil was burned as the Taoiseach and the Attorney General led other actors in dissecting the McCabe controversy and the Phone Recording controversy, effectively conflating the two issues. The Taoiseach wanted to put a large air gap between himself and Commissioner Martin Callinan. His analysis was certainly strongly influenced by the Attorney General Máire Whelan who had cranked up the portents of doom over that weekend. Minister for Justice Alan Shatter certainly was not a main player and within a short time he was on his way out the door. He was to survive until 7 May 2014 when Enda Kenny informed him on foot of the Guerin Report¹⁸⁷ that he could no longer express confidence in him. Shatter was ultimately vindicated in the Supreme Court on 26 February 2019¹⁸⁸ which unanimously dismissed Sean Guerin's appeal. It found that Guerin exceeded his mandate, damaged Shatter's constitutional right to his good name and reputation and failed to accord him fair procedures and a chance to be heard. Secretary General Brian Purcell also voluntarily moved sideways from the department in July. The context was created from the febrile atmosphere around the Maurice McCabe Penalty Points

187 25 February 2014 Sean Guerin SC was appointed to inquire into McCabe's allegations of garda failures and corruption. He reported on the 6 May 2014 and Minister Shatter was "sacked" one day later. Shatter was vindicated in the Supreme Court on the 26 February 2019

188 Shatter, Alan, Frenzy and Betrayal: The Anatomy of a Political Assassination. Merrion Press (2019).

controversy. There was a simmering dispute between Ministers Varadkar and Shatter. The firing of the Confidential Recipient Oliver Connolly by Minister Shatter on 24 February 2014¹⁸⁹ was contentious.

Almost Unknown Recordings

Lurking in the background was a largely unknown controversy relating to the taping of telephone calls at some garda stations. This matter had been the subject of meetings going back months, between the Commissioner, the AG's Office, and the Department of Justice. Critically it was the subject of a formal letter written by the Commissioner to the Minister, via the Secretary General, on the 10th March 2014. Minister Shatter saw this letter for the first time (he says) on Tuesday 25th March 2014 after a government meeting.

The ongoing Ian Bailey case against the State would require the disclosure of the telephone taping to the Court on the 25 March 2014, or so it was believed. It appears in retrospect that this deadline had been extended and therefore there was no immediate crisis in that regard.

Callinan Losing the Battle

Undoubtedly Commissioner Callinan was losing the Maurice McCabe debate. His "disgraceful" comment at the PAC hearing on the 23 January 2014 became a mill stone around his neck from which he could not extricate himself. This was added to by the private evidence of Maurice McCabe to PAC on the 30 January 2014. The plain incontrovertible fact was that fixed penalty notices could be removed from the system without cause or reference to policy. There was not a high incidence, but indisputably it was happening. The GSOC Report 2009 made that abundantly clear, but the report was ignored.

189 Ministerial Statement 24 February 2014.

Appointment of the Commission of Investigation – Judge Nial Fennelly

The Taoiseach used the ultimate delaying playbook by asking the cabinet to agree to the appointment of Judge Fennelly to hold a Commission of Investigation into the pertinent events. The Judge provided two Reports, Interim (31 August 2015) and Final (31 March 2017).

A central question was whether Commissioner Callinan had informed the Minister that phone calls were being recorded in several garda stations without proper authority. This was the more serious of the allegations. It was not reported on until March 2017 and much had changed by that time. The seminal matter of “Taping of Phone Calls” was held over to the final Fennelly Report on the 31 March 2017. In effect the “Casus Belli” was left unexplored while the consequences of its believed provenance were minutely examined. This investigation sequence was manifestly wrong. The credibility of the phone taping allegations needed to be established in the first instance. The actions (hysteria) of the fateful weekend would be seen in true context. There was no smoking gun, there was no red flag. The Red Flag question was simple, was the Garda Síochána illegally and systematically intercepting phones calls to their stations? Were they using the product of this activity to pervert the course of justice? Logically, if the answer to both these questions was positive then a truly unprecedented crisis would occur in the criminal justice system. Alternatively, if the answer to these questions were in the negative, no such crisis obtained and someone was crying wolf without ever establishing the veracity of the allegations. Ultimately the answer was an emphatic NO, as established in the final Fennelly Report.

The Interim Report dealt with the “did he fall or was he pushed question” The relevant Terms of Reference were.

“To investigate and report on the sequence of events leading up to the retirement of the former Garda Commissioner, Mr Martin Callinan, on 25th March 2014.”

The Interim Report used various forms of polite tautology in addressing that question, but it was very clear to any common-sense interpretation that the Commissioner was pushed from office.

During Commissioner Callinan's tenure the strength of the force fell from 14,500 members to 13,000. Rosters were reworked, there was a moratorium on recruitment and training. Over a 100 garda stations were closed without consequent economic benefit to the force. All in all, this was not a happy circumstance and clearly the whistle-blower situation was the straw that broke the camel's back. Maurice McCabe was fighting a David and Goliath struggle and while he certainly was not right in all respects, he identified one salient irrefutable fact, the FCPS was leaking, and notices were being cancelled without proper policy. He also took the very prudent course of recording his interviews with powerful figures, which ultimately was the defining line on the credibility of his allegations.

New Minister and new Commissioner

In short time, Frances Fitzgerald was appointed Minister for Justice and Noirín O'Sullivan was appointed Commissioner after a formal interview process was completed. Both Minister and Commissioner were to have a tough time in office, and both eventually left under less than happy circumstances. Fitzgerald in June 2017 and O'Sullivan in September 2017. The commissioner retired and the minister resigned when her position became politically untenable. Both women had their reputations restored by the Disclosures Tribunal.

In the years that followed the retirement of Commissioner Martin Callinan, the Garda Síochána found itself in an unprecedented position of criticism and negativity. There was an increasing failure to handle the barrage of questions and criticisms, and to tell a positive story of achievement and endeavour. One began to seriously question whether the situation was so unbelievably bad. Was it a case that all

organisations go through the valley periods of performance or were we just experiencing the mediocrity that typified many Irish institutions? One was aware of the crisis in the Banking sector and the economic crash. There were and are manifest signs of problems in the Health service, in Housing, in Politics, in the Church, in child abuse and many other aspects of Irish life.

There were many Judge-led Inquiries and this approach became the default political response to handling allegations and counter allegations. The reviews included a highly critical review of the Department of Justice itself carried out under the chairmanship of Kevin Toland and also featuring the ubiquitous Kathleen O'Toole.

Policing Authority

The Policing Authority was the one big idea which she had for handling the AGS. This was mooted in 2015 with the chairperson appointed before the board was constituted. Josephine Feehily, late of Revenue, was appointed to this position. Writing at the time I made the following observations;

"In considering whether to recommend a person for appointment by the Government, the Service shall have regard to the desirability that— (i) at least one of the members of the Authority should be a person who has experience of service as a senior officer in the police service of another state"

The prevailing paradigm is that foreign policing expertise is good and domestic is mildly toxic. We really should get over this inferiority complex. The process for setting up the Policing Authority was a political one. The Assessment Panel produced a short list of seventeen persons. These names were provided to the minister who then selected the eight members of the Authority from that number.

So, can the Authority negotiate the Budget for the Garda Síochána? – obviously not!

Can they Approve Policing Plans? – Only with the approval of the Minister!

Can they appoint the Commissioner and Deputy Commissioner? – No absolutely not!

Will they decide on the optimum number of Gardai required to provide a policing service? No, they will not.

In effect it appears that many functions, which previously were the direct responsibility of the minister have been outsourced to the Authority but with an absolute claw back being retained by the minister in respect of a contested decision.

The minister may issue written directives to the Authority concerning any matter relating to the policing service. The Government may refuse the nomination of a new Garda Commissioner by the Authority. Similarly ministerial approval is required for the setting up of priorities and the drafting of strategy statements. This approval theme is a constant throughout the legislation. Does this model of a Policing Authority find a comparable in any relevant jurisdiction? No, it does not. All comparable authorities have budgetary responsibility along with the hiring and firing of Chief Officers, as well as many other extraneous functions. No member appointed to the Authority had walked “in harm’s way in this jurisdiction”. One is entitled to believe that the cumulative experience of 90 years providing a policing service by the Garda Síochána to this Republic would at least have found some expression in the overall process.

The exclusion of domestic policing experience perpetuated the paradigm that was already evident but there was no such reservation to appointing retired officers from Northern Ireland or the United Kingdom. The public meetings of the Authority with the Commissioner were painful to watch with irrelevance elevated to an art form.

UNREST IN THE RANKS

The prospect of another “Blue Flu” loomed in 2016 after the long period of recession and cutbacks. Two garda strike days occurred in 1998. I took a lead role internally commenting on the seriousness of that situation, on the reputation of the force and the weakening of discipline in the organisation. One returned to this debate as a private citizen in 2016 when garda strikes were again contemplated and I commented that “the country was sleepwalking to disaster”. Again, there was a manifest failure of process over protest. Both sides bear responsibility for the impasse. There is no doubt but that there were justifiable pay and allowances grievances having regard to the austerity measures and the non-availability of direct negotiation means.

The crisis was averted at the last minute and concessions were made which were enough to defuse the situation. Harm was done to the AGS reputation. The visual image of the commissioner and senior colleagues decamping to a crisis centre on the eve of the proposed strike was not a good one. No doubt this scenario was not welcomed by government who certainly were not well disposed privately to the AGS. It was seen as another example of garda problems intruding on the government space and after the events of 2014 that was most unwelcome. The then Minister for Social Protection Leo Varadkar was highly critical, and he was quoted as saying that “Gardaí should reflect on their position in Society”. There was strong disagreement from some members of the public who said, “Gardaí put their lives on the Line”. There were similar remarks from other citizens. Sometimes they pay the supreme sacrifice, usually in totally spontaneous situations.

Members Killed on Duty¹⁹⁰

These three members made that sacrifice in modern times,

Detective Garda Adrian Donohue Killed on 25 January 2013

Reg No: 26222F

Station: Dundalk Garda Station

Years of Service: 19

Background:

Adrian Donohoe was born in January 1972 in Kilnaleck, Co. Cavan. He grew up on a small farm with his three brothers and two sisters. He was a keen Gaelic footballer, he played midfield for his local club before going on to represent Cavan GAA at Under-21 level. Adrian joined An Garda Síochána in 1994 and was married with two children.

Circumstances:

At 9:30pm on the 25 January 2013 Detective Garda Adrian Donohoe and his colleague Detective Garda Joe Ryan entered the car park of the Lordship Credit Union, Dundalk, Co Louth on a routine cash escort. A dark-coloured car entered the car park with up to four people inside it. One person got out of this car and fired a shot fatally injuring Detective Garda Adrian Donohoe.

Garda Tony Golden Killed on 11 October 2015

Reg No: 29909L

Station: Omeath, Co. Louth

Years of Service: 11

Background:

Anthony Golden, who was 36 at the time, came from Ballina. Co. Mayo. Anthony was married to Nicola, and they have 3 children.

¹⁹⁰www.garda.ie

Circumstances:

On Sunday 11th October 2015 Garda Anthony Golden was on duty at Omeath Garda Station. Shortly after 6.00pm Garda Golden left Omeath Garda Station, in uniform and unarmed, with a female who, accompanied by her father, had just made a formal complaint of assault against her partner. Garda Golden followed the woman and her father to the house that she shared with her partner at Mullach Alainn, Omeath to continue with the investigation.

Garda Golden accompanied the woman and entered the house at Mullach Alainn, in the knowledge that the alleged offender was inside. The woman's father remained outside on the advice of Garda Golden. After a short period of time, the woman's father heard three shots in quick succession, a brief pause and then three more shots. The woman's father ran immediately to a nearby house to get assistance.

Garda Gerard O'Callaghan was on patrol in the Cooley area when he received a call that shots had been fired at Mullach Alainn, Omeath, and that Garda Golden was not answering his radio. Garda O'Callaghan immediately went to the scene and discovered Garda Golden lying in the hallway with serious gunshot injuries, which sadly proved to be fatal.

Detective Garda Colm Horkan Killed on 17 June 2020

Reg No: 26225M

Station: Castlerea

Years of Service: 25

Background:

Colm Horkan was born on 13 December 1970, in Charlestown Co Mayo, the eldest of seven children.

A proud member of the local Sarsfields GAA Club, he also represented Mayo at U21 level and was a keen golfer.

Colm Horkan joined An Garda Síochána on 25th of July 1994 and was stationed in Finglas, Castlerea and Ballaghadereen Stations.

Circumstances:

On the night of 17 June 2020, Detective Garda Horkan responded to a call for assistance from his uniform colleagues in the Knockroe Area of Castlerea. The nature of the call was two males driving erratically on a motorcycle, but they were gone from the area upon the arrival of Detective Garda Horkan. Detective Garda Horkan continued to patrol the area and came across two males fitting the description on Main Street, Castlerea. Detective Garda Horkan stopped the patrol car and spoke with the males, one of whom he knew. The other male became extremely aggressive towards him, and Detective Garda Horkan attempted to arrest him. This male violently resisted arrest and a struggle ensued. The male managed to take possession of Detective Garda Horkan's personal issue firearm. He then intentionally discharged a number of shots from the firearm fatally injuring Detective Garda Horkan.

The Emerging Alternate Threat to State Security

It became evident that that a definitive threat to the State arose from the activities of native organised criminal gangs with far flung criminal empires. These are the Hutch and Kinahan organised crime groups who have their origins in the Dublin inner city but who have now extended their operations on a multinational basis. The Kinahan gang is or was the best organised of these being led originally by Christy Kinahan Senior aka "The Dapper Don". The rival Hutch gang was led by Gerry Hutch aka "The Monk". The potency and toxicity of their relationship burst onto the public arena on the 5 February 2016 at the Regency Hotel in Dublin. This attack resulted in 18 Murders and many other criminal acts. It is alleged that 16 of these murders were attributed to the Kinahan gang.

There was a weigh-in for a boxing match which was being organised by Daniel Kinahan. Members of the rival Hutch gang, some disguised and equipped with automatic weapons, opened fire on the gathering. David Byrne (32) was shot dead, although it is highly likely that the prime target was Daniel Kinahan who had been present but escaped the shooting. It was speculated that the attack was in revenge for the murder of Gary Hutch in Spain in September 2015. The spectacle of heavily armed attackers wearing masks, army-style helmets and flak jackets caused a major outrage. Hard questions were asked of the Gardaí; how they could allow this to happen considering the known pedigrees of the criminals involved? Indeed, much worse was to follow over the succeeding years. This incident set in train a series of murders and revenge attacks by the Kinahan gang on the Hutches and their associates. Eighteen men were murdered, mostly from the Hutch gang.

The transnational nature of the gangs posed problems for the Gardaí. Many of the outrages were committed by lower-level gang members and the main leaders were based abroad, with the Kinahan bosses in Dubai. The Gardaí were hampered by strict financial controls on overtime which were a holdover from the recession. This was also a time of unprecedented criticism of the Gardaí in many quarters. However, it is clear that very significant investigations continued, and excellent use was made of electronic surveillance methods including intercepting information on reputed encrypted phones used by the criminals.

A very significant court success was reported by Paul Reynolds RTE Crime correspondent on the 4 August 2019.

Eight men were jailed this week, the largest single number at any time, for crimes linked to the Kinahan organised-crime gang. Our Crime Correspondent Paul Reynolds examines how they were convicted and assesses the Garda battle against organised crime.

The central figure in that report was Declan Brady who lived a double life. The 53-year-old was a father of two children who worked hard all his life and had done well in the transport business. He grew up in Drimnagh in south Dublin. His father was a haulier, but alcohol was a detrimental feature of family life. Declan left school at 14 and worked for his father before getting his own truck licence and driving for years. He was now a self-made man. Declan moved into a managerial position and became very successful and financially secure. He began to display some of the trappings of wealth. He drove a 151 maroon Jaguar car and lived in a large detached five-bedroom house in The Park, Wolstan Abbey in Celbridge. He made so much money he was able to pay more than €75,000 for a wedding, most of it in cash, at a five-star luxury hotel, with the finest food and wine and a free bar for the guests for two days. The prize for the lucky person who caught the bride's garter was a brand-new Mini Clubman car.

International Cooperation

On the positive side the AGS is connected to the globalised policing systems and intelligence agencies. This experience improves the expertise and knowledge of AGS members. The principal networks are Interpol and Europol. Garda liaison officers were based in many European cities and laterally in the Americas. Gardaí have served and continue to serve in many United Nations and European Union missions in hotspots around the globe. Thousands of Gardaí have undergone training in overseas police technical training facilities both in the UK and in America. There is energetic ongoing Europol, Interpol and Schengen involvement. There is an openness to the wider world of policing and policing systems. These contacts provide a considerable opportunity for networking because while the formal communication systems work it is very much about building confidence and personal relationships of trust. There are significant differences between countries involving language and legal systems and different police methodologies. Participants need knowledge of extradition requirements and expertise in processing

mutual assistance requirements, so that evidence gained in one country can be legally used in court proceedings in a requesting country.

The real ambition is to target the international bases of both gangs. The Gardaí had long experience of cooperating with Law Enforcement in Europe. This went back to at least 1996 and the Veronica Guerin murder investigation. This was slow and tedious work and particularly difficult in the case of the Kinahans, who now were established in Dubai. The Hutch's were a different proposition and eventually the gang leader Gerry Hutch was arrested and extradited back to Ireland to face serious charges. He remains in custody awaiting trial.

There was a major development on 12 April 2022. A press briefing took place in the iconic Dublin City Hall. It was hosted by the Garda Commissioner and in attendance was the U.S Ambassador Claire Cronin, Assistant Commissioner John O'Driscoll and his officers from the Drugs and Organised Crime Bureau, and Matt Horne Deputy Director, UK Crime Agency. This was a remarkable and unprecedented event. It was the culmination of years of intensive investigation led by Assistant Commissioner O'Driscoll, working domestically and internationally.

The Americans announced sanctions against seven key members of the Kinahan Crime Cartel and their front organisations. The sanctions were issued by the US Office of Foreign Assets Control (OFAC). They offered a \$5 Million dollar reward for information on the criminals. These were Putin-like sanctions which inevitably could cripple that organisation taken together with prosecutions for many outstanding criminal offences.

Assistant Commissioner John O'Driscoll summarised the impressive actions undertaken by his colleagues and international partners. A total of 79 members and associates of the cartel have received convictions since 2016; 46 "threat to life" operations were conducted, resulting in 22 charges of attempted murder; 16 convictions for drug trafficking, involving drugs worth almost €20m; €7.5m in cash

seized, with seventeen people convicted for money laundering and thirteen convictions for firearm offences. In addition, the Criminal Assets Bureau continues to target the cartel, and last week seized a luxury home in Dublin with the High Court hearing of financial transactions worth €4.5m involving cartel members.

Paradox

The undeniable garda success in this illicit drug domain stands in contrast to the undeniable level of criticism levelled at the AGS in the last decade. There has been an ever-present demand for reform which I consider a demand for change rather than reform. Why is it not a reasonable proposition that much of the garda organisation operates with the same degree of efficiency as the colleagues in the drugs battle.

The Next Big Idea – Commission on the Future of Policing

In May 2017 the government announced the setting up of the Commission on the Future of Policing. It was to be chaired by Kathleen O'Toole and required to report within one year. Once again, the prevailing paradigm was in play. No member or retired member of the AGS would be appointed to that panel. One of the basic rules one learned when joining the AGS was to acquire local knowledge. Was it expecting too much that at least individuals who had domestic policing experience should be included in a multi-disciplinary team? Apparently, no value was placed on that experience although British policing experience was given a place at the table. The commission did report in 2018 and recommended that no commissioner would be appointed until their report was considered. They were ignored on that score.

The Commission made some valuable proposals. One made the case for the designation of the Commissioner as CEO and the Minister as Chairman several years ago. The recommendations on Governance would see the Commissioner acquiring a raft of new responsibilities with enhanced powers. He/She would report to an internal board. However, the legal persuasive reporting line would be to the Minister for Justice. There are arguments for and against this proposition, but the plain fact is that current legislation requires the Commissioner to report to the Minister and indeed to the Secretary General. This recommendation is probably seen as fulfilling the Accountability requirement. The Oversight role will be fulfilled by the amalgamation of the Garda Inspectorate and Policing Authority in an exotically named Policing Community Safety Oversight Commission, otherwise to be known as PCSOC. In an RTE radio show Seán O'Rourke referred to this and other acronyms as Alphabet Soup! He has a very good point. The proposal for the deletion of the Regional offices from the organisational structure to be replaced by a small number of Assistant Commissioners at headquarters, has considerable merit and would result in a flatter organisation with HQ much more in touch where policing matters, at the front line. The much-vaunted recommendation on a District Policing Model¹⁹¹ has been around for 100 years and longer. It is agreed that the resourcing of that model has been sorely lacking and modern refinement is most welcome. Self-evidently this model should have been fleshed out in detail in the report.

Appointment of a New Commissioner

The government stepped over the line in appointing Mr. Drew Harris, former Deputy Chief Constable of the PSNI, as the Commissioner in September 2019. My personal views are well known. I'm conscious that we are now celebrating the Centenary of An Garda Síochána and one should understand the historical context when appointing the Head of

¹⁹¹ *Commissioner Harris maintains that his Policing Model follows that recommendation, that simply is not true for reasons that will become apparent.*

the Security and Policing service for this state. In the first instance the position of Garda Commissioner is not interchangeable with the equivalent positions or experience in other international services. This is the settled position worldwide. In other words, no country other than Ireland would consider such a proposition to be tenable. In Defence Force terms, it would be the equivalent to appointing a senior military officer from a foreign army to lead the Defence Forces. His role in the Smithwick tribunal has been described explicitly above.

Policing (Operating) Model

The commissioner then went on to introduce a so-called Policing Model which has not been costed, trialled, or debated. It is the most destructive initiative ever introduced in the centenary of policing in this country. Significantly there are no metrics¹⁹² by which it can be measured or evaluated. The proposed Operating Model for the Garda Síochána will directly affect 14,279 sworn garda officers and 2,332 civilian staff (Figures Dec 2019). 427 stations will be directly affected by boundary changes. All 535 stations will be impacted by the changed role of District Officers (Superintendents). Garda Districts will remain unchanged at 96 but their Superintendents will be reassigned to Functional Divisional Duties. All administration will be reallocated to 19 Divisional HQs. Six Garda Regions have been reduced to four. The Commission on the Future of Policing recommended the Abolition of Regions, this has been disregarded without comment. 28 Garda Divisions will be reduced to 19, creating several Super Divisions. It is obvious that such a radical departure should be stress-tested and piloted to ensure the efficacy of the proposals.

Covid

Experience in policing cautions one to expect the unexpected and make at least some sensible provisions for the unexpected. Notwithstanding,

¹⁹² *There is no mention of Metrics - as a result of the Model Changes some improvements should be evident- Response times will be improved, Visible Patrolling will be increased, Value for Money will be achieved, Public Satisfaction will be enhanced.*

no amount of foresight could have predicted the Covid Pandemic and its likely impact on the AGS and the community. There is no doubt that the interaction with the community, particularly the vulnerable, was outstanding and it again emphasised the close and natural connection which exists.

There was an impact on the operational capacity as rosters were readjusted and training was put on hold.

On 12 March 2020, the Government detailed plans to contain Covid-19. To support this, on 13 March 2020, An Garda Síochána announced a number of measures to maximise operational availability and support other vital public services. These included a contingency roster to increase policing hours; restrictions on annual leave; acceleration of attestation of over 300 student Gardaí; re-deployment of Gardaí working in non-operational roles to frontline; suspension of training in the Garda College, except for specialist training activity; and Gardaí could defer retirement for 12 months (subject to Government approval).

The Commissioner's report for 2020 made mention of the specific impact on Training.

An Garda Síochána in response to the public health crisis, the Garda Commissioner took the operational decision to attest 522 Garda Trainees and Probationer Gardaí earlier than scheduled and deploy them to the frontline in stations nationwide.

As part of the graduated response to Covid-19, all non-essential training undertaken at the Garda College was suspended for the greater part of 2020. Redeployment to frontline policing of 124 Gardaí from their duties at the Garda College took place in April and following fluctuations in Covid-19 transmission trends, in November, a further 264 Gardaí - including 123 Probationer Gardaí, 73 Trainee Gardaí, with 68 members of Garda College staff - were again redeployed from the Garda College to support frontline policing.

There was also a move to remote working for some with the facilitation of remote working for 2,500 Garda personnel. An unwelcome development was the incidence of 248 spitting assaults on Gardaí. Clearly not everyone was animated by the same spirit of cooperation.

Self-evidently the Covid Pandemic has continued much longer than hoped for and the downside to the emergency changes continue to impact. The Report does not mention the strategic impact of Covid on the Operating Model as it applies to the organisation, but it would be frankly amazing if there was no negative impact.

Epilogue Capturing our History

The GSRMA (Garda Retired Members Association) played a major role in preserving the history of the Garda Síochána by collaborating in this work. The GSRMA has an ongoing Oral History project¹⁹³ designed to ensure that experiences are not lost in the sands of time. It is sincerely hoped that the State will continue to play its part. It has not been clear that current administrations always value the historical experience of members of An Garda Síochána.

Historical experience has taught the nation of the crucial role played by civil policing in securing the Irish State. The pre-independence experience of the RIC outlined in dramatic fashion the consequences for society as a whole when the policing service is destroyed. It also underlined the degree to which acceptances of the policing order by society is a critical factor in sustaining democracy. The link between government and the policing role was one of the key factors identified in those troubled times. The RIC as an organisation was seen as supporting the established order and were deliberately targeted and destroyed because of that mindset. There is not the slightest doubt that many very ordinary members of that force did not share a political agenda and were merely doing the best they could for themselves and their families.

¹⁹³ www.gsrmacapturingourhistory.com

The GSRMA and the author were clear that no attempt would be made to re prosecute the War of Independence or indeed the Civil War which followed. The straightforward intention was to record the seminal events which threatened State Security during that century. It was also recognised that the relationship between different governments and the Garda Síochána was not always easy. With few exceptions the force withstood the pressure exerted on it by the political power base.

The paradoxical fact is that so-called reforming exercises can also promote an invasive blame culture. This culture can very easily destroy the organisation that it strives to reform. There is need for balance, objectivity, and trust as well as accountability. An Garda Síochána has been of inestimable service to this State which is worth remembering.

INDEX

Adams, Gerry 155–156, 183–184, 296

Agnew, Paddy 243

Ahern, Bertie 273, 281, 296, 313

Ahern, Dermot 313

Ahtisaari, Martti 316

Ainsworth, Joe 255–257, 258–260

Alderdice, John 316

Allen, Gregory 4n2, 139

Anderson, Marie 345

armed robbery trends 214,

Arms Importation debacle 158–170, 213

arms smuggling 279–280, 288–289

Army Comrades Association (ACA) 86, 93

Arnold, Bruce 256

Aylward, Sean 314

B Specials (RUC reserve) 6, 142, 152, 155

Bailey, Ian 380

Ballymurphy Eleven (1971) 321

Barnes, Eamonn 350

Barrett, Dick 43

Barron, Henry 194, 195, 198,

Barron Inquiry 321

Barron, Richie 357

Barry, Tom 126

Barry, Tony 302–303

Bartley, Catherine 290

Bennett, Tom 145n93

Berry, Peter 136, 141, 148, 149, 157, 167, 168–169, 175–176

Magill Diaries 165, 168, 169
replaced as SG 158

Bevan, John 110

Biggs, Christopher Ewart 160–161, 212, 224

Blair, Patrick Joseph ‘Mooch’ 338n164

Blaney, Neil 158, 188, 242, 244
arms importation 158–171

Blood-Smith, William 191

Bloody Sunday killings (1972) 156, 159, 178–182, 237

Blueshirts 94, 95, 101, 102, 105

see also Army Comrades Association

Blythe, Ernest 41

Boland, Gerald 68, 73, 99, 100, 106, 107, 124, 129, 135, 141

Boutcher, Jon 338–344

Bowden, Charlie 304n144

Bradshaw, George 189

Brady, Conor, *Guardians of the Peace* 55

Brady, Declan 389

Brady, Michael 110, 113, 114, 122

Breen, Harry 273–278, 285, 321, 323–324, 326, 346

Brennan, James 9, 23, 24

Brennan, Joseph 161–162

Brennan, Patrick 10, 11, 24–25n17, 26–35

Brennan, Paudge 188

British government
190, 192, 193, 195, 211, 316, 320, 323, 349
collusion allegations
324–325, 341–345
jurisdictional cooperation
342–345

Brosnan, Joe 281, 316, 350
 Brosnan, Thomas 53–54
 Browne, Billy 298–299
 Browne, Daniel J. 87
 Browne, D.J. 99–100
 Browne, Vincent 168
 Broy, Eamon ‘Ned’ Commissioner
 5, 8–10, 15–16, 18, 21, 57, 67–68,
 72, 73, 87, 89–91
 ‘Broy Harriers’ 91–93, 94, 96–99,
 102, 105, 106
 Bruton, John 281, 287, 331
 Bryan, Martin 272
 Buchanan, Robert ‘Bob’ 273–277,
 285, 321, 323–324, 326, 346
 Burke, Liam 115
 Burke, Ray 231, 281
 Byrne, Billy 212–213
 Byrne, David 304, 388
 Byrne, Henry 172, 232, 250–254
 Byrne, Pat Commissioner 281,
 306–312, 314, 359

 CAB (Criminal Assets Bureau)
 310, 369, 377–378, 391
 Cadwallader, Ann, *Lethal Allies*
 278
 Cahill, Joe 279–280
 Callanan, Andy ‘A.J.’ 312
 Callanan, Yvonne 312
 Callinan, Martin Commissioner
 260, 314, 376–380, 381–382
 Calnan, Tom 224
 Campbell, Liam 348
 Cannon, Jim 224
 Carey, Malachy 347
 Carroll, Patrick 84,
 Carroll, Patrick Commissioner
 141, 148
 Carty, Kevin 358, 360

 Carville, Audrey 343, 344
 Casement, Roger 20–21
 Casey, Gerard 346
 Casey, Martin 176–177
 Cassidy, Daniel 346
 Castlerock murders 347
 ‘Chameleon’ 353–355
 Charles, Prince 282, 287–288
 Charleton, Peter 322, 330
 Civic Guard 4 – 36
 Kildare mutiny 11, 15, 16, 31,
 34, 42
see also An Garda Síochána (AGS)

 Clarke, James 227
 Clerkin, Michael 161, 213, 224
 Coffey, Tony 148
 Collins, Eamon 286
 Collins, Eddie 188
 Collins, Gerry 151, 161, 200, 201,
 206, 231
 Collins, Michael General 1–18, 28, 31,
 32, 34, 39, 54, 90, 91, 111, 156, 237
 Béal na Bláth 43,
 Collins, Tom 137
 Collison, Malachy 30
 Colton, Leo 327, 328
 Colvert, Brendon, *On My Honour* 87
 Condon, Colm 167, 191
 Condon, John 97–98
 Connolly, Oliver 380
 Connolly, Patrick 255
 Connolly, Tom 253
 Conroy Commission 149–150,
 151–156, 157, 159, 173, 200, 202
 Conroy, Noel Commissioner 314
 Continuity IRA 312, 354, 367
 Conway, Michael 94,
 Conway Michael (Mick)
 149–150, 201, 205, 207

- Coogan, Eamon 41, 88, 99–101
 Cooke, Judith 212
 Cooney, Patrick 151, 159, 185, 200, 205, 206–208
 Corcoran, William T. 145n93
 Corish, Richard 62–66
 Corrigan, Owen 273, 325, 327, 328, 333n160, 334
 Cory, Peter 273–274, 323–324, 330
 Cosgrave, Liam 151, 167, 185
 Cosgrave, W.T. 1–2, 4–5, 41, 73, 89–90
 Costello, John A. 135, 145–146
 Costigan, Daniel Commissioner 135, 136, 141, 146, 147, 148
 Court system 4, 37
 Military tribunals 53, 76, 94, 95, 101, 111, 113,
 Special Criminal Court 107, 100, 112, 115, 121, 124, 125, 143, 144, 160, 174, 176, 191, 211, 212, 224, 249, 251, 264, 272, 295, 354
 Cowen, Brian 313, 349
 Coy, Patrick 31
 Coyle, Marian 160, 261
 Coyne, T.J. 136
 Craig, William 189
 Crinnion, Patrick 159, 190, 192
 Cronin, Claire 390–391
 Cronin, Sean 142
 Crowley, Eugene Commissioner 231, 281
 Cruise O'Brien, Conor 255
 Culligan, Paddy Commissioner 201, 281, 291
 Curran, Dick 249
 Curtin, John 74–78, 81, 83, 84
 Curtin, Maureen (née O'Sullivan) 74, 75–76, 80
 Dalton, Charles 54
 Dalton, Tim 281, 306–307, 314
 Daly, Bill 249
 Daly, Francis 115
 Daly, Seamus 348
 Daly, Thomas 23n16, 25, 30
 Damery, Paul 295–296
 Darcy, Fr Brian 268
 Darragh, Austin 266
 Dawson, Albert 145
 de Chastelain, John 316
 De Valera, Eamon 8, 38, 58, 60, 67, 73, 86, 88, 89, 91, 92, 95, 100, 101, 102, 103, 106, 110, 115, 119, 123, 124, 135
 De Valera, Síle 242
 decommissioning of weapons 314
 Delaney, P.J. 167
 Dermody, Patrick 118–119
 Dermody, Una 270–271
 Desborough Report (1919) 61, 64
 Devereaux, Michael 125
 Devine, Michael 248
 Diggin, Michael 213
 Dillon, Joe 175, 176–177
 Dixon, George 166
 Doherty, Eamon Commissioner 181, 231
 Doherty, Kieran 242
 Doherty, Martin 290
 Doherty, Sean 230, 231, 255
 'Dowra Affair' 256–258
 Donaghy, Thomas 346
 Donaldson, Jeffrey 273–274, 325, 331, 333n160
 Donegan, Paddy 213
 Donegan, Samuel 159

Donohue, Adrian 385
 Doran, Liam 130
 Dowling, Thomas 51, 70
 Doyle, John 30
 Doyle, Tim 136
 Drummond, Timothy 'Tadhg'
 115, 116
 Dublin Metropolitan Police (DMP)
 5–6, 8–10, 35, 56, 237
 Dublin and Monaghan bombings
 (1974) 192, 194, 195, 198, 321, 343
 Duffy, Tommy 189
 Duggan, Eamon 1, 11–12, 35
 Dukes, Alan 231
 Dunne, Ben 261
 Dunne, John 304n146
 Dwyer, Ryle 116

 Egan, John 95
 Egan, Joseph 110
 Egan, Mick 175
 Everett, James 135, 141

 Fallon, Deirdre 174
 Fallon, Richard 149, 158, 169,
 170–171, 173–176, 178, 251, 262
 Farrell, Jim 223
 Faulkener, Padraig 161–162
 Feehily, Josephine 383
 Fennelly, Nial 363–364, 381–382
 Fenton, Joseph 340
 Ferris, Martin 225, 227, 279,
 296–297
 Fianna Fáil 173, 184, 185, 188,
 200, 201, 238, 242, 255, 377
 1932 and 1933 elections 60, 61,
 62, 86, 102, 123, 141, 147, 242, 243
 war years 123–126
 Fingleton, Michael 'Fingers' 200
 Finlay, T.A. 197, 202, 217, 219

 Finucane, Pat 323, 324, 331
 Firth, Paul 173–174
 Fitzgerald, Desmond 2
 Fitzgerald, Frances 313, 382
 Fitzgerald, Garret 150, 218, 230, 231,
 243, 259
 Fitzgerald, Jim 201, 207
 Fitzgerald, Margaret 298–299
 Fitzgerald, Michael 96
 Fitzgerald, Mick 298–299
 Fitzgerald-Kenney, James 1, 50, 73, 82,
 98–99
 Fitzpatrick, Michael 126
 Fitzsimons, James 51, 58n40–59, 71, 81
 Flanagan, Charlie 273–274, 313, 325,
 331–334, 377
 Flanagan, Oliver J. 188
 Fleming, John 165, 167, 176
 Fleming, Patrick 107, 126
 Flynn, Padraig 281, 291
 Foley, Des 188
 Forde, Aidan 145
 Fox, Billy 220, 227
 Fox, John 126
 Fraser, Alasdair 339
 Frazer, Willie 273–274

 Free State
 emergency legislation
 45, 46, 49, 55, 81, 102, 189, 360
 provisional government structure 1–2
 Fullerton, Eddie 346
 Fulton, Kevin (Peter Keeley)
 273–274, 324, 333,
 334–335, 337, 338
 Fusco, Angelo 227

 Gaffney, Jeremiah 53–54
 Gallagher, Eddie 160, 261
 Gallagher, P.J. 68

- Galvin, Barry 304–305
- Gantly, Sean 124, 127–130
- Garda Authority 234–236
- Garda Federation 307
- Garda Inspectorate 361–362
- Garda Representative Association (GRA) 157
- Garda Review* 50, 69
- Garda Síochána (An) (AGS) (State Security)
- 4, 7, 10, 15, 34, 47,
48–49 *Emergency Acts*, 52, 55–57,
61, 62, 67, 71, 72, 75, 79,
82, 89, 91, 104 *Taca Síochána*,
108, 111, 114, 129, 134, 137, 150,
152, 173, 194, 195, 200, 202, 228,
231, 233, 234, 242, 255, 257, 258,
259, 261, 263, 273, 279, 305, 309,
317 *state security definition*,
324–326, 328, 330, 333–336, 341–343,
346–347, 354, 358, 361, 363, 367–372,
381–385, 387, 393, 396
Selected Events
Formation
Civic Guard/Garda Síochána Timetable
10,
- Report Kildare Mutiny 31
- Armed Force? 10, 14, 16, 24,
29, 34, 38, 52, 53, 56–58,
68, 70, 89, 91, 96, 97, 103,
118, 119, 126, 144, 171,
173–174, 177–178, 183,
216, 214, 218, 223, 236,
249, 250, 251, 257, 264,
268, 269, 293, 296, 299,
300, 308, 309, 315
- Unarmed Force?
13, 14, 16, 24, 33, 36, 45, 53, 58,
218, 237,
263–264, 366
- Murdered Gardaí 14, 51, 81, 110,
160, 170, 224, 232, 385–387
- State Compensation for families
49, 75, 80, 84, 111–112, 121, 250,
253
- Special Branch
SDU/Detectives/ERU
9, 38, 55–57, 60–67, 82–84, 87, 90–
92, 96–97, 106, 111,
114, 115, 119, 124, 127, 130–
131, 159, 167, 175–176, 182, 217–
219, 249–255, 284,
295, 308, 345–346,
- Garvey, Edmund ‘Ned’ Commissioner
151, 159, 160–161, 200–203,
205–210, 230, 255, 257, 259–260
- Gavin, James 227
- Gavin, Tomas 175
- Geary, William 87–88
- Geoghegan, James 73, 86
- Geoghegan Quinn, Maire 281, 291–292
- Gibbons, Jim 162, 164, 165, 167, 168
- Gill, Michael 90–99, 129
- Gilligan, John 300–304
- Gilmore, George 87
- Glenanne gang 343
- Golden, Tony 386
- Good Friday Agreement (GFA)
265, 272, 281, 293, 296–298,
311–312, 320, 323, 324, 347
- Goulding, Cathal 155

GRA
 (Garda Representative Association)
 202,293–294, 307
 Green, Thomas (Francis Hart)
 113
 Greysteel murders 347
 Grieve, John 317
 Griffin, Thomas 51, 70
 Griffith, Arthur 12
 Grogan, Laurance 107–108
 GSOC (Garda Síochána Ombudsman
 Commission) 318,
 361–362
 Fixed Charge Penalty
 System review 374–375
 Guerin, Sean 379n187
 Guerin, Veronica 251, 294, 300–304,
 390
 Gunn, Eamonn 39–40, 138, 146–148
 Gunn, James 39–40
Guth an Garda 50

 H Block hunger strikes 211, 229, 262
 protests and rioting 237–249
 Hales, Sean 43–44
 Hamilton, Liam 194, 321
 Hamilton, Paul 339
 Hand, Frank 229
 Hannon, Aidan 114
 Harkin, Louis 241
 Harlowe, Mick 145n93
 Harnden, Toby, *Bandit Country*
 273–274, 325, 330, 333
 Harrington, John Joseph 100–101
 Harrington, Sean 126
 Harris, Drew Commissioner
 273–274, 314, 321,
 328–329, 334–335, 336, 342–343,
 393–394n191
 Harte, Patrick 23

 Harty, Patrick 297
 Haugh, P.J. 23
 Haughey, Charles 141, 143, 147, 148,
 151, 154, 158, 161–169, 176, 230, 238,
 243, 255 arms importation 158–171
 Haughey, Pádraig ‘Jock’ 165, 167, 176
 Hayes, Brian 325
 Hayes, Stephen 107, 126
 Hefferon, Michael 162, 166, 167
 Hegarty, Thomas 145n93
 Hennessy, Maria 270–271
 Hermon, Jack 255
 Herrema, Tiede 160, 210, 261
 Hickey, Finbar 327, 328
 Hickey, Tony 304, 358
 Higgins, Jim 273–274, 325, 358
 Hillery, Patrick 192
 Hogan, Eddie 266–267, 270, 271
 Hogan, Michael 90n58
 Holland, Patrick 304n141
 Hopkins, Adrian 279
 Horkan, Colm 387
 Horne, Matt 390–391
 Howlin, Brendan 358, 378
 Hughes, Francis 241
 Hughes, P. 41
 Hunt, Thomas 113
 Hunter, Pat 173
 Hutch, Gary 388
 Hutch, Gerry 300, 388, 390
 Hyland, Marie 114
 Hyland, Richard 109, 113–114,
 121–122, 127, 250
 Hynes, Noel 130
Guardians of the GAA 85
 Independent Reporting Commission
 (IRC) 317
Iris an Garda 50, 69
 Irish government,
 collusion allegations 324–325

Irish Republican Army
 (IRA) (Generic Term)
 3, 4, 8, 9–10, 13, 15–16, 17,
 19–20, 21, 23, 45, 74, 106–109
 attacks on garda stations 58–59
 factions 155–156
 policy on AGS members 134
 unbanned as an organisation
 93, 94
 see also Provisional
 IRA (PIRA) (Post 1969)
 Irish Republican Police (IRP) 4–5
 Irregulars 11, 43, 45, 46, 53, 55

 Johnson, Donald C. 316

 Kealy, Brian 283–284
 Kealy, Thomas 115
 Keane, Patrick Francis 174–175,
 176–177
 Kearney, John A. 9n7, 20–21
 Kearney, Vincent 341
 Keating, Dick 145n93
 Keating, Justin 116–118, 127–128
 Keavey, John 227–228
 Kelliher, Patrick 292
 Kelly, James 162–168, 244
 Kelly, John 167, 176
 Kelly, Michael 10
 Kelly, Nicky 212
 Kelly, Patrick 232, 235, 262, 264
 Kennedy, Geraldine 256
 Kenny, Enda 154, 313, 376, 378
 Kenny, Gerry 206
 Kerins, Charles 115–116, 118, 126
 Kerr, Dick 317
 Kerr, Frank 292–293
 The Kerry Babies case (1985)
 203, 229

Kildare Military Barracks 10–12, 15–16,
 22–35
 Kinahan, Christy 300, 388
 Kinahan, Daniel 388
 Kinnane, Michael J. Commissioner
 73, 99, 106, 124, 129, 131, 135, 136
 Kinsella, Michael 220
 Kinsella, Sean 220
 Kirby, Jim 257, 258
 Kitson, Frank 198–199

 Lambe, Sean 284–285
 Lavery, William 128
 Leddy, Joseph 84
 Lehane, Con 115
 Lemass, Sean 81–82, 135, 143
 Lenihan, Brian, Jnr 313
 Lenihan, Brian, Snr 141, 148
 Lewis, Brandon 323, 337, 343
 Liddy, Farrell 11
 Liddy, Sean 11, 21, 23, 24–29
 Littlejohn, Keith 183, 191, 219
 Littlejohn, Kenneth 183,
 191–192, 219
 Lonergan, John 219
 Loudon Ryan Report (1979) 203, 233
 Loughnane, Bill 242
 Lowe, Bernard 87
 Luykx, Albert 167
 Lynch, Alexander 339
 Lynch, Jack 151, 154, 167, 168,
 175, 190, 231
 Lynch, Liam 53
 Lynch, Martin 10, 23, 26, 30
 Lynch, Michael Patrick 96
 Lynch, Peter 227

 Mac Curtain, Thomas 111–112, 121
 Mac Curtain, Tomás 111
 Mac Eoin, Sean 130, 132–133, 135

McAleese, Mary 235–236
 McAliskey, Bernadette 244, 245, 247
 McArthur, Malcolm 255
 McAteer, Hugh 115, 126
 McAuley, Pearse 295, 296, 297
 McAuliffe, Michael 12, 28, 31
 McBrearty, Frank Jnr 357
 MacBride, Sean 113, 115–116, 121, 126, 130, 174
 McBurney, John 317
 McCabe, Ann 296
 McCabe, Jerry 229, 289, 294–297, 300, 309, 320
 McCabe, Maurice 374, 375, 378, 379–380, 382
 McCann, Hugh 191, 192
 McCann, Patrick 251, 252
 McCarthy, Mathias 9, 23, 34n24, 41
 McCaughey, Sean 126
 McCloy, Allan 339
 McConnell, Mark 357
 McCool, Sean 126
 McCormack, Michael 23
 McCorriston, James 346
 McCreesh, Raymond 242
 McDonald, Dearbhail 377
 McDowell, Michael 273–274, 306, 313, 318, 361
 McElligott, Thomas 9
 McEntee, Helen 313
 MacEntee, Patrick 194, 203
 MacEntee, Sean 124–125
 McErlain, Patrick 346
 McEvoy, P.J. 226
 McFarlane, Brendan ‘Bik’ 264
 McGahon, Brendan 243
 McGarry, Fearghal 41
Eoin O’Duffy: A Self-Made Hero 41
 McGeehan, Patrick 81, 84, 109
 McGetrick, Thomas 9
 McGettigan, Sean 227
 McGlade, Charles 126
 McGlinchey, Dominic 229, 261, 265
 McGovern, Jim 256–257
 McGrath, Joseph 2
 McGrath, Patrick 107–108, 113
 McGrory, Barra 339–340
 McGuinness, Martin 155–156, 220, 296–297
 McGuinness, William 107–108
 McKelvey, Joe 43–44
 McKeown, Patrick 109, 113–114, 121, 122, 127, 250
 McKevitt, Michael 348, 349, 354
 McLaughlin, Patrick (Paddy) Commissioner 72, 151, 161, 210, 213, 231, 255, 258–260
 McLoughlin, Patrick 229, 232
 McLoughlin, Ronan 308
 McMahan, Philip 90n59
 McMahan, Tommy 227–228
 MacNeill, Eoin 2
 McNeill, Tony 266–267, 270, 272
 McNiffe, Liam 34, 68
 McPhilips, Oonagh 314
 McQuaid, John Charles Archbishop 146–147
 MacSharry, Ray 256, 258
 MacStíopháin, Seán 155–156, 159, 182–183, 186, 216–217
 McSweeney, James 110
 Macushla Ballroom 144–146, 149–150
 McVeigh, Patrick 227
 McWilliams, Monica 317
 Maguire, Eamon 278
 Maher, Jeremiah 10, 23
 Mains, Alan 273–274

- Mallon, Kevin 218, 220, 221
 Malone, Patrick Commissioner 151, 159
 Mangan, Frederick 148, 149
Marita Ann arms importation 227, 279
 Marrinan, Jack 136, 145n93, 146, 147, 149, 153, 157, 160, 201–202, 205, 207–208, 209, *see also* GRA (Garda Representative Association) 233–236, 264–265, 293
 Marsh's Yard 96–98
 Martin, Mícheál 313
 Mathers, Brian 191, 192
 Mathews, Des 203–204, 231
 Maze Prison
 H Block escape 237–238, 249, 261–262
 hunger strikes 211, 229
 Meehan, Brian 304n143
 Mellows, Liam 43–44, 114
 Mitchell, Charles 178
 Mitchell, Jim 230
 Mitchell, John 203–204
 Monaghan, Jim 224
 Moore, Owen 97–98
 Moran, Dougie 303
 Moran, Joe 286
 Moran, P.J. 306
 Moran, Rose 286
 Mordaunt, George 110, 119–121
 Morley, John 172, 232, 250–254
 Morris, Frederick 356
 Morris Tribunal 313, 321, 322, 356–360
 Morrissey, Patrick 172
 Morrissey, Daniel 135
 Morrissey, John Dominick 177
 Morrissey, Patrick 229–230
 Morrissey, Sean 175, 176
 Moss, Edward 357
 Mountjoy Prison 44, 86, 113–114, 116, 125, 173, 183, 192, 220, 216–217, 240, PIRA helicopter escape 159, 197, 217–219 riots (1972) 215–216
 Mulcahy, Richard 2, 54
 Muldoon, Patrick J.G. 145n93
 Mulhern, Joseph 340
 Mullen, Michael 244, 245
 Mulligan, Tony 291
 Murphy, Colm 348
 Murphy, Donie 145n93
 Murphy, Fachtna Commissioner 304–305, 314, 376–377
 Murphy, Michael 145n93
 Murphy, Thomas 'Slab' 284
 Murphy, W.R.E. 35, 72
 Murray, Marie 206
 Murray, Noel 206
 Murrin, John 51, 70
 Myers, Kevin 273–274, 330
 Nairac, Robert 227
 Nally, Derek 201–202
 Nally, Dermot 350, 351
 Nangle, Tom 256–257
 National Army 4, 11–12, 25, 35, 43–45
 Naughton, Martin 283
 Neary, Thomas 10
 Neligan, David 5, 8–9n6, 56–57n39, 72, 87–88
 Nelson, Brian 324, 339
 Nieminen, Tauno 316
 Nolan, Arthur 51
 Nolan, Eamon 227
 Nolan, James 128
 Nolan, John 276–277, 285

- Noonan, Michael 226, 231, 299
- Nugent, John 128
- O Conaill, Daithi 218
- O'Brádaigh, Ruairí 142
- O'Brien, Ann 166
- O'Brien, Denis 109, 114–118, 121, 127
- O'Brien, Sean 26, 30
- O'Brien, Tim 145
- O'Callaghan, Gerard 386
- O'Connell, Daithi 245
- O'Connell, E.M. 90n58
- O'Connell, Pat 116
- O'Connor, Bernard 24
- O'Connor, Martin 266, 268–270
- O'Connor, Pat 213
- O'Connor, Rory 11, 23n16, 29, 30, 44 n32 n34, 114
- O'Connor, Tim 317
- O'Connor, Ulick 245
- O'Cualáin, Donal 314
- Ó'Dálaigh, Cearbhall 213
- 'Odd Job' 347–348, 350–354
- O'Donnell, Brendan 294
- O'Donnell, Peadar 96, 109n69
- O'Donoghue, John 281, 306, 313, 330–331, 349–350
- O'Donoghue, Martin 256, 258
- O'Donoghue, P. 99–100
- O'Driscoll, Aidan 314
- O'Driscoll, John 390–391
- O'Duffy, Edward 87–88
- O'Duffy, Eoin Commissioner 1, 14, 15, 16, 19, 22, 31, 35–36n26, 38, 40, 41n30, 42, 50, 73, 79
- Blueshirt movement 93
 - fired as commissioner 89–91, 95, 260
 - military role 54
 - self-promotion 50–51, 69, 71–72
- Official IRA (OIRA) 155–156
- O'Flaherty, Peadar 107–108
- O'Friel, Henry 61, 87, 99–100
- O'Grady, John 265–272
- O'Grady, Marise 266, 267
- O'Hagan, Bernard 346
- O'Hagan, J.B. 218
- O'Halloran, Patrick 51, 70
- O'Hanlon, Fergal 142
- O'Hara, Patsy 242
- O'Hare, Clare 271, 272
- O'Hare, Dessie 'The Border Fox' 229, 265–272
- O'Higgins, Kevin 1–2, 5, 14, 31, 35, 38, 41–42, 44n32, 54, 63, 86, 169
- assassination 50, 71, 80–81
 - negotiations with representative bodies 63–64
 - security legislation 56
- O'Higgins, T.F. 93
- O'Kelly, Derek 251–252
- O'Kelly, Kevin 185–186, 216
- Oliver, Tom 321, 334, 336, 337, 342, 345
- O'Loan, Nuala 349, 352, 362
- Omagh bombing (1998) 281, 321, 347–349, 351
- O'Malley, Desmond 141, 151, 154, 158, 169, 176, 184, 191, 215–216
- O'Malley, Mick 251–252
- Ó'Moráin, Micheál 141, 148, 151, 158, 167, 169, 175–176
- O'Neill, Maurice 119–120
- O'Neill, Michael 295, 296
- O'Neill, Sean 177
- O'Neill, Terence 190
- Operation Collusion South 346
- Operation Harvest (1956–1962)

- 141–144
- Operation Kenova 334–345
- Oriel House 4, 5
- O'Rourke, Michael 224
- O'Rourke, Sean 392
- O'Shea, Colm 251, 252
- O'Shiel, Kevin R. 12, 28, 31
- O'Sullivan, Ben 294–299
- O'Sullivan, Donal 91
- O'Sullivan, Noirin Commissioner 314, 382
- O'Sullivan, Timothy 52, 81
- O'Toole, Daniel 312
- O'Toole, Kathleen 362n181, 383, 392
- Owen, Nora 281, 293, 306

- Patten Report (1998) 319–320
- Peck, John 192
- Peoples, Charlotte 357
- Peoples, Michael 357
- Peters, Tom 224
- Phelan, Henry 14, 51, 52–53
- Plunkett, George 107
- Police Ombudsman (NI) 345–347
- Policing Decades
 - 1920s 1–72
 - 1930s 73–105
 - 1940s 106–134
 - 1950s 135–140
 - 1960s 141–150
 - 1970s 151–228
 - 1980s 229–280
 - 1990s 281–312
 - 2000s 313–391
 - by consent 4, 364
 - changing approach
 - to international organised crime 388–391
 - current developments 364–367
 - foreign policing expertise favoured
 - in review roles 319, 362, 367,
 - 383–384, 392–393
 - impact of Covid pandemic 394–395
 - levels of political influence
 - on policy 154–156, 158–161, 210, 396
 - strategic goals 367–373
 - war years 105, 106–122
 - wider perspective than state security 360–364
- Policing Authority 383–384
- Portlaoise Prison,
 - escape attempts 219–223, 225–227
- Prendiville, Edmond 24
- Pringle, Peter 251–254
- Provisional IRA (PIRA) 155–158
- Public Accounts Committee (PAC) 158, 162–166
- Purcell, Brian 379

- Quaid, Seamus 227, 232
- Quane, William 177
- Quille, Michael 115
- Quinn, John 296
- Quinn, Sean 339
- Quinn, W.P. Commissioner 141, 146, 148

- Ramaphosa, Cyril 316
- RBG (Representative Body for Guards) 136, 138–140, 144–150, 157, 159, 160, 199–201, 205–206, 209

- see also* GRA
(Garda Representative Association)
- Reagan, Ronald 244
- Real IRA 312, 347
- Reardon, Patrick 9
- Rees, Merlyn 211
- Reilly, Bill 225
- Reiss, Mitchell 317
- Republican Congress 108–109n70
- Restorick, Stephen 280
- Reynolds, Michael 160, 172, 206
- Reynolds, Patrick 84
- Reynolds, Patrick Gerald 232
- Reynolds, Paul 389
- Reynolds, Vera 206
- RIC (Royal Irish Constabulary) 3–4, 9–10, 396
- Riney, Imelda 294
- Riney, Liam 294
- Ring, Michael 10, 23, 24–25, 35
- Robinson, John ‘Robbo’ 245–246, 247
- Roche, Gerry 295–296
- Roche, John 109, 111, 112, 121, 265
- Roche, Mary 112
- Roche, S.A. 124–125
- Rodgers, John 97–98
- Rogers, Peter 227
- Rooney, John 70
- Rowe, William ‘Billy’ 81–83, 92–93
- RUC (Royal Ulster Constabulary) 6, 64, 155, 273n121, 284–288, 319–320, 333n160, 351n172
 collusion allegations 346
 Operation Kenova 334–345
- Rupert, David 354–355
- Russell, Robert 227
- Russell, Sean 107, 126
- Rutledge, P.J. 67, 73, 88, 98–99
- Ryan, E.J. 30
- Ryan, Frank 78
- Ryan, Joe 385
- Ryan, John 76, 78, 84
- Ryan, Loudon 203, 233
- Ryan, T.J. 87
- Sackville Place car bombing 189–190
- Sands, Bernadette 349
- Sands, Bobby 237–240, 349
- Saor Éire 78, 84, 93, 108–109n69
 armed robbery campaign 157–158, 170–172
- Scappaticci, Freddie ‘Stakeknife’ 225n122, 273–274n134, 285, 334–335, 338, 340, 343, 344
- Scott Medal for Bravery 12, 69–71, 299
- Scott, Walter 69–70
- Sellars, Patrick 23n16, 25
- Sens, Andrew D. 316
- Shanaghan, Patrick 346
- Shanahan, William 110
- Shatter, Alan 313, 376, 379–380
- Shaw, John Nixon 36–39, 56
- Sheehan, Brian 207–208
- Sheehan, Gary 232, 235, 262
- Sheehy, Jeremiah 295, 296
- Sherwin, Sean 188
- Slattery, Daniel 128–129
- SMI (Strategic Management Initiative) Review 302, 309
- Smithwick Tribunal 203, 273, 274–278, 313, 321, 323, 324, 326–334, 342, 359n178, 393
- Smyth, Thomas 222, 223
- Smyth-Campbell, Jean 339, 343
- Somers, Bill 264
- South, Sean 142

- Spring, Henry 268–270
 Stack, Brian 225–226
 Stagg, Frank 211–212
 Staines, Michael Commissioner 1, 10–11, 20, 22–24n17, 25, 28–29, 34, 35
 Stanley, Larry 69
 Staunton, J.A. 145n93
 Staunton, Michael 285
 Stevens, John 339
 Styles, George 198
 Sunningdale Agreement (1973) 159–160, 193, 199
 Swanzy, Oswald 39, 111
 Sweeney, Thomas 112
- Taca Síochána 68, 104, 200
 Taylor, Robert 219
 Thatcher, Margaret 238, 244
 Tidey, Don 232, 235, 262–265
 Timoney, John 302–303
 Toal, Fergal 266–267, 270, 271
 Tobin, Liam 54
 Tobin, Ned 69
 Toland, Kevin 383
 Towson, Liam 227
 Traynor, John 300
 Traynor, Oscar 135, 138, 141
 Trears, Patrick 198
 Trimble, David 273–274
 Tully, Pauline 297
 Tully, Tom 256, 257–258
 Twomey, Maurice 126
 Twomey, Seamus 218
- Varadkar, Leo 313, 380, 385
 Waldron, Donal 177
- Wallace, Colm 52
The Fallen: Gardai Killed in Service 1922–1949
- Walsh, Billy 206
 Walsh, Brendan 177
 Walsh, David J. 145n93
 Walsh, Fr Joseph 294
 Walsh, Kevin 295, 296, 297
 Walsh, Michael 109, 118–119, 121
 Walsh, Patrick 9, 16, 23–24, 25, 26, 31–32, 35, 41, 72
 Walsh, Tom 233
 Ward, Andrew 158, 231
 Ward, Hugh 51, 58n40–59, 71
 Ward, Paul 304n142
 Warren, Russell 304n145
 Waters, Noel 292
 Weston, Galen 227, 261, 262
 Whelan, Máire 379
 White, Harry 119–121
 White, Henry 115
 Whitelaw, William 184
 Wilson, Harold 193
 Witness Security Programme 304–306, 351–356
 Woods, James 51, 53–54
 Wren, Larry Commissioner 231, 233, 235–236, 257, 260
 Wright, Gerry 266–270, 272
 Wylde, Nigel 198
 Wyman, John 190, 191, 192
 Wymes, Michael Commissioner 141, 148, 151, 158, 175–176
- Young Ireland Association 93