

**THE
TROUBLES
COME SOUTH
MURDER AND MAYHEM**



**JOHN O'BRIEN RECALLS
THE IMPACT AND THE LEGACY**

“The Troubles” Come South

Murder and Mayhem



Talbot Street Car Bomb 17 May 1974 – Sergeant Tom Madden

John O'Brien

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***Dedicated to Margaret Lombard O'Brien
and the Many Victims of Terror North & South***

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I acknowledge that any mistakes or omissions are entirely mine.

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PREFACE

There are three themes in this work. In the first instance I recall the events encountered during my policing career from 1968 to 2006 and subsequently to the present time. There are many different stories some are humorous, and more are deadly serious. The overwhelming context is the enduring set of circumstances which arose for the Troubles era, as the Northern conflict spread its malign influence into the Republic. The Troubles changed the profile of policing in a negative manner which forever altered a normal progression and evolution of policing. The greatest demands were made at the political level where the response was often inadequate and counter productive.

I joined the service in 1968 at a time of relative calm, with crime at historic lows and the threat from subversives dissipated since the early 1960s. There was a major internal garda labour dispute in 1961, resulting in eleven Gardaí being dismissed and reinstated after a short period. This development resulted in the establishment of the Conroy Commission inquiring into conditions in the service. It reported in 1969 with very far ranging recommendations on pay, conditions of service and observations on key relationships. The old authoritarian garda regime found it very hard to adapt to a changing world. Labour disputes were to occur in succeeding generations, including wild cat Blue Flus often fuelled by uncaring government inaction. I, like thousands of my colleagues travelled this journey within a policing and security service and played a part in protecting society. In practical terms this book comments heavily on the security challenges with some “normal” policing included and here and there a little black humour. The interaction by the Garda Síochána with the political establishment is critically examined.

The biggest challenges to civil society were to emerge from the Northern Troubles particularly from 1969 onwards. This unrest was to

disrupt civil society, law and order and the ability of Government, the Department of Justice and the Gardaí to maintain civil order. The emerging dark clouds spreading from the North was most unwelcome. In the event, there were no winners, just victims and survivors. This book is firmly set in the context of the republic whilst recognising a wider context both nationally and internationally. The narrative is shaped by bomb explosions in the South, murder of Gardaí, wilful, and sometimes criminal behaviour by politicians and public figures. The most egregious crime was the Dublin and Monaghan car bombings of 1974 with thirty-four citizens murdered.

An evidence-based approach is adopted in examining the experience of the Troubles and its aftermath. Economic crisis impacted dramatically on the capacity of the criminal justice system to function. Additionally, damage was self-inflicted by the Gardaí themselves. Self-evidently this work takes the longer view, one can see the clear emergence and patterns of behaviour which repeat generation after generation. These emerging patterns should be recognised in real time and addressed as a matter of normal business.

Contemporary analysis has often been ill informed, characterised by short termism. Typically, the official reaction has been to launch inquiry after inquiry and treat every emerging issue as if this was a first and never experienced situation in the continuum of experience. “Solutions” are invariably advised by the Minister (Justice) as being “ground-breaking, “single biggest change” and new institutions are described as being “independent” and “robust”. These press releases are often echo chambered by media coverage as being credible and worthwhile. In recent years there has been sustained criticism from many quarters and it seems there are many experts on policing other than the police themselves. Serving or retired Gardaí have been studiously and deliberately excluded from any meaningful part in the reform process.

The Garda Síochána has retained significant public support, outranking international comparators significantly. The members of the force have a significant history of volunteerism and self-help. There is a

deep and enduring connection with the community which is often exemplified by close connections with organisations like the GAA. Additionally, there are personal and family ties with all levels of society. The Garda interaction with the community during the Corona Virus Pandemic has been exceedingly positive and typical of the community connection.

I am inspired by the immense satisfaction which I experienced as a serving member of the Garda Síochána and the many opportunities which came my way. I know that this ethos was shared by thousands of others. My pride and connection is not an unconditional attachment to a romantic or rose tinted view of garda history. Lessons, good and bad are part of the inherited history and deserve to be explored.

Our history teaches us when a national police force is destroyed so is the state. Conversely, service in an accepted police and security service is an example of practical patriotism which strengthens and legitimises the nation.

This was a journey undertaken over time. One observed colleagues and others on that journey and one recognises the subjectivity of my experience. Hopefully this story is related with some degree of humility and forbearance, and it should inform those who take the time to reflect a little longer before forming judgement. Incredibly a Northern influence continues to dominate An Garda Síochána in modern times. This regime has been the product of a political paradigm which proclaims that the domestic experience of the Force has no little value. Traditional policing as one knew it is fast disappearing and the distance from the community is growing.

GETTING STARTED

“Policing is fundamentally a political process, even in circumstances where the police service as an institution is relatively independent of government and accountable to the law. The specific actions of ‘the police’ as an institution involves the exercise of power, relates to liberty and freedom, and relies upon authority, all of which inevitably raise political questions”.
University of Leicester 1998¹

In June 1968, Garda recruit training was thorough and old fashioned, with strong emphasis on learning the law and police powers by rote. Foot drill and firearms training with physical training were all part of the curriculum. We were also taught some good values, we policed by consent, policing was something we did for people and not to them. Most importantly we were imbued with one of the founding tenets, "we would succeed not by the force of arms but by the will of the people". Idealistic aspirations rather than realistic ones. Essentially, we were a conservative force reflecting a conservative Ireland, slow to adapt and change and over sensitive to criticism. We learned the value of loyalty and esprit de corps. Oh, by the way we were marched to Mass on Sunday, although one contrarian drill instructor would march us to Mass and back, but he would not attend himself. I liked that man. Nevertheless, on completion of training after twenty-two weeks we had a good rounded legal knowledge, we were physically fit and yes, we understood discipline. We knew how to march, to form fours and respond to words of command. This was not the end of training, we would return to complete Part Two training within two years, this would complete our early formation.

The next big move was allocation to Santry Station in Dublin in November. A dark inhospitable day, train journey from Templemore Training Centre to Dublin accompanied by another ten recruits all being

1 Scarman Centre for the Study of Public Order 1998 (unpublished)

allocated to their first stations. The lowest form of police life, recruit Gardaí unloved and raw to the realities of policing. Garda minibuses waited at Heuston station for their precious cargo. A couple of bored looking drivers inquired who was going where and buses were nominated accordingly. Some were going to city centre more to the suburbs. O'Brien was going to Santry station in the suburbs. Each recruit had a pink D20 transfer order announcing their vital information and their station. Santry was out of town and all others had been dropped off at their stations. The journey took about 45 minutes, and the city began to recede, trees lined Drumcondra Road which then became Swords Road and shortly afterward Santry Village.

I stepped out of the bus collected my belongings, two heavy cases with personal stuff, uniforms and a hurley. I rather hoped that there was a hurling team there so that at least there was something familiar. The station was a small bungalow affair built in the thirties to house a sergeant and a couple of guards. Now it had about twenty men and a couple of sergeants. It was overcrowded and dilapidated. As a single man I was required to live in the station accommodation, two others were ensconced. My bedroom was beside a short flag lined corridor leading from the public office to the sergeant's office. It had a narrow partition wall with half glass at the top. A basic iron bed, hard mattress, and a metal wardrobe.

This was truly a filthy station, ageing paint on the walls, dirty heavy-duty lino on floors and bare flags on the corridor outside my bedroom. However even amid primitiveness there was kindness. I remember one of the staff cooking me a chop on an electric grill for lunch. It was a self-catering setup, but I was the new face on the block, and I was being looked after. So, we bought our supplies in Kings shop and cooked for ourselves.

Cork was the sergeant in charge, a big man with a big belly and a jaundiced eye on the world. He had a simple personnel policy, within the station party he always had a minimum of two victims. These individuals

were selected for special treatment, awkward duty tours and verbal abuse. In order to merit this status, one had to incur his displeasure or come to him with a reputation. Curiously though he was rarely wrong, and he had a nose for troublemakers. The rest of us knew that we needed to stay on the right side of the rubicon if we were to stay on the A team.

Transfer form handed over to a disinterested station orderly who noted my arrival in the station diary. I was ushered into the presence of Cork who was quite welcoming in his way. He gave me some solid advice punctuated with general mentions of "young man" like "young man we expect you to be active, get offence detections, arrive on time, be well turned out and generally keep your nose clean." I also met the station clerk who sort of fancied himself as the power behind the throne, a man who could make or break young recruits in the subtlest of ways, like telling words in Cork's ear. The seniors reminded new recruits that they were the lowest form of animal life albeit with compensating black humour. This was the start of a thirty-eight-year policing career which was equally fascinating and frustrating. I never thought that I would see most of the world and achieve high rank. Maybe, just maybe sergeant or a detective sergeant. I was really looking forward to wearing the uniform and getting on with the job.

DEATH A FROZEN TABLEAU ROADSIDE

In a paradoxical way high drama was removed from the lives of ordinary guards to a significant degree. Traffic accidents had to be attended to and routine crime investigated, patrols performed, and reports written. It was almost like parallel worlds of security and routine, which only converged occasionally as pressure points flared up.

Riding my garda motorcycle near Dublin Airport one afternoon, I got a radio message. *“Traffic Accident on the back road near the Boot Inn pub – Check it out”*. *“Hotel 4 to Hotel Bravo roger will do.”* This was a perfectly ordinary everyday communication between station and patrol. Accidents were two a penny and we still called them accidents not collisions. I rode around the back of the airport onto the Ballymun Road and I could see that traffic was completely backed up. In fact the accident was out of my territory by a short measure, but I was the first garda on the scene. I dismounted a short distance back from the accident point, but I could see that this was a pretty serious situation. A man approached me and said, *“I’m glad you’re here, the people in the car are dead”*. I approached with a lot of trepidation and indeed three women were dead in one car, a frozen tableau. Stunning in its visual impact, life turned into eternity in the blink of an eye. The ambulances started to arrive, and I got on the radio to confirm the scene and to request assistance. The bodies were removed from the car and readied to be moved from the scene. What followed next was the absolute routine of road traffic investigation, establish the key details, ask for witnesses, sketch the scene, maintain continuity of evidence and arrange identification of deceased, inform relatives. A sergeant arrived to take charge because the accident had happened outside my area and he took charge of the investigation from that point. Months later there was a prosecution arising and I was attending court as a witness. I walked into the hall of the court and found the sergeant preparing a sketch of the accident scene, which he had clearly failed to do at the time and now he was chancing his arm. This action was far short of the

standards required but clearly, he didn't think so. In 1972 six hundred and forty people died on Irish roads, the highest ever recorded. It was also the year of the highest terrorist deaths in Northern Ireland, four hundred and seventy-nine. Was this coincidence or was there some kind of universal disregard for life stalking the land?

CAN YOU TRUST THE POLITICIANS EVER AGAIN?

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), 73.

ROBBING AND MURDER STARTS

On 14th May 1969 a Securicor Guard was attacked by three men as he was entering the offices of Aer Lingus at Dublin Airport carrying three fibre cases. These contained £24,000 in Irish £5 notes, the pay of members of Aer Lingus staff. A glass jar containing ammonia was thrown in the guard's face and the cases containing the money snatched from him. The men made their getaway in two cars previously stolen and parked nearby, with a driver waiting in each vehicle. A man was subsequently arrested and charged in connection with this crime. All the money stolen in the robbery was subsequently recovered. - *Commissioners Crime Report 1969*

This was excitement for us in Santry, a mad pursuit in North County Dublin with top brass totally involved. Ordinary mortals didn't have any insight into the investigation. Our contribution was happily digging for buried loot. The real organised crime action had already commenced because of the actions of Saor Eire. The first of a series of robberies happened on the 27th 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 3rd April 1970**. I was present some years later when those charged with his murder were acquitted by a jury to rousing cheers from the public gallery in Green Street Court House.

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. This was unprecedented and showed the gravity which attached to this crime.

Dick lived with his wife Deirdre and young family a short distance from my station in Santry. The thing is that he was not assigned to the patrol car crew that responded to the armed bank robbery at the Royal Bank in Arran Quay. 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. The driver of the patrol car was Garda Pat Hunter and Garda Paul Firth was the observer. Both were part of the funeral party that shouldered Dicks coffin.

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.

Within a week we were back patrolling, stopping cars, checking documents, going to family rows, the normal everyday grist of policing. The hunt went on for the killers. Some major questions exist to this day concerning the knowledge in security circles and government on the activities of this criminal gang. Was it not remarkable that their names were circulated to the media within 48 hours of the killing? It certainly was unprecedented and has not occurred since.

ILLEGAL IMPORTATION FIREARMS 1970

*The strongest is never strong enough to be always the master,
unless he transforms strength into right, and obedience into duty –*

Rousseau.

*August '69 Mayhem in the North/Government Votes Money for Distress
in North/Haughey Purse Strings/Captain Kelly Intelligence Ops in North/
Captain Kelly Arms Shopping Europe/Special Branch Alerted/British
Intelligence Passing Info/Peter Berry Informing Minister/Ambivalent
Government/Irish Red Cross/Money Laundering/Gibbons Guns to the
Border/Feb 6/ April 3 Garda Fallon Shot/Anon Garda
Whistleblower/Berry Says No Guns/ Captain Kelly Arrested/ Ministers
Fired/All Charged/Acquitted/PAC can't find the Money/ Supreme Court
Rules Against PAC/Square One/Lies and More Lies/Murdered Garda*

Special Dáil Committee on Northern Ireland

In 1969 the Irish Government of the day 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. Pádraig Faulkner and Mr. Joseph Brennan. Their instructions were that they should develop the maximum possible contacts with persons inside the six counties.

Money Laundered for Guns

A plot 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. Heffernan 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.

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

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 channelling money in an extracurricular way for activities that were not given general approval at cabinet level.

Cabinet Meeting 6th February 1970

Following a cabinet meeting on 6th February Jim Gibbons Minister for Defence, called the Chief of Staff General Sean McEoin and other army officers to his office for an oral briefing².

At a meeting of the Government held this morning (Friday 6 February 1970), I was instructed to direct you to prepare the Army for incursions into Northern Ireland. 'The Taoiseach and other Ministers have met delegations from the North, at these meetings urgent demands were made for respirators, weapons and ammunition, the provision of which the Government agreed. Accordingly, truckloads of these items will be put at readiness so that they may be available in a matter of hours.'

These transactions accurately indicated clearly that there was overall cabinet knowledge of the plans to engage in Northern Ireland in a military fashion.

Patrick Hogan TD, chairman of the Public Accounts Committee requested details of this February 6th meeting from Taoiseach Jack Lynch. His request was refused.

² Heney, Michael. *The Arms Crisis of 1970. Head of Zeus.*

Government Policy³

*The central question is the extent to which the plan to import arms was in line with Government policy. To answer this, reference must be made to the Government directive issued to the army by the Minister for Defence, Jim Gibbons, on 6th February 1970. This directive, the fruit of previous Government deliberations, was dictated by Gibbons in the presence of the Chief of Staff, Lieutenant- General Seán Mac Eoin, and the Director of Intelligence, Colonel Michael Hefferon. The Government directs that the army (1) prepare to train the forces for incursions into Northern Ireland (2) make weapons and ammunition available and (3) make gas masks available. This directive demonstrates beyond doubt that the provision of arms for distribution in Northern Ireland when the Government felt the situation warranted it **was official policy**. The chief of staff's notes of his meeting of 6th February with Gibbons also confirm that preparations for incursion and for the provision of weapons was Government policy.*

And yet a month after the crisis broke, by which time Lynch had already sacked the ministers and proclaimed that force was not an option, the implications of the February directive remained, as is clear from the secret minutes taken by the army of a meeting on 9th June between Lynch and Mac Eoin.

a) In reference to the direction of 6th February, which was made known to An Ceann Foirne [the chief of staff] by the Minister of Defence (Mr. James Gibbons) and which required the Army to be trained and prepared to make incursions into Northern Ireland, the Chief of Staff assumed that these incursions would be made in circumstances in which there would be a complete breakdown in law and order in which the lives of the minority would be in grave danger and in which the Security Forces in Northern Ireland would be unable or unwilling to protect the minority.

*3 Destiny Of The Soldiers Fianna Fáil, Irish Republicanism And The IRA, 1926–73
Donnacha Ó Beacháin Gill & Macmillan*

b) *The Taoiseach confirmed that the circumstances envisaged by the Government were those assumed by the Chief of Staff.*

The Principal Actors

*Haughey Charles J, Minister for Finance

*Kelly James, Captain, Intelligence Officer

*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.

Arrest, Trial and Acquittal⁴

Chief Superintendent John Fleming⁵ 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

⁴Contemporary News Paper Sources provide the quotations used.

⁵ National Archives – Statement of Evidence Chief Superintendent John Fleming 2001/61/3

document there are many byzantine twists to this story, and one is being offered a sanitised account. Surveillance had been undertaken on the 17th 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 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.

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.

Investigation Background

Chief Superintendent Fleming says that he **interviewed** Mr. Haughey and Mr. Blaney and **interrogated** Captain Kelly. The choice of these words is quite important in investigatory terms. An interview is information seeking with the subject allowed to use free recall on the events and allowed to provide one's own narrative. An interrogation is directive and confrontational with the subject being closely questioned on specific topics and not allowed to dictate the shape of the discourse.

Different actors described the investigation as a "Taoiseach's

investigation”. There is no such status available under our criminal justice system and this approach would amount to gross political interference.

It is apparent that both Haughey and Blaney adopted a common tactical approach to being interviewed by Fleming. Both men were fully lawyered up and both professed a strong desire to help.

“But could they have a copy of the questions as there was sensitive issues of government policy and official secrets to be considered”.

There was an unreality to the interaction with the sacked ministers because they were arrested and brought before Dublin District Court on Thursday May 28th a few days after their interviews with Fleming. It is stating the obvious that the investigation process was directed politically, and normal investigation steps were not followed. All suspects should have been arrested and interrogated/interviewed in the same manner. Paradoxically Chief Superintendent Fleming achieved a lot in the face of political interference and senior garda indifference. Unfortunately, he was conducting his investigations with one hand tied behind his back and politics won out in the end.

In effect the main prosecution witnesses were Minister Gibbons and the Army Director of Intelligence Colonel Hefferon. Both gave evidence in the aborted first trial and only Gibbons gave evidence in the second trial. Hefferon was called by the presiding Judge because the State would not call him. Hefferon in effect said during the first trial that Captain Kelly was operating under Government authority. Gibbons was not at all convincing. It was clear that the core of the matter was whether the decision to import arms was legally authorised and clearly the jury felt that it was and decided accordingly.

The State built a case against the others around the evidence of Hefferon and Gibbons. In the event Gibbons “swore up” but Hefferon did not and in the second trial he was not called as a state witness. In light of that conflicted evidence no jury would ever convict the defendants. Hefferon had not been arrested although it is possible that there was an intention to do so.

Mr. Haughey when giving evidence at his trial, was asked did you make any specific sums available and his answer was;

“No, I was just ordered to establish a fund from which monies could be allocated to different groups inside the North of Ireland for purposes I have described.”

He also identified Captain James Kelly of army intelligence as being a linking person between that committee and the relevant people in Northern Ireland. Also, he was asked if the groups in Northern Ireland were named and he replied, “No, I was given a very free hand and because the situation in the six counties was chaotic, there were ministers and others here being besieged by requests from the six counties for assistance and relief of the distress.”

In response to all of this *“I was given the job of managing or correlating all these requests to provide the money needed.”*

There was no determination on the amount set out in advance, it was the view of the Government and my own personal view, Haughey’s quote,

“ There was no question of restricting the amount that considering the trials and tribulations that these people were undergoing, that as far as we could, making money available to them for the relief of the stress”.

He was asked a question regarding the Army/Government supplying arms to people in the North of Ireland. He went on to say,

“My view all along was that the Government in this should take whatever action it was going to take through the army. Only in this way could we control it, make it official that it would achieve the purpose that we wished. This was my personal view; if circumstances inside the 6 counties forced us to take any action in relation to the situation there, this action should be taken through our own Army”.

Question 1: Did the contingency plan or the directions to prepare a contingency plan envisage the possibility of the army supplying arms to the defence committees?

Answer: It would be an integral part of the contingency plan as I saw it that the army would have to provide for itself a supply of arms which would be supplied to the people inside the six counties if that decision would be ever taken.

Question: - By the Government?

Answer: - By the Government.

Wheels within Wheels

The Military Intelligence section was directly involved in the person of Captain James Kelly and his commanding officer Colonel Michael Hefferon. By chain of command, they were linked to Mr. Gibbons as Minister for Defence. The Army Chief of Staff had adopted a similar unobtrusive profile like that of the Garda Commissioner.

The garda investigations was led by Chief Superintendent John Fleming, who was the head of the Special Detective Unit (SDU) otherwise Special Branch. The Commissioner of the Garda Síochána maintained a low profile in the decision-making process. Mr. Berry suggested later that Commissioner Wymes was beholden to Mr. Haughey for his promotion and by implication was compromised.

Albert Luykx was a Belgian national who had come to Ireland in the 50's under an assumed name and had achieved naturalisation here. It was suggested that he was a Nazi sympathiser and was eventually barred from returning to Belgium. He played a key part in the whole transaction. He was a friend of Mr. Blaney. The customs service played an interesting part. A number of officers from customs were crucial in the background in the attempt to bring the firearms into Dublin Airport. The gardai certainly felt that some of them were compromised.

There were also several other key officials at Dublin Airport who as part of their normal business were involved in overseeing the arrangements of incoming cargo. They were involved in different meetings as a matter of business. John Kelly from Belfast was the most prominent person involved from Northern Ireland. He was a former IRA member and subsequently became a member of the Provisional IRA. He was also associated with Mr. Blaney. At some remove were northern politicians Gerry Fitt and Paddy Devlin. They were involved in a committee that was overseeing the funding or at least a device for getting funding into the North.

Peter Berry⁶

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 force for preventing 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.

It was clear from the information and the documents that he left behind, that he was a critical and pivotal actor. He effectively was the

⁶ Material is Extracted from File 2010/53/939 National Archives and Magill Magazine June 1980

active “whistle-blower” to an unresponsive Minister of Justice Mr. Ó'Móráin and a seemingly uninformed Taoiseach Mr. Jack Lynch. He was the active ingredient in directing the Garda effort and it is clear that Chief Superintendent Fleming reported to him and allowed him to make critical decisions.

The IRA had splintered into two groups in 1969, the Dublin-based “officials,” and the Northern led IRA who were to become the main source of republican violence over the coming years. Dublin politicians were flirting with them and other fringe groups, allegedly like Saor Éire.

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

Mr. Berry had the pivotal role in dealing with State Security and was defacto head of State Security. He had a special relationship with the chief superintendent in charge of Special Branch who was reporting directly to him. Consequently, on the 20th August 1969, he says that a Garda reported to him from their confidential sources which have proved reliable in the past, that they had become aware a member (Haughey) of the Government had previously had a meeting with Cathal Goulding who was then chief of staff of the IRA. A deal had been arranged by the Minister, should the IRA cease their physical force activities in the South, they could have a free hand in moving weapons into the six counties.

Special Branch learned from their own sources the identity of the minister and they did not view the meeting between Haughey and Goulding as a casual one or one to be treated lightly. In September and October of 1969, he says that Special Branch were receiving information from confidential sources that small consignments were being imported by the IRA without custom checks at Dublin Airport and at Dun Laoghaire. **They had information that one such consignment went to the gang who were robbing banks, who on the 3rd April 1970 were to shoot Garda Fallon.**

He then recounted the events on Saturday 18th April 1970 when Mr. Haughey phoned him and asked if Gardaí were going to interfere with cargo that was coming into Dublin Airport. He informed Haughey that was the case. Haughey had asked if the man from Mayo, Minister O'Móráin, was aware of what was happening. Following the phone call from Mr. Haughey several interventions took place with the Gardaí. Mr. Berry says that he realised the enormity of the attempts that were being made to subvert police controls on the importation of the cargo of arms. He said he tried to contact Minister O'Móráin on his unlisted private home phone number and he was unable to communicate with him.

Mr. Berry was in a quandary when he couldn't contact his own Minister and, in the end, he called President DeValera and told him of his problem, but not the details of his dilemma regarding a serious matter. Mr. DeValera is alleged to have said that he was sure it would be in order for him to inform the Taoiseach directly and bypass his own Minister. He then saw the Taoiseach on the following Monday morning, 20th April. He had Garda reports with him, and he recapitulated his conversation with Mr. Haughey. He again saw the Taoiseach on Tuesday morning and showed him a further report dated 20th April which had again come from the Gardai.

Captain Kelly was no Captain Dreyfus but there is no doubt that Official Ireland used him and discarded him expediently when he no longer served a purpose.

Mr. Berry in his memoirs makes the claim that the gun used to murder Garda Dick Fallon had been brought through Dublin Airport the previous September. He also said that an internal row in the Garda Síochána inhibited their ability to deal with Saor Éire.

Inevitably⁷ British Intelligence was aware and equally inevitably it incentivised them to penetrate every Irish institution as well as the IRA. It is axiomatic all parties attempt to penetrate other entities. Uniform

7 Reference: Seamus Brady Arms and the Men 1971 self-published

Gardaí in plain clothes were sent into Northern Ireland in 1969 to survey and report back on the dreadful situation obtaining there for nationalists. British Intelligence provided photographs of Pádraig Haughey (brother of Minister Haughey) and John Kelly (Belfast Republican) in London on allegedly an arms buying mission. They were being set up in a British sting operation and indeed their British contact came to Dublin later to consummate the deal. He was lucky to escape with his life. *Reference: Seamus Brady Arms and the Men 1971*

Paradoxically Haughey had been Minister for Justice during the previous IRA campaign which ended in 1962. IRA members had been severely dealt with and interned without trial. It appears that both he and Blaney thought that they were dealing with the external enemy in Northern Ireland and not heeding the lessons of history that guns would also pose a major threat to the southern state.

Role Attorney General

These events took place before the establishment of the Office of the Director of Public Prosecutions and the subsequent prosecutions were at the behest of the Attorney General Colm Condon who was part of the government apparatus and not independent in the true sense of that word. He also maintained his own legal practice while holding down his high office of state. Similarly, Minister O'Móráin retained his solicitors practice while in office. The many facets of this matter have been recorded in detail in other fora and it is not proposed to minutely examine every detail again. It was well established that money voted for relief of distress in Northern Ireland was being laundered through the Irish Red Cross to shadow accounts in different banks. It was then dispersed from there by Captain Kelly to different elements and into the purchase of arms and ammunition. Haughey as Minister for Finance had control of the disbursement of funds.

Rivers of Blood

The attempts to import arms was a rivers of blood strategy, which if given effect to would have produced carnage in the North and probably engulfed the whole island in a conflagration. The interdiction by the Garda Síochána and Peter Berry, Department of Justice prevented this nightmare being executed. The political establishment certainly was ambivalent in its approach before eventually deciding to act. The heads of the Army and the Garda Síochána maintained a very low profile and it was the repeated urgings of Peter Berry and Chief Superintendent John Fleming, which tipped the balance in favour of action.

Tactically the decision to act before the arms arrived was also a strange decision. The more effective process would have been to allow them to arrive in a controlled delivery manner and then to act against the conspirators with real evidence to hand.

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.

Order of Dáil 1st December 1970

On 1st December 1970 it was ordered by Dáil Éireann as follows: —

“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.

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 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 Trail⁸

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.**”

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

8 §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

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 pretty 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. Padraig (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 in order 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.

Implausible Deniability

The doctrine of Plausible Deniability is well understood in the realms of Black Operations and the relationship of government to these activities. Basically, government maintain an air gap between themselves and the undercover activity with no audit trail possible. In relation to these events this doctrine was well and truly exploded and the hand of government was well and truly visible whatever the gradations were between different office holders.

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.

When the Dust Settled

When the dust settled, no one had been convicted of illegal importation of arms, no trace could be found for most of the money voted for relief in the North. The Dáil Committee was refused the power to fully investigate the money trail. Fianna Fail 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 their high office. Meanwhile together with many unarmed uniform colleagues I performed duty protecting banks by 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.

Figure 1 Garda Fallon Cortege

Murdered on Duty Garda Richard Fallon April 3rd 1970



Figure 2 Missing Money PAC 1972 Final Report 13th July

PART VIII
OTHER MONEY EXPENDED

Sums dealt with in this Part

41. It remains to trace what happened to the balance of £76,599.13.9 made up as follows:—

				£	s	d
Colonel Hefferon	..	..	..	250	0	0
Captain Kelly	..	..	..	500	0	0
Clones account	..	..	..	8,000	0	0*
Baggot Street main account			..	23,150	0	0*
George Dixon account		..	..	38,249	13	9*
Ann O'Brien account		..	..	6,450	0	0
				£76,599	13	9

BRITAIN FRIEND OR FOE

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 Fein 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 26th 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.

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.

CAR BOMBS IN DUBLIN – DECEMBER 1st 1972⁹

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.

⁹ *Inspector Samuel Donegan was killed by a Provo IED on the Fermanagh/Cavan Border on the 8th June 1972. It is likely that the device was intended for Northern Security Services*

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).

Who was Responsible?

The relatively simple answer to this question is, those that benefit. It is much more difficult to identify those who benefit although one is often pushed to a seeming obvious conclusion. The convenient answer was always of course it was the loyalist terrorist. Undoubtedly that was often the correct answer, but a serious question must be raised over their capacity to carry out sophisticated bombings far away from their home bases.

It is axiomatic that many criminals are identified by their *modus operandi* i.e. how the crimes have been committed. This process is designed to identify persons of interest whose status can be confirmed by examining their motives, their opportunities and their means.

Investigations are assisted by the presence of evidence. This may be obtained from the evidence of witnesses or forensic evidence, fingerprints or other identifying material. The exception to this process may be the lone wolf operator or sleeper who has not come under notice and is not easily linked to any of the tags mentioned. Context is also an important factor particularly in the Irish terrorist scene. Atrocities were committed in revenge for earlier atrocities or as a reaction to emerging political events and of course bombings and killings may have been committed as part of long-term strategy to support a political objective.

The Interim Report of the Independent Commission of Inquiry December 2003 into the Dublin and Monaghan Bombings characterised other Loyalist Bombing activity as “further minor bombing attacks”. This description seemed rather strange in the circumstances.

Car Bomb and the All-Blacks Dublin 20 January 1973

This outrage happened on January 20th 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 15th 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 booth, 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 Shankill 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 only partly accurate.

<http://cain.ulst.ac.uk/sutton/chron/1972.html>.

In 1969¹⁰, 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, including the following:

31/10/1969 - bomb at Wolfe Tone's grave, Bodenstown

*26/12/1969 - 10lb gelignite bomb at O'Connell monument,
O'Connell St., Dublin*

18/02/1970 - bomb at RTE mast, Raphoe, Donegal

26/03/1970 - bomb at ESB sub-station, Tallaght

10 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

02/07/1970 - bomb on Dublin-Belfast railway track at Baldoyle, Dublin

17/01/1971 - bomb at O'Connell monument, Glasnevin cemetery, Dublin

08/02/1971 - bomb at Wolfe Tone statue, Stephen's Green, Dublin

29/10/1972 - 12lb gelignite bomb defused at Connolly Station, Dublin 29/10/1972 - incendiary bombs at 4 Dublin hotels.

01/11/1972 - bomb at a pub, St. Johnston Donegal

26/11/1972 - bomb at Film Centre, Burgh Quay, Dublin

*01/12/1972 - bombs at Eden Quay & Sackville Place, Dublin I (**Car Bombs**)*

13/12/1972 - incendiary bombs at Clerys & Sackville Place, Dublin

*28/12/1972 - bombs at Belturbet, Clones (**Car Bombs**) and Pettigo*

20/01/1973 - bomb at Sackville Place

29/11/1975, bomb toilets Dublin Airport

19/12/1975 Car Bomb Kays Tavern Dundalk

21/5/1994 Widow Scallans Pub Dublin, Bomb and Murder

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 Belturbet and a bomb in Pettigo on 28th 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.

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 27th 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”.

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, Littlejohns 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 21st following the Grafton Street robbery on October 12th. 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.

The¹¹ 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" as a result 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 side. 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.

11 British Cabinet Secretary Robert Armstrong to Prime Minister Heath UK State Papers

BURNING BRITISH EMBASSY 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 that five hundred people would be murdered in Northern Ireland that year, civilians, soldiers, police all some mothers' children. Yes, we Irish had learned to kill each other again in the name of religion and blind xenophobic rage. The nationalists, my tribe had learned quickly to riot, to make bombs, to kill and assassinate in the name of their cause. The other side was equally committed to defending their privileged dominance in the name of law and order and their chosen political order.

I had recently been appointed to a Crime Task Force in Dublin. Our job was to patrol high crime areas in fast mobile units and to bring a strong visible uniform policing presence to the streets. This was an exciting development and far more interesting than walking the beat in a confined area, we could follow the action. I rode a police motorbike and I loved it.

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. It didn't seem to occur to our leaders that a small mobile unit could be of advantage to them at the embassy. As it turned out it was a cold frosty night and I had to abandon my motorbike for foot patrol. All during the tour of duty I heard radio traffic of disturbances near the embassy but no call came for us to assist. We finished at around two am, no wiser to the events happening close by.

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.

Figure 3 Burning the British Embassy – Contemporary News Papers



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 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? A number of 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.

Armoured cars and tanks and guns have come to take away our sons...

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 smouldering 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 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 like wild frightened animals released we charged the crowd with batons in hand. Anything that stood in our way was batoned, we cleared the streets in every direction. It was effective but uncontrolled; our mob cleared the other mob. 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 9 people and injured many more.

DUBLIN & MONAGHAN BOMBINGS FRIDAY 17th MAY 1974



Figure 4 1974 Car Bombs Dublin Monaghan

Contemporary Newspapers

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 against 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 33 people, 26 in Dublin and 7 in Monaghan. Hundreds more were injured. An unborn, Baby Doherty was also killed in Dublin.

The British government formally told their Irish equivalents on two occasions, “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? <https://goo.gl/4rEiAA>

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 did know, and did nothing 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.***

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 as a result 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 Judges Hamilton (2000) Judge Barron¹² (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)

¹² Barron Report commenced late 2000

The Bombing Attacks

On that fateful Friday Dublin was busy and bustling with the centre city 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 tranquillity 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,
Talbot Street: 1730 approx.
South Leinster Street: 1732 approx.
Parnell Street: 1728 approx.
Monaghan: 1858 approx.

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 unforgivable having regard to the enormity of the crimes.

The British Government Admits¹³

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 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

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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 31st October 1973 and related matters. Justice Finlay presented four separate reports in all 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.

Capacity

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 respects 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 capacity to mount the Dublin and Monaghan attacks unaided? I believe the evidence clearly demonstrates that they didn't have the technical¹⁴ 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

14 The ability to assemble a bomb and to initiate it using timers or other devices as distinct from crude fuses directly lit at the explosion scene. There is considerable evidence of loyalist using fuses only.

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.

Collusion

The seminal work on collusion by the British security forces with Loyalists is contained in the research work of Ann Cadwallader, *Lethal Allies*¹⁵. This work is well researched and detailed. It has been repeatedly alleged that senior UVF figures like Robin Jackson were being run by RUC Special Branch and by British Military Units and enjoyed protected status as a result.

The Garda Investigation

It is important to understand that the garda investigation had made considerable progress in identifying several key suspects. All of whom were loyalist terrorists, mostly based in Portadown but some based in Belfast. It is reasonable to expect at this stage that the Dublin government would then have taken this situation to the diplomatic table with their British counterparts. Indeed, this door was swinging wide open because the British were formally indicating to Dublin that they knew the culprits and that they had been put out of circulation. Is it possible that this information satisfied the Irish side and basically nothing happened until the “Hidden Hand” programme was broadcast in 1993.

Considerable cooperation was received regarding the Eden Quay and Sackville Place car bombings on the 1st December 1972¹⁶ One of the

¹⁵ *Lethal Allies* Cadwallader Mercier Press 2013

¹⁶ *Interim Report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973.*

striking features of the investigation into these attacks was the extent to which the Garda investigation team was facilitated by their RUC counterparts. Gardai were allowed, with the assistance of the RUC, to play an active part in the conduct of enquiries in Northern Ireland. They took statements from witnesses who had been involved in hiring out the bomb cars; they also took possession of all the hiring documents for fingerprint examination.

There had been another precedent (New Year's Day 1973) for the extradition of a loyalist to Dublin to face a murder trial. This occurred as a result of the double murder of Oliver Boyce and Bríd Porter who were found lying on the grass verge at the side of Glenn Road, a minor road outside of Burnfoot, Co. Donegal, about a mile from the Border as the crow flies. Self-evidently this process did not take place in relation to the Dublin and Monaghan attacks. This gave rise to considerable frustration in the Garda Síochána. The frustration is evidenced by the fact that the Garda cooperated with the "Hidden Hand" programme 19 years later. In my view it is unusual and unprecedented that this cooperation was officially provided. *"We" never do this and the traditional response to the media has been a solid no comment in most instances. (authors note)*

Chain of Command Northern Ireland

In 1974 the British Military had security primacy in Northern Ireland, and they were not to relinquish that until 1976. It is well recognised that the military are not police officers and in times of war the normal rules of civil society do not apply. The IRA repeatedly claimed to be at war and de facto the military accepted that status and their undercover units behaved accordingly. A state of war recognises the inevitability of civilian casualties and in certain situations civilian non-combatants could be targeted as an instrument of pressure on the enemy.

The political head as Secretary of State was Merlyn Rees who took office with the new Labour government on the 5th March 1974 replacing the Conservative regime of Edward Heath. Labour was led by Harold Wilson and they were not popular with their own establishment

and were thought of being soft on the union.

The then head of the military was General Sir Frank King who had replaced General Sir Harry Tuzo on the 1st February 1973. One of the clearest indications of senior military thinking is to be found in a position paper forwarded to William Whitelaw Secretary of State, by General Tuzo on the 9th July 1972. This was an options and outcomes document advocating the use of overwhelming military force against the Nationalist Community / IRA for a defined relatively short period of time with the objective of destroying the IRA militarily. An important part of that doctrine was the admission that Loyalists would be permitted to run their own areas and they would be de facto allies in the conflict with the IRA. In military terms only, this strategy was a viable option based on the consideration of not fighting a battle on two fronts. Self-evidently it would have led to widespread bloodshed and chaos and would have occasioned world-wide condemnation. This plan was not adopted but many elements of it were.

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. Its speculation as to what role he played. It is probable that he and General Tuzo had a meeting of minds on the best way to curb the IRA. This was an unconventional view and well to the right of orthodox policy.

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 “radicalisation” 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 many 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 pretty 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 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 became a time of emerging conflict between Commissioner 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 council 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.

For the last ten years of my service 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 have been 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

This list is added in the current time frame by the seemingly ever-increasing list of Commissions of Investigation, Dáil Committees and ad hoc legal fact-finding exercises. These events cumulatively indicate a pattern of behaviour, which should be understood and interpreted by the garda leadership. The garda narrative shows little sign of understanding the historical past. One would expect that this understanding would be shaped by proactive policies and strategies. The symptoms of this inertia are characterised by internal conflict and poor morale at both senior and ordinary level. It is expressed in the public discourse by a withering public commentary on the performance of the Garda Síochána. Gardaí do not as a rule proactively engage in public discourse except to defend a position. This produces an unhealthy dynamic. Paradoxically there was significant and productive achievements during that historical period. The security of the state was maintained and many successes were achieved in the battle with ordinary crime.

Due to the economic downturn (2019) the numbers of stations have been decreased to 564 and operational uniform Gardaí are working a shift system designed to maximise numbers at the times of greatest need, but it has produced the opposite effect. There is a strong financial control system in place both nationally and locally. It is a fact that the greater part of the garda budget is expended on salary. This financial profile dictates a narrow discretionary area for expenditure, which requires innovation and good judgment.

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 as a result 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, 25th 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, 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 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, and 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 quite 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 Provo's 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 in order 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

The first of these meetings took place 28th 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 Murrinan 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 as a result 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 Ministers response to this was a classic denouement;

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.*

John 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 1400 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 18th 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.

..... Garvey, 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 bullying manner and demand 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 his stated aim of fostering good community relations and combating the terrorist threat at the same time.

Ultimately the central executive committee of the RBG voted no confidence in the Commissioner on 13th October 1977, the die was cast.¹⁷

On the 16th 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. He had been shot dead when off duty and accompanying Vera when he

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pursued Noel and Marie Murray who had robbed a bank in Dublin on the 11th September 1975.

At this time, I was stationed in Whitehall and Mick was a patrol car driver in Clontarf, a neighbouring station. I distinctly remember meeting him when we were on night duty and having a discussion on the various problems we were experiencing with cutbacks and other issues. We knew that we could just as easily have been in his place. We didn't need lectures from the Minister or indeed the Commissioner on loyalty. We believed that the Templemore address was pointed to the audience in the Force generally and our loyalty to our vocation was being strongly questioned because we dared to speak out on matters affecting our welfare and conditions of service.

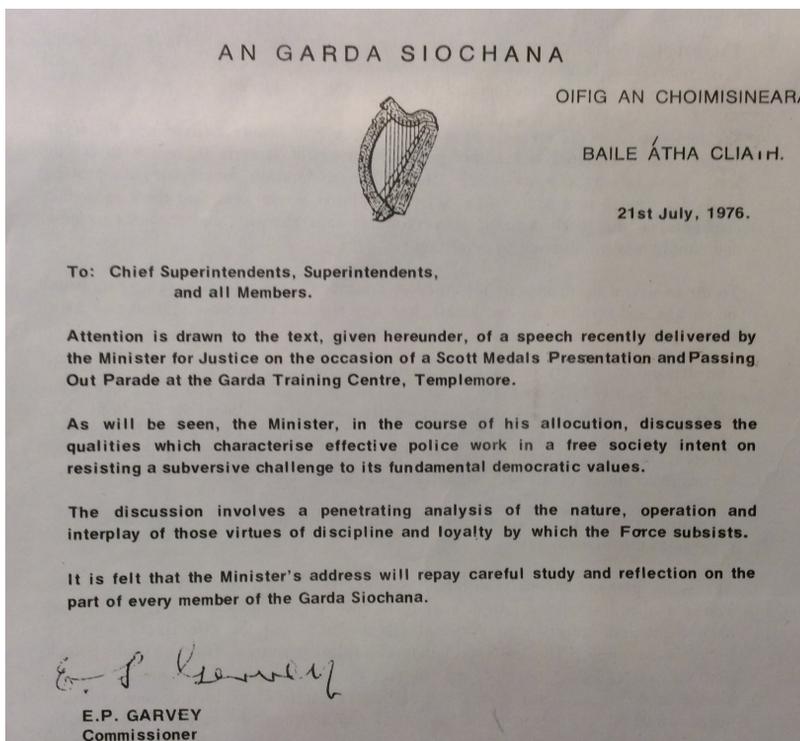


Figure 5 Loyalty or Eyes Wide Shut

Loyalty can mean different things at different times. It means first and foremost and more obviously a resolve to defend one's country against its enemies and to assist in their defeat. It means a willingness to accept directions from your superiors and to carry them out fully and completely. It is the recognition that each one of us has a place in the scheme of things, and our acceptance of such place without the attempt to usurp the rights and responsibilities of others. This constraint, let me emphasise, is entirely compatible with valid ambition for personal advancement. Loyalty means the ability to stay silent under the pressure of a grievance, even a legitimate grievance, when its public expression could lead to unease and misunderstanding.

On a more mundane level, loyalty means attention to proper standards of dress and deportment even in situations of fatigue and discomfort. Loyalty is a willingness to be restrained in your demand, and to be generous of your time and your services to your immediate comrades in particular and to the Force in general. Loyalty involves the acceptance of the frustration of having a viewpoint but of seeing a different view-point accepted and implemented. You may well decide having heard me that loyalty is a hard task master. It is indeed, and in this contemporary aggressive, grasping society of ours it has perhaps an old-fashioned look about it; but it embraces within itself ideals which must be restored within our society. It has its rewards, the biggest of which is the sense of fulfilment and satisfaction of knowing that one has done one's duty fully and thoroughly. This has been the tradition of your Force and we look with confidence to you and all members to maintain that tradition. The Nation is appreciative of it and has shown its appreciation in material ways. You are entering a Force which is well paid, well equipped and provides in this uncertain age for material security realised within decent working conditions. I welcome you into the Civic Guards and wish each of you well in your new career.

The political cycle was moving on and a General Election was called for 16th June 1977. This was the infamous Jack Lynch give-away election. When the votes were counted the Coalition were out of office and

Minister Paddy Cooney had lost his seat. The winds of change were also to produce a new Justice Minister in Gerry Collins. We got an early meeting with Gerry Collins and the mood of this meeting was certainly more upbeat than the previous one with Paddy Cooney. Collins was affable in his welcome and was quick to point out that he was the political head of the department and with goodwill the Force should be left to get on with the job. He said that he had read the minutes of the meeting with Minister Cooney and they were at variance with what was being said in public. There followed a wide ranging and mutually supportive discussion on Discipline, Transfer Policy, Downgrading Traffic Corps, Promotion Problems, Manning Patrol Cars and Streets and the new Appointment Regulations. The unspoken but well understood agenda was the mutual desire that Commissioner Garvey should go. There was then as now an interplay between the different controlling forces. Principally the Minister, the Commissioner and the Secretary of the Department of Justice, Andy Ward. The Minister and the Commissioner were far more dispensable than the Secretary. The Commissioner was at the bottom of this totem pole even though that position was not well understood publicly.

In law-and-order terms these were difficult times. The Provos had murdered the British Ambassador and another faction had robbed the mail train at Sallins. This was the era of the so-called "heavy gang". The Representative Body for Inspectors, Station Sergeants and Sergeants (RBISS) had in fact twice sent delegations to senior politicians, in both cases led by Inspector Patrick Culligan, to express concern about the ill-treatment of suspects in custody.

There is no doubt that some Gardaí responded to pressure for results by breaching interrogation rules. A significant gap can occur between criminal intelligence and court evidence. The rule of law requires strict adherence to legal principles but in times of war there often is derogation from the principles of normal criminal procedure. The sentiment behind this is that if an individual steps away from democratic actions the State is entitled to defend itself in kind. This position is a

slippery slope, and it has a brutalising effect on all concerned even though the motives may appear to be noble at the outset. Many of us were aware of this new trend and we felt that this approach could be applied to us if the circumstances were deemed to merit that course of action. In security terms is it likely that this Provo criminality could have been counteracted by the introduction of internment, but this option was not politically acceptable.

COMMISSIONER FIRED & COMMISSIONER HIRED

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 trouble 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. It is a conundrum because politicians will inevitably move to protect their own interests but at the same time a self-governing, unaccountable policing model is unacceptable. A model is required which balances competing principles. These are the principles of democratic accountability and professional competence.

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, 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 major impact particularly the removal of special status for the prisoners. This set the seeds for H Block Hunger strike in 1981. The impact of the Northern troubles on the South was palpable. A bomb factory was found in Ballyconnel 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'Dowd's 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 comic-opera farce.

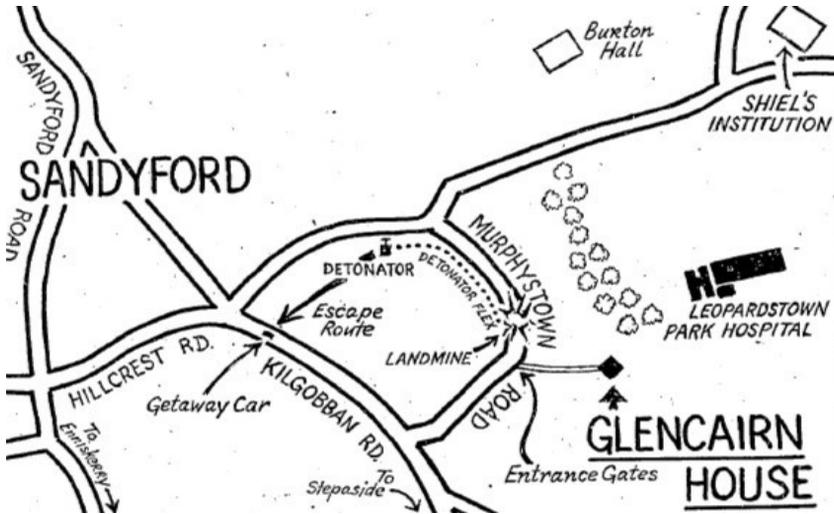
Frank Stagg an IRA hunger striker was to die in prison in the UK on the 12th February. This event was to lead to another dance macabre when his body was brought back to Ireland for burial in Mayo. His remains were buried in his family grave amidst protests by the IRA who wanted him buried in the Republican 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 15th July, a group of Provo's 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 21st 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.

Figure 6 Assassinating Ambassador - Irish Independent



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 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 Byrnes 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 Portarlinton. 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 16th October and was evidence if evidence were needed that the Provos would use terror in the South to achieve their objectives.

POLITICAL CHANGES - MURDERED GARDAÍ

The connection between Policing, Politics and Government is tangible, real and immediate. On the 8th 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 9th January 1978 by the Fianna Fáil government. This decision was to weigh heavily on the incumbents of that office and on successive governments.

Political Landscape

Politically the landscape was about to change dramatically, and “Jacks House” was about to come tumbling down. The 1977 General Election result was a major triumph for Fianna Fáil and its resurgent leader Jack Lynch. Politics is all about survival and effectively his backbenchers were very worried about retaining their seats following two by-election losses in the Cork heartland of Lynch. Also, there were green rumblings concerning the possibility that the British would be permitted over flight of the Border in certain situations. Two years later he was effectively forced out as leader. Haughey had worried away at the backbenchers concerns and garnered critical support for his leadership push in December. Haughey had made a remarkable comeback from being a sacked minister in 1970 to Taoiseach in 1979. Ultimately, his success was not good for law and order or political stability. This was goodbye time for Jack Lynch and Liam Cosgrave. Two men who brought many secrets with them to obscurity.

The power figures in the criminal justice system were navigating turbulent waters. After ten years of the Northern troubles the impact on law and order in the Republic was real. This was evidenced by a high incidence of violent crime and armed robbery. The State response was not always overwhelming. Charlie Haughey was to lead the last Fianna Fáil majority government until 30th June 1981. He was succeeded by

Garret Fitzgerald in a Fine Gael/Labour government which remained in power to 9th March 1982. Mr. Haughey again returned to power until the 14th November 1982. He appointed Sean Doherty a former garda as Minister for Justice. Fine Gael returned to power and was to remain in government with partners until 1987. Michael Noonan was appointed Minister for Justice initially and he was replaced by Alan Dukes in 1986.

Garda Murder Victims

In a five-year period eight Gardaí and one member of the Defence Forces were murdered on duty.

Detective John Morley and Garda Henry Byrne, 7th July 1980, Ballaghadereen.

Detective Seamus Quaid, 13th October 1980, Cleariestown, Co Wexford.

Garda Patrick Gerald Reynolds, 20th February 1982, Tallaght, Co. Dublin.

Sergeant Patrick McLoughlin, 11th April 1983, Dunboyne, Co. Meath.

Recruit Garda Gary Sheehan, 16th December 1983, Ballinamore, Co. Leitrim.

(Private Patrick Kelly Irish Army) Tidey Kidnapping

Detective Frank Hand, 10th August 1984, Drumree, Co. Meath.

Sergeant Patrick Morrissey, 27th June 1985, Ardee, Co. Louth

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. Naturally, there also is a strong political reaction and sometimes this response can be a trifle ritualistic. One looks for evidence of significant strategic change. The only time that such a significant change happened was after the murder of journalist Veronica Guerin in 1996. These included the establishment of the Criminal Assets Bureau and many other welcome legislative changes.

John Morley and Henry Byrne

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 16th 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.

Three individuals were charged and convicted before the Special Criminal Court on the 27th 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 7th July 1980 three armed

and masked men robbed the Bank of Ireland in Ballaghadereen, County Roscommon. The group held staff and customers at gunpoint before leaving with IR£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 riders 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 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 in 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 several 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 18th 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 2nd. 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 Connolly ¹⁸ 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. He 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

18 Detective a life upholding the Law, The O'Brien Press Dublin

not exonerated, and he has not taken any 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 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 4th 2012

This account is so far-fetched as to be derisory and, in the circumstances, totally self-serving.

I was on a family holiday in Wexford on the day of the murders. I heard about 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.

Armed Robbery Trends

The Commissioners 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.

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.

BRUSH WITH DEATH - 1979

Hackballscross was a quaintly named garda station sitting on the Dundalk to Castleblaney Road, literally in the middle of the country. It looked like peaceful drumlin country and on a fine day was quite beautiful. It was home to a nest of smugglers and IRA who had plied their respective trades for years. Our nearest security neighbours were the RUC and the British Army in Crossmaglen and Forkhill. It was a dangerous country for them but not so much for us. However, all of that could change in an instant.

Saturday 3rd February 1979 was a clear bright cold day. At about 1pm I was in a patrol car 166 with my colleague Liam King. We were on the Castleblaney Road and heading back to the station. In truth our thoughts were firmly on finishing duty at 2pm and getting ready for the weekend. The radio sprang into life. The suspect car was being pursued by our colleagues from Castleblaney and was coming in our direction. We were in uniform and unarmed, but we picked up the pace to intercept it. It appeared that there had been an explosion in Crossmaglen and this car a brown Mark 4 Cortina had fled the scene and headed south to the border.

The Provo with the gun fired and shouted or shouted and fired, my comrade who was ahead of me and to my left dived down and I took a big mouthful of bog. Not sure whether it was Armagh bog or Monaghan bog. The Provos were under orders not to “kill free staters” but what if we had crossed the border? We would have become active collaborators and perhaps shooting us would be more justified.

Together with colleagues from Castleblaney we had been doing a follow up search. The car involved had been driven south and then had gone in a semi-circle bringing it back close to the Border and in clear view of two British helicopters hovering a short distance to the north. We had found the escape car abandoned a couple of fields away in a farmyard.

This was an important find and we had called for armed backup but while we waited, in my wisdom I decided to do a local area search. I could see another farmyard a short distance away and there was something about it that invited investigation. Two of us walked towards it in full uniform, wearing caps and greatcoats and all the while looking at the Brits in the air. It was a beautiful January day, not a day to die. We approached the boundary of the farmyard and close to a traditional haggard. Just as we came in sight of this place two men suddenly appeared. One carried a long gun, and both seemed to be in battle dress. There was shock on our part, but they really should have seen us approach. They turned and ran away into the open fields and we RAN after them.



Figure 7 Wearing the Stripes 1979

One may ask heroism. No, more like a reflex action, nothing in our training or conditioning had covered this scenario. We had no radios no firearms just a short wooden baton. The guy with the gun covered his companion who ran on ahead. We were slowly gaining on them and to run faster we shed our greatcoats and caps. I took out my whistle and I blush to recall it now, blowing hard, hoping that our other colleagues back at the abandoned car would hear and act. We were gaining incrementally on them and it was only a matter of time before we caught them.

The Provo certainly arrived at the same conclusion and fired to deter if not to kill. I was scared that my life depended on some other human being standing a short distance away with the means to dispatch us to eternity in the twinkle of an eye. In the event he turned and ran

away from us still covering us and he was obviously tiring badly. I asked my friend to go back to our colleagues and bring them up to speed. I watched the two guys and I could not believe that the Brits could not see them from the helicopters. Almost in slow motion they made their way into a field and crawled under a cock of hay (yes, a cock of hay) obviously too exhausted to go any further. I waited and watched for a while, still no reaction from the helicopters and no reaction from my colleagues. I then ran to the nearest road, stopped a lorry and got a lift to a nearby pub and called Dundalk station. I was picked up a short while later and got back to the abandoned car. The whole operation was a bungling dangerous affair evidenced by lousy communication, poor preplanning and half-hearted follow up. The shooting scene was not forensically examined and there was no recovery of spent shell cases. We did discover that the Provos had been discarding their equipment in a dry- stone ditch in the haggard. We arrived a few minutes too soon because they had already offloaded a rifle and magazine in the ditch and given a little time, they would have discarded the other.

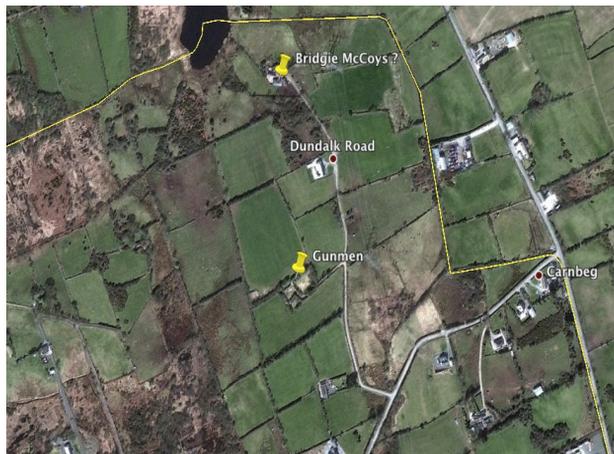


Figure 8 Brush with Death

Hackballscross was my first station as a newly promoted sergeant. It was a great learning experience. Situated about seven miles from Dundalk on the Dundalk Castleblaney Road and about three miles from

Crossmaglen in the heart of bandit country. Bandit Country is the title of Toby Harnden's book, which became the unsubstantiated basis for the Smithwick Tribunal. The history of dissent goes back generations and particularly to the plantation of Ulster. I had seen jeeps being airlifted by helicopters in the Vietnam footage, but I saw it for real as the helicopters lifted out of the base in Crossmaglen. It had become too dangerous to patrol on foot or motorised from the base. It was an ultimate paradox, a beautiful country on a fine day with drumlin hills and literally forty shades of green.

A smuggler and Provos paradise where the Brits simply couldn't get traction. The 1920s Boundary Commission did no favours to them by failing to redraw the Border to cater for the obvious demographical imbalance. Historically this had always been an enclave within an enclave, outsiders were just that, outsiders. Smuggling had nurtured the trade craft that was easily adaptable to the "armed struggle", scout cars running in front of the attack car, use of parallel roads to chop and change and a strong code of "omerta", "whatever you say, say nothing."

A few days earlier while on a border patrol, we met two RUC officers on foot patrol on the northern side. Both were heavily armed quite a contrast to our unarmed uniform profile. We had a pleasant surreal conversation on the side of the road, exchanging anecdotes on careers, all the time understanding that they were real targets for gunmen and bombers as we stood there. Even then when working at night, it was impossible to get a real time operational response from the RUC. There was no way they would venture to the border. One night we engaged on a pursuit in the same area of the shooting. We were pursuing a van which certainly didn't want to stop. After a chase they safely made it to the border however there was no response from the other side.

Every Thursday was hijacking day on the Concession Road or so it seemed. This was the road which runs through the southern tip of Armagh and connects Dundalk to Castleblaney, passing through Cullaville as it does. O'Neill's petrol station was located inside the border on this

road and often we would drive there in our private cars to buy the cheaper petrol. This went fine until I arrived one day with an anorak jacket over my uniform to be told in no uncertain terms to get the hell out of there. The “boys” were doing a checkpoint a few hundred yards away in a dip of the road. Similarly, trips were made to Forkhill to post letters during a postal strike in the south. No uniforms were worn on those excursions. I was on my way to the post office when I met a British Army foot patrol making its way down the Main Street, cautiously. Some were walking backwards in the familiar fashion. A large black soldier was carrying a GPMG machine gun replete with bandoliers of heavy calibre bullets. The scene was totally incongruous in the seemingly peaceful rural setting, but the danger was real.

The Chief came to do an inspection and I was looking forward to his perspective, words of wisdom, quiet encouragement. Not a bit of it he spent his time going through our records, finance, overtime that kind of thing. His only comment to me was, I suppose you don’t want to stick around here, we’re reducing the units, so you’ll get a chance to go back to where you came from. How could I refuse an offer like that. Shortly after I was on my way to Fitzgibbon Street station in the centre of Dublin. I was to return many years later as the Chief to Dundalk.

This border country held a powerful fascination for me. My experience was like that of thousands of colleagues who served there. Many did exactly what we did in confronting armed men with no protection and little instruction.

1983 MURDERS AND KIDNAPPING

The Commissioners 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 been 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.

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 1976¹⁹. 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 Fein. 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 the kidnapers 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 kidnapers 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 on Ballinamore. This was effectively a cordon and search operation²⁰ over difficult terrain in the middle of winter. The theoretical basis for this

19 This Act provided for the Trial of Individuals in the South for offences committed in Northern Ireland.

20 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.

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 15th 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 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. 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 in the leg.

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.

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 fire 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 Kilkenny. His companion was killed in that exchange.

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.



Figure 9 McFarlane and Martin Ferris – Irish Independent

DUBLIN INNER CITY POLICING

In 1979 I transferred to Fitzgibbon Street Station in Dublin's north inner city. I was assigned to a unit as a section sergeant tasked with supervising operational uniform policing in the area. This meant working a shift rota based on a 24 x 7 commitment. I considered myself fortunate in many respects because a new group of recruits were being allocated to the station. This provided a good opportunity to mould and shape them in a positive way but also it provided a valuable injection of fresh energy and enthusiasm. It was an extremely busy station and was well known to thousands of GAA fans as the "big station" passed on the way to Croke Park.

This area was severely disadvantaged, and the Haughey/Gregory regeneration deal was still some distance off. Summerhill was in the heart of the area and the main block was effectively a slum²¹. It had been highly vandalised, water pipes were broken and leaking. Flats were often torched and occasionally we were bombarded with bricks from the roofs. The local pubs were pretty rough, and one learned to tread carefully. There was major incidences of street crime, parked cars were broken into and handbags were snatched while at traffic lights from unsuspecting motorists. There were regular break-ins to commercial premises, and never enough uniform officers to patrol the troubled area. We frequently employed selective targeting by manning covert locations and monitoring the "usual" suspects. The drug scene was also active, heroin had taken root, and this was to have devastating consequences on many sections of the community. There were many decent hard-working people in the area and the women had tremendous resilience in the face of adversity.

Commissioners crime report 1979

Interestingly the Drugs problem was emerging as a serious issue

²¹ <https://www.youtube.com/watch?v=wba-MULM8uI>

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 heretofore.

This area was physically removed from the Border and Northern Ireland, but not quite.

Northern linked organisations had head offices based in our district. Provisional Sinn Fein was located in Parnell Square, Official Sinn Fein/Workers Party was in Gardiner Place and the IRSP was in Upper Gardiner Street. The Provisionals also had a support centre in Blessington Street which was just outside our area. These were the obvious signs of their footprint but no doubt there were many more safe houses under the radar. Curiously there was no programme in place which asked us to monitor these locations, pass on sightings, less still any information on what was sought. There are significant chinese walls between detective and uniform branches. There are several different detective echelons. These were divided between what was considered "Crime Ordinary" and "Crime Special". Crime Special was the preserve of the Special Detective Unit then based in Dublin Castle. They dealt with subversive crime, in ordinary terms the IRA and allied groups. The Central Detective Unit was responsible for the investigation of other forms of serious crimes in the Dublin Metropolitan Area. At local or station level there were District Detective Units dealing with crime within their respective Districts. There were many plain clothes units who assisted with local crime investigation. Sometimes they were attached to the District Detective Units and did a lot of the heavy lifting. A uniform crime task force operated city-wide dealing primarily with everyday crime. They were allocated on a need's basis to hot spot areas.

It seemed that the world of Border policing was totally removed from my new policing reality. This was to change with the emerging H Block protest situation. Much of my time was spent on “routine” policing and supervision. There is a legal requirement to report sudden deaths to the Coroner. This was one of the less pleasant duties and in the course of one afternoon I attended at Jervis Street Hospital and Temple Street Children’s Hospital in connection with five individual deaths. Attending in respect of a child’s death is very upsetting for all concerned and most particularly for the parents. This process involves formal identification of the remains usually by a close relative and the taking of written statements. This in turn is followed by a formal inquest at the Coroners Court, which is difficult for family members. An elderly man was found dead in a guesthouse in Parnell Street. After some inquiries it transpired that he was South African and tracing his relatives proved difficult. Eventually I managed to locate them with the help of Interpol and the South African authorities. Some family members travelled to Dublin to attend to the formalities. Later, after they returned home, I got a nice letter of appreciation thanking us for the kindness shown to them during their visit.

Sergeants were usually required to investigate fatal crashes. These were equally distressing. I recall one such case where an unfortunate man was knocked down and killed in Summerhill. On that occasion the offending driver failed to remain at the scene. By pure chance the front number plate of the offending car fractured and was found at the scene. This led to the speedy identification of the driver. He was very drunk and uncooperative and made good his escape to his house. I arrested him and he was successfully prosecuted for a range of road traffic offences. It also transpired that he had no driving licence or insurance.

We advocated the motto that the Garda Síochána was a disciplined organisation, that fully subscribed to the rule of law. It was also implicitly understood that the rules emphatically applied to each one of us just as much as to ordinary citizens. In my experience this was an easy motto to give lip service to but not always that easy to achieve. In one instance

two patrol cars collided at a traffic light controlled four road junction in the small hours of the morning on a perfectly good night with excellent driving conditions. One of the cars overturned because of the impact but with good fortune no one was seriously injured even though there were two Gardaí in each car. Had this been a case involving civilians it would be assumed as a first principle that one or both drivers had made a serious mistake. A full and proper investigation would uncover the relevant facts in a timely fashion. As matters transpired, I was precluded from continuing the investigation beyond my initial attendance at the scene and the submission of a preliminary report. The commissioner ordered that an Inspector should investigate the collision. This meant that I was a witness from that point on. A court case and disciplinary proceedings followed. One of the Gardaí was acquitted in the District Court and the Justice felt that the prosecution was in her words “a little heavy”. The defending solicitor asked me if I considered had some of the guards lied. I agreed that in my opinion that “they had”. This whole business left a sour taste even though the disciplinary case was upheld. It was obvious that the evidence of at least some of the witnesses was questionable.

Shooting North Cumberland Street

On the 14th June 1983 I got a call to attend at the scene of a shooting in North Cumberland Street just outside the Labour Exchange. The injured party was one Danny McOwen a native of Co. Meath but living locally. He had been shot at least once in the back of his neck and he was unconscious if not already deceased. Incidentally the shooting location was close to where Gareth Hutch was shot on 14th May 2016. The immediate responsibility was to seal off the scene of the shooting to allow evidence gathering. One was looking for eyewitnesses and any other relevant information. It was also necessary to detail a colleague to travel in the ambulance with the injured man so that the chain of evidence would be preserved.

All these tasks came under the “routine” heading even though the occurrences in themselves were far from normal.

Near Disaster at Croke Park

One of the most sought-after occasions in the sporting calendar is the All Ireland Football Final which was played in September (Pre-Covid). Expectations were high as the 1983 Football Final approached. Our station Fitzgibbon Street was at the centre of garda preparations. Normally my unit was deployed on anti-crime patrols during these games. Cars were often abandoned in vulnerable spots. We mounted observation posts to spot the likely lads as they set out to rob their country cousins and their cars. Typically, we would arrest upwards of twenty youths for these crimes. Garda attendance in Croke Park was normally seen as a perk for other guards. There was a chance of a passing “look” at the match.

The Final on the 18th September was between Dublin and Galway and was the focus of much rivalry. In fairness real violence was rare, at least amongst the crowd. The on-pitch combat sometimes stepped over the line into outright violence. An attendance of 72,000 turned out for this final. The curtain raiser featured Cork and Derry at 1.30pm and the Senior Final was scheduled to start at 3.15pm. The focus for the Dublin followers was Hill 16. The Hill was usually boisterous and fiercely partisan but rarely more than that.

I was detailed for duty at St. Josephs Avenue at the approach to the old entrance to Hill 16. There were in the region of 30/40 gardai at this location. Superintendent John Hughes was the officer in charge and Inspector Pat O’Toole was his deputy. Both men were experienced in city centre policing. They were well used to large public gatherings but not necessarily Croke Park. Our mission was relatively straight forward. A series of barriers had been set to filter the crowd as they approached. This provided an opportunity to check for missiles or any dangerous objects, but the main purpose was to control the crowds approach to the turn stiles. This was to ensure that a crush would not build up at the points of entry and in the general interests of safety. I had a loud hailer to issue directions to the crowd and indeed to the Gardaí as the situation

developed. It was a nasty wet day with high winds, and this may have resulted in many fans staying late in the pubs. Consequently, there was a major rush to the barriers as the kick off approached. Unfortunately our first cordon line was unable to prevent many fans getting into the controlled barrier area effectively negating the controlling effect. This in turn caused a build up at the turnstiles and they were under severe pressure to process the patrons. I managed to get out in front of the barriers and face the crowd with several colleagues. I used the loud hailer to calm the crowd and that had some initial effect. The noise from the inside of the ground became intense as the match started and this was matched by the demanding roars of those on the outside trying to get in. We held the line for as long as we could but eventually force of numbers beat us and the crowd surged forward. They succeeded in forcing the main gate to Hill 16 and swarmed into the ground displacing many of the patrons inside. Some were forced to leave as they feared for their own safety.

This was an extremely dangerous situation and could well have resulted in a Hillsborough style disaster. One of the big problems was that the practice at Croke park was to lock all the gates of the ground while matches were in progress. This would be condemned as criminal lunacy today and of course the practice is long a thing of the past. There was poor communication from inside the ground to those outside. It is stating the obvious that the incredible noise level made all but the most rudimentary communication impossible. As the second half progressed, we got word that we were required inside the ground as there was fear that the Dublin supporters were going to break through onto the ground from Hill 16. We were met by Inspector Michael Francis who left us in no doubt as to the seriousness of the situation and that we were required to stop it.

Best Seats in the House - Not

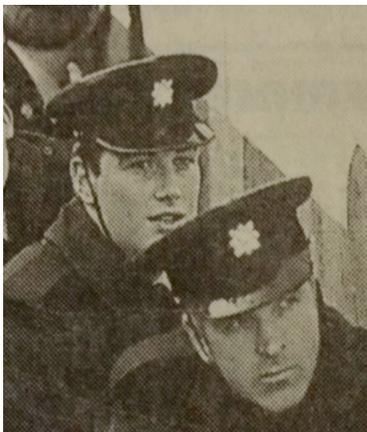


Figure 10 Not there for the Match

We went to a narrow passageway beside Hill 16. This gave access to the pitch. The game on the field was vicious in parts and four players had been sent off, three from Dublin and one from Galway. The incidents on the field were inflaming the crowd on the Hill and a concerted attempt was being made to dislodge the wire fencing that provided a barrier. I saw a most incredible sight, a sea of spittle and other noxious material was being propelled through the wire towards the players. We waited for an opportunity and when those ripping at the wire were distracted by an incident on the field, we took direct action. I told my guys to draw their batons. Anyone still holding the wire received summary jurisdiction across their knuckles. This provided a respite for a while and no pitch invasion took place until the match was over. For the record Dublin won with twelve players left on the field. The game did little credit to the players. Ten men were arrested for various public order incidents and one man was stabbed in the chest in the Hill. His injuries were not life threatening. Thus, ended another day of ordinary policing.

H BLOCK PROTESTS – 1981 – PROVOS BITE IN THE SOUTH

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 to most of Irish Society. 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. He 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 during my garda service 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 enormous public antipathy to the British. This feeling had built from the start of the troubles. It came to a head with the burning of the British Embassy in Dublin in 1972. This event seemed to act like a lancing of the boil of hatred. While it is obvious that the embassy should be not be destroyed by a mob, the fact that it happened wasn't completely negative. Additionally, an attempt was made to burn the British Passport Office immediately after the embassy burning. This was repulsed quite dramatically by a garda baton charge that had a persuasive calming effect on the protests.

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 May 5th. The 1980 Hunger Strike had been called off and the republican prisoners felt they had won key concessions from the

government. Shortly, they realised that they were mistaken, and nothing had really changed for them and no concessions had been won.

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 5th May 1981 this political movement seemed far distant. Bobby Sands died in the Maze Prison after 66 days on hunger strike. My unit was on night duty in Fitzgibbon Street Station when the word came through at about 1 am. We were fully aware that this meant trouble on the streets of Dublin and the country generally. We were detailed for duty the following evening at the GPO in O'Connell Street, as a demonstration was anticipated. 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 1981

When we reported to the GPO that evening at about 4pm all was fairly 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 6pm when people began to arrive. Some rowdy elements tried to acquire our crowd barriers as 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 Sands 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 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. Two sergeants, Donie O'Sullivan and Bill Hannon majored in this role. Their job was to seek a common understanding with the organisers where possible. This was beneficial. There was growing support and unease generally with the way Mrs. Thatcher was handling the hunger strikers and their demands. An emerging feature was the degree to which a climate of fear began to percolate southwards. The most obvious reminder was the ubiquitous presence of black flags attached to lamp standards and public locations.

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 centre 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 12th May 1981 after 59 days on hunger strike. The tension continued to build and on May 10th we had another of the nightly events at the GPO. We got word that 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. One of the key features of a police counter attack is the real possibility that officers become isolated and become exposed to unnecessary danger. I remember some

colleagues wanted to continue a madcap charge down Talbot Street, but wiser counsel prevailed.

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

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 for May 21st. On that same day the next two hunger strikers were to die, Raymond McCreesh and Patsy O'Hara. Polling day was set for Thursday June 11th. The National H Block Committee announced that they would field nine candidates in the election. The green elements in Fianna Fáil were snapping at Charlies 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 Fein 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 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.

Since the start of the troubles the British Embassy in Dublin was a key target for protests. Originally the embassy had been in Merrion Square. It was burned in 1972 because of the Bloody Sunday murders in Derry. The new embassy was relocated to the Merrion Road in Ballsbridge. From a police and security perspective this change had certain advantages. In simple terms it is much easier to mount a protest in O'Connell Street than it is in Ballsbridge. This is a product of the unique features in the city centre, the GPO in O'Connell Street, the Garden of Remembrance in Parnell Square, the Dáil and Government Buildings in Kildare Street and Merrion Square. All these buildings have both an historical connection with the foundation of the Irish State and an obvious connection with the government of the day. Significantly, the key republican actors in the 1981 protests had bases in the city centre in Dublin 1. It is also important that there were many social facilities, with plenty pubs and hotels. The main transport hubs were in this area. Therefore, it required a much more persuasive effort to move thousands of people to protest on the Merrion Road at the new embassy.

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 Regan and Prime Minister Margaret Thatcher. The propaganda value of the hunger strike was being fully realised by the IRA and exploited to the full.

18th July 1981 British Embassy Riot

The protest march assembled at Stephens 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 cries of Maggie Maggie Out Out*. Black flags were in evidence with numerous banners and placards. The media had large numbers in attendance.

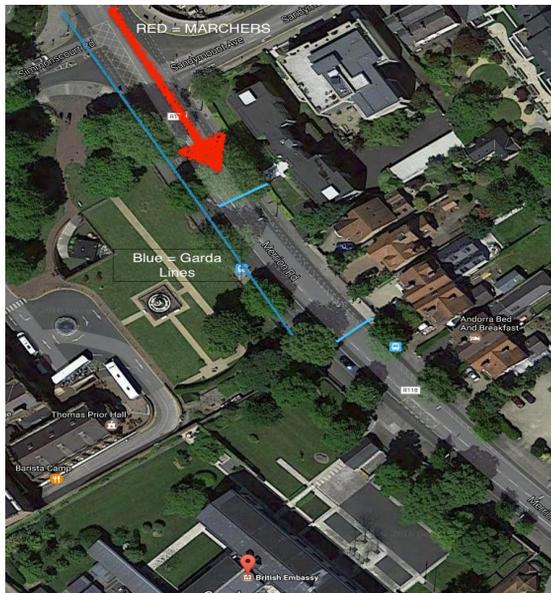
The garda crowd control techniques had not changed significantly since the burning of the British Embassy in 1972. The basic plan was to assemble many gardai and deploy them in a defensive line with the intention of protecting the target. Their protective equipment consisted of a riot helmet and a short 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 Merrion Road/Sandymount Avenue/Simonscourt 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 garda lines to lay a wreath and present a letter to the embassy.

Figure 11 Wrong Option



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.

I was on duty in the city centre with a group of colleagues. I was genuinely sorry not to be where the action was taking place. As the attack took place, we could gauge the seriousness of the situation from listening to radio traffic. We could hear better than those on the front line.

The attack commenced as soon as the “deputation” was let through the garda 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 18th 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 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 20th 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 3rd 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 25th 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 in the course of 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 but 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.

Commissioners 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.

Armalite and Ballot Box

The IRA and Sinn Féin learned major lessons. They realised that there was a significant electorate North and South who would vote for them. Within a short few years they had abandoned their abstentionist policy for the Republic and Northern Ireland.

KEEPING THE PROVOS IN JAIL 1972 - 1988

The Gardaí slowly but surely began to make significant arrests and arms seizures. The inevitable by-product was pressure on the prisons to house these new prisoners.

Thursday 18th 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 23rd May 1972²²;

22 Dáil Éireann Debate Vol. 261 No. 1 23 May 1972

At lock-up time on Thursday 18th 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.

Sunday November 26th 1972 – Armed Attempt Rescue Mac Stiophain, Mater Hospital

Significantly the Provo’s quixotic chief of staff in 1972 was Sean MacStiophain. 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 public opinion being the desired goal. Eventually MacStiophain 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 MacStiophain. 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 26th a party of Provo's some of whom were disguised as priests tried to rescue MacStiophain 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 Provos did not accept the usual prisoner status as ordinary criminals. They were organised, relatively disciplined, and committed to escape.

31st October 1973 – Helicopter Escape Mountjoy Prison

The first spectacular escape happened at Mountjoy Prison. A helicopter landed in the prison exercise yard on the 31st October 1973 and three top provos made their escape. The government appointed Mr. Justice T. A. Finlay²³ to report 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

26th February 1974 Report on The Garda, The Army and Vital Installations (1)

2nd April 1974 Government Departments, Banking Activities and Vital Installation (2)

23 Unpublished Report provided to Government

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 Provos 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 Provos 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 in the media.

"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.

A cartoon in the Irish Independent captured the Halloween spirit rather aptly.

Figure 12 Halloween Provos



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 Sean MacStiophain 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 Lonergan²⁴ 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.

18th 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 the prison. The helicopter escape brought about an immediate response from the authorities and on the 9th November 1973 all remaining IRA prisoners were removed from Mountjoy and the Curragh to Portlaoise Prison. This change only brought about a temporary respite. On the 18th August 1974 the Provos 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 Governors 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.

24 The Governor Penguin Books 2010

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 Provos 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 and I suffered from motion sickness and I often arrived at the prison in bits. However, to complain would be considered disloyal and it had to be endured. 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 led to unmanageable situations in the past. We were posted on each floor landing but physically separated from the prisoners and 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.

Monday, 17th March 1975 – Battering Ram Escape Attempt

After another escape attempt, the Minister for Justice²⁵ reported to the Dáil on the 19th March 1975;

At 8.22 p.m. on Monday, 17th March, a carefully prepared and elaborate attempt to effect a break out 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 gate-way 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

25 Dáil Eireann Debate March 19th 1975 Vol. 279 No. 5

outside and Army personnel returned fire. At approximately the same time a vehicle specially adapted so as 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 right²⁶ 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 Provos 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.

16th October 1976 – Murder Garda Michael Clerkin

The next major crime in the Portlaoise area happened on the 16th October 1976 when Garda Michael Clerkin was murdered by an explosion at a house which had been booby trapped by the Provos. 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.

26 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.

15th July 1976 – Special Criminal Court Escape

On 15th July 1976 a party of Provos 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 20th, 1984.

21st 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.

Chief Prison Officer Brian Stack shot 25th March 1983

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 Provos. 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 27th. There were differing perceptions as to whether a deal had been done or not. Not unnaturally the view from the Provos 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 Ferris 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.²⁷ 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 Provos on the 25th 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 29th September 1984. The Provos 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 Provos “nutting squad” and the British agent Freddie Scappaticci otherwise aka Stakekife²⁸. Brian Stack, according to sources was a person who believed 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 30th October 1983 when a general search of the prisoners cells was undertaken following some initial trouble. This was a Sunday and the Provos 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 25th May 1984 that the treatment of the Provos was too tough. They were themselves being subjected to arbitrary transfer.

27 Man of Kerry Brandon 2005

28 Stakeknife British Agents in Ireland O'Brien Press Ingram & Harkin 2004

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.

Sunday 24th November 1985 – Foiled at the last Gate

While PJ McEvoy was complaining, the Provos were planning for a spectacular escape once more. The Provos had possession of explosives, imitation prison officer uniforms, a gun and remarkably individual keys to fifteen gates. Again, the Provos chose a Sunday 24th 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.

18th May 1988 Patrick McVeigh Portlaoise

On 18th 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.

20th July 1988 Tommy McMahon High Court Escape Bid

Mc Mahon made one final bid for freedom on 20th 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.

The simple and vexed question is could the Provos 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.

It is quite unbelievable that there were no official inquiries into the many escape attempts from Portlaoise. A very different approach was taken in 1973 following the Helicopter escape from Mountjoy prison. Mr. Justice T.A. Finlay was appointed to carry a root and branch review of security preparedness and counter measures. This was a secret report and many of its key recommendations were implemented, but relatively quietly. I have no doubt that all the state services involved in the Portlaoise events, Gardaí, Military and Prison Service conducted detailed security reviews and that the government of the day was informed. Their findings are not publicly known but there is no doubt that the prospect of inside collusion figured strongly. Speculatively it may have been decided to adopt the silent approach and to deal with perceived weakness sub- Rosa. The weakness in the secret approach to security reviewing is that purely innocent minor players may be scapegoated by influential players.

DUBLIN JIMMY

The clever one was sitting in his car as I walked down the Main Street in uniform. Jimmy his younger brother was in the supermarket doing the shopping. Two crooked Gardaí had rendered much assistance to Jimmy and his gang. The clever one, was well versed in the criminal world. He had recently escaped a jail term because his father was in hospital and his filial duty required him to be in attendance.

So, as I passed, I felt that I couldn't ignore him, and I had to pass the time of day. "Hi just heard that your dad is in hospital", a slight nod of the head from him, "won't you tell him that I was asking for him". Then a broad smile and a great riposte "that will cheer him up no end", we both laughed and carried on just as if this was a pleasant community policing interaction.

Our contact had begun some time earlier with the case of the stolen watch. A warrant officer had gone one Saturday to serve a warrant on Jimmy, pay the money or arrest the body. Things didn't go so well, a struggle ensued, no money and no body but worse still when the warrant officer withdrew, he found that his watch was missing. This warrant officer was strong and nonviolent, he was never going to go to war. I decided to pop up to the residence. I met the clever one outside the wall and Jimmy was in the background salivating like a rabid dog. He was very unhappy that his brother was chatting to me, well chatting after a fashion, *didn't know anything, certainly nothing about a watch, like to help but really had nothing to offer*. Jimmy was mouthing foul abuse and then in vengeful temper he told me that I could f*** off and as an afterthought said, you'll never see that watch again. I brightened up and thanked him for his admission.

I later got a warrant for his arrest. Thus started a most interesting saga. Would you believe that an "ordinary" country family could be criminally devious? Were they or their friends responsible for the telephone calls to my wife when I was on night duty? "tell that fucker he's dead".

Jimmy had been banned from driving after various scrapes with the law and his girlfriend had now taken over the driving duties at least in our town. The two had been stopped at a checkpoint and Jimmy had once more lost the cool. After an altercation he ordered the lady to drive on and a pursuit developed which was to end at his home close to the town. He escaped into the house smashing his way in through a side door. I had the pleasure of following him with two colleagues, Tom (a very big man) and John. As we went inside, we were met by two of his sisters who were less than welcoming. A little further in we met the man himself stripped to the waist and wielding a brush in a less than affectionate way. He was like a bear who been disturbed during hibernation. I was glad that Tom was on my side because this guy could certainly be more than a handful based on his size and bad humour. He took a long look at Tom and shouted that he had never seen sh*** piled so high. We had batons drawn and we expected a savage encounter however when we put hands on him, he cooperated reluctantly but without fireworks. As we left the house more guards had arrived outside but there was a lack of enthusiasm on their part to get involved.

We brought Jimmy to the local station for processing as would be normal. Within a short time, an angry posse had arrived at the station demanding his release and a nasty situation developed. We decided to move him to Coolock station that was better equipped for this kind of action. We assembled an escort and brought him out of the station and into a waiting garda van. A fracas broke out and I found myself on my own with him in the back of the van. This was a one to one between us. I took the opportunity to tell him that a third eye would be opened in his head if the phone calls to my house continued. No more calls came after that encounter. He was charged and held in custody for court in the morning. I went home to grab a few hours' sleep to be ready for court. As I was getting ready I took a call from the Chiefs office inquiring what happened. I was later to learn that the Ministers office (Justice) had been contacted, then the Commissioner and then the Chief all before ten o'clock. I explained as best I could, and I headed for court.

When I returned to the station, I was told that the Chief had appointed an Inspector and a Sergeant to investigate the incident and they were on their way to the station to "see" me. I met them in the station office, Phil and John both with a mission. We sat on either side of the table and they explained that they wanted my account of what happened. I took out my notebook and asked them to tell me precisely what they were investigating. Were they investigating the entire incident or were they investigating just me? They were investigating me and in response to my further question they confirmed that I was still in charge of the incident. In that case I told them, I would have nothing to say to them until I had fully dealt with the Jimmy incident. They were not impressed with this but that was how it was going to be, and they left.

I later found out that they had interviewed Jimmy's sisters. They had been shown injuries to one of the women's hands that were supposed to be caused by a baton strike from me. They forgot to have her medically examined. Had they done so, they would have discovered that the injuries had been faked, mascara had been used to simulate bruising. However, most disturbing one of the women made a false claim of assault against me following the midnight fracas at their house. She went further and took a private prosecution against me for assault.

Imagine my surprise when called into see my Superintendent, he slid a piece of paper across his desk to me with the comforting words, "do what you like with that". The notice suspended me from the force for a day while I answered a false charge of assault in court before the redoubtable Judge Windle. One of Dublin Jimmy's sisters had taken out a private prosecution against me. The super was the well know Billy Byrne confidant of Haughey and fingerprint "guru", no stranger to controversy himself. Having collected my Judas letter, I was driving back to my station and travelling by the Dublin Airport sports field. A football game between a Garda selection and the Airport Police was in full swing in basking sunshine. Definitely the world went on regardless of my sticky wicket. There was little official support apart from a few stalwarts, otherwise silence reigned supreme. The court case fully exonerated me.

I was free to pursue Jimmy within the law, but I was under no illusion that official support was a fleeting commodity. Also, for good measure the Commissioner had twenty complaints concerning me on his table from the same source, all of them false and malicious.

Who would believe that the President of the Circuit Court (Judge Roe) would take a fancy to Jimmy and give him bail in extraordinary circumstances! Jimmy had appeared in Dublin Circuit Court and was refused bail on my application. However, Judge Roe had the case relisted for Trim Circuit Court and he happily gave Jimmy bail over my objections. That was the start of a robbery rampage that was to last for a couple of weeks. Who would have thought the Minister for Justice would have held onto fines petition applications until there was a change of government and magically the petitions were refused!

One of the favourite lucrative criminal schemes at that time was ringing stolen cars, lorries and the like. It was ingeniously simple, *find a "written off" lorry or van, steal to order a similar one, transpose the identity of the written off to the stolen and alter engine and chassis numbers, make the paperwork match and hey presto your good to go.* And of course, if you're more daring, *arrange to have the "bogus one" stolen as well, claim the insurance, rebrand this truck with a "written off" and yes, you're in business all over again.* Add a few compliant officials from official Ireland who will sanitise paperwork and make obliging phone calls. For extra spice utilise some gifted mechanic types who happily alter, respray, rebrand to order. One such guy was known as Andrex and it took good information to find him. He was eventually caught on a Good Friday in Donegal. On top of this enterprise consider that you have a thorough knowledge of the highways and bye ways north and south of the border with an excellent knowledge of the UK as well. A solid recipe for criminal success. No surprise to learn that years later Jimmy became the infamous "Dublin Jimmy" connected to the vicious assault on Kevin Lunney on the border in 2019. He later died during a police search in the UK.

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 30th 1981 to March 9th 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 Fail 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 also 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 9th 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. These were,

1. The Dowra Affair
2. Construction of a miniature “security” wall at the private residence of Minister for Justice Sean Doherty at state expense.
3. Attempts by Doherty to have local Sergeant Tom Tully transferred to Ballyconnel station from Boyle, Co. Roscommon.
4. Phone tapping journalists Bruce Arnold and Geraldine Kennedy
5. 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 pretty 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 September 27th 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 Ballyconnel, 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 officers 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

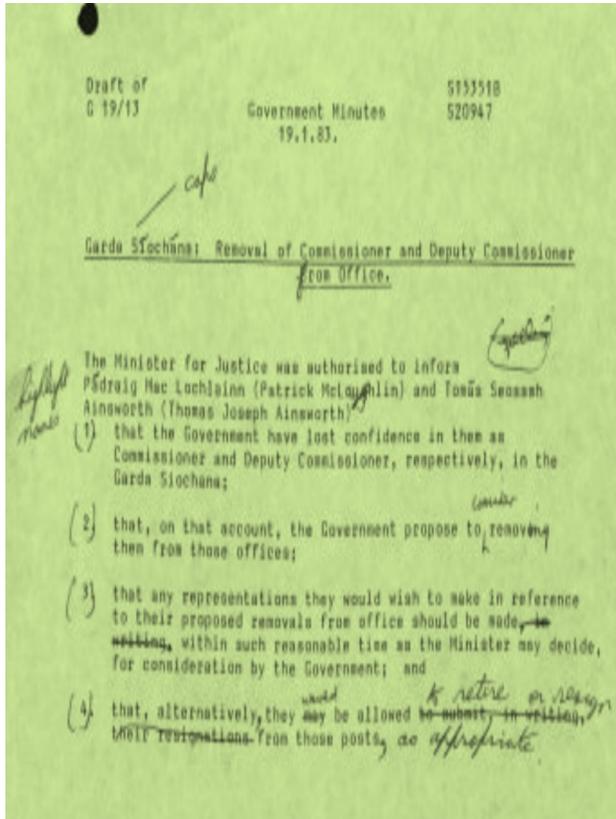
Commissioner McLaughlin and Assistant Commissioner Ainsworth were blurred to the point of insignificance. There had been considerable doubt that McLaughlin was fully aware of Joe Ainsworth's antics. He was the leader and responsibility ultimately fell on him. Ainsworth had been appointed Deputy Commissioner 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 20th January 1983. Interestingly a government memo revealed in the state papers indicates a high level of indecision in the cabinet decision of 19th January regarding whether both men could be fired

Figure 13 To Fire or not to Fire



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. We were less sure regarding “two guns” Joe who clearly was building an empire within the force. Had the political winds not changed he would have inevitably become commissioner and probably politically partisan.

DETECTIVES AND OTHER GUARDS

Each District in Dublin had detectives allocated to the stations headed by a Detective Inspector with one or more Detective Sergeants. These district detective units (DDU) dealt with crime investigation, designated as Crime Ordinary. Subversive crime was designated as Crime Special and was in the purview of the Special Detective Unit (SDU). Obviously, this distinction could become blurred in the event of a major crime such as armed robbery or murder.

A larger and more specialised crime investigation unit was based in central Dublin. This was the Central Detective Unit (CDU). A detective chief superintendent headed this Unit. This officer was also notionally in charge of the DDU units in Dublin and this was often the cause of misunderstanding in the chain of command.

Garda HQ in the Phoenix Park had a specialist investigation unit, the so-called Murder Squad. This Unit had national responsibility for serious crimes but usually murder. Since the late 1960s, the investigative lead in serious crime was undertaken by a corps of experienced crime detectives, working from C4 – the Garda Technical Bureau ²⁹ . Some authors have mistakenly described this unit as being part of SDU/Special Branch. This Unit moved in and out of favour with its own authorities depending on the mood of the time. It's worth noting that several commissioners and senior officers were promoted from its ranks. It was supported by the technical expertise of the Garda Technical Bureau specialists and by the work of the then Forensic Science Laboratory.

Detectives were based at all major centres around the country. As the Troubles developed, they were almost fulltime involved in dealing with subversion.

There was also the proliferation of many ad hoc units, crime

29 Brady, Conor. The Guarding of Ireland – The Garda Síochána and the Irish State 1960–2014: A History of the Irish Police Force Gill & Macmillan.

prevention, neighbourhood policing units, drugs units to mention just a few. This proliferation dissipated resources and made command more difficult. The alternatives were not easy to construct. The basic uniform unit was still the 24 x 7 resource, the wide receiver for whatever society threw up.

At times there was understandable tension between the uniform and plain clothes units. The hours of work and personal freedom weighed heavily in favour of plain clothes. A practice had developed for some time where special promotion had been awarded to some plain clothes officers without the tedium of passing promotion examinations. This practice was eventually abandoned but it left a strong sense of inequality.

Starting as a newly promoted Inspector in Fitzgibbon Street station in 1989³⁰ was rooted in the everyday. My first baptism was when I was handed twenty complaint files by my superintendent because my predecessor made haste slowly with his investigations. I was concerned by this because I had long acquired a proficiency in discipline matters from both sides of the divide. Most people who complained quite frankly simply wanted some garda officer to listen to them and to empathise with their situation. Many complaints were purely reflexive with both the complainant and the garda retreating to mutually antagonistic positions.

I was concerned with performance standards on my unit and how well and willingly officers were contributing. Working conditions were extremely poor. The station was badly in need of refurbishment and modernisation even though it was a fine building, purpose built on the lines of a precinct house. I didn't even have a proper office but could use facilities in our sister Mountjoy station.

A policing service is a 24 x 7 commitment and Uniform Units

³⁰ *I had been promoted from my Regional Task Force in Santry. One of my young colleagues Garda David Dowd had been killed on the 18th February 1989. He was responding to a call of "intruders on" at Sutton Cross when he was struck by a Dart Train. He was 26 years old and due to be married. Life can be cruel. I can still see his fair hair as I detailed him that evening. A short time later his life was over.*

provide first responder service. There is a high level of reactive action and some degree of preventative patrolling. In this area there was a steady diet of street crime, burglaries, assaults and an occasional murder. The uniform unit was the basic policing unit and a range of other units supplemented this service. They included the District Detective Unit, Crime Prevention Units (usually uniform officers assigned to plain clothes) Community Policing Officers and many others.

2016 Values GeoHive

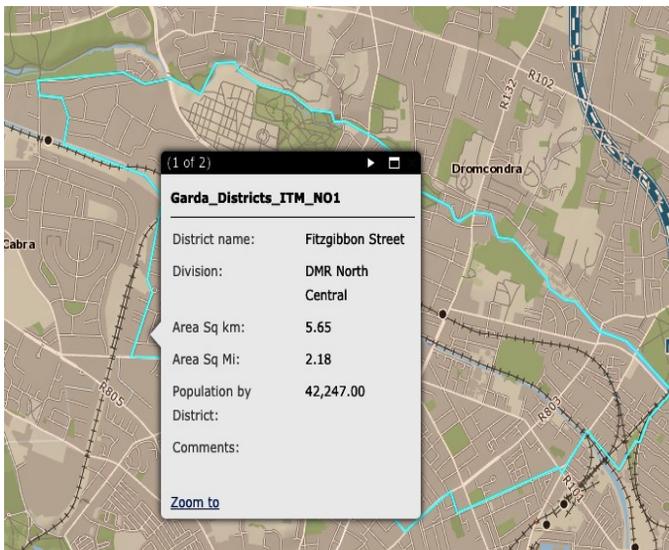


Figure 14 Profile Fitzgibbon Street Station

This district is home to Croke Park, Mountjoy Prisons, the Mater Hospital, the Garden of Remembrance and many other establishments. It became the centre of the Hutch/Kinahan gang feud in 2016 but it always had serious drug problems including a serious heroin problem. There had been significant urban regeneration courtesy of the Gregory deal. The predominant impression was one of a very busy policing area almost completely absorbed in its own activity. There was little time or opportunity to consider wider strategic policing issues much less any key events happening on a national scale.

The northern troubles intruded occasionally as they did on

Saturday 19th August 1989. I was on duty at Parnell Square. This was the assembly point for a Provisional Sinn Fein and sympathisers march to the British Embassy and Leinster House. About six thousand people attended including a certain Gerry Adams with a surprise appearance by Sinead O'Connor. The march passed off peacefully and later that evening I was fully immersed in routine work again.

Changes were afoot for me. I was transferred from Fitzgibbon Street station to Coolock Station on December 6th. This was a return to familiar territory and some interesting experiences.

2016 Values GeoHive

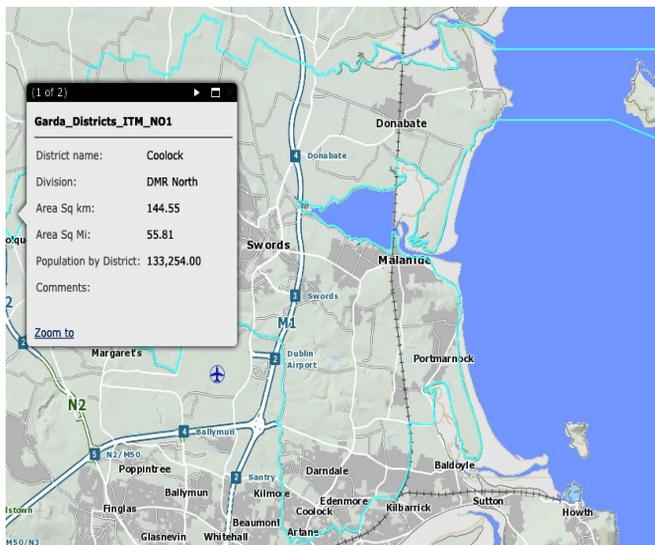


Figure 15 Profile Coolock Station

Immediately when one did a comparison between these two Garda Districts key questions arose. Should the same policing model apply to both? What approach is likely to be more effective in a suburban district as opposed to a purely urban one. There was a most interesting additional factor in Coolock. The then Taoiseach Charles J Haughey lived in Kinsealy and the Minister for Justice Ray Burke lived in Swords. They

would be treated like any other citizen of course not. Their public positions merited special protection, but could that ever overflow into downright favouritism? From my perspective no. Nevertheless no unusual requests or suggestions came my way from the politicians. We had armed and uniform protection on their residences. The officers on duty there were inspected regularly and randomly over a twenty-four hour period.

My diary tells me there were many ordinary criminal incidents, including armed robbery and assaults. My main interest was trying to ensure that we worked as a team in dealing with these challenges. However, a surprise lay in store because Ireland held the Presidency of the EC for the first six months of 1990. June 25th and 26th had been set aside for formal meetings in Dublin Castle. Charles J was not about to let the opportunity pass without gleaning political advantage on his local front. He decided to host a banquet in Malahide Castle on the night of the 25th for the twelve Heads of Government which then included the British Prime Minister Mrs. Margaret Thatcher as well as Francois Mitterrand, France and Helmut Kohl, Germany. One can be sure that he didn't seek advice on this decision from any security source. The main items on the agenda for the meeting were Political Union and Monetary Union. Predictably Margaret Thatcher was the least enthused of all the leaders on this agenda.

Malahide Castle and Grounds was in public ownership with Dublin County Council. It comprised an area of 260 acres with the centre piece being the magnificent castle, former home of the Talbot family. It had an external perimeter of 2.5 miles with most of that bounded by public roads and the remainder approximately 800 yards was bounded by the Dublin Belfast rail line. There were tree belts and foliage, which were in full cover at this critical time. The grounds contained extensive buildings, a walled garden, a par three golf course and a cricket ground. All facilities were open to the public.

I was familiar with the design of operations orders for major events, usually sporting and non-controversial other than in terms of logistical size. This mission was different. From my perspective it was a

security operation designed to protect the Heads of Government at the Castle Function and their safety in the immediate approach roads. There was no specific template because no event of this kind had been held there before. In effect we were inventing the plan. Sgt. Reggie Barrett had briefed us on a simple but effective planning and briefing template during a promotion course. We planned to use that approach.



Figure 16 Malahide Demesne

This included the following key points³¹,

1. Description of where the operation is to take place
2. Background information and intelligence
3. Purpose of the police action
4. Plan designed to give effect to that objective
5. Details of the officers in charge together with the duties of team members
6. Communications
7. Special equipment or services needed to accomplish the task.

I was told to attend a meeting at Malahide Castle with colleagues and Army Personnel as a first planning step. It was a given that the military would be involved. Chief Supt. John Moore, the Divisional

31 These points are a loose interpretation of Military Briefing Points, which are more formalised, Ground, Situation, Mission, Execution, Command and Signal, Supply and Service

Officer, chaired the meeting. Representatives of Dublin County Council also attended. This meeting took place on February 26th.

Two tasks arose immediately. Firstly I needed a planning base close to the Castle and a small project team to assist. Logistically it was decided to locate at Malahide station and take over a suitable room, which rapidly was adapted to a conference and planning room. My planning team consisted of two local sergeants, Michael O'Sullivan and Jerry Harrington together with Billy Staunton a detective based in Swords station. This combination was to work well together. Billy was my sunshine man, he had a wonderful presence which seemed to enthuse us all with his good humour. I logged nearly ninety meetings over the next while in relation to the event.

The first major job was to conduct a recce of the event location, record it and risk assess it from a security perspective. It had little natural defences from casual intrusion not to mention armed or other attack. The basic principle was to create a system of security cordons, the so-called onion rings around the Castle and to protect the approach roads.

This had to be undertaken from a worst-case scenario. The worst-case scenario could have presented with improvised explosive devices on the route or at the venue. A sniping attack could have been possible or an intrusion by demonstrators or agitators. Self-evidently, we needed to ensure to the degree possible that we had sanitised the ground and buildings. Equally so, we had to ensure that all personnel attending or servicing the event would be security cleared and badged. Similarly, the vital services of electricity and water required protection.

The protective shield consisted of human elements, Gardaí and Military physically tasked to prevent intrusion. Searching of the grounds and castle was important, ensuring that the security integrity had not been breached. We found an old military shell in an underground passageway which caused certain concern, until it was deemed safe. The following elements were put in place. Construction of a communications network, a cctv network, the installation of a comprehensive lighting

system, the provision of backup electricity generators. The construction of a command and control centre adjacent to the castle with all the communication fed in there together with communication links to the military.

Garda Commissioner Crowley was fully briefed, and all his top-ranking officers were involved at various times in the approval process. This was vital for several reasons, budgetary approval, approval on the numbers deployed and on the specific dimensions of the security operation.

Classically it is easy to say what should be done, more difficult as to how it should be done. An interesting perspective was agreeing the military deployment on one of the security cordons. The Gardaí favoured officers arranged in picket line formation while the military favoured populating strong points and responding from those points to intrusion attempts. Happily, a compromise was agreed. They were acting in aid to the civil power (ATCP) therefore Gardaí were seconded to them to legalise their actions.

In the event some 600 Gardaí were deployed on the crucial day from stations all over the country. This deployment satisfied the numerical requirement but was weak in terms of command and control. Different elements were operating together for the first time and this presented problems of coordination and execution. Notwithstanding the fact that Inspectors had command of their own officers and these Inspectors had been extensively prebriefed.

We had used the facilities at the Grand Hotel as a briefing and catering facility and it performed this function admirably. A special command centre had been fully outfitted on site with adequate facilities designed to allow the operational commanders to control and direct the protective resources. My problem was that on the night, all the senior Gardaí including the commissioner stood conversing close to the main entrance in a group. They did not actively monitor the security situation.

It was a classic opportunity to use the gold, silver and bronze command structure. This is a simple concept which provides strategic, tactical, and operational command. The principle is meant to simplify command and control and to cut across a rigid rank structure. The purpose is to ensure that there is no ambiguity of command.

On the night there were no problems of security at the Malahide event. Another event was taking place in faraway Italy where Ireland were beating Romania in the World Cup. This caused a tumult of celebration on the streets both locally and nationally. Road arteries were clogged and there were public order fears in the city.

The commissioner ordered the divisional chief superintendent to strip away some resources and reallocate them to the city. This created huge confusion because the chief tried to call up the command centre and rang his home by mistake on a new-fangled mobile phone. Some of our reserve were sent but really this was simply an ad hoc response to an unforeseen contingency. Ireland was not expected to beat Romania, were they? Also, the fact that we still had twelve EC Heads of Government at dinner, all of whom would have to use the road system to return to their hotels, was not considered. This euphoric street activity could have provided an ideal distraction for any serious players bent on offensive action. Never mind all is well that ends well!

Normality

While we went through the excitement of planning for the Malahide extravaganza, policing life went on as usual. I defended two sergeants at two separate disciplinary inquires, which always was an interesting experience. There was a school of thought that did not believe in process, fair trial followed by a hanging syndrome.

There were protection posts to inspect as it was necessary to check on performance and vigilance. The Coolock end of the district had a fair degree of crime and understandably there was community pressure to at least keep the lid on the problems. The residents from Clonshaugh,

Newbury and Swifts Grove Residents Association were concerned with underage drinking and general disorder as well as petty crime. I met them with Sgt. Brian Sherry of the Neighbourhood Policing Unit. We did our best to put a constructive plan in place to assist. The residents said they intended to object to the renewal of a local pub licence and there was some common ground there. There had been two prosecutions for afterhours trading, so the pub was on our radar as well. Other complaints related to attacks on taxi men. This pattern was repeated with a variation at Swords station where the local Tidy Towns committee were concerned about footpath obstruction by local traders. There was an alert at the Haughey residence with a car acting suspiciously. Followed up and we discovered that it was some amateur news hounds in search of a story. Another garda life was beckoning for me. I got a message early in September that I was being appointed to detective branch.

Detective Inspector

The following framework confronted me when I commenced duty as the D/Inspector, in Coolock September 1990. I took over from the retired D/Inspector Joe Campbell, a big strong well-liked man. I was also inheriting Joe's staff. Being no stranger to crime investigation at this stage, I knew the ideal balance was one of young eager officers, working with a core of senior experienced members. I had enjoyed success in the past and I was determined to replicate this in my new post. It would be wrong to underestimate the established officers. Their drive for scaling walls and going the extra mile had diminished. They had settled into a comfortable routine interspersed with significant overtime when a spectacular crime occurred. The daily heavy lifting was usually in the hands of junior officers who aspired to become detectives. I recognised investigations could be very satisfying. One was essentially unravelling a puzzle using the information to hand and employing a range of skills. These were investigatory skills, forensic knowledge, interview skills, legal knowledge, a sound moral compass and the ability to work in a team.

I introduced new blood to the unit headed by a young sergeant. He had the challenging job of managing an alliance with the traditionalists. The

saving grace was that there was plenty to do, armed robberies, burglaries and one of the first Lotto frauds to investigate. Within a short time, a murder occurred which was almost routine in nature. A row in a pub with blows exchanged and the aggrieved parties then took revenge on the assailant.

Glen Larkin was shot and killed at Coolock Industrial Estate after a pursuit through local streets. He was shot at 10pm on Saturday evening 29th June 1991. It was a pointless and mindless killing following the pub row. John Clarke was in the Camelot Pub earlier that evening when he was bitten in a row with Glen Larkin. Larkin was also struck on the head with a billiard cue by Clarke. Both individuals had previous criminal convictions for assault and minor offences. A key aggravating factor may have been the belief that Larkin had suffered from AIDS. He had bitten Clark and drawn blood. The subsequent post mortem examination of Larkin confirmed the presence of Opiates, Cannabinoids and Benzodiazepine in his system. He did not have AIDS. Clarke was successfully prosecuted for the murder of Glen Larkin. In relative policing terms this seemed an ordinary murder investigation, but not so for several reasons.

A senior member of the investigation team was hell bent on a solo run, to pursue a hare-brained theory. He went so far as to arrest a few women when I left the station for a meal break during the latter part of the investigation. I countermanded this action and I thought he was about to have a breakdown, strange weird and disturbing. I specifically voiced my concerns to the Divisional Officer and others that this investigator needed close monitoring. A clear red flag where officers believe that gut feeling, or intuition can replace methodology and logic informed by experience. Over reliance on the opinion of experts can also be misleading, albeit unintentionally.

In modern parlance there is the often-used truism that police should use forensic science more often than traditional methods. One of the key factors that arose in this case was the distance from which the

shotgun was fired at the victim. The victim was collapsed on the ground when shot, a close discharge would indicate a deliberate callous no mercy killing. Had the shot been discharged at a distance it might, just might, indicate a less callous act or an unintended discharge. The State Pathologist initially favoured close range and then seemed to allow for another possibility. The alternative was more in keeping with Ballistic evidence. Ballistically the indicated discharge was not nearer than five feet and not further than eight feet from the victim.

Thinking Fast and Slow shows us that our minds contain two systems. The first acts instinctively and requires little effort; the second is more deliberate and requires much more of our attention. Our thoughts and actions will vary depending on which of the two systems is in control of our brain at the time. Daniel Kahneman explains the inherent laziness of our minds. Our brains are quick to take shortcuts to save energy. We aren't aware of this, and so we are liable to make mistakes because we tend to trust the quick answers our brain provides. Only by knowing that this laziness exists can we hope to make better judgments.³²

Frankly it isn't necessarily that officers act out of malice, rather they have not learned the pitfalls of instant analysis and actions. Some classic cases come to mind. One such case happened in Malahide on the 9th December 1992, the Grace Livingstone murder. Similarly, the Grangegormans murders in 1997.

The Livingstone murder happened in my old patch but at this stage I had been promoted and moved. I was sorry to miss the opportunity to investigate this terrible crime. The initial investigation, which included some of my former team from the Larkin murder became seriously divided. A strong group maintained that the culprit was the unfortunate woman's husband and others who could not subscribe to that theory opposed them. This was effectively gut instinct versus a logical deductive

32 *Blinkist. Key insights from Thinking, Fast and Slow (Blinkist Summaries) (234-238).*

approach. By common agreement all wanted to solve the crime but their approach was diametrically opposed.

On 25th August 1993, the complete file was sent to Crime Branch at Garda Headquarters, and eventually reached Deputy Commissioner Tom O'Reilly³³. He was in turn to order D/Superintendent Tom Connolly to review the investigation and to issue a finding. This was a most difficult task and he was to find that many mistakes had been made and conclusions drawn, which were not supported by facts.

He observed that the investigation file had a list of about twenty-five reasons why Jim Livingstone was the main suspect up until 25th August 1993, when the file was completed. *I went through each and every one of the reasons given, and came to the conclusion that, alone or collectively, they did not represent a shred of credible evidence to suggest that Livingstone had any hand, act or part in his wife's death. Having said that, of course, it was right and proper that Jim Livingstone should have been a person of interest from the beginning. But after three or four days, it should have been obvious that the investigation should have concentrated on other possibilities.*

Mr. Livingstone went on to successfully sue the State years later and Tom Connolly gave the above evidence on his behalf. The culprit was never found.

The Grangeegorman murders investigation suffered from the same bias. Again, there was a dominant view in authority that insisted in following an exclusionary course. Two unfortunate women Sylvia Sheils and Mary Callinan were murdered in very brutal circumstances. They had been living close to St Brendan's Psychiatric Hospital at 1 Orchard View and on the night of Thursday 6th March 1997 when they met their fate. Assistant Commissioner Jim McHugh had been appointed by the commissioner to reconcile the fact that two people Dean Lyons and Mark Nash both had separately and at different locations admitted the

³³ Connolly, Tom. *Detective: A Life Upholding the Law* The O'Brien Press..dd

Grangegorman murders. Nash had already been charged with separate killings in Galway. Dean Lyons had been charged with the Grangegorman murders. The divide within the investigation team became more and more apparent as McHugh delved into the case. It was eventually established that, notwithstanding the assertions by the senior officers that no such reservations had been made known to them, a large number of other colleagues took the opposite view. Chief among these was Detective-Sergeant Robbie McNulty.³⁴

By the end of March 1998 Jim McHugh had completed his inquiry. In his report, addressed to both the law officers and his own authorities, he stated that he ‘conscientiously’ believed that Dean Lyons had not murdered Sylvia Sheils and Mary Callinan, and he recommended that the charge against Dean Lyons of murdering Mary Callinan should be dropped immediately³⁵.

A rational logical deductive process would have eliminated Dean Lyons as a suspect and would have unambiguously charged Mark Nash. Nash murdered Catherine Doyle and Carl Doyle on the 16th August 1997 near Castlerea. This was a few months after the Grangegorman murders. He freely volunteered his admission to the Grangegorman murders after he had been arrested for the Castlerea killings.

Murder investigations are by their nature resource rich. In most cases there is considerable pressure both within the organisation and politically to solve the crimes. This fact should never excuse poor police work. One’s impression was of being busy during this time with regular investigations and monitoring performance. Just like politics all policing is local and we were not influenced to any great extent by high policy from Garda HQ. The most powerful intervention was in terms of budget. There were endless strictures which was understandable, this was a square which could not be reconciled. A relatively simple murder

³⁴ Bailey, Alan. *The Grangegorman Murders: Dean Lyons, Mark Nash and the Story behind the Grangegorman Murders (Kindle Locations 2919-2922)*. Gill & Macmillan.
³⁵ *ibid*

investigation like the Larkin murder involved over ninety witnesses. This generated a significant demand which could not be met from notional budgets.

I was on the move again, this time to the Garda College. The last active duty I performed as a Detective Inspector was armed surveillance near a local bank branch, no one else was available. Fortunately, it was a no show as most alerts are.

PROMOTIONS, NEW HORIZONS 1991

I arrived as a newly promoted superintendent at the Garda College, Templemore, the end of August 1991. This was a transfer consequent on promotion. I had no real say in the matter when you enlist you got to march.

It meant leaving my family in Dublin for the working week and that was a strain on them and on me. In practical terms I was earning less as a new superintendent than as an inspector in the city. There were obscure transfer financial regulations, which made it hard to discover entitlements.

Chief Superintendent Tom King was in charge in the College and he was a dynamic unconventional guy. We got on well on a philosophical level, but we certainly did not agree on everything. Tom assigned me to take charge of the Promotions School and to take responsibility for the In-Service Training Centre, Harcourt Square in Dublin. This assignment meant that I could at least spend legitimate time in Dublin. The Promotion School was responsible primarily for providing courses for newly promoted Inspectors and Sergeants. Promotion Courses were conducted after promotion and not before. Successful candidates broadly fell into two categories. Those who were convinced that their true merit had at long last been realised and those who were thankful for having bucked the odds.

Responsibility for the Promotion School was one of several superintendent postings. There were separate entities dealing with Student Probationer Training, Training for Superintendents and Chief Superintendents, Specialist Training, Driving Courses, Firearms and Tactics and College administration.

The facilities were excellent as a major refurbishment had taken place. It looked very different from the military blocks that we occupied in 1968 as young recruits. There were sports facilities, a fine library, a

language laboratory, modern lecture halls, a swimming pool and a golf course which we dug in 1968. There was a fully functioning TV studio with editing suites. So, what was there not to like? There was a great buzz on campus, one got the feeling that this organization was placing a high value on training and education.

Economic and Social Benefit to Templemore

The facility was of benefit to Templemore. It provided employment and supported the business economy. Locals had use of the facilities. This produced a strong bond between the college and the local community.

Driving Force

Many people were responsible for these positive changes. The main credit must go to D/Commissioner PJ Moran. He was academically qualified and had spent the greater part of his life in Templemore. He was more bureaucrat than policeman, but he had an uncanny knack of getting funding from government. He was also ruthless in his own quiet way. There was never an independent funding model for the College. It was largely dependent on the income from students to provide an operating cash flow for day to day expenses. This meant that in times of high recruitment a lot of cash was generated, and it appears that this surplus was used to fund a whole range of ancillary activities. This system remained in place for many years until it was revealed years later as part of an internal auditing process.

No Need for Journal Keeping

On an interesting side note I was no longer obliged to keep my daily journal as was in common with officers at Garda HQ. This struck me as a negligent strategy which lacked accountability. However, I kept an informal rough diary.

Walsh Report

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 1985³⁶. The implementation was a major step in changing the way in 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 (AEPCC). 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

36 This report was a major endeavour, which has had far reaching positive effect 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

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.

In writing this in 2020, I am left to sincerely wonder where the institutional memory of those halcyon days has gone? I was blessed to have a small but effective support staff. They briefed me regarding the systems and the norms. This included scheduling courses and arranging relevant speakers. Typically, the courses were broken into two modules with the participants required to do a definitive project on an area of professional interest. This project work was required to be completed off campus for the greater part. They were required to present this to me in an interactive session and to prove their conclusions. The idea was to promote their sense of being different in their new role and to allow individuals to take stock of the lessons learned in their careers to that point. Organisationally, I hoped that some gems of wisdom would be generated which would benefit all. This positive outcome was achieved in some cases and occasionally the reverse was true. I tasked four participants who had been detective sergeants in their previous careers with doing a project on interviewing skills. I wanted to distil their accumulated wisdom with a view to sharing it with investigators. It should be borne in mind that interviewing is one of the classic skills required in most operational roles and particularly so for detectives. The result was appalling. I handed back their effort to them as not being worthy of inclusion in our library.

Expert Lecturers

We sought to attract experts to lecture on the course and this was a continual battle. Templemore was not a very convenient location and it was difficult for competent people to find the time to make the trip. An exception was D/Superintendent Tom Connolly who was probably one of most experienced and most successful senior murder investigators in the country. He gave of his time generously despite the demands of current

investigations and the always present requirements for court evidence. He brought a biting sense of reality and practicality to the courses. Apart from his unique insight into murder investigations he shared a clear methodology for logical deductive reasoning and an approach, which could be applied generally.

Knowledge, Skills and Attitude

These are the three attributes which can be enhanced through the training process. Without a doubt the most important and the most difficult to impart relates to attitude. Participants would already have acquired a wide range of skills and certain amount of knowledge and their attitudes had been formed over year.

One of the significant drawbacks was that these courses were being provided after the selection process was over. There was no opportunity to gauge an individual's moral compass nor to make a determination of suitability. I was to learn a salutary lesson. Two newly promoted inspectors who eventually became superintendents left the service in troubled circumstances. The dichotomy was, they were two of the most impressive people who presented.

Much time was spent reviewing course content. Changes were made to enable them understand the importance and difference of their new roles. I specifically lectured them on our disciplinary system and its technical nature. I tried to impress on them the importance of process and fairness while recognizing that formal discipline should only ever be used as a last measure. Using a simple analysis of the well understood criteria of Frequency, Importance and Difficulty provided some guideline for emphasising particularly important topics. Clearly there were many routine tasks performed by sergeants and inspectors. The voluminous Garda Code outlined these responsibilities and said what should be done but not how. My modest aim was to assist them with acquiring the necessary skills or at least planting seeds for change and improvement.

Unpredicted Emotional Reactions

We devoted time to the important elements of communication and presentation skills. This included a simple exercise of speaking to camera on a topic of their choosing. They were given templates and assistance in constructing these exchanges. It should be borne in mind that most were practiced in court work but not necessarily in the soft skills. The format used was choosing any topic that excited, annoyed, or stimulated them. It should be something that they had strong feelings about. The learning point was presenting to the group and receiving feedback.

Humbling Moments

Sometimes the unexpected happened. A newly promoted young sergeant got his moment in the sun. He was a Donegal man with a soft accent. There was nothing soft or easy in his story. He had been on uniform patrol one night with a colleague in a rural area. They drove down a lane with nothing in mind and drove into an old quarry. To their great surprise they found that they were not alone. A few cars were parked with a number of men standing around. They were heavily armed. There was no time to escape, they were trapped, and guns were pushed in their faces. When ordered out unceremoniously, to their horror they recognised Dominic McGlinchey the well-known INLA terrorist. He was a ruthless killer. They were ordered to strip their uniforms, made to get into the boot of the car and be driven over country roads for what seemed like hours. Eventually the car was stopped, and they thought that they were going to be shot. Activity died away and they managed to release themselves. Hours later they were discovered by colleagues and brought back to Sligo station. The young sergeant said there was little empathy shown him. He was being pressed to provide more and more information. Eventually he was brought back to his lodgings. An Inspector woke him the following morning. He thought that he was being called in for more debriefing and was trying to prepare himself for it. He did as bidden, the car did not turn to the station but instead turned north

toward Donegal. *Young man you're going home to your mother and if anyone has questions, I will deal with them.* Well done Inspector Frank Glacken.

The second one of these occurrences happened when Bill who had been promoted Inspector got to do his bit. He was a naturally reserved northerner who used his words sparingly. He started, and it was like a dam breaking, he went on for a minute, two minutes, three minutes and way beyond. He had been performing check point duty just north of Dundalk, in uniform, unarmed and with colleagues. They stopped a car. The occupants looked suspicious but before they could summon assistance the armed men confronted them. Bill was shot in the leg and fell to the ground helpless. The gunman stood over him and looked like he was going to shoot him again. Fate ordained otherwise. He survived and faced a long rehabilitation with the resulting emotions built up inside him.

This is what both men had in common, all that emotion build up inside waiting for release. I felt humbled that a simple communication exercise amongst colleagues freed them at last to let go with confidence. There were serious lessons for the organisation in how we treated each other. Macho culture was often the inevitable consequence of dealing with adversity and the cut and thrust of law enforcement.

Taking Command and Providing Leadership

All ranks have a duty to offer leadership and take command. The more senior the rank the more serious the obligation to lead. Libraries are full on the topic of leadership with varying and competing views. My focus related to sergeants and inspectors. They have the greatest contact with the garda rank and therefore they are in the best position to influence operational situations.

I concluded that we operated well in relatively small numbers, based on twenty years of observation and participation. I consider that

we were good when it came to units of twenty officers or less. This number or fractions of it related to typical operational units both uniform and plain clothes. I was convinced that our ability to manage large numbers was suspect particularly in hostile situations. I had been present at riots and disturbances such as the British Embassy in 1972 and during the H Block street problems almost ten years later. Control and command of these events were rudimentary. The use of tactics and communication was vital together with the use of proper equipment, including personal protective kit. I was determined to introduce some basic training.

We were fortunate to have many young students who were only too happy to be joyous rioters. Members of my old unit the Regional Task Force based in Santry came on board. They had undergone some basic riot control training. They had protective helmets and shields and most of all they were enthusiastic. They were clued into the necessity for good communication earpieces. The most noticeable feature of a public order disturbance apart from flying missiles, is noise. Noise can blanket out unaided communication and generates fear in the officers which can easily result in precipitous and uncoordinated action.

A senior Sergeant was on the Templemore staff, Sgt. Reggie Barrett. He had been there for many years and had been one of my instructors. He retained an infectious desire to train officers and he was more than willing to participate. I arranged for mini exercises with proper briefing planning and debriefing. The idea was to use the students as the active crowd and task the inspectors and sergeants with constructing an Operations Order and then executing it in a hands-on way. Some basic training had previously been supplied in Dublin. A number of public order units had been established and equipped. My former Regional Task Force (RTF) had been similarly equipped. They were well used to using radio communication in helmets for this action.

This activity did not go unnoticed by authority. I was tasked to undertake a broader review of "Crowd Control Training" in An Garda Síochána. This review was an interesting exercise. It looked at current

competency, training requirements at basic level, at specialised level, equipment, and contingency planning. It emerged that the only Unit that functioned normally as a regular unit was the RTF. Two hundred Gardaí had received training in Dublin, but they were drawn from separate units and would only be brought together on a needs basis. We also carried out a study of the legal framework in which these units would have to work. This was no idle exercise because of the inherent danger of overreaction and underperformance. Our overall conclusions were stark, and they were followed by specific detailed recommendations. The principal message was that;

- There was generally a poor grasp of tactics with a scant exercise of discipline in stressful situations.
- The necessary flexible interplay between people, equipment and tactics was not present.
- Furthermore, progress in this whole area should be conducted along the lines like the procedure followed in the report into Firearms Training.

Templemore the Crossroads

We welcomed visitors from all over the world. These included the first delegation of Hungarian Police officers to visit following the fall of the iron curtain. They were a fascinating group comprised of remnants of the old regime and newcomers of a modern era. Their group dynamic was interesting in terms of who controlled them irrespective of rank. Ostensibly they were on an English language course but effectively they were being exposed to western thinking and norms. Some of them spoke good English but with an MTV accent. Obviously, they had been watching the broadcasts long before the wall came down. We brought them to a hurling match in Thurles to give them a flavour of Irish sport. Their reaction was priceless. They thought that this mad game would end with bodies on the ground. It's fair to say, that we also learned from them and other visitors.

One of the highlights of the year were the Passing Out parades. These were great family occasions, and it was obvious to see the enormous pride families had in their sons and daughters graduating. The events also attracted the great and the good from political and religious Ireland. The Minister for Justice normally attended, and the senior officer was usually the Commissioner. These show pieces were used as an occasion to deliver progress reports and rallying calls by the Minister and the Commissioner. We watched avidly the body language between these people. What was the dynamic, did they appear comfortable or were they just doing what needed doing but nothing more? It was interesting to see the bantering between Minister Maire Geoghegan Quinn and the then Assistant Commissioner Pat Byrne. They were both young and full of beans MGQ was well impressed with her own importance and PB was not one to miss an opportunity to smooth the political wheels. This was in sharp contrast to the relationship between MGQ and Commissioner Paddy Culligan. They were barely on speaking terms and had long running antipathy. Later MGQ gate crashed the commissioner's conference in Templemore and administered a severe hand bagging to all present.

One evening as I walked along a corridor to my room, I saw the future only I didn't know it then. PB and the commissioner were walking ahead of me and they were in uniform. PB had his tunic slung over his shoulder and the other hand around the shoulder of the commissioner. They were in high good humour and obviously "close". PB went on to become commissioner in 1996 an event that was to have a profound effect on the Garda Síochána. Templemore was not immune to internal axe wielding. Tom King the Chief was told peremptorily that he was on his way to HQ in Dublin to basically a faceless job. He survived that purge and eventually became an assistant commissioner. He retired early even though he was destined for at least another rung on the slippery pole. Anecdotally it was said that on his first day in the Phoenix Park he was walking across the main square when he encountered his pruner. Who supposedly said, *Ah Tom, good to see you what are you doing here? Go figure!*

Figure 17 Brussels 1996 Signing Colleges Agreement



REAL POLICING COMMANDS - LAOIS/OFFALY DIVISION 1993

Divisional Snapshot

Ambassador David Blatherwick, Armed Robbery, Brian Stack RIP, Badger Baiting, Community Policing, D/Garda Tom Peters, Dead Provisional, Garda Michael Clerkin RIP, HQ Support, Liaison with the Military, Local Media, Local Politicians, Minister Maire Geoghegan Quinn (MGQ), Murder Marie Kilmartin, Operation Green, Portlaoise Prison, President Mary Robinson, Promotions, Rural Crime, Search Team, Sir Patrick Mayhew, Station Accommodation, Staff Associations, Traffic Corps, Work to Rule.

Laos/Offaly division presented a varied and testing palette of issues. Geographically it covered two midland counties. From a general policing perspective, the division was divided into four districts, Portlaoise, Abbeyleix, Tullamore and Birr. Each District was commanded by a Superintendent who in turn was supported by Inspectors, Sergeants and Gardaí. There were several different units. The primary one being uniform units providing general policing services, detective branch which dealt with crime investigation and subversive crime. A traffic corps unit was based in Portlaoise and had a divisional brief. There were separate administrative units at each level. They supported the front line at Station level, at District and at Divisional level. There were several individual specialisms provided for. These included a Divisional Search Team, which was drawn from the uniform working units on a needs basis.

I did not expect to be promoted to Chief Superintendent so soon. Indeed, one of the interviewers asked me at the end of the interview, “What credibility would you have if you were promoted so soon after your promotion to Superintendent”? For the life of me I can’t remember what I said but obviously it was enough. My interviewer was not alone in being sceptical. I moved to another new post, a few years later. Rummaging through my new desk I found a handwritten note from a

previous incumbent. He was obviously copying names down over the phone of the then new chiefs list. He had listed a few names and concluded with the cryptic note “and would you believe it – John O’Brien”.

Nevertheless, I was excited to have an opportunity to do a real policing job as distinct from theorizing about it. Probably for the first time in my career I had real power to effect change albeit within certain constraints. The constraints were mainly financial. I can’t recall a whole lot of guidance on policy or priorities of policing. It was almost as if you looked for this promotion now get on with it. I had been in the business of policing for over twenty years and that certainly helped.

Portlaoise Prison

The security prison at Portlaoise dominated the garda landscape. There was a full time garda commitment to providing internal and external units to the prison. This commitment sucked out numbers from the basic policing service. There was a permanent military guard which provided perimeter armed cover and largely manned the roof area and key defensive positions on the walls. Additionally, there was a large body of prison officers providing the actual internal prisoner control. At one time the ratio of security personnel to subversive prisoners was at least ten to one.

It was apparent to me that the Gardaí performing protective duty had become detrained by their permanent engagement in non-policing duties. They were extremely well paid and worked shorter hours than Gardaí on ordinary duty. I was determined that this position should change as soon as possible without endangering security. I was acutely aware the Chief Prison Officer Brian Stack had been murdered by the PIRA. The cells were full of dangerous convicted criminals, convicted after due process by the courts of the land. They were contained and there was nothing that I proposed which would weaken security, simply times had moved on.

The prison Governor Paddy McPherson was an excellent partner calm and reasonable. The military commanders were professional and accommodating. Neither entity was in favour of diminishing the garda numerical presence.

I reviewed the garda duty tours in the prison and I found that members were working six-hour tours and being paid for eight. I organised a change whereby these officers would be required to perform the remaining two on public duty in Portlaoise town. I was under no illusion that the product from this would be low but that it would be a start at rehabilitating them into normal policing. I was away from base the day that change was introduced. I got a frantic phone call with unexpected news. One of the officers who had been liberated from the prison had decided to take retaliatory action. He mounted a one-man checkpoint on the main road stopping every car and causing tail backs for miles in both directions.

Two important lessons were learned. Some of the sergeants on duty were merely spectators and others took resolute action. It was almost like killing two birds with the one stone. I discovered the merits of good sergeants and I discovered the lengths that some officers would go to in order to frustrate any order or control. I disciplined the man concerned and it went to a full sworn inquiry because he refused to accept local remediation. The episode made national headlines and came to the attention of the commissioner's office. Perhaps, unexpectedly I got full support from there and that was heartening. I had another surprise on a personal level. At an early stage my wife came from Dublin and we went to the local golf club for some refreshments. On the way back to Portlaoise on a back road and late at night we encountered a garda checkpoint. This was on a little used road and certainly it sent a clear signal that the chief could expect some close attention on his social activities.

I explored the military involvement in the prison at some detail. I discovered they were there in an independent capacity. The conventional

wisdom was that they were present in aid to the civil power (ATCP). This was the normal legal arrangement and it required that a garda presence would always be required to work with the military units to give them legal legitimacy. The absence of this technical legal factor was the trigger to release the Gardaí from internal duty in the prison. In fact, the military were there by virtue of a government directive and not in aid to the civil power. The disengagement came about slowly but eventually was achieved.

Resource Provider

The chief in a division has a strong responsibility as a resource provider. This refers to, financial allocation for overtime, new personnel and of course for the building infrastructure. I negotiated the allocation of new recruits. Some of them were allocated to Birr Station. Shortly after that I had a call from Superintendent Paddy Colleran and he was more than pleased. He was on his way back to the station after lunch and he said, “*I have just seen something that warmed my heart, a young recruit was racing up the street chasing a miscreant who he rapidly captured*”. He had not seen this agility for a long time and that was no discredit to the senior members at the station. Older members are enthused and validated when young personnel arrived.

Many of the smaller stations were in poor repair and frankly looked appalling. I had a word with Superintendent Pat Killelea who was the national housing officer and asked him for help. He didn't have authority for major capital expenditure but had discretionary spending. He advised me to draw up a short list of works for minor refurbishment. Have a few contractors' tax cleared and ready to roll. Essentially unallocated money usually became available at the end of the financial year. We got remedial work done in thirty stations in the course of twelve months. Not earth shattering but at least the brand image was improved, and the quality of station accommodation enhanced.

I met with the staff associations on many occasions as a part of

normal business. These were mostly business like but there was pressure from the GRA (Gardaí) who had a more doctrinaire view of life than the AGSI (Sergeant and Inspectors). I had been a member of both organisations. I understood and supported their right for representation and discussion. I was less pleased when I discovered that Garda HQ was allowing one local GRA representative to avail of liberal financial and absence arrangements contrary to force regulation. Despite my observations this practice continued.

Getting to know the Provos

I was not in situ long when a member of the Provisional IRA died. He had been charged with involvement in an armed robbery in the Abbeyleix area. The funeral itself was an excellent intelligence gathering opportunity. We took maximum advantage. I had asked the Crime and Security Branch were they deploying any surveillance capabilities. They replied in the negative but we discovered when we attended that indeed their surveillance asset was present. This showed an unwillingness to cooperate which was not that surprising. The real issue was that if their asset had been discovered by the mourners a nasty situation could have developed resulting in injury or worse.

I had been invited to that Branch for a security briefing some time earlier. Two detective superintendents were tasked to do this. I called my visit off after a short while due to the attitude of my interlocutors. Their only interest was to find out what I knew which frankly at that stage was not a lot considering that I was the new kid on the block.

Nevertheless, some information did come my way and I decided to mount a search operation close to the Slieve Bloom range. This was codenamed Operation Green. We knew that there was an arms dump in the area, but not exactly where. I got good cooperation from the military in providing air cover and static units. This was a cordon and search operation over a wide area. Some good intelligence was discovered but no munitions. Interestingly sometime later a major munitions dump was

discovered on the edge of our cordon area. The exercise was useful in terms of operational control and utilisation of resources both local and Dublin based.

I was certainly aware that on the 16th October 1976, Garda Michael Clerkin was murdered in a Provisional IRA booby trap at Garryhinch, Portarlington. Many of his colleagues were seriously injured. Particularly badly injured was D/Garda Tom Peters. Sgt Jim Cannon, Gardai Ben Thornton and Gerry Bohan were also injured. Indeed, These gardai were honoured for their bravery by the awarding of Scott Medals to them in December 2017, forty one years later. Michael Clerkins award was made posthumously. The role of local TD and Minister for Justice Charlie Flanagan was crucial in the awarding of these belated honours. It bestows little credit on Official Ireland that it took so long to recognise their sacrifices.

Back to Basics

An armed robbery occurred in Mountmellick and it prompted an excellent reaction from colleagues. One arrest was made remote from the crime scene and without incriminating evidence, but as suspicious as hell. So, the only connection was the circumstantial facts. The suspect was on foot sweating, flustered and a long way from his base in Coolock, Dublin. He was brought in and interviewing commenced but he was resolute. He denied the obvious with some conviction. I made a call to the collator's office in Coolock for his profile. The information was helpful on his background and previous form. Later, he was still holding out and we really had nothing on him other than suspicion and circumstances. I volunteered my services to the interview team based on my knowledge of his background and my old stomping ground. I played a secondary role in the interview room listening and watching. Slowly I was able to establish a rapport with him. In reality he was probably a frightened young fella with no great inherent badness, just on the wrong side of the line. I put my hand on his upper arm (gently) and said why don't you admit what you did, you know it's true. He replied in the lowest of voices,

“Yes, I admit it”. He made a full admission but did not name his accomplices even though they had abandoned him. Frankly I interviewed many prisoners over the years, and I can truthfully say that I met very few intrinsically evil people, but I did meet a few. The essential point is not to strip an individual of human dignity. It requires preparation, dedication and staying power by the interviewer. It also means that some guilty people will escape justice. This is frustrating but the alternative is unacceptable.

Marie Kilmartin

Marie Kilmartin was a young vulnerable woman who lived close to the town centre in Portlaoise. She shared a house with a companion and her routine was to attend a day centre a short distance from her home. She did not like being out and about after dark. She had some friends and acquaintances whom she trusted and obviously felt safe with them. Shortly before Christmas December 1993 she attended a get together in the centre. All seemed well with her and she left there around 4 pm to walk the short distance home. She was not seen alive again although there were unconfirmed sightings of her. These came to nothing. It transpired a phone call had been made to her house after the time she returned home. The call was made from a local call box. The identity of this caller was sought, and appeals were made for this person to come forward or to be otherwise identified. These appeals were not successful. Despite extensive enquiries no trace could be found of Marie. Many local people came forward with suggested sightings or contacts, but none were to prove substantive. I was at a meeting with the military in the Curragh the following June. I took a call about a body being found in a bog drain not far from Portarlinton. The water in the drain had receded revealing the body, which had not sunk to the bottom as the killer intended. It had been held under the surface by a bush which had been concealed under the water at the time of immersion. The killer had used a cement block to weigh the body down. This was an appalling act of savagery and deeply upset us all. We were determined to do everything in our power to find the killer. We had a short list of persons of interest

based on our missing person investigation. As always, the key criteria for nominating suspects were based on the three principles of motive, opportunity and means. Forensic evidence had been degraded by virtue of the long-time delay between demise and discovery. Arrests were made but in the absence of evidence the outcome was not favourable. The murder investigation remains open and one hopes that some element of human conscience or regret may break the silence.

Politicians and Policing

I discovered that local policing and crime had a strong political resonance. Two local TDs including the later to be Minister for Justice Charlie Flanagan voiced public concern about the “crime” situation. I disagreed publicly with their analysis but not with their right to make the comment. Local media both radio and print played a considerable role in moulding public opinion. There was a strong sense of community and togetherness in many areas. My own colleagues particularly those in the staff associations were adept at using the media to advance their policy positions. A rural policing system was in operation in the Birr/Banagher area on a trial basis which lasted for several years. The associations offered some opposition to this new scheme. The changes disturbed a more comfortable and less accountable way of working for some officers. Naturally they had a right to be consulted and ideally compromise could be found. We shared a common interest regarding their objection to Gardaí from around the division being deployed to Portlaoise prison for “security” duty. Frankly these exchanges were part of normal business if we understood each other’s positions.

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 the then Minister for Justice, 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 bye 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 panoply 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 1st 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 a certain 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 did I think of the minister. 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.

Badger Baiting

The Channel 4 Television Network broadcast a programme in 1994 about badger baiting in County Laois. This was a savage and disgusting example of organised cruelty to animals. It involved the hunting of badgers by dogs and the digging out of the badgers from their sets so that the dogs could attack and kill them. In this instance a badger had been shot by one of the men involved. This was an unusual investigation which required a focused response. There were no assets waiting to respond. Uniform units were fully engaged in keeping the daily show on the road and the detective branch certainly didn't have the capacity either. I asked Sergeant Red Cody, who was one of the two sergeants attached to the traffic corps if he thought he could adapt to do something very different from his daily tasking in traffic. He was open to a challenge and took to this investigation with enthusiasm and skill. It went to prove the point that the generalist training of the Garda Síochána suited itself to adaption in tasking. It also reinvigorated Red and his colleagues by allowing them to break from the predictability of their normal traffic duties. Superintendent Pat Walsh successfully prosecuted five local men in the District Court for the offences involved. The law did not match the grossness of the crime and no one went to jail. Badger baiting has continued in the midlands area right up to the present time.

Prosecutors or Police

Interestingly garda superintendents and inspectors in the country spent a lot of time preparing and prosecuting cases in the district courts. There were two schools of thought on this practice. There was a compelling argument that these officers should be actively involved on their policing functions and the delivery of that service exclusively. The alternative view was that a key part of the garda responsibility was the requirement to give evidence in court. Consequently the lead role of the superintendents and inspectors allowed them to supervise and monitor the quality of this interaction. On balance the force was supplying a cut-price prosecution

service for the State albeit for the best of reasons. In modern times some reform has been achieved in this area with sergeant court presenters playing a major role.

Social Dynamic

There was an interesting social dynamic in the country divisions. One was expected to attend dinners and dances. Sit on the platform at St. Patrick's Day parades and generally be part of local civil society. Nevertheless, because my family was not present, I had a degree of detachment from this scene. I was aware that colleagues who lived locally with their families were in a different category. This other dynamic was present because there always was competition for promotion and general advancement. This situation could have an unintended effect of causing tensions and resentments when one individual advanced and the others did not. This of course impacted on families. Similarly, family members were easily identified as being part of the law enforcement community and probably got closer scrutiny because of this. Despite the negatives there was tremendous garda and community contact through sport and social interests, which was mutually beneficial. Other police forces would sell the family silver for this kind of integration and acceptance.

I played golf and this was a good outlet for sport and social contact. We had an active golf society with an egalitarian policy. Quite rightly golfing ability and not rank determined the placing on competitive teams. Every year there was a national inter divisional match play competition. These were usually played at premier clubs around the country. The events were eagerly looked forward to. In Laois/Offaly selection was based on performance in preceding home competitions. I qualified in Roscrea Club as did my good friend Superintendent Paddy Colleran. We had a good innings and returned with a fourball prize. Bragging rights were assured at least for a short while.

Sir Patrick Mayhew

Expect the unexpected is a good motto for policing and security. The planned International Scout Jamboree at Ballyfin in 1993 looked like an interesting logistical and traffic exercise. The scenario changed significantly when we learned not alone was the newly elected President Mary Robinson coming to open the jamboree on July 27th but Sir Patrick Mayhew Secretary of State for Northern Ireland and the British Ambassador David Blatherwick would also attend. Include in the mix close to 10,000 scouts, a gaggle of ambassadors and public attendance of close to 20,000 all taking place in a 600-acre estate at the site of the Patrician College. Elementary security precautions required a security survey of the location and its approach routes. Security clearance for staff supplying services was also required. Explosives searching and the holding of secured areas and contingency planning were required. Good communication platforms to ensure the different elements remain in contact throughout. These precautions should be achieved without disrupting the event and in a generally good-humoured way, effectively make the omelette but don't break the eggs! Intelligence assessment always formed part of that picture. Did the Provo's know that we had special guests, and would they act? Just to add flavour to the scenario a large commune of New Age Rainbow hippies had set up camp on the northern side of the Slieve Blooms. In fairness they were probably more interested in making love not war. Like most security operations all ended well. The biggest challenge was when President Robinson's car looked like arriving ahead of time for the organisers. In order to save embarrassment, I got her escort to take her on an extended loop through the midlands to use up some time. It ended well, blushes were spared. We had an unexpected ally in that the national media under reported the jamboree, much to the annoyance of the local interests. It was a case of no news being good news. The British arrived by air and that saved an almost impossible task of route clearance for explosives or ambush.

Always tempting to be seduced by the action of the moment and disregard the wider world. Shortly my world was to change once again. I was being transferred to Dundalk to take charge of the Louth/Meath division. I appreciated the warmth, kindness and tolerance of many colleagues who helped me in my very new role.

My singular regret on transferring was to leave the Marie Kilmartin investigation behind.

DUNDALK STATION - BORDER COUNTRY 1994

Divisional Snapshot

Arms Find Athboy, Border, British Army, Cease Fire, Crime Ordinary, Devaluation to HQ, Discipline, Drug Scene, Enthusiasm, Team Building, Finance Branch HQ, Irish Army, Smithwick Tribunal, Killers & Smugglers, Local Media, Local Politicians, Martin Naughton, Maslow, Military Attaché British, Murders Breen-Buchanan-Oliver, Operations Moonshine, Dividend, Mongoose, Tara, Slane 95, Prince Charles, Frank Kerr Murder, Road Deaths, RUC, RUC Special Branch, Veronica Guerin.

This was the best time in my operational professional career. Divisional Officer in charge of the Louth/Meath Division was a real job. 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 governors 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.

The Divisional Clerk Sgt. Gerry Smith became a guide and friend during my stay, he met me on the 5th July 1994. He had prepared an excellent brief on the key points of the division at the behest of my predecessor Chief Superintendent Michael Ringrose. This was most welcome because the division covered a wide geographical area. It

covered the counties of Louth and Meath and portions of north Dublin and Kildare. 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 I 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.

Resource Capacity and Numbers

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.

Leadership

Leadership is not just about observing the bureaucratic strictures. It is about much more. It is about creating opportunity, innovation and flexibility. We had serious public order issues in the towns at the weekend. Working units didn't have the numbers to contain this scene. When I spoke with new colleagues an idea was formulated. This was an elaboration of the task force model that I had been part of in the city. Twenty Gardaí with some sergeants and inspectors were selected for this unit on an occasional basis. The idea was that they would remain part of their parent units. On an occasional planned basis they would come together to provide the extra impact needed to make the streets safe. I was concerned that they would be physically fit for the action. Sergeant Charlie McCarron oversaw the In-Service training school, but he was also an accomplished physical trainer. Once a week Charlie took the selected officers and put them through a conditioning programme. The essence of this unit was control, discipline and good application. Superintendents could bid for their services in their districts. We also used them for major public events and VIP visits. Due to its success, after a short time there was a queue waiting to join. It proves the maxim that a little variety can brighten up most jobs. Paradoxically it was disbanded a month after I was posted elsewhere.

Communication

A significant responsibility for garda officers is the need to interact with the public and indeed local politicians. I did my best to promote this approach. It is always interesting how one's best efforts are reported. My good friend and colleague Michael Staunton was the local superintendent in Dundalk. We were invited to attend a meeting of Dundalk Urban Council to speak about local policing matters. This was a standard type of engagement and the questions were the usual ones about crime, and the number of Gardaí available for policing the town. One was aware that politicians speaking in public usually are speaking to their own constituency as well as or instead of the person sitting opposite. The reports of our meeting in the Dundalk Democrat, had me and Michael, "admitting" or "did not deny" in our answers responding to questions on crime or garda numbers. It was almost like a tetchy cross examination of a defendant in court.

I was required to attend commissioner's conferences, usually held every six months. These were normally held in Templemore over a two-day period. They provided an opportunity to observe how the various internal groups were forming and reforming. There was great interest in seeing who was part of the commissioner's social circle. Jockeying apart the social craic was good and war stories abounded. The formal conferences were boring and uninspiring. There was little interest in two-way communication and the tone from the top was predominantly defensive. Occasionally some inspiration would arise but that was the exception rather the rule. The hand bagging from MGQ at least provided a useful diversion from normal business but really did not affect the course of history one iota.

The Team

Theorists like Maslow have reflected on the hierarchy of mankind's needs, the things that make us tick and keep us fulfilled and happy. One of the key positive indicators is when work feels more like fun. I was lucky

enough to have that feeling in Dundalk. This doesn't mean that every day was happy clappy. The sense of engagement and purpose was immense. I was lucky to have some terrific command colleagues and many sergeants and Gardaí were only too willing to contribute, if given the chance.

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 Ice House 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 formal opening of the park was held in September 1995, and attended by Commissioner Paddy Culligan and the Garda Band.

Figure 18 Garda Martin Naughton



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”.

Arms Finds

The first introduction I had to the subversive scene was when intelligence indicated that a major arms dump was hidden close to Athboy town. 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. I was only days in situ, so the credit goes to the officers who developed and worked the intelligence to operational readiness. 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 by the terrorists employing their smuggler acquired skills.

Figure 19 Fantastic Work by Unseen Colleague



Cease Fire August 1974

The murder of post man Frank Kerr in Newry followed the announcement of the PIRA cease fire. He was killed in the course of 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 10th 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

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, toleration 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 “Steak Knife” who had been operative for many years. He held a leading role in the IRAs 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 14th 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 28th February 1985 in the course of 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 5th March 1995. Superintendent Michael Staunton accompanied me to that tribute. Four of the murdered 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 Collins³⁷ one-time IRA intelligence officer, then super grass 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.

Unmistakeably 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 the 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

37 Killing Rage Eamon Collins Granta Books 1998

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 assertion considering that many of those officers lived under a threat of death from the IRA.

There was little visibility of RUC Special Branch (SB) at these gatherings. Although I have no doubt that they were fully informed of our contacts. SB and specialist units were really the group responsible for targeting the IRA and its fellow travellers. The uniform officers were very much in the front line. I got a strong sense after a time that the key operational decisions were not made by them. No doubt they had a part in that process but apparently not the lead role..

Operation Moonshine

This was the operation to protect Prince Charles on his first visit to the Republic. He arrived on 1st June 1995 at Baldonnel. 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 1520hrs on June 1st the Princes 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 1000 on the day itself. Other officers were detailed for the holding and searching operation in advance of the arrival.

I adopted the Gold, Silver and Bronze command system which was probably a first in Ireland. This is basically a system used to minimise turf war between commanders. Gold is the Strategic Command level, Silver is command at the Tactical Level and Bronze is on ground command of individual resources. The advantage for hierarchical bodies is that the Gold/Silver/Bronze designations eliminates rank differences in favour of clear decision making. Gold trumps all others, Silver trumps Bronze and theoretically at least confusion is kept to a minimum.

I overheard an animated conversation between two officers who were playing designated roles. There was a general disbelief about the necessity for the system, but it ended with one asking the other what's your level? The reply was Bronze, and his erstwhile friend said, well I'm Silver that settles the debate! The obvious problem for garda colleagues was they were not used to operating in large numbers or with strangers wearing the same uniform. It takes a lot more than a few lines on an operational plan to produce group efficiency.

There was a salutary hindsight lesson. When we debriefed we saw one glaring weakness. As the Prince was moving from the helicopter landing site he mounted a stairs which had been constructed over a boundary hedge. He climbed onto the platform and was a visible target for miles. He could have been effectively shielded by his protection officers or alternatively a simple opening could have been constructed in the hedge.

Figure 20 Charlie Stepping In



Indeed, hindsight is 20:20 but this was an obvious weakness which could have changed the course of subsequent history. Nevertheless, we employed an extended cordon system together with mobile patrols on these extended perimeters and this tactic served to mitigate this risk but not to totally eliminate it.

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.

He had a sharp tongue and when one of the media asked, “what’s your impression of the Royal County, Co. Meath his reply was direct, “only just landed give me a moment” then paused “looks pretty good from here”. Meanwhile John Bruton close by was endlessly smiling, looking as happy as a dog with two tails. The Prince’s helicopter lifted off from Trim into the setting sun and the wheels up party could commence.

Operation Slane 95

Slane is a beautiful village on the banks of the River Boyne in County Meath. It has a charm and a presence all its own. It is dominated by the estate of Slane Castle some 1500 acres and home to Henry Mount Charles. It is popularly famous for the many Slane Castle concerts held there over the years. The castle itself was devastated by fire in 1991 and what followed was a massive restoration effort.

Meeting in the kitchen in Slane Garda Station early in 1995 our thoughts were on more practical matters. REM had been booked to do a concert in July. Oasis was booked as the “warm up” act. Sergeant John Clarke was the local sergeant i/c and he was interacting with Lord Henry Mount Charles which began *“Now Henry the last time we did this we had a real problem with the build up of patrons at the entrances and that wasn’t good enough and can’t happen this time”*. The ever affable The Most Hon. Henry Vivien Pierpont Conyngham, 8th Marquess Conyngham readily agreed. It was a hugely interesting snapshot of social history and doubtful if the noble lord’s ancestors would have approved. Henry seemed to have acquired that ultimate Irish approval, he was a “decent man”.

The concert was a straightforward commercial venture that would bring thousands of fans to Slane Castle on July 22nd. It was a venture between Henry Mount Charles and MCD concert promoters. I made it clear to both interests that we would supply Gardaí for duty inside the concert area. MCD would be required to pay for the services of 50 Gardaí for this duty. This was reluctantly agreed to but it took a full 12 months for payment to be received. Also, Messrs. McCann and Mount Charles were charging a cool £25 a ticket and at an estimated 70,000 fans, not a bad day’s pickings.

This was a security and logistics exercise from a garda perspective. It was abundantly clear that the demand for numbers would far outstrip our capacity to supply. This inevitably led to the usual begrudging

interaction with HQ where the only interest seemed to be, never mind the operation save money at all costs regardless of consequences. It was necessary to source personnel from outside the Division and particularly from Dublin. In terms of crowd size, the nearest parallel would be an All-Ireland Final in Croke Park. The All Ireland garda operation had the advantage of working off a template which had been practiced and rehearsed many times. The modalities of the Croke Park operation were set out in an operations order and that was the practice followed by me in Slane.

All operations start with the planning stage leading to operational proposals and culminating in operational approval by HQ. The Slane operation had to consider while thousands would arrive in daylight the concert itself would end in darkness with the attendant risks and congestion. A lighting and communications element was important. An operational base was set up in Slane Station. All radio and cctv traffic was processed through there. Traffic units were tasked to regulate the flow and parking arrangements. The main street in Slane was closed to patrons and normal traffic, thus allowing the locals to circulate freely during the day. A briefing centre was set up in a local school and a temporary District Court was also established to handle any crime issues. A nominal list of all garda on duty had been prepared and was displayed prominently in the briefing Centre. The services of the Drogheda River Rescue Unit were sourced for patrol on the Boyne river. The river formed a definite boundary on the western side of the concert site. The Slane to Navan road ran on the northern side and the Dublin Derry road completed the other boundary. A plain clothes drugs unit was tasked for duty inside the concert area and the public order unit was given responsibility for maintaining a response capacity to any serious disorder. Other units were assigned to manning crowd barriers and checkpoints. Murphy's Law always has a habit of raising its head. In this instance we got a phone call that the Dublin garda contingent who had paraded at Garda HQ in the Phoenix park. Someone had "forgotten" to organise their transport to Slane. Several frantic phone calls later and with close to two hours delay the warriors arrived to all round significant relief.

One of the cardinal rules of any operation is the provision of refreshments. This operation was no exception and excellent facilities were obtained in the local hotel. I remember sitting have lunch with District Justice John Brophy and a few senior colleagues and remarking that we were the poorest paid people in a room which was full of Gardaí mostly on handsome overtime tours.

Early in the day a nasty egregious assault took place at Slane bridge when a thug literally pushed a man over the bridge onto the ground below. There was neither rhyme nor reason to it. The culprit was arrested, and the unfortunate victim made a full recovery. A total of twenty arrests were made during the day mostly for drugs offences. One of the features of the concert was that a bar was permitted inside subject to certain restrictions. At an agreed time, the public order unit closed the bar but there was no shortage of “libations” and the bar made a healthy profit. Despite the best efforts of all, drowning tragedies occurred when two young men lost their lives trying to swim across the Boyne. The ultimate irony was that one of the men had a ticket for the concert in his pocket. Also, one of them was wearing high laced Doc Marten boots. This was a regrettable and unnecessary loss of life.

The concert ended in darkness and the crowd slowly, very slowly made their way home. It is always tempting to consider that while an operation like this was running, the world had stopped. Nothing could be further from the truth. Side by side with Slane a security operation was running in Dundalk dealing with a threat from republican subversives.

Other Operations

The daily routine was full of ordinary business. A never-ending stream of bureaucratic correspondence and queries, updating reports and personnel records. There was a continuous need to deal with exceptional events which paradoxically occurred on a regular basis. Two such operations were Operation Dividend which dealt with a search for arms and explosives in the Oldcastle area of County Meath. Operation Tara

which was targeting criminal activity mainly armed robberies on the boundary with the Dublin Metropolitan Area. Both operations had a degree of success but of course both were also resource rich in terms of personnel. We were fortunate to have the assistance of the army air corps for Operation Tara. A bank raid happened in Skerries and the culprits headed towards Dublin. They took a diagonal route travelling in the St. Margaret's direction. A number of check points had been set up on the Swords to Ashbourne Road to intercept their likely direction of travel. This was when our old friend Murphy again intervened. The checkpoints were oriented north facing toward the crime location which seemed logical. The robbers had passed through those areas before the checkpoints had been set up. As they drove towards St. Margarets they were spooked for some reason and turned around and reversed direction. They encountered the checkpoints in reverse direction much to the surprise of the Gardaí on the first checkpoint but with just enough time to alert the other checkpoint. Gunfire ensued, four culprits were arrested but nobody was injured, and justice was served. Policing by its nature is an inexact science as this scenario proved.

Finance Visits

A/Commissioner Barney Curran was the officer in charge of the HQ "A" Branch finance. He had been transferred there by Commissioner Culligan from his post as A/C Dublin Metropolitan Area. This was an unwelcome transfer to him and allegedly had to do with the levelling of old scores between both men. Certainly, both were not on the best of terms. No senior officer worth his salt would want to transfer to the "A" Branch position, certainly not as a lateral movement towards the end of one's career. Indeed, Paddy Culligan, Barneys bêt noir had himself been the subject of a punitive transfer from Dublin to Castlebar as a chief superintendent. He had lived to overcome that disadvantage with the passing of time and with changing masters.

On being informed that A/C Curran was coming on inspection on the 4th April 1995 my antenna was certainly raised. This was not good

news because he did not have an inspection role in terms of the national force. He made a friendly inspection and he was primarily interested in the overtime spend in one district. There was no suggestion of a value for money exercise or any approach to understanding the many operational issues facing us. All these challenges required resources over and above the capacity of the Division to supply. I was not furnished with the result of his inspection. Life went on and I was facing new challenges. The Slane concert and the visit of Prince Charles self-evidently couldn't be met from local resources. Coincidentally, on the first day of his inspection four subversives were intercepted at the southern end of the division in possession of firearms and obviously bent on mayhem. It was not part of A/C Currans inspection agenda, but it most certainly was on mine.

Diversifying Service Delivery

The onset of the ceasefire provided some limited opportunities to develop aspects of policing other than security. It was obvious that plans for combating drug abuse particularly in clubs and pubs needed developing. I organised a meeting of all the club owners and publicans for Slane to agree a new approach to the problem of drug abuse on their premises. This was a positive venture and I looked forward to working with them over the coming months to streamline a productive approach to the problem. In the nature of things this was not to happen for reasons totally outside my control.

The road death statistics for Louth/Meath were the worst in the country and there was significant room for improvement by employing innovative tactics. The traffic corps, based in Drogheda had enforcement responsibility for the main roads, N1, N2 and N3. Motorways had not yet been constructed. The chief manner of enforcement for the perennial offences of speeding, drunk driving, no seat belts was the setting up of random checkpoints. Dangerous driving violations were moving traffic offences and these offences required mobile detection. Similarly, issues arose with the enforcement of HGV offences, also there were customs offences due to border proximity. An important part of this strategy was

high uniform visibility patrolling. Confirmation of these patrols were required daily in the divisional office. I was anxious to support this activity and I visited checkpoints when time permitted. When I was inspecting a checkpoint at Kilmoon Cross on the Dublin/Derry road on the 5th October 1995, I got some very unwelcome news. My mobile rang and on a bad line I recognised Assistant Commissioner Hugh Sreenans voice. I remarked that the line was bad and that I would call him back from a better reception location. He said not to worry but he wanted to tell me that “I would be coming up here next week to replace Peter Galligan”. Peter played a significant role in B Branch personnel and was largely regarded as a tough but competent operator. I had numerous robust exchanges with him when looking for more personnel. The last place on earth that I wanted to go to was Garda HQ, Phoenix Park. It held absolutely no professional attraction for me. It was the antithesis of good operational policing. I made it clear to Hugh that I wasn’t happy with his news and that I would consider my position. Frankly knowing the system as I did, I knew that I hadn’t very many options. Positive transfers were usually notified by the commissioner or deputy commissioner by a personal phone call. It was obvious that this transfer would not be welcome news hence the fact Hugh was the messenger. Hugh was a nice gentleman and not in good health. He was first and foremost a company man, whatever the “boss” wanted would be delivered, in this case, me.

Quite apart from my personal disappointment I felt that the division was losing out and I felt badly for the many officers who had responded so well to me. It was a feeling of letting them down. I looked for a meeting with Commissioner Paddy Culligan even though his close in staff advised against. Effectively he had made his mind up and that was that. I did get a meeting with him in his office. He sat ensconced behind his desk and I was awarded the courtesy of a straight back chair in front of the desk. There was a soft lounge couch and seats in the office but apparently, they were not required on this occasion. The only concession I got was a minor deferment for two weeks to allow me wrap up some outstanding projects. I would certainly have resigned there and then if that option was realistic for me. It was a case of sucking it up and go.

Objectively, the transfer of one senior officer doesn't rank high on the scale of things but the move clearly demonstrated the lack of priority for policing service delivery. I did bring one legacy item with me and that was the 1989 murders of Harry Breen and Bob Buchanan and the subsequent Smithwick Tribunal.

Changing National Picture

On the national picture two senior officers were beginning to emerge as key players for the security challenges ahead. Pat Byrne was on an accelerated path in the Garda Síochána and Ronnie Flanagan was a similar highflyer in the RUC. They both were former Special Branch officers and were climbing the security ladder to the top of their respective organisations. Neither were overly familiar with ordinary policing. Byrne was appointed commissioner in 1996 and his appointment was to have a major impact on the Garda Síochána. It was he who coined the derided expression "my people". Flanagan became Chief Constable of the RUC also in 1996. These men developed a symbiotic relationship and it was difficult to see whose back was being picked by who's compliant beak. Flanagan was the quintessential British officer and establishment figure. He was knighted for his services and was the Chief Constable in charge when the RUC was awarded the George Cross in 2000. On balance it is most probable that Flanagan was playing a longer and better resourced game than Pat Byrne.

In retrospect a seminal moment occurred in 1995 which was to cause a fundamental change in the Force structure. A political decision was made to regionalise the Garda Síochána into six regions, each under the ostensible command of an assistant commissioner. This decision was taken to promote a greater service delivery across different garda divisions which seemed a laudable objective. It was a fundamentally flawed decision because it had been introduced without the benefit of study or debate. *It was almost identical to the nonsensical decision made in 2019 by Commissioner Harris and Minister Flanagan to introduce a new Operating Model for the Garda Síochána.* It also had the effect of making

the organisation more vertical and hierarchical by introducing another layer between the commissioner and the ground floor service delivery to the public. The plain fact of the matter is that the service volume did not merit this level of structure and the support staff necessary was not in place. It created a contested dynamic between chief superintendents and the new regional commissioners. It was a one size fits all approach which had little or no merit from an efficiency perspective. A decision was taken to reduce the retirement age of senior officers to sixty years and that was particularly so for the commissioner. That suggestion certainly had merit, but the devil is always in the detail. This was also intended to apply to secretary generals in the department of justice. In practice the civil service invariably got special extensions to their tenure regardless of the seven year rule. It would have been logical to regrade posts based on demographics and volume. So that a busy division would be graded for assistant commissioner level. Another could be graded at superintendent level using the same criteria. The majority would obviously remain at chief superintendent level. It also meant that several new assistant commissioner positions were created. This increased the patronage power of the commissioner considerably. This movement was further exacerbated during the tenure of the next commissioner Pat Byrne. He had seven years to select the top officers in his own likeness and by and large that was not a positive experience. There were exceptions to the rule of mediocrity but that was despite, rather than because of, the new regime. The then Commissioner Culligan was a man of set views and relatively little experience of general policing. He had an affable persona that hid his singular views. He refused to attend the Dáil Committee on Family Affairs on the basis that his line report was with the Minister and Government. He also effectively paved the way for his successor Pat Byrne which set in train a sequence of events which had unintended consequences.

In 2015 the Garda Inspectorate³⁸ recommended that;

“The Inspectorate believes that operating from six regions is an

³⁸ http://www.gsinsp.ie/en/GSINSP/1286-ChangingPolicinginIreland_Low-Full.pdf/Files/1286-ChangingPolicinginIreland_Low-Full.pdf

inefficient use of resources and is recommending that the current six region structure is reconfigured into three new regions. The Garda Síochána should make the operational decision on the configuration of those regions to ensure consistency of responsibility across the new structures”

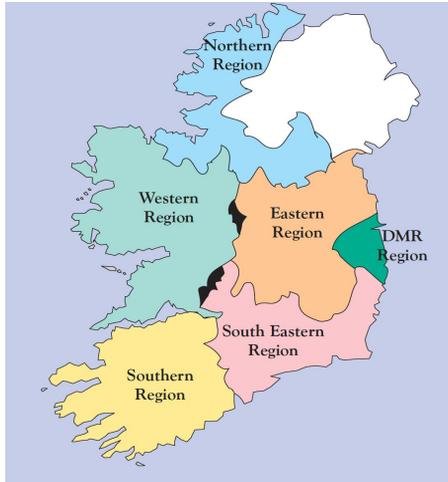
Nothing has changed, to borrow a phrase, reforming the criminal justice system is a bit like playing hand ball against a haystack. Similarly, the Policing Authority³⁹ commented on this topic in its submission to the Commission on the Future of Policing.

“Accountability remains unclear in the current structure and performance accountability is absent. If a future Professional Standards Unit visit to Bailieboro found the type of culture, service to victims and quality of work in relation to penalty points that was found by the O’Higgins Inquiry, who would be accountable? Would it be Assistant Commissioner Northern Region, Executive Director of Strategy and Change Management or Assistant Commissioner for Roads Policing”

These comments were made twenty years before the regionalisation initiative and point to the universal rule that *Form follows Function*. Simply put, design the best structures when one has analysed the organisational challenges and defined the best structures for service delivery. The current policy is one of trying to beat an unmalleable structure into performing at the highest level. It simply can’t be done. Furthermore, modern communication infrastructure made it possible to have virtual meetings and briefings at the click of a cursor. Similarly, the developing road motorway system greatly reduced travel times between major centers. Regionalisation was not a practical necessity in a country of our size. It would have a place in countries with greater landmass and population.

³⁹ <http://www.policingauthority.ie/>

Figure 21 Garda Regions 1995/2023



This Regional Structure has no capacity to deliver an efficient policing and security service to the community. It fails to recognise demographic and geographical realities e.g., A Regional Assistant Commissioner (Galway) has command responsibility for the North Western Region including the international border with Northern Ireland. This is the typical profile for all Regions except for Dublin.

DEVALUATION - CHANGING THE GUARD 1995

Arriving at Garda HQ in the Phoenix Park in 1995 was a challenging experience for me. This was my devaluation day. In stock exchange terms I had achieved junk bond status.



All organisations are essentially about power. Who has the power to direct, to lead to inspire and to control? Operationally a divisional chief had a lot of power to make decisions to influence outcomes and to make meaningful contributions to the service, if so minded. Headquarters life was more hierarchical with a strong concentration of power in the hands of the few and ultimately the commissioner. Part of the power scene depended on the unofficial coalitions between individuals. There are those who are part of the power group, those who are in the loyal/disloyal opposition and probably a third group who are basically observing and watching events with a view to best advantage.

I was the media spokesman for the Chief Superintendents Staff Association and that position inevitably led to potential conflict with “the” power group which was led by the commissioner. The outgoing commissioner Paddy Culligan was an enigmatic individual with a strong conservative defensive streak. Pat Byrne who at that stage was a young, fast-tracked deputy commissioner was the heir apparent and heavily favoured by Culligan. The other rival was Deputy Commissioner PJ Moran

who was more senior and certainly more cerebral than Byrne. His experience was largely in administration and training and therefore he lacked the operational appeal of someone like Byrne who had the special branch and security card to play. Byrne also had the appearance of modernity and youth in his favour and he was politically well aligned. In any event government would make the decision.

Senior gardai break with tradition to speak out on issues worrying the force⁴⁰

The Irish Times reporter Jim Cusack reported an interview with me in the following manner.

The tradition of silence among the senior Garda ranks has meant that the debate on the issues of policing has, by default been left to those who are often least expert on the subject. Now, breaking with tradition, the Association of Chief Superintendents (ACS) has spoken on the issues of Garda numbers, deployment and contingencies of service and recent criminal justice legislation. It has also commented on the role of its own members and of its attitude to the recently announced changes in management structures, including the introduction of the new rank of regional commander. The ACS has appointed Chief Supt John O'Brien, who serves in the personnel section at Garda Headquarters and previously was the senior Border chief superintendent, as its spokesman. He pointed out that most other forces have a well-established tradition of comment from their senior officers. The Association of Chief Police Officers (ACPO) in Britain has long had responsibility for comment on major policing issues.

My openness to the press was a poisoned boomerang and I was to get it in the neck very shortly.

⁴⁰ Irish Times Tue, May 21, 1996, **Jim Cusack**

Media Trap

My function with the Association was to hold press briefings. I got a call late one night from an Irish Times reporter as to what our views were on the commissioner succession stakes. We had a free ranging discussion off the record on the relevant merits of individuals both internal and external and then he asked me the sucker question. "Would you have a chat with my *junior colleague* he's doing a piece and could do with a steer, would you help him". I agreed on the same terms as before at least in my own head. The following day an article appeared which had me advocating an external candidate for the commissioner's role, together with a nice picture. I protested strongly to the Irish Times. The damage was done even though they printed a retraction two weeks later. My ordinary junk bond status rapidly became triple xxx junk rating. There was no way that I would be forgiven regardless of the merits one way or another. There were immediate consequences. I was transferred from HRM Personnel to a post in charge of a mixed bag of responsibilities in HQ. This transfer didn't bother me professionally because the new brief was interesting, and I had greater freedom.

I was in overall charge of the Technical Bureau which housed all the key specialist technical sections, Ballistics, Fingerprints, Documents etc. There were fascinating people working there who were totally unsung and underappreciated. It took ten years of experience and training to become a fully-fledged court expert in fingerprinting. Similar experience was required in the other disciplines. The Automated Fingerprint Information System (AFIS) was being commissioned. This was an incredible improvement on the old manual systems which required painstaking fingertip searching and matching. I acquired the traffic section which had an overall remit in relation to national road safety. I became a member of the National Safety Council dealing with road safety. This area was to become an important part of my responsibilities over the next two years.

I was surprised to the degree that many of my new colleagues were dedicated, interested and knowledgeable in their fields. Indeed, some of the hardest working individuals that I met in my career were based in different sections in HQ. Quite often they were the at the butt of unthinking prejudice from their operational colleagues. That is not to say there weren't a few drones circulating but, in my experience, the good far outweighed the bad.

The other consequence of my notoriety was that a couple of my colleague chiefs tried to unseat me from the national executive of the chief's association. This was their way of aligning themselves with the new power base. I attended a couple of general meetings where some individuals exhibited a new-found interest in their colleagues welfare. They were ostensibly worried that because I had been transferred into HQ, my former constituency was now unrepresented. I faced them down with some help from friends.

The Association commissioned an attitude and culture survey of our membership by Doctor Ruth Kevlin. This survey was the first of its kind for our rank or indeed any rank.

Kevlin Survey⁴¹

The aim of this study was to establish a profile of work-related attitudes of Chief Superintendents, thereby identifying the prevailing organisational culture of this cohort. Data indicated a weak negative culture while the absence of significant differences between operational and administrative members ruled out the existence of further sub- cultures within the group. Although morale is perceived as low, members, for the most part are more satisfied with their work and with their job as a whole. This phenomenon reflects the findings of other police attitude surveys (Touche Ross, 1992). The most significant findings of this study are discussed herein.

41 Survey conducted by Dr. Ruth Kevlin 1997 commissioned by the Chief Superintendents Association (unpublished)

Chief Superintendents as a group feel generally undervalued and poorly rewarded by the organisation. At a materialistic level, officers are extremely dissatisfied with the monetary and promotional rewards available to them. They are of the opinion that they enjoy less professional respect and recognition than do their colleagues in public and private enterprise. However, respondents' feelings of self-worth and satisfaction are more strongly effected by the minimalist role in decision making afforded them by higher management. Poor consultation concerning organisational change and a general lack of encouragement for effective use of initiative are also contributing factors to Chief Superintendents' perceptions of their rank as undervalued

These outcomes are unsatisfactory in light of research which has highlighted the importance of management and peer support in effecting quality service delivery and organisational performance (DOCSA,1992): 'Changing direction toward personal and organisational flexibility must be pre-conditioned by creating an internal culture of support. No-one can for long be wholeheartedly concerned for others unless he or she feels the deep security provided by the guaranteed support of associates and superiors (DOCSA, 1992, p.31).

It is probable that lack of support and competitive practice among Chief Superintendents is a contributor to the low morale expressed by this rank.

Findings of this study also highlight serious difficulties with co-ordination and strategic direction of development. Respondents reported confusion about work objectives and believed new units to have been established with little clarity or strategic direction. Moreover, subjects readily admitted to a poor understanding of the goals and objectives of other units within the organisation.

On the one hand, these findings appear somewhat surprising given the work invested in the development and review of An Garda Síochána's

corporate strategy policy document. However, correlational analysis indicates that such confusion surrounding strategic matters is strongly associated with poor organisational communication - also reported by this sample. This suggests that no matter how comprehensive the policy formulation, poor communications between units or sections, will hinder organisational integration and synchronisation. Also worthy of note is the finding that communication is itself, strongly correlated with consideration (including support) and trust. An important role has therefore been identified for these factors i.e. consideration, communication and co-ordination in facilitating the establishment of a unified and effective organisational direction.

Several positive findings also emerged from this study. In particular, Chief Superintendents presented themselves as committed and pro-active members of An Garda Síochána. The most significant sources of satisfaction for these officers are predominantly those which are intrinsic to their work i.e. job variety; job security, feelings of doing something worthwhile and feelings of self-esteem. Those variables which cause the greatest dissatisfaction among Chief Superintendents are all extrinsic factors e.g. feedback from superiors, workload, pension entitlements, availability of resources and remuneration. The implications of these findings are (i) that the satisfaction and motivation of Chief Superintendents is firmly grounded in the work itself regardless of tangible rewards, (ii) that Chief Superintendents are clearly motivated by the feelings of esteem and worth afforded by the work and (iii) that satisfaction levels may be further improved by addressing tangible materialistic conditions and rewards.

Their willingness to acknowledge change and to embrace that which comes with it, e.g. information technology is evident. So too is their criticism of bureaucratic manifestations e.g. excessive rules and regulations and preoccupation with formal lines of authority.

Collectively, the findings of this study portray Chief Superintendents as a cohort which supports and welcomes the

paradigmatic shift from the traditional organisational style, characterised by conservatism, risk aversion and hierarchical rigidity (Stanier, 1991) to a more open, progressive system. However, while in some areas this cohort appear to have made the ideological transition, progress is thwarted by the traditional values of secrecy and mistrust among Chief Superintendents themselves and by the traditional structures, systems and processes while continue to effect the organisation as a whole. Perhaps the most important finding of this research is that Chief Superintendents are willing to recognise and respond to the forces of change, regardless of whether they have fully achieved the shift at this point in time.

Any serious attempt to encourage positive cultural change must be informed by an appreciation of the dimensions which contribute most significantly to its composition. The outcomes of this study point to issues such as trust, job control and clarity; consideration; power sharing and communication, as the issues to address in this regard. Significantly, these factors are also the most predictive of overall job satisfaction.

This was a remarkable survey which offered researched insights into the culture and beliefs of senior officers. It is reasonable to assume that its findings would be true in whole or in part of those serving in commissioner ranks because every commissioner had been a chief superintendent as a necessary steppingstone on the route to the top.

It also was remarkable that this work had been commissioned by a staff association rather than the formal organisation. Indeed, one had to wait until 2018 before such an exercise was carried out by the organisation and then almost at the point of a gun.

Profound Change and Critical Factors

It is true that 1995/2000 were critical years for the Garda Síochána in terms of forming the future of the organisation.

Chronologically the first decision was the decision to regionalise the structure of the force. This meant that five regions were created in addition to the Dublin Metropolitan Area, which also became designated as a region. This was undertaken without study or consultation. It had a profound effect on the organisation in that it increased the vertical structure by inserting another management tier between the service delivery end and Garda HQ.

As an Association we strongly argued against the regionalisation idea on sound business grounds. This position was undermined to some degree because by creating extra assistant commissioner positions potential promotion opportunities increased for chief superintendents. The increase in positions increased the patronage of the commissioner in promoting more from his own cohort group and setting up a dynasty for future high-level appointments.

We argued that a visible and accessible uniformed policing service should be readily available to all citizens. This objective is best delivered on a local level, in a direct and immediate way. My view was, the service was best delivered by the current Divisional and District structures. Regionalisation disturbed this balance by introducing another layer of bureaucracy. We also said that highly specialised sections primarily dedicated to combating organised crime were necessary. It was obvious that this specialisation could be best delivered through economies of scale and expertise which could be best achieved at a national HQ level.

Strategic Management Initiative

In 1996, a comprehensive strategic management initiative (SMI) was formulated. It came as a major surprise to me that incoming Commissioner Pat Byrne asked me to Head the Secretariat responsible for servicing the needs of this exercise. This gave me a seat at the SMI project board which was responsible for the overall progress of the new initiative. I assembled a small support team and we liaised directly with DeLoitte consultants. They were hired to present a report to government

on various matters relating to the efficiency and effectiveness of the force.

Following the initial work, the government established a Garda SMI Steering Group in 1998. The purpose of this was to develop an implementation plan and to oversee the programme of change recommended in the “Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána”. A more detailed examination was also undertaken on issues such as Garda structures, the deployment of Gardaí, the allocation of resources to match demand, the appropriate mix between Gardaí and civilians, human resource management and financial management systems, promotion and training.

Major changes arising from SMI included the recruitment of a Financial Director, the implementation of a new financial framework, a review of Garda promotion schemes and the development of a new performance and accountability framework. In January 2000 the “Corporate Strategy 2000-2004”, a five-year strategic plan for policing in Ireland, was published. It contained the mission, key strategic goals, core enabling strategies and definition of service level results for the Garda Síochána. The annual policing plans for 2000 and 2001 were also published. This Corporate Strategy referred to was the successor to the Corporate Strategy 1993 – 1997, which was a “first” in the Irish public service and followed on from the Garda IT Strategy formulated in 1992.

One of the key issues which emerged was the question, should the commissioner become the Accounting Officer in replacement for the Secretary General of the Department of Justice. I looked forward with interest to see the process by which this decision would be made. I could have saved my breath because it was resolved with utter simplicity. The Deloitte representative asked me plainly did the Commissioner want to be the Accounting Officer. I duly confirmed that he did and thus the decision was made. Naturally it was not a great decision, actually a half a decision really. The Commissioner ultimately became Accounting Officer. Budget negotiations remained with the Department of Justice.

The buzz words struck all the right notes in terms of optics, but the new regime led by Commissioner Byrne did not really believe in that “oul shite”. It was necessary to appear to be moving forward but the innate conservatism of the ruling class greatly inhibited any change. Fundamentally there was little enthusiasm at the political level to take a radical approach to change and reform.

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. He was to serve until 2003. This 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 period. 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 fairly 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.

Pat Byrne was appointed on the condition that he would fully implement the findings of the SMI Review. He was also appointed for a unique term of seven years in office. I felt that was a major mistake in that it concentrated too much internal power in the hands of one person for far too long. A term of three to five years would have been reasonable

and appropriate. In effect he was able to set in place his own succession line and of course to advance the careers of many loyal supporters. This is not to say that good people were not promoted but clearly some influential Neanderthals also advanced to positions of unaccountable power and influence. This hegemony was ultimately damaging for the organisation and the policing service in general. The FBI played a significant part in the selection of future garda leaders. They offered places internationally to law enforcement officers to attend in Quantico for an executive course. These invitations were not competed for. Participants were selected on a nod basis by the commissioner of the day. The courses served as a passport to higher commissioner ranks for many and were an indication of a masonic approach to power. It also provided the FBI with an international network and added to their worldwide footprint.

On his appointment he inherited a full agenda. Detective Jerry McCabe had been murdered by the Provisional IRA in the course of an attempted armed robbery of a post office van in Adare, County Limerick, on the 7th June 1996. Journalist Veronica Guerin had been murdered by the Gilligan gang on the 26th June. The last time I saw Veronica was across a crowded church at Jerry McCabe's funeral.

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. In that regard he was less than comfortable with the public initiatives of the Chief Superintendents Staff Association.

Professionalism

In 1996 I was the principal organiser on behalf of the Chief Superintendents Association of a public conference entitled "Criminal Justice a Question of Balance". I invited a distinguished panel of speakers which included the following. The Minister for Justice Nora Owen, the

Garda Commissioner Pat Byrne, Chief Supt Tom Monaghan chairman of the association, Jennifer Guinness chairwoman of the Irish Association for Victim Support, Barry Galvin legal director to the new Criminal Assets Bureau, Jim Quigley President of Muintir na Tire, Adrian Hardiman barrister, and Prof Brian Nolan and Dr Tony Fahey of the Economic and Social Research Institute.

I organised a similar conference in 2000 entitled "The Challenge of Change". Speakers included the director of the EU police agency Europol, Jürgen Storbeck and Commissioner John F. Timoney, head of the Philadelphia Police. It was directed towards people involved or interested in criminal justice, community affairs and commerce. It covered topics such as diversity, privatisation and change management. The conference speakers also included one of the most prominent figures in policing in Britain, Mr. John Grieve, director of the UK's Racial and Violent Crime Task Force. Ms. Dianna Yach, an international consultant on equality and human rights issues, also addressed the conference. Another visiting speaker was Dr. Mike Rowe, lecturer in policing at the Scarman Centre, University of Leicester. Each of the speakers attended at my invitation which was based on our common interest in policing and its impact on civil society.

The mood music within the higher echelons of the force was disapproving and it was an attempt to eat the commissioner's lunch. My objective in organising these two events was to increase the professionalism of my colleagues and to instill a spirit of openness and a willingness to change.

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 report⁴² 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 reported below.

The 1996 crime statistics indicate that 100,785 crimes were committed, with 41,056 crimes detected. This was a reduction of 2% in the number of recorded crimes in 1995, with the crime detection rate increasing by 2%, to 41%. This upward trend in the Garda detection rate has been consistent over the past number of years.

The Dublin Region, accounted for 58% of the National Crime in 1996, but crime was held at the same level as in 1995. While crime in the South Eastern Region rose by 2%, crime fell in the remaining regions, with a drop of 9% recorded in the Southern Region.

Forty two murders were recorded, one of which was that of one of our colleagues, Detective Garda Jerry McCabe, who was shot down in Adare, Co. Limerick, on the 7th June 1996, the same month that Veronica Guerin, journalist, who had a special affinity with An Garda Síochána, was murdered. Thirty-three of these murders have been solved.

The number of armed robberies and armed aggravated burglaries decreased by 11%, continuing the downward trend over the last three years.

It is tragic to note that in 1996, 452 people were killed in traffic accidents on Irish roads, in comparison to 437 deaths in 1995, and 404 deaths in 1994. The mention of the human tragedy of road deaths was significant it reflected a major problem which had been on the back burner for years largely due to the terrorist situation.

⁴² <https://www.garda.ie/en/Information-Centre/Annual-Reports/>

Individual Performance Measurement

A failed attempt was being made to introduce a performance management system which was called Performance Development and Review (PD&R) for all ranks up to and including chief superintendent. It was a system of measuring individual performance against desired objectives and targets. Unfortunately, after several years this idea was abandoned in favour of unit or group performance. This was due to the pressure of staff associations who resisted the idea of individual performance measurement.

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 conditions which was to prove a deadly catalyst for an outbreak of Blue Flu.

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.

Pat Byrne had a major coup when he was hosted on the Late Late Show by Gay Byrne. This was an all garda show with a full

audience of uniform Gardaí putting their best foot forward. The RUC our sister police force on the island would not have had the slightest chance of emulating this recognition. Seventeen minutes into that programme Gaybo asked the following question of his guest *“Do you take instructions from the Justice Minister?”* short pause from the commissioner, *“absolutely not, in terms of operational policing, the direction and control of the police force is mine and dare anyone tell me how to do it”*. Talk 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 one happened on May 1st and the second a month later.

Blue Flu – Honeymoon Over

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 GS and the weakening of discipline in the organisation. This was not a popular view with the prevailing leaders at the time. I returned to this debate as a private citizen in 2016 when garda strikes were again contemplated and I commented that “the country was sleep walking to disaster”.

Together with all officers I was ordered to be in my office at 0700 on May 1st 1998. This was the anticipated day of the Blue Flu, I rolled into Garda HQ bright and early, ready to respond to the emergency. It became apparent that most Gardaí had an expected onset of illness and were not reporting for duty. Some specialist sections were reporting including those involved in security duty and the wisdom of this decision became dramatically obvious as the day’s events unfolded.

The morning progressed it became apparent that superintendents, sergeants, and inspectors were attempting to fill the gaping holes in the public service. I rang my colleagues around the country and the refrain was the same “what will the commissioner do, what will he order us to do?” No answer came all day and the silence was telling. There was no

plan, other than behave as if nothing was happening. The 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 McLoughlin was shot dead at the scene. The PIRA was on ceasefire at least officially but there were obvious connections between these criminals.

Contingency Planning

It was clear there was no contingency planning, no understanding of the seriousness of what was happening. I had many discussions with colleagues and some of us had the view that direct action should be taken against the organisers. The organisers were the executive members of the Garda Representative Association (GRA) who despite their public utterances, led and managed the revolt. The GRA had legitimate causes for concern on the pay and conditions front. There is no doubt that the official side had stalled progress on these grievances. The Prison Officers Association had previously started a pay campaign at the same time as the GRA. There were different outcomes. When they threatened strike their demands were met but not so for the GRA. The Irish Congress of Trade Unions was opposed to any concessions to the Gardaí on the basis that it would disturb national agreements. The Government also took the hard line even though Gardaí had no negotiating rights at the big table.

Having served as an executive member of the Representative Body for Guards (RBG) in the 1970s, we experienced a similar problem on pay

and conditions with Commissioner Garvey and the government of Liam Cosgrave. We considered going on strike and had taken legal advice on the right to withdraw labour. The advice was pragmatic, it said simply we could win a court action but that the government would rectify the situation with amending legislation the morning after. Our General Secretary was Jack Marrinan who had been dismissed along with ten other colleagues in 1961 for agitating for better pay and conditions and holding unauthorised meetings. He and his colleagues were reinstated after a week, largely due to intervention by John Charles McQuaide, Archbishop of Dublin. Working conditions were to improve for the younger members. Marrinan believed in process, negotiation and lobbying and he felt as I do that the best stance for the Garda Síochána was to play its special position card repeatedly. This was based on the realisation that the minute the Gardaí crossed the line into “normal” industrial action their position would be significantly undermined. It is not possible to “protect and serve” while on strike. This détente required the government to subscribe to the “special position of the force’ and then it was possible to do business, but it was never going to be easy.

What Should have Happened.

The commissioner was very unhappy retrospectively with the Blue Flu and said as much in public. The key question was, what should he have done in advance and what should he have done consequently.

Certainly, pre-emptive action was necessary on several fronts. He should have said publicly that he was concerned that the legitimate pay demands of Gardaí were not being met. He also needed to publicly and privately say that withdrawal of labour by Gardaí was not acceptable in any circumstances and the severest sanctions would apply to those organising such a departure. He needed to inform the GRA executive in the clearest of terms. The government should have been fully informed of his intended approach. It really was a case of backing him or sacking him.

The reaction to the stoppage should have involved the immediate

suspension of the GRA executive. The appointment of a senior officer to investigate their actions from a criminal and disciplinary perspective. That approach would have been obvious and public but of course back channels would have to be used with the GRA and with Government with a view to mediating a “fair” solution. Naturally the mediation would need assistance and goodwill on all sides and of course the reinstatement of the suspended executive. Gardaí normally feel uncomfortable being on the wrong side of the law and would usually respond to compromise but never to weakness. This positive outcome would be predicated on compromise and in the event of an ultimate stalemate the government would have to maintain a hard line with consequences for the strikers.

In the event apart from words of indignation no action was taken and much worse was to come. The Annual GRA Conference was held in Cork on the 12th May 1998. It was addressed by Minister for Justice John O’Donoghue. This was a GRA election event and John Healy was elected President by a large majority over Frank Gunne. Both men had led different factions during a bitter dispute which had ended. Frank Gunne favoured continuing negotiations, but his rival John Healy favoured and promoted the direct-action approach. So, a more radical element was in the ascendancy which was to cast long shadows into the future. The Minister got a hostile reception but held his ground. He certainly wasn’t comfortable, and perspired heavily during his address. Pat Byrne had a better reception. He issued warnings as to future action, but it seemed the GRA had already taken his measure and that horse had well and truly bolted.

He hadn’t long to wait for the next episode as a Blue Flu descended again without warning on the morning of Saturday June 13th. 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 foot 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 GRAs 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 2017 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.

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 10th April and an all-Ireland poll overwhelmingly endorsed that agreement on the 22nd May. Terror was to revisit us once when a car bomb was exploded in Omagh on the 15th August killing twenty-nine people. The Blue Flus were shameful in the light of what has happened and the striving for peace. Some objectives are just not worth the price.

Failing to see Red Flags

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. The 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.

His supporters were pragmatic and understood his day to day requirements well. Unfortunately there was no one who took the broader strategic view. Inevitably this meant that key issues were not recognised for their true impact and future ramifications. The focus was on operational issues which was understandable considering the degree of important day to day decisions.

Certainly, the importance of the Blue Flu episodes were totally underestimated. It wasn't understood that there were two basic strategies which could be employed. The first involved simply taking out the "enemy", admittedly a dubious one because the enemy has a habit of being replicated and often the successor is even more extreme. The second strategy is incorporation where gradually over time the "enemy" begins to largely agree and cooperate to mutual advantage. Obviously, incorporation can work in both directions and we believed that the commissioner was being slowly incorporated by the GRA rather than the other way around.

The SMI review was another classic where the entire process was kept going for years, with little or no organisational benefit. The entire regionalisation experiment was bedding in and producing a more vertical organisation less responsive to the needs of the front line.

It may seem like a small thing, but officers were no longer required to maintain a daily journal and that slippage was to have a telling impact in the future. This was particularly true of the events which were to become evident in the Donegal Division.

Figure 22 GRA on the March



The events in Donegal were still under cover but simmering. This situation was to lead to the Judge Morris tribunal which commenced in 2002 and was very critical of the Garda Síochána. The more startling omission was that A/Commissioner Kevin Carty had been appointed to investigate the emerging scandals. He submitted a clinical clear report which was suppressed until public events forced government to appoint Judge Morris. The reports were scathing of the indiscipline found and the general failure of garda management to recognise and deal with the issues. This debacle would have been largely mitigated if Kevin Carty's report had been acted on a full two years before the tribunal was appointed in 2002. It was a serious red flag which was ignored and was to cause major problems for the organisation. The Blue Flu episodes had greatly undermined the standing of the commissioner both inside the organisation and in the eyes of government. A coterie of followers were gathering to him and of course this support was exactly what he didn't need. Some of these people were conditioned to give the boss what exactly what he thought he wanted, and others were key influencers.

The last words for 1998 belong with the Garda Commissioner in his report to the Minister for Justice. These reports have been presented since the foundation of the Force and are available online back to 1947. They concentrated heavily on statistical information and some narrative. They rarely if ever dealt with major strategic issues. They are useful as a research tool and point to hidden thinking in relation to crime and crime recording. It is obvious that 1998 had major challenges for the Garda Síochána. The Blue Flus, the signing of the Good Friday agreement and of course the Omagh bombing had a major impact on the Garda Síochána. Actors from the south were heavily involved in the Omagh atrocity. None of these events rate a mention in the report. The report followed a familiar pattern.

During⁴³ the year, the downward trend in crime continued, with the total of 85,627 crimes reported being 6% down on the 1997 figures, which had decreased by 10% on 1996. Success achieved was due to the excellent work of civilian staff and members of An Garda Síochána, other State Agencies and public support which is deeply appreciated. As it is difficult to ensure consistency in the way crime is recorded, I am examining ways to improve our methodology, particularly where there is a subjective element involved in classification, e.g. in deciding whether to include an assault or arrest as related to a "domestic incident". The development of our new Information Technology systems will also help in this regard.

The overall decrease in crime, coupled with increased detection rates - now at 44% - is welcome, though I recognise that improved statistics per se are little consolation to individual victims or communities experiencing an increase in criminal behaviour. During the year, the necessity continued to commit resources to specialist units in order to deal effectively with specific categories of serious crime, thus putting a strain on resources required for general duties. The challenge for the new Millennium is to be prepared to meet competing policing requirements.

⁴³ Commissioners report to Minister 1998

BUILDING THE MODEL OF LIFESAVING 1997

Figure 23 Death on our Roads



The problem of road deaths and injuries had beset the country for many years. Thousands had been killed and injured, several multiples of the deaths from terrorism. There was an enormous financial cost arising from this phenomenon.

People die on our roads because we drive dangerously, too fast, while drunk or drugged, while not wearing seat belts, while using mobile phones, while being careless pedestrians. These incidents are crashes and rarely accidents in the pure sense of the word. They can be mitigated but never fully eradicated. Self-evidently human misbehaviour is at the core of the problem.

Figure 24 Road Deaths 1968 – 1996

YEAR	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
DEATHS	447	462	540	576	640	592	594	586	525	583	628
YEAR	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
DEATHS	614	564	572	533	535	465	410	387	462	463	460
YEAR	1990	1991	1992	1993	1994	1995	1996				
DEATHS	478	445	415	431	404	437	453				

I was sitting happily in my office in HQ one morning in late 1996 pondering my different responsibilities. I was in charge of the Technical Bureau, the Traffic Section, some other odd jobs and I was servicing the needs of the SMI Review through the provision of a Secretariat. The phone rang, and I could see that it was the commissioner from his unique number. *Good morning Commissioner, Good morning John, the thing is I've been talking to PJ (Deputy Commissioner PJ Moran, Administration) and he's anxious that we take an initiative and set up a Bureau to lead this work and we want to "offer" you that responsibility.*

A general chat ensued. I knew that it was pretty much a done deal, but I was given a chance to agree or not. Frankly I was quite enthused by the opportunity to tackle this problem and do something that had a strong operational focus. There was no load shedding from my present portfolio until things had bedded in. I looked for some additional help and that arrived in the person of civilian Gabrielle Bradley who was to prove a godsend crunching the numbers. She had fantastic keyboard skills which were indispensable when producing and circulating the ideas.

Deputy Commissioner Moran was the main force driving this idea, but I must also give credit to the commissioner. I had some terrific allies, Eamon Lynch in the deputy's office and John Farrelly who was the superintendent in charge of the Press Office. The immediate focus was one of research and modelling. Where had this problem been systematically addressed or solved? Domestically the strategy had been

to announce various short campaigns particularly over the holiday weekends and the rest of the year was mainly local initiative.

The key year for strategic change was 1997 with the introduction of Operation Lifesaver in the Garda Division of Louth/Meath. This was a notorious black spot area. I had conducted research with colleagues for about twelve months before the launch. The new bureau was to be called the Garda National Traffic Policy Bureau (GNTB).

Good Examples

I campaigned to be allowed bring a multi-disciplinary team to Victoria, Australia and to Vancouver, Canada. Both locations had credible road safety strategies which seemed to match our needs. There was a continuous battle with the “dead hand commandos” within HQ who basically did not see the need for this frivolity. A certain “Quarter Back” was one of the main obstacles and until he wangled his way onto the team we stood still. We did get to Victoria and it was a revelation in terms of a systematic approach. Therefore, our operational model came to be based on the Victoria Model. The State of Victoria, had developed an extraordinary successful model of Road Safety. This model was based on some key characteristics, High Enforcement by the Police, Graphic Road Safety advertising, incisive Academic Research, a robust Legal System and finally an automatic offence detection system with computerised back office processes. Good road engineering was also a factor in this equation. There was strong enforcement of speed and drink driving laws. Speed detection was largely semi-automated and random breath testing was already in operation. They used the so-called booze buses where anything up to twenty officers literally tested every driver regardless of symptoms of impairment. Victoria had shown that it had the capacity over time, to reduce road deaths remarkably. These figures illustrated this very well 1970 – 1061, 1980 – 657, 1997 – 377. They had a similar demographic to us, although their population was greater by approx. 1.5 million. Therefore, all other factors being equal their figures should be higher than ours on average.

The challenge facing Ireland was to adapt this approach to our needs while understanding the importance of high-volume detection and fairness. It was essential to maintain public confidence in the new tough initiatives. This strategy was to produce dramatic improvements and indeed was very good news for the enforcers of the law, the Garda Síochána. It was underpinned by the indispensable need for public confidence and support. In this regard the figures tell their own story. The overall trend has been downward since 1997. Ultimately, we were to sustainably beat the Victoria figures which was a significant achievement.

Figure 25 Road Deaths 1997 - 2022

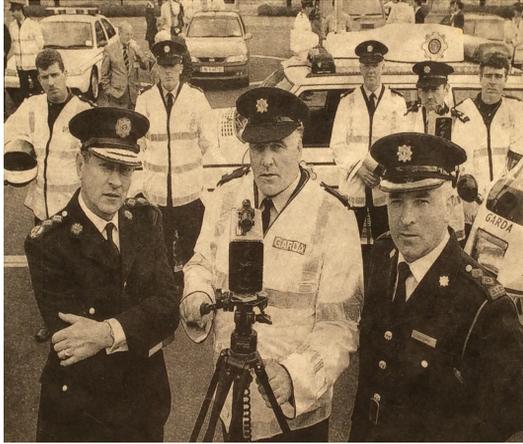
YEAR	1997	1998	1999	2000	2001	2002	
DEATHS	472	458	413	415	411	376	2545
	2003	2004	2005	2006	2007	2008	
DEATHS	335	374	396	365	338	279	2087
YEAR	2009	2010	2011	2012	2013	2014	
DEATHS	238	212	186	163	188	192	1179
YEAR	2015	2016	2017	2018	2019	2020	
DEATHS	162	182	154	135	140	147	920
YEAR	2021	2022					
DEATHS	137	156					293
Source	RSA			TOTAL DEATHS			7024

The road death figures in Ireland in 2017 was 159 and the Victoria figure was 258. Our figures progressively declined from 1997 and theirs tended to remain static. The lowest ever figures were recorded in 2021 at 136. The three principles underpinning road safety campaigns are the so called three “E”. These are Enforcement, Education and Engineering and of course one could add financing to this model. Perhaps the acronym should be EEEF.

Partnership was an essential part of this development. The responsibility for enforcement rested with the Garda Síochána. Education or awareness primarily belonged with the National Safety Council. Our role in enforcement required us to explain the reason for our enhanced detection policy and to explain the logic of our approach without losing public support. The National Roads Authority had responsibility for infrastructure and statistics. On top of that two government ministers were in the mix politically, The Minister for Justice and the Minister for the Environment (Now Transport).

I was a member of the National Safety Council. I had a hard time explaining that despite our public utterances there seemed to be a scarcity of uniformed Gardaí enforcing the law. This was a valid criticism in many cases and could only be explained by acknowledging at least privately that some divisions were not playing their part. One of the antidotes to these observations was to ensure that we did indeed do what we said. Automated detection of speeding was easily the most efficient and telling way of changing driver behaviour. Personally, from early in this exercise I wanted to have direct control over our enforcement activity. I would have settled to have control of at least one problem area to act as a pilot enforcement model. This was continually refused on the basis that local officers wouldn't like it. A Higher Level Group had been formed with a view to advising government on road safety strategy. I represented the Garda on that group. Incidentally this was the first time that I heard the expression "constructive ambiguity" from a senior Environment Official.

Figure 26 Launching Lifesaver



Operation Lifesaver was launched on 4th July 1997 at Garda HQ by the commissioner. This life saving operation had been piloted for the previous months in the Louth Meath Division which had the highest level of road fatalities in the country. This launch was to signal its extension to other garda divisions and ultimately to the country.

GATSO

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.



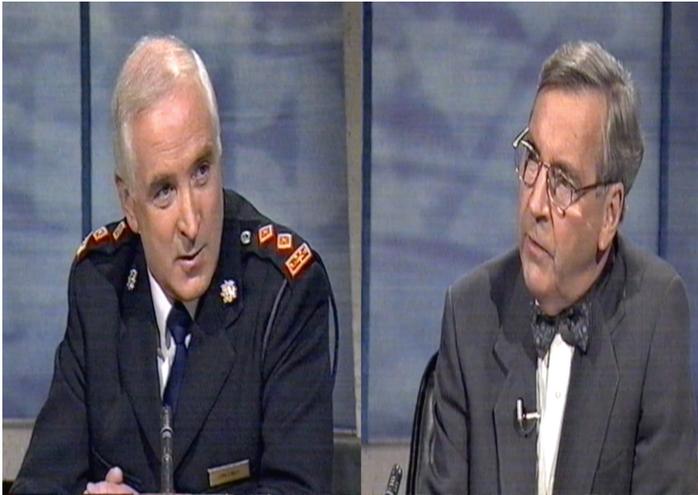
Figure 27 Garda Gatso

Garda Ben Mackey, Dublin Traffic Department was one of the key exponents of this technology. This technical project became his vocation. The Gatso Unit contained a Radar Unit, CCTV, a Control Unit, Laptop Computer and the ability to superimpose the vehicle speed details on the Video.

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.

Spreading the Message

Figure 28 With Brian Farrell RTE 1998



Part of my mission was to spread the garda message at every opportunity. This meant taking the hard questions with the soft ones. I

was conscious that our deeds should match our words. Legitimate questions followed a predictable pattern. *This was a revenue raising exercise, why could we not anticipate the crash locations and take pre-emptive action? How sure were we that government would resource our effort with personnel and technology? Did we not have more important things to do and why weren't we chasing criminals?* I was happy to take a positive line on most of these questions because we were about saving lives and we needed the public's cooperation. We could not compel drivers to comply if our system of detection was unfair or unclear.

Privately I was concerned that we were not achieving maximum uniform visibility on our roads, even during our well-advertised campaigns. This matter was a continuous source of concern and annoyance to me and I felt that we were letting our side down.

Cooperation RUC

We shared several vital north south roads with the RUC from an enforcement perspective. It was no coincidence that the N1 between Drogheda and the Border was one of the roads with the highest fatality rates in the country, on a consistent basis. The terrorist situation made normal roads policing extremely difficult particularly for the RUC. They were considered legitimate targets by the terrorists. The border crossing at Carrickarnon was the scene of many atrocities where the PIRA had used car bombs to deadly effect on their targets and indeed on totally uninvolved civilians. One of the dividends of the Good Friday agreement was that the RUC could operate more openly on their side of the border than heretofore. This allowed us jointly to mount a symbolic and actual check point literally on the border, as part of a joint road safety initiative.

I was pleased to host a group of RUC Officers to Garda HQ to discuss various aspects of our cooperation. This particular visit took place in the Technical Bureau Building where the GNTB office was based. Interestingly at the 12 o'clock position one can just see a framed picture of a PIRA barrel bomb which was intended for RUC officers, in the not so recent past. It was a timely reminder of the progress that was being made and the sacrifices of the past.

Figure 29 RUC Visit Garda HQ



Gabrielle Bradley is shown on the front right of this unique picture. She was one of the unsung heroes of our revival. One of my pet hates were the people who had a ready explanation for everything based on gut instinct and opinion. This was particularly true when it came to crash causation and the salient details of these occurrences. Gabrielle introduced a simple one page excel spread sheet which was updated each day. It recorded the fatalities, by time, by day, by date, by location and by victim details. This became invaluable reference material when dealing with the anecdotal speculation. For the first time we had real live operational information in real time. It was a simple idea but effective. She also contributed significantly to the research project.

Figure 30 With Superintendent Kearney RUC



Figure 31 Meeting the North Wales Police



The Chief Constable of the North Wales Police was a key figure in the United Kingdom road safety team. It seemed appropriate that we would engage and share common practice and road safety advice for motorists travelling in the car ferries.

These were relatively small but significant steps that enhanced our own confidence and understanding in a new professional approach. I was later to join TISPOL which was a European police cooperation agency

charged with advancing road safety, on a continental basis. The government at home were supportive and were prepared to put millions into the road safety project. This was to be used to enhance our overall technical capacity and to provide a robust ICT strategy to allow for the seamless flow of information between agencies.

Figure 32 Fact Finding with the Mounties



Moving On

As always it was soon time for me to move on to other pastures. I was increasingly frustrated by the attitude of Quarter Back and others in slowing down the modernisation programme. I volunteered to go on UN Duty in Cyprus where a small garda contingent had been present for several years. I was approved for that duty and was in the process of deciding whether I really wanted to go or not. Unexpectedly, I got a phone call from Commissioner Byrne offering me the position as officer in charge of the International Liaison Office in Crime and Security branch. I was reasonably familiar with this section and had been attending meetings there on and off for a few years. I didn't agree straight away as HQ did not hold a great attraction for me. So much so that the commissioner rang me back after a couple of days, sounding a little off

colour and wondering how long he had to wait for a chief superintendent to make up his mind. I “agreed” to transfer and thus started a most intriguing part of my career.

I assumed that this was the last I would have to do with road safety. I was happy that I had at least made a major contribution in that area which would last long after I had moved on. In any event one could not continue being the official mouthpiece on road safety while I was frustrated by foot dragging. Nevertheless, I knew that much had been achieved but the way forward was not going to involve me. It was time to move on.

Serendipity

Serendipity was to decree otherwise. In 2007 I was tasked to undertake a review of the Fixed Charge Processing System with a view to establishing whether there were inherent factors present in its operation which would provide a source of complaints against the Garda Síochána. I had retired and was working on a short-term engagement with the Garda Síochána Ombudsman Commission (GSOC). GSOC had just been set up in part due to the Morris Tribunal findings in Donegal Division. It was the brainchild of Minister for Justice Michael McDowell. I little imagined that this engagement would become a touch stone for radical and traumatic changes in the force in the years ahead.

Sergeant Andy Callanan

Sgt. Callanan was stationed in Tallaght station and in the early hours of Wednesday morning 21st 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. A disturbed individual entered the station foyer and began pouring petrol. The good sergeant intervened, and the culprit set fire to the fuel which shortly exploded engulfing Andy. He was fatally injured, and the culprit escaped without injury. A supreme sacrifice in the line of duty, yet again.

CRIME AND SECURITY – WINDOW TO THE WORLD

“An organisation’s future performance is a direct result of its culture and the operative frame of reference supplied by that culture. It is the key to unlocking the performance potential of an organisation” (Nelson and Burns, 1984, p.226).

Hot Buttons in International Liaison and Protection

Ambassadors, Aras, Army, Banks, BDL, Border Crossing, Cancun, China, Commissioner, Defence Attaché, Escorting, EU Presidency, Euro Change Over, Europol, Explosives, Family Photograph, Foreign Affairs, HENU, Her Majesty, India, Interpol, Judges, Y2K, Justice, Military, Minister, Oman, OPW, Politicians, Pope, POTUS, Power Struggle, Promotion, Protection, Protocol, RUC, Scarlett, Schengen, Secret Service, Security Reviews, Special Olympics, Spooks, Taoiseach, Terrorists, The Boss, UK, USA, Witness Protection.

The Crime and Security Branch was the pivotal point of contact for the Commissioner with the Department of Justice. Contact was maintained on a constant basis, hourly, daily and weekly. This was a demanding regime for those who carried key responsibilities. Many of the top commissioners had worked here. This Branch was aligned to the commissioner who exerted a strong influence on the prevailing norms. There was a small group who were the real insiders. Their future was enhanced by the reflected glory from the top

Crime and Security had a trace of the exotic and a tinge of gunpowder about it. It housed three specific sections, **Security and Intelligence, Crime Policy and Administration** and my responsibility the **Liaison and Protection Section**. This section was sub divided into the **International Liaison Office** and the **Protection Office**.

This unit owed its origin to Judge T.A. Finlay who completed a key report into the security of the State in 1974. The review which was one of a kind and had been commissioned after three Provo’s escaped in a

helicopter from Mountjoy prison on the 31st August 1973. Finlay did an incredible job in a short length of time. He provided reports on, Prisoners Escape, Security at State Airports, the Garda, the Army and the protection of vital installations. He also touched on the vulnerability of Government Departments. He reported with recommendations for change in every sector. His recommendations had evolved into a much bigger ILO organisation by the year 2000.

Teamwork

We depended on extraordinary teamwork based on individual expert power more than authoritarian control. I tried hard to operate an open-door policy and hopefully I got it right often. Expert Power was no casual description. Staff needed to know about, Europol, Interpol, Schengen and the intricacies of managing an international cooperative relationship. They simultaneously served the needs of our domestic agency and responded to international requests. This required linguistic skills, legal technical knowledge, and a lot of patience. On the protection side there were recurring emergencies apart from the planning for major events. The witness security (protection) programme also belonged here. Much of this responsibility was confidential and some was straight forwardly secret, with a definite **need to know regime**. It is of great regret to me that I cannot name most staff individually and give obvious credit for their enormous and unsung dedication. There was an incessant demand for services from all sections. On the one hand, there were recurring daily requirements and the inevitable recurring strategic challenges.

Terrible Accommodation

One thing that hadn't changed or improved over the years were the cramped working conditions. There was high overcrowding, rabbit warren corridors and cramped offices. Remarkably, morale was very good and most if not all colleagues, were highly dedicated to their tasks. One of the saving graces was the fact that we had the Officers Club next door which really doubled as a meeting and conference centre. At least

one could deal with the great and the good on pretty level terms. The ghosts of days past walked our corridors, significant figures like Joe Ainsworth had colonised this Branch for several years before he tripped on the political tight rope. Indeed, Patrick Crinnion had walked the same corridors. History permeated the building, it had been part of the HQ of the Royal Irish Constabulary until 1922. Occasionally the more observant would point to names etched in walls and in windowpanes of long dead policemen. Despite the outdated building it was an exciting and fulfilling environment in which to work and serve. Much of the work was secret and always confidential. This was where we encountered Odd Job and much more about him later.

Working Day

Each working day commenced with a conference at 0930hrs chaired by the Assistant Commissioner and attended by the Chief Superintendents. Its primary purpose was to discuss the last 24 hours and flag issues. It was more transactional than strategic. Significant matters would be flagged and discussed in depth at other fora. Certainly the need to know policy was fully followed and information was not shared gratuitously. Some officers tended to have sidebar conversations of a cryptic kind, like “that man turned up last night and we’ll know more today”, this was highly amusing to the rest of us and frankly we had more on our plates to worry about. As time progressed, I became more familiar with the ILO section. I learned that it was indeed a wide brief with little or no safety net, indeed if there was a safety net it was near a hard floor. This was not a place to be risk averse which was almost counterculture for the overall atmosphere at HQ. Unmistakably every single incident of a subversive or criminal kind was mentioned at this table. Both the Commissioner and Justice were much in the same loop. Perceived success stories were willingly discussed. However, the central Donegal thesis around the Morris Tribunal was that no one knew about the problems other than the members in that Division. This thesis is not consistent with the information cycle described.

The **International Liaison** section provided international law enforcement liaison principally through **Europol** and **Interpol** but also through a series of other subunits.

The establishment of Europol was agreed in the Maastricht Treaty on the European Union, 7th February 1992. Europol's aim is to improve the effectiveness and co-operation between the competent authorities of the Member States, in preventing and combating serious international organised crime. The Europol Computer system (TECS) was established because of the Europol Convention. The TECS has three principal components – an information system, an analysis system, and an index system.

The **Interpol National Central Bureau (NCB)** is the title for the national office of **Interpol**. Interpol's HQ is in Lyon, France. Interpol was set up to enhance and facilitate global cross-border criminal police co-operation. It is the second largest international organisation after the United Nations. The NCB is a single point of contact for law enforcement agencies that require assistance with investigations and contact information when confronted with different police structures in other countries. The section is required to provide round the clock service in the four official languages (English, French, Spanish and Arabic). In 2002 the new 1-24/7 Global Communication System was rolled out.

The Bureau de Liaison (BdL) provided a central secure communication facility for contact to/from foreign police forces and agencies. These contacts included EU General Secretariat, Garda Drug Liaison Officers in The Hague and Madrid. It also covered other agencies world-wide.

The EU Coordination Unit accessed funds which could be used for beneficial national and international cooperation. It served as a secretariat for senior Garda management participation in EU Working Groups. The unit began initial preparations in 2001 for the Irish Presidency of the EU in 2004. There was no shortage of forward planning.

The International Coordination Unit (ICU) was established in 2002 and it incorporated the **EU Coordination Unit**. The ICU provided a secretariat for the Multidisciplinary Group (MDG) on Organised Crime and the Police Cooperation Working Group, in addition to the Pre- Accession Pact Experts Group.

Figure 33 Happy European Colleagues 2004



International Perspective

Servicing the needs of our international partners required knowledge application and a systematic approach to scanning that environment. The principal networks were Interpol, Europol and the Schengen Network. In the words of the thriller writers, Interpol and Europol have all the mystique of the FBI. The truth is less romantic because they have no executive policing or security powers. They are information and analysis institutions.

The daily running of the national offices for Europol and Interpol was then in the capable hands of two remarkable sergeants, Breda Tobin and Aidan Donnelly.

When the 9/11 terrorist attacks happened, it heightened the pressure on Europol and Interpol to assist with the collection and analysis of information regarding terrorism. This was not as simple as it seemed because both are Police Organisations as distinct from Security Agencies. The security agencies have well developed international agreements with corresponding agencies and are most reluctant to share with police organisations. I chaired a working group from Europol which grappled with the problem of information sharing. We engaged with several countries including Germany, UK and Italy in attempting to find a mechanism which would allow for the easier transfer of information for the purpose of analysis by Europol. I was selected for this task by colleagues because I was the chairman of the Europol Unit Heads. We operated from The Hague and represented the operational strand of Europol and we in turn reported to the Management Board. Our main achievement was to identify the obstacles to the provision of data. The progress was torturous and bureaucratic.

Help from the British

Our greatest collaborators were the British who were always eager and willing to assist. Brexit was a long way from the horizon. Indeed, Rob Wainwright now Sir Rob Wainwright was a member of the British team. He went on to become Director of Europol and strove valiantly to explain the folly of Brexit to his country, without success. Rob was also a “former” MI5 operative, so officially a spy. As Director he reported to the Management Board but ultimately to the political masters in Brussels. This is a function of the Justice and Home Affairs Ministers (JHA).

Schengen

We were also part of the Schengen network or at least a nominal part of it. We were not connected to all aspects of Schengen and we were not connected to its information system. Indeed, in many ways Schengen appeared to be a duplication of the services provided by Europol and Interpol which in turn tended to duplicate each other’s services.

One of the early “benefits” of this initiative was that it became

apparent our facility at Crime and Security could not house a new Schengen Office. Exploratory work had been undertaken for a possible location. It was found that the underfloor timbers and supports were rotten and incapable of realistic refitting. By extraordinary good fortune the OPW commissioned a brand new “Schengen” building for our needs right next door to our ageing offices. Over time we managed to have Liaison Officers appointed to Irish Embassies in Madrid, Paris, The Hague and London. We also had seconded officers in Europol HQ, in The Hague and Interpol in Lyons. These officers individually and collectively did a first-class job in advancing cooperation with Law Enforcement agencies in their respective areas. It was a source of regret that they and I were forced to battle for their conditions of service at different times. There was a great reluctance to sensibly support them financially, which was very hard to understand. Indeed, one of the earliest officers appointed overseas died prematurely with money still owed. This was disgraceful, and should not, and need not have happened.

Protection Office

The Protection Office was primarily concerned with National Security and Protection. It was responsible for policy and operational matters, including the security of the following: The President, Foreign Police Forces, Diplomatic Corps, Garda Stations, Courts and Judges, Government Departments, VIP’s, Prisons, Embassies, State Buildings, Air/Sea Ports, Witness Security Programme. It also dealt with national policy and direction regarding resident and visiting dignitaries and the security of key installations and buildings. We held the brief for policy and operational matters relating to cash security and escorts, security and legislation relating to explosives. We conducted security surveys and provided advice regarding security of key installations and high-risk buildings. Staff from this Section accompanied the President and Taoiseach when they travelled abroad. Critically we were also responsible for coordinating the security for visiting VIPs including POTUS.

I participated in **external committees**. These included,

- International Association of Chiefs of Police.
- Executive Member of the Chief Superintendent Association.
- Chairman Europol National Units Den Hague Netherlands.
- Delegate to Regional and World Conferences INTERPOL.
- Irish Bankers Federation Security Forum.
- National Civil Aviation Security Committee.
- Government Buildings Security Committee.

There were also a series of ad hoc groupings and projects which emerged on a continuous basis.

Big Ticket Items

The ability to prioritise and discriminate was necessary. In short, we needed to identify the major events which were of national and in some instances international importance. The main ones were, concerns regarding Y2K which turned out to be groundless. The introduction of the Euro Currency on 1st January 2002. The visits of US Presidents, Clinton December 2000 and George Bush in June 2004. Visit of Chinese Premier Zhu Ronghi September 2001. The Irish Presidency of the European Union in 2004 and the holding of the Accession Day Ceremony in Dublin on May 1st. The Introduction of a Code of Practice for the Cash in Transit Industry. Ongoing issues with the Witness Protection Programme. Protection of Vital National Interests. Demands for increased Personnel and Resourcing.

There was a HQ practice of off-loading other sections in my direction. This was the cause of considerable dispute. I had a core group of staff which was spread thinly over different responsibilities both at home and overseas and my main allegiance was to them rather than overloading our capacity to perform.

Introduction of the Euro

The protection and logistical security arrangements fell squarely within our remit to organise and oversee. I briefed the Commissioner in January 2001 that The Euro changeover was due to take effect from 1st January 2002. Preparatory work has been in place at an official level for a considerable period with the Garda Síochána excluded. In effect we were talking about replacing all existing currency both cash and coin and repatriating the old currency, which would continue to have legal status for a short period. We shouldered our way into the discussions and effectively a holistic scheme was developed. It was only possible because we got assistance from the Army to provide escorts for the major bullion runs. There were some interesting exchanges. At one of our preliminary meetings a new partner arrived well under the influence of Uncle Arthur. This led to a short meeting and firm exchange of views! In retrospect the entire distribution and repatriation went without a hitch albeit with a lot of hard work. The military assistance was invaluable to the success of the operation. It was estimated that some Nine Billion Pounds was returned. An equivalent in Euro was transported to the institutions.

9/11 Terrorist Attacks

I was in my office when word came through of the attacks on the Twin Towers in New York. Some colleagues were having coffee and they saw the first hit as the plane crashed into the Tower. I assumed that it was just a very bad air accident. This view was quickly dissipated when the second plane crashed into the second Tower. We were just like everyone else shocked and horrified but quickly our thoughts turned to our own role. The protection office reached out to the US Embassy and sought to reassure them that we would respond to any requests which they might have for extra security at their facilities. A meeting of the National Civil Aviation Security Committee (NCASC) was called to assess the implication for aircraft flying in and out of the country.

There were international discussions on the provisions of sky marshals on board aircraft, this led to animated discussions. Everyone

knew that the Israelis had the most advanced airport and airline security in use in the world. Their security was based on the so called “onion rings” approach. Locations would be protected by layers of security and there was a heavy reliance on profiling potential attackers. There was little appetite to copy the Israelis.

I reported that the procedures necessary to give effect to these measures would need to be agreed through a process involving the Department of Transport (National Civil Aviation Security Committee), Department of Justice Equality and Law Reform (having regard to legal issues) and the Garda Síochána. Obviously, the airlines concerned and the airport authority should have a consultative role in the process. Realistically the required procedures needed to be included in an international agreement. I think the net result was we talked these proposals to a definite stalemate while everyone hoped nothing negative would happen on their watch.

New York

President McAleese visited New York in March 2002 to render respect to the victims of the 9/11 attack. I was a member of her delegation wearing my security hat. Irish protocol asked me to wear my uniform and assist in a wreath laying ceremony at Ground Zero. I was happy to do this and considered it a great privilege. The Irish Times reported on the 15th March 2002 that the ceremony had taken place.



The President, Mrs McAleese, laid a wreath at Ground Zero in lower Manhattan yesterday on behalf of the people of Ireland. Visibly moved, Mrs McAleese stood silently for a minute. After the brief ceremony, the President inscribed her thoughts on a makeshift memorial wall dedicated to non-Americans killed during the September 11th attack on the World Trade Centre. "God bless those whose good hearts keep vigil here," Mrs McAleese wrote. "May the souls of the dead rest well." The President was surrounded by New York police officers, firefighters and construction workers during her visit to the observation platform at the south west corner of Ground Zero. The wreath of flowers in the colours of the Irish tricolour included a card signed by Mrs McAleese. The card included a dedication to the victims "and the many who inspired us with their selfless and courageous acts." It was signed by the President "on behalf of the people of Ireland." Mrs McAleese, who was accompanied by her husband, Dr Martin McAleese, and their daughter, Emma, was assisted in the wreath-laying by representatives of two police forces Chief Supt John O'Brien of the Garda Síochána and Insp Ronald Wasson of the New York Police Department Emergency Service Unit, which lost 14 members on 9/11.

Later, I was presented with an American Flag by Captain Paul McCormack, Donegal native and Commanding Officer, 41st Precinct, "Fort Apache" NYPD. This was one of the flags which was draped over the

bodies of victims as they were removed from the ruins. I was very proud to receive this honour. This joy was not shared back at HQ. I got many phone calls saying how upset the commissioner was that it wasn't him. This sort of took the gloss off the occasion somewhat. I returned home at the end of the visit feeling annoyed. I fully intended to robustly defend my position. A few days later I got a call on my mobile at lunch time. John, *"this is the commissioner and I want to tell you how proud of you I was last week when I got that report from New York. I'd like you to attend at the US Embassy next week in uniform at a remembrance ceremony"*. Sure thing commissioner, *I'd be honoured*. Now, what was that all about? Had he changed his mind or had mischief makers been at work? Ah well, I guess that's culture.

BRITISH AMBASSADOR DEMANDS

It was 4pm and I had driven to deliver a sensitive message to Mr. James Gogarty (of tribunal fame) to inform him, his garda protection was being withdrawn. This is never a good message considering the threats which had been made. Times had moved on and in our judgment the situation had normalised. I had expected a bit of a tussle but to his due he was a perfect gentleman. After the regulatory cup of tea, we withdrew well satisfied. As we commenced to drive away and without warning the siren in the unmarked car went off. It sounded like we were giving poor Mr. Gogarty a giant raspberry. A stupid switch had shorted and took a persuasive fist to still its bleating heart.

Immediately my phone rang, *“Chief, the BA⁴⁴ (British Ambassador) is going North”, “OK so what’s the issue”?* The BA regularly went North but always with a varied route and under heavy armed escort. This had become a well-practiced routine and was completely agreed with our Northern colleagues. It was operated on an **absolute need to know basis**.

“He wants to go by train, and he is on the way to the station, his escort wants to know what to do”. “Please advise him that we are not cleared to cover him on this journey, and we will make suitable alternative arrangements, I’m sure he’ll understand”.

Two minutes later, *“he is intent on going and he wants the escort to accompany him”*. I had vision of him passing through the gap of the north and being extracted by the Provo’s as a wonderful trophy to be tortured and killed.

“Decline to accompany him, POLITELY, advise him that you will withdraw as soon as the train moves off”. He says, *“so be it”* but *“he will see the commissioner first thing on Monday morning”*. The escort withdrew at the station as the BA settled in his seat to travel north.

44 Sir Ivor Anthony Roberts KCMG FCIL British diplomat and the former President of Trinity College, Oxford. He was previously British Ambassador to Yugoslavia, then Ireland, and finally Italy. He was knighted in 2000. He is now an Irish citizen.

“Had he not heard of Judge Maurice Gibson, Robert Nairac, his train would travel down the infamous bomb alley where the Provo’s had cut their teeth on bombings and assassinations.....Did he not know that more security personnel had been killed in this area than anywhere else in the North. He was Salman Rushdie to Slab Murphy, Liam Campbell et al”.

In fairness to him he had a bad back and he was heartily tired of being stuck in his armoured car. Maybe this was another example of the stiff upper lip. Either way it didn’t help my demeanour one little bit. I got back to base and called my boss, *“Well how did it go with Gogarty?”* *“Seamlessly Sir! But I need to brief you on the BA, and he is not pleased, and he is coming to see the Commissioner first thing Monday morning”.* I told him my story and there was a hurried conference with the Commissioner who much to my surprise was totally in favour of the decision. Ok, over hurdle one, this might be an ok job after all, at least the natives appear friendly.

Arrived bright and early on Monday, who knew a summons from above would need my presence. A call came from the BA’s escort, *“the main man is on his way to see you”* *“no your mistaken he on his way to the leader”!* *“Are you sure?”* *“Absolutely!”* My rabbit warren wasn’t exactly the place for a showdown. A quick call to the Officers Club, can you do the honours – the good silver and a decent room. Bolstered by my colleague Finbarr we made our way next door and indeed the scene had been well set. Beautiful mahogany table set for four, the national flag and the garda flag in the background. Side table, silver coffee pot and Barry’s tea and the best delph on show. The cars pulled up outside, it seemed rather too loudly. The BA and a trusty assistant alighted with no hint of pleasantries or cursory handshakes. *“Please come in, tea or coffee, no thank you!”* *“Good morning, Ambassador, what can I do for you?”* No sign of compromise on a stern face. *“Last Friday you declined my escort on the way North, Why?”* *“You appreciate Sir that your safety is our only concern and we considered that the train journey posed an unacceptable risk to you for reasons, which unfortunately are well known. We conduct*

a detailed risk assessment of each movement you make and regrettably this assessment would not support your wishes on this occasion". Or indeed on any other bloody occasion that you might have this madcap idea! We engaged in a bit of verbal ping pong for about ten minutes, a repeated offer of refreshments was not accepted. The meeting ended as a scoreless draw and luckily no fuel had been thrown on the fire. We might be right, but he was of course deserving of every courtesy due to his office and we were very serious about his protection if not his politics.

Within the week there was a call from his able lieutenant, would Mr. O'Brien and wife like to come for dinner in Ballsbridge and by the way his boss would also attend. How could one turn down the invitation? We had a charming dinner with good company and a bridge was built. There followed invitations over the next years, some were the required formals and others were not. The BA was a perfect gentleman and our little encounter was not mentioned again although he teased the escort from time to time on whether Mr. O'Brien would agree with a planned schedule or not.

It dawned on me belatedly that perhaps his intelligence was more updated than mine. After all Gerry and Martin had signed up to the Good Friday agreement the previous year, the talk was about decommissioning arms, violence was going out of fashion or almost. The British had penetrated the PIRA and, in all probability, many legitimate organisations North and South. All things considered perhaps he was bored with our pedantic security.

MEETING THE PRESIDENT

President McAleese was at the top of the domestic protection and her protection and that of her family fell within the brief. She had been elected in 1997 and was well settled in office when I came into the post. Part of the risk management routine was to seek the views of the President and family and to brief her on changing security techniques. Fundamentally the objective was to build a good professional relationship that would benefit all, particularly when issues arose. An appointment was arranged through her senior official who had a mildly disapproving attitude to the Garda Síochána. He used to refer to the presidential security escort overseas as the garda travel club. We arrived on a Saturday afternoon at Aras an Uachtaráin. My colleague Kevin Lynch was the other member. He was a crime prevention specialist and former member of the Emergency Response Unit. I was certainly glad to have him on board. Martin McAleese met us and brought us to meet the rest of the family. The President was welcoming and relaxed. She was seated on a couch and she happily knitted away during the meeting, which lasted about an hour. It was obvious that this was a united family with a strong bond. Over the next few years I saw them as a real partnership. Martin certainly was the strong supporter behind the scenes. His profile slowly morphed from being Martin McAleese husband, to Dr. McAleese, with a special mission on reconciliation. The discussion that day covered the boring security questions, *“what if a miscreant broke in, what if the children had a problem downtown, how can we anticipate the obvious and prepare for the unexpected, how about panic buttons and alarm systems, are you familiar with how they work, would you use them if provided”*.

The golden rule for protection officers is “remember you’re not in your granny’s”, keep your professional distance and keep your lip buttoned. This was harder to do with the McAleeses than most politicians. I learned that lesson from a secret service agent who was on the presidential security team for the elder George Bush. He painted a lovely picture of looking out on the Rose Garden and the First Lady Barbara Bush

walking through the Garden with her security agent in tow. He was in an obvious state of high engagement, gesticulating and talking and Mrs. Bush appeared to be suffering in silence. It was extremely hard to keep an eye for the baddies if one was sharing one's life's troubles with the principal. A quick word was had and the status quo was restored with Mrs. Bush. Occasionally some of my colleagues forgot that they were not in their Granny's and consequently lost their place on the first team but not without warning.

There were different interests represented within the Aras. The President had her own personal staff headed by her special adviser Eileen Gleeson and one or two others. Then there were the permanent civil servants headed by my erstwhile friend Travel Club. As time passed, Martin certainly acquired power and support within the administration, and he was in effect her chief of staff and much more besides. These interactions were most interesting to observe from a neutral position.

The President was deeply involved with issues in Northern Ireland and she maintained a home in Rostrevor. Her frequent visits there were always a matter of some concern as were the logistics involved. We had excellent relationships with our corresponding section in the RUC. We managed these exchanges with the minimum of fuss. It was a strange situation because when she visited certain areas in the North it was far more likely that her minders were at greater risk than she was. In political terms these visits were the responsibility of the Taoiseach's Department. International visits outside the island were the responsibility of Foreign Affairs.

I often heard the statement from colleagues and others. *Look! Who would bother with our President or indeed any of our protected?* This remark invariably came from stout flat earth devotees who failed to recognise the randomness of some attacks on prominent politicians. The classic case was the murder of Swedish Prime Minister Olaf Palme in 1986 who was walking home from the cinema with his wife. He was shot dead and his wife was wounded. His assassin was never found. Sweden was a

relatively peaceful country and the Prime Minister felt that in his democracy it was safe to dispense with his security detail and go to the cinema for an evening.

The level of protection provided to politicians was to a greater part like third party insurance, the bare minimum required to meet the minimum legal obligations. The random principle or the asymmetrical nature of attacks was not subscribed to at a senior level. There was a continuous battle to achieve and maintain minimum standards. I visited many countries in the course of this duty with the President. There were visits to the UK and to Buckingham Place where the groundwork was being laid for normalcy. Some fascinating visits to Saudi Arabia, Jordan and to Middle European countries including Poland and the Czech Republic. There were visits to Rome and the Pope. The visits to the United States were something else. These included New York after 9/11. The diaspora was incredibly enthused by these encounters with the President. There was a strong business connection and trade delegations were never too far away. A typical format comprised of breakfast meetings with many lunch time and dinner engagements as well. The American business lunches were an eye opener. The Presidents dinner companions would sit through lunch, but they had no hesitation leaving the table before she did and ambling away. Plain bad manners in our eyes.

Government Jet

One of the key requirements of any trip was agreeing the logistics and security arrangements, firstly amongst ourselves and then with the host country. I remember one embarrassing moment in the states when the hosts enquired about the air transport being used by the President. Without thinking, someone responded, *the government jet!* The reaction was immediate from the hosts. They could not conceal their laughter at the idea that we were down to a solitary government jet, which by the way could not ever accommodate all of the presidential party.

Saudi Arabia

We visited Saudi Arabia in 2006 and that was an eyeopener to another society. This required an earlier advance visit to agree the logistics and meetings with the hosts. The Irish Embassy in Riyadh was responsible for setting up the meetings with the local authorities and it had been agreed that the President would meet the King. The diplomats certainly had their hands full on this occasion. The hosts were most polite, but we could not get them to agree the time and place of the meeting with the King. We spent nearly two hours drinking orange juice and comparing meaningful comments on our respective families and their educational prospects. Chief of Protocol Kathleen White excelled in these situations, unflappable and ever polite. All was eventually agreed weeks later. The visit went ahead on the 11th-13th February without incident.

President Clinton comes to town.

The Americans never travel in small numbers and that is certainly true of their security personnel. It was intriguing and informative to work with them. President Clinton was on a victory lap in 2000 as he neared the end of his presidency. Naturally Ireland, was on his agenda considering his enormous contribution to the peace process. A gentle word came through from Foreign Affairs that a Presidential visit was on. This was confirmed by the US Secret Service who are responsible for presidential security. There is a formula for these visits and often competing agendas must be reconciled, that of diplomacy and security. My office coordinated with the Protocol Section in Foreign Affairs and normally the best interests of Ireland PLC were served, but not always. His visit was scheduled for December and the preliminary discussions were regarding the programme. The where, when and the how. It transpired to be a Dublin visit with a stopover in Dundalk and then to Northern Ireland. There wasn't much space for externals but true to form, Bill Clinton left us waiting on the tarmac for thirty minutes at Dublin Airport before helicoptering off to the US Ambassador's residence.

Regardless of the time duration the security and logistics

requirements are the same. The preliminary preparations require the host country to receive an advance party of diplomats and security. From our perspective we were primarily concerned with getting to know the key security team and their team leaders. The President's security is a matter for the Secret Service on US soil and there is a presumption on their part to export that model worldwide. One of the key discussions relates to fire power and rules of engagement. This discussion is usually fudged because theoretically no foreign entity can carry arms here. Ostensibly a list of firearms requests is submitted to the Department of Justice and we are asked for our advice usually cutting their request back to a minimum. This is most likely a fig leaf because the President is usually accompanied by a counter assault team (CAT) who travel in the motorcade. They even want to follow his landed aircraft down the runway. These are the men in black special forces contingent. Every venue and its occupants must be security cleared. The physical buildings must be searched and maintained sanitised until the visit completes. The press pool is cleared and equipment checked. From a Garda perspective there is significant responsibility placed on the ERU and on the Garda Traffic Department to ensure that security is maintained and that motorcades move freely. Primary and secondary routes must be selected for travel. Hospitals are placed on standby. All the while the politicians smile in the public place. The essential security approach is to adopt a buddy system with our visitors so that each officer knows and has met his/her opposite number. The order of the day is no surprises and almost complete honesty. Naturally intelligence sources are tapped, and every effort is made to be forewarned. Good communication is vital. The Americans have a habit of taking out the mobile phone networks in the vicinity of the motorcade movement, although they deny it emphatically. On an amusing note the Secret Service answer their phones by announcing Secret Service which seemed a trifle daft to us.

There was the regulatory visit to President McAleese, to Government Buildings and a little social time thrown in as well. These included the Guinness Hop Store and the Kilkenny Design Shop in Nassau Street. The last was most certainly not on the programme, a special

“unplanned” visit to Fagans pub in Drumcondra, Bertie’s local. It poured rain for the day which also helps to control the loonies. I was travelling in the motorcade as we drove away from Nassau Street. We headed onto Pearse Street when the motorcade stopped. Now there is one thing that a motorcade should never do and that is to have unplanned and unsecured stops. *“What’s happening”* just as well my secret service buddy was sitting beside. *So, Marvin what’s up, please talk to the beast and get us the info!* I must ensure our escort is aware. *Sir, there fighting, POTUS wants to go and meet his friend Bertie in a Bar – somewhere called Fagan’s. First Lady wants to go straight to the Ambassador’s Residence in the Phoenix Park.* Then we start to roll again. We’re going to Fagans, it will be low key. Forget that, we have no advance notice, we have no one on the ground there, and we haven’t cleared the route. In one fell swoop we broke the rules, theirs, and ours.

Five minutes later we were in Drumcondra outside Fagans Pub. It was packed to the rafters, so much for a quite pint in a calm setting. The doors of the beast swung open and POTUS and the First Lady emerged with radiant smiles, bright enough to lift the gloom and rain. Pictures were taken of Bill and Bertie happily imbibing and all was well in the world. Not sure what Hillary thought of the scene. A short time later we motorcaded to the Phoenix Park where the Clintons rested before travelling by road to Dundalk for a border fest, before leaving for Belfast.

I travelled with a colleague to Dundalk to be on hand before their arrival. The town was in festive spirit with a packed Square. Music filled the air and there was just a hint of Monica from some wags in the crowd. President Clinton was way behind schedule which was usual for him. He was due to helicopter in but weather predictions were considered uncertain, so the safer option was by road and some of it over the yet unopened M1. We used the waiting time to brief with colleagues and re-establish the buddy system with the secret service. He was due to go north to Belfast after Dundalk and the open question was would he fly or go by motorcade. Logistically we needed to ensure that the road motorcade would be met at the Border by an equivalent RUC security

and traffic escort. Travel by air using Marine one and other supporting helicopters was a far neater operation.

Eventually a decision was taken to fly. The helicopters were on standby at Aiken Barracks, Dundalk. The motorcade would perform this movement to Aiken from the Square. One snag, we had two motorcades, the one that brought the President from Dublin and one already prepositioned in Dundalk for the road journey north. The secret service had some anxious moments as they tried to sort themselves out, unbelievably some crew couldn't be located. After some loud shouting and arse kicking one motorcade was assembled and duly dispatched with POTUS on board. Logistically the Americans have enormous unmatched capability, but the human factor can still throw a spanner in the works. Mercifully Marine One and its escorts lifted off into a calm Dundalk sky and we all breathed a welcome sigh of relief.

THE CHINESE ARE COMING

It's easy to find a thousand soldiers, but hard to find a good general
– Chinese Proverb

Sitting across the table from a Chinese delegation which included an Ambassador and a General was a most interesting experience. It had been agreed that the Chinese Premier, Zhu Ronghi would make a reciprocal visit to Ireland in 2001. This event followed a visit to China by Taoiseach Bertie Ahern in 1998. The Chinese premier landed at Dublin Airport with a one hundred and fifty strong delegation on 2nd September 2001. He was accompanied by his wife Madam Lao.

This was the start of an intensive visit. It resulted from many meetings held in advance covering Diplomacy, Trade and Security issues. The preparation had been led by the Chinese Ambassador Madame Zhang Xiaoka, my colleague Finbar Donovan directly supported the garda effort. I mentioned that good security cooperation was based on a simple premise of developing the “Buddy/Buddy” system and maintaining close

communication. This was how Madam Zhang and I became new best friends! As soon as the visit was mooted, I began to get phone calls morning, noon and night from Madam Zhang.

The preliminaries led to the security meeting at HQ in the Officers Club. Present were the Ambassador, the Military Attaché from London and a range of support staff. Interestingly the Peoples Liberation Army (PLA) General appeared to take precedence over the Ambassador. Normally at these meeting the senior diplomat would have precedence. The General did not speak English to us, and his questions were translated for our response. He wanted to know how many protestors had registered to demonstrate during the visit. How many police would be available to protect the Premier? I knew that I couldn't match the Beijing numbers so I reflected and advised that there would be "sufficient". It caused a bit of a murmur on the other side, but my remarks were noted. This was the other interesting thing, every exchange was minutely noted by them, even in a social setting. He also had some difficulty in recognising that one didn't have to register, to protest or demonstrate in Ireland. There is a simple formula covered during the advance fact-finding visit. Basically, cover the itinerary from the time and place of landing to the departure and list all the intermediate stops within the routine. From the garda perspective it is a matter of logistics and security and of course resourcing.

This visit was to include the usual Dublin venues, Aras an Uachtaráin, Government Buildings, Royal Hospital Kilmainham and visits to Shannon and to Kerry. There was one new development which involved the VIP staying in Farmleigh House in the Phoenix Park. An old Guinness family residence had been taken over recently by the State. It had never been used for official purposes and this made it problematic from a security perspective. A range of physical and electronic security arrangements had been commissioned but never tested in action. This specific location also had dreadful mobile phone coverage. The Office of Public Works (OPW) performed miracles in refurbishing Farmleigh. The guiding force in this as in so many projects was my friend David Byers

who sadly passed away long before his time. He was a joy to work with and he made the seemingly impossible, possible. On the night before the Chinese were due to arrive and become the first guests at Farmleigh, there was a major snag. The recently commissioned security CCTV system sat down and absolutely refused to budge. This was not good. The Chinese were more than a little exercised by our security precautions for their VIP. Frantic phone calls were made and eventually I got in touch with David and he made things happen. The contractor was brought back on site and the system was restored to life in the small hours of the morning.

At the meeting the General inquired on the status of the Falun Gong who he described as an evil cult. The ambassador used the same description. There had been significant protests and overreaction by the police in London in 1999 when President Jiang Zemin made a State visit to Britain. The police had seized protest banners and parked their vans to block the protestors view of the President. We were sure that we could handle this dimension with a degree of sensitivity without in any way endangering the security of the Premier.

The Department of Foreign Affairs was coordinating the visit and we attended Foreign Affairs to meet with the Chinese delegation and firm up on the arrangements. A visit to Kerry had been included and we could not get them to decide which hotel they planned to use. We were advised from our colleagues in Kerry that a selection had been made. I asked at the meeting for clarification of their plans and the Ambassador replied that no decision had been made. I countered by saying, there was confusion because we were advised that our colleagues believed a selection had been made. At that point a member of the Chinese delegation who was attached to the London Embassy admitted that a decision had been made. He was treated to a good old-fashioned tongue lashing as the ambassador berated her colleague in English. *How dare you, I am the Ambassador, how dare you undermine me!* We were not sure where to look or indeed what to say. After a pause the meeting continued. I wondered what the ubiquitous Chinese note taker had

recorded of the incident for the information of Mother Ship. At the end of the meeting the ambassador withdrew and the object of her anger approached us. He seemed completely unruffled and his smiling comment was *"I think the ambassador is not very happy with me"*. We were certainly happy because we now knew the chosen hotel for the Kerry visit and we could arrange accordingly.

Many meetings ensued before the VIPs arrival including a tête-à-tête for my colleague Finbarr and myself with the redoubtable General and his ADC at a Chinese restaurant downtown. Lo and behold he could now speak English perfectly!! It was a most enjoyable encounter and I inquired at some stage how many terracotta warriors were there in that incredible tableaux in China. Quick as a flash he responded "sufficient" Mr. O'Brien, "sufficient" followed by a peal of laughter.

The visit progressed well from a security perspective. It concluded without incident apart from a few peaceful demonstrations but nothing like the London experience two years previously. However, before the visit concluded we witnessed another tongue-lashing incident. This time the General berated his junior colleague publicly for not organising his transport appropriately. Certainly, in my mind I thought about the Chinese record on human rights including their extensive use of the death penalty. This was a sensitive topic which clearly was not on the agenda. Little did we think as they left, that Chinese nationals would be serving in the force in a few years. Truly the world got smaller all the time.

AXE ATTACK ON US PLANE AT SHANNON AIRPORT 2003

The world truly is a global village and, in the months, preceding the US led invasion of Iraq on the 20th March 2003 anti-war protests took place in Ireland. The principal focal point was at Shannon Airport, which was used as a refuelling stopover for planes supporting the war effort. There were two distinct elements to the Shannon interaction, civilian planes stopped over with American boy soldiers on the way to Iraq and from time to time US Military aircraft used the facilities.

An anti-war peace camp had been established at the entrance to Shannon Airport. It attracted a disparate group of protestors and as such did not pose a major risk to security. However, its continuous presence allowed certain elements to assess the security profile and the general movement of aircraft in and out of the airport. Shannon Airport is a civilian airport and not a military facility. Its extended perimeter was about 7 km and its fencing in 2003 did not provide a robust defence to a cursory intrusion. It was not in the least surprising that three incursions took place resulting in damage to US Planes. Mary Kelly created a major stir on 29th January 2003 when she attacked a US Navy plane.

Figure 34 Mary Kelly damaging US Plane with Axe



Another group styling themselves the Pitstop Ploughshares were a group of five members of the Catholic Worker Movement who made their way into Shannon Airport and damaged a United States Navy C-4 transport aircraft in the early hours of 3rd February 2003. They were eventually acquitted after three trials in 2006 by a jury where a novel defence of *statutory lawful excuse defence* was offered. In 2006 the full horror of the Iraq war was clear and no doubt that played a part in the jury's verdict.

In 2003 the Taoiseach Bertie Ahern was not amused. He pointed to the fact that the US traffic through Shannon was a major revenue earner for the Airport. Also, there was the no small matter of the many US companies invested in Ireland and providing employment to thousands of Irish workers.

I got orders to assess the security situation in Shannon and come up with a security plan to protect the airport from attack by intrusion. This meant an examination of the protection infrastructure, fences, electronics and personnel procedures. It was equally obvious that the perimeter fence was weak in places and realistically it could be easily breached unless there were hundreds of security personnel on duty.

The answer was to design a physical and electronic security cordon to protect the aircraft on the ground or parked in hangars. I got two weeks to come up with a firm proposal. A retractable fence was designed to prevent casual incursion to planes on the apron. Close Circuit Cameras and a control room was designed to monitor the red area. There was an increase in garda numbers to augment the airport police and random patrols were undertaken on the perimeter by the Army and Gardaí. This plan was not airtight because we were essentially protecting a civilian airport not designed for military use.

Figure 35 Airport Fence 2003

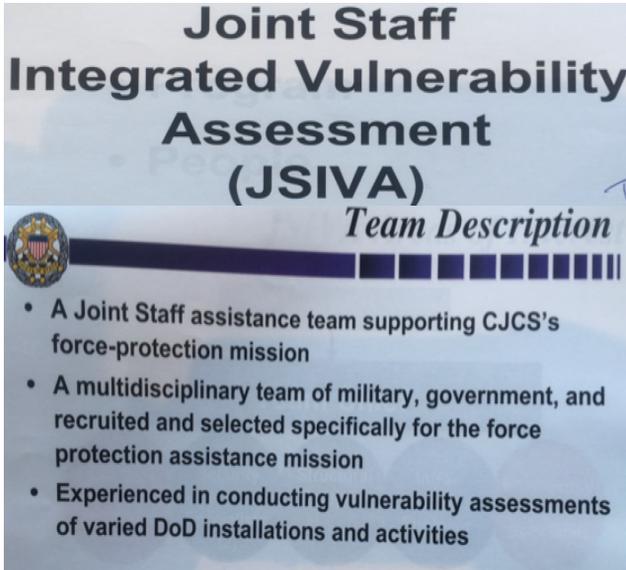


Figure 36 Watchful Eye in the Sky - Demo on the Ground



We were intrigued to learn that approval had been given to allow a US Military team to assess the security arrangements at Shannon Airport. It was made clear to us that their assessment on the viability of the Shannon Operation from a security perspective was critical. The continuance of the commercial engagement with Shannon Airport depended on their assessment.

Figure 37 Integrated Vulnerability Assessment Military Team



We were underwhelmed by this mandate but nevertheless we were obliged to engage with them professionally and to take the process from there. We met the team on three occasions, once in Dublin and over two days in Shannon Airport.

Security Survey

We had conducted our own security survey on the airport vulnerabilities and had come up with potential solutions. This meant that we were starting with some advantage over our visitors. The meeting in the embassy had a large flavour of testosterone, some from the US side and not a little on our side. An Irish army officer was also part of our group and together with him I was pleased to present a united and professional front. We were not going to be dictated to by the visitors, but we were clear that cooperation was the cornerstone of the exchange. The US team were normally deployed to assess vulnerabilities in the US military estate. The estate is truly enormous and is spread worldwide. Their team was led by a colonel and had a selection of military engineers and security

specialists. It had a representative from the Transportation Safety Association (TSA) who obviously well understood the imperatives concerning civil aviation.

We were meeting in the context of the 9/11 attacks and there was strong support here for the Americans arising from that horrific event. This was also happening in the prelude to the US led invasion of Iraq. On the Irish side there were unabashedly commercial motives as well as sentimental ones. It was obvious that it suited the Americans to use Shannon for military traffic but particularly so for civilian carriers contracted to the US Government to ferry troops to the Middle East.

In the event there was a free and frank exchange of views. We were satisfied that a new security environment could be created to meet the security situation at least in the short to medium term. The perimeter would always be vulnerable as was demonstrated by the TDs Clare Daly and Mick Wallace in July 2014 when they scaled the fence using a rope ladder. The new security arrangements were put in place and paid for by Aer Rianta. The Americans were satisfied, and the flights continued.

Moral Question

It's not often that serving police officers get to consider the wider moral compass of what they do in the national interest. It is a fact that hundreds of thousands have died in the war in Iraq and there has been continued instability in the Middle East in the years since. Notably in Syria as well as Iraq and of course the chaos in Libya. There was a presumption that the invasion of Iraq could be justified based on intelligence and the enormity of that lie was not apparent until the Chilcot Report of 2016. This report dissected the Bush / Blair rationale for invasion and found that no credible intelligence supported the invasion decision. Jack Straw the British Foreign Secretary tried very hard to persuade his Prime Minister Tony Blair to avoid war in Iraq based on the known intelligence⁴⁵.

45<https://webarchive.nationalarchives.gov.uk/20171123122437/http://www.iraqinquiry.org.uk/media/195509/2002-03-25-minute-straw-to-prime-minister-crawford-iraq.pdf>

EU PRESIDENCY - A DIFFERENT YEAR 2004

ILO was a busy place and indeed high activity levels were the norm. However, by any yard stick 2004 was a remarkable year for us and the force in general. The Commissioners Report for 2004 recorded that,

“Over 240 meetings were held here during Ireland’s Presidency of the European Union, in the first half of 2004, from the Flag Raising Ceremony at Dublin Castle on 1st January to the EU / US Summit, with President George W. Bush, on 26th June. Eleven (11) high profile meetings and a total of 200 medium / low profile meetings were held in Dublin alone Key locations requiring extensive policing included Dublin Castle, Farmleigh, Dublin Airport and Phoenix Park. Policing of events and meetings were performed by uniformed and plain-clothes personnel with the Regional Traffic Unit, Dublin Castle having a significant role in the escorting of VIP’s”.

Then there was the “small” matter of the visit of President George W. Bush for an EU/US meeting in Dromoland Castle on 26th June.

Prior to the Bush visit the single biggest challenge during Ireland’s Presidency were the celebrations to mark the accession of ten new countries as members of the European Union on 1st May. The Heads of State/Government for Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, as well as those from the remaining fifteen Member States attended in Dublin for various events but particularly for the formal ceremony at Aras an Uachtaráin.

The security and logistical requirements for this event were unprecedented. We were fortunate in that we understood the template for such events, however the multiplication factor was considerable. One head of state is important, two are more important but twenty-five, now that’s off the Richter scale. The correct approach is to draft an operations order (a plan) for each event where all of the constituent elements are broken down into component parts. There is a simple planning template which facilitates this approach. The acronym which expresses it well is

GSMECS. There are minor variations on this theme. In our case, the detail was Ground/Location, Situation, Mission, Execution/Plan, Command, Supply/Logistics. It is a wonderfully simple and direct template.

This approach can be used at a sophisticated level or at a basic unit level to brief and debrief officers. It hits at a core principle which is the need to describe succinctly what we intend to do, the HOW factor. I have seen many planning documents that describe the WHAT of what we do but not the executive action required.

Capacity

The key exercise was to use gap analysis to identify our own shortcomings. It was obvious that there would be street demonstrations. Some elements in those situations would engage in violence and would use any use of force by the Gardaí as justification and propaganda. I argued at many high-level meetings that our traditional tactics would not work and that we would get dragged into hand to hand combat. This would invariably result in injuries both to ourselves and to protestors. We needed to ensure a physical separation between police lines and protestors where possible. I believed that we should have water cannon available to us. This idea was strongly resisted. I gave the examples of our tactics at previous major demonstrations and said that it would be disastrous reputationally. Eventually one line clinched it, *we can drench a thousand protestors, but we can't arrest them!* Agreement was given and the search started for likely suppliers. Eventually it was obvious that the PSNI had modern water cannons. These were robust with good communication systems and an array of variable water options. They ranged from gentle Irish Rain to Full Force hosing and gradations in between. The necessary approaches were made, and agreement was forthcoming. We travelled north and were met with open hospitality and training began. Essentially the water cannons were HGVs in size and required skilled drivers and operators together with suitably trained commanders. The training took place over a month and concluded at Gormanstown Army camp. We were given two units to use and advised

on operational tactics. *Make sure you have a water source ready and don't exhaust both vehicles at the same time, mightn't end well!*

It was obvious that we would be under considerable strain to produce enough officers to deal with possible public order issues. Certainly, we needed a contingency element to assist us should a worst case scenario prevail. I contacted the Director of Army Operations at Parkgate Street well in advance of the key day and requested assistance. This is done under the Aid To Civil Power protocol (ATCP). These requests were usual, and the military were invariably helpful as long as a common brief was agreed. They were supplied with a list of provisional requirements and a list of Ministerial meetings together with a specific programme for May 1st. We anticipated a significant protest element would attend, although specific intelligence was vague as to the likely scale of this.

I supplied a briefing document internally and to the Army which indicated the profile of protests held in Europe in connection with EU and other events. It was indicated that our objective was to ensure that the events take place in a peaceful, law abiding manner and that the political VIPs attending were not harmed or interfered with. This called for preparation and contingency planning on three levels: (1) to deal with serious terrorist threat, (2) to deal with street protest of a potentially violent kind. In some way these two events could become linked and that also was a consideration. (3) The Force would be required to manage a large crowd assembled in the Dublin area to celebrate the events. This largely passive crowd might be used for cover by protestors or terrorists. We also made ATCP requests for special cover at Dublin Airport and other critical locations including Explosives or CBRN threats.

I requested that the Military be in a position to provide circa 500 personnel, suitably trained in public order techniques for this operation. They would not be required to deploy in a front-line capacity but would be held on reserve against a deteriorating situation which was likely to over stretch Garda resources. The precise modalities of this deployment

were to be discussed and agreed between the operational commanders in both services in advance of the event. The military were deployed in significant numbers within the Farmleigh estate, in a standby role and their presence was most welcome.

Intelligence

We relied on our Security and Intelligence section to keep the planners advised of emerging threats. This extended to assessing the intentions of likely known disruptive elements or more serious terrorist threats. One of the most serious terrorist attacks had taken place on a Madrid train in March 2004. One hundred and ninety-one people died and nearly two thousand were injured. We also had a connection with the war in Iraq due to the use of Shannon Airport. Intelligence is a retrospective science in many instances rather than a reliable predictor. This fact puts a lot of pressure on the adequacy of preventative measures.

Red Locations

The primary red locations were, Dublin Castle, Farmleigh House, Aras an Uachtaráin and Dublin Airport. The other key vulnerability was the security of the connecting road routes between these locations. All press were processed through the Press Centre at Dublin Castle. One of our difficulties was security clearing the press from twenty-five countries and applying the same process to country delegations. In practical terms it proved impossible to comprehensively security clear many of these people. That issue became our private secret, but it increased the need for prudent eyes on all attending. The Press were bussed under escort from Dublin Castle to Farmleigh where a Press and Media Centre had been set up.

Farmleigh was the collection and staging point for those cleared to attend the Flag raising ceremony in the Aras. The Phoenix Park was sealed to all except those attending the ceremonies. It was relatively easy to gather in all the VIPs into Farmleigh prior to transfer to the Aras. A key

question was it feasible or practical to have twenty-seven VIPs and their escorts making twenty-seven individual movements to the Aras. Would it be more practical to convey them in one movement securely to and from the ceremony. The only practical way was to do this by coach. Obviously, it couldn't be any old coach. It would need to have armoured protection and be capable of withstanding a serious assault or explosion. We were tasked with finding one. We used our police and security networks in Europe to assist. Eventually one coach with the requisite amount of protection was located. It had been acquired for use by the Belgian Royal family, but they never used it. So, it had been sold on to the Middle East. More negotiations followed and it was agreed to acquire it. We had many anxious moments awaiting its safe arrival as it had to be shipped in.

The Garda Traffic department were the unsung heroes of these events. It was their responsibility to ensure that the great and the good got to their destinations safely and on time. They performed this duty impeccably. Naturally the iron fist in the background was the armed support units and the PPOs (Personal Protective Officers) who were present unobtrusively to provide armed cover and reaction in the event of an attack. The Public Order Unit had a big responsibility to ensure that none of the disruptors got to engage directly with the ceremonies. This meant that a balance had to be achieved between providing public order maintenance and not gifting a propaganda victory to the radicals.

D-Day

It's surreal when the real day arrives. There is a sense of excitement and a sense of concern. Have we thought of everything? What should we do now? In essence the only thing to do is trust in the plan and trust in those tasked to perform. Be alive to emerging issues and keep the information flowing.

Saturday May 1st 2004 was a beautiful sunny day in Dublin. Sunrise was at 6am and the Phoenix Park looked resplendent. That's apart from

a couple of thousand Gardai, roads cordoned off and the Park sealed to the general populous. Even the park deer seemed to be staying out of the way. The Taoiseach Bertie Ahern kicked off the day with a media event in Dublin Castle. In the meantime, Fine Gael were hosting an event in the Shelbourne Hotel for their European Colleagues of the European Peoples Party (EPP). Some of the anarchist groups and assorted weirdos were rambling around the city in search of a target.

Inexorably the agenda swung towards the gathering point of Farmleigh House. The press had been escorted in and were safely contained. The military were on standby and hundreds of Gardai were providing the uniform soft cover. The VIPS began to arrive and soon it was time for the ubiquitous family photograph with one important VIP missing. It happened without Tony Blair who just didn't arrive on time.



Figure 38 Family Pic Minus Tony Blair

It's tempting to speculate where are the great and the good now? Well at least one survived into modernity. Jean-Claude Juncker, second from the left on the front row. President of the European Commission and then Prime Minister of Luxembourg.

Figure 39 All Good Buddies



The VIPs took their seats on the armoured bus and were escorted to the Aras, literally five minutes away. Tony Blair and Bertie Ahern were escorted in their cars, they were the only exceptions.

The flag raising ceremony and the pomp and pageantry went like a dream. Poet Laureate Seamus Heaney read one of his poems “Beacons at Bealtaine”. We watched and waited and counted the moments and soon it was to time to return to Farmleigh for drinks and dinner. We’re told, they enjoyed a trio of salmon as a starter, followed by roast duckling and a medley of vegetables. For dessert the leaders tucked into wild berries in a basket. The meal was washed down with a choice of wines, whites Simcic, Teodor Belo Reserve 2001; and reds Chateau Lynch Bages, Grand Cru Classe 1997.

In the meantime, we “enjoyed” the progress of a march of about 2,000 demonstrators from the city centre onto the Navan Road, bound for Farmleigh. It was dubbed as “Bring the Noise March” They had left the city centre at about 7pm. About an hour later they began to arrive near the Ashtown Roundabout on the Navan Road. This was a mile from Farmleigh House. The public order plan was to prevent them reaching the park perimeter and creating disturbance or an incursion as night fell. The garda line was drawn up on the city side of the Ashtown roundabout.

A soft line of uniform Gardaí was in front. They were supported by officers in protective riot gear and immediately behind these lines, the water cannons were deployed. The organisers were the Dublin Grassroots Network and at least some of them wanted the march to stop in sight of the garda lines and go no further. Regardless a group went forward and challenged the garda front line. Bottles and missiles were thrown with some hand to hand combat. The garda Public Order Unit came forward and engaged the demonstrators. Some of the demonstrators managed to get through the front line but not in any serious numbers. It was obvious after fifteen minutes further action should be taken in order to avoid serious hand to hand fighting and possible injury. A water cannon was deployed and slowly the water jets had the desired effect. Nobody was seriously injured, no bloody heads and no propaganda for the nasties.



Figure 40 PSNI Hardware - Garda Hands



Night was falling as this action took place and slowly but surely the protestors were pushed back down the Navan Road. Most of the crowd began to disperse and about 11pm. The remnants got back to the GPO in O'Connell Street. The Public Order Unit withdrew, and uniform Gardaí took charge. Close to thirty arrests had been made and a female garda received head injuries.

Media Reporting

The media reporting the following day had almost a mild air of disappointment. There were no violent stories to report and that really was the total of it. However, Brendan O'Connor writing in the Sunday Independent the following day said, *"I'm not exaggerating when I say I was terrified. I was surrounded by what was an aggressive mob, ganging*

up on one guy on his own. Of course, socialism can't lose. So, the accusation was, of course, that I had started trouble. Like I'm going to take on a mob of 500 angry protestors. Trust me, I saw the mad glare in the eye of one skinhead thug as he leaned right into me, screaming and spitting into my face".

Visit President George Bush

President George W. Bush attended the EU/US Summit in Dromoland Castle on June 26th as part of the formal interaction between the EU Presidency and the US Presidency. This event had the same security and logistical consideration as applied to the Accession day in Dublin. The Irish Presidency of the EU culminated with this event. We were dealing with the Americans and were familiar with our respective security procedures. This made life considerably easier. It was basically an overnight, in Friday evening and out Saturday afternoon

The location chosen was significant because it was removed from any major urban setting and therefore more difficult for disruptors to attend in large numbers. It was also close to Shannon Airport in terms of arrivals and departures.

Nevertheless the garda operation was one of the biggest security operations ever mounted in the State. Three thousand members of An Garda Síochána were deployed together with personnel from the Defence Forces. I remember it for several reasons which may seem trivial. Firstly, Mr. Bush was caught on a live television feed camera at the window of his bedroom in his undershirt. The lower half of his body did not appear. It was a grainy image and not salacious. An unmanned camera had been placed in a static position giving live feed to the Press Centre in Ennis. A little ado about nothing. The formal meeting ended early on Saturday and the Press Corps couldn't be found, panic stations. They were on a bus coming from Ennis with no response from them or from the garda escort. Eventually the bus appeared, relief all round but instead of using the main gate they took a detour through a back entrance. More delay, more angst. I would never have survived in

protocol. George W was actually personable but all had been cautioned not to make direct eye contact with him. So contrary to expectations, when he spotted a garda frogman beside the lake he made over to him and gave him a handshake and a big hello.

At the end of proceedings as we travelled back to Shannon Airport a light aircraft appeared in the sky. My US colleague demanded to know what was going on. I reached for my mobile to make the necessary clarifying call. The network was down, the yanks had done it again! True to form they had taken the local cell down. I advised my US friend, *“You know what, I would have an answer if you guys didn’t tamper with the cell phones”* The plane drifted away and so did the problem.

As George W passed through the terminal, he encountered some US marines in uniform. He called out *“Mighty mighty marines”* and they responded with an ear shattering *“Oorah”*. Just like the movies but only for real.



In step: US President George W Bush and Taoiseach Bertie Ahern on walkabout in the grounds of Dromoland Castle, Co Clare.

Picture: Mawell

Figure 41 In lock step Bertie and George



Figure 42 Army APCs on the Way to Shannon

The final Presidency meeting was held in Brussels with Taoiseach Bertie Ahern in the Chair. It was a unique assignment for the Garda Síochána because it was the first time armed garda protection was provided by our service to a Brussels meeting.

Figure 43 D/Superintendent Brendan Cloonan & colleagues



WITNESS PROTECTION⁴⁶

Life is over as you know it!

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. The murder of journalist Veronica Guerin on the 26th June 1996 highlighted the need for a witness protection programme in Ireland.

Continuing criminal activity in Ireland maintained the requirement for this programme. There have been many gangland killings where the evidence of vulnerable witnesses provided the only evidential link to the perpetrators. In order to effectively protect the witnesses concerned, in 1997 the Garda Síochána gave effect to the commencement of a Witness Security Programme.

Our technical and legal structures can be characterised as those based on a best endeavours approach. There are no legal structures and the success of the programme has been as a result of the innovations carried out by the Garda Síochána. Clear principles were established.

The witness must give evidence in respect of a serious crime. There must be a threat to the life of the witness or a member of the family. The witness must have made a written statement and be willing to give evidence in Court. The witness must provide "essential" evidence, which is not available elsewhere and without which a prosecution / conviction would not be secured.

46 This programme is secret and no information provided here will compromise that secrecy or the safety of witnesses

The witness cannot be offered any incentive or inducement to provide a statement of evidence. The witness and family must be prepared to abide by conditions expected under the programme and acknowledge that a breach of the conditions may result in removal from the programme. There must be clear separation between investigators and protectors to prevent cross contamination. Future benefits must be on a like-for-like lifestyle basis unconnected with benefits from any criminal earnings. Witnesses must be responsible for achieving self-sufficiency within a defined period and obey continuing conditions of behaviour.

Consideration also had to be given to the fact that while some people may be eligible for inclusion, they may not be suitable. The regime was unmistakably tough. It meant breaking away from old habits and friends and accepting severe limitations on their personal freedom until they could be relocated safely to a more benign environment.

International Co-operation

It became clear that bilateral agreements would have to be signed with other countries to ensure the long-term protection of witnesses and their families. It is not possible to provide long term protection in Ireland due to our demographical profile. We are simply too small and protection conditions would be far too onerous on the protected people.

Legislation

There is no specific legislation covering the operation of the Irish Witness Protection (Security) Programme. The absence of a watertight legal regime became a point of contention. Those of us involved in the Protection Office saw the need for clear rules and guidelines while others not directly involved favoured a more laissez-faire approach. This approach exacerbated the fact that many witnesses were themselves criminals, who were cunning and devious and hard wired to take

advantage of any weakness on our part.

Experience has shown that the best protection for vulnerable witnesses and their families is anonymity and secrecy. Logically witnesses cannot remain anonymous before our court system. Accordingly in the face of real and substantial threats the only option available to the State is to relocate them under conditions of anonymity and secrecy. These conditions of anonymity and secrecy clearly apply to professionals who assist the State in the operation of the witness protection programme. The first defence is anonymity, and this has to be coupled with crime prevention procedures involving physical, electronic and personal procedures designed to prevent attack and injury. In situations where anonymity is breached these crime prevention measures must be employed as a first measure and in the light of continuing threats the option of anonymous relocation has also to be considered.

Some senior people ostensibly supported the formal process of witness protection but in practice were quite happy to let the ad hoc approach run and were not concerned about the blurring of the edges. I refer to these as the AUTHORITY⁴⁷.

Standards of Professional Behaviour

We had a small number of staff within the Protection Office who maintained the financial and records system pertaining to all witnesses. These records were scrupulously maintained. This was to prove of enormous benefit in the future. We operated on a strict need to know basis and everyone signed a personal undertaking to maintain the secrecy of the processes and procedures. This stipulation was necessary because legal opinion suggested that the Official Secrets Act or the Garda Oath of Office was not enough to prevent information being used in private civil actions. Members of the Special Detective Unit who were not in my command refused to sign these undertakings and AUTHORITY was too weak to compel them to do so. This weakness was to surface in the future. Indeed, one member of that unit had taken a civil action using

47 This is a generic description and may refer to one or more individuals

information gleaned in the programme. He eventually withdrew his case.

Bowden

Charlie Bowden wore a string vest, bulging biceps, hair oiled back, a swaggering walk, the personification of confidence. He was in jail serving a short sentence being processed through the programme as a protected witness. This was the guy who had been the armourer for the Gilligan gang, and he had acquired immunity through his decision to give evidence for the State arising from the murder of Veronica Guerin. My colleague Geoff had been the one who explained to her the dangers inherent in withdrawing her garda protection. I spoke to her after her incidents with John Gilligan and tried to advise her that these were very serious criminals and she was not invulnerable. She had that peculiar quality of few people, she seemed convinced of her own invulnerability. She shamed official Ireland with the clarity of her analysis of the drug criminals. She played men like a violin maestro including Pat Byrne, her provocative manner gave her a lot of appeal. I had agreed to have coffee with her but that cup remained untouched, she was murdered before we could meet.

Playing golf with a couple of colleagues in the west of Ireland that June we discussed the “job” and Veronica. I said that I was afraid for her. The last time I saw her was as a face in the crowd at the funeral of Jerry McCabe. We had a wonderful sun filled day playing the Westport course and after a long putt to halve the match we moved into the locker room to refresh and enjoy the evening. One of the party put his head around the door and said, *“You were right about Veronica”, “What” Just heard “she was shot today at Newlands Cross”. “How bad is she”, “she’s dead”*. I couldn’t believe it, I didn’t want to believe it, but it was horribly true. Paradoxically I had been in the exact same place years earlier when John Morley and Henry Byrne had been shot.

Now I was face to face with one of her killers as far as we were concerned. We had the job of processing him and his associates through the witness security programme. We intended to play this game straight

despite our obvious feelings, if he met the conditions for inclusion, we would see him spirited away to safety forever. I soon learned that this man was a survivor, unsentimental about anything other than his own survival, he would do what it took. He showed signs of a reverse Stockholm syndrome where he identified with the Guerin investigation team referring to Tony and the boys as best mates. He did indeed progress through the system even though the Court of Criminal Appeal was to have serious reservations about his evidence.

In the police world two aspects require detachment and integrity largely because of the secretive and powerful nature of the work. These are Drug investigations and Witness Protection. Many of the clients are unreconstructed criminals, deviously cunning and always looking for the advantage. That said many are also scared individuals, fearful for their lives and open to manipulation from unscrupulous officers. One of the absolutes is, that there must be an impregnable boundary between agent handlers and protected witnesses. This was not always the case in my experience. Furthermore, the identity of agents or informants should remain sacrosanct unless of course they involved themselves in criminality. Inexplicably senior Gardaí revealed the identity of a serious “mole” who had facilitated many captures against the dissidents. His identity was released not once but twice. This sorry episode was to cost the State a king’s ransom but more importantly it undermined the credibility of the programme. Indeed, much worse was to follow as agent handlers could maintain direct control over some protected witnesses. Also, the identity of the members involved should not be disclosed to the protected or indeed generally, this rule was also broken. It’s safe to say that there was a continuous battle between those who wished to maintain objective standards and those who felt no such compunction. This sorry state of affairs was possible because of weak leadership and an ad hoc witness programme. More robust protection would be provided in a Statutory Programme administered with independent oversight.

Charlie Bowden was in custody and he made a habeas corpus

application in April 1999 which was unsuccessful. Nevertheless, Judge Barr was favourably disposed to the general points raised by Bowden. He was supportive of a more liberal regime in Arbour Hill and he significantly recommended that Bowden have full information on the Witness Security Programme. He should be made aware of the State's intentions in so far as that information was available. He should have a liaison with a particular Garda on this issue. Bowden then wrote to me requesting a meeting with him. Significantly State Counsel assured the Court that the question of Witness Protection in the context of enabling legislation is being actively looked at and not 'parked'. Bowden was provided with a copy of the Protocol signed by him on his inclusion into the programme. That did not diminish his request for information or the Court's sympathy towards him.

I briefed the issues raised by Bowden were important. However, they were less significant than the implications for the programme itself. The programme should be a legal entity with statutory powers and standing. There are significant issues of legal entitlements, financial probity, international co-operation and domestic interagency action which can only be fully addressed in a legally formalised programme.

The arrangements which had been put in place after Veronica Guerin's murder were appropriate to the situation then. The situation was evolving quickly. It was self-evident that it was now necessary to re-examine the whole situation in conjunction with the Department of Justice. We needed to address issues relating to, Legislation, Domestic Inter-Agency Regulations, Admission, and scope of admission criteria including dependent persons, Witness Inducement, International Co- Operation and Reciprocation, Witness Protection and/or Witness Relocation, Programme Management and Accountability, Resource and Personnel implications. It is important to note that despite the problems which arose from time to time, no witness or family included in the programme were compromised during their stay in the programme.

Judas Goat Murder

The judas goat murder, which happened in 2003, was a classic conflict. All the participants were criminals and at least one of them was also an informant. The victim was invited/lured to a pub by the judas goat for a sit down with another criminal to “resolve” a conflict between them. In short, the victim was murdered in plain view in the bar and the culprit calmly walked out having done the deed. The judas goat was immediately whisked out of the country for his own protection. This was a complete ad hoc operation to protect the informant but there were many unresolved questions on the true relationship between all concerned, including the handler. Attempts were made to have him ingested into the witness programme. It was only during this process that something like the true nature of events were unearthed. The application was rejected.

Odd Job

Odd Job was a controversial and enigmatic figure who by his own admission stole cars for the Real IRA and worked hand in glove with members of the Garda Síochána in that enterprise. He has been described as an informant, but his role was more like that of an agent. He was actively participating in crime, ostensibly but not conclusively for a “noble” purpose. His informal handler was a detective/sergeant, but he gained access to much more senior officers as his role developed. There is a legally recognised status in the United Kingdom for “Participating Informants”. This enables individuals to cooperate in criminal acts with immunity, but it is a grey area for obvious reasons. There is no such system in the republic. He gained notoriety and publicity in the aftermath of the Omagh Bombing in 1998. His handler who was subsequently dismissed from the force claimed that he had provided information which could have prevented the Omagh bombing.

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 examination⁴⁸ of the issues should be carried out independently by persons with 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 Detective Sergeants informant, three Garda anti-terrorist operations were mounted⁴⁹. 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

48 Report commissioned in effect to establish the role if any, of the informant/agent Odd Job in the Omagh Bombing and other matters arising.

49 This disclosure in a public document increased the risk to Odd Job

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 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 arrested⁵⁰ and questioned in Monaghan Garda station. Detective Sergeant also alleges that charges against seven named individuals were dropped at that time in pursuance of this deal.

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

50 Odd Job was a person of interest to Gardai who were then assisting the RUC Investigation into Omagh

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 with regard to his security. A singular condition for all witnesses⁵¹ 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.

Request to Include Odd Job in the Programme.

A request was made in unusual circumstances to include 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 force 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 Jobs 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 media leaks which suggested that it was “inadvertent”. That suggestion was derisory. It was a self-defeating strategy to allow this agent to continually 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.

51 Odd Job was not a witness, he was an agent.

First Meeting

We met Odd Job on request from AUTHORITY for the first time towards the end of 2001. It's fair to say that based on experience, we could smell trouble a mile off and this was trouble. We just didn't know how much trouble. He came with a ready-made legal team, the Briefs. Our standing procedure was, when a client was put forward for inclusion in the programme a process had to be followed. This process was used to evaluate the client as to eligibility and suitability. His/her protection remained the responsibility of the proposing division until a balanced decision could be made. The deciders were a triumvirate, two senior Gardaí and a representative of the DPP. My office did not make this decision. We were however expected to ensure that the proper application process was followed and to make a recommendation. Odd Job was admitted with undue haste and without due regard for good procedure. He was admitted within two weeks of first contact. It was obvious that he had senior AUTHORITY support for his inclusion. An additional garda personality now appeared in the shape of agent handler Chameleon⁵² and some associates. This was to be the first of a series of engagements with Chameleon. As an agent handler Chameleon should not have been left in direct contact with protected individuals. The basic *raison detre* for an agent handler is akin to that of a manipulator. There was no place for Chameleon in a protective role for vulnerable witnesses. Chameleon had powerful AUTHORITY friends who used and protected their asset in equal measure. This strategy had regrettable consequences not least for the Irish treasury. There is a basic rule that agent handlers cannot be responsible for witness protection particularly in cases where they already have had a personal and professional interest. On entry to the programme Odd Job signed an agreement which absolutely set out his obligations. The road map was very clear.

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 the Brief who declined

⁵² This is a generic description and may refer to one or more individuals.

to put questions to his client or to agree to a meeting with the Group. Myself and my colleague recommended that this was enough reason to exclude him from the programme. AUTHORITY refused to take this course of action and Odd Job was allowed remain in cover. There were many instances of inappropriate behaviour by Odd Job and his Brief openly admitted that he was incapable of keeping conditions.

The Brief began to manoeuvre a situation where he was clearly attempting to categorise Odd Jobs relationship with the Gardaí as one that should be solved by the payment of compensation rather than a witness protection type agreement. I repeatedly advised that this path should not be agreed to and that if we continued, we would be undermining our own position. I learned that Chameleon 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 if not a criminal act.

Eventually I 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 by us, 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 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, my colleague and I dealt successfully with several protected people where there had been no interference with the process.

Legend

One of the central requirements for long term protection is the requirement to create a legend for the protected person. The legend is created to protect the new identity of the individual. It is a time consuming and elaborate process which must be supported by valid documentation and a plausible life story. The protected must live within that legend indefinitely or certainly as long as a viable threat exists to their life. They are facilitated in this process by the sponsoring agency but ultimately success or failure depends on their ability to stay with the regime. This is the litmus test for all protected and it was the case for Odd Job and others. He could not and would not live within the legend created for him and should have been excluded. Exclusion does not mean abandonment, it means being afforded the protection and advice that would be made available to any other citizen. It is very much an eyes wide open arrangement. It was obvious that Chameleon wanted our legend creating capacity to serve other ends and this was not acceptable.

International Networks

We developed an international network of witness protection colleagues. This aided understanding of best practice and it underlined the necessity for making reciprocal agreements with other countries. We engaged in formal agreements with several countries and this was an environment where no shoddy practice would be tolerated. It was literally a case of one strike and you're out. It was interesting to see the divide between countries in terms of using formal legal systems, such as Portugal, Spain, Germany, Poland, Slovakia, Canada, Italy, USA, Austria, Australia and others like the UK, Finland, Belgium, France, Netherlands

and Ireland which did not. Irrespective of the legal basis it was a common feature that robust administrative systems were in place. This kind of contact was facilitated through EU funded programmes. It also was an arena where an unqualified individual could not bluff their way at the podium. I witnessed one speaker being told bluntly “you should not be here, you don’t know what you’re talking about”.

Attempts to Penetrate the 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 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 petty obstructions and petty nuisances.

Symbiotic Relationship

There is a symbiotic relationship between some media outlets and members of the force. Officers like Chameleon suffered from a napoleon complex and were eager to share inside information with the media. There were many such reports, some were made at sensitive times and were particularly harmful to the protected persons tranquillity. This happened in the middle of negotiations with Odd Job and his Brief. The circle of knowledge relating to him was very tight and yet an investigation was denied on unstated grounds. Chameleon used a well-practised role

of appealing to these individuals and convincing them that no one else could be trusted, they should disregard others. It transpired Chameleon had disclosed a secret agreement to a protected person but alas no action was taken in that regard either.

David Rupert

David Rupert⁵³ was the key witness/agent who sent Mickey McKeivitt 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.

Gardai later tried to suggest that Rupert deliberately brought

⁵³ 53 *The Accidental Spy*, Sean O’Driscoll, Mirror Books, 2019

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 information⁵⁴."

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. 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.

Well Resourced

The programme was financially well resourced with a seven-figure budget allocation. We developed strong internal transparent systems of budget control. Every cent was accounted for and accounts were prepared for annual audit. The beans counters carried out audits on an occasional basis. One of the inspecting officers was quite put out that our bespoke system was not the traditional system. It had been designed with the commissioner's approval and with an approved construction. It was accounting for a secret operation and names had to be presented in cypher format rather than in the normal narrative format. There was a balance to be achieved between total secrecy and accounting for public money. We believed we achieved that balance in an effective manner but sometimes there was no way to keep officialdom happy.

⁵⁴ *Ibid*

Despite Slings and Arrows

Despite the slings and arrows occasioned by our friends from the agent handling world the programme achieved its basic objective of protecting witnesses and their families. We were well connected and respected internationally. Our legal system had accepted the need for secrecy and was largely supportive. We had learned how to keep secrets and we tried hard to progress the system with our own authorities on a regular basis. Ultimately, we were conscious that we needed to keep the “day job” functioning despite the challenges and imperfections encountered. This objective was achieved but at a cost in terms of staff and finance.

MINISTER'S POWER TRUMPS ALL

Politicians are often seduced by the notion of the control of policing. This relationship has often had disastrous results such as with the RUC. Nevertheless, we cannot have a self-governing, unaccountable policing model and so, a model is required which balances competing principles. There are obvious dangers for democracy and civil rights in awarding power to uncaring and self-perpetuating institutions, whether government or police. Striking the balance is the acid test.

Fragmentation minimises police power and is inefficient. In this model, radical or opinionated police leaders have minimal impact. The government often prefer this model, even though, publicly, it might express a different view. The opposite model is one of strong police central control and direction. This model needs robust oversight to succeed. Axiomatically, police leaders must have professionalism, integrity and limited tenure. Nevertheless, the political power of the Minister trumps all others. Indeed, by virtue of some of the provisions of the Garda Act 2005, political control of the Garda has developed to a legally formalised level. The Commissioner comes a definite third in these stakes.

There were major changes in the controlling hierarchy in 2003. Pat Byrnes long term as commissioner came to an end after seven years. Tim Dalton retired as Secretary General of the Department of Justice after an even longer ten years. Michael McDowell had taken over as Minister for Justice in 2002. The almost everlasting Bertie Ahern was Taoiseach. Noel Conroy was appointed commissioner in succession to Pat Byrne. Detectives advanced to top jobs and ultimately to the top job. These were Fachtna Murphy 2008, Martin Callinan 2010, Nóirín O'Sullivan 2014. The exception, in 2018 was Drew Harris late of the Police Service Northern Ireland and RUC. Donal O'Cualáin was acting commissioner from 2017-2018, he was not a detective.

Sean Aylward was appointed Secretary General in succession to Tim Dalton and he remained in post until 2010, to be replaced by Brian Purcell who served until 2014. A competition was held for this position in 2015 but none of the applicants were deemed suitable. Noel Waters was appointed in acting capacity initially and was appointed formally in 2016 until he retired in 2017. He was replaced by acting Secretary Generals until Aidan O'Driscoll was appointed in 2018.

When Michael McDowell was appointed Minister in 2002, he had already been Attorney General 1999 to 2002 and went on to serve as Tánaiste and Minister from 2006 until 2007. His successors in office were Brian Lenihan 2007, Dermot Ahern 2008, Brendan Smith 2011, Alan Shatter 2011, Frances Fitzgerald 2014, Charlie Flanagan 2017.

Michael McDowell was an outlier as Minister. He had an exceedingly long tenure in different offices. He exercised considerable power from 1999 to 2007. He was faced with the damning results of the Morris Tribunal⁵⁵ and had the political responsibility to ensure that sustained reform was initiated and implemented. The Gardaí produced an incredibly detailed analysis and rectification programme. In the long run this made little or no difference to future events. The First Report was delivered in 2004 and the Final Morris Report was submitted in 2008. He submitted eight reports in all. However, McDowell was no longer in office and the rest is history. Reform was no longer centre stage in a different political environment.

55 Report of The Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in the Donegal Division

MORRIS TRIBUNAL KEY FINDINGS

The following shortcomings were raised in the findings of the tribunal:

1. The absence of structural command, along with defective local management.
2. A lack of leadership.
3. The failure of management to exercise proper control, with Garda policies and directions not being observed.
4. Failure to report important information about serious incidents to Garda Headquarters and neglecting to confirm the accuracy of other reports.
5. The culture of silence and not listening, where members were unable to raise legitimate concerns about the conduct of fellow Officers.
6. The appointment of staff to positions without the appropriate training and experience.

The analysis rather grandly suggested that *“the greatness of An Garda Síochána is grounded firstly, and primarily, in our moral authority as servants of the people – our public service ethic – underpinned by the honesty, truthfulness, integrity, pride in the uniform and civic spiritedness, which through the day to day contributions, interactions and behaviours of our members earn and maintain the trust and support of the community; and secondly, our instrumental authority, that is, our formal public safety role as publicly empowered law enforcers and skilled ethical investigators – our safety and enforcement ethic – underpinned by committed and balanced deployment of public power, enforcement of the law and our developed capability to challenge and control law breakers and attackers of people’s rights and sense of uninhibited freedom.”*

Acceptance

The Gardaí accepted the many negative findings of Morris and spent thousands of hours analysing his remarks and ultimately produced a reform package of measures. The Minister and the Department also accepted Morris. Consequently did they exercise oversight and ultimately direction in terms of the reform process? Did they have the competence to perform this role? Did the Minister have the political interest to lead the reform process and how did he check on the level of

progress being made? There is no doubt that McDowell was committed to reform and he drove the enactment of the Garda Act 2005 which set out the statutory basis for departmental and political control of the police. He was also responsible for setting up the Garda Síochána Ombudsman Commission⁵⁶ (GSOC), and the Garda Inspectorate.

The Commissioner reported to the Minister in his 2004 Report that; Following publication of Mr. Justice Morris' Report and in order to comprehensively consider the implications and recommendations contained in the report, I (Commissioner Conroy) established nine (9) Working Groups to examine the following issues:

1. Management Development
2. Migration management and policy of tenure
3. Internal audit
4. Religious and ethnic minorities
5. Review of the role of Assistant Commissioner
6. Performance and Accountability Framework
7. Erosion of discipline
8. Issues arising involving personnel
9. Informant Management

Lessons not learned.

Some of the shortcomings outlined by Morris resurfaced in the following years; 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

56 I later became a special adviser to GSOC for a period of two years 2007-2009 following my retirement.

experience. An important question is, who owns the reform agenda? If one follows the McDowell philosophy, it is primarily the Minister and the Secretary General. The Commissioner obviously and correctly must shoulder responsibility for his/her stewardship, but contextually his/her responsibility must be seen in the context of power axis and the power differential between these parties.

I had the opportunity to interact with Minister McDowell and the Secretary General on a reasonably frequent basis regarding cash security. There were significant attacks on financial institutions, cash in transit companies together with so called tiger kidnapping. I met Sean Aylward on previous occasions when he was the Director of the Prison Service. It was not unusual that he would seek me out when these attacks happened. The traditional response had been to generally berate the Security Industry and to a lesser degree the Financial Institutions for not observing good security practice. This was the case after one attack and the default mode was about to be deployed. I suggested to Sean Aylward that we should use the opportunity to pressurise both industries into cooperating with the introduction of progressive security standards. Heretofore the Banks blamed the CIT Companies and used competitive tendering to drive the price of the security service down. This was the proverbial drive to the bottom. The pressure was to bear fruit. All industry stakeholders signed a "Voluntary" Code of Practice in June 2005. This was merely a start, but it was an auspicious beginning. It also allowed us to form a technical advisory group (GTAG) which monitored standards and generally assisted the industry on a more rational security path.

My contacts with the Minister and SG had some unguarded moments. Reference was made from time to time to challenges facing the Minister in dealing with us. He remarked at one stage that "Pat Byrne is a canny man" and that he couldn't really interfere too much with a serving commissioner. Another source said that he was frustrated, and he couldn't get anything from the commissioner. Either way when the minister got to draft the Garda Act 2005 he removed any ambiguity about the relative power positions. The paradox was, while enabling legislation

was a step forward it did little to change attitudes or old habits in either camp. **Fundamentally it did not introduce a business model to the relationship which would have caused more direct reporting on the strategic matters identified by Morris.** Self-evidently the Commissioner should be free to make the operational policing and security decisions without political interference. Sir Hugh Orde ⁵⁷ summed up that relationship as he understood it, “They can tell me what they want done, but they cannot tell me how to do it”. The 2005 Act removed that discretion from the commissioner and consolidated the minister’s power.

Failure by successive garda commissioners to articulate their relatively inferior power position has had some unfortunate results. They have been boxed into a defensive pose on all problematic matters effecting the police service. They have responsibility and should be accountable but within the relative confines of their own position. Many politicians have been skilled in landing the monkey on their shoulders while they slip away in a cloud of important sounding blather. The primary response of civil servants is to protect their Minister and the system.

Morris was scathing of the many failures which he uncovered. He exonerated two senior gardai, Assistant Commissioner Kevin Carty and Assistant Commissioner Tony Hickey. A number of gardai were dismissed, more resigned and the reputations of many were harmed. As professional police officer 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”.⁵⁸ There were abundant red flags, the level of subversive detections were unusually high in that Division, what

57 Sir Hugh Stephen Roden Orde, OBE, QPM was the President of the Association of Chief Police Officers, representing the 44 police forces of England, Wales and Northern Ireland. Between 2002 and 2009 he was the Chief Constable of the PSNI

58 RED FLAG – A seminal negative event or action which went unrecognised and unactioned until a major catastrophic event occurred.

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 in order 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 discussed on a monthly basis 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 Byrnes 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 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.

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 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 pay up and wait.

Default Response – Have a Tribunal, Have an Inquiry

Supreme Court Judge Peter Charleton was quoted at the MacGill Summer School 2019 with revealing commentary on Tribunals.

Fundamental questions⁵⁹ about the conduct of judicial tribunals have been raised by Supreme Court Judge Mr Justice Peter Charleton. The political and legal establishments need to give careful consideration to the issues raised by the judge in an important lecture to the MacGill summer school. The inordinate cost and lengthy duration of tribunals were among the issues raised but, more significantly, the judge queried the basic principles on which tribunals are conducted here, which are very different from similar tribunals in most other democratic states.

Mr Justice Charleton is in a unique position to offer a critique of the way we do tribunals as he was the lead tribunal barrister in the long-running Morris Tribunal, which investigated the conduct of Gardaí in Donegal. More recently he was the presiding judge in the Disclosures tribunal which examined the handling of the issues raised by garda whistleblower Sgt Maurice McCabe.

The judge believes that tribunals are necessary and have performed an important function in Irish society in recent decades. The problem is, the way they are obliged to operate prevents them from carrying out the investigations they have been established to perform. It goes back to a Supreme Court decision in the Padraig Haughey case of 1972. Anyone whose good name may be in danger because of a tribunal investigation has even more rights than a person charged with murder. This results in witnesses having full legal teams to represent their interests. Tribunals are exceedingly cumbersome and enormously costly to the taxpayer.

These principles have been abandoned in the UK, inquiries there are much quicker, much less expensive and far more successful. The Iraq Inquiry cost around £10 million, and the costs of the Leveson Inquiry into newspaper conduct and phone hacking are estimated at £5.4 million. Compared this with €150 million for the planning tribunal, €70 million for the Morris tribunal, €65 million-plus for the Moriarty tribunal and €19.5 million so far for the Smithwick Tribunal.

⁵⁹ *Irish Times* 22.7.2019 *MacGill Summer School 2019*

Dáil Debate Morris Tribunal

The Morris Tribunal was not debated in the Dáil until 22nd October 2008 and in the Seanad on the 30th 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.

Judge Morris asked a fundamental question in his first report - Could It Ever Happen Again?

“If there is a lack of proper management at senior level, corruption at middle level and a lack of review throughout the force, then it is certainly possible that in similar circumstances similar corruption could arise. What has been so serious about this inquiry has been the neglect of the fundamental duty of police management to ask questions and get answers”.

Judge Morris was prescient in his question and was far more sanguine than the approach followed by Judge Smithwick in his tribunal.

Smithwick Tribunal

One of the lasting legacies of the McDowell ministry was the decision to set up the Smithwick Tribunal to inquire into the suggestions of collusion in the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan in 1989 by the Provisional IRA. This tribunal was to cost millions, last for many years and produced highly contestable findings. It introduced a certain Assistant Chief Constable Harris PSNI to a southern audience. I was to become deeply involved in a critique of that Report years later.

INTERPOL GENERAL ASSEMBLY 2005

Meanwhile I was still involved in the work of the section and that's where my energy was directed for the time being. In September 2005 I attended the Interpol General Assembly in Berlin. The President Jackie Selebi was a South African who we had voted for in Mexico in 2004. His opening remarks covered some interesting geo-political factors which posed a dilemma for Interpol as by its statute it was intended to be non-political.

“Before we start addressing the issues laid out in the agenda before us, I wish to seek the General Assembly’s guidance on three important issues. The first issue concerns a request from the Israeli NCB, which seeks to change its regional affiliation to become part of the European Region. Secondly, Iran and Argentina are in disagreement over the request made by NCB Buenos Aires of 12 Red Notices⁶⁰ against Iranian nationals for their alleged participation in the planning of the 18th July 1994 bombing in Buenos Aires. The Executive Committee has been dealing with these two issues during a number of sessions, without however being able to devise a solution that could be considered satisfactory to all parties. In light of this situation, we have therefore decided to ask the General Assembly, as INTERPOL’s supreme decision making body, to discuss these items. Consequently, two points will be added to the General Assembly’s agenda: ‘Request of Israel to change its regional affiliation’ and ‘Matter of 12 Red Notices requested by Argentina concerning Iranian nationals’.”

President Selebi was a tough no nonsense chair and was quite adept at criticising speakers if they had just turned up for the “jolly” visit and really weren’t experts in their field. However, he came a cropper in 2010 when he was convicted of corruption in South Africa for accepting hospitality and gifts from a drugs kingpin. He was no longer associated with Interpol at that stage. A salutary lesson for all who aspire to the top jobs regardless of political power. He had been a member of the ANC, South African ambassador to the United Nations, Police Commissioner of

60 Red Notice is a de facto international notice to all members to arrest the named individual to be dealt with according to law.

the South African Police, but critically he had no professional background in policing. Interpol has 194 country members and is an excellent source of support and communication between police forces and other agencies. There has been significant Irish involvement at the HQ in Lyon in the form of seconded officers. It is a role where our policing experience has been much appreciated however there is more scope for involvement.

Foreign Visits

Foreign security assignments with our President and less so with the Taoiseach were a regular part of the job. I was on numerous visits including, Buckingham Palace, the Vatican, Oman (where the Sultan received no one before 4pm), many European locations and several to the United States. The US did things bigger than anyone else, we were well received and got great cooperation and protection. Travelling in their motorcades was rather special. I remember being in California on a presidential visit and as we merged onto a six-lane highway it was completely cleared of all other traffic. The radio chatter was straight out of the movies. When the motorcade leader wanted to change position, an American movie voice said, "Moving Over One" and the motorcade would glide to a new position. The secret service always had an advance agent at our destination, they did a countdown to arrival and requested a status check from the officer on the ground. The replies came back clear professional and focused, the response included security status and how many "pencils" present (the media).

Obviously, some visits were more memorable than others and not always for obvious reasons. One of the battles we fought was the general feeling by some of the officials that security was a bit of a luxury. We were using valuable logistical space which could be better employed.

Bertie in India

Bertie Ahern as Taoiseach led a trade delegation to India in January 2006. I travelled there the previous December to do an advance visit. My mission was to check out security cooperation and to assess the logistical implications. This was uneventful, apart from my luggage going missing. The Taoiseach was due to visit New Delhi, Mumbai and Bangalore. My advance visit to Mumbai included the Taj Palace Hotel. The Taoiseach's party would use this hotel during their stay. The Taj is a labyrinth with stairs, corridors and rooms going in confusing directions.

Figure 44 Taj Palace Terrorist Attack



I visited the local police and asked the usual questions regarding the security situation and any possible risks to our party. The Police Officer sported the interesting sign **VVIP Section**, Very Very Important Persons! I was assured that there were no problems. I consulted officer "Internet" it told me that there had been terrorist activity previously in the city. There were car bombings in 2003, one which exploded close to the hotel at the Gateway of India monument, so really a case of caveat emptor. The major terrorist attack took place in 2008 obviously after our visit. The world was and is a dangerous place.

During our advance visit various locations were suggested in New Delhi as places of interest. There was competition between the Christian Brothers and the Loreto Sisters, both had big colleges there. The nuns were my favourite as they seemed to run an exciting campus which was green based with multiple projects on sustainability. At this time almost all the nuns were Indian and wore traditional saris with a simple cross on chain. They were to lose out to the Brothers probably because of Bertie's own schooling. The Brothers were also interesting, it was a fascinating experience. They had gone by boat to India in the 1950s and still wore the faces of rural Ireland as if time stood still.

The Taoiseach's official visit went as planned. There were some interesting interludes. I had an interesting chat with a Sikh businessman who had been educated by the brothers and spoke highly of them and with a great deal of affection. When I mentioned them in the context of being religious, he quickly corrected me that I should refer to them as the "educators". Religion was a sensitive topic in India. He was a charming and interesting man. He noticed me in a bit of a quandary at a buffet bar which had a bewildering array of food. He said, "*come on, I know exactly what will suit your western taste*", and he was right.

On leaving the Taj Palace hotel I was accompanied by the security manager who was from Goa. He was particularly friendly and helpful to us. As we went down the steps, he said that he admired two great Irishmen, *Michael Collins and Gerry Adams!* Unfortunately, we were up and away, I couldn't explore his understanding of Irish history in greater depth.

The Taoiseach was in severe and obvious continuous pain with a foot problem. He absolutely refused to alter his itinerary and stuck it out, even though he had to be at ten on a pain scale. He was not taking respite and was very determined. Much to my surprise when we returned to Dublin, I saw that the next day he was at a public function in the Mater Hospital. It took me several days to get back to ground zero. Bertie was on the go again.

Protecting the Public and Maintaining Good Order

Despite fine words and grand plans policing is best judged at street level. One such RED FLAG event occurred in 2006. A major riot occurred in Dublin on the afternoon of 25th February which was as sudden as it was violent. Contemporary newspapers recorded that,

HARDCORE republicans spent weeks orchestrating yesterday's Dublin riots which saw gardai and civilians — including RTE's Charlie Bird — injured. Millions of euro in damages was caused in the orgy of violence. Hundreds of highly organised republican demonstrators — including members of Sinn Fein and dissident groupings — descended on the capital, to forcibly stop a Love Ulster rally involving Orange men and relatives of IRA murder victims.

Many of the protesters, including men and women wearing tricolours and masks, attacked gardai with fireworks, rocks, bottles and metal barricades, in a ferocious but planned onslaught. A number of the ringleaders wore mobile phone headsets to co-ordinate the mayhem, while others brought cans of petrol to torch vehicles and set bins alight.

At one point, plumes of acrid smoke billowed above the city after a line of cars and a school bus were set alight in Nassau Street, just a few hundred yards from the Dáil. A Fire Brigade unit was also attacked, and the windows of an Ambulance smashed. Some gardai reacted angrily to what they saw as a complete lack of preparation, but Justice Minister Michael McDowell⁶¹ said the gardai had made a strategic decision to provide just 300 gardai to escort the march. He said that there was no indication in advance that there was going to be violence. It was meant to be a peaceful and low key occasion and the garda presence was proportional to the risk involved.

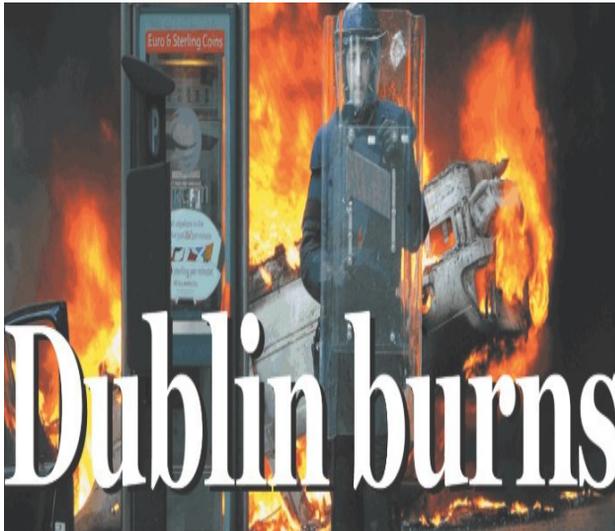
The march was cancelled but the 1,000 unionists and campaigners

⁶¹ *The Strategic Decision comment - fantasy designed to deflect criticism*

were put on buses and driven to the Dáil for a short parade. But as republican demonstrators arrived, the march organisers were hurried out again. Jeffrey Donaldson, one of those due to speak at the event organised by the victims' group, Families Acting for Innocent Relatives (FAIR), hit out at those who caused mayhem. Mr Donaldson continued: "There are republican MPs looking for speaking rights in the Dáil. I'm a Northern MP and I cannot even speak outside the Dáil."

McDowell's comments were clearly meant to be helpful but ignored the fact that there was advance intelligence regarding the likelihood of trouble. Unbelievably O'Connell Street resembled a building site. The street was dug up for modernisation work bricks and other missile like objects, were lying about. The material provided ready ammunition for the rioters. This was a RED FLAG situation and it was easy to anticipate that there would be trouble.

Figure 45 A Solitary Garda in Riot Gear - Irish Independent



“WATERSHED YEAR” 2006

I was due to retire in 2007. For the previous two years I had been making plans. I had no intention of stopping work. One would be free to express opinions that would not otherwise be possible. It also meant freedom from the grind of the daily commute through stifling Dublin traffic. A new career in the commercial world was beckoning. I had an enduring sense of gratitude for the many benefits enjoyed during my service. There was strong intrinsic satisfaction from many aspects of my garda career. I was conscious that I owed a great debt of gratitude to the colleagues who supported me over the years. Like many, I could still feel the pleasure of putting on that blue tunic for the first time and the sense of mission and camaraderie that flowed from this.

Those of us who joined at the start of Troubles and the thousands who followed, served during one of the most turbulent times, in the history of the country. Serious challenges manifested themselves, the existential threat from terrorist violence and the IRA. The emerging drugs criminality and the truly horrendous death toll on our roads were major issues. Many memories connected with wearing the blue were clear in my mind. The first obvious garda act of stopping a car on the public road and wondering what to do next. Did I look as green as I felt. What did the poor motorist think of this still wet behind the ears recruit? The challenge of attending court for the first time and giving evidence in public and under cross examination. The pleasure of the first promotion and the challenges of heading to the border. There were different experiences in many different places. The international duties of attending Europol and Interpol meetings. Sitting behind the national flag with European colleagues and eventually being elected to the chair of the Europol group. I had many opportunities to practice purely practical patriotism in ordinary and extraordinary circumstances.

Most criminals I met were just ordinary people who made some bad choices. Many came from deprived backgrounds where life was a constant struggle with poverty and lack of opportunity. Attending the

Dublin Charge Courts it was easy to recognise most defendants came from socially challenged areas of the city. On the human level a classic example was when I met one prisoner who was serving a long sentence for drugs importation. He would not give his real name to authority. Our UK colleagues were very interested in him because the drugs seized here were intended for their market. I visited him in prison in Castlerea. We chatted in one of the bungalows later occupied by Jerry McCabe's killers. Over the proverbial cuppa he said, "if they stopped shouting at me, I would have told them my name". True or false that was his response, and he duly provided his details.

I had deep feelings about the day I joined the Garda Síochána in Templemore in 1968. As I stepped through the gate for the first time, I was told by the garda that my mother had just died in Cork. My father and some good neighbours were with me. I was sworn in separately from the other recruits in the Chiefs Office. My father was given a stiff glass of whiskey to cope with the shock.

As I walked out of HQ that final night, after a farewell party for colleagues and friends there were many memories and just a few regrets. I had lingering professional regrets, the killer of Marie Kilmartin had not yet stood in a court room. I was at the scene when her body was recovered six months after her disappearance, it left a deep impression on me. I also felt a deep connection with the 1974 Dublin and Monaghan bombings. The murderers and their collaborators had not been brought to justice despite the enormity of their crimes.

Most of all I felt fortunate to have had the opportunity to serve in the Garda Síochána with so many wonderful people. The visible sign of retirement is when one hands over the long held garda identification card. This is the point when the power and privileges and responsibilities of a sworn member of the Garda Síochána departs, and the return to civvy street is complete.

Lifesaver

Personal achievements are best left to others to describe. Notwithstanding, I took a certain amount of satisfaction from my involvement in road safety enhancement. Enormous strides had been made in our efforts to combat road deaths and injuries. The introduction of Operation Lifesaver in 1997 heralded the start of a campaign that was to lead to a progressive and sustained reduction in road deaths and injuries. This was a development which truly represented major success, considering the protection of life is the highest priority for any police force. I had made a significant contribution to that success. This was a good feeling as policing activity can be adversarial and conflict ridden, with little enough permanent change. In addition, it was welcome to see Ireland receiving the EU Road Safety Award for 2019. While one death on our roads is one too many, we still have much work to do to reduce road deaths further. This award recognised the role played by all road safety partners in Ireland. Ireland was the second safest EU member state in 2018.

Terrorism

The threat from the IRA had been thwarted by 2006 but at a considerable price. Individuals who had committed murder and many other serious crimes, were free to walk the streets again. Some assumed the mantle of statesman and others became experts on policing practice and economic and political reform. Tony Blair had given the infamous letters of comfort to the IRA On the Runs (OTRs).

Movers and Shakers

Its stating the obvious that in times of boom it is relatively easy to be in leadership positions, but the acid test comes when times get tough. I had served with eleven garda commissioners. I personally interacted with at least eight of these. My service in Garda HQ from 1995 to 2006 brought me into contact with powerful figures and provided me with a good

opportunity to observe their leadership styles. This time span covered the tenure of Pat Byrne 1996 – 2003 and Noel Conroy, 2003 – 2007. I had worked with or close to Fachtina Murphy, 2007 – 2010 and Martin Callinan, 2010 – 2014 before they became commissioners.

These commissioners came from specialised career paths within the force. They were career detectives. Pat Byrne served in the Special Detective Unit (SDU) which dealt with subversion and the IRA. He progressed through Crime and Security Branch on the way to the top. The others came originally from the Central Detective Unit (CDU) and similarly progressed to the top through Crime and Security Branch. All had minor command experience of the uniform section of the service. This fact alone may have restricted their view of the organisation. Self-evidently uniform policing is the visible part of the service with frequent contact with the public.

The commissioners served in the context of the political leadership in place. In these pivotal times the Ministers for Justice were, Nora Owen, Fine Gael 1994-1997, John O'Donoghue, Fianna Fáil 1997 - 2002, Michael McDowell, Progressive Democrats 2002-2007. McDowell was also Attorney General from 1999-2002 and Tánaiste from 2006- 2007. Most importantly the permanent government was represented by the Secretary Generals of the Department, Tim Dalton 1993-2003 and Sean Aylward 2003-2010.

Who were the most dominant figures from the power cohort? Obviously, the Minister (Justice), the Secretary General (Justice) and the Garda Commissioners were the dominant forces. Office holders changed in the course of time. The key personalities were Michael McDowell Attorney General, Justice Minister and Tánaiste, Tim Dalton Secretary General, Sean Aylward Secretary General and Pat Byrne Garda Commissioner.

Minister McDowell as a lawyer and former Attorney General saw the route to reform through the introduction of all embracing legislation.

His vehicle for change was the Garda Síochána Act 2005. This Act may have been intended to deal with the issues of Governance, Accountability and Oversight, albeit in an obscure way. *Therefore, the problems highlighted by the Morris Tribunal would be obviated in the future.* Hence the formation of the Garda Síochána Ombudsman Commission (GSOC) and the Garda Inspectorate. These new organisations were intended to fill vacuums. The powers of the Minister and the Secretary General were formally set in stone. Governance, Accountability and Oversight would be guaranteed into the future. It's remarkable that fourteen years later these topics are still being discussed and responses formulated. McDowell also oversaw an exponential increase in the responsibilities of the department which in effect created a bureaucratic nightmare and diminished the capacity for control of the gardai.

In subsequent years he was to decry the introduction of unelected quangos like the Policing Authority as an inappropriate obstacle between the gardai and government. He does not seem to recognise his own role in the creation of these unelected bodies. He was a minister who was heavily involved in political battles in the anticipation of an election in 2007. He displaced Mary Harney as leader of the Progressive Democrats and as Tánaiste. He promptly lost his seat in the 2007 General Election and resigned from the Progressive Democrats in one go. His reform agenda made little difference to his successors in politics or to the garda organisation and life stuttered on as the country became engulfed in an economic nightmare.

The tenure of Michael McDowell should be linked to the collective experience of Secretary Generals, Dalton and Aylward who had a period of seventeen years in the fulcrum seat in the Department of Justice. They represented the permanent government and were present for every critical policy decision as well as offering daily guidance to the Minister. They were ubiquitous and silently powerful and occasionally benign. It should be remembered every crisis that occurred happened on their collective watch. In the hierarchy of responsibility, they occupied a higher rung on the ladder than the commissioner.

By contrast Pat Byrne the longest serving commissioner departed

office in 2003. His influence had diminished over time. He displayed transformational qualities in the early part of his stewardship. There is no doubt that he wanted to project a modern image. He starred in a Late Late Show with a full host of uniform gardai in 1998. This was a significant public relations achievement for him and the force. Unfortunately, the Blue Flus which followed undermined his credibility and effectiveness as a leader. It was quite simple *“if your crew mutinies, you go or they go”* at least in the short term. It is useless to pretend that life can carry on as before. Irretrievable damage had been caused. He subsequently became much more reflexive and concentrated in consolidating his own power and promoting his supporters. He certainly tried to forge an independent course from the department but was unable to maintain that position for the greater part of his tenure. He was undermined by the industrial relations problems and the increasing influence of the Garda Representative Association (GRA). He adopted a policy of pragmatic cooperation with them often bordering on joint control. His successors came without his personal ambitions. Accordingly, a form of détente lasted until Martin Callinan became commissioner. His handling of the Sergeant Maurice McCabe penalty points controversy led to the conclusion by government and the political opposition that the most senior officers could not be trusted with the top job.

Commissioner Conroy 2006

Despite the historical baggage Commissioner Conroy’s report for 2006 was positive. It recounted many achievements and aspirations. In his preamble to the 2006⁶² report Commissioner Conroy commented,

- *An impressive crime detection rate of 40% was recorded for the year.*
- *While road fatalities decreased when compared to the 2005 figure they remain at an unacceptably high level.*
- *Ireland’s hosting of the Ryder Cup at the K Club in September was the sporting highlight of the year and the planning input of An Garda Síochána played a significant part in the overall success of the*

⁶² *This report was typical of similar reports produced every year since 1947 for the Minister.*

event.

- *At the end of the year there were 12,954 sworn personnel in the organisation, with a further 1,126 students in training in line with the accelerated recruitment programme, which is scheduled to continue until 2010 following the Government's decision to increase the strength of An Garda Síochána to 15,000. The Garda Reserve was also introduced during the year with 36 members, assigned to Dublin, Cork, Galway and Sligo, graduating in December.*
- *In accordance with Section 43, Garda Síochána Act, 2005, the Commissioner was appointed as the Accounting Officer for the Garda Vote,*
- *To support the Commissioner in the role of Accounting Officer, a new integrated Financial Management System was implemented and its roll-out to the organisation was completed during 2006. The implementation of the Financial Management System has facilitated the on-going devolution of budgetary responsibility within the organisation..*
- *5,200 members received training on the Garda Síochána Act 2005 as part of the Continuous Professional Development programme.*
- *The Garda Síochána Act 2005 provides for the establishment of Joint Policing Committees (JPC) which are being established to develop greater consultation and cooperation between An Garda Síochána, Local Authorities and elected local representatives on policing and crime issues.*
- *The Garda Internal Audit Section (GIAS) similarly reports directly to the Deputy Commissioner, SRM.*
- *The office of Deputy Commissioner Strategic and Resource Management is responsible for the design, implementation and review of the Garda Síochána Corporate Strategy 2007-2009.*
- *Organisational Change Deputy Commissioner Strategic and Resource Management prepared recommendations regarding the Reports of The Garda Síochána Inspectorate and Interim Report of the Advisory Group on Garda Management and Leadership Development.*
- *Deputy Commissioner Fachtna Murphy ⁶³ has responsibility for all operational policing and State security and advises the Commissioner on all such matters. Crime reduction and prevention; high-visibility policing; covert human intelligence source management; overseeing the introduction of the recommendations of the Morris and Barr Reports'; Reports of the Garda Inspectorate and the Hayes Report on operational policing; improving the capacity of An Garda Síochána for major crime investigations were among the priorities for An Garda Síochána in 2006.*
- *Arising from the recommendations contained in the Morris Reports' from the Tribunal of inquiry into*

⁶³ *Soon to become Commissioner*

- alleged corruption by some members of An Garda Síochána in Donegal Division Deputy Commissioner, Operations chaired a Working Group to examine the use of human intelligence sources by An Garda Síochána resulting in the introduction of new policy and procedures being implemented during 2006. The National Source Management Unit was established to have over-sight of the implementation of policy, procedures and training for the handling / managing of human sources by An Garda Síochána.*
- *Members of An Garda Síochána who do not adhere to the highest principles of integrity, conduct and probity in the application of their duties as members of the service are subject to investigation in accordance with the Criminal Law and / or internal investigation in accordance with the Garda Síochána Discipline Regulations, 1989.*
 - *During the year, 100 members of the Garda Síochána were found in breach of the Garda Síochána (Discipline) Regulations, 1989, resulting in six (6) dismissals and ninety four (94) officers receiving a combination of monetary fines, cautions and/or reprimands. Total monetary penalties imposed on members was €40,395. One (1) further member was dismissed under the provisions of the Garda Síochána Act, 2005. At year-end a total of thirteen (13) members remained on suspension.*
 - *During 2006, considerable work was undertaken in the drafting of new Discipline Regulations for An Garda Síochána. This work will continue in 2007.*
 - *The main research projects undertaken in 2006 included:*
 - *An evaluation of CCTV in Dun Laoghaire and Dundalk*
 - *An evaluation of Restorative Justice Programmes*
 - *An evaluation of the prosecution of drink-driving offences and non-conviction*
 - *A review of the BA in Police Management Degree Programme*
 - *A survey of the general public's attitude to An Garda Síochána.*
 - *In addition, the preparatory work for the commencement of the following new research projects to be undertaken by the GRU:*
 - *A survey of the General Public's Attitudes to Gardaí (in 2007, 2008 and 2009)*
 - *A survey of Young Peoples' Attitudes to Gardaí*
 - *A survey of Travellers / Ethnic Communities' Attitudes to Gardaí A survey of Staff Attitudes within An Garda Síochána*
 - *Traffic enforcement activities have been enhanced, through the availability and use of new tools and technologies which radically reconfigure the capacity of the Garda organisation,*
 - *An analysis of road fatalities during 2006 indicates that those in the 16-30 year old age group continued to be at most risk from road traffic related death, with 160 in the category killed. The most*

dangerous times were between 6/8pm (42), 2/4am (38) and 4/6pm (35) and the most dangerous days were Sunday (82) and Monday (66), followed closely by Saturday (65). January was the worst month for fatalities with 40 deaths, followed by July, (39) and April (38), respectively. An emerging trend noted during

- 2006 was the increase in fatalities among the 65+ age-group, which saw 30 pedestrians killed during the year. This group will also be targeted, through enforcement, education and prevention programmes, as part of the profiling process used to identify those described as 'vulnerable' road-users. During the year males accounted for 269 fatalities and females for 99; drivers, passengers and pedestrians accounted for 170; 83 and 74 deaths respectively, representing almost 90% of all road fatalities*
- Through the Garda Major Emergency Planning Coordination Office, An Garda Síochána continues to progress developments emerging from the 'Framework for Major Emergency*
- Deputy Commissioner Strategic and Resource Management had responsibility for the preparation of the 2007 Annual Policing Plan.*
- The Garda Executive Leadership Programme provides structured, integrated and focused leadership development opportunities to facilitate the personal growth and professional development of a nucleus of senior Garda Officers who may be considered suitable for service in the rank of Assistant Commissioner and above.*
- Ten members of Chief Superintendent rank from An Garda Síochána together with participants from the Strathclyde Police and the Police Service of Northern Ireland (PSNI) commenced the Programme in September 2006*

Authors Note – Was this vision of the future simply mood music with little or no operational impact? It is abundantly clear that there was a wide understanding of Strategic Issues which were not operationalised in the years ahead. The commissioners report was published in 2007 and the Economic Crash impacted in 2008. It is arguable that the best intentions and plans of government and the force were simply swept away. The chaos which followed was caused by the economic crash and/or by the failure to implement the strategic vision which had been articulated.

TIMOTHY KNATCHBULL

One had the opportunity to meet many interesting and unusual people. Timothy Knatchbull was certainly one such person. He had a quixotic air, exuded a definite charisma, and came from an interesting lineage. He was from “a dynasty of royal, political and wealthy relations” and had a poignant tragic personal story. The brutal facts are that;

*On the 27th of August 1979 Lord Mountbatten was killed by a bomb left by the PIRA on his boat Shadow V at Mullaghmore, County Sligo. Three other people were killed in the explosion, Lady Brabourne (82), Nicholas Knatchbull (14) (his twin brother) who was Mountbatten's grandson, and Paul Maxwell (15). **Timothy Knatchbull** and his parents were seriously injured.*

A second IRA attack took place on the same day at Narrow Water, Warrenpoint County Down. The Narrow Water attack resulted in the murder of eighteen British soldiers by the IRA in two bomb explosions.

He was introduced to me by an international security company who were ostensibly seeking assistance on his behalf. In fact, they were definitively handing over to me and taking one step to the rear. He expressed an interest in visiting Ireland and retracing his footsteps to Classiebawn Castle and Mullaghmore to explore the background to the IRA killings. In conversation with him it was obvious that he felt an enormous sense of loss for his identical twin brother Nicholas. He was certain that his grandfather had been given assurances at the highest political level in Ireland that he would be safe if he took his holiday here. In other words that he would be protected properly. As our conversations developed during several other contacts, he expressed a clear interest in finding a chef with the pseudonym “Ted.”

I later traced the individual “Ted”. He had lived outside Dublin and was deceased. It remained a moot point as to whether he was an IRA spotter. In truth, surveillance of the Mountbatten party could have been

carried out effortlessly and didn't require inside information but of course that would have been useful. In any case "Ted" was not employed at Classiebawn that year. He referred to various queries from his grandfather to the Commissioner, London Metropolitan Police and the Foreign Office, including correspondence from the British Ambassador in Dublin regarding Lord Mountbatten's safety and security. He was clear that solid assurances had been given.

It was also obvious that Timothy's visit was not being sponsored in any way by the British establishment. He was effectively on his own. Was he seeking justice for the terrible crime committed or was he seeking a path to forgiveness for the killers? In cold policing terms there had been a result at a very early stage. The culprits were arrested the same day eighty miles away in Granard, County Longford. They were part of the execution team⁶⁴ Thomas McMahon the bomber and Francis McGirl the local guide. It appears that the bomb was initiated remotely by means of a radio signal as distinct from a timed device, although either option was possible. In effect there were many other individuals involved including the planners and the button man on the remote activation. Interestingly the two were arrested before the bomb exploded due to their suspicious behaviour when stopped at a routine garda checkpoint.

Timothy speculated in his book⁶⁵ *"To do this I felt the need to forgive but I found myself with more questions than answers. Was I capable of forgiving? Whom should I forgive? What had they done? And how? And why? There was precious little information available, so I decided to look for the answers myself. By revisiting Ireland, I slowly became better informed, and as I re-evaluated my experiences, I eventually found the path to being able to forgive"*.

In straightforward terms the Mountbatten party were soft targets and to murder them was cold, callous, and unforgivable. While

⁶⁴ McMahon was convicted of the Mountbatten Murder, McGirl was acquitted despite some incriminating evidence, was to be killed later in an accident.

⁶⁵ *From a Clear Blue Sky*, Timothy Knatchbull, Hutchinson, London 2009

hindsight is always perfect it seems obvious that they should have been protected round the clock, including Shadow V. A local superintendent commented that *"The Earl used to go out regularly and he was in constant sight of Garda. It was by his own request that he was not constantly accompanied. He himself seemed satisfied with his protection. It is true that the boat was not constantly guarded, but it was regularly visited by Gardaí during the night"*. Donegal Democrat 31st August 1979.

Straightforwardly this kind of casual protection would not be consistent with the best principles of close protection. In my experience many VIPs were very unmindful of their own risk profile and one needed to be strongly assertive to make the point that security could not be switched on or off. Nevertheless, his boat should have been protected. He was in an idyllic area, but this was also border country where every movement would have been visible to the PIRA. It merely took a decision to execute this dreadful attack for it to happen.

My abiding feeling was one of great sympathy for Mr. Knatchbull and his unconscionable loss particularly of his twin brother. It was a barbaric attack on human beings enjoying a beautiful day out. He remains a somewhat enigmatic figure. I met him after I retired, and he was still searching for answers at this stage. I certainly carried my encounter with him into my memory bank.

BEYOND THE BLUE 2007 GSOC

My policing and security experience provided an entrée into the commercial world. I benefitted from the McDowell creation of GSOC and the Private Security Authority (PSA). My experience was readily sought by commercial concerns. This was a readjustment because I was now an advisor and consultant. I didn't control or command, an important distinction from my previous life. This new role took some getting used to. I was surprised to find some basic prejudice to my background. Once a guard always a guard!

Another McDowell initiative was the establishment of the Garda Inspectorate ⁶⁶ Its first Chief Inspector was the ubiquitous Kathleen O'Toole. GSOC was established in 2006 and became operational in 2007. It was modelled tangentially on the Police Ombudsman Northern Ireland (PONI) and the Independent Police Complaints Commission (IPCC) which was the body in England and Wales responsible for investigating complaints made against police forces. The IPCC has been replaced by the Independent Office for Police Conduct. Neither of these bodies had responsibility for security or intelligence agencies.

The GSOC construct was a very Irish configuration and was the poorer for that. It was headed by three commissioners who were equal in authority even though one of their number was the designated chair. Judge Kevin Haugh was appointed Chairman, Conor Brady and Carmel Foley, Commissioners. It was an interesting composition the Law Library was well represented. Carmel Foley had a public service background and was former Director of the Office of Consumer Affairs. Conor Brady had been a long serving editor of the Irish Times. He came from a garda family and had a lifelong interest in the force. He was a former editor of the Garda Review. I knew him from those days, and we had many debates on the future of the Garda Síochána long before it became fashionable.

66 Established 26 July 2006. Its objective is to ensure that the resources available to the Garda Síochána are used to maintain and achieve the highest levels of effectiveness and efficiency in its operation and administration as measured against best international practice.

This top-level construct was designed to ensure that there could be no possibility of a Nuala O’Loan⁶⁷ type Ombudsman emerging. She had taken an uncompromising stance with the RUC and particularly their investigation of the 1998 Omagh bombing. This kind of independence unfortunately was not welcomed by the southern establishment. Kieran Fitzgerald⁶⁸ was the newly appointed communications officer for GSOC. He challenged the Irish Times who asserted that the Nuala O’Loan PONI model as opposed to the triumvirate of GSOC Commissioners was the more appropriate one. Kieran was doing a good job from the party line perspective but logically the argument didn’t hold up. In a relatively short time the commissioners experienced practical difficulties in preserving unanimity in decision making.

The other significant challenge was one of capacity. GSOC had an inherent disadvantage when compared with the UK models. The multiple police forces in the UK provided a wide range of police officers prepared to serve in the oversight bodies. There was no such pool of officers in this country. The other limiting factor was that UK officers operated in a homogenous legal system, with similar legal powers. They also had access to different UK forensic services. It was clear that none of these factors had been given serious thought in the design of GSOC and there was a presumption that “We” could import all these supports seamlessly. This was never going to be easy and, in many instances, impossible. It was always going to be difficult for GSOC. A more discriminating investigative legal remit would have enjoyed the possibility of more success. GSOC had several own goals which were entirely counterproductive. I would have advised differently but the questions never came up. *Not knowing what you don’t know is a dangerous mindset.* They also had to overcome the fact that many criminals and their supporters made spurious complaints about Gardaí which were intended to deflect criminal investigations.

67 Nuala Patricia O’Loan, Baroness O’Loan.

68 Later a GSOC Commissioner

Political Support

GSOC was to lose its active political support almost immediately because in the May 2007 General Election, Michael McDowell lost his seat and his party was decimated. He was replaced in office briefly by Brian Lenihan Fianna Fáil, from 2007 until 2008. At this stage the political and economic landscape was very much in decline and the notion of major reform of the force was understandably well and truly moved to the back burner.

When I was appointed as special advisor it was on the basis that I fulfilled an exacting specification,

This person will be required to demonstrate a history of sound ethical judgement in the course of his/her career in the Garda Síochána. They will be required to have a record of exemplary personal behaviour in their investigative, command and leadership roles within the Garda Síochána.....

One of the first tasks I undertook strategically was to conduct a SWOT⁶⁹ exercise for the commissioners. This was an unremarkable technique which I had used frequently with Gardaí. GSOC was a green field site in many respects and so it was an ideal time to undertake the exercise. I used this approach in conjunction with a well understood dynamic, the so-called Forming, Storming, Norming and Performing norms of behaviour⁷⁰ model. A PhD student would have been delighted with the opportunity presented from a researching perspective. My purpose was more modest, and I tried to give GSOC a sense of what it would be like to work with the Garda Síochána. The commissioners were themselves different individuals with varying backgrounds and experiences. Judge Haugh was a charming and interesting person and good company. He did not really find my approach of great interest and

69 SWOT is a simple exercise used to determine Strengths, Weaknesses, Opportunities, and Threats. Strengths and Weaknesses are internal. Opportunities and Threats are external

70 Tuckman 1965

was not impressed with the notion of different stakeholders and competing interests. It seemed that he considered the law sacrosanct, if the law prescribed then all else should fall in place. His role was pivotal and as the chairman he certainly influenced the agenda in a definitive manner. Conor Brady certainly was oriented to a change agenda and had a strong mission ethic. Carmel Foley was well aligned with the permanent government and would have been a safe pair of hands. Collectively they were decent people to work with, however they were faced with an immense task on many fronts.

Investigators

GSOC was and is primarily an investigating body. Self-evidently it depended on the number and quality of its investigators as its primary resource. In 2007 it had **28 investigators** and demographically the Garda Síochána had 13,755 sworn officers stationed at 700 stations country wide, as well as many specialist bureaus. There were a further 1,043 trainee officers with a garda reserve of 217. Additionally, there was a civilian staff of 1,687. This was a David and Goliath contest. Unlike the fable, David really would need to perform very cleverly to have a chance. **In 2018 GSOC had 39 Investigators**, so clearly, they continued to be severely challenged in terms of numerical capacity. Frankly the only way that GSOC could operate would be by prioritising its investigations but its legal remit made that effectively impossible.

GSOC Report 2007

The GSOC Report for 2007 recalls that GSOC dealt with the receipt and processing of 2,084 complaints against members of the Garda Síochána. Of the complaints, 556 were held to be inadmissible and 952 were held to be admissible. It also received a further 1,135 queries from the public. Data gathered by GSOC in 2007 indicates that the most typical complainant is Irish, male, aged 18-30, from the Dublin region and alleges abuse of authority on the part of a member of the Garda Síochána.

In the same period GSOC received 247 referrals from the Commissioner of the Garda Síochána under section 102(1) of the Garda Síochána Act 2005. These are cases in which it appeared to the Commissioner that the conduct of a garda may have resulted in the death of, or serious injury to, a person. Twelve of these referrals concerned the death of a person.

It is not merely a question of logistics for GSOC. There is a primary onus on garda management to maintain good order and discipline. The Gardaí must pursue an active preventative and investigatory disciplinary regime in order to fulfil their primary obligation. The consequences of failure can be far reaching and devastating. Judge Morris remarked,

*The most shocking aspect of the Donegal investigation has been the extent to which ill-discipline came to pervade the Gardaí through the abdication by senior officers of their duty to maintain the men and women under their command **in good order** and in the pursuit of standards based upon truth.*

The conventional wisdom is that the police (the Gardaí) should not conduct internal investigations of wrongdoing. Judge Morris did not agree with the hands off approach.

Budget

GSOC does not control its own budget. The Secretary General of the Department of Justice is the Accounting Officer. Self-evidently that situation impacts on the independence of action which might otherwise be enjoyed by GSOC as an independent agency under the law.

The 2007 Report also made the following observation,

In July 2007, GSOC wrote to the Minister concerning a possible examination under section 106 of the management of incidents of crowd

protest⁷¹ or civil disobedience by groups or persons. The Minister, following discussions with GSOC, did not feel that it was appropriate at that time for him to request such an examination.

GSOC wrote to the Minister concerning a possible examination in relation to certain aspects of the fixed charge processing system⁷². In December, the Minister, following discussions with GSOC, requested that such an examination be undertaken and that a report be made to him along with any recommendations.

GSOC Report 2009⁷³

In prosaic language GSOC reported in 2009⁷⁴ that it conducted an investigation⁷⁵ into certain aspects of the operation of the Fixed Charge Processing System as operated by the Garda Síochána. This was completed and forwarded to the Minister for Justice, Equality and Law Reform, Dermot Ahern, T.D. on 30th April 2009. This report identified the key RED FLAGS in the FCPS system which if they had been acted on would have saved the careers of politicians, senior civil servants and gardai alike. It would also have prevented numerous inquiries and preserved the reputation of the Criminal Justice System. It was then ten years since I was directly involved in the launch of Operation Lifesaver and significant road safety progress had been made in the interim. The ostensible reason for the examination was set out in the terms of reference.

As already mentioned, this was a compromise topic and most probably considered by the department to be “safer” than the “Shell to Sea” protest. The complaints to GSOC were not numerous but reflected a general sense of unfairness with the way the system was operating for

71 Shell to Sea Protests in Mayo

72 This was my Investigation and it identified the critical failures in the FCPS. It was effectively a compromise because the Minister was unwilling to proceed with the Shell to Sea investigation

73 My Report for GSOC

74 <https://www.dropbox.com/s/t9kq9stgootbj/GSOC%20s106%20Report%20pdf.pdf?dl=0>

75 My Report responded to this request

some members of the public. However, the examination required a comprehensive review of, *practice, policy and procedures*. The purpose was to conduct an examination of the systemic elements of the FCPS. It was also to identify the presence or absence of factors in the operation of the system that would give rise to ongoing complaints. It was hoped that GSOC's intervention would ultimately provide foundational research. This would assist in preventing complaints arising in relation to practice, policy or procedure of the Garda Síochána or reducing the incidence of such complaints. The examination yielded a total of eighteen recommendations and key information was also gleaned on the policy of the Garda Síochána.

These were the negative features revealed,

The original focus of the FCPS was on offences that are considered to have a direct bearing on road deaths and injuries⁷⁶. This has been extended to cover a total of 59 generic categories which create 390 specific offences including 129 Penalty Point Offences. This means that the initial focus on offences relating to safety has been significantly diluted.

The FCPS is under considerable pressure in terms of clients/customers relations.

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 loss⁷⁷ 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 There is a likelihood that the level of justifiable complaints will increase significantly.

I listed at Box 16 overleaf my negative prognosis for the future of the FCPS unless remedial and reformative action was undertaken. Nothing changed until Sergeant Maurice McCabe appeared on the scene

76 The system was being adapted as an alternative to normal court process for the majority of offences which had little bearing on road safety

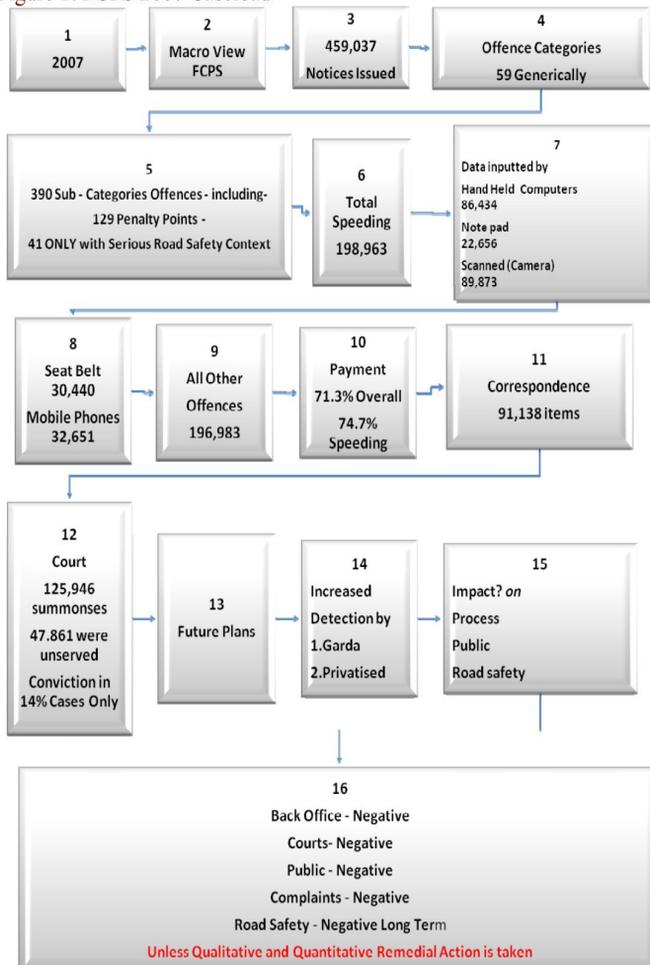
77 There was no coherent cancellation policy and there was no blue light policy, gardai could intervene with the system and cancel notices. Examples were provided to the authorities and promises were made for reform which clearly were not kept.

years later.

I did not get a single query or question on this report from official Ireland and another RED FLAG was missed.

Figure 47 FCPS Red Flag

Figure 1: FCPS 2007 Caseload



Footnote: 2007 was the baseline year for this report. 454,312 notices were issued in 2008 and this is comparable to 2007. It is reasonable to assume that the same issues arise in respect of 2008, in the absence of a major reform of the system.

I made a submission to the Public Accounts Committee on the 19th

June 2014 at my own request because I was concerned at the level of obfuscation around the FCPS narrative. A significant success story was being devalued by the actions and commentary of some senior Gardaí.

These were my opening comments on that day,

All of the controversy with which we have become familiar in the past 12 months was totally avoidable because all of the issues were raised in the GSOC report, which made 18 recommendations and eight or nine significant findings. It was all flagged in the report, but the report never saw the light of day. It is not because I wrote it that it is a particularly good report, but it did highlight the issues that are in the Comptroller and Auditor General's four reports. We had a long sequence going back to 2008, when the report was carried out, and it was presented in 2009. What happened in the past year was totally avoidable because we had seen all of the symptoms. We knew that the system was creaking and leaking.

I said the system was leaking badly and the classic mistake is that the worst offenders escape. That has been the case since 2007 and I am sure it was the case before that. They escape by ignoring the system. They simply do not interact. The other weakness in the system is that registered companies are not persons so under the system they cannot be prosecuted or processed as an offender under the fixed charge penalty system unless a series of other processes take place.

I also wrote publicly on the use of *so-called discretion* in the cancellation of penalty points notices. This letter was published in the Irish Independent⁷⁸ in the middle of the Shatter/Callinan debate. I was out of the country on business at the time of writing, but I felt that a false narrative on the use of discretion regarding penalty points was being circulated.

.... Much has been achieved in preserving life. It would be grossly

⁷⁸ Author Irish Independent 28.5.2013

unfair to the members of the force who have implemented the sea change in enforcement with such positive life changing results. More importantly it would be tragic for families who might lose loved ones if the enforcement efforts were to falter. In conclusion though let's dispense with the current fig leaf of "discretion" in the context of the penalty points debate.

Contract Completed

My contract was completed after two years and I was satisfied that I had made at least some contribution to GSOC. Regrettably I believed that the GSOC model was fatally flawed. Its limited capacity made it virtually impossible to fulfil its role. This situation was not a reflection on the people who joined GSOC in good faith, but the model could never work satisfactorily.

A BITTER DRAUGHT SMITHWICK TRIBUNAL DEBACLE

Dear Reader – The working hypothesis of this chapter is that the finding of collusion by the Smithwick Tribunal was perverse, having regard to the information at its disposal. It represents the single biggest state sponsored attack on the reputation of unrepresented and undefended members of the Garda Síochána in the history of that proud organisation. It is for you the reader to make your own assessment. Please let the facts speak.

The Smithwick Tribunal was established to investigate **suggestions**⁷⁹ that members of An Garda Síochána or other employees of the State colluded⁸⁰ 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 Judge Peter Smithwick. It reported an unbelievable 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.⁸¹ Smithwick found that unnamed and undefended Gardaí had colluded in the murders. He rejected the long running theory advanced by his own Tribunal lawyers that the colluders were the “Dundalk Trio”. He was forced into this position by the late and extraordinary intervention of ACC Drew Harris PSNI who exculpated the suspected Gardaí. Irrespective of this intervention he had not established a scintilla of evidence that would have justified an adverse finding against those men. His finding has not been debated in Dáil Eireann.

The principal person of interest for the Tribunal was D/Sergeant Owen Corrigan and to a lesser extent Sergeants Colton and Hickey, “The Dundalk Trio”. It is well understood that there is extreme danger in

⁷⁹ *Who made those suggestions? Journalists Toby Harnden, Kevin Myers, Jeffrey Donaldson iecMP, David Trimble MP, Charles Flanagan TD, Jim Higgins TD, Brian Hayes, British Agent Kevin Fulton/Peter Keeley, Alan Mains and laterally ACC Drew Harris*

⁸⁰ *Collusion is not a legal term but what is suggested are criminal acts*

⁸¹ *2019 Figures but further costs are still outstanding Ref Irish Examiner 2019*

investigators pursuing exclusionary lines of inquiry based on a perception of fact. This is an exclusionary mindset which either consciously or unconsciously discards all other facts which are unsupportive of the central thesis. Corrigan was relentlessly pursued until the testimony of ACC Harris excluded the “Dundalk Trio” in favour of a mythical “Fourth Man” theory. This was an eleventh-hour intervention by ACC Harris and was not contemplated by the proponents of the Collusion South Agenda at the outset.

Dramatis Personae

The principal actors in this drama which led to the Smithwick Tribunal were, journalist Toby Harnden, Sergeant Alan Mains⁸², 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 Scappaticci⁸³, ACC Drew Harris, Sergeant Owen Corrigan, Judge Peter 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.

The Victims⁸⁴

Chief Superintendent Harry Breen

“A native of Banbridge, County Down, and educated at the Portora Royal School in Enniskillen, Henry Alexander "Harry" Breen (1938 – 20 March

⁸² *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 cast a shadow on the allegation.*

⁸³ *British Agent Inside PIRA – Granted representation by Tribunal (so he could prove – he wasn’t Stakeknife) Did not give evidence, **Deceased 2023** under protection in the UK*

⁸⁴ *Source – Wikipedia*

1989) had joined the RUC on 5 May 1957. He served as a sergeant in Lurgan and then as an inspector in Newry and Banbridge before being promoted to the rank of superintendent in 1980. As a superintendent, he held posts in the Complaints and Discipline and Inspectorate Branch. He appeared on television in May 1987 holding a press conference following the Loughgall Ambush in which the Special Air Service shot dead eight IRA members. On 8 February 1988 he was promoted to the rank of Chief Superintendent and became Divisional Commander of the RUC's "H" Division, which was based in the town of Armagh and encompassed the areas of South Armagh and South Down which contained some of the most staunchly Irish republican areas of Northern Ireland.^[6] He was well respected within the force and had been commended twice and highly recommended another two times. He was a recipient of the RUC Service Medal and the Police Long Service and Good Conduct Medal. He was married to June and the father of two children, Gillian and David.

Journalist Joe Tiernan described the six-foot-tall, solidly built Breen as a "hard man" with a cold, remote personality.^[12] Breen's former colleagues maintained that he had been a "gentleman of the old school, who always carried a dress handkerchief in his suit pocket". Judge Cory remarked that he was dedicated to the protection of the public and was concerned for the welfare of the RUC officers who served under his command which was an attribute greatly appreciated by them. Harry Breen was 51 years old at the time of his death. His funeral was held with full police honours at the Church of Ireland Holy Trinity Church in Banbridge on 23 March and was presided over by Archbishop Robin Eames.

An autopsy report found that he had been hit on both the left and right sides of his body. He had been wounded in the head, abdomen, upper-right shoulder, and arm."

Superintendent Bob Buchanan⁸⁵

"Robert James "Bob" Buchanan (18 March 1934 – 20 March 1989) was from Bready, County Tyrone. He joined the RUC on 13 August 1956 and was commended on six separate occasions. He had served as a sergeant

⁸⁵ Superintendent Buchanan was very much liked by his garda contacts. He was considered a god fearing Christian man who trusted in a higher power. Regrettably he employed no security measures for his meetings in the south. He drove the same red vauxhall cavalier for two years and with the same number plates attached. The RUC were extremely negligent in permitting this security exposure. It is abundantly clear that the PIRA would consider him a high value target.

in Derrygonnelly, County Fermanagh, and Antrim where he was promoted to inspector. In 1975, he was promoted to chief inspector and was stationed in Lisburn and held posts in the Complaints and Discipline Department. On promotion to superintendent, he became sub-divisional commander in Omagh and then staff officer to RUC senior command at force headquarters in Belfast. It was in this post in 1985 that he was asked to take on the difficult and dangerous post of Border Superintendent for "H" Division and be responsible for all cross-border matters and liaison between the RUC and the Garda Síochána in the South Armagh/North Louth area. The posts of Border Superintendent had been created by the Anglo-Irish Agreement to improve security co-operation between the two Irish police forces. He was scheduled to be transferred to Newtownards the month following his death and his Garda counterpart in Dundalk, Superintendent Pat Tierney, testified to the Smithwick Tribunal he was in a joyous mood on the day he was killed because of the news of his transfer. He was married to Catherine, by whom he had a son, William, and a daughter, Heather and at time of his death he had two grandsons, Andrew and Robert. Buchanan was much liked by the Gardaí with whom he established a good and effective working relationship. At the Smithwick Tribunal more than twenty years after his death, several former Garda officers testified they had come to regard him as a personal friend as he frequently visited their stations in his capacity as Border Superintendent. His job also meant that he became known to the Provisional IRA in Dundalk and other towns in County Louth as he would usually travel south in the same car without changing its number plates. He was 5'9 with a large, heavy-set build, and had been described as a man of utter integrity and a dedicated, able and proud police officer who was well respected by his colleagues on both sides of the border. He was also a devout Christian who was a lay Presbyterian preacher at his church in Lisburn. He had written a book on the history of Kellswater Reformed Presbyterian Church, located outside Ballymena, County Antrim; it was published after his death.

Bob Buchanan had just turned 55 years old when he was killed. His funeral was held on the same day as Chief Superintendent Breen's, 23 March, at the Reformed Presbyterian Church in Lisburn and was attended by a congregation including RUC Chief Constable Sir John Hermon⁸⁶ and many Garda officers.

⁸⁶ *Mrs June Breen (Chief Superintendent Breen's widow) said that her husband had left clear instructions that if he was killed in the line of duty Chief Constable Sir Jack Hermon was not to be invited to attend his funeral.*

The autopsy revealed a number of fragment wounds on the right side of his head. He also had many fragment wounds on the front of his right shoulder and upper chest; two major fragments had gone straight through his chest. He had a lacerated lung and much internal bleeding. The autopsy also showed that he had been shot in the head at close range, most likely after he was already dead”.

The Killers

The overall security situation in South Armagh and Newry was highly problematic. 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 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 were 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 were 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, 38 UDR members were killed in Co Armagh between 1969 and 2001. (ref. Cain Web Site). The majority of these were killed by the PIRA. This was indeed a very dangerous place for members of the northern security services.

TIMELINE

- **March 1989** Chief Superintendent Harry Breen RUC Armagh ordered to meet with Gardai in Dundalk Station regarding a cross-border smuggling problem.
- **Thursday 16th March** RUC Armagh commence internal briefing in connection with this visit.
- **Monday 20th March** RUC Contact Dundalk Gardai to request a meeting 10.15 am approx.
- **Chief Superintendent Breen and Superintendent Buchanan** attend at Dundalk station at 2.20 pm approx. Meeting concluded (3.20 pm approx.) and both travelled north in Superintendent Buchanan's car. They were ambushed immediately north of the border. Both men were shot dead at the scene by PIRA .
- **1999** Author Toby Harnden publishes "Bandit Country" and claims a "mole" in Dundalk Station set up the RUC Officers by alerting PIRA to their presence in the station. Harnden refused to give evidence to the Tribunal.
- **10th March 2000** journalist Kevin Myers echo chambers Harnden's allegation of the "mole".
- **25th March 2000** David Trimble MP MLA writes to Taoiseach Bertie Ahern echo chambering Myers allegations.
- **13th April 2000** Jeffrey Donaldson MP raises matter at Westminster and names Owen Corrigan as the garda "mole". Charlie Flanagan TD, Jim Higgins TD and Brian Hayes TD raised the "mole" question in the Dáil on the same day but did not name Corrigan. This was a coordinated action in both parliaments and advanced the Collusion South agenda.
- **July 2001** Weston Park Agreement between British and Irish Governments. Agree to appoint a judge to advise on the necessity for inquires on both sides of the border on the question of state collusion with terrorists. Canadian Judge Cory subsequently appointed.
- **May 2002** Judge Cory commences investigation.
- **9th September 2003** – Kevin Fulton/Peter Keeley British agent was presented to Judge Cory as a witness of fact regarding the "mole". This meeting was arranged by Willie Frazer Loyalist activist and Jeffrey Donaldson MP and other unknowns.
- **23/24th March 2005** Oireachtas by Resolution set up the Smithwick Tribunal. Minister for Justice Michael McDowell was the sponsoring minister.
- **2005 – 2011** The Tribunal remained in private investigation mode. Their dominant focus was

seeking to find evidence ⁸⁷ to connect Corrigan with the “mole” allegation. Fulton became a key witness. Fulton gave evidence that Corrigan identified Tom Oliver to the PIRA as a garda source. This was disputed and the Tribunal post publication confirmed that no finding was made that Corrigan had been responsible for giving information to PIRA which led to the death of Tom Oliver.

- 2011 – 2013 The Tribunal sat in public session. Fulton figured prominently in their hearings. ACC Harris PSNI became a noteworthy witness in October 2012. He offered “evidence “ which debunked the Corrigan allegation and produced an anonymous Fourth Garda as the “mole”.
- 2014 Judge Smithwick remarkably noted with approval the evidence of Harris and Fulton. Notwithstanding the fact they contradicted each other on the question of the identity of the “mole”. Paradoxically they seemed to agree that it was unlikely that the PIRA could have mounted the attack if they had only been informed of the RUC visit on the morning of 20th March 1989. This was the view of British Army officers who also gave evidence. Smithwick disregarded that viewpoint in favour of his impenetrable analysis.
- January 2014 – Critique, John O’Brien et al and Irish Times Full Page spread.

Suggestions - Bandit Country – Toby Harnden

Thousands of words and many articles have been written on the horrific murders. The seminal event was the book published by Journalist Toby Harnden in 1999 “Bandit Country”. This was compiled with the cooperation of the British Security Forces and some RUC members. In the scheme of things, it was a rollicking good read, but it also had significant flaws. He suggested there was technical information which confirmed that the IRA had been tipped off by someone within Dundalk Station – there was no such technical information. Secondly, he identified a garda source as Detective Inspector L who confirmed that one of his colleagues was involved. This was pure conjecture or lies and no such information was subsequently discovered. He then identified a Garda X as being the “mole”. Garda X was believed to be D/Sergeant Owen Corrigan. Indeed, on Day 102 (Page 90) Smithwick Transcripts, Mr. Corrigan clearly recognises that reference to Garda X is to himself and he strenuously

⁸⁷ *This approach was the classic mistake of advancing a preferred theory to the exclusion of all others*

denies any wrongdoing. He also nominated retired D/Inspector Prenty as being the D/Inspector L. In cross examination at the Tribunal D/Inspector Prenty acknowledged meeting Toby Harnden but said he was misrepresented in the book. **Toby Harnden refused to give evidence to the Smithwick tribunal and as he was non-resident, he was not a compellable witness.** His suggestions had been taken up as established fact by journalist Kevin Myers, northern politicians, and southern politicians. The narrative was given life by the allegations of Kevin Fulton/Peter Keeley to Judge Cory and subsequently to the Smithwick Tribunal. Self-evidently no facts were established to sustain the spurious allegations made by Harnden, but the truth had been spun out of recognition.

Suggestions Kevin Myers⁸⁸ – Irish Times 10th March 2000

Kevin Myers produced a fantasy piece on collusion which echoed Toby Harnden's Bandit Country and other mysterious sources alleging collusion. His piece de resistance was the quote Nationalist Ireland is happy to point accusingly at complicity-with-terrorism in the RUC, it is strangely silent when it comes to confronting similar betrayal of duty in the ranks of the Garda Síochána. He didn't have a screed of evidence or tangible fact to substantiate that statement. This became obvious when he gave evidence to the Smithwick Tribunal on Day 44, 19th October 2011 and Day 50, 28th October 2011. He admitted frankly that he didn't have evidence.

Q. And you seemed to draw a very clear distinction last week, Mr. Myers, that while you have an opinion, and you have written your opinion and voiced your opinion, you have no evidence whatsoever to offer the Chairman to suggest that there was collusion in relation to the Breen and Buchanan murders?

A. I have no evidence that would be of any interest to any court anywhere, as we understand the word 'evidence', yes.

⁸⁸ *Days 44 and 50*

Smithwick reported somewhat regretfully,

13.2.17 Without hearing evidence⁸⁹ from Mr. Myers' sources, or at least knowing something more about them to be able better to assess their access to relevant knowledge, little evidential weight can be accorded to Mr. Myers' article and evidence.

In legal circles flawed information is called "Fruit of the Poisoned Tree". Self-evidently Harndens failure to give evidence negated his allegations of collusion. Logically all other suggestions based on his flawed allegations were similarly flawed. They were "Fruit of the Poisoned Tree".

Operation Collusion South

The political landscape was changing in Ireland for the better in 2005. The PIRA declared an end to their armed campaign on the 28.7.2005. This move was to pave the way for the inclusive political progress which was to follow. There was however the legacy of horrendous crimes committed and the malign question of collusion by British Security Forces and the RUC in those crimes. The "solution" was to have several judge led inquiries into those allegations. The overwhelming number of the collusion allegations related to Northern Ireland. It was obvious that the British side or at least elements of it would not accept that these should be confined only to allegations made against their institutions. **This is how the drive for "parity of collusion' inquiries came about.** The driving impetus for this initiative came from, journalists, security elements, loyalists, northern politicians aided by some Fine Gael politicians in the south. **This loose coalition became the Operation Collusion South initiative.** There is no doubt that some of these individuals were acting in good faith. Others had no such noble motives and were actively pursuing definite nefarious objectives. The intelligence agencies often refer to "helpful idiots", those people who can be quietly manipulated and used for their purposes. Also, the British agencies have enormous resources both electronic and human. They run agents and informants including

⁸⁹ *And by extension to anyone else peddling the same nonsense - authors note*

“participating informants⁹⁰” as a matter of course. It is rarely appreciated in Dublin the degree to which the British Intelligence and Security Services are formally included in the political system. The British Prime Minister occupies a strong formal directive role in their operations. Plausible deniability is built into that equation. Similarly, these agencies have a direct interest in protecting the commercial interests of their country not just the security issues.

Tom Oliver Murder

The other wild card introduced to the Tribunal was the murder of farmer Tom Oliver in 1991. This unfortunate man’s murder was not included in the terms of reference of the Tribunal, but it was used to bolster the credibility of the witness Kevin Fulton/Peter Keeley. This ploy failed miserably.

Political Interference - The Dear Bertie letter – 25th March 2000⁹¹

The letter from David Trimble to Taoiseach Bertie Ahern found at Day 62 Tribunal Transcripts

"Dear Bertie,

Over the last months and years your government has supported inquiries into allegations of collusion between the British security forces and Loyalist paramilitaries in the deaths of Rosemary Nelson and Patrick Finucane. I know; therefore, you will be as concerned as me of reports of collusion between the Provisional IRA and the Garda Síochána. It would appear anachronistic in the context of the Belfast agreement if Irish citizens were to receive a lower standard of human rights protection than that which people in Northern Ireland enjoy. In the Irish Times of 10th March 2000 by Kevin Myers. His allegations of direct Garda collusion in the IRA's murders of six RUC officers, Robert, Maureen and David Hanna, and Tom Oliver are extremely serious. Furthermore, it seems likely that the IRA could not have murdered Lord Justice Gibson and his wife if there had not been Garda collusion. The allegations are also rehearsed in Toby Harnden's

⁹⁰ An Individual in the British System who as an informant/agent has been approved to participate in crime. (There is lack of clarity if that approval includes the commission of the actual crime).

⁹¹ Day 62

book, 'Bandit Country'. The IRA "mole" who would appear to be responsible has never appeared before a court and was not even reprimanded. Instead, when his identity was uncovered by the RUC, he was merely posted to another garda station. He now lives contentedly on a garda pension in the Republic of Ireland. Given that your government has taken great interest in establishing RUC complicity with loyalist terrorism, I hope, in the spirit of parity of esteem⁹², that you will now accede to a similar public inquiry into the allegations I mention. I know you will want to avoid any accusations of operating double standards. I am confident that an inquiry will find that the Gardai, like the RUC, has, as an institution, proved itself to be a world class organisation in the forefront of the fight against European terrorism.

Yours sincerely,

Right Honourable David Trimble MP, MLA."

Mr. Trimble was building his assertions on the poisoned tree produced by Toby Harnden and Kevin Myers. He echo chambered them as if they were established facts.

Politicians East and West repeat the Suggestions 13th April 2000

Jeffrey Donaldson⁹³ MP speaking in the House of Commons, Northern Ireland Grand Committee on the 13th April 2000 made the following remarks: "In particular, an independent public inquiry should examine the evidence⁹⁴ that Owen Corrigan, a retired Detective Sergeant now living in Drogheda, passed information to the IRA. On the morning on which he died, Chief Superintendent Breen expressed concern about Sergeant Corrigan's known IRA sympathies. Why was action not taken by the Irish police to prevent sensitive information from falling into his hands? Mr Harnden's book alleges that the RUC had technical information, gleaned, one presumes, from the watchtowers in South Armagh, that proves that the IRA was contacted from within Dundalk Garda station on the day on which Chief Superintendent Breen and Superintendent Buchanan were murdered. "

⁹² *parity of esteem = parity of collusion in this context - authors note*

⁹³ *Day 64*

⁹⁴ *There was no evidence in the legal sense, allegations had been massaged into reality by Toby Harnden initially and thereafter repeated with gusto.*

Parliamentary Questions in Dáil Éireann – 13th April 2000

Charlie Flanagan TD to Minister for Justice

Question:5 Asked if he will order an appropriate investigation into allegations of Garda collusion with proscribed republican terrorist groups along the Border area in the 1980s and 1990s which may have been responsible for multiple atrocities causing death. [11343/00]

Charlie Flanagan, T.D., was (in April 2000) the Opposition Spokesperson on Northern Ireland, the Vice – Chairperson of the British Irish Parliamentary Body, and the Chairperson of that Body’s Security Committee. He told the Tribunal that Kevin Myers’ article committed to print: “issues that had been circulating in certain political circles that would have been mentioned in the fringes of some meetings.” Charlie Flanagan also told ⁹⁵ the Tribunal that he had met with senior RUC Officers on the fringes of meetings where collusion was mentioned. He obviously met Jeffrey Donaldson as well and he seemed to think that questions asked in the two parliaments on the same day was a coincidence. Really? He also spoke with Kevin Myers and had calls from a purported garda whom he never identified. He was strongly influenced by the innuendo narrative of collusion started by Harnden and amplified by Myers.

The Tribunal also heard evidence from Jim Higgins⁹⁶, M.E.P., who in April 2000 was the Opposition Spokesperson on Justice. He said that it was Kevin Myers’ article which prompted him to table a parliamentary question. In response to a question, he said that he had been contacted by Gardai on the telephone who supported the suggestion of collusion. He had “forgotten” their names due to the passage of time. *Very plausible Mr. Higgins*. He undertook to provide those names (the alleged colluders) to the Minister but failed to do so.

⁹⁵ Day 71

⁹⁶ Tribunal Day 56

Brian Hayes TD also asked a similar question and was referred to the earlier answers of the Minister. Three Fine Gael TDs asked the same question on the same day in the Dáil and on the same day as Jeffrey Donaldson named Owen Corrigan in the House of Commons. This was no coincidence.

Weston Park Agreement – July 2001⁹⁷

Clause 18 of the agreement was designed to deal with the vexed question of collusion. Judge Cory a Canadian was appointed to decide whether a Tribunal Investigation would be warranted based on information made available to him.

“Both Governments want the new policing arrangements now being established to focus on the future. But they also accept that certain cases from the past remain a source of grave public concern, particularly those giving rise to serious allegations of collusion by the security forces in each of our jurisdictions. Both Governments will therefore appoint a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion in the cases, of the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, Pat Finucane, Lord Justice and Lady Gibson, Robert Hamill, Rosemary Nelson and Billy Wright”.

Judge Cory Review commenced May 2002

This review was the direct consequence of the Weston Park Agreement. Two of the atrocities examined related to Border murders, those of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, and Lord Justice and Lady Gibson. He ruled that there were no grounds for an inquiry in relation to the Gibson murders. In the case of the police officers, he said that,

Cory 2.162.1 I have considered carefully all the relevant material, the relevant factors, the intelligence reports, and the Fulton 98 statement. I have concluded that the documents reveal evidence that,

⁹⁷ *Intergovernmental Agreement UK & Ireland arising from Good Friday Agreement*

⁹⁸ *Judge Cory did not seem to know Fulton’s background or credibility, nevertheless his endorsement was highly conditional “if accepted could constitute collusion”...*

if accepted, could be found to constitute collusion. As a result, there must be a public inquiry.

Fulton Statement⁹⁹ to Judge Cory

2.149 On 9th September 2003 Kevin Fulton, accompanied by a friend, delivered to me a statement. It reads as follows:

In 1979, I enlisted in the British Army. Within months of my posting, I was recruited by a British intelligence agency to act as an agent. In this capacity, I became a member of the Provisional IRA.

On one occasion in the late 1980s, I was with my senior IRA commander and another individual in my car . I knew the other individual to be Garda B. I was introduced to Garda B. I knew that Garda B, who was stationed at Dundalk, was passing information to the Provisional IRA.

I was in Dundalk on the day of the ambush¹⁰¹ of Superintendent Buchanan and Chief Superintendent Breen. I am aware that, after the ambush took place, my senior IRA commander was told by a member of PIRA that Garda B had telephoned to the Provisional IRA to tell them that officers Breen and Buchanan were at the Dundalk station.

I should add that I know nothing about the murder of Lord Justice and Lady Gibson. I have read this statement and its contents are true and accurate. (Signature)

Fulton did not tell his handlers of his alleged meeting at Fintan Callans¹⁰².

The Fulton intervention was significant, and it is doubtful if in its absence Judge Cory would have recommended a public inquiry. There were cloak and dagger manoeuvres in producing Fulton to Judge Cory. It appears that he was introduced by William Frazer because at this stage Judge Cory was unlikely to make a recommendation for a public inquiry

⁹⁹ Cory Report 7.10.2003

¹⁰⁰ This was the Alleged meeting at Fintan Callans car park in 1991. In evidence he says he didn't speak to Corrigan then and was not introduced. This alleged meeting took place a few months before Tom Oliver was murdered in July 1991. I stayed in the car. I just -- as I always did, 'Mooch' got out and walked in and then came out and Owen Corrigan came out behind him, got into the back of the car and 'Mooch' got in. They were talking about, it was Tom Oliver who was working as an informant, he had been caught with an unlicensed shotgun and again, I sat there. I never, ever spoke, I just sat and listened and looked out. (Tribunal Day 66)

¹⁰¹ March 20th 1989 Murder Breen and Buchanan. At this stage the alleged informant had only been referred to as "Our Friend" not by name.

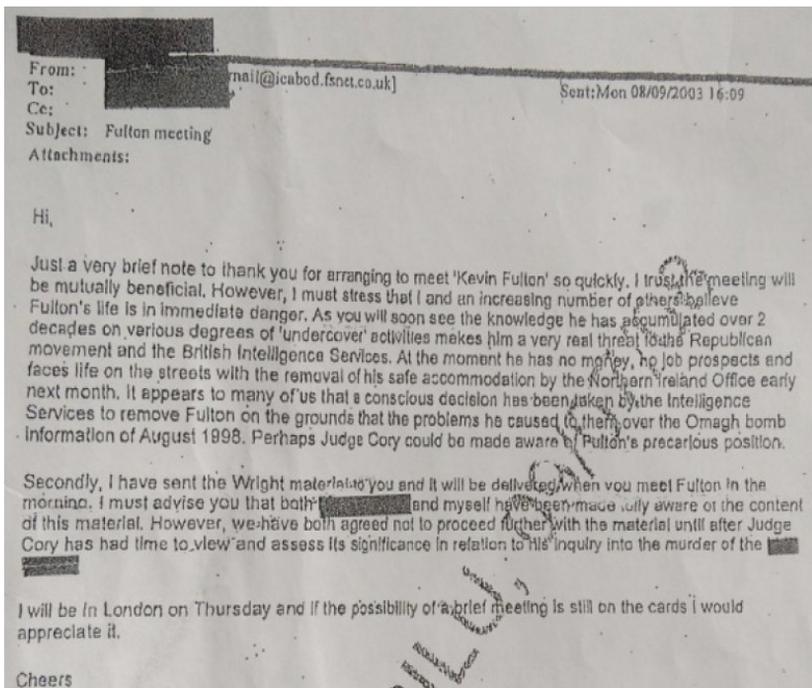
¹⁰² Did you tell your handlers, before Mr. Oliver was murdered, what had been said to you? A. No, I told them afterwards. (Tribunal Day 67)

regarding the RUC officers murders. This meeting occurred on the 9th September 2003 but on the day before the meeting an email was sent from a redacted source to Judge Cory.

Mysterious Email to Judge Cory HMG

This email was read into the record on Day 118 with one mistake, “the right material” This should have read the “Wright material”, presumably a reference to the murder of Loyalist Billy Wright in prison.

Figure 48 Redacted Email - Collusion South



On this same day Judge Cory¹⁰³ wrote to an ACC PSNI and enquired,

¹⁰³ Submission Counsel Garda Commissioner Not included in Printed Version of the Report – CD Only

“Re; Inquiry into the murders of Superintendent Buchanan and Chief Superintendent Breen. I am writing to inquire about intelligence material which you have not yet seen in connection with the above noted inquiry. I understand that an individual who refers to himself as Kevin Fulton may have been working as an agent for the RUC Special Branch during the late 1980’s and 1990’s. I also understand that this particular agent provided various reports to his handlers regarding Special Branch Garda Officer named Owen Corrigan who is stationed at Dundalk.” There follows a redacted portion of the letter. It then continues to make the following request: “...and if so whether your agency is in possession of any intelligence material pertaining to officer Owen Corrigan.”

Judge Cory was led to believe that Kevin Fulton was a Special Branch agent and had provided his handler with various reports regarding a Special Branch Garda Officer named Owen Corrigan. This appears to be entirely in conflict with Mr. Fulton’s evidence. Secondly, he appears to have been introduced or pushed towards Judge Cory for which gratitude was expressed in an email dated the 8th September 2003.

Coincidentally or otherwise Kevin Fulton’s statement dated the 9th September 2003 was provided to Judge Cory who, having considered everything made available to him, clearly decided in the light of such statement that he would recommend the holding of a public inquiry. He did so without any further intelligence material being supplied to him.

It appears, therefore, that Judge Cory was persuaded to recommend the holding of this Inquiry without corroboration and notwithstanding the change relating to the alleged role of Mr. Fulton as a British Army agent. He, Judge Cory, does not appear to have been supplied with any documentation which would substantiate.

- (a) *the recruitment of Kevin Fulton as an Army or so called FRU agent;*
- (b) *any contact document, MOD 24 relating to Kevin Fulton;*
- (c) *any other document purporting to show that he had in fact reported in any way on a member of An Garda Síochána allegedly colluding with the PIRA.*

Tribunal Hearings - Oral Evidence

Oral evidence commenced 17th June 2011. “*The Tribunal reported that to date we have interviewed 214 potential witnesses: 107 members or*

former members of An Garda Síochána; 42 retired RUC officers or serving PSNI officers; and 65 others, including politicians and telecoms personnel’. The Tribunal was established on the 23.3.2005 and it spent the six intervening years involved in private investigations. It had been the subject of a number of “hurry up requests” from the Minister.

The Legal Scrum

On the morning of the 14th December 2011 the full legal teams assembled under the tutelage of Judge Peter Smithwick. Kevin Fulton/ Peter Keeley was to be the star witness, the jewel in the crown of the Tribunals lawyers. Fulton’s evidence was to continue to 15/16 December, Day 66, 67 and 68¹⁰⁴ of the Tribunals public sittings. This was the veritable scrum of lawyers so eloquently described by Judge Charleton. Despite the obvious and overwhelming rebuttal of the star witnesses Fulton and Harris, Judge Smithwick made his inexplicable and outrageous finding of collusion against unnamed, unidentified and defenceless members of the Garda Síochána. The consequences of this decision were immediate and longstanding another badge of shame had been added to the reputation of Gardaí. In the rambling narrative and in the thousands of words accumulated over many years by Judge Smithwick and his staff one paragraph stands out for special consideration

Smithwick 23.1.2 Collusive acts are, by their very nature, surreptitious.

Absent a phone call or incriminating bank transfer, if collusion has occurred, the evidence of it will almost certainly be difficult to find. In the instant case, leaving to one side the question of intelligence¹⁰⁵, the Tribunal has not uncovered direct evidence of collusion. There is no

¹⁰⁴ <http://tiny.cc/ow31bz> Link to Consolidated Fulton Evidence Days 66,67,68.

¹⁰⁵ *Judge Smithwick placed inordinate weight on the information produced, the so called intelligence and particularly the remarkable late intervention by ACC Harris PSNI and evidence of double agent Kevin Fulton*

record of a phone call, no traceable payment, no smoking gun.

In other words, he found nothing!

The extraordinary format of the report served to obscure significant information from the reader or the media. This was because the written report consisted of 434 pages only. Omitted from this written report were the submissions made by counsel for the respective parties. This information was supplied on a CD disc which accompanied the report. This methodology was an indirect form of censorship and it beggar's belief that after eight years of deliberation a fully documented report could not be produced. It also meant that the critical analysis by opposing counsel and the Tribunals own lawyers was lost to the reader. This was a sloppy approach at best and downright sinister.

Who was the star witness Peter Keeley AKA Kevin Fulton?

Peter Keeley AKA Kevin Fulton was born in Newry, Co. Down and joined the British Army as an 18 year old in 1979. He told Judge Smithwick that,

"When I joined (1979)" the British Army, I was sent to the Recruit Selection Centre, it's in Sutton Coldfield, and it was to put you through to see which parts of the army would be suitable or what you would like. So, I went to Sutton Coldfield, went through recruit selection, and then I decided to join the Royal Irish Rangers, which was an Irish regiment of the British Army" 15.6.12 He said that he is no longer working for any agency. He said it was common knowledge that he was in dispute with the people he used to work for, and that he had been treated unfairly by his employers in the past. He indicated that he felt that he was now being fairly treated by MI5, who have taken control of his case. His expenses and accommodation are paid for by MI5, but he is not involved with them in the sense that he no longer works for them or with them. 2011

He described the slow process by which he was inducted into British Military Intelligence. This process lasted for several years. He says he became part of an undercover Unit known as the Force Research Unit (FRU). He was given bogus discharge papers in 1981 and told to return to his native Newry and to slowly infiltrate the PIRA there. He mentions meeting "Mooch" Blair a well-known PIRA man for the first time

following an encounter with PIRA in Dundalk. He was stripped and interrogated by them. He says the “mantra” for infiltration was “ask no questions” just be there. Slowly he gained their confidence and eventually says he became Mooch’s “driver”. He regularly travelled between Newry and Dundalk. He held different “normal” jobs at various times which enhanced his legend or story. He was sent to prison in Northern Ireland in 1985 arising from the theft of a lorry and contents for the PIRA. He remembers it well because three RUC Officers were murdered in Hill Street Newry in broad daylight while he was on temporary release on the 26th July 1986. They were Sergeant Kilpatrick and Constables Allen and Blackburne. He told the Tribunal that he was not able to provide information to his handlers on that occasion. He was directly involved in bomb making in the Republic¹⁰⁶. He was arrested in Dundalk briefly in 1989 shortly after the RUC Officers murder. He alleged that Corrigan came into the interview room while he was being interviewed. At one stage he said he was interrogated by Corrigan but changed that account during his Tribunal evidence.

He describes in a somewhat disjointed way his progression from outsider to insider. He admits being a driver for the PIRA Internal Investigation Unit¹⁰⁷ and moving material into support interrogations and taking messages out to senior PIRA figures. He denies being involved in actual interrogations. Self-evidently he was trusted by PIRA at that time, and he says that was when he got to know Freddie Scapatticci. He says that part of his role was to aid the logistics for the “Nutting Squad”. Hire van and cars for their use. Provision the interrogation houses and remarkably at the end of a day’s interrogation bring the notes and tapes of the interrogation to Patsy O’Callaghan. He would review them and use a voice stress analyser to gauge the attitude of the prisoner. He had been supplied with cars at different times by his handlers and some of these

¹⁰⁶ Yes. Now, you told us that it was around this time as well that you were in fact or was it in the late-eighties that yourself and 'Mooch' and others were making bombs?

A. In the Republic of Ireland, yes, sir, we made bombs. We experimented with new types of incendiary devices, new mixes in fertilizer and things like that. And we also then started working on flash units, we called it the 'Eye'. (Tribunal Day 67)

¹⁰⁷ The so called nutting squad – victims were shot in the head

were electronically tracked and fitted with recording equipment.

The Tribunal strayed into the underworld of black operations. It would be naive in the extreme not to understand that most parties to conflict engage in deniable black operations. This involves agents like Fulton who infiltrate the opposition, or it involves the recruitment of informants. Motivation is an important part of this scene, people do it for money, some people are coerced into playing the role and a number may simply do it for philosophical reasons. Fulton was a paid agent and he operated on both sides of the border. In 2011 he was still being financially supported by MI5 the Security Service. He was provided with an apartment in London and he had a weekly allowance. Open sources¹⁰⁸ allege that Fulton was arrested in London 1st November 2006 and flown to Northern Ireland. According to reports, over the next five days he was questioned on 30 occasions by the C2 serious crime unit of the Police Service of Northern Ireland (PSNI). These interviews centred on details of murders that he had revealed in his recent book *Unsung Hero*, carried out during the period when he was working undercover within the Provisional IRA. He wasn't charged with any offences, but it is believed there are at least nine serious crime enquiries open about his activities. It emerged in his evidence to the Tribunal that his wife was suing the British state and Freddie Scappaticci and that Fulton had provided her with a statement but maintained that he didn't know that she was involved in legal action despite talking to her every day.(Day 68).

Then incredibly in 2003 he was involved in a project in London with an Art Gallery¹⁰⁹.

"Former army spy has launched an Internet website promoting art work based on his years as an undercover agent in Northern Ireland." Then it gives the name of the website. "Is the brainchild of Kevin Fulton of the top-secret Force Research Unit. His website shows how household items such as coffee jars, nails and a glue gun can be adapted and used to build bombs. Fulton says he hoped his work would give the public an insight into the world of the terrorist." And then: "'For the first time, the public can actually see what a terrorist device might look like,' he says."

¹⁰⁸ *Guardian* 1.12.2006 Steve James

¹⁰⁹ *Day 68*

Q. Now, did you say that to the Sunday Mirror?

A. I can't remember, but I may have said it, but it's quite clear it would give the public an insight into what terrorist devices looked like, yes, sir.

We know from that he was an agent for British Army Intelligence, probably a member of the Force Research Unit (FRU), then MI5 Security Service, RUC Special Branch, RUC CID, Customs and probably significant freelancing in crime as well. It is difficult to tell precisely what his affiliation was on the March 20th 1989. Mostly probably he was still with FRU but also possible that RUC SB and MI5 had visibility or partial control.

15.6.2 Mr Fulton said that he changed from being solely a military agent to being handled jointly by the Military and MI5 after his return from Euro Disney. As already noted above, RUC Special Branch officers were sometimes also involved with these organisations in the debriefing of Mr Fulton. He was subsequently an agent for Customs and Excise and, ultimately, for the RUC CID.

15.6.3 Mr Fulton was registered as an RUC CID Informant in June 1996 and in 1997 and was granted "participating informant" status, which permitted him to participate in criminal activities with the consent of the RUC.

RUC Colluding with PIRA

Apart for allegations made about garda collusion he also said,

On Day 67 (page 93) Mr. Fulton wrote down the names of RUC men¹¹⁰ who he alleged were colluding with the IRA. One of them was arrested over the mortar attack on Newry Police Station and matters relating to Warrenpoint. He said that this man associated with a man in Dundalk who was closely linked to Slab Murphy. The extent to which this has been investigated by the Tribunal is unknown, however, it seems reasonable to expect that this ought to have been addressed by evidence in the Tribunal. So, at the very least to deal with the possibility that the Superintendents were betrayed by a rogue RUC officer.

ACC Harris, when asked did he, as Assistant Chief Constable, regard

¹¹⁰ *There is no record of follow up to this allegation*

Mr. Fulton as being a source of reliable information, said;

“There is an issue with Mr. Fulton in terms of whatever point in time one wants to make that assessment but at this moment in time one would view any information from Mr. Fulton with some degree of scepticism and you would wish to seek a great deal of further clarification”

The Tribunals reliance on Kevin Fulton/Peter Keeley

Kevin Fulton’s role was central to Collusion Project South. He was the catalyst for the concerted action to influence Judge Cory. He was in the witness stand at the Tribunal for three days.¹¹¹ He commenced his evidence with a certain amount of drama. He was screened from the room with the Judge and the examining barrister seeing him only. At the start a solicitor for Mr. Freddie Scapattici¹¹² announced his presence. He objected to the screening of his view of Fulton but was overruled by Judge Smithwick.

The examination in chief of Fulton and the cross examination by the lawyers for the other interested parties produced an incredible array of events which would have been totally at home in a John LeCarre spy thriller. He was proffered as a witness of credit by the Tribunals lawyers. At this stage his spying and black operations career spanned something like thirty years. The ostensible reason for his presence was the fact that he had accused Sergeant Owen Corrigan of colluding with the PIRA in the double murder of RUC officers Harry Breen and Bob Buchanan. As it transpired his evidence had little probative value in making any such linkage. He admitted many contacts with the media over the years, but he denied all unfavourable stories attributed to him even when he had provided interviews. He had contributed to an extreme conspiracy theory radio show in America. He had shared the airwaves on that occasion with Ian Hurst/Martin Ingram another British Agent and member of the FRU. By the time he got to the Tribunal he was in dispute with Hurst.

¹¹¹ Days 66,67,68 Note the excerpts from the Transcripts are not in sequential order.

¹¹² British Military Under Cover Agent at the heart of the PIRA – Stakeknife and the subject of Operation Kenova

The despicable murder of Tom Oliver had also been added to his evidence repertoire even though this killing was not included in the terms of reference of the Tribunal. He had published a book "Unsung Hero" or at least it was published in his name. This became a millstone for him in relation to his role in the Tom Oliver murder. In the book he was quoted as saying he went to work in Euro Disney in Paris in August 1991. He denied in direct evidence that this timing was right and claimed he had gone to Paris before the murder in July. He also claimed that there were two abductions of Tom Oliver and that he was only involved in the first abduction. In this regard counsel for the Tribunal led him approvingly down this denial road by seeming to endorse his timetabling.

Kevin Fulton, Was Examined by Mrs. Mary Laverty ¹¹³ Counsel for the Tribunal

In relation to the murder of Tom Oliver,

Day 66 Q 397

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. So, in the meantime, we actually drove out of the car park, because I mean there was bouncers at the hotel, people would look at you. So we actually went out onto the road where the Ballymascanlon turn-off is and we waited, there was like a telephone box down the road. So we waited there in the car with the car turned around, but during this time when we were sitting talking, me and the guy in it, again never asked his name, he didn't ask mine, we were sitting talking and next thing the border patrol came up, which was one garda car with two guards in it, uniformed, in like a Land Rover Discovery, you know that kind of jeep thing, which was the Irish army, and they actually came out and came and knocked on the car window and asked us, basically, they were going to ask us who we were. So what we came up with is: I am giving you a price for painting your house. So, I said to the guy, and the guard did come, he asked

¹¹³ Extracts from Fulton's Evidence to the Tribunal, the witness is favourably led in his testimony by the Tribunal Barrister

us "Who are you? What are you doing?" I said, "I am giving him a price for painting his house." And we were panicking because we were expecting the guys coming at any time with the van, and lucky enough the guards finished their notes, wrote their notes down and got into their thing and away on they went¹¹⁴. Next thing, a few minutes later the van pulled up behind us and we had actually told them what happened. So we went into the car park, they actually got into the car, 'Mooch' 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.

Q 403

So you drove the van? A. I drove the van, yes.

Q. With 'Mooch'? A. And Tom, yeah, and the man in the back, yeah, yeah.

Q. Was there anybody else with you at that stage? A. Not in the van at that stage. That was us just heading straight out.

Q. Had you a car behind you then?

A. No, that car, they all got into the car, the boys¹¹⁵ that were in the van, and went back to Dundalk.

Q 407 I see. And when you got to the place you were dropping him off, were there more people waiting there?¹¹⁶

A. Yes, there was a car with C, Man C, and Freddie Scappaticci¹¹⁷. And Man C lifted Tom Oliver out of the, you know the side of the van, he was actually tied up, he had cable-ties and he was blind folded and I didn't realise it until he -- he put him into the boot of the car, so I went away home, and at that stage we had already talked about the guards turning up, and I was actually told you will not be able to come back down again because this guy is not coming back, but it ended up he did come back because he never admitted anything¹¹⁸. But when I got into -- I went out home through South Armagh through Crossmaglen and into Camlough. 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 boot¹¹⁹ still in it so I threw the Wellington boot over the wall.

¹¹⁴ If true this was verifiable contact, was any attempt made to confirm this encounter?

¹¹⁵ This was the abduction gang clearly identifiable.

¹¹⁶ Counsel led him conveniently to a cut out in his story i.e. it was them not me.

¹¹⁷ This was the killing gang and all identified by Fulton, so what happened with that information?

¹¹⁸ Sources say that there was no second kidnapping, he was abducted and killed that time,

¹¹⁹ Tom Oliver's Boot, he was sanitising the van for forensic evidence.

Q 412. But on that occasion, did you get the job of bringing him back?

A. No, no, I didn't bring him back because at that stage we thought he wasn't coming back. So it was C, Man C actually said "Don't be coming back because you will have to stay north now," you know, because we were stopped by the guards, they had our details, so we thought automatically they will connect us with that because their intention he wasn't coming back.

Q 413 But on that occasion, I think that Tom Oliver was released ? A. He was, yes.

120

Q. I think there is, if I may just draw your attention to the fact that in this book "Unsung Hero" which is attributed to you, it says you went in August 1991 A. I don't know. The book has got inaccuracies in it. I had no editorial control of it.

121.

Day 67 Q 411. Did you tell your handlers, before Mr. Oliver was murdered, what had been said to you?

A. No, I told them afterwards.

Day 67 Q 433 Because in your book, you state the following, at page 158: "I shrugged off their disapproval and in August 1991 headed out to Paris." So you are telling us, in your book, that you headed out to Paris in August 1991 after Tom Oliver was murdered on the 18th of July, 1991.

Day 66 Q 251 Were you ever interviewed yourself about operations that you had passed on information about to your handlers? A. Yes, and that is one of the most scary times. When you give your handlers information¹²², you know, usually they tell you what they'll do with it. A lot of things, what your handler will do is called a frustration, and, really, it is the best, because if they frustrate an operation, if they know we are going to kill there is an army patrol or a policeman drives past this spot every morning, they'll tip that person off and he won't turn up.....The great problem is if someone is caught on a job.

¹²⁰ Counsel for the Tribunal was leading Fulton to the appropriate self-serving answer absolving him from the murder of Tom Oliver

¹²¹ Tom Oliver was murdered July 18th 1991 – Fulton had to revise his Disneyland trip date as outlined in his book "Unsung Hero", otherwise he was clearly in the country at the time. Did the Tribunal confirm any of this? No?

¹²² Fulton did not alert his handlers to the Tom Oliver situation

Counsel for AGS summed up Kevin Fulton

Day 67 Q 95 You told the Chairman yesterday about three alleged events in which you say Owen Corrigan provided assistance to the IRA: The first being the murder of Chief Superintendent Breen and Superintendent Buchanan; the second being the seizure of explosives in Omeath; the third being the setting-up of Tom Oliver. Now, what other type of assistance, leaving aside those three, but by the time of the murder of the two RUC officers in March 1989, when Owen Corrigan -- when the name "our friend helped us out" was mentioned to you by Mr. A, you were aware that was Owen Corrigan, weren't you? A. That is who I took it to be, yes.

Day 66 Q 110 Give me another example of Owen Corrigan providing assistance to the IRA prior to March 1989? A. The only other things I can give is the Tom Oliver stuff. That was 1991? Yes.

Q.110 Give me another example? A. I can't give you any more examples because I have none of that.

Day 67 Q 361 Let me tell you why: Owen Corrigan went on certified sick-leave from An Garda Síochána on the 4th December 1989, some 20 months before Tom Oliver was murdered? It was well before you say he gave this sensitive information to 'Mooch' Blair? A. Right.

Day 67 Q 468 I now want to take you to the events of the 20th March, 1989, when Chief Superintendent Breen and Superintendent Buchanan were murdered. It's correct to say, I think, that you have no direct knowledge as to whether or not Owen Corrigan was involved in their murders? A. Well, I was told, as you are rightly aware, that it was "our friend," and I took that to be Owen Corrigan, yes.

Q. So I am correct, you have no direct knowledge?

A. No, I have no direct knowledge, no, and I wasn't involved in that murder, either.

Q. Yes. Your evidence is that you assume or you speculate that Owen Corrigan was involved, isn't that correct? A. That is correct, yes.

Q 530 Do you think if the IRA were informed that -- or if Patsy O'Callaghan informed at, say, quarter past two, that the officers were in the station, that the IRA would have been able to mount and launch an operation at ten to four? A. Not at that short a notice, no. It's just not possible?

Q 617 Am I to take from that, Mr. Keeley, that you are stating that there were RUC officers who colluded with the IRA? Not with me, but with the IRA. A. Of course there was, yes. Of course.

Q. Would you, and identify them? A. Absolutely.

Q. Would you write them down because it would be of relevance to the Inquiry. A. Yes.

Q. I would ask you not to name them because it would be extremely unfair to name people.

A. Yes. (Witness writes names down and hands to the Chairman. The spelling may not be totally correct, but you will know the person. He was with -- yeah.

Q 681. MI5 are paying for your – A. My accommodation. Yes.

Q. Do you remember there was an article written by Matthew Teague in The Atlantic magazine?

A. I do, yes..

Q. He, in that article, said you took him back to your house.

A. At that time, yeah. I won't identify it, I don't need to identify where it is,

Q.....but he said that you lived in an expensive flat with heavy security overlooking a well-known London landmark. Is that a fair assessment of your accommodation?

A. Possibly, yes. Q. And that is being paid for by MI5 A. Yes, sir.

Q. Have MI5 spoken to you about your cooperation with, and giving evidence to, this Tribunal?

A. Absolutely not, sir, no.

Q. Who do you talk to from MI5 when you want to talk to them?

A. Absolutely no one, sir.

Q. You don't talk to them?

A. No, sir, I don't.

Q. Well, if there are issues -- they are paying your rent on an ongoing basis, aren't they.

A. Yes, sir, that is correct.

Q. And are you getting a wage from them on an ongoing basis? A. I get a subsistence to help me survive.

Q 693 In an article published on the 11th of September of this year (2011) in The Observer, Mr. McDonald says the following, he says:

"Another FRU agent and one-time IRA member known as Kevin Fulton has claimed State agents involved in the ambush killed the two police officers to prevent them being handed over to a provisional interrogation unit with the danger of them leaking the names of informants under torture." A. Absolutely not, sir. I did not -- that cannot be attributed to me because I never said that.

Q. You never said that to him? A. Absolutely not, no.

Car tracking

Q 818 A. They'd got me to drive around the roads in south Armagh on a prearranged route, and basically they'd put a flick switch in it that I would drive a route at a certain time and that they were hoping that the IRA would have a road check and stop me, and if they did, I would just flick the switch and just, if the IRA would let me go, I'd go on, but then they'd be waiting in Bessbrook and they would come up in a gun ship

Q 821 A. Many years later I got a car from MI5 and it had satellite tracking in it, it had recording devices inside it as well. And this car, I was actually told by MI5 to lend it to the people in Dundalk, which I did. So I would lend IRA members this car. It was a Peugeot 405.

Q. When was this? A. Oh, this was in the '90s.

Q. About when? A. Oh, let's see. After I came back from Euro Disney, it would have been then. They got me a car. At the start they were actually hiring cars for me, and it would have been costing maybe -- it was costing thousands of pounds, you know, to hire cars.

Day 68 Q 36 Now, I think you told us yesterday, beginning at, I think, question 849, on Day 67, that you were making bombs in the Republic of Ireland with 'Mooch' Blair, and that you were trying out new types of incendiary devices, new mixes in fertilisers, and things like that. A. Yes, sir, that is correct.

Q. And that you told your handlers of that?

A. Yes, sir.

Q. And to give you a relevant date, I think it was -- you've said it was shortly before the murder of Colleen McMurray? A. Yes, sir, that is correct.

Q. And that was in 1992?

A. Yes, sir.

Q. So that was the following year. Who would you have given that information to?

A. It would have been to the, some of the names that I have just said there now, yes, sir. It would have been the MI5 people and the army personnel and there was other people unidentified.

Day 68 Q 152 Did you provide information to the Sunday Independent about a milk scam sometime back in 2004?

A. The Sunday Independent, I might have spoken to a journalist who printed it in the Sunday Independent. I would have been -- it wouldn't have been me speaking to the Sunday Independent. I would have been speaking to a journalist, yes, sir.

Q 247 And tell me, did you supply the information to the Sunday Mirror or did they just take it from your website? I mean, if you could read the article. I can't remember. It's "Former army spy has launched an Internet website promoting art work based on his years as an undercover agent in Northern Ireland." Then it gives the name of the website. "Is the brainchild of Kevin Fulton of the top-secret Force Research Unit. His website shows how household items such as coffee jars, nails and a glue gun can be adapted and used to build bombs. Fulton says he hoped his work would give the public an insight into the world of the terrorist." And then: "'For the first time, the public can actually see what a terrorist device might look like,' he says. "Now, did you say that to the Sunday Mirror?

A. I can't remember, but I may have said it, but it's quite clear it would give the public an insight into what terrorist devices looked like, yes, sir.

Q 395 Mr. Scappaticci, you say, was involved in the interrogation of yourself and your wife in 1994? A. Yes, sir.

Q. In fact, that was the very matter that caused you to leave the country, isn't that right? A. Yes, sir.

Q. That was a fairly significant matter, wasn't it?

A. It would have been, yes.

Q. Right. So, when you were recounting in the book various incidents involving interrogations, etc., Mr. Scappaticci, I suggest, would have been at the forefront of your mind because of what you say happened in 1994? A. Not always. John Joe was always there. John Joe was about more than Scappaticci.

Q. No, but Mr. Scappaticci –

A. And 'Mooch' was about more than Mr. Scappaticci

.

Q. But Mr. Scappaticci, if you are right about 1994, had a particular relevance to you, didn't he?

A. Not really, no.

Q. So, this man, who you thought was going to kill you in 1994 and against whom your wife has brought legal proceedings, had no real significance to you when you were writing your book?

A. Not any more than anybody else

Fulton Speaks Again – “Double Agent” 2019

In September 2019 Fulton appeared in print again this time to make another claim for fame. His latest book is “Double Agent”¹²³ this was a reworking of his previous 2006 “Unsung Hero” book. He makes a classic admission in relation to where he was when Tom Oliver was murdered. He had denied at the Tribunal that he was in Ireland and claimed instead that he was in Paris working at Euro Disney.

“The Provos might have appreciated my urge for a break but, to my amazement, my handlers were far less sympathetic. Bob and Pete, full-time dogs of war, just couldn’t comprehend my desperation for complete and utter change. I was holding up their project – or at least that’s how they made me feel. I shrugged off their disapproval and, in August 1991, headed out to Paris.”

This admission by his own hand placed him in Ireland at the time of Tom Oliver’s murder.

Judge Smithwick Believes Fulton - 15.10.3

*The reality is that sometimes Mr Fulton has given truthful information and sometimes he has given untruthful information. This presents to me the challenge of seeing the wood from the trees. I do not attach huge significance to minor, human inconsistencies, for example in relation to the fact that in *Unsung Hero*, which he apparently did not in fact author, it is stated that Mr Fulton went to Euro Disney in August 1991, whereas his consistent evidence to me was that he had gone before the murder of Tom Oliver in July 1991.*

His categorisation of Fulton’s presence or absence from the country at the time of Tom Oliver’s murder as a *minor, human inconsistency* is breathtakingly naïve and incomprehensible. Fulton in his evidence to the Tribunal admitted driving the abducted Tom Oliver to the handover location. He was allegedly taken by the Nutting Squad at that point and undoubtedly tortured and murdered.

¹²³ Fulton, Kevin. *Double Agent*. John Blake Publishing, First published in hardback by John Blake Publishing in 2006 as *Unsung Hero*. First published in paperback in 2008. This paperback edition first published in 2019.

The Judge also commented, “*He sat only metres from me, and I observed him throughout. He was a very impressive and credible witness and I have formed the view that his evidence was truthful*”.

Really Judge, this is a man who walked with murderers engaged in criminal acts and practised deception on behalf of the British state on a grand scale and you could tell that he was truthful just by sitting beside him?

Fulton’s Prior Evidence to Smithwick

*Well, sir, I was out in Paris before Tom Oliver was murdered, and I will now go and try to get the actual dates of the company when I was in Paris*¹²⁴.

DAY 67 Q. I want to suggest to you that there were not two abductions of Tom Oliver, do you agree with that?

A. Well, you are saying that. I say there was one abduction where I was there and the second one when he was killed.

Q. I want to suggest to you that the reason you are telling this Tribunal that you were in Paris at the time of Tom Oliver's murder, is because you are trying to distance yourself from Tom Oliver's murder?

A. No, sir, I wasn't here when Tom Oliver was murdered. Definitely not.

In his latest book “*Double Agent 2019*” he also admitted his involvement in the murder of Eoin Morley in Newry on the 15th April 1990. The PIRA allegedly apologised for this killing in 2007 and media reports suggest that Fulton was arrested and questioned by the PSNI in that regard.

¹²⁴ *Did the Tribunal investigate this assertion ? No*

After 8 years of investigation, including six years of purely private investigation by the Tribunals Legal team, 133 days of public sittings and evidence from 198 witnesses, counsel for the Garda Síochána made the following observation regarding the evidence of **Kevin Fulton/Peter Keeley**¹²⁶

It would be hard to think of any other Inquiry or Court proceeding in which a witness had been described by so many other witnesses in the terms in which he has been described, “a compulsive liar”, a “fantasist”, “a conman of the highest order”, “deliberately fabricating information”, “a liar”, and “wholly unreliable”. He himself has admitted lying to his own police Special Branch handlers, to the Stevens Inquiry and has contradicted significant and important parts of his own statement to Judge Cory. Like many skilful liars, the art lies in embellishing the story with as much of the truth as is possible. No witness, credible or otherwise, has been called before the Tribunal to lend any weight or credence to what Mr. Fulton has said. It would seem impossible, in the submission of An Garda Síochána, for any responsible adjudicator to place any weight whatsoever on his testimony

Jeffrey Donaldson¹²⁷ told Smithwick

Mr. Donaldson met Fulton on two occasions before he made his remarks in the House of Commons and on several occasions subsequently. Jeffrey Donaldson MP played a critical role in Operation Collusion South. He says he met with Toby Harnden before he met Fulton and he was impressed by the book. There was an enduring relationship between Donaldson and

¹²⁵ This Submission together with all closing submissions was not included in the printed Volume of Smithwick Report but on CD disc which was supplied with the Printed Volume. This approach was quite extraordinary as it served to misinform debate on the validity of the conclusions reached.

¹²⁶ He was guarded by Tribunal Lawyers in order to salvage their collusion predisposition

¹²⁷ Tribunal Day 64

Frazer. He met Frazer twice before Judge Cory reported and several times subsequently. He met with Charlie Flanagan TD. He met Sgt Alan Mains the RUC sergeant who was Chief Superintendent Breen's Staff officer. Mains also testified before the Tribunal and his evidence was subject to strong cross examination. Donaldson was aware of Mains comments re Corrigan but said he did not discuss them with Mains.

During cross examination this exchange took place.

Q. After you spoke to Kevin Fulton, did you contact anyone in the Royal Ulster Constabulary to assess his veracity or reliability?

A. I spoke to a senior member of the security forces.

Q. That's not a member of the RUC, is that correct – A. I am not going to confirm or deny that.

His last answer was in a formula of words that was used repeatedly by ACC Harris when he came to give evidence.

He also told the tribunal that;

“Well, after the publication of the Harnden book I was approached by William Fraser, who is a victims' campaigner from the south Armagh area; he has lost a number of his own family members, including his father, murdered by south Armagh PIRA. I had met William many times over the course of the years to discuss issues relating to the welfare of victims in south Armagh, but he approached me and he said that he would like to introduce me to someone who may be able to provide information additional to that which had been published in the Harnden book, and so I arranged to meet this individual at the Houses of Parliament in London. The individual, it transpired, was a person known publicly as Kevin Fulton. I am aware of his real name and family background. He was introduced to me as someone who had been an agent working for the security forces, who had infiltrated the Provisional IRA and had a strong inside knowledge of the Provisional IRA in the County Louth and south Armagh areas”.

Witness Willie Frazer FAIR¹²⁸ organization

The campaigner and loyalist Willie Frazer played a key role in the process of Operation Collusion South. He was part of a group which he described to the Tribunal on day 120¹²⁹.

Q. Can you tell the Tribunal who else would have been involved in the discussions leading up to that?

A. Well, there would have been people within my own organisation. For a start-off, there would have been police officers, there would have been retired members of the security forces, there was a few Lords, and stuff. Different people that we'd have been taking advice from and talking to.

Q. So you would have discussed this with Mr. Donaldson and various members of your association, some of whom were retired police, members of the security services and parliamentarians?

A. Well, you see, you are trying to put it into Mr. Fulton. It was a bigger issue than him. There was a lot of things involved.

Frazer played a key role, and he was the person who introduced Jeffrey Donaldson MP to Kevin Fulton. He also accompanied Fulton in his meeting with Judge Cory but denies he knew what statement Fulton was going to provide to the Judge. He also had many contacts in the Loyalist community, the RUC, the Security Services including the military. Remarkably he spoke to the sergeant who recruited Fulton into the Army. He is not certain but claims he met Fulton after Bandit Country was published by Harnden in 1999. He says that he was introduced by a journalist, but we don't learn who that journalist was or indeed if the story is true.

¹²⁸ *Families Acting for Innocent Relatives (FAIR) Many members of his family were murdered by the PIRA and he was accused of associating with Loyalist Paramilitary organisations which he denied. Funding was withdrawn from the FAIR organisation.*

¹²⁹ *Day Smithwick 120*

Counsel said in relation to the testimony of ACC

Harris¹³⁰

Twenty-four years on from their murders, eight years into a Tribunal, and you are presented with this, an impenetrable, anonymous, unverified bunch of intelligence which they won't even share with you.

Witness Key role Assistant Chief Constable Drew

Harris¹³¹

Mr. Harris presented the so-called late date information which was accepted by the Judge despite the obvious problems associated with it. Mr. Harris has an interesting MI5 background. It should be remembered that MI5 assumed responsibility for National Intelligence Security in Northern Ireland in 2007. Mr. Harris was their link man.

Smithwick Tribunal – 18th October 2012 - Day 124

Harris - Well, I have overall responsibility for intelligence within the Police Service of Northern Ireland. One intelligence system exists which copes with all intelligence, including crime and national security intelligence, but I am also responsible for the interface with the Security Service. The Security Service have a primacy in respect of national security intelligence. But just to flesh out some of the nuances of this. The responsibility of the investigation of terrorist crime, including murder or other terrorist outrages, is the responsibility of the police service, that's crime investigation. But we also, and I also am responsible then for all covert operations relating to national security and crime, and the Police Service of Northern Ireland, and as the senior responsible officer, I am also responsible, then, for the majority¹³² of the covert intelligence sources who would report in respect of national security matters.

The relationship is one of partnership. It is laid out in Annex (E) of the St. Andrew's Agreement which sets out what the relationship between the Police Service and the Security Service should be. And so that gave, I suppose -- it created an operational environment which is, in effect, unique to Northern Ireland as opposed to the rest of the United Kingdom in terms of the Police Service's sole responsibility for covert operations and our majority responsibility for managing covert

¹³⁰ Harris demolished the three man collusion paradigm and replaced it with a mysterious Fourth Man colluder without a shred of sustainable evidence.

¹³¹ <http://bit.do/Harris-Day-124-Smithwick>

¹³² The Majority but not All – MI5 retained its own contacts

human intelligence sources. So, in effect, a lot of raw material, the raw intelligence material comes through my department and I am responsible for that and actually then its transmission on to the Security Service, where it is then subject to analysis and comparison with other information that they might have.

Q. So if there was a difference of opinion, for example, between you and the British Security Service, you would have the authority to pass on this information to the Chairman?

A. Well, we would be in a position where we would seek, obviously, really, to iron out any particular differences. The issues that we have to face are ones that are operational issues around protection of sources, methodology and the preservation of those going forward in order to prevent serious harm. And given that the stakes are so high, very often, and in fact almost always, we are able to find agreement on the route forward.

Witness Drew Harris “Fourth Man” Theory

This was the key disputed information supplied by the PSNI to the Smithwick Tribunal nominating “THE” Garda Colluder. This was done in three parts; May, July and September 2012. The strands of information so-called. The is the Fourth Man Theory. It was not substantiated by the PSNI but Smithwick unreservedly accepted it without further inquiry. It was described as “Nonsense on Stilts” by Diarmuid McGuinness SC and strongly disputed by the Gardaí. This information ruled out the garda suspects Hickey, Corrigan, Colton and all publicly named gardaí. Amazingly, Smithwick went on to find, inter alia, all “unnamed “gardaí were suspect.

How can one exclude all without naming the FOURTH MAN?

By any objective standard this was the information sought by Smithwick for years. It was the seminal moment. Smithwick accepted the PSNI position that they would not provide a grading of the information or allow access to the unredacted information. He went on to accuse all others, apart from the gardaí named before the tribunal. He took absolutely no action to find the Fourth Man. Why not?

This was a perverse finding. It has a detrimental bearing on current

issues relating to police cooperation and continuing investigation of collusion and dirty tricks. Effectively Smithwick went from having Three Suspects, to One Suspect and eventually to All in the station on March 20th1989 (other than those named at the Tribunal). It should be remembered that there were many gardai and civilian staff in the station that day. The senior rank was a chief superintendent down to the most junior garda and civilian staff. Are all these people suspect and what opportunity have they been given for vindication?

Harris cross examined on day 124

Q. And do I understand your evidence reaffirmed today, that as of today, even, you don't know the identity in any way, shape or form of this guard who has been referred to as a fourth guard, if I can put it like that?

A. No, I am unable to assist the Inquiry in respect of this strand of information on the fourth guard, no.

Q. And can you tell the Chairman, having received this information, what steps you took following receipt of it to try and determine the identity of this other guard?

A. Well, what has happened in this case is that through a search through systems to see if there is any other possible intelligence that may have been overlooked or missed, and nothing was found which would suggest the identity of a fourth guard.

This was in all probability Security Service ¹³³ information. The million-dollar question remains why did the Security Service promote or support that information? They would not accept the provenance of that information if roles were reversed. No other Security Service would consider it “Actionable Intelligence”. There is a possibility that they judged that it would be in their best interests if a finding of collusion was not made against one or more of the officers concerned. In any event this information presented a major problem for the Tribunal **because their thesis was blown to shreds**. In effect there was a clear choice between making the nebulous finding of collusion against the “FOURTH MAN” and admitting that despite their long years of inquiry they had not discovered any evidence of collusion. In effect they were even further back than

¹³³ *MI5*

when they started. Sources allege that there was consternation in the Tribunal team at the Harris evidence. It seems that it became a question of making virtue out of necessity. Harris also seemed to support the view that PIRA could not mount the attack in the short period of time accepted by the Judge¹³⁴. 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 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 as being, 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.”

Harris Presented a Poisoned Chalice to Smithwick

The hypothesis pursued for many years by Judge Smithwick and his team was demolished by the testimony of Harris. This was the hypothesis which posited that the three Gardaí named before the Tribunal were responsible for colluding with the PIRA in the murder of the RUC officers. The Judge rejected this hypothesis ultimately as a result of the Harris intervention and substituted another one to the effect that the collusion arose from a “mole” within Dundalk garda station on the faithful day. The “Fourth Man” theory automatically excluded the three named Gardaí from the accusation. There is another plausible reason why the PSNI/Security Services took the extraordinary position laterally explained

¹³⁴ Day 124

by ACC Harris. It is an indisputable fact that many retired RUC Officers spoke highly of their relationship with the Gardaí and many praised Corrigan as well. There was absolutely no reason for them to take this position because after all their colleagues had been brutally murdered and by any logic, they would have been justified in exposing any weaknesses which they had seen on the garda side. Judge Smithwick did not seem to realise that Mr. Harris gave him a nice bunch of hemlock not a bouquet of roses. He happily described his confidence in Harris at 21.17.4 of the Report:

In the final analysis, I must make a judgment call. I must decide whether, as is urged upon me by some of the parties, to dismiss this intelligence from my mind altogether on the basis that it is a “nonsense upon stilts”, or to accept the bona fides of Assistant Chief Constable Drew Harris, and to rely, to some degree, on his sworn evidence. In this respect, I have been immensely impressed by his evidence, not only in terms of his professional expertise and experience, but also by his explanation of the constraints under which he is operating, his concern for the protection of life and the of preservation of peace, and his genuine desire to assist the Tribunal in so far as he can. In these circumstances, the judgment call that I have made is to attach some – although not undue – weight to this intelligence.

Judge Smithwick made the classic mistake of confusing the plausibility of the individual with the paucity of the information, It is precisely for this reason that agencies use a grading system for information which rates the individual reporting and the quality of the information as two separate but interlinked characteristics. He failed to recognise that Harris had blown his three-man theory clear out of the water and had also demolished his plausible time scale for PIRA operational action on the day as being “highly unlikely.” It’s probable that the British did not expect or want Judge Smithwick to make a finding of collusion at that juncture for reasons best known to themselves, but he surprised everyone.

Counsel for the Garda Síochána summed up Harris.

Assistant Chief Constable Drew Harris told the Tribunal that there was no RUC intelligence at the time of the murders that suggested collusion by any member of An Garda Síochána in the murders of Chief Superintendent Breen and Buchanan. This seems to be correct, otherwise it would have been produced no doubt. This is confirmed by the intelligence given to Judge Cory, the first dating from January 1991 relating to “an unknown female who works in Dundalk Garda Station made a phone call to an unknown member of the IRA”. The second piece provided by the RUC to Judge Cory (received more than a decade after the murders) said that it was “a civilian administrator based at an unknown location in the Republic of Ireland” who was responsible for the leak. You, Chairman, are now faced, twenty-four years after the murder, with the Niagara of intelligence which is said to exist with the Assistant Chief Constable swearing that this is all accurate and reliable!!! The authority with which he has given his evidence, his rank, his experience, his asserted bona fides, his description of the process involved, are all paraded before you, Chairman, in order to compel you in some way to give weight and credence to these matters. Chairman, however, you’re old enough and wise enough and experienced enough as a lawyer and a judge to see through this. Let’s make no bones about this. This intelligence has been withheld from you. You haven’t seen it in its raw unredacted form or even in a redacted form. You haven’t seen any of the documentation connected with it. You don’t know the identities of the handlers and you haven’t heard from them. Even the grading is being withheld from you, as is the approximate time when these pieces of intelligence came into their possession. And why were they not even signalled to you then?

Mr. Harris has not given any reason or justification for this cause of action. In his evidence he said that this intelligence would be shared with An Garda Síochána. It has not been shared with An Garda Síochána. You have heard extensive evidence from Chief Superintendent Kirwan in relation to this matter which I do not intend to repeat here. It is wholly exceptional and wholly inexplicable that they have not shared this intelligence. It is in marked and strong contrast to the actual everyday exchange of sensitive intelligence which occurs and has been occurring over many years, the purpose of which is to protect all the people of Ireland.

These pieces of intelligence, having been certified to be accurate and reliable, would vex the head of a professor of logic, when it is revealed that they aren’t and haven’t been in a position to identify to the Tribunal and claim they don’t know who is alleged to be these fourth or fifth or other officers of An Garda Síochána responsible for the collusion in the murders (and not the three who have been represented for the duration of the Tribunal).

Chief Superintendent Breen and Buchanan were their officers. Twenty-four years on from their murders, eight years into a Tribunal, and you are presented with this, an impenetrable, anonymous, unverified bunch of intelligence which they won’t even share with you.

During cross examination Mr. Harris used the phrase “Can’t Confirm or Deny”¹³⁵ at least eighteen times.

He also provided the name of the PIRA leader who ordered the murder of farmer Tom Oliver¹³⁶ to Judge Smithwick in written format. The name was not included in his oral testimony.

Comment Alan Shatter Minister for Justice on the publication of the Report.

Shatter "Judge Smithwick was unable to find direct evidence of collusion in the killings. However, he concludes, on the balance of probabilities, that collusion did occur involving an unidentified member or members of An Garda Síochána.

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"The killings of Harry Breen and Bob Buchanan on the afternoon of 20th March, 1989 were two stark examples of the brutality which pervaded this island for many dark years. Both left behind loving families, friends and colleagues. Even with the passage of 24 years and the positive developments which have taken place on the island since, our condemnation of their murder should be as strong today as it was then.

"For reasons outlined in the report published today, it has taken the Tribunal over 8 years to issue its report. I am well aware that this length of time must have placed great strain on the families of the two officers. But I hope that today's report will help them in their quest for the truth of what happened on that evil day and that it represents an important piece in the complex and inevitably disturbing jigsaw of trying to address the past.

"After many years' deliberations, it is right that the Tribunal report should now be considered ¹³⁸

¹³⁵ It is the policy of the PSNI to neither confirm nor deny a source or agent. Closing Submission PSNI. All British Agencies would adopt the same policy. Denial can be seen as confirmation.

¹³⁶ Tom Oliver murdered by the PIRA in the 1991 allegedly by a British Agent – Steakknife - Freddie Scapatticci now subject of Investigation under Operation Kenova.

¹³⁷ Alan Shatter was to have his moment of truth when Sean Guerin SC did not afford him an opportunity to vindicate himself but all that was yet to unfold.

¹³⁸ Another broken promise.

*in detail. I will be doing so with a view to presenting it to my colleagues in Government in the coming weeks. I expect too that the report will be fully debated in the Oireachtas*¹³⁹.

"But even before that process is completed, I believe that it is important to say immediately, on my own behalf and that of the Government, that I apologise without reservation for any failings identified in the report on the part of the State or any of its agencies.

Comment Commissioner Callinan

Statement of the Garda Commissioner Martin Callinan on the publication of the final report of the Smithwick Tribunal of Inquiry.

The Garda Commissioner has welcomed the publication of the final report of the Smithwick Tribunal. The report was received by the Garda Commissioner this evening on its publication. It extends to several hundred pages and appendixes reflecting eight years of work by the Tribunal. Given the serious matters under examination by the Tribunal, the report, conclusions, and recommendations will now need to be carefully examined by the Garda Commissioner and his senior officers and it would be inappropriate to comment further at this stage.

He modified his position in later interviews (Irish Times 12.12.2013)

Commissioner Callinan has already accepted the general finding of the tribunal that collusion, unspecified in nature and not traced to Garda members, had occurred. However, he said today he did not accept the tribunal's findings that the force in the current era was one that valued loyalty to a colleague above telling the truth.

We informed Commissioner Callinan as a matter of courtesy in advance of the publication of our critique. We did not even merit an acknowledgement.

Tom Oliver Murder - Peter Fitzpatrick TD Louth, Independent

Joint Oireachtas Committee on Justice 13th February 2019

¹³⁹ *It was never debated. On the 4th December 2013 the leader of the opposition Micheál Martin TD said the Tribunal should be debated in the Dáil.*

I welcome the Garda Commissioner and his team. On 19th July 1991, Tom Oliver, a 43 year old man from Riverstown, County Louth, a husband and father of seven children and a sheep farmer with no connection to paramilitary or security forces was abducted, tortured and brutally murdered by members of the Provisional IRA. His body was found across the Border in Belleek, County Armagh. He had been shot in the head. The local priest who attended the post mortem remarked that it appeared as though a concrete block had been dropped on every part of his body. His family want justice and they want to know who killed him.

In October 2012, the Commissioner gave evidence to the Smithwick Tribunal in closed session. Following consultation, Judge Peter Smithwick published that evidence. The Commissioner had told the tribunal that regarding the intelligence files compiled by the PSNI, the RUC and M15 the British security services on the murder of Tom Oliver, one file was nothing short of sensational. File No. 9 stated that intelligence indicated that a senior Provisional IRA council member was directly involved in ordering the murder of Tom Oliver; that that senior Provisional IRA council member had been approached by several Provisional IRA members and others requesting that Tom Oliver not be killed; and that, despite these requests, the senior Provisional IRA council member directed that Tom Oliver be executed. When Mr. Harris was asked if he knew the identity of the Provisional IRA council member and, if so, whether he would he pass on that information to An Garda Síochána and he responded, "Yes". the name of the Army council member who sent Tom Oliver to his death, he opted to write it down and give it to Judge Peter Smithwick. This family has suffered since that murder. A review of this case is under way. Will the Commissioner meet the family and update them on that review? Where do they go from here?

Caomhghín Ó Caoláin Cavan/Monaghan, (Sinn Féin) Chairman

I ask the Commissioner to respond only if he is in a position to offer a reply today.¹⁴⁰

Mr. Drew Harris:

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 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. Peter Fitzpatrick (Louth, Independent) In regard to the identity of the person who directed that Tom Oliver be murdered, where do the family go from here?

Mr. Drew Harris:

¹⁴⁰ *The Sinn Féin Deputy was very protective of Mr. Harris – how disingenuous*

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 next¹⁴¹.

In relation to ACC Harris Counsel for the Garda Síochána commented, Chief Superintendent Breen and Superintendent Buchanan were their officers, as successors to the RUC. 24 years on from their murders, eight years into a tribunal, and you are presented with this, Chairman, an impenetrable, anonymous, unverified bunch of intelligence (by Harris) which they won't even share.

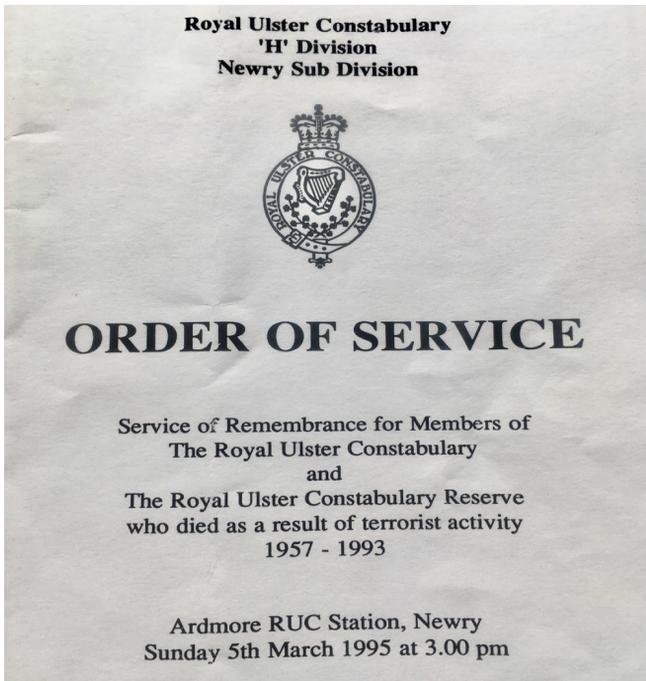
Chairman, you are, in my submission, you are in a worse position than Judge Cory was when he was considering whether to recommend an inquiry, in that he had sight of the intelligence on which he was being asked to make a judgement. You are in a worse position than even your own counsel were at the beginning of the Inquiry when they had seen the intelligence which was then in existence relevant to this issue of collusion. It beggars belief as to how you are expected to come to an adjudication not merely in relation to this intelligence, but in relation to the issue of collusion as a whole having regard to the actions of the PSNI in this regard. It is not merely nonsense, but as has been said, nonsense upon stilts.

Cooperation Newry – Dundalk

In the Newry RUC Subdivision 59 RUC Officers had been murdered between 1957 and 1993. There was excellent cooperation between RUC Newry and Garda Dundalk on many criminal matters. In 1991 an unfortunate woman Rose Moran was murdered on the northern side with the culprits coming from the south. There was a joint investigation into this killing that was an outstanding success and it further cemented the relationship between both forces. This cooperation took place within two years of the RUC murders and it speaks to the positive mindset in both areas. Indeed, within a relatively short time span RUC senior officers were again visiting Dundalk station as a matter of ongoing business. I attended a Service of Remembrance with my colleague Michael Staunton on the 5th March 1995. We were honoured to be invited and were most particularly aware of the many murders committed, none more so than those of Harry Breen and Bob Buchanan. We considered it our duty to cooperate in every legal way possible to bring the killers to justice.

¹⁴¹ *This was precisely the point raised when he was appointed commissioner – Would he be free to share information with southern authorities? The answer was a resounding NO even though the abduction was clearly southern.*

Figure 49 Honouring RUC Dead



Mrs. June Breen

Mrs. June Breen widow of Chief Superintendent Harry Breen provided a note of intended evidence to the Tribunals lawyers. This was read into the record of the Tribunal on 21st July 2011, Day 22 as Mrs. Breen was indisposed. She recounted the normality of the family routine on the days leading up to the murder. She had been unwell, and Mr. Breen gave her a cup of tea in bed and promised to ring later to check on her. He said but for the fact that his deputy was off he would have stayed home with her. He did ring her at about 12.20 pm. In the early afternoon she set about preparing dinner and later heard on the television that two men had been shot near Jonesboro. Her first thoughts were that they were IRA men. Mr. Breen didn't return at the usual time and shortly after she got that awful knock on the door that police families dread. Two RUC officers, male and female called and gave her the dreadful news.

She also remarked that she felt it was wrong that her husband had been asked to go on television to display the weapons recovered from Loughgall and that since that time she had worried for his safety. Mr. Breen had asked for a sleeping pill on the previous Saturday night as he was having trouble sleeping. This was most unusual for him as he was not a sleeping pill person. She added a final comment which has not been explained further. **She said that her husband had instructed her on more than one occasion that in the event of his death the Chief Constable Sir John Hermon should not be invited to his funeral**¹⁴².

Critique¹⁴³

Following the publication of the report together with retired chief superintendents Michael Staunton and Michael Finnegan I undertook a review of the report. We had well over 100 years of professional experience in the Garda Síochána. Much of this experience was acquired at command level and in the border region. It included significant cross border cooperation and it also recognised that we required our colleagues to take many risks in the interests of peace and security.

We were horrified and alarmed by the “findings” and we took a full eight weeks to study it. We conducted a detailed line-by-line analysis of the Tribunals published report. We are of the considered view that the facts outlined therein do not allow a reasonable finding, which on the balance of probability could reasonably conclude that the murders were orchestrated in the manner alleged by Judge Smithwick. Our critique was published in the Irish Times on the 28th January 2014 and got widespread coverage on Radio and Television. We were deeply critical of the Report and considered that it did a grave injustice to Gardaí. We wrote to the Taoiseach Enda Kenny and Minister for Justice Alan Shatter expressing our dismay and urging a full debate on the Report in the Dail. This debate has not taken place. We also told government that “We unreservedly affirm our view that any member of the Garda Síochána who colluded in

¹⁴² *This comment has never been explained?*

¹⁴³ <https://www.dropbox.com/s/q2mw5xsjz3pqjvc/Critique%20V7.pdf?dl=0>

this crime deserves to be dealt with in the severest manner provided by law and should suffer commensurate public opprobrium". We got a two-line acknowledgement for our troubles.

My colleagues and I were only too aware of the enormous casualties suffered by the RUC and Security Forces in our neighbouring "H" Division based in Armagh. We were also aware of the many atrocities committed against them in Newry. Newry is in many respects a sister town of Dundalk with people moving and working freely on both sides of the border.

Key Questions and Conclusions

Could the PIRA have mounted the attack from their own resources?

They had the capacity to mount this operation independently. Over 300 security force personnel were killed by PIRA in Co. Armagh between 1969 and 2001. Many civilians also died. PIRA needed no help in the killing game. They also had conducted capture and killing operations at the Kileen border crossing. A typical example was the incident involving members of a fishing party (RUC and Prison Officers) returning from Kerry in September 1990. An RUC officer (Louis Robinson) on sick leave was abducted and murdered. No media claims of collusion here.

Could they have mounted this operation from a complete start on the morning of 20th March?

It is very unlikely that it could have been efficiently organised in the time available without taking significant risk. Logistically this required 20-70 operatives, involving provision of weapons, scouting, communication between PIRA members, contingency planning, escape route, counter forensics. The Tribunal did not have a crime reconstruction undertaken to determine the logistical probabilities. This was a serious omission on their part.

The Tribunal rejected the longer time scale for the preparation by the PIRA of the attack. What was the impact of this finding?

There are two possibilities which the Tribunal rejected. Firstly, that PIRA had sourced information from the RUC relating to their intended visit to Dundalk on the 20th March. Secondly that the PIRA had already a rolling operation in place as claimed by them and that they intended to mount their operation in any case.

What was the effect of the rejection of these possibilities?

This shortened the time for action by PIRA very considerably and it made the prospect of tipping off more attractive to the Tribunal. This hypothesis became self-fulfilling.

The Tribunal rejected that electronic surveillance played a role in the PIRA information.

Again, this is an example of examining the technical situation many years after the event and frankly it is almost impossible to assess the reality of the PIRA's ability to conduct electronic surveillance in the circumstances.

Was the operation directly targeted on capturing the RUC officers or killing them?

The Tribunal found that Chief Superintendent Breen was the target of the operation but on the balance of probabilities that was not the case. Otherwise he would have been captured. There is no information to suggest that PIRA knew he was in the car until after the killing despite their valedictory claims. The PIRA had the resources and the opportunity to capture the officers, but their attack profile clearly indicates that they had no intention of capturing them. The PIRA check point and the van had the cavalier car sandwiched between them. The van overtook the car and the occupants alighted and opened fire on the car immediately. This was because they probably didn't know the identity of the officers and as far as they were concerned, they were killing two RUC men which was in line with their routine attacks. The crime scene speaks to "a kill not capture" objective. There was no discernible panic by PIRA and less than 30 rounds were fired

What was the effect of the information presented to the Tribunal by ACC Drew Harris PSNI, towards the end of the Tribunal hearings?

Inexplicably this information seems to have been accepted in total by the Tribunal. It bolstered the case for collusion, but it created a new dilemma because it excluded from the accusation any garda who had been named publicly before the Tribunal. So, its acceptance automatically excluded the Dundalk Three and the Tribunal then very conveniently passed the blame to all unnamed gardai present in Dundalk that day.

Did the Tribunal have (full) access to the RUC Murder investigation file?

They may have had access to some portion, but it appears that they simply did not view this information in totality. Unquestionably this investigation was conducted at the material time and had full access to pertinent information. One would assume that it covered all the pertinent ground, including that of collusion allegations and reported accordingly.

Were the RUC officers aware that Edenappa Road had been out of bounds since March 5th and were they aware that suspicious activity (two cars and occupants with a possible traffic signal) had been observed near Kilnasaggart Bridge at 11.35 am on the 20th March and left the area at 12 midday?

The Tribunal did not investigate the existence of standard operating procedures (SOPS) relative to RUC personnel crossing the border. Were route clearances requested and were there requirements for regular status checks. In the absence of this information, one may assume that no such due diligence was practised by the RUC officers on this occasion. The Chief Constable of the RUC Sir Jack Hermon while travelling to the north used Dundalk station on the 8th March 1989 as a secure holding spot while some suspect devices were cleared at the border. Clearly cross border protocols were being practised on that occasion.

Why should one believe the FPIRA account of the attack?

They are the only ones who know definitively what happened. They have cooperated with decommissioning and the location of the disappeared albeit on their terms. They are proud of the killings as this was a badge of honour to them. Aspects of their account is corroborated

by Mr. Nigel Day RUC Newry particularly his presence at Dundalk Garda Station with Supt Buchanan and in Mr. Buchanans car. Prudently one must discount their account for self-serving recall but on the balance of probabilities their account has significant credibility and, they probably ceased cooperating when their contact with Smithwick was blown by the media.

Why should one accept the closing remarks of the commissioner's counsel? He said that the late information of Drew Harris was "*nonsense on stilts*"?

The detail of the information was withheld. The information was ungraded. Mr. Harris was merely the conduit and not the source of this hearsay information. International best practice would require collaborative detail before acting on this information.

Our overall professional conclusions were.

A finding of collusion based on the balance of probabilities requires that individual facts are identified, which when taken collectively allows one to make a global conclusion. No such facts were produced.

The Tribunal relied on four pillars when making a finding,

- 1. *Circumstances***
- 2. *Three Strands of Intelligence to Gardai***
- 3. *Live and of The Moment Intelligence***
- 4. *The Evidence of Kevin Fulton***

Having examined the individual elements minutely and for the reasons already outlined they must be rejected on the balance of probabilities. In our professional experience and judgment and having regard to all the information, particularly the input from the PIRA, we are of the view that it is more probable that the South Armagh PIRA carried out the attack with their own resources. They have demonstrated their capacity to do so, as evidenced by the many well-documented terrorist crimes committed by them during the conflict. The overall thrust of the Tribunal seems to have been to investigate Sgt. Corrigan and indeed his counsel made a written closing submission of 540 pages, which seems to

reflect that interest. Fulton's counsel made a closing submission of 232 pages. The tribunal seems to have been dominated by the contest between these parties. The other parties made closing submissions as follows, Garda Commissioner (215), PSNI (70), Hickey (77), Colton (39), Scapaticci (16), Blair (6) and Ingram (0). In the light of the Tribunals ultimate finding it seems much of the eight years spent on this pursuit was wasted. **Fulton alleged that RUC Officers were passing information to the PIRA (Day 67 Page 93 Tribunals Record.) There is no record that the Tribunal investigated this strand.**

The Tribunal accepted the "late and of the moment" intelligence from the PSNI and this information when taken in its totality ruled out the Dundalk Three. This acceptance produced a series of unintended consequences.

There are no individual facts which supports a global finding of collusion against unnamed Gardaí.

The finding impugns the good name and reputation of Gardaí who have had no opportunity to be represented before the Tribunal or to hear and address the allegation, which has been made against them.

In conclusion we said that;

We the undersigned retired Garda Chief Superintendents acknowledge that the murders of RUC Chief Superintendent Harry Breen and Superintendent Bob Buchanan on the 20th March 1989 was a brutal and callous act committed by the Provisional IRA. We unreservedly affirm our view that any member of the Garda Síochána who colluded in this crime deserves to be dealt with in the severest manner provided by law and should suffer commensurate public opprobrium.

We meant every single word of those sentiments. We were not prepared to accept the unsubstantiated allegations levelled at our undefended colleagues by Judge Smithwick.

Supreme Court Judge Peter Charleton

Supreme Court Judge Peter Charleton delivered a lecture to the MacGill Summer School 2019.¹⁴⁴ 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 said that a practice developed here since the 70s arising from a Supreme Court decision in the Haughey case that all parties have acquired certain rights of legal representation. Effectively this means that anyone whose reputation may be cast in doubt has the right to full legal representation

¹⁴⁴ <https://www.youtube.com/watch?v=9lFNEWhKTIY&t=791s>

and indeed notice of the evidence which contending parties may intend to provide in oral hearing at the Tribunal. The example of this principle in action in Smithwick was the legal representation awarded to Stakeknife Freddie Scappaticci who in fact did not give evidence but was legally represented at enormous cost to the taxpayer and at significant moral cost. Judge Charleton describes these rights as “accused of murder rights”.

Tribunals the Process

The Oireachtas appoints Tribunals on the recommendation of Government and are basically open ended in time scale. Theoretically the Tribunal report should be debated in the Oireachtas at the conclusion of the process. This did not happen in the Smithwick case. This duty to report and debate the conclusions is very much part of the democratic process. The failure to debate is exacerbated by the fact that the Tribunal Judge is beyond the realm of questioning except through judicial review or High Court Application. Obviously, these avenues are open only to those with deep pockets. The preamble to Tribunals is usually characterised by government or others denying that there is anything worth reporting on. This involves delay and denial and eventually a capitulation to the idea of setting up the Tribunal. Significantly of course government decides on the terms of reference with advice from the Attorney General, but it is essentially a political decision. In the meantime, the methodology of any one tribunal can be decided by the presiding judge. The findings of the Tribunal is often accompanied by triumphalist media briefings by the contending parties.

The process involves two phases, **information gathering** and **public hearing of the evidence**. The Law Reform Commission has commented on the necessity for maintaining a clear distinction between these two functions.

¹⁴⁵*Part I The Distinction Between Information and Evidence. At this*

¹⁴⁵ *Consultation Paper On Public Inquiries Including Tribunals of Inquiry (LRC Cp 22 - 2003)*

point, we must make explicit our understanding of two central terms. Evidence is defined as material on the basis of which the inquiry is entitled to draw conclusions of fact and to make recommendations. In other words, it can make its way into the eventual report. In most inquiries this will be given on oath or affirmation, usually but not necessarily in public, and will be tested in some manner unless entirely non-contentious. Information we define as material on the basis of which the inquiry may make immediate decisions only as to relevance and how it intends to organise the inquiry.

This rather formal distinction is imposed for a particular reason. In the Smithwick case the information gathering phase lasted for an initial six years and continued in parallel with the two years of Tribunal hearings. The process is meant to be **Inquisitorial** not **Adversarial**. In ordinary language the Tribunal should ask all the questions and require the answers. This process is different from the usual court process in criminal or civil case where the contending parties argue out their case in front of a judge or a judge and jury. In the court process the court decides based on the arguments put forward by the parties and by reference to the law. The Tribunal has the obligation to do its own investigation and arrive at its own conclusions. The Smithwick Tribunal had another obstacle which it really didn't overcome. This related to the compellability of witnesses. Citizens of the State were compellable, non-residents were not compellable. Therefore, non-residents witnesses and/or documentation was provided on a voluntary basis. This situation had obvious shortcomings relating to the attendance of witness and the production of documents. In effect the Tribunal operated on a significantly uneven playing field

Where are they now?

Charlie Flanagan's political career blossomed laterally, and he became Minister for Foreign Affairs and then Minister for Justice and Equality. He has moved to the backbenches in the latest government reshuffle.

Assistant Chief Constable Drew Harris was promoted to Deputy Chief Constable PSNI and subsequently in a bizarre turn of events appointed Commissioner An Garda Síochána. There is little evidence that he has advanced the investigations into the border crimes and he now claims that his “former” knowledge is now the property of the Chief Constable PSNI. He was appointed to his garda post during the tenure of Minister Flanagan.

Peter Keeley/Kevin Fulton seems to be making a living from his former exploits as well as involvement in several ongoing investigations.

Freddie Scappaticci, Stakeknife remains a subject of interest to Operation Kenova and he now lives in the UK under protection and under investigation. Please don't hold your breath.

Faustian Pact – Success Operation Collusion South

The proponents of Operation Collusion South won the day and established a parity of collusion between North and South courtesy of Judge Smithwick's finding.

The Tribunal through its own efforts located members of the PIRA who openly admitted that they were the killers of C/Superintendent Harry Breen and Superintendent Bob Buchanan. They did not give evidence to the Tribunal, but information was put into the record as if it were evidence. Are we to believe that they go scot free, that there will be no arrests or investigation on either side of the border? Was the spurious collusion finding a suitable price for this immunity, I certainly don't think so. Similarly, through the evidence of Fulton we know how Tom Oliver was abducted and murdered and by whom. Are they also to get immunity so that Fulton's outlandish claim of collusion could be upheld? It seems an extraordinary breach of natural justice. How can the State condone and support an Inquiry that lasted eight years and has cost an accumulated total of €19.9 million? With hundreds of thousands of euro going to the lawyers for Fulton and Scappaticci. The State has not

even debated the findings in the National Parliament. Judge Smithwick started with “suggestions” and he concluded years later with a new suggestion but no evidence and no rational conclusion. The entire process was a disgrace.

It should now be clear that although the killings occurred in 1989 the most salient factors emerged comparatively recently. The IRA killers were identified by the Smithwick team. They were interviewed and they engaged with the tribunal on their own terms. They did not give evidence to the Tribunal in formal sittings. Consequently, these killers should not enjoy immunity because of their limited participation in the investigation process. The IRA could not explain why they had executed the RUC officers on the roadside. They stated otherwise that their intention was to apprehend them and interrogate them. Their main interest seemed to lie with Chief Superintendent Breen because of his role in the Loughgall ambush. They killed without mercy on the roadside.

There was a Northern strategy to ensure that as part of the political process credence would be given to a “Parity of Collusion” proposition. Dublin had long maintained that there should be accountability for the many collusive atrocities that were visited on the nationalist community in the North. The Collusion South project was the systematic process through which this project was advanced by unionist politicians and other loyalist elements. They were determined that the finger of collusive suspicion should be firmly placed in South and in this instance on the Garda Síochána. They were aided in this project by naïve southern politicians who actively supported them. The poisoned tree which gave credence to allegations was the work of journalist Toby Harnden. He refused to give evidence to the Tribunal having originally agreed.

The Tribunal pursued an exclusionary investigative theory (Dundalk Trio) to the exclusion of all others. They maintained this approach until the last-minute intervention of ACC Drew Harris, PSNI. He gave evidence in private that the suspect Dundalk Trio were not involved and that a mysterious Fourth Man was responsible. He refused to provide

the provenance of that theory. He was the PSNI link man with MI5 and it was clear that the security services did not want a collusion finding made against the named officers for reasons best known to themselves. They had severe doubts about the star witness and British Agent Fulton.

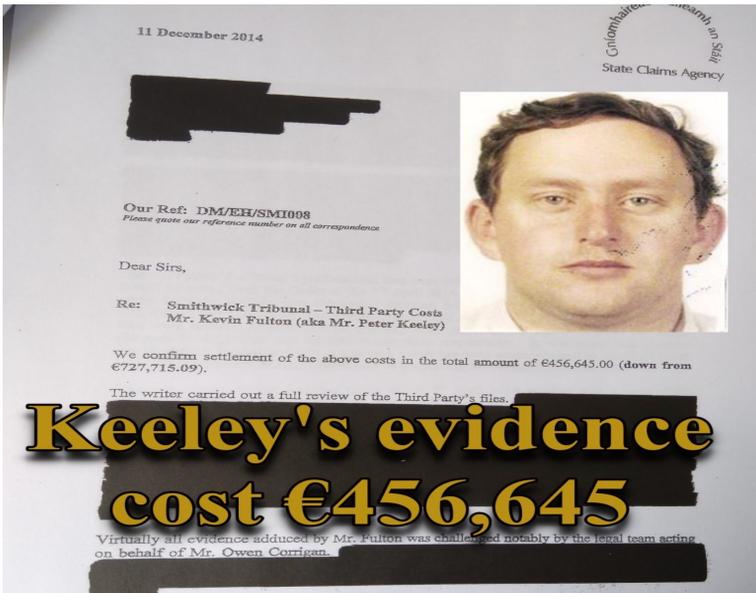
Enormous and enduring reputational damage was caused to the Garda Síochána and the financial costs of the Tribunal are enormous. The time permitted to the Tribunal (eight years) was obscene. The findings were not debated in the Dáil and grievous wrong remains. In the words of Supreme Court Judge Peter Charleton, the findings of a Tribunal is the opinion of one person. Judge Smithwick got his conclusions wrong by any yardstick and he should withdraw them. The killers still walk free. It was more important to smear all Gardaí than bring the killers to justice. **The ultimate insult is that the Dáil failed to debate Smithwick.**

The secret workings of the Tribunal remain hidden in the files in the Department of Justice and at some stage in the future they will make remarkable reading. The working hypothesis for this chapter was that the finding of collusion by the Smithwick Tribunal was perverse having regard to the information at its disposal. I feel my hypothesis has now been proved.

Figure 50 Shameful Payments British Agents Stakeknife & Keeley¹⁴⁶



Scappaticci's lawyers were paid €382,270. So why deny he participated?



11 December 2014

Our Ref: DM/EH/SMI008
Please quote our reference number on all correspondence

Dear Sirs,

Re: Smithwick Tribunal – Third Party Costs
Mr. Kevin Fulton (aka Mr. Peter Keeley)

We confirm settlement of the above costs in the total amount of €456,645.00 (down from €727,715.09).

The writer carried out a full review of the Third Party's files.

Keeley's evidence cost €456,645

Virtually all evidence adduced by Mr. Fulton was challenged notably by the legal team acting on behalf of Mr. Owen Corrigan.

Customs and Excise
Research on Site
State Claims Agency

¹⁴⁶ Courtesy Village Magazine 2020

INTELLIGENCE SERVICES 101¹⁴⁷

The British Army brought three undercover units to the party – 22 Squadron SAS, which undertook ‘executive actions’, 14 Company, specialising in covert surveillance and FRU. The security services (MI5) brought their agent-handling and electronic technical expertise to the table. These units, plus Special Branch, were commonly described as the intelligence community. The FRU was manned by officers of the Intelligence Corps and by soldiers from all the British services. The operators, or handlers, were themselves recruited from all three services – Royal Navy, Army and Royal Air Force and included both men and women.

The Force Research Unit (FRU) was a British Army Intelligence Corps unit working in Northern Ireland, recruiting, developing and controlling the Army’s ‘human intelligence’ assets in Britain’s secret war on the IRA. Its motto was ‘Fishers of Men’. It was sponsored and funded by the Director of Special Forces (DSF). The FRU operated from 1980 up until the early 1990s when its name was changed to the Joint Services Group (JSG).

The British have a well-developed policy of using deniables, former members of the security establishment contracted to undertake certain operations for a commercial fee. Peter Keeley/ Kevin Fulton was a FRU asset initially before branching out to provide “services” to the other agencies. There was often intense competition between the agencies which led to many problems.

British Penetration

The British have a long history in the spying game going back for centuries. It is no coincidence that one of the most hated adjectives in Ireland is “Informant or Tout”. It is now well documented that the PIRA

¹⁴⁷ Harkin, Greg. *Stakeknife: Britain's Secret Agents in Ireland* The O'Brien Press.

was penetrated from top to bottom. These included Denis Donaldson, Scappaticci and Fulton getting right inside the organisation. This agent penetration was supported by a technical resource infrastructure North and South. They had readymade raw material from within their own military because so many Irish joined the British Army in addition to locally acquired assets. This was the Fulton model, general intelligence gathering could be conducted easily using these assets.

Agent/ Asset/Operator/Informant

Intelligence agencies use all and every opportunity to exploit intelligence. This involves using different resources. Straightforwardly their own personnel are inserted into the target to gather intelligence, to spy on the host and to report back to mother ship. Their asset can be tasked to engage in operations which is like the Kevin Fulton model. There is little regard for legality or jurisdictional boundaries in such arrangements other than the ability to disown and deny operations. Fulton was an insider at least at the beginning. Freddie Scappaticci Stakeknife was the opposite, he was recruited within the host PIRA and tasked to carry out an agenda for his new owners. He was an active operator not merely an intelligence informant. The informant is at the bottom of the tree and basically agrees to pass information to the handler/exploiter. There is a superior controlling structure in place many levels above the street operators. (This was not explored by the Tribunal.) Then there is an interesting British development, the “participating informant”. This asset is provided for to some degree in British law and basically allowed to take part in criminal activity while feeding information back. Fulton was a participating informant for RUC CID in the late 90s. Then there are of course the “helpful idiots”, exploited through social engineering to give up the goodies. Sections of the media figure prominently in that category.

Structure and Trade Craft

There is normally a structure in place to handle and support an agent. On

an elementary level each agent has a handler who directs and controls the agent, hopefully! The agent is briefed and tasked to perform. There must be regular briefings and debriefings either in person or remotely. Information must be faithfully recorded and analysed. There is a danger of an agent going native and being turned by the other side. The British did that very successfully with German agents captured during the last war. It is common practice to insert more than one agent into target organisations without either agent being aware of the others existence. Also, contingency plans would be put in place to extract the agent in the event of compromise. Similarly, if a serious crime was imminent police or security services could run interference or disruption tactics to ensure the victim was spared. The Tom Oliver abduction was a classic scenario where the undercover agent (Fulton) should have activated protocols with his handlers to ensure that Oliver was not killed. Cynically it's also possible that the sponsoring agency would decide not to intervene to protect their agent in place. In this instance the encounter of the Oliver kidnap team with Gardaí would have given cover for a rescue.

Agent

An active agent operator is capable of maintaining deep cover and withstanding physical and psychological pressure. It is essential that they can lie convincingly and that they can convince their host that they are the genuine article. They must have strong technical skills and be of high intelligence. It is a fact that many agents go off the rails and eventually become unmanageable. The double life can exact a high price and their agencies are usually unsentimental and can just as easily abandon them when no longer useful. Fulton displayed many of the skills of obfuscation and diversion in the course of his evidence. In many ways he led the Tribunal on a merry dance. Judge Cory had recommended that the tribunal should also be empowered to engage investigators. These might be police officers or retired police officers trained and experienced in conducting investigations. This logical option was not actioned and much of the "investigative" work had an "Alice in Wonderland" quality about it. The lawyers simply didn't know what they didn't know. Agents are highly trained in various trade craft disciplines including anti-surveillance

and anti-interrogation techniques. The lawyer's approach was incredibly naïve, and it was unconscionable that they were allowed six years of investigative work before ever taking evidence. It's obvious that Fulton's tradecraft was greatly superior to the lawyers arrayed around him. He had withstood the chance of sudden and violent death at the hands of PIRA. He had negotiated that reality for many years. Lawyers tricky questions were an amusement to him

Counterintelligence

Counterintelligence was not part of my brief but invariably one's thoughts turned to the probability that other agencies would try to infiltrate, recruit and generally busy themselves at our expense. A popular misconception is that spying, and subversion has to do only with terrorism and crime. This could not be further from the truth. Economic and political considerations are of great interest to our friends and to our enemies. Would anyone doubt for a moment that our national position on Brexit would not be of interest to the United Kingdom. They most certainly have the established capacity through interception technology and human resources to winkle out our secrets.

"The most striking physical feature of GCHQ's¹⁴⁸ participation in the intelligence war against the IRA was a 150-foot-high concrete tower built in 1989 within a secure compound at Capenhurst in Cheshire owned by British Nuclear Fuels Ltd. It was on a direct line between the British Telecom Medium Wave Tower at Holyhead in Anglesey and another tower at Sutton Common near Macclesfield, a microwave link which carried most of the telephone calls between mainland Britain and Ireland. Over a decade the Capenhurst tower had allowed GCHQ to intercept a vast volume of telephone traffic for analysis. A similar station on Croslieve Mountain in South Armagh is thought to have taken traffic between Belfast and Dublin. This was a classic example of the bonanza of clear voice material that could be provided by microwave telephone interception". Electronic surveillance is valuable. The most valuable source is the human source which ranges from the "Helpful Idiots" to "mole's and agents bought and paid for.

148 Aldrich, Richard. *GCHQ* (pp. 500-501). HarperCollins Publishers.

SO YOU'RE A PUNDIT?

The storm clouds were gathering over the heads of Commissioner Martin Callinan and Minister for Justice Alan Shatter in the early part of 2013. At this stage I did numerous interviews in the press, on radio and television on the emerging criminal justice scandal. These were largely centered around Sergeant Maurice McCabe's travails.

Occasionally there were snide comments on the general state of disrepair in the Garda Síochána, basically all you cops are the same. Prejudice is a two-way street. I had some great tussles with Vincent Browne but frankly they were most enjoyable encounters, I respected his forensic journalistic expertise. He would often wing it on air, with a typical, "What about Morris" or What about Smithwick". This was meant to be the conclusive hammer blow to cement whatever critical point was being made at the time. He was an engaging opponent and sometimes mistook me for an emissary of the current Garda Síochána. Privately I felt this was very amusing because I knew that many in the hierarchy would much prefer that I shut up and be an obedient pensioner.

I was out of the country a lot and being a bit of a news junky I stayed in touch with current affairs on the home front. I had been subpoenaed to give evidence for the State in a case involving a former protected witness, David Mooney. He was making allegations that promises made to him were not being fulfilled. His case was given wings by the Sunday World newspaper. I was aware that the Sunday World had traced two potential witnesses for the State to their home overseas. They had been photographed and subjected to scurrilous allegations in the paper.

The workings of the programme were rightly subject to the Official Secrets Act. I was conscious that anyone who had a role in the programme was bound by the necessary security strictures. I had a few meetings with the State's legal team and was reasonably happy that they were on the ball. They were a trifle inexperienced in this subject area and

suffered from a modicum of professional arrogance. Meticulous records had been maintained during my time dealing with the matter. I was confident that any questions could easily be answered in a truthful manner.

On Friday 28th March 2014 I was at home when the doorbell rang at about 10.30 am. I was in the kitchen having a coffee and going through emails. This had been a typical busy week for me. It was suitable *dress down* Friday for me, and I was wearing my trendy green fleece jacket. My attire was the subject of some merriment on Twitter later that weekend. Over the preceding twelve months, I had conducted business in Ireland, UK, France, Italy, Belgium and the United States. Realistically matters relating to the Garda Síochána were not to the forefront of my mind that morning. That was all to change dramatically and not for the better.

When I opened the door, the award-winning journalist was standing there. She was a pace back from the door and extended her hand in a handshake gesture. I saw a black van parked roadside. This was a typical Sunday World doorstep manoeuvre. The set up was used to get the instant shot of some high-profile criminal. I returned her handshake and welcomed her in. She said that she wanted to speak to me about Witness Protection and my former role in that area. I asked her to switch off any recording equipment she might have been using because I knew that would be typical practice for her. I had no objection to having our conversation recorded provided we both agreed to it. She took a seat in the kitchen at my invitation. I asked if she would like a coffee and she agreed. I got up and made the coffee and then returned to my seat. Privately I was amazed and shocked that she had called to my house in this intrusive manner, to prompt a discussion on matters that self- evidently were secret. There are usually well understood boundaries in relation to one's personal address and indeed to sensitive and secret matters. I was seriously concerned that her visit could pose major security risks for my family and me if a publication followed.

It was important to have a record of our conversation for future reference so that there could be no doubt as to what passed between us. I asked her would she object if I recorded our conversation on my laptop computer. She readily agreed and we had a conversation that lasted about twelve minutes. I had a transcript made of that conversation shortly afterwards and I retained the audio recording securely. Our conversation was neutral to friendly at all stages. She was operating well within her comfort zone and of course she had at least one colleague just outside my door. I was on my own in the house as my wife was out of the country. I was greatly concerned about the impact this incident would have on her. She had absolutely no knowledge of my responsibilities for witness protection in the Garda Síochána. The last time I had an intervention like this was when I lived elsewhere, and a drug dealer used to drive by and wave to me as I cut the grass in my front garden. This was the same guy who told me directly, “We both live around here and we should keep the game neutral”.

I was intrigued how she knew where I lived and indeed where her information about my professional responsibilities came from. I thought then and I still believe now that some useful idiot in the force was suffering from a bad dose of loose lips and was spreading gossip. She wanted confirmation regarding a High Court case and as much as I would have liked to respond fully, it was clearly impossible. The matters she referred to were secret and secret for a good reason. Then she said, “you became a pundit” and inferred that was one of the reasons she was at my door. I presume they felt because I had a public profile, I would be a more newsworthy target. We rambled around in circles for a little while and then she told me plainly that the Sunday World would be running a story the following Sunday. They had their own legal advisors and they could take care of themselves. It was plain that the call on me was to acquire the usual doorstep mugshot which would be accompanied by an inventive sensational headline. The visit ticked another box because it allowed them to say that I had been invited to comment and they could publish and be damned.

With the help of an excellent solicitor, I sued the Sunday World for defamation arising from the article. There was a very long wait and many hurdles to be crossed before a full retraction was made and damages awarded. This was after four angst filled years. While I had no doubt in my mind that I was very clearly wronged it was not a pleasant experience. Machinations under the Green Dome of the Four Courts are no trifling matter, for me or particularly for my family. There is the no small matter of legal costs and if one were to win, the award could be appealed to the Court of Appeal. This would involve further time delay and potential ruinous expense. It is fashionable in media circles to claim that defamation cases are having a chilling effect on the print media. I guarantee that the whole apparatus has a chilling effect on deserving but financially vulnerable plaintiffs.

In the linked High Court civil action Mr. Justice Gilligan delivered a judgment in the case of David Mooney -v- The State et al on the 15th March 2016. Mooney had set out fourteen grounds in support of his claim. The court rejected all his pleadings and that concluded the matter. This trial was held in camera and I gave evidence for the State. His lawyers subjected me to the most outlandish and untrue allegations during cross-examination. It was a most unpleasant experience and indeed I felt that my support from the State was minimalistic.

The Court made several findings during its judgment. One of its most definitive and damning was.

I find on the evidence, on the balance of probabilities, that the plaintiff divulged details of his situation to persons contrary to the agreed provisions of the entry protocol, that the plaintiff made contact with members of An Garda Síochána other than the members of the Witness Security Programme, that the plaintiff gave interviews and passed information to the media, and further, that it was necessary for the plaintiff to be spoken to by members of An Garda Síochána about a number of incidents, that the plaintiff failed to pay back a credit card bill which he agreed to do, and further that the plaintiff represented himself

to members of the public as being a Garda. I do not accept that any member of An Garda Síochána told the plaintiff to say he was a member of An Garda Síochána.

After the reporter encounter my immediate concern was to achieve a coherent response to the false allegations but paradoxically this was not easy because simply repeating the allegations created more distress. I advised the office of the Garda Commissioner immediately of the contact by the Sunday World. Martin Callinan the outgoing garda commissioner had “retired” on the previous Tuesday 24th March 2014. This was in wake of the assertion by the Taoiseach he might not be able to express confidence in him. I contacted the acting Commissioner Noirin O’Sullivan when she took up office. I was concerned that this publicity posed a potential danger to my family and me. I also needed to have my name vindicated. The response to these concerns was, I regret to say, at best perfunctory. I learned that my name had been disclosed without my permission or warning, during the exchange of papers in the Mooney case. This certainly identified me as a witness of interest to him.

The twitter handle davymoon@moon_davy was used to subject me to an ongoing vicious twitter campaign. This campaign continued for years. It also appears that this person made complaints to the former Taoiseach Enda Kenny, the former Attorney General Máire Whelan, Minister Frances Fitzgerald, leaders of all main political parties and individual deputies. It is probable that complaints were made to many other individuals as well. Questions were asked in the Dáil, and a so-called dossier was sent to the Taoiseach. Complaints were made to GSOC even though I had long retired, and they were baseless in any event. These allegations were a tissue of lies designed to persuade me from giving evidence. Despite many appeals, the Garda Síochána blithely ignored the fact that the states witness was being subjected to a campaign of intimidation. Similarly, the High Court was not informed of this behaviour.

I found myself in the eye of a storm simply because I was prepared to give evidence for the State. This point seemed to be completely lost on Official Ireland. I strongly urged that the trial judge should have been advised of this campaign of intimidation, remarkably an excuse was always found not to do this. It got me wondering what some civilian witness would feel in similar circumstances. Would they be likely to cooperate with the state? This entire episode left a sour taste in my mouth and I've asked myself the question, would I do it again and go the extra mile. Perhaps, but would it be fair to those near to me? It brought back memories of dealing with "Dublin Jimmy" many years before. There is much more which could be said but the constraints of the Official Secrets Act make that impossible no matter how therapeutic it might be. In fairness, we were offered "counselling" in a gratuitous gesture even though all we needed was for Official Ireland to stand up and do its job.

DYSFUNCTION AND DISARRAY

The years that followed the departure of Commissioner Martin Callinan and Minister for Justice Alan Shatter were unprecedented for upheaval in the Criminal Justice space. We had seen nothing like it since the Haughey and Sean Doherty scandals in the 1980s. The seeds were laid in the saga of whistleblower Sergeant Maurice McCabe and the continual political battles of the time.

Figure 51 The Players



The economy had tanked, the bankers and politicians lost major credibility in the eyes of the public. Garda training was suspended, recruiting was stopped, budgets were cut back, over one hundred stations were closed. The McCabe affair just wouldn't go away and every turn and twist in the narrative simply increased the pressure on the Minister and Commissioner. Now, there was the spectacle of public televised debates via the Public Accounts Committee (PAC) and the

Justice Committee. Some politicians acted like martinets and grandstanded shamelessly even so the representatives of Official Ireland just weren't convincing. The public narrative was swinging against the Commissioner but also against the Minister and officials.

Bubbling Cauldron – Extraordinary Weekend

The cauldron was indeed bubbling that extraordinary weekend in March 2014 (Thursday 20th to Tuesday 25th). 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 7th May 2014 when Enda Kenny informed him on foot of the Guerin Report¹⁴⁹ that he could no longer express confidence in him. Shatter was ultimately vindicated in the Supreme Court on 26th February 2019¹⁵⁰ which unanimously dismissed Sean Guerin's appeal. It found that he 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 controversy. There was a simmering dispute between Ministers Varadkar and Shatter. The firing of the Confidential Recipient Oliver Connolly by Minister Shatter on 24th February 2014¹⁵¹ was another contentious issue.

149 25.2.2014 Sean Guerin SC appointed to inquire into McCabe's allegations of garda failures and corruption. He reported on the 6.5.2014 and Minister Shatter was "sacked" one day later. Shatter was vindicated in the Supreme Court on the 26.2.2019

150 Shatter, Alan. Frenzy and Betrayal: The Anatomy of a Political Assassination. Merrion Press 2019

151 Ministerial Statement 24.2.2014

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 AGs 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 25th 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 hands down. His “disgraceful” comment at the PAC hearing on the 23rd 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 30th 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. My GSOC Report 2009 made that abundantly clear but the report was blithely ignored.

Attorney General

There was a veritable media and political feeding frenzy at this time and the demand for a “head” was loud and sustained, Martin Callinan’s head to be exact. Shatter arrived back from his trip to Mexico on the Friday morning. He spent time in his office that day, but he was jet lagged and went home in the early evening. It transpired that Máire Whelan had

briefed the Taoiseach in the course of Saturday relating to cabinet business for the following Tuesday meeting. She again briefed him on Sunday and laterally went to Government Buildings to continue briefing him in person. Martin Callinan was not invited to be present as matters escalated over the weekend and into Monday evening and night. This meant that the Minister played a minor role in the proceedings and the Commissioner the main interlocutor on the phone taping were not present. Therefore, their views could not be ascertained nor could the relevant facts be checked, and double checked. Self-evidently Callinan's formal letter and previous meetings between his staff and the AGs Office and Justice officials, went untold. The nature of Máire Whelan's briefing became a matter for key debate at the Judge Fennelly Commission of Investigation¹⁵² which was to follow later the 30th April 2014.

*Fennelly's report*¹⁵³ also established that, contrary to the presentation Whelan made at the Monday evening meeting in the Taoiseach's office, *she first learnt of the garda recordings four months earlier on 14th November 2013... when she received a memo from Ruth Fitzgerald about the issue, headed 'Nomination of Counsel – Discovery of Garda Station Recordings of Telephone Conversations'... Fitzgerald concluded her memo by asking that counsel be nominated. She responded by nominating counsel but did not otherwise comment...*

The Fennelly Commission considered the approach taken both by Whelan and Kenny in the period between 21st and 24th March;

*It is difficult to avoid the conclusion that a decision was made not to include the Minister for Justice in discussions of the matter on Sunday, 23rd March, and for most of Monday 24th March. The Taoiseach maintained that he was entitled not to do so, but the information he was receiving from **the Attorney General could not have been more alarming and it does raise the question as to whether it was the most appropriate decision.** It is impossible to know what would have happened if the*

¹⁵² Appointed 30.3.2014, First report 31.8.2015 and the Final Report 31.3.2017

¹⁵³ Shatter, Alan. *Frenzy and Betrayal: The Anatomy of a Political Assassination.* Merrion Press.

*Minister had been taken into the confidence of the Taoiseach and the Attorney General. Mr. Shatter has said that he would himself have contacted the Commissioner. It is true that the Commissioner was not contacted, either by the Taoiseach or the Attorney General, following the meeting on Sunday evening, the 23rd March 2014. **It is very likely that, if the Minister had been kept informed of the issue, it would have made a significant difference to the events as they unfolded**¹⁵⁴.*

This last statement by Fennelly certainly is an understatement of mammoth proportions and of course full information would have been made available. As it transpired a decision was made to exclude Callinan from the entire proceedings and Shatter was not given an opportunity to meet directly or indeed indirectly with the AG before the meeting which took place in the Taoiseach's office on the Monday evening.

Shatter says that he went to his office around mid-day on the Monday and shortly after went to lunch. He discovered to his surprise that Varadkar was also lunching in the same venue. He says they acknowledged each other but did not discuss anything directly and they arranged to meet the following morning before the Cabinet meeting. Shatter believed that Varadkar had been briefing against him and that the papers were full of his off the record comments. The meeting did take place at 8.45 am the following morning but much had changed in the meantime.

Shatter returned to his office and worked on papers with his staff until he was joined at 6 pm by his Secretary General, Brian Purcell and Assistant Secretary, Michael Flahive. They had much to discuss and quickly Purcell began to brief him on the taping issue in relation to the Ian Bailey case. Phone calls were also being recorded more generally in other garda stations apart from Bandon station. The briefing was interrupted by a call from Kenny. He invited him to join him in his office where Máire Whelan was present, and the taping issue was being

154 Fennelly Interim Report 2015 Par 27.17

discussed. Brian Purcell was not invited to join them initially but was invited at about 9 pm. Martin Fraser the Taoiseach's Secretary General was also present. The extraordinary feature of this meeting is that NO NOTES were made, at least that was what was later reported. Lessons had been learned from the departure of Commissioner Garvey in 1978 and Commissioner McLaughlin in 1983. In the case of Garvey, the Supreme Court ruled that he had been unlawfully dismissed because of the failure to afford him due process. In the case of Commissioner McLaughlin government papers reveal the initial intention was to remove him from office and then that was modified somewhat to a confidence issue in him. Technically he resigned but in effect he was removed from office, but he was given a month to make an orderly departure. In 2014 Enda Kenny left no paper trail and sent a civil servant to the commissioner to plant an obvious seed in his head, "go or be pushed". No amount of weasel words can alter that simple fact.

Purcell Ordered to meet Callinan but for what?

The upshot was that Brian Purcell was ordered by the Taoiseach to go to the Commissioner at the approaching midnight hour and clearly, he didn't want to go. Alan Shatter says that he paced up and down saying "this is wrong", "this is all wrong" but in any event he went as directed. As is well known now the commissioner folded under this pressure and decided to offer his resignation. Initially he wanted three months to disengage but the following morning the Taoiseach was clear that it should happen immediately and Callinan duly obliged. This was a significant transaction because the Taoiseach maintained throughout, he had not sought his resignation, yet when it was offered, he couldn't wait to put it in his back pocket, still protesting his innocence.

"I come to bury Caesar, not to praise him" Mark Antony

Commissioner Callinan was praised in a short time by those who ardently sought his departure and felt more secure because of it.

Enda Kenny Spinning the Story

Judge Fennelly presented his first report on the 31st August 2015 and the following day became the “day of spin” for the Taoiseach. It was announced that the report had been presented and the government began to spin that the Taoiseach was without blame. This spin continued during the afternoon of the following day. I rang the Government Press Office when I couldn’t find the report online. I was told that it would be available “shortly”. Apparently others made similar requests with the same lack of success. It was announced that the Taoiseach would appear on the Six One news with Brian Dobson to give the country his good news. This was unusual because he normally avoided that kind of exposure on a critical issue. A short time before going on air the Fennelly Report was posted online by the government. The desire to stifle informed debate was still evident. The Report was provided as a scanned document which meant that it could not be easily searched by any interested party. Certainly, a piece of software could convert the images to text but there was not enough time to achieve this and meet the six o’clock deadline. It was a highly staged managed affair to show the Taoiseach in a favourable light. It was fortunate that the Dáil was on holiday, so no troubling questions to answer directly.

Appointment of the Commission of Investigation – Judge Nial Fennelly

The Commission was appointed by Government on the 30th April 2014. Commissions are appointed by Government and not individual Ministers not even the Taoiseach, it is a cabinet decision. In this instance the Taoiseach was intimating such a Commission would be appointed even though the Cabinet had not considered the proposition. Seventeen terms of reference were eventually laid out for the Investigation.

The Government has the power to decide on the terms of reference and that power is of importance when considering the scope of any investigation. The Commission published an Interim Report on the

31st August 2015, and it dealt predominantly with the events leading to the “retirement” of Martin Callinan. A central question was whether he had informed the Minister that phone calls were being recorded in a number of garda stations without proper authority. A crucial piece of evidence was the existence of a formal letter which he sent to the Department of Justice on the 10th March 2014 advising the Minister through the Secretary General of this problem. Incredibly, it seems that this letter remained unknown to the Taoiseach, the Attorney General and the Minister for Justice during the frantic events of that fateful weekend. Self-evidently as Callinan was not included in the discussions and Shatter appears to have been unaware of the letter until the 25th March 2014 this piece of critical and crucial information was not included in the problem analysis.

The interim report dealt with two terms of reference:

"To investigate and report on the furnishing to the Minister [for Justice and Equality] of a letter dated 10th March 2014 sent by the former Garda Commissioner, Mr Martin Callinan, to the Secretary General of the Department of Justice and Equality."

"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 Commission adopted this approach with government approval and the seminal matter of “Taping of Phone Calls” was held over to the final Fennelly Report on the 31st 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.

Fennelly Final report

When Judge Fennelly reported at the end of March 2017 a new Commissioner Noirin O’Sullivan was sitting in the hot seat. She was under intense political pressure at that time and politicians were openly calling for her to go. Nevertheless, the Report genuinely was a case of nothing to see as counterintuitive as that sounds. There was no subornation of the Criminal Justice System, the jails were not about to fling open their doors, there was no garda plan to eavesdrop on solicitors or their clients, there was no centralised pooling of recorded phone calls. At best, twenty garda stations from seven hundred had used this recording facility. Ian Bailey had lost his latest case against the State. Technically and according to existing law it was not lawful to record calls in the fashion uncovered. There were good operational reasons to legally record calls in specific circumstances and in the public interest. Commissioner Callinan had stopped the ad hoc system in its tracks when he became aware of its existence. On this occasion there was no tête-a-tête by the Taoiseach on the national news. It was clear from the Report that the Attorney General had taken a trenchant line initially and then modified this position in the light of circumstances. Neither she nor the Taoiseach took the necessary steps to establish the rudimentary facts, it was a case of someone “ridding them of a troublesome commissioner”. It is disquieting that the Commission gave some comfort to the Taoiseach in that he had never uttered the fateful words to the Commissioner, “I intend to remove you from office”. Any reasonable person would have arrived at the conclusion that the Taoiseach by his actions had clearly wanted Callinan gone and now!

This entire exercise was about political survival and ruthless political domination. Indeed, the Taoiseach survived a little longer and Alan Shatter not so much. The lesson for commissioners was simple, mind your own business and don't fly too close to the sun. You won't win the battle with the politicians unless you're prepared to challenge them and you have the means of mounting the challenge. Paradoxically, even though Commissioner Callinan was certainly on the high ground on this issue, it is arguable and probable that he would not have withstood the McCabe situation for long.

Centre of Power - Minister¹⁵⁵

Judge Fennelly illustrated one incredibly important fact which was, the Minister had operational control of the Garda Síochána. He said that more clearly and with greater authority than I ever could.

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..."

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 or her functions."

The corollary of this legal position is that the Minister and Secretary General were obliged to interact with the Commissioner on a dynamic basis and to put structures in place to ensure compliance. It was legally clear that the Commissioner should report as required but naturally a duty falls on the Minister and the Secretary General as well.

155 Fennelly Interim Report Par 3.25 Page 21, 31.8.2015 The Fennelly Factor

Sequel

Every cloud has a silver lining and in the case of Attorney General Máire Whelan a continuing rainbow. The last act of the outgoing Taoiseach Enda Kenny at his final cabinet meeting on the 13th June 2017 was to appoint the Attorney General, to the Court of Appeal.

Colm Kenna writing in the Irish Times on the 16th June 2017 remarked that,

The appointment of Máire Whelan, the former attorney general (AG), to the Court of Appeal has raised a number of questions that arise from the fact that she herself, in her role as AG, had a key part to play in the judicial appointments process. Applications from lawyers who wanted to become judges were invited by the Judicial Appointments Advisory Board (Jaab) in January. Ms Whelan was a member of the board and under the relevant legislation would have had to withdraw from any consideration of any appointment for which she herself had made an application. It is believed she did not make an application to Jaab. On March 22nd last Garrett Sheehan retired as a judge of the Court of Appeal. It is understood before this occurred, Jaab considered whether it had among its applicants' suitable candidates. It is not known if Ms Whelan withdrew from discussions on this matter. It is not known when Ms Whelan decided that she would like to be appointed to the role. If she had not decided until recently, there would have been no reason for her to excuse herself. Sources with knowledge of Jaab said it is the view of the most senior members of the judiciary that it is only in exceptional circumstances that a practicing lawyer, as against an experienced judge, should be appointed to the Court of Appeal.

Ms Whelan is an experienced barrister and has been AG since 2011. However, her suitability for the position would not have been considered by Jaab, as she had not put her name forward. While the Department of Justice has said it was told by Jaab that there were no suitable candidates for the vacancy, sources with knowledge of Jaab say they believe that this

was because the board would have decided the position should be filled from the High Court. Ms Fitzgerald recommended to Cabinet that Ms Whelan be appointed to the Court of Appeal. The AG herself was still in the room when the Cabinet, which has put reform of the judicial appointments process in its Programme for Government approved the recommendation.

There was considerable political opposition to the appointment principally from Fianna Fáil. The leader Micheál Martin described it "an insider appointment that stinks to high heaven." The appointment was legal and so the nuclear option was to withdraw support. Micheál Martin was not about to pull the plug on their "confidence and supply" agreement¹⁵⁶ with Fine Gael, therefore words not actions.

156 After the 2016 general election, a minority government was formed by Fine Gael and some independents, with confidence-and-supply support from Fianna Fáil in return for a published set of policy commitments from the government. FF held the whip hand but chose not to exercise it.

NOT OUR FAULT - DENIABLE POLITICAL CONTROL

"The Garda 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..." Judge Fennelly - The Fennelly Factor¹⁵⁷.

This legal construct puts the minister in operational control of the Garda Síochána. The political establishment refuses to accept the binary nature of this legal prescription. The refusal is based on an overwhelming desire for self-preservation because acceptance of the legal premise would mean the acceptance of primary responsibility. The political strategy was and is to create space between the power level and operational policing, always ensuring that politicians could not be held accountable. Politicians placed reliance on newly created institutions like the Policing Authority to provide a buffer as surrogate organisations.

The office of Taoiseach sits at the top of the political power pyramid. The incumbents are not slow to act ruthlessly for their own political survival. Taoiseach Enda Kenny had no scruples about losing a Minister and a Commissioner in 2014. The new Taoiseach, Leo Varadkar exercised the same ruthless streak in 2017 when his nascent government was in trouble. He accepted the resignation of Frances Fitzgerald the new Tánaiste in the interests of the country or put another away in the interests of political survival. Chief police officers simply have never learned that this ruthless streak is the basic law of survival at the political level. Many commissioners failed to build the necessary professional distance between themselves and the political power while retaining the ability to render to Caesar what belongs to Caesar.

157 Fennelly Interim Report Par 3.25 Page 21, 31.8.2015 – The Fennelly Factor

Much in life is defined by the phrase “be careful of what you wish for”. I met the newly appointed Frances Fitzgerald at the MacGill Summer School shortly after she took over in 2014. She was an accomplished performer at the microphone. She spoke warmly of her vision for the future. I asked a few questions and in the spirit of debate, I suggested that a ‘vision’ was important but that it should be informed by a plan. Perhaps I was saying that it would be useful not to assume that all the answers could come easily to the lips. Policing is a difficult demanding business with the unhappy knack of throwing up roadblocks at the most inopportune times. When I got back to Dublin, I wrote her a nice letter and suggested that it could be interesting to meet and exchange views. No reply, perhaps I was overly optimistic or perhaps not diplomatic enough. In the background I was under attack because I was a state witness and suing a tabloid. It was far too easy to be dismissed as just another troublesome guard.

Policing Authority

The Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 and SI 612/2015, legally provided for the Policing Authority. It was established for the purpose of overseeing¹⁵⁸ the Policing functions of the Garda Síochána. The OVERSIGHT remit is an important definition of its responsibility as it directs attention in a particular way. It was not designed to be an ACCOUNTABILITY body because this responsibility legally resided with the Minister for Justice. The Authority was entering a confusing space which was already occupied in part by the Garda Inspectorate and by GSOC. Why was it called the Policing Authority and not the Garda Authority? The answer is simply because this Authority was not given power in relation to the State Security aspect of the Garda Síochána role. The Act creates a divide between Security and Policing matters. The Act partially came into force on December 23rd, 2015. In

158 An Act to amend the Garda Síochána Act 2005 to provide for the establishment and functions of a body to be known as An tÚdarás Póilíneachta or, in the English language, the Policing Authority for the purpose of overseeing the performance by the Garda Síochána of its functions relating to policing services;

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. The Public Appointments Service (PAS) processed appointments to the Authority

*“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 was and is that foreign policing expertise is good and domestic policing expertise is to be avoided.

One of the key buzz words used by the Minister during the debate on the Policing Authority was “Independent” implying that the Authority would be independent and the process of appointment of its board members would be outside government influence. Speaking on Morning Ireland on Sept 3rd, 2015 Dr Vicky Conway DCU then a recently appointed Authority member said that *“the Policing Authority will absolutely not solve the issues seen in the Fennelly Report”*. Indeed, she is quoted in other media sources as saying the proposals were watered down and that appointments to the Authority was a political process.

The Assessment Panel¹⁵⁹ considered the applications of the ninety-seven applicants. This took place on the 6th October 2015 between 9.30 am and 2.30 pm on the same day. This was a total of five hours with coffee breaks and lunch deducted from the consideration process. The best time estimate would suggest that each applicant was considered for a period of three minutes and the assessment panel consisted of six people. Self-evidently, if all six were to contribute equally on the merits of a candidate they would have thirty seconds to make their contribution. There was voluminous material supplied by each applicant, which could

159 “After careful consideration, PAS concluded that direct policing experience was not a fundamental requirement for the Assessment Panel. There is no formal Code of Practice which governs this process. Ultimately, the decision as to what persons are invited to sit on any particular Assessment Panel is one for the Chief Executive of PAS.”
– Source FOI

not be perused and sifted in the available time. In any event, the Assessment Board did not make the selection of the Authority members. Documents released under the Freedom of Information provisions underlines the political nature of the selection process. There was direct political control from the Minister. She seemed to handle the entire process as a political transaction and one that could be constructed to her political advantage. As early as June 2015 she was exhorting her officials for action and indeed one official commented in an email,

“Essentially the Dept is under enormous time pressure from the Minister to have positions as members of the board of the Policing Authority advertised as soon as possible” – 5th June 2015 FOI.

The Minister took the quite extraordinary step of telephoning the successful applicants personally to advise them of their appointments. She became heavily invested in the formation of the so called “Independent” Policing Authority. She was anxious to ensure a significant buffer existed between herself and the Garda Commissioner. Her hurry was such that the redoubtable Josephine Feehily, late of the Revenue Commissioners, was appointed Chairperson a year before the Authority was established in law. No member subsequently appointed to the Authority had domestic policing experience. This was a serious tactical mistake and insulting to a service which had served in the unique environment of consent and acceptability. This denial of domestic policing experience has continued right through the reform process and through every suggested structural reform proposal. This is a classic case of cognitive bias. The doctrine of “you don’t know what you don’t know” applies and decision makers are blind to the obvious. Perhaps cynically one is left to wonder what was the point of this exercise? Another bureaucratic layer has been introduced which flies in the face of a rational oversight model. There is now a new proposal to amalgamate the Authority with the Garda Inspectorate in a new body wonderfully called the PCOSC!

“We propose¹⁶⁰ the establishment of a new Policing and Community Safety Oversight Commission (PCSOC), to supersede the Policing Authority and the Garda Inspectorate, with a core function to promote interagency working and scrutinise the role of all agencies as they affect community safety”: (Ch. 13 para. 1)

Michael McDowell has been a stringent critic of the Policing Authority, McDowell Web Site 17.9.2017

“In truth, the Policing Authority is not an authority at all; it is an ineffectual and redundant piece of political window-dressing established by Enda Kenny’s government as a kneejerk reaction to the crisis in public confidence arising from the departure of a Garda commissioner who received a late-night visit from Enda Kenny’s emissaries in early 2014. The establishment of a policing authority was bitterly opposed at cabinet by the then Minister for Justice, Alan Shatter, but he was over-ruled at the instance of the Labour Party - and within weeks he was gone himself

Policing is one of the most central functions of the executive arm of any state, including Ireland. No common law country has made its national police force (as distinct from regional constabularies) subject to a policing authority independent of the elected government.

The Irish constitution places the exercise of the executive power of the Irish state in the hands of the Government which is made accountable to the Dáil. The Garda Síochána is at once a national police force, a national security service, and a national immigration service. It must be under the control of the Executive in any functioning democracy. It cannot constitutionally be handed over to a non-governmental body that is independent of the Government and the Dáil.”

Perhaps surprisingly I agree with some of McDowell’s observations. It is important that logical conclusions are drawn from the governance mess. There are obvious dangers for democracy and civil rights in awarding policing power to uncaring and self-perpetuating institutions,

160 Commission on the Future of Policing 2018 Recommendation

whether government or police. Striking the balance is the acid test.

The triumvirate of Minister for Justice, Departmental Secretary General and the Garda Commissioner is 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. Ministers Shatter and Fitzgerald have been removed from office more recently.

In an alternate control model, the Minister would exercise the role of Chairman and the Secretary General would be Deputy Chair with the Commissioner being the CEO. This model would recognise the fact that the Garda Síochána has the unique responsibility of providing a police and security service to the State. It has a budget approaching €2 billion with a combined staff of 15,000. There is a legal statutory relationship between the Commissioner, the Minister and the Secretary General as set out in the Garda Act 2005. The Garda Act provides that the Garda Commissioner shall account fully to the Government and the Minister, through the Secretary General of the Department of Justice, Equality and Law Reform for all aspects of his or her functions. Therefore, the legislative framework is already in place. There are some similarities between my suggestion and the proposals from the Commission on the Future of Policing in Ireland. I consider their proposed model is far too complicated, it places too much power in the hands of the commissioner.

Strong Influencers 2015 – 2018¹⁶¹

Josephine Feehily 2015 - Chairperson Designate Policing Authority wielded considerable power. She had a determined personality and there was little room for compromise evident in her public meetings with the Garda Commissioner. Indeed, she displayed a strong alpha personality and even scolded one of her own team at a televised meeting.

161 This is an indicative list of the key actors and much of the action revolved around them

Judge John Cooke 2014 - Alleged Bugging of the GSOC office.

Judge Nial Fennelly 2014 - was appointed in the teeth of the infamous weekend in March 2014 to hold a Commission of Investigation into Alleged Phone Taping at Garda Stations and to inquire into the retiral of then Commissioner Martin Callinan. He was to debunk the conspiracy theories around the phone recording allegations. He used some intricate language regarding the departure of Martin Callinan and the actions of the Taoiseach Enda Kenny. Despite this the plain people of Ireland would easily conclude that Martin Callinan was unmistakably pushed from office. Probably one of the most important observations of Judge Fennelly was that he debunked the proposition that the Minister for Justice has no operational control or responsibility for the Garda Síochána - the Fennelly Factor.

Judge Kevin O’Higgins 2015 - 2016 Certain matters in the Cavan Monaghan Division

Judge Matthew Deery 2015 - Oversight of the Fixed Charge Penalty System

Judge Iarlaith O’Neill 2016 - Review of two Protected Disclosures by Gardaí

Judge Peter Charleton 2017 - the first Judge appointed to the Disclosure Tribunal. He rather cleverly insisted on the Disclosure title rather than the Charleton Tribunal. In effect he was to serve for over a year. He was replaced in November 2018 by Judge Sean Ryan. The Terms of Reference for the Tribunal were drafted by Minister Frances Fitzgerald, it is unlikely that she thought at that time that she would appear as a witness before the Tribunal. Indeed, she was cross examined by Michael McDowell a former Minister for Justice, Attorney General, and one-time Tánaiste. Peter Charleton delivered a lecture to the MacGill Summer School in 2019 delivering a most damning critique of the Tribunal system. He was critical of the duration, cost, and methodology of Tribunals. He also has

said rather succinctly that a Tribunal is the opinion of one person and not a trial verdict.

This was a period of unprecedented involvement of Judges in conducting Commissions of Investigations, Tribunals, and non-statutory inquiries

Commissioner Noirín O’Sullivan 2014 – 2017. She became commissioner as the storm clouds grew darker. She struggled to explain the various crisis that occurred although she got a clean bill of health from the Charleton Tribunal. She faced strong external examination in the media but particularly from the politicians who were baying for her head on a plate. Some criticism was justified however there was a degree of opportunistic attacks. The Maurice McCabe saga rattled on and her erstwhile Press Officer David Taylor, had been displaced with some gusto. Ultimately both Maurice McCabe and David Taylor were to make protected disclosures, which in turn led to the establishment of the Disclosure Tribunal otherwise the Charleton Tribunal. Her appointment was not the one anticipated by previous regimes. It was widely expected that a senior colleague of Martin Callinan would get the nod. The long knives weekend tore that proposition to shreds. She had the unprecedented situation of being Commissioner while the two positions of Deputy Commissioner were vacant. There were several Assistant Commissioners senior to her in service but obviously junior in rank. Allowing for the rather obvious fact that promotions at that level are eagerly contested and office politics could be toxic, trade craft was required. She failed in building a coalition of support in her kitchen cabinet. That was a serious tactical error.

John Barrett Head Garda HRM 2014 - He was the first civilian head of the Garda HRM Department and he figured prominently and sometimes controversially at the Public Accounts Committee. He was later suspended by the Minister on the application of the Garda Commissioner Harris.

John McGuinness TD - He was the long serving chair of the Public Accounts Committee. This committee played a key role over a wide range of garda matters. It is fair to say that he expanded the operational brief of that committee considerably. He was enthusiastically supported by many TDs. This was a forensic but destructive exercise.

Journalist Michael Clifford – He adopted the case of Maurice McCabe as a cause celebre and eventually wrote the definitive book on the subject. I engaged many times in the media with him. Overall, I think he is a fair journalist.

The Irish/American Kathleen O’Toole Lawyer and Police Chief. She has been an ubiquitous presence in matters of policing and criminal justice on this side of the Atlantic. She has figured in the Republic, Northern Ireland and the United Kingdom. She served on the Patten Commission for reform of the RUC. Her latest contribution in the Republic was as Chair of the Commission on the Future of Policing. She is on the Board of Operation Kenova in the UK investigating the British agent Freddie Scapaticci. She has served on interview boards for commissioner appointments. Without a doubt she has been the most powerful voice in shaping policing in this country in recent times. She also managed to get a Doctorate from Trinity College, largely using material she gleaned from her role in the Garda Inspectorate. Subsequently she returned to the US as Police Chief in Seattle. She became the placebo medicine for whatever was perceived to be amiss in policing here.

Kevin Tolan headed a highly critical review of the Department of Justice in 2014. One of his colleagues on that review was Kathleen O’Toole, yet again in the middle of the action. This was an excoriating review. It really sat for a very short time from 3rd June 2014 to 11th July 2014. At best it could only be considered a snapshot at a point in time.

Martin Fraser Secretary General at the department of the Taoiseach. He played a lead role on the night of the long knives when Martin Callinan was being discussed, by Taoiseach Enda Kenny and Attorney General

Máire Whelan. He has been involved in follow up action by Government, including sitting on Commissioner Interview Boards.

Frances Fitzgerald 2014 – 2017 Minister for Justice and later Tánaiste. She came into office on the heels of the deposed Alan Shatter. She had an effective alliance with Noirín O’Sullivan until the political pressure became too great. She resigned in order to save the Fine Gael minority government in 2017 when there were major issues concerning her knowledge and actions, at the time of the O’Higgins Commission. Judge Charleton provided her with the road back to political rehabilitation and she went on to win a seat in the European Parliament in 2019. Her effective defence at Charleton was that it would have been improper for her to interfere with Commissioner O’Sullivan’s legal strategy at the O’Higgins Commission. She had of course approved the Terms of Reference for the Tribunal and she was essentially a witness of fact, rather than a target for the Tribunal. Her reliance on a non-interference defence was certainly at variance with the Fennelly Factor which underlines her executive control of policing.

Ministerial Officials Department of Justice and Equality and elsewhere. Many officials were involved in the different exchanges. One of the most remarkable features was the inexcusable inability to take notes, to record decisions or even to admit having water cooler moments. It is inconceivable that animated discussions were not held. This was a time of absolute crisis and chaos where headlines dominated, and the Dáil Chamber reverberated with accusations and counter accusations.

Brian Purcell Secretary General Department of Justice. He was a key figure in the drama of March 2014. He had suffered a family bereavement and was out of his office at a critical juncture leading up to the night of the long knives.

Noel Waters Secretary General Department of Justice was certainly a reluctant Secretary General. He was eventually persuaded to fill the position vacated by his colleague Brian Purcell. He did not compete to fill

that vacancy, however no candidate was deemed suitable. He was the Director General of the Immigration Service and would have been quite happy to continue in that role. In effect he was thrust into the role. In the course of the Tribunal he used the expressions "I do not know," or "I have no recollection" on many occasions. He didn't recollect a fourteen- minute telephone discussion with the commissioner. Commissioner O'Sullivan had no independent recollection of that phone call either.

Retired Commissioner Martin Callinan was out of the game from his retirement in March 2014. His evidence was not accepted in many critical aspects by the Tribunal. He was a significant loser.

Sergeant Maurice McCabe and his family were vindicated by the Tribunal. It was clear that they had suffered much in the intervening years which was totally avoidable and inexcusable. It would be tempting to consider that brilliant advocacy by his legal team was responsible for his ultimate success. That fact is undoubtedly true, however he took a simple precaution of taping his conversations at critical interviews, which corroborated his own narrative. He did this with Oliver Connolly, the confidential recipient and at his crucial Mullingar meeting. The notes from Superintendent Noel Cunningham also corroborated his account. The information recorded was worth a library of legal argument to his case.

Superintendent David Taylor - Garda Press Officer (to Commissioner Callinan) simply failed to evidentially substantiate his allegations with regard to the negative briefing of journalists. He lost credibility and sympathy and he retired within days of the Tribunal report.

Alan Kelly TD Labour is a highly combative and competent politician. He has excellent information sources, and he used his membership of Dáil Committees to publicise his views. He was often critical of the GS and indeed I clashed with him on numerous media occasions. He was typical of many TDs who adopted highly adversarial roles often in search of easy publicity. He is the recently elected leader of the Irish Labour party.

Tusla - Many colleagues felt Tusla escaped quite well from Charleton. They incurred some sanction, but the egregious breach of procedure was allegedly a cut and paste mistake.

DISCOURSE

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. I 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. The Garda Síochána is a unitary national police force so there are few direct comparisons. However, one is aware of the history of other police services, including collusion with killers, involvement in drugs dealings, conspiracies to pervert the course of justice and other criminal activity. Despite the dark clouds these egregious charges were not levelled at the Garda Síochána. It is true that there were many self-inflicted wounds which were disturbing, some of these issues were legacy and others were current. In straightforward terms the debacle surrounding the fake breath tests was bizarre in the extreme and there seemed to be a general failure to deal swiftly and conclusively with the obvious. These views are not to justify poor performance but rather to explain the overwhelming context.

I participated in media events and discussions on the state of the Criminal Justice System. The narrative was almost overwhelmingly negative. I found myself being cast in the role of unconditional defender of all things garda, regardless of my objective views. Much of the media analysis was investigation by press release with little or no effort at

serious discussion. The political stalemate in the Dáil certainly slowed debate on the real issues. I was also involved with the GSRMA, the garda retired association. Despair was evidenced at many levels. Some of this frustration was directed toward senior gardai who were perceived to be inept in the face of challenge. An even greater amount of resentment was directed towards the political establishment and the media on the basis of unfairness and bias.

There are literally thousands of retired and serving garda families. It is exceptional to find someone who is not related to a garda or knows a garda personally. The members are integrated and largely accepted in every strata of our society and that is quite exceptional in international terms. Indeed, there is a marked and striking contrast with the other police force on this island, in that regard. There are historical reasons for this connection. It must be remembered the predecessor to the Garda Síochána was the Royal Irish Constabulary (RIC) which was systematically destroyed during the War of Independence. Civil society and the rule of law broke down until it was replaced through a painful process, by our force. So, obviously this valuable acceptance and integration cannot be assumed or taken for granted. One of the unintended consequences of the unremitting criticism is that the very foundation of policing by consent could be eroded.

Personally, I have found that there is a considerable reluctance in the print media to accept any comment or article which does not subscribe to a narrative of negativity and criticism. This was not always the case. There was a time in the past when it was possible to have healthy informed debate and discussion.

We felt strongly disrespected by the government in terms of recognition for the contribution which the Garda Síochána made to the stability of this State since 1922. This was particularly so during the 1916-2016 Anniversary Celebrations. The force received no official recognition for holding the line, as a largely unarmed body during the civil war and afterwards during the growing pains of the State. In more recent times

there has been no recognition of the Garda Síochána in policing this country during the period of the troubles. Contrast this with the recognition by the British State of the RUC when the force was awarded the George Cross. The Citation from Her Majesty read;

“For the past 30 years, the Royal Ulster Constabulary has been the bulwark against, and the main target of, a sustained and brutal terrorism campaign. The Force has suffered heavily in protecting both sides of the community from danger - 302 officers have been killed in the line of duty and thousands more have been injured, many seriously. Many officers have been ostracised by their own community and others have been forced to leave their homes in the face of threats to them and their families. As Northern Ireland reaches a turning point in its political development this award is made to recognise the collective courage and dedication to duty of all of those who have served in the Royal Ulster Constabulary and who have accepted the danger and stress this has brought to them and their families”. Buckingham Palace 23rd November 1999”

Now isn't it just possible that the Garda Síochána merited recognition from the Irish State for unselfish service rendered to the people of this land – I certainly think so. It is certainly hoped that the Centenary celebrations will redress this egregious omission.

NATIONAL MEMORIAL DAY¹⁶² May 20th, 2017

The year 2017 was to produce one more change at the top of the force when Commissioner O’Sullivan decided to retire in September. She said that it was impossible to do the day job, while continuing to meet the ever-increasing demands of Tribunals, and other inquiries.

Figure 52 Frances Declares for Leo and misses Memorial Day



This is a hugely important day for the Garda family. It is held every year on the third Saturday of May, so we can plan a full year in advance to ensure the day is a success. The day is one to remember, to reflect on those eighty nine members who have paid the ultimate price in the name of the State. It is important that we come together and honour our fallen colleagues, by lending support to the surviving family members. The State is normally represented by the Minister for Justice. The Minister for Justice, Frances Fitzgerald TD was absent for the formal proceedings of that year’s National Memorial Day. She did not send a representative in

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her place, indeed there are Junior Ministers in the Justice Department! The MC on the day did not explain the absence of the Minister for Justice but did indicate that she would be “with us shortly”. The Minister appeared when the formal proceedings were over. This tardiness showed little respect for the fallen members of An Garda Síochána. Was it a coincidence that the race to succeed Enda Kenny TD as leader of Fine Gael had started, and Tánaiste and Minister for Justice Frances Fitzgerald TD had endorsed Leo Varadkar for leader. His official candidacy launch was taking place at the same time, she chose to attend it rather than the Memorial Ceremony. Garda Commissioner Nóirín O’Sullivan was absent, she was represented by Acting Commissioner Dónall O’Cualáin. Our fallen colleagues deserve the respect of our presence at Memorial Day each year. Likewise, the State must play its part in honouring the deceased members of An Garda Síochána.

I am also reminded that supreme sacrifices continue in modern times. These three brave officers have been added to the roll call of the fallen and will not be forgotten.

Detective Garda Adrian Donohue Killed on 25th January 2013

Garda Tony Golden Killed on 11th October 2015

Detective Garda Colm Horkan Killed on 17th June 2020

DILUTING THE BLUE

As my earlier narrative reached a natural conclusion (2020), two figures dominate the story. Deputy Charlie Flanagan TD¹⁶³, Minister for Justice and Equality and Commissioner Drew Harris, An Garda Síochána. The minister had the political space under control and by default the commissioner had been given a free hand to introduce change and keep the budget in check. They both were operating with momentum, however transitory. Charlie had received a report from the Commission on the Future of Policing (CFP) which he had steered through government at a modest pace. Drew had been allowed to produce his Operating Model for the force, which allegedly followed the CFP model. In effect both had their “Milestones” in the bag. They could ward off any evil spirits that came to challenge. Then the unforeseen, an inconclusive General Election followed by the worldwide Pandemic COVID 19. “Events Dear Boy, Events”. In the interim their milestones remained in place but are unlikely to withstand the emerging events. Perhaps they will become “Mill Stones”.

Milestone/Commission on the Future of Policing (CFP)

The Commission on the Future of Policing commenced in May 2017 and reported in September 2018 <https://goo.gl/cFmJVva>. The government initially and cautiously noted the report. In December 2018 the Minister for Justice and Equality, Charlie Flanagan T.D., announced the Government endorsed the report of the Commission on the Future of Policing in Ireland. They agreed to his proposal to accept all 157 key recommendations (136 in full and 21 in principle). The Commission had no domestic policing experience on board. The composition of it was a matter for government and they didn’t see the value in this experience. The Commission made some valuable proposals. I said previously that the Commissioner should be the CEO and the Minister as Chairman. Their

¹⁶³ *Minister Flanagan was replaced by Minister Helen McEntee but this did not result in strategic change. The dialogue of the deaf continued.*

recommendations on Governance would see the Commissioner acquiring a raft of new responsibilities with greatly enhanced powers. He/She would report to an Internal Board. 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. Should these new arrangements be adopted it would also be necessary to amend the current legislation. The amalgamation of the Garda Inspectorate and Policing Authority may fulfil the oversight role. This new body is to be named Policing Community Safety Oversight Commission otherwise to be known as PCSOC. Sean O'Rourke in a radio show referred to this and other acronyms as Alphabet Soup. The Governance, Oversight and Accountability recommendations make little practical sense. There is a need to simplify the recommendations. Would it be too much to include those with domestic policing experience in the implementation team? The burning question is who takes care of the "day job" while the chairs are juggled?

Mill Stone/Harris Operating Model Proposals

The work of the Commission was followed by the August 2019 proposals from Commissioner Harris setting out his version of what he termed a New Operating Model for the force. These are hypothetical proposals. They are based on assumptions and presumptions which are **unprecedented, untested and uncosted**. No economic or operational impact study has been undertaken on this initiative. The proposals are intrinsically destructive, and they pose an existential threat to the Garda Síochána. This judgment is not made lightly. Any knowledgeable experienced garda could easily explain the absolute fallacy of the Harris proposals. One of the great benefits of experience is to be able to recognise patterns and trends. These proposal for structural change is supposedly based on the findings of the Commission on the Future of Policing (CFP). This is not the case.

Figure 53 Harris Operating Model – Now Amended ~ By U Turn August 2023

Operating Model Changes – Vertical Reporting to Commissioner			
<p>North Western Region Regional HQ Galway (Assistant Commissioner) <i>New Regional Chief Superintendent Monaghan</i></p>	<p>Southern Region HQ Cork (Assistant Commissioner) <i>Regional Chief Superintendent NEW</i></p> <p>Cork City Division 704 (Chief Superintendent)</p>	<p>Eastern Region HQ Kilkenny (Assistant Commissioner) <i>Regional Chief Superintendent NEW</i></p> <p>Meath 325 + Westmeath 276 Divisional HQ Mullingar (Chief Superintendent) <i>NEW</i></p>	<p>Dublin Metropolitan Region HQ Harcourt Square D2 (Assistant Commissioner) <i>Regional Chief Superintendent Harcourt Square D2</i></p> <p>DMR East Dunlaoghaire 378 DMR North Ballymun 749 DMR North Central Store Street 696 DMR South Central Kevin Street 697 DMR South Crumlin 574 DMR West Blanchardstown 737</p>
<p>Galway Division 624 Gardai Divisional HQ Galway (Chief Superintendent)</p>	<p>Cork West 304 + Cork North 335 Divisional HQ Bandon (Chief Superintendent) <i>NEW</i></p>	<p>Kildare 394 + Laois/Offaly 379 Divisional HQ Portlaoise (Chief Superintendent) <i>NEW</i></p>	<p>Note The Dublin Metropolitan Region is an exception to the Regional Structure. It has existed since the foundation of the State in 1922. It was originally the Dublin Metropolitan Police a separate police force. It has been expanded to include new Divisions on the Suburban Periphery. It is demographically and geographically unique for obvious reasons.</p> <p>The Regional structure country wide (Dublin Excepted) but was introduced in 1995 and similar to the current initiative it was introduced without research or consultation</p>
<p>Sligo/Leitrim 302 + Donegal 443 Divisional HQ Letterkenny (Chief Superintendent) <i>NEW</i></p>	<p>Limerick Division 584 (Chief Superintendent)</p>	<p>Wexford 320 + Wicklow 315 Divisional HQ Wexford (Chief Superintendent) <i>NEW</i></p>	
<p>Cavan/Monaghan 376 + Louth 373 Divisional HQ Drogheda (Chief Superintendent) <i>NEW</i></p>	<p>Clare 312 + Tipperary 385 Divisional HQ Ennis (Chief Superintendent)</p>	<p>Waterford 320 + Kilkenny/Carlow 319 Divisional HQ Waterford (Chief Superintendent) <i>NEW</i></p>	
<p>Mayo/Roscommon 336 + Longford 314 Divisional HQ Castlebar (Chief Superintendent) <i>NEW</i></p>	<p>Kerry 345 (Chief Superintendent)</p>		

The proposed **Operating Model** for the Garda Síochána will directly affect 14,279 sworn garda officers and 2,332 civilian staff (Figures December 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. 6 Garda Regions have been reduced to 4, thereby creating new Super Regions¹⁶⁴. The Commission on the Future of Policing recommended the Abolition of Regions, Harris has disregarded this without comment. 28 Garda Divisions will be reduced to 19, creating several Super Divisions. This a smoke and mirrors exercise which uses intelligent sounding jargon to convince the observer.

Covid 19 Pandemic Impact

The **Covid 19** impact can only be estimated but without a shadow of doubt it will adversely affect resource levels both human and financial. Early indications are not favourable because there is considerable worry about restrictions on internal spending. The shadow previously cast by the 2008 economic crash is beginning to darken once more.

*In terms of Essential Conditions Ireland is relatively robust, with sound institutions, a broadly supportive business environment and strong demographics. However, vulnerabilities persist, with both private and public sector debt remaining high and likely to increase in light of the COVID-19 pandemic, and with certain business markets (legal and insurance) impacting negatively on the ability of SMEs to establish and to prosper. **National Competitiveness Council 2020** The unprecedented increase in public expenditure to combat the virus, coupled with the loss in revenue from the fall in economic activity, will lead to a significant government deficit in 2020. In the Baseline scenario, this deficit is expected to be over €27 billion or 9 per cent of GDP. The financing of such*

¹⁶⁴ The terms Super Region, Super Division, Super Admin are the authors.

large deficits will come into sharp focus in the months ahead and hard choices will have to be made. Economic Social Research Institute

On the 20th March 2020 a total of 319 students, some of whom had only been in training in the Garda College in Templemore for a few weeks, were sworn in as Gardaí and assigned to stations all over the country. Their tutors and instructors - 124 Gardaí, sergeants and inspectors were also being deployed to frontline policing in response to Covid-19. This initiative was followed later in May by the announcement that a further intake of student gardai were to be deployed after one week at the garda college. This was followed by a three-week distance learning module conducted virtually in their own homes before station allocation. These extraordinary times required extraordinary actions by the front line and the accelerated allocation of 319 Gardaí was a remarkable event. It was a time for practical patriotism. They adopted a twin-track approach, serving the vulnerable and the aged to defend them against Covid-19. On the other hand, defending the majority from the unthinking actions of the minority. The obvious long-term danger is that garda training will become a casualty of the COVID 19 pandemic, with long term adverse consequences. Time will tell. The lessons of the college closure in 2010 should still be fresh in the memory of the authorities. There is likely to be dramatic pressure on the budget of the force which will inhibit investigations and service delivery.

Political Environment

The prevailing political climate was uncertain and risk averse. Future challenges will inevitably take place in a highly volatile political environment, in the context of a coalition government. A new minister for Justice¹⁶⁵ was appointed obviously an inexperienced one and she will operate in tandem with the existing commissioner and of course the omnipresent secretary general. So, what is there to be concerned about? Well, experience of the political system in action is not impressive.

¹⁶⁵ *Helen McEntee TD, FG appointed on the 27th June 2020*

The Long Take Over

The departure of Commissioner O’Sullivan in September 2017 created a vacancy again. This position was temporarily filled by Deputy Commissioner Dónall Ó’Cualáin who stated that he was not interested in becoming a full time incumbent. It took a full twelve months before a replacement was nominated, Deputy Chief Constable Jeremy Andrew Harris, OBE, QPM of the Police Service of Northern Ireland (PSNI) and late of the RUC. The lack of knowledge or appreciation by the then Fine Gael led government of the true nature of the role and function of Security and Intelligence agencies was astounding. The equivalence in the context of the Irish defence force would be to appoint a British General as Chief of Staff to the military.

Sovereign Responsibility - The Appointment of the National Security and National Police Commissioner

Policing but particularly State Security is a sovereign exclusionary responsibility. It is inconceivable that an individual from an adjoining service albeit a “friendly” neighbour would be given direct control of state security in Ireland. **This is in fact what happened.** The exclusionary principle is a common principle across the European Union the United Kingdom and worldwide.

On Sat, September 1st 2018¹⁶⁶ the Irish Times published a thoughtful article on the appointment of Mr. Harris. The headline to the article said it all.

“Garda-Take-An-Outside-Chance-On-New Commissioner”

Last December, in a report prepared for Cabinet ministers, the justice officials warned a foreign candidate may be subject to, or seek to promote, the interests of their country of origin at the expense of Irish

¹⁶⁶ <https://www.irishtimes.com/news/crime-and-law/drew-harris-garda-take-an-outside-chance-on-new-commissioner>

national security interests. The report, the contents of which have been seen by The Irish Times, also advised Irish Government ministers that 23 of 24 nations canvassed for a view by the Irish Permanent Representation to the EU said they would not consider foreign nationals for their top policing and security posts. Some would not even consider candidates with dual citizenship. One source who has worked in the domestic and international security and intelligence community says it is clear the deep vetting that should have been done on Harris as part of the recruitment process was not performed. Hiring Harris is a risk. The Department of Justice's own officials warned Government ministers of the risks of hiring somebody from outside the jurisdiction as the recruitment process was getting under way. He must now extricate himself from his senior post in the security services of the British state, where he has previously been the link man between the PSNI and MI5. He relinquishes his loyalty and sworn oath to serve Northern Ireland and the United Kingdom, and swears a new oath, switching his allegiance to the Garda and Republic of Ireland. He has also applied for an Irish passport. Nobody knows how this literal and metaphorical change of clothes will work, because it has never been tried before at such a high level.

Political Naivety

The political naivety of the Irish establishment in making this appointment is breath taking. The appointment of the Head of National Security and the Police Commissioner should be subjected to a rigorous interviewing process in a competitive situation. An integral part of this process is the requirement for the applicant to be subjected to a deep vetting process. This process was not carried out. Self-evidently no individual who was directly part of the security and policing apparatus of another state would be selected. The United Kingdom carries out this type of security clearance on all its top operatives on an annual basis. Their system is rigorous, exacting and covers every single aspect of an individual's life both personal and professional. "In a roles reversed situation an Irish garda officer or defence force intelligence officer would not be admitted to the British security system". This basic exclusionary

principle is an elementary part of security services 101. The plain fact is that no one on the interview panel understood this requirement and the government was either ignorant or indifferent to the risks involved. The response from Minister Charlie Flanagan to these observations were frankly incredible. He was quoted in the Belfast Telegraph and other papers as saying, he rejected concern about the vetting of the incoming Garda commissioner - former PSNI deputy chief constable Drew Harris - saying he is not an outsider but an Irishman. Now, that's a clinching argument if I ever heard one! This was the same Mr. Flanagan who was so accommodating to the unfounded allegations of garda collusion, promulgated as a part of the Collusion South agenda, which led to the Smithwick Tribunal.

Contradictory Principle

Mr. Harris has advanced the contradictory principle that he was bound by the UK Official Secrets Act, when in service there, and he is now bound by the Official Secrets Act of the Republic. On the first saying that sounds plausible. It takes no account of the obvious contradiction in his current position, which requires him to provide all information in his possession relative to the republic. How does he overcome this dilemma? **It is a fact that no one with domestic security or policing experience was on his interview board and this question was obviously not put or indeed the implications of his security duality was not even realised.**

Many Secrets Remain Secret

Mr. Harris holds many secrets of interest. He is pictured here with thousands of murder files including those from the troubles, retained in the RUC/PSNI Archives¹⁶⁷. These include, the Murder Triangle Killings, Dublin/Monaghan bombings, Loughinisland massacre and hundreds of other killings. There is a strong suspicion of collusion by elements in the RUC and British security services, in many of these atrocities. Whatever

¹⁶⁷ <https://www.irishtimes.com/news/crime-and-law/psni-wants-to-hand-over-murder-files-if-ni-talks-reach-deal-1.2415900>

Mr. Harris's intentions maybe, it is as clear as crystal that he will continue to be considered an intelligence asset by the British intelligence service.

Figure 54 The Man with the Secrets - Drew



One of the intriguing questions related to what use if any Mr. Harris would make of his pre-existing information, when he came to serve the Irish State. He made it clear early on, information which he had in relation to the murder of farmer Tom Oliver now belonged to the Chief Constable of the PSNI. He washed his hands of that information. It was as if he had a hermetically sealed box in his head which contained all his British information, which he could not prise open while retained in the service of the Southern State. There was an attempt by the chairperson of the Policing Authority to classify his appointment in the south as being like the movement of any other professional over country boundaries. I rejected this approach on the Sean O'Rourke radio show and I debunked his security vetting on the same medium. The whole proposition was too ludicrous for words.

Mr. Harris continued to live at least some of the time in Northern

Ireland. He was provided with a house by the Irish State for which he paid an undisclosed rent. His salary was the highest ever for a Garda commissioner being more than €250,000. He was escorted by armed members of the PSNI on a regular basis into this jurisdiction.

Minister Flanagan Refuses Information on PSNI Guns

I made a request under FOI to establish what permissible legal authority allowed the PSNI officers to **possess, use and carry firearms** in this jurisdiction. There was no question of asking for security sensitive information. Minister Flanagan signed a special prohibition order under the Freedom of Information Act prohibiting release of information. Mr. Flanagan understood there is no legal authority to permit this activity. He dodged the question by adopting the artifice that he was being asked to disclose security sensitive information. This is a typical ploy often adopted when answering parliamentary questions. Ignore the question and answer your own preferred question.

Yet Another Event – Mill Stone

The Minister and the Commissioner shared another initiative. It had been decided that an event would take place at Dublin Castle on January 17th 2020 to commemorate the RIC and Dublin Metropolitan Police. Minister Flanagan fronted this event on behalf of the government and publicly defended it until the weight of public opinion forced its abandonment.

Irish Times 1st January 2020

The Government is to commemorate those who served in the Royal Irish Constabulary (RIC) and the Dublin Metropolitan Police (DMP) prior to independence. The event, part of the State programme to mark the decade of centenaries, will take place in Dublin Castle on January 17th will be addressed by Minister for Justice Charlie Flanagan and Garda Commissioner Drew Harris.

Flanagan Doubles Down on Harris

The Minister continued to double down on Commissioner Harris when this manoeuvre backfired badly. Charlie had even suggested the music that the Garda Band would play for the occasion. In conjunction with Minister Flanagan's initiative Commissioner Harris had made a similar suggestion within the Garda Síochána. A committee had been formed and one of its stated objectives was.

Suggest appropriate means of commemorating the role of other policing organisations on the island of Ireland, including the Royal Irish Constabulary, Dublin Metropolitan Police, Irish Republican Police, Royal Ulster Constabulary, and Police Service of Northern Ireland.

The synchronicity between the initiatives was unmistakable, both were beating a common drumbeat, and both were extremely ill advised. Writing in *Síocháin*¹⁶⁸ "Capturing our History" I commented that; *There must be no intention of prosecuting the War of Independence or the Civil War all over again. No doubt there will be respectful and sensitive ceremonies to remember all victims of those conflicts in due course and after mature reflection.*

We must commemorate and record the history of the Garda Síochána from our foundation in 1922. This has been very much neglected. It is well to remember that our ethos is very different from that of our predecessors. 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. The ethos of AGS is founded on the principle of policing by consent, which contrasts with the colonial model. *Mawby*¹⁶⁹ argues

¹⁶⁸ *The magazine of the GSRMA (Garda Retired)*

¹⁶⁹ *Mawby, R. (1999) 'Variations on a Theme: the Development of Professional Police in the British Isles and North America', in R. Mawby (ed.) Policing across the World'' Issues for the Twenty First Century. London: UCL Press: 28-58*

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.

It is right and proper that individual members of the RIC and DMP should be respectfully remembered by all, but the institutions from which they came could not be given that same global recognition. Every effort should be made not to open old wounds and reinterpret history in a revisionist sense. The Garda Síochána Retired Members Association (GSRMA) is actively involved in promoting a project, "Capturing our History" and this will also capture the oral living history of the Garda Síochána. It is to be hoped that the work will be available to future generations and academics.

The Future 2023

It was hoped that Government would realise belatedly that this National Police and Security organisation is without parallel in these islands and further afield. It should not be the source of over remunerated employment. Retired members of sister organisations come from very different backgrounds and loyalties. Their culture and experience are not the experience of An Garda Síochána. Axiomatically all organisations can learn from each other, cooperation and coordination should be on the highest level. Lessons from the past should not go unnoticed.

The apparent dilution of the national ethos in policing command must be reversed. It is apparent that domestic policing and security experience has been studiously avoided. This has been evident during the so-called reform process. It is a short-sighted strategy and will be counterproductive in the longer term.

The Centenary of An Garda Síochána which occurred in 2022 provided many opportunities to recognise the contribution made by the men and women of An Garda Síochána to the Irish State. Garda Retired participated in many ceremonies country wide which provided a local focus for colleagues and their families. These events renewed the bond with serving colleagues. It is hard to express the great satisfaction and pleasure which came from the ceremonies. The Garda Band, the Garda Ceremonial Unit added a wonderful almost magical flavour to these occasions. The presence of the Garda Chaplains was an integral part of many ceremonies. It was greatly appreciated that local serving gardai and their leaders wholeheartedly cooperated in making these occasions unique and memorable. The strongest feature was the inclusivity which animated the local ceremonies.

Unfortunately, this was not necessarily the case for Garda HQ. It was intended that the Garda Cenotaph in the Phoenix Park would be fully refurbished and that the Garda Museum in Dublin Castle would be extended and resourced to record the rich history of the organisation.

Neither of these objectives were met despite the long lead in time and the overwhelming necessity to do the “right thing”. The main show piece event was the re-enactment of the Dublin Castle march by members of the Civic Guard on the 17th August 1922. This was the takeover from the RIC of the facilities there. In 2022 this anniversary celebration took place on the 27th August. It was a splendid affair well organised and well presented. This overall ambience was enhanced by a truly beautiful day, gorgeous sunshine, and sparkling uniform turnout. Surprisingly the President of Ireland was not invited to attend. There was no religious dimension to the ceremonies and the public were not included. There was scant recognition for the Irish Language, just a Cupla Focail by Minister Helen McEntee. Despite my obvious reservations I must say I did enjoy the day and the contribution of many colleagues was invigorating.

The final formal ceremonial event was a Black-Tie dinner in Dublin Castle in December for invited and paying guests. The Central Committee Garda Síochána Retired Association decided not to support the Black-Tie dinner in Dublin Castle because it was an exclusive and non-representative event. A concert in the National Concert Hall would have provided a more inclusive and entertaining event. This event was tone deaf to the realities of life in the service at this time.

It pains me to say it but I’m not confident for the future of the Garda Síochána. There are major negatives in the context of the inability to retain members and to attract new recruits. Fundamentally it is the responsibility of leadership both politically and Garda to respond to these challenges or to be swept away. Conversely, I have met many serving colleagues who are motivated and talented and well capable of pursuing a noble agenda, let’s hope they are empowered to do so.

The dysfunctional operating model was further weakened by the introduction of Four Control Centers which are based in Dublin, Galway, Cork and Waterford. This is a strategic nonsense which increases the distance between responding Gardaí and the community (Fig 56).

Figure 55 Garda Regional Control Centers 2023 – More Dysfunction?



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John O'Brien is a retired Detective Chief Superintendent, formerly head of the International Liaison Protection section in Garda HQ, National Head of Interpol and Europol. Previously Divisional Chief Superintendent in Louth/Meath and Laois/ Offaly Divisions. A former Superintendent, Detective Inspector, Uniform Inspector, and Sergeant. He enjoyed a rewarding career as a front line Garda. He is the holder of a MSc in Public Order Studies. John is also deeply involved in the Oral History project which is being promoted by the GSRMA (Garda Síochána Retired Members Association) available on gardahistory.com He is the author of two books on policing, *A Question of Honour, Politics and Policing* (2020) and *Securing the Irish State* (2022). This, his third book, is an adaptation of *A Question of Honour*. There are three main themes in this work. Personal Stories, the Troubles Impact in the Republic and the Legacy. The Northern influence still dominates policing in modern times.

The expression "The Troubles" describes the Northern Ireland conflict and its impact on the Republic of Ireland and the United Kingdom between 1969 and 1998.

