

Misleading Parliament - a case to answer

Colin Wallace

Official documents recently disclosed to lawyers representing victims of the Northern Ireland 'Troubles' and their families show that in 1989 the then Secretary of State for Defence, Tom King, and the Prime Minister, Margaret Thatcher, misled Parliament by not only suppressing the conclusions of an internal MoD inquiry, but also by replacing that inquiry with a new one which had much more restricted terms of reference.

For example, the Defence Secretary wrote to the Prime Minister on 12 December 1989 saying that the new inquiry should not examine matters related to: 'Kincora, "Clockwork Orange" and assassinations'. The most obvious reason for the Defence Secretary excluding those topics from proper scrutiny by Parliament was that they were potentially highly embarrassing for the Government and also drew public attention to links between MI5 and Loyalist paramilitaries who were then engaged in widespread sectarian assassinations.

Note: *all of the information in this paper is now either declassified and/or in the public domain and is no longer subject to the Official Secrets Acts.*

Background

In 1989, a Ministry of Defence official discovered various documents on file which contained information related to my psychological warfare role in Northern Ireland which had not been brought to the attention of Ministers on an earlier occasion. Sir Michael Quinlan, Permanent Under Secretary at the Ministry of Defence, was informed of that discovery and he took the view that the matter merited further investigation. As a result, it was referred to the Cabinet Secretary.

On 14 September 1989 the Cabinet Secretary held a meeting with senior representatives of the MOD, Northern Ireland Office (NIO), Home Office and Security Service (MI5) to consider the matter. The meeting noted that the MOD's advice to Ministers in 1987 and 1988 had not taken account of certain material originating in 1975. As a result of that missing information, a letter from the Prime Minister to the Chairman of the Treasury and Civil Service Select Committee (TCSC) in 1987 had been inaccurate in certain respects.

The meeting agreed that the Defence Secretary, Tom King, be requested

to send a minute to the Prime Minister setting out the relevant background information and proposing that a public statement should be made correcting the inaccuracies contained in previous Ministerial statements. The meeting also agreed that the statement should be made 'as soon as the Government could be confident that all new material relevant to the case had been uncovered'.

Finally, it was also agreed that officials in each of the Departments represented at the meeting should examine in detail all their files relating to the case, with a view to uncovering any documentation casting doubt on the accuracy of the Prime Minister's letter to the Chairman of the TCSC, or of other Ministerial statements on my case, including the evidence submitted by the Government to the Civil Service Appeal Board in 1975. Those actions were to be co-ordinated by Sir Michael Quinlan and the MoD.

The Defence Secretary minuted the Prime Minister accordingly on 25 September 1989. The Prime Minister noted his minute and commented that 'it would be better if the Government took no responsibility in things done under previous [Labour] administrations'.¹

When the Defence Secretary announced on 1 February 1990 the setting up a new inquiry, the House of Commons' Hansard shows the following exchange took place between him and Dale Campbell-Savours MP:

Mr. D. N. Campbell-Savours (Workington) Will the inquiry deal with the question whether Colin Wallace had a written job description classified 'secret', relating to his undercover operations? If it were possible to establish the existence of a job description in one form or another, would the inquiry be able to examine the nature of the activities involved?

Mr. King. The Hon. Gentleman knew the answer to his question before he rose to his feet. He has indulged once again his interest in parading all kinds of rumour and innuendo. [HON. MEMBERS: 'You asked for evidence.'] The House has no idea of the evidence of the authorship of those documents.

Let me deal with the Hon. Gentleman's first question, about the job description. Let me make it clear – this is what I have come to speak to the House about – that I would expect it to be for Mr. Calcutt to make the decision, within his terms of reference. I have absolute confidence in Mr. Calcutt: I am confident that he will seek to discharge his terms of reference to the full, and will take into account any relevant matter.²

¹ See Document 2 in the separate Wallace Appendices file.

² Hansard 1 February 1990 (Vol 166 cc446-68)

As will be shown below, David Calcutt's terms of reference were deliberately rigged to cover up my true role which was contained in a 'Job Justification' document and approved by the Army Establishments Board at HQ Northern Ireland in Lisburn. Indeed, David Calcutt made it clear to me and to my solicitor that he was never shown that document. All he was shown was a one paragraph summary of that Job Justification (referred to as the 'job specification') which excluded the details of what was referred to as the 'darker side' of Psy Ops activities.

The cover-up

On 12 December 1989, Tom King submitted a nine-page report to Mrs Thatcher.³ That report was originally classified 'SECRET' and contained the following relevant comments:

Paragraph 4 (I)

He (Wallace) claimed that there was a supplementary SECRET job specification for his post, setting out his undercover psychological operations responsibilities. He had no formal directive of that kind, so far as can be seen. But such a job specification was drafted to justify the establishment of his post and it is reasonable to assume that Mr Wallace was told what it contained, even though it was never endorsed at Ministerial level. MOD did not contest Mr Wallace's evidence that such a job specification had been prepared; but nor did MOD acknowledge it or make a copy available.'

Comment: The 'job specification' had probably been withheld from Ministers by the MoD because of the sensitive nature of the work I was asked to undertake. However, a written 'job justification' document – classified SECRET – for my Psy Ops role was written by the Head of the Army Information Services in Northern Ireland and approved by the Army Establishments Board at Army HQ in Lisburn in 1974, and I was shown a copy of that document both before and after the Board considered it. The document was also submitted to the MoD.

It is important note that my 'job specification' was only one paragraph in length, whereas my 'job justification' document was some four pages in length. It would appear that the MoD's use of the term 'job specification' was a deliberate sleight of hand to mislead Parliament into thinking that it was the same as the 'job justification'.

Paragraph 4 (ii)

It is therefore arguable that the proceedings, which led the Appeal

³ See Document 3 in the separate Wallace Appendices file

Board to conclude that Mr Wallace's services should be terminated, but that he should be allowed to resign, were flawed. It seems extremely likely that, even if the Appeal Board had found in Mr Wallace's favour, the Department would still have terminated his services, but then it would have been obliged to pay him compensation for doing so. We should consider whether this situation requires us to take action to remedy any injustice to Mr Wallace.

(b) We need to correct some misstatements made, both by Ministers and in official correspondence, concerning the Wallace case. In particular:-

Misleading information has been given about the nature of Mr Wallace's duties in Northern Ireland;

It has been stated incorrectly that all his allegations have been fully and carefully investigated and that none has been substantiated; and

It has been stated that Ministers are aware of no evidence that a plan by the name of 'Clockwork Orange' ever, existed. Evidence of preparatory work on a plan by this name has now come to light; although it is clear that it was not approved and there is no evidence that it ever had the scope alleged by Mr Wallace.

Comment: Not approved by whom? A document disclosed to the 'Bloody Sunday Inquiry' shows that Major General Leng was the 'Director of Psychological Operations' and that 'all operations will normally be approved by him'. However, political disinformation was normally carried out by the Information Research Department (IRD) – part of the Foreign and Commonwealth Office – and approval for such activities was given by the Director and Co-ordinator of Intelligence at the Northern Ireland Office. Moreover, an internal MI5 memo, dated 22 February 1990, and addressed to MI5's Legal Adviser, Bernard Sheldon (copied to the MI5 Director General), referred to comments made by Ian Cameron MI5 about the use of Psy Ops by the Army in Northern Ireland when he was based at Army HQ in Lisburn. Those comments included:

Cameron was in no doubt – as his report says – that disinformation was carried out by the army and believed that the Generals gave clearance for some operations. Cameron thought the NIO was involved with some operations – but might have confused the period when this happened – after Leahy arrived at the NIO (probably 1975) there was no doubt that

Leahy gave clearances. ⁴ Cameron thought that 39 Brigade and other brigades carried out low level ploys without reference.

Paragraph 5 (Tom King continued):

I therefore see two possible courses of action:-

- (a) I could pay him compensation without any further investigation; or
- (b) I could appoint an independent arbitrator to review the papers relating to his case, to hear representations from him (if necessary in person), to interview any witnesses that the arbitrator considered necessary to see and to make recommendations to me on what remedial action should be taken I doubt if the first of these courses would be regarded as satisfactory, once we had admitted that errors had been made. I therefore recommend the second.

Paragraph 6.

The members of the Civil Service Appeal Board who heard the original case are no longer available and I do not think that a further hearing before the Appeal Board is the right way to handle this matter. But Mr David Calcutt QC, the master of Magdalene College, Cambridge, has carried out a previous sensitive inquiry most satisfactorily and, if you agree, I would propose to approach him to see if he would be willing to undertake this investigation. I am confident that we could rely on him to approach these very sensitive issues with complete discretion. It would be important to restrict his terms of reference to the handling of Mr Wallace's CSAB appeal, so that he could avoid getting drawn into Kinchora, 'Clockwork Orange', alleged assassinations, etc.⁵

Comment: Why should the Defence Secretary believe Mr Calcutt's terms of reference needed to be restricted if the MoD and the Government genuinely wanted to obtain the full facts about my true role in Northern Ireland? His decision to exclude those three matters from examination by David Calcutt QC indicates that he knew that they were potentially very damaging to his Ministry. Mr King went on to say:

I envisage that his recommendations and my subsequent decision should be published; but that Mr Calcutt should not make a published

⁴ 'Leahy' refers to John Leahy, a Foreign and Commonwealth Office official who had previously been on the staff of the British Embassy in Dublin. He became an Assistant Under Secretary at the Northern Ireland Office in 1975 to replace Michael Cudlipp, who had been appointed by Harold Wilson the previous year as information adviser to Merlyn Rees, the Northern Ireland Secretary

⁵ See Document 1 in the separate Wallace Appendices file

report.

Paragraph 7.

A difficult question is whether the terms of Mr Wallace's draft supplementary job specification should be revealed. It is most unattractive to do so, because it contains references to 'psychological warfare' activities.

Paragraph 9.

A particular difficulty arises over your statement in your letter of 10 March 1987 to Mr Terence Higgins that it was not part of Mr Wallace's job to spread false information.⁶ Although the draft covert job description does not confirm that Mr Wallace had such a responsibility, it is now apparent that he was engaged in various disinformation projects; and the available records suggest that some, although not all, of these were authorised within the Army Headquarters in Northern Ireland. Any correction of your statement will inevitably prompt further questions about the use of disinformation in Northern Ireland, both in the 1970s and today: some of these questions will not be at all easy to answer; since information about activities in the 1970s is sparse; and since it would be wrong to commit ourselves not to use disinformation in all circumstances today.

Comment: It is now clear that the use of Psy Ops by the Security Forces continued long after I was removed from Northern Ireland. For example, in his report on his investigation in 2011-2012 into the murder of Belfast solicitor, Patrick Finucane, Sir Desmond de Silva QC made it clear that (MI5) did continue to engage in Psy Ops in Northern Ireland until at least the 1980s.⁷ He states:

15.14 Security Service officers later referred to the dissemination of information within the loyalist community, in such a way that it would be likely to become known by PIRA figures, as having the potential to make an impact on the republican target. However, whilst the focus of the propaganda was aimed at PIRA, it is also clear that the initiatives were not particularly focused or controlled. The initiatives certainly came to include within their scope individuals who were not members of terrorist organisations but prominent figures in the broader nationalist and republican communities. (emphasis added)

⁶ See Document 13 in the separate Wallace Appendices file.

⁷ His report is at <https://www.gov.uk/government/publications/the-report-of-the-patrick-finucane-review>.

Sir Desmond added:

It is a matter of significant concern to me that no political clearance was sought or obtained for the Service's involvement in these initiatives.

(emphasis added)

(King statement continued): Paragraph 10

A statement on the lines proposed, with or without the last sentence of paragraph 5, would no doubt lead to renewed pressure for a wide-ranging public inquiry into Mr Wallace's allegations about activities in Northern Ireland during the time that he was stationed there. Unless there is reason to believe that criminal offences have been committed, or that there has been serious wrong-doing by Government servants, or that the Government has done substantial injustice to an individual, I do not consider that any purpose would be served by investigating operational activities which (it is fair to point out) allegedly occurred over ten years ago (for much of the time under a Labour Administration).

Paragraph 13.

I am sending copies of this minute to the Home Secretary, and the Northern Ireland Secretary, and to Sir Robin Butler, the Director General of the Security Service (MI5) and the Treasury Solicitor.

Mr King's report to Mrs Thatcher was less than comprehensive. For example, he made no reference to activities such as the attempt by officials at the Northern Ireland Office to undermine Harold Wilson's policies in Northern Ireland after the 1974 General Election. A good example of this is 'The fake Belfast blitz story', which led to false statements being made in both Houses of Parliament on 13 May 1974.⁸

Moreover, Mr Calcutt told my legal adviser that he was never shown a copy of the four page secret 'job justification', as submitted to the Army Establishment Board in 1974 in support of my role as a Senior Information Officer in the Information Policy (Psychological Operations) unit. All he was shown was a one paragraph summary of that role as contained in an MI5 document written in 1975, i.e. the job specification document. Why was Mr Calcutt prevented from having access to the full job justification document, bearing in mind that it was specifically requested by the MoD (Dept. ASD2) before approval was given for my appointment?

It should also be noted that I had previously occupied that post on a temporary basis. The submission of my job justification to the Army

⁸ See Document 4 in the separate Wallace Appendices file.

Establishments Board in 1974 was, therefore, to make my appointment substantive, i.e. permanent. That was confirmed in a letter to me from the MoD (Ref CM(A)3c dated 30 September 1974). I.e. less than two months before I was posted out of Northern Ireland. Tom King also failed to mention that I was a serving officer in the Ulster Defence Regiment and was responsible for all Psy Ops activities on a behalf of that Regiment throughout Northern Ireland.

The most likely reason for the above apparent deception was to prevent any official record being made by Mr Calcutt of alleged collusion between some members of the Security Forces and Loyalist paramilitaries who had been involved in sectarian assassinations throughout Northern Ireland. In addition, a thorough investigation would, almost certainly, have uncovered the extensive nature of attempts by the Information Research Department's operations to discredit prominent politicians in Northern Ireland and at Westminster, and allegations surrounding the sexual abuses of inmates at the Kincora Boys Home in Belfast.

My solicitor referred the findings of Mr Calcutt's investigation to the Metropolitan Police, who concluded that the way in which the MoD had handled the case provided *prima facie* evidence of a conspiracy to defraud. Given the political sensitivity of the case, the police referred the matter to the Director of Public Prosecutions (DPP) for direction. Although the police representation to Sir Allan Green QC was made on 21 September 1990, no reply was received from him until March 1991. The DPP said that, despite the opinion of the police, 'the evidence is not such as to justify the institution of police enquiries'. Bearing in mind that the evidence had been compiled by a prominent QC, the DPP's peculiar comment – 'the evidence is not such' – was inexplicable and highly questionable. That bizarre decision effectively stopped the Metropolitan Police from uncovering the truth and made the MoD cover-up watertight.

It may be 'poetic justice', but six months later Sir Allan Green was caught by the Metropolitan Police kerb crawling and talking to prostitutes in the King's Cross district of London. He was forced to resign his role as DPP.

The DPP's decision not to prosecute anyone at the MoD or in MI5 probably came as no surprise given that David Calcutt's terms of reference were deliberately restricted to preclude any examination of information related to: 'Kincora, "Clockwork Orange", alleged assassinations, etc'.⁹ However, the apparent wilful deception of Parliament, as described above, still needs to be properly investigated and the relevant false information in Parliament's records needs to be corrected.

⁹ See Document 1 in the separate Wallace Appendices file.

Covering up the Kincora Boys Home sexual abuses

On 16 December 1981, three members of staff at the Kincora hostel in Belfast, William McGrath, Raymond Semple and Joseph Mains, pleaded guilty at Belfast Crown Court to charges of buggery, gross indecency, and indecent assault. Mains was sentenced to six years, Semple to five years, and McGrath was sentenced to four years. William McGrath was also the leader of a Loyalist paramilitary organisation called Tara'

On 18 February 1982, James Prior, Secretary of State for Northern Ireland, announced in Parliament that, a chief constable of another force would carry out 'investigate allegations about the way in which the police (RUC) have conducted their inquiries'. He went on to say:

The powers of the High Court to compel the attendance of witnesses and the production of documents can only be conferred on a tribunal appointed under the Tribunals of Inquiry (Evidence) Act 1921. Because of its wide-ranging inquisitorial powers the House has traditionally been wary of approving the appointment of a tribunal under the Act. In considering whether there is need for such a tribunal I will take into account both the widespread concern about this affair and also the views of the House and the recommendations of the Royal Commission on tribunals of inquiry of 1966.

The external Chief Constable chosen to oversee the RUC's investigations was Sir George Terry, Chief Constable of the Sussex Police. One of the senior police officers on Sir George Terry's team was Detective Inspector Gordon Harrison who, one year earlier, had been one of the senior detectives in the investigation that led to my wrongful conviction for manslaughter. Moreover, what Parliament was not told was that, as the records now show, Sir George Terry was actually the 'preferred choice' of Sir John Hermon!¹⁰

At the end of his investigations, Sir George Terry failed to report to Parliament that a senior MI5 officer at Army HQ Northern Ireland, Ian Cameron, who was made aware of the possible abuses at Kincora, had refused to be interviewed by his officers. He also failed to report that, although an Army Intelligence Officer at Army HQ In Lisburn, Captain Brain Gemmell, had, in 1975, written a report highlighting the fact that William McGrath was suspected of sexually abusing children over a period of years, Ian Cameron had ordered Captain Gemmell not to investigate those abuses.

On 22 April 1976, Ian Cameron wrote a memo to MI5 head office in

¹⁰ See Document 7 in the separate Wallace Appendices file.

London falsely accusing me of 'leaking' to the press information about William McGrath's sexual proclivities and employment at a children's home.¹¹ Records now show that I had been instructed by Army Intelligence, and by the Head of the Army Information Services to pass that information to the press.

Had Members of Parliament been made aware that such information had been deliberately withheld from them by Sir George Terry, it is not unreasonable to assume that the Government would have been forced to set up a Judicial Inquiry under Tribunals of Inquiry (Evidence) Act, 1921. However, as official records now show, MI5 were strongly opposed to such an inquiry because it might expose some of their links with Loyalist paramilitaries. For example, on 30 June 1983, A senior official at the Northern Ireland Office, Mr S W Boys Smith, circulated a Minute to several other key officials, including Sir Philip Woodfield, Permanent Secretary at the NIO, drawing their attention to concerns expressed to him personally by the Director and Co-ordinator of Intelligence (Hal Doyne Ditmas, MI5) about the possibility of such an inquiry into Kincora following the outcome of the Terry investigations. Mr Boys Smith reported that the DCI:

Was worried about the likely intrusion of the inquiry (Hughes) into intelligence matters if the terms of reference were as wide as those we had in mind. . . .

Para 3.

Mr Sheldon (MI5's Legal Adviser) echoed the DCI's concern about information being given to the tribunal which would not be in the interests of the intelligence services. He was also concerned about what would be said about secret work very close to politicians. If these activities were to be revealed – through leak if not through public session of the inquiry – there could be a brisk reaction. He pointed out the political embarrassment to be caused to the Secretary of State by any such revelations, quite apart from the difficulties they might cause those engaged in secret work.

(ii) 'The Security Service would prefer a GB judge'. Para 6.

I assume he (Bernard Sheldon MI5) will take steps to ensure that they are exposed to the Home Secretary and to the Attorney General. He might want to suggest to them either as inquiry limited to the child-care aspects (presumably therefore under the Northern Ireland Powers, not the 1921 Act) or a 1921 Act inquiry with terms of references limited in

¹¹ See Document 6 in the separate Wallace Appendices file.

the way suggested above.”¹²

The above extracts are not indicative of an Intelligence organisation that is fully committed to the investigation of sexual abuses at Kincora. Moreover, paragraph 5 above appears to be clearly designed to unsettle the Secretary of State. It should come as no surprise, therefore, that despite major public concern about the allegations, the views of MI5 prevailed and Mr Prior agreed to a much less powerful Inquiry under Health and Personal Social Services (Northern Ireland) Act Order 1972. Even the terms of reference for that restricted Inquiry were subsequently watered down even further to the extent that the Inquiry was rendered impotent.

The above wording is very significant and raises some interesting questions about the influence brought to bear by MI5. If, as the Intelligence Services claimed, they had no involvement with Tara, William McGrath or Kincora, or with abuse at other homes, why would a 1921-type Tribunal ‘not be in the interests of the Intelligence Services’? Similarly, what might be said at such a tribunal ‘about secret work very close to extreme Protestants, and close therefore also to some politicians’? Finally, what ‘political embarrassment’ could be caused to ‘the Secretary of State by any such revelations’? Surely, if the Intelligence Services had no connections with the individuals involved in the alleged sexual abuse allegations, the concerns listed by MI5 were groundless and would not, therefore, have materialised at a 1921 Tribunal?

A number of key questions still need to be answered: Who authorised the changes in the Hughes Inquiry’s terms of reference? Why was Parliament not informed of those changes? What was the justification for those changes?

Given DCI’s view, it was perhaps no surprise that, instead of a Judicial Inquiry under the Tribunals of Inquiry (Evidence) Act, 1921, James Prior approved, as MI5 wanted, a much more restricted Inquiry under article 54 of the Health and Personal Social Services (Northern Ireland) Act 1972. However, he told Parliament:

It will be up to the Inquiry and the eminent judge [Judge William Hughes] who will preside over it to examine anything which is relevant to the particular boys’ home (Kincora), or to the other five boys’ homes, and the circumstances which led up to the problems.¹³

Moreover, when asked on The World At One (BBC Radio 4, 18 January 1984) if the inquiry would take evidence on the alleged activities of the intelligence agencies, James Prior, Northern Ireland Secretary of State, gave an assurance

¹² See Document 9 in the separate Wallace Appendices file.

¹³ Hansard: House of Commons Debate 18 January 1984, vol 52 cc 319-26

that if there was any evidence, it would. At no time did he make it clear either to Parliament or to the public that the Committee was:

not required or empowered to inquire into the performance of the police, military intelligence or any other body or person which had or has no statutory and/or management responsibility for children's homes and hostels.

On 19 January 1990, Judge Hughes had a meeting with the then Northern Ireland Office Permanent Under Secretary, Sir John Blelloch, during which he said:

He believed that his Committee had done a full and conscientious job within its Terms of Reference. Those Terms of Reference did not require him to look into the activities of the RUC, the Army and of the Security Services and he had not so.

Judge Hughes also made reference to the file of material which I had sent to Prime Minister, Mrs Margaret Thatcher, in November 1984 for her information and for submission to the Hughes Inquiry. At that meeting, Judge Hughes expressed his concern that the MoD had implied that his Inquiry

had been shown the contents of Wallace's file as transmitted to the Prime Minister whereas in fact this is simply not the position – that in spite of the fact a specific request had been made by the (Hughes) Committee to see it.

The official record of that meeting between Judge Hughes and Sir John Blelloch was copied to Stephen Rickard MI5 at the Northern Ireland Office. This provides further confirmation that the Northern Ireland Office and MI5 knew that the Terms of Reference for the Hughes Inquiry did not match the content or spirit of what James Prior had assured Parliament would happen. Parliament was deliberately misled yet again and the cover-up of Kincora continued.

In 2014, there were demands that Kincora should be investigated by the Independent Inquiry into Child Sexual Abuse (IICSA) in London. However, on 21 Oct 2014, *The Irish Times* reported that the then Northern Ireland Secretary, Theresa Villiers, as saying that a separate inquiry lead by Sir Anthony Hart would investigate Kincora related allegations in what was to be called the Northern Ireland Historical Institutional Abuse Inquiry (HIA). According to the paper, she 'promised the fullest co-operation by the British government, including the Security Service (MI5) and Ministry of Defence, with the HIA Inquiry'.

The Irish Times also quoted Theresa Villiers as saying:

I believe that Sir Anthony's inquiry is the best placed body to do just that and it is already planning to look at allegations in respect of Kincora. All government departments and agencies who receive a request for information or documents from the Inquiry will co-operate to the utmost of their ability in determining what material they hold that might be relevant.

Theresa Villers' comments were echoed by Prime Minister David Cameron and Home Secretary, Theresa May. However, her announcement was not at all well received by local politicians and victims. East Belfast MP Naomi Long expressed disappointment at the government's announcement and said the decision had let down the victims and survivors of Kincora:

Kincora is under the spotlight not just for allegations of abuse but also claims that security services participated in blackmail and cover-ups around it. While the Secretary of State is correct in saying the welfare of children is a devolved matter to Northern Ireland, the security services are not. The Home Office inquiry has dragged its feet for months now in not responding to my calls for Kincora to be included in it and this is just the latest disappointment.

If Kincora is not to be included in the Home Office inquiry, I would call for a separate, independent inquiry with statutory powers to be established and Kincora to be included in it. That now appears to be the only way the victims and survivors of the home will gain the justice they deserve. ¹⁴

It would appear that Sir Anthony Hart was also conscious of the challenges posed by MI5. On 1 August 2014, *The Belfast Telegraph* reported:

Retired judge Sir Anthony Hart, who is leading the Historical Institutional Abuse Inquiry (HIA), has said the inquiry 'does not have sufficient powers' in its present form to investigate issues relating to the Army or MI5. Sir Anthony also said that 'there may be benefits to the UK-wide inquiry examining the relevant allegations into Kincora Boys' Home'.

However, despite his initial concerns and the fact that he was granted no additional powers, Sir Anthony seemed to have a remarkable and still unexplained, change of mind. At the publication of his Report on 20 January 2016, he asserted:

We have been able to examine in full every file and every document in

¹⁴ <<https://tinyurl.com/4556zhxz>> or <<https://www.irishtimes.com/news/social-affairs/kincora-boys-home-will-not-be-included-in-uk-abuse-inquiry-1.1971361>>

every file disclosed to us, or which we requested. We have examined hundreds of files held by the Northern Ireland Office, by the Ministry of Defence, by the Cabinet Office, by the Home Office, by the Foreign and Commonwealth Office, by the Security Services, by the Secret Intelligence Service, by the Metropolitan Police, and by the National Crime Agency which had any relevance to Kincora, however slight that relevance turned out to be.

Sir Anthony's comment was very economical with the truth because he failed to make it clear that his Inquiry was well aware of the inexplicable destruction of numerous Army files, including those of the Army's Psy Ops unit – especially when some of the destruction took place at the time the Kincora staff were convicted. For example, in 1982 when Sir George Terry was initially asked to investigate allegations of an official cover-up of Kincora, the MoD stated:

All documents about Information Policy [Psy Ops] had been destroyed in 1976 when the Information Policy section had been disbanded: the policy documents on IP had been destroyed in 1981: those responsible were still to be interviewed.

The Historical Institutional Abuse Inquiry (HIA) report (Chapter 25, Module 15, Para 198)¹⁵ shows that the Attorney General's Office in London also deliberately destroyed some relevant files.

When we asked the Attorney General's Office in London to produce any papers they held regarding these meetings we were informed that the files they held in relation to Kincora had been destroyed in 2004. In response to the Inquiry Warning Letter the Attorney General's Office informed us a mistake had been made (for which they apologised) and that the relevant file was destroyed in 2009. We criticise the destruction of files relating to Kincora in view of the persistent allegations that there had been over many years about wrongdoing at Kincora.

The HIA Inquiry's assertion that it was not until 1980 that the RUC Special Branch, MI5, the SIS and Army Intelligence became aware that McGrath had been sexually abusing residents at Kincora was further undermined by a report in *The Sunday Correspondent* newspaper on 10 March 1990. The newspaper claimed that it had obtained an exclusive interview with Hugh Mooney – former Information Adviser to the General Officer Commanding the Army in Northern Ireland – and went on to say:

Mooney also admitted that Mr Wallace had told him about the above sex scandal at the Kincora boys home in Belfast – casting further doubt on

¹⁵ <<https://www.hiainquiry.org/historical-institutional-abuse-inquiry-report-chapters>>

Government claims that the security forces had no knowledge of the long-running rape and buggery of children in care. 'I do know he mentioned it. He was dropping it in and feeling his way. He kept pushing it. But I could never understand why. I thought it was totally irrelevant to our concerns. I did get the feeling he was pushing this.'

In a letter to the Foreign and Commonwealth Office on 4 December 1992, Hugh Mooney said:

Since talking to you about the House of Commons Defence Committee's special report on Colin Wallace, I have had a chance to look at the documents and fear that the Ministry can be accused of misleading the Committee.

In his letter dated 14 February, the clerk to the committee asked for a copy of a document relating to TARA reproduced on page 292 of Paul Foot's *Who Framed Colin Wallace?* In her reply, the private secretary said: 'We have not been able to establish whether this is an official document.'

This is surprising since the MoD have identified the official who originated the document from his distinctive italic note which said: 'Some "off the cuff" information on TARA for the Press'. I myself recall passing the document to Wallace. Other manuscript notes on the page show that it was entered as page 45 of an Information Policy file at Headquarters Northern Ireland. All this is known to Wallace and his supporters, who can be expected to raise it. The MoD will be found to have lied and Wallace's credibility will have been increased.¹⁶

The Tara briefing document to which Hugh Mooney referred and which I used to brief the press about McGrath and Tara in 1973/74 bears the words 'Clerks IP' written at the top. The handwriting is that of Peter Broderick, the former Chief Information Officer at Army HQ in Lisburn. Peter Broderick confirmed this in an interview with Paul Foot (*Daily Mirror* 8 February 1990).

This week, for the first time, Peter Broderick, Wallace's boss at the time – 1974 – confirmed to me that he saw the document (The Tara press brief used by me at the Army's request to highlight McGrath's homosexuality and his role in running a children's home) and wrote on it. 'That is certainly my writing', he told me. 'I saw the document and approved it'.¹⁷

¹⁶ See Document 5 in the separate Wallace Appendices file.

¹⁷ See Document 8 in the separate Wallace Appendices file.

Peter Broderick also confirmed this to the *Sunday Times* (11 February 1990). He left Northern Ireland in September 1974, so the document must pre-date that.

I did not take part in either the Hughes Inquiry or the HIA Inquiry because the immunity offered to me by the DPP Northern Ireland provided me with no protection under the Official Secrets Acts.¹⁸

McGurk's Bar - the anatomy of a deception

The evening of 4 December 1971 a bomb exploded in the entrance to McGurk's Bar at the junction of North Queen Street and Great George's Street in Belfast causing the building to collapse. At the time of the explosion, it was filled with regulars. The explosion killed fifteen Catholic civilians, including two children and wounded seventeen more. It was the deadliest attack in Belfast during the Troubles.

Army bomb disposal experts carried out a cursory examination of the site shortly after the blast and again in daylight the following morning. Despite the obvious difficulties, the experts correctly estimated that the explosion occurred at the outside entrance to the bar. They believed that it comprised approximately 30/50 lbs of commercial explosive and was initiated by a combustion fuse. From what the experts saw at the scene they believed that the bomb was a Loyalist one. That information was submitted to General Sir Harry Tuzo at Army HQ in Lisburn at 8.00 am the following morning. The report stated succinctly:

At 2045 hrs. 2 RRF (2nd Battalion Royal Regiment of Fusiliers) reported that an explosion had occurred at McGurk's Bar, 81-83 North Queen Street St. A Bomb believed to have been planted outside the pub was estimated by the ATO to be between 30/50lbs of HE [high explosive].

Note: The bomb had been placed in the hallway leading into the bar.

Significantly, Major Bernard Calladene, the senior bomb disposal officer at Lisburn, annotated the report made by his team who visited the scene of the explosion: 'The political ramifications are considerable.'

He realised that Loyalist bomb would have serious political repercussions because the Prime Minister Edward Heath had agreed with the Northern Ireland Prime Minister Brian Faulkner in August 1971 that no Loyalists would be interned unless it could be shown that they were involved in terrorism. In other words, the Government's policy of not interning Loyalist paramilitaries was now in serious jeopardy. The situation was further complicated because the British Parliament was bitterly divided on EEC membership and Edward

¹⁸ See Document 10 in the separate Wallace Appendices file.

Heath needed the eight Unionist votes in the House of Commons to guarantee him success. Moreover, General Sir Harry Tuzo felt introduction of internment would have, on balance, a harmful effect on the security situation in Northern Ireland.

Two days after the explosion, on 16 December 1971, a meeting of the Northern Ireland Joint Security Committee took place. It was attended by the Northern Ireland Prime Minister Brian Faulkner, the Minister of State at the Ministry of Home Affairs John Taylor, the RUC Chief Constable Graham Shillington, the Army GOC Lt General Sir Harry Tuzo, the Head of the RUC Special Branch David Johnston, and a senior MI5 officer. To circumvent the Heath–Faulkner problem, the Head of the RUC Special Branch put forward a ploy to shift the blame for the McGurk’s bombing from the UVF onto the IRA. He falsely told the meeting:

Circumstantial evidence indicates that this was a premature detonation and two of those killed were known IRA members at least one of whom had been associated with bombing activities. Intelligence indicates that the bomb was destined for use elsewhere in the city.

The RUC Special Branch report also claimed that it had been

mounted with a reckless disregard for human life and with the apparent aims of capturing newspaper headlines and of provoking a Protestant backlash which could be used to justify their actions. In the latter aim they failed.

To support that disinformation ploy, senior officials at the MoD planned to use Parliament as a means of adding credibility to the RUC’s false claim about who was responsible for the attack on McGurk’s Bar. The plan involved using the Minister of State for Defence, Lord Balneil, to answer in Parliament a ‘planted’ written question about the McGurk’s Bar attack. A ‘Current Situation Report’ was prepared by Ministry of Defence for the Permanent Under Secretary of Defence (PUS) meeting in Whitehall, London, on 14th December 1971. The report recorded:

Although no inquest has yet been held into the fifteen deaths caused by this explosion on 4th December, the forensic evidence now available shows quite clearly that five of the victims were killed by blast – indicating that the explosion must have been inside the bar, and raising a very strong presumption that it was caused by the accidental detonation of a bomb being carried by one of the customers – as has seemed likely all along. The Minister of State for Defence is being invited to consider whether to make this point public in a written answer

– in pursuance of his undertaking , in his original statement on the incident, to keep the House [of Commons] informed of any fresh information. In the view of Headquarters Northern Ireland it is important to put this point on record, in order to discourage continuing speculation about who was responsible for the explosion.

Although the question appeared innocuous, its real purpose was to get the Minister to use a prepared written answer that added significant support to the RUC's false claim that the explosion was an 'own goal' and to claim that the victims were to some extent responsible for their own deaths. Below is the question and answer as approved by the MoD in London.

Question: To ask the Minister of State for Defence, if he is yet in a position to make a further statement about the explosion which wrecked McGurk's Bar, Belfast, on 4th December."

Answer: Investigations are not yet complete, and inquests have not yet been held. However further investigations by forensic experts and by Army ammunition technical officers have confirmed, on the basis of the pattern of debris and the effect of the explosion on the structure, that the bomb exploded within the building. Five of the deaths were as a direct result of the blast, not as a result of the building collapsing. These conclusions are consistent with the theories that the bomb went off accidentally, perhaps while in transit.

DS 10 was a Division within the Ministry of Defence (MoD) that provided information and policy advice to British Ministers during the 1970s.

Bearing in mind that the above false answer was written ten days after the bombing, the MoD was clearly aware from the report compiled by the Army bomb disposal experts that the bomb did not explode inside the building and that the draft Parliamentary answer was false. The Ministry was, therefore, not only willing to mislead Parliament, but also to denigrate the victims for purely political purposes. Parliament was never made aware of that of that deception plan. It is now a matter of record that the bombing was carried out by the Ulster Volunteer Force (UVF). Indeed, one of those involved in bombing admitted his part in the attack and was sentenced to life imprisonment. His evidence showed that the account of the bombing as provided by the Army bomb disposal team on the night of the attack, and as submitted to General Sir Harry Tuzo, was correct.

The way in which the families of the McGurk's Bar bombing have been treated by the authorities is a national disgrace that has still not been properly rectified. Why?

Summary

It is clear from the preceding pages in this document that Parliament was repeatedly and deliberately misled and manipulated for highly questionable purposes. It is also clear that Parliamentary oversight was woefully inadequate. For example, on 11 February 1991 the MOD refused to accede to a request by the Commons Defence Select Committee to see documents relating to the job justification for my secret Psy Ops role at HQNI saying:

As regards the particular papers referred to in your third paragraph, these are internal papers and moreover include sensitive material relating to the security and intelligence matters lying outside the Committee's inquiry. The provision of such papers, even under the conditions relating to the Committee's access to classified information would be inconsistent with conventions.

What about Parliamentary sovereignty in terms of that very dubious decision enforced by the MoD on the Defence Select Committee? Parliamentary sovereignty is supposed to most important part of the UK constitution in that it makes Parliament the supreme legal authority in the UK. Did the MoD usurp that role in that instance? Why did the Committee members allow that to happen and not make any attempt to assert their rights? Can the Official Secrets Acts be misused to overrule Parliamentary sovereignty to cover up abuses of power? ¹⁹

Having read this document, it is important to bear in mind the following comment made by Margaret Thatcher at the Conservative Party Conference, Winter Gardens, Blackpool, 10 October 1975, only eight months after I was moved out of Northern Ireland.

The first duty of Government is to uphold the law. If it tries to bob and weave and duck around that duty when it's inconvenient, if government does that, then so will the governed, and then nothing is safe – not home, not liberty, not life itself.

Mrs Thatcher's comments are of particular significance because in the weeks following that conference, I was deliberately disciplined by the Ministry of Defence under the terms of a false job description rather than the secret job justification created by my superiors at Army HQ Northern Ireland, as approved by the Army Establishments Board at that HQ in conjunction with the MoD. That action by the MoD was akin to the actions of a police state because, as the Calcutt Inquiry discovered and the Metropolitan Police concurred, the outcome was rigged and I was given no opportunity to defend myself against

¹⁹ See Document 11 in the separate Wallace Appendices file.

undisclosed allegations.

It is also significant that Field Marshal Sir John Stanier and Sir Maurice Oldfield, former Chief of the Secret Intelligence Service (MI6), contacted Labour MP, Tam Dalyell, expressing their view that I had been badly treated by the MoD.²⁰

At my disciplinary hearing at the MoD in 1975, the former Head of the Army Information Services commented:

I do not hesitate to say that Colin Wallace is the best thing that ever happened to Army Public Relations in Northern Ireland; that if it had not been for his talents, knowledge and efforts the Army could well have lost the propaganda war; and I could not wish to meet anyone more dedicated to the Army than he was and, so obviously, still is. He acted resolutely and to effect against anyone – republican or loyalist – who was destroying his country.

Paragraph 1.3c of the Ministerial Code states:

It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister.

That rule is a fundamental feature of the UK 'constitution', but it would appear that it was ignored with impunity in the context of the matters referred to in this document. That failure is totally unacceptable and needs to be addressed by Parliament. It should not be viewed from religious or party political perspectives.

For the avoidance of doubt, I still believe that deception is a justifiable instrument for the security services to use when directed at undermining and disrupting the activities of those organisations and individuals actively engaged in terrorism. Using deception against elected politicians who are not engaged in acts of terrorism is wholly unacceptable. Despite what has happened to me, I remain totally supportive of those members of the Security Forces who carried out their duties professionally and within the law in Northern Ireland to protect the public. It was an honour to work with them. During the so-called 'Troubles', 1,441 soldiers and 319 police officers were killed while serving Northern Ireland at the will of Parliament. Setting aside party politics, it is an affront to the relatives of those members of the Security Forces who lost their lives in Northern Ireland, if Parliament can be deliberately misled with impunity by officials and Ministers for purely political ends. Such

²⁰ See Document 12 in the separate Wallace Appendices file.

deception should not be tolerated.

*

Since this paper was written, Colin Wallace has commenced litigation against the Ministry of Defence.