

January 1981

Scoop

A-G accused by probe solicitor

By ROY EDMONDS

The Attorney-General, Mr John Griffiths, was accused at the MacLennan inquiry yesterday of misrepresenting certain statements about the affair and of using the weight of his office to settle a personal matter.

The accusations were made by Mr Stephen Ashley Burns, solicitor for Senior Inspector Michael Fulton who is one of the key witnesses in the inquiry.

Mr Burns was giving evidence before the inquiry.

He said he drew up a draft statement on behalf of Senior Insp Fulton in July last year.

This was in response to various statements by an Urban Councillor, Mrs Elsie Elliott, former Crown counsel, Mr Howard Lindsay, and the Attorney-General and comments by the press about Senior Insp Fulton's role in the MacLennan affair.

Mr Burns said he and Senior Insp Fulton had been advised by the Police Department that they would be allowed to issue the statement through the Police Public Relations Wing in an attempt to clarify the controversy.

The draft statement repeated Senior Insp Fulton's claim that he had been instructed by the Special Investigation Unit to "set up" MacLennan.

It said that written statements by Senior Insp Fulton about the affair had been seen by the Attorney-General.

In these statements Senior Insp Fulton denied being asked to frame MacLennan by fabricating evidence but claimed he had been asked to set him up by introducing him to a homosexual with a view to an offence being committed.

However, when the Attorney-General made a public statement in response to questions from Mrs Elliott, he only mentioned that Senior Insp Fulton had denied being asked to frame anyone.

This suggested that Senior Insp Fulton had withdrawn his complaint of a "set up" request from the SIU, said Mr Burns.

Senior Insp Fulton felt his involvement had been misrepresented by the Attorney-General.

Mr Burns said he had told the Director of Criminal Investigation, Chief Inspector Richard Quinn, about the contents of the proposed public statement by Senior Insp Fulton aimed at clarifying his involvement.

Shortly afterwards and before publication of the statement, Mr Burns said, he received a telephone call from the Attorney-General.

Mr Griffiths said he was calling both in his capacity as adviser to the police and in his own personal capacity, said Mr Burns.

"He said he had received a copy of the draft statement."

AG misrepresented statements — solicitor

(Cont'd from Page 1)

He said he thought it irresponsible to release such a statement," Mr Burns recalled.

The Attorney-General also asked him if he had considered that the statement might be a contempt of court if a prosecution was brought against the SIU by the Complaints Against Police Office.

Mr Burns said the Attorney-General had also suggested the statement might constitute a libel against him personally.

He said he was surprised and taken aback by the call from the Attorney-General and decided to take advice on it from both a senior partner and a barrister.

They decided the statement did not constitute contempt or a libel, but nonetheless they re-drafted it and removed the reference to the Attorney-General misrepresenting Senior Insp Fulton.

Mr Burns added: "I think the Attorney-General was trying to stop the publication for personal reasons and I don't think his remarks had any merit."

"And I would describe his

approach to me as unusual, but not improper."

In reply to counsel for the commission, Mr John Beveridge, QC, Mr Burns said the Attorney-General was effectively by omission making a mis-statement.

He agreed that his reaction to the Attorney-General's telephone call was that Mr Griffiths was using the weight of his office in relation to a personal matter.

An application by Mr Barrie Barlow, representing the Legal Department, that evidence be called to answer some of the allegations against the Attorney-General was turned down by the Commissioner, Mr Justice Yang.

Mr Barlow complained: "There is an abominable lack of respect to the damage done to reputations in these proceedings."

The Attorney-General was being prevented from calling a defence at this time, he added.

Mr Justice Yang agreed with Mr Beveridge that this effect on some personalities mentioned by witnesses was regrettable and that a number of witnesses had to wait a long time before dealing with allegations against them.

But it was impractical to interject evidence as requested by Mr Barlow.

After Mr Burns' evidence, Senior Insp Fulton took the stand.

His evidence merely outlined his first contact with the SIU.

He said that in August 1978 he was interviewed by two SIU officers.

They told him his name had been mentioned to them by former solicitor Richard Duffy as a homosexual, and that they knew he had been to Duffy's boat and his home.

Senior Insp Fulton (31) said he became worried this might mean his resignation, but the SIU men assured him it would not.

They said they just wanted him to help in certain matters.

At the second meeting, at the Shatin Heights Hotel, Senior Insp Fulton continued, they told him they were investigating matters following on Duffy's arrest.

They reassured him this was not a witch-hunt and that they were not interested in consenting adults practising in private.

Their concern was with procurement and trafficking involving young boys and with triad involvement and blackmail.

"I agreed to help because this was a side of the homosexual community which I found distasteful," said Senior Insp Fulton.

"I also felt it was my duty as a police officer."

"At the end of the meeting I felt I had nothing to worry about. They were just after what you might call the seedy side."

At the next meeting, he said, they mentioned several names of people in high positions and indicated they knew a lot about these people and in some cases had evidence against them.

Senior Insp Fulton will continue his evidence today.