

**Review of Michael O’Connell, *In Search of the Truth: British Injustice and Collusion in Northern Ireland***

**(The Collins Press, Cork, 2017)**

Dr. Fergal Davis\*

At the heart of this book is a concern that the past is being overlooked in the Northern Irish peace process. The message is hardly delivered in a subtle manner: the back cover depicts a Belfast mural featuring a gun and the words “collusion is not an illusion”; the publisher blurb states “too often, the attitude of politicians is to leave the past behind”; and the cover is a smoking gun.

Anyone who is familiar with the phrase “legacy issues” must have some sympathy for the premise. This volume seeks to expose the reality of collusion between the security forces and paramilitaries during “The Troubles”. Michael O’Connell has the credentials. He is a barrister and author with a longstanding interest in Northern Ireland. And, if the goal is an accessible examination of a difficult topic, the book delivers, but it is not a scholarly tome.

The publisher, Collins Press, praise the book as “forensic in approach, but avoiding legalese”. So, it important to acknowledge that this book is not intended to be a scholarly examination of the history of security service collusion. It lacks sufficient referencing for it to fulfil that task.

In Chapter 2 – “Justice for Iain” – the story of Iain Hay Gordon, who was wrongfully convicted for the 1952 murder of Patricia Cullen, a judge’s daughter, is told in a lively way. The narrative runs. The reader’s sympathy is evoked. And there is plenty of detail. The legislative lacuna created by the *Criminal Appeal Act 1995* is explained very clearly. But no sources are referenced. Parliamentary debates are referred to, but Hansard is unmentioned.

---

\* Reader in Public Law, The Dickson Poon School of Law, King’s College London, the U.K.

O'Connell's book reminded me of, fellow barrister, Michael Mansfield Q.C.'s *Presumed Guilty: The British legal System Exposed*.<sup>1</sup> Mansfield and O'Connell have trained their sights on the same subject: British Injustice. And they both construct a persuasive case. When O'Connell sets out the Gordon case he does not stop at casting doubt on the conviction of Gordon, but raises suspicions about the Curran family role in the death of their daughter Patricia:

[w]ithin moments of the discovery, Malcolm and Dorreen Davison arrived at the crime scene. Desmond Curran thought his sister seemed to be breathing and it was decided – by a judge, a barrister, a solicitor and a police officer – that she should be put on the back seat of the Davisons' car and taken to the village, where the family doctor, Dr Wilson, lived. They lay Patricia on the back seat, but because rigor mortis had set in and her legs would not bend, they could not close the door on the rear passenger side. The car travelled the short journey with Patricia's legs protruding from the partially opened door.<sup>2</sup>

I quote this passage at length because I feel it gives a good flavour of the book. There is the detail and disturbing image of the deceased being moved in such a manner. There is more than a hint of corruption – a judge, a barrister a solicitor and a police officer are all implicated in the decision-making process. There is a pointed finger at Desmond Curran – rigor mortis does not set in quickly. The overall impression created is that this was part of a cover up.

The conviction, as guilty but insane, of Hay Gordon was ultimately overturned and was undeniably a miscarriage of justice. It is the subject of John Hostettler's *The Colour of Injustice: the mysterious murder of the daughter of a High Court Judge*.<sup>3</sup> O'Connell's writing on this is engaging but does, perhaps, tend to the polemical. I focus on the Hay Gordon chapter in detail because the book's strengths – the narrative and detail – and its weaknesses – the lack of rigorous scholarship and the tendency to polemicise – are amply demonstrated there.

The task of the book is evident from the case studies examined. O'Connell is not just trying to show corruption in one case – he wants to demonstrate that it was embedded in the State. So, we go on a tour from the Hooded Men of the 1970s internment policy, to the

---

<sup>1</sup> M. Mansfield, *Presumed Guilty: The British legal System Exposed* (London: Mandarin, 1993).

<sup>2</sup> M. O'Connell, *In Search of the Truth: British Injustice and Collusion in Northern Ireland* (Cork: The Collins Press, 2017) at 32.

<sup>3</sup> J. Hostettler, *The Colour of Injustice: the mysterious murder of the daughter of a High Court Judge* (Hampshire: Waterside Press Ltd., 2013). Further information on the murder of Patricia Curran is available here: <https://sluggerotoole.com/2015/03/25/after-almost-70-years-the-murder-of-patricia-curran-casts-a-long-shadow/> (accessed 12 June 2017).

Guildford Four and Maguire Seven. Chapter 11 examines the murder of solicitor Pat Finucane. Chapter 13 sets out the murder of Kevin Heatley and the inadequacies of the State's response. Chapter 14 reviews the Stalker Affair which has also been covered in John Stalker's own highly readable account of his investigations.<sup>4</sup> The expectation is that combined, these case studies demonstrate a pattern of collusion and injustice; each individual miscarriage of justice is set out in order to provide evidence of a wider systemic problem.

This was an engaging book. It is well written. It examines an important issue. But there is an oft-repeated unionist complaint about "legacy issues": too often nationalist grievances against the State are placed centre-stage while victims of paramilitary violence are ignored. By focusing on security service collusion O'Connell leaves himself open to the claim that he is too willing to ignore the victims of republican terrorism. The polemical style exacerbates that risk – critics may seek to portray this book as an attack on the Northern Irish state and the UK security services. Ultimately, that may undermine his important argument.

O'Connell has explored one element of the conflict. He is well placed to have written this book: he is an accomplished barrister and author and he has a demonstrated interest in the miscarriages of justice – particularly those in Northern Ireland. *In Search of the Truth* provides a jumping off point for those interested in understanding the extent of state collusion in Northern Ireland's Troubles. The stage is now set for someone to write the authoritative account.

---

<sup>4</sup> J. Stalker, *The Stalker Affair: One Man's Battle with Power and Politics in Northern Ireland* (London: Harrap, 1988).