

# CASES FOR CONCERN

A COPY of a confidential report highlighting police concern over the handling of several major cases by prosecutors in Edinburgh has come into the hands of the Evening News. It says that homosexuality may well have been used to seriously interfere with the administration of justice. DAVID FORBETH reports.

## Dalyell's letter the trigger for report

THE secret report was drawn up against a background of disquiet and serious concern among the ranks of Edinburgh's detectives.

But it was prompted not by the internal unhappiness in the force, but by a letter from campaigning MP Tam Dalyell which dropped on Chief Constable Sir William Sutherland's desk like a bombshell at the end of November last year.

Sir William immediately ordered a senior detective to investigate in depth and report back to him.

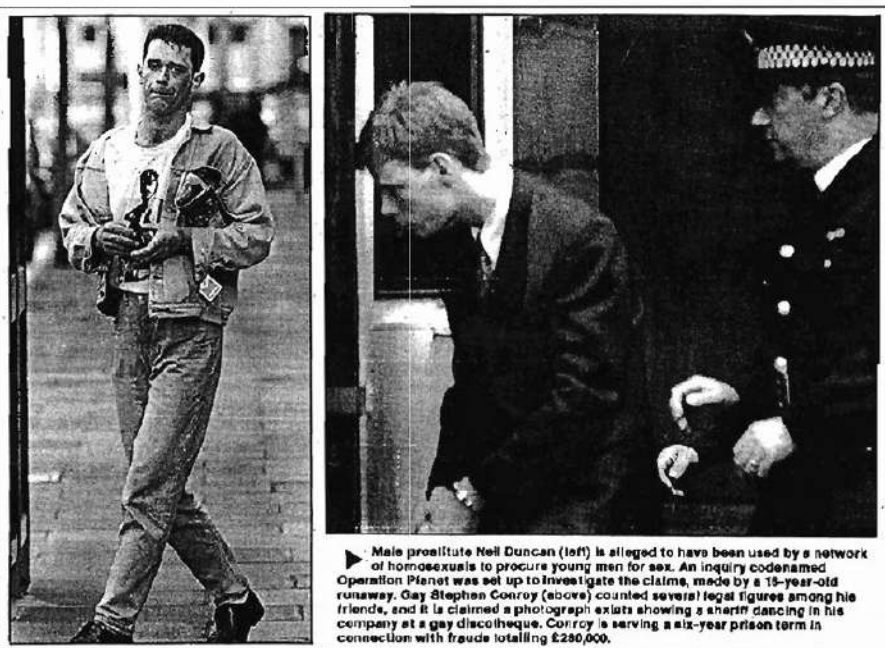
The report says of Mr Dalyell's letter: "In general terms the letter narrates a series of apparently linked matters relating to the personal and public conduct of individuals holding prominent public office in the judiciary and in Edinburgh legal circles."

"The overall inference is one of homosexual relationships between persons in positions of influence resulting in that influence being exercised to obstruct the proper course of justice in specific matters."

The letter alludes to continuing disquiet among police officers at apparently puzzling outcomes in certain High Court trials since the mid 1980s.

The reporting officer says: "Having examined all the main issues referred to by Mr Dalyell, and read the relevant evidence in the form of reports, statements and transcripts, it is difficult to say that all matters referred to have been fully investigated."

The overall finding conclusion had to be that a number of inquiries remained to be done.



Male prostitute Neil Duncan (left) is alleged to have been used by a network of homosexuals to procure young men for sex. An inquiry codenamed Operation Planet was set up to investigate the claims, made by a 15-year-old runaway, Gay Stephen Conroy (above) counted several legal figures among his friends, and it is claimed a photograph exists showing a stern dancing in his company at a gay discotheque. Conroy is serving a six-year prison term in connection with frauds totalling £280,000.

## How the cases reach courts

THE role of the police is to investigate crime. The task of proving the guilt of criminals in court lies with the prosecuting services.

Police submit all of the evidence they have gathered through the procurator-fiscal, who represents the Crown. The decision on whether or not to prosecute is taken by the Crown, who can order police to carry out further inquiries.

In major cases, once the Crown is satisfied that all of the evidence available has been gathered — and that can include statements taken by lawyers for the Crown rather than police officers — it is assessed by Crown Counsel, who are based at the Crown Office.

The Crown also decide on the nature and detail of any charges.

Crown Counsel serve in the High Court as advocate deputies, acting with the full authority of the country's senior law officer, the Lord Advocate.

The advocate deputies have full authority to drop or plea-bargain charges, except in homicide cases when further advice from senior legal officers must be sought.

# A litany of legal discrepancies

### CASE ONE

IN April 1988, the Law Society of Scotland found discrepancies in the accounts of legal firm Burnett Walker of Stafford Street, Edinburgh, and reported their findings to the then procurator-fiscal Thomas Allan.

A police inquiry was ordered by Burnett Walker and full partner Colin Tucker, both described in the report as practising homosexuals.

On June 4, Ian Walker hanged himself following Press coverage of the inquiry. Six days later says the reporting officer of the fraud squad received confidential information that Tucker was removing documents from the Burnett Walker offices and attempting to dispose of them.

### Defence

It then details difficulties the officers faced in attempting to prevent him from carrying out that course of action. For legal reasons, the Evening News is unable to reveal what the report maintains was the cause of the problem.

Tucker was charged with embezzling

clients' money. He was found not guilty after trial at the High Court in Edinburgh in December 1989. In Tucker's defence, he claimed Walker had threatened to expose him as a homosexual and forced him to take part in the scheme.

According to the report, Tucker's own solicitor David Blair Whison had told police that he was amazed at the not guilty verdict.

During Tucker's trial, rumors had surfaced of a "list" containing the names of prominent members of the legal profession, including several judges, who were said to be clients of Tucker.

The report goes on: "The reporting officer now believes that the so-called list may indeed take the form of a pre-emption taken from Tucker for the defence prior to his trial. Other information indicates, however, that it is simply a list of names. In any event, Tucker's arrival caused many expressions of disquiet from persons on both sides of the judicial system."

The report points out that three days after Tucker's acquittal, Lord Derrald — who was not involved in the case — resigned amid allegations of homosexuality.

### CASE TWO

COLIN Tucker was involved in another major fraud inquiry, this time centring on the locally-based building firm of Teague Homes (Scotland).

The allegations were that, while acting as

company secretary to the firm in 1987, Tucker and financial director Gordon May — also allegedly a homosexual — had fraudulently diverted more than £200,000.

In the autumn of that year, an internal inquiry was launched and at Christmas May travelled to Thailand. He resigned from the company and, according to the report, ran a Thai hotel and club known as the Ambience Hotel and Boys, Boys nightclub, which is heavily engaged in providing services for homosexuals.

### Comment

The report states the firm decided not to pursue the matter, but in April 1994, on Crown Office instructions, police inquiries began into the alleged misappropriation of funds. Both May and Tucker were charged with fraud and went to trial at the High Court in Dundermine in May the following year.

The report adds: "All charges against both accused were dropped by the Crown six days into trial scheduled to last two weeks. The reasons for dropping the charges are not

known, and the Crown Office have made no further comment on the decision."

The report speculates that one effect of taking the trial to Dundermine was to reduce Press coverage. It also says that May's Thailand club and hotel were thought to have been frequented by several persons in the Edinburgh gay scene, including "the gay element of the legal fraternity."

### CASE THREE

A MORTGAGE fraud inquiry centred on the activities of a leading advocate involved in the property market was again initiated by the Crown Office, the report says.

But by October of last year, the Crown Office Fraud Unit had written to the Chief Constable to say that no further proceedings were to be taken against the advocate.

The report adds: "It is an understatement to say that this instruction was met with disquiet by those officers involved in the inquiry, and having read the relevant reports it is the inquiry officers' opinion that they represented a strong case..."

# Policy change was shocker

### CASE FOUR

ALLEGATIONS made by a 16-year-old runaway from a Fife children's home prompted an inquiry into a network of homosexuals who used male prostitute Neil Duncan to procure young men for sex.

The inquiry was codenamed Operation Planet. According to the report, the young runaways tended to be vulnerable, often homeless, in need of money or dabbling in drugs. The sexual acts involved were sometimes grossly indecent.

The report states: "The Crown case in relation to Operation Planet was processed with apparent zeal by identified Crown Counsel and an indictment libelling a total of 57 charges was eventually prepared. This included six charges added by the Crown itself during the preparation of the indictment."

"Indications were that the Crown were prepared to go to trial on all charges against all accused, citing a large number of witnesses from the gay scene in Edinburgh, many of whom were undoubtedly in possession of potentially compromising information con-

cerning a number of outwardly respectable people."

The report says shortly before the trial and the surprise and surprise of the reporting officer and the then Procurator Fiscal Duncan Lowe, Crown Counsel arranged a meeting with various defence agents and announced to their surprise that it was no longer policy to prosecute consensual homosexual conduct with persons under 18 years.

The result of this was that 47 of the original 57 charges were dropped, five of the ten accused walked free, one went to trial and was found not proven and the remaining four pleaded guilty to reduced charges.

The report goes on to say there was a feeling that the decisions made were "not in accordance with justice but were a deliberate means of preventing possible compromise of prominent public figures by sipping the rent boy witnesses from giving evidence and identifying other homosexual persons."

It adds: "At the end of the day the only charges which formed the basis of conviction were those involving a 16-year-old from Kirtcaldy with no previous connection to Edinburgh or its gay scene and the least potentially compromising witness."

This section of the report concludes: "Persons engaged in the inquiry, however, feel that the decision to drop charges and proceed-

tion was a tactical one... to prevent the possibility of evidence being propped which could potentially compromise senior figures in the judiciary."

### CASE FIVE

GAY Stephen Conroy counted several legal figures amongst his friends. Two lawyers, a QC and Colin Tucker are all named in the report.

In December 1990, information was supplied to the fraud squad by a business associate of Conroy's suggesting that compromising photographs existed showing a Sheriff and "backed males indulging in homosexual acts."

It is claimed one of the photographs showed the Sheriff dancing in Conroy's company at a gay discotheque in February last year.

The business associate and Conroy were interviewed in March and April last year. Conroy said he had seen the photographs in the New Town home of a QC. He also claimed to have been aware of the homosexual activities of another Sheriff and a High Court judge.

The information has not led to any charges or prosecutions being brought.

Conroy is serving a six-year prison term in connection with frauds totalling £280,000.

# News demanded answers



LORD FRASER: News sought answers from him after "rent boy" case.

THE Evening News wrote to the Lord Advocate, then Lord Fraser, in January of last year after most of the charges in the "rent boy" case were dropped at the last minute.

We sought an explanation for this course of action, which followed an extensive and expensive police inquiry. The Evening News said the matter raised several questions:

- Why the Crown took this course of action in view of the fact that they had themselves previously increased the number of charges?
- Had fresh evidence evidently come to light which weakened the Crown case on all these charges?
- How much public money had been spent pursuing the case?
- The answer we received simply stated that the matter was one for the Crown.

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