

THE HEARING RESUMED ON THE 20TH OF OCTOBER, 1999, AS

FOLLOWS:

CHAIRMAN: Good morning everyone. Mr. Coughlan.

MR. COUGHLAN: Ms. Foy.

EILEEN FOY RETURNS TO THE WITNESS BOX AND CONTINUES TO BE
EXAMINED BY MR. COUGHLAN AS FOLLOWS:

Q. MR. COUGHLAN: Thank you, Sir. Now Ms. Foy, yesterday evening I was asking you about the statement which Mr.

Ahern made to the House in December of 1997 on the debate

setting up this Tribunal. And I drew your attention to the

opinion which he must have had which he conveyed to the

House about your excellent recollection, bearing in mind

that he had a discussion with you about the Leader's

Allowance Account; isn't that correct?

A. That's right.

Q. Well, first of all can we just confirm, you did have a discussion?

A. Oh, I did.

Q. With Mr. Ahern about it. Can we take it that the statements were not available for that particular meeting,

the bank statements on the account?

A. I had nothing when I went to that meeting.

Q. Yes, but even at the meeting, you didn't, the bank statements weren't there, as far as you can recall?

A. Yes.

Q. And the only limited records, or the little available records which you referred to, must have been the records, the documents which you furnished to Mr. Fleming at the time Mr. Haughey left office in 1992; would you agree?

A. I would agree with that.

Q. But that you must have had some discussion in some detail with him about the operation of the account; isn't that correct?

A. Yes.

Q. And I think you very readily acknowledged, having looked at the bank statements for the purpose of giving evidence to this Tribunal, that there would have been sufficient monies in the accounts from the lodgements from Exchequer funds to meet the ordinary running of the office; wouldn't there have been?

A. Yes.

Q. And whilst there may have been occasions when the account may have gone into the red, in the normal operation of the account it was always brought back into credit when the payment from the Exchequer was made; isn't that right?

A. That's right.

Q. And I think what you have told the Tribunal is that it is only when the Tribunal has drawn documentation to your attention that you have become aware that something else was going on in the account also; isn't that correct?

A. That's right.

Q. And of course, you were not aware of that or you had no

recollection of that when you spoke to Mr. Ahern in 1997;

isn't that correct?

A. I hadn't.

Q. Yes. So you would have conveyed to him, effectively what he said in his statement; isn't that correct?

A. Yes.

Q. Now, I will be coming to deal with the memorandum furnished to the Tribunal by Ms. Catherine Butler and she will be giving evidence in due course, but there are certain matters in it - I think you have it; isn't that correct?

A. Yes.

Q. And prior to that the Tribunal have brought to your attention certain matters which the Tribunal believed would be contained in the memorandum; isn't that correct?

A. That's correct.

Q. And to afford you an opportunity to deal with it; in the first instance, do you have a copy of the memorandum before you?

A. I have.

Q. Now, if you would go to page 2 of the memorandum, and paragraph 7. I think you will note from that paragraph that the intended evidence of Ms. Butler, of Ms. Butler, will be that she shared an office with you in the Department of the Taoiseach and although she had no direct responsibility for, nor involvement in, the operation of the Party Leader's Account, she had certain knowledge of the manner in which the Party Leader's Account was managed

from her knowledge of how Ms. Foy operated the account and from the fact of her having shared the office from which the account was operated. Would you agree with that?

A. In general, yes.

Q. In general. Now, if you turn over the page to page three, and it relates to paragraph 8 of the memorandum. You see halfway down a paragraph which begins "Ms. Foy"?

A. Yes.

Q. Her intended evidence would be to the effect that you kept the records of the Party Leader's Account together with the payroll records and computer data in your office. Ms. Butler has a vague recollection that Ms. Foy kept the cheque book for another account on which Ms. Foy was a signatory and this cheque book was kept with the party Leader's Allowance Account cheque book.

I suppose there are two matters which are raised in that particular paragraph and if we deal with them separately.

The first is that you kept the records of the Party Leader's Account together with the payroll records and computer data in your office; is that correct?

A. That's right.

Q. And then Ms. Butler appears to have a vague recollection that you kept the cheque book for another account on which you were a signatory and that this cheque book was kept with the party Leader's Allowance Account cheque book?

A. That's right. That was a very small account into which

TD's paid a monthly subscription which was used to pay the Whip's Allowance. I wasn't the only signatory on that.

Q. Could you move a little closer to the microphone?

A. I wasn't the only signatory on that, there was another signatory.

Q. Very good. Could we take it that it is an account which has nothing whatsoever to do with the Party Leader's Allowance Account?

A. That's right.

Q. It is a completely separate matter altogether?

A. That's right, yes.

Q. Turning then to that portion of the memorandum which deals with knowledge of the whereabouts of the records, and if we go to paragraph 12, I think on page 4. Which Ms. Butler will say to the best of her knowledge all departmental files relating to her time with Mr. Haughey as Taoiseach would still be in the Department of the Taoiseach. That is probably correct. Departmental records would be something that you wouldn't necessarily have any particular involvement with.

So far as other records are concerned, this is the position. And she has informed the Tribunal that she met you in the summer of 1998; is that correct?

A. Yes.

Q. Is that correct?

A. That's correct.

Q. That you had sought her assistance to help pinpoint certain

events and wondered if Ms. Butler had personal notes, that is a journal or diary that would be helpful so as to enable you to respond to queries from the Tribunal; is that correct?

A. That's correct.

Q. She has informed the Tribunal that at that time you were at a loss to know how you could recollect events to enable you to respond; is that correct?

A. That's correct.

Q. And that you found this distressing; is that correct?

A. Yes.

Q. Yes. I think Ms. Butler has informed the Tribunal as follows; that she informed you that she had destroyed all of her official diaries and records in the summer of 1996 before going to Canada; is that correct?

A. I don't recollect that, but she may have said that.

Q. But you don't recollect that?

A. No.

Q. Very good. And she has informed the Tribunal that Ms. Foy was however, aware that Ms. Butler kept a personal journal/diary; is that correct?

A. That's right.

Q. I think she has informed the Tribunal that she agreed to help you and for that purpose to consult her personal journal/diary; is that correct?

A. Yes.

Q. However, this is what she has informed the Tribunal, having

considered the matter she came to the conclusion that she could not help you, as she believed that your recollections of those events for the purpose of this Tribunal should be those of yours and not hers; is that correct, did she say that to you?

A. She did not say that to me.

Q. She did not say that to you?

A. No.

Q. Perhaps I will pause there so and take that a little bit more carefully?

A. Actually if I am reading that correctly she has not actually said that she said that to me.

Q. No, she didn't, but that was never conveyed to you that that is the view that she has informed the Tribunal that she formed, that is what I am trying to distinguish?

A. No.

Q. In the first instance when you met her and you were looking for assistance, very appropriately looking for assistance to enable you to respond to the Tribunal's queries, did she in the first instance agree to help as, she seems to indicate?

A. She said she would have a think about it and look through her things.

Q. Yes?

A. And she asked me would she be called and I said that I didn't know.

Q. Yes?

A. And she said, we arranged to get in touch again, and we spoke a few times on the phone after that and I met her again in the Shelbourne.

Q. Yes?

A. We spoke on the phone a few times, but there was never anything conclusive. I never got any information.

Q. You never got any information?

A. No.

Q. It was never specifically stated that you wouldn't be receiving assistance, but any conversations you had were inconclusive; is that a fair way of summarising your recollection?

A. I was trying to explain to her how badly I needed information because I couldn't remember.

Q. Um hum.

A. And I felt there had to be some sort of logical explanation to it.

Q. Yes; and were the problems that you were having at that stage because matters had been brought to your attention by the Tribunal which were causing you difficulties in responding?

A. Absolutely.

Q. For which you couldn't give a logical explanation?

A. I had no answer.

Q. And I think in the first instance how the Tribunal contacted you arose out of the fact that the cheque for œ25,000 went into the Amiens Securities Account; isn't that

correct?

A. No, that came up much later. That came up much later.

Q. But you had no logical explanation for that particular cheque; isn't that correct, as you had

A. Um hum.

Q. And of course many other matters have come to your attention since then and that is after the time that you had contact with Ms. Butler seeking her assistance; isn't that correct?

A. Well, I made several phone calls to her after my last meeting with her but there was no response to them, so I gave up.

Q. You gave up?

A. I haven't

Q. Was that when other material was brought to your attention by the Tribunal, it was still with the initial material?

A. Yes.

Q. Very good. Now, if you would turn to paragraph 13 of Ms. Butler's memorandum. She has informed the Tribunal that regarding the Party Leader's Allowance records and finance records which were kept by Ms. Foy, the position is as follows, as she understood matters; she has informed the Tribunal that towards the end of January of 1992 that she helped you to pack these records and to carry them to your car, sorry maybe that is her car. It is Ms. Butler's car?

Well, I think it probably means Ms. Foy, whether it was to Ms. Foy or Ms. Butler, but it probably means your car.

They were carried in three or four carrier type bags,
similar to an Arnotts or Brown Thomas large shopping bag.

Do you have a recollection of that?

A. I - from the word go in my initial statement I told you I did not take records, the accounts or the records or the cheque books. During the period when we were moving out of there I did take my own stuff out of there.

Q. This would be your own personal items; is that correct?

A. Yes.

Q. Unrelated to the operation of the Leader's Allowance Account?

A. Absolutely.

Q. Yes.

A. Because I had been there for a considerable length of time.

Q. Yes?

A. Now, her memory of it is better than mine in Arnotts or Brown Thomas bags, but I remember bringing stuff out, but it was my own stuff.

Q. And only your own stuff. I just want to be clear about this. Well, perhaps we will finish this paragraph for a moment and we will come back and discuss it?

A. Right.

Q. I think the memorandum continues. Ms. Butler does not know what time periods were covered by these records, but she is aware that at the time that the Taoiseach's office was moved from old Government Buildings to new Government Buildings at the end of 1990, that Ms. Foy had informed Ms.

Butler that she had tidied up about half of the older records going back to 1977, and that she had taken them to her home?

A. That is - that is just rubbish.

Q. Very good. I think you informed the Tribunal on the last occasion when you gave evidence that when this particular move from the old office to the new office was taking place, you did take the opportunity to clean up the files and to get rid of some old paper; isn't that correct, in the normal administrative way?

A. Yes.

Q. And I think you informed the Tribunal that what you would have perhaps got rid of, at that stage, because of space problems would have been old invoices, but not the ledgers and not the stubs of the cheque books; isn't that correct?

A. That's right.

Q. And can we take it that you never took any of that material home with you?

A. That's right.

Q. You destroyed it in the normal way I presume, shredded it?

A. I would have no reason to take stuff like that home.

Q. Yes. The memorandum continues; "Ms. Butler is also aware that Ms. Foy had put aside some records in a small box which she intended to give to Mr. Sean Fleming, the Fianna Fail financial controller, based at Fianna Fail Headquarters, Mount Street Dublin 2."

I think you have already informed the Tribunal of that yourself?

A. Yes. Yes, that's right.

Q. And the memorandum continues; "At the time of the discussion between Ms. Foy and Ms. Butler in the summer of 1998 during which Ms. Foy sought the assistance of Ms. Butler in endeavoring to recollect the events of her period working for Mr. Haughey, Ms. Butler had asked Ms. Foy if she still had the cheque book records with which Ms. Butler had helped Ms. Foy carry to her car in 1992 and that Ms. Foy replied that she had destroyed those documents sometime earlier"?

A. I absolutely refute that.

Q. Yes. Now, I will just go through that in some little detail if I may. Do I take it that you accept that Ms. Butler may have helped you carry some documents to your car but you say that they were all your own personal documents; is that correct?

A. Yes.

Q. And is it your evidence that you never took away any cheque books, stubs, ledgers or other form of records relating to the allowance?

A. Yes.

Q. And that anything relating to the Leader's Allowance Account, which you handled, when you left were the documents you gave or the records you gave to Mr. Fleming, and that is all?

A. That is all. In the initial statement I said that I couldn't remember in detail what had happened the stuff that

Q. I think Mr. Fleming's understanding or evidence was that they would mainly have related, perhaps to salaries and wages and matters of that nature. Would that seem right to you? He had to have some sort of record for the continuing operation of things?

A. Right.

Q. Would that seem right to you?

A. I have forgotten, I have forgotten his statement now, but he itemised the things, apparently, that I gave him.

Q. There are two matters now that I want to establish here. You say you did not take away any cheque books or any other form of record?

A. I didn't.

Q. Relating to the account, when you left?

A. That's right.

Q. That is the first thing. The second thing I want to ask you is when you had your meeting with Ms. Butler, or in any subsequent conversation, whether by telephone or otherwise, did you ever have a discussion with Ms. Butler relating to the cheque books, records, or anything of that nature?

A. I don't recall having a conversation with her regarding the records or the cheque books.

Q. Did you ever inform Ms. Butler that you had destroyed those documents sometime earlier?

A. I did not.

Q. You did not?

A. No.

Q. Did you, by any chance, inform Ms. Butler that you had destroyed the documents which you had removed, your own personal documents?

A. No, because they related to I moved house, they were documents - there was a car accident and stuff related to that.

Q. Your own personal affairs?

A. Yes.

Q. When you initially spoke to Ms. Butler at the first meeting, had you spoken to Mr. Haughey?

A. No.

Q. No? Very good. You say that you had a number of telephone conversations with Ms. Butler which to your mind proved inconclusive and then you may have had one other meeting; is that correct?

A. Apart from working with Catherine, we were friends.

Q. Yes?

A. Oh, yes. So in the normal course of events I would have been talking to her on the phone, but this was the thing uppermost in my mind.

Q. Yes?

A. And I did discuss with her how was I going to get this information.

Q. Yes. Well, what I am trying to pinpoint now is that you

have already informed the Tribunal of having a conversation with Mr. Haughey and inquiring as to whether he had any records, and you were met with silence; is that correct?

A. That's correct. That conversation was primarily to do with, do you remember the initial meeting I had with the Tribunal, various amounts were made out to cash.

Q. Yes?

A. And I was flummoxed by that and when I got no reaction at all from Catherine and I knew when I realised the causes weren't going to be I said "right", I went out to Mr. Haughey and I said "look, I can't answer these. Have you any ideas?" And that was I said I didn't know where I stood, what was I going to say.

Q. I think you informed the Tribunal that you would have informed him that you had no records to assist you and you asked him did he have any records and you were met with silence in relation to that particular question; isn't that right?

A. Yes I did say that, but primarily the silence I was met with, I asked him about the records, that was earlier on. It was when I asked him about how was I going to explain that, had he got any memory of these amounts, that I had nothing to work on.

Q. I see; and these related to the initial series of cheques that were drawn to cash; isn't that correct?

A. Yes.

Q. And apart from the question of records, were you offered

any explanation at all at that stage, that would assist you in assisting the Tribunal?

A. No, I think I don't think he was in a position to help me.

Q. Well, what I am asking you is, were you offered any explanation which could have assisted you in assisting the Tribunal?

A. No.

Q. No? And you believe that these, or sorry, your meeting or your conversation with Mr. Haughey was subsequent to your meeting or meetings with Ms. Catherine Butler?

A. Oh, it was. The meeting with Mr. Haughey was after that.

Q. Now, can I take it that when you were seeking assistance to enable you to assist the Tribunal with the queries which had been raised with you, when you spoke to Mr. Haughey you were talking about, in the first instance, these cheques which were made out to cash; isn't that what you were asked about?

A. Yes.

Q. And I think round sum figures may have

A. They were - I had been provided with a specific list by the Tribunal at the time.

Q. Because I think on the previous occasion you gave evidence, when I asked you did you make any inquiries of anybody since you have been asked by the Tribunal to assist it as to where the particular documents may be; and I think that related to the ledgers and the cheque stubs; isn't that

correct?

A. Um hum.

Q. And I think you responded that: "No, I think the Tribunal is pursuing that" and the question then was "well, I am asking you now did you ask anybody in Fianna Fail to", and the answer "you asked the question then did I ask anybody?" Question: Yourself? Answer: No, I didn't.

Question: Did you ask Mr. Haughey? Answer: I went to see Mr. Haughey about a year ago. Question: Yes.

Answer: Maybe a bit longer and I said "

Then I interjected: "All I am asking you is did you ask him about this? Answer: Just let me Question: Yes.

Answer: I said that I had been asked about all this and that I had no records and had he and I didn't really get an answer".

Is that your recollection; is that correct?

A. That would be.

Q. Now, when you first asked to meet Catherine Butler, I appreciate you were friends, maybe it sounds a little bit too formal, but on the first meeting when you sought her assistance, why was that?

A. I thought initially that some, a lot of this expenditure could be explained by some of the visits abroad or gifts for when Mr. Haughey was going abroad. I thought it may have related to that and I was trying to pinpoint down when he was where.

Q. I see. That was why you were inquiring of Ms. Butler, not

that she would have any knowledge of the actual workings of the account herself?

A. No, no.

Q. No. Now, if I could go to paragraph 18 of the memorandum.

Ms. Butler recalls that Mr. Haughey gave either a cheque or a number of cheques to Ms. Foy in connection with this matter. This relates to the Brian Lenihan Fund; isn't that correct?

A. Yeah.

Q. And that these were lodged by her into the Party Leader's Account at Allied Irish Bank Limited at Baggot Street?

A. Um hum.

Q. I think you would agree with that, with both of those statements?

A. I agree with the lot, yes.

Q. And Ms. Butler has informed the Tribunal that she accompanied Ms. Foy on a number of occasions in connection with these lodgements. This occurred on the way back into the office after luncheon?

A. For my sins, my own bank account is in AIB in One Lower Baggot Street. So going to and from lunch I could have been going in about the Party Leader's cheques or my own account, it could have been either. Yes, is the answer to that.

Q. Yes, there is no dispute?

A. No.

Q. In relation to it. Did you have any knowledge of how Mr.

Lenihan got to the United States and returned to the United States, is that something that you were concerned with at all?

A. I wasn't involved in organising that. From the various statements .

Q. From various statements now that are in your possession, but at the time .

A. I wasn't involved in the actual logistics of it.

Q. And you wouldn't have known who was actually in that?

A. I probably would have known at the time, that was something that Catherine probably would have been involved in.

Q. What I want to ask you is, did you ever send any acknowledgment or thank you note or anything to the people who may have been involved in that?

A. I don't as far as I can remember I would have only acknowledged cheques.

Q. Yes; and can I take it that whilst you have no recollection of ever drawing up a list; it is perhaps quite a hypothetical question; you would never have included people on the list from whom a cheque had not been received, would that be fair to say?

A. Sorry, what are we talking about now?

Q. If you had drawn up a list, if you had drawn up a list, and I say "if" all the time?

A. Um hum.

Q. It would only have been in respect of people who had given cheques?

A. As against providing transport.

Q. Yes?

A. Yes.

Q. Now, turning to the heading in the memorandum "operation of the Leader's Allowance Account" I want to ask you to, I will take you through this and ask you for your comments on it. Paragraph 21. "Ms. Butler has informed the Tribunal that this account was administered by Ms. Eileen Foy with whom Ms. Butler shared an office for a number of years"?

A. That is correct.

Q. That is correct. Paragraph number 22. "Ms. Butler's knowledge of the procedure, having cheques signed in the period 1987 to 1990 is as follows" remember this is her knowledge, I am asking you does it conform with your knowledge. "Ms. Foy would prepare salary cheques, usually monthly; prepare cheques on foot of invoices and prepare a typed list of all cheques before having them signed, firstly by Minister Ahern" we are talking about the years 1987 to 1990 now.

A. But Minister Ahern, he was Minister for what sorry, my head is gone. What was he Minister for then?

Q. 1987?

A. Minister for Labour.

Q. To 1990. Minister for Labour, yes.

A. Yes.

Q. Well, perhaps I could come at it this way?

A. They more than likely would have been presigned cheques.

Q. Well, I think when I put to you portions of Mr. Ahern's evidence to this Tribunal yesterday, you agreed with it and I think that there were undoubtedly occasions when you did come to him with prepared cheques, a statement and invoices, and I think his evidence was to the effect that you were such a conscientious person, sometimes you would be giving more information than somebody really needed for the purposes of signing cheques. So could we take it that you are not saying that all cheques were presigned, but that some cheques may have been presigned; is that correct?

A. Right.

Q. I am just trying to establish where there is any conflict and there is no need to give rise to unnecessary conflict if it doesn't exist. But that you would have prepared a typed list and invoices; isn't that correct, that was your

.

A. That was right, yes.

Q. And would you have prepared the payment cheques?

A. Yes.

Q. And can we take it that it was usual for you to go to Mr. Ahern in the first instance, whether it was to have presigned cheques or to have cheques signed that were made out?

A. Yes.

Q. Now, Ms. Butler continues "sometimes Mr. Ahern would do this in the office she shared with Ms. Foy and sometimes Ms. Foy would have to seek him out"?

A. That could easily be.

Q. Yes. "And having had the cheques signed by Minister Ahern, Ms. Foy would then have Mr. Haughey sign them"?

A. That's right.

Q. Over the page on page 10. "On the few occasions that Ms. Butler saw the items to be signed on Mr. Haughey's desk, she was aware that they consisted of cheques which were payable to certain people or organisations with the amounts filled in, together with the typed list of payments to which were attached the relevant invoices". This was on Mr. Haughey's desk now?

A. Um hum. I never took the cheques out of the cheque books, out of the cheque book until they were all signed. The cheques were not attached to the invoices.

Q. I see. You left them in the book?

A. Until they were finished.

Q. Until they were signed by Mr. Haughey?

A. Yes.

CHAIRMAN: I think you did say previously, Ms. Foy, there were occasions when Mr. Haughey was occasionally busy and he would take the papers away with him to have a look at them before coming back to you, but is what you are saying, on those occasions he would have had the invoices and other documentation but not the filled out cheques?

A. Sorry?

CHAIRMAN: I know its

A. My head isn't going right. If I went in to get cheques signed and he was busy I would leave them with him. But I don't remember leaving the cheques signed, the cheques attached to the invoice. I think the cheques were always in the book until they were ready to be sent out.

CHAIRMAN: I see.

Q. MR. COUGHLAN: Even though you may have made them out in many instances?

A. Yes.

Q. But they would be still in the cheque book, they wouldn't have been torn out of the cheque book?

A. No.

Q. So what would be, there would be the typed list, the invoices and the cheque book?

A. Yes.

Q. Is that correct?

A. Yes.

Q. That is your recollection?

A. That is my recollection, yes.

Q. And I think Ms. Butler's memorandum continues: "To the best of her recollection during the period while Fianna Fail was in opposition prior to 1987, Ms. Foy always asked Minister Ahern to sign completed cheques which he sometimes did in the office Ms. Butler and Ms. Foy shared, and sometimes in his own office, where Ms. Foy would attend for this purpose. Ms. Butler's recollection is that it was

only on rare occasions that Ms. Foy would ask Deputy Ahern, as he then was, to sign blank cheques".

Does that accord with your recollection?

A. I am actually amazed that she can be so specific about it because I can't.

Q. But can we take it perhaps this way. You were the administrator of the account; isn't that correct? The account holders were Mr. Haughey, Mr. Ahern and Mr. McSharry; is that correct?

A. That's right.

Q. Can I take it, and with no disrespect to your position, you are not the person who would have instigated a procedure for administrative convenience of pre signing cheques?

A. That's right.

Q. Would that be fair to say, and I am not saying that in anyway disrespectfully. So that the instigator of the administrative procedure to pre sign cheques must have been one of the account holders; would that be correct?

A. It was a matter of convenience.

Q. I appreciate it was a matter of convenience, but can I take it that you wouldn't have walked up to any of the account holders and said: "Here will you pre sign a few cheques or pre sign a book of cheques?" Can we take it that that didn't happen?

A. Um hum.

Q. And I understand it being for, as a matter of administrative convenience, but that somebody must have

said to you "either get some cheques presigned or I will pre sign some cheques". Do you understand what I am asking you?

A. Yes. It could have been one or the other.

Q. It could have been one or the other?

A. Yes.

Q. Now, in this period in opposition when, and I appreciate that the account holders were all in shadow cabinet of course, or I think initially Mr. Ahern was the Chief Whip; isn't that correct?

A. That's right.

Q. Would it have been more than likely that you would have made out most cheques before they were signed and it was only on the rare occasion that you would have had some cheques presigned?

A. I don't know.

Q. You don't know?

A. I think there were a fair amount of presigned cheques then because in my mind the fact, he was very difficult to track down at times.

Q. Coming back to the question of who may have initiated the procedure of pre signing cheques. From the evidence you have already given that you would only ever have drawn a cheque other than where an invoice or wages or salaries were concerned, on the instruction of one of the account holders and that was Mr. Haughey; isn't that correct?

A. That's right.

Q. Does that assist you with your recollection as to who would have initiated the procedure of having cheques presigned, for administrative convenience?

A. Sorry, I

Q. Let me come at it this way; to have cheques presigned where two signatories are required may happen, but it is not the norm, I will put it to you that way. It may happen, it happens in many organisations?

A. Where this may have come about is that towards the end of the month the accounts had to be paid, salaries had to be paid, and I may have gone along and said "I am going to need X amount of cheques" and get them signed, because it was, it was only a small part of what I was doing.

Q. Yes.

A. And if I was busy and I hadn't, I may have got them presigned.

Q. Yes. What I am trying to ascertain is this; would it have been Mr. Haughey you would have told, would you have ever have said to Mr. Haughey, for example, "Mr. Ahern is never around" or something like that? Would it have been Mr. Haughey who said to you "get him to pre sign some cheques to allow the account to be operated", or was it Mr. Ahern who said to you "I will pre sign the cheques to allow the account to be administered"?

A. I have no idea. I honestly don't remember how it came about at that stage.

Q. Well, can we take it that, that one thing that you are

certain about is that you never had a cheque presigned by Mr. Haughey which was subsequently signed by Mr. Ahern when made out?

A. I think in my mind it was Party Leader's Account, therefore it was Mr. Haughey who was the second signature on that cheque. That is in my mind.

Q. Yes. So that the way things went were that it was always, if any cheque that was presigned was presigned by Mr. Ahern and not by Mr. Haughey; isn't that correct?

A. Yes.

Q. And that it always went already signed by Mr. Ahern to Mr. Haughey; isn't that correct?

Continuing with the memorandum; "between 1987 and 1990 there were, according to Ms. Butler, a number of occasions when Ms. Foy asked Mr. Ahern to sign a number of blank cheques in advance for administrative convenience". Do you have any difficulty with that particular portion of the memorandum?

A. No.

Q. "And that from January of 1990 until Mr. Haughey's retirement in February of 1992, Ms. Butler recalls that Ms. Foy asked Minister Ahern to sign a large number of blank cheques, sometimes up to 20 cheques. On one occasion she saw Minister Ahern sign a full cheque book". Do you have any comment to make on that?

A. I don't think I ever asked anybody to sign a full cheque book.

Q. Well, let's take it .

A. In principle, yes he was Minister and he would have presigned the cheques, but it would have been enough to cover, say salaries and expenses, the average number of whatever payments were going out that month.

Q. Well, let's take this in two stages so. From January 1990 until Mr. Haughey's retirement in February 1992, Ms. Butler recalls that Ms. Foy asked Minister Ahern to sign a large number of blank cheques, sometimes up to 20 cheques. Do you agree with that?

A. You can see by the statements the amount of transactions there were each month, so it could have been 20.

Q. And on one occasion she saw,"she saw Minister Ahern sign a full cheque book". Do you have any recollection of a full cheque book being signed?

A. I don't remember him ever signing a full cheque book.

Q. Coming back to the matter that I was asking you about as to the procedure of pre signing cheques. Would you agree with Ms. Butler that she would have seen you or heard you ask Minister Ahern to pre sign cheques?

A. Yes, because I would, I would ring him or I would

Q. Yes; and you have informed us that it was not you that initiated the procedure, or the practice, of pre signing cheques; isn't that correct?

A. Um hum.

Q. And if you were asking Mr. Ahern to do it, can we take it that he was not the one who initiated the practice so?

A. I don't know who initiated the practice of pre signing cheques.

Q. I just want to return to your memorandum now and it is just to deal with one matter. In fact, as, effectively, a correction on the transcript. I think it is on page 5, a response to query of the letter of the 29th of the 9th, 1999.

And I think, just to understand and, I think you were asked; it was a letter to your solicitors and the Tribunal solicitor asked him to draw to your attention, query number 155 "and your client's answer, in which your client refers to the printing of a cheque", and you were asked to let the Tribunal know whether cheques drawn on the Leader's Allowance Account and prepared by you were presented to Mr. Haughey or otherwise processed in a printed condition or whether in fact this was in error "and if so, perhaps your client would confirm that all cheques drawn on the account were handwritten, whether by her or by some other person".

I think your response to that, that the reference to the words "printing of a cheque" in answer to question 155 at book 30 of the transcript of proceedings at the Tribunal, on the 14th of July of 1999 is intended to mean the preparation of the cheque. "All cheques were prepared by hand by me and then presented to Mr. Haughey for signature"?

A. That's right, yes.

Q. And finally, if I may just ask you this Ms. Foy; when you had your meeting with Mr. Ahern in December of 1997, were there any documents at the meeting?

A. No, I had nothing.

Q. There were sorry?

A. I had nothing with me.

Q. I am not asking you - I am asking you were there any documents at the meeting?

A. Are you asking me if he had any documents?

Q. Yes?

A. I don't think he had. I don't think he had.

MR. COUGHLAN: Thank you.

THE WITNESS WAS CROSS EXAMINED AS FOLLOWS BY MR. CONNOLLY:

Q. MR. CONNOLLY: Just one or two matters, Chairman.

Ms. Foy, I want to ask you one or two questions on behalf of the Revenue Commissioners, arising from your time when you were administering the Party Leader's Account. If I could just turn your attention back to the period 1981 to, I think it was February '92 when Mr. Haughey departed as Taoiseach, scrutinising on that period of time. Am I correct in understanding that all records pertaining to the Party Leader's Account were kept in your office?

A. Yes.

Q. They would have been available to you in your office during that time; is that right?

A. Yes.

Q. And these records would have consisted of invoices, cheque stubs, bank statements and account ledgers?

A. Yes.

Q. Were these documents ever made available for scrutiny by auditors on behalf of the Fianna Fail Party itself?

A. There were never requested, no.

Q. They were never requested?

A. They were available.

Q. They were available?

A. Yes.

Q. But do you ever recall any discussion about volunteering them for scrutiny by auditors at any time?

A. No, I don't.

Q. To your knowledge during that period of time they were never scrutinised by an auditor or an accountant acting on behalf of the Party?

A. I don't recall, no.

Q. If it did happen you would recall it, I take it?

A. Yes, because

MR. CONNOLLY: Fine. Thank you very much Ms. Foy.

CHAIRMAN: Well Mr. Hardiman, I am aware that you are not on record in this matter, but obviously I am aware from the Tribunal's background work that on behalf of Ms. Catherine Butler a considerable number of dealings have been had with O'Mara Geraghty, who have instructed you in this matter,

and accordingly on the basis that after Ms. Foy's lengthy term in the witness-box I am anxious not to bring her back again unless it is absolutely necessary, I feel I ought to ascertain your views as to whether you wish to ask some limited number of questions at this juncture?

MR. HARDIMAN: Thank you, Sir. As you say, I am with Mr. Thomas Mallon for Ms. Butler and it is my intention in the first place to ask for limited representation on behalf of Ms. Butler.

CHAIRMAN: Well, I think in view of the amount of background work as well as, while that has transpired, as well as what has emerged thus far in evidence, it is right that I accede to a limited representation, granted on the usual basis.

MR. HARDIMAN: I am most obliged, Sir. Then in relation to the evidence of Ms. Foy it is obvious that Ms. Butler was mentioned in Ms. Foy's evidence. And that Mr. Coughlan put my client's statement to her. While I had the advantage of reading the transcript of Friday, and yesterday, and hearing what went on, this morning, I haven't seen Ms. Foy's Statement of Evidence and there are aspects I haven't taken instructions on. I am also conscious of the fact, as I presume the Tribunal doesn't want, necessarily, every element of difference of recollection covered in cross-examination, as it would be in an injured partes way, perhaps especially in view of the

fact that some more down right statements have just been made this morning, you might allow me to reserve my position until I take instructions on them? You realise that I couldn't possibly know what Ms. Foy was going to say about Ms. Butler's statement until I heard it.

CHAIRMAN: Very good Mr. Hardiman, but noting your own caveat, that unless something transpires that is necessary for the vindication or defence of your own client's position, that it would not be proposed to go into every nuance.

MR. HARDIMAN: Absolutely not. That is the only circumstance in which I would want to cross-examine.

CHAIRMAN: That leaves yourself, Mr. Nesbitt.

MR. NESBITT: Well, Mr. Chairman, I have some difficulty with the position that Mr. Hardiman has adopted, it seems slightly strange that he can come here today and not be in a position to deal with what his client has to say in relation to the part of her statement that deals with my client, and in those circumstances I would ask that I be allowed reserve my questions I want put to my client about Ms. Butler's evidence until Mr. Hardiman has decided what he wants to do. I think it is unfair that I should be asked to proceed otherwise. But there are other matters I would like to ask my client about, briefly.

CHAIRMAN: All right, Mr. Nesbitt, whilst I am anxious to avoid, if possible, Ms. Foy being brought back, I do accept that there may be some aspects pertaining to both your interests and those of Mr. Hardiman that may occasion some further consideration in taking instructions, and on the basis that these, if they do transpire, are unlikely to be lengthy, I will enable you to defer that and to examine now on such other aspects as you consider necessary.

THE WITNESS WAS THEN EXAMINED AS FOLLOWS BY MR. NESBITT:

Q. MR. NESBITT: I am much obliged to you, Mr. Chairman. Now Ms. Foy, it is nearly over, you must feel like the meat in somebody else's sandwich from time to time. Perhaps I could ask you some general questions about working in the office of Mr. Haughey. I presume it could be very exciting at times and it could be very tedious on other occasions. Can I assume that it was always very busy, whatever was happening?

A. It was always very busy.

Q. Now, I think Mr. Haughey was a man who worked hard; is that right?

A. He did.

Q. And he expected his staff also to work hard?

A. That's correct.

Q. Now, you spent a lot of time giving evidence really about one part of what you did in his office, which was the day-to-day administrative chore of making sure cheques that

had to be paid out of the account were paid out, and if you were given money to lodge, that the money was lodged. How much of that was your work?

A. It was only for the most part, a couple of days a month, because I was involved in other things, like computerisation; a lot of people, as we refer to them as "non constituents", those were people who were resident outside Mr. Haughey's own constituency, they would go to him or come, we would deal with their problems and a lot of stuff, a lot of paperwork.

Q. Now, obviously paying bills is important, but I think when it is looked at in the round, it really boils down to a rather tedious administrative chore of having to have the cheque written and then rounding up the people that had to sign it. That was really the way you recollect dealing with that account; is that right?

A. Just literally like that.

Q. Now, I just want to briefly deal with your call in to Mr. Ahern before the statement was made. Now, one of the things that was said in that statement was that the account was under pressure. I think that was your overriding recollection of the account, wasn't it?

A. It was.

Q. And is it possibly that that was your recollection because during the end period of the account it was overdrawn?

A. It could be, it could be because at the end it was overdrawn.

Q. And you were happy to share this recollection when you were asked about how the account operated?

A. Yes. I said that at the initial meeting in here.

Q. Now, we have heard the phrase "Exchequer payments" as though this was some magic type of payment that was coming in. Did anyone ever explain to you, the connotations of Exchequer payment, before you came here to answer questions?

A. No.

Q. As I understand it, you saw the Leadership Account to be no more than an account which the leadership, that the Leader could use to pay bills?

A. Exactly.

Q. And I think for your period of involvement with the account that has been looked at in this Tribunal, Mr. Haughey was the leader?

A. That's right.

Q. Now, did anybody ever explain to you or did you have, do you have any knowledge as to how such an account came to be in existence or how long the idea of the leadership account had been in existence?

A. I inherited that and I have no idea how long it was in existence.

Q. Well, I assume when these Exchequer payments came as has been characterised by the Tribunal, they didn't come with any "do's or don'ts" how the Leader would spend the money?

A. It was the discussion with our team.

Q. You never instigated an event that required money to be spent out of this account?

A. No.

Q. Now, during your time in the office it seems to be accepted by everybody that you kept the cheque books that were material to the operation of the account and the general account records available?

A. That's right.

Q. Now, if anybody had come in and asked you about a particular cheque or a particular payment, I presume these records were readily available to be looked at?

A. Um hum.

Q. They weren't hidden away, they weren't difficult to find?

A. Not at all.

Q. They were just there?

A. Yes.

Q. Did anybody ever come in and ask you to get out the records for the purposes of investigating some payment or state of the account?

A. No, not that I remember.

Q. Did Mr. Haughey ever have occasion to come and ask you and say "get out the books and records I want to look at something"?

A. No.

Q. Did Mr. Ahern ever have to do that?

A. No.

Q. Now, in the context of the administration of the account,

once you discovered a payment had to be made, you then had to get two people to sign the cheque?

A. That's right.

Q. And that presumably was probably the most difficult thing that you had to do about those cheques, get two busy men to go to put their signatures on them?

A. Exactly.

Q. I just want to ask you about something that, I didn't fully understand the result of the questioning by Mr. Coughlan. There seems to be a suggestion that somebody wanted to instigate an arrangement that had Mr. Ahern signing blank cheques and then something else happening; I don't understand it to be the evidence you want to give.

A. It was literally a matter of convenience.

Q. Yes. You had to go and get these two busy men to sign and can I suggest to you that it is mostly like that, that you were the person who was advanced, by an arrangement, whereby you had one cheque signature?

A. I was the one that had to drive over to the Department of Labour and leave in the cheque book and then go back when it was to be collected.

Q. There was nothing sinister in that. From time to time that, or whatever number of occasions that cheques were presigned, purely it was a common sense thing to do in the difficult circumstances you had of getting two people together to sign?

A. That's right.

Q. Now I think from 1987 to the departure of Mr. Haughey; are you all right?

A. Yes

CHAIRMAN: Do you want to take a short break?

A. No, I want to get this over.

Q. I think from 1987 to the departure of Mr. Haughey, Mr. Ahern was a minister, I think the Minister for Labour?

A. Yes.

Q. Do you recollect that?

A. Was he Minister for Labour or Minister for Finance then.

Q. Sorry, he was firstly Minister for Labour then he become Minister for Finance. But he was a minister all the time; isn't that right?

A. That's right.

Q. I think when he was Minister for Labour he would be in a building that was some distance away from Government Buildings?

A. That's right.

Q. Did that add to the difficulty of getting hold of him to sign cheques?

A. Yes, there was nowhere to park.

Q. Now, as I understand it, it never occurred to you to have Mr. Haughey sign a cheque and await the signature of Mr. Ahern; is that right?

A. Invariably, Mr. Haughey was the second person to sign the cheque.

Q. Yes, but that was your decision. That is the way you did

things. You would have Mr. Ahern sign first and then Mr.

Haughey sign?

A. For things of paying accounts, yes.

Q. Nobody was telling you to do it that way, there is nothing sinister about that?

A. No, no.

Q. Now, when Mr. Haughey eventually lost the leadership of the party, I think you found that quite a traumatic time. It was a difficult political period for Mr. Haughey and you were working in his office; is that right?

A. It had been ongoing for some time, yes.

Q. It was quite a rough brutal time?

A. It was.

Q. And you were affected by that?

A. Yes.

Q. I think you had to clear out the office and we heard about you doing that. I think after that time you went and took some time away; isn't that right?

A. I did, yes.

Q. And you came back. In fact I think Mr. Reynolds then took over and in the fullness of time you were given the opportunity of coming back into the same office to work there when Mr. Reynolds was in control?

A. That's right.

Q. And I think you worked there for some time?

A. Yes.

Q. And eventually you found that it wasn't the same atmosphere

and you decided to make your career somewhere else?

A. There was no reflection on Mr. Reynolds.

Q. I am not suggesting it is. It wasn't like the old days.

Now, during that period did anybody ever come to suggest to you that the records of the accounts or the cheque books or any administrative records that you would have been responsible for were missing or were in some way lost or that people were compromised because of that?

A. No.

Q. Now, I think, again it is common case that when you left with Mr. Haughey, when he had to vacate the office, records went down to Fianna Fail Headquarters concerning the account?

A. That's been established, yes.

Q. And eventually you were called in and had to deal with Mr. Fleming to sign off documentation to close the account?

A. Yes.

Q. Now .

A. He actually sent them to me.

Q. Yes. You didn't prepare any documentation to sign off the accounts?

A. No.

Q. Whatever he had, he had sufficient to be able to know what to do and know what to get you to sign?

A. That's right.

Q. Did he ever make any suggestion at that point in time that there was an absence of records?

A. No.

Q. Other than matters that way may arise from anything Mr.

Hardiman wants to say, I have no questions, no other

questions, Mr. Chairman.

CHAIRMAN: Very good Mr. Nesbitt.

MR. NESBITT: Sorry, there is one thing I omitted. In

relation to the cheques concerning the Le Coq Hardi, I

don't want to ask you about the particular cheques but I

just, just to complete the record; I think when you made

your first statement to the Tribunal, in fact in paragraph

10 you made a reference to the fact that there had been

certain additional expenses, such as entertainment. I

don't know if you have your first statement?

A. I remember that, yeah.

Q. And that included in entertainment there was details of the

fact that when people would visit or there would be

entertainment of the press and back-up services; has

anybody ever asked you any questions about those in detail,

from the Tribunal, before you came here today?

A. I don't remember any.

Q. Thank you.

THE WITNESS WAS THEN RE EXAMINED AS FOLLOWS BY MR.

COUGHLAN:

Q. MR. COUGHLAN: Just arising out of that last question, I

think the Tribunal requested your assistance on every

matter, Ms. Foy; isn't that correct?

A. Oh, you did.

Q. Every matter?

A. And .

Q. Including this, for details of every matter that came to your attention, that you could recollect?

A. Yes, but .

Q. Isn't that right?

A. but you did, you requested, and I said there was entertainment but we didn't go into specifics.

Q. Just in case My Friend might have left something just hanging in the air there, you were asked for details, you had no recollection; isn't that correct, and it was only when the Tribunal obtained the cheques and brought them to your attention, that you gave evidence that these may relate to entertainment; isn't that correct?

A. That's correct, yes.

CHAIRMAN: To touch briefly on one aspect raised by both Mr. Coughlan and Mr. Nesbitt, Ms. Foy, and that is the question of who may initially have come up with the idea of pre signing cheques. I think your earlier evidence and also that of Mr. Ahern did make some general reference to you asking Mr. Ahern to pre sign cheques.

I think the context in which this has arisen is that obviously if somebody were in a large company, somebody who may have been in a merely clerical position which you were

not, would scarcely have asked a director of the company to pre sign cheques. Obviously your relationship was different and it was quite close to these senior politicians; but in that context is it your recollection that it may have been one or other of the two signatories, Mr. Ahern or Mr. Haughey, who in some circumstances first suggested that you might pre sign, that you might have a number of cheques presigned by Mr. Ahern; or could it be that it was actually your own idea?

A. I honestly don't remember how it started. It could have been from me, I just, I don't remember.

CHAIRMAN: All right Ms. Foy, thank you for your attendance. Thank you very much.

THE WITNESS THEN WITHDREW.

MR. HEALY: Ms. Catherine Butler.

MR. HARDIMAN: Well, Sir, perhaps could you give us a few minutes?

CHAIRMAN: All right.

MR. HARDIMAN: We want to make some logistic arrangements.

CHAIRMAN: 10 or 15 minutes.

THE HEARING WAS THEN ADJOURNED FOR A SHORT RECESS AND RESUMED AS FOLLOWS:

CHAIRMAN: I think, to facilitate some logistical matters I have been made aware of, I propose that we will sit on until one o'clock.

MR. HEALY: Yes, sir.

CATHERINE BUTLER HAVING BEEN SWORN WAS EXAMINED AS FOLLOWS
BY MR. HEALY:

Q. MR. HEALY: Thank you Ms. Butler. Ms. Butler, I think you have provided the Tribunal with a memorandum of your intended evidence and I hope that you have a copy of that in front of you at the moment?

A. I have Mr. Healy, yes.

Q. What I envisage is that I take you through the memorandum initially and then that we might go back over it and perhaps amplify one or two matters at a later point.

Now, you begin your memorandum, I think, by describing your association with Mr. Haughey. Just before you do that, I will just ask to you indicate when your association with Mr. Haughey began, roughly. Was it when you took up employment with the Fianna Fail Party or with the leader of the Fianna Fail Party as he then was, or did you have an association with him, a political association with him prior to that?

A. I was a constituent of Mr. Charles Haughey in Dublin North Central and I first met him when I was 17 years of age when

he came on a constituency visit.

Q. And apart from working for Mr. Haughey for some considerable time, you are, you have a close friendship with him and his family since you first began working for him and it is not easy for you to give some of the evidence that you have to give today in a Tribunal such as this where references may be made to him and to his family; is that right?

A. Well, it is correct to say that the Tribunal transcends old loyalties, longstanding friendships and the party of Fianna Fail, and I would do my very best to help you today.

Q. Thank you very much. In the first paragraph of your memorandum you say that you worked for Mr. Haughey from the summer of 1981 until his retirement as Taoiseach in February of 1992. You say you were initially engaged as an assistant to Mr. Haughey in June of 1981. And that at that time Mr. Haughey was leader of the opposition.

Subsequently, on his assuming office as Taoiseach in March of 1982 you were appointed a special advisor and you remained in that position until December of 1982, until December of 1992, I beg your pardon, until December of 1982?

A. Correct.

Q. From December of 1982 until March of 1987 you were Mr. Haughey's personal assistant when he was leader of the opposition and President of Fianna Fail. On his assumption, once again, to the office of Taoiseach in March

of 1987 you were once again appointed as a special advisor in his private office at the Department of the Taoiseach and you were his personal assistant in his position as President of Fianna Fail. Is that correct?

A. That is correct.

Q. You dealt with most political matters on Mr. Haughey's behalf. Liaising with members of his cabinet, Ministers of State, Fianna Fail deputies and senators, other Oireachtas members, the Fianna Fail General Secretary, Fianna Fail officers based at Fianna Fail HQ and all sections of the Fianna Fail Party in Ireland, including, chairmen and secretaries of Comhairle, Dail, Ceantair, party members and so on.

You dealt with the majority of his security matters, and with his travel arrangements, and you accompanied him on visits abroad. You liaised with Mrs. Haughey and with the Haughey family at large.

You say that Mr. Haughey's office, and I take it at this point you are referring to the time when he was in government, you say that Mr. Haughey's office was staffed by permanent civil servants and by special advisors who were political appointees. You liaised with the many civil servants who worked in Mr. Haughey's office, including the secretary of the Department of the Taoiseach, and with the various other officials, including those dealing with constituency matters and also those dealing with personal

matters.

You managed most of Mr. Haughey's time and for this reason and because of your liaison duties you had an overview of the entire operation of his office, and you also had a general overview of many aspects of his life during the period in which you served him, both in opposition and in government. Is that correct?

A. That is absolutely correct.

Q. You knew Miss Eileen Foy to be one of Mr. Haughey's special advisors also, and you knew her to operate the Fianna Fail Party Leader's Account. During all of Mr. Haughey's time as Taoiseach and leader of Fianna Fail. You knew her to deal with all computer matters between 1981 and 1992. And also as the person who looked after some administration and payroll matters for Fianna Fail?

A. That is correct.

Q. You shared an office with Ms. Foy in the Department of the Taoiseach and although you had no direct responsibility for, nor involvement in, the operation of the Party Leader's Account, you had certain knowledge of the manner in which the account was managed, and from your knowledge of how Ms. Foy operated the account. Sorry, I will just correct that.

You had certain knowledge of the manner in which the Party Leader's Account was managed from your knowledge of how Ms. Foy operated the account and from the fact of her having

shared the office from which the account was operated.

A. That is correct.

Q. The records kept in relation to the operation of Mr. Haughey's office, both personal and private, were as follows; firstly you maintained a computer diary which was the central computer diary. In addition, you kept a hard copy?

A. That is correct.

Q. Just to clarify some small matters as we go along; was there any difference between those two documents, the computer diary and the hard copy?

A. Yes, there was.

Q. There would be a difference?

A. Yes.

Q. Would there be some reason why something would be put in the computer diary and not in the hard copy diary and vice versa?

A. Yes.

Q. What was the distinguishing feature between the two diaries then?

A. Matters pertaining to Mr. Haughey's medical condition in 1989.

Q. Yes. Well, I don't have any particular interest in that?

A. Matters pertaining to sensitive issues with regard to Northern Ireland.

Q. Right?

A. Which would be described in the computer diary as "personal

appointment" or "private appointment". Whereas in my hard copy diary I would have the name of the individual that Mr. Haughey would see.

Q. So the computer diary would contain ordinary nonsensitive or non particularly sensitive, in any case, official material and the hard copy diary would contain personal material, genuinely personal matters and also material that would be of a very sensitive political nature?

A. That is correct.

Q. You kept copies of all documents and memoranda which you gave the Taoiseach.

A. Correct.

Q. You kept copies in your office of all correspondence which you initiated?

A. Yes.

Q. Now, again just to clarify one or two matters about these notes and memoranda which you gave the Taoiseach. In order to keep the Taoiseach informed of what you were doing on his affairs, I take it that you sent him daily memoranda, or perhaps not daily, but in any case at regular intervals giving him memoranda of what you had organised for him or what needed to be organised or whatever; would that be right?

A. Yes, I gave him several memoranda everyday.

Q. Yes?

A. And I also kept what I would call a "work in progress" list which I updated on a daily basis.

Q. Did you regard these notes and memoranda as official or as non official. i.e as official or as personal?

A. It was a mixture of both.

Q. When you say that you kept copies in your office of all correspondence with, which you initiated, did you also keep copies of memoranda or the notes that I have just mentioned?

A. Yes, I did.

Q. You say that the central computer diary system was one which staff in Mr. Haughey's office had access to.

A. Yes.

Q. You then go on to say that Mr. Haughey kept a hard copy diary?

A. Yes.

Q. When you say that Mr. Haughey kept a hard copy diary, by that do you mean that he kept it himself? In other words, was it a diary he physically made the entries in or was it a diary that somebody else kept for him?

A. The diary was his personally, but there was a lady in the Department, in the private office, who had beautiful handwriting and she updated that diary everyday. There was also a computer screen in Mr. Haughey's office on which the diary would appear and each time an entry was made to the diary it updated on every one's computer screen, within five to ten seconds.

Q. That's the central computer diary system, you are talking about?

A. That is the central computer diary, yes.

Q. But the hard copy that Mr. Haughey kept was simply a mirror of that so?

A. Yes, it was.

Q. Was there anything else in that hard copy that wasn't in the computer diary system to which the office had access?

A. Yes, if I made a medical appointment for Mr. Haughey or something pertaining to a security matter on Northern Ireland I would make that entry into Mr. Haughey's diary.

Q. So that diary, therefore, was much more like the hard copy diary you kept?

A. That is correct.

Q. In that it contained his personal appointments and also other sensitive political appointments?

A. That is correct.

Q. You say that Miss Pauline Doran, appointment secretary in the Taoiseach's office, kept a hard copy diary?

A. That is correct.

Q. And I take it that that related to her job as appointment secretary?

A. It did.

Q. You say that Ms. Foy kept the records of the Party Leader's Account, together with the payroll records and computer data in her office.

A. That is correct.

Q. You "have a vague recollection that Ms. Foy kept the cheque book for another account on which Ms. Foy was a signatory

and that this cheque book was kept with the Party Leader's Allowance Account cheque book", and Ms. Foy has confirmed that that is so, at least as long as you agree with her, that it related to I think small subscriptions deducted regularly from TD's salaries and payable

A. I have no knowledge of what the second cheque book concerned.

Q. To the Whip's Allowance?

A. I was just aware that there was a second cheque book on which she was a signatory. I have a very vague recollection of that.

Q. I see. You say that a central departmental filing system was operated and in addition, certain files involving ongoing correspondence, speeches, Dail business, etc., were kept in the confines of the Taoiseach's private office.

A. That is correct.

Q. By that do you mean that files which would otherwise have been in the central departmental filing system were simply kept on a desk or on a table on Mr. Haughey's office for easy access?

A. Not in Mr. Haughey's own personal office. In the administrator's office, in the telephonist's office. And by that I mean within the confines of the private office.

Q. That the officials could have access to those?

A. Absolutely.

Q. So that the officials could have access to those files without having to go to the central filing system?

A. Exactly.

Q. You say that you do not recollect any files being kept by Mr. Haughey, personally, in his own room within the private office?

A. That is correct.

Q. Next you pass on to deal with your knowledge of the whereabouts of these records. You say that on retiring with Mr. Haughey in 1992 you returned all departmental files to the central filing Department?

A. That is correct.

Q. Now, when you mention that all departmental files were returned to the central filing department, would any of those files have included any of the memoranda that you gave Mr. Haughey, or any of the correspondence that you initiated on his behalf?

A. No, I retained those personally.

Q. When you say that you retained them personally, do you mean that you retained your own copies, personally, or what do you think happened to the originals that you would have given to Mr. Haughey?

A. I kept copies personally in my own private office in government, in the new Government Buildings. Sometimes Mr. Haughey would return the copy of the original memoranda or note which I gave him, and sometimes he would retain it.

Q. And if he retained it, where would it be retained, if he didn't in fact keep any files in his own room?

A. Well, he would maybe take it home in his briefcase.

Q. I see.

A. Read through it and the following day he would probably just shred it or destroy it, because I had kept a very well maintained system. So he never had to worry about any documentation.

Q. I see. So that if you generated a document and you gave it to him, retaining a copy yourself, and he did not and he took that copy away with him, then either he held on to it or he disposed of it in some other way?

A. Yes.

Q. You maintained the record, if you like, of all of the correspondence that you generated and all of the memoranda that you sent?

A. Yes, I did.

Q. You say that you had kept your personal journals, diaries for the years 1987 to 1990 at home?

A. That is right, yes.

Q. In addition to your personal diaries for the years 1991 to 1992, you took copies of all of the memoranda you had given to the Taoiseach home with you, on your retirement?

A. That is correct.

Q. Now, again if I could just clarify one matter here?

A. Um hum.

Q. If you took copies of all of those memoranda home with you upon your retirement, what happened to the originals?

A. Mr. Haughey would have kept them or destroyed them or he may have handed some of them back to me.

Q. No, I just want to - I understood from you a moment ago that you kept a careful record yourself of all of the material you generated?

A. Yes. Yes.

Q. Mr. Haughey didn't need to rely on any system of his own, he didn't have to file them away?

A. No, he did not.

Q. He could shred the originals that you gave him because he knew that you would have kept a record?

A. Yes.

Q. When you left you say that you took copies of all of those materials with you?

A. I took my copies.

Q. Yes?

A. Yes.

Q. And you took them home with you?

A. Yes, I did.

Q. What happened to the record or the originals from which you made those copies?

A. No, I am sorry I must explain this. If this is the memoranda that I gave to Mr. Haughey.

Q. Yes?

A. This is the copy (witness indicating document) I retained this and I gave this to Mr. Haughey.

Q. So I misunderstood you when you .

A. By "this" I mean the copy. I did not take copies of the copy, I am very sorry, I have explained that very badly.

Q. No, it is fine. It is my misunderstanding. You didn't actually make a further copy of the copy. You mean you took the record you maintained yourself home with you?

A. Yes, that is correct.

Q. I understand. Before leaving Ireland to work in Canada in 1996 in the course of a general spring clean of your house, you destroyed years of accumulated bits and pieces, including your diaries?

A. That is correct.

Q. Excuse me. The destruction of these documents did not include the destruction of your personal notes i.e your journal or diary?

A. That is correct.

Q. Just to clarify what is meant by that. It may simply be a matter of nomenclature. You use the expression "personal journals/diaries" at one point and at another point you use the expression "your personal notes" your "journal/diary".

Did you keep a journal as well as an ordinary diary?

A. No. No.

Q. Of your daily work?

A. No, that was to differentiate between the formal diary and my personal diary.

Q. What do you mean by your personal diary then? What entries were kept in your personal diary?

A. My personal diary? My personal life, events that happened in my political life, that type of thing.

Q. Would it have contained an account of - was it a narrative

account of what you did in the course of your work everyday or every week or every month or whatever? I am not saying you kept it daily?

A. If it was interesting or unusual or controversial, yes.

Q. And when you mention, use the word "your personal notes" what are you referring to?

A. I am referring to my personal diary.

Q. Right. Up to when did you, up to what date did you keep that diary, roughly?

A. Until Mr. Haughey retired and then on for two or three months after that.

Q. You go on to say that Mr. Haughey took his personal diary for 1992 with him on leaving office.

A. That is correct.

Q. And your impression was that he kept his other personal diaries for earlier years at his home?

A. That is correct.

Q. Mr. Morgan from the Taoiseach's Office had arranged for Mr. Haughey's constituency files to be transported to Mr. Haughey's home?

A. That is correct.

Q. When you mention the fact that Mr. Haughey took his personal diary for 1992 with him on leaving office, are you now referring to the document you mentioned a moment ago, which would have contained not just medical appointments but the other appointments he might have from day-to-day, including the sensitive political and security appointments

that would not be mentioned in or entered in, except perhaps in a coded form?

A. Yes I am. Yes, I am referring to that, yes.

Q. I see. So that that diary then contained his official material but in addition contained personal material, as one might expect; next to a business appointment you might have an appointment with a doctor, so that you wouldn't forget one or the other?

A. Um hum.

Q. You go on to say that to the best of your knowledge all departmental files relating to your time with Mr. Haughey as Taoiseach should still be in the Department of the Taoiseach. So far as other records are concerned, you go on to say that the position is as follows, and you refer to a meeting you had with Ms. Eileen Foy in the summer of 1998?

A. Yes.

Q. You say that you met Ms. Foy in the summer of 1998, that she had sought your assistance to help pinpoint certain events and wondered if your personal notes - and again what we mean here is your personal diary - would be helpful so as to enable Ms. Foy to respond to queries from the Tribunal?

A. That is correct.

Q. You say that Ms. Foy was at a loss to know how she could recollect events to enable her to respond?

A. That is correct.

Q. And that this she found distressing?

A. Yes.

Q. You informed Ms. Foy that you had destroyed all your official diaries and records in the summer of 1996 before going to Canada?

A. Yes.

Q. Ms. Foy was, however, aware that you kept a type of personal journal or diary?

A. That is right.

Q. And she, you agreed to help her, and for that purpose to consult your personal diary?

A. That is right.

Q. You say that, however, having considered the matter, you came to the conclusion that you could not help Ms. Foy, as you believed that Ms. Foy's recollections of those events, for the purposes of this Tribunal, should be Ms. Foy's recollections and not your recollections?

A. Yes, that's right.

Q. You say that you subsequently destroyed your own personal journal or diary?

A. I did.

Q. Regarding the Party Leader's Allowance records and finance records?

A. Yes.

Q. Which are kept by Ms. Foy. You say the position is as follows; toward the end of January of 1992 that you helped Ms. Foy to pack these records and to carry them to her

car. You say they were carried in three or four carrier type bags, similar to an Arnotts or Brown Thomas large shopping bag?

A. Yes, that's right.

Q. "Ms. Butler did not know", this is what you say, that you did not know "what time periods were covered by these records", but you are aware that at the time that the Taoiseach's office was moved from old Government Buildings to new Government Buildings at the end of 1990, Ms. Foy had informed you that she had tidied up about half of the older records going back to 1977, and that she had taken them to her own home?

A. That is correct.

Q. You are also aware that Ms. Foy had put aside some records in a small box?

A. Yes.

Q. Which she intended to give to Mr. Sean Fleming, the Fianna Fail financial controller based at Fianna Fail Headquarters in Mount Street in Dublin?

A. Yes.

Q. You say that at the time of the discussion that you had with Ms. Foy in the summer of 1998 during which Ms. Foy had sought your assistance in endeavoring to recollect the events of her period working with Mr. Haughey, you had asked Ms. Foy if she still had the cheque book records which you had helped her to carry to her car in 1992, and Ms. Foy replied that she had destroyed those records some

time earlier. Those documents some time earlier?

A. Yes, that's correct.

Q. And you pass on to deal with a number of different items.

And firstly you deal with the contact you had with Dr.

Edmund Farrell and this arises from the fact that Dr.

Farrell, in the course of his evidence, mentioned that he

had some dealings with you in connection with the making of

a presentation to Mr. Haughey?

A. That is correct.

Q. You say that to the best of your recollection you first had

direct contact with Dr. Edmund Farrell of the Irish

Permanent Building Society in the mid-1980's?

A. Yes.

Q. The occasion was an invitation to Mr. Haughey, as leader of

the opposition, to attend the Barry McGuigan boxing match

at the Point Depot. You say that Mr. Haughey accepted the

invitation?

A. Yes.

Q. You say that occasionally Dr. Farrell would contact Mr.

Haughey, "usually through Ms. Butler", that is through

you, "for the purpose of inviting Mr. Haughey to luncheon".

You say that Mr. Haughey reciprocated these invitations?

A. That is correct.

Q. You are not saying that, are you saying that he regularly

attended at the lunch parties to which he was invited or

that he reciprocated the invitations?

A. He returned the invitation, yes, that is what I meant by

that.

Q. Yes. You recall that Mr. Haughey once had dinner at Dr. Farrell's house and once at Irish Permanent Building Society Headquarters?

A. That's right.

Q. And in addition you say that Dr. Farrell and Mr. Haughey met occasionally in the mid-1980's until Mr. Haughey's retirement?

A. That is correct.

Q. You recall Mr. Haughey asking you to telephone Dr. Farrell in the summer of 1989?

A. I do.

Q. And that Dr. Farrell spoke with Mr. Haughey on the telephone and that after the telephone conversation he visited Mr. Haughey in Government Buildings?

A. That is correct.

Q. You say that you were not aware of the subject matter of their conversation but you recall that it took place around the time of the general election and the late Mr. Brian Lenihan's transplant operation?

A. That is correct.

Q. And I think you are aware of the evidence given, similar to that evidence by Mr. Farrell, by Dr. Farrell himself?

A. Yes, Mr. Healy, I am.

Q. Now, in November of 1989 you were contacted by an official in Fianna Fail; and the reason I am not going to mention his name at this point, Ms. Butler, though he will have to

be informed in due course; is that the Tribunal have not been able to put him on notice of the fact that he was being mentioned in this evidence, and just as you may recall it, your name was not mentioned when Dr. Farrell gave evidence?

A. Yes, I understand.

Q. We prefer to proceed in the same way where this may not be a witness at all, where this individual was concerned. You were approached by an official in Fianna Fail to seek your advice as to what would be an appropriate presentation by the Fianna Fail Party to Mr. Haughey to mark the occasion of his 10th anniversary as leader of Fianna Fail.

A. Yes.

Q. You say that subsequently, after a conversation with another friend of Mr. Haughey, you were recommended to view a painting which she was informed Mr. Haughey would like?

A. That's right.

CHAIRMAN: Which?

Q. MR. HEALY: I am sorry, Sir. You were recommended to view a painting which you were informed, I beg your pardon, Mr. Haughey would like?

A. Yes, that is correct.

Q. Having examined the painting you advised the official that you thought that; this is the official in Fianna Fail; that you thought that you had found something suitable and you had in fact shown the painting to Mr. Haughey?

A. Yes, that's correct.

Q. The official in question had to seek sponsorship towards the cost of the painting, and in particular he suggested to you that you approach Dr. Farrell?

A. That is correct.

Q. Dr. Farrell made a personal subscription of €2,000?

A. Yes.

Q. And in using the word "personal" I take that you are distinguishing a personal subscription from perhaps evidence you have heard concerning the Irish Permanent Building Society?

A. I think it may.

Q. Payments made?

A. I think it may have been a personal cheque from Dr. Farrell.

Q. Yes. That is correct. That's correct. You sent Dr. Farrell a copy of the receipt and a photograph of the painting?

A. Yes.

Q. I take it you mean a copy of the receipt for the purchase of the painting, showing the full purchase price of the painting?

A. That is correct.

Q. You are unsure of this, but you think that you may also have asked Mr. Dermot Desmond, of National City Brokers if he wished to subscribe. His name had been suggested to you by the Fianna Fail official. You are unsure, but you think

he may have donated a further €1,000?

A. Yes, I am most unsure about that. It is just a vague recollection.

Q. I see. You have no knowledge of any other persons approached in connection with the purchase of the painting?

A. No, I do not.

Q. I now want to pass on to the information you have given the Tribunal concerning the operation and administration of the funds relating to the discharge of the medical expenses of the late Mr. Brian Lenihan.

You say that you recall, excuse me, that Mr. Haughey gave either a cheque or a number of cheques to Ms. Foy in connection with this matter and that these were lodged by her, meaning by Ms. Foy, into the Party Leader's Account at Allied Irish Bank in Lower Baggot Street. You accompanied Ms. Foy on a number of occasions in connection with these lodgements, and this occurred on the way back to the office after luncheon.

A. That's correct.

Q. So far as the processing of invoices in connection with the discharge of these expenses is concerned, your impression is that they came through the diplomatic system to the Department of Foreign Affairs in Dublin?

A. Yes.

Q. And you say that you are also aware that after Mr. Lenihan's operation, Mr. Haughey appointed Mr. Lenihan as Minister for Defence?

A. Yes.

Q. And that on a number of occasions his private secretary, meaning Mr. Lenihan's private secretary, Mr. Brian Spain, called to see Mr. Haughey?

A. That's right. That is right.

Q. Although you have no direct knowledge of the matter, your impression is that this may have been connected with the invoices?

A. Yes.

Q. You then refer to a matter which is mentioned in a statement made to the Tribunal, of which you were given notice, and I think in the evidence given to the Tribunal by Mr. Padraic MacKernan; and we can come this in more detail later; but what you are saying in your statement is that you refer to a letter dated the 15th of December of 1989?

A. Yes.

Q. Included as Attachment F of Mr. MacKernan's Memorandum of Evidence and you point out that you have no recollection whatever of having seen or receiving that letter, or any similar correspondence. You also point out that you were in Australia for the month of September 1989 and you did not return to your office until the first Monday of October of 1989?

A. That is correct.

Q. In other words, you were out of the country in the period covered by the matters referred to in the letter and

therefore you couldn't have been the person to whom they were directed?

A. I would like to expand on that.

Q. I will give you an opportunity later. I don't think anything significant turns on it. Have no doubt about it, we will return to it.

A. Okay.

Q. So far as the arrangements for Mr. Lenihan's treatment are concerned, you say that you recall that at some point, the precise date you can't remember, the late Dr. Alton, a member of the Board of the VHI told you that the VHI were prepared to contribute €10,000 toward the transcript cost?

A. That is correct.

Q. You think that the time frame would have be sometime within two weeks of the Tanaiste's departure for the Mayo Clinic?

A. That is right.

Q. When you conveyed Dr. Alton's message about the amount of money to Mr. Haughey, Mr. Haughey's response was to say "I see"?

A. Yes.

Q. You informed, you have informed the Tribunal that Mr. Haughey was extremely distressed about Mr. Lenihan's medical condition?

A. Yes.

Q. That the VHI's initial response did not have an impact on him at all, and that he was just concerned about the Lenihan family?

A. Yes.

Q. You go on then to mention the donors to the fund?

A. Yes.

Q. And you say that you had no knowledge of the identities of the donors to the fund of money collected for Mr. Brian Lenihan's medical expenses.

A. I have no knowledge.

Q. You say that you were aware that on his return to Ireland shortly after his operation, Mr. Lenihan asked you for the identities of the donors?

A. Yes, he did.

Q. You were unable to tell him, although you were able to give him the names of the two persons who had donated the use of aircraft, namely Dr. Tony Ryan and Dr. Smurfit?

A. That's right.

Q. This is because you had some dealings with those two individuals and .

A. Yes, I did.

Q. and you go on to describe those dealings?

A. Yes.

Q. You say you had made contact with Dr. Smurfit who agreed to give the use of his plane to convey the late Mr. Lenihan to the United States?

A. He instantly agreed to do that, yes.

Q. Sometime later in the month of June Mr. Haughey informed you that while Mr. Lenihan was progressing well, his doctors thought that his return to Dublin might be helpful,

and at Mr. Haughey's request you contacted Dr. Smurfit to ascertain whether his aircraft was available?

A. Yes.

Q. It was not available and you then contacted Dr. Tony Ryan.

If I could just interject there for a moment and ask you, was that also at Mr. Haughey's suggestion?

A. Yes, it was.

Q. He did not have an aircraft but he indicated that he would arrange for one and this he did do, arranging for Merrill Lynch to supply a plane and this was done?

A. That is correct.

Q. This was done in or about the 26th or 27th of June?

A. That is correct.

Q. Now, you go on to deal with some of your knowledge concerning the day-to-day operation of the Leader's Allowance Account, that is the cheque signing procedures?

A. Yes.

Q. And as you have already indicated you are aware that Ms. Foy administered the account from the office which she shared with you?

A. Yes.

Q. You say that your knowledge of the procedure of having cheques signed in the period 1987 to 1990 is as follows; Ms. Foy would prepare salary cheques, usually monthly. Prepare cheques on foot of invoices and prepare a typed list of all cheques before having them signed, firstly by Minister Ahern?

A. That is correct.

Q. Sometimes Mr. Ahern would do this in the office that you shared with Ms. Foy and sometimes Ms. Foy would have to seek him out?

A. That's right.

Q. Having had the cheques signed by Mr. Ahern, Minister Ahern, Ms. Foy would then have Mr. Haughey sign them?

A. That is correct.

Q. On the few occasions that you saw the items to be signed on Mr. Haughey's desk, you were aware that they consisted of cheques which were payable to certain people or organisations, with the amounts filled in together with a typed list of payments to which were attached the relevant invoices?

A. That's right.

Q. You say that to the best of your recollection, during the period while Fianna Fail was in opposition prior to 1987, Ms. Foy always asked Minister Ahern to sign completed cheques, which he sometimes did in the office you shared with Ms. Foy and sometimes in his own office where Ms. Foy would attend for this purpose?

A. That is right.

Q. Your recollection is that it was only on rare occasions that Ms. Foy would ask Deputy Ahern, as he then was, to sign blank cheques?

A. Very rare occasions, yes.

Q. Between 1987 and 1990 there were, according to you, a

number of occasions when Ms. Foy asked Mr. Ahern to sign a number of blank cheques, in advance for administrative convenience?

A. That is correct.

Q. And in using the expression "administrative convenience" what do you mean?

A. Minister Ahern was an extremely busy minister and he was always very difficult to actually pinpoint and Eileen found it, Ms. Foy found it very frustrating sometimes to get cheques signed, so she took the opportunity when she was having completed cheques signed, to ask him to sign an additional few cheques as well.

Q. Anticipating further needs she might have for cheques?

A. Precisely.

Q. At a later point?

A. Yes.

Q. You say that from January 1990 until Mr. Haughey's retirement in February of 1992, you recall that Ms. Foy asked Minister Ahern to sign a large number of blank cheques, sometimes up to 20 cheques. On one occasion you say that you saw Minister Ahern sign a full cheque book?

A. That is correct.

Q. Now, you then go on to deal with contact Mr. Haughey had with various individuals, many of whom have been mentioned in the evidence. You say that as the person responsible for liaising on Mr. Haughey's part with a large number of individuals concerning his day-to-day role in government,

and other affairs, you can say the following; in relation to Guinness & Mahon Bankers you are aware that Mr. Haughey's financial affairs were handled by his friend, the late Mr. Desmond Traynor.

A. Yes.

Q. And that Mr. Haughey telephoned Mr. Traynor and also the late Mr. Jonathan Guinness and Miss Joan Williams, who was Mr. Traynor's secretary, on a ongoing basis?

A. That is correct.

Q. She would speak, you are saying that you would speak regularly to Mr. Traynor directly to arrange meetings between him and Mr. Haughey; and would you also have regular contact with Miss Williams for this purpose?

A. That is correct.

Q. With regard to Guinness and Mahon, Cayman Trust. You say that to your knowledge Mr. Haughey did not have any direct contact with Mr. Don Collins or Mr. John Furze, those are two individuals whose names have been mentioned in evidence in this Tribunal and in the McCracken Tribunal as having been associated with Guinness and Mahon, Cayman Trust in the Cayman Islands. You say that you did not come across these people during your time working with Mr. Haughey?

A. That is correct.

Q. You go on to say that Mr. Haughey would speak regularly with Mr. Pdraig Collery and Miss Jones Williams?

A. Yes.

Q. But you say that you did not have any other direct - you

say that you did not have any direct dealings with Mr.

Haughey's financial affairs?

A. I did not have any direct dealings with Mr. Haughey's financial affairs.

Q. With regard to Celtic Helicopters, you have informed the Tribunal that you had a lot of contact with Celtic Helicopters on Mr. Haughey's behalf. That Celtic Helicopters transported Mr. Haughey, as required, to Fianna Fail Party functions, during election campaigns, on family occasions and sometimes to Mr. Haughey's island on the Kerry coast, and you say that the air corps also transported Mr. Haughey to his island. I take it that was while Mr. Haughey was in government?

A. Oh, yes. Yes.

Q. Your contacts with Mr. Des Traynor were not limited to his association with Guinness & Mahon Bankers. You had other contact with him arranging almost all of Mr. Traynor's appointments with Mr. Haughey, both at Government Buildings and at Mr. Haughey's home?

A. That is correct.

Q. You say that these meetings were instigated by both Mr. Haughey and Mr. Traynor?

A. That is correct.

Q. You sometimes recollected, or you sometimes collected Mr. Traynor in your car from his office at CRH, bringing him to and from Government Buildings?

A. That is correct.

Q. And you were aware that apart altogether from their business meeting, Mr. Haughey and Mr. Traynor socialised a lot together?

A. They were very close friends.

Q. As far as Mr. Bernard Dunne is concerned, to the best of your knowledge, Mr. Noel Fox arranged appointments for Mr. Dunne to see Mr. Haughey, either at Mr. Haughey's home or in Government Buildings?

A. Yes, that is correct.

Q. You telephoned Mr. Dunne on a number of occasions at Mr. Haughey's request, and assumed that the nature of their telephone calls was social?

A. That is correct.

Q. You say that Mr. Haughey had regular contact with Mr. Noel Fox. That Mr. Fox was an old friend, and that you often arranged for Mr. Fox to meet Mr. Haughey at his home; do you mean at Mr. Haughey's home?

A. At Mr. Haughey's home, Abbeville, Kinsealy, yes.

Q. Usually at weekends?

A. Yes.

Q. Mr. Fox arranged for Mr. Dunne to meet with Mr. Haughey on a number of occasions?

A. That is correct.

Q. Where Mr. John Byrne is concerned, you have informed the Tribunal that Mr. Haughey talked to and met Mr. Byrne regularly during your time working with Mr. Haughey and that you arranged the majority of these meetings?

A. I did, yes.

Q. Again you go on to point out that Mr. Haughey and Mr. Byrne were old friends for 30 years and that they socialised a lot together?

A. Yes.

Q. If I could now go back over some aspects of your statement Ms. Butler, and if in particular I could go to the part of your memorandum of intended evidence where you discuss the meeting you had with Ms. Foy in the summer of 1998?

A. Yes.

Q. You say, and I think that Ms. Foy agrees with you, that what prompted the meeting was Ms. Foy's distress, as she found it, at being unable to respond to certain queries. In particular, to pinpoint certain events to put them in context or to date them?

A. Yes.

Q. And in the course of that discussion one of the things that you asked her was what had she done, or did she still have the cheque book records that you say you recall removing from her office, or assisting her to remove from her office, sometime much, much earlier; and her response to that was that she had destroyed those documents?

A. That is correct.

Q. Now, you are quite certain that the question you asked her was whether she still had the cheque book records?

A. Yes. She was extremely distressed following a meeting with the, with your good selves, and she produced a typed

written, a typed list from her handbag.

Q. Um hum?

A. Of figures and dates which she said the Tribunal had identified for, they had identified amounts over the sum of œ5,000 for which they sought an explanation. And she pointed to the middle of the list, for a very large sum of money, and the date was 1987, and she said "this related to Brian's transplant cost, Catherine" and I told her no it didn't, because Brian did not go to the Mayo Clinic until May of 1989. And she broke down and cried and said that she had told the Tribunal that this was what had, this particular large amount related to that, and she did not know how she could recall all of these details. And she was just so distressed.

Q. And are you saying that it is those particular queries that prompted you to ask her?

A. Yes, it is.

Q. Whether she had the cheque book records?

A. Yes.

Q. You are certain that that is the question that you put to her?

A. Yes it is, yes.

Q. And you are certain that she said that she had destroyed those documents?

A. Sometime earlier, yes.

Q. Did you express any surprise at that?

A. No, not really, because nobody would have thought that so

many years on that the records would have been required for this purpose.

Q. If I could just go back to the time in January when you say that you were assisting Ms. Foy to pack these records, and to carry them to her car?

A. Yes.

Q. Now, I don't think that there is any significant difference between the statement you have made and the evidence you have given and that given by Ms. Foy, concerning how documents were removed from the office on that occasion. I think there is agreement that it may have been in bags, plastic bags, whether they were shopping bags or not. But I don't know if you were here during the evidence of Ms. Foy when she says that the documents that she removed at that time were her own personal records.

A. Well no, I wasn't, but I met a very distressed Eileen Foy on the way as I was coming in.

Q. I really don't want to go into that, I really want you to just answer my question about .

A. You see we had had a conversation on that particular day. I was not sharing an office with Eileen Foy at that particular time. We had separate offices.

Q. When did that happen that you began to have separate offices?

A. We had separate offices when we moved into Government buildings, new Government Buildings in January or late December of 1990 or early January of 1991. I had more or

less dealt with all of my paperwork and I went in to have a cup of coffee with Eileen and there were papers and journals, and by that I mean cheque journals, personal records, computer floppy discs, on her table and on her desk, and I asked her if I could help her in anyway, and what were the records?

She said to me that these were Fianna Fail financial records and I asked her what she was going to do with them and she told me she was going to take them home, and she explained to me that there was nothing unusual about this, because when Mr. Lynch, God rest him, retired, she did not give Mr. Haughey Mr. Lynch's records, and that she would not be giving Mr. Haughey's records to Mr. Reynolds. I helped her pack them.

I did not open the journals. I did not open the cheque book stubs and look at them. I do not know which period they related to. And this is very difficult for me to say this because it directly contradicts Eileen, and I am finding it very difficult, but that is what happened. There was nothing untoward in Eileen removing the documents.

Q. How long do you think it took you to pack up the documents?

A. Maybe half an hour.

Q. I take it that Ms. Foy must have brought her car around to new Government Buildings where you then were?

A. We had to because of the hours we worked.

Q. To transport the documents?

A. We had a designated parking space and so, both of our cars were just outside, practically outside the door.

Q. Do you recall that the records that you were, that you helped Ms. Foy to pack; do you recall that they included items other than cheque books and cheque journals, as you put it?

A. Yes, there were some invoice files and personnel files.

Q. Could I ask you how would you know whether a file was an invoice file or a personnel file?

A. Because I saw the invoices sticking out of them. Taxi cab invoices etc.

Q. How would you know whether a file was a personnel file?

A. Because it had the name of the individual on the file.

Q. You mean, therefore, that it had the name of an individual who was employed in the Leader's Office?

A. Who was previously employed in the Leader's Office, yes.

Q. And to come back, therefore, to your meeting with Ms. Foy again?

A. Yes.

Q. In 1998?

A. Yes.

Q. When you asked her whether she still had the cheque book records, you were referring to the documents that you believed that you helped her to pack?

A. Yes, I was.

Q. In 1992?

A. Yes, I was.

Q. Now, after the discussion you had concerning the difficulty Ms. Foy had in pinpointing dates, do you accept her evidence that you didn't contact her, as you had indicated you would do, or agreed you would do, to tell her that?

A. I haven't heard her evidence, I don't know what .

Q. I beg your pardon?

A. I haven't heard that.

Q. What you say is that you agreed to help her and for that purpose to consult your personal journal or diary?

A. Yes.

Q. You say that having considered the matter you came to the conclusion that you could not help her, as you believed that the recollections should be hers and not yours?

A. Yes.

Q. Did you ever communicate that to Ms. Foy?

A. No, I did not. We had several telephone conversations, and I did not communicate that to her.

Q. Why not?

A. I left a message on her telephone answering machine asking her to call me and she did not call me.

Q. But did you ring her for the purpose of communicating that to her?

A. I rang her for the purpose of going to see her to tell her that I couldn't - I couldn't go down that road.

Q. Why did you feel that you couldn't go down that road?

A. Well, I didn't want to be drawn into the Tribunal. I was

not the person who administered the Fianna Fail account.

My recollections and my private diaries were my private diaries and not Eileen Foy's.

Q. But Ms. Foy was not looking for the narrative contents of your private diaries. She merely wished to date certain events; isn't that all?

A. Well, I think she probably wanted more than that.

Q. What you say is that you didn't want the recollections to be your recollections, you felt they should be her recollections?

A. Yes.

Q. But she had come to you with a recollection of the event which she dated to 1987, which you knew from your diary to be 1989?

A. Which I knew from my memory to be 1989. Remember I had not consulted my diary, because I did not know why Eileen wanted to meet me.

Q. I see. But Ms. Foy, both according to you and according to her own evidence, was concerned to pinpoint events?

A. Yes.

Q. To date them?

A. Yes.

Q. It wasn't your recollections she was looking for, it was simply .

A. I think it may have been, that is what I didn't want to get into.

Q. And even though you knew she was extremely distressed, you

didn't think that you should assist her by letting her have dates or by helping her to pinpoint events by reference to your diary?

A. Well I felt very badly about that but I had not been contacted by the Tribunal at that stage. And I did not want to, because Eileen and I were such very close friends, that there was any collusion or anything else involved; and that is why I wanted to say it was Eileen's recollection and not mine. It had to be independent

CHAIRMAN: I think it is just on one o'clock now.

MR. HEALY: Yes, sir.

CHAIRMAN: I am reminded by something Ms. Butler has said a few moments ago and that whilst I think it would be inappropriate to take any formal course, it would be remit not to note, with regret, the passing of a very distinguished Irish public figure, Mr. Jack Lynch. We will resume at 20 past two.

THE HEARING WAS THEN ADJOURNED FOR LUNCH.

THE HEARING RESUMED AS FOLLOWS AFTER LUNCH:

CHAIRMAN: Good afternoon. Thank you, Ms. Butler.

MS. CATHERINE BUTLER CONTINUES TO BE EXAMINED AS FOLLOWS BY

MR. HEALY:

Q. MR. HEALY: Thanks Ms. Butler.

Now, in the personal journal that you kept of matters that were either personal to you or some significance at the time you were working for Mr. Haughey, did you keep any record of the events that you described a moment ago, where you helped Ms. Foy to pack the records in her office, the cheque journals and so on and to remove them to her car, in the way you have described them in some considerable detail, describing the type of bags you used; did you keep a record of that do you think?

A. No, I did not.

Q. Did you not think that last day leaving the offices of the Taoiseach or the last days I suppose, worthy of recording in your journal?

A. Yes, I did, but I didn't place any significance with regard to the removal of the records.

Q. Did you tell anyone that Ms. Foy had told you that she had destroyed the records of the cheques, i.e. cheque stubs and cheque journals?

A. Yes, I told my sister before coming here today.

Q. Apart from that, have you told anyone else?

A. No, I have not.

Q. Did you tell Mr. Haughey or anyone else associated with him?

A. No I did not, I did not.

Q. Did you not think it was a feature of your association with Ms. Foy that was relevant to any discussion of the events

surrounding the Tribunal?

A. Well as you know, I am very friendly with Mr. and Mrs. Haughey and I have had discussions, and I have been very frank with you in regard to those discussions. Mr.

Haughey knew I had taken the diaries, and I discussed that aspect, but I did not discuss Ms. Foy's

Q. We will come back to that in a moment. How long was the meeting that you had with Ms. Foy that time? It was a lunch meeting, but how long did it go on?

A. In the Ballymore Inn in Ballymoreeustace in County Kildare, and it was about two hours.

Q. Apart from mentioning, apart from the fact rather that Ms. Foy had told you that the cheque journals and so on had been destroyed, did you tell anyone else that Ms. Foy had come to you looking for assistance?

A. I told my sister.

Q. Yes, and that's the only person you told?

A. Yes.

Q. And did you tell your sister that in a by-the-way fashion or did you tell her because you thought it was something important to tell her?

A. Well, Ms. Foy was at my sister's wedding and we were very close, my sister lives in the house next door to me and I share everything with my sister.

Q. Is your sister a friend of Ms. Foy herself independently of your friendship with her?

A. Oh no, it would be allied to my friendship with Ms. Foy.

Q. When you told your sister that Ms. Foy told you she had destroyed the documents, and you told her you had a request for assistance from Ms. Foy, I take it both those things were told to your sister at the same time?

A. Yes.

Q. Now, you say that your own journal was something that you also destroyed?

A. Yes.

Q. Yes. Can you say when, roughly when you destroyed that?

A. Within a week or two of having met Eileen in the Ballymore Inn in County Kildare.

Q. And once again, have you mentioned to anyone other than the Tribunal that you destroyed this document?

A. Destroyed my personal diaries?

Q. Yes, yes?

A. To my Senior Counsel and to my

Q. Apart from your own advisor?

A. No, and my family, my sister.

Q. Your sister?

A. Yes.

Q. You haven't mentioned this to Mr. Haughey or to anyone outside of your family or your legal advisors?

A. I most certainly have not.

Q. Now, you were saying that it was after your meeting with Ms. Foy that you destroyed this document, how did you destroy it?

A. I tore it up into little pieces.

Q. Yes.

A. And put it in the bin.

Q. Effectively to shred it in other words?

A. Yes, and it wasn't just one, it was a number.

Q. I understand that, perhaps a number of documents?

A. Yes.

Q. And in destroying that document, did you not know that you were destroying material that was relevant to the Tribunal's Terms of Reference?

A. I had not been contacted by the Tribunal at that stage, and Ms. Foy had told me that she had been cautioned by the Tribunal not to talk to anybody about those matters.

Q. But you knew that she was looking for information from you and you knew that your, we'll call it journal, meaning the documents, contained information that might have provided dates or other material which would be relevant to the Tribunal's Terms of Reference?

A. Yes I did, yes I did.

Q. And yet you destroyed it?

A. Yes, I did.

Q. Do you not remember saying at the outset of your evidence here today, that you felt that the duty you had to give evidence to the Tribunal transcended even your friendship with Ms. Foy?

A. Yes.

MR. HARDIMAN: Sorry, Sir, I have to object to this line of questioning. My client made herself available on a

number of occasions to the Tribunal, gave them every possible assistance, I must say was treated with every courtesy in doing so, this matter was never raised with her. I don't know, My Friend is plainly suggesting some impropriety on the part of my client, I absolutely reject that and point out the fact that it was never raised with her before, and she is now to be ambushed with it.

Furthermore, I fail to see, unless he challenges the voracity of the statement, what it can have to do with the Tribunal's Terms of Reference. It is an unfortunate matter for a person assisting the Tribunal at a considerable cost to herself in various ways to be treated.

CHAIRMAN: I don't construe the line of questioning as an ambush, Mr. Hardiman. As has been only too evidenced in the necessarily extended examination of Ms. Foy, the duty of the Tribunal is to seek to uncover facts. If at a stage it transpires, in which it appears to me that questioning becomes oppressive, of course I will take action. It seems to me we are very far from that vantage point as yet.

A. Sorry, Mr. Chairman, may I ask am I being accused of any wrongdoing in destroying my personal diaries? Am I being accused of any wrongdoing or of any criminal activity?

CHAIRMAN: No, Ms. Butler, there is no question of any wrongdoing being accused. It is merely a question of Mr. Healy, as is his duty as Senior Counsel to the Tribunal,

inquiry into the facts. I think it is a legitimate matter to query you about briefly.

A. Thank you.

Q. MR. HEALY: Thanks Ms. Butler. Ms. Butler, the reason I draw this matter to your attention is because of the opening remarks you made this morning, when I asked you before I went into your statement about your association with Mr. Haughey, and as you pointed out your association with Ms. Foy, and how I felt that there might be some degree of sensitivity from your point of view in answering questions which might impinge on personal friendships, it is because of that that I asked you whether your sense of duty didn't also transcend whatever inconvenience might have been associated with having your personal journal brought to the attention of the Tribunal?

A. My personal journal contained details of my family life, my personal life, the utmost personal political secrets of Charles Haughey, such as the formation of the coalition government of 1989 where only I and Mr. Haughey would have been in possession of certain information.

Q. But it would have contained information which might have assisted Ms. Foy in pinpointing things she was troubled about?

A. It may have, because we did not discuss the exact detail which she wanted of me, except she asked me about one payment which she had incorrectly notified to the Tribunal as being attributable to the late Brian Lenihan's medical

fund, that is the one matter she asked me about.

Q. I think in your statement you said she sought your assistance to help pinpoint certain events?

A. Yes.

Q. She wondered if your diary or your journal would be helpful?

A. Yes.

Q. You certainly felt it would be helpful, but you did not think it was appropriate, I think is what you said, that recollections should be yours and not hers?

A. Yes.

Q. Yes; and therefore all I am suggesting to you is that it contained some relevant information, some relevant information, of course

A. It may have, yes.

Q. Not your personal recollections or any material purely personal to yourself, or any material of a purely personal or party political nature.

If I could ask you to be of assistance, if you go to paragraph 17 of your memorandum, you were dealing with an approach you received from an official in Fianna Fail concerning

A. The painting, yes.

Q. a painting for Mr. Haughey?

A. Yes.

Q. I just want to clarify one aspect of that. Did you keep a

record of that in your journal?

A. I did not.

Q. You didn't. I see. Do you remember did you write any acknowledgment to the people who contributed to that fund, certainly two you think, at least one you definitely knew and two you may

A. To Dr. Farrell, and I returned my file in its entirety

Q. Apart from Dr. Farrell?

A. I am unsure about Mr. Desmond.

Q. The record of that, if you did send an acknowledgment to him where would that have been kept?

A. It was kept in my office, and I returned at the end of the Uachtarain Fianna Fail dinner on the 30th of November, 1989, shortly after that I sent the entire file over to that gentleman that you do not wish me to name in Fianna Fail Headquarters, because I had no need to keep it.

Q. I see. And the file that you sent to him was purely the file dealing with that painting or that presentation?

A. Yes, it was.

Q. Could I ask you now to turn to paragraph 20. Here you are dealing with the arrangements for the operation of the fund set up for Mr. Brian Lenihan?

A. Yes.

Q. Now, evidence has been given to the Tribunal that to a significant extent the putting together of a fund for this purpose was something which was kept quite confidential, or at least that an attempt was made to keep knowledge of it

limited to a few people?

A. Yes.

Q. Were you aware of the fund from the outset or of the effort to set up the fund from the outset?

A. Yes, and I had a meeting with Mr. Haughey at his residence in Abbeville, Kinsealy, and following the second private meeting I had with Mr. Haughey, when I had to tell him that Mr. Lenihan's only hope of survival was a liver transplant, and I want to be very sensitive about this, because I was aware of certain information before Mrs. Lenihan and her family.

Q. Um hum.

A. And I am most sensitive about this.

Q. You don't need to describe that information to me. All I am concerned to know is whether you were within the circle of people to whom this confidential information was being made available?

A. Yes, I was. I was not aware of the donors. Mr. Haughey in his study in Kinsealy, broke down and wept and I had to leave the room until he composed himself, and I came back in and Mr. Haughey told me that it was his intention to gather some funds to send Brian to the Mayo Clinic for an assessment, because they didn't know at that stage whether he would be, you know, whether he would be

Q. Suitable for a transplant?

A. suitable. And he asked me to contact Mr. Paul Kavanagh, which I did the very next day and arranged for

Mr. Paul Kavanagh to come in to see Mr. Haughey and that was in old Government Buildings, some time in May in 1989.

Q. That's what Mr. Kavanagh has told the Tribunal as well. I think from discussing the matter with Mr. Kavanagh it would have been sometime very early in May, perhaps possibly even the end of April, but certainly very early in May that these arrangements were put in place?

A. Yes.

Q. And did you have any discussion with Mr. Haughey concerning what sum of money might be required to fund this treatment?

A. I did, and that was when I had spoken to all of Mr. Lenihan's, the late Mr. Lenihan's doctors. I was walking on eggs I can tell you because I did not want to, I did not want to invade anyone's privacy, I did not want to upset any of the Lenihan family in anyway. And one of Mr. Lenihan's doctors, I will name him if you wish?

Q. It won't be necessary.

A. Arranged, told me that the Lenihans were not in a position to send Mr. Lenihan to the Mayo Clinic for assessment. I reported that fact to Mr. Haughey, and you know what happened. And one of Mr. Lenihan's doctors, and I will name him if you wish?

Q. These details are really not of huge significance, unless you think there is some relevance?

A. Arranged for me to speak with one of the doctors in the Mayo Clinic. And I spoke to that doctor from my home in the evening at about 20 past 7, half past 7 one evening.

And he telephoned me at my home and told me that they had agreed to accept Mr. Lenihan for assessment, and I didn't ask how much this was going to cost, but he told me that the procedure would entail an outlay somewhere in the region of between 200 and 300,000 US dollars, that it varied on the time frame and how long someone would have to be in the clinic and as to when was suitable, a suitable organ would be found for transplant. I reported that back to Mr. Haughey.

Q. And do you remember then having a discussion at some time later with the late Dr. Alton, a member of the board of the VHI?

A. No, sometime before.

Q. Sometime before?

A. Yes.

Q. Before Mr. Lenihan went away to the States?

A. Yes.

Q. Right.

A. I had known Dr. Alton since I was about five or six years of age, I had been to school with his daughter and he telephoned me in Government Buildings in May of 1989 to say that he wanted to convey a message to me and could I arrange for him to park his car on the double yellow lines outside Government Buildings, and he needed to speak to me. And he came in and he told me that, Mr. Haughey was not there, and he knew Mr. Haughey was not there, but he asked me to tell Mr. Haughey that he had had a meeting with

the VHI and they were prepared to contribute the sum of 10,000 Irish pounds towards the cost of the Mayo procedure.

Q. And when you say you thought that that was sometime within two weeks of the Tanaiste's departure, I take it therefore it must have been sometime within two weeks prior to the Tanaiste's departure as oppose to subsequent to it?

A. Yes.

Q. And therefore sometime mid-April?

A. Mid-April.

Q. The Tanaiste went to the Mayo Clinic at least prior to, on some day prior to the 3rd of May?

A. That would probably be the time frame then.

Q. Yes.

A. That would probably be the time frame.

Q. And you conveyed that information to Mr. Haughey, and as you say his only response was to say "I see"?

A. Yes.

Q. Now, at any time subsequent to that but before any of these matters became relevant to the Tribunal, did you become aware that the VHI had in fact made a substantial payment towards this medical treatment?

A. No, the first I knew of this was in the newspapers when I read it quite recently.

Q. So although you were privy to significant aspects of the arrangements being made for Mr. Lenihan, you were not privy to every aspect of it?

A. No, I was not.

Q. And Mr., Dr. Alton, at no later point did you have any discussion with Dr. Alton in which he might have mentioned this?

A. No, he used to visit the Mater Hospital on a very regular basis, I think Dr. Alton was on the board or had some very heavy involvement, and he would often telephone me, he would often come in and see Mr. Haughey and it was Brian Lenihan, it was Brian Alton who told me that Brian Lenihan's condition had deteriorated very severely.

Q. Yes, but after you had the discussion with him in which he mentioned the sum of €10,000, you had no subsequent discussion in which any opportunity arose to mention the question of Mr. Lenihan's treatment or the VHI involvement?

A. No.

Q. You have certainly never learned until this Tribunal of the fact that 50,000 had been

A. No, I most certainly did not, no.

Q. €57,000 in fact. And can we take it that the extent of your knowledge of the arrangements that were put in place for Mr. Lenihan is confined to the matters you have mentioned in your statement, i.e. arrangements for transport back and forth?

A. Yes.

Q. The discussion you had with Dr. Alton, the discussion you had with Mr. Haughey in Abbeville in his own study?

A. Yes.

Q. And unless there are other minor matters, nothing else

significant?

A. There are other minor matters.

Q. Leaving the minor matters out of it, anything else of significance?

A. Brian Spain, the

Q. Yes, you have mentioned that.

A. Came to me in December of 1989.

Q. I will be coming to that later. In any case apart from the items you have mentioned in your statement, and you have mentioned him in the statement or you have mentioned the Department of Defence I think?

A. Um hum.

Q. The reason I ask you that is because evidence was given at the sittings of the Tribunal that Mr. Ryan, Mr. Tom Ryan the then, I think Chief Executive of the VHI, had a meeting with Mr. Haughey?

A. That was a revelation to me because I did not know that. I did not know that.

Q. And you were close enough to Mr. Haughey to be arranging some extremely sensitive meetings for him; is that right?

A. Yes, but remember, Dr. Brian Alton was in constant touch with Mr. Haughey and it could have been arranged through that avenue, I do not know.

Q. Um hum.

A. It was a complete revelation when I read it in the newspaper the other day.

Q. And you were working in the office at that time?

A. Yes, I was.

Q. And for a meeting like that to take place somebody would have had to arrange a timetable and so forth?

A. Oh, yes. Oh, yes. The Taoiseach didn't have much free time so that, you know

Q. Um hum. Now, you say in your statement that you had no knowledge of the identity of the donors?

A. I still have no knowledge other than what has come into the public domain.

Q. Your knowledge was limited to the making of the arrangements with Dr. Tony Ryan and Dr. Smurfit for transport?

A. That's correct.

Q. Do you know whether acknowledgments were sent to any of those people to acknowledge or thank them for their assistance?

A. Mr. Haughey personally phoned Dr. Smurfit, and Mr. Haughey personally phoned Dr. Tony Ryan. I personally spoke to Dr. Tony Ryan to thank him because I had worked for him in the very early, or mid-70s and I knew him very well.

Q. But there was no written acknowledgment?

A. Not to my knowledge.

Q. That you instigated?

A. No.

Q. Now, just to clarify one or two aspects of your knowledge of the operation of the Leader's Allowance Account?

A. Yes.

Q. I am not sure that very much turns on this, but if you look at page 10 of your Memorandum of Evidence on the first paragraph, you say that, "On the few occasions that Ms. Butler saw the items to be signed", this is in the third person, on the few occasions you saw the items to be signed on Mr. Haughey's desk you were aware they consisted of cheques payable to certain people or organisations with the amounts filled in, together with a typed list of payments to which were attached the relevant invoices?

A. Yes.

Q. I just want to ask you whether you are absolutely sure that what you saw were cheques, individual cheques, and the reason I am asking you, so you will know in advance, is that Ms. Foy has given evidence that she didn't hand in individual cheques to Mr. Haughey, but rather the cheque book with the cheques attached, filled in and so forth?

A. Well now, on the few occasions that I saw this, Ms. Foy was meticulous in the way she carried out her duties. And the only time she ever left the cheques with Mr. Haughey was if there was a Dail vote called and he had to go from Government Buildings to Leinster House.

Q. When you say "cheques", do you understand the distinction that Ms. Foy is making between individual cheques and the cheque book itself?

A. Yes I do, yes.

Q. Are you suggesting

A. Well, it was on both.

Q. Um hum.

A. Yes, it could have been either.

Q. Yes, I don't think very much turns on it.

A. It was her practice, and I was often in the office when she asked him to sign the cheques, and the cheques would be in the book, not removed.

Q. Yes.

A. Sometimes the cheques would be attached to invoices.

Q. Did you have any role in it at all, in processing the signing of these cheques?

A. I did not.

Q. So it was purely accidental that you might become involved in leaving something on Mr. Haughey's desk, you might see the other matters left there for his attention?

A. Yes, yes.

Q. So that your knowledge of how she did it or your means of knowledge of how she did it would depend on whether it was a matter, whether in fact accidentally your involvement with him on a particular day might coincide with Ms. Foy's wishing to leave cheques in to be signed?

A. Yes.

Q. You then go on to say that in the period during which Fianna Fail was in Opposition prior to 1987, Ms. Foy always asked Minister Ahern to sign completed cheques, which he sometimes did in the office you and Ms. Foy shared and sometimes in his own office where Ms. Foy would attend for this purposes?

A. Yes.

Q. Your recollection is it was only on rare occasions that Ms. Foy would ask Deputy Ahern, as he then was, to sign blank cheques?

A. Yes.

Q. Again I am not sure to what extent there is a huge difference between what you are saying and what Ms. Foy is saying. Your recollection of this is that it was on rare occasions only

A. Yes.

Q. that the cheques would be presigned?

A. Yes.

Q. But I take it that must mean it was only, your recollection is of rare occasions only on which you saw Ms. Foy asking Mr. Ahern to presign cheques?

A. If you remember, in those days in Opposition Ms. Foy and I shared an office.

Q. Um hum.

A. And Bertie Ahern's office, the Taoiseach's office, Mr. Ahern's was at the end of the corridor, 30 seconds walk away and then it is likely I saw him, he would come down for a cup of tea and a chat, he was very friendly. We had a lot of dealings with him. There was never any need for Ms. Foy to ask Mr. Ahern to sign blank cheques because he was in Dail Eireann, excuse me in Leinster House for a front bench meeting in Opposition at 11 o'clock every Tuesday morning and he remained in Leinster House until 7

pm that evening when he had the option of remaining for private members business or not. He was in the office on Wednesday morning for the order of business at 10:30am and the parliamentary party meeting at 11:30, and he was then in situ in Leinster House until the vote was taken at 8:30 on Wednesday evening on private members business. He was in Leinster House on Thursday at 10:30am for the commencement of the order of business until 5 pm. So there was very, there was no need for Ms. Foy to ask for cheques to be signed, blank cheques, because she always had easy and ready access to the Taoiseach, Mr. Ahern.

Q. But that's your understanding based on your knowledge of sitting next to her in the same office?

A. Yes.

Q. But of course you couldn't be aware of everything she was doing?

A. No.

Q. As we know, a moment ago you agreed with me that you weren't aware for instance that Mr. Tom Ryan an official of the VHI had what seems to have been a very critical meeting with Mr. Haughey concerning a matter to which you and a number of other people were privy in 1989?

A. I was not privy to that.

Q. So when Ms. Foy says that a fair amount of presigned cheques would have been signed in the period '82 to '87, her recollection could nevertheless be accurate, but that you only noticed on rare occasions that she was asking Mr.

Ahern to do that?

A. Well, that would be a fair assessment. There were about 15 to 20 cheques per month to be signed, no more than that.

Q. Between 1987 and 1990 there were according to you a number of occasions when Ms. Foy asked Mr. Ahern to sign a number of blank cheques in advance for administrative convenience, and you have already explained to me you understood administrative convenience in a way, I think which is similar to her understanding. Could I take it that between 1987 and 1990 you were aware of a larger number of occasions

A. Yes.

Q. than you had previously been aware when cheques were presigned?

A. Yes.

Q. You then go on to say that from January of 1990 until Mr. Haughey's retirement in February of 1992 you recall that Ms. Foy asked Minister Ahern to sign a large number of blank cheques, sometimes up to 20 cheques, on one occasion you saw Mr. Ahern sign a full cheque book?

A. Yes.

Q. Perhaps we will just take it piece by piece. Firstly you are saying that you saw Mr. Ahern sign a large number of blank cheques, I take it that you mean larger even than you had seen him sign at any of the two periods you have described prior to that?

A. Yes.

Q. And on one occasion you think you saw him sign up to 20?

A. Yes.

Q. And on another occasion a full cheque book?

A. Yes, I will be very precise about that, because it was around about February of 1991 he had been in to see the Taoiseach, he called in to see me, I wasn't in my office so he called in to Eileen, she said "Oh the very man, would you sign some cheques?", and I got up to leave the office and he said "no, no", and he signed the full cheque book in 1991, maybe February. We had a discussion about the new offices and how everything was working, and I am very clear about that.

Q. The only reason I am pressing you on it, Ms. Butler, is just to establish what means you had of knowing that a full cheque book was signed?

A. It was a new cheque book. I sat at a round table next to Bertie Ahern and beside Eileen Foy

Q. Um hum.

A. as he did it.

Q. I see. Now, as the person who organised a significant amount of Mr. Haughey's timetabling, you would presumably have been aware of all of the diarying that you mentioned earlier in the course of your evidence?

A. Yes.

Q. And do I take it that you were aware that in general, you would have been aware of the individuals Mr. Haughey might be meeting or of the general purposes of the various

appointments, whether social, personal, business or whether political or government or whatever?

A. Yes, for the most part, yes.

Q. Would you know the details of what would be planned for these meetings or would you afterwards know what had transpired?

A. Sometimes yes and sometimes no.

Q. Would that be because you might have some casual conversation with Mr. Haughey about it or because it was part of your duties to know on a regular basis?

A. I would always ask him if there was any follow-up action required.

Q. Yes.

A. Or if he had, you know, if he was required to do something following that meeting, you know. If I didn't ask him his private secretary, Mr. Morgan, would ask him.

Q. Now, in the evidence that was given yesterday reference was made to the period in 1991, the period in which I think you think a lot of cheques were presigned by Mr. Ahern?

A. I would almost say exclusively presigned.

Q. At least according to you in any case one cheque book full?

A. Yes.

Q. I don't know if there was more than one cheque book in that year, but do you remember that year, there was a significant amount of money paid to, for instance, the Le Coq Hardi restaurant in Dublin. Now, would you have been involved in timetabling appointments or reservations for

the office or for Mr. Haughey at that restaurant?

A. I would say that I arranged 95 percent of Mr. Haughey's engagements at Le Coq Hardi.

Q. Could I take it that the level of activity on the account where Le Coq Hardi was concerned would have been the same in other years, 1990, 1989 back to 1987?

A. No, in some years there would have been more.

Q. Some years more?

A. Yes.

Q. Would it have been significantly less in any other years, taking one year with another?

A. Well, maybe 1990 because of the EC Presidency, it would have been significantly less.

Q. Significantly less, I see?

A. Yes.

Q. But in general, from one year to another you would have roughly made the same number of appointments

A. Yes, I would.

Q. at that restaurant?

A. Yes, I would.

Q. And where would the bills for those appointments or reservations come to?

A. They would come to Eileen Foy.

Q. And when you would make the reservations, would you make it clear that the bills were to be sent to Ms. Foy?

A. No, it would - would you like the history of that?

Q. If you think it can be of assistance, yes?

A. The proprietor of Le Coq Hardi once telephoned me to ask for payment of an account, and because Eileen and I had very different roles I suggested that he send all bills directly to Ms. Foy, which he did.

Q. I see. But you certainly saw those bills as bills coming within the ambit of the accounts being operated by Ms. Foy, the Leader's Allowance Account?

A. Some of them were personal for Mr. Haughey, which I understood he reimbursed to Ms. Foy.

Q. I see. So, Ms. Foy presumably would know how much of the total amount paid of the account for Le Coq Hardi was for personal as opposed to official?

A. Yes, she would, because the bill would come in signed by Mr. Haughey, the actual bill, not just the invoice, the actual bill.

Q. I see. During the time that funds were being collected for Mr. Lenihan's medical expenses, were you aware that another fund was being put together for a disabled driver who was having difficulties getting tax relief on his car?

A. No, I wasn't aware that there was a separate fund, but Mr. Haughey had told me that he had heard it on the radio coming in to the Dail that morning or read it in the newspaper, about a young man from the Dublin 14 area, and he had fallen in between tax legislation, he was disabled and he wasn't able to have his car converted, and he was quite taken with his plight. So he asked me to contact Deputy Tom Kitt, which I did, and Deputy Tom Kitt came to

see Mr. Haughey and then went to investigate that young man's personal circumstances, and he reported back to Mr. Haughey. But until I read in the newspapers this week, that Mr. Haughey had given money from the Leader's Allowance I was not aware that that had happened.

Q. I see. And you had no knowledge of what Mr. Kavanagh has described in evidence, the setting up of a separate campaign to collect funds for that purpose?

A. No, I have not.

Q. And until you read in the newspaper that that money had come from this fund, you had no idea where the money came from?

A. No, I did not.

Q. And where did you think it had come from?

A. Well, I didn't know any money had been given over in the first place.

Q. You had no idea that Mr. Haughey had taken the matter up with Mr. Kitt to the point of giving money over?

A. I knew he had asked him to investigate the young man's personal circumstances, but I was not aware that a contribution had come from Mr. Haughey or indeed from the Fianna Fail Party Leader's Fund.

Q. It was - you were the person who called Mr. Kavanagh in to set up the Brian Lenihan Fund or put it in train, it wasn't as formal as that?

A. No, I didn't actually call him in to set up the fund, I arranged for an appointment to see Mr. Haughey, yes.

Q. But you knew from your discussion with Mr. Haughey what the purpose of the appointment was?

A. That was the intention, yes.

Q. Mr. Haughey certainly gave you no similar instructions in relation to the disabled driver?

A. No, he didn't.

Q. And did you think that he was going to make a payment to the disabled driver?

A. I don't know. I thought he might have asked the Department of Finance to see, to have a look at the legislation or something, or the Revenue Commissioners.

Q. To make an ex gratia payment?

A. Or just examine the legislation, that's the sort of road I thought he would have gone.

Q. And Ms. Foy never had any discussions with you then concerning this matter, she never mentioned it to you?

A. She most certainly did not.

Q. I suppose during the time Mr. Lenihan, that the fund for Mr. Lenihan were being collected, as you said yourself in evidence, you remember going to the bank with Ms. Foy and lodging, and her lodging some of the cheques?

A. I never went up to the actual desk, to the till. Eileen and I had a very clear understanding, Eileen's work was confidential, as was mine. I never encroached on that and I stood at the back of the bank as she went up to the desk.

Q. What I am saying is that you recall that Mr. Haughey would have given her a cheque or a number of cheques in

connection with the matters, and that these were lodged by her to the Party Leader's Account?

A. Yes, they were.

Q. All I am saying is you were aware of the fact that the cheques she got from Mr. Haughey for Mr. Lenihan were given to Ms. Foy and brought by her to the bank account and lodged?

A. Yes.

Q. I think you said that you do that after lunch when you are coming back to work?

A. That's right.

Q. It seems perfectly reasonable, of course you wouldn't go to the counter with somebody conducting banking business, but you were never aware of Ms. Foy lodging monies to the account for some other fund?

A. No.

Q. And it would be a very strange thing, wouldn't it, if she were aware of it and you weren't, that there was another fund in existence, or another campaign being conducted?

A. I don't know. I don't know the answer to that.

Q. I am just saying that I think that you have indicated yourself you would have had a significant overview or a significant knowledge of all of Mr. Haughey's various

A. I wasn't aware that there was a separate fundraising effort being made for that unfortunate young man. I was not aware of that campaign.

Q. Have you ever spoken to Mr. Kavanagh since?

A. I have not seen Paul Kavanagh in years.

Q. And the first you ever heard of his involvement in anything like this would have been from accounts of the Tribunal's proceedings?

A. I knew that he was collecting funds for the late Mr. Lenihan.

Q. I understand that, apart from that?

A. It has been an absolute revelation, the newspaper articles have been a revelation to me in that regard, yes.

Q. Once again, just while we are on this account?

A. Yes.

Q. You are aware, at least I think you are aware, and if you are not correct me, that evidence has been given that drawings or debits to the Leader's Allowance Account appear to have been made which match lodgements to a bill paying service account operated by Haughey Boland for Mr. Haughey?

A. I have only been aware of that from the newspaper reports following the Tribunal's hearings, sittings.

Q. And it is a revelation to you, I take it, that money was going from the account, if it was for that purpose?

A. Yes, absolutely.

Q. Or that there were large, there appear to have been large cash drawings from that account, is that something you were aware of?

A. I was never aware of that, no.

Q. For instance

A. Excuse me, I was aware and I know you haven't raised it,

but I told you in private sittings, that I was aware of one substantial cash withdrawal in relation to somebody, and if you like me to write his name because I don't know whether you want me to mention it now or not?

Q. Well, Ms. Butler, I can't recall what it is and I would rather you didn't mention it until afterwards, and if it is of any, if it is pertinent to the Tribunal?

A. I am very conscious of the confidentiality of proceedings and the way you must conduct it.

Q. Yes. Were you aware that Mr. Ellis

A. This is the gentleman to who I am referring.

Q. Sorry, evidence has been given indeed by Mr. Ellis himself concerning this, you were aware of that?

A. Yes. I had received a telephone call from a member of the Law Library, a senior counsel, to my home one morning, to say that bankruptcy proceedings were being instigated against Mr. Ellis. I am not quite sure of the time frame, it, would have been towards the end of 1989 or early 1990 when this particular senior counsel, this barrister said to me that Mr. Ellis would be declared bankrupt and would forfeit his seat, and would I make the Taoiseach aware of that, and I asked the sum involved and I was told, "I think it is between 10 and €12,000" is what the senior counsel told me.

Q. And you conveyed that information to Mr. Haughey?

A. I telephoned Mr. Haughey at a quarter to 8 that morning and told him. Later on that day Mr. Haughey told me that he

had arranged a loan for Deputy Ellis. I also advised Eileen Foy that morning, that I thought that she would be asked to draw a cheque.

Q. When you say that as far as you are concerned Mr. Haughey had arranged a loan, and you told Ms. Foy that she would be asked to draw a cheque?

A. Um hum.

Q. I presume that in informing Ms. Foy that she would be asked to draw a cheque you knew the cheque would be drawn on the Leader's Allowance Account?

A. Yes.

Q. But when you, when you say that you understood that a loan was to be made to Mr. Ellis?

A. It was after, I always checked back with Mr. Haughey, as you know if I gave a message I would say "Have I to do anything about that? Is there any follow-up?". He told me later that morning that he had arranged a loan for Deputy Ellis.

Q. Could we just get the timing of that right. Which did you do first, did you tell Ms. Foy that she should draw a cheque?

A. I didn't tell Ms. Foy she should draw a cheque, I said "Eileen, I think you are going to be asked for a cheque today", and I told her of the conversation that I had with a senior member of the Law Library earlier that morning.

Q. And it was subsequently Mr. Haughey said to you "I am arranging a loan"?

A. Yes, but I had spoken to him at about a quarter to 8, 7.45 am. Mr. Haughey was at his desk most mornings at 7.30.

Q. As a matter of interest would you have recorded that in your personal journal?

A. No.

Q. When you mentioned that Mr. Haughey told you that he was going to arrange a loan for Mr. Ellis and

A. He said "I have arranged a loan".

Q. Yes, did you become aware that Ms. Foy did in fact, as it now seems, draw a cheque?

A. No I did not, because that is the professionalism that we extended to each other.

Q. When you mentioned to Ms. Foy that you thought she would have to draw a cheque, did you think, and is there any reason to think that later on in that day you didn't believe she had gone off and drawn a cheque?

A. I don't know. I didn't monitor it, I didn't know that it was going to arise all these years later, I didn't take any account of it.

Q. There wouldn't of course be anything inconsistent in arranging a loan for Mr. Ellis and drawing the money down on the Leader's Allowance Account on that date?

A. I wouldn't have thought so, but I am not qualified to say that.

Q. As a matter of common sense there is nothing wrong with having the money come out

A. I defer to you.

Q. What do you think is a matter of common sense? Is there anything inconsistent with the money coming out of the Leader's Account that day if it was put back?

A. I most certainly think it is perfectly in order, yes.

Q. And you had no reason to believe that if the money was drawn out of the account that the loan would be used to repay it?

A. I think it would be somebody who would be afforded that, would be honour-bound to repay it.

Q. The reason I am putting that to you, Ms. Butler, is this; that Mr. Ellis has made it clear and it is not in anyway, it is not a challenge to your evidence because you had no dealings with Mr. Ellis I think other than to perhaps make an appointment, I will come to that in a moment?

A. That's correct.

Q. But he says he had no arrangement with Mr. Haughey for a loan, does that surprise you now?

A. I really can't give an opinion on that, I really don't know, that is a matter, you know, for the Tribunal's legal team to determine, I can't make that

Q. When Mr. Ellis, when you had dealings with Mr. Ellis in connection with that matter, what did they extend to?

A. Asking him to come and see Mr. Haughey.

Q. Did you tell him on the phone what he was being asked to come and see?

A. I went over to see him.

Q. Yes?

A. I told him that Mr. Haughey would see him at the order of business.

Q. Um hum.

A. And I did not, I did not want to embarrass him, I was privy to a lot of sensitive information, I didn't want to embarrass Mr. Ellis.

Q. Did you say to him that Mr. Haughey had arranged a loan?

A. I most certainly did not.

Q. Did you bring him over to Mr. Haughey or did you simply arrange the appointment?

A. The order of business would be when the, Dail Eireann convenes, I think it still does at 10:30am in the morning in the Dail Chamber, and I told Mr. Ellis that the Taoiseach wished to see him during that time.

Q. And did you have any further involvement with Mr. Ellis?

A. I did not.

Q. Now, in the office of the Taoiseach, the people who were privy to the arrangements that were being made for Mr. Lenihan were Mr. Haughey himself, you, and Ms. Foy; is that right?

A. That is in the Department of the Taoiseach, yes.

Q. And in that department nobody else was privy to those matters; is that right?

A. Absolutely not.

Q. Do you recall receiving any telephone calls from any contributors or persons wishing to contribute to the Brian Lenihan Fund seeking instructions as to how they should do

so?

A. No, I have no recollection of that.

Q. Mr. Goodman has informed the Tribunal that he made contact, some contact with the office of the Taoiseach to know how a cheque for this fund should be made out?

A. Um hum.

Q. Do you remember any contact with anyone concerning how a cheque should be made out?

A. I was the contact, the liaison person, almost exclusively between Mr. Haughey and Mr. Goodman. I do not recollect that, however, it is entirely possible that he did ask me because he dealt with me on a regular basis. But I do not have a recollection of that, though he may have contacted me.

Q. If he did contact you, asking how the, how a cheque for that particular purpose would be made out, what would you have said?

A. I would have had to ask Mr. Haughey.

Q. And do you remember asking Mr. Haughey?

A. I do not.

Q. And if you had in fact had such a phone call and if you had in fact asked Mr. Haughey, you would indeed have known the identity of one of the donors, wouldn't you?

A. I would, yes.

Q. And that's something you did not know until these proceedings?

A. But it is entirely possible that Mr. Goodman did contact

me. I had a lot of contact with him, I should have remembered that, that you know, I should have remembered something like that.

Q. Yes?

A. But

Q. But not only would you have remembered the contacts, you would have been in a fairly good position to know that Mr. Goodman had been a donor?

A. Yes, yes.

Q. In fact he would have been the only donor that you would have remembered apart from Mr. Smurfit and Mr. Ryan?

A. That's absolutely correct, yes.

Q. You didn't remember, certainly didn't remember?

A. I think I would have remembered something as significant as that, maybe it did happen, but I don't honestly recall it.

Q. After Mr. Lenihan had had his treatment he came back to Ireland?

A. Yes.

Q. And you are aware that, you recall rather, that he asked you for your knowledge of the identities of the donors?

A. Yes.

Q. To the fund used to help him out?

A. Yes.

Q. And I think you said you were unable to tell him?

A. There was one other occasion he asked me, and it was very deep in my memory, that was the day that he and Ann Lenihan

left to go to the Mayo Clinic and he asked me if I knew, because he wanted to telephone some of the donors or some of the people who had helped him from the Mayo Clinic, and he asked me that on board the aircraft. There was a slight delay because one of the doctors had forgotten a blood supply and he had to go back to the Mater Hospital, so we had about 20 minutes of this awful time period to fill in, so we boarded the aircraft with Ann and Brian Lenihan, myself and Noel Dore and Brian's wonderful secretary, Orla O'Hanrahan, and he asked me, he said he wanted to telephone the people personally to thank them, and I was only able to give him Dr. Smurfit's name and he told me irrespective of the outcome he wanted to ring Dr. Smurfit from the Mayo Clinic.

Q. And do you recall another request after his return to Ireland?

A. Yes, I do.

Q. And again, you weren't able to assist him, except obviously on that occasion you could tell him about Mr. Ryan?

A. Yes.

Q. And did you take the matter any further for him?

A. I told Mr. Haughey that it was, I particularly on the morning going to the Mayo Clinic which was just, you know, it was very, very hard day for everyone, I told Mr. Haughey that afternoon that Brian wanted to know.

Q. And on the second occasion he asked you after his return did you tell Mr. Haughey again?

A. Yes, I did, yes.

Q. So between the first and second occasion it would appear that Mr. Lenihan hadn't identified the donors?

A. No, no.

Q. And when you told Mr. Haughey that Mr. Lenihan was still pursuing the matter even after your first, even after you had first conveyed this message to Mr. Haughey what did Mr. Haughey say?

A. He said "leave it with me".

Q. Were you further involved in it after that?

A. Well, Brian needed to go back for a check-up to the Mayo Clinic. His private secretary, Brian Spain, came to me and I gave him my home telephone number because it was over the Christmas period.

Q. Sorry, I think you may have misunderstood me, Ms. Butler. Were you further involved conveying to Mr. Lenihan the names of the donors or any list of the donors?

A. No, absolutely not.

Q. You may be aware that evidence was given at the sittings of the this Tribunal that a list of the donors was made out at one point?

A. Yes.

Q. This was, this evidence was given by Mr. Kavanagh?

A. Yes.

Q. His evidence was that a list was made out by Ms. Foy, but Ms. Foy has no recollection whatsoever of making out such a list?

A. I saw Ms. Foy give a typewritten list to Paul Kavanagh.

Because at that stage Mr. Lenihan knew that Paul Kavanagh had spearheaded the fundraising effort and they were arranged, they were going to have lunch together, but I don't know when that occurred.

Q. Would that have been something you would have recorded in your journal?

A. No.

Q. These were all fairly important significant events, weren't they?

A. Well, they were also such personal intimate events that I never thought to record such things.

Q. But it was a personal intimate diary?

A. It was yes, that was not in my diary.

Q. Just to come to the part of your statement where you wish to clarify something arising out of the evidence given by Mr. MacKernan?

A. Yes.

Q. I think the clarification is based on your having been away from the office of, out of the country in fact for the whole month of September?

A. Yes, I have my passport here with me today which indicates that.

Q. And were you in the country during all of October and during all of August?

A. No, I left Ireland about the 25th of August to go to Singapore.

Q. And prior to that were you at work?

A. I was at work, yes.

Q. During the month of August?

A. Yes.

Q. As a matter of interest, does Mr. Haughey like most politicians take the month of August off for his holidays?

A. Yes.

Q. The letter that was referred to was a letter, put it on the overhead projector, of the 1st of September I think, or the 15th of September, sorry?

A. Could I have the original please?

Q. Yes, I will give you a copy. (Document handed to witness).

A. Thank you. This is the piece of evidence which my legal team gave me to read last week.

Q. Yes.

A. Yes.

Q. I think your point is that that letter may have been addressed to you, but you certainly were not in the office at that time?

A. No, and I can now confirm that Eileen Foy told me that she dealt with matters pertaining to the Mayo Clinic in my absence.

Q. Well, I am sure that your clarification is of assistance and I don't think anyone was suggesting that simply because the letter was sent to you that you must necessarily have dealt with it?

A. I think I would have acknowledged it either by telephone or by letter and I did not.

Q. If I go to paragraph 23 of your memorandum, Ms. Butler?

A. Yes.

Q. You are dealing here with a number of individuals?

A. Yes.

Q. Some deceased?

A. Yes.

Q. You start off referring firstly to Guinness and Mahon Bankers?

A. No.

Q. And you say that you are aware

A. No, there is something before that as well.

Q. Of course, do you want me to read that out?

A. Whichever, if you wish?

Q. If you think it is helpful. You say: "As the person responsible for liaising on Mr. Haughey's part with a large number of individuals concerning the day-to-day role in government and other affairs you have informed the Tribunal", and then you deal with a number of individual contacts?

A. Yes, yes.

Q. Firstly you say in relation to Guinness and Mahon Bank?

A. No, there is one item before that in connection with Allied Irish Banks.

Q. Sorry, I beg your pardon, it is not on my copy.

A. It is on my copy from Mr. Davis' office.

Q. I don't think it is on the copy that is circulated, if you like we can deal with it at a later point. I think I now what it is about. I think you may have been asked to indicate the time span, I beg your pardon, Ms. Butler, I think you may have been asked to indicate the time span with reference to which those comments were made?

A. In relation to Allied Irish Banks.

Q. Am I right in thinking you indicated it was the end of the 1980's?

A. The late 80's.

Q. I don't think at the moment it is of any particular relevance, if at a subsequent stage it becomes relevant the Tribunal will return to it.

In relation to Guinness and Mahon Bankers you say you are aware that Mr. Haughey's financial affairs were handled by his friend, the late Mr. Traynor, and he telephoned the late Mr. Traynor and also Mr. Jonathan Guinness and Joan Williams who was his secretary, on an on-going basis. She would speak regularly to arrange meetings between him and Mr. Haughey and also have regular contact with Ms. Williams.

Now, again, you will recall that I asked you some moments ago whether in dealing with Mr. Haughey's timetabling or in making contacts for him you were aware of the purposes of those contacts. Can you tell me whether you were aware of what his dealings with Guinness and Mahon Bankers were?

A. I never asked Mr. Haughey what his dealings with, in connection with Guinness and Mahon. I presumed they were to do with his personal finances. I never asked him anything about his finances, he never offered anything in connection with his finances.

Q. So your involvement was limited to

A. Arranging appointments basically.

Q. fitting people in to his busy timetable?

A. Yes, correct.

Q. And sometimes that would involve arranging meetings at Government Buildings and sometimes would involve arranging meetings elsewhere?

A. Yes.

Q. And you would have contacted Mr. Traynor, Mr. Guinness and Ms. Williams, the late Mr. Guinness, Mr. Guinness is now deceased I think?

A. That's right.

Q. And I take it you, in dealing with Ms. Williams

A. Yes.

Q. Would you have indicated to Ms. Williams what the general purpose of the meeting was or would it have been your job simply to arrange a meeting? Were you aware only of the fact of the meeting?

A. It wouldn't be necessary to indicate any, it was automatically assumed on my part that you know, it was to do with Mr. Haughey's personal finances.

Q. How regularly would you arrange those meetings?

A. Once a week, once a fortnight.

Q. Would they be once a week with Mr. Traynor and with Mr. Guinness or once a week with one only of them?

A. With Mr. Guinness it would have been just telephone contact. With Ms. Williams it would have been telephone contact between Mr. Haughey and Ms. Williams. With the late Mr. Traynor it would have been personal contact.

Q. Well, let's

A. Personal meetings.

Q. Let's just break it up a little then. In contacting Mr. Traynor you might talk to him on the phone once a week or once a fortnight?

A. Yes.

Q. To arrange a meeting for Mr. Haughey?

A. Yes.

Q. You might also talk to him on more than one occasion to arrange telephone contact between him and Mr. Haughey?

A. Yes, I did.

Q. Your contact with Ms. Williams would simply be to arrange telephone conversations or to put Mr. Haughey through to her and vice versa?

A. Yes.

Q. And the same with Mr. Guinness?

A. Yes.

Q. And those meetings would be arranged either in Abbeville or in Government Buildings?

A. The majority of them were arranged at weekends at

Abbeville.

Q. Do you ever remember arranging meetings at Guinness and Mahon Bank itself?

A. I have never known Mr. Haughey to go to Guinness and Mahon Bank.

Q. When the meetings were held in Government Buildings do you recall how long they would take?

A. 10 to 15 minutes.

Q. You go on to say: "With regard to Guinness and Mahon, Cayman Trust, Mr. Haughey did not have any direct contact with Mr. John Collins or with Mr. John Furze"?

A. He did not.

Q. You say you did not come across any of these people working with Mr. Haughey?

A. I did not.

Q. You go on to say "Mr. Haughey would speak regularly with Mr. Padraig Collery and Ms. Joan Williams"?

A. Yes.

Q. This may be, you may have responded with references to Mr. Collery and Ms. Williams in the context of queries concerning Guinness Mahon Cayman Trust because of the, something the Tribunal asked you. Can you tell me why you mentioned their names in connection with Guinness Mahon Cayman Trust?

A. I never really differentiated between Cayman Islands and Guinness and Mahon, it was just one entity.

Q. So when you were speaking about Guinness and Mahon as far

as you were concerned in talking to Mr. Haughey, you were talking about the Cayman Islands?

A. No, let me put it exactly to you. The Cayman Islands, I first heard the term "Cayman Islands" when I telephoned Ms. Williams to arrange an appointment for Mr. Traynor to go and visit Mr. Haughey at Abbeville in Kinsealy, and Ms. Williams said, "Mr. Traynor is in the Cayman Islands, he won't be back until such-and-such a date". And I conveyed that information to Mr. Haughey.

Q. Can you remember roughly when that was?

A. That would have happened regularly.

Q. Regularly?

A. Yes.

Q. So would that be during the whole of the time that you were serving Mr. Haughey between 1981 and 1992?

A. No, maybe from, from the mid-80's, maybe 1985 onwards.

Q. I see. So that when you would make contact with Mr. Traynor or Ms. Williams you assumed that you were speaking to Guinness and Mahon Bankers or Guinness Mahon Cayman Trust, it was all the same to you?

A. It was all the same to me, yes.

Q. Do you ever recall dealing with correspondence connected with Guinness Mahon Cayman Trust?

A. I never, never ever did that.

Q. Why do you mention the name of Mr. Collery in connection with Guinness Mahon Cayman Trust?

A. Because you asked me that question in the letter which you

wrote to me.

Q. Um hum.

A. You mentioned Mr. Collery's name.

Q. Um hum.

A. And I responded that Mr. Haughey spoke to him on the telephone.

Q. Can you remember again roughly when Mr. Haughey would have spoken to Mr. Collery on the telephone?

A. Late 80's, early '90s, late 80's. I can't be more specific than that.

Q. I understand. Would it have been more, would his contacts with Mr. Collery on the phone have been as regular, or less regular than those with Mr. Traynor himself?

A. Less regular.

Q. Less regular. And it is only phone contact you would have arranged with Mr. Collery?

A. Yes.

Q. And would you ring Mr. Collery?

A. Yes.

Q. And do you recall where you rang him?

A. No, but I have a telephone book at home that I can consult.

Q. Yes. In order to contact him, would Mr. Haughey give you the number?

A. I think I might have had it in my telephone book in my list of contacts.

Q. But in putting that list of contacts together first day, as it were, is it because of something Mr. Haughey told you

that you were able to put a number in for Mr. Collery?

A. I copied the telephone book in Abbeville into, the Abbeville phone book, I actually mirrored that so that I would have some basis and that's how I compiled my telephone list.

Q. And you have that document yourself?

A. Yes I have.

Q. Well, perhaps it might be useful at a later stage if the Tribunal were to discuss it with you?

A. Yes.

Q. Now, Mr. Collery has, I think, in evidence to the McCracken Tribunal, indicated that he had no contact with Mr. Haughey until after 1994. His counsel is here and I am sure he will correct me if I am wrong?

A. Well, that is my recollection.

Q. Is it possible that your recollection is inaccurate?

A. Well, I ceased to work for Mr. Haughey in 1992.

Q. Yes?

A. So how would I

Q. Precisely

A. have known the name otherwise?

Q. And then go on to say with regard to Celtic Helicopter's, you discuss the various contacts you had with them, arranging for Mr. Haughey to be transported during election campaigns and family occasions and so on.

You then mention Mr. Bernard Dunne?

A. Yes.

Q. And you say that to the best of your knowledge Mr. Noel Fox arranged appointments for Mr. Dunne to see Mr. Haughey either at Mr. Haughey's home or in Government Buildings?

A. Yes.

Q. And you telephoned Mr. Dunne on a number of occasions at Mr. Haughey's request, and you assumed that the nature of their telephone calls were social?

A. Yes.

Q. I am just wondering why you assumed in one case that calls were social, on what basis did you make that assumption? I think I can draw the distinction myself?

A. Because on a number of occasions there were dinner invitations extended, usually in Mr. Dunne's home.

Q. And that, they would be initiated by personal contacts between Mr. Haughey and Mr. Dunne?

A. Yes.

Q. And do I take it that you are distinguishing between that and arrangements made through Mr. Noel Fox?

A. Yes. Mr. Haughey always told me when Mr. Dunne was going out to see him, so that I would put it into my diary so that it would not conflict with anything else that anyone else was doing for him.

Q. Would it also therefore be put into Mr. Haughey's mirror diary kept in his room?

A. Yes.

Q. Yes. Could I take it that any of the telephone calls you might arrange for Mr. Haughey that would appear in your

diary would also appear in his diary?

A. Yes.

Q. You mentioned that direct telephone contact with Mr. Dunne would usually be associated with social occasions like arranging a dinner party and so on, did I understand you to say - get the transcript clearly, did I understand you to say that there were dinner invitations usually in Mr.

Dunne's home?

A. Yes.

Q. So that Mr. Haughey would go to Mr. Dunne's home for dinner?

A. Yes.

Q. And can you recall how frequently that would happen, even roughly?

A. Maybe once or twice a year.

Q. Yes. And from what period do you recall those bi-annual invitations being extended?

A. Late 80's.

Q. Late 80's?

A. Yes.

Q. It would be in any case in the period during which Mr. Haughey was in Government from '87 onwards?

A. Yes.

Q. And prior to that, do you recall any?

A. I have very, very little recollection of that, of Mr. Dunne before then.

Q. Certainly not while Mr. Haughey was in Opposition?

A. Certainly Mr. Haughey going to Mr. Dunne's late father's funeral, that was one of the events. When Mr. Dunne had been kidnapped, I think Mr. Haughey phoned him. That is what I remember, I don't know, that's all I can remember about that.

Q. And Mr. Fox?

A. Yes.

Q. How often do you think you would have made contact with Mr. Fox?

A. At least weekly.

Q. At least weekly?

A. Yes.

Q. Would that be always to do with Mr. Dunne or would it be to do with other matters as well?

A. It would have been a wide range of matters, because Mr. Fox was very close to Mr. Haughey, it was a very close personal friendship. When Mr. Haughey was very ill in 1989 in, or 1988 excuse me, in the Mater Hospital, Mr. Fox would have visited him, and I think he was his article clerk at one time or worked in Haughey Boland, that's what Mr. Fox told me anyway, they were very, very close friends.

Q. How would you know whether the phone calls or the appointments you were making for Mr. Haughey to meet with or to speak to Mr. Dunne concerned, to meet or speak with Mr. Haughey concerned social matters, Mr. Dunne or other matters?

A. Sorry, could you repeat that?

Q. How would you know, in making arrangements for Mr. Fox to speak to Mr. Haughey on the phone, or in making arrangements for Mr. Fox to meet with Mr. Haughey, how would you know whether those arrangements were for personal matters, for matters related to Mr. Dunne or for other non personal matters unrelated to Mr. Dunne?

A. Because Mr. Haughey would tell me "Mr. Dunne is coming to see me or Noel, Mr. Fox is calling out on Saturday morning", that type of thing.

Q. But just to be clear about it. How would you know that Mr. Fox was calling to discuss some matters connected with Mr. Dunne?

A. I wouldn't have known until Mr. Haughey told me.

Q. I see. So it would be after the meeting

A. Yes.

Q. that you would know that the discussion had concerned Mr. Dunne as opposed to some other matter?

A. Yes, to arrange a meeting with Mr. Dunne.

Q. You say that you would arrange for Mr. Fox to meet Mr. Haughey at his home, usually at weekends?

A. Yes.

Q. Would you also arrange for Mr. Traynor to meet Mr. Fox, from Mr. Traynor to meet Mr. Haughey at weekends?

A. Yes.

Q. Would there be tripartite meetings between them?

A. Not to my knowledge.

Q. Would you have the means of knowledge to know whether there

were or were not tripartite meetings between them?

A. I was there most Saturday and Sunday mornings.

Q. You were present?

A. I was yes, not at the meetings but at his residence.

Q. I see, you would know if they both came and went into a meeting with him at the one time?

A. Yes, yes.

Q. They would certainly attend on the same day, would that be right?

A. No, sometimes.

Q. I see.

A. Mr. Fox lived about four or five minutes drive away from Mr. Haughey, so it was just really for matters of convenience that the appointments were arranged at home and also because they were friends.

Q. You mentioned Mr. Byrne's long standing friendship with Mr. Haughey, you say that Mr. Byrne spoke to and met with Mr. Haughey regularly during your time working with Mr. Haughey?

A. Yes.

Q. And do I take it from the fact you used the word "regularly", that you mean to say this was during the entire period of your association with Mr. Haughey?

A. Yes.

Q. From 1981 to 1993?

A. Yes.

Q. Where would those non social meetings take place?

A. Occasionally in Government Buildings, very occasionally in Government Buildings, usually on Saturday or Sunday morning at Mr. Haughey's residence.

Q. On Saturday or Sunday mornings, then the meetings would be business meetings as much as social gatherings?

A. I wasn't privy to their private discussions, but I would often join them for a cup of tea or if it were near lunchtime for a drink in the bar.

Q. When you say the meetings took place and that they were to, business as opposed to social?

A. They could have been, I was not privy, I was not in present in the study, I was not privy to what Mr. Haughey said to Mr. Byrne, nor Mr. Byrne to Mr. Haughey.

Q. Did Mr. Haughey conduct political business in general on a Sunday morning or personal business on a Saturday morning rather?

A. Mr. Haughey's life was political and it was seven days a week.

Q. But conducting meetings in his house on a Saturday morning he wasn't having a social, he wasn't conducting a social occasion?

A. He could have been, yes.

Q. But you were there and you say people being ushered into his study?

A. Yes, I did.

Q. But they were ushered in one by one or in small groups?

A. Yes, sometimes Ministers would go, sometimes members of the

civil service, senior civil servants, sometimes some of his advisors on the environment, his cultural advisor on matters pertaining to the National Gallery, to the National Library of Ireland.

Q. It was work that was going on?

A. It was work, yes.

Q. If there were meetings between Mr. Haughey and Mr. Byrne, or Mr. Haughey and Mr. Fox, or Mr. Haughey and Mr. Dunne or Mr. Traynor on Saturday mornings it was more than likely work rather than some social occasion?

A. I don't know. I do not know.

Q. Is it, are you saying that because you were not present at those meetings?

A. That's correct.

Q. You are aware that on other occasions those individuals would have met and you would have arranged meetings for them of a social nature and exclusively social nature?

A. Yes.

Q. And they would have been lunches or dinner parties or whatever?

A. Or to call out for a drink or if Mr. Haughey had a shoot in the autumn time he would invite them, yes.

Q. You would know in extending the invitations that they were social, would you say "Mr. Haughey wants you to come shooting" or "wants you to come for a drink", or whatever?

A. Yes.

Q. What would distinguish those occasions from other occasions

on the social occasions would you know?

A. I would know the subject matter, yes.

Q. Thank you very much, Ms. Butler. Obviously the Tribunal will be in contact with you to discuss your telephone book.

A. Yes.

Q. Thank you very much.

CHAIRPERSON: Well, we will see what progress can be made with persons who may have a few questions.

THE WITNESS WAS CROSS-EXAMINED BY MR. CONNOLLY AS FOLLOWS:

Q. MR. CONNOLLY: Yes, just two or three matters, Chairman, on behalf of the Revenue Commissioner.

I want to raise two or three matters with you. While I appreciate that Ms. Foy was primarily concerned with the administration of the Party Leader's Account during your time as special advisor and personal assistant from 1982 up to Mr. Haughey's departure?

A. 1981.

Q. '81 to his departure in 1992?

A. Yes.

Q. Do you have any recollection of any audit type of procedure being carried out at any time in relation to that account?

A. I have a very, very vague recollection in 1991, 1981 or 1983 that the Fianna Fail auditors came to see Ms. Foy.

Q. Yeah.

A. Mr. Dan McGinn of Coopers and Lybrand, but it was a

subsection of Coopers and Lybrand, maybe Keane & Company or something like that, that is the only time that I have a recollection of an approach to Ms. Foy.

Q. Yes. Well, what I am asking you is whether there was an audit carried out on behalf of the party itself or on behalf of the three signatories to the account?

A. To the best of my recollection

Q. You have no recollection either way?

A. To the best of my recollection and having shared an office with Ms. Foy, that did not happen when I was there, when I was present.

Q. Well, I appreciate you were sharing an office and it was her function to deal with the matter, but is it likely that if it did happen it would have in some way come to your attention?

A. It would, yes.

Q. One other matter I want to ask you that just arises from something Mr. Healy asked you. Do you have a recollection of Mr. Collery having some regular telephone contact with Mr. Haughey between 1984 and 1992?

A. Very, very rare. Very, very rare.

Q. Can you go this far and say that you recall some telephone contact during that period of time?

A. Maybe once or twice, but I am very, very hazy on that, I am very hazy on that.

Q. Well, do you recall the contact having been made by Mr. Collery in a business context as opposed to social basis?

A. I don't.

MR. CONNOLLY: Thanks very much Ms. Butler.

CHAIRMAN: Well, I will leave until the end Mr. Hardiman, so Mr. Nesbitt?

MR. NESBITT: I do have a number of questions,

Mr. Chairman, one of the difficulties I have at this point in time, you recollect Mr. Hardiman chose not to put any of the case of, that Ms. Foy may wish to make, rather Ms.

Butler may wish to make in relation to differences she has with my client, and I would like a short time just to reflect on some of the issues that have arisen in the course of the evidence in the afternoon. I don't know how long you intend sitting?

MR. HARDIMAN: I think I can clarify that easily. The Tribunal will have to make up its mind as to any differences. I am not concerned to advance one over and above the other, unless Ms. Butler is in some way challenged, on behalf of the party I don't propose to cross-examine any other party.

CHAIRMAN: Yes. Well, Mr. Nesbitt, might I suggest this, without totally foreclosing your options you might see if some limited progress could be made now, and plainly if the party is to communicate to me or a member of my legal team that there is a wish that matters be readdressed I won't take it lightly.

THE WITNESS WAS CROSS-EXAMINED BY MR. NESBITT AS FOLLOWS:

Q. MR. NESBITT: Very good, Mr. Chairman.

Now, Ms. Butler, we have been given a copy of a document described as a Memorandum of Evidence that you have prepared, I think you have that in front of you?

A. Yes.

Q. Can I ask you when you were preparing that were you working to a list of questions put to you by the Tribunal?

A. I was, yes, and this is an extract, this is an extract from a very detailed statement which I gave to the Tribunal.

This is, these are the issues which the Tribunal wished to address with me today. I was prepared to address each and every issue the Tribunal would put to me, but this is what the Tribunal has chosen to put to me today.

Q. So there is something I haven't seen, that is much more detailed that you have given to the Tribunal?

A. I'm afraid I would have to refer you to Mr. Coughlan on that.

Q. No, no. I thought you know what I have, now you know what you have given to the Tribunal, I will ask the question again. Is there something you have given to the Tribunal that is more extensive?

A. I have given a full detailed statement to the Tribunal.

Q. Now, in relation to the issue of Mr. Ellis?

A. Yes.

Q. As I understand it you appear to have been able to receive a telephone call?

A. Yes.

Q. Contact Mr. Haughey?

A. Yes.

Q. Having had that contact be aware that my client, Ms. Foy, would need to be writing a cheque on the Leadership Account?

A. Yes.

Q. Okay. How did that come about?

A. Well, I had a very close working relationship with your client and my friend, Eileen Foy.

Q. No, the evidence you gave, Ms. Butler, says nothing about contacting Ms. Foy?

A. I beg your pardon?

Q. The evidence you have given has said nothing about contacting Ms. Foy between the contacts with Mr. Haughey and knowing you could tell her she could anticipate writing a cheque?

A. I had a personal conversation in my office I shared with Ms. Foy, when I told her as a matter of courtesy that she may be asked for a cheque.

Q. Well, I think you understand the question, Ms. Butler. I am asking you who did you talk to or what did you say to them?

A. I talked to Mr. Haughey.

Q. So he told you that a cheque was going to be necessary?

A. No, he did not. I made that, I made Ms. Foy aware that she may have been asked, she may be asked to draw a cheque at short notice because of what one of your colleagues in the Law Library told me, and that was at half past 7 one morning, that Mr. Ellis was going to be declared bankrupt at 12 noon that day.

Q. Let's leave Mr. Ellis out of it. Do you agree with me that you were able to form a view and give an instruction to my client as to how the Leadership Account was to be used?

A. I gave no instruction to Ms. Foy, we were of equal status, I was not her superior, we were of equal rank. I gave her no instruction. I had no authority to give her any instruction.

Q. She had spoken to nobody, but you had some form of discussion that had left you able to tell her how she should be conducting herself?

A. Wrong. In layman's terms I tipped her off.

Q. Why did you tip her off?

A. In case she didn't have money in the account, in case we had a crisis.

Q. Why did you think the money was going to be paid out of the account at all?

A. Where else would it have come from?

Q. What sort of expenditure did you think it was?

A. I don't understand your question.

Q. Somebody was going to be writing a cheque, you were telling

Ms. Foy for the first time she should get ready to write a cheque on the Leadership Account?

A. I told her of the conversation I had with one of your professional colleagues from the Law Library, it was an unusual event. I had never heard of a TD being declared bankrupt and losing his seat, I thought it was something I should mention to her at 9 o'clock as I made her a cup of tea.

Q. Now, what you said was you received an early-morning call?

A. Yes, from

Q. The unnamed barrister?

A. Yes.

Q. And you rang Mr. Haughey?

A. Yes.

Q. After that call you were able to tell Ms. Foy to ready herself to write a cheque on the Leaders Account?

A. I told her, lightly, I gave her no instruction, I gave her a tip-off.

Q. So you didn't think there was anything peculiar about writing those cheques from the Leaders Account?

A. I most certainly did not.

Q. Very good. So you agree with Ms. Foy?

A. As a member of the Fianna Fail Party and as Eileen was a member of the Fianna Fail Party I don't think there was anything wrong in that.

Q. So when Mr. Haughey needed money to pay bills you felt that the money being paid out of the Leadership Account was the

correct way to go?

A. Ms. Foy had always advised me many years ago that Mr. Haughey always reimbursed her for any personal expenditure that she expended on his behalf.

Q. Well, was this personal expenditure or something else?

A. Yes.

Q. Why do you say it was personal expenditure?

A. Well, I would think a personal dining bill.

Q. No, we are talking about the Ellis cheque, Ms. Butler?

A. The Ellis cheque?

Q. Yes.

A. Well, I would again repeat it. I received a call from a senior counsel member of the Law Library, at about 7.30 one morning. It was my duty to convey all messages to Mr. Haughey, which I did. And then I went into the office for about 9 o'clock and I was making Eileen a cup of tea and I said "Do you know what happened this morning Eileen," or words to that effect. I said "you might be asked to do something there, to write a cheque". I tipped her off.

I gave her no instruction, I was I had not the senior rank to do so. Eileen and I had equal rank.

Q. Now, can you explain why it happens to be you that somebody would come to when looking for money?

A. Well, the senior counsel involved was a very personal friend and I would have conveyed messages of the utmost sensitivity to Mr. Haughey, even members of his cabinet came to me with very sensitive messages to be passed on.

Q. So when somebody wants to get a sensitive message to Mr. Haughey they come to you?

A. I had access to Mr. Haughey 24-hours a day. That's why people came to me. That's why I didn't have any peace seven days a week, 24-hours a day.

Q. Well, I have heard your evidence, you appear to be in a very sensitive and important position in relation to many affairs, is that how you would see yourself?

A. Affairs of State yes, political affairs, don't just use the word "affairs" please.

CHAIRMAN: Quiet please.

Q. MR. NESBITT: Sorry, Ms. Butler, you mention your sister?

A. Yes.

Q. As I understand your evidence about your sister, insofar as it may impact on my client your sister appears to be the sole person with whom you have shared information?

A. Yes.

Q. And why did you feel it necessary to share this information with your sister?

A. She is very close to me. She lives in the house next door to me. She was a witness, Eileen Foy was my sister's witness at her wedding.

Q. Yes.

A. We were very close friends.

Q. Why did any of that require you to discuss

A. I don't have a partner in life, so my sister is the next

best thing and you know, I do have to talk, I don't keep everything bottled up in my heart.

Q. Now, is it possible your sister may have contacted Ms. Foy to tell her that you wouldn't be meeting with her?

A. Yes she did, because driving from Kildare to Dublin on an 086 mobile phone, I had no coverage, I did not have Eileen Foy's mobile telephone number with me, so I got out and I phoned my sister from a call box and asked her to phone Eileen on her mobile phone

Q. Now

A. to say that I couldn't make a particular meeting.

Q. Now, I think you had a meeting in Ballymoreeustace; is that right?

A. Yes.

Q. With Ms. Foy?

A. Yes.

Q. And you had a later meeting in the Shelbourne Hotel?

A. Yes.

Q. And then there were no more meetings?

A. No.

Q. It was your sister who conveyed the news to Ms. Foy that you wouldn't be meeting her again?

A. I think you have that very wrong.

Q. Well, are you saying you conveyed that piece of information or possibly your sister?

A. My sister said I could not make that meeting on that occasion. I then went to the UK on business.

Q. So you would accept that the last time Ms. Foy heard from you by either yourself or through somebody else

A. I do not accept that. I telephoned Eileen when I came back from the UK and I left word on her home answering machine.

Q. And your sister before that had said you wouldn't be meeting?

A. I couldn't meet her. I couldn't. I was delayed and I couldn't make the meeting.

Q. Now, when Ms. Foy came to you she seemed to be quite distressed, she had a list of questions from the Tribunal?

A. Yes, she was traumatised, yes.

Q. She wanted to give answers; isn't that right?

A. Yes.

Q. Now, there is a difference between you as to why she didn't have information to give, but let's leave that to one side for the moment. When she met you she didn't have access to records and didn't have access to information; isn't that right?

A. She told me she had destroyed her records.

Q. But you agree she didn't have access to information at that point in time as far as you were concerned?

A. No, she did not. She told me she had destroyed her cheque journal and cheque stubs and she didn't know how she was going to answer the legal team's questions.

Q. In other words she needed somebody to help her so she could answer the questions?

A. And I feel so rotten that I didn't help her. I feel so

very badly.

Q. Well, I am sure you do. But at this point in time, as I understand it, you actually had some information that might have helped her or somebody else who needed you?

A. I had my personal diaries, yes.

Q. Now, as I understand it you then went and destroyed them?

A. Yes, I did.

Q. Why did you do that?

A. I did not want to be dragged into the Tribunal, that's the absolute honest truth, there were details of my private and family life in there.

Q. Now, whether you were going to be dragged into the Tribunal or not, at that point in time it would have been quite easy to let Ms. Foy have such access to the information as in your personal documentation to help the Tribunal?

A. But remember this was not a diary, these were my recollections, my private recollections.

Q. But you didn't have to show Ms. Foy any of this, you just say "what are the questions you need to answer?" Look at your books and give her a hand?

A. I feel so very badly I didn't give her a hand.

Q. Don't worry about feeling bad, why didn't you do it?

A. I did not want to be dragged into the Tribunal.

Q. So you were happy not to help Ms. Foy and leave her to suffer three days of being criticised for not being able to?

A. I saw Eileen and you saw my response to her outside, Mr.

Nesbitt, that lady is traumatised like I have never seen her traumatised. Even following the deaths of her parents and everything, I have never seen Eileen Foy in this condition, ever.

Q. And that's because she is not able to remember and she is not able to help; is that right?

A. Eileen Foy has the worse memory that I have ever come across. I got two presents at Christmas from Eileen, one was my birthday present which was in the July because she could never remember, she has an appalling memory.

Q. When you learned that she had been asked to answer questions before this Tribunal

A. Yes.

Q. about the Leadership Account

A. Yes.

Q. and before you made your decision to destroy your own records

A. Yes.

Q. did you discuss the matter with anybody besides your sister?

A. No, I did not.

Q. Since you have destroyed your own records did you discuss the matter with anybody besides your sister, and your legal team I don't need to know?

A. I did not.

Q. You did not. Have you have discussed any of these matters with Mr. Haughey?

A. I most certainly have not. I have asked Mr. Haughey about the funds for Brian Lenihan I can assure you.

Q. So you have spoken to him since Eileen Foy approached you?

A. I see Mr. Haughey regularly. I stopped seeing Mr. Haughey the week before I went to see Mr. Coughlan. I have not seen Mr. Haughey since because I did not want to give the wrong message to the Tribunal. I wanted this mess sorted out. I want the Brian Lenihan affair sorted out.

Q. So - I am not sure when you went to see Mr. Coughlan, perhaps you can help me on that?

A. I beg your pardon?

Q. When did you go to see Mr. Coughlan?

A. Mr. Coughlan will be able to answer that, and my legal team will be able to answer that.

Q. You seem so certain, I am surprised you are not able to remember that date?

A. In September.

Q. So up to September of 1999 you had been seeing Mr. Haughey?

A. Yes, and when I was in Canada he phoned me every week or I phoned him. I have a close personal regard and affection for Charles and Maureen Haughey.

Q. I have to suggest to you that it is unrealistic to assume you didn't discuss the evidence you would be giving in this Tribunal with Mr. Haughey?

A. I did not discuss the evidence. Mr. Haughey asked me had I been called, I said no, I had not. He asked me if I would be willing to make a statement about the Brian

Lenihan situation if the Tribunal did not call me and I told him I would.

Q. Now, can I ask you to look at your statement?

A. Yes.

Q. In relation to

A. What page?

Q. We will come back shortly. In relation to helping the Tribunal as to the operation of the Leaders Account, I assume the first thing you knew about the Leaders Account was that it was an account which was used to spend money at the instigation of Mr. Haughey?

A. Correct.

Q. And as I understand it, from the time that you had your own office separate from Eileen Foy, you were adjacent to wherever Mr. Haughey was?

A. Now adjacent, do you mean by next door?

Q. I have no idea, you tell me?

A. I was in close proximity to his office.

Q. So you could contact him whenever you wanted?

A. Yes.

Q. But you wouldn't see what Ms. Foy was doing in her office?

A. I saw everything that Eileen Foy did up until January 1991, which is when we had separate offices.

Q. Everything she did in her office?

A. In her office, yes.

Q. You sat there whatever number of hours a day watching?

A. Not watching her, we were very close colleagues, we were a

team.

Q. You see as I understand the one thing we can seem to understand about the Taoiseach's office is it was an incredibly busy place, people had their own things to do and did them?

A. Yes.

Q. One thing you wouldn't have time to do was watching?

A. Nor would it have been my business to watch.

Q. Why did you say you were able to watch what she was doing?

A. Our desks were opposite each other for most of the time.

Q. You see, if you turn to the section of your evidence, in the statement that I have, concerning the Leadership Account?

A. What section? What page please?

Q. If you look at page 3?

A. Yes.

Q. The first thing we learn is you drop in the concept of a vague recollection of another account, that's the fifth bullet point down on that page?

A. Yes.

Q. How did you not know what the account was, if you were so closely allied to what Ms. Foy was doing?

A. Because I never saw any of the cheques or the cheque book on Mr. Haughey's desk for signature.

Q. You see, I have to suggest to you that when you read that statement, this vague recollection?

A. I object to the term "drop in", I object to that term.

This is my evidence which has been very difficult for me to give in relation to Eileen Foy. Very difficult, Mr. Nesbitt, you have only had, you have only had four or five consultations with Eileen, I have shared an office with her since 1981 going up right to 1992. And I wish I were defending her.

CHAIRMAN: Well, Ms. Butler, I am conscious that we are at the end of a long day, that it has been a difficult time for you and also Ms. Foy. I accept certain matters can be upsetting, but could you please just try and deal with the remaining questions.

Q. MR. NESBITT: Sorry, I don't mean to be confrontational. You know I have to ask these questions on Ms. Foy's behalf, don't you?

A. Yes, I do.

Q. Now, when we get onto the knowledge of the whereabouts of records we see your account, and the distinction between you and Ms. Foy is that you believe she took records home and then they were disposed of, and I think you understand that her evidence is she didn't do that and didn't dispose of them that way?

A. Well, my legal team told me that. I was not here for Ms. Foy's evidence this morning.

Q. Did you not think it might have been helpful to listen to her evidence?

A. Well, I had a very personal difficulty this morning and I got here at yes, a quarter to 11.

Q. Now, in relation to the signing of cheques?

A. Yes.

Q. When you look through your statement we find out information about Ms. Foy, we find out information about Mr. Ahern?

A. Yes.

Q. We see very little about Mr. Haughey, why is that?

A. How do you mean "why is that"?

Q. Well, this is, according to your evidence, the account that he was the man who decided what would be paid out. You seem to know what was going on. Mr. Haughey was always the last signature on the cheque. He would have to, he would have to instigate the expenditure?

A. Yes.

Q. He would have to sign off on the expenditure?

A. Yes.

Q. Presumably there was some method by which he would tell people "I am going to spend money", or something like that, as far as you were concerned?

A. No.

Q. So he just sat there and you have no idea how he operated the account; is that right?

A. The buck stopped on Mr. Haughey's desk, he determined how the money was to be spent.

Q. Do you have any idea how he would make that decision?

A. No.

Q. You see, when you read your statement we learn a lot about

everybody but Mr. Haughey from the point of view of the operation of the account?

A. Please ask me about Mr. Haughey, I will answer each and every one of your questions about Mr. Haughey.

Q. You see, I have to suggest to you and possibly and inadvertently you have shied away with really dealing with issues in relation to Mr. Haughey and have attempted to

A. I have attempted to do nothing but tell the truth and answer the questions which Mr. Coughlan and Mr. Healy and Mr. Davis have put to me. And that I have done to the utmost of my ability and to my recollection.

Q. Now, in relation to the signing of cheques, as I understand it there is no real difference between you and Ms. Foy, that she would have difficulty in finding people to have the time to sign cheques?

A. Not finding people, finding a person. She never had any difficulty in having Mr. Haughey sign the cheques, but Minister Ahern when he was Minister for Labour was extremely difficult to pin down. And even more so Eileen had a nightmare thinking of how she was going to deal with him during Ireland's Presidency of the EC. And she made a conscious decision, we discussed it, and she made a conscious decision that she would try and have him presign the cheques, all, most if not all, from January of 1990 onwards and that was the practice, though occasionally she would fill in the cheques and he would sign them, but the practice of having blank cheques signed in advance was wide

spread from January of 1990 onwards until Mr. Haughey's retirement in February of 1992.

Q. And I think you agree, again it is on page 10 of your statement, that between 1987 and 1990 there were presigning of cheques taking place as well?

A. Yes.

Q. So, so far as Ms. Foy is concerned when she says there were cheques being presigned, it was in ease of her because she had to go around and try and get hold of Mr. Ahern?

A. Yes.

Q. You don't have any difficulty with that?

A. I most certainly do not, I had difficulty in getting him for the Taoiseach myself.

Q. So we are all happy to agree now that that issue appears to be absolutely and completely dealt with in my client's statement, Mr. Ahern was hard to get hold of and he would sign cheques?

A. We called him the Scarlet Pimpernel, he was elusive, we could never find him.

Q. I don't want to get involved in that. Now, can I turn to another issue?

A. Yes.

Q. This is the issue of who is donating money to assist the late Mr. Lenihan?

A. Yes.

Q. Now, as I understand it you seem to know some of the donors personally, and in one instance ring yourself to say thank

you very much?

A. Which donor is this?

Q. I thought you said that you had rung Mr. Smurfit; is that right?

A. Yes. And Dr. Ryan because Dr. Ryan, in particular didn't have a plane, it wasn't that he didn't have one available, he didn't have one and he sourced it and he sourced it within 24-hours. He was just magnificent, so was Dr. Smurfit.

Q. I don't want to disagree with that. People gave money very generously.

MR. COUGHLAN: Sorry, just for the sake of clarification, just the evidence, in ease of My Friend and Ms. Butler, the evidence was that Dr. Ryan and Dr. Smurfit provided transport. I don't think there is any evidence that they provided money by way of donation.

CHAIRMAN: I think that's the context, there hasn't been anything to suggest that their participation was anything other than the considerable facility of affording air transport.

Q. MR. NESBITT: So you appear to be in the way of discussing donations with Mr. Haughey?

A. Donations of air transport, yes.

Q. Not money?

A. Not money.

Q. You seem to be the person who is given the job of reviewing the medical reports and deciding what you can tell Mr.

Haughey about this?

A. I didn't review the medical reports. I walked on eggs and I gently and diplomatically spoke to Brian's doctors in the Mater Hospital.

Q. Who was the diplomacy needed for?

A. Because I, I mean I just think that it, you know this whole business of Brian Lenihan and his, diplomacy regarding somebody who is dying, I mean - Brian Lenihan wasn't just a politician, he was a very ill man, the Lenihan family, Mr. Lenihan's children were not aware to my knowledge at that time of the seriousness of their father's illness.

Q. Now, as I understand it, again I don't want to make an issue out of something unnecessarily. You wanted to find out what was his medical situation because you were hoping to get some money to help; isn't that right?

A. Not me personally, the Party.

Q. Yes.

A. Yes, of course.

Q. So presumably any medical person wouldn't have the slightest difficulty with that, it seems a very Christian and decent thing to be doing?

A. Very much so.

Q. There were ready to help if it would help Mr. Lenihan?

A. I asked very gently, I regarded it as a sensitive matter.

I also found it very personally difficult to deal with.

Q. And eventually you were able to report back to Mr. Haughey as to what his medical state was, and you found out roughly what might be needed to allow money be spent in America to help?

A. Yes.

Q. 200 to 300,000?

A. US dollars, yes.

Q. Can you recollect what that roughly was in Irish Punts at the time?

A. Well, the exchange rate at the time, maybe 160,000 Irish pounds.

Q. Very good. So you reported all that back to Mr. Haughey and the fundraising started?

A. Yes.

Q. Did you ever ask Mr. Haughey how the fundraising was going?

A. No.

Q. Why not?

A. Well, I just would like to point out that there was a General Election called at the end of May and I was in fifth gear organising the election tour.

Q. Look, this was something that you decided was very, very sensitive and had to be diplomatic, and you say you never again discussed it with Mr. Haughey, how much money had been raised?

A. No, I automatically assumed that Paul Kavanagh went about that business.

Q. Are you seriously saying

A. I am not seriously saying, I am most definitely saying, Mr. Nesbitt.

Q. You simply took that off the agenda as far as you were concerned?

A. Yes, I did.

Q. And what made you believe that sufficient money had been raised?

A. I never queried it, I never gave it a second thought.

Q. Now, again another small point, you spoke about the money to pay for meals at the Le Coq Hardi?

A. Yes.

Q. You seem to be in a position to know that something had taken place which had lead to demands for payment coming in to the office of Ms. Foy?

A. Yes.

Q. How did you learn that?

A. The proprietor of Le Coq Hardi, Mr. John Howard telephoned me to say that there was an account outstanding and could I please do something about it.

Q. So you spoke to somebody?

A. I spoke to Mr. Haughey. I asked Mr. Howard to send me a copy of the statement. I spoke to Mr. Haughey, he asked me to give it to Eileen Foy, which I did and from then on Eileen Foy dealt with the payment of bills and invoices and statements with regard to Le Coq Hardi.

Q. So you told Le Coq Hardi "send the statements"?

A. Yes, I did.

Q. So again this appears to be another instance of you having a discussion with Mr. Haughey as to how monies should be paid out of the Leader's Account?

A. That was maybe only one, that was a very minor point.

Q. We have dealt with the Ellis payment, you appear to be involved in that too?

A. Yes.

Q. Are there other examples of when you would be dealing with Mr. Haughey for the purposes of deciding what would be paid out of the Leader's Account?

A. Not that I recall.

Q. Not that you recall?

A. No.

Q. At the end of day, Ms. Butler, it is going to be a matter for the Tribunal, maybe nothing turns on it, I just have to put to you what Ms. Foy has said in relation to the records?

A. Yes.

Q. And I just want to come back to your recollections of things being removed?

A. Yes.

Q. As I understand it sometime before Mr. Haughey went there would be a move into Government Buildings, new Government Buildings and the two of you, your offices had separated?

A. Yes, December '90 and January '91, early January of '91.

Q. And in relation to the day Ms. Foy was leaving or the days she was leaving when she was tidying up her office, you

wouldn't be working in that office but you came in to

invite her to a cup of tea, is that what you said?

A. No, Eileen invited me in for tea.

Q. Into her office?

A. Yes.

Q. She was working away?

A. Yes.

Q. And in broad terms she was sorting things out and she was getting ready to leave the office?

A. Yes.

Q. And you then helped her to carry material to the car?

A. Yes.

Q. And you didn't get into the car and drive off with her?

A. No, it was done in midday, maybe around about lunchtime.

Q. So whatever went into the car you never saw where it went again?

A. No, I didn't.

Q. Very good. Now, I think you again seemed to be in agreement with her that she had some material she wanted to take home and some material she wanted to give to Fianna Fail Headquarters?

A. Yes.

Q. So when she drove off wherever she was going, that was where the material was going?

A. The material going home.

Q. No, the materials that was in the car?

A. Was going home.

Q. Going one of two places?

A. No, the records which she was to give to Sean Fleming were still in her office in Government Buildings. She did not part with those records until, she did not remove those records until the last day.

Q. So, in relation to records going to Fianna Fail what part did you have to play in those records going anywhere?

A. Ms. Foy discussed the matter with me.

MR. HEALY: I don't want to interrupt My Friend. The stenographer needs a break at this point, I just wonder how long My Friend intends to be?

CHAIRMAN: Well, I better just discuss with counsel. I am certainly not going to inhibit you, Mr. Nesbitt.

MR. NESBITT: What might short circuit things considerably, if I have an opportunity to speak to Ms. Foy, given an opportunity to deal with the evidence given this afternoon, I don't think much longer but I -

MR. HARDIMAN: I think the whole thing might finish quicker if it finished today, I am sure Ms. Butler is very anxious to do so. I am sure a 10 minute interlude might

CHAIRMAN: Might do that, Mr. Murphy, you are also -

MR. MURRAY: Yes indeed, I have some questions also to ask and I would also like to have sight of the witness' telephone book that she relies on in terms of Mr. Collery's

number.

CHAIRMAN: That's obviously not going to be within the compass of today's hearing.

MR. MURRAY: Indeed, Chairman.

CHAIRPERSON: And you will be, can you put an estimate on how long more? .

MR. NESBITT: I was going to be a lot shorter if I had overnight to deal with my

MR. HARDIMAN: That's contrary to all experience.

MR. NESBITT: The way we are going to go - Mr. Hardiman reserved his position when my client has given evidence, and now demands I must finish cross-examining without receiving my client's instructions.

CHAIRMAN: We have had days, I think on other occasions, when it has been preferable to truncate the matter. But maybe if we take a ten minute recess and see then if we can at least dispose of Ms. Butler's evidence.

THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AS FOLLOWS:

CHAIRMAN: Thank you.

Q. MR. NESBITT: Ms. Butler, I have only a few number of questions left. As I said to you before the break, you

understand I have to ask these questions because there is a difference between you?

A. Yes I do, yes there is.

Q. Between my client and you. Now, you have a recollection of being invited to tea sometime in January of 1992 in Eileen's office; isn't that right?

A. Yes.

Q. She was obviously busy clearing out the office and you came in?

A. Yes.

Q. I presume, you had a pretty hectic schedule yourself and there was a lot of things you were attending to at that time?

A. Yes.

Q. And Ms. Foy says she didn't bring records home, as I understand it you have never seen records in her house?

A. That is correct.

Q. You seem to have quite a detailed idea of the sort of bags she was using, they appear to be bags belonging to department stores, as opposed to black bags?

A. Yes, Arnotts in particular.

Q. Was there not a mention of another store as well?

A. Well Northsiders shop on the Northside and I shop in the Northside.

Q. Now, what I have to suggest to you is this; that given the passage of time?

A. Yes.

Q. And the lack of importance that that event would have had in your life?

A. Yes.

Q. That it is quite possible that you may be confused about what you saw or what that meant?

A. I am not confused about what I saw.

Q. I see.

A. That is my clear recollection.

Q. Well, Ms. Foy disagrees with that. You see it seems to me that you have a level of recollection that is almost surreal, you seem to be able to say that she had some personal records in a bag because you remember a piece of paper sticking out of the top and a cab bill, I think was the word you used, taxi bill?

A. Yes, I have very good recall as my counsel can testify to.

Q. You see, I have to suggest to you that it is somewhat surreal to now be hear ten years on and be remembering that level of detail, given the important job that you clearly had and the important matters that you were dealing with on a regular basis?

A. I have very good recall. I have no basis for saying that other than that is my truthful recollection.

Q. I am not suggesting you don't think that's what happened, I am just suggesting to you that there could be room for confusion?

A. Not on my part.

Q. All right. I will disagree with you there?

A. We may disagree.

Q. There is one final thing I want to finish with, and it is this: That whatever be the appropriate account as to where documentation went, when Eileen Foy came to you she was making a point, she had nothing and needed help to try and answer the questions?

A. Most definitely, oh, yes.

MR. NESBITT: Thank you very much.

MR. MURPHY: Sir, perhaps I can reserve my position until the witness gives the phone book that she referred to mentioning the phone number of my colleague, that might be in ease of everyone and indeed the witness herself.

CHAIRMAN: Allied to the fact that obviously any circulation must be selected to such a sensitive document, and I would envisage that would have to be done through Mr. Davis, the Tribunal Solicitor, and the appropriate names deleted to preserve confidentiality may be required. On the basis that Ms. Butler intimated, she is not averse to that, that it seems can be done in due course. Any other matters that you want at this junction?

MR. MURPHY: Not really at this junction. It would be in ease of Mr. Collery if we had that matter cleared up, and it may not be necessary to have any questions then.

CHAIRMAN: Very good, Mr. Murphy.

THE WITNESS WAS EXAMINED BY MR. HARDIMAN AS FOLLOWS:

Q. MR. HARDIMAN: Sir, just a few very brief matters.

Ms. Butler, I think you would like to make it clear, wouldn't you, that in relation to Ms. Foy, her integrity and devotion to duty are second to none in your view?

A. Ms. Foy has more integrity in her little finger than the majority of people who reside in a certain large house in Kildare Street.

Q. Now, in relation then to the statement or memorandum of your evidence, I think it has been mentioned once or twice, but simply to make it perfectly clear, you addressed some of the topics which appear a little random, but you addressed the topics you were asked to address?

A. Yes, I did. I went to the Tribunal and I offered to answer every question, I answered every question and I also volunteered information.

Q. Yes. And then finally, in relation to the notes, the personal notes referred to as your journal, I think that is an entirely personal note of impressions and reflections?

A. Yes, it is.

Q. It is not a document of record, a summary of events or significance like that?

A. No, it is not.

Q. I think the Tribunal were aware of this particular document because you told them about it?

A. I absolutely did, yes.

Q. Yes. And when you told them about it at one or more of a

number of meetings you had with them, no question or criticism in relation to it or your actions in relation to it was raised by the Tribunal?

A. Absolutely not, no.

MR. HARDIMAN: Thank you.

CHAIRPERSON: Just in conclusion then, Ms. Butler, as regards the differing recollections of yourself and Ms. Foy, I have noted you have referred to a meeting down the country. She, you may recall, referred to an uncertain recollection that the two of you might have met a little over a year ago or so in the Shelbourne Hotel, does that serve memory?

A. Yes it does, that was next door to my Dublin office and Eileen had been in town and parked in Stephen's Green and we were the closest of friends, and yes

CHAIRMAN: And the only other quite small matter, as regards your evidence of the barrister giving you the somewhat alarming information about Mr. Ellis's impending bankruptcy, was that the first you had heard of some possible financial mishap of Mr. Ellis?

A. Yes, the first definite view, there had been rumours circulated in Leinster House that he was in severe difficulties, that was the first time I knew there was legal proceedings.

CHAIRPERSON: Thank you for your assistance.

THE WITNESS WAS REEXAMINED BY MR. HEALY AS FOLLOWS:

Q. MR. HEALY: Just one question, Sir, I should have asked

Ms. Butler at an earlier stage. Ms. Butler, you recall

that you gave evidence that you saw a list being handed

over to Mr. Paul Kavanagh?

A. Yes.

Q. Containing the names of donors to the fund for Mr. Lenihan,

can you recall approximately when that was?

A. No, but I will try and address that and communicate that to

you. MR. COUGHLAN: Thank you very much.

CHAIRMAN: Thank you very much indeed. We will resume at

10:30am in the morning.

MR. COUGHLAN: Sorry, Sir, I think that in the

circumstances, there is a difficulty with a witness that we

intended calling tomorrow, and in the circumstances, Sir,

our application would be not to have the day disjointed in

anyway, that the matter, the Tribunal would adjourn to

Tuesday at 10:30am.

CHAIRMAN: Tuesday at 10:30am. Very good.

THE HEARING THEN ADJOURNED TO TUESDAY, THE 26TH OCTOBER,

1999, AT 10:30AM.