

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY, 8TH JUNE 2000

AT 10:30AM:

MR. HEALY: Mr. Paul Kavanagh.

MR. PAUL KAVANAGH, PREVIOUSLY SWORN, WAS EXAMINED AS
FOLLOWS BY MR. HEALY:

CHAIRMAN: Good morning Mr. Kavanagh, thank you again, you
are already sworn. Please sit down.

Q. MR. HEALY: Thanks, Mr. Kavanagh. Mr. Kavanagh, you have
provided Tribunal with a further Memorandum of your
intended evidence and this arises directly from a document
which you yourself brought to the attention of the Tribunal
and which came into existence in connection with the fund
raising initiative which you undertook at Mr. Haughey's
request in order to raise funds for the late Mr. Lenihan's
medical treatment in the US, isn't that right?

A. That's correct.

Q. Now, do you have a copy of your Memorandum of Intended
Evidence there?

A. Yes, I do.

Q. And do you have a copy of the list that you have provided
the Tribunal with?

A. Yes.

Q. I can give you a better copy. I think you have a black and
white copy. I can give you a coloured copy which will be a
little easier to decipher. (Document handed to witness.)

Now, before I come to your memorandum, Mr. Kavanagh, I might just put the list on the overhead projector and I am not going to go into it in any great detail at this stage.

You might just first of all indicate to the Tribunal how the list came to your attention in recent months, I am not asking about how it came to existence initially.

A. About two weeks ago or probably three weeks ago, I was clearing out a box containing a lot of literature and fund raising documentation in relation to the United States. We had a fund raising operation in the States both from about 1982 on. It was called Friends of Fianna Fail which I set up with some others. And there was a box in my cellar just marked 'US Fund Raising' and I decided it was time to start clearing this stuff out and in the very bottom of the box I found this file with some other documentation that relates to the other Tribunal down the way which I brought to the solicitor's acting on behalf of Fianna Fail and the list that you have happened to be among it and I brought it in here.

Q. And was there any particular reason why it would have been in a box of material relating to US fund raising.

A. No real good reason except that around 1990 I went to live in Holland and my secretary at that stage just bundled years of stuff into boxes and put on the outside of the box what she believed was in it.

Q. Now I want to come to your Memorandum and you say that you believe that having discussed the raising of funds for the

benefit of the late Mr. Brian Lenihan with Mr. Charles Haughey, that Mr. Kavanagh, that is you, prepared the list that we have just been describing, that you prepared it yourself and arranged with your secretary to have it typed. All the names on the list were supporters of Fianna Fail with the exception of Mr. Leo Cafolla who was a close friend of the late Mr. Lenihan. You think that you then brought the list to Mr. Haughey and discussed it with him and that Mr. Haughey deleted the names of Mr. Ben Dunne and Mr. Oliver Murphy, you think that this was in the course of that meeting that Mr. Haughey suggested that the late Mr. Peter Hanley should be asked to assist in the raising of funds. You think that the manuscript list on the right-hand side of the page, if could we just put it up on the overhead projector, which is in your writing is a record of what you expected to raise as opposed to what you did raise from the individuals concerned. You are uncertain as to whether the figures appearing immediately beside the names on the typed list, that's the 40, the 20, the 10, the other 10, the 20, the 10 and the 25, you are uncertain I am sorry, you are uncertain as to whether the figures appearing immediately beside the names on the typed list, I am sorry, record what you actually raised and you are doubtful that the late Mr. Hanley raised as much as €50,000. It might be no harm if I just clarify that.

On the left-hand column is the list of typed names. Next

to some of the typed names is some manuscript writing. On the left-hand side of Mr. Tully's name is the sum 20, the number 20. On the right-hand side of Dr. Edmund Farrell's name is the number 40,000. On the left-hand side of Mr. Gus Kearney's name is the number 10 and then towards the bottom of the list next to Mr. John Magnier's name is the number 20. Now you think that those figures, you are uncertain as to whether those figures are a record of what you actually raised and in particular you are doubtful whether Mr. Peter Hanley raised as much as €50,000 and that's a reference to a completely, manuscript reference to Mr. Hanley at the bottom of the list. We will go over the list in a moment.

You say you do not know what the figures 200 on the top right-hand corner of the list and the number 175 signify and you think that the figure 175 should probably have been 135. You say that your recollection is that the initial target was to raise €150,000.

I think firstly we will just clarify what's on the list so we are in agreement as to what it contains starting with the top right-hand side, there's a figure of 200 underlined, which is probably intended to signify 200,000 in any case, as opposed to €200?

A. Yes.

Q. And then underneath that and encircled is what seems to me in any case to be the number 175 and you suggested that that should be 135.

A. Yeah, my writing is pretty awful and I think it was 135 because the sum of the figures on the right-hand side come to 135.

Q. I see. Would you agree with me that it's very hard to see that seven as a three?

A. I can see that now, yeah.

Q. I have the original in front of me if you want to examine it.

A. I still think it's 135 but I mean I can see why you think it's 175.

Q. Now then we have a typed list of names on the left-hand side and we will just go through the typed list. The first is Dan McInerney; the next is Ben Dunne, there's a line through that; the next name is Mr. Larry Goodman; the next is S.F. Rafique; the next name is Mr. Michael Behan and then to the right of that is Mr. Fred Danze D-A-N-Z-E and there's a hyphen and the name Agua; after that in red brackets is the name Mr. Leo Cafolla; after that is Mr. Seamus Tully and there's a tick through that name and to the left of it is number 20 as I have already indicated; underneath that is Mr. Tadhg Gallagher; under that Dr. Edmund Farrell, next to that is the sum of 40,000; underneath that is Mr. Gus Kearney's name with a tick similar to the tick through Mr. Tully's name and to the left of that in manuscript is the sum 10; underneath that Mr. Oliver Murphy, which is crossed out and to the right of it is the name Peter Hanley; underneath Mr. Murphy's name

is the name Mr. Oliver Barry; underneath that John Horgan; under that the name J.P. McManus; underneath that John Magnier and to the left of that is number 20; underneath that seems to be Kavanagh, is that right?

A. Yes.

Q. Is that your own name?

A. No.

Q. And to the right of that is the sum of 20 which is presumably a reference like all the other numbers to 20,000, is that right?

A. Yeah.

Q. Underneath that is Peter Hanley again and then the sum 50 encircled. Then to the right-hand side in the centre of the page there's a completely manuscript list of names with Farrell 40; Tully 20; what looks to me like Kearney 10; Atron 10; Magnier 20; Kane 10, or Keane 10, I am not sure what that means

A. I am not sure either, it looks to me like Kane but I can't recollect who Kane was.

Q. I see. Underneath that Mark K which is presumably Mark Kavanagh, is that right?

A. Yeah.

CHAIRMAN: For what it's worth, Mr. Healy, given that the duplicate on the monitor doesn't show the colour, I think the only two instances of a different type of ink appear to be the Mark K, the last reference you have made and also

the brackets round Mr. Leo Caffolla on the left-hand side
as you have already pointed out.

Q. MR. HEALY: Yes, there seems to be a different ink as well
and I will ask Mr. Kavanagh to confirm this. There seems
to be a different ink with the line through Mr. Ben Dunne
and the ticks through Mr. Tully's name and Mr. Kearney's
name?

A. Yes.

Q. Maybe the line through Oliver Murphy seems to be different
ink as well?

A. Probably done at a different time.

Q. Yes.

A. Yeah.

Q. Just to get the timing of this right, as I understand your
evidence on the last occasion, this matter was first drawn
up with you by Mr. Haughey, isn't that right?

A. When you say drawn up?

Q. It was Mr. Haughey first contacted you and asked you to do
this?

A. Yeah.

Q. And do I understand that that contact was not at a meeting
but was by telephone?

A. No, I think I was with him in his office at the time.

Q. At that stage, was there any discussion made of who would
be targeted for contributions?

A. No.

Q. So can I take it therefore that you left the meeting and

you gave the matter some thought and drew up a list of whom you felt might be potential contributors?

A. Yeah.

Q. And when the list was drawn up first, can I take it therefore that it was in a completely printed form or typed form?

A. Yeah.

Q. And there was nothing on it?

A. No writing.

Q. No manuscript writing on it at all?

A. No.

Q. And in order to draw up that list, did you rely entirely on your own resources or did you get assistance from anybody else?

A. I think I at that stage the first list was, I think I compiled it myself.

Q. In compiling that first list, I think you included the name of Mr. Leo Caffolla?

A. Yeah.

Q. Now, as I understand it, Mr. Caffolla was not, at least a known supporter of Fianna Fail, at least known to you as a supporter of Fianna Fail, is that right?

A. I didn't know at the time that he was a supporter of or at least I thought that he was a supporter of Brian Lenihan in his constituency.

Q. You believed him to be a close friend of Mr. Lenihan?

A. Yeah.

Q. What I am trying to get at is whether it was at your own initiative you included Mr. Caffolla's name?

A. It was, yeah.

Q. And is there any significance to the fact there are red brackets around Mr. Caffolla's name?

A. No.

Q. Although it's not readily discernible, there's a little tick in blue ink next to his name as well, is that right?

A. Yeah. Once again I don't see any significance.

Q. You prepared the list based on your own knowledge and can I take it it's on your own knowledge of people who would have been in a position to make substantial contributions to Fianna Fail and therefore likely contributors to this fund?

A. Yeah.

Q. So it was your knowledge as a fund raising member in Fianna Fail that prompted to you make up this list?

A. Correct.

Q. And then you took the list and you brought it to Mr. Haughey?

A. Yeah.

Q. And as a result of it, the discussion with Mr. Haughey, you made some amendments to the list?

A. Made the only one, to Ben Dunne.

Q. I see. You say Mr. Haughey deleted Ben Dunne's name from the list?

A. He didn't personally do it.

Q. That's what I am anxious to establish.

A. He just said cross that out.

Q. So you had

A. Once again I am only guessing, I am partly guessing at this stage.

Q. I see. Well, in any case, can we be relatively certain of this much, that you prepared the list and you then brought the list to Mr. Haughey?

A. Yeah.

Q. And that you discussed with him presumably the names on the list?

A. Yeah.

Q. Going through the names with him?

A. Yeah.

Q. And that he said at least in the case of Mr. Ben Dunne's name "draw a line through that"?

A. Yeah and it's possible he could have done it himself.

Q. I see.

A. If you look at it, the pen in it, it's not like any of the other writing on the

Q. Could you repeat that, sorry?

A. The pen mark on the mark through the name is not similar to any other pen I used on it.

Q. Quite correct.

A. So it's possible he may have done it himself.

Q. And did he give you any reason why?

A. I never asked for reasons.

Q. If he crossed it out, he crossed it out?

A. Exactly.

Q. He said, "Don't approach Ben Dunne"?

A. His style was and I had worked with him for 10 years, when he did something like that, that was it, you didn't ask why.

Q. What reason did you have to believe at that point that Ben Dunne was a supporter of Fianna Fail?

A. Well, I mean, he was a person that I would assume that at some stage supported Fianna Fail either in the constituency in fact I thought at the election fund raising what one of my committee told me was that he gives money across the constituencies where his businesses are located so I assumed that I never approached him personally at election time. One of the committee I think were, he would have been on the list of one of our committee members and I think the message I got back was he didn't contribute centrally, that he made his contributions across the constituencies.

CHAIRMAN: Just unless I am being a bit stupid on that, you mean he paid to each of the main parties where he had branches?

A. Yeah.

Q. MR. HEALY: What you mean is he made the contributions in the constituencies in which he had branches?

A. That's the information that I was given as in charge of the fund raising committee.

Q. And would I be correct in thinking, because I am sure you are aware the Tribunal has had access to Fianna Fail fund raising records and I think I am right, I am sure you can correct me if I am wrong that in that year, 1989, Mr. Ben Dunne is not recorded as a contributor to the Party's central fund raising effort?

A. That's why I remember the fact some of the committee members told me that he wasn't contributing centrally, he was contributing across constituencies.

Q. And the, just to clarify this again, the contributions that are made centrally, are usually made on foot of the type of letter that we have seen in the course of evidence in the Tribunal, usually signed by the Leader of the Party, in that case Mr. Haughey, not actually physically signed by him but there's a printed or some sort of message of replicating his signature on thousands and thousands of letters that are sent out to people who are presumably targeted by the fund raising committee and he will usually indicate why the money is needed and the recipient of the letter is asked to send his contribution to the Party Headquarters addressed to Mr. Haughey.

A. Well, I am not sure that it needed to be addressed to Mr. Haughey.

Q. I accept that but in any case it's a fund raising campaign that's orchestrated through the Party Central Headquarters even though the request appears to come from Mr. Haughey as Party Leader?

A. Yeah.

Q. But there would have been no such response by Ben Dunne to any such request assuming one did go to him?

A. No, wait now, when I say no there, I am not sure about that. If one of the committee came to me and said what I have just said earlier, it's very likely that he did get a letter and that he would have been on the list, I think I explained to you earlier the way we broke the main list down under each of the members of the committee and each one would have the responsibility following up their names.

Q. I didn't say he didn't get a letter but there was no response to any such letter?

A. Well the response was that at the time that he was contributing

Q. I see. And at the time you went to Mr. Haughey, I take it you it hadn't actually instituted this separate fund raising initiative?

A. At the time he asked me to undertake this?

Q. Yes.

A. No.

Q. So we can take it therefore that after you had finished your meeting with Mr. Haughey, you proceeded to set about making the collection?

A. Yeah. Yeah. At some stage I contacted Peter Hanley.

Q. Yes, that's what I am trying to get at.

A. And Peter had been a member of our fund raising committee from time to time and I shared with him what Mr. Haughey

had asked me to do and suggested that he would be a good person to work with on it and I think, I mean this is partly speculation but I think I probably started off with a figure of €200,000 and was told at the time there was a possibility of money coming from VHI. It essentially turned out that the VHI were to come up with something like €50,000 so that's why I think I had in my mind, my target was 150,000 and that when, the way I look at it I probably said to myself well Peter Hanley would contact people in the businesses he is associated with and probably raise 50 and my personal target would be probably 100 and that's the way I probably looked at it at the time.

Q. If we just go back over some of that, I think you said after you had been to Mr. Haughey or Mr. Haughey asked to see you and this may be a reference to your first or second meeting, it's not clear, you spoke to Mr. Hanley and I think you suggested Mr. Hanley names may have been mentioned by Mr. Haughey and you both decided who would target which potential contributor and you would target the people you felt you were most likely to be successful with and he would target people in the meet business I think would be the obvious division of labour, isn't that right?

A. Yeah.

Q. Now, at that stage, I think you indicated, you then went off and made your own separate phone calls and so forth and I think we know that Mr. Larry Goodman, from his own evidence, was contacted by Mr. Hanley?

A. Yeah.

Q. The next name is Mr. S.F. Rafique; can you say whether you contacted him?

A. I don't think I did, I never had any real direct dealings with Rafique, even at fund raising time.

Q. I missed out Mr. Dan McInerney's name, you would have contacted him or Mr. Hanley?

A. I could have possibly at the time, yeah.

Q. The next names are Mr. Michael Behan and Mr. Fred Danze?

A. I had had dealings with them at election time but in this instance I don't remember having contacted them.

Q. The next name is Caffolla, do you remember contacting Mr. Caffolla?

A. I seem to remember making a phone call. I am not sure if I had any success or not and if you look at the names on the right, it would appear I hadn't, but I think I did actually contact him.

Q. The next name is Mr. Seamus Tully.

A. I did.

Q. You contacted Mr. Tully?

A. Yeah.

Q. And the 20 next to his name is certainly an indication whether written before or after you got the money but it's consistent with what he provided?

A. The numbers written on the left-hand side are very likely what I expected to get as a result of the telephone call.

So I would say during the conversation I asked him, in fact

I think I asked him would he be all right for 20 and I think he indicated to me that he would and it's why I put 20 in there.

Q. The next name is Mr. Tadhg Gallagher, who was to contact him?

A. I think I was as well, I don't remember having done so, I was always a bit confused which company up in Killybegs because there's more than one Gallagher and there was a number of companies that the names seemed to cross and I was never quite sure who was involved in which company but I would have at the time tried to contact him, yeah.

Q. Next you have Dr. Edmund Farrell's name and to the right of that, 40,000. Now I think evidence has been given by Dr. Farrell that he was contacted directly by Mr. Haughey?

A. Very likely.

Q. Can you therefore explain why the sum of 40,000 is written next to his name?

A. Because I kept in touch with Eileen Foy at the time and if she got anything, she would let me know and vice versa or I would check with her if any of the donations had come in to her so I would imagine that when I contacted Eileen or maybe, it may have been Mr. Haughey himself, somebody told me that it was 40,000 had been contributed.

Q. Underneath that, you have Mr. Gus Kearney's name, can you recall whether you would have contacted Mr. Kearney?

A. Well I definitely would have but I spoke to him in last day or two and he says he has no recollection of it and says he

didn't give me anything but if you look at my list there, I seem to think he was, he had intended or I thought he had intended giving me 10,000.

Q. Underneath that we have Mr. Oliver Murphy's name and Mr. Hanley?

A. They were both in the meat business, you see Peter Hanley's name at the end, that's not my writing, I think it's probably Mr. Haughey's writing and then when I, once again I am making assumptions here, that when I spoke to Peter Hanley, he probably said "look, cross that out" and I wrote his name beside it, that he would look after people in the meat business.

Q. And Mr. Oliver Barry's name?

A. Yeah, I would have contacted, I think I would have contacted Oliver but I had nothing written beside it and I have nothing on the writing side so it's possible if he did contribute, he may have brought it in directly.

Q. And then Mr. John Horgan?

A. I would think that probably would be Peter Hanley.

Q. Because the meat business connection again?

A. Yeah.

Q. I think and J.P. McManus?

A. I think I contacted him.

Q. And lastly Mr. John Magnier?

A. I think I did contact Mr. Magnier, yeah.

Q. And then the reference to Mark Kavanagh?

A. I think I spoke to Mark Kavanagh on the phone and he

indicated 20 but obviously Eileen Foy told me that 25 had arrived in.

Q. If we go back up to the 200 and the 175 as well or what you say is 135?

A. Yeah.

Q. Now when you spoke to Mr. Haughey first, I think he indicated to you between 150 and 200,000 would be required, is that right?

A. Yeah.

Q. That's presumably where you got the figure of 200,000. Now the suggestion that money was to come from the VHI, where did that suggestion come from?

A. I don't remember who it was but at the time I was told that we were endeavouring to get some money from the VHI to cover at least part of his expenses.

Q. But did you know how much the VHI were going to contribute?

A. In advance, no, but eventually somebody told me that they would be and I am not sure exactly over what time frame but somebody told me that they were likely to come up with something like 50 grand.

Q. That was long after you had collected your fund, isn't that right?

A. It could have been, yeah, which yeah.

Q. Nobody ever told you we have €50,000 from the VHI?

A. I can't recall anybody telling me that.

Q. And I think at no point did anyone tell you, certainly Mr. Haughey told you, it looks like we might get €50,000 from

VHI?

A. I was told that they were endeavouring to get money from the VHI and the 150,000, there may not have been a figure at the time I was told but subsequently heard at a later stage that there was and once again I don't know or don't remember over what time frame this took place, that there would be something in the region of €50,000 made available from the VHI.

Q. But it wasn't Mr. Haughey told you that?

A. Well he may not have told me that we got €50,000 but he probably told me that we were endeavouring to get money from VHI.

Q. I just want you to be sure about that.

A. I am not sure.

Q. You are not sure about it?

A. No.

Q. I think on a previous occasion you informed the Tribunal that you were certain about the matter?

A. Certain about what?

Q. That you were certain that Mr. Haughey never mentioned the VHI to you.

A. I don't recall having said that, but if I did, I did. At the time, what you are saying is that I am certain he never mentioned VHI?

Q. Yes.

A. Well if I did say that, I wasn't what I am saying now is it's possible or likely that he did say it to me.

Q. It's possible or likely that Mr. Haughey said to you that

A. During a conversation at some stage we were endeavouring to get money from the VHI.

Q. And you are saying when I asked you on a previous occasion whether there had been a contribution from the VHI and your response was "I can tell you he never mentioned VHI to me, it was through someone else I heard the possibility of money from VHI," you were wrong in saying that?

A. I may have been wrong. Yeah.

Q. Well if what you are now saying is correct, you are definitely wrong?

A. I know this has been thrashed out many times, this is 12 years ago, I don't know how good your memory is but mine is definitely not I am not able to remember that sort of detail. I am trying as far as I can to piece the thing together and as more things become available, it helps but at that stage remember, we had nothing, neither the document I gave to Hanley or this document.

Q. But this document is consistent with the evidence you gave the last time because this document suggests that you had a target of 200,000 as the top figure?

A. It is consistent and the last time I had nothing to refresh my memory, it was purely just trying to remember.

Q. Could I just clarify something you said a moment ago in answer to a question concerning this matter, Mr. Kavanagh. You said you are trying, as far as you can, to piece the

thing together and that you were trying, as far as you could the last time, to piece the thing together and you said, you say as more things become available, it helps, but at that stage, remember, which is the time you were last giving evidence, we had nothing, neither the document I gave to Hanley or this document?

A. Sorry I meant not Hanley, that I gave to Lenihan, sorry about that.

Q. By that you mean the document that

A. In the end you remember the last time I told you that over lunch I gave him a list of the actual amounts contributed by everybody.

Q. The reason I am anxious to pursue the mention of the VHI is that if you had got a contribution from the VHI, it would have made a huge impact on your fund raising efforts, wouldn't it?

A. Well, it would have made a difference of between, if the top figure was €200,000 and the top figure was €150,000, it made it that much easier.

Q. It would have been the largest contribution?

A. I wouldn't consider that a contribution. As far as I was concerned, that was separate. The VHI

Q. Of course

A. It would have just affected the target that we had to try and achieve.

Q. The only people who would have known about that were Mr. Haughey, is that right?

A. I am not sure about that because I think on the last occasion we were here, we had some of the gentlemen who were on the board and they were also people that I would have at the time socialised with on many occasions, they were supporters of Fianna Fail, I would meet them at functions fairly regularly so I wouldn't think he was the only one that knew that.

Q. And do you think they would have been talking about this?

A. At the time there was, of course. I mean if they were, for example, on the board of VHI or whatever and we were trying to raise this sort of money, of course that sort of thing would come up in conversation.

Q. Are you saying a member of the board of VHI at a social occasion would mention to you that an ex gratia payment by the VHI of 50 odd thousand pounds?

A. I didn't say that. What I said was you asked me did anybody other than Mr. Haughey ever discuss the possibility of the VHI. I am saying it's possible that yes, is my answer, that other people could have discussed with me and the likely type of people would have been people such as the people here the last day.

Q. I passed on from that, Mr. Kavanagh, and I am trying to find out where you would have got the impression there was 50 odd thousand available?

A. I am shot sure I did.

Q. Isn't it likely you didn't?

A. Well it depends on the timing. At some stage I knew, I was

told in the region of €50,000 but I can't remember whether it was three months later or three months earlier.

Q. I just want to go over the evidence you gave on the last occasion on this matter, Mr. Kavanagh, because there's significant differences between what you said then and what you said now. You were asked a question at page 109, question 555 as follows: "And nobody told you that the VHI were prepared to put up €50,000? No, no," is the answer. And "I did have dealings with Mr. Haughey on many other matters, every couple of days I would see him about something but not on this issue."

"Question: Would you have been dealing with him in connection with ordinary fund raising?

Answer: Ordinary fund raising, I was also on the strategy committee at the time, I was also on the election committee which met every day and also three or four state boards he put me on, one or two to report back to him on certain companies having difficulty at the time.

Question: And you never discussed this during all that time that you can recall?

Answer: If we did, it was in passing, there was no great emphasis on it and if he said to you look, we are after getting €50,000 or €57,000 from the VHI, you'd have remembered that.

Answer: Yes.

Question: It would have been larger than any contribution?

Answer: I can tell you he never mentioned VHI to me. It was through someone else I heard the possibility of money from the VHI."

A. Yeah.

Q. You are not standing over that answer now?

A. No, I am not standing over that. At the time, I hadn't given it a huge amount of thought because I had no time to think of before the question was posed and at the time that was a reaction but in the meantime, I have thought about it and there is a possibility or it is likely that in conversation I did discuss it with him.

Q. When did you first think about this matter and what prompted or what prompted your memory to make you convinced now that you were wrong in saying Mr. Haughey had never certainly mentioned it to you?

A. First of all, I am not certain I don't consider it that important as to when or if I had a sort of casual conversation with him or with other people about it, I just happened to be aware at the time that we were endeavouring or they were endeavouring to get some contribution from the VHI towards Mr. Lenihan's expenses.

Q. I think what you said is I have thought about it, it was a reaction, you said that the answer you gave the last time was a reaction, I have thought about it and there's a possibility or it is likely that in conversation I did discuss it with him. Now, are you saying that you have thought about it now or you thought about it since you last

gave evidence or when?

A. Since I last gave evidence.

Q. Since you last gave evidence you have thought about it?

A. I mean it hasn't been at the top of my mind worrying about it but when I thought back about the numbers of times we meet and the different circumstances we meet, it's possible it came up in conversation with him.

CHAIRMAN: Is that more likely, Mr. Kavanagh, than the other possibility that you mentioned that you may have had some casual discussion with some possible board member of the VHI, I do not want to lightly get into the situation of certain prior witnesses wishing themselves to be recalled but whilst I cannot recall chapter and verse of the evidence of the various board members and executives of the VHI and the general thrust of it undoubtedly was that they regarded VHI business at formal meetings to be sensitive and confidential and that this would apply particularly to as delicate a case as of that of Mr. Lenihan?

A. I wouldn't have thought of these people who had been here the last day but there were other people in a circle at the time that yesterday you mentioned Mr. Dan McGing, Dan McGing was one of the persons I spoke with very regularly about things and it's people like that who would be familiar with what's going on at that level in Fianna Fail that I could have, that I would have spoken to regularly at the time but frankly I don't remember exactly who said what

at the time but I was aware and I am not sure where it came from, I was aware we were endeavouring to get money from the VHI and probably that is the, that's probably the more accurate way that I just don't honestly remember who.

Q. MR. HEALY: But you were aware on the last occasion that you gave evidence to the Tribunal that you were going to be asked questions about the VHI?

A. Before the

Q. Yes, before you gave evidence?

A. How would I have been aware of that?

Q. Well in your statement you mentioned the VHI.

A. But I mean I don't have a copy of the thing.

Q. What you did say "I have no role or any dealings in relation to the VHI."

A. I didn't.

Q. So you were well aware that the VHI was an issue?

A. But if you look at what I said the last time too I said that I was aware and that I had heard from somebody, at the time I stated that it wasn't Mr. Haughey. On reflection, it could have been but I am not saying it was either, it's just that I was aware of it.

Q. Have you discussed it with Mr. Haughey since then?

A. No, I have not.

Q. Have you had any discussion with Mr. Haughey concerning the evidence with a view to clarifying in your mind what did and did not happen?

A. Repeat that again.

Q. Have you had any discussions with Mr. Haughey with a view to clarifying in your own mind what did and did not happen

A. Absolutely not, no.

Q. Can't you understand it from the Tribunal's point of view it's important to know whether you collected 200,000, 175,000, 135,000, or whatever?

A. Oh I can understand that, and that's the reason why I brought this document forward. And I mean I thought this would help, at least you would have the ability then to contact everybody that I believe I contacted or that was contacted to be able to put that figure together. You see what I have a problem with is the 200,000 at the top of the page because I never believed I had to collect 200,000, I always had in my mind, prior to this document appearing, 150,000.

Q. But you now think, your evidence now is you think you may have discussed the VHI with Mr. Haughey?

A. Possibility.

Q. You go as far as to say it's a possibility or even likely?

A. It's a possibility it arose in conversation, yes.

Q. And if you were discussing it with Mr. Haughey, then would he have informed you, would you have expected him to have informed you about the €57,000 the VHI were making available?

A. Can I ask you what date? I don't have the dates the sequence of events here and I am not sure at what stage the

VHI, I mean this would help because frankly I am trying to go from memory, the VHI made the payment around what time of the year?

Q. I think it was around the first week of August, the 7th August.

A. And at what stage was I doing the fund raising?

Q. You were doing the fund raising in May and June.

A. The answer is, I wouldn't have known at the time.

Q. Yes. If we go to the right-hand column on the list and it has Mr. Farrell's name, Mr. Tully's name, Mr. Kearney's name and then Atron, which is not a name on the left-hand typed list.

A. Yeah and I read in the papers today that that is a Nicholas Fitzpatrick, in fact it doesn't mean anything to me.

Q. Well I am just told that Mr. Fitzpatrick has indicated that he believes he would have been contacted by Mr. Hanley in any case but somebody, Peter Hanley or somebody would have had to tell you?

A. More than likely Eileen Foy. Obviously Atron because it didn't mean anything to me, the name.

Q. Magnier 20, and then Kane.

A. I just cannot recall who Kane is.

Q. Could that be a US connection, a non Irish connection?

A. There was a Kane in Texas who was related to Haughey but I don't remember him sending anything but it's a possibility and I had a lot of dealings with him at the time.

Q. And underneath that Mark Kavanagh?

A. Yeah.

Q. Now the difficulty the Tribunal has in that right-hand list and I am sure you will agree with me, it seems to be a list of actual contributions, that's what you think?

A. I didn't, at the time Goodman is not on that which, once again I am not sure what date Goodman made the contribution and I am not sure over what time I was working on that list, it was probably a couple of weeks but I don't know if Goodman came in later but it's odd it doesn't appear on my list.

Q. The list on the right-hand side is not based exclusively on your own efforts, it has to be based on information you got from other people. We know that from the Atron entry

A. Yeah and the other thing too is some of the people that contributed there may not have sent the money to me, may have sent it directly to Party Leaders.

Q. You didn't collect anything from Dr. Farrell or anything from Nicholas Fitzpatrick?

A. No.

Q. So that that list must be based on both your own efforts and on information somebody else gave you?

A. Yeah and the one thing that contradicts the whole thing is Kearney because he tells me he never gave me a penny, which is odd.

Q. And if we go to Mr. Farrell's name, Mr. Farrell certainly has no recollection of having contributed œ40,000 and the records suggest otherwise.

A. Well, if I compiled that list, it was with the assistance of Eileen Foy and that's where I probably would have got the 40,000 from.

Q. And you didn't include Dr. De Valera on your list?

A. No.

Q. So therefore you didn't promote the fund raising initiative with him or Mr. Dan McGing?

A. Well back to the previous thing, Dan McGing was a person I had another contact with, he was the auditor of the Party and we had just come through or were during an election time when he, as I stated earlier, audited all our fund raising activities and I very likely mentioned to Dan McGing at the time I was also endeavouring to raise money for this Lenihan fund.

Q. I appreciate that you either may have mentioned it to Mr. McGing or somebody else may have mentioned it but in any case, we do know it resulted in an elicited contribution but that contribution isn't recorded on your list?

A. No. And the amount I recall was 10 grand.

Q. 10,000?

A. Okay and there's no way that the Kane could be that because the Kane is the one I don't remember, I can't associate anything about Kane other than the American possible connection but the 10,000, I don't know whether there's I don't know what form it was paid or through what company it was paid.

Q. The De Valera payment, the Irish Press payment came through

Coopers & Lybrand.

A. Is there any chance that the person signing the letter might have been Kane?

Q. I don't think so, I don't know the answer to that.

A. It's only speculation.

Q. Your evidence on the last occasion was that following the completion of the fund raising initiative and indeed after the election, you had contact with Eileen Foy and you believe that you got a list from Eileen Foy?

A. True.

Q. Of the people she recorded as having made contributions?

A. That's true.

Q. And I think you confirmed on the last occasion that you gave evidence that she was the one person together with Mr. Haughey who would have had the access to the overall information concerning the level of funding?

A. True.

Q. You processed your applications or you processed the funds you got by delivering them to her?

A. Yeah.

Q. Mr. Hanley, I think you said the last time, gave his contributions to you but in the light of the De Valera/Irish Press contribution, it would appear that that isn't completely accurate, I am not criticising you but you must have made some contribution directly without going through you?

A. Did Peter Hanley contact the Irish Press or did Dan McGing

contact?

Q. It was Mr. McGing contacted Irish Press and Mr. McGing can't remember who contacted

A. Him, so your question is how did the 10,000 get into .

Q. My question is with reference to the list prepared by Miss Foy, can you recall having seen that list whether the names that you have got on here were on that list?

A. I think if you check my recollection hasn't changed since, the list was an A4 sheet of paper with about 10, 12, 13 names down the left-hand side and for some reason I wrote notes on it because I think there were one or two small contributions that would be confidential at the time and that's the list I gave to Brian Lenihan, I can distinctly remember giving it to him over lunch at Whites on the Green one day.

Q. And you think there were about 10 to 13 names on it?

A. Yeah and a number of fairly small ones that came through Peter Hanley.

Q. I beg your pardon?

A. There were a number of small contributions that Peter Hanley had, whose names were on that list.

Q. I see. And were those contributions that came through Peter Hanley, were they typed on the list by Eileen Foy?

A. I think so.

Q. So the entire list was typed?

A. I literally collected the list and the following day I think it was I met him and at the time when I was going

through it with Mr. Brian Lenihan, I think I made a few notes on it, I don't remember what they were, I just remember doing that at the time.

Q. But if there were, say, 10 or 13 names on the list and you mentioned that some of the contributors wished to remain anonymous, would I be right in thinking those contributors therefore were not on the list?

A. The amounts were on it and there was something like anonymous, I think there was only one or two, from memory they were small amounts like €500.

Q. Like €500?

A. Yeah, or €1,000.

Q. And to go back to the two figures of 200 and 175?

A. 135 I believe.

Q. 135 you believe.

A. Yeah.

Q. You believe that because you think in your handwriting, that's possibly a three and not a seven?

A. Yeah.

Q. And that the sum of the amounts on the thing is 135?

A. Yes. Once again that's speculation but it's just logical to me.

Q. If you look at the 175, it's an item that is circled on the list, isn't that right?

A. Yeah.

Q. And if you look at the item that you think is in Mr. Haughey's handwriting at the bottom, that's also a circled

item?

A. That's my writing, the 50 there is.

Q. You think that Peter Hanley at the bottom is Mr. Hanley's writing?

A. Mr. Peter Hanley is I think Mr. Haughey's writing and the circled 50 is I think my writing.

Q. And therefore that leads you to believe the circled 175 at the top is also your writing?

A. Yeah, it is my writing.

Q. As you put it at 135 is your writing?

A. Yeah.

Q. You think that would have been writing in because the 135 figure

A. I think I was doing a tot at some stage and wrote down

Q. If you were doing a tot at the time presumably the Mark Kavanagh in red wouldn't have been on the list?

A. I don't know that.

Q. If you were doing a tot, you would have had a fountain pen because it's what you used for the 175 and it's what you used for the name

A. The Mark Kavanagh could have been

Q. Let's take it slowly. The fountain pen is used for Farrell, Tully, Kearney, Atron, Magnier and Kane.

A. Yes.

Q. The fountain pen is what the figure encircled at the top of the column is written in?

A. That's right.

Q. If you were doing a tot in the same fountain pen, it wouldn't have come to 135?

A. I may not have been the tot on the same day, a fountain pen is something you have in your desk and you would use it but the Mark Kavanagh thing was obviously at some stage somebody said Mark Kavanagh has come in with 25 and I had a red biro but it doesn't mean it happened after I did the tot.

Q. If you put in the 175 or 135 as you put it, if you put in that figure before the Mark Kavanagh writing went in, it wouldn't make any sense of the 135?

A. It wouldn't make any sense at all, no.

Q. Did you make any or have any discussion with Mr. Haughey as to whether he would approach any of those individuals in addition to yourself and Mr. Hanley?

A. The best thing I can do is say I don't remember because I don't know.

Q. Just so that you understand the evidence given by or which may be given by one or two other people should it prove necessary to call them, Mr. Kavanagh, Mr. Oliver Barry says that he was not approached.

A. Okay.

Q. You say that you are the person would have approached him. Can you remember whether you approached him or not?

A. No.

Q. And Mr. J.P. McManus says that he can not recall whether he was approached or not but is certain that he made no

contribution?

A. Yeah and once again I don't want to appear to be uncooperative, I don't remember.

Q. I think what you said on the last occasion, when you collected money you transmitted to it to Eileen Foy?

A. Or asked people to send it directly to Eileen Foy marked for the Party Leader's account at the time, at the time I was trying to distinguish between this and election contributions at the time.

Q. And if the money went into Eileen Foy, some of it and some of it came to you directly and some of it went to Mr. Peter Hanley, you would have had to touch base with Eileen Foy to know how much would have been collected at any one time?

A. Yeah.

Q. Can you remember did you have much contact with her?

A. What would you mean by much, four or five times? Yes.

Q. You would have had to know from day-to-day?

A. I was also in and out of the office on a regular basis every couple of days, in or out of the office and always sort of chatting with herself and the other people there so I did have a certain amount of contact.

Q. The seven names that are mentioned here generated 135,000 if that figure is correct, isn't that right?

A. Yeah and that doesn't include Goodman but does include Kearney who claims he never gave me anything.

Q. Let's stick with the figures as they are, we can come back to what we believe may be the case. Taking the figures as

they are at 135, we know that Mr. Goodman made a contribution of 25 so that brings it up to 160, isn't that right?

A. Yeah.

Q. The Irish Press made a contribution of 10 bringing it up to 170, isn't that right?

A. Yeah.

Q. And there were other small amounts you think made available as a result of Mr. Hanley's efforts?

A. I recall seeing a number of small amounts on the list, the list that I gave to Brian Lenihan, yeah.

Q. Which would presumably have brought that to somewhere above 170, 180,000?

A. Yeah. Yeah.

Q. Do you remember anyone telling you that the figure you had for Mr. Farrell at 40 was too high and that 40,000 hadn't in fact materialised?

A. These figures here were purely for my own use. Eileen Foy kept an actual record of the figures. Now, the list that I gave to Brian Lenihan would have had the actual figures on it. This was partly if I didn't contact Dr. Farrell, which I don't believe I did, and if 40 is there, the only logical way I would know if Eileen Foy told me.

Q. Yes, if Eileen Foy told you that was 40,000 and granted this was either a prospective figure or a figure that had been promised?

A. I don't think she would have told me, she wouldn't be aware

of prospective figures, she would probably only be aware of what she believed we had got in.

Q. If she believed that, it must have been as a result of what Mr. Haughey told her?

A. Very likely.

Q. If as we know ultimately Mr. Farrell did not make a contribution of 40,000. Do you recall any telephone calls from Eileen Foy saying you have got the wrong figure there, you are going to have to work a bit harder?

A. No.

Q. So what I am trying to get at, you would have at all times have had your original target, be it 150 or 200 in your mind. At no time did you have any definitive information from Eileen Foy or Mr. Haughey that we have reached a figure of 170, 180 or 130 or whatever?

A. No, this sort of faded out.

Q. So you simply went on fund raising as hard as you could?

A. I wouldn't say as hard as I could. At that stage it had come after an election and

Q. This was after an election?

A. Sorry, before an election, my mind was also on the election fund raising at the same time.

Q. That's my point, that you were fund raising, you weren't paying too much attention to clerical matters, you were simply fund raising with a target trying to get the money in and hoping for the best at the end of the day that you'd get close to your target?

A. Exactly.

Q. Would that be a reasonable way of what you were doing?

A. Yeah.

Q. And Mr. Hanley was probably doing the same, he was also probably fund raising for the party and therefore trying to put this fund together as readily and as quickly as possible?

A. Yeah.

Q. The money was needed quickly, isn't that right?

A. I am not sure about that.

Q. Well I think what's what you told the Tribunal, Mr. Haughey told you we need to get some help for Brian Lenihan quickly.

A. What I meant to say was Brian Lenihan needed help quickly, but medical help as against financial health. At that stage it was mentioned he had only three or four weeks to live if we didn't do something.

Q. What I was trying to get at is you were both fund raising and weren't liaising with each other from one day to the next saying how much you had?

A. Not at all.

Q. To get back to where we were the last day, the only person who had any idea of what the full amount the fund raising effort was producing was either Mr. Haughey or Miss Foy or both of them?

A. True.

Q. And certainly you couldn't have been aware of the amount of

any money contributed by the VHI until after your fund raising effort was completed?

A. Now what I have the dates of when that happened, that's true, yeah.

Q. And if, for instance, at any one time in the course of your fund raising effort the impression had been given to you that 175 had been collected?

A. I would have remembered that.

Q. But if that figure is correct, just bear with me for a moment, and you wrote down 175, it was probably as a result of something somebody told you, whatever figure you wrote down there or as a result of some calculation you did, isn't that right?

A. That's not right for a start but I know the line you are taking and the answer is I don't believe that that was ever 175.

Q. Well if you take 175?

A. As a matter of fact, I tell you, 175 is a figure that I don't think I ever, nobody told me 175 was being raised. That figure doesn't ring a bell at all.

Q. Even though it is there on the document?

A. Well this is okay, you say it's 175, I think it was 135.

Q. Well I well just so we are absolutely clear about it, you are saying I think it was 135?

A. I think it's 135 because the sum of those come to 135, for that reason and I also don't recall anybody ever mentioning

175 to me.

Q. You are not saying to me therefore that I am wrong in suggesting that a reasonable person looking at it would think it was 175?

A. Any normal person looking at that would think that's 175, by the writing.

Q. By the writing?

A. Yeah.

Q. And do you agree with me that by the writing, if there was nothing else on that page but that number, that you yourself would assume it was 175?

A. I agree.

Q. And the only thing that makes you think the 175 is wrong

A. No, not the only thing. The other thing is I am a dreadful scribbler.

Q. One of the things that makes you think it's wrong, if you add up the sums at the bottom, they don't come to 175?

A. That's one reason and the other reason is I am a scribbler and my writing is atrocious.

Q. I don't see anything wrong with your writing, I was able to follow everything there except one word, it seems to me to be a clear 175?

A. From your point of view, you can see that.

Q. And if it is 175, and if it's a figure on this document, would I not be reasonable or would it not be reasonable for me or any person to conclude that must be something somebody told you at some stage during the fund raising?

A. You can conclude that but I can tell you I am fairly I am very certain nobody mentioned 175 to me at any stage. It's not a figure that rings a bell at all.

Q. Just going back to your 200 figure and the evidence you gave on the last occasion after your meeting with Mr. Haughey from which you concluded that you might need 150 to 200,000, Mr. Tully has informed the Tribunal that when he was contacted by you, isn't that right?

A. True.

Q. That he was told you were trying to put together a group of seven to ten people?

A. Yeah.

Q. Putting up around 20,000 each?

A. Yeah.

Q. Doesn't that tally with the sort of figure that Mr. Haughey had indicated to you?

A. Yeah.

Q. Between 140 and 200,000?

A. Yeah, but if you have ever been involved in fund raising, you will never get a hundred percent response.

Q. I am just suggesting you did have a target between 150 and 200,000?

A. That was the mentioned figure at the time, yeah.

Q. And the total of the excess in the Leader's Allowance account for that year over and above what was paid by the state was 220,000. You are aware of that evidence I think mentioned the last time that you were giving evidence?

A. I thought it was 400,000.

Q. Pardon?

A. I thought at some stage somebody mentioned the figure of 400,000. Maybe, wait now, over a longer period maybe, yeah.

Q. But in this particular year the excess over the state contribution was 220,000. And the bulk of that money went in around the time that you were engaged in your fund raising initiative.

A. I was engaged in fund raising for 11 years.

Q. Pardon?

A. I was involved in the fund raising for 11 years.

Q. Your fund raising initiative for Mr. Lenihan?

A. Lenihan, okay.

Q. The bulk of that 220,000 went in around that time?

A. There was an election around that time too, we collected, from memory, something like a million, half a million and three quarters during those couple of weeks.

Q. You were collecting that for Fianna Fail?

A. Yes.

Q. You weren't collecting it for the Leader's Allowance fund and I think you made it clear if anybody was to send money to this fund, they were to mark it for the attention of the Party Leaders account.

A. I also mentioned to your colleagues once in a private session that I believed there were people who had great admiration for him and that would send cheques for his

attention to be used at his discretion and I believe that's

what, it's that accounts for the difference.

Q. You believe it's that that accounts for the difference at that particular time, is it?

A. I am not saying that particular time.

Q. Over a period. Let's stick with that particular time. At that particular time, most of the money contributed to, all of the money contributed to the Brian Lenihan fund went into that account according to your evidence, isn't that right?

A. By that account, you mean

Q. The Party Leaders account?

A. That's the instruction that I gave to anybody who asked how the cheque was to be made out. Now I don't know if that was a separate account within an account or not but

Q. And the people who were making the contributions were told to mark it for the Party Leaders account.

A. Yes.

Q. Or use some similar form of description of the money they were sending in?

A. Yeah.

Q. And doesn't it seem reasonable therefore that if people responded to your request around that time and sent their money into the Party Leader's account, that that is what accounts for the excess over the state fund in the Party Leader's account at that time?

A. Not necessarily.

Q. You are saying not necessarily because you are suggesting that people were sending money to Mr. Haughey independently of your evidence?

A. I agree that's what I did suggest to your colleagues.

Q. Do you know that for a fact?

A. No.

Q. Well why are you suggesting it so?

A. I just, I just am of the opinion that that's what happened.

Q. You are speculating in other words?

A. Yes.

Q. You are speculating that the €220,000 excess in that year wasn't due to the efforts that you were making but due to possibly other people?

A. Exactly.

Q. And you don't know of one single person who contributed to Mr. Haughey's personal finances in that year in that way?

A. That's correct.

Q. This is wild speculation.

A. Not necessarily wild speculation.

Q. You can't remember the name of one single person?

A. I am not saying I can't remember one single person. What I am saying is that to make a statement like you are trying to ask me to make, I would need to have proof and I do not have proof of that.

Q. I am suggesting to you that if you are going to make the statement in here to assist the Tribunal and this is the second time that you have given evidence, Mr. Kavanagh, and

I want to be clear that the evidence you are giving on this occasion should be based on your best recollection. You are making a statement that you believe some of the money that went into the Leader's Allowance account was the result of contributions by some admirers of Mr. Haughey and you can't think of one person who would have made such a contribution. Did anyone ever come to you and say to you "Mr. Kavanagh, I'd like to make a personal contribution to Mr. Haughey, how do I do it?"?

A. No.

Q. Are you aware of

A. I don't remember anybody saying that.

Q. Is it something you would have remembered?

A. Once again, we are getting into the area of constituency, fund raising, personal fund raising by candidates in different constituencies, election fund raising for the Party and all that, it's a whole grey area as you well know.

Q. What I want to suggest to you, Mr. Kavanagh, is what you are now indicating to the Tribunal is speculation which is in fact muddying the waters and not clarifying things for the Tribunal.

A. Well in that case I withdraw it.

Q. You were under the impression - the last thing I want to deal with, you were under the impression the last time you gave evidence that these funds that went into the Leader's Allowance account for this purpose would have been

designated in some way?

A. I think Eileen Foy kept a separate account for anything to do with the Lenihan fund raising.

Q. There is in fact, as far as the Tribunal has been able to ascertain, no separate designation of any of these funds?

A. In that case she must have just kept a list of them and that may have been the list she gave me to give to Lenihan. When I went to her looking for the list, it wasn't something she had to prepare. As far as I can recollect, she had it there and gave it to me. It wasn't specially prepared for Brian at the time.

Q. Thanks, Mr. Kavanagh.

CHAIRMAN: Just apropos your mention, Mr. Kavanagh, of yesterday's evidence and Mr. Dan McGing, his view of, if I can summarise his evidence in relation to the Dr. De Valera/Irish Press contribution, was that he had been approached by one of the people, that is to say either Mr. Haughey, Mr. Hanley or yourself. When I took matters up further with him, he thought you were the least likely of the three and that it was probably one of the other two.

Can you throw any further light on that?

A. He may think that, I think it's very likely I did mention it to him because I made a point of keeping him informed of anything I was doing with fund raising purely from a cheques and balances point of view, the fact that he was auditor of the accounts in Fianna Fail and at that stage, I

had a fair bit of contact with him, mainly socially but I met him quite regularly. I'd say he may have, it may have been mentioned to him by one of the other two but I could have equally mentioned it to him.

CHAIRMAN: Yes. Finally going back to your handwriting on the list, I am no handwriting expert, Mr. Kavanagh, and I don't intend to engage one on the matter but just on your suggestion that the, what reads as 175 may have been 135, am I right in thinking, while there's no other three in your handwriting on the list, insofar as there are fives and twos and letters generically a little bit similar, there's nothing cavalier or sloppy about the way you do a five or a two. What I am suggesting to you, if you were going to do a three, it would seem you would hardly have had that form of apparent resemblance to a seven?

A. Yes, I can't disagree with you.

CHAIRMAN: Thank you for attending.

A. Thank you.

THE WITNESS THEN WITHDREW.

MR. COUGHLAN: Mr. Seamus Tully.

MR. SEAMUS TULLY, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS BY MR. COUGHLAN:

Q. MR. COUGHLAN: Mr. Tully, I think you prepared and furnished the Tribunal with a Memorandum of Evidence, isn't that correct?

A. Yes.

Q. Do you have that with you?

A. I have, yeah.

Q. What I intend doing is just leading you through this and maybe asking you one or two questions, I don't think you will be very long.

A. Thank you.

Q. Now I think you have informed the Tribunal that you are a director of a number of companies involved in the fishing industry in Donegal, isn't that correct?

A. That's correct.

Q. And you have also informed the Tribunal that you have been a supporter of the Fianna Fail Party for a number of years and you have made various donations to Fianna Fail, isn't that correct?

A. That's correct.

Q. And I think you have informed the Tribunal that at some stage in 1989 you were contacted by Mr. Paul Kavanagh who told you that the boss was establishing a fund to meet the late Mr. Brian Lenihan's medical expenses?

A. Correct.

Q. Were they the exact words he used?

A. They were the exact words used.

Q. I think Mr. Kavanagh indicated to you that the intention was to get together approximately seven to ten people who would be in a position to put up approximately €20,000 apiece, is that what was indicated to you?

A. Correct.

Q. I think you have informed the Tribunal by then you were well established in the fishing industry and you had a great admiration for the late Mr. Lenihan who was supportive of the industry when he was Minister in the Department of Fisheries, consequently you had no hesitation in contributing to the fund. You believe Mr. Kavanagh told you that the cheque or draft should be made payable to the Party Leader's account or designated in some way?

A. Yes, Party Leader's account, my recollection, yes.

Q. And I think you are assisted because you went and purchased a draft at the Ulster Bank in Killybegs using your personal funds?

A. Correct, yes.

Q. And so the draft had to be made out appropriately, isn't that right?

A. Yeah.

Q. And you posted the draft to Mr. Kavanagh, and you were later informed by Mr. Kavanagh that he had received the draft and had forwarded it for lodgment to the appropriate fund?

A. That's correct.

Q. I think you have informed the Tribunal that at some time later when you were in Dublin at part of a delegation of fishermen, you were in the Dail bar when you were called aside by the late Mr. Lenihan who thanked you personally for the contribution?

A. That's correct, yes.

Q. And I think you have informed the Tribunal that you did not attend any function that was organised as a gesture of thanks to persons who had contributed and you have no recollection of receiving any invitation to a function, in other words, you weren't at any lunch that was organised?

A. Correct.

Q. I think you are not aware of the identity of any other contributors?

A. No, not at that time, until today.

Q. And I think you have informed the Tribunal that you have caused inquiries to be made at the Ulster Bank, Killybegs with a view to obtaining documents in relation to the draft and you have provided a letter from the Ulster Bank, Killybegs indicating that the bank has carried out a thorough investigation of the records but is not in a position to provide details in relation to the transaction. This is to do with record keeping?

A. Yes, that's correct.

Q. But you have indicated to the Tribunal that you have no difficulty with the Tribunal taking this matter up directly with the bank or anywhere else to see if it could be obtained?

A. That's right, yes.

Q. I take it that you remember Mr. Kavanagh because you remember him referring to the boss wanting to put together a fund and it was for Mr. Lenihan?

A. Correct.

Q. And you were an admirer and you were happy to make a contribution?

A. Yes indeed.

Q. Do you believe you were accurate in your recollection Mr. Kavanagh mentioned to you he was putting together a group of about seven to ten people?

A. That's right.

Q. And the contributions would be around 20,000?

A. Yeah. And I was also happy that Mr. Lenihan acknowledged to me personally

Q. Of course. Of course.

A. So that left me happy in my own mind.

Q. At that time you wouldn't have had any reason to believe it wouldn't go to the appropriate place, isn't that right?

A. Correct, correct.

Q. Well when you, when Mr. Kavanagh rang you and asked you would you make a contribution, did you agree more or less there and then on the phone to him?

A. I said I'd think about it and ring you back, I think that was the way, as far as I can remember, it didn't take me long to make up my mind.

Q. Was it all done within a day?

A. A day, literally a day.

Q. And you indicated you'd give him 20?

A. Yes.

Q. Because that's what you were asked for?

A. Correct.

Q. Thank you. Mr. Tully.

CHAIRMAN: Thank you very much for assisting the Tribunal as you have, Mr. Tully.

A. Thank you, Your Honour.

THE WITNESS THEN WITHDREW.

MR. HEALY: Dr. Edmund Farrell please.

DR. EDMUND FARRELL, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS BY MR. HEALY:

CHAIRMAN: You are already sworn, Dr. Farrell, from your previous visits.

Q. MR. HEALY: Dr. Farrell, you were recently written to by the solicitor to the Tribunal and you provided a response by letter which the solicitor has converted into a memorandum and I think you have just been given a copy of that memorandum. Do you recognise the information contained in it?

A. Yes.

Q. What prompted the solicitor to write to you was the additional information which came to the attention of the Tribunal from the second last witness, Mr. Kavanagh. And I'll just very briefly read this through, if there's any aspect of it that isn't accurate or doesn't tally with what's in your letter or if you wish to amend it, please

don't hesitate to stop me.

A. Thank you.

Q. You say you were not approached by Mr. Paul Kavanagh in connection with the collection of monies to defray the medical expenses of the late Mr. Brian Lenihan in 1989.

You say you did not make any contribution of €40,000 either through Mr. Peter Hanley or through any other person. You say you did not at any time promise to make a contribution of €40,000 or otherwise indicate that you might be prepared to make such a contribution. You do not recall having a conversation with a person

A. Sorry, do you want to read that again?

Q. You do not recall having a conversation with a person whose name you provided to the Tribunal sorry, I beg your pardon, you recall having a conversation with a person whose name you provided to the Tribunal who you believe may have indicated to you that he intended to raise money in order to defray the medical expenses of the late Mr. Lenihan. However, you did not have any involvement in that regard and did not make any contribution other than as already stated in evidence. Isn't that right?

A. Well I'd like to just comment on that, if I may, Chairman. Naturally enough, my letter to the Tribunal was through my solicitor, Mr. Tarrant, and I think in relation to that fourth point, something was lost in translation and I was just amending it prior to being called, if I could refer to his letter to you.

Q. Yes.

A. To Mr. Davis of the 30th May. The third paragraph, I think it would be more accurate if it read "Our client has a feeling that Mr. X may have indicated to me that he intended to raise money, etc.."

Q. "In order to defray the medical expenses of the late Mr. Lenihan".

A. It's certainly not a clear recollection. It's a maybe.

Q. Maybe we could just clarify the overall picture in any case. You were not approached by Mr. Kavanagh and you were not approached by Mr. Hanley?

A. No, I was not.

Q. You think you have a recollection or a vague recollection that the other individual you mentioned may have mentioned the matter to you?

A. Yes.

Q. But that your firm recollection is that the approach which led you to making a contribution was an approach directly from Mr. Haughey, am I summarising your evidence on the last occasion correctly?

A. Except that I didn't make a contribution. The Society made a contribution.

Q. I understand that but you were the contact

A. Yes.

Q. Mr. Haughey approached to invite the Society to make contribution?

A. Yes.

Q. And again, just to clarify your evidence so that it will be understood in the context of the evidence Mr. Kavanagh has given, your contribution or the contribution that you transmitted on behalf of the Irish Permanent Building Society was personally brought by your driver or by you to Mr. Haughey on the day that you drew the cheques or arranged for the cheques to be drawn?

A. I think we went through this the last time and I still believe that it was brought down by my driver.

Q. Yes.

A. And that would have been at my request through my secretary.

Q. Yes. And you had no contact with any person in Mr. Haughey's office in advance of making your contribution so as to indicate what you intended to arrange for the Society to contribute?

A. No.

Q. Thanks, Dr. Farrell.

CHAIRMAN: Anything? Thank you for your attendance again, Dr. Farrell.

A. Thanks, Chairman.

THE WITNESS THEN WITHDREW.

MR. HEALY: There are no further witnesses today, Sir, there may be further witnesses in connection with this matter but because this information has come to the

Tribunal at short notice and because the Tribunal has also been anxious to try to put this aspect of its inquiries, so far as the public sittings to date, to bed, as it were, attempts are being made to contact the people on this list but it has not been possible to contact all of them. A witness summons has been served on Mr. Mark Kavanagh but I am afraid he has not responded to it. I wouldn't

MR. FRY: Mr. Chairman, if I may say, I represent Mr. Mark Kavanagh.

CHAIRMAN: Very, yes very good and on foot of the summons

MR. FRY: I apply for representation on the usual terms.

CHAIRMAN: Yes well perhaps, Mr. Fry, I may just reserve that aspect of things until perhaps there's been some intimation of what your client may be in a position to offer but obviously I won't shut you out from any participation if it may be necessary on behalf of your client.

MR. FRY: He is available. It was only received last evening so we are taking instructions.

CHAIRMAN: Well, I can deal further of course with any aspect by way of application for limited representation.

At the moment just what concerns me, Mr. Healy, in the context of what you say is I understand there may be one

other possible witness who is scheduled for tomorrow but if matters are at presently at a stage whilst likely I am anxious to wrap up, so to speak, this aspect of the Tribunal's issues but if it's a question of only one short witness tomorrow, I am somewhat hesitant to take the view that merits a plenary sitting.

MR. HEALY: I agree, Sir, what the Tribunal will try to do or Mr. Davis will try to do is to check whether Mark Kavanagh's evidence can be given tomorrow in conjunction with that other witness that may be available. Mr. Coughlan is just indicating to me that would still be a very short sitting and might waste a lot of time and money for very little return in terms of evidence.

CHAIRMAN: There will still have to be liaison with Mr. Haughton in relation to that aspect. I am conscious, with preparation for the next phase, there's a great deal of work to be done and whilst ideally it's not the best course that there be some further limited wrap-up aspects as preliminary to the next batch of sittings, like Mr. Coughlan, I am of the view that tomorrow is scarcely justified unless there's some further evidence.

MR. HEALY: There isn't as of this moment.

CHAIRMAN: Yes. All right then, Mr. Healy then I take it that sort of making a communication or announcement to the public and to the media, if it is necessary to have a short

sitting tomorrow or Tuesday, that we will be adjourning for the shortest possible period to reconstitute the next phase of sittings and that these residual aspects of the Leader's Allowance or the Lenihan fund may possibly be more conveniently incorporated at the outset of those.

MR. HEALY: I think that's the most practical solution.

CHAIRMAN: So be it.

THE TRIBUNAL THEN ADJOURNED UNTIL FURTHER NOTICE.