

Precognition

of

Thomas John Minogue

**taken on 30 January 2007 at 11:00
a.m.**

My full name is Thomas John Minogue and I am 62 years of age. I am retired but was a company director in my own company which was an engineering and steel fabrication company.

On Thursday 9 June 2005 I wrote to the Faculty of Advocates to complain about the conduct of Donald Findlay, Q.C. My letter of complaint regarded a speech which Mr. Findlay had made in May 2005 in Larne, Northern Ireland.

The speech had come to my attention because of a newspaper report but it was in all of the newspapers at that time. I saw it in the Sunday Mirror on 29 May.

I felt that I wanted to complain about this as I wanted to vent my feelings regarding Mr. Findlay. First of all I posted an article on a website which is the Dunfermline Web Portal (www.dunfermlineweb.com).

Prior to reading the article about Mr. Findlay's speech I had met him once socially in 1997 and he seemed a charming man. I was also aware of the controversial events of 1999 when he was fined for his behaviour and I did not think much of him then. I accept that we all make mistakes and that this can happen when drink is taken and he seemed sincere in his apology. Some time later my late brother Joe Minogue from Kelty told me of an incident related to Mr. Findlay attending a dinner organised by Kelty Hearts. This is a junior football club. The event occurred on a Saturday and was the same day as an Orange Walk in that village. On the Sunday morning Joe attended at the club and people were talking about anti-catholic jokes. He was very upset about this as he had been baptised a catholic himself although both he and I were not practising Catholics but had a strict catholic upbringing. We had both been brought up that way but I parted company with it as a young man. Joe married a Kelty girl and lived there for 40 years and he loved the village, considering himself to be a Kelty boy. Joe felt very hurt by what happened.

Joe had worked with me in Cowdenbeath when Kelty Hearts Football Club had needed assistance to attain junior status. My company sponsored them and provided material and worked with them to erect steel posts and barriers and goalposts, and we also sponsored their shirts. I was a guest at dinners there and felt part of that community, as did Joe. Joe was thereafter under the impression that those same people had been laughing at his Irish-ness and catholic faith.

Our sisters, aunts and uncles are all catholic and of Irish descent. My grandfather was born in Kilkenny in Southern Ireland.

Joe felt very hurt and confided to me that he had made arrangements for his daughter to have a birthday party at the club and had booked it. He said he wished he had never done it as the club would never be the same for him. The Chairman of the club was the Master of the local Orange Lodge and there had been a visit from the Glasgow Lodge that day for the Orange Walk and some individuals had stayed.

Joe never set foot in the place again and I did not attend the family function. Joe's funeral reception was however held there.

I do not think I can look Mr. Findlay in an objective light given my experiences and my brother's experience and hurt that he felt are part of my motivation for making the complaints.

When the Larne event became public knowledge my brother had died and I had no need to protect his feelings any more but thought that I should make this known in anger. I sent my letter to you in anger.

Mr. Findlay responded and sought clarification and I lodged my full complaint in a calmer frame of mind but in the knowledge that my brother's feelings had been hurt. Larne is a place where some of the worst sectarian attacks in Northern Ireland have occurred and I knew that the knock on effect from the rabble rousing there would be more than hurt feelings so I felt very strongly about it.

As regards the speech, I would say that this was the singling out for derision of one religious denomination in a community which is driven by sectarian strife, from a man with a track record of anti-Irish racism and anti-catholic sectarian behaviour. This man is a member of the Faculty of Advocates. As regards Andy Gorum he said much the same thing but he is an ex-footballer who is not in public life and who is a supporter of the Ulster Paramilitary Group. Whilst I do not like what he says it is not the same as what a senior member of the Faculty of Advocates says. If Mr. Findlay had made this speech in Dunfermline for example I would still have been bothered enough to make the complaint.

Mr. Findlay is a senior member of the Faculty of Advocates. I have used the services of the Faculty of Advocates over a 25 year period while I was in business. I have known some QCs and advocates who have represented me. I have always held them in the highest esteem. Others who I don't know I accept as being people of a very high standard because of my dealings with the Faculty.

I have an experienced with John Campbell, Q.C. in London when we had been down at an arbitration and were boarding the plane to come home. Mr. Campbell had received a message to phone the judge in the arbitration and the judge confirmed that he would make a definite decision for the following day but since Mr. Campbell had come such a long way he would give his decision the following day to avoid us having to come back. This was an example to me of the Scottish Bar being held in high esteem. In my opinion advocates' powers attract responsibilities and if I judged the Faculty by Mr. Findlay's conduct I would have no faith in it all. I would have no confidence in him personally if I needed him. If this is acceptable conduct for members of the Faculty of Advocates it would bring into question my confidence in the Faculty as a body.

I had a positive experience of the Faculty until then and I used the Faculty as recently as 2004 after my business closed, I was a returning customer.

As regards my complaint about Franklin Foer's book, *How Soccer Explains the World*, I made this in September 2005. I had been researching my complaint to the Faculty and had come to find out about the existence of this book. I had found this through a Google search. It was also mentioned in an article in the Sunday Herald in Alan Taylor's diary which made reference to the test for British nationality. I was so interested in the book as to order it and I read the whole book.

I was impressed at the work at the author in looking at this matter seriously, he was looking at serious topics such as anti-semitism and ethnic tensions in Yugoslavian football. One aspect of this was the sectarian aspect of the Old Firm in Scotland and he had an interview with Mr. Findlay on the 7 December 2002, this was the football 2002/2003 season. The author says that he met Mr. Findlay in a hotel after the game, and the game was described and that is how I can be certain about the date.

I think that the comments in the book are fair and perceptive but the comment in Alan Taylor's diary from Mr. Findlay was outrageous and conveyed anti-Irish racism - this is the comment about the troop of the Queen's Colours.

This coming from a man who was fined by the Faculty of Advocates and held up to public ridicule for his statement about fenian blood, was astonishing. I accept the first incident but someone in someone in his position demands and engenders public confidence, going on for the second time to spout the same sort of bile is unforgivable.

I would not expect this from someone who holds such a post.

The religious remarks which he makes could in isolation perhaps be acceptable but they become anti-catholic diatribes when made by someone with his record in a hotel bar after an old firm game. This has to do with the context and the person making the remarks.