



***START of file***

CONTINUED ON PART V.

See ALSO files

S25413C

PRESS cuttings.

Stored in 004.

21 March 1990

Immediate

To: HQ  
For: Assistant Secretary Gallagher

From: London  
From: Murray

The following is a Report which was largely drafted before news of the Home Secretary's decision to order a new Police enquiry came through.

Birmingham Six

Accompanied by Mr. Hennessy, I visited three of the Birmingham Six - Paddy Hill, Billy Power and Richard McIlkenny - at Gartree Prison yesterday. Power and McIlkenny had just arrived from Full Sutton Prison and were showing some signs of feeling the effects of the journey. The Minister had, of course, pressed for the transfer South and there is little doubt that our pressure was critical to its success. Hill was excitable but seems to have recovered from his recent extreme state of agitation. Power and McIlkenny are in one wing of the Prison and Hill in another. McIlkenny raised the question of an outstanding request for accumulated visits: I am pursuing this with the Home Office.

The men are expecting a visit from Congressman Joe Kennedy next week. Hill maintained that the public were being conditioned for their release. He believes that the Home Secretary will ask the Shaw Enquiry into the West Midlands Serious Crimes Squad or the Devon and Cornwall Police to look at their case, that there will be a pretence that new information has come to light and that they will then be released. In response to my query as to whether there was likely to be new material in the extant papers and the possible effect of the West Midlands Police's policy of shredding papers two years after cessation of legal activity, the response was that all the papers which had been gathered by the Devon and Cornwall Police in their 1986 investigation had been retained: other papers had probably been shredded by the West Midlands Police.

*Mr. Nally*  
*23.3.90*  
*M. Kelly*  
*25/3*

cc: P.S.M.  
MR. NALLY; P.S.S.  
MR. MATHEWS; MR. RUSSELL; MR. BROSNAN;  
COUNSELLORS AT  
BOX.

*(New 20)*

According to the men, Chief Inspector Reay, who had headed the Devon and Cornwall investigation into their case, had been suspended from duty as a result of a "fitting-up" case involving a Graham Gillard. Asked why the investigation had produced the "Reade schedule" if the officer leading the investigation was corrupt, the reply was that the "Reade schedule" was never intended to come to light: it had been found by a Constable who had not realised its significance and had included it in papers given to the Defence. The Defence lawyers asked for an explanation and the Devon and Cornwall Police then had to question Reade. The men believe that there may be corroborating documents relating to the Schedule in the papers currently with the Devon and Cornwall Police. This is interesting in the context of the - in my view - surprising confidence of Mr. Baxter of the Home Office in my recent conversation with him that there might be new evidence to be unearthed by another police investigation.

(Note: Since this Report was drafted, news of the Home Secretary's decision to order a new Police Enquiry has come through. When I rang the Home Officer (Bob Baxter) to get confirmation of the decision, I asked him when the investigation was likely to start. He said that a team was in the process of being formed but that, unfortunately, the man who had headed the last investigation was no longer available due to retirement. I questioned whether he had retired or was under suspension. Baxter told me that Reay had been the subject of complaints by Gillard but that an enquiry carried out by the Deputy Assistant Chief Commissioner of the Metropolitan Police exonerated him. This enquiry was closed before the investigation into the B6 in 1987.

Baxter apologised for not having let us know in advance as he had been swamped by events. As regards the enquiry itself, Baxter said that the Chief Constable of Devon and Cornwall had only just been apprised of the request for the investigation and did not know who would head it, how many men would be involved or how long it would take. He had not yet seen the questions being put

to the Police by the Home Office. "Off the record", Baxter said there would be general questions and gave as an instance the issue of custody records: Why had these not been kept? What was the practice? I regard the mention of custody records as significant as Baxter had already mentioned the issue to me before and it may well be that the Home Office has already decided that these are an Achilles' heel in the confessions, the true foundation of the prosecution case according to the Court of Appeal. Baxter added, again significantly in my view, that he expected the Devon and Cornwall Enquiry to follow the precedent of the Avon and Sommerset Enquiry into the Guildford Four Case, that it would develop a life of its own and would follow any leads which came up, It would look at any new material which presented itself: this already happening with various new people coming forward, though Baxter thinks that those who have done so recently are "nuts". Baxter stressed that the Home Office was "very ready" to receive representations.

I also spoke briefly to Ms. Gareth Pierce who is of the view that the Six will be released. Her concern at this stage is the speed with which this will happen - it may well take months for the investigation to be concluded).

The men stated that the Solicitor for Martin Foran had material relating to their case - they did not know what it was - which we should ensure was passed on to Gareth Pierce. By coincidence, a copy of a letter to Mark Phillips, Foran's solicitor, from a Malcolm Herring was received at the Embassy this morning, in which Herring states that he has information which has not been presented to date "concerning the premises where explosives were apparently stored and also to the two cars (stolen) which were used to convey the people concerned to those premises". Having got permission from Mr. Phillips, I suggest<sup>red</sup> to Ms. Pierce that she contact him. She was extremely grateful.

NO 20

*in letter re p. 4  
pt work re p. 4  
27/3*

Birmingham Six

General Reference Brief

1. History of Case

1.1. Bomb explosions in two Birmingham pubs on 21 November 1974 killed 21 people. Later that night the police arrested five Northern Ireland men (but settled in Birmingham) at Heysham about to board a ferry for Belfast. A sixth man, Hugh Callaghan, was arrested in Birmingham the next day. Gerard Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power and Hugh Callaghan were convicted of the Birmingham pub bombings and sentenced to life imprisonment on 15 August 1975.

1.2. Their convictions were founded in part on forensic evidence and in part on confessions. Both of these factors have continually been questioned publicly. The soundness of the forensic evidence and the claim by the defendants that the confessions were extracted under duress have been the subject of two unsuccessful appeals against the convictions. In addition, attention has been focussed on a number of apparent anomalies in the case:

\_ contradictions between the confessions as to the number of bombs planted, as who planted them and as to the location of the bombs;

\_ discrepancies between the confessions and the forensic evidence;

\_ unlikely character of defendants as terrorist bombers.

1.3 On 30 March 1976, the Birmingham Six applied for leave to appeal to the Appeals Court. The application was refused.

1.4 When the Six were remanded incustody to Winson Green Prison on 25 November 1974, they suffered a serious beating at the hands of the prison guards. This had the effect of masking any injuries sustained while in police custody. In December 1974, Mr Davies Owen, Assistant Chief Constable of Lincolnshire, was directed by the Home Office, *to enquire* into the circumstances of their injuries. His report was submitted to the Director of Public Prosecutions in May 1975. This report has never been published.

1.5 On 30 December 1975, 14 prison warders were charged with assaulting the Six. They were acquitted on 15 July, having refused to give sworn evidence.

1.6 Following this acquittal, the Six took out a civil action against the Chief Constables of the West Midlands and Lancashire and the Home Office for the injuries they claimed to have received in police custody. The action commenced in November 1977. The police applied to have the action struck out. In November 1978, the police application was dismissed. The police then appealed to the Court of Appeal, which ruled in favour the police in January 1980. The judgment was given by Lord Denning, who spoke of the "appalling vista" should the Six win their case for damages and thereby show the police guilty of violence and perjury. Lord Denning's judgement was upheld by the House of Lords in November 1981.

1.7 On 20 January 1987, following allegations by ex-policeman Thomas Clarke that he had seen ill-treatment of the Six while in police custody, the Home Secretary referred the case to the Court of Appeal, and ordered the Devon and Cornwall Police to undertake whatever enquiries they thought necessary into these allegations. A second basis for the referral was the doubts on the forensic evidence. After a seven-week hearing beginning on 2nd November 1987, the Court dismissed all the appellants' grounds for appeal. On 15th April 1988, the House of Lords Appeal Committee refused the Six leave to appeal to the House of Lords.

1.8. On 19 December 1989, the legal representative of the Six presented to the Home Office a submission containing arguments for the reopening of the case and providing material not used before by the defence in Court. The Home Secretary announced on 21 March that he had asked the Chief Constable of the West Midlands Police for a report on "a number of specific points" arising and that the Devon and Cornwall Police would be investigating these. He would, he said, consider any further intervention by him in the light of the outcome of this investigation. The Home Secretary has refused to divulge the terms of reference of the Devon and Cornwall investigation, but it is understood from press reports that these are based on ten specific questions which he put to the West Midlands Chief Constable. From informal contacts with the Home Office, it is understood that one of these relates to the absence of custody records relating to the Six. From such contacts, it is understood also that the investigation would <sup>not</sup> be strictly limited to the questions put by the Home Secretary but could follow any leads which came up. It could also look at any new material which presented itself. X

## 2. Government Position

2.1. The Government have consistently supported the aim of the Birmingham Six to clear their names. The matter has been raised regularly with the British Government at Ministerial and official level. The Minister for Foreign Affairs and his predecessor have had a number of meetings with the Home Secretary to discuss this and related cases. The Government were represented by the Ambassador, London, at the Court of Appeal hearings in November/December 1987 and later expressed great regret and disappointment at the decision of the Court to uphold the convictions, stating that the judgement had not removed the Government's serious concern that there may have been a miscarriage of justice in this case. On 14 April 1988, the

Tánaiste issued a statement on behalf of the Government expressing regret at the decision to refuse leave to appeal to the House of Lords and spoke of "compelling humanitarian reasons" for the Home Secretary to consider using his powers in relation to this case.

2.2. Following the developments in the Guildford Four case which led to the quashing of their convictions, the Taoiseach has on a number of occasions called for a complete review of the Birmingham Six case. The Minister for Foreign Affairs subsequently met Patrick McIlkenny and Breda Power brother and daughter of two of the Birmingham Six on 17th November. Senior Departmental officials met Ms Gareth Pierce, Legal Advisor of the Six, in London on 30 October to review the position in the light of the quashing of the Guildford convictions.

2.3. The Taoiseach raised the question of the Birmingham Six with the British Prime Minister when he met her after the European Council on 9 December. As well as calling for a review of the case, he urged that the Six be transferred to an open prison.

2.4. The Minister met the Home Secretary on 8 January in London to discuss the case. The meeting focussed mainly on the new material presented to the Home Office on behalf of the Six and an extension of the West Midlands investigation to the Birmingham Six case. They agreed to meet again in about two months to review the case.

2.5. In the course of his visit to Geneva on 2 February to address the UN Commission on Human Rights, the Minister briefed UN Under Secretary General Jan Martenson on the case.

2.6. In response to the announcement on the new investigation by the Devon and Cornwall Police, the Taoiseach welcomed the development, adding "I hope that today's decision will bring us closer to an early and satisfactory resolution of this case."

### 3. International Action

3.1. European Convention on Human Rights. Article 25 of the Convention provides for applications by individuals to the European Commission of Human Rights on alleged breaches of the Convention. In March 1988, the legal representatives of the Six submitted an application on their behalf. The grounds for the application were: (a) no new trial ordered to enable evidence to be assessed by jury; (b) Court of Appeal reversed burden of proof and acted on assumption that applicants were guilty; (c) they have no effective remedy for alleged violation of human rights. This application was ruled inadmissible by the Commission in July 1989. A further application has been prepared but has not yet been submitted; it is being held in reserve for use if current developments do not lead to the case being reopened. The grounds of this second draft application are that the Appeals Court judge, Lord Lane had had sight, prior to appeal hearing, of confidential Home Office documents on the Six.

3.2. One of the Six, Richard McIlkenny, wrote to the Taoiseach asking

Discussed with Richard Fallon today.  
He feels that maybe his  
Minister wrote. However, he'll  
check and ring us back 3/90

- 4 -

that the Government endorse their petition. He was informed that it is not the practice for a State to support an individual's petition. Another of the Six, Patrick Hill, asked the Government to initiate proceedings under Article 24 of the Convention, which provides for referral by member State of an alleged breach of the Convention by another member State. He was told that the Government felt it more useful to concentrate on pressing the British authorities to reopen the case. ~~It is considered that such an action would have a negative impact on relations between the two countries and would be counter-productive to our efforts to have the British reopen the case.~~

3.3. None of the Birmingham Six has recently raised this question, no doubt because they see more promising developments elsewhere.

3.4. U. N. Commission on Human Rights. A statement sponsored by the International Association of Democratic Lawyers was made to the annual session of the UNCHR on behalf of Mr Kadar Asmal on 19 February. The statement held that the Six were discriminated against because they were Irish.

3.5. European Parliament. On 22 November the European Parliament passed a resolution on the Birmingham Six calling for a thorough review of the case and an investigation of the West Midlands Serious Crimes Squad which would include the Birmingham Six case. The resolution also instructed the Parliament's Legal Affairs Committee to draw up a report on the case. The voting was 78 in favour to 23 against with eight abstentions. The resolution was noted by the Council of Ministers on 18 December where the Irish representative welcomed it. The Legal Affairs Committee has appointed one of its members, Mr Bontempi, an Italian lawyer, to compile a report on the case. It is understood that he proposes to visit the Six.

3.6. United States. When in Washington to publicise the Birmingham Six case, Gerry Conlon of the Guildford Four was introduced by the Embassy to a number of congressional figures whom he interested in the case, in particular Congressman Brian Donnelly (Chairman of the Friends of Ireland), Congressman Joe Kennedy, Congressman Bill Coyne, Congressman Tom Lantos (Chairman of the Congressional Human Rights Caucus) and Senator Edward Kennedy.

Congressman Donnelly (who visited Paddy Hill on 19 January 1990) has tabled before Congress on 30 January a motion on the Birmingham Six. To have this motion debated it will be necessary to obtain over 218 co-sponsors by May 1990. As at 9 March, he had 53. The Motion calls for (a) the current enquiry into the West Midlands Serious Crimes Squad to be extended to the Birmingham Six case; (b) the reopening of the case; (c) the quashing of the convictions of the Six; (d) the US President to raise the case with the British Prime Minister. It is understood that the British Embassy is actively lobbying against the motion.

Senator Joseph Biden, second ranking Democrat in the Senate Foreign Relations Committee, introduced a broadly similar motion in the Senate on 9 March. Co-sponsors include Senators Edward Kennedy and Patrick Moynihan.

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The Congressional Human Rights Caucus held a hearing on the case on 12 March co-chaired by Congressmen Tom Lantos and Joseph Kennedy. Witnesses included Gerry Conlon, Lord Gifford, Mr Seamus Mallon, MP, Mr David Andrews, TD, Professor Robert McKay (New York University Law School) and Mr David Assen (Amnesty International). A statement by the Home Secretary was read to the hearing. Written submissions can be made up to 2 April. Thereafter the Executive Committee of the Caucus will make a recommendation.

3.7. Amnesty International. In March 1988, Amnesty International wrote to the British Government that the allegations of ill-treatment should be subject to further review. Since then the organisation has continued to urge the British Government to review the case once again. In its 1989 annual report, AI expressed "grave doubt" about official denials that the prisoners had been mistreated while in police custody.

#### 4. The West Midlands Serious Crimes Squad

##### Shaw Enquiry

4.1. On 14 August last, the Chief Constable of the West Midlands Constabulary, Mr. Geoffrey Dear, announced the disbanding of the West Midlands Serious Crimes Squad (WMSCS) and an inquiry into its work and practices, to be conducted by Mr. Donald Shaw, the Assistant Chief Constable of the West Yorkshire Police, supervised by the Police Complaints Authority. This followed the dismissal of a number of cases where the Court was provided with evidence of police fabrication of confessions. The terms of reference of the inquiry are: "To investigate the work and practices of the West Midlands Crimes Squad and matters arising therefrom." It will be focussing on the period 1986/88 (on the basis that new rules for evidence came into effect in January 1986), but will also examine cases where a complaint was made before 1986, going back to April 1984, the cut-off date for the Police and Criminal Evidence Act, 1985, under which the inquiry is being conducted.

##### Implications for Birmingham Six Case

4.2. This development has clear implications for the Birmingham Six case in view of the significant overlapping of police personnel involved. Of the identifiable 20 West Midlands policemen who questioned the Birmingham Six at the time of their arrest, ten of them have served in the Serious Crimes Squad at some time and four of these were serving in it at the time of its disbandment. This last fact emerges from a Commons reply on 5 December, which does not name the officers concerned. From press reports it is understood that these are

Chief Inspector Ray Bennett, head of Squad  
Detective Inspector Peter Higgins  
Detective Constable John Davies  
Sergeant Michael Hornby

Another name officially revealed has been that of Detective Inspector Paul Matthews, who was required to resign from the police in 1986 for disciplinary reasons. Sergeant Hornby had been involved in at least two cases in which the Court found that evidence had been fabricated, those of Clifford Jones and Ronnie Bolden. Since the disbanding of the WMSCS, Hornby has taken early retirement.

4.3. Chief Constable Dear maintains that there is nothing to link the misconduct being investigated with the Birmingham Six case and that the problem relates to efforts by some police officers to circumvent the ~~the~~ requirements of the Police and Criminal Evidence Act, 1985. This view was also put by the then Home Secretary Mr Hurd when the Minister met him on 13 September 1989.

4.4. To date, three serving officers of the squad and one retired officer have been reported as having been charged with perjury and intent to pervert the course of justice by fabricating evidence. However, none of the four officers charged to date appears to have been involved in the interrogation of the Birmingham Six.

#### Other Birmingham Police

4.5. Another police officer closely involved with the interrogation of the Six, but not a member of the WMSCS, was Superintendent George Reade. Reade was the author of the so-called "Reade Schedule", a hand-written timetable of interviews of the Six found by the Devon and Cornwall police during their investigation prior to the 1985 Appeals Court hearings. This contained serious discrepancies which Reade was unable to explain satisfactorily to the Appeals Court. It has recently emerged that he was involved in the arrest in 1975 of a Phil Buckley, who successfully sued the police for assault and wrongful imprisonment.

4.6. According to press reports, of the 20 police officers involved in the interrogation of the Six, 11 have since been either disciplined, involved in criminal and civil actions for assault or become the subject of complaints about the fabrication of evidence.

4.7. It has been reported in the press (Irish Times 12/12/89) that a number of enquiries into alleged police fabrication of evidence in the Birmingham area were in train at the time of the Appeals Court hearings in 1987. This was not known to the defence.

#### Khan Case

4.8. Public attention was most recently focussed on the record of the WMSCS when the Court of Appeal quashed the conviction of Hassan Khan on 23 February 1990. The Court found that the confessions on which Khan was convicted, and which had been obtained by members of the WMSCS, were unreliable. Khan alleges that police officers interrogating him boasted that they had forced confessions from the Birmingham Six. In addition to Khan there are six other cases for civil damages pending arising from action by the WMSCS.

#### Question of Extending Enquiry to Birmingham Six Case

4.9. The Home Secretary has to date resisted urgings to instruct that the Shaw inquiry should extend back to the Birmingham Six case. Apart from the legal difficulties ( see above ), there are two apparent reasons for this:

- the Home Secretary has not accepted that the disbanding of the WMSCS has any implications for the Birmingham Six case;
- the Home Office is obviously reluctant to open up a substantial number of convictions, were the enquiry to go back 15 years.

On 22 February, the present Home Secretary, in answer to a Parliamentary question, "although their inquiry is concentrated on matters which have occurred since 1986, if they wish to take their inquiries back in time because of matters which come to their notice, I am absolutely sure that they will do so". His predecessor had told the Minister last September that, if the investigation produced anything new or substantial in relation to the Birmingham Six case, he would refer it again to the Court of Appeal.

4.10. On the face of it, the possibility of the Shaw inquiry addressing the Six's allegations of forced confessions seems unclear, given the legal limitation of the inquiry under the Police and Criminal Evidence Act to actions after April 1984. Before that date, such complaints are dealt with by the Police Complaints Board under a 1977 Act. But this in turn cannot deal with cases arising before 1977. Before that date, complaints can be dealt with only by the police force concerned. In practical terms, therefore, an extension of the current investigation to cover the Birmingham Six case would seem to have to take the form of a special inquiry ordered by the Home Secretary or, perhaps, by the DPP.

4.11. Notwithstanding this difficulty, Embassy contacts with the Home Office at official level have suggested that there was a distinct possibility of the WMSCS investigation bearing on the Birmingham Six case. If the conclusions of the investigation were such that a pattern of misconduct was indicated going back before 1984, then the way might be cleared for a new review of the case.

## 5. Guildford Four Case -- Implications

5.1. At the hearing of the Court of Appeal on 19 October, brought forward from January 1990, the representative of the Director of Public Prosecutions announced that the Crown was no longer seeking to sustain the convictions of the Guildford Four. This decision was based on information provided by the Avon and Somerset police, which had been instructed to inquire into the grounds of the appeal. This information indicated that misleading evidence had been given by officers of the Surrey police at the trial, which undermined the credibility of the confession evidence on which the convictions had been based. The Court quashed the convictions of the Four, who were

then released, with the exception of Paul Hill who was returned to Belfast to continue his sentence in connection with the Shaw murder in 1974. Hill was released on bail on 20 October.

5.2. Immediately following the quashing of these convictions, the Home Secretary announced (a) a criminal investigation into the actions of the Surrey policemen concerned and (b) a judicial inquiry headed by Sir John May, a former judge of the Appeal Court. The terms of reference of the inquiry are

"to inquire into the circumstances leading to and deriving from the trial of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson on charges arising out of the explosions in public houses in Guildford on 5 October 1974, of Patrick Armstrong and Paul Hill in relation to charges arising out of an explosion at a public house in Woolwich on 7 November 1984, and of Anne and Patrick Maguire, their sons, Vincent and Patrick Maguire, and Patrick Conlon, Patrick O'Neill and Sean Smyth on charges of possessing explosives and to report to the Home Secretary and the Attorney-General"

This inquiry will include an examination of the way the appeals machinery deals with cases of miscarriage of justice and make recommendations. Three lay assessors have been appointed to assist May: Professor John Smith (a law expert from Cambridge), Mr Alistair Graham (director of the Industrial Society and former General Secretary of the Civil and Public Services Association) and Sir Richard Barratt (HM Chief Inspector of Constabulary). According to May, the inquiry is not likely to be completed before 1991. The first public hearing of the Inquiry, which dealt with procedural matters, took place on 4 December. A further hearing, on the Maguire case, was held on 13 March. The Embassy was represented at these and will be at future public hearings. Sir John has written to the Ambassador inviting him to submit views on the facts of the case or on the wider issues involved. A submission is being prepared in response to this invitation.

5.3. For the first time, during the Commons debate on the Queen's address on 23 November, a link was made explicitly by the Home Secretary between the May inquiry and the Birmingham Six case. Having answered a point on the Birmingham Six case in the standard way (willingness to refer a case to the Court of Appeal if there is new evidence or consideration of substance; but no such new evidence available to him regarding this case), he went on to say that the May inquiry might touch on issues pertinent to the Birmingham Six case. He then volunteered: "Perhaps I should revert to what I was saying, because I notice that one or two Opposition members seemed to express surprise when I switched from the Birmingham Six to the Guildford Four. I did that intentionally because Lord Justice May's remit is wide and it would be open to him to comment on the question of reference to the Court of Appeal and, therefore, on the possibility of the substitution of some other machinery".

5.4. Subsequent contacts with the Home Office indicate that this was

a deliberate signal of an openness of mind on the subject. While Sir John May could not consider the Birmingham Six case under his present terms of reference, these could be widened in the future to include it. As the terms of reference stood, he could draw conclusions on

- the use of uncorrobrated confessional evidence
- the rules relating to the disclosure of evidence by the prosecution to the defence
- changes to the present Court of Appeal
- whether an entirely new appeals structure was called for.

The Home Office has emphasised that all this does not imply an intention to leave the whole question of Birmingham Six case in abeyance until the May inquiry reports. The usual reassurance of readiness to react to new evidence was given. Most importantly, it appears that within the Home Office, at official level at any rate, there is an acceptance of a linkage between the Guildford and Birmingham cases and there are signs of a recognition that the present appeals machinery may not be appropriate to cases such as these and of a search to find a way to deal with the Birmingham Six case.

#### 6. Length of Sentence /Parole

6.1. The Birmingham Six were sentenced to life imprisonment without any recommendation as to minimum period to be served. In such cases there are no guidelines as to length of sentence. There is no remission for good behaviour for prisoners serving life sentences. Under normal circumstances, given the publicly stated policy that no life sentence prisoner should spend no more than seventeen years in prison without his case being reviewed, the Birmingham Six should be eligible to be considered for parole (strictly speaking "life licence" in their case) as from November 1991.. The grant of parole is made by the Home Secretary, who is advised by an independent parole board. He requires a positive recommendation of the Parole Board before granting parole. In the event of a positive recommendation, the Lord Chief Justice and the trial judge (if available) are consulted before the Home Secretary makes a decision.

6.2. The then Home Secretary, Mr Hurd, when the Minister met him in September 1989, discouraged any hope of early parole referring to a policy decision made in 1983 by Leon Brittan as Home Secretary. According to this, parole would not be available for those convicted of terrorist offences until twenty years had been served. If the Home Secretary in 1991 feels bound by the policy decision of his predecessor, any recommendation for parole is not likely to be accepted by him. However this twenty-year rule is only a matter of current policy and has no legal basis.

6.3. From its meetings with the Six, the Embassy understand that there are mixed feelings among the Six on accepting release on this basis. Paddy Hill is particularly intransigent on accepting any solution that does not recognise their innocence and has indicated that he would refuse to sign parole papers.

## 7. Custodial Matters

7.1. Security Category. The Six have now been changed from Category A ("prisoners whose escape would be highly dangerous to the public, the police or to the security of the State") to Category B ("prisoners for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult"). This means that their movements within prison are no longer closely supervised; they are no longer limited to an approved list of visitors; they are no longer obliged to change cells every three months; searches will be less frequent (eg. no longer before and after visits). Otherwise their prison regime remains the same and visits remain restricted to one per month. It is expected that they will remain in high security prisons for perhaps a year before being moved to prisons with a less strict regime. This interim arrangement is known as the "dispersal system".

7.2. A life sentence prisoner beginning in category A can expect to pass through categories B, C, and D before being released as well as spending the final year approximately in a "pre-release scheme hostel". High security prisons house Category A prisoners and, as is the present position of the Birmingham Six, Category B prisoners awaiting dispersal; "closed prisons" house Category B after dispersal and Category C; "open prisons" house Category D. There is no minimum period for the various stages: progress depends on reports by the Parole Board, progress reports on the prisoner etc.. It is a flexible system in which the Home Office has considerable powers of discretion.

7.3. Transfer to Northern Ireland. Alone of the Six, John Walker has requested a transfer to a prison in Northern Ireland, on the grounds of the ill-health of his wife, who now lives in Derry. A similar request had been previously been refused. The present request is "receiving attention". A decision will, it appears, have to be taken at a political level. To date the Home Office has been reluctant to agree to such transfers for life prisoners, as remission in Northern Ireland is more generous than elsewhere in Britain.

## 8. Options open to Home Secretary

Should the Home Secretary decide to act on developments arising from the Devon and Cornwall investigation, the Shaw investigation of the WMSCS or the May Inquiry, or to take an initiative independently of these, his options include the following:

8.1. New Full-Scale Police Enquiry. The Home Secretary could consider this justified if the Devon and Cornwall investigation comes up with something substantial or the Shaw enquiry turns up a line of enquiry leading back to 1974 (for example, a police officer involved in the Birmingham bombings investigation being found to have perjured himself in a later case.

8.2. Referral to Court of Appeal. The Home Secretary has taken the position that he would again refer the case to the Court of Appeal should new evidence or consideration of substance come to light. He

maintains, however, that this has not happened.

8.3. Royal Prerogative. The Home Secretary has it within his power to recommend this. It can take the form of a pardon, which erases the conviction. This occurs only where there is compelling proof of innocence, such as the real guilty party being found. Another form of the Royal Prerogative is the remission of the remainder of a sentence, with the conviction still standing and without compensation.

8.4. Judicial Inquiry. This could be ordered by the Home Secretary if he had doubts about the Court of Appeal's limitations in assessing new evidence. Such an inquiry could, on the basis of its findings, recommend the Royal Prerogative.

Anglo-Irish Division  
Department of Foreign Affairs

March 1990

QUESTIONS NO: 11 and 12.

DÁIL QUESTIONS addressed to the Taoiseach  
by Deputy Dick Spring for answer  
on Tuesday 27th March, 1990.

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QUESTION: 11

To ask the Taoiseach if, in light of recent developments in the Birmingham Six case, he expects the matter to be raised in his next meeting with the British Prime Minister; and if he will make a statement on the matter.

QUESTION: 12

To ask the Taoiseach if he will discuss with the British Prime Minister at his next meeting with her the effects on Irish exports to Britain of the continued weakness of sterling; and if he will make a statement on the matter.

REPLY:

I propose to take Questions 11 and 12 together.

It is not the practice to anticipate publicly the subjects to be discussed at such meetings. The Deputy will be aware that I raised the Birmingham Six case with the British Prime Minister at our meeting in December last.

The Deputy will also be aware that I have welcomed the announcement of a new investigation into certain aspects of the Birmingham Six Case.

*M. Collins*  
*Ms. Turti*

*M. C. O. George D. Rafferty*  
*Jim Higgins D. Finnan*

*[Signature]*

DAIL/SEANAD EIREANN

Extract from Official Report of Debates

Date 27 March 1990

Vol 397 No 5

Cols 1114 - 1116

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Questions—

27 MARCH 1990.

Oral Answers

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**Mr. Quinn:** I appreciate that established practice curtails the Taoiseach from giving a definitive reply, but as a Taoiseach who has not been unnecessarily hung up by established practice in the past, perhaps, he would like to create a precedent and indicate whether he thinks it would be advisable during the term of the Irish Presidency of the European Council that such visits would take place, without necessarily indicating the dates or the times?

**The Taoiseach:** We have had a procession of such visits, as the Deputy is probably aware. The Swedish Prime Minister was here a week ago, the Finnish Prime Minister will be here this week, and so on. Throughout the Presidency there will be a large number of visits by Heads of Government right across Europe. The Deputy mentioned in particular the President of Czechoslovakia, and I share with the Deputy a great admiration for President Havel. I would very much like to have an opportunity of talking to him but when exactly a visit could be arranged I am not too sure.

**Mr. Quinn:** Could I invite the Taoiseach, in view of the regard which Europeans have in particular for Vaclav Havel, to pursue every opportunity of extending an invitation to the said President during the course of our Presidency?

**The Taoiseach:** I think we have already done that.

**Mr. Deasy:** Has the Taoiseach sent any message of support to the new President of Lithuania? Would he consider inviting that President to this country to show our solidarity with the newly-found independence and sovereignty of that country?

**An Ceann Comhairle:** That is a separate question, Deputy.

**Mr. Deasy:** It is a very important one and we may not get a chance—

**An Ceann Comhairle:** It is still a separate question.

**The Taoiseach:** The Deputy is probably aware that the Twelve have issued a very sensible and mature statement on the situation in Lithuania.

**An Ceann Comhairle:** No. 11, Deputy Dick Spring's question.

**Mr. Barry:** That was last week. A lot has happened over the weekend.

**Mr. Deasy:** We support—

**An Ceann Comhairle:** The Deputy should put down a question. No. 11, please.

**Mr. Deasy:** I suppose that was a half-hearted statement—

**Mr. Barry:** That was last week. There is a big difference between last week and this week in Lithuania.

**Mr. Deasy:** Could we have a debate on the matter?

**The Taoiseach:** I think the Deputy will agree that it is better that statements in regard to the majority of these matters should be issued by the Twelve.

**Mr. Deasy:** We have more in common with them than any other member of the EC.

**An Ceann Comhairle:** Please, Deputy Deasy, the question was not in order in the first instance.

X Meeting with British Prime Minister. X

11. **Mr. Spring** asked the Taoiseach if, in the light of recent developments in the Birmingham Six case, he expects the matter to be raised in his next meeting with the British Prime Minister; and if he will make a statement on the matter.

12. **Mr. Spring** asked the Taoiseach if he will discuss with the British Prime

[Mr. Spring.]  
Minister at his next meeting with her the effects on Irish exports to Britain of the continued weakness of sterling; and if he will make a statement on the matter.

**The Taoiseach:** I propose to take Questions Nos. 11 and 12 together.

It is not the practice to anticipate publicly the subjects to be discussed at such meetings. The Deputy will be aware that I raised the Birmingham Six case with the British Prime Minister at our meeting in December last. The Deputy will also be aware that I have welcomed the announcement of a new investigation into certain aspects of the Birmingham Six case.

**Mr. Spring:** I take it from the tenor of the Taoiseach's reply that he will be raising the matter of the Birmingham Six with the British Prime Minister at the next meeting. Will the Taoiseach be raising the question of Britain joining the EMS, given the difficulties experienced by Irish exporters at present and the difficulties in relation to the fact that Britain has remained outside the EMS despite, it would appear, 99 per cent of Britain, including most members of the British Cabinet, wanting to join the EMS? Will the Taoiseach be raising that matter with the British Prime Minister?

**The Taoiseach:** As the Deputy knows, there is protocol involved in these matters. My meeting with the British Prime Minister on this occasion and indeed with the other Heads of Government in the Community will deal primarily with the question of German unification and developments in Eastern Europe but who knows into what areas conversations of these kinds may stray once they start.

**Mr. Spring:** Would the Taoiseach share the concern which exists in this and other European countries about the fact that Britain has decided to stay outside the EMS? Would the Taoiseach share the view that this is not in the best interests of the European Community and its development?

**An Ceann Comhairle:** That is a very specific question.

**The Taoiseach:** It would be helpful from our own national point of view if Britain joined the European Monetary System. I think we would all wish to see all members of the Community members of that system, which has served this country particularly well.

#### Coiste Airí na nOileán.

13. D'fhiafraigh **Mr. McGinley** den Taoiseach an bhfuil sé beartaithe Coiste Airí na nOileán a athbhunú.

**Aire Stáit ag Roinn na Gaeltachta (Mr. Gallagher):** Tá Coiste Airí na nOileán athbhunaithe áois agus is mar seo a leanas an bhallraíocht:

Pádraic Ó Floinn Uasal, TD, Aire Comhshaoil (Cathaoirleach).

Ríobard Ó Maoilídhia Uasal, TD, Aire Fuinnimh.

Seosamb Breathnach Uasal, TD, Aire Stáit ag an Roinn Talmhaíochta agus Bia.

Máire Geoghegan-Quinn Uasal, TD, Aire Stáit ag Roinn an Taoisigh.

Pat the Cope Ó Gallchóir Uasal, TD, Aire Stáit ag Roinn na Gaeltachta.

Donncha Ó Liatháin Uasal, TD, Aire Stáit ag an Roinn Turasóireachta agus Iompair.

Proinsias Ó Fathaigh Uasal, TD, Aire Stáit ag an Roinn Oideachais.

Breandán Ó Dálaigh Uasal, TD, Aire Stáit ag an Roinn Airgeadais.

Micheál Ó Nuanáin Uasal, TD, Aire Stáit ag Roinn na Mara (Rúnáí).

**Mr. McGinley:** An bhféadfadh an tAire Stáit a chur in iúl, an Coiste Airí deireanach a bhí ann, ar chuir siad aon tuairisc ar fáil, nó an raibh siad ag obair ar aon phleananna do na hOileáin, agus, an bhfuil sé ar intinn ag an Choiste seo aon phlean a chur ar fáil?

**Mr. Gallagher:** Bhí mé féin mar Rúnáí ar an gcoiste sin agus tháinigamar le chéile go minic. Ceapadh oifigigh sin air as na comhairlí contae i nDún na nGall, Maigh Eo, Gaillimh agus Corcaigh, agus

Department OF THE TAOISEACH

To be dealt with IMMEDIATELY and not placed with other papers.

PARLIAMENTARY QUESTION

To be answered on: Wednesday, 28th March, 1990.

Regd. No.	Put down by:— Deputy Dick Spring.	Question
Description:		

To ask the Taoiseach if, in light of recent developments in the Birmingham Six case, he expects the matter to be raised in his next meeting with the British Prime Minister; and if he will make a statement on the matter.

11

To ask the Taoiseach if he will discuss with the British Prime Minister at his next meeting with her the effects on Irish exports to Britain of the continued weakness of sterling; and if he will make a statement on the matter.

Date

12

*Secretary to the Government* 26.3.90  
*Taoiseach* 26/3  
*Mr. Keenan* 27/3  
*Mr. Mc Carthy* 30/3  
*Mr. B. McCann* 2/4/90

Immediately action is concluded these papers should be returned to

26413

QUESTIONS NO: 11 and 12.

DÁIL QUESTIONS addressed to the Taoiseach  
by Deputy Dick Spring for answer  
on Tuesday 27th March, 1990.

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X QUESTION: 12

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REPLY:

I propose to take Questions 11 and 12 together.

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The Deputy will also be aware that I have welcomed the announcement of a new investigation into certain aspects of the Birmingham Six Case.

## SUPPLEMENTARIES

### E. C. Presidency

Q. 1 Would the Taoiseach not agree that Ireland's holding the E. C. Presidency at this time presents a unique opportunity to put pressure on the British Government to reopen the case?

A. The Government believe that the most effective way forward is to continue to press the British Government, on a bilateral basis, to reopen the case. We will also of course, as appropriate, also pursue the case through other channels. As regards a possible Presidency dimension, the position is that the Presidency imposes on us a responsibility to reflect the agreed collective views of Community countries and restricts, therefore, our capacity to raise issues of this kind as Presidency issues.

### UN Commission on Human Rights

Q. 2 What action has the Government taken in support of the initiative taken at the UN Commission on Human Rights on behalf of the Six (i.e. the Kadar Asmal initiative)?

A. The Government welcome the initiative of the International Association of Democratic Lawyers in raising the question of the Birmingham Six at the current session of the UN Commission on Human Rights. In the course of his visit on 2nd February to the Commission, the Minister for Foreign Affairs availed of the opportunity to brief the Director of the Centre of Human Rights on the case.

### International Action (generally)

Q. 3 Are the Government opposed to international action on this case?

A. No. For example I discussed the case in detail with at Congressman Brian Donnelly - the Chairman of the Friends of Ireland - during the Congressman's visit to Dublin in January. Mr. Donnelly has in fact introduced a resolution on the case in Congress. Secondly, our representative raised the case at the Council of Foreign Ministers on the 19th December (in the context of the recently-passed European Parliament resolution). And in the course of his visit to the UN Human Rights Commission in Geneva recently, the Minister for Foreign Affairs briefed the Head of the Commission on the case.

Q. 4 Were the Government represented at the hearings in Congress on the case on 12th March?

A. The Embassy in Washington had an observer present. I might also add for information that my Parliamentary Colleague, David Andrews, T.D., was also present, as I understand was Seamus Mallon, M.P.

### Parole

Q. 5 Are the Government preparing to do a deal with the British Government which would involve early parole for the Six but would not clear their names?

A. The Government's objective in their contacts with the British Government is unambiguous; as I stated in this House during the debate on Anglo-Irish Affairs last November, it is to secure a complete review of the case. (If pressed: The question of parole is a matter for the prisoners themselves).

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It is not the practice to anticipate publicly the subjects to be discussed at such meetings. The Deputy will be aware, ~~however~~, that I raised the Birmingham Six case with the British Prime Minister at our meeting in December last, ~~and he can be assured that I will raise all matters which are relevant and practical insofar as Ireland's interests are concerned.~~

The Deputy will also be aware that I have welcomed the announcement of a new investigation into certain aspects of the Birmingham Six Case.

Note for the Taoiseach's Information

Recent Developments

1. On 19 December 1989, the legal representative of the Six presented to the Home Office a submission containing arguments for the reopening of the case and providing material not used before by the defence in Court. The Home Secretary announced on 21 March that he had asked the Chief Constable of the West Midlands Police for a report on "a number of specific points" arising and that the Devon and Cornwall Police would be investigating these. He would, he said, consider any further intervention in the light of the outcome of this investigation.

2. The Home Secretary has refused to divulge the terms of reference of the Devon and Cornwall investigation, but it is understood from press reports that these are based on ten specific questions which he put to the West Midlands Chief Constable. From informal contacts with the Home Office, it is understood that one of these relates to the absence of custody records relating to the Six. From such contacts, it is understood also that the investigation would ~~be~~ <sup>be</sup> strictly limited to the questions put by the Home Secretary but could follow any leads which came up. It could also look at any new material which presented itself.

*Being refused.*

3. The Taoiseach, in a statement on 21 March, welcomed the investigation, adding "I hope that today's decision will bring us closer to an early and satisfactory resolution of this case".

Government Position

4. The Government have consistently supported the aim of the Birmingham Six to clear their names, and have pressed for the British authorities to reopen the case. The matter has been raised regularly with the British Government including at the highest level (by the Taoiseach in his meeting with Prime

NOTE FOR  
TAOISEACH'S  
INFORMATION  
RE  
BIRMINGHAM  
SIX CASES.

Minister Thatcher in Strasbourg on 9 December 1989). The Minister for Foreign Affairs and his predecessor have had a number of meetings with the Home Secretary to discuss this and related cases.

5. The Minister for Foreign Affairs met the Home Secretary on 8 January to discuss the case. The meeting focussed mainly on the new material presented on behalf of the Six and on an extension of the West Midlands investigation to the Birmingham Six case.

#### International Action

6. Apart from Government action and campaigns in Ireland and Britain, the Birmingham Six case is receiving considerable attention internationally:

U.N. Commission on Human Rights. A statement in support of the Six sponsored by the International Association of Democratic Lawyers was made to the annual session of the UNCHR on behalf of Mr Kadar Asmal on 19 February. In the course of his visit to Geneva to address the UNCHR in his capacity as President of the E.C. Council of Ministers, the Minister for Foreign Affairs briefed UN Under Secretary General Jan Martenson on the case

European Parliament. On 22 November the European Parliament passed a resolution on the Birmingham Six calling for a thorough review of the case and an investigation of the West Midlands Serious Crimes Squad which would include the Birmingham Six case. The resolution also instructed the Parliament's Legal Affairs Committee to draw up a report on the case. The resolution was noted by the Council of Ministers on 19 December where the Irish representative welcomed it.

United States. Draft resolutions have been tabled in both the Senate (by Senator Joseph Biden) and the House of Representatives (by Congressman Brian Donnelly). In both cases, the required number of signatories are being sought

to have it debated. In addition, the Congressional Human Rights Caucus held a hearing on the case on 12 March.

Question of Action taken by Embassy in Washington in 1979

7. The Sunday Tribune of 4 February 1990 reported the Six as being critical of Government action in the past and alleging that the Embassy in Washington lobbied Congressman Hamilton Fish Jr. in 1979 against facilitating forensic research on behalf of the Six in the United States. This claim was previously made in an Adjournment Debate in the Dail in 1985, when the then Taoiseach denied the allegation.

*Being checked.*

Anglo-Irish Division  
Department of Foreign Affairs  
23 March 1990

No 12

Material for PQ for the Taoiseach on the EIRL/ESTG exchange rate.

#### Exchange Rate Policy

The best way of ensuring exchange rate stability vis-a-vis Sterling is for that currency to join the Exchange Rate Mechanism (ERM) of the European Monetary System (EMS).

At all discussions on EMS or Economic and Monetary Union (EMU) at European Council level, we have made it quite clear that we favour Sterling entry into the ERM at the earliest possible opportunity. The U.K. authorities are therefore quite well aware of our position on this issue.

#### Effect of the IRE/£Sterling exchange rate on trade

Recent exchange rates are set out below.

	Period	Average IRE/£Stg exchange rates
1988	Annual Average	0.86
1989	January	0.82
	Annual Average	0.87
1990	January	0.95
	February	0.93
	January - February average	0.94
	Latest Monday 26 March 1990	0.865

MATERIAL  
RE  
PQ.  
ON  
EXCHANGE  
RATES

The above data show clearly the sharp decline in Sterling in recent months.

#### Trade with the U.K.

	Year 1989	Jan 1989	Jan 1990	%ch yr/yr
Imports from U.K.	5027.5	390.7	404.5	+3.5%
Total Imports	12285	985.4	1038	+5.3%
Imports from U.K. as % of total	40.9%	39.6%	38.9%	-
Exports to U.K.	4895.8	351.3	396.5	+12.9%
Total Exports	14601.6	1034.1	1134.2	+9.6%
Exports to U.K. as % of total	33.5%	34%	35%	-

1. The proportion of our trade going to the U.K. has been falling for a considerable number of years as exporters have diversified to other markets (principally other EC member states).

2. The above table shows that in January, the growth of exports to the U.K. was higher than total export growth, notwithstanding the substantial decline in Sterling in the month as compared with the 1989 period average. However, export growth in January was due in large part to Agricultural exports, which may have artificially boosted the level of exports to the U.K..

3. It should be noted that export growth to the U.K. slowed in the final quarter of last year, the period of greatest weakness for sterling in 1989 (7.3% in Q4 '89 compared with 12.6% for 1989

as a whole). However, this was consistent with the trend of total export growth last year (12.9% in Q4 '89 compared 18.7% for 1989 as a whole).

4. A number of points can usefully be made in relation to exports to the U.K..

(i) Demand in the U.K. has slowed in recent months, and this development, which has been expected for some time, was always likely to put pressure on our exports to the U.K. particularly among the more consumer oriented sectors.

(ii) While recent exchange rate developments have not been helpful, the cumulative effect of improvements in competitiveness in recent years should have resulted in improved margins for Irish exporters to the U.K. - the recent weakness in Sterling could therefore be absorbed in reduced margins.

(iii) The value of exports to the U.K. in Sterling terms remains strong - the recent weakness of Sterling, has by definition caused the IRE value of exports to the U.K to be lower than would have been the case in the absence of such weakness.

5. The fall in the value of sterling should have a marginally favourable impact on the terms of trade, as the proportion of imports coming from the U.K. (excluding oil imports from there, which are normally priced in dollars) is greater than the proportion of our exports going to the U.K.

6. Despite the fall in sterling and the poor outlook for growth in the UK, Coras Trachtála is targeting an 11 per cent increase in industrial exports in 1990 and overall export growth to the U.K. of 7 per cent.

#### Competitiveness

7. While the recent depreciation in the value of sterling vis-a-vis the Irish pound is putting pressure on some exporters to the UK, the current and expected rates of increase in prices and wages in Ireland are much lower than in the UK. This means that Irish exporters to the UK are in a relatively favourable position as regards keeping down their production costs. The high rate of inflation in the UK also means that many exporters will be able to pass on unavoidable price increases to their UK customers.

#### Wage increases.

8. In 1989 average hourly earnings in manufacturing industry in Ireland rose by 3.9 per cent whereas in the UK the increase was 9.3 per cent. The outlook for this year is that these earnings will increase by about 4 per cent in Ireland as compared with about 9.4 per cent in the UK.

#### Consumer prices.

9. The Irish Consumer Price Index rose by an average of 4 per

cent in 1988 compared with an average increase of 7.5 per cent in the UK Retail Price Index (RPI). This year the Irish rate of inflation is expected to fall to an average of a little over 3 per cent, and to less than 2.5 per cent by the end of the year. A significant contribution to the slowing of the Irish rate will be made by the VAT and excise reductions in the 1990 Budget. By contrast, the UK RPI rose by 7.5 per cent in the twelve months to last February. Commentators expect that the annual increase in the RPI will rise to at least 9 per cent by April, partly because of excise increases announced in the recent Budget.

Mr. D. Kelly

Mr. J. Conboy  
mk  
in 3. 90  
H/Keweenaw

22/3/90

Statement by the Taoiseach, Mr. Charles J. Haughey, T.D.  
on the Birmingham Six Case

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I welcome the announcement made today by the British Home Secretary that a new investigation into certain aspects of the Birmingham Six case is to be undertaken by the Devon and Cornwall police.

I hope that today's decision will bring us closer to an early and satisfactory resolution of this case.

21st March, 1990.

TA  
Sta  
21st

DÁIL QUESTION addressed to the Taoiseach  
by Deputy Dick Spring for answer on  
Wednesday, 28th March, 1990.

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QUESTION:

To ask the Taoiseach if, in light of recent developments in the Birmingham Six case, he expects the matter to be raised in his next meeting with the British Prime Minister; and if he will make a statement on the matter.

DRAFT REPLY:

2. <sup>however, that</sup> ~~As~~ The Deputy will be aware, I raised the Birmingham Six case with the British Prime Minister at our meeting in December last. ~~The question of raising it at a future meeting with the Prime Minister will be for decision in the light of circumstances at the time.~~ <sup>4. [The Deputy was also (convinced that)]</sup> I have ~~in the meantime,~~ welcomed the announcement of a new investigation into certain aspects of the Birmingham Six case.

*in*  
26/3/90

Taoiseach  
*in*  
26/3

Secretary to the  
Government

*lnk*

26.3.90

*W. Kern*

*Deputy Minister*

*Paul* 26/3/90

DÁIL QUESTION addressed to the Taoiseach  
by Deputy Dick Spring for answer on  
Tuesday, 27th March, 1990.

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QUESTION NO:

To ask the Taoiseach if he will discuss with the British Prime Minister at his next meeting with her the effects on Irish exports to Britain of the continued weakness of sterling; and if he will make a statement on the matter.

REPLY:

*I propose, a clean comb-over, to take you into - & - together.*  
*It is not the practice*  
I do not intend to anticipate publicly the subjects to be discussed at such  
*3 and 6* meetings, *all* Deputies can be assured, ~~however~~, that I will raise matters  
which are relevant and practical insofar as Ireland's interests are  
concerned.

*[Signature]*  
26/3

*Taoiseach*  
*52*  
26/3

*Mr. Spring*

*D / Finance are previous  
background note.*

*26/3/90*

*Secretary to the Government*  
*Draft above is recommended, please. We are not saying "It is not the practice..." because the reply to another P. D. re the Birmingham, 6, would not comply fully with such a line*  
*26-3.90*

Reply

[It has not been the practice] and I do not intend to anticipate publicly the subjects to be discussed at the meeting with the British Prime Minister. Deputies can be assured, however, that I will raise matters which are relevant and practical insofar as Ireland's interests are concerned.

sub C

~~Brian~~

We were trying to transfer this. Tavis had decided to take it.

Will you please do reply based on above. It would be for P. Teahan's side or D. I. + C to supply a note for the T on the subject.

[In progress]

lnk.  
26. 3. 90

re note Q is for Tues tomorrow - became T away on Wed.

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15 To ask the Taoiseach if he will discuss with the  
British Prime Minister at his next meeting with her the effects  
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sterling; and if he will make a statement on the matter. - Dick  
Spring.

For ORAL answer on ~~Wednesday~~ 28<sup>th</sup> March, 1990.

Tuesday.

passed to Paddy Techoe?

Chun an Taoisigh/To the Taoiseach

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For ORAL answer on Wednesday 28th March, 1990.

DRAFT REPLY

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Q. 3 Are the Government opposed to international action on this case?

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A. The Government's objective in their contacts with the British Government is unambiguous; as I stated in this House during the debate on Anglo-Irish Affairs last November, it is to secure a complete review of the case. (If pressed: The question of parole is a matter for the prisoners themselves).

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### Recent Developments

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Minister Thatcher in Strasbourg on 9 December 1989). The Minister for Foreign Affairs and his predecessor have had a number of meetings with the Home Secretary to discuss this and related cases.

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Anglo-Irish Division  
Department of Foreign Affairs  
23 March 1990

21 MAR '90 15:42 C3 DIVISION HOME OFFICE

E.R.

P.2/2

Wednesday, 21 March 1990

Written No. 127

Mr Richard Alexander (Newark): To ask the Secretary of State for the Home Department, what action he has taken in the light of recent representations submitted to him about the safety of the convictions of the Birmingham Six.

MR DAVID WADDINGTON

I have asked the Chief Constable of the West Midlands Police for a report on a number of specific points which have been put to me recently about the safety of the convictions of the Birmingham Six. I understand that the Chief Constable has decided to ask the Devon and Cornwall Constabulary, who carried out investigations in 1987 into certain aspects of the case, to investigate the matters now under consideration. In the light of the outcome of those investigations I will give further consideration to whether my intervention in the convictions of the six men would be justified.

Material for PQ for the Taoiseach on the EIRL/ESTG exchange rate.Exchange Rate Policy

The best way of ensuring exchange rate stability vis-a-vis Sterling is for that currency to join the Exchange Rate Mechanism (ERM) of the European Monetary System (EMS).

At all discussions on EMS or Economic and Monetary Union (EMU) at European Council level, we have made it quite clear that we favour Sterling entry into the ERM at the earliest possible opportunity. The U.K. authorities are therefore quite well aware of our position on this issue.

Effect of the IRE/£Sterling exchange rate on trade

Recent exchange rates are set out below.

	Period Average IRE/£Stg exchange rates
1988 Annual Average	0.86
1989 January	0.82
Annual Average	0.87
1990 January	0.95
February	0.93
January - February average	0.94
Latest Monday 26 March 1990	0.965

The above data show clearly the sharp decline in Sterling in recent months.

Trade with the U.K.

	Year 1989	Jan 1989	Jan 1990	%ch yr/yr
Imports from U.K.	5027.5	390.7	404.5	+3.5%
Total Imports	12285	985.4	1038	+5.3%
Imports from U.K. as % of total	40.9%	39.6%	38.9%	-
Exports to U.K.	4895.9	351.3	396.5	+12.9%
Total Exports	14601.8	1034.1	1134.2	+9.6%
Exports to U.K. as % of total	33.5%	34%	35%	-

1. The proportion of our trade going to the U.K. has been falling for a considerable number of years as exporters have diversified to other markets (principally other EC member states).

2. The above table shows that in January, the growth of exports to the U.K. was higher than total export growth, notwithstanding the substantial decline in Sterling in the month as compared with the 1989 period average. However, export growth in January was due in large part to Agricultural exports, which may have artificially boosted the level of exports to the U.K..

3. It should be noted that export growth to the U.K. slowed in the final quarter of last year, the period of greatest weakness for sterling in 1989 (7.3% in Q4 '89 compared with 12.6% for 1989

as a whole). However, this was consistent with the trend of total export growth last year (12.9% in Q4 '89 compared 18.7% for 1988 as a whole).

4. A number of points can usefully be made in relation to exports to the U.K..

(i) Demand in the U.K. has slowed in recent months, and this development, which has been expected for some time, was always likely to put pressure on our exports to the U.K. particularly among the more consumer oriented sectors.

(ii) While recent exchange rate developments have not been helpful, the cumulative effect of improvements in competitiveness in recent years should have resulted in improved margins for Irish exporters to the U.K. - the recent weakness in Sterling could therefore be absorbed in reduced margins.

(iii) The value of exports to the U.K. in Sterling terms remains strong - the recent weakness of Sterling, has by definition caused the IRE value of exports to the U.K to be lower than would have been the case in the absence of such weakness.

5. The fall in the value of sterling should have a marginally favourable impact on the terms of trade, as the proportion of imports coming from the U.K. (excluding oil imports from there, which are normally priced in dollars) is greater than the proportion of our exports going to the U.K.

6. Despite the fall in sterling and the poor outlook for growth in the UK, Coras Trachtála is targeting an 11 per cent increase in industrial exports in 1990 and overall export growth to the U.K. of 7 per cent.

#### Competitiveness

7. While the recent depreciation in the value of sterling vis-à-vis the Irish pound is putting pressure on some exporters to the UK, the current and expected rates of increase in prices and wages in Ireland are much lower than in the UK. This means that Irish exporters to the UK are in a relatively favourable position as regards keeping down their production costs. The high rate of inflation in the UK also means that many exporters will be able to pass on unavoidable price increases to their UK customers.

#### Wage increases.

8. In 1989 average hourly earnings in manufacturing industry in Ireland rose by 3.9 per cent whereas in the UK the increase was 9.3 per cent. The outlook for this year is that these earnings will increase by about 4 per cent in Ireland as compared with about 9.4 per cent in the UK.

#### Consumer prices.

9. The Irish Consumer Price Index rose by an average of 4 per

cent in 1989 compared with an average increase of 7.8 per cent in the UK Retail Price Index (RPI). This year the Irish rate of inflation is expected to fall to an average of a little over 3 per cent, and to less than 2.5 per cent by the end of the year. A significant contribution to the slowing of the Irish rate will be made by the VAT and excise reductions in the 1990 Budget. By contrast, the UK RPI rose by 7.5 per cent in the twelve months to last February. Commentators expect that the annual increase in the RPI will rise to at least 9 per cent by April, partly because of excise increases announced in the recent Budget.

My 4<sup>th</sup> Company  
23.3.90

(NO20)

URGENT

W. James  
21/3

Tactical.  
Draft statement is attached.

If correct if you wish  
be used if you wish, on the  
basis of a briefing by the  
Sect. Press Secretary, who I  
understand has been asked if  
there is any comment.

FAX COVER SHEET

FAX No: \_\_\_\_\_

Date: 21/3/90

Time: 10

To: \_\_\_\_\_

21/3

For: Seemot Nally

From: Seemot Gallagher



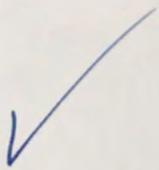
Total number of pages, including cover sheet: 2

Brief description of material: Draft statement on  
Birmingham Six Case.

Any special instructions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Transmitting operator: \_\_\_\_\_

This material is being sent from FAX phone No. 712116. If there



Statement by Taoiseach on Birmingham Six Case

I welcome the announcement made today by the British Home Secretary that a new investigation into certain aspects of the Birmingham Six case is to be undertaken by the Devon and Cornwall police.

I <sup>hope</sup>~~am hopeful~~ that today's decision will bring us closer to an early and satisfactory resolution of this case.

B.F. 16/2/90  
5/3/90

2 February, 1990.

*Donegal*  
*Please B.F.*  
*in 10 weeks*  
*two*  
*86 19/2/90*

Mr. John Kirwan,  
Private Secretary,  
Minister for Foreign Affairs.

Dear John,

Enclosed herewith is a copy of a letter sent to the Taoiseach by Pat the Cope Gallagher from Fergal O'Toole, PRO., U.C.D., Birmingham Six Society.

Perhaps you could let us have a suitable reply for consideration by the Taoiseach in this case, please.

Yours sincerely,

B.C.

Brian Collinge.

*Note:*  
*Foreign Affairs got a similar*  
*letter from Pat the Cope and*  
*intended to reply soon. He'll*  
*send us a copy of the letter*  
*and we can then pass*  
*it on to the Minister*



Pat the Cope Gallagher, T.D.,  
Minister of State at the  
Department of the Gaeltacht,  
1 Grand Canal Street,  
Dublin 2.

Oifig an Taoisigh  
Office of the Taoiseach



Oifig an Taoisigh  
Office of the Taoiseach

March, 1990.

Pat the Cope Gallagher, T.D.,  
Minister of State at the  
Department of the Gaeltacht.

Dear Pat [the Cope,]

You wrote to me enclosing a letter from Fergal O'Toole, the P.R.O. of the  
U.C.D. Birmingham Six Society.

I understand from Gerry Collins, T.D., the Minister for Foreign Affairs,  
that he has already replied to you on this matter.

Yours sincerely,

Taoiseach.

*Mr. Collins,  
I spoke to ~~him~~  
Joe Hanell about  
this. He agrees  
that no further  
reply is required.  
As we discussed,  
T.A.*

*Boyd Jones  
21/3/90*

March, 1990.

Pat the Cope Gallagher, T.D.,  
Minister of State at the  
Department of the Gaeltacht.

Dear Pat the Cope,

You wrote to me enclosing a letter from Fergal O'Toole, the P.R.O. of the  
U.C.D. Birmingham Six Society.

I understand from Gerry Collins, T.D., the Minister for Foreign Affairs,  
that he has already replied to you on this matter.

Yours sincerely,

Taoiseach.

31 January, 1990.

Mr. Joe Hamill,  
Private Secretary  
Minister of State at the Department  
of the Gaeltacht.

Dear Joe,

On behalf of the Taoiseach, Mr. Charles J. Haughey, T.D., I wish to acknowledge receipt of your Minister of State's letter of January 23rd concerning the correspondence which he received from Fergal O'Toole, PRO., U.C.D., Birmingham Six Society concerning the Birmingham Six.

I will bring your letter to the Taoiseach's attention.

Yours sincerely,

!Mr. Brian McCarthy, for suitable reply, please.

DAVID COSTELLO

Private Secretary  
to the Taoiseach.

*Mr. McCarthy*

!DC3030/WP2

*[Signature]*



OIFIG AN AIRE STÁIT AG ROINN NA GAELTACHTA  
BAILE ÁTHA CLIATH 2

23rd January '90

Dungloe,  
Co. Donegal.

Mr Charles J Haughey T.D.  
An Taoiseach,  
Government Buildings,  
Upper Merrion St.,  
Dublin 2.

Dear Taoiseach,

I enclose letter which I have received from Feargal O'Toole, PRO, UCD Birmingham Six Society and would appreciate your comments.

I await hearing from you.

Yours sincerely,

*Pat*

---

Pat the Cope Gallagher T.D.  
Minister of State.

UCD Birmingham Six Society  
c/o "Hartcliffe"  
Portmarnock Strand  
Co Dublin  
13 - 01 - 90

Pat 'the Cope' Gallagher TD  
Dungloe  
Co Donegal

Dear Pat .

I am involved in a society in University College Dublin called the Birmingham Six Society whose sole aim is to highlight the case of the Birmingham six. Our society is non-political and recognised by college authorities.

As a member of the government party your role in getting the release of the six is imperative. We feel that the present government is not doing all it can to secure the release of the six.

I would appreciate it if you would lobby your colleagues An Taoiseach Charles Haughey TD and Minister for Foreign Affairs Gerry Collins TD to try and do more to secure the six's release. On a personal basis as a Deputy of the Dail, especially in our Presidency of the European Community, your continued pressure on the British government is essential.

Please accept my best wishes for the new year and congratulations on your recent wedding.

Yours Sincerely

*F. Toole*  
Feargal O'Toole PRO

12-11-30  
100 Broadway New York  
100 Broadway New York  
100 Broadway New York

Let me know what you think

I am sure you will be interested in the  
results of the investigation. The results  
of the investigation are as follows:

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RECEIVED 25 JAN 1931

# ROINN AN TAOISIGH

Misc.  
F. 2.

Uimhir.....

To: Brian McCarthy.

From: B. Collinge.

*McCarthy*  
*This is kindly necessary*  
*B. Collinge*  
*21/3*

**Re: Letter to the Taoiseach from Pat the Cope Gallagher,  
on behalf of the UCD Birmingham Six Society.**

The U.C.D. Birmingham Six Society has written to Minister of State Pat the Cope Gallagher on behalf of the Birmingham Six asking him to use his influence to have the Six released. They suggest that he should lobby the Taoiseach and the Minister for Foreign Affairs to this end and point out that continued pressure on the British Government is essential.

The Minister of State has passed on a copy of this letter to the Taoiseach and to the Minister for Foreign Affairs. A copy of the Minister for Foreign Affairs' reply is beneath.

The draft reply across suggested by the Department of Foreign Affairs is submitted for consideration, please.

*B. Collinge*

Brian Collinge.

20 March, 1990.

February, 1990.

Mr. Pat the Cope Gallagher,  
Minister of State at the  
Department of the Gaeltacht,  
1 Grand Canal Street,  
Dublin 2.

*Minister for  
Foreign Affairs  
re: reply*

Dear Pat,

Thank you for your letter of 23rd January about the approach to you from the UCD Birmingham Six Society.

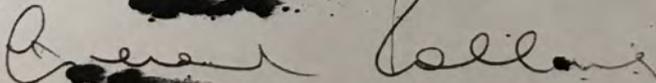
The Government have consistently used every available opportunity to them to press the British Government to have the case of the Birmingham Six re-opened. The Taoiseach discussed the matter with the British Prime Minister when they last met and I have raised it on a considerable number of occasions with relevant British Ministers. Last month for instance, I discussed the case in detail with the new British Home Secretary and also with the Foreign Secretary. When he was in Adare earlier this month, I spoke to the Northern Ireland Secretary about it. The Government's representative has raised it at the Council of Ministers, in the context of the recently adopted resolution of the European Parliament. I also recently briefed the Head of the United Nations Commission on Human Rights in Geneva on the case.

It goes without saying that on every visit I make to the US, or when I receive visiting Congressmen here, I take the opportunity to brief them in detail on the case. You will probably be aware that Senator Brian Donnelly (the Chairman of the Friends of Ireland Group in Congress), who was in Dublin last month, has visited two of the Birmingham Six and has now introduced a resolution in Congress about the case.

In addition to the above, both my predecessors and I have given clear instructions to our Embassy in London that the men are to receive regular structured visits from officers of the Embassy. This is very much appreciated by the Six.

Finally, you may wish to have extracts from the statements on the case made in last November's Dáil debate on Anglo-Irish relations by the Taoiseach and myself.

Yours sincerely,



Gerard Collins, T.D.,  
Minister for Foreign Affairs.

Extract from Statement in Dail on 22 November 1989  
by Taviscaich.

The release of the Guildford Four brought a widespread feeling of relief throughout this country. At the same time, the revelation that such serious miscarriages of justice can occur has caused equally widespread feelings of unease and dismay. It has major implications for the case of the Birmingham Six. I believe that the arguments for re-opening the Birmingham Six case are now so persuasive that they are impossible to withstand. The Guildford and Birmingham cases are not identical, but the similarities are such that the revelations in the Guildford case must enormously reinforce the grave doubts that have always existed about the Birmingham Six convictions, and, taken with other developments, must reinforce belief in their innocence. Responsible people in Britain as well as in Ireland are increasingly questioning whether the finding in the 1987 Birmingham Six Appeal could now be sustainable in the light of developments in the Guildford case. Public opinion throughout these islands - and indeed further afield as demonstrated by the debate scheduled for today in the European Parliament - has been aroused and alerted by the final outcome of the Guildford Four case and will no longer be satisfied with standard formulae, or stock replies. They want the British authorities to respond quickly in the entirely new situation that has now been disclosed. One tragic miscarriage of justice has been established. As the Birmingham Six enter their sixteenth year in prison nobody can any longer be certain that another is not still being perpetrated. This appalling possibility must in conscience be removed.

Extract from Statement in Dail on 24 November 1989  
by Minister for Foreign Affairs.

### The Birmingham Six, Guildford and Maguire Cases

Since achieving Office the Government have made clear their concern about the cases of the Guildford Four, the Maguires and the Birmingham Six. I had a detailed discussion with the then Home Secretary, Mr. Douglas Hurd, on the 13th September last in which I repeated the Government's grave concern about these cases. It is natural that we should all rejoice in seeing the conviction of the Guildford Four quashed and this grievous miscarriage of justice finally corrected after so many years. The four people involved have our full sympathy and understanding as they now seek to rebuild their lives in freedom. We hope that the lessons of this case and the results of the May judicial enquiry will also establish the innocence of the Maguires and their friends and lead to the quashing of their convictions. We must ensure that never again can such a serious miscarriages of justice be visited on innocent people.

For many years now the case of the Birmingham Six has also given rise to the most serious concern. It is a concern that is shared on all sides of this House. The outcome of the Guildford Four case has amply demonstrated that the manner in which convictions were secured in these cases dating back some fifteen years raises the most serious and urgent of questions. The Government attach the highest priority to having the Birmingham Six case re-opened

as a matter of urgency. We will be availing of all appropriate opportunities to press vigorously for such a review to be undertaken. I also welcome the great interest and concern which has been shown by a wide spectrum of opinion, in Ireland, in Britain itself, in the United States and in Europe. I was present in the European Parliament yesterday when MEPs from all sides of the political spectrum expressed their shared and deep concern about the case. I warmly welcome and endorse the call in the resolution which they adopted for "a thorough review" of the case and I hope that the British Government will now find it possible to respond positively to the growing concern about the position of the Six as they enter their sixteenth year in prison.

The Government believe that the righting of injustices in these cases should have a positive effect on Anglo Irish relations as a whole. The maintenance and development of this relationship is one of great importance and must be advanced in all appropriate and constructive ways. I have already had an exchange of letters with the new Home Secretary, Mr. Waddington, and will be meeting him in the near future; I am confident that we will be able to establish the same positive relationship which I had with his predecessor.



OIFIG AN AIRE GNOTHAÍ EACHTRACHA  
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2  
DUBLIN 2

28 February 1990

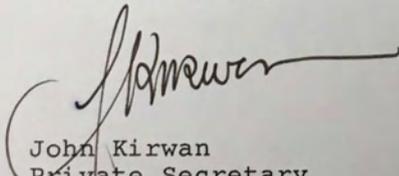
Mr Brian Collinge  
Department of the Taoiseach  
Government Buildings  
Dublin 2

Dear Brian

Thank you for your letter of 2nd February enclosing a letter to the Taoiseach from Minister State Pat the Cope Gallagher about an approach he had from the UCD Birmingham Six Society.

The Minister has had a similar letter from Minister of State Pat the Cope Gallagher. I attach a copy of his reply. Perhaps the Taoiseach might respond to the effect that he understands that the Minister for Foreign Affairs has already replied to him on the matter.

Yours sincerely



John Kirwan  
Private Secretary



### New Evidence

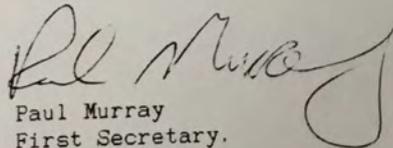
Baxter has written to Ms Gareth Pierce, solicitor for the Six, asking if she wished to supplement the new evidence submitted before Christmas. A meeting between herself and Baxter took place last Friday and he regards it as having fulfilled the request in his letter. Ms Pierce is away at present, at today's Congressional Human Rights Causus hearing in Washington but I will make contact with her on her return to get her assessment of the meeting.

### Court of Appeal

Gareth Pierce believes, contrary to the opinion of Bob Baxter, that the Court of Appeal might now be willing to reconsider some of the evidence already dismissed at the previous appeal. She has been attending the appeal of Joseph Quinn, the Irish-American convicted of the murder of a police officer in 1975, and detected a different attitude on the part of the Court. She has a low opinion of the Home Office generally and does not believe that it would be aware of the changing conceptual framework in which the Court now operates. The most important difference, she believes, is the development of two years of case-law in relation to the Police and Criminal Act (PACE). At Quinn's trial in 1988, just after the Birmingham Six appeal had been turned down, the attitude of the judge had been the same as that of the appeal judges in 1987, essentially dismissing anything which had happened in custody as irrelevant. While she does not believe that Quinn's conviction will be quashed, she does say that the courts are no longer willing to shrug off police improprieties.

On the basis of what Mr Baxter has previously told me about the current attitude of Lord Chief Justice Lane, I feel that Ms Pierce may be optimistic on this point. No doubt she has observed a changed attitude in the Court and it is possible that, if the Birmingham Six appeal were to be heard today for the first time, a different attitude would be taken. However, to expect the Court to now reinterpret in a different way evidence already considered and rejected is probably asking too much.

Yours sincerely,



Paul Murray  
First Secretary.

# Midlands inquiry could look at case of Birmingham six

By Craig Seton

*John 10/3/90*

Mr David Waddington, the Home Secretary, appears to have opened the door to the possibility of a new inquiry into the case of the six men convicted of the Birmingham pub bombings in 1974.

Mr Waddington said that the investigation by Mr Donald Shaw, assistant chief constable of West Yorkshire, into the disbanded West Midlands police serious crime squad could examine the cases of the "Birmingham six."

The Home Secretary said while campaigning for the Mid-Staffordshire by-election that Mr Shaw's inquiry could, go back 16 years to examine the public house bombings investigation, which involved some members of the serious crime squad.

Six Irishmen who were convicted of the murders have maintained their innocence and claimed that confessions

were beaten out of them by police officers.

The remarks attributed to Mr Waddington yesterday caused confusion as terms of reference given to the serious crime squad inquiry by Mr Geoffrey Dear, Chief Constable of the West Midlands, limited it to cases arising from 1986 under the Police and Criminal Evidence Act.

The West Yorkshire inquiry is supervised by the Police Complaints Authority, which oversees cases since 1984.

West Yorkshire police said that the West Midlands Chief Constable would have to extend the scope of the inquiry before it could examine the Birmingham six case.

The Home Office yesterday did not deny the remarks attributed to Mr Waddington, but said: "The Home Secretary was merely saying that the possibility exists of the

inquiry going back further than the cut-off point of the mid-1980s. It is nothing new."

West Midlands police said that if evidence indicated it was right and proper to go back further "there is no reason why Mr Shaw should not approach the Chief Constable of the West Midlands with a request to extend the timespan of the inquiry".

● The US Congress has introduced legislation urging Mrs Margaret Thatcher to review the cases of the Birmingham Six, convicted 15 years ago for bombing two pubs in Birmingham in November, 1974 (Susan Elliott writes from Washington).

The Bill reflects growing interest on Capitol Hill about the six after the visit to Washington late last year by Mr Gerry Conlan, a member of the recently released Guildford four.

N020

*in by Carthy  
✓ ✓ ✓ ✓ ✓  
15.3.90  
1573*

12 MARCH 1990

TO HQ FROM WASHINGTON

FOR B NASON FROM B SCANNELL  
UUUGRACE

*Mr Nason; PRR  
Mr McKeen; Mr Pinner, Mr Hester  
Geetha R1  
P.S.*

SUBJECT: CONGRESSIONAL HUMAN RIGHTS CAUCUS HEARINGS ON THE CASE  
OF THE BIRMINGHAM SIX

1. THE HEARINGS ON THE ABOVE TOOK PLACE THIS AFTERNOON. THEY WERE OPENED BY CONGRESSMAN TOM LANTOS, CO-CHAIRMAN OF THE CONGRESSIONAL HUMAN RIGHTS CAUCUS. CONGRESSMAN JOE KENNEDY, AFTER AN INTRODUCTORY STATEMENT BY MR LANTOS, CHAIRED THE HEARINGS.

2. APPROXIMATELY 17 CONGRESSMEN ATTENDED THROUGH MOST OF THE SESSION, THE MOST PROMINENT MEMBERS PRESENT INCLUDED:

RAY MCGRATH (R-NY)  
BEN GILMAN (R-NY)  
BARNEY FRANK (D-MASS)  
HAMILTON FISH (R-NY)  
ED MARKEY (D-MASS)  
TOM MANTON (D-NY)  
BILL COYNE (D-PENN)  
FRANK MCCLOSKEY (D-IN)

3. THERE WERE TWO PANELS OF WITNESSES. PANEL I WAS COMPOSED OF LORD ANTHONY GIFFORD, SEAMUS MALLON MP, AND DAVID ANDREWS TD. (COPY OF EACH OF THEIR STATEMENTS IS BEING SENT BY BAG). PANEL II WAS COMPOSED BY PROF ROB MCKAY, NEW YORK UNIVERSITY LAW SCHOOL, MR DAVID ASSEN, AMNESTY INTERNATIONAL, AND GERRY CONLON.

4. CONGRESSMAN KENNEDY'S STATEMENT WHICH IS FAXED SEPARATELY INVITED EACH MEMBER OF THE HOUSE PRESENT TO MAKE A SHORT COMMENT BEFORE THE FORMAL HEARINGS BEGAN.

5. THE OVERALL TENOR OF THE REMARKS MADE BY EACH MEMBER OF THE HOUSE PRESENT WAS THAT THEY WERE UNCOMFORTABLE WITH THE CIRCUMSTANCES OF THE CONVICTION OF THE BIRMINGHAM SIX. MEMBERS RAISED A NUMBER OF POINTS DURING THE CROSS QUESTIONS BUT FROM A SYMPATHETIC VIEWPOINT.

6. SEAMUS MALLON, DAVID ANDREWS AND LORD GIFFORD MADE AVAILABLE THE TEXTS OF THEIR TESTIMONY AND AGAIN THEIR REMARKS CAST DOUBT THE CONVICTION OF THE SIX. MALLON AND ANDREWS ALSO TOOK THE OPPORTUNITY OF DENOUNCING THE PIRA CAMPAIGN OF VIOLENCE BOTH IN BRITAIN AND NORTHERN IRELAND.

7. PROF ROB MCKAY (WHOM WE UNDERSTAND HAD BEEN ASKED BY THE BRITISH EMBASSY) GAVE AN OVERVIEW OF BRITISH CRIMINAL PROCEDURES AND HOW CASES INVOLVING BOMBINGS ARE HANDLED BY THE POLICE. PROF MCKAY STATED THAT PUBLICLY AVAILABLE INFORMATION SUGGESTED THAT "A FURTHER INVESTIGATION IS CALLED FOR AND THAT IT IS FOR THIS CAUCUS TO PARTICIPATE IN THAT CALL". GERARD CONLON MADE A MOVING AND MEASURED STATEMENT WHICH CLEARLY IMPRESSED THOSE PRESENT AND HIS EVIDENCE WHILE MOSTLY DEALING WITH HIS OWN ARREST AND DETENTION DREW A VERY STRONG LINE BETWEEN WHAT HAPPENED TO HIM AND THE SIMILAR CIRCUMSTANCES OF WHAT THE BIRMINGHAM SIX WOULD HAVE ENCOUNTERED.

8. THE AD HOC HUMAN RIGHTS COMMITTEE WILL BE OPEN TO HEARING WRITTEN TESTIMONY FOR THE NEXT THREE WEEKS. THE EXECUTIVE COMMITTEE WILL THEN RECOMMEND A COURSE OF ACTION. IT IS CLEAR HOWEVER THAT THE HUMAN RIGHTS CAUCUS, GIVEN THE NATURE OF THESE HEARINGS, WILL MAKE STRONG RECOMMENDATIONS ON BEHALF OF THE BIRMINGHAM SIX TO THE BRITISH HOME SECRETARY. THE AD HOC COMMITTEE ALSO CALLED FOR MEMBERS TO SUPPORT THE DONNELLY AND BIDEN RESOLUTIONS ON THE BIRMINGHAM SIX.

~~~~~

9. COMMENT

U THE PRESENCE OF 17 MEMBERS OF CONGRESS WAS IMPRESSIVE, ALL THE MORE SO SINCE CONGRESS IS NOT IN SESSION TODAY. THE OVERALL IMPRESSION GENERATED BY THEIR QUESTIONS AND STATEMENTS WAS ONE OF SYMPATHY FOR THE CASE OF THE BIRMINGHAM SIX AND A BELIEF THAT THERE WAS "REASONABLE DOUBT" CONCERNING THEIR CONVICTIONS.

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record  
in place of each part abstracted

(i) Reference number of the separate cover under which the abstracted part has been  
filed: **S230/08/05/00310**

(ii) How many documents have been abstracted: **1**

(iii) The date of each such document: **26 March 1990**

(iv) The description of each document: **Copy letter regarding informed  
contacts/discussions**

(v) Number of pages: **4**

[Where appropriate, a composite description may be entered in respect of two or more  
related documents]

(v) Reason(s) why the part has been abstracted for retention:

**(b)(c)**

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: **Shane Kelly**

Grade: **AP**

Department/Office/Court: **Taoiseach's Department**

Date: **25/11/2010**

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record  
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **March 1990**
- (iv) The description of each document: **copy of note D/F. Affairs**
- (v) Number of pages: **2**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:  
**(b)(c)**

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: *Elaine Kelly*

Grade: *AP*

Department/Office/Court: *Taoiseach's Department*

Date: *25/11/2020*



Hugh Callaghan  
Paddy Joe Hill  
Gerry Hunter

Richard McIlkenny  
Billy Power  
John Walker

25413  
**INDEXED**  
**THE BIRMINGHAM SIX COMMITTEE**

USHER HOUSE, 40 / 41 USHER QUAY,  
DUBLIN 8, IRELAND.  
TEL. (01) 793288; FAX (01) 793639.

SEEN BY  
Taoiseach

Note:  
No further  
action required.  
14/3

An Taoiseach,  
Charles J. Haughey T.D.,  
Dail Eireann,  
Dublin 2.

11th March 1990

A Chara,

The Birmingham Six Committee is one of several groups working in Ireland, Britain and the US for the release and exoneration of the six men who were wrongly convicted in August 1975 of the Birmingham pub bombings. The group has no aims or agenda beyond securing justice for the six men. Following the recent welcome release of the Guilford Four the Committee is now seeking to accelerate the campaign on behalf of the Birmingham six.

The Committee's activities are funded entirely by voluntary donations from members of the public. The Committee recently incurred large costs in the publication of an updated version of Derek Dunne's book The Birmingham Six as well as French and German editions. Spanish and Irish editions are also planned shortly with a Dutch edition at a later stage.

Robert Ballagh, the well known Irish artist, who has been a long time supporter of the campaign, has generously designed an original poster, signed by the artist which is available from the above address. A limited edition of 300 is available at a cost of £30 (unframed) and £60 (framed).

The Committee would be pleased if you would agree to purchase one of the posters as a gesture of solidarity towards the campaign to free the six men as well as providing urgently needed funds to enable the Committee to continue its work.

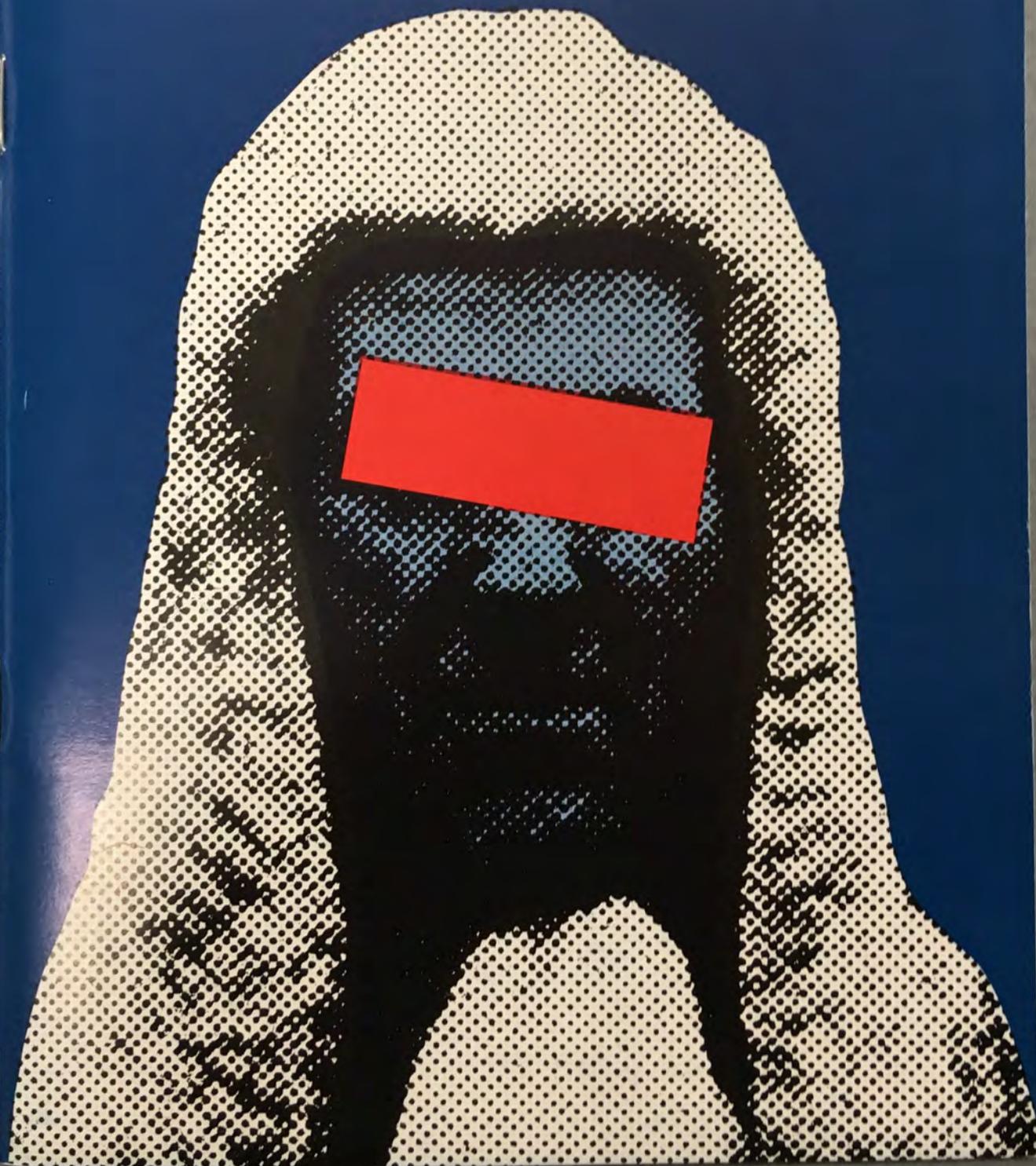
I enclose copies of the books with our compliments.

Mise, le meas,

*G. Nic Reamoinn*  
Gabrielle Nic Reamoinn,  
Treasurer

Chairman: J. Colgan; Secretary: M. Griffin; Treasurer: G. Nic Reamoinn  
Patrons:- Gareth Peirce, solicitor; Cardinal Tomas O'Fiaich; Tony Gregory, T.D.; Chris Mullin, MP; Paul O'Dwyer, attorney;  
Niall Andrews, MEP; John Carroll, General President I.T.G.W.U.

**THE BIRMINGHAM SIX  
DEREK DUNNE**



# **The** **Birmingham** **Six**

**Derek Dunne**



Hugh Callaghan  
Paddy Joe Hill  
Gerry Hunter

Richard McIlkenny  
Billy Power  
John Walker

Published by the  
Birmingham Six Committee

November 1989

First edition 1988  
Second revised edition 1989

The campaign for the release of the Birmingham Six may be contacted at:

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Usher House  
40-41 Usher Quay  
Dublin 8

The London Campaign for  
the Birmingham Six  
23 Compton Terrace  
Islington  
London N1  
Tel.: London 263-1477

Please send greetings to the Birmingham Six below:

**Paddy Joe Hill**

509496

HM Prison Gartree, Market Harborough, Leicester, England.

**Gerry Hunter**

509495

HM Prison Long Lorton, Evesham, Worcestershire, England.

**John Walker**

509494

HM Prison Long Lorton, Evesham, Worcestershire, England.

**Hugh Callaghan**

509499

HM Prison Long Lorton, Evesham, Worcestershire, England.

**Richard McIlkenny**

509498

HM Prison Full Sutton, Stamford Bridge, Nr. York, England.

**Billy Power**

509497

HM Prison Full Sutton, Stamford Bridge, Nr. York, England.

Recommended Reading: *Error of Judgement* by Chris Mullin,  
published by Poolbeg Press, Swords, Co. Dublin, Ireland.  
ISBN 0 905169 92 1

Cover designed by:  
The Graphicones (O'Neill), Dublin.

## INTRODUCTION

This is the story of a fourteen year battle by six men to prove their innocence. The six Irishmen were convicted of the biggest mass murder in British legal history. They were convicted on two main grounds, the first of which was their confessions. Four of the six had signed statements amounting to confessions while in police custody. It is an undisputed fact that they were beaten in the custody of the state. Everybody is agreed that the men were beaten, but what is disputed is exactly who beat them up. The police were later to claim that officers at the prison where the men were sent beat them up. The prison officers were to claim that the men were already beaten by the time they were handed into their care. The men claim they were beaten in order to force them to sign statements admitting their guilt. The state claims that the men were beaten after they signed the statements, despite first hand evidence to the contrary. The second ground was forensic evidence which suggested that two - and possibly three - of the six had been in contact with explosives. The forensic tests which convicted them have since been discredited. It took fourteen years for the six to exhaust all legal remedies under British law. Their story involves a police force, a judiciary and successive British governments. If the courts had at any time found in their favour, it would have implied that the police had assaulted the men and that the six were telling the truth. Had a British government decided to release the six, it would have implied that the courts, including the highest appeal court in Britain, the House of Lords, had got it wrong. The release of the six before their sentence was served would have pointed up fundamental flaws in the system. In law, their conviction was 'beyond a reasonable doubt'. Their story shows that there is more than a 'reasonable doubt' about their guilt. While major flaws have been shown up in the case against them, they are still in jail. The reason they are still in jail has more to do with a loss of face which might be suffered by those responsible for the position of the six men than any real belief in their guilt.

(photograph - Derek Spiers/Report)



The platform at a public meeting in support of the Birmingham Six, Dublin, 18th June 1986:  
(Left to right) Most Rev. Dr. James Kavanagh, auxiliary bishop of Dublin; Seán MacBride, founder of Amnesty International and winner of the Nobel Peace Prize; Gareth Peirce, English lawyer; Paul O'Dwyer, American lawyer; Tim Pat Coogan, editor of an Irish daily newspaper; Michael Farrell, historian; Patrick McEntee, chairman of the Irish Bar Council.

## THE BOMBS

21 November 1974. A telephonist at the *Birmingham Post and Mail* newspaper took a call from a man with an Irish accent. The caller said that there was a bomb planted at the Rotunda in the city, a huge cylindrical twenty floor glass tower. The caller said there was another bomb at New Street and a third at the tax office. Then the line went dead. It was 8.11 p.m..

The telephonist rang the headquarters of the West Midlands Police and passed on the information. The caller had used a recognised code word to authenticate the bomb warnings. At 8.15 police on foot patrol in the vicinity of the Rotunda were ordered to clear the building. They were in the process of clearing the twenty storey glass building - which had been bombed twice that year by the IRA - when the explosion occurred. The Mulberry Bush, a pub on two floors built into the base, was destroyed. The sound of the explosion was heard in another bar, the Tavern in the Town.

Seconds afterwards a bomb exploded in the Tavern. The third bomb at the tax office failed to explode. The final toll from the two bombs was 21 dead and 162 injured. The pub bombings seemed to indicate that the IRA was now engaged on a campaign against the British civilian population. In the previous eight weeks the IRA had bombed two other pubs which were frequented by off-duty British soldiers. The pub bombings in Birmingham led to the introduction of the Prevention of Terrorism Act which allowed for the detention of suspects for up to seven days.

## THE BACKGROUND

Exactly one week earlier, on 14 November, James McDade had been killed at the Central Telephone Exchange in Coventry when a bomb he was planting exploded prematurely. In November, a total of nine bombs had been planted in and around Birmingham, and forensic tests indicated that they had a single source. James McDade, a member of the Provisional IRA, was from Ardoyne in Belfast, a small Catholic enclave surrounded on all sides by Protestant areas. McDade had emigrated to Britain in 1968 and stayed with people from the same area as himself.

Among those who knew McDade was Gerry Hunter, also from Ardoyne. McDade had stayed with Hunter when he arrived in Britain at first, but there was a row between the two men and McDade left.

Billy Power also knew McDade. Both men had gone to school together. McDade and his pregnant wife had stayed with the Powers for a time in 1973. Paddy Hill had also gone to school with McDade. McDade had joined the IRA in 1971 following the fatal shooting of his brother by the British army in Belfast and he was well known around the Irish clubs and pubs in Birmingham. Following the bombings, the British Home Secretary announced that Sinn Fein would not be allowed to escort McDade's body to the airport for its departure to Ireland. 1,300 police were drafted in to handle the expected crowds.

## THE FUNERAL

Hundreds of Irish people living in Britain decided that they would go back to Belfast for the funeral. Returning to Belfast would not necessarily be an endorsement of McDade's politics or methods as far as they were concerned. There was a strong tradition in the ghettos of Belfast of attending funerals - regardless of how the deceased met his end. Attending could be construed as a mark of respect for the dead man's family, and in the case of those travelling from Britain it would be an opportunity to meet family and friends. There were five men in particular who decided to go to the funeral.

One of those men was Gerry Hunter, with whom McDade had stayed in 1968 when he arrived in Britain. Hunter suggested to two of his friends - Johnny Walker and Richard McIlkenny - that they should all go. Walker and McIlkenny both worked in a forging and pressworks factory. Walker had seven children, McIlkenny six.

Walker was 39 and from Derry. He had lived in England for more than twenty years. He had a brother in the British army and had done two years National Service himself. In 1972 thirteen unarmed civilians had been shot dead on the streets of Derry by the British army. The following year his father had been teargassed. Walker became a Republican and organised raffles to support the families of those who had been interned without trial in the North. McIlkenny sold tickets for him, as did Gerry Hunter and another man called Paddy Hill.

Walker was not in the IRA or Sinn Fein, but he knew people who were. When Walker told his wife that he intended going to the funeral she was angry. She argued that her husband didn't even know McDade that well, and that the trip was a waste of money, especially so close to Christmas.

McIlkenny had known the McDade family all his life. He wasn't in the IRA or Sinn Fein either. Two of his brothers had been interned without trial.

Both Power and Hunter were short of money for the trip to Belfast. So was Paddy Hill. Hill finally managed to borrow the money. The others also scraped enough together to make the journey. Before they left, they got mass cards signed by friends of McDade's to take with them to Belfast. There was a considerable amount of contact between the five men in the days leading up to their departure. There were arrangements to be made about getting the fare, collecting mass cards, organising suitcases. The men were to meet up at New Street station to catch the 6.55 p.m. train to Heysham and then the ferry to Belfast. It was the 21st November. Another friend, Hugh Callaghan, did not go with them but saw some of them off at the train.

## THE TRAIN

The five Irishmen were speeding towards Crewe by the time the bombs went off. They had to change at Crewe for the London-Heysham train. They reached Crewe at 8.50 and had a cup of tea. Paddy Hill had a steak and kidney pie which broke in his hands. This was to assume a particular significance in view of the type of forensic tests that would be carried out later. The train arrived at 9.15 and the five men boarded it.

The five played Don - a popular card game. They reached the end of their train journey by 10.45. By that time, the police were watching all ports and airports. They were on the lookout for suspicious persons.

Paddy Hill was stopped on his own. The police told him it was all right to go on board. Hunter and Power were questioned and neither made any mention of the fact that they were on their way to McDade's funeral. Walker and McIlkenny were also stopped. When they were asked to turn out their pockets, the Mass cards for McDade's funeral were discovered. The only reason they had been stopped in the first place was because they had Irish accents. It was 11.30 and the ferry was going to leave in fifteen minutes.

Ten minutes before the ferry was due to leave, a policeman asked the four if they would accompany him to Morecambe police station to undergo forensic tests. They asked about Paddy Hill, still on the boat. This was the first the police knew about Hill. He was having a drink when he felt a tap on the shoulder. He had no objection to going with

the police. None of them made any objection as they could take another ferry the following morning. Shortly after midnight all five were on their way to the police station. They were placed in separate cells and rooms but the doors were left open as they were only suspects at this stage.

Sometime in the early hours of the morning Dr Frank Skuse, a forensic expert, arrived. He needed ether to carry out his tests and some was ordered from an all-night chemist. He washed his hands with distilled water and ether and did the same forensic test on himself as he was about to carry out on the five suspects. All five were interviewed and none mentioned the fact that they had been on the way to McDade's funeral. This was hardly surprising given the anti-Irish feeling generated by the pub bombings.

At 1 a.m. that morning, the Birmingham police decided that it was worth having a look at the five men held at Morecambe police station and they headed up the motorway, led by Superintendent George Reade. It took two hours for the police to complete their journey. The Serious Crime Squad arrived at 3.15 a.m. and they were given the use of the conference room on the first floor of Morecambe police station. A senior police officer at Morecambe insisted that the Birmingham police should have no contact with the five men until the forensic tests were finished. The police from Birmingham were not particularly happy about this arrangement. They afterwards said that none of them got to see any of the five suspects until 9.30 that morning, when the forensic tests were over. The five men tell a different story.

### MORECAMBE POLICE STATION

McIlkenny said that he was in a cell and that a policeman came in and asked him to account for his movements. Dr Skuse, the forensic expert, came in after that. Each of the five in turn were tested for traces of explosives on their hands and fingernails.

Dr Skuse used the Griess method. He first swabbed a suspect's hand with cotton wool soaked in ether, which was then squeezed into one of three white bowls. More ether was added and a third of the sample was poured from the first bowl into each of the remaining bowls. Caustic soda and Griess reagent were added to the first bowl. If nitroglycerine or certain other organic compounds were present the mixture was supposed to turn pink within ten seconds. In the event of a positive reaction, Griess reagent alone was added to the second bowl and if the contents remained colourless the presence of nitroglycerine in the sample was confirmed.

Dr Skuse was to maintain that if a suspect turned up positive on this test he would be 99 per cent certain the suspect had been in contact with nitroglycerine. He also believed that only one other substance could produce a similar result, and that it was also a constituent of explosives. If Dr Skuse found that the first test was positive, he would then take the third sample away to perform more sophisticated lab tests. He would also swab the suspect's hands again to test for ammonium and nitrate ions. If these tests proved positive they would not necessarily mean anything in themselves but taken together with the Griess test they could be damning.

McIlkenny and Hunter were clear. According to Dr Skuse's tests, Walker 'could' have had contact with explosives.

Power's left hand and fingernails were clear. His right hand was positive for the first test. He also turned up positive for ammonium and nitrate.



The case of the Birmingham Six has attracted international attention: the report above appeared in the Soviet newspaper 'Pravda'

Hill's left hand was clear but his right hand turned up positive. The results of these tests were being relayed to the detectives waiting upstairs. Between 7.30 and 8.00 that morning the men were served breakfast. Up to this point, there is a slight difference in accounts of what happened. Some of the men claim that they were seen by detectives before the forensic tests. The police denied this. From this point onwards, there is an absolute divergence of stories. What is clear is that the police waiting upstairs were of the view that they had the men who carried out the Birmingham bombings and they were basing that view on the results of the scientific tests.

Hunter and McIlkenny thought they heard screaming around 8.00 that morning. Hill said that three detectives punched and kicked him. Power also said that he was beaten. By lunchtime that same day Power had signed a six page statement which outlined the parts allegedly played by each of the five in the bombings.

The police said that Power was overcome with remorse for what he had done and with very little prompting had made the statement. Power said that he was brutalised into signing a statement. The following is his version of events.

He was brought into a room upstairs, punched on the head, chest and arms. He was verbally abused, had his jacket torn off, was jabbed in the ribs, punched in the arms again and kicked. He denied throughout that he was a member of the IRA. Every time he denied membership, he was hit on the back of the hand with handcuffs. He was punched on the left side of the head. The police kept telling him that the scientist had found gelignite on his hands.

According to Power, the police told him that they would make it look like he had done the bombings even if he hadn't. They said to him that they would handcuff him and throw him from a police car on the journey to Birmingham and make that look like an accident. He was told that there was a mob waiting to get his wife and children. He was to say later that there were six men in the room but he was unable to identify any of them.

He claimed that he was punched and kicked from all sides and was continually asked about plastic bags - in which the bombs were thought to have been placed. He was dragged by the hair and fouled his trousers. Then he was spread-eagled against a wall and told that he would never have sex with his wife again. At that stage, according to himself, he gave in and agreed to whatever the police wanted. They took him to an interview room.

He was grabbed by the throat and a detective asked him who the sixth man was. Power said that it was 'Hughie' but that he couldn't remember his second name. The police threatened to throw him out the window. Power was hysterical at this stage and screamed that he would tell them anything they wanted to know. He was to say later that they put words into his mouth and contradicted him every time he said something with which they did not agree. Notes were taken and read over to him and he was asked to sign them.

The statement he eventually signed had a caution at the top. It read: *'I William Power, wish to make a statement. I want you to write down what I say. I have been told I need not say anything unless I wish to do so and that whatever I say may be given in evidence'*. His signature was at the bottom of each of the six pages. At the end, it read: *'I have read the above statement and I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it of my own free will.'* It was 12.55 p.m.. He had been in custody just over twelve hours.

The police said the interview started at 9.30 and that Power had not confessed until he was told at 10.10 that the forensic tests were positive. The first two pages were an accurate account of his movements in the week prior to the explosions. He claimed that Hunter and Walker were in the IRA and that each of the three men, including himself, had two bombs each. Power said he planted his bombs at the Mulberry Bush pub, went to the station and got the train. There were serious discrepancies in Power's statement. The 900 word document was at odds with other statements that were made by some of the men.

Hill told a similar story. He said that the police told him he would sign a statement or they would kick it out of him. He was punched on the back of the head, knocked off the back of the chair and dragged around the floor. He was told that he would be shot and dumped along the motorway. The treatment went on for most of the day but Hill was never to sign a statement. The police read Power's statement to Hill and Hill said that it was all lies.

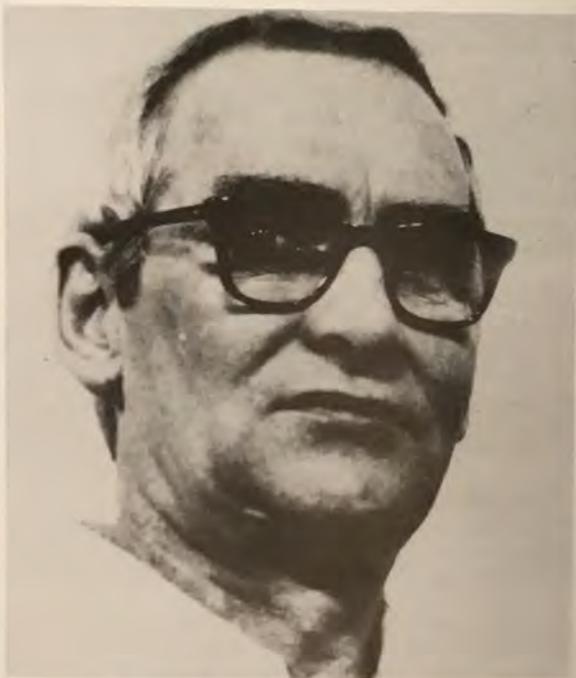
Walker's hands had turned up negative but when he was water-swabbed there was a positive reading for traces of ammonium and nitrate. According to Dr Skuse, he 'could' have had contact with explosives. Walker tells a similar story to that told by Power and Hill.

As he was brought into an interview room he was kicked on the base of the spine. He was then pushed and kicked from one office to another and punched severely on a stomach scar. A blanket was put over his head and the police told him they would give him a few minutes to meet his maker. Then he felt the barrel of a gun against his

head and a sharp clap rang out. He thought he had been shot. The police hit him again and a lighted cigarette was stubbed out on a blister on his foot. He was told to stand on one leg with his hands on his head and was kicked every time he lost balance. Walker lost all track of time and eventually blacked out from the beatings.

Hunter's account was similar. The police said that they interviewed Hunter for twenty minutes and that he mentioned Hugh Callaghan, the man who had seen the men off on the train. The police also said that he had attacked the most senior policeman from Birmingham, George Reade, apparently for no reason, and had to be restrained. Hunter said he was beaten by two policemen.

McIlkenny told a similar story. He was slapped across the face and kicked in the chest. A blanket was put over his face and he was unable to breathe. The police said that they spent just an hour talking to McIlkenny. The police denied all allegations of brutality.



A recent photograph of Mr Richard McIlkenny

By 5.00 that evening, less than 24 hours after the bombs had gone off, the police had what amounted to a confession from one man, forensic tests which showed positive from three, and the address of a sixth man. It was around that time that the five men were moved to Queen's Road police station in Birmingham. Hunter and Walker said they were assaulted on the journey. Power and McIlkenny were left in peace. Hill had the roughest ride of all.

A police truncheon was rammed between his legs, his testicles were hit, a lighted cigarette was stubbed out on his bare feet and he was punched on the head. A revolver was placed in his mouth and he was told he was going to be killed. The trigger was pulled three times but the gun never fired a round. It was coming up to eight in the evening when they arrived at Queen's Road police station. More brutality was to follow.

### QUEEN'S ROAD POLICE STATION

None of the men complained as they were brought into the station. The station sergeant noticed that there was a mark under Walker's eye, but that was all. Hunter said he was hit across the mouth and kicked in the back every time he denied involvement in the bombings. The lights were turned on and off in his cell and he was ordered to sit or stand alternately. Power experienced similar treatment.

McIlkenny said he wasn't allowed to sleep and that he was continually told to stand up. Walker's account was similar. Hill was punched in the jaw and kicked. The man in charge of the station was to say afterwards that he did notice some of the men in the station standing to attention in the cells but that he put this down to their IRA training.

Meanwhile, the houses of the five men were raided and searched. It was 10.45 on the Friday night before the 'sixth man', Hugh Callaghan, was arrested. The police insisted that he was involved with the bombings and he denied it.

Hunter was again interviewed and was hit every time he denied involvement in the bombings. He was told that his wife and children were surrounded by a mob. The more vigorous his denials, the more vigorous the beating. His hair was pulled and his face beaten against a table. Eventually he was returned to his cell.

Walker finally signed a statement saying that he planted the bomb in the Tavern in the Town. The police agree that Walker was by now

showing the classic symptoms of a black eye, but maintain that he received the injury when getting into the car for the journey to Queen's Road. He said he was slapped, that his face was smashed forward onto a table and that he was told there was a mob outside waiting for him. He was kned in the groin, hit behind the ears and bounced around the room. He signed papers, not caring what they were. In his statements there was no mention of where the bombs were supposed to have come from, no mention of priming them, no mention of where they were placed in the Tavern in the Town, and no mention of the bombs' containers.

As with all the statements, there were serious discrepancies and it was fundamentally flawed. In his statement, Walker has three bombs being planted, Power has six. Power says that the bombs were carried to New Street by Walker, Hunter and Callaghan. Walker says they were brought by himself, Hunter and Hill. The supposed planters of the bombs were different in all of the statements, as was the number of bombs.

According to the police, McIlkenny confessed within an hour. They said that he gave an account of his movements, was shown Power's statement, and then started to cry. Within 45 minutes he had given a statement. McIlkenny had a totally different story to tell.

He claimed that he was shown Power's statement and was slapped and punched in the chest. He was brought back to the cells for a while and refused to make a statement, saying that he hadn't anything to do with the bombings. He was slapped on the face and punched on the nose. He started to bleed. Then he was punched on the chest again. He was placed against a wall and a gun was pointed at him and he was asked if he was going to sign. The trigger was pulled twice and the second time there was a loud bang.

He signed sheets of paper and was brought back to his cell where he slept for the first time in sixty hours. In his statement he said the bombs were in plastic bags. This conformed to the profile of IRA bombs at that time, but the bombs which had exploded in Birmingham had been in briefcases or hold-alls. Forensic experts sifting through the debris would later come up with evidence that what had been said in the statements was wrong.

Hill said the police told him that his wife and children would be taken to a safe house outside Birmingham if he signed a statement. He was punched on the back of the head, kicked, punched on the chest and upper arms and kned in the thigh. Power's statement was read to him and he was brought back to his cell. He was also grabbed by the lapels of the coat and threatened on the Sunday as well.

The above accounts of what happened, based on what the five men later said, are not exhaustive, but are only an indication of the treatment they said they received from the police.

Callaghan, the 'sixth man' who had been arrested in Birmingham, was swabbed on the Saturday morning. The police said that he started to sob and later that afternoon said he wanted to confess. Callaghan said that he was kicked under the table during an interview with the police. He said that he was told that if he didn't make a statement he would be bashed around the cell. He was in a state of shock and signed a statement. There were major differences from the other statements as to who planted the bombs, the number of bombs, and their containers.

As he was being transported to Queen's Road police station, Callaghan said that the police could not use the statement because he had implicated Hunter in something he hadn't done. The police stopped the car and threatened him with a gun. The police denied that this ever happened.

Probably the most significant thing that happened during this period in custody, which might go some way towards resolving where the truth lay between the two versions of events, was that the men were photographed by a police photographer. Despite the fact that the photos were black and white polaroids, experts in the field of identifying injuries from photos would later be able to discern more than Walker's very visible black eye.

It was just after three in the afternoon on Sunday when the men were brought to Steelhouse Lane police station. A chief inspector who was in charge of the lock-up where the men were held prior to their appearance at a magistrate's court said: *'They were absolutely terrified. I have never seen men so frightened'*. By this time, five of the six men had extensive bruising to their bodies.

It was Monday morning before solicitors were assigned to the men. Two duty solicitors were assigned to deal with the six. Ian Gold had Callaghan, Hill and Power; Anthony Curtis had Hunter, Walker and McIlkenny.

Curtis noticed injuries on Hunter. Hunter told him he had been beaten by the police. Curtis said that he would arrange for a medical examination and didn't look too closely at the injuries. McIlkenny told Curtis that his chest was marked but Curtis was not anxious to see it. When Curtis saw Walker, the latter was standing to attention and told the solicitor that he got his black eye when he fell down. Walker thought that Curtis was a policeman.



Photographs of the Six taken by the police on their second or third day in custody. From left to right and top to bottom: Hill, Callaghan, Walker, McKenny, Hunter, Power.

Hill, Power and Callaghan told Gold that they had been beaten by the police. Gold noticed discoloration on the chests of Hill and Power. At 10 a.m., the six appeared in front of a magistrate and were remanded in custody to Winson Green prison. Walker's black eye was the only injury anybody would admit to seeing later on. Neither Gold nor Curtis bothered to put on record their clients' injuries.

### WINSON GREEN PRISON

In Winson Green prison, eight Irish prisoners had been attacked by fellow inmates the day after the Birmingham bombings. Anti-Irish feeling was running very high. Warders were also alleged to have taken part in the beatings. The officer in charge of security at Winson Green attempted to persuade his superiors that special arrangements should be made to receive the alleged Birmingham bombers. He suggested clearing all of one wing for IRA prisoners.

It was almost 11 that morning when the convoy arrived with the six men. The van containing the prisoners reversed and two rows of detectives remained on either side as the men were unloaded. Dogs were standing nearby. Curiously, neither committal warrants nor the body receipt book were signed in respect of the six men. Any injuries which might have been present on the men would have been registered on the warrants and in the book. These omissions would give rise to many accusations and counter-accusations later on.

The dogs went crazy when a detective with a shotgun stepped from the back of the van. Three of the men stumbled on their way up the few steps to their first stop. At the top of the steps there was the sound of a scuffle as two detectives brought each man up. Hill hit the wall at the top of the steps and there were shouts. McKenny also hit his face against the wall. The police stayed eight minutes and left.

Nineteen police officers were later to say that they saw nothing untoward happening upon the men's admission to the prison. All said that they did not see anybody fall or being pushed. But according to one prison officer, there was an explosion of physical and verbal aggression against the six as soon as they arrived at the prison.

Walker was covered in bruises. He was beaten again as soon as he got into the prison. One prison officer would remember him spitting out some teeth. Hunter was punched in the face. Power was kned in the leg. Hill was punched and kicked and his face was slammed off a door. Callaghan collapsed on the floor from the abuse and screamed at the warders to let him die. All six were beaten to their cells.

Hunter was taken out for a bath later. Warders tried to beat him as he passed by. He was pushed fully clothed into bloodied water and his head was held under for three or four seconds at a time. He was kicked and punched on his way back to the cell.

McIlkenny was pulled by the hair into the bath. He would remember a handful of his hair floating in the water where it had been pulled from his head. His head was also held under the water. All six got similar treatment. Prison officers were later to admit that they assaulted and brutalised the six men.

Walker was perhaps the worst. He had four teeth missing and the sockets were still bleeding when he was finally examined by a doctor. He also had a black eye, cuts on his nose and right eyebrow, bruises on his right side, under his ribs and at the base of his spine. The doctor who examined him, Dr Kenneth Harwood the prison doctor, estimated that the injuries were three hours to four days old. Walker said that he had fallen down a stairs.

McIlkenny had two black eyes, cuts on his nose and chin, bruises on his chest and left shoulder. He told the doctor that he had slipped on the way back after being bathed.

Callaghan had bruises on his right temple, left eyebrow, back, and the ribs of his right side. He also said that he had fallen down a stairs.

Hill had bruising on both arms, chest and left ear. He said he fell getting out of the prison van.

Power had a black eye, bruises on his right upper arm, right hip and lumbar region. He said that the injuries had been caused in police custody.

It appeared that even in prison the six men were afraid that they would be beaten again. On the Tuesday evening, more than a day after they had arrived at Winson Green prison, solicitor Anthony Cutis brought a doctor to see his clients. Hunter refused to see the doctor because he had been told by a warder that to do so would not be in his own interests. Walker and McIlkenny agreed to be examined and their injuries were noted.

Another two days went by before solicitor Ian Gold could find a doctor willing to go to the prison to examine his three clients. Hill and Callaghan refused to be examined. The doctor found Power extensively bruised. Hunter was also going to be examined but backed out at the last moment. The men who had refused to be medically examined were afraid that if they allowed themselves to be examined

there would be retaliation by the prison staff. Eight days after they were admitted to the prison, Ian Gold persuaded Hill and Callaghan to undergo the medical examination. But most of the bruises were starting to fade and estimates as to when they were inflicted would vary so much as to be virtually useless. This presented difficulties. Who had inflicted the injuries: the police, the prison officers, or both?

## THE TRIAL

Mr Justice Bridge presided at Lancaster Crown Court on 9 June 1975, the day the 45 day trial started. All six defendants insisted that they were innocent. There was a great amount of media interest at first, but as the proceedings dragged on that interest waned. The wives of Hunter, McIlkenny and Power said that their husbands had been framed and they appealed to the Home Secretary, Roy Jenkins. He said there was nothing he could do, that it was a matter for the courts.

There were 132 separate charges and 100 witnesses. There were nine men in the dock in all. Three others - James Kelly, Mick Sheehan and Mick Murray - were up on conspiracy charges. Murray was a self-confessed IRA man and sat silently throughout the trial. He instructed his legal counsel not to cross-examine witnesses. Unlike IRA prisoners, the six men charged with the Birmingham bombings recognised the court and the jury was left to wonder what was going on. It was not made absolutely clear that three of the nine men in the dock were on their own at the start of the trial.

Four of the six men had signed statements amounting to confessions. Coupled with this, there was the forensic evidence of Dr Skuse. There were holes in the prosecution case however: it was not explained who had made the bombs or where they had been brought from, not one witness could identify any of the six as having been in either of the pubs on that night, and nobody could say they saw any of the six with the plastic bags which were supposed to have contained the bombs.

A forensic expert testified that both bombs which had exploded in the pubs, the bomb which had killed IRA man James McDade, and the previous five bombs which had exploded in Birmingham, had all come from the same source, and that the pub bombs were contained in attache cases or briefcases. This directly contradicted what each of four statements made by men in the dock had asserted.

Dr Skuse was a key witness for the prosecution. There were complex arguments in court about the tests he had conducted. Dr Skuse denied that nitrocellulose, as found in varnished railway carriages for example, could have caused a positive result in the test for nitroglycerine. But there was an even more curious aspect to the forensic tests.

Dr Skuse had also carried out thin layer chromatography (TLC) and gas chromatography/mass spectroscopy (GCMS) tests following the positive readings on the Griess test and the tests for ammonium and nitrate. Both the TLC and GCMS tests were more sensitive than the Griess test, and therefore more reliable. Only one sample - that taken from Hill's left hand - turned up positive. Moreover, Skuse had noted only one of three expected molecular fragments on an oscilloscope, whereas other experts in the field took the view that all three fragments were necessary to confirm the presence of nitroglycerine, as was the common practice at the time.

Dr Hugh Black for the defence argued that the Griess test on its own wasn't enough and suggested that old nitrocellulose would give a positive reading, as well as nitroglycerine. Of the three positive readings on the Griess test, only one had been confirmed positive with the more sensitive GCMS test. Dr Black took the view that had he got the same results as Dr Skuse, he would have reached the opposite conclusion in relation to Hill - he would have concluded that the suspect had not handled explosives.

There was an eight day 'trial within a trial' in the absence of the jury, which was taken up with the admissibility of the statements. It was never contested that the men had been beaten in the custody of the state. The question was whether they had been beaten by the police - in order to extract confessions - or by the prison officers on their admission to Winson Green prison.

The police denied all the allegations of brutality. The prison doctor, Dr Harwood, said that he noted the men's injuries and that the injuries were consistent with the explanations he received from the men in the absence of any evidence to the contrary. At the end of eight days, Mr Justice Bridge ruled all the statements admissible:

*'Many of the allegations made against the police are of the most bizarre and grotesque character ... If the defendants were telling the truth I would have to suppose that a team of some fifteen officers ... had conspired among themselves to use violence on the prisoners and to fabricate evidence ... All the police officers who gave their evidence of the circumstances in which the statements were taken impressed me as being straightforward and honest witnesses'.*

Dr Harwood's evidence, to the effect that the men had sustained their injuries before they got as far as prison, was effectively dismissed. Mr Justice Bridge thought the evidence of the two solicitors vague and opined that the injuries which they noted could have been self-inflicted, with a view to blaming the police and denying that the men ever made the statements voluntarily. He made no comment as to the fact that two men who had made no confessions had 'beaten themselves up'. The judge also accepted Walker's explanation of his black eye, an explanation he had given to a solicitor when there was a policeman present.

During the trial Walker wrote to the Home Secretary. The letters went into a number of matters, including the alleged identity of the real bombers. His efforts came to nothing.



(photograph - Derek Spiers/Report)

Michael Mansfield, lawyer for the Birmingham Six, addressing a meeting.

In his summing-up and direction to the jury Justice Bridge said: *'I am of the opinion, not shared by all my brothers on the bench, that if a judge has formed a clear view, it is much better to let the jury see that and say so and not pretend to be a kind of Olympian detached observer'*. Each of the six men were given a life sentence with no recommended minimum which they might serve. Justice Bridge expressed his admiration for the police. *'I am lost in admiration for the way these officers have done their job'*.

### THE BEATINGS

An assistant chief constable was assigned in December 1974 to investigate the beatings the six has received. When he went into Winson Green prison to question the prison officers he met with a wall of silence. In February 1975, one prison officer said he had seen the men being manhandled. There was a five month enquiry. It was May 1975 before the Director of Public Prosecutions got the file. On New Year's Eve the same year it was announced that fourteen warders were to be tried on assault charges. By then the six had served notice that they intended to appeal their convictions.

### THE APPEAL

One of the grounds of appeal was that Justice Bridge had overstepped his judicial function by giving his views so forcefully to the jury. The appeal was finally heard on 30 March 1976 before the Lord Chief Justice, Lord Widgery, Lord Justice Lawton and Mr Justice Thompson. Lord Widgery, who delivered the judgement, dismissed the allegations of beatings.

The judgement did not place heavy reliance on forensic evidence either: *'This is not a point, as we see it, of great importance in this case because there was no trace of explosives found on other hands and even in the case of Hill and Power a subsequent and more precise and accurate test failed to confirm the original one'*. This was the exact opposite of what Justice Bridge had said at the original trial when he pointed out that the two main planks against the six men were their statements and the forensic evidence against them. At their trial, great stress was laid on the fact that the men were said to have handled explosives. The Court of Appeal did note that Justice Bridge *'unhappily went somewhat far'* in his dismissal of Dr Harwood, but the Appeal was dismissed.

### THE TRIAL OF THE PRISON OFFICERS

On 10 June 1976 the trial of the officers opened. Witnesses for the prosecution were mainly prisoners. There were also two doctors. Policemen were called and testified that they delivered the six men safely and without injury to the prison. None of the prison officers was prepared to give evidence on oath but some gave unsworn statements to the court.

It was stated that some prison officers were reluctant to name others not before the court. But unknown to the court, and at the same time, many of these same prison officers had given statements to their solicitors which stated that they had taken part in assaulting the six men upon their admission to Winson Green prison. The prison officers also called Dr David Paul in their defence. Dr Paul was involved in clinical forensic medicine and he specialised in the interpretation of injuries from photographs. He examined blow-ups of the polaroid shots taken by the police when the six had been in custody early on.

He found injuries on all the faces of the six men - some of which even the men themselves hadn't complained of. The trial went on for six weeks and on 15 July 1976 a verdict of not guilty was returned against all fourteen prison officers.

### THE CIVIL ACTION

The six men decided to take a civil action against the chief constable of the West Midlands Police and the Home Office. Dr Paul's evidence - to the effect that they had sustained their injuries while in police custody - was a major part of that action. They also had statements from three prison officers which suggested that they already had the injuries when they arrived at Winson Green prison. That action was started in November 1977 and they received free legal aid to pursue their cases. The Home Office admitted liability but the police were worried and moved to have the action struck out.

The police side argued that Dr Paul's evidence and that of the three prison officers could easily have been used at the original trial and that the six men were estopped from calling it three years later. The police side also argued that the action was an abuse of the process of law as the issue as to whether or not they had been beaten up by the police had already been decided at the Court of Trial. Mr Justice Cantley dismissed the police action and ruled that the six could proceed. The police appealed that decision.

It was January 1980 before the Court of Appeal handed down its judgement. The appeal was heard by the Master of the Rolls, Lord Denning, with Lord Justice Goff and Sir George Baker. In a unanimous judgement they said that Dr Paul's evidence could have been available at the original trial. With extraordinary logic, the court went on to dismiss the action. Lord Denning delivered the judgement, part of which read:

*'Just consider the course of events if this action is allowed to proceed to trial. If the six men fail, it will mean that much time and money will have been expended by many people for no good purpose. If the six men win, it will mean that the police were guilty of perjury, that they were guilty of violence and threats, that the confessions were involuntary and were improperly admitted in evidence and that the convictions were erroneous. That would mean that the Home Secretary would either have to recommend they be pardoned or he would have to remit the case to the Court of Appeal. This is such an appalling vista that every sensible person in the land would say: It cannot be right that these actions should go any further ... This case shows what a civilised country we are. Here are six men who have been proved guilty of the most wicked murder of twenty-one innocent people. They have no money. Yet the state has lavished large sums on their defence. They were convicted of murder and sentenced to imprisonment for life. In their evidence they were guilty of gross perjury. Yet the state continued to lavish large sums on them in actions against the police. It is high time it stopped. It is really an attempt to set aside convictions on a side wind. It is a scandal that should not be allowed to continue'.*

In November 1981, the House of Lords upheld that judgement. That was the final Court of Appeal and there was no place else that the six men could go.

## THE DISCREDITED FORENSIC EVIDENCE

Three years earlier, in 1978, Mr John Yallop, a former Home Office forensic scientist who first introduced the technique of testing hand swabs, wrote to some of the solicitors acting for some of the men who had been subjected to Dr Skuse's tests. He indicated that Dr Skuse's tests were not sufficient to confirm the presence of nitroglycerine and that he should have told the police that his tests were inconclusive. Dr Skuse had told the police and the Court of Trial that he was '99 per cent certain' that some of the six had handled explosives.

In 1979, Yallop conducted a swab test on his own hand after smoking a cigarette and obtained the same positive results that Dr Skuse had obtained for nitroglycerine. He did the same tests for ammonium and nitrate and got similar positive results. Parts of Yallop's letters were published on the tenth anniversary of the bombings in 1984.

Throughout this time, senior IRA figures insisted that none of the six men convicted of the Birmingham bombings had anything to do with them. They denied that they were members.

Early in 1985, Granada Television in Britain commissioned Chris Mullin to investigate the Birmingham Six case for the *World in Action* programme. In May, the programme commissioned two forensic scientists to repeat the forensic tests carried out by Dr Skuse. The Home Office supplied the formula of the reagents used by Dr Skuse so that the two men could carry out their tests. Thirty-five samples were tested, including meat pies (similar to the type Hill had spilled on his hand on the train); playing cards (similar to those used on the train by the men); and nitrocellulose lacquer, chips and sprays. Three nitrocellulose samples showed up positive.

The forensic scientists also noted that the Griess test was very sensitive to temperature. Dr Skuse had maintained that nitrocellulose would have to be heated to sixty degrees before a false positive reading could be obtained using his method. The two men noted that a positive reading was obtained for nitrocellulose at normal room temperature. The two forensic scientists said that the finding by Dr Skuse was not of itself indicative of nitroglycerine.

The items which showed up positive were a cigarette packet, a picture postcard, a wooden surface coated with ten year old varnish containing nitrocellulose, and two old packs of playing cards. All of the five men were in contact with one or more similar items on their journey on the train to Heysham that night. There was also a positive

reading from a hand swab taken from a person who had spent five minutes shuffling the pack of cards.

The Home Secretary at the time of the bombings, Roy Jenkins, when presented with these findings said: *'The new evidence I have seen would be sufficient to create in my mind what's sometimes called a lurking doubt as to whether the convictions in these cases were safe'*.

Three days after the *World in Action* programme was broadcast, Dr Skuse decided to retire early from the Home Office Forensic Laboratory. The Home Office also commissioned a detailed study of the Griess Test. It was September 1986 before the Home Office wrote to an MP and explained that there had been a mistake in the information provided to the forensic scientists who had carried out the experiments for Granada Television.

They said that the strength of the caustic soda solution had been given as 1% but that this should have been 0.1%. However, the Home Office were not sure of the exact strength used by Dr. Skuse. The programme went back to some of the original documents at the trial and showed that the strength of the solution given to the programme in the first instance was correct. It was December 1986 before it was revealed that Dr Skuse had retired voluntarily while attempts were being made to retire him compulsorily. The reason given for his resignation was *'limited efficiency'*.

In 1985, Chris Mullin published *Error of Judgement*, a book about the Birmingham Six. In order to write the book he had tracked down and interviewed some of the IRA members who had taken part in the bombings. In IRA circles it was widely known who had planned the bombing campaign, but the identity of the actual bombers was less well known. Mullin managed to track them down with the help of Republican leaders. All were adamant that none of the six who were convicted had anything to do with it.

This was further confirmed by the way the six were treated in prison. Unlike IRA prisoners, they were rarely moved from prison to prison and were allowed freer visits. Prison officers who came in contact with them did not believe that they had carried out the bombings.

In October 1986 there was another development when a former policeman came forward, apparently to back up part of the six men's claims. Tom Clarke had been a policeman for 23 years but had been dismissed from the force after stealing five pounds from a prisoner. He still protested his innocence. He was in Queen's Road police

station on the night of 22 November, the night the men said they were beaten by the police.

He said that he saw a gun being held to the flap on one of the cell doors. He also said that there were dogs at the station and that they barked and that one of his colleagues told him they had instructions to keep the suspects awake. These were all things which the police had denied at the trial. He had the following to say: *'The prisoners were either sitting or standing to attention (in their cells). There was a marked appearance and they had puffy eyes. I was certain they had been beaten. There was a mark on one man whose blanket dropped (from his body). They were kept awake all night'*. A *'marked appearance'* in this case is intended to mean that their faces were marked.

On 20 January 1987 the Home Secretary Douglas Hurd spoke in the House of Commons: *'As the House will be aware, the safety of these convictions has since been challenged, notably ... in a book published by Mr Chris Mullin ... I have examined all the material with great care. I am satisfied that there is new evidence that would justify my referring this case to the Court of Appeal, and I have now done so.'*



Chris Mullin, Labour member of the British Parliament and author of the book *'Error of Judgement'*.

## THE NEW APPEAL

The appeal started on 2 November 1987 and was heard in front of Lord Chief Justice Lane, Lord Justice O'Connor and Lord Justice Browne. It lasted 28 days and more than 120 hours of evidence was heard.

The six men were represented by Michael Mansfield, Lord Anthony Gifford and Richard Ferguson QC. Legal counsel for the six men claimed that a document which they had unearthed showed that the policeman in charge of the interviews, George Reade, had written out an interviewing schedule which had remarkable errors and omissions. They basically alleged that it was a master blueprint for conspiracy between the policemen involved in the interrogations. For example, the chemist who had supplied Dr Skuse with the ether for his tests was able to say at what time he had done so. His timing backed up the men's version of events and further supported the claim that Dr Skuse and Superintendent George Reade had altered the times on the document. (The judges said that while the chemist was an honest witness, his memory was faulty). This schedule, along with the new scientific evidence and evidence of brutality, would be the main planks of the appellants' submissions. In all, there were twelve days of new evidence presented to the Court of Appeal.

When the senior policeman was being cross-examined, he was at a loss to explain certain of his writings on the schedule. The judges began, in the words of some of the reporters covering the appeal, 'to throw him a lifeline' and even though he failed to come up with a convincing explanation for some errors and omissions, the judges indicated that they believed his evidence.

A former police station cleaner gave evidence to the effect that he had found blood stains where the men had first been held. Three past and present police officers gave evidence to the court of seeing the men marked, frightened, shouted at, sworn at, pushed, shoved and prevented from sleeping. Two prison officers from Winson Green gave evidence of receiving the men into custody and said that they were badly bruised and beaten.

There was a surprise return of one policewoman during the appeal. She came back to give evidence again. She said that she had actually witnessed violence towards one of the six while in police custody, but that she had been afraid to tell the court before because of threats to herself and her family.

Dr Skuse told the appeal that he had given the 'World in Action' team the wrong formula for their tests. The two scientists who had conducted the tests for the programme stood over their findings, and their belief that Dr Skuse knew which formula they had been asking for, and that he had indeed given them the right one. Very few of the reporters covering the appeal were expecting it to succeed.

During the appeal, Chris Mullin alleged that there was collusion between Dr Skuse and George Reade, despite a ruling from the court that witnesses should not discuss the case while it was going on. A television crew turned up on George Reade's doorstep, to have the door answered by Dr Skuse. There was also evidence (a telephone bill) which showed that Dr Skuse had made telephone calls from his hotel during the appeal to George Reade.

It was 29 January 1988 when the Court of Appeal delivered its judgement.

The court rehearsed the sequence of events from the bombings in 1974 to the unfolding of events surrounding the appeal. The court dealt with the doubts which were cast on the voluntary nature of the statements and with the unreliable nature of the forensic evidence. It had been argued that a re-trial should be ordered:

*'This in our judgement is an unreal suggestion. It would as a matter of practical politics be highly unsatisfactory, if not unjust, 13 years or more after the events, to hold a re-trial. Suffice it to say that this is the sort of case in which there is no half-way house. If there is any doubt in our minds as to whether the conviction is safe or unsatisfactory the appeals must be allowed and the convictions quashed.'* And one by one, the Court of Appeal began to explain away all the inconsistencies and the new evidence in the case.

As regards the policewoman who had returned to the stand to give evidence, the court said: *'We do not believe this fresh account of events or her reasons for having had a change of heart ... she demonstrated herself to be a witness not worthy of belief.'*

Ex-policeman Tom Clarke, who had been convicted of stealing five pounds, was nothing more than a man who was out to make money and blacken the name of the West Midlands Police, according to the court: *'The conclusion is unavoidable that Thomas Clarke has invented his story about the guns and the prisoners standing up and sitting down every fifteen minutes. He has invented the injuries to Callaghan ... Mr. Clarke was a most unconvincing witness ... He is also an embittered man ...'*

Another policeman who said he saw six men standing to attention and facing a wall had a mind which played tricks on him, according to the court. The two prison officers who stated that the six already had injuries when they arrived at the prison were trying to minimise the effects of the beatings administered by prison officers, according to the court.

When it came to the forensic evidence, the court said: *'As a result of fresh evidence there is now a grave doubt as to the nature of the method used for testing by Dr Skuse at Morecambe ... In the end it was a straight contest between nitro-glycerine and nitro-cellulose ...'*

However, the court did not regard the forensic evidence as evidence on which hung the safety of the convictions. This was the opposite of what the original trial had heard thirteen years earlier. In 1975, the forensic evidence had been the main plank of the evidence which convicted the men. Now in 1988, that evidence was not central to their convictions. The judgement ended: *'As has happened before in references by the Home Secretary to this Court under Section 17 of the Criminal Appeal Act 1968, the longer the hearing has gone on the more convinced this court has become that the verdict of the jury was correct. The appeals are dismissed'*.

At the time of writing, a campaign goes on to attempt to have the men freed and the convictions set aside on the basis that they were wrong. All six continue to protest their innocence. Family members of all the men have persisted in trying to have the six men cleared over the years. Gareth Peirce, an English solicitor, has continued to campaign for their release and vindication. American lawyers who attended the appeal said that under US law the men would have been granted a re-trial automatically.

When the three judges turned down the appeal, they felt that there was a point of law and public importance attached to the case, and gave the men permission to appeal their decision to the House of Lords, the final resort. The House of Lords refused to hear the case.

## REACTIONS TO THE APPEAL

International observers who attended the Appeal Court hearing were not convinced that justice had been done. In English law the onus of proof rests with the prosecution, yet this onus was placed clearly on the appellants. It appeared to many that defence of the British legal system was the priority, rather than a search for the truth.

On a television programme following the appeal Lord Denning, a senior British figure, said that it was better that some innocent people should remain in prison than that the system of justice should be brought into disrepute.

Subsequent to the appeal, the London Metropolitan Police investigated the evidence brought forward by Chris Mullin which indicated apparent collusion between the chief Crown witnesses. A TV crew had called to Reade's house and had the door opened by Dr Skuse, and telephone bills from where Dr Skuse had stayed in London indicated that he had called George Reade. The appeal judges had ordered that witnesses should not discuss the evidence.

A variety of legal, political, and religious groups have expressed concern about the Appeal Court judgement and insist that the case cannot be closed.

The human rights organisation Amnesty International had a legal observer attend the entire appeal and published a report. In part, it states: *'In Amnesty International's opinion the court consistently refused to give the prisoners the benefit of any doubt on any important point in its judgement ... Amnesty International believes that the extent to which the new evidence about the forensic tests casts doubts on their findings is significant ... Amnesty International has informed the British government that it believes the case cannot be closed and that the allegations of justice since the ill-treated in custody must be investigated further'*. (See Appendix I).

The Conservative MP Sir John Farr who has stated that he does not believe the six are guilty, appealed to Douglas Hurd MP, the Home Secretary, to urge the exercise of the Royal Prerogative of mercy. Mr Hurd refused. More than 130 British MPs of all parties signed an Early Day motion in the House of Commons, appealing for new mechanisms to deal with miscarriages of justice since the 'Birmingham Six' case has shown the inadequacies of the Appeal Court.

In June 1988 Dail Eireann unanimously passed an all party motion appealing to the British government to exercise clemency in the case of the Birmingham Six. (See Appendix II).



Some of the reports which appeared in the British press during the Appeal hearing.

### THE WEST MIDLANDS POLICE

The trial of the six men was one of the first cases in which serious allegations of assault and brutality had been levelled against the police in the Serious Crime Squad of the West Midlands Police, but it was not to be the last. The names of the same officers came up again and again in connection with allegations of assault on suspects. A recently retired chairman of the Police Complaints Authority, Sir Cecil Clothier, had the following to say about the Serious Crime Squad in the West Midlands: 'Obviously there is a nucleus of officers who were willing to misbehave in order to secure convictions which they probably think are justified ... I don't know of any other place where anything on this scale has happened'. The result of the disclosures was that the West Midlands Serious Crime Squad was disbanded in August 1989 and an independent enquiry was announced. Some of the squad's 53 officers were suspended while others were transferred to non-operational desk jobs.

Several of those affected had been involved in the investigation of the Birmingham pub bombings.

Detective Superintendent Ray Bennet, who headed the squad until it was disbanded, has been the subject of serious allegations. Paddy Hill alleged that Bennet had beaten and threatened him following a forensic test performed by Dr Skuse which allegedly indicated that he might have been in contact with explosives.

Detective Inspector Peter Higgins was another officer who was moved to a desk job. Hugh Callaghan alleged that Higgins conducted interviews during which he was slapped and kicked.

Detective Sergeant Michael Hornby was the subject of an investigation requested by a Wolverhampton Crown Court judge who dismissed a prosecution brought by him and other officers: Mr Clifford Jones was cleared of a £35,000 jewellery robbery after an electrical analysis revealed that the incriminating page of a statement which amounted to a confession had been inserted after the rest of the statement had been written. The statement was the only evidence against Jones. In August 1989 Hornby was again at the centre of attention when he was accused in Birmingham Crown Court of 'conveniently burying' a case file which cast serious doubts on the police version of a 1986 revenge shooting. Lawyers representing four accused requested copies of the evidence which had been given to the police by an informer. Hornby, who led the investigation into the informer's evidence, said that he had never seen the file although police records indicated that he was the last to have signed it out.

Hugh Callaghan claimed that an account of his role in planting bombs had been added to his statement by Hornby and two of his colleagues. The details contained in Callaghan's statement closely matched police theories at the time, but conflicted with subsequent forensic evidence.

Mr Hornby and other police officers were already under investigation at the time of the six men's appeal in 1987-8, but this fact was not made known to the men's lawyers at that time. In a letter which he wrote to the Home Secretary, Douglas Hurd, the Labour MP, Chris Mullin, outlined several other cases in which West Midlands officers who had been involved in the Birmingham Six case had been caught out.

In November 1983, for example, three West Midlands detectives were sent to prison for assaulting a prisoner in custody. One of the three was Detective Sergeant Brian Morton. A constable in 1974, he had been present at Queen's Road police station for all or part of the time that the six men were held there. It was Morton who had taken a photograph of one of the men, Paddy Hill, and who had testified at the trial that the suspect had no signs of injury.

(photograph - Derek Spiers/Report)



Tony Benn, Labour Member of the British Parliament, addressing a meeting in support of the Birmingham Six, Dublin, 19th June, 1987.

Another case came to light in December 1984. Mr Derek Gordon was released after serving eight months in Wiston Green prison. While in the custody of the West Midlands Police he had signed a statement which had amounted to a confession of murder. He was later awarded £20,000 in compensation. Two of the officers involved in the Gordon case were, according to Chris Mullin, also involved in the questioning of the Birmingham Six.

By August 1989, nineteen cases brought by officers of the Serious Crime Squad of the West Midlands had collapsed and more are reported to be facing a similar fate. Most of the cases involved allegations of statements concocted by the police, and provided by the West Midlands Serious Crime Squad. There was no alternative but to disband the Squad.

Although allegations of serious misconduct are now being investigated, it is intended to go back only as far as the introduction of the Police and Criminal Evidence Act in 1986, this denying the Birmingham Six any hope that their case will be re-examined in the light of the new and compelling evidence against the police officers who interrogated them.

## THE END?

In 1989 the six men submitted a petition to the European Commission on Human Rights. The petition claims that the appeal process breached the Article of the European Convention on Human Rights which guarantees a fair trial by jury, and by requiring the defendants to prove their innocence beyond reasonable doubt, thus reversed the normal burden of proof in criminal cases. The petition further claims that by substituting itself for the jury, the Court of Appeal also breached that Article in the Convention which provided that there should be a domestic remedy for every breach of the Convention.

At the time of writing, these six men have been in prison for fifteen years. They have consistently maintained that they are innocent. Despite the unbearable strain, family members of each of the six have campaigned over all these years to prove that the convictions were an 'Error of Judgement'.

**APPENDIX I: The concluding paragraphs of a document published by Amnesty International in August 1988.**

'Under English law it is for the prosecution to prove beyond reasonable doubt that confessions alleged to have been obtained by physical ill-treatment were not so obtained. It appears clear to Amnesty International that this has not been proved.

Rather, the judgment of the Court of Appeal seems to rest on an assessment that the six prisoners failed to prove beyond reasonable doubt, or on a standard close to that, that they were ill-treated. In its judgment the Court of Appeal consistently refused to give the prisoners the benefit of the doubt on any important point. It is striking overall that the Court of Appeal did not specifically deal with the cumulative effect of the testimony supporting the prisoners' allegations. It is also striking that, even though according to the Court the prisoners' convictions rested on their confessions, the testimony of every fresh witness in support of the submission that the confessions were involuntary, was dismissed as being either dishonest or mistaken or irrelevant.

Amnesty International believes that the most grave doubt remains regarding official denials that these prisoners were ill-treated while in police custody, and hence regarding the safeness of allowing the confession evidence against them to stand.

Amnesty International believes that the case should not be closed, and that the allegations of ill-treatment must be subject to further review.'

**APPENDIX II: The text of a resolution unanimously adopted by Dail Eireann (the lower house of the Irish parliament) on 15 June 1988.**

'That Dail Eireann calls on the British Home Secretary to grant clemency to the Birmingham Six, to expedite the appeal of the Guildford Four, and to seek an urgent resolution of the Maguire case.'

# THE BIRMINGHAM SIX DEREK DUNNE

Six Irishmen have spent the last fifteen years in British jails, convicted of the 1974 Birmingham pub bombings which left twenty-one people dead and many injured.

Following a lengthy campaign protesting their innocence by the six men, their families and others, most notably Irish clergymen, the case was referred back to the Court of Appeal in 1987.

In January 1988 the Court of Appeal turned down the men's case and sent them back to prison to serve the remainder of their life sentences.

In March 1988 Amnesty International informed the British Government that it "believes the case cannot be closed and the allegations that the six men were ill-treated in custody must be investigated further."

This is the story of the six men's case from 1974 to the most recent developments, written by leading Irish investigative journalist Derek Dunne.

Published by the  
**Birmingham Six Committee**  
Usher House,  
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Dublin 8.  
Ireland.

*With Compliments*



Hugh Callaghan    Richard McLkenny  
Paddy Joe Hill    Billy Power  
Gerry Hunter      John Walker

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Patrons:- Gareth Pierce, solicitor; Cardinal Tomas O'Fiaich; Tony Gregory, T.D.; Chris Mullin, MP; Paul O'Dwyer, attorney;  
Niall Andrews, MEP; John Carroll, General President I.T.G.W.U.



*Moro*

1. cc McNally: PSS  
2. de Nason

**CODED MESSAGE**  
**IMMEDIATE URGENT**  
**CONFIDENTIAL**  
DATE 6/3/90 TIME 2:55  
INITIALS Bj

93720G ESTR EI  
99#;

111  
QQQQQQ

C.50

URGENT

6 MARCH 1990

TO HQ FROM WASHINGTON  
FOR B NASON, ANGLO-IRISH FROM B SCANNELL  
MMMGHFJN

PAUL HILL'S APPLICATION FOR A U S VISA

1. HAVE HAD FURTHER DISCUSSIONS WITH THE STATE DEPT TODAY AND YESTERDAY ON HILL'S APPLICATION. STATE DEPT HAVE BEEN POSITIVE TO OUR APPROACHES AND HAVE SAID TO ME THAT HILL WILL GET HIS VISA IN THE VERY NEAR FUTURE.

2. I UNDERSTAND THAT THE VIEWS OF THE BRITISH AUTHORITIES WERE SOUGHT AND THAT THE ADVISE OF THE NORTHERN IRELAND OFFICE WAS THAT IT WOULD BE WISER NOT TO OBSTRUCT HILL'S VISA APPLICATION AS THE CONSEQUENCES OF REFUSAL WOULD BE MORE DETRIMENTAL TO THEIR INTERESTS THAN ANY ACTION THAT HILL MIGHT RESORT TO WHILE IN THE U S.

3. WHILE THE ULTIMATE DECISION IS NOW WITH THE IMMIGRATION AND NATURALISATION OFFICER BASED IN THE U S EMBASSY IN LONDON, MY STATE DEPT CONTACT DOUBTED VERY MUCH IF THE INS WOULD, GIVEN THE CIRCUMSTANCES, OPPOSE THE GRANTING OF A VISA TO HILL.

VZK3, #  
440026 HIBERNIA  
..... 3

*Mr Hill's Country  
Mr. Thomas  
5/4  
9/3*

*Mr. Gallagher  
to see P&P  
7/3*

*Note. conveyed substance  
of this msg to P. Nason  
who will go back to  
US. Sub this a.m.  
Kennedy has  
been brought  
forward to 12 Dec*

7 MARCH 1990

IMMEDIATE  
=====

TO HQ FROM LONDON  
FOR BRIAN NASON, ANGLO IRISH FROM P. MURRAY

*Mr Gallagher,  
you may wish  
to see  
BR  
HS*

//////

HILL VISA

THE US EMBASSY HAS INFORMED ME THAT THE STATE DEPARTMENT HAS MADE A POSITIVE RECOMMENDATION TO THE IMMIGRATION AND NATURALISATION SERVICE OF THE DEPARTMENT OF JUSTICE THAT A WAIVER BE GRANTED IN THE CASE OF HILL AND THAT A VISA BE ISSUED TO HIM. MY SOURCE EMPHASISED THAT THIS IS UNPRECEDENTED AND IS A RESULT OF OUR EFFORTS AS, UNDER US LAW, HILL'S SHAW CONVICTION RENDERS HIM INELIGIBLE FOR A VISA. THE PAPERS WENT TO THE IMMIGRATION SIDE OF THE EMBASSY WHICH IN TURN FORWARDED THEM TO THE JUSTICE DEPT. IN WASHINGTON. IT WAS STRESSED THAT LOBBYING EFFORTS SHOULD BE FOCUSED ON DEPT. JUSTICE WHERE DECISION ACTUALLY LIES. THE EMBASSY HERE IS FULLY AWARE OF THE TIMEFRAME OF THE CONGRESSIONAL HEARINGS. ETC.

I HAVE SPOKEN TO ERROLL SMALLEY, HILL'S BROTHER IN LAW AND 'MENTOR' AND EXPLAINED SITUATION TO HIM EMPHASISING THAT WE WERE DOING ALL WE COULD. HE ACCEPTS THIS AND HAS CONVEYED IT TO HILL IN DUBLIN, WARNING HIM TO AVOID ANY ANGRY OUTBURSTS (HILL IS CAPABLE OF SUCH, IN MUCH THE SAME WAY AS PADDY HILL OF THE B SIX). HILL HAS APPARENTLY ACCEPTED THIS AND THAT HE WILL NOT NOW MAKE TOMORROW'S NOON FLIGHT. ACCORDING TO SMALLEY, HILL'S ITINERARY IN THE US WILL CONSIST ONLY OF STAYING WITH HIS WIFE OUTSIDE NEW YORK AND TRAVELLING TO WASHINGTON FOR THE CONGRESSIONAL HEARINGS (I WOULD NOT EXCLUDE THAT THERE MIGHT, HOWEVER, BE OTHER ITEMS IN IT OF WHICH SMALLEY MIGHT BE UNAWARE). SMALLEY HAS HEARD FROM HILL, WHO APPARENTLY GOT IT FROM EITHER DEPUTY ANDREWS'

OFFICE OR A US SOURCE, THAT THE CONGRESSIONAL HEARINGS ARE NOW SCHEDULED FOR MONDAY NEXT, 12.3.90.

TWO DOCUMENTS WERE SUBMITTED TO THE US EMBASSY AT ITS REQUEST: THE CERTIFICATE OF CONVICTION WHICH WAS OBTAINED DIRECTLY FROM BELFAST BY HILL (UNFORTUNATELY HE DID NOT KEEP A COPY) AND THE COURT DOCUMENT ESTABLISHING THAT THE GUILDFORD CONVICTION HAD BEEN QUASHED. THESE WERE HANDED OVER AT HIS INTERVIEW AT THE EMBASSY ON 23.2.90. THIS WILL BE FAXED TO ME TOMORROW BY MIKE FISHER, HILL'S SOLICITOR AND WILL BE FORWARDED TO YOU.

//////

2620

20 FEBRUARY 1990

TO HQ FROM WASHINGTON  
FOR D GALLAGHER FROM B SCANNELL  
MMGRACE

*Mr. C. Conroy*  
*Mr. W. W. 2/15/90*  
*de Waltham: PEE*  
*Quelbe A/*  
*307.*

SUBJECT: BIRMINGHAM SIX

613

*(NO20)*

1. THE CONGRESSIONAL HUMAN RIGHTS CAUCUS HAVE WRITTEN TO THE BRITISH HOME SECRETARY, MR DAVID WADDINGTON, ON 15 FEBRUARY, ASKING THE HOME OFFICE TO PRESENT THEIR VIEWS AT THE FORTHCOMING HEARINGS WHICH THEY ARE HOLDING ON THE BIRMINGHAM SIX CASE. THE HUMAN RIGHTS CAUCUS HAVE ALSO CONTACTED GARETH PIERCE ASKING HER TO PARTICIPATE AS A WITNESS. (COPIES OF BOTH LETTERS ARE FAXED SEPARATELY).

*1*

2. CONGRESSMAN JOSEPH KENNEDY'S OFFICE ARE AIMING TO SCHEDULE THE HEARINGS FOR TUESDAY, 13 MARCH. I UNDERSTAND THAT THE BRITISH EMBASSY HAVE SOWN SOME DOUBTS AS TO THE WISDOM OF HOLDING HEARINGS WITH JOHN PORTER, ONE OF THE CO-CHAIRMEN OF THE HUMAN RIGHTS CAUCUS BUT THAT MR PORTER'S STAFF HAVE NOW CONVINCED HIM THAT HE SHOULD GO AHEAD WITH THE HEARINGS WITH HIS OTHER CO-CHAIRMAN, TOM LANTOS. MOST OF THE RUNNING ON THE HEARINGS IS OF COURSE BEING MADE BY CONGRESSMAN KENNEDY AND THEY ARE AIMING TO SCHEDULE TUESDAY, 13 MARCH FOR THE HEARINGS. OTHER WITNESSES THAT THE CAUCUS ARE AIMING TO ATTRACT ARE CARDINAL O'FLAICH, GERRY CONLON, AMNESTY INTERNATIONAL AND SEAMUS MALLON.

3. CONGRESSMAN DONNELLY'S RESOLUTION

THE HOUSE OF REPRESENTATIVES ONLY RECONVENED ON MONDAY AFTER A RECESS OF TWO WEEKS AND REP DONNELLY HAS NOT YET RETURNED TO WASHINGTON. REP DONNELLY CIRCULATED A LETTER TO EACH OF HIS CONGRESSIONAL COLLEAGUES ON 1 FEBRUARY (COPY FAXED SEPARATELY) AND DONNELLY'S STAFF WILL BE FOLLOWING UP ON HIS LETTER IN THE COMING WEEKS AND MONTHS. ON HIS RETURN, MUCH WILL DEPEND ON CONGRESSMAN DONNELLY'S OWN EFFORTS AS TO THE NUMBER OF SIGNATURES HE WILL GET TO SUPPORT HIS RESOLUTION.

~~~~~

*1*

4. REP DONNELLY'S STAFF ARE HOPEFUL THAT SENATOR BIDEN WILL INTRODUCE A SIMILAR RESOLUTION IN THE SENATE. BIDEN'S STAFF HAVE TOLD ME THAT THE SENATOR MAY RAISE THE CASE OF THE BIRMINGHAM SIX EN MARGE OF THE SENATE FOREIGN RELATIONS COMMITTEE MEETING WITH THE TAOISEACH.

\*\*\*\*\*

**Congress  
of the  
United States**

**House of Representatives**

February 1, 1990

**BRIAN DONNELLY**  
MASSACHUSETTS  
ELEVENTH DISTRICT



Dear Colleague:

Please join me as a co-sponsor of H. Con. Res. 249, concerning the case of the "Birmingham Six" prisoners. This case arose from a series of bombings in Birmingham, England in 1974, for which six individuals were convicted and have been imprisoned, under life sentences, since 1975.

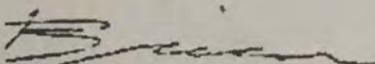
Since then, numerous allegations (police beatings, unreliable forensic evidence, and allegations of perjury) have given rise to grave concerns about the credibility of these convictions. The Irish Government has consistently supported the efforts of the Six to have their names cleared. My own examination of the facts, including a recent visit to one of the prisoners, has convinced me of their innocence. This case must be re-opened immediately, and the convictions of the Birmingham Six quashed. Quite simply, they were in the wrong place, at the wrong time, and of the wrong religion.

My resolution calls for the re-opening of the case, the quashing of the convictions, and calls on the President to raise with the British Prime Minister the serious human rights questions arising from the continued incarceration of the Birmingham Six.

There is growing international support for a thorough review of this case. The City Council and Lord Mayor of Birmingham, the bishops of Birmingham, several members of the British Parliament, the European Parliament, and Amnesty International are all on record in support of a total review. This broad spectrum of concern reflects the increasing conviction that an injustice has been done.

Last year, in a similar case (the Guilford Four), individuals were released from prison for a crime they did not commit. The serious miscarriage of justice in that case clearly casts fresh doubts on the validity of the convictions of the Birmingham Six and reinforces the need to carry out a thorough review. That's what my resolution calls for, and if you would like to co-sponsor it -- or need additional information -- please contact Tom Barker of my staff at x53215.

Sincerely,

  
**BRIAN DONNELLY**  
Member of Congress



## Congressional Human Rights Caucus

Washington, D.C. 20515

### CO-CHAIRMEN

Senator Tim Wirth (CO)  
1 Longworth Building  
Washington, D.C. 20515  
225-3531

February 15, 1990

Representative John Porter (IL)  
1 Longworth Building  
Washington, D.C. 20515  
225-4833

The Right Honorable David Waddington  
QCMP  
Secretary of State for the Home Department  
Home Office  
London SW1 United Kingdom

### EXECUTIVE COMMITTEE

Richard L. Ackerman (NY)  
Richard K. Arney (TX)  
Richard Aspin (WI)  
Richard Delich Bentley (MD)  
Blaze Bonior (Guam)  
Richard W. Bueschner (MO)  
Richard Coelho (CA)  
Richard Conyers, Jr. (MI)  
Richard K. Dornan (CA)  
Richard Dick Douglas (NH)  
Richard M. Dymally (CA)  
Richard Edwards (OK)  
Richard B. Faso (FL)  
Richard F. Feighan (OH)  
Richard S. Foley (WA)  
Richard Garcia (NY)  
Richard A. Gilman (NY)  
Richard B. Henry (MI)  
Richard B. Kennelly (CT)  
Richard L. Lehman (FL)  
Richard Leland (TX)  
Richard M. Levin (MI)  
Richard Lewis (GA)  
Richard J. Manton (NY)  
Richard G. Mariner (CA)  
Richard J. McGrath (NY)  
Richard Miller (WA)  
Richard A. Morella (MD)  
Richard L. Noul (NC)  
Richard Owens (UT)  
Richard Pelton (CA)  
Richard Rohrabacher (CA)  
Richard Rose (NC)  
Richard Olay Sabo (MN)  
Richard H. Scheuer (NY)  
Richard Sikorski (MN)  
Richard H. Smith (NJ)  
Richard E. Studds (MA)  
Richard R. Wolf (VA)  
Richard Wolpe (MI)

### OFFICE

1000 Annex H, Room 552  
Washington, D.C. 20515  
202 226-4040

Dear Sir:

We understand that you are currently considering whether there is new evidence or determining whether there are other considerations of substance in the case of the "Birmingham Six", which may lead you to refer the case back to the Court of Appeals, or take other appropriate action. As members of the Congressional Human Rights Caucus, we are encouraged that progress toward the reopening of this case is proceeding. We are writing to inform you of our concerns about this case, which has led us to schedule a hearing on the matter for early spring.

The Congressional Human Rights Caucus is the leading organization in the Congress advocating worldwide respect for human rights. We are a bipartisan organization of 185 members of Congress who are united by the belief that human rights are indivisible -- that the denial of fundamental freedoms and human rights anywhere is a threat to free people everywhere. The Caucus monitors human rights conditions around the world, brings issues to the attention of Congress, and assists congressional offices in taking appropriate action. We have enclosed some information which explains the goals and activities of the Caucus.

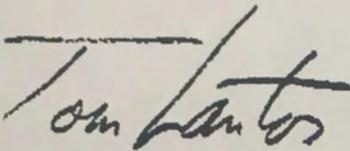
Our purpose in sponsoring this hearing on the "Birmingham Six" is to provide all parties involved with a chance to present their views. We have a firm commitment to maintaining a fair, non-partisan atmosphere. Therefore, we are seeking your response and other materials that you may wish to provide on the most recent developments in the "Birmingham Six" case for presentation during our hearing.

3

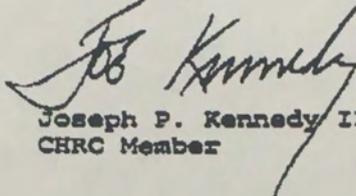
Page Two  
February 15, 1990

Because of the growing concern in London and here in Washington over this case, we feel a sense of urgency regarding the matter. We thank you for your prompt attention to this matter and would appreciate the favor of a reply by the first of March. We welcome further communications with you, and look forward to receiving your reply.

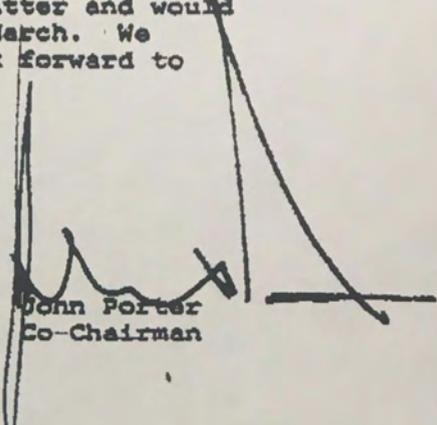
Sincerely,



Tom Lantos  
Co-Chairman



Joseph P. Kennedy II  
CHRC Member



John Porter  
Co-Chairman



## Congressional Human Rights Caucus

Washington, D.C. 20515

February 15, 1990

### CO-CHAIRMEN

Congressman Tom Lantos (CA)  
26 Longworth Building  
Washington, D.C. 20515  
(202) 225-3531

Congressman John Porter (IL)  
01 Longworth Building  
Washington, D.C. 20515  
(202) 225-4835

Mrs. Gareth Pierce  
H.M. Birnberg and Co.  
103 Borough High Street  
London Bridge  
London SE1NN England

Dear Mrs. Pierce:

### EXECUTIVE COMMITTEE

Andy I. Ackerman (NY)  
Richard K. Arney (TX)  
Chris Aspin (WI)  
Diana Dyllis Bentley (MD)  
John Blaz (Guan)  
Jack W. Buechler (MO)  
Tony Coelho (CA)  
John Conyers, Jr. (MI)  
Robert K. Dornan (CA)  
Rudolph W. Douglas (NH)  
Seymour M. Dymally (CA)  
Dicky Edwards (OK)  
Janice B. Fazzoli (FL)  
Edward F. Feighan (OH)  
Thomas S. Foley (WA)  
Robert Garcia (NY)  
Benjamin A. Gilman (NY)  
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Matthew G. Martinez (CA)  
Raymond J. McGrath (NY)  
John Miller (WA)  
Constance A. Morella (MD)  
Stephen L. Nuss (NC)  
Wayne Owens (UT)  
Nancy Pelosi (CA)  
Jana Rohrabacher (CA)  
Charlie Rose (NC)  
Martin Olav Sabo (MN)  
James H. Scheuer (NY)  
Jerry Sikorski (MN)  
Christopher H. Smith (NJ)  
Gerry E. Studds (MA)  
Frank R. Wolf (VA)  
Howard Wolpe (MI)

### OFFICE

House Annex II, Room 552  
Washington, D.C. 20515  
(202) 226-4040

As members of the Congressional Human Rights Caucus (CHRC), we are writing to invite you to a congressional hearing on the Birmingham Six case tentatively scheduled for middle of March, 1990.

The Congressional Human Rights Caucus is the leading organization in the Congress advocating worldwide respect for human rights. We are a bipartisan organization of 185 members of Congress who are united by the belief that human rights are indivisible -- that the denial of fundamental freedoms and human rights anywhere is a threat to free people everywhere. The Caucus monitors human rights conditions around the world, brings issues to the attention of Congress, and assists congressional offices in taking appropriate action. We have enclosed some information which explains the goals and activities of the Caucus.

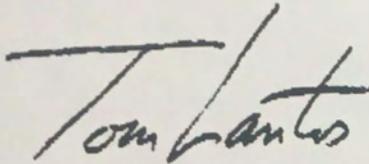
Our purpose in sponsoring this hearing on the Birmingham Six is to fully discuss the background of the case and to provide all parties involved with a chance to present their views. We have written to the Home Secretary, David Waddington, requesting an immediate reply so that we may present the British Government's stand on this case during our hearing. In addition, we are inviting representatives of the Birmingham Six, human rights monitors and other individuals who can present responsible information on this matter. All witnesses will be given an equal amount of time to present their testimony.

Because of your involvement with this case, we welcome your participation as a witness and hope that you are able to attend. We would be happy to provide you with any additional information that you may require. Please contact either Ms. Karen Davis or Ms. Alex Arriaga, the Caucus Directors, at (202) 226-4040 with any inquiries.

5

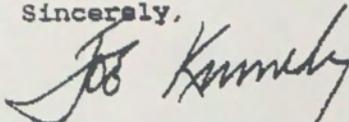
Page Two  
February 15, 1990

We send best regards and look forward to hearing from you soon.

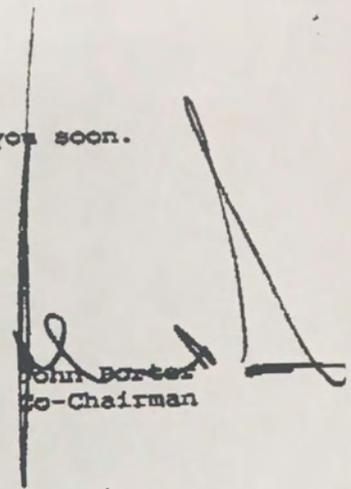


Tom Lantos  
Co-Chairman

Sincerely,



Joseph P. Kennedy II  
CHRC Member



John Porter  
Co-Chairman

Visit of Taoiseach to United States

BIRMINGHAM SIX

1. The Government have consistently supported the aim of the Birmingham Six to clear their names. The Taoiseach has on a number of occasions called for a complete review of the case, in particular when he met the British Prime Minister after the European Council on 9 December. The matter has been raised regularly with the British Government at ministerial and official level. Most recently, the Minister for Foreign Affairs met the Home Secretary on 8 January to maintain pressure for reopening the case.

2. International pressure on behalf of the Birmingham Six is mounting. Of particular importance is the increasing interest in the United States. Congressman Donnelly, who visited one of the Six, Paddy Hill, on 19 January, has formally tabled a motion in Congress on the case and is actively seeking signatures of fellow Congressmen. To have it debated it will be necessary to obtain over 218 signatures. To date, he has secured around 40. The motion calls for

- the current enquiry into the West Midlands Serious Crime Squad to be extended to the Birmingham Six case;
- the reopening of the case;
- the quashing of the convictions of the Six;
- the US President to raise the case with the British Prime Minister.

3. Congressman Tom Lantos, Chairman of the Congressional Human Rights Caucus, has undertaken to have the Caucus hold hearings on the case, possibly next month.

AMBASÁID NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

*NO20*

17, GROSVENOR PLACE,  
SW1X 7HR  
Telephone: 01-235 2171  
TELEX: 916104

CONFIDENTIAL

*cc psc: AG  
Mr Nally: pss  
Mr Mathew; Mr. P. O'Brien  
Counselor B1  
BOK*

26 February 1990

Mr Dermot Gallagher  
Assistant Secretary  
Anglo Irish Division  
Department of Foreign Affairs  
Dublin

Dear Assistant Secretary

**BIRMINGHAM SIX: CURRENT VIEWS OF GARETH PIERCE**

I called to Ms Pierce at her home over the weekend to discuss a number of aspects of the Birmingham Six case:

**New Evidence**

Ms Pierce is becoming increasingly frustrated at the delay by the Home Office in coming to a decision on the new evidence which she presented before Christmas. I had attempted to contact the Home Office on Friday but the relevant official, Mr Bob Baxter, was not there; I have arranged to call on him tomorrow. My own feeling is that the delay is not necessarily bad in that at least it is not a negative decision. I made the point to Ms Pierce, without pressing it too hard, that the Home Secretary was probably waiting to see how the early decisions of the Court of Appeal in relation to the Shaw Enquiry/WMSCS would go; in this connection the Hassan Khan verdict appear hopeful. Pierce, incidentally, has a copy of a statement which Khan made to his solicitor alleging that West Midlands Serious Crimes Squad officers boasted to him of what they had done to the Birmingham Six and threatened him with a similar fate if he did not cooperate. Ms Pierce had no doubt that the Khan decision would have been different prior to the Guildford Four judgment. As you are no doubt aware, today's London *Independent* carries a story to the effect that the Home Secretary will order a new police investigation into the new B6 evidence.

### Extension of the Shaw Enquiry to the B6

I mentioned to Ms Pierce the Home Secretary's reported comments in the House of Commons last week to the effect that the Shaw Enquiry could be extended back to the Birmingham Six case, notwithstanding the fact that the Police Complaints Authority had previously indicated to us that this could not be done. According to Ms Pierce, Shaw could investigate an alleged offence (eg, police perjury) as opposed to a complaint against the police which they could not investigate under the Police and Criminal Evidence Act and previous legislation.

### Paddy Hill

Hill has now come out of solitary confinement, into which he had entered of his own will, because he could not handle the media pressure. It is quite clear, incidentally, that the prison authorities have abandoned any pretense of maintaining the usual regulations in respect of media access to prisoners in respect of the Six: journalists, both print and electronic, now seem to enjoy unrestricted access to them. Hill has been seen by a psychiatrist, Dr McKeith, and a psychologist at Ms Pierce's request. He has been advised on how to handle stress; Dr McKeith has suggested that he avoid further exposure to the media. Ms Pierce commented on how the rules had been relaxed in the medical area also: the usual tortuous procedures had not been applied in respect of Dr McKeith. Hill has been moved to another wing with Ronnie McCartney who Pierce believes will be a good influence on him.

### New Evidence

Ms Pierce is convinced, from queries based on Home Office sources to her from journalists, that the Home Office does not understand the relative importance of the various elements of the new evidence she has presented. Noting the trenchant criticism by Ludovic Kennedy of Lord Lane and the other judges of the Court of Appeal in *The Sunday Times* of 25/2/90, she believes that the failure of Lord Lane to disqualify himself from the 1987 appeal hearing may be a trump card; she thinks that the European Court of Human Rights found against the Danish Government in an analogous case last year. She is wondering whether to make public the new evidence to dispel the misapprehensions which are developing around it.

### Deal with Irish Government Rumour

Ms Pierce had heard from Chris Mullin MP a rumour which he, in turn, credited to Christine Cawley and other MEP's, that a deal had been done between the British and Irish Governments on the B6. This would involve a quiet "back door" release after the Irish Presidency, in return for which we would keep silent on "Irish Sea" issues (presumably Sellafield, etc; Ms Pierce was not clear about this). I told Ms Pierce that I had no knowledge of any such deal which was undoubtedly entirely speculative.

This  
New Evidence  
is  
24/2

### Cardinal Hume

While the Cardinal had publicly supported that Six around Christmas, Ms Pierce feels that he does not want to become too vocal on the issue, for fear of damaging his credibility on the Guildford Four/Maguire cases. His intervention in the Guildford case with former Home Secretary Hurd had, of course, been absolutely critical. Ms Pierce was wondering if she should attempt to see the Home Secretary herself. She may explore with the Cardinal whether he and/or herself might make such a request.

### Congressional Hearings

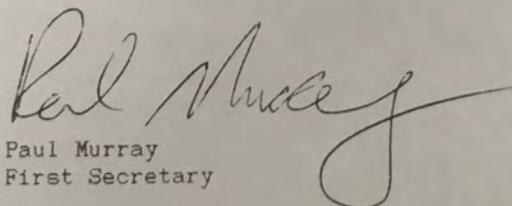
I gave Ms Pierce the information which I had about the Human Rights Caucus hearings on 13 March. She had heard that the British Embassy in Washington had "got at" the Chairman and instigated a cut back in the hearing which rendered it virtually meaningless. This, together with the cost of the fare, was making her doubtful about the value of appearing. I wonder if the Department could provide:

- [1] an assessment of the value of attendance by Ms Pierce;
- [2] any ideas on assisting Ms Pierce get there: would Aer Lingus, for example, be willing to help?
- [3] if she did go, would the Washington Embassy and, possibly, the Consulate in New York, think of providing media contacts for her?

### Gerry Conlon

According to Pierce, Conlon is currently in Tunisia writing his book with David Pallister of *The Guardian*. It appears that there is something of a race between himself and Paul Hill to be the first to publish. There has also been intense competition among London publishers, with Conlon contracted to Penguin/Hamish Hamilton and Hill to Doubleday. Both books are expected to be published in the autumn.

Yours sincerely,



Paul Murray  
First Secretary

No should be  
re back Feb 27/19  
see table

**National Archives Act, 1986, Regulations, 1988**

**ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8**

Form to be completed and inserted in the original record  
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/00310**
- (ii) How many documents have been abstracted: **1**
- (iii) The date of each such document: **February 1990**
- (iv) The description of each document: **Copy letter regarding informal discussion.**
- (v) Number of pages: **3**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

**(b)(c)**

**Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986**

[These will be the reasons given on the certificate under section 8(4)]

**Name:** *Elaine Kelly*

**Grade:** *AP*

**Department/Office/Court:** Taoiseach's Department

**Date:** *25/11/2020.*

02/05/90 15:40

202 232 5993

IRE EMB/WASH DC

001/803

*NO 20*

*by McCarthy  
8-2-90 in brown  
8/2*

*pls. cc A/S Gallagher  
R.O. Brown  
B. Wapa  
O. Grogan  
0.0H 6.2.90*

**FAX COVER SHEET**

FAX NO: \_\_\_\_\_  
DATE: 5 February 1990 TIME: \_\_\_\_\_  
TO: Anglo-Irish  
FOR: Orla O'Hanrahan 0.0H 6.2.90  
FROM: Brendan Scannell

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 3

BRIEF DESCRIPTION OF MATERIAL: Attached please see copy of a letter from Sen. Kennedy to the British Home Secretary, David Waddington, on the Birmingham Six. Sen. Kennedy's office consulted us on the draft.

ANY SPECIAL INSTRUCTIONS: \_\_\_\_\_

TRANSMITTING OPERATOR: Breda

THIS MATERIAL IS BEING SENT FROM FAX PHONE NUMBER (202) 232.5993  
THIS NUMBER SHOULD BE USED FOR RETURN FAXING  
IF THERE ARE ANY PROBLEMS ON RECEIPT, PLEASE PHONE TRANSMITTING OPERATOR AT (202) 462.3939

*cc ps4  
Ma Nally; 758*

ED M. KENNEDY  
MASSACHUSETTS

## United States Senate

WASHINGTON, DC 20510

January 29, 1989

Rt. Honourable  
David Waddington, Q.C., M.P.  
Home Secretary  
House of Commons  
London

Dear Mr. Waddington:

I have been meaning to write to you for some time to express my support for a further review of the Birmingham Six case.

Yesterday, I had the privilege of meeting with the Secretary of State for Northern Ireland, Peter Brooke, during his visit to Washington. One issue we had the opportunity to discuss was the case of the Birmingham Six. Mr. Brooke informed me that you are currently examining further evidence relating to this case, but I wanted to write to you directly about the issue.

Inevitably, the circumstances of the Guildford Four case call into question the convictions of the Birmingham Six. As you know, these six defendants were convicted and sentenced to life imprisonment under conditions similar to those involving the Guildford Four.

In the case of the Guildford Four, it is now clear that fabricated evidence was used against them at their trial, and the British Government deserves credit for rectifying this extraordinary miscarriage of justice.

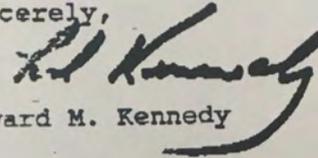
The validity of the conviction of the Birmingham Six, however, continues to be challenged on similar grounds. It is my understanding that several former police officers have come forward to allege that the confessions used against the defendants at their trial were coerced by the police. In addition, I understand that forensic evidence used against them has also been discredited to some extent.

I also gather that evidence of police fabrication has recently surfaced in two other cases which led to the disbandment of the West Midlands Serious Crime Squad. Three of the officers involved in those two cases were also involved in the Birmingham Six case.

Although the convictions of the Birmingham Six were reviewed and reaffirmed last year by the same appeals court that overturned the Guildford Four convictions, the disturbing similarities to the Guildford Four case clearly warrant a current further review of the case, with a view to ensuring that justice is not only done, but seen to be done.

I look forward to hearing from you, and I appreciate your consideration of my views in this matter.

Sincerely,



Edward M. Kennedy

BÉAL FEIRSTE

BELFAST

Confidential

30 January 1990

Mr. Dermot Gallagher  
 Assistant Secretary  
 Anglo-Irish Division  
 Department of Foreign Affairs

Dear Assistant Secretary

Visit by Sir Robin Butler

The British Cabinet Secretary, Sir Robin Butler, visited the Secretariat last Friday morning. He was accompanied by his Private Secretary.

Birmingham Six

The discussion centred on the work of the Conference but shortly before the meeting concluded Sir Robin raised the issue of the Birmingham Six. Speaking from a note, he told us that we could find the results of the Home Secretary's consideration of the submissions recently made to him in regard to the Birmingham Six disappointing. He said the British Government regarded the Appeal Court judgement of 1987 as "convincing"; and he noted that the six men had been decategorized and would be eligible for parole in 1991.

We took Sir Robin's remarks and the deliberate manner in which he made them as a signal not to expect any further referral to the Court of Appeal or any other action which would tend to show that the Government doubted the safety of the convictions or the decision of the Court of Appeal.

Political Situation/Conference Programme of Work

We had a general conversation on these matters. Mr. Miles and I briefed Sir Robin on the present position in regard to Conference work, noting that this would be discussed by Ministers next week in the context of the developing political situation, and I took the opportunity to set out our position on the political situation. Sir Robin said nothing of particular interest.

"Iceberg Watch"

This apparently is British code language for the monitoring of events which are likely to cause controversy. Mr. Miles and I both mentioned the conclusion of the Stevens Inquiry which now

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Mr M. C. Murphy  
 31-1-90  
 J. K. K. K.  
 31/11

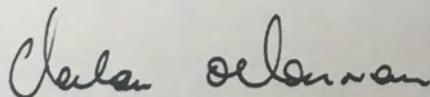
cc PST; AS; AG  
 Mr. N. N.; DPP  
 Mr. M. M.; Mr. R. R.  
 Mr. P. P.  
 B. B. A.  
 R. R.

seems envisaged for early March. I also mentioned the House of Lords decision on the appeal of the British Attorney General against the decision of the Northern Ireland courts requiring the police to give evidence at the McKerr inquest. I pointed out the connections between the McKerr case (one of the Armagh shootings of 1982) and the Stalker affair, that inquests were still due on the Armagh shootings of 1982, that the effect of the changes in Northern Ireland legislation over the years had made inquests virtually negligible, that inquests were very often the sole means of inquiry into incidents which had shaken public confidence in the administration of justice and that more weight should perhaps be given to the "confidence" aspects of inquests. I said it would be unfortunate if the House of Lords upheld the Northern courts decision and the British Government went ahead - as we had been told it would - to introduce correcting legislation. Sir Robin said the problem with inquests was the need to protect intelligence; nonetheless he showed interest in the points made to him and made a note of them.

Maryfield

Sir Robin said that the British Government was very much aware of the working and accommodation difficulties at Maryfield and was anxious to assist in every way. I thanked him for this and said that I had also appreciated similar indications from Ministers and officials since my arrival in Belfast.

Yours sincerely



Declan O' Donovan  
Joint Secretary

cc P.S.S., Mr. Nally  
PSM, Mr. Matthews  
Mr. Fallon, Mr. Brennan  
Mr. Collins M.

CODED MESSAGE  
IMMEDIATE  
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PS

WE JANUARY 1990

IMMEDIATE  
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*John*  
24.1.

-////-

*Mr McLaughlin*  
*Mr* *Mr*

FOR M. COLLINS. FROM P. COLLINS

*26.1.90* *29/1*

THE BRITISH HAVE GIVEN US THE FOLLOWING IMPORTANT MESSAGE RE PAUL HILL:

IT HAS BEEN CALCULATED THAT, IF HE HAD BEEN SERVING HIS SENTENCE IN THE NORMAL WAY IN NORTHERN IRELAND, HILL WOULD HAVE BEEN RELEASED ON LICENCE AS OF YESTERDAY. HE WILL NOT, THEREFORE, HAVE TO RETURN TO

PRISON IF HIS APPEAL FAILS.

ENDS  
/////

PYEP

XXXXX

URUWIW AISE

*No 20*

Telefon }  
Telephone } (01) 780822

Telex 25300

Tagairt }  
Reference }



AN ROINN GNÓTHAI EACHTRACHA  
Department of Foreign Affairs

BAILE ÁTHA CLIATH, 2.  
Dublin 2.

No 20

cc + Post Post PST  
Mr. Hall  
Counsellors A.I.

22 January 1990

Mr. Paul Murray  
Irish Embassy  
London

*W. J. Murphy*  
*26.1.90*  
*J. J. Nason*  
*SM*  
*26/1*

Dear Paul,

I enclose for your attention copy of a scientific paper on the subject of the forensic evidence in the Birmingham Six case which is to be published shortly in the UCG Law Journal.

It has been suggested that this paper might usefully be passed to Gareth Pierce and possibly through her to the Home Office. Perhaps you would let us have your views before taking any action. You will note that there is a line missing at the end of the second-last page of the text - we are attempting to obtain a better copy and will forward it to you.

Yours sincerely

*Brian*

E. Brian Nason

Dr. Seán ó Muircheartaigh is a lecturer in chemistry in the Regional Technical College in Galway. He is a Hugh Ryan Memorial Gold Medallist in Chemistry from UC Dublin, where he obtained a first class honours degree in chemistry in 1965 and a Ph.D. in organic chemistry in 1970. He was a research and development chemist with Pfizer in England and Ireland prior to joining the RTC and is a Fellow of the Institute of Chemistry of Ireland since 1976. Seán has twenty four years of postgraduate research experience of chemical analysis, and has used all the techniques adopted by the forensic chemists in the Birmingham Six case. In addition Seán has honours law (LL.B.) and MBA degrees from UC Galway. His current lecture topics include industrial/environmental/analytical chemistry. Seán is on the editorial board of *Anal*, to whom this paper is being submitted for publication.

### The background:

On Thursday 21st November 1974 two boats exploded in Birmingham, killing twenty persons and injuring about one hundred and sixty others. Five passengers on the boat train to Belfast were taken to hospital and brought to a police station at London. A few days later they were examined by Dr. Saunderson. Samples taken were tested in the spot for nitrate by the spot test and subsequently brought elsewhere for detailed analysis. Forensic tests carried out on three of the men apparently proved positive for nitroglycerine and ammonium nitrate, two components of commercial explosives. The legal proof of contact with commercial explosive was doubtless of crucial importance.

198039.

TCD. FAX

### The Burden of Proof:

In criminal cases the burden of proof requires that guilt be proved beyond reasonable doubt.

### Chemical Analysis:

For chemical analysis to have any significance, it is necessary that proper precautions be taken to take representative samples for test purposes. This includes ensuring that all samples are taken and secured in clean suitable containers. Furthermore, all samples must be correctly labelled and all documentation and reporting must be carried out at the time of the event by strict procedures. All sample takers should be instructed with the date and time clearly indicated. All test procedures should be carefully studied and applied over the appropriate range to ensure that it has the capacity to detect the particular items used. All such procedures and procedures should be checked by the analyst and all test and other work undertaken should be carefully documented and a record of results is always required.

### Summary:

*"Hill's left hand is proven to have nitroglycerine upon it for which there is and can be no innocent explanation".....* court of appeal. This paper carries out a critical assessment of the forensic evidence brought out at the Birmingham Six appeal. The author concludes that the decision of the court was unjustifiable in terms of the normal standards that apply in science and law. Some crucial points in the forensic evidence was overlooked which actually could be considered as new evidence which can conclusively prove that the accused persons were not in recent contact with explosives.

### The background:

On Thursday 21st November 1974 two bombs exploded in Birmingham, killing twenty persons and injuring about one hundred and sixty others. Five passengers on the boat train to Belfast were taken off at Heysham and brought to a police station at Morecambe, a few miles away where they were examined by Dr. Skuse. Samples taken were tested on the spot for nitrite by the Griess test and subsequently brought elsewhere for detailed analysis. Forensic tests carried out on three of the men apparently proved positive for nitroglycerine and ammonium nitrate, two components of commercial explosives. The legal proof of contact with commercial explosive was doubtlessly of crucial importance.

### The Burden of Proof:

In criminal cases the burden of proof required is that guilt be proven beyond reasonable doubt.

### Chemical Analysis:

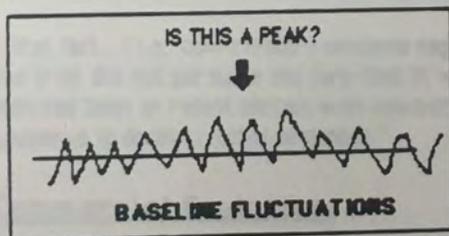
For chemical analysis to have any significance, it is necessary that proper precautions be taken to take representative samples for test purposes. This includes ensuring that all samples are taken and secured in clean suitable containers. Furthermore, all samples must be correctly labelled and all documentation and reporting must be carried out at the time of the event by strict procedures. All documentation should be initialled with the date and time clearly indicated. All test procedures should be suitably developed and tested over the appropriate range to ensure that it has the capacity to assess the parameter being used. All such standardised test procedures should be passed by the initiator, and at least two others with technical skills and qualifications. Documentation and procedural control is crucial to reliable analysis.

### Some Scientific Terms:

Chemical analysis can broadly be divided into **qualitative** and **quantitative** analysis. The former merely indicates the type or **quality** of a substance, whereas the latter tells how much (**quantity**) is present.

To be able to assess the value of a method of analysis the **sensitivity**, **selectivity** and **detection limit** of the procedure needs to be known. The **sensitivity** refers to the concentration range or amount of material that can be reliably measured using the procedure. **Selectivity**, on the other hand indicates the effectiveness of the method in distinguishing between the compound being analysed and other compounds which may be present and interfere or give a similar reaction. The term **detection limit** is the lowest concentration or amount of material detectable by the analysis procedure. At the detection limit, readings (baseline) are fluctuating as simulated in the diagram below. Where a non recording method of detection (such as the eye) is used the determination of a detection limit / sensitivity thus becomes rather subjective, particularly if no proper calibration procedures are used.

Figure 1.



### The Scientific Evidence at the Trial:

This evidence is detailed in the daily reports of the trial in the Irish Times during November and December of 1987, and summarised in the Judgement printed in the Magill magazine of February 1988. A brief incomplete summary follows:<sup>1</sup>

Dr. Skuse swabbed the hands of the men with ether and water. He took four ether swabs from each man, each hand and the nails of each hand. The products of each swab except those from Hill's left hand and the water swab was subjected to a chemical test at Morcambe police station using Griess reagent. This test was positive for the swab from Power's right hand and that from Hill's right hand. All the other swabs tested were negative.

Back at the laboratory Dr. Skuse tested the swabs from all the men for for the presence of ammonium. These tests proved positive for Power's right hand, Hill's left hand, and left hand nails, and the water swab from Walker's hands. all other tests for ammonium were negative.

The swabs for all the men were tested for the presence of nitrate ion. These tests proved positive for Power's right hand, left hand and left hand nails. There is a dispute as to Walker's swabs all the others were negative.

Dr. Skuse tested the ether swabs from from Power, Hill and Walker for nitroglycerine by Thin Layer Chromatography and all tests proved negative.

Dr. Skuse had samples analysed by a Dr. Drayton for nitroglycerine using gas chromatography / mass spectroscopy. Power's right hand was negative. There is a dispute about the finding of Dr. Drayton and Dr. Skuse that Hill's left hand was positive. The other three Hill swabs were negative.

### Judgement in the Court of Appeal:

Lord Chief Justice Lane, Lord Justice O'Connor, and Lord Justice Brown had the following two extracts in their judgement in the Court of Appeal, when referring to the original trial in January 1988: <sup>2,3</sup>

... in cross examination ..... Dr. Skuse said... that he was '99% certain' that he had detected nitroglycerine as a result of a positive Griess test. In relation to Power, Dr. Skuse said that 'contact between the hands of Mr Power and explosives had recently occurred.'

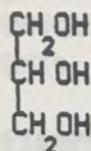
"that fact.. (i.e. confirmatory evidence negative)... in the context of the evidence as it stood at the trial did not persuade the jury that it was unsafe to accept Dr. Skuse's conclusion that the men had been in recent contact with commercial explosives..... Nothing has emerged ....which causes us to doubt.... (this evidence)."

### Commercial Explosive:

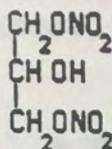
Commercial explosive consists of a mixture of ammonium nitrate and nitroglycerine. Figure 2 shows the chemical formula for glycerol which has three alcohol (OH) groups. All three groups can be nitrated by nitric acid under controlled conditions giving mononitroglycerine, dinitroglycerine (DNG) and trinitroglycerine (TNG). Commercial explosive contains substantial quantities of DNG in addition to TNG, both of which can be readily detected by GC.

Different test procedures were used to examine for these substances. The primary method used by Dr. Skuse was the Griess test for the nitrite ( $\text{NO}_2^-$ ) of nitroglycerine. He also tested for nitroglycerine itself by thin layer chromatography and (with the assistance of Dr. Drayton) by gas chromatography / mass spectroscopy. He used Nessler's method for ammonia to detect the ( $\text{NH}_4^+$ ) group, and some unspecified procedure for the nitrate ( $\text{NO}_3^-$ ).

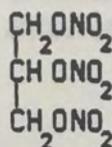
**Figure 2**



GLYCEROL



DINITROGLYCERINE (DNG)



TRINITROGLYCEROL (TNG)

OH = ALCOHOL GROUP

NO<sub>2</sub> = NITRO GROUP

### Critical Assessment of the Griess Test.

The Griess test can only be considered a screening test because it merely shows the presence of nitrite and not necessarily nitroglycerine. The nitrite anion is present in tap water in small amounts and is considered in water analysis as an indicator of sewage pollution in drinking water.

When one examines the Griess test as carried out by Dr. Skuse, one obtains a surprise. It appears that no acceptable system for analytical procedures was in place, and that he was not working on the basis of a properly assessed and calibrated test procedure. In the first instant, Dr. Skuse had been unable to obtain a blank reading from the reaction vessels in which he carried out the test.

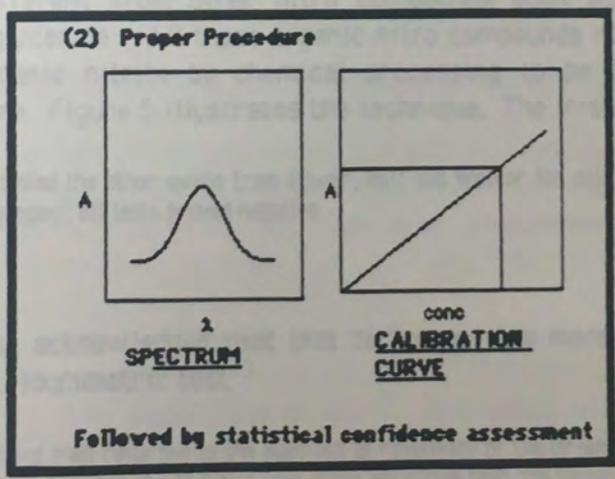
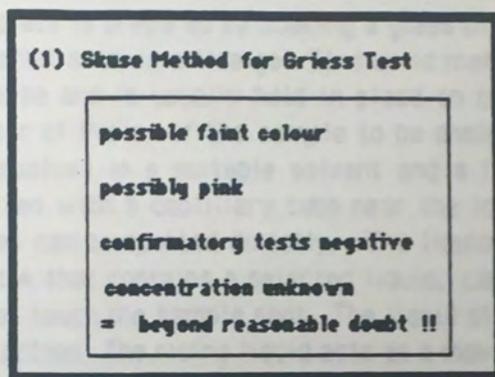
He agreed that the only tests on Hill he carried out at the police station were of his right hand. He agreed that this test would have the use of three bowls. Asked at what stage he had discovered he couldn't get a blank or clean reaction from the bowls, Dr. Skuse said he thought it was at this stage after doing the test on Hill's right hand.....Asked if he had made any record of the contamination problem he had encountered with the bowls, Dr. Skuse said he had not. <sup>4</sup>

It is ridiculous to accept unquantified results when the blank is already giving a positive reading.

A second major question mark arises about the colour (if any) produced. If there is a colour is this colour pink? Griess reagent is made up by mixing two reagents sulphanilic acid and a light sensitive naphthalene derivative. The latter reagent is usually coloured when a new reagent bottle is opened.

In addition the combined reagent (used by Dr. skuse) goes off very rapidly, and should ideally be freshly made up. The test itself is very dependent on the reagent activity, the temperature of the reaction and the nature of the test solution. Another important possibility is that Dr. Skuse was colourblind. Up to ten percent of the male population are so afflicted. Figure 3 shows the author's comparison of Dr. Skuse's Griess test and an alternative procedure, and figure 4 shows an actual laboratory run using nitrite.

**Figure 3: ALTERNATIVE GRIESS TESTS:**



### Ammonium Nitrate: ( $\text{NH}_4^+ \text{NO}_3^-$ )

The inclusion of the analyses of these ionic species is puzzling. The fatal procedural shortcomings where non quantified colourimetric tests were used is further worsened by the fact that both ammonia and nitrate are both present either in tap water or urine, and thus all persons would have traces, however minute, of both ammonia and nitrate on their hands. With regard to the ammonia, the author had carried out ammonia tests for years and had never encountered a brown precipitate. Yet Dr. Skuse took this formation of a brown precipitate as definitive of the presence of ammonia. To get any kind of orange precipitate with Nessler's reagent, very high concentration of ammonia are necessary - perhaps ten thousand times the concentration of the detection limit of the Griess test, and a million times the detection limit of the GC / MS system. This stretches the imagination. It is far more likely that Dr. Skuse's brown precipitate is dirt or grime from suspect's hands. With regard to nitrate no test procedure was reported in the Irish Times report or in the judgement. One of the most likely methods in use at that time was the brucine method, in which nitrate develops a yellow colour in the presence of brucine when heated with concentrated sulphuric acid. This test is dreadfully non specific and vast numbers of compounds give yellow colours with the acid, with or without the brucine (e.g. the RCS test for citric acid in the British Pharmacopoeia). When one considers that these tests were carried out on water extracts from the dirty hands of suspects, one can imagine the reliability. Perhaps this explains Dr. Skuse's positive reactions for nitrate and ammonia. One way or another it is unacceptable as evidence.

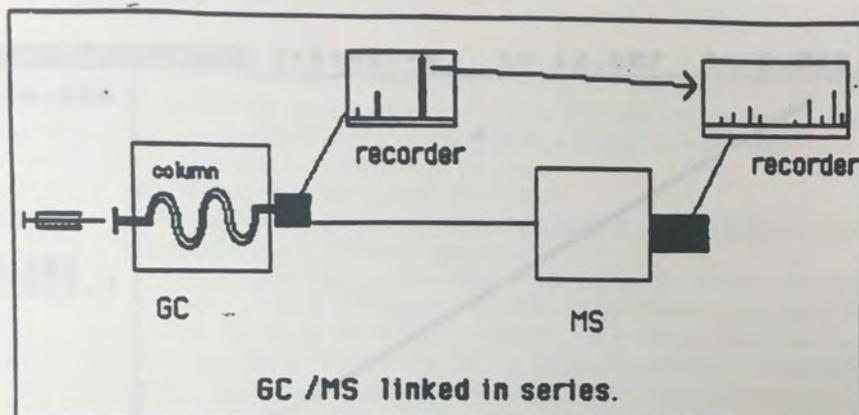
### Gas Chromatography (GC) / Mass Spectroscopy (MS):

GC / MS is easily the most selective and sensitive analytical procedure used by the prosecution forensic scientists. Only one sample, numbered FS17, from Patrick Hill's left hand was considered to be positive for nitroglycerine.

Figure 6 illustrates the GC and MS linked in series. The black squares indicate the complex instrumentation which converts detector signals into chart recordings. In the case of the MS no recorder was in use. Detection was by observation of an oscilloscope screen.

The principal of the GC system is simple. A mixture of volatile substances is injected into the GC where it is separated into pure substances which are detected and recorded individually on a paper chart. This technique is very sensitive and levels as low as nanograms ( $10^{-9}$  g.) or picograms ( $10^{-12}$  g.) are detectable.

Figure 6.



A trace of commercial explosive contamination would be about a foot high. This sensitivity appears to have been achieved for GC by Dr. Skuse, if the author's interpretation of the appeal court evidence is correct:<sup>8</sup>

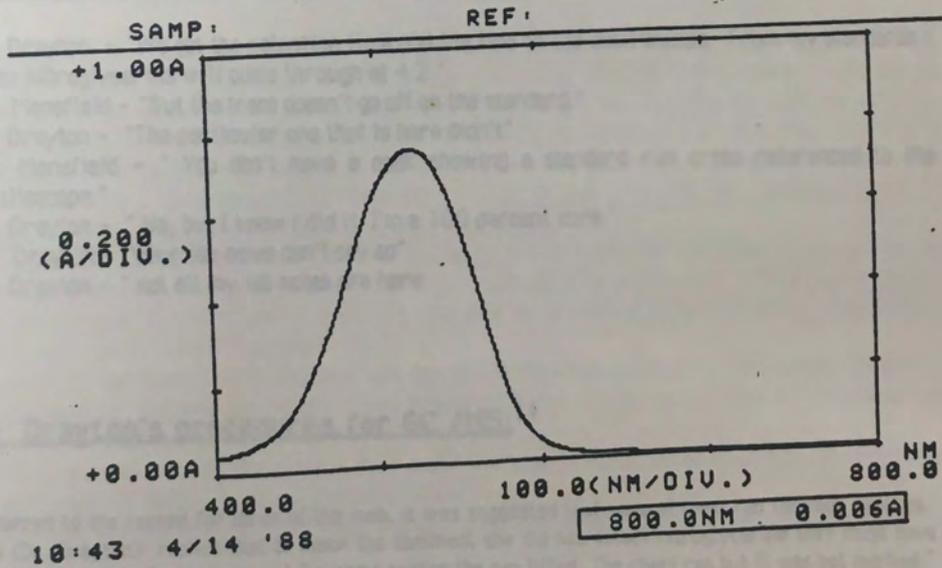
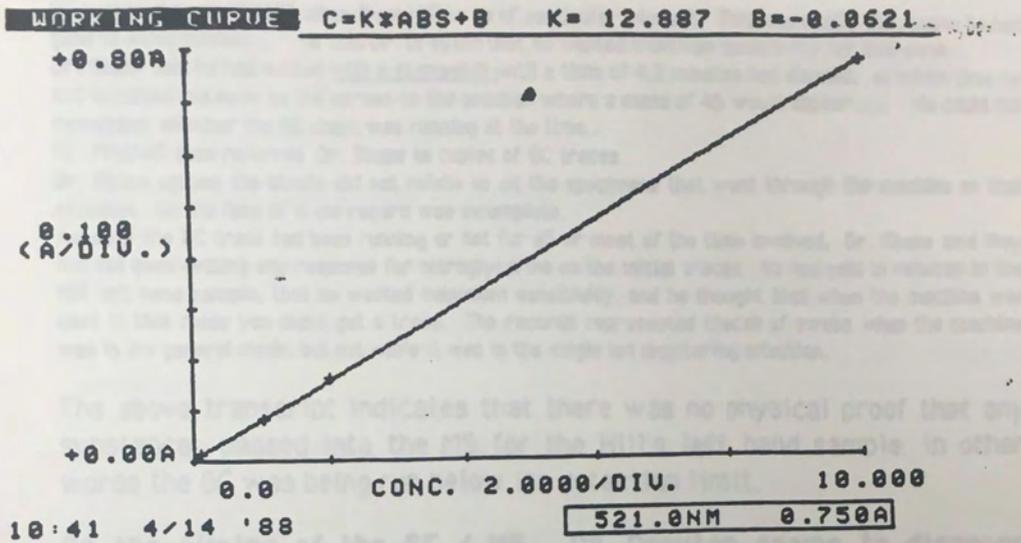
She (Dr. Drayton) was referred to the trace on the Berry sheet where the trace appeared to go off at about four minutes and appear at about five. Mr Mansfield suggested it was not measuring at all. He said the same thing happened when the Charles sample was injected...

This passage may well show that Mr. Mansfield or his advisers did not have a proper understanding of GC. There seems to have been a crucial opportunity missed here to confirm the fact that the Birmingham defendants were not in recent contact with explosives.

#### Mass spectrometry (MS):

An individual substance coming off the column can be passed on into a mass spectrometer (MS) where it is broken up into charged particles which again can be readily detected. The MS chart (usually on photographic paper) gives a fingerprint type pattern which is virtually unique to an individual substance and is ideal for identification verification. At the time of the Birmingham explosions (1974), such recording of the fragments was standard procedure. The technique was not new technology at that time as it had been used by the author in Unilever's Research Laboratory in Vlaardingen, Holland in 1966, and also in his Ph.D. research at UCD between 1966 and 1969.

figure 4



### Dr. Skuse's evidence for the crown:<sup>9</sup>

He regarded swab "F917" taken from Hill to be of particular interest. This was really the reason he had gone to Aldermaston.... He told Dr. Drayton that he wanted maximum sensitivity for this swab...

Dr. Skuse said he had waited with a stopwatch until a time of 4.2 minutes had elapsed, at which time he had focussed his eyes on the screen on the position where a mass of 46 would appear..... He could not remember whether the GC chart was running at the time...

Mr. Mitchell then referred Dr. Skuse to copies of GC traces.

Dr. Skuse agreed the sheets did not relate to all the specimens that went through the machine on that occasion. On the face of it the record was incomplete.

Asked if the GC trace had been running or not for all or most of the time involved, Dr. Skuse said they had not been getting any response for nitroglycerine on the initial traces. He had said in relation to the Hill left hand sample, that he wanted maximum sensitivity, and he thought that when the machine was used in that mode you didn't get a trace. The records represented traces of swabs when the machine was in the general mode, but not while it was in the single ion monitoring situation.

The above transcript indicates that there was no physical proof that any substance passed into the MS for the Hill's left hand sample. In other words the GC was being run below its detection limit.

### On the timing of the GC / MS. Dr. Drayton seems to disagree with Dr. Skuse:<sup>10</sup>

Asked how she measured the tests she said she watched the charts and saw where 4.2 minutes occurred. She told him she did not use a watch.

### Dr. Drayton's calibration techniques were unacceptable:<sup>8</sup>

Dr. Drayton - "We got the retention time and the line on the oscilloscope. From my standards I knew nitroglycerine will come through at 4.2."

Mr. Mansfield - "But the trace doesn't go off on the standard."

Dr. Drayton - "The particular one that is here didn't"

Mr. Mansfield - " You don't have a peak showing a standard run cross referenced to the oscilloscope."

Dr. Drayton - " No, but I know I did it. I'm a 100 percent sure."

Mr. Drayton - "your lab notes don't say so"

Dr. Drayton - " not all my lab notes are here

### Dr. Drayton's procedures for GC /MS:<sup>11</sup>

Referred to the record for three of the men, it was suggested that none of them ran for four minutes. She (Dr. Drayton) replied that to make the comment she did not detect nitroglycerine they must have run for more than four minutes. " for some reason the pen lifted. The chart ran but it was not marked."

Mr. Mansfield - " Why?"

Dr. Drayton - I don't know. I can't comment further. I can't explain that without my notes.

### Dr. Drayton's documentation.<sup>10</sup>

Dr. Drayton was then referred to sheets from a notebook. She said she first saw them on October the 2nd this year when she was shown them for Counsel for the Crown. They appeared to be from the type of notebook used for recording work at the time she was at Aldermaston. Asked if she had any recollection of tearing pages out of the notebook, she said "no". Generally that kind of thing was not done. Mr. Mansfield then asked was the sample FS 17 run more than once. She said she did not know without the record sheet.

### The test was not properly calibrated.<sup>12</sup>

Asked if she could quantify the amounts of (TNG) she said it was impossible to actually quantify the amounts for that day. She had used standard amounts of 12 nanograms ( $10^{-9}$ g.) per microlitre which produced a very large peak. But without using different concentrations it was not possible to know what concentration produced what size of peak. She had not run different concentrations.

### Dr. Skuse's evidence for the crown:<sup>9</sup>

Dr. Skuse said that at 4.2 minutes he saw a blip rise and fall, a small peak rose and fell. He was not the only one looking at the screen at the time. Miss Drayton was beside him focussing her attention, he thought on the same point. ....

Mr. Mitchell referred Dr. Skuse to Dr. Drayton's letter and in a reference in that letter to "a very small increase" in relation to the Hill sample. Dr. Skuse said it was a small increase, a discernible increase, and if it had stayed on the screen he could have measured it with a ruler. He didn't quarrel with Dr. Drayton's words "a very small increase".

### Dr. Drayton's evidence for the Crown is also interesting:<sup>12</sup>

She was asked if she remembered the sample named FS17, which came from Paddy Hill's left hand. She said she remembered one that was positive as opposed to the others. She did not remember at what time it went through. ....As the sample was running through the multiple ion detection system would be switched on. She would be watching the (GC) chart and the TV screen. In relation to this sample at 4.2 minutes, she saw a very small increase on the line on the oscilloscope corresponding to mass 46. Dr. Skuse was also watching. Asked if either of them were using independent means of timing she said no.

Asked about the significance of the small increase, she said the size indicated how much of the ion was present at the mass 46. A bigger peak indicated a larger amount. Asked if she had any recollection of what she saw on the chart, she said as far as she could remember, there was a very very small peak on the chart. ....

asked if it was possible that the peak she saw on the oscilloscope could be caused by a hiccup in the apparatus, she said she thought it was highly unlikely. If one was familiar with the machine with experience you could pick up an electronic peak.

She agreed she she had observed a very small increase at mass 46 at 4.2 minutes which she interpreted as "possible nitroglycerine present".

Asked why she qualified it in that way, she said mainly because the peak at 46 was very small.

### Dr. Drayton's evidence under cross examination:<sup>13</sup>

Dr. Drayton: "yes, I called FS 17 a very small increase." .....  
He then asked her if she may have run 30 for the sample for FS17. (from Patrick Hill's left hand). She said she thought so she could not remember if she had or not. The peak at 46 which was for 100 percent was very small. If she ran 30 the peak would be very small or non existent.

Mr. Mansfield - "Which means at the lowest possible level of detection?"

Dr. Drayton - "certainly one is dealing in very small amounts".

### Proper Calibration and documentation Procedures:<sup>14</sup>

The following is a short extract from a 1978 FDA regulations booklet which gives an indication of the normal standards applicable in chemical analysis:

Measurement equipment:All production and quality assurance equipment shall be suitable for its intended purposes and shall be capable of producing valid results. Such equipment shall be routinely calibrated, inspected and checked according to written procedures. Records documenting these activities shall be maintained. All program changes shall be made by designated individual(s) through a formal approval procedure....

Calibration: Calibration procedures shall include specific directions and limits for accuracy and precision. ... calibration shall be performed by personnel having the necessary education, training, background and experience.... Where practical, the calibration standards used for production and quality assurance measurement equipment shall be traceable to National Bureau of Standards, Department of Commerce."

### The views of the Court of Appeal are difficult to understand:<sup>15</sup>

We have no doubt that Dr. Drayton was the real expert on GC / MS. She was a very impressive witness.....

Dr. Skuse also gave evidence that he had seen a peak for mass 46 at 4.2 minutes. His recollection of the oscilloscope was plainly mistaken but nothing that he said has any effect on the evidence of Dr. Drayton. Hers is the fresh evidence. So, far from creating any doubt as to the detection of nitroglycerine on FS 17, the fresh evidence on that topic makes us sure that Hill's left hand is proven to have nitroglycerine upon it for which there is and can be no innocent explanation. That conclusion is fatal to the appellants contention on the scientific issue.....

### Conclusion:

The procedures and documentation used in this case are totally unacceptable in science or law. Non specific, non quantitative and non calibrated tests do not overcome the initial evidential barrier of acceptance. The best evidence rule should have further dictated the unacceptability of the Griess test when far superior tests in terms of sensitivity and selectivity were available at the time. Missing documentation is unacceptable, and reduces the verbal statements in the proceedings to the realm of hearsay, a priori when the two scientists

On the basis of the size of the GC/MS peaks, the author can only conclude that the accused persons were definitely not in contact with explosives. A standard of commercial explosive is shown in figure 7. Figure 8 shows the response of GC from a person found to have been handling explosives (This is from an Irish criminal trial in the seventies). The fact that there was no clearly discernible peak detected by Drs Skuse and Drayton leads the author to conclude that Hill and his co - accused cannot be implicated in any way by the forensic evidence.

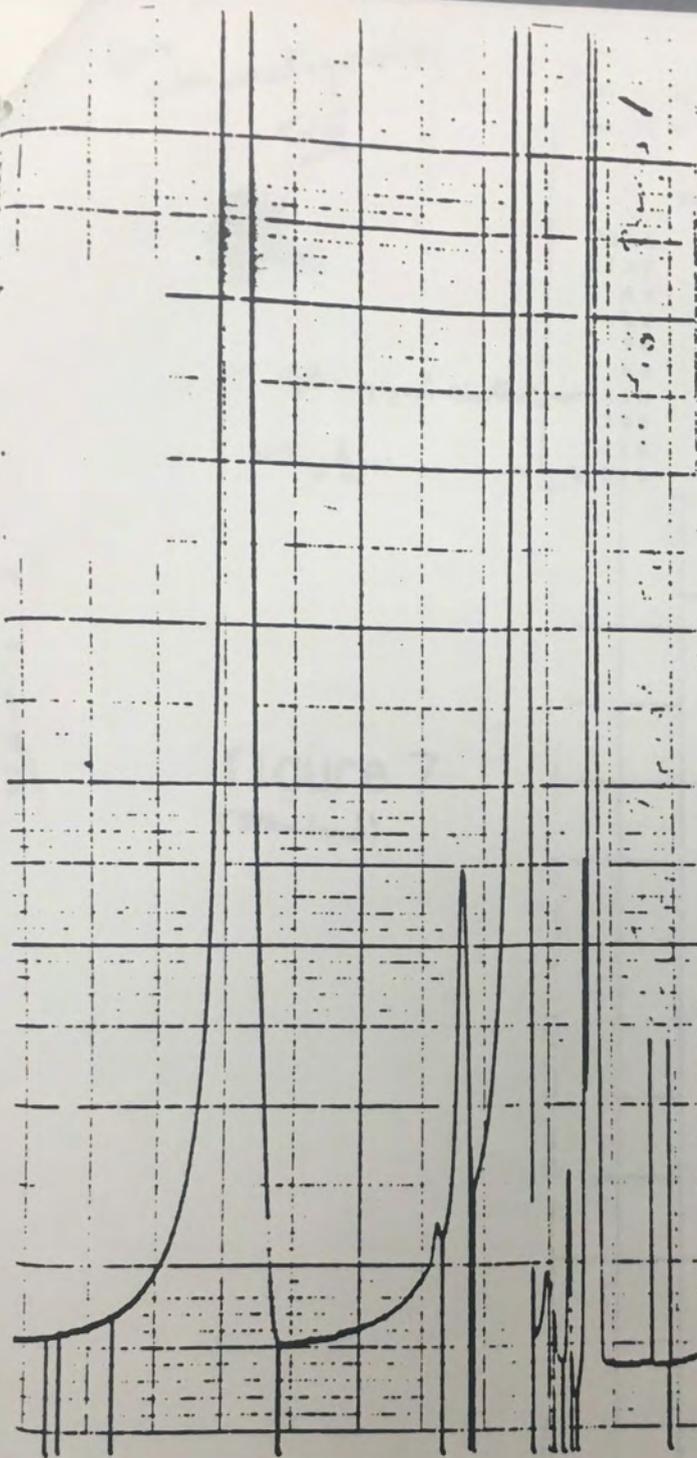
Whether the GC / MS techniques are or are not more sensitive than colourimetric Griess are matters of fact and not points of law. Moreover, Dr. Skuse appears to have conceded the superiority of the former techniques. Ipsa facto, in science and law, the positive colour obtained by Dr. Skuse by the colourimetric Griess is null and void. The court of appeal conclusions are thus non sustainable.

#### References:

1. Birmingham six judgement; Magill, February 1988; p.36
2. Birmingham six judgement; Magill, February 1988; p.40
3. Birmingham six judgement; Magill, February 1988; p.47
4. "Problem over possible contamination of test admitted."; Irish Times 17/11/87: p8.
5. Saferstein "Criminalistics", p.102; Prentice Hall 1981.
6. Birmingham six judgement; Magill, February 1988; p.36
7. "Later tests more sensitive, Skuse finally agrees"; Irish Times 17/11/78: p.8.
8. "Malfunction of test machine denied"; Irish Times 19/11/89; p.8
9. "'Distinct vision' of special test on Hill, but no records"; Irish Times 13/11/87: p6
10. "Contamination possible but not likely"; Irish Times 19/11/87: p8.
11. "No recollection of trace details"; Irish Times 19/11/87: p.8
12. "Scientist warned against use of ethanol as swabbing solvent"; Irish Times 18/11/87: p6
13. "Forensic chief agrees test result less than ideal"; Irish Times 19/11/89: p.8
14. Federal Register, Department of Health, Education and Welfare : Food and Drug Administration US; Manufacture, packaging storage and installation of medical devices : Regulations establishing good manufacturing practices, Part 820 ; year 1978
15. Birmingham six judgement; Magill, February 1988; p.45

(positive for explosive)

figure 8



0909	19	8
TIME	AREA	
48	1446	1
50	31115	1
61	2080	
77	857	
116	65001	
175	4381	
383	129339	1

← ethylene glycol dinitrate

← nitroglycerine

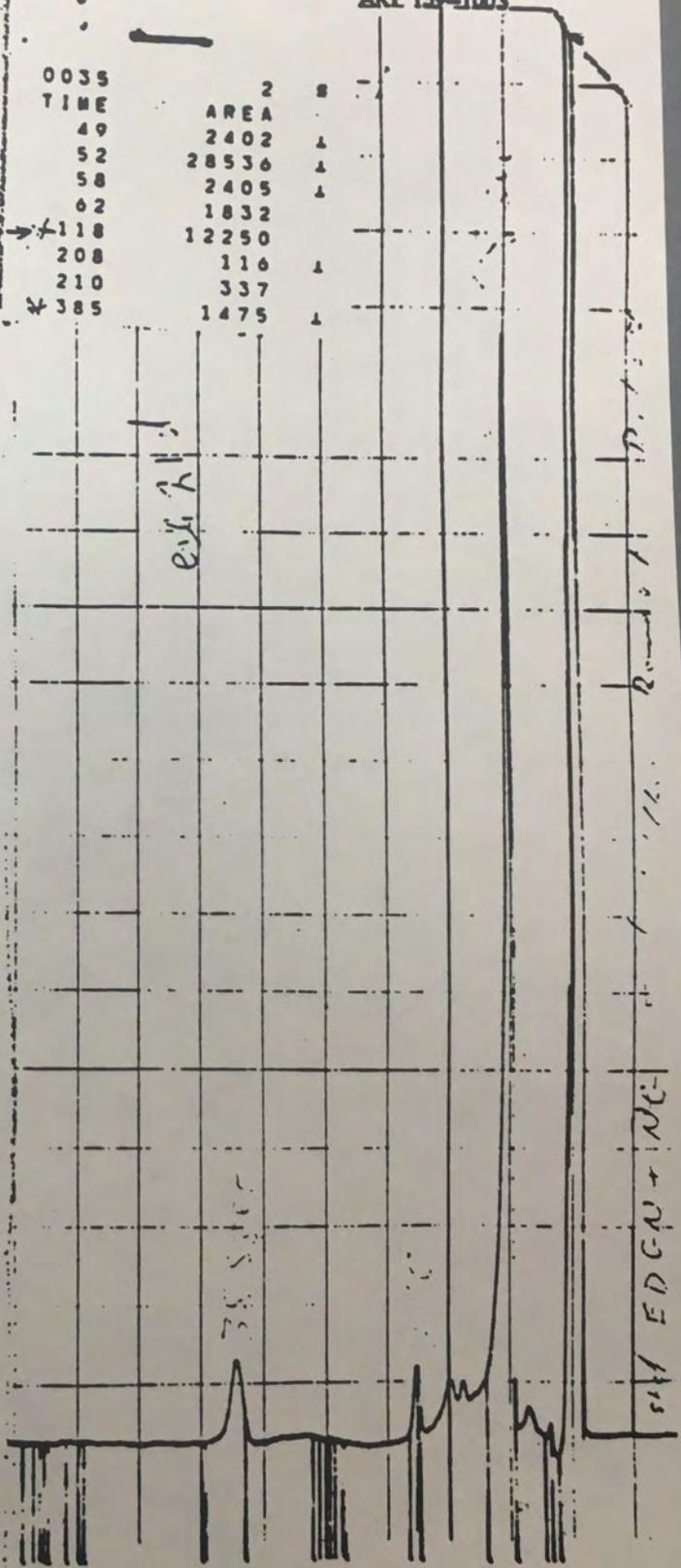
Gas chromatography  
GC

ART 159-1003

glycerol dinitrate →  
nitroglycerine →

TIME	AREA	2	8
0035			
49	2402		
52	28536		
58	2405		
62	1832		
118	12250		
208	116		
210	337		
385	1475		

figure 7  
(Standard)



~~TAOISEACH~~  
~~Mr W Conboy~~  
~~Chm~~

No 20

SEEN BY  
TAOISEACH

1.2.90

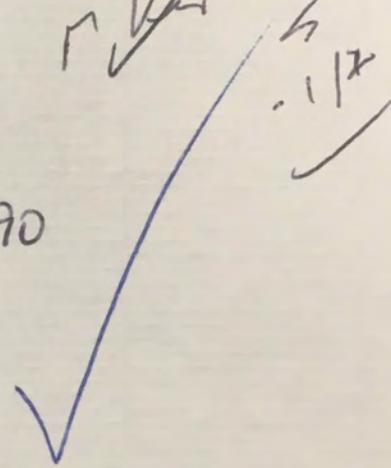
To see

~~M. H. ...~~

Q

30/1/90

✓  
1/2  
✓





CARDINAL'S OFFICE  
1011 FIRST AVENUE  
NEW YORK, NY 10022

January 16, 1990

Dear An Taoiseach:

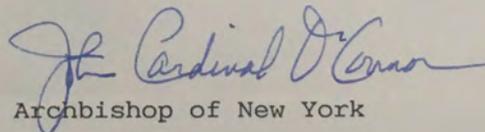
I was pleased to receive your recent letter regarding your efforts and the efforts of the Minister for Foreign Affairs on behalf of the Birmingham Six.

I was also pleased to receive from Cardinal O'Fiaich copy of the recent news release which reports on the meetings which the Irish Foreign Minister, Gerry Collins had with the British Home Secretary, David Waddington.

When Cardinal O'Fiaich is in New York in February, I hope to discuss with him what further initiatives we can take here in the United States to assist in this cause.

With kind regards, I remain

Faithfully,

  
Archbishop of New York

An Taoiseach Charles J. Haughey  
Office of the Taoiseach  
Government Buildings  
Dublin 2

CF  
Mr. Kelly



Oifig an Taoisigh  
Office of the Taoiseach

28 December, 1989.

His Eminence Cardinal John O'Connor,  
Archbishop of New York,  
1011 First Avenue,  
New York,  
N.Y. 10022.

Dear Cardinal O'Connor,

I was very pleased to receive, from Monsignor Murray, a copy of your letter of 17 November to the British Home Secretary about the case of the Birmingham Six.

I know that your support will be very much appreciated by all who seek a complete and urgent review of the case.

You will be aware that the Government have consistently expressed our deep concern about this case. Following the decision to disband the West Midlands Serious Crime Squad, the Minister for Foreign Affairs met the then British Home Secretary to discuss, inter alia, the implications of this development for the Birmingham Six case. The Minister is arranging to meet the new Home Secretary at an early date for a full discussion of the issues involved. At my recent meeting with the British Prime Minister in Strasbourg, I conveyed our concern over the case, where, in my view, the arguments for reopening it are unanswerable.



Oifig an Taoisigh  
Office of the Taoiseach

- 2 -

You can be assured that the Government will continue actively to pursue the Birmingham Six case.

With kindest regards,

Yours sincerely,

Taoiseach.

B.F. 24/1/90 ✓

10 January, 1990.

Private Secretary,  
Minister for Foreign Affairs.

Dear Private Secretary,

Attached, for whatever action you deem appropriate, is a copy of a letter recently sent to the Taoiseach by Mrs. Ann Whelan from Birmingham.

Yours sincerely,

B. C.

Brian Collinge.

*Handwritten notes:*  
in letter  
kind regards for my  
acknowledgment issued and papers attached for  
appropriate action

8 January, 1990.

Mrs. Ann Whelan,  
Houndsfield Cottage,  
Houndsfield Lane,  
Wythall,  
B.ham. 47 6LS.

Dear Mrs. Whelan,

Thank you for your letter of December 7th, on behalf of the  
Bridgewater Four Campaign which I will bring to the  
attention of the Taoiseach (Prime Minister of Ireland), Mr.  
Charles J. Haughey, T.D.

Yours sincerely,

DAVID COSTELLO

Private Secretary  
to the Taoiseach.

!Mr. Brian McCarthy,

!Acknowledgement issued and papers attached for  
!appropriate action.

!WP4 DC848

*in letter  
had been for long*

*attached  
action*

*9  
RZ/i*

ROINN AN TAOISIGH

Uimhir.....

~~Ni Bharr De Ceir~~

~~Barr~~

W. Corliss  
Ack - "barr" 65 Ts

attention

Roz 2/12/89

For advice pl.

This letter has not yet been acknowledged

DeBells

20/12

Houndsfield Cottage,  
Houndsfield Lane,  
Wythall,  
B.ham.47.6LS.

7th Dec.1989.

The Bridgewater Four Campaign.

Dear *Mrs Charles Humphrey,*

I am the mother of Michael Hickey who was wrongly convicted of murder in 1979.in the Carl Bridgewater case.Three other men were convicted with my son,Vincent Hickey,Jim Robinson,and Pat Molloy (who died in prison).They have all protested their innocence for the past eleven years and will continue to do so until they receive justice from our courts.

British Justice has been shattered by the release of the Guildford Four who served fifteen years in prison for a crime they did not commit. Our system has now at last conceded to admit that mistakes can and do happen, whether by accident or by design. There are so many cases of injustices which have been and I suspect still being perpetrated,my own experience being one of them.

Briefly I would like to tell you that at the accused mens trial in 1979. there was'nt any factual evidence produced by the prosecution at all.The case was built around police verbals,which for most part were hotly denied. Convicts were recruited from out of our prisons to lie on oath and make damaging statements against the accused. Probably the most damaging of all was a false confession the police gained from Pat Molloy.The prisoners who lied we now know from the recent Court of Appeal hearing lied on oath for their own gain i.e.early release from prison,reduced sentences,etc.The confession which was extracted from Pat Molloy by the West Midlands Serious Crime Squad was beaten out of him,and only after he signed this confession was he allowed to have contact with his solicitor,and of course he immediatly complained of the ill treatment he had suffered at the hands of the police. This confession played an instrumental part in sinking the other three men at the original trial as he had named all three of them.Neither Michael, Jim,or Vincent were given the chance to challenge the alledged confession as Pat Molloy had been advised not to go into the witness box.So therefore we are left with a situation whereby Pat Molloy's uncorroborated false confession helped to convict three more innocent men.

Earlier this year the whole of the West Midlands Serious Crime Squad,a total of fifty three officers was disbanded.This came amidst allegations of corruption and certain officers have been falsifying evidence and obtaining false confessions.This has resulted in the West Yorkshire Police being called in to conduct an enquiry into the activities of all serving officers belonging to this squad.I find this police enquiry to be totally unacceptable and feel very strongly that it should be replaced with an Open Independent Public Enquiry immediatly.

In 1988/89 we spent forty one days at the Court of Appeal, it was the longest appeal in British Criminal history. The evidence against Michael Hickey in particular has been quashed, apart from a couple of pieces of very flimsy evidence, which was described by the trial judge as 'Straws in the wind' adding 'If Michael were to stand before me on these bits and pieces there would be no trial for him'. Yet Michael Hickey still remains in prison. In the main what I'm saying is the whole case changed even more in favour of the appellants in 1988/89. Witnesses came forward to say they had lied at the original trial, alibi's were firmed up and established, but I'm very much afraid that all our overwhelming new evidence fell upon deaf ears and the judges are so selective in what they choose to believe its almost unreal. It certainly proves to be the case that the bigger and more notorious a wrongful conviction in this Country the more difficult it becomes to admit and rectify the mistake. All the innocent men should have been exonerated on the new evidence placed before the three Court of Appeal judges.

The whole world now knows that British Justice is not quick, if at all to put right these outrageous miscarriages of justice. It is a known fact that there are many innocent people in British prisons, some you never ever hear about, and some like our own case have constantly protested their innocence and have shouted aloud and fought to be heard. Through the winter of 83/84 in freezing weather Michael Hickey staged the longest prison rooftop protest ever known, he stayed on the roof for ninety days pleading that someone will take a fresh look at the case, they did'nt and he came down from the prison roof suffering from frostbite, and as a result of this courageous and amazing protest his health has suffered ever since, it had taken its toll both mentally and physically, and still they refused to listen and acknowledge something was wrong. To reiterate the more notorious a case the more difficult it becomes to right the awful wrong that has been inflicted upon these innocent men.

I feel strongly that the time is nigh to highlight the plight of these innocent men as far afield as is possible. We believe we have a human right to be heard, and the British courts have a duty to determine right from wrong, truth from lies, and the innocent from the guilty. All these things are being denied to Michael Hickey, Jim Robinson, and Vincent Hickey. British Justice is just not working properly as many of our Judges and Ministers would have the world believe.

The men's legal profession acting on their behalf remain totally supportive and are completely convinced that a grave and serious injustice has been committed against all four men, and have pledged to continue to fight on for them.

It is our firm belief that any other support we may enlist from any other man or woman of conscience would be a tremendous help to us and our campaign, therefore its for this reason I ask you if you would commit yourself to our cause and our pursuance of JUSTICE in order that we gain the eventual freedom and liberty of these INNOCENT men.

Yours Sincerely,

*Ann Whelan*

Ann Whelan.

Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

RECEIVED  
20 DEC 1989  
A.M.

Faint, illegible text in the middle section of the page.

Faint, illegible text in the lower middle section of the page.

Faint, illegible text in the lower section of the page.

Faint, illegible text at the bottom of the page.

Nov 20

9 January, 1990.

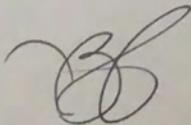
Geoffrey Keating,  
Department of Foreign Affairs.

Dear Geoffrey,

I refer to the information you sent us to assist in the preparation of a reply to Martin Creagh of the Maze Prison and our subsequent telephone conversation.

Having looked at the matter again in the light of what you said I felt that your approach was the preferable one. Accordingly, I had a letter drafted for the Private Secretary's signature on the lines you suggested. However, prior to its submission to the Taoiseach's Office, Brendan McMahon telephoned me and arising from our conversation we thought it might be better to let your Department handle the reply in this case since you have already replied to similar letters relating to this campaign. I am therefore enclosing a further copy of the correspondence and maybe you could issue the standard reply in due course, please.

Many thanks,  
Yours sincerely,



---

Brian Collinge.

January, 1990.

Mr. Martin Creagh,  
Number 754,  
A Wing H Block 7,  
Maze.

*did it issue*

Dear Mr. Creagh,

The Taoiseach, Mr. Charles J. Haughey, T.D., has asked me to thank you for your recent letter in which you raised a number of points about prisoners serving indeterminate sentences in Northern Ireland.

The Government have consistently urged upon the British authorities the need for a sensitive and compassionate policy towards prisoners serving indeterminate sentences in Northern Ireland who were caught up in the violence of the 1970s and convicted at a very young age.

They were therefore pleased to welcome the announcement by the Secretary of State for Northern Ireland of a special review for those indeterminate-sentence prisoners who were convicted of offences committed when they were under 18 years of age and who had served more than eight years. As a result of that special review, provisional release dates have been granted in 9 of the 17 cases reviewed. At the same time provisional release dates were granted in a further ten cases involving life sentences.

The Government also welcomed the holding of a special review of the sentences of the 67 remaining Special Category prisoners in Northern Ireland, as a result of which provisional release dates have been given in 31 cases.

- 2 -

It is noted what you say about the process by which reviews of sentence are conducted. If any prisoner feels he is not being treated fairly and wishes to give the full facts of his case to the Minister for Foreign Affairs, Mr. Gerard Collins, T.D., he will give every sympathetic consideration to the matter with a view to raising it with the British authorities. While recognising the progress which has been achieved in this area, it is the Government's intention to continue to pursue issues relating to prisoners in Northern Ireland through the framework of the Anglo-Irish Intergovernmental Conference.

Yours sincerely,

Private Secretary  
to the Taoiseach.



OIFIG AN AIRE GNOTHAÍ EACHTRACHA  
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2  
DUBLIN 2

December 1989

Mr Desmond O' Malley T. D.  
Minister for Industry and Commerce  
Kildare Street  
Dublin 2

Dear Mrs. Breagh,

*The Irish Mr. Charles J. Hough T.D. has*  
*asked me to ask you*  
~~Dear Desmond,~~ *for your recent letter in*  
*which you*

~~Thank you~~ for your letter of 29 November 1989 on behalf of Mr Kieran Murray, Maze Prison, Lisburn, who raised a number of points about prisoners serving indeterminate sentences in Northern Ireland.

The Government have consistently urged upon the British authorities the need for a sensitive and compassionate policy towards prisoners serving indeterminate sentences in Northern Ireland who were caught up in the violence of the 1970s and convicted at a very young age.

They were therefore pleased to welcome ~~in July of last year~~ the announcement by the Secretary of State for Northern Ireland of a special review for those indeterminate-sentence prisoners who were convicted of offences committed when they were under 18 years of age and who had served more than eight years. ~~These prisoners are being held at what is described as the "Secretary of State's Pleasure" (SOSPs).~~ As a result of that special review, provisional release dates have been granted in 9 of the 17 cases reviewed. At the same time provisional release dates were granted in a further ten cases involving life sentences.

The Government also welcomed ~~the~~ the holding of a special review of the sentences of the 67 remaining Special Category prisoners in Northern Ireland, as a result of which provisional release dates have been given in 31 cases.

~~These encouraging developments as well as those relating to Christmas and summer leave arrangements have been welcomed by those in Northern Ireland who are knowledgeable in this area and concerned to see progress.~~

*It is noted what you say ↓*

I note what your correspondent says about the process by which reviews of sentence are conducted. If any prisoner feels he is not being treated fairly and wishes to give ~~me~~ the full facts of his case, I will give every sympathetic consideration to the matter with a view to raising it with the British authorities. While recognising the progress which has been achieved in this area, ~~I wish to assure you that it is my intention to continue to~~ pursue issues relating to prisoners in Northern Ireland through the framework of the Anglo-Irish Intergovernmental Conference.

Yours sincerely,

*W. G. Whitlock*

*Statements for Foreign Affairs, The Herald, 12/11/65, Gerard Collins T.D.*

*Private kindly to the Minister.*

Gerard Collins T. D.  
Minister for Foreign Affairs

Teléfono } (01) 780822  
Telephone }

Telex 93720

Tagairt }  
Reference }



AN ROINN GNÓTHAÍ EACHTRACHA  
Department of Foreign Affairs

BAILE ÁTHA CLIATH 2  
Dublin 2

FAX

To Brian Collinge, D/Taoiseach

From Geoffrey Keating, Department of Foreign Affairs

We have received a number of letters on life sentence prisoners in the North written in very similar terms to Martin Creagh's addressed to the Taoiseach. Attached is a copy of the most recent reply we have sent on this subject which you may wish to use in framing your reply to Mr Creagh.

To BRIAN

Date 21/12/89

## WHILE YOU WERE OUT

M .....

of .....

Phone No. ....

Telephoned	<input type="checkbox"/>	Please call	<input type="checkbox"/>
Called to see you	<input type="checkbox"/>	Will call again	<input type="checkbox"/>
Wants to see you	<input type="checkbox"/>	Urgent	<input type="checkbox"/>

### MESSAGE:

Jeffrey Keating rang about this.  
They have had letters in a  
similar vein.

Operator Dymps

ROINN AN TAOISIGH

Uimhir.....

~~NIBAC~~  
Brian

In lorum  
M. M. M. M. M.  
23  
11

For advice pl.

We have not yet acknowledged this letter.

Dardhills  
22/11

David,

Please give me  
a copy of this

B. Collins  
28/11/89

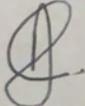
30 November, 1989.

Mr. Martin Creagh,  
Number 754,  
A Wing H Block 7,  
Maze.

Dear Mr. Creagh,

I write to acknowledge receipt of your recent letter  
addressed to the Taoiseach, Mr. Charles J. Haughey, T.D.

Yours sincerely,



Private Secretary  
to the Taoiseach.

!Mr. B. Collinge,

!As discussed.

!WP4 DC821

C J Haughey  
Leinster House  
Mildare St  
Dublin 2

Form 21 AD

In replying to this letter, please address the envelope as follows:

Number 754 Name Martin Cooney  
A Wing H Block 7 Maze Prison

Dear Charlie;

In writing in my capacity as a Republican prisoner from Dublin, this letter is intended to explain how we perceive the new developments surrounding Christmas and summer parades which have taken place this past year. While all right thinking people wholeheartedly welcome these developments, I think it is important to put these and developments which may occur this 2<sup>nd</sup> time, in their proper context. They do not represent real change within the Life Sentence Review Procedure but are rather the pretty wrappings on an unmovable parcel. While we welcome any and all movement on these cases it's nothing to get complacent about as they don't reflect any significant increase in release dates for prisoners back 2<sup>nd</sup> time 120 Life/SOSP prisoners were released on a weeks parole, 37 of whom were already on working out schemes; since then there's been no noticeable increase in referrals to the judiciary; the first steps towards securing a meaningful release date. In August 140 Life/SOSP prisoners were released for 3 days parole and to qualify had to have served a minimum of 13 years, included in this 140 were the occasional 120 released at 2<sup>nd</sup> time again nothing concrete, no movement towards referrals or release dates.

While we welcome any and all developments on this issue for the human relationships between the families and the prisoners who have been separated from 13 years to 17 years. We in no way see them as representing significant real changes within the LSRP as this procedure remains as arbitrary, secretive and open to manipulation as it ever was. This is a totally discredited procedure where Republican and loyalist prisoners are still made to serve terms of imprisonment longer in relation to convicted British soldiers and Agents.

**Point ①** LSRP: Life/SOSP prisoners are still denied the right of natural justice for when their cases come before the LSRB they are not allowed to be present or legally represented; not allowed to see the secret and subjective reports which have been written on their behalf; not allowed to know the reasons for an unfavourable decision and not allowed to question the make up of the LSRB.

**Point ②** Length of sentence: As you aware British soldier Ian Thain and paid prisoner Kevin Mc Gandy were released after serving 26 months and 6 years respectively for murder and multiple murder. Yet of the Republican prisoners (don't have statistics for breakdown of loyalist prisoners) released on the new Summer Parole Scheme all served at least 13 years and some have served up to 17 years and still don't have release dates e.g. by Christmas 89 of the 161 Republican Life/SOSP prisoners who remain without referrals

9 will be into their 17<sup>th</sup> year of imprisonment.

6 will be into their 16<sup>th</sup> year of imprisonment.

17 will be into their 15<sup>th</sup> year of imprisonment.

19 will be into their 14<sup>th</sup> year of imprisonment.

26 will be into their 13<sup>th</sup> year of imprisonment.

14 will be into their 12<sup>th</sup> year of imprisonment.

13 will be into their 11 year of imprisonment.

8 will be into their 10<sup>th</sup> year of imprisonment.

In addition a recent development is the "Red Book" prisoners being excluded from these schemes regardless of time served, this is discriminatory as there is no logical basis of justification for it. It underlines the point that no real changes have been made. The Red Book prisoner is designated a High Risk category although no explanation is forthcoming as to why these prisoners should be designated High Risk some into their 13<sup>th</sup> year of imprisonment. The Red Book prisoner is already subjected to considerable restrictions on top of the usual restrictions, further restrictions are punitive and unnecessary. The psychological pressure on these prisoners is exacerbated in not being able to settle in one place for any more than 4-6 weeks, which prevents them building routines, relations or conditions to cope with a long term sentence.

To conclude then, while the new developments are welcome they in no way represent the real changes which have been called for and which are needed if we are to end the inconsistencies, discrepancies and double standards of the present procedure. We would therefore urge you this Christmas and into the New Year to use whatever influence you may have with the NIO/British Government not only to ensure that the new developments continue and expand but more importantly that "real changes" still have to be made with the LSRB and structure in line with C.F.L.'s 6 proposals for change: ① Abolition of indeterminate sentences ② Right to legal representation ③ Right to know the reasons for any unfavourable decisions ④ Right to challenge make up of LSRB ⑤ Ending of "Secret Reports" ⑥ Publication of an objective criteria for release.

If we are to ensure that discrimination and injustices are no longer conveniently overlooked or covered up as they were in the Guildford 4 case and still are in the Birmingham 6 case, where personal biases of policemen ensured that innocent people spent 14 years in prison then we are going to need the structural changes within the LSRB which will make it accountable and open and which accords to all Life/SOSP prisoners the right of natural justice.

Finally I'd like to thank you for your time and wish you your family and friends a happy Christmas and New Year. Stay up late!

Mark

FAX COVER SHEET

Fax No: \_\_\_\_\_

Date: 21.12.89 Time: 11 40

To: Brian Cellinge @ Taois

For: \_\_\_\_\_

From: A. Keating DFA

Total number of pages, including this cover sheet: 4

Brief description of material: Material for reply to letter from M. Creagh

Any special instructions: \_\_\_\_\_

Transmitting operator: \_\_\_\_\_

This material is being sent from Fax phone No. 754505

This number should be used for return Faxing.

If there are any problems on receipt please phone transmitting operator at 780822.



Roinn an Taoisigh  
Department of the Taoiseach

FAX COVER SHEET

Date: 18/12/89 Time: \_\_\_\_\_

To: Foreign Affairs

For: Jeffrey Keating

From: Brian Collinge

Total number of pages, including this cover sheet: 3

Brief description of material: \_\_\_\_\_

\_\_\_\_\_

Any special instructions: \_\_\_\_\_

\_\_\_\_\_

Transmitting operator: Dympa Tuite

This material is being sent from fax telephone number 603281.

This number should be used for return faxing.

If there are any problems on receipt of fax please phone  
transmitting operator at 689333 ext. \_\_\_\_\_

URFWT

---

D.

505  
Kear's  
5/15/50

~~Planet~~

please discuss

---

~~Breda McNamee~~  
~~John Hamill~~  
to Mr. [unclear] [unclear]



Roinn an Taoisigh  
Department of the Taoiseach

B.F. 12/12/89  
D.  
Please B/F  
in 2 weeks  
[Signature]

FAX COVER SHEET

Date: 28 NOVEMBER 1989 Time: \_\_\_\_\_

To: Oliver Inogan, Anglo-Irish Section

For: \_\_\_\_\_

From: Brian Bollinger

Total number of pages, including this cover sheet: 3

Brief description of material: Letter to the Taoiseach  
from Martin Breagh, the Mage Pension

Any special instructions: Could you please  
advise us whether a reply should  
issue in this case.

Transmitting operator: Dympna TuTE

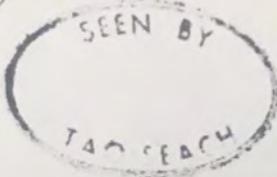
This material is being sent from fax telephone number 603281.

This number should be used for return faxing.

If there are any problems on receipt of fax please phone  
transmitting operator at 689333 ext. \_\_\_\_\_

CONFIDENTIAL

*No 20*



*Tracey  
To see please  
9/11*

Summary Report of Meeting on the Birmingham Six  
between the Minister for Foreign Affairs  
and the British Home Secretary,  
London, 8th January, 1990

*by Kwan  
on  
9/11  
Mr by Campbell  
10.1.90*

Re-opening of the Case

1. The Minister opened the formal part of the meeting by putting the arguments for a re-opening of the case. Coincidentally, the British Independent had carried a front-page story that morning that the solicitor for the Six, Ms. Gareth Pierce, had recently submitted a dossier of "new evidence" to the Home Office in pursuit of the demand for re-opening. (Ms. Pierce, perhaps because of her profession, has always taken the view that re-opening should be via a further referral to the Court of Appeal. She passed us a copy of her submission in confidence before Christmas and a Departmental summary of this is attached. To a significant degree, it consists of a reformulation and repackaging of existing (as distinct from the submission of new) evidence.
2. Mr. Waddington, in response to the Minister's presentation, said he was very aware of the Government's concern. The British position had always been that the case could not be re-opened unless new evidence became available. The present position was, as we were aware, that they had just received the new submission from Ms. Pierce - he himself had not yet read it - and this would have to be subject to in-depth study and assessment. He could assure the Minister, however, that this would be done with the greatest possible urgency.

West Midlands Serious Crimes Squad Investigation

3. The Minister, in arguing for an extension of this enquiry to cover the Birmingham Six case, said it was very difficult to believe that the problems in the Serious Crimes Squad only originated in the mid-eighties. In addition, four of the personnel under investigation had also been members of the Birmingham Six investigating team.
  
4. Mr. Waddington replied that, if evidence emerged in the course of the investigation which had implications for the Birmingham Six case, the enquiry could be extended back in time to cover the case of the Six. This was in effect the same response which the Minister had received when he met Douglas Hurd last September, and which Minister Burke had been given by Mr. Waddington when they met in mid-December (en marge of a Trevi meeting).
  
5. Mr. Waddington also informed us that four of the Serious Crimes Squad were to be charged that day with conspiracy - he added that none of the four had any connection with the Birmingham Six case.

Reclassification

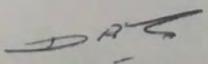
6. The Minister welcomed the recent change in classification of the Six and hoped it would lead to a significant improvement in the conditions under which they were detained.

Further Meeting

7. The two Ministers agreed to meet again in about two months time, to review the situation further.

Impression

8. It is difficult to form a firm view of the Home Secretary's likely attitude to the case. He was very friendly, was fulsome in his praise of cooperation from the ~~6~~guards (he specifically expressed appreciation for their help in identifying the two men caught at an arms dump in Wales recently) and was obviously keen to develop a good working relationship with the Minister. At the same time he - not unexpectedly - took a completely orthodox Home Office approach (i. e. that new evidence would be required before the case could be re-opened, that a submission in this regard had been received and that this was now receiving full and urgent consideration). One had the tentative impression however that (and more so than Douglas Hurd) the new Home Secretary will probably tend to be very much guided by the official advice he receives on the case.



Dermot Gallagher,  
9 January, 1990.

New Material submitted to Home Office on behalf of Birmingham Six

1. In a written submission to the Home Office dated 18 December 1989, Ms Gareth Peirce, legal representative of the Birmingham Six, sets out evidence not previously presented in Court (but little of it new) and a number of arguments.

2. Ms Peirce makes the following arguments for reopening the case:

a) Lord Chief Justice Lane. Prior to hearing appeal, Lord Lane had considered secret Home Office reports on the Six with a view to determining the minimum sentence they should serve. This was not known to the defence and should have disqualified him from sitting on the Appeals Court.

b) Lessons of Guildford and revelations of practices of West Midlands Serious Crimes Squad. These would have affected assumptions made at Appeal, were they known. In particular, they shed new light on the "Reade schedule". Ms Peirce asks a number of questions arising:

- why did the police not hold identification parades of the Six for potential witnesses?

- why did the interrogation of the Six focus exclusively on the planting of the bombs and ignore such obvious questions as (i) involvement of others, (ii) where the explosives were obtained, (iii) where the bombs were made, (iv) where they were primed, and (v) past and proposed future bombings?

- why did the Office of the DPP not inspect the non-material evidence prior to the trial in 1975? (She also calls attention to the apparent destruction of this material)

- why was the "Reade schedule" found in the Complaints and Discipline Office of the West Midlands police?

c) IRA ranks. The fact that the confessions refer to IRA ranks no longer in use in 1974 suggested that these confessions were made in a vacuum.

d) IRA structure in England. Ms Peirce refers to press reports that police information on the IRA structure in England at the time contain no reference to the Birmingham Six.

e) IRA connections in Birmingham. The connection that some of the Six had with IRA elements in Birmingham was both normal in the community in which they lived and, therefore, entirely innocent. This, Ms Peirce argues, undermines the circumstantial evidence presented against the Six.

3. Ms Peirce provides to Home Office the following material not previously presented to the Court as evidence:

a) Times at Morecambe. The statements of eight Lancashire policemen made to the Devon and Cornwall police in 1987 cast doubt on the times given by the police for the forensic tests and the commencement of the interrogations at Morecambe police station. If these statements are accepted as demolishing the official account of these times, it would have to be concluded that

- the prisoners could have been contaminated by the Birmingham police before the explosives tests were taken;

- the official account of the circumstances of the confessions is radically tainted.

It must be said, however, that some of these statements seem vague in the extreme.

b) Statement from retired Morecambe police sergeant that he believed that the prisoners were ill-treated both in Morecambe and afterwards. We have not seen this statement.

c) Reported admission of West Midlands officer. A Detective Constable on security duty at Lancaster Crown Court states that he heard a West Midlands officer, waiting to give evidence, describe how he and others had terrorised Six.

d) Arrest of Irishman after bombings. An Irishman, Mr John Lindsay, was arrested two<sup>2</sup> after the Bombings and treated as a suspect. He was asked by the police for information about the Six. We have not seen the statement and it is not clear what bearing this has on the case.

e) Prison Officers' testimony on injuries. The testimony of two prison officers that the Six showed signs of previous injuries on being admitted to Winson Green prison was disbelieved by the Court of Appeal. The statements of other prison officers given to the Devon and Cornwall enquiry to the same effect are available.

f) Testimony of prisoner on injuries. This was available but not used at Appeal.

g) Psychological and Psychiatric reports on Six. These were commissioned on behalf of the Six. They show that personality and circumstances combined to facilitate false confessions. In particular, Hugh Callaghan was seen as incapable of making a truly voluntary statement.

N020

S January, 1990.

Maggie McIlkenny,  
c/o Patrick McIlkenny,  
9 Closnamona Court,  
Glen Road,  
Belfast BT1 9TY.

Dear Maggie McIlkenny,

Thank you for your recent letter addressed to the Taoiseach, Mr. Charles J. Haughey, T.D., concerning the Birmingham Six which has been brought to the Taoiseach's attention.

A copy of your letter has also been forwarded to the office of the Minister for Foreign Affairs, Mr. Gerard Collins, T.D.

Yours sincerely,

DAVID CORTELLI

Private Secretary  
to the Taoiseach.

- ! PS, MIN/FOREIGN AFFAIRS
- ! FOR INFORMATION AND ANY ACTION YOU DEEM NECESSARY
- ! DC2934/WP3

AM -> B Collins

6/0 Patrick M<sup>c</sup> Kenny,  
9, Cloanamaona Court,  
Glen Rd.,  
Belfast BT1 9TY.

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# MEMORANDUM

Is fearrde thú an coigilt!



Date

*with compliments / le dea-mhéin*



An Coiste Coigiltis Náisiúnta  
National Savings Committee

21 Earlsfort Terrace Dublin 2 ☎ 01-766305

~~by the way~~  
if you may already have this in  
To see please. ~~in~~ 15-12-89 ✓



This was received today (12th December) following last weekend's Parade of Innocence in Dublin.

It has been copied to Dermot Nally for the preparation of a draft reply.

~~in~~ ~~the~~ ~~letter~~  
Have we on ~~the~~ ~~15/12~~ ?  
15/12  
12th December, 1989.

~~manai onies,~~  
~~manai~~  
~~in association~~  
~~with earlier~~  
~~papers~~ 13/12

Parade of Innocence

From The families and relatives of the  
Birmingham Six.

To Taoiseach, Charles Haughey,

Dear Taoiseach we the families and  
relatives of the Birmingham Six call on you  
today during our ~~parade~~ Parade of Innocence to:-  
Take every step necessary to secure the  
release and exoneration of our men in  
prison for the last fifteen years.

We ask you to represent their case  
officially at every international forum  
possible including the CSCE Human  
Rights Conference, an Commission on  
human rights, the European Court and  
others.

We acknowledge your support to date  
and look forward to your increased  
involvement in helping our struggle for  
justice.

yours sincerely

Maggie M'Sikany.

on behalf of the Birmingham Six relatives,

Oliver Jones

260

Patricia Mc Murray  
CLOSNAMONA COURT  
9, Clostranone  
Court,  
Glen Rd., Glen Road.

Ref: BT1974

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RECEIVED 12 DEC 1989

Confidential

Telephone conversation with Gareth Pierce

SEEN BY

Taoiseach  
to see place

4/11

Ad 20

1. Gareth Pierce, the Solicitor representing the Birmingham Six, telephoned to-day to inquire about the basis for an apparent recent report/rumour to the effect that the Government were pressing for parole, or some similar measure, which might mean that the Birmingham Six would be released from prison before - as she asserted the men were insisting - their innocence had been accepted by the authorities. She added that this report/rumour had "alarmed" the families of the men.
2. In response, I assured Ms. Pierce that the Government's position was, as set out recently in the Dáil and elsewhere by the Taoiseach and Minister, that the case of the Six should now be re-opened by the British authorities. The Government were availing of every appropriate opportunity to press the British on this, and indeed the Minister would be seeing the Home Secretary very shortly. The Government, of course, welcomed the recent reclassification of the Six as a worthwhile measure in its own right.
3. Ms. Pierce went on to refer to her recent submission of "new evidence" on the case to the Home Office (she copied this in confidence to the Embassy in London and it has been appropriately circulated). She said she has found Home Office officials to be "quite receptive" and even friendly recently. They gave her the impression that they are somewhat at a loss about how to proceed and almost seemed like people who wanted to be helped (even allowing for the trauma of Guilford this seems unlikely to us, given the traditional record of the Home Office on prisoner issues). It was largely because of this receptive attitude on their part, and also to allow them time to examine the new material in a non-pressured atmosphere, that she had decided not to inform the media at this stage about the submission.

*DAG*  
Dermot Gallagher  
3 January, 1990.

cc PSM, Mr. Nally, PSS, Amb. London, Joint Secretary,  
Counsellors AI, Dr. Mansergh.

*Mr. Nally*  
8.1.1990

Continued from

"B" Part D file.

R. Hoover

4/9/89.

***END of file***