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<b>Reference Code:</b>	2019/31/49
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Confidential

31 July 1989

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

Dear Assistant Secretary

A conversation with Gareth Pierce

I met Gareth Pierce today to discuss the allegations of misconduct on the part of the West Midlands Serious Crimes Squad and the implications which this has for the Birmingham Six (four of whom she represents). We also had a brief discussion about the Guildford case.

Ms Pierce made the following points of interest in relation to the Birmingham Six case:

- It has been known for years that a certain group of officers within the WMSCQ was corrupt and regularly faked confessions. As other sections of the West Midlands police force viewed them with suspicion and would not accept them on transfer, they remained a remarkably homogeneous group within the Serious Crimes Squad over many years, a factor which of course helped to perpetuate the mispractices.
- (It is worth mentioning in this respect that, in a reply just delivered to a PQ by Chris Mullen on the number of WMSCQ officers referred to the DPP over the past twelve months, the Solicitor General has indicated that "a total of 150 reports relating to allegations concerning one or more West Midlands police officers were received by the DPP in the period 1 July 1988 to 26 July 1989).
- Ms Pierce would like to see detailed research carried out into the allegations, with a systematic breakdown of what each officer concerned has done over the years. There are some prospects that Clare Short may be able to hire a research assistant to do this work. There is also an offer from the Law Faculty of Birmingham University, though Ms Pierce has doubts about its seriousness. ○

cc PSM  
Mr. Nally, PSS  
Mr Mathews, Mr Brennan  
Counsellors A 1

- Armed with comprehensive evidence of a sustained practice of fabricating confessions, the lawyers for the Six would mount pressure to have the case referred back to the Court of Appeal. They would argue that the criterion of "new evidence" is met because, as the trial judge acknowledged at one point, the credibility of the police is central to the case and the new allegations raise very serious questions in this regard. Evidence such as the "Reed schedule", a police document which bore obvious signs of doctoring but which the last Court of Appeal found acceptable, might be rehabilitated. The general credibility of the police witnesses would be subjected to renewed scrutiny.
- Ms Pierce has also been approached by people prepared to give evidence of boasting by members of the Squad about their prowess in fabricating confessions. This evidence, if accepted, would show the police incriminating themselves.
- When Clare Short approached Douglas Hogg some months ago with the allegations about the WMSCQ, Hogg reportedly admitted that "we've got a problem there alright".
- Ms Pierce also wishes to challenge the Court of Appeal's verdict by claiming that, as Lord Lane had sight of a "secret report" on the B6 case prior to the appeal (our xcl72 of 26 July refers), he should have removed himself from the Court because of prior prejudice.

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We also discussed the prospects for the Guildford Four appeal. (Ms Pierce represents Gerard Conlon).

She made the following points of interest:

- The postponement requested by the lawyers, she hinted, was necessitated chiefly by difficulties which Alastair Logan (who represents two of the Four) has experienced in assembling his material in time for an October hearing. While the Crown Prosecution Service has been a little slower than usual in furnishing documentation, the real problem lies with Logan, who runs a small office in Guildford and is totally overburdened by the effort of preparing the appeal.
- She understands that two of the judges for the Court of Appeal have now been selected. They are Lord Justice Glidewell and Lord Justice Farguharson (both of whom sat with Lord Lane when the postponement request was granted on 20 July). Glidewell, who has been involved mainly in administrative cases, has been a Lord Justice of Appeal since 1985. Farguharson has been a High Court judge (Queen's Bench Division) since 1981 and has experience of criminal cases. Ms Pierce is happy enough with the choice of these two. She assumes, however, that Lord Lane will appoint himself to the third position.

- She has heard confidentially that Dr. Makos, the doctor who revealed last year that pethidine had been administered to Carole Richardson, has now retracted his evidence, claiming that he was mistaken. She believes that pressure was applied to Makos, who is now living in Belgium, to change his story. While this would appear to remove the principal factor which motivated the Home Secretary's referral of the case, a Home Office report has nevertheless clearly established that the drug Pituinal was administered to Richardson and this drug, as the defence lawyers hope to establish, would have had a more profoundly destabilising effect.
- In Ms Pierce's view, Carole Richardson has the strongest case among the four. However, as all four cases clearly stand or fall together, she would find it hard to imagine that the Court could uphold Richardson's appeal but reject the others.
- Finally, in relation to her own client (Conlon), Ms Pierce indicated that she has important new evidence to present at the appeal (which she could not yet divulge to us).

Yours sincerely

*David Donoghue*

David Donoghue  
Press and Information Officer