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AMBASÁD NA hÉIREANN, LONDAN



IRISH EMBASSY, LONDON

October, 1989.

Mr. Dermot Gallagher,
Assistant Secretary,
Department of Foreign Affairs,
Dublin.

17 Grosvenor Place,
London SW1X 7HR.

Guildford Four : Call on the Political Adviser to Douglas Hurd

Dear Assistant Secretary,

I availed of a call on David Liddington, the Home Secretary's political adviser on Friday last, 20 October to brief him on the Government's reaction to the previous day's decision in the Guildford Four case including the Taoiseach's remarks in Derry and the Minister's speech to the Diplomatic Corps - a copy of which he put in the Home Secretary's weekend box.

Background to the events of 19 October

He confirmed that the Avon and Somerset police had become aware in May of discrepancies in the interview material put forward by the Surrey police in the original Guildford Trial. A lengthy and thorough investigation was then undertaken before the matter was referred to the Crown Prosecution Service and the DPP who together with the Attorney General determined that there was only one course of action open - the quashing of the original conviction.

The Home Secretary was first told of the matter by the Attorney General during the Party Conference in Blackpool. The same evening brought news of the decision not to prosecute Patrick Ryan under the Criminal Law Jurisdiction Act. Liddington recalled the Home Secretary telling him during the car journey from the Winter Gardens to the Imperial Hotel "I've just heard two pieces of news from Patrick Mayhew - Dublin are not going to prosecute Ryan and there's prima facie evidence of perjury by police officers in the Guildford Four case."

The matter was not considered by the full Cabinet. The formal minute from the Attorney General to the Home Secretary made it clear that the outcome was legally predetermined. No Cabinet decision was required. The Home Secretary told the Prime Minister who learned of the affair "literally in the midst of packing her bags for Kuala Lumpur". Apart from the Prime Minister and the Home Secretary, the Lord Chancellor, Sir Geoffrey Howe, John Major, Tom King and Peter Brooke were informed. This restricted group met "on a couple of occasions" to discuss the matter and to consider "presentational aspects".

The timing of the Appeal Court hearing was determined in large measure by the wish of Lord Lane to hear the case in the Old Bailey. He was also anxious to choose the judges who would sit with him on the bench. Thursday, 19 October was the first available day which allowed for both requirements to be met.

Sir John May's enquiry

According to Liddington, the enquiry was "thrown together in great haste". Sir John had 48 hours notice before the decision to set up the enquiry was made public. The Home Secretary recognised the enormity of the task facing the enquiry. He had assured Sir John that he "could range as widely as he saw fit."

It was Sir John who had expressed a preference for a non-statutory enquiry. The Home Secretary had told him however that were he to come back to the Government to seek the establishment of an enquiry under the 1921 Tribunal of Enquiry Act, the Government would readily accede to his request.

Liddington confirmed to me that the attached article in the 20 October edition of "The Guardian" by Home Affairs Editor John Carvel was a fair reflection on how the enquiry would operate. The piece is apparently based on a conversation between Sir John May and Carvel.

From the outset the Home Secretary had wanted a judicial enquiry on the basis that:

- wide issues of legal principle, where involved.
- there would be difficult and complex questions of prejudice to be determined;

The enquiry would inevitably touch on cases other than the Guildford Four and the Maguire case viz. the Carl Bridgewater case and other non-terrorist cases where convictions had relied exclusively on confessional evidence.

Hurd envisaged the May enquiry taking up to a year to complete. Its duration was, of course, dependent on whether or not criminal proceedings arising from the DPP's parallel enquiry into the activities of the Surrey constabulary required that the May enquiry adjourn pending the completion of such proceedings.

The entire matter was being treated by the Government with the utmost seriousness. The Government were considering the introduction of a Criminal Justice Bill sometime in the 1990/1991 session and the content of this bill would be influenced greatly by the findings of the May enquiry.

The Maguire Case

Liddington stressed that the Home Secretary's statement in the Commons had acknowledged that the evidential link between the Guildford and Maguire cases could lead to a referral of the Maguire case to the Court of Appeal. Sir John May himself however could not order a quashing of the Maguire convictions. He could only make a recommendation to the Home Secretary.

At this point Liddington returned to the Guildford Four case and remarked as follows: "No one", he said, "believes that Hill, Conlon, Armstrong or Richardson were guilty of the Guildford bombing. You should know however that there are those in the Home Office and in the Metropolitan Police who were shattered at the fact that Hill and Armstrong were cleared of the Woolwich bombing". Liddington's remarks may be a reflection of growing concern in the Home Office that the finger of suspicion will increasingly point at the Metropolitan Police Commissioner, Sir Peter Imbert, who as a Detective Superintendent headed the London Bomb Squad investigation into the Woolwich bombing.

The Birmingham Six

Liddington repeated the response of the Home Secretary in the Commons debate. "Our position put simply", he said "is that this case has been referred to the Court of Appeal. The Devon and Cornwall constabulary have crawled all over the evidence. There is nothing further to be done on the basis of existing evidence."

"The Home Secretary", he continued "will not substitute his views for those of the Court. If he were to refer the case now it would simply be because of political pressure and it would be seen as such. Were, however, new material evidence to emerge this would be a different matter and that possibility is not to be excluded". What did this mean, I asked. He replied that what the Home Secretary had in mind was the investigation into the activities of the Midland Serious Crimes Squad which "might produce the type of clear evidence which is required. So far, however, nothing has emerged."

I reminded him that the terms of reference of that particular enquiry greatly limited its capacity to produce evidence relating to the period of, the Birmingham Six convictions.

Hurd's overview on events

Liddington said that the feeling now in Government was one of "considerable relief." The Home Secretary's view was that things had gone as well as could be hoped for. The Commons had been relatively united and his statement had been well received. The immediate crisis was past.

The Home Office view however was that there was every likelihood of long term damage which could manifest itself in unrecorded ways, for example, in the response of juries to police evidence and, in particular, confessional evidence. Public confidence in the police would also suffer. There is already a problem in this regard especially in London and the disclosures of wrong-doing in the Guildford case will inevitably lead to a further deterioration. The only good thing to come out of the affair according to Liddington is the fact that the capital punishment lobby has been seriously weakened.

The Ryan Affair

I asked him about the Ryan affair enquiring if he had been privy to the formation of the Government response, in particular, that of the Home Secretary. He attributed "the measured tone" of the Government's public reaction partly to the fact that "we knew at that point what was coming down the road."

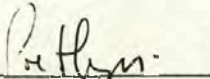
According to Liddington, Mayhew had told him that his advice to the Home Secretary was not to take issue with Dublin on the Ryan Affair. Mayhew had recommended to Hurd that he not go beyond the DPP's restrained and anodyne statement. He argued that the length of time which had elapsed and the discrepancy between statements by our Attorney General and our DPP "speaks for itself".

The North Down Conservatives

In conclusion we had a brief exchange of views on the debate in Blackpool on the affiliation of the North Down Conservatives. People like Douglas Hurd and Tom King, he said, were not in principle opposed to letting them have their head although recognising fully that they "didn't stand a chance politically". King, for example, felt that one possible worthwhile consequence would be that a younger generation of committed intelligent voters could be attracted into active politics in Northern Ireland.

He said that a lot of the orchestrated anti-Dublin sentiment during the Conference debate could be traced to the influence of the young radical-right, especially those from Scottish branches who were tainted by the deep-seated prejudices of a Glasgow Protestant background.

Yours sincerely,


Joe Hayes
Counsellor