



An Chartlann Náisiúnta National Archives

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20 December 1989

Mr Dermot Gallagher
Assistant Secretary
Department of Foreign Affairs
Dublin

Dear Assistant Secretary,

NEW EVIDENCE ON THE BIRMINGHAM SIX

Please find attached a copy of a letter which Gareth Pierce handed over to the Home Office yesterday, containing the latest evidence which she has amassed on the Birmingham Six case. I understood from Ms Pierce that she had been requested to put in new evidence as soon as possible by the Home Office although that is not quite the sense of the first paragraph of her letter. I discussed the matter at length with Ms Pierce when I picked up the material at her home last night. She is not quite sure of the motives of the British authorities: whether it is a genuine desire to finally resolve this case or to see what the defence has in reserve. It is possible that the truth lies somewhere in the middle; she got a strong sense that the Home Office officials were not particularly familiar with the details of the case and were not sure how to proceed.

In truth, it has to be said that the submission does not appear to contain new evidence of the quality which, in itself, could turn the case around. Rather it seems to be an attempt to reinforce existing evidence and to argue for the whole body of evidence to be reassessed in the light of the Guildford judgement.

Dispute on Timings

According to Ms Pierce, the Home Office was not aware of the importance of the dispute over the times of the interrogations and forensic tests on the Six at Morecambe police station. The significance, of course, was that if the West Midlands police officers had either been at the scene of the explosions or in contact with those who had, they would have contaminated Skuse's tests and rendered them worthless. It was these results which convinced the WMSCS officers that they had the right men. The first paragraph of page three of the submission covers this point though it does not seem to adduce positive evidence that such contact had definitely taken place. Overall, however, section 1 of the submission does contain a powerful array of supporting evidence in favour of the defence's contentions regarding the timings. It does not suggest, as the Birmingham Six themselves have done, that Mr Ibison's

Handwritten notes:
cc PS4; AG 10
Mr Melli; P&P
Mr Melli; Mr. Ransom
Barnett R1; Mr. Melli
[4 powerful arrays of arguments]
4. 1. 1990

notebook be subjected to scientific scrutiny [see page 7 of the submission].

Role of Lord Chief Justice Lane

The argument that the Lord Chief Justice had tainted the appeal hearing [see pp 9,10 of the submission] would, on the face of it, appear to be a powerful tactical argument to press for a new appeal, one which would not rule out reconsideration of the evidence already presented. In this way the Reade Schedule could be reintroduced in the current climate of more realistic appraisal of the integrity of the WMSCS.

Destruction of the Non Material Evidence

The fact that the DPP did not have sight of the now-disappeared non-material evidence would appear to be a powerful defence argument in view of the Guildford judgement and the reduced credibility of the WMSCS following its disbandment. In other words, the defence should not have to accept the disappearance of this evidence as bad luck for its case [see pp 13-15 of the submission].

Basis of the Convictions

The statement [page 17 of the submission] that the Six had "innocently" rubbed shoulders with the IRA may be true but I wonder if it might not provide the prosecution with something to latch on to. Billy Power made the point when I saw him with the two Dail Deputies last Saturday that he had been a close friend of Jamie McDade and had looked after his child while McDade's wife made the funeral arrangements. He also made the point that no real IRA man would have done this and been around at the dead bomber's house, then under obvious surveillance by the police. Chris Mullen's view, as already reported, is that the Six were among several hundred people who knew what was happening in IRA circles in the West Midlands in 1974. It is not necessary to make this allegation of innocence in terms of association with IRA members to contend that there is not sufficient evidence to convict them of having actually planted the bombs.

Igor Judge

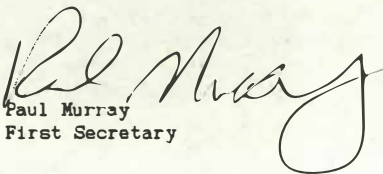
Ms Pierce mentioned in conversation that Igor Judge, Chief Prosecutor at the Appeal hearing in 1987, now a High Court Judge, was very close to the West Midlands Serious Crimes Squad and used to speak at their annual dinners.

Gerard Conlon

Mr Conlon is currently staying with Gareth Pierce and I had a conversation with him. He was very pleased with his visit to the United States and the results of his meetings with contacts which we had lined up for him.

In particular, he had been impressed by the depth of interest shown by Cardinal O'Connor in the Birmingham Six case and felt that he should be encouraged in his willingness to visit them in prison, a view with which I would concur. He spoke of wanting Irish Government "support" for a lecture tour which he was contemplating in the United States though he was unable to say what form such support might take. Ms Pierce asked that we continue to encourage powerful political figures in the United States to take an interest in the case. I mentioned the forthcoming visit of Congressman Brian Donnelly.

Yours sincerely,



Paul Murray
First Secretary

National Archives Act, 1986, Regulations, 1988

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Form to be completed and inserted in the original record
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(ii) How many documents have been abstracted: **1**

(iii) The date of each such document: **December 1989**

(iv) The description of each document: **Copy letter regarding case.**

(v) Number of pages: **19**

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

(c)(d)

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

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Name: **Elaine Keller**

Grade: **AP**

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

Date: **15/10/19.**