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Confidential

26 March 1990

Mr Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

The Birmingham Six: the "World in Action" programme and other matters

In conversations with a variety of media contacts over the past few days, I have gathered the following points of interest in relation to this week's "World in Action" programme and other matters.

The Special Branch document

- A key element in this week's programme is a Special Branch document dated December 1975 which indicates that the authorities were told the names of some of the real bombers and have known ever since then that the Birmingham Six were innocent. This document was reportedly first obtained by World in Action almost two years ago.
- What is not clear is why the team's last feature on the Birmingham Six (transmitted on 31 October last) made no reference to this document. The "intelligence files" referred to on that programme were apparently different documents. Furthermore, the three individuals named last October reportedly do not tally with the names to be revealed this week. At least one of the individuals named last October (Joseph Patrick Gilhooley) is believed to be absent from this week's list.
- The Special Branch document (which records an interview with a former member of the Birmingham IRA) is reportedly damaging not merely because it suggests that the authorities have been aware of the real culprits' identities for years but also because it reveals an indifferent response by the police when the alternative names were revealed (at a time when the Birmingham Six had already been in prison for a year).

- Criticism that the document (if it is as important as World in Action claim) should have been divulged before now, in the interests of the Birmingham Six, is being met with the response that dramatisation of the case was considered necessary in order to ensure maximum impact on the British public. Accordingly, a very long period of preparation (over eighteen months) was required for the programme.
- World in Action has also been saying that, had they divulged the document earlier, the police response might have been to shrug it off, arguing (as in the Guildford case) that the new alleged culprits could have done the bombings in addition to the Birmingham Six. Their hope for this week's programme is that its impact will be so powerful that the authorities will not be able to get away with this response.
- Chris Mullin's book, which is being published by Poolbeg Press and will be launched at a press conference on Wednesday afternoon, reportedly contains extensive quotations from the document. The actual programme, at least in the form which I saw last week, does not quote at any length from the document.
- Granada TV will pass the document to the Home Office and Geoffrey Dear has promised to have it investigated.
- Mullin's attempts over the past few days to distance himself from Wednesday's programme, despite the very considerable assistance he lent to it, have been the subject of comment. Not merely has he sought the removal of his name from the credits but he has probably been encouraging his close political ally, Tony Benn, to stir up the controversy about 'trial by TV'. A number of explanations have been mooted. Either Mullin has genuinely been taken aback by the programme as it has finally emerged (it may have gone beyond his original intentions) and he fears that the naming of individuals will jeopardise any future prosecutions on the grounds of contempt. Alternatively, he is being, in the words of one journalist, "too clever by half": trying to cover his traces as comprehensively as possible in order to underpin his claims that he has not broken faith with those whom he met in Ireland.
- In more general terms, the programme's approach has met with some criticism. Some contacts feel that the drama-documentary format is fraught with difficulties. It might have been safer to offer a fictionalised account of the case, concluding with an indication that documents relating to an actual case on which this drama is based have been passed to the police. Libel lawyers for the Police Federation and others will no doubt be studying Wednesday's programme with interest.

Identities of the real bombers

- While the names of the five suspects identified by World in Action (two bomb-makers, two bomb-planters and the planner, nicknamed

"Belfast Jimmy") will not be revealed until Wednesday, the following is a summary of current media speculation:

(1) It is believed that Joseph Patrick Gilhooley is not one of the five;

(2) The "Dubliner" suspect, reportedly living in England, is believed to be Michael Murray. (Questioned by the police in the aftermath of the bombings, Murray was released but was later re-arrested and served a twelve-year sentence in Britain for an explosives offence. John Walker mentioned him in a letter to the Home Secretary);

(3) The Portlaoise prisoner is believed to be James Gavin (or Kelly), serving a life sentence for a murder committed in a Dublin bar in the mid-seventies;

(4) While no name has been suggested for the younger man identified as one of the bomb-planters, there is speculation that the individual introduced as the fourth suspect may be Michael Hayes. Hayes was sentenced in Ireland in 1976 to three years for IRA membership and other charges. He is reportedly still a senior member of the IRA.

The Home Secretary's decision

- One journalist (Heather Mills of the Independent) told me that the Home Office deliberately misled her about this decision. In an article a fortnight ago, Ms Mills predicted a decision to order a limited police inquiry. Though she had been ringing each day to check on developments, the Home Office told her as late as Wednesday morning last week (i.e. a matter of hours before the PQ reply) that she need expect nothing before the end of the week. Her view is that the Home Office wished to avoid any prior publicity for Waddington's decision and, in particular, did not want any speculation linking it to the forthcoming World in Action programme. This linkage, however, has inevitably been made.

- As regards the points on which the new inquiry will focus, the Home Office has been briefing informally to the effect that the timings controversy and the Reade schedule will receive particular attention.

The outlook

- In the opinion of my contacts, the Home Secretary would not have reached his decision to order a fresh inquiry unless he had concluded privately that the case will have to be resolved with a "Guildford-type" outcome.

- Of all people, one authoritative contact commented, Waddington would have been particularly reluctant to order a fresh inquiry. Not exactly "a died-in-the-wool liberal", he would have been sympathetic to any Home Office advice to "tough it out". It is reasonable to assume that, if Waddington opted for a new inquiry,

he did so on the basis of very serious doubts about the soundness of the convictions.

- Other contacts read significance into the Home Office's decision to allow some of the Birmingham Six to be interviewed by the BBC when they attended a seminar recently. This, combined with the decategorisation and the decision last week to move two of them closer to their families, suggests a fundamental change of attitude towards the Six. One contact said he knows "certain people in the Home Office who are determined to bring the case to an end" and are casting around for ways of doing so.
- Even if the inquiry does not turn up anything new on the files (as happened in the Guildford case), it may prompt West Midlands policemen, unhappy with the behaviour of colleagues in 1974 and since, to come forward with new evidence.
- Testimony by more recent victims of the Serious Crime Squad could also be very damaging to any defence of the convictions which the Crown would have to mount if the case were sent back to the Court of Appeal.
- For these various reasons, my contacts speculated that the Crown would think long and hard before going to court again on the B6 convictions. If the Home Secretary were to decide in favour of a fresh referral, therefore, this would have to be seen as presaging a Guildford-type outcome.

Yours sincerely

David Donoghue

David Donoghue
First Secretary