



An Chartlann Náisiúnta National Archives

Reference Code:	2020/17/50
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

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.

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 Somerset 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^{ed} to Ms. Pierce that she contact him. She was extremely grateful.

W4413