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6 January 1987

*Taisleach
 Tániste
 Mhinister
 Min. for Justice
 Attorney General
 Secretary
 Mr. Nelly
 Mr. Ward
 Mr. Russell
 A.I. Secretariat
 A.I. Section*

Dear Assistant Secretary

Lunch with John Hume, M.P.

I met Hume by arrangement following his attendance at an all-party meeting this morning with Douglas Hurd, David Mellor and five Home Office officials to discuss the Birmingham Six, the Guildford Four and the Maguire cases.

Clive Soley, M.P. led the delegation, which consisted of Sir John Farr, M.P. (C), Alex Carlile, QC, M.P. (L), Rt Hon Merlyn Rees (La), Lord Fitt and Lord Stallard, and John Hume.

Messages to the Home Secretary, supporting the delegation, were sent from Sir Marcus Fox, M.P., MBE, Sir John Biggs-Davison, M.P., Rt Hon Michael Foot, M.P., Rt Hon Roy Hattersley, M.P. and John Wheeler, M.P. There were also written messages from Lords Scarman and Devlin.

The delegation met before the meeting and it was agreed that the target must be a review of the cases, that a judicial enquiry would only - even if it were successful - lead to a referral by the Home Secretary to the Courts; and that a Royal Pardon would leave those convicted guilty and without recourse to compensation.

When the meeting with Hurd commenced, he himself said that only the Courts could make a decision, and that a Royal Pardon is not an option. The impression Hume and the others had was that the thrust of Hurd's thinking is in the direction of a referral to the Courts, but probably only in the case of the Birmingham Six. However,

.../

Hurd "short-circuited" discussion of the Birmingham Six case by saying that he has been very active on the file over the Christmas holiday and is now very close to a decision, which he intends to announce to the House of Commons "in the very near future". Hurd gave nothing away as to the decision. Hume felt that he was "less than forthcoming" and he was personally concerned at Hurd's attitude.

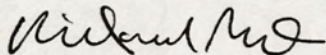
The meeting then turned to the Guildford Four and Maguires cases. It emerged that the Home Office views these cases as far more difficult. The Home Office officials present, and David Mellor, said that because the alleged new evidence had already been dealt with by a court of appeal and dismissed, there seems to be no grounds for referral. Clive Soley then produced a Government Paper prepared in response to the Report "Miscarriages of Justice" produced by the Home Affairs Select Committee, which said that the Home Secretary could in future be more ready to use his powers of referral. Soley also quoted the Lord Chief Justice as saying that the Courts could deal with such cases without the submission of new evidence. Soley, said Hume, relied heavily on these two arguments.

Mellor took a very hard line. He cast doubts at all points over the key question of the unreliability of the forensic evidence. He seemed to be relying heavily on his officials and to be echoing their views. They argued that the forensic evidence question applied only to two of the Birmingham Six. Hume and Carlile "went for" Mellor very strongly on this, arguing that evidence submitted on two defendants in a conspiracy case must reflect on all six involved. In Hume's view Mellor and his officials are committed to a hard line. (He said that Sir John Farr shared this view fully and had before the meeting expressed grave doubts about Mellor. Farr also said afterward that he had fifteen months ago submitted some prison officers' statements on this case to the Home Office: not only has he had no reply, but has discovered, he said, that these submissions had not even been checked.)

The conclusion of the delegation, in conversation afterward, was the Birmingham Six case will probably be referred to the Court of Appeal; but that the Guildford Four and the Maguires cases look very negative.

While Hume was very disappointed by Hurd's attitude, he said he felt nevertheless that he may have been stalling at this meeting because he may wish to hold his news for a statement in Parliament.

Yours sincerely


Richard Ryan
Counsellor