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Reference Code:	2016/22/2030
Creation Dates:	2 June 1986
Extent and medium:	26 pages
Creator(s):	Department of Foreign Affairs
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PA, A Maguire
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~~Copy to D Barry OFA?~~ TSmyth
2/6/86

703- 5331

2nd June 1986

Dear Ted,

Herewith a background note on the Maguire case and some other material that may be useful. Much of this will already be familiar to you. I made the note some time ago and have acquired some refinements of interpretation since. You will notice there is a reference to Birmingham in the notes, but only an oblique one.

I look forward to lunch to-morrow. If you have any queries before then, give me a ring. I'll be in most of to-day and to-morrow morning.

Yours
Robert.

Mr. Ted Smyth,
Irish Embassy

THE MAGUIRE CASE

Some Background Facts:

On the 4th March, 1976 those listed below were sentenced, after a ~~six~~^{six}-week trial, to the following terms of imprisonment on the following charge:

"That between the first and fourth days of December, 1974 they, knowing, ^{§14} had, in his or her - as the case may be - possession or under his or her control an explosive substance, namely nitro-glycerine, under such circumstances as to give rise to a reasonable suspicion that he or she, as the case may be, did not have it in his or her possession or under his or her control for a lawful object."

(this was the sole charge; it was not connected to any act of terrorism):

Ann Maguire, then aged 40, sentenced to 14 years' imprisonment;

Patrick (Paddy) Maguire, her husband, then aged 43, sentenced to
14 years' imprisonment;

Vincent Maguire, their son, then aged 17, sentenced to 5 years'
imprisonment;

Patrick Maguire, their son, then aged 14, sentenced to 4 years'
youth custody;

Joseph (Giuseppe)^{*} Conlon, Paddy Maguire's brother-in-law, then
aged 52, who had arrived from Belfast to stay in the Maguires'
house at 43 Third Avenue, London W.10 on the afternoon of
3.12.74, sentenced to 12 years' imprisonment;

Sean Smyth, Ann Maguire's brother, then aged 38, who had been
staying with the Maguires for some months while he worked in
London, sentenced to 12 years' imprisonment;

Patrick O'Neill, a friend who had called at the Maguires' house on
the afternoon of 3.12.74, then aged 35, sentenced to 12
years' imprisonment (subsequently reduced to 8 years).

* Known as Giuseppe because he had
had an Italian god-father.

All are now free. Giuseppe Conlon, who had for many years suffered from pulmonary tuberculosis, died in custody in 1980. The others served their sentences with remission. The last to be released was Ann^e Maguire (in February, 1985) who had been allowed bail with her two sons while awaiting trial. (The four men had not been allowed bail.)

All the surviving accused, independently, under interrogation, in court, during their imprisonment, and subsequently have always insisted that they were entirely innocent of any such charge. Giuseppe Conlon, on his deathbed, asked his M.P., Gerry Fitt, to see that his name was cleared. All the Maguires, Smyth and O'Neill are now as determined as ever to have their names cleared.

The verdict of the jury at the trial, after hearing extensive and complex scientific evidence, was that they were guilty as charged. The Appeal Court was applied-to for leave to appeal against all seven convictions but the applications were refused since the Appeal Court unanimously did not see "any reason for

disturbing any of these convictions either on the basis that any of them is unsafe or unsatisfactory or that the learned judge was guilty of any non-direction or mis-direction or that his summing-up in any way was unbalanced."

All the accused were first arrested on the evening of 3.12.74 under the Prevention of Terrorism Act, which had become law in the previous week and allowed the police to hold people suspected of terrorism for seven days without charge.

On the night of the arrests, swabs were taken by the police of the hands of Ann^e and Paddy Maguire, their sons, Vincent and Patrick, their middle son John, then aged 15, Giuseppe Conlon, Sean Smyth and Patrick O'Neill, at Harrow Road and Paddington Green police stations. These swabs were sent on to the Government Forensic Laboratory at Woolwich for analysis. While results of this analysis were awaited, the three sons and Patrick O'Neill were released. The others, including Ann^e Maguire, were held in custody under the Prevention of Terrorism Act.

These arrests had taken place as a result of two statements given to police in Surrey that afternoon by two men arrested a few days before in connection with bombings which had taken place in two public-houses in Guildford in October, 1974. One of these men was a nephew of Anne Maguire.

It is not possible to understand the arrests in the Maguire household without some reference to those Guildford bombings.

On Saturday, 5th October, 1974, between 8.30 and 9.35 p.m., two bombs exploded in the Horse and Groom and the Seven Stars public-houses in Guildford, Surrey. Five people were killed and some eighty injured.

The Home Secretary, Roy Jenkins, described the bombings as
" ... an act which can only cause the utmost human revulsion."
Messages of sympathy were sent to the Mayor of Guildford by the Queen, the Prime Minister (Harold Wilson) and the Leader of the Opposition (Edward Heath: " ... a vicious outrage."). The

former Solicitor-General, Sir Michael Havers, called for the restoration of the death penalty.

The Chief Constable of Surrey was then Peter Matthews, a policeman who in 1955 had been seconded to Cyprus at the time of the EOKA crisis. He wished investigation into the Guildford bombings to be kept under the control of the Surrey police, and not to be handed over to the Metropolitan Police Bomb Squad, then commanded by Robert Mark. Matthews appointed as head of his own bombing investigation team his Assistant Chief Constable, Christopher Rowe.

As a result of meticulous police work involving interviews with all who had been in the two public-houses that evening, the Surrey "bomb squad" ^{was} able to establish that two men and a woman in one public-house, and one man and one woman in the other ^{were} unaccounted for. The reasonable deduction ^{was} made that these five people were responsible for planting the bombs. But for seven weeks the Surrey "bomb Squad" ^{were} unable to make any arrests.

In the meantime an IRA bombing campaign had continued in London and elsewhere, as it had done for the past year and a half. On the 7th November two people were killed when a bomb exploded in the King's Arms public-house, near Woolwich Arsenal. The worst incident of all occurred on the night of Thursday, 21st November in Birmingham when bombs exploded in two public-houses there, killing 21 people and injuring 182.

Within hours of the Birmingham bombings the Lancashire and the West Midlands police had made six arrests. (Five of the six were arrested trying to board the Irish mail-boat^{at} Heysham, which accounts for the involvement of the Lancashire police.)

On Monday, 26th November the six Irishmen arrested the previous Thursday appeared in court charged with murder in connection with the Birmingham bombings and were remanded in custody. Forensic tests were said to have revealed traces of explosives on the hands and/or clothing of some of them. Some of them made statements admitting involvement in the bombings, though they later maintained that these had been extracted from them under duress. (All six were eventually convicted and sentenced to life imprisonment for murder.)

Meanwhile the Surrey police had had two officers of their own making enquiries in Belfast. They were sold information for £350 that the man they wanted was named "Benny" Hill, now living in Britain ("Benny" is now a nickname often appended in colloquial usage to people named Hill - as for instance people named Clark have often been nicknamed "Nobby", or Rhodes "Dusty"). There were in fact then living in Britain two Belfast-born Hill brothers, and there was at first some confusion as to which of the two the police wanted. Eventually police arrested in

Southampton on the 28th November, 1974 a man named Paul Hill,
aged 24.

Paul Hill, we now know, ^{had been a Provo auxiliary - Belfast} was thought by some people ^{in Belfast} ~~in Belfast~~ ^{there} to have been himself a police tout or informer there. There are those who think that he came to Britain originally to escape IRA vengeance. If he had been an informer this could conceivably explain why he himself had now been "shopped" to the police. The police, on the other hand, were convinced that they had caught an active ^{I.R.A. man} ~~active~~ ^L, and that the information they had bought about his involvement in the Guildford bombings was genuine. Hill was in any case wanted by the R.U.C. for questioning in connection with the killing of a former British soldier in Northern Ireland, an event of which Hill undoubtedly had some cognisance. (While in custody before his trial for the Guildford bombing, Hill was taken over to Belfast, and tried and convicted there

of the murder of this former British soldier, Brian Shaw.)

Hill made six statements to the police altogether. In the first of these, Friday, 29th November, 1974, which begins simply as a rather confused account of his arrival in Britain three months

before and his attempts to find somewhere to live, he named a friend of his, Gerard (Gerry) Conlon, then living in Belfast, as a man whom he had followed to London in August, 1974. He also named Conlon's uncle, Hugh Maguire, of 25, Westbourne Terrace, W.2., with whom they had both stayed for a short time. A similarly rather confused account follow of contacts with IRA men and an expedition to bomb the public-houses in Guildford, in which he says he was involved. In the course of this last account he named two girls, one a bomb-maker named Marion and "an older" girl of about thirty. As a result of this statement, Hugh Maguire, his wife and a girl lodger were arrested in London on Sat. 30th November. (They were released without being charged after 7 days.

Also
 [As a result of this statement, Gerald Conlon ^{was} ~~is~~ arrested in Belfast on the early morning of Saturday, 30th November and brought to London on Sunday, 1st December. Conlon ^{was} ~~is~~ interviewed by police and ^{made} ~~makes~~ statements on the 2nd and 3rd December. Meanwhile Hill had continued to make statements elaborating and partially correcting his first statement. Towards the end of his fifth statement, made between 3.50 p.m. and 5.03 p.m. on the 3rd December, 1974, he identified ^{ed} as "Annie" Maguire the second woman who he says had been on the Guildford expedition. None of Hill's

statements refers to Anne Maguire as a bomb-maker.

Hill's identification of Anne Maguire ^{was} ~~is~~ made at about 4.30 p.m. on the 3rd December in the police station at Guildford.

Conlon, in his first statement the day before had ~~also~~ begun with an account of himself and the girl ^{with whom} he came to Britain trying to find somewhere to live. His only mention of Anne Maguire in ^{is} ~~the~~ statement ^{was} ~~is~~ at the beginning when he described going to his Uncle Paddy's house (43, Third Avenue, W.10) but being told at the door by his wife Annie that her husband was out working. Later in the statement he described "a girl who I have never seen before" putting on the table in a flat elsewhere a box apparently containing materials for an explosive device, similar to that described by Hill in his statement.

In his second statement, made at Godalming police station, between 5.47 p.m. and 7.02 p.m. on 3rd December, 1974, (i.e. beginning some three-quarters of an hour after Hill's fifth statement at Guildford had ended) ^{an} Conlon begins by saying: "My Aunt Annie showed

some six of us how to make bombs. Annie is the woman in the flat I have spoken about in my first statement ... Paul Hill and Annie did most of the talking on how they were made. She showed us a box with a long black thing and a pocket-watch on top of it also sand was in the box." (This is the description of the device described in his first statement.) "Annie said to me, 'I bet you're surprised to see me here.' I said, 'Yes, I am.' She said, 'I know Paul from long ago.' I did not know what she meant. She said to all of us that we might have to do this one of these days." Like Hill, he described her as going down to Guildford with the party to do the bombing.

^{was}
It is around this time in the afternoon that the Surrey police ^{at} ask the Metropolitan police to keep a watch on 43, Third Avenue, W.10.

(Much later, in court, both Bill and Conlon maintained that these statements were not true statements. Hill says that his was obtained from him by the police by psychological pressure involving

"threats" to his girl-friend, while Conlon, for whom indeed an eminent psychiatrist testified to the effect that he was very frightened of physical violence and cowed by authority, maintained that he had been physically maltreated. The court rejected these claims.)

(NOTE: Two years later, in separate British prisons, two convicted IRA men, Brendon Dowd and J.J. O'Connell - the latter taken in the Balcombe Street siege - gave detailed accounts of the way in which they had personally carried out the Guildford bombings. Both stated flatly that neither Hill nor Conlon (nor the other two people who had by then been convicted for Guildford - Armstrong and Richardson) had had anything whatsoever to do with it. They said that the bombs, the construction of which they also described in detail, had been made at 21, Waldemar Avenue, Fulham, SW.6. The Appeal Court, before which these statements were repeated, was prepared "to assume" from their evidence that Dowd and O'Connell's account of their participation in the Guildford bombing "might be true, but they did not accept that Hill, Armstrong, Richardson and Conlon were not also involved.)

The normal Maguire household at 43, Third Avenue, at this time consisted of Paddy and Anne (husband and wife), three sons, Vincent, John and Patrick, their 8-year-old daughter Anne-Marie and Anne's brother, Sean Smyth, who was staying in the house while working in London. However in the early afternoon of Tuesday, 3rd December a visitor had arrived. This was Conlon's father, Patrick Joseph, known as Giuseppe (he had had an Italian godfather). Giuseppe had tried to see his son at the barracks in Belfast after his arrest on Saturday but had not been allowed to do so. He and his wife, Sarah, had tried again on Sunday, 1st December, were again unsuccessful and were eventually told that their son had been flown to England. Giuseppe discussed the matter with a Belfast solicitor, Nurse & Jones, 7 Lower North Street, Belfast. He tried to get in touch with Conlon's uncle, Hugh Maguire, to ask if he could stay with him while he came over to see what he could do for Gerard. Unable however to make any contact with Hugh Maguire (for a reason *above on page 10* evident from an earlier paragraph, but of which he knew nothing) he decided to go and stay with Hugh's brother Paddy, and on Monday

the Belfast solicitor, Jones, sent Paddy Maguire a telegram to 43, Third Avenue, W.10 asking him to get in touch and also giving the name and number of a London solicitor, Bernard Simon, 40 Bedford Street, London. Giuseppe was in poor health, having suffered for some years from severe active pulmonary tuberculosis (as stated in available affidavit by his doctor, Dr. Joseph Hendron of Belfast.) Two friends of Giuseppe, Mr. and Mrs. Delaney of Belfast, tried to dissuade him from going to England because of this, but failed, and on Monday, 2nd December drove him to the mailboat for Heysham, which he caught.* Paddy Maguire received the telegram from Nurse & Jones about 6 p.m. on that day.

The Maguires had¹ been living in London for most of the past 17 years - for the past four years at 43, Third Avenue, W.10. Before their marriage Paddy had come down from Belfast to Dublin and joined the Irish army but had subsequently deserted and in 1954 joined the British army, in which he stayed for three years and

* Affidavit from Mr. and Mrs. Delaney available

served in Cyprus. He had married Anne and come to live with her in London soon after leaving the army in 1957. For 11 years he had worked for the Gas Board, and more recently as a school caretaker, though on the afternoon of Monday, 3rd December (the day on which he received Giuseppe's telegram) he had been unemployed for some weeks.

Anne was working at this time as a cleaner, with three separate cleaning jobs in the locality. Difficulties in her marriage with Paddy were at their height at the beginning of December, 1974. She had already been to a Citizens' Advice Bureau and, on their advice, to a solicitor (Scott, Winter & Company where she saw a Mr. Cope) but in the end had decided to take no action but to "wait until he came out of the mood and have a serious talk with him myself because of the boys, and if that didn't work I would warn him I would leave him."* A few weeks earlier Paddy had been to the local Housing Officer to see if he could get himself a bachelor

* Statement made by Anne to her solicitor soon after her arrest

flat while the tenancy of 43, Third Avenue was transferred to his wife, but had been told that this was impossible.* On Tuesday, 3rd December Anne and Paddy had not been speaking to each other for some days.

It had been a day of considerable movement in and out of that house. Anne had left the house at 7.15 a.m. to go to her cleaning job at Maurice/Morris Apple's, an accountant in the Harrow Road. She got back about 8.45, by which time her eldest son Vincent and her brother Sean Smyth, staying in the house since July, had left for work, while her two younger sons, Patrick and John, had left for school. Only the Maguires' small daughter Anne-Marie and Paddy himself were in the house.

Paddy had not told Anne anything about the telegram he had received from Giuseppe's solicitor the day before. Anne took Anne-Marie to her school, returning after talking to neighbours at 9.30 to the house where her husband, to whom she was not

* This visit involving some angry, threatening language by Paddy against Anne, including a threat to "put a bomb under the house", was used by the prosecution at their trial.

speaking, was now reading the paper. She went out again to another cleaning job in the Harrow Road, a betting shop, at 9.40, afterwards meeting friends, going to a jumble sale, buying food for the family and returning to the house again about 1.30 to 2 p.m. Her sons, Vincent and John were in with a friend of John's, Hugh McHugh. Paddy, her husband, was out. She saw a small suitcase and wondered whose it was. It was in fact Giuseppe Conlon's. He had arrived just after 1 o'clock and had gone out with Paddy to the pub for a drink. They came back between 3.30 and 3.45. Giuseppe Conlon explain^{ed} what had happened, saying incidentally of his son: "We don't believe it, he's done many things, but we'd never believe he would do anything like this. That's why I'm over here to see his solicitor." He ask^{ed} if he ^{could} stay in the house while he sort^{ed} things out with the solicitor and Anne agreed.

Soon after 4 o'clock Anne-Marie, her small daughter, came in with a friend.

About 5.30 Anne gets a call from Pat O'Neill, a friend whom she hasn't seen for nearly a month but whose pregnant wife is in

hospital for tests. Their three small children aged 8, 6 and 4 have been staying with a sister-in-law while O'Neill's wife, Helen, was in hospital but they had returned to the O'Neill household as Helen was expected out that day. However, the hospital had just rung to say that she would not come out that day and so Pat O'Neill was asking Anne if the three small children could stay with her over the weekend. She agrees and he says he will bring them round.

Meanwhile both she and her husband Paddy are trying to find out what has become of his brother Hugh. Anne phones Hugh's best friend, Sean Tully and asks if he has seen him. Tully calls round, by car, and says he has been in Birmingham for the weekend and has only just come back but will drive around to see if he can find out what has happened. Paddy Maguire then, without telling where he is going, goes out to Harrow Road Police Station to make enquiries about Hugh. He talks to a woman police officer who gives him the impression that the matter is somehow in hand but he obtains no information and returns to Third Avenue. Soon afterwards Sean Tully comes back to say that he has discovered that Hugh is in Guildford, having been arrested by the police the previous

Saturday. This is a great shock to everyone.

About the same time Pat O'Neill arrives with his three little girls and Anne Maguire goes out with one of them and her daughter Anne-Marie for fifteen minutes to buy a bag of chips for them from a shop in the Harrow Road. After she has returned, Pat O'Neill speaks on the telephone to his wife Helen around 8 o'clock and about 8.30 Pat O'Neill with Paddy, Giuseppe and Anne's brother Sean Smyth, who has returned from work about 6.30, go out for a drink in the Lancers pub nearby. Very shortly afterwards the Metropolitan Police Bomb Squad under Detective Chief Inspector David Mundy arrive, and some of his men go out to the pub and arrest the four men in the pub. *These four together with Anne, Vincent, John and Patrick are then* taken off to Paddington Green and Harrow Road police stations to have their hands swabbed for forensic tests.

These movements which, give and take some minor variations in timing, are substantiated by all the other people in the house that day, suggest by inference that the handling of nitro-glycerine on

the premises would have been an activity improbable, to say the least. (In his summing-up at the trial in 1976, Mr. Justice Donaldson was prepared to accept by and large the defendants' account of movement timing though he made a point of stressing such discrepancies as there were between individual accounts.)

[The previous day can be similarly chronicled but since it was only on 3rd December that Giuseppe Enlon was present, this day, in view of the results of the forensic tests, was the crucial one to account for.]

The results of the forensic swabs taken at Harrow Road and Paddington Green police stations that evening became available on Friday, 6th December. The hands and/or finger-nails of all except

Anne and John were said to have revealed traces of nitro-glycerine. It was not until five days later that

[plastic gloves, which Anne had had to wear from time to time for

dermatitis (her dermatitis and the need to wear such plastic gloves

is confirmed from official medical sources), and which the police had taken from Third Avenue - though after the day of the arrest - were said to have been found to have been contaminated
There is a curiosity about this.

Sniffer dogs which had been brought into the house on the evening

of the 3rd December not only had detected nothing in the house

itself but had specifically been directed to the plastic gloves but had registered nothing. Searches by the police on the night of the arrest and subsequently revealed no trace of nitro-glycerine either in the house or the surrounding area, or any indication whatsoever of any potentially suspicious equipment that could have been associated with bomb-making.

and who had returned to his work in London
 Pat O'Neill, who had been at liberty for three days was now
 re-arrested. The boys Vincent and Patrick, whose hands were found to have been contaminated, were not yet arrested. Their arrest only took place later, in February 1975 on the same day as the police, having failed to get a confession to the Guildford bombing from Anne Maguire, had to drop the charge of murder against her. She had in fact a substantiated alibi for the night of Saturday, 5th October which made it impossible for that part of Hill and Conlon's statements which maintained she had been present at the Guildford bombing to have been true. The police now concentrate on the nitro-glycerine handling charge. Anne Maguire was released on £5,000 bail in April, 1975 and remained on bail until the conclusion of the trial in March, 1976 when she and the others were sentenced.

At the trial the defence concentrated almost entirely on the alleged unreliability of the forensic evidence in view of inadequate handling of the analysis, particularly in view of the fact that no confirmatory test was applied, ^{and that a very young laboratory ^{assurant} was involved with its results} The scientist who had originally invented the ^{thin layer} ^(TLC) chromatography test for explosives, while a government scientist (though he had since retired), insisted that a confirmatory test was necessary to ensure the total validity of the first test and said that the first test ^{alone} was not conclusive evidence that nitro-glycerine had been present. Both he and the prosecution had carried out experiments to see what other substances than nitro-glycerine gave the same results on the test as nitro-glycerine but these proved negative. It was revealed however at the very end of the trial that another explosive, PETN could also register in an identical way on the test, but the judge, with some reason, said that since this was another explosive, it did not appear to be particularly relevant. The fact that both nitro-glycerine and the PETN were available not only as explosives but as medicaments in drug form for heart conditions, does not seem to have been put to the jury. In what ended as a clash between prosecution and

defence scientific experts, the jury believed the prosecution.

The characters of the defendants and the inherent improbability, given their movements on the two days at the beginning of December to which the only charge related, of their having handled nitro-glycerine in this period, was not particularly stressed. The possibility that the hand and finger-nails swabs, and in Anne Maguire's case the swabs on the plastic gloves, as analysed, may not have been true versions of the swabs at first taken from the hands, finger-nails and gloves, was not raised at the trial.

In conclusion, one apparent anomaly in the above summary seems to need elucidation.

The Crown had to drop as unsustainable the charge of murder against Anne Maguire which had been based on the statements of Hill and Conlon that she had been present at the Guildford bombings. But if that part of their statements was untrue, doubt is inevitably cast upon the rest. It was perhaps for this reason that the Crown, in the Maguire case, took great care to say that there was no connection between the charge of handling nitro-glycerine and the bombings at Guildford. (Though the same Judge and Prosecutor officiated at both.) Sir Michael Havers accounted for confusion in the Hill and Conlon statements by saying that an attempt to confuse was part of the sophisticated counter-interrogation technique in which men like Hill and Conlon had been trained

by the I.R.A.

In this context it may therefore be relevant to note that Hill, as a boy, had attended a school for backward children in Belfast. Conlon's weak and unstable personality, whether aggravated or not by his recent drug-taking, had been testified-to by an eminent psychiatrist in court.

It was of course only because of the Hill and Conlon statements that the police moved against the Maguires and others in the house in the first place.