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Reference Code:	2017/4/10
Creation Dates:	19 June 1987
Extent and medium:	5 pages
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
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Call on Tanaiste by Chris Mullin, M.P., and Tony Benn, M.P. -

1. Chris Mullin, the newly-elected Labour M.P. for Sunderland South and author of the book 'Error of Judgement', accompanied by Tony Benn, Labour M.P. for Chesterfield, had a meeting with the Tanaiste in Iveagh House on 19 June 1987 to discuss the Birmingham Six and other cases of miscarriage of justice in Britain. Also present were Mr. David Andrews T.D., Mr. D. O'Donovan, Mr. M. Bric and Mr. N. Holohan.
2. Chris Mullin said that it was easy for the British authorities to say that the case of the Birmingham Six was now in the hands of the Court of Appeal and that the Government no longer had any role to play in the matter. It was a fact that 34 policemen were currently combing the country, gathering evidence in a very prosecution-minded fashion and attempting to discredit witnesses favourable to the defence, such as P.C. Clarke who has stated that the prisoners were assaulted prior to their confessions. The defence solicitor, on the other hand, was having great difficulty in obtaining papers to which she was fully entitled. In response to a suggestion that the defence had not been handled well at the original trial, he agreed that this had been the case but that the present solicitor, Gareth Pierce, was extremely good and that she was currently in the process of choosing suitable counsel. It had to be accepted, however, that judges - and particularly British judges - were not good at admitting their mistakes. He discounted the Tanaiste's view that the British Government might now be anxious to rectify a mistake which they recognised had been made at the original trial. He stressed that the authorities had constantly sought to counteract the efforts made by himself and others to prove the innocence of the six prisoners. He said that the first brick to fall was the forensic evidence when it was admitted that the forensic scientist in the case, Dr. Skuse, had been sacked for incompetence. Nevertheless, the Home Office had tried to claim that the conditions used for the original tests at Morecambe police station had been falsely communicated to the defence. The next step to be taken was the appearance of Chris Mullin's own book which included details of interviews with the real perpetrators of the bombing. There was, however, no ensuing inquiry or police investigation. He had seen the Home Secretary and his deputy as well as the Assistant Chief Constable of the West Midlands Police but no action had been taken. Finally, the evidence of P.C. Clarke had been produced and the case

had been referred to the Court of Appeal on 20 January last. By the time the court would hear the appeal on 2 November, however, over two years would have elapsed since the original evidence had been produced to suggest a miscarriage of justice. The problems which the defence were now facing as well as the attitude of the police to himself and others fighting the case gave him great cause for concern about the attitude of the authorities. He felt it was essential, therefore, that the Irish Government should take a more prominent role in the whole matter since international opinion and the image of the United Kingdom in the human rights context could play a significant role. He added that quite probably the conviction of the Birmingham Six had been a genuine mistake but he believed that the authorities had been aware at the time of the innocence of those convicted in the Guildford and Maguire cases but had not had the courage to dismiss the false charges. With regard to the question of bail for the Six, he was aware that Sir John Farr, Robert Kee and several bishops had agreed to stand surety for them. He understood, however, that the lawyers were now less attracted to this proposition since it would mean that they would be forced to argue the merits of the case in advance and they had no wish to "give the game away" at such an early stage.

3. The Tanaiste outlined the action which the Irish Government had taken in order to assist the Birmingham Six and the other cases. He said that he had been in correspondence recently with the Home Secretary, Mr. Hurd, and that he would be meeting with British Ministers shortly at the forthcoming European Council as well as the next Anglo-Irish Conference. He indicated that he would appreciate any advice that might be given regarding the role which the Irish Government could play.
4. Chris Mullin responded that the Irish Government should link the Birmingham and other cases to something which the British were anxious to obtain, such as the implementation of the Extradition Act. He suggested that judges could be swayed by the presence of important individuals in the Court of Appeal and David Andrews added that the Ambassador from the Embassy in London should be there. The Tanaiste promised that there would indeed be a high level representative present from the Embassy. *

* The Tanaiste added "although not necessarily the Ambassador" *clv*

5. Tony Benn interjected at this stage to say that correspondence alone with the Home Secretary was not sufficient since this provided the British authorities with the excuse that the demands of the Irish Government were being met. What was required was a public indication that the Irish Government was most anxious about the case; and this would have the effect of enlivening public opinion on the matter. The Conservative Party's position in Parliament was so strong after the latest election that only public opinion was capable of influencing the Prime Minister on a matter such as this. Although he himself had voted against it at the time, the Anglo-Irish Agreement could be used by having its future called into question and he believed that this would certainly scare the Prime Minister. In a similar manner Mr. Gorbachev had raised the question of human rights in relation to Ireland much to Mrs. Thatcher's embarrassment and no doubt the case of the Birmingham Six could be used by Gorbachev if he were made aware of it. The Irish Government were thus in a very strong position in relation to publicity and political pressure; by using this power they could do everyone a favour since the police in Britain were now out of control and had to be checked.

6. The Tanaiste responded that it was important to work out the appropriate tactics in relation to the Prime Minister. The Irish Government must examine her bona fides by meeting her and, following that, must decide what approach to take. He had already mentioned the question of the Birmingham and other cases to the Foreign Secretary, Sir Geoffrey Howe.

7. Chris Mullin said it was essential that public opinion be prepared for the very real possibility that the appeal hearing might be unsuccessful. The legal establishment was, however, very vulnerable on the issue since even many Conservative M.P.s support the defendants' case. It was necessary, therefore, to raise the level of public embarrassment even further given that the problem was now essentially a political one, not a legal one. He recommended therefore that on every occasion that a member of the Irish Government might encounter a British Minister the subject should be raised. It should be made clear that the issue is a cornerstone of Anglo-Irish relations and that full publicity would be given to the Irish Government's concern.

8. Tony Benn made the suggestion that the Irish security services might possibly liaise with the British police on the matter since policemen could perhaps be persuaded more easily by other policemen and might also be prepared to exchange their inside knowledge more readily with their professional colleagues. He also took the view that the Irish Government should publicly express its confidence in a successful outcome to the appeal by the Birmingham Six and should indicate its belief that the evidence supporting the defendants in the other cases was equally strong. He thought this might shame the British authorities into positive action although he believed that the Birmingham case was much easier to resolve than that of the Guildford Four since the latter called into question the reputation of very senior legal personages, including the recently appointed Lord Chancellor (Sir Michael Havers) and the Master of the Rolls (Sir John Donaldson). He asked if it would be acceptable to draw attention at Westminster to public statements on this issue by the Tanaiste and other Irish politicians.

9. The Tanaiste replied that he had no objection to such tactics and, indeed, that he would have a dossier of public statements^{*} produced which could be given to sympathetic M.P.s at Westminster so that each side would be aware of what the other side was doing.

10. Tony Benn conceded that the Irish Government had to take into consideration its long-term relationship with the British Government. Nevertheless, it must use all available pressure points including the Anglo-Irish Agreement; the fact that the Fianna Fail Party had not initially given its support to the Agreement could now be used as extra leverage in the equation. He had heard that the reprieve several years ago of Nicky Kelly - who had been convicted in the Sallins train robbery case - could be used to embarrass the Irish Government but he hoped that this would not be so. What was important now was to go as public as possible on the case between now and 2 November since anything that might be said following a negative decision by the Court of Appeal would have very little practical effect.

* *has statements*

Ch

11. Chris Mullin added that the Court of Appeal hearing would last only five days but that the Court might then reserve its judgement for several weeks or even months before announcing its decision. If the decision were negative, it was essential that the Extradition Act and other items of Anglo-Irish concern should be publicly seen to be linked to it.

12. Chris Mullin and Tony Benn addressed a public meeting in the Shelbourne Hotel later in the evening. *

Ch

for

Niall Holohan
Anglo-Irish Section
24 June 1987

cc: PSM
PSS
Chargé London
Mr. O Tuathail
A-I Section
Le Bred

* I attended for part
of this meeting at which
Mr Mullin in particular
was critical of the
Government and urged the
audience to bring pressure
to bear on the Government
"to go public". *Ch*