

An Chartlann Náisiúnta National Archives

Reference Code:	2017/10/41
Creation Dates:	16 December 1987
Extent and medium:	2 pages
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.

He i North

.../

17 - 51 - 12:57 10430% .

Brue, PIA, Monto la genne) Resource Size, Monto la genne) Brinnla Size, Minilando Sara Brance SECTOR AND PERSONAL - 13

16 December 1987

Dear Assistant Secretary

A comment on the Birmingham Six case

I have reported separately on a conversation with Barry Porter, Conservative Member for Wirral South in Liverpool.

Another point arose in that conversation. We were discussing the Birmingham Six case and I had outlined in some detail the case for innocence. Porter was already more aware of it in general terms than many, and he believes that they are innocent, although he feels, he said, that some of them at least were closer to the active IRA than they admit.

He then said he thought that some of the evidence against them was "jam on the cake". I probed him hard on this and after a little while he said he would tell me something in the strictest personal confidence if I did not use it. I agreed.

He said that the Chief Constable of Liverpool told him he knew that the evidence against the six was enhanced by the police. It was the Chief Constable who used the term "adding jam to the cake". He said that the police were convinced that the six were guilty and wanted to ensure that the confession evidence would stick. With this target in mind they set about making sure that the confession evidence was overwhelming and "went about" the six in such a way as to ensure that. I asked Porter to clarify this and he confirmed that the Chief Constable was talking about frightening the prisoners sufficiently to get satisfactory confessions out of them.

The present Chief Constable of Merseyside is Kenneth Oxford and he has held that position since 1976. Porter did not mention his name and I did not want to alarm him by probing this particular point too hard. I could perhaps try to induce

Porter to confirm the name on a later occasion, but it seems fairly sure that it.

I asked Porter whether the "jam on the cake" extended to the forensic evidence. He said he did not know: that had not been mentioned. I decided to leave it at that and we passed on to other things.

Comment

It is hard to see how this piece of information (if it were proved to be hard) could be used, even leaving aside the question of a debt of confidentiality to Porter. If it is true, and there is no surface reason to assume that it is not, Oxford could simply deny any knowledge of such a conversation. If it were used, there is no doubt that the relationship with Porter would certainly be wrecked, and his reaction could very well have implicationsfor relations with many of his colleagues.

If, however, the current Appeal fails, and if there is to be a further round, it might be considered then whether Oxford could be somehow induced to make the same comments to someone other than Porter, in such a way as to make his remarks usable by the appellants' Counsel.

Finally, it may be worth repeating that I did not feel I could push Porter too hard on detail without betraying excessive interest. Also, Oxford was not in the West Midlands Police Authority in 1974 (he was in Northumbria in 1974 and became Deputy Chief Constable, Merseyside Police later that year); we do not yet know how direct his information was (whether, for example, he spoke with an officer directly involved in the Birmingham Six case at the time); nor do we know the circumstances of his conversation with Porter. Should any further action be thought necessary at any point in the future, it might be considered whether we should not try to "harden" the information, initially perhaps through a further sounding with Barry Porter.

Yours sincerely

Richard Ryan Counsellor