

# THE BIRMINGHAM 6 FRAMED!



Gerry Hunter



Paddy Hill



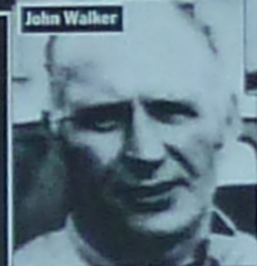
Dick McKelvey



Bill Power



Hugh Callaghan



John Walker

From the Irish Post, 15 September 1984

#### WE ARE INNOCENT: HELP US

I would like to thank the Irish Post for the publicity it has given us over the years. I write on behalf of the six innocent Irishmen who were tortured and framed for the Birmingham pub bombings. Since 1974, we have been protesting our innocence. One of the biggest obstacles we have had to contend with is the simple fact that we are Irish.

For a number of years now I have been maintaining a letter-writing campaign with MPs, members of the House of Lords, journalists and other relevant persons or organisations. Due to my persistence and the persistence of a small number of relatives and friends, we have finally got people to take an interest in our wrongful conviction and wrongful imprisonment.

A number of organisations have started to campaign for the reopening of our case. I appeal to all Irish organisations in Britain, as well as to individuals, to do what they can to seek justice for us.

I repeat, we are six innocent men who have been wrongfully convicted. Please help us.

PADDY HILL  
No. 509496

HM Prison Gartree,  
Market Harborough,  
Leicester LE16 7HP

# FREE THEM NOW



At about 8.20 pm on Thursday 21 November 1974 bombs exploded in two pubs in Birmingham, the Mulberry Bush and the Tavern in the Town. A telephone warning had been given, but much too late to be effective. Twenty-one people were killed and 162 were injured.

The public response to the bombing was one of horror and outrage, and feelings in Birmingham ran particularly high. The police were under great pressure to 'get somebody', and within five hours of the bombing senior officers of the West Midlands force told the press that they were satisfied that they had got the men primarily responsible.

Five of the men now known as the 'Birmingham Six' left Birmingham on the 7.55 pm train that Thursday evening to catch the ferry to Ireland at Heysham. Paddy Hill, Gerry Hunter, Dick McKenny, Bill Power and John Walker were stopped by police when boarding the boat at about 11 pm. They were on their way to the funeral of James McDade, an IRA volunteer who had blown himself up the previous week when bombing a telephone exchange in Coventry. When the police discovered their destination, they jumped to the conclusion that they had the 'bombers'.

In fact, the men were going to McDade's funeral for social as much as political reasons. Four of them came from the same small area of Belfast as McDade, Ardoyne, and three had been at school with him. McDade was a popular singer in Birmingham pubs. Besides, the funeral was an excuse for a visit home to see relatives.

The trip was haphazardly organised. Three of the men were unemployed and had difficulty raising the money to go. In the end Paddy Hill borrowed some money from local nuns. The five met in Birmingham's New Street station.

Also at the station was Hugh Callaghan: he had planned to go but couldn't raise the money. After seeing them off, he visited two pubs before going home. The next day, Friday, he remained in the area, spending the evening drinking at his local. He was arrested when he returned home that night.

### UNLIKELY STORIES

The police's theory, presented to the trial in Lancaster Castle in June 1975, was that the men were part of an IRA unit of which McDade was also a member, and that the bombings were carried out in revenge for McDade's death.

But the men were an unlikely group to form an IRA unit. They were aged between 29 and 44 years; all were married with children and all had lived in England for between

11 and 27 years. None were members of Sinn Fein.

Like many Catholics from the North of Ireland, some of them had republican sympathies, but these were expressed through social activities centred on pubs. Further, from the start senior Republicans have denied the men were members of the movement, and since their imprisonment the men have never associated with IRA prisoners.

The police put forward a scenario that was unlikely to the point of absurdity. The six men, they said, had met in New Street station bar. There they had distributed bombs amongst themselves in plastic bags. They then went off and planted the bombs, then returned to the station bar after which five of them boarded the train.

But there were no witnesses to identify any of these men in either of the bombed pubs or in the immediate vicinity. There were no finger prints in any incriminating place. No traces of explosives were found in the men's homes or in their clothes or luggage. Nor were any bomb-making materials or firearms found. No witnesses saw the men handing round plastic bags in the station bar.

### FORENSIC TESTS

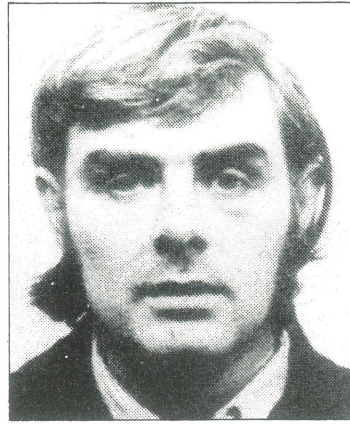
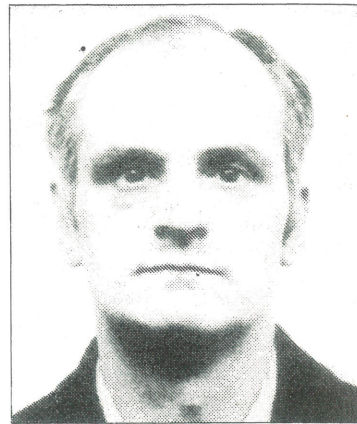
The two main planks of the prosecution case were, firstly, evidence against two of the men supplied by a forensic scientist, Dr Frank Skuse, and, secondly, 'confessions' signed while in police custody by four of the men. The defence case was that the forensic evidence was worthless and that the men had been beaten into signing the statements.

After being stopped as they boarded the ferry at Heysham, the men were asked to go to Morecambe police station for further questioning. In the early hours of the morning (some hours after the police announced they were holding the 'bombers') Dr Frank Skuse, a Home Office forensic scientist, arrived at Morecambe. He took samples from the men's hands with swabs and carried out a series of tests.

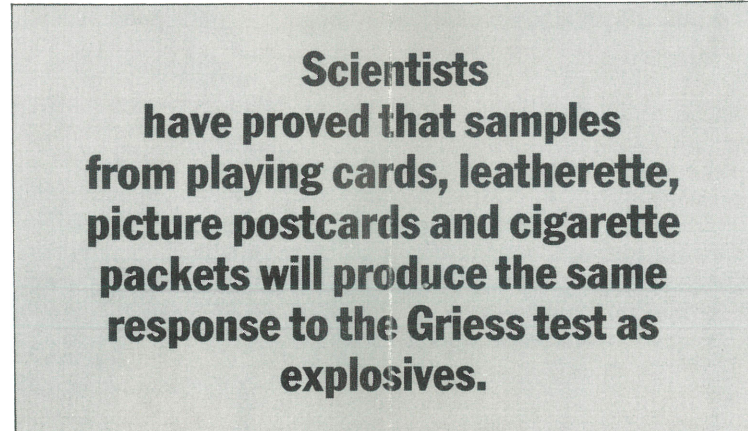
The first of these was the Griess test, a preliminary screening test. From his results Skuse concluded that Paddy Hill and Bill Power had been in contact with the explosive nitroglycerine. Other more sensitive tests failed to produce decisive confirmation.

At the trial, Dr Hugh Black, a former Chief Inspector of Explosives for the Home Office, testified for the defence. He said that a range of other substances would produce the same result in the Griess test as nitroglycerine. Among these he listed nitrocellulose, which is com-

# THE CASE OF THE BIRMINGHAM 6



The six photographed two weeks after their arrest. Above: Dick McKenny (41), Hugh Callaghan (44), Paddy Hill (30), Bill Power (29). Below: Gerry Hunter (29), John Walker (39).



monly found in the paints, lacquers and varnishes regularly used on railway and bar furniture. But Judge Bridge (now a Lord) told the jury he believed Dr Skuse's evidence and discounted that of Dr Black.

Ten years later, Granada TV's *World in Action* commissioned two scientists to find out whether innocent substances could give the same result in the Griess test as nitroglycerine. They were former Home Office forensic scientist David Baldock and Dr Brian Caddy, head of forensic science at Strathclyde University.

Working independently, both scientists found that the common substance nitrocellulose did indeed give identical results in the Griess test to the explosive nitroglycerine. Thus Dr Skuse's evidence was wrong.

The two men with forensic evidence against them were painters by trade, and could have acquired

nitrocellulose traces from paint. Dr Caddy went on to demonstrate that the men could also have acquired the traces while they were playing cards on the train to Heysham. He Griess-tested playing cards, and the hands of an assistant who had shuffled cards, and in both cases the result was the same as for the explosive nitroglycerine.

Dr Caddy also obtained the same result from tests on other objects with nitrocellulose on their surface, such as leatherette, picture postcards and cigarette packets.

### POLICE BRUTALITY

Dr Skuse's forensic results, early on Friday 22 November 1974, confirmed the police in their view that the men were in the IRA. The police were now determined to obtain signed 'confessions' at all costs. They subjected the men to an ordeal of brutality and humiliation which

lasted from Friday morning till late on Saturday night.

All the men later made detailed statements about their experience. They told how they had been severely and repeatedly beaten, deprived of food and sleep, threatened with guns and dogs, and told that screaming mobs were surrounding their homes and threatening their families.

Paddy Hill recalled, 'As soon as Dr Skuse came out of the office, B and B pushed me into the same room and started beating me up immediately, punching, kicking and slapping me all over my body. They were screaming at me, calling me an Irish bastard, c---, f--- pig, animal and other insults. They said I was covered from head to toe with gelignite... They demanded a statement from me admitting the planting of bombs, and I refused.'

The beating continued while he

very clear what I was doing

Dick McKenny remembered, 'W took out the revolver. He was standing at the other end of the room from me, He held it at arms length aiming at my heart. He asked me to sign the statement. I refused. He pulled the trigger slowly and deliberately. There was a click, but nothing else happened. He started to swear. He messed about with the gun and then said, "Next time it will be alright."

He repeated the performance, but this time the gun went off. I thought for a moment I was dead. My heart seemed to stop I was so frightened... I was constantly punched and slapped and eventually I broke down completely. I was in a complete daze. I was told to sign my name on a sheet of paper which I did.'

Hugh Callaghan, arrested at his home on the Friday night, was 44 years old and suffered from a nervous disorder and an ulcer, which meant he needed to eat often. The police refused him even a biscuit, so that by mid-day on the Saturday he was in great pain as well as extremely frightened. He broke down and signed a statement, but was still given no food till the Sunday night.

### FALSE 'CONFESSIONS'

Altogether four of the men signed statements - Hugh Callaghan, Dick McKenny, Bill Power and John Walker. Paddy Hill and Gerry Hunter did not. The statements in themselves were unconvincing. They did not match the forensic evidence and they contradicted one another.

The statements referred to the bombs being in plastic bags. This fitted with previous bombing incidents, and also with an unexploded bomb found in Hagley Road, Birmingham, on the night of the pub bombings, which was in a plastic bag. But forensic reports from the scene of the bombings subsequently indicated that the bombs had been in holdalls or suitcases, because D-shackles from the handles of cases were found in both pubs.

The statements gave hopelessly conflicting accounts of who had planted the various bombs, and of how many bombs there were. Power said there were seven bombs, Callaghan said six, McKenny said four and Walker said three. As solicitor Brian Rose-Smith explained:

'They were inconsistent as between themselves. For instance, you've got Power saying that he bombed the Mulberry Bush on his own, but then you have Callaghan saying that he did it with Hunter, and makes no mention of Power.

Then you've got McKenny's account of who bombed the Tavern in the Town, where he says that he bombed it with Hill. Yet Walker, who says that he also bombed the Tavern in the Town, says he did it with Hunter. You then have the ridiculous situation where you have Hunter being in both pubs at the same time!'

### TWO SETS OF BEATINGS

If at the trial Judge Bridge had accepted that the men had been assaulted by the police, he would have had to rule the statements inadmissible in evidence. Instead, the judge chose to disbelieve the evidence of the police assaults.

The evidence would have been indisputable if the men had been medically examined before leaving police custody. Unfortunately they were not, and before such an examination had been arranged, the men were beaten again, this time by warders on admission to Winson Green prison.

The six men were taken to court on the morning of Monday 25 November. They were assigned two duty solicitors from the court rota, neither of whom had any experience of political cases. Some of the men immediately showed the solicitors their injuries and complained that the police had assaulted them.

Solicitor Anthony Curtis said in a statement that Gerry Hunter's chest 'was covered from his navel up to his shoulders with diagonal scratch marks.' Curtis also saw John Walker and said, 'his eyes had what I would describe as a "wild" frightened look... He had a very noticeable black eye.'

From the court, the men were remanded to Winson Green prison. On reception, they were viciously beaten by prison officers, and were left with marks on their faces which were clear to everybody when they appeared in court later that week.

After this beating, the men were examined first by the prison doctor, who, transparently trying to cover up for the warders, claimed that *all* their extensive injuries had been caused before they arrived at the prison. Then three of the men were examined by independent doctors, who concluded that while some of the injuries were recent, others could have been caused three or more days earlier.

In 1976 14 warders were tried for assaulting the men, and to general amazement they were acquitted. The warders denied in court that they had beaten the men. But in private statements made to the defence lawyers and obtained by Granada TV's *World in Action* they gave detailed accounts of how they had beaten the men. Such admis-

*continued overleaf* >



**'I do agree that there are grave reasons for doubting the verdict which was given against you, and I would give support to any campaign to reopen your case.'**

**Lord Gifford QC**

sions suggest that the statements were true.

These statements also list the injuries that were already on the men's bodies on admission to prison. One prison officer said, 'The prisoner's torso was more or less covered with bruises... they were all colours and most of them looked oldish.' Another said the men's bodily markings 'were consistent with a systematic beating below the neck while in police custody.'

Further evidence came from Dr David Paul, a world authority in forensic medicine, who examined sets of photographs taken of the men while they were in police custody and then in prison custody. He told *World in Action* that he was 'completely confident' that they had been injured before leaving police custody, and had subsequently sustained further injuries.

#### YEARS OF CAMPAIGNING

The six men were convicted at Lancaster Crown Court on 15 August 1975. Each was given 21 life sentences. They applied to the Court of Appeal for leave to challenge their convictions, but on 30 March 1976 this was refused. Lord Widgery, sitting with two other judges, said there was nothing 'unsafe or unsatisfactory' about their convictions.

In November 1977 the men tried to sue the police for assaulting them. Their action was stopped by Lord Denning in the Court of Appeal in January 1980. Upholding an appeal by the West Midlands and Lancashire police against the men's action, Lord Denning made an extraordinary statement:

'If the six men win it will mean that the police were guilty of perjury, that they were guilty of violence and threats, that the confessions were involuntary and were improperly admitted in evidence; and that the convictions were erroneous. That would mean that the Home Secretary would have either to recommend that they be pardoned or he would have to remit the case to the Court of Appeal. This is such an appalling vista that every sensible person in the land would say: "It cannot be right that these

actions should go any further." They should be struck out.'

In essence, Lord Denning was saying that the action had to be stopped because the men might win, and the consequences of this were too 'appalling' to be allowed to happen.

The case was then taken to the House of Lords, where in October 1981 Lord Diplock confirmed Lord Denning's decision. A few days later Paddy Hill began a hunger strike which lasted 42 days.

Following the *World in Action* programme in October 1985, Sir John Farr, Conservative MP for the district which includes Gartree prison where Paddy Hill is incarcerated, submitted a dossier of new evidence to the Home Secretary, who alone has the power to re-open the



**Sir John Farr MP**

case. 'The Home Secretary should certainly hold a retrial,' said Farr. His call has been supported by a number of prominent people including the Bishops of Derry, Down and Connor, and Galway, and John Hume MP.

At the time of writing, Home Secretary Douglas Hurd's decision is not yet known. If he decides to re-open the case, there is still no guarantee that justice will be done.

As things stand, in Paddy Hill's words, 'We are more or less condemned to die in prison.'

Please do all you can to ensure this does not happen, and that these six innocent men are freed from their living nightmare.

Dear Nora,  
... Did you hear the joke on the news and in the papers last week? Amnesty International was complaining about Russia, South Africa, Chile and Uganda, and the news media was also giving them some stick about torturing people to obtain confessions, when it's happening under their noses! There is no justice. Everybody needs scapegoats...

Billy

Number: 509497  
Name: Power  
HM Prison Wormwood Scrubs  
16 September 1975

## What you can do

- ☐ **Write to Rt. Hon. Douglas Hurd MP, The Home Secretary, House of Commons, London SW1A 0AA**
- ☐ **Write to Noel Dorr, Irish Ambassador, Irish Embassy, 17 Grosvenor Place, London SW1X 7HR**
- ☐ **Write to your MP**
- ☐ **Ask your trade union branch, political party or other organisation to take immediate action. Make sure resolutions are forwarded to the Home Secretary and the Irish Ambassador. Please also send a copy to the Troops Out Movement or to Information on Ireland, who will forward it to the prisoners.**
- ☐ **Write to the national and local papers and phone your local radio station.**
- ☐ **Organise or support activities taking place in your area.**

## References

- Michael Farrell, *The Birmingham Bombs: The other victims*, Sunday Tribune, 18 November 1984
- Fr Denis Faul and Fr Raymond Murray, *The Birmingham Framework*, 1976
- Granada TV, *World in Action: In the Interests of Justice*, transmitted 28 October 1985
- Patrick Hill, *How six innocent Irishmen were convicted of the Birmingham bombing*, Tribune, 10 September 1982
- Chris Mullin, *The Birmingham Bombings: Did the police get the right culprits?*, Tribune, 14 October 1977
- Troops Out Movement, *Frame-ups: The case of the Birmingham Six*, available from T.O.M., PO Box 353, London NW5 4NH, for 10p + s.a.e.

## New book

Chris Mullin, *Error of Judgement: The Birmingham Bombings*, Chatto & Windus, £10.95

This publication is produced by the Troops Out Movement, PO Box 353, London NW5 4NH, and is published by Information on Ireland, PO Box 958, London W14 0JF.

You can help by taking a number of copies and selling them. It is available from both organisations. There is one-third discount on orders of 10 or more copies.

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Pre-prison photos courtesy of Granada TV.

# THE CASE OF THE BIRMINGHAM 6



**Paddy Hill**



**Dick McKenny**



**John Walker**

**'The Home Secretary should certainly hold a retrial.'**

**Sir John Farr, Conservative MP for Harborough**

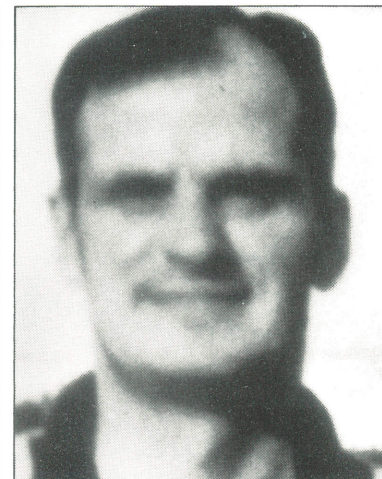
**S**ix Birmingham Irishmen have been in jail since 1974 for offences they did not commit. The suffering and bitter frustration they and their families have borne is incalculable. Unless massive public pressure is brought to bear, they will spend the rest of their lives in prison.

Hugh Callaghan, Paddy Hill, Gerry Hunter, Dick McKenny, Bill Power and John Walker were arrested in November 1974 in the wave of outrage that followed the bombing of two pubs in Birmingham. Twenty-one people were killed in the bombings, and 162 were injured. Anti-Irish feeling was fierce, and the Labour government took the opportunity to rush through the Prevention of Terrorism Act, which then Home Secretary Roy Jenkins described as 'draconian'.

The six were long-time Birmingham residents, working class men with families. Five were arrested within hours of the bombing as they boarded a boat for a short visit to Ireland. Forensic tests, which have since been conclusively discredited, suggested that two of them might have handled explosives. The men were savagely and repeatedly beaten by the police during two days of interrogation, and four of them signed false 'confessions'. The 'confessions' contradicted each other and did not match the evidence from the scene. The six were nevertheless convicted and sentenced to life imprisonment.

The six men were victims of hysteria and vengeance, not recipients of justice. They were convicted because they were Irish and in the wrong place at the wrong time. They, and their families, have consistently proclaimed their innocence. **Please help to set them free!**

**POSTER/MAGAZINE 60p**



**Hugh Callaghan**



**Bill Power**



**Gerry Hunter**