

Birmingham Six case shocks Britain; some see parallels to U.S. 'justice'

by Our Special Correspondent

On March 14, the Court of Appeal in London reversed the convictions of six Irishmen, jailed for 16 years in Britain for crimes they never did commit. The men, the "Birmingham Six," were accused of having set off bombs in two pubs in Birmingham in 1974, killing 21 and wounding 162.

British Home Secretary Kenneth Baker had to announce in Parliament after the reversal that a Royal Commission will examine the entire British criminal justice system. All recent major prosecutions of IRA "terrorists" have been overturned.

Back in 1974, England was swept by a lynch mob mood like that among Americans today when they hear the word "Iraq." Six unfortunate Irishmen were arrested at Liverpool, boarding the ferry to Belfast hours after the bombings, to attend the funeral of an IRA man. They were dragged to a West Midlands police station, beaten to a pulp, and made to sign confessions. Under English law, a confession, though backed by no other proof, is itself a proof. In 1975, the six were sentenced to life imprisonment. Their trial lasted 45 days, the jury overwhelmed with 132 charges and 100 witnesses. Eight of those days were *in camera* proceedings from which the jury was barred, dealing with the admissibility of police evidence. Mr. Justice Bridge found nothing wrong with that; in summing up to the jury he said he was "lost in admiration for the way these police officers have done their job." Had the death penalty still existed, they would all have hanged.

The government did take the trouble to come up with forensic evidence that two of the accused had handled nitroglycerin. But they did not tell the Crown until 1987 that Dr. Herbert Bamford of the police lab, who swabbed the hands of passengers on the Belfast ferry that night, found two other passengers with apparent "nitroglycerine contamination," which came from adhesive tape used to wrap parcels. Dr. Bamford later said his fellow scientists in the lab agreed the Griess test used was "not absolutely specific for nitroglycerine." It is now known that the Director of Public Prosecutions had heard of Bamford's material in 1987, but *never disclosed it to the defense*. Lastly, the identities of the real murderers were known since 1985 at the latest.

Amnesty International fraud

Defense solicitors like Miss Gareth Pierce and Alistair Logan worked seven days a week for over a decade, taking enormous financial losses. But Amnesty International, which continues to assert that there are no political prisoners in the United States, would not touch these Irish cases in its own front yard—Amnesty is based in London—until a press campaign by the defense lawyers made the thing so hot they could no longer afford to stay out of it.

Amnesty has also refused to touch the case of Lyndon LaRouche until now, calling it "not political," but, in a letter we excerpt here, an English lawyer familiar with both cases says they are both political frameups.

There is a clamor abroad in England now for Lord Chief Justice Lane, who presided over the Six's appeal in 1987, to resign. But can the whole High Court judiciary resign?

"There was no evidence to suggest the Six had received any knocking about in custody *beyond the ordinary*," said then-Lord Chief Justice Widgery, refusing leave to appear in 1976.

"If this action is allowed to proceed to trial, if the six men fail, it will mean that *much time and money will have been expended . . .* for no good purpose. If the six men win, it will mean the police were guilty of perjury, that they were guilty of violence and threats . . . that would be such an appalling vista that every sensible person in the land would say: It cannot be right these actions should go any further," Lord Denning said, in dismissing the Six's civil action against the Home Office in 1980.

The same Lord Denning told the press in 1990: "We shouldn't have all these campaigns to get the Birmingham Six released. If they'd been hanged, they'd have been forgotten, and the whole community would have been satisfied."

Also in 1990, Lord Cowie for the Appeal Court suddenly said: "There is no obligation on the Crown to disclose any information in their possession *which would tend to exculpate the accused*."

Worsthorne: deport the Irish

Then there was the famous October 1988 editorial by

that prophet of the Gulf War, Sir Peregrine Worsthorne, "When Irish Eyes are Suspect," of which I quote a few choice words:

"In the special case of terrorism, 10 innocent men convicted could well be a lesser evil than releasing a guilty one. . . .

In the aftermath of a major IRA outrage, the police trawl for Irish suspects. Doubtless lots caught in the trawl are only Republican sympathizers, rather than terrorists proper. Such people may not positively help the IRA. But nor are they properly speaking, innocent. Certainly they withhold information which would help catch the bombers, and serve the IRA in other ways. Many Irish priests do too, supplying safe houses . . . all these hangers-on are certainly accomplices. . . .

A more ruthless state than Britain would simply deport all Irish Republican sympathizers. As it is we make them welcome, allow them to vote, and enjoy all the other privileges of citizenship. . . .

"Is it really reasonable to expect the police to apply to the Irish population in this country the presumption of innocence that they apply to other citizens? I don't believe that it is. Guilty many of them certainly are of making up that hinterland of support and sympathy without which the terrorists could not do their deadly deeds. . . . Did the conviction of the Guildford Four and Birmingham Six at least temporarily deter that hinterland? . . . There is some reason to suppose that this is what it did."

The Queen made similar, if more veiled remarks, in her bloodcurdling New Year's message for 1991 on Iraq—and Ireland.

U.K. as a theocratic state

Moan as he may, the truth is that England's ruling classes are not the hapless victim of Irish terrorism. The IRA today—with some complications—is nothing but a plaything of British intelligence, part of England's ongoing drive to harry and eventually to overthrow the Republic of Ireland, and an integral part of the machinery for keeping people down inside the "United" Kingdom itself.

The truth is also, that laws have been in force since 1974, giving Sir Perry, known to be close to the Royal Household, exactly what he says he wants.

Under the Prevention of Terrorism Act, passed in the wake of the Birmingham bombings, and overhauled in 1989, the Home Secretary can forbid *British subjects* from Northern Ireland (Ulster) from entering England—even though Northern Ireland is part of the United Kingdom, and Ulstermen bear British passports. Under the PTA, it is a crime for a man to refuse to disclose identity and movements to police officers questioning him under the act. It is a crime to withhold information concerning acts of terrorism, or which "might help" apprehend terrorists.

English lawyer writes to Thornburgh on LaRouche

The similarity between the Birmingham Six case and that of Lyndon LaRouche is noted in a letter written March 6 to U.S. Attorney General Richard Thornburgh by Ian D. Leigh, Lecturer in Law at Newcastle University England. Mr. Leigh writes in his own name and not as a spokesman for the faculty. Excerpts of the letter follow:

Dear Attorney General:

U.S.A. v. Lyndon LaRouche et al.

I am writing to you as a Constitutional lawyer with particular interests in national security and civil liberties, about a case of serious concern. Although the case is a domestic United States one, it is now raising international concern over the legal process and the recognition of human rights in a similar way to the "Guildford Four" and "Birmingham Six" cases in my own country. Many lawyers like myself who had regarded U.S. protection of civil liberties to be far advanced to that in our jurisdiction are now being forced reluctantly to reevaluate as a result. It involves the conviction of a political activist and former U.S. presidential candidate, Lyndon LaRouche, and a number of his associates on fraud and conspiracy charges on January 27, 1989. . . .

. . . The surrounding circumstances and procedural irregularities at the trial lend considerable credence to the defendants' allegations that they have been the victims of political persecution. . . . I am not qualified to judge whether the allegations that LaRouche's political movement was specifically targeted and smeared by the U.S. federal authorities can be substantiated. However, the detailed allegations made in the case papers (which I have read) seem to me to raise an inference of wrongdoing which at the very least requires detailed rebuttal by the U.S. government and thorough independent investigation. The unimpeded exercise of the rights of political

The new 1989 act gives the police much greater powers to rifle through privileged documents, such as bank records, or even attorneys' files. The police need only say that they want the documents for a "terrorist investigation." Furthermore, the 1988 Immigration Act has given the police a new, non-judicial, procedure to deport people. The Home Office had a field day with that during the Gulf war.

activity and of free speech are fundamental to any democracy, even where, as is my own case with regard to LaRouche's apparent views, the majority may disagree with the views expressed. These rights are also the cornerstone of international relations, recognized in the U.N. Charter, the Universal Declaration on Human Rights, and the International Covenant on Civil and Political Rights, 1976. If it was shown conclusively that employees of the U.S. government had been engaging in systematic surveillance and unattributed discrediting of these defendants, then to my mind, that would constitute more of a threat to democracy than anything LaRouche might say or write. In view of the now acknowledged unfortunate past history of U.S. federal authorities in political surveillance during the 1960s and 1970s (I refer to the details of Cointelpro revealed by Congressional Committees)—which included admitted surveillance of groups, such as NCLC, with which LaRouche was closely associated—these allegations must be taken seriously.

However, as a lawyer I am more directly concerned with some of the unsatisfactory features of the trial process. . . . Three features particularly stand out: the jury selection process, the curtailment of the defense argument, and the severity of sentence imposed on conviction.

By normal standards in complex U.S. trials, the jury selection process appears to have been hastily conducted. . . . The level of prior publicity and public discussion of LaRouche's views over several years and . . . trial in a court district . . . with a very high proportion of federal government employees (including those working for intelligence agencies) both necessitated extra vigilance in the composition of the jury in order to ensure a fair trial. . . . It is clear that had greater time been spent at this stage of the trial, it would have been revealed that one of the jurors was a federal employee of an emergency planning unit with direct intelligence links, and a substantial risk of prejudice. . . .

The judge's pre-trial rulings prevented the defendants from . . . putting their defense that the prosecution was part of a systematic attempt at political persecution. In particular, the defense were prevented from referring to the fact that the government-initiated bankruptcy proceed-

ings which led to the assets of the companies with which the defendants were associated being frozen, were politically motivated, exceptional in the extreme, and the direct cause of the non-repayment of the loans on which the criminal charges were based. Whether or not the defense could have sustained these allegations I am unable to judge, but it is clear that some aspects of them could have been material and that the jury was deprived of hearing these. An earlier trial against the defendants had collapsed when the judge found systematic misconduct by the prosecution over suppressing information relating to these very aspects of the defense. The fact that all these events occurred on what was in effect a re-trial and against the peculiar political circumstances described above, leave the abiding impression that a miscarriage of justice has taken place.

This is a matter within the direct purview of your own Department. Despite the admission by government officials that files exist on LaRouche and his associates, the administration has resisted attempts to gain access to them on national security grounds. Access to these files is an essential prerequisite for the defendants' use of legal processes challenging their convictions. Unless compelling evidence can be produced for the national security claim, the public interest in the administration of justice requires that access should now be allowed. To continue to deny access only adds credence to the defendants' assertions of political persecution.

The sentence imposed after conviction of 15 years' imprisonment appears to have been unusually harsh for the nature of the offense charged, and in view of the fact that LaRouche was a first offender, aged 65. . . . It may be that the United States government will be able to rebut these allegations of a gross violation of human rights. There is clear *prima facie* case for an independent investigation of the investigation, prosecution and the surrounding circumstances. It is now in the interests of the United States government to cooperate in the establishment of an inquiry of this kind to clear what is becoming a major blemish to the international respectability of its investigatory agencies and legal processes and, more generally, a blot on its record for protecting human rights.

That Sir Perry can say what he says publicly, and get away with it, speaks volumes about what Great Britain really is: a theocratic, absolutist state like the Iran of the Ayatollahs, ruled by a warrior caste, a judicial caste, and a priestly caste, and led by a monarch who, as head of the Church of England, is also the English Pope. Cromwell is the model, and Cromwell's atrocities against the Irish and the Scots are

the precedent.

The groundswell building up against these gross miscarriages of justice had better aim at changing what England has become. Otherwise the chickens who bombed retreating Iraqi columns in the Gulf war, will soon come home to roost among the indigent, the Irish, and the unemployed in England itself.