

## The Maguire family

### *People in the case*

<u>Annie Maguire</u>	<u>charged with explosives offences</u>	<u>Sir Michael Havers</u>	<u>prosecution counsel</u>
<u>Paddy Maguire</u>	<u>husband of Annie; co-defendant</u>	<u>Dr John Yallop</u>	<u>forensic scientist (defence witness)</u>
<u>Vincent Maguire</u>	<u>sons of Annie and Paddy;</u>	<u>Douglas Higgs</u>	<u>forensic scientist (Crown witness)</u>
<u>Patrick Maguire</u>	<u>co-defendants</u>	<u>Hugh Maguire</u>	<u>brother of Paddy</u>
<u>Sean Smyth</u>	<u>brother of Annie; co-defendant</u>	<u>Sean Tully</u>	<u>friend of Hugh Maguire</u>
<u>Guiseppe Conlon</u>	<u>brother-in-law of Annie; co-defendant</u>	<u>Sarah Conlon</u>	<u>wife of Guiseppe</u>
<u>Pat O'Neill</u>	<u>family friend; co-defendant</u>	<u>Gerry [Lord] Fitt</u>	<u>MP for West Belfast; later member of House of Lords</u>
<u>Mr Justice Donaldson</u>	<u>trial judge</u>		

The Maguire family came to trial at the Old Bailey on 14 January 1976. In all, there were seven defendants: Annie Maguire; her husband, Paddy; her sons Vincent and Patrick; her brother Sean, Smyth and brother-in-law Guiseppe (sic) Conlon; and a family friend, Pat O'Neill. All were charged with possession of explosives (nitroglycerine).

Because of the sensational remark which Gerry Conlon was alleged to have made, and which had been well publicised – that he had learned to make bombs in his Aunt Annie's kitchen – the Maguire trial was umbilically connected to the Guildford and Woolwich one. Moreover, the same figures were involved. Mr Justice Donaldson, who had handled the first trial, made it clear that he wanted to take this one as well, and Sir Michael Havers was again engaged as the prosecuting QC.

At the outset, he outlined the Crown case. After the arrest of Gerard Conlon in connection with the Guildford bombings, a telegram was sent to the Maguire home from Northern Ireland. With its arrival, explained Havers in phrases which reverberated throughout the trial, 'alarm bells had started ringing'. The game was up; it was 'all hands to the pump'. The nitroglycerine had to be removed to a place where it was not likely to be discovered. Havers promised that evidence would be given during

the trial to show that all the accused had not only handled a quantity of explosive, but had 'kneaded and manipulated' it to pack it into small bags.

Donaldson made it clear that all references to Aunt Annie's bomb factory', or similar, were inadmissible evidence. Conlon would not be appearing as a witness. He had repudiated his confession at his own trial, and would undoubtedly do so again. What he was supposed to have said was therefore hearsay, at best. So all concerned had to perform one of those feats of mental gymnastics of which the English legal system is so ridiculously proud, and pretend not to know what they most surely did know. Havers actually stressed throughout the course of the trial that there was no suggestion that any of these defendants had been concerned with the Guildford bombing.

The prosecution evidence consisted almost entirely of the results of forensic tests on the defendants. After the arrests on 3 December 1974, swabs were taken from the palms of their hands and scrapings from underneath their fingernails. These were analysed at the Royal Arsenal Research & Development Establishment (RARDE) at Woolwich, south London. Thin Layer Chromatography (TLC) tests proved positive for six of the seven, indicating,

or so the Crown contended, the presence of nitroglycerine.

The exception was Annie. However, a copious supply of plastic disposable gloves was discovered in a kitchen drawer at the house. (Annie suffered from dermatitis and used the gloves when doing housework.) The supply was taken to New Scotland Yard (strangely, because all other items for analysis were taken direct to Woolwich). On 9 December it, too, was subjected to forensic tests. A positive result was obtained, though it could perhaps have been from only one glove. Mr Elliott, one of the Crown's principal scientific witnesses, further admitted that the contamination might have been on the outside of a used glove; or the inside of a used glove; or the outside of an unused glove.

Nitroglycerine is absorbed into the skin of anyone who handles it. Naturally, therefore, there should be a method of detecting its presence in the skin. In a TLC test, the swabs are immersed in an ether solution, so that the substance being tested is distilled out. A spot of the solution is treated with silica gel, a substance capable of drawing up liquid by capillary action. The plate containing the sample is put in a tank containing a liquid eluant. Next, it is sprayed with a Griess reagent. The solution will have travelled across the plate, and if nitroglycerine is present a

pink spot will form at a particular level.

So much for the theory.

The problems began where practice and theory diverged. In the first place, the tests were carried out by an eighteen-year-old who had only been employed at RARDE for nine weeks, and who was described by the judge as 'an apprentice'. In a case of such importance, this was very odd.

Further, in doing the tests, the youngster used up all the samples. This was contrary to routine scientific procedure under which samples are sub-divided so that confirmatory tests can be made. It was also contrary to specific regulations for conducting tests of this kind. The director of RARDE had ruled that the samples should always be divided so that cross-checks could be done and the TLC test was never the only one carried out. It was moreover contrary to forensic procedure since all the evidence had now been destroyed. Neither were the results photographed. Exhibit A – the first, the foremost, the only one that mattered – no longer existed.

The test, nevertheless, had proved positive. So was it reliable?

Someone who thought not was Dr John Yallop, who appeared at ~ the trial for the defence. His testimony should have been accorded particular attention. After all, he was the former director of RARDE and the man who

had devised the TLC test.

Dr Yallop had prepared an explanatory paper for the defence, in which he expatiated on his test. His conclusion had the merit of plain speaking: 'no competent scientist could do other than conclude that the hypothesis is incorrect; namely, that the pink spot is not due to nitroglycerine. To do otherwise would be unscientific, illogical and pig-headed.'

In fact, in the years that have elapsed since the trial, no competent, independent scientist has ever concluded differently; conversely, no competent, independent scientist has ever declared that the results were – to lapse into legal jargon – safe and satisfactory.

Defence witnesses contended that the test was capable of proving positive for other explosive substances, including one called PETN, which was used in commercial blasting and had never at any time been associated with the IRA. It was only with some reluctance that the prosecution agreed that these two substances gave identical readings.

This fact alone should have destroyed the entire case against the Maguire family, because it undermined the Crown theory that the position of nitroglycerine in toluene (the eluant used in this case) was unique. Two chemically dissimilar substances gave identical readings in the TLC test. It was

therefore no longer possible to say for certain that the substance isolated in the TLC tests was nitroglycerine. The judge entirely failed to put before the jury the significance of this. (Indeed, it seems from his summing-up that he did not understand it himself.)

The results were also inconsistent among themselves. Some of the defendants, for example, seemed to have nitroglycerine under their fingernails, but not on their palms. The tests on Paddy Maguire's hands were inexplicable. The dry swab – a preliminary test, literally, a dry run – was positive, but the ether swab was negative. Yallop explained to the Court that nitroglycerine is absorbed into the skin very rapidly, and therefore one would expect the ether swab to be positive if the dry one was.

Yallop also said that, in the absence of any others, he would have regarded the findings of a mechanical sniffer (a hand-held explosives detector) as a confirmatory test. In fact, the sniffer had failed to register the presence in the house of any explosives materials. 'This is a reasonable condition under which to use a sniffer, Yallop, explained, 'and to expect to get a positive response. The fact that it gave a negative one is, to my way of thinking, another factor to add to Mr Maguire's hands pointing away from the interpretation of nitroglycerine.'

The prosecution pointed to tests of 916 people to demonstrate that this supposedly random sample did not yield equivalent results in the TLC test. However, at no stage was the defence allowed to scrutinise the results of these tests, nor to have them independently examined.

The TLC test is essentially one for nitrates, not for explosives. In evidence, it was maintained that other, entirely innocuous substances such as household cleaning agents and tobacco smoke could give positive readings on the TLC test.

There is an even more interesting point. The police already had information that the TLC test was capable of giving misleading results. At lunchtime on 10 September 1973 a small bomb, believed to have been planted by the IRA, exploded at Euston station in London, though without causing significant damage or injury. That evening two girls, Judith Ward and Eileen Gately, then living in a hostel, were discovered acting suspiciously at the station. They were taken in for questioning, given swab and fingernail tests, and released the following day.

In February 1974, in the wake of the horrific M62 coach-bombing, Ward was arrested. She was later charged and convicted of three bombing offences, including the M62 and the Euston one. After her arrest, detectives re-

interviewed Gately at some length. They showed her the results of the TLC tests done the previous year, which had proved positive for nitroglycerine for Ward on her right hand only, but positive for Gately on both hands and under the fingernails. Apparently, Gately had been contaminated to a far greater extent than Ward. In fact, the "evidence" against Gately was actually greater than against any of the Maguire household. Yet Gately was never arrested or charged with any explosives offence. (Nor is anyone suggesting that she should have been.)

Other factors suggested that the TLC tests on the Maguires had yielded unreliable results. For example, since nitroglycerine is rapidly absorbed into the skin, it very quickly causes severe headaches. None of the Maguires ever complained of suffering in this way, not even the children.

Leaving the continuing doubts about the efficacy of the TLC tests aside for the moment, there is an even more intriguing question: what had happened to these explosives that had been 'kneaded and manipulated into small bags'?

According to Havers, they had been packed up either in the house or in one of the derelict buildings behind it. The charges stipulated possession of

nitroglycerine between 1 December and 3 December. Yet the telegram which was presumed to have precipitated the emergency disposal of the explosives had not arrived until 2 December.

If what the prosecution alleged happened had in fact taken place, the police would have been granted a golden opportunity to catch Irish terrorists red-handed. Conlon had told police that he had learned to make bombs in his aunt's kitchen. Her house was indeed under observation for some four hours before the police moved in.

It is important to remember that Guiseppe Conlon reached the Maguire house only at lunchtime on 3 December, but spent barely ten minutes there until the middle of the afternoon. Pat O'Neill arrived only at 6.45 p.m. They, however, were deemed equally culpable.

So, where were the explosives?

The house, like many in London, afforded no escape through the back. It was bounded by the gardens of adjacent houses and by a canal. The empty houses at the back were combed. The canal was dragged. Both searches drew a blank.

Sean Tully, a friend of Paddy's brother Hugh, called at the house in Third Avenue twice in the course of the day. The second time he left just after 7.00 p.m. The policemen keeping watch

outside the house noted his car-number and tailed him. His house and car were later searched, but no trace of explosive was ever detected.

The explosives, therefore, had apparently disappeared neither through the front nor the back. The house was also searched. Dogs trained to sniff out explosives, and the mechanical sniffer, were used. Nothing was discovered.

The search, though, was distinctly odd. The police apparently believed that they had chanced upon one of the Provisional IRA's sanctuaries. They might, therefore, have been expected to tear the place apart, yet police activity was uncharacteristically restrained. Carpets were not taken up nor floorboards lifted. No one bothered to check behind boarded-up fireplaces. One policeman was detailed to inspect the loft, but refrained from doing so on the grounds that he might get his uniform dirty. Neither was the garden dug up. When Guiseppe's wife, Sarah, arrived at the empty house a week later, she discovered his coat and unopened bag, the police having apparently paid attention to neither. The judge drew attention to this at the trial. 'It was an incomplete search, there is no doubt about that at all,' he said. 'Large areas of the house were never looked at.'

Thus, no explosives were discovered,

nor any apparatus that could remotely be thought of as having been employed in the manufacture of bombs. Not even residual traces of explosives. Certainly not on any of the working surfaces in what the popular press had gleefully dubbed 'the bomb kitchen'; nor in the drawer where the gloves, including the allegedly contaminated one, had been kept.

Such absolute failure to discover any incriminating material severely holed the Crown case. During the trial the prosecution – with the generous assistance of the judge – made running repairs. In one of his first interviews with the police, sixteen-year-old Vincent, distressed by the hostile and persistent questioning, explained that he'd never seen anything in his house that looked like dangerous explosives – except for a stick of chalk, which his father used to bring home for Anne-Marie from the technical college where he worked. Vincent remembered seeing some pieces under Sean Smyth's bed. He showed the police where, and the chalk was there, exactly as he had said.

Why is this apparently trivial detail deemed worthy of mention? *Because as the trial progressed, this stick of chalk metamorphosed into a stick of dynamite.* In his summing-up, the judge referred to it as precisely that – 'a stick of gelignite'. In doing so, he was quoting from the testimony of one prosecution

witness who averred that that is what Vincent seemed to have been describing (albeit with words the police had put into his mouth). What the judge failed to mention was that this same witness added that of course it could not have been gelignite, otherwise the mechanical sniffer would have detected its presence. Thus did a stick of chalk become a weighty piece of evidence against the Maguires, since it breached the one hitherto impregnable aspect of the defence case, namely that no explosives had ever been discovered. Yet this evidence was literally manufactured as the trial progressed.

Other planks in the prosecution case were as rickety. On arriving at Heysham from Belfast, Guiseppe Conlon had a conversation with an immigration officer. The officer recalled his saying that he was going to Surrey to pick up a vehicle. Conlon protested vehemently that this was wholly incorrect, that he had said he was coming to England to visit his brother-in-law in London, and the officer had confused him with the man standing next to him in the queue.

A bizarre incident was used as additional evidence. When drunk, a couple of years earlier, Paddy had a flaming row with Annie and rushed off to see the council housing officer. He demanded that his name be taken off the rent book, claiming that he could

no longer be held responsible because the house might be blown up. This is typical of the kind of evidence on which the prosecution frequently relies in miscarriage-of-justice cases. Anyone but a child would appreciate that such actions, however foolish, are certainly not those of someone with terrorist connections.

The judge referred both to this marital friction and to Paddy's weakness for drink – 'I won't say of being an alcoholic, but of taking excessive quantities of drink with the usual obvious results'. Judges sometimes cannot resist drawing up adverse character references on defendants for the jury. In this instance, it was grossly unfair. Paddy was a heavy drinker; no one would have quarrelled with that, least of all Paddy himself. What the judge overlooked was that one of the 'usual obvious results' was that he was unsuitable for recruitment by the IRA.

As so often in bungled trials, other startling aspects of the case slipped by unnoticed. There was, for example, the arrest, release and re-arrest of Pat O'Neill. Would a real Irish terrorist have behaved in such a sublimely innocent manner? Alarm bells, according to Michael Havers, had been ringing. This particular IRA cell was being flushed out by the authorities. If O'Neill had been engaged in terrorist activities, would he simply have arranged the care of his

three children and then returned to work as though nothing had happened? Isn't it more likely that he would have looked for a safe refuge until the storm blew over?

The attitude of the police to Sean Tully was even more baffling. He was never charged with any offence, even though he was present in the house during the period when it was 'all hands to the pump' and the other occupants were all 'kneading and manipulating'. Similarly, the middle son, John, was never charged. This, too, was bewildering. In the circumstances in which the prosecution had alleged that the offences occurred, it was absurd to imagine that John could somehow be innocent while the rest of the family was guilty. Annie's own explanation for this is that when the charge-sheets were prepared, the police simply got mixed up and confused him (John Patrick) with his younger brother (Patrick Joseph).

Were not the circumstances so tragic, the prosecution case against the Maguires, all of whom had consistently and unequivocally maintained their innocence throughout, could have been described as a joke. The only tangible evidence against them had been destroyed in a test to see how far it travelled along a glass plate; and

even if it had still existed, it might well have been rejected as 'unscientific, illogical and pig-headed'.

The case against Annie in particular was so gossamer it beggars the imagination. Traces of nitroglycerine had apparently been found on one glove in the kitchen. She used the gloves, but anyone in the house had access to the kitchen drawer. There was no evidence whatsoever to show that she was responsible for this supposed minute particle of explosive.

The Maguires had to contend with factors other than just the evidence in court. Those headlines of a few months earlier about 'Aunt Annie's Bomb Kitchen' could hardly have been entirely forgotten. The trial took place in an atmosphere of extreme public apprehension about and antipathy to the IRA; feelings which could only have been reinforced when on the morning on which the jury was due to deliver its verdict a bomb exploded on the 7.49 a.m. commuter train from Sevenoaks, Kent, to Cannon Street, London (though without causing serious injury). Any jury would have been extremely reluctant to risk freeing anyone tarred with the IRA brush.

Another factor which could have weighed against the family is that much of the trial was taken up with matters of theoretic and applied chemistry. It would not be surprising if members of

the jury had not managed to follow all the arguments closely. The judge himself appeared to have some difficulty in doing so, as the following passage from his summing-up indicates. Donaldson is here referring to that part of Dr Yallop's explanatory paper where he is attempting to achieve comparable results for substances other than nitroglycerine in the TLC test:

Then he did the experiment in the same way, using alongside the nitroglycerine nitrobenzene, Dabitoff, Boots' dry cleaner, Targon and dinitrotoluene. Dinitrotoluene produces a spot at 0.61, which suggests some confusion between dinitrotoluene and nitroglycerine but there does appear to be some distinction in colour. Of course, dinitrotoluene is, of course, an explosive. Nobody has suggested that in this case dinitrotoluene was present. His conclusion is ... I am sorry, I have misread it. One needs to read 13 as a separate experiment. May I start again on this last one. I think I misunderstood it and possibly you [the members of the jury] may have done as well.

The summing-up was open to criticism in further respects. The judge quoted a comment from one of the Crown's

scientific witnesses, Douglas Higgs, who had said he thought the TLC test was infallible; Donaldson did not say that under oath Higgs had expressly withdrawn this comment.

In another passage, when referring to the discrepancy between the positive reading from the glove and the negative reading from the drawer in which it had been found, Donaldson told the jury, 'There was the possibility of using a sniffer, but you have been told that the sniffer does not really operate on traces but on greater quantities.' If the sniffer was not appropriate for this particular task, why did the police not subject the drawer to forensic tests of a suitable nature? The judge, however, did not ask the jury to ponder this question.

He was absolutely correct, however, when he said to the jury, 'Unless you are satisfied by the scientific evidence that nitroglycerine was present on those people's hands (or gloves) it would be quite unsafe to convict any of them. If you are in any real doubt as to whether the material which was analysed was nitroglycerine, that must be the end of the case.'

It should indeed have been the end of the case.

On 4 March 1976, the jury returned verdicts of guilty on all the defendants.

They were unanimous in all but one case. The younger son, Patrick, was found guilty on an 11-1 majority verdict. Donaldson addressed the prisoners: 'You have all been convicted and, in my judgment, rightly convicted, of possessing nitroglycerine for an unlawful object. On the evidence that object can only have been terrorism, and therein lies the extreme gravity of your offence.

'It is not only the man or woman who pulls the trigger or plants the bomb who is the terrorist. Anyone concerned at any stage shares the guilt of using violence for political ends.

'There can be no greater offence than this, for it strikes at the very root of the way of life for which generations have fought and, indeed, died to preserve.'

He passed sentences of 14 years' imprisonment, the maximum permitted by law, on Annie and Paddy Maguire. Guiseppe Conlon, Pat O'Neill and Sean Smyth received 12 years. Vincent Maguire was jailed for 5 years, and Patrick was detained under the Children and Young Persons Act for 4 years.

The shock and grief of the defendants must have been terrible. Annie Maguire had to suffer not only her own imprisonment, but the incarceration of virtually her whole family. She was carried from the dock

kicking and screaming, yelling over and over again that she was innocent.

Paddy Maguire turned to his sons beside him and apologised. 'I always brought you up to respect and honour British justice because I believed it was the best in the world. I'm sorry. I was wrong.'

Applications for leave to appeal on behalf of all seven were heard in the Court of Appeal before Lord Justice Roskill, Lord Justice Waller and Mr Justice Ackner from 20 to 29 July 1977.

The judges noted that the jury needed to decide whether the forensic tests had accurately established the presence of nitroglycerine on the hands (or gloves) of the seven applicants. But the latter were not convicted merely of possessing *traces* of nitroglycerine. As a corollary, therefore, the jury needed to decide whether the seven had in their possession a quantity of nitroglycerine of which the traces were but a microscopic part.

The prosecution case 'rested almost entirely upon scientific evidence'. Roskill noted that, 'If the Crown failed to prove the presence of nitroglycerine with the requisite degree of certainty, then the case against all must fail.'

The countervailing arguments about the efficacy of the TLC test were put before the jurors. In reaching their

verdicts, therefore, the jury must have rejected the evidence of defence witnesses that, for example, a single test for nitroglycerine was insufficient and a confirmatory test was required.

The judges bent over backwards to rationalise the outcome of the trial. Their judgment can be read as a circular argument: because the jury had convicted, the applicants must be guilty; because the applicants were guilty, the jury had convicted them. The judges convinced themselves, if no one else, that justice had not miscarried.

Anyone coming afresh to the Maguire case would probably demand the resolution of three specific problems: were the tests accurate and reliable? If they were, what happened to the quantity of explosive? What was the explanation for the remarkable absence of corroborative evidence?

The Appeal Court addressed itself only to the first question. In doing so, the judges discovered 'clear evidence of considerable scientific weight'. It is difficult to understand how such hotly disputed forensic data could be construed as 'clear evidence'.

The judges also found it highly significant that there should have been an unaccounted-for half-hour from 7.45 to 8.15 when the four men could have disposed of the explosives. In doing so they neglected to consider the possibility that the police observers had

simply logged the time incorrectly. Let us suppose, though, that the officers were correct. Why were the men not properly followed? How many gift-horses did the police intend to look in the mouth?

All applications for leave to appeal against conviction were refused. In the case of leave to appeal against sentence, the application of Pat O'Neill was granted and, having granted it, the judges then substituted an eight-year sentence. Ironically, even this partial solace turned sour for the luckless O'Neill. When he was released he was made the subject of an exclusion order under the PTA, which meant that he was not allowed to live in the mainland UK. (In 1986, this exclusion order was still in force.) By the time the others were released, the authorities did not exercise the option of making exclusion orders.

Frustrated in their hopes of finding redress in the Appeal Courts, the Maguires could expect only to serve out their lengthy sentences. They had been convicted of possessing a quantity of explosive, even though no one had been able to show that a quantity of explosive had ever been in their possession. That their case had reduced the English legal process to its most fatuous, however, was scant

consolation. Few people were aware that a grave injustice had been done. Sadly, it took the death of Guiseppe Conlon to bring the whole matter to some public attention.

On 31 December 1979 Conlon was moved from Wormwood Scrubs to Hammersmith Hospital, in a very poorly condition. A week later, despite being by then so ill that he needed oxygen and a drip feed, he was taken back to prison. His wife Sarah arrived at the hospital to discover the police putting her dying husband into a taxi, with police out-riders. She was told it was believed that the IRA were going to snatch him. She was incredulous. Without medical treatment, Conlon would certainly have died within hours. 'If you saw him,' said Sister Sarah Clarke, of the Prisoners' Aid Committee, 'you knew he was gone. He was just two big eyes and a shock of hair.' His condition was described by the prison doctor as 'chronic'. On 18 January 1980 he was re-admitted to the hospital.

It has been mentioned earlier that Conlon's doctor at home was Joe Hendron, an SDLP local councillor in Belfast. Hendron had always been disturbed by the convictions, and had long ago shared his concern with Gerry Fitt, Independent MP for West Belfast, who for some time waged virtually a lone battle to try to arouse interest in the case. In view of Conlon's

dramatically deteriorating condition, he at last began to make some headway. A number of other MPs, most prominently Sir John Biggs-Davison (Conservative) and Christopher Price (Labour), were impressed by Conlon's strenuous protestations of innocence. Cardinal Hume, Archbishop of Westminster, expressed his concern. The case was brought as a matter of urgency to the attention of the Home Secretary, William Whitelaw.

On 23 January 1980, Whitelaw decided that if Conlon recovered sufficiently he would be offered parole on the grounds of ill-health: a piece of Home Office logic that would have slotted seamlessly into the script of BBC TV's *Yes, Minister*.

This, though, was no comedy series. Whitelaw gave humanitarian consideration to the case, but he was pathetically dilatory in doing so. Within hours of his decision, Guiseppe Conlon was dead.

Conlon reaffirmed his absolute innocence, over and over again, as dying declarations. He also asked Gerry Fitt to make every effort to clear his name posthumously. Fitt promised that he would. 'I still cling tenaciously to that commitment,' he was to tell the House of Lords in May 1985.

In the wake of Conlon's death, Eddie Butler, Joseph O'Connell and Harry Duggan issued a fresh statement from

prison. 'We repeat,' they said, 'Paul Hill, Patrick Armstrong, Gerard Conlon and the English girl Carole Richardson are innocent victims. We have decided to reissue this statement after the death of Guiseppe Conlon who only came to England to visit his son Gerard who had been charged with operations which we carried out, and because new scientific tests have emerged which also support this man's innocence and the innocence of other Irish victims of British racism.'

Gavin Esler reported on the case for the BBC's Northern Ireland programme, *Spotlight*, and also contributed a piece to the *New Statesman* (21 March 1980).

On 4 August 1980 the matter was debated in parliament. Fitt, Price and Biggs-Davison all took part, urging the Home Secretary 'to review all the circumstances of this case'. (In this debate Christopher Price first publicly raised the possibility that the Birmingham pub-bombers had been wrongly convicted.)

Unhappily, the Home Secretary was not in the House to hear the arguments for himself. The government's reply was given by the minister of state at the Home Office, Leon Brittan. He refused to consider the representations, arguing that 'nothing new has been put forward' on behalf of Conlon and the others which had not already been heard both at the trial and at the Court of

Appeal.

'There are no grounds,' he concluded, 'on which my right honourable friend the Home Secretary would be justified in taking any action. If something new emerges, it would most certainly be considered with the care with which we consider any of these matters.'

Nevertheless, Fitt, who was ennobled after losing his seat in the 1983 general election, continued to campaign for justice. 'I have been a member of deputations to a succession of Home Secretaries,' he said, 'and we have been met with the usual Civil Service jargon from those civil servants who accompany the Minister. One such deputation, in December 1983, was rebuffed by David Mellor, under-secretary of state.'

Television sporadically devoted attention to the case. It was considered on *Panorama* (BBC 1, 18 April 1983) in the context of a programme about the hazards of forensic science evidence; and, more crucially, by *First Tuesday* (ITV, 6 March 1984), which asked Dr Brian Caddy, of Strathclyde University, a leading independent forensic scientist, to assess the scientific evidence. Caddy reported that the TLC test used in the Maguire case was doubly unreliable: the results should have been confirmed by an additional test; and the test as performed was deficient in not applying

enough safety standards. Caddy's conclusion was that 'sufficient evidence was not presented that this compound was nitroglycerine'.

Annie Maguire was the last of the seven – or six, since Conlon's death – to be released. Her period on bail in 1975-76 meant that she was detained for about ten months longer than Paddy, and she was freed on 22 February 1985, having served her complete sentence, with standard remission. It was put to her on many occasions that she could be considered for earlier parole if she expressed contrition for her crimes. She always replied that it was logically impossible to be contrite for crimes one had not committed.

Upon release, Annie and Paddy soon became minor media celebrities. In England, they were featured with Robert Kee on *Seven Days* (Channel 4, 20 April 1985) and with David Frost on *Good Morning, Britain* (TV-am, 28 April). Annie appeared in radio and TV chat-shows in Ireland. Radio Telefis Eireann made a major documentary about the case, which provoked a strong reaction in Eire and was screened in the UK by Channel 4 on 13 May. Lord Fitt ensured that the case was debated in the House of Lords later the same week. In the matter of public speaking, most members of parliament are artisans; Fitt is one of the artists. His lucid and passionate entreaty on behalf of the

Maguire family lasted for forty-five minutes and deserved to be heard by more than the sparse gathering of a dozen members.

He carefully exonerated from blame those who had been protagonists in the early stages of this drama. 'I believe that the police honestly believed that they were dealing with people who had been engaged in preparing substances which could be used to cause explosions. I believe that the judge was right in his own belief that these people were guilty. I believe that Sir Michael Havers was totally convinced of the guilt of Annie Maguire and her relatives. What I am saying to them all today is that they were all so terribly wrong.'

During his peroration, Lord Fitt asked three specific questions of the Home Office: was it true that a parallel case would not now be brought forward on the strength of forensic tests alone, but that corroborative evidence would be required? Was it true that a parallel case would not now be brought without evidence that someone had had in his possession sufficient quantity of explosive actually to cause an explosion? Was it true that charges were not preferred against a suspected PLO terrorist because there was insufficient evidence to put before a jury, even though (as in the Maguire case) TLC tests had proved positive?

Fitt was supported by four other

peers, among them Earl Attlee and Lord Annan, who also contributed a persuasive speech. 'If authority has any conscience,' he said, 'it will now concede that the case which eleven years ago looked so watertight has sprung a leak.' He could not have believed that authority was susceptible to attacks of conscience; for he concluded, 'I await the noble Lord's reply with intense interest and boundless despondency.'

The noble lord to whom it fell to substantiate that boundless despondency was Lord Glenarthur, parliamentary under-secretary of state at the Home Office. He said that the Home Secretary's view that there were no grounds for re-opening the case remained unchanged. Of Fitt's three questions, he was able to answer only the first. He did confirm that 'it is standard practice that tests are corroborated.' All he could positively offer was an invitation to anyone with fresh scientific evidence to submit it to the Home Office 'without delay'. Subsequently, David Mellor, minister of state, wrote to Lord Fitt, saying that the Home Office could not 'find sufficient reason to recommend the Home Secretary to intervene'.

Thereafter, the Maguire case became part of the more general campaign to rectify all the Irish cases.

On the morning after the Maguire

trial ended at the Old Bailey, *The Times* told its readers that 'members of Scotland Yard's anti-terrorist squad and Surrey Constabulary are convinced that Mrs Maguire was a vitally important cog in the Provisional IRA network in London'. According to this scenario, Annie was giving tuition in bomb-making to people like Paul Hill and Gerard Conlon. 'Watch carefully, you may have to do this yourselves one day,' is one of the remarks attributed to her.

Rarely can the myth and the reality have been so utterly at odds. If, indeed, she was 'a vitally important cog in the Provisional IRA network', then the police drag-net operation must rank as the most incompetent in the history of the fight against terrorism. Fortunately, this is not a cross the police have to bear.

That same *Times* piece also recorded that 'to neighbours and friends, Mrs Maguire was a wonderful mother, who kept open house to anyone who needed help'. This is, at last, the truth of the matter. Apart from anything else, Annie Maguire didn't have time to be a terrorist. She had three part-time jobs, she kept her house spotlessly clean and she invariably found herself looking after more than just her four own children. She was a member of Paddington Conservative Club, and both she and Paddy held vociferously anti-Republican views. Paddy had served in

the British Army. They had sailed for England on their wedding night, 26 September 1957. The Crown had no more loyal subjects.