

**Mr Jim Wallace QC MSP.
Deputy First Minister and Minister for Justice,
The Scottish Executive,
St Andrew's House,
Regent Road,
EDINBURGH. EH1 3DG**

**8, Glendoune Road,
Clarkston.
GLASGOW G76 7TT**

26, June, 2000.

Dear Mr Wallace,

SHIRLEY McKIE

I followed your statement in the Scottish Parliament and your comments in the media with interest.

It appears that the political will now exists to resolve the many important issues revealed by the Shirley McKie case.

Much of the credit for this must go to you , Mike Russell and the other MSP's who have voiced their concern and support for Shirley.

Please accept my sincere thanks for your apology to Shirley and our family. This final acknowledgement of the rightness of our cause and vindication of Shirley has meant a great deal to us all.

Although I will be writing more formally after the HMCI's report is published I would like to acknowledge the high degree of professionalism shown by Mr Taylor and his officers. While maintaining their independence they gained our complete trust by treating us with respect and humanity.

I look forward to the publication of the HMCI's report and the anticipated debate in the Scottish Parliament.

Before continuing I want to assure you that I am committed to assisting your enquiries in any way possible and will make available any information required to a properly constituted enquiry.

As my previous letters to you, the Lord Advocate and Strathclyde Police over the past three years have indicated matters other than failings in the operation of SCRO require to be addressed.

I believe they strike at the very heart of the Prosecution System in Scotland and include:

- 1. That the Crown Prosecution of Shirley McKie was ill-conceived and oppressive and that officers of the Crown Office failed to take action on matters raised before, during and after her trial which clearly pointed to her innocence and the possible guilt of SCRO and its officers.**
- 2. That the behaviour of officers of Strathclyde Police in the investigation, interrogation, arrest and subsequent treatment of Shirley McKie was oppressive and contrary to natural justice and resulted in emotional and psychological distress and financial loss to Shirley McKie and her family.**
- 3. That the SCRO 'experts' namely Charles Stewart, Hugh McPherson, Fiona McBride and Anthony McKenna should be investigated in respect of possible perjury and criminal conspiracy committed by them at the trials of David Asbury and Shirley McKie.**
- 4. That the organisations and persons responsible for supervising SCRO failed to carry out their responsibilities and as a result failed to identify serious shortcomings in the operation of that organisation.**
- 5. That many question marks surround the Police investigation following the death of Marion Ross and that the said investigation should be independently reviewed.**

Over the past three years, despite many requests, the persons I believed to have authority over the above matters have failed to take action.

I call on you to take immediate action in your capacity as Minister for Justice and in the public interest.

If you are unable to do so could you please inform me of your reasons and identify who has the authority to deal with my complaints.

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If I could now turn to the proposed ACPO(S) Presidential Review of SCRO, which you announced in the Scottish Parliament.

Could you please inform me:

1. **What are the terms of reference of the ACPO(S) Review, who drew them up and will they be published?**
2. **Who are the members of the Review Team?**
3. **To whom does it report?**
4. **Will the report be made public?**
5. **Where does the ultimate authority lie in respect of any action to be taken following on the Review's findings?**
6. **Do the recommendations and findings of the HMCI's report bind the Review?**

It appears to me that you have given authority to, or have agreed that, ACPO(S) should have responsibility for this Review under the Chairmanship of Chief Constable William Rae.

ACPO(S) is however the very body which has collective responsibility, at least in part, for the maintenance and supervision of SCRO. Unlike HMCI therefore ACPO(S) cannot be deemed to be 'independent' in this matter.

How can an ACPO(S) Review Team objectively review the effectiveness or otherwise of its own supervision?

In addition it may well be that if civil action is forced on Shirley the eight individual Chief Constables will be respondent's in that they are responsible in part for the maintenance and supervision of SCRO and its officers.

It is also possible that another ACPO(S) member, Mr John Orr the Chief Constable of Strathclyde, might also become a respondent in respect of any alleged failings by his force.

I might add that I have been approached by a large number of people following Mr William Rae's less than objective statements on 'Newsnight Scotland'. They were unanimous in condemning what they saw as serious bias in favour of SCRO and an apparent lack of understanding about the 'science' of fingerprinting and the shortcomings of SCRO which have led to the current problems. I completely agree with this assessment.

It is not my intention to be obstructive to your enquiries but my family and I remain to be re-assured that the ACPO(S) Review Team will display the openness, professionalism and independence shown by the HMCI and his Inspection Team.

This letter is written in good faith and has the aim of furthering your enquiries and ensuring that the many outstanding issues of public concern are speedily, fairly and effectively resolved.

I believe that without the Scottish Parliament the many issues surrounding the Shirley McKie Case would never have been aired.

For the first time in our history the individual in Scotland has access to a forum in which he or she can openly challenge the State and its agencies.

As Minister for Justice I have the faith that you will support that right to challenge and ensure justice in the Shirley McKie case

Yours sincerely,

.....
Iain A J McKie

26, June, 2000.

Further to our telephone conversation.

Could you please cast your eye over the attached.

I would see this as the last in the series of letters in which I have challenged the executive to take action.

As stated Shirley wants civil action to commence immediately although she clearly hopes that compensation will be agreed.

You will see the letter from the Chief Constable faxed to you on Friday refers to the possibility of 'serious discussions' when they know 'the basis of her case'.

I will be posting this letter tonight unless I hear from you.

Regards, Iain.