

# Bills for B&B

BY NEIL MACKAY

**B**ACK IN THE mid-1990s, I snuck into a hospital in the central belt – I better not say which one – to interview Tommy 'TC' Campbell. He was on hunger strike, under police guard, protesting his innocence and demanding his freedom. Campbell had been jailed for life for the deaths of six members of one family in an arson attack during Glasgow's infamous Ice Cream Wars.

I carried out a silver-tongued deception in order to get passed the two cops. I rushed up to them, looking flustered, with wedges of notebooks and papers under my arm, saying in my most stressed and professional tone that I simply had to take some very important notes from Mr Campbell regarding his legal appeal. Of course, these were important notes in my reporter's notebook that would be turned into a rather good story about Campbell's 'death-bed fight for justice'.

The two cops assumed I was some harassed minor member of Campbell's legal team and politely open the door for me to go into his private room where I was able to interview him quietly and peacefully out of earshot of the long and very hindering arm of the law.

It was a powerful story. Campbell had decided he would sooner die than spend the rest of his life in prison for a crime he didn't commit. With his skeletal frame and long beard, he looked like one of the 'Blanket Men' from the Maze Prison outside Belfast – the IRA volunteers who first stripped naked and wrapped themselves in blankets in anger at being denied the status of political PoWs, before they took to smearing their own shit over the walls of their cells and then finally, for ten of them, choosing to starve themselves to death rather than live with injustice.

Campbell told me he was happy for his own body to start consuming first its surplus fat and then the protein of his vital organs. He could face the blindness, madness, delirium and death. What he couldn't do was get down on his knees to the establishment and accept the lies that the system had fabricated about him – that he was a murderer who had wiped out a family, killing a grandfather, a girl in her prime, a baby, a young man and two teenagers.

I hadn't been in Scotland that long – I'd previously spent my career as a young reporter running about Ireland covering the Troubles – but Campbell's story disgusted me. His innocence was so obvious, and the desire by the system – the police, the prosecutors, the prison officials – to punish him so relentless that it made me think my new adopted homeland wasn't quite as cosy and kind as I'd thought it was.

By the mid-1990s, when I'd decided that I wanted to settle down and raise a family, Scotland seemed a safe alternative to the brutality of Northern Ireland and a place with a lot more soul than the empty media-world of London. But Campbell's story – one of the first scandals I got my teeth into after moving to Glasgow – taught me that something was more than a little rotten in the state of Scotland.

Later, I spent many years unravelling the Stuart Gair case – a man who took 17 years to

clear his name after being wrongly jailed for the murder of a former soldier called Peter Smith. The victim was stabbed to death in an alleyway in Glasgow often used by rent boys. The case stank of police conspiracy. Gair was framed and ruined by the men and women charged to uphold the law of the land. Key witnesses who identified Gair as Smith's killer admitted to me that they perjured themselves following police intimidation. Four prosecution witnesses who had said that Gair was at the scene of the crime later claimed police threatened to expose them as gay unless they placed Gair at the crime scene.

An alibi accounting for Gair's whereabouts at the time of the murder was uncovered, and the forensic evidence against him was shown to be fundamentally flawed. A respectable, independent witness who claimed he was with Gair at the time of Smith's murder was also found. Even the victim's family believed him innocent. By 1999, I'd uncovered all these facts and laid them out before the public. It took a further seven years for Gair to be freed, and released back to whatever life he could salvage for himself from the rubble of his existence. As a matter of policy, the prison service continually refused to let me interview Gair – thus hindering all attempts to campaign for his release – until the paper I work for, the *Sunday Herald*, threatened to sue, then the 'system' quickly caved in.

I got to know Paddy Hill, one of the Birmingham Six – an iconic group of miscarriage of justice victims who, along with the Guildford Four, are this nation's martyrs to the corruption of the police and the courts. He spent 16 years behind bars for the IRA's 1974 Birmingham pub bombings. I remember spending one day with Hill, on the farm where he lives with his wife and children near Beith. He was a psychological mess. His mood fluctuated wildly between the darkest gloom and manic highs. He chain smoked joints and boiled with anger. Through Hill, I also met Robert Brown. When he was 19 – back in 1977 – he was jailed for life for the murder of a young woman in Manchester. He served 25 years before the courts finally ruled him innocent in 2002. It seems hard to believe, but Brown's suffering was even more intense and extreme than Hill's. I could almost smell the anger and confusion and terror in Robert Brown when I met him. It's a terrible, trite cliché, but he really did seem to me to be a man living in hell.

To cap it all, the state decided to charge Hill and Brown so-called "bed and breakfast" bills for their time wrongly incarcerated at Her Majesty's Pleasure. Hill was eventually awarded £960,000 in compensation for his wrongful conviction. Based on a calculation by some soulless Home Office drone that it costs about £3000 a year to keep a person – whether innocent or guilty – behind bars, Hill was subsequently charged £50,000 for living expenses incurred while in prison. On top of that, he was hit with other costs. During the years since his release, while waiting for the pay-out, the government had given him advances of around £300,000. When his compensation came through, the £300,000 was taken back along with interest on the interim payments charged at 23% – that cost him a further £70,000.

Brown was faced with a £80,000 bill for the living expenses he cost the state after having the temerity to get fitted up. When Brown got the bill, an interim payment he'd been given pending his full compensation offer was exhausted; his mother had recently died; his relationship with his girlfriend was falling apart and he was facing eviction from his home following a mix-up over benefits. His life – even after jail – was a waking nightmare. Psychologists have told me that the effect on the mind of a victim of a miscarriage of justice is equivalent to military personnel suffering post-traumatic stress disorder. So if the state can't destroy you, they'll drive you mad.

Through tears, Brown told me of how his dignity had been stripped away, of his contemplation of suicide – a thought he'd never entertained through all the years in prison – and of the sense of complete disintegration.

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Hill and Brown weren't alone. Mike O'Brien spent 10 years in jail wrongly convicted of killing a Cardiff newsagent. His baby daughter died while he was in prison and he was charged £37,500 by the Home Office for bed and board. Vincent Hickey, one of the Bridgewater Four who was wrongly convicted for killing a paperboy, was charged £60,000 for the 17 years he spent in jail. He once said, with true gallow's humour: "If I had known this I would have stayed on hunger-strike longer, that way I would have had a smaller bill."

Men like Hill and Brown and Gair and Campbell – and there were plenty of others, guys like Kenny Richey, the so-called Death Row Scot, and Andrew Smith, a sad, tragic and forgotten man who needlessly rotted his life away in jail – taught me the truth of something I read a long time ago in the summer before going to university. I was 18 and ready to get the hell out of the concrete horror-show that was the Ulster council estate where I'd been brought up. I was off to read English and was filling my head with all sorts of writers as the weeks ticked by before I could escape. I got hold of a copy of *Slaughterhouse Five* by Kurt Vonnegut – and then bought everything else by him that I could get my hands on. He's been a true guiding light to me ever since I first discovered him. One quote he often returns to is from the American socialist hero, Eugene Debs. And it is this: "While there is a lower class, I am in it; while there is a criminal element, I am in it; while there is a soul in prison, I am not free."

You cannot hear the stories of men like Gair and Brown and Hill and Campbell and not be one with them. You can feel the horror of their lives, dread their fate being visited on you or yours, feel the suffocation, waste and

anger of years of your life ticking away pointlessly in prison, bleeding out a life that is already short enough, for a wrong you didn't do. These men burned with injustice. One of their many tragedies is that, in the end, their victimhood is often all they have left as the injustice inevitably burns them out. They are living testimony to the abortion of morality that we call 'the system' – the 'establishment'. Never will man create more frightening words than 'the system' or 'the establishment'. The humanity of the poor, the unlucky, the friendless don't even register on the gauges and scales of this machine. Any system that does to men like Brown and Hill and Gair and Campbell what our 'system' did to them should be torn down and destroyed – erased from any society created by humankind. What civilised state destroys the innocent? And, of course, you know that not one crooked corrupt cop in Britain has ever been punished for putting an innocent man or woman behind bars.

It's been a while now since I've taken up the case of anyone pleading a miscarriage of justice – a failing I intend to rectify. But it really is hard to weed out the real injustices from the chancers hoping to con some journalist into fighting mistakenly on their behalf. The research to ensure the work you are taking on is indeed for an innocent man or woman consumes months, and you can waste a quarter of a year just checking out a story before coming to the conclusion that you are being used. It's another cliché that bears repeating – but everyone in prison really will tell you that they are innocent.

One case I never really covered was that of Shirley McKie and David Ashbury. For the reasons above, and also because of investigative work I was undertaking about the Troubles in Ulster, the war on terror and the invasion of Iraq, I never got to dig very deep into the case. Of course, like everyone else, I knew that the McKie/Ashbury case stood a century of consensus about the infallibility of fingerprint evidence on its head, and that once again it seemed to prove that the faceless state was more than happy to ruin innocent people simply because admitting a mistake would lead to public cries for prison sentences to be handed down to the great and the good – namely cops, prosecutors and politicians – for cover-ups, conspiracies and collusion. To recap: McKie was a Strathclyde cop accused by her own erstwhile colleagues of lying about leaving one of her fingerprints at the scene of a murder – the killing of pensioner Marion Ross. She was arrested and charged with perjury. David Ashbury was charged with the murder of the old lady on the grounds of fingerprint evidence. Both were subsequently found to be innocent of all allegations against them. And, as one would expect in such cases, the killer of Marion Ross still remains at large.

Reading *The Price of Innocence* – a straightforward account of the case by Shirley McKie's father Iain, also a former cop, and their long-time supporter, the SNP MSP Michael Russell – brought back to me all the cold brutality of the 'system'. Once the system lumbers to life, its target – the innocent, the wrongfully accused – can do nothing to stop it. It will roll over the top of them. It takes



SHIRLEY MCKIE: HER ARREST SHOWED THE COLD BRUTALITY OF THE 'SYSTEM'

people of great courage – people who would rather die on their feet than live on their knees – to pick themselves up once the beast has flattened them and to then launch a fightback. Shirley McKie can now count herself among such brave human beings – the Hills, Browns, Gairs and Campbells of this world. Most of us lie down and die in the face of such wilful power. Think of David Kelly, the whistle-blowing weapons inspector, meekly bowing his head before a parliamentary committee and saying that he “accepted the process that is on-going”. This process – his ritual humiliation and hanging-out-to-dry – came just days before Kelly took his own life following his exposure as the source of media claims that the Blair government was lying about the threat from Saddam.

Reading the account of McKie's fight for justice recalled all the misery that dealing with miscarriage of justice cases brings with it. If you are a human being, to see another person suffer so grievously and unendingly is almost unbearable. Art always provides the understanding. Look at Goya's *Saturn Devouring His Children* to get some sense of what it must be like to be a Stuart Gair or a Shirley McKie. Have a read of *The Trial* by Franz Kafka too – only the McKies and Campbells of this world don't end up dying, like Joseph K the book's protagonist, like a dog on their knees.

Perhaps, the most disturbing tangent of the McKie case is that she was merely collateral damage. The misidentification of her and David Ashbury's fingerprints came at the time when Scotland's law enforcement community needed to maintain a myth of excellence whilst under the scrutiny of the world as the trial of the alleged Lockerbie bomber got underway in Holland. A mistaken fingerprint, therefore, could not be countenanced ... so it had to be covered-up, regardless of the cost to an innocent human being. The Lockerbie bomber, Abdelbaset Ali Mohamed Al-Megrahi, is yet another man who claims he was fitted up by this 'system' of ours. He's spent years in jail for mass murder, and I've spent years questioning the veracity of his conviction. Is he innocent or is he not? I very much doubt he is guilty, as does the Scottish Criminal Cases Review Commission which referred his case back to the High Court for appeal. Each year, he sends me and my family a Christmas card, and each year I send him a card for the Muslim celebration of Eid.

If he is innocent, then I hope that little gesture of humanity allows him to know that I really do believe that, while there is just one innocent soul in prison, none of us can ever be truly free.

**SHIRLEY MCKIE:**  
*THE PRICE OF INNOCENCE*  
by Iain McKie & Michael Russell  
Birlinn, £9.99  
pp278 ISBN 1841585750