



# An Chartlann Náisiúnta National Archives

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AMBASÁID NA HÉIREANN, LONDAIN



IRISH EMBASSY, LONDON.

cc SECRETARY  
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24 April 1987



Dear Assistant Secretary

Lunch with the Solicitor-General, Sir Patrick Mayhew, QC, M.P.

Mayhew had refused to meet at the Garrick Club and, although this first meeting started rather stiffly, we had in the event an open and in-depth discussion.

He has family property in West Cork but on the advice of the Garda, has not been there for several years. He would very much like, he said, to return, but feels that it is not for him to go against police advice.

He said he knew that Michael Havers had had a number of discussions with me about the problem of the administration of justice in Northern Ireland. He also knew, he said - and he here suggested that there was no need to beat about the bush - that we were aware of the precise line-up in the British Cabinet Sub-Committee regarding the three-man courts issue. While he attaches the utmost importance to transparency in this area, he believed nevertheless, and very firmly, that this issue must continue to be a non-runner and it was something he would oppose most strongly if he were in the position to do so (he acknowledged that his is one of the names often mentioned as either Attorney General or Northern Ireland Secretary in the next British Government, although he said he wants neither position).

I argued the case for three-man courts in detail and, while he accepted at the level of principle much of this, he argued in turn that if there is to be an end of supergrass trials; if judges like Gibson are to be properly muzzled, and if a return to jury trial is, as he believes, not on, then the present system is acceptable in practise.

.../

We argued about the number of potential judges, both Protestant and Catholic, who are available, and here one detected a little that he knew very well that the argument about shortages was a specious one.

What his position boiled down to, however, was that the integrity of the judiciary would be retrospectively impugned by the introduction of three-man courts, and, also (very strongly) that HMG could not adopt a policy from outside the jurisdiction which would lead (and it would, he said) to resignations from the Northern Ireland bench. He himself would not, he said, serve a Government that did this. He confirmed that he would resign in this circumstance. He said that Lowry and many of the others are his close friends, and the difficulty of their situation, their courage etc., must weigh with HMG over and above political considerations represented from Dublin on behalf of the minority in Northern Ireland.

I would say that at the level of principle Mayhew was not at all arguing for the status quo (and he is very much against the use of supergrass evidence); rather he was vehemently in favour of maintaining the status quo because to change it would be to impugn his friends' integrity (Lowry et al).

Mayhew also felt strongly that the fact of the Agreement has in itself turned a historical corner in relationships within these islands; that nationalist gains, which he felt were indeed justified, have been considerable in terms of redressing the "historical imbalance"; but that we must nudge forward rather than push forward from now on, and that the Unionists' fears and inability to respond in an intelligent way represent a major problem which has to be addressed over the next phase. He accepted fully here that British Ministers (leaving aside NIO Ministers) and politicians have a major responsibility which they have not been living up to, and that they should make efforts to visit Northern Ireland and try to address the Unionists head on.

He asked about security co-operation with Dublin and was glad, he said, to have a positive outline of this. He felt that support from very many of his colleagues at Westminster, whose support for the whole Agreement process may be dwindling, would in very large part depend on real advances in this area.

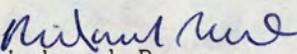
Like other observers, he despaired very much, he said, at the hopelessness of the Unionist leadership, and he sees only one thing worse than the present line-up: that is the possible alternative leadership, waiting in the wings, which may break through after the next British general election the result of which, he believes, will bring home to the Unionists the fact that they have no card left to play.

Mayhew was anti-Agreement in a fairly general way - based largely on his sense of its unacceptability to the Unionists which, he said, he foretold. He admitted that he had not perhaps given sufficient thought to Dublin's analysis at the time of the implications for the whole island, including the Unionists, and for Britain, of continuing to do nothing. He listened to an outline of such considerations, and he agreed that there was much to them. He returned, however, to his strong view that, if the Agreement is to stay (and he agreed fully that it would), then the next phase must properly be to get the Unionists back on board and, in the meantime, not to alienate them further by measures such as the three-man courts. On the second run through the three-man courts issue he accepted fully that some Unionist political figures are in fact in favour of them, but he stuck to his guns on the point of the need to do nothing which could impugn the integrity of the Northern Ireland judiciary.

Comment. It may prove that current speculation about Mayhew succeeding either Tom King or Sir Michael Havers will prove to be wrong. In either position, however, he would surely prove to be difficult both on the courts issue and perhaps on the Agreement as a whole. Nevertheless, he said himself that he valued the discussion and thought it would be a good idea to meet again in due course.

Attached is a copy of a note received from him afterward.

Yours sincerely

  
Richard Ryan  
Chargé d'Affaires a.i.