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*Taoiseach
To see [unclear]*

19/10

*PS of
PSS
Mr. Walsh
Mr. Mathews
Dr. MacLough
Counselors
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Meeting between the Tánaiste and the Home Secretary,
Hounslow Suite, Heathrow Airport,
Saturday, 17 October, 1987



1. The meeting lasted for 40 minutes and took place in a very positive atmosphere. The Tánaiste was accompanied by the Ambassador in London and by Mr. Dermot Gallagher; the Home Secretary had with him Mr. Philip Moore, his Principal Private Secretary.

2. The Tánaiste opened the meeting by expressing his appreciation of the Home Secretary's decision to refer the Birmingham Six case to the Court of Appeal and to set up a police enquiry into the Guildford Four case. He asked the Home Secretary if he would bring him up-to-date on these two cases.

3. The Home Secretary said that it seemed to him last January that there were new and substantial matters to be considered in the Birmingham case. In particular, there was ex-P.C. Clarke's assertion that the six had suffered beatings at the hands of the police and there was also some new questions about the forensic information put forward at the trial. In reply to a question from the Tánaiste, the Home Secretary said he had no idea how long the trial would last. He could not of course anticipate what its outcome would be and indeed, he added ominously, it might "end in tears". The Tánaiste said that we would be represented by the Ambassador at the beginning of the trial and subsequently at senior official level. Mr. Hurd said that he had no difficulty about the Ambassador's presence at the trial.

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4. On Guildford, the Home Secretary said he had examined this case very thoroughly last Christmas. There were three new elements - (a) the evidence of Mrs. Fox, who had not been called as a witness at the original trial, that she had been in the same house as Paul Hill on the night of the Woolwich bombing; (b) a legal point about the confessions in the case which had been made by Lord Justices Devlin and Scarman and (c) the view of a Dr. McKeith who found on the basis of an examination of Carole Richardson that she was unlikely to have given sound evidence at the time of her trial. He was now waiting for the police report and, when pushed on the timing of this, said he would be surprised if he did not receive it by Christmas. It was unlikely, however, that he would make any decision on the matter before Christmas (i.e. whether to refer the case to the Court of Appeal).

7. The Home Secretary went on to say that what he could not do in this case was to take into consideration, as Robert Kee had suggested, diplomatic arguments about its significance in the context of the Anglo-Irish Agreement. He was not in a position to allow himself to be swayed by diplomatic considerations though, of course, he read carefully the messages which the Tánaiste sent him from time to time and also what the Taoiseach had to say on the issue. The Tanaiste intervened to make the point that, while there was no legal link involved, these cases were part of the overall atmosphere and mosaic of the relationship between us. The Home Secretary quickly replied that we of course "all breath the same political atmosphere". He added that he had no complaints about the Taoiseach's Bodenstown speech. It had been very carefully worded.

8. The Tánaiste then presented our position on the Maguire case and our wish that it too should be referred to the Court of Appeal. The Home Secretary said that the

prosecution in this case had been on a very narrow base (effectively it rested on forensic evidence) and this had been reflected in the relatively light sentences given to the defendants (they received sentences of from 4 to 14 years, with Mr. & Mrs. Maguire both receiving 14 years, hardly a light sentence). The Home Secretary went on to repeat his consistent position that he would consider intervening only if some significant events or developments were to emerge which had not already been before the courts. Mr. Gallagher made the point that, if the Guildford case were referred to the Court of Appeal, this would introduce a new development as one of the Guildford Four (Paul Hill) had incriminated the Maguires by his evidence. If there were to be a doubt about his evidence, this would also have implications in the Maguire case. The Home Secretary seemed to take this point on board by saying that in such circumstances he accepted that the "argument might then arise".

9. The Judith Ward case was mentioned briefly and the Home Secretary was asked if, in due course, he could let us have his assessment of the case and of the general view that Miss Ward is not mentally well at present.
10. The Tánaiste concluded this part of the discussion by saying that the Home Secretary's sympathetic and positive attitude on these issues was very helpful in creating a good atmosphere for Anglo-Irish relations. Mr. Hurd said that he was equally appreciative of our sensitive attitude to the question and, interestingly, he again paid tribute to the approach taken by the Taoiseach in his Bodenstown speech - specifically praising the point in the speech that a test of a country's judicial institution is that they have the inherent capacity to remedy injustices that may have occurred.

11. The Tánaiste then went on to raise the Prevention of Terrorism Act and said that many Irish people in Britain were extremely concerned about its operation. The Home Secretary said that the Act would come up again for renewal at the next session of Parliament. He had asked Viscount Colville to conduct an examination of the Act. The Government would, however, go on needing special powers to deal with terrorism. In reality it was not the special powers themselves that were a potential problem but rather the manner in which they were exercised, especially at the ports. He was, however, sensitive about our concerns in this matter.

12. Finally, the Home Secretary asked about the general state of Anglo-Irish relations. The Tánaiste replied that the Anglo-Irish Agreement was working well. There was, however, something of a political problem ahead in that the Government were faced with a political difficulty in bringing in the Extradition Act on 1 December. This political difficulty was not of the Government's own making. Our candid view was that it would be better to defer it for a while and "allow the dust to settle". At the end of the day, the question was one of political timing and at the moment, with a tight political situation in Parliament, the timing was very difficult. The Home Secretary, while sympathetic, said that postponement would of course "raise dust in a different way" (obviously referring to the likely Prime Ministerial and press reaction in Britain).

13. The meeting ended with the two Ministers agreeing to keep closely in touch on the issues discussed above.

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Dermot Gallagher,
19 October, 1987.

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