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| Reference Code: | 2018/68/33 |
| Creation Dates: | 28 January 1988 |
| Extent and medium: | 3 pages |
| Creator(s): | Department of the Taoiseach |
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25 January 1988

Tuosaigh
To see floor
29/1

17 Grosvenor Place
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CONFIDENTIAL - BY COURIER SERVICE

ec
Attorney-General
PSS
Mr Nally
Mr Matthews
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Dear Assistant Secretary

Stalker/Sampson: the response at Westminster

1. The Unionists, and their Conservative supporters, are very pleased and are showing it.
2. The far right of the Conservative party (most of whom would be anti-Agreement on grounds of principle), who might be expected to be anti-immigration, pro-capital punishment, etc., are fully supportive of the decisions not to prosecute. The general attitude is that they were terrorists (all of them - there is no interest in hearing any detailed elaborations about the facts) and got what they deserved. The question of border incursions is replied to by the view that if we on our side of the border cannot catch fleeing terrorists, then the right of hot pursuit should be established.
3. The Labour Party will oppose the decision, from Kinnock down. There is in their gathering response, however, more than just concern about the basis of Mayhew/Shaw's decision in its own terms: they see this incident, they say, as extending the much wider debate on the Government's position vis-a-vis the intelligence services. Thus, while Labour will take on the Government on the issue, the fear from our point of view is that it could become just another piece in a much larger game. We have already seen how Ken Livingstone is prepared to cynically use the issue to enlarge his own profile: his actions last Monday, which led to his expulsion, in fact were of considerable assistance to Mayhew who, until the Livingstone incident, was in some difficulty under sustained questioning from the respectable side of Labour.

4. Perhaps the most important point to note, however, is that in the Conservative backbenches as a whole, there is an overwhelming unwillingness to publicly disagree with or dissent from Mayhew's statement. Even our very strong supporters, who are pre-disposed to hear and accept our arguments on Anglo-Irish questions generally, are not in a mood to argue for prosecutions. Conversations with about 10 separate such contacts have produced a virtually unanimous response: they accept that the decision will have implications for confidence in the police and the administration of justice, and that this does indeed have to do with the public interest and national security in Northern Ireland; but they say that

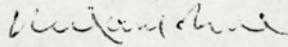
- they believe implicitly in Patrick Mayhew's judgement about the national interest (by this they mean the undesirability of bringing M15/M16 etc. activities into the public domain through prosecution processes);
- they cannot imagine and would not accept any suggestion that Mayhew's motives were anything but the highest.

It is perhaps worth noting that at least half of the M.P.s I sounded out asked whether we are in fact suspicious about Mayhew's motives in coming to the point of influencing Shaw's decisions. In all these conversations I was very careful not to make any negative comments or suggestions about Mayhew (other than, in a nuance way, with Andrew MacKay, reported separately).

5. It may probably be concluded, therefore, that as regards the Stalker/Sampson affair in Parliament, Mayhew/the Government are not in trouble on this issue vis-a-vis the Conservative backbenches. The Government can and will easily sustain attacks from the "loony" side of Labour - may well benefit from them; and will close ranks firmly in the face of attacks from "respectable" Labour (Kinnock etc) if the issue is put in the context of wider arguments to do with the intelligence services. Further, there may be several reasons for the gap

between last Monday's Statement and Tom King's Statement: one of these may well be to allow the immediate fuss to die down and to let it become a problem to be resolved as far as possible as an Irish matter. Certainly the Prime Minister on Tuesday gave every impression that she intends not to allow it to become a national issue.

Yours sincerely



Richard Ryan
Counsellor