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10/2
10/2/88
Mr. Mally
PSS, H.O. Higgins

SECRET - BY COURIER SERVICE

5 February 1988

Taoiseach
To see X please
9/2

Dear Assistant Secretary

British Cabinet discussion on Stalker/Sampson, Thursday, 4 February

I met Andrew MacKay in the Commons on Thursday afternoon. He told me the following:

- He and King had yesterday evening compared notes of King's impressions on his return from Belfast and MacKay's impressions following our conversation yesterday (reported to you). Their notes, said MacKay, tallied pretty exactly as to the seriousness of the situation and King said that this at least was useful.
- The item came low (i.e. late) on the Cabinet agenda which was dominated by other matters including, particularly, the health service situation and the ILEA.
- King "reported factually on the Belfast meeting, pulling no punches as to the seriousness with which he viewed the present situation. You can be sure of that."
- She responded immediately with some very harsh things about Minister Collins's remarks about Patrick Mayhew, which she had herself heard. In King's words to MacKay, "she went off the wall". King said that this is not likely to get out, but "when the histories come to be written it will be seen how much this has affected the whole thing".
- King said that if the Prime Minister and the Taoiseach meet in Brussels next week, no matter what the situation is overall, she may very well lead off very strongly on this point. MacKay said his instinct told him that this was right and that she may be expected to blow up in the first instance.

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There was not much discussion on King's report. There was no dissent from his estimation of the seriousness of the situation; nor was there any suggestion that the present situation (no prosecutions, no publication) could or should change.

- I tested MacKay, gently, several times on the procedural decision at the end of the Cabinet's discussion of this point. He said he did not expect the Cabinet to look at it again (there is, in any event, no Cabinet meeting scheduled before next Wednesday). He did not confirm that a Cabinet sub-Committee might meet (I did not ask this directly although I used the term in passing several times), but he said once that "I expect Tom will have some help". (Note: it is only an impression but, for what it is worth, MacKay left the feeling that the responsibility for the response to Dublin is left to King himself. This impression could, however, be wrong.) I pressed from a different angle, suggesting that Dublin clearly expected a Governmental response, that it was our strong view, which must be very clear, that the widest political questions were raised which necessitated this. MacKay said he would not disagree with this but the fact surely is that the Government has considered Tom King's report. He then said "We will have to see what comes out of that but you can take it that Tom King is very busy."

I did not think it wise to ask him whether Mayhew had been at the Cabinet meeting or not. On Mayhew, however, MacKay and I agreed on one point which is small in itself but telling in its way: at P.M.'s question time today, in response to a question by the Liberal Alex Carlile about Stalker/Sampson (and she stood firmly on the previously stated position), she very clearly laid the heaviest emphasis on "My Right Honourable and learned friend the Attorney General". There was no mistaking this deliberate and emphatic supportive stress. MacKay felt that it only goes to show further that her support for Mayhew and his decision are unequivocal.

Conclusion

- King reported pretty faithfully the substance and seriousness of the situation, and Dublin's expectations are at least on board;
- the P.M. reacted very hotly to Minister Collins's remark about Mayhew;

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no Ministers urged either:change in the position as stated by Mayhew on prosecutions or publication, or consideration by the Cabinet sub-Committee of a co-ordinated response (the last point is not certain);

- King, perhaps with some help, "is very busy" and, it would seem, is not being herded by other Ministers such as Howe or Hurd in the preparation of the response for next Wednesday, although he may well seek their advice.
- if the Taoiseach and the Prime Minister meet at next week's Summit, King and MacKay would expect her to lead off by ventilating her feelings about the Minister for Justice's remark about Mayhew.

Yours sincerely

Richard Ryan
Richard Ryan
Counsellor