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NOTE

*Thornhill
To see Mr.
OK
4/7*

cc: PSS
Mr Palfrey
Counsellors
Section
Mr Nalley
Mr Professor
RJK

London, 3 February 1988.

I took advantage of an invitation to a reception in Lancaster House to celebrate the bicentenary of the birth of Sir Robert Peel (ironical in the circumstances) to have a few words with the host, Douglas Hurd. The attendance included former Home Secretaries and a large number of Chief Constables. As it happened, shortly after I arrived, the host went to the door to receive the Prime Minister and when they entered the room together, Mr. Hurd introduced her first to me in the group of people near the door. Without much chance of introductory chit-chat, I referred to the seriousness with which the present state of relations is being viewed in Dublin. She said (in a tone of concern rather than brusqueness) "It could be much worse if there were some calamities". When I made some questioning comment about this remark, which I did not understand, she repeated the same words. Before she moved on to the next person, I said I hoped the whole situation would be looked at seriously before next week when we were expecting responses. Later, I had a short talk with the Home Secretary. I made a number of points (which we had discussed beforehand) viz

- the very difficult situation in which we find ourselves; I could not overstate the seriousness with which the developments of last week are viewed by the Government;
- he would be aware of what happened at the Conference yesterday and the strength of the real feeling conveyed;
- also of the demands we had made, which were for the British Government to respond to - not just for Tom King;
- Minister Collins had raised the Birmingham Six question; it had been the first opportunity to put it to British Ministers (and the link with the Agreement, through extradition policy); the strength of feeling on this issue in Ireland - and in Britain; the request that the Home Secretary use his "wide-ranging powers".

* I briefed the Ambassador on the Conference meeting before he saw Mr Hurd
Dr 4/2/88

The Home Secretary replied on the following lines:

- He understands the seriousness with which we viewed the whole situation. (At a later point he said he understood especially the position of Minister Collins);
- He had been briefed by Tom King;
- His own view was that our right of intervention was in regard to the Stalker question; (He did not however explicitly reject our interest in the Birmingham Six);
- He went over his own role in cases such as the Birmingham Six (new evidence etc.);
- He had referred the case to the Court of Appeal;
- The Court had examined it carefully - this would be accepted by anybody who did not come to it with preconceived ideas; there had been a recognition, including in Irish papers of the strength of the prosecution case;
- The court had ruled unequivocally, without any recommendations;
- There was, in these circumstances, no possibility to exercise clemency;
- He added that an appeal to the House of Lords was a possibility - but he could not assess this.

Mr. Hurd was quite firm in his statement that he had no possibility of exercising clemency. But then he went on to say (in the context, I felt, of what he had said about his role in regard to referral) that he could not look into the future; he implied a continuing willingness to look at the case. When I referred to our view that he had a "whole range of possibilities" open to him, he looked rather puzzled and replied that it is a case of pardon or no pardon. I was unable in the circumstances to pursue this further, but we will

follow up. He said he had promised Tom King a paper which would say all this in conciliatory terms. I urged on him the need to take an overall view of the situation and again stressed the concerns deeply felt about the issue, and its importance to the overall context.

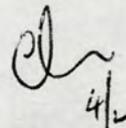
Later, I had a word with Sir Robert Armstrong (I did not see his successor at the reception) and a senior official of the Home Office to whom I gave the same message and from whom I got an understanding reaction. I took advantage of this conversation to check our understanding of the further appeal possibilities of the Birmingham Six which are

1. a submission to the Court of Appeal which heard the case, for leave to appeal to the House of Lords on a point of law related to the case, and if this is refused
2. a submission to the House of Lords judicial committee, where it would be necessary to establish a point of public interest to obtain leave to appeal.

Andrew O'Rourke
Ambassador

P.S. I had some conversation with several Chief Constables during the reception (in particular Mr. R. Birch, Chief Constable of Sussex (who is President of the Association of Chief Police Officers), and Mr. C. F. Payne, Cleveland). Mr. Birch mentioned that he had met our Commissioner and valued very much contacts of this sort. I took the opportunity to encourage the idea of further meetings saying that the perception this might obtain in regard to matters such as the application of the PTA could be of mutual benefit.

Note: Typed in Dublin from manuscript provided by Ambassador O'Rourke.



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