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<b>Reference Code:</b>	2019/31/12
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Confidential

16 October 1989

Mr. Dermot Gallagher  
Assistant Secretary  
Anglo-Irish Division  
Department of Foreign Affairs

Dear Assistant Secretary

Reactions to the Patrick Ryan decision

The following is a summary of preliminary reactions by senior British Ministers and back-benchers to the news of the DPP's decision on Patrick Ryan (which reached them in Blackpool on the final evening of the Conservative conference).

Peter Brooke

- I had the opportunity of a private conversation with Peter Brooke shortly after he had given his initial reaction to TV interviewers.
- He hoped that, in expressing his disappointment at the decision, he had conveyed clearly enough his respect for the independence of the DPP.
- He indicated some discomfort at having had to say anything at all on the subject. This was a legal decision on which, strictly speaking, only the Attorney General was competent to comment. Quite apart from the fact that he himself was not a lawyer, it was not part of his role as Secretary of State for NI to pronounce on such matters. However, in the absence of Sir Patrick Mayhew (who had earlier departed for London) and of Douglas Hurd (who was initially unavailable), he felt it necessary to satisfy media requests for a Government reaction.
- He observed that, with the entire Cabinet scattered around Blackpool, the inter-Departmental consultation which would normally take place on a development such as this was difficult. Normal consultation procedures, he hinted, would have resulted in the Attorney General alone commenting on the decision.

- He commented, however, that the timing of the announcement for Conference week, when senior Ministers were diverted from their usual tasks, was clearly advantageous from the Irish DPP's point of view. "There would have been worse times than today".
- Brooke subsequently observed privately to a British journalist that the timing of the announcement may have been related to the continuing controversy about leaks from the NI security forces. He speculated that Dublin might have seen tactical advantage in announcing this controversial decision at a time when the British Government was on the defensive in relation to the UDR and RUC. British indignation over the Ryan decision could be countered with references to the major confidence problems caused by the leaks issue. In a further private comment to a journalist, Brooke indicated some satisfaction that "I now have a stick to beat them with".
- On a more positive note, Brooke told me that the leaks controversy has at least had the advantage of "giving us plenty to talk about". Coming very early in his term as Secretary of State, it has enabled him to get to know Minister Collins well from the outset - and he hoped that the meetings on this issue have had a similar value for the Minister. He has "no regrets at all", therefore, that the leaks controversy has dominated his first weeks as Secretary of State.

Sir Geoffrey Howe

- Mr. Hayes and I had a private conversation with Sir Geoffrey Howe later on the same evening.
- He was still debating whether or not to go ahead with a RTE interview arranged some time previously for the following morning. (In the event, he did, indicating disappointment but going on to speak of the need for future cooperation).
- He commented to us that he considered it a pity that an opportunity for consolidating the solidarity between the two Governments had been lost. On the other hand, he recognised that decisions are sometimes taken by one Government which antagonize the other. The two Governments' objective should be to do all possible to minimise the number of such decisions.
- His response to our insistence on the DPP's independence in reaching this decision was to acknowledge, as a former law officer, that the office of DPP, both in this country and in Ireland, was independent of Government. He went on to recall, however, that, "as a practising politician", it had been his experience that prosecuting authorities did not always take their decisions in complete isolation from the Government of the day.

Douglas Hurd

- The Home Secretary initially declined to comment (when pressed by TV interviewers).
- On Friday morning, however, he indicated on BBC TV that the decision, "while not wholly unexpected", was disappointing. A decision in favour would have "placed us in a much better position". Asked about possible consequences for the Agreement, he pointed out that the Agreement was achieving one of its main purposes, "a thickening-up of security cooperation". There would always be setbacks. "We're disappointed by this one - that's all that can be said about it".

Tory back-benchers

- Ian Gow, who was a guest at the Ambassador's dinner on Thursday evening, did not refer to the decision during the meal. He subsequently, however, gave a predictably critical reaction to a TV interviewer.
- Michael Brown, another Tory right-winger, predicted increased strain on A-I relations as a result of the decision and claimed that the Agreement had failed an important test.
- Ivor Stanbrook and Terry Dix also gave hostile reactions in TV interviews.
- Sir Ian Perceval, a former Solicitor General, expressed on TV his disappointment that, though Sir Patrick Mayhew had found sufficient evidence on which to proceed against Ryan, the same view had not been taken in Dublin. He had no reason to conclude, however, that the decision had been politically motivated - "there's always room for two views" in deciding these matters.

Yours sincerely

*David Donoghue*

David Donoghue  
Press and Information Officer