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NORTHERN IRELAND OFFICE

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SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

*Q. J.K.*

The Rt Hon Sir Michael Havers QC MP  
Royal Courts of Justice  
LONDON

5 October 1984

*Dear Michael,*

R v DOMINIC McGLINCHEY

I am grateful to you for setting out fully and clearly, in your minute of 24 September, the difficult considerations surrounding this case. I need not comment at any length, since we are at one about the difficulties which it may cause, and about the action which should be taken to limit the great damage which could result.

As you make plain, this may arise if McGlinchey is not convicted on the charges which he is now facing. I suppose that this is more likely following the failure of the independent witnesses in the case to come up to the mark, even though the Magistrate felt able to commit the case for trial. Assuming an acquittal, and a challenge from McGlinchey to the order for his return to the Republic, we must be prepared from the beginning to make the most of our arguments in favour of return. I take it that McGlinchey's case would technically be against the Chief Constable, since the RUC would have brought in the warrant from the Garda Siochana calling for his return. But since the issues may eventually go to the House of Lords, we shall want to be sure that they are handled properly right from the start, and would not necessarily want them left in the lower courts to the attentions of a lawyer appointed by the Police Authority. You might like to consider how to ensure, before the matter arises, that Counsel is properly briefed in Northern Ireland, for the hearings in the lower courts, on the arguments that will be put forward if necessary in the House of Lords.

The Prime Minister has suggested that she may need to warn the Taoiseach of what may happen at some later stage. Although the case may not come on until the New Year, we ought to provide for this at the Summit meeting planned for November. Since the Irish already feel that the case has been a long time coming to Court, Dr FitzGerald may raise it himself anyway. Perhaps our officials could consult about the terms of a brief before the meeting.

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I am sending copies of this letter to the Prime Minister, the Lord Chancellor, the Home Secretary and the Foreign and Commonwealth Secretary.

Comer,

Douglin.

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