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From: THE PRIVATE SECRETARY

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NORTHERN IRELAND OFFICE  
WHITEHALL

Prime Minister.

LONDON SW1A 2AZ

Hope that our Ambassador in  
 Dublin should call on Mr. Nally

to take him through the sequence  
of events?

17th November 1983

John Coles Esq  
10 Downing Street  
LONDON  
SW1

A.C. 15/11

Yes

Dear John,

ANGLO-IRISH SUMMIT: McGOVERN CASE

- In your letter of 7 November to Brian Fall about the summit tete a tete you said that the Prime Minister would be glad of comments on Dr FitzGerald's remarks about the McGovern case. This matter falls mainly our way, and by agreement with the FCO I am replying.
- In the South, the McGovern case is viewed as one of several examples of senior officers in the Garda using their powers to do improper "favours" for Mr Haughey and his Government. Shortly after Dr FitzGerald returned to power, the Garda Commissioner and his deputy, Mr Ainsworth (who was particularly close to Mr Haughey) resigned. There are understandable political reasons for Dr FitzGerald to wish to secure public evidence of malpractice by Mr Ainsworth. The allegation in the McGovern case is that Mr Ainsworth arranged for the RUC to arrest McGovern in order to prevent his appearing as scheduled in court in the South as the principal witness against the brother-in-law of the then Minister of Justice. Those wanting evidence against Ainsworth were hoping the RUC would say that McGovern's arrest was based on a request for information from him. The disappointment to which Dr FitzGerald refers is likely to be because in the very full reply which the Chief Constable of the RUC has now provided to the Garda Commissioner it is stated that McGovern's arrest was based entirely on information obtained by the RUC and was not prompted by Mr Ainsworth or the Garda.

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OF THE PUBLIC RECORDS ACT

3. We detect a sense of frustration in Dublin that having so far been unable to 'nail' their predecessors over the McGovern affair we - or, more specifically, the Chief Constable - have not been able to do the job for them. As far as we are concerned, evidence of a conspiracy is lacking. However, suggests that an investigation by the Republic's Ministry of Justice (of which we were not previously aware) will show collusion between a senior Garda officer - who, it is said, will lose his job, - and an identifiable RUC officer. We can but continue to make it plain to the Garda that the Chief Constable cannot deal with any alleged impropriety by the RUC unless the allegation is supported by evidence.
4. The handling of the affair has been bedevilled by its political background in the South which has contributed to misunderstandings over procedure, and failures of communication, the responsibility for which rests at least as much with the Garda as the RUC. The RUC followed up all the original leads without result. Then, in May, the Garda Commissioner wrote with further information which purported to implicate one of the Assistant Chief Constables of the RUC but which was unsupported by first-hand evidence to that effect. The Chief Constable quite rightly treated this as a formal complaint which of necessity involved the Police Authority, and in July the Commissioner conceded the Chief Constable's point that it would have to be so handled. It was made plain to him that a formal investigation by the Police Authority - which would involve calling in a Chief Constable from another force - could not rest on circumstantial allegations but would require the provision of formal statements; but these the Commissioner failed to supply.
5. Eventually, at the beginning of October the Garda Commissioner wrote in a conciliatory tone saying that he had not wished to make a complaint, acknowledging that the RUC had not, as he had earlier supposed, been shown a note by the Irish DPP which would have made this clear, and explaining that he only wanted certain information so that the Garda could assess what really happened on their side, and whether there had been any impropriety in their force. This



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enabled the Chief Constable to make inquiries free of the formalities of the complaints' procedure, and he responded on 13 October saying that he would do so. He replied, fully on 2 November explaining that McGovern had been under suspicion for some time in Northern Ireland and had been arrested on the basis of RUC intelligence alone. He explained in detail the sequence of events, and pointed out that the Garda were informed as soon as McGovern himself revealed that he was due to appear before a court in the Republic. He said that the Assistant Chief Constable previously implicated had known nothing of the McGovern arrest until an hour after he passed a telephone message to the Garda which had appeared to incriminate him. When arrangements for delivering this letter were being made it emerged the Garda had never received the Chief Constable's interim letter of 13 October although the Garda had been told during that day that this acknowledgement was coming and had themselves made enquiries later on 13 October about when it could be expected to arrive. They had said nothing previously to suggest it had not arrived at all.

6. We cannot be sure whether Dr FitzGerald is right in suggesting that the McGovern case is a substantial cause of friction between senior officers in the Garda and the RUC or whether Mr Wren is right in assuring Sir Jack Hermon (in confidence) that he does not want to inflate its significance but that Dr FitzGerald is pressing him. Now that the Chief Constable has completed his enquiries and written fully to the Commissioner, the way is open for the two Chief Officers to talk directly to remove any misunderstandings which may remain between them. In parallel, the Ambassador will, if the Prime Minister agrees, call upon Mr Nally to go over the sequence of events and to make it plain that if the Irish can support any continuing suspicions with evidence the Chief Constable will, of course, consider it. While emphasising the RUC's wish for full co-operation and confidence, he will challenge any implication that it is the conduct of the RUC in this case which calls for apology. Even if it turned out that some of the muddles and misunderstandings were more their fault than it now appears, it would be wrong for individual incidents of

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this kind to be used as justification for retreating from security co-operation.

7. I am copying this letter to Brian Fall (FCO) and to Richard Hatfield (Cabinet Office).

*Yours ever,*

*John*

J M LYON

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*From the Private Secretary*

21 November 1983

ANGLO-IRISH SUMMIT: McGOVERN CASE

Thank you for your letter of 17 November which the Prime Minister saw over the weekend.

Mrs. Thatcher agrees that our Ambassador in Dublin should call upon Mr. Nally and speak as suggested in your letter.

I am copying this letter to Brian Fall (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

A. J. COLES

John Lyon, Esq.,  
Northern Ireland Office.

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