

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

22



HOUSE OF LORDS,
LONDON SW1A 0PW

SECRET

Prime Minister

Joint Irish Court

*Prime Minister
So there was a letter
after all: in which Lord
Lowry says he will
not resign.*

*CDP
1/7*

Not surprisingly the remarks recently attributed to Mr. Seamus Mallon about a "senior member of the judiciary" lobbying support against proposals for a joint court have drawn a sharp response from Lord Lowry. I attach a copy of his letter to me of 21st June 1985.

No doubt the publicity, unwelcome as it is, emanates from his expressed anxieties. But I regard his present stance as satisfactory and his denials can afford a strong ground for firm assurances as and when we are questioned. I hope that another spin off may be a clear warning to the Dubliners that the joint courts suggestion is likely to produce its own built in disadvantages.

I am copying this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, the Attorney General and Sir Robert Armstrong.

H: of S: M.

1st July, 1985

SECRET

21st June, 1985

Dear Lord Chancellor,

I am writing at the request and with the approval of the Northern Ireland Supreme Court Judges pursuant to a meeting last Tuesday, attended by all except Kelly L.J., who is at a conference in Oslo. I am confident that he would agree. We are deeply concerned at recent newspaper articles on the mixed courts proposal. They are accurate in parts, which could suggest the access to official sources that is claimed. There are also inaccurate statements and inferences, with little attention paid to the technical counterarguments.

The most serious point, which urgently inspired us to send this letter, is the implication in some articles that the Judges or some of them have presented the Government with an ultimatum in the shape of a threat to resign, with the further inference that the alleged threat had been made from Unionist political motives to stultify the negotiations with the Irish Government. This is all the more damaging, when one considers that James Molyneaux, the OUP leader, and the Newsletter, a Unionist paper, have taken up the running against mixed courts.

No denial has come from any source, and it is impossible for the Judges publicly to correct a wrong impression without engaging in controversy and abandoning the Bench's tradition of reticence. I feel that as far as you (to whom we look - always with confidence - for support) and the Government are concerned, I ought to put the facts unequivocally on record.

I have never tried to involve the other judges in any exercise of pressure, express or implied, on H.M. Government, or suggested that any of them would be likely to resign over mixed courts, nor have any of them made any such threat or suggestion on their own account either individually or collectively. To suggest otherwise would be entirely wrong. They have always been, and they remain (as I am), prepared to carry out the will of Parliament as laid down by statute, and I must make this clear. It should also be emphasised that this betokens no change or reform of their attitude.

When my wife and I lunched at the Taoiseach's house before the Rugby International on 2nd March this year, he suddenly and unexpectedly brought up the subject of mixed courts. I said that I was against the

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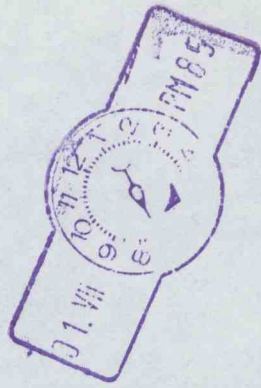
idea, explained why and concluded, "I would feel bound to resign rather than participate". I appreciate that such a statement, reported as it was in my letter of 4th March to the Secretary of State, can be construed or portrayed as an effort to apply political pressure. This was not my purpose, but I believe that I can give effect to this disclaimer only by asking you to tell the Government that, whatever I might hitherto have felt entitled to do, I do not intend to resign over the mixed courts proposal, since it would not be right for me to let anyone in or close to the Government either believe or assert that my attitude (as distinct from my opinion) is, or is meant to be, a relevant dissuading factor.

My views on the proposal are already set out at length in my letters of 4th March and 21st May, but the real object of this letter is to bring to your notice the way in which my brethren have been misrepresented and how deeply we all feel about it.

Yours sincerely

Robert Long

Rt. Hon. the Lord Hailsham of St. Marylebone,
C.H., F.R.S., D.C.L.,
Lord High Chancellor of Great Britain,
House of Lords,
London S.W.1



Situation:
Ireland. Pt 20

NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

NIO

HD/RID
p. HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT
RESIDENT CLERK

SIR R ARMSTRONG)
DIO) CABINET OFFICE
PS/ NO 10 DOWNING STREET (3)

14.11.8

CONFIDENTIAL
FM DUBLIN 241550Z JUNE 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 397 OF 24 JUNE
INFO IMMEDIATE NIO BELFAST

IMMEDIATE

MIPT: IRISH LOCAL ELECTIONS

ADVANCE COPY

MT

SUMMARY

1. THE GOVERNMENT, AS IT EXPECTED, FARED BADLY IN THE LOCAL ELECTIONS, PARTICULARLY IN DUBLIN, BUT IS UNDER NO IMMEDIATE THREAT. THE POLL WAS LOW. DR FITZGERALD MAY NOW BE EVEN KEENER TO BRING THE ANGLO/IRISH TALKS TO A SUCCESSFUL CONCLUSION.

DETAIL

2. THE RESULT OF THE LOCAL ELECTION HELD IN THE REPUBLIC ON 20 JUNE WAS MUCH AS WAS GENERALLY EXPECTED (MY TELNO 386) DR FITZGERLAD EXPECTED FINE GAEL TO DO EVEN WORSE THAN THIS OVERALL. MOST SIGNIFICANT IS FIANNA FAIL'S STRONG SHOWING IN THE DUBLIN AREA, WHERE IT OBTAINED 41.6% OF THE VOTE TO FINE GAEL'S 24.5%, WINNING MORE THAN HALF THE SEATS AND CONFOUNDING PREDICTIONS THAT ITS OPPOSITION TO PROPOSALS FOR A FARM TAX AND TO LIBERAL SOCIAL REFORMS WOULD ALIENATE URBAN VOTERS. DR FITZGERALD WILL BE CONCERNED AT THE POOR PERFORMANCE OF FINE GAEL EVEN IN ITS SAFEST AREAS IN SOUTH DUBLIN. ON THIS SHOWING A NUMBER OF ITS MARGINAL DAIL SEATS WOULD BE LOST IN A FUTURE GENERAL ELECTION.

3. FINE GAEL SUPPORTERS POINT OUT HOWEVER THAT THIS IS NOT SUCH A BAD MID-TERM RESULT FOR THEM AS THE 1979 LOCAL ELECTION WAS FOR FIANNA FAIL. THEY ALSO SAY THAT THE COMPLETION OF THE 3 YEAR ECONOMIC PLAN WILL CHANGE THE PICTURE BEFORE THE NEXT ELECTION. THE ONLY IMPORTANT EXCEPTION TO THE NATIONAL TREND WAS IN LIMERICK CITY, WHERE FINE GAEL WON CONTROL FROM FIANNA FAIL. CONTINUING RESENTMENT OVER THE EXPULSION OF DES O'MALLEY FROM FIANNA FAIL WAS CLERALLY THE MAJOR FACTOR HERE (LIMERICK IS MR O'MALLEY'S CONSTITUENCY). BUT NEITHR THIS NOR INDIVIDUAL GOOD PERFORMANCES BY FIANNA FAIL DISSIDENTS SUCH AS MARY HARNEY IS THOUGHT TO PROVIDE A GOOD ENOUGH SPRINGBOARD FOR THE FORMATION OF A NEW PARTY BY MR O'MALLEY.

A NEW PARTY BY MR O'MALLEY.

4. THE LABOUR PARTY HAS SURVIVED, BUT ONLY JUST. ITS VOTE WAS HIGHER THAN RECENT OPINION POLLS HAD INDICATED. BUT IT WAS OUTPOLLED IN INNER DUBLIN BY THE WORKERS' PARTY AND IS UNDER THREAT FROM THEM IN A NUMBER OF OTHER CONSTITUENCIES. THE WORKERS PARTY WILL BE PARTICULARLY PLEASED AT HAVING SECURED 6 PLACES ON DUBLIN CORPORATION TO LABOUR'S 2. IT ALSO DID WELL IN GALWAY, WHERE IT TOPPED THE POLL, AND HAS HELD OFF THE CHALLENGE FROM SINN FEIN, WHOSE SUCCESSES WERE LARGELY CONFINED TO TRADITIONALLY REPUBLICAN BORDER AREAS. SINN FEIN WON ONLY ONE SEAT IN THE DUBLIN AREA.

5. MR HAUGHEY'S TACTICS HAVE PAID OFF. HE HAS WON CONTROL OF MOST LOCAL COUNCILS THROUGHOUT THE COUNTRY AND WILL HOPE THAT THE UNIFORMITY OF THE TREND DESPITE A LOW POLL WILL PAVE THE WAY FOR NEXT GENERAL ELECTION. HE HAS SHOWN THAT THERE IS STILL A MARKET FOR 'LIVE NOW PAY LATER' ECONOMIC POLICIES, AND THAT MIDDLE CLASS VOTERS WILL VOTE FOR HIM. MINISTERS HAVE SAID THAT THEY WILL NOT BE DEFLECTED FROM CARRYING OUT TOUGH POLICIES BUT COALITION BACKBENCHERS REACTIONS HAVE BEEN MORE ANXIOUS AND TODAY'S PAPERS REPORT THAT MR HAUGHEY NOW PLANS TO CONCENTRATE HIS ATTACKS ON LABOUR IN AN ATTEMPT TO DESTABILISE THE COALITION. MR SPRING HAS INDICATED THAT HE HAS NO PLANS TO LEAVE THE GOVERNMENT SAYING THAT IF THE COALITION FELL 'IRELAND'S PROBLEMS WOULD ONLY BE BEGINING'. THERE IS THEREFORE NO IMMEDIATE THREAT TO THE COALITION BUT THE LABOUR PARTY GENERAL SECRETARY HAS ANNOUNCED HIS RESIGNATION AND LABOUR MINISTERS ARE LIKELY TO FIND IT MORE DIFFICULT TO HOLD OFF THE ANTI-COALITIONISTS WHEN THE SUBJECT NEXT COMES UP FOR DEBATE IN THE PARTY, PERHAPS IN THE LATE AUTUMN. IN THE SHORT TERM, RUMOURS OF A GOVERNMENT RESHUFFLE TO IMPROVE ITS IMAGE AND INJECT NEW ENTHUSIASM ARE LIKELY TO GAIN IMPETUS.

6. THE LAST THING ON MOST VOTERS MINDS IN THIS ELECTION WAS THE GOVERNMENT'S NORTHERN IRELAND POLICY. IT WOULD THEREFORE BE QUITE WRONG TO INTERPRET THE RESULT AS ENDORSING MR HAUGHEY'S VIEWS ON ANGLO-IRISH RELATIONS. THE MAIN EFFECT OF THE RESULT ON ANGLO-IRISH TALKS MAY WELL BE AN EVEN GREATER SENSE OF URGENCY ON THE PART OF THE IRISH GOVERNMENT TO BRING THE TALKS TO A SUCCESSFUL CONCLUSION. IF THAT SHOULD PROVE UNATTAINABLE DR FITZGERALD WILL CERTAINLY SEEK TO PIN THE BLAME UNEQUIVOCALLY ON THE BRITISH SIDE. BUT EITHER WAY, ISSUES WILL BE OF GREAT IMPORTANCE IN THE NEXT IRISH GENERAL ELECTION AND THE GOVERNMENT WILL HAVE A VERY TOUGH JOB ON ITS HANDS TO WIN ON THESE.

7. FCO PLEASE PASS IMMEDIATE TO NO 10, LYON N10 (L) AND TO BRIGHT (CABINET OFFICE).

GOODISON

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