

cc PC



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Deputy Under Secretary

27 June 1986

COP
27/6

Dear Mr. Saunders,

ATTORNEY-GENERAL'S REPLY TO MR RODGERS

FILE WITH CAP

Thank you for your letters of 16 and 23 June, enclosing Mr Rodgers' letter to the Attorney-General and his proposed reply.

I agree that Mr Rodgers' letter has been very carefully drafted and must be taken as written for the record. It seems likely that it is part of the Irish campaign to persuade us to accept three-man courts. It would seriously inflame unionist opinion were it to get abroad; it certainly seems desirable that a rebuttal of it should be written.

You are better placed than me to comment on the handling of the Burns case. But I do think that we cannot let the Irish have it both ways. Either they want us to withdraw warrants about which we have doubts or they do not. I should have thought that in this instance the decision to withdraw would have met with their approval.

Clearly we must answer Mr Rodgers' attack on the Judiciary in Northern Ireland. But I do think we need to tread carefully since there have been some obiter dicta from the judges in recent years which Mr Rodgers could quote back at us which gave great offence in nationalist areas. You may wish to have a further look at paragraph 5 of the draft with this in mind. Additionally, the Attorney-General could usefully deploy the point that acquittal rates in single-judge courts are on a par with, and even perhaps slightly greater than, those in jury courts.

Copies of this letter go to Tom Legg, John Steele, Charles Powell, Gerald Clark and Michael Stark.

Yours sincerely,

J. Watt

for
A J E BRENNAN

M L Saunders Esq

IRELAND

SITUATION

PT 20

