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Second Permanent Under Secretary of State

2nd PUS/1037/86

Sir Robert Andrew KCB
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25 September 1986

1. PUS has seen.

2 cc. PS/PUS(B)

Mr AW Stephens

* Mr Palmer *

Mr Bell

Mr Jackson

* PUS would be grateful if you
would contact Mr Belloch direct about
any further briefing.

Very dear Robert,

1. Professor O'Malley came, as arranged, to see me yesterday afternoon having, as I understand it, seen Michael Allison earlier in the day. I must say he impressed me as a nice man and one of intelligence and integrity. Our interview lasted over an hour and, somewhat to my alarm, he expressed an interest in coming back to see me again, perhaps in November. I did not object to that though I made it clear that if he did so and wanted to raise some of the more detailed questions about timing and fact then I would want notice of these because at a distance of 5 years I really did find it difficult to recall precise incidents in the right sequence.

2. In the meantime I shall be getting a transcript of the interview, which with my full agreement was tape recorded, and when that arrives I will send it over so that you will know what mischief I have been up to. In the meantime, the following brief notes may be useful: I am of course perfectly happy for you to show them to Nicholas Scott or to anybody else that you wish. But here goes:-

a. The Professor had clearly been talking to Cardinal O'Fiaich and Bishop Edward Daly and accordingly he put to me their view that if the British Government had offered the prisoners their own clothes in October 1980 there would have been no hunger strike. I said that I did not agree with that assessment on the grounds that the objective of the prison protest, of which the hunger strike was simply the culmination, was all about reversing the Government's decision to end special

category status. Own clothes was only one element in that status and if they had been conceded under the threat of a hunger strike then the prisoners would have returned to that form of pressure to get the other "demands" of which, in my view, "free association" was arguably, to them as to us, the most important. I conceded that had HMG made such a decision in October 1980 a degree of popular support would have been gained but I did not believe that it would have been enduring in the face of further protest from the prisoners and further concessions by HMG would be correspondingly harder to refuse, one having already been made.

b. It was put to me that as part of the ending of the first hunger strike "an NIO civil servant" had gone into the prison and given various assurances as to the reasonableness and cooperativeness of HMG should the strike be called off. I said to the best of my knowledge the only NIO civil servant who had been to see the prisoners at that time was myself but there had been no question of any dealings (indeed the prison governor and a member of the prison staff had been present throughout my meeting with the original group) and that my purpose had been to explain to and answer any questions about the prison regime which had been set out very fully in a document published shortly before the first hunger strike was called off. O'Malley did not have that paper but he did have the press notice that was put out on the day the strike ended, copies of which had been brought to the prison the previous evening.

c. We went over the events of Jan/Feb 1981 culminating in certain of the prisoners' families bringing clothes to the prison followed shortly by the prison riot in which a good deal of damage was done to prison furniture and cells. I sought to make two points: first that it was we who, given the conditions of uncertainty that undoubtedly did prevail, had initiated a series of moves designed to lower the level of protest. Second, the wearing of own clothes was a privilege not a right and a privilege moreover available only to fully conforming prisoners. We suspected that what was afoot was an attempt to get own clothes into the hands of prisoners who had still refused to work but who would nevertheless put them on and in effect defy us to take them off. That was a situation into which we were determined not to be drawn.

d. He has clearly also talked at length to the Irish Commission for Justice and Peace and I was referred to the "two" meetings we had had with the Commission and the events immediately after that, ending with the death of O'Donnell. The first point I made was that I thought there had in fact been four meetings with the Commission. Perhaps this is a bit cynical but I am not surprised that they have harked on the third and fourth of these since at the conclusion of the first two, in June, Michael Allison had written to the Commission an unclassified letter summarising the position that had been reached.

The fourth meeting concluded on a Saturday (forgive me for not pinpointing the date) and the Commission then went into the prison. It became clear to us through that weekend that they were saying more to the prisoners than they ought to and it was an error, the responsibility for which was mine, that we did not follow up that fourth meeting at once with a further unclassified letter.

Anyway, what O'Malley was on about was the Commission's belief that we had somehow welched on an undertaking to send a senior civil servant into the prison for a further bout of explanation and that we had in effect stalled almost deliberately until O'Donnell died when, of course, they had to break off their proceedings. I said to O'Malley that I now find it very difficult to remember the details though I did recall that at that time we asked Carol Jackson to be present when the Governor read out yet another statement whereas the Commission may have been expecting me to go. What I am clear about is that whatever they may have understood no promise to that effect was given. If O'Malley does want to pursue this with me in November - and assuming you agree that I let him - this is one area where I may want Brian Palmer to do a little research to remind me of the sequence. Certainly I do remember a series of very difficult meetings on the Monday with the Commission while, as I remember, we were waiting for clearance for a further statement from Whitehall.

3. More generally, O'Malley asked me if there was any real difference in our approach to decision-making as between the first and second strikes. I said that we were aware that the second strike was more likely to lead to a death or deaths than the first if only because of Sand's own apparent determination and the fact that he had gone on strike himself sufficiently far in advance of the next man (Hughes) to ensure that he did not in effect have to assume responsibility for anyones death other than his own. (We always thought that this was part of the reason why Brendan Hughes, the leader of the first group, called it off since he was not the first to go into coma). But that difference apart, I said that I thought we saw the issues in exactly the same way. I was asked if I thought there was scope for an "accommodation" and I answered (I hope the transcript will bear this out!) that I thought the answer was no, given the limit to which the Government had already gone and the fundamental difference between that position and the one represented by the prisoners "demands". Curiously, O'Malley's last question was whether I felt that Government was therefore in some way "trapped". I replied to the effect that I was very conscious that we had a strong position that was, nevertheless, under strong pressure but that that did not feel like "entrapment" to me.

4. Forgive me for bothering you with all this but it seemed to me worthwhile putting it down. As I say, I hope none of it gives you difficulty: and you will, of course, if you want, be able to compare the transcript of what I actually said with the no doubt self-flattering account I have given above.

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