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 -6 NOV 1985
 N.I.O. BELFAST

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SEC 1 14/11/11



HCC
 PS/SOFS(B)
 PS/MR SCOTT(LTB)
 MR STEPHENS ✓
 MR INNES
 MR CHESTERTON
 MR PALMER
 MR JACKSON
 MR BELL

PRIME MINISTER

cc Ps/PWS(B) 7/x'
 1. Ps/Mr Bloomfield
 Mr Gilliland
 Mr Merfield
 - rather silly to've omitted you all! M 6/11

DOLOURS REA (NEE PRICE)

I have taken a little time to reflect on the request, conveyed in your Private Secretary's letter of 4 September, that we should reconsider the proposal agreed between Douglas Hurd and Leon Brittan. This was that Mrs Rea's licence condition should be changed to allow her to live in England, but that the licence should be amended to require her to notify her address and any subsequent changes of address.

2. The background was set out in the earlier correspondence, so far as we are aware the situation remains unchanged, ie Mrs Rea is still living in Maida Vale with her husband.

3. Having studied the history, I entirely understand your reluctance to agree that Mrs Rea should no longer be required to comply with the terms of the condition included in her licence at the time of her release in April 1981 and that she should not be allowed to live in England. But, having considered the matter very carefully, it seems to me that to insist on complicity with the condition - which in the last resort could be enforced only by revoking the licence and having her arrested and returned to prison in Northern Ireland - would create a number of grave difficulties.

4. I have in mind, in particular:-

- (i) the likely political repercussions in Northern Ireland. I have no doubt that recall to prison would provoke an immediate and adverse reaction among moderate Catholics in the Province and the leaders of the Catholic Church; the Government in the Irish Republic would almost certainly join in the criticism, possibly with serious consequences for what we had

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achieved or were trying to achieve from the current discussions;

- (ii) whatever might be said in England, most of the press and media comment on the other side of the Irish Sea would be unfavourable to the Government. The position would become worse if Mrs Rea were again to become ill in prison, whether the recurrence had been deliberately induced or not; and our senior medical advisers who know the history of the case believe that the risk of such a development is high;
- (iii) we would I fear be creating a new cause which could rekindle other prisons issues, with a whole range of undesirable consequences;
- (iv) while I accept that it would not be impossible for Mr and Mrs Rea to make their home in Northern Ireland, it would be difficult for an established actor to continue his profession there.

5. Our legal advice is that there is no means of enforcing the licence condition by legal means short of recall to prison - it could not - for example be done by arresting Mrs Rea, bringing her back to Northern Ireland and then releasing her. There is a further anxiety that recall in these particular circumstances might be challenged in the courts by means of an application for judicial review; while we would expect the recall to be upheld by our own courts, we think that there might well be a problem in terms of the European Convention on Human Rights. I know your views about those procedures, but I think we should recognise the dangers of the various court and ECHR procedures being used to provide a public platform for criticism of our actions on humanitarian grounds.

6. I must emphasise that I would regard none of this as conclusive if there were evidence or intelligence that Mrs Rea was reinvolved with terrorism or activities linked with terrorism. I would not hesitate to use my powers of recall at any time if the Home Secretary and I were satisfied that that course was justified in the interests of protecting the public.

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7. For the reasons I have indicated I am satisfied that any benefit resulting from enforcement of the existing licence condition would be totally outweighed by the resulting disadvantages to us. By allowing Mrs Rea to live quietly in London so long as there is no adverse information about her activities we avoid all the various adverse consequences; such a decision does not, I believe, constitute a risk to public safety. This being so, and in view of the time which has elapsed I would like now to proceed with the action which Douglas Hurd proposed shortly before he became Home Secretary, and which I have confirmed he still regards as appropriate: namely to alter the licence condition in the manner suggested and to have the change explained to Mrs Rea.

8. I am sending a copy of this minute to Douglas Hurd.

N Howard
Private Secretary
for T K

(Approved by the Secretary of State
and signed in his absence in
Northern Ireland)

5 November 1985

Pity it couldn't have been properly
proof-read; irritating the PM over
details is hardly the best way to
set about persuading her to change
her mind.

ssd

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Ms