

Dermot Nally Papers

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PROFILE: Sir Patrick Mayhew MP, attorney-in-question

IT IS not often that a senior member of the Cabinet, far less a former Attorney General, is called to deny before a public inquiry that he had, in effect, attempted to pervert the course of justice. But it happened this week, and it concerned an issue which could yet shake the Government to its foundations.

On Thursday — while the public was preoccupied with the Cabinet reshuffle — "Paddy" Mayhew, the 63-year-old Secretary of State for Northern Ireland since the general election, boomed his way successfully through a session of the Scott inquiry into the Government's ambiguous role in the export of defence-related equipment to Iraq.

The accusation against Sir Patrick had been made by an equally grand figure, Sir Hilary Duffa (Hal) Miller, an old Etonian, who stood down as Tory MP for Bromsgrove last year. In 1990 the two discussed charges — subsequently dropped by Customs and Excise — against two businessmen involved in the supergun affair.

Sir Hal claimed to have told the nation's senior law officer that he had documents which would let the accused off the hook by demonstrating that they had official authorisation for the sale of the suspect pipes to Saddam Hussein. (This would have been deeply embarrassing for the Government.) According to Sir Hal, the Attorney General then made an astonishing and improper suggestion. "He sought to dissuade me from producing the evidence in court."

Sir Patrick confirmed on Thursday that a conversation had indeed taken place. It had been "a perfunctory encounter in a crowded and noisy Commons lobby" while they were queuing to vote. Sir Patrick did not question Sir Hal's good faith. "I have known Sir Hal for many years and I am sure that it represents what is now his honest recollection." But, in one crucial respect, Sir Hal's honest recollection was "inconceivable" to Sir Patrick. "To try to persuade somebody not to produce evidence," he told the inquiry "... would have been so wholly wrongful, it would have been inconceivable to me, both as a private person and as a member of the Bar — let alone as its Leader, the Attorney-General. I have never done such a thing... I recall no such action."

And there, unsatisfactorily and in a uniquely British miasma, the matter rests — at least for the present. Gentle men simply do not try to suppress evidence. Neither do gentlemen lie, or accuse other gentlemen of so doing. And Sir Patrick Barnabas Burke Mayhew, MP for Tunbridge Wells since 1974, is a gentleman to his boots.

He is an affable, almost plummy, sort of cove — one of the last Tory grandees in government. His father was an oil executive, his mother from a respected Anglo-Irish family. He served as a subaltern in the 4th/7th Royal Dragoon Guards before going up to Balliol, where he read law. At Oxford he was president of the Conservative Association and of the Union. In 1963 he married Jean Elizabeth Gurney. They have four sons, two of whom are army officers.

In some quarters Mayhew has a reputation as a straightforward, bluff, loyal man of integrity, and there is certainly evidence to support this view. For example, in 1986, as Solicitor General, he came close to resignation after his confidential letter, warning Michael Heseltine of "material inaccuracies" in the way he was presenting the Westland case, was leaked by the government machine. He was not prepared to condone the improper release of confidential information merely because an investigation into the circumstances might have embarrassed the Government.

But critics say this straightforwardness can turn to arrogance and (contrary to the Westland example) an ultra-loyal determination to bluff through resulting



The grandee with the smoking gun

problems. They point to Mayhew's period as Attorney General between 1987 and 1992 when he refused to overrule a decision by the Director of Public Prosecutions not to prosecute 11 RUC officers alleged by John Stalker to have been involved in shoot-to-kill incidents against supposed IRA members in Armagh. He quoted the national interest, and stubbornly refused to elaborate.

He incurred further wrath when he sent faulty extradition papers to Dublin on several occasions, including the case of Father Patrick Ryan, wanted for alleged conspiracy and bombing. The Attorney General took the robust view that the odd factual error was neither here nor there; Dublin knew what the documents were meant to say and should jolly well have responded accordingly.

Mayhew's straightforwardness is, then, something of a pose. The Secretary of State for Northern Ireland has boasted of his ability to "do a Willie". The reference is to his friend, Lord Whitelaw, a consummate operator notorious for his skill in concealing calculated intentions behind a blustering exterior. Consider the Willie-ish circumstances under which Mayhew obtained his first government post in

1979. It was as deputy to Jim Prior at the Department of Employment. Mr Prior vetoed the prime minister's first choice for the job, Leon Brittan, on the grounds that Mr Brittan's enthusiasm for union reform had annoyed important people at the TUC and CBI.

Mrs Thatcher then imposed Mayhew on a reluctant Mr Prior with the immortal phrase: "I'm determined to have someone with backbone in your department." It transpired that the prime minister and Mr Prior had misread Mayhew, who turned out to be, by inclination, even more cautious about the unions than Mr Prior.

Five years later, when Mr Prior — by then Secretary of State for Northern Ireland — resigned, he did his best to persuade the prime minister to appoint Mayhew as his successor. Mrs Thatcher however, had second thoughts about Mayhew's firmness of spinal column.

Times change. After the general election of 1992, Sir Patrick told his old friend John Major that Northern Ireland was the only job he had ever wanted. Mr Major owed Sir Patrick a favour. In 1981 when Mayhew became Minister of State at the Home Office, he had made the new member for Hunting-

don, his parliamentary private secretary. It was Mr Major's first step on the governmental ladder.

Sir Patrick got his bed of nails. But what was his interest in a job that most politicians do their level best to avoid? The answer is that Mayhew is fascinated by Ireland and thinks he has an intuitive understanding of what he once called "the two nations" that inhabit it. He believes that he may just be able to bounce and bluff them into a lasting settlement.

Mayhew's maternal family, the Roches, were distinguished Protestants who settled in Cork seven centuries ago. Those with long memories (of whom there are a disproportionate number in Ireland) recalled an uncompromising attack on the nationalist cause, and on the Republic, delivered by Mayhew at the Oxford Union as an undergraduate, in the course of a debate with Sean Lemass, then Irish prime minister.

His appointment was therefore taken by some as a signal that the British government felt it was time to placate the Unionists by appointing somebody who apparently was almost one of them. But Sir Patrick's Anglo-Irishness is of a rather special sort. The Roches were historically sympathetic to the Republican cause and friendly with their Catholic neighbours. They survived the Troubles of the Twenties without being burnt out. And Mayhew himself spent much of his youth in the Republic.

He is convinced that he is uniquely placed to reconcile the two nations. But his self-confidence has caused concern since his appointment. The case against him is not that he is prejudiced. It is, first, that he is so assured that he can appear supercilious and patronising and, second, that he can delude himself.

Take a meeting last year at which he was pressed by his civil servants to recognise that the sense of angst and alienation among Protestants was real and growing steadily worse. "Nonsense!" boomed the 6ft 4in patrician. He had, he reminded them, "gorn walk-about" in east Belfast recently. There he had asked some 40 souls whether they felt any sense of alienation from the process of government. According to Mayhew, all but one had replied: "No, Sir Patrick."

Ion Paisley's Democratic Unionists did well in the recent local government elections, in part because candidates were able to exploit Unionist fears about the Secretary of State. At the same time Sir Patrick's relations with moderate Catholics have deteriorated.

The Northern Ireland Secretary has come, privately, to regard John Hume, leader of the SDLP, as an enemy while publicly expressing his respect for the man. Mr Hume advocates a constitutional settlement that would give entrenched powers to Dublin and Brussels as well as London. Sir Patrick wants power-sharing with minimal outside supervision. He has wrongly persuaded himself that Mr Hume is a dictatorial politician whose ideas represent neither moderate Catholic opinion nor the views of the Dublin government.

The Northern Ireland Secretary has, it seems, decided to deny the reality of the nationalist determination to involve the world outside Northern Ireland in any settlement, just as he denies Unionist anxieties. His high-risk strategy is to bluff and bounce the parties into the agreement he wants, while denying that he is doing any such thing.

There are similarities between the roles of Attorney General and Northern Ireland Secretary. The former has to reconcile an intensely political function as a member of the Cabinet with his responsibilities as an impartial law officer. The latter involves an attempt to reconcile so far irreconcilable communities. It is still unclear whether the Mayhew style is appropriate for either post.

A dark glimpse of the goatsucker