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The Honourable Dermott Gleeson SC  
Office of the Attorney General  
Government Buildings  
DUBLIN 2

20 September 1996

#### ALLIANCE PARTY REPRESENTATIONS

As requested during our telephone conversation this morning, I have now worked-up the Skeleton Judgment into a fuller text of what might become the Governments' Conclusions for delivery next week.

I have, as you suggested, adhered to the format of the Conclusions issued on 11 September in respect of the DUP case against the PUP/UDP. This sets a very useful precedent.

In addressing the Alliance Party's allegations, and the responses to this, I have adopted a minimalist approach and have not sought to paraphrase or amplify matters already covered in the documentation (which will be appended to the 'judgment') or in the Plenary Session of 18 September.

I have slightly reordered some of the material in the Skeleton Judgment in relation to the Drumcree allegations. I have, at your suggestion, dealt with the alleged breach of principle(a) before the allegation in relation principle (d). I have also, at your suggestion, deleted the sentence condemning the events at Drumcree - you felt that we might be better to avoid a debate about the 'lexicon' of condemnation.

Interestingly, the Alliance Party's written submission in relation to Drumcree is confined to an assertion that there was a breach of principle (a). It was only during the Plenary Session on 18 September that this was expanded to cover principle (d). I think we both tended to the view that the oral presentation of an allegation should be confined to the matters asserted in the 'pleadings' and that a party should not be allowed to use this device to introduce a new allegation. However, I have retained the material relating to the alleged breach of principle (d) in the interests of completeness given that it relates to the same factual circumstances as the allegation in respect of principle (a). I think this may be the safer course to adopt in the instant case.

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I have again sent a copy of the attached material to the Secretariat. However, we agreed that in the interests of expedition I should continue to work directly to you as well.

I hope that I have provided you with sufficient material to take this matter forward. Should, however, you require anything further at this stage, please do not hesitate to let me know.

[signed DAL]

D A LAVERY

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Hidden copy:

PS/Secretary of State (B&L)	B
PS/Michael Ancram (B&L)	B
PS/PUS (B&L)	B
PS/Sir David Fell	B
Mr Thomas (o/r)	B
Mr Leach (B&L)	B
Mr Watkins	B
Mr Bell	B
Mr Hill (B&L)	B
Mr Maccabe	B
Mr Stephens	B
Mr Whysall (B&L)	B
Mr Jagelman	

FOR ENCLOSURE PLEASE SEE MY NOTE TO PS/SECRETARY OF STATE OF  
TODAY'S DATE

Thank you for your minute of 19 September (which only reached me today) letting me have a copy of the skeleton "document" and report I have duly passed over to my Irish colleagues.

2. As I told you this morning, there is one further matter on which I need to speak to the Irish later in the day. This concerns the Irish request, as of last night, that we should send the PM a copy of Mr McCree's speech at the Portadown rally in support of Mr Wright. Mr Donoghue argued that if the PM's Government did not secure a full copy - and presumably refer to it in the "document" - then we risk being vulnerable to charges of, at best, slightedness comparable to that of Lord Alderdice; or, at worst, if it came to judicial review, that we had not taken into account all the evidence that was material. Mr Donoghue drew my attention to what Mr McCartney might make of this line of criticism on our part. Would the NIC please secure a copy of the speech in question.

3. I took note of Mr Donoghue's representations, and undertook to pass them on. On the other hand, and realising that I was not speaking on instructions, I set out my own preliminary view why it might not be desirable to follow the course Mr Donoghue had recommended. In particular, I explained that in what was,

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