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*Mr. Murphy**Pl. P.A.*BORDER SECURITY*Confidential**2/7**M2
20/9.**From Brief for**Anglo-Irish
Talk 13/9/73*BORDER VIOLENCE

The Border is some 270 miles long. It is not a straight frontier but twists and turns through a wholly rural area and patrolling of it creates many problems for the Garda Síochána and Army. Even though we have only limited manpower and resources, the Border is continually patrolled by the Garda Síochána and military. The strength of the Garda Síochána has been brought up to the highest figure since the establishment of the State and a sizeable part of the increased strength has been allocated to Border areas. Constant checks on and searches of persons, transport, houses and farms are carried out along the Border by the Gardai and Army patrols. Permanent check points are being operated in a number of areas. Many arrests have been made. Prominent members of the Provisional IRA from the North are now in custody here. In addition large quantities of firearms and explosives have been seized near Border areas. A statement 'A' showing details of seizures in Border areas is attached together with a statement 'B' giving details of the seizures that were made in other areas in the State. The security forces in the Six Counties with their vastly superior numbers and equipment find it an impossible task to police the Border on their side. It is common knowledge that in certain areas e.g. South Armagh and Clady (Co. Tyrone), there are very limited patrols only and these are mainly by the British Army.

Incidents with "cross border" connotations are mainly of two kinds, (a) firing across the Border from this side and (b) shootings, bombings etc. on the Northern side where the culprits escape across the Border. The British have tended to regard all incidents that have occurred in the North a few miles from the Border as having been perpetrated by persons operating from this side. This approach was never supported by any evidence and is obviously untenable. As regards alleged shooting incidents, explosions etc. on the Border reported to the Gardai by the R.U.C., in some cases the Garda investigations failed to confirm that there was any cross-Border involvement. In many instances their findings were that the activities were wholly within the North but this is not to say that the reports from the RUC were made other than in good faith.

It is accepted that there are many areas on this side of the Border where former residents of ^{the} North are now living in caravans, lodgings etc. While a proportion of them have been apprehended for unlawful activities here, the Gardai can do

nothing about those who have not been found committing offences. It is significant that the great majority of those convicted of scheduled offences and now in custody here are from the North.

Before 1969 we had scarcely any troops at the seven Border posts and Finner was only a summer training camp. To-day's total at the seven posts (excluding Gormanston) is 1,058 all ranks.

Border duties were recently taken over by two newly established battalions whose personnel will, it is hoped, be eventually permanently located at these seven posts and the proposed new post at Monaghan, thus obviating the expedient of short-term rotation from units all over the country.

TRAINING AND DRILLING

It has been repeatedly alleged that training camps with military type exercises and use of firearms etc. are being openly conducted in mountainy and remote areas in the Twenty Six Counties. The Gardaí say categorically that with the exception of a very few instances where they believe there was outdoor training by small numbers of unarmed IRA members there is no basis for this allegation. The fact is that the old-type training camp which used to be held in remote districts has long since been abandoned by the IRA. No doubt, IRA members do engage in training and drilling exercises but they do so in private houses and in small groups, the number seldom if ever exceeding six - the upper limit being set by the numbers of people who can conveniently be carried in one car-load (the movements of a single vehicle to or from a house do not draw attention). Allegations that training and drilling are going on on any scale in the open are just not true. If they were true, the Gardaí would certainly know about it and stop it. The fact that it is not happening is due to Garda surveillance.

FIREARMS AND AMMUNITION

Under this heading three important measures were taken: (a) the existing Firearms Acts were amended in 1971, (b) the fees for certain firearms were substantially increased and (c) all licensed military type weapons were called in.

The following are the details:

- (a) The main changes made by the Firearms Act, 1971, were
- (1) to increase substantially the penalties for the unlawful possession of firearms other than "sporting firearms" and some other firearms.
 - (2) to put beyond doubt that the offence of being in possession of a firearm or ammunition with intent to endanger life or cause serious injury to property may be committed even though the life or property concerned is outside the State.
- (b) In 1971 also the fees for registration as a firearms dealer were substantially increased (from a flat £1 a year) to £3 a year in the case of a dealer confined to dealing in ammunition and to £25 a year in the case of an unrestricted dealer.

Note: Since the change in fees over 200 dealers have gone out of business and of the 830 now registered 566 are registered only for the sale of sporting ammunition, i.e. they do not have stocks of guns/.

With effect from 1st August, 1972 (in order to encourage people to give up possession of their firearms) the annual excise duty on a firearm certificate in respect of (a) pistols and revolvers, (b) rifles and (c) airguns was increased from 50p, £1.50p and £1 respectively to £5

(c) A Ministerial Order was made on 2nd August, 1972 obliging every person residing in the State to hand over to the Gardaí pistols, revolvers and heavy calibre rifles (i.e. calibre above .22).

EXPLOSIVES

All explosives for civilian use are now stored in Army barracks or posts except in six locations (explosives factory and mines) where adequate military guard or full-time police protection is provided. The use of explosives is supervised by the Gardaí. Military escorts are provided during the transport of explosives to destinations in sensitive border areas and for incoming shipments between docks and storage locations. The military involvement in this regard makes heavy demands on military personnel and transport. The daily requirement is believed to be of the order of seventy personnel and five/six vehicles. The tight controls on gelignite forced subversive groups to use other explosive substances, such as ammonium nitrate and sodium chlorate. The large quantities of these substances needed to cause a sizable explosion led to the use of the car bombs. In August, 1972, the Government made an Order classifying Ammonium Nitrate and Sodium Chlorate as explosives and thus brought them under strict control. In September, 1972 the Government made a similar Order in respect of Nitro-Benzene. The effect of these Orders has been to take these substances off the market altogether. The stocks of Ammonium Nitrate and Sodium Chlorate that were in the State were impounded and taken into military custody. All of these stocks have been exported or destroyed and compensation paid to the owners.

It should be mentioned that the steps that have been taken to control explosive substances here have been successful in stopping any flow of explosives from the State into the North and this fact has been recognised and admitted privately by the RUC to the Garda authorities. Apart from the commitment of Garda and Army manpower to the supervision and protection of explosives it was appreciated/^{that} the action that has been taken would result in considerable inconvenience and additional expense to ordinary commercial users of explosive material. Moreover, there has been a fairly high cost to the Exchequer in compensation payments.

ESTABLISHMENT OF SPECIAL CRIMINAL COURT

The Special Criminal Court was established on 30th May, 1972. The Court consists in practice of 3 members of the judiciary, of whom the President is a High Court Judge. It sits without a jury but in all other respects operates in the same way and subject to the same rules of evidence and to the same rights of appeal as the "ordinary" courts.

Since the establishment of the Court until 31st August 1973 349 persons have been tried of whom 249 have been convicted and 100 acquitted. Table showing the pattern of sentences by the Court up to 31st July 1973 is attached.

SPECIAL CRIMINAL COURT

Offences	Number of persons convicted	Pattern of sentences
Firearms Offences	80	3 weeks to 5 years
Explosives Offences	39	4 months to 8 years
Armed robbery and robbery with aggravation	18	18 months to 10 years
Assault	18	6 months to 7 years
Incitement	10	2 weeks to 12 months
* (Membership of an unlawful organisation)	30	3 months to 12 months
(Possession of incriminating documents)	3	6 months
Conspiracy	6	2 years to 8 years
Larceny	11	3 years to 5 years
Obstructing a garda	2	P.O.A. Act applied and 3 months
Receiving stolen property	2	6 months to 2 years
Malicious damage	1	9 months
Official Secrets Act, 1963	8	3 months to 3 years
Escaping from Prison	1	2 months
Effecting a public mischief contrary to Common Law	1	6 weeks
False pretences	1	6 months
Making false, indecent, threatening etc. phone calls	1	1 month
False imprisonment	1	3 years
Prohibition of Forcible Entry and Occupation Act, 1971	8	9 months
Total up to 31st July, 1973	241 convicted 97 acquitted	

* Offences under s.21 and s.12 of the Offences against the State Act, 1979. The figure of membership (s.21) does not include 22 cases where there was a conviction under s.21 but there were concurrent sentences of longer duration imposed on other charges (in most cases firearms and/or explosives charges).

INCREASED GARDA STRENGTH

The total strength of the force has been increased by 1174 over the past 2 years.

Garda strength on 31/8/71 - 6640

Garda strength on 31/8/73 - 7814

The strength is now the highest since the foundation of the State. There are now 713 (288 extra) men on duty in Border stations.

Number of Arrests under s. 70 of the Offences
against the State Act, 1939, Firearms Acts,
Explosives Acts, etc.

1972

April	24
May	27
June	3
July	7
August	8
September	22
October	16
November	23
December	16

1973

January	17
February	5
March	11
April	16
May	23
June	5
July	27
August (not yet available)	

Return showing the numbers arrested and
charged with scheduled offences since
1st January, 1973.

	<u>Arrested</u>	<u>Charged</u>
January	17	12
February	5	5
March	11	11
April	16	16
May	23	21
June	5	5
July	27	18