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ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

15 June 1976

Dear Wally

With reference to your minute of 20 May concerning an interview which the Taoiseach has agreed to give to Mr. Mervyn Pauley of the Belfast Telegraph, I enclose briefing material as requested. *newsletters*

Yours sincerely

Hugh Swift

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No. 2: Security Measures

1. On 6 May 1976 President Ó Dálaigh signed the Criminal Law (Jurisdiction) Bill following the Supreme Court decision that it was in accordance with the Constitution. The measure came into force on 1 June 1976. This Act is the fruit of the work of the Anglo-Irish Law Enforcement Commission and continuous consultations between the British and Irish Governments. Similar reciprocal legislation has been passed at Westminster.

2. The Act makes criminal certain scheduled offences committed in Northern Ireland in the same way as if they were committed in the Republic. The scheduled offences are: murder, manslaughter, arson, kidnapping and false imprisonment, wounding with intent, causing explosions, possession, robbery or aggravated burglary, firearm offences and hi-jacking. Section 4 of the Act makes it a crime, chargeable in the Republic, for any person within the State or any Irish citizen elsewhere (including Britain) to conspire to cause an explosion. The Act also provides that evidence obtained by examination of witnesses in Northern Ireland will be admissible at trials in the Republic for offences committed in Northern Ireland, and vice versa. Such evidence may be taken in Northern Ireland on commission before High Court Judges, in the presence of judges of our Special Criminal Court.

3. It was provided at Sunningdale that the Irish Government would take steps to bring to trial within their jurisdiction, persons accused of murder, however motivated, committed in Northern Ireland. This was done through an adaptation of the Offences Against the Person Act, 1861, put into operation in December 1973. This exceptional legal provision has not yet been invoked - because there has been no evidence available against anyone resident in the Republic during the last two years. If such evidence existed, it would in the majority of cases, be available to the authorities in Northern Ireland and could be transmitted to the prosecuting authorities here; the fact that in no single instance has such evidence been supplied is presumably because the Northern Ireland authorities are not aware of any evidence involving residents of the Republic in such murders.

4. The Government has frequently been criticised for not allowing extradition procedures to operate here in respect of crimes committed in Northern Ireland or in Britain. It should be noted, however, as a significant statistic, that from the middle of 1971 up to 29 February 1976, only 49 requests have been received from the RUC for the extradition of "political" offenders.

5. From the end of May 1972, when the Special Criminal Court was set up, to 30 April 1976, a total of 978 persons were tried by the Court. 724 were convicted, the majority for firearms, explosives or armed robbery offences or for being members of an unlawful organisation. Notwithstanding the economic difficulties Ireland has been experiencing in common with so many other countries, the strengths of the Garda Síochána and the Army are at their highest peace-time levels ever. In addition, there has been a major increase in the strength and activity of the security forces in the border areas and there is close cooperation between the Garda and the RUC in countering terrorist activities. In 1975 over 5,500 military parties were supplied for checkpoint duties and the Army participated with the Gardaí in setting up over 10,000 joint Army/Garda checkpoints. More than 5,400 patrols were sent out into the road network along the border from the ten permanent military posts which are maintained in the border area. A permanent military presence is also maintained on five cross-border roads.

No. 4: Results of Taoiseach's Visit to United States

1. Available information is that U.S. fund-raising in the Northern Ireland context is carried out almost exclusively on behalf of the Provisional IRA. The main organisation involved is the Irish Northern Aid Committee (NORAIID). While it is regularly contended that funds are being raised for relief of distress in Northern Ireland, NORAIID spokesmen are on record as supporting the Provisional IRA, their policies and their use of violence to achieve their aims. According to returns required by the U.S. Department of Justice, a total of \$1,173,086 has been remitted by NORAIID to Ireland since 1971. The returns show a continued decrease in remittances since 1972, markedly so during 1975. While there is no way of checking the accuracy of the returns, available information tends to confirm a continued decline in NORAIID's fortunes.

2. Much of the Government's recent effort in regard to fund-raising in the U.S. has been directed towards countering NORAIID and, in pursuit of this objective, has been designed to clarify for the American public - and Irish-Americans in particular - the realities of the Northern Ireland situation and the implications of contributing directly or indirectly to the violence there, through organisations such as NORAIID. Activities in this regard include Ministerial visits to the U.S., continuing contact with the Irish-American community through our diplomatic representation in the U.S. and briefing of media representatives in the U.S. or while on visits to Ireland or through their London offices. Practical assistance is also given to selected Irish organisations and publicists visiting the U.S. in cases where their activities might usefully complement those being carried out by our offices.

3. In March 1975, the Department of Defence estimated that up to 7,000 weapons of various sorts and over one million rounds of ammunition were smuggled into Northern Ireland since 1969. Direct smuggling from the U.S., Canada and the Continent might account for one third, with the remainder arriving there through smuggling routes being operated through the United Kingdom and the Republic. In the House of Commons on 18 February 1976, Mr. Callaghan, then British Foreign Secretary, stated that the U.S. was the source of 85% of all the arms being used by the Provisional IRA. The U.S. authorities

have been reported on a number of occasions as regarding such an estimate as far too high. A report in the Baltimore Sun of 23 January 1976 quotes a U.S. Treasury Department official as estimating that weapons from the U.S. constituted no more than 25% of Provisional IRA weaponry. While NORAIID's main activities are fund-raising and propaganda, and no hard evidence is available regarding that organisation directly in gun-running, a number of NORAIID members have been charged with gun-running offences in the U.S. The U.S. authorities have conducted thirteen major investigations into IRA gun-running and several prosecutions have been secured.

4. In the course of his visit to the United States, 16-22 March 1976, the Taoiseach addressed a joint meeting of the House of Representatives and the Senate on 17 March and reiterated Government policy in relation to Northern Ireland. Following their discussions on 18 March, the Taoiseach and President Ford issued a joint communiqué which included the following statement on the Northern Ireland situation:

"The President and the Prime Minister noted with regret the continued violence arising from the Northern Ireland situation. They deplored all support for organisations involved directly or indirectly in campaigns of violence and reiterated in particular their determination to continue and to intensify their co-operation in the prosecution of illegal activities. They appealed to the American and Irish people to refrain from supporting with financial or other aid this violence."

5. Through increasing awareness of the true nature of the problem in Northern Ireland, and of the essential need to promote good relations and trust between all sections of the community there, the Government are taking all measures open to them to ensure that people do not contribute - thoughtlessly or otherwise - to further death, injury or destruction on this island.

No. 5: Relations with British Government re Northern Ireland

1. The Irish and British Governments have repeatedly affirmed their identity of interest, with that of the people of Northern Ireland, in ending violence and restoring peace and stability. Both Governments are agreed that an acceptable form of government there can be established only through both sections of the community agreeing on a system of government providing for partnership and participation. The two Governments also agree that they would support in every possible way institutions of government agreed on this basis and that, pending such agreement, a period of direct rule and constitutional stability is necessary. In the field of North/South co-operation on security matters, both Governments have expressed satisfaction at the excellent results that have been achieved.

2. In an agreed communiqué issued following their meeting on 5 March 1976, the Taoiseach and then British Prime Minister, Mr. Wilson, agreed that a solution to the problems of Northern Ireland could be found only through elected representatives and political parties and not through negotiations with para-military organisations. The Northern Ireland Secretary of State, Mr. Rees, maintains the distinction that the contacts between his officials and representatives of the Provisional IRA and other para-military organisations are talks and not negotiations. Talks with the Provisionals take place relatively seldom, Mr. Rees says, but he maintains that they will happen again should this be considered necessary. In the course of a meeting on 28 May both the Minister for Foreign Affairs and the Minister for Justice pressed Mr. Rees strongly to break off the talks, which were the only thing which gave the IRA any credibility. To break off the talks would encourage the politicians. Should talks again become necessary they could be begun again, but at present their effect is to delay a peaceful settlement. In the face of these arguments the only concession which Mr. Rees made was to promise to consider the arguments carefully.

No. 6: Contacts with the Loyalist Community

1. Up to July 1974 contacts with political representatives on the loyalist side in Northern Ireland were limited to some secret contacts with Mr. Brian Faulkner's party prior to the Sunningdale Agreement and an expanded public contact with Faulkner Unionists during the time of the Northern Ireland power-sharing Executive. Since July 1974 a wider range of contacts in Northern Ireland on the unionist side has been established. These contacts have been built up and maintained by an official of the Department of Foreign Affairs who regularly talks to politicians representative of all parties on the loyalist side except Dr. Paisley's Democratic Unionist Party. In addition a wide range of contacts amongst Protestant clergymen is maintained. Contact was also established with leading members of such Protestant para-military groups as the UDA, the UVF and the Red Hand Commandos. But since July 1975 no contact of any kind with these para-military groups has taken place.

2. The basis of these contacts have all been confidential and it has never been the practice to identify individually any of the people with whom contact has been established. In reply to press queries in this matter we always have refused to divulge the names of the contacts and have replied on the lines that we maintain a wide range of contacts with all representative opinion in Northern Ireland and have refused to elaborate further. It is important that in replying to Mervyn Pauley the Taoiseach maintains this line as any information on the nature and scope of our contacts to a journalist would undoubtedly prejudice the good on-going relationship that has been built up with the unionist community. It is obviously even more important that the Taoiseach should not indicate that there ever have been contacts with para-militaries on the Protestant side in Northern Ireland as if this were to become public it could be extremely damaging. In reply to a direct query such as "Do you have contacts with X? (e.g. Paisley)", the line of reply should be to repeat that we have a wide range of contacts and are not prepared to answer any questions involving the identity of any individual or group as to identify one could by a process of elimination lead to the identity of all.

3. By and large the contacts with the unionist community is found to be valuable on both sides and provided it can continue to be kept at a

fairly private level there seems no reason to doubt that the unionists will wish to maintain this contact and find it just as useful as we do. One or two people have been critical of the fact that politicians in the North are talking to people from the South and Ernest Baird in particular spoke about "agents" from the South running around Northern Ireland. However, following a conversation with Deputy Paddy Harte, Baird now appears to have accepted that this contact is a non-malign one and has in fact subsequently met the officer from the Department of Foreign Affairs who is responsible for these contacts.

4. The Taoiseach should be aware of the following item which appeared in the United Irishman for April 1976 but which has not so far been picked up by any other newspaper either North or South:-

"Who was the Government Department of Finance official who booked into the Russell Court Hotel, Lisburn Road, Belfast, on Tuesday, 22nd July 1975, under what appears to have been the alias of John McColgan? Why was the staff instructed that under no circumstances were they to enter his room? Why did this 'civil servant' spend two days in secret discussions with John McKeague, former head of the Red Hand Commandos and currently PRO for the Ulster Army Council? Who paid for the private bar and the dinner for two in the plush Connaught room?"

The answers to these questions may be in the story circulating in Belfast that the Dublin Government is taking a leaf out of the Merlyn Rees book on how to handle the Provisionals, are subsidising the UDA (and others?) to the tune of £12,000 to develop the welfare end of their organisation."

This somewhat inaccurate report undoubtedly refers to a meeting which an officer of the Department of Foreign Affairs had with Mr. McKeague in the Russell Court Hotel on 22 July 1975. As stated above this was the last such meeting this official had with any para-militaries in Northern Ireland.

5. In explaining the value which the contacts have for the Government, the Taoiseach may wish to emphasise that when these contacts with the unionists were established they were established on the basis that unionists in the North of Ireland frequently complained that statements from Dublin were insensitive and offensive and did not take account of unionist feeling in Northern Ireland. The unionists now accept that it is useful to talk to Dublin so that statements made from there do not have an inflammatory or prejudicial effect on events in Northern

Ireland. We on our part have found the contacts valuable because they have enabled us to indicate to the unionists what the reality of Government policy is down here and when this policy has been explained it has been widely accepted in unionist circles. We would hope that such contacts will continue and the fact that somebody like Mr. Craig who a few years ago was making speeches about "shoot to kill" now finds it possible to come and talk to politicians in Dublin is an indication that there is a much greater appreciation on both sides of the difficulties of the Northern Ireland situation and a realisation that contact between politicians North and South may help in providing an answer to the problem.

No. 7: Evolution of North/South Situation

1. The Government has always taken a positive and conciliatory approach to the problems of Northern Ireland. It has recognised the factual constitutional position of Northern Ireland and that its status as part of the United Kingdom can only be changed by a decision of a majority of the people of Northern Ireland. Nevertheless, it must be recognised that the aspiration for a united Ireland remains unchanged amongst all political parties in the South and for the minority in Northern Ireland. However, it should be stressed that the minority do not see this as an immediate solution or aim of policy in view of the possible consequences to them of an attempt to achieve it in the short run. This is also largely true of opinion in the Republic which remains very close to the minority in Northern Ireland and for whom the sympathy of the people in the Republic is quite intense.

2. If a united Ireland is to come about it seems impossible to see it happening without firstly an accommodation on agreed institutions between the two traditions in the North of Ireland. In the course of time such an agreement could eventually lead to the majority community in Northern Ireland seeking some sort of tentative union with the South. This will clearly take a long time and it is not something which one can either rush or force. Like all real growth it must be natural and spontaneous. That it may happen is not to be excluded but that it will happen quickly seems most unlikely. However one of the by-products of the violence of the last six years has been the weakening of the sense of identification of many Protestants with Great Britain and the recognition that their future may well lie in the corner of this island in which they live. Recent events have been useful in that they have caused Protestant leaders to realise that the British will not restore their previous dominance over the Catholics. The same events may make the IRA realise that the British will not be forced into leaving the area and that to get a united Ireland they will eventually have to persuade the Protestant community, rather than the British Government, to accept it. In the meantime the primary concern of the Irish Government has to be the security of lives in Northern Ireland above all those of the Catholic minority. This is necessarily the major determinant of Irish Government policy and all other considerations have to take second place in the short run.

3. For this reason the prime area of evolution in North/South development in the immediate future must continue to be in the field of security co-operation. In order to enhance this co-operation we have in recent years increased the strength of our Army and our police force. The effectiveness of our police force can be gauged by the number of persons caught and imprisoned for offences connected with violence. From the end of May 1972 to 31st March 1976, 974 persons were tried by the Special Criminal Court: 720 were convicted, over half of whom were convicted for firearms or explosives offences, armed robbery or for being members of unlawful organisations. Other actions taken by the Government against violence include the imposition of strict controls on explosive substances and the possession of firearms.

4. That the Government's contribution to North/South co-operation has been extremely satisfactory in this area has been fully acknowledged by the British Government. At the meeting which took place between the Taoiseach and the former British Prime Minister on 5th March 1976 both leaders expressed satisfaction at the excellent results which have been achieved. In addition, as recently as 17th May in the House of Commons, when speaking about the murder of 13 people including four members of the RUC during the weekend of 15/16 May 1976, the Minister for State at the Northern Ireland Office said:

"Co-operation this last weekend with security forces in the South has been particularly good. It has been very close in regard to searches for explosives. In addition the security forces in the South are willing to co-operate to the maximum in ensuring that people who perpetrated the Belcoo attack are brought to justice."

5. In other areas there is obviously great need for co-operation between North and South. It is a fact that Northern Ireland is part of the geographical entity of Ireland; that it shares with the Republic common problems such as the under-development of western areas and that, in the context of membership of the European Communities, Northern Ireland and the Republic have certain common difficulties and opportunities which differ in some respect from those which will face Great Britain. The recently commissioned EEC cross-border study on communications in the North-West was a welcome development and a further study on a joint fisheries project will be

announced shortly. This type of co-operation is to be encouraged and can only help both parts of the country.

6. The Government accept that following the collapse of the power-sharing Executive in May 1974 a formalised Council of Ireland is not the way to achieve greater co-operation between North and South. Nevertheless, there does remain an Irish dimension to the problem and we would hope that there can be friendly relations between both parts of the country. There seems to be in recent months, from unionist spokesmen, given the handling of the Herrema kidnapping case and the Stagg funeral and the coming into force of the Criminal Law Jurisdiction Act, a greater understanding of our position. In fact some prominent loyalist spokesmen have gone so far as to compare favourably our achievements in the security field with the achievements of the British security forces on the other side of the border. The policy of the Government is to co-operate in as many areas as possible with public institutions in Northern Ireland. However, until there is a restored parliament in Northern Ireland progress in this field must necessarily remain somewhat piecemeal. It is the view of the Government that the working out of the Irish dimension as such is something to be achieved by the Government in Dublin with whatever new agreed institutions of devolved government are eventually established in Northern Ireland.

7. The Taoiseach may wish to draw Mr. Pauley's attention to the speech which he made in Dalkey on 20th February 1976 where he said:

"Any agreed institutions which have the full support of the political representatives of both main communities in Northern Ireland will have our support also. We are fully prepared to recognise the validity of such institutions arrived at by agreement. We would in fact consider it a duty and a privilege to find common cause within the administration in Northern Ireland in which both parts of the community share and to which both give their full allegiance."
