



# An Chartlann Náisiúnta National Archives

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TO HQ FROM BELFAST  
23 MARCH 1988

IMMEDIATE  
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FOR A/SEC GALLAGHER FROM O HUIGINN

*Mr B by Anthony*  
*20/3/88*  
*28/3*

CODED MESSAGE	
IMMEDIATE URGENT	
CONFIDENTIAL	
DATE 23/3	TIME 1735
INITIALS PS	

*cc PS4*  
*Mr Ke Sweeney*  
*Mr Walsh: R28*  
*Mr Matthews / Mr P...*  
*Connell H1.*

I SPOKE THIS AFTERNOON TO MR. TONY STEPHENS OF THE NIO. FOLLOWING WERE AMONG THE POINTS WHICH AROSE:

(A) RTE TAPES: MR. STEPHENS SAID THAT AFTER INTENSIVE CONSULTATIONS AND HAVING CONSIDERED VARIOUS LEGAL OPTIONS (PACE ACT, PTA) TO COMPEL ITN AND BBC TO HAND OVER TAPES IT WAS NOW ENVISAGED THAT POLICE WOULD VISIT BOTH STATIONS AND FORMALLY WARN THEM THAT THEY WOULD BE LEGALLY COMPELLED TO MEET THE POLICE REQUEST UNDER THE CRIMINAL LAW ACT 1967. THE TWO TELEVISION BODIES AGREED THAT THEY WOULD CHOOSE TO VIEW THIS AS AMOUNTING TO LEGAL COMPULSION AND WOULD COMPLY, THUS PROTECTING THEIR PRINCIPLE THAT THEY WERE HANDING OVER TAPES ONLY IF THEY WERE LEGALLY COMPELLED TO DO SO. THIS LEFT RTE. MR. KING HAD SPOKEN TO THE TANAISTE ABOUT THIS. THE HOPE WAS THAT RTE WOULD CHOOSE TO COMPLY VOLUNTARILY. THEY HAD NO WISH TO TURN THE FOCUS ON RTE, STILL LESS TO HAVE POLICE CONFISCATE MATERIAL FROM RTE OFFICE, (IF MATERIAL WAS STILL HERE). ANY ACTION WOULD BE DEFERRED UNTIL AFTER THE TWO BRITISH STATIONS HAD HANDED OVER THEIR MATERIAL. IT WAS POSSIBLE THAT MR. KING WOULD WISH TO DISCUSS THE MATTER WITH THE TANAISTE ON FRIDAY. I SAID THAT I HAD NO IDEA OF WHAT RTE'S ATTITUDE MIGHT BE AND WE WOULD NOT WISH TO SEE THE ISSUE AS AN IRISH-BRITISH MATTER. NO DOUBT IRISH MINISTERS WOULD WISH THAT RTE SHOULD CO-OPERATE BUT I THOUGHT IT UNLIKELY THAT THERE WOULD BE LEGAL INSTRUMENTS AVAILABLE TO FORCE RTE TO HAND OVER MATERIAL TO ANOTHER JURISDICTION IF RTE

REFUSE TO DO SO.

POLICE STATEMENT ON FUNERALS: MR. STEPHENS, IN RESPONSE TO MY QUERY, SAID THAT 'ROPEY DRAFTING' HAD GIVEN THE IMPRESSION THAT THE REVIEW HAD BEEN COMPLETED. THIS WAS NOT HIS INTERPRETATION AND HE WOULD CONFIRM THIS WITH THE CHIEF CONSTABLE LATER TODAY. I STRESSED THE IMPORTANCE OF NOT OVER-REACTING TO SATURDAY'S EVENTS IN A WAY THAT WOULD PROVOKE TENSIONS AND CONFRONTATION AT ANY FUTURE FUNERAL AND SAID THE TANAISTE WOULD NO DOUBT BE PUTTING THIS POINT TO MR. KING.