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Title: Report of a meeting between Donal O'Sullivan, Ambassador of Ireland to Great Britain, and E Gallagher, Department of External Affairs, on the Irish side, and Stewart Crawford, Kelvin White and other officials from the Foreign and Commonwealth Office and other ministries on the British side, to discuss the Northern Ireland situation.

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SECRETMeeting in London on 5th October, 1970Present

Irish side -

His Excellency Donal O'Sullivan,
Ambassador
Mr. E. Gallagher, Department of
External Affairs

British side -

Sir Stewart Crawford, R&CO
Mr. Kelvin White "
Mr. Thorpe "
Mr. R. Burroughs, UK representative
 in Northern Ireland
Mr. P. Woodfield, Home Office
Mr. R. North "
Mr. Langdon "

INTRODUCTION

The Ambassador had intimated the subjects we wished to cover in advance of this meeting and had indicated that we were prepared, on our side, to have a lengthy meeting. The meeting began at 11.15 a.m., adjourned for lunch at 12.45 p.m. and resumed again from 3 p.m. - 4.05 p.m. Sir Stewart Crawford was in the chair before lunch; the chair was taken by Mr. Burroughs after lunch as Sir Stewart was unable to be present. Most of the points were taken on the British side by Mr. Burroughs.

The Ambassador expressed pleasure at the presence for the first time of Sir Stewart Crawford at these meetings. We had had friendly exchanges in a cooperative spirit with his predecessor and the Ambassador's aim was to work with Sir Stewart in the same way. Sir Stewart said that he knew about the useful work done at the previous meetings and looked forward to continuing in the same manner.

GENERAL

The Ambassador then made a general statement in the following terms:

These meetings and meetings at other levels have been arranged for mutual benefit. It would seem to me to be a tacit understanding that it is in the interest of both parties that the situation in the North must be calmed down. Both our Governments have gone on record with this in mind on many occasions and I think we would both agree that contact arranged, through us, between our political people has enabled them to say the necessary things at the appropriate times.

I think it is also fair to say that both parties agree that it is fundamental to calming the situation that the system and practice of Government in the North requires major reforms. Certainly, in their statements, British spokesmen have not wavered from the principle enunciated in the Downing Street Declaration last year. On our side, the Taoiseach has felt it necessary to say from time to time (most recently in Dáil Éireann on 30th July) that reform in the North is a sine qua non of peace in the North. No doubt we might disagree in relation to the exact nature of reform measures but I think I can take

it that there is no doubt in anyone's mind at this table that far-reaching reforms are necessary.

More than a year has passed since the Downing Street Declaration and some vital reforms are still awaited. In this respect I think it fair to say that further delays should be avoided to the greatest extent humanly possible. We have noticed a recent remark by Mr. Faulkner that Stormont Civil Servants have been working through the summer on local government reform. We welcome this statement. We also welcomed the assurance given to us at our meeting on 26th June that you expected reform of housing and local government to be legislated before the end of the present Stormont session i.e. before the end of this year. In our opinion there has been considerable slippage already in the pace of reform and any further delays would, in our opinion, increase the problem of satisfying people that the Downing Street Declaration is meant to be taken seriously.

There have been "happenings", however, in the past few weeks which give us cause for concern. In this respect no doubt we also agree that right-wing Unionism has no intention whatever of reforming the North or conforming to any British standards that might affect their domination of the area. When we see people regarded as being in sympathy with the right-wing coming into situations of greater influence we have reason to be concerned. I would like to mention specific cases

- (i) the semi-promotion of Mr. John Taylor; Mr. Porter was trusted by the Opposition; Mr. Taylor is not;
- (ii) the return of Sir Arthur Young to London; Mr. Shillington is regarded as an honest police officer but has nowhere near the stature of Sir Arthur Young. I shall be saying something about the RUC later.
- (iii) I need hardly mention the "curfew" on the Lower Falls Road which in our opinion was unjustified by anything that happened in that neighbourhood since the previous August. At the risk of being repetitive on this matter I would again point out that the version of what happened around St. Matthew's Catholic Church on the previous weekend which appeared in the press at the time is, according to our investigations, completely untrue and bears full investigation;
- (iv) the apparently half hearted implementation of the ban on Orange and Black Preceptory parades. In some cases what were obviously parades were taken by the police to be non-parades. In another striking case Mr. Paisley walked through a line of police officers apparently by pre-arrangement.

These various items have encouraged the right-wing to continue their pressure against reform. This, in our opinion, is dangerously close to appeasement. While each separate case can be explained away the general trend does not seem to us good.

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There is now a great deal of speculation on the possible resignation of Major Chichester-Clark as Prime Minister in the near future. We would say most solemnly to you that his replacement or the naming to key Ministries of people to the Right of Major Chichester-Clark could be extremely critical.

The right-wing feeds on success; if Major Chichester-Clark is brought down this will be seen as a victory for the right-wing following months of brutal political pressure. In our opinion there must be counteraction to this pressure and if it is true that Major Chichester-Clark's replacement is imminent we suggest the following main areas of counteraction:

- (i) you should take in hands yourselves the drafting of a Bill on the Central Housing Authority; I shall have more to say on this later;
- (ii) you should also take in hand yourselves the drafting of a Bill on Local Government reform, on which I shall also have more to say later;
- (iii) you should create a system of public prosecutors in the North.

I shall explain in greater detail during our meeting our reasons for these suggestions but before doing so perhaps you would like to say how you see the present situation.

Mr. Burroughs replied to this opening statement in the following terms:

He felt more optimistic because of some events in the previous fortnight which indicated a rallying of moderate support for Major Chichester-Clark. Up to now the West Ulster Unionist Council were better organised and knew exactly what they wanted but there were indications that they were not achieving their objectives e.g. they have been unable to secure a majority in advance of the Unionist Council; probably they have no more than one-third of the total membership and some signatories are now believed to be taking their names off the list. The Standing Committee meeting on the previous Friday (2nd October) had gone off better than hoped. The expected offensive against reform had not materialised and the debate appeared to have been fairly rational. Furthermore apprehension about the possibility of Major Chichester-Clark's resignation could be allayed. His medical condition is not serious even though there might be another minor operation and he is expected back in office very soon. Major Chichester-Clark had been firm about his determination not to yield to the right-wing and there is no current question of his resigning at all. HMG shared the view that Chichester-Clark is the only possible Prime Minister in current circumstances and he has the full support of HMG. This had been underlined in the statement made by Mr. Maudling on 10th August which could be taken as a milestone in the history of the whole Northern Ireland set up. The warning was being taken seriously. In addition there was a surprising but cheering minority faith in Chichester-Clark.

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So far as John Taylor's position is concerned his current job as Minister of State at the Home Affairs Ministry is merely a house-keeping job. Security matters are kept in the hands of the Prime Minister in his capacity as Minister for Home Affairs. Taylor's influence is not great in the joint security council - in fact he doesn't speak unless spoken to.

We should realise that Mr. Shillington is not a bogey. He is a decent and honourable man. When his appointment was being considered he was interviewed by the Police Authority and gave an unequivocal commitment to Sir Arthur Young's programme for reform of the RUC. If he made a public statement to this effect he would become a political football and, in fact, his instructions are to make no public statement except on the instructions of the Government.

The Falls Road "curfew" had led to an unfortunate breakdown in the attitude of the minority to the British Army. Mr. Burroughs was happy to say that this is now mending to some extent partly because of the Shankill Road troubles but partly also because the local commander in the area is well regarded. Burroughs deplored the booklet "Law(?) and Orders" as do senior people in the Central Citizens Defence Committee (we are aware independently that there is some truth in this). He said that there is a continuing contest between moderates and others on the Defence Committee (we are also aware independently of this). So far as army "toughness" during the curfew is concerned we should remember that soldiers had been injured by gunfire, grenades had been used, a very ugly situation existed and soldiers have a habit of reacting aggressively when their lives are in danger.

The ban on parades had been a very courageous decision on the part of the Stormont Government. There were marginal cases which Mr. Burroughs had investigated and he would maintain that there is a thin line between a parade and a non-parade on which reasonable people might differ. Mr. Burroughs had not investigated the case referred to by the Ambassador in relation to Dr. Paisley.

In regard to the Housing Executive Bill Mr. Burroughs said that the interaction of articles 1, 2 and 3 was less than satisfactory in his view.

Local Government reform was not part of the reform package. It was the concluding stages of something begun by Mr. Craig. The Macrory Report will be debated at Stormont and one must realise that there will be a very tough fight on this issue as it impinges on political control in country areas and those affected would contest the matter tooth and nail.

Mr. North took up the point about public prosecutors and said that a working party is considering this. They may find some procedure between the system in England of a director of prosecutions and that in Scotland of procurator-fiscal. He added that he did not think that the British side had said at our meeting on 26th June that the reform of local government would be legislated by the end of this year. Central Housing only was in mind at that point of the conversation.

Commenting on the suggestion that housing and local government reform should be drafted by London Mr. Woodfield said that he detected an inconsistency i.e. we agreed that Chichester-Clark's Government is the best one available in the North but at the same time were not prepared to give him much confidence. The Irish side replied that there was no essential inconsistency as confidence in Major Chichester-Clark depended entirely on genuine reform. One did not go without the other.

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CENTRAL HOUSING AUTHORITY

The Ambassador opened the detailed discussion with the following statement in regard to the Central Housing Authority:

In a communique issued following discussions between the Home Secretary and the Stormont Government on 9th and 10th October last year it was decided to create "a single-purpose, efficient and streamlined Central Housing Authority".

The Housing Executive Bill was given a first reading at Stormont on 2nd July last. I would draw your attention to the title. First of all the word "central" has been omitted and secondly the word "executive" replaces the word "authority". These are significant factors particularly as an examination of the Bill shows that, by no stretch of the imagination, could it be regarded as a Bill creating a Central Housing Authority.

I would draw attention to another important factor. So far as we know no explanatory memorandum was circulated at the time of the first reading of this Bill. Possibly it is not the practice of Stormont to issue explanatory memoranda but the absence of an explanation of this Bill in a form which might help in its interpretation is not helpful.

As for the Bill itself I would mention the following:

- (i) the Executive is given hardly any power of initiative. So far as we can see the only function that it can carry out on its own authority is the regular examination of housing conditions and requirements (Art.3(1));
- (ii) virtually anything important the Executive may do is controlled by the Ministry of Development;
- (iii) at the same time the Ministry may by order, made subject to affirmative resolution, extend or vary the functions of the Executive under the Act (Art.3(6)). This is a very curious sub-clause to an article as it applies to the whole Act and not only to the article;
- (iv) I would draw attention also to Article 15 under which the Ministry may give directions of a general or specific nature to the Executive - this enables an official of the Ministry to direct the Executive even in specific matters and shows how little independence the Executive has.

We mention these matters merely to show that the Executive has no resemblance at all to an Authority. More generally, however, the whole tenor of the Bill leaves every possible option open to the Ministry. For example housing functions, in whole or in part, may be transferred from one local authority to another or to the existing Housing Trust. At some other time the functions of the Trust may be transferred to the Executive. But the conditions in which decisions of this kind might be made are not specified and the Ministry may decide not to do anything.

The Bill contains a Housing Council which has consultative and advisory powers but it also appears to have supervisory powers (Art.2(4)).

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Given that the Executive is placed in this position vis-a-vis the Council and at the same time has no powers of initiative itself the result could be, at best, a kind of Housing Trust but without even the independence of the present Housing Trust. Naturally it had crossed our minds as to whether this Bill could be amended so as to comply with the promise made to create "a single-purpose, efficient and streamlined Central Housing Authority". Our conclusion, following careful examination, is that it is not possible sufficiently to amend this Bill. We consider that it needs to be scrapped altogether.

It is not in Britain's interest that this kind of thing should be done to a pledge made a year ago. Britain's prestige is involved in this and it must be very clear indeed that Britain's prestige cannot be left in the hands of the sort of people who are capable of attempting this kind of sham. This is the reason for my earlier statement that such vital reforms should be drafted by yourselves. I am afraid that our view is that there is not sufficient goodwill emerging from important elements of the Stormont administration which would enable them to do other than fight a rear-guard action line by line against genuine reform and if it is considered that initiative of some sort in such matters may safely be left to Stormont then I suggest that you reconsider any such idea very deeply and very seriously.

Mr. Burroughs replied with the questions - where exactly do your misgivings lie? Do you think that enough houses will not be built or that they will not be allocated properly? The Ambassador asked Mr. Gallagher to go into some detail on this subject.

Mr. Gallagher pointed out that our main misgiving lies in the concept behind the Bill which apparently is designed to tidy up existing institutions rather than to cut clear across the whole housing problem and set up what was promised i.e. a Central Housing Authority with power to get on both with the job of building and seeing to it that discrimination was not exercised. What had resulted was a housing executive surrounded by a housing advisory council, the Ministry of Development and local authorities. The Executive appeared to have no room to manoeuvre and given the kind of pressures which existed in the North it was difficult to see from the Bill that the Executive could ever be effective subject as it would be to controls on its activities from three different sources. Even in the matter of drafting there were peculiarities in the Bill particularly that at Clause 3(6) which gave the Ministry the power, by affirmative order, to vary the powers of the Executive under the whole Act. It was strange to find such a power hidden away in a sub-article. Furthermore the power to give specific direction to the Executive under Article 15 would leave the Executive with very little illusions about its independence. Perhaps in a normal community an Executive of this kind could do useful work but given the history of the Northern community the lack of any real powers of initiative on the part of the Executive gave cause for concern and in any event made it quite clear that it was not a Central Housing Authority.

It became clear that the British side were somewhat taken aback by these criticisms and the Irish side received the impression that the implications of Articles 3(6) and 15 may have passed un-noticed up to this stage. Nevertheless it was also clear that the British side are not happy about this Bill. In response to a remark by Mr. Gallagher that our experts were preparing a brief on the Bill the British side asked if they could have a copy of it and this was promised to them.

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LOCAL GOVERNMENT REFORM

The Ambassador then made the following statement on local government reform:

Nothing has appeared as yet on this beyond statements by Mr. Faulkner which seemed to be designed to placate everybody. It is significant however that Mr. Faulkner said just a few days ago that no Bill is to be presented apparently to Stormont until a debate has taken place presumably on the Macrory Report. Here again we see a slippage.

Let us be blunt about this procedure. If the Unionist Party had its say there would never have been review bodies, commissions, authorities or anything of the sort. These things have been imposed on the situation by London for the simple reason that the Unionist Party's behaviour in all branches of Government administration had resulted in a community breakdown in the North of critical proportions. Last year the British Government was required by events to intervene forcefully in the situation and, of course, is still involved, visibly through soldiers in the streets and politically through the pressures being brought to bear on Stormont to recognise that this is 1970 and that in the United Kingdom their behaviour is utterly unacceptable.

It is not surely the intention that Stormont should significantly depart from the recommendations made by such bodies as the Review Body on local government. When the Home Secretary agreed to the creation of the Review Body last October I am quite sure that he did not have it in mind that when it had reported months would be spent in every back room of the North tearing the report to pieces. Nor could he have envisaged the possibility that the Stormont Government would take bits and pieces of the Review Body's Report and string them together to suit itself.

I might add that Mr. Heath in the debate on the Queen's speech of 2nd July last said, among other things, that "Northern Ireland Government are pledged to the objective of securing peace and harmony in the province from the basis of justice, equality and freedom from discrimination for all citizens". He added "there can be no doing back and there must be no slowing up. Much has already been achieved by the Government of Northern Ireland. Its completion is urgent".

If Stormont proceeds to debate Macrory rather than a Bill designed to implement Macrory there will be further delay and a further weakening of the drive to reform. If Mr. Faulkner produces a Bill on local government reform which is as distant from the real needs of the situation as is his housing executive bill, we would point out that Britain's promises are being subverted by catering to right-wing Unionists.

Let me be crystal clear about this if I have not been clear enough already - a Bill produced by Stormont on local government reform, following the kind of discussions and debates which have become such a feature of Northern politics in the past year and half, will not be responsive to the guarantees given by the British Government - both by the previous Government and the present one.

We urge, therefore, that the drafting of the Bill should not be left to the Ministry of Development in Belfast.

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At this stage the meeting adjourned for lunch. During the luncheon break the Irish side examined the relevant documents on the question of whether local government reform was part of the reform package given that this matter had been disputed. This led the Ambassador to make the following points when the meeting resumed. He pointed out that the Downing Street Declaration at para.6 "reaffirmed that in all legislation.....the same equality of treatment....." was guaranteed. Local government reform requires legislation and this legislation must conform with the plain words and intention of the Downing Street Declaration. Furthermore in the communique issued on 10th October, 1969 following discussions between the Home Secretary and the Northern Ireland Government it is stated in para.27 "the consequent shape and size, and especially the staffing of local councils without housing functions will have to be re-assessed". In para.28 it states "the Government of Northern Ireland propose to set up a Review Body.....to review.....current proposals for re-shaping local administration....." The Ambassador, therefore, could not understand or accept the motion that local government reform is not specifically part of the reform package. Mr. Burroughs replied by saying that whatever about the documents quoted it was in any event the intention to regard local government reform as part of the reform package. Indeed it was the most important measure of all. Mr. North added that it was his view also that the Downing Street Declaration covered local government reform and Mr. Gallagher said that he accepted Mr. North's assurance in this regard.

PROPORTIONAL REPRESENTATION

The Ambassador then took up the subject of proportional representation.

In this connection I wish to raise once again the question of introducing multi-seat proportional representation in the North. In regard to local government this was not ruled out by the Macrory Report which commented at para.43 "we would go so far as to say that the classical arguments that are marshalled against the proportional representation system for national elections do not seem to have the same force when applied to local government elections". It adds "it is certainly not an issue which should be allowed at this stage to hold up speedy action on the re-shaping of local government".

We consider, as we have said before, that the single seat constituency for Stormont elections gives far too great weight to the Unionist right-wing. The constituency associations, by and large, are controlled by right-wing elements who have shown their determination in several cases to get rid of Unionist M.P.s who show any sign of liberality. Dick Ferguson is the classical case but votes of no-confidence have also been passed against Robin Bailie and Mrs. Ann Dickson as well as the Prime Minister himself, his Chief Whip, Mr. Dobson and possibly others. If this trend continues there is very little doubt in our minds that when the next Stormont general election takes place few if any liberal Unionists will be nominated and, in single seat constituencies it is virtually impossible for independent Unionists to win against the official candidate - although there were three or four exceptions to this in the "O'Neill" general election. If we agree that radical solutions are required in the North I do not think that we should rule out an exchange of views on this particular subject. Neither your Government nor mine can want to have a continuance of crisis after crisis in Belfast. In our opinion there will be a serious political crisis in three years or so irrespective of and above all the crises we shall have to face in the meantime. I suggest that this point be examined in great depth and that attention be given to the reasons why Craigavon got rid of multi-seat proportional representation in the 1920's. I have made these

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remarks in order to justify my suggesting now that proportional representation be introduced at local government level under the current reform of local government. This would have two obvious advantages: - firstly it would provide a precedent for introducing PR in Stormont elections during the next three years; secondly it would give experience before the next Stormont general election in the running of a PR multi-seat system.

There are, of course, other advantages relating more immediately to local government itself. They include -

- (i) the possibility that moderate Unionists might stand some chance of election to local authorities;
- (ii) the multi-seat constituency eliminates the advantage of ghetto housing - this is highly important socially as ghetto housing has been an instrument of right-wing policy in its attempts to control areas in which it is the minority.

I might add that our views on multi-seat PR are not influenced by any belief that anti-Unionist representation would automatically be increased under that system of elections. That, in our opinion, is not the point. The basic point, germane both to local authorities and to Stormont elections, is the utter necessity of enabling Unionism to escape from right-wing control.

The British side seemed reluctant to comment on this subject and the Irish side received the impression that the British side may have been instructed not to show their hand on this subject.

RUC

The Ambassador continued with the following statement about the RUC:

As the Taoiseach has already indicated to your Chargé d'Affaires in Dublin, we are not happy about the appointment of a serving officer from within the ranks of the RUC as Chief Constable. We have reason to believe that RUC mis-behaviour continued even when Sir Arthur Young was in command. It will take a great deal to establish confidence in the police and the circumstances of Sir Arthur Young's impending resignation and his replacement from within do not augur well in this regard. We regret that we were not given an opportunity of expressing a point of view privately on this subject before the change was decided. By and large it can be said that both Mr. Porter, as Minister for Home Affairs, and Sir Arthur Young as Chief Constable, won the respect of the minority. Their departure at a time when the right-wing Unionists and Paisleyites are clamouring for the rearming of the RUC makes the minority apprehensive once again. It is our view that the ballot among the police on whether they should or should not be rearmed should never have been allowed. A policy matter of such importance is a Government matter - indeed a British Government decision - not to be tinkered with. The Hunt recommendations on this point as endorsed in the Callaghan communiqué a year ago are clear and unambiguous on this point.

Hunt also recommended a change in the colour of the uniform as the symbol most likely to convince the public that the RUC's role has been changed but this has not yet been done. He also recommended (in para.142) that the police be relieved of the role of deciding who is to be prosecuted and thereafter acting in court as prosecutor. He recommended the insertion of independent public prosecutors between the police and the courts,

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thus making the police "responsible only for the collection of information about offenses, all subsequent action with regard to prosecution being undertaken by a solicitor in the public service". The benefits flowing from such a practice are obvious but this reform, which incidentally, was also endorsed in the Callaghan communiqué in October 1969, has not been implemented either.

With regard to the Police Authority, we feel we must reiterate what we have already said, that several appointments made are not representative of the minority as alleged. Mr. Hume M.P., speaking in Stormont on 25th June, 1970 emphasised this point when he said: "We want people appointed for their ability and when we say we want the committees to be representative we mean that there be representation of the non-Unionist community on them by people who are very clearly not Unionist in their outlook, approach or mentality. One way to ensure this is for the Minister concerned to approach hon. members of this side of the House with a view to supplying lists of well qualified people who can serve on these communities".

In fact the process of consultation of elected representatives has in the meantime been rendered easier by the formation of the new party in the North. It is now the largest Opposition party at Stormont and is likely to increase its parliamentary membership in the near future. Thus, the process of consultation when nominations to public bodies or committees are being contemplated is much easier and the modalities could be easily worked out e.g. by using the Commission on Community Relations. This procedure would ensure that nominations purporting to be representative of the minority are truly representative. Many people in the North remain to be convinced of the accuracy of Mr. Maudling's description some days ago of the Police Authority as "a body widely representative of the community as a whole".

Mr. Burroughs took up the question of minority representation on public authorities and then made a personal statement of his own disappointment with the Opposition on this issue. Last April with the full backing of Mr. Porter he had undertaken to obtain a list of names of suitable nominees to represent minority interests on the police authorities. He had been made to look an ass as he had been unable to obtain lists of names. Even John Hume had failed him in this regard. It was a great personal disappointment to him and until elected Opposition people showed some more interest themselves in the matter he was not prepared to entertain complaints on the subject. Indeed he felt a bit short-tempered about this subject. Mr. Gallagher suggested that it was understandable that Opposition M.P.s should still find it difficult to believe that anything they suggested might be taken seriously as they had no experience of being respected in their views for the past 50 years. The Irish side would use any influence it might have to help the Opposition out of any such attitude.

On the subject of public prosecutors Mr. North repeated what he had said earlier and it was agreed to let the subject drop while the Working Party is considering it.

EXTENSION OF RTE RECEPTION IN THE NORTH

The Ambassador then took up the subject of the extension of RTE reception in the North in the following terms:

Owing to the nature of the terrain and the limited range of television signals, full and satisfactory coverage of the North by Irish TV is difficult. We attach great deal of importance to the extension of the availability of our television service in the North. Important speeches like that of 11th July by the Taoiseach, which did much to calm the situation in the tense days of the Orange parades, could be assured of a wider

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audience if RTE reception were more extensive in the North. In fact the Taoiseach was subsequently criticised in the Dail on this deficiency. The Taoiseach will probably raise this matter with Mr. Heath and seek British acquiescence in our installing a new television mast in Co. Louth which would improve service to the North. If agreement in principle is reached by the two Prime Ministers the technical details can be worked out at the appropriate level.

The international agreement in question is the Regional Agreement for the European Broadcasting Area, Stockholm, 23rd June, 1961, to which both Britain and Ireland are parties.

Mr. White said that the British side had been unable to examine the matter fully since the Ambassador had alerted them that it would be on the agenda but off-hand there were technical and commercial difficulties which they might not be able to resolve before the end of October. This seemed to be an indication that Mr. Heath would not be in a position to be responsive to the Taoiseach on this subject. However, the Irish side suggested that all that need be considered at the moment was whether the two political leaders could not agree in principle that the whole subject could be discussed at lower levels with a view to finding solutions and with the understanding that there was a political will to find solutions. The British side made no commitment on this subject.

POLITICAL PRISONERS

The Ambassador took up the question of the political prisoners on the following lines:

There are six political prisoners in England at present but for the present we propose to refer to only two - Conor Lynch and Patrick O'Sullivan. A good deal of publicity was given to their trial and if what is published in the press is a fair guide to what happened at the trial then there would seem to be valid grounds for having the full transcript closely examined by the Home Office. We understand that the lawyers of these two men will be submitting a Petition shortly to the Home Office and in this connection we would like an assurance that access to their clients will be given to the lawyers. We have been informed that permission for access was withheld recently and that the solicitor in question had appealed in order to consult his clients. The Embassy will be keeping in close touch with the matter and an early and careful examination of the Petition from a civil rights point of view would be advisable. There is a great deal of pressure on us to have the whole matter examined very carefully and this pressure is bound to increase now that legal appeals appear to be run out.

The reaction on this subject was unexpectedly forthcoming in the sense that the Home Office representatives all agreed that it should be looked at carefully. gain no commitments were made - nor were they expected - but the door has been opened slightly to a proper examination of the original trial from a civil rights point of view and the Irish side feel that the Home Office will wish to treat the matter with great care. Certainly there was no slamming of the door on the issue.

SPIKED ROADS

The Ambassador then took up the subject of spiked roads and said:

The unfortunate deaths of two RUC men in a booby trap explosion last August seem to have given rise to the decision to spike about thirty cross-border roads. We ~~w~~ pointed out to your Chargé d'Affaires in Dublin at the time this appeared to have been a hasty over-reaction and was unfair to us in that it

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pointed the finger of responsibility at the South. A good deal of local hardship is caused to people on both sides of the border and no face would be lost if some of the more important roads affected were now re-opened. We are receiving a lot of complaints and representations in this connection and we anticipate a good deal of further pressure when the Dáil reopens. There is an absurd situation in the case of the Dundalk/Crossmaglen road where spikes have been put down by your soldiers and removed, presumably by locals, eight times.

There are other examples of this sort of thing also. It is hardly desirable that patrols should be wasting their time protecting these spikes in the long winter nights ahead. We would urge that the roads be reopened progressively beginning with the main Crossmaglen/Dundalk road.

Mr. Burroughs said that he had looked at this recently and mentioned that passes had been given to some people both North and South whose duties compelled them to travel extensively in the area - people like doctors and priests. So far as the main Crossmaglen/Dundalk road is concerned there is a parallel road which is only a few hundred yards longer than the main road and he could not accept that there is any great inconvenience.

The matter is being kept under review and Mr. Burroughs is anxious to adopt a flexible approach. The last spikes to be removed will be those on the Donegal border. Mr. Gallagher repeated the arguments that fixed points like this are not the best way of controlling these roads and would impose hardship on the British troops during the winter. He asked whether it would be possible to agree to removing the spikes within a fairly short time if people in the neighbourhood could be induced to leave them alone for a few days. Mr. Burroughs did not wish to be committed on this. Mr. Gallagher hinted that a dead-line in advance of October 28th - on the argument that winter will shortly be setting in - might be usefully considered.

INCITEMENT TO HATRED ACT

The Ambassador referred to the Incitement to Hatred Act and said:

Now that the Prevention of Incitement to Hatred Act is on the Statute Book, we are wondering if any thought has been given to its invocation in connection with the current campaign being conducted for the re-housing of the occupants of Unity Flats. People like John McKeague and Councillor Protor might be mentioned in this connection as well as the Belfast Area Committee of the Young Unionist Association. Since the football season reopened the people of Unity Flats have been subjected every Saturday to severe abuse by Linfield supporters returning to the Shankill.

The Young Unionist Association in its statement recently on the Unity Flats reportedly asked whether it was advisable to allow Republican trouble-makers to live in the flats in such a provocative area. Presumably the new Act was devised to punish what appears to be incitement to hatred. Has anyone looked at Paisley's Protestant Telegraph which continues its vitriolic attacks on the religion of the minority from this point of view?

Mr. Burroughs said that the points made by the Ambassador were in fact under consideration but that the results could not be forecast.

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PUBLIC SERVICE STAFFING

On public service staffing the Ambassador said:

On a point of information, when can we expect to see the report envisaged in the October 1969 communiqué on the establishment of a Public Service Commission concerned with staffing throughout the public sector, central and local? Have the powers of the Parliamentary Commissioner for Administration been extended to personnel matters in the Civil Service as envisaged in the communiqué? Have all public employment bodies, direct and indirect, made the required declaration that they aim "to have equality of employment opportunity without regard to religious or political considerations", to use the words of the communiqué? The minority is grossly under-represented in the field of public employment at all levels and a close watch must be kept on the recruiting procedures.

Mr. North thought that the powers of the Parliamentary Commissioner for Administration had been extended to personnel matters in the civil service but he was not absolutely sure. In any event an interim Staff Commission is at work already and the intention is to turn this into a permanent Commission.

CONCLUSION

The Irish side feel that this meeting had developed considerably the idea of London/Dublin quiet diplomacy even into the details of Stormont administration. In general conversation the British side indicated the desirability of Dublin's saying nothing publicly about the North which might be used as ammunition by the right-wing. It seems that London's decision to allow Dublin to present its views comprehensively on the North in private is, in some measure, a quid pro quo for public silence within the limits of the politically possible.

The Ambassador mentioned privately to Mr. Burroughs at the end of the meeting that Mr. Gallagher would be in New York during the Taoiseach's visit there but that we were hoping to keep this out of the newspapers so as to avoid speculation. The Ambassador considered that the meeting would be very important. The British side contented themselves with a vague statement to the effect that it was useful that the two Prime Ministers should get to know each other personally. They revealed nothing that might be in Mr. Heath's mind nor did the Irish side make any remarks about what the Taoiseach might say other than the alert about RTE.

The meeting, apart from being useful, was also cordial and both sides agreed to meet again in about a month.