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Reference Code: 2005/7/630

Title: Report of a telephone call [possibly made by Liam Cosgrave, Taoiseach, or Garret FitzGerald, Minister for Foreign Affairs] to Merlyn Rees, Secretary of State for Northern Ireland, concerning leakages from the unpublished Law Enforcement Commission Report, extradition, the ratification of the Sunningdale Agreement, and British talks with the SDLP [Social Democratic and Labour Party] and the Faulkner Unionists.

Creation Date(s): 2 May, 1974

Level of description: Item

Extent and medium: 3 pages

Creator(s): Department of the Taoiseach

Access Conditions: Open

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1. Mr Mc Donogh

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For file 818966⁷, under date 2/5/74.

Report of telephone conversation with Merlyn Rees on
Thursday, 2nd May.

7.5.74

I telephoned to Merlyn Rees's office at 5 pm on Thursday, 2nd May. Mr. Rees was at a Cabinet meeting and it was arranged that he would ring me back later. He rang me at home at about 11.30.

I explained to Rees our concern with the present situation. The leakages about the report from Belfast since lunchtime were worrying the Government here greatly. They seemed to be taking exactly the form which we had foreseen, and had sought to guard against when I had come to London a week earlier to persuade him to agree to an immediate release of the report and of our decisions on it. He agreed that this had happened. He explained that Bradford had come to them to say that we had given the SDLP copies of the report and that it was intolerable that the Unionists should not have it as if we trusted the SDLP more than the British Government trusted the Unionists. I explained that we had not given a copy of the report to the SDLP and that when the matter had come up in discussion we had given them no details of it. Nothing was said beyond what appeared in press reports. The SDLP had accepted this position. Rees said that he had been persuaded there was clear evidence the SDLP had copies.

I said I could not understand how this could be so in view of what ~~of~~ had transpired at the meeting with the SDLP leaders but in view of what he said I would make enquiries to see whether a copy had been given to them at some other level. It was agreed that I would ring him at ten to eleven on Friday, 3rd May. To clarify this in the meantime he would look into the question of what evidence they had with respect to Bradford's allegation.

We went on to discuss the general situation at present. I said that we were very concerned with the fact that a week had been lost in frustrating discussions at official level which had concentrated all the time on the matter of extradition which had been decided at the meeting between the Prime Ministers and ourselves almost a month ago. This had been pressed by his officials at the meeting I had had with him, at the meeting between the Attorney Generals, by Woodfield when he saw the Ambassador earlier this week, and indeed in the earlier stages of the meeting of officials this week, although a more constructive approach had emerged during the course of Thursday.

We were also concerned that press briefings from their side were suggesting that ratification would have to be postponed for six months. He asked what briefings and I said that briefings at a quite high level from the British Embassy here to one of our most reputable journalists and also from the Northern Ireland Office to another journalist had taken this line. In view of the programme which we had mapped out for ourselves in London these briefings were casting doubt on the whole situation and on his Government's intentions. This, together with the effects of the leakage that day in Belfast, had been a very dangerous situation indeed. The impact on the SDLP of this, together with the hardline Faulkner attitude at the Executive meeting to discuss ~~at~~ Sunningdale had been adverse, with the danger of their losing confidence in the possibility of a solution being found. Urgent action was needed to retrieve the situation and we must get rapidly to the point of publishing the report and presenting it constructively.

In the subsequent discussion he was concerned to make it clear that they were not departing from the basic timetable agreed. They still had good hopes of sticking to it. They envisaged discussion of the report with the Executive in Belfast early next week and discussion of the ratification of Sunningdale and would hope by the end of next week to be in a position to make further progress or at any rate to assess what progress could be made. They had begun to resume contact with the SDLP again but at the moment they found no 'give' either on the part of the SDLP or on the part of the Faulknerite Unionists. He had been talking to John Hume that evening. John had not shown any signs of being willing to move from the SDLP's present position. I said I felt that when they got to discuss the matter in the Executive the possibilities of a solution might begin to emerge. I asked him had he talked to Napier recently and he said he had.

It was agreed we would resume contact on Friday morning. He suggested it would also be useful if we met again soon. I agreed but said that there was a problem here in view of the fact that I would probably be out of the country during almost all of next week.