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C97
IMMEDIATE
9/4/34

TO LONDON FROM HQ
FOR PAUL DENPS

C97 PART TWO
IMMEDIATE
9/4/34

TO LONDON FROM HQ
FOR PAUL DENPSEY FROM A SEC LILLIS

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FPHOS LREKS

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ON SUNDAY, APRIL 8TH, ON INSTRUCTIONS FROM THE TAOISEACH, I ASKED MR HOLT, IN THE ABSENCE OF MR TATHAN, TO COME TO THE DEPARTMENT. I MADE THE FOLLOWING TWO POINTS TO HIM IN RELATION TO THE STATEMENT OF THE CHIEF CONSTABLE:

I BEGAN BY STATING THE GOVERNMENT'S CONDEMNATION FOR THE ATTACK ON JUDGE TRAVERS AND HIS FAMILY AND SPECIFICALLY THE MURDER OF MARY TRAVERS.

② 1. I THEN SAID THAT I WAS INSTRUCTED TO ASK HIM FOR INFORMATION ON ANY OCCASION OTHER THAN THE 12TH DECEMBER 1932 WHEN MEMBERS OF THE RUC OR OTHER BRITISH SECURITY FORCES CAME INTO OUR JURISDICTION FOR OPERATIONAL PURPOSES WITHOUT INFORMING EITHER THE GOVERNMENT OR OUR SECURITY FORCES.

③ 2. I SAID TO HIM THAT I WAS INSTRUCTED TO SEEK AN ASSURANCE THAT SUCH INCURSIONS WITHOUT OUR AGREEMENT WOULD NOT HAPPEN AGAIN.

I ADDED THAT THE POINTS I HAD RAISED ON SATURDAY AS WELL AS DUNAY WOULD NOT HAVE BEEN RAISED AT THIS TIME BUT FOR THE CHIEF CONSTABLE'S STATEMENT. IT HAD OTHERWISE BEEN THE INTENTION OF MINISTERS TO WAIT UNTIL THE RESULTS OF THE INVESTIGATION WERE PROVIDED BEFORE MAKING ANY OTHER COMMENT. THE CHIEF CONSTABLE'S STATEMENT, WHICH WAS VERY UNHELPFUL, HAD CHANGED THAT SITUATION.

I ASKED FOR INFORMATION ON ALL POINTS WHICH HE HAD RAISED TO BE GIVEN TO US BY THE CLOSE OF BUSINESS ON MONDAY, APRIL 9TH, AS THE

NONE

TAOISEACH FELT IT WAS INEVITABLE THAT HE WOULD HAVE TO REFER TO THE MATTER IN THE DAIL.

ON INSTRUCTIONS I ASKED TATHAN TO COME TO THE DEPARTMENT THIS MORNING, APRIL 9TH. I TOLD HIM THAT IT WAS NOW FAIRLY CERTAIN THE TAOISEACH WOULD MAKE A STATEMENT IN THE DAIL TOMORROW ABOUT THE CHIEF CONSTABLE'S STATEMENT.

I SAID IT WAS LIKELY THAT HE WOULD SAY THAT IT HAD NOT BEEN HIS INTENTION TO COMMENT ANY FURTHER UNTIL THE INFORMATION ON THE INVESTIGATION BEING CARRIED OUT BY THE DPP WAS GIVEN TO US.

I SAID THAT THE TAOISEACH WOULD SAY THAT THE CHIEF CONSTABLE'S STATEMENT THAT HE DID NOT BELIEVE THAT THERE HAD BEEN A CRIMINAL CONSPIRACY TO 'COVER-UP' SEEMED TO US TO CONSTITUTE AN ATTEMPT TO PRE-JUDGE THE ISSUE AND WOULD SEEM TO BE IN BREACH OF THE NORMAL SUB JUDICE RULE. WHETHER OR NOT IT CONSTITUTED SUCH A BREACH, THE STATEMENT SEEMED TO US TO BE AN UNACCEPTABLE PREJUDGEMENT OF THE ISSUE.

ON THE QUESTION OF THE INCURSION, THE TAOISEACH WOULD SAY THAT WHILE WE HAD BEEN INFORMED BY THE BRITISH GOVERNMENT THAT THERE WERE EXPLICIT INSTRUCTIONS PROHIBITING SUCH AN INCURSION AND THAT THOSE INSTRUCTIONS HAD, TO THE REGRET OF THE BRITISH GOVERNMENT, APPARENTLY BEEN BREACHED, THE CHIEF CONSTABLE HAD FAILED TO MAKE IT CLEAR THAT SUCH EXPLICIT INSTRUCTIONS EXISTED AND THAT THEY HAD BEEN BREACHED AND HAD CONFINED HIMSELF TO THE UNSATISFACTORY STATEMENT THAT THERE WAS NO POLICY OF INCURSION.

FOR YOUR INFORMATION, IT IS LIKELY THAT THE TAOISEACH WILL MAKE USE OF THE INFORMATION WHICH IS SUPPLIED BY THE BRITISH SIDE IN RESPONSE TO THE QUESTIONS AND COMMENTS PUT TO THEM ON SATURDAY AND SUNDAY IN HIS REMARKS IN THE DAIL TOMORROW.

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