

STRICTLY CONFIDENTIAL

MEETING OF THE ADMINISTRATION 5 MARCH 1974

Note of discussion on the political situation following the results of the General Election on 28 February 1974 (EXMIN 74/10/5 dated 6 March 1974).

1. The Chief Minister said that he regarded last week's vote as a clear warning. The Unionist Assembly Party were willing to continue support of the Executive but were not prepared to support a Council of Ireland without solid evidence of action by the Republic on status, extradition, and in dealing with violence. He was convinced that the priority was to preserve the concept of power-sharing on the foundation of the Constitution Act but he was equally convinced that there was no possibility of making progress towards ratification of Sunningdale without action by the Republic.
  
2. Mr Hume felt that two mistakes had been made on Monday (4 March). First - the statement by Mr Bradford about broadening the base of the Executive and second, the statement made after the Unionist Assembly Party meeting in the afternoon. The latter had been widely taken to mean the end of Sunningdale and the Council of Ireland. A short time ago there was no support for power-sharing - until it was seen to work. The same would be true for the Council of Ireland. If the Council of Ireland were to be removed, his party would go, and we would be back in the hands of the extremists.
  
3. Mr Robert Cooper interpreted the vote as evidence of frustration at the lack of improvement in the security situation. If there had been an improvement he thought that loyalists would have been more ready to accept Sunningdale and the Council of Ireland. He thought that the Administration should devote a Special Meeting to discuss the security situation, to be followed by representations to the Secretary of State. In the meantime he felt it was essential for the Executive to stick together and do everything possible to maintain the centre ground.
  
4. Mr Currie expressed the view that the vote probably represented the worst point in our fortunes. Things must improve. He advocated coolness and avoidance of panic. He thought that the best course was that everyone should do everything possible to deliver Sunningdale.

5. Mr Baxter referred to the report in the "Irish Times" of the Supreme Court's finding in the Boland appeal. The Attorney General's defence which was accepted by the Court was most damaging to the Executive. Two other events were also damaging - the Strabane shooting which has not been explained and the categorical statement by Garrett Fitzgerald that extradition was not on. We had got to face facts. Only 94,000 votes were cast for the pro-Assembly Unionists and 23,000 for Alliance candidates. He still thought that Sunningdale was a good agreement and that we should not back-track. Dublin must be made aware of the realities of the situation and must deliver.

6. Mr Devlin said that Garrett Fitzgerald was wrong in making that statement. He also called attention to the rest of the report of the judgement which made it clear that any interference by the Courts in Government policy would be unwarranted. He was confident that the Dublin Government would go for a constitutional change after Sunningdale had been ratified. He was critical of the Unionist Assembly Party statement and felt that SDLP should have been consulted. He pleaded for calmness and steady progress towards Sunningdale which we all wanted.

7. Mr McIvor said that he fully subscribed to Sunningdale. He knew it was right philosophically and in practice. He said so in Cork and that it could be to the mutual advantage of North and South. But that message did not get through to the people in the high flats at Finaghy. He had had two phone calls since the election telling him that he would not get the nomination for the next Assembly election. But there was a moral duty to keep the Executive in business - Mr Devlin was right, but the rest of the bargain must be kept. The Supreme Court had said that there was no agreement at Sunningdale. It followed therefore that nothing worthwhile could be deposited at the United Nations. It was the phrase "Dublin is only a Sunningdale away" that had beaten us in the election.

8. Mr Morrell agreed with Mr Hume that the vote was a mass protest. SDLP had complained in the past that their mass protest had been ignored. We must not now fall into the same trap by ignoring this vote. Otherwise the Protestant extremists will react violently. He thought that the only course was to rock back to some degree - as the Assembly Party statement in fact did - without laying any blame on our Executive colleagues but rather putting the blame on the South.

9. Mr Napier said that his party's attitude was clear - they stood by Sunningdale. They were disappointed at Dublin's lack of speed in carrying out their side of the agreement. They had instructed a member of the Irish Bar to clarify the Supreme Court's ruling. While it would be quite wrong to back away from Sunningdale it would be equally wrong to suppose that there was any mandate for Sunningdale given last week. We needed to do two things - to convince everyone that Sunningdale was to everyone's advantage and to see that everyone implements it.

10. Mr Bradford referred to the statement he was alleged to have made. It was no more than a reference to an earlier opinion which he had expressed last October when he regretted that the Executive would not have a broader base. His great concern was the ruling given in the South by the Chief Justice that the purpose of printing the two declarations on state side by side was to emphasise their difference. He was acutely aware that as long as the Southern constitution remained unchanged any agreement made by the Government, with the best will in the world, could be challenged as ultra vires.

11. The Chief Minister emphasised again that the Assembly Party statement had said quite plainly that we could not enter into any agreement until the status of Northern Ireland had been recognised. We had got to be absolutely clear and straightforward about this. There were three conditions which had to be fulfilled by the South - recognition of status, extradition, and action against violence. If the statement of Monday evening had not been issued there would have been no further support from the Unionist Assembly Party.

12. Mr Bradford said that that was the line he had taken throughout the election. Yet the questions he had to face time after time were the same. "Where has co-operation got us?" "Has violence diminished?" "Have the South co-operated?" It was a protest vote. His position was unchanged - he would not agree to ratification unless and until others delivered and were seen to deliver. The onus was now on the Republic to act, to take political risks. We had done so, at great cost to ourselves.

13. The Chief Minister referred to other statements which had been made to the effect that Sunningdale would be ratified regardless. Such statements did not face facts.

14. At this point the Secretary reported that he had just been talking to Dr Cruise O'Brien who had told him that questions had been put down for answer in the Dail on Wednesday (6 March). The answer was likely to be in the form of a statement on the status issue.

15. Mr Currie recognised that the initiative had been seized in last week's election by the loyalists. He thought that the Executive must consider how to seize it back and demonstrate that it had done so.

16. The Chief Minister agreed that the initiative must be regrasped. We had to make it clear that we were not going to rush into Sunningdale and that we stood firmly together. He asked for the agreement of members to say that we were not prepared to go forward on Sunningdale until all parties live up to their obligations.

17. Mr Kirk mentioned the strong probability that someone would put down a motion in the Assembly - it might well be Mr Morgan - and the Executive would have to be united and clear in the way it should be handled.

18. The Chief Minister said that he had heard that the Law Commission would not be reporting until nearly Easter and that their report would simply examine the legal alternatives and not make a specific recommendation. It seemed therefore that the Commission would resolve nothing.

19. Mr Hume suggested that a statement should be drafted for issue from the meeting. It was expected. The Press were looking for signs of a split in the Executive, and we had no option but to make a statement.

20. The following statement was drawn up by the Secretary and agreed by all Members.

"The Executive are united on policy but agree that its successful implementation will demand not only resolution and determination by them, but a delivery, in the letter and the spirit, of those commitments entered into by the British and Irish Governments."