

CONFIDENTIAL

FROM: PS/SECRETARY OF STATE
21 April 1994

cc PS/Secretary of State (B&L) - B
PS/Michael Ancram (DENI,B&L) - B/M
PS/Sir John Wheeler (DFP,B&L) - B/M
PS/Baroness Denton (DHSS,DANI&L) - B/M
PS/Mr Smith (DED,DOE&L) - B/M
PS/PUS (B&L) - B
PS/Mr Fell - B
Mr Legge - B
Mr Thomas - B
Mr Loughran, DED - M
Mr Semple, DFP - M
Mr Bell - B
Mr Deverell - B
Mr Lyon - B
Mr Steele - B
Mr Watkins - B
Mr Williams - B
Mr Wood (B&L) - B
Mr Brooker - B
Mr Dodds - B
Mr Leach - B
Mr Marsh - B
Mr Maccabe - B
Mr Margetts - B
Mr Caine - B
HMA Dublin
HMA Washington
Mr Archer, RID - B

Mr Daniell - B

SECRETARY OF STATE'S VISIT TO USA: 11-15 APRIL

US posts are doing their own reports on the Secretary of State's visit to the USA, which took place some eleven months after his last visit. I attach my own detailed record and, because it is so detailed, I thought it would be sensible to draw out a few key points:

- the visit was dominated by the Joint Declaration, which has transformed the scene as far as American interest in British policy in Northern Ireland is concerned. How much everyone understands the detail of the Declaration is unclear, but the fact that the two Governments and

CONFIDENTIAL

SOFS(L)/21966

CONFIDENTIAL

John Hume had together put their weight behind the Declaration and are continuing to do so some four months on, gives Irish Americans an easy flag to rally around. As far as those we met were concerned, even those with a very green tinge, the Declaration was gospel: no-one seriously challenged or questioned any part of it. The lesson to be learned is that there would be a serious cost to be paid in terms of Irish American opinion were the two Governments now to diverge;

- the Adams visit had proved something of an eye-opener. There seemed to be genuine disappointment that he had failed to deliver and, among those administration officials who had argued for the visa, earnest concern to ask us what they could do to help. While maintaining that the Government had been right to oppose the visa, the Secretary of State recognised that the lasting effect seemed counter-productive from Adams' point of view;

- serious questioning focused on clarification. It was perhaps indicative of the extent to which eyes had been opened, that this was rarely put to us in terms of 'clarification is all that is needed to secure peace', but rather in terms of 'why not call Adams' bluff?' In response, the Secretary of State relied on Sinn Fein's failure to identify specific items requiring clarification, the efforts which the two Governments had already made and the need to maintain the confidence of the unionists against the background of a rising tide of loyalist violence. The last point in particular was well taken by other politicians who recognised the balancing act which the Secretary of State had to perform. Nevertheless, the Secretary of State judged that he could not sensibly stand pat on refusing all clarification and, in his final interviews, developed the line to say that if Sinn Fein did specify what

CONFIDENTIAL

SOFS(L)/21966

CONFIDENTIAL

required clarification, and if it had not already been dealt with, then the Government would consider its course of action in the light of all the circumstances;

- there was a greater readiness to recognise and hear the unionist case. One or two of those who had encountered Dr Paisley found him not as fearsome as his reputation had led them to believe; the administration was readying the red carpet to unroll for Jim Molyneaux. If unionists play their cards well, they are likely to be listened to with greater care than for some time;
- the broadcasting ban was a widespread source of incomprehension and puzzlement, but was raised primarily with us by journalists;
- a number of dogs failed to bark: fair employment and human rights issues were not topics of general interest, although still raised by special interest groups. This is doubtless a tribute to the hard work of various posts over many years. The one cloud on this horizon was that many Americans have seen 'In the Name of the Father' and assume it is an accurate representation of British justice: we were told one story of a journalist being told to correct a report he had written about the Guildford Four because his editor, on checking the report against the film, had concluded that the report was clearly wrong.

2. So this was a successful, timely and encouraging visit. Most US opinion was warmly supportive: serious questions were asked, but the answers listened to fewer preconceptions seemed in evidence.

3. The Secretary of State was most grateful for all the efforts which were put, by both SIL and the US posts, in to arranging such a full and varied programme, and in to providing so comprehensive

CONFIDENTIAL

SOFS(L)/21966

CONFIDENTIAL

briefing. I know that Lady Mayhew greatly appreciated the programme which was put together for her, and will be separately circulating some notes based on it.

4. Meanwhile, I am separately sending (to you only) complete sets of the full programme and briefing put together by each post. If others require more detail than the attached note provides (for example, a complete set of lunch or dinner guests) these will generally be found in the posts' programmes, so I suggest such questions are put to SIL.

SIGNED

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21 April 1994

CONFIDENTIAL

SOFS(L)/21966

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SECRETARY OF STATE'S VISIT TO USA: 11-15 APRIL

BOSTON - 11-12 APRIL

Irish American Partnership

After arriving in Boston on Sunday night, we began work early on Monday by attending a breakfast hosted by the Irish American Partnership. Because the Secretary of State's off the cuff remarks after breakfast set the tone for most of his subsequent presentations to American audiences, I shall record them in some detail.

2. The Secretary of State said that there was a new demand among the people of Northern Ireland for peace, and a growing impatience with political leaders who stayed in their ancestral trenches, emerging only occasionally to lob rocks quarried from Ireland's history at their opponents. This demand for progress through talking would not be reversed but it had to be admitted that people were much vaguer when it came to thinking about what compromise they would find acceptable. Against this background, unionist leaders still had to keep a careful eye to ensure they did not lose contact with their electorate.

3. The Joint Declaration offered significant grounds for hope. It showed the two Governments united on the foundation principles of consent, democracy and rejection of violence. Both Governments recognised the fundamental reality that there would be no change in the constitutional status of Northern Ireland without the consent of a majority of people there. The future of Ireland was to be decided by the people of Ireland, North and South concurrently: the British Government had no private interest that would lead us to stymie a united Ireland if that were the wish of a majority in Northern Ireland.

CONFIDENTIAL

-1-

SOFS(L)/21967

CONFIDENTIAL

4. Against this background, those who continued to use violence must logically have concluded that they were not going to achieve their aims by peaceful means and so would continue to resort to violence: that was not an attractive proposition. There could be no grounds for continued violence: each Government had made it clear that its primary interest was to help the people of the island of Ireland overcome their differences. Having made the Joint Declaration, which offered a clear pathway for Sinn Fein to enter the democratic process providing violence, and its justification, were ended for good, there could be no negotiations with Sinn Fein in advance of such an end to violence. To do so would be wrong in principle; it would encourage terrorists around the world; and, in Northern Ireland, it would fatally undermine constitutional nationalists who had bound themselves to abide by the democratic process. Equally, however, there were no deadlines to the Joint Declaration: but we wanted no more dead.

5. Meanwhile, the Government was continuing to pursue its policies across the board, intended to reduce those areas of disadvantage, experienced on both the catholic and protestant side, which could so easily provide a toleration on which terrorists depended. Slow inroads were being made, in both the areas of fair employment and social need, to the disproportionate disadvantage suffered by the catholic community as a whole.

6. In subsequent questions, the following points were raised:

- the IRA ceasefire: was this a recognition by republicans that they would not get their way by violence? The Secretary of State agreed, although he thought that that was recognised by only a minority among the IRA, which explained why the ceasefire had been so short. There was no justification for anything less than a permanent end to violence. Nevertheless, without compromising fundamental principles, he accepted that there was an

CONFIDENTIAL

-2-

SOFS(L)/21967

interest in ensuring that no unnecessary obstacle be put in the way of those who might want to lead republicans away from violence;

- despite the words of the Declaration, was not British justice still far from even-handed in its treatment of loyalists and republicans? The Secretary of State quoted the statistics for terrorist charges last year, demonstrating that some 40% more loyalists had been charged, reflecting both an increased level of loyalist activity but also the even-handedness of the RUC: loyalist terrorism was no less evil than republican. Nor was there any immunity for members of the security forces: members of both the RUC and the army were serving prison terms. (Joe Leary, the IAP Executive Director, subsequently said to me that this was a complete answer to this question and was the point at which the Secretary of State had turned the meeting around, if it needed it);

- was there scope for tackling paramilitaries' financial activities? The Secretary of State agreed and explained the powers already available to the RUC.

7. Later in the day, Joe Leary recalled that his invitation to the Secretary of State to speak at a similar breakfast last year had encountered criticism from some members of the Partnership. It was significant that there had been no such criticism of this year's invitation.

Massachusetts State Senate

8. After an interview with the Boston Globe, the Secretary of State called on Massachusetts State Senate President William Bulger and, in the corridors of State House, also encountered House Speaker Charles Flaherty. The Secretary of State set out the current political situation, emphasising the IRA attacks undertaken since

CONFIDENTIAL

Adams' return from the US. As a result Sinn Fein had lost what moral high ground it had attempted to claim: Americans were now asking of Adams, "where's the beef?"

9. Mr Bulger said that he thought that Adams had not done well in the US: his mystique had been shattered. Hume had undoubtedly been over-shadowed: why had he been so optimistic? Where did Adams go now? Shouldn't his bluff be called?

10. The Secretary of State said that Adams had been seen to deliver nothing on peace, despite his turgid speeches. His bluff had already been called by the Declaration, which had set out a clear way by which Sinn Fein could enter the political process. But it seemed that Sinn Fein wanted a meeting with the British Government before violence came to an end: that must not happen. Nevertheless, there was hope for the future: the two Governments would stand by the Joint Declaration, whose principles shone out like a lighthouse. The Talks process would continue.

11. The Secretary of State was then introduced by the Senate President to the Senate Chamber and addressed the Chamber for some five minutes or so (Senators mostly standing behind him, so as to get into television shot). He majored on the Joint Declaration and the commitment of both Governments to the principles of consent, democracy and rejection of violence.

Boston College

12. After meetings with the Christian Science Monitor (at which the Secretary of State was subjected to the only searching examination of the Government's fair employment policy during the tour, by an intern whose special project it was and who saw the opportunity to shine in front of her editor) and lunch with the Boston Herald, the Secretary of State moved on to a round table discussion with the Irish Studies Faculty from Boston College.

CONFIDENTIAL

-4-

SOFS(L)/21967

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13. In his opening presentation, the Secretary of State described the current political situation, emphasising in particular that the British Government were in Northern Ireland because that was the wish of a majority of people there. The Government was not acting as an imperial or colonial power, there to see what we could get out of Northern Ireland. So the Government had declared that it had no selfish strategic or economic interest in Northern Ireland: a phrase which, put so starkly, had engendered some unease but was necessary to make it clear that the British Government had no private interest which would lead it to stymie the democratic will of the people of Northern Ireland. The Taoiseach had also declared that it would be wrong to impose a united Ireland against the wishes of a majority of Northern Ireland's people. In doing so, he was not saying that partition had been wrong but that it would be wrong, 70 years on, to seek to right it by violence. The two Governments were saying together to the people: only agree, and we will implement what you agree.

14. Points which came up in discussion included:

- clarification: why not speak to Sinn Fein? The Secretary of State said, four months after the Declaration, Sinn Fein had yet to identify a specific item on which it wanted clarification. Both Governments had made speeches galore explaining the Declaration: Mr Spring and the Taoiseach had said that they saw no need for further clarification;
- why maintain the broadcasting ban? The Secretary of State said that it did not amount to censorship, but only to a ban on hearing the individual's voice. With virtually perfect dubbing now in operation, many might ask what was the point, and he had a lot of sympathy with that. Nevertheless the original reasons for introducing the ban still held, and the Irish Government had had a stronger ban for much longer, until it was dropped in

January. To lift it now could appear like another carrot to Sinn Fein, but it was kept under review in the light of changing circumstances;

- if 51% of the people of Northern Ireland voted for a united Ireland, would the other 49% accept it? The Secretary of State said there were problems with the formula, but no-one had thought of a better one. It was not an immediate prospect: Father Faul had said that up to 70% of catholics were in no hurry to see a united Ireland. The Government's own Social Attitudes Survey suggested that at least 35% of catholics preferred the union;
- what if, despite the people's desire for peace, Sinn Fein and the DUP refused to come to the table and violence continued? The Secretary of State said that the absence of Sinn Fein or the DUP would not mean the end of the Talks process. If either turned their back on a peaceful solution, they might well fail to hold their electoral support;
- was there any thought of releasing prisoners? The Secretary of State said there could be no question of an amnesty. It was often suggested by republicans, but would they seriously be prepared to contemplate the release of those charged with the Greysteel killing? The ordinary operation of the life licence system already took account of the situation into which offenders would be released and the risk of re-offending.

Cardinal Law

15. The Secretary of State then moved on to a meeting with Cardinal Law, first seeing him tête-à-tête. The Cardinal used this opportunity to press the Secretary of State on whether, without conceding any point of principle, he could not do something which

CONFIDENTIAL

would help to meet Sinn Fein's current concerns. In particular, Sinn Fein seemed to be concerned that if they renounced violence and accepted the Joint Declaration, that would be the end of any positive movement in a nationalist direction. It would be helpful if the Secretary of State could repeat the Government's commitment to parity of esteem. The Secretary of State said he thought he had made this clear on a number of occasions, but agreed to consider it (and subsequently reflected it and other points made by Cardinal Law in his New York speech to the Foreign Policy Association).

16. In their discussion with officials present, Cardinal Law said he understood why the key to progress had to be an abandonment of violence: this had to be an absolute pre-condition. The invitation to Sinn Fein was to enter through this door and, beyond it, there would be self-determination. Without in any way watering down this pre-condition, might it be possible to explain what was in the ante-chamber? Without anticipating negotiations yet to take place, could the Government do more to explain the process which would occur once Sinn Fein had abandoned violence?

17. The Secretary of State said that he was very reluctant to set out a blueprint for an overall settlement, because the success of past solutions imposed by the English was so poor. But the broad principles for an overall settlement had already been set out in the Talks process and in the Joint Declaration: a lot of progress had already been made in the Talks on the basis of these. He could certainly repeat some of these principles in further speeches, but he always had to bear in mind that unionists thought all his speeches were tilted to a nationalist perspective and, if he lost all credibility with unionists, that would not advance an overall settlement. Mr Molyneaux, having taken a courageous stance at the time of the Joint Declaration, was now anxious about DUP inroads. From unionists' perspective, they faced a nationalist movement strongly supported by the Irish Government and backed by a single church; in comparison, the protestant churches were divided and the British Government appeared to be taking a neutral stance.

CONFIDENTIAL

-7-

SOFS(L)/21967

2

CONFIDENTIAL

18. Cardinal Law said that he recognised the importance of addressing unionists' concerns, as Cardinal Daly had sought to do. But unionists also needed to address nationalists' concerns. The Secretary of State agreed and said that it had been happening in the political Talks, but little progress could be expected before the European Elections.

Governor Weld

19. The Governor of Massachusetts, William Weld, when we called on him next, also focused on the issue of clarification. Was there not some way, as he put it, to 'finesse the violence?', without going as far as meeting with Sinn Fein? Was there not 'a weep hole' which might be exploited? The Secretary of State explained the Government's position, what it had already done including reply to two letters from Adams, and the difficulties of going further without losing unionist confidence.

20. On MacBride, the Secretary of State thanked the Governor for his support in returning a MacBride Bill to the legislature last session. The Governor said that it was his aim to avoid any legislation on the subject but, since he had adopted the tactic of pressing for a much weaker form of legislation than that adopted, if the legislature decided to cut its losses and accepted this weaker version, he would be in some difficulty in delaying it further.

21. Finally, the Governor mentioned the possibility of a visit to Northern Ireland, along with London and Dublin, in November or December. The Secretary of State said he would be very welcome and invited him to stay at Hillsborough. He suggested a number of things which the Governor might do during a visit, including touring US investments, seeing IFI projects, visiting West Belfast and seeing the Action Teams at work etc.

CONFIDENTIAL

-8-

SOFS(L)/21967

CONFIDENTIAL

23. The day finished with a reception and dinner organised by the Consul General, who had gathered an impressive array of Boston Irish in our honour. The Secretary of State spoke briefly, thanking everyone for their interest in Ireland and setting out his reasons for hope for a better future.

Committee on Foreign Relations

24. The next day began with breakfast hosted by the Boston Committee on Foreign Relations. The Secretary of State began the discussion by reviewing the current political situation. He emphasised that there was no distinction in the treatment of terrorists from either side. Calling the granting of a visa to Adams 'an act of generosity', he recounted the IRA attacks which had taken place since. Americans were asking "where's the beef?" A temporary ceasefire was no good: it amounted simply to a suspended sentence of death, rather than an executed sentence of death.

25. The following points arose during questions:

- what was John Hume's contribution? The Secretary of State said that no-one had had more to do with the peace process than Mr Hume. He had effectively turned nationalists away from outright rejection of the Northern Ireland state, towards accepting that it was there and the priority was to help make it better. He was passionately anxious to secure an end to violence. We had not seen the Hume/Adams agreement but Mr Mallon said that on self-determination there was not a whisker of difference between it and the Joint Declaration. Mr Hume had invested a great deal in the peace process and, in

CONFIDENTIAL

-9-

SOFS(L)/21967

CONFIDENTIAL

urging the Government to meet with the Sinn Fein now before an end to violence, he had perhaps allowed his heart to overrule his head;

- what was the role of the US? Was a peace envoy still on the agenda? The Secretary of State said that it was essentially for the US to work out its own role in relation to Northern Ireland. The UK would always have its own views of course: there had been a difference over the Adams visa but it had not done lasting damage. The peace envoy was not seen by the administration as a runner;

- was there a bipartisan policy towards Northern Ireland? The Secretary of State said that there was cross-party support for the Joint Declaration, but the Labour Party were committed to persuading people towards a united Ireland. The Government, however, would not be persuaders.

Mayor of Boston

26. After further press interviews, the Secretary of State called on the Mayor of Boston, Thomas Menino, the first Italian American Mayor of Boston and, with the exception of one six year period, the first non-Irish Mayor since 1884. The Secretary of State expressed his gratitude for the positive interest taken by so many Boston people in Northern Ireland. For his part, Mayor Menino evinced virtually no interest, an indication perhaps of the waning influence of the issue in Boston politics.

Harvard University

27. The Secretary of State then went to the Centre for International Affairs, Harvard University, to participate in a seminar, followed by a lunch with selected academics. Re-writing of the New York speech for that evening meant that I missed most of

CONFIDENTIAL

-10-

SOFS(L)/21967

CONFIDENTIAL

this, but I gather from the Secretary of State that a number of the academics tried out their pet theories gleaned from experience in places as diverse as South Africa, El Salvador and Belgium. Most wanted the Secretary of State to consider such fascinating solutions as condominiums, federalism etc: the Secretary of State steadfastly refused to be drawn into this quagmire.

NEW YORK - 12-13 APRIL

28. We arrived in New York that afternoon and departed straight away for the Foreign Policy Association. The Secretary of State's speech has already been circulated. Questioning was fairly basic. The Consul General then hosted a dinner which included the Irish Consul General, Donal Hamill.

29. The next day's programme was primarily a round of editorial offices and radio interviews. The high point was an attempt by one of the New York Times' journalists to provoke a confrontation with the Secretary of State over the Amnesty International report. Apparently, to the embarrassment of his colleagues, this particular journalist regularly tries this tactic, occasionally reaching the point where he has to be physically restrained. The Secretary of State dealt with him calmly and, perhaps as a result, questions from others present were a good deal milder than they might have been.

Lunch with Bill Flynn

30. Bill Flynn, President of Mutual Life and Chairman of the committee which had invited Mr Adams to New York, hosted a small private lunch. He was accompanied by Dr Schwab and Ambassador Duke. The lunch had to be curtailed because of a change in our travel arrangements for the afternoon.

31. In the short time available, Mr Flynn was emphatic that Mr Adams was genuinely committed to peace: on leaving New York he had promised he would deliver. Mr Flynn said he recognised that there had been a sea change in the attitude of the British

CONFIDENTIAL

-11-

SOFS(L)/21967

CONFIDENTIAL

Government. He understood why it was difficult to meet Sinn Fein before there was an end to violence. His last visit to Belfast, when as well as seeing Mr Adams on the Falls Road he had met Jackie Redpath on the Shankill Road, had been an enormous education. He had never realised before that there was equal, if not greater, deprivation on the Protestant side. The problem for Adams was that he was simply not used to operating in the real world: like extreme unionists, he was too used to believing the unbelievable.

32. The Secretary of State said he agreed. The ending of violence was undoubtedly a big shift for the republican movement. He had tried to ensure that no obstacle was placed in their way and, through a series of speeches, had tried to ease their way. He might even have gone too far in undermining his own credibility with unionists. But the bottom line was that, in a democracy, there could be no justification for negotiating with those who used violence.

33. Mr Flynn said that he had been impressed by Dr Paisley on his recent visit. He had claimed, however, that the Joint Declaration was intended to force Northern Ireland into a united Ireland without any vote of the people of Northern Ireland. Dr Paisley insisted that the people of Northern Ireland must decide their future. Mr Flynn said that he understood that Sinn Fein had already accepted that principle of consent. The Secretary of State commented that Dr Paisley had been dishonest in his description of the Joint Declaration. If Sinn Fein had indeed accepted the consent principle, that was heartening. On that note we left New York, taking the train rather than the plane because of thunder storms.

WASHINGTON - 13-15 APRIL

Senate Foreign Relations Committee

34. On arrival, we went straight to the Senate Foreign Relations Committee, chaired by Senator Claiborne Pell. Various senators

CONFIDENTIAL

-12-

S SOFS(L)/21967

CONFIDENTIAL

drifted in and out of the meeting, but the key participants were Senators Lugar (the ranking Republican), Dodd, Kennedy and Moynihan.

35. In his opening remarks, the Secretary of State expressed the Government's appreciation for the warm support given by the US Administration and Congress to the objectives of the Joint Declaration. The two Governments continued to stand shoulder to shoulder on the fundamental principle of consent. They had sought to answer the fears of both traditions: it was clear that the wishes of the people of Northern Ireland would be respected and that a united Ireland could be achieved by the people of Ireland, voting concurrently and separately, north and south. Any party was welcome at the conference table to argue any proposition: the only ones who excluded themselves were those who wanted to supplement their arguments with bombs and bullets. Sinn Fein did not have to surrender any principle or aspiration - we did not expect them to come out on their hands and knees, just to renounce violence for good. As Mr Reynolds had said, the IRA's dispute was not with the British Government but with the Irish people.

36. Senator Pell asked what steps Sinn Fein needed to take next, and what would happen if they abandoned violence. The Secretary of State said that the next step was simply that they must abandon violence and its justification. If they did that, then a period would need to elapse to satisfy sceptical minds that it was for real. Within three months, exploratory dialogue with the Government would begin. That would cover the modalities of how Sinn Fein would enter the political talks process which was already in place: he hoped that would be sooner rather than later because the quicker Sinn Fein was brought into the full democratic process, the better. Exploratory dialogue would also need to address the practical consequences of the ending of violence, including arms.

37. Senator Moynihan launched a tirade against the British press for their "bloody minded" response to the Adams' visa, which he had supported, 'only because John Hume asked'. The British press had treated him as an ignoramus and ignored all his positive

CONFIDENTIAL

-13-

SOFS(L)/21967

CONFIDENTIAL

contributions and measured statements over the years. These had not come easily: if you represented New York it was hell to be a moderate on Northern Ireland and New York was no cosy seat like Tunbridge Wells. As for the Joint Declaration, everything the British Government had said in it could have been said 17 years ago.

38. The Secretary of State said that he was sorry that Senator Moynihan felt galled by the press reaction, but he was not responsible for it. The closer you were to terrorism, the more emotional the reaction was likely to be to any relaxation: the memory of Shankill and Warrington was still fresh in people's minds when Mr Adams visited the US. There had been a sense of great dismay in the UK which had found expression in the press and Parliament. But, with the perspective of a few weeks, Adams was now seen to be in a weaker position. He had taken full advantage of the act of American generosity but had failed to condemn violence and had since failed to deliver peace. As a result there seemed to be a great sense of disappointment among many Americans. Having let off steam, Senator Moynihan accepted the Secretary of State's explanation with reasonable grace.

39. Senator Dodd and Senator Kennedy turned to the issue of clarification. Senator Dodd said he admired the Joint Declaration but wondered how the process could be moved forward. He understood that clarification could simply be a ploy for delay and recognised the liability in John Hume's suggestion of some form of intermediary. Nevertheless, he was fearful that this generation of republican leaders would soon pass on and, if this opportunity were missed, another would not come by for twenty years. Senator Kennedy asked why the Government was not prepared to challenge Sinn Fein directly to specify what they wanted to clarified and, if necessary, call their bluff by providing it.

40. The Secretary of State said that he was prepared to presume that Mr Adams genuinely wanted to end violence and he recognised that Mr Adams faced risks of his own. Nevertheless, the Secretary of State could not afford to be concerned exclusively with Sinn Fein.

CONFIDENTIAL

-14-

SOFS(L)/21967

There was a worrying rise in loyalist violence, reflected also in more loyalists being charged. While he had tried very hard to make it easier for Mr Adams to lead republicans away from violence - he had spoken of demilitarisation, for example, and had made it clear the British army would be taken off the streets if violence came to an end - that had been at a very substantial cost to his credibility with the unionists. If unionists lost confidence in the Government's good faith, then that would serve only to shift violence from one end of the spectrum to another. There was already worrying evidence that more Protestants were prepared to contemplate violence than before. If the Government were now to meet Sinn Fein before a renunciation of violence, that would finish off his credibility with unionists. In all of this, Sinn Fein had yet to identify a specific item requiring clarification.

41. Senator Kennedy suggested that Sinn Fein might be challenged directly to say what they wanted clarified. The Secretary of State said that, by referring to Sinn Fein's failure so far to specify any item, he had already done that implicitly. The Irish Government had also made it clear they saw no need for further clarification. If he were more explicit, that would be seen as wobbling. The reality was that both Governments had made real efforts to explain the Declaration. He would, however, think about Senator Kennedy's suggestion although he was deeply worried about unionist reaction.

Ambassador's Dinner

42. An impressive guest list had been assembled by the Ambassador for dinner that night, headed by Speaker Foley. In short remarks, the Secretary of State expressed thanks for continued American interest and involvement in Ireland, through investment, the US contribution to the International Fund and their continued political interest. After a tribute to John Hume's role, the Secretary of State set out the foundation principles on which the two Governments had agreed in the Joint Declaration. These had resulted in increasing isolation for the men of violence and, in a sensible

timescale, it was now realistic to look forward to the people of Northern Ireland achieving the art of living together despite their differences.

Senator Mitchell

43. The following day, after interviews and breakfast with the press, we called first on Senator George Mitchell, the Democratic Senate Majority Leader. Having just twice turned down President Clinton's offer of a seat on the Supreme Court, Senator Mitchell's thoughts were understandably not focussed principally on Northern Ireland.

44. The Secretary of State set out the current situation in standard terms and, in answer to a question from Senator Mitchell about what might form the ultimate resolution, explained the talks process and the Government's interest in securing any solution which commanded the support of the parties. Nothing was ruled out and nothing ruled in, but it was very unlikely that a majority in Northern Ireland would agree now to a united Ireland, so the talks were focussing on the devolution of responsibilities within Northern Ireland, the recognition of the Irish identity by means of north/south institutions, and keeping open the route to a united Ireland were that ever to become the wish of a majority. The Government was committed to parity of esteem for all: its only loyalty was to the right of the people of Northern Ireland to decide their future. The Government would be persuaders neither for a united Ireland nor for maintenance of the Union.

45. Senator Mitchell welcomed the Joint Declaration as an historic turning point, offering promise for the future.

US Secretary of State

46. Accompanied by HM Ambassador, we then called on US Secretary of State, Warren Christopher. When we arrived at the State Department, we first heard of the shooting down of two helicopters over Iraq.

CONFIDENTIAL

Although slightly delayed as a consequence, the meeting nonetheless went ahead. Mr Tarnoff, Ms Peters, Mr Palmly and Mr Schafer, all from the State Department, were also present.

47. The Secretary of State described the historic significance of the Joint Declaration, with the two Governments standing side by side on foundation principles and realities. The key was the rejection of violence and the opening of the talks process to any party, only providing they had abandoned violence. While violence continued, Sinn Fein were becoming increasingly isolated. In answer to a question about Sinn Fein's intentions, the Secretary of State said that Adams' aim appeared to be to achieve concessions before an end to violence. In particular, he wanted the recognition and status that a meeting with the British Government would give him. For our part, the Government had taken sensible steps to make it easier rather than harder for Adams to lead his people away from violence, but in doing so it was vital not to lose the confidence of the unionists against a background of rising loyalist violence. It seemed likely that Adams did not currently command enough support to end the violence, but had concluded that an outright rejection would be very unpopular. Sinn Fein were therefore temporising to conceal the bind they were in, as demonstrated by the fact that they had yet to identify any specific item on which they required clarification.

48. Mr Christopher agreed: it seemed to be concessions, and not clarification, they were after. The Joint Declaration was a historic document which the US Government warmly welcomed. Mr Reynolds had clearly played a positive role in its adoption. The Secretary of State agreed: the Declaration had largely been Mr Reynolds' baby. We had feared he was pursuing peace at the cost of making real progress in the political talks, but it had come right in the end. It was not always recognised that the document was a great advance for its recognition by the Irish Government of unionist fears.

CONFIDENTIAL

-17-

SOFS(L)/21967

CONFIDENTIAL

49. Mr Christopher asked whether there was anything to be done to help Mr Molyneaux during his forthcoming visit to the US. The Secretary of State said that it was important for the US Government to recognise his importance. He had displayed a good deal of courage at the time of the Joint Declaration and was now feeling under significant pressure from Dr Paisley. Unionists thought that the US only paid attention to Mr Hume, but it was encouraging that unionists were now prepared to put their case in the US. The US should do what it could to encourage Mr Molyneaux to stick by the Joint Declaration. Mr Christopher said that he had his marching orders.

Ad hoc Congressional Committee on Irish Affairs

50. The Secretary of State then attended a meeting with the Ad hoc Congressional Committee on Irish Affairs, a grouping of the more extreme Congressmen as far as Northern Ireland is concerned. Among those present were Congressmen Manton, King, Walsh, Menendez, Hoak and their various staffers along with at least one RTE reporter.

51. The Secretary of State gave his standard introduction, emphasising that in the Joint Declaration both Governments accepted that the future of Northern Ireland, as for the island as a whole, was to be decided upon the basis of democracy and consent and not by violence. The only people excluded from the conference table were those who excluded themselves by way of their support for violence.

52. Among the points made by the Congressmen on the Joint Declaration, were:

- unionists had rejected it, so it appeared to have no hope of going anywhere;
- it was a strategic mistake to refuse to provide clarification. If we were genuine about our commitment to peace, why should we refuse to provide explanations? Other parties had obtained answers to their questions.

CONFIDENTIAL

-18-

SOFS(L)/21967

CONFIDENTIAL

The Prime Minister's various statements since the Joint Declaration had legitimately given rise to questions about his commitment. Far from not specifying items on which clarification was required, Congressman Menendez said that he had clearly heard Mr Adams set out a number of items in one of his speeches in New York. Other items for clarification, such as an amnesty for prisoners, could easily be anticipated;

- if necessary, the Government should build upon the public distinction between Sinn Fein and the IRA to enable Sinn Fein to enter the political Talks as soon as possible, so splitting the moderate elements from the hard line;
- the Government should not have rejected the IRA's ceasefire as a cynical exercise. A more positive response could have lead to it being extended indefinitely. Surely it was in the Governments interest to reward non-violence?

53. The Secretary of State said that the Joint Declaration had secured more than 90% support among the people of Ireland, North and South. The UUP, at least, had not rejected it: they were claiming it had run its course but that was based on a fundamental misconception because the Declaration had no course to run. As to clarification, Mr Adams had never pointed to a specific part of the Declaration which required clarification. He had written two letters to the Prime Minister, both of which had received replies, without specifying any such item. Both Governments had already gone a long way to explain the text and, as Mr Spring had said, everything was now on the table and very clear. If there were genuine questions, we would look at them in that light. We would look to see if they had already been dealt with: prisoners, for example, was not an issue which, as far as we were aware, had been put to us for clarification.

CONFIDENTIAL

-19-

SOFS(L)/21967

54. As to the ceasefire, if the IRA stopped violence for three days 'big deal'. But the fundamental message of the Joint Declaration remained. No-one was excluded from Talks and nothing was ruled out. The mechanism was there for Sinn Fein to join Talks: but while they continued to support violence, they excluded themselves. To relax that condition, would simply mean that all the other parties would refuse to participate.

55. Other matters raised including the presence of large numbers of British Army tanks in Crossmaglen (pronounced with the accent on the second syllable), the Amnesty International report and human rights abuses. The Secretary of State said that there were no tanks in Crossmaglen. The action there was a response to attacks from the IRA on the police station: attacks which, as Councillor Fee had said, put the lives of villagers at risk. Councillor Fee had been beaten for his pains. The Secretary of State said that, in the light of the IRA's attacks and their capabilities, he could not ask policemen and soldiers to serve in Crossmaglen without the level of protection which could be provided. We recognised there would be inconvenience and were doing all we could to minimise it, but the blame lay with the IRA.

56. On general human rights questions, the Secretary of State said that any such allegation would always be investigated and any evidence should be put to the authorities. He was not pretending that every member of the security forces was squeaky clean, but there was a total determination to see the security forces operated within the law: as a result of that concern, soldiers and policemen were in custody now. There were a number of independent bodies, such as the ICPC, charged to monitor such complaints and investigations.

Lunch with Speaker Foley

57. Speaker Foley had invited a group of more moderate Congressmen to meet the Secretary of State over lunch. There was a good deal of coming and going for votes. Speaker Foley himself (who is excused from voting) was very warm and supportive.

58. The Secretary of State described the Joint Declaration and the current state of the political Talks. They were still preceding, although on a bilateral basis and without the participation of the DUP at present. The DUP insisted on a change to Articles 2 and 3 before they would participate but the Irish Governments view, which seemed reasonable, was that any such amendment would be unlikely to succeed except as part of an overall package. The outlook was therefore turbulent but not unhopeful, and certainly more favourable than this time last year.

59. Among the points raised by the Congressmen present were:

- Paisley's attitude to the Joint Declaration;
- the prospects of a deal in the political Talks;
- the rise in loyalist violence;
- Crossmaglen and the Amnesty International report.

60. The Secretary of State responded in standard terms. The key to a deal in the political Talks was whether Hume and Molyneaux could come to some agreement: if they did, it would stick. There was a worrying rise in loyalist violence, to which the security forces were reacting even-handedly. It only emphasised the importance of maintaining unionists' confidence that the Government were not intent on selling them down the river. Extra protection at Crossmaglen was a necessary reaction to IRA capabilities and attacks on the police station there. Since it was possible to provide additional protection, by strengthening the buildings and erecting a tower to give better warning of possible attacks, such protection had to be provided. The responsibility was entirely the IRA's.

Congressman Joe Kennedy

61. In a brief 15 minute meeting, Congressman Kennedy said that he was very encouraged and delighted by the attitude of the British Government, who deserved a strong salute for their courage in taking the necessary risks over the Joint Declaration. Sinn Fein had clearly not responded as they should have done, but it was important to keep the process alive and if possible to take it one step further. The Secretary of State's New York speech had been helpful in this regard, but John Hume was worried that momentum was being lost and thought that the British Government should call Sinn Fein's bluff by providing clarification: if it turned into negotiation, the Government could simply walk away. He saw the sensitivities, but was there any way of trying to shade the position?

62. The Secretary of State said that he recognised the presentational weakness of the Government's position. The fact was that Sinn Fein had never specified an item of clarification which they required. Both Governments having said that the Declaration required no clarification, if they were now to be seen to provide it unionist opinion could well regard that as a disastrous step. With loyalist violence rising, there was simply no point in shifting the violence from one side to another. He could see the attractions in calling Sinn Fein's bluff but the danger was that in doing so it would cause Mr Molyneaux to say that he had thought the Declaration meant something altogether different and so condemn the Declaration. Nevertheless, he would think carefully about Congressman Kennedy's point of view.

63. Mr Kennedy said it was impossible for him to tell the Secretary of State how to "dance through the rain drops" but that, after all, was the fun of it! He asked if the Government had any intention of going for an internal solution only. The Secretary of State said no. As we walked out, Mr Kennedy mentioned the Paul Hill case and the Secretary of State said that we would have to wait for the court's verdict. (This was not the last we heard of Mr Kennedy - see para 72.)

Director of the FBI

64. After a morning of political calls, the Secretary of State moved on to a more relaxed call with Louis Freeh, the Director of the FBI. The Secretary of State expressed his appreciation for the FBI's co-operation and their help in particular on extradition. He asked about the admissibility in the US of intercept evidence and measures available to the FBI to combat organised crime.

65. Judge Freeh explained the provisions of the 1970 statute which, under very tight controls, allowed the FBI to obtain wire tapping warrants from a Judge as a result of which evidence could be produced in court. The US judiciary did not see this as a potential infringement of their independence from the executive, even though applications for such warrants were heard in camera. The Director confirmed that he hoped to maintain existing levels of co-operation with the British authorities against the IRA.

White House: National Security Advisor

66. Our meeting with officials in the National Security Council in the White House had a shifting cast list. Tony Lake was absent for much of the time dealing with Iraq and setting up phone calls between the President and the Prime Minister: Nancy Soderberg joined us halfway through; and the only official present throughout was Gennone Walker.

67. When Tony Lake was present, the Secretary of State summarized the Government's position. We were extremely grateful for the support of the US Government over the Joint Declaration and hoped it would continue. For our part, we were determined that the two Governments should continue to stand side by side. That meant that we would continue to demonstrate our sincerity in the search for peace and political progress and our commitment to parity of esteem. But, with loyalist violence rising (reflected in rising loyalist charges) there was a danger in going too far to help Adams, which would only shift the violence from one side to another. We

CONFIDENTIAL

would continue to press ahead with the Talks process, but realistically not a lot of progress would be made before the European Elections. We were committed to a solution across all three strands and would not settle for a purely internal solution.

68. Mr Lake reiterated the US Government's support for the Declaration and the President's admiration for the Prime Minister's own role in securing it. The US Government had called unequivocally on Adams to end the violence now. He wondered what our attitude would be if the Taoiseach was soon to establish his Forum for Peace and Reconciliation (a question asked separately by Nancy Soderberg, suggesting they might both have received hints that such a course might well be in the Taoiseach's mind). The Secretary of State said that was a matter for the Taoiseach, but it would cause no problems for us. The Irish Government had firmly re-stated the position that Sinn Fein could not participate in the Forum without a permanent end to violence and its support. He hoped unionists would participate in the Forum, but feared they would not.

69. As we were leaving, both Tony Lake and Nancy Soderberg, separately, asked what they could do to make Mr Molyneux feel welcome. The Secretary of State urged them to ensure his position as leader of the largest unionist party was appropriately recognised, and tribute paid to his courage at the time of the Joint Declaration. There was no reference during the meeting to the Adams visa, but both Tony Lake and Nancy Soderberg stressed their readiness to do whatever they could to help over Northern Ireland.

House Foreign Affairs Committee

70. We then returned to the Hill for an informal meeting with the House Foreign Affairs Committee, chaired by Congressman Gilman and with Congressmen Engle and McCloskey among others present. In his opening remarks, the Secretary of State expressed his appreciation for US contributions to the International Fund and the care which

CONFIDENTIAL

-24-

SOFS(L)/21967

CONFIDENTIAL

was taken in allocating money. The Fund had contributed to the creation of some 20,000 jobs, making a significant inroad to unemployment.

71. Among questions put by the Committee members were:

- Crossmaglen, to which the Secretary of State replied along standard lines;
- clarification: Congressman Engle said that he recognised the difficulties of the current situation, on which he had recently received an excellent briefing from Michael Ancram. But he thought the ceasefire had been a significant gesture and was disappointed in the Government's response. When he met Mr Adams in Belfast, the latter had said that he had encountered great difficulties in securing a ceasefire for any longer. However disappointing this may be, was it not better to take little steps one at a time? The Secretary of State said that a three day ceasefire was merely a suspended sentence of death. It was vital to hold to the principle that we would not negotiate with those who used violence: to do otherwise would fundamentally undermine constitutional nationalists;
- IFI funding: Congressman Engle said that, following his recent visit to London and Belfast, he had changed his opinion of the Fund and was very impressed by Mr McCarter and supported his efforts;
- at the conclusion of the meeting, Congressman Engle walked down several corridors with us pressing the case for taking account of the time spent by Doherty in US custody. The Secretary of State gave him little joy.

CONFIDENTIAL

-25-

SOFS(L)/21967

Attorney General

72. The Secretary of State's final call of the day, accompanied by HM Ambassador, was on the Attorney General, Janet Reno. I had to miss this meeting to deal with a quote which Joe Kennedy was reported to have given a Boston newspaper to the effect that the first thing the Secretary of State had said to him was that we were considering giving clarification. But I gather that the Attorney General was warmly supportive of the Government's position and assured the Secretary of State that she would do whatever she could to assist in our efforts against Irish terrorism.

73. The Secretary of State having been saved from the 'Larry King Live' show, we were able to finish the day with a relaxed and informal dinner with Embassy staff and one or two helpful outsiders.

American Bar Association

74. The best was kept till last. To mark the end of the tour, and the Secretary of State's wedding anniversary, there was an encounter with Ed Lynch and colleagues at a meeting of the American Bar Association's Section on Individual Rights and Responsibilities, chaired by Mr Plessner. It was not altogether clear who were lawyers and who were not, since Father McManus, for one, had managed to gain admission: but in all there were about thirty people present.

75. The Secretary of State said that his fundamental proposition was that in Northern Ireland the rule of law obtained. That meant that all the Government's agencies were subject to the law. In practice, this was achieved by the independence of the prosecuting authorities and the judiciary, the determination of the Attorney General to uphold this independence, and Parliament's own determination not to pass laws which would effectively create a police state.

CONFIDENTIAL

76. Mr Lynch had expressed particular concern about the law on lethal force. It conferred no privileges on the police or the military: they had the same rights as any other citizen and no immunity from prosecution but, in certain circumstances, they could have a duty to open fire. Where someone was killed by the security forces, this was always investigated by an RUC officer from another division. The ICPC, representing the community as a whole, supervised the investigation and, if they were not completely satisfied with it, could require further enquiries to be undertaken. The Chief Constable then had to decide whether to recommend any charges: even if he decided against, the papers still went to the DPP to consider. The DPP was entirely independent and could direct that further enquiries be made or charges be brought. Technically, the Attorney General had the power to overrule a direction by the DPP but, to his knowledge, that had never been exercised. If a member of the security forces were charged, then he was treated according to the ordinary processes of the criminal law in Northern Ireland.

77. Mr Lynch had expressed some disquiet over the number of acquittals in cases where members of the security forces were charged. These were decisions for the judiciary alone, who were entirely independent of any political interference. It so happened that at present there were rather more Catholics among the High Court Judges than proportionately in the population as a whole.

78. A Mr Shesthack (?) said that he believed the rule of law in Northern Ireland was in jeopardy. In particular:

- solicitors were often under death threats which had never been condemned by Ministers;
- the RUC tried to drive a wedge between solicitors and the client and the choice of solicitor was restricted and access limited;

CONFIDENTIAL

-27-

SOFS(L)/21967

CONFIDENTIAL

- one solicitor, Pat Finucane, had been murdered and there had never been a call for an investigation;
- uncorroborated confession evidence was admitted even though access to solicitors was limited;
- the right to silence had been restricted in a way not applied in the rest of the UK;
- the Chief Constable had refused to meet the Law Society, sending only his deputy;
- the UK had had to make derogations from the ECHR.

79. The Secretary of State dealt with each in turn:

- unfortunately there were a number of death threats in Northern Ireland, including against himself. But he had repeatedly made a very clear condemnation of violence or intimidation against anyone from whatever source;
- he had recently appointed an Independent Commissioner for the Holding Centres, a lawyer with expertise in human rights, whose job it was to satisfy himself that there was no improper conduct in the Holding Centres. He had untrammelled right of access to the Centres and to those held in them. Defendants did have the right to choose their own legal representation, even though this could often lead to long delays. Access to solicitors could be delayed by a senior RUC Officer for 48 hours under very clear conditions, but that was justified where very serious crime was being investigated;
- Mr Finucane's murder had been investigated by the police: loyalist violence was treated even-handedly as reflected in the greater number of loyalists charged last year;

CONFIDENTIAL

-28-

SOF

SOFS(L)/21967

CONFIDENTIAL

- there was an argument for requiring corroboration of confession evidence but, in allowing it to be admitted uncorroborated, Northern Ireland was no different to England and Wales. Interviews with suspects were not videotaped, but were monitored on TV screens. He could see the argument for making audio and video recordings, but a very powerful countercase could be made that this would seriously hamper the investigation of a terrorist crime. The Independent Commissioner had recently recommended videotaping and we would be taking his views seriously;
- there had been some changes made to the so-called right of silence, but these were to be reproduced in England and Wales as well;
- he had no knowledge of contacts between the Law Society and the RUC, or difficulties in them;
- as for the ECHR, it was correct that provisions allowing detention of suspects for up to 7 days, on the personal authority of the Secretary of State or his Ministers, had required a derogation. The Court had recently ruled that this derogation was justified under the terms of the ECHR in the light of the security situation in Northern Ireland.

80. Mr Lynch then opened up. The system of justice in Northern Ireland was alienating members of the community and feeding the paramilitaries. There was only time to give a few examples: Bloody Sunday, Lord Justice Nicholson's McGovern judgement, the Carragher case, the failure to respond positively to numerous reports, including Amnesty International, Helsinki Watch, Haldane Society and the British Irish Human Rights Watch. It was simply inexplicable why the Government refused to respond to such independent enquiries. It was clear that the security forces were immune.

CONFIDENTIAL

-29-

SOFS(L)/21967

CONFIDENTIAL

81. The Secretary of State said that it was hard to see how the accusation of immunity could be sustained when Private Clegg was serving life imprisonment for murder, his appeal having been rejected by the Lord Chief Justice. In the Carragher case, he had himself discussed the question of prosecution with the DPP and was in no doubt that it was right for there to be a prosecution: the LCJ's judgement deserved careful reading. The McGovern judgement also deserved careful reading: [REDACTED]

[REDACTED] The Nelson case, which Mr Lynch had mentioned, demonstrated the commitment to upholding the rule of law. If the system were corrupt, Nelson's wrong doing would have been covered up but, as Attorney himself, he had insisted that there had to be a prosecution and as a result Nelson was imprisoned.

82. As for the various reports mentioned by Mr Lynch, there were a very large number of reports published about Northern Ireland: the key point was whether any brought forward new evidence which had not previously been investigated. If there was new evidence, it should be put to the authorities and would be investigated. The Amnesty Report contained much that was worthy of praise, although it offered no new evidence on collusion. But he had questioned how Amnesty could justify calling for paramilitaries to stop killing innocent civilians, which carried the implication that members of the security forces somehow had fewer rights. As Secretary of State, he was responsible for all the people in Northern Ireland, and for providing them with adequate protection under the law.

83. Although the questions at the meeting were all fairly hostile, the warm applause from the 27 or so who did not get to ask questions probably more fairly represented their opinions.

84. As we were leaving, Father McManus collared the Secretary of State to say that listening to Dr Paisley had given him hope, but the Secretary of State was an absolute disgrace and not fit to hold public office.

CONFIDENTIAL

-30-

SOFS(L)/21967

CONFIDENTIAL

85. The Secretary of State took this thunderbolt with equanimity and Father McManus' reaction was the exception which proved the rule throughout the visit, that there was generally warm support for the Government's position and for the Secretary of State personally.

SIGNED

JONATHAN STEPHENS
PS/Secretary of State
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21 April 1994

CONFIDENTIAL

-31-

SOFS(L)/21967