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THAMES TELEVISION

THIS WEEK

Thursday December 12 1974

Dealing with the terrorists

THE HOME SECRETARY

The Rt Hon Roy Jenkins

PETER TAYLOR:

Mr. Jenkins, in a Gallup Poll which will be published in tomorrow's Daily Telegraph seventy five per cent of the Country are shown to be in favour of hanging terrorists. Are you aware that Parliament's decision not to hang terrorists is perhaps deeply resented by the majority of people in this country?

ROY JENKINS:

It may be resented, I don't know. The figures you recite for the Gallup Poll don't surprise me, and I don't think they would surprise nearly everybody who voted in the big majority against capital punishment for terrorists or for anybody else in the House of Commons yesterday. I think we were aware of this. This didn't for a moment mean that anybody who took part in that debate were contemptuous of public opinion. Nor, I think, did we feel out of sympathy with people's feelings. We understood them, and I think the great majority of those who voted in the majority would be perfectly happy to see terrorists hanged - bestial a process though it is, but terrorism is bestial. We'd be perfectly happy to see them hanged if we thought that it would have produced any greater safety, or perhaps even left the position neutral, but on deep consideration we were convinced on the evidence on the past, on likely happenings in the future that we would produce greater danger and not greater safety - that we would in fact be signing not warrants of safety but warrants of danger for innocent people in the future, and believing that I think this was an occasion when the House of Commons - deeply aware of public opinion - was respectful of it, but also aware of its own duty to be representative - felt that it was right if that was their view to cast the vote as they did.

PETER TAYLOR:

Did the fact that the House had already reflected public opinion, public outrage, by passing the legislation that it did, make M.P.'s more ready to vote against the introduction of capital punishment for terrorists?

ROY JENKINS:

Well you see, I think there is a great difference between the two, because the measures which I brought forward two weeks ago, tough measures as I believe, to deal with

ROY JENKINS:

(contd)... the I.R.A. and I think they have been proving effective, I think they have helped the police a lot in the past two weeks. I think that those measures were not brought forward just as an expression of revulsion, though God knows we all felt revulsion about what had happened, but because we positively believed that they would have to improve the position and give us greater safety, there can't be, I'm afraid, any guarantee of absolute safety, but greater safety in the future. They weren't just an expression of revulsion, they were a logical attempt to try and do something to deal with the problem and I believe they are working.

PETER TAYLOR:

I'd like to come to those measures in a few minutes, Mr. Jenkins, but I'd just like to ask you "Is the issue of hanging terrorists now out of the way once and for all, or, if say, the violence does escalate and if, for example, the provisional I.R.A. were to start shooting policemen in this country as they do in Northern Ireland, do you see the issue of executing terrorists being debated and voted on once again in the future?"

ROY JENKINS:

Whenever the House wishes to do this it can debate it, there are various ways in which it can do it, but of course the majority was - was decisive yesterday, and I think one reason why the majority was decisive was because the House on the whole thought that terrorists really of all people are the least susceptible to - deterred by hanging. The business of I.R.A. terrorists is death - they trade upon it, and although er I - I think its assuming they are rational human beings, which they are not. Its not understanding their psychosis to believe that they'd be intimidated by the gallows. They love martyrs and they would be happy to have martyrs, and I think another factor which arose here was that, as I told the House, it was the view, there's no unanimous peace views, there's no unanimous p - parliamentary view, no unanimous public view, but it's the view which he wanted me to express, of the Commissioner of Police for London and of his senior most - nearly all of his senior officers those who are most directly engaged, that capital punishment would hinder and not help.

PETER TAYLOR:

Do you think that the police have now broken the back of the I.R.A.'s campaign in Britain?

ROY JENKINS:

I think the police have done magnificently well, particularly in the last two weeks. I

ROY JENKINS:

(contd).....
think it's early days to talk about breaking
backs and I would not like to make any
predictions for the future. We are
engaged in a difficult struggle with some very
dedicated and malevolent enemies and this
struggle may go on for some time, and I'm not
going to pretend to anybody that it's over,
there may be great difficulties to face in the
future, but I think the progress which has been
made in the past two weeks has been remarkable,
and is a high tribute to those who - the police
and those others who worked on it.

PETER TAYLOR:

Say the violence does continue, and say your
measures prove insufficient to curb terrorists
in this country - I.R.A. terrorists in this
country - do you foresee a situation where ..
soldiers may be used on the streets of London,
or Birmingham, or Coventry, just as they are
in the streets of Belfast?

ROY JENKINS:

No, I don't foresee such a position. Um, the
position in this country is still, fortunately,
very different from that which there has been
in Northern Ireland. I want to improve the
Northern Ireland situation, but until one can
improve that, to keep the position different,
and give what protection one can in Great
Britain, I think we are a long way off the
position you have described. Um, of course,
if the position goes on, if it gets worse, I
will always consider and introduce as rapidly
as possible, if, on the basis of the advice
I get from the security services and other
people, it is necessary - further measures.
But what I want are measures which will work,
and not gestures. I understand people
sometimes want gestures, but what we want is
to defeat this enemy of the I.R.A. and not
just indulge in gestures which could make
things worse.

PETER TAYLOR:

So if it were decided, or if you are - were
advised that it were necessary to put British
soldiers on English streets, you would -
consider that, you would do that in fact?

ROY JENKINS:

Well I don't - I don't envisage this situation
at all. No, of course, I mean any Government
would, if necessary, have soldiers on the
street rather than see the whole country
dissolve into Civil War. For that, what
what I'm doing, by taking the measures we are
doing, is doing everything we can to prevent
such a position, and as I say the progress has
been very good in the past two weeks, and I
would expect when one talks in these extreme
terms, one is more likely to bring about which
I don't believe will happen - an extreme
situation, and if one faces it resolutely but
calmly.

PETER TAYLOR:

Why was it necessary to push through Parliament a Bill that has such enormous implications in such a short period of time? Did you, and the House, panic?

ROY JENKINS:

No. We, um, didn't panic. The incident in Birmingham, which was the worst, the more dreadful incident, but was not, I suppose, different in kind - it was worse in quantity, but not different in kind than those which have happened at Guildford and the Tower of London - took place on a Thursday night, and, um, I announced that I was looking at new measures on the Friday. I announced broadly what they would be on the Monday, and we then put them through Parliament in one very long sitting on the Thursday. They weren't rushed through in an atmosphere of hysteria. They were discussed carefully, but I put them through quickly, because though I think that these measures do involve certain interference with Civil liberties which would not be desirable in normal circumstances, I thought, and the House thought, that they were justified in the circumstances that we were facing, and if they were justified, they should be put into operation as quickly as possible, and this is what we did, and what Parliament did. No, it wasn't panic, it was rapid, determined action.

PETER TAYLOR:

Why do you think it is Mr. Jenkins, that when twenty one people die in appalling circumstances in Birmingham, there is a sense of public outrage, and yet, over the past five years, when .. over twelve hundred people have died in Northern Ireland, many of them in circumstances every bit as horrific as those of Birmingham, people just tend to shrug their shoulders? Why the difference?

ROY JENKINS:

I - I suppose there is a certain illogicality about this, and no-one would minimise the horror of what has been happening in Northern Ireland for a number of years past. But in Northern Ireland, who have at last got into a position in which two communities have found it very difficult to live together without violence, there has not been the position in Great Britain, in Birmingham or any other city....

PETER TAYLOR:

But...

ROY JENKINS:

the violence has been - the violence in Northern Ireland has been generated there - alas...the violence in Birmingham, London and Guildford has been imported, and therefore there has been a different reaction to it for that purpose. Maybe not wholly justifiable, but in my view, understandable.

PETER TAYLOR:

Did - what you saw in Birmingham, in any way bring home Northern Ireland to you, I mean I know that Northern Ireland has not been part of your brief over the past - er - nine months, but did you, yourself, become more aware, more horrified of what was happening, what is happening, in Northern Ireland..

ROY JENKINS:

What I saw in Birmingham had a tremendous impact upon me, even though I'd seen the victims of the Tower explosion in hospital, and the victims of the Guildford explosion in hospital. Birmingham was worse, from this point of view. It's also, of course, a city immensely familiar to me, in which I've just fought two election campaigns, and also there's something more striking about a horrific situation in a familiar - er -- against a familiar background than against an unfamiliar one. I shall never forget that Friday, and the atmosphere in the centre of the city in Birmingham.

PETER TAYLOR:

Can I now move on to ask you about the legislation? A couple of days before the Birmingham bombs you said in the House of Commons that on the best advice of the police and the army, banning the I.R.A., although it might understandably assuage certain feelings, nevertheless would make things more difficult for security forces, and yet, a week later, after the Birmingham bombings, you suddenly announced that you were going to ban the I.R.A. Why did you change your mind so dramatically? Was it to assuage those feelings of public outrage that you'd mentioned?

ROY JENKINS:

Um. I had always, it's perfectly true that throughout the eight months or whatever it was I had been Home Secretary, I had - um - continued in the view which my predecessors in the last Government had taken on advice, that banning the I.R.A., while superficially attractive, was not likely to be - to be effective. Um - the reason the security services had taken this view, fairly strongly, but - er - a little less strongly as time went on - um - I believe that the banning of the I.R.A. - um - of the four main measures, one of the four main measures in the bill was in a sense dealing with the problem of an affront to public feeling, because I think that had the I.R.A. been able to continue as a legal organisation, after Birmingham, this would have been so deeply offensive, and rightly offensive to so many people in this country as to be perfectly intolerable ...

PETER TAYLOR:

You accept that' ...

ROY JENKINS:

..and the police and the security services accepted that, but what I would say is that of the four measures in the bill,

ROY JENKINS:

(Contd).....

the banning of the I.R.A. was the one most concerned with avoiding affronts to public feeling. Now .. that's not an unreasonable approach, and the other three were directed to greatly strengthening the ability of the police and the security services, to provide us with as much safety as possible.

PETER TAYLOR:

Did the police, or the security services, specifically ask you for any particular measure which has now been passed? Did they come to you and say we must have that power?

ROY JENKINS:

I don't think, no, they have not said that, we discussed the matter together. There are always difficulties about what exactly what is - um - er - who advises a Minister to do what, and indeed really don't want to have this happening. What I think is the case is that we moved broadly together on this, and I cannot remember any occasion when they will say "we want more" and I am saying "you can't have it", or on occasion when I was saying "I want more" and they were saying "we don't want it". There broadly we moved together, and the steps that I took were highly acceptable to the - um - um - to the - um - police and the security services, and were acceptable to Parliament in those circumstances. Well, they probably would not have been, almost certainly would not have been, because of the genuine issues of civil liberties which are raised previously.

PETER TAYLOR:

Can I ask you a question which obviously concerns us greatly, which is that if in future, I, or any of my colleagues on television, or in newspapers, were to interview the I.R.A.'s David O'Connell, or any other I.R.A. member for that matter - under the new act would we be liable to prosecution?

ROY JENKINS:

Who is liable for prosecution is not a matter for the Home Secretary. It's a matter for the prosecuting authorities, ~~whereas~~ the Director of Public prosecution subject to the Attorney General or to the Police in minor cases. Now, this is not just a verbal quibble, this is a very important part of our constitutional system. I won't tell people when they - when they're going to be prosecuted. There was a great deal of debate about this in the House of Commons and I'm very anxious to avoid a position in which I would be mostly responsible for the Independent Broadcasting Authority and the B.B.C., getting to a position of censuring either of these bodies, and trying to make

ROY JENKINS:

(contd).....
them subordinate to me. I believe in
independent broadcasting in that sense, but
I did indicate that in my view, in the new
circumstances, and this I believe, would be
the view of the - of the authorities, a
repeat of the O'Connell interview would be
entirely inappropriate.

PETER TAYLOR:

ROY JENKINS:

But would it necessarily be illegal?

Department of Foreign Affairs

That is a matter to be decided by the prosecuting authorities and by the Courts. That is a fundamental principle of English Law.

PETER TAYLOR:

Can you, then, foresee circumstances in which journalists, and they may have to be special circumstances, are permitted to interview members of the IRA? To interview the enemy?

ROY JENKINS:

I think that the Broadcasting Authorities would be extremely foolish to do anything which gave the impression, as maybe that interview did to many people - but I don't pronounce on particular programmes in the past - that the .. they were in any way succouring an illegal and menacing organisation so far as the people of this country are concerned.

PETER TAYLOR:

Can I ask you about the powers of arrest and detention? It appears that all the arrests that the Police have made recently, in connection with the bombings, have been made without having had to have any recourse to the new measures, to the new powers which you have given them. If that's the case, why give them the powers in the first place?

ROY JENKINS:

I don't think you're right. Um ..

PETER TAYLOR:

I- I actually quote Police sources I've spoken to.

ROY JENKINS:

I - um, I'm not sure what Police sources you're quoting but, um, with respect I do not think you're right. I think that, for instance, it has been necessary to hold people for the longer periods for which I have had to give authority in order that there might be reinvestigation um, um, of these offences. Um, I don't say that everything, that all the arrests that have been made could have taken place without the Bill, without the Act, for a moment; um, but what I do say is that the Police had been working extremely hard before the Act, that they were merely in a position to do a number of things and achieve considerable successes; that their position has been fortified by the Act and that the very considerable achievement from the point of view of Police and detective work, so far as those who may have perpetrated these outrages are concerned, has been remarkably successful in the last fortnight; and that part of that - part of that, not the whole of it, is a result of the emergency powers.

PETER TAYLOR:

What I'm really saying, Mr Jenkins, is that it appears that in the past, that if the Police had needed to detain anybody for a rather important reason, for a particular length of time - for example the Price Sisters, er, then they could always do it, if necessary, so why give them specific powers when they could do what they wanted, anyway?

ROY JENKINS:

Well, I think the Police attach great importance to having these powers. They may have managed to find ways occasionally of doing things, but they were always at risk as to whether they were behaving properly, and I think that if the Police are going to do things and it is necessary for them to do this, it is much better that they should do it properly and clearly under Act of Parliament than by, perhaps, straining the powers that they have.

PETER TAYLOR:

If a person is excluded and, say, sent back to Northern Ireland for suspected involvement in terrorism, isn't that person almost bound to be interned?

ROY JENKINS:

In many cases he might well be interned. Um, it does not inevitably follow that he would be interned. That would be a matter to be judged by the Northern Ireland authorities, in relation to his behaviour, in relation to Northern Ireland. Er, it would not necessarily follow, but it might well in a number of cases.

PETER TAYLOR:

In fact, it seems to me that there will be a strong likelihood of him being interned, if a man is sent out of this part of the United Kingdom for suspected terrorist activities, it's difficult to see him being allowed to run around in Northern Ireland, having being sent out of this part of the United Kingdom for those reasons?

ROY JENKINS:

There might well be a likelihood.

PETER TAYLOR:

In a sense, isn't the exclusion power really an alternative to building our own Long Kesh here in England?

ROY JENKINS:

No, I don't think so. I - I..

PETER TAYLOR:

Aren't we using Northern Ireland as a dumping ground for the terrorists that we don't actually want in this part of the United Kingdom, so we're sending them back home again to Northern Ireland?

ROY JENKINS:

No, in certain cases, um, we can send people of course both to the Republic of Ireland, um, and in certain cases, to Northern Ireland. Um, if they come from the Republic, they will be sent to the Republic and not to Northern Ireland and there is also provisions in the Bill to erect a ring fence round the United Kingdom - that's Northern Ireland as well as Great Britain - and enable Northern Ireland to use pro - provisions of exclusion um, to the south. No, the question of building a Long Kesh here would not arise. I told the House of Commons and I think this will be the case that .. no, let me finish the question if I may, please ..

PETER TAYLOR:

Yes.

ROY JENKINS:

Um, and that I told the House of Commons that I thought the numbers involved would be limited - I think they will be limited, I would not like to give a precise number, but it will be totally disproportionate to any figure involved in-in L- L - L- Long Kesh, and anybody who is firmly established here for a long time past um, cannot be sent back, but where people come over - whether from the Republic or from Northern Ireland - to commit as it appears acts of terrorism or to assist in them, I think it reasonable that they should be sent back. I think we have to give the people in this country every protection we can.

PETER TAYLOR:

If you deport a person, not to Northern Ireland, but say, to the Republic, there is a chance of course that the Republic may try him for being a member of the IRA. It's perhaps even more likely that if that man is a terrorist, that he'll go back to Northern Ireland, which means that you'll have to intern him again - or not you have to intern him, but Merlyn Rees has to intern him, doesn't he?

ROY JENKINS:

If he does that he.. well, in the first place he can be excluded from Northern Ireland if they can make the - the control effective, but there is a great ...

PETER TAYLOR:

But if he's a terrorist, Mr Jenkins, they're going to intern him, aren't they? They're not going to say "Go back home again to the South"?

ROY JENKINS:

Oh yes, if he's a terrorist who arrives from the South I would think they would certainly intern him.

PETER TAYLOR:

And if he arrives from the South, it's because he's arrived from this part of the United Kingdom.

DFA/5
ROY JENKINS:

Department of Foreign Affairs
Well, we have no powers of internment in this part of the United Kingdom, and I do not think that they would be called for in relation to the limited numbers involved. Northern Ireland has in these circumstances the special powers of internment which have developed in relation to the position in Northern Ireland, and one does not want any greater infringement of civil liberties than is essential for the purposes of safety here. They also have the right to exclude him and to prevent him, if they can, crossing the border.

PETER TAYLOR:

You say we have no powers of internment in this country, but it appears to me, under exclusion orders we don't need any powers of internment. If we wish to intern we simply send them back to Northern Ireland.

ROY JENKINS:

Yes, we are dealing with a fairly limited number of people, here.

PETER TAYLOR:

But we're still interning them, Mr Jenkins.

ROY JENKINS:

Um, I'm sorry, you're contradicting yourself now - you said you don't have powers of internment, we do not have powers of internment...

PETER TAYLOR:

In this part of the United Kingdom ...

ROY JENKINS:

And in my view we do not need and do not want to have powers to internment, which are under some criticism, although I think myself are justified in Northern Ireland. Where we are dealing with a limited number of people who come from an area in order to try and commit acts of terrorism in this country, I think it is sensible and reasonable to send them back - that is the protection which I think I owe to the people of this country and which I have endeavoured to carry out, but I do not think that it follows from this that it would be more sensible to have a mass internment policy here, in order to deal with what I believe are a limited number of people, and who can be dealt with effectively, by the exclusion orders which we have made possible under the emergency legislation, which would not of course have been possible hitherto - a short time ago you were, er, telling me that the emergency legislation did not in your view seem to be necessary. It is in my view clearly necessary, on the questions you've just been asking me about the need to exclude them and the need to - to give the safety one can to people in this country.

PETER TAYLOR:

What concerns a lot of people, Mr Jenkins, and I'm sure it concerns a lot of people in Northern Ireland, is that what this legislation really does is say that there are two parts of the United Kingdom, and one of those parts - Northern Ireland - is treated differently to the rest of the United Kingdom, and that they see, er, perhaps unreasonably, that as being the thin end of the wedge - that perhaps it's the beginning of the road to withdrawal, the beginning of the road to independence. I'm sure you can understand those fears, can't you?

ROY JENKINS:

Yes, I can understand, to some extent, those fears. They were expressed during the Debate, they were expressed by Enoch Powell, for instance, a new Member for Northern Ireland and I have replied to them and I think to some extent satisfied him. Mind you, what has to be borne in mind is that Northern Ireland by its own choice, while part of the United Kingdom, has chosen for over fifty years past to be a rather separate part of the United Kingdom and I told the House of Commons, I passed numerable Bills as Home Secretary before as Chancellor of the Exchequer - none of them by the choice of Northern Ireland have applied to Northern Ireland. They - they ...

PETER TAYLOR:

But this legislation ...

ROY JENKINS:

Let me finish, again. They've always maintained their system; Their degree of independence so so far as that is concerned. They have always wished under the 1922 Constitution to be treated somewhat separately, and therefore to say that there is, um, some difference of treatment is not a new thing, this has been something which has been there by the design of Northern Ireland for a long time past. This does not mean that one wants to split the United Kingdom. It does not mean that we have any intention at all, which I certainly have not, of giving in to terrorism - but it does mean that one has to recognise certain realities and give every protection one can to the people of this Island.

PETER TAYLOR:

What also worries many people is that bombs go off in Birmingham, twenty-one people are killed, there is an emergency debate, and there is emergency legislation. There is great great concern - you say not panic - but there is certainly great concern; that people would like to see the Government devoting that same amount of concern and urgency to the problem of Northern Ireland, which, after all, is the cause of the problem at the moment, rather than just the symptoms; but what the

PETER TAYLOR:

(Continued)..

13
legislation does is to attack the symptoms that we find, unfortunately in our own country, and the Government should direct its attention in the same urgency to solving the cause, the problem of Northern Ireland.

ROY JENKINS:

Yes, you are right in saying that the ultimate solution, the ultimate way of removing this cancer of violence will be political - must be a political solution in Northern Ireland; must be to try and get people in Northern Ireland to live together in conditions of - of - of - of tolerance, but that is different from saying that we have failed to do this, or successive governments have failed to do it to a sense of urgency ..

PETER TAYLOR:

Is the Government ...

ROY JENKINS:

But there's been a great deal.. there's been a great deal of urgency which has been applied to it, but the solution has eluded people and it is much easier in Northern Ireland to demand a solution to call for a solution, and to say exactly what that solution should be; and if anybody knows exactly what that solution is, let him speak, because we would be very anxious to have his solution. We will endeavour to go on seeking with all the power we can, as Merlyn Rees, my colleague, does and other people have done before him - Willy Whitelaw and many others - to achieve a solution but it is one thing to use all your efforts to get one, and in that extremely difficult position, to be sure you're going to get one; but that does not mean that it is not reasonable in the circumstances to try and prevent that difficulty so far as is humanly possible from spilling over into this island from whence it does not spring.

PETER TAYLOR:

One last question, Mr Jenkins. Can you say, categorically, on behalf of the British Government, that if there is a settlement in Northern Ireland, if there is peace, there will be no amnesty at all for political prisoners?

ROY JENKINS:

I have said firmly - I said in the House of Commons last night and I repeat it now - that I think that any terrorist who committed a crime of murder or maiming in this country, and thought that he was going to be led out of prison, as a result of any political change would be making a very grave mistake indeed. I don't recognise political excuses for the sort of bestial crimes which have been committed here recently.

PETER TAYLOR:

Mr Jenkins, thank you very much indeed. And that's all from "This Week" tonight. Goodnight.