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Title: Report of meetings of Seán Donlon, Department of Foreign Affairs, with Gerry Fitt, Paddy Devlin, Paddy Duffy, and John Duffy, all from the SDLP [Social Democratic and Labour Party], and Bob Cooper of the Alliance Party. The main points discussed were the upcoming UK General Election in Northern Ireland, internment, a proposed Council of Ireland, the security situation, Border incidents, a successful civil action undertaken by Pat Shivers of Toomebridge, and the arrest of Detective Sergeant McKinney of the RUC [Royal Ulster Constabulary] Special Branch.

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Visit to Northern Ireland - 13/14 February 1974

1. Among those I met were Messrs. Gerry Fitt, Paddy Devlin, Paddy Duffy, John Duffy (SDLP) and Bob Cooper (Alliance). As the conversations in each case were wide-ranging and lengthy, I am not attempting to note them in detail but rather to report generally on the main topics discussed.
2. The British General Election was naturally the subject most occupying the attention of the politicians. There is obviously a considerable amount of contact between the pro-Sunningdale party leaders though their efforts to co-ordinate nominations to ensure the maximum number of seats are not being supported at party organisation or grass-roots level either in the Alliance Party or the SDLP. On the SDLP side, Fitt is confident that Faulkner will facilitate them by nominating candidates in e.g. mid-Ulster and Fermanagh/South Tyrone and thereby split the Unionist vote and Fitt is prepared to reciprocate in any constituency where that might help Faulkner. Devlin - and I understand Hume, though I did not discuss the matter with him this week - feels that the time is not ripe for making an electoral pact with Faulkner and that the Executive parties should therefore concentrate on winning as many pro-Sunningdale votes as possible, even at the expense of losing seats. This feeling is shared by Bob Cooper who says that their constituency workers are very anxious to have Alliance candidates in as many constituencies as possible. The party is certainly committed to having at least three candidates and thereby qualify for TV and radio time. However, they are being strongly pressed not to nominate anyone in North Down as this would jeopardise Roy Bradford's chances of success there and if the party headquarters' view prevails, they will succumb to this pressure. By close of nominations on 18 February, the position will be and there is little point in speculating in detail at this

to what the pattern of nominations will be. On the general

outcome of the elections, both SDLP and Alliance are pessimistic and expect that a majority of those returned will not be supporters of Sunningdale. Bob Cooper does not expect any of their nominees to be elected; John Duffy says that they will be doing well if they get two returned to Westminster and a total vote of about 160,000 for SDLP candidates. Paddy Devlin thinks they could get four elected but Gerry Fitt said - admittedly in the early hours of the morning and when he was not in his normal cheerful mood - that they could end up with no seats. Fitt is furious that he had to go to a nomination convention and offer himself for selection against two rivals, Pascal O'Hare (a West Belfast solicitor with a good record of activity in the CCDC) and Gerry Campbell (an ex-internee, current city councillor and leading member of the "Motion No. 1 Committee" which is critical of what it regards as the SDLP's non-activity on internment). He is fighting his twentieth election and never previously had to go to anyone for nomination. Up to the last minute, he was refusing to go to the West Belfast convention and was persuaded by Hume and Devlin to go only when it was clear that the other candidates were serious and would create enormous difficulties if they were nominated and not subsequently ratified by the Party. The main issues used by those opposed to Fitt's nomination were his attitude on internment and on the treatment of the Price sisters.

3. Fitt said that Faulkner would definitely not be running and he says that the final decision on this was influenced by Frank Cooper of the NI Office who strongly advised Faulkner not to run in any constituency unless he was 100% certain of winning.

4. The SDLP are having difficulty persuading good candidates to run. John Hume was certain that he had persuaded Dr. Jim Cosgrave to run in Derry and there is a feeling that he might have won the seat. At the last minute, however, Cosgrave withdrew for personal reasons and in the crucial few hours before the nomination

convention when Hume was on business in Belfast, Hugh Logue moved in to tie up the nomination. This will do nothing either to ease the tension already existing between Logue and Hume or to contribute to the creation of a solid SDLP structure in Derry where a councillor elected on an SDLP ticket last May is standing for Westminster on an "independent community" ticket. In mid-Ulster, there will certainly be a determined effort to unseat Bernadette McAliskey but whether the SDLP candidate is Paddy Duffy or Ivan Cooper, it is difficult to see the SDLP winning the seat. Paddy Duffy is most reluctant to run primarily, he says, because he can barely afford to give the Assembly the necessary time - he has an extensive legal practice and business interests - but he also admits that the "pressure" on him not to oppose Bernadette is very strong and from the way he said it I gathered that the pressure was from the IRA and was not particularly subtle. His premises in Dungannon have been bombed twice recently and indeed as I left his half-wrecked offices on 14 February, the whole area was being cleared for what turned out to be a massive bomb which did considerable damage to the centre of the town, including Duffy's property. In Fermanagh/South Tyrone, the SDLP had hoped to run Tom Daly, the local Assemblyman and brother of the newly-appointed bishop of Derry, but he has refused the nomination and it now seems as if the party Chairman, Mr. J. Haughey will be their candidate. The SDLP are working on a budget of about £20,000 for the election and are hoping to raise a substantial portion of this via their Dublin fund-raising group. (^{Financially} ~~Finally~~ the election came at a bad time as they have just purchased for almost £20,000 a house for a party headquarters in a quiet suburban area off the Malone Road.)

5. On the internment issue, I received conflicting reports. Bob Cooper and Gerry Fitt had recently and separately discussed the question of further releases with the Secretary of State and had been told that there was no possibility of a decision on releases being taken during an election campaign. The British Army

is strongly opposed to any further releases and has prepared detailed tables showing that the general level of violence is increasing and not decreasing. On the other hand, Paddy Duffy, who is probably the strongest opponent of internment within the SDLP though he is not a member of the "Motion No. 1 Committee", told me he had received a telephone call from van Straubenzee on the evening of the 13th February during which the senior Minister for State in the NI Office had strongly advised him against making "any more Provo. speeches" and had also told him that there would be a "development on releases" before the end of the month. It is difficult to explain this contradiction but it may well be that in the course of the phone call, Duffy attacked van Straubenzee hard on the releases and is misinterpreting some ill-considered remark which was made in defence. Duffy also claims that in a recent conversation, Pym said that he would not be moving for the extension of the Emergency Provisions Act when it came up for renewal in Westminster in June this year. Again it is difficult to reconcile this reported view with the information available to Fitt, Devlin and Bob Cooper who seem to think that the most that can be hoped for in June is some modification of the present system to allow for better safeguards against wrongful detention. It may be important to note that with the increasing criticism of internment in East Belfast where there are now reported to be four Loyalist anti-internment groups, the Alliance Party is finding it possible to express their anti-internment position more openly than they have been doing in the past.

6. I found no evidence of support for the view that the Council of Ireland structures as negotiated at Sunningdale ^{should} ~~might~~ be diluted. Bob Cooper said that the Alliance Party were not having any particular difficulty selling the Council of Ireland idea to their supporters and pointed out that it had been something they advocated since the foundation of the party. (As usual, he was putting a stronger emphasis on the Irish dimension than his party

leader Oliver Napier who, on this issue is, of course, in a rather difficult position as a Catholic representative from East Belfast.) He fully understood Faulkner's difficulties though he thought Faulkner was, as usual, exaggerating his difficulties. As Cooper saw it, Faulkner had to ensure that he could not be accused of agreeing to an embryo government of all-Ireland and therefore he could not accept all-Ireland institutions in the legislative, judicial and executive areas. A two-tier Council of Ireland was as far as he could go at the moment and Cooper thought that whatever the legal or other attractions of all-Ireland courts, there was no way in which Faulkner could accept them.

Whatever proposals were adopted following the Common Law Enforcement Commission report - and Cooper hoped that the Commission's "first and only report" would be available to enable decisions to be taken within the next few weeks - would therefore have to fall short of creating new all-Ireland structures.

Assuming that some action was possible soon in the law enforcement area, Cooper thought that we should press ahead very rapidly to formalise the Sunningdale Agreement. As long as it remained unratified, it was a target at which people felt they could shoot with a reasonable prospect of being effective. After it was ratified, there might be a greater tendency than there now is to give the whole package a chance to show whether or not it is workable.

7. I am satisfied from my conversations with Fitt and Devlin that they have not been approached by Faulkner about the dropping of the Council's second tier and Fitt seemed genuinely interested in participating in the consultative assembly. The Council of Ministers would, he said, be involved in a lot of technical discussions which might be o.k. for "people like Garret FitzGerald" but what he looked forward to was a forum where he could introduce the "Johnny McQuades to the Stevie Coughlans" and watch them find a common interest in something, even if it was only in backing horses. On the general timetable, both Fitt and Devlin hoped for

ratification sometime next month though Fitt said that if the current mood within the SDLP was anything to go by, he might well refuse to ratify Sunningdale until there was some further evidence of British intentions to phase out internment. In talking to Paddy Devlin and Bob Cooper about the executive action functions of the Council, they both expressed the view that we should not press for too much but they seemed to envisage that at least one or two major functions, including tourism, and a number of minor functions would be given to the Council immediately. Paddy Devlin said that on the Northern side, the main and most effective opponent of giving any executive action function to the Council was Sir David Holden of Finance and he went so far as to say that he and others in the SDLP were now beginning to regret their decision not to take the Finance portfolio.

8. The news of Martin McGuinness's recent arrest has made a good impression and was favourably commented on by all the politicians I met. In discussing the security situation, Gerry Fitt said that he and Faulkner had a meeting with Pym every Monday morning during which they got a security briefing. The briefing on "border" incidents (such as that at Crossmaglen on 9 February) was naturally a completely one-sided affair and though Fitt did not ask for it, we might well consider if it might be worth balancing these briefings by letting Faulkner and Fitt have some details of major "border" incidents as seen from our side.

9. The settlement of the first civil action taken by one of the hooded men was announced in Belfast on 13 February. Mr. P. Shivers of Toomebridge was awarded £15,000 plus costs. In our Strasbourg case, we have cited Mr. Shivers' treatment and have co-operated closely with his solicitor, Mr. Jim Fitzpatrick of Belfast, in the preparation of material for both the Strasbourg and Belfast cases. Professor Daly of Cork who had seen Shivers in connection with the Strasbourg case had, with the approval of the Attorney General, agreed to give evidence at the Belfast High Court Hearing and

Mr. Fitzpatrick is in no doubt that this was a major factor in the case being settled out of court for the amount claimed. Attached is a copy of the "facts admitted" by the Crown in settlement of the case. A full copy of the pleadings on both sides has been obtained and sent to the Attorney General. Another interesting development rumoured while I was in Belfast and confirmed in today's papers is the arrest of D/Sergeant McKinney of the RUC Special Branch who is charged with assaulting a person whom he was interrogating last November. McKinney's name has appeared in numerous complaints since August 1971 and he has already been tried and acquitted by a jury for a similar but unrelated offence in March 1972. This time he has been charged under the Emergency Provisions Act and his chances of acquittal are presumably thereby reduced. There is no doubt that the action against him in this instance will receive a very favourable reaction in minority areas.



Seán Donlon

15 February 1974