

NATIONAL ARCHIVES**IRELAND**

Reference Code: 2004/7/2686

Title: Note of a meeting between Minister for Foreign Affairs Garret FitzGerald and Ambassador of Great Britain to Ireland Arthur Galsworthy regarding an incursion by a British Army patrol over the border and their apprehension by the Gardaí at Clones, County Monaghan, on 25 May 1973.

Creation Date(s): 19 June 1973

Level of description: Item

Extent and medium: 3 pages

Creator(s): Department of Foreign Affairs

Access Conditions: Open

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Note

The Minister saw the British Ambassador by appointment at 4 p.m. on the 18th June. Mr. McDonagh was also present.

The Ambassador said that his Government greatly regretted the transgression of the Border in the early hours of the 25th May which resulted in the apprehension by the Gardai of the British Army patrol of six men at Clones. He said that there had been no effort on the British side to suppress the details of what had happened and the account of the matter already given to the Irish side represented the facts as known to the army authorities at the time. However, further investigation had brought fresh facts to light. He himself had visited the North and, after meeting Mr. Whitelaw who was greatly concerned about the incident, he had seen everybody concerned down to Brigadier Commander level. It was now clear that the patrol had exceeded its instructions.

The Ambassador handed in a Note dated 18th June (attached) detailing the movements of the patrol before and after it had crossed the Border. He also produced a map (attached) on which he outlined the route taken by the patrol. He said that, as the Note indicated, the patrol had gone beyond its orders in deciding to approach the vicinity of the McMahon house. Also, of course, it had exceeded instructions by driving across the Border to the house to make contact with the members of the patrol who had gone by foot through the fields to the house. He said that the standing instructions applying to such a patrol, which were mentioned in the Note, were that it should not approach within 300 metres of the Border unless it were operating under the command of an officer or a senior N.C.O. The patrol in fact was commanded by a Lance-Corporal.

The Minister said that the picture as now presented was very different from the original account received. This placed him in a very embarrassing situation. As the Ambassador knew, the matter had already been very fully aired in the Dail and he himself had been obliged to stand in as spokesman for the Minister for Justice at a time when the facts outlined by the Ambassador were not available to him. On the following day he would have to face a Dail Question on the subject addressed to himself.

The Ambassador said that he fully appreciated the Minister's position and that he greatly regretted that he had not been in a position to present a full account of the facts at an earlier

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date. Unfortunately it had taken some time to obtain a more accurate account from the leader of the patrol who knew that he had exceeded instructions and presumably had wished to protect his own position as fully as possible. As the Note indicated, the Lance-Corporal in question had been suitably disciplined.

The Minister said that he had to say that he still found it very difficult to understand some elements in the story as now presented from the British side. There was, for example, the statement that the patrol had called at no houses during their wanderings south of the Border. Information available to us indicated that they had banged on the door of the McMahon house and tried to gain entrance. From the diagram of the area produced by the Gardai, it was clear that the front door of the house was situated in the Republic.

The Ambassador said that if McMahon himself was the source of the Minister's information, it was doubtful if much credence could be placed in him. McMahon's Republican sympathies were well known and he was no friend of the British. The Minister said that he would not wish to reveal the source of his information. However, that information had been fully borne out in its main features by the fuller information now given by the Ambassador and the ground for doubting a particular detail of it was, therefore, not very strong.

The Minister also pointed out that the members of the patrol had been able to produce only a very poor torch to the Gardai. This did not fit in with the listing of their equipment as given in the Note handed in by the Ambassador. The Ambassador said that he wondered whether the Gardai had in fact searched the van.

The Minister also said that it was very difficult to understand the explanation given in the Note of the phrase, "to carry out an arrest by means of a vehicle checkpoint at a point near the Border". This phrase had the clear connotation that a particular arrest was in mind and this connotation in fact fitted in very well with what the patrol had done. They had gone to the McMahon house apparently with the purpose of carrying out a particular arrest. In other words, it seemed that the statement issued by the army was consonant with the action taken by the patrol, although they were said to be exceeding their instructions.

The Ambassador said that he was very unhappy about the whole

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situation. He would be very grateful to have a note of the points about which the Minister had particular concern, on the basis of which he could ask the army authorities to explore the matter further. The Minister agreed to give him such a note (after the conclusion of the meeting a Note (copy attached) was typed while the Ambassador waited in the Minister's ante room and was given to him by Mr. McDonagh). [The Ambassador went on to refer to the matter of press publicity following the Minister's meeting with Mr. Whitelaw on the 9th June. His authorities told him that it had been agreed that both sides would be free to make a statement to the press, provided they cleared their statements with one another. The Minister said that this was not the understanding that had been reached. What had been agreed was that there would be a joint communique and a British draft had been discussed. He had suggested some amendments which were agreed and both sides had then issued a communique.

The Ambassador said that some misunderstanding seemed to exist. However, the real difficulty related not to the question of formal statements but to that of briefing the press. He had been told that both sides had agreed not to brief the press.

The Minister replied that that was not the case. What had been agreed was that nothing further would be said to the press about the subjects which he and Mr. Whitelaw had discussed. He had strictly adhered to this agreement. He did meet the press for a briefing but he refused to reveal anything further about the contents of the discussion to them.

The Ambassador said that he had been informed that the North of Ireland Office were approached later in the day by pressmen and told that they had had briefing from the Irish side and now wished to know whether the British side would brief them. In the circumstances Mr. McDowell of that Office had given the press a briefing.

Following some discussion of the matter, the Minister said that he was very concerned about it and that he might be in further touch with the Ambassador.



Department of Foreign Affairs

19 June 1973