NOTE OF MEETING AT CHEQUERS ON MONDAY, 27 SEPTEMBER 1971

PRESENT:

Mr Heath Mr Faulkner Mr Lynch Sir Burke Trend Sir Harold Black Dr O'Sullivan, Irish Ambassador in London

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#### Discussion before lunch

<u>Mr Heath</u> opened the discussion with a reference to the political problem which afflicted all three Prime Ministers over the state of violence in Northern Ireland. Since the talks began yesterday a large number of explosions had already taken place and if one were to consider these happenings on a proportionate scale in Birmingham or Dublin the Governments concerned could not fail to be very anxious and conscious of the need to take action. Great restraint had been exercised by the Northern Ireland people and this was to be applauded. The public at large were appreciative of the fact that the three Prime Ministers had decided to sit down together and try to work out a solution.

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He hoped that the talks would be conducted in a spirit of complete frankness and confidentiality; clearly there would be matters which should come under examination which could not be discussed in public because of the pressures they could generate. Certainly there would be a number of matters on which they could only agree to differ. He hoped there were some matters, however, on which they would all be agreed, and listed these as a mutual abhorrence of violence, the seriousness of the effects of violence and the fact that neither the United Kingdom nor the Republic could isolate itself from the violence taking place in Ulster. The United Kingdom had an obligation to provide troops additional to the normal garrison in order to maintain law and order; this caused difficulties in their obligations to NATO. The South was bound to be affected if the trouble spread much further or got worse.

<u>Mr Lynch</u> said he certainly shared these views and he wanted to see the sporadic violence which had broken out in Northern Ireland from time to time ended once and for all. Some people would see the IRA as a consequence of the partition of Ireland 50 years ago which had polarised the two communities in the North. The reform programme which had been instituted in recent years was no more than a recognition of the defects that existed in the Northern Ireland structure. His ideal must continue

to be the reunification of the whole island so that all the people could live in peace. At the moment it was tragic that after 50 years, even with the reforms that had been introduced, government in Northern Ireland was becoming impossible and could not much longer continue on the present basis. Internment was the final blow and although the South had been forced to adopt similar action in the past he doubted if it would be possible to carry out internment again. He was convinced that the Stormont system would have to be changed in order to provide for participation, as was right, by the minority in the process of government; the minority would not accept less.

The Parliamentary Opposition had now withdrawn from Stormont and unless they could be brought back he did not see how the Parliamentary system could continue to operate. Unfortunately internment had to be seen as a roadblock in the path of bringing the Opposition back. He thought the internees must either be released or brought to trial; he had discussed with Mr Heath the possibility of a change in the appeal system for internees.

For himself, he had been trying since the Opposition's withdrawal to establish that the elected representatives of the minority should be regarded as the spokesmen for the Roman Catholic community rather than have that community look to the IRA for leadership. It was essential, in his view, that the SDLP should be brought to the discussion table but there was no possibility of this happening until internment had ended and acceptable proposals for a reform of the Government had been made.

In talking to Mr Faulkner today in the presence of the British Prime Minister he would undoubtedly be regarded from some quarters as recognising the Northern Ireland state, but he was prepared to put up with this if the talks could lead to a solution. He expressed great sympathy for the casualties inflicted on the troops in Northern Ireland and for the families of those concerned.

He did not regard himself as a spokesman for the SDLP but he had to say on their behalf that they would not come to discussions until internment were ended. It was his view, based on reliable information, that the moderates in the minority had been incensed by internment; if this could be ended he thought the better atmosphere that would be created would enable those moderates to exert and isolate the IRA from Catholic support.

Mr Heath said he accepted that Mr Lynch had never wavered from his ideal of a United Ireland though he had accepted that this could not happen save by the consent of the majority in the North. He said he would like it clearly understood that so far as the United Kingdom was concerned they in their turn had not wavered from the safeguard in the 1949 Ireland Act requiring the consent of the Northern Ireland Parliament to any proposal to separate Northern Ireland from Great Britain. On the Reform Programme he wished also to make it clear that he had never asked the Northern Ireland Government to institute reforms because the Northern Ireland Government were already pursuing an acceptable programme. Mr Faulkner had always said he was determined to put the reforms through and clearly concrete evidence of change would emerge once local government was re-organised and new district councils set up. Mr Faulkner was now considering important new proposals which would be set out later in a Consultative Document. Mr Faulkner had also asked the Home Secretary to convene a series of talks with interested parties in Northern Ireland on how to secure "an active, permanent and guaranteed role" for the minority in the "live and public affairs of the Province". These talks offered opportunities to the Opposition to come and discuss the whole situation and he hoped that they could be prevailed upon to do so.

<u>Mr Faulkner</u> said he thought there were some areas in which Mr Lynch might be able to co-operate; these were in condemning violence and in working with Northern Ireland on security and mutually beneficial economic matters. For himself, he of course also had a position to maintain on the Constitutional position of Northern Ireland within the United Kingdom and he could in no sense weaken or derogate from this. In reference to Mr Lynch's statement about recurrent IRA troubles he had to point out that only two major outbreaks had occurred in a period of 50 years since the early days of the State. This surely meant that the minority were not really strongly opposed to the Regional Government at Stormont. The SDLP had walked out of Parliament not because of internment but because of the Army's refusal to hold an inquiry into two civilian deaths in Londonderry and it had to be remembered also that this was in spite of and after they had welcomed his proposals for a Parliamentary Committee system.

If the violence could be brought to an end and peace restored he could see the minority, through their elected representatives, having a greater opportunity for participation in the process of Government;

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additionally, when the Local Government Elections took place, some District Councils would undoubtedly be Nationalist controlled and these would offer visible evidence to the public at large of a changed situation. The minority, if they thought they were discriminated against in the field of public employment, did, of course, have the opportunity for recourse to either the Parliamentary Commissioner or the Commissioner for Complaints.

In his view the first priority was the law and order situation; further reforms would have no effect on the IRA. In considering the internment decision one had to bear in mind the increasing escalation of violence which had occurred right through the summer until the decision to intern was taken on 9 August. Mr Lynch had suggested that if the SDLP were attracted back to Stormont by a further radical concession they could speak out and isolate the IRA from their Catholic background but it had to be remembered that they had been singularly unsuccessful in doing this despite escalating violence during the summer. There was now some indisputable evidence that the security campaign was beginning to bite against the IRA; more intelligence was coming in from the Catholic community. This process would have to be given time to make inroads on the IRA and its support.

Mr Lynch said he took the point that the SDLP should have spoken up more before internment but the fact was that internment now existed and there was no possibility, as he saw it, of the SDLP being prepared to talk until internment came to an end. It was true that he himself had considered the possibility of internment in the Republic last winter; he had then come across some legal difficulties because under the European Convention it would only be possible to intern in time of war or when the life of the nation was threatened and he could not have established either of these vital preconditions at the time. It was necessary for him to point out, as seen from the South, that practically all the violence occurring in the North was being generated by Northern Ireland people. He had tried to do what he could to police the Border more effectively and to clamp down on illegal activities in the South. His police and Army were doing their best and despite reports to the contrary were not turning a blind eye to subversive activities; nevertheless he understood from his security authorities that the amount of support for the IRA in the North deriving from the South was minimal. His Special Branch were active in searches and raids on training camps where they could be identified but nowadays

he understood that IRA recruits could be taught in ballistics in private houses and this did not make matters easy for the police. The police on the Border had been reinforced even to the extent that the police force in Dublin had been so weakened that private citizens were becoming alarmed at the recent spate of robberies and ordinary crime.

<u>Mr Faulkner</u> said he could supply a list of training camps in the Republic that had been used over the past few weeks. A number of men wanted in Northern Ireland for various crimes were known to be in the South, including a man for whom a warrant could be issued in respect of the murder a week or so ago of the RUC Constable in Strabane. One of the most worrying features of the present situation was the quantity of gelignite which seemed to be seeping over the Border. In Northern Ireland stringent control had been imposed on the storage and movement of gelignite but he thought more could be done to tighten up control in the Republic. There was no denying the concrete evidence which became apparent every day of people coming over the Border to shoot or bomb or rob and then find sanctuary in the Republic. It would be helpful if the Republican Government could take further precautions.

<u>Mr Lynch</u> said that he was satisfied that only very small illegal exports of explosives were taking place. It was, however, only too easy for quarry workers to use less explosives than was required and to sell the quantity saved for profit. Much stricter control was in fact being operated in the Republic, the police being responsible for supervising the transfer of gelignite from stores to the point of use. His new Firearms Act would help in securing convictions for possession "with intent" to endanger life. Previously his courts had ruled that "intent" could only relate to the use of firearms within the State and an amending Act had been passed to make people amenable who had firearms with the intent of using them beyond the boundary of the State. Other changes had been made to make it easier to obtain convictions on firearms charges.

He said that his security authorities had advised him that most of the illegal explosives used in Northern Ireland were coming from Scotland.

<u>Mr Heath</u> asked whether the two police forces could not informally cooperate in exchanging information on explosives, and <u>Mr Lynch</u> indicated that he would be agreeable to this. <u>Mr Faulkner</u> said he would be very willing to co-operate as well and added that he had no evidence to suggest that there was any significance in gelignite coming in from Scotland. He said it might be helpful if Mr Lynch were to indicate the information on which he based his statement about Scottish supplies, and <u>Mr Lynch</u> said he would be willing to do this.

Mr Heath turned to the series of talks which the Home Secretary was carrying on at the moment with members of the Northern Ireland community and invited Mr Faulkner to elaborate on the proposals he intended to incorporate in a consultative document to be published in the near Mr Faulkner outlined his ideas for enlarging the Northern future. Ireland House of Commons, the re-structuring of the Senate and setting out the arguments for and against PR. He made it clear that the motivating factors were the re-organisation of local government which made changes in the Parliamentary structure necessary and also the desire of his Government to give the minority a better opportunity for participating in the Parliamentary and Governmental process. He enlarged upon the Senate proposals, including the possibility of Senators chosen from the new district councils. If there were to be five such additional Senators, it was a fair prospect that at least two would be Roman Catholics. On top of this there might well be a further ten nominated Senators, and here there would also be an opportunity for putting in minority representatives.

<u>Mr Lynch</u> enquired the extent to which the proposals in respect of the Senate had been made public and <u>Mr Faulkner</u> made it clear to him that the only statements so far made had been in general terms without any details as to the extent of the nominees or the manner in which they would be used. <u>Mr Lynch</u> said of course he would respect this confidence, but it was desirable that he should know the limitation within which it would be necessary for him to speak when talking to the press.

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#### Afternoon Meeting

The afternoon session opened with a further review of the new Parliamentary Committee system and dealt with the method of appointing Chairmen to the Committees and the influence which such Committees was likely to have upon the formulation of policy; this latter point was especially commented on as distinguishing the Northern Ireland system from the British system, which was concerned with reviewing the Government policy and action but was not concerned with policy making. <u>Mr Faulkner</u> added that the Committees could also consider existing legislation and put forward amendments. The discussions then touched upon the proposal for the payment of salary and fees to the Chairmen and members respectively.

<u>Mr Heath</u> enquired whether it would be possible for the Opposition to be given a right to nominate Senators to the enlarged Senate on the same basis as the Life Peerage system operating in Britain. <u>Mr Faulkner</u> thought it might be possible to have an understanding with the Opposition under which they could be consulted about selection of the Senate nominees. <u>Mr Lynch</u> at this point asked whether, if the SDLP, for example, were allowed to nominate a representative to the Senate, that particular representative would be brought into the Government. <u>Mr Faulkner</u> said he must rule out any possibility of bringing into the Government anyone who had Republican views. With a Senate enlarged in the manner proposed he would certainly not rule out the possibility of bringing a Roman Catholic into the Cabinet, but of course the person concerned would have to be one who recognised the Constitutional position.

<u>Mr Lynch</u> pressed him whether the Committees as conceived could have any real effect on policy but <u>Mr Faulkner</u> said he thought they could exert a strong influence; it had to be remembered that they would be All-Party Committees and that the Government would have to give serious consideration to their recommendations. Beyond participation in the Parliamentary system the minority were now assured of a fair proportion of places on Boards of Statutory Bodies. This led <u>Mr Lynch</u> to mention the appointment of Mr Donnelly to the Housing Executive and <u>Mr Faulkner</u> took the opportunity to explain the background and in particular that Mr Donnelly's name had originated with Mr R O'Connor, the Leader of the Nationalist Party at Stormont and Senator Mallon, a Nationalist also. <u>Mr Lynch</u> expressed the view that the Housing Executive did not command



the confidence of the minority but <u>Mr Faulkner</u> said he simply could not accept this. Catholic representation on the Executive consisted of the Deputy Chairman and one-third of the members plus Mr Brett, a former Chairman of the Northern Ireland Labour Party. The Executive was by no means a Unionist Body.

<u>Mr Lynch</u> then turned to the Police Authority which he said seemed to be a non-effective organisation since most of its decisions appeared to have been taken by the Government and the Police.

<u>Mr Faulkner</u> said he simply could not understand this; the Authority was in full charge and he himself, as Minister of Home Affairs, had been punctilious in consulting them on all matters on which he was required to do so. It was to the credit of the Authority and particularly the Catholic members of the Authority that they had unanimously agreed that Mr Flanagan - who had appeared at a press conference given by Joe Cahill, the Provisional IRA Leader - should be asked to resign.

<u>Mr Lynch</u> said that when Sir Arthur Young was in charge the police had appeared to be impartial but since his departure there had been some signs that they were departing from a neutral attitude and he instanced the case of the deaf mute who had been shot by the Army in Strabane; it appeared that the police had been of a mind to take proceedings against the soldier involved but apparently had been prevailed upon to drop the charges.

Mr Faulkner undertook to look into this case.

The discussion then moved to a brief consideration of the possible outcome of an election conducted on the PR system and this led <u>Mr Lynch</u> to explain the complications of PR as exists in the Republic. He thought that in Northern Ireland it would have comparatively little effect with the polarisation that had now taken place between the two communities.

<u>Mr Heath</u> enquired whether the enlargement of the House of Commons would be consequential on PR but <u>Mr Faulkner</u> said there was no real relationship, the increase being necessary largely because of Local Government re-organisation. He thought the increase might be from 52 to 80.

<u>Mr Lynch</u> asked whether it was Mr Faulkner's intention to go ahead with all these changes, including PR, irrespective of whether or not the Opposition Parties returned to Parliament. <u>Mr Faulkner</u> said of course

United Kingdom legislation would be needed to deal with the proposals for the House of Commons and Senate. So far as Northern Ireland action was concerned he would certainly go ahead with the Committee system because if he were to defer this until the Opposition returned this would be tantamount to allowing the Opposition to vitiate the whole Parliamentary process.

On the attitude of the SDLP <u>Mr Lynch</u> said he thought they were entirely united in refusing to come to discussions until internment was ended. Originally, he thought, Mr Fitt might have been inclined to differ from his colleagues but was now as fully committed as they to this intransigent viewpoint. For himself, although he would be ready to convey to the SDLP anything that might emerge from the Tripartite Talks, he must express his own conviction that there was no compromise open to the SDLP on the internment issue. They felt very very strongly about this and their attitude could simply be summed up as release or trial. They were not satisfied with the Advisory Committee which would have no judicial function; they did not think it was sufficient that an internee's legal adviser should only be entitled to examine his client the Committee.

<u>Mr Faulkner</u> said the Advisory Committee had considerable powers and he thought it virtually certain that the Minister of Home Affairs would accept all their recommendations. The Committee was vested with the right to investigate every case whether or not a man wished to apply to the Committee. The impartiality of the Committee was beyond question and he named those involved.

<u>Mr Lynch</u> wondered whether an internee would be told whether it was the Minister or the Advisory Committee which was preventing his release and <u>Mr Faulkner</u> said that although he thought this was a rather academic point it might be possible to consider it. Clearly it would not be possible to have Special Branch men being interrogated in front of an internee.

<u>Mr Heath</u> said that he thought Mr Faulkner had gone a long way on these various points and those affecting the procedure of the Advisory Committee could be put to the Chairman. There was a human rights point which should not be overlooked; this was that a man might well not want his case submitted to the Committee because he might feel that his release would expose him to considerable risk.

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<u>Mr Lynch</u> enquired whether an internee would be permitted to know the evidence against him. <u>Mr Faulkner</u> said this would be so. He gave some statistics about the various age groups of the internees at present being held.

<u>Mr Heath</u> said it was extremely important from the United Kingdom Government's point of view that the Advisory Committee should do its job responsibly and well. It would be very bad if they were to release people who were then to become involved in violence.

<u>Mr Heath</u> said the Home Secretary was seeing representatives of the various interests in Northern Ireland, including the Northern Ireland Labour Party, the Alliance Party and Trade Unions etc. Mr Faulkner had just outlined a number of proposals for improving the Parliamentary system. A joint Parliamentary delegation from Westminster would shortly visit the internment camp at Long Kesh. He thought all these initiatives should bring considerable moral pressure to bear upon the SDLP to come to the Home Secretary's talks. He enquired if Mr Lynch would help to persuade the SDLP to see the Advisory Committee and satisfy themselves that it was a reasonable tribunal which would act responsibly and impartially. After that perhaps the SDLP would be prepared to attend the Home Secretary's talks and discuss the situation at large including internment.

<u>Mr Lynch</u> said he would put this to the SDLP but he did not himself wish to express a view. He thought the SDLP would be unlikely to attend not only because of the internment decision, which they regarded as an immovable barrier, but also because they disliked the idea of the Home Secretary considering the Northern Ireland situation with nonelected groups.

<u>Mr Heath</u> said it was important to remember that the Home Secretary's talks would not be limited to matters such as those proposed by Mr Faulkner.

<u>Mr Lynch</u> said he thought the SDLP were as opposed as the Northern Ireland Government to the IRA. He was not seeking to influence them in any particular direction and it was a matter for the United Kingdom and Northern Ireland Governments to decide how far they could go in their attempts to persuade the SDLP to attend the talks. For his own part, as he said at the beginning, the system in Northern Ireland must be changed so that a permanent Unionist Government would not be assured.

The proposals outlined did not meet this criterion and he doubted whether they went nearly far enough for the SDLP.

<u>Mr Faulkner</u> said one simply could not disregard the wishes of the majority of the Northern Ireland people; they had demonstrated time after time through the democratic process that they were overwhelmingly in favour of maintaining the present Constitutional position and he did not see how it would be possible to operate a system under which the will of the majority was to be disregarded.

<u>Mr Lynch</u> said this raised the question of considering the transfer of territory in which there was a permanent non-Unionist majority but <u>Mr Faulkner</u> said he was not prepared to discuss any such suggestion to which <u>Mr Lynch</u> replied that for himself he must be regarded as unable to accept the permanent partition of the country.

After <u>Mr Lynch</u> had made a reference to the origins and history of Republican sentiment in the South <u>Mr Heath</u> said that some people, for example, judges and professional people in various walks of life were obviously prepared to work within the Northern Ireland system without abrogating their Republican aspirations. On the other hand he recognised that there were others who were so totally committed to the Republican ideal that they felt it necessary to abstain from participation in public affairs. He mentioned the United Kingdom experience of a National Government in the early 1930s and said this had disintegrated when the Labour and Conservative Parties found themselves unable to agree on fundamentals; he quite saw that it would be impossible to maintain a Northern Ireland Government in which the membership might be split between people holding completely divergent views on such a fundamental matter as the Constitutional position.

<u>Mr Faulkner</u> reminded Mr Lynch of the outcome of a public opinion poll conducted by the Belfast Telegraph a few years ago which had demonstrated that a considerable majority of Roman Catholics were in favour of remaining in the United Kingdom; it was not right therefore to assume that the minority community as a whole wished to join up with the Republic.

<u>Mr Lynch</u> pointed out that economic and social factors were at work here and that once the Republic caught up with United Kingdom standards the position would be reversed; although gaps still existed the social services in the South were catching up fast and the agricultural



industry was changing and becoming more integrated and prosperous.

<u>Mr Faulkner</u> said he thought there were opportunities for economic co-operation between North and South in advance of entry by the United Kingdom and Republic to the EEC.

<u>Mr Lynch</u> said he would be in favour of this and mentioned that the officials of both Governments had been jointly studying the areas in which fruitful and mutually beneficial co-operation might take place. He could see some scope for further study of co-operation on industrial development in Border areas. He suggested that once both countries were in the European Community Northern Ireland might find it more advantageous to discuss certain aspects with his Government rather than with the United Kingdom Government - on the basis that the Republic being concerned with problems in the South which were not markedly different from those in the North could more readily comprehend, and be in a better position to deal with, Northern Ireland queries.

<u>Mr Faulkner</u> pointed out that the Northern Ireland fiscal and economic system was more closely allied to the British system than to that operating in the Republic buthewould in any event, apart from these considerations, hesitate to follow up Mr Lynch's suggestion.

<u>Mr Heath</u> suggested that it might be helpful to consider the establishment of an inter-Governmental body to study the areas in which economic co-operation could take place between the two parts of Ireland.

<u>Mr Faulkner</u> and <u>Mr Lynch</u> indicated their readiness to agree to this in principle, though <u>Mr Faulkner</u> pointed out that the establishment of the body would have to await a return to normality in the North. To this <u>Mr Lynch</u> said that his agreement to a joint body of this nature could be given readily because it was in conformity with his aspiration for unification.

<u>Mr Faulkner</u> made it clear they would have to agree to disagree about their respective long-term aims.

Discussion then briefly ranged over the various areas in which co-operation between North and South had already taken place and there was again agreement in principle that further co-operation could be of mutual benefit.

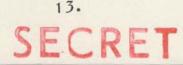
Reverting to the problem of the SDLP's attitude to Stormont and the Home Secretary's talks, <u>Mr Lynch</u> said he could not see them settling for less than their publicly-stated demands; it was becoming clear to him, as a result of the current discussion, that on the United Kingdom side there was little prospect of a concession as regards internment. This would buttress their determination to hold out. On top of this he did not himself see that Mr Faulkner's proposals for changing the Parliamentary structure would persuade them to modify their demands; they would claim that they must be given representation in the Government as of right and on a "PR basis" <u>/</u>that is to say, representation in the Cabinet proportionate to their strength in Parliamen<u>t</u>7.

<u>Mr Faulkner</u> said this was totally unacceptable to him, but it would in any event be completely unworkable. He wondered if Mr Lynch and the SDLP realised that a Government constituted on this basis would have to include Mr Paisley, Mr Craig and a representative of the Nationalist Party, as well as of the SDLP. The idea that such a Government could possibly hold together was absurd and the Swiss parallel just could not be applied - all the parties represented in the composite Swiss Government had a common dedication and loyalty to Switzerland.

<u>Mr Heath</u> said that any proposals for change in Northern Ireland must be acceptable to British public opinion and must be reasonable. No Opposition could expect to get all it asked for. <u>Mr Lynch</u> said that even if the SDLP were making unreasonable demands was it right to regard what they were suggesting as unworkable; <u>Mr Faulkner</u> said their proposals were totally impracticable.

The discussion then turned very briefly to Mr Paisley and the extent to which his influence was waxing or waning; <u>Mr Lynch</u> was particularly interested in how Mr Paisley and his party would fare in an election. <u>Mr Faulkner</u> said support for the Protestant Unionist Party tended to increase or reduce as the security situation improved or got worse. It was his firm belief that support for the party would dwindle as the security situation improved and it was therefore very much in the interests of the minority community that law and order should be fully restored as quickly as possible.

<u>Mr Lynch</u> turned to the problem of licensed guns and suggested that all should be called in and only re-issued after a close scrutiny of the



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purpose for which each weapon was required. <u>Mr Faulkner</u> pointed out that of the 99,000 licensed guns, 69,000 were shotguns and 12,000 airguns. It should not be overlooked that at least one-third of these 81,000 guns would be held by the minority because there was no discrimination whatever in the issue of licences. There were only

licensed rifles and many of the revolvers and pistols were war souvenirs.

<u>Mr Lynch</u> said his figures showed that there was one licensed gun in Northern Ireland for every 14 people in the population; this was twice the figure in the Republic, which stood at one gun for every 27 people. <u>Mr Faulkner</u> said that the Northern Ireland figures were much the same as for certain English rural areas, as, for example, East Anglia.

Mr Heath asked Mr Lynch whether he felt able to explain the circumstances in which he had threatened to bring in internment last winter and how, if he had decided in favour of this course, the operation would have been carried out. Mr Lynch said that before he could order internment two conditions had to be satisfied; these were, first, a proclamation that internment was necessary to secure peace and order, and, secondly, he must be satisfied that the persons to be detained constituted a threat to the security of the state. Detained persons had the right to have their case heard by a commission normally consisting of a representative of the Army and two civilian lawyers, and this commission had the right to recommend release. An internee was entitled to legal advice provided the Adjutant-General gave his approval. The circumstances in which he had threatened internment were that a small organisation known as Saor Eire were operating in the Republic. This small band of gangster-types were completely ruthless and were suspected of being responsible for the murder of Garda Fallon. The group were known to have plans for kidnapping and Government Ministers were considered to be under threat and had to be given personal protection. Happily the threat of internment seemed to have been sufficient to deter further action by Saor Eire. Mr Lynch said he had been given legal advice at the time that if indeed he decided to order internment his action might be open to challenge before the European Court and he might well lose the case on the ground that a small group of this nature could not really be regarded as constituting a threat to the state.

<u>Mr Lynch</u> detailed a number of steps he had taken to intensify the pressure against the activities of illegal organisations in the Republic.

<u>Mr Heath</u> ended the day's discussion shortly after 6 00 pm by suggesting all concerned should go over various points raised in discussion; officials would try to define the possible areas of agreement overnight and would draft a Communique for consideration when the meeting resumed at 10 30 on Tuesday morning.

<u>Mr Faulkner</u> urged that all concerned should agree to a Joint Working Party between North and South to study means of controlling the storage and movement of gelignite; he also asked that the Communique should incorporate a general condemnation of violence. <u>Mr Lynch</u> said that so far as a study group on gelignite was concerned there would have to be a quid pro quo in some other direction for him.

The meeting adjourned.

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