

RESTRICTED

FILE

From: John McKervill
Political Affairs Division
8 July 1996

DESK IMMEDIATE

Mr Hill - B

cc PS/Secretary of State (B&L) - B
PS/Michael Ancram (B&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas (B&L) - B
Mr Leach (B&L) - B
Mr Bell - B
Mr Wood (B&L) - B
Mr Stephens - B
Mr Beeton - B
Mr Lavery - B
Miss Harrison (B&L) - B
Mr Campbell-Bannerman - B
Mr Clayton, HOLAB - B
Mr Lamont, RID - B
HMA Dublin - B
Mr Dickinson - B

TALKS: FRATERNAL FALLING-OUT

As you know, this morning, I went down to Castle Buildings to assist Paul Lennox of the Talks Administration Unit, who had earlier taken a call from Malachi Curran and Hugh Casey who said they were on their way to Castle Buildings to "evict", with the help of the Admin Unit, three people who had "occupied" the Labour delegation room. (The three people concerned were Labour advisors officially nominated by Mark Langhammer, Labour's nominating representative).

2. When I arrived at Castle Buildings, accompanied by Allen McVeigh and Mr Lennox, I met Messrs Curran, Casey and James Masson (Labour Talks Co-ordinator) and asked first whether the matter of the nominating representative had been resolved over the weekend as foreshadowed in Malachi Curran's letter of 5 July. They said that it had not, and handed over a further letter dated 6 July, to the Secretary of State (faxed separately). That letter stated that in writing to the Secretary of State, Mr Langhammer had acted without any discussion with Curran, or any reference to or authority from

RESTRICTED

KM/19303

RESTRICTED

the Labour Coalition which had contested the election. Curran further claimed that he had been fully endorsed by the Labour Coalition steering committee as its "head of delegation to the all-party substantive talks" and that he is now in the process of obtaining written confirmation from Labour candidates who stood in the election of their endorsement of him as Labour leader and that he hoped to send this to the Secretary of State very shortly. Thereafter, he would be inviting the Secretary of State to take action under Section 5(2)(b) of the EIN Act regarding his position as "nominating representative for my party".

3. Curran explained at our meeting that Labour is made up of a number of constituent elements, one of which is the Labour Co-ordinating Committee of which Mark Langhammer is Chairman. In writing his letter, Curran contended that Langhammer was acting only with the consent of the LCC and not of Labour of which Curran claimed to have 80% support as leader. Curran had yet to be contacted by Langhammer to say that he was being replaced at the Talks and in the Forum. Given this background, he challenged that it would be clear to the Secretary of State that Langhammer could no longer claim to be the "nominating representative" for Labour as defined in the Act. Surely it was not the intention of the Act to give the nominating representative - he acknowledged Langhammer had been Labour's "initial nominating representative" - authority without the need for consultation to operate unilaterally against, he claimed, the wishes of the vast majority of the party. Moreover, he claimed that Langhammer had taken no obvious part in the Talks since 10 June and had been refusing to call meetings of the Labour Steering Committee. (Incidentally, I note that Mr Langhammer continues to write under Labour Co-ordinating Committee headed paper, as he has done to Mr Dickinson requesting that all talks allowances for Labour be paid into a Labour Co-ordinating Committee account).

RESTRICTED

RESTRICTED

4. Curran asked if the Secretary of State had taken any action on the letter which he had received from Langhammer. I said that I was not aware of the Secretary of State having taken any action and indeed, on receipt of his own letter, the Government had hoped that the matter, which was essentially one for the Labour party, might have been resolved amicably over the weekend without any necessary action on the part of the Secretary of State. They said that there was no hope of the matter being resolved amicably. talks delegate.

It will also be necessary, I imagine, to brief the Independent

3. Their main concern was what would happen tomorrow afternoon when the plenary conferral began at 1300 if Mr Langhammer tried to take a seat at the table. Curran was currently seeking legal advice on his own position. I said similarly that the Secretary of State would be consulting his own advisors as to his own position as laid down in the Act. Curran hoped that the status quo could be maintained until the matter of the nominating representative of the party could be clarified. What, I asked, were the chances of Mr Langhammer and his supporters agreeing to that? If they force the issue tomorrow, I imagined the Independent Chairman would look to the Secretary of State to assert a view. From what they said, it is quite clear that if it is so determined that Langhammer has the right to depose Curran, then Curran and Casey (who said he would also resign if Curran goes) would seek legal redress. her that has an

effect on Mr Langhammer's position, as at 3 July, as 'nominating

6. Although it is quite clear that the dispute is unlikely to be resolved amicably within the party, I nonetheless encouraged them to try to sort out their difficulties, perhaps through a mediator, although I declined an invitation from Masson to act as one myself. They also formally lodged a request for the TAU to evict those who were in the Labour delegation suite on the basis that they had no authority from the leadership to be there. I noted this request but said that as Labour representatives the people in the room were just as entitled to be there as Messrs Casey, Curran and Masson were entitled to be there. Consequently I could not take any action as they had requested. They specifically acknowledged my "neutrality" in responding to their request.

RESTRICTED

RESTRICTED

7. The meeting ended with the three men leaving to fill David Bleakley in on developments. I for my part undertook to let the Secretary of State know of their concerns and of their request to have others evicted from the room in Castle Buildings. As you register in your submission of earlier today, which I have since seen, there is a chance that the Secretary of State will need to assert a formal view when talks resume tomorrow on whether or not Langhammer is entitled to be present as an elected talks delegate. It will also be necessary, I imagine, to brief the Independent Chairman's staff of the developments in case there is an obvious challenge at tomorrow's conferral session. In the meantime, I hope to have a further discussion with you to discuss what I might say to Messrs Casey and Curran if they should seek to speak to me later today about Mr Curran's position. It might be that I should simply say that we are considering the issue in the light of the information they gave this morning along with other relevant information.

8. Mr Curran is clearly in a dilemma and, I must say, I have some sympathy for him about the manner in which he has been treated. That sympathy would be greater if it turns out that he does indeed have 80% of the support of the Labour grouping as he claims. But I am no legal expert in determining whether that has an effect on Mr Langhammer's position, as at 3 July, as 'nominating representative' in terms of the Act. Depending on developments, I imagine Mr Dickinson would welcome guidance on the admission of people who claim to be Labour delegates. There is also a direct read-across the Forum.

(Signed)

J McKERVILL

SH Ext 27088

RESTRICTED

KM/19303