

ROINN AN TAOISIGH

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Further Note from D/Foreign Affairs in Response to your Queries arising from Article by Dr Maurice Hayes

1. I attach some notes supplied by D/Foreign Affairs on (1) the Richard Dallas controversy (2) the boycott of Protestant-owned businesses in some parts of Northern Ireland and (3) the Hugh Lewsley case. In sending these on to us, Foreign Affairs were conscious that they fell short of what they would like. This was because of difficulties experienced in getting hold of contacts at this season. They thought it best to send them over as an interim contribution, on the basis that they would aim to supplement them at a later stage.
2. I myself got hold of Mark Durkan of the SDLP at John Hume's office in Derry this afternoon and obtained further information on all three points.
3. On the Dallas case, Durkan himself had made efforts to promote a political resolution of the issue. These efforts were made after the Derry City Council initial decision on sanctions on Mayor Dallas and before the 10 August march in Derry by The Apprentice Boys. Last year, Mr Dallas had been that order's standard-bearer at the march on the old city walls. In deciding on a strong set of sanctions from the menu presented by legal advisors, the SDLP Group on the Council had been apprehensive that Mr Dallas might 'act up' again on 10 August and that if they opted for minor sanctions and he did so, the SDLP would be left very open to Sinn Féin criticism. In the event, Mr Dallas had kept a low profile on 10 August. In feeling originally that he should be sanctioned for his part in the bridge blockade at the time of Drumcree, the SDLP Group had felt that his actions had risked bringing into disrepute the policy of power-sharing at mayoral level which the SDLP had initiated and promoted for over 20 years.
4. As indicated, Mr Durkan had initiated efforts, via Mr William Hay of the DUP in Derry to see if a way could be found to find a political resolution to the case of Mr Dallas. Mr Hay had spoken to Mr Dallas who had conveyed, at that stage, a message of appreciation to Mr Durkan for the efforts he was making. Regrettably, the matter had then been prejudiced by the decision of Mr Dallas to seek a judicial review of the Derry Council decision and by the fact that his affidavit contained many contentious statements and some false allegations against Mr Durkan and other SDLP councillors of alleged participation in other road blockades themselves. Derry SDLP people now felt that if they were to pursue the efforts at a political resolution of the matter,

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it would appear as if they were running in the face of Mr Dallas's legal action.

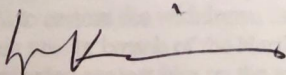
5. Mr Durkan felt that Mr Dallas may have been 'wound up' by his solicitor, Mr David Brewster, who is also an Ulster Unionist Forum representative for East Derry. He believes him to be responsible for the more contentious and false statements in the affidavit and for encouraging Mr Dallas to pursue a legal rather than a political avenue. Mr Durkan has spoken to Mr Brewster about the case and the two sides are agreed, with a view to limiting the fall-out for community relations, to keep the legal case to an exchange of affidavits and to eschew the taking of oral evidence from witnesses.
6. Mr Durkan recalled that on a previous occasion when Sinn Féin had moved a resolution of no confidence in Mr William Hay (DUP), when, as Mayor, he refused to attend a conference being addressed by President Robinson, the motion had been defeated as a result of SDLP voting against it. They had taken the view that it was Mr Hay's entitlement to opt not to attend, even though he was mayor, so long as did not entirely block civic representation. Mr Dallas's case was different, in that he was involved in an illegal blockade.
7. In Derry, under the SDLP policy of alteration, the mayoralty had been available to a unionist every second year, whenever they wished to take up the offer. For a period in the 1980s the Ulster Unionists had opted out but over the whole period, there had been many unionist mayors - Mr Jack Allen, Mr Jim Guy, Mr David Davis, Mr William Hay and Mr Dallas, some holding office several times.
8. As regards Mr Lewsley, the understanding of Mark Durkan is that he is genuinely satisfied with the support he received from the SDLP leadership. However, Mr Durkan noted that this had also been his understanding last year but that, subsequently, Mr Lewsley had made statements at variance with that understanding. Last year, the matter had been pursued very vigorously by Joe Hendron and Alex Atwood at meetings with Joe Austin and Tom Hartley of Sinn Féin. The latter had initially characterised last year's beating as being a 'pub brawl' but later, under SDLP pressure, had undertaken to initiate a Sinn Féin inquiry. This had been characterised by the SDLP as parallel to similar inquiries instited by the British into incidents on which an initial

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British Army line had already been strongly fed to the media. All this had been conveyed to Mr Lewsley last year by Mr Durkan and the former had indicated that he was happy to let the matter rest at this stand-off, including for his own family reasons. Later, however, he complained that it was not pursued further. Mr Lewsley was regarded as being courageous but somewhat capricious.

9. On the boycott of Protestant businesses, Mr Durkan confirmed that it is not evident in Derry. He did not attribute too much significance to this, as regards the issue of alleged SF orchestration, as there are now few clearly identifiable major Protestant-owned businesses in Derry, as chain multiples have taken over to a considerable extent. Some businesses in Derry Cityside centre have expressed private concern that the boycott or talk of it could set back successful efforts hitherto to attract back shoppers from the Waterside, Limavady, Donemana and other unionist areas of East Co Derry.
10. At a meeting with me this morning, Mr John Kenna, Chief Executive of the IBEC -CBI (NI) Joint Business Council indicated that his organisation has put in hands efforts to get more facts about the extent and impact of the boycott. A report of that meeting is in preparation, Mr Kenna undertook to keep us informed on the results of their enquiries.
11. We are asking Foreign Affairs to get from the British the results of the parallel enquiries being made by the Central Community Relations Unit of the Northern Ireland Office.



August 28, 1996

Notes for Information of Taoiseach

A: THE RICHARD DALLAS CONTROVERSY

Chronological Summary

1. Having previously been deputy mayor, Richard Dallas became first UUP mayor of Derry since 1980 on 3 June when, with SDLP backing and in line with the SDLP's power-sharing policy, he successfully defeated the Sinn Féin candidate by twenty three votes to five.
2. On 10 July, during the week of the Drumcree stand off, Mr Dallas took part in a blockade of Craigavon Bridge. He subsequently described the blockade as a "*protest in favour of the right of the Orange Order to walk unhindered along a part of the Queen's highway*" and "*against unjustifiable restrictions on civil rights*".
3. Most nationalists in Derry seem to have been outraged at Mr Dallas's presence at the blockade claiming that it severely compromised his position as mayor. On 17 July, Derry City Council passed a vote of no confidence in him by twenty votes to seven. Adamantly refusing to contemplate resignation, Mr Dallas maintained that if nationalists "*cannot tolerate unionist mayors acting as unionists then it may have serious ramifications for the City Council in years to come*". Surprisingly, the Pat Finucane Centre, a human rights body with close Sinn Féin connections, took a sympathetic line, arguing that Mayor Dallas inevitably had to reflect the views of his own community.
4. When Mr Dallas refused to resign in the face of the confidence vote, the SDLP moved to remove from him all facilities normally provided for the mayor. At a confidential meeting of the council on 31 July, a decision was taken to deprive him of representing the city at civic functions, of using the Guildhall and the mayor's car, and denying him access to secretarial facilities. Mr Dallas, repeating his determination to hold onto the job, said that if it became necessary he would "*set up office somewhere in the Waterstone and be mayor-in-exile, a sort of guerilla mayor in the hills of the east bank*".
5. On 9 August, solicitors acting for Mr Dallas lodged an application in the High Court in Belfast seeking a judicial review of the 31 July council decision. The application claimed that the decision to strip him of his car and secretarial support was an abuse of power, unreasonable and contrary to natural justice. Mr Dallas sought an injunction to restrain the council from imposing any sanctions on him and an order directing the council to restore the withdrawn facilities. He also sought a declaration that the decision was in breach of the Northern Ireland Constitution Act 1973 as it discriminated against him on the grounds of his religious belief or political opinion.
6. Leave was granted to Mr Dallas on 13 August to apply for a High Court judicial review of the council's decision. The court hearing is expected to take place within the coming weeks.

7. The NIO has advised the Secretariat, Belfast that it is studying the legal implications of Mr Dallas's move, but has as yet come to no conclusions. There are no precedents for the decision by the Derry Council.

Biographical Information

8. Born in 1969, Richard Dallas is the youngest ever mayor of Derry. He is a graduate of Strathclyde and Queen's University and was first elected an Ulster Unionist councillor in 1993 while working for the Ulster Bank. Currently self employed as a maths tutor, he may seek a full time teaching position after his term as mayor expires.
9. In an interview with the Belfast Telegraph on 1 July, Mr Dallas referred sympathetically to a description of him as the moderate voice of hardline unionism and admitted to having "no problem at all" with cross-border cooperation. Revealing a more open attitude than most unionists to the possibility of talking to Sinn Féin, he said that "if there was a credible ceasefire - something that could be measured - and acceptance of the Mitchell principles, with a timetable and a clear statement that they no longer support violence for political gain, I would engage them. I would love to talk to them - and rip them to shreds".
10. Mr Dallas supported John Taylor for the leadership of the UUP, has met the Taoiseach on several occasions and last year attended the Fianna Fáil Ard Fheis in a personal capacity. The Belfast Telegraph reported on 20 August of the likelihood that Mr Dallas will be chosen as the agreed unionist candidate for the Foyle constituency at the next Westminster election.

Related Episodes

11. On 12 August, the nationalist-controlled Magherafelt Council voted to prohibit its UUP deputy chairman, Bertie Montgomery, from engaging in representational duties on its behalf. The decision arose out of Mr Montgomery's presence at a roadblock at Tobermore during the Drumcree crisis - although he claimed that he was seeking to calm the situation.
12. A Sinn Féin attempt to apply sanctions to Isaac Hanna, the UUP chairman of the nationalist-controlled Newry and Mourne Council, was defeated.
13. David McNarry, a UUP Councillor on the unionist-controlled Ards Council, proposed that the council suspend relations with the neighbouring Down and Newry & Mourne Councils for a three month period in protest at the Dallas affair; this was defeated 12-8 on 19 August, following a split within the UUP vote (possible damage to a co-operative tourism venture was cited).

B: BOYCOTT

1. Since the Drumcree related disturbances there have been increasing media reports of

nationalists boycotting Protestant shops and other businesses. The boycott has been concentrated mainly in towns and villages west of the Bann, in particular close to the border, and would appear to be aimed at those owners who are members of the Orange Order and/or were involved in manning roadblocks during the disturbances. Unionists have claimed that those with no involvement in the Drumcree disturbances have also been targeted.

2. Media reports give little indication of the extent of the boycott or the degree (if any) of orchestration involved. The Secretariat, Belfast has been advised that British Ministers have today (27 August) requested the Central Community Relations Unit of the NIO to prepare an analysis of the extent and effects of the boycott. To date all available information is anecdotal. A pro-union business umbrella organisation, Business People for the Union, has begun compiling a dossier of the boycott's effect. The group's chairman, Mr Alan Field, maintained that some retailers will be forced out of business and warned that *"communities have been split apart as never before"*. Unionists have claimed that Sinn Féin are playing a leading role in orchestrating the boycott on the ground. Cedric Wilson, a member of the business group and Robert McCartney's UKUP, accused Sinn Féin of creating a deep sectarian rift in small communities and maintained that it was *"another republican strategy aimed at intimidating Protestants out of border areas and creating completely nationalist border towns"*.
3. While refusing to condemn the boycott, Sinn Féin have denied involvement in its orchestration. Jim Gibney described it as *"peacefully channelled anger"* at events surrounding Drumcree. He added that it was *"simply local people refusing to shop with people who manned loyalist barricades"*. The SDLP have strongly condemned the boycott. Economic spokesperson Sean Farren described it as immoral and said that it *"only serves to deepen suspicions and damage community relations"*.
4. Threats by unionist businessmen to counter-boycott southern companies have been reported in recent days.

C: HUGH LEWSLEY

1. On 13 August a brick was thrown through the window of the home of Lisburn SDLP Councillor Hugh Lewsley in Twinbrook, West Belfast. There were no injuries. The attack followed the broadcast that evening of a Channel 4 documentary on punishment beatings, which included a repetition by Mr Lewsley of his strong and direct criticism of republican involvement in such attacks. Mr Lewsley had been the victim of two previous punishment attacks, most recently in 1995. He was severely beaten in the latter incident.
2. Mr Lewsley was subsequently reported as saying that unless the SDLP leadership offered him their full backing he would resign from the party. He argued that the attacks on him had continued despite the party leader's close relationship with the Sinn Féin leader.

3. Mr Hume's assistant, Mark Durkan, and Joe Hendron MP both spoke out publicly in support of Mr Lewsley, and there was contact between him and Mr Hume's office. Mr Lewsley subsequently pronounced himself satisfied with the backing he had received, but said he would be providing his Mr Hume with a list of some of those involved in attacks on him.
4. While party colleagues admire Mr Lewsley's courage, his personal relations with them, both locally and more generally, have been volatile.

Anglo-Irish Division
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27 August 1996

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