

Mr. Hume Mr. Gullin
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28.8.96

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Taoiseach

Further Notes 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.

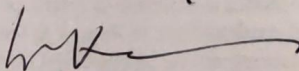
5. Mr Durkan felt that Mr Dallas may have been 'wound up' by his solicitor, Mr David Brewster, who is also an Ulster Unionist Forum representative for East Derry. He believes him to be responsible for the more contentious and false statements in the affidavit and for encouraging Mr Dallas to pursue a 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