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Copy No 1 of 2



Prime Minister

Rome Minister  
This seems right. - Agreed  
Phunt - 3/4  
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I am writing to bring you up to date on the hunger strike in the Maze Prison and on the candidature of one of the hunger strikers in the Fermanagh and South Tyrone by-election.

2. Four prisoners are now refusing food and the remaining protesting prisoners have moved from a dirty to a clean form of protest - ostensibly to focus support on the hunger strikers, but possibly also because they realized the dirty protest was getting them nowhere. The 400+ clean protesters are washed and shaved but still wearing only a blanket; they are in clean unfurnished cells but have bedding.

3. So far there has been little support for the hunger strikers, but we expected that as deaths became imminent (probably around Easter - which is already an emotive time in the Irish calendar) some sympathy in the minority community in Northern Ireland and elsewhere, particularly in the Irish Republic and the USA, would be mobilized and increasing pressure brought on the Government to find a way out. Responsible leaders of opinion, while supporting our stand on political status, are likely also to urge the Government to "find a way of avoiding deaths", but without, of course, saying how.

4. It was clear from the outset that the psychology of handling this hunger strike must be different from the last. Then we were primarily concerned to establish in the minds of the minority community and informed opinion generally, in detail and with clarity, the eminently humane prison regime that was available to the protesters. This time we judged that there was very little real or latent support for the hunger strikers in any civilised quarter, and since our position is firmly on the record and well understood, we must stand firmly on that ground. Our approach therefore is essentially "quietist" - let the facts and the folly speak for themselves but be ready to respond publicly as and when necessary.

5. The nomination of Robert Sands (who was the first prisoner to commence this hunger strike - on 1 March) as a candidate in the Fermanagh and South Tyrone by-election on 9 April has introduced a new dimension into the situation. Sands is describing himself as "anti H Block/Armagh political prisoner". Harry West (Official Unionist) is the only other candidate. There is a small Nationalist

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majority in the constituency and the result will depend on whether enough Nationalist electors refrain from supporting Sands to let Harry West win.

6. This development will increase publicity for the H Block campaign, and Sands' candidature poses the Prison Governor and us some delicate problems about his prison regime. Sands is a validly nominated candidate: by virtue of the Criminal Law Act 1967, convicted criminals (with the exception of those convicted of treason) are no longer disqualified from Parliament. It is our continued custody of Sands which would prevent him taking his seat and it will be for the House to decide how to deal with that situation.

7. We must avoid allowing Sands to exploit his position as a valid candidate, while at the same time avoiding the trap of so constraining his campaign as to make him a political martyr - especially since the legal limits within which I can operate to constrain him are untested by any precedent. The three immediate issues have been determined as follows:

- (i) I am allowing access to Sands by his election agent on a limited scale, consistent with the prison's capacity to handle visits without undue disruption.
- (ii) I shall consider personally any applications by other persons to visit Sands in connection with his candidature.
- (iii) I do not propose any relaxation in the present rules about correspondence.
- (iv) I do not intend to allow any media access to Sands, even though that may oblige the broadcasting companies to reduce their coverage of Harry West's campaign. (Others will, no doubt, speak on Sands behalf.)

8. As for the circulation of an election address there is statutory provision that any candidate may have one postal communication delivered free of charge by the Post Office. We understand that the Post Office have received such a communication and have decided that it is in accordance with the regulations made under the Representation of the People Act.

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9. We hope that there will be sufficient catholic/nationalist absentions that Sands is not elected. If he is, then it will be essentially for the House to determine what happens. The exact position is now being examined and I will report later on that. Meanwhile press material giving the plain facts on Sands' position as a prisoner/candidate to be used as required has been prepared urgently.

... I attach a text setting out the salient points.

10. It is difficult to forecast what effect all this will have on the security situation. The Provisionals might now take a relatively low profile until after the Fermanagh election, but we cannot be sure. If the hunger strike continues - and Sands' candidature/election might be used as an excuse for calling it off - the likelihood of terrorist attacks within and outside Northern Ireland and of trouble between Paisley and Sands supporters still stands. The security forces are confident that they can contain any violence in the Province against the background of the known capabilities of the terrorist organisations and the limited extent of direct public support. It is, however, the strong view of the Chief Constable and the GOC, with which I agree, that HMG should not embroil itself in the Fermanagh campaign in any way. The best weapons against Sands are Harry West and the non-violent catholic community themselves.

11. I am copying this note to other members of the Cabinet, the Attorney General, the Chief Whip and Sir Robert Armstrong.

*R.A. Hawking.*

H A

3 April 1981

*Signature behalf of the  
Secretary of State in his  
name.*

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ROBERT SANDS AND THE FERMANAGH, SOUTH TYRONE BYE-ELECTION - BACKGROUND NOTES

1. Robert Sands was convicted in 1977 and sentenced to 14 years imprisonment for the offences of:-

(i) possession of firearms and ammunition with intent; and

(ii) possession of firearms and ammunition in suspicious circumstances.

Sands was arrested in a car which was leaving the scene of a bomb attack on the outskirts of Belfast. A loaded gun and a number of masks were found in the vehicle.

2. Sands is a valid election candidate. Since the two Republican prisoners in Northern Ireland, Mitchell and Clarke, stood for and won elections in 1955 and were then unseated as 'convicted felons' the law has been changed. The Criminal Law Act 1967 abolished the concept of a 'felon'; the only criminal conviction which now disqualifies a person from running for Parliament is treason.

3. Sands has appointed an election agent - Mr Carron of Enniskillen. An election agent can undertake all necessary election duties on behalf of the candidate including attendance at the count and at the declaration of the election result.

4. All election candidates are entitled by law to have one postal communication delivered free of charge by the Post Office. This communication - normally the election address - must comply with certain requirements as to weight and size and must contain 'matter relating to the election only'. This entitlement applies to Sands and it is for the Post Office to determine whether the communication complies with the requirements.

5. There is specific statutory provision in Section 9 of the Representation of the People Act 1969 on the matter of television and radio coverage of an election. Sands is a convicted prisoner. That being so, there will be no access to him by the media. The responsibility for achieving balance is the broadcasting authorities' not the Government's.

6. Sands has had one visit from his election agent (on 2 April). Other visits may be allowed at the discretion of the prison Governor.

**E.R.**

7. If Sands should be elected there is no legal requirement to allow him to attend Westminster (even to take the oath) and he will remain in prison. On election he will technically become a Member of Parliament but he cannot become entitled to an MP's pay without taking his seat which he will not be able to do. It will be for the House to determine what action to take about him.

8. The rights of Members of Parliament detained in prison was the subject of a report from the Committee of Privileges in 1970. Copies of this report would be available from HMSO. Recent instances of Northern Ireland MPs sent to prison include the then Miss Bernadette Devlin and Mr Frank McManus.