

010
CONFIDENTIAL



Prime Minister.

A.S.C. 22/12

Prime Minister

PROSCRIPTION OF SINN FEIN

I undertook to offer an assessment of the proscription of Sinn Fein. What follows is addressed to the situation in Northern Ireland, but I take it as axiomatic that proscription must apply to the whole of the United Kingdom if it is to be effective. The organisation could not be sensibly banned in one part of the country but allowed to operate freely in another. Leon Brittan gave you his views at your meeting on 20 December about the case for proscription in Great Britain. I am grateful for his suggestion that since the consequences of proscription would be felt most keenly in Northern Ireland, the Northern Ireland considerations must be dominant. We now know that the Irish Government is most unlikely to proscribe, though they may seek to see if other measures can be taken against Sinn Fein. I agree with the provisional conclusion of your meeting that, in the absence of an Irish decision to proscribe, we should not either. But I thought it would be helpful for our colleagues if I set out the main arguments fairly fully in advance of the meeting of Cabinet on 22 December.

2. There are powerful arguments for acting against Sinn Fein. There is no doubt that in terms of the Northern Ireland legislation Sinn Fein has encouraged violence and could be proscribed on that basis. There is a climate of expectation that something will be done, and considerable advantage in the Government showing in every possible way that it is responding firmly to such horrors as the murder of Edgar Graham and the Harrods bomb. Our action would attract wide-spread sympathy here, but as I suggest below, only if the Republic also proscribed would our position be easy overseas. Sinn Fein are widely and correctly understood to be closely associated with terrorist violence and are seen to support it, even though its leading members are able to escape prosecution. The Government has

CONFIDENTIAL

played/....

CONFIDENTIAL

played its part in creating this understanding, and most people would believe that by proscription Sinn Fein was receiving its just desserts.

3. At the moment Sinn Fein are able successfully to exploit the democratic system. They remain just inside the law, and yet are able to maximise both terrorist and political pressure. They can thus present themselves respectably and gain leverage over constitutional nationalists which is as harmful to the cause of moderation as to the Government. The constraints of democracy mean we cannot effectively respond directly to this.

4. I have little doubt that proscription would be disruptive to Sinn Fein as an organisation. Even if some of its members adopted a different guise it is unlikely to be capable of successfully going underground and yet of remaining as strong a political organisation as at present. Nor would it be easy for them to eschew the name Sinn Fein with all its historical appeal. Their strategy for future elections would thus be upset, and they are known to be fearful of proscription. Proscription would make it easier to deal with electoral abuse, for which Cabinet has considered remedies.

5. Against these considerations must be set the practical consequences of proscription. It is essential that it should be effective and should not create disproportionate political or security consequences. We cannot be certain how Sinn Fein would react. But some degree of confrontation must be expected. There might be street disorders whipped up in response, and there might be shootings attributed to proscription. But the trouble would be containable, and the PIRA could not in our view step up and sustain a terrorist campaign as a reaction. We would be faced with the prospect of widespread arrests in sensitive areas, since it would be hard to do other than proceed against those not disguising their membership. There could be charges of backdoor internment, and the courts would be bound to be severe with those who repeatedly flouted the law. We doubt if those imprisoned would go on hunger strike, but the situation in the prisons could be exacerbated if large numbers were given custodial sentences and they attempted to foment trouble. In

CONFIDENTIAL

CONFIDENTIAL

all it could provide a rallying point for further violence at a time when cracks may be beginning to appear in the PIRA edifice.

6. There would be attempts to get round proscription by denying membership or adopting different names. This could be the tactic adopted to allow some activists to operate freely. The Government would then be faced with the prospect of proscription being in part undermined, or with having to chase such people with the repeated proscription of new organisations. Neither prospect is appealing, and neither would do us credit.

7. There would be attempts to stir up a political reaction. We cannot be certain how this would go, though some recent campaigns, for example on strip searching in prisons and supergrasses, have not made a great impact. It could not be assumed that the media would deny access to those who were able to show they were not members of a proscribed organisation. Many in the nationalist community would welcome our action, but others might seek to increase tension. Though we believe most would not be unduly stirred up by it, arrests, for example, could cause a reaction. Activists would seek to maximise the difficulties for us.

8. Proscription would not of itself prevent Sinn Fein members from standing at the European or other elections. Only if found guilty of membership and imprisoned for a year or more would a Sinn Fein member be disqualified from being a member of or standing for the House of Commons, the Assembly or the European Parliament. A year would be a heavy penalty just for membership, and even if a Sinn Fein leader such as Adams attracted it and was in prison there would be little difficulty in finding a proxy who had not, and who could stand as an independent. We could therefore well face the June elections with a Sinn Fein candidate in all but name, able to exploit whatever situation had by then built up as a result of proscription. It would, for example, be very serious if in these circumstances Adams or his proxy beat John Hume. Apart from the consequences for the SDLP and political movement in Northern Ireland, which would cause me very great concern, proscription would have been shown to be largely worthless when it came to elections - the heart of the democratic process it is designed to protect.

CONFIDENTIAL

CONFIDENTIAL



9. Finally, we must watch the international reaction. Unilateral proscription would be difficult to defend in the USA where it would be challenged by some as an attack on democracy and an attempt by the British to muzzle legitimate Irish representatives. There might be favourable reaction to Sinn Fein allegations that the British Government was apprehensive of Sinn Fein electoral success. A decision by the Dublin Government to proscribe would have considerably eased our position but this now seems unlikely.

Conclusion

10. These arguments lead me to support the provisional conclusion of your meeting on 20 December that in the absence of a decision by the Irish Government to proscribe Sinn Fein in the Republic, we ought not to do so. The decision of their Cabinet on 20 December therefore seems to me conclusive. There are undoubted attractions in moving fast in the present climate of opinion, and of showing that we are rigorous both in our action against terrorism and in our support of constitutional politics. But I suspect that many of these advantages might be short lived, especially if the impact on terrorism was negligible (as the PIRA are capable of showing it to be). Unionists will not on the whole be critical of the Government for failing to proscribe and I think we would earn little long term credit with them. On the other hand, though there are many uncertainties, we could be faced with a more tense situation in Northern Ireland, which extremists could more easily exploit, without necessarily having all the offsetting practical advantages like the removal from the political scene of those who are Sinn Fein in all but name. We would severely disrupt Sinn Fein, but that alone is not conclusive if great strength of feeling was aroused in the community. Once we have proscribed, there could be no early going back on it. John Hume is vehemently opposed to proscription because he feels it would harm, not help, the SDLP, and make elections in the North very difficult.

11. We should need to look afresh at this if at a later stage the Irish proscribed. The expectation that we should also act would be that much greater, and the practical case for dealing similarly with the organisation in both parts of Ireland strong. But we should

CONFIDENTIAL

CONFIDENTIAL

remember that the Irish are not likely to face the opposition that we would, or the pressures to make proscription effective by arresting known members, so that the policy would be a good deal easier for them to implement than for us. Irish proscription could well tip the balance, but I would not wish to suggest at this stage that it will necessarily do so.

12. My meeting with Mr Noonan, the Minister for Justice in the Republic, is due to take place in the second week of January. Mr Barry, the Foreign Minister, agreed with me that further measures to combat terrorism in the island of Ireland would be far more effective if taken jointly. There are a number of items on which we might act together as well as some on which we might act ourselves. I am having them examined urgently.

13. I am sending copies of this minute to members of Cabinet and Sir Robert Armstrong.

DBH

J P

21 December 1983

(Approved by Mr Prior and
signed in his absence)

CONFIDENTIAL