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FROM: PS/SECRETARY OF STATE (L)
15 November 1988

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- cc: PS/SofS (B&L) (1&2) - B
- PS/MofS (B&L) (3&4) - B
- PS/Mr Needham (B&L) (5&6) - B
- PS/PUS (B&L) (7&8) - B
- Mr Burns (9) - B
- Mr Stephens (10) - B
- Mr Chesterton (11) - B
- Mr Miles (12)
- Mr Steele (13) - B
- Mr Kirk (14) - B
- Mr Bell (15) - B
- Mr Masefield (16) - B

cc Mr Sackem - (13A)
 Mr Macghee - (13B)
 CM 16/11

NOTE OF A TELEPHONE CONVERSATION BETWEEN THE SECRETARY OF STATE AND THE TANAISTE, MR LENIHAN, ON MONDAY, 14 NOVEMBER 1988

The Secretary of State spoke to Mr Lenihan on the afternoon of Monday, 14 November about the proposals to be introduced in the Elected Authorities Bill and the proposals for changes in the rules on remission in Northern Ireland.

The Secretary of State informed Mr Lenihan that the Elected Authorities Bill would comprise three elements - the intention to legislate on 'I' voters, a declaration against terrorism to be signed by candidates standing in elections and on charge in the disqualification provisions for those sentenced to terms in prison of 3 months or more. The Secretary of State explained the rationale for the change in the disqualification provision in so far as it would restrict access to council office by people convicted of serious crimes and help to underline the Government's determination to deal with terrorists.

The Secretary of State also mentioned to Mr Lenihan that the intention to legislate on Fair Employment would be announced in the Queen's Speech on 22 November and subsequently introduced in the House of Lords at the earliest possible opportunity thereafter.

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Mr Lenihan indicated some scepticism about the value of the proposed declaration on terrorism, suggesting that it was unlikely to be effective. He was also worried that it should be imposed so shortly after other measures affecting the criminal law had been introduced. In response, the Secretary of State referred to a recent poll in the Belfast Telegraph which had indicated that a substantial majority of Catholics were in favour of the declaration. He undertook to send Mr Lenihan a copy of the Belfast Telegraph poll (Action: Mr Kirk for draft letter and copy of poll results). The Secretary of State impressed on Mr Lenihan that the declaration had to be seen in the context of overall Government policy against terrorism in Northern Ireland. The alternative to the measures which the Government was introducing on the criminal law was proscription which they did not wish to pursue at present.

Mr Lenihan also raised the question of the proposed changes in the remission rules. He indicated that he could not accept the proposals and strongly advised against their adoption. He felt that they would have considerable implications for confidence in the administration of justice in Northern Ireland. The timing of their introduction was also unfortunate given that the prison regime was working well at present. Their introduction was also likely to reduce further the Government's credibility in the eyes of people such as Father Faul; comparisons with the 25 per cent rule in the Irish Republic were not valid since the 50 per cent rule had been the status quo for some years in Northern Ireland. He asked that no decision should be taken until he and the Secretary of State had had an opportunity to discuss the matter further. The Secretary of State explained to Mr Lenihan that the remission proposals had been on the table for some time and that the Government proposed to go ahead with them. He added that they would be announced in the Queen's Speech on 22 November and included in the Prevention of Terrorism Bill. They would not apply to people currently in prison or under trial but only to those convicted of terrorist offences after the introduction of the Bill. Mr Lenihan referred to the low levels of reinvolvement in

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terrorist crime of prisoners; those on life sentences rarely got reinvolved, while the percentage of those on determinate sentences getting reinvolved was only 29 per cent. The Secretary of State queried these statistics, pointing out that there was significant evidence of reinvovement in terrorist crime in Northern Ireland, in particular by those on determinate sentences. The Secretary of State said that he was unable to delay the introduction of the proposals which would be published in the week beginning 21 November.

While the tone of the conversation was friendly throughout, it was clear that Mr Lenihan was genuinely worried about the remission proposals in particular. I understand from a subsequent telephone conversation with Mr Lenihan's Private Secretary that the Tanaiste will be writing to the Secretary of State, and to Mr Hurd, in a few days time expressing these concerns.

Signed

M T H MAXWELL
Private Secretary

15 November 1988