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17th November, 1988

The Rt. Hon. Tom King, MP  
Secretary of State for Northern Ireland

Dear Tom

You mentioned to me privately before the last Conference that you were considering reducing the present remission rate of 50 percent for prisoners of good behaviour in Northern Ireland, and we spoke again about this by telephone earlier in the week. I understand that a briefing will be given in the Secretariat shortly and I have asked Sean O hUiginn and his colleagues to set out our detailed thinking on the proposal at that time.

The prison issue is, as you and I know, one of the most sensitive and emotive of all issues in Northern Ireland. We have had ample demonstrations of this over the last ten years. The problems, I would emphasise, are unique to the North and no direct parallels can or should be drawn with the system or practices in operation in Britain or in the Republic. I felt it important, therefore, that I should write personally to you at this stage in order that you and your colleagues would have a clear political view of the problems and dangers in your proposal as we see them.

Both of us, I believe, have always tried to take the view that an essential test of any proposal in the security area must be whether it would "help or hinder the paramilitaries". In my view, the proposed reduction of remission will tend to play into the hands of the IRA.

The introduction of a 50 percent remission clearly indicated that it was accepted that special circumstances existed in Northern Ireland which justified a higher rate of remission than in Britain. One of these, I believe, was the desirability in the North of having a stronger power to encourage good behaviour in the prisons and the rehabilitation of prisoners. I do not believe that there has been any significant recent development which would justify altering the weight given to that consideration. Indeed, your careful management of the prisons in recent years, and the reviews announced by you for special category prisoners and SOSPs - to which I was more than happy to pay full tribute - have put the

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IRA on the defensive in nationalist communities and given the lie to their propaganda that no justice was available from the British Government. It has also helped to encourage considerable political reflection among prisoners and their families and it has been an important reason why a significant number of prisoners have cut their links with the paramilitaries. The IRA has recently been reduced to questioning the workings of the Life Sentence Review Board. I would be very afraid that the proposed change would let them off the hook.

Secondly, I believe that developments in the prisons area since the Agreement represent a real gain in the eyes of nationalists, many of whom unfortunately tend to date to see the Agreement as being largely taken up with security cooperation. The announcement of a change in the remission rate - just as the review gets underway - could seriously damage our joint efforts to give a new impetus to the building of confidence in the system of justice and such a setback would, of course, give great comfort to the paramilitaries.

Thirdly, I do not believe that the problem with re-offenders is such as to justify the proposed change. Officials can go into this point in detail in due course but I would simply recall that the study which you let us have earlier this year showed no re-involvement among life-sentence prisoners, and a suspected rate of involvement among other "paramilitary" prisoners which was less than half the rate of actual re-offending by "ordinary" prisoners.

Finally, if you now decide to change the system, it will in my view have the very unfortunate effect of increasing a suspicion among nationalists that policy in the North is increasingly moving in the direction of repression. Moreover, the last thing we need is the introduction of new anomalies in the treatment of prisoners, depending on the date of the crime. Such anomalies would provide a fertile ground for grievance and protest on the part of prisoners and their families.

I would personally urge you to look again at the merits of the proposal against the above background. No responsible person would or could deny the need to protect human life or property in Northern Ireland from the ravages of terrorism. A significant part of the discussions at almost all our Conferences has been devoted to finding better ways of doing just that. But this common objective will not be served in practice by what is now proposed, particularly as it concerns such an emotive and volatile area. On the contrary, I believe that any possible security gains - and these, to say the least, are doubtful - would be more than offset by the impact on the community as a whole of such a radical change.

As Douglas Hurd will be dealing with the legislation in Parliament, perhaps you might wish to pass a copy of this letter to him.

With best personal wishes.

Brian Lenihan, T.D.  
Tánaiste and Minister for Foreign Affairs

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