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PS/Secretary of State - L

SINN FEIN - POSITION ON APPOINTED AND ELECTED BODIES

1. I have been considering in detail with an ad hoc group of colleagues a range of issues arising out of the Sinn Fein representation on district councils, and the subsequent nominations of Sinn Fein councillors to Area Boards.
2. The attached paper discusses essentially the following questions:
 - a. Since it is clear that the present law leaves us with no alternative but to appoint Sinn Fein members to Area Boards if the nominating District Councils persist in nominating them, should we change the law so that Ministers will in future have a discretion? Here we examine, but reject as unsatisfactory, the possibility of taking power to reject any specific nomination, or to require Councils to give us a more extended list of nominees. We conclude that the only foolproof change would be to move all the way from District Council nomination to simple Ministerial power to appoint (following such consultations or soundings as Ministers wished to take). But we saw this as a fundamental and potentially extremely controversial change in the structure of the Boards.

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- b. Since there are various provisions in existing law which provide for disqualification from elected or appointed positions, should we extend those provisions so as to catch more of the people whose behaviour is reprehensible? The disqualifying provisions could certainly be made tougher in a number of ways, but there is a risk of making "hard cases" and a certainty that many of the most objectionable people will at any time be clever enough to keep themselves just outside the ambit of disqualifying offences.
- c. Would it be useful to require for certain elected positions and/or offices a mandatory declaration dissociating the individual from violence? We rehearse the difficulties of deciding upon appropriate and effective wording, coming to the conclusion that it is association with a proscribed organisation rather than with "violence" (which can be so variously interpreted) which should be the target. We argue that it would be wrong to impose such a new requirement on people already elected or appointed, and we discuss the legislative and other implications of covering particular types of office. We consider whether any power to require a declaration needs to be associated with a power to remove for breach of the declaration, but identify formidable difficulties in operating such a power.
- d. Would there be advantages in providing in law for some proportionality, so that local majority in district councils cannot entirely exclude substantial minorities from participation through council committee chairmanships, nominations to statutory boards etc? It is worth noting here that, unless coupled with some effective action to "screen out" Sinn Fein, the introduction of proportionality could amongst other things assure Sinn Fein councillors in particular areas of a share of local power. There are real practical difficulties. At council committee level, it is very much a matter for each council to decide what committee structure it wishes to have. And provision for proportionality on (say) Area Boards would mean a radical revision of the structure of those boards.
3. These questions were examined within the established policy context. Sinn Fein is not a proscribed organisation, and although that issue has been re-examined from

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time to time it has up to now been concluded that proscription would have more disadvantages than advantages.

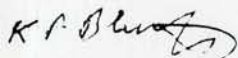
4. This is not to say that the distinction which the law in that respect makes between Sinn Fein and the IRA is paralleled by an equally clear distinction in policy and methods. The Armalite and the ballot box are not the alternative instruments of distinct though sympathetic groups, but rather part of the armoury of a single organisation which changes its posture to reflect its opportunities. A scan of the intelligence information available on the Sinn Fein district councillors will readily illustrate that unpleasant reality. The hope that, if offered an opportunity to take a political course, the Republican movement would turn increasingly in that direction is far from realisation (although it can be argued that the determination of the Adams leadership to exploit political opportunities may have had some effect from time to time on the intensity and methods of the violence, if not on the ultimate readiness to resort to it).
5. But the avoidance of proscription has not been motivated solely by a hope to encourage alternatives to violence. It has reflected also the reality that, even if Sinn Fein were to be proscribed, it would remain in being underground, acting through surrogates and associates. Since the organisation is not proscribed, it is in a position to present candidates for election and these are entitled both to stand and if elected to sit unless some impediment is placed in their way to prevent them. Both the Secretary of State and the Prime Minister have, since the district council elections, robustly defended the decision to allow people who wanted to vote for Sinn Fein councillors to do so.
6. We therefore faced a dilemma in dealing with these issues. Having decided not to embrace proscription, were we to seek to achieve similar results by other methods? Having made a considered decision to allow Sinn Fein members to reach the district councils, are we to deprive those elected councillors of any of the rights and opportunities which would normally attach to office as a councillor?
7. We took into account that so far any de-stabilising effect resulting from the election of Sinn Fein councillors has been attributable less to their behaviour than to the reaction of others to their presence. This is not to say that their behaviour

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has been impeccable. Mr Kerr of Omagh in particular has come very close in some of his statements to an open endorsement of violence. But if we want (as presumably we do) to cope with the influence of Sinn Fein in the long-term and strategic sense rather than the short-term and tactical sense, it has to be asked if it would be wise for government to contemplate any action which might drive SDLP into sympathetic alliance with them and/or actually increase their support amongst the Nationalist population at large.

8. Those of us who considered the matter were unable to reach unanimous conclusions on the idea of a non-violence declaration. On the one hand, there were arguments that we would be building a very powerful and elaborate engine to crack a rather small nut; that action on these lines would actually assist Sinn Fein in presenting themselves as unfairly discriminated against by "the system"; that the real issue here was whether or not Sinn Fein should be a proscribed organisation; and that provision for a declaration would be "toothless", unless accompanied by a power to remove, which in itself would be bound to drag the Secretary of State into very difficult and controversial discretionary areas. On the other hand, there were arguments that it places Ministers in a most invidious position if they have to tolerate the appointment of Sinn Fein members to public bodies; that it is also unacceptable to be unable to remove a member even if his behaviour in relation to endorsing violence is widely considered by the general public to be disgraceful; and that government may in any event be driven to take action at some stage by public outrage about specific words or deeds.
9. The Secretary of State will no doubt wish to discuss on the basis of these papers.



K P BLOOMFIELD

30 July 1985

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