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8 April 1981

OOPS!

In my minute of 3 April I promised to report later about the position if Sands is successful in the Fermanagh and South Tyrone be-election. I would not at the moment judge this to be a likely outcome, but it is a contingency for which we need to be prepared in advance: and I wanted you and other members of the Cabinet to be aware of the matter because you may want to raise it under Parliamentary Business at Cabinet tomorrow.

It seems beyond doubt that the Commons should not and would not countenance having a convicted terrorist as a Member. There would be a wide-spread view at Westminster that Sands should be expelled. And there would be revulsion among many people - certainly in Northern Ireland - at the prospect of a man such as Sands being allowed to be a Member.

To these obvious considerations I would add the point that for as long as Sands is an MP - even though he cannot take his seat - he has an enhanced opportunity of embarrassing the NI prison authorities, and thus the Government, by pressing demands for access to those who would then be his constituents, and to the media, and for the right to send and receive correspondence beyond the limits normally allowed to prisoners. He might exploit these possibilities fully as part of his main campaign to get convicted terrorists treated as "political prisoners" rather than simply as criminals.

These considerations lead me to the view that the sooner Sands is expelled the better, and that we should stand ready to ensure that the appropriate Motion is moved and approved before the House rises for the Easter Recess on 16 April.

As I understand the position, a Motion to expel Sands could be moved at any time after the writ of election is returned to Westminster. I will be ready to ensure that, in the event of Sands being elected, the writ reaches Westminster at the earliest possible opportunity which in practice will be Monday, 13 April. This would leave

the way open for the Motion to be moved, debated and voted on during the week beginning 13 April and before we rise on 16 April.

I would see considerable advantage in showing this to be a non-party House of Commons matter by making preparations through the usual channels to have the motion put down in the names of the Prime Minister, the Leader of the Opposition, and perhaps also David Steel, David Owen, and Jim Molyneux. (Ian Paisley is, I think, unavailable abroad.)

If we cannot achieve that - eg because Michael Foot is reluctant to commit himself - I think we must be prepared to move the motion for expulsion in the Government's name.

Whether or not we get the Opposition's support for such a move, we must be prepared with a line for the press because we shall, as soon as the result is known, be inundated with enquiries about what we propose to do. I propose that, with or without the Opposition's support, we should reply to such enquiries by saying that we shall early next week move a motion for Sands' expulsion.

There is one other point I should mention. If Sands is expelled there may be immediate pressure for a further by-election. However, its timing would require careful thought: we would want to minimise the chances of a repetition of Sands' victory; and we also would wish to avoid the by-election falling too close to the Northern Ireland local elections on 20 May (two overlapping elections, one on the basis of proportional representation used for District Council elections in the province and one on the normal parliamentary basis, could prove confusing for the electors and put a strain on the local electoral machinery). I would hope therefore that we could delay any motion to issue the by-election writ until after the Easter recess.

If you agree that, if Sands wins, he should be expelled immediately, perhaps we could find time to consider the arrangements that would need to be made before the end of the week.

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

(Sgd.) H. Atkins