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Mr Bloomfield



cc PS/S of S (L&B)
PS/Ministers (L&B)
PS/PUS (L&B)
Mr Brennan
Mr Stephens
Mr Hammond
Mr Carvill
Mr Chesterton
Mr Ferneyhough
Mr Lyon
Mr Bickham

SINN FEIN - POSITION ON APPOINTED AND ELECTED BODIES

The Secretary of State has now considered your submission of 30 July, and has commented:

"I am grateful for the painstaking work which has gone into this difficult subject. I think we must start from the proposition that our present stance is awkward and hard to defend. It rests simply on the proposition that there is a difference between Sinn Fein and the Provisional IRA. This proposition without any clarification is hard to sustain and is causing us increasing difficulty, as the comments in the margins of the argument about the BBC current affairs programme have just shown. I continue to be against proscribing Sinn Fein as a political party. I do not think I need go over the reasons for this again. It seems to me that to interfere between the elector and the person whom he wishes to represent him either on a district council or in any other elected body is a dangerous business particularly in Northern Ireland. The arguments for this view have been frequently spelt out.

It seems to me however that a valid, though not entirely easy, distinction can be made between a person who is

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elected and a person who goes on from being elected to assuming the position of responsibility either as chairman of a district council or as a member of a board. A person who enters on a position of responsibility takes part in the government of Northern Ireland in a way which a district councillor or assemblyman does not himself necessarily do. It is logical to require at this stage that such a person does not do anything to contradict the nature of the duty which he is assuming. To connive at terrorism is to contradict the discharge of any responsible duty within Northern Ireland. To impose a requirement at that point is not to deny free elections or free speech but simply to insist that those who enter into the process of government should not contradict by their other actions the basis of that government.

With this thought in mind my tentative view is in favour of a declaration as defined in paragraph 18 of Mr Bloomfield's paper. This declaration would be applied to persons proposed for office within a district council or for membership of a board or for office within the Northern Ireland Assembly. It would not be applied to elected councillors or assemblymen unless or until they were proposed for further appointments. It seems to me that the change must include the power to remove the person who has made the declaration if he later tears it up by his words or deeds. I do not believe that the Secretary of State should be the person to decide this. One possibility would be that disqualification following a declaration should be on the motion of the Secretary of State but decided by an independent semi-judicial tribunal, possibly appointed either by the Lord Chief Justice or the Lord Chancellor. I do not believe that this procedure could be retrospective, ie it should apply to those who in future may be elected or considered for positions of responsibility.

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I am of course open to argument on this matter.]
We need to make early progress because if we are
to go down this path then the proposal should
clearly find a place in the White Paper which in
turn must be ready to cope with the possibility
of a breakdown in the Anglo-Irish talks. This
particular proposition could be even more
important if the Anglo-Irish talks succeed. "

We will be in touch to arrange a meeting.

Jonathan Duke-Evans

7 August 1985

J B DUKE-EVANS

Assistant Private Secretary

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