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Mr. O. Deilly
PA
Mallon file

Secretary

1. I spoke to Bríd Rogers, General Secretary, SDLP this afternoon about the outcome of Senator Mallon's case in Armagh this morning. The following were the main points to emerge:

- (a) the electoral court ruled that Senator Mallon should be disqualified from membership of the Assembly;
- (b) the court will now submit a report to the Assembly which will most likely endorse it, resulting in a by-election for Senator Mallon's seat (OUP most likely to win by-election);
- (c) the court gave costs against Senator Mallon;
- (d) he was held to be in contempt of court for refusing to answer questions and was arrested on the orders of Judge O'Donnell when he tried to leave the court premises. Senator Mallon was deemed to have purged his contempt of court by being detained for the duration of the hearing. He was released at the end of the hearing and no other action will be taken against him on the contempt issue.

2. At a press conference held afterwards, Sean Farren, Chairman SDLP stated that the party was totally behind the stance taken by Seamus Mallon. In response to a question about whether the SDLP would fight the by-election, Sean Farren said that the SDLP had already obtained a mandate and implied that they would not contest a by-election (Bríd Rogers confirmed privately that they would not stand). Bríd Rogers said that a reference was made at the press conference to the fact that H. McCusker as a supposedly liberal Unionist had now demonstrated that he saw no room for the minority in Northern Ireland and would not allow the minority to pursue peacefully its aspirations. It confirmed and "copper-fastened" the SDLP's attitude to the Assembly and the unwillingness of the Unionists to share power. Bríd Rogers also said that Dr. Martin Mansergh, former Deputy

Bellew, Louth and another member of the Fianna Fail National Executive whose name she did not know were present at the court and at the press conference and that Senator Mallon had made reference during the press conference to the fact that neither of the two sovereign governments had been represented.

3. There is still the possibility of further action against Senator Mallon as a result of the DUP having lodged an affidavit alleging perjury (?) with the DPP. This affidavit was lodged on 29 September and it is of course possible that the DPP will take no action in the matter.

4. I spoke by telephone with Senator Mallon yesterday evening about the case and apart from saying that he would defend himself in a political rather than legal manner he had very little to say. He felt that he had no hope of winning on the legal aspects but obviously thought that the case could be exploited from a political point of view. He made no reference to possible government representation at the proceedings.



Martin Burke
Anglo-Irish Section
16 December 1982