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SECURE FAX

PA

Mr. McKee
Gallagher

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(Including cover sheet)

Mr. Dowling
Irex

TO: HQ

FROM: BELFAST

FOR: Colm Ó Floinn

FROM: K. Dowling

pm S 2

SUBJECT: SDLP Views on the Hastyjirdle Situation

COMMENTS: grateful if you would telephone me on Friday am about the attached.

Comcen: Please give to Colm Ó Floinn first thing in the morning (Friday)

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Draft - for discussion only

SDLP View on the Harryville Situation

March 1997

It is our view that the protest at the Church of Our Lady,Harryville, which has continued weekly since Saturday 14th September 1996 is unacceptable, and should no longer be accepted . We believe that steps should be taken under the law to bring it to an end.

Relevant provisions in the Public Order (N.I.) Order 1987 are as follows:

4.-(2) If a senior police officer , having regard to the time or place at which and the circumstances in which any open-air public meeting is being held or is intended to be held, reasonably believes that -
(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or do an act they have a right not to do,
he may give directions imposing on the persons organising or taking part in the meeting such conditions as to the place at which the meeting may be (or continue to be) held , its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

5.-(1) If at any time the Secretary of State is of the opinion, in consequence of information furnished to him by the Chief Constable or for any other reason, that-
(a) the exercise of the powers conferred by Article 4 in any area will not be sufficient to prevent such disorder, damage, disruption or intimidation as is referred to in paragraphs (1) and (2) of that Article; or
(b) the holding in any area or place of any public procession or any open-air public meeting is likely to cause-

(i) serious public disorder;
(ii) serious disruption to the life of the community; or
(iii) undue demands to be made upon the police or military forces,

he may make an order-

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(A) prohibiting , for such period not exceeding 3 months as may be specified in the order, the holding in that area or place of all public processions or open-air public meetings or of such classes of public procession or open-air public meeting as may be so specified; ..... .

9.-(1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if-
(a) he intends thereby to stir up hatred or arouse fear; or
(b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

19.-(1) A person who in any public place or at or in relation to any public meeting or public procession-
(a) uses threatening, abusive or insulting words or behaviour; or
(b) displays anything or does any act;.....
with intent to provoke a breach of the peace or by which a breach of the peace or public disorder is likely to be occasioned (whether immediately or at any time afterwards) shall be guilty of an offence.

We believe that the events at Harryville relate to these legal provisions for the following reasons:

(1) There has been serious public disorder associated with the Harryville protest. On the first week of the protest , virtually the entire congregation was physically prevented from getting to the church. On Saturday 30th November, there was very serious violence. A bus was burnt out, petrol bombs were thrown at the police, and there were attacks on the cars of several parishioners. During the following week, there was further very serious associated violence, including fire attacks on several local Catholic schools, a fire attack on the church itself, and attacks on three Catholic homes. During the ensuing weeks, there have been a considerable number of arrests at the protest for specific public order offences, and the road has been blocked on a number of occasions.

(2) Parishioners have been subject to a regular barrage of taunts, obscenities and sectarian abuse when entering and leaving the church. Firecrackers have been thrown at them on many occasions. The Mass has been constantly disturbed by loud chanting and the singing of offensive political songs. This activity is clearly intended to be intimidatory.

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(3) Even when there is no actual violence, the fear of violence is always present.

(4) It is clear that the congregation does in fact feel intimidated. Numbers attending are substantially reduced, and many people do not wish to bring children in particular into this situation.

(5) The police judge that it is necessary to have a large police presence on each occasion. This is clearly in the expectation that otherwise the parishioners would not be able to get to the church, and that there might well be violent attacks on them.

(6) On Saturday 8th February the protesters arranged a large band parade to coincide with the protest. This caused serious anxiety during the preceding week, and led to the Mass having to be finished early and the congregation dispersed quickly. The bands played political tunes as they passed the empty church which caused serious offence.

(7) The protesters constantly take the initiative in how they conduct the protest, the band parade being an example of this, and the parishioners, the church authorities and the police are put in the position of having to respond to them.

(8) The cost of policing the protest is huge; estimates are over £1.25 million to date.

(9) The effect on the congregation of the protest goes far beyond the actual event on Saturday evenings. The ability of the church to function as a pastoral centre has been seriously affected. The priests are no longer able to live in the adjacent parochial house for their own safety, greatly weakening the sense of the church existing as a pastoral centre.

(10) The effect of the protest on community relations in Ballymena has been very harmful. While the protest has little overt support, it nevertheless creates a general state of tension.

(11) The organisers of the protest have refused to put forward spokespersons with whom to discuss. It seems reasonable to say that there ought to be an onus on a group which is conducting such a damaging and costly protest to be prepared to discuss their objectives.

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(12) The organisers of the protest call themselves the Harryville Residents Association. A newspaper poll demonstrated that a majority of Harryville residents do not support this form of protest; many are clearly embarrassed by what is being done in their name but are intimidated from speaking against it.

(13) News of this protest has been on the media throughout the world, and has presented an appalling image of Ballymena. There are serious anxieties about the potential effect on inward investment, and there is anecdotal evidence that serious damage has already been done.

We believe that there is unassailable evidence that this protest is illegal since :

(a) It has resulted in serious public disorder and serious damage to property, and carries a strong likelihood of doing so again,
(b) It is seriously disrupting the life of the Catholic community in Ballymena, and the community generally;
(c) It is clearly intimidatory and intended to be so;
(d) It is making undue demands upon the police;
(e) It clearly involves the use of threatening, abusive or insulting words and behaviour which are intended to stir up hatred and arouse fear.

We believe that there is a clear public interest in ensuring that this situation does not continue, and an obligation on the authorities to take action. The Catholic community in Ballymena especially have a right to protection under the law, and that right is not adequately discharged by current policing arrangements, substantial as those are.

We believe that unless the protest can be made legal it should be prohibited, and we believe that we are entitled to look for wide political support for that view.

It is our view that the police should make clear to the organisers their view that the protest is illegal for the above reasons, and , if it is to continue, certain undertakings will have to be given in such a form that the police are prepared to accept them. We would see as the minimum undertakings the following :

(a) There will be no attempt to prevent people going to or coming from the church;
(b) There will be no use of words or behaviour which would be intimidatory;

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(c) There would be a stated limit on the numbers involved in the protest, and agreement with the police on where they would assemble.

If these undertakings were given and adhered to, we consider that the protest would be legal, and while we might still have ethical objections as to the propriety of a political protest directed at those attending an act of worship, and political objections as to its efficacy, we would have to accept it.

If these undertakings cannot be obtained or are not adhered to, then we consider that the protest should be prohibited, and that this prohibition should be enforced accordingly.

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