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B/7940/RE

PS/Secretary of State (L&B)(M)

cc: PS/Lord Gowrie (L&B)(M)  
PS/PUS (L&B)(M)  
PS/Sir E Bell ✓  
Mr Brennan (M)  
Mr Angel (M)  
Miss Davies  
Mr Gilliland  
Mr Abbott (M)  
Mr Boys Smith (M)  
Mr Edis

THE SDLP AND SEAMUS MALLON'S DISQUALIFICATION

1. The disqualification of Seamus Mallon from the Assembly has started the expected hardening of attitudes among the SDLP.
2. Mr Mallon himself has made the most of it. He told the press on Friday that he did not intend to appeal against the decision, and would refuse to pay the costs awarded against him, estimated at between £1000 and £4000 (he is not well off and it is most unlikely that he could afford such a sum). He also said he would refuse to be interviewed by the RUC in connection with possible criminal charges of contempt arising out of yesterday's hearing. He described his disqualification as a "symbolic disbarment" of the SDLP from political life in Northern Ireland and claimed that the British Government was guilty of a "complete portfolio of abuses of democracy". In a joint interview on Thursday, Mallon and Harold McCusker exchanged bitter words and spoke of the deep polarisation of the communities in Armagh.
3. Other SDLP members (though not John Hume) have spoken in similar terms to Mallon's. Paddy O'Hanlon, the Armagh constituency representative and a noted moderate who has no liking at all for Mallon, said that his party was now effectively deprived of any position within political life in Northern Ireland and would not, "as a matter of honour", contest a by-election in the constituency. Paschal O'Hare, the SDLP Assembly member for North Belfast, said the decision ruled out any possibility of his party participating in the Assembly.
4. The Irish Times on Friday picked up a report that the SDLP were considering the possibility of resigning all their Assembly seats as a protest at Mallon's disqualification. The party had discussed this at a meeting two weeks ago and would take a decision at next month's party meeting. This is a possibility which, as I reported at the time, John Hume mentioned to me recently. He made little of it, but from conversations over the weekend with Hendron, McGrady and Hume himself it

It is clear that it is a real threat. Hume, who was very worried, said that the Mallon affair had brought the anger and frustration in his party to a head. It was significant that O'Hanlon had spoken as he had. Moreover, the community were anxious about an apparent increase in the temperature of unionists, too, as evidenced by the squabbles in the Assembly, security incidents in Co Armagh and, not least, by statements made by Mr McCusker's in his TV interview with Mallon (para 2 above) implying that polarisation was total and civil war a possibility. In these circumstances many in the SDLP were wondering what place there was for the party in politics.

5. McGrady and Hendron - both moderates - were extremely depressed (McGrady remarking that the SDLP in their present mood were like lemmings, and he was content to be one of them). They saw no way the party could turn. The McCusker/Cushnahan row over the Education Committee Chairmanship had shown how much faith they could put in someone whom the Secretary of State had held up as an example of enlightened unionism. They confirmed that the possibility of a mass resignation had been discussed some two weeks ago, and thought a decision would be taken in mid-January. McGrady said he was honestly not sure which way it would go.

6. I tried to put the wind up all three by asking whether resignations would not leave some seats open to Sinn Fein. All replied that they did not believe Sinn Fein would stoop to fight the seats; and McGrady and Hendron implied that they would not mind if Sinn Fein did. Hume was clearly more worried about the way his party - and the unionists - were going, and wanted to see the Secretary of State (I have followed this up separately).

*Note dated 21/12/82 Attached*

7. The SDLP's aim in resigning their seats would of course be to embarrass the Government (not least because the Secretary of State would have to order 13 more by-elections) and try to force the dissolution of the Assembly. They would risk political suicide, but in their present mood of frustration many of them are willing to take that risk.

8. Nor are we out of the Mallon affair yet. The court will now send a certificate of Mallon's disqualification to the Speaker of the Assembly, who is required to inform the Assembly of the court's decision (which he will be unable to do until the Assembly reconvenes on 25 January). The

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Clerk to the Assembly will then formally notify the Secretary of State that a vacancy exists and that a by-election is required; and the Secretary of State must, within 90 days, instruct the Chief Electoral Officer to make arrangements for the election. This lengthy procedure means that a by-election cannot take place until February/March 1983 at the earliest, and it could be delayed (though the UUP, who can expect to win the seat, would protest vigorously) until the early summer. This is some consolation, but not much.



D E S BLATHERWICK  
Political Affairs Division

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