

E.R.

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PS/SECRETARY OF STATE (B&L)

cc PS/Mr Scott (B&L)
PS/PUS (B&L)
PS/Sir Ewart Bell ✓
Mr Brennan
Mr Buxton
Mr Doyne-Ditmas
Mr Gilliland
Mr Merifield
Mr Coulson
Mr Maccabe

WJ
11/10

2 SEC 11

ARREST OF MR GERRY ADAMS MP ON 2 OCTOBER 1984

The Secretary of State asked for a report on why the RUC arrested Mr Gerry Adams MP on 2 October, and why they subsequently released him. Mr Adams was arrested by police (supported by troops) at his home in Norfolk Drive, Andersonstown, at 0530 hours on 2 October under sub-section 25(3) of the Immigration Act 1971. This sub-section provides that:-

"A constable or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have committed an offence under sub-section (1) above";

and sub-section (1) provides that:-

"Any person knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal entrant shall be guilty of an offence, punishable on summary conviction with a fine of not more than £400 or with imprisonment for not more than 6 months, or with both, or on conviction on indictment with a fine or with imprisonment for not more than 7 years, or with both."

2. Seven other members of Sinn Fein were arrested at their homes at about the same time and later released. And Mr Danny Morrison was arrested and released on 5 October 1984 - all these arrests were under sub-section 25(3) of the Immigration Act 1971.

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3. The Secretary of State asked why the RUC arrested Mr Adams at such an early hour. The reason is that the RUC judged that, if they had sought to arrest Mr Adams at some more usual time, then he would have been with his associates, in his office or some other place where he was well surrounded by his supporters, and the arrest would have sparked off a full scale attempt by Provisional Sinn Fein to secure favourable media publicity for Mr Adams. For example, they would probably have tried to take photographs of him being hustled away by policemen. And the RUC could not have relied upon a simple request to Mr Adams to make a statement or to go to a police station on his own account to have produced any results.

4. The Secretary of State also asked why Mr Adams was released; he was in fact released at 11.08 hours on 2 October. The reason for releasing Mr Adams was that the RUC were engaged in preparing a report for the Director of Public Prosecutions on the circumstances concerning the events of 12 August and required to interview all those persons who might have committed an offence. Prima facie, Mr Adams and those who supported him at the rally on 12 August might well have committed offences under the Immigration Act 1971. On the other hand, it is necessary, if a conviction is to be secured under this legal provision; to prove

- (a) that the accused knew, or had reasonable cause for believing, that Mr Galvin was an illegal entrant, and
- (b) that the accused had been "knowingly concerned" in making or carrying out arrangements for securing or facilitating Mr Galvin's entry into the United Kingdom.

5. Clearly, it would have been very unlikely if, when Mr Adams was interviewed, he volunteered information of such a direct character as to enable the RUC to charge him there and then - indeed, he did not do so. The RUC had therefore no alternative but to release him and to include what he did say in the report that they are preparing for the Director of Public Prosecutions.

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6. When we have the Director's decision on this report we shall, of course, report further to the Secretary of State.

7. The Secretary of State also spoke to me about the importance of the RUC giving us advance warning, if possible, of police operations that are likely to lead to events of political sensitivity. I said that the Chief Constable had been told about and accepted the importance of providing us with this information, and your minute to me of 4 October shows that the Chief Constable confirmed that he understood the importance of ensuring that we have information of this kind, and undertook to look into what had gone wrong on this occasion. We shall, of course, be in touch with the RUC about the steps which the Chief Constable undertook to take to put matters right for the future.

8. In accordance with protocol, formal notification of Mr Adams's arrest and release was given to the Speakers of the House of Commons and the Northern Ireland Assembly by Senior Assistant Chief Constable Whiteside on 2 October.

J. B. Bourn

J B BOURN

DUS(B)

10 October 1984

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