



An Chartlann Náisiúnta National Archives

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Scope for Practical Action Against Sinn Féin

A. Legal Measures *Dr*

1. The obvious area to consider first would be the effect of prescribing Sinn Fein under Section 19 of the Offences Against the State Act, 1939. The effect would be to make membership of Sinn Fein illegal. On the face of it this rather drastic step might be welcomed by Unionists as a sign of greater commitment on the part of the Government to combat the P.I.R.A. It is feasible in that existing legislation is available to take this step. In reality the situation is that such a measure is probably unworkable or even counterproductive. Under the Act (Section 20) there is scope for an appeal to the High Court and we would have to face the consequences of the adverse publicity which would accrue and the real prospect of an unfavourable verdict.

- We would probably find it difficult to present a clear cut and convincing case to the High Court which demonstrated that Sinn Fein was little more than a cover for the P.I.R.A. There is no certainty that sufficient evidence would be available to prove this point to a court.

- We would face an immediate challenge that if we were aware of the Sinn Fein/IRA connections why had we not prosecuted Sinn Fein members before now.

- If we were successful in proscribing Sinn Fein the immediate prospect is that Sinn Fein would reappear the following day under a new name. An endless progression of name changes and Court appearances would be nothing but counterproductive.

- The mere fact of trying to proscribe Sinn Fein could be interpreted both at home and abroad as an attempt by the State to stifle legitimate political expression. Such is the diversity of organisations with which Sinn Fein

activists are associated - concerned parents, anti-drugs, tenant action groups - that it might be difficult to counter the suggestion that it was a move against anti establishment groups.

- There is also the argument that proscribing Sinn Fein would drive it underground and create greater difficulties for security forces in monitoring its activities.
- There is also the belief that Sinn Fein can be encouraged to increase its political participation in the institutions of the State at every level and by this means to be gradually weaned off its terrorist approach to achieving its political objectives. Proscription of the organisation would cut off this possibility.
- Drastic action such as proscribing the organisation would in fact lend support to the notion that they posed a major threat to the State and might only serve to encourage their efforts for the future.
- One of the ~~most~~ unlikely consequences of taking actions under Section 19 would be the prospect of having thousands of Sinn Fein supporters arrested and no prison facilities to house them. There would seem little point in proscribing the organisation unless there was an intention to vigorously enforce the law afterwards.

Overall it would appear that the Offences Against the State Act in its present format is likely to prove much too cumbersome and ineffective in dealing with Sinn Fein.

2. One method of eliminating many of the drawbacks outlined above we would have to consider drafting a new provision for the Offences Against the State Act. The effect of this amendment would be to outlaw any organisation (without naming

any particular organisation) which advocated or condoned the use of violence in furtherance of its political objectives. Though here again one could expect that Sinn Fein for expediency sake publicly disavoured violence and yet continue its support for the P.I.R.A. privately.

B. Administrative Measures

The Government presently has adopted a policy of not meeting with or sharing platforms with Sinn Fein representatives. This policy could be broadened in its application by extending this boycott to all State, Semi-State and Local Authorities to refuse to deal with anyone publicly supportive of Sinn Fein. Similarly all representations, written or oral, from Sinn Fein public representatives could be disregarded. Employment in the broader public service could be denied to those members of Sinn Fein and terminated in the case of those who subsequently join the organisation. The Electoral Acts could be examined with a view to disqualifying Sinn Fein candidates or introducing some form of declaration to support the constitution.

C. Access to the Media

The present prohibition on Sinn Fein's access to Radio and T.V. under Section 31 of the Broadcasting Act could be extended to cover the printed media. No paper or journal would be permitted to accept advertisements or carry reports which would give favourable publicity to the activities or objectives of Sinn Fein.

David Barry,
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4 March 1986.