

LAW DEPARTMENT

NORTHERN IRELAND

Subject:- Alleged illegal entry of dwelling-house -
No. 9 Kinnaird Park, Caledon, County Tyrone,
on 20th June, 1968, by Mr. Currie, M.P. and others.

Attorney-General

For your consideration and directions, please.



Chief Crown Solicitor
26th June, 1968

C.C.S.

1. I think that Currie, Gildernew and Campbell should each be prosecuted for an offence contrary to Section 1(a) of the Summary Jurisdiction (M.P.) Act (N.I.) 1946.
2. I have naturally given careful and anxious consideration as to whether there should be a prosecution at all in this case, having regard to the fact that the obvious instigator, Currie, is a Member of Parliament, that his conduct in respect of these premises was actuated by what he would consider bona-fide motives to draw the attention of the public to what he considered as a Member of Parliament to be an injustice. I have also taken into account that if Currie is convicted of and fined for this suggested offence, he may refuse to pay the fine and go to jail in default with the intention of creating adverse publicity. I have also given thought to what the County Inspector has said - that Caledon has always been a peaceable village and that there is the possibility of some "local form of reprisal" in the event of a prosecution.
3. But on the whole I feel that Currie and the other two men must be prosecuted because -
 - (a) they are clearly guilty on the facts before me of a deliberate breach of the law, and they took every step to publicise the matter.
 - (b) A Member of Parliament must not be permitted to think that he is "above the law" and free from prosecution when although he breaks the law, he does so to draw attention to what he regards as an injustice and for no apparent personal gain or selfish motive.
 - (c) A much more dangerous and far-reaching campaign of civil disobedience might be encouraged to be initiated, if we ignored this breach of the law.
4. I have deliberately delayed directing a prosecution in this matter until after the 12th July holidays - in case my decision to prosecute before then might have given an excuse for disorder or tension or an incident over this holiday period.

(Intd.) B. K.

18th July, 1968.