

E. R.

RBS 175/110.

CONFIDENTIAL

Ref: 107/544/02

Miss Elliott - BLIS

cc: Mr Stephens
Mr Innes
Mr Chesterton - BLIS
Mr Spence
Mr Elliott
Mr Palmer

POSITION OF IRISH LANGUAGE: DIFFICULTIES WITH THE RUC AND THE ARMY

1. You have already received copies of the responses we obtained from the RUC and Army regarding the acceptance of Irish versions of names and addresses, and your submission of 14 October to the Secretary of State suggested raising with the police and Army the apparent discrepancy between their practice and the law. We have since discussed this difficult issue on the telephone.

2. We are going to have to move carefully in this respect since any changes that would make more difficult in real terms the task of the security forces in combatting terrorism must be well justified by the benefits these changes would bring to the successful pursuit of the Government's wider policies. In the first instance, however, after having consulted Mr Hammond and Mr Durling, I would question whether the security forces are presently in breach of the law by insisting that individuals give the English version of their names when stopped. Section 18 of the Emergency Provisions Act allows the security forces to question people for the purpose of ascertaining, inter alia, their identity, and the individual is required to answer to the best of his 'knowledge and ability'. I doubt if there are many Irishmen who lack the ability to give their name in the English version. If the required information can only be "ascertained" provided the answers are in English, because at present that is the only language in which security force records are kept,

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then until such time that a successful challenge is mounted in the courts, we must presume that the law is not being broken by the security forces insisting on English versions of at least the surnames of those they question. This is not meant to be an over-legalistic approach, it is just to explain why we and our legal advisers doubt if the security forces' present practice is unlawful.

3. Notwithstanding the legal position, however, you are already aware of the Deputy Chief Constable's and the Chief of Staff's very firm opposition to what is being proposed on the very practical grounds - which we all know Sinn Fein/PIRA would exploit to the full - that this would make the task of identification far more difficult. It seems to me that the key to moving the security forces from their present position lies in the fact that at present all the records are maintained only in English. If the security forces could be persuaded to begin recording Irish versions of surnames as well as the English version - and they will take a lot of persuading - then we might be able to move to a situation where, for the purposes of identification, the security forces would accept the Irish version of a person's surname provided he was prepared to spell it out for the soldier or policeman and give the English version so that the records could be amended to include Irish and English versions of his surname. This would be no different from the present UK-wide police practice of recording aliases or "also known as" in criminal records. I would hope this would evolve over time into acceptance by the security forces of the Irish "aliases" as a satisfactory means of identification.

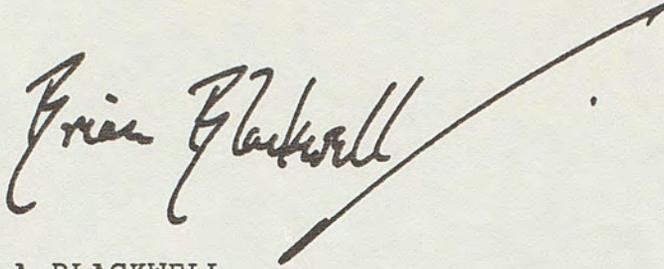
4. I fear that this would not be a speedy process - nor can I give a guarantee that we can deliver the RUC and the Army but, if you and copy recipients are content, I think this is likely to be a more productive approach than trying to insist that the security forces adopt a practice overnight that would undoubtedly allow Sinn Fein/PIRA to throw identification procedures into chaos. Subject to views, I am prepared to put

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up a paper along the lines suggested above for discussion at
SCM. It would move us, if somewhat slowly to more equal
treatment of the two cultures/identities under the law.

A handwritten signature in cursive script that reads "Brian Blackwell". The signature is written in dark ink and includes a long, sweeping horizontal stroke that extends to the right, ending in a small arrowhead.

B A BLACKWELL
Law and Order Division

24 October 1986

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