CONFIDENTIAL

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From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A086/659   26 February 1986

Dear Robert,

Action against Sinn Fein

I have seen your Secretary of State's letter of 31 January to the Lord Chancellor and the Lord Chancellor's reply of 17 February. I have also recently seen the Home Secretary's letter of 12 February which raises important questions for consideration. The Lord Chancellor agrees that Mr King's proposal for a declaration to be signed by candidates for elected office has attractions but believes that the definition of a criminal offence of supporting or encouraging terrorism raises considerable problems.

There are practical and political questions about civil enforcement of a declaration. Unionists would presumably bring numerous cases, involving lengthy proceedings, against Sinn Fein councillors (and Assemblymen, if any). Is there a risk that Sinn Fein might win greater sympathy among Roman Catholics, and thus more votes, as a result? How would the SDLP view the balance of advantage in the idea? Could they be consulted? Any cases against Sinn Fein which failed in Northern Ireland Courts (or the European Court of Human Rights) would be a setback for the Government.

Given the various legal and political questions raised by your Secretary of State's proposal, I suggest that the right approach procedurally would be to widen the forum of discussion to include the Lord President and the other Ministers mentioned in the Home Secretary's letter, and probably also the Lord Privy Seal and the Chief Whip. I would suggest either a meeting of A Committee or an ad hoc meeting of Ministers chaired by the Lord President. Since the proposal, if pursued, will no doubt be discussed with the Irish Republic, I think that the Foreign and Commonwealth Secretary should also be involved. If you agree I will consult the Lord President about arranging a meeting.

Yours ever

Robert

Sir Robert Andrew KCB