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FROM: PETER MAY
POLITICAL AFFAIRS DIVISION
7 OCTOBER 1992

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SEO

- cc PS/Secretary of State (B&L) - B
- PS/Mr Mates (B&L) - B
- PS/Mr Atkins (B&L) - B
- PS/Mr Hanley (B&L) - B
- PS/Lord Arran (B&L) - B
- PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Thomas (B&L) - B
- Mr Ledlie - B
- Mr Alston - B
- Mr Bell (B&L) - B
- Mr Steele - B
- Mr Watkins - B
- Mr Wood (L&B) - B
- Mr Maccabe
- Mr D J R Hill (B&L) - B
- Mr Cooke - B
- Mr Dodds - B
- Mr Brooker, SIL

1. cc Mr Quinn
Mr [redacted]
2. Mr Mc Connell
[Signature]
4. cc

Mr D A Hill

ELECTION PETITION AGAINST JOE HENDRON

[Signature]
[Signature]

I spoke to Tom Kelly, Hendron's election agent, yesterday, in advance of next week's court hearing of the petition against Hendron.

2. As on the last occasion we spoke, Kelly seemed reasonably confident that Hendron would not be unseated. Case law from GB involving Austin Mitchell and Norman St John Stevas where far greater sums of excess spending were involved had only resulted in fines (after criminal convictions). In those cases, however, the agent concerned had taken all the blame and in the former case been given a suspended prison sentence as a result. Kelly was understandably concerned lest he faced similar punishment. Much of the trial would centre on allegations in Saturday's Irish Times about the rates paid by the SDLP to the Irish News. These appeared low, in part at least, because of a manual print-out error from the Irish News which understated the rates paid, although the total expenditure level was correct. There were a number of other issues which would need to be argued out in court but Kelly believed the SDLP would win most of these. He predicted a fine for himself and for Hendron and

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feared the plaintiff's costs being awarded against them. (He was unaware that fines could not be levied in civil cases such as this, and this must cast some doubt on the quality of legal advice the SDLP have been given). The DPP had been in attendance at the preliminary hearing and may thus be monitoring the case to see whether criminal charges should follow.

Local Government Elections: West Belfast

Kelly was considering whether he should organise the SDLP's local government campaign in Upper and Lower Falls next May. It was still unclear whether Hendron would stand, but in any case he believed the SDLP should win a seat in Upper Falls from Sinn Fein. Margaret Walsh, sister of a full-time SDLP administrative worker would be a candidate in Lower Falls, and Robin Mullan, [REDACTED] may stand in Upper Falls.

Security

Separately, Kelly expressed his concern at the very high level of security in the Newry area over recent weeks and the level of personal searches which seemed to be taking place. He was not complaining of incivility but of overkill. The end result was likely to be an adverse reaction to the security forces.

Comment

Kelly is generally pretty level-headed in his judgments and his view of the course of the court case (which is likely to last the whole of next week - and possibly beyond) represents the assessment of the lawyers the SDLP have engaged. One consequence of Kelly being found guilty of illegal or corrupt practices is that it would bar him from standing for Newry and Mourne District Council in May 1993. He professed not to be interested, but believed pressure would be exerted on him to stand. He could also be banned from being the agent at future elections, but was again not concerned about this as the position of campaign manager was the important one, and this was a party matter.

Singularly unfortunate phrase!

[Signed R Neill for PM]

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