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8 AUG 1984

PB/84/8/2055/JS

Mr Brennan

1. Mr Durling W
2. Dr Alfred JLB
although I have heard of the
specific point here, I'm not too
sure of the wider background -
Working Party etc. Can someone
fill me in, pl? Any objections
to having another look - see 'X'?

cc - Mr Bourn
Mr Angel
Mr Coulson
Mr Lyon
Mr McKillop
Mr Hammond (Home Office)

FURTHER MEASURES TO CURB TERRORISM

You will have seen that the Attorney General, in commenting on the conclusions of our Working Party, has noted that we did not recommend change in the law with regard to incitement to hatred; he shares the view of the Director of Public Prosecutions that the necessity to prove intent greatly limits possible use of the law, and wonders if the Secretary of State is prepared to consider further the removal of this requirement. The Director himself has also represented this interest to me - though I do not recall that it was put at all strongly by his representative in the Working Party.

I think that we discarded the possibility at an early stage (minutes 3: 23 February, page 6; document 2, pages 5-7) largely on the grounds that the purposes of the existing law were too particular to bear upon the generalised mischief of apologists for terrorism that we were charged to deal with. That is not to say that the change suggested might not have merit in itself. However we also noted that race relations law in GB, which has done away with intent, has not proved effective; that the removal of a requirement to prove intent could make the scope of the offence undesirably wide; and that since the offence was triable on indictment before a Jury, it could only be of limited value in cases with a terrorist context (in fact they could only be tried summarily). The Director has argued with me that the difficulties encountered in the race relations context would be less likely to arise here in the religious context (as it would normally be); but he has conceded that his options would normally be limited to summary trial - as indeed he has resorted to in the case of George Seawright.

All in all, I am not much impressed by the plea for reconsideration of this point. (Even the Standing Advisory Commission on Human

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Rights does not press it very urgently today). But it would be wrong to deny the Attorney without further ado. I suggest that the Secretary of State should be advised now to tell the Attorney that we will give the matter further thought, while having some reservations. We can then look at the proposition at some leisure. If you agree and others have no serious objections, I shall minute PS/Secretary of State accordingly. X

P W J Buxton

P W J BUXTON

8 August 1984

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