

R.

Mr Harmer LOB - B

cc Mr J A Stephens PRB1
(with list of
councillors)

CONVICTIONS OF SINN FEIN COUNCILLORS

1. You kindly provided for us, sometime ago, a list of Sinn Fein and other councillors who had had brushes with the law. We are able to abstract from this the names of those who have been convicted of criminal offences.
2. Could I now ask for further help? We need to know, in connection with our further work on the law on disqualification for council office, the dates on which these individuals were convicted; the information supplied by the RUC merely records the dates on which they were charged. (Conviction dates are needed because periods of disqualification for council office run from the date of conviction, not from the date of charge.) Can you (or Jonathan Stephens, to whom a copy of this minute and of the existing list go by bag) supply this information? [?] If so, then in the interest of speed I would be happy to take down some dates over the telephone.

S.L. Rickard

S L RICKARD

CPL

12 February 1988

2206/DES

Mrs McMillan

?

JAS 17/2

*Phoned Mr Rickard and advised him
of the conviction data as requested*

[Signature]
29-2-88

	NAME AND ADDRESS OF COUNCILLOR.	TERRORIST OFFENCES CHARGED WITH.	DATE OF CHARGE	LENGTH OF SENTENCE
1.	McCARRY, Francis Joseph 18 Craigfed Road Ballycastle DOB 9.8.29.	Interned in August 1971 Released 7 February 1972		15 years
1.	CURRAN, Brendan Francis 290 Toragh Park Newry DOB 13.12.55.	Attempted murder and possession of firearms	December 1973	15 years 19-12-73
2.	CUSHINAN, Henry John 43 Ardlone Road Randalstown DOB 18.1.57	Possession of firearms. Possession of prohibited articles. Membership of PIRA. Attempted Arson.	25.5.78 " " "	7 years. 5 years. 26-5-78 5 years. 8 years.
3.	CARROLL, Thomas 93 Callanbridge Park Armagh DOB 30.9.44.	Possession of firearms. Possession of explosives. Causing an Explosion. Hijacking Possession of firearms.	June 1972 1 December 1976 " " "	4 years. 15 years. 15 years. 1-12-76 15 years. 10 years.
4.	McGUINNESS, Anne Geraldine 29 Carrickreagh Gardens Londonderry DOB 1.11.49.	Possession of firearms (Sligo) Possession of firearms (identified as part of the firing party at a PIRA member's funeral in Londonderry).	January 1973 15 April 1987	Cleared of charge at Dublin Special Court Charge dropped as the Magistrate rejected the police evidence.
	McKNIGHT, Sean 55 Falls Road Belfast DOB 9.9.49	Interned, 23 October 1971 Released, 6 April 1972. Interned, 18 November 1972 Released, 7 March 1974.		15 years
5.	O'DRISCOLL, Anthony 2 Gortacladdy Park Cookstown DOB 5.3.47.	Possession of firearms	23 July 1975	4 years. 24-7-75

	NAME AND ADDRESS OF COUNCILLOR.	TERRORIST OFFENCES CHARGED WITH.	DATE OF CHARGE.	LENGTH OF SENTENCE.
6.	DAVEY, John Joseph 56 Quarry Road Gulladuff Magherafelt DOB 1.5.27	Interned, January 1958 Released, August 1960. Interned, 9 August 1971 Released, 20 December 1973. Possession of documents relating to security forces. Possession of firearms.	20 July 1977	<i>Not convicted</i> Found not guilty. <i>Not convicted</i>
7.	McALEER, Patrick Pearce 92 Mullinahoe Road Ardbon Dungannon DOB 14.4.49.	Attempted murder Possession of explosives	27 February 1977 "	15 years. <i>18-1-78</i>
8.	KEENAM, Sean 25 Riverdale Park Belfast DOB 9.5.50.	Membership of PIRA Interned, September 1973 Released, July 1975	December 1972	Acquitted <i>Not convicted</i>
9.	MAGUIRE, Thomas Vincent 28 Inniskeen Close Enniskillen DOB 25.8.55	Attempted murder Causing an explosion Membership of PIRA Possession of firearms.	22 January 1977	16 years <i>22-5-78</i>
10.	HOLLAND, Mary Theresa 6 Clonelly Avenue Belfast DOB 25.3.55.	Interned, 16 February 1973. Charged with breaking out of her cell in March 1973		9 months <i>NIT</i>
11.	LAVERY, Robert 13 Lapper Street Belfast DOB 25.11.48	Possession of ammunition Membership of PIRA Conspiring to pervert the course of justice by passing information about criminal activities to PIRA.	10 November 1971 4 May 1978	5 years. <i>14-3-72</i> Charges dropped due to insufficient <i>Not convicted</i> evidence.
12.	DOHERTY, Gerard Majella 88 Inniscarn Road Londonderry DOB 1.2.55	Attempted murder/Causing an explosion Membership of PIRA (on the evidence of Raymond GILMORE). /...	22 November 1973 16 September 1982	15 years. <i>23-7-74</i> Acquitted August 1983 <i>Not convicted</i>

NAME AND ADDRESS OF COUNTESSON	TERRORIST OFFENCES CHARGED WITH	DATE OF CHARGE	LENGTH OF SENTENCE
13. DUNNITY, Gerard Majella continued	Possession of firearms	15 April 1987	Charge thrown out of court. <i>Not covered</i>
14. BRADY, Hugh Gerard Bernard 10 Rathkelleigh Way Londonderry DOB 15.9.55	Interned, 21 September 1973 Released, 29 April 1974. Interned 15 November 1974 Released, 5 December 1975. Conspiracy to cause an explosion	3 March 1978	Case thrown out of court
	Possession of firearms Membership of PIRA (on the evidence of Raymond GILMORE)	31 August 1982	Acquitted - GILMORE's evidence was rejected <i>Not covered</i>
	Possession of firearms	15 April 1987	Case thrown out of court
15. CASSIDY, James Thomas 7 Glencuil Road Ballygawley	Possession of explosives	29 December 1985	Charge dropped <i>Not covered</i>
16. CURRAN, Brendan Patrick 4018 Ardowen Craigavon.	Possession of explosives Conspiracy to cause an explosion	17 December 1974	15 years <i>24-2-75</i>
MASKEY, Alexander 11 Gartree Place Belfast DOB 8.1.52	Interned, 21 September 1971 Released, 8 August 1972 Interned, 11 December 1972 Released, 6 March 1975.		<i>Not covered</i>
17. McCANN, Brian Bernard 34 Parkside Portadown DOB 20.2.52	Possession of explosives	22 April 1977	5 years <i>*UT</i>
18. McFADDEN, Bernard 25 Little Diamond Londonderry DOB 11.10.21	Interned, 28 March 1974 Released, 19 September 1974 Possession of firearms (on the evidence of Robert QUIGLEY) /...	28 January 1983	Charges withdrawn on 18 December 1986 <i>Not covered</i>



30 DEC 1987

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1. Mes McMillan
2. Mes Pritchard

To see + file pl.

15/1/88

Mr McKeehan 4/1/88

Mr J Stephens

JLJ

30.12.87

cc PS/SofS (B&L) - B
PS/Mr Stanley (B&L) - B
Mr Innes - B
Mr Kirk - B
Mr Jackson - B
Mr J McConnell - B
Mr Wood - B
M.C. 5834

Mr Needham (B&L) - B

On 16 November your Private Secretary wrote to ask for information about the involvement in terrorist offences by Sinn Fein and other Councillors.

The RUC have been consulted and they have provided the following information in respect of 23 of the 59 Sinn Fein Councillors:-

19 (of whom 6 had been interned) have been charged with terrorist offences and 12 of these were subsequently convicted and served terms of imprisonment.

4 were interned but have never been charged or convicted of a criminal offence

As regards Councillors from other political groups, 6 have been convicted of terrorist offences (3 DUP, 1 UUP, 1 WP 1 IND). A detailed analysis of the police records relating to both the Sinn Fein and other Councillors is attached, flagged A and B respectively.

There is no objection to the release of this information in aggregate information so long as this does not enable others to readily identify those councillors with criminal records. The need

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C O N F I D E N T I A L

for such caution is vital because the unauthorised disclosure of spent convictions (as you may know, convictions become "spent" after varying lengths of time depending upon the length and nature of the original sentence) is a criminal offence under the Rehabilitation of Offenders (NI) Order 1978. It is therefore imperative that no reference should be made to any individuals' past criminal record without first seeking advice from Mr J Harmer, Law and Order Division.

I hope that you will find this information helpful.

22.12.87

JOHN STANLEY

C O N F I D E N T I A L

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11.1 DEC 1987

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1. Mr Dalzell [signed ESD 10.12]cc PS/Secretary of State (B&L)- B
2. Mr Hewitt [signed SGH 10.12] PS/Mr Stanley (L) - B
3. PS/Mr Stanley (B) Mr Innes - B
Mr Kirk - B
Mr Jackson - B
Mr McConnell - B
Mr Wood-B

MINISTER'S CASE REF 5834: SINN FEIN COUNCILLORS

1. Mr Needham has written to Mr Stanley to request information from the RUC about the number of Sinn Fein Councillors who have been charged with terrorist crimes, the number who have served terms of imprisonment as a result, and an analysis of their crimes and length of prison sentence. In addition, Mr Needham has asked whether any other Councillor has been convicted of a terrorist crime. This information has been requested as supplementary material to support the proposals contained in the discussion paper "Elected Representatives and the Democratic Process in Northern Ireland." A copy of the discussion paper is attached, flagged X.

Sinn Fein

2. There are currently 59 Sinn Fein Councillors. The RUC have provided us with the following information in respect of 23 of these Councillors:-

19 (of whom 6 had been interned) have been charged with terrorist offences and 12 of these were subsequently convicted and served terms of imprisonment.

4 were interned but have never been charged or convicted of a criminal offence.

Others

3. We are told by the RUC that 6 other councillors (3 DUP, 1 UUP, 1 WP and 1 IND) have been convicted of terrorist crimes. A detailed analysis of the police records relating to both the Sinn Fein and the other Councillors is attached, flagged A and B respectively.

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Recommendation

4. Mr Stanley may wish to advise Mr Needham that there is no objection to the release of aggregate information so long as this does not enable others to readily identify individual councillors with criminal records. However, it must be emphasised that the unauthorised disclosure of spent convictions (convictions become "spent" after varying lengths of time depending upon the length and nature of the original sentence) is a criminal offence under the Rehabilitation of Offenders (NI) Order 1978. It is therefore vital that no reference should be made to any individuals' past criminal record without first seeking further advice from officials.

I attach a draft reply for Mr Stanley to send to Mr Needham.
(SIGNED)

J R HARMER
Law and Order Division

10 December 1987

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