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FROM: PS/SECRETARY OF STATE
20 OCTOBER 1992

UNDER/
SEC 841/10
21 OCT 1992
CENT SEC

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cc: PS/Secretary of State (L&B)
PS/Mr Atkins (L,DED&DOE)
PS/Mr Mates (L,B&DFP)
PS/Lord Arran (L,DANI&DHSS)
PS/Mr Hanley (L,B&DENI)
PS/PUS (L&B)
PS/Mr Fein
Mr Ledlie
Mr Thomas
Mr Bell
Mr Deverell
Mr Steele
Mr Cooke
Mr Durbin

in hand

Mr D A Hill

cc *M. Watkins*

Ms Murphy

THE CASE FOR THE PROSCRIPTION OF SINN FEIN

Mr Peter Robinson MP called on the Secretary of State at Stormont Castle yesterday afternoon for a few minutes to handover the attached documents setting out the case for the proscription of Sinn Fein. I also attach (for you only) an advance copy of the glossy version of the paper which includes slightly more rhetoric and various photographs of Mr Adams and others with raised, clenched fists.

2. The object of the meeting was simply to enable Mr Robinson to hand over the documents rather than to engage in an exchange with the Secretary of State, who took delivery without comment. Mr Robinson said that his arguments could be summarised very succinctly:

- in refusing to proscribe Sinn Fein the Secretary of State was using the wrong criterion, indeed a criterion which he was not entitled to use in law;

- there was conclusive evidence of the links between PIRA and Provisional Sinn Fein. The two conspired together and it was not therefore right to proscribe one and not the other. Mr Robinson said that the glossy booklet would be appearing later this week or early next in preparation for the debate on the Proscription Order. Mr Robinson showed no sign of being aware that the debate on the Order was to take place in Standing Committee.

3. No immediate action is called for on our part beyond ensuring that the briefing material for the Commons and Lords debates takes account of this material.

Signed

W R FITTALL
Private Secretary

1. 102

Ulster Democratic Unionist Party
296 Albertbridge Road, Belfast

The Case For The Proscription Of Sinn Fein

Prepared by
Peter D Robinson MP
Deputy Leader

to
The Secretary of State for Northern Ireland
The Rt Hon Sir Patrick Mayhew MP

19 October 1992

INTRODUCTION

On Tuesday 11 August, along with my two Parliamentary colleagues, Ian Paisley and William McCrea, I met you, following the announcement of your decision to proscribe the UDA - we hoped to hear why you had failed to ban Sinn Fein at the same time. Our delegation sought to press you to act even-handedly against the gross obscenity of Provisional Sinn Fein.

We sought to challenge the public exposition of the "rationale" behind your selective decision. You had argued:

"I do not believe at present that Sinn Fein - a political party which attracted some 30pc of the nationalist vote - is on all fours with the position of the UDA."

The message was abundantly clear - Sinn Fein was not to be banned because it had electoral support.

You sought to withdraw from this position. Indeed it would be fair to say you apologised if these remarks, which you admitted were infelicitous, had encouraged such a construction. We did not venture to squander time by attempting to discover what other construction could have been placed upon the statement. However, you sought to take refuge in the dictum that an organisation, to be a candidate for proscription, must be "actively and primarily engaged in the commission of criminal, terrorist acts."

Our delegation pointed out that you appeared to be talking about Sinn Fein as if it was a "stand alone" organisation rather than an integral part of the *Provo War Machine*. We contended that, as the IRA was an illegal organisation, so too should Sinn Fein be banned as it was part of the same firm.

You undertook to keep the position of Sinn Fein under close review and, in response to my request, agreed to receive, study and consider a dossier outlining the case for the proscription of Sinn Fein. The pages that follow represent that case.

A False Criterion

Earlier I mentioned you had said, during the meeting with the DUP delegation, as you had publicly the day before, that a decision to proscribe Sinn Fein could only be taken if you were satisfied it was:

"actively and primarily engaged in the commission of criminal, terrorist acts."

There is no requirement enshrined in legislation whereby a Secretary of State need apply this yardstick to any candidate for proscription. The Northern Ireland (Emergency Provisions) Act 1991 sets out the only legal basis by which one might determine cases for proscription. It reads:

"The Secretary of State may by order add to Schedule 2 to this Act any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it."

[Section 28(3)]

"Terrorism" is defined as:

"The use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear."

[Section 66]

You, therefore, have set a stiffer test for proscription than the law requires. In terms of the case I am presenting I need make no complaint. I contend the case against Sinn Fein suits both narratives.

However, a Secretary of State is not entitled to change the law without placing amending legislation before Parliament and receiving the support of the House for such changes.

A Northern Ireland Secretary of State does have discretion in deciding to proscribe an organisation but his discretion is not unfettered. He must exercise it within the parameters laid down by the Act. Indeed as a Minister of the Crown he has a legal and moral duty in the performance of his Ministerial responsibilities to determine issues according to the law. He is not legally competent to go outside the terms of the legislation. He can neither decide that a lesser standard will satisfy nor resolve that a higher or more formidable benchmark should apply.

In this particular case you have a responsibility to the people of Northern Ireland to proscribe any organisation that meets the legal requirement set out in the Emergency Provisions Act. I contend you have gone outside this framework. You are, by your own confession, working to your own dictum not the terms of the Act. To the extent you go outside the terms of the Act your judgement is faulty.

More specifically, by inserting the additional criterion, as marked, for example, by the use of the adverb "primarily," you are making it more difficult to proscribe an organisation than was intended by the lawmakers. Equally you are making it easier for organisations to avoid proscription.

In effect you are saying that terrorism may form an incidental or indeed substantial part of an organisation's activity but it should not be considered a candidate for proscription. It is only when terrorism forms the primary part of the organisation's activity that the organisation becomes so heinous and reprehensible that it should be proscribed. Is it possible that you have studied the morality of this dictum?

In concluding this consideration of the criterion to be applied to ban an organisation I submit that the dictum you have produced to replace the law has:

- no legal justification;
- no practical justification; and
- no moral justification.

The Key Test

You told us your decision to ban the UDA was based upon your belief that the UDA was to all intents and purposes an associate and accomplice of the UFF. They were, so your argument went, effectively one corporate body covered by the same umbrella.

Setting to one side the particular case to which you applied this doctrine, the intelligent bystander will admit your logic is impeccable. If two conspire together to accomplish a certain task and proceed upon the knowledge of the means by which the other shall contribute to its achievement then both are guilty of the actions of the other. This is all the more apposite when

the two openly acknowledge their partnership and publicly associate with each other.

While it can be simplistic to distil such a complex issue down to one principle, the case for the proscription of Sinn Fein can be determined by a judgement as to whether Sinn Fein and the IRA have entered into such a conspiracy.

The Relationship

The Provisional IRA is a proscribed organisation. Provisional Sinn Fein can, therefore, only legitimately expect to be treated differently if it is deemed to be a separate, distinct and independent body unattached to the already proscribed Provisional IRA. It must neither be controlled nor governed - wholly nor jointly - by PIRA.

In measuring the relationship between Sinn Fein and the IRA a number of gauges can and will be used.

1. How they see themselves

(a) Organisational Structure

[i] The Historical Lesson

The IRA learnt, particularly after the 1956-1962 terror campaign had collapsed, that the main cause was the lack of public support. In the statement, issued by the then "Army Council" of the IRA, the blame for failure was directed at the absence of support for the IRA campaign from the republican community.

The Statement issued on February 26 read:

"...Foremost among the factors motivating this course of action has been the attitude of the general public whose minds have been deliberately distracted from the supreme issue facing the Irish people - the unity and freedom of Ireland."

The IRA concluded that to survive, a terrorist group needs to gather support in the community. Over the 20 years of this campaign the IRA sought to put in place the means of generating support for its campaign. This has been Sinn Fein's task.

[ii] The Twomey Document

In 1977 a document was captured after a search at the flat of the then IRA Chief of Staff Seamus Twomey at Royal Terrace, Dun Laoghaire. It outlined the bond between the IRA and Sinn Fein. It stated -

"Sinn Fein should come under Army organisers at all levels. Sinn Fein should employ full-time organisers in big Republican areas. Sinn Fein should be radicalised (under Army direction) and should agitate about social and economic issues which attack the welfare of the people. Sinn Fein should be directed to infiltrate other organisations to win support for, and sympathy to, the movement. Sinn Fein should be re-educated and have a big role to play in publicity and propaganda departments, complaints and problems (making no room for RUC opportunism). It gains the respect of the people which in turn leads to increased support for the (IRA) cell."

All around us we see the evidence of the implementation of this blueprint.

(b) Confidential Communications

An interesting guide to the relationship between Sinn Fein and the IRA can be found by studying messages between people within the "Republican Movement." During the hunger strike in 1981 communications flowed back and forth between Sinn Fein members, leaders and the IRA 'Command' in the Maze. A large selection of *comms* (Provo for communications) is published in David Beresford's book *Ten Men Dead*. The messages, in the form of orders and details show, in spite of the obvious censorship, the close - indeed indivisible - bond between Sinn Fein and the IRA. The letters leave the reader with an inescapable sense of the authority of Sinn Fein leaders over IRA volunteers. Beresford's book gives repeated examples of the joint exercises and joint undertakings of the two pillars of the Republican Movement.

Another lasting impression with which one will be left is the "oneness" that is evident. Communications between a Sinn Fein and IRA leader consistently refer to IRA members as "our comrades."

As an example I reprint a section of a message sent out of the jail following the death of two IRA hooded cowards who attacked a lone SAS man in Londonderry as he was driving along Cromore Gardens and came off second best.

To Brownie [Gerry Adams - Sinn Fein President]
From Bik [Brendan McFarland - IRA Commander]

Friday 29.5.81 (1pm)

.....Terrible episode that in Derry yy [yesterday]. Not much chance in a set-up like that. God rest our comrades. Sometimes I feel our lads are trying too hard - possibly overanxious for a score. Just an observation, OK?

Apart from the use of collective terminology it is worth noting the openness with which the IRA Commander writes to Adams about an attempt by the IRA terrorists to murder the soldier. The short note, in common with many others, demonstrates the ease and trust between the two leaders and the explicit confidence of the IRA man that his Sinn Fein colleague shares his views and "values."

(c) Working Arrangements

Dual membership is common at every level of the organisation. The two bodies together comprise the Republican Movement. The IRA delivers an annual report to the Sinn Fein Annual Conference. Sinn Fein members address and advise IRA cells. One example of this is given in *The Provisional IRA - Bishop & Mallie*, it shows how they see themselves.

"People are saying we have no mandate but if we can go in and win these elections we can say we have . . . when we go abroad we'll not be going as terrorists. We'll be going as elected representatives of the people of Northern Ireland."

Another interesting insight is given in the same book -

"Going political meant a shift in the movement's resources away from the IRA and towards Sinn Fein."

This is evidence that there is one organisational command allocating from one purse the resources to the two constituent parts of the entity. All IRA statements are released through Sinn Fein Headquarters.

(d) Public Position

The two parts of the Republican Movement have never attempted to deceive the public about their "brotherhood." Mr Martin McGuinness of Sinn Fein put it graphically:

"The IRA is the cutting edge of the Republican Movement."

The following IRA statement issued on 14 February 1991 after an outcry over the bombing of commercial targets by the IRA demonstrates the existence if not the extent of the collaboration between the two.

"There has been no pressure to stop using bombs or bombing of commercial targets from our comrades within Sinn Fein."

The statement also confirms Sinn Fein's contentment and compliance with the campaign of terror.

The quotation below, from a speech by Martin McGuinness of Sinn Fein, further displays Sinn Fein's public association with the IRA:

"I apologise to no one for saying that we support and admire the freedom-fighters of the IRA. Republicans will not be satisfied with another glorious failure - resistance has to be deepened. . . ."

The words of Sinn Fein representatives betray their IRA-style mentality. Brian McCaffrey a Sinn Fein Councillor openly advocated IRA violence:

"We can only break our chains of bondage to England by fighting for our freedom, because England rules through violence, physical force is the only thing they ever recognise."

It is worth remembering that another Sinn Fein Councillor in Omagh, Seamus Kerr, referred to workers in his own Council as "legitimate targets" if they served the community through membership of the security forces.

A remarkable insight into the link between the two bodies was given during the trial of the "National Director" of publicity for Sinn Fein, Danny Morrison. The Crown told the Court that Morrison had been present in a house where a kidnapped "IRA volunteer" was being held and pressed Morrison to confirm he had knowledge that the man was to be shot for being a police informer. The Crown put it to Morrison that he had gone to the house in West Belfast to make the final decision about whether the man being held there should be shot dead. Morrison, not unnaturally, denied any knowledge that the man was to be shot, but he did admit that he had gone to the house at the invitation of a senior IRA man and was to aid and abet the IRA by publicising a story that the man intended to reveal.

During examination Morrison was asked to differentiate between Sinn Fein and the IRA. He admitted their objectives were the same and added:

"We agree with the right of the IRA to wage the armed struggle"

He said Sinn Fein agreed with the IRA's right to use violence, and confessed that he accepted he had a share of the moral responsibility for all their activities. Morrison told the Court that he did not believe there was an alternative to the "armed struggle."

2. How others see them

(a) The Security Forces

The former Chief Constable of the Royal Ulster Constabulary, Sir Jack Herman, was in no doubt as to the role of Sinn Fein when he referred to them as *"the murder executive of the IRA."* The community would like to hear the Secretary of State's justification for proscribing the IRA but not its murderer executive.

The Sinn Fein President and former Member of Parliament, Gerry Adams, is well known to the police for his IRA involvement. The RUC has a thick file on his terrorist activities.

Another former Sinn Fein Member of Parliament, Owen Carron, is still on the run in the Irish Republic wanted in Northern Ireland for the possession of firearms. Carron escaped justice, ironically, because he skipped bail having been released to fight a by-election for Sinn Fein.

Even the director of their propaganda machine, Danny Morrison - the appointed public face of Sinn Fein - is serving an eight-year prison sentence after being found guilty of terrorist offences.

Former Sinn Fein Councillor Martin McCaughey was shot by soldiers while he was on an IRA murder mission. In March 1990, while still a serving Local Government Councillor he had been injured in a shoot-out.

Sinn Fein's spokesman for the Irish Language group Gort na Gael, was charged and convicted on an arms charge.

The number of members of Sinn Fein who have been convicted of terrorist crimes is legion. The sample I have given is to illustrate that the link exists at every level of the organisation.

(b) Government

[i] Richard Needham

The Government spokesman, Richard Needham, the Tory Economy Minister for many years in Northern Ireland, on visiting the ruins left by a massive Provisional IRA bomb in Belfast City Centre gave a considered opinion on the relationship between Sinn Fein and the IRA.

"Let nobody ever say there is any difference between the IRA and Sinn Fein; there is never any criticism, never any condemnation of this which

destroys the opportunities of the ordinary people of our city. What Mr Adams is, is nothing less than a puppet for the Provos."

Did you hear that, Sir Patrick, from your own government colleague who has very considerable knowledge and experience of Northern Ireland?

"Let nobody ever say there is any difference between the IRA and Sinn Fein."

[ii] The NIO Ministers

You and all your N.I. Ministers refuse to meet Sinn Fein members because of their relationship to the IRA and their espousal of violence.

[I cannot refrain from adding that your government insists that unionists, in District Councils throughout Northern Ireland, sit with the very "lepers" you refuse to meet. Moreover Sinn Fein Councillors sit as the "eyes and ears" of the IRA, gathering information to finger unionist councillors.]

[iii] Douglas Hurd

The Home Secretary, Mr Douglas Hurd, in the House of Commons announcing the Broadcasting restrictions on Sinn Fein said:

"The terrorists themselves draw support and sustenance from access to radio and television - from addressing their views more directly to the population at large than is possible through the press. The Government have decided that the time has come to deny this easy platform to those who use it to propagate terrorism. Accordingly, I have today issued to the chairmen of the BBC and IBA a notice . . . requiring them to refrain from broadcasting direct statements . . . by representatives of Sinn Fein."

[Hansard 19 October 1988 column 893]

In the same address Mr Hurd said:

"This step is no criticism of them (the Broadcasters). What concerns us is the use made of broadcasting facilities by supporters of terrorism. This is not a restriction on reporting. It is a restriction on direct appearances by those who use or support violence."

Later, in answer to a question he said:

"What they [the public] hear, and what I used to hear, are supporters of Sinn Fein having the skill to stay just within the law and using the right of direct access to the media to glory in violence and death . . . It is part of the strengthening pattern of action against terrorism and it has an important part to play."

Another question elicited the following response that aptly describes Sinn Fein in terms that justify proscription.

"What it does is to remove from the men of violence - an extra weapon which the existence of direct access to the media has provided for them."

The government's criterion for including Sinn Fein in the Broadcasting restrictions is no less stiff than the legal criterion needed to proscribe Sinn Fein. The Government's Home Secretary has judged that Sinn Fein *is involved in the propagation of terrorism*. The same Government's Secretary of State for Northern Ireland has the legal authority to proscribe Sinn Fein under the terms of the Emergency Provisions Act if Sinn Fein appears to him -

"To be concerned in terrorism or in promoting or encouraging it."

[Section 28(3)]

How is it possible for the government to take one type of legal action because *Sinn Fein is involved in the propagation of terrorism* and fail to take another step because it maintains *Sinn Fein is not concerned in terrorism nor in promoting or encouraging it*?

[iv] Tom King

In 1988 the former Secretary of State, Mr Tom King, refused to pay compensation to the President of Sinn Fein, Gerry Adams, following a shooting. The grounds cited by the government's legal representative were:

- ♦ He has been a member of the IRA.
- ♦ He is a member and president of Sinn Fein.

- ♦ He has been involved in the commission, preparation or instigation of acts of terrorism.

An interesting exchange during the trial came when the Judge, John Pringle, pointed out that Sinn Fein was not a proscribed organisation. Counsel for the government said the definition of unlawful under the Criminal Injuries Order 1977 is not confined to proscribed organisations. The Secretary of State won the appeal.

(c) Publications

If there is doubt about the link between Sinn Fein in your mind it is not found in the writing of those who have researched and authored books on the IRA. In their publication *"The Provisional IRA,"* Patrick Bishop and Eamonn Mallie describe the relationship thus:

"The growing visibility of Sinn Fein during the early 1980s did not mean that the submerged portion of the republican movement - the IRA itself - was becoming any less important. Gerry Adams was highly sensitive to accusations that the electoral strategy meant a slackening of enthusiasm for violence and at the 1982 ard fheis it had been made clear that all Sinn Fein candidates in elections would be required to be 'unambivalent in their support for the armed struggle'.

By 1985 the IRA was a much smaller part of the organisation than it had been ten years before, but the needs of the movement, as defined by the new philosophy, meant that there was no longer the necessity for a large force. Republican strategy required a certain level of violence - but only enough to distort the private and public life of the North, and to make sure that the military arm was properly exercised."

Describing Sinn Fein and the IRA as two arms of the one body exemplifies the interconnection and dependence of one upon the other.

If I can extend the authors other metaphor - the republican movement can be likened to an iceberg - the submerged part represented by the IRA and the remainder by Sinn Fein. Together they comprise one integral and deadly mass.

(d) An Independent Enquiry

In 1984 Her Majesty's Government invited the Rt Hon Sir George Baker OBE to carry out a review of the Northern Ireland Emergency Provisions Act. In his review Sir George Baker refers to:

"The inextricable links between Sinn Fein and the PIRA."

(Section 39, Page 11)

Sir George drew attention to the words of Mr Danny Morrison at the Sinn Fein Ard Fheis in November 1981 about a ballot paper in one hand and an armalite in the other -

"Who here really believes we can win the war through the ballot box? "

[Silence.] 'But will anyone here object if with ballot paper in this hand and an Armalite in this hand, we take power in Ireland.' [Sustained applause.] "

(Section 43, Page 12)

At the 1983 Ard Fheis of Sinn Fein, Mr Adams on his election as President made a long speech that is reported apparently in full in the issue of An Phoblacht of Thursday 17 November 1983. The headline begins "*Armed struggle is a necessary form of resistance . . .*" The full text of the passage that came towards the end of his speech is as follows:

"I would like to elaborate on Sinn Fein's attitude to armed struggle. Armed struggle is a necessary and morally correct form of resistance in the six counties against a government whose presence is rejected by the vast majority of Irish people. In defending and supporting the right of the Irish people to engage in armed struggle it is important for those so engaged to be aware of the constant need and obligation they have to continuously examine their tactics and strategies. Revolutionary force - and this excludes sectarian violence - must be controlled and disciplined so that it is clearly seen as a symbol of our people's resistance. There are those who tell us that the British Government will not be moved by armed struggle. As has been said before, the history of Ireland and of British colonial involvement throughout the world tells us that they will not be moved by anything else. I am glad therefore of the opportunity to pay tribute to the freedom-fighters - the men and women volunteers of the IRA."

(Section 44, Page 12).

Baker was in absolutely no doubt in his conclusions as to the relationship between Sinn Fein and the Provisional IRA. He said:

"There cannot be any reason or indeed possible doubt that Sinn Fein is not only a political wing but also a complete accomplice and partner of the PIRA, that both intended to continue using violence, and that the identity of the murderers and the other perpetrators of grave crimes is widely known."

In considering the case for the proscription of Sinn Fein George Baker maintained that there was a stronger case for proscribing Sinn Fein than the UDA. He said:

"There is a logical case for proscribing Sinn Fein. The speeches of Mr Gerard Adams from which I have already quoted show a clear link between Sinn Fein and the PIRA which justifies the DUP in saying that "it is clear that bodies such as Sinn Fein are mere support and front organisations for terrorists"; or as one newspaper neatly put it Sinn Fein is the IRA in drag. The Irish Times of the Tuesday following the Harrods bombing (20 December) reporting that the Sinn Fein national director of publicity had declared "It would be an act of vindictiveness for the Irish Government to proscribe Sinn Fein" quoted the view of the Chief Justice of the Republic expressed in the Supreme Court in 1982 that (the Minister) "was dealing with an evil and dangerous organisation whose object was to overthrow the state and its institutions if necessary by force." Another member of the Court had said that Sinn Fein was an integral and dependent part of the apparatus of the Provisional IRA. The logic of course remains, but I have found that logic is often a very unsatisfactory approach when attempting to resolve human problems and, as this question is now squarely one for political decision with international implications and because other measures are also being considered by both British and Irish Governments I do not think I am qualified to or should venture any further observations or make any recommendation on the submissions to proscribe Sinn Fein."

(Sections 422 & 423, Page 121)

Whereas he concluded in relation to the UDA that it was:

"A case where as at present advised it is clearly better to do nothing."

That the Secretary of State should decide the reverse is without any foundation in logic, nor does it take into account the clear security case for the proscription of Sinn Fein.

Public Unease

Your decision to proscribe the Ulster Defence Association without similarly proscribing Provisional Sinn Fein, has been seen by many as a failure to apply, effectively and impartially, the rule of law. In a divided community it is essential that one section of the community does not feel (and is not given a reason to feel) that it is being treated in a less satisfactory manner than the other section of the community. When proscribing the Ulster Defence Association you indicated that you were fulfilling your obligation under the law. However, within the Unionist community people have been pointing out that the same obligation exists to proscribe Sinn Fein and that there is no argument that can be advanced for the proscription of the Ulster Defence Association that could not, with equal strength, be advanced against Provisional Sinn Fein.

People just do not accept the Secretary of State's argument that the proscription of Sinn Fein cannot be contemplated at this moment of time because it does not meet the conditions of the legislation. Provisional Sinn Fein has been proscribed in the past and there has been no favourable reform of their organisation, nor has its association with the Provisional IRA lessened since then.

If Sinn Fein was "fit" for proscription in the past it is "fit" for proscription today. The only reason it was de-proscribed was for a political purpose to enable the Government of that day to encourage the politicalisation of the Organisation and in the hope that it would move Provisional Sinn Fein [and the UVF which was also de-proscribed at that time], towards the path of peace. The Government re-proscribed the Ulster Volunteer Force but did not do so with Provisional Sinn Fein. Failure to ban Sinn Fein leaves the Secretary of State open to the charge that he finds terrorism from one section of the community less offensive than from the other.

They have concluded you are prepared to come down hard on loyalist terrorism but are unwilling to take on all aspects of Republican violence. They suspect that your remarks on radio and television concerning the electoral support achieved by Sinn Fein has been the major, if not only, factor in failing to ban the organisation.

It must be the most curious principle of government that an issue of such grave importance is to be decided not upon what is right and what is wrong but upon the number of people who are wrong as to whether action is to be taken.

This same curious logic was advanced by Alex Attwood an SDLP Councillor in a newspaper defence of Sinn Fein remaining de-proscribed. His apologia was summed up by the following rationale:

"The IRA can be validly compared with the UDA - in significant ways Sinn Fein cannot. Sinn Fein have an electoral mandate and sit on councils throughout the North - the UDA have none.

The demand to ban Sinn Fein cannot and should not be easily dismissed.

The families bereaved by Republican violence will find the failure to ban Sinn Fein indefensible but Sinn Fein have developed a political profile over the last 10 years the like of which the UDA cannot similarly claim."

Your message to the Protestant community is that because it does not give support to terrorist organisations; organisation on the Protestant side of the community will be proscribed. The message you give to terrorist organisations is to go out and get support for their activities and they can avoid proscription.

Conclusion

The proscription of the Provisional IRA clearly shows that it falls within the category that permits it to be considered as an illegal organisation. However, Provisional Sinn Fein has always been recognised as an integral part of the Provisional movement. The evidence already outlined here supports the contention, that they are involved in a joint enterprise, beyond any reasonable doubt. One cannot proscribe one limb of an organisation in recognition that it is a terrorist organisation

and leave another limb of the same organisation free from proscription.

At the commencement of the presentation of this case I said that the case for proscription of Sinn Fein could be determined by a judgement as to whether Sinn Fein and the IRA had entered into a conspiracy. We therefore must judge whether Sinn Fein has a common design and is in an alliance with the IRA - whether the two are interconnected.

[While I have applied an argument based upon the law of conspiracy I contend that proscription would equally be justified if the criterion of accessoryship were to be applied. One is characterised as aiding and abetting a person in perpetrating a criminal act, if one, in any way, assists or encourages the person in his task and one has knowledge of the nature of the task the person is seeking to perform. Anyone who aids, abets, counsels or procures the commission of any indictable offence is liable to be tried, indicted and punished as a principal offender. Sinn Fein's publicly avowed purpose is to encourage and assist the IRA, whose purpose is to achieve a *"united Ireland" by the use of violence*. They have condemned themselves out of their own mouths.]

What you must candidly determine is whether the activity of Sinn Fein taken as a whole is done in pursuance of a criminal purpose held in common with the IRA. There is no controversy or dispute on the question that the goal of "achieving a united Ireland through the use of violence" is a criminal purpose. Both Sinn Fein and the IRA have consistently and openly professed this is the road they advocate. You have heard the evidence. You have in your own experience seen the affinity, interdependence, fusion and blood ties between the two parts of the Republican Movement. Before you reach your conclusion I offer one further pertinent opinion. It comes from Mr Tim Renton, the Governments Minister of State at the Home Office, during the debate on the Broadcasting restrictions:

"In Northern Ireland and in Great Britain we face a well-organised and determined terrorist conspiracy. Supported wholeheartedly by Sinn Fein the IRA campaign is based on ending the democratic process by the use of violence, murder and death."

[Hansard 2 November 1988 column 1146]

If Mr Renton is right in saying there is a conspiracy between Sinn Fein and the IRA to subvert the democratic process by the use of violence, murder and death - and he is - then proscription is automatic and imperative. I submit that such a conspiracy is being daily played out before our eyes. The reality of its existence is inescapable. Sinn Fein is welded indivisibly to the IRA. It is the IRA's partner and accomplice and shares a common purpose; it cannot be regarded as too incautious a conclusion to contend that both share responsibility for numerous deaths and massive destruction and both should be proscribed.

The Minister of State has asked me to record formally his telephone conversation with COS on Wednesday evening - 10 October. As I understand it, COS expressed himself as wholly supportive of the proposed changes. The Minister of State also asked me to emphasise again the significance of (Mr Matal) statement in the farce levels context. To not to be standing in the way of a military decision (if that decision is a military one) which would free up to 160-odd extra men for operational duties.

(b) The GOC has decided on what the next fortnight sees some significant events in Northern Ireland. There is a Regimental Dinner on Friday 23 October at 10.15, the White Hall Belfast; and then on 24 October-1 November there is an in-Province Royal Irish "Planning Weekend", with an Annual Review Service (attended, I think, by a VVIP) in St Anne's Cathedral on Monday, 1 November. All this adds up to a sensitive time for the Regiment, and will need to be taken

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