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cc PS/Mr Scott (B&L) -m
 PS/PUS (B&L) -m
~~PS/Mr Bloomfield~~ -m
 Mr Brennan -m
 Mr Buxton
 Mr Merifield
 Mr Chesterton -m
 Mr Carvill
 Mr Gilliland
 Mr Coulson
 Mr Reeve
 Mr Lyon -m
 Mr Bickham -m.

PS/SECRETARY OF STATE (B&L) - MUFAX

2 SEC/1

DUP ALLEGATION OF NIO INTERVENTION TO PREVENT
 ARREST OF OWEN CARRON

In the course of the DUP delegation's meeting with the Secretary of State on 5 February, Dr Paisley referred to a claim that had been made by the Rev Ivan Foster in the Assembly that afternoon: that at some time in 1984 the RUC had intended to arrest Owen Carron for interrogation on the strength of documentary evidence that he was the "Officer Commanding" PIRA in the Fermanagh area, but that they had been prevented by NIO from doing so. The relevant pages of the Assembly Official Report are attached. The allegation was prominently reported in the following morning's local newspapers (together with Carron's riposte that it had been put forward in order to make him a target).

2. I raised the matter with the Chief Constable during my talk with him on 6 February. He told me that the episode had occurred during last August. The two women named by Foster had indeed been arrested, by a uniformed RUC patrol, after appearing to be acting suspiciously; and they had been found to be carrying certain documents which seemed to the patrol to have the effect of implicating Carron as a PIRA activist. However, when the CID studied these documents it was quickly concluded that they did not amount to useable evidence against Carron. (The Chief Constable gave it as his opinion that Carron lacked the gumption to play an active part in PIRA plans or operations.)

3. Sir John thought it was likely that there had been some disappointment and pique among the uniformed officers who had first

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found - and read - the documents that no arrest of Carron had followed; and this must obviously have come to Foster's notice. But there had certainly been no NIO involvement at all.

4. The allegation of NIO interference is therefore totally unfounded, as we had assumed. As far as any Press enquiries are concerned, Ministers will no doubt wish to stick to the line taken hitherto, of saying tersely and dismissively that NIO plays no part in the process of deciding whether to arrest or to prosecute, and that this case was no exception. But further Press enquiries seem most unlikely, unless we choose to stimulate them; and it is very doubtful whether the extra publicity that we should then be giving to the allegation would be worth incurring just in order to refute it.

5. I think it is a rather more serious question whether the allegation should remain formally on record in the Official Report without being corrected. Procedurally it would not be difficult to organise a formal refutation; the Secretary of State or Mr Scott could write to the Speaker to say that, having seen the record of Mr Foster's remarks, they wished the Assembly to know that in fact there had been no NIO involvement whatsoever in the decision whether to arrest Carron. The Speaker would then be obliged to read out the letter, which would thus put it on record. (It would also, of course, receive Press coverage.)

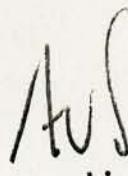
6. I have discussed the advisability of such action with Mr Bloomfield, Mr Buxton and the Assistant Clerk to the Assembly (Mr Tait). Apart from the obvious desirability of putting the record straight for posterity, a letter of refutation would provide an opportunity to remind the Assembly of the general truth that NIO is not concerned in decisions to arrest or to prosecute. (This would tend to have the effect of focussing the spotlight more fully on the RUC - a mixed blessing.) And, if this turned out to be the first of a number of formal corrections of factually untrue statements, their recurring appearance in the Official Report might just conceivably influence at least some Members to take more care over their own facts and to place less credence in those that they heard from other Members - though this may well be a forlorn hope.

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7. The main objection to seeking to correct the record is the same as the objection to stimulating further enquiries outside the Assembly: that it would simply prompt further exchanges in the Assembly, with further wild allegations either of police shortcomings or of political interference in their endeavours. We should bear in mind that Mr Foster made the allegation about Carron as a supplement to his more general attack on the Government for undermining the effectiveness of the RUC by starving it of funds (leading directly to the recent murder of James Graham) - an argument which, however misconceived, is too broad to be rebuttable in a single sentence. We should, moreover, face the familiar difficulty that, once we started to take formal steps to correct some factual mis-statements in the record, Members would assume or claim that every statement which did not draw forth an official denial must be true.

8. A possible alternative to taking direct action with the Speaker of the Assembly would be to arrange for a Question to be put down at Westminster asking whether it was true that NIO had intervened to prevent the arrest of Carron. This would avoid the problem of having no Government voice in the Assembly. But I doubt if Ministers would see much attraction in intermittent long-range artillery fire between rival Hansards.

9. On balance, though very reluctantly, I recommend that we should not take action to correct the record of Mr Foster's remarks as it appears in the Report.



A W STEPHENS

8 February 1985

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