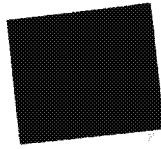


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cc



with previous papers

(10)

Mr Partridge
Mr Hilary
HMCIC



SPECIAL BRANCH GUIDELINES

Thank you for your minute of 6 December about the content and timing of distribution of these guidelines.

2. As foreshadowed in my minute of 3 December I discussed the timing question with representatives of ACPO, MPSB and the Security Service last Friday in relation particularly to the handling of the Home Affairs Committee enquiry into Special Branches. As you know ACPO will be giving evidence on 23 January (followed by the Home Secretary on 30 January), and the ACPO representatives at my meeting were firmly of the view that the guidelines should be made available to the HAC, and that they should be made available before ACPO gives evidence. They considered that having the guidelines on the table when they gave evidence would provide them with a firm basis on which to counter allegations that Special Branches indulge in improper and uncontrolled activities. The refusal to publish the previous ACPO terms of reference has already been strongly criticised in the AMA evidence on 28 November, and presenting the new guidelines to the Committee at this stage may help to counter the impression of unnecessary secretiveness that may have been left by these criticisms. There is nothing in the guidelines that we would not want to see made public, and much that is positively helpful in demonstrating the detailed controls and safeguards that govern the work of Special Branches. ACPO therefore urge us to issue the guidelines straight away and make them simultaneously available to the HAC. There was no dissent from MPSB or the Security Service. Obviously if we are to follow this course of action we shall need to get the guidelines before Christmas - ie within the next few days - if the Committee are not to receive them so close to the time of ACPO's evidence as to give an unfortunate impression.

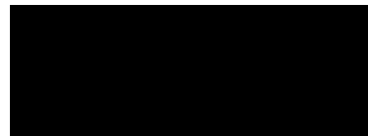
3. I find the arguments in favour of early publication persuasive, and I believe that the idea of giving the guidelines to the HAC as soon as they are circulated to the police overcomes at least part of the danger the Home Secretary foresaw of giving the impression of withholding from the Committee something that had already been circulated and which was relevant to their enquiry. We should have of course to be ready, in giving evidence, to say why the revised guidelines had been issued when they were. But we can truthfully say that this was a piece of work that had been started well before the Committee's enquiry began and which was completed during the Committee's enquiry; that its main purpose had been to bring the guidance up to date in the light of changed circumstances (particularly the growth of terrorism since 1970); and that an incidental benefit had been that the new guidelines were not classified, so that it had been judged helpful to the Committee to proceed with distribution and to make the new guidelines available to the Committee at the same time.

4. The only other criticism that might perhaps be made of us is that we did not consult police authorities before issuing the guidelines. But we shall have to say that the guidelines deal with operational matters of some sensitivity on which it would not have been sensible to seek consultation with police authorities. In any event the main body likely to make such a criticism - the AMA - has already given its evidence, so there will be less opportunity for it to make trouble on this score.

5. I therefore recommend that we should proceed with distribution of the guidelines as quickly as possible, and send them to the HAC as soon as they are distributed. Subject to the Home Secretary's approval of this course of action, I should be grateful if Mr [REDACTED], to whom this is copied, could indicate whether Lord Elton is content for the guidelines and covering letter to be circulated as a separate unnumbered circular to Chief Constables. As Lord Elton knows we are also on the point of circulating guidelines on the use of surveillance devices. It will be necessary both in terms of handling within police forces and of parliamentary presentation to keep the two sets of guidelines as separate documents, though it may be possible to arrange distribution of both in the same mailing to Chief Constables.

6. Finally, the Home Secretary questioned the use of the word "extremists" in paragraph 7 of the guidelines. This is the standard formulation of the role of

MPSB in relation to Irish matters, and has been used in public on a number of occasions without attracting particular criticism. It was used in both the Home Office and ACPO memoranda of evidence to the HAC, and a changed wording in the guidelines might provoke more questioning than it avoided. The concept of subversion has already come under vigorous attack in the AMA evidence, and its further use is probably best avoided, therefore. It is difficult to think of an alternative formula that quite gets the flavour we want - activities going beyond normal political activism but stopping short of actual terrorism - without raising too many awkward questions. We would hope, therefore, that the Home Secretary would agree to retain wording which, though not ideal, is that normally used in this context.



R A HARRINGTON

F4 Division