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Ref. AO88/2697

MR POWELL

James Adams

In your letter of 30 August, you asked for advice on and a draft reply to James Adams' letter to the Prime Minister of 26 August.

2. Mr Adams has been in correspondence with the Ministry of Defence and other agents of the security forces for at least 18 months over the libel actions being brought against him, the Sunday Times and the publisher of "The Financing of Terror" by the Murphy brothers. He has been consistently advised, as he reports in his letter to the Prime Minister, that despite the very disturbing prospect of a large sum of money finding its way to the IRA as a result of the award of damages in the legal proceedings, it would not be possible to offer a witness from the security forces to support his case.

3. The Murphy brothers have for many years been of great interest to both the RUC and the Army in Northern Ireland but they have so far escaped detection in serious crime. Sufficient evidence could not be made available by a member of the security forces materially to assist Mr Adams' case since such a witness would be unable to produce evidence without putting the sources of intelligence information at risk of identification. If such information was available in the form of evidence, it could have formed the basis of a prosecution of the Murphys for membership of the IRA. In those circumstances, particularly in front of a Dublin jury which would be unlikely to be sympathetic to a witness from the UK's security forces, the assistance Mr Adams seeks would be unlikely to sway the result of the hearing in his

favour. Against this background, the RUC would be very reluctant to produce a witness, whose safety would be placed in jeopardy by appearing; the RUC do not in any case feel able to compel an RUC officer to attend. The Security Service have a further problem in that a Dublin court could not be expected to make arrangements to guarantee his anonymity.

4. More generally, the presence of a witness from the security forces at a civil case of this sort would inevitably attract wide public attention, and risk political embarrassment for the Government if ultimately the Murphys succeeded in their action.

5. I attach a draft reply for you to send to Mr Adams on the Prime Minister's behalf, which has been cleared with the Departments who received copies of your letter. As the confidentiality of the letter cannot be assured, it is necessarily couched in vague terms as far as the reasons for not producing a witness are concerned, although Mr Adams will be familiar with them.

6. I am copying this minute to John Colston (MOD), Maurice Patterson (NIO) and Nick Sanderson (Home Office).

*Trevor Woolley*

TREVOR WOOLLEY

13 September 1988