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Title:	Letter from P Hogan TD, chairman of the Dáil Public Accounts Committee, to Taoiseach Jack Lynch, seeing access to a directive of the Minister of Defence with regard to the importation of arms by Captain James J Kelly.
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DÁIL ÉIREANN

An Coiste um Chuntais Phoiblí
Committee of Public Accounts

TEACH LAIGHEAN
Leinster House

BAILE ÁTHA CLIATH, 2
Dublin, 2

3 February 1971

Dear Taoiseach,

At our meeting this morning, I spoke to you of a difficulty facing the Committee arising from Capt. James J. Kelly's references in evidence to the directive of the Minister for Defence to the Chief of Staff of 6th. February 1970. He appeared to represent the directive as further authorising his actions in relation to the importation of arms. The Committee were of opinion that it was central to their inquiry to establish whether his actions were so authorised. They accordingly under the provisions of the Committee of Public Accounts (Privilege and Procedure) Act 1970 sent a communication to the Chief of Staff informing him that they required the directive of 6th. February.

As you know the Chief of Staff, by letter to me of the 2nd. instant, informed me that he has been directed by the Minister for Defence to claim privilege in regard to the directive.

The Committee asked the Chief of Staff when he came before them yesterday if he would inform the Minister of the Committee's purpose in seeking the document, that they would not insist on retaining it, that it would in fact suffice for their purposes if they were in a position to say that they had seen it and were satisfied that it gave no authority for the purchase, procurement or acquisition of arms. Neither would they in any circumstances refer to any other matter that might be contained in the directive.

The Chief of Staff, having consulted the Minister for Defence, informed the Chairman that the Minister had felt unable to vary his direction in relation to the document.

The Committee then instructed me to seek a meeting with you, to draw your attention to their difficulty and their proposed solution, and to put the matter to you in the context of the statements by the Minister for Finance, during the Dáil debate on the motion referring the Grant in Aid expenditure to this Committee, to the effect that the Government's approach was to ensure that the inquiry was effective and to take such steps as were necessary to make a full investigation possible. I put these points to you at our meeting. You expressed the view that it would be a dangerous precedent to accede to the Committee's request and that in any case it was a matter that would require further consultation with the Government.

The Committee have given consideration to the points raised by you. They have instructed me to ask if you would be good enough to put to the Government the purpose for which they have asked to see the directive and the limitations which they are prepared to observe in relation to their use of it, and in the circumstances to ask the Government to meet the wishes of the Committee.

Yours sincerely,

Chairman of the Committee of
Public Accounts.