

NATIONAL ARCHIVES

IRELAND



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Current state of US Court cases of Irish interest

1. The most prominent case of Irish interest was the trial in New York last November of 5 men, including Michael Flannery, National Treasurer of NORAID, on gunrunning offences. The trial attracted publicity in the United States, Britain and Ireland. All five were arrested following an FBI "sting" operation on charges on attempting to purchase weapons for the Provisional IRA. Flannery was charged with supplying the funds for the operation. At the trial lawyers for the defendants successfully pleaded that the State's main witness was a CIA agent with whom the defendants had dealt in good faith. They argued that because an agency of the US Government was involved, the attempted purchase was legal. The defendants were quite open in admitting involvement in gun smuggling and, in Flannery's case, in conspiring to purchase weapons. The five were acquitted on 5 November 1982.
2. Last June following the arrests of three men, including a priest in Limerick, four men were arrested by the FBI in New York. The four are Gabriel Megahey (39), Andrew Duggan (49) who were charged with attempting to purchase Redeye surface-to-air missiles and Eamonn Meehan (46) and Colm Meehan (36), two brothers who were charged with attempting to ship to Ireland over four dozen automatic rifles and a silencer equipped Uzi submachine gun. A fifth suspect, Patrick McPartland, is still at large. Following the acquittal mentioned above, the trial of the four was postponed and is unlikely to begin until after the completion of the trial of those arrested in Limerick.
3. In July of this year a US deportation order was served against Michael O'Rourke, a fugitive from Irish justice wanted in connection with a much publicised escape from the Special Criminal Court in 1976 when he and two others used explosives to blast a hole in a cell wall. O'Rourke was arrested in 1979 in Philadelphia where he had been living under an assumed name since his entry to the US in 1979, and has been in prison since.

There is a slight possibility that O'Rourke's lawyers may be able to have the deportation order effected to Sweden rather than Dublin.

4. There are no developments in an immigration case involving Owen Carron M.P. and Danny Morrison who were arrested attempting to enter the US illegally from Canada in 1981. There is a possibility that the case will be quietly dropped because of the difficulties involved in bringing both back for trial.

5. Bernard McKeon, a New York building contractor, was indicted in September last with attempting to provide weapons to the IRA. Both McKeon and his wife were arrested in 1980 and ordered to testify before a grand jury set up to investigate channels used to obtain and ship such weapons. The investigation followed a trial in 1979 in North Carolina of an arms dealer, George de Meo. The indictments were handed down after de Meo turned states evidence.

6. There is no information on when the trial is likely to begin of three men who were apprehended in February of this year as they attempted to enter the US from Canada with what is understood to be a shopping list for weapons and ammunition and a large sum of money. The men also had in their possession a replica of the seal of the Department of Foreign Affairs which, with refinement, could be used for passport purposes.

7. Lawyers for William Quinn whose extradition to Britain was ordered by a San Francisco court, have lodged an appeal against the order in the past week. Quinn is wanted for the murder of a London policeman in 1975.

8. An appeal has been lodged by the US Attorney in New York against the court decision in the case of Martin Flanagan. Flanagan had given information to the authorities in gunrunning and, in return for a guarantee of immunity, had promised to

Compensation Claim against the British Government

8. The Government decided in May 1974 that the Exchequer would testify before a grand jury. However, when he took the stand, Flanagan refused to testify and invoked the Fifth Amendment of the US Constitution which protects against self-incrimination on the grounds that the promise of immunity did not protect him from prosecution in Britain or Ireland. The court upheld his decision.

9. The US Department of Justice is expected to bring contempt of court charges against NORAID in the near future because of the latter's refusal to comply with two court decisions ordering the organisation to register with the US Department of Justice as an agent of the IRA.

10. compensation for damage to public property totalling £154,870 has also been made to the British.

The case brought by the US Department of Justice against NORAID's propaganda organ, the Irish People newspaper, to force it to register as a foreign agent, has been held up by legal technicalities but is expected to resume its course in the coming months.

11. The British stated that they were serving their position on the principle of legal liability and in regard to the Irish assessment of the amounts of damage caused they wished to assure us that it was their intention to make good, as soon as the security situation allows, the damage to public property, caused on both sides of the border by British cratering operations, thus eliminating the need for compensation.

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12. As regards the claim pertaining to damage to private property it would be necessary for the British to satisfy themselves that the Irish Government, having voluntarily assumed responsibility for paying compensation, now have a legal right to seek reimbursement from Britain and that this subsumes all rights of claims previously held by the individual claimants. They would indicate as soon as possible whether they were satisfied on these two points.

13. We replied on 18 January 1979 rejecting the British proposal to carry out repairs to public property on our side of the border "as soon as the security situation permits" because of the complications (e.g. work scheduling) that this would give rise to and also because of our insistence on entitlement to compensation for damage to our property regardless of whether or when the work is carried out.