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Reference Code: 2001/61/1

Title: Garda statement by Colonel PJ Delaney, Director of Military Intelligence, regarding an alleged plot to import arms into Ireland.

Creation Date(s): 26 May, 1970

Level of description: Item

Extent and medium: 2 pages

Creator(s): Department of Justice

Access Conditions: Open

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Statement of Colonel P.J. Delaney, Director of Military Intelligence.

Taken at his office on 26/5/70 by Chief Supt. John P. Fleming.

I was Commander of the Command and Staff School, Military College, Curragh, up to 9th., April, 1970. I was attached to Intelligence Section from 9th., February, 1970, and I took over as Director of Military Intelligence on 10th., April, 1970. During the period from 9th., February, 1970 to 10th., April, 1970 I was understudy to Colonel Michael Hefferon. In 1968/69 I met Capt. James Kelly when he was undergoing a Command and Staff course at my School in the Curragh. During that period Capt. Kelly belonged to the Intelligence Section of the Army.

During the period of his course in the Curragh Capt. Kelly called to my office one day and said he wanted my advice with reference to his leaving the Army. He stated that he wanted to take up writing as a career. I advised him to remain in the Army at least until his course was completed. He decided to do this. In March 1970 I was informed by Colonel Hefferon that Capt. Kelly has submitted his application for retirement from the Army at about Christmas 1969. I do not know how this application was treated. During the period 9th., February to 9th., April, 1970 Capt. Kelly did not report to me or make my acquaintance, or give any account of his activities past, or present, to me. I saw him once in his office during that period but I had no conversation with him.

When I took over as Director of Intelligence on 10th., April, Capt. Kelly did not report to me, and did not subsequently report to me until 28th., April when I ordered him to do so. I did not receive any brief on Capt. Kelly's activities from Col. Hefferon at any time. I enquired from Col. Hefferon on numerous occasions as to what Capt. Kelly was doing. I got the reply that Capt. Kelly was a valuable Staff Officer, and because of his connections in Northern Ireland he would be quite valuable in an emergency. He never informed me of Capt. Kelly's particular activities.

On 8th., April, 1970 I visited the Minister for Defence - Mr Gibbons in his Office accompanied by Col. Hefferon. It was normal practice for the incoming Director to be introduced to the Minister. In the presence of Col. Hefferon I made a case to the Minister to have Capt. Kelly transferred from the Intelligence Section. My reasons with which the Minister readily agreed were as follows :-

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Colonel Hefferon who was present during this interview made no comment on what I said to the Minister, to the best of my knowledge. The four reasons as stated above were gleaned by me in consultation with members of the Security Sub-Section.

Between 8th., April and 13th., April, 1970 the Minister for Defence endeavoured to have Kelly seconded to the Department of Agriculture as an anti-pig smuggling Executive. On 13th., April, 1970 Kelly submitted a document indicating his agreement to secondment to Agriculture. This was three days after I took over as Director of Intelligence. I considered that Kelly's departure from Intelligence Section was now imminent.

On 17th., April, 1970 Capt. Kelly came under notice as being concerned in an attempt to import arms from the Continent, and a Military and Garda investigation into his activities began. By 23rd., April, 1970 Capt. Kelly's secondment to Agriculture had not materialised, and I again saw the Minister for Defence on this date. The Minister agreed that Kelly should be moved from the Intelligence Section immediately and be transferred to an Infantry appointment.

On 27th., April, 1970 I was informed by the Minister that Capt. Kelly was to be transferred from Intelligence Section on 28th., April, 1970. This transfer was carried out accordingly. Capt. Kelly went on leave on 28th., April following his transfer. He applied for permission to retire on 29th., April, 1970, and was granted permission to so retire as and from 1st., May, 1970. I have not seen Capt. Kelly since the 28th., April, 1970.

Col. Hefferon retired on the 9th., April, 1970 and I have not seen him since he collected his belongings in the office about that time.

During late August, September and October, 1969 Capt. Kelly reported in from time to time; most of his reports went directly to Col. Hefferon but occasionally some little information was given to Security Sub-Section.

During November, 1969 he had no contact with Security Sub-Section except for one incident in mid-November, but visited Col. Hefferon occasionally in his office. He visited Col. Hefferon on an average once a week, but irregularly, during period November, 1969 to the end of February, 1970. He was on Annual Leave from the 30/1/70 to 13/12/70. So far as it is known he did not report at all during the Month of March, 1970.

From 10th., April, 1970 to 27th., April, 1970 he did not report at all. During this period, as I have already stated efforts were made to have him transferred from the Intelligence Section.

This statement has been read over to me by Chief Supt. Fleming and it is correct.

Signed : P.J. Delaney. Colonel.

Witness : John P. Fleming. Ch/Supt.

Dated this 26th., day of May, 1970.