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SECRET

1. On November 4, at the request of Mr Charles Schaller, the Irish Desk Officer, I called at the State Department. Mr Schaller was accompanied by Mr Vernon Pitsker of U.S. Customs.

2. The subject of our discussion was cooperation between the Irish and U.S. authorities in investigating and stopping the smuggling of arms and explosives from the U.S. to Ireland and specifically the possibility of an arrangement being made for liaison between the Embassy and the U.S. Customs on intelligence matters in this area.

3. Mr Schaller, introducing Mr Pitsker, made reference to the following sentence in Paragraph 4 of the Joint Communique issued by the Taoiseach and President Ford here on March 18 1976:

"They deplored all support for organisations involved directly or indirectly in campaigns of violence and reiterated in particular their determination to continue and to intensify their cooperation in the prosecution of illegal activities".

He went on to say that the purpose of the discussion was to develop the exchanges which took place in Iveagh House on April 12 1976 (copy of a report on this meeting was sent to the Embassy by Mr Swift under cover of a semi-official letter of April 27).

4. Mr Pitsker said that cooperation between the Garda Síochána and his Agency had grown considerably since his visit to Dublin in April and that the flow of intelligence had enabled him and several field-officers now working primarily on weapons smuggling to Ireland to undertake the investigation in five distinct cases in the United States.

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He could not say what success those investigations would have but he felt that, for the first time, his Agency was coming closer to the heart of a network of operations which he said he personally believed was controlled by one individual, although he could not say who that was.

He indicated that the attitude of the *Gárda Síochána* had been "somewhat reserved" during the period immediately following the April meeting but that mutual confidence had grown since then between them and Mr Underwood, the Customs Attaché in the U.S. Embassy in London. He said he and his Agency would appreciate anything we (the Embassy and the Department) could do to further intensify existing cooperation.

5. Mr Pitsker said that the system of communicating intelligence from the Irish side to the U.S. authorities about matters which arose primarily in the U.S., e.g. visits of Irish persons to the U.S. suspected by the *Gárda Síochána* of involving weapons smuggling or the transfer of funds for purchase of weapons, was, in some cases, excessively cumbersome. What happened in such cases was that the *Gárda* had to get in touch with Underwood in London, with whom they had no secure communications, and Underwood had then to cable his authorities via the U.S. Embassy and the State Department. While ideally cooperation in these matters should be a police-to-police matter, in some cases valuable time was lost and e.g. the suspected visitor might have left the United States by the time the Customs official in the United States learned of his visit.

6. Mr Pitsker suggested that a form of continuous liaison be established between the U.S. Customs and the Irish Embassy in Washington to ensure rapid transmission of intelligence in appropriate cases to the U.S. authorities and, in particular, transmission of intelligence that came

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directly to the attention of our diplomatic or consular offices in this country. He said such intelligence could be transmitted directly or via the State Department through meetings either in the Embassy, the State Department, the Bureau of Customs or any other convenient location.

7. In reply I said that of course we were absolutely committed to the elimination of gun-smuggling and that we greatly appreciated the valuable cooperation the Bureau of Customs was showing in this area.

I said that the high level of activity of our own security forces, the high rate of convictions, the introduction of special legislation and the expenditure of, what were to our economy, enormous budgetary resources on security all gave evidence of our commitment.

I added that, in the United States, our diplomatic and consular officials had given the highest priority to eliminating the cause of weapons smuggling to Ireland and all support for it, i.e. a fairly widespread misunderstanding of the situation in Northern Ireland and mistaken emotional support for the Provisional IRA among a small minority in the Irish-American community. We tried to achieve our objective by deliberately expanding our contacts in the Irish-American community across the United States and putting our Government's viewpoint as clearly as possible to them while, at the same time, seeking to gain their confidence, respect and goodwill.

I mentioned the visit of the Taoiseach and the numerous visits of my own Minister which were geared to this same end. I suggested, and Schaller immediately agreed, that these visits had resulted in a substantial fall-off in the level of support for the Provisional IRA and, as such, could be said to have effectively reduced the

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smuggling of weapons or at least insured that the level of smuggling was lower than it otherwise would have been.

8. I said that we were happy that cooperation was developing between the Gárda and the U.S. Bureau of Customs and that we would, of course, do anything possible, in line with the Joint Communiqué, to further such cooperation.

Speaking personally, I said that it seemed that the work of eliminating the smuggling of weapons involved two separate activities, i.e. political persuasion and police investigation. Ideally they could be best carried out separately by the appropriate agencies, in our case, our Foreign Service and our police (operating in close cooperation with the U.S. police and related services).

9. I said that I recognised Mr Pitsker's problem and that I had no doubt that my authorities would give careful consideration to the handling of special cases when speedy communications within the United States were judged essential to the apprehension of culprits. On the other hand, I said that the work which we in the Irish Embassy and Consulates had set ourselves of gaining the respect and confidence of the Irish-American community and persuading them not to help support-groups of illegal organisations could be seriously hampered, if not undermined, were we to be identified as sources of police intelligence in gun-smuggling cases.

I added that any intelligence of this sort that came to our attention was, in all cases, transmitted to our

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authorities and, while we did not control its processing after that point, we would judge it likely that the Garda Síochána, if they felt it was substantive, would transmit it to their U.S. colleagues for action by them, if appropriate.

10. Mr Schaller intervened to say that he appreciated our position and he suggested that, for the moment, I should convey to my authorities a request that they consider whether in cases when "hot" intelligence came to the attention of our officers in the United States and when urgent action was indicated, e.g. before a suspected weapons smuggler fled the United States, our Embassy might communicate the pertinent information direct to the Bureau of Customs in Washington D.C. or via the State Department.

11. Mr Pitsker intervened to say that he could give as assurances that in court proceedings or other public investigations our involvement as a source would not come to light. Cases would come to court only when clear evidence of infringement of customs regulations had been established, i.e. not on the basis of hearsay emanating from us, and, in any event, Customs Officers were not obliged to reveal their sources. In his own procedures Mr Pitsker does not maintain a file on sources, he simply notes the intelligence and gives source as "Irish source" or "local source". His field officers operate without even this indication of source, simply on an instruction from Washington D.C.

12. I said that I would convey Mr Schaller's request (paragraph 10 above) to my authorities and would hope to have an early reply.

COMMENTS

13. The following comments may be of some help in deciding our attitude to Schaller's request:

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- (a) We have not, so far as I know, in the past unilaterally taken initiatives either in investigating cases of suspected gun smuggling or in approaching the U.S. police or related services. The FBI made approaches to Mr P MacKernan in New York (we do not have papers on these exchanges in the Embassy) and my recollection is that, following some three meetings, the then Secretary instructed Mr MacKernan to terminate the discussions which he was successful in doing. On October 24, 1975, two senior officials of the Justice Department called on the Ambassador without the knowledge of the State Department (as they themselves acknowledged) and requested information on U.S. fund-raising on behalf of the Provisional IRA. On this occasion, while a useful discussion took place, it was pointed out to the officials that the Embassy was not privy to details in this matter which were primarily for the Gárda Síochána.
- (b) There are three good reasons, I believe, why investigative work should be left, where possible, to the police services of both countries:
- (i) the police have the experience and expertise both to assess and develop intelligence which diplomatic and consular officials do not;
 - (ii) there is considerable danger, in my belief, that a reorientation of our activities to include, if not formal investigative work, even being actively on the look-out generally for indications of criminal activity on the part of individuals, would come to the notice of our interlocuters in the Irish-American community. For example, our casual conversations with contacts would inevitably reveal to acute observers a positive curiosity on our part in this area. Once that were established, word would inevitably spread (and no doubt be distorted) that we were in

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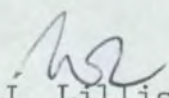
the business of actively gathering intelligence. I believe this would result in our losing a lot of the ground that was recently gained in terms of establishing respect and good-will for the Government and our officers in the United States on the part of many Irish-Americans who have had little contact with us over the years and who might well otherwise openly support the Provisionals;

- (iii) direct dealings on our part with the U.S. police and related services would, for all their guarantees to the contrary, involve a serious risk of our being identified as a source of intelligence (e.g. in cross-examination of a police or Customs Bureau witness by a counsel hostile to us, such as Frank Durkan of New York who wished to establish this point for the political ends of U.S. supporters of the Provisional IRA). One must be mindful of the several dramatic investigations of alleged FBI interference with the civil rights of citizens since Watergate which revealed a great deal of FBI source material. It is also a fact that U.S. investigative agencies are highly competitive with each other, conscious of the value of aggressive public relations in the pursuit of inter-agency rivalry and correspondingly prone to be indiscreet in "background" briefing of the media. A Mr Alvey of the Bureau of Firearms and Tobacco (with which we might also be obliged to deal direct if we were to decide on a new policy and so inform the State Department) has been forthright and candid in his own press briefings on Provisional IRA gun-running from the United States.

I see no difficulty whatever in the role of the Gárda Síochána as cooperating with the U.S. police being referred to publicly - this is in fact already known to those members of the public who are well-informed about this question generally.

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- (c) On the other hand I see some substance to Mr Pitsker's point about the cumbersome chain of communication particularly in cases where information comes to the attention of our officers in the United States which would require immediate action by the U.S. authorities. This is, of course, reinforced by our general commitment to eliminate gun-running and by the undertaking in the Joint Communiqué referred to earlier.
- (d) My recommendation, therefore, is that we be authorised to say the following to the State Department verbally:
- "As far as possible our policy is that the gathering, analysis and development of intelligence should be pursued on a police-to-police basis. However, in exceptional cases where our Embassy becomes aware of a development in the U.S. which would require immediate action by the U.S. authorities to ensure the apprehension or effective investigation of a suspected criminal, the Embassy will contact the U.S. authorities direct. In each such case a firm guarantee would have to be provided that the source of the information would not be revealed by the U.S. authorities under any circumstances".
- (e) I would also recommend that the Department use its best offices to encourage as high a degree as possible of cooperation between the Gárda Síochána and the US Bureau of Customs.
- (f) Finally, I would recommend that the Department might consider exploring with the Gárda Síochána, the US Customs Attaché in London and perhaps the US Embassy in Dublin the question of improving the speed and security of communications between the Irish and US police and related services.
- (g) It is a matter for the Department to decide whether the question of involving our Embassy in the United States in a limited way in cooperation with the US Customs Bureau would need to be discussed with the Gárda Síochána.


M. J. Lillis
November 1976