

# NATIONAL ARCHIVES

## IRELAND



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817

*Mr. Hennessy*  
*Mr. Murphy*

*Mr. Neligan*  
*yes, I conveyed by telephone on 21/10.*

Note:

*Other points raised were covered in Mr. Dempsey's letter to Ambassador which I think you have seen. I believe this has already been conveyed to Washington?*  
*28/10*

P.S.M.

Mr. Lillis, D/Taoiseach.

Attached is a message received today from the Press Officer in the Embassy in Washington concerning possible action by the four horsemen against the Daily Express to obtain damages for its recent attack upon them. It will be seen that Mr. Parker of Senator Kennedy's office has asked for confirmation that the Government would have no overriding objection to such action.

The Embassy requests an early indication of our attitude and I would recommend that we indicate that we have no objection.

*D.M. Neligan*

D.M. Neligan

*"No objection" agreed by Minister*  
*28/10*

21 October, 1981.

*Mr. McNamara*  
*Pl. let me have file on Democratic Party + NI*  
*29/10/81*

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C.297  
IMMEDIATE WEDNESDAY MORNING

TO HQ FROM WASHINGTON  
FOR M HENNESSEY FROM O'BRIEN

MMMCBFKO

CODED MESSAGE	
IMMEDIATE URGENT	
CONFIDENTIAL	
DATE.....	21/10/81
TIME.....	1517
INITIALS.....	SJB

I RECENTLY HAD A BRIEF DISCUSSION WITH CAREY PARKER OF SENATOR KENNEDY'S OFFICE IN THE COURSE OF WHICH HE RAISED DAILY EXPRESS ARTICLE AND ITS IMPACT HERE, IN IRELAND AND IN BRITAIN. PARKER SAID THAT EARLIER IN THE DAY SENATOR MOYNIHAN HAD BEEN IN CONTACT WITH SENATOR KENNEDY AND HAD RAISED THE QUESTION OF INITIATING SOME FORM OF ACTION AGAINST THE DAILY EXPRESS. IN INTRODUCING THE TOPIC OF CONVERSATION PARKER REFERRED TO THE POSSIBILITY OF TAKING A COMPLAINT AGAINST THE DAILY EXPRESS TO THE BRITISH PRESS COUNCIL.

I SAID THAT WHILE MAKING AN ISSUE OF THE MATTER WITHIN BRITAIN WOULD HAVE THE VERY DESIRABLE EFFECT OF HIGH-LIGHTING THE SERIOUS MISREPRESENTATIONS IN THE DAILY EXPRESS ARTICLE, MY OWN IMPRESSION WAS THAT THE PRESS COUNCIL WOULD NOT BE THE MOST EFFECTIVE MEANS OF DOING THIS. I RECALLED THE OCCASION ON WHICH THE FEDERATION OF IRISH SOCIETIES IN BRITAIN HAD TAKEN A CASE AGAINST THE DAILY EXPRESS TO THE PRESS COUNCIL WHEN THE EXPRESS HAD ALLEGED WIDE SCALE ABUSE OF THE BRITISH SOCIAL SECURITY SYSTEM BY THE IRISH COMMUNITY IN BRITAIN. WHILE THE PRESS COUNCIL HAD FOUND IN FAVOR OF THE FEDERATION'S CASE THE RESULTING PUBLIC AWARENESS OF THEIR JUDGEMENT WAS MINIMAL PARTICULARLY WHEN SEEN IN RELATION TO THE INITIAL PUBLIC IMPACT OF THE ALLEGATION MADE BY THE EXPRESS. AS I RECALLED IT THE REPORT OF THE PRESS COUNCIL'S JUDGEMENT WAS CARRIED IN ONLY ONE BRITISH PAPER - THE EXPRESS ITSELF - AND ON AN INSIDE PAGE.

PARKER WOULD SAY THAT HE MAY HAVE MISUNDERSTOOD THIS ASPECT OF MOYNIHAN'S CONVERSATION WITH KENNEDY BECAUSE HE WAS UNDER THE IMPRESSION THAT MOYNIHAN INTENDED SUING THE EXPRESS FOR DAMAGES. THE AMOUNT RECEIVED IN DAMAGES, IF THE CASE WAS SUCCESSFUL, WOULD BE DONATED TO COMMUNITY RELATIONS PROJECTS IN NORTHERN IRELAND. I GATHERED THAT MOYNIHAN HAD TALKED IN TERMS OF OBTAINING 5-6 MILLION POUNDS IN DAMAGES. I SAID THAT I DOUBTED THAT THE PRESS COUNCIL WOULD HAVE THE AUTHORITY TO AWARD DAMAGES AND THAT SUCH ACTIONS AGAINST THE EXPRESS WOULD HAVE TO BE TAKEN THROUGH THE COURTS. I ADDED THAT I WAS ALSO UNDER THE IMPRESSION THAT THE INITIATION OF A COMPLAINT BEFORE THE PRESS COUNCIL PRECLUDED THE POSSIBILITY OF TAKING THE SAME COMPLAINT BEFORE THE COURTS. AT THIS POINT IT BECAME CLEAR THAT PARKER WAS UNDER THE IMPRESSION THAT THE PRESS COUNCIL WAS AN ESTABLISHED AND INTEGRAL PART OF THE BRITISH JUDICIAL PROCESS. PARKER THEN ASKED ME HOW THE IRISH GOVERNMENT WOULD REACT TO THE INITIATION OF COURT ACTION AGAINST THE DAILY EXPRESS. IN REPLY I SAID THAT IF THE LEGAL GROUNDS FOR INITIATING THE CASE WERE WELL FOUNDED AND THERE WAS A CLEAR WISH HERE TO PROCEED AGAINST THE EXPRESS THEN I COULD NOT ENVISAGE SUCH A CASE CAUSING US ANY DIFFICULTIES. I ALSO RECALLED THE MINISTER'S STATEMENT ISSUED IN LONDON WHICH PARKER REMARKED ON AS HAVING BEEN PARTICULARLY WELCOME.

AT THE END OF OUR CONVERSATION PARKER ASKED ME (I) TO CONFIRM THAT THE GOVERNMENT WOULD HAVE NO OVER-RIDING OBJECTION TO THE FOUR HORSEMEN TAKING ACTION AGAINST THE DAILY EXPRESS (I WOULD BE GRATEFUL IF YOU COULD LET ME HAVE AN EARLY REACTION ON THIS) (II) TO CLARIFY THE ROLE OF THE PRESS COUNCIL PARTICULARLY IN RELATION TO THE AWARDING OF DAMAGES, RULES OF EVIDENCE AND ITS RELATIONSHIP WITH THE BRITISH JUDICIAL SYSTEM AND (III) TO LET THEM HAVE ANY INFORMATION OF A PRACTICAL NATURE ON TAKING THE MATTER BEFORE THE COURTS E.G. THE TIME LIMITS REGARDING THE INITIATION OF A CASE BEFORE THE COURTS, AS WELL AS THE LEVEL OF FIRST HEARING AND IF POSSIBLE A VIEW ON THE GENERAL LAWS OF LIBEL AS MAY APPLY IN THIS CASE.

440026 HIBERNIA

END OF MESSAGE  
PLS HOLD HAVE ANOTHER ONE