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AMERICAN IRISH NEWSLETTER

Political Education Committee of the American Ireland Education Foundation

Volume 23, Number 10

October 1998

The Mitchell Agreement: Show me the Money

By Charles P. Mullaney, *Professor, Legal Studies,
Western Connecticut State University, Danbury, Connecticut*

After a truly rotten summer, the news coming out of Northern Ireland is downright cheerful. David Trimble and Gerry Adams chatted. The British military exited Belfast. The first wave of paramilitary prisoners has been released. "Punishment" attacks abated. Ian Paisley and Bob McCartney have been relatively inconspicuous. Overall, crime in the North fell by 10 percent.

Within this unusually calm and agreeable environment, the worker bees of the Northern Ireland Assembly are readying for the start-up of the business of governing. Complex plans, necessary for the creation of local democracy, are being formulated. Out of the simple human desire for civic order, a government bureaucracy is about to be hatched.

Take the Civic Forum, for instance. Created under the Mitchell Agreement, a consultative Civic Forum is to render advice and counsel to the Assembly on oodles of social, economic, and cultural issues. Its members will be representatives of business, trade unions, academe, the arts, and other sectors. The enlightened idea behind the Forum is to make sure the politically-oriented Assembly acts communally.

So, in early September, Trimble, Shamus Mallon, Adams, and their political cohorts met to discuss some specifics of government administration agreeing, among other things, that members of the Civic Forum would have to be compensated for their services. For anyone paying attention, this modest allocation is precisely when the underlying budgetary penny dropped—literally.

Now, the operation of a government agency is a pretty humdrum affair, but, as the rave reviews for the Mitchell Agreement fade, we can examine the penumbra of this elegant document for what it really is about: power and money—especially money.

Northern Ireland and its million and a half of people have long benefited from a stipend from Westminster of four to five billion pounds annually, including an astonishing one billion pounds for policing activities. To put that number in some perspective, the annual budget of the State of Connecticut is a bit over \$1 billion. Connecticut, approximately the same geographic size as Northern Ireland, has twice the population.

To state the obvious, the UK finances the whole public sector. Urban housing, roads, social services, and education is paid for by parliament. Even community projects run by the Catholic Church get government grants. How long this British largesse will continue is anyone's guess. However, under the Mitchell Agreement, the vehicle for dispersal of these funds changes hands, and political leaders in the North are jockeying to drive the new gravy train.

Newsbits By Kathy Regan

Changes to the Offences Against the State Act in Ireland that were rushed through the legislature following the Omagh bombing include measures to: make it easier for courts to convict on membership of illegal organizations by drawing inferences from the silence of the accused; allow for suspects to be held for up to four days for questioning; permit the seizure of lands and property from people who aid terrorists; make the direction of terrorism and the unlawful collection of information specific crimes. They will apply until the end of the year 2000, unless the Irish parliament decides otherwise in the meantime. (PA News, 9/1/98)

Four English businessmen who accused the London Metropolitan police of malicious prosecution have won their case and more than 10 million pounds in compensation. The case is further evidence that the prosecutions were brought to discredit John Stalker, a friend of one of the men, who was conducting an investigation into the RUC's "shoot-to-kill" operations in 1982.

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OUR VIEW

Political Prisoners: Evidence of a War

The British and Irish governments' releasing of republican and loyalist prisoners as a step in the peace process is a clear indication of what we knew already: that the conflict in the North is politically motivated, the participants are politically driven, and a resolution must be politically sound.

Atrocious things have been done in the name of politics in Northern Ireland. Both the governments and the paramilitaries share responsibilities for the nightmares of the past 30 years. Nevertheless, the fundamental atrocity of contemporary Irish history is the failure of the British and Irish governments to fully grant civil, national, and human rights to all its citizens in Ireland. This abuse of rights lay the groundwork for the conflict in the first place. Political failures create wars.

However, politically astute gestures are not enough to change the political climate of a war zone. Rather, sound democratic structures that give voice, purpose, and function to all the men and women of a nation undermine conflicts by establishing an essential condition for peace: the belief that government exists to represent the will of the people, not to destroy the people. As the Assembly takes shape, let us hope it satisfies this aching need.

PEACE PROCESS UPDATE

September 7

Thirty RUC officers raid two homes in West Belfast.

September 9

Northern Ireland First Minister David Trimble says he would have no problem if the IRA disposed of its arms itself --but without decommissioning he does not believe an executive will be formed before Christmas.

September 10

Trimble and Sinn Fein president Gerry Adams meet for the first time today. This is the first ever meeting between leaders of the two parties. Following the meeting, Adams says, "I put it to Mr. Trimble that he and I had been cast in these positions and we had to narrow the gap. We had to find ways for him to help me and me to help him." Trimble says he impressed upon Adams the need for the decommissioning of IRA weapons.

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RUC chief Ronnie Flanagan announces that All British army patrols are to be taken off the streets of the greater Belfast area at the weekend.

September 11

Seven political prisoners to be released under the terms of the Mitchell Agreement. More that 400 inmates affiliated to the IRA, the UDA, and the UVF qualify for accelerated release.

September 13

Irish Prime Minister Bertie Ahern predicts the IRA will decommission its weapons within the two year period set out in the Mitchell Agreement so long as the deal is fully implemented in all its aspects.

September 14

The 108 men and women of the new Northern Ireland Assembly hold their first session in the debating chamber in

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From the North

by Robert Heatley, *Belfast, Northern Ireland, co-founder of the Campaign for Democracy, a predominantly Protestant organization*

The first meeting of the new Northern Ireland Assembly has taken place at the refurbished Stormont.

Originally, the SDLP had voiced strong opposition to this venue because it is the seat of previous Unionist misdeeds, with a statue of Carson dominating its mile-long driveway. The SDLP seem to have gone mute on this topic.

Despite the bonhomie of the opening day, already the latent problems made their presence known. While some elements of unionism are determined to make the project work, even if only because of British pressure and the "prestige" and the salaries involved, others remain equally determined to refashion it to their own liking, and therein lies the prospect of its failure.

Should this happen, it may or it may not be something to regret. On the one hand, it will have failed to live up to the sales talk that presented it as a vehicle for accommodation between unionism and nationalism—reconciliation even—and its going will be no great loss. It is a Westminster/Whitehall subordinate, low-level administrative body, anyhow, and it has an equally possible potential ability to degenerate into a sectarian bear pit.

On the other hand, its failure will resurrect the disbelief of many nationalists and republicans (a disbelief merely quietened for a time) that there is a political road forward within the confines of Northern Ireland. Sinn Féin appear to be taking the optimistic view, and this is based on its declared ability to be able to "do business" with the Trimble wing of the Ulster Unionist party. A question is: what are the prospects for Trimble's political survival in view of the unionist sabo-

teurs who are lying in wait for him both within his own party, in the fastness of Orange Portadown, and in the Assembly? At the moment, his chances appear to be reasonably good because of the backing he has been getting from those within the UUP who are sensible enough not to want to bite the British hand that sustains and feeds them.

Furthermore, because of the great desire for peace within the Protestant (to be distinguished from Orange and unionist) community, the Trimbleites are presently in control of the situation. Yet, this fact is not an occasion for complacency. All will not be plain sailing. British Toryism and the unionist malcontents within Northern Ireland have not changed their spots and, with their persistent demand for an immediate decommissioning of paramilitary weapons before crucial elements of the Mitchell Agreement have actually taken shape, they are in danger of aborting the gains which so far have been painfully achieved.

Even on the opening day of the Assembly, unionists opposed to the peace process initiatives displayed their mettle by refusing to acknowledge the equality provisions of the Mitchell deal. This truculence centered on their insistence upon Stormont remaining as the venue for the Assembly, their refusal to countenance Irish emblems alongside British ones (the Union Jack), and their objection to the use of the Irish language. Some anti-Agreement UUP members, including the Grand Master of the Orange Order in County Armagh, who have cut their links with that party have now formed an Assembly grouping which they have named the Ulster Unionist Assembly Party. At the moment, they

have no plans to join up with Paisley's DUP or with McCartney's UKUP. Since there are no political or philosophical distinctions discernible between these groupings, it would appear that only egos are keeping them apart. So we now have six Unionist parties—three of them for and three of them against the Agreement.

Alongside ominous happenings inside the Assembly, where Trimble—supported by deputy dog Mallon—has found it politic to postpone the formation of an Executive, there are threatening events still taking place on the streets. The Garvaghy Road siege at Drumcree is still going on with the County Armagh Lodge attempting on a regular basis to force a march down the road. It is attempting to gather 20,000 Orangemen to a spot abutting the Garvaghy Road for the same purpose. Provocative displays of Orange triumphalism take place in other areas as well, and standoffs are common.

For instance, Crumlin in County Antrim. There it was reported that, despite a Parades Commission ruling, the Crumlin Young Loyalists Flute Band insisted upon marching through the mainly nationalist village. Local residents who strongly objected to the band's presence began to gather on the main street. Scuffles between residents and the RUC ensued. There is still much tinder lying about whose ignition could lead, once again, to something of a conflagration that, along with events in the Assembly, might pose a threat to the whole peace project.

As is always the case, the outcome will be decided by the determination (or otherwise) of the British government to resist the pressures that come from ultra-unionism. Given the EU politics of the Mitchell Agreement, it seems unlikely that a Blair government will cave in.

Newsbits *(continued from Page 1)*

The compensation award is already the highest ever paid out by the force, which still denies any liability, and is set to rise significantly as the award in respect of two of the men has yet to be finalized. *(RM Dist. 9/10/98)*

Unionists reacted furiously to the Irish government's decision to release 50-year-old Thomas McMahon from Portlaoise prison. McMahon was jailed for the explosion that killed Lord Mountbatten, the Queen's cousin and 15-year-old Paul Maxwell. Paul's father said it was right that McMahon was released. *(Analysis, 8/12/98)*

After all the recent hype and self-congratulation, the stark economic realities of life in the Irish Republic's economy were brought home with the publication of the latest UN Human Development Report. Produced by the UN Development Program, the report constructs a Human Poverty Index. It ranks Ireland as having the highest concentration of poverty among western states outside of the US. Women in the South are worse off than women in any other industrialized state. Earnings of women in the South of Ireland accounted for only 26.9 percent of total earnings. Women in all other industrial states and three developing ones have societies where women are more likely to have leading roles in politics and work than in Ireland. The UN report also found that 23 percent of Irish people are "functionally illiterate" in that they have difficulties with tasks such as following instructions on medicines or reading short stories to children. Only Spain had a higher long-term unemployment rate than the Irish Republic. *(RM Dist. 9/14/98)*

Early Virginia Irish Aid the Revolution

By Kevin Murphy

The Irish influenced the foundation of Virginia as well as this nation.

Col. John Fitzgerald, a native of County Wicklow, came to Alexandria in 1769. He quickly rose through poverty to become a prominent businessman in Alexandria. Fitzgerald became a friend of Virginian George Washington.

During the Revolutionary War, Fitzgerald saw much action against British forces. On October 6, 1779, he testified against Gen. Benedict Arnold. Fitzgerald was a key figure in exposing Arnold's treachery in attempting to sell out his nation to the British.

Other Irish immigrants also played a key role in Virginia's forces fighting against British rule during the Revolution. No fewer than 400 officers or soldiers of Irish descent fought in Virginia regiments. John Casey, William Burke, and Peter O'Brien were some of Virginia's highly-decorated American Irish soldiers. Thirty Bradys, 78 Burkes, 65 Kellys, 57 Murphys, and 28 Sullivans served out of Virginia in Washington's army.

In fact, George Washington ordered that the US army officially observe St. Patrick's Day in honor of the Irish-born troops who helped him win the Revolution and start a nation.

Source: Library of Edward Kelley, Dorchester, Mass.

(continued from Page 2)

Parliament Buildings, Stormont. Discussions center on matters of procedure, the use of the Irish language in the chamber, and which flag or flags should be flown at Stormont. DUP leader Ian Paisley says his party will participate in the Assembly but will not attend cabinet meetings with members of Sinn Fein. Unionist Denis Watson asks that the Assembly recognize the United Unionist Assembly Party being set up by three dissident unionists who left the UUP last week.

September 15

The Assembly debate revolves around demands from members of the main unionist parties for the immediate decommissioning of all paramilitary weapons.

Join the National Telephone Chain

The PEC's National Telephone Chain enables members to act on pressing American Irish issues. If you have an answering machine and are able to send prompt, brief messages to opinion-makers in the US, **please contact the PEC at 800-777-6807** so we can add your name to the National Telephone Chain. Please leave your name, address, and a phone number connected to an answering machine. As issues arise, your answering machine will receive a recorded message from the PEC providing you with the name and address of the person to call, along with a sample message.

The Bloody Sunday Tribunal held a preliminary hearing in Derry, Northern Ireland, in July in preparation for the second inquiry, which is scheduled to begin in February, 1999.

British Prime Minister Tony Blair has established an independent, impartial tribunal after a 26-year campaign by friends and relatives of the victims. Lord Saville will head the tribunal.

Bloody Sunday Tribunal Holds Preliminary Hearing

Excerpt from the July/August, 1998 issue of *Just News*, the newsletter of the Belfast-based Committee on the Administration of Justice

The Widgery Tribunal that had been established in the aftermath of the British army's killing and injuring of civil rights demonstrators had found that no impropriety on the part of the army's Parachute regiment responsible for the 14 deaths in 1972. counsel to act on behalf of the victims.

The tribunal reprimanded the Ministry of Defense for not having identified and located most of the soldiers who were present on Bloody Sunday, as it had promised. Ten soldiers have come forward and identified themselves, however. The tribunal will not itself undertake to identify and locate the remainder of the soldiers who were involved.

In its "Rulings and Observations," the tribunal addressed the following issues.

Legal Representation of Victims

The tribunal agreed to allot funds to increase the level of counsel representation for the families of the deceased and the wounded.

The tribunal had initially allotted funds for one senior and two junior

During the inquiry, the tribunal expressed its concern to Seamus Treacy, a barrister acting in the families' behalf, that the victim's attorneys had not yet handed over the extensive information it has regarding the present whereabouts of the eyewitnesses who had given contemporary statements.

Anonymous Testimony

The tribunal stated that it would consider applications for witnesses to give their testimony anonymously. It is the tribunal's view that certain forms of public anonymity might help them in their search for truth by encouraging witnesses to come forward who might otherwise be reluctant to put themselves or their families at risk.

The tribunal will know the identity of all witnesses and assume responsibility for assessing their credibility.

Immunity From Prosecution?

The tribunal called for the views and arguments of parties in relation to the

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issue of immunity from prosecution for witnesses.

Treacy had argued on behalf of the families that it would be inappropriate for anyone to be granted immunity for actions taken. The tribunal thought it likely, however, that certain restricted forms of immunity might be useful to aid them in their quest for the truth. They noted that granting such immunity would prevent witnesses from refusing to answer questions based on their right not to incriminate themselves.

The tribunal will suspend decisions about the use of such techniques pending the parties' submission on this issue.

The rulings and observations of the tribunal as well as the full transcript of the hearing are available on the internet at <http://www.bloody-sunday-inquiry.org.uk>.

The CAJ and several other organizations need volunteers to attend the Bloody Sunday Tribunal hearings as observers on their behalf starting February, 1999. A low and/or human rights background would be helpful. Anyone who is interested and available for a sustained period should contact Paul Mageean at the CAJ for further information (telephone 01232-232394).

For more information, contact the
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Towards a new Police in the North

Excerpt from the August, 1998 *The Irish Witness*

[Editor's Note: The Center for Human Rights and Springhill Community House in Belfast suggest that the following steps should be taken if Northern Ireland is ever to receive fair and adequate policing.]

The Demand for Disbandment

The demand for disbandment is not an emotional one. Rather, it is based on strictly rational premises. In the RUC, there are three categories of officer: (a) those who murdered, tortured, or set up people for murder or torture; lied in court under oath; and publicly and privately insulted people; (b) those who knew these things happened but did nothing about it; and (c) those who did not know such things were happening.

The first and second groups should be removed from any police force. The third needs to receive training in cross-cultural understanding and an awareness of and a respect for the beliefs, values, symbols, and aspirations of each community in the North.

The Demand for Truth

Unless guilty police are brought to a tribunal and publicly dealt with, no person can entrust children or anyone else to their care.

If a Tribunal is not established to investigate crimes committed by RUC officers, we suggest that a Truth Commission be established in the spirit of truth that was the motivation for commissions in South Africa, Chile, Argentina, and elsewhere in Latin America. Only through the community's awareness of the illegal

actions of members of the police force than their moral, if not legal, accountability be established. Of course, even this would water down the legal accountability for state crimes that is a prerequisite for an impartial and just police force.

The Demand for More Than Numbers

Putting more Catholics into the RUC is not going to solve problems of abuse. Some Catholics can be named as guilty of abuse and torture. As in the case of the judiciary, Catholics have perpetrated some of the injustices. Without adequate control and reform, Catholics will behave exactly as Protestants have—perhaps, as shown in our experience, worse. By putting Catholics into corrupt institutions (the judiciary, the police, the civil service, etc.), you do not necessarily improve the institutions, but you may well corrupt the Catholics.

The Demand for Control

There should be a public inquiry into police connivance with drug dealers and other criminals. This government should establish and fund this public inquiry. It is not the function of the people to hold the police force accountable, though this has had to be the case in the North

Whatever structures are proposed for the North, they must control the police and discipline them, not just change their names and uniforms and their management arrangements. So long as government controls the police in the North, the police will be used for political purposes.

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The RUC's behavior has not changed since the cease-fires, although the Opposition in the Republic and the newspapers give that impression. In fact, most of the incidents of police aggression and the police's failure to intervene in the numerous attacks on Catholic houses and persons go unreported in the largest Irish newspapers and electronic media.

This is a major problem because it gives the impression that our difficulties are merely ideological and that we are dealing with a police force whose only fault is that it has accumulated some "bad apples."

The appointments to the police commission showed clearly that the British government intends to ignore the spirit and letter of the recent Mitchell Agreement wherever it can.

Proposed Alternatives

1. The establishing of an impartial, independent interim police force or, at least, international observers to accompany police patrols
2. Changes in training and emphasis on respect for other views, values, and so on. An understanding of the past and a legally enforceable signed commitment from every police officer to commit to non-discriminatory practices and behavior
3. An independent watchdog with international input and membership with the power to dismiss officers and the power to establish inquiries

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The Committee Faces Libel Suit

Two Northern Ireland businessmen have filed a \$100 million lawsuit in the US against the author and publishers of *The Committee*. The controversial book names Portadown car dealers David and Albert Prentice as members of a group allegedly behind loyalist death squads in the North.

Sean McPhilemy's book names the Prentices as part of the 24-member Ulster Loyalist Central Coordinating Committee, which allegedly colluded with loyalist killers to murder Irish nationalists. McPhilemy reveals that, since 1989, members and officers of the RUC, unionist businessmen, members of the Protestant clergy, the security forces, and the British secret service have participated in loyalist killing campaigns.

The book states that these members sanctioned and organized 18 murders and that at least another 30 murders can be attributed to them. None of the cases has been solved.

The lawsuit claims the book is defamatory and libelous. "Not only have the Prentices suffered diminished reputations, but they must now fear for their personal safety and that of their families."

Bill Taylor, a lawyer with the DC firm representing the millionaire brothers, has said that both men deny the accusations. "We need a prompt apology and a public statement," Taylor said.

McPhilemy has issued a challenge to the Prentices. "If they wish to clear

their names, they should support my call for an independent public inquiry into the existence of the committee and their membership in it. They should agree to testify under oath in public," the author said.

McPhilemy added that he has "several new sources who are willing to testify in court about RUC officers acting in collusion with murder squads. I'm more convinced now of the truth of the allegations of our program than I was seven years ago."

Colorado PEC representative **Terry Deem-Reilly** reports Roberts Rinehart Publishers has set up a defense fund to fight the Prentices' libel case. To support the fund, contact Roberts Rinehart Publishers at 6309 Monarch Place, Niwot, CO 80503, telephone 303 652-2685, e-mail publicity@robertsrinehart.com.

(continued from Page 1)

The Mitchell Agreement is fairly loaded with political pork. On a macro level, the institutions of government and their personnel require funding. Thus, the Assembly needs money to carry on its work, and 108 Assembly members need salaries and benefits. Money will be appropriated for Assembly departments and mandated consultative groups as well as the office of the Executive and its personnel. To the victors go the spoils; the political parties that make up the Assembly will most certainly be able to reward their supporters with plum government jobs.

The Mitchell Agreement's Equality of Opportunity section offers a veritable multitude of entitlements. Providing for "enhanced financial assistance" to aid the many organizations "develop(ing) reconciliation and mutual understanding...between traditions" as well as "initiatives to facilitate and

encourage integrated education and mixed housing," it also includes programs such as victims' needs, women's issues, economic development in hard-core unemployment areas, and Irish language initiatives. This stuff costs money, and like any government program, requires administration. Based on our own experiences of the last 30 years, public spending on otherwise well-intentioned experiments in social engineering grows like a healthy weed.

The budgeting process for these government activities is a politician's dream. The North's Assembly members can only spend money; they can't raise revenue. The power of taxation was not devolved and, hence, remains "over there" with Westminster—at least for a while.

Meanwhile, the private sector economy in the North is in pretty good shape. While not as robust as its southern sister, the North is hardly an

unattractive place to live and do business. Veteran *Irish Times* reporter Deaglan de Breadun observes that if de Valera were alive, he'd be more likely to encounter his ideal of frugal comfort in Belfast than in Dublin. After the 1994 IRA cease-fire, the economy in the North surged. Presently, business is a bit more cautious and worries mostly that the UK's failure to adopt the Euro could hurt multi-national investment and tourism. Business knows that a stable environment provides the impetus for favorable economic growth. A strong economy bodes well for public officials, too. They can function with less criticism and get re-elected.

As the North's political leaders solidify their power bases and bureaucrats sip from the freshly-watered public trough, the people can take comfort that politicians and their pork are a far better alternative than paramilitaries and their bombs.

Action Request

Write the letter below, call, or e-mail. Be courteous. Have friends, organizations, business associates, and others do the same. Please mention your membership in the PEC.

Write: President Bill Clinton, The White House, Washington, DC 20500, phone 202 456-1111, fax 202 456-2461, email president@whitehouse.gov.

Message: I urge that you further the Irish peace process by granting permanent residence to the six Irish men whose deportation cases have been put on hold since last year. Gabriel Megahey, Robert McErlean, Matthew Morrison, Brian Pearson, Noel Gaynor, and Gerald McDade began new lives when they came to this country, and they have families here. Please see that these men are allowed to live permanently in the US and free from the fear of prosecution.

Deportees Campaign to Stay Home

The families of six Irish men have asked the US government to allow them to stay permanently in the US and dismiss its deportation cases against them. The men, all of whom were formerly involved with the IRA, have married US citizens and are raising families in this country.

"We seem to be frozen," said Gabriel Megahey, one of the men whose cases the Department of Justice put on hold last September. The Department had been acting on Secretary of State Madeleine Albright's recommendation in the wake of the IRA's second cease-fire in July, 1997.

Last September, the Justice Department decided that it would no longer seek to deport Megahey, Robert McErlean, Matthew Morrison, Brian Pearson, Noel Gaynor, and Gerald McDade. The US decided to cease its efforts to deport these men as a good faith gesture in support of furthering the peace process and because the IRA cease-fire had been judged to be permanent.

Nevertheless, although the prosecution of those deportation cases was frozen, the possibility that the cases could be reopened still lingers because the decision not to prosecute could, theoretically, be revoked at any time.

"We thought that after a couple of months, they would have done something else about the case of the deportees," Gaynor said. "That hasn't happened yet."

Congressmen **Peter King** and **Tom Manton** raised the subject with President Clinton before his trip to Ireland in September.

Irish American Families Against Political Deportation have asked that PEC members and others contact President Bill Clinton and urge him to grant permanent residence to these men and terminate the prosecutions against them. (See **Action Request**, this page.)

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