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SUBJECT Gun-Smuggling Trial

DAN RATHER: An eight-week-long gun-smuggling trial in New York's Brooklyn federal court went to the jury today. The question to be answered: Were the defendants working for the IRA or the CIA?

David Culhane has our report.

DAVID CULHANE: He is an unlikely-looking conspirator. Michael Flannery is a retired insurance man. And this day he and Margaret Mary, his wife of 47 years, are on their way to mass at Blessed Sacrament church in Queens, New York, a trip he has made daily for most of his 81 years. And this day he is on his way to federal court, a trip he has made each day for the last eight weeks. Both trips, he says, are a part of his destiny.

MICHAEL FLANNERY: I was born into a land that I love, as everyone should love their homeland.

CULHANE: The home he loves is Ireland, a country wracked by political violence for longer than anyone can remember. Michael Flannery remembers because at 14 he was an IRA soldier, then a prisoner of war. At 24 he was ordered to leave the country. He came to the United States and continued to support a united Ireland until a revulsion in the United States against the violence in Northern Ireland led to a crackdown.

PRESIDENT JIMMY CARTER: We will do everything we possibly can to prevent American citizens' assistance to the terrorists in Ireland.

CULHANE: If American policy changed, Michael Flannery didn't. He was arrested by the FBI on one of those mornings when

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he came out of church. He and four other men were charged with conspiring to smuggle guns to the Irish Republican Army.

FLANNERY: We were doing no wrong. We were working with the CIA.

CULHANE: In court, he and his co-defendants suprised everyone by suggesting a link with the CIA.

MAN: With the knowledge, assuredly. With the approval, I don't know.

CULHANE: A former CIA man who is now writing a critique of the agency testified that the CIA at least knew of the arms traffic. The prosecution scoffed at the idea of a CIA connection, and the case is now before the jury.