**ANCIENT ORDER OF HIBERNIANS**

**BREHON LAW SOCIETY**

**IRISH AMERICAN UNITY CONFERENCE**

February 10, 2013

Honorable Robert Menendez, Chairman

Senate Foreign Relations Committee

United States Senate

444 DSOB

Washington, D. C. 20510

Dear Chairman Menendez:

Congratulations on becoming Chairman of the Senate Foreign Relations Committee. It is a well earned recognition of your dedicated service to our nation and to the advancement of American interests and values to other nations. We wish you all the best.

As you know from our previous correspondence, we had been in communication with Secretary of State Clinton on several occasions regarding Great Britain's misuse of the U. S.-U. K. Mutual Legal Assistance Treaty (MLAT) to obtain records from the Irish archives of Boston College. No doubt your letter last year to Secretary Clinton expressing similar concerns prompted her to arrange for two subsequent meetings. We met with her staff and were grateful for the discussions. However, the meetings were inconclusive, disconcerting in terms of the lack of staff knowledge about the 1998 Belfast Agreements and unresponsive to our specific request.

The MLAT provides a unique consultative role for the Secretary of State and the Attorney General to determine if the subpoenas of a foreign nation should be honored and, if so, would that compromise American policies and values. We have clearly defined several valid reasons which, we believe, would justify objections by the Attorney General and the Secretary of State to the subpoenas. As previously stipulated they range from the technical flaws and political nature of the request, the threat to American individual and academic liberties and to the wisdom of granting such a request with a British government committed to undermining the Irish peace process.

Our coalition is made up of groups that have been very supportive of the Good Friday Agreement. It is because of that support and our concern for the peace process that we have asked for the opposition of both the Attorney General and the Secretary of State. The subpoenas are motivated by malice, unwisely honored by the British government and processed by the Attorney General without a thoughtful review of its technical compliance with the purpose of the MLAT.

The related ongoing litigation over these subpoenas involving the Boston College and Belfast Project creators Ed Moloney and Anthony McIntyre, raises other serious legal and policy issues. These involve the constitutional rights of journalists and those engaged in academic research, the rubber-stamp processing of a request which, on its face, is a striking misuse of the MLAT and the operation of the Treaty in general.

Our opposition to the reach of these subpoenas and to their purpose remains steadfast. We hope you will reiterate your concerns to Attorney General Holder and to Secretary Kerry. We also believe that the time has come for the U. S. Senate to review the use of these MLAT's. In September of last year we made such a request of Chairman Kerry. It is clear from this Boston College case that the original intent of the MLAT's i. e. to expedite prosecution of major money laundering, drug trafficking and terrorist crimes has been violated. In doing so the British government has jeopardized American lives and policies and threatened our constitutional liberties. We stand ready to defend our concerns, to testify against the indefensible actions of the British government and to the threat those actions have posed to the working of our laws in general and to this Treaty in particular.

Thank you for your consideration of this request. We look forward to hearing from you soon.

Sincerely,

Mr. Brendan Moore Mr. Robert Dunne, Esq. Mr. Thomas J. Burke Jr. Esq.

National President President National President

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