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INFO IMMEDIATE UKMIS NEW YORK (FOR SECRETARY OF STATE'S PARTY).

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NORTHERN IRELAND: EXTRADITION OF WILLIAM JOSEPH QUINN

1. AFTER 4 MONTHS OF DELIBERATIONS, THE SAN FRANCISCO MAGISTRATE DELIVERED HIS VERDICT TODAY IN THE CASE OF WILLIAM JOSEPH QUINN, THE PIRA TERRORIST WHO IS WANTED IN BRITAIN FOR THE MURDER IN 1975 OF A POLICE CONSTABLE AND FOR CONSPIRACY TO CAUSE EXPLOSIONS. THE COURT HAS FOUND QUINN EXTRADITABLE ON BOTH COUNTS. QUINN WILL ALMOST CERTAINLY APPEAL AND THE LEGAL PROCESS COULD DRAG ON FOR SOME TIME. BUT THIS IS NONETHELESS A MAJOR SUCCESS, THE FIRST TIME AN IRA CASE HAS GONE OUR WAY. THE SECRETARY OF STATE MAY WISH TO TAKE AN OPPORTUNITY TO MENTION THE CASE TO MR SHULTZ AND THANK HIM FOR THE VIGOROUS WAY IT HAS BEEN PROSECUTED BY THE US AUTHORITIES.

2. WE HAVE NOT YET RECEIVED THE COURT'S FINDING WHICH RUNS TO OVER 100 PAGES. THE US ATTORNEY IN SAN FRANCISCO TELLS US THAT IT IS CAREFULLY WORDED WITH A VIEW TO LIMITING QUINN'S CHANCES OF A SUCCESSFUL APPEAL. AS IS NORMAL IN SUCH CASES, THE COURT FOUND THAT IN ORDER SUCCESSFULLY TO INVOKE THE POLITICAL OFFENCES EXCEPTION CLAUSE OF THE US/UK EXTRADITION TREATY QUINN WAS OBLIGED TO DEMONSTRATE

- (A) THAT THERE WAS AN UPRISING OR CIVIL REBELLION AT THE TIME OF HIS CRIME;
- (B) THAT HE WAS A MEMBER OF A GROUP DIRECTLY INVOLVED IN THE UPRISING AND
- (C) THAT HIS CRIME WAS DIRECTLY RELATED TO FURTHERING THAT UPRISING.

THE COURT DECIDED THAT THE SITUATION IN NORTHERN IRELAND AT THE TIME (1974/5) DID CONSTITUTE A VIOLENT POLITICAL UPRISING OF SUFFICIENT MAGNITUDE TO BRING INTO PLAY THE POLITICAL OFFENCE EXCEPTION. HOWEVER, THE SAME WAS NOT TRUE OF LONDON, THE SCENE OF QUINN'S CRIME. THE COURT WENT ON TO DISMISS QUINN'S CLAIM THAT HE WAS A PROVEN MEMBER OF THE IRA OR THAT THERE WAS A CLEAR CHAIN OF COMMAND WHICH SHOWED THAT HE WAS ACTING ON PIRA ORDERS. QUINN HAD NOT HIMSELF GONE INTO THE WITNESS BOX AND THERE WAS NO CLEAR EVIDENCE OF POLITICAL COMMITMENT ON HIS PART OR EVIDENCE TO SHOW THAT HE WAS ANYTHING BUT A HANGER-ON OR COMMON CRIMINAL. FINALLY, THE COURT FOUND THAT THE MURDER OF POLICE CONSTABLE TIBBLE (WHO WAS IN CIVILIAN DRESS AND OFF DUTY AT THE TIME AND THEREFORE NOT IDENTIFIABLE AS A POLICEMAN) WAS CRIMINAL AND



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REMOVED FROM THE POLITICAL AIMS OF THE PROVISIONAL IRA. EQUALLY, IT WAS THE NATURE OF THE CRIME, RATHER THAN THE RESPONSE OF HMG TO IT, WHICH DETERMINED THE EXISTENCE OF A POLITICAL OFFENCE.

3. AS REGARDS THE BOMBING ATTACKS, THESE WERE ANARCHIST IN NATURE AND DIRECTED AGAINST INNOCENT PEOPLE. THERE COULD BE NO DIRECT LINK BETWEEN THEM AND THE SUPPOSED POLITICAL GOALS OF THE IRA.

4. THE US ATTORNEY HAS TOLD US THAT THE COURT'S FINDING CONTAINS SOME AMMUNITION THAT WOULD BE USEFUL TO US IN ANY FUTURE CASE, AND IT HELPS TO SET A DESIRABLE PRECEDENT. AT THE SAME TIME, THE DIFFERENCE BETWEEN THIS CASE, WHICH HAS GONE OUR WAY, AND THE PREVIOUS CASES WHICH HAVE NOT, DOES NOT LIE IN A CHANGE OF VIEW BY THE US COURTS ABOUT THE PROVISIONAL IRA BUT IN THE PARTICULAR CIRCUMSTANCES OF QUINN'S CRIMES. IT IS CLEAR FROM THIS RULING THAT IF WE WERE AGAIN TO FACE A CASE LIKE THAT OF DESMOND MACHIN (AN ATTACK ON A SOLDIER IN NORT ERN IRELAND) WE SHOULD STILL FACE AN UPHILL TASK IN SECURING EXTRADITION. NONETHELESS THIS RESULT WILL BE A BIG BLOW TO PIRA AND THEIR AGENTS HERE. IT ENABLES US TO SAY THAT THE US COURTS HAVE REJECTED THE CONTENTIONS OF A PIRA TERRORIST THAT HIS CRIMES WERE SOMEHOW EXCUSABLE BY VIRTUE OF POLITICAL MOTIVATION. THE VERDICT MAY ALSO HELP DETER PIRA FROM TREATING THE UNITED STATES AS A SAFE HAVEN.

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