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CONFIDENTIAL

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FM WASHINGTON 171900Z OCTOBER 85

TO IMMEDIATE FCO

TELNO 2895

OF 171900Z OCTOBER 85

AND TO PRIORITY UKDEL NASSAU (FOR PS/PRIME MINISTER AND PS/SECRETARY OF STATE)

INFO ROUTINE DUBLIN, C G NEW YORK.

UK-US SUPPLEMENTARY EXTRADITION TREATY

SUMMARY

1. THIRD SENATE FOREIGN RELATIONS COMMITTEE HEARING DUE NEXT WEEK, BUT ON PRESENT FORM A COMMITTEE VOTE UNLIKELY THIS AUTUMN, UNLESS THE ADMINISTRATION START TO CAMPAIGN ACTIVELY FOR THE TREATY. A SUBJECT FOR THE PRIME MINISTER TO RAISE WITH THE PRESIDENT IN NEW YORK?

DETAIL

2. THE THIRD SENATE FOREIGN RELATIONS COMMITTEE HEARING WILL TAKE PLACE ON 22 OCTOBER. MOST WITNESSES WILL AGAIN BE HOSTILE, ALTHOUGH TWO LEGAL AUTHORITIES WILL SPEAK IN FAVOUR OF THE TREATY. A FURTHER HEARING WILL PROBABLY BE NECESSARY. DEMOCRATIC SENATORS, WHO HAVE EXPRESSED DOUBTS ABOUT THE TREATY BUT ARE CONCERNED TO AVOID THE CHARGE OF BEING SOFT ON TERRORISM, MAY CONSIDER TABLING A COMPROMISE TEXT IN NOVEMBER. (IT MIGHT RESERVE SOME ROLE FOR THE COURTS IN DECIDING THE EXTRADITION OF THOSE WANTED FOR TERRORIST CRIMES, AND WOULD PROBABLY REDUCE THE LIST OF OFFENCES IN THE PRESENT SUPPLEMENTARY TREATY.) THE PICTURE IS FURTHER COMPLICATED BY THE ACTIVITIES OF SENATOR HATCH, WHO, UNDER PRESSURE FROM THE IRISH NATIONAL CAUCUS, AND DESPITE PROTESTS FROM THE ADMINISTRATION AND FOREIGN RELATIONS COMMITTEE, THREATENS A HEARING IN EARLY NOVEMBER ON THE CONSTITUTIONAL IMPLICATIONS OF THE TREATY UNDER THE AEGIS OF HIS JUDICIARY SUB-COMMITTEE.

18/1847

3. BEYOND THE SENATE, THE IRISH NATIONAL CAUCUS AND OTHER IRISH AMERICAN GROUPS ARE LOBBYING NOISILY, AND CRITICALLY. HOWEVER, US MEDIA COMMENT ON THE TREATY HAS SO FAR BEEN ALMOST EXCLUSIVELY FAVOURABLE (WITH ONLY THE BOSTON GLOBE STRIKING A STRIDENT NOTE). THE ACHILLE LAURO INCIDENT HELPS, BY RE-FOCUSING ATTENTION ON THE PRINCIPLE OF BRINGING TERRORISTS TO JUSTICE.

4. WITH THE CONGRESS DUE TO ADJOURN AT THE END OF NOVEMBER, A FOREIGN RELATIONS COMMITTEE VOTE BEFORE THE RECESS LOOKS UNLIKELY AT PRESENT. LUGAR IS UNLIKELY TO CALL FOR A VOTE UNLESS HE IS SURE OF A MAJORITY FOR THE TREATY. TWO DEVELOPMENTS COULD HELP TO ACCELERATE MATTERS. FIRST, IF THERE WERE TO BE AN ANGLO-IRISH AGREEMENT NEXT MONTH, THE PROBABLE WAVE OF BROAD AMERICAN POLITICAL AND PUBLIC SUPPORT MIGHT ENSURE THAT THE TREATY COULD BE QUICKLY REPORTED OUT OF COMMITTEE WITH NO, OR ONLY COSMETIC, CHANGES. SECONDLY, THE ADMINISTRATION COULD STEP UP THEIR SUPPORT FOR THE TREATY: WE HAVE BEEN ACTIVE ON THE HILL, BUT THEIR BIG GUNS HAVE SO FAR REMAINED SILENT THERE. ARMACOST AND OTHER STATE DEPARTMENT CONTACTS WARN THAT THE TREATY IS NOT HIGH AMONG ADMINISTRATION PRIORITIES, BUT GIVEN THE CURRENT EMPHASIS ON EXTRADITION AND DUE PROCESS AS WEAPONS IN THE COUNTER-TERRORISM ARMOURY, IT SHOULD BE POSSIBLE TO SECURE THE PRESIDENT'S PUBLIC BACKING AND THE PERSONAL INVOLVEMENT (ON THE HILL) OF HIS SENIOR ADVISERS. THAT MUST BE OUR AIM.

5. THE BEST WAY OF SECURING IT WOULD BE BY THE PRIME MINISTER RAISING THE MATTER BRIEFLY WITH THE PRESIDENT DURING THEIR MEETING IN NEW YORK ON 23 OCTOBER. I RECOMMEND THAT SHE SHOULD DO SO.

6. THE RIGHT LINE MIGHT BE BRIEFLY TO DESCRIBE PROGRESS ON THE ANGLO-IRISH DIALOGUE SEMI-COLON THEN TO POINT TO THE IMPORTANCE, FOR THE FIGHT AGAINST TERRORISM, OF THE SUPPLEMENTARY TREATY'S GOING THROUGH ON THE HILL SEMI-COLON AND FINALLY TO LINK THE TWO ISSUES BY ENQUIRING ABOUT THE DESIRABILITY OF A DRIVE TO GET THE TREATY SUCCESSFULLY THROUGH THE COMMITTEE BEFORE THE RECESS, SO MAINTAINING MOMENTUM FOR THE RENEWED BATTLE, ON THE SENATE FLOOR, NEXT YEAR.

WRIGHT.