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PS Prime Minister
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Parliamentary Under Secretary of State

Rt Hon Leon Britton QC MP
Secretary of State for
the Home Department
Queen Anne's Gate
LONDON SW1

DL/4e

| April 1985

Dear Mr Britton

UK/US EXTRADITION

In Douglas Hurd's absence in the United States, I am responding to your minute of 29 March to the Foreign Secretary.

The outcome of the Washington talks about extradition was reported to Douglas Hurd before his departure and I know that he is entirely satisfied with the intended changes. As you point out, the supplementary treaty, if approved by the Senate and Parliament in due course, will deprive Irish fugitives who face serious charges of the 'political' defence behind which they have hidden for so long in the United States.

The US Administration's wish to excise Article IV of the existing Treaty has no distinct Northern Ireland implications but we hope that the difficulties in the way of this revision will not cause either the Administration or the Senate to take the view that the new package will lack balance. It could be argued that in effect we are asking the United States to return murderers, alleged murderers and others accused of serious offences to the United Kingdom with no defence (except for a challenge of the prima facie case), but that we are reserving the right not to return those accused or convicted of murder in the United States where we fear that the death penalty could be carried out. When one links that with the constitutional difficulty which the Federal Government faces in seeking assurances from a State Governor, one can understand why the Americans would like the provision deleted.

However I can well see the formidable political difficulties we would face in asking Parliament to approve the Article's deletion, particularly in relation to British nationals who could face the death penalty if a prima facie case was made in proceedings here for their return to the United States. I am therefore in agreement

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with the course you propose. We must hope that the Administration will agree to initial the supplementary treaty without the proposed change and that their Attorney General will accept the arguments you propose to put to him shortly in your personal letter.

I am sending a copy of this letter to the Prime Minister, the Lord President, the Foreign Secretary, the Attorney General and to Sir Robert Armstrong.

Liz Kennedy

for NICHOLAS SCOTT

*Approved by the Minister +
signed in his absence.*

E.R.

Hidden copies:

Prime Minister
Lord President
Foreign Secretary
Attorney General
Sir R Armstrong
PS/S of S (L&B)
PS/Mr Scott (L&B)
PS/PUS (L&B)
Mr Brennan
Mr A Stephens
Mr Buxton
Mr Lyon
Mr Coulson
Mr Bickham



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