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2/4SECRETARY OF STATE FOR THE HOME DEPARTMENTUK/US Extradition

1. You minuted to me on 29 March about the proposed revision of our extradition arrangements with the United States.
2. I was delighted to learn how successful the official talks held in Washington on 19-20 March had been. The US Administration are clearly trying to be as helpful as possible to our efforts to ensure the extradition of fugitive Irish terrorists from the United States.
3. I agree that the US pressure to persuade us to agree to the deletion of the death penalty safeguards clause (Article IV) in the main Treaty puts us in a difficulty. However, I am advised that there is a good chance that this will not be a sticking point with the Americans. I can understand the arguments which they have put forward for its deletion, but its existence has so far not given rise to the sort of political difficulty for the Americans which the political exception loophole has given us.
4. There is no way of discovering to what extent the Americans want to press their demand without being frank with them about the difficulties it would cause us. I therefore welcome your intention of sending a personal message of explanation to Ed Meese. My advice, after consulting our people in Washington, is that the Embassy should convey this when giving our overall reply. To send it later might give the impression of trying to make up lost ground. If this means a slight delay I do not think that matters, so long as we take action before Easter.

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5. If the American response were to be such that the deletion of the death penalty clause remained a sticking point, we should, of course, want to consider very carefully whether the political disadvantages to us of conceding on this point (both in domestic terms and in relation to other countries with whom we have extradition arrangements) outweighed the undoubted prize represented by the US concessions in the rest of the Supplementary Treaty. I wonder therefore whether it might be sound tactics to suggest in your personal message that in the interests of rapid action we would like to initial the Supplementary Treaty now but without the provision deleting Article IV of the main Extradition Treaty, since the provision for deletion gives us the sort of political and parliamentary difficulties set out in your letter to me. I think it would be wise for you then to add that we would like to think further about this provision, and that, although the point causes us real difficulty, you would not entirely rule out action in the future. This would leave open the possibility of some later accommodation leading in turn to a further separate amendment to the Treaty. HM Embassy in Washington believe that such an approach might well get us off the hook.

6. I am sending copies of this letter to the Prime Minister, the Lord President, Secretary of State for Northern Ireland, the Attorney General and to Sir Robert Armstrong.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

2 April 1985

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