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TO DESKBY 170800Z FCO

TELNO 1711

OF 162049Z AUGUST 96

AND TO IMMEDIATE NIO LONDON, NIO BELFAST, CABINET OFFICE

INFO PRIORITY DUBLIN, SNUFFBOX, ACTOR

INFO PRIORITY SAN FRANCISCO, BIS NEW YORK

CABINET OFFICE FOR OAKDEN, NO 10 AND BUDD

SUBJECT: EXTRADITION OF JIMMY SMYTH

SUMMARY

1. SECRETARY OF STATE SIGNS WARRANT FOR SMYTH'S EXTRADITION. ORIGINAL EN ROUTE TO SAN FRANCISCO. SMYTH DUE TO LEAVE, WITH RUC ESCORT, ON 17 AUGUST. WHITE HOUSE PREPARING FOR POLITICAL FLAK.

DETAIL

2. STATE DEPARTMENT INFORMED US THIS MORNING THAT THE SECRETARY OF STATE HAD JUST SIGNED THE WARRANT FOR SMYTH'S EXTRADITION, ON HIS RETURN FROM SARAJEVO. THEIR PLAN WAS TO SEND US THE ORIGINAL FOR ONWARD TRANSMISSION TO LONDON, AND TO FAX COPIES TO THE MARSHALS RESPONSIBLE FOR SMYTH'S CUSTODY IN SAN FRANCISCO, AND TO THE DEPARTMENT OF JUSTICE, SO THAT SMYTH COULD LEAVE FOR THE UK ON 17 AUGUST. THE FBI IN CALIFORNIA SUBSEQUENTLY TOLD US THAT THERE WAS A SMALL RISK THAT SMYTH SUPPORTERS WOULD TRY TO PREVENT HIS DEPARTURE THROUGH MANIPULATION OF EMIGRATION PROCEDURES. HAVING THE ORIGINALS OF THE KEY DOCUMENTS TO HAND WOULD HELP PREVENT THIS. WE ARE THEREFORE FLYING THE ORIGINAL WARRANT TO SAN FRANCISCO BY HAND OF PILOT (COPY BY FAX TO THE NIO) SO THAT SMYTH CAN STILL LEAVE ON SATURDAY.

3. THE WHITE HOUSE REMAIN NERVOUS ABOUT REACTIONS FROM THE IRISH AMERICAN COMMUNITY. THE PRESIDENT, WHO HAS BEEN CONSULTED, EXPECTS TO TAKE 'SOME HEAT'. AS DISCUSSED WITH OAKDEN (NO 10), SODERBERG (NSC) HAS ASKED US TO KEEP NEWS OF THE SIGNATURE OF THE EXTRADITION WARRANT UNDER WRAPS UNTIL SMYTH IS IN THE AIR, TO MINIMISE THE SCOPE FOR SMYTH SUPPORTERS TO MOUNT A CAMPAIGN TO PREVENT HIS DEPARTURE. IF THE NEWS DOES LEAK, IT WOULD BE BEST IF IT CAME FROM US, NOT BRITISH, SOURCES.

4. THE ADMINISTRATION ARE GRATEFUL FOR THE EFFORTS WE HAVE MADE TO HELP THEM WITH DEFENSIVE BRIEFING. WHEN ASKED, THEY ARE LIKELY DRAW ON THE FACTS THAT SMYTH IS NOT TO BE PROSECUTED FOR JAIL-BREAKING, AND CAN CHOOSE WHETHER OR NOT TO COMPLETE HIS SENTENCE AT THE MAZE. WHITE HOUSE SPOKESMEN MAY ALSO EXPRESS THE HOPE THAT TIME SERVED BY SMYTH IN US JAILS MIGHT BE

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COUNTED TOWARDS HIS REMISSION, IN THE CONTEXT OF ANY CONFIDENCE-BUILDING MEASURES WHICH THE UK AUTHORITIES MAY CONSIDER APPROPRIATE AT A LATER DATE. WE HAVE WARNED THEM THAT, IF THEY DO THIS, WE WILL PROBABLY HAVE TO RESPOND THAT THE LAW ONLY ALLOWS THE NORTHERN IRELAND SECRETARY DISCRETION IN THIS AREA IN EXCEPTIONAL CIRCUMSTANCES.

LOGAN TELNO 1711
OF 162049Z AUGUST 96
AND TO IMMEDIATE HQ LONDON, HQ BELFAST, CABINET OFFICE
YYYY INFO PRIORITY DUBLIN, SHUFFBORN, ACTON
INFO PRIORITY SAN FRANCISCO, HQ NEW YORK

WBLNAN 8697

CABINET OFFICE FOR LONDON, HQ 10 AND SHED

SUBJECT: EXTRADITION OF JIMMY SMYTH

SUMMARY

1. Secretary of State signs warrant for Smyth's extradition. Original en route to San Francisco. Smyth due to leave, with SEC escort, on 17 August. White House preparing for political risk.

DETAIL

2. State Department informed us this morning that the Secretary of State had just signed the warrant for Smyth's extradition, on his return from Sarajevo. Their plan was to send us the original for onward transmission to London, and to fax copies to the marshals responsible for Smyth's custody in San Francisco, and to the Department of Justice, so that Smyth could leave for the UK on 17 August. The FBI in California subsequently told us that there was a small risk that Smyth supporters would try to prevent his departure through manipulation of extradition procedures. Having the originals of the key documents to hand would help prevent this. We are therefore flying the original warrant to San Francisco by hand or pilot (copy by fax to the HQ) so that Smyth can still leave on Saturday.

3. The White House remain nervous about reactions from the Irish American community. The President, who has been consulted, expects to take "some heat". As discussed with Oakden (No 10), Soderberg (SEC) has asked us to keep news of the signature of the Extradition Warrant under wraps until Smyth is in the air, to minimise the scope for Smyth supporters

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