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From: Edward Oakden

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PRIME MINISTER

EXTRADITION OF JIMMY SMYTH

Some good news. Warren Christopher signed this afternoon the extradition papers for Jimmy Smyth. RUC officers will escort him back to Northern Ireland this weekend.

Smyth was given 20 years in 1978 for the attempted murder of an off-duty prison officer in Belfast. He escaped from the Maze in 1983. Since we ran him to ground in California in 1992, he has fought extradition through every court and procedure.

This is the first test of the Supplementary UK/US Extradition Treaty, designed to eliminate the "political offence exception" for terrorist or violent crimes.

I suspect the NSC were trying to avoid this happening before the November Election, but even they found it hard to argue against standing in the way of due process. (We know that Christopher weighed in heavily with Lake on this score.) However, Lake has been floating the idea that, in announcing the extradition, the US would say that they hoped that, in the context of further confidence-building measures etc., HMG might be ready to count the time Smyth has spent in US jails towards his remission entitlement.

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We have told the NSC firmly that this will not run. The relevant provision of the Northern Ireland Prison Act (1953) states that, if a prisoner in Northern Ireland escapes and spends time abroad either free or in prison there, that time cannot be taken into account in determining the length of his detention on return to Northern Ireland, unless the Secretary of State determines that there are exceptional circumstances. The Court of Appeal ruled recently in the (very similar) Joe Doherty case that the latter's case was not exceptional, and his time in the US could not be taken into account. We have told the NSC that, if necessary, we will explain this publicly.

We have told the US that they can, however, make clear, if necessary, that we had already decided (ie not in response to pressure from them) that Smyth will not be punished (ie given extra time) for his escape.

McBride

One other issue I should just mention, which relates to the McBride principles on fair employment - and both parties' pursuit of the Green vote.

The Embassy were able in the course of last week to moderate some pretty unhelpful language for the Republican Party platform on Northern Ireland. But they could not prevent an obnoxious reference to the need for US policies consistent with the McBride principles, in order to counteract discriminatory employment practices that continued against Catholics in Northern Ireland. The platform is non-binding. But this is a gift to the McBride lobby.

It also means that the domestic side of the White House are even more determined not to be outdone in the contest for the Green vote. They want to make clear the President's own sympathies for McBride, preferably before the Democratic Convention in 2 weeks. We shall do what we can. But we are not

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helped by the Northern Ireland end of the International Fund for Ireland having indicated recently that it can live with McBride.

As I said on the 'phone, over the next 3 months we are going to need some pretty broad shoulders about US policy towards Northern Ireland, as both Parties posture for votes. Overreacting will only play into the hands of those who think being nasty to the Brits gets Green votes.

Edward

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