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**Withdrawer**

KDB 8/3/2005

**File Folder** JGR/EXTRADITION

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
19524	MEMO	STEPHEN TROTT TO CAROL DINKINS RE BRITISH EXTRADITION TREATY	2	12/19/1984	B1
		<b>R 10/5/2012 F2005-139/1</b>			

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U.S. Department of Justice  
Office of the Deputy Attorney General

12/20/84

To: John Roberts

From: Roger Clegg

Per our conversation yesterday.

*file -  
extradition*

# Memorandum



Subject Political Offense Exception of the British Extradition Treaty: Possible Agenda Item for the Upcoming Meeting Between the President and the Prime Minister.

Date

DEC 19 1984

To Carol E. Dinkins  
Deputy Attorney General

From Stephen S. Trott *SST/jc*  
Assistant Attorney General  
Criminal Division

For several years now we have been losing a steady stream of extradition cases against alleged IRA terrorists because courts have been holding that the terrorist acts for which they are sought by the British fall within the political offense exception of the current U.K.-U.S. Extradition Treaty. These cases have resulted in this country becoming a safe-haven for IRA terrorists fleeing the United Kingdom. In the recent past we attempted to deal with this political offense exception through a legislative overhaul of our extradition statute to provide, among other things, that the applicability of the political offense exception is to be determined solely by the Executive Branch and not involve the judiciary. The Senate balked at this approach and a compromise was struck and approved by the Senate whereby certain categories of offenses would either never be considered by the courts to be political offenses or only fall within the exception under the "most extraordinary of circumstances." Ultimately, the legislation died in Congress when the House sought unjustifiably to liberalize the entire extradition procedure in a way unacceptable to the Administration.

During the course of extradition negotiations this past summer with the Israelis, who are also concerned with the reach of a judicially determined political offense exception, we devised an approach to the problem which we think has a value. Essentially we recast the political offense language previously passed by the Senate and incorporated it into the draft treaty. Thus, while the Israeli treaty still retains the traditional political offense exception, it virtually eliminates terrorism from the reach of the exception except under the "most extraordinary of circumstances."

DECLASSIFIED

NLRR F05-139 # 19524

BY KML NARA DATE 10/5/12

Following the recent terrorist bombing attack against the Prime Minister in England we and the State Department raised on a preliminary basis with the British the possibility of amending the present extradition treaty to incorporate the approach first suggested to the Israelis. The British were intrigued by the proposal and on December 17 informal talks were held on the subject in London among representatives of this Division, the State Department, and British officials of the Home Office & Foreign Ministry. During those talks and because a district court in New York on Friday once more found an alleged IRA terrorist non-extraditable,\* the British delegation indicated that the Prime Minister would probably express her disappointment to the President with the outcome of these cases at their meeting this weekend. The American delegation indicated that the President might respond by pointing to our informal talks as an example of our attempts to deal effectively with this problem. The British representatives however wished to avoid our informal talks being raised at the summit meeting because they were largely exploratory in nature and neither side was ready to commit itself to the approach. We indicated that we assumed that if the Prime Minister did not raise the subject, there would be no need for the President to discuss these talks.

Because the political offense issue has received substantial publicity in the context of the latest court decision, there is an increased possibility that the subject may be raised at the upcoming Presidential meeting. While we have been working closely with the State Department to ensure that they include this topic in their briefing documents to the White House, it may be appropriate for us to mention the issue to Fred Fielding and alert him to our intention to continue to explore with the British the feasibility of amending the treaty to deal with the political offense problem.

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\*In the Matter of Joseph Doherty.