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Folder Title:

[Ireland]-Smythe, Jimmy-extradition case, July 1996

Staff Office-Individual:

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Anthony Lake et al. to POTUS re: James Smyth Extradition Case (3 pages)	08/06/1996	P1/b(1) KBH 8/29/2023
002. memo	Mary Ann Peters to Mr. Lake re: Smyth Extradition (1 page)	07/00/1996	P1/b(1) KBH 8/29/2023
003. cable	re: Northern Ireland: Smyth Extradition Case (1 page)	07/25/1996	P1/b(1) KBH 8/29/2023

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Nancy Soderberg)
OA/Box Number: 1398

FOLDER TITLE:

[Ireland]-Smythe, Jimmy-Extradition Case, July 1996

2011-0355-F
rs1691

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Chronology of Events

- December 1993 -** Prime Minister John Major of the United Kingdom and Prime Minister Albert Reynolds of Ireland sign a Joint Declaration committing their governments to work for peace and reconciliation in Northern Ireland on the basis of a new understanding between them.
- August -
October 1994** The Irish Republican Army (IRA) and loyalist paramilitary groups respectively declare a cease-fire.
- November 1994 -** In response to the cease-fire, President Clinton announces a package of measures aimed "to ensure that peace brings to Ireland new opportunities for job growth and economic prosperity" (see White House Press Release for deliverables).
- December 1994 -** President Clinton appoints former U.S. Senator George Mitchell as Special Advisor to the President and Secretary of State for Economic Initiatives in Ireland. Secretary of Commerce Ronald Brown leads a delegation of US business representatives to participate in John Major's Investment Conference in Belfast.
- May 1995 -** The White House Conference for Trade and Investment in Ireland takes place in Washington, DC. The conference features speeches by President Clinton, Secretary of State Warren Christopher, Secretary of Commerce Ronald Brown, and Senator George Mitchell (Special Advisor to the President for Economic Initiatives in Ireland).
- October 1995 -** Assistant Secretary of Commerce for International Economic Policy Charles F. Meissner leads a business development mission to Northern Ireland and the border counties of Ireland. This mission brings 16 US companies to the region and represents a wide range of business sectors including agribusiness, information technologies, and environmental technologies.
- November 1995 -
December 1995** Secretary Ronald Brown accompanies President Clinton on an historic trip to the region. This is the first time a US President has ever traveled to Northern Ireland.
- June 1996 -** Acting Assistant Secretary William W. Ginsberg leads a business development mission of eleven US companies in the information technologies sector to Northern Ireland and the border counties of Ireland.
- October 1996 -** The Commerce Department hosts the U.S. Conference for Trade and Investment in Northern Ireland and the border counties of Ireland in Pittsburgh, Pennsylvania.

*this went to
Rubin's off*

To: NES
From: MAP
Subj: Guidance on Smyth Extradition and Deportations

Attached are two different sets of guidance on the Smyth case -- the longer one was done for McCurry and the press guys, the shorter one was for POTUS. Below are the points I used with Harold Ickes today, which we have used in letters since the extradition:

- Essentially a judicial process. Secretary of State does have final decision under law but there is no precedent for him overturning decision of judicial system.
- Looked back over decades in which thousands of extraditions took place.
- NOT like Doherty case. Bush Administration deported Doherty after court found him not extraditable.
- Other pending extradition cases will also have to be decided on merits by judicial system.

Have not done guidance on deportation proceedings. Have not seen any press interest in the issue. If we were to do guidance, I would stick to the points we have made in letters to members of Congress and Irish Americans, along the lines of:

- Cases are in various stages in the judicial system.
- President asked for and got assurances from DOJ that cases being handled fairly.
- NSC cannot interfere in judicial process but keeps an eye on the cases.
- Congress has asked INS to deport people with terrorist or narcotics connections on priority basis.
- Congress has power to pass private bills to allow people to stay in U.S. Not sure this option has been adequately explored.

Do not use publicly

NORTHERN IRELAND

Smyth Extradition (Contingency)

Background: In 1983, Smyth escaped from prison in Northern Ireland, where he was serving a sentence for attempted murder. In 1992 he was arrested in California on passport fraud charges and the UK requested his extradition. Smyth won his case at the district court level but the appeals court reversed that decision and declared him extraditable. In June, the Supreme Court declined to take Smyth's case, exhausting the legal process. Secretary Christopher signed the warrants for Smyth's extradition, the final step in the process, on August 16.

- Smyth has been extradited to the UK pursuant to U.S.-UK extradition treaty, which requires both governments to return fugitives upon request and subject to judicial review.
- Final step, after courts certified Smyth was extraditable in July, was signing of warrants by Secretary Christopher. Refer you to State Department for information on Secretary's review and decision.

Any Conditions Placed on Extradition?

- No, we have placed no conditions on Smyth's return, nor have we negotiated about it with the British Government.
- Have expressed hope that in the context of any future confidence building measures, British Government would give consideration to granting some credit for time served in U.S. prisons to Smyth and others, recognizing that British law allows such credit only in exceptional circumstances.
- Would like to point out that the British Government has said that Smyth will be returned to prison only for the time he would have served had he not escaped, about 5 more years. He will not lose his eligibility for remission, which is like parole, after he has served 50% of his sentence.
- Unlike other prisoners who escaped with Smyth in 1983 and were recaptured, Smyth will *not* be tried for offenses related to his escape from prison. And Smyth will be permitted to choose whether to complete his sentence in the Maze prison or in a different one.
- We are satisfied that Smyth will be well treated and that there is no danger to him in being returned to prison.

Why Not Allow Deportation Proceedings to be Completed?

- Smyth's case was fully litigated in the U.S. court system over a period of four years. Smyth has already had a chance to be heard on the issues that would arise in a deportation proceeding. (For more information on deportation/asylum, refer you to DOJ/INS.)
- Deportation is a way of expelling illegal aliens from this country -- it is not a right. Would be an expensive and unnecessary burden on taxpayers to require the Government to pursue deportation proceedings in addition to litigating extraditability.

Another Joe Doherty?

Background: Doherty was convicted of murdering a British soldier in 1980. He was subsequently apprehended in the United States and the UK requested his extradition. In December 1984, the district court held that Doherty was not extraditable because his crime fell within the political offense exception to the then existing treaty between the United States and UK. (A new treaty that makes it harder to rely on the political offense exception has since been negotiated.) The Reagan Administration resumed the deportation proceedings that had been initiated at the time of Doherty's arrest; the Bush Administration finally succeeded in deporting Doherty to the UK in 1992. The President said during the 1992 campaign that there would be "no more Joe Dohertys."

- Smyth's case different than Doherty's. Doherty was found not extraditable by the courts under the extradition treaty with the UK that existed at the time. He was then deported. In contrast, Smyth has been declared extraditable by the courts after a lengthy process. The Administration has not sought to return Smyth through means other than pursuing extradition as required by our treaty.

NORTHERN IRELAND

Extradition of James Smyth to United Kingdom

Background: Smyth escaped from prison in Northern Ireland in 1983 and was apprehended here in 1992. He was extradited on August 17 after four years of litigation. Secretary Christopher, who by statute has the final decision, signed the extradition warrants August 16. Smyth's case is being compared by some to the 1992 deportation of Joe Doherty.

- Smyth escaped from prison in Northern Ireland, where he was serving sentence for attempted murder. His case was fully heard in U.S. court system over four-year period.
- Have important obligations under our extradition treaty with Britain that we must respect.
- Our extradition treaties with other countries have allowed us to get back over 500 fugitives from American justice over last three years. Important tool in fight against terrorism and international crime.

If pressed:

- Smyth and Doherty cases different. Smyth was found extraditable by courts; Doherty *deported* after court declared he was not extraditable.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

5606 Redo II

September 11, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AKS*
FROM: JOHN SPARKS *JS*
SUBJECT: Jimmy Smyth Extradition

The President continues to receive letters regarding the extradition case of Jimmy Smyth. We have changed our standard reply now that Smyth has been extradited and incorporated the changes you requested.

Concurrence by: Mary Ann Peters *MAP* and Bill Danvers *WD*

RECOMMENDATION

That you sign the letter at Tab I.

Attachments

Tab I Letter to Daniel O'Kennedy
Tab II Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

September 14, 1996

Dear Mr. O'Kennedy:

On behalf of the President, I am replying to your letter concerning the extradition case of Irish national Jimmy Smyth. The decision to surrender Smyth was made by the Secretary of State, after weighing the equities of the case and all relevant foreign relations considerations. His decision was consistent with our treaty obligations to the United Kingdom. Implementation of these extradition treaties is an important element of our foreign and law enforcement policy; in fact, I understand that there is no recent case in which the Secretary of State has declined to extradite an individual found extraditable by our courts.

While I appreciate the strength of your feelings on this case, I do not believe it is fairly compared to the Doherty case. Doherty was deported to the United Kingdom after being found not extraditable by our courts; Smyth was found extraditable after exhaustive judicial review of his claims.

I know you have spoken about this case in greater detail with a member of my staff. We appreciate your views and look forward to staying in touch on issues of concern.

I am happy to hear that you are feeling better and will soon be back in action.

Sincerely,



Anthony Lake
Assistant to the President
for National Security Affairs

Mr. Daniel P. O'Kennedy
National President, I.A.U.C.
National Press Building
529 14th Street, N.W., Suite 837
Washington, D.C. 20045



Irish
american
unity
conference

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35941 Six Mile Road
Livonia, MI 48152
Phone (313) 464-4119
Fax (313) 464-4240

1000 National Office
National Press Building
529 14th Street N.W., Suite 837
Washington, D.C. 20045
1-800-947-IAUC
Phone (202) 662-8830
Fax (202) 662-8831

August 12, 1996

Dear President Clinton,

First of all, I would like to thank you sincerely for your prayers and get well wishes during my recent stay in the hospital due to open heart surgery. With God's help, I will be back into action in the very near future. I enjoyed being with you on your visit to Ireland last year and I would very much like to see you return to Ireland for a visit in the near future.

I am also writing you on a very serious matter with which only you can help us. That is the case now pending before your administration regarding the extradition of Jimmy Smyth. I have known Jimmy for several years, since he first attended a convention of the IAUC in October, 1992 in California. I know that this man has been tortured by British "security forces" and that his life would indeed be in jeopardy if he were to be returned to the United Kingdom. In fact, a US district court ruled that this would certainly be the case and the ninth circuit court of appeals did not disagree with that fact as it overturned the district court's ruling that Jimmy should not be extradited. To return Jimmy Smyth to the United Kingdom with knowledge of the fact that he would receive no due process and that his life would be in jeopardy would be unconscionable from a human rights perspective.

Equally important is the fact that Irish Americans placed their trust in you in 1992 when you promised us that there would not be interference in cases such as Joe Doherty for political reasons. In fact, the State and Justice Departments have been obviously politically motivated in refusing to accept the decision of the district court, in appealing bail for Jimmy Smyth and other Irish nationalists, and in ignoring the blatantly discriminatory record of the British Government in its treatment of Irish Catholics. You can put an end to the politically motivated actions of your administration by not allowing the Secretary of State to sign the extradition warrant for Mr. Smyth. Irish nationalists are still denied due process as Jimmy Smyth was during his trial before a bigoted non-jury court in Northern Ireland. To extradite Jimmy Smyth would be viewed by Irish Nationalists as support for this British system of injustice, torture, and no due process.

Mr. President, you have done more for the nationalist people of Ireland than any President in recent history. You were right to follow your conscience and your own promise when you granted a visa to Gerry Adams against the advise of some administration officials. You were right to end the censorship and take a risk for peace. You would be right again to keep your promise and stop the extradition of Jimmy Smyth at least until he has had an asylum hearing. Thank you for your consideration on this critical issue.

Sincerely Yours,

Dan O'Kennedy
Daniel P O'Kennedy, National President, I.A.U.C.

Working For Peace With Justice In A United Ireland

Wetzel, M. Jeanne

From: Peters, Mary A.
To: Kessinger, Jodi; Wetzel, M. Jeanne
Cc: /R, Record at A1
Subject: Possible Conference Call [UNCLASSIFIED]
Date: Tuesday, August 20, 1996 9:31AM

Jeanne,
NES does need to see the fax from Noreen Walsh. She needs to decide whether to do the conference call- I don't know whether she committed to do it or not. If she does, she should be aware that the group will be pressing for some action to "compensate" for the Smyth extradition -- some leniency either on the other three extraditees or on the 8 deportees.

TO MAF
Can you talk to
Noreen? I don't know
if a conf. call is a
good idea since I've
already told them zll.
we don't have a "bld"
strike.

NS -
shall I schedule
the conf call?
yes
no



Irish american unity conference

National Office:
National Press Building
 529 14th Street N.W., Suite 837
 Washington, D.C. 20045
 1-800-947-4282
 Phone: 202-662-8830
 Fax: 202-662-8831

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TO: Nancy Soderburg
 National Security Council

FROM: Noreen Walsh
 IAUC National Vice President

DATE: August 20, 1996

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Stephen A. Somerstein, Esq.

Fr. Desmond Wilson, Director
 Springhill Community House

I received a call last night from Frank Durkan who had just spoken with Bruce Morrison. They strongly feel a decisive stroke must be made by the White House. If possible, he's asking for a conference call. We discussed some names but aren't sure if you want so many; please feel free to edit.

Bruce Morrison	202-408-2587
Frank Durkan	212-571-7100
Brian O'Dwyer	212-571-7100
Noreen Walsh	201-235-5368
Joc Jameson	212-777-6040
Pat Doherty	212-669-2651
Bob Linnon	802-228-6083
Andy Somers	608-276-8397
Larry Downs	212-406-0110
Martin Galvin	718-992-1400
Dan O'Kennedy	313-464-4119
Padraig O'Kennedy	714-751-3989

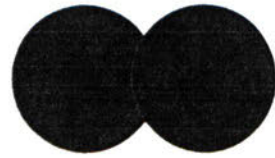
Aside from Wednesday (11:30-1:30) for a DNC conference call, I believe most of these people if told, would make time at your convenience.

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

4837
REDO

August 5, 1996



ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALEXANDER VERSHBOW/ALAN KRECZKOW *AK*
FROM: MARY ANN PETERS/JOHN SPARKS *JS*
SUBJECT: Smyth Extradition Case

Attached at Tab A is your information memorandum to the President advising him that we expect Secretary Christopher to sign the extradition warrants for Smyth within a few weeks. The memo describes the background of the case and the likely reaction of the Irish-American community.

RECOMMENDATION

That you sign the memo to the President at Tab A.

Attachment

Tab A Information Memorandum to the President

~~CONFIDENTIAL~~

Reason: 1.5b

Declassify On: 8/2/06

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *N* NARA, Date *1/4/16*

2011-0358-F

THE WHITE HOUSE
WASHINGTONDECLASSIFIED
PER E.O. 13526

2011-0355-F (3.69)

KGM 4/11/2023

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
JACK QUINN
JOHN HILLEY

SUBJECT: James Smyth Extradition Case

The Secretary of State is currently reviewing the extradition case of James Smyth, a suspected IRA member who escaped from prison in Northern Ireland while serving a sentence for attempted murder. We expect the Secretary to sign the warrants for Smyth's extradition within the next several weeks. This case is controversial within the Irish-American community and the paragraphs that follow provide you additional background.

Background

In December 1978, James Smyth, who is from Northern Ireland, was convicted and sentenced to twenty years in prison by a "Diplock court" (no jury) for the attempted murder of a prison guard. In 1983, he was one of 38 prisoners who escaped from the Maze prison in Belfast. Smyth made his way to the United States in 1984 and was apprehended in San Francisco in 1992 on passport fraud charges. Pursuant to a bilateral extradition treaty, the United Kingdom filed a formal request for Smyth's extradition.

In September 1994, a district court rejected Smyth's extradition, finding that Smyth, if returned, would be punished by reason of his religion and political opinions. The Court of Appeals for the Ninth Circuit reversed this decision, and on June 24, 1996, the Supreme Court denied certiorari. On July 2 the district court issued Smyth's certification of extraditability. Subsequent legal efforts by Smyth to delay his extradition, including a request to reopen his deportation proceeding, have been unsuccessful.

With all existing judicial barriers to extradition removed (although Smyth could still file a habeas petition), the decision

~~CONFIDENTIAL~~

Reason: 1.5(b)

Declassify On: 08/06/06

cc: Vice President
Chief of Staff

shifts to the Secretary of State who, by law, has sixty days from the certification of extraditability to decide whether to surrender Smyth. While there is some ambiguity, the State Department believes the sixty days runs from July 2 in this case. It has been decades since a Secretary of State decided against surrendering a fugitive found extraditable by the courts.

Reaction of Irish-American Community

There will be a negative reaction in the Irish-American community when Smyth is extradited; you will be criticized for reneging on your 1992 campaign promise that there would be "no more Joe Dohertys." (Doherty is an IRA member convicted of murdering a British soldier in 1980. He was subsequently apprehended in the United States and the UK requested his extradition. In December 1984, the district court held that Doherty was not extraditable because his crime fell within the political offense exception to the then existing treaty between the United States and UK. The Reagan Administration resumed the deportation proceedings that had been initiated at the time of Doherty's arrest; the Bush Administration finally succeeded in deporting Doherty to the UK in 1992.) There was an uproar in the Irish-American community over the decision to "end-run" the judicial process by deporting Doherty to the UK after the court had denied extradition. In contrast, Smyth has been found extraditable by the courts, but that distinction will not be persuasive to those opposed to extraditing him.

We have received a number of letters, including from Members of Congress, and a number of phone calls on the Smyth case. They argue that Smyth's life will be in danger if he is returned to Northern Ireland. He will be returned to prison for the remaining years of his sentence, however, and there is no reason to believe he will not be safe there.

Some Irish Americans will argue that rather than extraditing Smyth now, we should have allowed him to stay in the United States pending completion of his deportation proceedings. However, to do so would set the precedent of granting persons facing extradition the additional right to conclude deportation hearings. That would add years and expense to an already lengthy extradition process. In addition, the U.S.-UK extradition treaty is unique in that it allows, during an extradition hearing, litigation of generally the same issues that would be litigated in an asylum determination. Thus, Smyth has already had an opportunity to be heard on these issues.

In a few extradition cases the Secretary of State has sought and received certain assurances from the requesting government regarding the treatment that a fugitive will receive upon his

return. We explored whether that would be appropriate in this case and concluded it was not. However, in announcing the decision to extradite Smyth, we plan to make a statement expressing the hope that the British will consider granting him partial credit for time served in U.S. prisons in the context of any future decision to reduce the sentences of IRA prisoners. Reducing the effective sentences of IRA prisoners or easing conditions of their incarceration is one of the confidence-building measures HMG could take in response to or leading up to a new IRA cease-fire.



Irish
american
unity
conference

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8

FAX COVER SHEET

FAX NUMBER: _____

TO: Nancy Lodenberg

FROM: Muala Noone / Noreen Walsh

PHONE NUMBER OF SENDER: _____

NUMBER OF PAGES 2

8/20

TO Mary
who is McManus
referring to

YES -
I don't know -
I wondered the
same. (Maybe
Justice O'Connor
who turned
down his appeal
at the circuit
level?)



Irish National Caucus
Capitol Hill • 413 E. Capitol St., SE
Washington, D.C. 20003-3810
Tel. (202) 544-0568 • Fax (202) 543-2491

NEWS RELEASE

ATTENTION: NEWS DIRECTOR

Contact:

Fr. Seán McManus
Phone (202) 544-0568

Jimmy Smyth: Clinton's Second Flip-Flop Some Gutless Irish-Americans Share Blame

Washington, D.C., August 19, 1996 -- The President of the Irish National Caucus, Fr. Sean McManus, has issued a blistering statement in which he not only condemns President Clinton for the extradition of Jimmy Smyth but also "some gutless Irish-American leaders who share the blame." Fr. McManus said:

"Once President Clinton flip-flopped on the MacBride Principles I knew we could no longer trust him on the Irish issue.

Unfortunately some Irish-Americans shamelessly rushed to condone and cover up Clinton's betrayal on the MacBride Principles. They sold out the MacBride Principles just to be considered White House 'insiders.' But in doing so they signaled to the White House that it was O.K. to keep on betraying Irish promises. They thus, also, sold out Jimmy Smyth, making his extradition inevitable. I now do not want to see any crocodile tears or hypocritical statements from these same Irish-Americans.

I am disgusted with President Clinton for his betrayal of both the MacBride Principles and of Jimmy Smyth. But I'm equally disgusted with those Irish-Americans who conspired in this betrayal."

Jimmy Smyth regularly telephoned Fr. McManus. His last call was on Friday, July 16 1996. "Jimmy, as always, was up-beat. But he always knew he couldn't depend on Clinton," said Fr. McManus.

~~CONFIDENTIAL~~

✓ 8

To: Mr. Lake

From: Mary Ann Peters

Subj: Smyth Extradition

DECLASSIFIED
PER E.O. 13526

2011-0355-F (3.70)

KBH 4/11/2023

Peter Westmacott of the British Embassy has transmitted a response from London to your conversation with DCM David Logan last week. Apparently British law (the 1953 Prisons Act) prohibits NIO officials from granting credit for time served abroad except in exceptional circumstances. (State had told us something different -- that the authority to grant credit for time served exists in the UK but is not routinely used.) The British law was tested by Joe Doherty, who lost his appeal for credit for time served here. If there is much interest in our desire to see Smyth eventually get credit for time served, HMG could be obliged to point out that there is little scope under British law for this to happen. Therefore, it could prove embarrassing to make the planned statement.

I think we should explore another option. HMG has said that Smyth will not be penalized by losing eligibility for remission (parole) if/when he is extradited. That means that, having done 5 years of a 20-year sentence when he escaped, he will be eligible for release when he was completed another 5 years, or 50% of the original sentence. I was also surprised to learn that HMG has decided not to prosecute Smyth for jailbreaking. The other escapees who were recaptured right after the 1983 breakout were tried and convicted of various offenses related to the escape, which added 3-8 years to their sentences. Smyth will also be given a choice of whether to be returned to the Maze or sent to another prison.

While we cannot imply that we made some kind of "deal", we can point to the British decisions as evidence that Smyth is being treated quite generously. We can also point out that "even" Ireland extradited those Maze escapees captured in Ireland back to the UK. (A couple of those who escaped with Smyth were not extradited, however, due to incompetence or mistakes in court proceedings.)

J Smyth

Jimmy Smyth's Final Statement

"I leave this country full of thanks for the spirit and independence of the American people. Just as they have countless times in the past, they put aside the pro-British prejudices of their leaders and asked their own questions about human rights in Ireland. The conclusions they drew were obvious by their actions. The American people sheltered me, supported me, fought for me, and prayed for me. They have kept faith with another generation of Irish people who looked to them for sustenance in the long struggle for justice.

I must also thank those people in public life who have supported my fight, and Ireland's fight, sometimes at considerable political risk. The list is too long to mention everyone, but I must in particular thank Willie Brown, the Mayor of San Francisco, Kevin Shelley and the rest of the [San Francisco] Board of Supervisors, Congresspersons Tom Lantos, Pat Schroeder and Nancy Pelosi, and dozens of others. They all showed the same spirit and belief in justice as the people who elected them.

Unfortunately, the further up the political ladder we climbed, the less the voice of the people was heard. The closer to the White House we climbed, the less concern we found for justice, and more concern we found for political gain and for the feelings of an ally condemned throughout the world for the abuse of human rights. The more concern we found for the problem of trying to get people to forget the empty promises of election campaigns. President Clinton once promised Irish-Americans that there would be no more Joe Dohertys. The plane which takes me back to a British prison is evidence of the value of that promise.

I am returning to a country I left unwillingly 12 years ago. Unfortunately, little has changed. A foreign army is still on the streets. Loyalist gunmen still dictate British policy and back it up with British bullets. Justice is still just a dream. I am under no illusions about what I face. There are many who will seek revenge against me because I spoke the truth about Ireland. But I promise the American people that some day I will rejoin you as a friend in freedom. Until then, I will never forget you."

*To R
MPP
Sji*

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

July 30, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK*

FROM: JOHN SPARKS *JS*

SUBJECT: Jimmy Smyth Extradition Proceedings

The President continues to receive letters from Members of Congress regarding the extradition case of Jimmy Smyth. The response for your signature to Representative Torricelli is the standard reply we have been sending concerning Smyth.

Concurrence by: Mary Ann Peters *MP* and Bill Danvers *BD*

RECOMMENDATION

That you sign the letter at Tab I.

Attachments

Tab I Letter to Representative Torricelli
Tab II Incoming Correspondence

T
A
B
I

THE WHITE HOUSE

WASHINGTON

Dear Representative Torricelli:

On behalf of the President, I am replying to your letter concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that we will conduct a thorough examination of this case.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Robert G. Torricelli
House of Representatives
Washington, D.C. 20515-3009

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5229

WASHINGTON OFFICE:
1026 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3008
202-225-5061DISTRICT OFFICES:
COURT PLAZA
25 MAIN STREET
HACKENSACK, NJ 07601
201-646-111114A PATH PLAZA
JERSEY CITY, NJ 07308
201-222-8100

COMMITTEES:

INTERNATIONAL RELATIONS

RANKING MEMBER: SUBCOMMITTEE ON WESTERN
HEMISPHERE

SELECT INTELLIGENCE

Congress of the United States

House of Representatives

Washington, DC 20515-3009

July 23, 1996

The Honorable William Clinton
President
The White House
Washington, D.C. 20500

Dear Mr. President:

I have been concerned over the recent refusal of the U.S. Supreme Court to undertake a review of Jimmy Smyth's case. As I am sure you are aware, Mr. Smyth is known as a member of the "H-Block 4" and is currently threatened with extradition to British custody. A final review will be made by Secretary of State Christopher, and I would ask you to take a personal interest in this matter.

With the renewed violence taking place in Northern Ireland in recent weeks, I believe it is unconscionable to force Mr. Smyth to return to an unstable situation. In fact, the Northern District Court of California has recognized that the safety of Republican prisoners cannot be guaranteed by their guards. As such, it is almost certain that Mr. Smyth's life will be placed in jeopardy if he is made to return to Northern Ireland.

If Mr. Smyth's extradition is sanctioned by Secretary Christopher, your explicit statement to the effect of wanting to avoid any more "Joe Dohertys" will be directly countermanded. In addition, the already fragile peace process will suffer tremendously as the nationalist community in Northern Ireland becomes continuously discouraged.

Mr. President, your impeccable record on issues of human rights throughout the world should not be marred by refusing to consider Mr. Smyth's case. He has sought refuge in this country from persecution and the injustice of the British legal system. We cannot, in good conscience, refuse to show him the mercy that is our most noble attribute as a nation.

Sincerely,

ROBERT G. TORRICELLI
Member of Congress

RGT:mc

THE WHITE HOUSE
WASHINGTON

July 26, 1996

MEMORANDUM FOR ANDREW SENS

FROM: SUSAN BROPHY

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Attached are copies of correspondence sent to the White House from members of Congress. Since these letters relate to national security issues, I would appreciate your assistance in drafting responses.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following is a brief description of each letter:

- 1) Rep. Robert Torricelli (D-NJ), concerning the extradition of Jimmy Smyth to Great Britain;
- 2) Rep. Pete Geren (D-TX), concerning Mr. Garold M. La Rue's letter on the seizure of his family farm in Nicaragua; and
- 3) Rep. Bruce F. Vento (D-MN), concerning adequate refugee funding.

Enclosures.

→ \$
To Alan
John - anything here? How do
we answer
his deputy
st?

MEMORANDUM

ms
July 26, 1996

To: Nancy Soderberg

From: Bruce A. Morrison *BAM*

Subject: Extradition of Jimmy Smyth

As you know, you and members of your staff have asked me for information and input regarding the pending decision which the Secretary of State will be required to make regarding the extradition of Jimmy Smyth to the United Kingdom. Since I have had conversations with you and several other Administration officials on this matter, at their request, I believe it is helpful to summarize my input on the pending decision in a short summary written form. (My involvement in this issue has been solely in response to requests for input and information. This submission is made on my own behalf, pursuant to these requests, and not on behalf of any group or other individual.)

The Problem

The issue has nothing to do with Jimmy Smyth and his individual desires. Rather, the Administration is faced with deciding on whether to execute an extradition order when the following situation exists:

1. Smyth has exhausted his legal rights in the courts regarding extraditability, but the Secretary of State has full discretion as to whether, on humanitarian grounds or otherwise, to decline extradition.
2. Smyth is currently in custody under a sixty-day statutory requirement, at the end of which he may seek release from custody, which, if granted, may place the government in the position of having to relitigate extraditability from scratch.
3. Smyth has a pending application for asylum and withholding of deportation in a deportation proceeding pending before an immigration judge which was initiated by the government. The government has resisted scheduling of a hearing on this application and, the immigration judge has therefore declined to schedule such a hearing.
4. There is a credible legal claim that a grant of withholding of deportation in deportation proceedings may trump the authority to extradite. At the very least, the existence of such an order, which would arise under the statute which implements the U.S. treaty obligation of nonrefoulement, would provide a strong reason for the Secretary of State to consider declining to execute an extradition warrant.

5. Recent known and suspected terrorist events directed at American citizens makes very sensitive any decision which appears to reward a convicted individual branded a "terrorist" by the United Kingdom.
6. The U.S. commitment to broad extradition rights and the frequent U.S. exercise of such rights argue against any interference with the routine execution of extradition orders against those found extraditable by the courts.
7. When Joe Doherty was deported to the United Kingdom by the Bush Administration, a major criticism of the decision was that he was never permitted the opportunity to present his claims for asylum and withholding of deportation (as a result of an Attorney General's decision overruling the Board of Immigration Appeals, subsequently upheld by the Supreme Court).
8. If Smyth is returned to the United Kingdom without an opportunity to pursue his claim for withholding of deportation, which may well, as a matter of law or discretion, trump the order of extradition, this will be seen as a "new Doherty case."
9. The tense situation in Northern Ireland and the continuing difficulty in restoring the IRA ceasefire and maintaining the loyalists' ceasefire, argues strongly against injecting the return of a "Republican prisoner" to the United Kingdom at this time.
10. Time is not of the essence in resolving this matter except for the existence of the sixty-day clock.

Place +
John
anything
to this?

The Solution

The solution should accomplish the following purposes:

1. Smyth should get his "day in court" on his claim for withholding of deportation. ?
2. The decision should be credibly explainable as based on the most fundamental of U.S. principles, the rule of law. The delay is to assure that Mr. Smyth is permitted to exhaust his credible legal claims prior to execution of the extradition order.
3. Expedited consideration of the withholding claim, including appeals, should be agreed between the government and Mr. Smyth, such that it can be successfully requested of the immigration judge, the Board of Immigration Appeals, and the 9th Circuit Court of Appeals, if necessary.

In order to achieve this outcome, two simple steps must be taken:

1. The INS must go back to the immigration judge, in concert with Mr. Smyth's

immigration attorney, and request the prompt scheduling of a hearing on the withholding of deportation claim.

- 2.a. The government must agree, in the context of the current pending stay petition before the circuit justice, Justice O'Connor, or otherwise, that the order of extradition be stayed pending the deportation proceeding; or
- 2.b. In the alternative, an agreement could be reached between the government and Mr. Smyth's attorney that the government would not execute the extradition order and that Mr. Smyth would not seek release from custody at the expiration of the sixty-day time limit, except to the extent that the release did not undo the final judgment of extraditability.

If steps 2.a. or b. are taken, there is no time pressure on the Secretary of State despite the absence of any implementation of step 1. However, if an explanation of delay is required, step 1 provides the basis to say that the decision is required to provide an opportunity to exhaust due process rights, not "to appease pro-terrorist Irish-American pressure groups seeking to block compliance with the extradition treaty with our closest ally." Furthermore, the opportunity to pursue the withholding of deportation remedy creates closure on this issue, which unfocused delay through option 2.b. does not.

Conclusion

The President committed in April 1992 to "let the courts decide" in a future Doherty-like case. If Smyth goes back without his withholding of deportation hearing, it can credibly be claimed that he was sent back before "the courts decide[d]" fully whether he should be. As a matter of high principle, giving him this hearing is the right thing to do. As a matter of politics, it is the right thing to do.

I would be pleased to discuss this issue further with you or any member of the Administration with respect to either the legal or policy issues. I hope that you find this input helpful.

PRIORITY

~~CONFIDENTIAL~~
WHITE HOUSE SITUATION ROOM

PAGE 01

PRT: SODERBERG

SIT: PETERS SUM2

SIT: NSC

<PREC> PRIORITY <CLAS> ~~CONFIDENTIAL~~ <DTG> 251731Z JUL 96

FM AMEMBASSY LONDON

TO RUEHC/SECSTATE WASHDC PRIORITY 5014

INFO RUEAWJA/DEPT OF JUSTICE WASHDC

RUEHLOB/AMCONSUL BELFAST 9178

RUEHDL/AMEMBASSY DUBLIN 4883

~~CONFIDENTIAL~~ LONDON 009068

DECLASSIFIED
PER E.O. 13526

2011-0355-F (3.71)

KSH 4/11/2023

NSC FOR SODERBERG AND PETERS

DEPT FOR EUR/UBI AND L/LEI

E.O. 12958: DECL: 07/25/01

TAGS: PREL, UK, EI

SUBJECT: NORTHERN IRELAND: SMYTH EXTRADITION CASE

REF: A) SECSTATE 153163 B) LONDON 8885

1. (U) CLASSIFIED BY: MICHAEL J. HABIB, MINISTER-COUNSELOR
FOR POLITICAL AFFAIRS. REASON: 1.5(B) AND (D).

2. (✓) NORTHERN IRELAND OFFICE (NIO) ASSISTANT SECRETARY
JONATHAN STEPHENS INQUIRED ABOUT THE STATUS OF THE SMYTH AND
RELATED EXTRADITION CASES IN A JULY 25 MEETING WITH
POLMINCOUNS. ALTHOUGH HOME SECRETARY MICHAEL HOWARD DID NOT
RAISE THE EXTRADITION CASES IN HIS MEETING WITH THE AMBASSADOR
THE PREVIOUS DAY, STEPHENS INDICATED THAT HOWARD MAY NOTE
BRITISH INTEREST IN THE MATTER WHEN HE MEETS WITH ATTORNEY
GENERAL RENO ON THE MARGINS OF THE JULY 30 P-8
COUNTERTERRORISM MINISTERIAL IN PARIS.

3. (✓) DRAWING ON TALKING POINTS IN REF A, WE SAID THE
EXTRADITION REQUEST IS BEING HANDLED ACCORDING TO STANDARD
PROCEDURES AND NOTED THE SECRETARY OF STATE HAS YET TO MAKE A
DETERMINATION ON THE SURRENDER WARRANT. AT THE SAME TIME, WE
REASSURED STEPHENS THAT THE U.S. INTENDS TO ABIDE FULLY BY ITS
COMMITMENTS UNDER OUR BILATERAL EXTRADITION TREATY.

4. (✓) STEPHENS WELCOMED THAT REASSURANCE, SAYING THE BRITISH
EMBASSY HAD PICKED UP SOME WORRYING INDICATIONS THAT THE
DECISION MAY BECOME "POLITICIZED." CROWE

<^SECT>SECTION: 01 OF 01

<^SSN>9068

<MSGID> M2331023

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

4963

July 23, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK*
FROM: JOHN SPARKS *JS*
SUBJECT: Jimmy Smyth Extradition Proceedings

The President continues to receive letters from Members of Congress and the American-Irish community regarding the extradition case of Jimmy Smyth. The responses for your signature are the standard reply we have been sending concerning Smyth and other "H-Block" escapees.

Concurrence by: Mary Ann Peters *MAP/aw* and Bill Danvers *LCD*

RECOMMENDATION

That you sign the letters at Tabs I and II.

Attachments

Tab I Letters to Representatives Pelosi and Zimmer (4987, 4986)
Tab II Letter to Brian Murphy O'Flynn (4963)
Tab III Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

Dear Representative Pelosi:

On behalf of the President, I am replying to your letter ~~concerning~~ ^{regarding} the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that we will conduct a thorough examination of this and the three other cases.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Nancy Pelosi
House of Representatives
Washington, D.C. 20515-2601

THE WHITE HOUSE

WASHINGTON

Dear Representative Zimmer:

On behalf of the President, I am replying to your letter ~~concerning~~^{regarding} the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that we will conduct a thorough examination of this and the three other cases.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Dick A. Zimmer
House of Representatives
Washington, D.C. 20515-3012

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II

THE WHITE HOUSE

WASHINGTON

Dear Mr. O'Flynn:

On behalf of the President, I am replying to your letter ~~concerning~~ ^{regarding} the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that we will conduct a thorough examination of this and the three other cases.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

Mr. Brian Murphy O'Flynn
Construction, Inc.
736 Clemantina Street, Suite 300
San Francisco, California 94103

T
A
B

III

NANCY PELOSI
8TH DISTRICT, CALIFORNIA

2457 RAYBURN BUILDING
WASHINGTON, DC 20515-0508
(202) 225-4965

DISTRICT OFFICE:
FEDERAL BUILDING
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102-3460
(415) 556-4862

Congress of the United States
House of Representatives
Washington, DC 20515-0508

July 11, 1996

COMMITTEE ON APPROPRIATIONS

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HUMAN SERVICES-EDUCATION

FOREIGN OPERATIONS, EXPORT FINANCING
AND RELATED PROGRAMS

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RANKING MEMBER,
SUBCOMMITTEE ON TECHNICAL AND
TACTICAL INTELLIGENCE

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT

CONGRESSIONAL WORKING
GROUP ON CHINA, CHAIR

AT-LARGE WHIP

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Thank you for your leadership in promoting the peace process in Northern Ireland. To that end, I am writing to request your personal attention to halting the exportation or deportation of Jimmy Smyth.

As you know, Mr. Smyth was convicted in 1978 in Belfast for the attempted murder of an off-duty prison official. He escaped from jail in 1983 and has been living and working under an assumed name in San Francisco.

There are serious questions about the safety and well-being of Mr. Smyth should he be extradited. The Northern District Court of California recognized this danger when it denied Britain's extradition request for Mr. Smyth, noting in its decision, "evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and place of the release of Republican prisoners into the general population so that the former prisoners could be targets of politically motivated violent attacks." It is my understanding that the Ninth Circuit Court of Appeals did not disagree that Smyth's life would be threatened if returned to the north of Ireland.

Mr. President, on behalf of my constituents, thank you for your firm commitment to the pursuit of peace in Northern Ireland. You are now the last resort for Mr. Smyth. I urge you to delay the extradition or deportation of Jimmy Smyth and the other "H-Block 4" men, Kevin Artt, Terence Kirby, and Pol Brennan, who came to the United States to escape human rights violations and persecution in Northern Ireland.

Thank you for your attention to this important issue.

best regards,

Nancy

NANCY PELOSI

NP:cb

4987

96 JUL 15 P3:20

THE WHITE HOUSE

WASHINGTON

July 17, 1996

MEMORANDUM FOR ANDREW SENS
NSC Executive Secretariat

FROM: SUSAN BROPHY *SB*

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following are brief descriptions of the letters:

- 1) Rep. Robert Torricelli (D-NJ), advocating political asylum for several Cubans at Guantanamo Base;
- 2) Rep. George Miller (D-CA), praising Dr. Baker's conduct as head of the U.S. delegation at the International Whaling Commission;
- 3) Rep. Dick Zimmer (R-NJ), opposing extradition of Jimmy Smyth to England;
- 4) Rep. Nancy Pelosi (D-CA), opposing extradition of Jimmy Smyth, and others, to England;
- 5) Rep. Joseph Kennedy (D-MA), urging extradition of Emmanuel Constant to Haiti;
- 6) Senators Trent Lott (R-MS), Frank Murkowski (R-AK), Jesse Helms (R-NC), et al, concerning various issues related to the U.N. Convention on Climate Change;
- 7) Sen. Barbara Mikulski (D-MD), advocating tighter sanctions against Sudan;
- 8) Rep. Curt Welton (R-PA), concerning the tensions between India and Pakistan.

Attachments.

4986

Congress of the United States
House of Representatives
Washington, DC 20515

July 12, 1996 96 JUL 15 P3:20

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing to express serious concern over the United States Supreme Court's refusal to review the case of Jimmy Smyth. The court's inaction paves the way for Mr. Smyth to be extradited back to Britain. With no further possibility for appeal, only Secretary of State Warren Christopher can stop Mr. Smyth's extradition.

There is reason to believe that Mr. Smyth's life may be in danger if he is returned to Northern Ireland. The U.S. District Court of the Northern District of California stated in its 1994 decision that it "was concerned about evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and release of Republican prisoners into the general population so that former prisoners could be targets of politically motivated violent attacks." Even the Ninth Circuit Court of Appeals did not disagree that Smyth's life would be threatened if returned to Northern Ireland.

Mr. President, several years ago you correctly called for the British government to introduce more effective safeguards against the "wanton use of lethal force" by security forces. You also demanded action to stop the "collusion between the security forces and Protestant paramilitary groups." If Smyth's extradition is approved by Secretary of State Christopher, it will be a repudiation of your pledge to the Irish American community in 1992 that there will be "No More Joe Dohertys." Furthermore, Mr. Smyth's return may threaten the delicate peace process in Northern Ireland. For all these reasons I urge you to instruct Secretary Christopher to block the extradition.

Sincerely,


Dick Zimmer
Member of Congress

THE WHITE HOUSE
WASHINGTON

July 17, 1996

MEMORANDUM FOR ANDREW SENS
NSC Executive Secretariat

FROM: SUSAN BROPHY *SB*

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

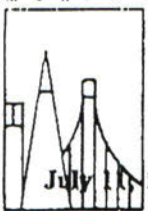
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The following are brief descriptions of the letters:

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- 2) Rep. George Miller (D-CA), praising Dr. Baker's conduct as head of the U.S. delegation at the International Whaling Commission;
- 3) ~~Rep. Dick Zimmer (R-NJ)~~, opposing extradition of Jimmy Smyth to England;
- 4) Rep. Nancy Pelosi (D-CA), opposing extradition of Jimmy Smyth, and others, to England;
- 5) Rep. Joseph Kennedy (D-MA), urging extradition of Emmanuel Constant to Haiti;
- 6) Senators Trent Lott (R-MS), Frank Murkowski (R-AK), Jesse Helms (R-NC), et al, concerning various issues related to the U.N. Convention on Climate Change;
- 7) Sen. Barbara Mikulski (D-MD), advocating tighter sanctions against Sudan;
- 8) Rep. Curt Welton (R-PA), concerning the tensions between India and Pakistan.

Attachments.

MURPHY



O F L Y N H
Nancy Sodaberg
Assistant to Tony Lake
National Security Adviser

Dear Ms. Sodaberg,

I would like am writing to express my deep concern about the immanent extradition of Jimmy Smyth to Northern Ireland. He is one of the four pending extradition cases of the men collectively known as "The H-Block Four." I am greatly troubled that, given the overwhelming evidence, his life will be endangered if he is extradited.

It is widely recognized that the legal system in Northern Ireland has a badly tarnished record with regards to the fair detention and trial of Catholics and those who promote a united Ireland. It is also generally agreed that Smyth's original trial did not meet internationally recognized safeguards for a fair judicial process. The judicial process under which he was tried and imprisoned would not even be acceptable in England. After a careful review of the evidence and testimony the US District Court in San Francisco held that Smyth, because of his nationality and political opinions, could be killed by British security forces, British paramilitary "death squads" or prison officials if sent back to Belfast.

In addition, the Extradition Treaty between The USA and Great Britain specifically bars extradition if a fugitive's trial would be prejudiced or if he would be punished based on "race, religion, nationality or political opinions." Given the independent evidence of torture and unlawful killings in Northern Ireland the extradition of Smyth back to Northern Ireland would also be a violation of the United Nations Treaty against torture which has been ratified by the United States.

The extradition of Jimmy Smyth to Northern Ireland at this time clearly contradicts the constitutional mandate of the United States to promote democracy, individual liberty and a free and fair judicial process. It is important to recognize that "The Troubles" in Northern Ireland were born in 1968 as a violent reaction by police to a non-violent civil rights demonstration inspired in part by our own American civil rights movement. Today's newspaper report of Protestant sectarian violence bears witness to the real current dangers that waits for Smyth should he be extradited.

While in this country, Mr. Smyth has cooperated fully with the judicial process in this country and demonstrated his trustworthiness in keeping to the conditions of his release on bail. I ask you to do all within your power to seek to delay the extradition of Jimmy Smyth until such time as conditions have materially and verifiably improved in Northern Ireland consistent with the application of civil and human rights and fair judicial process.

Sincerely,



Brian Murphy O'Flynn

Please
stabb to
Peters and
Kreczko.

cc: Soderberg
Kessington

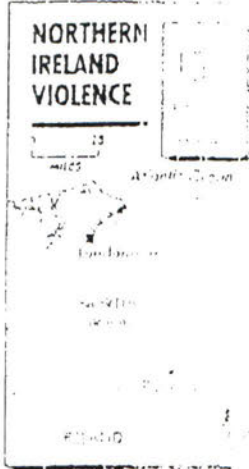
4963
CONSTRUCTION, INC.

736 Clementina Street, Suite 300
San Francisco, California 94103

415-626-7845

FAX 415-626-7848

License # 631713



In Belfast It's Like a Rerun of the Bloodiest Years

First of 1,000 British troops arriving in Northern Ireland

By Sharon Penick
Associated Press

Belfast

The first contingent of British troops Britain is sending to Ireland in response to a rash of violence flew into Belfast.

About 80 men of the Parachute Regiment landed from a transport plane at 11 a.m.

A four-day showdown between the Orange Order, a Protestant, pro-British fraternal organization, and police during a march through a Catholic enclave has caused a rash of British-ruled province.

The rest of the 1,000 troops due to fly in by Sunday. The extra forces will bring 18,600, the highest since 1969.

Tuesday night saw the first part of a Belfast riot. A fire, the home of a Catholic, was attacked with machine guns. Belfast and gunfire were reported from a nearby town.

attacks on auto showrooms by Protestant gangs.

Elsewhere Tuesday night, police reported Protestant rioting in three towns near Belfast. Police fired plastic bullets to drive off protesters attacking them with gasoline bombs and rocks.

"It is as though someone has turned back the clock, and we're seeing a rerun of what happened in the province 26 years ago," said the Rev. Roy Magee, a Presbyterian minister.

Since Sunday, the largely Protestant police force has blocked the Orangemen from marching through a Catholic neighborhood in the town of Portadown, sparking unrest throughout the province.

Catholic leaders in Portadown, 25 miles southwest of Belfast, are adamant about not permitting the march.

Most of the violence so far has been between Protestants. Prospects for direct clashes with Catholics will rise when Protestants gather around their traditional "Eleventh Night" bonfires today. The highlight of the Orangemen's calendar comes tomorrow — the "Twelfth" — ceremonies that commemorate 17th century victories over Catholics.

ry victories over Catholics.

"I dread the Twelfth," said Margaret Walker, a Protestant who lives in west Belfast. "The Orangemen are going to demand to walk down that road. Friday will be their D-Day."

More than 50 police officers have been wounded while trying to contain riotous Protestants since Sunday, when police began to block the Orangemen's march through Portadown's Catholic enclave along Garvaghy Road.

At least 10 civilians have been wounded and 90 arrested during mob attacks on police and firefighters, cars and businesses. Catholic homes and church buildings.

At Drumcree Anglican Church, north of Portadown, where police halted the march Sunday, an estimated 10,000 Orangemen stood off against more than 1,000 riot police backed by another thousand troops.

Soldiers erected a second line of barbed wire as Orangemen taunted them with shouts of "Gerry Adams' puppets." Adams leads the IRA-allied Sinn Féin party, which has helped organize Catholic opposition to Orange matches.



Police took a protester into custody after the third night of Protestant rioting in and around Belfast.

AMNESTY INTERNATIONAL

ON CONDITIONS IN NORTHERN IRELAND

*An 1994 Amnesty International report entitled "No Peace Without Respect for Human Rights in Northern Ireland" counts mounting evidence of collusion between government forces and groups like the (Protestant) Ulster Defence Association [UDA] that oppose any change in Northern Ireland's status quo... In the report, Amnesty International details possible concealment of unlawful killings by the army and the Royal Ulster Constabulary [RUC], and allegations that the security forces have been one-sided in protecting the population from paramilitary violence and terror — exposing the Catholic minority to random attacks from Loyalist "death squads" even in areas usually ringed by security cordons.

*AI has reported that in trials in Northern Ireland it was shown that the police investigations did not result in the truth becoming known, either because the army refused to cooperate, or because police officers had falsified or concealed information.

*An Amnesty International Commission found that persons arrested under the "Special Powers Act" had been subjected to brutal treatment by the security forces during arrest and transport.... There were cases where suffering had been inflicted on those arrested to obtain from them confessions or information." [i.e. torture.]

*Amnesty International has observed that because of some procedures and rules of evidence, Northern Ireland's courts may have convicted defendants who would be acquitted or perhaps not even tried in the ordinary British court system.

*Amnesty International found that "The British government has failed to establish that the procedures of both security forces and the judiciary in Northern Ireland that are satisfactory in guaranteeing the defendant's right to a fair trial."

*A long-standing concern of AI has been repeated accusations that the government has a "shoot to kill" policy in Northern Ireland. In the past repeated measures to conceal the truth contributed to what was effective immunity from prosecution, and possible impunity for murder, the report states.

*Amnesty International has concluded: that the standards for use of potentially lethal force as applied by the British in Northern Ireland are inadequate both to impose standards of behavior on security forces which prevent excessive use of lethal force and to deter excessive force.

*Amnesty International recognizes that a series of fatal shootings by security forces in Northern Ireland has given rise to serious allegations of an official policy of deliberate, planned killings of suspected members of armed opposition groups. A senior British police officer from England, John Stalker, was appointed to lead an official inquiry into the killing of six unarmed Catholic men. He concluded that police officers had conspired to pervert the course of justice and that his inquiry was officially obstructed. Upon completion of the inquiry the British government refused to make public the findings. Amnesty International concluded that "The government's decision not to make public the findings of the Inquiry lends credibility to allegations of an official policy of deliberate and planned killings..."

*Amnesty International is a universally respected, independent and impartial organization established to contribute to the international protection of human rights. Information here has been taken from various Amnesty International reports on Northern Ireland.

Dear Representative Neal:

On behalf of the President, I am replying to your letter concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that we will conduct a thorough examination of this case.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Richard E. Neal
House of Representatives
Washington, D.C. 20515

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

June 26, 1996

ACTION

MEMORANDUM FOR NANCY E. SODERBERG

FROM: MARY ANN PETERS *MA*

SUBJECT: Letter to Frank Durkan

Frank Durkan, of Americans for a New Irish Agenda, wrote to the President suggesting that Secretary Christopher delay consideration of the extradition order for Irish national Jimmy Smyth. Attached at Tab A is your suggested response on behalf of the President.

Concurrence by: John Sparks *JS*

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to Mr. Durkan

Tab B Incoming correspondence

THE WHITE HOUSE

WASHINGTON

Dear Mr. Durkan:

On behalf of the President, I am replying to your letter suggesting that the Secretary of State delay consideration of the extradition order for Irish national Jimmy Smyth. I understand that there are several steps in the judicial process yet to be taken before the District Court issues an order certifying Smyth's extraditability. The Secretary of State will make a decision on the surrender of Mr. Smyth only after a judicial finding of extraditability has been issued. Please be assured that we will examine all aspects of the case before making such a decision.

I appreciate hearing your views on these issues. I will try to arrange another conference call to discuss the peace process with key Irish Americans in the near future. At present our efforts remain focused on the restoration of the cease-fire, which is critical for the future of the peace process.

Sincerely,

Nancy E. Soderberg
Deputy Assistant to the President for
National Security Affairs

Mr. Frank Durkan
Chair
Americans for a New Irish Agenda
48 East 21st Street
12th Floor
New York, New York 10010

Americans For a New Irish Agenda

Frank Durkan,
Chair

4466

June 25, 1996

President William J. Clinton
The White House
Washington, DC 20500

Dear Mr. President :

Irish national Jimmy Smyth is now subject to extradition to Great Britain by virtue of the Supreme Court's refusal to hear his appeal.

This decision comes at a particularly sensitive time for the Northern Ireland peace process. The implementation of the order of extradition at this time may jeopardize the declaration of a ceasefire by the I.R.A. -- an event we earnestly hope will come to pass in the very near future.

This letter respectfully urges that the Secretary of State delay consideration of the extradition order, without in any way compromising on the law, to prevent Smyth from being turned over the British at this time.

Respectfully,



Frank Durkan

New York State
AFL-CIO

48 East 21st Street - 12th Floor
New York, New York 10010
(212) 777-8040
Fax (212) 777-8422

100 South Swan Street
Albany, New York 12210-1939
(518) 438-8516
Fax (518) 438-8470



EDWARD J. CLEARY
President

PAUL F. COLE
Secretary-Treasurer

PLEASE DELIVER THE FOLLOWING TO:

NAME: MARY ANN PETERS
FROM: JOE JAMISON
DATE: June 25

Total number of pages 2 including cover letter.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE
TELEPHONE NUMBER BELOW AS SOON AS POSSIBLE.

212-777-6040

PLEASE NOTE: Our Fax Number is 212-777-8422

☐ Handle	☐ As Requested
☐ Comment	☒ For your infor
☐ Recommendation	☐ Note and return
☐ Reply	☐ Per telephone conversation

REMARKS:

Congress of the United
House of Representatives
Washington, DC 20540

July 12, 1996

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing to express serious concern over the United States Supreme Court's refusal to review the case of Jimmy Smyth. The court's inaction paves the way for Mr. Smyth to be extradited back to Britain. With no further possibility for appeal, only Secretary of State Warren Christopher can stop Mr. Smyth's extradition.

There is reason to believe that Mr. Smyth's life may be in danger if he is returned to Northern Ireland. The U.S. District Court of the Northern District of California stated in its 1994 decision that it "was concerned about evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and release of Republican prisoners into the general population so that former prisoners could be targets of politically motivated violent attacks." Even the Ninth Circuit Court of Appeals did not disagree that Smyth's life would be threatened if returned to Northern Ireland.

Mr. President, several years ago you correctly called for the British government to introduce more effective safeguards against the "wanton use of lethal force" by security forces. You also demanded action to stop the "collusion between the security forces and Protestant paramilitary groups." If Smyth's extradition is approved by Secretary of State Christopher, it will be a repudiation of your pledge to the Irish American community in 1992 that there will be "No More Joe Dohertys." Furthermore, Mr. Smyth's return may threaten the delicate peace process in Northern Ireland. For all these reasons I urge you to instruct Secretary Christopher to block the extradition.

Sincerely,


Dick Zimmer
Member of Congress

NES

Assume you've seen these
2 letters. Shall we
do a short, non-
committal interim
response, & given
our plan to let
this lie till mid-
August? SV

2 LETTERS

NANCY PELOSI
8TH DISTRICT, CALIFORNIA

2457 RAYBURN BUILDING
WASHINGTON, DC 20515-0508
(202) 225-4965

DISTRICT OFFICE:
FEDERAL BUILDING
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102-3460
(415) 556-4862

Congress of the United States
House of Representatives
Washington, DC 20515-0508

July 11, 1996

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

LABOR-HEALTH AND
HUMAN SERVICES-EDUCATION

FOREIGN OPERATIONS, EXPORT FINANCING
AND RELATED PROGRAMS

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

RANKING MEMBER,
SUBCOMMITTEE ON TECHNICAL AND
TACTICAL INTELLIGENCE

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT

CONGRESSIONAL WORKING
GROUP ON CHINA, CHAIR

AT-LARGE WHIP

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Thank you for your leadership in promoting the peace process in Northern Ireland. To that end, I am writing to request your personal attention to halting the exportation or deportation of Jimmy Smyth.

As you know, Mr. Smyth was convicted in 1978 in Belfast for the attempted murder of an off-duty prison official. He escaped from jail in 1983 and has been living and working under an assumed name in San Francisco.

There are serious questions about the safety and well-being of Mr. Smyth should he be extradited. The Northern District Court of California recognized this danger when it denied Britain's extradition request for Mr. Smyth, noting in its decision, "evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and place of the release of Republican prisoners into the general population so that the former prisoners could be targets of politically motivated violent attacks." It is my understanding that the Ninth Circuit Court of Appeals did not disagree that Smyth's life would be threatened if returned to the north of Ireland.

Mr. President, on behalf of my constituents, thank you for your firm commitment to the pursuit of peace in Northern Ireland. You are now the last resort for Mr. Smyth. I urge you to delay the extradition or deportation of Jimmy Smyth and the other "H-Block 4" men, Kevin Artt, Terence Kirby, and Pol Brennan, who came to the United States to escape human rights violations and persecution in Northern Ireland.

Thank you for your attention to this important issue.

best regards,

Nancy

NANCY PELOSI

NP:cb

06 JUL 15 P3:20

4987

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

4631

July 17, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN J. KRECZKO *AK*
FROM: JOHN E. SPARKS *JS*
SUBJECT: Letters to Members of Congress, Willie Brown,
Mayor of San Francisco, and Dr. Robert Linnon re
Extradition Proceedings of Jimmy Smyth

Several members of Congress, the Mayor of San Francisco, Willie Brown and Dr. Robert Linnon from the Irish American Unity Conference, have written the President expressing concern regarding the extradition case of Jimmy Smyth.

In December 1978 James Smyth, who is from Northern Ireland, was convicted and sentenced to twenty years for the attempted murder of a prison guard. In 1983 he was one of 38 prisoners who escaped from the Maze prison in Belfast. Smyth made his way to the United States in 1984 and was apprehended in San Francisco in 1992 on passport fraud charges. Pursuant to a bilateral extradition treaty, the United Kingdom filed a formal request for Smyth's extradition.

In September 1994, the district court refused to certify Smyth's extraditability on the grounds that Mr. Smyth, if returned, would be punished, detained or restricted in his personal liberty by reason of his religion and political opinions. However, DOJ appealed and in July 1995, the Court of Appeals for the 9th Circuit reversed the district court, and Smyth sought certiorari to the Supreme Court. On 24 June 1996, the Supreme Court denied certiorari, the case was returned to the Ninth Circuit and a mandate was issued to the district court to certify Smyth for extradition. On 2 July 1996 the court denied Smyth's motion for a temporary restraining order against the Secretary of State, dismissed a complaint alleging the Government's breach of its obligations under the Torture Convention and signed the certification.

The Secretary of State has two months from the date of receipt of certification to sign the warrant of surrender for Smyth, but any further legal action by Smyth could toll this two-month clock.

To date, Smyth continues to press other legal claims regarding his extradition.

Concurrences by:

Concur
Bill Danvers, Dick Clarke, Mary Ann Peters,
Eric Schwartz, Jim Seaton, Mike Sheehan

RECOMMENDATION

That you sign the letters to members of Congress at Tab I, letter to Mayor Brown at Tab II, and letter to Dr. Robert Linnon at Tab III.

Attachments

- Tab I Letters to Members of Congress
- Tab II Letter to Mayor Brown
- Tab III Letter to Dr. Linnon
- Tab IV Incoming Correspondence

TAB I

THE WHITE HOUSE
WASHINGTON

Dear Representative Holden:

On behalf of the President, I am replying to your letter of June 24, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this and the three other cases will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Tim Holden
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

Dear Representative Lantos:

On behalf of the President, I am replying to your letter of July 3, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Tom Lantos
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Representative Manton:

On behalf of the President, I am replying to your letter of July 2, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Thomas J. Manton
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

Dear Representative King:

On behalf of the President, I am replying to your letter of July 2, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Peter T. King
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

On behalf of the President, I am replying to your letter of July 2, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. Before doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Benjamin A. Gilman
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

Dear Representative Neal:

On behalf of the President, I am replying to your letter of July 2, 1996 concerning the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Richard E. Neal
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Representative Smith:

On behalf of the President, I am replying to your letter of June 26, 1996 regarding your constituent's concern for the extradition case of Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Linda Smith
House of Representatives
Washington, D.C. 20515

TAB II

THE WHITE HOUSE

WASHINGTON

Dear Mayor Brown:

On behalf of the President, I am replying to your letter of June 26, 1996 suggesting that the Secretary of State delay consideration of the extradition order for Irish national Jimmy Smyth. The Secretary of State, as authorized by statute, will review Mr. Smyth's case before making a decision on whether or not to issue a warrant of surrender. In doing so, he will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Willie L. Brown, Jr.
Mayor of San Francisco
401 Van Ness Avenue, Suite 336
San Francisco, CA 94102

TAB III

THE WHITE HOUSE
WASHINGTON

Dear Dr. Linnon:

On behalf of the President, I am replying to your letter of June 26, 1996 concerning the extradition case of Irish national Jimmy Smyth. As you may know, litigation continues with regard to certain issues in Mr. Smyth's case. When all of these claims have been fully adjudicated, the Secretary of State, as authorized by statute, will review Mr. Smyth's case. Before making a decision on whether or not to issue a warrant of surrender, the Secretary of State will weigh the equities of the case and all relevant foreign relations considerations.

I appreciate hearing your views on this issue. Please be assured that a thorough examination of this case will be made, and that we remain committed to the success of the peace process.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

Dr. Robert C. Linnon
Irish American Unity Conference
National Press Building
529 14th Street, N.W., Suite 837
Washington, D.C. 20045

TAB IV



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

June 24, 1996

96 JUL 2 P4: 45

4653

- TIM HOLDEN
6TH DISTRICT, PENNSYLVANIA
- 1421 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5546
 - BERKS COUNTY SERVICES CENTER
633 COURT STREET
READING, PENNSYLVANIA 19601
(610) 371-9931
 - 303 MERIDIAN BANK BUILDING
POTTSVILLE, PENNSYLVANIA 17901
(717) 622-4212

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500-0001

Dear Mr. President:

I am writing to express my serious concerns about the recent refusal of the U.S. Supreme Court to review the case of Jimmy Smyth, one of the four pending extradition cases of the men known collectively as "The H-Block 4". This means that Jimmy Smyth could be extradited back into British custody at any moment. There are no appeals left. Secretary of State Warren Christopher has the final sign-off on the extradition warrant and is the only step left.

It seems clear that Mr. Smyth's life is in danger. The Northern District of California recognized this fact, stating in its decision that it was "concerned about evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and place of the release of Republican prisoners into the general population so that the former prisoners could be targets of politically motivated violent attacks." Even the Ninth Circuit Court of Appeals did not disagree that Smyth's life would be threatened if he returned to Northern Ireland.

If Smyth's extradition is approved by Secretary of State Christopher, it will be a repudiation of your pledge to the Irish-American community in 1992 that there will be "No more Joe Doherty's." Moreover, Smyth's return will present a serious impediment to the peace process in Ireland.

I appeal to you based on your record of strong support for human rights throughout the world, to stop the extradition or deportation of Jimmy Smyth, along with the other men- Kevin Artt, Terence Kirby, and Pol Brennan- who came to this country fleeing British persecution and human rights violations in Northern Ireland.

I would deeply appreciate if you would review this case and stop Mr. Smyth's extradition.

Sincerely,

Tim Holden

TIM HOLDEN
Member of Congress

Warrant

TH/bha

4653

THE WHITE HOUSE
WASHINGTON

July 2, 1996

MEMORANDUM FOR ANDREW SENS
NSC Executive Secretariat

FROM: SUSAN BROPHY SB
SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following are brief descriptions of the letters:

- 1) Christopher S. Bond (R-MO), Richard Gephardt (D-MO), James Talent (R-MO), and seven others, concerning passenger air transportation between Missouri and Japan;
- 2) Benjamin A. Gilman (R-NY), Barbara F. Vucanovich (R-NV), Robert Livingston (R-LA), and twenty-others, concerning Chinese immigrants fleeing alleged coercive population control;
- 3) Richard Armey (R-TX), Newt Gingrich (R-GA), Christopher Cox (R-CA), Robert Livingston (R-LA), Floyd Spence (R-SC), and Larry Combest (R-TX), concerning an alleged missile transfer from China to Pakistan;
- 4) Daniel K. Inouye (D-HI), Daniel K. Akaka (D-HI), Patsy T. Mink (D-HI), Neil Abercrombie (D-HI), Eni F.H. Faleomavaega (D-VI), and Robert A. Underwood (D-GU), concerning a proposal to establish a spent nuclear fuel repository on Palmyra Atoll and Midway Island; and
- 5) Tim Holden (D-PA), concerning the pending extradition cases of Jimmy Smyth, Kevin Artt, Terence Kirby, and Pol Brennan.

Attachments

TOM LANTOS
CALIFORNIA

WASHINGTON OFFICE
2217 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-3831

DISTRICT OFFICE
409 EL CAMINO REAL
SUITE 820
SAN MATEO, CA 94402
(415) 362-0300
IN SAN FRANCISCO
(415) 398-0827



Congress of the United States
House of Representatives
Washington, D.C. 20515

INTERNATIONAL RELATIONS COMMITTEE
Ranking Member
Subcommittee on International Operations
and Human Rights
Subcommittee on Western Hemisphere
GOVERNMENT REFORM AND OVERSIGHT COMMITTEE
Subcommittee on Human Resources and
Intergovernmental Relations
Subcommittee on National Security, International
Affairs, and Criminal Justice
Chairman, Permanent United States
Congressional Delegation to the
European Parliament
Chairman, Congressional
Human Rights Caucus

4704

July 3, 1996

The Honorable William J. Clinton
President of the United States
The White House
Washington, DC 20500
via fax: (202) 456-6221

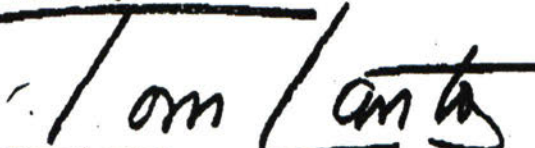
Dear Mr. President:

It is with all the emphasis at my command that I respectfully urge you to prevent the extradition of Jimmy Smyth. This individual has proven to be a model resident of our community and I believe that his life would be in danger were he to be sent back to Belfast.

As the Democratic co-chairman of the Congressional Human Rights Caucus and as one who has devoted much of his work in the Congress to the cause of human rights, I am confident that your favorable response will advance the universal cause of human rights across the globe.

Awaiting your early and favorable reply, I remain,

Sincerely,


Tom Lantos
Member of Congress

THE WHITE HOUSE
WASHINGTON

July 3, 1996

MEMORANDUM FOR ANDREW SENS
NSC Executive Secretariat

FROM: SUSAN BROPHY 

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following are brief descriptions of the letters:

- 1) Larry Pressler (R-SD), concerning passenger air transportation between the United States and Japan;
- 2) Larry Pressler (R-SD), concerning passenger air transportation between the United States and the United Kingdom;
- 3) Larry Pressler (R-SD), Jesse Helms (R-NC), Slade Gorton (R-WA), and ten others, concerning passenger air transportation between the United States and Japan;
- 4) Tom Lantos (D-CA), concerning the pending extradition case of Jimmy Smyth;
- 5) Marge Roukema (R-NJ), concerning eight pending deportation cases of Irish Americans; and
- 6) Carl Levin (D-MI), concerning the Conference of Parties negotiations.

Attachments

THOMAS J. MANTON
7TH DISTRICT, NEW YORK

COMMITTEE ON COMMERCE

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND FINANCE

SUBCOMMITTEE ON COMMERCE, TRADE
AND HAZARDOUS MATERIALS

SUBCOMMITTEE ON ENERGY AND POWER

Congress of the United States
House of Representatives

Washington, DC 20515-3206 JUL 8 P 1 : 24

4750
WASHINGTON OFFICE:
2235 RAYBURN HOUSE OFFICE BLDG.
WASHINGTON, DC 20515-3207
(202) 225-3965

DISTRICT OFFICES:
46-12 QUEENS BOULEVARD
SUNNYSIDE, NY 11104
(718) 706-1400

2114 WILLIAMSBURGH ROAD
BRONX, NY 10461
(718) 931-1400

July 2, 1996

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We, the Co-Chairs of the Ad Hoc Committee on Irish Affairs are writing to express our concern about the recent refusal of the U.S. Supreme Court to review the case of Jimmy Smyth, one of the four pending extradition cases of the men known collectively as the "H-Block 4". With the appeal process exhausted Jimmy Smyth is now subject, at any time, to extradition to British custody. The Secretary of State has the final review of this extradition.

The Northern District Court of California has recognized that republican prisoners safety is in question, stating in its decision that it, "was concerned about the evidence that prison guards within the Maze Prison had, in the past, provided information to Loyalist forces concerning the time and place of the release of republican prisoners into the general population so that the former prisoners could be targets of politically motivated violent attacks." The Ninth Circuit of Appeals did not disagree that Smyth's life would be threatened if returned to the north of Ireland.

If Smyth's extradition is approved by Secretary of State Christopher, it will be counter to your expressed concern since 1992 that there will be "No more Joe Dohertys." Moreover, the fate of Mr. Smyth, is symbolically important to the nationalist community in the north of Ireland, and the United States who are seeking peace and justice by peaceful democratic methods.

We appeal to you, President Clinton, based on your record of strong support for human rights throughout the world, to stop the extradition or deportation of Jimmy Smyth who came to this

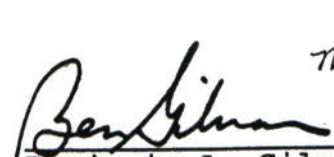
PLEASE RESPOND TO THE ADDRESS INDICATED ABOVE

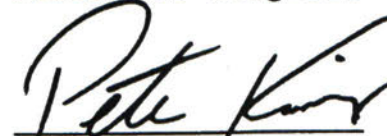
country fleeing British persecution and human rights violations
in the north of Ireland.

Sincerely,


Thomas J. Manton
Member of Congress


Richard E. Neal
Member of Congress


Benjamin A. Gilman
Member of Congress


Peter T. King
Member of Congress

THE WHITE HOUSE

WASHINGTON

July 9, 1996

MEMORANDUM FOR ANDREW SENS
NSC Executive Secretariat

FROM: SUSAN BROPHY *SB*

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President from various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call Chris Walker at x67500.

The following are brief descriptions of the letters:

- 
- 1) Alfonse D'Amato (R-NY), Bill Roth (R-DE), and Frank Murkowski (R-AK), concerning the U.S.-Japan Insurance Agreement;
 - 2) Thomas Manton (D-NY), Benjamin Gilman (R-NY), Richard Neal (D-MA), and Peter King (R-NY), concerning the possible extradition of Jimmy Smyth to British custody;
 - 3) Eliot Engel (D-NY), concerning the construction of a shopping mall near the Auschwitz concentration camp;
 - 4) John Boehner (R-OH), Tom Ewing (R-IL), Joel Hefley (R-CO), and fifty-three others, concerning financial commitments to foreign countries and international organizations;
 - 5) Rod Grams (R-MN), concerning the Cuban Liberty and Democratic Solidarity Act of 1996 and the Cuba Democracy Act; and
 - 6) Bill Roth (R-DE), concerning HR 3074, which includes the OECD (Organization for Economic Cooperation and Development) Shipbuilding Agreement Act.

Attachments

LINDA SMITH
THIRD DISTRICT, WASHINGTON

RESOURCE COMMITTEE

SMALL BUSINESS
COMMITTEE

CHAIRMAN,
SUBCOMMITTEE ON
TAXATION AND FINANCE

1217 LONGWORTH HOUSE
OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3536

INTERNET:ASKLINDA@HR.HOUSE.GOV



Congress of the United States

House of Representatives

Washington, DC 20515

June 26, 1996

DISTRICT OFFICES:
1220 MAIN STREET
SUITE 310
VANCOUVER, WA 98660
(360) 695-6292
718 SLEATER-KINNEY ROAD
SUITE 214
LACEY, WA 98603
(360) 923-9393

4895

Douglas Sosnik
Director of Political Affairs
The White House Office
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. Sosnik:

My constituent, Marc Mursell, has contacted me regarding the situation described in his letter. At his request, I have enclosed a copy of the correspondence for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Linda Smith".

Linda Smith
Member of Congress

LS/mf

JUN 26 '96 09:28AM BICKFORD MURSELL SURVEYING

P.1

4895

**BICKFORD-
MURSELL
SURVEYING**

June 26, 1996.

Rep. Linda Smith
1217 Longworth
HOB
Washington D.C.

20515

Dear Rep. Smith,

I am writing to ask for your help in resolving a situation that needs immediate attention.

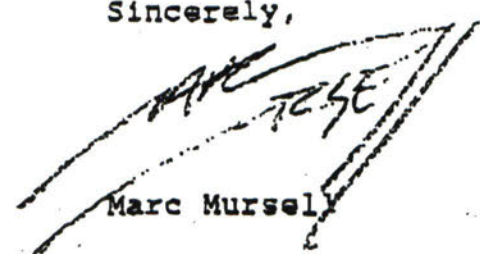
Jimmy Smyth, now living in San Francisco, escaped from Long Kesh prison in Northern Ireland in 1982, came to America and petitioned for political asylum. Asylum was granted until this decision was overturned in appellate court. Mr. Smyth and his attorney petitioned the Supreme Court to hear his case. On Monday his request was denied and now his only option to stop his extradition back to Long Kesh prison is for President Clinton or Secretary of State Warren Christopher to step in personally and stop it.

Jimmy Smyth and his attorney have proven that Jimmy would face harassment and torture for his political beliefs in Long Kesh and are using this as the basis for fighting extradition according to the treaty ratified by the US in 1994 between the United Kingdom and America.

As my representative I urge you to convey my feelings on to President Clinton. Jimmy Smyth must not be extradited. His case has been proven once and undoubtedly, a question has been raised as to his personal safety if he were to be returned to Long Kesh.

I appreciate your attention in this matter and will continue to receive my support if you can help any in this situation.

Sincerely,


Marc Mursell

JUN 26 '96 09:28AM BICKFORD MURSELL SURVEYING

P.1

**BICKFORD-
MURSELL
SURVEYING**

June 26, 1996.

Rep. Linda Smith
1217 Longworth
HOB
Washington D.C.
20515

Dear Rep. Smith,

I am writing to ask for your help in resolving a situation that needs immediate attention.

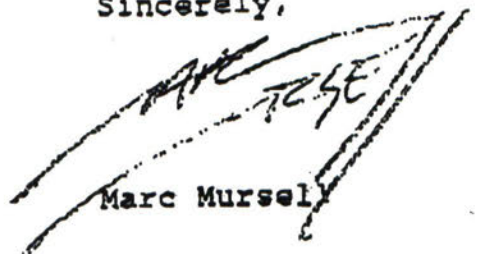
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I appreciate your attention in this matter and will continue to receive my support if you can help any in this situation.

Sincerely,


Marc Mursell

THE WHITE HOUSE
WASHINGTON

July 1, 1996

The Honorable Linda Smith
US House of Representatives
Washington, DC 20515

Dear Representative Smith:

I have forwarded your letter regarding Marc Mursell to the White House Counsel's office. The counsel is the appropriate office to deal with this matter.

Sincerely,

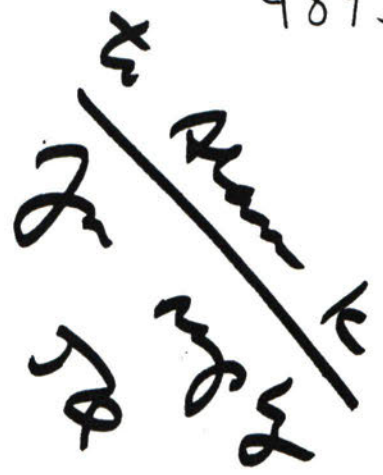

Douglas B. Sosnik
Assistant to the President

rep

LAKSmith

Rep Smith

4895



4776

OFFICE OF THE MAYOR
SAN FRANCISCO



WILLIE LEWIS BROWN, JR.

174301

June 26, 1996

President Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

Irish national and longtime San Francisco resident Jimmy Smyth is now subject to extradition to Great Britain due the Supreme Court's refusal this week to hear his appeal.

Not only do I have grave misgivings about the merits of the British government's case against Mr. Smyth -- as well as his physical safety if he is returned to Great Britain -- this decision comes at a particularly sensitive time for the Northern Ireland peace process. The implementation of the order of extradition at this time may delay or dash the hopes of a declaration of a cease-fire by the I.R.A., which we all hope to see in the near future.

As the Mayor of the City and County of San Francisco, I respectfully urge that the Secretary of State delay consideration of the extradition order, without in any way compromising the law, to prevent Mr. Smyth from being turned over to the British authorities at this time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Willie L. Brown, Jr.".

Willie L. Brown, Jr.

Put in
reprints
copy for me

401 VAN NESS AVENUE, N.

(415) 2

RECYCLED PAPER

PCR

ADD LEE

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4631



Irish
american
unity
conference

National Office:
National Press Building
529 14th Street N.W., Suite 837
Washington, D.C. 20045
1-800-947-4282
Phone: 202-662-8830
Fax: 202-662-8831

June 26, 1996

President William J. Clinton
The White House
Washington, DC 20500
Via Fax: 202-456-2461

Dear President Clinton:

I am writing to appeal to you to intervene in the extradition proceedings of Jimmy Smyth, one of the "H-Block Four" defendants being held in California. Mr. Smyth is another victim of the Diplock Court system in Northern Ireland, a judicial system condemned by numerous internationally recognized human rights groups.

A lower court ruled that Mr. Smyth should not be extradited to Northern Ireland because of a well founded fear of persecution. An appeals court ruled against him and the Supreme Court has refused to hear his appeal.

When you were running for office in 1992 you stated there would not be any more Joe Doherty cases in this country. However Mr. President, this is exactly how many Irish Americans view this case. If Jimmy Smith is extradited it bodes ill for his co-defendants and casts the specter that the Irish nationals being targeted for deportation by the INS can hold little hope. As someone who worked with Irish Americans for Clinton/Gore in '92 and is again getting active with Clinton/Gore for '96, I want very much to see you reelected. However, if relief is not granted to these young men and their American families I very much fear a backlash in the Irish American community, especially in view of the recent discord about your vetoing HR 1561 which contained a provision for the MacBride Principles being applied to the funds for the International Fund for Ireland.

How can the United States refuse to deport Emmanuel Constant who has a well documented history of supervising murders, rape and torture against supporters of democracy in Haiti while simultaneously extraditing and threatening to deport young Irish nationals who have done nothing more than attempt to free their country from the yoke of a colonial tyrant. This is what George Washington and his compatriots did in this country 200 years ago.

I beseech you Mr. President, please instruct Secretary of State Christopher not to sign the extradition order. That is all it would take to resolve this entire matter. I know that Britain is our strongest ally, but that is neither an excuse for Britain to abrogate its human rights responsibilities nor reason for us to condone them. Please rectify this matter without delay and enable us to broadcast your actions to the Irish American community. Thank you.

Sincerely,

Robert C. Linnon

Robert C. Linnon, Ph.D.
Political Action Chairman
407-738-1767

cc: Nancy Soderberg

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
19TH FLOOR FEDERAL BUILDING - BOX 36106
450 GOLDEN GATE AVENUE
SAN FRANCISCO 94102

BARRY J. PORTMAN
Federal Public Defender

Telephone (415) 436-7700
Fax (415) 436-7706

January 18, 1996

*pls hand
until
we get
answer*

Nancy Soderberg
Deputy Assistant to the President for National Security Affairs
National Security Council
Ground Floor, West Wing
White House
Washington, D.C. 20500

RE: Jimmy Smyth's Extradition Case

Dear Ms. Soderberg:

*STAFFED TO
MAP/LEGAL
TO PREPARE
RESPONSE FOR
NES.*

I am writing to you at the suggestion of several members of the Irish American community, which has been following and continues to follow Jimmy Smyth's extradition case closely. In prior correspondence I have advised you of the status of the case and I am writing to provide an update. I am also writing to request the opportunity to meet and discuss the case with you, given its current posture.

On September 15, 1994, after a lengthy evidentiary hearing, a district court judge denied the British government's request for Mr. Smyth's extradition to Northern Ireland pursuant to Article 3(a) of the Supplementary Extradition Treaty Between the United States and the United Kingdom on the ground that if surrendered, Mr. Smyth would be subjected to extralegal punishment, detention, and restrictions on his personal liberty on account of his religion, nationality, and political views. The district court's opinion, which is fact intensive, is published as In the Matter of the Requested Extradition of James J. Smyth, 863 F.Supp. 1137 (N.D. Cal. 1994). It includes the finding that Mr. Smyth would likely be tortured and killed after his release from prison (he has only 2 1/2 years left to serve in Northern Ireland).

The U.S. Justice Department, acting on behalf of the British government, appealed to the Ninth Circuit Court of Appeals and, on July 27, 1995, that court reversed the district court. The panel opinion is published at 61 F.3d 711 (9th Cir. 1995). Mr. Smyth petitioned for rehearing with a suggestion for rehearing en banc and, on January 5, 1996, the Ninth Circuit denied his request, but four judges filed scathing dissents which I have enclosed. As one of the dissenting judges wrote, after condemning the panel's legal reasoning and its failure to act properly as an Article III court:

The posture in which the panel has put the case actually serves to underscore the proper responsibilities in these proceedings of the

Executive Branch. The United Kingdom is not a party before this court. It is the United States, represented by the Department of Justice, that has interpreted the Treaty, sought Smyth's extradition, and appealed Judge Caulfield's order denying it. In making these significant decisions the Executive Branch has exercised discretion, a discretion not only affected by legal considerations but by political considerations. The Executive Branch has necessarily had its eye on relations between the United Kingdom and the United States. If, as appears likely, Smyth seeks a writ of certiorari from the Supreme Court of the United States, the Executive Branch must again exercise a discretion which is both legal and political in determining whether to defend the judgment of the panel or to concede error and accept the reasoned judgment of the district court.

Slip op. at 99.

It is indeed our intent to seek a writ of certiorari from the Supreme Court. However, I am well aware of the discretion that court has as to whether to take a case and the odds against its happening. It is for this reason that I wish to open a dialogue with you in the hope that justice can be served in this case. For, as you are no doubt aware, the final decision as to whether a person who the courts have deemed eligible for extradition shall in fact be extradited rests with the Executive Branch. See Lobue v. Christopher, 893 F.Supp. 65 (D.D.C. 1995), and authorities cited therein. Moreover, it is my belief that even if Mr. Smyth qualifies for extradition under the Supplementary Treaty, the district court's findings--which the appellate court did not deem clearly erroneous--warrant political asylum as well as an injunction prohibiting his return to the United Kingdom pursuant to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the United States became a signatory in 1994. Moreover, while I imagine it is unlikely that the Executive Branch could be convinced to "concede error and accept the reasoned judgment of the district court," I would at least ask for the opportunity to make the case for this course of action.

It should be noted that the Irish government has taken an interest in this and the other three extradition cases pending in this district and has supported reasonable bail for all four men. All of them are presently out on bail, to the applause of the community, including our new mayor. It should also be noted that the Supreme Court of Ireland refused to extradite these men's fellow Maze escapees, several of whom were captured within that country's borders. Finucane v. McMahon, [1990] I.R. 202, [1990] I.L.R.M. 505 (Ir. S.C. 1990).

If you would be willing to meet with me and/or the other lawyers representing the Irish extradition petitioners awaiting hearings in San Francisco (one of whom is James Brosnahan), we would be deeply appreciative. I can be contacted at the address and number above, and would make myself available at your convenience. I look forward to hearing from you in the near future.

Sincerely yours,

BARRY J. PORTMAN
Federal Public Defender

A handwritten signature in cursive script that reads "Karen L. Snell".

KAREN L. SNELL
Assistant Federal Public Defender

cc: Patrick Hennessey, Irish Embassy, Washington, D.C.
Declan Kelly, Irish Consul General, San Francisco
Bruce Morrison
Trina Vargo, Office of Senator Ted Kennedy
Noreen Walsh, Irish American Unity Conference
James J. Brosnahan, Counsel for Kevin Artt
Gilbert Eisenberg, Counsel for Terence Kirby
James Larson, Counsel for Pol Brennan

NATIONAL SECURITY COUNCIL

0402

WASHINGTON, D.C. 20504

January 30, 1996

ACTION

MEMORANDUM FOR NANCY SODERBERG

FROM: ALAN KRECZKO *AK*

SUBJECT: Jimmy Smyth's Extradition Case

Smyth's lawyer has requested a meeting with you on Smyth's extradition case.

We reviewed Smyth's extradition case in detail two years ago, deciding to defer to DOJ on whether to appeal the case. DOJ did appeal, and prevailed.

Smyth has two options now, each of which are mentioned in the letter: (1) seek Supreme Court review; or (2) convince the Executive branch not to extradite him, notwithstanding the judicial finding of extraditability.

Option 1, Supreme Court review, is a theoretical possibility but it is extremely unlikely the court would take the case.

Re Option 2, our domestic law gives the Secretary of State complete discretion not to extradite an individual, even after a judicial finding of extraditability. However, failure to extradite would violate our extradition treaty obligations and I am aware of no cases in which the Secretary has exercised this authority. (I am aware of cases where the Secretary has insisted that the requesting country give certain guarantees concerning treatment as a condition of extradition).

We should not meet with Smyth's lawyer while the litigation is on-going. (The letter says he intends to seek appeal to the Supreme Court.) The attached reply thanks Smyth's lawyer for the letter but indicates that a meeting would be inappropriate during the pendency of the litigation.

If the Supreme Court denies further review of Smyth's case, the Executive branch will have a policy decision to make on whether to extradite. The decision will be closely watched by the Irish-American community.

Concurrence by: Mary Ann Peters *MA*

RECOMMENDATION

That you sign the letter at Tab I.

Attachments

Tab I	Letter for Karen Snell
Tab II	Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

Dear Ms. Snell:

Thank for your letter of January 18. I have taken the liberty of sharing it with the Deputy Assistant Attorney General for the Criminal Division at the Department of Justice and the State Department Legal Adviser. However, while the extradition cases remain in litigation, I do not believe it would be appropriate for us to meet.

Sincerely,

Nancy Soderberg
Deputy Assistant
to the President
for National Security Affairs

Karen L. Snell, Esq.
Assistant Federal Public Defender
Northern District of California
19th Floor Federal Building - Box 36106
450 Golden Gate Avenue
San Francisco, California 94102

01/20/96 FRI 11:00 AM 202 436 5110
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF CALIFORNIA
19TH FLOOR FEDERAL BUILDING - BOX 36106
450 GOLDEN GATE AVENUE
SAN FRANCISCO 94102

BARRY J. PORTMAN
Federal Public Defender

0402 PLS STAFF TO
MAP: KRECK
FOR RESPONSE BY
NES

Telephone (415) 436-7700
Fax (415) 436-7706

January 18, 1996

Nancy Soderberg
Deputy Assistant to the President for National Security Affairs
National Security Council
Ground Floor, West Wing
White House
Washington, D.C. 20500

RE: Jimmy Smyth's Extradition Case

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Sincerely yours,

BARRY J. PORTMAN
Federal Public Defender

Karen L. Snell

KAREN L. SNELL
Assistant Federal Public Defender

cc: Patrick Hennessey, Irish Embassy, Washington, D.C.
Declan Kelly, Irish Consul General, San Francisco
Bruce Morrison
Trina Vargo, Office of Senator Ted Kennedy
Noreen Walsh, Irish American Unity Conference
James J. Brosnahan, Counsel for Kevin Artt
Gilbert Eisenberg, Counsel for Terence Kirby
James Larson, Counsel for Pol Brennan