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10 DOWNING STREET

THE PRIME MINISTER

15 April 1986

Dear Mr. [illegible]

As you will know, David Goodall spoke to your Ambassador in London yesterday to seek the Irish Government's support in lobbying key senators on the Foreign Relations Committee, which we believe will take a crucial decision on the UK/US Supplementary Extradition Treaty on 16 April. Mr Goodall explained that it had become clear in Washington that a crucial factor in the deadlock in the Committee stemmed from the opposition of the Irish lobby in the US, and that this had been strengthened by the Irish Embassy's reluctance to give the Treaty positive support. I well understand the reasons which led your Government to take up a neutral position in relation to this Treaty. But I am asking you at the eleventh hour to reconsider your position and to instruct your Ambassador in Washington to lobby those Democrat senators whose voices will be decisive.

I am told that the Foreign Relations Committee is at present evenly split, 8 votes for and 8 votes against. As only a simple majority is required to allow the Committee to approve the Treaty and bring it to the floor of the Senate, the persuasion of only one of those who is now against is all that is required.

As you know, we attach great importance to blocking the "political loophole" in our existing Treaty with the US. We had hoped that United States case law would develop favourably in this direction, but recent cases involving convicted IRA terrorists have demonstrated that this was a forlorn hope, and that nothing short of a supplementary Extradition Treaty will do the trick.

As I am sure you recognise, it would add considerably to the difficulties we face with the Ulster unionists over their opposition to the Anglo-Irish Agreement if it were to become apparent that among the principal causes of the Senate Committee's failure to endorse the Supplementary Treaty was the Irish Government's unwillingness to give it their support. This would undermine our two Governments' successful efforts so far to show that the Anglo-Irish Agreement is leading to clear benefits in the fight against terrorism. The success or failure of the UK/US Treaty will also be a significant element in the background of international law relating to terrorism against which you will soon be introducing legislation in the Dail to ratify the European Convention on the Suppression of Terrorism.

I realise that this is an awkward request politically for you, but I firmly believe that the consequences of failure to obtain Senate approval for the Treaty would be worse for both of us than any short-term criticism which you may incur either at home or in the Irish American community. I should therefore be grateful if you would ask your Ambassador in Washington, before the crucial meeting of the Foreign Relations Committee tomorrow, to make clear to the Democrat members of the Committee that the Supplementary Treaty has your support.

Dr Garret FitzGerald, TD

Message from An Taoiseach, Dr Garret FitzGerald, T.D., to the

Minister the Rt. Honorable Margaret Thatcher M.P.

I received your message about the draft UK/US Supplementary Extradition Treaty late last evening and in view of the likely developments today in the Senate Foreign Relations Committee I should let you have this immediate response.

Our priority objective in the U.S. is clear and I have no doubt that it is shared by you. We wish to reduce and if possible eliminate all forms of support for the Provisional IRA and other organisations engaged in terrorism against both of us. The support has taken a number of forms - financial, weapons and moral, vital to the achievement of our objective in the development and maintenance of a relationship with the Irish-American community of a kind that will enable us effectively to communicate our message. In recent years and especially since the signing of the Anglo-Irish Agreement we have been able to demonstrate with increasing success to that community that any support which they give to the Provisional IRA is not only wrong but makes less rather than more likely the achievement of the goals which we share. And we have secured a significant shift in opinion in those circles in favour of moderation, and latterly in support of the Anglo-Irish Agreement.

You know of the commitment of my Government in the matter of extradition shown most recently by our signing the European Convention on the Suppression of Terrorism. You know also of the difficulties which I face in getting the appropriate legislation through our Parliament in the Autumn of this year and of the importance which I attach to being able to demonstrate by then significant progress in implementing measures envisaged in Articles 7, 8 and 9 of the Agreement.

If at this stage before any significant progress in these matters is evident Irish representatives in the United States were to lobby in favour of the proposed Supplementary Extradition Treaty we would certainly create serious problems of credibility which would have the effect of undoing the results of years of effort in Congress and outside.

In relation to the Senate Foreign Relations Committee, I am far from convinced that any intervention by us at this very late stage would achieve the desired result and it is certainly the case that intervention by us could not be decisive in achieving the required two-thirds majority on the floor of the Senate. Some at least of the Democrats are not just opposed to the Treaty on Irish-related grounds but also because they are concerned about the wider international law implications. They are also aware that the proposal is known to be the first of a series of such treaties with other governments.

In summary I am not satisfied that any intervention by us at this stage would achieve the results desired and I am satisfied that an unsuccessful intervention would seriously damage our capacity to influence Irish-Americans. On the domestic front the knowledge that we had intervened in this matter could make much more difficult the passing of the legislation necessary to ratify the European Convention. I hope you will therefore accept that our approach is one calculated to achieve rather than to impede the objectives which we share and on which we will continue to work closely together whenever it is necessary and useful to do so.

END.