



# An Chartlann Náisiúnta National Archives

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## US ADMINISTRATION POLICY ON IRELAND

### SUMMARY

US policy towards Ireland is dependent on the interaction of the three forces which shape overall US foreign policy - the State Department, the White House and the Congress.

The State Department's role has traditionally been to protect long-term US foreign policy and in this connection the State Department favours avoiding action on Ireland which would cause difficulties with Britain, which is a major ally of the US.

The White House reaction to Ireland has in general been more positive than under previous administrations. The concern of the White House is to seek positions broadly acceptable to both the British and Irish Governments and the Anglo-Irish Agreement has enabled the present administration to do this.

The strong Irish Congressional lobby has ensured that Congress has provided the most effective leverage over US administration policy toward Ireland. This has been vitally important especially in regard to the International Fund. Conditions for exerting influence should be even more favourable with the return of Democratic control.

## US ADMINISTRATION POLICY ON IRELAND

US policy towards Ireland is dependent on the interaction of the 3 forces which shape overall US foreign policy, the State Department, the White House and the Congress.

### 1. The State Department

Within the US administration the State Department has operational responsibility for the conduct of foreign affairs. Political appointments at senior level ensure that policy formulation is as far as possible in harmony with the overall ideological emphasis of the President. Nevertheless, the classic role of the State Department has traditionally been to protect longterm U.S. foreign policy and security interests from short-term political pressures or changes at home.

The State Department in this context places considerable emphasis on Britain's position as one of the U.S.A.'s major allies. Though there may have been hiccups in Anglo-American relations over the years Britain remains in the view of the State Department the least difficult of the U.S.A.'s NATO allies. This is particularly true in relation to the Thatcher administration which has been helpful to the United States on several key issues: bombing of Libya, stationing of cruise missiles etc. The British for their part are aware of the need for the U.S. to have a sensitive ally in Europe and in their diplomatic activity use this leverage to ensure that the US traditionally stayed out of Anglo-Irish relations. The preference in the State Department remains to avoid doing anything on Ireland which offends its ally, Britain.

An additional factor weighing in favour of a cautious attitude to Ireland lies in the fluid nature of Anglo-Irish relations. The US Government already has an extensive range of overseas commitments and as represented by the

State Department has been reluctant to add another commitment in Ireland. In respect of the 3 forces deciding US foreign policy, the State Department is traditionally the least sympathetic.

2. The White House

There are of course many points of convergence between the foreign policy objectives of the White House and the State Department. In particular, the importance placed on Britain as a reliable strategic ally. However, White House advisors are obliged to weigh the domestic electoral considerations of foreign policy issues and seek to ensure that decision-making on foreign affairs is as far as possible in line with the needs of Presidential image management and the requirements of those domestic constituencies which the President and his party are seeking to cultivate. In these circumstances, the Irish lobby in Congress which is highly visible and the Irish vote which is a less measurable phenomenon are significant factors in White House decision-making on Ireland.

The reaction of the Reagan administration to Ireland has been quite positive by comparison with its predecessors. The President has issued statements on every St. Patrick's Day since he assumed office. In general, however, the policy has been to seek positions which are broadly acceptable to both British and Irish Governments and which aid towards reconciliation. The importance which the US places on its relations with Britain constitutes a limitation on the extent to which it will publicly support the policies of the Irish Government in relation to Northern Ireland.

The signing of the Anglo-Irish Agreement, together with assistance from the Friends of Ireland in Congress, and the strengthening of links with the White House, has helped to draw the administration more closely into Northern Ireland.

The present position of the two Governments on the Anglo-Irish Agreement makes it much easier for the US Government to become involved. In this situation there is no danger of having to choose between their closest ally and Ireland's friends in Congress. The administration is therefore strongly supportive of the Anglo-Irish Agreement and favours a continued joint approach.

3. The Congress

The other two bodies shaping U.S. foreign policy, the White House and the State Department, have naturally sought to play down the significance of the Irish Congressional lobby in influencing administration attitudes to Ireland. It has consistently been suggested informally that it would be better to deal with the administration rather than seeking to exert pressure through Congress. This has not been our experience especially in regard to the International Fund where the original proposal from the State Department was extremely unsatisfactory but was substituted in Congress by a much more favourable bill by Speaker Tip O'Neill.

In the last Congress the influence of the Friends of Ireland was limited by the relative lack of influential Republican members. This was partially true while the Republicans controlled the Senate. The return of Democratic control to the Senate in 1987 should help to alleviate this problem.

On the other hand the influence of the Friends of Ireland was greatly enhanced by the membership of the former Speaker Tip O'Neill. He was regarded as the chief adversary of President Reagan in Congress, able to exert considerable political pressure upon the President. It is too early to postulate on the role in Government of his successor Jim Wright who is also a member of the Friends of Ireland. The new Speaker has indicated that he will be

supportive of maintaining good relations between Ireland and the United States and will adopt a strong interest in Irish affairs.

While it is the role of the administration to propose policy there is no doubt that Congress exercises a major influence over U.S. foreign policy. The importance of the Irish vote particularly as perceived by the White House ensures that the President seek to cultivate the support of Irish-American politicians. Hence the Congress has provided for Ireland the most effective leverage over U.S. administration policy towards Ireland. The role of the Friends of Ireland in Congress has been pivotal in that development.

Anglo-Irish Section,  
February 1987.

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SUMMARY

The Agreement was supported by:

- President Reagan
- Speaker O'Neill
- Friends of Ireland
- House and Senate leadership (Democrat and Republican)
- Many local branches of the AOH (although not the leadership)

Congressman Biaggi of the Ad-Hoc Congressional Committee on Irish Affairs referred to the Agreement as a "fragile first-step forward".

The Agreement was opposed by:

- Irish National Caucus
- NORAIID

Support was expressed in the provision of \$120m over 3 years for the International Fund by the Congress in September 1986. Continued Congressional support for the Fund, while made more difficult by the Gramm-Rudman Legislation (which aims to reduce the Federal budget deficit), will be promoted by Congressmen favourable to our position, many of whom have achieved key positions in the new Congress.

Attitudes towards the Agreement in the Administration, in the media, and among the Irish-American Community generally remain favourable, although concern has been expressed at the continued opposition to the Agreement by the Unionist community.

Current Attitudes in the United States to the  
Anglo-Irish Agreement

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1. Attitudes in Congress and in the administration continue to be extremely favourable and well-disposed to the Agreement. Before dealing with the current situation, I think it would be helpful to put it in the context of the rather unusual and intense focus on Irish affairs here since 15 November 1985.

2. The strength of the support for the Agreement here was symbolised by the President and the Speaker joining together at the White House on the day the Agreement was signed in order to welcome it. This was complemented by a statement from the Friends of Ireland declaring strong support for the Agreement and a promise to work with the President to provide all appropriate assistance. The statement was signed by the Leadership, both Democratic and Republican, in the House and Senate.

3. This was followed by the unanimous passage of Concurrent Resolution 239 by Congress. The operative section of 239 commended the two Governments for negotiating the Agreement and set the stage for our efforts to secure a U.S. contribution to the International Fund.

4. Negotiations on the text of an Aid Bill began early in 1986 and the House and Senate Foreign Affairs Committee held hearings at which senior figures such as Speaker O'Neill and Majority Leader Foley together with Administration officials testified strongly in favour of the Agreement and the need to provide economic assistance. The Democratic-controlled Congress quickly passed a generous Aid Bill (250 million dollars over five years). The situation in the Republican-controlled Senate proved more difficult for a number of reasons but not because there was any inherent opposition to the Agreement. The Administration and Senate Republicans, because of the tight budgetary situation, wished to offer less

cash aid (20 million a year) and also wanted to use the aid issue as a means of pressurising Senate Democrats (traditionally stronger supporters than Republicans on Irish issues) to agree to passage of the US/UK Supplementary Extradition Treaty. This tactic was aided and abetted by British officials in Washington who did not lobby for the Aid Bill and had as their primary objective the passage of the Supplementary Treaty. After a delay of several months a compromise was reached on the Supplementary Treaty and a minimal Aid Bill (10 million cash a year for two years) was authorised by the Senate Foreign Relations Committee. The low cash element was circumvented by including a 50 million contribution for fiscal '86 in the omnibus continuing resolution. A separate vote was called in the Senate on the above provision and it was passed in June 1986 by 65 votes to 33.

5. Subsequently, the Anglo-Irish Support Act of 1986 was passed into law on 19 September 1986 providing a total of 120 million over three years.

6. As to the current situation, support for the Agreement and the Fund by both Congress and the Administration remains high. Keen interest is however being displayed in relation to the Fund, questions are being asked as to the specific projects being considered and the use to which the U.S. contribution is being put. Concern is also evident at the continued strong opposition to the Agreement being displayed by the majority community. It is clear however that strong support will continue to be forthcoming provided we can point to even modest progress in the context of the Agreement. The establishment of an Irish presence in Belfast and the "unprecedented role" of the Irish Government in the affairs of Northern Ireland has made a major impact here and is seen as a great step forward.

7. In relation to the Fund, 85 million (fiscal 1986 and 1987) is guaranteed and the process of trying to earmark 35 million for fiscal 1988 is now beginning). We have been advised that

this will not be easy to achieve as a further round of cutbacks mandated under Gramm/Rudman takes place and it will be essential to be able to point to the way in which the funds are being successfully disbursed. Foreign aid is not a popular subject in Congress and further severe cutbacks are expected. In addition, there is a growing resentment in relation to the process of earmarking "normal levels of funding" for countries such as Israel, Egypt, Pakistan, Cyprus and Ireland while most nations are suffering cutbacks of up to 50 percent or in the case of South Korea, being totally cut from the aid programme. Given the strength of the Israeli lobby this process will probably continue but we will have to fight hard to maintain our position. In addition we will have to push for a further authorisation bill for years 4 and 5 of the Fund. While we will have a lot of support for this, it will be difficult to get funds appropriated at as high a level as we would like.

8. The situation in relation to Congress has also changed greatly from our perspective with the departure Speaker O'Neill. We have maintained close contact with Speaker Wright and his staff particularly since his helpful August 1985 visit to Ireland. As you will know from the recent exchange of letters with the Taoiseach and other reports, Speaker Wright has indicated his desire to continue to give strong support to the Agreement and the Fund and the principles and objectives of the Friends of Ireland. The new Majority Leader, Tom Foley, is also a good and powerful friend of ours on the House side. In the Senate, the situation has improved with the Democrats taking control. In particular, we have many friends on the Senate Foreign Relations Committee (Chairman Pell, Biden, Dodd, Sarbanes, Kerry). Senators Moynihan and Simon have also become members of this Committee. Senator Kennedy, who has become Chairman of the Labour and Human Resources Committee, will also play an important role in support of our objectives.

9. The Agreement was also helpful in putting organisations which have caused us difficulty in the past on the defensive. Congressman Biaggi (Ad Hoc Committee) has consistently referred

to the Agreement as a fragile first step forward and he was wholeheartedly in favour of a contribution to the Fund (indeed he tried to claim as much credit as possible on the U.S. contribution). Although Joe Roche, as the then President of the AOH, opposed the Agreement many of the local branches of the AOH were and continue to be supportive of it. Fr. McManus (Irish National Caucus) is hostile to the Agreement and tried to insert (with help from Biaggi) the MacBride Principles into the aid legislation. This attempt was not successful although McManus and the Ad Hoc Committee have focused on the MacBride Principles as the next area which they will push in Congress (Bills have been introduced in the House and Senate). Jim Delaney and the IAUC have had a lower profile in the past year. While originally adopting a wait and see attitude on the Agreement, Delaney, in a recent conversation with the Consul General in Chicago, was uncommunicative on the question of the Agreement.

10. We have asked the Consulates for their views (being sent to you separately) and in general the response indicates a fairly positive and supportive attitude to the Agreement (both in the Irish American Community and the media) combined with a desire to see tangible results from its successful operation. The attitude in the Irish American Community, particularly in the New York area, would contain a degree of scepticism as to what the Agreement has actually achieved. The Consuls General also indicated that a number of other issues regularly arise during the course of their normal contacts. The issues are as follows: emigration and the question of Irish illegals here, the MacBride Principles, the administration of justice in Northern Ireland and the state of the Irish economy.

#### Media Reaction

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11. The signature of the Agreement was widely welcomed in the U.S. media and media treatment of the Agreement has continued to be essentially positive. The results of the January 1986 election in Northern Ireland were perceived as a gain for

moderate nationalism at the expense of extremists, and thus a vindication of the Agreement. However, in subsequent months, articles on the Agreement have focused to a large extent on continuing loyalist opposition. Headlines were captured by the unionist protest strike in March, the loyalist marches through the Summer, and loyalist protests at the first anniversary of the Agreement in November. The tone of much of the coverage was critical of unionist intransigence (ranging from questioning of what the unionists really want - e.g. the Christian Science Monitor headline on 12 June "Ulster Protestants: 'No' to accord, but 'Yes' to what? - to outright condemnation of unionist tactics", - e.g. the New York Times editorial headline on November 15: "Ulster spits at itself"). The general media perception of the situation was summed up in a Boston Globe headline on October 29: "High hopes for Anglo-Irish accord dimmed by ferocity of its unionist foes".

12. While this focus on unionist opposition has meant that the widespread optimism which greeted the Agreement at the time of signature has generally given way to a more measured and cautious appraisal of its prospects of success, it has not caused the media to change its fundamentally positive view of the Agreement. The first anniversary of the Agreement saw editorial headlines like "making progress in Northern Ireland" (New York Post) and "movement towards the centre" (Christian Science Monitor). While some attempts have been made, particularly around the time of the first anniversary, to catalogue nationalist gains or disappointments under the Agreement, there has overall been comparatively little focus on this aspect of the Agreement. Insofar as there has been analysis of what the Agreement has delivered for Catholics, the general assessment would appear to be that some modest gains have been made, perhaps less than hoped for but sufficient to sustain moderate nationalist support for the Agreement.

2272M

FRIENDS OF IRELAND IN THE U.S. CONGRESS

SUMMARY

The Friends of Ireland are the most important Irish organisation in Congress numbering about 40 Senators and 60 representatives including some of the most influential figures in Congress.

The group was formally established in 1981 and has sought to encourage US support for a peaceful settlement in Northern Ireland. They supported the New Ireland Forum and the Anglo-Irish Agreement and tabled a Bill which formed the basis of the US contribution to the International Fund.

Another aim of the group has been to maintain a programme of exchanges with their colleagues in the Oireachtas and in this connection delegations of the Friends have visited Ireland on two occasions in 1982 and in 1985. The present Speaker, Jim Wright, led a delegation of Congressman to Ireland in August 1985. Preparations are under way for a visit of a Friends group in April or May 1987.

## The Friends of Ireland in the US Congress

### Introduction

1. The Friends of Ireland (FOI) are the most important Irish organisation in Congress. They number about 40 Senators and 60 Congressmen including some of the most influential figures in both Houses of Congress. They have made significant progress in focussing political attention upon Ireland. They promote the moderate non-violent approach to the Irish question, and in reflecting the views of the Irish Government and the moderate nationalist community. This note sets out details of

- (i) the background to the formation of the FOI;
- (ii) their principles and policies;
- (iii) the activities of the FOI;
- (iv) their contacts with Ireland

### Formation of the "Friends":

2. The FOI evolved from the activities of figures such as former Speaker O'Neill, Senator Edward Kennedy, Senator Daniel Moynihan and former Governor Hugh Carey - the so-called Four Horsemen - who have played a leading role in the creation of an Irish lobby in Congress and a more balanced and influential group in the US to counter the influence of the PIRA lobby among Senators and Congressmen. Since 1977 these politicians had issued regular statements and adopted positions on various aspects of the Northern Ireland problem.
3. In their 1981 St. Patrick's Day statement they, together with a number of the American politicians announced their intention of establishing the "Friends" group. The first formal meeting of the Friends was held on 3 June, 1981. Some 40 Senators and Congressmen from both the Democratic and Republican parties were registered as members. The growth in membership of the Friends since then can be

gauged by the number of signatories of their regular St. Patrick's Day messages. In 1986, their message was signed by 137 Senators and Congressmen.

Principles and Policies of the Friends

4. The FOI emerged because of an anxiety on the part of the politicians concerned to provide for a formal and regular expression of their own interest and the concerns of their constituents on Irish affairs in ways which correspond to Irish realities. Their positions tend, therefore to reflect the approach of successive Irish Governments and representative opinion in Ireland and this often incurs the opposition from some organised lobbies in the US who are not in sympathy with Irish Government policy on Northern Ireland. The principles of the FOI may be summarised as follows:-

- to give full support to a policy of the United States that seeks a peaceful settlement in Northern Ireland;
- to stimulate active encouragement from the United States towards a peaceful settlement;
- to support the unification of Ireland;
- to emphasise that the only settlement the FOI favours is a peaceful one achieved by consent. While the Friends share the goal of Irish unity as the only way to securing a lasting peace they agree that this goal can be reached only with the consent of a majority of the people of Northern Ireland, and with full safeguards for the rights of both sections of the Community;
- to maintain a programme of parliamentary exchange with their colleagues in the Irish parliament.

In November 1985 the FOI issued a statement strongly supporting the Anglo-Irish Agreement and expressing their readiness "to work in Congress and with the President to provide all appropriate assistance, including financial and economic support by the United States to help implement the new Agreement". In addition to signing the FOI statement, former Speaker O'Neill and Senator Kennedy also issued statements of their own supporting the Agreement.

#### Activities of the FOI in Congress

5. The FOI have introduced a number of resolutions and initiated debates in Congress on Northern Ireland. Most notably, in December 1985, the House and Senate adopted a Concurrent Resolution submitted by leading members of the Friends commending the British and Irish Governments for signing the Anglo-Irish Agreement and declaring the willingness of Congress to work with the President to provide both economic and financial support for the Agreement. The Congressional Resolution together with the strong pressure exerted by former Speaker O'Neill was instrumental in encouraging the Administration to come forward with a proposal for a US contribution to the International Fund. The former Speaker tabled a much more favourable Bill which eventually formed the basis of the American contribution to the International Fund.

Earlier in May 1984, again at the instigation of the FOI, the House and Senate unanimously passed a Joint Resolution commending the efforts of the participants in the New Ireland Forum and calling on all parties to review the findings and recommendations of the Report.

The activities of the FOI in Congress constitute an important counterweight to the activities of Congressman Mario Biaggi of the ad hoc Congressional Committee on Irish affairs whose approach to the issues have tended to

be heavily influenced by groups out of sympathy with representative opinion in Ireland. On Saint Patrick's Day 1983, at the instigation of the FOI, a general resolution on Northern Ireland was introduced in Congress, partly, to deflect attention from a more radical resolution proposed by Biaggi.

6. The stature of the FOI in Congress has had a significant influence on the degree of importance which the US administration attaches to the Northern Ireland issue. Britain also attaches some importance to appearing responsive to its concerns. Before the President's meeting with Mrs. Thatcher in December 1984, over forty members of the FOI signed a letter referring to the Congressional Joint Resolution on the Forum and expressing their disappointment at "Mrs. Thatcher's public peremptory dismissal of the reasonable alternatives put forward by the Forum." Anglo-Irish relations were discussed at that meeting and when the two leaders met during Mrs. Thatcher's visit to Washington in February 1985. On the latter occasion Northern Ireland was discussed at a private meeting between former Speaker O'Neill and Mrs. Thatcher who referred to the issue in her address to Congress.

Exchanges of Visits between the Friends and Irish representatives

7. In the run-up to the formal establishment of the FOI, a delegation comprising of one member from each of the three main political parties visited the United States in March/April 1981 for discussions with leading promoters of the Friends and to express encouragement for the formation of the new Group. In December 1981, the Irish Parliamentary Association unanimously agreed to a proposal from Tip O'Neill for the establishment of an ongoing informal relationship between the FOI and the Oireachtas.

8. Subsequently, in response to invitations from the Ceann Comhairle, delegations of the Friends have visited Ireland on two occasions, from 29 May to 2 June 1982 and from 13-18 March, 1985. An Irish counterpart to the FOI, the Irish United States Parliamentary Group, was set up in 1983 under the auspices of the Irish Parliamentary Association. Delegations from the Parliamentary Group, led by the Ceann Comhairle, visited the United States from 24-30 July, 1983 and from 21-26 July 1985. Apart from its contacts with the Friends the latter delegation, consisting of six T.D.s and two senators had meetings with Vice-President Bush, Speaker O'Neill, House majority leader, Jim Wright and minority leader, Bob Michels, and the House Foreign Affairs Committee. A delegation of 13 Congressmen, led by majority leader Jim Wright, visited Ireland from 9-11 August 1985.
  
- 9, The 1986 election to Congress resulted in the election of a new Speaker. Tip O'Neill retired from the Congress and the former majority leader, Jim Wright, was elected in his place as Speaker. Wright has indicated that he will maintain a strong interest in Ireland and maintaining good relations with the Irish Government. Tom Foley, another member of the FOI, was elected to succeed Wright as majority leader.
  
10. The next visit of the FOI to Ireland is planned for April 1987. It is envisaged that a large group will come led by Tom Foley. Preparations for the visit are underway.

Anglo-Irish Section,  
March 1987.

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## McBride Principles

### SUMMARY

The MacBride Principles are a set of 9 principles which are designed to eliminate discrimination against Catholics in employment in Northern Ireland. They have been adopted in the States of Massachusetts and New York and the cities of New York and Hartford, Connecticut, and legislative proposals on them have been introduced in many other States, in the U.S. House of Representatives by Congressman Fish and in the U.S. Senate by Senator d'Amato.

The British Government is opposed to the Principles and has lobbied unsuccessfully against their introduction in US State legislatures.

## MacBride Principles

### Present Situation

The McBride Principles named after Sean McBride are a set of 9 principles which are designed to eliminate discrimination against Catholics in Employment in Northern Ireland (a copy of the principles is attached). They were drafted in 1984 by Sean McBride, Inez McCormack, Dr. John Robb and Fr. Brian Brady. They have been adopted by the States of Massachusetts and the New York. In both cases the legislation requires that state investment, mainly pension funds, should only be invested in companies operating in Northern Ireland which undertake to be guided by the Principles. In addition, they have been adopted by the New York City Council and the city of Hartford in Connecticut. The city of Chicago has also passed a non-binding resolution supporting the Principles. In addition, legislative proposals on the MacBride Principles have been tabled in Florida, New Jersey, Rhode Island, Illinois, California and Connecticut States, as well as in the City Councils of Detroit and Philadelphia. New measures are about to be introduced in New Hampshire and Ohio. It is likely that several of these States and City Councils will pass legislation in the coming legislative year requiring State or city funds to be invested only in companies which adhere to the MacBride Principles.

The Republican congressman from New York, Mr. Hamilton Fish, introduced a Bill into Congress in 1986 to ban all U.S. imports from Northern Ireland which have not been manufactured or assembled in companies complying with the MacBride Principles. It also required all U.S. companies doing business with Northern Ireland to adhere to the Principles. The Bill called the "Northern Ireland Fair Employment Act" lapsed with the ending of the Congressional session. It was reintroduced into the present session of Congress. A similar bill has been introduced into the Senate by Senator D'Amato of New York.

In addition, several religious groups both Catholic and Protestant in the United States have joined in sponsoring shareholder resolutions seeking the major American companies operating in Northern Ireland to adopt the MacBride Principles. These groups include seven Catholic religious orders, the Archdiocese of New York, the United Methodist Convention, the Presbyterian Church Board of Pensions and the American Council of Churches. In the United States the MacBride Principles have become linked to the Sullivan Code which lays down the conditions under which US firms operate in South Africa.

#### Effect of legislative proposals

It is quite clear that these activities, in particular the effects in New York State, could have a major impact on American companies investing in Northern Ireland. The 25 US companies employ approximately 11% of those employed in manufacturing in Northern Ireland. One of the US companies, American Brands, owners of the Gallagher Tobacco company refused to place a resolution before its shareholders on the MacBride Principles stating that compliance with the Principles would place it in contravention of Northern Ireland's domestic law. A court case was heard in New York to decide if the MacBride Principles were in accordance with the Law in Northern Ireland. According to the judgement issued on 12 May 1986 by the New York Federal District Court, the Principles are not unlawful and could be legally implemented by Gallaghers in its Northern Ireland factory. The Court decision which basically upholds the legality of the Principles, is certain to have wide implications, making it extremely difficult for the two dozen US Companies to resist accepting the MacBride Principles on the basis that this violates Northern Ireland law (the traditional corporate defense against MacBride). No appeal has been lodged against the judgement of the Court.

British Government reaction

The British Government are strongly opposed to the adoption of the McBride Principles and have lobbied strongly against them in the various States. This lobbying has been counter productive and has actually strengthened the prospect of the McBride Principles being adopted. The British Government have recently appointed a full time official in North America to counter the McBride Principles. The British are opposed to the Principles on two grounds;

- (i) That they will scare off investment by placing an extra bureaucratic step on companies wishing to invest in Northern Ireland. It is difficult enough to attract industry without this extra step;
- (ii) It is possible that the Principles are contrary to the law.

In addition, the British obviously do not welcome the publicity which the discussion of the Principles evokes in the United States on discrimination in Northern Ireland. It is likely however that the British Government may be forced to review its position given its lack of success at curtailing legislation adopting the principles. The US State Department has to date supported the British position but is currently believed to be reviewing the situation.

SDLP views

There is no SDLP party policy on the McBride Principles. The initial views of the SDLP were concerned with the possible negative implications of the Principles on future US investment into Northern Ireland. However, this view has come under strain and support for the Principles is growing. Brian Feeney has expressed support for the Principles and has stated that he hopes that the SDLP would introduce the McBride Principles in Westminster as a requirement for companies operating in

Northern Ireland. Resolutions on the MacBride Principles were withdrawn from this year's Party Conference to avoid controversy as there would have been differences of opinion between sections of the Party.

ICTU attitude

The attitude of the Northern Ireland Committee of the ICTU to the McBride Principles is that they accept their "spirit" in broad measure. However, the NIC would not support the Principles if they require measures such as reverse discrimination or the establishment of quotas which would be contrary to Northern Ireland Law.

Irish Government views

There have not been many Irish Government statements on the McBride Principles. The established policy has been one of supporting their underlying aims while at the same time expressing concern that a further bureaucratic layer might discourage American investment. It was also stated that in the Government's view the question of discrimination could best be tackled through the Conference under Article 5 of the Anglo-Irish Agreement. There has never been any official statement endorsing or opposing the Principles as such by the Irish Government.

It has become apparent to our missions in North America that support for the McBride Principles is growing, even among moderate groups such as the Friends of Ireland and that any opposition to them from the Government would be unlikely to be successful. The Consul General in New York has put up for consideration that instead of opposing the McBride passage the British Government should acquiesce in the face of the moves in the US Congress and in State legislatures. This is a matter which will require early attention in the Intergovernmental Conference. Although only the Northern Irish courts can

pronounce on the compatibility of the Principles with the law of Northern Ireland, it seems unlikely that they are contrary to the Fair Employment Act or the Northern Ireland (Constitution) Act.

The text of McBride Principles is attached.

Anglo-Irish Section,  
February, 1987.

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## US/UK Supplementary Extradition Treaty

### Summary

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The US-UK Supplementary Extradition Treaty was ratified by Congress in 1986. In line with the European Convention on the Suppression of Terrorism, the Supplementary Treaty narrows the scope of the political exemption by removing a series of offences formerly considered 'political' under the terms of the US/UK Extradition Treaty 1972. It remains open to a defendant, however, to introduce evidence to the effect that he or she would not be able to get a fair trial because of the judicial system in the requesting state or that his or her extradition had been requested for the purpose of punishing him/her on account of race, religion, nationality or political opinion. Considerable controversy surrounded the passage of the Treaty Bill in Congress and many Irish-American organisations opposed its ratification.

### Background

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1. On 15 June 1986 the US Senate Foreign Relations Committee approved the US/UK Supplementary Extradition Treaty by a vote of 15 to 2. The treaty had been signed by the US and UK Governments on 25 June 1985. It had aroused considerable controversy and provoked the opposition of several Irish/American organisations resulting in an unusually delayed passage through the Foreign Relations Committee stage.
  2. The Irish National Caucus organised a major campaign against the treaty lobbying members of Congress on the issue. The Caucus argued that the Treaty would take the authority from US Courts to determine what constitutes a political offence; would hand over persons who would have no chance of a fair trial in Northern Ireland and would condone and legitimise British rule in Northern Ireland.

Provisions of the Treaty  
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3. Until fairly recently it had been a generally recognised principle of international law that States have the widest discretion to refuse extradition for a political offence or an offence connected with a political offence. This principle was embodied in the US/UK Extradition Treaty 1972 which provided for an exemption from extradition for certain specified 'political' offences. In the meantime, however, this principle of extradition has undergone some revision. The European Convention on the Suppression of Terrorism 1977, for example, sought to strengthen extradition arrangements between contracting states by reducing the scope of the 'political offence' defence for certain terrorist offences.
4. In line with the European Convention on the Suppression of Terrorism, the Supplementary Treaty narrows the scope of the political exemption by removing a series of offences formerly considered 'political' under the terms of the US/UK Extradition Treaty 1972. In its definition of offences which may be considered extraditable, the Supplementary Treaty is somewhat broader than the European Convention. The Treaty does not incorporate a list of 'terrorist-type' offences such as those listed in Article 1 of the European Convention on the Suppression of Terrorism but refers instead to crimes of murder, manslaughter, etc. which can be regarded as crimes against the person. Unlike the European Convention, the Supplementary Treaty is fully retrospective.
5. In an important amendment to the Treaty, passed by the Senate Foreign Relations Committee, a provision was inserted for non-extradition if there are substantial grounds for believing that the person could be prosecuted or punished because of his political opinions, religion etc. This brings the Treaty more closely into line with the European Convention on the Suppression of Terrorism, Article 5 of which has a similar provision. US Courts will also be given the right to consider the quality of courts in the country making the request.

US Court Cases of Irish Interest  
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6. There has yet to be an extradition 'test-case' under the new extradition arrangements. There are two cases currently proceeding which may prove illuminative:

- (i) The Doherty Case: Joseph Doherty escaped from Crumlin Road Jail in 1981 and was arrested in 1983 in New York as an illegal immigrant. A British extradition request was refused on the grounds that his offence was a political one. It was subsequently ruled that he be deported to Ireland as an illegal immigrant. The US Federal Authorities sought to substitute an order for deportation to Britain but this was contested by Doherty's lawyers. An Appeal decision is awaited. A number of further appeals are possible in this case and a final resolution is unlikely for 2<sup>1</sup>/<sub>2</sub> - 3 years. We understand that the US authorities do not intend to use the Doherty case as a test case under the Supplementary Extradition Treaty unless the attempt to have him deported to Britain fails.
- (ii) The McMullen Case: Gabriel McMullen was arrested on 16 December 1986 in Salt Lake City and his deportation to Ireland sought on the grounds that he had entered the US on a false Irish passport. He is wanted by the British authorities in connection with a number of bombing attacks in 1972 and 1974. A formal British request for extradition was made on 12 February 1987. A date for the court hearing on the extradition request has yet to be fixed. McMullen's case is likely to be the first case to be heard under the Supplementary Treaty.

Anglo-Irish Section,  
12 March, 1987.

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