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PS/Ministers (B&L)
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1- PS/Mr Bloomfield ✓ 2- At 9/4
Mr Stephens
Mr Brennan
Mr Fell
Mr Elliott
Mr Chesterton
Mr Gilliland
Mr Wood
Mr Ferneyhough

Mr Bell

SECRETARY OF STATE'S VISIT TO THE UNITED STATES: 11 MAY TO 14 MAY 1986

1. The Secretary of State visited Washington and New York from 11 to 14 May 1986. Plans for a longer visit, incorporating other US cities had had to be curtailed owing to Mr King's commitments in Northern Ireland.
2. During the visit, the Secretary of State had separate meetings with three key democratic Senators on the Foreign Relations Committee - Senators Eagleton, Pell and Sarbanes; he also saw Senators Kennedy, Moynihan and Mathias. From the House, he met Tip O'Neill and Tom Foley, the latter of whom gave a lunch under the auspices of the Friends of Ireland and there was a session with the Foreign Affairs Committee. Representatives of the Administration, staff members of leading American politicians and other significant political and community figures attended lunches and dinners given for the Secretary of State. In addition there were meetings with Judge Webster (Director of the FBI), Tom Donahue (Secretary-Treasurer AFL-CIO), Padraic Mackernan (Irish Ambassador in Washington) and the Committee for a New Ireland.
3. There was a substantial media element in the visit. Apart from a succession of interviews and press conferences there were meetings with the editorial boards of the Washington Post, Newsweek, the New York Times and the New York Daily News.
4. There was general interest in the political scene in Northern Ireland with emphasis on progress since the Agreement and the state of Unionist opinion. However, three issues dominated the visit:- the extradition treaty, MacBride principles and the Fund. I shall deal with each of these subject areas below.

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Political

5. Most of those seen by the Secretary of State were well aware of the strength of Unionist reaction against the Agreement and there was questioning both about the nature of the opposition (ie political or paramilitary) and about steps that might be taken by HMG to bring the Unionists on side. Congressman Lowery (Republican-California) was typical in asking whether any Protestants supported the Anglo-Irish initiative and in being bemused at the antics of "extreme Protestants".

6. The Secretary of State confirmed that opposition to the Agreement was very real and almost universal amongst Unionists. The Unionist politicians, including Dr Paisley, were seeking to hold the centre stage but were having to work hard to resist more extreme groups, including the paramilitaries. These were the circumstances in which they had sought to boycott NIO Ministers and mount various forms of protest. The Government's strategy was gently to bring the Unionist leaders into play by offering talks about talks, probably in the first instance with civil servants. It was not realistic to seek their support for the Agreement; rather the approach was to persuade them to suspend judgement while engaging them in discussions about the way in which the Province was governed. This was made more difficult by the divisions within the Unionist ranks on the way forward, for example over whether to press for devolution or integration.

7. On the Agreement itself, the Secretary of State told Michael Armacost (Under Secretary of State for Political Affairs) that the Irish and British sides were getting into the habit of working together and that important progress was being made in the fields of security co-operation and the administration of justice. The Conference was a means of ensuring that relations could be maintained with the Irish on a sound basis of fact as opposed to rumour.

Extradition Treaty

8. At the time of the visit the Treaty was under consideration by the Senate Foreign Relations Committee where the Democratic minority and Republican Senator Helms were opposing the version signed by the Administration and HMG. The Secretary of State saw three of the Democrats concerned to explain the case. Senator Eagleton was understanding of HMG's position and seeking a satisfactory compromise; Article 1 of the European Convention on the Suppression of Terrorism, with the possible addition of murder and manslaughter, was mentioned in this context. However, the Senator was not yet confident of bringing his colleagues along with him. He said that he welcomed the moderate way in which the Secretary of State explained the case, as opposed to the more strident attitude adopted by the Administration. Senator Pell argued that the US had

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been born out of a rebellion and therefore was naturally sympathetic towards political fugitives; and he argued that extradition of Irishmen could be extended by analogy to demands that members of the contras be extradited to Nicaragua. However, the murder of Lord Mountbatten had shaken him and caused him to moderate his views. Senator Sarbanes felt that a comprehensive extradition treaty with the UK might be the thin end of the wedge and argued that if Article 1 of the European Convention was satisfactory for Europe, then why not for the US? Overall, the Secretary of State was warmly received by these Senators who, despite their various reservations, were anxious to find a way out of the impasse. A formula that would command a substantial majority on the Committee was thought desirable, if the treaty was to stand a reasonable chance of success on the floor of the Senate.

9. Other points made about the Treaty during the visit followed a familiar theme. There was concern in some quarters at Senator Lugai's tactics of linking it with the Fund. The suggestion was made that the murder of soldiers and policemen should be excluded from its provisions and doubts were expressed that the US should extradite people who would be subject to a trial by Diplock Courts and, in some cases, on supergrass evidence. The Secretary of State was asked whether he was making too much of the extradition issue, given that only four cases had arisen.

10. In response to these points, the Secretary of State referred to the recognition by the US and the UK of the need for concerted international action against terrorism. The Prime Minister had supported the President over Libya and in this context the British public would not understand it if the US did not find itself able to co-operate in the extradition of terrorists to the UK. The Secretary of State gave most emphasis however to the relevance of the Tokyo summit, where President Reagan had taken the lead in pressing the case for co-operation to defeat terrorists; the successful conclusion of the extradition treaty was a logical extension of the stand taken at Tokyo.

11. On Diplock Courts, the Secretary of State explained that intimidation of jurors and witnesses made the system necessary and pointed out that the Republic also provided for non-jury trials in terrorist cases. Although trial was by a single judge, he was required to give reasons for his decision in writing and there was an automatic right of appeal to a three judge appellate court. There was in fact a slightly higher rate of acquittal in Diplock Courts than in cases tried before juries. In order to bring home the point that these courts meted out the same high level of justice as elsewhere in the British system, the Secretary of State made considerable play of Judge Sprizzo's obiter in the Doherty extradition case where extradition was refused. Judge Sprizzo found that the Northern Ireland courts were fair and impartial in dealing

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with Unionist and Republican offenders. He also referred to the McGlinchey case where extradition from the Republic had been achieved but the accused was acquitted.

12. The Secretary of State distinguished between Northern Ireland and some other countries where there was doubt about the desirability of extradition arrangements. Unlike Nicaragua, for example, Northern Ireland was part of a democratic system and had an impartial judiciary. Also, in countering the argument that crimes against the security forces might be excluded from any arrangements he pointed to the murder of American servicemen in Beirut and to the death of Sergeant Ford in Berlin; the perpetrators of such crimes could not reasonably be regarded as non-extraditable and nor could the killers of soldiers and policemen in Northern Ireland.

MacBride Principles

13. By general consent, the impetus behind those pressing the MacBride case was on the increase. State legislatures, notably New York, were moving in that direction and the New York court finding that American Brands was required to include a resolution on the subject at its general meeting was a straw in the wind. Mr Murphy, a dinner guest in New York and "moderate" National Vice President of the Ancient Order of Hibernians, argued strongly in favour of the principles; he pointed to Bloody Sunday and various other alleged misfeasances on the part of HMG and the security forces as evidence that the authorities in Northern Ireland were partial and incapable of administering anti-discrimination measures without outside pressure. Tom Donahue (AFL-CIO) was more understanding of the Secretary of State's position but did not feel able to come out against MacBride (in fact he is constrained by resolutions of his constituent unions). Apart from these two those, whom the Secretary of State met, understood HMG's position and most of them accepted the arguments against the principles.

However, Congressmen Donnelly and Lowery pointed out that people found it difficult to argue against measures billed as anti-discriminatory and that there was a tendency to confuse MacBride with the Sullivan principles relating to South Africa. HMG would be well advised to consider a campaign to put across the facts in US and to provide Congressmen with details of facts and figures on fair employment in Northern Ireland. (The Embassy are working on this but I should be grateful if you would establish whether assistance is required from NIO and DED.)

14. The Secretary of State said that there was a time when discrimination was a major problem in Northern Ireland which had a "Protestant Parliament for a Protestant people". However, since the advent of direct rule strenuous efforts had been made to eliminate it; in particular fair employment legislation had been enacted. It had not been possible to progress as quickly as we would have liked, largely because of high

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levels of unemployment in Northern Ireland. When companies, such as Harland & Wolff, were shedding labour it was not possible to take substantial steps towards redressing imbalances in the labour force. On the other hand we could point to the example of Shorts, which had benefitted from US contracts as a company where there had been important steps forward. The percentage of apprentices who were Catholic had risen from 6% in 1983 to 24% today; and the company had opened a recruitment office in central Belfast where there would be easy access from both communities. Major advances were being made to further the principle of fair employment in the public services; and the Secretary of State hoped soon to announce proposals to strengthen the fair employment machinery.

15. The Secretary of State said that the proponents of MacBride were in the main well-meaning but misguided people. They were seeking to impose principles on Northern Ireland which were superfluous, inconsistent with what HMG was trying to do and probably in conflict with fair employment law in Northern Ireland (in that they provided for positive discrimination). The results of the campaign would be the opposite of what was intended. By deterring investors and impairing the activities of companies already in Northern Ireland, they would reduce employment opportunities for Protestant and Catholic alike.

The Fund

16. There was a suggestion from some representatives of the US media that HMG might find the Fund an embarrassment. After all the UK was not a third world country and (as was pointed out by some of the House Foreign Affairs Committee staffers) the US foreign aid budget was being cut by over 20%. On the question of conditions attached to the Fund, House staffers pointed out that enactment of the Bill was a long process; the conditions had already been watered down from that which some Congressmen had been pressing for and which had been very close to MacBride. It was not unreasonable and did not amount to undue interference in the affairs of the UK that there should be some system of certification. In the context of references to human rights, it was worth pointing out that the House already commissioned reports on the human rights records of other countries, including the UK. Tip O'Neill said that he had worked hard to avoid the inclusion of restrictive conditions in the Fund; he now wanted to leave the details of the Fund to be worked out by officials.

17. The Secretary of State made it clear that the principle of the Fund was welcome to HMG and not an embarrassment. He would not be drawn by the media into discussion of what would be a suitable amount but stressed his concern that the cash be properly targetted. He would look to see it spent on projects that would enhance long-term

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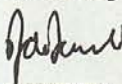
employment prospects, a statement that was particularly welcomed by representatives of the House Foreign Affairs Committee. However, those concerned should understand that the introduction of the Bill did precipitate a hostile reaction in certain quarters in the UK; there had been suggestions that it would enable the US to take part in running the country. The Secretary of State said that he understood the desire for checks on the way in which the money was disbursed but these had to be applied sensitively. The legislation being used to apply the Fund was similar to that being used in underdeveloped countries; it needed to be understood that in this case the recipient was a mature Parliamentary democracy. These points were well taken by the House staff who did not seem to feel that they created insuperable difficulties.

Meeting with the Irish Ambassador to Washington

18. Mr MacKernan suggested that the UK side should not concern itself with conditions attached to the Fund; these were to be found in all such arrangements. It was important to encourage the Americans to get on with it and not be coy about figures. On extradition, the Irish could assist discreetly by talking to the Senators concerned and members of the Administration; but we could not expect open support as this would serve only to stoke up the level of controversy. The UK side should be ready to compromise rather than adopt a "head-on" approach to the issue. The Ambassador said that the Irish Consul-General in New York had got himself into trouble by openly opposing the MacBride principles. Again the UK would be best advised to kill the issue by lobbying for amendments and changes in emphasis when dealing with State legislatures rather than through outright opposition. (The Irish Consul-General in New York, Mr Flavin, was included in the New York dinner party and made no secret of his desire to be helpful on this issue.)

Meeting with the Director of the FBI

19. The Secretary of State took the opportunity to thank Judge Webster for the FBI's co-operation in combatting Irish terrorism. It was clear that both countries had a common purpose in dealing with terrorism of all kinds. Judge Webster said that some convictions had been achieved against individuals engaging in gun running. On the flow of cash to the IRA, the FBI were well aware of the need to take action but it was difficult to tie NORAID in with criminal activity; the cash usually passed through perfectly legitimate bank accounts. The extradition problem needed to be resolved but Judge Webster said that the FBI now had good co-operation from the State Department in tackling Irish terrorism.


J A DANIELL
Private Secretary

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