



**Political Education Committee  
John E. McInerney, National Chairman  
218 College Station Drive  
Largo, Maryland 20774-1237**

**TO:** AOH National Board  
**FROM:** John E. McInerney  
National PEC Chairman  
**DATE:** 25 October 2003

**Proposed new Extradition Treaty  
between the United States and Great Britain**  
**Plan of Action to Prevent Ratification**

The ancient Greek philosopher Plato once said that “the punishment wise men suffer for indifference to public affairs is to be ruled by unwise men.” That philosophy is as valid today as it was in ancient Greece. Or, in plain English, we have to “give a damn” as to what happens in public affairs and what our nation’s leaders are doing.

In any nation, citizens have to be patriots. Patriotism is not waiving the flag and blindly giving up our rights and duties as citizens. A true patriot will always stand vigilant and speak out either for or against an issue. A true patriot will make his or her voice heard and see that a nation does not lose its way and its soul in times of crisis.

Our nation’s founding fathers gave us a framework of government that lasted over two centuries and survived in spite of a civil war and numerous changes and upheavals in our society. One of their great legacies is our civil rights

and civil liberties enshrined primarily in the Bill of Rights added to our Constitution. During a time of national crisis, a patriot must make sure that we do not give up our rights for the sake of comfort and security.

Attorney General John Ashcroft and the British Home Secretary signed the new proposed extradition treaty between Great Britain and the United States with little fanfare last March 31st. Many of us feel that this treaty goes too far and will sign away many of the rights we enjoy today as American citizens. The Irish American community is concerned because of the treaty's possible misuse and abridgement of our civil rights.

Let us take a good look at some of the alarming aspects of the proposed British – American extradition treaty.

### **There is no political offense exception**

Historically, the United States has always been a refuge for those fleeing tyranny overseas. The Irish in America are a prime example. The “political offense exception” to extradition has been an essential element of every one of our extradition treaties since President Thomas Jefferson refused extradition of an opponent of the French Revolution.

One of the many fatal flaws in this new British – American extradition treaty is that it weakens, if not eliminates, the time honored extradition safeguards that the current American -- British extradition treaty includes. **This proposed treaty is an unprecedented departure from two centuries of American extradition practice as far as the “political offense exception” is concerned.**

The current treaty still in force provides the important safeguard that

“...extradition shall not occur if the person sought establishes to the satisfaction of the competent judicial authority by a preponderance of the evidence that the request for extradition has in fact been made with a view to try or punish him on account of his race, religion, nationality, or political opinions...” (Article 3(a); UK-US Supplemental Treaty, 1986)

This language is missing from the new proposed treaty. (Article 4, pages 4&5)

### **Extradition based on unproven allegations**

Also, **the proposed treaty could subject American citizens to extradition based solely on unproven allegation by the British government.**

Depending on how the proposed treaty will be applied and interrupted in the future, any American active in Irish affairs faces potential detention and deportation to Britain without any proof of guilt and without his or her day in court. Never before in our nation’s history has the United States government subjected the liberty of American citizens to the whims of a foreign government.

(Article 8, #2 (b), pages 6 & 7)

### **We lose our right to our day in court**

With this new proposed extradition treaty, we will lose our right to our day in court. **The new treaty clearly transfers responsibility for determining whether the extradition request is politically motivated from the federal courts of the United States to the executive branch – most likely the Department of Justice or the Department of Homeland Security.** Under the new treaty an individual subject to a British extradition request has no right whatsoever to seek a court hearing on the merits of the determination by the federal government’s executive branch to hand him or her over to the British security forces for prosecution in Great Britain – and likely in the six counties of the north of Ireland. To the Irish American community, this omission is of grave concern since the few successes that Irish nationals have had in fighting British extradition requests over the years were the result of the American courts

recognizing the political nature of the extradition request and blocking the requested extradition. (Article 4, #3, page 5)

### **Potential impact on Irish American activists**

Another peril of this new treaty is that the language is so vague that it could allow for virtually mechanical extradition of both Irish and American citizens acting in the political pursuit of peace and justice in the north of Ireland. **The overly broad language also appears to allow for the successful extradition of individuals from the United States whether or not the alleged acts even occurred in the current confines of the United Kingdom.** Also, it allows for extradition even if no American federal law is violated.

### **No probable cause standard**

**This new treaty eliminates the need for the United Kingdom to present and show sufficient facts that the person requested for extradition is guilty of the crime he or she is charged with.** Mere unsupported allegations will be sufficient. This new treaty does not specifically cite the existing “probable cause” standard of review that the allegations are legally sufficiency to support Britain’s request for extradition. In fact, the new treaty merely requires a bare recitation of unsupported allegations. (Article 8, #3(c), page 7)

### **Eliminates the “rule of specialty”**

Finally, the new treaty allows for the extradition for one offense, and once handed over to British authorities the person can be subsequently prosecuted in Great Britain for an unrelated crime. This eliminates the time honored “rule of specialty.”

## **Other serious concerns**

**The new treaty eliminates any statute of limitations.** (Article 6, page 6) **It also allows for provisional arrest and detention for 60 days upon request by Great Britain.** (Article 12, pages 8 & 9) **There will be no trial and no hearing. Furthermore, it allows for the seizure of our assets in the United States by the British government.** (Article 16, page 11)

At this time, a number of British government requests seeking extradition of Irish citizens have likely not been made to the United States government simply because they would be subject to American judicial scrutiny – not to mention public scrutiny, especially from the Irish American community.

## **Our plan of attack to defeat the extradition treaty**

The Ancient Order of Hibernians and the Ladies Ancient Order of Hibernians must be united in its messages of opposition to this treaty.

**FIRST:** We have to first contact the 18 members of the Foreign Relations Committee. These 18 senators represent 18 different states – the priority will be with Hibernians and others from other organizations in these 18 states on approaching their Senator who is serving on the Senate Foreign Relations Committee. Our purpose is to defeat the treaty in committee.

**SECOND:** At the same time, we must contact our other senators who are not members of the Foreign Relations Committee. If the treaty is voted out of committee and reaches the Senate floor for a vote, we need at least 34 votes to defeat the treaty.

**Senators – especially the Members of the Senate Foreign Relations Committee – must hear from Hibernians in every state as well as from our national, state, county and division leaders.**

As a start, I recommend that our National President, Ned McGinley, send a letter along with a fact sheet to every member of the Senate Foreign Relations Committee and a few weeks later to the remaining members of the United States Senate. I also recommend that our national elected officers and board members do the same.

There are 18 states represented on the Senate Foreign Relations Committee and all but three are from states where the Hibernians have a state board. These 15 state presidents need to send a letter to their Senator on the committee. Below is a list of the 18 states in alphabetical order and the senator on he committee:

- California – Boxer
- Delaware – Biden
- Florida – Nelson
- Indiana – Lugar
- Kansas – Brownback
- Maryland – Sarbanes
- Massachusetts – Kerry
- Minnesota – Coleman
- Nebraska – Hagel
- New Hampshire – Sununu
- New Jersey – Corzine
- Ohio – Voinovich
- Rhode Island – Chafee
- Tennessee – Alexander
- Virginia – Allen
- West Virginia – Rockefeller
- Wisconsin – Feingold
- Wyoming – Enz

The National Political Education Committee will provide a suggested letter for each state president to consider and sign. Also, each State President needs to send a letter to his two United States Senators. We will provide a suggested letter.

Our former National President Joe Roche has offered to approach the offices of the 18 members of the Senate Foreign Relations Committee on Capitol Hill in Washington on behalf of each of these state presidents. He will deliver the original letter from the State President as well as a letter from President McGinley, other local Hibernians and members of the local Irish American community.

**THIRD:** Each Hibernian should send a personal letter to their two United States Senators on this important issue.

**FOURTH: We must network with others in other organizations** – be they Irish American or other groups and ask them to send letters to the senators. We need to form coalitions with Irish groups in our home areas. The Irish American Unity Conference and NorAid are active on this issue. We need to expand, if possible, beyond the Irish American community and get support from other groups and organizations. We need a broad coalition and not have it played in the press and on Capitol Hill as “just another Irish issue” or “another Irish – English fight.” There are civil rights and civil liberties issues involved.

**FIFTH:** Personal networking is important in getting our friends and colleagues to join us in the effort. Today, with e-mail the word can spread far and wide – and we need to do just that.

### **How the System Works**

Let me speak to you frankly as one who has worked on Capitol Hill and dealt with the Congress in the past. I have seen the system work on the inside. I recently consulted with a friend with over 35 years of experience working for Congress on Capitol Hill. His and my recommendations are as follows in lobbying the Congress.

**Personally signed letters from constituents have the greatest impact on Capitol Hill.** Personally signed letters to the Senators are usually referred to the Legislative Assistant for a response. In our case, it usually will go to the legislative assistant dealing with foreign affairs on behalf of the Senator.

**Letters and post cards where constituents fill in their names and addresses and sign their name are not taken as seriously as a personal letter and are usually disregarded.** If signer gets a response, it is usually what is called a “generated response” such as “thank you for your recent letter. I appreciate you sharing your views with me, etc. It is always great to hear from my constituents.” Often times the interns generate these types of responses. These types of letters and post cards are kept for a while and thrown away. For years I have seen them on top of the trash heap in the basements of the House and Senate.

Petitions for the most part fall into this category. One of the problems is that it is almost impossible to read the name and addresses so as to respond. However, an exception to this rule would be a stack of signed petitions accompanied by a letter on the issue signed by a representative of an organization. **AOH and LAOH divisions can gather petitions and send them into senators’ offices by mail and fax with a good cover letter signed by the division president or recording secretary. These types of actions by grassroots organizations can become a loud voice.** This is the only way to get our petitions noticed. However, the personal signed letters are the most effective.

The personal signed letters can be generated by word processing with the writer’s name and address on top and signature at the bottom. It is always recommended that the first paragraph be modified so as to appear different from all other similar letters. In divisions with members without computers, members

with computers can personalize these letters for other members and their spouses. I have done that a number of times with my division.

The old saying in politics is – **“vote often and vote well.”** Every time we as a citizen send a letter to a public official on an issue – we are voting, we are expressing our opinion on a given issue, and we are telling our elected representatives and senators how we want them to vote. What I recommend doing is after your letter is signed is to fax it into your senators’ offices in Washington and in the state before mailing the original. The original will take at least two weeks or more to reach the Washington office due to security over the anthrax scare. I am providing a list of Senators with their office and fax numbers. Please use it!

**A visit to your senators’ state office is appropriate and in order for the state, county and division presidents of the AOH and LAOH.** It is not always easy to get to schedule a meeting with the Senator, but the legislative assistant for foreign affairs is the person to see. If you meet with the senator, usually this legislative assistant will most likely be present. That legislative assistant has considerable influence with the senator and you must win him or her over to your side of the issue. Make sure you exchange business cards with phone numbers before you leave the office. Also, **go to the meeting with a letter stating your case.** After you leave, stay in touch by mail, fax and phone.

My friends, this new extradition treaty with Great Britain has gone too far. We as Hibernians are not just Republicans, Democrats or Independents – we are members of the American community and patriots who vote our conscience on many issues, especially regarding human life. Patriotism is in the news a lot these days. However, a patriot will stand up and speak up for what is right and just – even to the point of protesting governmental actions seen as harmful to human

rights, human liberty, human life and human dignity. Silence is not golden; silence is not patriotism; but silence can be cowardice.

Our constitution, which sets up our system of government, begins with the words “We the people of the United States.” As such, “we the people” must act today. I have outlined what we must effectively do to defeat the treaty.

Let it never be recorded in the annals of history that Hibernians and the Irish American community were silent on this important issue. And to you and me personally, let none of us one day have to admit silently to ourselves and within our conscience that we were silent and did nothing when we had the golden opportunity to do something great.

Study this issue and write your letters – not just one but also many. And get your family and friends to do the same. We are not just Irish, we are not just Americans, we are patriots, and we are citizens who vote not only by the ballot but also with the pen. Remember the old saying that **the pen is mightier than the sword**. So, so write your letters today.

For those of us who are leaders in our community we must get the word out to the rank and file of our membership. We must be proactive and see to it that this proposed extradition treaty between the United States and Great Britain is defeated. Are we Plato’s wise men who are “indifferent to public affairs?” Yes or No?

Respectfully submitted:

John E. McInerney, Chairman, PEC  
[McInerneyVerret@aol.com](mailto:McInerneyVerret@aol.com)  
(301) 350 – 6184 (Home)  
(301) 350 – 0318 (Fax)