

Cliff Extradition file

THE WASHINGTON POST

IRA Man Can Stay in U.S.

12/14/84 Court Bars Extradition in 'Political' Crime

Associated Press

NEW YORK, Dec. 13—A member of the Irish Republican Army who was convicted in his homeland of murdering a British army officer cannot be extradited because his crime was political, a federal judge ruled today.

The decision by U.S. District Court Judge John E. Sprizzo means that Joseph Patrick Thomas Doherty, who escaped from a Northern Ireland prison, can remain in the United States, at least for now. He has been fighting extradition since his arrest in New York on June 18, 1983.

A spokesman for U.S. Attorney Rudolph W. Giuliani and officials of

the British Foreign Office, Home Office and Northern Ireland Office would not comment.

Doherty claimed that he could not be extradited under the U.S.-British extradition treaty because it contains a clause preventing forced return of prisoners if "the offense is of a political character."

"The death of Capt. [Herbert Richard] Westmacott, while a most tragic event, occurred in the context of an attempted ambush of a British army patrol," the judge ruled. Had the death occurred during a traditional military battle "there could be little doubt that it would fall within the political-offense exception," he added.