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PREM 19 | 1381

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CONFIDENTIAL FILING

Information Leaked by the Guardian
about the Siting of Cruise Missiles
at Greenham Common

SECURITY

OCTOBER 1983

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
26.10.83							
3.11.83							
11.11.83							
18.11.83							
21.11.83							
15.12.83							
16.12.83							
22.12.83							
10.1.84							
11.1.84							
12.1.84							
14.2.84							
16.3.84							
19.3.84							
27.3.84							
29.3.84							
9.4.84							

PREM 19/1381

01-405 7641 EXT. 3050

Communications on this subject should
be referred to
The Legal Secretary
Attorney General's Chambers

Tim Fisher
ATTORNEY GENERAL'S CHAMBERS
LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, W.C.2

9 April 1984

F E R Butler Esq
Principal Private Secretary
Prime Minister's Office
10 Downing Street
LONDON S W 1

Dear Principal Private Secretary,

MISS SARAH TISDALL

The Attorney General has asked me to provide you with a copy of his reasons for not prosecuting The Guardian in respect of their publication of the memorandum in this case. I enclose it herewith.

Yours sincerely,
John Ringguth

J S RINGGUTH

REASON FOR NOT PROSECUTING GUARDIAN

When the Guardian published the Secret Minute in full on 31st October 1983 it was appreciated for the first time that the newspaper must have the document or a copy in its possession. Following their disclosure, the prime consideration was to discover the source of the leak who was apparently in a senior and sensitive position so that if he were not discovered National Security would have been at stake. To that end The Attorney considered that the appropriate action was to compel surrender of the document through the Civil Courts. Despite their continued opposition, the Guardian was compelled to hand over the Minute after the hearing by the Court of Appeal on 16th December 1983. Miss Tisdall was eventually discovered after the photocopy could be examined. The view was taken that hers was the primary offence and she was duly prosecuted. So far as the Guardian staff were concerned, in addition to the possible evidential difficulties in establishing a case against them, there was not the same element of breach of trust

and there was also the fact that the evidence against them had been obtained by a civil compulsory process. In the circumstances it was not thought right to prosecute them.

CONFIDENTIAL

Fcd 811



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Security Commission: Miss Sarah Tisdall

The Prime Minister has seen your minute of 27 March (A084/978) and agrees that the case of Miss Sarah Tisdall should not be referred to the Security Commission.

A. J. COLES

29 March, 1984

CONFIDENTIAL

GT .

CONFIDENTIAL

Prime Minister

Ref. A084/978

MR BUTLER

I was reluctant in the first place to refer it. Agree now that it be NOT referred to

Accept this second thought? I have a feeling that the leader of the Opposition might make a difficulty about a reference.

FRB

Security Commission: Miss Sarah Tisdall

28-3.

When I met the Prime Minister on 23 March, she accepted (as recorded in your minute of that date) that it would be advantageous to refer the Tisdall case to the Security Commission, so that they could examine the question whether special precautions needed to be taken in relation to Private Office staff.

2. I still think that there would be advantages in that; but I now wonder whether, in the light of the recent publicity about the conviction and sentence of Miss Tisdall, a reference would look as if the Government were determined to pursue her almost vindictively by all possible means. Though I should have liked to get the endorsement of the Security Commission for any additional precautions that it might seem sensible to take in relation to Private Office staff, I think that we could manage well enough without that if we had to; and I do not think that the case would otherwise justify a reference to the Security Commission.

3. On balance, therefore, I should like to change my mind and, in the new circumstances, recommend against a reference.

ReA

ROBERT ARMSTRONG

27 March 1984

CONFIDENTIAL

27 FEB 1984



CONFIDENTIAL

*cc'd. Roberts
return to me*

MR INGHAM

NOTE FOR THE RECORD

John Stubbs told me that the S.Tel (Carol Stevens) will be running a story on security following the Tisdall conviction. They are likely to refer to Civil Service practices and security. If asked we say:

"The Security Division of the Cabinet Office MPO is responsible for co-ordinating policy on personnel and physical security matters and for arrangements to ensure the functioning of the Civil Service in the event of emergencies. They also provide the Secretariat for the Security Commission."

Rex Davy (Assistant Secretary) is head of Division - he is a civil servant (not MI or police).

JER

J.E. ROBERTS
23 March 1984



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Security Commission: Miss Sarah Tisdall

The Prime Minister discussed with you this morning your minute of 16 March, and you explained that it would be advantageous for an independent member of the Security Commission's authority to examine the question whether special precautions needed to be taken in relation to Private Office staff. On this basis, the Prime Minister agreed that a reference to the Security Commission should be made. I shall look forward to receiving from you a draft letter for the Prime Minister to send to Mr. Kinnock after Miss Tisdall's trial.

E. E. R. BUTLER

23 March, 1984

CONFIDENTIAL



PRIME MINISTER

Mr Butler

MR. BARCLAY

There is a meeting,
but FCS and ChEx will
be present. RTA
could stay on afterwards.

Is there a business meeting ^{Dub}
this Friday? If not, can ^{19/3}
you suggest another convenient
moment for a word about the
attached?

F.R.B.

19 March 1984



to UK
b2DB

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Security Commission: Miss Sarah Tisdall

Thank you for your minute of 16 March
(A084/853).

The Prime Minister has detected in paragraph 3 of your minute some indication that Lord Bridge has doubts about taking on this reference. The Prime Minister has suggested that she should have a word with you, before we proceed. I will arrange an opportunity for this.

F. E. R. BUTLER

19 March 1984

Ref. A084/853

MR BUTLER

*Shall we discuss
first, clearly**Prime Minister
Agree a reference
to the Security Commission
after Miss Tisdall's trial?*Security Commission: Miss Sarah Tisdall*Lord Bridge has some doubts*FERB
16.3.

You will recall that Miss Sarah Tisdall, who until January of this year was serving as a Grade 10 Officer in the Private Office of the Foreign and Commonwealth Secretary, has been charged with an offence under Section 2 of the Official Secrets Act. This followed the legal action which the Government took to obtain the return from The Guardian newspaper of the document about the delivery of Cruise missiles at Greenham Common, and the subsequent police investigation to identify the culprit.

2. In accordance with the normal procedure, I consulted Lord Bridge about a possible reference to the Security Commission. I subsequently discussed the matter in some detail with him and explained that, as this was the first leak that had been proved to come from a Minister's Private Office, we were particularly concerned. There were therefore a number of questions which we needed to pursue about the selection of staff for work in particularly sensitive areas, such as Private Offices, and that this covered matters other than security vetting.
3. Lord Bridge said that, while this was clearly not the type of case which would normally be referred to the Security Commission, he would be very ready to accept a reference if the Prime Minister felt that an investigation by the Commission would be more likely to get at the facts, and that its recommendations would carry more weight and authority than any other type of inquiry. In any event, Lord Bridge considered that there should be no reference until the outcome of the trial was known.
4. I understand that Miss Tisdall's trial has now been fixed for 23 March. My own view is that a reference to the Commission would be helpful and, if the Prime Minister agrees, I will provide a draft letter to send to Mr Kinnock after the trial letting him know what is proposed. We can then make the announcement in the normal way.

RA

ROBERT ARMSTRONG

16 March 1984



With the compliments of
SIR ANTONY ACLAND

No. 244.

A.F.C. $\frac{15}{2}$

FOREIGN AND COMMONWEALTH OFFICE, SW1
15/2, 1984.



Sir Antony Acland KCMG KCVO
Permanent Under-Secretary of State

Foreign and Commonwealth Office

London SW1A 2AH

14 February 1984

Sir Robert Armstrong GCB CVO
CABINET OFFICE

My dear Robert,

1. There was a preliminary discussion of the implications of the Sarah Tisdall affair at your meeting of Permanent Secretaries on 11 January, when it was agreed to consider the matter again later. Some of the issues involved were covered in more detail in your minute of 12 January to the Prime Minister. You now await Lord Bridge's reply to your letter of 24 January about a possible reference of the case to the Security Commission. *attached 52*

2. Meanwhile you may like to know that we have taken the following steps within the FCO:

- We have conducted a special security inspection of Sir Geoffrey Howe's Private Office, where certain procedures have been tightened up.
- All heads of department and Private Secretaries have been instructed to remind all their staff of the trust reposed in them and of their obligations to ensure the security of information and documents in their possession.
- We have introduced a special PV review for all candidates to posts in Private Offices, and we shall also try to avoid posting very young officers to particularly sensitive posts.
- We are taking steps to enable us to trace photocopies made on official machines (principally by introducing a 'signature' for all photocopying machines to make it possible to identify the machine on which any copy has been made).

3. I am sending a copy of this letter to John Coles.

Yours ever

Antony Acland

Antony Acland

SECURITY

Lead to Guardian
re Greenham Common

Oct. 83.

15 FEB 1984

9 10 11 12 1 2 3 4 5 6 7 8

Handwritten signature or initials.

There was a preliminary discussion of the implications of the Sarah Ladell affair at your meeting of 13 January, when it was agreed to consider the matter again later. Some of the issues involved were covered in more detail at your meeting of 13 January to the Prime Minister. The following part of the letter of 14 January is about a possible reference of the case to the Security Commission.

Meanwhile you may like to know that we have taken the following steps within the ECO:

We have contacted a special security inspection of 616 Geoffrey Howe's Private Office, where certain procedures have been tightened up.

All heads of department and Private Secretaries have been instructed to remind all their staff of the trust placed in them and of their obligations to ensure the security of information and documents in their possession.

We have introduced a special TV review for all candidates for posts in Private Offices, and we shall also try to avoid involving very young officers in particularly sensitive posts.

We are taking steps to enable us to trace photographs made on official machines (especially by introducing a 'signature' for all photography machines to make it possible to identify the machine on which any copy has been made).

CONFIDENTIAL

File



Duty Clerk.

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCS CVO

Ref. A084/273

24 January 1984

F JAN 1984

I expect you will have seen the press reports about Miss Sarah Tisdall who has been charged at Bow Street Magistrates Court with an offence under section 2 of the Official Secrets Act. In accordance with normal procedure I am writing to seek your views about a possible reference to the Security Commission before advising the Prime Minister.

The facts of the case are briefly as follows. On 21 October The Guardian newspaper published detailed information about the delivery of cruise missiles at Greenham Common and the arrangements for their security on arrival. It seemed clear that the newspaper had got its story as a result of a comprehensive leak of information contained in two minutes, which were classified SECRET, from the Secretary of State for Defence to the Prime Minister, and in accordance with our normal procedures, we put in hand an interdepartmental investigation. Subsequently, on 31 October, The Guardian published in full the text of one of those minutes. As it seemed that they had a copy in their possession, the Treasury Solicitor wrote to the editor asking for its return. Through their own solicitors, Lovell, White & King, The Guardian confirmed that they had a copy of the document but, as this had certain markings on it which might assist in the identification of the source of their information, they were prepared to return it only with those markings excised. This was not acceptable to us and legal proceedings were instituted to retrieve it. The Court of Appeal, on 16 December, dismissed an appeal by The Guardian from Mr Justice Scott's order of 15 December that they should return the copy and, while giving leave to appeal to the House of Lords, refused a stay of execution. I enclose a copy of The Times Law report on the case and, if you have not already seen it, I think you will be interested to read particularly Lord Justice Griffiths's remarks.

/ The return

The Rt Hon The Lord Bridge of Harwich

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The return of the document did, in fact, enable us to narrow down the area from which the leak had occurred and, at that stage, we called in the police. They were then able to identify the culprit and obtain a confession from her.

Miss Tisdall is a Grade 10 Officer (Clerical Officer equivalent) in the Foreign and Commonwealth Office and she has been working in the Private Office of the Secretary of State. She joined the Foreign and Commonwealth Office in 1980;

As to her motivation for this breach of security and trust, Miss Tisdall has said that she objected first to what she regarded as a lack of effective control by Her Majesty's Government over the cruise missiles at Greenham Common and, second, to what she regarded as an attempt to deceive the public over the reception arrangements for the missiles.

Though this case seems straightforward enough on the face of it, it raises a number of questions of wider application. If before you come to a conclusion about it you would like to discuss it, I should be glad to come over and see you.

ROBERT ARMSTRONG

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

CONFIDENTIAL

From Armstrong 24/1/84

National security requires identification of informant

Secretary of State for Defence v. Another v Guardian Newspapers Ltd.
 Before Sir John Donaldson, Master of the Rolls, Lord Justice Griffiths and Lord Justice Slade
 [Judgment delivered December 16]

The interests of national security required that the identity of the person who disclosed to *The Guardian* newspaper a memorandum of the Secretary of State for Defence classified "secret" should be established forthwith and accordingly section 10 of the Contempt of Court Act 1981 afforded no defence to the newspaper.

Section 10 of the Contempt of Court Act 1981 provides: "No court may require a person to disclose, nor is any person guilty of contempt of court for refusing to disclose, the source of information contained in a publication for which he is responsible, unless it is established to the satisfaction of the court that disclosure is necessary in the interests of justice or national security or for the prevention of disorder or crime".

The Court of Appeal dismissed an appeal by Guardian Newspapers Ltd from Mr Justice Scott's order of December 15 (*The Times*, December 16) that they should return to the plaintiffs, the Secretary of State for Defence and the Attorney General, a photostatic copy of a memorandum prepared by the secretary of state for the Prime Minister.

The order to appeal to the House of Lords was granted but the court refused a stay of execution.

Lord Rawlinson of Ewell, QC and Mr Peter Prescott for Guardian Newspapers; Mr Simon D. Brown for the plaintiffs.

THE MASTER OF THE ROLLS said that the case raised a question as to the extent to which journalists should be allowed to protect their sources of information.

The document entitled "Deliveries of Cruise Missiles to RAF Greenham Common - Parliamentary and Public Statements" was prepared in the Ministry of Defence on or about October 20, 1983. It was classified "secret".

Only seven copies left the ministry. The primary addressee was the Prime Minister.

The next day a photocopy of one of the copies arrived at the news desk of *The Guardian*. No one on the staff knew whence it came or who delivered it. The editor, after inquiries, decided that it was authentic. He also concluded that the national interest would not be damaged by its publication. On October 31 he published it.

On November 1 the Treasury Solicitor wrote to the editor asking him to deliver up the document. On November 17 *The Guardian's* solicitors replied saying that statutory markings on the document might disclose, or assist in the identification of, the source of the information to *The Guardian*, although the editor did not know the source and that in accordance with the well established convention of journalism which had statutory force by section 10 of the Contempt of Court Act 1981 he was not prepared to take any step which might lead to the disclosure of the source. The reply stated that the editor was only concerned to protect his

source and was prepared to hand over the document with the understanding that the usual acceptable and proceedings were begun on November 22.

The principal establishment officer of the Ministry of Defence had sworn that the fact that a document marked "secret" addressed by the Secretary of State for Defence to the Prime Minister had found its way into the possession of a national newspaper was of the gravest importance to the continued maintenance of national security.

It represented a threat to the United Kingdom's relations with her allies who could not be expected to continue to trust her Majesty's Government with secret information which might be liable to unauthorized disclosure and the identity of the person or persons who disclosed the information had to be established for the preservation of national security.

The editor of *The Guardian* in an attempt to protect his source, though given as to whether it was proper to publish the document and said that *The Guardian* would never print anything which in the editor's opinion would damage national security.

Whether or not the editor acted in the public interest in publishing the document was not the issue. The secretary of state's concern was quite different. It was that a servant of the Crown who disclosed the documents had decided for himself whether classified information should be disseminated to the public and he should do so on one occasion he might do it on others when the safety of the state would truly be imperilled.

The responsibility for deciding what should or should not be published was that of the government of the day and not that of individual civil servants or editors. It was not the publication of the document which formed the basis of the secretary of state's complaint, but the fact that a copy got into unauthorized hands.

The Crown's case before the judge was very simple. The original document was Crown property and Crown copyrights. Any copy of that document was an infringing copy and by the combined effect of sections 4, 18 and 39 of the Copyright Act 1956, the Crown had the same rights in respect of the copy in *The Guardian's* possession as it would have in respect of the original. Accordingly it was entitled to an order requiring *The Guardian*, who relied on section 10 of the Contempt of Court Act 1981, to deliver up the document.

The judge held that section 10 of the 1981 Act was not intended to interfere with proprietary rights. He was on to say that if it had been necessary for the Crown to rely upon the exceptions to section 10 he would have refused to make an order to say that if it had been necessary for the Crown to establish by evidence called at the trial the actions to which the exceptions applied.

Both parties appealed. *The Guardian* now challenged the Crown's right of property and the effect of section 10 of the 1981 Act.

The Crown challenged the judge's view that it could not rely upon the exceptions to section 10 in the absence of a full trial.

The matter should be approached

from a different point of view. Prior to the 1981 Act it was the practice of the courts to have regard to the conscientious objections of priests, doctors, journalists and others to breaches of undertakings of confidentiality. The courts had to balance competing interests.

Section 10 of the 1981 Act varied its discretion or practice to the extent that, unless the exceptional circumstances were established to its satisfaction, the court was bound to refuse to require any person to disclose the source of information contained in a publication. The section did not however remove the court's discretion outside that category.

There was a very high degree of probability that the original document was copied using Crown facilities and Crown materials. If that could be proved the Crown had possession of *The Guardian* was Crown property.

If contrary to all probability, the original copy was removed from Crown premises and copied using private apparatus, the copy was an infringing copy.

His Lordship could see no grounds for thinking that the original markings which had now been obliterated were not put on by a servant of the Crown in the course of his official duties. Disclosure of the document was needed in order to identify the servant of the Crown who in breach of his statutory duty had copied the document and supplied the copy to *The Guardian*. See *Norwich Pharmacal Co v Customs and Excise Commissioners* (1974) AC 133.

The real issue in the case was whether the section 10 exception or its common law equivalent was made out. His Lordship did not consider that there was a triable issue which could not or should not be resolved in interlocutory proceedings.

The Crown's case was that it had in its employment a servant or servants who had access to classified information and who were prepared, for reasons which seemed good to them to betray the trust which was reposed in them.

The responsibility for treating what information was to be treated as classified and what should be released to the public domain was that of ministers who were answerable to the nation in Parliament.

It was fully established that the contention of section 10 applied. The Crown was entitled to discovery as an aid to pursuing its rights against its dishonest servant; that the *Norwich Pharmacal* case and the *British Steel Corporation v Granada Television Ltd* (1981) AC 1096.

Reliance to order delivery up would wholly frustrate those rights and would be contrary to the interests of justice. Furthermore the Crown was bound to constitute very serious breaches of the Official Secrets Acts. The appeal should be dismissed.

LORD JUSTICE GRIFFITHS, agreeing, said that *prima facie* the circumstances pointed towards the copyright covering the entire contents of the document.

His Lordship would not construe section 10 of the 1981 Act narrowly. In such a situation the court had a discretion as to whether it should order delivery up of the document

to the plaintiff.

If the only purpose for claiming the document was to discover the source that provided it, the opening words of the section directed the court not to exercise its discretion in favour of the plaintiff unless the case fell within one of the exceptions.

The press had always attached the greatest importance to their ability to protect their sources of information. If they were not able to do so they believed that many of their sources would dry up and that they would seriously interfere with their effectiveness.

Parliament by enacting section 10 had clearly recognized the importance that attached to the ability of the press to protect their sources. No harm could be seen in giving a wide construction to the opening words of the section in view of the later exceptions.

Prima facie, his Lordship would have held that the defendants were entitled to be protected by section 10. However, in the particular circumstances he had no doubt that *The Guardian* should be ordered to hand over the document forthwith. It was clearly the case that it was necessary in the interests of national security that the source from which the document came should be identified.

To take an unauthorized copy of such a document which was marked "secret" and put it into circulation was the clearly established statutory procedure and of the Official Secrets Act.

The duty to national security lay in the fact that someone probably in a senior position and with access to highly classified material could not be trusted. So long as he was unidentified he presented a very serious threat to our national security. The success of security procedures depended in large measure on the trustworthiness of those who operated them and had access to classified material.

His Lordship regarded it as a matter of urgency that every possible step should be taken to identify the untrustworthy person, and remove him from a position in which he had access to classified material.

LORD JUSTICE SLADE, agreeing, said that the order of Mr Justice Scott, being a mandatory order for delivery on an interlocutory motion, the first inquiry must be as to the Crown's rights in respect of the document.

The Crown's evidence established a strong *prima facie* right to be treated as the owner by virtue of section 18 (1) of the Copyright Act 1956.

Mr Prescott submitted that the rights of copyright did not extend to that part of the document which was covered by identification marks, and that if the matter went to trial, a severance of that part might be required. See *Wassenaar & Co v Seeborn* (11888) 39 Ch D 73 and *Nichols Advanced Vehicle Systems Inc v Rees Oliver (1979)* RPC 127, 1413. However the facts of those two cases were far removed from the facts of the present case, and his Lordship was not persuaded that there was an *Wassenaar* issue and to deprive the Crown of the remedy of delivery would deprive it of any effective remedy at all. If section 10 of the 1981 Act were disregarded the Crown would, at trial, obtain an order for delivery of

22
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Guardian hands over document³

MR PETER PRESTON, editor of *The Guardian*, has handed over to government lawyers a secret document on cruise nuclear missiles which had been leaked to the newspaper.

Three Appeal Court judges yesterday ruled that national security required that the highly placed government official who passed on the memorandum, which was later published, should be traced and removed urgently.

Lord Justice Griffiths said: "So long as he is unidentified he remains a serious threat to our national security."

The court rejected a plea by *The Guardian* that it was entitled to protect its anonymous source from being identified by markings on the document.

Mr Preston said he was "very disappointed" at the outcome and was considering an appeal to the House of Lords.

The first impulse of journalists over the affair of the Ministry of Defence leak is of respect and fellow-feeling towards *The Guardian*. If the secret memorandum about the arrival of cruise missiles in Britain had fallen into our hands instead of theirs, we would have used the information therein. Disclosure of items of public interest, is the business of the press, subject to the overriding requirements of justice and national security. It is agreed that the latter was not directly threatened by the information in the leaked paper. If challenged to disclose the identity of the source of a confidential report, the instinct and usually the duty of a journalist is to say nothing and take the consequences, which may in the last resort include imprisonment for contempt. *The Guardian* clearly acted from the best of motives and from an exacting view of the duty of the media. But in the circumstances of this case, it seems to us that the decision (which proves to have been an expensive one) was mistaken.

The hearing was a test case for a clause in the Contempt of Court Act 1981 which gave statutory force to a longstanding convention that journalists should not normally be required to disclose their sources unwillingly. This convention had been overthrown by the House of Lords in a case where British Steel had demanded that Granada TV should say who had

CAVEAT TALPA

given it information, used in a broadcast, which cast a decidedly unflattering light on the company's management. Even when required to by the Lords, Granada rightly refused to expose its informant to dismissal and possible action for damages. BSC eventually dropped its demand. The new law took away the right of courts to require disclosure in such cases; only "the interests of justice or national security or . . . the prevention of disorder or crime" could justify an order to disclose.

The document itself, let fall no secrets likely to be of assistance to enemies of the state, but its circulation within the Ministry was very restricted, and the leak implies that one of a small number of individuals with access to exceedingly sensitive material was prepared to commit a breach of trust. It was reasonable for the Appeal Court to find that this had significant implications for national security, that it was the threat of a threat.

The press thrives on notional breaches of trust by its informants, while regarding itself as bound to commit no breaches of trust against them. Many confidences pass every day between the press and people in business or government, and it is very much in the public interest that they should. Ministers are among the readiest to take advantage of these informal contacts, which depend on the maintenance of trust. But the

information received by *The Guardian* was in the distinct though growing category of material sent anonymously. The recipient's obligations towards an informant who does not trust him with his identity can hardly be of the same kind as those in a genuine confidential relationship. No explicit or implicit contract exists, and it is almost quixotic to act as if it did.

In the normal way, the recipient would not even be in a position to unmask his informant - if he is, it is only by his informant's oversight. But on this occasion the Ministry hopes that the leaked photocopy may reproduce marks identifying which original copy it was taken from. A photocopy of copyright information is technically the property of the copyright owner, and so the High Court felt obliged to order its return, unmutated, regardless of the terms of the 1981 Act. Surreptitious leakers will no doubt take account of the implications of this in future, and the flow of unsigned communications to Fleet Street is likely to be channelled into re-typed copies. The protection to confidential journalism embodied in the 1981 Act remains substantially unaffected. If it proves to be inadequate when tested, then the legitimate functions of the media, and the services that they can render to society, would be gravely impaired. But we can cross that bridge if we come to it. Meanwhile, let the mole beware.

the document intact in its present state.

The Guardian submitted, in effect, that Mr Justice Scott acted in contravention of section 10 by requiring *The Guardian* to disclose the source of its information, and that the Crown had failed to establish any matters taking the case outside the ambit of the section.

The present case differed in two significant respects from *British Steel Corporation v Granada Television Ltd* the precursor of the 1981 Act, in that, first, the name of the relevant source was known to Granada, and second the relevant documents had been handed over by the time the appeal was heard, so that no question of proprietary remedies arose. The order appealed from was simply to make and serve an affidavit setting forth the relevant name or names.

His Lordship felt some doubts whether section 10 had any relevance at all to the present facts; it was at least arguable that Parliament did not intend thereby to interfere with the rights of owners to recover documents under the general law, even if delivery up of the property in question might incidentally disclose a source of published information.

A pointer in the opposite direction might be that delivery of a document having no intrinsic value

other than as a means of identifying the source would at least seem to offend against the spirit of the section.

On the other hand there was force in Mr Brown's submission that the section was merely to place restrictions on an order for disclosure of evidence or affidavit, such having been the type of order sought in the *British Steel* case.

In the present case *The Guardian's* editor had stated "The *Guardian* does not know and has no means of finding out who the source is." There was no certainty that the effect of the order sought by the Crown would in fact involve disclosure of *The Guardian's* source of information, since that depended entirely on whether the partially blacked out markings would lead to that source.

It was at least arguable that a publisher praying section 10 in aid must satisfy the court by affirmative evidence that the effect of the order would and not merely might reveal the source.

His Lordship in any event was satisfied that delivery of the document was necessary in the interests of national security. It was common ground that its publication did not jeopardize national security, but that was not the relevant point.

What was relevant was that the person responsible for the leak must have betrayed his trust, and while it appeared in the present case that no security risk had been involved, the court must take judicial notice of the fact that a future leakage of many other secret documents from the Ministry of Defence might gravely prejudice national security if published.

His Lordship also considered that disclosure was necessary in the interests of justice. *The Guardian* would suffer no damage, and could not be criticized on the ground of failure to take adequate steps to protect the confidentiality of its unknown source. Whereas if the Crown were compelled to wait until trial it could well suffer irreparable damage through the further activities of the unknown informant.

Thus to deny the remedy sought would be a significant denial of justice, and the balance of convenience was overwhelmingly in favour of an order being made. The appeal should therefore be dismissed.

Solicitors: Lovell, White & King
Treasury Solicitor.

Ref. A084/137
PRIME MINISTER

The Foreign and Commonwealth Secretary, reflecting in Riyadh about the implications of the Sarah Tisdall affair, is wondering whether it would be sensible to set in hand and to announce (before Parliament resumes) an inquiry with the object of making recommendations designed to reduce the risk of a recurrence. He rightly sees this as a Whitehall problem, and not as a specifically Foreign and Commonwealth Office one, and he feels strongly that any follow-up should be on a Whitehall basis.

2. He sees two possible subjects for inquiry:

- (1) the procedures for identifying, classifying and handling papers of particular sensitivity, and for selecting especially junior staff who have access to such papers.
- (2) whether the Government has the powers it needs to minimise the chances of limiting damage and finding the person responsible after a leak has occurred.

He suggests that it might be appropriate at least initially to limit the inquiry to the first limb of the first of these two subjects, and to start with an inquiry under the auspices of the Secretary of the Cabinet; the Security Commission could always be brought in later, if this seemed appropriate in the light of his findings.

3. As background to consideration of this I should make four points:

- (1) As Miss Tisdall is being charged under the Official Secrets Acts, we are obliged under the standard procedure to consult the Chairman of the Security Commission as to whether this is a case which should be referred (either immediately or after the trial) to the Security Commission; this is already in hand. In the light of his advice you will then be asked to decide (after consulting the Leader

of the Opposition) whether to refer the case to the Commission.

(2) This is, so far as I am aware, the first leak that has been proved to come from a Minister's Private Office. That makes it, in my book, a serious matter irrespective of the sensitivity of the material leaked. Given the volume of business handled by a Private Office and the speed with which it has to be done, the office is workable only on the basis that all those working in it can be trusted to handle all (or virtually all) of the papers that flow through it. The document leaked by Miss Tisdall was classified SECRET; in a sense it was more politically embarrassing than security sensitive, but there is nonetheless a security implication: the document leaked could have been one which was highly sensitive in security terms or in terms of prejudice to the conduct of international relations.

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

(4) I have already put in hand a review of the procedure for investigating leaks. I do not, as at present advised, believe that the Government lacks the necessary powers. We have a team of investigators in the Cabinet Office who are becoming pretty experienced at conducting leak investigations. If it is a question of prosecution, that is for the Attorney General and the Director of Public Prosecutions; but prosecutions can be based either on charges

Armstrong/Au

12/1/84

under the Official Secrets Act or on charges of theft. There is the alternative of disciplinary action (ie dismissal) in cases where a confession can be secured. But recent experience shows that we need to review the distribution of responsibility between the individual Departments and the centre (the centre probably needs to be more closely involved), and the arrangements and timing for deciding whether the police need to be brought in. These matters are to be discussed with individual Departments who have had recent experience of leak investigations, the Law Officers' Department, the Director of Public Prosecutions and representatives of the Metropolitan Police. But I should much prefer not to announce this review.

4. I should of course be perfectly ready to be instructed to inquire into the procedures for identifying, classifying and handling papers of particular sensitivity. But I could not advise you to announce such an inquiry, for two reasons:

(1) An announcement could engender expectations which I believe an inquiry would be unlikely to satisfy. Document handling procedures were comprehensively reviewed by the Security Commission as recently as 1981, when the Commission did a ~~comprehensive~~ review of security procedures; all the Commission's recommendations were accepted, and have been or are being implemented. We have also introduced the CMO procedure for handling Cabinet or Cabinet Committee documents of particular sensitivity; and your own office is scrupulously careful to request special handling procedures for documents which are thought to require them. I do not believe that this is the area in which we should be concentrating our attention, and very much doubt whether we can carry special handling procedures much further, particularly within Private Offices.

(2) It would be playing into the hands of CND and of the Freedom of Information campaign if the Government announced action which could be represented as an attempt to enforce even greater ~~secrecy~~ in Government.

5. We clearly ought to consider whether there were any deficiencies in the PV procedure which failed to bring to light information about Miss Tisdall that would have forewarned the Foreign and Commonwealth Office that she might be liable to do what she has done; or whether there was other information about her which could have been known to those responsible and which, if so known, could have provided a forewarning. But prima facie there were not; and in any case that is pre-eminently an area for Security Commission investigation.

6. I think that we should be concentrating not so much on the breach of security that was involved as on the breach of trust and confidence; and that the lessons to be learnt from this affair are more likely to be in the area of personnel management than in the area of security. The questions which I think we should be pursuing are as follows:

(1) Are we doing enough when people are recruited to the Civil Service to emphasise that the civil servant's duty is to the Government of the day, and that if he joins the Civil Service he accepts an obligation to assist the Government of the day to formulate and execute its policies, which it has been elected to carry out, and to preserve its confidences, so long as its policies and actions are within the law, irrespective of his personal or political views?

(2) Do we need to take even greater care than at present in selecting staff for work in particularly sensitive areas, such as Private Offices? This is not just a matter of security vetting but also of what is known about personal character and reliability.

(3) Should there be some age bar or rule on appointments to Private Offices? Miss Tisdall is only 23, and has been in the Service only three years: it might be sensible, though it would be restrictive, to suggest that people should not be appointed to Private Offices who were not 25 or had served for less than five years.

(4) Would it be helpful to have an additional process of indoctrination of staff taking up posts in Private Offices

and other sensitive areas? Would it, for instance, be useful to require them to read, and to certify that they have read, a document which reminds them that they are being put into a position of especial trust and that, in accepting appointment to such a position, they must also accept that the obligation of preserving confidentiality which applies to all government servants applies with special force to them?

7. If there were to be a reference to the Security Commission, I should hope to direct their attention to these questions; and an investigation by the Security Commission would be more likely to get at the facts, and its recommendations would carry greater weight and authority, than any mere inquiry by the Secretary of the Cabinet.

8. I take the view that the implications of a deliberate leak by a member of a Private Office are serious. But, as I have clearly indicated, I think that it might be inadvisable to create the impression that the Government is particularly sensitive to Miss Tisdall's leak because of its political embarrassment, or to take action which might further highlight this particular leak and increase the risk that the press will build Miss Tisdall up into an innocent and even heroic victim of a secretive establishment. For this reason, and because the Tisdall case is now sub judice, and for the other reasons suggested in this minute, I would not recommend an early announcement of any kind of special inquiry.

9. I recognise that this does not meet the Foreign and Commonwealth Secretary's objectives of making it plain to the public that this is a Whitehall problem and not a specifically Foreign and Commonwealth Office one, or of saying something before the weekend in order to disarm parliamentary questioning next week. I suggest, however, that these objectives could be met in part by an announcement to the effect that the standard procedures for following up prosecutions for breaches of secrecy would be followed in this case. The procedures are those laid down by Sir Alec Douglas-Home and Mr Wilson in the 1960s and

endorsed by successive Prime Ministers since. Under these procedures the first action, when there has been a prosecution for a breach of secrecy, is to consult the Chairman of the Security Commission as to whether he considers that the circumstances are such as to call for a reference to the Commission. In the light of his advice it is for the Prime Minister, after consulting the Leader of the Opposition, to decide whether to make a reference to the Commission.

10. I doubt whether this would justify the issue of a press statement. It could, however, form the basis of guidance to the Lobby before the weekend; and that could, if it was thought appropriate, be followed up by a written answer to an arranged Parliamentary Question early next week.

11. I am sending a copy of this minute to the Foreign and Commonwealth Secretary.



ROBERT ARMSTRONG

12 January 1984

F E R Butler Esq



NBPM

CABINET OFFICE

With the compliments of
Sir Robert Armstrong GCB CVO
Secretary of the Cabinet
and Head of the
Home Civil Service

70 Whitehall, London SW1A 2AS

Telephone 01-233 8319

CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A084/127

11 January 1984

Leaks and Scotland Yard

Thank you very much for your letter of 22 December, with its report from New Scotland Yard on the press leaks about the Ministry of Defence and Department of Education and Science leaks.

I agree that we cannot pursue these particular leaks any further.

I am glad to hear that you are discussing with the Deputy Commissioner the further guidelines needed to secure the avoidance of premature release of information. I trust that the guidance will also extend to the avoidance of premature release of misinformation, of the kind that led to the "Cabinet Office mole" headline and article in the Sunday Telegraph for 8 January.

I am sending copies of this letter to Clive Whitmore, David Hancock and Robin Butler.

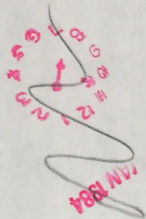
ROBERT ARMSTRONG

Sir Brian Cubbon GCB

CONFIDENTIAL

SECURITY: Cruise Missile / Guardian Leak

Oct 83



JAN 1984



SECRET

CONFIDENTIAL

FIG 84



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Thank you for your minute of 9 January (A084/90) about the leak to the Guardian of a minute from the Secretary of State for Defence about the date and other arrangements for the arrival of Cruise missiles on Greenham Common. The Prime Minister has noted the contents of your minute.

LEE BUTLER

10 January, 1984

CONFIDENTIAL

Ref. A084/90

MR BUTLER

Dunlop, MB

The Prime Minister will remember the leak to the Guardian last autumn of a minute from the Secretary of State for Defence to her about the date and other arrangements for the arrival of cruise missiles at Greenham Common.

2. It was decided to seek to recover the leaked document from the Guardian, and court proceedings were instituted for this purpose. The High Court found in favour of the Crown, and that decision was upheld by the Court of Appeal. The Guardian accordingly returned the document, in the form in which they had received it.

3. It was clear that the document recovered had been copied from a copy of the original sent to the Foreign and Commonwealth Office. Preliminary investigations by a Cabinet Office investigator indicated that the leak must have come either from the Secretary of State's Private Office or from the Defence Department of the Foreign and Commonwealth Office, and probably the former. The investigation was then put in the hands of the police. Further inquiries narrowed the range of suspects, and a confession has now been obtained. The document was leaked to the Guardian by Miss Sarah Tisdall, a young Clerical Officer in the Secretary of State's Private Office. Following her confession she has been suspended, and the Director of Public Prosecutions has decided to prosecute her.

4. It is clearly a relief that the investigation has been able to track down the source of this leak. After the headline in yesterday's Sunday Telegraph it is a matter of particular relief to me that the leak proves not to have come from the Cabinet Office.

RA

ROBERT ARMSTRONG

9 January 1984

CONFIDENTIAL

NBPM



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

22 December 1983

SIR BRIAN CUBBON KCB
PERMANENT UNDER SECRETARY OF STATE

Dear Robert

LEAKS AND SCOTLAND YARD

....
We have now received from Scotland Yard the enclosed report on the involvement of their Press Bureau in the stories about the MOD and DES leaks, on which you wrote to me on 16 November.

The Metropolitan Police accept that a mistake was made by the Bureau in replying to an enquiry from the Daily Mail on 9 November, because of a confusion between the two investigations. They should have repeated the denial of police involvement made to previous enquiries from the Mail and the Sun.

On the second point which you raised, the police report that their enquiries suggest that the Bureau did not go into any details about the DES leak, and that they were not the source for that story. Although one can never be absolutely sure what was said, as the police accept, the log of the conversation supports that conclusion, and there is no other evidence which they could usefully pursue further. The Guardian story of 11 November, unlike that in the Mail of 10 November, bears all the signs of being cobbled together from a range of different sources and items, as is commonly the case with those two reporters. That seems pertinent to the point which David Hancock made in his letter of 17 November.

We have also taken up the point which you raised about their procedural guidance for commenting on leak investigations. You will see from the Deputy Commissioner's reply that he agrees with the need to avoid premature release of information. We are discussing with him the further guidelines needed to secure this agreed objective. I shall come back to you on this.

I am sending copies of this reply to Clive Whitmore, David Hancock and Robin Butler.

Your ever
Diana

Sir Robert Armstrong GCB CVO

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FROM : A Laugharne CBE QPM

4/94



DEPUTY COMMISSIONER OF POLICE
OF THE METROPOLIS

NEW SCOTLAND YARD
BROADWAY LONDON SW1H 0BG

14 December 1983

cc Mr Bantock
Mr Hilary

M J A Partridge Esq CB
Deputy Under-Secretary of State
Home Office
Queen Anne's Gate
London
SW1H 9AT

Jean Michael

PRESS LEAKS

Since receiving your letter of November 17 I have enquired about how our Press Bureau became involved in the case of the MOD document leaked to The Guardian. A simple misunderstanding occurred during a telephone conversation and this resulted, I regret to say, in the MOD leak being confused with the DES investigation. Attached is a copy of a report about our mistake, by Richard Wells, the Director of Information.

We have apologised to the newspapers for this unprecedented mistake and suitable advice has been given to those concerned to help to prevent a recurrence.

As for the second issue raised in your letter, (that we compounded our initial error) we in fact provided very little information about the DES leak. Enquiry shows that we did not discuss the contents of the letter sent to The Guardian; neither did we indicate who was responsible for the leak, nor did we provide any indication that the identity of the 'mole' was known to police. Thus I am as satisfied as ever one can be in instances such as this that the additional information concerning the DES leak did not emanate from us.

I quite agree with your views on the propriety of early disclosure of progress in sensitive investigations. We too take pains in other investigations into criminal matters to avoid premature release of information. You may feel, of course, that mention even of the fact of our having sent papers forward to the Director of Public Prosecutions is inappropriate in these cases, in which event some quite specific guidelines will need to be agreed between ourselves.

My own view is that that particular piece of information is not normally damaging and we would, I think, be loath to set up complex new arrangements out of what has been, in effect, a simple human error.

Yours sincerely

A Laugharne

A Laugharne
Deputy Commissioner

Metropolitan Police Office
'P' Department

28th November 1983

SUPPLY OF INFORMATION IN
THE M.O.D. 'LEAK' CASE

Deputy Commissioner

1. Introduction

APPENDIX 'A'

- 1.1 The letter from Home Office has prompted an enquiry into the circumstances surrounding the events of 9th-10th November 1983. My report below commences with a chronological description of what happened, followed by my conclusions and recommendations.

2. Sequence of Events

- 2.1 On Monday, 31st October 1983, at 12 noon, Peter BURDEN (Daily Mail), asked Press Bureau whether Police were investigating the leak of a document to the Guardian concerning the delivery of cruise missiles. The document, published in the Guardian on 31st October 1983, purports to be a briefing paper from Mr Michael HESELTINE addressed to the Prime Minister. The Guardian article is attached, as is an extract from the relevant Press Bureau Log entry.

APPENDIX 'B'

APPENDIX 'C'

2.2 Martin PENNEY, one of the Information Officers on duty at that time in Press Bureau telephoned Detective Chief Superintendent DOWLING of C1 Branch and obtained information which he wrote in the log and marked clearly - 'NOT FOR PRESS - BUREAU INFO'.

2.3 The substance of DCS Dowling's information is shown at Appendix 'C'. It explains the procedure adopted between the Cabinet Office and Commissioner's Office and points out that such a request as suggested by Peter BURDEN could have been somewhere in the system but that he (DCS Dowling) was not aware of it.

2.4 On Wednesday, 2nd November 1983, at 5pm, Mr HOLINGBURY (The Sun), asked the same question, that to say, whether the leak was going to be investigated by New Scotland Yard. Some enquiries were made of C1 Branch but DCS Dowling was not available. The details are shown on the further log extract attached.

APPENDIX 'D'

2.5 On Wednesday, 9th November 1983, Peter BURDEN telephoned Press Bureau again at 4.35pm (please see attached log entry) stating that he understood that police were now investigating the leak, exposed in the Guardian earlier, of an M.O.D document from the Defence Secretary to the Prime Minister. The officer on duty in Press Bureau, Mrs Somerset OGDEN, telephoned C1 Branch asking that DCS Dowling call back. At 5.14pm, DCS Dowling telephoned the Press Bureau, spoke to Marion IRVING (Information Officer), in Mrs OGDEN's absence, and agreed a press reply to to the effect that 'We have investigated the matter, have sent a report to D.P.P. and are

APPENDIX 'E'

awaiting his decision". This information was then passed to the Daily Mail at 5.50pm. Press Association enquired and were told the same at 11.16pm and the information was also put on the Press Bureau answerphone at 11.55pm.

- 2.6 At 12.15am on Thursday, 10th November 1983, another Information Officer, Martin HABGOOD received a telephone call from Tom SANDROCK (Daily Telegraph) querying the information given to the Press by Marion IRVING, stating that he was of the opinion 'that DCS Dowling was investigating a Department of Education and Science leak, not that from the Ministry of Defence'. Martin HABGOOD later spoke to DCS Dowling who made it quite clear that when speaking to Marion IRVING he was referring to the D.E.S. enquiry. He had no knowledge of any M.O.D enquiry, as no request had been received to that effect by C1. This conversation and the two consequent steps taken by the Press Bureau to correct the information are clearly shown at subsequent log entries.

APPENDIX 'F'

- 2.7 Press Bureau accepted responsibility for the mistake, apologised to Peter BURDEN and mounted an internal enquiry later that day, 10th November 1983.
- 2.8 A reply was formulated in Press Bureau clarifying the issue and verifying that there was no police investigation into the M.O.D. leak.
- 2.9 A note for the use of Press Bureau only in the log indicates that the mistake arose as a result of a misunderstanding in Press Bureau and that Police were not to blame.

3. Investigation

- 3.1 The nub of the problem lies in the conversation between Marion IRVING and DCS Dowling which took place on 9th November, at 5.14pm, to which there are no other parties as witness.
- 3.2 DCS Dowling has been interviewed and states that he was under the impression that Press Bureau had asked about the D.E.S. enquiry. He authorised a reply, as shown in the log, and thought no more of the matter. He knew at that time that there was no CI enquiry into an M.O.D. leak and could easily have told Press Bureau that, had he been asked.
- 3.3 Marion Irving was under the impression that she specifically asked about the M.O.D. leak to the Guardian. She states that she was not aware of the D.E.S. enquiry so could not have been confused between the two. She admits that DCS Dowling may not have heard her say 'M.O.D.' when referring to the 'M.O.D. leak to the Guardian', but nevertheless stands by her belief that she knew full well that it was to that leak she was referring.
- 3.4 The admission in the log that no fault lay with police, does indicate that within the Bureau at the time there was suspicion that the blame did lie within the Press Bureau.
- 3.5 Even if, as seems possible, the fault lay with DCS Dowling or with both him and Marion Irving, I felt justified in allowing Press Bureau to accept responsibility and to shield the police officers involved.

APPENDIX 'H1'

APPENDIX 'H2'

3.6 After the initial investigation, I personally sent letters to Peter Burden, Sir David ENGLISH and the editors of all the national papers, apologising for the misunderstanding.

APPENDIX 'G'

3.7 As regards the second issue raised in the letter from Home Office, that Press Bureau supplied detailed information to the press about the D.E.S. leak, the log shows clearly the limited details given to the press after consultation with DCS Dowling. The statement describes only the despatch of the papers to the Guardian and the prompt return of same to the D.E.S. by the newspaper.

3.8 Enquiries within Press Bureau show that:-

- * Press Bureau did not discuss the contents of the letter sent to the Guardian;
- * At no stage did Press Bureau indicate who was responsible for the leak;
- * No indication was given that the identity of the 'mole' was known to police.

4. Conclusions

4.1 I am satisfied that there was no deliberate, conscious wrongdoing or incompetence within Press Bureau or indeed within C1. Marion IRVING and DCS Dowling are quite sure within their own minds that, respectively, the correct question was asked and the proper reply given.

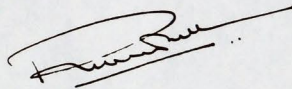
Human error in confusing 'M.O.D.' with 'D of E', over a telephone call was almost certainly to blame, and it is pointless to conjecture further in whose behaviour the mistake occurred.

4.2 I am also satisfied that the additional information concerning the D.E.S. leak did not emanate from Press Bureau.

4.3 Nothing in my investigation prompts me to order any procedural changes. There is no record in recent years of any similar incident.

5. Recommendations

5.1 I have already given suitable advice to Bureau staff and I recommend that no further action be taken.



Richard Wells
Director of Information

CONFIDENTIAL



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

1A
"A"

17th November 1983

Dear Sir Kenneth,

Press Leaks

When I came over to meet you earlier this afternoon, I mentioned the concern which had been expressed about some recent stories in the Press which seem to have involved your Press Office.

The first was the Daily Mail story of the investigation into the disclosure to the Guardian of a SECRET minute from the Secretary of State for Defence to the Prime Minister about the arrangements for receiving cruise missiles at Greenham. It seems that the story was printed because your Press Office initially gave the Daily Mail incorrect information, and confirmed it even though the police were not in fact involved.

When subsequently correcting that information, the Press Office seem to have compounded the initial error by giving in considerable detail information about a separate inquiry into the attempted leak of documents from the DES.

I should be grateful if you could let us have urgently a report on what happened and, if mistakes were made, how they came to be made, and an indication of what action has been taken to prevent a recurrence. It has always been regarded as essential during investigations to avoid any comment on the progress or outcome, because premature disclosure may destroy the chances of catching a culprit or may prejudice action against him. This policy should apply equally when the police are called in to assist in investigations.

Yours sincerely,
Michael Partridge

(M. J. A. PARTRIDGE)

Sir Kenneth Newman, QPM,
Commissioner of Police of the Metropolis,
New Scotland Yard,
Broadway,
LONDON
SW1H 9BG

Deputy Commissioner

For necessary action,
please.

HL 18⁴ 83

CONFIDENTIAL

244 Heseltine's briefing to Thatcher on cruise timing

MAJOR items of equipment for the first cruise missile flight will be arriving at RAF Greenham Common from November 1 onwards, with deliveries spread over the following week. I have minuted you separately on the contingency security arrangements. We need to consider the parliamentary and public handling of the issue. Our approach at this stage needs to cater for the alternatives that the first cruise missiles themselves will arrive on November 1 or three weeks later, on which, for reasons you know, final decisions have yet to be taken.

I believe that in either case there is no sensible alternative to announcing the beginning of the arrival of "sensitive" items of equipment on November 1 (while of course maintaining our existing policy of neither confirming nor denying the presence of nuclear warheads). Clearly there can be no question of revealing the timetable for equipment deliveries in advance. But we must work on the basis that the presence of sensitive equipments will become known on November 1, given the increased level of activity

A DOCUMENT which has come into the possession of the Guardian underlines the Government's sensitivity over the delivery of the first cruise missiles to RAF Greenham Common which — the document shows — was scheduled to begin tomorrow. The document, marked "secret" and dated October 20, 1983, is a briefing addressed to the Prime Minister from the Defence Secretary Mr Michael Heseltine. It is entitled Deliveries of Cruise Missiles to RAF Greenham Common — Parliamentary and Public Statements and is printed here in full.

at the base and the presence of transporter-erector-launchers.

There is nothing to gain and much to lose—from trying to be evasive. Defence is top for questions that day and there are a number of related questions on the delivery and deployment timetable. If it is decided that deliveries at the beginning of the month should exclude the missiles, I would propose to explain at question time that the launchers and other equipment were beginning to arrive but to make it clear that the missiles themselves had not arrived. If, on the other hand, the full programme including the missiles goes ahead, I propose instead to make a statement to the House after questions.

This statement would re-

hearse the collective nature of the Nato decision which led to deployment, note that we are proceeding with implementing a decision agreed four years ago, and emphasise our interest in securing an equitable arms control agreement and that deployments can be halted, modified or reversed in the light of progress in Geneva. It would also refer to Nato's decisions on reductions in warheads for shorter-range nuclear weapons, about which I am minuting you separately.

Finally and crucially I should need clearly to draw out and to emphasise the distinction between the operational deployment of the missiles (which we have always said would take place by the end of the year), and their deliv-

ery (which must be presented as another step in preparation for operational deployment).

Assuming the full delivery programme goes ahead that day, my aim in handling Parliament and the press on November 1 would be to concentrate as much attention as possible on the Government's position before the Opposition and the "peace movement" had an opportunity to react. To this end I would hold a press conference in London on November 1 after the statement and I am considering following this with a photographic facility at Greenham Common itself.

We need, of course, to take account of the international implications of our public line. We have already explained to the Germans

that arrivals cannot be concealed. The Soviet Union might use an announcement as a pretext for walking out in Geneva, although this may not suit them in relation to seeking to influence German opinion prior to the Bundestag debate. In any case, as the arrivals cannot be concealed, they could use publicity about them as the pretext if they are minded to pull out in Geneva.

Prior to November 1, I have no doubt that we should continue to make clear that missiles have not yet arrived, and add that Parliament will be kept informed of all significant developments in the delivery programme. Without this, any announcement may appear to be a concession to Opposition pressure rather than a positive decision by the Government.

There will be a number of opportunities for questions on the timing of deliveries to be raised next week, particularly during the debate on the Defence Estimates in the Lords on Tuesday and your Question in the Commons on Tuesday and Thursday. I enclose a suggested line to take for use then.

W. I. W. F. D.

nothing like what I expected from the press conference. I advise the D.O.P.P. the 5th for any investigation is possible of this. Good

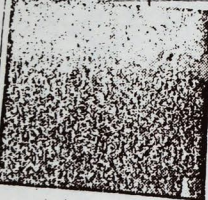
Burden
Mail
1200

Are NSY investigating the alleged theft of this document?

now rec: 1543

nothing at this stage. I will inform Bureau if there are any developments.

Monday 31/10/83

No.	Enquirer and Time	Enquiry	Action	Reply or Message	ne Press
	 <p>Left: Protesters attacking th</p> <p>Cruise base 'cordon'</p> <p>By Paul Brown HUNDREDS of police were posted around the perimeter of the Greenham Common cruise missile base last night to prevent a recurrence of the weekend's extensive wire cuttings. The women protesters retreated to a number of campsites in the trees while the</p>		<p>Spoke DCS Dowling C.I ex. 3467 1235</p>	<p>No.</p> <p><u>NOT FOR PRESS - BUREAU INFO</u></p> <p>The last time we did something like this was when C.I investigated the alleged theft of a document from the Dept. of Education & Science. The report said that co-ordinators Cabirev looks refers to the DoPP who refer to a DAC on the 5th floor who would then refer any details to D.C.S. C.I. IV is possible that a request for an investigation may be gone somewhere along this chain - but I have heard nothing at this stage. I will inform Bureau if there are any developments.</p>	
	<p>Burden Mail 1200</p>	<p>Are NSI investigating the alleged theft of this document?</p>	<p>now rec 1543</p>		

Wednesday November 2 1983

Enquirer and Time	Enquiry	Action	Reply or Message	Time to Press
			<p>from WIDFORD nr Bishop Stafford in Herts. resident at Hendon.</p>	
<p>Hullington Sun 1900</p>	<p>Is leak to Guardian Cap MOD brief from Defence Sec to PM going to be investigated by NSV.</p>	<p>Spoke C.I. D/O 1950</p>	<p>N/K. C.I(S) cover Government Liaison DCh Supt Dawling, Commander Admin officer will know if anyone does - he's gone home.</p>	
		<p>Spoke C.I(S) 1955</p>	<p>[No Reply]</p>	<p>WOW see 1593</p>

11/15/83

592 Journal
D. TES 1155

Can you tell me date
of Walter Henry Thompson
former Inspector & Secretary
of Winston Churchill - He
will be in his 90's now.

Spoke 174

John 3/12/1890
He died in 1978.

1593

for
#552-1524
Mail
Binder
PRIVATE
1635

Understad
Police are now
investigating leak
of MOG document
from Defense Sec
to PM in
Gladia.

Spoke
DI Barry
CI

[message left MS Dowling
to call Bureau]

NOT NOW FOR PRESS
- SEE BELOW.

Dis Packer
Spoke 174

[If D. Dowling
we have investigated the
matter and have sent report to
the Duffield on awaiting
his decision]

P. H. 1750

PA
2316
Tape 235

593 cont'd

Sandrock
D/Tel
0015

Are you sure this answer
is correct, I thought Mr
Dowling was dealing with
a Dept of Education & Science
leak?

Thursday 10th November 1983

Spoke D.O.
C.I.

Will get Mr Dowling to phone you.

(Now SEE OVER)

Thursday 10th November (cont'd) 1183

Enquirer and Time	Enquiry	Action	Reply or Message
593 (cont'd)	<p>THIS PAGE NOT FOR PRESS</p> <p>BUREAU GUIDANCE repeated next page →</p>	<p>A/Cdr Dowling C.I phoned 0025</p> <p>Spoke S.I.O Bureau 0030</p> <p>S.I.O. Bureau at 0100</p> <p>HoN phoned 0115</p> <p>S.I.O. Bureau 0135</p>	<p>The answer I gave one of your ladies this afternoon related to a <u>Department of Education and Science investigation</u>. I have <u>no knowledge of any Ministry of Defence matter</u>; C.I is not making any such investigation and has not, so far, been asked to do so.</p> <p>Kill the story. I will speak to Burden & to HoN. <u>OFF - RECORD</u></p> <p>The Press Bureau prides itself on accuracy but on this occasion has inadvertently misled the Daily Mail. We shall look into the matter in the morning and are apologising to Peter Burden.</p> <p>I have spoken to Peter Burden and Head of News; having consulted Commander Phelan, S.B., at home, they are not investigating the Cruise leak either.</p> <p>It seems all action possible at the present time has been taken. I will look into this in the morning - a full enquiry.</p> <p>I have spoken to Burden and accepted full responsibility; police are not to be blamed for a Bureau error. I will be in early to</p>

Tape stopped.
PA 0035
Expr. 0040
Tel
Star
Sun
Guard
BBC Radio
LBC

Thursday 10th November 1983 cont'd

59B cont'd

GUIDANCE GIVEN IN RESPONSE TO QUERIES - ATTRIBUTABLE

The report which has been sent to D.P.P. relates to the leakage of a Department of Education and Science documents and is in no way connected with the MoD or Cruise missiles.

OFF RECORD:

The Press Bureau prides itself on accuracy but on this occasion has inadvertently misled the Daily Mail. We have apologised to Peter Burden and will investigate the matter later today.

BUREAU NOTE:

Stress that police are in no way to blame for what is a Press Bureau misunderstanding.

How m

HON
Spoke
1155

There is No USY involvement relating to MoD and Cruise Missiles

Spoke DCS
Dowling C1
1200

The D.E.S. papers were sent to The Guardian in an unstamped envelope which arrived Mid-May. The newspaper did not open the letter but returned it to sender i.e. D.E.S.

D.E.S. immediately replied it was. Final report sent to D.P.P. by.

MP 77(1E)

J.

P.

59B
Ctd

From: Deputy Assistant Commissioner R B WELLS MA(Oxon) FBIM

ZA
H/1

Tel: 230 2691

10 November 1983

Dear Sir David

I feel I owe you a personal word of regret over the unfortunate episode reported on your front page today.

You will by now know from Peter Burden that we have explained to him, as best we can, the circumstances surrounding our awful mix up and I enclose a copy of the letter we have sent to other newspapers and radio stations.

You can imagine how concerned I am that information released by the Press Bureau is accurate and it is extremely upsetting when our well established system breaks down in this way.

I would be most happy to discuss this matter with you in person if you feel it necessary.

Yours sincerely

Richard Wells
Director of Information

Sir David English
Editor
Daily Mail
Carmelite House
Carmelite Street
London EC4Y 0JA

Deputy Assistant Commissioner R B WELLS MA(Oxon) FBIM

H/2

**NEW SCOTLAND YARD
BROADWAY, LONDON, SW1H 0BG**

Tel: 230 2691

10 November 1983

Dear Sir

You will be aware that the early edition of today's Daily Mail carried the front page story of a New Scotland Yard report being submitted to the Director of Public Prosecutions concerning a leaked Government document. This story was based on an answer given by the Press Bureau to the Daily Mail.

Unfortunately, owing to a misunderstanding, our statement was incorrect. New Scotland Yard are not investigating this leaked document.

We have apologised to Mr Peter Burden and the Daily Mail for inadvertently misleading them.

I would also like to apologise to you if, while checking the Daily Mail story, your staff were also initially given the inaccurate statement.

You can be assured that steps are in hand to prevent any such recurrence.

Yours faithfully

Richard Wells
Director of Information

SECURITY: Crise/Greenham Common Leak
Oct 83

11 12 1
9 8 7
6 5 4
3 2 1
23 DEC 1983

CONFIDENTIAL



NBPM

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A083/3539

21 December 1983

Leak Inquiry: Cruise Missiles

As you know from our discussion earlier today, the Director of Public Prosecutions has decided that the police should now be brought in to conduct the investigation of the leak of the minute dated 20 October from your Secretary of State to the Prime Minister. This follows the Court of Appeal's judgment on Friday which led to the return of the document. If the necessary evidence is available, the DPP will want to consider instituting criminal proceedings.

The police officer who will be leading this inquiry is Detective Superintendent Hardy. He may well need to interview you and some of the staff of your Department. I have, however, spoken to the DPP and I understand that the police will initially concentrate their inquiries in the area to which the present evidence points most strongly. I know you will arrange for the police to be given all the help and co-operation necessary.

I am sending copies of this letter to Antony Acland, Brian Cubbon, Robin Butler, Janet Lewis-Jones, David Heyhoe, Henry Steel, and Murdo MacLean. I am also sending a copy to Tony Hetherington and John Jones for information.

ROBERT ARMSTRONG

Sir Clive Whitmore KCB CVO

CONFIDENTIAL

Stumpy
Oct 83



22 DEC 1983

Prime Minister

The leaked document on Cruise deployment

The MOD have now recovered from
The Guardian their copy of the leaked
document and are making it available to
the investigator.

The marks on the document
indicate that the leaked copy came
from the Foreign Office. MT

RRB

16.12.



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1

Telephone 01~~XXXXXX~~ 218 6312

MO 22/5

15th December 1983

Dear Tim,

The Prime Minister may wish to be aware that the High Court today gave a judgement in favour of the Government in regard to my Secretary of State's application to recover from the Guardian a copy of his minute to the Prime Minister dated 20th October which was leaked to the Guardian and published by them on 31st October, concerning cruise missile deliveries to RAF Greenham Common.

The Ministry of Defence applied to the High Court for the Guardian's leaked copy to be returned, on the grounds that it belonged to the Department and that its leakage was a serious breach of security which could damage relations with Allies; and that the recovery of the document might be of assistance in identifying the person responsible for the leakage. The Editor of the Guardian opposed this application on the grounds that a newspaper has a responsibility to protect its sources, that there was nothing in the leaked document which could not have been discovered in other ways and that the issue considered in the document was one in which there was a legitimate difference of public opinion.

We understand that the Guardian intends to appeal against the High Court decision. If this is so, the issue must of course be regarded as being sub-judice so far as Parliamentary Questions are concerned. The outcome of this appeal is expected either later this afternoon or tomorrow.

*Yours sincerely
Barry Neale*

(B P NEALE)

Timothy Flesher Esq

RESTRICTED



LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

H. Steel CMG OBE

21 November 1983

R C Mottram Esq
Private Secretary
Secretary of State for Defence
Main Building
Whitehall
LONDON S W 1

JS
2/11

Dear Richard,

LEAK TO THE GUARDIAN ON CRUISE MISSILES

I am writing to confirm that the Attorney General is content that we should follow the course described in your letter to Robin Butler of 18 November, that is to say, to reply to the Guardian's Solicitors in the terms of the Treasury Solicitor's draft which was enclosed with your letter and then to follow up with proceedings in the High Court to retrieve the document in its present state.

Because of the need for quick action, I have already reported the above to the Treasury Solicitor (and indeed have authorised the proceedings to be instituted in the Attorney General's name if Counsel thinks that desirable) but I am sending a copy of this letter to him as well as to the other recipients of yours.

*Yours as
always
Richard Butler*

RESTRICTED

Security,
Oct 83,
Leak to Guardian
about Cruise

21 NOV 1983



RESTRICTED



10 DOWNING STREET

From the Principal Private Secretary

21 November, 1983.

Leak to the Guardian on Cruise Missiles

I had a word with you on the telephone this morning about the Prime Minister's reaction to your letter of 18 November.

Following further discussions with your Secretary of State later this morning, the Prime Minister agreed that we should seek the return of the leaked document intact, complete with the markings which the Guardian believe might lead to the identification of the source of the leak.

I am sending copies of this letter to the Private Secretaries to the Lord President, the Home Secretary, the Lord Privy Seal and to the Legal Secretary to the Attorney General. Copies also go to the Private Secretaries to Sir Robert Armstrong and the Treasury Solicitor.

F. E. R. BUTLER

R.C. Mottram, Esq.,
Ministry of Defence.

RESTRICTED

RESTRICTED

Prime Minister

Agree the course at X/ and that the Treasury Solicitor should reply in the terms attached?

FEB 18.11.



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1

Telephone 01X968X022X 218 2111/3

MO 22/5

Before we go down this road - what happens if the Guardian refuses the courts order? Is it a fine or imprisonment? We do not want the letter ref.

18th November 1983

Dear Robin

LEAK TO THE GUARDIAN ON CRUISE MISSILES

As agreed by Ministers in response to my Secretary of State's minute of 10th November to the Prime Minister, the Treasury Solicitor wrote to the Guardian asking for the return of the leaked document about cruise missiles.

He has now received the attached reply from the Guardian Solicitors, and we now need to decide urgently how to respond. There are two courses open to us. First, we could seek the return of the document intact, complete with the markings which the Guardian believe might lead to the identification of the source of the leak. This would require us to take legal proceedings against the newspaper. The other course is to accept the proposal made in the Solicitors' letter that we should accept the return of the document with the three areas of marking removed from it. As the Defence Secretary made clear in his minute of 10th November, what persuaded him that we should ask the Guardian to return the document was the possibility that it might help us trace the source of the leak. For this reason he believes that we should adopt the first of the two courses now open to us and set in hand legal proceedings to retrieve the document in its present state.

That too is the advice of the Treasury Solicitor who, in anticipation of a decision by Ministers, is preparing instructions for Treasury Counsel. The case would go to the Chancery Division of the High Court.

Mr Heseltine would be grateful to know that the Prime Minister and his other colleagues agree that this is what we should do. If they are content the Treasury Solicitor will reply to the Guardian Solicitors on the lines of the attached draft.

R Butler Esq

RESTRICTED



I am sending copies of this letter to the Private Secretaries to the Lord President, the Home Secretary, the Lord Privy Seal and to the Legal Secretary to the Attorney General. Copies also go to the Private Secretaries to Sir Robert Armstrong and the Treasury Solicitor.

Yours etc,
Richard Mottram

(R C MOTTRAM)
Private Secretary

Draft Reply to Messrs Lovell White & King



Queen Anne's Chambers
28 Broadway London SW1H 9JS

Telephones DIRECT LINE 01-273 4188
SWITCHBOARD 01-273 3000
Telex 817564 GTN 273

Our reference

18th November 1983

Your reference

Dear Mr Grimes

Guardian Newspapers Limited

Thank you for your letter dated the 17th November 1983 from which I note that your clients retain possession of the document to which you refer and that it will be preserved intact.

I am surprised by the contents of the third paragraph of your letter. It now seems that the document was delivered anonymously to your clients' offices and I suggest, with respect, that in those circumstances the Editor is under no duty to protect the source of information, even if it is possible to identify it. Furthermore, whatever may be the relevance of Section 10 of the Contempt of Court Act, 1981, it is surely plain that a document marked "Secret" addressed by the Secretary of State for Defence to the Prime Minister and relating to the delivery of Cruise missiles is intimately concerned with "national security" and that this is something which is capable of being established to the satisfaction of the Court.

My instructions do not permit me to accept the proposal contained in the penultimate paragraph of your letter. Accordingly, proceedings will be instituted in the near future in respect of the document and I note that your firm has instructions to accept service.

Yours sincerely

J B BAILEY
Deputy Treasury Solicitor

Security
Info leaked in
Guardian/wise
Oct 83

18 NOV 1983

10 11 12 13 14
15 16 17 18 19
20 21 22 23 24

Lovell, White & King

P N Gerrard	J B Gordon	Lesley Belton
DW Shenton	MPL Wright	CP Dodson
P J Andras	WIR Ward	MB Hutchings
J D Burridge	PG Horrocks	AS Lamplough
GJB Hutchings	RA Strachen	GF Pimlott
G F Grimes	AD Walker	ID Smith
AC Swan	TAR Curran	P J Peacock
DF Gray	JRH Kitching	APF Williamson
HN Henshaw	DC Mace	AW Foyle
JJT Stephens	RJ Anderson	NSF Glennie
GK Toland	PGH Collins	D Macfarlane
S Bullimore	CIMajor	SW Polito
RNH Gould	DBD Moody	M J Seymour
MB Maunsell	CP Rentoul	MOF Hill
PR Philipps	Harriet Dawes	CL Pike
MD Shankland	D Farrington	JG Trotter
AJ White	RHP Sleigh	

Your Reference

21 Holborn Viaduct, London EC1A 2DY
Telephone 01-236 6011
Telex 887122

Fax Groups 2 & 3 01-248 4212
LDE Box 57
Cables/Telegrams Loviting ECI

17th November, 1983.

Our Reference

11/GFG/CH

J.B. Bailey, Esq.,
Deputy Treasury Solicitor,
Queen Anne's Chambers,
28 Broadway,
LONDON SW1H 9JS

BY HAND

Dear Mr. Bailey,

GUARDIAN NEWSPAPERS LIMITED

I am now in a position to reply more fully to your letter to the Editor of The Guardian dated 11th November.

Our clients have a document as described in your letter. In the top and bottom right-hand corners of the first page there are certain markings, an attempt to obliterate some of which had been made before the document was delivered anonymously to our clients' offices. On the top left-hand corner of the blank side of the front page there appear some faint markings which may reflect those on the front page.

The Editor takes the view that these various markings might disclose, or assist in the identification of, the source of the information to The Guardian, although he is unable to decipher them himself and does not know the source. In accordance with the well established convention of journalism, which now has statutory force by virtue of section 10 of the Contempt of Court Act 1981, he is not prepared to take any step which might lead to the disclosure of the source of information published in his newspaper.

..... 2

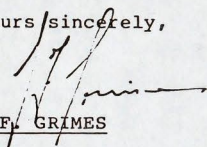
J.B. Bailey, Esq.

17th November 1983

As the Editor is concerned only to protect his source, I am, without prejudice to any argument as to the property in the document, authorised to hand it to you, with the three areas of marking excised from it. This would provide you with the whole of the text. If that course is not acceptable and you are minded to seek an injunction from the court on the lines mentioned in our telephone conversation on 14th November, will you please note that my firm has instructions to accept service of proceedings. No doubt, if you decide to take that course, you will co-operate with us in arranging a time for the hearing of the application which would be convenient to Counsel on both sides.

In the meantime, you may take it that the document will be preserved intact.

Yours sincerely,



G.F. GRIMES



With the Compliments
of the
Permanent Under Secretary
of State

Home Office

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

NBPM

2 pp's



SIR BRIAN CUBBON KCB
PERMANENT UNDER-SECRETARY OF STATE

18 November 1983

Dear Robert

Leaks and Scotland Yard

Thank you for your letter of 16 November. I agree that the sequence of events as revealed in the press articles is extraordinary and we have asked the Commissioner to let us have an urgent report.

I am copying this to Clive Whitmore, David Hancock and Robin Butler.

Yours ever
Diana

Sir Robert Armstrong GCB CVO

CONFIDENTIAL

SECURITY
Info leaked to
the Guardian
October 1983,

16 NOV 1983





CONFIDENTIAL

NBPM

DEPARTMENT OF EDUCATION & SCIENCE

Elizabeth House York Road London SE1 7PH

Telephone 01-928 9222

The Permanent Secretary
D.J.S. Hancock

Sir Brian Cubbon KCB
Home Office
50 Queen Anne's
LONDON SW1H 9AT

17 November 1983

Dear Brian,

LEAKS AND SCOTLAND YARD

I refer to Robert Armstrong's letter to you of 16 November.

2. There is a further aspect of this affair which I think might, with advantage, be called to the Commissioner's attention. The effect of the press briefing given by Scotland Yard last week was to give the education press the impression that the matter under consideration by the Director of Public Prosecutions concerned an attempt by an Inspector of Schools to leak the HMI report about the effects of local authority expenditure policies on the education service in England during 1982. In fact no such document existed at the time of the incident. It was duly published in July.

3. These reports were potentially embarrassing to my Secretary of State because, during the Election campaign, Mr Kinnock accused him of suppressing that HMI report. We therefore found it necessary to issue a denial which we did by a Press Notice on Friday - copy attached.

4. I thought that this supportive detail help you to convince the Commissioner of the importance of ensuring that Scotland Yard's press briefing is well considered.

~~CONFIDENTIAL~~

5. I am copying this letter to Robert Armstrong, Clive Whitmore
and Robin Butler.

*Yours,
David.*

D J S HANCOCK

CONFIDENTIAL

Security
Center
10/10/50
Mife

John
John

CONFIDENTIAL

CONFIDENTIAL



DEPARTMENT OF EDUCATION
and
SCIENCE

Elizabeth House York Road London SE1 7PH

Telephone 01-928 9222

PRESS NOTICE

389/83

11 NOVEMBER 1983

STATEMENT

Some reports in today's newspapers state that a draft of HM Inspectorate's report on the Effects of Local Authorities' Expenditure Policies on the Education Service in 1982 was sent to The Guardian in May. That is not correct. As has been stated previously, HMI's report on the effects of expenditure policies was not completed until Mid-July and it has no connection with any other incident that may be under investigation.

-----ooo0ooo-----

Security
Info leaked
by Guardian
or wife



118 NOV 1983

F E R Butler Esq
Principal Private Secretary
to the Prime Minister
10 Downing Street
Sw1.

F E R Butler Esq



CABINET OFFICE

With the compliments of
Sir Robert Armstrong GCB CVO

*Secretary of the Cabinet
and Head of the
Home Civil Service*

70 Whitehall, London SW1A 2AS

Telephone 01-233 8319

CONFIDENTIAL



Mr Plesher - 16/11
NBPM

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A083/3266

16 November 1983

Leaks and Scotland Yard

You will, I am sure, have seen the press coverage, particularly in the Daily Mail, of the investigation into the disclosure to The Guardian of a minute, classified SECRET, from the Secretary of State for Defence to the Prime Minister about the arrangements for receiving cruise missiles at Greenham. The story was printed because the Press Office of Scotland Yard gave the Daily Mail incorrect information. The Prime Minister has indeed authorised an investigation into the cruise missile leak but this is, for the time being, entirely internal, and the police have not been brought in.

It seems extraordinary that the Yard should not only have given out information which was clearly inaccurate about an investigation in which they had had no involvement, but also that they should compound this subsequently by giving, in considerable detail, information about an inquiry into the attempted leak of documents from the Department of Education and Science, the report of which is still being considered by the Director of Public Prosecutions.

Do you think the Commissioner should be asked to let us have a report on what happened and why, and to give us an assurance that steps have been taken to prevent a recurrence? The Prime Minister has always adopted a very firm policy of not commenting on the progress or the outcome of leak investigations, and it would be regrettable if, on the few occasions when we call in the police because we believe there is a real chance of catching a culprit, we could not rely on the Yard adopting an equally firm policy and not disclosing details prematurely.

I am copying this to Clive Whitmore, David Hancock and Robin Butler.

ROBERT ARMSTRONG

Sir Brian Cubbon KCB

CONFIDENTIAL

cc LPO
HO
LPSO
Attorney General
CO
Treasury Solicitor



10 DOWNING STREET

From the Principal Private Secretary

11 November 1983

Leak to The Guardian on Cruise Missiles

I am writing to confirm my telephone message of this morning that the Prime Minister is content that the Treasury Solicitor should write to the editor of The Guardian in the terms of the draft attached to your Secretary of State's minute of 10 November.

I am copying this letter to the Private Secretaries of those who received your Secretary of State's minute.

E E R BUTLER

Richard Mottram, Esq.,
Ministry of Defence.

RESTRICTED

dg

RESTRICTED



LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

H. Steel CMG OBE

10 November 1983

F E R Butler Esq
Principal Private Secretary
Prime Minister's Office
10 Downing Street
LONDON S W 1

*I have asked Mr. Moltrem to
arrange for the lawyer to settle
this point
NBPM*

Dear Robin,

*FRS
11-11*

LEAK TO THE GUARDIAN ON CRUISE MISSILES

The Attorney General is going to be caught up on other things tomorrow and, in view of the urgency of the matter, has instructed me to convey on the Private Secretary network his comments on the Defence Secretary's minute to the Prime Minister of today's date.

The Attorney General sees no objection to the Treasury Solicitor writing to the Editor of the Guardian substantially in the terms proposed. However, he has misgivings on one point. It is stated at the beginning of paragraph 2 of the Defence Secretary's minute that "the document is of course the property of the Government" and this is reflected in the draft letter. Whether that statement is correct depends on exactly what it is that the Guardian have. If it is a copy made on a Government machine, and therefore on Government paper, of one of the original copies of Mr Heseltine's minute of 20 October, the statement is indeed correct. But if it is a copy made elsewhere (i.e. a copy of a copy), it probably is not Government property. Unless, therefore, we have evidence to support our belief that what the Guardian has is Government property - and the Attorney General knows of no such evidence - he thinks that it would be prudent to omit the second sentence of the draft letter.

*Defence:
1 inf, attached*

with Robin?

I am copying this letter to the Private Secretaries to the Secretary of State for Defence and the other recipients of his minute of today's date.

*For copy
Henry*

RESTRICTED

Security: Guardian-convul Missiles 10/83

TOP SECRET
NOFORN
NOVA

TOP SECRET
NOFORN
NOVA

Faint, illegible handwritten notes.

11 NOV 1983



Ref. A083/3208

MR BUTLER

I have seen a copy of the Secretary of State for Defence's minute to the Prime Minister of 10 November about the leak to the Guardian on cruise missiles.

2. I am perfectly content for the Guardian to be asked to return the document. Indeed, it is a pity that the Ministry of Defence did not do this earlier.

3. On past experience I am afraid that the response will be a bland letter to the effect that the copy which they had has been destroyed. But it is still right to ask.

conqueror

RA

ROBERT ARMSTRONG

10 November 1983



MO 22/5

PRIME MINISTERLEAK TO THE GUARDIAN ON CRUISE MISSILES

Prime Minister

Sir Robert Armstrong
is in favour of his letter being
sent, but is sceptical about the
prospects of success.

Content that it should go?

Yes *mk*

F.R.B.

10.11.

I have been considering whether to try to recover from the Guardian the copy of my minute of 20th October to you about the delivery of cruise missiles which was leaked to that newspaper and which they published in their issue of 31st October.

2. The document is of course the property of the Government. The objection to asking the Guardian to return it is that it gives them another story and at the most awkward time for us. There is therefore a case for doing nothing. But there are strong arguments in favour of trying to recover the document. The first is that if the leak inquiry which is now going on does lead to proceedings against someone, it will look odd if we have not attempted to retrieve the minute. Second, and more importantly, when the Ministry of Defence recovered some leaked papers from the Press Association in 1980, they enabled us to identify the part of the Department they had come from and so to narrow down the search for the culprit. It is the possibility - though I put it no higher than that - that the return of the document from the Guardian might help trace the source of the present leak that has persuaded me that we should ask the editor for it back.

3. I attach the draft of a letter to the editor which the Treasury Solicitor has prepared and which he would send on behalf of the Ministry of Defence. I should be grateful to know whether you and the colleagues to whom I am copying this minute are content for such a letter to go. If we are to approach the Guardian, we should do so soon. I should therefore be grateful for an early response.

RESTRICTED



4. I am sending copies of this minute to the Lord President, the Home Secretary, the Lord Privy Seal, the Attorney General, Sir Robert Armstrong and the Treasury Solicitor.

[Handwritten signature]

Ministry of Defence
10th November 1983

CONQUEROR
10
LONDON

DRAFT LETTER FROM T SOL

The Editor,
The Guardian,
119 Farringdon Road,
London, EC1P 3ER.

I am instructed by the Ministry of Defence to request that the document dated 20th October 1983 and entitled "Deliveries of Cruise Missiles to RAF Greenham Common - Parliamentary and Public Statements" which your newspaper published on 31st October should be delivered to me forthwith. The document is the property of the Crown.

I should be glad of a reply by 6 pm tomorrow.

Robert

Ref. A083/3203

MR FLESHER

You asked for advice for Prime Minister's Questions on stories which have appeared in the press about the involvement of the police and the Director of Public Prosecutions (DPP) in leak inquiries.

- 2. Early editions of the Daily Mail claimed that, as a result of a police investigation, the source of the leak to the Guardian of the minute from the Secretary of State for Defence concerning cruise missile deployment had been identified and that papers on the case had been sent to the DPP. This was initially confirmed, erroneously, by Scotland Yard but they subsequently said that this had been a mistake and that they had intended to refer to another inquiry involving the Department of Education and Science. This correction came too late for most papers although it did appear (without referring to the Department concerned) in the Late News column of the Daily Telegraph (attached).
- 3. Inquiries into an attempted leak of information from the Department of Education and Science have been continuing since May, when an unstamped envelope addressed to the Guardian newspaper was returned to the Department of Education and Science by the Post Office. The envelope contained a set of papers concerning the work of HM Inspectorate. The papers were classified "In Strict Confidence" and their publication would have caused embarrassment.
4. The set of papers was identified as belonging to an individual HM Inspector and, while he admitted that they were his papers, he denied having sent them. The Inspector concerned has since retired. An investigation was instituted and the police were brought in. We understand that the police completed their investigation very recently and a report has been sent to the DPP to consider whether there should be a prosecution. No decision on this has yet been taken.

5. It seems that Scotland Yard 'made a terrible mistake' and confused this investigation by the police with the inquiry into the leaked document on cruise missiles. The police have not been brought into that investigation and no report has been sent to the DPP.

Suggested Line to Take

6. "The stories about the inquiry into the leaked document on the cruise missiles are very confused. The police have not been involved in this and no report has been made to the Director of Public Prosecutions. There have been other and separate inquiries involving the police, but the House would not expect me to comment on those."



R P HATFIELD

10 November 1983

By PETER BURDEN, Chief Crime Reporter

SCOTLAND YARD has identified the 'mole' it believes leaked a secret document on Cruise missiles to embarrass the Government.

Last night a police report was with the Director of Public Prosecutions, who will decide whether to prosecute under the Official Secrets Act.

The document involved was a memo from Defence Secretary Michael Heseltine to the Prime Minister.

It gave possible dates for the arrival of Cruise missiles at Greenham Common and dealt with mounting a Government propaganda offensive on the subject.

Movements

Only six numbered copies of the memo, stamped secret, are believed to have been distributed from Mr Heseltine's office. It was seen by 24 people at most — a handful of Ministers, senior Civil Servants and their secretaries. But somebody, presumably hostile to the Government, photocopied the document and gave it to The Guardian newspaper, which published it.

A furious Mrs Thatcher ordered an investigation. She and Mr Heseltine instructed their staff to co-operate fully with detectives. Senior Civil Servants have had to account for their movements and their records have been checked.

Now the investigators from the Yard's Serious Crime Squad — CI Department — have told the DPP who they think was responsible for the leak. The Special Branch did not handle the case because there was no question of a foreign country being involved.

Should the DPP decide to prosecute, a misdemeanour charge relating to wrongful communication of information could be brought under the less serious Section 2 of the Official Secrets Act, according to a legal expert. That carries a maximum two years' jail.

YARD IDENTIFY WHITEHALL'S CRUISE MOLE

By Our Crime Correspondent

The probable identity of the "mole" who leaked a confidential Government memorandum on cruise missiles has been given to the Director of Public Prosecutions by Scotland Yard's Serious Crimes Squad.

The memorandum was sent by Mr Heseltine, Minister of Defence, to Mrs Thatcher and contained details about the arrival of cruise in this country and references to a Government programme to combat public criticism about the siting of the missiles.

It is understood that only six copies of the memorandum were made and only about two dozen people, including some Ministers and top level civil servants, saw it.

MOLE DENIAL

(See This Page)

Scotland Yard said later their confirmation of story was wrong and referred to another inquiry.

cc.
Original with Apts

PRIME MINISTER

Meeting with Sir Robert Armstrong at 0830 on Friday, 4 November

I suggest three subjects:-

1. The usual note on business for the next 3 weeks (below).
2. Sir Robert Armstrong's minute about transferring Michael Partridge to be head of the police department in the Home Office. I had a word with Mr. Fowler when he was here for Cabinet this morning, and asked him whether the loss of Michael Partridge would be a serious blow to DHSS's work on pensions. He said that, while Partridge was vastly experienced in these matters, there were other good people on this side in DHSS, and he had been reluctantly persuaded that it was in the overall public interest to agree to Partridge's move.
3. The leak of the MOD documents on missiles:

Mr. Heseltine's office have asked me to find out whether you agree with Mr. Heseltine's view that, in the absence of finding those responsible for leaking the documents, it would be wrong to ask the Attorney General to consider bringing a prosecution against the Guardian for publishing material which they knew to be secret. I have suggested to Sir Robert Armstrong that he should let you have his view on this.

F.R.B.

3 November, 1983.

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NOTE FOR THE RECORD

LEAK OF MOD PAPERS ON CRUISE DEPLOYMENT TO THE GUARDIAN

Richard Mottram (MOD) asked me if I would obtain the Prime Minister's view on whether, in advance of the perpetrator of the leak to the Guardian being discovered, the Attorney General should be asked to consider instituting prosecution against the Guardian under the Official Secrets Act for publishing material which they knew to be SECRET. After discussion with Sir Robert Armstrong, the Prime Minister concluded that she was not inclined to ask the Attorney General to consider such action, and I informed Richard Mottram accordingly.

CONQUERORS
FERS.

CONFIDENTIAL



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

File
cc: Sir Clive Whitmore
Sir Brian Cutler (HO)
Sir A. Acland (Fro)
LPSO
LPO
LDD
CW&O
D-G, Security
Services

Leak Inquiry: Cruise Missiles

I am writing to confirm that the Prime Minister would be content for the leak investigation into the release to The Guardian of information about the delivery of Cruise missiles at Greenham Common and arrangements for their security to be extended to Ministers as well as officials.

I am copying this letter to Sir Clive Whitmore and those who received copies of his letter of 24 October.

26 October, 1983

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[Faint handwritten notes and signatures]

[Handwritten initials]

Government orders cruise leak inquiry

By Julia Langdon
and David Fairhall

An official inquiry into the leak of plans to bring the first nuclear cruise missiles into Britain on November 1 is being set up by the Government.

Publication of the missiles' delivery timetable in Saturday's Guardian is regarded in official circles as distinctly unhelpful, and will be an embarrassment to Mrs Thatcher when she faces her first question time of the resumed parliamentary session at Westminster today.

The Prime Minister is expected to be pressed to confirm the dates and deployment details revealed in the report — and whether these plans will now be changed to foil protests by the women's peace camp outside the gates of the US Air Force base at Greenham Common, in Berkshire,

that will house the new weapons.

She is also likely to be questioned about the implications of the Government's defence policy over the coming months, and the British approach to the current round of negotiations in Geneva on nuclear arms reduction.

Had the plans not been leaked, Mrs Thatcher had been advised to stall any parliamentary questions by merely repeating that the "necessary preparations" were proceeding at Greenham Common to achieve Nato's target of having the first flight of 16 missiles operational by the end of the year.

But when the missiles and their nuclear warheads were to be flown in on November 1, the Defence Secretary, Mr Michael Heseltine, was planning an announcement in the Commons and at a press con-

ference because evasion would, by then, be counterproductive.

His aim was to get in before the Opposition or the Campaign for Nuclear Disarmament with his and the Government's justification of the deployment — emphasising that the missiles were not yet operational lest their arrival should be used by the Russians as a pretext to walk out of the Geneva talks.

Only if the missiles themselves were held back for another three weeks — presumably to give the German Bundestag time to debate the issue — would he have adopted the passive stance of merely answering questions. These were bound to arise when the Greenham women reported seeing 50-foot long launch vehicles emerging from the holds of US Galaxy transports.

The minister would also have reckoned to make use of the reductions in shorter range battlefield nuclear weapons that will be agreed at this week's meeting in Ottawa of Nato's nuclear planning group, which Mr Heseltine will attend.

The Government is acutely aware of the sensitivity of this subject. For that reason the inquiry into the leak will presumably be more than what is nowadays wearily regarded as a "routine" investigation of a breach of security. The timing seems crucial, since the information was made available on the eve of Saturday's mass CND rally in London.

EXTRACT FROM THE GUARDIAN

25 OCTOBER 1983

The Government nevertheless maintains it has won the propaganda war, discounting the turnout at the rally as irrelevant. It is suggested that government policy in the deployment of cruise missiles has been settled for some months now, so there is no change — unless prompted by reasons of security — which should require particular public attention at this stage.

While it is acknowledged that there could be a debate on the outcome of the Geneva talks — where Nato's cruise and Pershing II deployments are being negotiated primarily against the Soviet Union's SS-20s — it is pointed out that Mrs Thatcher has continually asserted that the chances of success there are negligible. For this reason, it is claimed, there is no particular need for a Commons debate about the specific issues of stinging the missiles in Britain.

Press leak may affect cruise arrival date

By David Fairhall
Defence Correspondent

Ministry of Defence officials meet this morning to decide whether to call for a change in the US Air Force plan to deploy the first nuclear cruise missiles at Greenham Common on November 1, now that the women camped in protest outside the gates of the Berkshire base are aware of the date.

Details of the delivery timetable — starting with the atomic warheads on the first aircraft so as to have them safely stored in underground bunkers before any demonstrations begin and continuing with launch vehicles and other operational equipment through to November 8 — were published exclusively

in later editions of the Guardian on Saturday.

From a security point of view, if the women demonstrators were considered a threat, the obvious response would be to change the dates. But this may not be easy. The Defence Secretary, Mr Michael Heseltine, who will want to make the first public announcement of the missiles' arrival, is away in Canada at a NATO nuclear planning group meeting — which will need to be briefed on the cruise missile deployment — until next Saturday.

Any substantial postponement, on the other hand, might cause difficulties for the USAF's 501st Tactical Missile Wing, which has been asked to demonstrate an "initial operating capability" with the first

flight of 16 missiles before the end of December.

A possible delay of three weeks has been allowed for the delivery of the missiles themselves—though not their conspicuous 50ft launch vehicles—apparently to give time for the

Million march for peace, page 5; Terry Coleman, page 11; 400,000 at Hyde Park, back page.

German Bundestag to debate Nato's controversial nuclear modernisation programme, which also includes the deployment of Pershing II ballistic missiles in West Germany.

What has not been allowed for in the US-British timetable, or so it seems, is the danger

that the Russians will use the weapons' arrival in Berkshire as an excuse to walk out of the Geneva talks where their numbers are under negotiation. The two governments have evidently taken the view that since the chances of a real breakthrough in the talks before Christmas is remote, that risk is worth taking.

Sooner or later, warheads and missiles must be brought in, if the initial operating capability is to have any military meaning as a deterrent before the end of the year. Mr Heseltine will no doubt emphasise to the British public that installing them in the Greenham silos does not mean that they are operational.

A key factor in deciding whether to change the plan is

the extent to which the weapons' physical security—and especially that of the 200 kiloton W-84 atomic warheads—can be guaranteed however many "Greenham Women Against Cruise" turn up to swell the protests of the 40 or so permanently camped outside the perimeter wire.

The most serious danger, as seen from Whitehall, is that some of the women might break through to confront the armed US troops escorting the warheads from aircraft to bunkers—probably with orders to fire on anyone who interferes with them. To avoid this possibility, however remote, armed British troops will be placed between the Americans and the outer cordons of RAF

Turn to back page, col. 2

Leak may affect date for cruise

Continued from page one

Regiment guards and Ministry of Defence police. Up to four battalions of soldiers will be on call if necessary.

One surprising feature of the plan as disclosed to the Guardian—and not yet officially confirmed by the Ministry of Defence or the USAF—is that the warheads are being flown in with the first missiles, rather than being brought over separately from the US, perhaps by sea and then taken discreetly into one of the Berkshire base's secondary gates.

People living on the southern outskirts of Newbury under the approach to the main Greenham runway may be particularly concerned. Multiple safety catches should ensure that there is absolutely no possibility of a nuclear explosion, even if the warheads have a malfunction that a crash would obviously carry the risk of contaminating the area with highly radioactive material.

In the end Mr Heseltine may decide, if he believes his own speeches about having won the nuclear debate, that now the plan is out in the open the best policy is to press ahead with it. Nuclear deterrence is a function of credibility.

On the domestic political front, neither Mr Heseltine nor Mrs Thatcher will be pleased to be faced with such a difficult choice when they and the security forces had hoped to take the Greenham peace camp by surprise. The Prime Minister was warned by officials about the Guardian's disclosure before Saturday's edition went on sale and Downing Street indicated last night that an immediate investigation to find the source of the leak was expected.

Extract from The Guardian 24/10/83



with the compliments of
SIR CLIVE WHITMORE KCB CVO
MINISTRY OF DEFENCE

010

F.E.R. ~~Butler~~, Esq,
PPS/Prime Minister

CONFIDENTIAL

Prime Minister

May I tell Sir Robert

and Sir Clive that you agree to

X1? (Nobody thinks that the Minister is responsible but Clive wants

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 2193 (Direct Dialling) to demonstrate how

01-218 9000 (Switchboard) seriously his inquiry is being taken).

24th October, 1983.



PERMANENT UNDER-SECRETARY OF STATE
SIR CLIVE WHITMORE KCB CVO

PUS/83/984

ERB

25.10

Yes
ms

Dear Robert,

LEAK INQUIRY: CRUISE MISSILES

You will have seen from last Saturday's issue and today's that the Guardian has published detailed information about the delivery of cruise missiles at Greenham Common and the arrangements for their security on arrival.

2. It is quite clear that the newspaper got its story as a result of a comprehensive leak of classified plans. Much of the information published in the Guardian covers the same ground as the contents of the two minutes, both classified Secret, which my Secretary of State sent to the Prime Minister last Friday (though dated 20th October). One of those minutes was about the delivery of the missiles and the accompanying security arrangements and was copied to the Home Secretary, the Foreign and Commonwealth Secretary and the Attorney General, and you. The other dealt with the Parliamentary and public handling of the arrival of the missiles and was copied to the Lord President, the Lord Privy Seal and the Chief Whip, as well as to the Home Secretary, the Foreign and Commonwealth Secretary and you. We do not, however, believe that the Guardian has had a copy of either minute in its possession.

3. In these circumstances I recommend that a full investigation under the leak procedure should be set in hand at once. As several Departments were included in the circulation of Mr. Heseltine's two minutes, I think that it would be appropriate in this case for someone from the central panel of investigators to be appointed to take charge of the inquiry, and I should be glad if you would let me know whom you propose. The Defence Secretary feels that it would be right for the investigation to embrace Ministers as well as officials, and I should be grateful if Robin Butler, to whom I am sending a copy of this letter, could seek the approval of the Prime Minister for this course.

4. May I suggest that in the meantime Departments begin to trace straight away the handling of Mr. Heseltine's minutes during the course of Friday, 21st October.

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5. I am sending copies of this letter to Brian Cubbon (Home Office), Antony Acland (Foreign and Commonwealth Office), Janet Lewis-Jones (Lord President's office), David Heyhoe (Lord Privy Seal's office), Jim Nursaw (Law Officers' Department), Murdo MacLean (Chief Whip's office) and the Director General of the Security Service.

Yours truly,

Shirley

Sir Robert Armstrong, GCB, CVO,
Cabinet Office,
70 Whitehall,
London, SW1A 2AS.

Troops stand by for the Greenham missile date

Whitehall sets November 1 cruise arrival

By David Fairhall,
Defence Correspondent

The first American nuclear cruise missiles are scheduled to arrive at Greenham Common in Berkshire on November 1 with their atomic warheads.

They will arrive by air, to be followed on present secret plans over the next seven days by further deliveries of launch vehicles and other operational equipment. The British and US governments are evidently prepared to go ahead with the deliveries in spite of the possibility that Soviet negotiators at the Geneva arms control talks may use the missiles' arrival as a public excuse to walk out.

But a three-week postponement is still being considered in Whitehall, presumably to give the German Bundestag time to debate the controversial Nato nuclear modernisation programme of which the ground-launched cruise missiles at Greenham Common form part, along with Pershing II ballistic missiles in West Germany.

If the missiles are coming on November 1 — and in the light of this report the timetable is almost certain to be called into question again in Whitehall — security at the Berkshire base will be massively strengthened, initially by Ministry of Defence police and members of the RAF Regiment, but if necessary also

EXCLUSIVE

by several battalions of British soldiers.

This is not only to prevent members of the women's peace camp cutting through the perimeter wire to demonstrate against the American weapons' arrival but also to ensure that armed US Air Force troops guarding the missiles are not provoked into opening fire under the strict rules of engagement which the American military authorities apply to the protection of their nuclear equipment.

If the anti-nuclear demonstrations do lead to violence it is considered politically vital to keep the Americans as far away from it as possible.

The Defence Minister, Mr Michael Heseltine, is believed to have advised the Prime Minister that, since the missiles arrival, accompanied by 50ft-long articulated launch vehicles, can hardly be disguised from the women camped outside the airbase gates the Government's best course is to make an immediate public announcement on the same day in the House of Commons.

This can then be followed by a Ministry of Defence press conference to explain and justify the Government's support for Nato's nuclear programme before the parliamen-

tary opposition or the campaign for nuclear disarmament can get their word in.

Mr Heseltine is bound also to emphasise that the cruise missiles arrival in this country does not mean that they are operational. The first flight of 16 missiles forming part of the USAF's 501st Tactical Missile Wing is not scheduled to declare its "initial operating capability" until the end of December, so there is still time for the operational deployment to be cancelled if there is a last-minute breakthrough in the Geneva talks.

Even beyond that, the deployment could be limited to fewer than 96 missiles allocated to Greenham Common if an agreement to this effect were reached with the Soviet Union. The complete UK force planned for the UK consists of 160 missiles, but some of these will be based at Molesworth, near Huntingdon, where the base will not be ready to accept them until the late 1980s.

A spokesman for the Ministry of Defence said last night: "We have nothing to add to what we have previously announced about the planned deployment by the end of the year."

However, the fact that the plan has now leaked out must force the Government security services to a hasty review of their delivery timetable in consultation with the US Air Force, particularly since atomic warheads are involved.

Extract from The Guardian 22/10/83.