Prem 19/1953

MT

PART 4

SECRET

CONFIDENTIAL FILING

Security of the Secret Services.
Chapmans Pinchers book 'Their Trade is Treachery' and related papers including
Sir Roger Hollis
The Peter Wright Case
The Joan Miller Book "One Girls War"

SECURITY

PT 1: May 1979
PT 4: December 1986

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
1 ~~12.86~~							
~~3.12.86.~~							
~~4.12.86~~							
5.12.86							
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23.12.86							

PT 4
6 NOS

Material used by
Official Historian
DO NOT DESTROY

PREM 19/1953

PART 4 ends:-

NLW to 23/12/86

PART 5 begins:-

RTA to NLW (A087/71) 8/1/87

Crem 191 1953

Undated note
circa 23/11/1986

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CC(86) 40th meeting, item 1	04/12/1986
CC(86) 41st meeting, item 2	11/12/1986

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed _____ Date 03/11/2014

PREM Records Team

THE NATIONAL ARCHIVES

DEPARTMENT/SERIES ..... Prem 19 ..... PIECE/ITEM ..... 1953 ..... (one piece/item number)	Date and sign
Extract details: Letter dated 23rd of December 1986	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	23/05/23
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SECRET

10 K. 31

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

LORD WILSON OF RIEVAULX AND THE SECURITY SERVICE

I have shown the Prime Minister your minute of 22 December about the reports in last Sunday's Observer (and The Sunday Times) concerning Lord Wilson and the Security Service. These reports prompted the question whether it was necessary to make any move in the direction of setting up an inquiry.

The Prime Minister has commented on your minute that so far as she is concerned, Mr. Callaghan's statement remains the authorised and correct version of events. She is therefore firmly of the view that no further action is required.

I am sending a copy of this minute to the Private Secretary to the Home Secretary and to the Legal Secretary of the Law Officers.

N.L.W.

N.L. WICKS

23 December 1986

SECRET

Prem 19/1953

Letter dated
23.12.86

SECRET

30

10 DOWNING STREET

From the Principal Private Secretary

23 December 1986

Thank you for your letter of 23 December about the letter which Lord Rothschild sent to me on 22 December.

I have decided, in the light of what you say in your letter, that it is not necessary for me to reply to Lord Rothschild's letter.

I am sending a copy of this letter, together with a copy of yours, to Stephen Boys Smith (Home Office), Michael Saunders (Law Officers' Department) and to Trevor Woolley (Cabinet Office).

(N. L. WICKS)

Bernard Sheldon, Esq.

SECRET

Prem 19/1953

Letter dated
23.12.86

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PERSONAL AND CONFIDENTIAL

Prime Minister,
to see, especially § 9.
N.L.W.
23.12

Ref. A086/3577

MR WICKS

Lord Rothschild came to see me yesterday evening. He will be leaving for his "summer holiday" in three days time, and will be away for at least three weeks.

2. Lord Rothschild made clear to me the resentment which he felt, partly because the possibility of prosecuting him was under consideration, and partly because he felt that he had had no help whatever from the Security Service, which he felt owed him a debt for years of work for them, some of which had been dangerous. He said that the Security Service had done nothing for him, not even a word of thanks. When the stories began to come out about his bringing Peter Wright over to England in 1980, the Security Service had made no attempt to get hold of him and find out what had actually occurred.

3. It also became clear that Lord Rothschild's resentment is not just personal but also on account of his family. He said that it used to be said that "a Rothschild's word is as good as the Bank of England" and he was not prepared lightly to allow doubt to be cast on that statement of faith.

4. Lord Rothschild said that he had first become aware that Peter Wright was writing a book in 1977, only a year after Wright retired.

5. Lord Rothschild asked why Peter Wright had not been more rigorously cross-examined in court. I said that I thought that this was partly because Mr Turnbull had constantly objected to Mr Simos's questions and the objections had been upheld, and partly because Mr Simos thought that, if Mr Wright was put under too much pressure, he would come out with a whole lot more stuff

PERSONAL AND CONFIDENTAL

SECABG

in court. Lord Rothschild seemed to think that that was a real danger: that Wright had known a great deal about the affairs of the Security Service. He thought that we were quite right to try to stop publication of Wright's book which could well contain some serious disclosures.

6. Lord Rothschild asked about the allegation that the Prime Minister had been to see him in his flat in the summer of 1980. He thought that she might have been to the flat while she was Leader of the Opposition (though not to discuss security and intelligence matters) but he had no memory of her going to the flat after she became Prime Minister. I said that I was aware of no evidence that she had done so: I believed that she did not remember any such visit, and there was no trace of it in the diary. I thought that the allegation rested on a remark by Peter Wright that Lord Rothschild had said to him, in his flat, that the Prime Minister, "sitting on that couch there", had said something to him. I remarked that the phrase "sitting on that couch there" did not sound like Lord Rothschild, and I thought that it might well be a little bit of journalistic license, of which there was a good deal in Mr Wright's manuscript.

7. Lord Rothschild asked to see a copy of the minute which he had sent to the Prime Minister in June 1979 about counter suppression. I showed him a copy. He said that, re-reading it, he thought that it was not a very good minute: rather diffuse.

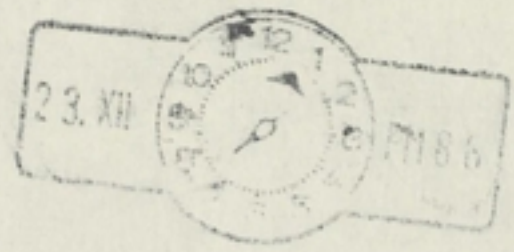
8. Lord Rothschild asked whether he would be told if and when a decision was taken not to prosecute him. I said I was sure he would be told.

9. Finally he asked me to record and pass on his gratitude to the Prime Minister for her press announcement and her subsequent remarks on television.

RCA

ROBERT ARMSTRONG

23 December 1986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Extract details: Undated draft letter, attached to minute dated 22 December 1986	
CLOSED UNDER FOI EXEMPTION	
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SECRET

Prime Minister 28

As far as I am concerned Mr Callaghan's statement remains the authorised & correct version. I, no further action is required. NLW 22.12

Ref. A086/3571

MR WICKS

Lord Wilson of Rievaulx and the Security Service

Mr Mallaby and I have been considering, in consultation with the Home Office and Sir Antony Duff, whether the reports in The Observer (and the Sunday Times) yesterday call for any further reaction by the Government. There is in particular the question whether it is necessary to make any move in the direction of setting up an inquiry.

2. We believe that an inquiry, if one was held, would confirm the judgment by Mr Callaghan, after a searching inquiry of his own, reached in August 1977. No papers have come to light in the Security Service which give any colour to allegations that members of the Security Service were plotting to destablise Mr Wilson (as he then was) in 1974 and 1975.

3. An inquiry which reached that conclusion would no doubt buttress Mr Callaghan's statement of 23 August 1977, to which the Government has been referring in its Answers to Questions. But it would not satisfy Mr Tam Dalyell, Mr Dale Campbell-Savours and the investigative journalists who are seeking to build these questions up. It would be essentially a finding of the absence of evidence; and those people would continue to try to keep the issue going on the basis of various allegations and investigations of their own. It seems unlikely therefore, that an inquiry could be conclusive in disposing of these people, although it might help to reassure Mr Roy Jenkins and Mr Merlyn Rees, whose views were reported in the Home Secretary's Private Secretary's letter of 19 December.

4. There is also a possibility, I gather, that Mr Winston Churchill may sue Mr David Leigh and The Observer for deformation, based on their stories over the last three weeks. An inquiry within Government could clearly affect the prospects for such a suit.

5. In my judgment the balance of argument is against any such inquiry. But the position of Mr Callaghan is central. It was he himself who made inquiries in 1977, and he who authorised the statement which was issued. If he were now to have second thoughts, and to air doubts about the conclusions which he then reached, it would be more difficult to continue to resist setting up an inquiry.

6. It is therefore for question whether the Government should make an attempt to discover directly what Mr Callaghan's position is. It would be possible, for instance, for him to be sent a message from the Prime Minister to the effect that, though the Government were precluded from saying so publicly, because of the Wright case in Sydney, all that it had heard confirmed what Mr Callaghan had said in 1977; and that the Government assumed that Mr Callaghan was standing by that statement, but hoped that he would get in touch if he wished to discuss any aspect of this matter. An advantage of doing that would be to put Mr Callaghan on notice that it would be helpful to have advance warning if he was beginning to have doubts about what he said in 1977. A disadvantage would be that it would in effect serve notice on Mr Callaghan that the Government regarded his position as central and that it lay within his power in effect to oblige the Government to mount the inquiry which Mr Dalyell and Mr Campbell-Savours were demanding.

X 1

7. My own judgment is that the disadvantage outweighs the advantage, and that the Government should not seek to take an initiative with Mr Callaghan. But that is of course very much a matter of political judgment.

8. I am sending copies of this minute to the Private Secretary to the Home Secretary and to the Legal Secretary to the Law Officers.

RTA

ROBERT ARMSTRONG

22 December 1986

22. XII 1986

CONFIDENTIAL

10 DOWNING STREET

From the Principal Private Secretary

22 December 1986

Dear Bernard,

Lord Rothschild has just sent me the letter attached which questions one aspect of the letter which I sent him on 25 November concerning his obligations under the Official Secrets Act.

You very kindly provided the draft on which I wrote to Lord Rothschild and I should be grateful if you could let me know what reply, if any, I should now send in response to his latest letter. If a reply is needed, it would clearly be right for it to be despatched before Christmas.

I am sending a copy of this letter to Stephen Boys Smith (Home Office), Michael Saunders (Law Officers' Department) and to Sir Robert Armstrong.

Yours ever,
Nigel Wicks

N.L. Wicks

Bernard Sheldon, Esq.

CONFIDENTIAL

10 DOWNING STREET

From the Principal Private Secretary

22 December 1986

I am writing to acknowledge your letter of 22 December.

N L Wicks

The Lord Rothschild, GBE, GM, FRS.

LORD ROTHSCHILD

Telephone: 01-280 5000

Telex: 888031

N.M. Rothschild & Sons Ltd.
New Court
St. Swithin's Lane
London EC4P 4DU

22nd December 1986

Dear Mr. Wicks,

at tab PT3

In your letter to me of 25th November you said in the second paragraph that you understood that, in my discussions with Sir Max Williams of Clifford Turner, I did "not need to go into any detail." On reflection, I do not know what this means and, at a later date, I do not want to be the subject of further "consideration" on the grounds of having gone into too much detail with my own solicitors. What I said in my letter to you of 24th November was that I would put my legal advisers in the picture, "naturally on a 'need to know' basis."

Yours sincerely,

Rothschild

c. Sir Robert Armstrong

SECURITY Peter Wright PT4

SECRET

File SRW (62) 27

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

LORD WILSON OF RIEVAULX AND THE SECURITY SERVICE

The Prime Minister has seen your minute of 17 December about the recent circulation of old allegations concerning Lord Wilson of Rievaulx and the Security Service. She has also seen the Attorney General's minute of 19 December and the letter from the Home Secretary's Private Secretary of 19 December.

The Prime Minister agrees with the advice set out in paragraph 4 of your minute; namely that she would be best advised not to seek or be given a detailed account of these matters.

As for the text of any public statement on this matter, the Prime Minister will consider it further if and when it needs to be made. She has noted the Attorney General's advice that the first two sentences of paragraph 5 of the draft statement should be omitted.

I am sending a copy of this minute to the Private Secretaries to the Home Secretary and the Attorney General.

(N.L. WICKS)
22 December 1986

SECRET

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-233 8220

B.07633

19 December 1986

Dear Stephen

The Peter Wright Case

The proceedings in the Supreme Court of New South Wales ended today. Judgement, as expected, was reserved and probably will not be delivered until late February.

2. Ministers may wish to see the following remarks made by Counsel on instructions today in rebutting Mr Turnbull's offensive criticisms of the Attorney General and Sir Robert Armstrong -

> "The submissions of the defendants in relation to the credit of Sir Robert Armstrong and Sir Michael Havers are extravagant, melodramatic and outrageous, inappropriate even as a jury address but doubly inappropriate as an address to a judge of the court sitting without a jury.
>
> The submissions are baseless and unjustified and should be rejected out of hand.
>
> The submissions are full of schoolboy debating tricks, emotive cliches and mixed metaphors of which even a third rate journalist could not be proud.
>
> They are calculated to induce the court to decide relevant issues by reference to vague emotional responses rather than by unemotional logical analysis of the evidence."

3. This text can be quoted in public, without any risk of being in contempt of court, provided that quotations are attributed to our Counsel and no comments are added.

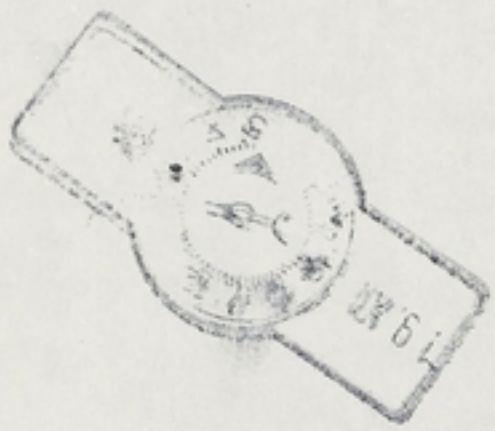
4. I am sending copies of this letter to Nigel Wicks and Bernard Ingham in Number Ten, to Joan MacNaughton in the Lord President's Office, Tony Galsworthy (FCO) and Michael Saunders (Law Officers' Department).

Yours ever

Christopher Mallaby

C L G Mallaby

S Boys Smith Esq
HOME OFFICE



THE NATIONAL ARCHIVES

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SECRET

PRIME MINISTER

LORD WILSON OF RIEVAULX AND THE SECURITY SERVICE

1. I have seen a copy of Sir Robert Armstrong's minute to you of 17th December.

2. I would advise against the inclusion of the first two sentences of paragraph 5 of the draft statement attached to Sir Robert's minute. Those sentences comment on a matter which is an issue in the proceedings in Australia. For the reasons I have expressed throughout these proceedings, it would be inappropriate to make such a comment before judgment at first instance.

3. I shall be considering the extent to which the Government, if it so wished, could comment on the issues in the case during any appeal proceedings in the light of the advice of our Australian Counsel.

4. I am sending copies of this minute to the Home Secretary and Sir Robert Armstrong.

M.H.

19 December 1986

SECRET

GOTTINGEN

F

Ref. A086/3541

MR WICKS

Thank you for your note of 16 December to Mr Woolley.

2. I do not think that Mr MacLean should initiate any steps with a view to obtaining a sight of the transcript referred to by Mr Leadbitter in his conversation on 15 December.

3. If, however, Mr Leadbitter were to volunteer to offer Mr MacLean a sight of, or better still a copy of, the transcript, Mr MacLean should not refuse to accept the offer.

4. I am making separate inquiries to see whether I can find out any clues to the nature of the conversation. On the face of it, they were a very unlikely trio, but you could never be sure what Dame Ruth King was getting up to.

RA

ROBERT ARMSTRONG

18 December 1986

SECURITY

WRIGHT

PTY

NBPM

From: THE PRIVATE SECRETARY

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

18 December 1986

Dear Christopher

THE PETER WRIGHT CASE

ATTACHED

The Home Secretary has seen your minute of 17 December. He was grateful for this report and notes the probable course of events. The Home Secretary thinks that it would be valuable to have a meeting of his group in January to take stock of these matters.

I am sending copies of this letter to Nigel Wicks (No 10), Tony Galsworthy (FCO), Michael Sanders (Law Officer's Department) and Trevor Woolley (Cabinet Office).

Yours,

S W BOYS SMITH

C L G Mallaby, Esq., CMG.

CONFIDENTIAL

24

Ref. A086/3532

MR WICKS

I attach a note with NLW for the Prime Minister about Lord Wilson and the Security Service.

2. I should tell you - I am sure that the Prime Minister will not need to be reminded - that, as my predecessor here was on holiday at the time, I went to see her on Mr Callaghan's instructions on two occasions (once at Scotney and the second time in Flood Street) in August 1977, before the issue of the statement from 10 Downing Street on 23 August 1977 referred to in paragraph 6 of this note.

RA

ROBERT ARMSTRONG

17 December 1986

F

SECRET

23

Prime Minister

I strongly endorse the advice in §4 on pages 3-4. Agree? Yes

We can consider the text of any statement if and when it needs to be made. N.L.W. 18.12

Ref. A086/3516

PRIME MINISTER

Lord Wilson of Rievaulx and the Security Service

As a result of the Peter Wright case there has been a revival of old allegations about Lord Wilson of Rievaulx and the Security Service.

2. The allegations are:

1. An autobiography by Hugh Cudlipp in 1976, a book called "The Pencourt File" (by Barrie Penrose and Roger Courtiour) in 1978, and a number of press articles in 1981 referred to a meeting between Cecil King, Hugh Cudlipp, Lord Mountbatten and Sir Solly Zuckerman in 1968 at which it was alleged that there was some discussion of the possibility of overthrowing Mr Wilson's government and replacing it with an administration led by Lord Mountbatten. It was alleged that a former Director General of the Security Service had said that the Security Service took the plot seriously and investigated it. Peter Wright's manuscript refers to this "coup" plot and alleges that a Security Service officer was in some way connected with it.

2. Peter Wright in his manuscript describes an allegation by James Angleton of the Central Intelligence Agency that he had very secret information that Mr Wilson was a Soviet agent. Wright says this was not pursued because Angleton would not co-operate. Wright believes the source was Israeli because Lord Rothschild "had got a hint from Mossad that they were suspicious of Wilson". According to Wright,

Angleton later claimed that an agent of his had heard that Mr Wilson had clandestine meetings very occasionally with the Russians; the source of the information was said to be no longer available.

3. Peter Wright refers to the connection between Lord Kagan and a Russian diplomat (and KGB officer) named Vaygauskas, and to an approach which Mr Wilson made to the Commissioner of the City of London Police seeking advice about Lord Kagan.

4. Peter Wright also says that in 1973 he was asked, but refused, to provide information about Mr Wilson to a group consisting of Sir James Goldsmith, David Stirling and George Young; and that in 1974 he was approached by a group of Security Service officers for information about Wilson that could be leaked to sympathetic pressmen - though whether to influence the election against him or to "destabilize" him as Prime Minister is not altogether clear. Wright names only two such officers, but alleges that up to thirty Security Service officers had given their approval to the plan. Wright says that he refused to co-operate and the following year (on Sir Maurice Oldfield's advice) he told the Director General, Sir Michael Hanley. He adds that a member of the Security Commission was called in to make a private inquiry into the matter but got nowhere.

5. In 1977 a number of articles appeared in the press which purported to relay Sir Harold Wilson's anxieties about the Security Service. These articles appeared to have stemmed from the work of two journalists, Barrie Penrose and Roger Courtiour, who alleged that they had been briefed personally by Sir Harold. The articles, the most

detailed of which was one in the Observer of 17 July 1977 by Colin Smith and Andrew Wilson entitled "Wilson: Why I Lost My Faith in Ml5", included amongst their allegations the following:

a. In the summer of 1975, in the middle of a whispering campaign against him, a faction of MI5 was putting it about that there was a Communist cell in the Cabinet involving himself and Lady Falkender. The then DG, Hanley, had confirmed the existence within his Service of a disaffected faction with extreme right wing views.

b. A faction sympathetic to South Africa and Rhodesia existed within MI5.

c. The CIA might be involved in attempts to infiltrate No 10.

d. South African agents and others concerned with 'intelligence gathering' were behind burglaries at his home.

There were also articles by Chapman Pincher reviving allegations that 10 Downing Street had been "bugged" by the Security Service when Sir Harold Wilson was Prime Minister.

3. I have now discussed these matters fully with the Director General of the Security Service and Sir Brian Cubbon.

4. All these allegations relate to periods before you became Prime Minister, and for which you have no Ministerial responsibility. It would be contrary to the conventions governing access to the papers of previous administrations that you should be shown the contemporary papers relating to these matters. My own view is that you would be best advised not to

seek or be given a detailed account of these matters: that could constitute a potentially embarrassing precedent for inquiries by Ministers of a current administration into security records relating to Ministers of past administrations.

5. I think it right, however, to report to you the following conclusions on which the Director General, Sir Brian Cubbon and I are agreed, following our discussion:

1. As to the alleged King-Mountbatten "coup plot" in 1968, the Security Service made no investigation of any such alleged plot. You told Mr Ted Leadbitter MP in March 1981 that there was nothing to suggest that anything remotely like a conspiracy occurred.

2. The Security Service have no evidence and no reason for thinking that Mr Wilson was or might have been an agent of the Russian or any other intelligence service. At no time has a Security Service investigation of Mr Wilson been undertaken, and there has never been any kind of Security Service surveillance of him or his communications.

3. Lord Kagan had a social relationship with the KGB officer Ricardas Vaygauskas. The Security Service were aware of this relationship. Mr Wilson (then leader of the Opposition) was fully briefed about it by the Security Service in 1972. There was nothing to suggest that Mr Wilson had any direct contacts with Vaygauskas.

4. No report was ever made to Sir Michael Hanley by Peter Wright or any one else about a plot by Security Service officers against Mr Wilson. No inquiry was ever held (by a member of the Security Commission or any one else) into allegations of this kind.

6. Following the articles published in the summer of 1977 (see paragraph 2.5) a statement was issued from 10 Downing Street on 23 August 1977 which read:

> "The Prime Minister has conducted detailed inquiries into the recent allegations about the Security Service and is satisfied that they do not constitute grounds for lack of confidence in the competence and impartiality of the Security Service or for instituting a special inquiry. In particular, the Prime Minister is satisfied that at no time has the Security Service or any other British intelligence or security agency, either of its own accord or at someone else's request, undertaken electronic surveillance in No 10 Downing Street or in the Prime Minister's room in the House of Commons."

This was followed by a statement by Sir Harold Wilson printed in the Observer on 28 August:

> "My impression is that what has been going on over a period of five years has come from, or been fed by, a small mafia group of MI5 who have contacts outside in one or two sections of the press, and a few selfappointed private enterprise security agents.
>
> It is my strong impression that it is probably a very small MI5 mafia who have been out of the service for some time, who still continue the vendetta for no doubt extremely right wing purposes of their own.
>
> I am equally confident that the higher direction of MI5 and those operating today do not have anything to do with this, nor have they done so at any time."

7. Mr Callaghan subsequently told the House of Commons (on 8 December 1977) that Lord Wilson associated himself with the statement issued on 23 August.

8. I have considered with Sir Brian Cubbon and the Director General whether there is anything that you could usefully and properly say, by way of a statement in the House of Commons, if it became necessary to do so. The Attorney General will no doubt want to advise on what can be properly said while the Wright case remains sub judice, whether at first instance or on appeal. Subject to that, however, we suggest that any statement should not go beyond something on the lines of the draft attached. The last sentence of the draft is something of a hostgage to fortune; but a sentence of this kind would greatly help to reassure and raise the morale of the Security Service.

9. I am sending copies of this minute and the draft to the Home Secretary and the Attorney General.

RA

ROBERT ARMSTRONG

17 December 1986

DRAFT STATEMENT ON LORD WILSON AND THE SECURITY SERVICE

There has been renewed speculation about allegations that Lord Wilson of Rievaulx was suspected or investigated by the Security Service, and that the Security Service, or a group of officers in the Service, sought in some way to destabilise him while he held office as Prime Minister.

2. These allegations all relate to periods before May 1979, and to matters for which I did not have Ministerial responsibility.

3. The Rt Hon Gentleman, the Member for Cardiff South East, then Prime Minister, issued the following statement on 23 August 1977 about the similar allegations made at that time:

> "The Prime Minister has conducted detailed inquiries into the recent allegations about the Security Service and is satisfied that they do not constitute grounds for lack of confidence in the competence and impartiality of the Security Service or for instituting a

special inquiry. In particular, the Prime Minister is satisfied that at no time has the Security Service, or any other British intelligence or security agency, either of its own accord or at some one else's request, undertaken electronic surveillance in No 10 Downing Street or in the Prime Minister's room in the House of Commons".

4. The Rt Hon Gentleman subsequently said in the House (8 December 1977; col 1644) that Lord Wilson of Rievaulx associated himself with that statement.

The A.G. wants this excluded from any statement.

5. [I fully accepted that statement when it was made, and I fully accept it today. I am assured that the Security Service have at no time mounted an investigation on Lord Wilson or placed any surveillance on him.] I have complete confidence in the integrity of the Security Service, as a responsible Service conducting its affairs in accordance with the directive laid upon its Director General.

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Prime Minister

In case this comes up in Cabinet.

N.L.W

18.12

CONFIDENTIAL

B.07630

HOME SECRETARY

THE PETER WRIGHT CASE

In delivering the first part of his final submissions to the court today, Counsel for the other side made extraordinary attacks on the Attorney General and Sir Robert Armstrong. Our Counsel objected that Mr Turnbull had gone beyond proper criticism of Sir Robert's evidence by giving it as his personal view that Sir Robert had lied; the Judge supported Mr Simos and Mr Turnbull's comment was in part withdrawn. Our team in Sydney are being instructed to reject firmly the criticism of the Attorney General and Sir Robert Armstrong without going into the kind of detail which would dignify Mr Turnbull's unacceptable remarks.

2. Final submissions in the proceedings in Sydney will probably end this week or on Monday 22 December. The Judge has indicated privately to Counsel that he would not give judgement before the end of February. We will have 28 days in which to lodge an appeal. Counsel has been instructed, unless we unexpectedly win the case at first instance, to seek immediately a new interim injunction lasting at least 14 days and if posssible the full 28 days. Counsel has no doubt that Mr Justice Powell would extend the injunction when judgement was given. There should thus be sufficient time for the Attorney General to consult you and the other Ministers concerned on whether to appeal. The strong assumption must of course be that we shall appeal.

3. Counsel does not expect an appeal to be heard in the Appeal Court of New South Wales before the end of May. A further appeal beyond that, to the High Court of Australia, could mean that there would be no final decision before, say, October 1987. It would be for the High Court to decide the date of its hearing, but Counsel would not expect this to begin until the end of July or the beginning of August.

4. In view of the prospect that the case might not be ultimately decided for 10 months, Ministers may wish to look again at the question of refraining from comment on matters relating to the case. This question could be reviewed at the time of the judgement at first instance. Our Australian Counsel could give advice on the extent to which the Government should relax the practice of not commenting.

5. Officials are still working on a paper about measures that may be taken to restrain publication of the book in other countries. We await advice from our Australian Counsel on the likely force in this connection of the interim injunction against the book in Australia and advice from the United States Department of Justice about the question of action if necessary in the United States courts to frustrate any attempt to publish the book there.

6. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Attorney General; to Mr Wicks at Number Ten, and to Sir Robert Armstrong.

C L G Mallaby

17 December 1986

17. XII
PM 8 9

SECRET

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

The Prime Minister has now considered your minute of 12 December about Cabinet machinery to deal with the handling of Peter Wright-type cases and for considering overall policy in this area. The Prime Minister has also seen the Tony Galsworthy's letter of 17 December in which he records the Foreign and Commonwealth Secretary's general agreement with your proposal.

The Prime Minister agrees with the proposals set out in your minute. She believes it important that the arrangements should provide for the Prime Minister and the Cabinet Secretary to be informed straightaway if there is any information that an unauthorised publication or broadcast may be in prospect.

The Prime Minister has noted from Tony Galsworthy's letter of 17 December that the Foreign Secretary is discussing with the Home Secretary how wider questions affecting the Security Service, SIS and GCHQ might best be handled inter-ministerially. She is, of course, content for your Secretary of State to discuss this matter with the Home Secretary. But because of her overall responsibility in this area, she will wish to chair inter-departmental meetings on this subject.

I am sending a copy of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Secretary of State for Defence, and to the Legal Secretary to the Law Officers.

N.L.W.

N. L. WICKS

17 December 1986

SECRET

21

Foreign and Commonwealth Office

London SW1A 2AH

17 December 1986

Note
Stephen Boys-Smith
said that he has
seen this agreed with this.
N. L W
17.12

Dear Nigel,

Future Procedure for Dealing with Unauthorised Publications

Sir Robert Armstrong sent me a copy of his minute of 12 December to you setting out his proposals for the establishment of a Cabinet Committee to deal with the handling of Peter Wright-type cases in the future and to consider overall policy in this area. On the limited issue of unauthorised publications the Foreign Secretary is broadly content with the proposals which Sir Robert puts forward. As experience with the Home Secretary's "Peter Wright group" has shown, the Committee may well have to meet frequently to monitor the progress in particular cases. He therefore agrees that it would be useful for the departmental Ministers concerned to have an opportunity to discuss the issues and arrive at a preliminary interdepartmental view before putting matters for overall policy decision to the wider Cabinet Committee under the Prime Minister's chairmanship. He is also content with the proposal for an official committee to support the Ministerial group.

The Foreign Secretary is also discussing with the Home Secretary how wider questions affecting the Security Services, SIS and GCHQ might best be handled inter-ministerially, and will be in touch with Sir Robert Armstrong in due course about this.

I am copying this letter to the Private Secretaries to the Home Secretary and the Secretary of State for Defence, to the Legal Secretary to the Law Officers and to the Private Secretary to Sir Robert Armstrong.

Yours ever,
Tony Galsworthy

(A C Galsworthy)
Private Secretary

Nigel Wicks Esq
PS/10 Downing Street

SECRET

17. XII 9 AM66

THE NATIONAL ARCHIVES

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Extract details: Letter dated 16th of December 1986	
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HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

16 December 1986

Dear Patrick,

ONE GIRL'S WAR

Thank you for your letter of 12 December.

I concur with your advice that we should not mount further proceedings in the Irish Republic to seek to prevent the publication of One Girl's War. We shall have to make the best we can of our explanation, and I agree we should be robust.

I note what you say about action in the UK, and that questions may arise after the proceedings on 17 December.

Copies of this letter to go the Prime Minister, the Foreign and Commonwealth Secretary, Sir Robert Armstrong and Sir Antony Duff.

Yours,

Douglas.

The Rt Hon Sir Patrick Mayhew, QC, MP

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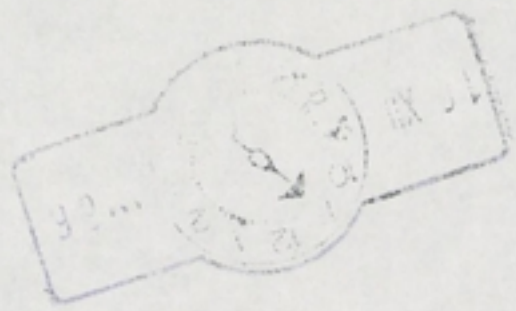
SECRETY

WRIGHT

PT



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PERSONAL AND CONFIDENTIAL

Prime Minister

Ref. A086/3460

PRIME MINISTER

Lord Rothschild has asked me to let you know that for the last month he has been in considerable pain in his leg, suffering from claudication. He has gone into hospital, under an assumed name, to have it dealt with.

2. He was anxious that you should know about this, because he feels that this trouble may have contributed to his feeling of intense harassment over the last two or three weeks,

RA

ROBERT ARMSTRONG

12 December 1986

PERSONAL AND CONFIDENTIAL

12 XII 1936

CONFIDENTIAL

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-405 7641 Extn

Prime Minister
to note prospective
course of action

12 December, 1986

N.L.W
12.12.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Dear Douglas:

"ONE GIRL'S WAR"

at flop

When I wrote to you on 3 December I said that I would be pursuing with our Irish lawyers whether, despite having decided not to appeal against the High Court's decision on the injunction, we should press our claim for an account of profits. I have now received advice from Senior Counsel in the Republic which is far from sanguine about our prospects of success and I would therefore recommend against any further proceedings.

It may of course be argued that by discontinuing proceedings we have abandoned the principle which is being asserted in Australia. We would in that event point to the fact that the Irish judgment turned, to a substantial extent, on a provision of their Constitution. This explanation is not without its difficulties: others could argue that the Irish judgment denied that breach of Ms Miller's duty of confidentiality to the Crown raised a cause of action in the Republic and that in failing to pursue the claim and, in particular, the action for an account we were recognising this fact. But we must simply take a robust line on what was a somewhat opaque judgment.

This leaves the question of action in the United Kingdom. As you will know, the distributors against whom we obtained an ex parte injunction in England are contesting the order and there will be a hearing in the High Court, probably on Wednesday 17 December. Treasury Counsel's advice is that we are still likely to win at this interlocutory stage, despite what has occurred in the Republic.

He advises, however, in response to questions from the defendants about sale of the book in Northern Ireland and Scotland, that it may be necessary to take proceedings in those jurisdictions. Private offices have, I believe, already been told of this possibility which is of course the necessary corollary of the position we have taken

CONFIDENTIAL

in England.

It would be too early to take a view on what will happen at the full trial of the "One Girl's War" action. One matter on which we should, I think, focus is the question of an account of profits. If proceedings continue, we will need to serve a statement of claim before too long and this will be influenced by whether or not we decide to pursue this remedy. The object of the account would of course be to deprive those publishing material in breach of confidence of the profits of their action and thereby to deter others who might seek to write, commission or publish such material in the future. I understand that action of this sort, when judiciously pursued, had an important deterrent effect in the USA and I can see a strong case for seeking to obtain an account of profits here if Treasury Counsel continues to advise that this relief would be open to us.

A decision on the question of an account of profits does not need to be taken until after we know the result of the inter partes hearing on Wednesday when matters may of course look rather different.

A copy of this letter goes to the Prime Minister, Geoffrey Howe, Sir Robert Armstrong and Sir Antony Duff.

Yours ever,

Patrick

CONFIDENTIAL

Security: Secret Services PT4.

SECRET

cc F.C.O.
CC B/Up

Prime Minister 20

Ref. A086/3451

MR WICKS

Will await views of colleagues on the views of colleagues?

Agree, subject to N.L.W.

12.12

At the Prime Minister's meeting on 19 November, it was agreed that:

> The Cabinet Secretary should arrange for the establishment of some Cabinet machinery which would provide an overview for the management of episodes like the Peter Wright case and for the establishment for the foundation of a future policy.

2. I have also seen the separate proposal in your letter of 27 November to Michael Saunders.

3. I fear that the problem is not confined to unauthorised publications by former members of the security and intelligence services. My box on return contained two other cognate cases arising in the areas of the Ministry of Defence, and any machinery we set up will need to be sufficiently broadly based to deal with such cases as well.

4. We also need to provide, in whatever we do, between arrangements for formulating policy and arrangements for managing particular cases, once policy decisions have been taken.

5. With these and other considerations in mind, I propose that we should set up a Cabinet Committee consisting of:

Prime Minister
Lord President
Foreign and Commonwealth Secretary

Home Secretary
Secretary of State for Defence
Attorney General

with the following terms of reference:

To keep under review the formulation and implementation of policy in relation to the publication of confidential official information on matters relating to defence, international relations, security and intelligence, and cognate matters, including the control of publications by present or former members of the public services (including the security and intelligence services) relating to such matters.

6. When the Committee met to discuss the handling of particular cases, the chair could be taken by the Secretary of State primarily concerned.

7. This Ministerial Committee should be supported by an Official Committee consisting of:

Secretary of the Cabinet
Representatives of:
Foreign and Commonwealth Office
Home Office
Ministry of Defence
Treasury Solicitor
Security Service

Representatives of the Secret Intelligence Service and the Director of the Government Communications Headquarters and the Legal Secretary, Law Officers' Department, would be invited to attend the Official Committee as appropriate. The Committee would have similar terms of reference.

SECAAV

8. When the Official Committee met to manage the handling of particular cases (eg the Peter Wright book), the appropriate Deputy Secretary, Cabinet Office would normally chair the meetings.

9. I am sending copies of this minute and the attachment to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Secretary of State for Defence and to the Legal Secretary to the Law Officers. You will remember that Mr Budd's letter of 10 December indicated that the Foreign and Commonwealth Secretary would want to put forward considered views on precisely how a committee might be set up and the remit it would have.

RA

ROBERT ARMSTRONG

12 December 1986

ARRANGEMENTS FOR ACTION IN RESPECT OF UNAUTHORISED PUBLICATIONS ON SECURITY AND INTELLIGENCE AND COGNATE MATTERS

Note by the Secretary of the Cabinet

The Prime Minister has agreed the following arrangements for action in respect of unauthorised publications (including broadcasts) on confidential matters relating to defence, international relations, security and intelligence, and cognate matters.

2. Directly there is any information that an unauthorised publication or broadcast on such matters may be in prospect, the Department or agency receiving the information should notify the Prime Minister's Office, the Cabinet Office, the Foreign and Commonwealth Office, the Home Office, the Ministry of Defence, the Treasury Solicitor's Department, the Law Officers' Department and the security and intelligence agencies.

3. Thereafter it will be for the Minister principally concerned - the Home Secretary in the case of the Security Service, the Foreign and Commonwealth Secretary in the case of the Secret Intelligence Service and Government Communications Headquarters, the Secretary of State for Defence in the case of the Ministry of Defence or the Armed Forces - to take the lead in considering the issues involved and of the action to be taken. This is likely to require close consultation among the Departments represented on the Ministerial and Official Committees on Defence, Intelligence and Security Information Policy and the related agencies, as well as with the Law Officers.

SECAAK

4. The Lord Privy Seal and the Chief Whip should be consulted as necessary about any implications for Parliamentary business, and the Prime Minister's Press Secretary about presentational aspects.

5. When time and other circumstances permit, proposals for action (other than the institution of criminal proceedings) should be put to the Ministerial Committee for discussion and approval. If time does not permit a full meeting, the Prime Minister's approval should be sought for any action proposed (other than the institution of criminal proceedings).

6. These arrangements are without prejudice to the responsibility of the Law Officers for decisions as to the institution of criminal proceedings. In any case of the kind covered by this note, it is for the Law Officers, and not for Ministers or the Ministerial Committee, to decide whether criminal proceedings should be instituted, and it is for the Law Officers to decide whether, the extent to which and how Ministerial colleagues should be consulted as to public interest considerations before they take their decisions on the institution of criminal proceedings. In all cases close liaison with the Law Officers will be necessary, since it may well be thought appropriate on occasion to bring forward proceedings under the criminal law and also under the civil law on the same matter.

7. Cases to which these arrangements apply include:

(1) Unauthorised publications by present or former members of the public services, including the security and intelligence agencies, on confidential matters relating to defence, international relations, security and intelligence, or cognate matters.

SECAAK

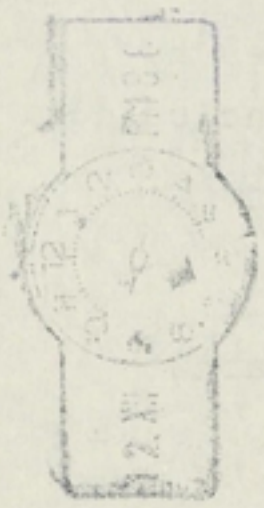
(2) Radio or television broadcasts or press articles by present or former members of the public services, including the security and intelligence agencies, on such matters.

(3) Publications or broadcasts or articles by people outside the public services containing information about such matters attributed to or clearly derived from present or former members of the public services.

(4) Other publications or broadcasts or articles by people outside the public services containing material whose publications the Government might wish to restrain on security grounds and where no breach of the duty of confidentiality is alleged.

December 1986

SECURITY: Peter Wright: Part 4



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MINISTERIAL GROUP ON THE PETER WRIGHT CASE

Fourth Meeting

CORRIGENDUM

Page 2, line 11

Delete "telegram No 018"

Substitute "telegram No 019"

ADDENDUM

The telegram referred to on page 2 is attached

Cabinet Office

11 December 1986

CONFIDENTIAL
FM SYDNEY
TO DESKBY 080800Z CABINET OFFICE
TELNO 819
OF 072152Z DECEMBER 86

FROM HOGG TO MALLABY, CABINET OFFICE

PETER WRIGHT CASE:

1. CROSS-EXAMINATION OF WRIGHT

COUNSEL HAVE CONSIDERED SIR ROBERT ARMSTRONG'S MANUSCRIPT QUESTIONS, YOUR TEL 568 OF 06 DECEMBER, WRIGHT'S FIRST AFFIDAVIT AND HIS LATEST STATEMENT.

2. WE HAD A CONFERENCE WITH SIMOS AND CALDWELL ATTENDED BY HOGG, MARSH, WAUGH AND FEELHAM WHICH LASTED 5 HOURS.

3. SIMOS HAD AGREED TO CROSS-EXAMIN IN RELATION TO THE FOLLOWING TOPICS:

A. ''THEIR TRADE IS TREACHERY''
(A) ROYALTIES TO WRIGHT AND ALL ASPECTS RELATING TO MONIES.
(B) WAS THERE A CONTRACT AND WHETHER WRIGHT WAS A NAMED PARTY.
(C) WHETHER WRIGHT OBTAINED PINCHER'S AGREEMENT TO WRIGHT NOT BEING NAMED AS SOURCE.
(D) QUESTIONS ON WRIGHT'S ANSWERS TO OUR INTERROGATORIES 40 AND 41.

B. THE CURRENT MANUSCRIPT
(A) FINANCIAL ARRANGEMENTS
(B) WHO WROTE IT ETC
(C) OUR INTERROGATORY 18
(D) LITERARY AGENTS
(E) PROJECT TASMANIA
(F) OTHER PUBLISHING AGREEMENTS
(G) GREENGRASS
(H) MATERIAL HE TOOK WITH HIM WHEN HE LEFT THE SERVICE

C. GRANADA TELEVISION
(A) FINANCIAL ARRANGEMENTS
(B) ARRANGEMENTS FOR FILMING - OUT OF JURISDICTION?
(C) GREENGRASS

D. SECURITY NOTES, DIRECTOR-GENERAL'S CIRCULARS: OUR INTERROGATORY 32: PARAGRAPH 6 OF THE FIRST AFFIDAVIT: FACT THAT HE CONTINUES TO DRAW PENSION.

[illegible]

SECRET

dlc 19 EL3BPH

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

11 December 1986

THE PETER WRIGHT CASE

The Prime Minister held a meeting this evening to discuss the present position and prospects in the proceedings in the Peter Wright case; machinery for handling such cases in future; Parliamentary handling and the future policy on unauthorised disclosure. (The position of Lord Rothschild was not discussed.) The Lord President, Home Secretary, Attorney General, Sir Robert Armstrong, Sir Percy Cradock and Mr. Mallaby were present.

The Present Position and Prospects

The Prime Minister drew the meeting's attention to the letter from the Solicitor General of Australia which commended Sir Robert Armstrong on his performance in the witness box in Sydney. It was agreed that the Government owed him a great debt of gratitude.

It was reported that Mr. Justice Powell would probably reserve his judgement, perhaps until after Christmas. If judgement was delivered while Parliament was sitting, there would be great pressure for statements and demands for PNQs. Except in the unlikely event of a favourable judgement, the Crown should appeal. Ministers needed advice on the procedure for making an appeal; in particular, they needed to know the usual time which elapsed in the Australian courts before appeals were lodged, and the shortest possible time which could be envisaged before an appeal was announced; and how the injunction could be sustained during that period. It would be vital for the injunction to be maintained preventing publication of the book while Ministers were considering a decision to appeal. It was agreed that the Cabinet Office, in consultation with the Law Officers' Department and our Australian Counsel, would present early advice to Ministers on these aspects so that they could be ready to come to quick decisions on the appeal. Ministers preliminary view was that there was some advantage in lodging the appeal quickly, well within the normal timescale for such appeals in Australian courts.

More generally, it was thought that there was a real prospect that Wright's book would be published in some form.

JB

Even if the Government were unsuccessful in continuing the injunction in Australia, there was a real risk that the book would be published in, for example, the United States or the Republic of Ireland. The Prime Minister said that all future work needed to take this risk into account so that we had ready-prepared a course of action if the book was published.

The machinery for handling such cases in future

Sir Robert Armstrong said that he was discussing with departments the machinery for handling future cases and would put proposals to the Prime Minister by the weekend.

Statements to Parliament

In discussion, it was argued that there were strong disadvantages in the Prime Minister making an oral statement since this would subject her to a difficult and sustained cross-examination, often by hostile Labour backbenchers. This suggested that a statement by written answer might be a better vehicle.

Against that, it was emphasised that there might be a case for a weighty statement, directed at responsible public opinion, which would explain the role of the Security Services and their contribution to protecting democracy in this country. Such a statement would help the morale of the Services, which must have been undermined by recent events. It was further argued that while we should avoid making any statement likely to disclose sensitive security information, there were merits in adopting a rather more forward policy in explaining the role of the Security Services than hitherto. A statement might refer to the threats, the contribution of the Service Services in protecting ordinary citizens from those threats, and the need for secrecy. Some substantial figures on the Conservative backbenches had an ill-defined unease about the function of the Security Services. They were likely to become more difficult if something was not done to satisfy their unease.

Summing up this part of the discussion, the Prime Minister said that it was not possible to come to any decision about a statement without seeing a possible draft. The Cabinet Office, in consultation with Sir Percy Cradock, should produce a draft of a possible statement. If the Home Secretary thought it helpful, the statement should be considered by his ad hoc group before it was submitted to the Prime Minister. It was important to avoid the trap of drafting the statement in a way which solved today's problem at the expense of creating tomorrow's. The Government should avoid undertaking anything which would circumscribe their future freedom of action. If any statement were to be made, it would be necessary to explain the Government's approach to senior backbenchers so as to prepare the way for a good reception of the statement.

Future policy on unauthorised disclosure

The programme of work of officials described in the attachment to Sir Robert Armstrong's minute of 9 December was endorsed. In addition officials should prepare papers for Ministers on the following:

(i) An examination of the possibility of revising the Maxwell Fife directive; and of extending it to the other agencies.

(ii) A reconsideration of the policy of non-avowal of the SIS;

(iii) The possibility of broadening the Security Commission's role so as to meet the more legitimate concerns of backbenchers while preserving Ministers' responsibility and accountability for the Security Services.

(iv) Work on the proposed staff counsellors for the agencies should be carried forward urgently so that Ministers can consider an early announcement. Consideration should also be given to the creation of an "Inspector General for the Security Services" who might present an annual report to relevant Ministers, taking into account any relevant foreign experience.

I am copying this letter to Joan MacNaughton (Lord President's Office), Tony Galsworthy (Foreign and Commonwealth Office), Michael Saunders (Law Officers' Department), Christopher Mallaby and Trevor Woolley (Cabinet Office), and to Sir Percy Cradock.

N.L. WICKS

Stephen Boys Smith, Esq.,
Home Office.

THE NATIONAL ARCHIVES

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MJ2CPT

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

CP
Have you the letters?
JR 10/12

MR WOOLLEY
CABINET OFFICE

I attach a copy of a letter which the Chief Secretary's Office has sent me covering a letter from the office of Sir Bernard Braine about a conversation with a Mr Paul Smith.

I should be grateful if you could pass this correspondence to the appropriate quarter.

N.L. Wicks

3 December 1986

cc Sir Percy Cradock 17.

PRIME MINISTER

THE PETER WRIGHT CASE

Three extra points for this evening's meeting:

i) Sir Robert or Mr. Mallaby can give a report of today's hearing in Sydney. By and large, a very successful outcome.

ii) The Home Secretary may, I think, wish to take a more forward public line on the Government's position on some of the issues raised by this case. So far, Ministers have been inhibited because of the progress of the court case. You may want to ask the Attorney when this inhibition can be lifted; and what Ministers should say in public when it is.

iii) Our Counsel believes that Mr. Justice Powell may rule that while Wright has a duty of confidentiality, it would not be right to prevent him from publishing in his book:

a) information which has already been published, including books by outsiders;

b) information on iniquitous actions, such as burglaries, of which the public ought to be aware.

This would amount to permitting the book's publication with deletions - and it would be Mr. Justice Powell who would decide the deletions under a) and b) above.

I emphasise that this is no more than Counsel's informed guess on a possible judgement. Another outcome would be a ruling in Wright's favour. No-one believes that the Judge will find in our favour though prospects on appeal are still believed good.

If the Judge rules in Wright's favour or gives the 'publish with deletions' judgement described above, we need to decide

what to do. Officials think that as soon as Mr. Justice Powell's judgement is delivered, we should seek leave to appeal. This would continue the interim injunction and prevent publication for the time being. We should then reflect on what to do and almost certainly decide to pursue the appeal.

N.L.W.

N.L. WICKS
10 December 1986

BM2BAT

SECRET 16.

Foreign and Commonwealth Office

London SW1A 2AH

10 December 1986

Dear Nigel,

The Peter Wright Case

I have had one further comment from the Foreign Secretary (now in Brussels) - on Christopher Mallaby's paper on future policy on unauthorised disclosure.

As you know, that paper suggests that there may be scope for treating the security and intelligence services differently to the rest of the public service. I should stress that the Foreign Secretary has not yet had time to consider these papers in detail. But his initial inclination is to think that it would be a mistake to get locked in to too narrow a definition, and that it would be best for legislation to apply not just to the security and intelligence services but to anyone dealing with the subjects in question. He would therefore favour a definition such as that used in the interception legislation.

I am copying this letter to the Private Secretaries of the Home Secretary, Attorney General and Sir Robert Armstrong.

Yours Sincerely,

Colin Budd

(C R Budd)
Private Secretary

Nigel Wicks Esq
PS/10 Downing Street

SECRET

CONFIDENTIAL

Foreign and Commonwealth Office

London SW1A 2AH
10 December 1986

Dear Nigel,

Peter Wright Case:
Prime Minister's Meeting on 10 December

As you know, the Foreign Secretary will unfortunately be unable to attend the Prime Minister's meeting this evening. He has however asked me to pass on to you one or two points which he would like to have made on the question of future management of cases like Peter Wright and future policy on enforcing the duty of confidentiality which he understands is likely to be discussed at the meeting.

The Foreign Secretary has seen your letter of 27 November proposing revised arrangements for dealing with unauthorised publications, and also letters on the subject by Sir B Cubbon and Sir R Armstrong. He very much agrees that the Peter Wright case has underlined the need to establish a clearer and more structured system for dealing with cases of this kind in future and also the necessity of ensuring that Ministers in all departments concerned are informed at an early stage about impending publications. He also agrees that work needs to be done to consider ways of tightening up our present arrangements for preventing the unauthorised disclosure of confidential information. He understands that a start has already been made on the latter point in a working group of officials chaired by Mr Mallaby and that recommendations to Ministers will be coming forward in due course. He considers that for the immediate

/future

future the Ministerial group set up under the Home Secretary's Chairmanship, reporting as necessary to the Prime Minister, is proving effective, both in dealing with the immediate day to day handling of the Wright case and in considering some of the longer term questions which the case has thrown up. He believes therefore that it would be sensible to maintain this group in being for the immediate future. As regards the question of the possible establishment of some form of Cabinet Committee to consider policy questions in this area in the longer term, he sees no urgency about taking an immediate decision. His primary concern is that any new arrangements that are put into place - he has no doubt about the need for them - should have been the subject of full and careful consideration. As soon as possible after he and Sir Patrick Wright have returned to London from their present travels he will put forward some considered views on precisely how such a committee might be set up and the remit it would have.

I am copying this letter to the Private Secretaries of the Home Secretary, Attorney General and Sir Robert Armstrong.

Yours Sincerely,

Colin Budd

(C R Budd)
Private Secretary

N Wicks Esq
No 10 Downing St

PM36

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CONFIDENTIAL

cc PC
Sir Robert Armstrong

Prime Minister

Ref. A086/ 3423

MR WICKS

Peter Wright Case: Prime Minister's Meeting on 10 December

I suggest that the Prime Minister's meeting should cover the following matters:

(a) State of play and prospects in the proceedings;

(b) machinery for handling such cases in future;

(c) future policy on unauthorised disclosure;

(d) Lord Rothschild.

--- 2. I attach a note on (a); there may be more to add tomorrow. The question how to respond to Mr Turnbull's offer on documents will, of course, have been decided today.

3. Under (b), I can speak about the machinery that I am about to propose to you that we should establish.

4. I envisage that discussion of (c) would be general at this
--- stage. I attach a note about work that officials have in hand, as a starting point.

5. There may well not be much to discuss on (d).

CONFIDENTIAL

SECAAS

6. I am sending copies of this minute with attachments to the Private Secretaries to the Home Secretary and the Foreign and Commonwealth Secretary and to Mr Saunders in the Law Officers' Department.

RA

ROBERT ARMSTRONG

9 December 1986

State of Play in the Proceedings

Mr Wright's cross-examination took place on 9 December. Counsel had been instructed, notably in a telegram following a meeting of Ministers on the morning of 8 December, that the cross-examination should be comprehensive and rigorous. Counsel seemed to have been convinced by our instructions that it would be possible to achieve this without running the risk either of giving Wright a platform for new or renewed allegations or being drawn into matters concerning the content of Wright's book. He did his best, against a barrage of objections by Mr Turnbull generally upheld by Mr Justice Powell. Mr Simos managed to deal satisfactorily with the key question of confidentiality. He asked whether Wright had kept any documents or material from his time in the Security Service, to which the answer was No. In questions about the genesis of Chapman Pincher's "Their Trade is Treachery", Mr Simos brought out that Lord Rothschild had been involved and that Wright and Pincher had used synonyms in their correspondence; and also that Wright had given a mistaken answer to an interrogatory about his correspondence with Pincher. Mr Simos drew attention to admissions in Wright's latest affidavit that he had received money for "Their Trade is Treachery" and an advance on his new manuscript, although the Judge blocked questioning on this. The Judge also blocked questioning on whether Wright had had any co-author in producing his new manuscript, and on Project Tasmania Associates, a party to the contract about the publication of the manuscript which must represent Wright's interests in publication but perhaps also the interests of others.

2. The cross-examination was briefer than we could have wished, because Mr Justice Powell again displayed bias against the plaintiff. But at least it did not throw up new allegations by Wright. It seems unlikely to have damaged the public impression of our position in the trial.

3. Evidence in the proceedings at first instance could be completed on 10 December. There is likely to be an adjournment on 11 and 12 December when, on present plans, the Appeal Court of New South Wales is due to hear our appeal about discovery. The final submissions in the main case by each side are to be delivered early next week. Mr Justice Powell has said that he would wish if possible to deliver judgment before Christmas. There is still a risk that an arrangement about documents could lead to Sir Robert Amrstrong being recalled for some further cross-examination, but Counsel is hopeful that this can be avoided.

Future Policy on Unauthorised Disclosure

Ministers may wish, probably when the Wright case is over, to make a public statement about policy on unauthorised disclosure. This might say:

- that the Government will continue to uphold the nation's security and that this requires among other things an effective security service and observance of the duty of confidentiality by present and former public servants;

- that present and former public servants may not disclose information deriving from their work (whether in the form of books, articles or radio or television programmes) unless specifically authorised;

- that each case will be considered on its merits, bearing in mind a number of considerations, such as the period from which the information derives and the sensitivity of the information as well, of course, as the important distinction between insider and outsider authors;

- that alterations to a manuscript or proposed programme will when appropriate be considered as an alternative to giving or denying authorisation.

2. Officials are working on a range of issues raised by the Wright case. A paper on Ministerial supervision of the security and intelligence services here and in some other courtries is in preparation. So is a paper on means of enforcing the duty of confidentiality. On the latter, the following considerations have so far emerged.

3. The Wright case is a particularly difficult one, in that Wright worked in an especially sensitive area of government, is retired and lives abroad. Nevertheless, if the Government lost the Wright case there would be repercussions for the Government's authority generally to enforce the duty

of confidentiality. The public attitude to the importance of that duty, which already may be ambivalent, could become more sceptical. The courts in this country, which have been capable of inconsistency in the matter, might become even less consistent. The public attitude to confidentiality in turn affects the sense of loyalty among present and retired public servants.

4. Nevertheless, there is no widespread problem among existing public servants about unauthorised disclosure, despite several significant breaches. The provisions concerning confidentiality in civil servants' contracts and the related disciplinary sanctions seem adequate. There may be occasions when the Official Secrets Act (OSA), despite the weakness nowadays of Section 2, can be used to buttress those provisions. Injunctions can be sought to prevent unauthorised publications.

5. As regards retired public servants, disciplinary provisions do not apply, so that the OSA and injunctions to prevent publication are the main means available. Pensions are liable to forfeiture only if the persons concerned is convicted of treason or an offence under the OSA with imprisonment exceeding ten years or is convicted of another criminal offence in connection with their employment certified by a Minister as "gravely injurious to the State" or "liable to lead to a serious loss of confidence in the public service". Even these narrow provisions are unlikely to apply to somebody outside the jurisdiction. But to alter the arrangements on pensions, even in order to introduce some arrangement for pensioners abroad which would have equivalent effect to that for pensioners at home, would require primary legislation and would probably be controversial.

6. Reform of the OSA, which in principle could strengthen the Government's ability to enforce the duty of confidentiality of former as well as present civil servants, poses formidable difficulties. The Prime Minister announced on 20 November 1979 that the Government would not proceed with a Bill to replace Section 2. A move to do so now would be controversial, especially if there was no accompanying legislation on freedom of information. There would be no prospect of enacting such a measure before the next general election.

7. Retired civil servants living abroad pose the greatest difficulty. Offences under the OSA are not extraditable. To secure an injunction against publication would be even harder in many places, including the United States and the Republic of Ireland, than in Australia. If we lost the Wright case it would become harder still in some countries. The Government might have to rely in some cases on injunctions against distribution in this country of books or programmes issued abroad; this at least should deter some publishers by casting doubt on their ability to sell in the major market for books about British matters.

8. Officials will also consider whether there is scope for treating the security and intelligence services differently from the rest of the public service, because of the special sensitivity of the information and the likelihood that public acceptance of stricter measures to enforce confidentiality may be greater in this field than others. Special contracts might be possible for many staff but the problem here too is not really among existing staff but retired people. Legislation would be needed if special arrangements were to be made about pensions.

09.7... PM136

COVERING SECRET

PRIME MINISTER

c. Sir Percy Cradock

THE PETER WRIGHT CASE

You should see Percy Cradock's minute below.

I know that you are reluctant to make a statement after the Wright case has been concluded. Certainly we should give no commitment to one in advance. But Percy's minute puts very well the one strong positive argument for a statement - only Ministers can explain to the public the vital job the agencies do for all of us. Of course you should not say anything which would depart from the usual convention about not discussing details of security matters on the floor of the House. Nor should anything be said which hinders the effectiveness of the Security Services. But I think that the approach in Percy's minute could help increase public confidence in the Services and thus their effectiveness.

N.L.W.

NIGEL WICKS

9 December 1986

010

SECRET

COPY NO 1 OF 2

MR WICKS

8 December 1986

THE PETER WRIGHT CASE

1. I am concerned at the damage to the image of British intelligence and in consequence to the image of the Government flowing from the Wright case and its totally irresponsible treatment by the media and opposition. This bears on what the Prime Minister should say when she is finally able to make a statement.

2. We have an intelligence machine of a high order, which makes a vital contribution to our defence and security, and to the promotion of British interests abroad. It is recognised and respected as such by foreign governments, hostile and friendly, and confers disproportionate influence, particularly with the Americans. The general public cannot be expected to know this; but in their more sober moods they accept that intelligence is useful and necessary, if only to prevent the Russians, or Syrians getting away with murder. The problem is that for most of the time the public tends to see intelligence only as a source for scandal or amusement. They are encouraged in this by the better informed, some of whom, sincerely but foolishly, think intelligence should be more exposed to scrutiny, and some of whom are simply malevolent.

3. In the last weeks sobriety has been at a discount. Our intelligence services, particularly the Security Service, have been popularly presented as undemocratic, unaccountable, arrogant, potentially fascist, criminal and treasonous. At the same time they have also been presented as accident-prone, incompetent, irrelevant, and farcical. The inconsistency of many of these adjectives does not worry the press. The Government is presented as obstinate, undemocratic, over-secretive and devious for directing and defending intelligence activities and as ill-advised or incompetent for launching the Australian case without due thought for the consequences.

4. I do not over-estimate the effect of this criticism. Much of it is froth and will evaporate. And public misrepresentation is an occupational hazard of intelligence work. But there could be some lasting impact, and we shall have to consider carefully what is to be said when we are free of the case and the Prime Minister can speak.

5. As suggested at her meeting on 19 November, she will wish to underline the distinction between books by employees of the intelligence service and books by outsiders, however well-informed, (a distinction the press have resolutely evaded). She will want to put the 'revelations' firmly in their distant historical context and to speak of new rules governing the operations of today's intelligence services. But I suggest she should also be prepared to say something more than in the past about the work of the intelligence machine, and its direct relevance to national security. This could be done in very general terms. The public should be reminded quietly about the dangers that face this country daily, not simply from Soviet espionage and subversion, although this is relentless and on a vast scale, but also from terrorists, whether Irish or Middle Eastern, whose activities proliferate and whose threats are of the most urgent and direct kind. Also of the threat from those who illegally import drugs. Also of the need to defend and promote British interests abroad in a hostile environment by acquiring the best and most timely information. This is unremitting, round-the-clock work. Its setbacks are headline news - the Grand Hotel Brighton and the shooting of Policewoman Yvonne Fletcher. In the nature of things, the successes usually go unsung; for the media they are the non-events; the aircraft not blown up; the Royal visit unhindered; the international agreement obtained on better terms; people going about their daily business in safety. But this can only be done by patient, dedicated and above all secret work. The public expects and enjoys the benefits; it must ensure the conditions.

6. This would be a slightly more forward defence than usual. It would not preclude the customary 'no comment' on any point of detail. But it would do something to correct the media travesties. It would appeal to the instinctive support of the broad public for the defence of the country in all its aspects.* And it would lead naturally to an appeal for more responsible press and opposition treatment of a vital matter where there have been in the past certain standards of behaviour. What we have to get away from is the picture of intelligence as an esoteric and pointless game, which the Government obstinately insist on playing and are just now playing particularly badly.

7. The above would not, of course, dispose of arguments along the lines: we fully support responsible work by the intelligence agencies, but they must in a democratic society be subject to outside oversight, eg a committee of Privy Councillors. I think we must continue to resist this, on the grounds that the oversight is best provided, and with less risk of leakage or political interference, by Ministers answerable to Parliament. Palliatives are possible; but there is no means of satisfying the critics without destructive exposure of intelligence work. The line therefore has to be held. But this refusal would come better if preceded by some effort to put intelligence work in a positive, understandable and more public context, rather than remaining entirely tight-lipped.

PERCY CRADOCK

* It might also be helpful to relate the Security Service more closely to the police. There is a popular misconception that the police protect us while the Security Service breaks into the foreign embassies. And police publicity eg over IRA arrests encourages this. When there is another success that can be publicly acknowledged, Special Branch should not be given the sole credit.

CONFIDENTIAL

File

VC

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

9 December 1986

Dear Stephen,

PETER WRIGHT CASE: DOCUMENTS AND PUBLIC INTEREST IMMUNITY

The Prime Minister saw this evening the Home Secretary's letter and Sir Robert Armstrong's two minutes, all of today, on the Government's response to Mr. Turnbull's public offer of arrangements to replace the order for discovery documents.

I am now writing to record that I told Mr. Mallaby earlier this evening that the Prime Minister agreed with the Home Secretary's conclusion that it would be right to proceed as proposed in Sir Robert Armstrong's two minutes. She would, however, like the phrase "an Opposition politician", in paragraph 2 of our response dealing with the Chapman Pincher book "Too Secret Too Long", replaced by "a member of the House of Commons". Reference to "an Opposition politician" might enable the source to be identified and cause the person concerned embarrassment. The Prime Minister would also wish our Counsel to do all that he could to avoid Mr. Greengross having sight of our response.

I am sending a copy of this letter to Tony Galsworthy (Foreign and Commonwealth Office), Michael Saunders (Law Officers' Department) and Trevor Woolley and Christopher Mallaby (Cabinet Office).

Yours ever,

Nigel Wicks

N.L. WICKS

Stephen Boys Smith, Esq.,
Home Office.

CONFIDENTIAL

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CONFIDENTIAL

IMMEDIATE TELEGRAM TO SYDNEY

DESKBY 09 2100Z

NORMAL DISTRIBUTION

FOR HOGG FROM MALLABY

Your telegram number 21: Peter Wright Case: Discovery

1. Please tell Simos that he may put to Turnbull the draft response in your telegram, subject to the amendments noted below. If necessary in negotiation, he may concede some or all of our fuller draft, also subject to amendments below. In negotiation this he should take account of the need not to prejudice our chances in the Appeal Court by seeming unco-operative in responding to Turnbull's offer. Simos should seek to include in the arrangement Turnbull's acceptance that Sir Robert Armstrong should not be further cross-examined.

2. We do not wish to commit ourselves not to reveal this response in court. Otherwise, Turnbull's offer will be on the record when the appeal hearing starts (if it is not postponed or cancelled) and our response will not be known. We therefore suggest that a sentence be added after (a)-(c) at the start of Simos's draft, which would qualify those sub-paragraphs, on the following lines: "The only exception to these conditions is that either party may reveal the fact and content of this response, and of any negotiations on it, in any court proceedings concerning the question of discovery in this case." This would require the consequential amendment of deleting the reference to the court in condition (c).

Amendment to
Simos's draft

3. The answer at 3. on "A Matter of Trust" is true but does not derive from the documents. If Simos considers that this is not tactically unwise, the draft may stand.

4. In item 4. on "Their Trade is Treachery" we do not like the expression "save as aforesaid", since it appears to imply that the decision not to seek changes in the manuscript tended to suggest that the Government authorised publication. We would like the sentence to read: "This does not suggest, and the documents do not contain any other material to suggest, that...".

5. In item 7. on "Their Trade is Treachery", the last word should be "information".

6. In item 8. on "Their Trade is Treachery", the reference to the Home Secretary in the second line should be to the Home Office; and "or the Home Secretary" should be added after the reference to the Prime Minister in the final sentence.

7. In item 2. on "Too Secret Too Long" the word "stated" in the sixth line should be "recorded".

Amendments to
Our fuller draft

8. In item 4. on "Their Trade is Treachery", the word "knowingly" should be replaced by "in any way".

9. In item 8. on the same book, the amendments at 6. above should be made.

JAZAIE

SECRET

F 14

PRIME MINISTER

PETER WRIGHT CASE: DOCUMENTS AND PUBLIC INTEREST IMMUNITY

We need to decide by 7pm tonight how to respond to Mr. Turnbull's public offer of an arrangement which would replace the order of discovery of documents and make an appeal court hearing on PII unnecessary.

The suggested response is described in Robert Armstrong's minute at Flag A to the Home Secretary. The Home Secretary, as his office's letter at Flag B indicates, agrees with the approach recommended by Robert Armstrong. I understand that the Foreign Secretary and the Attorney General are content too. I believe that Robert Armstrong's advice is right. Unless we make a forthcoming response to Mr. Turnbull's offer, it seems from our Counsel's advice our prospects of appealing against Mr. Justice Powell's rule "would be very poor, if not non-existent".

You will wish to read through the text of our response which is at Flag C. I have one suggested change. That is that the reference to "an Opposition politician" in paragraph 2 on page 3 should be changed to "a member of the House of Commons". Otherwise our source - whose name you know - might be prejudiced. Robert Armstrong would be content with this change. I agree the proposed change. It would be much better.

p 3 para 2

You should also see Robert Armstrong's further minute at Flag D. This reports our Counsel's suggestion that our initial response to Mr. Turnbull should be in more abbreviated form than that at Flag C. Counsel would, however, be given instructions to fall back on the fuller version at Flag C if that was necessary to secure Mr. Turnbull's agreement. We would not, however, go beyond Flag C.

Agree with the approach in Robert Armstrong's minute at Flag A?

N.L.W.

N. L WICKS

9 December 1986

SECRET

SECRET

Mr Wicks

13

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. A086/3422

HOME SECRETARY

Peter Wright Case: Documents and Public Interest Immunity

In my minute of 8 December 1986 (Ref. A086/3404) I recorded in paragraph 7 that the comments of our Counsel in Sydney on the proposed draft response to Mr Turnbull's offer were being sought.

--- 2. We now have, in a telegram of which I attach a copy, Counsel's revised version of the proposed draft admissions. The introductory material states the conditions on which the draft would be shown to Mr Turnbull. The draft response follows in general the draft attached to my minute of 8 December. It has, however, been considerably shortened; and that of course has the advantage of exposing less flank to attack. Only the first of the answers about the Peter Wright TV interview has been lengthened, by the inclusion of a sentence showing that the possibility of asking for a preview of the programme was considered and why it was rejected. The inclusion of this sentence strengthens our position.

3. On the attached draft I have shown the trifling drafting changes which we should want to suggest.

4. Subject to that, the proposal is that Counsel should seek to negotiate with Mr Turnbull on the basis of his revised draft response; but Mr Simos would have the draft attached to my minute of 8 December in his pocket as the basis of a fall back position in case of need.

5. Officials recommend that Counsel should be instructed accordingly.

6. A decision is needed this evening, so that instructions can be with our people in Sydney by 9.00 pm today our time.

7. I am sending copies of this minute and the telegram to the Foreign and Commonwealth Secretary and the Attorney General, and to Mr Wicks at 10 Downing Street.

Robert Armstrong

9 December 1986

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LNCAAN 1748 SWLNAN 0037
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DE 0912OOZ CAOFF
FM SYDNE TO CAOFF
0911OOZ DEC
GRS 930

3 MR MALLABY
c Sir R. Armstrong

SECRET
FM SYDNEY
TO DESKBY 0912OOZ CABINET OFFICE
TELNO 21
OF 0911OOZ DECEMBER 1986

FOR C MALLABY CABINET OFFICE
FROM MARSH

DRAFT ADMISSIONS

THIS DOCUMENT IS SHOWN TO MR M B TURNBULL ON THE FOLLOWING CONDITIONS
(A) ITS CONTENTS ARE TO BE KEPT CONFIDENTIAL AND, UNLESS THE PLAINTIFF CONSENTS IN WRITING, ARE NOT TO BE REVEALED BY MR TURNBULL TO ANY OTHER PERSON
(B) IT IS NOT TO BE COPIED AND NO NOTES ARE TO BE TAKEN OF ITS CONTENTS:
(C) IT IS SHOWN ON A WITHOUT PREJUDICE BASIS AND, UNLESS THE PARTIES ARRIVE AT AN AGREEMENT IN RELATION THERETO, THE FACT THAT IT HAS BEEN SHOWN, OR THE FACT THAT THERE HAS BEEN ANY NEGOTIATION ABOUT IT, OR ANY OTHER MATTER RELATING TO ITS CONTENT, IS NOT TO BE REVEALED TO ANY OTHER PERSON OR COURT, AND IT IS TO BE RETURNED TO THE SOLICITORS FOR THE PLAINTIFF.

IT IS PROPOSED THAT THE FOLLOWING BE ADMITTED IN RELATION TO THE DOCUMENTS LISTED IN THE PLAINTIFF'S FURTHER SUPPLEMENTAPY LIST OF DOCUMENTS:-

'' A MATTER OF TRUST''
---

1. THE BRITISH SECURITY SERVICE BECAME AWARE THAT MR WEST WAS WRITING THE BOOK AND BELIEVED THAT IT CONTAINED INFORMATION PROVIDED TO HIM BY FORMER OFFICERS OF MI5 AND/OR ANOTHER INTELLIGENCE ORGANISATION BY 23 SEPTEMBER, 1992.

2. THE DOCUMENTS DO NOT CONTAIN SUCH INFORMATION.

3. THE BRITISH SECURITY SERVICE HAD THE ORIGINAL MANUSCRIPT BY 23 SEPTEMBER, 1992.

4. THE MATERIAL DELETED INCLUDED PREVIOUSLY UNPUBLISHED MATERIAL AS TO:

   (A) THE NAMES OF OFFICERS OF INTELLIGENCE AGENCIES:

   (B) REFERENCES TO OPERATIONS AND INVESTIGATIONS OF THE SECURITY SERVICE: AND

   (C) REFERENCES TO SOURCES OF THE SECURITY SERVICE.

''THEIR TRADE IS TREACHERY''

1. SYNOPSIS ATTACHED.

2. THE SECURITY INTELLIGENCE AGENCIES RECEIVED THE SYNOPSIS ON, OR A LITTLE BEFORE, 15 DECEMBER, 1980.

3. THE LETTER DATED 15 DECEMBER 1980 FROM A SECURITY ORGANISATION TO THE SECURITY SERVICE INDICATES THAT THE WRITER HAD BEEN INFORMED THAT CHAPMAN PINCHER INTENDED TO PUBLISH, PROBABLY IN FEBRUARY OR MARCH 1981, A BOOK ABOUT THE SECURITY SERVICE A SYNOPSIS OF WHICH WAS ENCLOSED.

4. IT WAS GENERALLY AGREED IN THE SECURITY AND INTELLIGENCE SERVICES THAT THERE WOULD BE NO POINT IN TRYING TO ENCOURAGE SPECIFIC DELETIONS OR CHANGES IN THE TEXT, BUT NO REASONS ARE EXPRESSED FOR THIS VIEW. SAVE AS AFORESAID, THE DOCUMENTS DO NOT CONTAIN MATERIAL TO SUGGEST, THAT THE GOVERNMENT AUTHORISED THE PUBLICATION.

5. THE SECURITY AND INTELLIGENCE AGENCIES FIRST BECAME AWARE OF THE BOOK ON, OR A LITTLE BEFORE, 15 DECEMBER, 1980 (SEE PARAGRAPH 2 ABOVE). THE MANUSCRIPT WAS FIRST READ IN FEBRUARY, 1981 WHEN IT APPEARED THAT MUCH OF THE INFORMATION IN IT HAD COME FROM FORMER MEMBERS OF THE SECURITY AND INTELLIGENCE SERVICES. BY 12 MARCH, 1981 SEVERAL POSSIBLE SOURCES HAD BEEN IDENTIFIED, BUT IT WAS STATED THAT THE SERVICE WAS A LONG WAY FROM OBTAINING HARD, USEABLE EVIDENCE ON SOURCES AND THAT THE ADVANCE COPY WAS OBTAINED ON CONDITIONS WHICH MADE IT IMPOSSIBLE TO TAKE ANY ACTION ABOUT IT.

6. THE DOCUMENTS CONTAIN NO SUCH INFORMATION.

7. IT IS UNDERSTOOD THAT THE DEFENDANTS NO LONGER SEEK THIS ~~INJUNCTION~~ information.

8. AS TO THE SECURITY AND INTELLIGENCE SERVICES, SEE PARAGRAPH 5 ABOVE. SIR ROBERT ARMSTRONG AND THE HOME ~~SECRETARY~~ LEARNED OF THE FACT THAT THE INFORMATION CONTAINED IN THE BOOK WOULD HAVE COME FROM ~~FORMER~~ MEMBERS OF THE SECURITY AND INTELLIGENCE SERVICES ON OR ABOUT 12 FEBRUARY, 1981. THE DOCUMENTS DO NOT SHOW WHEN THE PRIME MINISTER LEARNED OF THESE MATTEPS.

''TOO SECRET TOO LONG''

1. THE SECURITY SERVICE HAD KNOWLEDGE ON 19 JULY, 1984 OF THE REPORT IN THE TIMES AS TO THE FOURTHCOMING BOOK. ON 3 SEPTEMBER, 1984 THE SECURITY SERVICE WAS INFORMED THAT CHAPMAN PINCHER WAS CLAIMING THAT HE HAD RECEIVED MATERIAL FROM FORMER MI5 OFFICERS. ON 26 OCTOBER, 1984 THE SECURITY SERVICE HAD A COPY OF THE BOOK. THE DOCUMENTS DO NOT STATE REASONS FOR NOT SEEKING AN INJUNCTION, BUT STATE THE VIEW THAT THE CENTRAL ARGUMENT IS MUCH THE SAME AS IN ''THEIR TRADE IN TREACHERY'' ABOUT WHETHER HOLLIS WAS A SPY, FILLED OUT WITH ADDITIONAL DETAIL AND COMMENT.

2. IN DOCUMENT C7, SIR ROBERT ARMSTRONG REPORTS TO THE HOME OFFICE AN APPROACH BY AN OPOSITION POLITICIAN WHO TOLD HIM THAT CHAPMAN PINCHER'S NEXT BOOK WAS LIKELY TO BE AN ANTHOLOGY OF ESPIONAGE CASES SINCE THE SECOND WORLD WAR. IN DOCUMENT C8, THE SECRETARY OF THE D NOTICE COMMITTEE WRITING TO THE SECURITY SERVICE, ~~STATED~~ THE REFUSAL OF THE PUBLISHERS TO SUBMIT THE BOOK FOR SCRUTINY UNDER THE D NOTICE ARRANGEMENTS, AND THE PUBISHERS' STATEMENT THAT PINCHER HAD BEEN CAREFUL NOT TO INCLUDE ANY NEW INFORMATION FROM BRITISH OFFICIAL SOURCES.

CATHY MASSITER PROGRAMME

1. THE DOCUMENTS DO NOT STATE WHEN THE GOVERNMENT FIRST LEARNT OF THE MASSITER PROGRAMME OR THAT IT CONTAINED AN INTERVIEW WITH A FORMER MI5 OFFICER.

2. THERE ARE NO SUCH DOCUMENTS OR PARTS OF DOCUMENTS.

PETER WRIGHT TV INTERVIEW

1. THE SECURITY SERVICE HAD INFORMATION BY 4 MAY, 1984 THAT THERE WERE PLANS FOR A WORLD IN ACTION PROGRAMME IN WHICH WRIGHT WAS ASSISTING AND MIGHT TAKE PART. THE SECURITY SERVICE HAD INFORMATION BY 3 JULY, 1984 THAT GRANADA TV INTENDED TO SHOW AN INTERVIEW WITH WRIGHT IN WHICH WRIGHT WOULD RE-OPEN THE HOLLIS CASE AND, IN EFFECT, PRESENT THE CASE AGAINST HIM. FOLLOWING A REPORT IN ''THE TIMES'' ON 16 JULY,1984, THE DAY OF THE BROADCAST, THE LIKELIHOOD THAT WRIGHT HAD BREACHED THE OFFICIAL SECRETS ACT WAS NOTED AND IT WAS PRESUMED THAT HE HAD TAKEN THE PRECUTION OF REMAINING OUTSIDE THE UNITED KINGDOM JURISDICTION. FOLLOWING THE ARTICLE IN ''THE TIMES'', THE POSSIBILITY OF ASKING FOR A PREVIEW OF THE PROGRAMME AND SEEKING TO RESTRAIN PUBLICATION, IF NECESSARY BY MEANS OF AN INJUNCTION, WAS DISCUSSED ON THE TELEPHONE BETWEEN THE TREASURY SOLICITORS DEPARTMENT AND THE SECURITY SERVICE. THE VIEW WAS EXPRESSED THAT, IF A PPEVIEW WAS REFUSED, GOING FOR AN INJUNCTION WOULD UNDOUBTEDLY BE A HARD FIGHT AND IF A PREVIEW WAS AGREED TO THE GOVERNMENT COULD BE PUT IN THE POSITION OF APPEARING TO HAVE APPROVED IT WHETHER OR NOT IT ASKED FOR CUTS. AFTER THAT DISCUSSION THE VIEW OF THE SECURITY SERVICE CONVEYED TO THE TREASURY SOLICITORS DEPARTMENT WAS THAT THE INTERESTS OF THE SECURITY SERVICE WOULD BE BEST SERVED BY NOT TAKING ACTION AT
C
THAT STAGE (16 JULY,1984) ALTHOUGH THE QUESTION OF TAKING LEGAL ACTION WOULD NEED TO BE RE-CONSIDERED IF WRIGHT RETURNED TO THE UNITED KINGDOM JURISDICTION. THIS COMMUNICATION APPEARS TO HAVE BEEN MADE LATE IN THE DAY AND THE DOCUMENTS DO NOT SHOW THAT ANY FURTHER CONSIDERATION WAS GIVEN TO THE POSSIBILITY OF RESTRAINING THE BROADCAST OF THE PROGRAMME.

GRATEFUL FOR REPLY DESKBY 092100Z DEC.

MBINDALL

YYYY
FCO PLEASE PASS

SWLNAN 0037

NNNN

B

From: THE PRIVATE SECRETARY

12

SECRET

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

9 December 1986

Dear Nigel

PETER WRIGHT CASE: DOCUMENTS AND PUBLIC INTEREST IMMUNITY

— with NLW?

The Home Secretary has considered Sir Robert Armstrong's minute of yesterday.

The proposed agreement on discovery will present Mr Turnbull with fresh opportunities for highly publicised argument. But the Home Secretary feels that the only alternative to accepting Sir Robert's advice would be to stick to our existing position on discovery, to accept that this is unlikely to be sustained (given Mr Turnbull's offer) in the Appeal Court of New South Wales or the Federal High Court, and to reconcile ourselves to withdrawing from the main action on the ground that we had been unreasonably asked to discover documents. This would be a dramatic and much criticised turn around justifiable only as an alternative to defeat on the main question. Much therefore turns on our assessment of our chances of success in the main case. The Home Secretary is somewhat sceptical of our chances of preventing eventual publication of the Wright book (which is now a highly attractive commercial proposition) in one country or another, and he regards it as essential that we should begin to prepare a position in case of eventual publication somewhere abroad. However, so far as Australia is concerned, we are advised that there is a reasonable chance of success on appeal in the main case (though probably not before Judge Powell). In these circumstances the Home Secretary believes that it would be right to proceed as proposed, given that we shall not be able to appeal in the main case unless the question of discovery is acceptably resolved.

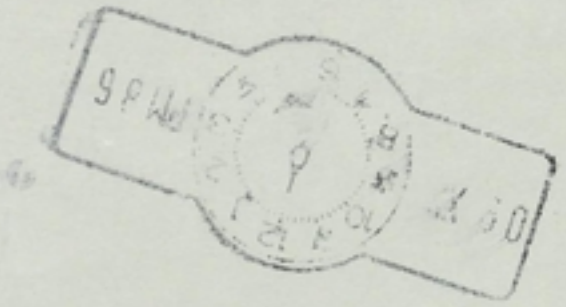
A copy of this letter goes to Tony Galsworthy, Michael Sanders and Trevor Woolley.

Yours

for S W BOYS SMITH

Nigel Wicks, Esq.,

SECRET



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SECRET 11a

C[redacted]2921-
L[redacted]ine 01-936-
Communications on this subject should be addressed to
THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, WC2A 2LL

C.L.G. Mallaby, Esq., CMG,
Cabinet Office,
Whitehall,
LONDON, SW1.

9 December 1986

Dear Christopher,

PETER WRIGHT CASE: DOCUMENTS AND PUBLIC INTEREST IMMUNITY

As I mentioned to you earlier this afternoon, the Attorney General considered the draft attached to Sir Robert Armstrong's minute of 8 December and the abbreviated version of the same draft in the telegram of today from Australia.

The Attorney noted that as regards any response made to Mr. Turnbull Mr. Simos would have to give an undertaking that it accorded with the documents; and that we had a judge who could call for any of the documents and who would not be at all reluctant to criticise HMG (or Mr. Simos) for being dishonourable. If Mr. Simos was content with the abbreviated version in the telegram, the Attorney appreciated that Mr. Simos would feel happier negotiating with Mr. Turnbull on the basis of that version, using the slightly more full version in the draft attached to Sir Robert Armstrong's minute as a fallback. The Attorney agreed that Mr. Simos should be allowed to conduct negotiations on this basis and he wished him good fortune in his endeavour.

The Attorney was, however, most concerned with the preamble to the abbreviated version in the telegram. His concern centred on paragraph (C). In the event that the negotiations between Mr. Simos and Mr. Turnbull broke down, paragraph (C) had the effect of preventing HMG from making use of the fact that it had made a counter offer and of the details of that offer and the negotiations upon it. If we were unable to make use of this information in the New South Wales Court of Appeal, it was quite clear to the Attorney that our case would be badly weakened. He was therefore quite unable to accept paragraph (C) as it stood. Instead, he preferred to expand the preamble by the inclusion of an express provision to the effect that the only exception to the conditions in the preamble was that either party might reveal the fact and content of HMG's response and of any negotiations on it in any Court proceedings in Australia relating to discovery.

I am copying this to Nigel Wicks, Stephen Boys Smith, Tony Galsworthy and Trevor Woolley.

Yours ever,

Anthony

A.M.C. INGLESE

SECRET

SMITHSONIAN
INSTITUTION
1901

F.

RECORD OF A MEETING HELD IN
CONFERENCE ROOM A, CABINET OFFICE
ON MONDAY 8 DECEMBER 1986 at 10.45 am

MINISTERIAL GROUP ON THE PETER WRIGHT CASE

Fourth Meeting

PRESENT

The Rt Hon Douglas Hurd MP	Home Secretary (In the Chair)
The Rt Hon Sir Geoffrey Howe QC MP	Foreign and Commonwealth Secretary
The Rt Hon Sir Michael Havers QC MP	Attorney General
Sir Antony Duff	Security Service
Mr B Sheldon	Security Service
Mr J Bailey	Treasury Solicitor
Mr G C Warner	Foreign and Commonwealth Office
Mr C Battiscombe	Foreign and Commonwealth Office
Sir Brian Cubbon	Home Office
Mr M J A Partridge	Home Office
Mr J Nursaw	Home Office
Mr S W Boys Smith	Home Office
Mr M Saunders	Law Officer's Department
Sir Robert Armstrong	Cabinet Office
Mr C L G Mallaby	Cabinet Office
Mr B H Dinwiddy	Cabinet Office
Mr N P F Brind	Cabinet Office (Secretary)

Prem 19/1953

Note dated
08.12.86

CONFIDENTIAL

The Group considered developments in the Peter Wright case, other books or drafts written by former members of the intelligence agencies, and television programmes about national security.

temporarily retained

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ii. The State of Play in Sydney and Cross-Examination of Peter Wright.

In discussion, the following points were made -

a. Mr Wright had begun his examination.

b. Cross-examination of Mr Wright by Mr Simos needed to be carefully considered. Mr Simos believed that he had all the factual information he needed for his closing address and was anxious in cross-examination not to provide Mr Wright with an

Crem 19/1953

Note dated
08.12.86

opportunity to make assertions or give opinions which could not be challenged. The prime need was to win the case and it was for Mr Simos to decide the best tactics to achieve that. On the other had, the cross-examination would provide the first opportunity to make points and to refute allegations by the defence which had previously gone unchallenged. The Treasury Solicitor had already made clear to Mr Simos the political need not to allow Mr Wright to escape cross-examination. Mr Simos should now be instructed that, subject to the need not to prejudice any part of our case, Mr Wright should be comprehensively and rigorously but courteously cross-examined on the points listed in paragraph 3 A-D of Sydney telegram No 018 of 7 December (copy attached), regardless of whether they were covered in Mr Wright's affidavit. This instruction should also make a statement that the Government did not accept Mr Wright's assertion that the Prime Minister's statements on Professor Blunt and Sir Roger Hollis in 1979 and 1981 were misleading.

iii. Counsel's Opinion of the Prosepct in the Appeal Court Hearing on Discovery

Mr Simos had provided a summary of his opinion on the chances of a successful appear on discovery. His view was that in relation to the existing appeal there were reasonable prospects of success in respect of all material covered by the PII claim, but there might be some residue in the documents left which would not be covered by PII. If the defendants reduced the material they sought to parts of documents not covered by PII, which they had gone a long way towards doing in their latest proposal (see iv below), the prospects of a successful appeal would be very poor or non-existent, with the exception of document B1 and its enclosure.

iv. Mr Turnbull's latest proposal on discovery of documents.

Mr Turnbull in a letter dated 9 (sic) December had set out new proposals for the production of documents. He had said that the only documents or parts of documents the defence wished to see were those relating to the extent to which the material in Mr Wright's book had been previously published, and those which showed the extent to which the Government had acquiesced in or authorised the publication of the earlier books and

Prem 19/1953

Note dated
8.12.86

television programmes to which the documents referred. In the case of documents for which PII had been claimed, Mr Turnbull would be satisfied with admissions as to fact by the Government or summaries by the judge of the substance of the documents.

In discussion, the following points were made -

a. Mr Simos, bearing in mind his opinion on our chances in appealing on the PII claim (see iii above), believed that we should take up Mr Turnbull's proposal.

b. A positive response would have to be very carefully framed. As far as possible we should provide admissions of fact rather than the documents themselves, and these should contain the minimum amount of information necessary. It was quite possible that Mr Turnbull would not be satisfied with the sort of admissions we might be prepared to provide, but the fact that we had responsed to his offer would strengthen our position in the Appeal Court.

c. There was a danger that a positive response would undermine our position of principle not to discover documents; or that replies which indicated that information sought by Mr Turnbull was not contained in the documents would reopen the question of the scope of the documents to be disclosed. These points would need to be considered carefully.

v. Prospects in the Peter Wright Case.

a. If agreement was reached on the documents, the main case might be finished by 19 December. If the judgement went against us the earliest the case must be heard in the New South Wales Appeal Court would be in February or March, and perhaps not until May. A hearing before the Australian High Court, if it were necessary, might not take place before the summer or autumn of 1987. It would be risky for the Government to respond to criticism or to make any other public statements on the case until the proceedings were finally concluded.

Prem 19/1953

Note dated
08.12.86

b. If the case threatened to continue for several months longer, it was possible that Mr Wright or his publishers would abandon their efforts to have the book published in Australia and switch to the United States, or the Irish Republic, or another country. It would be helpful to have a note describing the prospects of action to prevent publication elsewhere, either by seeking an injunction in the country concerned or by action against Mr Wright in the Australian courts to enforce their existing injunction. The note should also address the possibility of Government action to prevent the distribution in the United Kingdom of a book published elsewhere in the world.

c. The involvement of Mr Paul Greengrass in Mr Wright's book and in the case should be investigated. As co-author of the book he might be in breach of the Official Secrets Act.

vi. "One Girl's War"by Joan Miller

In discussion it was pointed out that the ex-parte injunction against the United Kingdom distributors of One Girl's War and against two booksellers remained in force. It was important to maintain the injunction. The Government should not withdraw in the face of publication in the Irish Republic; nor would it be sufficient to take steps to prevent any financial gain from the book in the United Kingdom.

vii. Other Books, Articles and Television Programmes about Security and Intelligence Service Activities

In discussion, the following points were made -

a.

He had a publisher, but was keeping closely in touch with the Government about his plans. He had been told not to publish and had undertaken to take no action and to make no comments at least until the Wright case was over. The contents of the chapters

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he had shown officials were innocuous and if the whole book was similarly innocuous there might be grounds for authorising publication, perhaps through the Treasury Solicitor. In the meantime, however, the Treasury Solicitor should write a letter warning him formally not to publish any unauthorised book.

b. Officials were aware of several other former members of the security and intelligence services who planned to publish books or articles; and Duncan Campbell was planning a television programme called "The Secret Society". It would be helpful to have conspectus of all such material.

THE HOME SECRETARY, summing up the discussion, said that Mr Simos should be instructed to cross-examine Mr Wright as agreed in discussion, and to reject Mr Wright's allegation about the Prime Minister's statements about Professor Blunt and Sir Roger Hollis. As regards Mr Turnbull's offer on discovery, officials should prepare for Ministerial consideration a draft response to Mr Turnbull, including any documents which we might agree should be discovered and draft admissions in relation to other documents. In addition, officials should provide notes for Ministers on options for action to prevent publication of Mr Wright's book elsewhere in the world and to stop the distribution of the book in the United Kingdom; and on other forthcoming books, articles or programmes about which we had been consulted or were otherwise aware of.

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Cabinet Office

10 December 1986

Distribution

Those present
Mr Wicks - No 10
Sir Colin Figures

cc PC
cc Bligh

CONFIDENTIAL AND PERSONAL

B.07621

MR WICKS

Lord Rothschild

As arranged with Sir Robert Armstrong and yourself, I visited Lord Rothschild at N M Rothschild & Sons at 4 p.m. today. The call lasted twenty minutes. Lord Rothschild was relaxed and friendly.

2. He began by saying that you had obviously wanted, in your recent telephone conversation with him, to remind him of some discussions he had had with the Prime Minister about security. I said that Lord Rothschild had met the Prime Minister at the end of May and early in July 1979 to discuss means of countering subversion, and had written a minute to the Prime Minister dated 13 June 1979 on the same subject. Lord Rothschild said that he could well remember his talks about counter subversion with the then Cabinet Secretary but had no recollection of any meeting on the subject with the Prime Minister. He said that he would of course be careful, now that he had been reminded of those meetings, to make no public statements to the effect that he had never discussed security matters with the Prime Minister.

3. Lord Rothschild then said that he had no idea how the Attorney General would pursue his consideration of another matter concerning himself. It was possible that the police would come and interview him at any time. He would tell the police that he had discussed security matters with the Prime Minister, though he could not remember when, and that he could not divulge the subject because that would contravene the Official Secrets Act. I repeated the dates of the Prime Minister's meetings with Lord Rothschild and said that, although I of course was speaking without prejudice to the Attorney General's consideration of matters concerning Lord Rothschild, I could imagine that the police would ask questions only about any matters they were actually investigating. Lord Rothschild said that he had no wish to embarrass the Government and therefore could not reveal his

his discussions with the Prime Minister about counter subversion; that could lead to dramatic stories about microphones in Mr Kinnock's office or his home. Lord Rothschild said that, when the media had stopped tailing him everywhere, he might wish to visit the Cabinet Office to see a copy of the minute he wrote to the Prime Minister on 13 June 1979, to learn who else had been at his meetings with the Prime Minister and to learn whether those meetings had been "rough" in tone. He would be grateful also to see the records of those meetings - if that were allowed. He understood, however, that your predecessor had been absent from one of them, so that there was no record. (I understood this to be a reference to a telephone conversation with you, rather than an admission that after all Lord Rothschild remembered the meetings of 1979.)

No; but I can explain the source

4. Expanding his wish to help the Government whenever he could, Lord Rothschild said that some of his efforts had been more successful than others. One in particular had been more successful six years ago than now. I took this to be a reference - and it was the only one - to Lord Rothschild's role in bringing Mr Wright to this country in 1980.

5. Lord Rothschild did not express any view on the Prime Minister's reaction to his letter to the Daily Telegraph. But he twice referred to "the Prime Minister's second statement", obviously seeking to give equal status to the Prime Minister's remark about clearance as to the actual statement of last Friday.

6. Several times during the interview, Lord Rothschild apologised for the presence of the press at the door when I had arrived. When I said that I had checked that no press representatives were present, he denied this, but eventually had the point checked. My version was confirmed. He had the point checked again before I left, and there still were no press representatives at the door. I wondered whether Lord Rothschild had hoped to give the impression that the media would inevitably learn of my visit, should he wish for his own reasons to disclose it.

7. I am sending copies of this minute to the Private Secretary to the Home Secretary, to Sir Robert Armstrong, and to Michael Saunders in the Law Officers' Department.

C L G Mallaby

8 December 1986

SECRET

A Mr Wicks

11

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. A086/3404

HOME SECRETARY

Peter Wright Case: Documents and Public Interest Immunity

The lawyer for the other side, Mr Turnbull, has made a public offer of an arrangement which would replace Mr Justice Powell's Order for Discovery of documents and make the hearing this week in the Appeal Court of New South Wales unneccesary. We are asked to provide admissions "as to the import and substance of documents", on a number of specific points concerning earlier books and television programmes, instead of providing actual official documents.

2. Our Counsel has been of the view that we had reasonable prospects of success in securing public interest immunity, although there might be some material which might not be covered by that immunity. Our Counsel has now advised, however, that, now that the other side have gone a long way in reducing the material they seek, our prospects of appealing against Mr Justice Powell's ruling in respect of the material still sought "would be very poor, if not non-existent". Officials have prepared a possible response to Mr Turnbull's list of points on which he seeks admissions. Mr Turnbull's offer and our possible response are attached. The draft of a response exposes some points which Mr Turnbull might seek to exploit but none, in the view of

officials, is likely to be important with regard to the outcome of the case. The draft is also consistent with my answers in cross-examination.

3. There is a risk that Mr Turnbull, if dissatisfied with our response to his approach, might seek a ruling from Mr Justice Powell on whether our response was complete in relation to the documents ordered for discovery by the Judge. But we think that this can be avoided. The question of discovery is out of Mr Justice Powell's hands, now that we have appealed his original ruling, and Mr Turnbull himself has indicated that he would be content with an assurance from Mr Simos that any admissions made were not inconsistent in any way with the documents.

4. If we were to offer a response to Mr Turnbull on the lines attached, and he was to reject it as inadequate, our chances in the hearing on discovery in the Appeal Court of New South Wales would be considerably greater than if we made no attempt to respond to Mr Turnbull's latest offer.

5. A response on the attached lines, involving no discovery of official documents, would avoid setting a damaging precedent concerning public interest immunity in the English courts. There is precedent in the United Kingdom for admissions or statements in lieu of documents.

6. We should instruct Counsel, in negotiating with Mr Turnbull, to seek to ensure that Mr Turnbull waived his right to cross-examine me on these admissions, so that I need not return to Australia at the end of the week. Mr Turnbull appears to be anxious that the question of discovery should not hold up the main case, so that there should be a reasonable chance of his living with a firm response by us to his approach.

7. The comments of our Counsel in Sydney on the attached draft are being sought, and will be reported to Ministers if they affect in any significant direction either the draft itself or, more generally, the course of action now proposed.

8. Subject to that, officials recommend that we should instruct Counsel to respond to Mr Turnbull's approach along the lines of the draft attached.

9. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Attorney General and to Mr Wicks at 10 Downing Street.

Robert Armstrong

8 December 1986

4 of 8

Mr Turnbull's Approach

PUBLIC STATEMENT AND OPEN OFFER TO THE ATTORNEY-GENERAL IN AND FOR THE UNITED KINGDOM.

In a perfect world differences of wealth, resources and health would not affect the conduct of litigation in the courts. However the world is not perfect and the legal world is no exception. For good motives or ill the failure of the British Government to promptly comply with the Orders of this Court coupled with its failure to raise objections until the last moment when they are best calculated to disrupt the trial, has placed an intolerable strain on the slender resources of the Defendants.

With the best will in the world, it is difficult to see how the Court of Appeal can dispose of the Government's appeal over the documents until the New Year. The result is that the case will probably not be decided until March. This risk cannot be accepted by the Defendants. In other words the Government's extraordinary conduct of the litigation will have succeeded in its goal if the Appeal goes ahead.

Accordingly the Defendants are obliged to forego their rights to the documents at least in part. The Defendants only seek the following documents or portions of documents or admissions as to the import and substance of documents. NOTE reference is made below to HMG, i.e. Her Majesty's Government. This includes any servant of the British Crown.

A Matter of Trust

1.. Such parts of the documents which disclose the date HMG became aware that Mr. West was writing the book and that it contained information provided to him by former officers of MI5. and/or MI6. OR an admission to that effect
2. Such parts of the documents which disclose when HMG became aware that West had been provided with official documents from MI5 (in particular the Symonds Reports) or extracts thereof (stating which) OR an admission to such effect.
3. The date HMG recieved the original manuscript.
4. The original manuscript or a general agreed statement of the nature of the material deleted.

Trade is Treachery

1. The synopsis of the book which is annexed to the letter dated 15/12/80 from MI6 to MI5. [NOTE unless it is suggested that this synopsis was written by MI6 which raises a host of other issues, then the synopsis was the work of Pincher and cannot be subject to a claim for P.I.I.]

2. The date MI6 or any other part of HMG received the synopsis. 5 8 8

3. The letter B1.

4. Any documents or parts thereof relevant to whether HMG or any officers thereof authorised or knowingly permitted the publication. [This could be settled by admissions]

5. Any documents or parts thereof relevant to when HMG first became aware of the fact that Pincher was writing the book and had obtained information from former MI5 or MI6 officers. [Again admissions could deal with this]

6. Any documents or parts of documents relevant to whether MI5 or MI6 or any other servants of HMG blue-pencilled the book or otherwise dealt with or negotiated in respect of the publication of the book or its contents or otherwise with either of Lord Rothschild, Chapman Pincher, the publishers, or any representative of one or more of them. [Again admissions could deal with this]

7. The name of the person who provided the synopsis to MI6 and the page proofs to MI5 or MI6 (depending on which organisation got it first).

8. Documents or parts of documents relevant to determining when Sir Robert Armstrong and/or the Prime Minister and/or the Home Secretary and/or the Director-General of MI5 and/or the Director-General of MI6 first learnt of the fact that the book was to be published and that it contained information provided by one or more former officers of MI5 or MI6. [Again admissions could deal with this]

TOO SECRET TOO LONG.

1. Documents or parts of documents indicating the date when HMG became aware the book was forthcoming if earlier than January 1983, also documents or parts of documents indicating when HMG became aware of the contents of the book and that it contained further information provided to Pincher by former MI5 and/or MI6 officers, also any documents or parts of documents relevant to reasons for not seeking an injunction to stop the book if such reasons are different from those stated in evidence by Sir Robert Armstrong. [Admissions could deal with this.]

2. Document C8 and C7 which are neither to or

from any intelligence service or officer and thus could not be covered by PII OR admissions as to their substance and effect insofar as they relate to the matters referred to in 1 above..

MASSITER PROGRAM

1. Documents or parts of documents relevant to establishing when HMG first learnt of the program and that it contained an interview with a former MI5 officer.(Or admissions to this effect.)

2. Documents or parts of documents relevant to establishing why HMG decided not to stop the program if such reasons are different from those stated by Sir Robert.

PETER WRIGHT TV INTERVIEW

1. Documents E1-4 OR

2. Documents or parts of documents indicating when HMG knew program was forthcoming and/or that it included an interview with Wright and/or that Wright would not be complying with the OSA. also documents or parts of documents indicating reasons for not seeking an injunction to stop program. (Or admissions to this effect.)

The following comments can be made about the documents and admissions sought. Firstly the information sought can be provided without giving any information about operational matters, without confirming the truth of various allegations, in other words the information sought is no different in character to that already provided by the Plaintiff in evidence. It can be provided without giving rise to any of the concerns raised by Mr. Mallaby in his Affidavit. So far as Trade is Treachery is concerned the information sought covers the same areas upon which Sir Robert has already given evidence both in answers to interrogatories and orally. Its relevance therefore cannot be objected to. If the Government did not in fact connive in the publication of Trade is Treachery, then it will have nothing to hide and nothing to fear from providing the information sought.

C

Nigel West: "A Matter of Trust

1. The documents do not state when any agency of the Government first learnt that Mr West was writing a book or that such a book might contain information from former officers of the security services. They show that the Government knew of the book and the existence of "insider" sources by 23 September 1982.

2. The documents do not contain information on the nature of material available to West from "insider" sources.

3. The documents do not state when the Government received the original manuscript.

4. The documents show that the Government's purpose was to ensure that no unpublished material obtained through a breach of confidence was included in the book. The deletions covered:

- names of officers of security and intelligence agencies;
- reference to operations and investigations of the Security Service;
- references to sources of intelligence of the Security Service.

Chapman Pincher: "Their Trade is Treachery"

--- 1. The "synopsis" is attached.

2. The documents show that the security and intelligence agencies received the "synopsis" on or a little before 15 December 1980.

3. The letter B.1. This document shows that the writer of the letter dated 15 December 1980 had been informed by an unidentified source that Chapman Pincher intended to publish, probably in February or March 1981, a book about the Security Service, a description (or "synopsis") of which, obtained from the source, was attached to the document. The letter indicated that there was an opportunity through the source of unattributably feeding in to the publishers comments and requests for deletions. There is no indication in the documents of any attempt or intention to pursue this offer.

4. None of the documents suggest that the Government authorised or knowingly permitted publication. A document dated 10 February 1981 shows that it was generally agreed among officials in the security and intelligence services that "There would be no point in trying to encourage specific deletions or changes in the text". The document does not state the reasons for taking this view.

5. The documents show that the security and intelligence agencies knew of the book on or a little before 15 December 1980 when they received the "synopsis". The documents further show that, when the Government first read the manuscript in February

SECAAM

1981, it was clear to them that much of the information in it must have come from former members of the security and intelligence services. The documents show that by 12 March 1981, the Government had identified several possible sources, and that there was a view that Wright was probably the prime source, but that the Government were a long way from getting hard usable evidence on sources.

6. The documents contain no such information.

7. The documents do not name the person who provided the "synopsis" and the page proofs to the Government.

8. The documents show that the security and intelligence agencies had copies of the book "as handed to the publisher" by 5 February 1981 and that possession of this text was "extremely delicate". They suggest that the Director General of the Security Service would have received a copy soon after that, and Sir Robert Armstrong and the Home Secretary would have received copies some days later still. They show that the heads of the security and intelligence services discussed the book on 10 February 1981. They show that Sir Robert Armstrong and the Director General of the Security Service received a preliminary assessment of the book on or about 12 February 1981, and that they knew from this that much of the information must have come from former members of the security and intelligence services. The documents do not show when the Prime Minister learned of these matters.

Chapman Pincher: "Too Secret Too Long"

1. The documents contain no indication that the Government were aware of the book before January 1983. The first date mentioned when the Government had such knowledge is 19 July 1984 when The Times referred to the forthcoming book. The documents show that on 3 September 1984 the Security Service were informed that Chapman Pincher was claiming that he had received material from what was described as a group of former MI5 officers; and that on 6 September 1984 the Government had not been able to obtain an advance copy of the book and did not know what the contents would be, though they had indications that the Hollis case would be included, and that it would be based on information from Peter Wright. The documents show that on 26 October 1984 the Government had a trade copy of the book. The documents do not show the Government's reasons for not seeking an injunction, but record the view that the central argument is much the same as in "Their Trade is Treachery" about whether Hollis was a spy, filled out with additional detail and comment.

X 2. In document C7 Sir Robert Armstrong reports to the Home Office an approach by an opposition politician who told him that Chapman Pincher's next book was likely to be an anthology of espionage cases since the second World War and might recommend the institution of some sort of Parliamentary control over the security and intelligence services. In document C8 the Secretary of the Defence, Press and Broadcasting Committee (the "D Notice Committee"), writing to the Security Service, recorded the refusal of the publishers to submit the book for scrutiny under the D Notice arrangements, and the publishers' statement that "Pincher had been careful not to include any new information from British official sources".

Cathy Massiter Programme

The documents do not show when the Government first learnt of the Massiter programme or that it contained an interview with a former MI5 officer.

2. The documents mention no such reasons.

Peter Wright TV Programme

The documents show that the Security Service had information by 4 May 1984 that there were plans for a World in Action programme in which Wright was assisting and that he might well take part; and that by 3 July 1984 the Security Service had confidential information that Granada TV (the company which produces World in Action) intended to show an interview with Peter Wright in which Wright would reopen the Hollis case and in effect present the case against him. The documents show that, following a report in "The Times" on 16 July 1984 - the day of the broadcast - the likelihood that Wright had breached the Official Secrets Act was noted, and it was presumed that he had taken the precaution of remaining outside United Kingdom jurisdiction. The documents show that following the article in "The Times" the possibility of asking for a preview of the programme and seeking to restrain publication, if necessary by means of an injunction, was discussed on the telephone between the Treasury Solicitor's Department and the Security Service, and that after discussion the view of the Security Service conveyed to the Treasury Solicitor's Department was that the interests of the Security Service would be best served by not taking action at that stage (16 July 1984), although this question - ie of taking legal action - would need to be reconsidered if Wright returned to the United Kingdom jurisdiction. This communication appears to have been made late

in the day, and the documents do not show that any further consideration was given to the possibility of restraining publication of the programme.

FILE
JA

PRIME MINISTER

This reports the outcome of the Chief Whip's discussions with the Opposition Chief Whip on Mr. Campbell-Savours' Motion and Mr. Jack Straw's allegation in the House on Friday about homosexuals.

Mr. Campbell-Savours

The Opposition Chief Whip has said that the Opposition front bench will do all they can to stop Mr. Campbell-Savours raising matters injurious to national security during this debate. Mr. Hattersley has already spoken to him about this and will, at the Chief Whip's insistence, speak to him again. If Mr. Campbell-Savours does raise anything damaging during the Debate the Opposition front bench spokesman will get up and try to stop him.

Mr. Straw

It has been agreed that Mr. Straw will write to the Opposition Chief Whip making two more points. The first that in any large group, there are bound to be homosexuals. The second that he did not have anyone particular in mind when he made his statement last Friday. The Chief Whip will be shown a copy of the letter and will feel free to make it known that he has seen a copy if the matter is raised further.

All in all, a satisfactory outcome on both fronts.

N. L. WICKS
8 December 1986

JA2AHW

F

~~AW~~

PM has seen

CDP

5/xii

as from 23 ST. JAMES'S PLACE
LONDON SW1A 1NH
01-493 4795

5 December 1986

Dear Prime Minister,

I was deeply touched and grateful for what you did.

Even you may not realise the persecution to which I have been subjected in the last ten or so days, and the anguish it has caused.

I have a complete explanation, in due course, of the other allegations which have been made.

Yours ever

Victor

F.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

NW

Lord Jeff to replaced

the Prime Minister to

say that Lord

Rothschild was "over-joyed"

at her statement.

CDP

CONFIDENTIAL

PRIME MINISTER

I have not confirmed to Lord Rothschild that I will accept his invitation to a "very quick sandwich lunch in New Court" on Monday. I am very ready to see him. But if you have hesitations I suggest the following. Robin Butler might see him. This would have the advantage that:

1. it would distance your office: and
2. there would be no risk of getting drawn into discussion about Lord Rothschild's part in the Pinscher book, or in the nuances of your statement, because Robin does not know anything about all that.

I have checked with Robin that he is ready to go. I could brief him on your meetings with Lord Rothschild in 1979. No problem there because he would have had access to the files when he was here.

What do you think?

Yes - must write

Agreed with P.M. Nallaby to go.
Prime Minister N.L.W. 8.12

N.L.W.

NIGEL WICKS

5 December 1986

VSCADG

R.T.A. has had some contact with Lord Rothschild over the weekend (which I can tell you about). As a result RTA wishes PM Nallaby to see Lord R today. It would be convenient for PM Nallaby (not PM Butler) to do the chore above. Agree? N.L.W. 8.12

Mr Wicks,

We spoke on the telephone yesterday but I was a long way away and the connection was very bad indeed. I thought I detected a certain note in your voice and would therefore like to have a talk with you. It would not be a good thing for me to come to No 10 nor to the Cabinet Office, front or back entrances, nor my flat in London as I am being hounded by the Press and followed by motor cyclists.

I therefore suggest that on Monday, we could have a very quick sandwich lunch in New Court, St Swithins Lane which is safe because there are so many people constantly coming in and going out, and we could talk in my room which is swept.

It takes about seven minutes from No 10 to St Swithins Lane - I have done it often - and whatever time suits you will suit me provided it is not early in the morning.

(Signed) ROTHSCHILD

Secretary's tel. no: = 280 5320

10 DOWNING STREET

From the Principal Private Secretary

5 December 1986

The Prime Minister has asked that I should send you a copy of the statement attached which will be issued shortly from 10 Downing Street.

(N.L. WICKS)

Dick Clements, Esq.

LORD ROTHSCHILD'S LETTER TO THE DAILY TELEGRAPH OF 4 DECEMBER 1986

STATEMENT BY THE PRIME MINISTER

I have now considered more fully Lord Rothschild's letter in the Daily Telegraph yesterday, in which he referred to innuendoes that he had been a Soviet agent.

I consider it important to maintain the practice of successive governments of not commenting on security matters. But I am willing to make an exception on the matter raised in Lord Rothschild's letter.

I am advised that we have no evidence that he was ever a Soviet agent.

BM2AZU

CONFIDENTIAL

PRIME MINISTER

LORD ROTHSCHILD

I telephoned Mr. Heath, who was in Salisbury, this afternoon, to read the statement to him. He paused for a long time after I had read the statement. He then asked to be reminded of your words used in the Hollis statement. I read these over to him. He asked me then to pass on his thanks to you for letting him know.

I also spoke later in the afternoon to Mr. Robert Rhodes-James. Unfortunately I could not get through immediately and when I did The Times had already been on to him. But I read out the statement to him. He asked me to tell you that he was most grateful for letting him know and to pass on his warm thanks. I emphasised, to some effect I think, the words 'no' and 'ever' in the last paragraph.

N.L.W.

N L WICKS

5 December 1986

SLHADF

Pour Minister
I wonder whether you might want to
Ref. A086/3368 raise it with the Australian Sol. General's
letter at Cabinet on Thursday as
MR WICKS a thank you to RTA?

Yes pls
N.C.W.

Attorney General v Heinemann and Another

Since the press reporting here of my cross-examination in Sydney has tended to be rather one-sided, I am allowing myself to send you herewith a copy of an article by Ian Wooldridge which appeared in one of the Sydney newspapers; and also a copy of a testimonial from the Solicitor General of Australia, who has been sitting through the hearing in Mr Justice Powell's court silently, but with mounting concern about the way the way in which the case was being handled.

2. I am sending copies of this minute and the testimonial to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Attorney General.

RA

ROBERT ARMSTRONG

5 December 1986

SUN-HERALD 30.11.86

Poms on a sticky wicket as ex-agent delivers a bouncer

MI5 secrets — it's just not cricket!

IT WAS midway through the afternoon session of play here when Boy Wonder lost his grip for a moment and dropped a slow half-volley outside the leg stump.

The secrets case is the best Pom-bashing sport in years. IAN WOOLDRIDGE forsakes Test cricket to report.

He used the word "fulsome" in completely the wrong context. What he meant was "to be full of" but in his fatigue it simply slipped out.

Sir Robert Armstrong (Eton, Oxford, head of Britain's Civil Service and a man visibly out of sorts at having to keep MI5's house secrets at bay from an ambitious Australian attorney barely half his age) pounced.

His heavy eyebrows shot up. His mandarin face creased in pain, "Fulsome?", he winced as if admonishing the class idiot and that was all he needed to say. It was a six over square-leg.

The blow was not lost on Mr Justice Powell, who is presiding over this amazing spy book hearing like Harry Secombe in horn-rimmed glasses.

Indeed, comparisons with The Goon Show are inevitable. Mr Justice Powell even held up proceedings to twist a tortuous argument about Britain's wire-tapping techniques into ferocious parochial condemnation of the antiquated equipment provided for Sydney courtroom stenographers.

They said this was currently the greatest sporting show in Australia and so it is. The still more amazing thing is how the British Government allowed itself to be embroiled in such a Whitehall farce.

This was Sir Robert's fifth successive day of cross-examination by Boy Wonder in the small octagonal Court 8D which is furnished with the sort of brick red and purple chairs you see in office supply shops.

Forgot

Sir Robert, who is 59, sits absolutely still all day in a G-Plan witness box, with his arms neatly folded across a $1,800* Savile Row suit, silk tie and Jermyn Street shirt. He sometimes takes up to 30 seconds to answer a question. Here is a random sample of some of his more voluble answers.

"Possibly."

"Could well be."

"So they say."

"I'm not sure what is meant by methodological."

Sometimes his tormentor, 32-year-old Boy Wonder Malcolm Turnbull, takes 30 seconds to think up his next question which he then delivers addressing a point on the wall some seven metres over cover point's head.

Turnbull is reckoned to have the fastest legal brain in Australia. There must be something in it because he also acts for Kerry Packer but his style, it must be said, owes quite a lot to a childhood watching American courtroom dramas on television.

Unfortunately, he was so tired that at one juncture he completely forgot whether he had asked Sir Robert a question. "Are you waiting for me?" he asked. "Yes, he is," whispered an aide. "Sorry", said Boy Wonder, chewing now on the non-poisonous end of a red-tipped match.

The reason for Boy Wonder's exhaustion in court was that he had spent all last Sunday working on his brief in his office and all night honing his interrogation at his extremely expensive Rose Bay home.

Astonishment

He is a high-flier who started in journalism, won a Rhodes scholarship in law to Oxford in 1978 and, despite all his trappings of success, remains what the Australians call "a very good bloke".

The cricket allusions here will be lost on him. "I have no ball sense at all," he said. "I was a bludgeoning rugby front-row forward for Sydney University's third XV but can't play cricket at all."

So when I write that he spent all day bowling maiden overs at a lonely English batsman who less resembled Geoffrey Boycott at his bloodiest than an oak barn door, he is unlikely to be affronted.

At close of play after five days Sir Robert Armstrong was a bleak 22 not out. Would that we had an opener like him in the Perth Test match.

One feels that Turnbull, who modestly expresses astonishment that the case is causing the remotest interest in England, can hardly believe his luck that he is handling a brief involving little matters like the H-bomb, the Enigma code, the Burgess-Maclean defection and homosexuality at Cambridge in the 1930s.

But while occasionally weak on syntax, he has certainly read all the books. He pursued Sir Robert Armstrong on the matter of the spy George Blake and the Berlin Tunnel operation.

"Well," observed Sir Robert drily, "that is as close we're ever going to get to a real mole."

Turnbull spread his arms along the rail behind him in classic Hollywood style and roared with uneasy laughter. He did not, he insisted, wish to be Sir Robert's straight-man much longer.

Sir Robert eyed him as if he'd just let slip another "fulsome" again.

Actually, the brilliant young Australian lawyer was bushed. He was beginning to learn that the British Establishment has the chilling ability to make the Mafia look like the Second XI.

IT IS a court case rich with legal and constitutional precedents. The British Government is taking action in the NSW Supreme Court to suppress the memoirs of retired MI5 agent Peter Wright, who lives in Tasmania.

Mr Wright, 70, and his publishers, Heinemann, are fighting for the right to publish their 400-page book, while the British Establishment is sparing no expense to block publication and turn the contents into an international secret.

A glittering cast of players has been assembled for the drama being fought in the courtroom overlooking Hyde Park.

In this two-page *Sun-Herald* report:

- **Award-winning British writer IAN WOOLDRIDGE reports on a day in court studying the performance of Britain's top civil servant, Sir Robert Armstrong, and his legal adversary, Mr Malcolm Turnbull;**
- **On page 25, FRANK WALKER profiles the man in the middle, Mr Justice Powell, and DENNIS GRANT investigates the Hawke Government's ambivalent attitude to the MI5 case.**

Sir Robert Armstrong

Malcolm Turnbull

* I am told that this is a gross over-estimate. A tribute to RTAS tailor, not an indication of the size of his purse!

Dear Sir Robert,

I am sorry that you leave for home after delays, and subject to recall. You have been very patient during what I regard as extreme provocations.

Bearing in mind the balance of selective ~~negotiating~~ reporting which would have it to the contrary, I hope that you do not mind if I wish you bon route with the comment that to my observations you are the most effective witness I have seen in court. During your sometimes tedious cross-examination, I reflected on lost cases of the past which I may have won if I had a witness of your standing. I cannot recollect a better witness. Hence it is unfair in my view that a perception to the contrary is given by reports in UK and Australian press. I hope it is some comfort that your performance in this regard is appreciated by at least counsel in Court. I know that I cannot speak for the judge. However I do hope that it is some reward that it was, in fact, a splendid job performed under adverse, and often very trying circumstances.

I reflect that I do not have the patience to be a good witness. You do. However I imagine that even for a perfect witness, once is enough.

With Best Wishes

Yours

Gavan Griffith

FILE
DA

10 DOWNING STREET

From the Principal Private Secretary

5 December 1986

As you will know from reports of the exchanges in the House of Commons yesterday, the Prime Minister told the House that your letter, published that morning in the Daily Telegraph, was being considered in government.

I am now writing to let you know that after you have received knowledge of this letter and its attachment, the statement attached about your letter to the Daily Telegraph will be issued from 10 Downing Street.

(N.L. WICKS)

The Lord Rothschild, G.B.E., G.M., F.R.S.

JL

LORD ROTHSCHILD'S LETTER TO THE DAILY TELEGRAPH OF 4 DECEMBER 1986

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I have now considered more fully Lord Rothschild's letter in the Daily Telegraph yesterday, in which he referred to innuendoes that he had been a Soviet agent.

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I am advised that we have no evidence that he was ever a Soviet agent.

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SLHADE

CONFIDENTIAL

NOTE FOR THE RECORD

LORD ROTHSCHILD

The following were the sequence of events which led up to the issue of the press statement, attached, concerning Lord Rothschild's letter to the Daily Telegraph of 4 December, also attached.

1. The Prime Minister held a meeting at 1900 hours yesterday, Thursday 4 December, to discuss a possible response to Lord Rothschild's letter. The Home Secretary, the Attorney General, Sir Brian Cubbon, the Director-General of the Security Services, Mr. Sheldon and Mr. Mallaby were present. A first draft statement was prepared.

2. The meeting reconvened at 0900 hours today. Those present were the Home Secretary, the Foreign Secretary (who had had a television engagement the previous evening), the Attorney General, Sir Brian Cubbon, the Director-General of the Security Services and Mr. Mallaby. The statement attached was agreed.

3. I confirmed with Lord Rothschild's secretary that he was in the country. I then arranged with her that in the afternoon she would read the letter which I would send to him covering the statement. She telephoned at about 1540 to confirm that she had done so.

4. At 1500 hours I telephoned Mr. Heath, who was in Salisbury, to read the statement to him. Mr. Heath paused for a long time after I had read the statement to him. He then asked to be reminded of the Prime Minister's words used in the Hollis statement. I read these over to him. He asked me then to pass on his thanks to the Prime Minister for letting him know.

CONFIDENTIAL

5. At 1625 I tried to contact Mr. Dick Clements in Mr. Kinnock's office. His secretary told me that he was in London or possibly at a country number. The latter proved the case and I read over to him the text. I also despatched at about the same time a letter to him covering the text.

6. At 1705 Mr. Coe confirmed that the lobby briefing had taken place. I then tried to contact Mr. Robert Rhodes-James. Unfortunately, he was engaged and I did not get through to him until 1720 or there abouts. By then he had been contacted by The Times. However, I read out the statement, emphasising as the Prime Minister has asked, the words 'no' and 'ever' in the last paragraph. Mr. Rhodes-James asked me to tell the Prime Minister that he was most grateful and to pass on his warm thanks.

N.L.W.

N L WICKS

5 December 1986

SLHADE

Political Correspondent

A RADICAL shake-up in the senior management of MI5 was carried out earlier this year, Mr Hurd, the Home Secretary, revealed in the Commons last night.

Mr Hurd gave details of the reorganisation of the security services as he stepped up the Government's attack on Mr Kinnock's conduct in the Australian spy book case.

He made clear that the Government could not offer Mr Kinnock access to defence and security secrets while the Labour leader pursued his present policies.

Mr Hurd also said that Mr Kinnock's actions in contacting the lawyer opposing the British Government in the MI5 trial

Parliament—P8

had reinforced the case against the setting up of a new Parliamentary scrutiny commission on the security services.

The Home Secretary's attack on Mr Kinnock, who is still in America, came just a day after Mrs Thatcher threatened to exclude him from the confidential security briefings traditionally granted to party leaders.

Earlier, Labour's deputy leader, Mr Hattersley, had denounced the Government's criticism of Mr Kinnock.

He said it was a "carefully co-ordinated attempt to divert public attention" from the humiliation the Government was suffering in Sydney.

Dr David Owen, opening the Commons debate on the security services, also urged Mrs Thatcher not to break the convention of confidential briefings on Privy Councillor terms with Opposition leaders because of Mr Kinnock's actions.

He said the Labour leader's contacts with the defence lawyer were rather bizarre, but

Continued on Back Page, Col. 4

Marc

£700m blow for

Government's attempt to stop publication of the memoirs of the former MI5 officer, Mr Peter Wright.

The letter reflects Lord Rothschild's deep hurt at the re-opening of old rumours about his friendship with Anthony Blunt, unmasked in 1979 by Mrs Thatcher as a Soviet agent.

It is the first public comment by Lord Rothschild, 76, on the allegations against him which surfaced at Westminster last week.

Three Labour MPs, Mr Brian Sedgemore, Mr Dale Campbell-Savours, and Mr Dennis Skinner, tabled a motion calling upon the Prime Minister to state "whether the security services ever carried out an investigation into suspicions which surfaced at the time, and of which Lord Rothschild was aware, that he was a Soviet spy and the fifth man."

Allegations in Australia

Lord Rothschild emerged as a key figure in the MI5 spy book case in Australia after being implicated by Mr Wright in the disclosure in the early 1980s of the Hollis affair about Soviet penetration of MI5.

Mr Wright alleged that he had given details of his work to track down Soviet "moles" to the author, Mr Chapman Pincher, on the advice of Lord Rothschild.

Labour MPs then claimed that Lord Rothschild had brought Wright and Pincher together in order to remove lingering suspicions that he was the "fifth man"—the remaining member of a group of Soviet agents recruited at Cambridge in the 1930s.

The Pincher book alleged that Sir Roger Hollis, a former head of MI5, was a Soviet agent.

On the advice of his lawyers, Lord Rothschild is keeping silent about his relationship

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Commons Sketch—Back Page

with Mr Wright, which is a key element in the Australian court case.

But he has written the letter "lest it be thought that silence would be an indication of anything other than complete innocence" over the "fifth man" innuendoes which he has suffered since 1980.

Lord Rothschild, who was head of the Downing Street Central Policy Review Staff, the Think Tank, from 1971 to 1974, served with MI5 during the war.

As well as being a close friend of Anthony Blunt, he knew Guy Burgess, who fled to Moscow in the early 1950s with Donald Maclean.

Although questioned by the authorities after Blunt confessed to being a Soviet agent nearly 20 years ago, Lord Rothschild was cleared of any suspicion and went on to be appointed the first head of the Think Tank by Mr Heath in 1971.

Lord Rothschild has been the

'I never have been a Soviet agent'

From Lord Rothschild
CBE, GM, ScD, FRS
December 3, 1986

Dear Editor and Readers,

Since at least 1980 up to the present time there have been innuendoes in the Press to the effect that I am "the 5th man", in other words a Soviet agent.

The Director General of MI5 should state publicly that it has unequivocal, repeat unequivocal, evidence that I am not, and never have been, a Soviet agent. If the "regulations" prevent him making such a statement which, in the present climate I doubt, let him do so through his legal adviser or through any other recognizably authoritative source.

I am constrained by the Official Secrets Act but I write this letter lest it be thought that silence would be an indication of anything other than complete innocence.

I shall not make any other public statement to the Press until further notice.

Yours truly,
Rothschild

rity services make no public statement.

Mrs Thatcher has also made clear she will not comment on security matters while the Australian case is in progress. But there are precedents for statements by the Prime Minister on whether or not spy allegations are justified.

In 1979 she revealed that Blunt had been a Soviet agent, and two years later she announced that Sir Roger Hollis had been investigated, but there was no proof that he had worked for the Russians.

The Prime Minister will almost certainly be questioned about Lord Rothschild's appeal at Question Time in the Commons today and she is certain to be urged to bow to his demand for his name to cleared.

MP's retraction

Lord Rothschild's letter was raised in the Commons early today during a second debate on the security service.

It brought an acknowledgment from Mr Brian Sedgemore, Labour MP for Hackney South that Lord Rothschild was probably not the "fifth man or sixth or seventh man or indeed a soviet agent at all."

goes to a

By Trevor Fishlock

THE Government was granted today against a court orde over confidential documents to the MI5 secrets case in Australi

The appeal will be heard in Ne Court in Sydney today week. Mea case will continue to be heard by New South Wales Supreme Court.

Pending the outcome of the appeal the confidential papers will not be handed over to Mr Malcolm Turnbull, who represents the former MI5 officer, Mr Peter Wright.

'Smear' attack

Earlier in the New South Wales Supreme Court, the Government was called upon to put up or shut up over allegations in London that one of the defence team in Australia, Mr Paul Greengrass, is leaking details of secret court sessions.

Mr Turnbull told Mr Justice Powell that allegations that Mr Greengrass, a producer for Granada's World in Action, is leaking confidential material is "a smear to pervert the course of justice...and a grave contempt of court."

He called on the Government either to dissociate itself from the allegations or bring them to court with evidence.

Mr Turnbull said he had been given no indication by the Government or its counsel that the allegations had any basis in fact.

Commons allegations

In a statement outside the court, Mr Turnbull said he was concerned about allegations made in the Commons and in some London newspapers that Mr Greengrass had been giving details of in-camera evidence to Mr Kinnock.

He said Mr Greengrass had undertaken to the court and the Government that he would not reveal any information learned in close session to any person other than those entitled to recieve it.

Mr Turnbull added that Mr Greengrass had no contact with Mr Kinnock or with any MP.

He said Mr Greengrass "had considerable knowledge of intelligence matters and is helping us during his holidays from Granada television."

200 blacks pelt Winnie Mandela

Mrs Winnie Mandela, the South African black nationalist leader, was pelted with rubbish and soft drink cans by 200 angry blacks yesterday as she left the Cape Town trial of a friend Lindi Mangaliso, who was con victed with two hired killers o murdering her businessma husband, Victor.

The demonstration appeare to be fuelled by local passion and anger that a black leader international standing shoul associate herself with a con mon criminal.—Reuter.

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BM2AZU

SECRET

10 DOWNING STREET

From the Principal Private Secretary

MR WOOLLEY
CABINET OFFICE

THE PETER WRIGHT CASE

I have shown the Prime Minister Mr Mallaby's minute of 4 December about Sir Anthony Kershaw's letter of 29 November to Mr Alison.

The Prime Minister agrees with the suggestion in paragraph 4 of Mr Mallaby's minute that someone (for example Sir Antony Duff) should tell Sir Anthony Kershaw that he has been misinformed. The Prime Minister would not want Sir Anthony to be told any more.

I am sending copies of this minute to Mr Galsworthy (Foreign and Commonwealth Office), Mr Boys Smith (Home Office) and Mr Saunders (Law Officers' Department).

N.L.W.

N.L. Wicks

5 December 1986

SECRET

1/12 Prime Minister

Do you agree the suggestion in 3 & 4 that someone (eg Sir A Duff) should tell Sir A. Kershaw that he has been misinformed, but no more?

SECRET

B.07614

MR WICKS

N.L.W. 4.12

The Peter Wright Case

In your minute of 2 December you asked for a note on Sir Anthony Kershaw's point, in his letter of 29 November to Mr Michael Alison, that "It is not true that the Government made no attempt to stop the publication of Harry Chapman Pincher's latest book because they did not at the moment of decision know his sources".

2. Mr Pincher's latest book is "Too Secret Too Long", published in 1984. Sir Anthony Kershaw may, however, have been meaning to refer to Mr Pincher's earlier book "Their Trade is Treachery", published in 1981 and now at the centre of attention in the Wright case in Australia.

3. As to what the Government knew before publication:

"Their Trade is Treachery"

a. The Security Service judged that much of the information in this book could only have come from one or more of those members of the security and intelligence services who had been involved in investigations into the penetration of the intelligence community carried out in the sixties and early seventies. They identified three main possibilities (including Wright) but at the time of publication had no hard evidence on which to base a definite conclusion. Only after publication did they conclude that Wright must have been the main source.

b. No action was taken to stop publication, both because the sources had not been identified and because our only knowledge of the book and its contents had been obtained from a confidential source.

"Too Secret Too Long"

c. By the time of publication it seemed likely that Wright was the main source in this case too. But there was no evidence that could have been presented in Court.

d. The publishers refused to release the book to the 'D' Notices Committee. An advance copy was obtained a few days before publication, in conditions which were less sensitive than in b. but still could not provide a basis for legal action.

4. Sir Antony Duff has suggested, and I agree, that there is a case for someone speaking to Sir Anthony Kershaw to tell him that he has been misinformed.

5. I am sending copies of this minute to Mr Galsworthy, Mr Boys Smith and Mr Saunders.

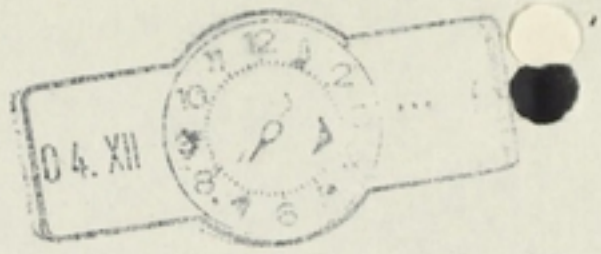
C L G Mallaby

4 December 1986

SECURITY

WRIGHT

PT 4



SECRET AND PERSONAL

B.07616

MR WICKS

Lord Rothschild

Lord Rothschild's letter in today's Daily Telegraph, which appeals indirectly to the Director General of the Security Service for a statement that he was never a Soviet agent, is likely to provoke questions to the Prime Minister in the House today.

2. I understand that there is no evidence that Lord Rothschild has ever been a Soviet agent. The Security Service are preparing urgently a detailed note on the question. The Prime Minister may wish to study this before deciding on any reaction, whether in Parliament or to Lord Rothschild, to the latter's letter. She could say in the House today that the letter was "being considered in the Government". There may also be questions today on the different matter of Lord Rothschild's reported role in the arrangements behind Chapman Pincher's book "Their Trade is Treachery". I attach at Annex A two possible questions with suggested replies.

3. A substantive reaction to Lord Rothschild's letter in the Daily Telegraph could take the form of a letter to him, possibly from the Home Secretary or the Prime Minister, and an answer in Parliament, both of them having the same contents. (The Lord Privy Seal will be taking Prime Minister's questions on Tuesday 9 December.)

4. On the contents of such a reaction, the options include -

(a) the usual refusal to comment on security matters;

(b) the same, but in a form designed to show sympathy for Lord Rothschild at the innuendo he has been facing;

(c) an expression of sympathy together with a statement that the usual checks were carried out when Lord Rothschild became Head of the Central Policy Review Staff in 1971;

(d) as in (c), with the additional statement that there is no evidence that Lord Rothschild has been a Soviet agent.

04. XII

5. The first option may be thought harsh in the circumstances. Possible wording for (b) is at Annex B.

6. I understand, subject to the paper in preparation by the Security Service, that options (c) and (d) reflect the true situation. They would be much more helpful to Lord Rothschild and might seem appropriate in view of the latter's significant position in government under a Conservative Administration from 1971 to 1974. An illustrative form of words for option (d) is at Annex C.

7. These last two options present significant difficulties. Either, but especially option (d), could provoke requests from other people to have their names publicly cleared. If such requests were met in some cases but not others, the latter category would be presumed guilty. Secondly, it may be thought undesirable, especially in present circumstances, to depart from the practice of not commenting on security matters. Thirdly, either option would open the way to detailed questions about, for example, Lord Rothschild's friendships with Burgess and Blunt. Fourthly, it is possible that the allegation that Lord Rothschild brought together Chapman Pincher and Wright to produce "Their Trade is Treachery" may be true; and this could be a consideration against the Government seeming to support Lord Rothschild at the present time. Indeed, to do so could strengthen the mistaken theory that Lord Rothschild acted at the Government's instigation with regard to Pincher's book.

8. If the Prime Minister agrees to a holding reply to questions today in the House, there is no need to choose between the options above until the Security Service note has been studied. The Prime Minister might also wish to consult Sir Robert Armstrong who reaches London early tomorrow morning.

9. I am sending copies of this minute and the attachments to the Private Secretaries to the Foreign and Commonwealth Secretary and the Home Secretary; to Michael Saunders in the Law Officers' Department; to Sir Antony Duff and to Trevor Woolley in the Cabinet Office.

C L G Mallaby

4 December 1986

ANNEX A

Parliamentary Questions on "Their Trade is Treachery"

Allegations that Lord Rothschild collaborated in production of "Their Trade is Treachery"

Allegations that Lord Rothschild may have committed an offence are matters for my Rt Hon and Learned Friend the Attorney General who has said that he is considering them with the Director of Public Prosecutions.

Prime Minister's knowledge of Lord Rothschild's involvement in "Their Trade is Treachery"

It would be inappropriate for me to comment on matters which may arise in the proceedings concerning the Peter Wright case in Australia while those proceedings continue.

ANNEX B

Draft letter

The Lord Rothschild GBE GM FRS

I have read your letter in the "Daily Telegraph" on 4 December. May I say how sympathetic I am towards anyone who is subjected to public innuendo. However, as I am sure you will understand, it is not possible for the Government to make the kind of statement you seek in particular cases.

2. I shall no doubt be asked about your letter in the House of Commons. I intend to reply along the lines of my previous paragraph.

ANNEX C

Possible line for option (d)

When Lord Rothschild became Head of the Central Policy Review Staff in 1971, and at other times in his life, full security checks on him have been carried out. [I am advised that we have there is no evidence that he has ever been a Soviet agent.]

7

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

M.L. SAUNDERS
LEGAL SECRETARY

SECRET

F

Nigel Wicks Esq.
Principal Private Secretary
Prime Minister's Office
10 Downing Street
London SW1

4 December 1986

Dear Nigel,

file with NCLO CP(-3)

Thank you for your letter of 27 November enclosing a draft of a letter clarifying the arrangements for dealing with cases like the Joan Miller case.

I am content with the proposed arrangements.

I think that it may be desirable that the proposed arrangements or similar arrangements should apply also to the following types of case :

(1) Unauthorised publications by present members of the agencies;

(2) radio or television broadcasts by former or present members of the agencies;

(3) publications by "outsiders" containing information attributed to "insiders";

(4) publications by "outsiders" containing material which the Government might wish to restrain on security grounds and where no breach of the duty of confidentiality is alleged.

I take it that "civil action" in line 9 of paragraph 2 of your draft includes any steps which may be taken (contact with the publishers etc.) and which may lead eventually to the institution of civil proceedings.

SECRET

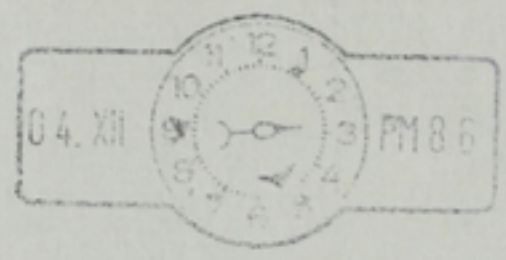
I am copying this letter to Sir Brian Cubbon, Sir Patrick Wright, Christopher Mallaby and Trevor Woolley.

Yours sincerely,
Michael Saunders.

M L SAUNDERS

SECRET

SECURITY: Secret Services PEG



SECRET

6

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

SIR BRIAN CUBBON GCB
PERMANENT UNDER-SECRETARY OF STATE

4 December 1986

Dear Nigel

FILE(PTS) WITH NCW

Thank you for sending me a copy of your letter of 27 November to Michael Saunders on the arrangements for handling unauthorised publications by former members of the security and intelligence agencies.

I am sure that we need some more systematic arrangements. I also agree that the Secretaries of State need to be involved in the handling of individual cases, from the beginning and directly.

This would be something of a shift from the highly centralised arrangements which have operated hitherto, and Robert Armstrong will have views. We need in any case to ensure that the arrangements provide for proper co-ordination and consistency of policy between the agencies on this matter. This will be something on which the Government will be expected to make a statement when the Wright proceedings in Australia finish. I am also conscious that there are wider issues, affecting the control and oversight of the agencies, which need to be addressed in the aftermath of Wednesday's debate. These too could affect the balance between the Cabinet Office and the Secretaries of State.

N L Wicks Esq CBE

SECRET

I wonder whether for the present the best course would be to preserve the Ministerial Wright Group under the Home Secretary's chairmanship to oversee all issues arising on the handling of unauthorised publications, and to report to the Prime Minister. It would continue to be supported by a group of officials under Cabinet Office chairmanship. The immediate tasks of the group would be:

(a) to handle day by day the Wright case.

(b) To prepare contingency plans for the total Government position at the conclusion of the Wright proceedings (or indeed the publication of the book if that happens earlier).

(c) To work out a policy (or at any rate criteria or guidelines) for handling individual attempts at unauthorised publication; and to propose what should be said publicly about this at the end of the Wright case.

(d) To consider what further general measures should be taken to strengthen the defences against unauthorised publications - this is already in hand in the Mallaby Group, on the Prime Minister's instructions.

(e) To obtain and examine a comprehensive list from the agencies of all other unauthorised publications believed to be in the pipeline.

The draft you sent with your letter also prompts me to point out that the possible courses of action when we first hear of an unauthorised publication do not always neatly divide into civil proceedings and criminal proceedings, and there may be also other action that could be taken. And while any criminal proceedings are ultimately the sole responsibility of the

Attorney General (and/or the DPP), there is often some initial processing by the Legal Adviser to the Security Service, who would also be concerned with the other action.

It is part of the same picture that there are occasions, and perhaps these will arise more frequently in future, when there will be little or no warning of a book's publication and little or no chance of obtaining a copy of the manuscript in advance. It may still be a matter of Ministers having to consider in great haste and with insufficient facts what if anything can be done, and perhaps only the question of how inevitable publication can be handled. It is important that Ministers are not given too sanguine a view of the timescale against which more systematic arrangements for taking decisions will have to operate, or indeed of the prospects for preventing the publication of unauthorised books.

I am copying this letter to those who were sent copies of yours.

Yours ever

Brian

SECURITY Secret Service PT4

5

PRIME MINISTER

I attach the draft of a letter to Lord Rothschild which emerged from this evening's discussion. If this material is to issue, we need to decide how it should be promulgated. The possibilities are :-

1. A letter from you to Lord Rothschild:

   Advantage - a most authoritative statement.

   Disadvantages - You are personally very identified with the statement.

   Parliamentary row, though this might be a little if a copy of the letter was put in the Vote Office and it became public only after Parliament had risen tomorrow.

2. Private Secretary letter to Lord Rothschild:

   Advantage - Its authoritative, but you are distanced a little.

   Disadvantages - Same Parliamentary problem.

3. Press statement from No.10:

   Advantage - Convenient and easy to manage

   Disadvantage - Probably the course likely to maximise a Parliamentary row.

4. Treasury Solicitor letter to Lord Rothschild or his solicitors:

   Advantage - A formal, legalistic approach, which

might help disguise the terse nature of the letter

Advantage - Might minimise Parliamentary row since it might be taken as a necessary legal step in making the information available.

Disadvantage - It might look a bit odd to the general public.

5. Arrange Written Parliamentary Question:

Advantage - Best calculated to satisfy Parliament, though it will not prevent demands (which we will resist) for an oral statement.

Disadvantage - It could not take place until Monday.

N.C.U.

N.L. Wicks

4 December 1986

MJ2CQF

c: Mr Wicks

MR MALLABY

Please see the attached extract of Greengrass's interview on BBC Radio 4 'Today'.

Our team in Sidney will be interested in the attached guidance note I have prepared for the Prime Minister.

BERNARD INGHAM
4 December 1986

Unchecked.

PAUL GREENGRASS - REPORT AND INTERVIEW ON WRIGHT CASE

Transcript from: BBC Radio 4, Today, 4 December 1986

PRESENTER: (Brian Redhead) ... ... Greengrass who's said to be on Peter Wright's defence panel and that there are allegations that he's been leaking information from the court hearing to Mr Neil Kinnock. I understand Mr Wright's defence counsel has had something to say about all that?

REPORTER: (..... .....) Yes he has. He issued a press statement first of all describing Mr Greengrass, quite accurately so far as I know, as a television producer and saying that the statements that have been made about him leaking information given in camera in court was gravely deflamatory. Mr Turnbull, the defence counsel, went on to say that the attacks on Mr Greengrass were a disgraceful effort by certain interested parties, who he didn't name, to discredit those trying to help Mr Wright. He said there'd been a despicable smear campaign against Mr Wright, against Mr Turnbull himself and now against Mr Greengrass. And he said this was an attempt to pervert the course of justice. And he said if the British Government wanted to either dissociate itself from the allegations or to instruct its counsel to make it in open court that would be better. He didn't imply though that the Government was involved in the allegations.

GREENGRASS: I've had absolutely no contact with Mr Kinnock, his office or with any other member of Parliament of any political persuasion. Furthermore, I have not revealed or released one jot of the evidence which was heard in Canberra.

REPORTER: Have you any idea then why the allegations are being made?

GREENGRASS: I've no idea. I gather that this was made by a Member of Parliament under privilege in the House and also was the subject of a briefing by Mr Ingham the No 10 press spokesman. And frankly, you know, I don't understand why they've done it. It is totally untrue.

PRESENTER: That was Mr Paul Greengrass. And when Mr Kinnock was asked about him in America Mr Kinnock said he'd never heard of the chap.

Re Wright Case.

NOTE FOR THE RECORD

I was approached this morning by Richard Hickmet MP about the Wright case just before the llam Lobby. I did not deal with his point and subsequently spoke to Mr Wicks.

I then asked Mr Maclean in the Whips' Office to intercede on my behalf with the Whips. I made the point that I did not wish to be discourteous to an MP but I could only deal with members of the Government.

Before lunch, Mr Tristan Garel-Jones, of the Whips' Office, informed me that he had explained the position to Mr Hickmet.

BERNARD INGHAM

4 December 1986

F Wright file

IN CONFIDENCE

Dear Rhodes / Ian 4/12

We have now further clarified the instructions given to Clerks in the Table Office about the drill to be followed when Questions or Motions are submitted. You alone will be telephoned in all cases, either by Clifford or myself or sometimes (in the interests of speed) by a Clerk from the Table Office using a secure office.

I attach on a separate sheet a list of names which have appeared in Questions and Motions in recent weeks. As agreed, we will be alerting you even when these names re-appear. But you might in due course wish to consider whether any of them are now so firmly in the public domain that their re-appearance, unless in obviously special circumstances, need not trigger the system.

Yours

D.W. LIMON

4th December, 1986

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F Wright file

As dictated by Lord Rothschild's secretary to my secretary.

Mr Wicks,

We spoke on the telephone yesterday but I was a long way away and the connection was very bad indeed. I thought I detected a certain note in your voice and would therefore like to have a talk with you. It would not be a good thing for me to come to No 10 nor to the Cabinet Office, front or back entrances, nor my flat in London as I am being hounded by the Press and followed by motor cyclists.

I therefore suggest that on Monday, we could have a very quick sandwich lunch in New Court, St Swithins Lane which is safe because there are so many people constantly coming in and going out, and we could talk in my room which is swept.

It takes about seven minutes from No 10 to St Swithins Lane - I have done it often - and whatever time suits you will suit me provided it is not early in the morning.

(Signed) ROTHSCHILD

Secretary's tel. no: = 280 5320

Sir Brian Cubbon
cc Sir Antony Duff
C L G Mallaby CMG
T. Woolley.

I should be glad for an urgent word about this.

N. (.).
17.12

DA

10 DOWNING STREET

THE PRIME MINISTER

4 December 1986

Dear Lord Hunt

Thank you for your letter of 2 December.

Like you, I do not particularly like the idea of external oversight of the Security Services. Nevertheless, I read your letter with interest, and will bear in mind what you say.

It was very good of you to analyse the position in such detail. I am most grateful.

Yours sincerely

Margaret Thatcher

The Lord Hunt of Tanworth, G.C.B.

DRV

THE NATIONAL ARCHIVES

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Prime Minister'

You may want to glance.

R.T.A's specific request at xxxx has been refused. We agreed instead the formula in/mail you saw this morning. N.L.W. 3.12

SECRET
FM SYDNEY
TO DESKBY 030830Z CABINET OFFICE
TELNO 017
OF 030505Z DECEMBER 86

FOR MALLABY FROM ARMSTRONG
YOUR TELNO 424.
OUR APPLICATION FOR LEAVE TO APPEAL AND (IF LEAVE IS GRANTED) THE APPEAL ITSELF WILL BE HEARD TOMORROW 4 DECEMBER BEGINNING AT 10.15 AM SYDNEY TIME. IF LEAVE IS GRANTED, THE HEARING IS LIKELY TO LAST ALL DAY AND JUDGEMENT MAY NOT BE DELIVERED UNTIL SOME TIME ON FRIDAY, PERHAPS LATER RATHER THAN EARLIER IN THE DAY.

2. THE AUSTRALIAN COURTS HAVE NOT SO FAR BEEN RECEPTIVE TO A CLASS CLAIM FOR PII BASED ON BRITISH PUBLIC INTEREST. IT WOULD THEREFORE BE UNWISE TO REST OUR APPEAL ON THIS GROUND ALONE. IT IS CLEARLY IMPORTANT, HOWEVER, THAT THE CLASS CLAIM SHOULD FEATURE IN OUR SUBMISSION, AND IT WILL. IT WILL CONTINUE TO BE A CLASS PLUS CONTENTS CLAIM ON THE LINES OF THE MALLABY AFFIDAVIT. ARGUMENTS ABOUT CONFIDENTIALITY WILL ALSO BE USED. WE WILL ENDEAVOUR TO KEEP OPEN RELEVANCE AS A POSSIBLE GROUND FOR ARGUMENT. THE COURT OF APPEAL HAS NOT YET RULED ON THIS: IT ONLY REFUSED US LEAVE TO APPEAL IN RELATION TO THE JUDGE'S ORDER FOR DISCOVERY. THE OTHER, AND NARROWER, GROUND OF ARGUMENT WILL BE THAT DISCOVERY OF THESE DOCUMENTS IS NOT NECESSARY IN ORDER FAIRLY TO DISPOSE OF THE ISSUES WHICH THE COURT IS BEING ASKED TO DECIDE BECAUSE THERE IS ALREADY EVIDENCE IN THE TRANSCRIPT TO THE SAME EFFECT AS THAT RECORDED IN THE DOCUMENTS.

3. WE WILL TRY TO ENSURE THAT YOU HAVE A FULL DAY TO CONSIDER YOUR REACTION TO THE APPEAL COURT'S DECISION. YOU WILL UNDERSTAND THAT WE SHALL BE DEPENDENT UPON THE LENGTH OF THE STAY WHICH THE COURT PUTS ON ANY ORDER RESULTING FROM THE DECISION REACHED: BUT THE COURTS HAVE SHOWN THAT THEY ARE SENSITIVE TO THE PROBLEM CAUSED BY OUR NEED TO GET INSTRUCTIONS FROM LONDON.

4. WE HAVE ASKED SIMOS FOR AN OPINION ON OUR CHANCES OF OUR WINNING A CLAIM FOR PII HERE. WE THINK THAT HE IS SUFFICIENTLY VERSED IN THE FIELD, HAVING APPEARED FOR THE COMMONWEALTH IN A CASE WHICH PII WAS CLAIMED: ANY ONE ELSE WOULD HAVE TO BE SHOWN THE DOCUMENTS WHICH SIMOS HAS ALREADY SEEN AND KNOWS: AND IT WOULD NOT BE HELPFUL IN OUR DEALINGS WITH HIM TO SUGGEST A LACK OF CONFIDENCE IN HIS JUDGEMENT BY INSISTING ON GOING ELSEWHERE. HE HAS AGREED TO PREPARE AN OPINION WHICH WE SHOULD BE ABLE TO FAX THROUGH TO YOU DURING THE COURSE OF WEDNESDAY MORNING YOUR TIME. PRELIMINARY INDICATIONS ARE THAT THE OPINION MAY BE TO THE EFFECT THAT WE HAVE A GOOD PROSPECT OF AT LEAST PARTIAL SUCCESS, BUT THAT THE COURT OF APPEAL (AND IF IT EVER GOT THERE, THE HIGH COURT) MIGHT CONSIDER THAT THERE WAS A CASE FOR DISCOVERY OF AT LEAST SOME OF THE DOCUMENTS. THEY COULD THEMSELVES DEFINE AN AMENDED AND SHORTER LIST OF DOCUMENTS: THEY COULD (PERHPAS MORE PROBABLY) REDEFINE THE CRITERIA TO BE FOLLOWED IN SELECTING THE DOCUMENTS TO BE DISCOVERED AND INVITE MR JUSTICE POWELL TO AMEND HIS ORDER SO AS TO COMPLY WITH THE REVISED CRITERIA.

5. WE DO NOT REPEAT NOT HAVE IT IN MIND THAT SIMOS SHOULD IN HIS SUBMISSION TO THE COURT OF APPEAL OFFER TO CONSIDER OR ACCEPT A MORE LIMITED LIST OF DOCUMENTS. THE SUBMISSION WILL SEEK PROTECTION FOR ALL THE DOCUMENTS. BUT, IF THE COURT OF APPEAL- WHO WILL READ THE DOCUMENTS - WERE DISPOSED TO SAY THAT THEY SEE SOME MERIT IN OUR CLAIM BUT THAT NEVERTHELESS THEY CONSIDER THAT CERTAIN DOCUMENTS ARE NECESSARY IN ORDER FAIRLY TO DISPOSE OF THE ISSUES IN THE CASE, TURNBULL MIGHT SAY THAT HE WOULD BE WILLING TO SETTLE FOR A LIMITED LIST. WE HAVE NO MEANS OF KNOWING HOW LIMITED A LIST HE WOULD ACCEPT, BUT HE HAS TALKED IN COURT OF QUOTE THREE WHALES IN THE BAY UNQUOTE, THE WHALES INCLUDING THE DOCUMENTS NUMBERED SCHEDULE 1 PART 3B.1 AND B.5. IN THIS CONTEXT YOU WILL WISH TO CONSIDER IN PARTICULAR THE USE THAT COULD BE MADE BY THE DEFENCE OF THE SECOND PARAGRAPH OF 3 B 1 TO SUPPORT HOWEVER UNJUSTIFIABLY, THE ARGUMENT THAT THE GOVERN- MENT CONNIVED IN THE PUBLICATION OF THEIR TRADE IS TREACHERY.

6. WE SHOULD NOT WANT TO GET INTO THE POSITION OF SEEMING READY TO RESPOND TO THE IDEA OF AN AMENDED AND SHORTER LIST OF DOCUMENTS IF THERE SEEMED A REASONABLE PROSPECT OF SUCCEEEDING WITH A CLASS PLUS CONTENTS CLAIM ON P11. BUT THIS HAS PROVED SO FRAGILE IN THE AUSTRALIAN COURTS THAT COUNSEL MIGHT JUDGE THAT THE MOST FAVOURABLE OUTCOME WE COULD HOPE FOR WOULD BE A RULING FOR REDEFINED CRITERIA OR FOR A LIMITED LIST OF DOC- UMENTS WHICH WE MIGHT BE ABLE TO ACCEPT. IT MAY BE THAT THE COURT OF APPEAL WOULD CONFINE ITSELF TO REDEFINING CRITERIAS. IF, HOWEVER, THE COURT DECIDED ITSELF TO DEFINE AN AMENDED LIST, CANNOT BE CONFIDENT THAT THERE WOULD BE NO PROCESS OF ARGUMENT WITH THE COURT AS TO WHETHER THIS OR THAT DOCUMENT SHOULD OR SHOULD NOT BE INCLUDED. IN THAT EVENT THE COURT MIGHT BE READIER TO ACCEPT ARGUMENTS FOR THE EXCLUSION OF PART- ICULAR DOCUMENTS IF WE HAD SHOWN WILLING TO CONSIDER DISCOVERY OF AT LEAST SOME DOCUMENTS (OR CONCEIVABLY SUMMARIES OF SOME DOCUMENTS : SUCH SUMMARIES WOULD HAVE TO AGREED WITH THE COURT). PRODUCTION WOULD BE CONFINED TO THE DEFENDANT AND HIS LEGAL ADVISERS (WE WOULD SEEK TO EXCLUDE GREENGRASS) AND WOULD BE ON A RESTRICTED AND CONFIDENTIAL BASIS. ANY ENSUING CROSS- EXAMINATION ON THE DOCUMENTS WOULD BE IN CLOSED COURT.

7. IF THIS SITUATION ARISES AT ALL, IT WILL ARISE DURING THE COURSE OF THURSDAY (SYDNEY TIME) IN THE COURT OF APPEAL, AND IT WILL PROBABLY BE IMPOSSIBLE TO SEEK INSTRUCTIONS AT THAT STAGE. WE SHOULD THEREFORE BE GRATEFUL IF YOU COULD LET US KNOW BY 032100Z WHETHER INSTRUCTIONS TO COUNSEL MAY INCLUDE A WILLINGNESS TO CONSIDER A MORE LIMITED LIST OF DOCUMENTS THAN THAT PRESENTLY ORDERED BY MR JUSTICE POWELL: AND , IF THAT AUTHORITY IS GIVEN, WE SHALL ALSO NEED TO KNOW WHICH OF THE DOC- UMENTS (AND WITH WHAT DELETIONS) WE SHOULD BE AUTHORISED TO AGREE TO DISCOVER: AND WHETHER WE SHOULD BE AUTHORISED TO CONSIDER PROVIDING SUMMARIES (TO BE AGREED WITH THE COURT) OF DOCUMENTS RATHER THAN DOCUMENTS THEMSELVES.

3. HAVING NOW TALKED TO THE SOLICITOR GENERAL, WE ARE HOPEFUL THAT COUNSEL FOR THE COMMONWEALTH WILL SUPPORT US IN THE COURT OF APPEAL ON THE SAME BASIS AS HE DID IN THE SUPREME COURT: THE AUTHORITY OF THE PRIME MINISTER IS BEING SOUGHT FOR THIS. WE DO NOT DOUBT THE DEFENCE'S STAYING POWER FOR THE COURT OF APPEAL PHASE. THEY WOULD UNDOUBTEDLY NOT WELCOME AN APPEAL TO THE HIGH COURT DEFERRED UNTIL FEBRUARY: WE DO NOT KNOW WHETHER THAT WOULD LEAD THEM TO DROP THEIR DEMAND FOR DISCOVERY, BUT WE DOUBT WHETHER IT WOULD DO SO, IF THEY HAD WON IN THE COURT OF APPEAL. NOW WE HAVE REACHED THIS STAGE, THEY WOULD NO DOUBT PREFER THAT WE SHOULD BE FORCED TO ABANDON THE CASE BECAUSE OF UNWILLINGNESS TO COMPLY WITH AN ORDER FOR DISCOVERY, RATHER THAN THAT THEY SHOULD RUN THE RISKS AND INCUR THE EXPENSE OF TAKING THE MAIN CASE TO A CONCLUSION.

9. TURNBULL HAS SAID THAT HE WILL NOT CALL WRIGHT UNTIL AFTER HE HAS CONCLUDED ANY FURTHER CROSS-EXAMINATION OF ME ON DOCUMENTSM HE IS SHOWING SIGNS OF WISHING TO RESTRICT THE LENGTH OF WRIGHT'S APPEARANCE IN THE BOX. HE TALKS OF GIVING THE WHOLE OF WRIGHT'S EVIDENCE IN CHIEF IN AN AFFIDAVIT. SINCE HE SAYS THAT WRIGHT IS GOING TO JUSTIFY THE PUBLICATION OF EACH SEPARATE EPISODE OR ALLEGATION IN THE BOOK , IT COULD BE A LONG AFFIDAVIT. WE ARE PREPARING SUGGESTED QUESTIONS FOR SIMOS'S CROSS-EXAMINATION. IT IS NOT CLEAR WHETHER THE DESIRE TO LIMIT THE LENGTH OF WRIGHT'S EXPOSURE TO EXAMINATION IN THE BOX IS BASED ON CONCERN FOR HIS HEALTH, WHICH SEEMS TO BE SOMEWHAT FRAGILE, OR ON A FEAR THAT HE WOULD NOT BE A VERY GOOD WITNESS. THOSE WHO KNOW HIM OF OLD AND HAVE SEEN HIM HERE SAY THAT THEY THINK THAT OBSESSION HAS DEVELOPED INTO PARANOIA.

IT IS CLEAR, HOWEVER, THAT WRIGHT WILL NOT APPEAR IN THE BOX UNTIL AFTER THE PII CLAIM HAS BEEN RESOLVED, AND OF COURSE IF WE COULD NOT ACCEPT THE FINAL RULING ON PII AND HAD TO ABANDON THE CASE HE WOULD NEVER APPEAR AT ALL .

10. AS A TAILPIECE I SHOULD REPORT THAT, WHEN I WENT WITH THE CONSUL GENERAL AND HIS WIFE TO A RESTAURANT FOR DINNER LAST NIGHT, WE FOUND MALCOLM TURNBULL, HIS WIFE, HIS MOTHER, PAUL GREENGRASS AND THE ENTIRE BRITISH PRESS CORPS (INCLUDING LEIGH, NORTON-3-6)94, FISHLOCK AND HEATHER ROGERS) DINING TOGETHER THERE. WE DECLINED POLITELY THEIR PRESSING INVITATION THAT WE SHOULD JOIN THEM.

SINDALL

YYYY

FCO PLSE PASS

NNNN

temporarily retained

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Tel no. 017
dated 03-12-86

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10 DOWNING STREET

NLW

Victor Rothschild has
written to Daily Telegraph
letter for use tomorrow

(1) stating the D-G of MI5
should state publicly that
'it (MI5) has unequivocal
- repeat unequivocal -
evidence that Blunt and
were have been a Soviet
Agent;

(2) saying that if he is prevented
from making such a
statement he should do
so through his legal
advisor or any other
responsible authoritative
source.

This will become public
knowledge at 8pm. Christopher

Rallaby advice and
preparing guidance.

3
12

CONFIDENTIAL

MJ2 CPV

file

be FCO (Galsworthy)

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

MR MALLABY
CABINET OFFICE

PETER WRIGHT CASE: DISCOVERY OF DOCUMENTS

I have shown the Prime Minister your minute of today, in which you seek authority to despatch to Sir Robert Armstrong in Sidney the telegram which you attached.

Subject to the views of other Ministers concerned, the Prime Minister is content for the telegram to issue.

The Foreign Secretary who was in the room while I discussed your draft with the Prime Minister, suggested that you might wish to consider amending paragraph 3(ii) of the draft telegram to read:-

> "As regards PII, the plaintiff continues to maintain that this applies to all the documents on the list. He has not therefore considered other possible lists of documents for discovery. As regards confidentiality, the documents on the present list do of course vary ....."

This would make it crystal clear to our Australian Counsel that we want to maintain the priority of our PII claim.

N.L. Wicks

3 December 1986

CONFIDENTIAL

RESTRICTED

F
Wyatt file

NOTE FOR THE FILE

The Peter Wyatt Case.

Lord Rothschild spoke to Nigel Wicks on the telephone at 1710 on Wednesday 3 December. Lord Rothschild asked that Mr Wicks take a record of what he was saying and then said:-

> "I have never had any discussions re security or intelligence matters with the Prime Minister in my flat or anywhere else."

Mr Wicks said it was difficult to speak on the 'phone, but asked if Lord Rothschild was absolutely sure about the words "or anywhere else".

Lord Rothschild said emphatically "Yes, with the Prime Minister". Mr Wicks asked him if he remembered anything else but Lord Rothschild said he did not know what Mr Wicks was talking about, he had had no discussions with the Prime Minister.

PAB

P.A. Bearpark

3 December 1986

MJ2CPK

CONFIDENTIAL

FROM: A D S GOODALL

DATE: 3 DECEMBER 1986

Private Secretary

cc:- Mr Battiscombe, PUSD
Sir J. Freeland

PETER WRIGHT CASE: PUBLIC INTEREST IN UNITY

1. I hesitate to offer a view on what seems to be a primarily legal question. But I wonder if, in hinting at readiness to shift our ground from the "class" claim of PII to one of confidentiality, we may not be undermining the cogency of the PII doctrine when we next come to need it in an English court. It is true that, in the Wright case, our PII claim appears to have been set aside because the judge has ruled that the criterion must be the Australian public interest rather than the British public interest; but I cannot help feeling, as a layman, that if this leads us to disclose documents which we regard as covered by British PII, this could weaken our position even in a British court.

Lon PII

2. The Secretary of State will know better than I if there is any force in this anxiety. It may in any case be right at least to keep open the possibility of limited disclosure on the basis of confidentiality at the present stage, even if it is unlikely that we shall want to take advantage of it. In that event, I would suggest amending 3(ii) of the draft telegram to read:

> "As regards PII, the plaintiff continues to maintain that this applies to all the documents on the list. He has not therefore considered other possible lists of documents for discovery. As regards confidentiality, the documents on the present list do of course vary ...."

3. This would make it crystal clear to our Australian Counsel that we want to maintain the priority of our PII claim - which seemed to be a principal concern of the Attorney General at yesterday's meeting.

David Goodall

A D S Goodall

CONFIDENTIAL

cc FCS

Prime Minister

Are you content with the telegram attached?

N.L.W
3.12

CONFIDENTIAL

B.07613

MR WICKS

Agreed NLW

Peter Wright Case: Discovery of Documents

Following Sir Robert Armstrong's further request for some latitude in what our team say about discovery during the appeal hearing starting tonight, the Home Secretary has decided not to hold a meeting of Ministers, or to seek to identify documents which might be discovered. The Home Secretary considers, however, that our people might be given a very small degree of latitude.

2. The attached draft telegram seeks to express this in the form of instructions to our team in Sydney. It is being shown to the Foreign and Commonwealth Secretary and to the Attorney General. Officials in the Law Officers' Department believe that the Attorney will be content. The wording of the draft telegram is also being cleared with the Home Office.

3. The telegram would need to issue this evening.

C L G Mallaby

3 December 1986

CONFIDENTIAL

TELEGRAM TO SYDNEY
IMMEDIATE
DESKBY 0320100Z

FOR ARMSTRONG FROM MALLABY

YOUR TELEGRAM NUMBER 17: PETER WRIGHT CASE: PUBLIC INTEREST IMMUNITY

The position remains that Ministers have not yet decided what documents if any could ultimately be discovered and with what deletions. But Ministers have further considered what might be said by Counsel on the matter during the appeal hearing, in the light of your telegram under reference.

2. Ministers recognise that:-

a. To reject outright the idea of a much shorter list of documents for discovery than Mr Justice Powell's could close off the possibility of an arrangement we could live with.

b. We should still be in a posiiton, if any indications of possible flexibility that we had given were very general ones, to appeal against any arrangement decided on by the Appeal Court.

3. In the appeal hearing, Counsel should be careful not to suggest willingness on the Government's part to discover any documents. But if Counsel judges that it would be advantageous to our interests in the hearing, he may draw on the following points:-

i. The list of documents for discovery presents, as it stands, all the difficulties concerning PII, confidentiality etc that the plaintiff has presented.

ii. The plaintiff has not considered other possible lists of documents for discovery. But the documents on the present

list do of course vary in their sensitivity, so that lists where confidentiality would present less difficulty are in principle conceivable.

4. If asked which documents present less (or more) difficulty, Counsel should say he has no instructions.

00.

PRIVY COUNCIL OFFICE

WHITEHALL. LONDON SW1A 2AT

3 December 1986

I think this is OK.

Dear Mark,

Attached is a revised version of the Lord Privy Seal's speech for the wind-up to today's debate on the security services.

I am copying this letter and the revised version to Stephen Boys-Smith and Trevor Woolley.

Yours,
Alison

ALISON SMITH
Private Secretary

Mark Addison Esq
10 Downing Street

/

WIND-UP SPEECH FOR DEBATE ON SPECIAL COMMISSION ON THE SECURITY SERVICES

INTRODUCTION

Mr Speaker, this has been a short debate but it has been one in which views have been expressed with vigour. It has shown that this House has an understanding of the uncongenial decisions that must lie at the heart of security matters. It has also been given a certain topicality since it proceeds against the background of the case presently continuing in Australia. The price of that topicality is, however, that I can make no comment on the Wright case itself while it is still proceeding. Instead I shall deal with what I believe is sought from the security service within this House and more generally, the suggestions that have been made as to how this might be achieved, and why I believe the present arrangements offer the best approach.

[pick up points which have been made during debate]

WHAT WE SEEK FROM THE SECURITY SERVICES

In all our debates on security matters, today no less than on previous occasions, the House has shown that there are two aspects of the security service on which it wishes to be satisfied. The first is effectiveness, which demands a certain secrecy, but the second is some form of Parliamentary accountability.

PREVIOUS PROPOSALS

The proposals we have discussed this evening represent variants of longstanding views, as a number of hon Members have mentioned. Back in 1963, for example, in the aftermath of the Profumo affair, there was the suggestion from the Opposition that there should be a Select Committee of this House to look into security matters. Similar propositions have been repeated in various forms over the years, particularly on occasions immediately after some breach of national security.

RESPONSE OF GOVERNMENT

What is noteworthy is, however, that no Government has felt it appropriate to share its responsibilities in these matters with such a body. The Select Committee which the then Leader of the Opposition, Lord Wilson of Rievaulx, urged on the Government in December 1963 was strikingly absent from his own revision of arrangements for the security services following the Bossard and Allen case in May 1965. Nor did the Government in which the Rt Hon Gentleman, the Member for Devonport, was Foreign Secretary at any stage seek to establish such a Committee. I do not make these points in any negative party political sense, however, since I believe that an impartial appraisal of the proposals before us leads one to their rejection.

PRESENT PROPOSALS

Various terms have been used to describe the Committee or Group which would have responsibilities in this area.

To some extent I believe these may have been misleading. Commentators have, for example, called for a "Select Committee", made up of members of this House, and perhaps of another place. I think it is clear from today's debate that the House itself does not seek a new Committee whose inquiries would be governed by the conventions which apply to Select Committees.

THE "PRIVY COUNCILLOR" FORM

Instead, the proposals we have heard this evening have been based on what I would call the "Privy Councillor" approach. This would involve a group of senior members of this House and of another place having privileged access to information not generally available. This information would enable the members of such a body to satisfy themselves as to the working of the security services. But they would not, of course, be able to publish its restricted information more widely. Such an arrangement would not, therefore, enable any but a few members of this place to know more about the way in which the security service operates.

But it has been argued that simply the existence of such a Committee would somehow reassure the House. The fact that the members of the Committee continued to serve would imply that the security services were working properly.

This would put the members of the Committee in an invidious position since they would be seen in some sense to be accountable to the House for the security services whilst having no executive power for them. If members of the Committee were not satisfied with what they had been told, it would of course, be open to them to withdraw from the Committee. But they would be inhibited from making known their grounds for dissatisfaction and such a step would, I believe, only be used in the most extreme circumstances and would not be appropriate for less serious differences between Government and the Committee, which might be more likely perhaps to arise.

MINISTERIAL ACCOUNTABILITY

I do not, therefore, believe that the Privy Councillor Committee would add significantly to the present arrangements for overseeing the security services. Indeed I believe it could damage them by blurring the lines of responsibility. The political responsibility for the security services must ultimately rest within the Government, which is answerable to this House. My Rt Hon Friend the Home Secretary has already referred to the accountability of Ministers to this House and this accountability is valid for the actions of the security services no less than other Ministerial responsibilities. The amount of information which can be made generally available in this area must necessarily be limited, and there may be occasions when the House cannot be informed as early as it would like. Nonetheless, the Government's responsibility to the House as a whole remains.

SECURITY COMMISSION

In addition, there is already a way of carrying out enquiries into the operations of the security services in certain circumstances. The Security Commission, which was appointed in 1964, has already been referred to today. Its task is to investigate and to report upon circumstances in which a breach of security is known to have occurred in the public service, if asked to do so by the Prime Minister.

In the light of this, it advises whether any change in security arrangements is either necessary or desirable.

It is made up of those who have experience and expertise in matters related to the security services and is chaired by a senior judge so that its independence may be assured.

In the past, it has carried out enquiries, for example, into the cases of Prime and of Bettaney. Given the way in which this Government has taken action on Security Commission recommendations, I believe the whole House will accept that the Security Commission is an effective way of making inquiries where necessary into the security services.

CONCLUSION

Discussion of the present arrangements will doubtless proceed beyond this evening's debate. What is of overriding importance in this is the continuing appreciation that the conduct of security must proceed in secret. That must be the basis of our consideration of arrangements to ensure accountability. I have indicated to the House what I believe to be the strengths of the present arrangements and the difficulties with the proposals we have heard today. I believe that there are two dangers if we seek to elaborate the handling of security matters.

The first is that by unduly widening the information generally available we prejudice the secrecy necessary for effective security service operations. The second is that by creating a new structure we blur the lines of responsibility and detract from the Government's central accountability to this House as a whole. My advice to the House, Mr Speaker, is therefore that we should be most cautious in considering a change to the present arrangements lest we create diversity without clear responsibility

02 XII 86

CF
NEA
I have passed
to Woolley
NW

Government Chief Whip

12 Downing Street, London SW1

Nigel Wicks
10 Downing Street

Dear Nigel

The Chief Whip has asked that the attached be passed on to you.

Yours ever,
Teresa.

(Teresa Rolleston)

3 December 1986

The Rt. Hon. Sir Bernard Braine, DL, MP

HOUSE OF COMMONS
LONDON SWIA OAA

Chief whip!
Pass to Nigel Wick

3rd December, 1986

Ack
to BB's office

Dear Miss Finlay,

Herewith the message as discussed by telephone this morning.

As I indicated, Sir Bernard is absent in Poland with a parliamentary delegation and the caller was adamant that, in his absence, I should pass this to an appropriate Member.

I am in no position to judge - perhaps it is best for the w.p.b.

Kind regards,

Kay Topham.

THE NATIONAL ARCHIVES

DEPARTMENT/SERIES Prem 19 PIECE/ITEM 1953 (one piece/item number)	Date and sign
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ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

01-405 7641 Extn

Prime Minister

Agree to drop the Irish claim for action; and to continue the English action for the time being?

N.L.W.
3.12

The Rt. Hon.Douglas Hurd CB. MP.
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1

3 December 1986

Dear Douglas

"ONE GIRL'S WAR" BY JOAN MILLER

The High Court in Dublin yesterday refused to grant our application for an injunction to restrain publication of Joan Miller's book in inter partes proceedings. I am enclosing a copy of the Judgment of Miss Justice Carroll.

You will see from the Judgment that it is founded entirely upon a provision of the Irish Constitution. Because there was no Irish public interest in overriding the Constitutional right to publish, the case fell.

I have sought the advice of our Irish lawyers on the prospects for an appeal. As you will see from the enclosed letter (which I have just received), they are far from optimistic. In my view, to lose the case on the basis of a particular provision of the Irish Constitution is the least unhelpful ground on which to fail. In bringing the proceedings we have confirmed our consistent enforcement of the duty of confidentiality of "insiders". In the light of the Judgment and of the advice of our Irish lawyers, I would advise against any appeal. A reversal in the Irish Supreme Court would attract further attention to the freedom to publish in the Republic. It might be based on less acceptable grounds than the Constitutional provision. If we were, however, to appeal, we should do so as soon as possible. The book has been on sale in Ireland since the ex parte injunction was lifted. Our prospects of success, which are not good in any event, decrease with any delay. A decision therefore needs to be taken during the course of this morning.

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You will recall that besides seeking an Injunction in these proceedings, we have made a claim for an account for profits. I will be pursuing further with our Irish lawyers whether this claim should be pursued. No decision on this needs to be taken for the moment.

Consideration will also need to be given to the implications the Irish Judgment may have on the English proceedings. I think it likely that the defendants will now apply to activate the inter partes proceedings. The Irish Court recognised that "the considerations which would move the Courts in the UK in this matter are different to the considerations here". I see no reason at present to discontinue the English proceedings. The Irish Judgment and the consequent sale of many copies of the book in the Republic may, however, have some influence on the English Court when our application is heard.

I am copying this letter to the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs, Sir Anthony Duff and Mr Mallaby.

CONFIDENTIAL

McCann FitzGerald Sutton Dudley

Solicitors

30 Upper Pembroke Street, Dublin 2. Telephone: (01) 765881/613433.
Telex: 93238. Facsimile 613409/789953 D.D.E. Box No. 31.

EEC Office. Regent Building. Boulevard Du Regent. 58 BTE 1 1000 Brussels.
Telephone Brussels 5117270. Telex Brussels 22067 (ATT MFSD)

Anthony Dudley
Brian J. O'Connor
Michael V. O'Mahony
Richard Rice
Fergus Armstrong
David Clarke
Gerald FitzGerald
Daire Hogan
Guy French
Finnbar Callanan
Henry Lappin
Michael Roche
Vincent Shannon
Michelle Linnane

Colin Keane
William Earley
Robert Burke
Petria McDonnell
Thomas O'Connor
Jane Marshall
Helen Collins
Gerald B. Sheedy
Ronan Molony
Mark Pearson
Lonan McDowell
Patricia Rickard-Clarke
Blathna Ruane

ASSOCIATES
Edwina Dunn
Mary Fenelon
Anne O'Higgins

CONSULTANTS
T. Michael Williams
Max W. Abrahamson
Brian McLoghlin
Terence de Vere White
Angela McCann

Our Ref: DC.HC.TL

Your Ref:

Date: 3 December 1986

Mr Michael Saunders
Attorney Generals Chambers
Royal Courts of Justice
Strand
London

Re :- HBM Attorney General .v. Brandon Book Publishers Limited

Dear Mr Saunders

You will by now have received copy of the unapproved transcript of the judgment of Carroll J delivered this morning, wherein she refused the Crown's application for an interlocutory injunction restraining the publication of Ms Miller's book. Since then, we have had several conversations with Mr Hoskar in which we have discussed our most appropriate course of action in the light of the judgment.

Our immediate concern must be with whether or not we ought appeal the interlocutory order to the Supreme Court. Technically, we are entitled to a period of twenty-one days from date of perfection of the order in which to appeal, and in the ordinary course, several days might now elapse before perfection. Both counsel and ourselves agree however that, in fact, if any convincing appeal were to be made, we would have to make application to the Supreme Court not later than at the sitting of that court this morning at 11 a.m., for either the immediate hearing of an appeal, or for a further ad interim injunction pending an appeal, which itself might be heard next week. Were we to delay such an application, we would undoubtly fail on appeal simply on the grounds that injunctive relief could no longer serve any useful purpose.

The judgment given is, we think clearly appealable on a number of grounds.

The judge determines in effect that in this matter, the Crown has no cause of action in Ireland. Her reasoning opens with an arguement as to constitutional rights which both counsel and ourselves find unconvincing, but also probably irrelevant. She distinguishes the House of Spring Gardens Case (the leading Irish authority on rights as to confidential information) on the grounds that this can only be said to operate in the commercial field. This may be a valid distinction, although it does not of course necessarily affect the contractual duties of confidence owed by an employee to an employer. The judge then cites an Australian authority which, from the given quotation, appears to determine that the confidential duties of a public servant towards his government are to be found by reference to the public interest or public policy, and that such public interest or policy would not justify restraint simply because an intended publication might lead to discussion or criticism of government action. The judge approves this Australian authority as a correct statement of law, and it is upon it that her decision really appears to rest.

For Carroll J. the principle established seems to be that because confidential obligations between public servants and their employers are to be governed by the public policy or interest of the states in which those servants are employed rather than by any form of private right, they cannot come within the exceptional cases for restraint allowed by the Constitution - Irish public policy being the only such policy coming within those constitutional exceptions. This seems deliberately to ignore the Crown's claims that Ms Miller's absolute duty of confidentiality arose as a necessary implication of her contract of service. The judge does refer to the judgment of Donaldson M R in the Observer Case, but choses to interpret that as indicating the application of public policy principles rather than contractual ones.

As to the substance of the Crown's cause of action therefore, our appeal might proceed first on the basis that the judge had misunderstood the nature of the rights of confidentiality existing as a matter of English law between the Crown and its servants, and further that she had misinterpreted the constitutional provisions as qualifying contractual or other rights which have never been considered to be so affected.

Our other major ground of complaint would be that the Court

has sought on an interlocutory application to determine against the plaintiff an obviously arguable question of law instead of determining simply whether the Crown has a reasonable case to be tried. The tests specified in the American Cyanamid Case have been approved in Ireland, and have been applied strictly, even where the arguement as between the parties has centered on legal issues, where it might otherwise be thought preferable having regard to the nature of the case and to the legal nature of the argument that such issues be dealt with at the interlocutory rather than at the trial stage. The relevant authorities were cited to the judge, but she does not appear to consider them, and perhaps attempts to forstall argument on the issues by determining that where important constitutional rights are at stake the balance of convenience must any way favour the defendant - an argument which of course presupposes that the constitutional rights are themselves clear.

Notwithstanding potential grounds of appeal however, our own and Counsel's view is that the Crown ought not appeal because, on balance, we believe it is unlikely to succeed. Apart from other issues, counsel perceives the unexpressed but underlining matters which are likely to have moved the judge. First, the almost commonly admitted facts that the contents of the book are both stale and trivial, coupled with an unwillingness in such circumstances to find for the benefit of a foreign government such an absolute duty of confidentiality as has not yet, at least, been found by an Irish court to exist for the benefit of the Irish government. Second, that if the Court were to allow relief to the Crown in this case, it could not properly refuse similar relief to any foreign government (however unpleasant its complexion) once it alleged similar terms of service for its public servants as those here alleged by the Crown. Whether or not these attitudes find expression among the judges of the Supreme Court, counsel has little doubt but that similar considerations, if no others, would move the Supreme Court to uphold the order of the judge at first instance, even if on differently expressed grounds. We think that it is probably fair to say that we would always have been concerned about the potential attitude of the Supreme Court (and in particular the attitudes of one or two of its members) towards this claim if it came before them at any stage, but where as here, it came before them after a refusal at first instance, we might find ourselves given a particularly unpleasant ride. It has to be said, on the other hand that if we do not seek to overturn Carroll J's decision, then it will be an authority quotable against us at trial, but even assuming a trial to be contemplated, we would prefer to face that difficulty then to run the very real risk of having at the trial to deal with both the unfavourable decision of Carroll J and perhaps a better reasoned but equally unfavourable decision from the Supreme Court.

As matters stand, the Crown remain entitled to go forward with its claim for an account of profits, but subject to policy considerations, counsel's own view is that it might be tactically preferable to abandon even that at this stage on the grounds that, on balance, we are at least as likely to fail as we are to succeed, and that we could now execute a relatively graceful withdrawal excusing ourselves on the grounds that the actual lack of importance of the book did not justify further argument over the principle. Perhaps more satisfactorily, and taking cue from the statement already agreed, it might be said that having regard to the lack of importance of the book, it would be inappropriate to argue for the enforcement of the Crown's rights where the Irish Courts were obviously concerned that such enforcement in the circumstances presented constitutional difficulties. We do not however have to make an immediate decision as to the disposal of the case, and counsel suggests that he should provide a written opinion on the point.

We will obviously be glad to be of any further help that we can, and we look forward to hearing from you very urgently.

Yours sincerely

DAVID CLARKE
McCANN FITZGERALD SUTTON DUDLEY

Unrevised

1986 No. 11243P

THE HIGH COURT

BETWEEN:

THE ATTORNEY GENERAL FOR ENGLAND AND WALES

Plaintiff

and

BRANDON BOOK PUBLISHERS LIMITED

Defendant

Judgment of Miss Justice Carroll delivered the 2nd day of December 1986

The Plaintiff has come to Court seeking to restrain the publication of a book written by a deceased member of the British Secret Service, which I have read overnight.

This case is based solely on the principle of confidentiality as no considerations of public interest arise in this jurisdiction. The Plaintiff claims that the confidentiality derives from the employment of the authoress.

Any consideration of the question of preventing publication of material of public interest must be viewed in the light of the Constitution. Article 40 (6) (1) guarantees liberty for the exercise of the right of citizens to express freely their convictions and opinions subject to public order and morality. In the expansion of that, the article refers to the organs of public opinion preserving their rightful ~~for~~ liberty of expression provided it is not used to undermine public order or morality or the authority of the State. There is no question of public order or morality or the authority of the State being undermined here. Therefore in my opinion there is, prima facie, a constitutional right to publish information and the onus rests on the Plaintiff to establish, in the context of an interlocutory application, that the constitutional right of the Defendant

should not be exercised.

Counsel for the Plaintiff has referred to House of Spring Gardens Limited and Others .v. Point Blank Limited and Others (1984 I.R. 611). The judgment of Costello J. was cited with approval by O'Higgins C.J. at page 696. The principles which he formulated were based on a consideration of a number of cases, all of which concerned obligations of confidence between private parties, e.g. privately printed etchings, a secret recipe for compounding medicine, copyright in drawings for tools, information about folding buildings, information about a Swiss patent, information about a carpet grip, a private report by a Public Relations Consultant to the Greek Government and information communicated by inventors in the course of business negotiations. All of these instances in which the Court came to the protection of the imparter of information had a private or an industrial or trade setting.

Costello J. himself says in the quotation set out at page 696 that he formulates the principles"which I think should be applied in a case like the present one",i.e. the protection of secret trade information. He talks of the degree of skill, time and labour involved in compiling the information, which puts it in a trade setting and has no parallel with the present case.

McCarthy J. makes the observation at page 709 that the obligations of secrecy while enforced by equitable principles depend more upon commercial necessity than moral duty.

This reinforces my view that what was at issue and what was laid down in the House of Spring Gardens case were the principles to be applied between private individuals in a commercial context.

I accept that communications between husband and wife

would also be protected on different grounds, as in Argyle .v. Argyle (1967 1 Chancery 302). That is a completely separate category which has no relevance here.

The publication which is sought to be prevented here is not a private confidence or trade information but information shared between a Government and a private individual. It seems to me that a distinction can and should be drawn between a Government and a private person. This was considered in the Australian case Commonwealth of Australia .v. John Fairfax and Sons Limited 147 C.L.R. 39. At page 51 Mr. Justice Mason says as follows:-

"The equitable principle has been fashioned to protect the personal private and proprietary rights of the citizen not to protect the very different interests of the executive Government. It acts, or is supposed to act, not according to standards of private interest, but in the public interest. This is not to say that equity will not protect information in the hands of the Government, but it is to say that when equity protects Government information it will look at the matter through different spectacles. It may be a sufficient detriment to the citizen that disclosure of information relating to his affairs will expose his actions to public discussion and criticism. But it can scarcely be a relevant detriment to the Government that publication of material concerning its actions will merely expose it to public discussions and criticism. It is unacceptable in our democratic society that there should be a restraint on the publication of information relating to Government when the only vice of that information is that it enables the public to discuss

"review and criticise Government action.

Accordingly the Court will determine the Government's claim to confidentiality by reference to the public interest. Unless disclosure is likely to injure the public interest, it will not be protected."

I consider that that correctly states the law. Mr. Justice Mason was talking there in the context of the Government of Australia asking the Courts of Australia to restrain publication where the question of public interest did arise and which would arise here if the Government of Ireland were the Plaintiff. But here the Plaintiff is the representative of a Foreign Government. There is no question of the public interest of this State being affected. The considerations which would move the Courts in the United Kingdom in this matter are different to the considerations here. It is for this reason that the case of the Attorney General .v. The Observer Limited and Others and the Attorney General .v. Guardian Newspapers Limited and Others (Court of Appeal, unreported, the 25th July 1986) is not in point. There conflicting public interests had to be weighed. In his judgment at page 17 Sir John Donaldson Master of the Rolès says:

"Where there is confidentiality, the public interest in its maintenance has to be overborne by a countervailing public interest if publication is not to be restrained. In some cases the weight of the public interest in the maintenance of the confidentiality will be small and the weight of the public interest in publication will be great. But in weighing these countervailing public interests or perhaps more accurately those countervailing aspects of a single

"public interest, both the nature and circumstance of the confidentiality and the nature and circumstance of the proposed publication have to be examined with considerable care."

Those considerations do not apply here. The considerations which do apply are:

(a) the Defendant has a constitutional right to publish information which does not involve any breach on part of the copyright

(b) the public interest in this jurisdiction is not affected by the publication

(c) there is no breach of confidentiality in a private or commercial setting and

(d) there is no absolute confidentiality where the parties are a Government and a private individual.

Therefore it appears to me that no cause of action has been shown. ~~Therefore~~ In the context of this case the issue to be tried is whether there is a cause of action or not.

In those circumstances I have no doubt that the balance of convenience must lie with the right of the Defendant to exercise its constitutional right to publish. The exercise of a constitutional right cannot be measured in terms of money: is at stake is the very important constitutional right to communicate now and not in a year or more when the case has worked its way through the Courts.

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SLH (06)

file

10 DOWNING STREET

From the Principal Private Secretary

3 December 1986

Dear Michael,

"ONE GIRL'S WAR" BY JOAN MILLER

The Prime Minister has seen the letter which the Solicitor General sent today to the Home Secretary about the proceedings regarding Joan Miller's book.

As I told Juliet Wheldon on the telephone this morning the Prime Minister agrees with the course of action proposed by the Solicitor General. That is, we should not appeal in the Irish courts against Miss Justice Carroll's judgement refusing our application for an injunction to restrain publication of this book; we should pursue further with our Irish lawyers whether we have a claim for an account for profits; and we should continue for the time being the English proceedings.

I am sending a copy of this letter to Stephen Boys Smith (Home Office), Tony Galsworthy (Foreign and Commonwealth Office), Sir Antony Duff and Mr. Mallaby.

Yours sincerely,
Nigel Wicks

N L WICKS

Michael Saunders, Esq.,
Law Officers' Department

CONFIDENTIAL

JB

10 DOWNING STREET

Prime Minister

CABINET

You may wish to ask the Home Secretary tomorrow to give a brief report* on the Wright case. He would be ready to do so. Apparently some Cabinet Ministers have

* under Parliamentary & Home Affairs

asked him.

N. L. W

3.12.

(4)

10 DOWNING STREET

Prime Minister

Two quite
revealing documents.

CDP
2/xii

Yours ever

"FREEDOM AND THE SECURITY SERVICES"

Freedom and the Security Services is the title of a discussion document produced by the Security Services Study Group of the Home Policy Committee of the National Executive Committee of the Labour Party. As its title implies, it purports to be much concerned with "freedom", which it seeks to promote by "democratic accountability". A subsidiary concern is for the public image of the Security Services themselves which are defined as MI5, MI6, GCHQ, the Special Branch and "other agencies" such as the Defence Intelligence Staff. The last sentence of the document epitomises the Study Group's laudable intentions. "It is our belief that only by establishing clear lines of accountability will those who are charged with the difficult and sensitive task of protecting our freedom be able to enjoy greater public acceptance and respect than is now the case". Since the originators of the document have been mainly responsible for any lack of "public acceptance and respect", their motives are open to question. Indeed there are indications, amounting to evidence, that they have been much less worried by alleged threats to freedom than by what they conceive to be impediments to the creation of a socialist state by revolutionary means. As BETTY MATTHEWS, doyenne of CPGB theoreticians, told a recent conference in Prague on Lenin's "concept of hegemony in the on-going class struggle" (World Marxist Review April 1983) ". . . the state apparatus [in Britain] is used for deterring, weakening and curbing the working class, its organisations and the trade union movement. This takes the form of laws to control the trade unions and, in particular, to curb wages. Significant changes have taken place in the police and the army, aimed at strengthening the coercive apparatuses in order to cope with present and future unrest". She continued that "the objective of democratic struggle" as laid down in the CPGB's programme is to "change the structure of power relationship through the transformation of some state institutions to make them serve the power of the working class". The evidence that this is precisely what has prompted the authors of Freedom and the Security Services is threefold, viz. : -

I. What the document says and what it fails to say.

II. The political associations and antecedents of the Group's main witnesses.

III. The composition of the Group itself.

I. What the document says and what it fails to say.

In the introduction to the document it is said that "There is considerable evidence that large sections of the Security Services have a fundamentally anti-socialist outlook; we are unable to accept that the Security Services as presently [meaning "now"] constituted and directed, act, as is their duty, in the interests of the nation as a whole." There is also evidence says the document that "Security Services have used information gathered, at home and abroad, to influence thinking about political issues in Britain . . . they have tried . . . to portray many of those supporting social change, in this country or abroad, as the witting or unwitting tools of the Soviet Union" and they have "exaggerated the threat of the Soviet bloc and emphasised the good intentions of the West", including of course those of their own country. The document goes on to allege that "Links have been created between the Intelligence Services and openly right-wing campaigning and research organisations" and that "there is extensive surveillance, recorded on computerised secret files, of a wide range of people, beliefs and activities extending far beyond any possible threat to our security".

"The wide range of people" to whom the document refers includes "those who are active within the labour movement, especially socialists . . . who wish by democratic means to change the status quo", "active trade unionists", "socialists and activists", "those who campaign for peace or establish and maintain personal communications with people in countries branded as potential enemies" and members "of well- known and long discredited Cold War Soviet fronts" of which, however, no examples (such as the World Peace Council?) are given. Obsessed, as all Communists are, with the fate of the Allende regime in Chile, the group fears or affects to fear that the Security Services could be used for a similar purpose in this country.

Leaving aside the question of whether there is any foundation to these charges, the document betrays the motives of its authors by failing to mention why the Security Service has had to take an interest in "those supporting social change, in this country or abroad" who may have been "witting or unwitting tools of the Soviet Union".

Any paper which had any pretensions to authority and to a genuine preoccupation with the interests of the country "as a whole" — not just, as the document later lets slip, "the national interests of British working people" (whoever they may be) — would surely have given an account of the reasons which led a Labour Government to take measures to protect the country from espionage and subversion by people and organisations whose first loyalty was to the Soviet Union and International Socialism. And here it is worth recalling the statement that the Prime Minister, Clement Attlee, made to the House of Commons on the afternoon of 16 March 1948. He said: -

"In answer to questions on the subject of the transfer or dismissal of certain Government servants, I have said that there are certain duties of such secrecy that the State is not justified in employing in connection with them anyone whose reliability is in doubt.

"Experience, both in this country and elsewhere, has shown that membership of, and other forms of continuing association with the Communist Party may involve the acceptance by the individual of a loyalty which in certain circumstances can be inimical to the State . . .

"The Government have therefore reached the conclusion that the only prudent course to adopt is to ensure that no one who is known to be a member of the Communist Party or to be associated with it in such a way as to raise legitimate doubts about his or her reliability, is employed in connection with work the nature of which is vital to the security of the State."

Just over a week later on 25 March the Prime Minister made a further statement to the House of Commons in which he said, inter alia: -

"They could not change the pattern of Communist methods all over the world. They had seen one country after another go down [Czechoslovakia had just fallen to a Communist coup. BB comment]. They had the vivid illustration of the Canadian case [the Gouzenko revelations. BB comment], in which the innocent person — in the impressive language of the report of the Russian Secret Service — was brought into the net, dragged in a little way first, until he was too hopelessly enmeshed and his loyalty undermined. They had to meet this sapping from within, and it was the duty of any Government to take action. There were not only these classes of Communists and Fascists. There were the crypto-Communists. A question was asked whether there would be a list of bands and organisations. Anyone with experience of Communist activities over the years would know the number of disguises in which Communists appeared, with a whole litter of 'friends of various countries' — that was the general title. [Our underlining] One could not lay down anything as simple as that. . . There was a prima facie case against members of Communist and Fascist organisations that they had divided loyalties. Far more difficult were the instances where the person was not actually a member." [Our underlining]

(The Times 16 and 27 March 1948)

If Attlee's statements make a good text for BB sermonisings, they are not even mentioned by the Study Group. Nor is there any reference to the Report to Parliament in 1956 of the Conference of Privy Councillors on Security. According to this report "the chief risks are presented by Communists and other persons who for one reason or another are subject to Communist influence. The Communist faith overrides a man's normal loyalties to his country and induces the belief that it is justifiable to hand over secret information to the Communist Party or to a Communist foreign power. This risk from Communists is not, however, confined to members of the Party, either open or underground, but extends to sympathisers with Communism". The report stated further that "one of the chief problems of security today is to identify members of the British Communist Party, to be informed of its activities and to identify that wider body of those who are both sympathetic to Communism and susceptible to Communist pressure and present a danger to security". That this statement was well-founded is demonstrated not only by the cases of BURGESS and MACLEAN but by those of KLAUS FUCHS, of ALAN NUNN MAY, of the FLOUD brothers and of CAIRNCROSS, all of whom worked for the Russian Intelligence Service in the interests of International Socialism but who are not mentioned by the Study Group. BLUNT's name appears not as a Communist and a Soviet spy but as "evidence" of the alleged "unaccountability" of the Security Service. PHILBY is mentioned only in order to discredit the D notices system and BURGESS and MACLEAN are mentioned merely to demonstrate the "arbitrary restrictions" on the release of public records. There is not even a passing reference to the numerous other well-authenticated cases of Russian and Soviet Bloc espionage activity since the Security Service was charged with measures to counter it.

These measures have included the barring from employment in posts giving access to classified information of people whose loyalty may be suspect. The vetting procedure attracts criticism from the Study Group on three counts. First, "union negotiators" who are vetted "can be refused entry into defence and other high security establishments" which would "obviously hinder effective representation or potential industrial action". Second, some Civil Servants "are so carefully screened in advance", that "they are the last people who would cooperate in industrial action" and third, "left-wing socialists are likely to be as antagonistic to the Soviet Bloc as many in the Western Alliance". It is understandable that such objections would be raised by those who are prepared to use industrial action for political and revolutionary purposes in organisations responsible for the security of the state.

II. The political associations and antecedents of the group's main witnesses.

According to the foreword to the discussion document contributed by JIM MORTIMER, much of the basis of the study of the Security Services was provided by ROBIN COOK MP and the written works of TONY BUNYAN and DUNCAN CAMPBELL. COOK and CAMPBELL were also members of the Study Group.

ROBIN COOK is well-known for his sustained criticisms of the Security Service and for the Bill he sponsored with the object, as he said, of "clipping the wings of MI5". Less well-known is his support since its inception in 1977 of the group which produces the bi-monthly magazine State Research and an annual Review of Security and the State. The State Research Group claims to be "an independent group of investigators collecting and publishing information from public sources on developments in state policy, particularly in the fields of policing, internal security and espionage. It is also concerned with the links between the agencies in these fields and business, the Right, and para-military organisations".

The head of the group until he became in 1981 Head of the Research Department of the GLC's Police Committee was TONY BUNYAN, who is well-known to BB readers. BUNYAN began his political career as a sociology student at the Polytechnic of North London at a time when it was a hot bed of revolution, which has been immortalised in Lady Cox's Rape of Reason. He was at the same time a reporter on Time Out and lived with a colleague on that magazine, PHIL KELLY (see below). BUNYAN later became News Editor of Time Out, which in the mid-70s was publishing a series of anti-Western intelligence articles inspired by the CIA traitor PHILIP AGEE (BB 12/81). The articles were written by, among others, KELLY, DUNCAN CAMPBELL (see below), CRISPIN AUBREY and AGEE's American confederate MARK HOSENBALL, who published the names of CIA agents in London and revealed information about GCHQ. AUBREY was one of the three prosecuted under the Official Secrets Act in what was known as the ABC trial. His book on the trial Who's Watching You? was published by Penguin in 1981 and is used, as is Time Out, as a source by the Study Group. AGEE and HOSENBALL (who now writes for the Sunday Times) were both deported by the Labour Home Secretary Merlyn Rees, who was later censured in the House of Commons by ROBIN COOK and others. A committee set up to defend the two Americans included among its members BUNYAN and KELLY, who wrote articles "analysing the deportation cases and the sinister political forces behind them". These articles appeared in the Leveller magazine which has often been quoted by BB and which the Study Group also quote as a source and on which we comment below. BUNYAN is the author of The Political Police in Britain (Friedmann 1976), the vade mecum of those who wish to dismantle the state security apparatus. This he represents as an instrument of capitalist repression, wielded with ever

increasing vigour, a view which BETTY MATTHEWS echoed at Prague and which has long been the received wisdom of the CPGB. BUNYAN's book was praised in fulsome terms by PHILIP AGEE, who described him as a journalist who is not afraid to "dig up the truth about the real subversives". These are listed by the Study Group as "the City of London, the banks, currency speculators, company directors and managers or activists within the Conservative Party".

BUNYAN's collaborators in producing State Research and the Reviews of Security and the State have included PHIL KELLY, MARTIN KETTLE, a contributor to the CPGB's Marxism Today and now a journalist on the Sunday Times, BRENDA KIRSCH of the CPGB and the Labour Research Department (BB 11/82 p. 15 and passim), KAREN MARGOLIS co-author of The Technology of Political Control and a member of IMG (now Socialist League), SARAH SPENCER, Editor of the NCCL's magazine Rights, SHELLEY CHARLESWORTH, a contributor to Marxism Today, PHIL SCRATON a contributor to Rights, NICK ANNING, a contributor to Labour Herald and ROBERT SPICER, author of Conspiracy, published by the Communist publishers Lawrence & Wishart (BB 5/82 pp. 8 and 9). E.P. THOMPSON contributed an introduction to the first Review of Security and the State (1978) and TONY BENN wrote the introduction to the second Review which appeared in December 1980. The Morning Star (10 December) quoted him as saying that MI5 and MI6 were the "praetorian guard of the existing order . . . They are destructors of our liberties instead of defending all our liberties", etc. etc.

The Leveller, with which BUNYAN, CAMPBELL, AUBREY and others were associated, when it was founded in February 1976, set out to be "an investigative and politically radical magazine" which would examine "the wheeling and dealing of finance and industry, the machinations of the law, the plans of the military and the manoeuvres of the state". It would report "what is important to the Left". An example of what was "important to the Left" was the publication by the Leveller of extracts from two official documents, Security Handbook and A Guide for Representatives of the Establishment (sic). Izvestya's correspondent in London was inspired to write a despatch in which he said that the documents which had been "kept in secrecy until the left-wing journal Leveller published excerpts from them on 7th January (1980) showed how the bourgeois state has continued its assault upon the rights and liberties of the citizens at such a rate that Britain of today is, in this field, probably second to no other Western European country".

The 78 founding subscribers to the Leveller included besides AUBREY, TIM GOPSILL, Secretary of the AGEE-HOSENBALL Defence Committee and now Secretary of the

Free Lance Branch of London National Union of Journalists and a contributor to Free Press, STUART HALL, CHRIS MULLIN, DARCUS HOWE (all well-known to BB readers), AIDAN WHITE of the Guardian, the AGEE-HOSENBALL and ABC Defence Committees, a leading light in the so-called Campaign for Press Freedom and a contributor to Marxism Today, and MARTIN WALKER of the Guardian who collaborated with AGEE. In July 1982 the Leveller published an appeal for £5,000 to help buy new printing equipment and to help finance a move from 57 Caledonian Road, London N1, the address of the publishers of a book by AGEE and another American LOUIS WOLF on Dirty Work Too: the CIA in Africa. The sponsors of the appeal included TONY BENN, BRUCE KENT, KEN LIVINGSTONE, FRANK ALLAUN MP, DENNIS SKINNER MP, PETER HAIN, RUSSELL PROFITT, HILARY WAINWRIGHT (BB 6/82 p. 20 and passim), FENNER BROCKWAY, ANNA COOTE and GERRY ADAMS.

In addition to COOK, BUNYAN and CAMPBELL other major witnesses and sources included: -

GERRY GILLMAN, General Secretary of the Society of Civil and Public Servants (BB 1/83 pp 13 and 16), who told the group he suspected his union's telephones had been tapped.

BEN RUBNER, General Secretary of the Furniture, Timber and Allied Trades Union (FTAT) (BB 8-9/82 pp 3 and 4), who also thought his union's telephones had been tapped.

N.B. In the Index for June-December 1982 RUBNER's first name was given incorrectly as "BILL".

JACK DROMEY (BB 2/83 and passim) "who confirmed in his evidence . . . that the Grunwick Strike Committee had had its telephone tapped".

DOUG GRIEVE, General Secretary of the Tobacco Workers Union (BB 8-9/82 pp 4 and 21). GRIEVE's statement when moving a resolution on the Special Branch at the 1979 Trades Union Congress was quoted as follows: -

> "It is the same attitude of the state that regards trades unionism in general as a potential threat; and, in consequence, instructs a sizeable number of police, organised in the Special Branch, to spy upon trades unionists who are engaged in wholly legal activities. Indeed it is very regrettable

> that because successive governments, Labour and Tory, have denied police their basic human right of joining a trade union that representatives of the police are not present at Congress today, and not able to contribute to this debate".

It is worth noting that one of the recommendations of the Study Group is that "Special Branch officers like all other police ranks should be enabled to join the trade union of their choice" an important item in the CPGB's programme The British Road to Socialism (p. 41).

A major NON-witness was Sir Harold Wilson who to the Group's regret "did not see fit to talk" to it about MI6.

III. The composition of the Study Group.

JO RICHARDSON MP (Chairman) (BB 6/82 p. 9 and passim).

PETER ARCHER MP.

ANDREW BENNETT MP (BB 12/82 p. 9 and below).

DUNCAN CAMPBELL (BB 7/82 pp 4 and 11 and passim). CAMPBELL has written numerous articles in the New Statesman in which he has revealed "secrets" of British intelligence activity and for which he received the Cobden Trust Award for Literature. On 15 February 1980 the Morning Star, reporting the creation of the Labour Party's Study Group, quoted CAMPBELL as saying that he thought "a small number of MPs probably had their phones tapped — about ten at any one time". CAMPBELL was one of the contributors to a book Policing the Police, edited by PETER HAIN. LIVINGSTONE's Labour Herald (4 September 1981) recommended the book to "anyone who still thinks that the police . . . are capable of impartially playing referee and holding the ring for decent upright citizens to go about their lawful business in freedom and security". The two other contributors were MARTIN KETTLE and JOANNA ROLLO of the Socialist Workers Party. In an interview with Labour Herald (13 November 1981) CAMPBELL said "the law is not neutral and no one on the left should imagine that it is so. Nor are the police neutral in their enforcement of the legal regime as it is". CAMPBELL is now Civil Defence Adviser to the GLC for which or for whom he is well-qualified. Among his many contributions to the denigration of British defence organisations was "background

research and information" for an article by the well-known anarchist STUART CHRISTIE, published by the Leveller (5 February 1982) and in the 1982 Cienfuegos Press Anarchists Review (May 1982).

BOB CRYER MP (BB 11/82 p. 10 and passim).

ROBIN COOK MP (see above).

IAN FAIRLEY (TUC), who seems to be an odd man out in the Study Group.

DOUG GRIEVE (see above).

JOHN GRIFFITH. Presumably this is the Professor of Public Law at the London School of Economics, regarded by his peers as a harmlessly eccentric amateur poet. (BB 10/81 p. 3).

MICHAEL FOOT MP (BB 12/82 p. 6 and passim).

BRUCE GEORGE MP. Sponsor of an amendment to the Armed Forces Bill designed to "end the ban on lesbian and gay relationships in the services except in circumstances where heterosexual relationships would also be outlawed" (Morning Star 16 April 1981).

PETER HAIN (BB 3/83 p. 21 and passim).

ROY HATTERSLEY MP.

JUDITH HART MP (BB 4/83 p. 20 and passim).

ERIC HEFFER MP (BB 3/83 p. 14 and passim).

PATRICIA HEWITT (BB 4/83 pp 17 and 18 and passim).

ALEX LYON MP, Chairman of the Labour Campaign for Criminal Justice of which HARRIET HARMAN MP, formerly of the NCCL, was Secretary in 1981.

PHIL KELLY (see above and BB 12/81 p. 18). KELLY is on the staff of MULLIN's reorientated Tribune.

MICHAEL MEACHER MP (BB 3/83 p. 19 and passim). It is worth noting that the Labour Coordinating Committee in which MEACHER is prominent operates from No. 9 Poland Street, London W1, the building owned by the Rowntree Trust which houses State Research and several other organisations devoted to "civil liberties", financed by the Trust.

JOHN McWILLIAM MP (see below).

ANDY NICHOL (sic). "NICHOL" is presumably ANDREW NICHOLL, a lecturer in law at the London School of Economics who drafted ROBIN COOK's Bill "designed to clip the wings of MI5". NICHOLL is apparently a member of the Outer Circle Policy Unit, which The Times (29 February 1980) described as a "small think tank funded by the Rowntree Trust".

MARTIN KETTLE (BB 4/83 p. 18 and passim and above).

CHRIS PRICE MP (BB 4/82 pp 18 and 20). PRICE, who now writes for the New Statesman, wrote as follows in the Leveller (17 April - 1 May 1981) on the subject of "phone taps": -

> "It was largely due to the Post Office Engineering Union (POEU) that the recent debate [on "phone taps"] was stimulated. BRIAN [sic] STANLEY, the General Secretary, [and one of the Group's main witnesses] made a speech at Labour Party Conference two and a half years ago complaining of the distasteful job his members had to do: last year the union produced a pamphlet Tapping Your Telephone, indicating the extent of illegal tapping; and one of its three MPs in the Commons JOHN McWILLIAM [see above], moved the amendment in the Standing Committee. If the Select Committee [on Home Affairs] fails to get the Home Office to come up with some legal safeguards, the Bill will be back in the union's hands to force by some sort of direct action, this supposed 'law and order' government to put a bit of law and order into telephone tapping".

DENNIS SKINNER MP (BB 12/81 p. 20 and passim).

E.P. THOMPSON (BB 1/83 pp 6, 8 and passim — and above).

PHILIP WHITEHEAD MP, another odd man out?

BB 5/84

BETTANEYCAL REVERBERATIONS

Two Guardian journalists, IAN BLACK and NICK DAVIES, wrote letters to the Editors of Communist publications including Communist Focus (February) and Socialist Organiser (9 February), announcing that they were "trying to research a series of articles about the activities of the Special Branch and the Security Service, MI5, particularly in relation to domestic politics, trades unions, pressure groups, etc. Our experience is that many individuals and organisations have come across these people in some way or another; questions being asked, mail going astray, even physical surveillance". The two journalists invited potential informants to write to them, preferably giving their telephone number so that they could be contacted quickly. The Morning Star (9 February), which doubtless had received a similar letter, was, in view of the Guardian's behaviour over SARAH TISDALL, inclined to think that giving it the kind of information it sought might be a "risky affair". BLACK and DAVIES duly reported their findings in the Guardian for 17, 18 and 19 April. Linking the articles to the prosecution of BETTANEY, the authors went out of their way to represent the Security Service as an illegal threat to civil liberties. "The service, often with the help of the police Special Branches, collects information on members of political groups of the left and right, on peace campaigners and trade unionists. Some of the methods employed are outside the law. This investigation by NICK DAVIES and IAN BLACK shows how such activities represent an assault on the civil liberties of ordinary citizens . . . We concentrated not on the service's legitimate and widely accepted operations against the Soviet block, but on the large and growing and sometimes illegal surveillance of domestic targets . . . Our inquiry has focused on the side of MI5's work which often infringes civil liberties".

BLACK and DAVIES seem to have been successful in their appeal for information and it would be interesting to know how much of it was contributed by readers of the Communist press and whether it included anything emanating from BETTANEY. The Morning Star (23 April) reported that he had "spilled the beans", some of which the Star picked up. His "revelations" and the stories about his alleged "Nazi" behaviour at Oxford have enabled the Communist press to have a go at the Security Service. Socialist Worker (14 April), Tribune (20 April), Socialist Organiser (19 April) — "Free Bettaney!", PAUL FOOT in Socialist Worker (28 April) on "The Fascist who spied for Russia" and Socialist Action (27 April) — "MI5 - organiser of frame-ups and murders" are some of the items noticed by BB.

BB 3/85

THE MASSITER FILE

BB is not concerned with the allegations Ms. MASSITER has made about MI5 but with the motives, in so far as they are ascertainable, of those, including herself, who made the film "MI5's Official Secrets".

LARRY GOSTIN, General Secretary of the National Council of Civil Liberties (NCCL), in a letter to the Guardian (27 Feb) stated that "NCCL has a special interest in this

programme [MI5's Official Secrets]. We have been assisting its producers — CLAUDIA MILNE and GEOFFREY SEED — for the past nine months; and we are a civil liberties organisation whose civil liberties have been seriously infringed". The infringement, of which he complains in his letter, apparently consisted of inquiries said to have been made about the leadership and officials of the NCCL. In the programme itself he said "It angers me — it outrages me to think that that would happen. It's, it just seems so outlandish — for, um, government or security services or police to actually think that a voluntary organisation like NCCL is a threat to anyone".

GOSTIN's sense of outrage would appear to be somewhat exaggerated in view of the fact that he and his confederates were at perfect liberty to spend nine months working on a film which was highly critical of organisations, allegedly guilty of "seriously infringing" the NCCL's "civil liberties". As for GOSTIN's contention that the NCCL is not a threat to anyone, the mere fact that it should spend so much time in attacking organisations whose business is the security of the state shows that this is not true. NCCL is a threat, not because it is exclusively concerned with "civil liberties" but because it is and always has been under the influence of Communists and their sympathisers. They are concerned not to preserve "civil liberties" but with exactly the opposite. Their aim is to destroy a state system, where "civil liberties" are preserved, and to replace it with one in which they will be extinguished. The film commentator (HUGO YOUNG) who said that "The NCCL is a non-party group with moderate left wing origins that's championed the defence of civil liberties in Britain for 50 years", was either ignorant of the facts or, for some ulterior motive, telling less than the truth.

BB has in the past provided a good deal of information about the extent of Communist influence in the NCCL. Its current chairman is BILL BIRTLES, the husband of PATRICIA HEWITT, former General Secretary of the NCCL and now NEIL KINNOCK's Press Secretary. According to the film, "MI5 opened a file on her because of her close association with somebody who was at the time a member of the Communist Party". This was BILL BIRTLES, who left the Communist Party to join the Labour Party preparatory to his election as a Camden Labour Councillor in 1981. That his switch of parties had little to do with his loyalties was demonstrated when, in January 1984, he bought £100 shares in the Morning Star.

As for Mrs. BIRTLES (alias Ms. HEWITT), she, like GOSTIN, has given vent to her indignation in the Guardian (9 March). She was reminded that the NCCL was, in the 70s "a kind of reception centre for terrorist suspects, illegal immigrants, militant

trade unionists and radical journalists" and she was asked whether that "wasn't enough to make even the Labour government foam at the mouth". She agreed that this was so but maintained that "an awful lot of NCCL's work had no political connotations". That may be so but it doesn't alter the fact that, as she acknowledged later in the article, "it is absolutely valid for a civil liberties campaigner to want to work on the other side of the fence. Ultimately the purpose is the same — to try and use political power for political change".

In our last issue we noted (p. 17) the Morning Star's opinion of the NCCL's interim report on the policing of the miners' strike. It will be no surprise to our readers to hear that the NCCL Executive have rejected it by eleven votes to five. They considered that "the inquiry exceeded its terms of reference in commenting on the conduct of striking and working miners and in setting out civil liberty principles which did not strictly relate to the role of the police, police authority and criminal courts" (e.g., the right to "scab"). It will be interesting to see whether the Executive's decision will be endorsed at the NCCL's AGM next month (Labour Weekly 8 March 1985).

HARRIET HARMAN, the other former NCCL official, allegedly the subject of MI5 inquiry, has also been loud in her complaints in and out of parliament. In an article in Labour Weekly (15 March) she has demanded "a much tighter delineation of the security services activity. If you are not engaged in criminality, the security services should not snoop on you . . . And the real subversives are governments who, in the name of democracy, stamp on our democratic rights".

If the concern of NCCL, in the persons of GOSTIN, HEWITT and HARMAN, for "our democratic rights" may ring somewhat hollow, how about the others mainly concerned in the production of the film? Of the two ex-MI5 employees on whose allegations the film mainly depended, the identity of only one, Ms. CATHY MASSITER, has been revealed. She too has insisted that she was worried by what she considered to be infringements of people's rights. But was that all? The Daily Mail (23 February) produced information that suggested that it was not. In June 1984 she wrote a letter to New Society supporting an article, also in New Society (31 May 1984), by a former female colleague in MI5, MIRANDA INGRAM, on the BETTANEY case. Ms. INGRAM had concluded that "MI5 is one of its own threats to national security and must accept some of the blame in the Bettaney case". This seems to have been because, in her view, MI5 was not "truly representative of the British people" and, if it had been, "the doubts and fears of Bettaney might have been contained". But Ms. MASSITER did not stop at writing to New Society. She wrote to BETTANEY himself

because, though she "barely knew him", she "felt sorry for him".

Of the two producers of the film, CLAUDIA MILNE and GEOFFREY SEED, BB knows nothing. No doubt we shall be hearing more at least of Ms. MILNE, for she has let it be known that she has more files from other MI5 employees which could make a second film on the Service (Morning Star 7 March).

The narrator, HUGO YOUNG, former Political Editor of the Sunday Times, brought to his task the smoothness of a snake in the grass. His drift is typified by an article he wrote for Marxism Today (July 1984), in which phrases like "Mrs. Thatcher herself will no doubt continue to speak the language of the gluttonous privatiser", flow pleasantly from his pen. In his commentary on the film, YOUNG contrives to appear impartial. "Every democratic society needs . . . security services" he says. He even seems to concede that it is legitimate to study the "influence of Communists and Trotskyists within CND". Yet he also questions whether JOHN COX, the Communist CND Vice-President, should have been investigated (if indeed he was) and he suggests that "legitimate trade unions, a libertarian body like the NCCL, the bugging of pay negotiations, the tapping of Communist trade union leaders' phones [see below under TU] — all these seem a long way from national security". Put like that of course they do as YOUNG, being the clever fellow he is, well knows.

The research for the film was undertaken by a journalist named GERRY GABLE of somewhat murky antecedents. A former member of the YCL and a CPGB candidate in a local government election, he was closely associated with MAURICE LUDMER, the Communist founder and Editor of the (revived) Searchlight anti-fascist magazine (BB 6/81 p. 8). He and LUDMER were also among the first sponsors of the Anti-Nazi League. As an anti-fascist activist he, with two others in the guise of Post Office engineers, entered the house of historian David Irving, in order to steal papers. The three were convicted in January 1964 of breaking and entering with intent to commit felony. Sixteen years later the New Statesman (15 February 1980) published an article by DUNCAN CAMPBELL, BRUCE PAGE and NICK ANNING (of State Research) suggesting that GABLE had been used as an agent by MI5 and Special Branch to provide information and purvey disinformation about AGEE, HOSENBALL, PHIL KELLY, AUBREY, BERRY and DUNCAN CAMPBELL (the ABC trio). The object of the article was to discredit both GABLE and the security authorities. Whatever the truth about GABLE's alleged connection with security, his credentials as a "researcher" do not sound either unbiased or reliable.

As an expert on Special Branch and MI5, the film producers employed a journalist,

NICK DAVIES, who had acted as adviser to Labour members of the Parliamentary Select Committee, which had just "investigated the Special Branch because of concern over its methods and objectives". According to DAVIES, it is "absolutely routine" for MI5 to break the law. He says he has spoken to MI5 officers "whose sole purpose in life is to break and enter property". These fascinating conversations were presumably a result of his appeal to the Communist publications, Communist Focus and Socialist Organiser, mentioned in BB 5/84, which resulted in the Guardian articles mentioned in the same issue of BB.

The film on MI5's secrets, based on the allegations of Ms. MASSITER and her anonymous colleague, the assertion by Ms. MILNE that she has other information from other colleagues, the conversations that NICK DAVIES has allegedly had with other MI5 officers on illegal operations, the article by Ms INGRAM and the case of BETTANEY leave one with the distinct impression that vetting for MI5 is not quite what it ought to be. Perhaps they should prefer quality to quantity and, as they are in duty bound when assessing a candidate's suitability, give the benefit of any doubt to the state?

PRIME MINISTER

John Hunt has sent you the fascinating letter below about oversight of the Security Services. Of course, we are nowhere near going down the oversight route. But John's letter gives some interesting thoughts if we ever do decide to establish oversight arrangements.

It might be best not to show this letter to the other interested Ministers at this stage. Agree?

Yes

I attach a short letter for you to send to John Hunt.

(N.L. WICKS)

2 December 1986

Sorry - I wrote the form letter added last night!

I thought this morning it looked so formal!

8–13 King William Street
London EC4P 4HS
Telephone 01-626 5678

From The Lord Hunt of Tanworth GCB

CONFIDENTIAL

The Rt. Hon. Margaret Thatcher, M.P.,
10 Downing Street,
London, S.W.1.

2nd December, 1986

Dear Prime Minister.

My excuse for writing to you about the consequences of the Peter Wright case is the concern which I feel about the harm which could be done to national security if the question of oversight of the Security Services cannot be solved satisfactorily. In my time as Secretary of the Cabinet I saw the damage done in the United States, both to national security and to the morale of the C.I.A. by Mr. Colby's misguided policy of total frankness with the congressional oversight committees. Conversely I saw what seemed to be a charade of oversight in the Federal Republic of Germany with the oversight body having the wool pulled over its eyes. I do not believe that you would think either of these courses to be right.

One option is of course to continue to stand firm and reject any external oversight. I always hoped that the Government of the day would do this for as long as possible, if only because oversight risks conflict with the principle of Ministerial responsibility: but I also always felt that the day would come when oversight might be judged politically inevitable. I personally feel that this point may have arrived and that it may be the only way of damping down the continuous and deplorable sniping at the Security Services. You may disagree, but perhaps I might add a further consideration. If oversight is liable to be introduced at some stage it seems very desirable that this should happen, and that the new system should establish itself, at a time when there is a Prime Minister in office with first-hand knowledge and experience of the considerations affecting the need for, and the control of, the Security Services.

.../2

If, however, oversight is to be considered two main considerations arise. What is to be overseen: and who is to do it.

I do not consider that the function of oversight should be to monitor operations. Nor do I believe that this could be shown to be effective even if it were desirable. If you can envisage a faction of the Security Services which would in our present circumstances act unconstitutionally or in disregard of Ministerial instructions then they could equally deceive or disregard the oversight body. It does seem to me, however, that some useful purpose might be served if an outside body had access to those at senior level in the Security Services and could form their own judgement on how these people exercised their own controls and managed their staff. The line between on the one hand knowing enough about the Services to give them a clean bill of health and on the other hand monitoring operations would not be an easy one to draw, and there might have to be some flexibility, but I do not think it would be impossible. The crucial thing is that, short of a police state, you have to trust certain people to conform to approvals or authorities given by Ministers: but it would go some way to meet accusations of "unaccountability" if an outisde body could make its own assessment of the people that are being trusted and understand the basis of and restraints upon the exercise of that trust. It would, however, be very important not to cut across the principle of Ministerial responsibility and for that reason any oversight body should be advisory to Ministers.

If there were to be external oversight of this limited kind, who should conduct it? Not a Select Committee which would lack the background, probably provide insufficient continuity and tend to score points or even divide on party lines. A Select Committee would also be the course most likely to conflict with the principle of Ministerial responsibility. The idea of Privy Counsellors is superficially attractive but assuming it means political Privy Counsellors it would give oversight more of a Parliamentary flavour and on an all-party basis it might be difficult to get the right people who could devote sufficient time to it.

.../3

I believe that the right course would be to widen the terms of reference (and the membership) of the Security Commission so that, in addition to considering any breaches of security referred to it, it would have a watching brief over the general health of the Security Services. I doubt if this could exclude all consideration of operational matters but the emphasis would be on how the heads of the Services exercised their responsibilities to Ministers and their arrangements for ensuring effective control of those under them. In other words the Security Commission would no longer be confined to shutting doors after the horse had bolted. It would of course report to the Prime Minister, and I think it might have to be accepted that not all its reports could be published.

It will of course be argued that this would be changing the nature of the Security Commission, and I accept this. But introducing oversight would itself be novel and it seems to me best to build on the body we already have. To introduce an entirely new oversight body would in any case have implications for the existing work of the Security Commission.

If the Security Commission's role were to be widened in this way there could be a case for adding two or three senior politicians to it. This would not have the effect of turning it into a political or parliamentary body but would give it a composition drawn from the judiciary, former members of the public service and senior politicians who stood a little above the day-to-day political battle.

To sum up, while I do not particularly like the idea of external oversight I fear that without it we shall see a continuing barrage of unsubstantiated allegations about the Security Services with consequent damage to their efficiency and morale: and I think that a widening of the Security Commission's role on the lines described above would be the least unsatisfactory way marginally to strengthen Ministers' hands in putting right anything which needs to be put right but otherwise protecting the Security Services from ill-informed or ill-intentioned criticism and speculation.

.../4

The Rt. Hon. Margaret Thatcher, M.P. 2.12.86

Please forgive me if I have wasted your time but I thought you might like to know what this voice from the past felt.

With warm regards.

Yours sincerely.

John Hunt.

PMSC

CONFIDENTIAL

N Brind

RECORD OF A MEETING HELD IN
CONFERENCE ROOM A, CABINET OFFICE
ON TUESDAY 2 DECEMBER 1986 AT 2.30 PM

MINISTERIAL GROUP ON THE PETER WRIGHT CASE

Third Meeting

PRESENT

The Rt Hon Douglas Hurd MP	Home Secretary (In the Chair)
The Rt Hon Sir Geoffrey Howe QC MP	Foreign and Commonwealth Secretary
The Rt Hon Sir Michael Havers QC MP	Attorney General
Sir Patrick Mayhew QC MP	Solicitor General
Sir Antony Duff	Security Service
Mr B Sheldon	Security Service
Mr D A Goodall	Foreign and Commonwealth Office
Mr G Warner	Foreign and Commonwealth Office
Mr C Battiscombe	Foreign and Commonwealth Office
Sir Brian Cubbon	Home Office
Mr M J A Partridge	Home Office
Mr J Nursaw	Home Office
Mr S Boys Smith	Home Office
Mr A Inglese	Law Officer's Department
Mr C L G Mallaby	Cabinet Office
Mr B Dinwiddy	Cabinet Office
Mr N P F Brind	Cabinet Office

The Group considered developments in the Peter Wright case and in the action to prevent the publication of "One Girl's War" by Joan Miller.

In discussion, the following points were made -

a. The cross-examination of Sir Robert Armstrong had finished, subject to further questions that might arise on any documents discovered to the defence.

b. The judge had given his ruling on the discovery of documents for which the plaintiff had claimed Public Interest Immunity (PII). He had swept aside the PII claim and used instead as his criteria for discovery the relevance of the documents and the confidentiality of information contained in them. He had ruled that 4 documents need not be discovered because they were not relevant; and that there should be deletions of information which the judge regarded as sensitive from many of the other documents. But his selection of deletions was arbitrary and inconsistent, and extremely sensitive information had been left in. The judge's ruling that all disclosed documents should be made available only to the defendant and his legal advisers and that many should be discussed only in camera was an inadequate safeguard. There were good reasons for seeking leave to appeal against the ruling to the New South Wales Court of Appeal: it was the best way of continuing to uphold the duty of confidentiality; the documents ordered for discovery included very sensitive ones; and the sweeping rejection of PII provided good grounds for appeal. The full grounds on which the appeal should be made would need careful consideration. There was a risk in basing the appeal on both PII and confidentiality that we might be seen to betray a lack of confidence in the strength of our PII claim; but it was probably a risk worth taking. The appeal was likely to be heard this week or early next. It would be necessary to seek enough time to consider how to react to the decision of the Appeal Court.

c. Sir Robert Armstrong had suggested that it would be useful in the appeal hearing to have some latitude to explore an arrangement whereby some documents might be discovered. This should be considered further.

d. An opinion should be obtained from an Australian legal expert on the strength of our PII claim and whether it was likely, eventually, to succeed.

e. If the PII claim failed in the Appeal Court it would be necessary to consider whether to take it to the Australian High Court. The case might not be heard until February. Work should be set in hand to consider the implications of a two month pause (during which the main case might be suspended) both in this country and overseas, including the possibility that Mr Wright's book might be published in the United States.

f. Officials had compared proceedings in Sydney with the timing of questions asked by Opposition MPs in the House of Commons. The correlation was imprecise and it seemed unlikely that MPs would have used this method to establish that the leader of the Opposition had been in touch with Mr Turnbull, the defence lawyer. It was more likely that MPs had either guessed at the contacts or had been told about them by a journalist.

g. Mr Paul Greengrass, a Granada TV producer who was believed to be Mr Wright's ghost writer, had been allowed by the judge to attend court proceedings in camera, in spite of objections from the plaintiff's counsel, subject to an undertaking not to reveal information, which Mr Greengrass (for what it might be worth) had given. Sir Robert Armstrong should be instructed to object if Mr Greengrass appeared at any appeal court proceedings which took place in camera.

h. The court in Dublin had discharged the ex-parte injunction to prevent publication of Joan Miller's "One Girl's War". The decision had been taken on Irish constitutional grounds. An appeal would be considered. Proceedings in London were continuing and should not be significantly affected by the Irish Court's decision, given the grounds of the latter.

i. A former Army intelligence officer was due to be released from prison in Northern Ireland on 5 December. It was known that he and a former colleague intended to make a statement about their work. The Group should be informed of the matter, since there could be implications for the Wright and Miller cases.

j. Mr Dale Campbell-Savours MP was understood to have plans to table an early day motion or a question identifying 43 Security Service officers and the hierarchy of the organisation. Arrangements had been made with the Lord Privy Seal's office and the Chief Whip's office to frustrate these plans by means of a resolution in the House. The resolution should be cast in terms which covered the security and intelligence services as broadly as possible.

THE HOME SECRETARY, summing up the discussion, said that the Prime Minister should be recommended to agree that Sir Robert Armstrong should be instructed to seek leave to appeal against the Judge's ruling on discovery of documents, basing our case primarily on PII, but keeping open the possibility of arguing also on the confidentiality of the documents. The team in Sydney should ensure that the Government were given adequate time to consider how to react to the decision of the Appeal Court, for instance by appealing if necessary to the High Court of Australia. Officials should -

a. consider further Sir Robert Armstrong's suggestion that he have latitude to discuss a limited discovery of documents, or parts of documents, during the Appeal hearing;

b. arrange for an expert Australian lawyer's opinion to be obtained on the prospects of success for our PII claim;

c. consider the implications of a two-month pause in proceedings if the PII claim went to the High Court of Australia in February 1987;

d. instruct Sir Robert Armstrong to appeal against the attendance of Mr Paul Greengrass at any in-camera appeal court proceedings;

and report back to the Group. In addition, officials should -

e. Prepare a note for Ministers on the statement to be made by two former Army intelligence officers on 5 December;

f. Keep the team in Australia up to date with developments in Dublin and London on Joan Miller's book.

Cabinet Office

4 December 1986

DISTRIBUTION

Those present

Mr Wicks - No 10
Sir Colin Figures

CONFIDENTIAL

MJ2 CPG

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

MR MALLABY

THE PETER WRIGHT CASE

DATED 29.11.86

I attach a copy of a letter which Sir Anthony Kershaw sent Michael Alison, the Prime Minister's Parliamentary Private Secretary, about Mr Chapman Pincher's book.

Mr Alison has told Sir Anthony that he will draw his letter to the Prime Minister's attention so no reply is needed. But I believe that the Prime Minister would like to have a note on the point which Sir Anthony makes.

I am sending a copy of this minute to Mr Galsworthy (Foreign and Commonwealth Office), Mr Boys Smith (Home Office) and to Michael Saunders (Law Officers' Department).

N.L. Wicks
2 December 1986

CONFIDENTIAL

Prime Minister 1 4

Absolutely disgraceful.

N. L. W.

SECRET

B.07611

MR WICKS

2.12

Peter Wright Case

In paragraph 4 of your letter of 1 December you said that I, in consultation with the Law Officers' Department, should check the truth of reports that Mr Greengrass of Granada Television was a member of the Defence Counsel's team in the case in Sydney and might be in court during proceedings in camera, and see what assurance we could get that he would not communicate matters referred to in camera to others.

2. Sir Robert Armstrong has confirmed that Paul Greengrass, producer of "World in Action" and probably also Wright's ghostwriter, is part of Turnbull's team. He sits immediately behind Turnbull in court and feeds him material for cross-examination.

3. When the court first went into closed session, Turnbull asked that Greengrass should stay, as one of his advisers (though not a legal adviser). Our Counsel objected, but the judge ruled that Greengrass could stay, subject to undertakings to the court and to us that he would not disclose to others matters referred to in camera. Undertakings, for what they may be worth, were given. Sir Robert Armstrong considers that the defence would leak anything said in camera, if it suited them, with or without Greengrass being present. Sir Robert has tried to be guided accordingly.

4. Our team in Sydney are being asked to renew the attempt to have Greengrass excluded if there are proceedings in camera at the new level of the Appeal Court.

5. There are signs that some people in the media know of Greengrass's presence in the proceedings in closed court, and are concerned.

6. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Home Secretary, and to Michael Saunders in the Law Officers' Department.

C L G Mallaby

2 December 1986

SECRET

SECRET

WRIGHT

PT 4

Cheeli

That this House deplores the action of the Hon Member for Workington in claiming to name ~~naming~~ a former member of the Security Service; condemns the Hon Member for his declared intention to name [~~other~~] present and former members of the Security Service; asks the Hon Member to consider the damage he may cause to Britain's interests and, indeed, the physical danger in which he may place those who work for Britain; recognises the futility of asking him to discuss this matter with the Leader of his Party on whose instructions he may well be acting and therefore urges him to seek advice from ~~the Rt Hon Gentleman, the Member for Cardiff South and Penarth~~ others members of the Labour Party who operated the bi-partisan approach to these matters with integrity and with Britain's interests in mind rather than those of his Party.

to ~~return~~ to

MM
Wfound of rejected
amendments.

Mark

For consideration, if
EDMs are tabled.

Amanda

CONFIDENTIAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

MR MALLABY

PETER WRIGHT CASE: PUBLIC INTEREST IMMUNITY (PII)

The Prime Minister has seen your minute of today which reports the conclusions of the Home Secretary's meeting which discussed how the Government should react to the judge's ruling this morning on PII.

The Prime Minister agrees that Sir Robert Armstrong should be instructed, with all possible speed, to seek leave to appeal. She has noted that the Home Secretary's meeting concluded that Ministers should reflect further on the suggestions by officials about documents which might be discovered or discovered with deletions. She has indicated that she is very unhappy about any documents being discovered and she will want convincing evidence before agreeing to any discovery. She feels that a discovery of one document would provoke calls for the discovery of further documents.

I am sending copies of this minute to Mr Galsworthy (Foreign and Commonwealth Office), Mr Boys Smith (Home Office) and to Michael Saunders (Law Officers' Department).

N.L.W.

N.L. Wicks
2 December 1986

CONFIDENTIAL

CONFIDENTIAL

B.07610

MR WICKS

Peter Wright Case: Public Interest Immunity

A meeting chaired by the Home Secretary, in which the Foreign and Commonwealth Secretary, the Attorney General and the Solicitor General participated, discussed this afternoon how the Government should react to the Judge's ruling this morning (my minute of earlier today to the Home Secretary). Ministers concluded, subject to the Prime Minister's views, that Sir Robert Armstrong's team should this evening be instructed to seek leave to appeal. We should base our appeal on PII, but should keep open the possibility of also arguing on the basis of confidentiality of documents, should the chances of winning on PII seem slight.

Go ahead with all possible speed

2. It is likely that the application for leave to appeal and, if it is granted, the appeal itself will be heard in the New South Wales court this week or early next week.

3. Ministers also concluded that our team in Sydney should ensure that we had adequate time to decide how to react to the decision of the Appeal Court, for instance by appealing further to the High Court of Australia. Further thought will meanwhile be given to the circumstances which might obtain next February when the High Court might hear the matter.

4. Sir Robert Armstrong considers that it would be useful in the appeal hearing to have some latitude to explore an arrangement where some documents would be discovered, but by no means all those ordered this morning for discovery. The Ministers who attended the Home Secretary's meeting will reflect further on the suggestions by officials about which documents might be discovered, or discovered with deletions, which were appended to my minute of earlier today.

Am very unhappy about any being discovered

5. You will no doubt wish to let me know whether the Prime Minister agrees that Sir Robert Armstrong should be instructed this evening to seek leave to appeal against the Judge's ruling of today.

Yes

CONFIDENTIAL

6. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Home Secretary, and to Michael Saunders in the Law Officers' Department.

C L G Mallaby

2 December 1986

3

ZCZC
LNCYAN 1732
SECRET
DD 020800Z CAOFF
FM SYDNE TO CAOFF
020610Z DEC
GRS 900

We must appeal in my view - and all the way. MB.

SECRET
FM SYDNEY
TO DESKBY 020800Z CABINET OFFICE
TELNO 014 DECEMBER
OF 020610Z ~~NOVEMBER~~ 86

TO MALLABY IN CABINET OFFICE

1. THE JUDGMENT

THE FIRST POINT TO MAKE IS THAT THE JUDGMENT CONTAINS NO REASONS, MOSTLY ASSERTIONS. THE ONLY ''REASONS'' ARE TO BE FOUND IN THE COMMENTS COLUMN OF THE SCHEDULE. THE JUDGE APPEARS TO HAVE ACCEPTED THAT WE HAVE DISCOVERED ALL RELEVANT DOCUMENTS.

2. WHILST ACCEPTING THAT IN THE UK A CLAIM FOR PUBLIC INTEREST IMMUNITY WOULD HAVE BEEN MADE OUT IN RESPECT OF MANY BUT NOT ALL OF THE DOCUMENTS (TOP OF PAGE 2) THE JUDGE EXPRESSLY REJECTS THE CLAIM FOR PUBLIC INTEREST IMMUNITY ON THE GROUND THAT THE AUSTRALIAN PUBLIC INTEREST IS NOT DETRIMENTALLY AFFECTED. AS HE STATES AT THE FOOT OF PAGE 2 OF HIS JUDGMENT THIS INVOLVES THE REJECTION OF THE SUBMISSIONS MADE ON BEHALF OF THE COMMONWEALTH.

3. HE HAS THUS DEALT WITH THE QUESTION OF PRODUCTION NOT ON THE BASIS OF A PII CLAIM BUT RATHER ON THE BASIS OF THE CONFIDENTIALITY OF THE DOCUMENTS NECESSITATING A DEGREE OF PROTECTION. THIS EXERCISE HAS BEEN CARRIED OUT ENTIRELY ON A CONTENT BASIS AND WITHOUT REGARD TO THE CLASS OF DOCUMENT. IT WILL BE OBSERVED THAT THE FEW DOCUMENTS, PRODUCTION OF WHICH HAS NOT BEEN ORDERED, HAVE BEEN EXCLUDED SOLELY ON THE GROUND THAT THEY HAVE NO PROBATIVE VALUE.

4. THE JUDGE CORRECTLY STATES (IN THE LAST COMPLETE PARAGRAPH OF PAGE 3) THE PRINCIPLES THAT HE SHOULD FOLLOW (VIS SCIENCE AND RESEARCH CONCIL V NASSE (1980) AC 1028). HOWEVER HE HAS FAILED TO HAVE REGARD TO THE FACT THAT THE ONLY DETRIMENT ON WHICH THE PLAINTIFF RELIES IS THE DETRIMENT WHICH FLOWS FROM PUBLICATION BY AN INSIDER. IF THAT IS THE ISSUE TO BE DECIDED, FEW IF ANY OF THESE DOCUMENTS ARE RELEVANT.

5. IT FOLLOWS THAT WHERE THE JUDGE COMMENTS THAT THE DOCUMENTS ARE RELEVANT TO ''PUBLIC DOMAIN'' AND/OR ''DETRIMENT'' HE IS DOING SO ON AN UNSOUND BASIS. THE IMPORTANCE OF THIS TO ANY QUESTION OF AN APPEAL IS UNDERLINED BY THE FACT THAT, WITH THE EXCEPTION OF THE DOCUMENTS RELATING TO MASSITER (SCHEDULE 1 PART 3D), THE JUDGE HAS USED AS HIS TEST OF RELEVANCE ''PUBLIC DOMAIN AND/OR DETRIMENT''.

Prem 19/1953

Tel no 014
dated 02.12.86

9. AN APPEAL

IT IS OUR VIEW THAT COMPLIANCE WITH THIS ORDER IS OUT OF THE QUESTION BECAUSE:

(1) IT IGNORES WELL-ESTABLISHED CLASSES OF DOCUMENTS FOR WHICH PII WOULD NORMALLY BE GRANTED IN ENGLISH COURTS:
(2) EVEN IF THE AUSTRALIAN COURT REJECTS OUR CLAIM FOR PII, THE ORDER FOR PRODUCTION HAS BEEN BASED ON CONTENTS GROUNDS WHICH ARE THEMSELVES INCONSISTENT: AND
(3) THE ORDER IS BASED ON A VIEW OF RELEVANCE WHICH IS IN OUR OPINION FALLACIOUS IN THAT WE RELY ONLY ON DETRIMENT FLOWING FROM THE FACT THAT THE PUBLICATION IS BY AN INSIDER AND NOT ON THE DAMAGE FLOWING FROM THE CONTENTS.

IN ANY CASE WE BELIEVE THAT THERE ARE SOME DOCUMENTS, AND SOME PARTS OF OTHER DOCUMENTS, WHICH WE SHOULD UNDER NO CIRCUMSTANCES BE PREPARED TO DISCLOSE TO TURNBULL.

7. IT IS THE VIEW OF THE PLAINTIFF THAT ANY QUESTION OF HMG'S POLICY OR PRACTICE RELATING TO PUBLICATIONS BY OUTSIDERS, WHO OWE NO OBLIGATION OF CONFIDENCE TO THE CROWN, IS IRRELEVANT TO AN ACTION IN RESPECT OF A BREACH OF CONFIDENCE BY AN INSIDER. THE DEFENCE WILL CONTEST THIS VIEW, AND ARGUE THAT IT IS NOT APPEALABLE ON THIS APPLICATION.

8. ANY APPEAL COULD THUS ENGAGE THE COURT OF APPEAL IN DECIDING THE RELEVANCE TO THE ISSUE IN THE CASE OF A GOOD DEAL OF THE EVIDENCE WHICH HAS BEEN GIVEN, AND INVOLVE THE TESTING OF ALL THE OBJECTIONS TAKEN BY SIMOS THROUGHOUT THE PROCEEDINGS.

9. NOTICE OF APPEAL WOULD HAVE TO BE GIVEN AND A STAY OF THE JUDGE'S ORDER OBTAINED. IT BEING AN INTERLOCUTORY APPEAL, THE LEAVE OF THE COURT OF APPEAL WOULD HAVE TO BE SOUGHT. WE HAVE NOT MADE ENQUIRIES OF THE REGISTRAR OF THE COURT OF APPEAL BECAUSE WE HAVE NOT WISHED TO GIVEN ANY INDICATION OF OUR INTENTIONS PRIOR TO YOUR HAVING AN OPPORTUNITY TO CONSIDER THE MATTER. COUNSEL BELIEVE THAT THE COURT MIGHT HEAR THE APPEAL LATER THIS WEEK, OR FAILING THAT EARLY NEXT WEEK. IT WOULD BE HELPFUL TO HAVE FROM YOU VERY QUICKLY, FOR THE PURPOSES OF THE APPEAL, A LIST OF THE DOCUMENTS WHICH WE SHOULD BE PREPARED TO DISCOVER TO THE DEFENDANTS AND OF ANY DELETIONS REQUIRED THEREIN, IN CASE THIS MIGHT HELP IN SECURING A RULING IN OUR FAVOUR.

10. WE DO NOT RECOMMEND TRYING TO REACH AN AGREEMENT WITH TURNBULL WHICH WOULD OBVIATE THE NECESSITY FOR APPEAL, BECAUSE, WHILST TIME IS UNDOUBTEDLY OF THE ESSENCE FOR THE DEFENDANTS, IN ORDER TO REACH AGREEMENT THEY WOULD REQUIRE TO SEE ALL THE DOCUMENTS WHICH THE JUDGE HAS ORDERED TO BE PRODUCED. IN ANY CASE, GIVEN A JUDGMENT SO MUCH IN HIS FAVOUR, THERE IS LITTLE INCENTIVE TO TURNBULL TO DO A DEAL.

11. WE ENVISAGE MAKING A FURTHER APPROACH TO THE COMMONWEALTH SOLICITOR GENERAL WITH A VIEW TO ENLISTING SUPPORT FOR AN APPEAL, PARTICULARLY BY WAY OF AFFIDAVIT, NOW THAT WE HAVE THE JUDGMENT OF THE COURT. WE ARE NOT, HOWEVER, VERY OPTIMISTIC ABOUT THE PROSPECTS: AND THE AUSTRALIAN GOVERNMENT MIGHT TAKE SOME TIME TO MAKE UP THEIR MINDS. IF THEY WERE PREPARED TO SWEAR AN AFFIDAVIT, WE SHOULD NEED TO SEEK LEAVE OF THE APPELLATE COURT TO ADDUCE THE NEW EVIDENCE.

PARAGRAPHS 12 TO END TO FOLLOWING IN MIFT.

SINDALL

YYYY

Prem 19/1953

Tel no 014
dated 02.12.86

FOR MALLABY FROM ARMSTRONG

FOLLOWING IS CONTINUATION OF MIPT OF TODAYS DATE.

12. IN YOUR CONSIDERATION OF WHETHER TO INSTRUCT US TO APPEAL THE FOLLOWING MATTERS WOULD APPEAR TO BE RELEVANT:

(1) THE PROSPECTS OF SUCCESS ON THE MAIN ACTION (SUBJECT TO OVERCOMING THE PROBLEM ON DISCOVERY), AS TO WHICH SEE JOINT OPINION OF COUNSEL HEREWITH (''SOMETHING MORE THAN REASONABLE PROSPECTS OF SUCCESS'').

(2) THE INTERPRETATION THAT WOULD BE PLACED UPON OUR PULLING OUT OF THE CASE WITHOUT APPEALING WHEN ORDERED TO PRODUCE DOCUMENTS TO THE DEFENDANTS.

(3) THE QUESTION OF PRECEDENT IN THE ENGLISH COURTS, PARTICULARLY IN RELATION TO CLAIMS FOR IMMUNITY ON CONTENTS GROUNDS.

(4) THE PROSPECTS OF SUCCESS OF AN APPEAL ON PII, AS TO WHICH COUNSEL ADVISE THAT, WITH THIS JUDGMENT, WE HAVE A CHANCE ON THE BASIS THAT IT IS NOT NECESSARY FOR THESE DOCUMENTS TO BE DISCOVERED IN ORDER FAIRLY TO DISPOSE OF THE PLAINTIFF'S CLAIM ON THE MAIN ISSUE.

(5) A FURTHER FACTOR TO CONSIDER IS THAT, IF A PII CLAIM FAILS ONLY ON THE GROUND OF BASENCE OF DETRIMENT TO THE AUSTRALIAN PUBLIC INTEREST IE THAT, IF ALL THE OTHER NECESSARY ELEMENTS OF A PII CLAIM ARE PRESENT, THE COURT OF APPEAL MIGHT BE PREPARED TO APPLY THE TEST OF CONFIDENTIALITY STRICTLY.

(6) ANY FINDINGS OF THE COURT OF APPEAL ON RELEVANCE COULD BE DECISIVE FOR THE MAIN ISSUE.

13. WE SHALL NOT SUCCEED IN A PII CLAIM AS SUCH IN THE AUSTRALIAN COURTS UNLESS WE CAN ESTABLISH DETRIMENT TO THE AUSTRALIAN PUBLIC INTEREST, EITHER DIRECTLY OR INDIRECTLY ON THE GROUND OF COMITY.

14. THE TIMETABLE FOR AN APPEAL WOULD BE AS FOLLOWS:

(1) TOMORROW WEDNESDAY 3 DECEMBER) WE SHOULD APPLY FOR A DATE TO GO TO THE COURT OF APPEAL FOR LEAVE TO APPEAL.

(2) THE COURT WOULD PROBABLY HEAR THE APPLICATION FOR LEAVE TO APPEAL AND (IF THEY GRANTED LEAVE) THE APPEAL ITSELF ON THURSDAY 4 OR FRIDAY 5 DECEMBER.

(3) IF THE COURT REFUSED LEAVE TO APPEAL, OR HAVING GRANTED LEAVE REJECTED THE APPEAL IN TOTO, WE SHOULD APPLY FOR LEAVE TO APPEAL TO THE HIGH COURT. THAT APPLICATION COULD BE CONSIDERED EARLY NEXT WEEK: IF LEAVE WERE TO BE GRANTED (AS COUNSEL BELIEVE WOULD BE LIKELY), THE APPEAL MIGHT BE HEARD NEXT WEEK BUT WOULD PROBABLY BE HELD OVER UNTIL AFTER THE (AUSTRALIAN) SUMMER RECESS.

(4) IF THE COURT OF APPEAL ALLOWED OUR APPEAL IN TOTO, THERE WOULD BE NO FURTHER CROSS-EXAMINATION OF OUR WITNESSES AND SUBJECT TO A BRIEF RE-EXAMINATION BY SIMOS (NO DOUBT OPTIONAL) ARMSTRONG WOULD RETURN TO LONDON.

Prem 19/1953

Tel no 44
dated 02.12.80

(17) IF THE COURT OF APPEAL ALLOWED OUR APPEAL IN PART BUT ORDERED THE PRODUCTION OF A MORE LIMITED RANGE OF DOCUMENTS AND IT WAS THOUGHT THAT WE COULD STOMACH THAT, WE WOULD PRODUCE THE DOCUMENTS: TURNBULL WOULD NEED TIME TO CONSIDER THEM AND CROSS-EXAMINATION OF ARMSTRONG MIGHT NEED TO BE BRIEFLY RESUMED EARLY NEXT WEEK. IF WE COULD NOT STOMACH THE LIMITED LIST, WE SHOULD HAVE TO SEEK LEAVE TO APPEAL TO THE HIGH COURT.

15. IN THE MEANTIME THE PROCEEDINGS STAND ADJOURNED UNTIL THURSDAY 4 DECEMBER AT 10.00 AM.

16. THE CHOICE TODAY IS WHETHER TO GO TO APPEAL OR TO GIVE UP AND ABANDON THE CASE. WE CANNOT DISCOVER ALL THE DOCUMENTS IN THE JUDGE'S ORDER. WE CANNOT JUDGE FROM HERE THE POLITICAL CONSIDERATIONS AT YOUR END. AS WE SEE IT, HOWEVER, THERE ARE GOOD REASONS FOR GOING TO APPEAL ON THE PII CLAIM AND PURSUING IT ALL THE WAY, TO THE HIGH COURT IF NEED BE. NOW THAT ARMSTRONG'S CROSS-EXAMINATION IS COMPLETED, SOME OF THE IMMEDIATE POLITICAL INTEREST MAY DIMINISH: THERE MAY BE SOMETHING TO BE SAID FOR GIVING A LITTLE TIME FOR THAT TO BEGIN TO HAPPEN.

THIS IS A COPY. THE ORIGINAL IS RETAINED UNDER SECTION 3 (4) OF THE PUBLIC RECORDS ACT

18. THE AUSTRALIAN GOVERNMENT HAVE SUPPORTED US ON THE MAIN ISSUE: THEY PUT UP THEIR CABINET SECRETARYTO SWEAR AN AFFIDAVIT AND GIVE EVIDENCE, AND HE HAD A PRETTY ROUGH HANDLING BY TURNBULL AND THE JUDGE. ARGUABLY WE OWE IT TO THEM TO PURSUE ALL THE REMEDIES OPEN TO US ON THE PII CLAIM.

19. AND, FINALLY, IF THE OBJECT OF THE EXERCISE IS TO DEMONSTRATE DETERMINATION TO STOP FORMER MEMBERS OF THE SECURITY SERVICE FROM BREACHES OF DUTY OF CONFIDENTIALITY, WE SHOULD GO TO THE LIMIT ON THE PII CLAIM AND NOT BE FORCED TO GIVE UP ON THE MAIN ISSUE UNLESS AND UNTIL WE ARE, AND CAN BE SEEN TO BE, FACED WITH A CHOICE BETWEEN THE DAMAGE OF ABANDONING THE CASE AND ALLOWING WRIGHT'S BOOK TO BE PUBLISHED AND THE DAMAGE OF COMPLYING WITH THE ORDER FOR DISCOVERY. Agreed MS

20. IF WE ARE IN THE EVENT FACED WITH THAT CHOICE BECAUSE WE HAVE LOST AN APPEAL TO THE HIGH COURT, AT LEAST WE SHALL HAVE DONE EVERYTHING WE POSSIBLY COULD: AND OUR READINESS TO SHOW THE DOCUMENTS TO MR JUSTICE POWELL, TO THE JUDGES IN THE COURT OF APPEAL AND IF NECESSARY TO THE HIGH COURT SHOULD ACQUIT US OF ANY CHARGE OF COVERING UP GUILTY SECRETS OR OF UNWILLINGNESS TO TRUST THE AUSTRALIAN JUDICIARY.

SINDALL

YYYY

LNCYAN 1735

NNNN

Crem 19/1953

Tel no. 014
dated 02.12.86

CONFIDENTIAL

Mr Wicks

Prime Minister 2

to note

NCJ

2.12

Ref. A086/3338

MR MALLABY

The "Sunday Telegraph" at the weekend carried a report that Mr Dale Campbell-Savours MP intended to table a series of Parliementary Questions (although it might equally be an early day motion) naming 43 MI5 agents and the present MI5 hierachy. The Private Secretary to the Chief Whip, Mr MacLean, has been investigating how such a development might be forestalled.

2. Mr MacLean has received an undertaking from the Clerk to the House of Commons that he will receive at least 12 hours notice of any Questions or motion by Mr Campbell-Savours along these lines to permit the Government to take any action necessary to prevent their being tabled. My advice is that the only action which could be taken would be to pass a resolution in the House authorising the Speaker not to accept for tabling a defined category of Questions to encompass the naming of security service officials. Such a motion would probably be put by the Leader of the House, and would clearly need to be moved very soon after warning of the Questions or early day motion had been received.

3. Mr MacLean is considering the wording of any such motion which might be put, but clearly that, and the decision whether or not to take such steps at all, will depend on the terms of the Campbell-Savours Questions, if indeed he attempts to table them; and I suspect that there is little further preparatory work which can be done at this stage.

4. I am copying this minute to Mr Wicks, Mr Galsworthy (FCO), Mr Boys-Smith (Home Office), Mr Wood (Lord Privy Seal's Office) and Mr MacLean (Chief Whip's Office).

Trevor Woolley

T A WOOLLEY

2 December 1986

CONFIDENTIAL

CF file pl.

PRIVY COUNCIL OFFICE

WHITEHALL. LONDON SW1A 2AT

2 December 1986

2-12

Dear Mark,

WIND-UP SPEECH FOR DEBATE ON SPECIAL COMMISSION ON THE SECURITY SERVICES

I attach a copy of the first draft of the Lord Privy Seal's speech for tomorrow evening.

I should be grateful for your comments as soon as possible.

A copy has gone separately to Steven Boys-Smith (PS/Home Secretary) and I am copying this letter and the draft to Trevor Woolley (Cabinet Office).

Yours,

ALISON SMITH
Private Secretary

Mark Addison Esq
Private Secretary to the
Prime Minister

DRAFT

WIND-UP SPEECH FOR DEBATE ON SPECIAL COMMISSION ON THE SECURITY SERVICES

Mr Speaker, this has been a short debate but it has been one in which views have been expressed with vigour. I believe it has shown that this House has an understanding of the uncongenial decisions that must lie at the heart of security matters. It has also been given a certain topicality since it proceeds against the background of the case presently continuing in Australia. The price of that topicality is, however, that I can make no comment on the Wright case itself while it is still proceeding.

This topicality aside, the proposals we have discussed this evening represent longstanding views, as a number of hon Members have mentioned. Back in 1963, in the aftermath of the Profumo affair, there was the suggestion from the Opposition that there should be a Select Committee of this House to look into security matters. This proposition has been repeated in various forms over the years, particularly on occasions immediately after some breach of national security.

What is noteworthy is, however, that no Government has felt it appropriate to share its responsibilities in these matters with such a Committee. The Select Committee which the then Leader of the Opposition, Lord Wilson of Rievaulx, urged on the Government in December 1963 was strikingly absent from his own revision of arrangements for the security services following the Bossard and Allen case in May 1965. Nor did the Government in which the Rt Hon Gentleman, the Member for Devonport, was Foreign Secretary at any stage seek to establish such a Committee.

I do not make these points in any negative party political sense, however, since I believe that an impartial appraisal of the proposals before us leads one to their rejection. Various terms have been used to describe the Committee or Group which would have responsibilities in this area, but whatever the title used, I think it would necessarily take one of two forms.

The first is what I will call the "Committee" form. This would be made up of members of both Houses and would have investigative powers similar to those of Select Committees. It follows from this that its enquiries would be governed by the conventions which apply to Select Committee enquiries. This means that Civil Servants appearing before it would be subject to the instructions of their Ministers and could not disclose information which Ministers felt should remain secret. It would, of course, be open to such a Committee to question the responsible Minister but it must be doubtful whether it would be in the interests of national security for information beyond that which is presently made available to the House to be brought into wider circulation.

The second form of this proposal we have heard this evening is what I would call the "Commission" approach. This would involve a group of senior members of this House and of another place having privileged access to information not generally available. This information would enable them to satisfy themselves as to the working of the security services, but they would not, of course, be able to make this restricted information more generally available. If they were not satisfied with what they had been told, it would be open to them to withdraw from the Commission, but they would be inhibited from making known their grounds for dissatisfaction.

In these circumstances, I do not believe that setting up a body of this kind would meet the demands which have been made for greater Parliamentary scrutiny or add significantly to the present arrangements for overseeing the security services.

The Security Commission was appointed in 1964 and its task is to investigate and to report upon circumstances in which a breach of security is known to have occurred in the public service, if asked to do so by the Prime Minister. In the light of this, it advises whether any change in security arrangements is either necessary or desirable. It is made up of those who have experience and expertise in matters related to the security services and is chaired by a senior judge so that its independence may be assured. Its past inquiries include [material to come from the Home Office]

Nor is the Security Commission the only way in which an enquiry can be carried out. Since in the past, ad hoc committees of Privy Councillors have enquired into particular aspects of security matters. In 1956, for example, Lord Kilmore chaired an inquiry into the adequacy of security procedures, and the following year, Lord Birkett chaired an inquiry into the interception of telephone calls.

I believe that these arrangements offer a more flexible and workable approach than the proposals we have heard put forward this evening.

Discussion of the appropriate arrangements will, however, doubtless proceed beyond this evening's debate. What is, however, of overriding importance in all of this, is to appreciate that the conduct of security must proceed in secret. The political responsibility for these operations must ultimately rest within the Government which is answerable to this House. My Rt Hon Friend the Home Secretary referred to the accountability of Ministers to this House, and this accountability is valid for the actions of the security services no less than other Ministerial responsibilities, although the amount of information which can be made generally available must necessarily be limited. We should be most cautious in seeking to elaborate the handling of security matters lest we detract from the Government's central and unavoidable responsibility to the House as a whole.

02.XII
PM 3 6

CONFIDENTIAL

PRIME MINISTER

THE JOAN MILLER CASE

We are likely to have advice tomorrow from the Solicitor General that we should not appeal against today's decision to refuse us an injunction banning the publication of "One Girl's War". The Solicitor takes this view because:

(i) There is a low chance that our appeal will succeed;

and

(ii) Our claim was lost, I am told, because of a clause in the Irish constitution regarding freedom of information. This would allow us to distinguish the Miller case from the Wright case, and give us reason for pursuing an injunction in the Australian courts in respect of Wright's book but not in the Irish courts in respect of Miller's.

The Solicitor General and Treasury counsel will come to a final view overnight, so that an urgent decision can be made tomorrow.

N.L.W.

NLW

2 December, 1986.

I have had a word with him this evening. The Irish decision I understand can readily be distinguished from the Australian case

mb

CONFIDENTIAL

JD3ATJ

CABINET OFFICE

With the compliments of

C. L. G. MALLABY

Kershaw letter as requested

70 Whitehall, London SW1A 2AS
Telephone 01 233 8220

CONFIDENTIAL

F

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

MR MALLABY

THE PETER WRIGHT CASE

I attach a copy of a letter which Sir Anthony Kershaw sent Michael Alison, the Prime Minister's Parliamentary Private Secretary, about Mr Chapman Pincher's book.

Mr Alison has told Sir Anthony that he will draw his letter to the Prime Minister's attention so no reply is needed. But I believe that the Prime Minister would like to have a note on the point which Sir Anthony makes.

I am sending a copy of this minute to Mr Galsworthy (Foreign and Commonwealth Office), Mr Boys Smith (Home Office) and to Michael Saunders (Law Officers' Department).

N.L.W.

N.L. Wicks
2 December 1986

CONFIDENTIAL

Prime Minister
I have asked for a note on Sir Anthony's point.
N.C.W
2-12.

WEST
~~THE PITHE~~ BARN
DIDMARTON
BADMINTON
GLOUCESTERSHIRE
DIDMARTON (045 423) 630

29 Nov 80.

Dear Michael,

It is essential that the P.M. should know the following:-

It is <u>not</u> true that the Government made no attempt to stop the publication of Harry Chapman Pincher's latest book because they did not at the moment of decision, know his sources.

I am advised, on the most

certain authority, that two members of MI5 had seen the manuscript and had concluded that some of it could only have been provided by Peter Wright.

They so advised the then head of MI5.

The Government therefore did know the source of Harry Chapman Pincher's book, before it was published. The P.M. may not have been told, but the Govt had been.

It would be very damaging.

2

THE TITHE BARN
DIDMARTON
BADMINTON
GLOUCESTERSHIRE
DIDMARTON (045 423) 630

if a mistake in presentation were to be made, which was subsequently found out.

I am very sorry that I must be in Cyprus with the Select Ctee when the debate takes place on Wednesday.

Yours ever, Anthony Kershaw.

BB 5/83

THE ROUGH PLACES PLAIN

In our last issue we noticed briefly what GEORGE MATTHEWS of the CPGB thought of Michael Straight's After Long Silence. In this issue we offer our own comments on an apologia which, in length, eloquence and apparent candour, is worthy of the subject. If, for some, Straight agonises too much in the story of his progress from Communism to liberalism, he may be excused. He has had much to agonise over. For BB his agonising has a special interest as it bears directly on BB's leitmotiv — the Communist threat from non-CPGB members in the Labour Party and elsewhere in the labour movement.

Straight's introduction to British socialism was through HAROLD LASKI, Professor of Political Science at the London School of Economics and a frequent contributor to The New Republic, the radical magazine founded by Straight's family. LASKI was Chairman of the Labour Party but his sympathies were with the Communists. In distinguishing between Fascism and Communism, as Straight records, he showed where his sympathies lay. In a letter to Straight he wrote "Communists do not propose the overthrow of the state. Accusations to this end are inaccurate . . . Lenin pointed out in 1917 that revolution should be attempted only: a) when the defence forces of the state are no longer loyal; b) when the machinery of government is dislocated; c) when there is profound revolutionary class feeling; d) when there is an organised revolutionary party to direct that feeling". In other words Communists, according to LASKI, do not "overthrow" the state, they subvert it. LASKI went on to say that "the maintenance of democratic institutions is an official principle of the policy of the Communist International", a statement which Straight, in retrospect, caused him to comment "was it politically wise in its assumption that an 'official principle' proclaimed by the Communist International could be taken as a guide to the International's aims?" Wise? In attributing to LASKI a lack of wisdom in taking at its face value anything emanating from the Communist International, Straight displays a naivete which characterises his book and to which many of his troubles must have been due. That LASKI's remark about the Communist International was not lightly made or ill-considered should have been evident to Straight, who continues "in his political role, as Chairman of the Labour Party, Laski argued against collaboration with the Communist Party. But his arguments were advanced behind closed doors. In offering guidance to students like myself, he maintained simply that the Labour Party and the Communist Party were both 'left parties'". In this passage Straight seems to recognise that LASKI was two-faced as indeed he was and as was vividly demonstrated in the trial of his action for libel in 1946. During the election campaign of 1945 LASKI had been reported by the Newark Advertiser and other news-

papers as having advocated "revolution by violence". He sued the papers, discussion of the issue was effectively silenced pending the trial and the case was not heard until after the Labour Party had won the election. LASKI lost his action but not before he had told counsel for the defence (Sir Patrick Hastings) that "the avoidance of violence is one of the most vital things at which our society can aim. That is why I am a member of the Labour Party and not a member of the Communist Party".

So much for his advice to Straight that "Communists do not propose the overthrow of the state". Straight does not tell us which of the "left parties" LASKI advised him to prefer. But whatever that advice may have been, the LSE saw him impelled towards Communism. He was impressed by J.B.S. HALDANE and heard him announce his intention to join the CP. His first friend at the LSE was a Communist, PETER FLOUD, the brother of BERNARD (BB 8-9/82 pp 4 and 6). FLOUD introduced him to the Socialist Club in which "a caucus calling themselves Marxists had captured key points". On May Day 1934 he marched with trade unionists, students, socialists and Communists and shouted slogans such as "Scholarships, not battleships" and "Down with the Unemployment Bill", pre-war equivalents of "Jobs not bombs". From the LSE Straight went up to Cambridge and there his Communist indoctrination proceeded apace, first under his tutor MAURICE DOBB, a leading member of the British Communist Party. Almost at once DOBB was reinforced by two more formidable exponents of Communism, JAMES KLUGMAN (Straight spells the name with one "N", the CPGB usually spell it with two) and JOHN CORNFORD. They were both members of the Cambridge University Socialist Society and Straight's name had been given to them by comrades at the LSE. The Socialist Society like the one at the LSE was dominated by a "Marxist core" and this "core . . which took its directions from the head office of the British Communist Party, was led" by KLUGMAN and CORNFORD. Straight says that of the 600 members of the Society "one in four belonged to Communist cells". There were a "dozen students in the Trinity College cell" when Straight joined it early in 1935. In making this admission Straight evidently feels some explanation, almost a plea of mitigation, is due. He writes "moving from the outer fringe of the Socialist Society to the inner core of a Communist cell sounds like a major step in 1981. It did not seem to be in 1935. Several large trade unions were led by Communist Party members in 1935; most of the poets whom I admired belonged to the Party or allied themselves with it. On all the issues that we cared about, militant socialists and communists held the same opinion. The main objective of the British Communist Party was to create a united front of Communists, socialists and trade unionists — a broad front that dominated the political scene in France and in most European democracies" — a state of affairs not so very diff-

erent after all from what obtained in 1981 and still obtains in 1983. The "united front", according to Straight, was a product of the 1934 Seventh World Congress of the Communist International which "transformed its stance to one of outward respect for democratic institutions and procedures". It took CORNFORD, writes Straight, "a month or two to adjust to the change; from then on, he was more ardent than any Social Democrat in mobilising students to canvass for the Labour Party candidates in local elections. As for James [Klugman], he was by nature tolerant, flexible, and receptive to new ideas".

Straight describes three kinds of Communists at Cambridge: -

> "The student communist movement had no name and no visible ties to the Communist Party or the Young Communist League. Within its broadening circle, there were three kinds of members. There were firstly those who, like myself, were student members of a student movement. We were interested in ideas; we wanted to believe. But most of us joined the movement because it was the best led, most active movement in the University, advancing the short-term objectives that we felt were right. We carried no little green cards in our pockets; we took no party assignments with us when we left Cambridge at the end of each term. I loved and admired James and John. I got along very well with Harry Pollitt, the working class leader of the British Communist Party to whom, at James's urging, I gave as much money as I could without feeling the pinch. But I felt no sense of loyalty to the party as such. It never occurred to me that it could impose its discipline upon me. My actions were shaped by my own free will.
>
> "The second group of student members was less active than we were and less visible. A few of them were known as 'moles'. Moles were students who were preparing to earn their livings as barristers or as civil servants. It was understood that they would have to subordinate their beliefs to their professional ambitions, but their reticence was seen as discretion, not deception.
>
> "The third group of student communists was made up of dedicated party members. They pasted stamps in their green books, week after week. They checked in at their local party headquarters when they left Cambridge for their home town. They went to London from time to time, to meet with party organisers. They believed not in other individuals but in the party itself. James Klugman was writing the official history of the Communist Party of Great Britain when he died in 1978. From Spain, John wrote to Margot Heinemann [the Communist intellectual for whom Cornford had abandoned the mother of his sons. BB comment] 'I love you with all my strength and all my will and my whole body . . . the party was my only other love'".

In so far as Straight's distinctions between the three categories are real there is no doubt that all those who belonged to them were Communists. A "little green card" was only one outward and visible sign of one category. It was not an essential certificate of Communism and where success, for example, at the bar or in the Civil Service took precedence over Party activity, it would have been a positive hindrance. What was true of 1935 is equally true of 1983. It is just as important now for Communists in the leadership say of CND or trade unions or the Parliamentary

Labour Party to be able to say with truth that he or she does not hold a Party card and is not therefore a member of the CPGB.

The differences between a student Communist, a "mole" and a party activist were not as sharp as Straight suggests. He himself, despite his claim to belong to the first category, had some of the characteristics of the other two. He may not have stuck stamps into a green book but giving all the money he could to HARRY POLLITT was an act of equally tangible loyalty. He sold the Party paper, The Daily Worker, at Cambridge street corners and when in due course he became leader of the Cambridge Student Communists he was active in recruiting new members. In this he showed himself to be an active Communist but not a Party activist — because he also had strong mole-like tendencies. When CORNFORD and Straight were seeking office in the Cambridge Union, CORNFORD gave his friend a note to various Communists in London asking them to help Straight prepare a speech in a debate on the press. The note read in part "The importance of this otherwise silly debate is that it is important to get a Communist elected to the committee [of the Union] which he [Straight] can do if he makes a speech that goes down well". Straight says he did not make use of the note as "I was not prepared to be identified as a Communist beyond the boundaries of Cambridge". Straight does not explain why he was so anxious that knowledge that he was a Communist should be localised. It would certainly have made it easier for him to campaign, as he did, for the Labour Party in his home town in Devonshire and it made it possible for BLUNT to recruit him in due course as a mole even if a reluctant one.

Straight's account of his recruitment in January 1937 as an agent, in effect, of the Russian Intelligence Service (RIS) — he does not use these damning terms — is vivid and convincing. What are not so convincing are his reasons for agreeing to BLUNT's proposal that he should pretend to renounce his Communist beliefs and go "underground" in the USA. Why he acquiesced is less important than the fact that he did. He had taken one more, perhaps the ultimate, step in Communist duplicity.

To a sensitive soul, as Straight undoubtedly is, the process of quarrelling with his Communist friends must have been painful. "Day after day" he says, "the student Communists who were closest" to him came round to see him and offer him comradeship. Only one of them, whom he does not name, guessed what had happened to him. He too had received an approach, but unlike Straight, had resisted it. CORNFORD was not among the friends who came round to see him. He had been killed in Spain fighting on the Republican side. Indeed his death for the Communist cause was

used by BLUNT both as an example for Straight to follow and as a pretext for Straight's notional revulsion against the cause which led to it. Such are the extremes of cynicism that the class war and proletarian internationalism justify. As for JAMES KLUGMANN whom Straight loved so much and whose memory the CPGB reveres and perpetuates, his behaviour at this time of stress is not revealed, presumably because he had already gone down from Cambridge. But it was KLUGMANN who introduced Straight to BLUNT and to BURGESS and Straight now reluctantly concludes that he was a party to the plan to recruit himself. He also agrees with Mr Chapman Pincher that KLUGMANN recruited both JOHN CAIRNCROSS and BERNARD FLOUD. He speculates on KLUGMANN's attitude to deception. He and others who were student Communists at Cambridge agreed that he "would have looked on it with distaste in all its forms. But in his gentle way he would have justified it as a 'historical necessity'".

The only Cambridge Communist, apart from those in the know, with whom Straight seems to have remained a close friend was BRIAN SIMON who with BLUNT and Straight and others, who believed in Soviet Communism, had visited the USSR in August 1935. In April 1937, after Straight had succumbed to BLUNT's pressure, SIMON, BLUNT and BURGESS drove down to Dartington (the Straights' house and school in Devon) to stay with him. Did nothing then occur which had a bearing on Straight's recruitment? If there was something, Straight is silent about it. He had, it seems, no doubt that SIMON at least was not a party to BLUNT's and BURGESS's machinations and the last thing he did for the British Intelligence Services was "to clear his old friend Brian Simon of any role beyond the open and avowed one that he still carried on as a member of the Central Committee of the Communist Party of Great Britain".

Two later encounters with British Communists are worth noting. In 1946 during a visit to England, Straight went to see CORNFORD's beloved MARGOT HEINEMANN. He urged on her the merits of the US plan for the international control of the development of atomic energy. She arranged for him to see POLLITT who rejected it out of hand. In 1949 he met BURGESS by chance in Whitehall. BURGESS persuaded Straight to attend the annual dinner of the Apostles, that club to which only the best and the most brilliant of Cambridge University were elected, such as BLUNT, BURGESS and Straight. At the dinner Straight sat next to a "rising historian named ERIC HOBSBAWM", well-known to BB readers as a risen CP theoretician. Straight made a comment about the Soviet occupation of Czechoslovakia. HOBSBAWM countered with a comment about the Americans who had been imprisoned under the

Smith (anti-Communist) Act. He said with a knowing smile, "there are more political prisoners in the United States today than there are in Czechoslovakia". Straight said that was a "damned lie" and shouted at HOBSBAWM until he realised that he was not acting "in a manner becoming to a member of the society".

In our last issue (p. 16) we referred to one of Straight's Communist friends at Cambridge, GERALD CROASDELL, who is now General Secretary of the International Federation of Actors which, we suspect, is a Soviet front. A correspondent has drawn our attention to some reports in The Times which suggest that CROASDELL would be a suitable person to run such an organisation. In January 1940 a conference of the University Labour Federation (ULF), of which CROASDELL was Chairman, passed a resolution which, according to Mr Arthur Greenwood, Deputy Leader of the Labour Party, was "obviously inspired from Communist sources" and could only be interpreted as "definitely disruptive". The resolution to which Greenwood objected and caused him to resign the presidency of the ULF and to be replaced by D.N. PRITT, condemned "the war as an imperialist war for profit and world domination and called on the labour movement to lead the mass of the people in a struggle against it". This was of course the line taken by the British Communist Party after the Nazi/Soviet Pact in August 1939.

GEORGE MATTHEWS, in his review of Straight's book, says that it is a "pretty unattractive story". But the unattractiveness arises not, as MATTHEWS suggests, from the author's attempt to atone for his folly or expiate his guilt but from the ruthless exploitation by the international Communist apparatus of a vulnerable young man's idealism. MATTHEWS himself was a leading light in the Communist student movement in the 1930s. At the ULF conference when the war against Germany was condemned as "imperialist", MATTHEWS, who was then a Vice-President of the ULF and President of the National Union of Students, proposed a resolution, whose effect if not its intention would have been detrimental to the war effort. The resolution condemned a government scheme to form a labour corps for youths leaving school, which was said to emanate from those who "regarded Hitler's labour corps as worthy of imitation". The suggestion was made by MATTHEWS at a time when England was about to stand alone against Hitler and his allies, which included, if only temporarily, the Soviet Union and its British stooges. But this is another "pretty unattractive story".

THE PETER WRIGHT CASE

General line to take

As I have made clear, I can say nothing about the conduct of this case. I repeat that, like all present and former members of the security service, Mr. Wright owes a lifelong duty of confidentiality to the Crown. Unauthorised publication of his manuscript would violate this obligation. Mr. Wright served in the security service from 1955 to 1976. His service therefore relates to a period before the Conservative party's time in office. The Government are concerned with upholding the principle of confidentiality and the obligations of staff, without which there could be no effective security service. I believe that these principles have been upheld by successive Prime Ministers and Home Secretaries of both parties.

Security matters or specific points on the case

It would be inappropriate for me to comment on matters which may arise in the proceedings concerning the Peter Wright case in Australia while those proceedings continue. I also intend to follow the precedent set by previous Prime Ministers of not commenting on security matters.

Will the Government appeal against the judge's ruling?

The Government is considering ~~Mr. Justice Powell~~'s the judgement.

Telephone tapping

The Government's policy remains as stated in 1966 by the then Prime Minister, the Lord Wilson of Rievaulx, and as applied by successive Governments since then. Lord Wilson said that he had given instructions that there was to be no tapping of the telephones of Members of Parliament. That

remained the policy of the Government and if there was a development which required a change in the general policy, he would, as such moment as seemed compatible with the security of the country, on his own initiative make a statement in the House about it. The Government stands by that undertaking. [If pressed the undertaking applies to both postal and telephone interception.]

The role of the Attorney General

My Rt. Hon. Friend the Attorney General explained the position to the House yesterday. It is a long established convention that the Attorney General exercises his discretion in relation to individual criminal cases entirely independently of his colleagues ~~and without reference to party political~~ considerations. The same is true of civil actions where the Attorney General acts to enforce public rights either ex officio or in a relator action in his name i.e. at the request of a member of the public. [The Gouriet case was an example of this.]

However there are other civil cases in which the Attorney General acts in a representative capacity on behalf of the Crown. Decisions in such cases, like any other Government decision, are a matter of collective ministerial responsibility.

The decision not to take action against the publication of Mr. Chapman Pincher's book "Their Trade is Treachery" was a Government decision.

Action under the Official Secrets Act against Pincher et al

That would be a matter for my Rt. Hon. Friend the Attorney General. He has however made clear that it would be inappropriate for him to comment on anything which is in issue before the court.

DCABOJ

PRIME MINISTER

The Chief Whip told me this afternoon that Mr. Callaghan will not be speaking in Wednesday's debate, but that he would welcome the opportunity of a talk with you on security matters when the Wright case is over.

I will remind you about this again then with a view to arranging a meeting with Mr. Callaghan.

N.L.W.

(N.L. WICKS)

1 December 1986

2

PRIME MINISTER

PETER WRIGHT CASE: PUBLIC INTEREST IMMUNITY (PII)

Mr. Mallaby's minute below covers the actual documents which we showed to Mr. Justice Powell. (These were considerably fewer than the large bundle which you were shown the weekend before last.)

His minute gives preliminary views on which of these documents we might be able to show the defence counsel if Mr. Justice Powell's finding on PII went against us. On the top of each set of the documents is a description of the documents, together with a preliminary view on whether they could be discovered to the defence. (The documents are collated in backwards order: the last one in each list is the first in each set.)

There is no need for you to go through these documents in detail tonight. The Judge will, no doubt, agree that PII or legal privilege applies at least to some. We do not know yet which, if any, he will order to be discovered. But you may like to read Mr. Mallaby's minute, together with the summary analysis on the top of each set. Urgent decisions are likely to be needed tomorrow.

N.L.W.

N L WICKS

1 December 1986

SLHACO

B.07607

HOME SECRETARY

Peter Wright Case: Public Interest Immunity (PII)

This minute seeks to respond to the need expressed by Ministers at your meeting this morning to have further comments on the documents shown to the judge in Sydney, as preparation for the decisions on this matter which will be needed tomorrow.

2. The comments below are based on earlier discussion among all interested Departments and further analysis today by the Cabinet Office and the Home Office. The Security Service are reviewing the documents again this evening; their further comments will be incorporated into the advice to Ministers tomorrow on the actual ruling of the judge.

3. The comments relate to the folder of documents actually shown to the judge, which was attached to my minute to you of 28 November.

4. First, some general considerations. We shall almost certainly be expected to comply with the judge's ruling or to appeal. But we should consider whether it would suit us to try to adjust the ruling by complying in a certain form. The qualification might involve a limited number of deletions from discovered documents; or possibly the condition that the defence could inspect discovered documents and have access to them during proceedings but could not have photocopies, although this would only reduce, not eliminate, the risk of publication. We should also bear in mind the precedent which might be created in other courts overseas by our compliance with a discovery order in Australia. We should make clear, if we comply with the judge's ruling, that we do so on the assumption that the question of discovery would thereby be closed, thus forestalling further demands by Turnbull. If we decided not to comply, we could argue national security as our grounds in relation to the documents on which we have claimed PII. The comments below assume that Ministers will not be willing via discovery to reverse the long standing policy of not avowing the SIS.

Documents on which we are claiming legal professional privilege ('Part 2' documents)

A.1 Letter from DPP to Attorney General 5.3.85. This is a brief statement that the evidence to prosecute the persons concerned in making the television film "MI5's Official Secrets" featuring Cathy Massiter is not available and is unlikely to become available and therefore there are no grounds for advising a prosecution under the Official Secrets Act. The reasons why the evidence is not available are not given. This document could be discovered if necessary.

B.1 Letter from Sheldon to the Treasury Solicitor 3.7.84. The last sentence of paragraph 2c. displays the fact that the IBA's lawyers are a source of the Security Service. That sentence would have to be deleted before discovery. So should the signature on the letter.

B.2 Security Service file note 18.7.84. This reveals some reasons why no attempt was made to prevent Wright appearing on Granada Television. With the signature deleted, it could be discovered.

Documents on which we are claiming PII

A. Nigel West's "A Matter of Trust"

(a) West's original manuscript.

To allow publication of the full text would be inconsistent. If discovery could reliably be limited to the defence lawyers, it might be for consideration.

(b)-(d)

THIS IS A COPY. THE ORIGINAL IS RETAINED UNDER SECTION 3 OF THE PUBLIC RECORDS AC

B. Chapman Pincher's "Their Trade is Treachery"

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3(4)
OF THE PUBLIC RECORDS ACT

C. Chapman Pincher's "Too Secret Too Long"

Sheldon's minute of 5.9.84 could be discovered with many names deleted. The reference to Sir Anthony Kershaw in paragraph 5 does not seem embarrassing.

The covering letter from Sir John Jones to Sir Robert Armstrong of 26.10.84 could be discovered with the signature deleted. But the enclosure is more sensitive; see especially paragraph 2(b). However, this is not comparable with the last two documents concerning "Their Trade is Treachery".

The minutes of 17.10.84 and 22.10.84 could be discovered with the names of people and organisations deleted. The letter from the D Notice Committee of 29.8.84 could be discovered. Sir Robert Armstrong's letter of 28.9.84 to Sir Brian Cubbon relates an approach by Mr Merlyn Rees, to report information on Pincher's publishing plans. There is nothing here of security sensitivity. But discovery would be embarrassing vis-a-vis Mr Rees and could deter former Ministers from informing Departments when they have information of security interest.

THIS IS A COPY. THE ORIGINALS
RETAINED UNDER SECTION 3
OF THE PUBLIC RECORDS ACT

E. Peter Wright interview on television

Sheldon's letter of 3.7.84 and the MI5 file note of 18.7.84 are also subject to a claim for legal professional privilege; comments are above.

Prem 19/1953

Minute dated
01.12.86

THIS IS A COPY. THE ORIGINA
RETAINED UNDER SECTION
OF THE PUBLIC RECORDS ACT

Sir Robert Armstrong's minute of 16.7.84 to Number Ten contains plenty of meat, but nothing really sensitive, and could perhaps be discovered at a pinch.

5. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Attorney General and, with the folder of documents shown to the judge, to Mr Wicks at No. 10.

C L G Mallaby

1 December 1986

FILE
DA/ND

SUBJECT cc MASTER

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

1 December 1986

Dear Stephen,

THE PETER WRIGHT CASE

The Prime Minister held a meeting this morning to discuss the position on the Wright case. The Lord President, Foreign and Commonwealth Secretary, Home Secretary, Attorney General, Solicitor General, Chief Whip and Mr. Mallaby were present.

Mr. Mallaby reported that Mr. Justice Powell was expected to give his decision on public interest immunity (PII) at 11 p.m. tonight. Ministers would then have the whole of tomorrow to decide how to react to his judgement. Depending on the judge's decision, the Government could comply with his order, appeal against it or, more unlikely at this stage, abandon the case. The feeling of our Australian team was that the judge would order some documents to be discovered while bringing others under PII. In order to help Ministers reach urgent decisions tomorrow, officials were today considering each document to check whether it could be disclosed to the defence if the judge so directed. Sir Robert Armstrong would be re-examined tomorrow by our own counsel. In his replies, Sir Robert would stress that the central issue in the case was one of confidentiality of former members of the security service and indicate that many of the other issues raised by the defence counsel were irrelevant. He would emphasise that there was no Government authority whatsoever for the publication of Mr. Chapman Pincher's book "Their Trade is Treachery".

The Home Secretary reported on the recent meetings of his ad hoc group.

The following were the main points raised in the discussion:

1. It was agreed that the Prime Minister and other Ministers should not go beyond the statements already given.

2. Ministers should say that action on both Mr. Wright's and Mr. Chapman Pincher's book was taken by Government collectively. The roles of various Ministers should not be referred to.

3. Officials should consider whether any documents, which they might recommend could be disclosed, would make public

material, which while not damaging in this particular case, might provoke political controversy and damaging comment.

4. It was reported that someone associated with the Granada Television Company was a member of the defence counsel's team, and might be in court during in camera proceedings. Mr. Mallaby, in consultation with the Law Officers' Department, should check the truth of this report and see what assurance we could have that the person concerned would not communicate to others matters referred to in the in camera proceedings. It was agreed that in the light of further reflection, our counsel should not say in court that the Prime Minister had not discussed Mr. Peter Wright or his book with Lord Rothschild. (This reverses the instruction in my minute of 27 November to Mr. Mallaby.) It should, however, be made clear in court that no Government authority was given directly, or indirectly, to the publication of Mr. Chapman Pincher's book, "Their Trade is Treachery".

5. The Home Secretary should remind the House in the Debate on Wednesday of, among other things, the improvements in security arrangements introduced following the Prime and Bettaney cases. He should emphasise the absurdity of establishing a Committee of Privy Councillors to override the decisions of the Prime Minister, Foreign and Commonwealth Secretary and Home Secretary. He should take particular care in disposing of suggestions that the Security Commission should be involved in view of their role of monitoring interception warrants. The Lord Privy Seal should be asked to wind up in the Debate.

6. The Chief Whip reported on his conversation with Sir Edward Gardner, M.P., about his conversation with Mr. Callaghan. It was agreed that the Chief Whip should pass the message to Mr. Callaghan, through Sir Edward, that the Prime Minister would, if Mr. Callaghan wished, be willing to have a discussion with him about security matters when the Wright case was over. Meanwhile, it would be helpful if Mr. Callaghan did not seek to raise these issues in the Debate on Wednesday.

I am sending copies of this letter to the Private Secretaries to the Lord President, the Foreign and Commonwealth Secretary, the Attorney General, the Solicitor General, and the Chief Whip, and to Mr. Mallaby in the Cabinet Office.

Nigel Wicks

N.L. Wicks

Stephen Boys Smith, Esq.,
Home Office.

SUNDAY EX
NOVEMBER 30 1986

How Neil Kinnock & Co were fed

SPIES ANI NOW THE T

by Chapman Pincher

LORD ROTHSCHILD is certainly no spy. Ex-MI5's Peter Wright wrote his book because he was poor. Australian lawyer Malcolm Turnbull is ambitious, and Neil Kinnock and his Labour colleagues are being exploited as long-distance fall-guys.

EXCLUSIVE

My two best-selling books, *Their Trade is Treachery* and *Too Secret Too Long*, were neither written with help from senior Ministers or the former head of MI6, nor steered to publication by members of the Cabinet.

The first book was probably cleared by the senior lawyers of MI5 and MI6, taking the view that opposition in court would result in too many damaging public omissions.

And the Attorney General, Sir Michael Havers, has never volunteered me inside information about MI5.

Smear

I can tell you this because I have been at the centre of the spy furore which is now headlines round the world.

And I know the facts.

Maverick lawyer Turnbull is feeding Labour politicians a mixture of disinformation and fabrications to damage the British position in the attempt to prevent Peter Wright, a former MI5 officer from publishing his memoirs.

The MPs are swallowing it without proper examination for the party political purpose of smearing individual Ministers. As the truth unfolds when Wright is cross-examined this week they will realise that they have been bamboozled.

Phone

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HOW I MET WRIGHT
The full details: Page 3

MADDOCKS ON SUNDAY

Is that Neil Kinnock? —I hear you're also stuck up a gum tree....

IN YOUR SUNDAY EXPRESS

VICTIMS OF VIOLENCE

KIDNAP
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MURDER
THE SEVENTY YEAR OLD WHO DIED AT THE HANDS OF A BRUTAL THUG

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How 30 seconds in a laundrette made Nick Kamen a megastar

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WIN

Only one

CHAPMAN PINCHER THE MAN WHO WAS THERE, TELLS HOW THAT SPY BOOK REALLY CAME TO BE WRITTEN

Great Clam of Chowder

ONE OUTSTANDING fact lies behind the messy spy book case in Sydney and the Labour attacks on the Government arising from it.

Peter Wright left MI5 after almost 20 years distinguished service with an unprecedented load of super-secrets and a pension of only £2,000 a year.

His friend Lord Rothschild was so concerned that he did all he could at the highest possible levels to secure a better pension, but he was told by the Treasury that nothing could be done because it would break the rules and create a precedent. Wright's bleak situation arose because he had left MI5, which he joined in 1955, after only 15 years' full service.

His immediate problem was solved temporarily in 1970 when he was re-employed by MI5 as a personal assistant to the Director General, Sir Michael Hanley, a position giving him access to more highly sensitive secrets.

But when he left completely in 1976 those extra years did not count as fully pensionable service.

In 1980 he was living in appalling circumstances in the village of Cygnet, Tasmania, where he had emigrated to be near his daughter.

The small Arab horse stud he had started to eke out his pension was threatened with bankruptcy. He was seriously ill and fearful of leaving his overworked wife, Lois, in penury.

So the temptation to solve his problems by using his secret knowledge to earn money through a book was irresistible.

By the summer of 1980 he had written 10,000 words of a book exposing secret details of the Soviet penetration of Britain's secret services. But because of his frailty and so much work on the stud farm he knew that, without a professional writer, the book might not be completed before he died.

He might have secured a ghost writer in Australia, but he received a letter from Lord Rothschild who needed to discuss attacks on his own integrity with him and was willing to finance his first class travel for that purpose.

Peter Wright pictured with his wife in Sydney

SCIENTIST

Rothschild, a distinguished scientist, had first met Wright, also a scientist through an academic connection and they had become friends, having the joint interest of MI5 in which Rothschild had also worked and with which he maintained a connection.

Wright told me later that, following the exposure of Anthony Blunt, who had been a friend of Rothschild, articles had been appearing in the British media suggesting that Rothschild had been a Soviet agent himself.

Rothschild had turned to Wright for advice on how best to deal with the allegations, which were untrue, and to provide a document detailing his career which would prove his loyalty.

Wright decided that he would also take the 10,000 words of his book with him to show to Rothschild, and the fact that he did so disposes totally of Wright's claim in Sydney last week that it was Rothschild who suggested that he should write a book.

Wright claimed that te a blhe material he showed to Rothschild was about the Hollis case. But when I examined the 10,000 words when I eventually visited Wright in Tasmania, they contained no mention of Hollis. He had not reached the time of the Hollis case in his book.

My name for Lord Rothschild who was so tight lipped

After their private talk about Lord Rothschild's problem, Wright told Rothschild about his severe financial difficulties and that he had decided to resolve it by writing a book which would also expose the Hollis case and other scandals which had been covered up.

Realising that Wright was determined to publish a book, Rothschild suggested me as a collaborator. I had been a friend of Lord Rothschild for several years, having first met him socially. He was not a source of information, and in fact was so tight lipped and secretive I used to call him the Great Clam of Chowder.

I had never even heard of Wright, but he knew a lot about me, having investigated some of my Defence Ministry sources and he agreed that I would be suitable.

Lord Rothschild did not know that I was at home, but he telephoned me in Berkshire

FISHING

He was lucky to find me in because my wife and I were preparing to spend the evening trout fishing.

In cryptic language Lord Rothschild told me that a man, who was obviously a former secret service officer, wished to see me.

Such opportunities are so rare that I immediately accepted and met the man later that evening at Lord Rothschild's home in Cambridge. He turned out to be Peter Wright.

These circumstances, for which my wife and Lord Rothschild can vouch, destroy Wright's claims that I knew in advance that he was coming and had discussed meeting him with Lord Rothschild.

Left alone with him, Wright explained that he was in desperate need of £5,000 to save his stud farm from bankruptcy.

He told me about the 10,000 words but would not let me see them at that stage. Instead I was shown a list of traitors with which he proposed to deal. It included Hollis

Wright, and Wright alone, suggested that I should write a book on information he would provide and that we should share the proceeds.

I told him that I would be interested in collaborating, but I could have nothing to do with providing any money.

If a book proved possible and could safely be published I would secure a contract with a reputable publisher who would send in royalties in the normal way, as and when they became available.

SUNDAY EXPRESS OPINION PAGE 16

Wright insisted that his name must never be mentioned in any contract as he did not want to be prevented from returning to Britain, where he had a son and other relatives. He wanted me to sign a statement that I would pay him a half share, but I declined.

What was Lord Rothschild's motive in suggesting me as a collaborator?

I am convinced that his purpose was to prevent Wright himself from producing a book which would be far more damaging to MI5 than a book by me.

He knew from the 10,000 words that Wright was determined to produce a book, and Wright had stressed his severe financial problems.

Turnbull's argument to me on the telephone was that if Lord Rothschild had only wanted to help Wright, he could easily have given him £30,000. In this he shows his inexperience. Rich men are disinclined to give money away.

I spent two weeks with Wright in Tasmania in October 1980, paying my fare and expenses out of my own pocket.

The extent of Wright's knowledge was probably unique. He had been involved in Russian counter espionage from 1955 to 1976—longer than any other MI5 officer and because of his technical ability was concerned with bugging operations.

I told Wright he could receive no money until a contract had been signed when he would get his half share at the normal advance payment.

I secured a contract on December 12, 1980.

My only connection with the payments was in dealing with Wright's cables and letters asking me to expedite them.

Two days before publication of the book on March 21, 1981, the publisher received a written assurance from Sir Robert Armstrong, the Cabinet Secretary, that there would be no interference with its publication and asking for two copies for the Prime Minister.

We did not know then that the Cabinet Office had been in possession of page proofs for several weeks.

One reason for that decision now being suggested is that my book would "draw Wright's teeth."

It would also have been politically controversial to gag a well-known journalist — much more so than an ex MI5 man who had signed the Official Secrets Act.

After the success of *Their Trade is Treachery*, Wright suggested another joint book to be called *The Atlantic Connection*, about Anglo-American intelligence relations, but it came to nothing.

TWICE

He then suggested newspaper articles for which he would provide information, but I rejected that. He also suggested a book solely on the Hollis case, but I told him there was not enough new material.

Shortly afterwards, Wright ended all correspondence and I have never heard from him since.

Wright had no involvement in my 1984 book *Too Secret Too Long*, which was about the need for external supervision of the secret services and was written after our relationship ceased.

Nevertheless, Malcolm Turnbull telephoned men to ask why I had not sent Wright half the proceeds.

I told Turnbull that Wright could not expect to be paid twice for the same material which was available to anybody one *Their Trade is Treachery* had been published.

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WHO'S WHO IN THE SPY BOOK CASE

PETER WRIGHT
Former MI5 man who hit hard times, and wants to publish his memoirs.

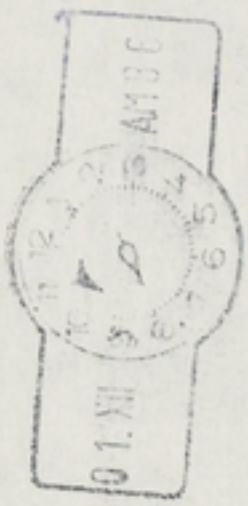
LORD ROTHSCHILD
MI5 man suspected of spying who wanted Wright to help him clear his name.

MALCOLM TURNBULL
Maverick Australian lawyer representing Peter Wright in the spy book case in Sydney.

SIR ROGER HOLLIS
A former head of MI5, who is now suspected of being a Soviet agent.

SIR ROBERT ARMSTRONG
Cabinet Secretary who asked for two copies of the Pincher spy book for Mrs Thatcher.

DALE CAMPBELL-SAVOURS, MP
The member for Workington who is spy case spokesman for Labour in the Commons.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MR WICKS

Peter Wright Case

Last night I received a telephone call from Lord Rothschild referring me to yesterday's article in the Sunday Express by Chapman Pincher. Lord Rothschild said that the article was "very accurate" and suggested that it be sent to Sydney where it might be of help in furthering the Government's case. This had, in fact, already been done.

2. I am copying this minute, with copies of the Pincher article, to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Attorney General, and to Mr Mallaby (Cabinet Office).

Trevor Woolley

T A WOOLLEY

1 December 1986

CONFIDENTIAL

SPIES AND LIES: NOW THE TRUTH

IN YOUR SUNDAY EXPRESS

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How 30 seconds in a laundrette made Nick Kamen

LORD ROTHSCHILD is certainly no spy. Ex-MI5's Peter Wright wrote his book because he was poor. Australian lawyer Malcolm Turnbull is ambitious, and Neil Kinnock and his Labour colleagues are being exploited as long-distance fall-guys.

by Chapman Pincher

EXCLUSIVE

My two best-selling books, *Their Trade is Treachery* and *Too Secret Too Long*, were neither written with help from senior Ministers or the former head of MI6, nor steered to publication by members of the Cabinet.

The first book was probably cleared by the senior lawyers of MI5 and MI6, taking the view that opposition in court would result in too many damaging public omissions.

And the Attorney General, Sir Michael Havers, has never volunteered me inside information about MI5.

Smear

I can tell you this because I have been at the centre of the spy furore which is now headlines round the world.

And I know the facts.

Maverick lawyer Turnbull is feeding Labour politicians a mixture of disinformation and fabrications to damage the British position in the attempt to prevent Peter Wright, a former MI5 officer from publishing his memoirs.

The MPs are swallowing it without proper examination for the party political purpose of smearing individual Ministers. As the truth unfolds when Wright is cross-examined this week they will realise that they have been bamboozled.

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MADDOCKS ON SUNDAY

Lovers with an evil secret

Moors killers picnic in a leafy glade

ARMS around each other, two happy lovers frolic in a leafy glade on a sparkling English summer's day.

But their smiles hide a secret that was to horrify the world.

For they are sadistic child killers.

Evil Moors murderers Myra Hindley and Ian Brady pose unconcerned for this never-before-published picture.

It was taken in 1965 — the year they were arrested for the murders of 10-year-old Lesley Ann Downey and John Kil-

Police now looking for the bodies of two other children, 16-year-old Pauline Reade and Keith Bennett, 12, have unsuccessfully searched the glade.

It is believed to be one of the spots police want Hindley to visit if she is released from Cookham Wood jail in Kent to help police in their new hunt.

But plans to smuggle Hindley to the moors disguised as a police officer — for fear of retaliation from grief-stricken relatives of the victims — have come under fire.

BRITAIN'S SPACE HOPE

A REVOLUTIONARY new space flight vehicle being developed in Britain could mean we launch our own "Star Wars" system.

NATO bosses are currently considering the system—the brain child of British experts—which could offer an alternative to the Trident nuclear

PART 3 ends:-

SIR A. KERSHAW TO M.A 29.11.86

PART 4 begins:-

T. WOOLEY TO NLW 1.12.86