

mb



CONFIDENTIAL

PRIME MINISTER ¹

You asked for para 22 (flagged) to be re-considered. Sir J Hunt offers two alternatives approaches in para 5 below. Should we adopt "x" or "y"?

MAP 10/1

Ref. A09515

PRIME MINISTER

Questions of Procedure for Ministers

Your Private Secretary's letter of 7th May recorded that you were not convinced that it is "undesirable in principle" to disclose the structure and detail of Cabinet Committees and that you would like this section (paragraph 22) to be reconsidered.

2. I have, if I may be allowed to say so, a lot of sympathy with the view you have expressed. But before suggesting what we might do about the matter I ought perhaps to recapitulate the reasons why previous Prime Ministers, whatever the advice they have been given, have always eventually come down on the side of the status quo.

3. The traditional argument runs as follows. The Cabinet Committee system grew up as the load on the Cabinet itself became too great. It allows matters of lesser importance to be decided without troubling the whole Cabinet; and major issues to be clarified in order to save the time of the Cabinet. The method adopted by Ministers for discussing policy questions is however essentially a domestic matter: and a decision by a Cabinet Committee, unless referred to the Cabinet, engages the collective responsibility of all Ministers and has exactly the same authority as a decision by the Cabinet itself. Disclosure that a particular Committee had dealt with a matter might lead to argument about the status of the decision or demands that it should be endorsed by the whole Cabinet. In any case taking the initiative to publish details of the Committees could be positively misleading. The existence of some (e.g. on nuclear matters) could not be disclosed on security grounds: others have a transient life and the Government would not want to reveal the existence of ad hoc groups on subjects where the Government had work in hand about which it was not ready to make any announcement. Furthermore the absence of a Committee on a particular subject (e.g. agriculture) does not mean that the Government do not attach importance to it: and the fact that a particular Minister is not on a Committee does not mean that



CONFIDENTIAL

he does not attend when his interests are affected. It has been argued therefore that publication of the Committee structure would lead to pressures for both more and larger Committees. In particular it has been felt that disclosure would make it harder to exclude Ministers (particularly the territorial Ministers) who have marginal cases for membership of Committees. For all these reasons previous Prime Ministers have tended to feel that disclosure of the Committee structure would hamper their own freedom in setting up, and disbanding, Committees and in appointing Ministers to them.

4. Frankly I think that some of these arguments have been overdone, particularly since parts of the Committee structure are often quite widely known and discussed in the Press. There is however a difference between taking a more relaxed attitude to the question and positively volunteering this information. If you do the latter, would you be able to refuse to answer Questions in the House of Commons about the work of Committees? How would your Press Office respond to the inevitable questions they would get? And so on. There is also a particular problem in relation to Select Committees: if the Government publishes the names of Chairmen this would have implications for the responsibilities of Departmental Ministers since Select Committees would probably start summoning Chairmen (or other members) to give evidence as well as the responsible Minister.

5. You may feel therefore that the first part of the argument in paragraph 3 above is soundly based (i.e. that the method by which a Government takes a decision is a domestic matter and that the Government should not get into a position of having to answer questions about it): but that we need not be unduly troubled if the existence of Cabinet Committees becomes known. If so, the right thing would be to delete the last sentence of paragraph 22. In other words, retain the general constitutional position but be a bit more relaxed about it. If however you want to publish details of the main standing Committees and feel you can hold the line there, I would see no objection. This is essentially a political matter.

X
Y

JH
(John Hunt)

*Agree have
wrd?
m*