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SUBJECT
ce Marks

10 DOWNING STREET

From the Principal Private Secretary

30 June 1982

Dear John,

FALKLAND ISLANDS INQUIRY

The Prime Minister and the Home Secretary met Mr David Steel yesterday evening in the Prime Minister's room in the House of Commons to discuss the Falkland Islands inquiry about which she had written to him on 21 June.

The Prime Minister said that she had seen Mr Foot and Mr Healey the previous Friday. They felt strongly that Labour should be represented on the committee to undertake the inquiry by two members rather than one. She was prepared to agree to this, even though she had originally had in mind a small committee in the hope that it would work more quickly. But this meant that there would have to be two Conservative members as well. She had not yet decided who they should be. Mr Foot was thinking of putting forward at least one Member of the Labour front bench in the Commons. This put her in some difficulty since she would need to find at least one member from Conservative ex-Cabinet Ministers in the Commons, and the field from which to choose was limited.

She had suggested in her letter that the chairman of the inquiry might be an academic but she was not wedded to this idea. What was important was that the chairman should command public confidence and be seen to be above Party political considerations. Nonetheless, there would be a highly political element to the inquiry, and for this reason she did not think it right to appoint a serving judge as chairman. There would, however, be less difficulty about making a retired judge the chairman. She thought that by far the best choice to chair the inquiry would be Lord Franks. He had a wealth of experience which was appropriate to the task. It was true that he was now seventy-seven, but she understood that his health was good. He was of course a Liberal. Mr Foot would be very happy with him as chairman. If Lord Franks was not available, another possible chairman was Lord Plowden. He was of much the same age as Lord Franks but he too was still fit.

She also thought that it would be helpful to have a retired Civil Servant as a member of the committee, not least because the role of the Civil Service in the events leading up to the Argentinian invasion of the Falkland Islands had been strongly criticised in a number of quarters. She had in mind Sir Patrick

CONFIDENTIAL

CONFIDENTIAL

- 2 -

Nairne for this purpose and she was sure that he would make an invaluable contribution to the inquiry. Mr Healey had also raised the name of Professor Michael Howard. He might serve on the committee as an independent member, though she was inclining to the view that if both Lord Franks and Sir Patrick Nairne agreed to take part in the inquiry, it might not be necessary to have Professor Howard as well.

Mr Steel said that he would be very content for Lord Franks to take the chair. His only reservation about him was his age but that did not matter if he was as fit as the Prime Minister believed. Lord Franks's appointment would also help him by providing an Alliance member for the inquiry. He had talked to Mr Grimond about the possibility of putting his name forward but they had both concluded that this would not be a good idea, since Mr Grimond knew nothing of the departments that would be involved in the inquiry and he would have a great deal of learning to do. As for other possible chairmen, he knew Lord Plowden well and would be content with him as an independent chairman. But he was not of course an Alliance figure. He thought that another possible chairman was Mr John Freeman. He also knew Professor Howard fairly well and had a high regard for him as an historian. He agreed that he would make a good independent member. Lord Mayhew was a possible member of the committee, and he knew that Dr Owen had in mind Mr William Rodgers. More generally, he thought it important that the committee included a good proportion of independent members of high public standing, particularly if the Conservative and Labour members were all or mainly ex-Ministers who had only recently been in office.

Turning to the terms of reference, Mr Steel said that he hoped that the inquiry would not be delayed by going back too far in time.

The Prime Minister said that she hoped that the committee would be prepared to work two or three days a week. She did not think that it would take them too long to examine the papers they would need to see, though they would be given access to all the documents of the present and past governments which they felt they needed to look at. What was likely to be most time consuming would be questioning the witnesses. She thought that the whole inquiry need take no more than six months at the outside and she hoped that it would be a good deal less. When they submitted their report the Government would have to decide whether any parts of it would have to be withheld on grounds of national security. She would seek the agreement of the chairman to any such deletions.

Mr Steel said that he was glad to learn that the inquiry would not be delayed by going back some way in time. He would like to know whether the Prime Minister proposed to set up the committee by announcing it in a simple statement in the House or by means of a resolution of the House.

The Prime Minister said that if the committee was established by a resolution, there would be a debate, and she was worried that some Members would take advantage of the opportunity to attack

CONFIDENTIAL

CONFIDENTIAL

- 3 -

individual members of the committee. This could well undermine the inquiry before it had even started. In fact if she announced the establishment of the committee in a statement, the House would have a better opportunity to cross-examine her than it would if it proceeded by means of a resolution and a debate. She hoped that, as a result of her consultations, it would be possible for her to say in her statement that she had reached broad agreement with the leaders of the opposition parties on the nature, scope and composition of the inquiry.

I am sending copies of this letter to Michael Collon (Lord Chancellor's Office), Brian Fall (Foreign and Commonwealth Office), David Omand (Ministry of Defence), David Heyhoe (Lord President's Office), Jim Buckley (Lord Privy Seal's Office), Keith Long (Chancellor of the Duchy of Lancaster's Office), Jim Nursaw (Law Officers' Department), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

Yours truly,

Alvi Shrivastava.

John Halliday Esq.,
Home Office.

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