



10 DOWNING STREET

THE PRIME MINISTER

12 February 1985

Dear Mr. Kinnoch

In the House of Commons this afternoon you used these words:-

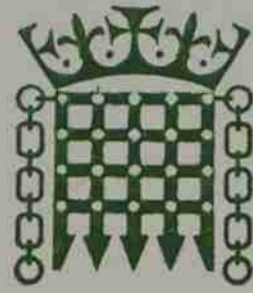
"The Rt. Hon. Lady says now, and she has said to me before, that she was not involved in the decision to prosecute. Frankly, I do not believe the Rt. Hon. Lady."

The statement that the Leader of the Opposition does not believe a statement by the Prime Minister - both Privy Counsellors - before the whole House of Commons is as serious a charge as could be made. Your charge is utterly untrue. If you cannot substantiate it - and you cannot - I must demand that you withdraw it and apologise unreservedly and immediately.

Yours sincerely

Margaret Thatcher

The Rt. Hon. Neil Kinnock, MP.



HOUSE OF COMMONS  
LONDON SW1A 0AA

The Office of the Leader of  
the Opposition

12 February 1985

*Dear Prime Minister,*

I have your letter.

As I repeatedly said in the House this afternoon, my words stand unless and until an adequate explanation is given of the decision to prosecute Mr Ponting.

That is necessary since Mr Ponting testified on oath that his superiors told him that it "would be the end of the matter" if he resigned from the Civil Service and he was plainly given to understand that he would not be prosecuted.

When even the prosecuting counsel in the trial said "it is not suggested that the disclosures in fact damaged national security", there is obviously further reason to secure an explanation of the decision to prosecute.

I note your statement this afternoon that you were not involved and Ministers had no role in the decision to prosecute Mr Ponting. It is clear from your letter that you maintain your position. So do I.

*Yours sincerely*  
*Neil Kinnock*

NEIL KINNOCK

The Rt Hon. Margaret Thatcher MP



10 DOWNING STREET

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THE PRIME MINISTER

12 February 1985

*Dear Mr. Kinross*

Thank you for your letter of 12 February.

You are avoiding the point. I told you, and the Attorney General confirmed, that I was not involved in the decision to prosecute Mr. Ponting. You said that you did not believe me.

An honourable man would substantiate or withdraw. You have not substantiated, and I know you cannot do so. Will you withdraw?

*Yours sincerely*  
*Neil Kinnock*

The Right Honourable Neil Kinnock, M.P.



HOUSE OF COMMONS  
LONDON SW1A 0AA

The Office of the Leader of  
the Opposition

13 February 1985

*Dear Purnell Anwar,*

I have your further letter, in which you repeat your statement that you were not involved in the decision to prosecute Mr Ponting.

That decision involved a number of stages, including firstly, of course, the decision not to fulfill the arrangement by which Mr Ponting had been given to understand that he would not be prosecuted but allowed to resign; secondly, the subsequent submission of the police report to the Director of Public Prosecutions and the Law Officers, and thirdly, their decision to authorise proceedings.

You will recall telling me, in your letter of 19 September 1984 enclosing a copy of your letter of the 14th September to David Owen, that on Monday 13th August - three days before the police report reached the Director of Public Prosecutions - "the Defence Secretary and I were told of the outcome of the inquiry (i.e. by the Ministry of Defence) and that the matter had been referred to the Director", but that "in the succeeding days" neither you nor other Ministers intervened.

In view of the fact that Mr Ponting has stated on oath that he was told he would not be prosecuted but allowed to resign, and in view of the fact that Prosecuting Counsel told the court that there had been no damage to national security, it is obviously essential that a full and adequate explanation of the involvement of you and your Ministers in the decision to prosecute Mr Ponting is given to the House.

Unless and until I receive that full and adequate explanation, my words to the House stand.

*Yours sincerely*  
*Neil Kinnock*  
NEIL KINNOCK

The Rt Hon Margaret Thatcher MP



10 DOWNING STREET

THE PRIME MINISTER

13 February, 1985.

*Dear Mr. Kinrade*

Thank you for your letter of 13 February.

You have asked for a full explanation of the events leading to the prosecution of Mr. Ponting and of the decision itself. We have already corresponded on this matter, but in view of your request, I will set out these matters again covering the further points raised in your letter.

When the two Ministry of Defence documents sent to Mr. Dalyell were given to Mr. Heseltine by the Chairman of the Foreign Affairs Committee on 26 July, he arranged for them to be forwarded to the Director of Ministry of Defence Security. It was decided that an investigation should be undertaken by the Ministry of Defence Police into the circumstances in which the documents had come into the hands of Mr. Dalyell. No Ministers, of course, took part in that investigation in any way.

The Police investigation resulted in an admission by Mr. Ponting at about 1800 hours on Friday 10 August that he had sent the documents in question to Mr. Dalyell. You say that Mr. Ponting stated on oath that he was told that he would not be prosecuted but allowed to resign. The Principal Establishments Officer of the Ministry of Defence, Mr. Hastie-Smith, has stated on oath that, at his interview with Mr. Ponting on the afternoon of 10 August, at no time

did he offer him immunity from prosecution in return for a confession. From his previous experience as Head of the Legal Secretariat in the Ministry of Defence until March 1984, Mr. Ponting would have been aware that in this kind of case a decision on prosecution would not be taken within the Ministry of Defence. It is, of course, a matter for the Law Officers. In addition, when Mr. Ponting came to see Mr. Hastie-Smith on 14 August, he was handed a letter telling him that the possibility of prosecution was still under consideration. The question of immunity from prosecution in return for his statement of admission was not mentioned. Ministers were not involved in any way in these discussions.

Following Mr. Ponting's admission and in view of the prima facie evidence of a breach of the Official Secrets Act, an oral report was made to the Director of Public Prosecutions by the senior Ministry of Defence official concerned, Sir Ewen Broadbent, at 1100 hours on Monday 13 August; and, after consultation with the Solicitor General, the Director asked for a very early Police report. At about lunchtime on 13 August, Sir Ewen Broadbent was telephoned by the Solicitor General about the case. It was not until that afternoon, after the matter was therefore in the hands of the Law Officers, that Sir Ewen Broadbent reported to Michael Heseltine who was on leave at his home outside London, where matters stood. This was the first Michael Heseltine knew of the outcome of the investigation and no other Defence Minister had been involved. Michael Heseltine noted the report and that the decision whether or not to prosecute rested with the Law Officers.

John Stanley, who was on leave and out of London, received a written brief on 15 August. This was the first time he was made aware of the outcome of the investigation by the Ministry of Defence Police and of the reference to the Director of Public Prosecutions, which had taken place on 13 August. John Stanley was not involved at any time in the decision to prosecute.

I was myself in Austria and was informed by my Private Office by telex on the afternoon of 13 August of the events that had taken place and I noted the position without comment.

The police report was received by the Director of Public Prosecutions on 16 August. The Solicitor General and the Director of Public Prosecutions considered that report on 17 August, and both formed the view that this was a serious breach of duty and trust by a senior civil servant. They decided to consult the Attorney General and he was telephoned on the same day. The facts as reported by the Director of Public Prosecutions were explained to the Attorney General. The nature of the documents which had been communicated was described, and the Attorney General was told that the Director of Public Prosecutions and the Solicitor General advised a prosecution. As he told the House yesterday, the Attorney General too decided that the case fell within his published guidelines on the criteria for prosecutions, and that there should be a prosecution.

In reaching that decision, the Law Officers did not seek the view of, or consult with, any of their Ministerial colleagues nor was the view of any other Minister conveyed to them. In common with other Ministers, I was informed of the decision after it had been made, by a telex from my Private Office on 17 August. My approval was neither sought nor given; either would have been an entirely improper interference with the quasi-judicial function of the Law Officers.

You have also asked for an explanation why a prosecution was authorised if the documents involved did not prejudice national security. Section 2 of the Official Secrets Act is, of course, not limited to the protection of national security. Civil servants, whatever their rank, have a special degree of responsibility imposed on them by the nature of their office and their duties, and by the confidence that is thereby reposed in them. The Attorney

considered that, particularly in view of his seniority, Mr. Ponting's breach of responsibility and trust was so serious as to warrant prosecution under Section 2 of the Act. Mr. Ponting's subsequent acquittal in no way invalidates that decision and, indeed, there has been no suggestion, even from the defence lawyers that there was not a case to go to the jury.

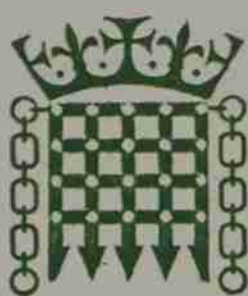
I have set out in some detail the events which led to the Law Officers' decision to prosecute Mr. Ponting, and the considerations which led them to take that decision, because I attach very great importance to ensuring public confidence in the independence from Government of our judicial process including the quasi-judicial role of the Attorney General in deciding whether to prosecute. I believe that I have covered all the points which you raised and have explained fully the events leading up to the decision to prosecute Mr. Ponting.

I am greatly concerned that the exchanges yesterday seriously damaged in a quite unnecessary way the appropriate relationship which ought to exist between the Prime Minister and the Leader of the Opposition. In view of the very full explanation which the Attorney General and I have given, I ask you now to withdraw your charge that I was involved in that decision.

*Yours sincerely*

*Raymond Baxter*

The Rt. Hon. Neil Kinnock, M.P.



HOUSE OF COMMONS  
LONDON SW1A 0AA

The Office of the Leader of  
the Opposition

14 February 1985

*Dear Prime Minister,*

Thank you for your lengthy letter which benefitted by being rather more informative and less melodramatic than your previous correspondence.

There remain a number of questions arising from the issues and from your letter which need to be answered in greater detail and I enclose them on a separate sheet.

In addition, there are features of this matter which generate scepticism.

The suggestion, for instance, that nearly three days could pass between the time that an admission was made by a senior civil servant on an issue of great importance and the time that the Secretary of State for his Department - especially the Defence Ministry - was informed is, for obvious reasons, very difficult to believe.

In addition, you will be familiar with the consideration put by Mr Sam Silkin QC, former Attorney General, in his letter to the Times on 26 September last that:

"the Law Officers must take instructions from nobody; but they are free to consult colleagues, particularly those with a departmental concern and, as Sir John Simon rightly said, there are times when they would be fools not to do so. In a case such as the Ponting case it is hard to believe that there are no aspects of the public interest upon which consultation with colleagues could have assisted the Law Officers in reaching their eventual and independent decision."

That has been and is the widely understood position of Law Officers and Departmental Ministers in cases of this nature. The idea that there was no consultation of the kind to which Mr Silkin refers has been greeted by many - including myself - with incredulity.

Further, because of your reputation for detailed acquaintance with Departmental affairs, I share the widespread surprise that you played no active part in matters between the discovery of the leak on 26 July and the authorisation of the prosecution of Mr Ponting on 17 August.

These and other considerations combine to produce profound disbelief.

I am prepared to accept what you say in your letter as an accurate account of the joint decision of the Law Officers on 17 August. As far as the wider questions of Ministerial conduct are concerned, I have again to say that my further judgement must depend upon full disclosure on these matters and upon full answers to the questions which I append.

*Your sincerely*  
*Neil Kinnock*

NEIL KINNOCK

Rt Hon Margaret Thatcher MP

QUESTIONS ARISING FROM THE PRIME MINISTER'S  
LETTER OF 13 FEBRUARY

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1. When Mr Heseltine was first made aware on 26 July of the fact that Ministry of Defence documents had been leaked to Mr Dalyell, did he express any opinion or issue any instruction as to whether or not the individual responsible, if and when identified, should be prosecuted?
2. Were you made aware, by Mr Heseltine or anyone else, of the fact that documents had been leaked to Mr Dalyell, and that an investigation had been ordered, before you received a telex on Monday 13 August? If so, when?
3. If you were made aware of the fact of the leak or the investigation, or both, before 13 August, did you express any view on the matter and, if so, what was your view?
4. Could you confirm the implication in your letter that you were first made aware of Mr Ponting's admission in the telex you received on 13 August?
5. Will you confirm the implication of your letter that you received no other communications on the matter between the telex on 13 August and the second telex on 17 August, and that you had no contact with Ministerial colleagues or with officials on the matter between those two events?
6. Why were you informed, on Monday 13 August, of the outcome of the investigation and the referral to the DPP?
7. Is it standard practice that you be kept informed of the outcome of any investigation involving the Official Secrets Act, or involving a member of the Civil Service?
8. Had you issued a specific instruction to that effect, or requested that you be kept informed in this case?

9. When your Private Office was notified on Monday 13 August by Mr Heseltine's Private Office of the outcome of the investigation, did they request that they be immediately notified of the outcome of the Law Officers' and the DPP's deliberations?

10. On receipt of the telex on 13 August, did you ask to be immediately informed of the Law Officers' decision, as you were on 17 August?

11. Can you confirm the implication of your letter that the first time Mr Heseltine knew of the outcome of the investigation and Mr Ponting's admission was on the afternoon of Monday 13 August, and that that was the first time he knew of Sir Ewen Broadbent's communications with the DPP and the Solicitor General?

12. At the meeting between Sir Ewen Broadbent and the Secretary of State on Monday 13 August, was Mr Heseltine told that Mr Ponting had already submitted a letter of resignation? Did he express a view on whether that resignation should be accepted? Did he, while recognising that the responsibility for authorising a prosecution lies with the Law Officers, express a view as to whether or not a prosecution should be brought?

13. When was Mr John Stanley first made aware of the leaking of the documents to Mr Dalyell?

14. When was Mr Stanley first told of the establishment of an investigation?

15. Can you confirm the implication of your letter that the first time Mr Stanley was made aware of Mr Ponting's admission was on 15 August?

16. Can you confirm that neither you, nor Mr Heseltine nor Mr Stanley discussed this whole affair, with each other or with other Ministerial colleagues or with officials or at any time before Monday 13 August?



10 DOWNING STREET

THE PRIME MINISTER

14 February 1985

*Dear Mr. Kinnoch,*

I have read your letter of 14 February. You apply the terms "scepticism", "incredulity" and "profound disbelief" to the statements in my letter. Those phrases and your further sixteen questions make clear that you continue to doubt my assurances that Ministers were not involved in the decision to prosecute Mr. Ponting. So, despite what you said in the House today, your letter shows that you are maintaining the position you took in the House on Tuesday.

I have given you a full and meticulous account of the matters relevant to the point you raised. I have taken the initiative to restore the relationship which should exist between a Prime Minister and Leader of the Opposition. I am sorry that you have not been able to respond.

*Yours sincerely*  
*Margaret Thatcher*

The Rt. Hon. Neil Kinnoch, M.P.



10 DOWNING STREET

cc Press Office  
LPres  
LPS  
MOD  
C. Whip  
A. Gen.

ECU

THE PRIME MINISTER

15 February, 1985.

Dear Mr. Kinrade,

I have received your further letter of 14 February about the Law Officers' decision to prosecute Mr. Ponting.

You are trying to make a distinction between the decision of the Law Officers on 17 August and the period leading up to that decision. You accept my assurance that neither I nor other Ministers were involved in the decision on 17 August: you refuse to accept my assurance as regards the period leading up to that date.

Ministers were not involved at any stage in the Law Officers' decision to prosecute Mr. Ponting and did not seek to influence their decision either directly or indirectly by any of the means implied in the 16 questions attached to your letter. If you want these matters to be pursued, there is a full opportunity for debate on Monday.

Yours sincerely  
Margaret Thatcher

The Right Honourable Neil Kinnock, M.P.



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10 DOWNING STREET

THE PRIME MINISTER

15 February, 1985.

Dear Mr. Kinross.

Thank you for your letter of 1 February about the suggestion, made during the trial of Mr. Ponting, that Admiral Sir John Fieldhouse has claimed that the reference in his Official Despatch on the Falklands conflict to the date on which the Belgrano had first been sighted was altered by officials to make it consistent with earlier public statements. I answered this point in reply to an Oral Question by Mr. Tam Dalyell on 12 February and I enclose the relevant extract from the Official Report.

Yours sincerely

Margaret Thatcher

The Right Honourable Neil Kinnock, M.P.

answerable that I was not involved in the decision to prosecute Clive Ponting. I ask the right hon. Gentleman to accept that explicitly.

**Sir Peter Blaker:** Has my right hon. Friend's attention been drawn to the fact that Mr. Ponting said in court that there was a good military case for attacking the Belgrano and that he had seen nothing to support the contention that the ship was sunk to end a Peruvian peace plan? Does that not mean that the contention that the hon. Member for Linlithgow (Mr. Dalyell) wished to prove when he started his line of questioning was wrong?

**The Prime Minister:** The Belgrano was sunk for the protection of our armed forces, our naval forces, the Hermes and the Invincible. May I make it clear to everyone that, so long as this Government are in power, the protection of our armed forces will be our prime consideration, whatever the Opposition say. I challenge the Leader of the Opposition: will he or will he not accept my assurance? May I tell him that I was on holiday when the decision was taken.

**Mr. David Steel:** Has the Prime Minister noted the determination of the jury to distinguish clearly between loyalty to a Government and the security of the state? Will she therefore welcome, indeed rejoice at, this reaffirmation of basic democratic values by a cross-section of the British people and will she demand higher standards from her Ministers?

**The Prime Minister:** I accept the decision of the court—of course I do. I always have—but I stress that two things are vital. The first is that Ministers are able fully to trust civil servants. I hope that the right hon. Gentleman agrees with that and does not in any way endorse or condone the breach of trust that occurred.

Secondly, I wholly and utterly insist that there are some things in security and intelligence which, for the safety of our forces or the safety of the state, the Government must keep secret. To put it in specific terms:

"The Government has concluded that information relating to security and intelligence matters is deserving of the highest protection whether or not it is classified. This is pre-eminently an area where the gradual accumulation of small items of information apparently trivial in themselves could eventually create a risk for the safety of an individual or constitute a serious threat to the interests of the nation as a whole."

That was the view of the last Labour Government when they were in power, set out in a White Paper brought before this House by the then Home Secretary in 1978. It is something that we endorse.

I again ask the right hon. Gentleman, will he accept the assurance I have given that I had nothing to do with the prosecution of Clive Ponting? If not, he is the smaller a man because of his refusal.

**Q2. Mr. Ward** asked the Prime Minister if she will list her official engagements for Tuesday 12 February.

**The Prime Minister:** I refer my hon. Friend to the reply that I gave some moments ago.

**Mr. Ward:** May I draw my right hon. Friend's attention to the announcement by the National Union of Teachers this lunch-time that it intends to call a series of strikes? Does she not find this a strange way for teachers to carry out their duties and responsibilities to the young people of this country?

**The Prime Minister:** I agree with my hon. Friend. Children are in the care of teachers and it is a tragedy if

teachers do anything to jeopardise the future of children in order to go on strike. But I must say that I do not believe that many teachers will go on strike. I think that they will prefer to look after their charges.

**Mr. Dalyell:** Who was it who altered Sir John Fieldhouse's official commander-in-chief's report without Sir John Fieldhouse's knowledge?

**The Prime Minister:** I understand from Admiral Fieldhouse that during the drafting of his dispatch at Northwood he queried the date in the sentence on the detection of the Belgrano but agreed that it should be left as 2 May in order to protect sensitive operational and intelligence information. The second of May was therefore the date in the dispatch that Admiral Fieldhouse submitted to the Ministry of Defence. It was not altered by officials there.

**Q3. Sir John Farr** asked the Prime Minister if she will list her official engagements for 12 February.

**The Prime Minister:** I refer my hon. Friend to the reply that I gave some moments ago.

**Sir John Farr:** In view of the rising costs of Trident, will my right hon. Friend consider whether there are new ways of ensuring that a far greater domestic content is included in the contract? Given the increasing cost of purchases from America, an additional input from the British end would be very helpful to British industry.

**The Prime Minister:** Of course, a very considerable part of the Trident order has been placed in Britain as, indeed, all the submarine orders have been. I shall see whether we can achieve anything more, but the whole Trident programme will give us far more deterrence than any other programme on which we could spend that same amount of money.

**Dr. Owen:** The Prime Minister is a Member of the House and is aware of the convention that when the record of the House is printed it is accurate. When that record has been shown to be inaccurate and statements have been made to the House that have subsequently been shown to be untrue, they have been corrected. Why has the Prime Minister not come to the House today to correct the many mistaken statements that have been made by her and her Ministers, the most recent of which was on 21 February 1984, and is reported in column 695 of *Hansard*. She said that all the facts had been revealed and went on to say:

"All the facts are there. They support the Government's case."—[*Official Report*, 21 February, 1984; Vol. 54 c. 695]

All the facts were not revealed. They do not support the Government's case. There are misleading statements on the record, and the Prime Minister owes it to the House to put the record straight.

**The Prime Minister:** The right hon. Gentleman wrote a very long letter to me in the autumn. I answered his allegations fully in my letter to him of 8 October. He replied to that, and I answered again on 16 November. I have also answered very extensive letters from other right hon. and hon. Members, and I believe—although I speak from memory—that some of them have been reproduced in *Hansard*.

Several Hon. Members rose—

**Mr. Speaker:** I shall take the private notice question and then points of order.

Later—