

SIR EWAN BROADBENT - INTERVIEW ON PONTING PROSECUTION

Transcript from: BBC Radio 4, World at One, 15 February 1985

INTERVIEWER: (Brian Widlake) ... One of the aspects of the Clive Ponting row which MPs are concerned about is the role of Tory Ministers in seeking to prosecute Clive Ponting. The Government in the last few days has maintained that it was entirely the decision of the Crown's law officers and had nothing to do with Ministerial interference, recommendations or feelings. One of the senior civil servants closely involved with the Ponting affair last August, the month it was discovered that Mr Ponting was the leaker, was Sir Ewan Broadbent. He is now retired but at that time he was Second Permanent Secretary of the Ministry of Defence. I've been exploring the sequence of events that led up to Mr Ponting's prosecution with Sir Ewan and I asked him first when it was that he'd first heard that Mr Ponting was the Ministry of Defence mole?

BROADBENT: It was on the Friday afternoon of the 10 August when the Ministry of Defence police officer who was conducting the inquiry told me the stage his investigations had reached.

INTERVIEWER : And those investigations had by then reached a stage when there was clear evidence that Mr Ponting had leaked the documents?

BROADBENT: So it seemed. He was in the course of of interviewing Mr Ponting. And at the stage he'd reached then he reported back and I agreed that Mr Hasty-Smith, who was in charge of personnel, should see Mr Ponting. There were various discussions went on. And then I was informed quite late that afternoon that Mr Ponting had written out a statement.

INTERVIEWER : Confessing to what he had done?

BROADBENT: Yes.

INTERVIEWER : Mr Ponting claimed in court that it was on that day he was told that if he confessed and resigned that would be the end of the matter. Who made that offer?

BROADBENT: I'm not aware that there was an offer. I did not see Mr Ponting myself. It ~~was~~ was the head of personnel, Mr Hasty-Smith, who did. I certainly saw Mr ~~Hasty-Smith~~ Hasty-Smith and the Ministry of Defence chief inspector who did the inquiries two or three times on the Friday. And they certainly assured me that when they had his written statement that there had been no bargain struck. I think that one must bear in mind that at the end of those several days Mr Ponting must himself have ~~been~~ been a very worried man. It must have been a period of great tension for him and he could well have thought in his own mind that if he wrote out his statement and at the same time wrote out an offer of resignation to the Department that that would be the end of the matter.

INTERVIEWER : Did you yourself ever discuss on that day with Mr Hasty-Smith the possibility, as it were, of an amnesty of that kind with Mr Ponting?

BROADBENT: No.

INTERVIEWER : What happened then because we were now at the evening of Friday 10 August - did you go home for weekend, what?

BROADBENT: I asked Mr Hasty-Smith to see Mr Ponting and to see him off the premises. I I was aware in the course of the day that we were likely to reach this stage. I recognised that it would be necessary to talk to the Director of Public Prosecutions. This was August as you know, it so happened that he was on leave that week but was going to be back on the Monday morning. And I therefore arranged to see him on the Monday morning.

INTERVIEWER : So as far as you were concerned Saturday and Sunday of that weekend was a quiet weekend?

There was no telephone activity at all?

INTERVIEWER : Not on this case.

INTERVIEWER : Now we come to the Monday and that was a day when the DPP, Sir Thomas Heatherington, came back off holiday.

BROADBENT Yes.

INTERVIEWER : You contacted him then did you?

BROADBENT: I went over to see him at 11 o'clock. I told him what had gone on with the investigations by the Ministry of Defence police. And he said that in the light of the seniority, in the light of recent precedents, eg, Miss Tysdale, he would want to talk to a law officer. I left him. I returned to the Ministry of Defence via the Manpower and Personnel Office, who are in overall responsibility for a civil service member. I told them what was ~~xx~~ going on and they noted and said it was of course now ~~xxx~~ up to the DPP. I got back to my office and round about lunchtime the Solicitor General phoned me and asked one or two questions. So that made it absolutely clear to me that it had been referred to a law officer and that their processes were in hand. The next thing I did was to go down that afternoon to see Mr Heseltine at his home. That is perhaps not so odd as it sounds in that he was on leave. He was about to go away to Cyprus on holiday and I thought it both courteous and correct to go down and see him and ~~xx~~ update him before he went off.

INTERVIEWER : What did you tell him exactly?

BROADBENT: I told him what had gone on in the way of the investigations by the Ministry of Defence police. What had happened in the way of the confession and what I had done in the way of action within Whitehall that morning.

INTERVIEWER : Did you tell him that Sir Patrick Mayhew, the

Solicitor General, had phoned you which indicated that Sir Thomas Heatherington, the DPP, had already been ~~xxx~~ in touch with Sir Parrick?

BROADBENT: Yes.

INTERVIEWER : What were Mr Heseltine's comments when you told him all this?

BROADBENT : So far as Mr Ponting was concerned he expressed the view that if it were left to him he would like to see action taken under the Official Secrets Act. But at the same time he said of course it was now a matter for the law officers.

INTERVIEWER : In other words he was indicating his preference to you, his personal preference to you, that he would like to see Mr Ponting prosecuted?

BROADBENT: Well like is perhaps not the right verb. But I mean that would be his perhaps chosen course of action yes.

INTERVIEWER : Did you subsequently indicate to anyone, whether it was the DPP or any law officer, that those were Mr Heseltine's opinions?

BROADBENT: No I didn't. He did not ask me to do so and I saw no need to do so because we both recognised that at that stage action lay with the law officers.

INTERVIEWER : Do you know if when he had heard the news from you Mr Heseltine had contacted the Prime Minister at all? She was of course on holiday as well.

BROADBENT: I don't know. I mean that should be for him to say. But I see no reason why he should. He gave no indication that he was going to. He noted the situation and that it rested now with the law officers.

INTERVIEWER : When did the DPP get the papers from the Ministry

of Defence concerning the Ponting evidence?

BROADBENT: Well I think that was on the Thursday. I say I think because the DPP was then in contact with the Ministry of Defence police, whose relationship with him was that of any normal police force.

INTERVIEWER : And when was the decision taken to prosecute Mr Ponting?

BROADBENT: Certainly we heard about it on the Friday afternoon.

INTERVIEWER : So as far as you're concerned really that is your total involvement with the Ponting affair and that is a pretty accurate record of your conversations and what you said to whom and so forth?

BROADBENT: Yes exactly.

INTERVIEWER : Who took the decision to send the Ponting papers to the DPP?

BROADBENT: Oh I did. It was quite clear to me that in the light of what had been stated by him and in the light of his seniority and the nature of the subject matter that certainly there was enough prima facie case for the DPP to be consulted before we proceeded administratively. Once the case was ~~xxx~~ established it was clear that there was a course of action, either action was taken under the Official Secrets Act or action was taken under the disciplinary process. The choice between those lay initially with the law officers.