

P.S. file on Franks file

NOTE: only the covering minute was copied to RE

The Butler

Mr. Ingham

Ref. A082/0432

MR COLVIN

cc Sir Antony Duff
Mr Goodall

I am happy with points A, B (essential), C, D, line on press handling was agreed. PM sets down of statement? I would prefer no = between the PM and Sir R.

You will want to see. The line on press handling was agreed between the PM and Sir R.

Frank's press conference, I assume he will NOT do radio. I assume he will NOT do radio. We need to take a view on whether to have a new Secy of State for Defence. I would like to see a copy of the Franks Committee report. I would like to see a copy of the Franks Committee report. I would like to see a copy of the Franks Committee report.

Thank you for your minute of 31 December

2. As you say, I am in touch with Lord Franks about the treatment in the Franks Committee's report of the Whitehall intelligence apparatus. I have asked for comments on a draft letter, a copy of which I attach (not attached)

3. I have also had some discussion with Lord Franks about the arrangements for scrutiny, publication and press handling

4. I think that we should assume that the Government will want to be in a position to publish the report with the minimum of delay after it has been submitted, and to make a statement on the day of publication. It will be important to avoid leaks during the period between submission and publication. Arrangements for printing will have to take account of that need. I understand that the report is likely to be about 165 double-spaced foolscap pages long. I think that it would now be appropriate for you to discover how long such a report would take to print, and how best to print it in proper security conditions. I should be grateful if you could find out in particular whether, if the report was submitted to the Prime Minister by 31 December, it would be possible to print it in time for publication on Tuesday 18 January.

5. As to scrutiny for possible deletions, I think that this will have to be in the hands of the Secretary of the Cabinet and the Permanent Under Secretaries of State at the Foreign and Commonwealth Office and the Ministry of Defence. These people will need to have copies as soon as the report is available; and I will write to my two colleagues and ask them to scrutinise it without delay. I very much hope that it will in practice be possible to avoid any deletions. If we have to recommend any, I would propose to submit them to the Prime Minister, with copies to the Secretaries of State for Foreign and Commonwealth Affairs and Defence.

A

B

C. 3:30

Handwritten signature and date: 19/12

D
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H 6. I think that this report will have to be published without any prior release under embargo. I envisage the Prime Minister making a statement after Questions on a Tuesday or a Thursday, and copies of the report being available in the Vote Office when she sits down. I think that Lord Franks will himself give a press conference that afternoon; but I think that it is his intention that he should do it on his own, that he should not give more than one press conference and that thereafter he should hold his peace, and that other members of the Committee should not give press briefings. Once the report is submitted to the Government, it will be out of the Committee's hands, and it will be for the Government to handle the press.

I 7. If we can succeed in enabling the Prime Minister to make a substantive statement on the date of publication of the report, then there will be no difficulties about the Foreign and Commonwealth Secretary appearing on television that evening.

8. I think that we may need to release copies of the report on a Privy Counsellor basis some hours before publication to Lord Carrington, Mr Atkins and Mr Nott; and perhaps also to Mr Nicholas Ridley and Mr Richard Luce.

ROBERT ARMSTRONG

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8. December 1982

DRAFT LETTER TO THE RT. HON THE LORD FRANKS,
OM, GCMG, KCB, CBE, FBA, DL

I undertook to write to you, to set out the reasons why it has been the policy of successive Governments, and remains the policy of the present Administration, that the existence and activities of the Joint Intelligence Committee (JIC) and its associated staff should not be officially disclosed or discussed.

The JIC is part of the Cabinet Committee structure. Successive Governments have thought it right to keep confidential the organisation of Ministerial and official committees which, under the Cabinet, assure the interdepartmental discussion and co-operation that are essential to the processes of Government. The present Prime Minister decided when she came into office that she would wish to follow this practice and has departed from it only to the extent of describing in general terms the four standing Ministerial Committees of the Cabinet, as she did in a Parliamentary Written Answer given on 24th May 1979 (copy attached).

The structure of Cabinet committees is designed to achieve effective interdepartmental consultation in policy making. The main purpose of maintaining confidentiality in regard to the structure is to protect the collective responsibility of Ministers as members of the Government, and the formal accountability of individual Ministers in their capacity as Heads of Departments. The accountability for any given decision or policy is and must be seen to be that of the Departmental Minister chiefly concerned, though it engages the collective responsibility of the Cabinet as a whole. To disclose officially the process by which a policy or decision is arrived at, or the composition of an inter-ministerial committee or group by which it had been discussed, could inhibit the freedom of discussion

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in committees: one senior Minister once described the importance of collective responsibility and the confidentiality of the process as conferring "the right to change one's mind in private". It could also lead to attempts to lobby, or to call to account, not just the Minister formally accountable for a decision and the Government as a whole, but also individual Ministers on a committee; and that could clearly both inhibit discussion and have divisive effects on an Administration.

The JIC is of course a committee of officials, not of Ministers; but similar considerations apply (mutatis mutandis) to the disclosure of the existence or composition of official committees in the Cabinet committee structure.

Successive Governments have also avoided selective disclosures of the existence of particular committees, on the ground that selective disclosures would make it increasingly difficult to sustain the general policy. And, of course, once there were any general rule of disclosure, it would become more difficult to keep confidential the existence of certain Cabinet committees whose subject matter demands a high degree of secrecy.

In the particular case of the JIC and its staff there is ^{another} reason of a different kind for maintaining the rule of non-disclosure of their existence and activities. The JIC's work is essentially that of bringing into the process of assessment information from all sources, covert and overt. Any discussion of the JIC and its work leads inevitably into discussion of other aspects of intelligence collection and activity and of the intelligence organisation, which it would be important not to be obliged to reveal or discuss.

I can understand that the Committee might take the view that for it to refer explicitly to the JIC and to explain at least summarily the way in which its activities and support are organised could hardly be damaging, given the informed speculation which has appeared about it in the Press. That speculation is, as you know, not wholly accurate or up to date. One might indeed argue that, since so much has come out, it would not only not be damaging but it would actually be better that an unauthorised blend of fact, speculation and fiction should be dispelled by the illumination of at least a measure of authority and truth. I could not argue that disclosure in your Committee's report of the existence of the JIC and the Assessments Staff as such, and of a suitably discreet account of its activities, would of itself be very damaging. But it is one thing for unauthorised pieces of the kind we have seen to be published; it would be another for such information to be given official currency by the Government itself, or by a body with the standing of your Committee. The Government's policy in these matters has enabled Ministers to refuse to be drawn, when asked to disclose information which could itself be damaging or could lead on to pressure to publish other related information which could be damaging. That position would become in some degree more difficult to sustain, in relation to other security and intelligence matters as well as to the JIC itself, if your Committee's report had given official confirmation of matters relating to the JIC which have not hitherto been officially disclosed.

I suppose that it could be argued that, if there is to be a departure from the policy and practice that have hitherto prevailed in this regard, that departure should be one that is made as a deliberate decision by the Government, after full consideration of all the consequences and implications, rather than one made as it were as a by-product of an inquiry of the kind upon which your Committee is engaged.

I hope therefore that your Committee will consider whether it can adequately discharge its task without referring specifically to the JIC or the Assessments Staff, by means of the use of general references: such as, for example, to the central assessments machinery or to the arrangements for undertaking, preparing and co-ordinating interdepartmental assessments of information available from both overt and secret sources.

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