

2. Further

For inf

By 21

for leak file

CONFIDENTIAL

Ref. A084/2527

MR INGHAM

MIO

Thank you for your minute of 18 September.

2. I agree that we should proceed as you propose in the last paragraph of your minute. I am asking Mr Davie to put you in touch with one of our investigators, so that he can consider whether there is a prima facie case for mounting a full-scale investigation.

ROBERT ARMSTRONG

ROBERT ARMSTRONG

21 September 1984

CONFIDENTIAL



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10 DOWNING STREET

From the Principal Private Secretary

18 September 1984

Belgrano and Ponting: Letter from
Mr. Kinnock

BF |

As soon as the Prime Minister replies to Mr. Foulkes, we would like simultaneously to release a reply to the letter of 14 September from the Leader of the Opposition which David Barclay sent to you on the same day. I attach a draft on which I should be grateful for comments from you, John Ringguth (Law Officers' Department) and Len Appleyard (FCO) by close of play this evening if possible.

I am also sending a copy of this letter and the enclosure, with a copy of Mr. Kinnock's letter, to Sir Robert Armstrong.

E. E. R. BUTLER

Richard Mottram, Esq.,
Ministry of Defence.

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CONFIDENTIAL

Ref. A084/2500

MR INGHAM

c Mr Butler

MIO

Thank you for your minute of 17 September.

2. As I told you, I was content that you should take the line you proposed at yesterday's meeting of MIO.

3. As to whether to have a leak inquiry, there seem to me to be two arguments against:

(1) This was an "embarrassment" leak rather than a "security" leak.

(2) It was clearly an oral leak, and the chances of tracking it down look pretty remote.

4. On the other hand, the institution of an inquiry might have some deterrent effect for the future; I can see that in certain circumstances you might want to say that an inquiry had been instituted, even if it was thought unlikely that there could be a positive result.

5. It might be possible to "set a trap", as you suggest; but that would need very careful handling: it would not necessarily be successful, and it could explode in one's face.

RTA

ROBERT ARMSTRONG

18 September 1984

CONFIDENTIAL



MO 5/21

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1
Telephone 01-~~938 7022~~ 218 2111/3

18th September 1984

FERR
CDD

Dear Robin,

PRIME MINISTER'S LETTER TO MR KINNOCK

Many thanks for your letter of 18th September which we discussed on the telephone.

The Defence Secretary had two comments on your draft:

- a. he would prefer line 8 of paragraph 2 to read
....."Michael Heseltine agreed as long ago as 26th July ..."
- b. he would like to expand the description of the sequence of events leading up to the decision by the Law Officers to prosecute Mr Ponting, in order clearly to refute the assertions in last Sunday's Observer. I attach a form of words which I have cleared with the Law Officer's Department which includes the point subsequently raised by the Solicitor General.

I am copying this letter and the attachment to Len Appleyard (FCO), John Ringguth (Law Officer's Department) and Richard Hatfield (Cabinet Office).

Yours ever,

R. C. Mottram

(R C MOTTRAM)

F E R Butler Esq



10 DOWNING STREET

THE PRIME MINISTER

September 1984

Thank you for your letter of 14 September.

The first part of your letter dealt with the sinking of the General Belgrano. I am publishing today, in reply to a letter which I have received from Mr. George Foulkes, a further statement of the circumstances surrounding that decision, designed to correct a number of misconceptions which were reflected in Mr. Foulkes' letter to me and in recent press accounts. I enclose a copy of my reply. As you acknowledge, Michael Heseltine also agreed, as long ago as 26 July, to assist with the inquiry being undertaken by the Select Committee on Foreign Affairs and will be giving evidence before them when Parliament returns.

There has been no desire or intention on the part of the Government to mislead or misinform Parliament on this matter; and I entirely refute your suggestion that there was either operational confusion or error in communications with the Task Force. As I have said in my reply to Mr. Foulkes, nothing that has been put forward since we took our decision about the Belgrano has led me or any of my colleagues to doubt that the decision was right and necessary in the interests of safeguarding British lives. But Ministers have to take the responsibility, with the help of our security experts' advice, of deciding at what point it is necessary to withhold information in the interests of national security. To go beyond that point in order to

justify the Government's decisions and thus to jeopardise lives in the future would be the height of irresponsibility. I can say specifically that Geoffrey Howe and I know of no basis for your suggestion that senior Foreign Office officials have given advice in the terms described in your letter.

The latter part of your letter deals with the treatment of Mr. Ponting. I have given an account of the decisions relating to the charging of Mr. Ponting in my reply to Dr. David Owen, a copy of which I also enclose. There are only two points which I would add. The first is that there is no long-established convention of the sort described in your letter: the Law Officers consider each case on its merits in deciding whether proceedings should be brought. The second point is to stress again that decisions on these matters are taken by the Law Officers, not by Ministers. Your letter and last Sunday's Observer allege that Michael Heseltine overruled advice given to him and insisted that Mr. Ponting be prosecuted. This is not so.

The Director of Public Prosecutions had been advised of the case on the morning of 13 August, and after consultation with the Solicitor General had already asked for a very early police report. When the senior Ministry of Defence official, Sir Ewen Broadbent, who had earlier briefed the Director of Public Prosecutions, reported to Michael Heseltine later that afternoon, he informed him of the stage reached. Michael Heseltine noted the report and that the decision whether or not to prosecute rested with the Law Officers. Neither I nor any other Ministers in the Ministry of Defence or elsewhere intervened in the succeeding days. The Director of Public Prosecutions received the detailed police report on 16 August and consulted the Law Officers who decided on 17 August to proceed with the prosecution. The Law Officers did not seek the view of, or consult with, any other Minister, nor was the view of any other Minister

conveyed to them, before they took their decision to prosecute Mr. Ponting.

The Rt. Hon. Neil Kinnock, MP.

cc. ARGENTINA
Relations A. 38.



Prime Minister⁽²⁾

HOUSE OF COMMONS
LONDON SW1A 0AA

The Office of the Leader of
the Opposition

September 14th 1984

Dear Prime Minister

It came to my notice over a week ago that senior Foreign Office civil servants had sought to persuade your Government to release full details of the timing and nature of communications with HM Submarine Conqueror and of the deliberations of the War Cabinet in relation to the decision to sink the Argentine warship General Belgrano on 2nd May 1982.

I understand that Ministers have been advised that publication of such details would not compromise national security and that there is no good reason to suppress further or withhold such information. Civil servants who must prepare documents for Parliamentary Answers and other Ministerial statements on this matter are clearly right to believe that they have no duty to obscure information or to present it in a way which could mislead or misinform Parliament and the public. The Observer report of last Sunday gave further indication that civil servants were resentful about the role which they are being required to play in the Belgrano affair. Before writing to you about this matter, however, I wished to satisfy myself about the accuracy of the reports I had received.

I believe you were wrong initially to refuse to establish the independent enquiry into the sinking of the Belgrano which we have continually pressed upon you. I hope that you will reconsider your original decision and accept the advice which you are currently receiving.

Operational confusion in the long-distance transmission of orders and reports in battle conditions is understandable. But the refusal of the Government to acknowledge even the possibility of error is not so easily explained. Since there are now no considerations of national security or 'pressing operational reasons' to inhibit such explanations I trust that they will be quickly and comprehensively published.

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September 14th 1984

The Rt Hon Margaret Thatcher MP

There is a further matter of very grave concern, the conduct of your Government towards Mr Clive Ponting. There is reason to believe that when the enquiries into the disclosure of documents to my colleague Tam Dalyell and, through him, to Sir Anthony Kershaw, had been completed, it was decided that the action involved was a breach of trust and not of a criminal nature. As you will be aware, that decision followed the long-established convention in such cases.

I understand that the Secretary of State for Defence was notified of the outcome of the investigation and that, despite this convention and despite the fact that senior civil servants intended to follow that convention in the case of Mr Ponting, he overruled their advice and insisted that Mr Ponting be prosecuted under Section 2 of the Official Secrets Act. I can only presume that you endorsed this action either before or after arrangements to prosecute Mr Ponting were begun.

I am informed that further and even more serious allegations concerning the treatment of Mr Ponting will be made by the defence, on which it would not, of course, be proper for me to comment at this stage.

Whilst I welcome the decision, in the wake of the leaking of the documents and other related events, that the Secretary of State will appear before the Select Committee on Foreign Affairs, that may well be after proceedings against Mr Ponting have begun and the Select Committee's questions will not necessarily relate directly to the treatment which this individual has received.

I hope therefore that you will provide me with a separate and accurate account of the decisions relating to Mr Ponting which were made in the department and by the Secretary of State for Defence.

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September 14th 1984

The Rt Hon Margaret Thatcher MP

I will not be making this information concerning Mr
Ponting generally available for the next 24 hours.

Yours sincerely

pp 

Neil Kinnock MP

(dictated by Mr Kinnock and signed in his absence)

The Rt Hon Margaret Thatcher MP