



ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

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Rt. Hon. John Morris QC. MP.
House of Commons
London SW1A 0AA

2 October 1984

Dear John.

attached

Thank you for your letter of 26 September.

*WBM
2/26*

As regards your first point, I do not agree that any inference of the sort that Sam Silkin suggested can properly be drawn from the Prime Minister's letter. I therefore see no reason to correct it. The principles stated by Hartley Shawcross in 1951 (and by John Simon and others on other occasions) are of course perfectly familiar to me - I have, after all, been a Law Officer of the Crown in two Administrations and for a total now of something like 8 years - and I did not need reminding of them. If I had thought it helpful, before the decision to prosecute Mr Ponting was taken, to consult with any of my Ministerial colleagues in order (in Hartley Shawcross's phrase) "to acquaint myself with any considerations affecting public policy", you may be sure that I would have done so: I did not think that it would be helpful and I did not do so. I was in discussion with the Solicitor General at this time and he shared my view. This, I trust, gives you the confirmation that you asked for that the Prime Minister's statement (which you quaintly described as her "initial assertion") was correct.

As regards your second point, all that I need say is that I have no reason whatever to think that Mr Ponting cannot or will not get a fair trial and I am satisfied that the reasons why it was thought that it would be in the public interest that he should be prosecuted remain valid.



- page two -

I do not know if you have it in mind to publish this exchange of letters. I should have no objection.

Yours Etc. Michael

From: The Rt. Hon. John Morris, Q.C., M.P.

13/17/1984



HOUSE OF COMMONS
LONDON SW1A 0AA

By Hand

September 26, 1984.



Ack 26 Sept

Dear Michael

Your attention will have been drawn to Sam Silkin's letter in today's Times. There are two matters about which I would appreciate your observations.

First, the inference which Mr Silkin draws attention to that from the Prime Minister's letter it would have been wrong for the Law Officers to have consulted or to have heard the views of departmental ministers. I am sure you would wish to clarify this. I, of course, assume that the Prime Minister's initial assertion "that the Law Officers did not seek the view of, consult with, nor was the view of any other Minister conveyed to them," is correct. Perhaps you would confirm this too.

Secondly, Mr Silkin draws attention to the fact that the Attorney's consent is not a final act, and the need to consider "with the deepest anxiety ... before he decides to allow events to take their course." The way the situation has developed underlines what I am sure you have very much in mind, the need for continued consideration. Mr Silkin sets out those matters.

In all the circumstances I would be grateful for your views.

Rt. Hon. Sir Michael Havers Q.C., M.P.,
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