



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A086/317

CHIEF WHIP

Westland: Select Committees

Attendance of Officials

The Defence Select Committee have summoned Department of Trade and Industry (DTI) officials (unnamed) to give evidence on the DTI's sponsorship responsibilities for Westland.

2. They have also summoned (by name) Mr Michell, Mr Mogg and Miss Bowe of the DTI to give evidence on "certain other matters"; and Mr Charles Powell and Mr Bernard Ingham of the Prime Minister's Office.
3. Sir Brian Hayes is replying to the Clerk of the Committee to say that he, Mr Alastair Macdonald and Mr Michael O'Shea will represent the DTI; that the other three will not be accepting the summons; but that he and his colleagues will be able to deal with the Committee's inquiries to the extent that they are able to assist them.
4. Apart from the general political arguments against allowing the Committee in effect to redo the inquiry (in public), you may like to suggest:

i. The Prime Minister has made clear in the House that there is nothing to add to her statement and speech (plus any answers she may give to PQs or letters from MPs) on the affair of the disclosure of the Solicitor General's letter. The three named officials would therefore be under instructions to say that they had nothing to add to what the Prime Minister had said.

ii. The three officials have already submitted to detailed questioning on their parts in the affair in the internal inquiry. It would be unfair ("double jeopardy") to require them to submit to a second round of questioning.

iii. They have already had to endure a good deal of public exposure (particularly Miss Bowe). It would be unfair and unreasonable to submit them to the further exposure of a public appearance before the Select Committee, particularly if they were under instructions in effect to give "stonewalling" answers.

5. The same arguments apply to Mr Charles Powell and Mr Bernard Ingham. There are other arguments:

i. The private offices and personal staffs of Ministers (including the Prime Minister) have no position other than as assistants to and channels of communication for their Ministers: they have no standing or responsibility in their own right, and cannot be called upon to answer either for their Ministers or their Departments.

(But NB. Mr Ingham did give evidence to the Defence Select Committee on the handling of the media in the Falklands War).

ii. Select Committees by convention have never summoned the Prime Minister. The immunity (if that is the right word) extended to her must extend to her private office and personal staff.

Production of Documents

6. The letters of 4 and 18 October 1985 which the DTI have been asked to produce to the Defence Select Committee are clearly included in the classes of information which officials should not disclose, give evidence about or discuss, set out in the Memorandum of Guidance for Officials appearing before Select Committee (ref GEN 80/38, paragraphs 25 i and 26). The fact that a document has been improperly released or disclosed does not constitute grounds for agreeing to provide to a Select Committee a copy of a document that would not otherwise be provided.

7. The documents in question contain commercially sensitive information.

8. The Government sees no reason to depart from the normal rules in this instance. The DTI will, however, be prepared to submit a memorandum giving the Committee such information as can reasonably be given in relation to these documents.

9. I am sending copies of this minute to the Prime Minister, the Lord Privy Seal, the Secretary of State for Trade and Industry and Sir Brian Hayes.

Robert Armstrong

29 January 1986

