I have briefed the Prime Minister orally on this
CDP
29/1

Ref. A086/298

MR POWELL

Westland: Evidence at Select Committees

I sent the Prime Minister a minute on this subject yesterday.

2. On the question whether Mr Michell, Mr Mogg and Miss Bowe should accept a summons to give evidence to the Defence Select Committee tomorrow, Sir Brian Hayes shares my view that they should not go. His view is, I think, based on ~~two~~ three considerations:

a. if they did go and they were questioned about matters related to the disclosure of the Solicitor General's letter of 6 January, (this must surely be why they have been asked) they would have to be under instructions that they had nothing to add to what the Prime Minister herself had said in her statement, her speech and her answers to questions;

b. if Mr Michell, Mr Mogg and Miss Bowe accepted the summons it would be extremely difficult to argue that you and Mr Ingham should not do so.

c. they have been exposed enough already ~~better~~.

3. I told Sir Brian Hayes that you had told me that the Prime Minister agreed with the advice which I had given to him on this matter. He said that his Secretary of State would be content to proceed accordingly, on the basis that this is what the Prime Minister wished to happen. But he said that his Secretary of State was not entirely convinced that this was the right decision. Left to himself, he would probably have been inclined to the view that Mr Michell, Mr Mogg and Miss Bowe should go to this Defence Select Committee and be free to answer their questions. He feared that, if they were to go but to be constrained by instructions not to answer questions, and still more if they were

not to go, there would be a danger that the Defence Select Committee would report to the House of Commons that they had not been able to prosecute their inquiry, and might perhaps even try to ask the House of Commons to pass a vote on the floor of the House which would oblige the officials in question to attend.

4. That is of course very much a political matter and I have said to Sir Brian Hayes that, if his Secretary of State wished to press the point, he would have to take it up with the Prime Minister.

5. I can only add, as a personal view of the political judgment to be made, that I can see great political disadvantage in enabling the Defence Select Committee in effect to re-inquire into the circumstances of the disclosure of the Solicitor General's letter. If the Defence Select Committee were to report to the House or to seek a vote in the House to compel the attendance of the officials concerned, I imagine that the Government would be able to muster a majority to ensure that such a vote was not passed. There would probably be a row in Parliament about that; but that would be less disadvantageous than a re-inquiry into the circumstances of the disclosure of the Solicitor General's letter about which the Prime Minister has already given such full and detailed information to the House of Commons.

6. I am sending copies of this minute to the Private Secretaries to the Lord Privy Seal and the Chief Whip.

RTA

ROBERT ARMSTRONG

29 January 1986