

Feb 16



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

I have shown the Prime Minister your minute of 15 July in which you suggest that the Lord Privy Seal should send a letter to Sir Humphrey Atkins, Chairman of the Select Committee on Defence, about the apparent leaks of his Committee's forthcoming report on Westland.

The Prime Minister believes that we should do nothing in advance of publication of the report. The report should be treated like any other.

I have already been in touch with your Office about arrangements for considering what reaction the Government might make to the report when it is published.

I am sending copies of this minute to the Private Secretaries to the Lord President, Lord Privy Seal, Attorney General and Chief Whip.

N. L. WICKS

16 July 1986

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Ref. A086/2062

MR WICKS

You will have seen the leaks in the press over the weekend about the contents of the forthcoming Report by the Select Committee on Defence on the Westland affair and the criticisms which it is alleged the Report will make over the conduct of a number of named individuals - former Ministers as well as civil servants.

2. This creates a very unsatisfactory situation for those named in the press stories. They do not know whether the stories are true. They do not know exactly what they are going to be criticised for. They have been given no chance to hear what the criticisms are or to rebut them. And the civil servants have no personal right of response.

3. There is something to be said for exploiting the situation created by the leaks to point out the unsatisfactoriness of investigations by Select Committees as a means of inquiring into the conduct of individuals, and to demand advance copies of the Report for those named, so that they have the opportunity to read the criticisms before they are published and to consider whether to take any action by way of public response or rebuttal when they are published. So far as civil servants are concerned, it might of course be that, if there is to be any immediate reaction, rather than have a series of individual responses, there should be some kind of single statement by the Government.

4. If this were thought to be a good plan, perhaps the Lord Privy Seal could write to Sir Humphrey Atkins, the Chairman of the Select Committee on Defence, on the lines of the draft
--- attached.



5. I am sending copies of this minute and of the draft letter to the Private Secretaries to the Lord President, the Lord Privy Seal, the ~~Secretary of State for Trade and Industry~~, the Attorney General and the Chief Whip.

* Copies being recalled if they have not yet gone.

RA

ROBERT ARMSTRONG

15 July 1986

DRAFT LETTER FROM THE LORD PRIVY SEAL TO
THE RT HON SIR HUMPHREY ATKINS KCMG MP, HOUSE
OF COMMONS

I was given to understand that the forthcoming report by the Select Committee on Defence of its inquiry into matters relating to Westland was being restricted to members of the Committee until the report was published next week.

I was therefore very surprised to read the stories in the press over the weekend which purported to give information about the contents of the report and about criticisms which it was said the report would make of certain former Ministers and of a number of civil servants. You will no doubt have your own idea about the source or sources of these stories.

This episode seems to me to illustrate vividly the unsatisfactory and unfair situation that is created when a Select Committee extends its investigation beyond the policies and activities of departments to the conduct of

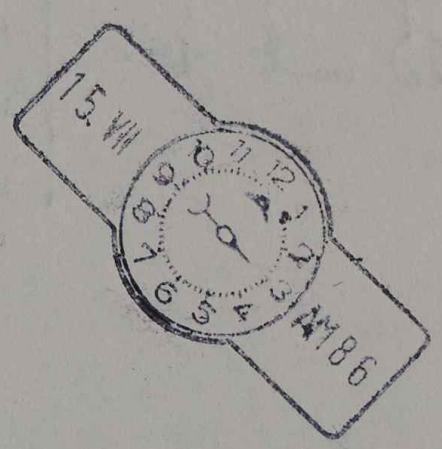
individuals, and particularly of individual officials. If a Select Committee decides to criticise the conduct of a named individual in a report to the House of Commons, the individual concerned is given no opportunity of challenging or rebutting the criticism before the Committee's report is published, and (if he is an official) has no personal right of response afterwards. The process includes none of the safeguards that are normally built into procedures for inquiry into the conduct of individuals. The unfairness of that is compounded when information about the criticisms is apparently given to the press before the report is published. Individuals read in the newspapers that they are to be criticised, but they have no means of knowing whether the stories are true, or exactly what they are being criticised for. I cannot believe that the Committee can regard this situation as fair or satisfactory.

Since it appears that a number of individuals - former Ministers as well as civil servants - are to be named in the Committee's report on the Westland affair and their conduct

is to be the subject of criticism, I trust that you will arrange for all those concerned to be given copies of those sections of the report in which they are thus named, at least 72 hours and preferably longer before publication, so that they may have a reasonable opportunity to examine what is written about them and to make public any rebuttal of or comment upon what is written as soon as the report is published. I suggest that natural justice requires no less.

*R. T. A. accepts
this paragraph
should not go.*

Faint, illegible text, possibly bleed-through from the reverse side of the page.



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PRIME MINISTER

cc. Mr. Ingham

REPORT BY THE SELECT COMMITTEE ON DEFENCE ON WESTLAND

In his minute below Sir Robert Armstrong suggests that the Leader of the House should write to Sir Humphrey Atkins, Chairman of the Defence Select Committee, to take him to task about the apparent leaking of criticisms of individuals in their Report on Westland and asking that those criticised should be given the relevant sections of the Report 72 hours before publication. Robert tells me that the purpose of the letter would be tactical - to register the Government's dissatisfaction with the leaks rather than to secure any action by the Committee. He accepts that any letter is likely to become public knowledge.

The Chief Whip, Bernard and I all think that this is not a good idea. We can decide what to say on the Report when it is published. But before publication we should maintain a line of weary resignation - all the evidence has been gone through before, this is a dead story, and there is nothing more to add etc, etc. A letter of the sort Robert suggests could be used (by Dr. Gilbert) to depict the Government as being in confrontation with the Committee. It would give opportunity for further undesirable Press reporting before the Report is published. Moreover, there is a certain illogicality in our demanding that individuals named in the Report should be sent relevant extracts when we went to some pains to prevent some of these same individuals appearing before the Committee. The Committee would not be slow to point this out.

My advice therefore is that the Lord Privy Seal should not be asked to write. Agree?

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The Chief Whip tells me also that Sir Humphrey Atkins has suggested that he might come to see you personally to brief you on the contents of the Report. The Chief Whip believes that inadvisable! He suggests that I might telephone Sir Humphrey to say that you are grateful for his offer, but given all the circumstances, you think it better if he keeps up his contacts through the Chief Whip. Bernard is doubtful whether even steering Sir Humphrey towards the Chief Whip is advisable. He believes that we should keep at arms length to the Report until it is published.

What do you think?

*We do nothing. This report
is like any other.*

N.L.W.

mb

NLW

15 July, 1986.

JD3ANW

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PRIME MINISTER

Murdo Maclean, who has spoken to Humphrey Atkins tells me that, though the timetable is still flexible, the Defence Select Committee Report on Westland goes to the printers on 9 July with a view to publication possibly at 3.30pm on 22 July. Not bad timing since the next day will be dominated by the Royal Wedding.

Humphrey Atkins tells Murdo that there is nothing damaging to you in the Report.

N.L.W.

NLW

2 July 1986

mf

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Possible Pick
up by Press -
burgling bed
news was
going on
thirty years
ago!