



Mr Gow ✓

Morgan

10 DOWNING STREET

From the Principal Private Secretary

29 July 1982

(4)
PERSONAL AND CONFIDENTIAL

Dear Jim,

The Attorney General called upon the Prime Minister this afternoon to discuss the complaint which Mr Geraint Morgan MP had made in a telephone conversation with me earlier in the week about the Attorney General's allocation of work to prosecuting counsel.

The Attorney General explained how the system for determining which counsel should be given work functioned in practice. Responsibility for operating the system was his as a Law Officer, and it was not an area in which the Prime Minister or any of his Ministerial colleagues could intervene. Mr Morgan had been making complaints about both the quality and quantity of the prosecuting work he was given since Lord Rawlinson's time as Attorney General, and indeed Mr Sam Silkin had sought his, Sir Michael Havers's, help in dealing with Mr Morgan's representations in the time of the last Labour Government. In an attempt to go some way to deal with Mr Morgan's complaints he had given him a few big cases, including a murder prosecution earlier this year. Mr Morgan had not handled this last case at all well, and what should have been a conviction for murder had ended in a man-slaughter verdict. The fact was that he could not give important work to counsel in whom he had no professional confidence. It was also wrong that someone should trade on his Parliamentary and political position to try to obtain legal work, as Mr Morgan had been doing.

The Prime Minister said that she thought that she should deal with Mr Morgan's representations to her, including his suggestion that she should appoint a senior civil servant to investigate his complaint and report to her, by writing to him, saying that she had made inquiries about how the system of allocating prosecuting work functioned and was clear that she could not intervene in what was a purely legal matter wholly within the jurisdiction of the Attorney General as a Law Officer of the Crown. Further, she would say that she had complete confidence in the way in which the Attorney General worked the allocation system. She would let Mr Morgan know that she understood from her inquiries that he had addressed his complaint not only to the present Attorney General but also to his predecessors.

The Prime Minister and Attorney General agreed that the letter had to be meticulously drafted, not least because it might well at some stage become public, and that you should prepare it. I should be grateful if you could let me have a draft letter to Mr Morgan in the course of Monday of next week.

Yours ever,

Alvie Kinnear.

J. Nursaw Esq.,
Law Officers' Department.

Morgan

PERSONAL AND CONFIDENTIAL

cc Mr Gow

PRIME MINISTER

ATTORNEY GENERAL v. MR GERAINT MORGAN MP

Mr Geraint Morgan spoke to me on the telephone yesterday to say that he wanted to make a serious complaint to you about the conduct of the Attorney General.

Mr Morgan's complaint in a nutshell is that the Attorney General has not been allocating to him the fair share of prosecutions of the right quality which he, Mr Morgan, believes that he is entitled to. He also alleges that when the Attorney General has been asked to explain why he is treating him unfairly, the Attorney's answer has been, in effect, that Mr Morgan's work as a prosecuting counsel is not of the standard it should be. Mr Morgan told me that he believed that the Attorney General was not "telling the truth about his, Mr Morgan's, professional conduct".

Mr Morgan said that he had tried to settle this matter with the Attorney General directly and had failed. He had also invoked the help of Ian Gow who, he said, had done all he could but to no avail. He alleged in particular that the Attorney General had at one point "caved in" to Ian Gow's representations on his behalf, had offered him certain "undertakings" and had then not fulfilled them. He did not know how to pursue the matter further. One possibility he was considering was to take the matter up with the Inns of Court. He was also in touch with Mr Edward Du Cann. He wanted to avoid publicity (so he said) but this was the kind of matter which would leak. He therefore wanted you to be aware of how matters stood.

Finally, at the end of a long, rambling monologue, Mr Morgan said that he would like you to instruct a senior civil servant to go through all the papers about his complaint and interview him (and by implication the Attorney General). The civil servant

would then report his findings to you. I said that I would convey this suggestion to you, as well as letting you know about his complaint more generally.

Since my conversation with Mr Morgan I have spoken to Ian Gow who says that he has been doing all he can for a long time now to keep Mr Morgan's affairs away from you. He agrees, however, that now Mr Morgan has made this latest approach, accompanied by a specific request that you should designate a civil servant to look into his complaints, you will have to be told of the problem.

I have also spoken to the Attorney General's Legal Secretary. He tells me that Mr Morgan's complaint covers not only the whole period of Sir Michael Havers's time as Attorney General but also goes back to his predecessor in office. It is true that Mr Morgan is being allocated by the Attorney General only a small amount of prosecuting work and that not of the highest quality; whereas he wants a lot more and ^{thinks} this should be the best work going. The reason why the Attorney General is not giving Mr Morgan what he wants is that all the reports he has received on his performance as a prosecuting counsel indicate that he is professionally not up to being given more and better work. I understand from the Legal Secretary and from Ian Gow that there is unfortunately a letter from the Attorney General to Mr Morgan in which the Attorney told him in terms why he was not getting the work he was demanding.

It may be that the Attorney General has not handled this case quite as well as he might have done, but fifteen minutes of Mr Morgan on the telephone leads me to believe that he is obsessed with this matter, perhaps to the point of mild paranoia. Short of being given as many of the most lucrative cases ~~that~~ ^{as} he can cope with, I do not think that he is going to be silenced. What can we do in practice? I do not believe that you could possibly ask a civil servant, however senior, to inquire into the conduct of a Minister. I have also asked whether there is already an established channel of redress for a barrister who thinks that he is not getting his fair share of prosecuting work, but I understand that there is not. This is because the

allocation of prosecuting work to counsel is the prerogative of the Attorney General.

In this kind of confrontation I do not believe that you have much choice but to come down on the side of the Attorney General as one of your Ministers. I think that this means that someone will have to tell Mr Morgan that you do not propose to intervene in the case. That someone could be Ian Gow, but I think that since Mr Morgan spoke to me, it ought to be me who gives him the unwelcome message. But before anyone speaks to Mr Morgan again, would you like to have a word with the Attorney General ?

Yes
not

JWH.

27 July 1982



Morgan

10 DOWNING STREET

From the Principal Private Secretary

4 August 1982

PERSONAL

Dear Mr Morgan,

When you spoke to me on the telephone on 26 July you told me that you wished to make a complaint to the Prime Minister about the Attorney General's allocation of work to prosecuting counsel.

I told the Prime Minister immediately what you had said to me. She has asked me to say that she is sure that you will understand that in dealing with your complaint she must put out of mind the fact that it relates to the professional affairs of a Member of Parliament and a valued colleague and consider what you say as if it had been a complaint made on behalf of a constituent.

Mrs Thatcher has made inquiries about the arrangements for the nomination of counsel by the Attorney General and she is satisfied that these are a part of the duties of that Office for which the holder is personally responsible and that it would be wrong for her to seek to interfere with his performance of those duties. She understands that you have addressed your complaint not only to the present Attorney General but also to his predecessors. The Prime Minister is sure that they will have considered personally all that you had to say and that they have accepted personal responsibility for the decisions which you criticise. Since she has every confidence in the way in which Sir Michael Havers performs the duties of Attorney General, she cannot take the matter further.

The Prime Minister is aware that you feel very strongly about this matter, but it is not one on which it would be right for her, the Chief Whip or any of her other colleagues to comment.

Yours sincerely,

Anne Whitmore.

Geraint Morgan Esq., QC MP