



File AH  
see Bingham

10 DOWNING STREET

H. A. A.

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

I have shown the Prime Minister your minute A07684 of 2 March 1982 about Dr Bernard Donoghue's article in The Times of 25 February on the subject of open government.

She is content for you to write to The Times in the terms of the draft attached to your minute.

AW.

3 March 1982

AA

cc. Blenheim 3/3

Prime Minister.

1.



Ref: A07684

MR. WHITMORE

Yes - go ahead  
not

Agree with Sir Robert  
Armstrong should write to the  
Times as he proposes or  
play 'A'?  
TW 2iii

An article by Dr. Bernard Donoghue in The Times of 25th February (copy attached) on the subject of 'open government', repeated an old canard that it was my predecessor who took The Sunday Times and the publishers of the Crossman Diaries to Court in 1975.

2. This is doubly untrue. The Secretary of the Cabinet does not take people to Court. The then Attorney General's decision was taken on his own judgment and if anything against that of the Secretary of the Cabinet.

3. I know that Lord Hunt of Tanworth is sensitive on this point, and Dr. Donoghue, who was in No. 10 at the time, really ought to know better. I am therefore minded to write a letter to The Times on the lines of the draft attached.

4. I have consulted the Legal Secretary to the Law Officers, who agrees that I should write and is content with the draft letter. But I would not wish to do so if the Prime Minister would prefer me not to, and I am therefore sending you this minute to seek her agreement.

Robert Armstrong

2nd March 1982

# Between you and me, secrecy is here to stay

by Bernard Donoghue

The debate on official secrecy and the campaign to open up British Government is a classic minority issue. Only a few liberal intellectuals (not intended, despite the current climate, as a smear description) care passionately about it. An even smaller group of Whitehall mandarins feel equally passionately that open government is bound to be bad government. They often give the impression that even publishing today's date is a risky venture that might have to be reviewed (presumably by an official committee whose existence and designation could not be revealed).

Actually each side exaggerates the importance of the question. Mandarins talk as if revelation of the contents of these oceans of classified documents sloshing around Whitehall departments, would somehow destroy the security of the realm. Liberal campaigners, including James Michael, whose book *The Politics of Secrecy* is published today, swallow this view and hunger to expose this arsenal of secrets to the public. In fact they would be disappointed. During five years in Downing Street, I read at least 90 per cent of the papers seen by two Prime Ministers, as well as thousands of other documents which did not go that high. Half of them could harmlessly be published weekly in the *Whitehall Gazette*. Policy specialists and gourmets of bureaucracy would delight in the measured arguments and bland phrasing, but exposure would result in neither fearful cataclysm nor some exciting new world. Fed by a surfeit of Whitehall papers, the media might even lose its appetite for them.

One problem is that the civil service madly over-classifies documents. It is safer that way: nobody is punished if something very mundane is over-classified as highly secret, but if it is under-classified and leaks out then there could be trouble. Consequently the designation "confidential" is applied to many documents containing very ordinary information; routine policy discussions by ministers are often classified as "secret", while — in the delicious description of one now senior Treasury official — "top secret" is reserved for anything too sensitive to show to ministers. Yet behind these funny bureaucratic games lies the heavy blunderbuss of the Official Secrets Act, rarely used but by its mere existence intimi-

dating those who might contemplate communicating about government to the governed. It, together with the necessary courtesy of confidentiality between working colleagues, certainly silenced me.

One benefit of the continuing campaign for open government — to which Mr Michael's well-argued and documented book contributes usefully — is that by forcing Whitehall to argue back it has helped us to distinguish the genuine from the false reasons for official secrecy. Certainly there are some areas of government where sensible reformers now recognize that the national interest requires confidentiality.

These include: sensitive aspects of defence technology and disposition; most intelligence questions genuinely concerning Britain's security; areas of police activity; economic and financial proposals which might, if prematurely revealed, disrupt markets or allow privileged individuals to make financial gain. There is also the advice recently given to ministers

by identifiable civil servants; and personal files on individual members of the public.

However, the reason for secrecy most often operating had nothing in fact, to do with security or legitimate confidentiality: the wish to preserve the convenience, or especially to avoid the embarrassment, of civil servants and ministers. The obsession with Cabinet leaks, which strikes even the best Prime Ministers (usually when their Administrations are running into political difficulties) usually reflects this fear of embarrassment.

Whichever party is in power, leaks continue, aided more by the omnipresent photocopier machine than by the pressure from campaigners for open government. Nobody seriously pretends that the national interest has been noticeably damaged, although tempers and older traditions of courtesy may have been.

Endless "leak inquiries" are instituted by the Cabinet Office. During one particularly paranoid period, when I was in government, we were launching leak inquiries nearly every week. All were fruitless — perhaps because they usually started from the assumption that special advisers were guilty and did not actually wish to identify regular civil servants or senior ministers.

In the case of the Crossman Diaries the Cabinet Secretary actually spent a great deal of taxpayers' money taking the publisher and the *Sunday Times* to the High Court on the grounds of the devastating threat they constituted to good government. He lost and they were published. A few of Crossman's former colleagues were justifiably irritated. Students of government were both enlightened and misled. Tony Benn was presumably encouraged to sit henceforward in Cabinet, openly taking notes for his own diaries.

The convincing case for more openness in British Government is based on three main arguments: that in a democracy the citizens should know the maximum about their government compatible with the genuine needs of national security; that those who govern should in principle be accountable, and accountability requires knowledge of what they are up to; and that an accountable government is in the long run likely to be more efficient (though sometimes more cautious, which is not incompatible).

But, however convincing the arguments for progress to more open government, I doubt if much will happen. Only deeply committed politicians could alter the culture of secrecy which permeates our bureaucracy. Most British politicians are in fact deeply ambivalent. In Opposition some of them court liberal ad media approval with broad promises of open government. In office they usually share their officials' view that close government is probably quicker and certainly less trouble. They also know better than any of the protagonists in this argument that the voting public does not actually care whether government is open or closed. While that remains regrettably so, the issue will continue to be fought between the liberal and the mandarin elites; and I know which one my money is on.

\*James Michael: *The Politics of Secrecy*. (Penguin — £2.50).

The author was Senior Policy Adviser to the Prime Minister in Downing Street 1974-9.



DRAFT LETTER FROM SIR ROBERT ARMSTRONG TO:

The Editor of The Times

Sir,

Could I correct one error of fact in Dr. Donoghue's article on 'open government' on 25th February, since it gives renewed currency to an old misapprehension?

The Secretary of the Cabinet did not "take the publisher of the Crossman Diaries and The Sunday Times to the High Court". The Secretary of the Cabinet is not, I assure you, in the business of taking publishers, newspapers, or anyone else to court. The proceedings referred to were instituted in June 1975 by the then Attorney General. It was for him to decide whether or not to institute proceedings, and he took his decision on his view of the facts and considerations in the case.