



MINISTRY OF DEFENCE
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MO 22/5

15th December 1983

Dear Tim,

The Prime Minister may wish to be aware that the High Court today gave a judgement in favour of the Government in regard to my Secretary of State's application to recover from the Guardian a copy of his minute to the Prime Minister dated 20th October which was leaked to the Guardian and published by them on 31st October, concerning cruise missile deliveries to RAF Greenham Common.

The Ministry of Defence applied to the High Court for the Guardian's leaked copy to be returned, on the grounds that it belonged to the Department and that its leakage was a serious breach of security which could damage relations with Allies; and that the recovery of the document might be of assistance in identifying the person responsible for the leakage. The Editor of the Guardian opposed this application on the grounds that a newspaper has a responsibility to protect its sources, that there was nothing in the leaked document which could not have been discovered in other ways and that the issue considered in the document was one in which there was a legitimate difference of public opinion.

We understand that the Guardian intends to appeal against the High Court decision. If this is so, the issue must of course be regarded as being sub-judice so far as Parliamentary Questions are concerned. The outcome of this appeal is expected either later this afternoon or tomorrow.

*Yours sincerely
Barry Neale*

(B P NEALE)

Timothy Flesher Esq

Prime Minister

The leaked document on Cruise deployment

The MOD have now recovered from
The Guardian their copy of the leaked
document and are making it available to
the investigator.

The marks on the document
indicate that the leaked copy came
from the Foreign Office. MT

RRB

16.12.