

01-405 7641 EXT. 3050

Communications on this subject should
be referred to
The Legal Secretary
Attorney General's Chambers

Tim Fisher
ATTORNEY GENERAL'S CHAMBERS
LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, W.C.2

9 April 1984

F E R Butler Esq
Principal Private Secretary
Prime Minister's Office
10 Downing Street
LONDON S W 1

Dear Principal Private Secretary,

MISS SARAH TISDALL

The Attorney General has asked me to provide you with a copy of his reasons for not prosecuting The Guardian in respect of their publication of the memorandum in this case. I enclose it herewith.

Yours sincerely,
John Ringguth

J S RINGGUTH

REASON FOR NOT PROSECUTING GUARDIAN

When the Guardian published the Secret Minute in full on 31st October 1983 it was appreciated for the first time that the newspaper must have the document or a copy in its possession. Following their disclosure, the prime consideration was to discover the source of the leak who was apparently in a senior and sensitive position so that if he were not discovered National Security would have been at stake. To that end The Attorney considered that the appropriate action was to compel surrender of the document through the Civil Courts. Despite their continued opposition, the Guardian was compelled to hand over the Minute after the hearing by the Court of Appeal on 16th December 1983. Miss Tisdall was eventually discovered after the photocopy could be examined. The view was taken that hers was the primary offence and she was duly prosecuted. So far as the Guardian staff were concerned, in addition to the possible evidential difficulties in establishing a case against them, there was not the same element of breach of trust

and there was also the fact that the evidence against them had been obtained by a civil compulsory process. In the circumstances it was not thought right to prosecute them.