PRIME MINISTER

Murdo Maclean's minute below reported that Tom Pendry is thinking of suing Julian Critchley about an article in the Listener - also attached below - referring to the vote on the Aircraft and Shipbuilding Industries Bill in 1976. (Whether Tom Pendry has much of a case seems to me doubtful since, whatever the truth of the matter it is certainly true that "it appeared that Michael Cocks had prevailed upon Tom Pendry to break his pair".)

Murdo Maclean has now told me that Mr. Pendry has decided to sue and has asked for release of the report to you and Mr. Callaghan from your two Chief Whips about the voting on that occasion. Murdo says that Mr. Callaghan has agreed to the release of his original copy of this document. We are holding his copy on the No. 10 files. It is claimed that Mr. Cocks and Humphry Atkins have also said that they have no objection. - copy at flag A

This is a curious document and it is not clear whether it is an official document or not. But it is certainly the property of Mr. Callaghan and, subject to Sir Robert Armstrong's advice (which I have not been able to obtain tonight), I think that it is up to Mr. Callaghan to make his copy available to Mr. Pendry if he wants to.

Since it is Mr. Callaghan's copy which it is proposed to make available, I do not think that your permission is required. And I imagine that you would anyway want to keep out of it. But you may like to be aware of what is going on.

Agree that, provided I have written authority from Mr. Callaghan to release to Mr. Pendry his top copy of the report of the two Chief Whips and Sir Robert Armstrong sees no objection, I may do so; and that we should make clear in due course that it was for Mr. Callaghan to decide about the disposition of his records and ~~you were not involved~~ Your permission was not required?

This is a matter for Mr. Callaghan to decide. If my comment is required, I should like first to consult with the Chief Whip and the Attorney-General.

F.E.R.B.

4 October 1984

KEEP AT TOP OF FILE.

The original papers connected with this incident are filed on James Callaghan file:

PARLIAMENT - The disputed vote in the House concerning the Aircraft and Shipbuilding Industries Bill; the non-pairing of Mr. Peart; future pairing arrangements.

May 1976.

PREM16/1393

HOUSE OF LORDS,
SW1A 0PW

12th October 1984

Mrs Drover Noted B.
Useful. This leaves us
free to respond to a request
from Mr. Callaghan if one comes.

Dear Robin.

PUBLIC RECORDS

FEB 15.10.

Thank you for sending me copies of your correspondence with the Government Chief Whip concerning the report on pairing arrangements in 1976.

We have looked into this question carefully and take the view that this report is not a public record under the provisions of the Public Records Acts 1958 and 1967. Accordingly, the Lord Chancellor, in his capacity as the Minister responsible for public records, has no locus in the question of its release for the purpose of any action for libel.

I am sending copies of this letter to the Secretary to the Cabinet and to the Government Chief Whip.

Yours ever
Richard Stoate

RICHARD STOATE

F E R Butler Esq
Principal Private Secretary
No 10 Downing St
London SW1

PARLIAMENT: Julian Critchley / Tom Pendry par

Sept 84

11 OCT 1984

Seen by Mr. Butler who has already written to LCD. B.

Mr. Butler

A call from the Lord Chancellor's Department, Mr. Michael Romburg, to say that Anthony Fagin has taken advice within the Department and they consider the release of the document is not a matter in which the Lord Chancellor has any interest.

We should go to the Treasury Solicitor for advice.

[illegible] 5.10.84.

There is the possibility of a libel action about a recent article in the Listener.

The release of a document which was prepared in 1976 for the Prime Minister and the Leader of the Opposition by the Government and Opposition Chief Whips may be requested for production in Court - Mr. Callaghan is agreeable.

Spoke to Anthony Fagin, Assistant Secretary in the Lord Chancellor's Department. He advised that if it is a public record Lord Chancellor's approval must be sought to accelerated release (211 0279).

Michael Ronberg subsequently telephoned as above (Fod. 2618)

5.10.84.

DSG ACM

JD

10 DOWNING STREET

From the Principal Private Secretary

5 October 1984

We spoke about your minute of 25 September in which you mention the possibility that Mr. Tom Pendry may be taking action for libel against Mr. Julian Critchley in respect of his article in The Listener of 13 September. You warned me that the original report of the two Chief Whips to the Leaders of the Opposition might be requested as evidence.

I confirm that Mr. Callaghan's copy of this report is held here at 10 Downing Street. We do not, of course, have the copy which Mrs. Thatcher received as Leader of the Opposition.

Mr. Callaghan has of course the right of access to this document and, if he authorised its release for the purpose of the case, it does not appear that this would require Mrs. Thatcher's permission. It is doubtful whether this is, strictly speaking, "a public record"; but I understand that, even if it is, there is a procedure by which the Lord Chancellor can sign a statutory instrument for its release. However, the next step would be for Mr. Callaghan formally to authorise the release of this document.

I am copying this letter to Richard Stoate (Lord Chancellor's Office) and to Sir Robert Armstrong.

TCR

Murdo Maclean, Esq.,
Chief Whip's Office.

Mr. Butler

211 0279

I have spoken to Anthony Fagin, Assistant Secretary in the Lord Chancellor's Department who is responsible for the Policy on Public Records

If it is a public record then the Lord Chancellor's approval should be sought for accelerated opening. He would sign a statutory instrument and would normally deal with a number of applications at the one time. There is no reason why he should not be invited to consider it in isolation.

5/10/84.

C.F. Well done. Pl. do not lose.
FERB

Government Chief Whip
12 Downing Street, London SW1

PERSONAL

C.F.
Could you please look at the Callaghan papers and see if you can find the top copy of the minute attached below, dated 18 June 1976. It would be worth looking first on the file about the Shipbuilding and Aviation Bill. - NO
FERB
27.9.

MR F E R BUTLER

Michael Cocks has told me very privately that Tom Pendry is taking legal advice on the attached article and there is a strong possibility that if there is no retraction he will sue for libel.

The attached note which was prepared by the two Chief Whips and addressed to the Prime Minister is clearly wholly relevant to the issue and I believe that the Opposition have an unsigned copy of it. It may well be that if litigation is proceeded with the original will be requested as evidence. I thought it would be helpful if you were aware of this at this stage since Michael Cocks may well approach Sir Humphrey Atkins and possibly Mr Callaghan as well as Mrs Thatcher who was of course the Leader of the Opposition at the time. I shall keep you informed of developments as they are reported to me, but I should be grateful for a word when you have had a chance to look at the papers.

Murdo

(Murdo MacLean)
25th September 1984

CENTREPIECE

Julian Critchley

Dear diary . . .

I do like reading other people's diaries. Charles Ritchie's, James Lees-Milne's record of love and lunches (more often than not at either the Ritz or the Savoy), and those frequent journeys in the National Trust's prewar Austin along deserted wartime roads in search of dilapidated gents in their draughty houses, and, best of all the malicious insider's view of society and politics which is to be found in the diaries of 'Chips' Channon, much better of its kind than that of Harold Nicolson.

What a dull life I lead in comparison. My loves are predictable, my lunches are not paid for by Emerald or Nancy and I have no intention whatever of falling in love with Field Marshal Wavell or his descendants. If I visit a great house it is only to take lunch with Conservative Party agents. I do not go shooting with Willie, play golf with Dennis or walk to Walsingham in the company of John Selwyn Gummer. I am a humble foot-soldier in the fight for the counter-revolution.

But I have been keeping my diary, despite the admonition of an elderly knight of the shires never to let it be known if you do. A diary is the politician's old-age pension, providing as it should something sensational for other people to read in the train. I began mine in 1973 and continued until the end of 1980, although I have made notes on things that have happened since then, usually an account of the goings-on in the 1922 Committee, that Parliament of the Skimmed Milk, the proceedings of which are rarely recounted, only leaked. I have accounts of both Peter Carrington's ordeal upstairs in April 1982 after the disastrous Falklands debate held on Saturday morning and George Howard's famous visit to the party's media committee a month or two later. But shall I be permitted to break the 30-year rule?

I have spent the last day or so rereading my diaries. I once told Alan Clark that I was putting pen to paper. 'I keep a diary,' he said. 'It is a record of lechery, malice and self-pity.' I wish I could say the same. Nevertheless I will offer to the readers of THE LISTENER some extracts in the slim hope that, were a publisher ever to bring them out, a copy might be placed in the Christmas stocking of their loved ones.

June 1976
On my last evening in Lisbon I dined with John and Caroline Ure, in their apartment in the Rua Sacramento. He is the Counsellor at our embassy. Their drawing-room overlooks the Tagus and he told me that on the morning of 25 April 1974, while Caetano's troops were fraternising with the rioters in Black Horse Square, a frigate steamed up the river, stopped and trained her main armament on the milling crowd. The admiral, he later learned, gave the order to open fire, but the gunnery officer refused. At this act of insubordination the crew mutinied and locked the admiral and the captain in a cabin. Ure said he saw the frigate lower her guns and turn away.

July 1976
A Viennese joke: we have a cemetery in Vienna which is half the size of Geneva and twice as much fun.

October 1976
I sat behind our front bench for the debate to nationalise the shipbuilding and aviation industries. Much uncertainty as to who would win. Foot and Heseltine wound up. I voted and returned to my place. As the result was about to be announced the four tellers jostled one another in an attempt to take the winning position on the right-hand side. It was a tie and we all cheered hugely. According to custom, the Speaker gave his vote for the Government. As we voted for the second time, the tension grew visibly, for another tied vote would mean the Speaker voting for us and defeat for the Government. To our horror and disbelief, Labour won by one vote, which had been plucked seemingly out of the air. It appeared that Michael Cocks had prevailed upon Tom Pendry to break his pair.

We howled with rage and yelled 'cheat'. Labour MPs below the gangway burst into song—'The Red Flag'—for the first time since 1945. Michael Heseltine, beside himself with anger, seized the Mace, and brandishing it, advanced upon the Labour front bench. It was not clear whether he meant to offer them this symbol of Parliament as a gesture of irony, or was about to do someone an injury. But Jim Prior deftly disarmed him and replaced the Mace, the wrong way round.

At this, all hell broke loose. Both sides started to shove and push and I moved with others to put myself between Michael and the cohorts of the Left. Tom Swain, who is never at his best so late at night, struck Anthony Nelson, one of our 16-year-old merchant bankers, a glancing blow. Geoffrey Rippon, as purple as a bishop, lashed out at the songsters with his rolled-up order-paper. The Sergeant-at Arms resorted to what was primly described in the press as 'nautical language' in an attempt to dampen down the fires. I ran into Michael minutes later in the Members' Lobby. He was quivering with passion. His peers all think he was daft, but whatever his motive it can only do him good with the party activists.

November 1976
I shared a taxi with Willie Whitelaw. As we passed a mounted policeman at the gate of New Palace Yard he said: 'I do so approve of our mounted policemen carrying swords.' After I pointed out that they all carry sticks he seemed greatly surprised.

The contents of a note passed unsigned to Hugh Cecil by a fellow Conservative MP: 'If you cannot dress like a gentleman, you might at least dress like a Conservative.'

October 1978
We are all watching the Thames TV series *Edward and Mrs Simpson*. The company invited us to watch the first two episodes at the Dorchester, dine and dance to a Thirties band. Lady Diana Cooper was in snakeskin tights. Sat next to Lady Donaldson and Ernie Wise. Later in the month I went to Paris for a meeting of the Western European Union. I was invited to lunch at the Embassy by the Hendersons. I asked about Mrs S. 'The Duchess, you mean.' Lady Henderson, who is a pretty Greek woman, told me that they had lunched with the Windsors in the past. The best chef in Paris. After lunch the Duke got out his embroidery and solemnly stitched the legend 'I love you' upon it and gave it to Wally. 'Very un-English,' said Lady H.

I stayed as usual with Frank and Vera Laws Johnson in Neuilly. Frank was my bank manager when I was a student in Paris. He gave a dinner party for six or seven. The wines were as follows: Mersault '44, Margaux '53, a magnum of Mission Haut Brion '50, a bottle of Mouton Rothschild '34 and, to finish with, Climens '47. And champagne to begin with.

November 1977
I had supper with Edward Boyle at the Carlton. Edward said that the trouble with Reggie Maudling (whose conduct over Poulson we were to debate the next day) was that he was both ambitious and indolent. Reggie had told Boyle, the day after Reggie had lost the leadership of the party to Ted Heath in '65, that he had nothing now to look forward to save sit in the Smoking Room and get pissed. Which was precisely what he did, added Edward. I said that I thought I had made a mistake in supporting Rab Butler for the leadership in '63 (there were no votes; I wrote a letter to the Chief Whip) and not Quintin Hailsham. Boyle agreed. 'I have recently come to exactly the same conclusion. Hailsham would have had the passion and vulgarity necessary for success in politics.' Edward is a great loss. He thinks very little of Margaret.

The debate on Poulson was a harrowing affair. Foot was admirable. 'If there is one thing worse than a lynch mob, it is a sanctimonious lynch mob.' Reggie suffered terribly from nerves, almost drying up, his mouth and facial muscles twitching unavoidably. He defended himself bravely, if not altogether convincingly, threw down his notes and left the Chamber. Heath was magnificent. He asserted that Reggie was an honourable man, and that he had not been misled by RM's letter of resignation. It was a powerful performance, a splendid act of friendship which persuaded many into support of Reggie. But what is there left for him now? What a sad fall for a man who was Chancellor of the Exchequer in his early forties and whose quick mind and sound sense the party needs more than ever before.

These then are but a few of my samples. No lechery, little malice and a careful avoidance of self-pity, but the best is held in reserve, ready to cosset my declining years. The alternative can only be a one-room flat in the Norman Tebbit Sunset Home, 4 The Parade, Chingford, Essex.

IN CONFIDENCE

Report to the Prime Minister and the Leader of the Opposition
by the Government and Opposition Chief Whips
into the Voting on Thursday, 27th May, 1976

The business on 27th May arose at short notice. This meant quick decisions based on incomplete information and entailing uncertainties. An important factor was the inability to get some Conservative Members back, at such a late stage, following unilateral decisions on both sides, not uncommon, to cancel agreed pairs.

As things developed there were a number of exchanges between our Pairing Whips dealing with the cancellations and adjustments over individual absences and involving renegotiation of pairs between Members. In some cases the Pairing Whips' recollections of what happened and why, do not tally which is understandable after so long and bearing in mind the speed at which things were happening. One example of the scope for confusion is the case of Alex Fletcher who was on a visit to the States from 20th May to the beginning of June. At first he was covered by a block pair for the European Parliamentary delegation, but that was cancelled by Humphrey Atkins late on Wednesday. He was later put forward as a pair for Edmund Dell, for whom the Government had originally requested a pair for the whole week. However, Dell had decided to return so Fletcher's position at that stage was uncertain.

We met on Thursday afternoon, at Humphrey Atkins's request when he said that the Government had an obligation to honour the pairs for which they had asked. Michael Cocks offered to consider the matter although at that stage he had not identified Fletcher as a member of the European Parliament. That evening - at about 9.20 pm - we and our Pairing Whips met again, and it was agreed that Tom Pendry ø should be paired, acting as a "holding" pair - a common practice. (Pendry has attracted much criticism; in fact we acknowledge that he acted impeccably.)

None of these arrangements were told to the other Whips; this follows the normal drill. Walter Harrison tells us that at 9.50 pm he calculated the Government would have a majority of 2 during the Division. When he was checking up he asked Pendry why he had not gone through to carry out his designated duties. Pendry said that he was being kept out of the lobby and had been paired with a Conservative. Harrison believed the pair was with a Conservative who had stayed away on holiday and he proceeded to do an immediate check up.

øMichael Cocks and his Pairing Whip's notes linked Fairbairn with Dell and Fletcher with Pendry, Whereas the Opposition Pairing Whip's note linked Fletcher with Dell and

(Division results are questioned more often than is generally realised and both sides frequently analyse them immediately to identify surprising features such as the size of majorities, the identity of absentees, etc). He found that Pendry had been paired with one of the people he thought was a "bonus' for the Government.

When he knew that there had been a tie, he thought that there must have been a slip-up and immediately gave instructions for the lists to be checked.

During the first Division, he had stated to Pendry, that in his opinion, he should have gone through the Lobby as well as other Government Members who had also been brought back, but who had not voted. During the second Division, he was still very active in the Lobby checking to see who was missing (the Division lists were not then obtainable). He spoke to his Pairing Whip and was not then dealing with numbers, but specific names of missing people. On checking the names of the paired, he discovered that Fred Peart was not included. He knew he was absent because he had talked to him during the lunch period and had discussed his Denmark trip. He then decided it would be advisable that Pendry should vote and to switch whichever Conservative Pendry was paired with to Peart. (Pendry did not know who his proposed pair was). He thought it acceptable that Peart, a Minister away on duty, should be paired with a Conservative on holiday. It is not unusual, even during three line Whips, to switch pairs by name by agreement, as long as the numbers tally. Unfortunately, the speed at which things were moving and the tenseness involved precluded the normal courtesy of informing the Opposition that this change was wanted: for this discourtesy he apologises. In fact, it proved impossible to tell his own Chief Whip. This would have been done immediately after the Division had it not been for the subsequent incidents in the Chamber. These left very little room for any explanations. In fact he says that for at least 20 minutes after the Chamber incidents, he was searching, at the request of Humphrey Atkins, for Michael Cocks, so that they could get together.

We accept that the House has come to a decision which must stand but we believe that the House may be unwilling to leave things as they are.

18th June 1976