

Ref. A082/0167

PRIME MINISTER

In the letter - I hope we can make it clear of the book with damage. Not

Prime Minister It appears that the Treasury Solicitor has made the best of a bad job.

F.R.B.

12.11.

Further Publicity about the Security Service

I sent you a minute (reference A09682) on 8 October about a proposed new book by Nigel West (otherwise Rupert Allason) on MI5 between 1945 and 1972. That minute proposed that we should seek an immediate injunction and subsequently seek to negotiate with Mr West for the removal from the manuscript of as much of the damaging material as possible. Mr Butler's minute of 11 October gave your agreement (subject to confirmation, subsequently obtained, that the Home Secretary and the Attorney General were content) to this course of action. This minute reports the outcome of the negotiations that have ensued.

2. Despite his initial public statements when the injunction was granted, Mr West has in fact proved to be reasonably co-operative. No doubt his and his publishers' desire to publish in time for the Christmas market and the delay and cost of further legal proceedings - quite apart from uncertainty over their outcome - have been a factor. The surviving text will still be an unwelcome and damaging publication, not least because it will be clear that it could not have been written without help and information from former members of the Security Service. But the amendments which West has accepted - subject to one or two final points which should be resolved within a few days - do remove the most damaging material, including virtually all that which has not previously become public in some form. In particular, the names of those not previously identified as members of the Security Service would be deleted. The Treasury Solicitor and the Legal Adviser to the Security Service consider that the changes agreed are the best that we are likely to achieve.

3. Once an agreement is reached with Mr West, it will be embodied in a court order which would refer to a text showing agreed amendments and deletions which would, for obvious reasons, not be published. The injunction would then be withdrawn, on terms, and any subsequent breach of the court order would be punishable as contempt of court.

4. What remains, although it contains little that is entirely new, will still be damaging, particularly as publication will be in the aftermath of the Prime case. Mr West has adopted the technique of the investigative journalist: he has gathered together material previously published in a variety of different ways and at various times over many years, has made good gaps in the published material with his own conjectures (some of them confirmed by incautious comments from former members of the Service whom he has approached), and has assembled the result in a manner that produces the impression of an authoritative and comprehensive history of the Security Service, with the damaging implication that much of the information comes - as, in fact, it does - from "inside" sources. Nevertheless, because Mr West can point to other published references for so much of his material, it is most unlikely that we could achieve anything further by pursuing civil proceedings under an injunction for breach of confidence. I should also add that there remain several remarks about the personal lives of individuals, for example Sir Roger Hollis, which are likely to give offence to relatives and friends and could add to the controversy.

5. In deciding upon the course for which I sought your approval last month, we decided in effect to make the best of a bad job: to accept that there was very little prospect of preventing publication altogether, and to try to get as much as possible of the most damaging material removed. The Treasury Solicitor has had greater success in this than many of us had expected; in particular, Mr West has accepted that the agreement reached should also cover the text to be published in the United States. On balance, I consider that, provided that the outcome of the final points under negotiation is satisfactory, an agreement with Mr West will represent the least damaging course of action open to us.

6. We shall need to consider what we say when the book is published. Mr West will no doubt seek to portray an agreement as implied authorisation by the authorities when the book appears. Although an exchange of letters would be necessary to conclude the agreement, this would have to be kept as short and as formal as

possible in order to preserve our freedom to comment on the book when it appeared. I think that you would have to say that the withdrawal of the injunction and the agreement on which that was based in no way implied authority or approval for issue of the book as published, that the injunction had been concerned only with issues of breach of confidence, and that its withdrawal carried no implication that the Government regarded the book itself as accurate or its publication as being consistent with the national interest.

*withdraw
the public
- when
the book
will be
damaged by
the security
service*

7. One of the most worrying aspects of this case, especially as Mr West has other similar books in view on the SIS and on the Metropolitan Police Special Branch, has been the willingness of a few ex-members of the Security Service, for whatever motive, to talk to Mr West and the way in which he has used this as a key to obtaining confirmation or further information from others. The Security Service are planning to write to former senior members of their Service to warn them of Mr West's investigative techniques and to re-emphasise the dangers - and possible legal consequences - of saying anything at all in response to an approach. I shall suggest that similar action should be taken in the other services concerned.

8. I understand that the Attorney General has considered the possibility of an exemplary prosecution. If Mr West amends the book as we required, it would clearly not be possible to proceed against him. The Attorney General has further concluded that it would not be in the public interest to prosecute Mr Martin (who was the source of much of Mr West's more damaging information) because he drew the attention of the Security Service to the fact that he had supplied Mr West with this information, and in effect made it possible to take out an injunction against and reach an agreement with Mr West.

9. The Attorney General agrees that an agreement with Mr West on the basis described in this minute is the best outcome that we are likely to achieve. The Treasury Solicitor is expecting to conclude an agreement with Mr West tomorrow morning. I will provide further briefing on what you might say about the book when it is published, nearer the time.

10. I understand that Mr West, under his real name of Rupert Allason, has ambitions to stand as a Conservative candidate for Parliament. His desire to stand well with the leadership of the Party may have had something to do with his readiness to cooperate with the Treasury Solicitor in this affair. I do not know whether it would be possible to suggest to him that his political fortunes would have better prospects if he stopped investigating the security and intelligence services and publishing books of this kind. Such suggestions might in any case be ineffective, given that Mr West is acquiring something of a reputation and a considerable amount of money as a self-appointed "expert" on these matters.

RA

ROBERT ARMSTRONG

18 November 1982



21c AH

10 DOWNING STREET

From the Principal Private Secretary

SECRET AND PERSONAL

SIR ROBERT ARMSTRONG

FURTHER PUBLICITY ABOUT
THE SECURITY SERVICE

The Prime Minister has seen your secret and personal minute of 18 November (A082/0167). She has noted the contents of your minute and has commented that she would want to make clear when the book is published that its publication will be damaging to the Security Service. She would like also to make this point in the exchange of letters which concludes the agreement.

F.R.B.

19 November 1982

AH



10 DOWNING STREET

From the Principal Private Secretary

SECRET AND PERSONAL

SIR ROBERT ARMSTRONG

FURTHER PUBLICITY
ABOUT THE SECURITY SERVICE

The Prime Minister has seen your minute of 8 October (A09682) about an issue concerning further publicity for the Security Service.

The Prime Minister is content with the action proposed in paragraph eleven of your minute, provided that it is confirmed that the Home Secretary and the Attorney General are also content. She has additionally asked whether it is practicable to make any arrangements to ensure that Martin does not leave the country while a decision is being considered about criminal proceedings.

I am copying this minute to Mr Halliday (Home Office) and Mr Nursaw (Law Officers' Department).

F.R.B.

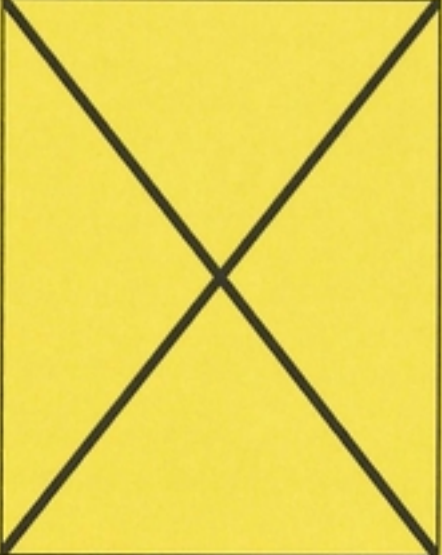
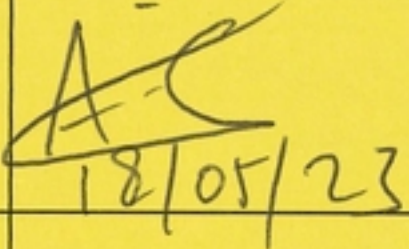
11 October 1982

Security
Cab 2.

File AH
ccs H.O.
LOD
9
Secret

(C)

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NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES <i>rem 19</i> PIECE/ITEM <i>1951</i> (one piece/item number)	Date and sign
Extract details: <i>Minute dated 8th of October 1982</i>	
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SECRET AND PERSONAL

MR. BUTLER

MW

Further Publicity about the Security Service

Thank you for your minute of 19th November. ^{with FERB?}

2. I am afraid that it arrived with me too late for there to be any chance of effecting the exchange of letters between the Treasury Solicitor and Mr. West's solicitors. This was in any case a highly technical exchange, in which the sort of expression of view suggested would have been a little out of place. That does not, of course, prevent the Prime Minister expressing the view if and when she is invited to comment on the book, or on the articles in the Sunday Times to which the book is giving rise.

3. I reported by telephone to the Prime Minister on 20th November that there had been a number of developments during the course of 19th November. Mr. Barry Penrose of the Sunday Times had that morning approached Mr. Graham Mitchell, the former Deputy Director General of the Security Service who retired in 1963 and was the subject of an in-house investigation. Mr. Penrose showed Mr. Mitchell a number of extracts from Mr. West's book; and it was clear from Mr. Mitchell's subsequent reports to the Security Service that Mr. Penrose had a copy of an unexpurgated typescript of the book. The Court Order on the basis of which the injunction was renewed required Mr. West not only not to publish or cause to be published the original manuscript but also to use his best endeavours to ensure that it was not otherwise published. His solicitors were therefore immediately contacted, and it was made clear to them that Mr. Penrose's possession of an unexpurgated version of the manuscript was regarded as a serious breach of the Court Order (which could lead to proceedings for contempt of court). The Editor of the Sunday Times was also approached. He was at first inclined to resist representations that he should not publish material which Mr. West had agreed to exclude from the book; but, once it was made clear to him that the Treasury Solicitor was



SECRET AND PERSONAL

prepared to go to the court for an injunction on the Sunday Times
before publication of the issue of 20th November, the Editor under-
took not in that issue, or subsequently, to publish any of the
excluded material.

RA

Robert Armstrong

23rd November 1982



SECURITY.

13

2.6 AA

10 DOWNING STREET

From the Principal Private Secretary

SECRET AND PERSONAL

SIR ROBERT ARMSTRONG

FURTHER PUBLICITY
ABOUT THE SECURITY SERVICE

Thank you for your minute of
23 November (A082/0235), which I have
shown to the Prime Minister. She has
noted its contents.

F.R.B.

24 November 1982

B

SECRET

16

2:6 Att

Security Lab 2
Pt 2.



ccs HO-S/S
HO-PUS
CO
DG/SS

10 DOWNING STREET

From the Principal Private Secretary

18 January 1983

Dear Jim,

The Prime Minister has seen and noted your letter of 14 January conveying the Attorney General's decisions about prosecution of Mr Martin and Mr West in respect of Mr West's book on the Security Service and action against those who have given information to Mr West for his forthcoming book on the Secret Intelligence Service and the Special Branch.

I am copying this letter to the recipients of yours.

Yours sincerely,

Robin Butler

J Nursaw Esq CB
Law Officers' Department

SECRET

THE	
NATIONAL	
ARCHIVES	

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