

SECRET

17 Security



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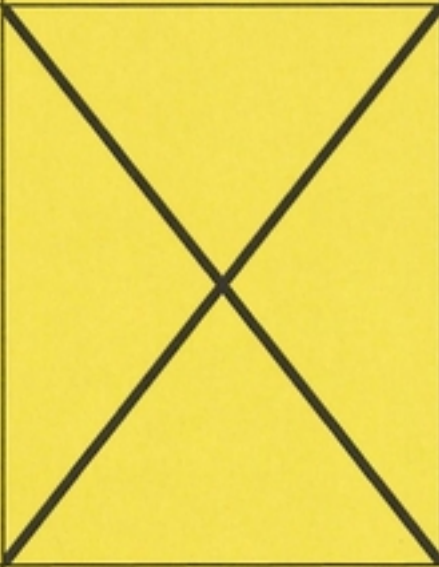
Dear ~~Robert~~, ^{FERB}

I refer to your letter of 21 December to John Halliday. I have had a number of enquiries from the Duty Clerk asking for a response to that part of your letter which records that the Prime Minister asked the Attorney to consider arguments which she might use in the House of Commons on the question of a Select Committee on Security. I have explained that the Attorney has spoken to the Prime Minister about this and is under the impression that no further action by him is necessary. He first discussed the problem with the Security Service and I have a note of the conclusions which were then reached. If you wish to have something further in writing, I will arrange this but I wonder if the lead ought not to come from the Home Office.

Yours sincerely,
John Nursaw

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ATTORNEY GENERAL

✓ MH
7.1.

PRESSURE FOR PARLIAMENTARY CONTROL OF THE SECURITY SERVICES

You discussed this morning with the Director General of the Security Service and BS how the Government might respond to Parliamentary pressure for some control over the Security Services to be given to, say, a specially constituted Select Committee. This note records the conclusions which were reached but does not attempt to set out the detailed argument.

The majority of MPs would no doubt agree that ^{if the existing arrangements have to be changed} the oversight of the Security Services must be given to persons who can be trusted and that a specially chosen Select Committee would be necessary. However, some MPs would not find that a satisfactory solution and would argue that there should be full Parliamentary control. The argument against that is partly the impossibility of keeping any secrets when they have to be shared with so many people and partly that there may well be MPs who cannot be trusted with secrets of this kind. Recent elections in Northern Ireland have shown that there is a risk that Members could be returned to Parliament whose loyalties might lie with subversive groups in whose activities the Security Services were interested. If the House as a whole cannot act as watchdog, the question is whether a Select Committee could be appointed so to act.

There is no positive vetting of MPs and for many reasons it would not be right to introduce it. All that we have at present is a system under which Prime Ministers are informed of matters which might affect their decision about the appointment of particular Members to ministerial office. That system only works because there is an individual to receive the information in the strictest confidence, to form a judgment of its relevance and to act upon it. If the

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membership of a Select Committee is to be under the control of the House, it would be impossible to operate any form of warning because each Member of the House would have to be supplied with the information about his colleagues. The conclusion is, therefore, that there could be no way of ensuring that the membership of a Select Committee did not include persons about whose suitability there would be real cause for doubt. A Select Committee nominated by the Prime Minister and the Leader of the Opposition is a theoretical possibility because those two persons could be briefed in confidence but such a Select Committee would not have the confidence of those who criticise the existing system. If they are not satisfied with the control exercised by democratically elected Members who have been appointed to ministerial office, they are hardly likely to regard as satisfactory an arrangement under which a supervisory role was conferred on a number of other Members selected by establishment figures.

Whatever the system, it would be vital that secret information went no further than the members of the Select Committee. This would mean that other Members would have to take on trust the decisions of the Select Committee because they would not know the evidence which the Committee had seen. It would also pose very real difficulties because members of the Select Committee would not be able to have copies of documents, nor would their secretaries or research assistants be able to assist them in this work.

The point was made that the American system was devised to meet a very different constitutional arrangement under which those exercising ministerial control were not members of the elected legislature. Apparently there had been considerable difficulties in ensuring that documents provided to the Security Commission were seen only by members of the Commission and not by their staffs.



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