

PRIME MINISTER

THE WRIGHT CASE

The Australian courts have made an order of discovery on HMG for certain documents in connection with the Wright case. The Treasury Solicitors Department have managed to avoid giving up many papers, but they advise that there are certain documents which have to be made available to the Australian courts (and probably thus to Wright's legal advisers). Two concern letters from you to Mr. Kinnock and one to Lord Bridge about the Massiter case. They are attached. I can see no reason why these should not be made available to the Australian courts, especially as our legal advice is that our case would be weakened if we argued in the courts that they should not be the subject of discovery.

Content for the documents to be given to the Australian courts?

N.L.W.

Yes

N. L. Wicks

20 October 1986

VSCABL



MS2CLJ

10 DOWNING STREET

From the Principal Private Secretary

MR MALLABY
CABINET OFFICE

THE WRIGHT CASE

I have consulted the Prime Minister about the order of discovery which has been served on HMG for certain documents in connection with this case.

The Prime Minister agrees that her letters of 28 February 1985 and 6 March 1985 to Mr Kinnock and her letter of 28 February 1985 to Lord Bridge should be made available.

Unless you would advise otherwise, I would not propose to tell Mr Kinnock and Lord Bridge that the Prime Minister's letters are being made available.

I am copying this minute to Mr Woolley (Cabinet Office).

N.L. Wicks

21 October 1986



10 DOWNING STREET

THE PRIME MINISTER

28 February, 1985

CABINET OFFICE	
A	1761
28 FEB 1985	
FILING INSTRUCTIONS	
FILE No.

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

Dear Mr. Kennick

As you will be aware, a number of allegations about the Security Service and the interception of communications have been made recently in a television programme made for Channel Four and reported in the national press.

I have no reason to believe that there is any substance in the allegations that improper interception has taken place. In order that this can be independently confirmed, I have asked Lord Bridge of Harwich, who is the monitor of interception arrangements, to determine whether authorisations since May 1979 have named the individuals in question; and whether, if such authorisations exist or have existed, they have been sought and given in accordance with the published procedures and criteria in force at the relevant times, as set out in the Birkett Report of 1957 (Cmd 283) and the Command paper presented to Parliament by the then Home Secretary in April 1980 (Cmd 7873). In this review, as in his work as monitor, Lord Bridge will have unrestricted access to all papers and will be able to speak to whomever he wishes.

If Lord Bridge finds that there have been no authorised interceptions, or none other than is provided for in the Command papers in question, he will report to me that in

relation to those allegations he has found no contravention of the relevant provisions of the Command papers. If he finds that there has been any such contravention, he will report accordingly. We shall report his findings to the House, insofar as that can be done without damage to national security.

I am also seeking the agreement of former Prime Ministers and Home Secretaries to the extension of Lord Bridge's examination to any allegations which might relate to their periods in office.

Yours sincerely
Margaret Thatcher

The Right Honourable Neil Kinnock, M.P.



10 DOWNING STREET

CABINET OFFICE
A 1762
28 FEB 1985
FILING INSTRUCTIONS
FILE No.

THE PRIME MINISTER

28 February 1985

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

Dear Lord Bridge

Sir Brian Cubbon spoke to you on 25 February about the various allegations which have been made over the past week of improper investigation by the Security Service of subversive activities, and of allegations of interception authorised in this connection in circumstances which did not warrant it.

I have no reason to believe that there is any substance in the allegations that there has been improper interception; but I am sure that it would help to establish confidence that this is so if it were to be confirmed by independent review.

I am accordingly most grateful to you for agreeing to conduct such a review. The Home Secretary hopes to make an announcement this afternoon saying that in the light of the recent allegations of improper interception, and subject to the approval of the Prime Ministers and Home Secretaries concerned - I have asked you to examine any relevant papers and to indicate whether authorisations have named the individuals concerned and whether, if so, the authorisations have been properly sought and given in accordance with the procedures and criteria in force at the relevant times. I attach a copy of the letter which I have sent to the Leader of the Opposition, describing these arrangements and the form

which I envisage your report will take.

I understand that you are willing for your findings to be reported to Parliament. The announcement will refer to this being done, in so far as that can be done without damage to national security. If your findings were ready at the beginning of next week, I think it would be best for the Home Secretary to refer to them during the course of the Second Reading of the Interception and Communications Bill, which is provisionally planned for the middle of the week. There would be no question of a formal report or of its publication.

I much appreciate your response to this proposal, and the speed with which you have offered to undertake the review. The resources of the Home Office and of the Security Service are naturally at your disposal in any way that you would find helpful.

Yours sincerely

Raymond Stenton

The Rt Hon The Lord Bridge of Harwich

Sir Anstey - to me



2754 JK
Mr. Anstey
Lord Bridge

10 DOWNING STREET

THE PRIME MINISTER

Prime Minister

6 March 1985

This letter was made public. See last paragraph
new

CABINET OFFICE
A 1880
6 MAR 1985
FILING INSTRUCTION!
FILE No.

Dear Mr. Kinnock,

In my letter of 28 February I said that the findings of Lord Bridge's investigation into allegations about improper authorisation of interception would be made public insofar as that was consistent with national security.

You will wish to know that Lord Bridge has now reported to me. Lord Bridge has agreed to the following extract, which gives a full and fair account of his findings, being made public:-

"In my capacity as judicial monitor of the interception of communications under the authority of warrants issued by the Home Secretary I have carried out, as arranged, an urgent investigation into the allegations of improperly authorised interceptions contained in the 20/20 Vision television programme entitled "MI5's Official Secrets" which was to have been, but was not in the event, shown on Channel Four. The period covered by the allegations goes back to 1970, the year in which Miss Massiter, the principal source of the material in the programme, was first employed by the Security Service. Consent to my carrying out the investigation has, as you know, been obtained from all surviving persons who at any time during this period, held the office of Prime Minister or Home Secretary.

"The criteria governing the propriety of authorising interceptions directed against subversive activity and the considerations which assist in interpreting and applying those criteria are to be found in the following public documents:

- (1) Sir David Maxwell-Fyfe's Directive to the Director-General of the Security Service in September 1952, paragraphs 2 - 5 (published in Command 2151);
- (2) the Birkett Report of October 1957 (Command 283), paragraphs 67, 68, 113 and 141;
- (3) the definition of "subversive activities" given by the Minister of State at the Home Department (Lord Harris of Greenwich) on 26 February 1975: House of Lords Debates, Col. 947;
- (4) the White Paper on Interceptions of April 1980 (Command 7837), paragraph 6;
- (5) Lord Diplock's Report of March 1981 (Command 8191), the conditions numbered (1) to (3) on page 4.

I have naturally not set out this material in extenso in this letter, but you may think it appropriate, in any public statement of my conclusions, to indicate, by appropriate quotation, the criteria prescribed as applicable to the issue of warrants of the kind in question to which I have had regard." [Note:- These criteria are set out in the Annex to this letter.]

"I have sought and obtained from the Home Office and the Security Service all the documents which I felt could be of any assistance to me in determining whether the issue of a warrant was justified.

I am satisfied, after full examination of all relevant documents, that no warrant for interception has been issued in contravention of the appropriate criteria."

I have copied this letter to the former Prime Ministers and Home Secretaries who consented to Lord Bridge's enquiry covering their periods of office and I shall be placing copies of this letter in the Vote Office, and releasing it to the press, at 10 a.m. this morning.

Yours sincerely

Neil Kinnock

The Right Honourable Neil Kinnock, MP.

AK