



10 DOWNING STREET

*From the Principal Private Secretary*

MR. MALLABY  
CABINET OFFICE

THE PETER WRIGHT CASE

Thank you for your minute of 31 October with which you enclosed briefing material against the time when it becomes known that the Attorney General is referring Wright's manuscript to the Director of Public Prosecutions.

I showed this material to the Prime Minister over the weekend. She was generally content and asked me to pass on Bernard Ingham's views.

Bernard Ingham believes the material provides an adequate line for briefing. But he thinks that it is worthwhile considering whether the answer to Q4 might not be made more convincing. Without knowing any of the background, Bernard Ingham has commented that it looks to him as if the decision to refer the manuscript to the DPP has been taken in order to strengthen our chances in the court proceedings!

Bernard Ingham has also advised that there would be advantage in the Government taking action to make known the decision to refer the manuscript to the DPP. It is always better, in his view, to present such a decision if the Government decides the timing of its announcement, rather than reacting defensively to a "leak". I should therefore be grateful for further advice on whether the Government should make the decision known, and if so how. I would, of course, need to consult the Prime Minister before any action was taken.

I am sending a copy of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary, to Sir Robert Armstrong and Michael Saunders (Law Officers' Department).

N.L.W.

(N.L. WICKS)

3 November 1986

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*Pme Minute*

*cc BTJ  
cc P/UP*

*See para 3*

*mt at seg.*

Ref. A086/3198

MR WICKS

*N.C W  
6.11*

I am responding to your minute of 3 November to Mr Mallaby about the Peter Wright case, since Mr Mallaby is on leave this week.

2. On Bernard Ingham's two points, it is for the Law Officers' Department to advise whether the answer to Q4 could be made more convincing.

3. As to the question whether the Government should take action to make known the decision to refer Peter Wright's manuscript to the Director of Public Prosecutions, the Attorney General has taken the view that, since the manuscript was discovered by us for the purpose of the case, the leave of the Court should be obtained before referring the manuscript to the Director of Public Prosecutions. Accordingly the defendant's solicitors have been told that the plaintiff is intending to make an application to the Court accordingly. The defendant's solicitors may well publicise the fact themselves, in order to claim that they have driven the plaintiff to this action. Even if they do not do that, the fact that the application has been made will become public knowledge when it is considered by the Court. Whether and however the fact becomes public knowledge, the defendant's solicitors will no doubt claim that our action has been taken with a view to its effects in the proceedings of the Court. I understand that the Attorney General took the view that it would look weak simply to announce that he had applied to the Court for leave to refer the manuscript to the Director of Public Prosecutions, and that it would be better not to make any announcement until leave had been granted. I have suggested to the Law Officers' Department that that difficulty might be

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overcome by an announcement to the effect that the Attorney General had decided to refer the manuscript to the Director of Public prosecutions, subject to the agreement of the Court; but I understand that the Attorney General thinks that that might look as if he was seeking to put pressure on the Court.

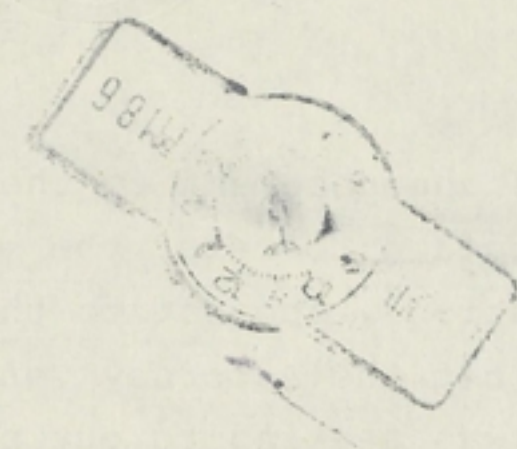
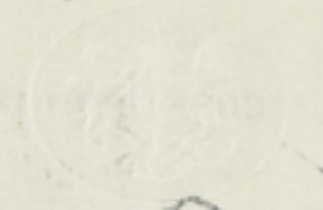
4. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Home Secretary and to the Legal Secretary to the Law Officers' Department.

RA

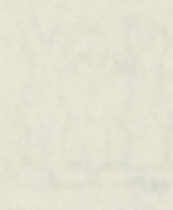
ROBERT ARMSTRONG

6 November 1986

SECURITY: Secret Service PL-3



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Nigel.

Mr Inglese phoned from the Law Officers Dept. tel: 936-6494. His message is:

"RE: Peter Wright case, and your letter to C. Mallaby dated 3.11.86 <sup>(attached)</sup>. The penultimate paragraph spoke about the government taking action to make known the decision to refer the manuscript to the DPP. We've been looking at ~~this~~ this matter but our room for manoeuvre is severely limited because we first need to get the leave of the Australian Courts to pass the manuscript to the D.P.P. We hope to get such leave at the end of the week. Meanwhile we think that we can only act "defensively" "

Mr Inglese will be happy to discuss this with you tomorrow. Sue.



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

11 November 1986

Mr Nigel Wicks  
10 Downing Street

*Nigel*

PETER WRIGHT

In response to your minute of 3 November I agreed with Christopher Mallaby (and have already told Bernard Ingham) the following line in response to the question of why we had delayed until now a referral to the DPP:

"The decision to refer this to the DPP has been taken only after very careful study and consideration of the manuscript which was received in June of this year."

This of course is not now for use immediately but only if and when such referral were made. If by then it were public we could add:

"The Attorney General earlier sought permission of the court to use the manuscript to refer it to the DPP, but this permission was not granted."

CF,  
PC cc Mr Coe.

+ per

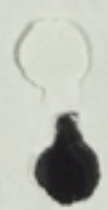
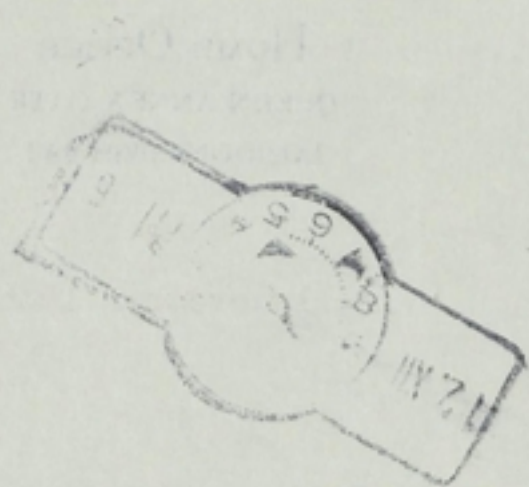
N.C.W

12.11

*Yours  
Brian Mower*

Brian Mower  
Director of Information

SECURITY: Secret Series: P-3.



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1 MEA to see  
2 Pone Minutes

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I will make

B.07575

MR WICKS

↙

since B.I. is happy  
with this line, which  
will also serve for PQS.  
N.C.U

The Peter Wright Case

At the Prime Minister's meeting on 28 October, 31-10  
officials were requested to prepare a line for use in  
Parliament and with the media when it becomes known that  
the Attorney General is referring Wright's manuscript to  
the Director of Public Prosecutions.

2. I attach material to meet this remit, which has been  
prepared in conjunction with the interested Departments. )

3. I am sending copies of this minute and attachment  
to the Private Secretaries to the Foreign and Commonwealth  
Secretary and the Home Secretary, to Sir Robert Armstrong  
and to Michael Saunders in the Law Officers' Department.

*C L G Mallaby*

C L G Mallaby

31 October 1986

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I

REFERRAL OF WRIGHT'S MANUSCRIPT TO THE DPP

Line for use in Parliament and with the Media

BACKGROUND (not for use)

News of the decision to refer Wright's manuscript to the DPP may come out before the referral actually takes place, since it is necessary, in the Attorney General's view, to apply to the Court in Australia for leave to pass the manuscript to the DPP. The news will certainly come out when Sir Robert Armstrong appears during the proceedings in Australia, due to begin on 17 November. Members of Parliament and the media will no doubt ask questions about the allegations attributed to Wright in the reports in the Observer on 22 June and the Guardian on 23 June. MPs may indeed have knowledge of the manuscript beyond what appeared in those reports.

LINE TO TAKE

I confirm that the Attorney General has referred [has decided to refer] the manuscript by Mr Peter Wright to the Director of Public Prosecutions, so that the latter can review the manuscript and decide what action if any to take on any statements in it which he may regard as suggesting that criminal offences have been committed. It is for the DPP to decide how he will pursue the matter and to reach his own conclusions.

MATERIAL FOR USE IN REPLY TO FURTHER QUESTIONS

Q1. What are the allegations? What is in the book?

A. Mr Wright owes a duty of confidentiality to the Crown not to make any unauthorised statements about his work in the public service between 1955 and 1976. Breach of this duty

would harm the national interest. The Attorney General has accordingly instituted proceedings in Australia seeking orders to restrain publication of the book. Proceedings are taking place in the Australian courts. [In June 1986 two newspapers in this country published descriptions of the alleged contents of Mr Wright's manuscript. The Attorney General secured an injunction against these newspapers to prevent further publication. Court proceedings continue in this country too.]

In these circumstances, the Government cannot be expected to answer questions about the contents of Mr Wright's manuscript.

I confirm that the whole of the manuscript has been referred to the DPP.

Q2. [If asked whether the allegations include any particular matter, whether or not that matter is actually mentioned in the book.]

I have nothing to add, save to confirm that the whole of the manuscript has been referred to the DPP.

Q3. What about allegations of impropriety (rather than criminality)?

A. It would be wrong, before the DPP reaches conclusions on the manuscript, to decide whether action should be taken on Mr Wright's statements which allege impropriety. It is for the DPP to decide which of Mr Wright's statements suggest that criminal offences have been committed. The scope of the matters remaining for consideration will therefore not be known until the DPP has reported.

Q4. Why were the allegations not referred sooner to the DPP?

A. The Government received Mr Wright's full manuscript in June 1986. It required careful study and consideration. The matter was not one of great urgency in view of the time that has passed since the period which Mr Wright's manuscript purports to cover.

Q5. Did the Attorney General consult Ministers before deciding to refer the manuscript to the DPP?

A. Before reaching his decision, the Attorney General consulted the Prime Minister, the Foreign and Commonwealth Secretary and the Home Secretary, because of their interest in matters of national security, about the public interest considerations arising from the manuscript.

Q6. Have you not referred the manuscript to the DPP merely in order to strengthen your chances in the court proceedings?

A. I have said that the DPP will review the manuscript and decide whether action should be taken on any statements in it which he may regard as suggesting that criminal offences have been committed. That speaks for itself.

Q7. Is it not invidious for the Attorney General both to be Plaintiff in the Court case and to refer the manuscript to the DPP?

A. The office of Attorney General has various roles. This is a long established constitutional arrangement which works well. [In addition to his Ministerial functions, the Attorney General acts as guardian of the public interest, and in that capacity referred Mr Wright's manuscript to the DPP. Another of his roles is to act as plaintiff in civil proceedings brought by the Crown, as he is doing in the case in Australia.]



SECURITY : Pincher / Hollis : A23