

PRIME MINISTER

THE PETER WRIGHT CASE

The objects of this meeting are:

1. To assess the prospects for the case

In fact, there are two cases:

- The main case against Wright.

? If we lose in the Supreme Court, lawyers seem to think that there is a good prospect of victory in the High Court.

- The appeal on the discovery of documents.

We may know the outcome of the appeal early next week. If we lose, and we have no particular reason to think we will, we would probably have to drop the main case against Wright because compliance with discovery would breach the very principle which the proceedings were undertaken to maintain.

No immediate decisions are needed, but it would be helpful to run over the ground in case urgent decisions are needed soon. Some particular points to consider are:

- (i) Is there any option except to drop the main case if we lose our appeal on discovery?
- (ii) What do we do if we drop (or later on lose) the main case? An immediate statement in Parliament making the points in paragraph 8 of Mr. Mallaby's minute below? Would we seek to continue the injunction against the Observer and the Guardian?
- (iii) What action should we take to safeguard the effectiveness of the security services?

2. To consider how to convey the strength of the Government's case to those backbenchers willing to support our position but who need arguments to do so.

The Attorney General's Department has a paper in preparation for the Whips Office. Is that enough? Should certain backbenchers be given special briefing eg Mr. Onslow, Mr. Brittan (as an ex-Home Secretary), Mr. Jenkin, so that they are in a position to rally to the Government's position in any Parliamentary discussion.

3. To consider what more can be done to convey the strength of the Government's case to the press

The press are likely to be generally hostile to the Government's position. But that does not absolve us from putting across our position. But we must do that in a way which does not breach the confidentiality of the security service, nor prejudice the case in Australia. The risk is that these two factors will so inhibit our public presentation that we will look beleaguered. We must not allow that to happen. There needs to be a strong presentation of our case within the constraints set by security of information and the Australian trial.

4. To consider whether the Attorney General or the Chief Whip (who will not be at the meeting) should take any further initiative with the Speaker to see whether the subjudice position can be extended to cover cases where HMG is involved in a court action abroad.

5. To consider what further you can say in Parliament on Thursday.

For example, would it be in order for you to say words to the effect

- "Mr. Wright left Government service in 1976, before this Government took office. This Government's concern

is simply with the breach of confidentiality. We are not responsible for the actions of the security service, or any other department of government, which took place under a previous administration.

N.L.W.

NLW

18 November 1986

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