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F.

Prime Minister

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B.07590

MR WICKS

SECRET

No decisions needed yet.

But a warning of decisions likely to be needed over the weekend.

The Peter Wright Case

Following today's proceedings in the main trial in Sydney, the view of our people on the spot is that the case is winnable if only we can get round the major problem about discovery of documents. NLW. 20.11.

2. The documents now sought concern five earlier books or publications -

- (i) Nigel West's book "A Matter of Trust" 1982;
- (ii) Chapman Pincher's book "Their Trade is Treachery" 1981;
- (iii) Chapman Pincher's book "Too Secret Too Long" 1984;
- (iv) Television interview by Cathy Massiter 1985;
- (v) Television interview by Peter Wright 1984.

The types of documents sought for discovery are -

- (a) assessments of the damage that publication would cause;
- (b) documents relating to our foreknowledge of publication: what we knew and when;
- (c) documents showing whether we preferred to allow any of the publications to go ahead; and probably
- (d) documents on why we decided not to take proceedings.

3. The other side's lawyer has said that he is prepared to drop the demand for discovery of documents leading up to the Prime Minister's statement in 1981 on Hollis, and we are taking him at his word.

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4. The Prime Minister's meeting yesterday decided that our aim now should be to secure public interest immunity in respect of sensitive documents sought for discovery. The Treasury Solicitor explored with the Australian Solicitor General this morning the possibility of an Australian claim for PII on our behalf. The reaction was sympathetic, but the Australian Solicitor General alluded to possible political difficulties in securing his Government's agreement. It was made clear that the Australian Attorney General would need to see the relevant documents on which we propose that they should claim PII. The Judge would also have the right, which he would be likely to exercise, to require to see such documents.

5. Should the Australian Government be unwilling to enter a PII claim, officials consider that we should ourselves try to make one. This is a forlorn hope, but it would at least show our determination to do everything possible to preserve the duty of confidentiality in the Wright case.

6. The process of making a PII claim would run as follows:

(a) we prepare folders of documents we consider relevant under the descriptions above and send copies of these folders to our people in Sydney;

(b) we provide to the Australian Government a description of these documents, showing which if any we could discover under an agreement on discovery and which should be covered by a PII claim;

(c) if the Australian Government agree to consider seriously making a PII claim on our behalf, and if as expected they insist on seeing the documents to be covered by the claim, we show some or all of those documents to the Australian Attorney General;

SECRET

(d) by the court's deadline of 10 a.m. Sydney time on Monday 24 November (11 p.m. our time on Sunday) we give the court the description of the documents in the folders, together with the Australian or failing that British claim for PII in respect of some or all of those documents;

(e) there is then a discussion with the court in which we would probably be pressed to show documents covered by the PII claim to the Judge.

7. Officials have been reviewing the files on the former publications listed above. They have thought hitherto that the relevant papers could not be shown to the Australian Government, let alone the court. That view was also expressed on page 2 of your minute of 19 November recording the Prime Minister's meeting yesterday. Officials are preparing folders of relevant documents which will be sent by Queen's Messenger to our people in Sydney tonight. Tomorrow morning senior officials will reconsider the relevant documents inter-departmentally, to see whether there is any way of reconciling the difficulty of showing documents to the Australian Government with that Government's insistence, conveyed by their Solicitor General to the Treasury Solicitor this morning, on seeing documents covered by any PII claim. Officials will ask themselves whether each paper relevant to each former publication can be shown to the Australian Attorney General and/or to the Judge and whether any could be discovered. I shall report again to Ministers tomorrow afternoon, so that decisions can be taken on whether to proceed with steps (b), (c) and (d) in paragraph 6 above. As further background, I should add that our Counsel in Australia has assured us in the strongest terms that, despite

Simply on a contingency basis in case it is decided to show the documents - flight time requires despatch tonight if documents are to be in Australia by Monday.

SECRET

the evident faults of the Judge in the Supreme Court of New South Wales, we can have full confidence that the Judge could be relied upon to keep confidential any documents that were shown to him during the process described above. Second, officials are sure that, if at the end of that process the order to discover documents was confirmed, actual discovery - i.e. publication of documents - could not go ahead until we had had time to decide whether to abandon the case in order to prevent that. Thirdly, we are advised that, if discovery was eventually agreed, there would be a possibility of obtaining deletions of sensitive points from the documents discovered after the Judge had seen those documents in unexpurgated form.

19.11.86

8. I attach a telegram from Sir Robert Armstrong with his views on the future of the case. He is coming to the conclusion, in line with that of Ministers yesterday, that we might have to abandon the main case if faced ultimately with an order to discover sensitive documents. Most of the points discussed in the telegram came up in yesterday's meeting of Ministers. The point at 6A. in the telegram can be assessed more fully after the further review of relevant papers tomorrow morning. As regards the point at 7B., Ministers' view yesterday was that it should be possible, if we were faced with a demand to discover sensitive documents, to abandon the main case on solid grounds of logic.

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

20 November 1986

*C L G Mallaby*  
C L G Mallaby

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INFO FLASH SNUFFBOX (FOR DUFF AND SHELDON)

FOLLOWING PERSONAL FOR MALLABY, CABINET OFFICE, FROM ARMSTRONG

1. I THINK THAT WE MAY BE COMING TO A CRUNCH POINT HERE, AT WHICH WE SHALL HAVE TO ASK FOR INSTRUCTIONS FROM LONDON. THIS IS NOT A REQUEST FOR SUCH INSTRUCTIONS, BUT I HOPE THAT IT MAY ENABLE YOU AND OTHERS TO START THINKING ABOUT THE ADVICE WHICH MIGHT NEED TO BE GIVEN TO MINISTERS IN CERTAIN CIRCUMSTANCES.

2. IN THE COURT OF APPEAL THIS MORNING WE WERE REFUSED LEAVE TO APPEAL AGAINST POWELL'S ORDER ON DISCOVERY. TURNBULL HAD INDICATED THAT HIS CLIENT WAS OLD AND SICK, THAT FINANCIAL RESOURCES WERE LIMITED, AND, AT ONE STAGE, THAT HE WOULD RATHER DROP ALL HIS DEMANDS FOR DISCOVERY THAN BE OBLIGED TO ACCEPT FURTHER DELAY IN THE MAIN PROCEEDINGS. THE BEST HOPE OF OVERTHROWING POWELL'S ORDER ON DISCOVERY IS BY MEANS OF A PUBLIC INTEREST IMMUNITY (PII) CLAIM.

own  
counsel 3. SIMOS SEEMS TO BE WILLING TO PROCEED WITH SUCH A CLAIM ON HIS OWN, WITHOUT AUSTRALIAN GOVERNMENT SUPPORT. BUT COUNSEL'S ADVICE IS THAT OUR CHANCES OF SUCCEEDING ON OUR OWN ARE SMALL. BAILEY WILL THEREFORE EXPLORE WITH THE SOLICITOR GENERAL TOMORROW (20TH) MORNING SYDNEY TIME THE POSSIBILITY OF COMMONWEALTH GOVERNMENT SUPPORT FOR SUCH A CLAIM. HE WILL SEEK TO FIND OUT WHETHER, IF THEY WERE DISPOSED TO SUPPORT, THEY WOULD BE PREPARED TO DO SO WITHOUT SEEING ANY OF THE PAPERS IN QUESTION, OR ALTERNATIVELY ON THE BASIS OF SEEING ONLY A SELECTION OF THE DOCUMENTS IN QUESTION, SUFFICIENT TO SATISFY THEM AS TO THE MERITS OF THE CLAIM AND ITS RELEVANCE TO AUSTRALIAN (AS WELL AS BRITISH) PUBLIC INTEREST. THIS OF COURSE ASSUMES THAT WE SHOULD BE WILLING TO DISCLOSE SUCH A SELECTION TO THE COMMONWEALTH ATTORNEY-GENERAL (AS WELL AS TO OFFICIALS OF HIS OFFICE, ASIO AND PROBABLY DPMC) OR POSSIBLY, IF THE COMMONWEALTH ATTORNEY GENERAL AGREED, ONLY TO CODD, AND IF NECESSARY SUBSEQUENTLY TO THE AUSTRALIAN COURT. IT MIGHT BE POSSIBLE TO ARRANGE MATTERS SO THAT THEY HAD TO BE SHOWN TO THE COURT ONLY ON APPEAL (EITHER TO THE COURT OF APPEAL OR TO THE HIGH COURT) AND NOT TO THE COURT OF FIRST INSTANCE, WHICH WOULD BE POWELL'S COURT.

4. IF WE DO NOT PROCEED WITH A CLAIM FOR PII, OR WE DO PROCEED BUT DO NOT SUCCEED, WE SHALL FACE A STARK CHOICE: EITHER TO DISCOVER THE DOCUMENTS OR TO ALLOW THE CASE TO BE DISMISSED. THAT WOULD BE THE CHOICE ON WHICH WE SHOULD NEED INSTRUCTIONS.

5. THE QUESTION WOULD BE WHETHER THE DAMAGE TO NATIONAL SECURITY WOULD BE GREATER IF WE DISCOVERED THE DOCUMENTS TO BE DISCOVERED THAN IF WE ALLOWED THE CASE TO BE DISMISSED.

6. THERE ARE TWO POSSIBLE SETS OF DANGERS FROM DISCOVERY:

A. THE DAMAGE RESULTING FROM DISCLOSING TO THE COURT AND TO THE DEFENDENTS THE MATERIAL IN THE DOCUMENTS TO BE DISCOVERED SEMI-COLON

B. THE DANGER OF SETTING A PRECEDENT FOR DISCOVERY OF DOCUMENTS TO WHICH IN ENGLISH COURTS WE SHOULD EXPECT TO SUCCEED IN A CLAIM FOR PII, AND THUS PUTTING AT RISK OUR PROSPECTS OF SUCCEEDING IN PII CLAIMS, INCLUDING 'CLASS' CLAIMS, IN THE ENGLISH COURTS.

7. THERE ARE ALSO TWO SETS OF DANGERS FROM ALLOWING THE CASE TO BE DISMISSED:

A. THE DAMAGE TO NATIONAL SECURITY FROM THE PUBLICATION OF WRIGHT'S BOOK, INCLUDING THE DAMAGE FROM THE CONTENTS AND THE PRECEDENT FOR OTHER FORMER MEMBERS OF THE SECURITY SERVICE MINDED TO PUBLISH.

B. THE POLITICAL CONSEQUENCES OF EXPOSING THE GOVERNMENT TO CHARGES OF 'GIVING UP' OR OF 'BEING DEFEATED'.

8. THE DISCOVERY ORDER HAS BEEN STAYED UNTIL MONDAY 24 NOVEMBER OR UNTIL FURTHER NOTICE. WE THUS HAVE A LITTLE TIME IN HAND, DURING WHICH THE MAIN PROCEEDINGS CAN CONTINUE WITH FURTHER ROUNDS OF TURNBULL VERSUS ARMSTRONG. BUT, IF THE AUSTRALIAN GOVERNMENT IS NOT WILLING TO SUPPORT US IN A PII CLAIM, OR IS WILLING TO CONSIDER SUPPORTING US ONLY ON A BASIS WHICH WE COULD NOT ACCEPT BECAUSE IT WOULD MEAN SHOWING THEM DOCUMENTS WHICH WE ARE NOT PREPARED TO SHOW THEM, WE SHOULD FIND OURSELVES, QUITE POSSIBLY BEFORE MONDAY MORNING, IN A POSITION WHERE WE COULD GO FORWARD WITH A PII CLAIM ONLY ON OUR OWN. GIVEN COUNSEL'S ADVICE THAT WE SHOULD BE VERY UNLIKELY TO SUCCEED, WE SHOULD NEED TO CONSIDER WHETHER NONETHELESS TO GO FORWARD, IN ORDER AT LEAST TO DEMONSTRATE THAT WE HAD TRIED EVERY POSSIBILITY OPEN TO US BEFORE ALLOWING THE CASE TO BE DISMISSED.

9. IT IS DIFFICULT FOR US HERE TO ADVISE SENSIBLY, SINCE WE DO NOT KNOW ENOUGH ABOUT THE DOCUMENTS IN QUESTION, AND THEREFORE ABOUT THE DANGERS OF DISCLOSING EVEN A SELECTION OF THEM TO MICHAEL CODD OR THE COMMONWEALTH ATTORNEY GENERAL (IF HE WAS PREPARED TO REGARD SIGHT OF A SELECTION AS A SUFFICIENT BASIS FOR SWEARING AN AFFIDAVIT IN SUPPORT OF OUR CLAIM). WE HAVE ASSUMED FROM YOUR TELNO MISC 371 THAT THERE IS NO QUESTION OF DISCOVERY OF ALL THE DOCUMENTS TO THE COURT AND THE DEFENCE, AND WE ACCEPT THAT. WE SHOULD BE GLAD TO KNOW WHAT IS YOUR PROVISIONAL VIEW ON THE POSSIBILITY OF EXHIBITING A SELECTION OF DOCUMENTS TO MICHAEL CODD AND/OR THE COMMONWEALTH ATTORNEY GENERAL AND IF NECESSARY THE COURT IN ORDER TO SECURE AUSTRALIAN GOVERNMENT SUPPORT FOR A PII CLAIM SEMI-COLON OR WHETHER YOU THINK THAT THAT IS OUT OF THE QUESTION, EVEN IF THE POSSIBILITY OF AUSTRALIAN SUPPORT, AND THEREFORE OF SUCCEEDING IN THE CLAIM, TURNS ON IT.

10. ON THE FACTORS DISCUSSED IN PARAGRAPHS 6 AND 7, I DO NOT EXPRESS A JUDGEMENT ON 6A, SAVE THAT I DO NOT BELIEVE WE COULD DISCOVER ANY OF THE DOCUMENTS USED OR REFERRED TO IN THE PREPARATION OF THE PRIME MINISTER'S STATEMENT OF 26 MARCH 1981 (THOUGH THERE HAVE BEEN INDICATIONS IN THE COURT OF APPEAL THAT TURNBULL HAS DROPPED OR WOULD BE PREPARED TO DROP THAT PART OF HIS DEMANDS). ON 6B, IT SEEMS TO ME TO BE VERY IMPORTANT NOT TO PUT AT RISK THE INTEGRITY OF OUR ENTITLEMENT TO CLAIM PII IN THE ENGLISH COURTS. I DO NOT KNOW HOW FAR WE SHOULD RISK DOING SO BY DISCOVERING IN AUSTRALIA DOCUMENTS WHICH WOULD BE PROTECTED BY PII IN ENGLAND. ON 7A, THE INTRINSIC DAMAGE FROM PUBLICATION OF THE CONTENTS OF WRIGHT'S BOOK MAY BE LIMITED, GIVEN THE AMOUNT ALREADY PUBLISHED IN PINCHER AND ELSEWHERE SEMI-COLON AND ONCE THIS CASE IS OVER WE SHALL BE FREE TO REASSERT AND REINFORCE WHAT THE PRIME MINISTER SAID IN MARCH 1981 ABOUT THE HOLLIS ALLEGATIONS. THERE REMAINS THE DAMAGE DONE BY THE FACT THAT THIS WOULD BE PUBLICATION BY AN INSIDER. THE QUESTION HERE IS WHETHER WE HAVE GONE FAR ENOUGH WITH THIS CASE IN AUSTRALIA, EVEN IF IT DOES NOT SUCCEED, TO DEMONSTRATE BOTH OUR DETERMINATION TO STOP INSIDER PUBLICATION IN ENGLAND AND (IF WE HAVE TO STOP SIMPLY IN ORDER TO AVOID DISCOVERY OF DOCUMENTS FOR WHICH WE SHOULD HAVE PII IN ENGLAND) A CONSIDERABLE DEGREE OF PROBABILITY THAT WE SHOULD BE ABLE TO SUCCEED IN A SIMILAR CASE IN ENGLAND. I EXPRESS NO VIEW ABOUT 7B, SAVE THAT THERE OBVIOUSLY WOULD BE SOME POLITICAL EMBARRASSMENT. I SUPPOSE THAT THE MAIN DEFENCE WOULD HAVE TO BE THAT WE WERE NOT ABLE TO PERSUADE THE AUSTRALIAN COURTS TO GRANT US PII, THAT WE HAD CONCLUDED THAT THE DAMAGE TO NATIONAL INTEREST FROM DISCOVERY WOULD BE GREATER THAN THAT FROM DROPPING THE CASE AND ALLOWING PUBLICATION OF WRIGHT'S BOOK TO PROCEED, BUT THAT THE GOVERNMENT'S POLICY ON THE DUTY OF CONFIDENTIALITY AND ON INSIDER PUBLICATION REMAINED UNCHANGED AND THE GOVERNMENT WOULD CONTINUE TO SEEK TO ENFORCE IT IN THE ENGLISH COURTS. THAT COULD, I SUPPOSE, ENTAIL TAKING STEPS TO TRY TO PREVENT DISTRIBUTION OF WRIGHT'S BOOK IN THE UNITED KINGDOM, AND POSSIBLY ALSO CONSIDERATION OF SOME ACTION AGAINST ARTHUR MARTIN, WHO HAS CLEARLY BREACHED HIS DUTY OF CONFIDENTIALITY AGAIN WITH FREEMAN AND PENROSE, DESPITE THE WARNINGS GIVEN TO HIM AFTER HE BREACHED IT WITH WEST.

11. THE PURPOSE OF THIS MESSAGE IS TO CONTRIBUTE TO YOUR THINKING, AND GIVE YOU SOME IDEA OF MATTERS AS SEEN FROM HERE. AFTER ALL THAT HAS HAPPENED, WE HERE HAVE A NATURAL DESIRE TO CARRY THE CASE THROUGH TO A CONCLUSION, IN THE HIGH COURT OF AUSTRALIA IF NEED BE. BUT WE RECOGNISE THAT THE DECISION WILL HAVE TO BE TAKEN ON A COOL CALCULATION OF CONFLICTING CONSIDERATIONS OF PUBLIC INTEREST, WHICH CAN IN THE END BE MADE ONLY IN LONDON.

SINDALL

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*file 416*

10 DOWNING STREET

*From the Principal Private Secretary*

MR. MALLABY,  
CABINET OFFICE

THE PETER WRIGHT CASE

The Prime Minister has seen and noted without comment your minute to me of 20 November about this case.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and to Mr. Saunders (Law Officers' Department).

N. L. WICKS

21 November 1986

*LB*

## Mr. Peter Wright (Australian Court Action)

4.7 pm

**Mr. D. N. Campbell-Savours** (Workington): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a matter that is important, urgent and specific, namely, "the need for the Government to withdraw from proceedings in the Australian courts against Peter Wright."

You will know, Mr. Speaker, that I raised this issue on 21 July and again on 25 July 1986, when I sought successfully to break the injunctions affecting *The Guardian* and *The Observer*. I ask today that the Government withdraw, and I set out my reasons.

The House needs to know why Messrs Blair, Symons, Simkins, Cairncross, Demowbray, King, Leigh, Harmer, Luke, Robertson, Foster, Burgess and his wife, Colonel William Skerden and Colonel Leo Long, Sir Ashton Roskill, Sir Robert Mackenzie, Sir Martin Furnival Jones, Lord Clanmorris, Lord Dacre, and Lord Victor Rothschild have not been dragged through the courts in an attempt to block publication of books for which they gave evidence as former security officers. If the answer is that the Government believes that the Wright position is different, because Wright was publishing a book himself, why did they not take action in the Irish courts against Brandon publishers for the book by Joan Miller, who was a special assistant to Maxwell Knight, former head of—

**Mr. Richard Hickmet** (Glanford and Scunthorpe): On a point of order, Mr. Speaker.

**Mr. Speaker:** I cannot take it now.

**Mr. Campbell-Savours:** There is a parallel: no action in the Irish courts, yet action in the Australian courts. The House needs to know why, prior to the Wright case being heard in the Australian courts, the Government refused to make a statement that they were intending to prosecute Mr. Arthur Martin, a former MI5 officer, and Mr. Rupert Allason, a Conservative parliamentary candidate and author of the book, "A Matter of Trust", when Mr. Martin passed to Mr. Allason classified information—

**Mr. Speaker:** Order. The hon. Gentleman must not make the speech that he might make if his application is granted. He must say why the matter is urgent, specific and important.

**Mr. Campbell-Savours:** That is precisely what I am doing. I have abbreviated my remarks to ensure that I am in order.

To be brief, perhaps I may draw attention to a letter from Mr. Pincher to Mr. Wright, which will undoubtedly influence your judgment, Mr. Speaker. It said:

"On New Year's day I was shooting with Havers, the Attorney. . . Havers told me that West met Martin six times, and on each occasion Martin told West secret information. In addition he showed him secret documents which should not have been in his possession. West then wrote his book and in it not only quoted Martin by name but quoted from the documents saying that they were secret! Havers then issued an injunction to have the offending parts removed, for had the book been published, the Government would have had no option but to prosecute both Martin and West. . . Havers told me"—

that is Pincher—

"that he is still considering whether to prosecute Martin but says he cannot do that without prosecuting West who has been adopted as a Tory candidate! Mrs. T. is furious with him."—

**Mr. Speaker:** Order. The hon. Gentleman has had his time and he must now bring his application to a close.

**Mr. Campbell-Savours:** Mr. Speaker, he goes on to say—

**Mr. Speaker:** Order. The hon. Gentleman has had his three minutes. I am sorry.

**Mr. Campbell-Savours:** Perhaps I can conclude my remarks, Mr. Speaker, by referring to other matters that are directly relevant—[HON. MEMBERS: "No."]

**Mr. Speaker:** Order. The hon. Gentleman will be aware of the new rule, which is not so new because we have known about it for six months. The rule is that an application under Standing Order No. 20 must be limited to three minutes. The hon. Gentleman must now complete his application with his peroration.

**Mr. Campbell-Savours:** May I put it to you, Mr. Speaker, that sedentary interjections and proper interventions of your own have prevented me from having a full three minutes. The House needs to know about conversations—

**Mr. Speaker:** Order—

**Mr. Campbell-Savours:**—that a former head had—

**Mr. Speaker:** Order. In fairness to everyone, three minutes must be the limit. The hon. Gentleman has had four minutes, which takes into account any interventions that I may have made.

The hon. Gentleman asks leave to move the Adjournment of the House for the purpose of discussing a specific and important matter—

**Mr. Campbell-Savours:** On a point of order, Mr. Speaker.

**Mr. Speaker:**—that he thinks should have urgent consideration, namely, "the need for the British Government to withdraw from proceedings in the Wright case in the Australian courts".

I have listened carefully to what the hon. Gentleman has said, and I regret that I do not consider the matter that he has raised to be appropriate for discussion under Standing Order No. 20. I cannot, therefore, submit his application to the House.

**Mr. Brian Sedgemore** (Hackney, South and Shoreditch) *rose*—

**Mr. Andrew Faulds** (Warley, East) *rose*—

**Mr. Speaker:** I hope that any further points of order will not challenge what I have said. Mr. Sedgemore.

**Mr. Sedgemore:** On a point of order, Mr. Speaker. I wonder whether you will make a ruling on the propriety of what my hon. Friend the Member for Workington (Mr. Campbell-Savours) has done. I have seen the documents and I have heard what he has said. He appears to be traducing the Attorney-General in a serious fashion by saying that he has abused the security services for party political reasons. That is an extraordinary allegation for an individual to make against a Member of this place, and I should like to know whether it is in order for my hon. Friend to do so?

affairs. I cannot hold out the prospect of a debate in Government time, but I very much hope that my hon. Friend will be able to raise the matter on the Adjournment.

**Mr. Rob Hayward** (Kingswood): Further to the question put by my hon. Friend the Member for Ealing, North (Mr. Greenway), may we have a full debate on extremism in local government? In my constituency, an avowed Marxist represents the Labour party on Bristol city council, and his wife is now standing as a Labour party candidate for the neighbouring ward. Presumably she is also a Marxist.

**Mr. Biffen:** Important though the topic is, it is simply not feasible to offer Government time for such a debate. However, there are many other opportunities to raise the matter, and I wish my hon. Friend success in that regard.

**Mr. Edward Leigh** (Gainsborough and Horncastle): Following the Leader of the Opposition's remarks, may we have an early debate that will reassure the House that there are no zealots lurking deep within the Conservative Government who want to increase public spending by £28 billion a year resulting in the largest ever tax increase in our history, no zealots who want to indulge in one-sided disarmament tactics, and no zealots who want to prevent the largest ever number of ordinary people from buying shares? Alternatively, does my right hon. Friend think that the Leader of the Opposition should look for zealots on his own Front Bench before looking at the loony Left councils that his party controls?

**Mr. Biffen:** The reference to zealots within the Conservative Government has me confused. I am hoping that my hon. Friend will, therefore, correct the *Official Report* so that I can then make my response. But on Conservative Benches there is a sense of balance and a desire to judge all these matters in a practical and unideological way, thus striking a natural chord with the British public in total contrast to the zealots that the

Leader of the Opposition sees rising up in the city halls and urban centres, and which will eventually swamp the Labour party.

**Mr. Peter Bruinvels** (Leicester, East): Does my right hon. Friend share my concern at the continuing misuse by Labour councils of ratepayers' money, which is spent on political and partisan propaganda? Should not something be done quickly, particularly as Leicester city council is now advertising in the *Labour Party Weekly* for jobs with the chief executive? When will the local government Bill come before the House? Will it contain provisions affecting such propaganda? Will it give more effective control over the allocation of inner area programme funds? Much of that money is deliberately sent to Labour party organisations within councils such as Leicester.

**Mr. Biffen:** As I listened to my hon. Friend's abominable indictment and reflected on the inevitably rather measured processes of government, I realised that my hon. Friend, who is a man of speedy decisions, was outlining a subject that was suitable for someone who had come third in the ballot.

### Official Report (Division List)

4.6 pm

**Mr. Robert N. Wareing** (Liverpool, West Derby): On a point of order, Mr. Speaker. I seek your guidance on a matter of importance for the House and the country which arises out of a possible mistake in the *Official Report*. In columns 667 and 668 of the *Official Report*, the Division List for those going into the No Lobby against the Queen's Speech shows the names of the leader of the Liberal party and 14 of his colleagues, but fails to mention the hon. Member for Liverpool, Mossley Hill (Mr. Alton), the Liberal Chief Whip. Can that be right, or is the hon. Gentleman no longer the Liberal Chief Whip?

**Mr. Speaker:** I know nothing about these matters. The hon. Gentleman knows that only those who vote in the Division Lobby have their names recorded.

**Mr. Speaker:** The hon. Member for Workington (Mr. Campbell-Savours) must take responsibility for his speech. I heard the very same comments made on the 1 o'clock news.

**Mr. Faulds:** Further to that point of order, Mr. Speaker. I am not questioning your putting down of my hon. Friend the Member for Workington (Mr. Campbell-Savours), although it does appear unfortunate that he was not able to extend the evidence he wanted to achieve a Standing Order No. 20 debate. The point I want to make to you, Mr. Speaker, is whether it is advisable to have a three-minute limit on the Standing Order application when often there may be massive material to adduce for the reasons for a debate, which can only be shortened and the request made less effective if this introduction of the new three-minute limit is applied. Is it advisable in terms of the health of Parliament?

**Mr. Speaker:** I think that the hon. Gentleman should seek to become a member of the Procedure Committee, which made a report on this matter and others which was debated and passed by the House.

**Mr. David Winnick** (Walsall, North) *rose*—

**Mr. Alan Williams** (Swansea, West): On a point of order, Mr. Speaker. I appreciate fully your ruling, and would not challenge it. I accept entirely the attitude that you have taken. Given the severity of the allegations that we have heard, you will appreciate the difficulty in which the House finds itself. We have been told that the Attorney-General is aware of six occasions on which security information was passed by members of the security forces—

**Mr. Speaker:** Order. This is not a matter for me in any way. I have no knowledge of these things. I heard about them on the news, and now I have heard about them in the House.

**Mr. Winnick** *rose*—

**Mr. Campbell-Savours** *rose*—

**Mr. Michael Morris** (Northampton, South) *rose*—

**Mr. Speaker:** Order. The right hon. Member for Swansea, West (Mr. Williams) should be allowed to complete his point of order before other hon. Members intervene.

**Mr. Williams:** It must be a matter of great concern to the House when the Attorney-General, who is in charge of the administration of justice, and the Prime Minister, who is in charge of security, have both colluded, according to the letter, to avoid taking action to prosecute someone who has been party to a breach of state security. Because, for reasons which I well understand, you cannot allow us to have a debate on the matter at this stage, may I ask the Leader of the House, through you, to arrange that on Monday we have a statement from the Prime Minister?

**Mr. Michael Morris:** On a point of order, Mr. Speaker. For the guidance of the House, could you tell us whether, given that you heard about this matter on the news at 1 o'clock, it is in order under the new rules for Standing Order No. 20 applications for such issues to be raised subsequent to something that appeared on the news?

**Mr. Speaker:** It is in order. The application was submitted before 12 o'clock.

**Mr. Winnick:** On a point of order, Mr. Speaker.

**Mr. Campbell-Savours:** On a point of order, Mr. Speaker.

**Mr. Speaker:** Order. I shall take first the hon. Member for Walsall, North (Mr. Winnick).

**Mr. Winnick:** You have ruled, Mr. Speaker, although your ruling was challenged, that the matter raised by my hon. Friend the Member for Workington (Mr. Campbell-Savours) is not sub judice. Allegations have been made concerning the Attorney-General, and I know that these are not matters for you. My point of order is this: would it not be right to come to the conclusion that, as this is not a matter that is sub judice, it would be in order for the Attorney-General to come to the House, if he wished to do so? The fact that the case is proceeding in Australia—

**Mr. Speaker:** Order. The only conclusion to which I need come is whether the matter is in order. I cannot speculate on other matters.

**Mr. Campbell-Savours:** On a point of order, Mr. Speaker.

**Mr. Speaker:** I do not think that I can help the hon. Gentleman. Is his point of order on a different matter?

**Mr. Campbell-Savours:** It cannot be a different matter, Mr. Speaker. I have raised an issue—

**Mr. Speaker:** Order. I have ruled on the matter.

**Mr. Campbell-Savours:** No, Mr. Speaker—

**Mr. Speaker:** Order. I have ruled on the matter.

**Mr. Campbell-Savours:** On a point of order, Mr. Speaker. You have seen repeated attempts over the recent past on the Floor of the House to bring about a debate in the Chamber on the matters that I have sought to raise in my application under Standing Order No. 20. I do not see why Parliament should be shackled—

**Mr. Speaker:** Order.

**Mr. Campbell-Savours:** —because Ministers—

**Mr. Speaker:** Order.

**Mr. Campbell-Savours:** —do not wish such a debate to take place.

**Mr. Speaker:** Order. This is unlike the hon. Gentleman.

**Mr. Campbell-Savours:** It is monstrous.

**Mr. Speaker:** Order. The hon. Gentleman is an experienced parliamentarian and knows full well the rules of the House. He has made his submission and I have ruled upon it, and that is the end of the matter.

**Mr. Faulds:** On a further point of order, Mr. Speaker. It is a procedural point of order.

**Mr. Speaker:** Is it a helpful point of order?

**Mr. Faulds:** On a procedural point of order, Mr. Speaker. Would you be kind enough to advise hon. Members—we want to take the quickest action possible—how we can proceed to impeach the Attorney-General?

**Mr. Speaker:** I have no idea.

## Moors Murders

4.17 pm

**Mr. Geoffrey Dickens** (Littleborough and Saddleworth): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a specific and important matter that should have urgent consideration, namely, "the moors murders investigation and the implications for prosecution and parole".

This will be a three-minute application, Mr. Speaker. As you will know, the Saddleworth moors are in my constituency. The bodies of Lesley Ann Downey, aged 10 years at the time of her death, and of John Kilbride, aged 12 at the time of his, were found buried in those moors, which are one mile from my home. Today, the Manchester police have started a massive dig-and-search operation on the moors, acting on information received from child murderer Myra Hindley. If other remains are discovered, two important issues will be brought into question. Should any deal be upheld with a child murderer for parole consideration in return for information on other murders? Should prosecutions follow for these other crimes committed 21 years ago?

A debate would provide Members of this honourable House with the opportunity to express public opinion so that our principal Law Officers—my right hon. and learned Friend the Attorney-General, my hon. and learned Friend the Solicitor-General and the Director of Public Prosecutions—are in no doubt about their duties. If the DPP, in conjunction with my right hon. Friend the Home Secretary, were ever to be hoodwinked by Myra Hindley and her eccentric friend in another place, they would never rest in their beds. They would be haunted by the spectre of anguished parents and relations who are sadly having to serve their own life sentence. I am convinced that public opinion demands no deal with child murderers and that those who sexually abuse and murder children should stand trial even 21 years later.

If you felt able to grant my request for a debate, Mr. Speaker, you would discover that hon. Members are more likely now to support my call to fight fire with fire. I believe that you would be amazed, Mr. Speaker, how strongly has grown the number of those who would wish to see capital punishment restored for child murderers.

**Mr. Speaker:** The hon. Member for Littleborough and Saddleworth (Mr. Dickens) asks leave to move the Adjournment of the House for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely, "the moors murders investigation and the implications for prosecution and parole".

I have listened to what the hon. Gentleman has said, but I regret that I do not consider the matter that he has raised to be appropriate for discussion under Standing Order No. 20. Therefore, I cannot submit his application to the House.

## STATUTORY INSTRUMENTS, &c.

*Ordered,*

That the draft General Lighthouse Authorities (Beacons: Hyperbolic Systems) Order 1986 be referred to a Standing Committee on Statutory Instruments, &c.

That the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1986, (S.I., 1986 No. 1876) be referred to a Standing Committee on Statutory Instruments, &c.—[Mr. Portillo.]

## Financing the BBC (Peacock Report)

*Motion made, and Question proposed, That this House do now adjourn.—[Mr. Portillo.]*

**Mr. Speaker:** Before I call the Home Secretary, may I tell the House that no fewer than 29 right hon. and hon. Members wish to take part in this important debate. It will plainly not be possible to call all of them if speeches are very long. Although I have no control over the length of speeches, I ask for brief contributions.

4.20 pm

**The Secretary of State for the Home Department (Mr. Douglas Hurd):** Before mentioning the Peacock report it might be sensible to say something briefly about the principles that lie behind the recent exchanges between my right hon. Friend the chairman of the Conservative party and the BBC about its coverage of the Libyan bombings. As my right hon. Friend the Prime Minister made clear, it is not for the Government as such to form a view on that coverage, and that certainly applies to the Home Secretary, but the principles involved are worth restating.

First, the BBC has a responsibility, contained in article 13 of the licence and agreement, to refrain from sending any broadcast matter expressing its opinion on current affairs or on matters of public policy. It has also undertaken to treat controversial subjects with due impartiality. Those are responsibilities assumed by the board of governors. They put the BBC and those who work for it in a different position from those who work, say, for a newspaper or a cable company. Those responsibilities were undertaken in return for the privilege granted by Queen and Parliament in the charter of exercising what was once a monopoly and is now half a duopoly.

Second, it is not for the Government to enforce that responsibility as regards the normal content of the BBC's output. The responsibility rests on the board of governors. Under the charter and the licence and agreement the Home Secretary has some powers, but it is clear from the texts and from past practice that those powers should be used only in an emergency or wholly exceptional circumstances. As I have already stated in public, the Government have neither the power nor the wish to control the normal output of the BBC.

Third, any group or individual who believes that a broadcasting authority is falling below the standards set has an absolute right to say so. There is no reason why the chairman of the Conservative party should be deprived of that right. My right hon. Friend has shown himself entirely capable of distinguishing clearly between his duties as Chancellor of the Duchy of Lancaster and his role as chairman of the Conservative party. He showed that again during Question Time on Monday.

Broadcasters have no reason to believe themselves persecuted or insulted when such criticisms are made, whether by my right hon. Friend or by anyone else. As we observe, they have plenty of opportunities to reply and the public can then judge. Private individuals or political parties have no reason to regard with dumb reverence the output of broadcasters. I have not noticed that broadcasters approach the output of politicians with any such reverence. Both professions are in the public arena and learn to look after themselves. Members of both professions also learn, if they are wise, while defending

*per Wright case*

STATEMENT BY THE RT. HON. NEIL KINNOCK, M.P., LEADER OF THE  
OPPOSITION ON SIR ROBERT ARMSTRONG'S EVIDENCE IN COURT IN  
AUSTRALIA

After studying copies of the transcript of Sir Robert Armstrong's evidence in the Australian courts on Tuesday and Wednesday this week (parts of which are attached) I have made further enquiries from which I concluded that there are important matters relating to the conduct of the Government which require answers.

It is necessary for the Prime Minister to clarify the situation as she did not do before the House of Commons this afternoon.

She declined to answer questions on the grounds that the case is still in progress. This is not relevant because the issues raised by Sir Robert's testimony relate explicitly to the conduct of Government and in no respect jeopardise any aspect of national security. These issues do not relate directly to the case of Sir Roger Hollis but to matters which appear to have arisen as a result of the contacts between Mr Chapman Pincher and individuals bound by their "duty of confidence".

Sir Robert has testified explicitly:-

- (1) That the publication in 1981 of Chapman Pincher's book, 'Their Trade is Treachery', "could certainly prejudice national security, including current and future operations", and that Mr Pincher's assertion that no security damage could result was in his opinion wrong.
- (2) That Mr Pincher's book drew upon information directly received from members of the security services, in breach of their duty of confidence to the Crown.
- (3) That photocopies of the manuscript of the book were in the possession of officers of the Crown some weeks before its publication, and that the book was read by Sir Robert himself before publication.
- (4) That the Attorney General was fully advised on the legal and security implications of publication of the book, and the damage to national security that publication would cause.

- (5) That the Attorney General decided that there was no basis upon which an injunction could be launched and so did not seek any injunction to forbid publication of material which was prejudicial to national security, and which had been assembled with information from officers and ex-officers of the security services.
- (6) That it was not the case that the damage done to national security by the publication of the book was rectified by the Prime Minister's statement to the House of Commons on this matter in March 1981.
- (7) That the Attorney General and Mr Pincher meet from time to time, and that Mr Pincher and Sir Arthur Franks, alleged to be the Head of MI6 between 1976 and 1982, met from time to time.

It is obvious that any Government which had fore-knowledge that information prejudicial to national security was to be published - and which knew that that information had been directly obtained from officers bound by a duty of confidence - would have no difficulty in obtaining an injunction against its publication.

And of course an injunction was sought and secured in 1982 in very similar circumstances in the case of Mr Nigel West's book, and now is being sought in Australia in the case of Mr Peter Wright's book.

It is not acceptable for there to be one application of the law in respect of Mr Pincher who used information from officers under a "duty of confidence", another use of law for Mr West who is in precisely the same position and yet another in the case of Mr Wright who is both ex-officer and author.

A full explanation of the Government's conduct in this matter is essential and the Prime Minister should take the earliest possible opportunity to make a full statement to the House of Commons.

END



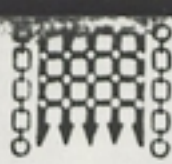
HOUSE OF COMMONS  
LONDON SW1A 0AA

also Williams  
Dale Campbell-Swanwick  
Brian Searns  
Denis Skirrow

Official Secrets Act - Conduct of Ministers

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This House calls on the  
government to set up a judicial  
enquiry into allegations that  
the Prime Minister acted ~~in~~ with  
the Attorney General to ~~present~~ the  
prosecution under the Official Secrets Act  
of RUPERT ALLASON, alias N168L  
WEST and calls members for an  
immediate statement from the Dispatch  
Press by the Prime Minister.



HOUSE OF COMMONS  
LONDON SW1A 0AA

Dale Campbell-Jarvis  
Brian Soper  
Denis Soper

Security of the nation - trial in Australia

This House calls on the government to  
 set up a judicial enquiry to examine  
 the nature of the relationship between Lord Victor  
 Rothschild and Chapman Pincher which led  
 to the publication of classified material in a  
 number of publications (2) reports of conversations  
 between Sir Arthur Franks, former head of  
 M16 and Chapman Pincher when the view was  
 expressed that no action would be taken  
 against Secret Acts under the Official  
 Censorship Act because he was a Conservative  
 Franks gave Chapman Pincher the green-light  
 to work national security and (4)

the statement made by  
on 19 November 1986.

Sir Robert Armstrong  
that the Prime

Minister's statement of

1981

was not

a comprehensive  
reported

to

account

describe -

of the

events etc

Wright file

DAILY MIRROR, Thursday, November 20, 1986

## MI5 booked in New York?

● EVEN if the Government succeed in their desperate bid to stop the book by former MI5 agent Peter Wright from being published in Australia, they may face an even bigger hurdle.

I hear that the book is being handled for publication in the United States of America—by a leading and reputable New York agency, Wallace and Sheil.

Lois Wallace, who runs the agency, was very embarrassed when I asked her about it.

"Are you handling Peter Wright's book?" I asked.

"Er ... no comment" was her reply. Our conversation went on as follows:

"Can I say anything at all about what you are doing with it?"

"I'd really prefer you didn't."

"What is your understanding about the effect of an Australian court's decision on possible publication in the United States?"

"My understanding is—no comment."