



10 DOWNING STREET

MS

PRIME MINISTER

Telephone message from the
Duty Clerk, No 10 (in
consultation with Nigel Wicks):

"the Foreign Secretary has
read Mr. Mallaby's minute
and looked at the papers
and he agrees with
Mr. Mallaby's recommendations"

I have read the minute
several times, gone through most
of the papers, and

Catherine

22 November 1986

feel we have
no alternative but to try this
course of action, i.e. P.I.I.
and I agree with Mallaby's
recommendations. I trust that
P.D.O.

The Judge cannot use
knowledge gained in this
application for any other
purpose, i.e. should the substance
be successful the law
continue not

PRIME MINISTER

THE PETER WRIGHT CASE: DISCOVERY OF DOCUMENTS

In his minute below (Flag A) Mr. Mallaby seeks the approval of yourself, the Home Secretary and Foreign and Commonwealth Secretary to show, as far as is necessary, the documents in the folders below to the Australian Judge in support of our case for Public Interest Immunity (PII). Mr. Mallaby would like an answer as early as possible tomorrow morning (Saturday) so that instructions can be telegraphed to Sir Robert Armstrong in Sydney in time for him to prepare himself for a hearing on Monday.

The Foreign and Commonwealth Secretary is seeing the papers at 1030 tonight (Friday), and the Home Secretary at 1000 a.m. tomorrow (Saturday). I have made arrangements for their offices to tell us of their views. We will let you know.

The Attorney considers it a lesser evil to show the documents to the Judge rather than giving up the claim to PII (and consequently the main Peter Wright case). I know that you will be very reluctant to sanction the course which Mr. Mallaby suggests. But it is of considerable comfort that Sir Antony Duff (in his letter to me at Flag B) says that:

"If the choice lies between showing the papers to the Judge or having to give up the case, I would certainly choose the former".

So, provided the Home Secretary and Foreign and Commonwealth Secretary are content, do you agree to the course proposed by Mr. Mallaby in his minute, and especially in paragraph 10?

N.L.W.

NLW

21 November, 1986.