



10 DOWNING STREET

THE PRIME MINISTER

14 September 1984

Dear Mr. Owen.

Your letter of 13 September covers a number of separate matters.

As regards the charges against Mr. Ponting, you must know that the Attorney General acts in a totally independent and non-political capacity in making decisions on prosecutions. It would be improper for me or my colleagues to interfere in any way with his discretion in the exercise of that function and I confirm that we did not do so in Mr. Ponting's case. Similarly, I have no intention of commenting now on the Attorney General's decision and I am astonished by your suggestion that I should do so.

You asked about the sequence of events leading up to the decision to charge Mr. Ponting. When the two documents were returned to the Ministry of Defence by the Select Committee Michael Heseltine decided that an investigation should be undertaken by the Ministry of Defence Police into the circumstances in which the documents had come into the hands of Mr. Tam Dalyell. The results of that investigation were referred to the Director of Public Prosecutions on 13 August. Later that day the Defence Secretary and I were told of the outcome of the inquiry and that the matter had been referred to the Director of Public Prosecutions. The Director of Public Prosecutions consulted the Solicitor General in the absence

of the Attorney General, who decided on 17 August that charges should be brought against Mr. Ponting. The Attorney General endorsed this decision. The Law Officers did not consult any of their Ministerial colleagues. Nor was there an initial decision by them not to prosecute: indeed, it was made clear to Mr. Ponting when he was interviewed on 10 August and again in writing on 14 August that the possibility of prosecution was under consideration.

You also enclosed your speech to the SDP Party Conference, in which you requested an immediate White Paper about the Belgrano. I see no need for such a White Paper. The Select Committee on Foreign Affairs is, as you know, carrying out an inquiry of these matters, and Michael Heseltine wrote to the Chairman on 26 July to say that he would be happy to give evidence to that inquiry.

Finally, you refer to Mr. Bernard Ingham, presumably basing yourself on an item in the diary column of The Guardian on 13 September. I understand that this referred to an internal meeting of Government Information Officers and that the account entirely misrepresents the nature of Mr. Ingham's remarks.

Yours sincerely
Margaret Thatcher

The Right Honourable Dr. David Owen, M.P.

DRAFT LETTER FROM THE PRIME MINISTER TO THE RT HON DR DAVID OWEN MP

Your letter of 13th September covers a number of separate matters.

As regards the charges against Mr Ponting, you must know that the Attorney General acts in a totally independent and non-political capacity in making decisions on prosecutions. It would be improper for me or my colleagues to interfere in any way with his discretion in the exercise of that function and I confirm that we did not do so in Mr Ponting's case. Similarly, I have no intention of commenting now on the Attorney General's decision and I am astonished by your suggestion that I should do so.

You asked about the sequence of events leading up to the decision to charge Mr Ponting. When the two documents were returned to the Ministry of Defence by the Select Committee Michael Heseltine decided that an investigation should be undertaken by the Ministry of Defence Police into the circumstances in which the documents had come into the hands of Mr Tam Dalyell. The results of that investigation were referred to the Director of Public Prosecutions on 13th August. (Later that day the Defence Secretary ^{and were} was told of the outcome of the enquiry and that the matter had been referred to the Director of Public Prosecutions. [He said that he agreed with this course.] The Director of Public Prosecutions consulted the ^{SC in the absence} Law Officers, who decided on 17th August that charges should be brought against Mr Ponting. ^{The AG endorsed this decision} The Law Officers ^{did not} did not consult any of their ^{Ministerial} Ministerial colleagues. ^{although} Nor was there an initial decision by ^{the Law Officers} them not to prosecute: indeed, it was made clear to Mr Ponting when he was interviewed on

10th August and again in writing on 14th August that the possibility of prosecution was under consideration.

You also enclosed your speech to the SDP Party Conference, in which you requested an immediate White Paper about the Belgrano. I see no need for such a White Paper. The Select Committee on Foreign Affairs is, as you know, carrying out an inquiry of these matters, and Michael Heseltine wrote to the Chairman on 26th July to say that he would be happy to give evidence to that inquiry.

Finally, you refer to Mr Bernard Ingham, presumably basing yourself on an item in the diary column of The Guardian on 13th September. I do not propose to comment on newspaper gossip about an internal meeting of Government Information Officers at which the author of the piece in The Guardian diary was not present, except to say that the account entirely misrepresents the nature of Mr Ingham's remarks.

John.

The draft letter to Fowler is at the top of the N. Peterson book file. A mixed union will come round on Friday or Monday. I have told Robin ~~Butler~~ Butler that we have nothing more to contribute (and nobody to contribute it). He will not expect us to comment. This is apparently news on this topic in today's N. Peterson. R. got a copy for the file.

In the Porting file you will find a letter to the PTT from David Owen + various connected documents + a draft reply. The overdraft on the draft is mine, + Robin Butler has accepted them. Wd. you please check the draft for accuracy on points of fact + let Butler (or Charles Powell) know urgently if you find anything wrong. I have taken a copy home and can be contacted by telephone tomorrow (Friday) if necessary.

Henry

13/9
9.20 pm!

THE RT HON DR DAVID OWEN MP



HOUSE OF COMMONS

LONDON SW1A 0AA

13 September 1984

The Rt Hon Mrs Margaret Thatcher MP
Prime Minister
10 Downing Street
London SW1

Dear Prime Minister.

I am writing about the reported meeting that took place on Tuesday evening of Whitehall Information Officers in the Cabinet Office when apparently the possible prosecution of Mr Clive Ponting was discussed. If this subject was indeed discussed at such a meeting it surely confirms what I believe many sense is the case, that the Government as a whole and indeed your own principal spoke man for you as Head of the Government, Mr Ingham, are deeply involved. In not just discussing the case but of making it clear that the impending prosecution is to go ahead, it appears that Mr Ingham has demonstrated that the Government is involved. I would be grateful if you could let me know the sequence of events which took place within the Government from the moment that the Select Committee on Foreign Affairs returned the two Government documents relating to the Belgrano to the Ministry of Defence. In particular whether an initial decision was taken not to prosecute and who was responsible for that decision. Whether such decisions were passed on to Mr Ponting. At what stage the exact decision to prosecute was taken. Who was consulted within the Government. Whether you personally were consulted and what other Ministers were consulted. This is particularly necessary since I gather that the Attorney General himself was out of the country, although consulted by telephone.

While no doubt the Government has sought to preserve the formal position whereby the official decision to prosecute is taken by the Attorney General acting in his rather unique semi-independent capacity, it nevertheless must be clear that if you yourself or other Government Ministers felt that it would be better to drop the prosecution any Attorney General would consider that as an important and relevant factor in making their decision.

/..



I enclose a copy of a speech which I made in Buxton and I repeat my request that you should issue a White Paper immediately correcting the Parliamentary record and any other mis-statements made by yourself and other Ministers outside the House of Commons. I also urge you yourself to make it clear, that in the light of the present circumstances, it would be better if the Attorney General was to drop the prosecution. That still leaves it open to him to continue if he so wishes.

I would also like to raise a different though related matter concerning the conduct of your civil servant Press Officer, Mr Bernard Ingham. You will remember that on 5 August 1983 in a letter to me, you defended Mr Ingham's on the record remarks about Mr Peter Shore talking "bunkum and balderdash" and went on to describe these comments as characteristically vivid and colourful phrases.

I wonder if you would let me know whether you would use similar terms to describe his reported hope that an appropriate severe member of the judiciary would be on hand to hear the case of Mr Ponting, even going on to mention a couple of judges that he thought suitable to hear the case under Section 2 of the Official Secrets Act! I am sure the whole country would like to know the quality of the advice you are receiving from Mr Ingham:

David Owen

SDP PRESS OFFICE

Buxton

5 00 pm, Tuesday 11 September 1984

SPEECH BY THE RT HON DR. DAVID OWEN MP DURING AN EMERGENCY MOTION
AT THE SDP PARTY CONFERENCE, BUXTON ON THE SINKING OF THE BELGRANO

The Government, in relation to the sinking of the Belgrano, has locked itself into a depressing cycle of error, half-truths and deliberate falsehood. The truth is not discreditable. It simply needs to be told.

Instead a campaign of misinformation is beginning to reach into the heart of democratic government - the integrity of the civil service is being brought into question.

We are in the early stages of a Watergate.

And unless the Government and in particular the Prime Minister, Mrs Thatcher, step forward promptly and tell the plain unvarnished truth, the situation will get worse and worse.

This has a quite different dimension to the Oman affair. There foolish family loyalties were mixed with the nation's business but it was noticeable that the Prime Minister throughout took great pains never to use words in the House of Commons that could be later shown to be false.

The core of the problem that we face over the Belgrano is that the House of Commons has not been told the truth.

Words have been used that have not only been misleading but have been false.

Whatever else happens, this is a threshold in our democracy which we cannot tolerate being crossed.

Nor can the civil service tolerate their members being made a party to false information being given to individual MPs or even more seriously deliberate misleading information being given to the Select Committee on Foreign Affairs, when they were actually investigating the Belgrano incident.

This is not a debate about whether or not on 2 May 1982 the British Government should have authorised the sinking of the Belgrano. I doubt any of us can say accurately what we might have done in such circumstances even if we now had in front of us every piece of information that was then available. I have never criticised or endorsed the decision to sink the Belgrano and I have no intention of doing so now.

Virtually at war, there had to be a great deal of trust between the citizens and its leaders and too much retrospective judgement about what exactly did or should have happened in the fog of war is a pretty unedifying sight.

I remain myself convinced that a competent Government would have ensured that the Falkland Islands were never invaded but they were invaded and this Party took a consistent line throughout the crisis that that act of aggression could not go unchallenged - and though initially we hoped, by negotiation, the Argentinians could be removed we did not flinch when the necessity came to endorse the brilliant and brave military action taken to remove the Argentinians.

On 2 May 1982, at a period of great danger, when Argentinian Seahawks had the day before attacked HMS Glamorgan, Admiral Woodwar requested permission to sink the Belgrano. In justifying that decision in the House of Commons on 4 May 1982, Sir John Nott and the Prime Minister used words which have since been shown to be untrue. That is not of itself an issue for censure.

It may be that they did so deliberately and we have to face it that it is sometimes necessary in times of crisis, not only of war but for example at times of devaluation, for the House of Commons not to be told the total truth. It may be that in part the information was misleading because they did not have at that moment all the facts. But nevertheless the facts are now clear.

The Belgrano was not "detected on 2 May" (1982) but detected on 30 April 1982 and sighted on 1 May.

The Belgrano was not "closing on elements of our task force" and "only hours away" at the time of its sinking. In fact it had been sailing in the opposite direction for 11 hours. The Belgrano had not been making frequent changes of course. Indeed during that 11 hours it had only made two changes of course - the first to reverse its direction and then six hours later - before its sinking - it made a marginal change of course from 270° to 280°. Also it is now known that three torpedos were fired - two at the Belgrano and one at an escorting destroyer which was hit but the warhead did not explode.

It is also known that on 30 April 1982, permission had been given to sink the Argentinian aircraft carrier outside the Exclusion Zone without warning. That aircraft carrier which was initially traced was lost and no engagement took place.

It is also known now that on 2 May 1982, discretion was given by the War Cabinet not just to sink the Belgrano but to consider as hostile any Argentinian ship outside the territorial waters. But that warning was not published to shipping until 7 May.

Yet it is not only the House of Commons that has been misled. In the Prime Minister's now famous interview with Mrs Gould during the General Election programme, Mrs Thatcher said the Belgrano was not steaming away from the Falklands when it was sunk. But indeed it had been. Also Tam Dalyell MP has been misled. His persistence has shown what a backbench MP can achieve.

There is still some doubt as to what information the Government had about the orders given to the Belgrano and other ships prior to their own decisions and the exact times when that information was received. Also about the Peruvian peace initiative, though I doubt its relevance to the Belgrano.

The Government should issue a White Paper immediately correcting the record. This they unwisely did not do after the war was over - when they issued on 14 December Cmnd 8758 which contained wrong information about the Belgrano. To put the full facts before the country and the world will not bring discredit, it will restore honour.

In particular, they should correct any mis-statements made to the House of Commons and they should answer any follow-up questions put to them by the Select Committee, with the accepted proviso that some intelligence information may not be able to be published.

If this was done promptly and quickly this whole episode could be set aside. There is no party political advantage here.

The crux is that the record must be set straight, and Parliament must be told the truth.

The alleged actions of a civil servant, Mr Clive Ponting, who is a member of this party, have made disclosure inevitable.

We believe civil servants should not be placed by any government in a position where they are made a party to false information being given to Parliament. It would be a grave political error to go ahead with a prosecution under Section 2 of the Official Secy Act. The one thing that can be said about such a prosecution is that if it goes ahead, hopefully it will result in the infamous Section 2 being abolished, as we have long believed it should be.

The message to Mrs Thatcher is a clear one. Tell the truth, drop the prosecution and the vast majority of this country will breathe a sigh of relief and turn to more important business.

Then we will avoid a long drawn out accrimonious bitter dispute which will only deepen the mistrust that people have of politicians and further weaken the good name of the British Parliament.

DIARY

IS THE Government going to heed the words of Dr Owen and adopt a franker approach towards the Belgrano sinking? Is it likely to have second thoughts on Mr Clive Ponting and drop all charges against him?

I think we can assume from Tuesday night's meeting of Whitehall information officers in the Cabinet Office that the answer is a resounding No. As ever, it was addressed by the Prime Minister's press secretary, Mr Bernard Ingham, who surprised even those who know him as a bullish sort of fellow by his aggressive stance towards those (particularly the FO representative) seeking to pursue a more doveish line.

Some information officers were even more astonished to hear Mr Ingham's view of the impending Ponting case. The Government was quite set upon prosecution, he said. Indeed, it was hoped that an appropriately severe member of the judiciary would be on hand to hear the case. Mr Ingham named a couple of judges he thought suitable.

Fortunately, we have Lord Hailsham's word for it in a speech only last night, that judges decide who is to hear a case, not politicians or civil servants. Perhaps we should put it down to Mr Ingham's natural braggadocio. Or has he acquired the Ronnie Reagan joke book?

Draft Letter from the Prime Minister
to the Rt. Hon. Dr. David Owen, M.P.

Your letter of 13 September covers a number of separate matters.

As regards the charges against Mr. Ponting, you must know that the Attorney General acts in ^{a totally} independent and non-political capacity in making decisions on prosecutions.

It would be improper for me or my colleagues to interfere in any way with his discretion in ~~cases like the one to~~ ^{the exercise of that} ~~which you refer~~ ^{in Mr Ponting's case} and I confirm that we did not do so.

Similarly, I have no intention of commenting now on the Attorney General's decision and I am astonished by your suggestion that I should do so.

You asked about the sequence of events leading up to the decision to charge Mr. Ponting. The return of the two documents from the Select Committee led to a decision that an investigation should be undertaken by the Ministry of Defence Police into the circumstances in which the two

documents came into the hands of Mr. Tam Dalyell. The results of that investigation were referred to the Director of Public Prosecutions on 13 August. The Director of Public Prosecutions ^{consulted} ~~after consultation with~~ the Law Officers, ^{sto} ~~decided on 17 August to bring charges~~ ^{that should be brought} against Mr. Ponting. ^{There was no initial decision by them not to prosecute:} No initial decision was taken not to prosecute: indeed, ^{when he was interviewed,} it was made clear ~~in writing~~ to Mr. Ponting ^{on 14th August} ~~and again in writing on 14 August~~ that the possibility of prosecution and ~~departmental disciplinary charges~~ was under consideration.

You also enclosed your speech to the SDP Party Conference, in which you requested an immediate White Paper about the Belgrano. I see no need for such a White Paper. The Select Committee on Foreign Affairs is, as you know, carrying out an inquiry of these matters and the Secretary of State for Defence has said that he will be happy to give evidence to that inquiry.

Finally, you refer to Mr. Bernard Ingham, presumably basing yourself on an item in the diary column of The Guardian on 13 September. I do not propose to comment on newspaper gossip about an internal meeting of Government Information Officers at which the author of the piece in The Guardian diary was not present, except to say that the account of Mr. Ingham's remarks is a travesty.

Ref: SAHADG