

CONFIDENTIAL



H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

17 January, 1985

*Dear Clive,*

PONTING

Following yesterday's meeting between your Secretary of State, the Foreign and Commonwealth Secretary and the Attorney-General and the subsequent discussion which the Foreign and Commonwealth Secretary had with the Prime Minister as reported in the letter Charles Powell sent to Len Appleyard yesterday evening, your people have now given the DPP a copy of the Crown Jewels. He and Roy Amlot (leading Counsel for the prosecution) are now studying it to see how best we can make use of it in the way that Ministers envisage.

However, what Tony Hetherington has is not merely Ponting's minute of 29 March 1984 and the "chronology" which is annexed to it, but also the various supporting documents which are referred to in the chronology. John Freeland in the FCO and I have discussed this and we both take the view that the authority which Ministers gave yesterday to disclose the full Crown Jewels to the defence and to seek to put it in evidence at the trial did not extend to these supporting documents - not because Ministers necessarily would object to that but because they simply were not asked to apply their minds to it and it raises different problems which they ought to have the chance to think about. We have therefore advised Tony Hetherington - and he accepts this - that the supporting documents ought not to be shown to the other side, and we ought not to indicate that we are going to put them in evidence, unless and until Ministers expressly authorise that to be done.

In agreeing to hold the position in this way for the time being, Tony Hetherington has made the point to me that it may be difficult to demonstrate the misleading nature of some of the statements in the minute and the chronology without adducing the relevant supporting documents and that the defence may themselves ask for the production of the supporting documents, a request which, on the face of it, they would be entitled to make. We therefore do need a very early decision as to how far we are free either to volunteer some or all of the supporting documents or to make them available on request. I should be grateful if you and John Freeland, to whom I am copying this letter would urgently seek the views of your respective Secretaries of State on this point. I shall simultaneously be putting it to the Attorney-General: in view of the urgency of this matter, I am getting this letter off before I have had the chance to consult him.

I am also sending a copy of this letter to Tony Hetherington.

*H Steel*  
H STEEL

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