



H. STEEL, CMG OBE
LEGAL SECRETARY

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

14 March, 1985

Dear Robert,

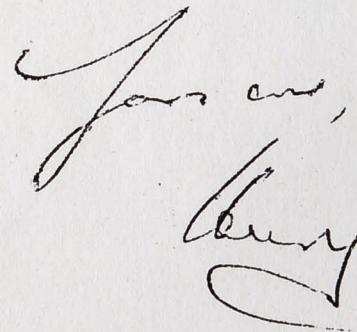
Thank you for your letter of 12 March in connection with the New Statesman article "Secrets of the Ponting Trial".

On the first of the points that I mentioned in my earlier letter, that is to say, the implications of the leak for other proceedings, there were, as I said, no concrete conclusions emerging from the discussion which the Attorney-General had with Bernard Sheldon. There was, I think, a reluctant and pained acceptance of the fact that there were now a number of members of the legal profession (both branches) who could not be trusted in matters of this kind; and that this meant that we could no longer confidently rely on the protection offered by having a vetted jury with sensitive evidence heard in camera and disclosed to the defence team with the usual inhibitions on removal, copying, etc. My own view is that what this means in terms of the handling of any future case - or indeed our willingness to embark on it - must depend on the precise circumstances of that case: how sensitive the evidence is; what the motivation of the defendant was; what incentive he or his lawyers might have to leak further information either to the public at large or to other and more sinister recipients; and, above all, who the defence lawyers are likely to be. This last factor is, of course, not something that can confidently be predicted in advance, as our experience in the Bettaney case showed. But, as I have said, these are my personal conclusions and have no higher status than that.

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The second point, namely, whether the New Statesman article in itself provided any basis for proceedings against anybody, is something that I gather that Bernard Sheldon is still thinking about in the light of the views which Tony Hetherington and I put to him. He is thinking about it, of course, in the abstract or at any rate in relation to what we might do if a comparable case occurred in the future: nobody is now seriously considering proceedings against anybody on the basis of the New Statesman article. I understand that Bernard has carried his thinking to the point where he is almost ready to put his views on paper. I am copying this letter to him.

A handwritten signature in cursive script, appearing to read 'H. Steel', written in dark ink.

H STEEL

Sir Robert Armstrong GCB CVO
Secretary of the Cabinet
Cabinet Office
70 Whitehall
London SW1

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15 MAR 1985

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/750

12 March 1985

Dear Henry,

of 6/3

11/4/85

Thank you for your letter supporting John Blelloch's recommendation that there would be no point in having a leak enquiry into the New Statesman article "Secrets of the Ponting Trial". I, too, agree that, in the circumstances, we should not be justified in launching such an investigation and I am replying to John to this effect.

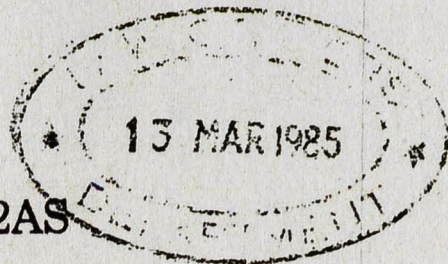
I was interested to hear of your discussions on the implications of this leak for future cases and on the question of whether the New Statesman article itself could provide the basis for any proceedings. I should be grateful if you would keep me informed of progress and what conclusions you eventually reach on these points.

*Yours ever
Robert*

Henry Steel Esq CMG OBE

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/749

12 March 1985

H 14/3

Dear John,

Thank you for your letter of 28 February concerning the New Statesman article of 15 February entitled "Secrets of the Ponting Trial".

In view of the probability that information on the "Crown Jewels" was leaked by someone associated with Mr Ponting's defence, during the course of the trial, I agree that we should not be justified in launching a leak enquiry.

I am copying this letter to Robin Butler, Antony Acland, [REDACTED] and Henry Steel.

*Yours etc
Robert*

J N H Blelloch Esq CB

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