

CONFIDENTIAL

Agree X?

MR. SANDERS

Yes *ans*

MJS
3/xii

Home Affairs Select Committee

I have seen Mr. Chilcot's letter of 29th November about the risk that this Committee may wish to investigate the Blunt case.

2. I agree that it would be quite wrong for the Committee to investigate the Blunt case, or any other individual security case, and that the Home Secretary (I think that it should be he rather than the Prime Minister in the first instance) should seek to dissuade the Chairman accordingly.

3. I wonder, however, whether there is not a more fundamental point to be taken. Any such investigation raises the question whether the Select Committee's reference extends to the Security Service. The Security Service is not included in the list of Departments which the Committee marks, and is not part of the Home Office. For the Committee to include the Security Service in its remit would be by implication to concede the argument, which Ministers have never accepted (and which front-bench Opposition spokesmen declared against in the debate on the Blunt affair), that the Security Service should be subject to investigation by a Parliamentary Committee.

4. If the Home Affairs Select Committee seek to investigate the Blunt case, and the ground for dissuading the Chairman is that the Committee should keep out of individual cases in the security field, that might be taken as implying that matters of general policy affecting the Security Service were or might be within the Committee's remit. It would then be harder to resist a subsequent attempt by the Committee to investigate such matters; and harder to resist an attempt by the Foreign Affairs Select Committee to interest itself in matters of general policy affecting overseas intelligence and communications.

5. For these reasons I hope that any attempt by the Home Affairs Select Committee to investigate the Blunt affair will be resisted not just because it would be wrong for the Committee to involve itself in an individual case but also, and primarily, on the ground that the Government does not accept that the Security Service and its affairs are within the Committee's terms of reference.

X |

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6. I am sending copies of this minute to the Private Secretaries to the Home Secretary, the Foreign and Commonwealth Secretary, the Chancellor of the Duchy of Lancaster, the Chief Whip and Sir Ian Bancroft.

A handwritten signature in black ink, consisting of the letters 'RA' in a stylized, cursive script.

(Robert Armstrong)

3rd December 1979

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HL
Security

10 DOWNING STREET

From the Private Secretary

MR. VILE
CABINET OFFICE

The Prime Minister has seen Sir Robert Armstrong's minute to me of 3 December about the possibility that the Home Affairs Select Committee might wish to investigate the Blunt case.

She agrees entirely with the recommendation in paragraph 5 of that minute.

I am copying this minute to John Chilcot (Home Office), George Walden (Foreign and Commonwealth Office), John Stevens (Chancellor of the Duchy of Lancaster's Office), Murdo Maclean (Chief Whip's Office) and David Laughrin (Civil Service Department).

N. J. SANDERS

4 December 1979

CONFIDENTIAL

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N J Sanders Esq



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i. ✓ AWT:sa
2. PA
MS

With
the Compliments of
Sir Frank Cooper, G.C.B., C.M.G.
Permanent Under-Secretary of State

MINISTRY OF DEFENCE
SW1A 2HB

SECRET

Security 2



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 2119 (Direct Dialling)

01-218 9000 (Switchboard)

PERMANENT UNDER-SECRETARY OF STATE
SIR FRANK COOPER GCB CMG

PUS/80/24
31/5

8 January 1980

Sir Robert Armstrong KCB CVO
Cabinet Office
Whitehall

Dear Robert

HOME AFFAIRS SELECT COMMITTEE

Thank you for sending me a copy of your letter of 10 December to Brian Cubbon, with its enclosures.

2. I have an interest in this because of the way in which the costs of the Security Service and of other security and intelligence agencies are spread across Departmental Votes. In theory any department carrying provision in its Votes is open to examination in respect of that provision by its "marking" Select Committee, or conceivably by more than one Committee sitting in joint session, assuming of course that the provision became known to the Committee. The FCO "Secret" Vote is, of course, exceptional in being open. In practice if a Committee sought to investigate this area of Department's Votes it would be extremely difficult to disclose information within the present conventions governing the communication of classified information to the Committees.

3. Controversy and unproductive discussion with the Committees would therefore be avoided if we can hold the line you have taken. Whether we can do so remains to be seen since the arrangements for ensuring the accountability of the intelligence agencies are increasingly a matter of public debate. I should be grateful to be kept in touch with developments.

4. I am sending copies of this letter to the other recipients of yours.

Yours ever
Frank Cooper

FRANK COOPER

SECRET

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CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 8319

From the Secretary of the Cabinet: Sir Robert Armstrong KCB, CVO

10th December, 1979

Ref. A0899

Home Affairs Select Committee

Thank you for your letter of 6th December.

We are, of course, all agreed that the aim should be to ensure that the Select Committee does not investigate Security Service matters; and I think that for the time being we can rest on what the Chief Whip has said to Mr. Graham Page.

But it remains my view that it would be wise, if it came to the point, to rest on the principle that the Security Service and its affairs are not within the terms of reference of the Select Committee. I think that one would be on good ground if one were to argue that the Security Service was not "a public body associated" with the Home Office, in the sense that (for instance) the Commission for Racial Equality and the Equal Opportunities Commission. One would also, and fairly, argue that the Home Secretary would not be prepared to deal with the Security Service or its affairs in correspondence with a backbench Member of Parliament or in reply to a Parliamentary Question. I believe that it would be very much easier to stand on that sort of line than on a line which sought to distinguish between those Security Service issues that could be discussed by the Select Committee and those that could not. I also believe that the line is true: I don't believe that it was the intention to bring the Security Service within the Committee's remit. And I believe that the Government will need to take a similar line in relation to other security and intelligence agencies.

So I was encouraged to see, from Mr. Whitmore's recent minute and George Walden's letter of 7th December, that the Prime Minister and the Foreign Secretary agreed with paragraph 5 of my minute of 3rd December.

I am sending copies of this letter to Ian Bancroft, Michael Palliser, Frank Cooper (with copies of previous documents in the series) and Nick Sanders.

ROBERT ARMSTRONG

Sir Brian Cubbon, KCB



CABINET OFFICE

With the compliments of
Sir Robert Armstrong KCB, CVO
Secretary of the Cabinet

N. J. Sanders, Esq.

1. CLIVE *Arm* 11/xii

To see

2. NBPM,

I think

11/xii mjs

70 Whitehall, London SW1A 2AS
Telephone: 01-233 8319

SECRET

*From: Ministry
To: sec. 2 10*



Foreign and Commonwealth Office

London SW1A 2AH

Security

7 December 1979

amt.

Dear Mick,

HOME AFFAIRS SELECT COMMITTEE

The Foreign and Commonwealth Secretary has seen a copy of Sir R Armstrong's minute of 3 December.

Lord Carrington would see grave objection to the Foreign Affairs Select Committee

He therefore hopes that it will be possible to avoid a decision in the present case which would make it more difficult to resist any attempt by the Foreign Affairs Select Committee to concern itself with the activities of these two agencies. He entirely supports the line suggested by Sir R Armstrong.

I am copying this letter to the Private Secretaries to the Home Secretary, the Chancellor of the Duchy of Lancaster, the Chief Whip, Sir I Bancroft and Sir R Armstrong.

*In ever
G G H*

(G G H Walden)

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3
OF THE PUBLIC RECORDS ACT

N J Sanders Esq
10 Downing Street

SECRET



NJ Sanders Esq.

With the Compliments
of the
Permanent Under Secretary
of State

1. CW ~~to see~~ ^{KW} ^{bring} _{yes}
2. NBPM at this stage
I think
mjs

Home Office

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HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

SIR BRIAN CUBBON KCB
PERMANENT UNDER SECRETARY OF STATE

6th December 1979

Dear Robert

HOME AFFAIRS SELECT COMMITTEE

I have seen your minute of 3rd December to Nick Sanders.

I think we are all agreed that the aim should be to keep the Select Committee off all Security Service matters.

In pursuit of this aim we should use all the arguments and influence that lie to hand. But are we on wholly safe ground in saying flatly that "the Security Service and its affairs are not within the Committee's terms of reference"?

The Committee's terms of reference cover the expenditure, policy and administration of the Home Office and its "associated public bodies". In the debate on 25th June the Leader of the House said that "The test in every case will be whether there is a significant degree of Ministerial responsibility for the body concerned". I see also from David Faulkner's letter to Departments of 3rd September that it was decided that at any rate at this stage the Select Committees should not be given a list of subjects on which information would not usually be disclosed - such a list having been given in 1967 to certain old-style Select Committees.

As far as I can see, the particular question of the Security Service was not raised in the interdepartmental discussions at this time.

As I have said, we should still use for all it is worth the general argument that the Security Service should not be subject to investigation by a Parliamentary Committee for the same reason as security matters are not discussed on the floor of the House. As David Faulkner's letter suggests, we can argue

/that,

Sir Robert Armstrong, KCB, CVO.

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that, on the scope of these Select Committees generally, "a reasonable test would be whether the matter is one with which the Minister would be prepared to deal in correspondence with a member or in reply to a Parliamentary Question". But even this formula does not exclude all issues concerning the Security Service. We should remember the questions dealt with in such Parliamentary documents as the Reports by Denning, Birkett, Radcliffe and the Security Commission. The Home Secretary would not refuse to answer all Questions relating to these issues. This is another reason for not being provocative in what we assert to the Committee about their terms of reference as such.

For a start, you will be glad to know, the Chief Whip has told the ^{likely} Chairman of the Home Affairs Select Committee (Mr Graham Page) that in his view it would be a mistake for the Committee to discuss security matters. Mr Page apparently agreed with the Chief Whip. But there are the Members.

As John Chilcot's letter suggested, the Departments concerned will need to keep in close touch about how we handle any questions which any of these Committees ask about security or intelligence matters, so that the Committees cannot play off one Department against another. (I raised the question of these Select Committees at Ian Bancroft's meeting on 5th December, with a view to a further exchange at a subsequent meeting; but I had in mind the general handling of the Committees and I would not raise the security and intelligence aspect.)

I am sending a copy of this letter to Ian Bancroft, Michael Palliser and Nick Sanders, as they will have seen your minute. Should we also copy the correspondence to Frank Cooper?

Yours ever
Brian Cotton

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2

~~PRIME MINISTER~~

Good.

MS

Government Chief Whip

12 Downing Street, London SW1

4 December 1979

Dear Martin

[Handwritten mark]

When the Chief Whip saw Sir Robert Armstrong's minute of 3 December to Nick Sanders about the possibility that the Home Affairs Select Committee may wish to investigate the Blunt case, he commented:-

"I have had a short conversation with Graham Page suggesting that I felt that it would be a great mistake for them to discuss security. He agreed."

I am copying this to Nick Sanders, John Chilcot George Walden, John Stevens and Sir Ian Bancroft.

*Gave Sir Ian
Peter [unclear]*

(P J MOORE)

M J Vile Esq
Cabinet Office
70 Whitehall
SW1A 2AS

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cc CDR
CWO
CSD
CO

H8



10 DOWNING STREET

From the Private Secretary

3 December 1979

Home Affairs Select Committee

The Prime Minister was grateful to see your letter to me of 29 November. She agrees with the suggestion that the Home Secretary, and she herself if necessary, should see the Chairman of Home Affairs Committee if any question arises of it seeking to investigate the Blunt case.

I am copying this letter to John Stevens (Chancellor of the Duchy of Lancaster's Office), Murdo Maclean (Chief Whip's Office), David Laughrin (Civil Service Department) and Martin Vile (Cabinet Office).

N. J. SANDERS

John Chilcot, Esq.,
Home Office.

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Chancellor of the Duchy of Lancaster

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

NBPM
MS

3 December 1979

Joan Nick

HOME AFFAIRS SELECT COMMITTEE

The Chancellor of the Duchy has seen John Chilcot's letter to you of 29 November and has commented:

"I entirely agree that the Committee be deflected from such a course, but think it better for the Home Secretary to take the lead (if it becomes necessary) rather than the Prime Minister".

I am copying this letter to John Chilcot, and Michael Townley.

Yours sincerely
Petra Laidlaw

PETRA LAIDLAW
Private Secretary

N Sanders Esq
Private Secretary
10 Downing Street
SW1



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PRIME MINISTER

Further-helpful-advice.

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9ATMS
30/xi

29 November 1979

ant

Dear Nick,

HOME AFFAIRS SELECT COMMITTEE

Thank you for your letter of 26 November. We, too, have recognised the risk that the Committee might wish to investigate the Blunt case and have given some initial thought to what our response should be.

We consider that it would be quite wrong for the Committee to attempt to investigate an individual case in the security field in this way. If they persisted in trying to do so we could quickly reach a position in which the Home Secretary or officials would have to refuse to answer questions on security grounds. This might well provoke a confrontation in which the Home Secretary would be reported by the Committee to the House of Commons for his lack of co-operation. The Government would then have to rely on their majority to support him.

Clearly, it would not be in anyone's interest to have such a confrontation, especially in the early days of the Committee's existence. In these circumstances we would hope that the Chairman of the Committee, who, if it is Mr. Graham Page, is himself a Privy Counsellor and has been a Minister, would have the good sense not to embark on such a course and would be content for the Committee to start on some other subject which would not present difficulties of this sort. Accordingly, if the Committee were to favour looking at the Blunt case or indeed at other sensitive Security Service issues, we believe that the best plan would be for the Home Secretary, or if necessary the Prime Minister, to see the Chairman and to seek to dissuade him by drawing attention to the security problem and indicating that the Government would be obliged to take a restrictive line and if necessary rely on its majority in the House to support this stance.

Answer

We shall clearly have to watch closely the way in which the new Select Committees approach sensitive areas generally. The Departments concerned will need to keep in touch with each other.

I am copying this letter to the Private Secretaries to the Chancellor of the Duchy of Lancaster and the Chief Whip, and to Martin Vile, and also to David Laughrin, given that the CSD is the lead Department on the question of appearances before Select Committees.

Yours,
John

J. A. CHILCOT

N. J. Sanders, Esq.

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Security DS

~~BF 30-11-79~~

10 DOWNING STREET

From the Private Secretary

26 November 1979

Home Affairs Select Committee

The Prime Minister is concerned about the possibility that the Home Affairs Select Committee, when appointed, might wish to investigate one aspect or another of the Blunt case. I should be grateful to have your advice on how any such move might be handled. May we please have something from you by the end of the week?

I am copying this letter to John Stevens (Office of the Chancellor of the Duchy of Lancaster), Murdo Maclean (Chief Whip's Office) and Martin Vile (Cabinet Office).

N. J. SANDERS

John Chilcot, Esq.,
Home Office.

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