



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

3 December 1986

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Dear Mark,

Attached is a revised version of the Lord Privy Seal's speech for the wind-up to today's debate on the security services.

I am copying this letter and the revised version to Stephen Boys-Smith and Trevor Woolley.

Yours,
Alison

ALISON SMITH
Private Secretary

Mark Addison Esq
10 Downing Street

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WIND-UP SPEECH FOR DEBATE ON SPECIAL COMMISSION ON THE
SECURITY SERVICES

INTRODUCTION

Mr Speaker, this has been a short debate but it has been one in which views have been expressed with vigour. It has shown that this House has an understanding of the uncongenial decisions that must lie at the heart of security matters. It has also been given a certain topicality since it proceeds against the background of the case presently continuing in Australia. The price of that topicality is, however, that I can make no comment on the Wright case itself while it is still proceeding. Instead I shall deal with what I believe is sought from the security service within this House and more generally, the suggestions that have been made as to how this might be achieved, and why I believe the present arrangements offer the best approach.

[pick up points which have been made during debate]

WHAT WE SEEK FROM THE SECURITY SERVICES

In all our debates on security matters, today no less than on previous occasions, the House has shown that there are two aspects of the security service on which it wishes to be satisfied. The first is effectiveness, which demands a certain secrecy, but the second is some form of Parliamentary accountability.

PREVIOUS PROPOSALS

The proposals we have discussed this evening represent variants of longstanding views, as a number of hon Members have mentioned. Back in 1963, for example, in the aftermath of the Profumo affair, there was the suggestion from the Opposition that there should be a Select Committee of this House to look into security matters. Similar propositions have been repeated in various forms over the years, particularly on occasions immediately after some breach of national security.

RESPONSE OF GOVERNMENT

What is noteworthy is, however, that no Government has felt it appropriate to share its responsibilities in these matters with such a body. The Select Committee which the then Leader of the Opposition, Lord Wilson of Rievaulx, urged on the Government in December 1963 was strikingly absent from his own revision of arrangements for the security services following the Bossard and Allen case in May 1965. Nor did the Government in which the Rt Hon Gentleman, the Member for Devonport, was Foreign Secretary at any stage seek to establish such a Committee. I do not make these points in any negative party political sense, however, since I believe that an impartial appraisal of the proposals before us leads one to their rejection.

PRESENT PROPOSALS

Various terms have been used to describe the Committee or Group which would have responsibilities in this area.

To some extent I believe these may have been misleading. Commentators have, for example, called for a "Select Committee", made up of members of this House, and perhaps of another place. I think it is clear from today's debate that the House itself does not seek a new Committee whose inquiries would be governed by the conventions which apply to Select Committees.

THE "PRIVY COUNCILLOR" FORM

Instead, the proposals we have heard this evening have been based on what I would call the "Privy Councillor" approach. This would involve a group of senior members of this House and of another place having privileged access to information not generally available. This information would enable the members of such a body to satisfy themselves as to the working of the security services. But they would not, of course, be able to publish its restricted information more widely. Such an arrangement would not, therefore, enable any but a few members of this place to know more about the way in which the security service operates.

But it has been argued that simply the existence of such a Committee would somehow reassure the House. The fact that the members of the Committee continued to serve would imply that the security services were working properly.

This would put the members of the Committee in an invidious position since they would be seen in some sense to be accountable to the House for the security services whilst having no executive power for them. If members of the Committee were not satisfied with what they had been told, it would of course, be open to them to withdraw from the Committee. But they would be inhibited from making known their grounds for dissatisfaction and such a step would, I believe, only be used in the most extreme circumstances and would not be appropriate for less serious differences between Government and the Committee, which might be more likely perhaps to arise.

MINISTERIAL ACCOUNTABILITY

I do not, therefore, believe that the Privy Councillor Committee would add significantly to the present arrangements for overseeing the security services. Indeed I believe it could damage them by blurring the lines of responsibility. The political responsibility for the security services must ultimately rest within the Government, which is answerable to this House. My Rt Hon Friend the Home Secretary has already referred to the accountability of Ministers to this House and this accountability is valid for the actions of the security services no less than other Ministerial responsibilities. The amount of information which can be made generally available in this area must necessarily be limited, and there may be occasions when the House cannot be informed as early as it would like. Nonetheless, the Government's responsibility to the House as a whole remains.

SECURITY COMMISSION

In addition, there is already a way of carrying out enquiries into the operations of the security services in certain circumstances. The Security Commission, which was appointed in 1964, has already been referred to today. Its task is to investigate and to report upon circumstances in which a breach of security is known to have occurred in the public service, if asked to do so by the Prime Minister.

In the light of this, it advises whether any change in security arrangements is either necessary or desirable.

It is made up of those who have experience and expertise in matters related to the security services and is chaired by a senior judge so that its independence may be assured.

In the past, it has carried out enquiries, for example, into the cases of Prime and of Bettaney. Given the way in which this Government has taken action on Security Commission recommendations, I believe the whole House will accept that the Security Commission is an effective way of making inquiries where necessary into the security services.

CONCLUSION

Discussion of the present arrangements will doubtless proceed beyond this evening's debate. What is of overriding importance in this is the continuing appreciation that the conduct of security must proceed in secret. That must be the basis of our consideration of arrangements to ensure accountability. I have indicated to the House what I believe to be the strengths of the present arrangements and the difficulties with the proposals we have heard today. I believe that there are two dangers if we seek to elaborate the handling of security matters.

The first is that by unduly widening the information generally available we prejudice the secrecy necessary for effective security service operations. The second is that by creating a new structure we blur the lines of responsibility and detract from the Government's central accountability to this House as a whole. My advice to the House, Mr Speaker, is therefore that we should be most cautious in considering a change to the present arrangements lest we create diversity without clear responsibility.





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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

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Dear Mark,

**WIND-UP SPEECH FOR DEBATE ON SPECIAL
COMMISSION ON THE SECURITY SERVICES**

I attach a copy of the first draft of the Lord Privy Seal's speech for tomorrow evening.

I should be grateful for your comments as soon as possible.

A copy has gone separately to Steven Boys-Smith (PS/Home Secretary) and I am copying this letter and the draft to Trevor Woolley (Cabinet Office).

*Yours,
Alison*

ALISON SMITH
Private Secretary

Mark Addison Esq
Private Secretary to the
Prime Minister

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WIND-UP SPEECH FOR DEBATE ON SPECIAL COMMISSION ON THE
SECURITY SERVICES

Mr Speaker, this has been a short debate but it has been one in which views have been expressed with vigour. I believe it has shown that this House has an understanding of the uncongenial decisions that must lie at the heart of security matters. It has also been given a certain topicality since it proceeds against the background of the case presently continuing in Australia. The price of that topicality is, however, that I can make no comment on the Wright case itself while it is still proceeding.

This topicality aside, the proposals we have discussed this evening represent longstanding views, as a number of hon Members have mentioned. Back in 1963, in the aftermath of the Profumo affair, there was the suggestion from the Opposition that there should be a Select Committee of this House to look into security matters. This proposition has been repeated in various forms over the years, particularly on occasions immediately after some breach of national security.

What is noteworthy is, however, that no Government has felt it appropriate to share its responsibilities in these matters with such a Committee. The Select Committee which the then Leader of the Opposition, Lord Wilson of Rievaulx, urged on the Government in December 1963 was strikingly absent from his own revision of arrangements for the security services following the Bossard and Allen case in May ^{of 1965. *revised July*} 1965. Nor did the Government in which the Rt Hon Gentleman, the Member for Devonport, was Foreign Secretary at any stage seek to establish such a Committee.

I do not make these points in any negative party political sense, however, since I believe that an impartial appraisal of the proposals before us leads one to their rejection. Various terms have been used to describe the Committee or Group which would have responsibilities in this area, but whatever the title used, I think it would necessarily take one of two forms.

The first is what I will call the "Committee" form.

This would be made up of members of both Houses and would have investigative powers similar to those of Select Committees.

It follows from this that its enquiries would be governed by the conventions which apply to Select Committee enquiries.

This means that Civil Servants appearing before it would be subject to the instructions of their Ministers and could not disclose information which Ministers felt should remain secret. It would, of course, be open to such a Committee to question the responsible Minister but it must be doubtful whether it would be in the interests of national security for information beyond that which is presently made available to the House to be brought into wider circulation.

The second form of this proposal we have heard this evening is what I would call the "Commission" approach. This would involve a group of senior members of this House and of another place having privileged access to information not generally available. This information would enable them to satisfy themselves as to the working of the security services, but they would not, of course, be able to make this restricted information more generally available. If they were not satisfied with what they had been told, it would ~~be open to them to~~ be open to them to withdraw from the Commission, but they would be inhibited from making known their grounds for dissatisfaction.

In these circumstances, I do not believe that setting up a body of this kind would meet the demands which have been made for greater Parliamentary scrutiny or add significantly to the present arrangements for overseeing the security services.

The Security Commission was appointed in 1964 and its task is to investigate and to report upon circumstances in which a breach of security is known to have occurred in the public service, if asked to do so by the Prime Minister. In the light of this, it advises whether any change in security arrangements is either necessary or desirable. It is made up of those who have experience and expertise in matters related to the security services and is chaired by a senior judge so that its independence may be assured. Its past inquiries include [material to come from the Home Office]

Nor is the Security Commission the only way in which an enquiry can be carried out. Since in the past, ad hoc committees of Privy Councillors have enquired into particular aspects of security matters. In 1956, for example, Lord Kilmore chaired an inquiry into the adequacy of security procedures, and the following year, Lord Birkett chaired an inquiry into the interception of telephone calls.

[I believe that these arrangements offer a more flexible and workable approach than the proposals we have heard put forward this evening.]

Discussion of the appropriate arrangements will, however, doubtless proceed beyond this evening's debate. What is, however, of overriding importance in all of this, is to appreciate that the conduct of security must proceed in secret. The political responsibility for these operations must ultimately rest within the Government which is answerable to this House. My Rt Hon Friend the Home Secretary referred to the accountability of Ministers to this House, and this accountability is valid for the actions of the security services no less than other Ministerial responsibilities, although the amount of information which can be made generally available must necessarily be limited. We should be most cautious in seeking to elaborate the handling of security matters lest we detract from the Government's central and unavoidable responsibility to the House as a whole.



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