

DA



10 DOWNING STREET

THE PRIME MINISTER

4 December 1986

Dear Lord Hunt

Thank you for your letter of
2 December.

Like you, I do not particularly
like the idea of external oversight of
the Security Services. Nevertheless,
I read your letter with interest, and
will bear in mind what you say.

It was very good of you to
analyse the position in such detail. I
am most grateful.

Yours sincerely

The Lord Hunt of Tanworth, G.C.B.

Raymond Shatta

DA

PRIME MINISTER

John Hunt has sent you the fascinating letter below about oversight of the Security Services. Of course, we are nowhere near going down the oversight route. But John's letter gives some interesting thoughts if we ever do decide to establish oversight arrangements.

It might be best not to show this letter to the other interested Ministers at this stage. Agree?

Yes

I attach a short letter for you to send to John Hunt.

(N.L. WICKS)

2 December 1986

*Sorry - I wrote
the four lines
added last night!*

*I wrote this morning
to tell you to send them
no.*

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From The Lord Hunt of Tanworth GCB

CONFIDENTIAL

The Rt. Hon. Margaret Thatcher, M.P.,
10 Downing Street,
London, S.W.1.

2nd December, 1986

Dear Prime Minister.

My excuse for writing to you about the consequences of the Peter Wright case is the concern which I feel about the harm which could be done to national security if the question of oversight of the Security Services cannot be solved satisfactorily. In my time as Secretary of the Cabinet I saw the damage done in the United States, both to national security and to the morale of the C.I.A. by Mr. Colby's misguided policy of total frankness with the congressional oversight committees. Conversely I saw what seemed to be a charade of oversight in the Federal Republic of Germany with the oversight body having the wool pulled over its eyes. I do not believe that you would think either of these courses to be right.

One option is of course to continue to stand firm and reject any external oversight. I always hoped that the Government of the day would do this for as long as possible, if only because oversight risks conflict with the principle of Ministerial responsibility: but I also always felt that the day would come when oversight might be judged politically inevitable. I personally feel that this point may have arrived and that it may be the only way of damping down the continuous and deplorable sniping at the Security Services. You may disagree, but perhaps I might add a further consideration. If oversight is liable to be introduced at some stage it seems very desirable that this should happen, and that the new system should establish itself, at a time when there is a Prime Minister in office with first-hand knowledge and experience of the considerations affecting the need for, and the control of, the Security Services.

The Rt. Hon. Margaret Thatcher, M.P.

2.12.86

If, however, oversight is to be considered two main considerations arise. What is to be overseen: and who is to do it.

I do not consider that the function of oversight should be to monitor operations. Nor do I believe that this could be shown to be effective even if it were desirable. If you can envisage a faction of the Security Services which would in our present circumstances act unconstitutionally or in disregard of Ministerial instructions then they could equally deceive or disregard the oversight body. It does seem to me, however, that some useful purpose might be served if an outside body had access to those at senior level in the Security Services and could form their own judgement on how these people exercised their own controls and managed their staff. The line between on the one hand knowing enough about the Services to give them a clean bill of health and on the other hand monitoring operations would not be an easy one to draw, and there might have to be some flexibility, but I do not think it would be impossible. The crucial thing is that, short of a police state, you have to trust certain people to conform to approvals or authorities given by Ministers: but it would go some way to meet accusations of "unaccountability" if an outside body could make its own assessment of the people that are being trusted and understand the basis of and restraints upon the exercise of that trust. It would, however, be very important not to cut across the principle of Ministerial responsibility and for that reason any oversight body should be advisory to Ministers.

If there were to be external oversight of this limited kind, who should conduct it? Not a Select Committee which would lack the background, probably provide insufficient continuity and tend to score points or even divide on party lines. A Select Committee would also be the course most likely to conflict with the principle of Ministerial responsibility. The idea of Privy Counsellors is superficially attractive but assuming it means political Privy Counsellors it would give oversight more of a Parliamentary flavour and on an all-party basis it might be difficult to get the right people who could devote sufficient time to it.

The Rt. Hon. Margaret Thatcher, M.P.

2.12.86

(by whom?)

I believe that the right course would be to widen the terms of reference (and the membership) of the Security Commission so that, in addition to considering any breaches of security referred to it, it would have a watching brief over the general health of the Security Services. I doubt if this could exclude all consideration of operational matters but the emphasis would be on how the heads of the Services exercised their responsibilities to Ministers and their arrangements for ensuring effective control of those under them. In other words the Security Commission would no longer be confined to shutting doors after the horse had bolted. It would of course report to the Prime Minister, and I think it might have to be accepted that not all its reports could be published.

It will of course be argued that this would be changing the nature of the Security Commission, and I accept this. But introducing oversight would itself be novel and it seems to me best to build on the body we already have. To introduce an entirely new oversight body would in any case have implications for the existing work of the Security Commission.

If the Security Commission's role were to be widened in this way there could be a case for adding two or three senior politicians to it. This would not have the effect of turning it into a political or parliamentary body but would give it a composition drawn from the judiciary, former members of the public service and senior politicians who stood a little above the day-to-day political battle.

And with it?

To sum up, while I do not particularly like the idea of external oversight I fear that without it we shall see a continuing barrage of unsubstantiated allegations about the Security Services with consequent damage to their efficiency and morale: and I think that a widening of the Security Commission's role on the lines described above would be the least unsatisfactory way marginally to strengthen Ministers' hands in putting right anything which needs to be put right but otherwise protecting the Security Services from ill-informed or ill-intentioned criticism and speculation.

The Rt. Hon. Margaret Thatcher, M.P.

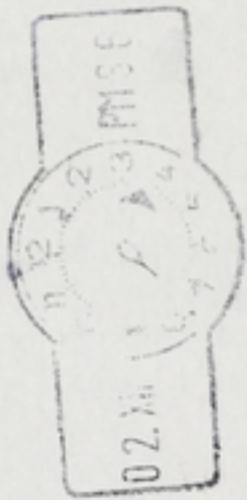
2.12.86

Please forgive me if I have wasted your time but I thought you might like to know what this voice from the past felt.

With warm regards.

Yours Sincerely,

John Hunt



comptroller