

Prime Minister

Ref. A086/3368

MR WICKS

I wonder whether you might wish to refer to the Australian Sol. General's letter at Cabinet on Thursday as a thank you to RTA?

Yes no

N.C.W.

5.12

Attorney General v Heinemann and Another

Since the press reporting here of my cross-examination in Sydney has tended to be rather one-sided, I am allowing myself to send you herewith a copy of an article by Ian Wooldridge which appeared in one of the Sydney newspapers; and also a copy of a testimonial from the Solicitor General of Australia, who has been sitting through the hearing in Mr Justice Powell's court silently, but with mounting concern about the way the way in which the case was being handled.

2. I am sending copies of this minute and the testimonial to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Attorney General.

RA

ROBERT ARMSTRONG

5 December 1986

Poms on a sticky wicket as ex-agent delivers a bouncer

MI5 secrets — it's just not cricket!

IT WAS midway through the afternoon session of play here when Boy Wonder lost his grip for a moment and dropped a slow half-volley outside the leg stump.

He used the word "fulsome" in completely the wrong context. What he meant was "to be full of" but in his fatigue it simply slipped out.

Sir Robert Armstrong (Eton, Oxford, head of Britain's Civil Service and a man visibly out of sorts at having to keep MI5's house secrets at bay from an ambitious Australian attorney barely half his age) pounced.

His heavy eyebrows shot up. His mandarin face creased in pain, "Fulsome?", he winced as if admonishing the class idiot and that was all he needed to say. It was a six over square leg.

The blow was not lost on Mr Justice Powell, who is presiding over this amazing spy book hearing like Harry Secombe in horn-rimmed glasses.

Indeed, comparisons with The Goon Show are inevitable. Mr Justice Powell even held up proceedings to twist a tortuous argument about Britain's wire-tapping techniques into ferocious parochial condemnation of the antiquated equipment provided for Sydney courtroom stenographers.

They said this was currently the greatest sporting show in Australia and so it is. The still more amazing thing is how the British Government

The secrets case is the best Pom-bashing sport in years. IAN WOOLDRIDGE forsakes Test cricket to report.

allowed itself to be embroiled in such a Whitehall farce.

This was Sir Robert's fifth successive day of cross-examination by Boy Wonder in the small octagonal Court 8D which is furnished with the sort of brick red and purple chairs you see in office supply shops.

Forgot

Sir Robert, who is 59, sits absolutely still all day in a G-Plan witness box, with his arms neatly folded across a \$1,800 Savile Row suit, silk tie and Jermyn Street shirt. He sometimes takes up to 30 seconds to answer a question. Here is a random sample of some of his more voluble answers.

"Possibly."
"Could well be."
"So they say."
"I'm not sure what is meant by methodological."

Sometimes his tormentor, 32-year-old Boy Wonder Malcolm Turnbull, takes 30 seconds to think up his next question which he then delivers

IT IS a court case rich with legal and constitutional precedents. The British Government is taking action in the NSW Supreme Court to suppress the memoirs of retired MI5 agent Peter Wright, who lives in Tasmania.

Mr Wright, 70, and his publishers, Heinemann, are fighting for the right to publish their 400-page book, while the British Establishment is sparing no expense to block publication and turn the contents into an international secret.

A glittering cast of players has been assembled for the drama being fought in

the courtroom overlooking Hyde Park. In this two-page Sun-Herald report:

● Award-winning British writer IAN WOOLDRIDGE reports on a day in court studying the performance of Britain's top civil servant, Sir Robert Armstrong, and his legal adversary, Mr Malcolm Turnbull;

● On page 25, FRANK WALKER profiles the man in the middle, Mr Justice Powell, and DENNIS GRANT investigates the Hawke Government's ambivalent attitude to the MI5 case.

addressing a point on the wall some seven metres over cover point's head.

Turnbull is reckoned to have the fastest legal brain in Australia. There must be something in it because he also acts for Kerry Packer but his style, it must be said, owes quite a lot to a childhood watching American courtroom dramas on television.

Unfortunately, he was so tired that at one juncture he completely forgot whether he had asked Sir Robert a question. "Are you waiting for me?" he asked. "Yes, he is," whispered an aide. "Sorry", said Boy Wonder, chew-

ing now on the non-poisonous end of a red-tipped match.

The reason for Boy Wonder's exhaustion in court was that he had spent all last Sunday working on his brief in his office and all night honing his interrogation at his extremely expensive Rose Bay home.

Astonishment

He is a high-flier who started in journalism, won a Rhodes scholarship in law to Oxford in 1978 and, despite all his trappings of success, remains what the Australians call "a very good bloke".

The cricket allusions here will be lost on him. "I have no ball sense at all," he said. "I was a bludgeoning rugby front-row forward for Sydney University's third XV but can't play cricket at all."

So when I write that he spent all day bowling maiden overs at a lonely English batsman who less resembled Geoffrey Boycott at his bloodiest than an oak barn door, he is unlikely to be affronted.

At close of play after five days Sir Robert Armstrong was a bleak 22 not out. Would that we had an opener like him in the Perth Test match.



Sir Robert Armstrong



Malcolm Turnbull

One feels that Turnbull, who modestly expresses astonishment that the case is causing the remotest interest in England, can hardly believe his luck that he is handling a brief involving little matters like the H-bomb, the Enigma code, the Burgess-Maclean defection and homosexuality at Cambridge in the 1930s.

But while occasionally weak on syntax, he has certainly read all the books. He pursued Sir Robert Armstrong on the matter of the spy George Blake and the Berlin Tunnel operation.

"Well," observed Sir Robert drily, "that is as close we're ever going to get to a real mole."

Turnbull spread his arms along the rail behind him in classic Hollywood style and roared with uneasy laughter. He did not, he insisted, wish to be Sir Robert's straight-man much longer.

Sir Robert eyed him as if he'd just let slip another "fulsome" again.

Actually, the brilliant young Australian lawyer was bushed. He was beginning to learn that the British Establishment has the chilling ability to make the Mafia look like the Second XI.

found by 2215 by 2215. not an indicator of the size of puns!

x I am told that this is a gross over-estimate. A tribute to RTAS tailer,

Dear Sir Robert,

I am sorry that you leave for home after delays, and subject to recall. You have been very patient during what I regard as extreme provocations.

Bearing in mind the balance of selective ^{reporting} ~~negotiating~~ ^{reporting} which would have it to the contrary, I hope that you do not mind if I wish you bon route with the comment that to my observations you are the most effective witness I have seen in court. During your sometimes tedious cross-examination, I reflected on lost cases of the past which I may have won if I had a witness of your standing. I cannot recollect a better witness. Hence it is unfair in my view that a perception to the contrary is given by reports in UK and Australian press. I hope it is some comfort that your performance in this regard is appreciated by at least counsel in Court. I know that I cannot speak for the judge. However I do hope that it is some reward that it was, in fact, a splendid job performed under adverse, and often very trying circumstances.

I reflect that I do not have the patience to be a good witness. You do. However I imagine that even for a perfect witness, once is enough.

With Best Wishes

Yours

Gavan Griffith