

F.

RECORD OF A MEETING HELD IN
CONFERENCE ROOM A, CABINET OFFICE
ON MONDAY 8 DECEMBER 1986 at 10.45 am

MINISTERIAL GROUP ON THE PETER WRIGHT CASE

Fourth Meeting

PRESENT

The Rt Hon Douglas Hurd MP	Home Secretary (In the Chair)
The Rt Hon Sir Geoffrey Howe QC MP	Foreign and Commonwealth Secretary
The Rt Hon Sir Michael Havers QC MP	Attorney General
Sir Antony Duff	Security Service
Mr B Sheldon	Security Service
Mr J Bailey	Treasury Solicitor
Mr G C Warner	Foreign and Commonwealth Office
Mr C Battiscombe	Foreign and Commonwealth Office
Sir Brian Cubbon	Home Office
Mr M J A Partridge	Home Office
Mr J Nursaw	Home Office
Mr S W Boys Smith	Home Office
Mr M Saunders	Law Officer's Department
Sir Robert Armstrong	Cabinet Office
Mr C L G Mallaby	Cabinet Office
Mr B H Dinwiddy	Cabinet Office
Mr N P F Brind	Cabinet Office (Secretary)

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Note dated
08.12.86

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The Group considered developments in the Peter Wright case, other books or drafts written by former members of the intelligence agencies, and television programmes about national security.

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ii. The State of Play in Sydney and Cross-Examination of Peter Wright.

In discussion, the following points were made -

- a. Mr Wright had begun his examination.
- b. Cross-examination of Mr Wright by Mr Simos needed to be carefully considered. Mr Simos believed that he had all the factual information he needed for his closing address and was anxious in cross-examination not to provide Mr Wright with an

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opportunity to make assertions or give opinions which could not be challenged. The prime need was to win the case and it was for Mr Simos to decide the best tactics to achieve that. On the other had, the cross-examination would provide the first opportunity to make points and to refute allegations by the defence which had previously gone unchallenged. The Treasury Solicitor had already made clear to Mr Simos the political need not to allow Mr Wright to escape cross-examination. Mr Simos should now be instructed that, subject to the need not to prejudice any part of our case, Mr Wright should be comprehensively and rigorously but courteously cross-examined on the points listed in paragraph 3 A-D of Sydney telegram No 018 of 7 December (copy attached), regardless of whether they were covered in Mr Wright's affidavit. This instruction should also make a statement that the Government did not accept Mr Wright's assertion that the Prime Minister's statements on Professor Blunt and Sir Roger Hollis in 1979 and 1981 were misleading.

iii. Counsel's Opinion of the Prosepct in the Appeal Court Hearing on Discovery

Mr Simos had provided a summary of his opinion on the chances of a successful appeal on discovery. His view was that in relation to the existing appeal there were reasonable prospects of success in respect of all material covered by the PII claim, but there might be some residue in the documents left which would not be covered by PII. If the defendants reduced the material they sought to parts of documents not covered by PII, which they had gone a long way towards doing in their latest proposal (see iv below), the prospects of a successful appeal would be very poor or non-existent, with the exception of document B1 and its enclosure.

iv. Mr Turnbull's latest proposal on discovery of documents.

Mr Turnbull in a letter dated 9 (sic) December had set out new proposals for the production of documents. He had said that the only documents or parts of documents the defence wished to see were those relating to the extent to which the material in Mr Wright's book had been previously published, and those which showed the extent to which the Government had acquiesced in or authorised the publication of the earlier books and

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television programmes to which the documents referred. In the case of documents for which PII had been claimed, Mr Turnbull would be satisfied with admissions as to fact by the Government or summaries by the judge of the substance of the documents.

In discussion, the following points were made -

a. Mr Simos, bearing in mind his opinion on our chances in appealing on the PII claim (see iii above), believed that we should take up Mr Turnbull's proposal.

b. A positive response would have to be very carefully framed. As far as possible we should provide admissions of fact rather than the documents themselves, and these should contain the minimum amount of information necessary. It was quite possible that Mr Turnbull would not be satisfied with the sort of admissions we might be prepared to provide, but the fact that we had responded to his offer would strengthen our position in the Appeal Court.

c. There was a danger that a positive response would undermine our position of principle not to discover documents; or that replies which indicated that information sought by Mr Turnbull was not contained in the documents would reopen the question of the scope of the documents to be disclosed. These points would need to be considered carefully.

v. Prospects in the Peter Wright Case.

a. If agreement was reached on the documents, the main case might be finished by 19 December. If the judgement went against us the earliest the case must be heard in the New South Wales Appeal Court would be in February or March, and perhaps not until May. A hearing before the Australian High Court, if it were necessary, might not take place before the summer or autumn of 1987. It would be risky for the Government to respond to criticism or to make any other public statements on the case until the proceedings were finally concluded.

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b. If the case threatened to continue for several months longer, it was possible that Mr Wright or his publishers would abandon their efforts to have the book published in Australia and switch to the United States, or the Irish Republic, or another country. It would be helpful to have a note describing the prospects of action to prevent publication elsewhere, either by seeking an injunction in the country concerned or by action against Mr Wright in the Australian courts to enforce their existing injunction. The note should also address the possibility of Government action to prevent the distribution in the United Kingdom of a book published elsewhere in the world.

c. The involvement of Mr Paul Greengrass in Mr Wright's book and in the case should be investigated. As co-author of the book he might be in breach of the Official Secrets Act.

vi. "One Girl's War" by Joan Miller

In discussion it was pointed out that the ex-parte injunction against the United Kingdom distributors of One Girl's War and against two booksellers remained in force. It was important to maintain the injunction. The Government should not withdraw in the face of publication in the Irish Republic; nor would it be sufficient to take steps to prevent any financial gain from the book in the United Kingdom.

vii. Other Books, Articles and Television Programmes about Security and Intelligence Service Activities

In discussion, the following points were made -

a.

He had a publisher, but was keeping closely in touch with the Government about his plans. He had been told not to publish and had undertaken to take no action and to make no comments at least until the Wright case was over. The contents of the chapters

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he had shown officials were innocuous and if the whole book was similarly innocuous there might be grounds for authorising publication, perhaps through the Treasury Solicitor. In the meantime, however, the Treasury Solicitor should write a letter warning him formally not to publish any unauthorised book.

b. Officials were aware of several other former members of the security and intelligence services who planned to publish books or articles; and Duncan Campbell was planning a television programme called "The Secret Society". It would be helpful to have conspectus of all such material.

THE HOME SECRETARY, summing up the discussion, said that Mr Simos should be instructed to cross-examine Mr Wright as agreed in discussion, and to reject Mr Wright's allegation about the Prime Minister's statements about Professor Blunt and Sir Roger Hollis. As regards Mr Turnbull's offer on discovery, officials should prepare for Ministerial consideration a draft response to Mr Turnbull, including any documents which we might agree should be discovered and draft admissions in relation to other documents. In addition, officials should provide notes for Ministers on options for action to prevent publication of Mr Wright's book elsewhere in the world and to stop the distribution of the book in the United Kingdom; and on other forthcoming books, articles or programmes about which we had been consulted or were otherwise aware of.

Cabinet Office

10 December 1986

Distribution

Those present
Mr Wicks - No 10
Sir Colin Figures

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MINISTERIAL GROUP ON THE PETER WRIGHT CASE

Fourth Meeting

CORRIGENDUM

Page 2, line 11

Delete "telegram No 018"

Substitute "telegram No 019"

ADDENDUM

The telegram referred to on page 2 is attached

Cabinet Office

11 December 1986

CONFIDENTIAL
FM SYDNEY
TO DESKBY 080800Z CABINET OFFICE
TELNO 019
OF 072915Z DECEMBER 86

FROM HOGG TO MALLABY, CABINET OFFICE

PETER WRIGHT CASE:

1. CROSS-EXAMINATION OF WRIGHT

COUNSEL HAVE CONSIDERED SIR ROBERT ARMSTRONG'S MANUSCRIPT QUESTIONS, YOUR TEL 568 OF 06 DECEMBER, WRIGHT'S FIRST AFFIDAVIT AND HIS LATEST STATEMENT.

2. WE HAD A CONFERENCE WITH SIMOS AND CALDWELL ATTENDED BY HOGG, MARSH, VAUGH AND FEELHAM WHICH LASTED 5 HOURS.

3. SIMOS HAD AGREED TO CROSS-EXAMIN IN RELATION TO THE FOLLOWING TOPICS:

A. "THEIR TRADE IS TREACHERY"

- (A) ROYALTIES TO WRIGHT AND ALL ASPECTS RELATING TO MONIES.
- (B) WAS THERE A CONTRACT AND WHETHER WRIGHT WAS A NAMED PARTY.
- (C) WHETHER WRIGHT OBTAINED PINCHER'S AGREEMENT TO WRIGHT NOT BEING NAMED AS SOURCE.
- (D) QUESTIONS ON WRIGHT'S ANSWERS TO OUR INTERROGATORIES 40 AND 41.

B. THE CURRENT MANUSCRIPT

- (A) FINANCIAL ARRANGEMENTS
- (B) WHO WROTE IT ETC
- (C) OUR INTERROGATORY 18
- (D) LITERARY AGENTS
- (E) PROJECT TASMANIA
- (F) OTHER PUBLISHING AGREEMENTS
- (G) GREENGRASS
- (H) MATERIAL HE TOOK WITH HIM WHEN HE LEFT THE SERVICE

C. GRANADA TELEVISION

- (A) FINANCIAL ARRANGEMENTS
- (B) ARRANGEMENTS FOR FILMING - OUT OF JURISDICTION?
- (C) GREENGRASS

D. SECURITY NOTES, DIRECTOR-GENERAL'S CIRCULARS: OUR INTERROGATORY 32: PARAGRAPH 6 OF THE FIRST AFFIDAVIT: FACT THAT HE CONTINUES TO DRAW PENSION.

IN CONNECTION WITH YOUR TEL 400 OF 5 DECEMBER WE TOLD COUNSEL