

MR. POWELL

MR. INGHAM

Mr. Turnbull

Thank you. Fine
with me.

CAB 14/4

DEFENCE COMMITTEE: WESTLAND

The Government members of the Committee opposing any re-opening felt in a difficult position because the briefing note provided by the Clerk was extremely tendentious. The Chief Whip has asked me to provide a note setting out the facts and the arguments to put the other side of the case. I would welcome comments on the attached.

AT

ANDREW TURNBULL

13 April 1989

SELECT COMMITTEE ON DEFENCE

Briefing note on Westland issue

It has been claimed that Sir Leon Brittan's remarks in his interview by Channel Four go further than the evidence of any witness in the 1986 Inquiry.

The first claim is a trivial one, that his remarks were the first time that anyone involved in the Westland affair had named the officials involved. It is true that neither the Prime Minister, Sir Leon Brittan nor Lord Armstrong had named any officials for reasons which the Government made clear at the end of its response to the Committee's report. But the role of officials in specific posts was set out and the identities of those involved was well understood. It is fanciful, therefore, to claim that Sir Leon Brittan's mention of names changes anything.

The second claim is that officials in No. 10 who, in the Prime Minister's speech in the Debate, were described as having accepted that the DTI should make the disclosure, had in fact approved the disclosure. And if they approved it, they either acted beyond their authority or ^ymost, contrary to the account given at the time, ^{have} they sought authority from the Prime Minister.

But Sir Leon Brittan's use of the word "approval" is nothing more or less than the original "difference of understanding between officials as to exactly what was being sought and what was being given" which Lord Armstrong identified in his inquiry. The position of No. 10 officials was that

"being told that the Secretary for Trade and Industry had authorised the disclosure, they accepted that the Department of Trade and Industry should make the disclosure"

But DTI officials

"believed they had the agreement of my office, and acted in good faith"

In his speech in the Debate (27 January, Col. 671) and in answer to Q.933 from the Committee, Sir Leon had made it clear that he had given his authority for disclosure "subject to the agreement of No. 10", and this was the agreement which his officials believed they had obtained. Even if the term "approval" were substituted for "agreement" it would not change in any way the account given at the time. It would still remain the case that DTI officials believed they had secured agreement/approval; and that No. 10 officials believed they were only accepting a proposal which the Secretary of State had already authorised.

In his speech and evidence the Secretary of State said that "I therefore accept the full responsibility for the fact and the form of that disclosure". He also said

"I can and do confirm that with regard to the facts within my knowledge, the account of my rt. hon. Friend the Prime Minister is correct".

This, taken with his subsequent statement that

"there is absolutely nothing new in anything I said in the interview"

means that it is wrong, as the Clerk has stated in his note for the Committee, to conclude that Sir Leon's words go further than the evidence of any witness before the Committee in the 1986 inquiry. In the light of this, I conclude that nothing material has changed, that none of the issues identified by the Clerk therefore arise, and that no re-opening of the inquiry is called for.

If the Committee look like taking further action

The only way to resolve the issue is to write to Sir Leon to seek his confirmation that he stands by his speech and his evidence, and that his remarks in the interview are not intended to add anything to them. (It is important to put this this way round and not to ask him if he stands by his remarks in the interview.)

It is essential to be clear about the basis on which the Committee is operating. We cannot conclude at this stage that the inquiry should be re-opened. What we are doing is writing to Sir Leon to establish whether there is a basis for re-opening the inquiry.

13 April 1989

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J. Turnbull
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