

PRIME MINISTER

WESTLAND

The Defence Committee is meeting on Wednesday. The loyal Government members will argue that nothing new has emerged and that this has been confirmed by Sir Leon Brittan. If they look like losing the vote they will suggest that the Committee writes to Sir Leon to ask him to confirm that he stands by the account he gave in 1986. They will seek to establish that the formal position is that the Committee is not reopening the inquiry but is seeking to establish whether there is a basis for doing so.

Sir Leon will be advised to reply along the lines of the attached, though the precise wording will depend on the wording of the outward letter.

Any comments to make?

*No - I think it is being*

I have attached copies of the relevant references.

*handled*

*very well*

*Thank you*

*mb*

ANDREW TURNBULL

14 April 1989

ECL/65

*See suggested amendments  
of words which are irrelevant to  
the argument*

*mb*

DRAFT LETTER FROM SIR LEON BRITTAN TO MR. MICHAEL MATES

Shortly before Channel 4's programme on the Prime Minister's ten years in office was screened, claims were made that remarks in the interview I gave for that programme provided new evidence on the Westland affair and were at variance with the accounts given at the time. I took steps to make it known that 'there was absolutely nothing new in anything I said in the interview' [which, incidentally, was recorded before I left for Brussels at the end of 1988].

Notwithstanding this, you wrote to me to establish whether there is a basis for re-opening the Committee's inquiry. May I again make it clear that I stand by my speech in the Debate (27 January, Col. 671) and by the evidence I gave to the Committee, and in particular the answer to Q.933. I emphasise again that my remarks in the Channel 4 programme were not intended to add to or qualify in any way the account I gave in 1986.

In these circumstances, there is nothing further I could add to any inquiry.

cy of Parliament? I suggest that their loyalty to the  
no vastly exceeds any loyalty they have left to the  
er.

28 pm

**Mr. Leon Brittan** (Richmond, Yorks): The House will know why I came to the conclusion that I should no longer remain a member of the Cabinet. I want to place on record my appreciation of what a privilege it has been to serve in the Government of my right hon. Friend the Prime Minister. The unhappy circumstances of the last few weeks will not detract from their achievements. I shall support the Government's policies as strongly outside the Cabinet as I have within it.

My right hon. Friend the Prime Minister has set out the facts relating to what has been called the "Westland saga", and particularly the circumstances relating to the disclosure of information contained in a letter of my hon and learned Friend the Solicitor-General. She has done so in great detail. Some of the facts only she can know about whereas in other events I myself was closely involved. I can and do confirm that with regard to the facts within my knowledge, the account of my right hon. Friend the Prime Minister is correct.

As my right hon. Friend said in her statement to the House last Thursday, I made it clear to my officials at the Department of Trade and Industry that—subject to the agreement of No. 10—I was giving authority for the disclosure of the Solicitor-General's letter to be made. I therefore accept full responsibility for the fact and the form of that disclosure.

The House knows of the extraordinary, perhaps unprecedented, circumstances in which we were working—the circumstances of the persistent campaigning of my right hon. Friend the former Secretary of State for Defence and the urgency of the need to ensure that the contents of the Solicitor-General's letter should become known. But for all that, and in retrospect, I must make it clear to the House that I accept that the disclosure of that information—urgent and important as it was—should not have taken place in that way, and I profoundly regret that it happened.

I must also make it clear that at all times the Department of Trade and Industry officials acted in accordance with my wishes and instructions. What they did was with my full authority. They are not to be blamed. Indeed, they gave me good and loyal service throughout my time as Secretary of State for Trade and Industry.

There is one further point—and one further point only—that I would make. I remain firmly of the view that the Government's agreed policy of letting the board and shareholders of Westland make up their minds about the company's future without political pressure was and is right. Let us hope that now—

**Mr. Alex Carlile** (Montgomery): Will the right hon. and learned Gentleman give way?

**Hon. Members:** No.

**Mr. Brittan:** Let us hope that the future of the company can now be decided in that way.

5.29 pm

**Mr. Merlyn Rees** (Morley and Leeds, South): The right hon. and learned Member for Richmond, Yorks (Mr. Brittan), the former Secretary of State for Trade and Industry, resigned because of his responsibility for the

disclosure to the Press Association of legal advice in a letter supplied by the Solicitor-General. He was right to do so. His resignation is honourable, but he should have resigned earlier. However, it was not only the Secretary of State who was involved in that disclosure, which is the major reason for the anxiety about the happenings of the past four weeks. The Prime Minister was also involved.

For four weeks we have been trying to get information from the Government in a variety of ways, including today's Standing Order No. 10. We have received some information from the Government, but it has taken a long time. We have not yet got it all, and, unless we get more this evening, the matter will continue.

I wish to raise two issues. The first relates to the role of the Law Officers, and the second to the private office. I disagree with the right hon. Member for Plymouth, Devonport (Dr. Owen) that civil servants in the private office should resign, and I shall argue that case shortly.

I first realised the peculiar nature of Law Officers during the Franks inquiry of 1972, so by the time I became a Minister I was not surprised by the way that they operated. It should not have surprised the former Secretary of State for Trade and Industry, who has one great advantage over me—he is a lawyer. Indeed, it is said, properly, that he has aspirations in the political sphere, and so he should. It is an honourable task and peculiar to this country.

The Franks report states:

"The Attorney-General administers the criminal law in the interests of the community as a whole, and he must disregard the interests of his party, and those of the Government as such." The Solicitor-General and Attorney-General have done that consistently throughout the Westland affair. I do not seek to get at them. I am mentioning their role for other purposes.

Not only is the role of Law Officers different from other Government activities. Last week, it was drawn to my notice that if the Government were to fall next week, all the information in the documents, papers and Cabinet sub-committees would not be made available to the succeeding Government, but the Law Officers' information would. It is unto itself, and above politics. I do not understand how the Prime Minister and the former Secretary of State for Trade and Industry, knowing that, could use the advice given by the Solicitor-General on that Saturday and then on Monday as they did. That is one of the most important issues to emerge during the past month.

**Mr. William Cash** (Stafford): Does the right hon. Gentleman agree that if there were material inaccuracies in correspondence, they should emerge?

**Mr. Rees:** Of course they should, but there should be a public statement. The inaccuracies should not have emerged in that way. That is the whole point of our argument.

I shall remind the House of what happened. The Government made a decision within one and a half hours. They moved more quickly than my right hon. Friend the Member for Blaenau Gwent (Mr. Foot) and his Cabinet did on such issues. The Government knew what to do within one and a half hours. I bet that the matter had been discussed before, and that the civil servants knew what was in the minds of their lords and masters; otherwise, they would not have acted as they did. One does not leak a little bit of a letter to an honourable member of the press. I am coming to the conclusion that the Government were

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The Rt Hon LEON BRITTAN, QC, MP

[Continued]

[Mr Douglas Cont.]

of mine and I am not aware of any in the Department between that time and the dispatch of the letter.

922. What is the significance in your mind of the press conference at four o'clock on the 6th?

(Mr Brittan.) The significance of that was that it was at that stage that statements relating to, I think it was, the latest portion of the Sikorsky/Fiat proposal were being put forward and both what was said on that occasion and how it was received would be affected by the true facts of the decision of the Government in relation to these matters. If a statement had been written to Mr Horne it would, as it were, on the other side of that particular contest have contained inaccuracies in response to Mr Horne's invitation for this question to be answered. That would obviously be material to the press conference. What I do not know, and no doubt your inquiries will assist you to find out, is how Mr Horne came to write that particular letter at that particular time and why the reply came so very, very promptly.

923. It was of the utmost importance that any Government view that might affect the company's decision would be accurate and consistent and in no way misleading?

(Mr Brittan.) Yes.

924. There was an urgency to get something in the public domain before 4 o'clock that corrected any misleading impression that might have been given by Mr Heseltine's letter of the 3rd?

(Mr Brittan.) That is what the Prime Minister said.

925. What other steps, if any, did your Department take to get anything in the public domain other than the Solicitor General's letter that would correct this misleading impression?

(Mr Brittan.) None.

926. The only thing you had in your possession—you collectively, the Government—to correct a misleading impression by 4 o'clock was the Solicitor General's letter?

(Mr Brittan.) I knew the letter was—

927. That is all I am asking.

(Mr Brittan.) You must allow me to answer the question my own way. I will answer it, and you may then ask a further

question if you are not satisfied. The fact of the matter is that we knew, certainly in our opinion, that the letter of 3 January—which had not been cleared by us or anyone else—contained, in our view, a misleading account of things; but we had no other document, if you like, in support from any other source other than, of course, the views expressed to us in the Solicitor General's letter.

928. This arrived in your office, as I understand it, at about 1.30 on the 6th?

(Mr Brittan.) I was not there.

929. That is my understanding.

(Mr Brittan.) So I understand.

930. You are armed, both you and No. 10, with the only advice, the only document that you have, that you could possibly put into the public domain to refute this misleading impression before the press conference at 4 o'clock?

(Mr Brittan.) The only document of that kind, yes.

931. I think the conclusion would be for any reasonable person that you had no alternative but to leak it if you were going to correct the misleading impression?

(Mr Brittan.) I am not going to add anything. I have no wish to add anything with regard to the circumstances of the disclosure of the document beyond what the Prime Minister and myself have said on the floor of the House.

932. If the refutation or the correction of a misleading impression was so important, do you not think that maybe with hindsight it would have been prudent if other means had been initiated between your Department and No. 10 to get this corrected by 4 o'clock on the Monday?

(Mr Brittan.) I think both the Prime Minister and I have been candid and accepted as being candid on that very question in what was said to the House last Monday. No useful purpose is served in adding to it.

Chairman

933. I do want to ask you one question about the circumstances of the disclosure and I hope you will be able to help the Committee on that. In your speech to the House on 27 January, I will read out the two phrases that you used at column 671; you said, Mr Brittan, "I made it clear to my officials at the Department of Trade and

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[Continued]

[Chairman Cont.]

Industry that, subject to the agreement of No. 10, I was giving authority for the disclosure of the Solicitor General's letter to be made. I therefore accept full responsibility for the fact and the form of that disclosure." Then a little lower down, "I must also make it clear, at all times the Department of Trade and Industry officials acted in accordance with my wishes and instructions." Can we take it from that that the events, the action about the disclosure of the letter by your officials was done in accordance with your precise instructions?

(Mr Brittan.) Not in accordance with my precise instructions: I did not go into details. I accept fully responsibility for what was done and would not suggest for a single moment that my instructions were anything other than followed. I would particularly stress that it all had to be subject to the agreement of No. 10.

Chairman: I read out that qualification from your speech.

Mr Churchill

934. What were those instructions to your officials?

(Mr Brittan.) I have nothing to add in regard to what I said in the House.

935. Who selected the selective passages to be quoted?

(Mr Brittan.) Again, I would repeat the answer I have just given. The circumstances of the disclosure were adequately and fully dealt with by the Prime Minister last Thursday and last Monday, by myself on Monday. I have no wish to add anything to that.

936. I am sorry to press you on this—can you say whether you instructed that the leak should be selective, or did you authorise that the whole document should be put out? Was that your decision?

(Mr Brittan.) It follows from the answer I have given to your previous question that I am not in a position to answer your question.

937. You know the facts, but you do not wish to answer the question?

(Mr Brittan.) That is not what I have said.

Dr Gilbert

938. Do you know the facts?

(Mr Brittan.) It depends what you mean by "the facts".

939. To enable you to answer Mr Churchill's question?

(Mr Brittan.) I have made the position quite clear. The Prime Minister in answer to Questions in the House on Tuesday was also invited to give further knowledge of these matters and declined to do so; I share her position.

940. It is possible, is it not, to take more than one view of the information so far in the public domain? Were it not possible to do so you would not be getting these questions from various members of the Committee.

(Mr Brittan.) That is a comment that you make: I hear it with interest.

941. Could I repeat the question I put to you a moment ago: are you in a position, do you know the facts, are you in a position to answer Mr Churchill's question if you so wished?

(Mr Brittan.) I repeat the answer I have given in relation to these matters.

942. So be it. I have other questions to put to you. If you wish to put the same answer that is your privilege.

(Mr Brittan.) If the questions relate to the circumstances of the disclosure—the Prime Minister has given answers in the debate in the statement last Thursday; she has given a full account of the matter in her speech on Monday; I myself gave my view of these matters in that speech. The Prime Minister was questioned further last Tuesday and there is nothing I wish to add.

Mr Mates

943. Was part of your difficulty that you were not in the office that morning?

(Mr Brittan.) I was not in the office that morning.

944. What you had to convey was done over the telephone?

(Mr Brittan.) Correct.

945. Who was the recipient of the telephone call in the Department, who was talking to you about it?

(Mr Brittan.) My Principal Private Secretary, Mr Mogg.

Dr Gilbert

946. I would like to get a list of questions you are not prepared to answer. Are you prepared to tell us the nature of the clearance you gave to your officials?

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