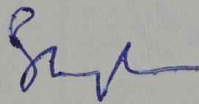


c: Sir Robert Armstrong

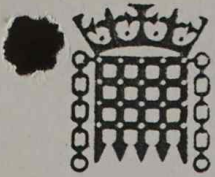
MR WICKS

Attached are the briefing notes given by Dr Gilbert to some journalists when copies of the Westland reports were distributed today.

The sidelinings and other marks are those of the journalist.



BERNARD INGHAM
24 July 1986



PRIME MINISTER

Prime Minister's Veracity

Par 183

"The evidence is that the action of the Prime Minister's office on 6 January in relation to the disclosure was without her direct authority. She has stated that she had no knowledge on 6 January of what was taking place. We accept this."

Par 160

Referring to the reason given by the Prime Minister for the need for the information to have been disclosed to the Press Association, the report says: "Since the information was passed by telephone to Westland in any event, the reason given by the Prime Minister for releasing the information to the Press Association begins to look flimsy, to say the least. Sir John Cuckney told us that the information made no difference to his policy at the press conference".

Par 184

"...I did not know about the then Secretary of State for Trade and Industry's own role in the matter of the disclosure until the inquiry had reported." We asked Sir Robert Armstrong about this; and he thought it "strange, but I believe that to be the case".

Evasive Answers

Par 198

Committee lists, without comment, evasive answers given by the Prime Minister on 23rd January.

The "Meeting" on December 13th

Par 81

The Prime Minister said, "No meeting was agreed so there was no meeting to cancel ...".

Par 82

"Other members of the Cabinet have referred publicly to a meeting on Friday 13th in terms which make it clear that there was a meeting to cancel and that it was cancelled."

Par 83

"There is therefore direct conflict of evidence on this point. It is nevertheless remarkable that, having been given this commission by his colleagues, Mr Heseltine was allowed no opportunity to report formally to those colleagues."



MR BRITTAN

Par 106

Mr Brittan said he had been "put in "the impossible position of trying actually to carry out the Government's policy of being even-handed ..." We think it strange that Mr Brittan allowed himself to be put in what he regarded as an impossible position and we are surprised at the means he chose to extricate himself from it."

The 'phone call to Mr Churchill on Sunday 29th December Par 107

"Mr Brittan told us that he thought that if he were to give the facts about the situation, this would be "open to misconstruction", but that if his officials were to do so, no misunderstanding would arise. This view suggests an extraordinary understanding of the relationship between Ministers and Officials."

Par 109

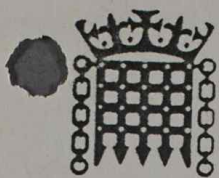
"This (the above paragraph) indicates the attitude of mind which was at the heart of the disclosure of the Solicitor-General's letter. It is obvious that the view was taken in Government, and particularly in the DTI, that the Secretary of State for Defence had breached collective ministerial responsibility and was quite openly continuing to do so. This was in part correct. The consequent assumption that if Mr Heseltine's resignation was not to be required, he could be thwarted by any means cannot be justified."

Par 172

"Mr Brittan, a Queen's Counsel, would have been aware of the special confidentiality of Law Officers' advice. The Secretary of the Cabinet said of Mr Brittan: " How far he addressed his mind to the fact that this was the Solicitor-General's letter and to the discourtesy or impropriety or unwisdom of it being disclosed from his Department I do not know". "

Par 178

"We put the following question to Mr Brittan: "Why was the Solicitor-General not told that his letter was going to be leaked?" Mr Brittan would not tell us."



Par 177

"In the unusual and sometimes bizarre reasoning which has been put before us, a justification has been given for each step taken. Although those involved must carry blame for what occurred, what seems especially reprehensible is a manner of doing business where the direct and honourable course does not present itself to the exclusion of all else. It appears that not one of those involved, from the Secretary of State for Trade and Industry down, suggested simply telephoning the Solicitor-General and explaining the need to publish the "correct information", that was thought to be so compelling."

Par 179

"It was not until Wednesday 22 January that the Solicitor-General discovered that the disclosure of parts of his letter had been authorised by the Secretary of State for Trade and Industry....This was an outrageous way in which to treat a Law Officer of the Crown ..."

Par 204

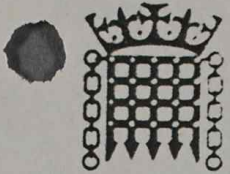
"We asked Mr Brittan whether or not he had any conversation with the Prime Minister, about the fact that he had authorised disclosure of part of the Solicitor-General's letter, before the Prime Minister received the report of the inquiry. He refused to tell us. When it was put to him that there was a period of time after the inquiry had been set up during which he knew what his role had been but chose not to inform the Prime Minister, he would not comment."

Par 205

"If, as the Prime Minister has repeatedly told the House, the DTI officials were confident that they had Mr Brittan's authority for the disclosure, and if, as Mr Brittan has confirmed, he gave them that authority, his silence during this time might be thought to have fallen short of the backing which a Minister normally gives his officials."

Par 205

"We asked Mr Brittan whether he discussed with his private office or with other members of his staff the likely course or the actual course of the leak inquiry. Mr Brittan refused to tell us."



Par 167

"We asked Mr Brittan whether he authorised that the whole document should be published. He refused to tell us. We asked Mr Brittan who selected the passages to be quoted. He refused to tell us. We asked Mr Brittan whether he knew the facts that would enable him to answer the previous questions. Again, he refused to tell us."

SIR MICHAEL HAVERS

Par 195

"He must have known - from Sir Robert Armstrong - that the disclosure had been authorised at the time he was asked to grant immunity to Miss Bowe, ie before the enquiry had got under way."

MR MICHAEL HESELTINE

Par 222

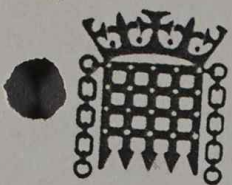
Mr Heseltine "suggested that the summaries (of the October Documents put before us) were misleading."

Par 224

"We repudiate any suggestion that the summaries were misleading in any respect".

Par 126

"It cannot be emphasised too strongly that, whatever the strength of Mr Heseltine's case, it was flawed by the lateness of its presentation and disadvantaged by his personal crusade for one particular solution".



CONDUCT OF OFFICIALS

Par 237

"If Ministers cannot demonstrate that officials have behaved properly, the question of disciplinary proceedings arises."

Par 172

"Asked whether he would have expected the people he interviewed to regard the leaking of the letter as an improper act, Sir Robert said: "I wish that they had had that consideration in their minds. Some of them, I think, did; some of them, I think, did not"."

Par 144

"Sir Robert Armstrong told us that "all the DTI officials concerned" first saw the Solicitor-General's letter in the Secretary of State's private office at around 1.00pm on 6th January The fact that she (Miss Colette Bowe) was alerted to the receipt of the letter and was present at that stage suggests that, before consulting the Secretary of State and before speaking to No. 10, the Officials had in mind that some public use of the information contained in the letter was indicated."

Par 187

"It must therefore be the case that Mr Ingham and Mr Powell were in a position to tell the Prime Minister on 7 January what turned out to be the principal findings of Sir Robert Armstrong's inquiry more than a fortnight later."

Par 188

"Yet on 7 January Mr Ingham and Mr Powell did not share their knowledge - not with Mr Nigel Wicks, the Prime Minister's Principal Private Secretary, not with Sir Robert Armstrong and not with the Prime Minister..."

Par 186

"It is to be presumed that Mr Powell and Mr Ingham were present when the Prime Minister discussed the matter with her office."



Par 189

"We know that during the discussion on 7 January the Prime Minister was told of the Law Officers' concern. To judge from his letter of that day, which was copied to the Prime Minister, the Solicitor General was outraged. The Prime Minister was told "in general terms that there had been contacts" between her office and the DTI. Even if the Prime Minister was content to leave the matter there, it is surprising that Mr Wicks, her Principal Private Secretary, did not make immediate inquiries into a matter which apparently involved a member of the Private Office which he headed."

The Telephone Calls and "Differences of Understanding"

Par 154

"It is not impossible that four extremely able officials in key positions would have been capable of identical misunderstandings of this sort in two separate telephone conversations. But it is far more likely that Mr Ingham realised very well that what was being sought was not agreement but authority for the disclosure, the authority of No. 10 and so of the Prime Minister, and this he refused to countenance."

Par 155

"As far as the disclosure of the Solicitor-General's letter was concerned, however, Mr Ingham undoubtedly realised the implication of what was about to take place and wished to distance No. 10 and the Prime Minister from the consequences."

Par 158

Deals with whether there was a genuine "difference of understanding" between Miss Bowe and Mr Ingham or whether Mr Ingham ordered Miss Bowe to do what she did.

Method of Disclosure

Par 156

"The method of disclosure that was adopted, the unattributable communication of tendentious extracts from the letter was disreputable."

Par 157

"Sir Robert Armstrong's evidence indicated that the method of disclosure was agreed in the telephone call between Mr Ingham and Miss Bowe."



Par 169

"In respect of the disclosure on 6 January, however, those involved knew, or ought to have known, that what was done was wrong. The disclosure was made unattributably in order to conceal the identity of those concerned."

Par 170

"In his reply of 7 January to Mr Heseltine the present Solicitor-General said: "...the rule is very clearly established that even the fact that the Law Officers have tendered advice in a particular case may not be disclosed without their consent, let alone the content of such advice. It is plain that in this instance this important rule was immediately and flagrantly violated"."

Par 175

"Only by releasing the information unattributably could the disclosure be limited to those parts of the letter that damaged Mr Heseltine."



Par 159

"It was the company which had first drawn the Government's attention to differences between the Defence Secretary's letter of 3 January and the Prime Minister's letter of 1 January, and it was the Chairman of the company who had said to an official of the DTI on 5 January that it was very important to Westland that the matter should be cleared up before the Press Conference the next day. Yet the information was given first to the Press Association."

Par 162

"It is clear that the passages chosen for selective disclosure from the Solicitor-General's letter were calculated to do the maximum damage to Mr Heseltine's case and to his personal credibility."

Par 165

"However, an examination of the Press Association tapes on 6 January and the reports carried by the newspapers on 7 January demonstrates that further parts of the letter were disclosed after the original call from Miss Bowe to the Press Association."



THE FUTURE

Par 230

"Our request to have the five officials appear before us still stands."

Par 232

"We do not accept the argument that when civil servants have had to give an account of their actions to an internal inquiry which has no formal status, those civil servants will be in double jeopardy if they subsequently have to give evidence on the same matters to a Select Committee."

Par 233

"Some witnesses may not see the formal protection afforded by privilege as a sufficient safeguard. As Sir Robert Armstrong said in evidence, in the case of the people concerned "it is a case of their careers and reputations and lives." In such circumstances however, the responsibility lies with Ministers who require or expect officials to behave in an improper way, and with officials who comply."

Par 239

"Yet the Government has not been as forthcoming in giving the assistance as the House might have expected".

Par 240

"As far as individuals are concerned, we have made our best judgments on the evidence before us. If anyone feels himself or herself to have been traduced by our findings, we are prepared at any stage to take oral or written evidence, in public or in private, from anyone involved in the events we have examined. If that evidence leads us to modify our conclusions, we will of course make a further report to the House."

a meeting on 11.10.00 ... that there was a meeting to cancel and that it was cancelled."

Par 83

"There is therefore direct conflict of evidence on this point. It is nevertheless remarkable that, having been given this commission by his colleagues, Mr Heseltine was allowed no opportunity to report formally to those colleagues."

WESTLAND

General Line to Take

The Government will, of course, respond to these reports in due course. I should, however, like to make two things clear straight away.

First, my Rt. Hon. Friend the Secretary of State for Trade and Industry and I have total confidence in our officials referred to in the Report. As the House will be aware, those responsible for civil service discipline have already decided that there is no case for action in this instance.

Second, I do not accept the Committee's comments on the role of the Head of the Home Civil Service. He continues to have the Government's total confidence.

SUPPLEMENTARIES

Will the Prime Minister now comment on the circumstances surrounding the disclosure of the Solicitor General's letter.

My statement on 23 January and my speech on 27 January were checked for accuracy with everyone concerned, and I have nothing to add to what I said then. {We shall of course be responding to the report of the Select Committee in due course}.

Officials giving evidence?

I have set out the normal rules for appearances before Select Committees by officials in my reply to the Hon. Member for Linlithgow on 17 February. I have nothing to add.

Debate?

This is a matter for my Rt. Hon. Friend the Leader of the House.

Mogg Promotion?

24 July 1986

SLHAMM

Monday 17 February 1986

(Answered by the Prime Minister on Monday 17 February 1986)

UNSTARRED
No. 121
(W)

Mr Tam Dalyell: To ask the Prime Minister, what is her general policy towards the circumstances in which officials whose conduct has been the subject of an internal inquiry should be authorised to appear as witnesses before a Select Committee's inquiry into related matters; to what extent the practical application of this policy would be influenced in any given case by: (a) the rank or position of the official in question, (b) whether or not disciplinary action had been taken and (c) the fact that immunity from prosecution had been granted; and if she will make a statement.

THE PRIME MINISTER:

Officials giving evidence before Select Committees do so on behalf of their Ministers, and it is therefore customary for Ministers to decide which officials should represent them for this purpose. The principles are set out in "Memorandum of Guidance for Officials appearing before Select Committees", issued as General Notice GEN 80/38, a copy of which is in the Library of the House.