

PRIME MINISTER

John Gilbert (Flag A) and Tam Dalyell (Flag B) have both written to the Attorney to ask him questions about his role in the Inquiry into the circumstances of the disclosure of the Solicitor General's letter. John Gilbert asked whether the Attorney could say whether Ministerial approval had been given for the disclosure of the letter when he granted immunity to Miss Bowe. Mr. Dalyell asks questions in a similar vein.

The Attorney wants to reply to Dr. Gilbert that he did not know of any Ministerial approval for disclosure when he granted immunity. He wants to reply in similar terms to Mr. Dalyell's question on this point, but to refuse to answer his other questions.

I am sure the Attorney goes too far. The more answers volunteered, the more the questions that will be asked. Sir Robert Armstrong takes the same view in his letter immediately below.

Shall I tell the Attorney that you agree with Sir Robert's approach?

Yes

(The Attorney may raise this matter at his meeting with you on another matter tomorrow morning.)

N.L.W.

NLW

30 July, 1986.

JD3APA



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A086/2201

30 July 1986

Dear Miss Wheldon,

Thank you for your letters of 29 and 30 July, enclosing copies of letters which the Attorney General has received from Dr Gilbert and Mr Tam Dalyell and the draft replies proposed.

On the draft reply to Dr Gilbert, I think that the Attorney General would be best advised not to go beyond the full and comprehensive answer which he has given to Mr Edward Gardner. To do so would invite further questions to the Attorney General not only on this but on other aspects of the Westland affair.

As to the reply to Mr Dalyell, I suggest that the Attorney General could deal with the first point in Mr Dalyell's letter by reference to the Prime Minister's statements, his own answers to Parliamentary Questions, and the answers which I gave to the Select Committee on Defence when I gave evidence on 5 February (QQ 1093-1099).

I attach revised draft replies to Dr Gilbert and Mr Dalyell accordingly; I should of course be very happy to discuss the drafts with you or the Attorney General, should you or he so wish.

I am sending a copy of this letter and the revised drafts to Nigel Wicks.

Yours sincerely

Robert Armstrong

Miss J L Wheldon
Legal Secretary
Attorney General's Chambers
Law Officers' Department

DRAFT LETTER FROM THE ATTORNEY GENERAL TO
TAM DALYELL ESQ MP

Thank you for your letter of 27 July.

My part in the institution of Sir Robert Armstrong's inquiry has been described in the Prime Minister's statements last January, in my own answers to Parliamentary Questions, and in Sir Robert Armstrong's evidence to the Select Committee on Defence on 5 February.

On the matter of the immunity, I answered a question by Edward Gardner on 24 July.

I have nothing further to add on these matters, save that I do not accept that the Law Officers have been misused by the Prime Minister.

DRAFT LETTER FROM THE ATTORNEY GENERAL TO
THE RT HON DR JOHN GILBERT MP

Thank you for your letter of 29 July.

As I said in my answer to Edward Gardner, at the time when I granted immunity to the official concerned, while I had reason to believe that the disclosure had been made by the official concerned and that the official concerned had acted in complete good faith, I was not aware of the full circumstances. I have nothing to add to that answer.

01-405764XXXXX 936:6229

Communications on this subject should
be addressed to
The Legal Secretary
Attorney General's Chambers

B B
ATTORNEY GENERAL'S CHAMBERS
LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, W.C.2

Sir Robert Armstrong GCB CVO
Secretary of the Cabinet
Cabinet Office
70 Whitehall
London SW1

30 July, 1986

Dear Sir Robert,

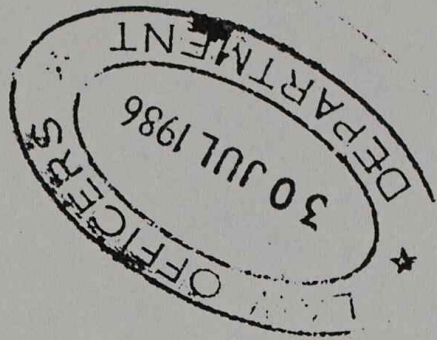
I enclose a copy of another letter on Westland - this
time from Tam Dalyell - and a copy of a draft reply. Again,
I should be grateful for any comments which you or
Nigel Wicks, to whom I am copying this letter and enclosure,
may have.

Yours sincerely,
Miss J L Wheldon.
MISS J L WHELDON

DRAFT LETTER TO TAM DALYELL MP

Thank you for your letter of 27 July.

I have, I believe, already made my position in this matter sufficiently clear in the answers which I have given to Parliamentary questions and, in particular, in my reply to Edward Gardner of 24 July. But to avoid any possible misunderstanding I have confirmed ^{by letter} to John Gilbert that I did not, at the time I granted immunity to the official who disclosed the Solicitor General's letter, know that Ministerial approval had been given for that disclosure. I do not believe that there is anything which I can usefully add in response to the questions in your letter, other than to say that I do not of course accept your suggestion that the Law Officers have been misused by the Prime Minister.



98/12/12

De Michael,

It will probably have been brought to your notice that on Friday, i.e. the 10.15 a.m. Adjournment debate, I asked about whether you had considered bringing in the Police over the banking of the Solicitor-General's letter. I also made a comparison with the haste to bring in the Police, and use Section 2 of the Official Secrets Act, in the case of Chris Pankhurst, who I reminded the House "could, but for the sense of the July, have been languishing in gaol."



I believe that John Lewis' article, prominently displayed on page 1 of the Sunday Telegraph makes it urgent that you should make a statement.

In particular:

① Did you warn Sir Robert Armstrong that you would bring in the Police, if there were no better enquiry? I believe that you, rightly, did so.

② Did you warn the DPP that Police action might be necessary under Section 2?

③ Could you answer the specific questions about indemnity to Collette Bowe which I put in my Adjournment Debate?



I believe the Law Officers
were grossly abused by
10 Downing Street in January
1986, and have since been
subject to intolerable pressures
by the Prime Minister and
10 Downing Street.

May I refer you to
Hansard 21st July, 1986, Col 62?

As you will see, I refer
to the role of an Attorney General,
quote Professor John Edwards to the
effect that your duties are to the
House, believe that the Select
Committee should have called you,
if they contemplated accusations, and
reiterate my view that you



are an honorable man.

I am sure your
self-respect, and respect
for your unique institution
office will suggest to you
that you respond to the
Adjournment Debate, and to
the Sunday Telegraph article.

In the interests of a
fair legal system, and a
legal system moreover which
is seen by all to be fair,
I am writing to the Chairman
of the Select Committee to
suggest that in the light
of the last paragraphs of
his report, offering to see



persons who believe the action
fraduced by the Committee,
he should re-assess
the Committee members, as
soon as practical, to
ask you to come before the
this would enable you
to explain the exact position,
and den yourself and
the best of the you had.
Whether it be may say
about having the country
Westminster and sectors of the
press, what is at stake
is the propriety of the legal
system.
Kind regards,
Yours sincerely
T. D. [Signature]

01-4057641EXT 936:6229 010

Communications on this subject should
be addressed to
The Legal Secretary
Attorney General's Chambers

ATTORNEY GENERAL'S CHAMBERS
LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, W.C.2

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Sir Robert Armstrong GCB CVO
Secretary of the Cabinet
Cabinet Office
70 Whitehall
London SW1

29 July, 1986

I enclose a copy of a letter which the Attorney General has received from Dr. Gilbert and a copy of his proposed reply. He wishes to keep the reply as short as possible. Perhaps you would let me know if you have any difficulty with the draft.

I am copying this letter and enclosure to Nigel Wicks.

MISS J L WHELDON



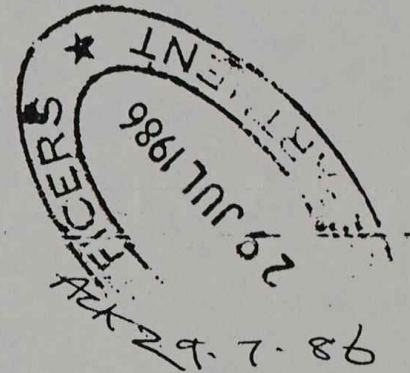
The Rt Hon Dr John Gilbert, MP

HOUSE OF COMMONS
LONDON SW1A 0AA

Switchboard 01-219 3000
Secretary 01-219 6209

25th July 1986

Rt Hon Sir Michael Havers QC MP
Attorney General's Chambers
Royal Courts of Justice
The Strand
LONDON WC2A 2LL



My dear Michael,

First of all let me thank you for letting me have a copy of Edward Gardner's question in time for the debate yesterday. You may have seen that I quoted it and your answer in full and commented at some length on your answer.

As I am sure you would wish no ambiguity to attach to your position, perhaps you would be kind enough to let me know whether in fact, at the time that you authorised the granting of immunity to Miss Bowe, you were aware that ministerial approval had been given for the public disclosure of the letter from the Solicitor-General to the then Secretary of State for Defence, in part or in whole.

[Handwritten signature]

[Handwritten signature]