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10 DOWNING STREET

THE PRIME MINISTER

25 November 1980

*Dear Richard,*

I wrote to Jim Callaghan on 4 June about the case of John Barry Wagstaff, a former Executive Officer in the Ministry of Defence, and following his reply of 9 June, I referred the case to the Security Commission for investigation. At that time Wagstaff was facing a charge under the Official Secrets Act and, in accordance with the usual practice, Jim Callaghan agreed that an announcement to the House should be delayed until the outcome of legal proceedings against Wagstaff was known.

On 28 August, however, the Attorney General informed me that he had decided that it would not be in the public interest to continue with the case against Wagstaff, and he accordingly instructed the Director of Public Prosecutions to terminate the criminal proceedings. The Commission is continuing its investigation, and I shall let you know the outcome and make a statement to the House, when I have their report.

In the normal course of events I would want to inform the House now that the Commission has been asked to investigate the matter. I understand, however, that the investigation has reached

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the stage at which a number of those involved are being interviewed, and I believe that it would be sensible to conclude these interviews before making an announcement. This would mean postponing the announcement until early December. Even at that stage it would, of course, be inappropriate for me to make any comments on the case and I should like to follow precedent and make the announcement by way of a written Question and Answer.

I hope that you can agree to proceed in this way and to put down in due course a written Question that I could answer on the lines of the attached draft. I will let you know when the interviews are complete and the way is clear for you to put the Question down. If you are content, my office will make the necessary arrangements.

Yours sincerely  
Raymond Stiller

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The Right Honourable Michael Foot, M.P.

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DRAFT WRITTEN QUESTION AND ANSWER

MR. M. FOOT: To ask the Prime Minister: whether she will invite the Security Commission to investigate the case of Mr. J.B. Wagstaff under the procedure announced in the House on 26 March 1969.

THE PRIME MINISTER: Yes. In accordance with that procedure, after consulting the Rt. Hon. Gentleman the then Leader of the Opposition, and in the light of the advice of the Chairman of the Security Commission, I asked the Security Commission on 23 June to investigate and report upon the circumstances in which John Barry Wagstaff, a former Executive Officer in the Ministry of Defence, had been charged with an offence under the Official Secrets Act, and upon any related failure of departmental security arrangements or neglect of duty and, in the light of their investigation, to advise whether any change in security arrangements is necessary or desirable. With the agreement of the Rt. Hon. Gentleman, no announcement was made at that time because the matter was sub judice. On 28 August my Rt. Hon and Learned Friend the Attorney General instructed the Director of Public Prosecutions to terminate the criminal proceedings against Mr. Wagstaff. The Security Commission is still investigating the matter and I will make a further announcement to the House when I have their report.