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01-405 7641 Extn

ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

6 November, 1980

Dear Prime Minister.

#### MINISTRY OF DEFENCE LEAK

The Ministry of Defence have very properly consulted me on their investigation into the recent deliberate leak to the press of certain of their papers, including a secret letter from John Biffen to Francis Pym on cuts in defence expenditure and a minute by Sir Frank Cooper, in which he reported the misgivings of the Chiefs of Staff on that matter. The field of inquiry has considerably narrowed down and the investigation has now reached the point where, if it continues on the present footing as an "in-house" investigation, it might prejudice my ability at a later stage to bring criminal proceedings against anybody in respect of whom a prima facie case has emerged. After careful consideration, I have decided that, if such a case is established, the public interest does - or, at any rate, might - require me to institute a prosecution and that it would therefore be wrong to allow anything to be done now which would foreclose that possibility. I am therefore requesting the Ministry of Defence to suspend their own investigation and I am arranging for the investigation to be pursued, instead, by the police under the direction of the Director of Public Prosecutions.

I am bringing this matter to your attention because, as well as its inherent sensitivity, it has the peculiar difficulty that I do not think that the offence that has undoubtedly been committed under the law as it now stands would have remained a criminal offence under the Franks proposals or under our own Protection of Official Information Bill which we had to abandon at the end of last year.

I am copying this letter to Francis Pym and Willie Whitelaw and also to Sir Robert Armstrong.

Yours are

Michael.

The Rt Hon Margaret Thatcher MP  
Prime Minister  
10 Downing Street  
London, SW1

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