David Hooper considers the lessons to be learnt from the Peter Wright case

Fewer secrets — more control

Whatever the ultimate outcome of the Peter Wright case, a better way of dealing with such cases must be found to avoid any future embarrassment to the government. The idea of a former member of MI5 writing his memoirs need not be so shocking. After all, until Richard Crossman's diaries were published in 1975, it was thought inconceivable that a Cabinet minister could publish his records of recent Cabinet discussions. Now ministers can and do happily publish such memoirs.

It is true that Wright would have signed the Official Secrets Act, but so each year do thousands of people, some doing nothing more confidential than weeding the gardens at Hampton Court. Had Wright worked for the CIA he would have had no difficulty over publication. He would have signed a document similar to that under the Official Secrets Act and would have had to submit the manusucript to the Publications Review Board, which would examine it on its merits and, within 30 days, list the deletions it required. These could then be the subject of negotiation and, failing agreement, litigation.

Between January 1977 and March 1983 170 authors submitted 430 items for approval. None was rejected in its entirety, and in most only very limited changes, if any, were requested. No book by a former CIA officer has ever been prohibited on grounds of its content. Many recently retired CIA officers have been permitted to write their memoirs, including the director of the CIA under President Carter.

Retired senior officers of Asio, the Australian security service, have written their memoirs and so has the recently retired head of DST, France's MI5 equivalent.

What clearly emerged in the Peter Wright case was that, irrespective of the merits of the dispute, many matters were being kept needlessly secret. Sir Robert Armstrong was, by the terms of his brief, compelled not to admit the existence of "that other security organization" — except during the time that it was headed by Sir Dick White — although the evidence showed that most London taxi drivers could take you to its premises without difficulty.

One lesson of the Wright case must surely be that the government should concentrate on protecting secrets that really matter — defence, devaluation of the pound, certain police operations and so forth. This would help restore the all-party consensus on national security, which has suffered as a result of the case.

In the United States since 1976 the CIA's activities have been monitored by permanent select committees of the Senate and the House of Representatives. Unlike the British security agencies, which have no statutory basis and are merely governed by the Maxwell-Fyfe Directive, the CIA is a statutory body established under the National Security Act of 1947.

The CIA is subject to the provisions of the Freedom of Information Act, although deletions from documents can be and are made on security grounds; America's legislation comparable with the Official Secrets Act is rarely used. The first amendment to the constitution, guaranteeing freedom of the press, prevents the American authorities suppressing books or articles like Wright's. The attempt to prevent publication by *The New York Times* and the *Washington Post* in 1971 of highly classified Pentagon papers was a conspicuous failure.

The position in Australia is in many respects similar. As the result of an inquiry set up in 1972 by Gough Whitlam, the then prime minister, the activities of the security services are monitored by a committee of the federal parliament, with an independent inspector-general reporting to the Attorney General's department. Even in Canada, with a more cautious approach, the security services are subject to some parliamentary scrutiny.

When Peter Wright's book is finally published, serious consideration will have to be given by the British authorities as to whether they should follow American practice in judging all such books on their merits rather than trying to uphold a policy of blanket secrecy very often regardless of content. The government consistently refused offers by Wright to remove specified items.

Although the case against him was brought on the grounds of alleged breach of a duty of confidentiality, it is likely to revive the debate about Whitehall's obsession with secrecy. The other main consequence is likely to be a debate on whether the present system of virtual self-regulation in the security service does provide Britain with the service it deserves, or whether there should, as elsewhere, be a limited degree of supervision, perhaps by a suitably qualified committee of privy councillors.

The author is solicitor for Heinemann in the Wright case. His book, Official Secrets, *is published by Secker & Warburg.*