

SECRET



Prime Minister

File  
28x.

Ref. A03354

PRIME MINISTER

Your attention has been drawn to the article (of which I attach a copy) in last week's Private Eye, containing allegations about the sexual activities and proclivities of Sir Peter Hayman, a retired member of the Diplomatic Service.

2. I attach a copy of Sir Peter Hayman's entry in Who's Who. It is not the case that he "had an intelligence background"; but throughout his career, and especially as Minister in West Berlin from 1964 to 1966, in the Foreign Office from 1966 to 1969, and as High Commissioner in Ottawa from 1970 to 1974, he had access to highly confidential and sensitive material. He has been, to all appearances, a healthy, normal and happily married man.

3. He came to the notice of the Director of Public Prosecutions in 1978 very much as described in the article, on the basis of a police report as a result of a parcel of obscene material discovered in a bus and of subsequent investigations. The police report showed that Sir Peter Hayman kept explicit and detailed records of his sexual activities and fantasies and that he was a member of the Paedophile Information Exchange. But the only activities which could be shown to have occurred were with consenting adults (of both sexes); the material in the records relating to children appeared all to be fantasy, and there was - and is - no evidence for actual activities with children. The only offence for which he could have been charged was that of sending obscene material through the post; and I am advised that it was and is the policy of the Director of Public Prosecutions not to prosecute for this offence <sup>except</sup> if there has been a complaint from the recipient or the object of committing the offence was commercial gain.

4. The contents of police reports are of course confidential, and the general rule must be that information contained in them is not transmitted to anyone outside the prosecution process unless a case is brought and ends in conviction. Nonetheless, if a police report to the Director suggested to him that there were matters relating to a serving public servant which had implications for security, he would consider alerting the security authorities to the need to make their own

SECRET



SECRET



inquiries. This did not happen in this instance, because at the time when the Director was considering the possibility of prosecution, Sir Peter Hayman was no longer serving: he had been in retirement for four years.

5. It is clear that Sir Peter Hayman was already engaging in sexual perversion in 1966 when he returned from Berlin to the Foreign Office, and it must be presumed that he was doing so before that time. He would of course have been especially vulnerable in Berlin. While Sir Peter Hayman was High Commissioner in Ottawa, there was a problem of obscene correspondence addressed to a fictitious female name at the High Commission, apparently as a result of advertisements placed in a pornographic magazine. At the time this was laid at the door of a member of the domestic staff; the latest report raises the question whether it should have been laid at Sir Peter's door.

6. Sir Peter Hayman has been in touch with the Foreign and Commonwealth Office. He had offered to come in, and was to be seen by the Acting Head of the Office (Sir Edward Youde); but he has now been advised by his solicitor (Sir David Napley) that he should not call at the Foreign Office unless and until he is told that they have something to discuss with him. We are not yet ready for a discussion; at this stage we could do no more than listen to what he had to say.

7. There are two questions now to decide: what to do, and what to say, if questions are asked. I have discussed these questions with the Acting Head of the Foreign and Commonwealth Office, the Permanent Under Secretary of State at the Home Office, the Director of Public Prosecutions and the Director General of the Security Service.

What to do

8. There must clearly be a full investigation, with a view to discovering whether anything more is known or suspected about Sir Peter Hayman's activities while he was serving in the Diplomatic Service, and whether there is any reason to suppose that security was compromised. This investigation is being undertaken by the Security Service.

9. Whether any further action is required - a review of vetting procedures, or even a reference to the Security Commission - cannot be determined until the Security Service's investigation is complete. But the case already raises the

SECRET



SECRET



question why the positive vetting procedure did not bring this character defect of Sir Peter Hayman to attention, whether it could or should have done so, and whether there are lessons to be learnt from its failure to do so. Even though there has been no prosecution, it might at some stage be necessary or advisable to make a reference to the Security Commission, for advice on the implications for security procedures; but that time is not yet.

What to say

10. If you are asked Questions in the House tomorrow, you will need to be cautious in your replies. In particular, you will need not to say that the article is true - if only because at this stage you cannot exclude the possibility - however unlikely - of libel proceedings. It is a fact that Sir Peter Hayman has not been prosecuted, and you can say so much; but questions about whether he should have been prosecuted and why he was not prosecuted are for the Attorney General in his capacity as the senior Law Officer of the Crown, not as a member of the Government, and you should refer all such questions to the Attorney General. In my judgment you cannot refuse to disclose that the first you heard of the matter was when the Private Eye article was drawn to your attention. You could in theory refuse to answer questions about whether your predecessor was told, on the grounds that you cannot answer for matters for which you had no Ministerial responsibility at the time; but the fact is that none of us - neither the Cabinet Office, nor the Foreign and Commonwealth Office, nor the Security Service knew anything about the affair until the article was published, and I doubt whether there is any point in trying to conceal the fact.

11. One difficult question is why nobody was told. There is a very difficult balance to strike here: though the Director of Public Prosecutions may draw an employer's attention to a matter when somebody has been prosecuted and convicted, he does not and obviously should not disclose the contents of police reports on individuals to employers or other people, and it would as a general rule be quite wrong that he should do so when he has decided not to prosecute. On the other hand it is arguable that in a case like the present, where security considerations may be at issue, he should indicate to the security authorities that

SECRET



SECRET



there are matters which should be further investigated - if, that is, the case is identified within the prosecution system (which does not always involve the Director of Public Prosecutions). I doubt whether it is possible to devise comprehensive rules for this situation which could be disclosed publicly and stands up to public scrutiny. It would be better not to be drawn on this aspect in a way which could lead to the need for a further statement. If pressed on it, I suggest that you draw attention to the conflict between the rights of the individual and the requirements of security in such circumstances, and say that you will discuss the matter with the Attorney General when the investigations into this matter are complete.

12. You might well be asked whether security was compromised, or whether there had been a failure in vetting procedures, or whether there should be a reference to the Security Commission; I think that you have to say that you cannot comment on these questions until you have the result of the investigations that have been put in hand.

13. I attach notes for possible answers to Questions in the House.

14. I am sending copies of this minute and of the annexes to the Home Secretary, the Foreign and Commonwealth Secretary, the Lord President (in view of the implications for vetting procedures) and the Attorney General.

ROBERT ARMSTRONG

27th October, 1980

SECRET





27 OCT 1980

11 12 1  
2  
3  
4  
5  
6  
7  
8  
9

ROBERT ARMSTRONG

10/27/80





SIR PETER 88

HAYMAN

Q1. Have you seen the report in Private Eye containing allegations about Sir Peter Hayman?

A1. Yes.

Q2. When did you first hear about the matter?

A2. When the article was brought to my attention.

Q3. Had the Government known about this before the article appeared?

A3. I understand that they had not.

Q4. Can you confirm the truth of or comment on the report?

A4. No. I must be extremely careful what I say, since the allegations <sup>could</sup> ~~would~~, if true, involve criminal offences, <sup>or</sup> ~~and~~ could be the subject of ~~criminal or~~ civil proceedings.

Q5. Is it true that the police sent a report to the Director of Public Prosecutions but he decided not to prosecute? Why was Sir Peter Hayman not prosecuted, when two other men were?

A5. It is the fact that Sir Peter Hayman has not been prosecuted. The Director of Public Prosecutions is responsible to my rt. hon. and learned Friend the Attorney General and not to me, and questions about that aspect of the matter should be addressed to my rt. hon. and learned Friend.

Q6. Even if the Director decided not to prosecute, should he not have told the security authorities of the allegations, in case there might have been a risk to security?

A6. Until this matter has been further investigated and I know more about it, I <sup>cannot</sup> ~~should not like to~~ answer that question. The Director does not and obviously as a general rule should not communicate the contents of confidential police reports to the subject of the report or to his employer or to anyone else, if he is not going to authorise a prosecution on the basis of the report. Whether if there is the possibility of compromise to security he should say anything privately to the security authorities is a very difficult question: there is a balance to be struck between the rights of the individual and the interests of national security. It is something that I shall need to discuss with my rt. hon. and learned Friend the Attorney General when investigations are complete.





- Q7. Was security compromised?
- A7. The security authorities have been asked to undertake a full investigation, with a view to discovering whether there is any reason to suppose that security was compromised and whether there was any failure in security procedures in this case.
- Q8. Will you publish the report of the investigation?
- A8. I cannot undertake to do that; but when I have the result of the investigation I will certainly consider making a statement to the House.
- Q9. Will you refer the case to the Security Commission?
- A9. Once I have the report of the investigations that are being made, I shall consider whether there is any matter that ought to be referred to the Security Commission.
- Q10. Should the activities of Sir Peter Hayman as disclosed in the article not have come to notice as a result of positive vetting?
- A10. I understand that Sir Peter Hayman, like all members of the Diplomatic Service, had been positively vetted. One of the objects of the investigation will be to discover whether there was any failure in procedures in this case.



Intelligence

# The Beast of Berlin



HAYMAN — His diaries tell all.

**H**aving only just recovered from the Anthony Blunt scandal, Britain's battered security forces have recently been given evidence of yet another high-placed potential security risk.

The man in question is Sir Peter Hayman, KCMG, CVO, MBE who ended a distinguished career as British High Commissioner in Canada from 1970-74. Previously Hayman held a series of highly delicate posts including assistant principal to the Ministry of Home Secretary 1939-41, Personal Assistant to the Chief Staff Officer to the Minister of Defence 1949-52, member of the UK delegation to NATO 1952-4, Director-General of British Information Services New York 1961-64 and, perhaps most crucially Minister and Deputy Commandant in the British Military Government of West Berlin 1964-66.

Such a combination of defence and foreign office postings almost invariably indicates an intelligence background. Sir Peter would certainly have had access to top secret papers.

The risk to security lay in the fact that during at least some of his career Hayman was a sexual deviant who kept explicit and detailed diaries cataloguing years of his sexual activities which involved every conceivable perversion. Much of what he recorded was fantasy but some of the events clearly had occurred. The diaries, along with articles of female clothing and pornographic photos, were found in a sparsely furnished flat at 95 Linden Gardens, Notting Hill, by Porn Squad officers who raided the flat in the summer of 1978.

The police raid followed the discovery of a bulky package of obscene material addressed to a "Mr. Henderson" on a bus. Police also discovered that "Henderson", who was in fact Hayman, was a member of the Paedophile Information Exchange and frequently entertained prostitutes at his Linden Gardens flat. Hayman appears to have used PIE in order to locate other deviants for correspondence purposes, also using "contact" magazines for the same end.

Hayman's role emerged after two men were conditionally discharged for three years after pleading guilty to sending obscene material through the post.

The decision not to prosecute Hayman, who was certainly as guilty as these two unfortunates, came from high up, much to the disgust of DPP Tony Hetherington's aides and also the policemen involved in the case. They were told that this was "no reflection on the evidence" and indeed, at one stage, Hayman appears to have been cautioned. He was also warned not to send obscene material through the post again.

The diaries — some 46 quarto size books

of 80 pages each — clearly refer to Hayman's period of office in Canada. What M15 and M16 are deeply worried about is how much further back did Hayman's activities extend and how public did he make them?

Yet again, the much vaunted system of positive vetting appears to have broken down completely.



SECRET



*Security*<sup>2</sup>

10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

SIR PETER HAYMAN

The Prime Minister was grateful for your very helpful minute (A03354) of 27 October 1980 about Sir Peter Hayman. In fact the Private Eye story did not come up during Questions today, but that is not to say of course that it will not do so on some future occasion, especially if Private Eye publish further articles. The Prime Minister looks forward to receiving further advice from you when the investigation by the Security Service is complete.

I am sending copies of this minute to Mr. Halliday (Home Office), Mr. Walden (FCO), Mr. Buckley (CSD) and Mr. Nursaw (Law Officers' Department).

*RAM.*

28 October 1980

SECRET





CONFIDENTIAL

Ref. A03367

MR. SANDERS

---

Sir Robert Armstrong minuted the Prime Minister yesterday about the article in last week's Private Eye containing allegations about Sir Peter Hayman.

2. The Attorney General has suggested two amendments to the draft answers attached to Sir Robert Armstrong's minute. Sir Robert Armstrong agrees with the Attorney General's suggestions and has asked me to pass them on to you. They are:

Answer 4 to read -

"No. I must be extremely careful what I say since the allegations could be the subject of civil proceedings or if true, involve criminal offences."

Answer 6 - "cannot" to replace "should not" at the beginning of the second line.

3. I am sending copies of this minute to John Holliday (Home Office), George Walden (Foreign and Commonwealth Office), Jim Buckley (CSD) and Nursaw (Attorney General's Chambers).

(D.J. Wright)

28th October, 1980