

24.165 The files also include an undated handwritten note apparently drafted by Sir Robin Butler. The note read as follows:

*“The balance is not dependent on whether a prosecution would be successful. It is the damage to intelligence on the one hand and the damage to public confidence in our attachment to the rule of law. That’s a very grave balance. But I think that the damage to intelligence is the worse risk. Whatever the **hubbub**, people would understand why we could not bring the prosecution.”*¹⁰⁵

24.166 The Prime Minister subsequently chaired a meeting of Ministers on 1 May 1991. The minute of the meeting records the extensive discussion of the Nelson case.