

The assertion that, had it not been for the bankruptcy - Paragraph 24 - "Mr. Poulson and his accomplices might well still be carrying on their corrupt practices today" - could only now be interpreted as another link in the chain of self-condemnation of those who signed the Report, leaving such shady areas free from question or explanation.

And who were these accomplices? Was I for example, still included?

Is it likely that I who had been arrested and tried on charges connected with his activities in Wandsworth, would have been desirable property in the scheme of things?

I felt aggrieved as I read the Report, in gaol.

I also felt it necessary to correct the assertion that my association with Poulson had continued right to the end. That association had ended, effectively, in September 1969, a fact which the prosecution acknowledged.

The Commission, for the reasons stated in the Secretary's letter had been unable to reply to the points raised.

It could be argued that the Commission's failure to allay public anxiety was evidence that their Report was innocently perhaps, but no less effectively, revealing nothing that would embarrass the Crown.

It could be argued that the Commission's failure to allay public anxiety was evidence that their Report was innocently perhaps, but no less effectively, revealing nothing that would embarrass the Crown.

Were the members of the Commission, in signing the Report, satisfied that all was well with their effort to establish a Standard of Conduct which could be recommended for those in Public Life?<sup>7</sup>

Subsequent events were to make it plain that some of them, at least, were not.

There was yet more "detailed and disturbing information" which was to concentrate the mind of the Chairman of the Commission, at any rate.

The Commission's Report was given widespread coverage in the national press. Several newspapers gave headline prominence to its more misleading and untrue declarations.

An editorial in the Daily Telegraph of July 16th 1976, however, pinpointed the weaknesses of its conclusions, and gave a clear indicator as to the reasons why Lord Salmon and his colleagues had been pushed on stage in the Ropergate Show.

Headed "Salmon Smokescreen" it stated -

"Royal Commissions, Sir Harold Wilson once said, 'take minutes and waste years.' No one did more subsequently to validate his own aphorism, The Salmon Commission on "Standards of Conduct in Public Life" ---- was ostensibly appointed to draw the morals from the Poulson affair. But it was also intended to sidetrack controversy ---

Its recommendations are suspect where they are not downright silly.

The adoption of its recommendations the Commission informs us, would make it much more difficult for anything resembling the Poulson affair to occur in future. If it believes that, it will believe anything."

But, even that loud stage-whisper from the Daily Telegraph, *was* only heard by a small section of the *public* in the middle of that long, hot summer of 1976.

If there had been any remaining conviction in the mind of any section of the Public that the Royal Commission had succeeded, even in part, in its attempt to allay public anxiety, it was finally blown away on Sunday, October 17th 1976.

On that day, the Observer published on its front page an exclusive article by its Political Correspondent, Adam Raphael, which put the Ropergate Affair firmly back on the road again.

The News took another sudden and dramatic turn. The new development took its inspiration from that well-known political device - The Leak.

The headlines screamed : "CORRUPTION : 3 M.P.'s. ESCAPE PROSECUTION. EXCLUSIVE. by Adam Raphael."

"Papers linking Tory M.P. John Cordle and two other M.P.'s. to payments by John Poulson, the imprisoned architect, have been submitted to the Attorney General by the Director of Public Prosecutions.

But the Attorney General, Mr. Sam Silkin, has had to concluded that the M.P.s, cannot be prosecuted because of a bizarre loophole in the law, which means that Members of Parliament cannot be charged with bribery or corruption in connection with their Parliamentary duties.

The M.P.s, cases are to be referred to the Leader of the House, Mr. Michael Foot, who will decide whether to move a resolution submitting them to the Select Committee on Privileges. The Committee's inquiry could lead to a Parliamentary motion of censure or expulsion from the House ---

Of the three cases that have been submitted to the Attorney General, one is said to be near the borderline of corruption, and the other is regarded as relatively 'small fry'."

Raphael's use of the term 'small fry' is interesting. He goes on to point up the clear distinction between 'small fry' and 'yet smaller fry.'

*He writes,*  
"But had the two M.P.s, been local councillors, they would almost certainly have been prosecuted, at the least for failing to disclose their interest."

And where had this new batch of evidence come from - this fresh consignment of "detailed and disturbing information"?

Raphael continues -

"The evidence relating to Mr. Cordle, M.P. for Bournemouth East, was presented to the Royal Commission on Standards of Conduct in Public Life, chaired by Lord Salmon. He is reported to have remarked that, if established, it was one of the more flagrant cases of corruption he had encountered in his 30 years on the bench."

The evidence concerning Cordle was contained in a key document found among 12,000 files recovered from Poulson's business premises. It was a letter from Cordle to Poulson. It referred to all the hard work which Cordle considered he had done to further Poulson's interests, and specifically to a speech he had made in the House of Commons in 1964, about a contract in which the architect was interested.

"The letter concluded with a suggestion that such effort needed rewarding with an increased consultancy fee."

After referring to this evidence, presented to the Royal Commission on Standards of Conduct in Public Life, the article continued -

"The Director of Public Prosecutions, Sir Norman Skelhorn, sought Counsel's advice on the Cordle letter from two eminent Q.C.'s. Mr. Peter Taylor (Footnote: who had been one of the Prosecutors at the trials in Leeds Crown Court) and Mr. John Cobb. They confirmed that an M.P. could not be prosecuted for corruption in respect of his Parliamentary duties. Neither the Prevention of Corruption Act 1906 nor the Public Bodies Corrupt Practices Act of 1889 was applicable. In the 1906 Act, an M.P. is not deemed to be 'an agent' while in the 1889 Act he is not regarded as a 'public body.'"

Then Raphael disclosed the fact that Lord Salmon, Chairman of the Commission, had been "so disturbed by the implications of this ruling that he sought an interview with the Attorney General to express his concern."

Raphael then dealt with details of the Cordle/Poulson relationship, and continued with the comment -

"The cloud of suspicion that the Poulson bankruptcy hearings left in their wake has led to repeated demands for a Tribunal of Inquiry. Mr. Muir Hunter, the Q.C. whose tough questioning of Poulson at the bankruptcy hearings led to the Fraud Squad inquiry, also called, last year, for the setting up of an anti-corruption agency. Mr. Edward Short, M.P., then Leader of the House of Commons, turned down requests for a full Inquiry on the grounds that the Royal Commission on Standards of Conduct in Public Life had been established."

So those of the public who still retained an interest in assimilating the certainty that at least two Ministers (Short and Maudling) with direct relationships with either Poulson or Smith, had certainly had an 'interest' in the matter, and yet they were being involved in deciding Parliamentary action in relation to the Poulson affair. "Repeated demands" for a Tribunal of Inquiry had been rejected. The Royal Commission had been set up.

Raphael highlighted the problems which must have presented themselves to the Commission's members

But which <sup>was</sup> not divulged to the public for several months after the Commission had reported.

Then he continues,

"Although the Royal Commission took evidence in private, its terms of reference prevented it from probing, in detail, specific charges made against a number of M.P.s. In his evidence to the Commission, the Attorney General said, in part : 'The Prevention of Corruption Acts do not extend to the bribery of Members of Parliament. A substantial part of the Poulson investigation has been taken up with investigating allegations against M.P.'s. I do not propose to deal with these allegations in this memorandum as the investigations have not reached finality."

The Royal Commission was sharply divided on whether M.P.s. ought to be brought within the criminal law.

Its Chairman, Lord Salmon, backed by a minority of members, felt strongly that M.P.s. ought to face prosecution for corruption. But a strong group on the Commission, including Lord Houghton, former Chairman of the Parliamentary Labour Party, argued that Parliament should be left to deal with its black sheep through the rules of privilege. In the end a curiously worded compromise was devised : the Report called on Parliament to 'consider bringing corruption, bribery and attempted bribery of a Member of Parliament within the ambit of the criminal Law."

The Government is expected to test the mood on this recommendation before taking legislative action."

The Observer report was received by some in a mood of pessimism and unreality.

Could it be possible that there was still enough undisclosed information, almost seven years after the first charges, and months after the Royal Commission's Report, to make Ropergate, once more, the subject of big, black front - page headlines?

Since the first public shock wave of reaction to the Affair, Lord Redcliffe-Maude had produced an urgent report, which appeared in May 1974. This had been followed by the Royal Commission on Standards of Conduct in Public Life, chaired by Lord Salmon.

Despite these important reports, it was now clear from the Observer story that there was still much to be disclosed. Something was obviously procedurally wrong, somewhere.

These new revelations came several years after the Poulson architectural practice had ceased to trade - but, significantly, just one week before the latest batch of 'small fry' were to go on trial, in Bradford, for their part in the Ropergate Affair. The Affair had, once again, been turned into sensational front page news, as a result of information, long available, but only now disclosed, which meant that even Parliament was going to have to consider setting up yet another body of inquiry.

How could all this new fanfare of publicity be fair to the three defendants facing trial at Bradford? How could any jury feel confident in its ability to separate truth from half-truth, in the face of all the adverse publicity that had been in circulation since the time of the bankruptcy hearings in 1972?

The defendants at Bradford would be tempted, surely, to construe the long-running Ropergate saga as capable of producing rank injustice - provided you were unfortunate <sup>Edward</sup> to be 'small fry.'

Monday, 18th October 1976 brought even further confusion when the Daily Express carried a front page banner headline, over the story of one of its leading columnists, Paul Hopkins -

"BRIBES AND M.P.s. : LAW CHIEF HITS OUT."

The report stated -

"Last night, at his home in Sandwich, Kent, Lord Salmon said :  
'This anomaly must be removed. As the law stands, it is clearly inadequate.' Said Lord Salmon ;

'Common Law gives immunity from prosecution to any M.P. who accepts a bribe. And, even more strangely, it gives immunity to anyone who gives or offers the bribe to an M.P. A further difficulty arising from the anomaly is that the police are also prevented from making investigations involving bribery of an M.P.'

The Daily Express had based a headline on the item quoting Lord Salmon. This was the same Lord Salmon who had chaired the Royal Commission on Standards of Conduct in Public Life. The Commission's Report had stated - 'The councillors would then be expected, without declaring their interests, to use their influence on Mr. Poulson's behalf.'

The Express story, with its headline, appeared one week before one such councillor was to stand trial, in Bradford!

How could anyone as legally eminent as Lord Salmon argue that such a statement in the Report, read in conjunction with yet another Ropergate publicity flare-up, in which he figured prominently, be other than seriously prejudicial to the fair trial of the Bradford councillor?

Was the statement, in fact, not a serious contempt of court?

The trial <sup>took</sup> place in an atmosphere charged with provocative publicity. Did Lord Salmon consider, one wonders, whether Ropergate had now reached a point where even the rights of an individual facing trial could count for less than yet another Ropergate experience?

The Observer exclusive took on a new and clearer perspective when, on 18th October 1976, Attorney General Sam Silkin, in a written reply to a Commons question, referring to the Poulson Affair, stated -

"Those participating in this investigation have now reached the conclusion, with which the Solicitor General and I concur, that so far as it concerns persons within the jurisdiction, there are not sufficient grounds to merit the commencement of any further prosecutions or continued inquiry into the possibility of obtaining further evidence of criminal offences."



So --- Adam Raphael of the Observer was clearly either very well informed, or clairvoyant, or both. It is stretching the suspension of disbelief beyond its elastic limit, to, ask us to believe that the timing of his story was complete chance. It was not too difficult, even, to guess at the identity of the source of his information.

Ropergate, which had taken such a long time to gestate, was now apparently to slither, finally, into the grave. All the sensational disclosures, extracted so skilfully by Muir Hunter, Q.C., during the Poulson bankruptcy hearings, were to produce, apart from long prison sentences for Poulson, Smith, Cunningham and Pottinger, almost inaudible whispers of an autumn breeze.

The explanation given in Adam Raphael's article - "Mr. Edward Short, then Leader of the Commons, turned down requests for a full inquiry, on the grounds that the Royal Commission on Standards of Conduct in Public Life had been established" - could hardly now be accepted, if it had become necessary, four months after the publication of the Royal Commission's Report, for its eminent Chairman, Lord of Appeal Salmon, to express a <sup>sensational</sup> view in a Monday morning newspaper, and then only after revelations in a Sunday paper the day before.

Certainly it was now clear beyond doubt that the explanation given by Mr. Short for not having a full inquiry, because of the Salmon Commission, was exposed as less than convincing, because Lord Salmon was having to conduct arguments in the Press, apparently in reaction to the Raphael disclosure.

Was this the only way open to Lord Salmon to press his view?

But, even at its most sordid, Ropergate was still capable of generating an occasional laugh!

Paul Hopkins, in the Daily Express 'revealed' that - "The Director of Public Prosecutions, Sir Norman Skelhorn, has been considering evidence recently passed on to him by the Royal Commission on Standards in Public Life."

in the privilege

The Cordle letter had been in the hands of the police for four years!

Within the Departments of State concerned with legal matters, combined with the efforts of the Police and the Board of Trade inquiry agents, and armed with the special powers that Parliament had given them all to deal with the Poulson Affair, there could have been no secrets from the Director of Public Prosecutions.

Anything that Raphael knew was certainly known to the Crown, and the facts, as they were reluctantly released or discovered over the years, made this one of the clearest cases for an open Tribunal of Inquiry, where all of the facts could have been ascertained and examined. A major report produced, which could have dealt with the obvious parliamentary procedural and a constitutional problems. The procedures followed in this shameful affair could have been examined and, as a result, prevented from ever recurring in such a form.

The revelations of those few days in October so obviously showed up a disquieting situation, that one could readily see justification in the argument that respect for the law and for justice must be very clearly seen to be established, and practiced, by Parliament. That Lord Salmon had had to raise a vital constitutional procedural matter in a Monday morning paper seemed, by any normal standard, to be unjustifiable, and certainly added further weight to the demands for an inquiry to be held in public.

Editorial comment in the Observer, on the same day as the Adam Raphael article, gave advice to the legislature,

"Mr. Michael Foot, the Leader of the House, ought not to let the cases of the three M.P.s. drop on the grounds that the Poulson Affair is better dead and buried, and that too much time has passed ---

If Parliament fails to act, the public will rightly feel that the legislators have put themselves above the law."

The days that followed were days of high drama. The end of the Poulson Affair, which had been announced, turned out to be yet another occasion, in a long string of such occasions, where the end had turned out to be the beginning of another phase in the Affair.

Clearly the Prime Minister had had to take into account the deeply felt concern of the House of Commons at the disclosures, which had been made public by the Press - despite their having been known to the appropriate Ministers, and yet not been disclosed by them - when he announced the setting-up of an Inquiry.

Discussion centred on the nature of the inquiry, and especially whether it should be held in public or private. The two main political parties had agreed and were recommending that the committee should meet in secret.

John Pardoe, a spokesman for the Liberals, was reported to have said -

"The only thing the Labour and Conservative parties ever agree about is secrecy.

This inquiry must be held in public. It must be seen to be doing its job effectively, otherwise the public will suspect the worst.

There cannot be one law for the M.P.s. and quite another law for everybody else."

Two Labour left wingers, Dennis Skinner, M.P. for Bolsover, and Jeffrey Rooker; M.P. for Birmingham Perry Bar, were reported to be proposing that the committee should inquire, not only into conduct and activities of M.P.s. in relation to Poulson, but also into "other matters." They were also demanding that the inquiry should be held in public. Michael English, Labour M.P. for Nottingham West, tabled an amendment to ensure that M.P.s. should have the right to attend meetings of the committee.

David Steele, Leader of the Liberals, asked that the committee should "at their discretion sit in public if they consider that, at any stage of the inquiry, the requirements of justice or of the public interest requires them to do so."

An editorial in the Yorkshire Post argued persuasively for an open inquiry - "For it is a basic principle of British justice that courts and tribunals should meet in public, so that justice can not only be done, but be seen to be done."

It went on - "As things stand, there will inevitably be cries of 'cover up' and nevertheless, there will still be a nagging suspicion in many minds that by setting up the Committee to meet in secret, the House of Commons is standing together to protect some of its members from public disgrace."

The motion to set up the inquiry was put down in the names of James Callaghan, the Prime Minister, Michael Foot, Leader of the House, and Merlyn Rees, Home Secretary.

The motion stated -

"No person not being a member of the committee shall be present during any of the proceedings of the committee, unless required by the committee to be present for the purposes of the inquiry."

The Sunday newspapers, at the end of that eventful week, returned with energy and concern to the Poulson Affair. Even those in the audience who had become most disenchanted, must have taken heart at the realisation that the Press felt free enough to exert all possible pressure, in an effort to expose these continued attempts to veil the most worrying aspects of the case.

The Observer editorial was headed - "There must be no cover up." It read - "Today we publish a letter from John Cordle, M.P. to Mr. John Poulson. It was written in 1965, and has been in the hands of the authorities for more than four years. Yet Mr. Cordle has never been asked to account for the letter either in a court of law or before a Parliamentary Committee.

2/7

If he had been a local councillor, he could have been charged with corruption for asking for money as a reward for making a speech at a council meeting. By an archaic loop-hole in the law, this does not apply to M.P.s.

The delay in asking Mr. Cordle to, explain this letter before the House of Commons Committee of Privileges is hard to understand. The Royal Commission on Standards of Conduct in Public Life, chaired by Lord Salmon, was told that this might prejudice other inquiries. A reading of the letter does not appear to support this claim. If the Observer had not published its report last Sunday, and named Mr. Cordle, would any action have been taken? Almost certainly not. And if not, why not? The Parliamentary committee announced last week by the Prime Minister, in response to the Observer's revelations, must eradicate any suspicion of a cover up. This will mean examining not only the charges against M.P.s. but the way they have been handled by Conservative and Labour administrations since the evidence first came to light.

Like Caesar's wife, the Mother of Parliaments must be above suspicion. The House of Commons fought for the present privileges of its Members during the tyrannous centuries of monarchy, and it is right that it should be jealous of them, and suspicious of any erosion.

But 1976 is not 1688 ---"

In an optimistic frame of mind, *we* might have felt that the merit of this appeal would be such as to lead to an attempt to get at the truth behind the deficiencies in procedural decisions, adopted by Parliament through its Ministers, in connection with the Poulson Affair.

But, of course, as the Editor suggested, if he had not 'stuck his neck out' the previous week, would anything at all have happened?

The *readers*, uplifted for a moment, must have resumed its mood of pessimism and cynicism, with the *regognition*, shared by the Observer, that it was most unlikely!

Even at this late stage, there was no room for optimism,

28

There were many areas and situations that called for public clarification and explanation. One of the most obvious must have been the reference, in the Commission's Report, to the dossier of "detailed and disturbing information", taken together with the fact that it was Reginald Maudling who had been Home Secretary at the time when it was decided that no further action should be taken.

This screamed for clarification, if only because of the position of Mr. Maudling in the Poulson Affair.

In the event the Government, with Tory support, had its way. The Committee was set up, and the sittings were held in private.

Those who had seen the need, from the early days, for a Tribunal of Inquiry, to pursue open inquiries, not only into the Poulson Affair, but into the procedures which had been followed, at successive stages, by *Departments* Ministers and Parliament, must have been cast down in spirit. *Committee*

The need for deep and open inquiry into some of the grossly misleading statements which had emanated from the hysteria of the bankruptcy hearings, and which had been perpetuated in the Royal Commission's Report, had also been denied. For these misrepresentations could only have emerged and survived because of the inadequacy of the procedures followed, up to that time.

The Salmon Commission had been set up, in its own declared view, as a result of the public anxiety aroused by the Poulson Affair.

If the broad aim of those responsible for the appointment of the Commission was to reassure the public on the vital issue of Standards of Conduct in Public Life, it was to prove, as each of its stages unfolded, to have the effect of becoming singularly, almost farcically, more and more counter productive.

The Observer editorial had recognised, with absolute clarity, that there was much more to Ropergate than the Poulson Affair.

Why were the repeated demands for a Tribunal of Inquiry so consistently, if not always convincingly, stonewalled?

Why was the Chairman of the Commission forced into such an undignified and embarrassing position?

When the commission was set up, in 1974, it was seen by some not to be 'man enough for the job.' By its terms of reference, and by its own interpretation of those terms, it was judged to be manifestly incapable of dealing satisfactorily with the disturbing questions thrown up by the Poulson Affair.

The Commission's Report, in 1976, succeeded only in strengthening these doubts, and, in addition, demonstrated that its members were capable of accepting responsibility for statements which could have the effect of prejudicing the interests of a defendant in a forth-coming trial.

'The aftermath of Salmon' with its leaks to the press, and the need for intervention in the press by Lord Salmon, was the last act in this particular farce.

The Salmon Commission, and its consequences, had the effect of leaving public anxiety in a measurably worse state than it had found it.

But --- if the Daily Telegraph editorial of July 16th 1976 was anywhere near the mark in stating - "it was also intended to side-track controversy!" - then, perhaps the objective had been achieved after all.

What's a little public anxiety if controversy is side-tracked?

And so, the matter was in labour, and brought forth a ridiculous result.

If any parallel can be seen between the Salmon Commission and its Report, and a strange pregnancy, then, perhaps a ridiculous man was the least of the issues, after all.

The safe delivery could be guaranteed, backstage, after the show. And even if the show's too had in favour --

Inevitably, an interesting contrast between Ropergate and Watergate presents itself at this stage.

The weakness of Salmon, in its terms of reference, in its conduct of the inquiry, in its unwillingness to pursue obvious avenues of inquiry, in its readiness to include misleading statements in the Report, in its "suspect" and "silly" recommendations, is set against the thinking of the Chairman of the Senate Watergate Committee, Sam Ervin, as expressed in an interview with Bob Woodward, of the Washington Post

"Ervin began talking about the separation of powers, his belief that a certain article and certain section of the Constitution meant exactly what it said about the power of Congress. That, he said, was how he intended to investigate Watergate by getting a resolution passed that would grant a special select committee the broadest possible subpoena power. Then the committee would subpoena whatever documents and people were necessary in the Executive Branch and elsewhere.

'Like whom?' Woodward asked.

'Now, I believe that everyone who has been mentioned in your and Mr. Bernstein's accounts should be given an opportunity to come down and exonerate himself,' Ervin said 'And if they decline, we'll subpoena them to ensure they have a chance to clear their names.' He smiled, barely able to contain himself, as his eyebrows danced.

'Even the C.I.A.?'

Elbows resting on the arms of his chair, Ervin gave a big, affirmative nod.

'And the White House? Haldeman?' That would be one for the books, the White House chief of staff hauled before the Congress he so despised.

'Mr. Haldeman or Mr. Whomever.' Ervin said. " ♥

Mr. Ervin got his Committee, with the broadest possible subpoena power.

We got Salmon.