

CHAPTER 16.

WHERE IS BRITAIN ~~LE~~ADING.

CONCLUSIONS.

There were few people in Britain, in the Seventies, who could have been unaware of The Poulson Affair. Radio, television and the Press had, at each succeeding stage, returned to the subject with vigour and energy. It had engaged the attention of all the talents in the communication business, providing abundant material for the cartoonist, the satirist, the investigative journalist, the leader writer, the knowledgeable and experienced commentator.

I am suggesting that, through no fault of the communicators, there were several issues of fundamental importance which were clouded over. These issues have an essential relevance still.

In order to draw attention to these, it has been necessary to re-examine in detail some of the circumstances, the characters and some of the events which had figured in the Poulson Affair.

Necessarily and deliberately, it has been a selective examination concentrating on the perceived *procedural weaknesses* which were applied throughout and which were largely responsible for the *unsatisfactory* outcome.

The outcome of The Poulson Affair was regarded as unsatisfactory on two main counts.

Firstly, it had the effect of distorting truth; of perverting the course of justice, of perpetuating myth in the work of the most serious commentators, and, therefore, in the mind of the public at large.

Secondly, and in spite of the great weight of inquiry, occupying the time and the minds of eminent men and women, and involving the expenditure of considerable sums of public money, it succeeded in establishing few real safeguards, *indeed the inconclusiveness of each successive fresh inquiry was the most worrying aspect of the whole affair.*

The part played by the press, at the time, is recognised, in the decision to draw heavily on contemporary comment, <sup>itself</sup> evidence of the disquiet in the minds of the opinion formers. It can reasonably be assumed <sup>that</sup> many of these journalists had <sup>had</sup> sight of the back stage manoeuvrings.

The Poulson Affair was "an unconscionable time a dying." Each attempt to forestall action or to stage manage its extent and proportions, <sup>was</sup> followed by further revelations and disclosures.

In the development of the drama, the press played a <sup>part</sup> and honourable part.

It would be argued, however, that both current reporting and later comment <sup>was</sup> not always been fair to the 'tiny people'. Some of the more sensational treatments such as that in Sunday Times colour supplement and 'The Slicker of Wakefield' published in Private Eye could hardly have been calculated to preserve a state of open mindedness in potential jurists. In a recent analysis of the Poulson Affair 'Nothing to Declare' by Markin Tomkinson and Michael Gillard continues the process of denigration and repeats the catalogue of truths, half truths and untruths which have persisted.

Over the long spread of time, the leading politicians who had been shown to have had an 'interest' in the Poulson Affair had, at crucial times, held offices of state which gave them critical responsibilities in the determination of the direction to be taken.

Examination of the significance of their contribution has, again, been supported by quotation from their public utterances at the time, and of relevant editorial comment.

Finally, in acknowledging a debt to media coverage of the Affair, <sup>it</sup> is felt that this attempt to re-establish the mood of the time has been assisted measurably, by drawing freely on the material presented at the nation's breakfast table, as the events were played out.

This book will have missed its target if it should be seen as an attempt at a detailed and comprehensive representation of the Poulson Affair. Poulson himself, for example, has a very unimportant relationship with the key issues discussed in the book.

My effort has been concentrated on highlighting those areas which can still give cause for concern after all the noise and the fury have died away.

After the seemingly interminable processes of investigation, inquiry and revelation, there still remain deep seated problems which can pin to the Poulson Affair - and to many other affairs in recent times - the unwholesome, unsavoury label of cover up.

Mr. Justice Caulfield's remarks about 'the tiny people' suggest that the processes of investigation had been unable to produce for trial, or had been deliberately directed away from, the bigger and better specimens who, in his view, 'should be serving terms of imprisonment.'

How did the manner in which The Ropergate Affair was directed make it possible for the <sup>manipulators</sup> to remain backstage?

How was that achieved and who achieved it?

How was it that when the full powers of the state's machinery of investigation and inquiry was directed towards the pursuit of the truth and the exposure of 'Guilty Men' that only the 'tiny people' have to answer <sup>had</sup> with the 'Big People' escape?

Other 'Affairs' involving admitted corrupt payments of many millions of pounds - examples are those involving Shell, B.P. and I.C.I. - beside which the entire Poulson jamboree could fairly be described as 'tiny', received no comparable attention. <sup>Even</sup> successful sanctions busting by the oil companies in Rhodesia made very few waves, by comparison.

The more recent Blunt Affair provides an example of another slant on the hypothesis of backstage manipulation and cover up, and the further revelations of a Blunt associate, Leo Long, add even more disturbing evidence of the cover up machinery in Britain.

When I think of the cruel and tragic destruction of Will Owen, formerly Labour M.P. for Margate, arrested around the same time as myself in January 1970, and I compare his treatment by the Establishment and by his own Labour party colleagues, with the velvet glove treatment meted out to Blunt and Long, I am deeply perturbed and anguished.

Does this, too, betray the work of faceless people who, in the first instance, decide that the most advantageous course to be followed is to construct and maintain a contrivance wall of silence.

When this is threatened, as in both the Blunt Affair Leo Long and Poulson Affairs, these faceless people and the institutions at their command seem to be capable, still, of keeping the spotlight firmly focussed on the 'tiny people.' *Blunt, No. Will Owen's former M.P. for Margate, yes.*

Who are the people who decided to provide cover for Blunt and prosecute Owen?

To whom are they accountable?

In whose interests are such decisions taken?

The libertarian press have to accept a measure of criticism for their tendency to concern themselves with the pursuit of the 'tiny people' i.e. the Poulson's and the Blunt's, rather than the faceless people who are in possession of the full facts from an early stage, and who engineer the cover up in the interests of preserving the status quo. When pressed, it would appear that they have sufficient room to manoeuvre within the existing procedural framework, so that it is possible to release the minimum of information required, consistent with the paramount need to limit the bounds of inquiry, and to expose the victims to further pursuit. *Why do none of them compare Will Owen's treatment with that of Blunt?*

One further example is cited, in an attempt to demonstrate how it is that the machinery can operate to protect some from exposure, while the press can, at times, deal harshly with those on whom the spotlight has been turned.

The Royal Commission on Standards of Conduct in Public Life had been directed in grandiloquent and resounding terms 'to make recommendations as to the further safeguards which be required to ensure the highest standards of probity in public life.'

Yet the Commission was prevented by its terms of reference from pursuing evidence in documents which had come into its possession.

Lord Salmon, the Commission's chairman, was asked to revive his memories of one such document, some time after the Commission had completed its task and reported. The document in question was a letter from an M.P. to Poulson.

Salmon *shaked* -

"I replied that the Commission had been furnished with a copy of this letter. When asked what I thought of it, to the best of my recollection I replied that it made my hair stand on end - - - - -"

In our Report we made no comment on the evidence relating to the Conduct of Members which came into our possession. This was because it would have been unfair to do so without having heard their evidence after informing them of the matters about which they would be questioned and affording them the right to be represented by solicitors and Counsel. My colleagues took the view that as we were not appointed as a Tribunal of Inquiry, it would have been inappropriate to investigate individual cases related to Members."

If this single letter had made Lord Salmon's hair stand on end, there is no record of his reaction to the <sup>"Dossier"</sup> <sup>why?</sup> which had also come to the attention of the Commission.

And if the Commission had felt so circumscribed by its terms of reference as to shy away from consideration of such documents, and to ignore evidence relating to such public servants as Members of Parliament, how could we trust its capacity 'to make recommendations as to the further safeguards which <sup>we</sup> ~~he~~ required to ensure the highest standards of probity in public life.'

Furthermore, it is reasonable to argue that the process of inquiry would have stopped there, if it had not been for the Observer's disclosures and Lord Salmon's continuing disquiet, long after the Commission had ceased to operate. Certainly, the Prime Minister's pronouncements and the Attorney General's decision to 'close the file' seemed to be clear indicators of the desire to put the lid on the can, once and for all.

All of this provides an uncomfortable contrast with the freedom exercised by all the media of communication in their pursuit of the 'tiny people.' One example, only, is provided by the coverage afforded by the Sunday Times in its colour supplement of September 24th 1972. The great majority of those 'exposed' were not, at the time, even the subjects of charges. *And yet the Sunday Times, of all newspapers, is a constant defender of the individual against the "power structure"*

Mr. Justice Caulfield'd pointed remarks may have been injudicious perhaps even unjudicial, but they serve the purpose of providing a peg for the contention that, in the Poulson Affair, much of the machinery of inquiry was operated within such limits as to militate to the disadvantage of the 'tiny people'. At the end of the day, they have had less than their share of justice.

Behind the Big People who escaped, there are bigger, faceless people who can conspire to frustrate the cause of justice and to act in ways which are not compatible with the best interests of the <sup>ordinary</sup> people.

The underlying purpose of this examination has been to hold up the more disquieting aspects of the conduct of the Poulson Affair to further scrutiny.

The highest hope would be that it might serve as a catalyst for renewed discussion centred on the issue of 'tiny people' versus powerful influential faceless people, in circumstances where the former are caught up in the constitutional machinery of justice, and the latter have related interests to protect.

This survey of some of the more disturbing facets of the conduct of the Poulson Affair will, it is hoped, establish a base on which it will be possible to widen the debate to include other contentious issues of the past decade. Tentative suggestions are offered as to such organisational and constitutional reforms as would increase the rights and restore the confidence of all 'tiny people' - and not only those in the dock - who find themselves in conflict with the processes of the law and the institutions of the State.

A relatively recent innovation, calculated to strengthen the position of the individual vis a vis the bureaucracy, has been the appointment of the Ombudsman - the Parliamentary Commissioner for Administration. It is through this agency, given a substantial increase in its power and scope, <sup>some of</sup> that the desired objectives might be achieved.

Plans for strengthening the power of the Ombudsman have already been made notably by 'Justice', the organ of the British section of the International Commission of Jurists. In a report entitled 'Our Fettered Ombudsman' it is urged that the Commissioner's department should be empowered to investigate 'any unreasonable, unjust or oppressive action.' In specific terms, it is suggested that the Ombudsman should have legal advisers on his staff, that he should make more use of Press conferences and should communicate through radio and television. The advisability of giving the public direct access is also considered. The report advocates that the Commissioner, himself, should not always be a former Civil Servant, and that his staff should include people of varied backgrounds.

The 'Justice' report is acknowledged as having sparked off the train of thought which envisages the office of the Ombudsman as the organisational instrument of change. It is submitted, however, that the proposals which stem from examination of the Ropergate Affair, to be brought about by increasing the power of the Ombudsman, are more fundamental in conception and more wide ranging in application than those proposed by 'Justice.'

In order to give effect to the proposals, it would be necessary to bring about an essential extension to the function and power of the Ombudsman. This would involve basic structural and organisational change. There would also be constitutional implications.

In concrete terms, I would propose the formation of a special division with wide ranging powers, within the orbit of the Parliamentary Commission for Administration. Its general charge and responsibility would be directed towards the protection of the individual, against the threat of executive power exerted by the State and its institutions, and against perceived excesses in the legal processes.

The Special Commission would have power to intervene in matters affecting Central Government, Local Government, the nationalized industries and the services. It would be empowered to pursue inquiries affecting both those who are employed in these institutions, and those who are affected by them.



It would also be a source of redress for the individual who could show evidence of having suffered at the hands of the Press.

The Commission would have access to the Metropolitan Police, and to the regional police forces throughout Britain. Its services would be available to defend the police against unfounded criticism, and to investigate complaints made against them by members of the public.

It is suggested that the Commission should also have access to the prisons and Borstals, and to other places of detention, as well as to institutions for the mentally disturbed.

The objective would be to vest in the Commission the power, in the words of the 'Justice' report, to investigate 'any unreasonable, unjust or oppressive action' and also examine any unreasonable, unjust or oppressive outcome resulting from in action, inappropriate action or ill timed action.

In constitutional terms, it is central to my proposals that the Attorney General should be the Minister responsible to the House of Commons for the work of the Special Commission.

This proposition is prompted and supported by views aired on the occasion of the confrontation between the then Attorney General, Sam Silkin, and the judges in 1977. The clash had resulted from the declared intention of the Post Office workers union to impose a temporary boycott on all mail to South Africa.

The issue between the Attorney General and the Court of Appeal was one of major constitutional importance, highlighting conflict between Parliament, to which the Attorney General is accountable, and the Judiciary.

Briefly, the Attorney General has refused to lend his authority to an application by a Mr. John Couriet, to take out an injunction against the postal workers union.

Over a wide range of law, no prosecution can be brought forward by a private individual without the association of the Attorney General, whose decision will be based on consideration of public interest.

A temporary injunction had been granted, and the judges had asked the Attorney General to explain his refusal.

Silkin claimed that the Attorney General is the sole arbiter of access to the courts in the case in question, and that his decision had, indeed, stemmed from his judgement of the best interests of the public in the matter.

His stand was unequivocal - "The discretion of the Attorney General in this field is absolute." He added that he was 'answerable to Parliament and Parliament alone.' Even if he was wrong, he argued, only Parliament should have the right to tell him so.

Public debate on the issue was joined on the air and in the Press. One of those who defended the Attorney General's claim to have the sole right to decide and to defend the public interest in the case, was Enoch Powell.

Referring to the nub of the issue he wrote

'But who is to decide what cases shall be brought?

Surely not the courts themselves? It can't be their job to be judge and prosecutor. Some other people then, who both understand the way the law works, and can take a broad and commonsense view of the public interest - - - - -

If the Attorney General, accountable to Parliament, is not to decide on the public interest, who is to do so?

Is it to be the judges themselves?

Or is it to be some other august personages duly appointed for the purpose?

In either case the public interest will be decided by those who are not elected and not publicly accountable. But this would be the negation of democracy as we understand it - - - - -

Now I have the utmost respect for the judges.

But if you ask me 'Would you rather be governed by the judges or by politicians in Parliament?' I must answer 'By the politicians in Parliament. Because with all their weaknesses and imperfections they are removable.'

So, in the end, is the Attorney General right or the Court of Appeal? I have to say the Attorney General."

It is on the firm ground of the sovereignty of Parliament, and the clear recognition of the Attorney General as 'the people before the law in Parliament' that it is proposed that the Attorney General should be the Minister responsible for the Special Commission.

I support this argument, despite the fact of the Attorney General's intervention in the Poulson Affair at the point when it was decided to close the file.

Powell made another point which gives strength to the submission, "The law officers - and in particular, the senior one, the Attorney General - act on their own personal responsibility, and do not consult their Cabinet colleagues or let their Cabinet colleagues tell them what to do. The law officers are therefore responsible to Parliament as individuals and not as members of a team."

In conditions where the power of the State, and in particular, the power of the executive, is seen to be growing to Orwellian dimensions, it can only be comforting to the 'tiny men' and 'tiny women' (and 'tiny children' too, perhaps in issues such as the Thalidomide Scandal) to have their rights and freedom in the guardianship of the proposed body, <sup>which would be</sup> finally responsible to a sovereign Parliament through the Attorney General.

The point was well made, in general terms and, I suggest, with special relevance to my present proposals, by Eric Jacobs and Stephen Fay, in the Sunday Times -

"The Attorney General of England and Wales is a unique political animal. He is the chief agent of the state in enforcing the criminal law, but he is also the government minister charged with protecting the public interest. So he is the defender of our liberties, EVEN WHEN THEY APPEAR IN CONFLICT WITH THE POLICY OF THE GOVERNMENT OF WHICH HE IS A MEMBER" (my italics)

It would be to this Government Minister, charged under the constitution with the protection of the public interest and, in the prosecution of the function, able to oppose the <sup>SP. INT. DE</sup> COLLECTIVE power of the Cabinet, that I would entrust the task of representing the Special Commissioner's department in the House of Commons.

My proposals would include the appointment of a new Select Committee of the House. This would be composed of backbench M.P.'s, who, I suggest, would have no outside interests which could inhibit their freedom. It is suggested that no member could serve on the Committee within two years of having held ministerial office. The exception would be the Attorney General, who would be an ex officio member.

The Parliamentary Select Committee's function would be complementary to that of the Special Commission. Its power would only interfere with the existing powers in that it would be given special rights of access to information at all levels of activity and in all departments of Government, etc., - without hindrance - and would be free to report to the Attorney General. Where matters of security and confidentiality were seen to be at stake, the discretion of the Attorney General could be applied.

The Attorney General would accept full responsibility in all matters where there was a possible conflict between an M.P.'s, personal and Parliamentary interest. The recent cases of Jeremy Thorpe and John Stonehouse provide instances.

Before Parliament could discuss or take action on such matters of Parliamentary privilege, the issue would first have to be referred to the Select Committee for consideration and report. The Committee would make periodic reports of such references to the Attorney General and to Parliament.

A case such as the Poulson bankruptcy would not have been a matter for Ministers, reported to the House by the Prime Minister, but for the Select Committee. This could have the effect of protecting Parliament from the consequences of a less than full disclosure of interest by members, and would fit the case which was exposed by the Parliamentary Select Committee report on Maudling's letter of resignation. 'Had the House been aware both of the close business relationship between Mr. Poulson and Mr. Maudling and the nature of the financial arrangements between them - it would have considered Mr. Maudling's statement to have been lacking in frankness.

Likewise, while the Salmon Commission was in session and found itself confronted with evidence of conduct which patently fell outside any set of standards which could be recommended as acceptable for those in the public service, and yet was prevented from giving such evidence any consideration by reason of pre-imposed limitations, it could, in the proposed scheme of things, have referred the dilemma to the Select Committee. It would have been possible to seek a widening of their powers or, at least, to report the problems arising from the restrictions of their terms of reference.

*Should it have* been impossible to find a solution, then the Attorney General would have been able to approach the Home Secretary, who has over *riding* responsibility for the appointment and conduct of Royal Commissions. Through such a procedure the Commission's disquiet would have had legitimate expression, and the pursuit of truth on which to base its recommendations, would have been facilitated.

In the aftermath of the Salmon Report, Lord Salmon had had to voice his reservations in the newspapers, on matters of constitutional importance. The proposed Commission would have provided a legitimate outlet for expression of his concern, *when his function as chairman of a Royal Commission had ended with the reporting of his Commission to Parliament.*

In the Ropergate Affair, the Attorney General would, before announcing the decision to 'close the file' have been required to refer that proposal to the Select Committee. He would then have been required to report the Committee's conclusions and recommendations to the House.

In the event of conflict between the Attorney General and the Committee the House would have had a considered debate.

In the circumstances of the Ropergate Affair, it is certain that the Committee's recommendations would have been to submit the entire affair to them for detailed examination. The need for Lord Salmon to make his undignified but essential intervention would not have arisen. The doubts and suspicions which arose would have been allayed.

The status of the Committee would have ensured that its final recommendations would have been not only 'noted' but accepted and acted upon.

The Prime Minister would have been saved the indignity of being precipitated into pragmatic and unsatisfactory decisions, provoked by crisis, which itself had been generated as a result of the inadequacy of present Parliamentary procedures in such matters.

In the operation of the Special Commissioner and his staff outside of Parliament, the great bulk of the work would be concerned with the problems facing the ordinary citizen, and especially those problems where the institutions of the State are involved.

It is suggested that the citizen's approach to the Commissioner would be, in the first instance, through his constituency M.P., who would, on hearing the nature of the complaint, be able to decide on the course of action to recommend. Members of Parliament would have direct access to the Commission. *If an M.P. refused to refer a case, the individual would be entitled to make a direct approach to the Commissioner.*

In the early stages, as an experiment of limited duration, monthly sessions *would be* open to the public at which the Commissioner would define the scope and report on the activities of his department stressing that security and confidentiality would be observed.

The members of the public attending such sessions would be permitted to submit written pleas direct to the Commissioner. In circumstances where, as will often be the case for reasons of age, illiteracy, etc., the *person* is unable to articulate his grievance, sympathetic and competent assistance would be available through the Commissioner's office.

The Special Commission would have no right to intervene in matters which are before the courts. It would have full right of intervention, however, after the jurisdiction of the courts had been exercised. In the field of criminal law, the Commission would concern itself with a wide range of related issues. For example, the validity of the D.P.P.'s, decision on whether to prosecute or not, in certain cases, could be within the jurisdiction of the Commissioner, as would the nature of the charges he had preferred.

The sentence, the verdict, mitigating factors, all would be within his purview, and his department would be empowered to examine and report on these matters, whenever suspicion of 'unreasonable, unjust or oppressive action' existed. Due regard for security and confidentiality would always be observed.

The Special Commission would operate at national and regional levels. At national level the Commission would be constantly alert to mainstream problems, of which the Thalidomide Case, the Shell and B.P. Case and the Granada/B.S.C. case are examples.

It is proposed that the Special Commissioners appointed for Wales and for each of the English regions especially the capital, London would certainly require special of such issues as racial discrimination, demonstrations, processions

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At the regional level, typical of the recent issues of wider public interest which would or could be raised are the Liddle Towers case, and the Slot Machine Murder Case, which resulted in the conviction of Stafford and Luvaglio. In these, and similar cases, there is well documented evidence of lingering suspicion which has refused to go away in spite of assurances that each case has been submitted to the most rigorous possible investigation.

The Commission at regional level would be reinforced by the appointment of a Regional Committee, to which the Special Regional Commissioner would report. Its members would be appointed by the Attorney General. In a committee of twelve members, the satisfactory balance would require that not more than half would be magistrates or Local Government elected representatives. The remaining members would be representatives of minority citizens groups.

A prison record need not necessarily provide automatic grounds for disbarment from membership. Guidance as to the acceptability for membership of an individual with a prison record could be found in the Rehabilitation of the Offenders Act.

The Regional Ombudsman would report to the Attorney General through the Regional Committee and would have direct access to the Offices of the Attorney General at all times. The Regional Ombudsman would have the right of referral in any instance where a regional matter assumed national importance, i.e. the Poulson Affair, the Liddle Towers Affair, The Blair Peach Affair.

The importance of the new commission is that it would allow pressure groups to have access, as of right, to a powerful and independent body with investigative powers. A critical measure of the success, or otherwise, of such pressure groups rests in their ability to find 'access' to the power base and the decision making processes while retaining total independence.

In the absence of the pressure group activity, many of the more disturbing issues, such as the Liddle Towers Affair, would never have come to the attention of the public. My proposals would give such activity added strength and legitimacy, and would increase, measurably, the public's alertness and its right to know. In present circumstances, many pressure groups, attempting to exercise that 'eternal vigilance' on which freedom is said to depend, have to operate under such labels as 'anti establishment', 'lunatic fringe' and such like designations which suffer as a result.

It is readily conceded that the proposals outlined here can be no more than tentative, and that the suggested structural framework is no more than skeletal. It is felt that the need for reform has been established, but in the expressed opinion of many responsible commentators.

Such constitutional changes and organisational structures as judged necessary to give effect to the reforms could only emerge from detailed consideration and wide ranging debate.

I suggest that The Ropergate Affair is but one of many 'affairs' which postulate the need.

I advocate, on behalf of all the 'tiny people', the case for some powerful and independent body capable of acting on their behalf, and in their interests, over a wide spread of circumstance.

Its power would be exercised, subject to satisfactory constitutional safeguards, on behalf of any individual or group who could show evidence of having been <sup>selectively</sup> subject to 'unreasonable, unjust or oppressive' treatment at the hands of any instrument in the command of the State, whether as a result of accidental malfunction or deliberate manipulation.

It would have independent, non - protagonist standing.

As an example, the proposed Commission would have the capacity to offer confidentiality and counsel to all those on the 'inside' who find themselves in possession of evidence of suspected malpractice or misuse of power, and who are inhibited from giving voice to their suspicions for fear of sanctions. Their only recourse, at present, is to leak material to the media, thereby exposing themselves to considerable risk.

A recent cause celebre was the brouhaha caused by the disclosure of documentary evidence by an official of the British Steel Corporation to an investigator from the Granada television programme 'World in Action.' Under the proposed reforms, such an individual, in such circumstances, would enjoy the protection of the law, and a guarantee of confidentiality in conveying his concerns to the Commissioner. In this example, the individual's responsibility would end at this point. Any decision to 'take the matter further' would lie in the discretion of the Commissioner.

The Observer, with a refreshingly light touch, recently set itself to make out a case for the 'mole'.



*It reads,*

"It should be a matter for concern that, in contrast to efforts being made for the protection of other endangered species, so few voices have been raised for that of the TALPIDA EUROPEA, or common mole. Indeed, Mrs. Thatcher's Government seems to be positively encouraging its extermination.

The TALPIDAE family comprises 22 species, not including the newly classified TALPA CIVILIS (Bingham's mole) which found itself in the news last week, or the TALPA CANTABRIGIENSIS (Blunt nosed mole) which can wreak havoc by damaging root systems.

Of course, the mole's deep burrow vents (molehills) cause annoyance to gardeners, particularly when there are reasons for pretending that everything in the garden is lovely. But, as the Encyclopaedia Britannica points out, moles also — and this is their most important characteristic — 'sift and aerate the soil and kill noxious organisms.' They are, in short, an indispensable part of the ecology.

Newspapers have a particular debt to the mole, regardless of what the Encyclopaedia refers to as its occasional strong smell. But for its burrowing in the deep dark galleries of Ministries and corporations, we, and our readers, would remain ignorant of a whole world of matters of national concern — matters ranging far beyond the questionable financial management of British Steel, or Government plans to boost public love of the E.E.C., which happen to have made recent headlines."

The present inescapable truth is that unless the press, and a small number of T.V. documentary producers seek out, investigate and report on matters which are clearly of potential public concern, matters which illustrate <sup>with</sup> blinding clarity the need for that 'eternal vigilance,' — the soil would remain unsifted and unaerated.

Such matters arise at all levels — local, regional, national and international. The Ropergate Affair impinged on all levels, but through the extraordinary and almost inexplicable coincidence of emphasis between the Salmon Report and Private Eye, it was directed back to the regional and local ... scene when it should have remained in the eye of the storm. *Hansen.*

Lest the media should feel that an important part of its function would be devalued or eroded by the existence of the Special Commission, *I suggest* that the introduction of such an institution would provide further encouragement for a free press.

The services of the Commission could be called to the defence of the courageous editor/producer/director and the energetic investigative journalist.

In addition, it is suggested that the Commission, at both national and regional level, would offer itself and the issues, under current examination to the scrutiny of the media at regular press conferences. The Commission would, of course, accept responsibility for preserving confidentiality and the required standards of security.

The work of the Commission and the investigative element of the press function could be complementary, and the issues would continue to get a satisfactory level of exposure. It is conceivable that even more information would be made available to the press, through the proposed flow from the regions to the centre.

The Commission could also serve, however, to uphold the right of the individual against the Press in those circumstances where the individual has been the victim of inaccurate, distorted reporting, the half truth and the smear.

The Commission might, in the face of such a situation, liaise with the Press Council to secure for the offended individual an opportunity and a right to reply to the questionable charges.

Cooperation between the investigative press and the Commission would produce an added dimension, favouring the individual and the public interest. The Commission, as an independent body would, of course have nothing to prove or to sell. Its only consideration would be that truth, or the nearest possible approach to it, should be independently established. Therefore when a particular issue ceased to be newsworthy it would still be kept alive by the Commission, until justice was done and the file closed.

The dissatisfied and perplexed 'muck' would benefit further because his conscience would not be subject to such strain as is now the case. The question of the individual's right to table a considered minority view, or to give expression to deeply felt concern would no longer be challenged by accusations of disloyalty to a department, an organisation or to colleagues.

Even now, as the Salmon Report had been keen to point out in its tribute to Private Eye and the Bradford Telegraph and Argus, such disclosures can be an important public service.

Given such a procedure as the Special Commission, the question of 'disloyalty' in disclosure would be resolved. The stigma of disloyalty would only attach to any <sup>malicious</sup> disclosure made outside the framework of the Commission.

In the Ropergate Affair, the all-important contents of the <sup>"Dossier"</sup> must have passed across the desks of several officials. Its content will have been familiar to the investigating officers at Wandsworth. Did any of these 'insiders' give consideration to the need for disclosure, in the interests of justice, at any point in the development of the Poulson Affair? If they did, on what grounds were they inhibited from taking action? Were the fear of sanctions and/or accusations of disloyalty factors in the decision? Would the fact of the existence of the <sup>"Dossier,"</sup> if not its contents, have been disclosed to <sup>such a</sup> Commission, if it had been in operation at the time?

The Commission would certainly have served <sup>the purposes of</sup> the Steel Corporation 'mole' and would prevent, for ever, the unseemly circumstances in which a journalist has to face the threat of prison for failure to disclose the source of his information.

The Commission would, almost certainly, have been of service to Frank Williamson, Inspector of Constabulary and formerly Chief Constable of Cumbria. He was the officer who had been called in to head the investigation into corruption in the Metropolitan Police. He was eventually forced to resign. It was reported that he had been 'met at Scotland Yard with a wall of silence, hostility and lack of co-operation so strong he was eventually forced to resign.' The lack of co-operation had, apparently, extended to Sir John Waldron, the Police Commissioner, and Reginald Maudling, who was Home Secretary at the time.

It is possible, too, that the Commission could <sup>have been</sup> of service in the Operation Countryman investigation into police corruption. There have <sup>had</sup> been murmurings of dissatisfaction from the inquiry team, including reports of 'an atmosphere of mistrust that is acknowledged to have built up between Countryman and the D.P.'s office.'