

REPORT

FROM THE SELECT COMMITTEE ON

BROADCASTING

(ANTICIPATION OF DEBATES)

TOGETHER WITH THE PROCEEDINGS OF THE
COMMITTEE, MINUTES OF EVIDENCE AND AN
APPENDIX

*Ordered by The House of Commons to be Printed
17th May 1956*

LONDON

HER MAJESTY'S STATIONERY OFFICE

EIGHT SHILLINGS NET

288

Thursday, 9th February, 1956

Ordered, That a Select Committee be appointed to consider whether any changes are desirable in the present methods of giving effect to the principle that there should be some limitation to the anticipation of Parliamentary debates by broadcasting:—And the Committee was nominated of Mr. *Julian Amery*, Mr. *Bellenger*, Mr. *Wedgwood Benn*, Sir *Herbert Butcher*, Mr. *Crossman*, Mr. *Ness Edwards*, Mrs. *Emmet*, Sir *Robert Grimston*, Sir *Lionel Heald*, Mr. *Holt*, Sir *James Hutchison*, Mr. *McAdden* and Mr. *Sydney Silverman*.

Ordered, That Five be the Quorum of the Committee.

Ordered, That the Committee have power to send for persons, papers and records—(Mr. *Wakefield*).

CONTENTS

	<i>Page</i>
REPORT	iii
PROCEEDINGS OF THE COMMITTEE	vi
LIST OF WITNESSES... ..	x
MINUTES OF EVIDENCE	1
APPENDIX	161

The cost of preparing for publication the shorthand Minutes of Evidence taken before the Committee was £125 12s. 5d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £415 0s. 0d.

REPORT

THE SELECT COMMITTEE appointed to consider whether any changes are desirable in the present methods of giving effect to the principle that there should be some limitation to the ANTICIPATION OF PARLIAMENTARY DEBATES BY BROADCASTING ;—HAVE considered the matter to them referred and have agreed to the following REPORT:—

1. Your Committee have held ten sittings, and have examined twenty witnesses, including Members of Her Majesty's Government and Opposition, and representatives of the British Broadcasting Corporation and of the Independent Television Authority.

2. The Order by which Your Committee were set up clearly asserts the principle that there should be some limitation upon the anticipation of Parliamentary debates by broadcasting in sound or television, and the terms of reference must therefore be construed accordingly. Your Committee are, however, of the opinion, for the reasons given in the following paragraphs, that any restrictions should be reduced to the smallest extent that is practicable.

3. The history of the matter and the origin of the so-called "Fourteen Day Rule" are conveniently given in the first memorandum submitted by the British Broadcasting Corporation. Various reasons have from time to time been given for the limitation upon anticipation, notably the possibility of unfair influence by Ministers or advocates of pending measures, and the danger of undue pressure from outside on individual Members. Your Committee have reached the conclusion, after considering all the relevant arguments, that the only justification which can be claimed for any policy of limitation at the present day is the necessity of upholding the primacy of Parliament in debating the affairs of the nation.

4. Further, in view of the advent of competition in the field of television, where particular concern has been expressed on this subject, and the likelihood of a rapid increase in the number of alternative programmes, Your Committee are doubtful whether even this ground of objection can be regarded as providing anything more than a temporary justification for a special rule not applicable to other organs of publicity. Indeed, Your Committee recognise that the development of radio and television in Britain and the broadcast discussion of public affairs which has followed it have done much to encourage an intelligent interest in the work of Parliament.

5. Your Committee have considered the possibility of an arrangement under which the extent of the limitation, as well as its administration, should be left to the organisations concerned. The British Broadcasting Corporation appears to desire this, but the Independent Television Authority expressed a clear preference—if there has to be any limitation—for a definite rule of guidance to be laid down by Parliament.

6. Your Committee have no doubt that the view of the Independent Television Authority is the sounder of the two and recommend that the Government should take the responsibility of laying down and enforcing any restriction which Parliament may deem necessary.

7. After careful consideration, Your Committee recommend that in future any limitation upon anticipation should apply only from the time of the announcement of business, and that the limitation should not begin to operate until seven days before the business in question is to be taken.

8. Your Committee have also considered that part of the present rule which applies the prohibition to all legislation pending in the current session, and are satisfied that this limitation is unnecessary and undesirable. Your Committee recommend that no rule other than that already proposed should apply to any legislation, and that, in the case of a Bill that has passed its Second Reading, no restriction should apply at all.

9. Your Committee recommend that Members should be treated in exactly the same way as other persons in the administration of any restriction upon broadcasting in sound or television. The British Broadcasting Corporation suggested that the restriction should be confined to Members, but Your Committee can see no justification for any such differentiation.

10. The regular series of party political broadcasts and the annual Budget broadcasts provide a separate and special source of anticipation, which appears to have caused some uncertainty and confusion in the past. The question is a difficult one, upon which the general public is no doubt entitled to have its views taken fully into account, but as a matter of principle Your Committee find it impossible to justify the treatment of these broadcasts on a different basis from any others. As regards the Budget broadcasts the deferment of these until the debate on the resolutions has been concluded might well be found in practice to be more convenient and agreeable to the Chancellor of the Exchequer and the Opposition representative.

11. Your Committee recommend that the proposed restriction should be embodied in a prescription issued by Her Majesty's Postmaster-General. Your Committee are, however, strongly of the opinion, after hearing evidence on the point, that some flexibility should be allowed for in the application of the restriction, and therefore recommend that the prescription should be so drafted as to allow for relaxation at the discretion of Her Majesty's Postmaster-General in individual instances.

12. Your Committee further recommend the appointment by the House, at any rate for an experimental period, of a small committee or panel of Members, who would be available to advise Her Majesty's Postmaster-General in connection with any application for relaxation.

13. Your Committee recommend that the prescription to be issued by Her Majesty's Postmaster-General should not apply to any overseas broadcasts.

14. Representations were received by Your Committee to the effect that pressure had been brought to bear on the British Broadcasting Corporation by Government and Opposition Whips or by Party organisations with the result that certain Members had been unfairly or improperly excluded from certain regular programmes. Your Committee decided that it was proper to investigate these allegations, in so far as they might disclose the existence of additional and irregular limitations upon the anticipation of Parliamentary debates, and accordingly heard evidence from the British Broadcasting Corporation, from the Whips of the three main Parties and from representatives of the Party organisations, as well as from one of the Members concerned.

15. Your Committee are satisfied that the British Broadcasting Corporation has not been subjected to any improper pressure and can safely be relied on to defend itself from political interference. Your Committee are also satisfied that the pressure exerted by the Whips was directed only towards ensuring a reasonable balance of political views, which the Corporation agrees to be a difficult problem. The action of the Party organisations

appears to them to have been confined to making comments of a similar nature, which the Corporation regarded as quite unobjectionable. On this subject Your Committee have only two comments to make:—

(i) Your Committee believe that suspicions may have been needlessly aroused by the atmosphere of secrecy which surrounded these discussions; and that these suspicions would be largely removed if the considerations governing the selection of speakers on political subjects were more generally known,

(ii) Your Committee believe that the effort to obtain strict impartiality has resulted in certain cases in somewhat narrow decisions, notably in cases where Members have been invited to undertake wholly non-political broadcasts.

17th May, 1956.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 21ST FEBRUARY, 1956

Members present:

Mr. Julian Amery	Mrs. Evelyn Emmet
Mr. Bellenger	Sir Robert Grimston
Mr. Wedgwood Benn	Sir Lionel Heald
Sir Herbert Butcher	Sir James Hutchison
Mr. Crossman	Mr. McAdden
Mr. Ness Edwards	Mr. Sydney Silverman

Sir Lionel Heald was called to the Chair.

The Committee deliberated with regard to their course of proceeding.

[Adjourned till Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 29TH FEBRUARY, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery	Mrs. Evelyn Emmet
Mr. Bellenger	Sir Robert Grimston
Mr. Wedgwood Benn	Sir James Hutchison
Sir Herbert Butcher	Mr. McAdden
Mr. Crossman	Mr. Sydney Silverman
Mr. Ness Edwards	

The Committee deliberated.

Mr. Charles Hill, a Member of the House, Her Majesty's Postmaster General, and Sir Ben Barnett, K.B.E., C.B., M.C., Deputy Director-General of the Post Office, were examined.

[Adjourned till Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 7TH MARCH, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery	Mrs. Evelyn Emmet
Mr. Bellenger	Sir Robert Grimston
Mr. Wedgwood Benn	Mr. Holt
Sir Herbert Butcher	Mr. McAdden
Mr. Crossman	Mr. Sydney Silverman
Mr. Ness Edwards	

Major-General Sir Ian Jacob, K.B.E., C.B., Director-General of the British Broadcasting Corporation, and Mr. Harman Grisewood, Director of the Spoken Word, were examined.

[Adjourned till Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 14TH MARCH, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery	Mrs. Evelyn Emmet
Mr. Bellenger	Sir Robert Grimston
Mr. Wedgwood Benn	Mr. Holt
Sir Herbert Butcher	Sir James Hutchison
Mr. Crossman	Mr. McAdden
Mr. Ness Edwards	Mr. Sydney Silverman

Mr. R. A. Butler, Lord Privy Seal, a Member of the House, Mr. Edward Heath, a Member of the House, Parliamentary Secretary to the Treasury, Sir Stephen Piersenné, Mr. Gaitskell, a Member of the House, Mr. Bowden, a Member of the House, Mr. Morgan Phillips and Mr. Grimond, a Member of the House, were examined.

[Adjourned till Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 21ST MARCH, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery	Sir Robert Grimston
Mr. Bellenger	Mr. Holt
Mr. Wedgwood Benn	Sir James Hutchison
Sir Herbert Butcher	Mr. McAdden
Mr. Ness Edwards	Mr. Sydney Silverman
Mrs. Evelyn Emmet	

Sir Robert Fraser, O.B.E., Director-General of the Independent Television Authority, Mr. B. C. Sendall, C.B.E., Deputy-Director, and Sir Robert Boothby, a Member of the House, were examined.

[Adjourned till Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 28TH MARCH, 1956.

Members present:

Sir Lionel Heald in the Chair

Mr. Bellenger	Mrs. Emmet
Mr. Wedgwood Benn	Sir Robert Grimston
Sir Herbert Butcher	Mr. Holt
Mr. Crossman	Sir James Hutchison
Mr. Ness Edwards	Mr. Sydney Silverman

Sir William Haley, Mr. Edgar Lustgarten, Sir George Barnes, Mr. Cecil McGivern, C.B.E., and Mr. F. G. Gillard, O.B.E., were examined.

[Adjourned till Wednesday, 25th April, at half-past Ten o'clock.]

WEDNESDAY, 25TH APRIL, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Bellenger
Mr. Ness Edwards

Mrs. Evelyn Emmet
Sir Robert Grimston

The Rt. Hon. Sir Alexander Cadogan, O.M., G.C.M.G., K.C.B., Chairman of the Board of Governors of the British Broadcasting Corporation, and Sir Kenneth MacKenzie Clark, K.C.B., Chairman of the Independent Television Authority, were examined.

[Adjourned till Wednesday next, at half-past Ten o'clock.

WEDNESDAY, 2ND MAY 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery
Mr. Bellenger
Mr. Crossman
Mr. Ness Edwards

Mrs. Evelyn Emmet
Sir Robert Grimston
Mr. Holt
Sir James Hutchison

The Committee deliberated.

[Adjourned till Wednesday, 16th May, at half-past Ten o'clock.

WEDNESDAY, 16TH MAY, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery
Mr. Bellenger
Mr. Wedgwood Benn
Sir Herbert Butcher
Mr. Crossman
Mr. Ness Edwards

Mrs. Evelyn Emmet
Sir Robert Grimston
Mr. Holt
Sir James Hutchison
Mr. McAdden
Mr. Sydney Silverman

Draft Report, proposed by the Chairman, brought up and read the first time.

Ordered, That the said Report be read a second time, Paragraph by Paragraph.

Paragraphs 1 to 7 read, amended and agreed to.

Paragraphs 8 and 9 read and agreed to.

Paragraphs 10 and 11 read, amended and agreed to.

Resolved, That Paragraphs 10 and 11 be consolidated.

Paragraphs 12 and 13 read, amended and agreed to.

A Paragraph brought up, read the first and second time, and inserted in the Report.

[Adjourned till Tomorrow, at half-past Three o'clock.

THURSDAY, 17TH MAY, 1956

Members present:

Sir Lionel Heald in the Chair

Mr. Julian Amery
Mr. Bellenger
Mr. Wedgwood Benn
Sir Herbert Butcher
Mr. Crossman

Mr. Ness Edwards
Mrs. Evelyn Emmet
Mr. Holt
Sir James Hutchison
Mr. Sydney Silverman

Draft Report further considered.

Paragraph 14 read and agreed to.

Paragraph 15 read, amended and agreed to.

Resolved, That the Report, as amended, be the Report of the Committee to the House.

Several papers were ordered to be appended to the Minutes of the Evidence taken before the Committee.

Ordered, That the Minutes of the Evidence taken before the Committee, together with the Appendix, be reported to the House.

LIST OF WITNESSES

Wednesday, 29 February, 1956

	<i>Page</i>
The Rt. Hon. Dr. Charles Hill, M.P.	2
Sir Ben Barnett	2

Wednesday, 7 March, 1956

Sir Ian Jacob, K.B.E., C.B.	40
Mr. H. J. G. Grisewood	40

Wednesday, 14 March, 1956

The Rt. Hon. R. A. Butler, C.H., M.P.	67
The Rt. Hon. E. R. G. Heath, M.B.E., M.P.	67
Sir Stephen Piarsen�	67
The Rt. Hon. H. T. N. Gaitskell, C.B.E., M.P.	79
The Rt. Hon. H. W. Bowden, C.B.E., M.P.	79
Mr. Morgan Phillips	79
Mr. J. Grimond, M.P.	89

Wednesday, 21st March, 1956

Sir Robert Fraser, O.B.E.	96
Sir Robert Boothby, M.P.	108

Wednesday, 28th March, 1956

Sir William Haley, K.C.M.G.	118
Mr. Edgar Lustgarten	128
Sir George Barnes	133
Mr. Cecil McGivern, C.B.E.	141
Mr. F. G. Gillard, O.B.E.	141

Wednesday, 25th April, 1956

The Rt. Hon. Sir Alexander Cadogan, O.M., G.C.M.G., K.C.B.	147
Sir Kenneth McKenzie Clark, K.C.B.	154

**MINUTES OF EVIDENCE TAKEN BEFORE THE
SELECT COMMITTEE ON BROADCASTING**
(ANTICIPATION OF DEBATES) **43**

WEDNESDAY, 29TH FEBRUARY, 1956.

Members present:

Sir Lionel Heald in the Chair.

Mr. Julian Amery.
Mr. Bellenger.
Mr. Wedgwood Benn.
Sir Herbert Butcher.
Mr. Crossman.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.
Sir James Hutchison.
Mr. McAdden.
Mr. Sydney Silverman.

Memorandum by the Postmaster General

THE FOURTEEN DAY RULE

1. A short history of the rule, prepared by the Government Chief Whip and agreed by the Opposition Chief Whip, has been submitted by the Government Chief Whip to the Select Committee. To this, I have nothing to add. The B.B.C., I understand, has submitted to the Committee a fuller historical statement.

2. The directions made under Clause 15 (4) of the B.B.C. Licence and under Section 9 (2) of the Television Act, were expressed in terms agreed with the Party Leaders and the B.B.C., and as far as possible identical with those used in the voluntary arrangement embodied in the Aide-Memoire of 1948.

3. The direction to the B.B.C. was in the following form:—

1. In accordance with Clause 15 (4) of the Corporation's Licence and Agreement dated 12th June, 1952, I hereby require

(a) that the Corporation shall not, on any issue, arrange discussions or ex-parte statements which are to be broadcast during a period of a fortnight before the issue is debated in either House or while it is being so debated;

(b) that when legislation is introduced in Parliament on any subject, the Corporation shall not, on such subject, arrange broadcasts by any Member of Parliament which are to be made during the period between the introduction of the legislation and the time when it either receives the Royal Assent or is previously withdrawn or dropped.

2. These requirements do not affect the normal reporting of Parliamentary proceedings in accordance with Clause 15 (2) of the Licence and Agreement.

The direction to the Authority was in the same terms, with "Authority" substituted for "Corporation" and without the second paragraph.

4. In the first part of the direction, the word "issue" was used at the request of the B.B.C. so as to limit this section to matters which, being at "issue", are controversial. The limitation applies whether the "issue" is narrowly defined or stated in general terms. For example an impending debate on Defence or Foreign Affairs or economic problems would preclude any discussion under these headings during the period of limitation. Topics for Adjournment Debates—involving "issues"—are not excluded.

5. The word "arrange" used in both parts of the rule, was taken from para. 6 (iv) of the Aide-Memoire. The rule does not deal with the broadcasting of discussions which are not "arranged" by the B.B.C. themselves. For example, the B.B.C. recently broadcast a discussion on the housing problem by the Willesden Borough Council just before the subject was to be debated in the Commons.

29 February, 1956.]

[Continued.]

6. The phrase "ex-parte statements" is used because this was the phrase used in the Aide-Memoire and there interpreted as meaning one-sided or partisan statements. I believe that in law it means statements by individual persons even though they may be no more than statements of fact.

7. The period of limitation is a fortnight because that was the period under the voluntary arrangement. As the business of the House of Commons, announced on a Thursday, is almost always confined to the business of the following week, the question arises as to the responsibility, if any, laid upon the broadcasting authorities to obtain information in advance of the official announcement. No doubt the Government Chief Whip will give evidence to the Select Committee on this point.

8. The second part of the rule precludes broadcasts by Members of Parliament on any "subject" covered by legislation, between the introduction of that legislation and the time when it either receives the Royal Assent or is dropped. There is no distinction between public bills and private bills. The ban lasts throughout the legislative process however long it may take. It covers the private members' bill from its publication (or even before its publication) until in one way or another it is dealt with or it dies. The ban covers controversial and non-controversial legislation alike.

9. The first part of the rule refers to "either House", but the second part of the rule refers to "any Member of Parliament".

10. A number of suggestions have been made for simplifications which, while achieving the object of Parliament, would reduce the scope and remove some ambiguities. In particular there has been suggested a limitation which would apply to Members and non-members alike and which would relate only to those items of Parliamentary business specifically named in the business announcement by the Leader of the House. The limitation would last until the named item had been dealt with by Parliament, possibly subject to a maximum period of limitation. Such a rule would be comprehensive, replacing the two parts of the existing rule. It would not be applicable to adjournment debates and private members' bills for they are not specifically named in the business announcement. The limitation would not extend throughout the full period that legislation was before the House, but would apply to the stage covered by the specific announcement. (In this form Committee Stages taken upstairs would not be covered.)

11. In any revised form, advantage might well be taken of the opportunity to include a precise exclusion from the rule of party political broadcasts, ministerial broadcasts, news bulletins and programmes like "the Week in Westminster". At present the only specific exclusion is "Today in Parliament".

Examination of Witnesses.

Dr. The Rt. Hon. CHARLES HILL, The Postmaster General, a Member of the House, examined.

Sir BEN BARNETT, K.B.E., C.B., M.C., a Deputy Director General, the Post Office, called in and examined.

Chairman.

1. I am sure it will be the wish of the Committee that I should thank the Postmaster-General for coming today and giving us this Memorandum. I think it will be most convenient, both to him and to the Committee, if he first makes such remarks as he thinks proper and then if he would be good enough to answer the questions of the Committee?—(Dr. Hill.) Thank you, Sir. In the Memorandum I submitted to the Committee I thought it would meet your

wishes to concentrate on the workability or the difficulties of working the rule in its present form. That is the aspect of the problem with which I am concerned. I have set out in this short document in the earlier paragraphs difficulties that arise from the decision that was reached to word the rule as nearly as possible in the form of the voluntary arrangement which stems from the 1948 position. The difficulties which arise can, I suppose, be said to arrive inevitably from the change from what is a general arrangement, to

29 February, 1956.]

Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

be operated with goodwill and flexibility, to a formal rule which needs great precision, and that, I think, is all I need say about it. By the way, may I make two minor corrections in my document? At the top of page 3 there is a reference there to "Private Bill", that, as the Committee will appreciate, should be "Private Member's Bill", and, in the middle of Paragraph 10, about halfway down or six lines or so from the end, that should be "Private Member's Bill".

Mr. Sydney Silverman.

2. Does that apply to page 2 as well? —No; the statement is true in its present form on page 2.

Chairman.

3. There is no distinction between Public and Private Bills?—That is true, but it is also equally true that the Government Bill and the Private Member's Bill both come under the category of public bills. I think, subject to that, Sir, I need perhaps add no more to the Memorandum that I have submitted to you. I have not, Sir, myself submitted a document on history, but I have agreed the short history which the Government Whip and the Opposition Whip have agreed, and I have also seen that very exhaustive statement of history which the B.B.C. has prepared and which, I believe, has been communicated to the Committee. Perhaps I should just say this, Sir: I am merely conveying to you the impression that I have, that is, that if it were so desired, and now that the House has expressed its view on the principle of limitation, I understand that the B.B.C.—no doubt they will confirm or otherwise the statement—would be willing to conform to an informal arrangement in the light of the House's decision. I mention it in order to remind the Committee that the arrival of the I.T.A. on the scene involves this complication, whereas the B.B.C. could, if it were so willing, operate an informal rule—an agreed rule—without the formal prescription; in the case of the I.T.A. it would involve a number of programme companies so agreeing and, if that line were followed, it would mean that the programme companies in existence and in contract with the I.T.A. today would have to agree to operate that rule. In the case of future programme companies there might be something embodied in the contract to that end. I mention that

in case the Committee thinks along the line of a return to an informal arrangement in the light of the House's decision.

Mr. Bellenger.

4. Then, it is quite clear, Sir Lionel, that at the present moment these programme companies are bound by the same rules as the B.B.C.?—That is so. As matters stand, when a direction is issued to the Independent Television Authority that direction governs the activities of the programme companies. In the absence of a direction it would be a matter for informal action and agreement by individual programme companies.

Mr. Ness Edwards.

5. Has the Postmaster-General got a copy of the contract of the programme contractors so that we can see how far they are covered by a direction issued by the Postmaster-General to the I.T.A.? —I have not one with me, but I could supply it.

Mr. Sydney Silverman.

6. It is dealt with by a Memorandum put in by the I.T.A. itself, and what I would have derived from that—perhaps you could tell me whether this is right—is that of course the Postmaster-General can give and does give directions to the I.T.A. and that is binding upon them. I rather gathered that it became binding upon the programme companies by virtue of the contract between the programme company and the I.T.A. and that what happens in practice is when a direction is given by the Postmaster-General to the I.T.A. the I.T.A. then gives notice to the programme companies and requires them under the contract to comply with its own direction to the programme company and so indirectly it becomes operative?—I agree entirely with that statement of the position.

Chairman.] I do not know whether the Committee agree that we should go "round the clock" with the questions; Mr. McAdden?

Mr. McAdden.] Postmaster General, if you would refer to page 3 of the Memorandum of the Government and Opposition Chief Whips—

Chairman.] Just a minute; could we have the number of that?

29 February, 1956.]

Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

Mr. McAdden.

7. M.5?—That is the history of the rule.

8. Yes. "Two or three months later the Government enquired from the B.B.C. whether they would agree to the Rule continuing without a Notice if the period were reduced to a week, and if a statement were made in Parliament to explain the position. The B.B.C.'s reply was in the negative." Do I understand from that that the B.B.C. were unwilling to work even a 7-day week?—Yes, that is so.

9. Their view, as you understand, has now changed?—At that time there was no resolution of the House of Commons on the subject. The attitude of the Corporation was, in the circumstances then obtaining, that, in order to make their position abundantly plain, they should be directed to do this thing. I referred a minute ago to the possibility in the new situation, Parliament having reached a decision on the principle of limitation, that the Corporation might be willing, in the light of that decision, to work a voluntary arrangement as a matter of agreement, without the need for a direction.

10. Could the Postmaster General tell me what is meant on the same page a little lower down where it says "In October, 1954, the B.B.C. agreed the wording of a draft notice"; when it says "agreed the wording" does it mean they accepted the wording and that was what they wanted done?—Yes, that is so. The wording, as you will appreciate, was before my time, but I think I am accurate in reporting to you that, it having been decided that a rule or a direction was needed, the B.B.C. was consulted about and agreed the wording of the prescription.

11. But how does the Postmaster General reconcile the B.B.C.'s contention that it is unworkable with their agreement of the wording?—I do not think I am called upon to make any reconciliations.

Mr. Julian Amery.

12. In the last paragraph of his Memorandum, the Postmaster General invites us to include a precise exclusion from the rule of party political broadcasts; would he care to say why he would like to establish a difference

of principle between party political broadcasts and other broadcasts?—In Paragraph 10, Sir, I do summarise, without necessarily associating myself with the view expressed, suggestions that have been put forward for the simplification of the rule. On the issue of party political broadcasts it has been held that the existing rule does not cover party political broadcasts which are held to be arranged by the parties and not by the Corporation. In putting forward this suggestion I am not offering an opinion as to whether that course is right or wrong; I am suggesting that greater precision is needed in any future rule, if there be a future rule, in order to place beyond any possible doubt or argument the position of party political broadcasts.

Mr. Bellenger.] Is it relevant, on a point which has been put by Mr. Amery which the Postmaster General has answered in a certain way—he said, for example, "it has been held"—to ask him to say who has held that or must we wait until our turn comes round?

Chairman.

13. Perhaps it would be convenient and would save time if the Postmaster General can tell us now?—I have taken legal advice on the point.

Mr. Bellenger.

14. From the Law Officers?—I think not—the legal advice normally available to the Post Office.

Mrs. Evelyn Emmet.

15. Could I ask two points, Sir? First of all, has the Postmaster General himself had a great many complaints from the public about this rule?—I imagine that you are referring to the time when this was a lively public issue. To the best of my recollection it was of the order of one, two or three letters from the public at the time that it was an issue of public controversy.

Mrs. Evelyn Emmet.] The second question has gone out of my head for the moment; may I come back to it?

Chairman.] Certainly.*Sir Herbert Butcher.*

16. The B.B.C.'s desire for a rule and specific instructions is not based on the difficulty of operating an informal agreement but because of their desire to en-

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

large their scope in principle?—The B.B.C. made it clear that in their view they thought the time had come when this could be left to their good sense and they indicated at the same time how they proposed to act. But they thought that this matter, like so many others, could and should be left to the responsibility of the Governors and that they should not be bound by an agreement with party leaders on the subject.

Mrs. Evelyn Emmet.

17. I have remembered my second point. While this was working has the Postmaster General ever been consulted in a hurry by the B.B.C. over a point as to whether a broadcast can come within this rule on the telephone in an emergency or has it worked without any sort of contact of that kind?—Yes. The instance that comes to my mind is the instance of the Budget. You will recall that the Budget discussions ended on a Friday, but that the House discussed on the following Monday a Motion on economic affairs. Therefore, the question arose under the second part of the rule as to whether the Budget discussions were still continuing on the Friday night and on the Sunday. My view was sought on that subject and I expressed the view that technically the Budget discussions ended on the Friday afternoon and that there was no reason to preclude Budget discussions on Friday night and on Sunday. The B.B.C. differed from that interpretation of the rule and decided, and, indeed, publicly announced, that they held themselves bound by the rule not to proceed with Budget discussions on the Friday night; the Independent Television Authority, on the other hand, took an opposite view and a discussion of the Budget was part of their Sunday afternoon programme.

18. How does that tie up with paragraph 1 on Document 8, the second sentence?—Which Document is No. 8?

19. We must bear in mind that that was the only case in history or the only case in your experience then?

Chairman.] I think Dr. Hill may not have seen the paragraph in Document 8. I do not know whether he would like to look at it?—Perhaps I could see a copy of the document?

Chairman.] We know you will help us in any way possible, but if you are to

be asked to deal with the B.B.C.'s Memorandum, we ought to give you an opportunity of looking at it. (*Same handed to the witness.*)

Mrs. Evelyn Emmet.

20. It is the first page, second sentence, first paragraph?—"In no case has it referred to an outside authority the question whether the rule does or does not apply in a given set of circumstances." On that I can say that there were words exchanged on the telephone on this question between Mr. Harman Grisewood of the B.B.C. and myself and I have given to the Committee the substance of the view I expressed on that point.

21. Can the Postmaster General tell us whether that is the only time it has ever occurred in the history so far as he knows or is that just within his own experience?—The Committee will appreciate that no such question could arise before the issue of the direction in July. In the period after the issue of the direction my recollection is that that is the only instance of direct consultation with me as to the bearing of the rule upon a particular discussion.

Sir Robert Grimston.

22. In the last paragraph of your Memorandum, you say: "In any revised form, advantage might well be taken of the opportunity to include a precise exclusion from the rule of" certain items, but, in paragraph 5, you point out that it does not apply to a number of items which are outside the exclusion; could you say a word about that?—Paragraph 5, referring to the word "arrange"?

23. Yes. For instance, you mention the Willesden Borough Council?—Yes. I just draw the attention of the Committee to the fact that the word "arrange"—"arrange a discussion" to complete the phrase—does not, as at present worded, exclude a discussion which is not, in fact arranged by the Corporation. I am offering no views; I am drawing the Committee's attention to the fact. In this instance it was a discussion arranged by the Borough Council of Willesden which was the subject of a television showing. I am drawing attention to that without commenting in order that the Committee might see that limitation. In the last paragraph of my memo-

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

random I put forward that suggestion for the convenience of administration for, if there is to be a revised form of the rule the clearer the rule is the easier it is for me in its administration. I give instances of the kind of programme which, not being covered by the rule, might be precisely described as exclusions. The only specific exclusion, as the Committee will appreciate, is "Today in Parliament". If there is to be a revised rule, I suggest that it should apply and specifically refer to these other items.

Sir James Hutchison.

24. May I ask two questions of the Postmaster General? From his point of view, if it was otherwise desirable, would he think it workable that a specific designated list of subjects could be submitted for exclusion by the Whips to the corporations?—I would think that was unworkable. If you have in mind, as I assume you have, that the subjects which would be the subjects for exclusion would be determined or named each week or at regular intervals by the Whips to the Corporation, I think that you are placing a very heavy responsibility on the Whips. It would be a matter for them, not for me to determine those subjects, inviting perhaps a regular series of questions in the House as to why this or that subject was included or not included. That would involve a week-by-week determination by the Whips or by other persons of the subjects which should or should not be the subject of broadcasting and it would seem to me—and I am expressing, as you invited me so to do, a purely personal view—that it would be placing a very heavy responsibility, very difficult to discharge to everybody's satisfaction, upon the persons concerned.

25. Thank you. The other question which I would like to put was this: in one of the Papers we have got the remark is made that the rule, as it stands just now ("Indeed, as I think, any form of rule"—to quote the words), "brings Parliament into ridicule". Has the Postmaster General ever seen any evidence of Parliament being brought into ridicule by the operation of a limitation rule?—That is, I think, a question that I cannot usefully answer. I have seen the operation of the rule for a relatively few months—I am now referring to the formal rule—and I have given to the Committee the one instance of interpretation that confronted me. The policy

behind this has not been a matter for the Postmaster General and I prefer that it should not be regarded as a matter for the Postmaster General. I refer to the policy which is now determined by the House—the policy of the principle of some limitation. I concern myself with the kind of rule or arrangement which will be administratively easy to work.

Sir James Hutchison.] Thank you.

Mr. Wedgwood Benn.

26. First of all, on the interpretation of your Memorandum, Postmaster General, is a Peer a Member of Parliament?—I have deliberately posed that issue. I have regarded him as a Member of Parliament. I confess I have some doubt as to what the intention was in using that phrase in the rule.

27. But, so far as you are concerned, you regard it as improper for the B.B.C. to arrange a programme discussion on the subject of legislation if it uses Peers?—I regard the first part of the rule as referring to Debates in either House for it is so plainly stated there. I regard the second part of the rule in its present wording as covering a Member of either House.

28. The other question arises on these excluded broadcasts. Now, party political broadcasts are excluded, I take it, on the belief that they are not arranged by the B.B.C.?—That is so.

29. At the same time do you think they infringe just as much as any other broadcast the rule as to the desirability of limiting anticipation of Debates?—A party political broadcast can be a frank and partisan expression of view on something which is imminent in terms of Debates in the House as well as something that is passed, and it is certainly arguable, if the principle of limitation is to be applied, that it is as applicable to party political broadcasts as to any other. But, on the general proposition of the relationship between the broadcast material and impending Debates, the relationship is the same.

30. In the sense that, the House having reached a decision last November that it was undesirable to anticipate Debates, the party political broadcasts are a breach of the spirit of that resolution?—The House, of course, did not precisely deal with the party political broadcasts. No doubt this Committee is considering the bearing of the House's resolution on the

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

principle of this particular form of partisan broadcasting.

31. May I ask you about the Budget broadcasts, because, as I understand it, the broadcasts done by the Chancellors and the leading Opposition spokesmen on the Budget have in the past always been arranged by the B.B.C.: they are party political in the sense that they use the spokesmen for the main parties, but they have always been arranged by the B.B.C. who have provided an interviewer in the last two or three years. Therefore, I wanted to ask you whether in your view Budget broadcasts are excluded from the provisions of the 14-day rule, part 1, or not?—I think it is a matter of doubt whether Budget broadcasts fall into the same category as party political broadcasts in relation to the word "arrange". I agree that there is some doubt about it and it seems to me that they should be regarded as a special series of their own and, if there is any revised form of the rule, I should hope that they are expressly referred to as covered or not covered as the Committee may recommend.

32. Further to the point about the B.B.C.'s responsibility for arranging broadcasts, supposing the B.B.C. made an agreement with the Hampstead Parliament or the Cambridge Union that every week they would broadcast their debates, under your rule you would see no objection to those Friday debates covering subjects that were to be discussed the following week?—As I am advised on the subject of the rule regarding arranging a discussion, if the B.B.C., in agreement with the Hampstead Parliament, arranged the discussion and selected the speakers, then it would come under the category of "arrange". Ordinarily this viewing of an outside activity, be it the Willesden Borough Council or the Hampstead Parliament, is not arranged by the B.B.C.

33. That was really the point I was getting at: the B.B.C. could, as it were, contract to broadcast a discussion every week, regardless of what that discussion was, and if they did that and the discussion was then a breach of the 14-day rule, you would not be able to do anything about it?—I would conceive that as a possibility.

34. Now, regarding the enforcement machinery, I have noticed as an ordinary viewer a number of things which seemed to me to be a clear breach of the rule.

The day after the House debated the Capital Punishment motion there was an "In the News" discussion at which four Members of Parliament discussed this at length. Now, Mr. Silverman's Bill was on the Order Paper and will remain on the Order Paper until the end of the discussion and will either be passed, defeated or dropped. This Bill at the time may have seemed unlikely to be debated, but, as it has now turned out, it is to be debated, and, therefore, that discussion was a clear breach of your directive.

Mr. Sydney Silverman.] I was myself prevented from taking part in a 5-minute discussion with a man on the other side on a television programme on precisely that ground.

Mr. Wedgwood Benn.

35. Now, I have no doubt that the Post Office noticed this, but I wondered what enforcement machinery there was?—The Post Office does not, of course, monitor the services as a whole, but such instances of alleged breach are in one way or another likely to be brought to its notice. The Post Office, confronted with an obvious breach, would clearly have to bring it to the notice of the body, B.B.C. or I.T.A., which seemed to be acting in breach of the direction. You raise, in fact, the fundamental question of the authority of the Postmaster General and the sanctions available to the Postmaster General in respect of breaches of the law for both the B.B.C. and the I.T.A. Put simply the answer is that the ultimate theoretical sanction is, in the case of the B.B.C., that the Postmaster General could recommend Her Majesty to terminate the appointments of the Board of Governors and, in the case of the I.T.A., that he could, in fact, himself terminate their appointments. I am not putting that forward, as you will appreciate, Sir, as a step likely to be taken. I am saying that that is, in respect of such breaches, one sanction which is available.

36. And the only sanction that is available?—The only sanction. I suppose that a theoretical possibility is some action in respect of the licence. I mentioned that only because it is another theoretical possibility.

37. May I ask what restrictions existed before for limiting controversial broadcasting? No mention of it is made in any of our Memoranda yet I read from the Beveridge Report that the first licence in 1924 banned all controversial

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

broadcasting and this ban was lifted in 1928; a period of ten years must have gone by when controversial broadcasting took place, but there appears to be nothing said about it?—May I ask Sir Ben Barnett about that; he is better able to give the answer than I?—(Sir *Ben Barnett*.) I think political broadcasting was not allowed before the war at all. Except just in 1939, I think, controversial broadcasting was.*

38. Controversial but not political? —Yes.

39. I think the last question I have to ask is this: the feeling in the House and the spirit behind this resolution is based on a desire that the primacy of Parliament as a national forum shall be continued?—(Dr. *Hill*.) That was one of the arguments used.

40. Would there be any objection to giving a direction to the B.B.C. and the I.T.A., or perhaps just the B.B.C., that Question Time or the opening speeches of a big Debate should be broadcast?

Mr. *Bellenger*.] Is that within our terms of reference? Is that in order? It is a very interesting question, but the Postmaster General can only give an opinion and he is only one Member of Parliament against a lot of others.

Chairman.] The terms of reference are limited to the present methods of giving effect to the principle that there should be some limitation. It is rather difficult, I think, to get what Mr. *Wedgwood Benn* just raised within that with the best will in the world.

Mr. *Wedgwood Benn*.] I was basing it on the feeling that I have just described that Parliament must be the main forum for the discussion of affairs, and this is a point that interests me because the Postmaster General has already given a direction to the B.B.C. that they are to broadcast "Today in Parliament". That is not done by the B.B.C.'s desire; it is done because the Postmaster General says so.

Chairman.] But is this limitation of the anticipation of Parliamentary Debates? I think you will have some difficulty in getting within that.

* Witness's correction: The lifting of the ban applied to all controversial matters, but up to the war the sort of problem now under discussion had not arisen.

Mr. *Julian Amery*.] Could I intervene on this? I think the matter is one which has a direct bearing on our terms of reference, because it could be argued that if Parliament were broadcast the danger of anticipation would therefore be removed and the privacy of Parliament retained. It may be a way, therefore, of giving effect to the desire of the House although admittedly a more novel one than has been considered, though I did speak on it myself in a Debate.

Mr. *McAdden*.] Are we in order in discussing the reasons that led the House to come to the conclusion?

Chairman.

41. Anything which bears on the question of whether there should be some limitation on the anticipation is in order. Mr. *Amery* has put forward a very ingenious indirect reason as to how this could work, but it is really a very fundamental question for Parliament to decide whether or not its proceedings should be broadcast. I do not think we can do anything more than ask Dr. *Hill* to answer a question on an assumption. I do not think it would be right for us to discuss that in principle?—I would like to confine myself in my reply to the one point in what has been said which concerns me as Postmaster General: it is that I have no power to require the B.B.C. to put on any programme, not even "The Week in Westminster". The one power in respect of programmes that rests with me is under section 15 (4) of the Licence not to put on a class or classes of broadcast. For the rest my view is no more important than anybody else's on the general issue and, appearing as I do before you as Postmaster General, I prefer not to express any other view.

Chairman.] I think Mr. *Benn* will agree that we could not ask Dr. *Hill* to answer that; if we are going to raise it it will have to be done in one way.

Mr. *Wedgwood Benn*.

42. May I ask another question of a slightly different character, that is, the question of whether Parliament is held up to ridicule or not. For example, a programme in which I took part in December when there was a discussion on the Teachers Superannuation Bill which was highly controversial. This was an "Any Questions?" programme

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

and therefore there were some Members of Parliament and some non-Members. When the question was asked, on which I had had a lot of correspondence from my constituents and of whom, I understand, about 10,000 were listening (taking the total audience and dividing it by 625), the Chairman, acting under the rule, forbade the Members of Parliament from answering, but allowed the defeated candidates to reply. Does that reflect on the dignity of a Member of Parliament?—When this rule was being worked out no difficulty and publicity arose; when the rule had been formally issued and it became a matter of sustained public controversy there grew up the custom—in a somewhat elaborate fashion in some cases—of drawing public attention to the rule. For example, the B.B.C.'s spokesman, the Chairman of a programme, drew attention to the rule. Indeed attention was drawn to the rule in respect of those Budget discussions despite the fact that I had expressed the view that those Budget discussions were not affected by the rule. We did pass through a phase of great public discussion and it was not displeasing to some that ridicule should be poured upon the rule.

Mr. Crossman.

43. Just taking up the point you were last talking about, you were indicating, if I understand you aright, that having in a sense forced the Government to issue the directive, the B.B.C. then brought the Government into ridicule by showing it was unworkable?—I would not put that too strongly. We were passing through a phase in which ridicule was being poured from a number of directions upon it. I myself thought that attention was drawn to the rule and to the effect of the rule unnecessarily on one or two occasions. I do not put this very highly.

44. I just wanted to get your position clear. You would not, of course, say that, if the B.B.C. regarded a Government direction as bad and inimical to the political education of a nation, it had not the right to bring the Government into ridicule?—I did not refer to the right of the Corporation, but I must say in comment on that question that the arrangement had worked satisfactorily over a number of years and that the phraseology employed

in the direction had been agreed with the Corporation. They are relevant matters to be taken into account.

45. Certainly; that was the second question I was coming to. It strikes me, in reading the history, that a very remarkable thing happened: the B.B.C. having demanded virtually a gentleman's agreement and inserted clauses on this subject, suddenly in July, 1948—or perhaps gradually—a remarkable transformation took place in its attitude to this gentlemen's agreement. Now, what, in your view, was the cause of that change of attitude?—In July, 1948?

46. I think that is the first time on which the B.B.C. suddenly begins to reverse its attitude to the gentleman's agreement and say it disliked it?—I am not sure what led to the change of attitude. Sir Ben can give any evidence that is available. (Sir Ben Barnett.) I do not know whether it was the knowledge that the Beveridge Committee was sitting and they had expressed certain opinions. I am not sure whether the Report was out then.

47. There is no doubt that the B.B.C.'s attitude changed after the Beveridge Report. Was it anything to do with the threat of commercial television?—(Dr. Hill.) Your guess is as good as ours on that subject. (Sir Ben Barnett.) Later they mentioned that the advent of commercial television would complicate the position.

48. I would like to ask you some questions about Paragraph 5 of your Memorandum (which, I think, is the key paragraph for understanding how the rule works) with special reference to the word "arrange". Now, would I be right in putting it in this way: though many people imagine that the 14-day rule forbids or prevents anticipation it does not do so; what it prevents is anticipation on the B.B.C. which the B.B.C. has itself arranged?—(Dr. Hill.) That is so.

49. And that any anticipation on the B.B.C. which the B.B.C. has not arranged is perfectly "O.K." under the rule?—The rule refers to arrangements by the Corporation.

50. I would like to go through the possible list of actual anticipations which can take place under the rule on the B.B.C.: (1) any party political broadcast can anticipate all the main subjects of Debates and be put on the B.B.C. and that

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

is perfectly "O.K." under the rule?—
That is so.

51. So that an anticipation can take place which offends all the principles on which the House based the 14-day rule but which yet is outside the law?—I am confining myself to the statement of fact that the word "arrange" is the governing word.

52. I am trying to get at the actual working. You would agree that if a party puts into its party political broadcast anticipations of issues to be discussed in Parliament it is entitled to do so?—That is so.

53. Therefore every party political broadcast can infringe the purpose of the 14-day rule?—Every party political broadcast can under the rule anticipate Debates or discussions.

54. And, therefore, infringe the purpose of the House in framing the rule?—I think I should confine myself to the answer I have given.

55. Right. Now the next one—

Sir James Hutchison.] All these answers apply to I.T.A. equally?

Mr. Crossman.

56. We are referring to all mediums. (2) There is, I believe, on the Northern Regional a programme called the "Fifty-one Society" and that, presumably, would be perfectly "O.K." because the B.B.C. does not fix the topic; they merely put on the air a discussion of people in Manchester?—The answer depends again on the word "arrange".

57. Provided the B.B.C. does not in any way arrange the programme, but gives an opportunity to a group of people to discuss an issue, they are entitled under this rule to anticipate Parliament?—Yes, broadly that is true.

58. (3) Thirdly, take the Budget: provided the party leaders agree to violate their own rule, the B.B.C. can carry a clearly *ex parte* anticipation of a Debate?—The Budget broadcasts, held as they are on two consecutive nights, occur while Parliament is discussing the Budget. Therefore, the second part of the rule applies. It has been held that under the rule in its existing form Budget discussions are not covered.

59. Not covered in what sense?—By the rule.

60. Now, how could it be held?—They are regarded as a special series of party political broadcasts in relation to the Budget, but I have said to the Committee earlier that there is doubt about this position and whatever else is done I hope that the doubt is removed in any recommendations of the Committee.

61. Has it been argued to the Postmaster General that the Budget statements by the Chancellor and the spokesman of the Opposition are party political broadcasts?—It is argued that this series of two broadcasts is, in fact, a special series of party political broadcasts.

62. But how could they be if they are meetings between the politicians? We know what the party political broadcasts are and we know that there is an agreement for a certain number a year between the three main parties. These do not fall within that number?—But the Budget discussions are agreed in the same way between the parties.

63. This is very important: so the only justification of this which is compatible with this rule is to call them party political broadcasts?—Yes.

64. (4) Now, the fourth one I want to ask you about is a B.B.C. programme. I take it from what you said in reply to the previous questioners about sanctions that this ban falls on B.B.C. and on the television companies and not on the individual who does the broadcast?—The direction is issued by the Postmaster General to the Corporation or the Authority.

65. So that if, in an "Any Questions?" programme, there were two Members of Parliament on it and they do not know what the questions are and then they anticipate, no sanctions can be imposed on them?—No.

66. And no action could be taken against the B.B.C. if they could prove they had not arranged it?—That is so.

67. So that at any time when people choose to violate the rule they can do so?—I have no power except in relation to the rule which is issued to the Authority or the Corporation.

68. So would you agree therefore that in fact the purpose of the rule can be violated or you can ride roughshod over the rule by a whole series of actions if you so desire and if you are not bound

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

by a gentleman's agreement?—Individuals could break the rule. In such programmes as "Any Questions?" it is exceedingly difficult to secure observance of the rule in the sense that there is no anticipation.

69. And if there is not goodwill between the Government and the broadcasting authority and if there is no gentleman's agreement, it is extremely easy to find ways to get round this rule and to violate its purpose?—When there was a gentleman's agreement it worked perfectly well.

70. And since there has not been a gentleman's agreement a great many possibilities of making the rule ridiculous have been discovered?—Some opportunities of ridiculing the rule have been taken by one body or the other.

71. So that we are, in fact, getting to a slightly ridiculous position?—Oddly enough since the Debate in the Chamber the rule has not been publicly criticised as it was. I am not suggesting it is working any differently, but it has not been a public issue.

72. Then I want to ask you one question about the history of the rule. It struck me that no other democratic Parliament has found it necessary to maintain its dignity by preventing anticipation in this way on the radio or television; could you tell me what, in your view, was the reason why in the past the British Parliament felt it was so liable to have its dignity upset?—The history demonstrates quite clearly that this rule was evolved by the Corporation for its own protection.

73. Certainly, I would agree with you, but I think we also see from the history that, the Corporation having evolved the rule, the party leaders espoused it with enthusiasm and defended it?—It is not for me to comment on the degree of enthusiasm that the party leaders show.

74. Why do you feel, looking at the history of it, that there was a grave danger of the British Parliament being rivalled by its radio corporation whereas neither in Canada, New Zealand or Australia, for instance, was this danger felt to exist?—That is a matter of policy on which I prefer not to comment.

Chairman.

75. Do we know there is no restriction anywhere else?—(Sir Ben Barnett.) In Australia they do actually broadcast Parliament itself.

Mr. Crossman.

76. I think that in no other democratic country has it been found necessary to protect Parliament's dignity by this sort of rule?—(Dr. Hill.) On the other hand, I could not say to what extent in other countries, apart from America, where they have a "free-for-all", they do broadcast political discussions.

Chairman.

77. It might be that, although there was no rule laid down by the Government, in fact, the broadcasting people do not do it. Could you help us, Sir Ben, as to whether we would be able to find out about that?—I think it would be awfully difficult if there was some arrangement that was not open or legal.

Mr. Crossman.

78. We could find out if there was anything comparable which was legal?—There is no legal directive. There may, of course, be no power to issue a legal directive.

Mrs. Evelyn Emmet.] Of course we all know states where there are restrictions.

Mr. Crossman.] I said democratic Parliamentary countries.

Mrs. Evelyn Emmet.] It depends where you draw the line.

Mr. Crossman.

79. I was talking about the Commonwealth really. I want to ask you one question, Postmaster General, about your own paragraph 10 where you put forward a suggestion: "In particular there has been suggested a limitation which would apply to Members and non-members alike". Now, I notice that the B.B.C. throughout showed the greatest anxiety to keep the Members of Parliament off the air so long as their other speakers were allowed to anticipate. Do I take it from this suggestion that you have thought worth putting forward that you feel any limitation should be applied equally to non-Members and Members?—Yes.

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

80. In No. 11 you say: "In any revised form, advantage might well be taken of the opportunity to include a precise exclusion from the rule of party political broadcasts"; are you saying simply there that since they are excluded the Committee would be well advised to see that they are clearly excluded or are you expressing a view on the desirability of exclusion?—I think I would prefer to substitute the word "mention" for "exclusion from".

81. Deal with?—Yes. I did not intend to suggest a course of action.

82. I wanted to be quite sure that you yourself were not personally pressing for the exclusion of party political broadcasts from the rule.

Mr. *Bellenger*.] It seemed to me, listening to the long series of questions that Mr. Crossman has put to you that he was asking for you to admit—and I think you did admit—that even if this Committee decided to recommend to Parliament that there should be some definite limitation, you would find it in practice unworkable because outside bodies could break the rule quite easily so long as the interpretation of the word "arrange" is as you think it is?—I did not in any way mean to give that impression in reply to Mr. Crossman's questions. I am anxious that, if it is decided to have a rule, any rule in the future should be more precise and so easier to work. I am seeking an easier and more workable administration of any rule it may be decided to formulate.

83. Well, then, is it your intention that if a definite rule was laid down by Parliament and that rule was broken by the B.B.C. or the Independent Authorities, you would have sufficient powers to see that that rule was observed, or do you think it might be held to be contempt of Parliament and should be dealt with by Parliament as a breach?—I am not seeking any additional powers in this matter. I have no doubt that the broadcasting authorities, if Parliament should decide on a rule of a particular form, will conscientiously carry that out. I answered the question about powers because it was put to me and I in no way sought to suggest to the Committee that my powers should be strengthened.

84. Do you tell the Committee then that you would have sufficient power to deal with any breach in such cases?—I believe that with the co-operation of

the broadcasting authorities, which I have no doubt that I should get, I could ensure that a workable rule was accepted by the broadcasting boards. I am not asking the Committee for any more power in connection with broadcasting under this or any other heading.

85. No, but it may be necessary, because you have already shown us in answer to a question from Mr. Wedgwood Benn, I think, that if the Oxford Union, for example, which is a debating society of some importance, were to put on political broadcasts which, if they were to be broadcast, are debates including anticipatory debates of Parliament's business, then that could be done. Would you then have sufficient powers to prevent the B.B.C. broadcasting them?—I have been answering questions by Mr. Crossman and others as to what the existing rule means and I have sought to answer them frankly and factually. It can be properly inferred from what I have said and written that there are great difficulties in the observation of the existing rule. I do not conceal that.

86. Or any rule that Parliament might pass?—No. I have not in fact commented on any proposal or proposed revision of the rule for I have not seen one. I have drawn attention to a suggestion that was put to me because it seemed to me to draw attention to some of the main, although not all, the difficulties.

87. Now, right throughout the B.B.C. Memorandum it seems to be quite clear that Members of Parliament would be definitely excluded whoever else was included. Why do you think that the B.B.C. are being so insistent on that? I understood from an answer that you previously gave that the B.B.C. would not be prepared to work what I might call the gentleman's agreement. Why do you think the B.B.C. have been so insistent on excluding Members of Parliament?—Well, that is a question which only the B.B.C. can answer. Perhaps it is relevant to say that the origin of the rule, as stemming in 1944 from the desire of the B.B.C. to be relieved of Ministerial appearances, may have something to do with the subsequent attitude and form of the rules.

88. Do you know of any occasion when either Ministerial or Post Office intervention has prevented a Member of Parliament broadcasting?—No, Sir.

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

Mr. *Bellenger*.] Thank you.

Mr. *Ness Edwards*.

89. Would you briefly describe to us the arrangements for party political broadcasts?—There is an annual conference of the party leaders at which the B.B.C. has been present in which ideas are exchanged as to the formula, the number and length of the broadcasts. The party leaders agree on the formula. The B.B.C., having expressed its view, accepts the formula.

Mr. *Crossman*.

90. The formula and length?—The number and length. I ought to make clear here that in relation to this and to everything else, the B.B.C. is under no compulsion to invite any one to broadcast excluding only Ministerial announcements. In general the B.B.C. reaches the ultimate decision as to whether people shall be invited to broadcast. I mention that now for when I speak of discussions between the party leaders and the Corporation there is a residual authority and power to decide that rests with the Corporation. But the conference between the party leaders and the Corporation—and clearly the I.T.A. now comes into the picture—discusses those things. The number, time and date having been agreed, the spokesman for the individual party is selected by that party. He writes his script as he chooses. He can, if he wishes, call upon a certain amount of help or advice in the presentation of his broadcast, but essentially it is the party which picks the broadcaster and the broadcaster who determines what he says.

Mr. *Ness Edwards*.

91. Does that include the provisions for the two or three statements on the Budget as the case may be?—In the case of the statements on the Budget there is an agreement between the parties—that is one factor—as to the date and time, and the Chancellor, like his opposite number, is, no doubt, quite free to put what he wishes into that broadcast. Broadly it seems to me that the same criteria apply to those broadcasts.

92. Yes. The next point I want to put to you is: what did happen in April, 1953, that decided the B.B.C. to take this action terminating the 14-day rule; what was the background?—I really do not

think that I can add anything to what has been said. The document which the Corporation has put in, and which I have seen, is a most exhaustive document on the subject of the history, and—if I may be so presumptuous—if the Corporation is being represented in evidence before the Committee it is for them rather than for me to uncover what was in their mind at the time.

93. But were there any propositions put to the Postmaster General or to the party leaders by the Governors which were turned down?—On that I would say that it has seemed to us that everything on the subject is included in the B.B.C.'s own Memorandum. We are not aware of any phase or incident in the sequence of events that is omitted.

94. So I should be quite wrong in coming to the conclusion that something had happened to bring this thing to a conclusion in April, 1953—something that is not even in the papers?—My impression is, although this is a matter for the B.B.C. itself to answer—and it is confirmed by such records of the history that we have—that the B.B.C. document is exhaustive on the subject of the history and no relevant factor or incident has been left out.

95. I am sorry but I must put this matter again in a more precise way: do I take it that there were no proposals put forward by the B.B.C. in the beginning of 1953 which were rejected by the Government that brought them to this position where they were determined to end it?—With the best will in the world to help the Committee I do suggest that that is a matter that should be put to the B.B.C., for I am not aware of any proposal that is not included in their statement of the history.

96. Well, let us go on to another question. With regard to getting round the rule, do you agree, Mr. Postmaster General, that if the B.B.C. want to “play ducks and drakes” with this rule, it would be quite easy to do it?—Clearly, yes. If an authority desired and decided to do that there are a number of opportunities for so doing. Mention has been made of one or two earlier which would enable them to do it.

97. I have in mind those outside broadcasts?—That is an instance; “Any Questions?” is another; and Members of the Committee can think of others.

29 February, 1956.]

Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

98. With regard to the I.T.A., all their programmes are outside their immediate control; their programmes are run by programme contractors?—Yes.

99. How do you apply the rule there?—The rule is conveyed as an instruction to the Independent Television Authority; as has been described by Mr. Silverman earlier, that rule is imposed on the programme companies by virtue of the contractual relationship between the programme companies and the I.T.A., and I have undertaken to make available to the Committee this part of a typical contract so that the Committee can ascertain at first hand just how that is done.

Chairman.] Excuse my interrupting for a moment: Appendix B to the communication from the I.T.A. is the actual letter.

Mr. Ness Edwards.] I have seen that. What I am wondering about is the power of the Postmaster General to do this under the rule. With the B.B.C. he says he can only deal with programmes that are arranged by the B.B.C. The Postmaster General is surely an authority on programme contractors. His only authority will be the I.T.A. The I.T.A. do not arrange programmes; it is the programme contractors who do it. What I want to know from the Postmaster General is what is his authority for interfering with a programme that is not arranged by the I.T.A. where, as he says, he has the right to interfere with programmes only that are arranged.

Chairman.

100. If you would prefer Sir Ben to deal with it rather than the Postmaster General I am sure nobody will mind. He can refer to the Act and everything else?—(Sir Ben Barnett.) The Postmaster General in giving this direction to the I.T.A. certainly says that it is programmes arranged by the authority. Now, I think you have a note which I have not got from the I.T.A. pointing out that in their contract with the programme contractors they say that any direction given by the Postmaster General to them under section 9 (2) of the Act will apply to the contractors.

Mr. Crossman.

101. They sign them?—Oh, yes. In fact the whole of the Act is in the contract, every conceivable direction given

under the Act is put into the contract and the contractor undertakes to carry them out. It is by virtue of that that when the Postmaster General says "arranged by the Authority" the contract makes it applicable to the things arranged by the contractors. You will be able to see that.

Mr. Ness Edwards.

102. Let me carry that one step further. All a programme contractor has to do then, is it not, is to buy a programme from someone else which he himself does not arrange. As the Postmaster General knows a good many of these commercial programmes are obtained in that way and are not arranged by the programme contractor at all. How does he justify his application of this rule to those people in those classes of case?—(Dr. Hill.) The word is "arrange" in relation both to the I.T.A. and to the B.B.C. and there is no doubt that in its application to the I.T.A., as has been already discussed in questions and answers in its application to the B.B.C., there are difficulties deriving from the use of the word "arrange". I set out in my document deliberately to draw the attention of the Committee to that. I sought not to express a view, but I sought to expose the points of difficulty and the word "arrange" is a point of difficulty.

103. So that the long and short of it surely is that in relation to programme contractors who buy programmes this rule does not apply at all?—Oh, no; it depends on the circumstances and the application of the word "arrange" to those specific circumstances.

104. Having regard to the Postmaster General's own description of the rule where it is confined to "arrange", surely it does mean what it says, that if the programme contractor does not arrange the programme it is not governed by the rule?—This, I know, does not deal with the point of principle, but I am not aware that any programme company has ever bought any such political discussion, so I am not aware that the problem has arisen, but I am not dealing with the theoretical possibility that it might some day arise.

105. Well, it will be our business to stop that if we can anyhow. Do I take it from the Postmaster General that

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

he does draw a distinction between the programmes run by the B.B.C. and the party political broadcasts made by the parties and the Budget discussions; does he draw a clear distinction between those two sets of political broadcast?—As I have explained to the Committee in answer to the questions the party political broadcasts and the Budget discussions have been held not to be covered by the rule by virtue of the word “arrange”, and I have also suggested to the Committee that in any revised form they should state the position more precisely to remove any possible doubt on one or other side of the line on the matter of those regular broadcasts.

106. Does the Postmaster General see any case for drawing such a distinction?—With respect to the Committee I am concerned with the administration of what is decided.

107. All right.

Mr. *Sydney Silverman*.] There is, is there not, imposed on the B.B.C. in its Charter an obligation about the dissemination of news?—Which clause of the Charter has Mr. Silverman in mind?

108. I had hoped you would be able to help me as to which one it was and the precise terms?—I have not got the Charter with me. Perhaps I might be supplied with a copy of the Charter. Very general words are used.

109. I know it begins a long way back, but my questions will be directed to seeing how far all this controversy arises out of that subject of their duty?—I have the specific reference to news if I may read it. “To collect news and information in any part of the world, and in any manner that may be thought fit, and to establish and subscribe to news agencies”. That is the first reference to it.

Chairman.

110. I am sorry to interrupt, but is that stated to be a duty or an object?—That is an object of the Corporation in the Charter, in 3 (l).

Mr. *Sydney Silverman*.] But there is something more than that, is not there? One of these documents—

Mr. *Crossman*.

111. There is an obligation surely to do the “Week in Westminster” and the “Day in Parliament”?—That is not in the Charter. We are dealing with that.

Mr. *Sydney Silverman*.

112. Yes, the B.B.C.’s obligations under the Statute are those fixed by the Charter, are not they?—That is so.

113. Now, what I have in mind is some clause of the Charter which lays upon the B.B.C. an obligation to do certain things.

Mr. *Crossman*.] It is in the Licensing Agreement. Clause 4 (ii) of the 1949 Charter: for broadcasting an impartial account day by day of the proceedings in both Houses of Parliament. That is clause 4, Appendix B, of the Charter of 1949. To that was added, I think, something about the “Week in Westminster”.

Mr. *Evelyn Emmet*.] Is that anticipation?

Chairman.] Of course that could not come under “anticipation” at all, I think.

Mr. *Sydney Silverman*.] I wish I could give you the reference myself. Clause 15 (ii) of the Licensing Agreement—

Mr. *Crossman*.] 4 (ii).

Mr. *Sydney Silverman*.] 15 (ii).

Mr. *Crossman*.] That is the new one; it is identical with the last.

Mr. *Sydney Silverman*.

114. Well, perhaps while Sir Ben is looking for the precise formulation, it would be agreed, would it not, Mr. Postmaster-General, that there is an obligation on the B.B.C. to disseminate news and to disseminate it as fully and impartially as it can. That would be right, would it not?—Yes.

115. That duty would arise out of its statutory obligation. Now, is it, or is it not the case that this controversy arises out of conflicting views as to how that duty is to be carried out?—I do not so see it. This controversy has arisen on the general issue of the propriety, or otherwise, of limiting the anticipation of Parliamentary discussion and Debates.

Mr. *Sydney Silverman*.

116. Historically it did not arise quite like that. Historically it arose by a resolution of the Board of Governors on the 10th February, 1944. That was the one where it says “That when a debate on a major matter of public policy is imminent, or is actually taking place in Parliament, the B.B.C. cannot allow the broadcasting of Ministerial or

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

other *ex parte* statements thereon. This rule shall not apply to matters directly affecting the war effort or in circumstances of national emergency." That was the origin of the rule, was it not, historically?—Yes.

117. That was not done, was it, by the Governor for the protection of Parliament? It was done for the protection of the B.B.C., is that right?—I think that is a fair inference from the resolution.

118. It is clear, is it not, that what gave rise to that resolution was the practice of a number of Ministers at the time of making a series of Ministerial statements which the B.B.C. thought might give rise to questionable results?—Well, clearly they disliked the idea of Ministers making statements on the air before, and often immediately before, Ministerial statements in the House. Second Reading speeches, it was said by someone, were being delivered first on the air, and only secondly in Parliament.

119. Yes. Now, in that resolution there are two words used about which I should like to ask a question or two. Originally it referred to a Debate on a major matter of public policy. Would it be correct to say that in the present operation of the rule the word "major" has somehow been dropped?—Yes, the word "major" does not appear in the present rule.

120. So that now it applies to everything?—The first part of the rule applies to issues without an adjective. The second part of the rule applies to the subject without an adjective.

121. Yes, and it would, therefore, include all of them?—It is fair to infer it means subjects large or small.

122. Now, bearing in mind that our terms of reference impose upon us an obligation to accept a principle of some limitation, which appears to leave open the question of how much limitation, would you think that one line of approach that could usefully be followed is the selective one, so that some subjects would come within the rule, and others not, on the basis of some kind of distinction, though not necessarily the same distinction as the original resolution of the Government?—Clearly that would be one line, but I would not like to be held to be saying that it is a useful or practical line.

123. You prefer to offer no opinion at all, or have you one?—I prefer to offer no opinion.

124. Well, then, I should like to ask about the other word used in the resolution: "Ministerial or other *ex parte* statements". Now, in your own Memorandum in paragraph 6 you referred to the phrase "*ex parte* statements". You see that paragraph?—Yes.

125. In your view, if there are two sides to an issue, and each side has a representative present on the same occasion, and each representative gives a statement representative of his side of that issue, is that an "*ex parte* statement"?—It would be presumptuous of me to offer to a Committee so composed a view on the legal meaning of the words "*ex parte*". I have made hesitant and tentative references to the point to which I would not like to add. It is in paragraph 6.

126. Yes, it was because you had expressed that view that I asked the question. I speak subject to the correction of the Chairman, but I think it is right to say that lawyers usually use the words "*ex parte*" for statements that are, indeed, partisan, but are partisan statements made in the absence and, as it were, behind the back of other party so that he cannot reply? That is what we usually mean by "*ex parte*" statements.

Chairman.] I would say, if I may, that I am entirely in agreement with Mr. Silverman that that is the way in which the lawyer would accept it, but the newspapers use it as applying to almost any statement?—If I may say this on one aspect of what Mr. Silverman said: the word "other" coming before "*ex parte*" appears in 1944. He will have noticed that by the time 1948 was reached, the word "other" had dropped out, and the rule imposed last July was, as I said earlier, an attempt to use the same terminology as appeared in the 1948 rule or arrangement.

Mr. Sydney Silverman.

127. It is precisely because I had noticed that that I was asking this question, because it is quite clear that historically there has been a gradual extension of the principle of the 1944 resolution, in that quite clearly the 1944 resolution was referring to *ex parte* statements in something like the definition that I gave of them just now, whereas now *ex parte* statements are interpreted by the B.B.C.,

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

and perhaps by the Postmaster-General, as being any statement of a one-sided point of view?—I accept your point that there has been an extension. I would say that the extension took place between 1944 and 1948, but extension there has been.

128. Yes. Well, now, that extension really applies to the whole principle, that is, what began as a resolution protecting the B.B.C. from undue interference by Parliament has now become a principle defended as being a protection of Parliament from the B.B.C.?—Certainly, the B.B.C. no longer asks to be protected in this way, and to that extent there has been a shifting of emphasis. I would, on the other hand, draw attention to this: that when the B.B.C. asked that it should have the full responsibility for dealing with this problem, it did explain that its intention was to apply a 14-day rule not substantially different from the rule which was subsequently imposed. To that extent, the B.B.C. recognised up to 1953 or 1954 of itself a need for some such restriction of anticipation, though it is not clear whether it was more concerned with what it knew to be the Party leaders' views, or whether it was still concerned with the old motive of protecting itself.

129. I should have thought myself—but I am not pressing it upon anyone else—that it is clear from the history of the matter that the B.B.C.'s later acceptance of the idea, even on a voluntarily operated basis, was rather a concession to what it took to be the view of the Parliamentary leaders than an opinion of its own; but be that as it may. What is quite clear is that in the beginning, in 1944, this was something done by the B.B.C. for its protection and, at the end of the story, the B.B.C. was saying to the Government "We do not want any such rule at all"?—I accept that subject to this: the B.B.C. was saying "We still propose to apply a limitation of anticipation. We want to do it in our own way and on our own responsibility."

130. Yes, quite right. It is quite clear in the record that they were not going to act completely irresponsibly. They were not going to apply a complete free-for-all, but they did want the abrogation of the rule altogether as a rule?—Yes, they wanted no compulsion and no rigid agreement; they wanted to be left to their own responsibility.

131. But before that final stage was reached, there were negotiations between the B.B.C. and the various political authorities, including the Post Office—if one might call that a political authority. There were discussions to see whether some new formulation of the rule, or some new directive in the form of a new aide-memoire, or something of that kind could be agreed?—That is so, and that was fully dealt with in the B.B.C.'s statement of history.

132. The only point that is relevant to this question I am asking is that it was only on the failure to reach an agreement in those discussions that in the end the B.B.C. said "Very well, we propose to abrogate the rule altogether unless you issue a directive under your statutory powers"?—The B.B.C., finding that it could not secure acceptance of its view that the responsibility should be its own, said "Please impose this on us by direction".

133. Let us see exactly how it happened, shall we? First of all, the Beveridge Report was issued on the 18th January, 1951—is that date correct? It is contained in the B.B.C.'s memorandum. The Beveridge Report's Recommendation No. 69 read as follows: "The present bar on discussion of any question within a fortnight before it is debated in either House of Parliament should be reconsidered with a view to providing topical and interesting microphone debates on issues when they are actually before Parliament." That was the Beveridge Report recommendation?—Yes.

134. And had that recommendation been acted upon, the rule against anticipation would have been abrogated altogether, would it not?—Well, it would be reviewed; it might, in consequence, have been abrogated.

135. Well, they said reconsidered with a view to abrogating it?—Yes, never mind. It was not that it should be abrogated, it was that it should be reconsidered with that in view.

136. Let us not be too hair-splitting about it. They say reconsidered with a view to providing topical and interesting microphone debates on issues when they are actually before Parliament?—Yes.

137. You could not provide a topical and interesting microphone debate, could you, on an issue when it was

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

actually before Parliament without offending against the rule against anticipation?—Yes, but you asked me to say that means the abrogation of any rule or arrangement preventing anticipation. I cannot go so far as interpreting recommendation 69.

138. We will leave it at that. That was the recommendation of the Beveridge Report. In March, 1953, as I understand the history, that is to say rather more than two years after the Beveridge Report had been issued, there appears to have been a meeting with the political parties. I do not know whether you have the B.B.C.'s Memorandum; if you have, it is on page 5. There appears to have been a meeting with the parties on 24th March, and the Chairman of the B.B.C. raised the question in terms which were summarised in the minutes. I do not want to take up time to read it as it is all there on page 5. They began by saying that the rule had its origin in a self-denying ordinance which they adopted during the war. I do not know whether we would quite regard it as a self-denying ordinance; it was an ordinance denying access to Ministers. But, apart from that, towards the end they say "The B.B.C. had acquiesced in the past"—I am reading the penultimate sentence of the quotation—"but now want the rule abolished although they would continue to bar Members of Parliament from speaking in the fortnight period." That was the view of the B.B.C., and in the same paragraph are the views of the Government and the Opposition, which might, on this occasion, be called an *ex parte* statement because they appeared to have been in agreement and not on two sides of an issue: "It was important to protect Members of Parliament from undue pressure before a Parliamentary debate." Do you see that sentence?—Yes.

139. Do you see any inconsistency between that view and the history of the matter? Apparently it was the view of the Government and the Opposition alike that Members of Parliament should be protected from undue pressure by other Members of Parliament?—I see that this began by a "self-denying ordinance", as it is called, by the B.B.C., and I see also that the Government and Opposition view in 1953 was that it was important by such a rule to protect Members from undue pressure, yes.

140. What kind of "undue pressure" would that be?—I do not really think I can be called upon to interpret the minutes of a meeting at which I was not present.

141. That is a very fair reply; somebody has to interpret it. Then, at the end, the matter was essentially one for decision by the Parliamentary leaders. I suppose what we are really concerned with here is finding some way of avoiding anticipation of debates which does not unduly limit the freedom of discussion by Members of Parliament or anyone else. Would you agree that that was really the problem?—So far as I can say, it is that you have to find a practical way of giving expression to the motion of the House approving the principle of some limitation of anticipation.

142. Well, now, the rule against anticipation in the House was merely, was it not, a rule of Parliamentary procedure?—The rule of anticipation in the House is another and quite separate issue from the anticipation which is referred to in the resolution of the House.

143. Yes, but has not the argument for a long time been constructed on the basis that what you are really applying is some Parliamentary rule against anticipation?—That is not a matter for me, I think, to comment on.

144. At any rate, you would agree that the rule against anticipation in the context of the so-called fourteen-day rule is quite another matter from the rule against anticipation as a rule of Parliamentary procedure?—Quite another matter.

145. And that there is no connection between them at all?—It is quite another matter.

146. Now, I think you have said already—this is my last question—that you would rather not express any opinions on policy questions, and if you think the question that I am asking you could not be answered without expressing such an opinion, then I shall quite understand if you prefer not to answer it, but, as a matter of fact, can you yourself think of any way in which the rule against anticipation as understood in this connection would be more offended against than otherwise if Members of Parliament were allowed to do during the period when legislation was before Parliament what all other

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

broadcasters are allowed to do?—In that form the question is one that I should not, and, indeed, could not, answer. (Sir Ben Barnett.) May I clear up the point that Mr. Silverman raised? The Charter gives them general powers to collect news and so on, and the whole set-up is that the Postmaster General does not tell the B.B.C. what their programmes are to be, but he does say in clause 15 (2) of the Licence “The Corporation shall broadcast an impartial account day-by-day prepared by professional reporters of the proceedings in both Houses of Parliament in the United Kingdom.”

Mr. Crossman.

147. That is news and not political controversy?—It is only of the proceedings in the House.

Mr. Sydney Silverman.] Obviously it is nothing to do with anticipation because it is about things that have already happened.

Mr. McAdden.

148. I notice that Mr. Crossman was talking about the fourteen day rule which had been approved by the House of Commons. Am I right in thinking that the fourteen day rule has not been approved by the House of Commons?—(Dr. Hill.) All that has happened to the fourteen day rule is that the House has approved the principle of limitation.

149. The direction from the B.B.C. is very general in its terms. Presumably if it were strictly applied it would apply to overseas broadcasts?—It is not specifically related to home broadcasting, and, strictly speaking, it does apply to all arrangements.

150. So, if it applies to overseas broadcasts as well as to home broadcasts, and the B.B.C. allowed discussions on overseas broadcasts upon matters which had subsequently been debated in the House, they would, in that sense, be breaking the rule?—There is another point which might be cleared up in any re-examination of the rule.

151. Is the Postmaster General aware that the B.B.C. does completely ignore this rule on the B.B.C.'s overseas programmes?—It would not surprise me, I would prefer not to know about it.

Mr. Julian Amery.

152. First of all, do present news programmes include the application of the

fourteen day rule, that is to say, if somebody makes a speech attracting attention in the country, are the B.B.C. inhibited from reporting the speech in their news bulletins if it deals with a matter coming before Parliament?—The phraseology here is “discussions or *ex parte* statements”, and that does not ordinarily affect the faithful reporting of news.

153. Thank you. The other question is that I understand the B.B.C. at an earlier stage suggested that the matter can safely be left to their discretion?—That is so.

154. Why did that view not commend itself to the Government?—The summary of the Government's view on that point is contained in the B.B.C.'s record of history; indeed, it has just been referred to in questions put by Mr. Silverman.

155. Then you are satisfied with that account of it?—That is a statement of history, and I have no reason to regard it as an inaccurate statement of what happened.

156. If I may pursue the matter just a little further, would you feel today that a matter could not safely be left to the discretion of the broadcasting companies—that the protection that Parliament seeks in this last resolution could not, in fact, be safely left to their discretion?—Setting aside for the moment the complication of the programme companies and the I.T.A., and looking at it as if it is a matter concerning the B.B.C., now that Parliament has decided the principle and Parliament has done what the B.B.C. wanted, that is, accept the responsibility for the principle, I would not suggest that the Committee should exclude from consideration the possibility of an arrangement rather than a precise direction. I repeat now what I said to the House: I regard it in general as undesirable that Postmasters General should issue directions under 15 (iv); I do not disguise that view. Further, because of the variety of programmes touched by this matter, because of the prospect of the evolution of new kinds of programmes in the future, it is exceedingly difficult to deal with this matter without an element of judgment and discretion of a kind that cannot easily be expressed in a formal prescription. The complication which I mention—not as insuperable but considerable—

29 February, 1956.]

Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

arises because of the different structure of the I.T.A. I should be glad if the Committee wish at any further stage to examine that technical problem further, but it would involve individual agreements of this kind with the programme companies. I have no reason to suppose that those agreements would not be willingly entered into, but it does complicate the position.

157. This is an extremely important statement which you have just made. Am I right in understanding from it that you think that where the B.B.C. is concerned, at any rate, the matter could be left to their discretion?—I was making no distinction between the B.B.C. and the I.T.A. in this matter of the willingness to work an arrangement or the capacity to exercise discretion; I am trying to limit myself in evidence to this Committee to the sensible and practical working of the principle, and I am saying from that position that an arrangement of this kind does involve so much discretion and is likely to involve so many new problems for *ad hoc* decision that a gentlemen's agreement faithfully entered into and observed by the parties to the best of their ability is more likely to secure what Parliament wants than a rigid formula that has to be devised to meet each and every circumstance. The situation, I repeat, is different now that Parliament has decided, and it may well be that the Corporation would be glad to work it on an agreed basis in the light of Parliament's decision.

Mrs. Evelyn Emmet.

Sir Lionel, I have not got a question but a comment to make, that, in as much as the Postmaster General considers that the rule applies equally to Members of the House of Lords and the House of Commons—and I would agree with that—should we not consider having some contact with or evidence from the House of Lords or leaders of the House of Lords with regard to their views on this subject?—We have not considered that point.

Chairman.] We can consider that point later, I think. Has anybody any more questions?

Sir James Hutchison.

158. The sanctions that the Postmaster General spoke about earlier on would be precisely the same under the gentlemen's

agreement as they would be under the strict rule?—No. By making a rule under 15 (iv) I impose a requirement on the Corporation, and I therefore should have reason to expect that that requirement is observed. By entering into a voluntary arrangement between the parties, the powerful element would not be a sanction but goodwill and good sense between the two parties, and I have no doubt we should get it.

159. But if the restriction of the resolution was broken your sanction ultimately is only the removal of the Governors of the B.B.C.?—I gave a general answer to that because I wanted the Committee to appreciate that, in so far as the B.B.C. and the I.T.A. are concerned, there are no detailed sanctions; there is only this ultimate and remote sanction. I made that general point not as any kind of suggestion, but just as a matter of fact.

160. I just want to make clear that the position under a gentleman's agreement would not, in fact, be weaker. Your position would not be weaker?—In the sense that I have power ultimately to enforce a direction under the rule; if I do not issue a direction under the rule, this matter of anticipation, which is not otherwise precluded, will be dealt with by understanding, arrangement and agreement between the two parties. There will be no power of enforcement.

Mr. Wedgwood Benn.

161. I just want to be quite clear on this: any rule, whether official or unofficial, by a gentlemen's agreement, you feel, should apply the same restriction to Members of Parliament and non-members?—I think if the principle be accepted of not anticipating, it applies whoever the spokesman or the performers are.

162. Do you feel that in any way, a rule, either official or unofficial, should apply only during the period for which business should be announced?—I conveyed to the Committee that suggestion because it seemed to me from the point of view of administration, not policy, to be simple and clear. I draw attention to the obvious difficulties—Mr. Silverman will not need to be reminded of them—of the existing rule in relation to a Private Members Bill. That seemed to me to be a way of limiting the field, naming it precisely, that

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

would make administration of the rule easier.

163. Finally, Postmaster General, we have had a lot of fun with all the types of programmes which do not come under the directive because the programmes are not arranged by the Corporation. Am I right in supposing that if you substitute the word "transmit" for the word "arrange" in parts 1 and 2 of your directive, you would be able to kill ministerial and party political broadcasts like those of Willesden Borough Council, the Cambridge Union, and so on?—The word "transmit" would make all the difference, but I am not saying whether the difference is desirable or not.

164. But all the exceptions that we unearthed—and there are plenty more we could have unearthed—would really be dealt with if you make the responsibility not to transmit from your transmitters?—Yes, if you use a word that relates to the physical exercise of transmitting waves over the ether, at least it is clear what you mean.

165. It would tighten up the rule, and one could make specific exceptions as they arose. There would be no question about interpretation?—All I would say is that the word "transmit" is much clearer in administration than "arrange".

Mr. Crossman.

166. I have two questions. First of all, I noticed that when you were being asked about overseas broadcasts you said that you would rather not notice it. I am not trying to catch you or anything. What did you mean?—Perhaps I was speaking of the personal comfort of the Postmaster General; the strict answer is that this rule applies without qualification to overseas and to home broadcasts.

167. But no attempt has been made to implement the rule in that ridiculous way, if I may put it quite candidly?—No complaints have been brought to my attention in that respect.

168. So you felt that the sanctions should be applied not when the rule was broken, but when it was made unavoidable for you to notice that the rule had been broken?—I should prefer a rule that was clear and easy to work.

169. In this case, the rule was clearly broken, but you said you did not have to deal with it because nobody com-

plained; but surely you are supposed to take action, even if people do not complain?—It has been suggested in this Committee that the rule has been broken; that is the first time a complaint has been made to me about the breaking of the rule on overseas programmes. That was the source of my observations.

170. If you have a gentlemen's agreement with a monopoly that seems to me to be one thing, but a gentlemen's agreement with competitive entertainment agencies—and this is, after all, a form of entertainment—is another. Now, do you think that a gentlemen's agreement is going to work when you are working with (a) the B.B.C. sound; (b) television; and (c) a number of television companies all in competition for audiences, and inclined to edge their way in order to attract an audience? Do you see any problem there?—On the general question of agreement, I do not. On the practical issue involved I do not think that political exercise of one kind or another plays a large part in the competitive activities of programme companies; but my main answer is the first one. I do not see any difficulty if the Committee should so recommend.

Mr. Bellenger.

171. Would it be fair to say that you have, or the Postmaster General's office has, really only been brought into this picture because the B.B.C. said that it did not want to accept a rule which seemed to be imposed by the parties?—Yes, it was that attitude which led to the intervention by the Postmaster General in the form of a direction.

172. Then I understood you to say, or to imply, that the B.B.C. at any rate would now be willing to resort to the old gentlemen's agreement as the matter has been settled by Parliament?—I should not, of course, like to commit the B.B.C. on that, but I believe it may well be that, now Parliament has decided the issue, the B.B.C. would be willing—indeed, it might even wish—to return to the former.

173. Quite. Do you know if there is any difficulty on the part of the B.B.C. or the I.T.A. contractors in arranging their programmes because of the weekly announcements of Parliamentary business, or do you think that if longer notice were given it would ease the question

29 February, 1956.]

Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

administratively?—Mr. Chairman, Mr. Bellenger has put his finger on a difficult and practical point of which others will know more than I. The announcement on a Thursday which affected the operation of a rule of arrangement the following week would, of course, mean that programmes might have to be re-arranged. The interval between arrangement and appearance is rather longer than many people imagine; the interval between arranging publication or printing of the "Radio Times" and the actual programme is rather longer than people imagine. I admit there are practical difficulties in that respect.

Mr. Ness Edwards.

174. Those of us who were in the House in the early '40's will remember that much of this prohibition was directed against Ministerial appearances on broadcasting. Part of the pressure for some limitation was due to a desire to prevent Ministers from making their Second Reading speeches over the air before the matter was debated in the House. Now, what does the Postmaster General say about the relation of this rule to those old-time Ministerial Second Reading speeches on the air?—That is a subject on which I have no comment; for me it is a matter of interesting history rather than for current comment.

175. I should like to follow that up; surely the present fourteen day rule does prevent things of that sort happening? If there is a complete abrogation, what remedy have you? What protection have we against Ministers using the air for Second Reading speeches prior to the debate on the floor of the House? You think the rule has nothing at all to do with it, do you?—The rule covers the position with, of course, the various qualifications that have been emphasised in the various questions that have been put.

Mr. Sydney Silverman.

176. I have only one question. You have said, Mr. Postmaster General, that you are inclined to believe, without committing the B.B.C. to anything, that now that Parliament has accepted the principle of some limitation they might even prefer to revert to the old gentlemen's agreement rather than a directive relationship. What I want to ask about that is this: the principle which Parliament

has accepted is not very clearly defined; it is the principle of some limitation. Now, if you have a directive, of course, you would define the exact limits of what the limitation is to be. In your view, supposing that there is no directive but the thing is operated by a gentlemen's agreement of some kind, who would decide what degree of limitation was the right degree?—It is clearly necessary to proceed further than the point of expressing a view on the principle. Clearly it is necessary, even in the case of a gentlemen's agreement, to give as large a degree of precision to the matter as possible; and I am glad that Mr. Silverman raised this point for a gentlemen's arrangement does not relieve us of the necessity to evolve something very precise.

177. In other words, what you would like to see done, if I may put the words into your mouth, is you would like to see the principle not merely of limitation, but the principle of what degree of limitation defined with some precision, and then, when it has been defined with some precision, leave the implementation of it to a gentlemen's agreement?—Yes, I agree with that the degree being defined and emphasise "defined" with as much precision as possible.

Chairman.

178. May I just ask you one question: you have spoken of certain anomalies and "unworkabilities" arising from the rule; would it be right to say that so far as you can go without being absolutely precise about it, as a matter of substance, those are due to the unfortunate choice of the word "arrange" in the direction?—Not wholly. I would say that the difficulties that exist are due to the decision to use, as far as possible, the words of 1948 of the general friendly, informal arrangement—to use those words as the basis of a formal prescription. It was the movement from the agreement to the formal prescription that of itself raised the difficulty.

179. As regards the detailed problems that have arisen; those do arise, I think, as your evidence indicates, from the use of the word "arrange" and from the fact that it cannot be adapted more than a certain amount?—Yes, I have been pressed hard for the difficulties which could arise. It is only fair to say that,

29 February, 1956.] Dr. The Rt. Hon. CHARLES HILL
and Sir BEN BARNETT, K.B.E., C.B., M.C.

[Continued.]

apart from the one that I mentioned, difficulties have not arisen, and it is only fair to remind the Committee that when virtually these same words were the matter of the informal agreement between 1948 and last year, they worked with that element of discretion and judgment added to them. They worked surprisingly well. We have tended to pinpoint the difficulties to-day. I must not

leave the Committee in the belief that I am now daily troubled by the difficulties of administration.

Chairman.] I thought you would like to have an opportunity of making that clear. Well, if no one has any other questions, I am sure we are all very grateful to the Postmaster General and to Sir Ben for having assisted us to-day. Thank you very much.

The witnesses withdrew.

WEDNESDAY, 7TH MARCH, 1956.

Members present:

Sir Lionel Heald in the Chair.

Mr. Julian Amery.
Mr. Bellenger.
Mr. Wedgwood Benn.
Sir Herbert Butcher.
Mr. Crossman.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.
Mr. Holt.
Mr. McAdden.
Mr. Sydney Silverman.

Memoranda submitted by the British Broadcasting Corporation

MEMORANDUM I

“THE FORTNIGHT RULE”: A CHRONOLOGICAL SUMMARY, 1944-55

Wartime Origins

1. *10th February, 1944.* The Board of Governors considered the situation which had arisen as a result of the authorisation by the Minister of Information of a talk (broadcast on 20th January, 1944), by the President of the Board of Education on the eve of the Second Reading of the Education Bill then before Parliament. The Governors passed a resolution in the following terms:

RESOLVED that when a debate on a major matter of public policy is imminent or is actually taking place in Parliament, the B.B.C. cannot allow the broadcasting of Ministerial or other *ex parte* statements thereon. This rule shall not apply to matters directly affecting the war effort, or in circumstances of national emergency.

In subsequent practice the word “imminent” was variously construed as from a fortnight to a month.

2. The “Fortnight Rule”, as it later came to be known, was thus self-imposed by the B.B.C. in the form of a Governors’ resolution. Although the object at the time was to prevent any recurrence of a situation in which a Ministerial broadcast had been imposed on the B.B.C. at a time when the issue dealt with in the broadcast was before Parliament, the inclusion in the Resolution of the words “or other *ex parte* statements thereon” had the effect of excluding also any such broadcasts on the subject which the B.B.C. might otherwise have wished to put out as part of its normal programme.

Post-War Agreement with the Parties: the Aide Mémoire

3. *November, 1945.* After the war, the B.B.C. consulted with the Parliamentary leaders with a view to the resumption of political broadcasting on lines to be agreed. As a result, the B.B.C. sent to the Lord Privy Seal (Mr. Arthur Greenwood) in November, 1945, a draft agreement containing the following proposal, among others:

When a debate on a major matter of policy is imminent or actually taking place in Parliament, the B.B.C. should not allow broadcasts of Ministerial or other *ex parte* statements thereon until the Bill has had its Third Reading in the House of Commons or the business has been completed.

39645

B

7 March, 1956.]

[Continued.]

4. *January, 1946.* In his reply of 23rd January, 1946, Mr. Greenwood said:

The Government do not think it desirable to attempt to reduce to written rules the principles which should govern the B.B.C. in regard to political broadcasting.

The principles to be adopted must depend on good sense and good will. . . . Mr. Greenwood proposed instead "a few short principles" which should be "regarded as a mere aide mémoire". These proposals did not cover the B.B.C.'s particular proposal in paragraph 3 above.

5. *March, 1946.* On 4th March, 1946, Mr. Herbert Morrison (Lord President of the Council) said in reply to a Parliamentary Question:

It is, in general, inappropriate that Ministers should give broadcast talks on Bills which are still under consideration by Parliament. Broadcast explanations of new legislation are best reserved, as a general rule, until the discussions in Parliament are completed.

6. *July–November, 1946.* Meetings were held between representatives of the Government, the Opposition and the B.B.C. on 30th July and 5th November, 1946. The meeting of 5th November was called to consider "a note of proposals prepared after discussion between representatives of the Government and the Opposition". The note for consideration (the "Aide Mémoire") contained no reference to the B.B.C.'s proposal as in paragraph 3 above. It would appear that agreement was reached between the Parties, subject to confirmation by the B.B.C.'s Board of Governors. On 20th November, 1946, Mr. Morrison (Lord President of the Council) was informed that the Board of Governors would be willing to accept the Aide Mémoire as a basis for regulating controversial political broadcasting, subject to the adoption of certain additions, one of which was:

No broadcasts other than the normal reporting of Parliamentary proceedings to take place on any question while it is the subject of discussion in either House.

7. *December, 1946.* On 31st December, 1946, the Lord President accepted the addition quoted above, subject to the insertion of "arranged by the B.B.C." after "broadcasts" and the substitution of "legislation" for "discussion". These alterations were accepted by the B.B.C.

8. *February, 1947.* On 25th February, 1947, the Prime Minister (Mr. Attlee) forwarded to the B.B.C. a printed copy of the Aide Mémoire, paragraph 6 (iv) of which reads:

No broadcasts arranged by the B.B.C. other than the normal reporting of Parliamentary proceedings are to take place on any question while it is the subject of legislation in either House.

9. A feature of the Aide Mémoire is that it settled the question of Ministerial broadcasts (see Annex A). By introducing safeguards against Ministerial broadcasts of a controversial character, the Aide Mémoire removed the danger from which the B.B.C. had sought to defend itself by means of its own Fortnight Rule.

Amendment of the Aide Mémoire

10. *February, 1948.* The working of paragraph 6 (iv) of the Aide Mémoire proved in practice to be unduly restrictive. On a further consideration of the matter early in 1948 the Board of Governors came to the conclusion that the ban on broadcasts on any question while it was the subject of legislation in either House should be more loosely interpreted so that, while the B.B.C. took care not to become a simultaneous alternative debating arena to Parliament, it should be free in discussions and other broadcasts reasonably to deal with matters which, because they were the subject of legislation, were of outstanding public interest. This view was represented to the Government by the Director-General at a meeting on 17th February, 1948, at which the Opposition was not represented, and the Director-General was invited to draft a suggestion for the Government's consideration. At a meeting with

7 March, 1956.]

[Continued.]

Government and Opposition on 25th February, 1948, the B.B.C. proposed a substitution for Clause 6 (iv) as follows:

While legislation on any question is before either House of Parliament the B.B.C. will confine its broadcasting on that question to factual statements, or explanatory and impartial surveys of the issues, and to the normal reporting of Parliament.

A decision on this proposal was deferred.

11. *April, 1948.* At a further meeting with Government and Opposition on 22nd April, 1948, the view was expressed that it would be preferable to let the existing arrangements stand, particularly as there had been, so far, no complaint against the B.B.C. on this score. The B.B.C. Chairman (Lord Simon) undertook to report the views of the meeting to the Governors and to take a later opportunity, if necessary, of making further representations.

12. *May, 1948.* On 27th May, 1948, the B.B.C. informed the party leaders by correspondence that the substitution of "legislation" for "discussion" in paragraph 6 (iv) of the Aide Mémoire had proved unduly restrictive. They felt it was in the public interest that there should be a return to the original wording. Mr. Churchill had on more than one occasion said that it would be wrong for the B.B.C. to broadcast on matters "while they were under *active discussion* in the House". The Corporation was prepared to give the following assurances:

- (a) that the B.B.C. had no intention of becoming an alternative, simultaneous debating forum to Parliament;
- (b) that the B.B.C. would not have discussions or *ex parte* statements on any issues for a period of a fortnight before they were debated in either House;
- (c) that while matters were subjects of legislation M.P.s would not be used in such discussions;
- (d) that the Budget would be excluded from these arrangements.

13. *July, 1948.* Agreement to the above was intimated to the B.B.C. on behalf of Mr. Morrison and Lord Woolton. For the purpose of recording this agreement, the B.B.C. made a new version of the Aide Mémoire for internal purposes. The new version contained the following addendum:

Note: In July, 1948, Government and Opposition agreed with the B.B.C. that 6 (iv) should be construed as:

- (a) that the B.B.C. will not have discussions or *ex parte* statements on any issues for a period of a fortnight before they are debated in either House;
- (b) that while matters are subjects of legislation M.P.s will not be used in such discussions.

It will be noticed that this addendum contains no reference to the fact that the Budget should be excluded from the arrangements. The reason for this omission is not known. By some misunderstanding, too, the word "discussion" was substituted for the word "legislation" in paragraph 6 (iv) of the Aide Mémoire itself (as distinct from the revision in the footnote) thus altering in this particular the record of the original agreement with the Parties.

The Beveridge Enquiry

14. *Autumn, 1949.* In its first and principal memorandum of evidence to the Beveridge Committee, which consisted of a general survey of the broadcasting service, the B.B.C. summarised the contents of the Aide Mémoire and quoted the restriction in paragraph 6 (iv) as amended by the agreement of July, 1948. At the Committee's request, and in agreement with the Lord President's office, the B.B.C. subsequently forwarded to the Committee a copy of the Aide Mémoire (the version referred to in 13 above). Sir William Haley said in evidence to the Committee that the B.B.C. was very conscious of the difficulties and drawbacks to the rule which had been mentioned by the Committee. He thought the Governors would welcome a relaxation of the rule provided it did not mean that the B.B.C. would have a Minister imposed on it the night before a Second Reading debate.

39645

B 2

7 March, 1956.]

[Continued.]

15. *January, 1951.* The Beveridge Report, issued on 18th January, 1951, contained the following recommendation (Recommendation 69):

The present bar on discussion of any question within a fortnight before it is debated in either House of Parliament should be reconsidered with a view to providing topical and interesting microphone debates of issues when they are actually before Parliament.

Appendix H of the Report reproduced the Aide Mémoire in the version of July, 1948, referred to above.

16. *March-May, 1951.* On 20th March, 1951, the B.B.C. gave notice to the Government and Opposition of its desire to raise Clause 6 (iv) in the light of the Beveridge Recommendation No. 69. The Government and Opposition both took the view that particular Beveridge recommendations should not be discussed with the B.B.C. until Parliament had debated the Report as a whole.

17. *July, 1951.* In its White Paper on the Beveridge Report (Cmd. 8291), Mr. Attlee's administration accepted the Committee's recommendation (No. 4) that "the current independence of the Corporation in making programmes . . . should be continued". It was noted that successive Governments had in peace-time allowed the Corporation complete independence in the day to day management of its business. The Government intended to maintain this policy which was the one "best calculated to ensure freedom of expression on the air". But no reference was made to Recommendation 69, or to the B.B.C.'s current arrangements, as agreed with the Parties, for the regulation of political broadcasting.

18. *July, 1951-March, 1952.* In the course of its internal review of developments, following publication of the Beveridge Report, the B.B.C. recorded the fact that for a considerable time it had wished to get rid of the closed period. In view of the prevailing uncertainty with regard to the future of broadcasting, as to which Mr. Churchill's administration had not yet published its intentions, the Board of Governors decided (28th February, 1952) that the B.B.C. should not raise the matter of the closed fortnight until the next White Paper had been published. There was a meeting between the B.B.C. and the Government and Opposition on 25th March, 1952, when no mention was made of this matter.

19. *May, 1952.* In its White Paper of May 1952 (Cmd. 8550), the Government said that it proposed to discuss the Beveridge Committee's recommendations about political broadcasting with the Opposition and the B.B.C.

The B.B.C. seeks to disengage from the agreement

20. *February, 1953.* In proposing the customary meeting with Government and Opposition, the B.B.C. gave notice of its desire to represent to the Parties the difficulties arising from the restrictions embodied in Clause 6 of the Aide Mémoire as amended in July, 1948.

21. *March, 1953.* At a meeting with the Parties on 24th March, 1953, the Chairman of the B.B.C. raised the question in terms which were summarised in the Minutes of the Meeting as follows:

The B.B.C. representatives said that the rule by which they were restricted in their broadcasts on matters to be debated in Parliament had its origin in a self-denying ordinance which they adopted during the war. Its effect now was to prevent their broadcasting discussions on matters to be debated within a fortnight in Parliament. Their points were that the matter was the responsibility of the B.B.C., which had a duty to be impartial, and not of the Parties; the period of a fortnight was arbitrary; the rule imposed great administrative difficulty, involving cancellations because Parliamentary business when the broadcasts were fixed was not known; the public thought the rule absurd and, despite explanations, attributed it to the B.B.C. Furthermore, the Beveridge Committee had recommended its abolition. The B.B.C. had acquiesced in the past but now wanted the rule abolished, although they would continue to bar M.P.s from speaking in the fortnight period. They were not clear on what basis they were required to observe the rule, although no doubt, ultimately, the Government had the right to issue a direction.

7 March, 1956.]

[Continued.]

The views of the Government and Opposition were summarised in the Minutes as follows :

In discussion the Government and the Opposition made it clear that they attached considerable importance to the rule being retained. It was important to protect M.P.s from undue pressure before a Parliamentary debate. The B.B.C.'s position was quite distinguishable from that of newspapers with their smaller coverage and conflicting views. The B.B.C. were restricted in this fashion on the basis of the Agreement they had entered into with the Parties and they had the right to make this clear to the public. The matter was essentially one for decision by the Parliamentary leaders.

The Parties appreciated the B.B.C.'s difficulties but they would not agree to a change without further consultation with their colleagues.

22. 16th April, 1953. In the course of a full review of the matter, the Governors took note of the fact that the rule had been originally introduced by a resolution of the Board with the object of excluding broadcasts by Ministers advocating measures which were about to be debated in the House of Commons. They felt that the restriction in its existing form was open to objection in principle and in practice. Under the Charter, the Corporation had the duty to inform the public and in doing so it had the obligation of maintaining impartiality. Provided that the Corporation acted responsibly and with good sense, there seemed in principle to be no reason why it should accept a restriction of the present character at the behest of the Party leaders. In practice, the Corporation found itself from time to time in the position of having to cancel advertised programmes for a reason which was unacceptable to the public. It was understandable that Members of Parliament should not be used during debates in the House, but the public failed to understand why a discussion on the air should be banned just at a time when the subject to be discussed was most topical. The B.B.C. was constantly suspected of being too much under the influence of the Government of the day and of succumbing to political pressure. The closed fortnight restriction was generally thought to be due to that kind of pressure. It was agreed that the Chairman should write to the Party leaders conveying the Governors' view that the question of broadcasting on matters before Parliament was entirely one for the B.B.C. and ought not therefore to be included among the matters normally regulated by discussion between the Parties and the B.B.C.; that the present rule of the "closed fortnight" was unnecessarily restrictive and very much criticised; and that the Beveridge Committee had recommended reconsideration of it. The Governors therefore proposed to withdraw the restriction at the end of the present Parliamentary Session, unless the Parties put forward any views which might lead the Governors to modify that proposal.

23. April-May, 1953. The Chairman wrote in the above sense to Captain Crookshank and Mr. Morrison on 22nd April. Mr. Morrison replied on 27th April and Captain Crookshank on 8th May. It was noted by the Board of Governors that they both advised the B.B.C. to bow to the views of the Party leaders, that they made no concession to the views expressed by the Chairman and they made no new point in regard to the issue. The Governors were of the opinion that it remained highly desirable to regain freedom in this matter.

24. June, 1953. In letters of 1st June to Captain Crookshank and Mr. Morrison, the Chairman said that the Corporation now felt that a rigid rule was inappropriate and put the Governors in a false position. His letter, designed to secure for the B.B.C. the maximum which it was thought the Parties would concede, included the following:

The Governors therefore hope that you will agree to the removal of this rule from the orbit of the Aide Mémoire and of the formal discussions with the Parties. For their part, the Governors will exercise their responsibility with the fullest regard for the views of the Parliamentary Leaders which have been clearly expressed and are well understood. They will undertake to refrain from using Members of either House in broadcasts during the fortnight before a debate. They will also take particular care to avoid *ex parte* statements or discussion programmes on highly controversial questions of first importance during the same period. Thus, while not prescribing an absolutely rigid closed fortnight rule, they will act in a manner which they believe will avoid the

39645

B 3

7 March, 1956.]

[Continued.]

dangers which have led the Parliamentary Leaders to uphold the views which you have expressed in your letter.

In a letter of 26th June, Captain Crookshank wrote that as a result of further consideration the Parliamentary leaders on both the Government and Opposition sides adhered to their previous view, i.e. the B.B.C.'s proposal was rejected. Following Captain Crookshank's letter, the Governors decided that further action should await completion of the debates on the Government's television policy, as initiated by the White Paper of May, 1952.

25. *4th March, 1954.* After a full review of the past history of the matter, the Board of Governors agreed that the Parties be informed that the B.B.C. did not regard Clause 6 (iv) of the Aide Mémoire as a continuing contract and would not feel bound by it in the future.

26. *16th March, 1954.* At a meeting with the Government and Opposition, the B.B.C. representatives said that if the rule had to be maintained intact the B.B.C. would prefer to have it removed from the realm of their discretion, especially as the advent of a competitive service would complicate the position. This might be done by the issue by the Postmaster-General of a notice under Clause 15 (4) of the Licence. The Government undertook to examine the feasibility of the issue of such a notice.

27. *May, 1954.* The Postmaster-General conveyed the suggestion of the Party leaders that a statement should be made in Parliament to the effect that the Parties had asked the B.B.C. to continue to observe the rule and that the B.B.C. had agreed. At a meeting with the P.M.G. on 26th May, the Chairman and Director-General pointed out that such a course would not protect the B.B.C. from the criticism that it was submitting to the Parties in this matter instead of remaining free to inform the nation on questions of immediate concern.

28. *June, 1954.* Following a decision of the Board of Governors on 10th June, the Chairman wrote to the Postmaster-General on 11th June requesting that the obligation which the Parliamentary leaders desired to impose on the Corporation should be embodied in an injunction under Clause 15 (4).

29. *August, 1954.* On 19th August, 1954, the Post Office (Sir Ben Barnett) forwarded to the Director-General the first draft of a prescription under Clause 15 (4). During the subsequent months up to April, 1955, correspondence was exchanged between the B.B.C. and the Post Office with regard to the wording of the draft.

30. *27th July, 1955.* The P.M.G. forwarded to the Chairman a Notice as follows:

To the British Broadcasting Corporation.

1. In accordance with Clause 15 (4) of the Corporation's licence and agreement dated 12th June, 1952, I hereby require:

- (a) that the Corporation shall not, on any issue, arrange discussions or *ex-parte* statements which are to be broadcast during a period of a fortnight before the issue is debated in either House or while it is being so debated;
- (b) that when legislation is introduced in Parliament on any subject, the Corporation shall not, on such subject, arrange broadcasts by any Member of Parliament which are to be made during the period between the introduction of the legislation and the time when it either receives the Royal Assent or is previously withdrawn or dropped.

2. These requirements do not affect the normal reporting of Parliamentary proceedings in accordance with Clause 15 (2) of the licence and agreement.

31. *12th August, 1955.* Sir Ian Jacob invited the P.M.G. to broadcast on the subject, in view of the Press comment and discussion which had followed the issue of the prescription. The invitation was declined on 18th August, 1955.

32. *17th August, 1955.* The B.B.C. issued a Press statement making it clear that the Corporation had accepted the prescription unwillingly and that it regarded it and the earlier agreement with equal disfavour. This was broadcast in Sound and Television News the same evening.

7 March, 1956.]

[Continued.]

Principle of limitation endorsed by House of Commons

33. 30th November, 1955. The House of Commons debated and adopted the following Government motion:

That this House considers that it is in the interest of Parliament and the nation to preserve the principle of some limitation to the anticipation of Parliamentary debates by broadcasting; and would welcome the appointment of a Select Committee to consider whether any changes are desirable in the present methods of giving effect to this principle.

On a free vote, the House rejected by 271 votes to 126 an amendment the effect of which would have been to recommend the appointment of a Select Committee to consider the principle involved and not only the steps to be taken to safeguard the principle. In rejecting the amendment and adopting the substantive motion, the House committed itself to the principle of limitation.

EXTRACT FROM THE AIDE-MÉMOIRE

(2) In view of their responsibilities for the care of the nation the Government should be able to use the wireless from time to time for Ministerial broadcasts which, for example, are purely factual, or explanatory of legislation or administrative policies approved by Parliament; or in the nature of appeals to the nation to co-operate in national policies, such as fuel economy or recruiting, which require the active participation of the public. Broadcasts on State occasions also come in the same category.

It will be incumbent on Ministers making such broadcasts to be as impartial as possible, and in the ordinary way there will be no question of a reply by the Opposition. Where, however, the Opposition think that a Government broadcast is controversial it will be open to them to take the matter up through the usual channels with a view to a reply.

- (i) As a reply if one is to be made should normally be within a very short period after the original broadcast, say three days, the B.B.C. will be free to exercise its own judgment if no agreement is arrived at within that period.
- (ii) Replies under this paragraph will not be included in the number of broadcasts provided for under paragraph 4.
- (iii) Copies of the scripts of broadcasts under this paragraph shall be supplied to the leaders of each Party.
- (iv) All requests for Ministerial broadcasts under this paragraph shall be canalized through the Minister designated for this purpose—at present the Postmaster-General.

MEMORANDUM II

THE OPERATION OF THE RULE AFFECTING BROADCASTS ON SUBJECTS TO BE DEBATED IN PARLIAMENT

1. The B.B.C. itself decides when to apply the rule. In no case has it referred to an outside authority the question whether the rule does or does not apply in a given set of circumstances. The B.B.C. learns when a debate is to take place and when legislation is to be introduced from the business statements made in Parliament. In advance of these statements a probable debate is sometimes forecast by the Parliamentary correspondents and in these cases the B.B.C. verifies the information from its own Lobby correspondent or direct with the Chief Government Whip's office. The B.B.C. accepts the responsibility in doubtful cases of obtaining such relevant information as is available and of making the necessary editorial decisions.

39645

B 4

7 March, 1956.]

[Continued.]

The B.B.C. has taken pains to keep itself well informed for the purpose of exercising its responsibility with due care and has never received a complaint for a failure to apply the rule in a particular instance.

2. The B.B.C. not only decides the occasions on which the rule must be applied but also what it is that must be excluded. The earliest form of the rule, prohibiting broadcasts of *ex parte* statements when a debate in Parliament is imminent, left a wide scope for interpretation in the hands of the executive of the B.B.C. That this discretion met with the explicit approval of the Government of the day is made clear by the following observation by the then Lord Privy Seal who, in January, 1946, wrote to the B.B.C. on receiving a copy of the Governors' rule:

"The Government do not think it desirable to attempt to reduce to written rules the principles which should govern the B.B.C. in regard to political broadcasting. The principles to be adopted must depend on good sense and good will. . . ."

In practice the B.B.C. applied the rule only in cases of a major debate in either House; it first construed the word "imminent" variously as being a fortnight or a month.

3. Later, more exact formulations of the rule brought with them more exact observance. It is typical of the history of the rule's observance by the B.B.C. that in 1948 when the programme "Any Questions?" was started, the B.B.C. did not consider that this programme was within the scope of what was intended by the Agreement. The spontaneous nature of this and other question and answer programmes led the B.B.C. to feel that this type of programme was not thought to be the object of the restriction. In the early days of "Any Questions?" the second part of the Agreement affecting participation by M.P.'s was only very lightly applied. No account was taken of Private Members' Bills and M.P.s were permitted to discuss matters connected with Government legislation until the Second Reading debates drew near.

4. The maximum application of the rule in detail has been felt only since the agreement gave place to the prescription. Public discussion about the restriction led to the scrutiny of particular cases and to a more rigorous application of the rule. For example, the programme "Any Questions?", referred to above, seems clearly to fall within the terms of the prescription and is therefore now subject to the rule whereas previously it was largely unaffected. In this programme, the B.B.C. must in the normal course decide what questions shall be chosen from those that are proposed by members of the public for discussion by the panel of speakers; it has therefore become obligatory for the B.B.C. to withhold questions and answers which would obviously lead to a discussion or *ex parte* statements. This interpretation of the prescription applies to a number of similar programmes in Sound and Television. The wastage of valuable programme items has definitely increased since the restriction became a legal obligation rather than an agreement in principle.

5. A complete record of cancelled, suppressed and abandoned programmes or items in programmes is impossible to provide and it would be misleading to suppose that the effect of the rule may be measured by the occasions on which an advertised programme has had to be withdrawn; though these occasions often become notorious at the time and cause a keenly-felt disappointment among the expectant public, there are countless other occasions in the Regions and in the main Sound Services and on Television when, without the knowledge of the public, the most vital and topical subject has had to be replaced in programmes by something of much less concern and value to the public. These are occasions on which the cancelled item has been planned but not announced. It should be mentioned too that the effect on programme producers of the rule's existence tends to turn their attention away from what may have to be cancelled to safer but less significant enterprises.

6. It will be noted that in May, 1948, the Budget—by agreement with the Parties—was exempt from the rule (see the B.B.C.'s Memorandum No. 1, para. 12). It is important to point out that the exemption refers to the Budget as a topic, not merely to the Budget broadcasts by the Government and the Opposition. This exemption confirmed a practice, established by the B.B.C. long before the rule was instituted, by which the Budget measures were explained and discussed so that the

7 March, 1956.]

[Continued.]

public should be thoroughly well informed about them. In framing the rule originally the B.B.C. did not consider that broadcasting about the Budget should be affected. The parties, it seems, took the same view in 1948. The exemption was never questioned, until after the prescription. Unfortunately it had not been included in the revision of the rule shown in paragraph 13 of the Memorandum No. 1. It is not open to the B.B.C. to continue practices under the prescription which have no sanction other than tradition and therefore the full force of the rule was applied to the Budget for the first time in the autumn of 1955. The Corporation does not find it possible to deal adequately with the Budget measures under the rule as it now is. In considering whether the exemption agreed in 1948 should be revived, it will no doubt be realised by the Committee that the arguments in favour of exempting the Budget apply in other comparable cases.

7. It is often thought by the public that the field over which the rule in fact applies is relatively small, but the effect of the rule is felt throughout the whole field of current affairs broadcasting. The schedule annexed to this paper will show the volume and range of this output. From this it will be seen there are some hundreds of items in various stages of preparation, all of which are potentially vulnerable and may have to be withdrawn or modified by the operation of the rule. Only at the very latest stage, after the advertisement of the programme in the Radio Times, do these changes become noticeable to the public, and only then in cases where whole advertised programmes have to be cancelled or postponed. Many of the programmes—e.g. "At Home and Abroad" (Home Service) or "In the News" (Television)—are serial titles comprising several items or subjects which, because of their topical nature, are not advertised in advance. These programmes suffer frequent changes when Parliament is sitting which are not noticeable because a stop-gap speaker or subject is introduced at the last moment to take the place of what was previously intended but not announced. The substituted item is often less topical and usually less interesting to the public than the cancelled one.

Not for publication
Issue No. 22
(20.2.56)
Programmes from
Week 8 onwards

CURRENT AFFAIRS

SCHEDULE OF ADVANCE INFORMATION OF SOUND AND TELEVISION BROADCASTS

Note: This schedule is one of a weekly series prepared for information within the BBC. For the purpose of the Committee, it is shorn of operational details, but is otherwise in the form in which it is issued internally.

HOME SERVICE

TALKS

"MONEY MATTERS", Sundays, 5.50–5.55 p.m.

Feb. 19	...	...	...	Odds and ends of thrift.
Feb. 26	...	...	...	Royal Saver–Royal Spender.
No prog. April 1				

TALK, Sundays, 6.15–6.30 p.m.

Feb. 19	...	...	...	Religious Education in Schools.
Feb. 26	...	...	...	Utilisation of soil in Kenya.
Mar. 4	...	...	...	Three S. African Patriarchs.
Mar. 11	...	...	...	?Pioneers on the Pampas.
Mar. 18	...	...	...	?Aden Protectorate.
Last prog. April 1.				

7 March, 1956.]

[Continued.]

HOME SERVICE—(continued)

TALKS—(continued)

Forward Project ?The Nomads of Lapland.

MONDAY COMMENTARY: "THE WORLD AND OURSELVES", 6.15–6.25 p.m.

Feb. 20–Mar. 5 inclusive.

Mar. 12–April 16. (No prog. April 2?)

Apr. 23 onwards.

TUESDAY COMMENTARY: "FARMING TODAY", 6.15–6.25 p.m.

"AT HOME AND ABROAD", Tuesdays and Fridays, 9.15–9.45 p.m.

Forward Projects subject to programme changes. American Social Security.

WEDNESDAY COMMENTARY: "HOME AFFAIRS", 6.15–6.25 p.m.

Feb. 22–Feb. 29.

Mar. 7–Mar. 28.

THURSDAY COMMENTARY: "THURSDAY COMMENT", 6.15–6.25 p.m.

"LETTER FROM AMERICA", Thursdays, 8.15–8.30 p.m.

(Repeat Mondays, 9.40 a.m.).

Mar. 8 No programme.

THURSDAY DISCUSSIONS, 9.15–9.45 p.m.

Feb. 23 WHS: Industrial Enquiry–Fuel Efficiency.

Mar. 1 Radio Link.

Mar. 8 No space.

Mar. 15 No space.

Mar. 22 ... 9.15–10.0 Pre-Budget Discussion.

Mar. 29 ?Co-operative Movement.

April 5 Radio Link.

April 12 ?Reserve space for Opposition Budget speech.

April 19 ... 9.15–10.0 ?Divorce.

April 26 ... 9.15–10.15 51 Society: America in Election Year (NHS).

May 3 } Indus. Panel Disc. (1st of series) OR

May 10 } General Strike Doc. OR

The Patient and the Hospital (WT).

May 17 To be filled.

May 24? Germany East and West.

Forward Projects ?Capital Punishment.
Tourism.
Price and Wages Freeze.
Visit of Russian Leaders.

"THE WORLD THIS WEEK", Saturdays, 4.30–5.0 p.m.

Mar. 10, 17, and 24—4.35–5.0.

"THE WEEK IN WESTMINSTER", Saturdays, 7.15–7.30 p.m.

Feb. 25.

Mar. 3.

MISCELLANEOUS TALKS

Feb. 20 ... 9.15– 9.25 Ministerial Broadcast: White Paper on Services Pay

Feb. 28 ... 7.30– 8.15 Citizens of Tomorrow (doc. impression of youth today).

Mar. 1 ... 10.15–10.45 Citizens of Tomorrow (*Discussion: King George V Jubilee Trust Report*).

Mar. 15 ... 9.15– 9.30 Labour P.P.B.

7 March, 1956.]

[Continued.]

HOME SERVICE—(continued)

TALKS—(continued)

Forward Projects

Late p.m. bet. Mar. and May.	Leasehold Reform (15 or 20 mins.).
?May, 45 mins. (See Thurs. Disc., 3–10 May).	30th Anniv. of Gen. Strike: Doc.
20 mins. each	<i>Discussions:</i> Current Issues and Christian Controversy.
?Late evening, June	Freedom through Federation: Conversation. Series on econ. situation.

MISCELLANEOUS TALKS (of possible Current Affairs interest)

Feb. 23 7. 0– 7.15	Sc. Survey: What are those atoms? 3/3.
Mar. 1 7. 0– 7.15	Sc. Survey: Radiation in Industry.
Mar. 9 6.50– 7. 0	The Church in the M. East.
April 15 9.15– 9.30	Tercentenary of the Jews.

Forward Projects

	Cyprus.
Summer: Weds., 7.30	Preparatory School at New Malden.
?April	Subtopia: 6 talks of 30 mins.
	The Travellers: Transantarctic Expedition.

SCHOOL BROADCASTS

"CURRENT AFFAIRS II", Wednesdays, 11.20–11.40 a.m.

Feb. 22	Sea Defences on the E. Coast.
No prog. Mar. 28–April 11 inclusive.	

"CURRENT AFFAIRS I", Fridays, 11.20–11.40 a.m.

Feb. 24	B.I.F.
No prog. Mar. 30–April 6 inclusive.	

SCIENCE AND THE COMMUNITY, Thursdays, 2.40–3.0 p.m.

Mar. 15	Materials in our daily lives series:
	5/6: New uses for old materials (topical).
Mar. 22	6/6: New uses for new materials (topical).

NEWS

(Bulletins, Newsreels, Parliamentary summaries, omitted).

"EYE WITNESS", Wednesdays, 1.10–1.30 p.m.

Feb. 22	1.15– 1.30.
Mar. 7, 21	1.15– 1.30.

"FROM OUR OWN CORRESPONDENT", Sundays, 10.15–10.45 a.m.

FEATURES

Mar. 16 7.45– 8.15	Among the Submerged Tenth (work of Family Service Unit Organisation).
April 10 10.15–10.45	UNESCO in the African Bush: Village Schools of Liberia 1/2.
April 13 7.45– 8.15	The New Eldorado: Venezuela 1/2.
April 17 10.15–10.45	UNESCO in the African Bush: Village Schools of Liberia 2/2.
April 20 7.45– 8.15	The New Eldorado: Venezuela 2/2.
April 24 7.30– 8.30	The Arctic.
?May 29 7.30– 8.30	The two Germanies.

7 March, 1956.]

[Continued.]

HOME SERVICE—(continued)**FEATURES—(continued)***Forward Projects*

Bet. weeks 40-43, 3 or 4 progs.	The Criminal. Fuel and Power (whole fuel situation—to precede opening of Calder Hall, Oct. 17). London—International City. The Kibbutz—story of experiment in communal living in Israel.
4th Quarter	Return to Canada.

RECORDED PROGRAMMES

Feb. 27 ... 3.10- 3.40	The Waiting People 1/2: Europe's 300,000 refugees.
Mar. 5 ... 3.10- 3.40	The Waiting People 2/2: Europe's 300,000 refugees. Dutch Transcription recs.

OUTSIDE BROADCASTS

Feb. 23 ... 10.15-10.45	Institute of Electrical Engineers Dinner, Grosvenor House. (Recs.).
-------------------------	---

LIGHT PROGRAMME**TALKS**

"TOPIC FOR TONIGHT", daily, Tuesdays-Fridays, 10.15-10.20 p.m.
No. prog. Mar. 13 and 30. (Mons.-Fris. April 9 onwards).

"LOOKING AT THE NEWS" (W. Hour), Fridays, bet. 2.0-3.0 p.m.

"FURTHER EDUCATION"

<i>Forward Projects</i>	Men of Asia.
2nd Quarter, 8 progs. ...	Popular Science Brains Trust: "Who Knows".

YOUNGER GENERATION: "QUESTION TIME", Sundays, 6.30-7.0 p.m.

MISCELLANEOUS TALKS

Feb. 20, 27, and Mar. 5. 9. 0- 9.30	Journey to the Stone Age, 2/4, 3/4, 4/4.
Feb. 24 ... 6.30- 6.45	Younger Gen.: Is this really our business? (how young British people can play part in work of U.N.).
Mar. 1 ... 2. 0- 3. 0	W. Hour incs.: The Month in Parliament.
Mar. 12 ... 9. 0- 9.30	Antarctic Expedition 1/2.
Mar. 19 ... 9: 0- 9.30	Antarctic Expedition 2/2.

FEATURES*Forward Projects*

4 30 mins. progs. ...	The River Police. Venezuela—5 progs. (15 mins. each). Gold Coast—3 progs. (15 mins. each).
Autumn	Cumberland Atomic Energy Story. Capital Punishment—new 60 min. prog. for LT.

OUTSIDE BROADCASTS

Feb. 22 ... 2. 0- 2.30	Luncheon at Guildhall for H.M. The Queen and Duke of Edinburgh on return from Nigeria (Rpt. HS, 9.50 same day).
------------------------	---

(N.B.—See West for "Any Questions" and "Any Answers")

7 March, 1956.]

[Continued.]

THIRD PROGRAMME

TALKS

- "FOREIGN REVIEW", monthly, 30 mins. (This programme is repeated).
 Feb. 19 ... 6.40- 7.10 Some probs. of S. Italy; Rebellion of Hungarian writers in past few weeks; Situation in Morocco (extrs. from current Spanish periodical).
 Mar. 21 ... 8. 0- 8.30
- "SOVIET AFFAIRS", monthly, 20 mins. (This programme is repeated).
 Feb. 27 ... 7.55- 8.15 The Myth of Soviet culture: The Language Aspect.

MISCELLANEOUS TALKS

- Feb. 25 ... 8.55- 9.15 Israel and the Arab States: probs. of Settlement and Resettlement.
 Mar. 2 ... 8.45- 9. 5 A World of their own: post-war influences on Australia and New Zealand.
 Mar. 4 ... 7.15- 7.35 Law in Action 29: Murder without design.
 Mar. 6 ... 8.50- 9.10 Book Rev.: French Government's Report on Population.
 Mar. 7 ... 8. 0- 8.20 Free elections and Democracy.
 Mar. 23 ... 8.15- 8.35 Report of the Royal Commission on East Africa.
 April 1 ... 7.40- 8. 0 Africa series 1/49: Introduction
 April 2 ... 8.55- 9.15 Law in Action: 30.
 April 5 ... 9. 0- 9.20 Africa series 2/49: The Response to Civilisation (1/2).
- Forward Projects* Prison Reforms.
 Discussion on Land and Life.
 Nigerian Politics.
 1956 S. Africa: 2 talks after visit.
 China and the Chinese Overseas.
 S. America: 2 talks after visit.
 Report of Royal Commission on Taxation—discussion.
 Science and Technology in W. Germany.
 Letter from Germany ("From Defeat to Rearmanent" by A. Grosser).
- 2nd and 3rd Quarters ... Africa series of talks inc. Concluding talk (See April 1 onwards).
 African Opinion (WT) (8 talks).
 Report of Royal Commission on Divorce.
 The British Labour problem and America.
 The Welfare State and Legal Liability.
 Pressure Groups and Democracy, 2 talks.
 Letter from Dublin.
 Factory organisation in Italy.
 The Purpose of a University.
 30 mins. Colonial Self-Government (Cust Foundation Lecture).
 The Colonial Office (study by Royal Inst. of Public Administration).
 Canals in England (problem of preservation in historical context).

NEWS

- "SOVIET VIEW", monthly, 30 mins. (This programme is repeated).
 Feb. 22 ... 8. 0- 8.30.
 Mar. 26 ... 7. 0- 7.30.

OUTSIDE BROADCASTS

- Mar. 9 ... 8.45-10.25 Oxford Union Debate: That this house refuses to put its trust in politics (pre-rec.).
 Mar. 25 ... 3. 0- 5.15 Cambridge Union Debate: That State and Party are subverting the liberty of the individual (pre-rec.).

7 March, 1956.]

[Continued.]

TELEVISION

TALKS

- “ HIGHLIGHT ”, Mondays–Fridays, inc., 7.20–7.30 p.m.
 No. prog. Mar. 1 and 5
 Feb. 27 B.I.F.
- “ BRAINS TRUST ”, Sundays, 4.0–4.30 p.m.
 Question Master A. Melville.
 Feb. 19
 Feb. 26
 Mar. 25 ... 4. 0– 4.35
- “ IN THE NEWS ”, Fridays, (fortnightly), 30 mins.
 Mar. 2 ... 10.15–10.45.
 Mar. 16 ... 9.15– 9.45.
 Mar. 30 ... 9.30–10. 0.
 April 13 ... 10.15–10.45.
- “ PANORAMA ”, Mondays, 8.30–9.15 p.m.
 Feb. 20 Guided Missiles.
 Feb. 27 ?B.I.F.; ?Desegregation of public school system in Virginia.
 Mar. 5 ... 8.45– 9.30
 April 2 Programme from Rome.
- Forward Projects*
 ?Report on Royal Commission on Divorce.
 ?Capital Gains Tax.
 ?Prison Conditions.
 ??Monopolies Commission Report.
 ?Visit of Japanese Parliamentary Delegation.
 ?Automation.
 ?Sale of Viscounts in U.S.A.
 ?Sweden’s Underground Defences.
 ?Docks.
 ?Sociological report on mining town, Featherstone.
- “ PRESS CONFERENCE ”, Fridays, (fortnightly), 9.15–9.45 p.m.
 Mar. 9.
- “ FACTS AND FIGURES ”, Fridays, (monthly).
 Feb. 24 ... 10.45–10.57 Incs. Information on the Colonies.
 Mar. 22 ... 10.45–10.55
- REPORT FROM AMERICA, Wednesdays, (monthly), 10.15–10.45 p.m.
 Mar. 14 ?Country Editor (a small town seen through the eyes of an Editor).
 April 11
- “ SPECIAL ENQUIRY ”, Tuesdays, (monthly), 45 mins.
 Feb. 21 ... 8.45– 9.30 Trade Unions.
 Mar. 20 ... 8.45– 9.30 Agriculture.
- MISCELLANEOUS TALKS
 Feb. 21 ... 7.30– 8. 0 Commonwealth Magazine.
 Feb. 24 ... 10.15–10.45 Asian Club: Trade Unions.
 Feb. 24 ... 7.30– 8. 0 Labour P.P.B.—The World we live in: a discussion.
 Mar. 6 ... 8.45– 9.30 The World is Ours: 9—Weather Forecast.
 Mar. 7 ... 10.15–10.45 Science Review: 3.
 Mar. 20 ... 7.30– 8. 0 Commonwealth Magazine.
 Mar. 23 ... 7.30– 8. 0 Labour P.P.B.
 April 4 ... 10.15–10.45 Science Review: 4.
 April 6 ... 10.15–10.45 Asian Club.

7 March, 1956.]

[Continued.]

TELEVISION—(continued)

TALKS—(continued)

- Forward Projects* The World is Ours (Series): The World Bank.
International Civil Airways.
Beginning of April The Transantarctic Expedition: 2.

FILMS

- “ULSTER MIRROR” (quarterly).
Mar. 19 ... 10.45–11. 0.

OUTSIDE BROADCASTS

- Feb. 21 ... 10.30–10.57 “Outlook”—miscellany from Wales (Wenvoe and
N. Hessay Tor only).
Feb. 24 ... 10.15–10.45 Asian Club, Gosta Green—Subject: Trade Unions.
Mar. 13 ... 9.30–10. 0 Church in Action: Christian Forum.

DRAMA

- Forward Projects* Law and Order (6 progs.).
Naval Officer (probs. of officers in R.N., partic. re
promotion).

REGIONS

MIDLAND

- “TONIGHT’S TALK”, Mon., Wed., Thurs., MHS, bet. 6.25–6.35 p.m., 5 mins.
“WHAT GOES ON?”, Fridays, MHS, 6.30–7.0 p.m.
April 20 Preview of B.I.F.
Last prog. April 27 or May 4.
“MIDLAND M.P.S AT WESTMINSTER”, Sundays, MHS, 2.20–2.30 p.m.
“JUST THE JOB”, monthly, MHS, 30 mins.
Mar. 5 ... 6.35– 7. 0.
Weeks 16 and 20.
“TOWN FORUM”, Thursdays, MHS, monthly, 9.15–10.0 p.m.
(Rec. rpt. Fridays, MHS, 1.10 p.m.).
Mar. 1 Rugby.
Mar. 29
April 26
?May 24 ?Visitors from W. Indies.
?June 21
“BEHIND THE NEWS”, Thursdays, MHS, monthly, 30 mins.
Mar. 15 ... 9.15– 9.45.
April 12, May 10, June 7.
“MOTORING AND THE MOTORIST”, Wednesdays, MHS, monthly, 20 mins.
Feb. 22 ... 6.50– 7.10 Incs.: Topics of the moment—
(a) Will parking meters relieve the traffic con-
gestion?
(b) Would the compulsory inspection of vehicles
reduce the accident rate?
Weeks, 16, 20, 24... ..

MISCELLANEOUS PROGRAMMES: MHS.

- Feb. 24 ... 8.30– 9. 0 Down to the Sea incs.: Ipswich–Stowmarket canal, a
study in the decay of our inland waterways.
Mar. 22 ... 9.15–10. 0 Midland Parliament: Competition for Exports.

7 March, 1956.]

[Continued.]

REGIONS—(continued)

MIDLAND—(continued)

MISCELLANEOUS PROGRAMMES: MHS—(continued)

Forward Projects

Mid-Mar. – Mid-April, 60 mins.		Feature: Cathedral City (Study of Birmingham Diocese in modern world).
?Fortnightly, 30 mins.	...	Kill or Cure—safety-first magazine prog. Dramatic treatment of 1853 case at Winson Green Prison which led to prison reform. The Air-Borne Age (? one of group of progs. on Motor Industry).
2 or 3 progs.	... ..	New Rolling Stock (Diesel Conversion based on Derby). Wolverhampton–Mersey Ship Canal: exploratory disc. Capital Investment—the larger soc. and indus. capital projects (Poss. continuing theme in indus. mag.).
Oct. 1956	... ..	Trunk Roads Problem: Doc. Feature: Existing congestion. Discussion. Play: with “drunk in charge” theme (“One for the Road”). Talks series: Subtopia (ref. Arch. Review series) examples from Midlands.
Late April	... ..	Feature: “Any dark morning” (miner’s life in Derbyshire coal field).
Mid-Mar.–Mid-April 30 mins.	... ..	Feature: Midland Bureau—work of a voluntary society for homebound women.
Early June...	... ..	Feature: The Railwaymen (work of men in sidings near Nottingham).

NORTH

“THE NORTH IN PARLIAMENT”, Mondays, NHS, (fortnightly, even weeks), 7.15–7.30 p.m.

“THIS MAY INTEREST YOU”, NHS, 15 mins.

Feb. 25	...	4.45– 5. 0.
Mar. 3	...	4.45– 5. 0.
Mar. 10	...	4.45– 5. 0.
Mar. 15	...	8. 0– 8.15.
Mar. 22	...	8. 0– 8.15.

“THE FIFTY-ONE SOCIETY”, Thursdays, NHS, (fortnightly, odd weeks), 9.15–10.15 p.m.

Mar. 1	... ..	Art Tyranny versus Public Good Taste.
Mar. 14	... 9.15–10.15	What’s to be done with the Health Service?
Mar. 29	... ..	?S. Africa.
April 12	... ..	To be arranged.
April 26	... (SB/Basic)	America in Election Year.

“CHALLENGE”, Thursdays, NHS, (fortnightly, even weeks), 9.15–9.45 p.m.

(Controversial personality or spokesman for minority creed interrogated by two speakers).

Feb. 23	...	9.15– 9.45	Nature Cure.
Mar. 8	...	8.30– 9. 0	

MISCELLANEOUS PROGRAMMES: NHS

Forward Projects

?2 progs. undated as yet ... Night Shift, O.B. of men working such a shift.

7 March, 1956.]

[Continued.]

REGIONS—(continued)

NORTHERN IRELAND

“YOUR QUESTIONS”, (fortnightly, odd weeks), Mondays, NIHS, 7.45–8.30 p.m.

Feb. 29 ... 9.15–10.0 Belfast (pre-rec.).

Wed.

Mar. 12 Enniskillen.

“ULSTER MIRROR”, Fridays, NIHS, 6.30–6.45 p.m.

“WEEK AT STORMONT”, Fridays, NIHS, 10.15–10.30 p.m.

MISCELLANEOUS PROGRAMMES: NIHS

Feb. 19 ... 5.50–5.55 This Money Business: Profit by Deduction.

Feb. 24 ... 7.30–7.45 The House of Your Choice 4/5: Construction and Materials.

Feb. 26 and Mar. 4, 11, 18

5.50–5.55

Ulster Savings.

Mar. 2 ... 7.30–7.45

The House of Your Choice 5/5: Decoration and Maintenance.

SCOTLAND

“A MATTER OF OPINION”, Wednesdays, SHS, 9.15–10.0 p.m.

Feb. 22 Tain.

Feb. 29 Coupar Angus.

Mar. 7 Millport.

Mar. 14 ... 9.15–9.45

“TOPIC FOR FRIDAY”, Fridays, SHS, 6.25–6.35 p.m. approx.

“SCOTLAND IN PARLIAMENT”, Fridays, SHS, monthly, 15 mins.

Feb. 24 ... 10.15–10.30.

Mar. 23

FISHING NEWS, Wednesdays, SHS, 12.42–12.55 p.m.

Feb. 22 ... 12.12–12.25.

WALES

WEEK'S EVENTS IN WALES (Welsh), Sundays, WHS, 12.0–12.10 p.m.

“NEWS EXTRA”, Wednesdays, WHS, 6.40–7.0 p.m.

FOR WELSH SCHOOLS:

CURRENT AFFAIRS (12 and over: Welsh), Fridays, WHS, 9.45–9.55 a.m.

WELSH FORUM, monthly, WHS

Mar. 15 ... 9.30–10.15 University of Wales.

“WALES AT WESTMINSTER”, monthly, WHS, 15 mins.

Mar. 12 ... 6.45–7.0.

“IN PARLIAMENT”, (Welsh), monthly, WHS, 15 mins.

Mar. 26.

“WALES IN PARLIAMENT”, Saturdays, WHS, 10 mins.

“THE INDUSTRIALISTS”, monthly, Thursdays, WHS, 9.15–10.0 p.m.

(Debate by leaders of, and others directly connected with, industry).

Mar. 7 Better education and Training in Industry.

“INDUSTRIAL ENQUIRY” monthly, Thursdays, WHS, 9.15–9.45 p.m.

(Labour and management in industry in Wales discuss their work and problems).

Mar. 22 ?Labour Mobility.

7 March, 1956.]

[Continued.]

REGIONS—(continued)

WALES—(continued)

MISCELLANEOUS PROGRAMMES: WHS

Feb. 22	...	10.10-10.45	Work and Witness incs.: The Church of S. India.
Mar. 1	...	7.45-8.15	Welsh: Soldiers from home (description of Army life overseas).
Mar. 2	...	8.0-8.30	Serving Overseas (as for Mar. 1 but in English).
Mar. 6	...	7.30-8.30	The Rediscovery of Wales: the rebirth of national consciousness (The Making of Modern Wales 6/6).
Mar. 12	...	8.0-8.30	Welsh News Focus.

WEST

"ANY ANSWERS", Thursdays, LT, 8.30-9.0 p.m.
(Rec. rpt. HS, Fridays, 12.0 noon).

"ANY QUESTIONS", Fridays, LT, 8.15-9.0 p.m.
(Rec. rpt. HS, Tuesdays, 1.10 p.m.).

Feb. 24	...	...	Royal Marines Training School, Lymington, Devon.
Mar. 2	...	...	British Railways, Eastleigh.
Mar. 9	...	...	Lostwithiel, Cornwall.
Mar. 16	...	...	R.A.F. Station, Lyneham, Wilts.
Mar. 23	...	...	Ordnance factory, Poole.
Mar. 30	...	...	Royal Naval Assoc., Portsmouth.

"THE WEST AT WESTMINSTER", Sundays, WEHS, 10 mins., early afternoon.

"AIR SPACE", Wednesdays, WEHS, 7.0-7.20 p.m. (Rpt. Sat. p.m.).

"THE WEEK IN THE WEST", Fridays, WEHS, 6.30-6.45 p.m. (Rpt. Sat., 12.25 p.m.).

"THE WEST AT WORK", Wednesdays, (monthly), WEHS, 30 mins. (Ind. Mag. Prog.).
Feb. 29 ... 10.20-10.45 Incs.: Opportunities for the Disabled: The British Furniture Exhibition.

MISCELLANEOUS PROGRAMMES: WEHS

Feb. 21	...	10.15-10.45	Feature: I'll take my cards (Night Shift Worker). (SB/Basic).
Mar. 15	...	9.15-10.0	Christian Forum, O.B. Shrivvenham.
April 10	...	7.45-8.30	Portrait of Shirley
April 12	...	9.15-10.0	Portrait of Gran
Week 16	...	...	Portrait of Marlene
April 13	...	...	Christian Forum.
Forward Project	...	...	Industrial discussion.
17th February 1956.			

Examination of Witnesses

Sir IAN JACOB, K.B.E., C.B., Director-General of the B.B.C., and Mr. H. J. G. GRISEWOOD, Chief Assistant to the Director-General of the B.B.C., called in and examined.

Chairman.

180. Sir Ian, we are very grateful to you and Mr. Grisewood for coming along. Perhaps I might just say this: we have had your Memoranda and all the Members of the Committee have read them; whilst we would not want in any way to preclude you from making

any remarks you would like to make, we do have the system here of asking questions and I think as a rule, especially when there are this number of people round the table, if each asks questions they will cover a good deal of the ground, I imagine. So that unless there is anything you would like to say in

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

amplification of your Memoranda, perhaps we might proceed in that way? —There is just something I would like to say which is not going over the ground at all of the Memoranda: I think one of the most notable aspects of this is that, if you look at the history of this rule there have been four if not five different explanations given as to why there should be a rule; it starts off in 1944 as a rule to prevent Ministers coming down to urge their measures on the air the night before they are to be introduced in Parliament; it then changes to “the B.B.C. had no intention of becoming an alternative, simultaneous debating forum to Parliament”; we then find it expressed as “it was important to protect M.P.’s from undue pressure before a Parliamentary debate”, and we now find that it is expressed as “to preserve the principle of some limitation of the anticipation of Parliamentary Debates by broadcasting”. I am not sure exactly what that means though I rather believe that that is what I might call a technical phrase employed in Parliament in relation to M.P.’s—the limitation of anticipation of Parliamentary debates—but anyway it seems to be a slightly different principle applied to broadcasting to any of the previous ones and therefore our general feeling about it all is that we are not at all clear what the object to be arrived at is in this rule. It has varied apparently over the years, as I say, and I think it would be a very good thing if somebody could clearly establish what the object is here, because we are in doubt about it. That really is the main point I wanted to state at this stage of the proceedings. There are, of course, a great many other points, but, as you say, perhaps it will be best to proceed by questions.

Chairman.] Perhaps I might also say this, Sir Ian: I am quite sure that the Committee will want me to say that, if, as a result of today, there are further points that occur to you or points that you are not able to deal with—you cannot carry the whole thing in your head—we should be very pleased to receive any further Memorandum you might like to send in. Now, with regard to the word “anticipation”, perhaps I might say that, as I understand it, the view of this Committee is that that word “anticipation” is not to be taken in any strict sense. There is such a thing as anticipation in Parliamentary procedure,

but that relates to what Members can do inside the House in certain circumstances. We have taken the view (I think I am right in saying) that this word “anticipation” simply means what it means in the ordinary English language, that is to say, it is something which is done in advance of something else—I think I speak for the Committee when I say this—so that I think you need not really concern yourself with the technical Parliamentary aspect of it. Now I think we will start the usual procedure with Mr. Amery.

Mr. Julian Amery.

181. Sir Ian, your Memorandum gives us a very clear picture of the 14-day rule limitation. May I ask you, as my first question, whether there are any other forms of limitation, formal or informal, which the Government or the party machines seek to apply to the broadcasting of political subjects?—No. I would not call it a restriction or anything of that sort, but there are certain agreements that we arrive at for regulating the number of party political broadcasts and things of that kind, but, apart from that, I do not know of any.

182. When you say “things of that kind”, what do you mean?—The General Election broadcast and—

Chairman.

183. “The Week in Westminster” and that kind of thing?—No, no. It is merely a formal arrangement as between us and the Parliamentary Leaders on things like the series of party political broadcasts and the series of General Election broadcasts as to what length they should be and how they should be divided among the parties and so on. There are certain formal parts, in other words, to political broadcasting, but, apart from that, there is nothing else.

Mr. Julian Amery.

184. Have you ever heard of any attempt of the party machines to prevent certain people broadcasting; it has been suggested that there was pressure on the news team?—There has been a lot of misunderstanding on that particular point. What actually happened was that representations were made to us by individuals asking were we not by putting on the original team more or less consistently giving undue weight to certain types of view point and certain individuals. Well, our policy has always

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

been that we should not seek to build up political personalities and give them a spurious standing; they build up their position in the House and the country and we, therefore, do not in general make a very frequent feature of individuals. Before the war, I think, there were some examples of people in various fields who did get built up perhaps unduly, so that when this was pointed out to us we did investigate whether we felt there was any justification for this and we came to the conclusion that there was, but any idea that it was a kind of behest of the Whip officers that we should change the team is quite untrue.

185. When you say "individuals" were these individuals in prominent positions; would it be fair to say that?—No. Certainly one or two Members of Parliament spoke to me about it.

186. It has been suggested there is a rumour or gossip that leading members of both parties did make representations of a uniform character?—I remember a very prominent member of one party saying something at dinner, but that was more in a jocular frame of mind than anything else. There was nothing of that kind.

187. Would it be true to say that since then you have operated a kind of limitation on the number of broadcasts of Members of Parliament, or indeed members of the public outside Parliament, in the year?—We simply watch the position. We have no quota or anything of that kind, but we do look at the thing quarterly to see whether there is undue use made of any particular person, whether there is good reason for it, whether it is working well or not, and then, if necessary, one would say "It does appear that so-and-so is perhaps being used a bit more than he should be", not merely because we want to spread the thing round amongst Members of Parliament, but, as I say, so as to avoid giving a kind of standing as an oracle to some particular individual.

188. You are satisfied that the House of Commons is fully protected against any possible building up of individuals?—I would think so, yes.

189. Now I come to a quite different question of a more general character: What sort of arrangement would you yourself like to see given expression to?

—I would like to see this: if the House expresses a view on a thing of this kind, well, naturally we have to take note of that, but the Governors of the B.B.C. have laid on them the responsibility for conducting broadcasting at all times and, in my view, the working out of an expression of opinion by Parliament should be left to the Governors. This rule is an entirely arbitrary thing. There are all kinds of curious aspects of it which perhaps are not immediately appreciated and there are, if I might say so, a great many other fields of broadcasting in which a careful and sensible policy has to be pursued if fairness is to be preserved, and I do not myself think that something which arbitrarily removes from the Governors their responsibility at certain quite chance periods is right. I think it should not exist.

190. So that at the present time you have got two forms of limitation in operation, one of which is entirely at the discretion of the Governors and not subject to external pressure, and what you would like to see is the second form brought into line with the first?—Yes.

Mr. McAdden.

191. Sir Ian, would it be true to say that prior to the reduction of this rule to writing, although it might have presented problems from time to time, they were not nearly so numerous as they are today?—I will not say they were not too numerous, but I would say that the moment a thing becomes reduced to a prescription of this kind you have to be much more careful to make sure that you are not infringing it in some particular, even though it might as a rule go unnoticed. There were, as I think is brought out in these papers, in the earlier days of this, a number of programmes where we did not apply it at all, but since there has been a prescription we came to the conclusion, particularly since the I.T.A. came into being, that we must observe this prescription in detail.

192. Is it your view that today you apply this rule absolutely in detail and with great rigidity; for instance, it is suggested that the B.B.C. are deliberately going out of their way to draw attention to the archness of this rule?—No, there is nothing of that about it. We

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

judge each case as it comes up and if it falls within the rule, it does.

193. I wonder if you would say anything about overseas broadcasts to which this rule presumably applies?—No, it never has applied to overseas broadcasts, because it is fairly clear that the object of the rule is in relation to the public in this country.

194. That may be clear as the object of the rule, but, in fact, the wording of the rule is such that it should apply to overseas broadcasts?—It may well be, yes. Legally, I suppose, you could take that view, but it has always seemed to us that it was not the intention of Parliament, or anybody else who discussed this rule, that it should.

195. In the field of home broadcasting, where it is possible for the rule to be made to look rather stupid by applying it word for word, it has been so applied by the B.B.C., but in the field of overseas broadcasting, where the opportunities for stirring up resentment against the rule are not so rewarding, it has been ignored?—I do not accept that method of expressing it at all.

196. It is open to that interpretation though?—You can place that interpretation on it if you wish, but I would not.

197. What puzzles me is why the B.B.C., if they say that they are being inconvenienced by this rule and are sticking to its strict wording, ignore it completely on the overseas programme?—It never has, at any stage in the proceedings, applied to overseas.

198. Then, in Memorandum No. 2 Sir Ian, you say: "The B.B.C. itself decides when to apply the rule. In no case has it referred to an outside authority the question whether the rule does or does not apply in a given set of circumstances." It has been suggested to us that the B.B.C. did enquire about this rule with regard to the Budget on the occasion of the last Budget as to whether it was in order to discuss the Budget?—The point about the Budget is that until the prescription the Budget was an exception to the rule. When the prescription was made the fact that the exception of the Budget was in existence and formed part of the previous

arrangement was overlooked and the exception was not perpetuated in the prescription, but, in fact, it has always been an exception to the rule. The Budget broadcasts and everything concerned with the broadcasting of the Budget breaks the rule completely.

199. I understood you to say, Sir Ian, that you would prefer an arrangement where the B.B.C. were left free to determine the will of Parliament as expressed in the limitation of Parliamentary debates. Would you be averse to an agreement whereby you accept the will of Parliament on anticipation if it was clearly defined what were the types of anticipation we had in mind, that is to say, supposing this Select Committee recommended that there should be no anticipation of Parliamentary debates in "these, these and these particulars", would you be averse to accepting such an arrangement?—Could you explain a little more what sort of particulars you mean?

200. I think you very rightly said that "anticipation of Parliamentary debates" is a rather vague phrase and one does not know exactly what it means, but if this Committee were to recommend that anticipation of Parliamentary debates should be held to mean, for example, those subjects covered by the announcement of the week's business in Parliament, would you be averse to working that without a directive?—That is, in fact, what it does cover now.

201. Surely it goes further than the business announcement for the following week at the present time?—Only if there is an official statement made that there is going to be a debate; for example, supposing the Leader of the House gets up and says "We shall have a debate on that before the House rises" and you know the House is rising for the Easter recess in ten days' time, that informs you quite clearly that there is going to be a debate in the next ten days, but as a general thing now we have no more information than anybody else as to what is going to happen beyond what is announced on the Thursday.

202. I myself am in favour—I do not know whether you are—of a gentlemen's agreement; I think that would work better. Would you still object to a gentlemen's agreement if it was brought down to 7 days instead of 14 days?—That was discussed, of course,

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

in the past and it really makes no difference, I think. I mean, 14 days is, in fact, generally speaking, 8 or 9 days even now, so it really makes very little difference.

203. Would the B.B.C. be opposed to any limitation at all?—Well, Sir, of course, we feel, as I have said, that we do not quite understand the basis for the rule. We do not believe that harm is going to result from a sensible conduct of broadcasting at all times and, therefore, we do not believe that there should be a rule imposed of any sort. I would go even further and say that I do not think that the fears which seemed to be at the back of this rule and of the resolution have any real basis and I feel that if we were left perfectly free—and we would, of course, keep a very close watch on things and not set out to anticipate, as it were, important debates in a deliberate manner—in a very short time the whole thing would be forgotten. You see, there are so many complete absurdities at the present moment, to my mind. Last night, for example, we had to cancel a couple of programmes—that was a very good illustration of the rule—because there is going to be a debate about the Middle East. We could not have two of our speakers on “At Home and Abroad” last night. I decline to believe it is doing any harm to Parliament for us to put on Glubb Pasha or Mr. Noel-Baker. I mean, it just seems to me to be an absurdity.

Mr. Julian Amery.

204. Glubb was to have broadcast?
—Yes.

Mr. McAdden.

205. The difficulty I find myself in is this: Parliament has agreed on the principle of some limitation?—I know it has.

206. Without some guidance to you as to the kind of limitation, you think it would be possible to operate?—Well, when we were asked this point at an earlier stage two or three years ago—there has been a lot of discussion about this, you know, for a long time—we said that we felt that what we could do was to ensure, at any rate, that Members of Parliament did not speak on important matters which were about to be debated in Parliament, because, after all,

their job was to go and make their speech in Parliament, but we did not think that there was any particular reason why the general public should not have discussions and programmes about the topic—I did not think that would really go against the intention of Parliament—while the subject was in the public mind. We did not feel we would cancel many programmes if it was left to our discretion, though we would probably keep Members of Parliament off the air on important matters shortly before important debates. One would not operate a rigid rule in any way, in fact, but one would just see that we were not being used for that purpose.

207. I have asked you, you know, what suggestion you would make as to how this rule could be operated and what sort of thing you would be prepared to operate; am I to understand that the only thing you think would work is for discussion of important affairs to be discussed by people who are not Members of Parliament and that is the only way you could operate?—I do not want to give the impression that I think you should lay that down as the only rule; what I am saying—and this is what I understood you to be asking me about—is that supposing there is the expression of Parliamentary desire in the resolution and then supposing it is then left to the B.B.C. to give expression to that intention, I was telling you how I thought we would operate.

Mr. Sydney Silverman.

208. But that would not be a limitation of anticipation at all?—What would not?

209. Your suggestion that if it were left to the B.B.C. to apply some limitation the B.B.C. would do it by excluding Members of Parliament but nevertheless having the discussion. That is not limitation of anticipation at all?—I also said that we would also not seek to set up discussions of matters just before important debates on those matters, but that the great mass of broadcasting would proceed and I do not believe that that would be found in effect to have the effect feared.

Mr. Holt.] But if the thing is really important—

Chairman.] I think perhaps we ought to try and keep the proper order. We do not want to stop Sir Ian in any way.

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

but I think we should take the questions in an orderly fashion otherwise nobody else will get a turn.

Mr. *McAdden*.] I think this is the crux of the whole thing, Sir Lionel.

Chairman.] It is, yes.

Mr. *McAdden*.

210. I am anxious to get down to what system would be acceptable to the B.B.C. and, as I understand it, if the B.B.C. accept the principle, as I am sure they will, that there must be some limitation of anticipation of Parliamentary debate, I am anxious to know whether the limitation of anticipation of debates would be effective. Sir Ian has told us that the way which would be effective would be to avoid debates on important subjects immediately to be discussed in Parliament and also on subjects of lesser importance to make sure that Members of Parliament did not take part in them. Does Sir Ian think that that would really solve the problem?—I do, as a matter of fact, because I think that if we operated it in that way, as I have described, by internal regulations, as we operate everything else at the end of, say, a couple of years Parliament would be feeling quite happy. That is what I feel. I do see the difficulty that if there is to be a rule expressed in words it is frightfully hard to phrase a rule which blocks up all holes and, in fact, holds water when read. That is one of the difficulties. Even the present prescription is, as I think you will realise, a pretty questionable one. There are a great many questions of interpretation which come in. Therefore, any formal rule giving effect to the intention of Parliament in this matter does seem to me to present difficulties. I would think it would be very much better if Parliament would say: "We have expressed our view; we will now leave it to the Governors of the B.B.C., who have a very large responsibility in many matters, to respect that intention", and if Parliament found after a period that, in fact, we were not doing what they thought was right, then they could consider imposing some further limitation, but that is how I think it would work best.

Mrs. *Evelyn Emmet*.

211. Could I ask Sir Ian a question on his second Memorandum? At the end of the first paragraph he says he "has

never received a complaint for a failure to apply the rule". I take it that that is from the parties in the House. But has he had complaints from the public about the rule?—Oh, very frequent complaints about the rule. That is why in the end we said we would not go on with it, because it was so widely criticised by everybody, that is, by our own speakers, by the public and by the Press. It appeared to be, in the minds of most people, just complete nonsense.

212. It is really a very big volume of complaint that you have received?—Oh, yes, rather.

213. I would like to know whether, when you asked at the B.B.C. that this gentlemen's agreement should be implemented in a rule, it was because you at that time were doubtful in your mind what the object was?—No. The Governors came to the conclusion that they just were not going to agree any more; in other words, they said "If this is to rest on a gentleman's agreement, we are sorry, we are not a party to it; we are not going to be the gentleman, and if you want this rule to go on you must impose it on us".

214. I was asking whether that had arisen because, as you explained to us, the original object of this gentleman's agreement was one thing and then it modified itself and, presumably, as it modified itself, you found it more difficult to implement?—No, merely more absurd.

215. It is therefore really the alteration in the reason for the original gentleman's agreement that led you to make this request in a sense?—Firstly, it was the fact that we became less and less convinced, because the reason changed, as to whether there was anything real in the rule, and secondly, because it was so frightfully inconvenient and troublesome in its operation and was thought by the public, the Press and ourselves to be something to which the B.B.C. should not willingly agree.

216. Yes. Well, now, may I press you on this point, because if there is a suggestion of going back to a gentleman's agreement and if you found the previous one so troublesome, what guarantee have we that you will not find the new gentleman's agreement, which will be very much on the same lines as the earlier one was, equally irritating?—There is

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

a great difference now, because Parliament has passed a resolution which did not exist before. This was merely an agreement with the leaders of the parties and there was absolutely no reason why we should go on agreeing with the leaders of the parties.

217. That is what qualifies your view now?—Yes, certainly.

218. Are there any other types of broadcasting—I imagine there are—such as probably religious broadcasts, which present very much the same sort of difficulties as these do?—Yes, they do present a great deal of difficulty at times.

219. Have you any sort of gentleman's agreement about that sort of thing or do you do that entirely on your own?—We have advisory committees and councils, of course, who have built up over the years a kind of body of policy.

220. With the religious bodies?—Yes, with the religious people and in other fields such as education and so on. Of course there is a very great deal of broadcasting which involves not exactly this kind of problem, but similar kinds of things.

221. And you find that there it is working quite satisfactorily?—Yes. After all, we are masters of the situation ourselves. We take advice.

222. You do get religious outbursts at times, do not you, saying that you are ex-parte or things of that sort?—Oh, yes, indeed we do.

223. But it does not, on the whole, present any difficulty?—It presents some difficulties at times, but we feel that we are simply bearing the responsibility that should be ours in a case of that kind.

224. There is one other point I should like to clear up: could you give us some idea as to how the operations side of this works? You get your information here from your B.B.C. correspondents, so to speak, I suppose, and the Press Gallery as to what is going to happen?—Yes. And, of course, we get the announcement of the business in the House. We do not get very much advance information. As I explained earlier, sometimes it is announced that there is going to be a debate on it before the Thursday.

225. What actually happens then; can you describe the operation? The news

comes back to the B.B.C. and who decides?—There are a great number of people who have to operate this rule. As you see from the little schedule, an immense mass of programmes are brewing up in various stages and the producers of these programmes have the responsibility of considering their own programmes from this point of view.

226. Yes?—If it is quite obvious they then decide and go ahead; if there is any doubt they put the matter up to their superior.

227. And the decision is subsequently left to you in certain circumstances, is it?—It might be. I cannot recall many cases in which it is. The mechanism works, it is well understood, and off it goes.

228. So any alteration actually in what we did, if we had a gentleman's agreement, would not alter any of your arrangements as they stand; they would proceed just the same?—They would merely start to apply whatever was decided upon.

229. It would not make it any easier; you would have to carry on just as you are doing now?—It would make it easier, of course, if we were simply given authority to take note of Parliament's desire in this matter. I think that there would be a period of say, three months or six months, during which there would be a lot of cases where people would ask "What do we do about this or that", but gradually one would establish, as it were, a pattern of operation, there would be precedents established and so on, and then the thing would settle down and we would be on an even keel again.

230. Do you think it would be easier to work than it is at the moment?—If there is any limitation it always means that everything has to be considered, but it settles down in the end. It is a frightful bore, of course; there is no doubt about that.

Mrs. Evelyn Emmet.} Thank you.

Sir Herbert Butcher.

231. Prior to the General Election there are party broadcasts at various times and then there is a pause, I believe, after the last broadcast before the polling day?—Yes, three days.

232. Would you indicate the purpose of that pause and whether it is decided

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

upon by the B.B.C.?—It was, curiously enough, recommended in the Report of the Ullswater Committee in 1935 which was the predecessor of the Beveridge Committee. Our Charter was renewed in 1936. It was said in the Report of the Ullswater Committee that: "The broadcaster who has the last word during an electoral contest is in a position of great advantage, because there can be no adequate reply to whatever he may say. In the fear that this advantage might be unfairly used in the production of a surprise issue at the last moment, it has been suggested to us that all political broadcasting should cease for three days before the Poll. There is force in the suggestion; the General Election of 1935 has shown it to be practicable; and we recommend its adoption". That is Paragraph 94. That is what, in fact, we have done since.

233. So that you would agree that the same principle should apply when a vital issue was going to be discussed before Parliament?—Well, I do not know that it is quite in the same category. Are you suggesting that one might swing votes in Parliament by a particular broadcast the night before?

234. I was not meaning that; I was meaning would you agree that if it was desirable for a gap of three days to occur before the electors voted, it was equally desirable that a gap of three days should take place before the Members voted on an issue or, indeed, it was discussed, from the point of view not only of winning of the vote, but the formation of opinion?—I do not think the cases are parallel. In one case you are deliberately talking to people who are going to vote, namely, the electorate, and something may be sprung at the last minute—for which there are precedents, we know—having a great effect suddenly; and the other case is informing the public about important issues which are being debated in Parliament, which does not seem to me to be the same thing at all.

235. Your proposal then is really that the more important matters should not be discussed immediately prior to a Parliamentary debate?—I would think this: that if we were left to operate this we would certainly see that if there was a very important debate coming along, say, a Second Reading debate on an important measure, we would avoid putting

on certainly ex-parte broadcasters and also possibly major discussions just before the debate took place, but I think we would certainly allow free discussion in the normal manner of broadcasting as it goes on day-in, day-out, on all the minor issues.

236. Would you look at Paragraph 5 of your Memorandum of the 27th February in which you say that there are countless occasions when the most vital and topical subject has had to be replaced in programmes?—Yes.

237. So that the proposals you are now suggesting to us really would not save the Corporation from the difficulties which it experiences at the present time under the rule?—Not altogether, no. As long as there is any limitation at all obviously there is bound to be difficulty to some extent.

238. And, of course, you would not invite Members of Parliament to broadcast on these matters which were likely to be discussed in the House?—That, I think, is probably what we should do.

239. I am sure it would interest the Committee to know from what area you would then collect their replacements?—That, of course, is one of those interesting points, because you might well say there will be people who may be candidates and so on who will be taking part, but, after all, what we seek to do is to get well-informed people to conduct these discussions, and one would simply go on doing that as best one could. I am not sure that one would necessarily always exclude Members of Parliament from any kind of programme on every subject. I think again one would make quite certain that we were not arranging a Parliamentary debate, as it were, beforehand, but if a Member of Parliament has some very specialised knowledge of rating or something of that sort, I think one might very well use him to make an exposition to the public. He might be the best man to do it and he would not be making the kind of speech he would be making in Parliament at all.

240. But always the B.B.C. would adhere to its original principle on which it asked for the limitation in 1944 to make quite sure that the Minister did not speak prior to the introduction of his own Bill?—That is one of the interesting points, as a matter of fact, because

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

under the present regulation of party political broadcasts, as I think you are aware, the parties decide themselves when they will make those broadcasts, they appoint their own speaker and they devise the programme. So far as I can see there is, in fact, nothing to prevent them doing a party political broadcast just before a debate, but I do not think that this has ever occurred. If that happened, we would say to that Minister: "We do not know what you are going to say, but if you are going to talk about the debate to-morrow, you cannot: you can talk about other things."

Mr. Crossman.

241. You say you would say that?—Certainly. We would have to say that now.

Sir Herbert Butcher.] Thank you.

Mr. Julian Amery.] May I put a supplementary question on that point

Chairman.] I think he is going to be asked that question anyhow, and I think it is rather more easy if we stick to the order for the questions. We are not getting on very fast.

Sir Robert Grimston.

242. Do you regard the present rule as enabling you to say to a Minister who is going to broadcast under the party political arrangements "You are not to mention such-and-such a subject?—If it is coming up within a fortnight, yes. I cannot recall a case of it happening. It very nearly happened, I think, the other day with the Chancellor of the Exchequer. He made a party political broadcast which, I think, just did not fall within the specified time before the economic debate, at any rate, so far as my knowledge went. But I think there is no doubt that if we had known that that debate was coming up and if we had known it was within the fortnight, we would have had to have said to him "I am very sorry; this falls within the rule now". We certainly would not have done it in the days gone by, but under the prescription we would have to do that.

243. As I understand it you feel now that the rule which you asked for in order (to put it quite bluntly) to protect the B.B.C. from unpopularity with the public when these things had to be suddenly cancelled?—We did not ask for it; we asked for it to be got rid of.

244. No, you originally asked for the rule because you had to cancel broadcasts and the doing of it was unacceptable to your public. I quote your words in paragraph 22: "In practice, the Corporation found itself from time to time in the position of having to cancel advertised programmes for a reason which was unacceptable to the public." Therefore, you asked for the rule. Now, Parliament having declared in broad terms the resolution, you want to go back to operating the thing at your own discretion so that—I merely recapitulate—that leads me to the next point: so far as broadcasts are concerned, of course, you are the agent and the monopoly, but where it comes to television would you suggest that if the thing is to be operated at discretion, which is what you are asking for, it would be your idea to get into touch with the I.T.V. with a view to getting a sort of common form of interpretation of the rule or would your idea be to act quite independently?—There are difficulties there. These matters appear to me to fall within the competence of the programme companies, or so we understand. I do not know whether you have seen or questioned the I.T.A. on this matter, but we rather believe that they find it extremely difficult to operate this in any way because of the numerous different lots of people who are controlling programmes. We have found that on many occasions it has not been possible to operate that kind of joint action for that reason. I am not sure whether it would be in this case. If the I.T.A. were in complete control of the matter, there would be, I think, no bar to our going to the I.T.A. and saying: "We have got this resolution; how do you propose to operate it; we propose to do the following: what do you think of that?" We could then perhaps do a little getting together as you describe. But I rather believe that the I.T.A. would say: "We do not think we can get very far on this because the interpretation of this will vary from programme contractor to programme contractor".

245. But, leaving aside any internal arrangements with the I.T.A., your answer is that you would envisage, if it was possible, coming to a common arrangement?—Yes, we could do that. So far as we are concerned, I think, there would be no difficulties about that.

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

Chairman.

246. I do not want to hold up the Committee at all, but I think, in fairness to you, Sir Ian, there are just two points that I ought to clear up before we go any further. I understood you to say that last night, you thought, was an example of the absurdity of the rule, did I understand you aright as saying that that was because you thought you ought to have put General Glubb on the air last night?—Yes.

Mr. *Bellenger.*] With Mr. Noel-Baker.*Chairman.*

247. And that you did not consider that the fact that the Prime Minister was going to deal with the matter in the House of Commons to-day would make it in any way undesirable for General Glubb to give his view last night?—Well, no, not at all, because General Glubb was going to be interviewed on the facts. That is the point.

248. I see. I am just getting it clear in fairness to you and not attempting to argue with you about it. I did not know whether you did mean that, but it is now quite clear that you did. Again, I only want to clear this up to help the Committee as I think it is helpful: you said just now, as I understood you, that you had to exercise discretion even on party political broadcasts in relation to imminent debates?—No, I was saying that is so under the existing rule.

249. Now Dr. Hill, when he was here the other day, told us exactly the opposite. At Question 50 he was asked by Mr. Crossman: "(1) Any party political broadcast can anticipate all the main subjects of Debates and be put on the B.B.C. and that is perfectly 'O.K.' under the rule? (A) That is so." The example that was given was that of a discussion in which Mr. Crossman and others took part where four members of one of the political parties discussed most of the field one night, the Chancellor of the Exchequer discussed the rest of it, I think, the next night, and all those matters were debated in Parliament within, I think, three days. I wonder if you could help us because we are in rather a difficulty over that?—What occasion was that?

Mr. Crossman.

250. Two weeks ago there was a party political broadcast with the Labour Party on the Friday on Defence and Foreign Affairs and by Mr. Macmillan on the Saturday on the other great issue of the economic crisis, so it covered all the things to be debated in Parliament during the next fortnight, and your people expressly stated that they could not possibly stop us doing it. Your own officials said that?—Could not stop a party political broadcast? Well, it is an interesting point, because I do not believe, if you interpret this ruling legally, that is so.

Chairman.

251. When you say this ruling, you mean the one of 1952?—There is nothing in the prescription which would, in fact, exempt the party political broadcasts.

Mr. Crossman.

252. Your men were exempting it, that is what we are saying?—I think the answer to your question is this: before the prescription came in we certainly did not pay any attention to party political broadcasts; they just went ahead regardless; but now, I think, we certainly should be making that distinction: we should be saying that the party political broadcasts now definitely fall under the prescription. I am telling you that, in my view, our people are wrong. That is what I was saying: I think they were wrong. It is curious but before coming into this room this morning I said to Mr. Grisewood "It is an interesting point that we have never actually had this question brought up". It has not been brought up to me personally, that is. I believe that under the new prescription we ought to prevent Ministers doing it, but we certainly have not; you are right there.

Chairman.

253. The only thing that they would be allowed to talk about in party political broadcasts is something which is not likely to be of any interest in the near future?—Under the new prescription, I have no doubt about it.

Mr. Wedgwood Benn.

254. Could I go back to the pre-war history of this: controversial party

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

political broadcasting was allowed after the prescription was raised in 1928 and there was therefore ten years when controversial broadcasting was allowed. Did this problem ever arise then under the original prescription?—Not that I know of.

255. Have you any idea as to what kind of controversial political broadcasting was done between 1928 and the beginning of the war?—It was very much less—far, far less.

256. Were there any discussion or question programmes when political points came up that might have anticipated Parliamentary debates?—There were of a sort, but there was nothing like the same range. There were no quiz programmes; “The Brains Trust” was the first quiz programme to be invented. There were none before that. There was far, far less broadcasting of this kind. The feature programme had not been invented. There was no recording. One goes back into quite a different world if you go back before the war. I do not think it throws any light on it really.

257. Now, the next thing I notice in reading this is, of course, that since the war there have been many changes in the rules as proposed on the one hand by your Governors and on the other hand by the Government of the day and the party leaders; do you agree with me that it really is not clear during the last ten years of the rule exactly what it was that either the B.B.C. or the party leaders really wanted the rule to do; it has been in some doubt?—I would say that in the early period it was clear that what the B.B.C. were after was to stop Ministers going on the air to advocate certain things. I did enquire into it. The thing that surprised me a bit was that immediately after the war the B.B.C. were keen that this rule should exist. As you can see from this history, the B.B.C. swung somewhat from the idea that “No broadcasts arranged by the B.B.C. other than the normal reporting of Parliamentary proceedings to take place on any question while it is the subject of discussion in either House”, that is, that we should not be debating things while they were being debated in Parliament, and came to the conclusion quite clearly, from 1948 onwards, that it was an undue restriction.

It was operating in a rather peculiar manner in a world where political broadcasting had become much more general and varied compared with the wartime period in which the original rule was founded and, I think, they came to the conclusion that this was really an undue restriction and from that moment on they tried to get rid of it.

258. In fact, I am right in saying, am I not, that no Minister of either the Labour or Conservative Governments has ever broadcast on an ordinary B.B.C. programme and, therefore, the original B.B.C. reason for this—to keep Ministers off the air—has not been applicable at all, certainly since the Election of 1945?—Has there ever been any attempt for this to happen, do you mean?

259. To the best of my knowledge, setting aside Ministerial and party political broadcasts, which are slightly separate, no Minister has ever broadcast, been invited to or participated in any of your normal programmes?—Not in discussions or quizzes, but they have broadcast by invitation on other occasions.

260. Can you think of some examples?—Yes, the press conference, for example; a number of Ministers have appeared in “Press Conference”.

261. As Ministers?—Yes.

262. Well, now, am I right in saying that the objection against the present rule is its absurdities of which you have listed many? I am a little bit puzzled about this because it appears from your own Memorandum that for almost a year you were in discussion with the Post Office about this rule and I wonder whether you put all the objections to the rule to them when they were drafting the rule. For example, did you raise the effect of party political broadcasts with the Postmaster General?—When the rule was being drafted an attempt was being made to change it as little as possible from the original inception of the aide-memoire. Nobody thought that it was possible to draft this rule in such a way that it would cover all cases and be perfectly clear in application. There is no doubt about it that there are a great many points of doubt, and I think there would always be in a rule of this kind.

263. But if I understood you aright a moment ago, Sir Ian, you said that

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

as soon as the rule became a prescription the discretionary power you had previously had automatically disappeared?—Yes. One felt one had to apply it much more strictly than before.

264. So in a sense you anticipated that you would have to apply this with greater rigidity?—Oh, yes. I would say there are two reasons for this: firstly, the moment you have a prescription the Post Office, as it were, have presumably some kind of responsibility in the matter, and secondly, there is the existence of the I.T.A. on whom it was a statutory provision under an Act—therefore, if they break it, presumably they are subject to some penalty—and that made us feel that we must operate this as strictly as they would have to.

265. And yet am I right in saying that, in fact, in a number of respects you have not applied this rigidly at all. As regards overseas broadcasting, in reply to a question from Mr. McAdden you said that this had never been the intention and therefore you were not applying the prescription rigidly in that case?—No, I said we were not applying it at all in that case; I did not say we were not applying it strictly.

266. Secondly, as regards Budget broadcasts, again you said you were not applying it rigidly; you said they never had applied in the past?—Yes, we did indeed apply them.

267. To the best of my recollection you invited the Chancellor and Mr. Gaitskell?—You are talking about the party political broadcasts: Budget broadcasts are a series of party political broadcasts.

268. A moment ago you told us that party political broadcasts came under this?—What I am saying to you is this: there is nothing with legal force, so far as I can see, which makes the agreements with the parties over party political broadcasting exempt from the prescription, but it is, in fact, true that we have overlooked that point.

269. You have overlooked it. Do you regard the Budget broadcasts on television as party political?—Yes, they are a series of party political broadcasts.

270. Even though you have in the past up to now on television provided an interviewer whom presumably you have paid? I do not know whether Geoffrey Cox or William Clark were paid by the

B.B.C. in the past for their part in television; I do not mean paid in the sense that the money matters, but were they in contractual relationship with you?—They agreed with the parties that the same man should deal with each case.

271. This is very important: were they, in fact, contractors of yours?—I have no doubt that they were.

272. So to that extent the programme was arranged by the B.B.C. and not by the parties?—It depends what you call “arranged”. That is another difficulty of legal expression, I suppose, in this prescription. The party political broadcasts are arranged in agreement with the parties. We provide a studio: you might say that is part of the game too.

273. But you issue no contract to anybody taking part in a party political broadcast?—I do not know whether we issued a contract to the chap. We may have done so in the case of William Clark who did it the year before with the Chancellor and the Opposition Member, I do not know.

274. I am sorry to be pressing you on this, but I do think it is extremely important as to whether the Budget broadcasts are B.B.C. broadcasts or whether they are party political broadcasts?—They are regarded by the party leaders and by us as a series of party political broadcasts. This has come up in a particular manner in relation to there being carried by the I.T.A. If you remember, the wording of the Act has a bearing on this.

275. I would be right in saying that as regards overseas party political and Budget broadcasts, you have chosen to say the rule does not apply and has not been held to apply to those three types?—Yes.

276. Although on everything else you have argued that the presence of the prescription does mean the rigid application of the rule to “Any Questions” and all the other programmes which previously were exempted?—Yes, that is right.

277. May I ask you just one point on a practical thing: the “In the News” programme discussed capital punishment the night after the Parliamentary debate although Mr. Silverman’s Bill was still on the Order Paper and it used four Members of Parliament to do this; do you regard that as having been a breach

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

of the rule or not?—What do you mean by being on the Order Paper?

278. Mr. Silverman's Bill had a First Reading last September?—In other words, the Bill is the subject of legislation. (Mr. *Grisewood*.) It was technically a fault, we admit. (Sir *Ian Jacob*.) Perhaps I might read you a little note on this subject; it says:—"the team discussed the consequences of the vote taken in the House of Commons the day before on the Death Penalty. Here was a case where we deliberately waited for several weeks until after the issue had been discussed in a major Parliamentary debate. But I realised afterwards that we were technically at fault in discussing it at all with M.P.s on the programme when the Sydney Silverman Bill was still tabled."

Mr. *Crossman*.

279. What is that?—That is a report by one of my staff to me.

Mr. *Wedgwood Benn*.] In fact, it was not technically a fault, it was a clear breach in a sense because the Bill was coming up for debate, at least, it seemed very likely, did it not, at that time that it would come up?

Mr. *Sydney Silverman*.] I do not know whether it seemed very likely. I know that I myself was prevented by the operation of this rule from doing precisely that by the I.T.A.

Mr. *Wedgwood Benn*.

280. But nobody complained about that to the B.B.C. at the time?—Nobody ever does complain.

281. Nobody ever does complain about the breaches?—About our doing something.

282. Can I just finally clear up your own views about how this should be run: I would be right in saying, would I, that you would like it if you had an absolutely free hand and there were no resolution in the Commons on the record; you would like the rule rescinded and the whole thing left to your own discretion?—Certainly.

283. But as there is now a resolution which limits our terms of reference, you would say "No major anticipation of imminent debates and no Members of Parliament wherever possible"?—I think that would be the simplest way of doing it. I am sure you are clear that

this rule is never going to be completely perfect and foolproof; the subject is much too difficult. There is much too much scope for variation of practice. It is going to be excessively difficult to operate any rule, and if you had a purely legal watch on this matter I think you would find breaches going on all the time inadvertently in one way or another. Then there is the House of Lords to consider too and you do not even know what their business is going to be very often.

284. But would you apply the rule to the party political and Budget broadcasts?—I think that if there were a rule of this kind one would have to be very careful to keep an eye on it just to see that party political broadcasts were not used in the way that originally gave rise to the first rule of all, that is to say, a Minister would come down and make a great speech on a Bill the night before the Bill came into the House for the Second Reading. I think one would begin to sit up and say: "We are not going to have this". But, in general, if it is a week or ten days before I do not think anybody notices.

285. Finally, would you be in favour of broadcasting the major debates from the House of Commons either in sound or on television if the opportunity was available to you?—Well, it is a difficult question to answer "Yes" or "No" to; I certainly would not unless there was some separate channel in which it could go. I certainly would not dream of putting it on the normal channels.

286. It would involve using too many Members of Parliament; would that be the difficulty?

Mr. *Crossman*.

287. I would like to continue where Mr. *Wedgwood Benn* left off and get absolutely clear—because this is the important thing to us—how you would operate the gentlemen's agreement on the lines which you were hypothetically putting. I think perhaps the simplest way is to take the example of the debate today since you yourself raised it; I take it your view is that, of course, you would not dream of putting a Member of Parliament on the air to discuss the problem of Jordan yesterday before the debate today; that would be out of order?—Quite so.

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

288. But you feel it would be perfectly in order to put Glubb Pasha on the air?—For a certain purpose.

289. "To state the facts", I think you said?—He would be interviewed to bring out the facts about himself. People could see what sort of man he is.

290. Would this have been a scripted talk?—No, no.

291. It would be completely free?—Yes.

292. Now, you are aware that the debate today is not only of great international importance but of very great gravity in terms of House of Commons politics?—Yes.

293. And you are confident that, without having the script before, you could make perfectly sure that what Glubb said made no difference whatever either for or against the Government in either helping the Government or embarrassing the Government; that is your view?—Anything might help or have some influence somewhere. I cannot tell about that. All I am saying is that I do not think that there is anything wrong in bringing General Glubb on his return to this country to the microphone to tell people the facts about the case which they do not get from other sources.

294. You yourself have said you could not be responsible for what happens as the result in the House, did you not in the course of your words?—I could perhaps form some kind of judgment, but I could not be sure.

295. So you could not be sure that the interview would not profoundly affect maybe the future of the Government or the Opposition. This is a wonderful example you have given us. Here is a case with tremendous public interest; here is a case surely where you are saying to us you are supremely self-confident that the B.B.C. can put Glubb on the air and have him interviewed and if something does happen in the House that, so to speak, is not your responsibility, it is just your duty to put him on so that people should know the facts on the day before the big debate; that is your view?—My view is that he is in any case going to be interviewed in a number of other directions—at the airport where he arrives, for example.

296. By the Press, you mean?—And by us.

297. Your view is that the B.B.C. should have the right. I always thought it was regarded as a distinction between the B.B.C. and the Press, but I want to keep on the question. You said so resentfully that this had been taken off the air. Now, this made me feel that you resent any form of limitation of anticipation because if there was a case where anticipation was dangerous I would have thought it was the possibility that Glubb Pasha, who is a most controversial figure, would seriously influence by what he said either one way or the other the events in the House on the next day, but you are absolutely oblivious of that apparently?—No, I am not.

298. You said you were completely confident that it was wrong that you should be stopped from putting him on the air—"stupid" was the word you used?—I do not believe that, taking things as a whole, we are right in preventing what is a perfectly normal event of this kind. Here is a man of this kind who comes over here, and we, the people of this country, I think should be allowed to see Glubb and to hear what sort of a man he is and form some kind of judgment about it.

299. And the fact that that was going to take place at the time when it could most influence the course of events in the House of Commons did not seem to you terribly important?—I will tell you why: I do not believe myself that great issues of that sort are swung in that manner. I mean, if I thought that events in Parliament were going to be seriously influenced by a television or sound broadcasting interview of that kind I should be very distressed.

300. Quite. I hoped you would say that. Because now I want to hear why, if that is so, you would have forbidden the Member of Parliament to appear instead of Glubb?—Because again it would depend upon what the Member of Parliament was going to do, but, as I think I did explain, I think it is our purpose here not to be used, as it were, by Members of Parliament who want to make their speech on the air rather than in the House, but there is no objection that I can see to a Member of Parliament who, as I said in my example, is an expert, shall we say, on rating or

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

some technical matter of that sort, being used to expose the facts on that subject to the public.

301. Your view therefore is that anybody, except a Member of Parliament, can anticipate a debate on the air; you will permit anybody, except a Member of Parliament, to appear on one of your discussion or interview programmes. Members of Parliament are to be treated as unique creatures who are to be excluded from your programmes before an event in Parliament?—Well, I would say that, understanding what the desire of Parliament is.

302. No, no; I am not asking you about the desire of Parliament; I am asking you about the policy you would adopt if you were free?—No, of course we should not. If we were free, we would do something quite different. In many cases we should not have a rigid rule on the subject.

303. I notice in the Memorandum that the exclusion of Members of Parliament throughout your Memorandum is something on which not the Government and the parties but the B.B.C. insist.

Mr. Sydney Silverman.

304. You will observe paragraph 21?—I think you have slightly misunderstood the situation.

Mr. Crossman.

305. Perhaps I could read it?—I know what is written here; but what you have got to understand here is that this is a summary of a long series of discussions in the course of which we were trying to get free from any kind of restriction whatever.

306. I was hoping just to look at one or two questions on that history to get my mind clear about the development of your thought. Start at paragraph 4 of Memorandum No. 1 where Mr. Greenwood, you remember, made his proposal. I take it from your present view that you now bitterly regret that you did not accept Mr. Greenwood's proposal at the time?—Yes.

307. And you think, looking back, that it was a devastating mistake on the part of the B.B.C. to take the line it did take?—I think that is an exaggerated way of putting it. It is very difficult, I

think, to put oneself back into the atmosphere of ten years' ago and say that they were devastatingly foolish to do that, but I do think that as it has worked out subsequently, that proposal was absolutely right.

308. Your own language about the rule was rather strong. It is a rule, I would remind you, which the B.B.C. insisted on against Mr. Greenwood?—That is quite right.

309. Now let us turn to paragraph 18 of that Memorandum: "In the course of its internal review of developments, following publication of the Beveridge Report, the B.B.C. recorded the fact that for a considerable time it had wished to get rid of the closed period." When did that "considerable time" start; would I be right in thinking that it was about July, 1948, that the B.B.C. changed from resolute support for—insistence on, indeed—a 14-day rule to its present resolute opposition? When did the change really begin?—Well, I am not in a very good position to speak on this, but I would think that it took place when there was a change of Chairman and the exact date of that I cannot recall. I have not got it with me.

310. But you agree that up to 1948 the B.B.C. not only supported the rule, but drafted it and did everything possible to further it?—Yes.

311. Now, what do you think, Sir Ian, were the factors between 1948 and 1951 when you really came right out which began to influence you in this astonishing, complete reversal of policy; there must have been other factors apart from the Chairman?—I think it was the tremendous extension of broadcasting.

312. Of controversial broadcasting?—In the period immediately after the war nobody had really imagined how the thing would develop, as it were, in the subsequent years. They had had six years of war when the thing was, of course, non-existent, virtually speaking, and they had barely had this rather annoying experience of Ministers coming along. Then, when the thing began to develop in the years subsequently to the war, and, I think, when there was a change in the Chairman of the Board, it was felt more and more that it should be altered.

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

313. Did the threat of commercial television form one of the factors towards the end?—No.

314. Not at all?—No.

315. I suppose the Beveridge Report did influence you?—Curiously enough we did not put in a Paper at all on this subject to the Beveridge Committee, but the Beveridge Committee itself raised it and asked "What goes on about this?" We said: "There is the present aide-memoire which regulates political broadcasting", and they questioned us about it. We said we thought it was a restriction which was unfortunate and they strongly recommended that it should be abolished.

316. Now turn to the end of paragraph 21: "The B.B.C. had acquiesced in the past but now wanted the rule abolished, although they would continue to bar M.P.s from speaking in the fortnight period." Is it your contention to me to-day that if you were completely free you would not have inserted the clause starting with the word "although", that you have always really wanted the Members of Parliament and, if that is your contention, will you tell me who was pressing you not to use them?—I think it is like this: at that time we were drawing up to the point when the Board felt they could not go on like this any longer, and they said if we can get the thing withdrawn by agreement between the parties and ourselves by undertaking certain things which were felt to be those which made the party leaders want to maintain it—

317. I thought it was that. So your contention is that it was the party leaders who were insisting on the exclusion of the Members of Parliament and, in order to get agreement with them, you made this concession to their point of view against your own principles?—Not against our own principles entirely, but I still think that under any circumstances it would be a mistake if we allowed ourselves to be used by Members of Parliament who felt "I cannot make myself fully heard in the House; I am going to get on the air and do it there".

Mr. Sydney Silverman.

318. But the choice would be yours?
—Yes.

39645

Mr. Crossman.

319. It would be partly that you knew that the Party Leaders did not want these backbench Members of Parliament on at that time, and partly that you yourself felt that Members of Parliament should not have the forum made available to them; that forum should be to non-Members of Parliament?—Not unduly.

320. What does that mean? You said "you were not sure you would always necessarily exclude Members of Parliament on all subjects". These were your own words about 20 minutes ago. That seemed to me a very negative view. You would not necessarily always exclude Members of Parliament. It looks to me as though, on your view, Members of Parliament would not get much of a look in?—I think, for example, on the minor question one would not have any rule operating at all. If one was operating a rule—I mean if one was thinking in terms of major debates and so on—one might very well not. But I think one must simply watch this and say "Are we being used in this manner? But if not, we will let them go."

321. I am not clear about this word "used". I suppose everybody who speaks on the B.B.C. uses it as a forum in a sense. If one is Mr. Blank, or Mr. Blank, M.P., or Sir Somebody Blank, one wants to use the B.B.C. as a means of expressing one's views. What makes you want to exclude Members of Parliament, and not regard them on their merits with other people to be considered? Are we to be considered as less suitable in some senses than somebody who has got the same sort of views and who belongs to the same party, but is not a Member of Parliament; that is what I am not clear about?—I would say because the Member of Parliament has got his position, and a Member of Parliament has got his forum in the House.

322. Supposing you have a man who has a forum in the Press, would that influence you against using him in broadcasting?—No.

323. So it is this peculiar forum of the House which should, in your view, influence you?—After all, we are talking about debates in the House.

324. But you are taking the view, to me, that you are really against all limitation of B.B.C. discussion. I am trying to

C

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

find out why the only limitation which you believe in is on Members of Parliament. You do not believe in limiting Glubb Pasha, or anybody with strong political views outside. You just have this group of people, Members of Parliament; I want to be clear why?—I would say, as I have already said, it seems to me that, if there is any force at all in the idea, Parliament should be the main place.

325. I thought you thought there was not?—No, no, steady on. What I said was I did not think there should be any rule, but that the Governors should exercise their authority and discretion in this as in any other matter.

326. I want to get clear in my mind as to how you would exercise it?—Can I put it better this way: I have not drawn up any rule or anything for this hypothetical situation, and I cannot give you an answer absolutely in the form of A, B, C and D. What I say is that the Governors would seek, in those circumstances, to operate in what they would regard as a responsible manner, and if they found that certain things were happening, they might slightly change their method of operation; but they would not be pinned down here and now. We would use Members of Parliament or we would not; we just have to consider the case just as we do with religion or anything else.

327. The last question is about an extraordinary difference between your view of the working of the rule, and that of the Postmaster General. The Postmaster General told us it was perfectly straightforward that the ban applies to broadcasts arranged by the B.B.C., but that certain broadcasts were not arranged by the B.B.C.—For instance party political broadcasts were arranged by the parties. A second group was what we might call outside broadcasts which the B.B.C. merely put on the air whole. Take the Oxford Union which, by the way, did anticipate last week. Your view was that as you had not arranged the Oxford debate but merely relayed it, that was not an infringement of the rule. The Postmaster General said he thought the rule meant that any broadcast which was arranged by the B.B.C. should not anticipate. Any broadcast transmitted by the B.B.C. but not arranged by it did not come under the rule. You said some-

thing totally different, this morning. I am just wondering what relationship there is between the B.B.C. which is supposed to be carrying out the rule and the Postmaster General who is supposed to be enforcing it because there seems to be a great gap between the interpretation of the Postmaster General and yourself?—Yes, it is perfectly true that it does depend on how you interpret the word "arrange".

328. Is your interpretation the same as the Postmaster General's?—It may or may not be, I do not know. We discussed it, of course, greatly when it was drafted. The general interpretation of it is that if you are reporting something, for example, in the news, then of course, you are obviously not arranging it.

329. Reporting events which have taken place?—Well, supposing somebody makes a speech, not on the air but in the country somewhere.

330. You mean it is news and not anticipation?—Yes.

331. I think we are all agreed on that, but I am now discussing controversial broadcasting?—It is an arguable point as to whether a party political broadcast is an arranged broadcast, such as the Budget broadcast.

332. Of course it is arguable, but I want to ask you whether you do not accept that the Postmaster General's ruling must be the ruling here. If he has ruled that these matters do not fall under the rule, how can you argue it?—This has not been going very long, but the Postmaster General has not yet come into the picture, so far as I know, on any such question.

Chairman.

333. Sir Ian, I think it is only fair to you that we should tell you that in answer to Mr. Julian Amery on the last occasion—it is question No. 12—Dr. Hill did say this: "On the issue of party political broadcasts it has been held that the existing rule does not cover party political broadcasts which are held to be arranged by the parties and not by the Corporation"?—Yes, well that is very interesting.

Mr. Crossman.

334. What puzzles me is that the Postmaster General holds this view, and your own staff, who actually arranged the

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

party political broadcasts, expressly tells us that it is their view too. The only person who does not seem to hold this view is yourself?—As I said to you, this occurred to me this morning.

335. But you are administering this rule?—Of course I am, but you do not imagine that I spend all my time looking at this particular point. I must admit I may have been wrong this morning because I think the key to the matter is that if this did, in fact, come up as an issue, which I do not think it did, to me, it was interpreted, as you suggested, by the people responsible as being something not arranged by ourselves; and I think probably that on re-consideration I too should have said this is not a broadcast arranged by us.

336. I am very glad because now I can get it clear in my mind how you would operate under a gentlemen's agreement if you were left a free hand; you would permit the parties to have party political broadcasts which anticipate legislation because you do not arrange their programmes, is that right?—Yes.

337. You would also permit yourself to transmit debates which anticipate if they were organised outside, and you were merely doing an outside broadcast as of the Oxford Union or the Willesden Borough Council—the instance that was given to us—who talked about housing rebates, and you merely broadcast a debate of the Council?—I do not know whether one could make a hard and fast rule on this.

338. But this is your practice?—I know it is.

339. If it is your practice under a rule you regard as too restrictive, I am assuming that it will remain your practice if the conditions are unrestricted?—There is the Parliamentary resolution. That is the position.

340. But under the 14-day rule that is being interpreted by you now as entitling you to do outside broadcasts?—What I am saying, Mr. Chairman, is this; you have taken two or three examples of outside debates, the Oxford Union and the Willesden Borough Council.

341. The "Fifty-One Society" on the Northern programme?—It is, in fact, arranged by us.

342. But do you regard the rule as applying to them? Last week it was

39645

open to discussion. I was asking questions as to whether it was; I was asking them themselves at the weekend and they thought it was not?—(Mr. Harman Grisewood.) It is arranged by us.

343. Do you apply the rule to it?—(Sir Ian Jacob.) Yes; I think you will find that before the prescription we probably did not.

344. Lastly, you would allow speakers other than Members of Parliament, if they are experts or if they are being interviewed, to anticipate debates except on special occasions?—I think that would be roughly the case.

345. A Member of Parliament should, every now and then, as a very great exception, be put on the air?—I think that is again a very rough statement of a thing which would require a lot of consideration.

346. That would not be an unfair account of how you would interpret the rule?—How we would interpret Parliament's wish.

347. Your obligations to Parliament in relation to anticipation?—Yes.

348. Thank you.

Mr. Bellenger.

349. I should like, Sir Lionel, to go back to one or two remarks of Sir Ian's in answer to your earlier questions. It may be difficult to get them in their proper perspective now, but I think, in answer to Mr. Amery, you said you had received representations from some Members of Parliament—I think it was in relation to a breach of the 14-day rule?—No, that was to do with "In the News".

350. You have received some representations from Members of Parliament?—About what?

351. About something, I do not know quite what it was?—Good God, I receive representations from Members of Parliament every day of the week about something.

352. You do receive representations from Members of Parliament every day of the week?—About something, yes.

353. Quite a lot?—I do not think a day passes without a letter from a Member of Parliament about something or other.

C 2

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

354. From those who broadcast as well as those who do not?—From everybody.

355. I see. Now, you also said, I think, that it was not your purpose to put on Members of Parliament to build up political reputations?—To build them up, yes. What we do not want to do is to build up some person who becomes regarded throughout the country as “the oracle who knows the whole works”.

356. So you do not think that you have helped to build up any reputation—in that very limited circle I think I am right in saying—of Members of Parliament you put on the air?—No, I would say not. You cannot, of course, do broadcasting at all without either enhancing or detracting from your reputation; you cannot just remain exactly as you were before.

357. Would I be right or wrong in saying that there has been a very small number of Members of Parliament who have been consistently put on the air who have built up a reputation of some sort, either as light entertainment individuals or as politicians?—I think you would be wrong; it depends what you would call a small number. There was a number mentioned in the debate in the House the other day of 11 per cent.; that applied to, I think it was, only two programmes. The total number of Members of Parliament in the House who have broadcast is more like 40 per cent.

358. Yes, but I am excluding the “Week in Westminster”, for example. I am talking about the controversial debates or discussions. Would I be correct in saying that has been limited, to a very large extent, to a very small number of Members of Parliament?—You would be quite wrong in saying it has been limited to a small number of Members of Parliament. Not a very great number have taken part because you have got to do a broadcast which is good; the man has got to establish himself and show that he can do that kind of thing. Now, a great many people cannot. The discussion has got to be one that people will listen to, otherwise it is a waste of time, therefore, it has got to be well done, and when you have got a man who can do it well, you let him have, at any rate, a few goes because he then helps the programme to

establish itself. Bearing that in mind, we have rung the changes quite a lot.

359. You mean to say he has got to be given a chance to establish himself on the air?—Yes, if he does, naturally you bring him back again.

360. Therefore, those Members of Parliament who do establish themselves are not necessarily chosen for their broad representation of factual affairs, but because they are able to attract the public, shall we say?—I would say they do both. You start off by trying to get a reasonable representation over a period of a month in the various parties in Parliament, of course, and different parts of the parties, but it is no good imagining that you could just have a rota, as it were, and have a different lot each time, or something of that kind because the thing would then be a waste of everybody's time because the public would not listen to it.

361. How are Members of Parliament selected in the first place; who does it?—It is done on the advice of Parliamentary correspondents, and of people who say “Here is a man who has broadcast or he looks promising, why not give him a try?” It is like the way we select speakers for any number of programmes. There is an enormous variety of output.

362. Would it be correct to say that your producers of these programmes are the ones who really select them in the first place?—The producer, of course, is responsible for his programme. He has got to produce it well, and make a good programme of it from every point of view; not merely from the point of view of it being attractive, but also from the point of view of it having in it something worthwhile. He is not the only person to suggest people to take part. He has ultimately got to produce that programme.

363. Bearing in mind that you say you are somewhat biased against Members of Parliament appearing on the air for certain reasons, it really boils down to this: that certain producers, if they want them for their programmes, are the real collectors of Members of Parliament who should appear on the air?—The producer is the man, of course, in the end who has to produce that programme, but he is not an isolated character by himself, he forms a part of a considerable organisation which is keeping an eye on these matters. We have many ways of

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

spreading the field and finding out who is good on certain topics and so on.

364. Would your bias—if I may call it such—against Members of Parliament, possibly for quite legitimate reasons, also apply to ex-Members of Parliament or candidates for Parliament?—I do not quite understand what you mean by my bias against Members of Parliament.

365. I think Mr. Crossman pointed out to you that you would continue to bar Members of Parliament from speaking in a certain period—the fortnightly period. I call that a bias—it may be for good reasons in your own mind—but would that apply to ex-Members of Parliament and candidates for Parliament?—As a rule, we do not take note of whether a man is a candidate—we do not often know whether he is or not—but if one does know that the man has an election just coming, we probably would not put him on the team that time.

366. Is it really your opinion that you think the Governors of the B.B.C. should be the sole arbiters as to what goes on the air, subject only to the question of good taste, political expediency or public interest?—I would say that if you give the Governors the responsibility, as you do at all other times, it does not seem to be sensible to take that responsibility away at certain times; that is my point.

367. So they really should be in the position of Press proprietors, for example?—Not at all. I would say that, after all, the Governors of the B.B.C. have done their best over the years to operate responsibly and successfully in the interests of the public, and I do not believe they have failed in that in the 30 odd years they have been doing it. What I am saying is that this rule arbitrarily removes from them their responsibility at certain times; they have it at all other times.

368. Or, like editors of newspapers, the Governors of the B.B.C., or, in day to day administration, the staff of the B.B.C., should be free to decide what goes on the air?—They do have to decide; that is what we spend our time doing.

369. I have one or two more questions and then I am finished. Could you conceive it possible, Sir Ian, that undue pressure might be brought to bear on Members of Parliament if subjects were

39645

debated on television or wireless? You have heard, for example, of lobbies that they have in certain countries?—Yes.

370. Could you conceive it possible that undue pressure might be brought to bear on Members of Parliament by early debates on the air before those debates come up in Parliament?—I do not know. I think perhaps you, as a Member of Parliament, are a better judge of that than I; you know what questions bear on you, but I would have said the same thing as I said earlier in another connection, and that is that if pressure of that kind is simply the result of a programme on the wireless, I should be very surprised. It presumably has some basis.

371. One last question: you said there was a big volume of complaints about the operation of the 14-day rule? Is it possible to break that down into the Press, Members of Parliament and the public? Have you really had much protest from the public?—I would say that obviously from the people who are not interested in that kind of programme at all anyway, no; but from the people who are interested in discussion of current affairs on the air, we have certainly had a good many. We have had them also from associations and bodies of various kinds who, when they meet, say: "This is a bad thing; we must write to the B.B.C. about it." We have had quite a lot of that. You see, when it does strike the public in some particular instance, it strikes them quite forcefully, and they say: "Well, dash it, this is exactly the time I want to hear about this."

Mr. Ness Edwards.

372. I hope I shall not trouble you too long. Do I understand from what you have said that you would prefer that the whole matter should be relegated to the B.B.C. for them to operate?—Yes, I do. I say the Governors have this responsibility at other times, and I think they ought to have it now.

373. And you would have certain internal regulations and directives?—Certainly; the Governors would have then to consider exactly what they would lay down in the matter.

374. So what you think, Sir Ian, is this: that the B.B.C. should have its own internal rules, and it would be quite wrong for a Select Committee to recommend to Parliament rules that the public

C 3

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

would know about which you would have to operate. Do you see any difference in our rules and your rules?

—We will do our best to follow your rules if you lay them down, but you see, the difference will be this I think: that anybody who is told the general intention and left then to carry it out is in a much better position than if they are given a body of specific things, which do not properly cover the whole field, which leave a great deal of doubt, and may possibly be not so easily workable. Of course, if you lay down anything, we will do our best to follow it out.

375. Are we now clear about the meaning of the word "arrange" in the prescription?—I think we probably are. I think it does come to the point that if we deliberately invite a speaker to come and speak on the air, that is "arranging" a programme. If, on the other hand, the man happens to make a speech at Bradford, and we report him, it is not. It is that sort of distinction.

376. I was wondering how you interpret that word "arrange" now, after discussion this morning in relation to the Budget broadcast and the party political broadcasts?—I do agree with what Mr. Crossman said that they are not arranged by us.

377. So that, therefore, they are not within this rule at all?—No.

378. Now, let us see what you would like to keep, and what you would like to discard. Would you like to discard the rule about Ministers making Second Reading speeches the weekend before the Bill appears in the House?—No, it does not happen much nowadays.

379. You would like to keep a rule of that sort?—I would rather not keep a rule of any sort.

380. Well, would you like to have it or not?—I think it is quite a good thing that they should not do that.

381. Do you think it ought to be the policy of the B.B.C. that they should not do it?—Yes, I think it should.

382. Do think that policy then should be in the form of a minute or a rule?—I would much rather that it was part of our general conduct of this field of broadcasting.

383. Surely the Governors must give a direction of some sort on an important

matter?—Yes, I am saying they probably would give a direction to that effect,

384. Would there be any objection to that direction being publicly known?—I think there would be for this reason: we are now trying, I think, to give an interpretation to a general desire of Parliament. Well now, the less that is expressed publicly in particular rules, the better, because the moment you have public rules of that sort then everybody points to it and says: "Why are you doing that; why are you doing the other?" If, on the other hand, it is left for internal regulation—I am maintaining that the Corporation has, over 30 odd years, found it perfectly possible to conduct proceedings sensibly in many fields of difficulty, and, in fact, setting these fields aside, the operation of this particular period—I think they would find it possible to do that in this case.

385. You remember, Sir Ian, that this rule originally arose out of a row in the House of Commons, and there were repeated complaints from the very small bunch of Opposition that existed in those days about Ministers making broadcasts. I agree the B.B.C. joined in with the Opposition in not wanting these Second Reading speeches. Now, I put it to you again whether or not it should be known to the House of Commons that no Minister is allowed to use B.B.C. facilities for the purpose of making Second Reading speeches. Surely it is a clear case where there ought to be a limitation?—Yes, if that is what you think.

386. I am asking you what you think; it is you who are going to operate it?—I have told you what I think. I am personally in favour of not specifying anything.

387. I see. Shall we come to the party political broadcasts? Those are outside and so is the "Week in Westminster". What would you do with regard to discussions?—About discussions?

388. Yes; what would be your general line on anticipation?—I would say that in general one would certainly have discussions within the fortnight. I would think possibly one might avoid any really major programme just before Second Reading Debates but we would certainly sweep away all this present idea of not being able to discuss something

7 March, 1956.]

SIR IAN JACOB, K.B.E., C.B., and
MR. H. J. G. GRISEWOOD.

[Continued.]

for a particular set period regardless of anything else and regardless of importance.

389. How would you convey this general idea as to the circle of discussion to your staff?—There would have to be a direction, of course, on the subject approved by the Governors. That direction would be operated for a period of time, and, in the course of that, precedent and experience would build up, and, no doubt, from time to time, it would be modified until we had arrived at a working basis which seemed satisfactory to everybody.

390. Might I ask this question although I am rather reluctant to do so? Sir Lionel, I wonder whether Sir Ian could give us a general draft of the directive he would issue to the staff and its operation if the resolution of the House were left to the B.B.C.?—I do not know that I could.

391. May I put it this way, Sir Ian? I should like to consider the question of leaving the matter entirely to the B.B.C., and I should be assisted in that consideration if I knew what were the general directives to be issued to the staff by the B.B.C. in the light of this new resolution?

Chairman.] I think you should ask Sir Ian what he would recommend the Governors to do; that would be fairer to him.

Mr. Ness Edwards.

392. That is what I mean?—Well, I think I could probably do that.

Mr. Sydney Silverman.

393. I wonder if I may approach the kind of question that Mr. Ness Edwards has been asking, possibly in a different form. The resolution of the House says this in the first part of it: "That this House considers that it is in the interest of Parliament and the nation to preserve the principle of some limitation to the anticipation of Parliamentary Debates by broadcasting." Now, let us assume (what I think is established) that anticipation is not the Parliamentary procedural rule, but refers only to the timing of discussions and Debates. That is a very loose and rather vague and ill-defined principle, is it not?—Yes.

39645

394. "The principle of some limitation to the anticipation"—it is within that framework that we have to discuss the matter. It is clear, it is not, that the first step would have to be to find some way of defining what limitation?—Yes.

395. Would that be right that the first question of interest to the community, and, no doubt, to you, is who shall be the author of that definition. It is the question of whether the limitation—or definition rather—of the principle should be laid down by Parliament, laid down by the B.B.C., or laid down in some formal or informal agreement between them; that is one of the questions?—Yes.

396. You prefer that the definition of the principle should be left to the B.B.C.?—Yes.

397. Would you tell us why?—It is simply this, Sir: it is really what I said to Mr. Ness Edwards that I do not believe anybody in this room, or anybody in Parliament, is 100 per cent. clear as to what all this is in aid of. We have a feeling that what is wanted is something which will ensure that Parliament is the place where major matters get discussed first rather than on the air, though the reason appears to have varied, and yet that there should be considerable freedom of discussion in broadcasting. Given this comparatively vague conception, it does seem to me that the way to operate it is to let the people who have been told that that is what Parliament wants (in rather vague terms) get on, and use their discretion in operating it to the best of their ability, and with a sense of responsibility. Then, if Parliament feels dissatisfied, it is open to them to take some action in the matter, and to say to the B.B.C.: "Look here, we do not think you are being very clever about this", and it could, perhaps, be reconsidered. I do think it is very difficult—given this rather vague conception that we are groping for—to have an outside rule which we then have no option but to try and apply in the letter of the law, as it were.

398. That is not the only question, is it, Sir Ian? I put to you three possible ways of arriving at this definition of the principle. One is for Parliament to lay it down in some form of directive; another is to leave it, as you prefer, to

C 4

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

the B.B.C.'s own discretion. But there is, is there not, the possibility of Parliament and the B.B.C. joining in working out how this vaguely expressed principle might be more specifically defined?—That seems to my mind to be more or less the same as your first one, except that we would have taken a hand in drafting it, as it were, that is all.

399. It is not quite the same. If you mean you prefer the last, I understand that, but it is not the same. It would be perfectly possible for this Committee to recommend to Parliament that the best way of carrying out the resolution of Parliament would be for Parliament not to interfere at all, but to leave it entirely to the Governors of the B.B.C. That would be a possible way of doing it; I am not saying whether it is desirable or not, but it could be done. Are you recommending that?—Yes, I am.

400. That is quite a different thing from saying that Parliament should issue a directive to the B.B.C.; it is the direct opposite?—Yes.

401. I am saying this: is there not a way in between those two propositions in which the task of defining this principle more specifically so as to make it more clearly understood and easier to work, which might be done neither by Parliament issuing the directive, nor by Parliament leaving it to the unfettered discretion of the Governors of the B.B.C., but might be worked out between them?—Is that not going back to the aide-memoire situation?

402. Possibly, if the aide-memoire were to consist of the principle arrived at after discussion between Parliament on the one side, and the B.B.C. on the other. It does go back, if you like, to the principle of the gentleman's agreement, but it is quite a different position from the proposition which, I take it, you were recommending to us that Parliament should take no hand in this business at all, and leave the whole matter to the discretion of the Governors of the B.B.C.?—Having, however, expressed a general view.

403. Yes, but the only general view that is expressed is the principle of some limitation to the anticipation of Parliamentary Debates, and we have agreed that that is so vague and ill-defined as to mean virtually nothing until you give shape and content to it. You are sug-

gesting that shape and content should be given to it solely by the Governors, subject to the ultimate right of Parliament to interfere at some future date if it wanted to?—I would not at all object to the expression of what Parliament is aiming at being better expressed; I think that would certainly be a very sound thing as it does not mean much as it is at present.

404. I do not think that is the point we are discussing, Sir Ian, with great respect. Obviously if Parliament wants to pass a resolution giving a schedule of what the B.B.C. can do, and what it cannot do, it will do it; and if the Postmaster General issued a directive, that will be binding on it. Parliament having decided to express itself in this way, it then becomes somebody's duty to apply it in a recognisable way, so that officials charged with the responsibility of operating it can understand it. Then it requires some definition, and what you are saying is that it would be better to leave the definition and the application of it entirely to the unfettered discretion of the Governors of the B.B.C.?—That would be my preference. I am not saying that, if that was thought to be out of the question, one would not make some other suggestions, of course, so that Parliament and the B.B.C. might arrive at some closer recognition of how this should be carried out, and conceivably one might, in fact, put in a suggestion to the Committee.

405. Yes?—But I do think one of the difficulties of this is the very fact that the objective here is so ill-defined.

406. Yes, quite. If Parliament were to accept your suggestion, do you not think that would be an abdication by Parliament of all responsibility of controlling a matter in which Parliament is clearly vitally concerned?—I would not say so at all because, except for 14 days before, that is exactly what Parliament does do.

407. I would like to come now to what seems to be agreed: whoever lays down the definition or limitation, there does seem to be some agreement as to what it should contain. For instance, the ministerial rehearsal of a Second Reading speech immediately before presenting it to Parliament—whichever lays down the definition, that would clearly have to be left out, would it not?—Yes.

408. On the other hand, it seems to me that party political broadcasts, which

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

are intended for propaganda after all, should not be governed by the rule; that also would be clear?—Yes.

409. Then you have the two other things—at least, there are three, but two go together—one, the notion that the B.B.C. ought not to be a parallel forum, and the other, which I think is best expressed in the Beveridge recommendation, No. 69, is it not?: “The present bar on discussion of any question within a fortnight before it is debated in either House of Parliament should be reconsidered with a view to providing topical and interesting microphone debates on issues when they are actually before Parliament.” To do that when they are actually before Parliament is inconsistent with the rule for anticipating matters that are before Parliament, is it not?—Yes, of course.

410. If you had to choose between them, which would you prefer?—I would rather have the Beveridge one.

411. Because you would think it a very much better thing that the B.B.C. should provide “topical and interesting microphone debates of issues” while they are actually issues?—Yes, while they are actually issues.

412. That being so, Sir Ian, why do you think there ought to be some special rule about Members of Parliament?—If Parliament itself said “Well, we have not the slightest hesitation in saying that Members of Parliament can go and broadcast as much as they like whether there is a Debate or not”, it might be thought perhaps peculiar that we should be “more royal than the King,” as it were.

413. More Parliamentary than Parliament?—And, therefore, that Members of Parliament should not broadcast. It only seems to me that if there is any substance in any of this at all, then that is one of the places where it resides; namely, that we should not provide, on important matters, an alternative for a Member of Parliament to come and make his speech on the B.B.C. when the Debate is, in fact, taking place in the House.

414. I am sure it is my own stupidity, but frankly I am unable to understand why that is so. Let me take something which I happen to be interested in at the moment. There is a great national and Parliamentary argument going on about capital punishment?—Yes.

415. I introduced a Private Member's Bill, and got leave for the First Reading of it last November. About a month ago I was invited to take part in a discussion with a Conservative Member of Parliament who was against the abolition of capital punishment. The whole programme was to take 5 minutes, shared not between two of us but between three of us because there was a Chairman as well. The matter was not quickly to come before Parliament. Can you see any plausible reason for saying that if that broadcast had taken place, any harm would have been done?—This was not before a debate, you say?

416. No, it was under the other leg of the anticipation rule?—We do not agree with the second rule.

417. You do not?—No, it is much too wide; it opens on the introduction of a Private Member's Bill, and it may be on the Bill for six months which would mean that you could not discuss that thing for that period.

418. The present rule as to Part 1 is that there should be no discussions for 14 days before by Members of Parliament or anybody?—Yes.

419. The other part is that when legislation has been introduced there can be discussion by everybody except Members of Parliament?—The actual phrasing of it is that while matters are the subject of legislation, Members of Parliament will not be used in discussions.

420. That is what I said; and you would not expect us to continue the second one?—Not in that form.

421. While the matter can be discussed by anybody, it can be discussed by Members of Parliament too if the B.B.C. chooses to invite any. During those 14 days the rule has been that there should be no discussions at all?—Yes.

422. You are saying yes, you would yourself prefer—if you could have your way—the Beveridge Report which would mean abandoning that part of the 14-day rule; but then you say that if you abandon that part of the 14-day rule, you would still regard Members of Parliament as being in some way an excluded category. What I do not understand is this: why—is there any reason?—Well, I can only say this: as I have said on numerous occasions, (you, as Members of Parliament, may think—perhaps not—and you may be

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

right) that it has seemed to me, that there was some justification for preserving this distinction.

423. Can you make it clear to me? At the moment I must have a completely intellectual blind spot because it does not seem to me to make any sense at all. Can you help me?—I am merely saying that Members of Parliament—at any rate if there is any substance in this business of anticipating Debates whatever—are the one category of people who should make their speeches in the House; nobody else can.

424. This seems to me like stating over and over again something which you believe; it does not sound to me like offering any reason in support of it?—They are Members of Parliament and the only people who can speak in the House. If there is an important Debate, presumably this is where they will make their contribution.

425. Every journalist can write an article about it—why do you not exclude journalists?—Because there is to be a Debate by Members of Parliament in the House.

426. But there can be a leading article every morning in a newspaper—

Sir *Robert Grimston.*] Written by a Member of Parliament.

Mr. *Sydney Silverman.*] What is the explanation of it?

Chairman.] It is a matter of opinion really, is it not?

Mr. *Sydney Silverman.*] Thank you.

Mr. *Holt.*

427. Following that I rather got the impression that were it not for the fact that you thought that other people held the view that Members of Parliament should not be on the air, if you were completely free, and the Governors were free, the Governors might take the view that Members of Parliament could, in fact, be used equally with other people, and that you should choose the speakers on their merits—am I wrong in thinking that?—Assuming that there was no expression of view by the House at all, and that the rule did not exist?

428. Yes?—I think they probably would, but I cannot be sure.

429. May I raise one historical point with regard to the origin of all this? In the Second Reading speeches made

by Ministers during the war, was the B.B.C.'s objection to this that they considered that the Ministers were making use of their position to bring undue influence on the people through broadcasting, or because, in point of fact, they were merely boring?—No, I do not think it was just because they were boring. I was not there at the time, of course, but I have always understood it to be that they felt they were doing something which they ought to do in Parliament.

430. Did the B.B.C. consider they were having undue influence and that the Government side was being put and not the other?—Yes, I think so.

431. And that, in fact, not only did they have more time, but they were unduly influencing people?—I think it was felt that they were being given opportunities to do this which were denied to the other side.

432. Merely the opportunities? Now, on the question of Glubb Pasha, and as to whether there is some danger in having a well-known figure like that to speak on a controversial issue just before it is to be taken in Parliament. Would you agree that the kind of thing which is perhaps envisaged here is that Glubb Pasha might, for instance, make some extremely critical remarks about the Government: such as that he warned the Government 12 months ago, etc., etc. That is the kind of thing which might affect a lot of people, but would you also agree that he could make those statements exactly as pungently through another medium, for instance, the Press?—He can, of course.

433. He could?

Chairman.] He has not.

Mr. *Holt.*

434. And that they could have just as great an effect? The point I am getting at is this: do you feel that people are inclined to set too much store by the fact that the person actually says these things over the radio or television?—Yes, I do. I think they set much too much store by it. They may give an impression which is exactly opposite to that which people imagine.

Chairman.

435. I think, Sir Ian, it would be the wish of the Committee that I should leave you entirely free about sending in

7 March, 1956.]

Sir IAN JACOB, K.B.E., C.B., and
Mr. H. J. G. GRISEWOOD.

[Continued.]

any further Memorandums or comments. We have heard the suggestions that have been made, and if you feel it would be helpful or desirable to send us some statement of your views as to what might be done in regard to directives or anything of that kind, I think we should be grateful to get them, but it is a matter for you to decide. I do not think it would be right for the Committee to impose any obligation on you?—We should be very glad to do so. I do not know what your timetable is as

there would be a good deal to be considered. We have not so far, as you see, put in anything which expresses an exact view of what we think ought to happen now in relation to this resolution. I mean we have had a long discussion this morning, but I would feel that we ought, at some point, to put in some concrete proposals.

Chairman.] We should be very glad to have them, and we are very grateful to you for your assistance.

The witnesses withdrew.

WEDNESDAY, 14TH MARCH, 1956.

Members present:

Sir Lionel Heald in the Chair.

Mr. Julian Amery.
Mr. Bellenger.
Mr. Wedgwood Benn.
Sir Herbert Butcher.
Mr. Crossman.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.
Mr. Holt.
Sir James Hutchison.
Mr. McAdden.
Mr. Sydney Silverman.

Agreed Memorandum submitted by the Government and Opposition Chief Whips.

HISTORY OF THE FORTNIGHT RULE

The circumstances attending the inception of the Fortnight Rule are not within the Ministerial responsibility of the Postmaster General or the immediate knowledge of the Chief Whips and their predecessors, but it is understood that the Board of Governors of the B.B.C. in 1944 passed a Resolution in the following terms:

“That when a debate on a major matter of public policy is imminent or is actually taking place in Parliament the B.B.C. cannot allow the broadcasting of Ministerial or other *ex parte* statements thereon. This rule is not to apply to matters directly affecting the war effort or in circumstances of national emergency.”

In practice, the word “imminent” was construed as a fortnight before a debate in Parliament. The object was to bring to an end a practice which appeared to be growing up of Ministers asking to broadcast in order to advocate measures which were about to be debated in the House of Commons.

1946-47 the Labour Government, Conservative Opposition and the B.B.C. in discussing the future of Party political broadcasts drew up an Aide Memoire to the arrangements that were agreed. In this Aide Memoire was incorporated

14 March, 1956.]

[Continued.]

at the instance of the B.B.C. a provision which was originally proposed in the form—

“No broadcasts other than the normal reporting of Parliamentary proceedings to take place on any question while it is the subject of *discussion* in either House.”

but when the Aide Memoire was finally agreed in February, 1947, it was incorporated as Clause 6 (iv) in the following form:

“No broadcasts arranged by the B.B.C. other than the normal reporting of Parliamentary proceedings are to take place on any question while it is the subject of *legislation* in either House.”

Early in 1948 the B.B.C. claimed that in practice this stipulation had proved somewhat too restrictive and gave rise to complaints. The B.B.C. put forward a new clause in substitution of Clause 6 (iv) as follows:

“While legislation on any question is before either House of Parliament the B.B.C. will confine its broadcasting on that question to factual statements, or explanatory and impartial surveys of the issues, and to the normal reporting of Parliament.”

The B.B.C. were asked by the Party Leaders to elucidate the matter by giving examples of the effect of the change. In May, 1948, the B.B.C. said that because the change of the word “*discussion*” to “*legislation*” in 1947 had altered the nature of the Corporation’s intentions, the Governors felt that it was in the public interest to return to the original wording, viz:

“No broadcast other than the normal reporting of Parliamentary proceedings to take place on any question while it is the subject of *discussion* in either House.”

The Corporation would give the following assurances:

- “(a) that the B.B.C. has no intention of becoming an alternative simultaneous debating forum to Parliament;
- (b) that the B.B.C. will not have discussions or *ex parte* statements on any issue for a period of a fortnight before they are debated in either House;
- (c) that while matters are subjects of legislation M.P.s will not be used in such discussions;
- (d) that the Budget will be excluded from these arrangements.”

The Government and Opposition in July, 1948, agreed. Paragraphs (b) and (c) above were subsequently published as a part of the Aide Memoire by way of interpreting the main agreement.

In January, 1951, the Beveridge Committee on Broadcasting reported and commented upon the Fortnight Rule.

In March, 1953, the B.B.C. asked that the Rule should be abolished although they would continue to bar Members of Parliament from speaking in the fortnight period. They claimed that the matter was one for their responsibility and gave other arguments against it. The Leaders of the Government and Opposition for their part stressed the importance they attached to the retention of the Rule and it was agreed that there should be no change but that the B.B.C. should be free to raise the matter again.

In April, 1953, the B.B.C. informed the Leaders of the Government and Opposition that they proposed that as from the end of the following Parliamentary summer recess the Rule should be deemed to be terminated although the Governors would still undertake to bind themselves during these fortnightly periods to refrain from using Members of Parliament on matters which were the subject of legislation, but the Government and Opposition again indicated that their views were unchanged.

In June, 1953, the B.B.C. informed the Leaders of the Parties that they still wished the Rule to be abandoned but that they would undertake to refrain from using Members of either House in broadcasts during the fortnight before a debate. They would also take particular care to avoid *ex parte* statements or discussion programmes

14 March, 1956.]

[Continued.]

on highly controversial questions of the first importance during the same period. The views of the Leaders of the Government and Opposition remained unchanged and they asked the B.B.C. to carry on with the existing Rule.

The Rule continued in force and in March, 1954, the matter was again raised by the B.B.C. who said that if the Rule had to be maintained they preferred to have it regularised and removed from the realm of their discretion by the Government's taking the responsibility by issuing a Notice. They mentioned that the advent of a competitive Service would complicate the position.

Two or three months later the Government enquired from the B.B.C. whether they would agree to the Rule continuing without a Notice if the period were reduced to a week, and if a statement were made in Parliament to explain the position. The B.B.C.'s reply was in the negative.

In July, 1954, letters were exchanged between the Government and the Leaders of the Labour and Liberal Parties, in which both the latter indicated their support for the issue of a Notice by the Government to ensure the retention of the Rule. In October, 1954, the B.B.C. agreed the wording of a draft Notice. In April, 1955, the agreement of the Leaders of the Labour Party was given to the final draft of the Notice which had been agreed in detail with the B.B.C.

During the General Election of 1955 the Leader of the Liberal Party was asked, as there was critical reference to the Rule in the Liberal Party's Manifesto, if his views had changed and he said that they had.

In July, 1955, the B.B.C. confirmed that their opinion was unchanged and that the issue of a Notice would still be necessary. On the 27th July the Postmaster General issued Notices to the B.B.C. and the I.T.A. requiring that the Fortnight Rule should continue to be observed. A covering letter stated that the Broadcasting Authorities would be expected to keep in touch with the Government Whips' Office in order to find out as far as possible the future course of Parliamentary Business.

Memorandum submitted by the Government Chief Whip.

PRESENT OPERATION OF THE FORTNIGHT RULE

The only respect in which the Chief Whip is affected by the operation of the Fortnight Rule is the result of the offer whereby his office assists in the working of the rule by advising on the likelihood of future Parliamentary debates. The nature of the information which the Chief Whip's Office is prepared to give when it is available is whether a particular subject is likely to be debated or not; it is not a general pre-view of the business.

Only a few occasions can be recalled when the B.B.C. have asked about future Parliamentary business specifically in connection with the Fortnight Rule. They may, however, rely for information upon their Parliamentary correspondent, who sometimes makes enquiries as do many other persons.

Examination of Witnesses.

The Rt. Hon. R. A. BUTLER, C.H., Lord Privy Seal and Leader of the House of Commons, and the Rt. Hon. E. R. G. HEATH, M.B.E., Parliamentary Secretary to the Treasury, Members of the House of Commons, examined; Sir STEPHEN PIERSENÉ, General Director, Conservative Central Office, called in and examined.

Chairman.

436. I am sure the Committee would like me to say they are very grateful to you for giving us the benefit of your presence here today. Perhaps I might say that the documents we have got, which I think are relevant to our discussion this morning, are, first, an agreed

Memorandum by the Chief Whips, and secondly, a short Memorandum on the present operation of the Fortnight Rule by the Government Chief Whip. If I might suggest it, perhaps the Lord Privy Seal would make any observations that he would wish, before Members ask any questions, which will give him the

14 March, 1956.]

The Rt. Hon. R. A. BUTLER, C.H.,

[Continued.]

The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

opportunity of underlining any points he has in mind?—(Mr. Butler.) Would you like me to say a word or two now, then?

437. If you would, please?—I should first like to make this clear, that I am not giving you final, considered Government policy, for this reason, that if the Government is to give an attitude to the House of Commons, I think it should do so following upon the Report of this Committee, which was appointed to look into the matter, and then there should be Government consideration of the Report and then we can give a final, considered Government view. That enables me to be freer and easier than in any other way I can imagine. So is that understood, first of all?

438. Yes?—Then you would not expect me to be giving a final Government view. The second point is that I have only been Leader of the House for a short time. It is an interesting and important position and one which I find very agreeable, but you cannot expect me to have final and full experience of all the details of this. Therefore, I may not be either willing or able to answer every detailed question you put to me, if you would accept that also.

Under those two conditions, I should like to make some very general observations on the subject of the working of the Fourteen Day rule. I have before me the notice forwarded to the Chairman of the B.B.C. and to the I.T.A. by the Postmaster-General on 27th July, 1955, which is, in fact, known as the Fourteen Day rule. I should like simply to give an indication at this stage, first, that I feel that some protection of the dignity and integrity of Parliamentary debates should be maintained; that is to say, that I think there is a good reason for the rule. If you look at the history which is included in the earlier papers, you see that there is a reason for having such a rule.

I would develop that if required, but let us take it for granted, that some protection is necessary. It is very important, as my predecessor the former Lord Privy Seal said, to preserve the nature of Parliamentary debates and to have some sort of arrangement.

Having said that—and I am purposely keeping to generalities owing to the limits of my experience in this office—I think some revision of this system is

necessary, because it is proving very difficult to work. Here I am giving you my own impression. I have not got a cut and dried final scheme of how it could be revised and reviewed, because you people have been into it in much more detail and will be able to give us your views.

My own impression is that it would be very much easier to work this rule if, for example, it were to operate from the time of the announcement of Business by the Leader of the House until such time as the Business had taken place, in which case the length of the rule would be substantially reduced. It might in some cases be only a few days; it might in some cases be seven days. The advantage of that would be that there would be less difficulty in working the rule, and you have also the advantage that the straight declaration of Business by the Leader of the House is an indication of what Business is to come. I put that for your consideration.

I should like to make a reservation, namely, that if it was indicated by the Government or the Leader of the House to the broadcasting authorities that there was a subject which was, in fact, also to be debated a little way ahead, as is sometimes the case—for example, it might be said that a debate on such-and-such would take place the week after—that too should be covered. That would be a reservation on the proposal that the operation of the rule should be limited in time. That is a general proposal that I put forward, because I think it would make the rule much more workable and, I think, probably more sensible than it is at present.

The only other point I want to make is about legislation, which is included in (b) of the Postmaster-General's original notice. At present, it says that when legislation is introduced in Parliament, the Corporation shall not on such subjects arrange broadcasts by any Member of Parliament which are to be made during the period between the introduction of the legislation and the time when it either receives the Royal Assent or is previously withdrawn or dropped.

On that, I have two impressions from my short tenure of my present office. The first impression is that it is extremely difficult to restrict this simply to Members of Parliament and that it might

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

be worth considering whether, if the rule is to be revised, it is not all included in one, so that there are not two parts—i.e., (a) and (b)—as at present, and that it covers both Members and non-Members of Parliament. That could be explained owing to the much shorter period of the notice.

Second, I should like time to consider—I do not want to give a final view today—the question as to whether this estop on Members of Parliament taking part in discussion on legislation should be so long; that is to say, whether it should go on right up to the Royal Assent. I think the important thing is to be quite certain that it operates up to the Second Reading. The reason I have that in mind is not only the great length of this estop upon Members of Parliament, but that it would be easier to make a rule work which included Members and non-Members because the time would be so much shorter. This, I think, would be much clearer and better all round—we want to make this as simple as we can. Secondly, it would be better because of the difficulty as between Standing Committees upstairs and Business on the Floor of the House, where you may get embarrassment.

There may be something which is fairly controversial from the publicity point of view upstairs which is not covered if you only have a rule relating to the Business referred to on the Floor of the House. If we were to revise the legislation provision in relation to a period only up to the Second Reading and were to make it apply to Members and non-Members, I believe then we could make the whole rule work in with the issues part, which is (a)—*ex-parte* statements on issues—and I believe you could simplify the whole thing. So I am boldly, perhaps, but I hope wisely, putting forward ideas which, I think, are based on common sense, certainly from the reactions given me by Members of Parliament, of all parties, and from an indication that the present rule is not proving particularly workable.

There is one other reservation I would like to make, which is a detail. That is, that in the case of Business announced, for example, before the Summer Recess, if the rule were to operate as suggested by me, literally and logically there could be no mention of a subject announced

on the eve of the Summer Recess for two or three months. I think you would have to make reservations on that sort of subject. I am only mentioning that to indicate that when you are trying to simplify this, you will have trouble just as much as you would if you try to make it more complicated. I think there would have to be a reservation of that sort—I am not quite so worried about the Easter and Whitsun Recesses; otherwise, I think the proposal not to discuss anything after it has been announced until it is taken in Parliament would work rather well, remembering, in my last words, the reservation that if a subject has been announced for ten days ahead, that would also be covered by the rule.

I sum up what I have said by saying this. I am not giving you final Government policy. I am giving you only tentative impressions from a limited experience, but I think the rule should be simplified. I think the period should be shortened, and I think the two sides of the rule might well be brought together, dealing with Members and non-Members, and that the reservations which I have mentioned should be borne in mind when you are giving this your ultimate deliberation. I do not know whether either of my friends would like to correct or amplify anything I have said.

Chairman.] Thank you very much.

Mr. Bellenger.] On a point of procedure, can we deal with all three witnesses at once, or will they take their turn?

Chairman.] If questions are asked, we might see whether one of them will answer the question and whether either of the others wish to add anything. It might be suitable that some questions should be answered by one rather than by another. I think we will go on in the ordinary way. Mr. Ness Edwards?

Mr. Ness Edwards.

439. Lord Privy Seal, let us see whether we can circumscribe the field over which we have this controversy. Do you agree that Budget statements are completely outside the Fourteen Day rule?—Yes. In order to amplify what I have said, I should eliminate Budget statements. Although it is not logical, I should continue to eliminate party

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

political broadcasts. We have thought about both of those. It is not absolutely logical, but I think it is wiser.

440. What is your general attitude about Ministerial statements?—I would have to make a reservation, because the basis of Ministerial statements is usually some national emergency.

441. I was thinking more of the Ministerial statements we had back in 1944 and 1945, when we had some discussion in the House about Ministers making Second Reading speeches before a debate in the House. You would agree to exclude those? They would not come under the Fourteen Day rule?—I would exclude anything which took away from the wholeness, if I can use such an impression, of the Parliamentary debate, subject to a reservation about emergencies. Part of the object of the Ministerial broadcasts, apart from the party political broadcast, is an appeal to the country in an emergency.

442. That is provided for in the Charter and Licence. It is outside the Fourteen Day rule?—Yes.

443. You would not think that a return to the old gentleman's agreement would be appropriate in present circumstances?—The thing is so complicated that while I have thought it might be better to operate this at any rate in a gentlemanly atmosphere, some direction, or some notice or some statement, is advisable; but I think the spirit in which it is operated must be much, I will not use the expression "looser", but much more left to discretion than hitherto.

444. There ought to be a form of direction?—There ought to be a direction to give some guidance. I have thought about the point.

445. Before coming on to the general lines of policy you have submitted this morning, may I ask with regard to interference: has there been any attempt by the heads of parties to interfere with the B.B.C. either in its selection of speakers for political broadcasts or in determining the type of thing that is to be discussed?—I was warned of this before coming here, but I have asked my two friends. In so far as my experience goes, there has not been. I do not think that they can give any evidence to show that there has been. But my

experience in this may not cover the whole field.

446. As you know, there is apparently a quota arrangement now operated by the B.B.C. in relation to Members of Parliament. Do I take it that the Whips offices have nothing at all to do with the bringing about of this quota arrangement?—I should like the Chief Whip to answer that. (Mr. Heath.) I have no knowledge of that at all.

447. Or the Central Office?—(Sir Stephen Pierssené.) It would certainly be true to say, I think, that in the past the Central Office has protested to the B.B.C. about what it considered the weighting of speakers against party. That is true.

448. I would like to press it still further, not only about the weighting of speakers, but the repetition of the appearance of certain Members of Parliament?—I cannot speak with certainty about that. I have no personal knowledge of any individual being mentioned in such protests.

449. Has the Central Office brought any pressure on the B.B.C. to prevent what has been colloquially called amongst ourselves the "building up" of certain individuals?—I would not say there has been pressure; I think there may on occasions have been protests. The Central Office recognises that the choice of speakers rests, and must always rest, with the B.B.C., but the Party on occasions has felt that the balance has been heavily weighted against the Party.

450. I do not think that is quite meeting the question I put. I asked specifically whether, if the weighting of the parties is correct, representations have been made to the B.B.C. about the repeated appearances of a certain member of a Party, that the Party representation itself should be changed?—I am afraid I cannot answer that from my personal knowledge.

451. Is there anyone at Central Office who could answer it?—I could certainly make inquiries about it.

Mr. Ness Edwards.] I think it is highly important. Sir Lionel, that we should have that information if it is available.

Chairman.] We have had it suggested to us that the original "In the News" team was broken up by Transport House

14 March, 1956.]

The Rt. Hon. R. A. BUTLER, C.H.,

[Continued.]

The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSÉNÉ.

and the Conservative Central Office without the knowledge of Parliament and behind the backs of those who were members of it. That is the statement that was made.

Mr. *Bellenger*.] That, I take it, is in reference to a letter you have received from a Member of Parliament—

Chairman.] Yes.

Mr. *Bellenger*.] —which, I presume, will be printed as evidence. Is there any harm in saying that that individual is Sir Robert Boothby?

Mr. *Ness Edwards*.] May we have a direction from the Chairman on that?

Chairman.] I do not think there is any harm in saying that. If Sir Stephen is making inquiries, I think it would be better if he knew what is suggested. I think the Committee would agree that if a thing like that is said and there is no foundation for it, it should be recorded.

Mr. *Ness Edwards*.] It might be useful if a copy of the letter from Sir Robert Boothby is supplied to the witnesses, so that they could get us some information upon it.

Chairman.] Yes. Is that agreed? Very well. I do not think we can carry it any further now.

Mr. *Ness Edwards*.] No, we cannot carry that further at this stage, but I should like to continue with the views of the Lord Privy Seal.

452. I take it that he wants to preserve the importance of Parliament as the centre where important national issues are first debated. He wants to keep that?—(Mr. *Butler*.) Yes. I said so at the opening, on purpose. It is important to have some arrangement which does that.

453. So that does anticipate some arrangement on the freedom of the B.B.C.?—Yes.

454. With regard to Committee stages and the general ideas you put forward, would you say that the Fourteen Day rule or the restriction should apply to the Committee stage of a Bill, or should be limited only to Second Reading?—What I said was that I thought there was a good deal to be said for stopping after the Second Reading, owing to the very

long period of time which elapses, which may become, I think, in a free democracy, slightly ridiculous.

Mr. *Sydney Silverman*.

455. The stopping after, or stopping up to?—Stopping the prohibition after.

Mr. *Ness Edwards*.

456. Yes. There was just one other question?—That is, on the understanding that I would prefer to see Members and non-Members included in the same rule. You really will get plenty of opportunity for economists and others to comment on the economic situation especially if you take on this idea that after the Second Reading there is liberty. Then, I think, it would make it easier for you to give us simple advice to make a rule which would simplify the whole procedure.

457. There is one other point. It was suggested that the Government might intimate from time to time to the B.B.C. the issues that were arising or those not to discuss. Do you see some danger in that?—No; I think perhaps you have got that wrong. I did not mean in any way to go against the Charter or against the new legislation affecting the I.T.A. I think we ought to be governed by the Charter and by the new legislation as constitutionalists. What I said was that I would make one reservation, that in announcing the Business on a Thursday, it is sometimes the case that it is said that a debate may take place in the week after on a specific subject. I do not want to quote a particular case, but if that subject is a subject in the foreign affairs field which is highly controversial, I think it would be a pity if the rule did not cover that as well. Therefore, in suggesting a shortening of the period of anguish which at present takes place under the Fourteen Day rule, there should be one reservation: namely, if the Government in announcing the Business say that they forecast a debate in the ten days after, the thing should be covered by the same rule. I make that as a reservation. I only make it for your consideration. I think there will be such cases, because sometimes I have to say "The debate on so-and-so will take place on Monday week", in which case that would be reserved.

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

Sir Robert Grimston.

458. You have said that although it is illogical, you make the exception of the Budget in your broadcasts and party political broadcasts. If one is considering the thing in the light of Parliamentary prestige, surely that sort of broadcast violates it just as much as another. Would you enlarge a little why you therefore draw the distinction?—The party political broadcast is a very interesting question. All this is very abstruse—the ancient theology is nothing to it—and difficult to understand. The basis for excepting the party political broadcast is, I think, the fact that the parties themselves choose their own proponents in putting forward the party case. This is not left to the discretion of the B.B.C. I think it would be almost more than human political nature could bear if we were either to take away from the parties the choice of putting forward their own proponents in making a party political broadcast or to prohibit from the party political broadcasts a subject which happened to fall within that short period. I think it is unlikely that there is going to be very much abuse through party political broadcasts. I would, therefore, recommend the elimination of the party political broadcast, which, I know, was the view of the former Leader of the Opposition and, I know, was the view of my predecessor; I would eliminate them from the operation of any such rule. I think you would find it less trouble to do so. If you interpret this absolutely legalistically, party political broadcasts would be covered, but I think it wiser to eliminate them in any new direction you suggest.

In regard to the Budget, I think that is an isolated instance and I think it is better to leave it—on the understanding, of course, that there is nothing said before about the Budget, because of the obvious secrecy of the Budget. I think it is better to eliminate that for the general rule.

Mr. Bellenger.

459. And leave the party political broadcasts completely free for the discussion of anything the parties like?—Yes.

460. Irrespective of any rule?—I would say, Yes. It is not absolutely logical and it is not absolutely legally covered by this, but I think it is wiser.

Mr. Holt.

461. May I refer to the point on the Budget broadcasts? Is it your view, then, that it is not discussion on the B.B.C. that we have to guard against, but who discusses? Since you agree that these matters which are before Parliament can be discussed in political broadcasts or in the broadcasts of the Chancellor and his opposite number at the time of the Budget, is it fair to say what you are concerned about is the freedom of a whole lot of other people to discuss it, and you are not bothered that they should actually be discussed?—No. I think there is a vital difference between the party political broadcasts and a programme organised by an outside broadcasting institution. The party political broadcast is something put forward by the party, with the choice of their own speaker. I think it almost impossible to stop that speaker from making some reference to some outstanding subject which is coming up. For those two reasons, I differentiate it from some programme organised by the broadcasting institution as such. In the case of the Budget, I would think it is a purely party matter and that if you leave it alone, it will work quite happily. We have had these interchanges on the Budget—I have had five of them with my opposite number. I do not think any abuse has resulted, and I should just leave them alone. It is just common sense.

462. Do you think abuse would result if more people were allowed to go on the air at the same time to discuss it, as happens in Parliament?—I would rather govern the general proposition by the proposal I have made: namely, by a shortened Fourteen Day rule.

463. May I refer to the point about the dignity of Parliament and the danger of the B.B.C. becoming an alternative and equal debating forum to Parliament? In view of the fact that the power still resides with Parliament as the legislator, even if the B.B.C. became an extremely effective debating centre do you not think there is a tendency rather to overestimate the power and danger of the B.B.C. becoming a competitive forum if it were given complete freedom to discuss topical matters?—My normal reaction in a free democracy is to allow as much free comment anywhere and everywhere as possible. I feel that is

14 March, 1956.]

The Rt. Hon. R. A. BUTLER, C.H.,

[Continued.]

The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

better, wiser and more in accord with our tradition. But I am governed by two considerations: first, that there is quite a degree of public opinion within Parliament, not confined to one party, which would prefer some rule to continue. That is to say, putting it in slang, they do not wish their debates to be "messed up" immediately before, by an outside institution with particular power to do so. The second consideration is that I think it is wiser, if you can get a rule which really works better than the present one and is, in fact, shorter, to let the first clash, as my predecessor the Lord Privy Seal said, take place in Parliament, being followed up in the country in the way that it will be in the broadcasting institution. So I have two reasons: one, opinion; and the other, the position of Parliament. There is quite a lot of opinion supporting the opinion I express—in fact, I think, a majority opinion in the House.

Mr. Sydney Silverman.

464. On that, of course, we are, as a Committee, bound by our terms of reference—"That this House considers that it is in the interests of Parliament that there should be some limitation"—and we must consider what limitation there should be?—I am aware of that.

465. Those terms of reference are extremely vague. Obviously, you could not apply some limitation unless somebody determines exactly what limitation and under exactly what circumstances. It has been suggested to us by one witness that the rule could be properly operated if it were left to the absolute discretion of the B.B.C. Would you agree with that?—No. I am not critical of the B.B.C. or its discretion. It is not because I am critical of the B.B.C. or its discretion that I would not agree with it. I think it would be simpler if, as I answered a previous question, some sort of guidance is laid down.

466. Do you think that that short guidance should be laid down by Parliament of its own initiative, or should there be, first, discussions with the B.B.C. to see what precise definition of "some limitation" could be agreed with them?—I would hope—this is speaking for myself—that we should first have the benefit of your advice, and then it is, quite clearly, sensible to have a conversation with the B.B.C. to find out how

they react, because they have got to work it, before any ultimate decision is taken.

467. But ultimately, Parliament itself must take the responsibility?—Ultimately, yes.

468. Let us come back to one or two questions that have been raised: first, party political broadcasts. Party political broadcasts are offered, are they not, quite frankly, to the public as party propaganda and as nothing else?—Yes.

469. Does that possibility provide the distinction between statements or discussions of that kind and those that are arranged by the Corporation itself, which gives it a semblance or guise of impartiality?—That is precisely the point I made earlier, namely, that the people chosen for the party political broadcasts are chosen deliberately by the parties and are then put forward to put an *ex parte* statement of the party chosen by the parties themselves, and not organised by the B.B.C. All that the B.B.C. do is, by agreement, which we agree between the parties and the B.B.C., to give time.

470. And with the public being told in advance, and being fully aware throughout, that this is offered as an *ex parte* statement and not as anything else?—That is right; yes.

471. Then, we have had some difficulty, following the same line of discussion, about the word "arrange" that appears in the Fourteen Day rule. So far, we are quite clear that if the B.B.C. selects the speakers, then the rule, whatever form it may ultimately take, may apply. It does not apply to party political broadcasts and it does not apply to the Budget discussions for, at any rate, analogous reasons. But then we have had instances where, for instance, a local authority has had, in the ordinary course of its business, a discussion of a matter which if it had been arranged by the B.B.C. would have fallen within the rule and would have been excluded by the rule. That was defended on the basis that this was near-news reporting and was not something arranged by the B.B.C. I am reminded of an Oxford Union debate, for instance, and I think there was a discussion by the Wimbledon Borough Council—

Mr. McAdden.] The Willesden Borough Council.

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSÉNÉ.

Mr. Sydney Silverman.] Willesden, yes?—This, among many other subjects, has been brought to my attention before coming to give evidence. I decided not to give you a final view on this. It is, as you say, covered by the word “arrange” in (a). I think it would be better on the whole if one could avoid such occurrences, because by the use of television cameras it is, of course, possible thereby to avoid the whole spirit of the rule. That was my impression on hearing of the incidents in question and having them drawn to my attention before I came to see you.

472. There is a possible difficulty, is there not? I do not quite know what the answer is, but it has been suggested that there is a possible difficulty in applying the rule containing the word “arrange” to the I.T.A., who do not themselves arrange anything. They have contracts with programme companies. The programme company does the arranging. One understands that there are indirect ways of making the rule work, but strictly, technically and legally, the I.T.A. arranges nothing and, therefore, would not be covered?—That has also been drawn to my attention, and I think you will have to give your own consideration to that.

473. Coming to your own proposals, which I understand to be only tentative ones for the moment, your suggestion is this, is it: that in any modified form of the rule—I am not dealing now with the ten or fourteen days or seven days, but with the legislation part of it—the B.B.C. should not arrange discussions about matters in which legislation has been introduced into Parliament, between its introduction and Second Reading?—Yes. Of course, that is somewhat elliptical. What I had in mind was that when the Business was announced on a Thursday, some of the business may be legislation and some, of course, may be general debates. In the case of general debates—or issues, that is—I would prevent a discussion in the period between the announcement of the business or issue and its being discussed in Parliament, with the reservation that if there was more than four or five days’ notice necessary for a longer debate, it also covered the longer notice. In the case of legislation, I only put for your consideration that it might be worth stopping at the Second Reading, and then

on the understanding that both Members and non-Members are involved in that, giving liberty after that.

474. I was approaching it a step at a time and possibly beginning at the wrong end. What I am interested in at the moment is not the time limit but the legislative limit. At present, I understand the rule to be that once the House has given a First Reading to a Bill and has ordered it to be printed, the legislation is then before Parliament and it remains before Parliament until it is either defeated or withdrawn or receives the Royal Assent?—That is right.

475. Under the operation of the existing rule, during the whole of that period no Member of Parliament can be heard on the air about it at all. That is the present rule?—Yes.

476. You do not agree with that?—I think the suggestion that both Members and non-Members should be brought into the present part of (b) of (i) of the notice makes it essential to shorten the period. I have also in mind the position which may arise through a Committee stage upstairs being very protracted and there being rather an excess of zeal, I think, to stop a Member of Parliament—or, indeed, in the new rule, a non-Member—from discussing a Bill which is upstairs for, say, three or four months until such time, as it says at present, until it receives the Royal Assent or is previously withdrawn or dropped, which, I think, is a rather extreme version of the rule.

477. What I am trying to make clear for myself is that supposing your suggestion became the rule, then the effect would be that Members of Parliament and other people would be on exactly the same footing?—That is what I should prefer, because I think it should be simpler.

478. That is the first point. Then, perhaps as a corollary to that, and perhaps on its own merits anyhow, you would shorten the present period?—That is the idea, yes.

479. And in shortening it, the idea you are suggesting to us for consideration—I know it is no more than that—is that the rule shall operate from the introduction of the legislation to the Second Reading, but not afterwards?—That is

14 March, 1956.]

The Rt. Hon. R. A. BUTLER, C.H.,

[Continued.]

The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSÉNÉ.

it, on the understanding that I am suggesting both Members and non-Members.

480. Yes, quite. That would have the advantage, would it not, of being much closer to the celebrated recommendation of the Beveridge Committee than the present rule? Perhaps I might refer to that?—Yes. I have the text of that with me. It would be much nearer that.

481. You would get something more like providing topical and interesting microphone debates on issues when they are actually before Parliament?—Yes.

482. That is, the Committee stage, and so on?—You realise that there is a slight complication here, that if the rule operates for the week, that particular week might preclude a discussion.

483. Yes, but only very temporarily, until you have, perhaps, a day or two before and a day or two afterwards?—As long as you grasp that detail. Otherwise, it works.

484. In other words, in your view the anticipatory interests of Parliament in this matter would be fully served provided the Second Reading discussion—a little before and a little after—were included?—Combined with the statement of the Business on the Thursday.

485. Yes. I was dealing only with legislation.

Chairman.] We have a time-table. I do not know whether we are likely to keep to it?

Mr. Sydney Silverman.] I have finished now, Sir Lionel.

Mr. Crossman.

486. Going back to the subject of the spirit of the rule, I understood you to say, you felt it would be within the spirit of the rule if such things as the Willesden Borough Council affair did not take place, if one could eliminate those?—I think, frankly, they were not thought about when the rule was formed. That is the position.

487. But you do feel that they violate the spirit of the rule?—Yes. I am not attributing any motive to anyone—understand that—but there could actually be an incident in which television cameras were trained upon a gathering which in fact violated the rule.

Mr. Bellenger.

488. An Oxford Union debate, for example?—Yes, a gathering at a discussion which violated the rule, thereby appearing on the same screen but through a different medium.

Mr. Crossman.

489. What I wanted to get clear was this. If that violates the rule, in what sense does a party political broadcast not violate the spirit of the rule? You used the word "spirit". I want to know in what sense it does not violate the spirit of the rule?—I did not claim there was any logic for my view on party political broadcasts, nor did I claim that they would not in fact be covered legally by the rule as at present drafted, because I think they would be covered. I only suggest that while most wisdom in politics is contrary to logic, it would be wiser to leave party political broadcasts out of this, for the reason that they are arranged by the parties and it is only the facilities physically which are given to them by the B.B.C.

490. I wanted to press you on that. You think it is a virtue that the two party machines completely control these partisan statements? That is your view, is it? That is the advantage of them?—That raises philosophical matters rather wider than the terms of reference of this Committee. I think it is a good thing that there should be opportunities for party political broadcasts put over the air at the best possible time.

491. You said that the Chancellor's and the "shadow" Chancellor's broadcasts—you have been in five or six of them—had, you thought, worked admirably. Is that right?—I thought they had worked well.

492. If those work well, why should not a broadcast about foreign affairs or about other subjects work well? Why is it that the Chancellor's broadcasts are unique—a great successful experiment in public education by the Chancellor and the "shadow" Chancellor? Why is that the only one which is allowed? These are party political broadcasts, we have been told, in a special series. I agree they are very good. Why not others?—That raises the whole negotiations as between the Leader of the Opposition and myself—and that means the two parties—on the subject of broadcasting.

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

Hitherto, we have only been able to reach, not through any ill will or difficulty of that sort, an understanding that there are a variety of broadcasts—first of all the sound, and secondly, the television series—which are party and which we have interpreted rather more liberally in our recent discussions than we did in the past; and thirdly, the special series on the Budget. We have not so far been able to get any further, but there is no reason why any of you should not put to us ideas which we should consider together, in which case I should like to consider them in company with the Leader of the Opposition.

493. You would in principle consider favourably an extension of all anticipation, strictly controlled by the party machines?—I would not like to go as far as that at present, because I think we must see first whether you can frame a simple rule to shelter the general position of Parliament. When we have seen the result of your deliberations, we can consider it.

494. I wanted to get the spirit of your remarks. You feel that anticipation is desirable and wholesome provided it is 100 per cent. controlled by the parties?—I would not go so far as to say “desirable and wholesome”. I would say that it was inevitable.

495. But you said the Chancellor’s broadcasts were very successful. In what sense successful?—They are hallowed by practice which has been successful.

496. Again, to get your point, I want to get your opinion perfectly clear. You feel that if the B.B.C. seeks to arrange a fairly balanced discussion of an issue before Parliament discusses it, that is a violation of the rule and a violation of Parliament’s dignity. On the other hand, if a party organisation’s blatant and straight partisan method involves anticipation, you feel that that is a hallowed part of our British Constitution?—I cannot hand over my expression or my conscience to your keeping. That is to say, you have not quite accurately represented my point of view.

497. Can you put it accurately?—Yes, I will try to. I appreciate the acuity of your remarks, because it is a very illogical situation that we have before us. The reason why I see a difference between the party political broadcasts and the other is that while I think you must preserve some system which avoids

anticipation of Parliament, it is really impossible to do so when the initiative is taken in the organisation, not by the B.B.C., but by the parties themselves. That is the whole point of the differentiation I make. I think it is important to preserve the degree of anticipation which I have outlined, which incidentally now amounts to quite a short period and increases and enlarges the liberty of the B.B.C.

498. One last question. You would agree that the B.B.C. would be perfectly entitled not to offer any facilities to the parties at all? It is merely by their invitation that the parties broadcast?—We always try to keep the spirit of the Charter as pure as we can.

499. But there is no obligation on the B.B.C. to invite any party to broadcast at all. It is not like the obligation to broadcast a report on Parliament. This is merely a gentleman’s agreement between the B.B.C. and the parties?—Yes.

500. Therefore, they would be perfectly entitled, if you interpret the rule in this way, to prohibit any more party political broadcasts?—I am not sure that I should like to give a final answer on that point, but what I do say is that it is normally the practice of the parties, at any rate the party I represent—I am not trying to say it is not the view of the other party—to respect the right of the B.B.C. to invite people to broadcast, a point which the present Postmaster-General is always telling me about.

Mr. Julian Amery.

501. I should like to ask one or two further questions on the same subject as Mr. Crossman has raised. Would you agree, Lord Privy Seal, that to make an exception in respect of party political broadcasts, as distinct from broadcasts arranged by the B.B.C., gives a definite advantage to the party machines as against back bench and independent opinion on a particular topic?—I can answer that quite clearly. I think at present, if anything, the advantage is given to back bench opinion in broadcasting as against the party machines and the leaders, owing to the fact that by a variety of inhibitions, which seem to have got very complicated, the leaders very rarely appear on television at all, whereas the freer and more back bench you are, the more easy it is to appear.

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

Mr. Sydney Silverman.

502. Not always?—Therefore, we are getting into a very interesting position in the modern State: that is, the position in which it is actually easier to use modern instruments of warfare in politics if you are a back bencher than if you are a party leader. Therefore, I welcome the few opportunities reserved to the party to choose their own leaders to broadcast.

Mr. Julian Amery.

503. While this may not be true generally, would you not agree that in the matter of anticipation, the distinction you make between party political broadcasts and other broadcasts does give a definite advantage?—In the matter of anticipation, yes.

504. If that were the case, would you be prepared to recommend, supposing we accepted the proposals you have made, that the Charter of the B.B.C. and of the I.T.A. should be amended so as to make it easier for other people, as distinct from the two main parties, to anticipate and organise broadcasts arranged from outside the two authorities rather than arranged by them?—No. My answer to that would be in the negative. We really cannot add a complication of that sort. Especially if the period be shortened, I think there will be ample opportunities for minorities, which we all want to protect, whether in Parliament or outside, to state their view. I am merely suggesting this exception in the case of party political broadcasts because I see no means of avoiding making that exception.

505. You would avoid making it if you did not have the rule, would you not?—Yes. I admire the perspicacity of all your questions. They are very interesting.

Sir James Hutchison.

506. I wanted to ask the Lord Privy Seal whether such issues and legislation as will be prescribed under the views that he has tentatively put forward would all be agreed by both parties?—I do not know whether I should say anything in public evidence on this point, but there is no agreement between the parties on this matter. I do not know, but I presume that you will see the Leader of the Opposition, in which case you could

ask him his view. If there is identity of view we will get together. I have no reason to believe that we shall have difficulty in getting together.

Mr. Wedgwood Benn.

507. I have one factual question to ask. I did not understand from your own description of the way the Rule might work whether Private Members' Bills would in any way be treated differently from Government Measures. As I understand it, the Second Reading does not always come on early in the life of a Private Member's Bill. In most cases it is not reached at all?—I had thought of that, but I thought it wanted further examination.

508. But you would not recommend that any differentiation should be made between Public Bills according to who presents them, in the operation of this Rule?—No, I would not.

509. I feel that it would be inappropriate that the Postmaster-General should be the instrument for protecting the privilege of Parliament, and I wondered whether you wanted to give your views as to the form in which the protection should be given, and particularly whether a Sessional Order of the House of Commons might not be the best way of handling this?—At present, as I read out at the beginning of my evidence, the only document that I have got before me is the Rule itself. The Postmaster-General gave this in July. Your suggestion is that there should be an emanation from the House of Commons?

510. A Sessional Order?—Yes; I suggest that you should consider that and give us your advice. If it were the wish of the Committee, the Government would consider it.

511. You would agree that the object of the Rule is to make Parliament the primary forum of debate?—Yes.

512. Would that not best be achieved by making the B.B.C. broadcast the opening speeches in Parliamentary debates?—That would be an innovation to which I certainly would not be prepared to agree at present. I think it would raise very big issues and would be very unwise at the moment.

Sir Robert Grimston.

513. You draw a complete distinction between broadcasting being used as a

14 March, 1956.]

The Rt. Hon. R. A. BUTLER, C.H.,

[Continued.]

The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

forum for discussion and as an instrument for presenting a party point of view provided that the public know that it is an *ex parte* statement?—I go so far as to say that it might be more logical to eliminate them all; it would be purer and better. But I can see no chance of making certain that that would be achieved because of the timing of these broadcasts and the fact that they must be foreseen some time ahead, owing to the notice which is required for framing the programmes and printing the publications. So notice is needed five, six and sometimes nine weeks ahead. Therefore, I can see no means of catching them and having an absolutely logical bar to everything. There is this discrimination between what should be put forward by a party and other matters which should be left alone.

Mr. Crossman.

514. The date of the broadcast would not determine the character of the content?—No, but it would be a little hard if a gentleman had been chosen who was interested in a subject which was coming up in the week after, to say that no possible mention should be made of it.

515. Would it be harder on him than on the gentleman who had been accepted by the B.B.C. and thrown off? I cannot see why one is harder than the other?—Life is very difficult, is not it!

Mr. Bellenger.

516. I gather that you, the Lord Privy Seal, are in favour of a rule—seven or fourteen days—up to the Second Reading and not beyond that. Would you not agree that pressure might be brought to bear on Members of Parliament during the Committee stage—because it has been alleged that that is one of the reasons why you should have a rule—as for example if Bills were discussed in Committee affecting very important private enterprise personalities?—Part of my approach was on the understanding that (b) covers in future Members and non-Members. If you decide that that is not wise, I might have to revert to a longer prohibition for a Member of Parliament. Part of my idea was to get rid of this differentiation between Members and non-Members. Nowadays, with all the fortunes of war

you might get non-Members just as controversial as Members.

517. You see my point? On issues of nationalisation, of the sugar industry, for example, we are all aware of the propaganda put forward by the sugar industry against nationalisation. Could pressure be brought to bear on Members of Parliament even during the Committee stage of such a Measure?—Yes, I think that is possible, and that is why I only put it forward as a tentative view—a view that I know was shared by the late Leader of the Opposition.

518. As regards the fourteen days Rule, you suggest that it might be reduced to seven days. Have you any objection to Parliamentary business being declared fourteen days in advance? Is there any reason why it should not be?—We cannot do that and work in agreement with the Opposition by which we agree the business with them. We cannot get a decision fourteen days ahead owing to the movements of Ministers and changes of circumstances.

519. Not on all subjects, I agree, but is it not the case that at the moment you do discuss with the Opposition a period longer than seven days ahead although there might not be any firm agreement?—All that is shrouded in the mists of the usual channels.

520. Can the Chief Whip answer?—(Mr. Heath.) We do not discuss with the Opposition business for more than a week ahead.

Mr. Bellenger.

521. You do not?—No.

522. In your memorandum which you agreed with the Opposition Chief Whip you say that the B.B.C. are constantly in touch with the Whips Offices and you try to give them some guidance on, for instance, what subjects they should keep off?—If you look at the memorandum you will see that I do not say they are constantly in touch. I say that only a few occasions can be recalled when the B.B.C. has asked about the Parliamentary business. That covers the period since the Rule was instituted, which is eight years.

523. Is it not the case that the B.B.C. and the Press do know of the business which which is coming on beyond seven

14 March, 1956.] The Rt. Hon. R. A. BUTLER, C.H., [Continued.
The Rt. Hon. E. R. G. HEATH, M.B.E., and Sir STEPHEN PIERSSENÉ.

days ahead? How could they get that information except through the Whips Office?—That is so, but it has not been discussed with the Opposition.

524. But I am putting to you that you have got tentative ideas, sometimes discussed with the Opposition Whips, as to what the business should be in the following week?—We have tentative ideas for a long while ahead but your first question was whether we discussed it with the Opposition. We only discuss with the Opposition a week ahead. I may occasionally mention to my opposite number "Is your mind working in a certain direction the week after next?" but it is nothing more than an informal exchange of views.

525. May I ask the Lord Privy Seal this? Would you see any objection to a broadcast by a man like Glubb Pasha in advance of the debate on Jordan, as took place recently? The B.B.C. informed us through their Director-General that the B.B.C. were very annoyed that they had suddenly to take Glubb Pasha off the air when they thought that the public would like to have heard from him. Can you see any difference between a broadcast of that nature and the other broadcast that we are discussing?—(Mr. Butler.) If you were to recommend a rule and the Government were to consider it and give an opinion, and one could take into

account the new theory which has been put forward that the notice should go in from Parliament and not from the Postmaster-General, all of which I would undertake to consider, I would prefer to stick to the rule in its entirety.

Chairman.

526. I think that Mr. Gaitskell has been waiting, and unless anyone else has any question to ask it only remains for me to thank the Lord Privy Seal very much indeed for giving us so much help, and to ask that we might be given some further information about this question of the communications between the party machine and the B.B.C. I do not know what would be the most convenient way of doing that, but perhaps you could let us know?—We will consider it. It is not fair on any of us personally because there might be things of which we are not aware. Therefore, we would have to look into it.

527. And perhaps you could let us know if there is anyone else who would like to give us some information about it?—I think it might be best if given orally because I do not think there is very much communication on paper.

528. If we can get that matter quite clear, it would be a good thing?—We will look into that and give what advice we can.

The witnesses withdrew.

The Rt. Hon. H. T. N. GAITSKELL, C.B.E., Leader of the Opposition, and Mr. HERBERT W. BOWDEN, C.B.E., Opposition Chief Whip, Members of the House of Commons, examined; Mr. MORGAN PHILLIPS, General Secretary, British Labour Party, called in and examined.

Chairman.

529. May I first apologise for having kept you waiting. It is very difficult to know how long these discussions will take?—(Mr. Gaitskell.) It is quite all right.

530. I hope it has not been inconvenient for you?—Not at all.

531. We have had a joint memorandum by the Chief Whips, and I think it would be helpful to the Committee if you would first of all give us any general views that you have on the policy of the matter generally. Perhaps I might mention one point with regard to party political broadcasts in which the Com-

mittee is particularly interested and which we feel has a considerable bearing on the question.

Mr. Bellenger.] Might I suggest that you hand to the witness a copy of Sir Robert Boothby's letter?

Chairman.] Certainly?—We already have one. A copy was sent just before coming here. Would you like me to say something about my general attitude to the 14-day rule?

532. Yes?—First of all, one cannot speak of any official party attitude to this. Our party has never made a pronouncement on it. We did decide to press for a Committee to be set up; and

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS

therefore what I am going to say is simply my own personal opinion. I do not think that the 14-day rule in its present form is really workable, and I think that some change is certainly necessary. I share the view of those who say that the restriction imposed as far as legislation is concerned is particularly difficult to work. I would say on that that I think that if you are going to have some restriction it may be reasonable to say that the rule should apply so far as Second Reading Debates are concerned but it should not apply after that. I imagine that you are not asking me my views as to whether there should be any restriction at all, because that is outside the terms of reference. But I would have thought that something very much more limited than the present arrangement could be worked out which would give Parliament the kind of protection which was evidently in the mind of the House when it took the decision to set up this Committee without the rather absurd situation that you have today. That is my broad attitude.

533. Have you anything else that you wish to say? No doubt, there will be questions about it. Have you any view to express about party political broadcasts?—They have always, as I understand it, been exempted from the 14-day rule; and I should have thought they were bound to be.

Mr. *Bellenger*.

534. Why?—Because you are expressing the official view of the party in the broadcast by a spokesman chosen for that purpose, and it would be absurd if a major issue arose and in a party political broadcast you were not allowed to do it.

535. So that in a party political broadcast you would leave it free to the speakers on any subject?—Yes.

Mr. *Julian Amery*.

536. On what ground do you think the party political machine should have this more favourable treatment?—We are all working on the assumption that there is some restriction. Assuming there is some restriction, ought that restriction to extend to party political broadcasts? That is the question put to me. I do not think it should extend because the basic argument for the restriction is really the fear that television or broadcast appearances would more or less continu-

ally usurp the function of Parliament, and I would think it difficult to sustain an argument of that kind as far as party political broadcasts are concerned, where speakers are chosen to speak for their parties in much the same way as Front Bench spokesmen are chosen to speak for their parties in the House.

537. Would you think that there should be an amendment of the Charter to make it possible for people who speak on party political broadcasts to express their opinions more easily?—That is rather a different question. Are you asking me whether there should be party political broadcasts by all sorts of other groups?

538. Yes, so as to avoid the apparent anomaly whereby the official party machine gets privileges on the matter of anticipation whereas others do not. I can see that the party is in a different category, but if anticipation privilege is given to the party political machine should it not also be given to other groups?—I do not think you can discuss that apart from the question of who should do party political broadcasts, which is a very much wider issue. Whether some parties not represented in Parliament should be entitled to the air is a rather difficult question. I think I am right in saying that the Liberal Party at the moment has in the past had only one party political broadcast a year. It would be difficult to give less than one to any smaller group, so you would be up against one difficulty there. I do not think that any other party or group that I am aware of has any particular claim to be giving party political broadcasts.

539. For example, the official leaders do not always speak for their followers in broadcasts. Is it not a dangerous reflection that certain representatives are entitled to speak, whereas others are not?—That is quite a different question, if I may say so. You asked me whether additional groups should be permitted, meaning as I thought other parties which you had in mind and which no doubt exist. You asked whether individuals should have the right to take part in party political broadcasts, even if they are in disagreement with their party. I do not think they would then be party political broadcasts.

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

540. That was not the sense of my question. My question was; is it within the spirit of our constitution that that privilege should be given to party machines and not to other groups?—I think it is perfectly within the spirit of the two-party system that there should be official spokesmen.

Sir *Herbert Butcher*.

541. I would like to ask whether you would tell us how you feel that this question of speeches on Budget proposals by the Chancellor, usually replied to by a speaker of the Opposition, fits into this question of the 14 day rule as at present applied?—It is treated as one of the party political series at the moment, and therefore the rule does not apply. I would not like to commit myself as to whether the Budget debate having begun, so to speak, there should be any restriction or whether you should say, "Wait till the Budget debate is over" so far as the generality is concerned. But on the official Budget broadcasts I would have thought that they worked pretty well. All I can say is that it is a terrible strain for the person who has to do them for the Opposition, but apart from that I would not have any complaint to make.

542. The other question I wish to put is this. Could you or the gentlemen with you give any knowledge that you have on whether advice, pressure or put it how you will, has been exercised by the party machine to influence the B.B.C. in the choice of speaker that they should invite to appear in matters with political content that they were arranging?—As far as I am concerned, a question of this kind has never come up at any of our Parliamentary Committee meetings, and I have never heard anything of this sort, but perhaps my two colleagues, being more in the machine than I, could answer. (Mr. *Morgan Phillips*.) There has never been a communication, verbal or written, to the B.B.C. on the question of the selection of speakers in any programmes. (Mr. *Bowden*.) That is true.

Mr. *Bellenger*.

543. You have no knowledge of what Sir Robert Boothby said, that the original "In the News" team was broken up by Transport House and the Conservative Central Office? That is not true?—(Mr. *Morgan Phillips*.) That is not

true. Transport House has not had any communication one way or the other nor taken part in any discussion on the matter.

Mr. *McAdden*.

544. This allegation has been made repeatedly during the last few years, and I believe John Irwin wrote a book in which he repeated it. But there is no foundation in this?—None at all. I am speaking for Transport House.

Mr. *Ness Edwards*.

545. May I follow this up? Mr. Gaitskell has not been handling this matter a long time. When he says that there has been no communication at all, do I take it that he is speaking for the previous person who handled this matter—Mr. Herbert Morrison?—(Mr. *Gaitskell*.) All I can say is from my own experience in the Parliamentary Committee, which is the executive body as far as the Parliamentary Party is concerned. The question has never been raised at all.

546. That could happen without Transport House knowing anything about it?—It could. (Mr. *Morgan Phillips*.) Discussions could take place without them knowing.

547. Without being discussed in Parliamentary circles?—(Mr. *Gaitskell*.) It is possible.

Mr. *Bellenger*.

548. That might apply to the Leader or the Deputy Leader of the Conservative Party?—Obviously.

Mr. *McAdden*.

549. Would it not be odd, if such representations were made, and these allegations were repeated, if Mr. Morrison had not had a word with you about it?—(Mr. *Morgan Phillips*.) I was usually kept informed of communications with the B.B.C. in relation to broadcasting in so far as it affected the party machine.

Chairman.] It would be fair, would it not, if Mr. Morrison had any views on this that he should have an opportunity of giving them to us?

Mr. *Crossman*.

550. May I ask Mr. Gaitskell a question? This rule started, I think, with a protest by the B.B.C. against what was thought to be an abuse by Ministers of

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

having a speech on the B.B.C. before the Second Reading of a Bill. In a sense, therefore, the rule was set up precisely to prevent those who head parties from going on the air apart from their appearance in Parliament. My difficulty is this. A party political broadcast precisely enables the head of a party or the spokesman of a party to do what I think everybody might agree was undesirable when it was introduced. Therefore, it seems to have been agreed that that was an undesirable practice, and yet I see that that is a practice which, curiously, the Chancellor and the shadow-Chancellor violated. Can I understand what reason there is in allowing, for instance, the Chancellor or deputy-Chancellor to anticipate the Budget debate and allowing the party political broadcast to anticipate whenever the party chooses to do so, and yet not to allow the B.B.C. to anticipate with a balanced debate? What we are now saying is that *ex parte* statements by official party spokesmen shall be permitted to anticipate the balanced statements. I think that is something of a puzzle for the public—why the politicians give themselves a privilege in partisan statements which they deny to the B.B.C. I am sorry to be so long in asking my question, but I want to put what has emerged from a previous discussion?—(Mr. Gaitskell.) I think that the reasons why people have felt that there should be some restriction have changed considerably over the years, and in spite of what Mr. Crossman said—it is perfectly true, and I am only as familiar with the history as he is—nevertheless if one reads the debate in the House which precedes the setting up of the Committee I do not think that argument was used by anybody except as a history.

551. You mean it is not regarded any more as an abuse?—No. I do not think anybody can read the history of this without seeing that there have been an extraordinary number of changes.

Mr. Sydney Silverman.

552. Conflicting ones?—I agree. On the Budget, I would have thought that was a special case. First of all, you arrange for an answer to be given. Secondly, you use—although you need not—the same official spokesman as you do in the House of Commons. Thirdly,

they do their broadcasts after they have done their speech in the House of Commons. I cannot feel that that is open to the kind of objection, even with this original anxiety—

553. You mean it is done physically after the evening when they have made their speeches?—Again this is all hypothetical, but I imagine that what was originally feared was that suddenly the Government might spring a Minister on the air to put across a Bill without the Opposition having the opportunity of preparing a reply. With a Budget you have the whole thing prepared in advance in the sense that the Opposition know that they have got to make their comment and reply. Both sides are involved, and I do not think that on those grounds there would be the same objection.

Mrs. Evelyn Emmet.

554. Would you see any objection to that procedure being increased on other important matters like foreign affairs?—No, I do not think I would. I do not know that I would particularly. The Budget is rather a special thing. I would not like to say offhand whether you could find anything quite parallel to it, but in principle I would not have any objection.

555. Would you envisage the restriction—if it is retained or shortened—to apply both to Members and all public speakers or to Members only?—Personally, I do not think there should be any distinction between Members and other persons.

Sir James Hutchison.

556. From a number of directions it has been suggested that the simplest and perhaps the best way would be to work a gentleman's agreement instead of a strict rule. Do you think that is workable?—I think you have got to give some sort of rule to the B.B.C. Otherwise I should think it would be liable to a good deal of misunderstanding. But I also would say that it is going to be difficult to have a rule which automatically decides what is going to be done in every case. In other words, I would be inclined to say that you want a bit of both.

Mr. Bellenger.] Would you draw any distinction between anticipation of legislation, for example, being broadcast on the air by discussion or debate, and a

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

factual statement by, for example, Glubb Pasha who was due to go on the air almost immediately before the Jordan debate, the night before, or as in the case of Mr. Silverman who was denied the opportunity of going on the air on the subject of capital punishment?

Mr. Sydney Silverman.

557. That was quite a different case. I understand that the objection in the Glubb Pasha case was that it was to have been what could only be described as an *ex parte* statement immediately before the debate. The other thing was the long period, which could have been an indefinite period, between the leave to introduce the Bill and First Reading and then right until the Bill disappeared?—We are all working on the assumption that the restriction must apply. One has to ask oneself why. I would repeat the major argument here that you fear that if you had no restriction in some way or other the position of the nation and Parliament would be usurped perhaps in time by some well-known broadcasters and television stars and so on. Reading the debate, I think that is perhaps the most common view. Therefore, one has to ask oneself if any restriction is applied whether it meets that point and only that point. In the case that has been mentioned, I would first of all shorten the period. I think 14 days is too long. I think there is a difficulty here because of not knowing what the business is going to be. I think the Prime Minister at some point implied in some comment that he made that perhaps the B.B.C. could be privately informed, and I think some Members took that rather badly. I think there are difficulties about that, and I would have thought that if you worked from Thursday to Thursday when the business was announced that would be a perfectly clear restriction. You would not have broadcasts on those subjects which are going to be discussed in the House when they have been announced.

Mr. Bellenger.

558. Your reason for saying that you think the period should be shortened is that Government business is only announced seven days in advance. Would you be in agreement with a longer period? Do you think it would be possible generally—subject always to the emergency cropping up—for the business

to be discussed through the usual channels and perhaps being announced 14 days in advance? After all, some business is announced outside the seven days period?—When that is so, and it is an important debate, probably you ought to cover it as well. It is difficult to lay down an exact rule without a bit of a gentleman's agreement as well. I would like to see a shorter period.

Mr. Ness Edwards.

559. What do you mean by "important"?—I think the announcement last week about the debate on Cyprus is a good example.

560. But the general run of ordinary stuff you would not accept?—No. I am trying to think of a way of meeting what I think is the feeling of the House without really putting the B.B.C. and those who broadcast in an impossible position. It seems to me that if you did have it on that basis, if the business was announced and that settled the thing, it would give the direction which the House requires without making things too difficult.

561. The short position is that you would exclude party political broadcasts, the Budget, and Today in Westminster?—Yes.

562. And the Week in Westminster?—Yes.

563. You would exclude all those and just have what would roughly amount to a seven day rule on Second Reading material and on the Committee stage?—That is right. I said I thought it would be sufficient as far as legislation was concerned if you waited until after the Second Reading. I realise that there again you might have a case where the Committee debates were enormously important. This is a case where you might want rather more restriction, whereas in other cases you might want rather less.

Mr. Bellenger.

564. Although you say—which, indeed, the Lord Privy Seal said—that you would restrict it up to the Second Reading and no longer than that, do you not realise that on certain Bills—nationalisation Bills, for example, affecting very important private interests outside, such as transport or sugar—considerable pressure might be brought to bear on

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

Members of Parliament during the Committee stage by outside interests if they were allowed to broadcast as freely as the B.B.C. allowed them?—There again, I think one comes back to what is the purpose of the restriction. I would repeat, if I may, that I see the purpose of the restriction only to be to prevent the peculiar position of Parliament from being usurped. If I may use a phrase which Lord Attlee once used to me in a conversation before the last debate, he said "What I want to see is Parliament have the first cut at it." We were talking about this rule, and I was arguing that the present rule was an impossible one regarding legislation, and after a bit that is what he said. I thought that was a good way of putting it, and I think it is met if you take the Second Reading.

565. It has been suggested in one of the memoranda that one of the reasons you want to use the rule right up to the last stage of this Parliamentary life is because of undue pressure that might be brought to bear on M.P.s presumably in the lobbies as in other countries?—I do not regard that as an important reason for a restriction. I think those lobbies will take place irrespective of what you do.

Sir James Hutchison.

566. Does it amount to this: You would use as your yardstick, as regards legislation, up to and including the Second Reading, and that where something had a particular importance somebody would go to the B.B.C. and say "In addition please lay off this"—perhaps the Committee stage of an important Bill?—You say somebody would go to the B.B.C. I am not sure. I think probably you would have to leave that to the B.B.C. themselves. I would be content to lay down rules on the lines that you indicated but perhaps putting some general phrase in that the B.B.C. was free, if it thought that there were special reasons why it should be extended to a debate on the Committee stage, to do so.

567. I should have thought the B.B.C. had great difficulty in deciding as between one particular Bill and another, and would want some guidance?—I do not think this would arise frequently. It might arise in connection with the death penalty Bill. That is the kind of

case where the B.B.C. might properly say "This is a thing which Parliament has got to decide and we do not want the discussion broadcast at the moment.

Mr. Ness Edwards.

568. You would leave that discretion to the B.B.C.?—I think so, yes.

Mr. Wedgwood Benn.

569. Does Mr. Gaitskell agree that the Postmaster-General is not really the right person to issue a directive; I mean no member of the Government is the right person to use as the instrument when you are upholding the dignity of Parliament? Parliament ought to do it itself?—I have not thought of this particularly, but if you want outside advice to the B.B.C. it could be done, I suppose, by the usual channels or the Speaker. I do not think you want to make this too formal. I still feel it would be wiser to leave it to the B.B.C. What I should have thought you wanted to do was to try to draft some phrase which did cover this point and gave an indication of the kind of situation in which they could do this.

570. And that such a phrase should be incorporated in a Motion passed by the House?—That would be my view, yes.

571. May I ask a final question which I have asked everybody? Since the object of this rule is to give Parliament the first cut at it, would not the answer be to broadcast the opening speeches in major debates, with no question of party machines coming ahead of Parliament and public interest at its height at the moment when Parliament is dealing with it, and with Parliament then unquestionably the main forum of debate?—That raises much wider issues. Is television to come into it as well? Frankly, I do not see that there is much chance of the House of Commons agreeing to that kind of thing.

Chairman.] It is rather difficult to get it within our terms of reference.

Mr. Crossman.

572. There is a question that I want to ask about the execution of this rule. That is, to what broadcasts and television shows this should apply. Up to now it only applies to things arranged by the B.B.C., which means that if they broadcast a debate by somebody outside it falls outside the rule. Would you agree that the simplest thing would be to substitute the word "transmit" for

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

"arrange" and say that there shall not be transmitted by a broadcasting or television authority any material which violates whatever rule we lay down?—I think so. I am not sure that I can give you much help on that because I do not know enough about these arrangements which are made. I think it is difficult for somebody who comes as a witness and has not heard the B.B.C. to make a useful comment.

573. In giving Parliament the first cut you draw a distinction between a discussion arranged by the B.B.C. and a single individual nominee coming on the air and giving an *ex parte* statement, the public knowing that it is a statement of the Conservative Party or the Labour Party? You think one violates the position and the other does not?—I think there is a distinction there, as Lord Attlee said in his speech. This is one of the reasons why it has been felt—it certainly was by Lord Attlee—that there was a case for a restriction of some kind; that is to say that the position would be put over the air—I think this phrase was used—by people who were really not acknowledged leaders of the parties. It sounds rather an arrogant thing to say, but I think that is roughly what was in his mind. If you had a person doing it on the air who was not in the House it would be a different situation and does not give the same anxiety as somebody who was chosen for quite different qualities.

Sir James Hutchison.

574. The one is a statement and the other is a discussion?—I thought you were drawing a distinction between party political broadcasts and non-party political broadcasts. I think the distinction is as to whether they are party political and chosen by the parties, or whether they are of another kind—not whether they are simple statements or discussions.

575. No, I was drawing a distinction between a statement and the discussion?—I had not got that in mind.

Mr. Crossman.

576. A party political broadcast might take the form of a statement or a discussion?—Up till recently they have always been one voice only, on sound, but that rule, I think, or convention, is likely to be dropped now.

Chairman.

577. Might I follow that up? We have found among members of the Committee, irrespective of which side they are on, and among the general public, that there is some confusion because you get four people discussing a subject; for example recently there was a discussion just before the foreign affairs debate. Those people happened to belong to the same party. If two belonged to one party and two belonged to another, it would have been improper. It seemed a little difficult to explain that to people outside?—Yes, I see the difficulty. Perhaps I might say that I think there are great difficulties either way, whichever way you look at it, if you are going to have any restriction at all. I do not think you can avoid those difficulties. I do not think you can get out of them by applying the rule even more widely than it has been applied in the past.

578. The difficulty is that if you have the discussion method, it is difficult for the ordinary member of the public to distinguish whether that is something that is arranged or not?—Yes. I do not think that the difficulty arises quite so frequently. These party political broadcasts have to be arranged a long while in advance. They are part of an attempt by the parties to present their point of view; they are party broadcasts. They are designed as such and they are designed for that purpose. I think there is a difference there from the other ones.

579. We would not get any idea as to what extent at the last moment there would be a change of slant in a broadcast according to the debate which was to take place in a day or two? I mean it happened that some of us listened to a discussion which related to some matters which were going to be discussed very shortly?—That was arranged some weeks earlier.

Mr. Crossman.

580. But the actual content of the broadcast was arranged at the last moment. The party was seeking the right to anticipate the debate?—I wish I could offer a solution. I think the problem of debates on foreign affairs does present special difficulties. To rule out a discussion on foreign affairs because there is to be a general debate on foreign affairs is a difficulty. It is another of the fringe problems to which

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

I do not think I can offer a solution. I think it should be considered as a separate issue.

Chairman.

581. You would agree that we cannot expect this rule to be logical in its application? It is a question of what anomalies we have got to accept?—The real essential point is to say why do you want the rule, and then try to carry it out in order to specify the reason for the rule. I do not think you will get an absolutely clear cut thing, but I think you will get a long way towards that with a bit of elasticity which I think you will have to leave the B.B.C. to exercise.

Mr. *Wedgwood Benn.*] One final point—

Mr. *Sydney Silverman.*] I do not know about a final point. There are some points that I want to raise.

Mr. *Wedgwood Benn.*

582. The modification of the rule which you put forward means that it would only apply to fewer items of business than in the past?—Yes.

583. Taking it from that, from the B.B.C. and the broadcasting point of view, would you apply the rule to every programme or to major programmes—if, for instance, in “Taking Stock” they might arrange a serious discussion on capital punishment a week before the Second Reading of the Silverman Bill. Would you also apply the question of quiz programmes where the answering of that question only occupied a small part of the programme itself?—I am not sure again that I am sufficiently well qualified in the types of programmes to answer that. I would agree that there is a distinction here. I have never felt that the rule as applied to “Any Questions” was a particularly valuable one. I cannot believe that the functions of Parliament are going to be usurped because of what is almost an entertainment programme in which two questions arise about something which is going to be discussed in Parliament in the following week. I think there is much more anxiety about programmes like “In the News” and programmes of a similar kind. I would not be against drawing a distinction there, although I would not be able to tell you where it should exactly be drawn.

Mr. *Sydney Silverman.*

584. I have one or two questions to ask. On the assumption which must be made on the terms of reference that there must be some limitation upon anticipation, the real question is how much limitation. The terms of reference are completely silent on them. In your view, who could determine how much limitation there should be?—I think Parliament must determine that.

585. You would not agree with the suggestion that it could be safely or rightly left to the discretion of the B.B.C. and the I.T.A.?—No, not wholly.

586. But you would agree that although Parliament should take the ultimate responsibility, it could do so after consultation with the B.B.C.?—I am not sure that I understand you. What I had in mind was that you might be able to draw up a form of words which embodied the general idea—I would not say the general principle—

587. What are the limits of the limitation?—Yes.

588. Parliament could have the responsibility of doing that?—Yes.

589. In considering what the limits of the limitation should be, you must have regard to the purpose of the limitation, and that purpose you would define as being what?—I think I put it like this, that broadcasting or television of political matters should not usurp the position of Parliament in our national life, putting it quite shortly.

590. They could hardly do that?—Well, that was the fear, that that would be the consequence, which was to me at any rate the most important argument in favour of restriction.

591. In other words, that no restriction can be justified unless the restriction can fairly be held to be necessary in order to preserve the function of Parliament from an unauthorised and unconstitutional competitor?—I do not think you can apply it in detail like that. As I understand the argument, it is that over a period of time and with the development of television you might get a situation if you had no restriction at all in which Parliament, as it were, was dwarfed by the kind of debates and statements and discussions taking place particularly on television.

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

592. That it would lose—?—The pre-eminent position.

593. That it ought to have in a democratic institution based on a Parliamentary system?—Precisely.

594. Let us look at some of the suggestions that you make. First of all, you would say that none of these discussions should take place on matters which have been announced already as likely or certain to take place within the following seven days?—Yes.

595. That would include legislation as well as other discussions?—Qualified—

596. I am coming to the qualification, but so far it would cover legislation?—Yes.

597. So far so good. Now I would like to come to your suggestion about the alteration of the present rule about legislation. Let us recall what the present rule is. The present rule is that apart from the 14 day rule it applies to everything including legislation, and from the moment when a Bill is introduced into Parliament until the moment when it is finally disposed of everybody in the world may discuss it on the B.B.C. or television except Members of Parliament?—Yes.

598. That you do not agree with?—No.

599. What alteration do you propose to make in that? I know it has to be taken with the other one. It is that the distinction between Members of Parliament and other people should be abolished?—Yes.

600. When you do that you say that the period should be shortened so that the prohibition would end after the Second Reading Debate?—Yes, normally.

601. Have you considered, or am I mistaken in supposing, that to a great extent this is an extension of the rule and not a limitation of it?—I do not think I follow that.

602. Because under this formulation of the rule there could be no discussion by anybody—not only Members of Parliament—between the introduction of the Measure and the Second Reading of the Measure which might be a very long period?—No, you misunderstood me. I did not say between the introduction and the Second Reading.

39645

603. Let us deal with the period between the introduction of the Bill and the Second Reading. At present during that period there can be discussions but not by M.P.s?—I would allow there to be discussions by people, including M.P.s, except in the period between the announcement of the business on Thursday at the end of the week.

604. In other words, your ordinary seven day rule is sufficient to protect Parliament, subject to there being complete freedom, with some safeguards on Committee points, after the Second Reading?—Broadly, yes.

605. One other question only, and that is about the suggestion made that a highly controversial Committee stage might be included in the rule because of pressure that might be generated if there were free discussions. During the whole of that period people who wanted to exert pressure can already do it through much more powerful organs of pressure than the B.B.C. or the I.T.A. forms of discussion?—Yes. I do not think that argument is important.

606. You do not think that argument means a great deal?—No.

Mr. Holt.

607. It came out in evidence last time that this problem has largely come to a head in its present form because of the great development of political discussion on the air since the war?—Yes.

608. Would you say, as one interested in political development and so on, that this development of serious discussion and even light-hearted discussion sometimes on topical political matters is a good and healthy development in this country?—Yes, I do. I certainly think it would be quite wrong to try to stop it.

609. If the country so wished, you would see it grow without any qualms?—Subject to one point which is implicit in the terms of reference of the Committee which I have already said several times—some restriction is necessary in order to preserve the pre-eminence of Parliament.

610. But the greater discussion of the problems affecting the country in a political sense on the air is a healthy development, you consider, and one that Parliament should not endeavour to curtail except in this limited context of anticipation?—Yes. Perhaps I might add that I think there are problems here

D

14 March, 1956.] The Rt. Hon. H. T. N. GAITSKELL, C.B.E., [Continued.
Mr. HERBERT W. BOWDEN, C.B.E., and Mr. MORGAN PHILLIPS.

because, as has often been pointed out, there is not a complete monopoly. The B.B.C. is certainly still almost a monopoly here, and the problem of who is to have the right to speak over the air or the opportunity to speak over the air is a very real one. You cannot ignore the connection between that problem and the fear that Parliament's pre-eminence will be affected.

611. Do you think that this greater interest of political discussion on the air has stimulated interest in Parliament

and its goings-on or that it has detracted from the public interest in Parliament? —I have no reason to believe that it has detracted from it.

Chairman.

612. We are most grateful to you for the assistance you have given us. If it is considered possible to give us any further information from Mr. Herbert Morrison or from any other source I think the Committee would be very grateful to you if you would let us have it?—Thank you very much, Sir Lionel.

The witnesses withdrew.

Letter from Mr. J. Grimond to the Chairman of the Committee.

27th February, 1956.

DEAR HEALD,

I have your letter of the 22nd February asking for a memorandum to be submitted to the Select Committee on Broadcasting.

I would have thought that the right source from which to obtain the historical background of the present directions in regard to the "14-Day Rule" would be in the Minutes or other records of the various discussions which have taken place on the subject during and since the war. However, as far as the Liberal Party know, the original ban on the discussion over the air of any subject arose from the custom which grew up in the war of Ministers (and not Members of Parliament or members of Broadcasting Panels) making continual broadcasts about the work of their own departments. Apart from the fact that this might well have been thought to raise some political implications since many of these broadcasts amounted to propaganda by the Ministers for themselves and their Government, we understand the broadcasts were in fact so dull that the B.B.C. became very alarmed about their results on the listening public.

After the war a "gentleman's agreement" was apparently reached between the Parties under which no political question could be discussed on the air if it was to be debated in Parliament within 14 days. Our impression is that this ban, which has been renewed from time to time, was never approved by the B.B.C. and, indeed, as your Committee will be aware, the Beveridge Report firmly condemns it in the following terms:

"We do not see why the British democracy should not be allowed to have microphone debates of a political issue at the time when debate is most topical and interesting—that is to say, when the issue is actually before Parliament. This would both increase popular interest in Parliament and popular capacity to judge the wisdom of Parliament."

The matter came into prominence in February, 1955, when a broadcast on Defence had to be hurriedly postponed. At this time the Liberal Party put down a motion which condemned the practice in the following terms:

"That this House, which is the servant of the people which cherished its right of free discussion, deplores the ban under which the B.B.C. is prevented from sponsoring programmes on matters of public interest within fourteen days of the date on which they are to be debated in Parliament."

It is admitted that this was a change in the official view of the Party as expressed by our representative at the earlier meetings of 1947 and 1948.

Later in 1955 Mr. Clement Davies had correspondence with the Prime Minister asking that the Rule be abolished. A copy of this correspondence can no doubt be obtained by the Committee. I should also mention that Mr. Clement Davies

14 March, 1956.]

[Continued.]

at various meetings has protested against the ban on political broadcasting by small Parties, such as the Scottish and Welsh Nationalists. The Liberal Party do not see why minorities should be excluded from political broadcasting and, indeed, believe that political discussion in the country would benefit if they were allowed to state their views.

It seems clear that the weight of the argument which has developed round the ban is in favour of its abolition. In our view, the Rule should be abolished on three grounds:

First, it is an unnecessary interference of freedom of discussion; secondly, it brings Parliament into ridicule and, thirdly, it is unworkable. I do not think you will expect me to go into the reasons for these conclusions. They are outlined at length by various speakers of all Parties in the recent debate and in correspondence in the leading newspapers such as "The Times" and the "Manchester Guardian". There have also, of course, been notorious difficulties in applying the Rule. If it were sought to apply the Rule literally it would, of course, be impossible because the business of Parliament is not known 14 days ahead and, also, because it would make the discussions of practically any subject over the air inadmissible. While we disapprove of any such Rule, if it is decided that some limit must be put on broadcasting, then clearly the time limit should be reduced to something under 7 days and it should only apply to major matters before Parliament and not, for instance, to all questions which may be raised in Private Bills or in general debate.

You ask me who, in my opinion, would be best qualified to supply the Committee with information on the origins and the various discussions which attended the working of the Rule. Mr. Clement Davies attended the discussions and we would also suggest certain officials of the B.B.C., Lord Beveridge and Frank Byers.

Yours sincerely,

(Signed) J. GRIMOND.

The Rt. Hon. Sir Lionel Heald, Q.C., M.P.

Examination of Witness.

Mr. J. GRIMOND, a Member of the House, examined.

Chairman.

613. I would like to apologise to you for the long delay but it is rather unpredictable, I am afraid, how long these things will take. If you would like to make some preliminary remark, we would be very pleased to hear them, and afterwards, perhaps, you would answer some questions?—I do not think I have anything to say. You kindly asked me to submit a Memorandum, which I have done. I have made the points which I think I ought to make.

Sir Robert Grimston.

614. Could you say anything about the distinction to be drawn between party political broadcasts and the others in relation to usurping the functions of Parliament? Do you think there is a difference? As you know, the Budget talks by the Chancellor and his opposite number and party political broadcasts are excluded from the rule at the

39645

moment?—Yes. I would have said that if you are going to have a rule which forbids or limits broadcasting immediately before debates, it should apply to party political broadcasts as much as to any others.

Mr. Ness Edwards.

615. Is there not some difficulty about that? Do you not arrange your party political broadcast five or six weeks in advance? If you do anticipate a debate, is it not accidental rather than intentional?—There is the greatest difficulty, but then there is the greatest difficulty about all this rule. Personally, I think that all types of broadcasts should be allowed, partly for the reason you mentioned, that I think there is great difficulty in applying the rule to either sort of broadcast, for it seems to me that if you try to apply it to one, you must apply it to the other.

D 2

14 March, 1956.]

Mr. J GRIMOND.

[Continued.]

Mrs. Evelyn Emmet.

616. Are you in favour of no rule at all?—Yes.

Mr. *Ness Edwards.*] The House has said that we must have some limitation on this.

Mr. *Sydney Silverman.*] As little as possible.

Mr. Ness Edwards.

617. What "little" does Mr. Grimond think we could have or is practicable?—It is extremely difficult to draw any logical line, but since the House has said that we must draw some line, then I think, as I suggested in my Memorandum and as, I notice, Sir Robert Boothby has suggested, that all you could do is to say that for a very short time—something under a week—before the debate is coming on, discussion of really major subjects should be forbidden. I am not in favour of that, but that seems to me to be the best compromise that could be reached within the Ruling of the House.

618. You are not exactly in the position of an expert on limitation?—I find it difficult to justify limitation. Those who think it is necessary are frightened that by allowing powerful broadcasters to speak just before a debate in Parliament, you either minimise the value of that debate or you influence it unduly. I have no evidence that either is the case. My own view is that public discussion enhances interest in Parliament and, therefore, enhances its stature, particularly if it is a reasonably well informed discussion, as discussion on the air usually is. Secondly, I have no reason to suppose that the broadcasting authorities are unfair in their choice of people as between different points of view. The individuals, I agree, one may criticise, but they do try to maintain some sort of balance between points of view. The maintenance of balance is a very great problem. It is a separate problem from the limitation on anticipation, and it will arise in any event. I have had no evidence whatsoever that any Member of Parliament, or Parliament as a whole, have had pressure brought on them because of powerful broadcasts given immediately before major matters are debated.

619. The B.B.C. has said that it does not want to set itself up as the alternative forum to Parliament. You take a different

view, I gather, in one of those documents?—I think the B.B.C. has very little chance of doing so. I think a great deal of the interest in B.B.C. broadcasting is aroused by the very fact that they are matters which are to be discussed in Parliament and that Parliament leads in these matters. I am not very frightened of the B.B.C.

Sir James Hutchison.

620. You said you thought that the interest in Parliament and in its discussion was in fact enhanced by preliminary discussion on the B.B.C. Would you not think that a tremendous number of people will listen to a discussion on a problem by individuals who might not be the best advocates on either side for that problem in a very short period of time, which cannot cover the whole problem, and then they form their opinion and they are finished with any interest in Parliament. Do you think they really check up as to whether the views put forward on the B.B.C. in a preliminary discussion are accurate, in accordance with and conform with what comes out of the Parliamentary debate?—I have two comments on that. First, I quite agree that there is a problem of the accuracy of discussion over the B.B.C., or the balance of it. That is a problem quite separate from the problem of whether a particular subject is to be discussed within seven or fourteen days of discussion in Parliament. That is a problem which exists whenever it is discussed. Secondly, I would have thought that if people have heard a subject discussed over the air and they then see something in a newspaper about its being discussed in Parliament, they are more likely to read the newspaper account and take some interest in what is being said in Parliament. It may be that newspaper accounts are inadequate, as they are, but it is the only account we get and I would have thought that people would be more inclined to read about it in the newspapers if it has been brought to their attention over the air.

Mrs. Evelyn Emmet.

621. If you are in favour of no limitation at all, is it not illogical to want to apply what limitation there is very strictly? Would it not be better, from your point of view, to make as many exceptions as possible? You said

14 March, 1956.]

Mr. J. GRIMOND.

[Continued.]

you thought the party political broadcasts should be affected by the limitation. I should have thought, from your point of view, if you do not like limitation the more such exceptions are made the better. For instance, with the party political broadcasts, the Budget debates, any programmes that are repeated complete, such as discussions in the Oxford Union or things of that sort, you would encourage the exception rather than the strict application of the rule?—I am concerned about the balance, which is much more important, I think, than anything else. It seems to me possible that you might have conceivably a series of broadcasts just before an important event or about it which might give an unfair balance. You might in successive weeks have, say, the Liberal and Labour parties broadcasting against the Conservatives on a violently controversial issue. You might possibly have other broadcasts of an "In the News" character also on that issue, and it could give a distorted or unbalanced view of it. That appears to be the danger about excluding the party political broadcasts. The balance is the important thing, and they are, of course, by their very nature, particularly unbalanced.

622. Do you think you would get a better balance by having no limit?—No. I think the question of balance is separate to the question of limit. The question of balance would arise at any time, but it seems to me that if you are frightened, as I understand Parliament to be, that a matter might be prejudiced by a broadcast which is given just before a debate, surely it would be more prejudiced by a broadcast which of its very nature is partisan, by hearing only the party spokesmen instead of hearing a discussion of various points of view. If there is anything in the Parliamentary argument, surely it applies with double force to a partisan broadcast on the eve of a Parliamentary debate.

623. Would you object to that?—I personally would not object to anything, but I do not think public opinion is formed in that way. I do not think it has these sudden changes because a very good broadcaster has just broadcast. I do not think Parliament is subject to that sort of pressure. I am not aware of any constituents writing in and saying "Sir Robert Boothby has told me this, and we must do it."

39545

Chairman.

624. In that case, does the balance matter?—Yes, over a period. If you completely exclude the Labour Party, for instance, from broadcasting year in year out, it would certainly matter. If you carry the unbalance over a long period, it would matter.

Mr. Julian Amery.

625. Would you agree that a distortion could take place in public opinion if the official parties are given facilities which are denied to other individuals or groups?—Yes, I think it might do.

Mr. McAdden.

626. I understand you to say that if Parliament has accepted the principle of limitation, there should be as little limitation as possible?—As short and confined to as few subjects as possible.

627. At the same time, a balance should be preserved?—At all times.

628. If a balance should be preserved at all times, should it be preserved at the discretion of the B.B.C.?—The preservation of balance is a difficult problem. At present, I see no better way of doing it than leaving it to the B.B.C. and the I.T.A., because I personally do not feel that the balance has been grossly abused.

629. When Parliament is discussing, as it did recently, the difficult international situation in Jordan, would you think it was a good thing for the B.B.C. to be allowed to broadcast, say, an interview with Glubb Pasha the night before and for him to give his views before Parliament has discussed it?—Yes, I do.

630. You think it would be a good thing?—Yes. Obviously, Glubb Pasha's interview might have done harm but the harm could equally have been done if he had been interviewed by newspapers. I fail to see that those difficulties are confined to broadcasting.

Chairman.

631. You draw a distinction between broadcasting and the Press?—Broadcasting, I think, is a more powerful medium, but not essentially different in its nature.

Mr. Ness Edwards.

632. Are you aware of the origin of this?—I think it was the tendency of Ministers to broadcast unduly during the war.

D 3

14 March, 1956.]

Mr. J. GRIMOND.

[Continued.]

633. To make Second Reading speeches on Bills that were coming on next week. Would you think that desirable?—No, for two reasons. Usually it is very dull, and it is a pity to bore the public with Parliamentary affairs. Secondly, because if it was carried on all the time, it would lead to an unbalance.

634. So you think there ought to be a limitation there?—I think there ought to be a general limitation on any political party or Government being allowed an undue amount of broadcasting, whether it is seven days or six months before Parliamentary debate.

Mr. Wedgwood Benn.

635. Since this Committee is bound to recommend some limitation, I gather the only limitation you would recommend is on party politics?—If it is bound to recommend some limitation, I think the present situation could be improved by cutting down the time under seven days—because at least the Parliamentary business is known—and confining it to major matters, which are not too difficult to identify—at least, cutting out the ban on all subjects which may come before Parliament, and confining it to major issues.

636. Your two worries are, first, lack of balance, and the only programmes in which that appears are party political?—They are the chief ones.

637. And secondly, too much power to Ministers as against others, which, again, occurs only in party political. So if we were to back, as we must, some limitation and make it the smallest we could, it would in fact apply only to party politics?—That would be the smallest, yes.

Mr. Julian Amery.

638. At the risk of shooting Mr. Benn's fox, may I ask whether you would be in favour of broadcasting or televising Parliamentary debates?—I personally would not, no.

639. Would you care to expand?—I think there may be an advantage, but the disadvantages, as I see them, are that it puts a certain premium on certain people being called at favourable times when the listening public is at its largest, and it would tend, I should think, to destroy or harm true debate in the House because people would be continually looking outside the House and aiming

their remarks, not at their political opponents across the Floor of the House, but at the general public, and that is not the first purpose of Parliament.

Mr. Ness Edwards.

640. That is another limitation you agree with?—Yes.

Mr. Sydney Silverman.

641. On the assumption that we are all bound to make for this purpose, that there must be some limitation, do you think any great harm would be done supposing there were this limitation and no other: namely, that there should not be *ex parte* statements or discussions on any matter which is to be discussed in Parliament within the next seven days? Supposing there were that limitation and no other limitation of any kind, would you then think that any great harm would be done?—No *ex parte* statement and no political broadcasts?

642. No reference to it in discussions or statements during that seven days, supposing that were the only limitation?—I think that would be reasonably satisfactory.

643. You do not think there would be very much harm done there?—No.

644. I would like to ask a question about one other thing. Do you agree that if this selection of political speakers on political subjects were left wholly to the unfettered discretion of the B.B.C. or the I.T.A., this gives the Corporations an immense power, if they choose to exercise it, to build up selected individuals in the public mind?—I agree.

645. Would it be right or wrong to exercise some restraint on the B.B.C. and the I.T.A. in this respect?—I think in theory it would be right. In practice, I find it very difficult to see how it is going to be done.

646. That is true of a great many public dangers. But if the danger is there and you would like to guard against it, can you think of any way in which you could guard against it without infringing on possibly more important matters?—I would suggest that it should be clearly laid down, as I think it is, that a balance between different points of view has got to be shown.

647. There is nothing between different points of view?—And between different individuals, I quite agree. But when it comes to interpreting that in individual terms one has really got to

14 March, 1956.]

Mr. J. GRIMOND.

[Continued.]

leave it, in my view, to the sense of the B.B.C. and the I.T.A., and if they transgress what we regard as sense, you have surely the ultimate sanction of Parliament.

648. It means that at some stage some authority right perhaps be justified in making a representation with regard to some individual or some group of individuals?—Yes, I think that might be so.

649. In your view, supposing somebody has the right to make that kind of representation, who should have the right?—I would have thought anyone who feels they are being aggrieved by a continual bias on the B.B.C. should have a right to make representations.

650. *Ex parte*?—Yes.

651. On his own behalf?—Yes.

652. What about someone perhaps better entitled to be heard as expressing a public criticism rather than an *ex parte* grievance?—Would that not follow naturally? If the person who is complaining is an important and respected body, or whatever it may be, his complaint would have more weight. If it is a very serious and well supported complaint, it would surely get either governmental action or debate in the House of Commons.

Sir James Hutchison.

653. Are you, therefore, saying that any individual should make these representations but that no party should make them?—I am saying that anyone who feels aggrieved by an unfair bias of the B.B.C. should make them. The weight to attach to them is a different matter.

Mr. Sydney Silverman.

654. On what you have just said, supposing an official party organisation felt that some individual who was formerly a member of that party organisation but who had differences with it in certain respects was being given an unfair build-up in the public mind to the detriment of the official and more widely-shared view, would that organisation be entitled to make representations?—I should say it would; yes.

655. You would not think that Parliament itself should lay down or give any directions or directives to the organisations as to maintaining a balance of persons?—No, I simply do not think it practicable. I do not think that anyone could draft such an instruction.

656. Without doing more harm than good?—Yes.

Chairman.] Thank you very much.

The witness withdrew.

WEDNESDAY, 21ST MARCH, 1956.

Members present :

Sir Lionel Heald in the Chair.

Mr. Julian Amery.
Mr. Bellenger.
Mr. Wedgwood Benn.
Sir Herbert Butcher.
Mr. Crossman.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.
Mr. Holt.
Sir James Hutchison.
Mr. McAdden.
Mr. Sydney Silverman.

Memorandum submitted by the Independent Television Authority.

THE FORTNIGHT RULE: ITS HISTORY AND PRESENT OPERATION

So far as the Authority is concerned this rule was introduced on 27th July, 1955, by means of a formal direction from the Postmaster-General under Section 9 (2) of the Television Act, 1954. This section states that he may at any time by notice in writing require the Authority to refrain from broadcasting any matter or classes of

39645

D 4

21 March, 1956.]

[Continued.]

matter specified in the notice, and that it shall be the duty of the Authority to comply with the notice. A copy of the communication from the Postmaster-General is enclosed as Appendix A.

2. It will be noted that section (a) of the direction states that "the Authority shall not, on any issue . . . arrange discussions or ex-parte statements . . .". In fact the Authority does not itself arrange discussions or statements but, under the terms of Section 2 (2) of the Television Act, broadcasts programmes provided by programme contractors. It, therefore, decided to give formal notice of the direction to its programme contractors and the terms of its letter to them are contained in Appendix B.

3. The Authority has put itself at the disposal of the programme contractors to assist, so far as it can, in implementing the Postmaster-General's direction, and there has been frequent consultation between the companies at present providing programmes and the staff of the Authority.

4. The information necessary to enable the contractors to comply with section (b) of the direction is publicly available and the Authority has taken no special steps to ensure that it is known to them. As regards section (a) information concerning the future course of Parliamentary business is normally published on Thursdays for the period Monday to Friday in the succeeding week, and the Authority makes a practice of obtaining this information at the earliest possible moment and passing it at once to its contractors. The practical effect of this routine is to enable contractors to withdraw from their programmes any discussions or statements on issues which are to be debated in either House in from four to eight days' time. Circumstances could arise in which the contractors had no more than a few hours notice of the need to do so, but, in practice so far, a minimum of 24 hours' notice has proved to be possible.

5. The Authority must frankly state that it has found no means of implementing the direction beyond the limits described in the previous paragraph. The fourth paragraph of the Postmaster-General's letter reproduced in Appendix A indicated that the Authority might find out as far as possible the future course of Parliamentary business by keeping in touch with the Government Whip's Office. Although the Whip's Office is always as helpful as possible, the Authority understands that information obtained in this way is necessarily "unofficial" and at best can seldom be more than an indication of the probable future course of business. Such information is of no value to the Authority in its contractual relationships with its programme contractors. Moreover, the Authority sees difficulty in communicating to the employees of independent commercial companies or of sub-contractors of these companies information which cannot at the moment even be disclosed to Parliament itself.

6. As regards the reference in section (a) of the direction to "ex-parte statements", the Authority draws attention to the fact that these are already precluded by the terms of sub-sections (g) and (f) of Section 3 (1) of the Television Act which enjoin that due impartiality is to be preserved by the programme contractors as respects matters of political or industrial controversy or relating to current public policy, and that no matter designed to serve the interests of any political party (saving party political broadcasts) should be included in the programmes.

7. There are other matters connected with the present operation of the fortnight rule which the Authority would wish to put before the Select Committee at an appropriate time. These matters include the question how to define the terms "any issues" and "any subject" which are used in the Postmaster-General's direction: the question how far broadcasts by Ministers of the Crown are covered by the rule; and the question how far the rule is applicable to speeches and statements made in the course of functions which are being broadcast "live" by remote television units. However, it is perhaps sufficient for the purposes of an initial, factual statement simply to place on record that such questions do present themselves in the course of operating the Government's direction in its present form.

21 March, 1956.]

137
[Continued.]**APPENDIX A***Copy of Communication received from the Postmaster-General*

27th July, 1955.

Dear Sir Kenneth,

You will perhaps remember that in reply to a Question in the House of Commons on 2nd March, Mr. Gammans said that it was intended that the arrangements with the B.B.C. about the "Fortnight Rule" would also be applied to the I.T.A.

I have today sent a formal direction in this matter to the B.B.C., under their Licence and Agreement dated 12th June, 1952. I enclose a corresponding requirement on the I.T.A., under Section 9 (2) of the Television Act, 1954.

As regards the need of the I.T.A. to find out as far as possible the future course of Parliamentary business, the Authority will be expected to keep in touch with the Government Whip's Office, who will be glad to help them in this matter in every way.

I should be glad if you would kindly acknowledge receipt of this letter and enclosure.

Yours sincerely,
(Sgd.) CHARLES HILL.

SIR KENNETH CLARK, K.C.B.

To: The Independent Television Authority

1. In accordance with Section 9 (2) of the Television Act, 1954, I hereby require
 - (a) that the Authority shall not, on any issue, arrange discussions or ex-parte statements which are to be broadcast during a period of a fortnight before the issue is debated in either House or while it is being so debated ;
 - (b) that when legislation is introduced in Parliament on any subject, the Authority shall not, on such subject, arrange broadcasts by any Member of Parliament which are to be made during the period between the introduction of the legislation and the time when it either receives the Royal Assent or is previously withdrawn or dropped.

(Sgd.) CHARLES HILL.

Dated this 27th day of July, 1955.

APPENDIX B*Copy of Communication from the Authority to its Programme Contractors*

I am directed by the Authority to inform you that the Postmaster-General has issued a notice in writing under Section 9 (2) of the Television Act, 1954, a copy of which is attached to this letter, and for the purposes of paragraph 6 (5) of Part II of the First Schedule of the Agreement between the Authority and your Company dated _____ to give notice to you that the matters or classes of matters therein referred to are matters which, pursuant to the said paragraph 6 (5), are not to be included in the programmes provided by you under the provisions of the said Agreement.

I am further directed to say that while the Authority will give your Company every assistance in obtaining detailed information about issues and subjects falling within the terms of the Postmaster-General's directive, that assistance will be without prejudice to your Company's contractual obligations under the said Agreement.

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

Examination of Witness.

Sir ROBERT FRASER, O.B.E., Director-General of the Independent Television Authority, called in and examined.

Chairman.

657. We are very much obliged to you for coming along, Sir Robert. If you would like to make any brief preliminary remarks please by all means do so, but we do usually follow the procedure of question and answer which I think is perhaps the easiest way of getting at the points. However, please do not refrain from saying anything you like. Perhaps if you just say a brief word or two it will give you an opportunity of supplementing what you have already told us?—It is very kind of you, sir. There are, of course, a number of other points which might come up in the course of discussion. If it would suit the Select Committee I would be quite happy to start the questions straightaway, perhaps to some extent on the basis of the little note that we supplied, and perhaps if you would be so kind, if it seemed that there were some questions which needed more than a “Yes” or “No” reply you might let me reply at greater length.

658. Please do not feel yourself precluded in any way from giving answers as complete as you wish.

Sir *Robert Grimston.*] I think that you know the House has accepted the principle of some form of limitation, and the idea has been expressed to us that it might best be carried out by leaving the matter to the discretion of the Authority and not have any rule about it at all. Would you care to make any observations on that angle?—Of course, it is the solution that we would like to think was acceptable. If one was put in that position, of course, one would have to begin by sorting out one's ideas about what kind of internal guidance or instruction—it would have to be guidance—we gave to the programme companies in order to protect whatever is the inner valuable part of the intention of the restriction. Of course, directly you address your mind to that you find yourself in exactly the same kind of difficulty that you find yourself in in trying to decide whether to try to re-write the rule itself. One has to say something. My own feeling about this is that the centre of the difficulty comes when Parliament is about to address its mind to some new subject

about which there is a flood of new information, new events which perhaps change the subject or perhaps raise it for the first time. There is a great clash of opinion, and the matter is one of high public importance. That is to say, we are in a situation in which the usual process of discussion and fact-giving and opinion-forming which goes on in a free society has not itself had a chance. Nobody quite knows what the situation is. A wise man would suspend judgment and would say, “We had better know a bit more about this before we jump in.” I suppose this is the sort of “Let Parliament have the first bite at the cherry” argument. It seems to me to be the centre of the difficulty. It seems to me possible to argue that there would be no harm if we did away with the full range of special restrictions, but I think we are left with a central difficulty in a case of this kind. If that rather broad and ramshackle definition of the kind of situation which seems to me to create trouble is roughly accurate, then the problem immediately becomes: Who defines whether such a situation has or has not arisen? The Authority having said that it concedes and conceives the possibility of that situation, if it were left to us, we should have to make the best of it, just as if the decision was left to the parties or to the whips they would, when the situation arose, have to decide whether it fell in or outside the definition. If I could bring this to a focus in one case, one case did occur to me as being of great difficulty. That was the sudden emergence of the crisis connected with General Glubb's resignation. Here was an absolutely new situation. It took everybody by surprise; it was a mystery, and nobody knew what really lie behind it. He himself had said nothing, or only a few scraps when he came back. Nobody really knew, and yet there was plainly going to be a House of Commons debate very soon. That seems to me to be the most difficult situation of all to handle.

Chairman.

659. Could you tell us this? I think it would help us. Would you be prepared to tell us what you would have

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

thought if you had had it left to yourself to decide what you would have done or ought to have done the night before the debate on the Middle East when General Glubb had arrived back here? What would you think would be the right thing to do?—I have asked myself this question on the way here. I think that what I would have done if the decision had been left with me on that night would have been that I would not have ruled out a short interview with General Glubb in the news of exactly the same kind which he gave to the newspapers—something fairly short and based much more on the interest of his personality and everybody's desire to see him.

660. Would that have been a scripted interview or not?—I think it might not be. If it were hurriedly arranged in the news probably they would only have gone over with him the points of what he would have said.

661. But they would have gone over certain points?—They would have gone over certain points with him. Whether there would have been time for effective consultation and the elimination of all risk I rather doubt. When that kind of interview is arranged within the framework of the news, as of course so often happens in our news, it is difficult to say that you can have more than a policy about what should be said and how it should be handled.

662. But you did suggest that it should be confined to the factual aspect of it?—Yes, indeed, I think it should. I would have thought it quite wrong to try to secure from him what you might call a declaration of policy. On the other hand, if anything more than that were proposed—let us say a hastily assembled discussion, no matter how balanced, on the significance of the developments—I would have thought it would be unwise.

Mr. Bellenger.

663. Would you see any distinction between what one might call news reporting either in the shape of a journalist or somebody other than a M.P. interviewing a man like Glubb Pasha, a man of the moment, and a discussion or a debate on the subject at issue?—Yes, indeed I would. That really was the distinction that I was trying to draw. You know the normal process with the newspapers themselves

working, as Mr. Bellenger says, through their reporters. It goes on every day and it is very largely related to news rather than to discussion or debate. I would draw a sharp distinction between that and the other matter. Of course, one has to say that the line can easily be crossed. In an interview, even if the questioning is entirely objective, of the ordinary reporter's kind, as indeed it is in the I.T.A.' news where you simply find the television reproduction of the interview which you can read in any newspaper any morning, one cannot be sure that the man who is being interviewed is not himself going to cross the line into the field of opinion. On the other hand, if one bans that sort of thing altogether because of this marginal danger, it means that you have got to strip your news bulletins of a very large amount of interesting material, which, on the whole, is likely to prove harmless.

664. It would be comparatively easy, would it not, for whoever was interviewing the individual of the moment, like in "In Town Tonight", to ask questions and to get answers, and that would not be difficult for you to decide on as a breach of the rule—either seven or fourteen days—would it?—I think in general one could take reasonable decisions about it. I think that this is a problem which, it seems to me, has a great slab of doubt of interpretation right in the middle of it, and one would find oneself in that doubt from time to time, but I think it is perfectly possible to distinguish between the two extremes.

Sir James Hutchison.

665. Still on the same subject, where the theme like the one you have been discussing is being considered, and it is in the area of doubt in your mind as to whether it is desirable to give a person like Glubb Pasha a free run, would it not be possible to have that scripted? How long does it take to script and prepare an interview of that kind?—It should not take very long, except that the preparation of the script is a part of a pretty hurried business going on all the time. The newspapers, of course, spent a large part of their day trying to secure their interviews with General Glubb. I think it would be dangerous to promise that in every case an interview of that kind could be scripted.

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

666. You could not ask for it in every case. In fact, I am not asking for that at all. I am trying to probe. But where you are in doubt yourself, as clearly you were, as to whether this was a desirable interview from the point of view that we are considering, would it not in those cases be possible?—Well, if not to secure a script, I should have thought to have some fairly clear understanding of what was regarded as permissible and what was thought to be better left over.

667. Some of us are trying to find a way of working a gentlemen's agreement. Everybody seems to want it, and it is a question of whether you can find a way to do it. I should have thought that in a case like that if you could get one working it would be worth while to accept that difficulty of arranging in doubtful cases for the interview to be scripted. You said something which interested me a moment ago. You said you would not be able to give more than guidance, and not an instruction, to the programme companies. But supposing something in the form of guidance were given to you, plus anything which had been announced on Thursday at the time that the Leader of the House announced the business, that would be barred and certain other broadcasts which normally take place would not be barred; can you not control your programme companies within those limits? I understand that you have the power under your contract to cut them off?—I think it would be the Authority's view that it would not wish to exercise its own authority over the programme companies in that way. We are, of course, in a rather different position from the B.B.C. We have an Act of Parliament to guide and instruct us, and it does, of course, give us fairly detailed instructions about the kind of restrictions to be placed on the programme companies in the whole field of political discussion. It does not, of course, include the fortnight rule. Those powers contained in the Act are, of course, transcribed into our contracts with the programme companies, and if occasion arose, which I think is unlikely, we should have no difficulty or any embarrassment in making use of those powers. But if we were asked to impose upon them or secure their observance of restrictions beyond those in the Act, I think we would ourselves much prefer

it if we had either a continuation of the existing instruction from the Postmaster-General or that instruction in some amended form.

Mr. Sydney Silverman.

668. Without such a directive, would you have any power to interfere at all?—I think the answer is that we would not unless we went to this extreme form of cutting them off the air, but I think it is extremely doubtful whether we have taken powers in the contract making it seem at all reasonable that we should engage in this dramatic action of cutting them off the air.

Mr. Ness Edwards.

669. Can you indicate in what part of the Act the Postmaster-General is authorised to give such an instruction about such a matter?—About the 14 day rule? It is issued under 9 (2).

Chairman.

670. Would you mind reading it?—“The Postmaster-General may at any time by notice in writing require the Authority to refrain from broadcasting any matter or classes of matter specified in the notice, and it shall be the duty of the Authority to comply with the notice.”

Mr. Sydney Silverman.

671. That would cover the fourteen day rule?—The fourteen day rule is issued under it.

Mrs. Evelyn Emmet.] May I ask a question?

Chairman.

672. I think we had better look at the contract provision first?—I think we must have reserved in the contract power to impose upon the programme companies such further restrictions as may be imposed upon us. One part of our contract reads: “The programmes provided by the contractor shall not include any matter or class of matter which the Postmaster-General” and then it quotes from the part of the Act which I read out.

Mrs. Evelyn Emmet.

673. On that point—“... refrain from broadcasting provided that this paragraph shall have effect only in relation to the matters or classes of matters of which notice shall have been given

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

by the Authority to the contractor.”—how do you define those “matters or classes of matters”?—They have already become defined in the Postmaster-General’s notice to us, so that all we have to do—and then further notice can be issued after the contract, and indeed has been in this case—is to follow his own definition of the “matters or classes of matters.”

Mr. Holt.

674. Sir Robert, I understood you to say that you preferred to do the thing rather cut and dried if there was to be an instruction. But as there are a lot of difficulties in making it cut and dried, and if it were shown that providing some method could be found of providing a general indication of what was required and that it was shown that if it could be worked that way it would be in the best interests of free speech, do you seriously rule it out and say that it is not possible to have a kind of gentleman’s agreement between yourselves and the contractors in order to carry out a general purpose which is in general terms understood, although rather difficult to define in exact words? Do you really rule it out as a practicable possibility?—No, indeed I would not. What I was really trying to say was that I find it very difficult to conceive of a sort of middle point of rest between leaving the decision to the Authority and, unless we cause grave offence, regarding it as within our province to take the decision on our own and without consultation, or on the other hand instructing us that this or that type of subject is to be avoided.

Mr. Sydney Silverman.

675. If it were left entirely to the Authority does it not follow from your previous answer to me that the Authority would then be powerless?—Contractually I think that is, in fact, the case.

Mr. Holt.

676. You say “contractually”. But that is the real point, is it not? You make a contract with these people—I do not know how often—and if over a period of time relations between the Authority and the contractors were not happy you might say “We will not renew your contract”. As to whether they had carried out the general implications and ideas on this broadcasting

you could say “I am sorry, you have done very well commercially but you just will not work for us on this, and we cannot renew the contract next time.” Is there any objection to that?—Well, that is the long-run sanction. It is rather a long way away. If it were left to us there would be a second stage of trust. It would have to be this time not between the political parties and the Authority but between the Authority and the programme companies. We only have six months experience to go on, of course. I would not myself have been unduly worried about difficulties in getting the programme companies to see the problem as we saw it.

Mr. Sydney Silverman.

677. Does not that mean that in that situation it is slightly paradoxical, because a thing which was being done confessedly in the interests of Parliament and for Parliament’s purposes was being done by you at your own discretion without the direction of Parliament but carried out by the programme companies on precisely the direction from you that Parliament would not be giving to you? Am I clear?—Yes, I think so, sir. If we might take this difficult matter of television for a moment, I suppose the editor of a responsible newspaper will from time to time say to himself when discussing the next morning’s leading article with his leader writer or perhaps some symposium of opinion on the feature page with his features editor, “From time to time we had better wait and see before we take up too pronounced a line on this particular subject.” I think really that the programme companies are just as likely to make that kind of approach to this problem as the editor of a good newspaper. I do not think this would work, of course, if in fact the programme companies were simply at the passive receiving end of a piece of guidance from the Authority which they then observed. We would have to be in sufficient sympathy with the programme companies to be sure that we all saw that this was a genuine difficulty in a free country. I would like to emphasise that I think it arises very rarely. I am not talking about what I would call the normal run of free discussion in a free society. Everything I have said, I suppose, relates to what I regard as this very exceptional situation where opinion has

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

not had a chance to solidify ; opinion is, in fact, uninformed and ignorant.

Mr. *McAdden*.

678. You say that on these important issues where opinion has not had a chance to form itself you would be very anxious about allowing such an issue to be discussed, and whilst you might have a factual discussion you would not have the broad issues discussed until they had been debated in the House. But in the absence of a rule of this character you have no power to enforce such a thing on the programme contractors?—That is so.

679. While one accepts that responsible newspapers are a little hesitant about printing their views until it has been discussed, there are irresponsible newspapers which do not suffer from the same inhibitions. In a case where you have a number of contractors, does a similar position arise where you get contractors who are not so responsible?

Mr. *Sydney Silverman*.] In competition with one another?

Mr. *Julian Amery*.] I wonder if it is true to say that responsible newspapers do feel under this inhibition? Certainly the leading papers like *The Times*, the *Manchester Guardian* and the *Daily Telegraph* never cease to give clear advice on the morning before a debate. *Glubb Pasha's* letter was published in *The Times* days before the debate, if I remember aright.

Mr. *Ness Edwards*.

680. Do you have any indication at all, Sir Robert, as to the type of discussions which are going to take place on your commercial programmes?—Yes.

681. Do the programme contractors always inform you beforehand?—They do not in every case, and we have not really found it necessary, as I hope our immaculate observance of the 14 day rule shows. We took the view from the beginning that although the formal position was that the 14 day rule was being imposed upon us, and then as a second step by us on the programme companies, we would not secure its effective observance unless the programme companies became capable of observing it without reference to us. What happens is that they take a fairly large number of decisions themselves in

deciding whether this or that is not permissible. In cases of doubt—and there are many cases of doubt under the rule as it is drafted at the moment—they refer to us.

Sir *James Hutchison*.

682. Is there any reason why in cases of doubt you should not refer, let us say, to the whips?—No, I think there is not, and I would not be sure that we have not had on more than one occasion to ask for a certain amount of guidance.

Mr. *McAdden*.] You referred to the immaculate observance of the rule by yourselves and the programme companies. That is because the rule exists.

Chairman.

683. We do not want to leave anything on the note that would appear to be misleading. How have you managed to have an immaculate observance of the fourteen day rule when you only get notice seven days ahead?—Well, it is not a fourteen days rule and never has been. It is a 2-to-8 days rule. It begins by being an eight day rule and it descends day by day until it becomes a two-day rule, and then it expires and starts up all over again.

684. But it has been suggested to us that you might have a seven day rule in effect—that is to say, from the time when notice is given to the House on Thursdays, subject to this addition that if the Leader of the House says “We cannot have that debate this week but next week” obviously there would be a sensible extension of it. But that would be a much more practical approach than the fourteen days which is really an impossible thing?—Well, it improves the accuracy of the title but it does not really affect things as they are at all.

Sir *Herbert Butcher*.

685. Sir Robert, you said that the programme companies referred to you for guidance in operating this rule. I wonder whether there are any occasions on which you yourself have referred to the Postmaster-General for an interpretation of it?—No, I think not.

Mr. *Wedgwood Benn*.

686. Provoked by the suggestion that the rule has not been broken, I watched a programme on Associated Rediffusion some time ago called “Seconds Out”

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

with Frank Owen in which he considered the traffic problem and he interviewed Mr. Hugh Molson, and Mr. Molson canvassed the advantages of the Road Traffic Bill which was before Parliament and said that when parking meters and so on came in traffic would be much easier. This seemed to me to be a breach of the rule, and I had in mind a question about it. That broke the second part of the rule, that you may not discuss legislation pending before Parliament. Can you recall whether that incident was brought to your attention?—I am afraid that I do not recall it. I do not remember it. I would have said on that account of it, that it was a plain infringement of the second part of the rule.

687. This seems to me to be central to the technical problem of implementing any sort of rule, whether a directive or a gentleman's agreement. It seems to present itself in two ways: first of all the Glubb incident where you get a hot issue suddenly blowing up where for 48 hours you cannot know if Parliament is going to discuss it but it is so big that you are certain that Parliament will discuss it. Could the Authority, without a directive inform the programme contractors or television news, or be ready to give advice? Secondly—and in a sense this is more difficult—there is the planned discussion which has been on the programme schedule for months on an issue which Parliament decides to debate, and that involves a cancellation. What is the answer to those two technical difficulties?—Are we assuming that some rule is in operation?

688. With or without the rule, in a sense. How do you propose to deal with those difficulties, say without the rule if that makes it easier?—I do not think that I have understood this, but if there were no rule at all I think the Authority would confine its intervention to the kind of case I was describing. If there had been arranged in advance a balanced discussion on some subject which it was later known was to be the subject of Parliamentary debate, my own feeling would be to leave it undisturbed, even if the subject had acquired some new twist. As the rule is at the moment, it simply involves an instruction to cancel it, which we are quite likely to find the programme com-

panies have already carried out, having seen it for themselves before we draw their attention to it.

Mrs. Evelyn Emmet.

689. Would the hanging debate be the sort of case? That has been under consideration for some time. It is not a new thing. Would you under present conditions allow that sort of discussion to go on under no rule?—It is a great personal responsibility to have to answer a question of that kind. I would have said that it has been the subject of debate for a long time indeed, and although we are on the eve of a decision by Parliament I would not think it right to cancel an already arranged debate. If I were in the position of being consulted by a programme company I would say to myself "This is a big decision; people are changing their positions about it. Parliament is about to decide. We are very close to that decision. Do not let us go out of our way to arrange a debate."

Mr. Sydney Silverman.

690. Can I put an incident in which I was personally involved? I am talking about you saying that no question had arisen that you could remember on which you sought guidance outside. Some time last November I got leave to introduce a Private Member's Bill, the First Reading, about the death penalty. There were various comings and goings about that for some months. Then there was an announcement by the Government that they would have a debate on a Motion relating to the death penalty. This made the thing very topical, and one of the companies asked me whether I would take part in a very short—not necessarily a discussion but call it a discussion if you like. It was very short; the whole thing was to be five minutes, and there were three of us to share it. There was the chairman, a Member of Parliament who was in favour of retaining the death penalty, and there was myself on the other side. The three of us were to have five minutes in a general news programme. That was cancelled on the day; it was actually cancelled three or four hours before it was due to come on, on the ground that to have a programme of that kind would be a breach of the rule about anticipating Parliamentary discussions, not on the

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

basis of the announced debate but on the basis that I was a Member of Parliament—indeed, both of us were Members of Parliament—and we were dealing with matters that were before Parliament in that a Private Member's Bill had been introduced several months before. Did you know about that particular incident?—I heard about it later, sir. Mr. Silverman was, of course, caught by the second part of the rule, and the programme company with him.

691. Yes. Is it worth while making any comment on the rule in the light of that fact?—Perhaps I could put it this way. If there were one part of the rule which I thought less defensible than any other part, it is this second part of the rule which catches Members of Parliament on important subjects, on something which has been the subject of debate for a very long time indeed, and of course catches them for a very long period.

692. You mean that you think that the least defensible part of the rule is that which makes it impossible for Members of Parliament to do what everybody else in the country can freely do?—I would with respect have thought so.

693. But suppose one sets that aside. Suppose one accepts the rule and accepts the second part of it. Even then, was not this a very trivial occasion on which to apply it?—Well, unfortunately the rule does not distinguish between the triviality and magnitude of occasions.

694. But could it? I am not making any complaint. I want to see how the rule can be made workable. Suppose you had a rule of that kind. Would it be (a) desirable, and (b) practicable to distinguish between occasions which would be a serious infraction and occasions which are so trivial as not to be worth bothering about?—I think in practice it is very difficult to draw this distinction. Once again, it can be drawn at the extremes but there is such a large difficult middle ground.

Mr. Wedgwood Benn.

695. May I ask a question about party political broadcasts? The Act provides that you may have relays of B.B.C. party political broadcasts, although you have not yet done so. In your view, would the 14 day rule prevent you from re-

laying party political programmes which broke it?—I think probably that is something on which we are going to ask for guidance. It is one of the doubtful points. I am inclined to think that we are doing wrong so long as the 14 day rule is there if we take even a ministerial broadcast or a broadcast by the Leader of the Opposition in the series of party broadcasts if it is in fact at the same time infringed. If it is inconsistent with the rule it must be wrong. The 14 day rule governs party broadcasts, and not the other way round.

Chairman.] We all have been thinking about this matter separately, but we have been approaching it from the point of view of the word "arrange". I do not know whether you could make clear what your assumption is as regards the meaning of that word "arrange" because it has a possibility of ambiguity in that expression. The direction refers to programmes which are "arranged".

Mr. Bellenger.

696. Arranged by the Authority?—We think it is just a formal flaw in drafting.

697. You think it should be "transmitted", do you?—Yes.

Mr. Ness Edwards.

698. May I put a question? Sir Robert, you have conceded that in matters of high public importance there should be some restriction on the discussion of those matters? Do I take it that that is your position?—No, it is not really quite so. Could I put this answer under two heads? First, I would myself say: great clashes of opinion on subjects of high importance, national importance, in a context where something new has happened—either a new subject has suddenly grown up or some great new event has happened—and for the moment we are in a situation in which a wise man would say "I had better suspend judgment for a while." That is the only kind of restriction that I could myself very happily apply.

Secondly, even then, for our part we would greatly prefer that the view were taken that we could be trusted to take the decision ourselves rather than have it in fact given to us. I really start by thinking how I would behave if I were in charge of a programme company myself or in charge of a great newspaper. There would be no law if I were in charge of a great

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

newspaper which prevented me from saying what I liked when I liked, but in fact I can see myself in this particular situation taking what could be called a restrictive decision.

699. Sir Robert said that if it was left to them they would issue guidance to their subordinates. Could he tell us what sort of guidance, if it was left to them, that they would issue? Perhaps he would think it over and let us have a note indicating the form of guidance that would be given if the Authority was left free to use its own judgment.

Sir *James Hutchison*.] On that point, Sir Robert indicated that he himself would like guidance, or perhaps I am putting words into his mouth. But suppose you were left free, you would not want to be left completely free with no form of guidance as to what ought to be avoided?—I should like to have the right and the benefit of being able to ask questions, but I think that one has to decide, questions apart, where the final responsibility is to lie. At the moment it does not lie with us. It is a responsibility that we would be happy and in a way almost proud to accept. I do not think there is any middle ground.

Mr. *Julian Amery*.

700. First of all, how can we get round this difficulty if there were to be a sort of agreement that although you would like to be responsible for this obligation you have apparently no means of enforcing it or even ensuring acceptance of it?—I can see no way round this difficulty. I think that if we did it that way we would have to be assuming that the relations between the Authority and the programme companies, and the character of the programme companies and the Authority, would be such as to obliterate the undoubted fact that they are producers of programmes and we are the supervising Authority.

701. On a slightly different angle, have you encountered any other form of restriction on broadcasting other than the fourteen-day rule either of a formal or informal character?—No, I think not, except the additional ones imposed on us by the Act itself.

702. Have any protests been made to you of an informal character to keep certain individuals off the air?—No, indeed they have not.

Chairman.

703. I suppose they occasionally receive criticism about people and things?—Well, Sir, I do not recall that we have in this field. If members of the public want to grumble they very likely would grumble at the programme companies rather than at us. I do not recall any incidents.

Mr. *Julian Amery*.

704. You are no doubt aware that allegations have been made at an earlier stage that the "In the News" team of the B.B.C. was broken up at the request of the party machine. Has anything of that kind come your way?—No, indeed not.

Chairman.

705. I apologise if my question was not a very good one. It is quite clear from what you say that the ordinary member of the public would not think of writing to you about it, but as far as the ordinary member of the public is concerned, who would he be impelled to write to? Does he have brought to his attention that there is somebody to whom he can write if he wants to express an opinion about a matter of this kind, or is there not much opportunity of doing it?—What he knows best is the name of the programme company because he sees that. It is made visible to him. Unless he is a fairly sophisticated student of legislation, he is inclined to write to the programme company. If he is a Member of Parliament or an informed member of the public, he will know what range of questions he can properly direct to the Authority.

706. We should expect if we got any information of that kind to get it from the programme company.

Mr. *Julian Amery*.] Can I put a further question? Does it ever happen outside the fourteen-day rule that you consult with the Government Departments or some other official body as to the wisdom or general propriety of putting on some programme, or authorising your programme contractors to do it? Is there any machinery for informal consultation?—No, I think not. There is certainly no special machinery. Of course, those who are actually working on a programme, no matter what kind of programme it is, are very likely over a wide range of

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

subjects to find themselves in discussion with the Government Department; as we might be—to take a dull example—with the Ministry of Transport on some question of road safety or the road programme, and during the course of those discussions they might say “Is this really a sensible thing to do”, but that is just the sort of normal day-to-day round of inquiries.

Mrs. Evelyn Emmet.

707. Is there any sort of restriction brought to bear by you on programme companies over such things as public decency in discussions on religious or security matters or matters of that kind, or is that left entirely to the programme companies?—Oh, no, Sir. We are now, of course, discussing other parts of the Act. There was continuous consultation both formal and informal between the programme companies and the Authority over the quite troublesome questions of the various provisions of the Act.

708. This would only mean one more consultation of another kind?—Yes, indeed it would, and it could be very easily dealt with within our general framework of consulting with the programme companies. That is why we have had to devise matters to ensure a full range of compliance with the stipulations in the Act.

Mr. Holt.

709. Does not this rather contradict what you said before, which rather led us to believe that unless it was laid down in black and white there was no way effectively of guaranteeing it?—There is no way of guaranteeing this observance. There is in the Act a fairly long list of things on which the Authority has the last word. The programme companies are contractually obliged to comply with many requests, but that would not be so in this particular field, because this particular field is not covered by anything in the Act.

Mrs. Evelyn Emmet.

710. I suppose that something could be put in?—Well, that would be more for you than for me.

Mr. Ness Edwards.

711. Is that quite so? If you will look at Section 2 (3) of the Act it does

seem that the Authority has every power it wants for the purpose of imposing conditions which it thinks are desirable in the contracts. I see no limitation there at all. It says: “. . . the powers of the Authority shall extend to the carrying on of such businesses and the doing of such things as arise out of the other activities of the Authority or are necessary or expedient for the purpose of turning to account any property or rights of the Authority.” I should have thought that we had enough. Surely the Authority has the right to determine the contents of the contract?—Of course, the difficulty is that the contracts are signed. It would, of course, be possible to put anything into the contract but the contract does not include any power which would enable us to ensure compliance with guidance or instructions given under the heading which we are discussing now.

Mr. Sydney Silverman.

712. You mean as the contracts now are?—Yes, as the contracts now are.

Mrs. Evelyn Emmet.] It could be put into a future contract, I take it?

Chairman.] Even so, it could only be a general provision. You could not have any detailed provision.

Mrs. Evelyn Emmet.

713. No, but if I might press the point; if you are unable to influence the contractors through certain clauses in the contract on certain other matters I see no reason why when these contracts expire and you make new contracts you could not cover this case, as you have covered others, in some sort of general wording?—That is, of course, true, but the contracts endure for quite a long time. (*The Committee decided not to report Questions 714-716 and the answers thereto.*)

Mr. Sydney Silverman.

717. So we are really concerned not with what you would have done under the contract but with what you have done?—Yes.

718. And what you say is that in those contracts you have retained full power to make the programme companies conform to any direction which is binding on you, but if there is no direction binding on you but it was, nevertheless,

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

left to your discretion—you could do it with good will and discussion with the companies and make it effective in that way?—Yes.

719. On the assumption that if Parliament has decided there must be some limitation without giving any guidance as to what the limitation shall be it therefore becomes necessary for someone to define the limitation?—Yes.

720. In principle, would it not be right that the authority would lay the limitation down—namely, that Parliament should itself say what the limitation shall be?—Well, we should find it much easier if it did. I come back to what I said before. I cannot see any middle ground. If Parliament is to issue a prescription it must, with respect, be in plain and clear terms which any reasonable person can observe.

721. So that people can know whether or not they are in conformity?—So that they may indeed know that. A prescription in terms so general that it really left the interpretation of its meaning to another body would not seem to be the answer to the problem—because it leaves the problem.

Mr. Bellenger.

722. On the point of the operation of any rule, does your opinion coincide with that of the B.B.C., which is, to use their own words “M.Ps. would not be used in such discussions”—within the ambit of the rule, whatever it was?—No, sir. Left to ourselves that is not a restriction that we would impose.

723. But this is important, because throughout the B.B.C. Memorandum there runs this strain that whatever the rule is M.Ps. will not be used inside that rule. You, therefore, take the contrary view?—I am afraid I take a very different view. I would even go further and say that I cannot think of anyone who, on the face of it, could more appropriately take part in such discussions. There is this, of course, and this is very important and relevant; that anything that the Authority does in this field is governed by the requirements of the Act that we shall maintain objectivity and impartiality and maintain a balance in discussions. The Act makes it impermissible for the Authority—except in so far as it is taking party broad-

casts—to allow an individual, isolated statement of party opinion. You may only say on our programmes what you believe in if someone who believes the opposite is with you at the time. We would also, of course—I think it fairly sensible to try to—maintain not only an exact balance between opinion but also some, if much more wavering, balance between party representation—I mean the representation of M.Ps. On the second point, it would, I think, be a bit difficult to give a precise undertaking on balancing but it seems to me to be commonsense to try to secure a sort of rough and ready approximation to balance in that field as well, but it does not seem to me to be the important one.

Mr. Wedgwood Benn.

724. I take it that you had concluded that party politicals come under prescription. Secondly, there is this interpretation of serious men suspending judgment but surely that is not what happens when a Parliamentary debate takes place. If serious men had suspended judgment over General Glubb we would not have had a debate in Parliament but we had a debate when very strong views were formed. I do detect the difficulty in the Authority sitting back when everyone else was coming forward with a view. I was going to ask about things not coming under that interpretation. I have in mind three things. There is the Hanging Bill case, about which people have had opinions, mostly, since their youth. Then there were the Washington talks at which nothing new occurred but where the Prime Minister had to report back. Thirdly, the Teachers Superannuation Bill which is very controversial. I wondered whether in any of those you have thought whether the I.T.A. should not have come forward with a broadcast?—It is very difficult to put oneself back to the time when one would have to take the decision, but I would not have seen myself placing a limitation on any of those.

725. If Parliament is to be the main form of debate would there not be something to be said for televising the first two speeches, at any rate, of major debates?

Chairman.] That is not really quite within our terms of reference, I think.

21 March, 1956.]

Sir ROBERT FRASER, O.B.E.

[Continued.]

Mr. *Wedgwood Benn.*

726. Would you say something that could be on the record in reply to that question?—I am almost inclined to ask for protection.

Chairman.

727. If I were asked I would have to say that it is not within the terms of reference. I wonder if I might ask one more question, going back to this very difficult point—you have been so helpful to us. I am not quite certain, and I do not want to put words into your mouth, but let us take it as a matter of principle. Supposing there is a major debate in Parliament taking place tomorrow, do you think that it is right that there should be a debate on the subject the night before?—There are many occasions, Sir, when I would not, myself, stop or restrict a discussion on the same subject on the air the night before.

728. But I think you would agree that it would be extraordinarily difficult to lay down any principle which would divide one from the other?—Yes.

729. I am sure that we are most grateful to you for the assistance you have given us. There was something which we did ask you to do. It was, I think, whether you would be prepared to let us have a very tentative suggestion as to the sort of direction or guidance that you could give to your own staff who are engaged in these discussions with the programme people. I think that was it?—Yes, we will attempt that. I am not very optimistic about being able to do more than put it in language a little more polished, but I am not sure, really, whether I will manage to hit on a formula which gets us very much beyond the one I have tried to use this morning. We will have a shot at it. Would I be detaining the Committee if I said just one word on this contested business about the similarity or dissimilarity between television and the newspapers? I shall not take long. There are, I think, very large and genuine differences between this problem in television and this problem in the Press, and I think that those who would like to see a total end to the rule would be wiser if they began by admitting that there is a problem and one which is not exactly the same in the Press as in television. There is a

sharp distinction, but I think the distinction goes a good deal further than a simple distinction between there being only a few television programmes and a large number of newspapers. Even that distinction—and this is something which I think the Committee might perhaps wish to take into consideration—is beginning to get blurred at the edges. Including the B.B.C. there are now already four separate sources of programmes—four separate organisations producing television programmes in this country, and before the end of this year there will be five, and during the course of next year there will be seven—when the Scottish and Welsh companies come into operation. A year or two after that there could well be about ten different independent producers of television programmes. This is already beginning to blur the old sort of classic distinction between television and the newspapers. We have on I.T.A. about six or seven running programmes, that is to say, programmes that are repeated from time to time in which political discussions always take place—or fairly frequently take place. It so happens that most of these programmes are, in fact, already peculiar to the programme company which produces them; that is to say, to drop into the newspaper analogy, they are printed in one newspaper but not in others. The famous “Free Speech” is seen in London but not generally in the Midlands and may or may not be seen in the North. On the other hand, a little discussion programme seen in the Midlands is not seen in London. There is this new pattern, and the clear distinction is beginning to break up. Of course, every year that goes by there is going to be a softening and a blurring of the distinction until conceivably we may have in the institutions of television a situation relatively similar to the position in the newspapers. That is an argument which must, to some extent, modify what has always been said about restricted access and so on. The other point, and it seems to me to be the most important one of all but seems to have been forgotten and not mentioned in this discussion at all, is this. In some cases—in some ways—in this field television really has by its own procedures and standards of conduct a great deal to offer. With all that may be said about the value of the Press—and, of course, it is indispensable—it seems to suffer

21 March, 1956.]

SIR ROBERT FRASER, O.B.E.

[Continued.]

from one defect from which television is free. A newspaper does, perfectly properly, try to concentrate on the expression day after day of its own opinion. No matter how fairly it reports the news a newspaper has its own opinions. It records the news but, perfectly properly, it prosecutes day after day its own partisan or sectional opinion—no matter how sincerely held. It does not accept responsibility for giving other points of view—although a good newspaper will. But, by and large, a newspaper does not feel that it is under the obligation to see that the other man has an equal chance to put forward his views editorially. It leaves that to be corrected by the freedom of the press as a whole. An entirely new conception is arising with broadcasting and television—not only under the guidance of the B.B.C. but equally in other countries as well. It is an entirely new conception which seems to me to be more consistent with the existence of a free and literate society. A newspaper expresses the same opinion day after day to people who probably hold that opinion. Opinion tends to set in groups. You get a kind of hard mosaic of opinion and set attitudes. That does not happen on broadcasting or television. You do not hear the statement of one opinion unless, simultaneously, you hear the statement of the opposing opinion. There is probably an exchange of views in debate between two advocates. This is something entirely new. For the first time millions of people can hear the other point of view which, unless they are in the habit of buying different newspapers to check themselves they may not otherwise enjoy. It seems to be a little bit hard that the medium which conducts itself

in this way is the one which suffers from the restriction. Of course, on important subjects at important times perhaps we could work out some alternative—some different basis—of the kind we have been discussing this morning. If so, I think it would help us all.

Chairman.] And, of course, sometimes good men are more abstemious than bad men.

Mr. Bellenger.] It opens up tremendous possibilities.

Mr. Sydney Silverman.] In other words, what Parliament should seek to do is to bring to the Press the standards of television.

Chairman.

730. I am sure I am expressing the opinion of this Committee, Sir Robert, in saying that we are extremely grateful to you for coming here. You have dealt with some very important and difficult matters?—The question which you want me to answer, really, is “If we left it to you to try and tell us precisely the rule on which you would operate what would you suggest?”

731. Really, the rule you could operate on?—Yes.

Mr. Sydney Silverman.

732. On the assumption that we lay down a rule, what kind of rule would you want us to lay down?—That is a separate question. I might have a shot at that, too.

Chairman.] I think we may say that you should not consider yourself too rigidly tied down. When you come to it you may like to put it in one way rather than in another—but we leave it to you.

The witness withdrew.

21 March, 1956.]

[Continued.]

Letter from Sir Robert Boothby to the Chairman of the Committee.

Dear Sir Lionel,

I venture to make two brief submissions to your Committee, based on personal experience.

1. The present 14-day Rule is in practice unworkable. No one knows precisely what the business of Parliament is going to be for as long as a fortnight ahead; and it is unreasonable as well as foolish, to expect any Member of Parliament who takes part in broadcast discussions to make a note of every Bill that has been introduced, including Private Members' Bills, and remain silent on every subject with which they deal until they receive the Royal Assent or are withdrawn.

I suggest that a reasonable compromise would be to ban the discussion over the air of major and specific political issues upon which debates in either House are imminent, and have already been announced to Parliament. I say major and specific issues because I think a distinction should be drawn between, for example, the Second Reading of a Bill, which raises questions of principle, and the Committee stage which is concerned only with the details of their application; and between the discussion of a specific issue, such as the dismissal of General Glubb or the deportation of Archbishop Makarios, and a general debate on foreign affairs.

2. Interference by the party machines with the ordinary programmes of the B.B.C. or the I.T.V., and with the number of appearances of individual Members of Parliament, is undesirable and should cease.

In this I have a personal interest, and gladly declare it. The original *In the News* team was broken up by Transport House and the Conservative Central Office without the knowledge of Parliament, and behind the backs of those who were members of it. As a result we were told first of all that our performances must be "staggered", and finally that we could never again appear together as a team. This in turn led to the introduction of a "rationing" scheme, applied to all home programmes—but not, curiously enough, to foreign broadcasts. For example, I am no longer allowed to take part in the programme "Any Questions?" more than four times a year.

If these decisions had been taken by the B.B.C. itself no one would question them. Taken, as they were, under concealed pressure from the party machines, they are open to serious objection; and could open the way to gross abuses and quite unwarranted limitations on individual freedom, and the right of free speech.

The political parties have their own programmes, and can handle them as they choose. In my submission they should stick to them, and leave the B.B.C. and the I.T.V. to run theirs. They can rest assured, if they do, that there will be no undue prejudice in favour of Members of Parliament as such!

Yours sincerely,

(Signed) ROBERT BOOTHBY.

The Rt. Hon. Sir Lionel Heald, Q.C., M.P.

Examination of Witness.

Sir ROBERT BOOTHBY, a Member of the House, examined.

Chairman.

733. We have had your letter before the Committee, Sir Robert, and there is also a letter from Sir Stephen Piersséné, of which I think you have had a copy? —Yes.

734. Perhaps I might also say that we did have evidence from Mr. Morgan Phillips in which he said that so far as

his information went he was quite prepared to say definitely that there had been no pressure exerted by Transport House in relation to any activities of yours. In those circumstances, I do not know whether you would like to make a brief statement to begin with before answering questions?—If I might, I would like very much to do so. I thought it quite common knowledge that

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

pressure was brought to bear by both party machines, and the pressure I am most familiar with—I have heard of pressure brought to bear on Bill Mallalieu in the sports broadcast in Western Region—but I know about the pressure brought to bear on the “In the News” programme. About this there is a perfectly plain statement on page 133 of Lord Simon of Wythenshawe’s book “The B.B.C. from Within,” from which I may perhaps be allowed to read a short extract. He says: “But the heads of the two main political parties disliked it intensely. They stated that the B.B.C. was putting these men on as members of the Conservative and Labour parties, but that in fact they were not at all representative of the solid backbone of these parties; on the contrary, they were all extremists. In reply the B.B.C. pointed out that its business was to attract an audience; that there were about 60 members of the Government who were not available to broadcast and a similar number of Opposition members of the Opposition; that the solid backbone in the middle of the Party—” I am sorry “—were unfortunately dull and so far as we could discover bad broadcasters.” This is Lord Simon’s opinion, not mine. He goes on: “on the other hand, among those who were rather extreme there was a number of excellent broadcasters, and they were the only ones we found available to make a popular show.” The Committee has the reference—page 134—and will see what he goes on to say, but he concludes by saying: “However, the Party leaders paid no attention to all these arguments nor to our plea that the B.B.C. always has to face this problem as to the extent to which we should entertain and attract a large audience on the one hand, and educate them on the other. They firmly demanded that we should use mainly reliable party politicians even at the cost of less attractive broadcasting. It was, I think, true that we were starring the best broadcasters, that they were not representative of their parties and that we were undoubtedly doing a good deal to increase their influence.”

735. Could we have the date of what is there being spoken of, because I understand that that is referring to something which took place some five years ago?—Yes. He goes on: “I was told during the debates on commercial broadcast-

ing in 1952 . . .” Our programme started in 1948. The real pressure was put on in the years 1950, 1951 and 1952—that is when the original programme was, in fact broken up.

736. We are informed that there was some correspondence with the B.B.C. five years ago with reference to complaints that the balance of the parties appeared to have been weighted against the Conservative Party; that the B.B.C. had on occasions selected non-M.P. speakers to represent the Conservative point of view who were not qualified to speak on equal terms. That is five years ago. I rather gathered from your letter to us that you were speaking of a more recent period?—No, I only had in mind that the general strain had lasted over a period of about three years before the final direction came that the original team was never to appear as a team again.

737. Can you tell us when that was?—I think it was 1952. We were told that the direction had been given that the original team—Foot, myself, Taylor and Brown were never to appear in the team together again. Prior to that it had meant staggering.

Mr. Sydney Silverman.

738. Do you say a definite direction was given?—Yes, it was.

739. A written one?—I do not think anything was written.

740. But it was directed?—Yes.

Mr. Julian Amery.

741. That is what the author himself says?—Yes.

742. From whom did you get it?—From the B.B.C., who made it perfectly plain that it was as a result of pressure from the party machines—not from the Whips.

743. From the governors of the B.B.C. personally?—From, I suppose, the director-general—on probably from Sir George Barnes. I wrote to Sir George Barnes when I felt the pressure becoming fairly strong at the end of 1950, saying that I did hope he would resist the attempt, not to invite guests on “In the News”, but to break up the team altogether, because it was the nucleus of a rather popular programme. He replied saying that there was, of course—to paraphrase—a certain amount of jealousy and a deep-rooted distrust of the Corporation’s patronage, but that he

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

considered it to be an essential ingredient of success that the original team should be kept in being and should appear often enough to secure a feeling of continuity.

Sir James Hutchison.

744. Did he write that?—He did, in fact, write that. On the other hand, he told me a great deal more. I feel a little freer to say what he said rather than what he wrote because the letter was marked personal to me, but he did say in actual writing what I have paraphrased, and he also expressed the same view to Lustgarten.

Mr. Sydney Silverman.

745. When you say that Lustgarten was told do you mean that Mr. Lustgarten told you so?—Yes—I am sure he would not have told me what was not so.

746. No, I am not suggesting anything, but it is not direct evidence?—No.

Chairman.] Mr. Lustgarten is the only man, so far as you know, who would be able to give direct evidence of any instructions given to him?—Yes.

Mr. Sydney Silverman.

747. Would the producer also have it?—Yes, I remember a cocktail party given by the B.B.C. sometime after 1950—it may have been 1951 or 1952. It was at a house in Richmond near the river and I had a talk with Sir George Barnes and Mr. Harman Grisewood, and they told me they had been subjected to sustained pressure from the party machines, and they had suggested that Michael Foot and myself, being the two Members of Parliament most directly concerned as far as "In the News" was concerned, might be invited to sit in at one of the discussions so as to express our own point of view and that that suggestion had been turned down.

Mr. McAdden.

748. You say Lustgarten was the only evidence, but there is also Lord Simon?—Yes, I have only read a short extract.

Mr. Crossman.

749. Mr. Lustgarten is not an employee of the B.B.C.?—No, he used to be.

750. Was not the employer the producer rather than the director? What is the relationship of Lustgarten and John Irwin?—He left the B.B.C. and became

independent and then went to the B.B.C. with the "In the News" programme and stipulated that if he could not produce it himself and select in the first place the members of the team he would not do it—

751. Was not Mr. Irwin the producer of the programme?—No, Mr. Irwin was not the producer of the programme. He was in charge of the cameras—the technical director.

752. He was a B.B.C. official?—No, even he had left the B.B.C. by that time.

Mr. Sydney Silverman.

753. Supposing the B.B.C. had wished to interfere the channel of interference would have been whom—Mr. Lustgarten or Mr. Irwin?—Mr. Lustgarten.

Sir Herbert Butcher.

754. So the invitations to appear in the "In the News" programme were not from the B.B.C.—though responsibility attached to the B.B.C.—but they were in a position—I am not being offensive—of having to accept these invitations by Mr. Lustgarten?—In the first place, yes, but there was always pretty close co-operation. I am not aware that there was ever any difficulty. He had a pretty free hand.

Mr. Crossman.

755. Who was Mr. Lustgarten responsible to?—I do not know. I suppose he was directly responsible to Sir George Barnes and they discussed the programmes every week.

Mr. Sydney Silverman.

756. Directly responsible?—Directly responsible. Ultimately he did have a good deal to do with Mr. Cecil McGivern. The topics were settled with Mr. McGivern.

757. Are you quite sure that at the relevant time when the "In the News" programme was begun John Irwin and Lustgarten were not employees of the B.B.C.?—I am certain of Mr. Lustgarten but not of Mr. Irwin.

Mr. Sydney Silverman.

758. Can I ask a question on the basis of the objection? The claim for the programme was that there were four lively controversialists—two on each side; that they were good broadcasters.

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

and produced a lively entertainment and that the B.B.C. produced it if not regularly at least with some degree of continuity?—That is right.

759. The objection was that it might be very lively entertainment but lively entertainment based on politics and that if it was done regularly in that way with those personalities it might produce in the public mind a distortion of the political picture—was that the objection?—Yes. Of course we did not discuss only political questions, but the party machines took the view, I think, that the public might interpret Bill Brown and myself as being leading members of the Conservative Party, and Michael Foot and Alan Taylor as being leading members of the Labour Party.

760. You were a member of the original team and were closely associated with the programme throughout. Would you say there were grounds for the objection?—I think the programme stimulated interest in politics, but I do not think that any of the public thought we were speaking primarily for the parties. It was very obvious from the outset that we were speaking for ourselves, but the party machines, I think, thought that the public might think that we were speaking for our parties.

761. Did they not think something they would probably have minded even more; that you might be mistaken for official spokesmen of the party, and that even if you were not so regarded it was accepted that you were out of centre as it were and that sustained discussions amongst you over a long period might produce an influence on public opinion which, in their opinion, was disproportionate?—They may have thought we would influence public opinion. I think there is much more in that than in the opinion that we should do any damage to our parties.

Chairman.

762. I think it would be only fair that I should read to you from Sir Ian Jacob's evidence at page 41 of the proceedings. It is only fair that you should know what was said about this. On page 41 at Question 184, the question is wrongly attributed to me and I would not like to be entitled to claim the authorship of it; it was asked by Mr. Amery. He asked: "Have you ever heard of any attempt of the party machines to prevent

certain people broadcasting; it has been suggested that there was pressure on the new team?"—The answer was, "There has been a lot of misunderstanding on that particular point. What actually happened was that representations were made to us by individuals saying we were not by putting on the original team more or less consistently giving undue weight to certain types of view-point and certain individuals. Well, our policy has always been that we should not seek to build up political personalities and give them a spurious standing; they build up their position in the House and the country and we, therefore, do not in general make a very frequent feature of individuals. Before the war, I think, there were some examples of people in various fields who did get built up perhaps unduly, so that when this was pointed out to us we did investigate whether we felt there was any justification for this and we came to the conclusion that there was, but any idea that it was a kind of behest of the Whip officers that we should change the team is quite untrue." Then a little later on, on page 57 he was asked at Question 350 by Mr. Bellenger if he received representations from Members of Parliament, and he said: "Good God, I receive representations from Members of Parliament every day of the week about something." Then he was asked about this particular point, and he said on the top of page 58: "Now, you also said, I think that it was not your purpose to put on Members of Parliament to build up political reputations?—To build them up, yes. What we do not want to do is to build up some person who becomes regarded throughout the country as 'the oracle who knows the whole works.'" Then he was asked: "So you do not think that you have helped to build up any reputation—in that very limited circle I think I am right in saying—of Members of Parliament you put on the air?—No, I would say not. You cannot, of course, do broadcasting at all without either enhancing or detracting from your reputation; you cannot just remain exactly as you were before." I do not know what you would say about that?—It depends upon if you call John Hare Vice-Chairman of the Conservative Party or an individual. If you regard him as an individual Sir Ian Jacob is quite right in saying that he was approached only by individuals, but I should say that he was approached by the Conservative Party Central Office.

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

Mr. Crossman.

763. You say that this applies not only to the "In the News" team but to all the other broadcasters of a controversial nature, do you not?—I am a little bewildered by this, and especially by Sir Ian Jacob's evidence. It is common knowledge that there was the 5-1 rule which prescribed five orthodox Labour Members of Parliament for one Bevanite.

764. How is a Bevanite defined?—They had some difficulty because you kept moving in and out.

765. Were they not defined as the 57 people who voted on a certain Bill?—I think so.

Mr. Bellenger.

766. Defined by whom?—Well, I suppose by Transport House.

Mr. Crossman.

767. Not in the B.B.C.?—They could hardly ask the B.B.C. to define a Bevanite.

Chairman.] Mr. Morgan Phillips told us definitely.

Mr. Crossman.] There are certain contradictions in evidence that I want to explore.

Chairman.] It is not exactly evidence when Sir Robert Boothby says that Mr. Morgan Phillips was talking nonsense. We are entitled to ask him if he has any direct evidence to justify him in saying that.

Mr. Crossman.

768. Take a programme like "Any Questions?" You also had it in your own case "In the News." What evidence have you that the B.B.C. has been under pressure? For instance, did members of the B.B.C. in private conversation freely admit to you that they were under pressure?—Yes, certainly. At one time Frank Gillard told me that he had been under pressure.

769. He mentioned the case of Mallalieu to you?—Yes.

770. And he said in that case he has been under pressure?—He did indeed, and as I remember vividly he was rather disturbed about Mallalieu because that was not a political broadcast of any kind. It was a sports commentary. The only thing I know was that our performances were cut down. We had a ration.

Chairman.

771. That would be consistent with what Sir Ian Jacob said?—That would be consistent with what Sir Ian Jacob said, and I would not dispute that. That could easily have been a B.B.C. decision.

Mr. Sydney Silverman.

772. Was it communicated to you that it was going to be cut down or did you find only by experience that it was in fact cut down?—I found by experience that it was cut down, and I asked why.

773. And you were told?—I was told that it was a B.B.C. rule that nobody is to appear on this programme more than four times a year, and I said that as long as it applied to everybody I did not mind.

Mr. Crossman.

774. Was the difficulty that the B.B.C. was constitutionally arranging these broadcasts without outside interference at all?—Yes.

775. And it makes a distinction between party political broadcasts where the parties arrange them and B.B.C. controversial broadcasts which are theoretically free from outside interference. It would be natural for those who direct the B.B.C. to deny it officially because the distinction between a party political broadcast and a B.B.C. broadcast would be blurred?—I have no doubt that the B.B.C. was under very heavy pressure from both the party machines during the period 1948-53, and that the reduction of the number of performances on a particular programme of a Member of Parliament to so many a year was partly the outcome of that general pressure.

Chairman.

776. Would you say that there was something inherently improper in someone, even though he did happen to be a member of a party organisation, saying that he thought so and so was awful?—No, I do not think that it is inherently improper, but I do not think it was a good thing for the party machines as such to go to the B.B.C. and make these representations without letting any of those directly concerned know anything about it. After all there could almost have lain an action for restraint of trade, that they were preventing us from earning our living, which was not altogether true; but I think it left something to be desired.

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

Mr. Sydney Silverman.

777. You would think it reprehensible to make such representations and then to deny that anything of the sort had ever occurred?—Yes.

Mr. McAdden.

778. You say that there has been pressure by the party machines?—Yes.

779. The Director-General of the B.B.C. says that there has been nothing of the kind. You then quote the Director-General of the B.B.C., I suppose, from private conversations with officials of the B.B.C.?—Yes.

780. And a confidential letter to yourself?—Yes.

781. There is no evidence that you can bring forward, is there, to help the Committee?—No, I do not think so.

Mr. Julian Amery.

782. You mentioned Mr. John Hare's name?—Yes.

783. Have you definite evidence that he was the channel of communication?—I did have one or two friendly conversations after this had happened with John Hare, and he did not deny that he had been, but at the same time he made, I thought, a very reasonable case and said that they had not brought undue pressure as far as I was concerned—only that they had made representations that I was appearing much to much. But I gathered that the suggestion that the team should be finally broken up had been given from the Conservative and Labour Central Offices.

784. Mr. Hare said that the representations had been made by his office?—He said he had been himself.

785. That he had been himself?—Yes, he never denied it.

786. He admitted it?—I never taxed him. I agreed that he had not committed a crime, but we had very friendly conversations and I said something jokingly about "Are you going to turn me off the air altogether?" and his reply was, "Oh no, nothing quite as bad as that."

787. You appreciate that the importance of this is with reference to the fact that we have been told categorically by the Central Office that no reply of the kind has been made?—I remember distinctly a conversation on more than

one occasion with John Hare, and I tacitly assumed, and he did not deny, that he had been having conversations with the B.B.C. about me.

788. Did you hear the same sort of thing from the B.B.C. side?—Certainly.

789. Involving his name as well?—I do not remember any particular conversation in which I mentioned his name, although I might easily have done.

Chairman.

790. Can you give us any date for this? In the letter which we have from Sir Stephen Piarsené there is a statement that there was correspondence with the B.B.C. five years ago on the subject of M.P.s broadcasting and the balance of parties being weighted. That would take it back to 1950-51. You are talking about a more recent period?—I would say that the decisive pressure had been exercised, and steps taken, by 1952.

791. John Hare's conversations would tie up with this five years ago?—I think so.

Mr. Crossman.

792. Your contention is that the B.B.C. started off arranging these controversial programmes really independently?—Yes.

793. And that then gradually the party machines, seeing these independent programmes were selecting people with minority views, increased their pressure to ensure that the so-called independent B.B.C. programmes were acceptable to the rules of the party machine?—That is my contention.

Mr. Bellenger.

794. On the five-to-one rule which Sir Robert has mentioned, as I understand it, it was a definite rule in the B.B.C. that if one Bevanite appeared on the air five non-Bevanites could appear so, as it were, to balance?—That was the talk, but no more than that. I cannot give direct evidence. It was common talk.

795. Do you know whether such actually happened?—I did not do the necessary calculations, I am afraid. I should think it probably did work out like that.

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

796. Would you agree that if there was anything substantial in that common talk it would rather indicate some sort of bias on the part of the B.B.C. politically?—Not necessarily, if they were persuaded.

Mr. *Sydney Silverman*.] The B.B.C. might say with some plausibility that they would do it in order to avoid bias?

Chairman.

797. To try to preserve a balance?—Yes.

Mr. *McAdden*.

798. I am worried about this conflict between what Lord Simon of Wythenshawe has said and officials of the B.B.C. have said in confidential letters, and what is said in the letter by Sir Stephen Piersséné. He says: "Any correspondence with the B.B.C. on the subject of M.P.s broadcasting has been confined to complaints that the balance of parties appeared to have been weighted against the Conservative Party, and that the B.B.C. had on occasions selected non-M.P. speakers to represent the Conservative point of view who were not qualified to deal on equal terms with experienced Labour M.P.s". Within the framework of that paragraph it would be possible to say that with reference to the original "In the News" team which consisted on the Conservative side of yourself and a member who was not a Member of Parliament but who nevertheless was thought to be on the Conservative side, correspondence on this matter could have taken place within the ambit of that paragraph?—I suppose it could. I should not say "Conservative." I think it is the wrong way of looking at it with reference to the "In the News" team. I should say "Right" and "Left".

Mr. *Sydney Silverman*.

799. But that is not the evidence that Mr. McAdden is reading. It says that correspondence on this subject was directed to complaints that the balance was against the Conservative Party. If the evidence really meant that, it is not the same thing as you are talking about at all?—No.

Mr. *Holt*.

800. It seems to me that from what you have said this morning this whole thing seems to have been rather overdramatised. Would you agree that any viewer has a right to complain about anything that he sees?—Certainly.

801. Would you equally agree that some official of a political party also has a right to complain to the B.B.C. about something that he has seen?—Not as leader of a political party, unless there is very grave cause for complaint. I do not like the idea of pressure being brought upon the B.B.C., which is an independent organisation, by political party organisations.

Chairman.

802. I do not quite know what "pressure" means?—I think there is no doubt that Sir William Haley gave way very reluctantly to great pressure and sustained pressure by the party machines, and I am sure that Sir George Barnes would agree with this. They gave way to this pressure. The reason why a political party leader is very different from an ordinary member of the public is that he ultimately has the power of sanction and can do all sorts of things if he decides to cut up rough. He frightens them.

Mr. *Holt*.

803. Do you say that the fact that a party leader sees or hears something on the B.B.C. which he thinks is unfair or in some way will create a completely erroneous impression to the public gives him no right of making any complaint whatever because if he does it will be construed as pressure?—I think it depends how it is done. If it is an ordinary letter which says "I think I would like to point out that last Thursday this happened and it was not very desirable," that is a very different matter.

804. That would be all right?—Nearly everybody has at one time written a letter to the B.B.C.

805. If John Hare saw something which was going on it would be all right for him to drop a line to Sir Ian Jacob and say "Do you think this is really right?"—I should think so, but I would draw a sharp distinction between that and going to a conference at the B.B.C. accompanied by a representative of Transport House and there bringing pressure.

Chairman.] You say that, but are you suggesting that there was such a meeting when the two representatives of the two parties went together and threatened the B.B.C.? If you are saying so, we ought to know where we are. It is quite an allegation to make without evidence, is it not?

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

Mr. Ness Edwards.

806. Have you any knowledge when this conference was held?—In 1951, I think.

807. You say someone from Transport House went there. Do you know who went?—No.

Mr. Crossman.

808. What do you mean by "Transport House"?—It is very difficult—

809. Do you mean the Labour Party?—I can only speak on the basis of this book of Lord Simon's and on the basis of my discussions with Mr. Lustgarten and Sir George Barnes. I have no evidence. I have hearsay. The name of Mr. Herbert Morrison was mentioned to me as representing the Labour Party and John Hare as representing our party. I have no hard evidence because frankly I did not really bother very much about it nor did I fight against it.

Sir Robert Grimston.

810. All this pressure was exerted at different interviews?—Yes, I think so.

811. There was no correspondence on the subject at all?—Maybe they were careful not to correspond.

Mr. Crossman.

812. The B.B.C.'s charter was revised in 1952?—Yes.

813. Do you think it is an accident that this acute pressure was so successful in the months just before the revision of the charter? Do you think the B.B.C. officials are susceptible to pressure from leading politicians if they know that their charter is up for revision by those leading politicians?—If you are asking only for my opinion, I say Yes, I agree. I think it did.

Mr. Sydney Silverman.

814. But if you are responsible, either individually or as an organisation, for the organisation of the dissemination of a particular brand of political opinion, and if, acting officially in that capacity, you feel that your views are getting an unfair share of the time available on broadcasting or television, are you not entitled—and may it not be your duty—to go to the B.B.C. and say: "This is wrong. I am not getting my fair share, and I am not getting my fair share because someone else is getting more than his fair share"? Would that be so wrong?—No.

815. The wrong would be if the B.B.C. were weak enough to yield to pressure of that kind, unless the B.B.C. itself was satisfied, convinced, that the complaint was justified?—Yes.

816. That is the relevant point?—Yes.

817. Not so much the pressure as the yielding to it if the complaint was not right?—I think so.

Mr. Holt.

818. Would you then not agree in this particular context that, in fact, there possibly was something in the complaint of the leaders of the Conservative Party that many people in the country who did not take a close interest in politics had begun to look upon you as one of the chief leaders or leading lights of the Conservative Party; that therefore what was said did, in fact, represent official Conservative Party opinion and that, therefore it is hardly surprising that they should have made this complaint—which, in that context was not unreasonable?—I dare say they may have taken that view. It caused me no great anxiety at the time but I just had the feeling that it might have been better to have brought, for example, me into it—and Foot, because we were primarily concerned in all this. All these rumours kept coming back, with far too much regularity for me to discount them altogether, of this sustained pressure and interference, and I just did not like the feeling.

819. Would you agree that what was wrong was the way this complaint, which may well have been justified, was dealt with and not that a complaint was made? It was not wrong that the complaint should have been made but merely the way it was dealt with? In fact, it is not wrong for the leader of a political party to make a complaint to the B.B.C. if he thinks something is wrong but merely that if he feels he should make a complaint it should be done in a more open way?—Yes, and without any suspicion of a threat.

Mr. McAdden.

820. You have agreed with Mr. Silverman when he suggests that the evil of this case is not that the parties should make representations if they feel strongly. The difficulty would come in if the

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

B.B.C. were to give way to such complaints unless they were convinced that they were justified?—That is the evil.

821. Lord Simon of Wythenshawe in his book says: "On the whole I think our critics were right and we were wrong"?—Yes.

822. The B.B.C. gave way to the pressure because they believed them to be right and thereafter some more representative speaker was used. It is not the B.B.C. giving way because of something he thought wrong but something he thought right?—No, that is not the implication of this. On the whole, he says, he now thinks "our critics were right and we were wrong." He admits that at the time they were against them.

Chairman.] Sir Ian Jacob said on this that they had never seen if there was any justification for this and came to a conclusion—

Mr. Sydney Silverman.

823. Can we take it one step further? There is a difference, is there not, between pressure which is legitimate and pressure which is not legitimate?—Yes.

824. What you are complaining of here is that what might have been legitimate pressure in the first place became an undue pressure?—Yes, I think so.

825. The reason you give for that, if I have followed the argument correctly, is this, that if a legitimate complaint was being made without undue pressure of any kind one would have expected it to have been done with the full advance knowledge of everyone concerned so that everyone affected by the complaint would have a right to be heard?—Yes.

826. It is the sort of situation where the complaint is made in court and attempts are subsequently made to deny any complaint was ever made at all?—Yes.

827. And when the principal parties concerned were not consulted at all there is some reason for thinking that what might have been an legitimate complaint was being exercised by undue pressure?—That is what I think, and I think that it was done behind the back of the House of Commons, and so far as I know behind the back of both political parties. It was not raised in the 1922 Committee or in the Labour Party.

Mr. Bellenger.

828. Would you regard the "In the News" feature as serious political discussion or light entertainment?—I think it varies, frankly, as I think "Any Questions?" varies.

829. What do you think the purpose of that feature was?—I think it was entertainment, but I think it also had an educational value. For example, I hold the view very strongly that these discussions have made millions of people in this country hear the other side of the case for the first time—they hear both sides and I think that has great educational value.

830. Would you, therefore, say with your experience of Parliament that the wider the discussions the more educative they would be—the wider in the selection of the individuals taking part in them?—No, because it depends so much on the individuals. Some can do it and some cannot.

831. Your point is that the educative value of these discussions was mainly due to the four original members who took part in them and that the original team should have been kept like that for that purpose?—No, I am only saying that from the technical point of view some people are rather better at it than others, and that I think the effect of a programme of this kind is better if it is well directed and goes crisply and with a certain continuity. The members of a team can obviously make it a better programme if they play together than if they are constantly changed and new people meet on a highly complex medium. It is better to watch tennis on the Centre Court than to watch amateurs being taught!

Mr. Sydney Silverman.] Not all tennis players begin on the Centre Court.

Mr. Bellenger.

832. You will recollect that during the war there was the Brains Trust. Is it not the case that they had three members of the team who were continuous but they did invite others to take part and it was a very successful programme?—So did "In the News".

833. "In the News" was adapted in the same way?—Oh, yes. We started it off as a regular team but we very soon started inviting guests—and frequently.

21 March, 1956]

Sir ROBERT BOOTHBY.

[Continued.]

Sir James Hutchison.

834. It has been suggested to us earlier that a broadcast of this kind tends to stimulate interest in political matters and that people who would not have taken much interest in a political question tend to follow it up; in other words, they follow up the question in the Press. Would you think that right, or do you think they tend, having listened to this broadcast to say "I have heard this stated and have made up my mind"?—I can only judge from my mail, which is fairly substantial, and I say that they do frequently follow it up in their own homes when the programme comes to an end.

Chairman.

835. I think we should in fairness refer again to the definite answer given by Mr. Morgan Phillips to Mr. Bellenger. It is Question 543, on page 81. Mr. Bellenger put it extremely fairly: "You have no knowledge of what Sir Robert Boothby said, that the original 'In the News' team was broken up by Transport House and the Conservative Central Office? That is not true?—(Mr. Morgan Phillips.) That is not true. Transport House has not had any communication one way or the other and taken part in any discussion. 544. (Mr. McAdden.) This allegation has been made repeatedly during the last few years, and I believe John Irwin wrote a book in which he repeated it. But there is no foundation in this?—None at all. I am speaking for Transport House"?—I then accept it, of course. One must accept that evidence. I have no direct evidence to put against it.

Mr. Crossman.

836. There may be a misunderstanding of what we mean by Transport House. Mr. Morgan Phillips would mean precisely the party organisation as distinct from the political leaders. Transport House is the office of the Transport Workers, the T.U.C. and of the Labour Party, under Mr. Phillips' direction. When he says that neither he nor any of his officials there had any contact with the B.B.C. he is not referring to politicians or members of the national executive. They would not be included in Transport House. He is only stating a very narrow fact relating to himself and his officials. I think we should make

that clear because it may be that you were using "Transport House" as a generic way of describing the Labour Party?—Yes.

837. Then I think you were making a dangerous allegation because Transport House is not that?—I assumed it was the equivalent of our Central Office.

Mr. Bellenger.

838. What does Sir Robert think of Transport House?—I thought it was the equivalent of our Central Office, and that Mr. Morrison had a good deal to do with it. Transport House is usually referred to in general terms as meaning the party headquarters.

Mr. Crossman.

839. But not of the Parliamentary party?—Then you do not come into it at all?

840. That could explain the discrepancy between your evidence and that of Mr. Morgan Phillips.

Chairman.] We have asked Mr. Morrison if he can help us on this but he is away at present. At Question 612 I asked Mr. Gaitskell about Mr. Morrison and he said they would ask Mr. Morrison.

Mr. McAdden.] And at Question 549 I asked Mr. Morgan Phillips.

Chairman.

841. Might we just get clear the individuals you say would be able or might be able to verify or support the statement you have made to us? There was, first of all, Mr. Lustgarten. Then there was Sir George Barnes?—?—And Mr. McGivern.

842. And Mr. Frank Gillard?—Yes. Of course, I have not had so much communication with him—he was at Western Region. I have only been in touch with Frank Gillard about the "Any Questions?" programme.

Mr. Crossman.

843. You made an allegation with reference to Mr. Gillard and a conversation about Mr. Mallalieu?—I discussed it with him and he was rather distressed that Mr. Mallalieu had to stop.

844. You say that Mr. Gillard is your authority on this point?—Yes.

845. He is your only witness on that question?

21 March, 1956.]

Sir ROBERT BOOTHBY.

[Continued.]

Sir *Herbert Butcher*.] Do you feel that Sir William Haley could help us?— I should have thought he might help most, because he was D-G. at the time the allegations were made. They were made on the eve of his departure for *The Times*.

Mr. *Crossman*.

846. And Mr. Hare?—Yes. All this staggers me. I thought all the things I

have been saying were accepted as the commonplaces of life, and they certainly have been in the circumstances in which I have been living for the last five years. That they should be denied staggers me.

Mr. *Sydney Silverman*.

847. Do you mean that you have never heard them denied before?—No, not like this. Not in these terms.

The witness withdrew.

WEDNESDAY, 28TH MARCH, 1956.

Members present:

Sir Lionel Heald in the Chair.

Mr. Bellenger.
Mr. Wedgwood Benn.
Sir Herbert Butcher.
Mr. Crossman.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.
Mr. Holt.
Sir James Hutchison.
Mr. Sydney Silverman.

Sir WILLIAM HALEY, K.C.M.G., called in and examined.

Chairman.

848. We are very much obliged to you, Sir William, for coming along to help us. Perhaps I might just briefly explain why we are troubling you. Our terms of reference are limited to considering whether any changes are desirable in the present methods of giving effect to the principle that there should be some limitation to the anticipation of Parliamentary debates by broadcasting, and we have evidence as regards the official directive on this matter but there have also been certain suggestions that some other limitations have been imposed as a result of some pressure which has been brought to bear by the political organisations. We have had certain evidence with regard to that from the political organisations themselves, and we have also had some evidence from Sir Robert Boothby who, although he had not got any direct evidence that he could give us, did sug-

gest that he had heard of such pressure being exercised, and he suggested that among other people very naturally you might be able to help us with regard to that. Perhaps you would be good enough to tell us what your knowledge is about that?—According to the letter which the Clerk sent me—this is the question of breaking up the team, as it is called. I would like to say three things. This problem of breaking up teams goes back long before Sir Robert Boothby. It goes back to the original Brains Trust, long before I was Director General of the B.B.C. It is a continuing problem for anybody running broadcasting and anybody running public service broadcasting, how far you should build up a small band of people and keep them together as a team, and how far you should try to get as many different people as you can to the microphone. That was a problem which was always with us. It was still being discussed when I joined the

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

Corporation in 1943 à propos the Brains Trust, and the B.B.C. on the whole was always against having set teams with nobody else in them. It raises a great problem, of course. Very often the team is very good and you cannot just have a bad broadcast because you do not like a team. Therefore, I would say that this problem of the continuance of teams was always with us, and by and large in principle we wanted the thing to be as varied as we could. On the question of pressures, of course there were lots of pressures on the B.B.C. one way and the other. It is difficult to define a pressure, I would say there were lots of suggestions to the Corporation at all times, and there were certainly some from people connected with party organisations as well as from others. I would have thought that it was pretty well part of their job to make those representations, and part of our job to resist them. I would say, so far as I am concerned—so far as the time of which I have knowledge goes—quite emphatically that the pressures or the representations and so on of the party organisations were never at any time looked at for more than their worth in conjunction with a whole lot of other representations one got. In what the Committee may remember was a very peculiar and difficult time politically—I can remember it reasonably well—I remember saying inside the Corporation that it was child's play to keep the balance between the parties; it was a very difficult thing to keep the balance within the parties. That was particularly so, I think, in the years which presumably Sir Robert Boothby is talking about—I do not quite know what years, but 1951 certainly was a very difficult year to keep the balance within the party.

849. When did you leave?—My actual *de facto* job ended on 31st July, 1952. I would say at no stage did we give way to any representations. At no stage was there anything of what you would call pressure in the form of "or else" or anything like that. We were from time to time told, I think quite reasonably, that we were getting too much left wing of the Labour Party and we were getting too much of one wing or the other of the Conservative Party. I always considered that it was our job to look at that as honestly as we could and see if we were going off the rails, but to take our own decisions, which I would assure the Committee we always did. I would be very emphatic about that.

39645

Mr. Bellenger.

850. Might I ask this? You remember the Brains Trust during the war? Did you ever have any party political representations about this?—Not in my time. This question of breaking up the team had happened before 1943. I do not remember any political representations about the Brains Trust as such. It did not really come into the sphere of party politics; in that sense there was no real political broadcasting then as we know it. We had the Coalition Government. When the talks took place in 1946 it was with a view to resuming political and controversial broadcasting.

Mr. Sydney Silverman.

851. When the Brains Trust was broken up—long before the start of the present controversy?—Yes, before I went to the Corporation.

852. —was there any particular reason for that except possibly that it may have been thought that the public were getting a little tired of it or something of that kind?—I think there was a number of reasons. This is rather difficult for me, because it was not in my mind at that time.

Mr. Crossman.

853. Could we come back to the part that you are concerned with? You were telling us that it was the job of the B.B.C. to keep a balance. The problem which is worrying us is this. It was a job of the B.B.C. to keep a balance, but we had always assumed that there was a sharp distinction between party political broadcasts which are entirely arranged by the parties and B.B.C. broadcasts on political subjects which are entirely arranged by the B.B.C., and therefore it would upset us if the independence of the B.B.C. was only fiction—I am putting it in a very extreme form—and if you were under pressure. We had a quotation from Sir Robert Boothby from a book by Lord Simon of Wythenshawe who says in one sentence: "They"—the party leaders—"firmly demanded that we should use mainly reliable party politicians even at the cost of attractive broadcasting." The word "demand" is a very strong word. It is not "came to us and suggested." It is "demanded!" You said you had received various pressures. Some pressures are more serious than others. Can you say whether in your memory Lord Simon has overstated

E

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

the case of the degree of pressure used by political parties by using the word "demand"?—Yes, I would say yes. If anybody outside had done so my hackles would immediately have risen and I would have been on the other side. I would have said that I have no recollection and no knowledge of anything as strong as "demand".

854. You have read the passage in the book?—A long time ago.

855. It is a passage indicating extremely strong pressure being used by the party machines for the conventional reliable party politician as against the others?—All I would say is that none of that ever came to my cognisance.

856. Speaking candidly, where would the pressure come? Would it come on the programme organiser or would it come higher up in the organisation?—I do not really like the word "Pressure".

857. The demand?—Well, the demand—I would say that I have no knowledge of any demand. So far as pressures go, I would only say that at times within my knowledge people in talks would say "This thing is a bit cock-eyed, and we hope that you are watching it", but there was never any question that "You must put on X, or Y" or anything like that to my knowledge.

858. A statement has been made to us that a five-to-one rule was observed at one time in the Labour Party as between Bevanites and anti-Bevanites. There were statements made by junior members of the staff of the B.B.C. that they were instructed to carry out this proportion. You would say that this was an internal B.B.C. instruction which had no relation to outside demand?—I would say that I know of no such instruction. I remember no such instruction. I would also say that I was very—it happens in all organisations, I suppose—amazed to find things going around down below which were said to be instructions, which had emanated from Heaven knows where. I have been quite surprised within the Corporation to be told "This is a rule" and I have asked who made it, because I had no knowledge of it, and before you knew where you were the thing had disappeared. Somebody said "The only thing to do is to make it a one-in-five" and it was regarded as a rule, I suppose. I have no knowledge of any instruction

to make a quota. What I do remember is that I think it was in the spring of 1951 that Mr. Bevan left the Government—

859. April?—Yes, in the spring, Mr. Bevan left the Government. As I remember it, I felt that this really did change the situation because in so far as on a thing like "In the News" where they had two people whom one might roughly call Bevanites, now that Mr. Bevan was out of the Government it seemed to me to get the thing out of balance altogether, and in some way or other we had to try to get people who would, on what we call either the first chair or the second chair, speak for somebody who was orthodox so far as the Government was concerned.

860. How did you discover as a B.B.C. man who were Bevanites and who were not? This must have meant a special study inside the Labour Party? At that time it was impossible to know, was it not, unless you had special expert knowledge?—I would have thought, without going into minutiae, that it was fairly reasonable to know.

Mr. Sydney Silverman.

861. Is not the answer possibly this, that there was a definite trend of political thinking that might have been identified in that way even before Mr. Bevan resigned from the Government?—Oh yes.

862. And you would know from that. On that basis, I would like to know this. Assuming that that tendency existed before and was represented in that way before, why did it become an unbalanced proportion after Mr. Bevan resigned if it was not an unbalanced proportion before?—It is difficult to go back in one's mind to what you were thinking at a given time five or six years ago, but I would have said that it pointed the thing more sharply than before. This question of making up the teams was a very difficult one, and I would like to make one thing clear to this Committee—a thing I have said many times. I was Director General of the B.B.C. for nine years, and I never put anybody on the air or took anybody off the air. I tried to enunciate certain principles as to how the thing ought to be done. We had an interminable amount of argument about it, but when that was said and done I then left it to the people down below to try to do

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

the things they could because I always felt it was wrong for the Director General, with the powers imposed by himself, to say that A should go on or that B should go on. I never put a person on the air and I never took one off.

Sir James Hutchison.

863. Returning to a question put earlier by Mr. Silverman as to the reasons given as to why this team should be broken up, to which you replied that there were many reasons and you could not remember it. I would like to narrow it down to one. You realise, as the Chairman has read out, that we are concerned with the limitation of the anticipating of Parliamentary debates by broadcasting? There was at that time either a rule or an understanding which has come to be known as the 14 day rule. I want to ask you whether one of the reasons given for breaking up the team was that they were infringing anticipation of Parliamentary broadcasts?—No.

864. So that whether the team remained or was broken up did not make any difference to anticipation?—If I may say so, in my time as Director General I think I broke the 14 day rule because I always thought it was a rule which ought to be run with common sense. I did break it on a number of occasions if I did not think that anything vital was at stake, and if I had got something arranged; but only if it was not vital—meat marketing or eggs or something like that—and I said “Carry on.”

Sir Herbert Butcher.

865. At that time it was not a definite directive from the Postmaster-General. It was a gentleman's agreement which the B.B.C. themselves had first asked for?—Yes, I agree. I was only answering the point that this issue never arose, because as far as I remember nobody ever did challenge on any occasion when we did break the 14-day rule.

866. Do you see any difficulty in resorting to some kind of gentleman's agreement? Did it work satisfactorily during the time when you were Director General?—No, we felt it did not work satisfactorily towards the end because we found it was hamstringing the Corporation very badly. From 1947 onwards I

39645

would say that we were getting increasingly restive over the whole thing. It was thoroughly bad.

867. Was that because there was activity down below of the kind you have described earlier, which did not come to your notice?—No, we just felt that, in fact, this rule was not really sensible because it did prohibit a lot of discussion which did not infringe on the primacy of Parliament at all, and we were always most keen on the question of the primacy of Parliament. You will find it in various writings and speeches I made that the B.B.C. should never become a simultaneous forum with Parliament or rival the primacy of Parliament. I still think the thing could be done—and I always did—without a rule of this kind, and was in fact trying to loosen the rule. While it was a gentleman's agreement we broke it, strictly speaking, but it could have done no harm because there were no repercussions that I can remember.

Sir James Hutchison.

868. You are really saying that the gentleman's agreement could conceivably be worked—and would be easier to work—than a strict rule?—Well, I do not know now—now that you have all the attendant publicity on it. This is a very interesting thing, if I am not boring the Committee. The Times had a leader on the rule in April, 1954, when the political agreement was resumed. We then said that this was a rule which ought to be done away with. That leading article aroused no interest. We got no letter—not a thing happened. Nobody was interested in the rule as recently as 1954. As I say, it is difficult to put one's mind back, but this was not a great issue and towards the end, quite frankly, we were always trying to make it one because we thought it was restricting programmes and discussions. But there was no issue with the political parties or the broadcasters over it. But now the thing is within the domain of public argument I think that every time a gentleman's agreement was arrived at, or sought, you would have various protests from one side or the other and you would no longer be working the thing comfortably.

Mr. Ness Edwards.

869. Sir William has told us what he thinks is the place of Parliament in public life, and he would apparently like to see it guarded. How does he think expression could be given in the form of a

E 2

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

recommendation to his general views about the relationship of broadcasting to Parliament?—I would have thought that Parliament could make a general expression of its views, of its position within the nation and as a national forum. The Governors of the Corporation, who are very sensitive to Parliamentary declarations, particularly to all-party ones, would take note of them. I think the matter could then be left to the good sense of the Governors to manage. After all, they are seven eminent men and women and are supposed to be carefully chosen and responsible people. I do not think that with a declaration of Parliament like that in front of them they would transgress. But I think the views would have to be commonsense. In fact, if it was some minor matter which was to be mentioned in Parliament you might have a simultaneous debate. Personally, I do feel—and when I have thought about the problem I do think—that there should be for a period of ten days—because that takes you from each Thursday to the following Monday week—some self-denying ordinance by the Corporation by which in that period it would not call M.P.s. to join in discussing what is known to be Parliamentary business.

Mr. *Sydney Silverman*.

870. Why M.P.s.?—Because on Thursday afternoon the Member knows that certain debates are to take place in the next week.

Mr. *Crossman*.

871. He knows he can take part—? —No, he knows the debate is coming on.

Mr. *Sydney Silverman*.

872. If what the soldiers call the object of the exercise is to prevent B.B.C. discussion competing unduly and contemporaneously with Parliament what difference does it make if you allow discussions to take place, excluding only M.P.s.?—There is this difficulty—perhaps I may put it the other way. If an M.P. deliberately absented himself from a debate because he knew that he could get a much larger audience on the B.B.C. on a night when he could have spoken in the House then I would have thought—as an ordinary citizen—that his duty was in the House.

873. Supposing he absented himself from the debate and went to the library and wrote an article to "The Times"?

—I would have thought that he could write the article at any time but he could only make a broadcast at a given moment.

874. Supposing he did it then because it was then topical?—You have the presence physically; it is rather different.

875. But I was dealing with the main point. You are saying—and I am not dissenting, and Parliament has expressed the same view, which is why we are here now—that there should be some limitation on anticipation?—Yes.

876. You say you would have a specific period of, say, ten days and during that ten days we will not compete—so far I follow—?—No.

877. Then you go on to define—correct me if I am wrong—that during this ten days when we will not compete—you say that what you mean is that we will allow everyone—we might invite all classes, kinds, professions, occupations and varieties of opinion to say just what they like about the subject through the medium of the B.B.C. but, as we have decided not to compete, we will exclude M.P.s from those discussions. Is that right?—So long as the part of what has been said means, in fact, that there will be ten days in which there will not be competition, yes, but I would not want to be understood to be putting forward the idea that there should be no broadcasting for ten days.

878. That is what I am saying. I should have thought that the most mischievous competition would be competition from which one side is excluded. What could be clearer competition than to allow a team of, shall be say, political leader writers to discuss on the B.B.C. during that ten days a thing that Parliament is also discussing at the same time? There you have simultaneous, or roughly simultaneous discussions which must complete with one another. If I understand you aright you say that that is no infringement of the principle because no M.P.s are invited?—No, I was not there really dealing with the principle. The principle, I think, ought to be that the B.B.C. should be able to broadcast. I think there should be an expression from Parliament that they should do this in such a way that they did not infringe on the primacy of Parliament. The point I am trying to make and about which I have always found a difficulty, and which has nothing to do with me now except as an ordinary citizen—is that if

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

on the night you have a debate in the House you simultaneously have four or more M.P.s debating it on the air that would be infringing on the primacy of Parliament.

879. But the point I have never been able to understand is what exactly is the basis for making a special category in this connection of M.P.s. If you say it is only on the actual day when Parliament is debating it I begin to understand, but you say throughout the whole period?—I say when Parliamentary business is known.

Mrs. Evelyn Emmet.

880. Would you, for instance, invite Sir John Glubb to speak on the B.B.C. when there is a debate on the Middle East in the House of Commons?—Personally, I would not have put him on the same night.

Mr. Crossman.

881. Would you explain whether, on your principle, there should be no party political broadcasts during this ten days? Would that be anticipating the debate, or would you permit those to anticipate?—The Corporation has no control over what the parties do discuss on the air. That is all handed over.

882. But you, as the Corporation, have the right not to have party political broadcasts unless you wish—or does any such right exist?—Well, I do not know that it has any right to refuse them, but if it has I think that life would become impossible if it did refuse.

883. So you would permit reliable politicians who are suitable to the parties to anticipate in a party political broadcast? The Chancellor of the Exchequer speaks on Budget night, during the debate?—That is already done.

884. The only ones you exclude are the unreliable ones, because all the others are allowed in party broadcasts; so you say that back benchers not acceptable to the party leaders are excluded and everyone else can participate?—There is a difficulty in this, but I would hope that the Committee would also see the difficulty that I do foresee. If the Corporation does go round getting M.P.s. and putting them on the air either on the day of the debate or the day before I think you are going to infringe on the primacy of Parliament, myself.

885. Why Members of Parliament?—Because they are the only citizens

who have the right to speak in Parliament, if called upon.

Mr. Wedgwood Benn.

886. In discussion programmes such as "Any Questions?" when a question arises which is before Parliament the M.P.s. in the programme are prevented from speaking in it but the others are not. I have in mind a case where the other two were defeated candidates. Would you think that a sensible application of the rule?—No.

887. You would exclude from the rule anything, in fact, except major discussion programmes?—I would exclude the rule from any except major discussion programmes, and I think that one of the difficulties with any gentlemen's agreement is that it becomes far too all-embracing. I think that during the nine years, although on the major things one held to the rule, on the lesser things one just let them go if they did not infringe. We never deliberately fixed something if we knew it was coming up, but if it was fixed and then something turned up we let it do.

888. You do not support the rule on the old principle advanced that anticipation by broadcasting brings undue pressure to bear on Parliament?—I would have thought not. I am not an expert on that. Might I just go back to one thing on the question of Party pressure? I do remember at one stage that it was suggested to us that we might broaden the scope of a certain programme, and we said what we always did: "We are looking for speakers. If you can suggest anyone we will look at them." Two or three people were suggested. We chose one. He broadcast. So far as I know he never broadcast again. I think that was a case where the Corporation was looking at suggestions and tried them out. The thing was a failure and that was the end, but there was the Corporation exercising its own judgment entirely, first in putting the man on at all and secondly in deciding never to put him on again.

Mr. Ness Edwards.

889. Might I follow up a previous answer? Sir William said he would leave the general expression of views to the House of Commons and leave it to the Governors to carry out the general intention, but would not the Governors have to give general guidance themselves

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

to those below—lower down?—If I may say so I would be all against that because Governors cannot give general guidance. The only way in which Governors can act is as I always said to them: "Write it down or tell me what I am to write down." I believe that a thing like the B.B.C. must proceed by a great number of people—director-general, directors, producers, and so on—understanding firmly the aim and the principle and then interpreting it in their own way. Anything else becomes impossibly rigid, and lower down you get more and more the people who are seeking some bit of paper so that they can say "One in five." That is how this one in five myth arises.

Sir Robert Grimston.

890. Returning to what you said some time ago, you said that in nine years as director-general you had never put anyone on the air and had never taken anyone off, so all this question of personalities and M.Ps. being used is very largely a question of decision for those further down the line?—Yes.

891. So it is quite possible that some some of those people may have been subjected to pressures of which you have not been aware?—I suppose that is a possibility, but I would have thought there was a good enough spirit inside the Corporation that if there had been such pressures one would have heard about them.

Mr. Sydney Silverman.

892. You mean there would be no rule at all?—No rule, but there would be a principle. I feel, myself, that a thing like the B.B.C. is much safer with principles than with rules.

Mr. Sydney Silverman.] We all are.

Chairman.

893. We will not trouble you here, but we may have to go into it with someone else, but there has been made a suggestion of the existence of an actual memorandum sent from Bristol to Plymouth laying down that in future certain rules should be applied as regards the proportion between Labour Members and Bevanite Members and so on. So far as you are concerned you have no knowledge that such a thing ever happened with the authority of anyone near you?—No. As I said, after Mr. Bevan left the Government in the spring of 1951 we

then said there should be some procedure. I do remember a good deal of discussion about it; some procedure whereby the chairs—and we also felt that politics were getting much more serious, so to speak, when coming up to an Election—we then said there should be a certain rotation of what is called the first chair and the second chair, but I do not remember, myself—

Mr. Crossman.

894. What programme is this—because I think you are referring to "Any Questions?" at Bristol?—I know nothing about that. When I say that I know nothing I remember nothing, and to the best of my belief I never knew anything about it.

Chairman.

895. As a matter of principle you did not employ directives of that kind yourself?—I hope there is no piece of paper of that kind against my name in the Corporation.

Mr. Bellenger.

896. You know the origin of the rule, which was, roughly, to prevent Ministers from, as it were, anticipating a debate in Parliament by coming on the air almost immediately or a little while before?—It arose out of Mr. R. A. Butler's appearance on the night before the Education Bill debate during the war.

897. Therefore it would seem that the rule arose out of a desire to prevent Members of Parliament, Ministers or any others, from using an undue influence in advance of what they wanted to do in the House?—If I am to be perfectly frank it only arose out of a desire on the part of the Governors not to stand up and do their job.

Mr. Crossman.

898. They should have said "No"?—They should have said "No," and they passed this rule to avoid saying it.

Mr. Bellenger.

899. Why should they have said "No"?—Because, personally, I think it was quite wrong for a Minister to go on the air the night before Second Reading of a Bill and address the nation.

900. Therefore does it not follow that if M.Ps. do go on the air in advance of Parliamentary discussion and take part

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

in a debate themselves they are getting some undue advantage over other Members who cannot get on the air and whose only vehicle of expression is Parliament?—Yes.

Mr. Sydney Silverman.

901. That applies to everyone?—I have suggested—I know it is very strongly criticised—that there should be some means whereby M.Ps. should not broadcast.

Mr. Crossman.

902. But you do not exclude M.Ps. because you say the party political broadcast is established. That would entitle a Minister?—Yes.

903. You are willing to tolerate a Minister coming on the day before Second Reading, because of the party leaders—you say you cannot upset the party leaders. The only ones you are going to exclude are not Ministers or Members acceptable to the Ministers but those back benchers who are not selected by the leaders?—I do not think there has been an occasion when a party political broadcast has been used, in effect, to influence a debate in the House.

904. To anticipate?—Deliberately to anticipate a debate in the House.

905. The Chancellor of the Exchequer does it each year with the Budget?—And is immediately followed the night after by the other party.

906. So the two machine leaders are permitted to use this influence—it is accepted principle between you—and all you seek to exclude are those not in favour with the party machine. Only those M.Ps. are excluded who are not in favour with the party leaders?—Yes, of course, if you are giving a party political broadcast you must remember that we fought very hard for a very long time and won the right that the Corporation can put on the air another person if it wishes to who is divorced from either party. That was to cover the so-called Winston Churchill business in 1933.

Mr. Bellenger.

907. Would you make a distinction between a discussion on the B.B.C. with M.Ps. taking part and a factual report by the particular man of the moment, such as General Glubb—news, but not necessarily opinions, of general interest to the public?—I think, if I may say

so, it would be frightfully difficult to draw the line between what is and what is not news.

908. Is it not correct to say that the main objection, in so far as you know of any objection, is to the political discussion in “In the News”—things like that? And, perhaps, even “Any Questions?” Is not that the main criticism of the rule of anticipation?—Yes, I suppose so. I think, myself, that all I can do is to state what seems to me to be a general requirement and not be so rash as to state a general solution. There should be the freest possible discussion in a broadcast of all the issues on which you want this democracy of ours to be educated. You must preserve the primacy of Parliament as a forum, and if Members were discussing simultaneously in the House and on the air you would be infringing the primacy of Parliament.

Mr. Crossman.

909. You apply that to Ministers as well as to Members?—I would apply that to everyone.

Mr. Bellenger.] Would you agree with the point of view already expressed by a successor of yours that it would not be desirable to use Members of Parliament for the purpose of building up political reputations?

Mrs. Evelyn Emmet.] Should it not be put the other way round?

Mr. Bellenger.

910. Might I put it this way? Would you agree that a Member who can go on the air reaches a much wider audience and therefore can probably build up in the country a political reputation more easily than he can by occasionally speaking in Parliament?—Yes, I think that, *prima facie*, he can. In the first place I think it would be wrong, and I always thought so, for the Corporation to build up political reputations as such. I would add two things to that. First, I think that by some curious process it does not follow that the more a man goes on the air the more he builds up political reputation. Secondly, I think that in this country our democracy is curiously and firmly founded on the principle expressed by Sir Winston Churchill who reflected what a curious thing it was that everything sprang from one's position in Parliament. I still think that is true, and I do not think that broadcasting has destroyed it.

28 March, 1956.]

Sir WILLIAM HALEY, K.C.M.G.

[Continued.]

911. Would you tell the Committee what is the procedure or method for selecting M.Ps. to appear, or to be heard on the radio?—What is the method?

912. Yes. For instance, it may be a coincidence or otherwise that a certain M.P. appears quite frequently on the air—for one reason or another—and others do not appear at all, or else they are not invited. What is the procedure for selecting them for “In the News” for example, or “Any Questions”? Who does it and how is it done?—It is done most of the time by the programme producer.

Mr. Holt.

913. You have just said, “I do not think broadcasting has destroyed that.” In view of the fact that the power lies with Parliament, do you not think that this fear of, particularly, television debates replacing the debates in Parliament is really over-exaggerated?—I think there is a good deal in that.

914. To go back to the previous point, could you elucidate about the fight you said you had to put up concerning political broadcasts? You said you had been fighting for a right to put up someone else—an Opposition speaker?—Not an Opposition speaker.

915. You referred to Sir Winston Churchill?—The point is that in the 1930's the B.B.C.—the Governors—handed the whole of political broadcasting, lock, stock and barrel, over to the parties. As far as I know, having studied the papers, they could not choose the speakers, and they did not even choose the subjects. As a result of that, Mr. Churchill, as he then was—

Mr. Crossman.

916. You mean, these were the only broadcasts that were party political?—One's memory is really short, but there was no real political broadcasting before 1939; there was no Ministerial broadcasting. Therefore, the only discussion of public affairs, if you wish to put it that way, which took place in the 1930's was discussions arranged by the parties, on subjects chosen by the parties, with speakers nominated by the parties; and as Mr. Churchill was out of favour with all parties, he did not get on the air. The extraordinary thing, of course, is that it aroused no comment whatever. I went before the Beveridge Committee, and the first day I was challenged on

this. I pointed out that in 1933 and 1934 there had been five debates in Parliament, the Ullswater Committee and goodness knows what else, and nobody ever questioned it. It all got changed by the process of the years. But I personally always thought that this handing over was wrong, and I still feel that any handing over is wrong. I feel very strongly that this is a job for the Governors. Governors are appointed, and then they must stand up. I emphasise that.

Mr. Holt.

917. What handing over is wrong?—Any handing over of rights over the microphone.

Mr. Crossman.

918. To the parties, you mean?—To the parties.

Mr. Holt.] You mean, there should not, in fact, be party political broadcasts?

Mr. Sydney Silverman.

919. No, he means the whole control?—The final control. In other words, in 1933 the Corporation had no power to put Mr. Churchill on because they had no power to put on anybody not nominated by a party.

Mr. Holt.

920. So now they have power to put him on, not to produce the party views, but to produce an opinion?—Yes. The Corporation has the right to put on anyone who has become detached from either party, and he can speak controversially.

921. May I ask whether this right which has been fought for has been exercised?—No, there is no need to.

922. There is no need for it?—I think there is always a need for it, but once there is a right, very often you do not have to use it.

923. In point of fact, apart from things like “In the News”, the views that have been expressed through the party political broadcasts have in fact been the official party line, and through all this period there have been minority views, not only minority views in the parties but, you would agree, minority views not represented in either of the three parties in Parliament; but at no time while you were governing was this right for which you fought exercised to

28 March, 1956.]

SIR WILLIAM HALEY, K.C.M.G.

[Continued.]

put on, say, Welsh Nationalists, Scottish Nationalists, or a Communist?—It did not apply to things like that. It applies to party political broadcasts, and you can put these things on other programmes if you wish to.

Mr. Wedgwood Benn.

924. The Churchill analogy is one you are very proud of, proud of having won the right to call to the microphone a man who is detached from either party. I have often wondered why Mr. Bevan was never asked to broadcast when he was detached, in the same way as Mr. Churchill was, from either party. When he represented a substantial body of opinion he was never asked to do a broadcast; when he left the Government, he was never asked by the B.B.C. I wonder whether you thought this was a right decision or not?—I suppose all decisions that one takes at the moment seem to be right. Looking back on it, I think it is a quite fair point, but one would have to go back to the circumstances of that moment. It is always difficult to take a decision five or six years after the event. I would only say that I think it is a perfectly fair point.

Sir James Hutchison.

925. May I return to a point made earlier, so that Sir William might be able to elaborate it? It is an important point. If I read his mind aright, his view was that Parliament should express an opinion in general lines as to what ought to be excluded and what anticipation should or should not come about, thereby admitting, with which I thoroughly agree, the great difficulty of finding a form of words that is reasonable and to cover every circumstance. But having done that, the Governors of the B.B.C. would be expected, I think you said, Sir William, to translate that general instruction, if you like to put it like that, into definite rules for their own departments, so that people?—No. I have said that I am not in favour of the Governors putting any rules down. I am in favour of the Governors discussing what Parliament has said with the Director-General, and the Director-General then going away and, firmly seized with what is the desire of Parliament and what is in the minds of the Governors, seeing that it is understood by a great number

of people; but I would have no written rules.

926. The Director-General would not, in your view, issue those rules?—No. I would not have any such rules. These things do work given reasonable people. Take the analogy of Ministerial broadcasts. There has always been the rule that if a Minister offends on the party line in the Ministerial broadcast, the other side have the right to reply; they meet and in the last resort the Corporation decide it. In actual fact, in my nine years there, I can remember only one occasion on which any Ministerial broadcast gave offence to the other side.

Mr. Wedgwood Benn.

927. Sir Stafford Cripps?—No; it was much later. That was with both parties having been in office. Therefore, these things do work. I am sure of three things. First, the Corporation—I know that body—would be most anxious to do what Parliament wished. Second, it will do it much more successfully if it has not got firm rules, which can always be made to look silly. Third, I would have thought that so long as Parliament was satisfied that the B.B.C. was seized of this desire, the thing would then work by good will and understanding.

Mrs. Evelyn Emmet.

928. When there are complaints from either party with regard to pressure or the unfair choice of Members of Parliament, and so on, where would the complaint go to in the first instance? Would it go to the Director-General or to the producer of that particular show or part of the broadcast? Who would receive it? It would not come to you?—There were never formal complaints in that way. That is why I say I do not really like the word “pressures”. It might have been A talking to B, C talking to D, or anybody in a whole hierarchy talking to anybody else. It might go up, it might go down. Anything might happen to it.

929. If there was an official complaint in writing, who would receive it?—Then it would come to the Director-General or the Chairman of the Corporation.

Chairman.] We are very grateful to you, Sir William. We are sorry to have kept you so long, but you have been most helpful to us.

The witness withdrew.

28 March, 1956.]

Mr. EDGAR LUSTGARTEN.

[Continued.]

Mr. EDGAR LUSTGARTEN called in and examined.

Chairman.

930. We are sorry to have kept you waiting, Mr. Lustgarten. Perhaps it might help if I mention the origin of your being asked to come here. It really arises from Sir Robert Boothby's evidence. He was telling us about the time in 1952 or 1953 when, as he said, he was told a direction had been given that the original team of Foot, Boothby, Taylor and Brown were never to appear in the team together again. Then he was asked where he got it from, and he said that he supposed it came from the Director-General or probably from Sir George Barnes. Then, a little further on, another honourable Member asked him in more detail about it, and he said this: "He had also expressed the same view to Lustgarten"—that was, apparently, Sir George Barnes. "When you say Lustgarten was told, do you mean that Mr. Lustgarten told you so?" "Yes, it may be, of course; I am not sure. He might have told me that that was so." "It certainly is not direct evidence?" Answer, "No." Then, I asked him, "Mr. Lustgarten is the only man as far as you know who would be able to give direct evidence of any instructions which were given to him?" and then he said that he remembered a cocktail party given by the B.B.C., but I do not know that that had very much to do with it. I wonder whether you could help us about that, Mr. Lustgarten?—Yes, I think so. I can confirm Sir Robert Boothby in this respect, that I, who was acting as a free-lance producer responsible to the B.B.C. for the programme, was told after a certain run of about six months that the original team was not to appear again as a four, but it originally arose in this way. It arose at the time of Mr. Bevan's resignation from the Labour Government, and the first instruction given to me was that Michael Foot and Alan Taylor were not to appear in the same team again. That was the beginning of the break-up of the team. But Sir Robert is also right in what he said in the letter, of which I had a copy—although I think he got the time sequence wrong—that a rationing system was introduced by the B.B.C. and necessarily imposed by me on speakers.

931. That was intended to be directed, at any rate, to the preservation of balance?—That is right.

932. When you say that there was definitely something in writing in regard to what should be done about those two members of the team, where did that come from?—It was not in writing. Those were verbal directions given to me by Sir George Barnes.

Chairman.] I do not know whether Mr. Wedgwood Benn would like to ask any questions?

Mr. Wedgwood Benn.

933. I think that the name you have given—Sir George Barnes—is as much as I would like to know, but do you know whether he got it from anybody else or whether he was implementing what he understood to be the policy?—That I can only guess at. I do not know. The whole of my relations with the B.B.C. over this programme were, from a political point of view, with Sir George Barnes. I saw Mr. McGivern too, but chiefly on programme matters. When it was a question of political balance, the exact number of speakers' appearances in a season or anything like that, it was Sir George with whom I dealt and from whom I got my directions.

934. No representations were made to you by the parties?—Absolutely none.

Chairman.

935. Did you receive communications of an unofficial kind outside at the time?—From the political parties?

936. From anyone outside, from members of the public?—One got a large correspondence from members of the public about the programme, but not about the political balance.

Mr. Crossman.

937. Can you explain in some detail the rationing scheme which you were asked to operate?—I will do my best. I think originally, when we started the programme, the team was appearing as a team about three times out of every four programmes. It may have been two or three times, but the members of the team were appearing, on average, three times out of the four, because they sometimes appeared without the team with other speakers. At the end of the first season and the beginning of the second season, the rationing scheme—I do not think we ever called it that, but that was its effect—was that the original

28 March, 1956.]

Mr. EDGAR LUSTGARTEN.

[Continued.]

members of the team should appear only once in every two. At the beginning of the third season, it became once in every four or five, and after that it never got back again. The appearances of the regular members tended to get fewer rather than more.

938. Were there any other directions about selection of Members other than about the original four? We have had evidence about there being a rationing scheme as between different groups in the Labour Party. Was it ever suggested to you that there should be a balance between different segments of the Labour Party?—Yes, after the Bevan resignation.

939. How detailed was the instruction?—As near as I can recollect it, the number of appearances of so-called Bevanites.

940. How were you to know who were Bevanites?—Those who supported Mr. Bevan at the time of his resignation were known as Bevanites and they were intended not to appear more often than corresponded to their numerical representation in the House of Commons.

941. How did that work, in proportion?—Something like one in seven, but I would not swear to that figure.

Mrs. Evelyn Emmet.

942. Was that a direction?—From the B.B.C.

Mr. Crossman.

943. Verbal?—Yes. There was nothing in writing.

944. Care was taken not to put those things in writing?—I would not join you in the inference, but nothing was put in writing.

Mr. Sydney Silverman.

945. When you say "From the B.B.C.", that must be from some individual?—Yes. It was from Sir George Barnes.

Mr. Bellenger.

946. Were you the originator of the feature "In the News"?—I did not invent the feature, no. I produced it with my colleague John Irwin from the very start.

947. How did you come to select the participators of that which eventually became more or less a regular team?—On what I conceived to be their performance value for the general public, not only as individuals but as individuals in a team working together.

948. So you paid no regard whatever to their political views? You looked upon them merely, if I may put it as such, as performers?—Yes.

949. Is it a matter of coincidence, or was it of set design, that that feature did become stereotyped as regards the participants—until, of course, the direction was given that the team must be broken up?—That is only covering the first season, because the team was broken up at the end of the first season. We started in 1950, and it was in April, 1951, I think that there was Mr. Bevan's resignation. That was the beginning of the end of the team. I was asked originally to select what was intended to be a fairly regular team. That team was a great success with the public, so it remained.

950. Would it be correct to say that you looked on that as entertainment and not as political education?—I would not say it was wholly entertainment. In my view—I think in the B.B.C.'s view, but certainly in mine—to hold the general public and educate them politically, you must entertain them at the same time.

Chairman.] "Entertaining education", I think, is the term.

Mr. Bellenger.

951. Take, for example, the distinction between the Light Programme and the Third Programme. You would put the emphasis more on entertaining the public because of the manner in which they put it over rather than the views they express?—I do not think I ever thought quite in those terms of priorities. I wanted to have four people who could talk politics and who would keep the public listening to them for half an hour.

952. Therefore, you would not wilfully have tried to anticipate any debate taking place in Parliament?—No.

953. Would you have barred subjects for discussion in that feature if you had known that a debate, and a serious debate, was to take place in Parliament soon after?—We were bound to do so by the 14 Day Rule.

954. You followed a rule against anticipation?—Yes.

955. Do you think that was right? Do you think it was detrimental from the point of view of the value of that feature?—Are you asking me for my personal opinion?

956. Yes?—I have always thought 14 days was a very long time. That is my personal opinion.

28 March, 1956.]

Mr. EDGAR LUSTGARTEN.

[Continued.]

957. It has been suggested to us by, I think, the Director-General of the B.B.C. that putting Members of Parliament on the air would not be desirable if it had the effect of building up their political reputation amongst a much wider audience than they could get in Parliament. Do you agree with that point of view?—No, I do not think I do.

Mr. *Sydney Silverman*.

958. You answered Mr. Bellenger, I think, that in selecting the original team in the first place, you had no regard to political opinions. That would not be quite right, would it?—Not that I had no regard to political opinions. But I had no regard at that time to the exact balance of the parties represented, although, roughly speaking, the programme lines up two on the Left and two on the Right.

959. That is what I was about to put to you. With the two on the Left and the two on the Right, you would need to have some sort of balance between those two, would you not, if you were to get the discussion sufficiently varied and active?—Yes, you would; that is perfectly right. But that is balance from a programme point of view rather than from a political point of view. One must consider how the debate would work out according to the speakers rather than whether the four speakers selected represented an exact balance in the House.

960. I follow that, and I am sure we all understand it. What I wanted to make clear was that it would be a considerable over-statement to say that in selecting the team, you took no account of political backgrounds?—Certainly.

961. What you mean is that you take no account of the numerical proportions supporting the political opinions inside the parties?—Yes.

962. What would your own view be about this? I understand that the objection taken was that if you had four people like that and if they remained the same, then by reason of their very success they had a build-up in the political world generally that was unfair, perhaps, to their parties and to other people. Was there anything in that?—I dealt with it as a programme producer. My concern was to have successful programmes, and provided I had a successful programme I felt I had fulfilled my job.

963. I am not offering it as a criticism, but as a question of information?—Again, you ask my personal opinion?

964. Yes?—I should have thought that in this country at any rate, things levelled themselves out and that the public was level-headed enough, however popular anybody was on the air or on television, not necessarily to regard it as anything else. I should have thought so, but it is a personal opinion.

965. And that if it were left to itself, the time would come when the public itself might begin to feel that they would like that change?—There is always that risk, however successful the performers.

966. You said that 14 days was a rather long time. In fact, from the practical point of view, it is really an impossibly long time, is it not?—That is right. It is an unworkable rule really.

967. Supposing you had it from the time that business was announced on a Thursday over the next week, then I think from your point of view that probably would be quite a workable arrangement, would it not?—What it really would do is that it would put into theoretical shape what is now practice.

Mrs. *Evelyn Emmet*.

968. May I ask two questions? I suppose, from your point of view as producer, the rather more unorthodox Member of Parliament is better entertainment value than the ordinary orthodox back bencher?—I would say “the unorthodox person”.

Mr. *Sydney Silverman*.

969. Not necessarily his views?—Not necessarily the unorthodox Member of Parliament, but the man who is unorthodox and not predictable is the most valuable in a programme of this kind.

Mrs. *Evelyn Emmet*.

970. When you were asked to alter this team, how did you set about recruiting your new team? I want really to get down to rather more detail. Did you come to the House of Commons and have a look? Did you meet people, or did you inquire about people?—I did all those things, and also I had a fair experience of many Members of Parliament previously when producing a sound programme.

28 March, 1956.]

Mr. EDGAR LUSTGARTEN.

[Continued.]

971. Personal knowledge?—Yes. All the time during the first season, when the so-called regular team was occupying most of the programmes, there was a constant stream of visitors coming in—one, perhaps, with three of the team, or two with two of the team; so that by the end of the first season—I am speaking without the book—18 or 20 so-called visitors, if I may use that expression, had been on the programme.

Mr. *Bellenger*.

972. Following the point raised by Mrs. Emmet, it is quite clear from what you said that so-called unorthodox Members of Parliament are of more interest to you in this feature than orthodox Members?—Again, may I correct that? I say “unorthodox people” rather than unorthodox in relation to their parties.

973. Would it be correct to say, then, that the Member of Parliament who takes a line perhaps against the party line would be of much more interest to you in this feature than the Member of Parliament who took the party line?—No, that is not so. I think I ought to say, as we are raising this question, that Michael Foot, who became the rebel after Mr. Bevan’s resignation, joined the team in 1950 before Mr. Bevan resigned and was not, as an original member of the team, in any way a party rebel. He was selected from my point of view because he was a very unorthodox person and not an unorthodox member of his party.

Mrs. *Evelyn Emmet*.

974. You say that members of the team brought visitors?—No, they did not bring visitors. I, working from week to week, selected visitors from time to time.

975. I was going to ask whether in that way the two sides tried to bring in their own recruits to your programme?—No. I assure you that that would not happen in a programme of mine.

Mr. *Bellenger*.

976. Looking at the programme, it generally works out two and two, as you have said, two of the Left and two of the Right. Have you not noticed that the two of the Left almost invariably use the same arguments and give the same opinions?—That would suggest

that they were more orthodox than has been suggested to me in the last few minutes.

977. What I am trying to get from you is this. Do you want diversity, or do you want a strictly two-and-two, as it were, two from the Right expressing the Right point of view, and two from the Left expressing the Left point of view?—I would like in the programme reasonable diversity, but I would naturally expect, as I had two members of the Right and two of the Left, that they would more or less agree and sometimes produce similar arguments.

978. Therefore, from either an entertainment point of view or from a political educational point of view, what you want is an expression of opinion, not necessarily whether it coincides with what anybody else in the team is saying?—That is right.

Sir *James Hutchison*.

979. Referring to the 14 Day Rule and while it was in operation, you were producing the programme. Did you rely entirely, in order to be sure whether you were not infringing, on what had been announced as being the business in Parliament on Thursday for the coming week? If you did not rely entirely on that, what sort of inquiry did you make to discover whether you were likely to be infringing the 14 Day Rule?—We did rely entirely on Thursday’s announcement of business, except where there had been an announcement in the House of a debate further ahead. But I made no further inquiries.

980. If you had made further inquiries, would it have been to the Director-General of the B.B.C.? Supposing you were in doubt whether something was likely to crop up in a programme and would infringe the 14 Day Rule but which had not been announced on Thursday as business for the coming week, from whom would you have got guidance?—I think I would have asked Sir George Barnes if I had been in doubt.

981. The 14 Day Rule really whittled itself down to eight days at the longest and, finally, about two days as you were getting to the Thursday, when a new announcement would be made?—Yes.

Chairman.

982. It is quite right to say, is it not, that so far as you were personally con-

28 March, 1956.]

Mr. EDGAR LUSTGARTEN.

[Continued.]

cerned, there was never any question of any outside pressure upon you?—Absolutely none upon me, no.

Mr. Ness Edwards.

983. You are aware, Mr. Lustgarten, of course, of the then Director-General's view that there should be no building up of personalities by these discussion programmes?—Of course, it is a very loose phrase. If you put people into a programme, even into two programmes running, in a sense they are being built up.

984. But if you do it continuously, is not the tendency to build up all the more the longer it runs?—If they are popular with the public, of course it must be so.

985. What is your reaction to that view of the Director-General at that time? Would you think that your keeping this team together was in conflict with general policy?—I did not keep it together of my own volition. I could have done nothing without the B.B.C.'s sanction. They had an overriding authority. I did not put that team on and keep it there contrary to their wishes. I was originally asked to select a team, and so long as they wished it to be a regular team, a regular team it remained. The moment they said it should not remain as a regular team, off it came. I had no option.

Mr. Bellenger.

986. Which may have spoilt your programme somewhat?—It did not improve the programme.

Mr. Sydney Silverman.

987. Where did the initiative come from? I quite understand that originally you put on the original team and you selected it in the way you have described. What you wanted was people with a fresh way of expressing themselves, even if they were expressing orthodox views, and *a fortiori* even if they were expressing unorthodox views. So you got your team. You say that it could not continue as a regular team except with the sanction of the B.B.C., but I would like to see where the initiative was. Was it left to you to choose the team week by week?—I was originally asked by Mr. Norman Collins, then Director of Television, to select a team of four. That team I understood to be, if it was a successful one, a regular team until further notice.

988. I see. That was the original idea?—Yes.

989. And so you kept it a regular team, with slight variations from time to time?—Certainly, as it was appointed on that basis, until I was given an indication from the B.B.C. that they wanted something different.

990. That indication was given to you specifically by the B.B.C. that the regular team must be broken up?—Yes. It arose over Michael Foot and Alan Taylor after Aneurin Bevan's resignation. That was the first time that anything was said about the regular team not appearing together.

991. Was anything said about that?—Yes, because of the Bevanite split in the Labour Party and Michael Foot being a known adherent of Mr. Bevan and Alan Taylor being a Left-wing anarchist, which is probably about the nearest description I can give of him.

Mr. Ness Edwards.

992. Is there such a thing as a Right-wing anarchist?—I have had that too. But because the two of them were there together, there was no representative of the larger body of Labour support in the country.

Mr. Sydney Silverman.

993. Your answer was that there was no reason why there should be?—It was my answer, but the B.B.C. would not take it.

994. So it is quite clear, therefore, that the breaking-up was on the basis that the official party, at any rate the Labour Party—and perhaps the other side too—were taking exception to it?—I do not know what the background to it was, but that was the reason the B.B.C. gave me for the instruction. I do not know why the B.B.C. came to that conclusion.

995. They gave you the reason that you gave me in your last answer?—That is so. They gave me that reason.

996. Whether they took that line on their own initiative, or perhaps for reasons outside, was something outside your knowledge?—Yes. I can only say that I read Lord Simon's book later and confirmed my views.

Chairman.

997. You told us that originally you were not responsible for the balance aspect of it and that if you had instruc-

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

tions, you had to carry them out?— I had instructions to work out a ratio. I did my best to do it, and my list went in to be approved. Sometimes there were slight adjustments, and sometimes there were not.

Chairman.] It is hardly fair to ask you more about that.

Mr. Sydney Silverman.

998. On your original selection of the team, from what I understand you are

saying, you would have regarded a representative of the Left as being unorthodox as far as the general line of the party was concerned, and generally speaking you regarded Mr. Michael Foot as being an orthodox representative of the Labour Government at that time?—Certainly.

Chairman.] Thank you very much, Mr. Lustgarten. You have been very helpful to us.

The witness withdrew.

Sir GEORGE BARNES, Director of Television Broadcasting, called in and examined.

Chairman.

999. Good morning, Sir George. We are very interested in the question, first of all, of the breaking up of the team of Foot, Boothby, Taylor and Brown in 1952, I think it was, and also in the question of the introduction of what has been described as a kind of rationing scheme thereafter for certain Members of Parliament according to the parties to which they belonged and their particular orientation in the particular party. I wonder whether you could tell us what was the position with regard to that and what part you took in it yourself?—“In the News” started in May, 1950, when I was what was called Director of the Spoken Word—that is to say, the Director-General’s deputy on matters of politics and spoken word things generally throughout television and sound programmes. Six months later, I became Director of Television and, therefore had a more direct part in the whole thing. The original team started in May, 1950, and as far as my memory goes there was no outside representation to us about it until May, 1951, when I reported to the Board of Governors that owing to the increasingly excitable and critical political situation, I would make certain recommendations. The increasingly exciting political situation was, of course, the imminence of a General Election and the dispute in the Labour Party about the resignation of Mr. Bevan. So that when “In the News” came off in May, 1951, all that summer we were deciding exactly how it should go on again in October. We decided that the programme should go on with the team once a month and certain members of the team should be invited between the monthly dates but

not, as it were, in combination. The reason for that, I think, was obvious. Whereas the team had started largely as an entertainment programme, we realised in 1950 that it was, in fact, the only political programme in the whole television service. Licences were going up very rapidly in number. The television service was ceasing to be a toy and was becoming a service. We had extended to Birmingham, and then we extended to Manchester late in 1951. This was, in fact, the only political discussion in the two and a half hours of evening programmes that we did every day of the week. We therefore had to look at it much more from the point of view of a responsible programme, and we did not consider that that team was either representative of the main currents of opinion in the House or representative of the main currents of opinion within each party. That was why it was broken up.

1000. As regards communications that you had with any outside bodies or organisations about this, can you tell us what they amounted to? Something has been said at times here about the word “pressure”. Can you tell us, so far as your knowledge goes, what there was, if anything, in the way of pressure from outside?—Pressure from outside never ceases about every programme, particularly about programmes that are at all successful, and this was one of our most successful programmes. One cannot put on a successful programme, either in sound or in television, without people talking to one about it and making representations about it. The people who take part in the programme themselves pressurise one or the pro-

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

ducer about continuing to take part in the programme or being used more. The pressure came never in a formal way. There is no letter on our files or memorandum indicating that there has ever been any formal official pressure on the Corporation in regard to the "In the News" team. On the other hand, we do not live in an ivory tower. We are constantly, all of us, meeting people all the time, and that pressure was definite. If I may take the specific instance of the Whips and the party machines, we have always made a practice, ever since I can remember—that is to say, since before the war—of consulting the party Whips from time to time about speakers within their party. Again, Mr. Whiteley wrote more than once to me in my different positions in the B.B.C. and said, "I have a list of speakers which I wish you would consider." But the responsibility has always remained with us and we have always insisted on that, and that has been minuted in various minutes of our Board of Governors that it must remain the responsibility of the B.B.C. That is all the pressure there was. That pressure was applied to individual Governors, to the Director-General and to me in the sense that there were discussions and people said "Is not this a poor team? It may be very entertaining, but does it really represent Parliament and political discussion as it is being conducted today in Parliament?"

1001. Was there any question of that pressure being accompanied by any threats or any undue influence, as it were, or was it simply an expression of opinion by people who felt strongly about it?—Certainly. After all, I feel that a political party is an organised body of opinion.

1002. They would not be doing their job unless they did object if they thought there was something they did not like?—Yes.

Mr. Bellenger.

1003. And you took due notice of those representations as far as it did affect your selection of participators in these programmes?—Yes, I think we did. I can remember an instance when we actually put on a Member of Parliament as a result of his name being suggested to us. We went to his party and said "Can you suggest certain names to us?" We are always doing that. One or other producer is probably doing it

today, to Transport House or the Conservative Central Office.

Mr. Crossman.

1004. To the Whips?—It was not to the Whips, but Transport House. That time it was the Conservative Central Office. We put him on. It was a complete failure, and that was that.

Mr. Bellenger.

1005. Would you say that you paid more attention to what one might call official representations than to unofficial representations? Can I put it direct in this way: If I wanted to take part in a broadcast, would you pay the same attention to my request as you would say, to the Chief Whip if he suggested to you that Mr. Bellenger might go on?—Certainly.

1006. What?—I should pay the same amount of attention. People do not apply pressure to me only to get in. They also apply pressure to stop other people getting in.

Mrs. Evelyn Emmet.

1007. You say you have had suggestions made to you as to who should go on the B.B.C., but have you also had representations as to who should come off?—Never officially. Again, what the Chairman said is constantly being said to one—"Do you not think that so-and-so has had an awfully long turn?" or "I get tired of so-and-so's face."

1008. You said the Whips, or Transport House, occasionally give you a list of people they would like you to try. Do they give you a list of people they do not want you to try or whom they want you to take off?—No, that is never done. Since this is going down in evidence, I must be quite certain of this. I cannot remember a single instance of either party, or of either Chief Whip, writing to us and saying "Do not use Smith or Jones."

Mr. Crossman.

1009. But can you remember an instance when, without writing, they indicated that certain people should not be on the air?—No. They would say, "Is not so-and-so having too good a look in?" or "I do not think so-and-so is representative of the party now."

1010. So you did have pressure from them against certain people being on the

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

air, or strong suggestions to you that they were there too often?—No. We had suggestions that they were not representative of the main currents of opinion in the party.

1011. The political leaders on both sides are important people?—Yes.

1012. If a political leader comes to you and says "I suggest somebody is not representative", what conclusion does your programme director draw about the number of times the person should appear after that? Would you say he would appear fewer or more times after that?—Would he be likely to appear more times or less times—well, I think one cannot determine that. You did say, "the political leaders". The political leaders never talk to me. Naturally, they talk to Governors.

1013. Who came to you?—Nobody came to me.

1014. Well, who talked to you from the official Labour Party?—Practically everyone whom I have met in the Labour Party has talked to me about it, naturally.

1015. That is not the question. I am asking who from the official Labour Party or leadership—you mentioned the Chief Whips—has written to you?—Yes.

1016. Have any other people representing the official position spoken to you?—All the leaders of the party, I think, when I have met them. They have not sought me out.

1017. Have they sought you out?—Never as far as I know.

1018. On no occasion?—They would not seek me out. Surely, they would seek the Director-General.

Mr. Crossman.] So the instruction came to you from the Director-General?

Chairman.] He has not said so.

Mr. Crossman.

1019. Any messages from the political parties were given to you by the Director-General, you mean, if there were any?—He would show me anything that came from a leader of a party—for instance, Sir Winston Churchill or Mr. Attlee in those days. If either had written to the Director-General about a

programme for which I was directly responsible, he would have said "Here is a letter", but I do not remember any such letter.

Mr. Crossman.] Take one subject that we have heard about from Mr. Lustgarten, the rationing system—

Mr. Sydney Silverman.

1020. Before you leave that point, Sir George, may I put this. You got a list from Mr. Whiteley, you said, and, I suppose, from others on the other side—a list of speakers?—Yes.

1021. With the suggestion that these were people whom you might consider?—Yes.

1022. These you would understand to be put before you as being reasonably representative of their side?—Certainly.

1023. That was right?—Yes.

1024. Then, when somebody comes along to you and suggests, or suggests in some way, that some particular named person is no longer representative of his side, it is clear, is it not, that the purpose of that representation is to induce you, if possible, not to use him so much but to use instead somebody on the representative list? That is the purpose of it?—That would be an inference, certainly.

1025. And you would understand that? You would not necessarily take any decisive notice of it, but it would be a factor to be borne in mind with the other things?—Yes.

1026. Would you tell me this: Supposing you get some intimation from Central Office, Transport House, Chief Whip or leader of a party, that Mr. X whom you had been using was not in fact representative of the main trend of opinion in his party, with the inference that we have agreed would be drawn from that fairly enough, would it be your practice then to go to Mr. X and say "It is being represented to us that you are not really representative of the general trend of opinion in your party and that, therefore, the continued use of you so often as we have been using you would tend to produce an unbalance, an inequity of some sort"? What do you think about that? Would you do that?—I said that directly in writing to Mr. Driberg in May, 1951, when I had

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

to drop Mr. Driberg. Normally we arrange these "In the News" things right ahead. We had made our arrangements until the end of May. Then came Mr. Bevan's resignation—I hope I can get my dates right—and we felt that it was only right for us to change the representation which had already been arranged, and I wrote to tell Mr. Driberg that and gave my reasons.

1027. Did he reply?—Oh, yes.

1028. And argued it out?—He argued his case and said "I quite accept the position." I am sorry to bring in Mr. Driberg's name.

Chairman.] We have no objection.

Mr. Sydney Silverman.

1029. Nothing is invariable in human affairs—though perhaps I should not have said "invariable." Was it the general practice if representations of that kind were made to put them before the person concerned and invite his reaction?—I would say that it was much more casual than that. There was another Labour Member of Parliament about whom I was doubtful as to whether one could really say that he was representative of one side or the other. He turned out to be rather sitting on the fence and not particularly representative of either side of the party.

Mr. Bellenger.] A middle-of-the-roader?

Mr. Sydney Silverman.

1030. I do not see how you can sit on a fence in the middle of the road?—I took soundings myself from various people in the party about it. I said "Do you feel that we ought to count him, as it were, on one side or the other?" I remember myself taking advice from some Members on our own General Advisory Council. After the Council meeting I asked about that and I remember discussing it with the man himself.

1031. These are instances. What I asked was whether it was the general practice. I will tell you what is in my mind. What has been represented to us by one witness is that there is a clear distinction to be drawn between the right and possibly the duty of a party leadership which has obligations and responsibilities in conducting its affairs in the

country to say to the B.B.C. whatever it wishes to say about the use or non-use of particular individuals. There is nothing illegitimate about that. What is suggested would be illegitimate would be to do it in secret, to deny that you had done it, and to afford the person affected by the representation no opportunity of dealing with the representation?—That has never been my practice. I have had many representations and inquiries from M.Ps. as to why they are not used so often as before. Sir Robert Boothby is constantly writing to me and asking why he is not being used so much as before.

Chairman.

1032. Have you had discussions with him about it, Sir George?—Oh, yes.

Mr. Crossman.

1033. Could we go back to the rationing scheme, because that was a point that was discussed with Mr. Lustgarten. When you had this new position of the Labour Party, is it a fact that you then decided to employ the proportions roughly in proportion to the strength of the Bevanites and the anti-Bevanites? Is it true that there was a five-to-one proportion in this because the 57 were roughly one-fifth of the Parliamentary Labour Party? Is that how it came?—No, the point was this. When this situation occurred, one had to make a rule of thumb for oneself: How is one going to judge this in future, if one really can tell a Bevanite from a non-Bevanite? In cases where one can tell, should there be the rule of thumb proportion? I remember saying that I thought it was quite wrong to have a rule of thumb proportion about it.

1034. Was there actually employed in the B.B.C. a rule of thumb proportion despite your directions?—Not to my knowledge in television.

1035. I am talking about "In the News". You are, after all, in charge of the spoken word?—Not at that time.

1036. I must not bother you with that question. In television as far as you know, this mathematical proportion which is alleged to have taken place on sound broadcasting never took place under your direction?—It certainly did not because I remember saying definitely that I thought it was wrong that it should. I remember saying that to the Controller of Programmes.

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

Mr. *Wedgwood Benn.*

1037. May I ask you some questions to try to find out something about the pressures to which you are subjected? It is true to say that all producers and presumably the Director of Television have access to the audience figures and the audience appreciation figures?—Yes.

1038. But those are not regarded as decisive when you are planning programmes?—Certainly not.

1039. You also get letters from people about programmes?—Yes.

1040. Those are regarded as being even less decisive?—It depends on the writer.

1041. I remember when I worked with the B.B.C. the principle used to be that if you had a letter from a man it proved he was not altogether normal, and this would not be an over-exaggeration of the position. Then you get a lot of representations from people who meet you at cocktail parties, and those are not decisive. Somewhere among all these pressures are quite important party leaders who say things to you?—Certainly.

1042. In this case they seem to be more influential?—Yes.

1043. This is the difficulty that we are up against. In your opening statement you put party leaders' pressure over all other sorts of pressure. We, in deciding what to recommend—I am coming to the main purpose of this Committee, namely how much limitation there should be—have to decide whether we should make it what is called a gentlemen's agreement. This is one of the considerations which we had in mind. It makes it difficult for us to decide whether to leave it to a gentleman's agreement if you in your evidence say that a party leader's pressure is much like a letter from a docker in Hull or the Chairman of the local Primrose League in Northumberland. Can you guide us on this? If party leaders do not matter any more than Mrs. Jones in Rochdale, how could a gentlemen's agreement work out?—I do not think that the appreciation indexes and the market research or the normal flow of letters coming to a newspaper and to the B.B.C. affect this issue at all. I would say that the Governors—I cannot speak on behalf of the Governors; I can merely say what I have received from the Governors from time to time—would attach great im-

portance to the views of a party leader. If a party leader was to make a representation to them about Mrs. Smith that would be transmitted in some form to me or to the producer concerned, but not in the form of an order that "You are not to use Mrs. Smith" or "We should use Mrs. Smith". It is transmitted in the form of a general directive or a general report. I do not remember the Board having actually said "Use so and so" or "Do not use so and so." I am talking only of M.P.s now. They did say so about Professor Joad, as you may recall.

1044. In considering what we should recommend to Parliament about the 14 day rule, do you want to be protected from party pressure by the leaders who say "You should not have this broadcast"—protected by a directive—or do you feel so confident in your strength that you can resist the party leaders if we leave you to their mercy?—I feel that is a very difficult question for me to answer because that is surely a question which only my bosses can answer—the Board of Governors. I feel that the Board of Governors is very rightly a pressure-absorbing group, and that the Governors, if they are a fine lot of people, will absorb those pressures and indicate to the staff what the staff is to do without mentioning the pressures.

Mr. *Ness Edwards.*

1045. May I try to get from you what your general view is to balance and purpose of, say, "In the News", and "Any Questions"? What is the general purpose?—I feel that those two are rather different. May I take "In the News" to start with?

1046. Yes?—"In the News" nowadays is very different from what it was when it started. Nowadays we have party political talks in television. We have coverage all over the country. We have a long evening programme, and we even have an alternative programme. Nowadays "In the News" has not anything like the importance that it used to have when it was the main and only political talk or discussion. The object of it is this. It is to introduce lively discussion amongst M.P.s and well informed political persons on a current issue of that day or week. Therefore, the qualities we go for are ability to debate on any subject. We have to book the people right ahead, and they have to

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

be able to debate on any subject of that particular day, which we may only decide that morning.

1047. In selecting the persons, what regard have you for balance, shades within the party, shades between the parties and so on?—I think the only regard that we can have is this. In order to be politically impartial, we must see that both the main sides of the House are represented equally. "Equally" does not mean only numerically. It means roughly with the same stature on both sides to debate against each other. We came late to my second point. It really took April, 1951, to bring it home to us: that we have also got to be very careful of the representation of each side of opinion within that particular side. We must try and balance that. I mean, for instance, if I may take something on the other side of the House, the representation of the "Suez ginger group", as it is sometimes called. It has got to be carefully watched in choosing the Conservative speakers over a period. We cannot be certain that if we selected a member of the "Suez ginger group" the subject at that particular time may be the Suez Canal.

1048. But you do tend to give fair representation to each shade of opinion within each party?—We try to. That is what we are constantly consulting Members of Parliament about, and our own advisers, our own Lobby correspondent, all the people who are in touch with Parliament. We are constantly consulting them about that sort of thing.

1049. With regard to representation, what recommendations or influence is brought to bear to select certain people?—Brought from outside?

1050. Yes? Would Mr. Herbert Morrison say that Mr. Crossman should go on the air, or something like that?—Mr. Crossman might be the first person to suggest that to me, if I might suggest that without offence. From the political parties, I do not think any. Occasionally we have had the whips' names in. I always say to my own staff cynically about the whips' list, "Of course, the whips are putting up the people who do not get a hearing in the House and cannot catch the Speaker's eye, and they suggest they should go to the B.B.C." That is a cynical view, and I hope you will not take it too seriously.

Mr. Bellenger.

1051. For the record, how do you actually choose "The Week in Westminster" speakers? Is that done from a whips' list, or is it done entirely off your own bat?—That was entirely off our own bat in my day. I have not had much to do with it since I have been in television.

Mr. Ness Edwards.

1052. What about "Any Questions"? You were the Director of the Spoken Word?—Yes.

1053. You speak with some authority on that?—It was five years ago.

1054. It is a West Country thing which is very popular down there—"Any Questions". Tell us how you select the speakers there?—I do not remember in detail.

Chairman.] We have got Mr. Gillard coming.

Mr. Ness Edwards.

1055. Can Mr. Gillard deal with that?—Certainly.

Sir Robert Grimston.

1056. In this question of anticipation, would you care to offer a view as to whether you would agree to the party political broadcast being treated differently from those arranged by the B.B.C. as they are at present?—The party political broadcast?

1057. Yes. For instance, the Chancellor broadcasts about the Budget, and you may get a broadcast which falls just at the time. Would you think that the debates should be in a separate category or that they should follow any general rule?—I would much prefer that they remain in a separate category. My reason is that the parties themselves choose speakers, and we are really merely putting our air at the disposal of the parties. The parties do all the work. They choose the speakers and decide what they are to say and how they are to illustrate it in television. I think it is important, therefore, to keep them apart from all the rest of our programmes on which the B.B.C. Board of Governors has sole responsibility for who is selected to speak. I would keep them in a category.

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

Mr. Crossman.

1058. Would you like to see any rule of anticipation applied equally to them or do you think it is all right to have them as at present excluded from any rule of anticipation?—I am afraid I feel that if the rule was applied to them the party political broadcasts would lose in value and audience because they always try to have a topical subject of the moment.

1059. Of course, they would, but after all, B.B.C. programmes lose something in audience?—They do.

1060. Why should a political party not lose as much as the B.B.C. in an effort to promote the dignity of Parliament?—From the B.B.C. staff's point of view, we would certainly like them limited to the same rules as the rest of our self-chosen programmes.

Mr. Holt.

1061. A while ago you referred to the Suez group?—Yes.

1062. May I ask when a group like that suddenly appears in the House—this is an unorthodox group—was your reaction when you were in charge of the spoken word to say, "Here is a new group with a new opinion; I must get them on the air as soon as possible?"—No, sir, I am afraid not.

1063. So that in regard to this balance, it is, if I may say so, more of a negative form? That is, you must be careful not to make people think that you have suddenly sponsored a new idea; it is not a positive action, but as new ideas come up you must get them on the air and let people know about them?—That is so. May I give a reason?

1064. Yes, do.—It is partly inertia. It is partly the feeling that if, say, a Cyprus group were suddenly to appear in either party in the House, it would be obvious to a journalist to say, "Put them on. Let the public hear what their views are." The B.B.C. in the case of a Parliamentary group, is very frightened of Parliament. After all, we derive our existence from Parliament, and we know that if we were to do that the pressure would come such as I have been talking about.

1065. Do you think that is a healthy thing for democracy—the fact that there

39645

is inertia with regard to new ideas?—No, I do not think it is, but I think that it is really a matter of self-confidence on the part of the B.B.C. The more self-confidence there is on the part of the B.B.C.—in other words, going back to my point about the governors being prepared to stand firm and say not only that "so and so has applied pressure to us, do not do that"; but, "Why are not you doing something about the Cyprus group?" That in my view, is the ideal self-confident position that the B.B.C. ought to take.

1066. Would you say if there were even such interference by Parliament or politicians, the Governors would exercise greater independence?—I think so.

Sir Robert Grimston.

1067. Does not this idea of maintaining complete impartiality militate against the very thing you want done?—Yes, I think it does, but I would not sacrifice the reputation for political impartiality for the sake of that.

Mr. Crossman.

1068. You said that the B.B.C. is very frightened of Parliament. Do you notice any difference between that sentence and the beginning of your evidence where you were describing your relationship with the political party leaders and gave me the impression that there was no sort of pressure? Do you notice a remarkable difference between what you are saying to us now and the rather more elegant picture which was presented in your first minutes?—I did not mean to, because again I was trying to say when I first started—I was answering a point—that we do know that if we do something intentionally and deliberately controversial, pressure will be applied, and that there is a natural force of inertia which forces pressure; but I do not say that that force of pressure in fact had made us submit to pressure too often, and not in the cases that we have been talking about in "In the News."

Mr. Ness Edwards.

1069. Where you are distinguishing between persons and subjects in the beginning I thought you referred to pressure from parties in relation to pressure by persons. When you talk about a Cyprus group, you talk about subjects?—That is so.

F

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

1070. Do you want to imitate the Daily Mirror or something like that—a popular newspaper—and to be flying every kite that has risen, or do you want to keep your reputation for impartiality and to keep some balance about these things?—I think we stand or fall on maintaining our reputation for impartiality. If we err there, we immediately must lose our charter because Parliament would never put up with it.

Sir James Huichison.

1071. Do you think the impartiality would be in any way endangered or that pressure would be easier to exert or more difficult to resist if you had a strict rule such as the 14 day rule, than it would be if you had a gentleman's agreement to operate? Is there any protection in one or the other for the B.B.C.?—No, Sir. I admit that that is an unsatisfactory answer because what I am trying to get at is this. I feel that on the 14 day rule it is an expression of the intention of Parliament which would be the most desirable thing from the point of view of broadcasting, because then that could be handled flexibly by a strong Board of Governors. But if the Board of Governors is not strong, no rules matter.

1072. So that from the pressure point of view, you do not really see any difference as between one system and the other?—Not from the pressure point of view, no.

Mr. Sydney Silverman.

1073. To go back to the 14 day rule itself; the terms of reference under which we are working are the Resolution of the House of Commons which said that there should be some limitation upon anticipation?—Yes.

1074. And we are to consider what modifications in the present practice could be made in accepting that principle?—Yes.

1075. It is clear, is it not, that the principle expressed in that Resolution by Parliament is pretty vague?—Yes.

1076. "Some limitation"?—Yes.

1077. And it could not possibly be operated unless somebody defined what the limits of the limitation were?—Quite.

1078. In your opinion, who could draw those limits?—In my opinion,

the Governors of the B.B.C. should define the intention that is expressed in some such phrase as that.

1079. I am afraid that does not help me very much. The intention that has been expressed so far is pretty vague. If we left it just there, with the House of Commons saying there should be some limitation but leaving it to the Governors to apply that in their own discretion?—Yes.

1080. —the result might be very much limitation or very little limitation?—Quite true.

1081. There would be no indication at all?—Yes.

1082. So before the principle could be applied someone would have to try to put into intelligible terms what kind of limitation and how much limitation?—Yes.

1083. In your view ought that to be done by Parliament or by the Board of Governors? Or by whom?—I would prefer it to be done by the Board of Governors.

1084. How much limitation is a matter which should be left to the Board of Governors?—Yes. But I do see the point of what I was asked a moment or two ago; that if it is vague there is the danger of pressure on the Board of Governors to do something, or not to do something, but if you can trust the Board of Governors—I think that they are unsubject to pressure—

1085. *Ex hypothesi*, the limitation is being laid down by Parliament for Parliament's purposes and in its interests—I am not saying whether it is a good rule or not but if it is laid down it is done in that way and for that reason. Why do you think the Governors are better judges than Parliament as to the extent of the limitation?—I would not say that they are. They cannot be better judges of the extent of the limitation—they can only be judges of the interpretation.

1086. If you interpret a phrase as vague as our present terms of reference then, in effect, you are being made the judges of how much limitation there should be?—Yes, I see your point, Sir. I do not think that the present vague phrase is the right one. I do not think the purpose of it is made clear, and the purpose of it would have to be made clear.

28 March, 1956.]

Sir GEORGE BARNES.

[Continued.]

1087. What you mean is that Parliament would or might consider defining the kind of limitation it has in mind much more clearly and specifically than this one does, but once it has been defined in principle with some clarity the operation of it should be left to the Board of Governors?—Thank you very much, Sir, that is exactly what I meant.

Mr. Ness Edwards.] Is there any reason why the Governors should not make known to us what directives they pass down?

Chairman.] That is not for Sir George to say—what the Governors will do.

Mr. Ness Edwards.

1088. Sir George says “Leave it to the Governors,” who, I take it, pass down directives to the staff?—Yes.

1089. Why are they more capable of passing down directives?

The witness withdrew.

Mr. CECIL MCGIVERN, C.B.E., called in and examined.

Chairman.

1093. Mr. McGivern, I do not think we need keep you for more than a moment or two. We have had some evidence with regard to the policy, and the application of the policy which resulted in the breaking up of the team—I am sure you will understand me—and the subsequent rationing arrange-

Mrs. Evelyn Emmet.] Could it not be done more by discussion than in actual words?

Mr. Ness Edwards.

1090. That is finding words for Sir George. I want to know his views?—We are on the 14-day rule entirely?

1091. Yes, entirely?—May I put it like this? What I would like to know is what the intention of Parliament is in endeavouring to limit anticipation. Once we know that I think it is best left to the Board of Governors to interpret. They are, after all, set up as an independent body, and set up by Parliament to be independent of Parliament—that is the extraordinary English way of doing things.

Mr. Holt.

1092. They might arrive at different conclusions from the I.T.A.?—That makes the thing much more difficult, I quite agree, because they are a different body of governors and may arrive at different conclusions on the same or relevant matters.

ments. Unless there is some particular matter connected with that for which you were personally responsible in the way of passing on a directive and so on I do not think that you can really help us very much?—Well, there is not any way in which I can help you on that.

1094. You are not in a position to help us on that?—I think not, no.

The witness withdrew.

Mr. F. G. GILLARD, O.B.E., called in and examined.

Chairman.

1095. Mr. Gillard, your name has been mentioned to us in evidence as being the source of certain directives in relation to the composition of teams, and particularly in relation to the rationing arrangements as between the representatives of the parties composing those teams. Can you tell us what you actually did, yourself, in relation to the issue of any directives?—I was connected only with “Any Questions?” I had no association with any other programme of

this nature, either sound or television. I was the programme chief responsible for “Any Questions?”. Under me I had a producer, who looked after all the details of the programme, and I was responsible to my regional controller, who was, in turn, responsible to the director of the spoken word, and he, in turn, was responsible to the director-general. I was nearly at the end of a long chain of command. I did not, of course, formulate any directives myself, on my own authority. I carried out, and

39645

F 2

28 March, 1956.]

Mr. F. G. GILLARD, O.B.E.

[Continued.]

saw that the producer who was working to me carried out, the general instructions of the B.B.C. Briefly, they were to see that in terms of political representation we had in "Any Questions?" as well-balanced a team as we could provide on each Friday night.

1096. Now, if we may come to a definite point, I have before me here a letter from a Member of Parliament, Mr. Mallalieu, in which he says—of course, he was dealing with not exactly the subject we are on now because he was dealing with a programme called "Sporting Fanfare"—but he says: "In the Plymouth office of the B.B.C. I was shown a memorandum on the subject, sent from Bristol to Plymouth, and signed by Frank Gillard. This memo. stated that in future, on instructions from Broadcasting House, if a Labour M.P. was used on any programme, sporting or otherwise, he must be 'balanced' by a Conservative M.P. and vice versa. Further, if any 'Bevanite' Labour M.P. was used he must be balanced by five 'orthodox' Labour M.P.s in addition to the necessary quota of Conservative M.P.s. The memorandum defined 'Bevanite' as any of those 57 Labour M.P.s who had voted in a certain Division from which the party officially abstained. The memorandum mentioned me by name and stated that in the circumstances I could only appear very infrequently, if at all, on Sporting Fanfare." Can you tell us anything about that directive?—Yes—it is a long time ago, of course. Mr. Mallalieu's recollection of that memorandum is, I am sure, a little confused. Certainly in the B.B.C. we did our best to see that the appearances of Members of Parliament on the air was kept balanced; that is to say, even if an M.P. were talking about gardening or book reviews we attempted to see to it that the quarterly totals balanced up. After all, it seemed fair to assume that the appearance of an M.P. did him a certain amount of good in his constituency.

Mr. Crossman.] Or harm.

Mr. Gillard.] At any rate, I was frequently told by Members of Parliament that that was the case—by those who did not appear on the air and by candidates for election who did not get on the air; that putting an M.P. on the air in any connection gave him considerable advantage.

Chairman.

1097. To take it shortly, your object was to try to deal with this difficult question of balance and that is what you were directing your own efforts towards?—Precisely, but there was never any question that we defined an M.P. on a sporting programme as being balanced by five orthodox—

Mr. Crossman.] The letter does not say that.

Chairman.] The letter does not say that, but it suggests that it was a general principle that was to apply to everything, and would, therefore, apply equally to "Any Questions?" or anything else like that.

Mrs. Evelyn Emmet.

1098. I take it that it was over a quarter?—Most certainly—and in the B.B.C. as a whole.

Mr. Crossman.

1099. You said his memory of the memorandum was confused—so you have no doubt that there was a memorandum?—I remember writing a memorandum on this. I was obliged to, because this matter was the subject of correspondence between Mr. Mallalieu and myself, and the correspondence reached a stage at which I suggested to Mr. Mallalieu that we should meet here in London to discuss it, but I said in my letter that I was to be abroad for a week or two and we fixed it up for when I came back. But before that he had already written an article in the Tribune, which was reproduced in Time & Tide. It had therefore received much publicity, so I was obliged to give something formal to the producer concerned on which he could work.

1100. So in Western Region there has been an actual written instruction about the rationing of speakers?—Yes.

1101. I ask, because we have heard evidence that at headquarters they were against written instructions and preferred it to be done by verbal understanding?—I would not normally have written instructions.

1102. It was only issued because of the peculiar circumstances of Mr. Mallalieu's case?—Certainly.

1103. It did include a clear instruction on the five to one proportion?—I cannot remember if it did or did not. It would not have related to a sporting programme.

28 March, 1956.]

Mr. F. G. GILLARD, O.B.E.

[Continued.]

1104. But I take it there was the point about the five to one?—Yes.

1105. You did direct a five to one proportion?—Roughly speaking.

1106. And Mr. Mallalieu says you instructed it because of some people voting in a Defence debate—I think in February, 1951. It was just a list of the 57 whom you took as your basis of definition of the offending class?—It was not an offending class in any sense.

1107. The class which was to appear fewer times?—The position was that up to 1951 the Labour Party was putting on a public appearance of unity before the nation—"We are one party and undivided"—and we followed that line in our choice of Labour speakers for "Any Questions?" and similar programmes. It happened that many of the best performers, if I may so call them, in such programmes were people who subsequently showed their hands as definite supporters of Mr. Bevan when he left the Cabinet in 1951. Increasingly it became clear that we should have to recognise in such programmes as "Any Questions?" the fact that many of the people whose performances we prized most highly were not representative of the general run of opinion in the Labour Party.

1108. Did you receive instructions from Broadcasting House to have this rough five to one proportion?—I cannot say that I received an instruction.

1109. This is really rather relevant as to how it works. How did you get into your head that the policy of the B.B.C. was to have this five to one proportion?—By discussion with the Director-General, with the Director of the Spoken Word and in all sorts of circumstances. For instance, the then Director-General, Sir William Haley, was quite punctillious about having the responsible member of the staff present when he interviewed Members of Parliament. A certain Member in the Western Region protested most strongly about the fact that in certain instances the Labour speakers were predominantly Bevanites, and I was present when Sir William interviewed this good lady. He listened to what she had to say and subsequently said: "As we know, there is a good deal of substance in this sort of complaint. We must watch it. I must leave it to you."

Mr. Sydney Silverman.

1110. How was the proportion of one in five arrived at?—On the basis that

39645

Mr. Crossman mentioned; we tried to assess it on the vote in the Defence debate.

Mr. Crossman.

1111. You roughly classed any one of the 57 as a Bevanite?—Yes, roughly speaking.

Mr. Bellenger.

1112. You thought it a good generalisation?—One had to have some yardstick.

Mr. Sydney Silverman.

1113. It must have made life very difficult?—Not frightfully. It seemed rough justice, if anything.

Mr. Crossman.

1114. What political pressure was applied to the B.B.C. was above your head? You were merely concerned to operate the directive of your superiors?—Certainly.

1115. You never had political pressure?—I received it, but took no notice of it.

1116. You could always rely on your superiors—"I am carrying out policy—it is no good worrying me"?—Yes, and by and large I was enjoying the confidence of those above me.

1117. So they left this entirely to you?—Yes.

1118. Under a sort of gentleman's agreement between you and them as to how you should operate?—Yes, I drew up a list of the proposed speakers for the next three months, took it to London and discussed it with the Director of the Spoken Word and, if necessary, with the Director-General.

Mr. Bellenger.

1119. How did you draw up the list?—Based on the experience we had of the people we knew best. Based on recommendations, mainly from people who were themselves very successful contributors and knew what it took. "Any Questions?" is not the sort of broadcast that anyone can do. Mr. Vernon Bartlett, a most experienced broadcaster, did it twice and said he would not do it again. He said: "It's not my cup of tea. I am not effective on it."

1120. Would it be true to say that those you were coming into contact with were those you met socially and at cocktail parties and so on?—No. We often

F 3

28 March, 1956.]

Mr. F. G. GILLARD, O.B.E.

[Continued.]

came to the House to listen to the debates. At Election times we sent spies into the constituencies to see what sort of show candidates put up, particularly during questioning. We used every legitimate means of finding out the best potential—to use a crude term—performers.

Mr. *Sydney Silverman*.

1121. Of course, the people already performing would not have any pronounced interest in widening the charmed circle?—I am glad you have raised that, because in “Any Questions?” we never had any charmed circle. There was never a time when we just had four or five.

1122. Perhaps I should not have used the term, but naturally, if people are in already, and like it and there are only a certain number of programmes they are not likely to show any exaggerated interest in introducing new ones?—I think the safeguard there was that everyone knew, generally speaking that we did not call on the services of any Member of Parliament more than once a quarter.

1123. That was a more or less general rule?—Right from the start.

1124. Because we have had evidence of one case of some special rule that some particular person should not be used more than four times a year?

Mr. *Crossman*.] That was not in his programme.

Mr. *Sydney Silverman*.

1125. I think so?—As far as M.Ps. are concerned, the Member who has appeared most often is Sir Robert Boothby—19 times in seven years.

Mrs. *Evelyn Emmet*.

1126. How many M.Ps. have appeared altogether?—85.

1127. Equally divided?—It must be.

Sir *Robert Grimston*.

1128. That does not include “Week in Westminster”?—No.

Mr. *Ness Edwards*.

1129. How about the non-Members of Parliament—are they selected in exactly the same way?—On this panel we do give priority to people who can do this kind of broadcasting. We go for good

performers primarily, but naturally cannot always observe the party balance. Normally, the procedure is that when a team is drawn up an attempt is made to see that someone in the team is capable of putting the Government’s point of view and someone in the team is capable of putting the Opposition’s point of view, and probably the other two positions are filled in for other reasons. For instance, in Bath, the emphasis would be on art. One would want someone interested in art—say John Betjeman or Gerald Barry, or someone like that.

1130. But you did try to maintain general balance?—Yes.

1131. And no limitation on the number of appearances of non-Members, as against Members?—Again, a great effort is made to spread this as widely as possible. It has always been so in “Any Questions?”.

Mr. *Crossman*.

1132. But you did have two who were permanent old-stagers, did you not?—We had two to alternate week by week to get continuity and to make certain that one member knew the ropes and could give confidence to the others, but during the last two years even that has been diluted and they appear once a month instead of once a fortnight.

1133. In the case of those it is once a month; in the case of a Member of Parliament it is once in ten years?—I have mentioned that Sir Robert Boothby has appeared 19 times in seven years, and many other people have corresponding numbers.

Mr. *Sydney Silverman*.

1134. That is less than once a quarter?—Considerably less.

Mr. *Bellenger*.

1135. Was that because of his value as a member of the team, or because as we have heard from Sir George Barnes that he was persistent in asking that he should appear on the air?—Oh, he never asked to appear, not in the case of “Any Questions?”. It has seldom happened—I can think of only one or two M.Ps. who have openly asked to be included.

Chairman.] We are very much obliged to you.

The witness withdrew.

WEDNESDAY, 25TH APRIL, 1956

Members present:

Sir Lionel Heald in the Chair.

Mr. Bellenger.
Mr. Ness Edwards.

Mrs. Evelyn Emmet.
Sir Robert Grimston.

Memorandum submitted by the British Broadcasting Corporation

THE FOURTEEN DAY RULE

1. The Board of Governors has considered the conditions which should apply to broadcasts about questions which are to be dealt with in Parliament by debate.

2. The B.B.C. has always shown itself sensitive to its responsibilities towards Parliament and Parliamentary proceedings. In this spirit the Governors have carefully considered the expressions of opinion in the recent debate about the fourteen day rule. It has noted that the Select Committee is established by a resolution which favours some principle of limitation. Nevertheless, the Governors believe that the conditions which would be most in the public interest are those in which there is no prescription and no rule.

The reasons for this are fourfold:—

- (a) The B.B.C. has a responsibility to the public, and not only to Parliament or to Ministers or to the leaders of political parties. Opinion has for several years been expressed against the rule, and against the principle of a rule.
- (b) The rule, or any similar rule applied to the Corporation from outside, is an exercise of editorial powers which properly belong to the Governors and it is thus contrary to the spirit of the B.B.C.'s constitution. The Governors have the responsibility at all times for regulating broadcasting on political and other controversial subjects. It is hard to see why this responsibility should be arbitrarily removed at certain times.
- (c) The effect of the rule in any form is a restriction on one of the B.B.C.'s major obligations, namely to inform the public as far as it can about important matters in the field of current affairs.
- (d) If the Corporation is to be successful in enlightening the public on current affairs, it should be free to deal with issues when they are live, especially as it is then that these issues are most freely discussed in the Press.

3. Apart from these reasons there is a real doubt about the exact object that the present rule is intended to achieve. This is far from clear, because at various times the following four objects have been advanced:—

- (a) *Restraint upon Ministers or other advocates of a Bill.* We believe this to be a sound principle, but it should be realised that opportunities for unfair persuasion are largely prevented by the present arrangements for Ministerial and Party Political Broadcasting. If in the future abuse of this kind were attempted, the Governors would as in the past consider it an essential part of their duty to prevent it. No rule is therefore required for this purpose.
- (b) *Danger of the alternative forum of debate.* It is hard to see how this danger could become real. Broadcasting could scarcely be used to reproduce debates that were an alternative to those in Parliament. Broadcast discussions are different in character and different in purpose. If the danger here were that the public might pay more attention to broadcast discussions than to Parliamentary debates, then the remedy (so far as

39645

F 4

25 April, 1956.]

[Continued.]

the B.B.C. is concerned) is that which already exists, namely a lively sense by the B.B.C. of its responsibility to Parliamentary institutions and the great prominence given to its reports of Parliamentary debates. Were the Corporation wilfully to disregard this responsibility and to set itself up as an alternative forum, then the Corporation itself would be unworthy of its trust and no rule of the sort envisaged would be a sufficient remedy.

- (c) *Pressure on M.P.s.* The Corporation believes that if this danger is to be the justification for a rule, then some evidence—at present lacking—must be produced to show that it is real, and that a rule to prevent it is necessary. M.P.s must be subject to many expressions of opinion concerning issues which will be discussed in Parliament. If broadcasting adds to these, does harm result?
- (d) *The anticipation of debates.* It is hard to see how broadcasting by people who are not Members of Parliament can be held to harm debates in the House by anticipation except by irresponsibility and mischief which it would be the normal duty of the Governors to prevent. It may be held that broadcasting by M.P.s shortly before debates in the House on the same subject would constitute an undesirable anticipation of the debate, but the Governors feel that this is a question for Parliament to decide.

4. It will be seen from the above comments on the four reasons hitherto advanced for the rule that the B.B.C. does not believe that any of them present dangers which cannot be dealt with by the normal process of control of broadcasting by the Governors, though special considerations may affect the use of M.P.s.

5. The Committee have asked whether, if there were no prescription and no resolution of the House, the B.B.C. would itself draw up an internal regulation dealing with broadcasts about issues to be debated in Parliament. The Governors are not prepared to state that no such regulation would ever be made, but they do not see that any is called for in the circumstances that are to be imagined. The Board believes that the present editorial policies now in force would regulate broadcasts of this sort in a manner not only satisfactory to the public but satisfactory to Parliament. These policies aim to give information to the nation about the issues which Parliament will decide on the nation's behalf. There is no limitation which the B.B.C. would wish to set to the prosecution of this aim, except that the information should not be one-sided or misleading. The safeguards to achieve this result are already contained in the development of our policy of impartiality and in our standards of accuracy. No special additional regulation is required to see that these are applied in relation to matters coming up for debate in Parliament.

6. It will be understood from the foregoing that the B.B.C. believes that the public interest would be best served if the rule was abolished. If Parliament is unwilling to revoke its resolution and to have no rule, the B.B.C. suggests the following points for consideration:—

- (i) The scope of any rule should be the least restrictive that Parliament will allow.
- (ii) The rule must reflect a principle that can be understood and justified. Both the B.B.C. and the public must understand what it is that the rule seeks to gain and why it is necessary. The detail of the rule must be consistent with the principle underlying it.
- (iii) It will be seen that the interpretation and implementation of any rule laid down by Parliament would have to rest in the hands of the Postmaster-General, who would then be answerable to the House for interpretations and for alleged infringements. The Postmaster-General would find himself driven to require from the Corporation information in advance of all plans for political broadcasting so that he could supervise the carrying out of the rule. This would place the Postmaster-General in the position of having to take day to day decisions in regard to the B.B.C.'s output. A drastic change would thus have been brought about in the constitutional position of the B.B.C., and of the responsibilities of the Governors. The Corporation suggests that such a development would be highly undesirable and potentially very dangerous.

25 April, 1956.]

[Continued.]

- (iv) There is the special question of the use of M.P.s. The Governors are in favour of as much freedom as possible for M.P.s to broadcast, but they recognise that it is not for them to express a view on what should or should not be done by M.P.s. It is a matter for Parliament to decide whether broadcasting by M.P.s at certain periods constitutes an undesirable anticipation of Parliamentary debates. If Parliament should consider that some restraint is necessary on broadcasting by M.P.s on matters which are to be debated in the House, or which are the subject of legislation, the Governors suggest that the restraint should be laid by Parliament on its own Members and not on the broadcasting authorities. A rule limited to broadcasts by Members of both Houses and expressed in this manner would obviate the difficulties foreseen in the preceding paragraph of this paper.

Examination of Witness.

The Rt. Hon. Sir ALEXANDER CADOGAN, O.M., G.C.M.G., K.C.B., Chairman of the Board of Governors of the British Broadcasting Corporation, called in and examined.

Chairman.] Sir Alexander, we are very grateful to you for coming along today and we are obliged to you for your Memorandum, but I think you will appreciate that we have our terms of reference which definitely assume that there will be some restriction and, therefore, we are debarred from considering the matter on the footing that there should be none, but, of course, the extent of that is a matter for us, and it is upon that that we certainly would be grateful for your assistance. I think really that from that point of view it is paragraph 6 of your Memorandum that is most relevant to our inquiry, although I think Mr. Ness Edwards did ask the question which is reproduced in paragraph 5. I do not know whether Mr. Ness Edwards would like to ask any questions about that?

Mr. Ness Edwards.

1136. Yes. Sir Alexander, we have noted all along in the evidence from the B.B.C. that you would like the complete abolition of the rule and I have sought to get from witnesses from the B.B.C. some indication of how they would act in such circumstances, what directive they would issue to the staff down below and generally how they would handle the situation, having regard in particular to the first sentence in paragraph 2 of your Memorandum in which you say: "The B.B.C. has always shown itself sensitive to its responsibilities towards Parliament and Parliamentary proceedings." Perhaps we could start off by having from you, if you would be good enough, your idea as to what are your "responsibilities towards Parliament and Parliamentary proceedings"?—You, Sir, in

your opening remarks referred to the fact that your terms of reference precluded you from considering the total abolition of the rule. Of course, we are quite aware of that and, in fact, in paragraph 2 of the Memorandum that has been referred to: we know that. With regard to your question, Sir, the manner in which we should try and give reality to that first sentence of paragraph 2 and in which we should try and carry out our obligations would be really, shortly speaking, that we should have to—and we think we do—comply with the directive we get from the Postmaster General. I do not know whether you are familiar with the covering letter (as it is called) which was sent to us soon after the Charter was granted in which he enjoins complete impartiality? We have tried to live up to that. We have, after all, I think, a fairly efficient editing staff who have had long experience. I do not think that their action has been called in question very often. I do not think we have been rebuked for having transgressed, in spirit, at least, the impartiality rule. As regards the question of the employment of Members of Parliament, that is another matter, and, as you see, that obviously comes within the power of Parliament, and we would hope that, if any regulation is to be made imposing restrictions on them, Parliament would make it.

1137. Sir Alexander, I am afraid I have not made my point clear to you: I would like to know what steps you have taken to prevent transgression?—You mean under the existing prescription?

25 April, 1956.]

The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

1138. No, no, before you had the direction what steps had you taken to prevent transgression; what form did they take; were they directives or minutes or instructions?—Certainly they have been directives proceeding from the Governors and going down through, of course, the Director-General to the heads of the sections responsible for arranging these broadcasts.

1139. Yes?—Those directives have been, in general, up to recently, of course, in conformity with the agreement reached with the party leaders, I think, and we have instructed our people to try to make sure that they do not infringe the spirit of that agreement. Now, of course, with the prescription, the situation is rather different and rather fuller instructions have been given. Certainly, as I think appears from one of the papers we have circulated to the Committee, with the number of cases coming up, the restriction becomes wider, at least, they cover a wider field and, I think, they are enforced rather more strictly.

1140. What steps do you think, Sir Alexander, you should take to prevent the B.B.C. becoming (to use your own phrase) a rival forum to Parliament?—Well, as I think we have stated in one or two of these papers, I do not believe we see a risk of that really. It might possibly be so if Members of Parliament engaged in debate either immediately before or during the period when a Bill had been introduced and if some of them preferred that method of discussion.

1141. You think, then, in order to safeguard the position of Parliament in accordance with your doctrine, that you should at least stop Members of Parliament discussing something on the air that is anticipating a debate in the House?—We have certainly thought that in the past and I think we have followed that; I am not sure. But we do feel that that is more a matter for Parliament to decide and to enforce, as I suppose they can, on their own Members.

1142. But do you see any danger at all in the B.B.C. becoming a rival to Parliament if what is going to be discussed in the House is immediately before discussed on the B.B.C.?—But in what form of discussion—a discussion without Members of Parliament “arranged by the B.B.C.” as it is called in some of these documents?

1143. Yes?—I should not have thought so.

Mrs. Evelyn Emmet.

1144. May I ask, Sir Alexander, if you have other difficult problems to consider somewhat of the same nature, shall we say, religious problems on which we have to keep a very equal balance naturally or matters of public decency that have to be discussed and so on; how do you manage those?—To take the religious question, of course we have a Central Religious Advisory Committee.

1145. Yes. Well, now, may I interrupt you there: would you consider within the B.B.C. the setting up of something of the same sort for this purpose or not?—I had not thought of it. It would require reflection.

1146. Yes. I am just wondering whether, if the matter was left to you, you have any ideas as to how you are actually going to put it practically into effect?—I can only say that we thought, perhaps wrongly, that during the years the political discussions had been going on on the air we had managed to preserve impartiality. I do not think the Governors are aware or think that that in any way detracts from Parliament or constitutes in any sort of way a substitution for Parliamentary Debate or sets up the B.B.C. as a rival to Parliament.

1147. No; but might I put it this way: when this first started it was a relatively simple matter because it was really brought in, and the B.B.C. managed the matter themselves, in order to prevent Ministers speaking on important Bills just before the Bill came through the House. Now the matter has got very much more complicated: there has been a prescription and far greater difficulties have arisen. I imagine, therefore, you would not find it easy to go back to your simpler early ways of doing it if you are left free now that you have certain prescriptions which you have to put into effect?—Exactly. That has rather widened the field and tightened the thing up.

1148. Therefore it will be more difficult if left to you; you would, I imagine, have to devise some machinery other than what you had in the early stages?—That might be.

25 April, 1956.] The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

1149. You have not given it any thought?—Personally I have not heard the suggestion made, but that is a matter that might come before the Governors.

1150. Now, I have another question: would it be possible to see one of the directives that you do send out in this matter; could one have a copy of the directives that you have sent out?—Well, I am not quite sure. There must be, I think, some written directives, but I think, generally speaking, it is the Director-General who passes on, probably in most cases orally, the wishes of the Governors on any point in this connection which has been before them.

1151. Would you enquire as to it?—I will enquire about it.

Mr. *Bellenger*.

1152. Might I ask, what are the functions of the Governors of the B.B.C.?—Well, that is rather a wide question. They are defined, of course, in the Charter to a considerable extent. Their functions generally (if I may put it this way) are to do with general policy, finance, of course, and any particular problems that may arise, and, of course, all kinds of detailed problems may have to be brought before them. For instance, there has been in the past—and I think there must continue to be in the future—considerable expansion of our technical facilities; new stations and that kind of thing will have to be looked at, and plans, schemes and that sort of thing.

1153. What I am trying to get at is what actual control do the Governors have over these much debated questions of anticipating Parliamentary Debates and so forth?—Well, I would say, of course, that they have complete control to the extent that they can exercise it.

1154. But how do they exercise it? Do you exercise those powers from day to day by formal sittings?—It is quite impossible. No, we have to delegate a lot of our powers, but we keep control over the general line of control. If you look at the number of talks and so forth that go out on the B.B.C., you will see that it is quite impossible for a Board of Governors to keep control of that.

1155. Would it be possible, for example, for the Director-General and his staff occasionally to do something, to take a line on a debate, for example, on the very delicate matters that are now taking place between the Government and the Russians over here before Parliament could ascertain from the Government what is happening?—He could take a line, but I think he would be exposed to rebuke from the Governors if he did that. He would certainly rebuke them. I am not sure what you have in mind?

1156. Was not there one occasion when the Chairman of the Governors of the B.B.C. took a line which upset the policy of the permanent staff including the Director-General; I think you remember the occasion, do not you?—Well, that would result in a considerable row.

1157. And it caused, did it not, a certain amount of confusion?—I could not tell you; it was not in my day.

1158. You see what I am driving at: I want to know whether the Governors really have any actual day-to-day control of what really should go on the air?—No, they cannot have, if by “day-to-day control” you mean do they look at and edit everything that goes out, it is not possible even for the Director-General.

1159. Does the directive from the Postmaster-General come to the Governors?—Yes.

1160. And you pass it on to the Director-General?—Yes. The Governors have full responsibility, but they cannot exercise it in every detail. That, I suppose, applies to a lot of large organisations. But if they think that something has gone wrong, it is for them to enquire into it; it is their responsibility to rebuke anybody who is responsible and so keep things on the rails as best they can.

Mr. *Evelyn Emmet*.

1161. Can I put an instance to you: when Sir John Glubb came home recently unexpectedly and suddenly there was a question, I think, as to whether he should be put on the air before a statement had been made to the House?—Yes.

1162. Did that come to the Board of Governors or not?—No.

25 April, 1956.]

The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

1163. What would have been your views on that matter?—I cannot say; it did not really come to me. The Board of Governors only meet once a fortnight. I am at the B.B.C. every morning in a room nextdoor to the Director-General so I keep in close touch with him.

1164. Would he communicate with you on this?—On that particular occasion I was not consulted.

1165. What would have been your views if you had been?—I should have to look into the whole case in detail, I think, before I could answer that question.

Chairman.

1166. Well, Sir Alexander, I wonder if we could just take that point a little bit further: I am sure you can help us about it. I think we would all feel quite certain that the sort of thing that I think Mr. Bellenger was asking you could not, in fact, happen in practice. I mean, some statement or discussion with regard to the present negotiations with the Soviet leaders just would not happen. But I wonder if you could tell us why it is that that would not happen; is there some machinery or directive or something of that kind or is it merely that you would rely upon the Director-General seeing that it did not happen, if you follow what I mean?—I do not quite see what machinery you mean?

1167. I am not complaining for a moment, I am merely just trying to elicit whether there is any standing order, as it were, which one could look at?—As the request has been made to me I will find out at once what there is in writing and, of course, it will be at the disposal of the Committee.

1168. We should be right in thinking that, so far as you are personally concerned, you would rely for that result on the Director-General?—Yes, and, through him, on the people below. It goes down through the chain of command, as it were.

1169. You would assume he would never do a thing like that without consulting you and then you would have the opportunity of dealing with it?—He frequently does consult me.

1170. As there is at present a very strong directive owing to the regulation, it is not really necessary for him to consult you because most things are out,

but if there was no regulation as at present and the thing was left freely to you, then do you imagine that the Director-General and yourself would be in more constant consultation about points of this sort?—I do not think so. I have had some experience you see, before the prescription was issued.

1171. This is rather different?—The thing worked, I think, fairly easily then. I do not want to raise all the past history, but, as you know, we got into rather an awkward position for having entered into an agreement with the party leaders. Looking back, I am not quite sure that we were right, although it seemed to me to be so at the time; to ask for the prescription to be issued. I think it has resulted in many difficulties.

Mr. Ness Edwards.

1172. Do I take it from that expression of view that if Sir Alexander had foreseen what was going to happen there would have been no request for the imposition of the rule?—Well, the B.B.C. were under very strong criticism for having made these agreements with the party leaders from time to time. The party leaders insisted on retaining them, so the Governors thought the answer was "Parliament, of course, has the power to issue a prescription; perhaps they had better do that; that puts us right"; but, on the whole, looking back, it is unfortunate.

1173. Was that the last straw that broke the camel's back in this business?—We had been pressing, as you know—you can see that, I think, from some of these papers—for some time to be relieved from this so-called gentleman's agreement. For about three years we had been saying we felt it was impossible; we finally put up a request—in June, 1954, I think it was; I cannot remember offhand—and we just got flat refusal from the leaders.

1174. That is not really telling me why you came to that conclusion or that you demanded release. What was the real thing that produced the situation?—We were being criticised for entering into agreements which many of our critics said we had no right to enter into and therefore it was a protection against that sort of criticism to have the thing imposed on us in a regular way which nobody could question under the Licensing Agreement.

25 April, 1956.] The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

Chairman.

1175. Sir Alexander, it has been pointed out during our discussions that one form of anticipation of debates in Parliament is produced by the party political broadcasts and it has been pointed out that on more than one occasion recently there has not only been one speaker but there have been four speakers in party political broadcasts actually discussing subjects which are just about to be debated in Parliament. The question has been asked as to what is the difference between that and an arrangement under which you have four speakers who are not making a party political broadcast, the point being that in that case where you have a non-political broadcast you have two on each side whereas in the other case you have all four on one side. It may be that you would prefer to express no view and simply say that party political broadcasts are something which are imposed on you as to which you really have no option, I do not know, but I think you ought to have the opportunity of saying a word about that if you want to do so?—
Yes. Well, of course, to an extent party political broadcasts do anticipate Parliament, but they are limited, of course, as you all know, in number. They are arranged by agreement between the parties and there are a limited number only in the course of each year. I would agree that if it is wrong for the B.B.C. to anticipate Parliament by discussions it may be wrong for the parties to do so as well, but I am afraid that that matter is settled by the terms of the prescription which applies only to broadcasts arranged by the B.B.C.

1176. Yes. At any rate, you do not personally see any difference in the quality of anticipation?—I do not. As I say, we could not object to the party political broadcasts, but we do not quite agree that they are a proper subject for exemption from the prescription.

1177. I would just like to follow that up with a slightly different point. In paragraph 6 (iv) of your Memorandum there is a suggestion—as we have already heard from Sir Ian Jacob, I think—of the possibility of treating Members of Parliament separately from other people. Some Members of the Committee who are unfortunately unable to be here today (and that is why I asked the question) have expressed a rather strong view

that there should not be a differentiation as against Members of Parliament and that the principle applies equally to both. I do not know whether you would like to say anything about that?—No, I do not think I could make any useful observation on that. I should have thought that the employment of Members of Parliament was a matter entirely for Parliament to decide.

Chairman.] Yes. You are really, as it were, adding that point to the other that if Parliament wishes to make any special rules about Members of Parliament then, of course, that is its own business and you do not want to go further than that.

Sir Robert Grimston.

1178. Might I just follow that up because I cannot quite tie that up with the view expressed in paragraph 3 (d), because there you seem to think that the fact that Members of Parliament are used might harm debates in the House and you say it should be a matter for Parliament to decide, and then you go on to say you do not see that it makes much difference whether the Members of Parliament are employed or not? It seems to me that there does seem to be a conflict of opinion in these two different parts of the paper and if it was left to you (if I might so put it) it would be rather interesting to know whether you would employ Members of Parliament or not?—If it was left to us entirely and we were granted a completely free field, I suppose we should, but—

1179. Notwithstanding the view expressed in (a)?—All through the history there has been this question of Members of Parliament being separate and on various occasions, as you may remember, we have offered to make special regulations in regard to not putting Members of Parliament on the air while a matter was subject to legislation, so there always has been a distinction drawn in practice in our dealings with the party leaders.

Mr. Bellenger.

1180. Sir Lionel, may I ask Sir Alexander whether he has a copy of the first Memorandum which was prepared by the B.B.C. for our use? Would you mind turning to that Memorandum, Sir Alexander, and looking at the first paragraph in which it says that in February, 1944, the Governors passed a resolution in certain terms? Is it not correct to

25 April, 1956.]

The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

say then that the Governors themselves were really the originators of the 14-day rule?—Well, yes, they were.

1181. And then thought it proper themselves to impose some limitation on what was broadcast because they wanted to exclude Ministers or other *ex parte* statements from being broadcast. Now, supposing Parliament did allow the B.B.C. full freedom, might we not then have a repetition of what occurred in 1944, that a Minister might want to make a statement before he was introducing his Bill in Parliament?—When I talked about giving the B.B.C. full freedom in this matter that would not free the B.B.C. from the obligation of impartiality to which they are bound and the thing which gave rise to the long sequence of events that has brought us to the point where we are now was a case of a Minister advocating a Bill on the air. That was an *ex parte* statement or, at least, you can say it was not a balanced discussion or anything of that sort. We are bound by the obligation made upon us on the subject of impartiality to try to arrange the best balance and most impartial discussions that we can provide.

1182. Nevertheless in 1944 the B.B.C. permitted a Minister to come onto the air and make an *ex parte* statement, so, therefore, *prima facie* does not it seem that the B.B.C., at that date, at any rate, were not so impartial as one would expect them to be?—Actually that was before the covering letter, I think, was devised. This was in war-time when we were in very different conditions and this was in a sense, I suppose, imposed upon us by the Minister of Information, and, directly the Governors saw that, they realised the fault that there might be in it and they made that rule.

1183. What you are saying, in effect, is that at that time the B.B.C. permitted the Minister to go on the air under duress?—Well, I do not know the exact circumstances, but, from reading that paragraph, it looks like it. I have not enquired into it, but I think it was certainly under some pressure which may have been difficult to resist.

1184. Quite. What I want to lead up to is this: do not you therefore think, in view of what has happened on previous occasions, that some limitation by Parliament on anticipation of debates is wise and perhaps justified by previous events?—That would not happen

again or anything of that sort because we are bound now. I think we have never been reproached with having fallen short of our obligation to be impartial. We do arrange discussions on the air—this is apart from Ministerial and party political broadcasts—and in doing that we are always very careful to try and get a balanced group and contrive that there shall be no impartial or *ex parte* tendency.

1185. But do not you agree that in the light of past events some limitation on anticipation of debates in Parliament is wise?—Well, the actual instance to which you referred at the beginning of the first Memorandum is not, I think, is it, strictly anticipation of debate? It is rather the impropriety of a one-sided statement. Perhaps one might put it this way: it is a misuse of what should have been a Ministerial broadcast.

1186. What I want to put to you, quite frankly, is this: the B.B.C.—either the Governors, the Director-General or both—really want no restrictions placed on them at all and they want freedom to edit their B.B.C. instrument as newspaper editors do: is that the point?—Yes.

Mr. Ness Edwards.

1187. In the discharge of that duty do we take it, Sir Alexander, that you would not permit a rehearsal of Second Reading speeches on the air by the Ministers?—No. we should not.

1188. That is the first limitation that you would impose?—Well, I think that is imposed. I am sorry to repeat myself, but as regards the discussions we try to follow the rule of impartiality. As regards Ministerial broadcasts, as you know they are for special purposes: if the Minister strays outside that field there is a remedy—the Opposition can ask for a reply. Party political broadcasts, of course, are different; there you have an allotted number to each side.

1189. Yes, but at the moment we are dealing with Ministerial broadcasts and you say if a Minister strays outside the field it is not for you to put it right, it is for the Opposition to raise the matter?—Yes.

1190. But surely the obligation is upon you and not upon the Opposition? The obligation of impartiality is upon you?—It is, but in the case of a Ministerial broadcast I am not quite sure: we do not have the script beforehand. A Minister asks for the air to make a

25 April, 1956.] The Rt. Hon. Sir ALEXANDER CADOGAN,
O.M., G.C.M.G., K.C.B.

[Continued.]

Ministerial statement and I am not quite sure that we know what he is going to say beforehand.

1191. In what circumstances do Ministers ask for time on the air?—I forget now. Ministerial broadcasts are comparatively few, you know, in the course of a year. I think there were three last year. It is defined somewhere, that is, the purposes for which a Minister may ask to broadcast. It can be explanatory of a Bill, I think, but then, of course, if he advocates the Bill, the Opposition can ask for a reply. It is naturally, of course, in a national emergency, such as stimulating people for recruitment or anything you like. It is for that sort of national purpose.

Sir Robert Grimston.] Is not there one every year to stimulate people to post early at Christmas time?

Mr. Ness Edwards.] Shame!

Mr. Bellenger.

1192. Sir Alexander, Sir Lionel just said that it is defined somewhere as to how and when Ministers may broadcast; can he give us any more definite information as to where and how it is defined that Ministers can come and make statements on the air?—Yes, it certainly is.

Chairman.

1193. Yes. I do not know whether I could help you to this extent, Sir Alexander, it really is tied up with the other obligations, such as that of impartiality. Now, you will not find those in the Charter, but it is in one of the other documents. I do not know whether it would be in the Licence or where it would be. In the comparable case of the Television Act of 1954 you will find there that there are specific obligations put upon the Authority in section 3 of that Act which deals specifically with good taste and decency, balance, general high standard of quality, accuracy and impartiality. Those are actually statutory provisions. In the case of the B.B.C.—it is not really fair to impose this on you unless you have got it there, Sir Alexander—I think you will find that it is in one of the documents other than the Charter; I think it may be the Licence. My recollection is that there is a provision there that the B.B.C. shall

broadcast anything that they are directed to broadcast by a Minister and I think the trouble arose from the fact that, unless some arrangement had been made, the B.B.C. were powerless to resist that. But I do not think we ought to ask you to give the details if you have not got them?—It does come in one of the documents, but I am afraid I cannot tell you which.

Chairman.] It is actually stated in general terms in your first Memorandum, but there is no reference to the actual document.

Mr. Ness Edwards.] I thought it was in the Charter because I remember this matter being discussed when we discussed the Charter and Draft Licence together on the floor of the House. I distinctly remember a discussion about Ministerial broadcasts.

Mr. Bellenger.

1194. Command 8579 15 (3) says: "The Corporation shall, whenever so requested by any Department of Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, at the Corporation's own expense, send from all or any of the stations any announcement (with a visual image of any picture or object mentioned in the announcement if it is sent from the television stations or any of them) which such Department may request the Corporation to broadcast"—. What I was trying to get at was does that include, if that is the definition which Sir Alexander may be referring to, Ministerial statements on the air?—No, that is not the actual governing thing; there is a still closer definition of what a Ministerial broadcast is. It is extraordinarily stupid of me, but I am afraid I cannot lay my hand on it. If the Committee would like to have it, I will send it.

Chairman.

1195. Yes, would you just send us a short note on that? Are there any other questions? (After a short pause.) We are most grateful to you, Sir Alexander. I am sorry we have troubled you with this question of detail. Would you be good enough just to have a short Memorandum sent to us?—I am sorry not to be in better possession of the details.

The witness withdrew.

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

Sir KENNETH MACKENZIE CLARK, K.C.B., Chairman of the Independent Television Authority, called in and examined.

Chairman.

1196. We are much obliged to you for coming along, Sir Kenneth. We have had great assistance from Sir Robert Fraser on this matter and I think it would be very helpful if you would carry a little further the general points of principle that we discussed with him. He expressed the view that there was a justification for some kind of restriction on anticipation of debates in Parliament and, of course, so far as our terms of reference are concerned, we must assume that there is to be some. I think the Committee would be very grateful if you would just add any views that you have on that matter from the point of view of general policy, because, of course, that is really a matter for you rather than for Sir Robert Fraser?—I think our feeling, Sir, on that would be that on some of the counts on which the 14-day rule was originally applied it is no longer strictly necessary. For one thing it was applied when there was a monopoly in television and all attempts to draw a parallel with the Press were refuted by the fact that there was, in fact, as it were, only one newspaper. Well, that, of course, is no longer the case. There will be four and gradually six different broadcasting stations, so that that monopoly argument would seem to me no longer valid. Another argument that I think it hardly workable is the one by which, I believe, in fact, the rule originated, that is, that there might be *ex parte* statements by Members of Parliament or Ministers. Well, that as you know, we are prohibited from having. Our political broadcasts must all be discussions in which both points of view are put, excepting, of course, the party political broadcasts. So there remains, in our view, only one really important question and that is the condition by which some public topic is to be debated in Parliament where nobody has yet been—or cannot be, for reasons of public interest—fully informed and where, in fact, the information will only be given in the course of the debate, perhaps only as a result of answers to questions, and where public opinion is inflamed. On those occasions, it does seem to us that a discussion on television, however well-intentioned, might, in fact, lead people to make up their minds about

a point or subject upon which they had as yet no right to an opinion and might prejudice the public reaction to the Parliamentary Debate. I think we would be very glad to find some way on those rare occasions, of restraining discussion until the House had had a full opportunity to bring to light all the information which can be made public, at least.

1197. Now, Sir Kenneth, I think it is right that we should have on record—and so that the Committee might be reminded of the fact—that under the Television Act, section 3, there is a fairly complete prescription as to the duty of the Authority as regards questions of good taste or decency, balance, accuracy and impartiality and then, under (g): “subject as hereinafter provided in this subsection, that no matter designed to serve the interests of any political party is included in the programmes”. Then the exception to that is under proviso (i)—“a series of the British Broadcasting Corporation’s party political broadcasts”; and secondly: “the inclusion in the programmes of properly balanced discussions or debates where the persons taking part express opinions and put forward arguments of a political character”. So you have got a definite rule going as far as that?—Certainly.

1198. What I understand you are saying is that some addition to that may be desirable, but you think it ought to be kept to the minimum?—I do. The condition of that, as I said, is not one which touches any of those questions of impartiality or accuracy, but is a question of where the facts are not fully known and where public opinion is in an uncertain and perhaps over-excited state and where harm might be done. I believe there are very few occasions, but it does seem to me, if I may continue, to be a very delicate problem to know how to control. I cannot help feeling that the present 14-day rule is too rigid. It seems to me that with any great new growing force, to try to put it in a strait-jacket at an early stage is a mistake. It seems to me that on principle it is right to try and guide and lead it rather than to confine it, and, for that reason, I would feel that the 14-day rule, as it stands, is not perhaps, with respect,

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

the right solution. On the other hand, I am equally certain that it is not possible for the Authority to assume this responsibility. Firstly, of course, we have not the power to do it, except in the most rigorous form of cutting the contractors off the air; but even supposing it were suggested that we should write this power into the contract, I myself would feel very reluctant to do so, because it does seem to me that to make any assault on free speech—the rights of free public discussions—is such a grave matter in a democratic country that it should as a matter of principle be done by Parliament and not by a body like the I.T.A. Indeed, I would feel that had we put that into the contract at the time we were drafting the contracts we might, if things had turned the other way, been open to very grave criticism in Parliament for trying to misuse our power to prevent free discussion. Therefore, the problem seems to me to get a more flexible form of guidance for the programme contractors.

1199. Now, we were considering a few moments ago an example just to see how the machinery would work; I think every one would agree that it would be undesirable to have to-night, for example, a discussion on the subject of the negotiations with the Soviet representatives and giving the view of Mr. Krushchev and that sort of thing. It is quite a good example?—Certainly.

1200. We should just like to see what it is that is going to stop that taking place. Now, as I understand it, you would say that to leave it entirely to you to deal with a matter of that kind is not right and not fair: there ought to be some kind of prescription which would cover it?—I would say to that that at present, of course, we have not got the power, but what I would like to see is some form of guidance given to the Authority such as is given, I believe, to editors of responsible newspapers on occasions like this which we could then pass on to the programme companies; and, in our experience so far, I think the companies would always accept them. The only proviso is, of course, that this cannot be an absolute guarantee that they would accept, not because the programme companies themselves would wish to contravene it because, in our experience, the programme companies have been only too anxious to do what we want and to comply with

the Act, but because amongst their panels of “discussers” there might always be certain rebellious elements. It so happens that rebels are more amusing on television than conformists and I can well foresee a time when one of the members of the panel says: “I will be ‘blowed’ if I do this; whatever the authority may say and whatever you, the company, may say I am going to talk about it.” Now, that, of course, is a thing which, as things stand at present, is almost impossible for us to stop.

Mrs. Evelyn Emmet.

1201. Are they under contract so that you cannot stop them or can you say “In that case you will not speak to-night”?—It would be possible, I suppose, for the company to say “You will not speak to-night”, because, after all, a contract of that kind can be broken, but that would place a great strain on the companies, that would be asking a lot of them. It is not necessary to name the characters I have in mind, but let us suppose that one of them took that point of view: it would be asking a lot of them to turn him off.

1202. And it would become public property undoubtedly?—Yes.

Mr. Ness Edwards.

1203. Sir Kenneth, may I ask you one or two questions? I gathered from what you have said that you agree that Parliament must remain as the principal forum for forming opinion in this country?—Certainly.

1204. And that your commercial television ought not to be a rival to Parliament in that sense?—I do not think the two do come in any sense into rivalry. I would not consider them as being comparable really.

1205. But if, of course, you had debates or discussions on commercial television immediately preceding a debate in the House, would you regard that as rather detracting from the importance of Parliament?—No, Sir, I would not. On that point I would feel quite clearly that the first root principle of a democracy is that as many people as possible should apply their minds to matters of public interest in an intelligent way and the fact that they were doing so would in no way detract from the importance of the Parliamentary institution; on the contrary, I think it might actually enhance it.

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

1206. So I take it that you regard the performance of four non-conformist persons who are chosen for their entertainment value as being a preservation of the right to free speech?—I must reject in the question your use of the words "entertainment value". I said rebels very often made more lively broadcasters than conformists, but it does not follow that they are not very serious people whose views have been listened to with respect in the House for many years and who have, incidentally, very often been right.

1207. Further, on that point, Sir Kenneth, do you think that the use of commercial television in the interests of free speech is being abrogated at all in building up individuals by the repeated appearance of a Member of Parliament on television?—Honestly I do not think we have had any sign in this country that that is going to be a danger and we have precious little sign in the United States; in fact, the only individual in the United States who has universal reputation is Mr. Murrow and his influence has been entirely for the good. In this country I do not think that any individual has got himself taken seriously by the public yet as an arbiter or a columnist (so to speak) of broadcasting. The real fact is the public is extremely fickle; they will stand a music hall performer for 15 or 20 years because they only see him once in three years, but when they are going to see a public character week after week they get bored with him and even the most eminent, remarkable, intelligent and talented of broadcasters very soon finds himself passing out of public favour.

1208. You know there are contrary points of view about that?—Yes, I do, but I do not believe they are founded on fact.

1209. You have obviously given some thought to this matter of inappropriate discussions on television; would you think that the existence of a political advisory committee could help you in this matter at all?—I do not know that I would find a committee necessary, but perhaps three or four persons to whom we could turn in matters of doubt would be extremely valuable. If I may take another concrete instance, let us say matters in the Middle East about which the public feel themselves to be very badly informed; there if there was a discussion going to take place on matters

in the Middle East, if we had somebody here to whom we could turn and say: "Is this really a very delicate matter which may do harm or is it a question which would be all the better for the public having a little information about it?" we should be very grateful.

Mrs. Evelyn Emmet.

1210. May I interrupt there for a moment and ask do you use that sort of consultation in other subjects that are difficult, such as religious broadcasts and so on?—In religious broadcasts we have a panel of three. We have resisted the idea of a large committee; there is, in fact, the B.B.C.'s own religious broadcasting committee to which we are loosely affiliated, but I felt that to use that would be both rather unfair on our programme companies, because they would be restricted to the same kind of performance, it would also be rather cumbersome. So, after a great deal of discussion—practically a year's discussion—with church leaders, we came down to a panel of three, an Anglican, a Free Churchman, and a Catholic, and I think I can truly say it has worked perfectly.

1211. How often do you have occasion to consult them?—I think they meet about once a fortnight.

1212. As often as that?—Yes. But then, of course, that is rather different, because you realise we are doing a religious broadcast every day and one a week.

Chairman.

1213. And you can get in touch with them?—Yes. One of them acts as our special adviser who convenes the other members.

Mrs. Evelyn Emmet.

1214. Are they voluntary or paid?—I think they get small honorariums and expenses, but that amount is so small that it amounts practically to voluntary work. It is, of course, also true that the companies have their own heads of religious broadcasting who are in touch with this panel so that a lot of it goes on without coming through the I.T.A. at all.

1215. Have you any other controversial subjects of this kind to which that applies too?—Not yet, but we have a committee for young people on education which, when the companies have

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

grown more prosperous, I hope will come into action because I hope then to put on educational programmes during the closed period of the afternoon, and then, of course, that committee would have again to make itself into a small advisory panel.

1216. And if you had such a suggestion that you might have such a small panel for the political information put to you, would you consider it advisable that the findings should in awkward cases be made public, if necessary, or not?—I would much rather it was done in an informal manner.

Mr. Ness Edwards.

1217. Sir Kenneth, you are, as you say, going to have six programmes going out on six stations?—Eventually more.

1218. At least you can look forward to six?—Yes, we shall quite soon have six.

1219. And that means that you will probably have every week six political discussions going on from your six stations?—It is conceivable, but very unlikely.

1220. But it is possible?—Yes.

1221. It depends upon the programme contractor; if he thinks it is good business, he will do it?—Certainly.

1222. How do you think you can obtain general uniformity as to the method of exercising restraint over six stations or more as it may eventually become?—I do not think the machinery is impossible. We have to see the programmes a fortnight in advance. We see when discussions are coming up. We receive the names of the people who are going to attend these discussions. It is not beyond human wit to write to the programme contractors or ring them up the day before and say: "Look here, this new factor that has come on the scene"—the dismissal of General Glubb, or whatever it may be—"is something we would rather you did not discuss". Compared with many of the other things we have to do connected with advertisements and so forth, I think it would really be quite a light operation.

1223. So you do not regard passing on the advice as being a difficulty at all?—No.

1224. The difficulty is arriving at the advice?—The difficulty is arriving at

the advice and ensuring that the advice is carried out without fail, that is to say, I think I could promise you that the advice would be carried out 99 times out of 100, but I could not guarantee the hundredth time.

1225. Well, in politics that is a good average?—I may be stating it too high, but I cannot guarantee that, if one of our members of a panel thought he was going to make a splash and felt strongly about a subject, without some Parliamentary rule he would not do so.

1226. So you would like to have it in the form of a Parliamentary rule to enforce the advice you give?—If we had this panel of advisers, it would be possible, I think, to say that in the event of their giving quite definite advice—I do not know if it is possible—from the constitutional Parliamentary point of view, we would see it was enforced; but, of course, this whole question depends on what are known as gentleman's agreements all round—as the whole of this broadcasting system depends on good relations all round—and I think, if we had such a panel, we would have to be sure that it was going to act in a liberal way. We would not want to expel the "King Log" of the 14-day rule and have a "King Stork" of the panel which was going to prevent more free discussion than takes place at present.

1227. Let me put it this way to you: if Parliament lays down a rule and leaves the interpretation of the rule to the authorities, such as the broadcasting authorities, reinforced by the advice in relation to the operation of the rule by a Parliamentary committee—you would have to have a statutory committee to have real force—would that sort of thing appeal to you?—*Prima facie* it would. I would not like to answer that definitely until I saw the exact machinery, but, *prima facie*, I should have thought that would have been a workable arrangement.

Mr. Bellenger.

1228. Sir Kenneth, you mentioned a little while ago the guidance given to editors of newspapers; is not that mainly Foreign Office guidance?—I think it is.

1229. And in your experience do you find that works very well?—I am afraid I have no experience of newspapers.

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

1230. You remember the "D" rule during the war?—Yes, I do.

1231. Is it not true that editors publishing after receiving a "D" notice could have been proceeded against?—Certainly.

1232. But now the influence that the Foreign Office has in the way of guidance to editors is only (what shall I say?) persuasive and not mandatory?—It carried with it no sanctions, as I understand, and that indeed is one of the reasons why I would feel, with respect, that it was almost worth trying for a period of time, say, six months, the removal of the rule for an experimental period to see if we could not with our programme contractors have the same kind of results as the Foreign Office have with the newspapers.

1233. Yes. But when you come to party politics, would you agree that a Government department should give guidance or would you prefer a closer contact between your organisation and Parliament, as Mr. Ness Edwards has suggested, whereby Parliamentary guidance or advice might be given in the same way, shall we say, that Foreign Office guidance is given to editors?—To tell the truth I have not been thinking so much in terms of party politics because I do feel that the principal point of discussions—that both sides always have to be put—almost removes party politics from the whole question. I was thinking of things that were of general, national importance of which the Chairman gave the example of the discussions with Krushchev and Bulganin. It does come very largely, I think, to a Foreign Office matter, that is to say, things outside parties on which you do not want discussion because it is going to upset public opinion in advance of the debate.

1234. Or things against the public interest?—Yes.

1235. Would you agree that perhaps Cyprus might be another issue?—I would very strongly feel that Cyprus was such an issue.

1236. Where you have large bodies of British troops engaged in something like warlike operations, then it would be not in the public interest to, shall we say, excite public opinion on the matter?—Certainly. And another obvious case would be if Anglo-American relations be-

came strained; that would be even more, to my mind, a case where it would be very unwise to enter into a discussion.

1237. And, therefore, you would feel more comfortable if you had some sort of guidance from somewhere?—I would.

1238. You have not quite decided whether the appropriate instrument for that would be a Government department or a Parliamentary institution or office?—I had thought of a Parliamentary institution, because I think, if this is going to have a sanction behind it, it must have some Parliamentary basis. If my suggestion of a trial period without sanctions and with only the kind of persuasion that takes place with the Press were to be adopted, of course, we could turn to some other body, not necessarily a Parliamentary body.

Chairman.

1239. I do not think, Sir Kenneth, in any case you were advocating that a Government department should do it?—No, no.

Sir Robert Grimston.

1240. But, Sir Kenneth, taking rather another angle here, we are concerned with maintaining what I would call the primacy of Parliament as the forum of discussion?—Yes.

1241. You feel that that would not be endangered by unrestrained discussions on the television?—Free discussions, yes.

1242. Free discussions. By reason of the fact that there is a multiplicity of companies and the thing is not a monopoly?—I feel it would not be, to tell the truth, damaging to anybody or, in any way, to the supremacy of Parliament. The multiplicity of coverage argument is one that I would use against the old view put forward that an *ex parte* broadcast might have a monopoly and might seem to speak to people as if it were the last and only word on the subject. That, I think, is now removed by the multiplicity of coverage; but the supremacy of Parliament, I really feel, is not jeopardised by discussions. If I may, with respect, use the analogy of religion which was brought up recently, we have had over the last two years many discussions with churchmen who felt that putting a religious service on from 7.0 to 7.30 o'clock at a time when people might be at Evensong would, in

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

fact, reduce the number of churchgoers. We have tried to persuade them that the state of mind is more important than the institution in this case, and, indeed, that the institution can only gain by more people getting into that state of mind. I think we have persuaded them to that effect and I think, in fact, it has not put down the number of churchgoers; on the contrary, it has led to more people going to church, so far as we can assess it, and I feel that, with a necessary reservation, the same thing is true of Parliament. I feel that if more people can take interest in public affairs, the more they will look to Parliament for their decisions on those affairs.

1243. The only restriction you would like to see on discussions is in the case when some fact is going to be brought out in Parliament which will not be known till then?—Yes.

Chairman.

1244. Could I just ask you the question which arises, I think, out of that: it has been suggested that if you have a perfectly fair and proper compliance with your exception here of a properly balanced discussion or debate, say, the day before discussion in Parliament, you cannot avoid this consequence occasionally happening that the people who are taking part in that discussion on the two sides will not really be putting forward the party point of view and that, therefore, the debate that you hear there would not really be accurately reflecting the debate that is going to take place, or may be almost simultaneously taking place, in Parliament. I do not know whether you have any views on that? Supposing you have rather unorthodox people who, as you say, make the more attractive broadcasts very often, you may get a misleading view as to what really is the issue in Parliament, because the leading speakers representing the respective parties when the time comes may very well be taking quite different points or quite a different line and the line taken in the debates will be quite a different one?—You mean, Sir, that the public would believe that "A's" point of view was the Tory point of view and "B's" point of view was the Labour point of view whereas, in fact, they were personal points of view?

1245. Yes?—Yes, I am afraid that could easily happen and I think there is no way out of it but for the members

taking part to say "I am giving my personal point of view and this is not necessarily the official party point of view".

Mr. Ness Edwards.

1246. They would have to say that very often, would not they?—They say it anyway.

Mr. Bellenger.

1247. Of course, it would seem, would it not, that Members of Parliament who do take part in these discussions are very limited in number?—Yes.

1248. Therefore you are getting a personal point of view except in cases where the party line is so obvious that it is "plugged" over like you "plug" songs over?—Exactly.

1249. Would it not perhaps help, as it certainly does in Parliament, to get a more varied point of view; in other words, not to limit your broadcasters or your "televiseurs" or whatever you call them to a very small—I will not say select, but almost exclusive—band?—I think the companies would be only too glad to discover fresh talent.

1250. Well, how do they attempt to discover talent, because—let me be quite frank with you, Sir Kenneth—it is alleged that those who come down here, the talent scouts (I think that is the expression), seem to congregate in one particular part of the precincts?—That I do not know, but I do know that if any Member of Parliament or Minister were to give a broadcast and show real talent as a broadcaster, there would be a whoop of joy from both the B.B.C. and ourselves.

Chairman.

1251. Well, we are very grateful to you, Sir Kenneth. It has been most interesting and helpful to us. There is only just one more thing: when Sir Robert Fraser was here there was some suggestion that he was going to let us have some suggestions or proposals. I do not think we would want to leave this open. It is at page 107 of the report when I asked Sir Robert: "I am sure that I am expressing the opinion of this Committee, Sir Robert, in saying that we are extremely grateful to you for coming here. You have dealt with some very important and difficult matters". Then he said this: "The question which you want me to answer, really, is 'If we left it to you to

25 April, 1956.]

Sir KENNETH MACKENZIE CLARK, K.C.B.

[Continued.]

try and tell us precisely the rule on which you would operate what would you suggest?" Then Mr. Silverman said: "On the assumption that we lay down a rule, what kind of rule would you want us to lay down?" Then Sir Robert said: "That is a separate question. I might have a shot at that, too." And then I said to him: "I think we may say that you should not consider yourself too rigidly tied down. When you come to it you may like to put it in one way rather than in another—but we leave it to you." Well, we do not want to press you, of course, in any way, Sir Kenneth, but if you have any suggestions on considera-

tion that you would like to put into writing, we should be very grateful for them?—Well, Sir, I know that Sir Robert Fraser had in mind to prepare such a document in case it might be helpful to you, but he left it over until I had been here in case his Chairman made an ass of himself and he had to modify the document.

Chairman.

1252. Do not feel bound in any way by what has happened so far?—Thank you very much. We will prepare, as we always do, a joint document which will come in from the Authority.

The witness withdrew.

APPENDIX

Papers laid before the Committee

	<i>Page</i>
1. Note by the Clerk of the House	162
2. Extract from Contract between I.T.A. and Programme Contractor ...	162
3. Letter from Viscount Hailsham, Q.C., to the Chairman of the Committee	162
4. Letter from Sir Stephen Pierssené, to the Chairman of the Committee ...	165
5. Memorandum by J. P. W. Mallalieu, M.P.	165
6. Letter from Mr. Gresham Cooke, C.B.E., M.P., to the Chairman of the Committee	166
7. Letter from Sir Alexander Cadogan, O.M., G.C.M.G., K.C.B., to the Chairman of the Committee	167
8. Memorandum by the Chairman and the Director General of the Independent Television Authority	167

1. NOTE BY THE CLERK OF THE HOUSE

I have been asked to provide a note on "whether there is any evidence that Members have ever been restrained from speaking or publishing by Ministerial direction; on the bearing of the fourteen-day rule restraint upon Parliamentary Privilege; and upon any other matters, such as the history of the rule of anticipation, which in your opinion should be brought to the attention of the Committee".

On the first point I am afraid that I can be of little assistance to the Committee, since, as I understand the question, the restraint on which information is sought does not relate to the privilege of freedom of speech as applied to Members taking part in a proceeding of the House. Of any other restraint not connected with privilege I should have no knowledge and am not qualified to speak. It might be worth mentioning (though I doubt if it is relevant) that a restraint was imposed by Ministerial order during each World War against the disclosure, whether by speech or publication, of information obtained during a Secret Session of either House. This restraint was, by its nature, particularly applicable to Members (and a very few Officers) of both Houses.

On the second point, I do not think that Parliamentary Privilege is involved.

On the third point the rule against Anticipation was examined by a Select Committee in 1907, and in his evidence before that Committee the late Sir Courtenay Ilbert, then Clerk of the House, discussed the origin and development of the rule. Like many usages of the House of Commons, the origin of this rule is not easily discoverable. The first authoritative reference to it is in 1868, though in "Little Dorritt", published in 1857, Dickens refers to it. The rule does not appear in May until the Seventh Edition, published in 1871. As it was between 1832 and 1870 that the principle of "certainty of business" was established, it was not unnatural that a practice so useful for the establishment of that principle should emerge during the same period.

2. EXTRACT FROM CONTRACT BETWEEN I.T.A. AND PROGRAMME CONTRACTOR
Clause 4 (1)

(b) The Authority may without prior notice discontinue the broadcasting of any programme provided or subject to the provisions of Clause 12 decline to broadcast any programme proposed to be provided by the Contractor which in the opinion of the Authority constitutes or contains matter which constitutes a breach of any of the terms of this Agreement or a contravention by the Authority or the Contractor of any of the provisions of the Act or of any regulations or requirements made or directions given by the Postmaster General under Sections 4, 7 or 9 of the Act.

First Schedule : Part II

Paragraph 6. The programmes provided by the Contractor shall not . . . (5) include any matter or class of matter which the Postmaster General shall by notice in writing under Section 9 (2) of the Act have required the Authority to refrain from broadcasting PROVIDED that this paragraph shall have effect only in relation to matters or classes of matters of which notice shall have been given by the Authority to the Contractor.

3. LETTER FROM VISCOUNT HAILSHAM, Q.C., TO THE CHAIRMAN OF THE
COMMITTEE

DEAR LIONEL,

I have been wondering whether your distinguished Select Committee would be at all interested in my views such as they are on the fourteen day rule. If you feel that what follows is all nonsense or for any reason not worth while, do not hesitate to throw it all into the waste paper basket, but if you feel that your colleagues might be interested in it, I should be grateful if you could cause it to be circulated.

You may well ask what are my qualifications to air my opinions on this vexed topic.

I would answer that I was thirteen years, or very nearly, a member of your House, and that over five I have been a member of the Other Place, to which, I understand, at least in theory the fourteen day rule applies.

During that time, I believe you will find that I have broadcast more frequently, and over a wider range of programmes and topics, than any other Member of either House during their membership, and most of my broadcasts (apart from religious broadcasts) have included observations on topics which might come within the rule.

The point I would first like to make is a point of fact. The fourteen day rule in some form or other, is not, I believe, a new one. No one seems to have objected to it until recently when quite suddenly it became controversial. This fact has puzzled me considerably, for the obvious explanation, that complaint about it is bogus, is not, I believe, correct. I never found it irksome until the last eighteen months, and more especially the last six, when on about half a dozen occasions, I found it interfered, I thought, and still think, unreasonably, with discussion programmes with which I was, or was to have been, connected.

I do not wish to appear at all doctrinaire about this matter. Obviously the House of Commons is right to be concerned with the impact of radio, and still more of television, upon (i) the prestige and (ii) the freedom of debate in Parliament, and obviously, too it would be entirely right to stifle at the outset any tendency for the radio or television either to displace Parliament as the real forum of informed discussion, or, still worse, to develop a hysterical public opinion which would in any way upset the freedom, detachment, or integrity of parliamentary debate.

For reasons which I should like to make clear, however, I believe this danger is purely theoretical.

In order to make myself plain, I wonder if you will forgive me making a few generalisations about the influence of radio and television upon events of the type they describe or depict? There are always people who are afraid that radio coverage will turn people away from an actual event. There are some cases where this is so, e.g. people will stay at home to watch a first class football match on the television rather than stand in the cold and watch a Wednesday team at work in their local field. They will also not go to see a detective play the end of which they already know from radio or T.V.

In general, however, the opposite effect is that which applies. The great revival of serious music in recent years has been due, I believe, to the radio more than to any single factor, and television has aroused and developed interest in a great variety of different topics, where it was wanting, or quiescent, before.

Now, the very limitations of broadcast technique are such, it can only arouse interest in subjects without satisfying it. The effect of discussing e.g. the death penalty for half an hour is not to satisfy or convince, but to whet an appetite for discussion. The last thing I would seek to suggest would be that there are no occasions when for public reasons (more often, I should have thought concerned with foreign than with home affairs) the House of Commons, or, rather, those who represent it, should be entitled to say to the B.B.C.: "No; you are not a debating society. Nor is Parliament. You influence events and so do we. A dangerous situation is developing, and you should await the responsible discussion of it in Parliament before you ventilate it". But these situations, are, I should have thought, relatively rare. In the main, I am quite certain from my experience, discussions in topics likely to come up in Parliament operate wholly beneficially (i) to interest public opinion in the forthcoming debate, an advantage to which I cannot attach too much importance (ii) to inform and educate public opinion as to the importance and significance of the issues to be discussed and (iii) to popularise the institution of Parliament, because responsible broadcasters, and especially members of Parliament, inevitably speak respectfully of an institution which they both understand and love, and which is often decried by the interested, the irresponsible, and the ignorant. The B.B.C. can never overshadow debates in the Commons, any more than it can overshadow by previous discussion the result of a Test Match (if you will forgive a light-hearted example). The debate in the Commons is the place where the history is made, and the previous discussion can only excite interest and discussion about

the importance and value of what is going on there, when the vital decision is made.

I mention these general considerations because my conviction is that the general operation of the fourteen day rule is adverse to the interests of Parliament and to the public interest. Radio and television are wonderful instruments of democracy to develop both the quantity, and, still more important, the quality, of interest in public affairs, and they cannot pull their full weight in this respect if they are not allowed to debate within reasonable latitude the matters which are topical while they are topical. I would ordinarily scrutinise extremely carefully programmes which by chance or design might upset a current international crisis. I consider that the Budget should be protected by a fairly careful code of rules for at least a week in advance, but I should personally like to see the fourteen day rule, with suitable safeguards on this sort of point, completely waived for an experimental period of three or six months. After all, with these new methods of communication we are all to some extent speaking and writing without adequate experience, and I feel sure that if the experiment were made, the House would never wish to go back to the full rigour of the rule; on the other hand new and more realistic objections to complete freedom might emerge as the result of the experience gained, in which case I feel absolutely certain the House would be strong enough to impose whatever code was demanded.

The next topic I wish to raise is the length of the fourteen day rule. Public interest in matters shifts so rapidly that, with the best will in the world, and even on the assumption that I am quite wrong in everything else that I have said, I am quite unable to see that any period longer than a week could conceivably be required. After all, the real danger, as I see it is that some event such as the dismissal of General Glubb, might suddenly arise which gave an undue significance to some innocent broadcast long previously planned, and tempt some high official of the B.B.C. to put on a broadcast suddenly, and without adequate appreciation of the possible consequences of so-doing. This ought to be dealt with by a far more flexible system of liaison, rather than by a rigid rule. I do not think it impossible to devise one, but to forbid (as actually happened, to my secret delight because I was a little bored at the prospect) two middle aged Q.C.s (Gerald Gardiner and myself) from debating the death penalty simply because it was anticipated that the House of Commons would be debating it "the week after next" is verging on the ridiculous, even if, contrary to the opinion I have expressed, our discussion would have had any other effect than to concentrate interest and attention on the forthcoming debate in Parliament.

Having dealt with the period, may I say a word about the range? The immensely greatest number of broadcasts I in fact do are routine discussion in practice undertaken for the Foreign Office on the various foreign programmes of the B.B.C. Can it really be that the reasons, adequate or the reverse, which have led to the imposition of the ban on Home, Light Service and Television broadcasts apply to our English language service to Katmandu? It may be so, but, if it is, the necessity for it has escaped me.

Lastly, I understand it to be the case, although I have not seen the text recently, that the fourteen day rule in your House now imposes heavier restrictions on M.P.s than on outside broadcasters. Surely there is no justification for this, if it be the case. There is a great deal too much suspicion, in my view, of M.P.s broadcasting. One of the great safeguards of parliamentary democracy here, at least in my view, is that some of our best publicists, are members of Parliament, and subject to the judgment and discipline formal and informal of their fellow members, and even of their constituents.

May I conclude by saying that on the whole, the less Parliament interferes with the means of communication in the interests of its prestige on the whole the better? There was a time when the same sort of suspicion fell on the reporting of Parliamentary Debates; indeed the growing power of the Press at the end of the seventeenth, and during the eighteenth centuries, was in some ways more upsetting to established ideas than the radio in the twentieth. Experience taught that the fullest reporting increased the influence, and heightened the prestige and

integrity of Parliamentary Debates rather than the reverse. I am convinced that this would be to the general effect of the abolition, or at least radical transformation, of the fourteen day rule. Parliament has never abandoned, nor should it abandon, the right to control reporting, but it no longer exercises it. I suspect that is the true gospel regarding broadcasting.

Yours sincerely,

(Signed) HAILSHAM.

4. LETTER FROM SIR STEPHEN PIERSSENÉ TO THE CHAIRMAN OF THE COMMITTEE

16th March, 1956.

DEAR SIR LIONEL,

In accordance with the request of the Select Committee I have made exhaustive enquiries into the allegations made by Sir Robert Boothby that

- (a) "The original 'In the News' team was broken up by Transport House and the Conservative Central Office".
- (b) The B.B.C. took decisions in this matter "under concealed pressure from the party machines".

I can find no evidence which lends support to these statements. There is no letter to the B.B.C. on the files of the Conservative Central Office which mentions Sir Robert Boothby or which makes a specific complaint about the "In the News" programme, nor have I any reason to believe that any such letter was written or that representations were made in any other way.

Any correspondence with the B.B.C. on the subject of M.P.s broadcasting has been confined to complaints that the balance of parties appeared to have been weighted against the Conservative Party, and that the B.B.C. had on occasions selected non-M.P. speakers to represent the Conservative point of view who were not qualified to deal on equal terms with experienced Labour M.P.s.

I would add, firstly, that the above-mentioned correspondence took place five years ago; and secondly, that it was never suggested that any bias on the part of the B.B.C. was deliberate.

Yours sincerely,

(Signed) STEPHEN PIERSSENÉ.

The Rt. Hon. Sir LIONEL HEALD, Q.C., M.P.,

House of Commons, S.W.1.

5. MEMORANDUM BY MR. J. P. W. MALLALIEU, M.P.

In, I think, 1948 I was invited by the B.B.C. to take part in Sporting Fanfare—an "Any Questions" type of programme on sport organised by the Western Region. Subsequently I appeared many times on this programme.

The programme was so successful that, in, I think, 1952 it was "bought" by the Light Programme from the Region. As an experiment, the Light Programme were to run one series of six broadcasts. The producer invited me to take part in five of them, not because I was expert in any one sport, but because I could waffle agreeably about most sports.

Before the series could begin, however, the producer told me that he would have to withdraw his offer. In the Plymouth office of the B.B.C. I was shown a memorandum on the subject, sent from Bristol to Plymouth, and signed by Frank Gillard. This memo. stated that in future, on instructions from Broadcasting House, if a Labour M.P. was used on *any* programme, sporting or otherwise, he must be "balanced" by a Conservative M.P. and vice versa. Further if any "Bevanite" Labour M.P. were used, he must be balanced by five "orthodox" Labour M.P.s in addition to the necessary quota of Conservative M.P.s. The memorandum defined "Bevanite" as any of those 57 Labour M.P.s who had voted in a certain Division from which the party officially

abstained. The memorandum mentioned me by name and stated that in the circumstances I could only appear very infrequently, if at all, in Sporting Fanfare.

As the producer did not wish to overload his sporting panel with M.P.s and would anyway have had some difficulty in finding enough M.P.s with the necessary sporting knowledge, he told me that I would not in future be used. I was not in fact used on any of the broadcasts over the Light Programme.

I at once complained to Mr. Attlee, then Leader of the Labour Party. He subsequently told me, after inquiry, that though the Labour Party had made official representations about the composition of panels dealing with political matters, no representations had been made officially about other programmes. Morgan Phillips confirmed this to me in writing. But the ban persisted for a time.

However, about a year later, a new producer took over the programme and made special and repeated requests that I be allowed to rejoin the team. Eventually the B.B.C. agreed that the limitation on "Bevanite" M.P.s should go, but that the provision for balancing a Labour M.P. with a Conservative M.P. should be retained even on sporting programmes. Accordingly, I was given two broadcasts in each of the two subsequent series, my four appearances being duly balanced by the appearance of four separate Conservative Members.

Later still, when I was asked to discuss football on T.V.'s Panorama Programme, the producer asked me to provide my own "balance" which I did by suggesting the name of a suitable Tory M.P.

I have a personal complaint about this. I have been broadcasting regularly, mainly about sport, since about 1936. I could reasonably say that I am a professional broadcaster. Certainly, after the war, when I had to abandon staff journalism, free lance broadcasting on sport was my main non-Parliamentary source of income. This source of income has dried up almost completely—I have had one broadcast in the past two years—as a result, I am told, of political pressure brought on the B.B.C. This has amounted to victimisation of a man in a non-political field because of his political activities.

6. LETTER FROM MR. GRESHAM COOKE, C.B.E., M.P., TO THE CHAIRMAN OF THE COMMITTEE

28th March, 1956.

MY DEAR HEALD,

I do not know whether your Committee has completed its deliberations, but I wanted to bring one point to its attention before it did.

You will be aware that the Road Traffic Bill has been under discussion now for nearly a year, and that it will be over a year before it receives Royal Assent. In that Bill are important proposals for the introduction of compulsory testing of motor cars and other motor vehicles.

I think the Committee will agree that this is the sort of point that might well be discussed on the B.B.C. even during the passage of the Bill through the House, as this is a point of a good deal of public interest. Strictly under the rules at present it could not be so discussed on the B.B.C. because the proposal is contained in legislation under discussion.

I am writing to urge that the Committee should rescind this rule with regard to legislation, so as to allow public discussion of such a point, particularly where, as in this case, the Bill takes a very long time to get through both Houses of Parliament. Could you kindly bring this point before the Committee.

Yours,

(Signed) R. GRESHAM COOKE.

The Rt. Hon. Sir LIONEL HEALD, Q.C., M.P.
House of Commons.

7. LETTER FROM SIR ALEXANDER CADOGAN, O.M., G.C.M.G., K.C.B., TO THE
CHAIRMAN OF THE COMMITTEE

3rd May, 1956.

DEAR SIR LIONEL,

I have been looking at the minutes of my evidence to the Select Committee on April 25th and I notice that you asked me to send you a note on the definition of Ministerial Broadcasts. The definition is contained in the Aide Memoire of the agreement between the B.B.C. and the Parties on Political Broadcasting, drawn up in 1947 and published in Appendix H of the Beveridge Committee's Report. The relevant clause is as follows:—

“(2) In view of their responsibilities for the care of the nation the Government should be able to use the wireless from time to time for Ministerial broadcasts which, for example, are purely factual, or explanatory of legislation or administrative policies approved by Parliament; or in the nature of appeals to the nation to co-operate in national policies, such as fuel economy or recruiting, which require the active participation of the public. Broadcasts on State occasions also come in the same category.

It will be incumbent on Ministers making such broadcasts to be as impartial as possible, and in the ordinary way there will be no question of a reply by the Opposition. Where, however, the Opposition think that a Government broadcast is controversial it will be open to them to take the matter up through the usual channels with a view to a reply.

(i) As a reply, if one is to be made, should normally be within a very short period after the original broadcast, say three days, the B.B.C. will be free to exercise its own judgment if no agreement is arrived at within that period.

(ii) Replies under this paragraph will not be included in the number of broadcasts provided for under paragraph 4.

(iii) Copies of the scripts of broadcasts under this paragraph shall be supplied to the leaders of each Party.

(iv) All requests for Ministerial broadcasts under this paragraph shall be canalized through the Minister designated for this purpose—at present the Postmaster-General.”

Yours sincerely,

(Signed) ALEXANDER CADOGAN.

The Rt. Hon. Sir LIONEL HEALD, Q.C., M.P.

8. MEMORANDUM BY THE CHAIRMAN AND THE DIRECTOR GENERAL OF THE
INDEPENDENT TELEVISION AUTHORITY

1. The Select Committee has been good enough to ask us for a statement of what we think about the Fortnight Rule, and whether we have any suggestions for securing some restraint on the prior discussion of questions to which Parliament is about to address itself.

2. We should like to make it clear from the beginning that we are conscious of the importance of the considerations from which the Fortnight Rule emerged, and agree that the maintenance of the standing of Parliament is a vital common interest binding all the members of a free community. We recognise that there is, or, at any rate, there has been, a real problem.

3. We are therefore anxious to help towards the creation of a position in which Parliamentary anxieties can be allayed without so radical a departure from the fundamental principles of free discussion in a free society as seems to be involved in the Fortnight Rule.

4. We do not feel that any great harm will be done by the total abandonment of the Fortnight Rule. We have come to this conclusion not as an automatic result of the belief in a principle, but as a result of examining such cases as have arisen in our experience and asking what possible injury could have been done if the Rule did not exist. While not wishing to make a general catalogue,

we would mention the following as a typical case. In the week which preceded the political discussion programme "Free Speech" on Sunday April 22nd, the Budget had been presented and the debate on the Budget resolutions had begun. Thus the newspapers had been full of comment on the Budget for several days. The debate, however, was not to be concluded until the following Monday, and for this reason the Authority had to prohibit any reference to the Budget in the Sunday programme for which it was a natural choice.

5. In expressing this view, we have it in mind that in two ways Independent Television had altered the conditions which, in the course of years, had led to the imposition of the Rule:

(a) The Television Act prescribes that all discussion of political and other controversial subjects on Independent Television should be balanced, so that the public hears both sides of a question: what would correspond to leading articles or signed articles of opinion in newspapers are therefore not permissible, and nothing in the nature of a propaganda campaign can take place.

(b) In so far as the anxiety of Parliament derived from a concentration of the power of television in the hands of one organisation, so that discussion was inevitably restricted to a few people addressing immense audiences, the position is now changed. Counting in the B.B.C., there are already five organisations, each independent of the other, arranging television programmes, and there have been, apart from the news and news interviews, at least half a dozen regular programmes in which public issues were discussed. Next year there will be at least six separate television companies in addition to the B.B.C., and the number of these may grow at the rate of two or three a year. Thus the distinction between television and the press, on which emphasis was laid by supporters of the Rule, has lost much of its force.

6. With regard to the contention that these discussion programmes might diminish the authority of Parliament as "the grand forum of the nation", we feel, on the contrary, that they may well induce thousands of people who normally take a feeble or one-sided interest in public affairs to think about them with more intelligence and a greater understanding of conflicting points of view. As a result, they will be able to follow Parliamentary debates with a better grasp of the issues involved. We cannot but believe that this is a genuinely democratic process which will ultimately be of benefit to Parliament as an institution.

7. There remain, however, certain circumstances in which we believe that it would not be wise to anticipate Parliamentary debate. One of these is when, in a matter of high national importance, the facts on which a fair opinion could be formed are not available and will become so only in the course of a statement to Parliament. There might also be occasions when public opinion had been dangerously excited by some international incident and broadcast discussion could make it more difficult for Parliamentary debates to be conducted in a dispassionate spirit. In such circumstances we would not think it wise to arrange a special discussion or, if one had already been arranged, to treat the subject as other than one for suspense of judgment.

8. Finally we should emphasise that the need for the Rule or any revised version of it should be based on the kind of considerations we have ventured to set out, and not upon the argument whether or not the Rule is workable. Given that it is not really a Fortnight Rule, but an Eight-day descending to a Two-day Rule (for on any Wednesday nothing is known of the future business of the House of Commons save on Thursday and Friday), the Rule is workable enough, though of course its observance is always bound to be a practical inconvenience when programmes have to be cancelled or re-arranged. The real question is not whether the Rule is workable, but whether it is right.

9. Turning now to the question of how restraint, if any, should be exercised, we see an insuperable objection in principle to any substitute rule imposed by the broadcasting organisations themselves; namely that the prohibition of public discussion in a free country is so grave a matter that it could be justified on no authority less than Parliament itself.

10. We are aware, however, that confidential advice is sometimes given to the news services of the country and that as a rule this advice has been accepted. We believe that such advice would be equally effective if given through the Authority to the television companies.

11. We would remind the Committee that the Authority has no power to impose such restrictions on the programme companies, so that we cannot guarantee that in every case our advice will be taken. But so far the companies have shown, in this respect, a high sense of public responsibility, and we feel fairly confident that if restraining guidance was given only when it could be supported by strong arguments it would be respected.

12. Our first recommendation would therefore be that the Rule be suspended for an experimental period of one year, during which time the Authority would receive *ad hoc* advice on a few special issues.

13. But if it is felt that some rule must be maintained, then we would suggest that it should be restricted to the Second Reading debates in the House of Commons, from the moment that these are announced in the Thursday statement.

14. We believe that different considerations should apply to the separate and second rule that places a particular restriction upon Members of Parliament. Here it seems that the matter should be regarded as one between Parliament and its Members and that it should not be left to the broadcasting organisations to act as agents for such a restriction. Nonetheless, if we may venture an opinion, we think it a pity for the restriction to be maintained, as Members of Parliament must often be in the best position to contribute towards public enlightenment on the questions with which Parliament is dealing.

15. Finally, we must emphasise that the opinions contained in this memorandum are those of the Chairman and the Director General, and do not represent the collective view of the Authority.

KENNETH CLARK.
ROBERT FRASER.

1