

NEW STATESMAN

**Germ warfare
and the Russians**



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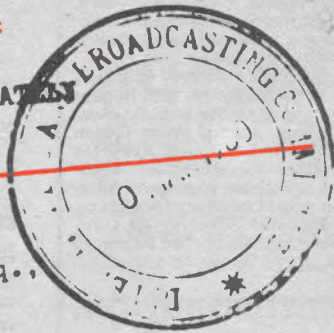
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D Notices Committee: a quango ready for the chop

The D Notice quangette

Recent articles on security in the *NEW STATESMAN* have provoked a move by the almost forgotten 'D Notice', or Defence Press and Broadcasting Committee, to reassert its existence and authority. We therefore sought to clarify, in correspondence, what role (if any) the Committee and D Notices had in the 1980s; our inquiries were rebuffed. **DUNCAN CAMPBELL** reports on a lesser known quango inside the Ministry of Defence.

THE D NOTICE SYSTEM is one of the greater mysteries of British journalism. Many members of the public believe it to be a means for the government to suppress news of their favourite grievance. Even quite experienced journalists working on a 'sensitive' story fear – absurdly – that their efforts may be frustrated by the arrival of the D Notice carrier, despatched urgently from the Ministry of Defence. American and other foreign journalists regard the system of self-censorship it embodies as peculiarly British, a further example of placid press complacency.

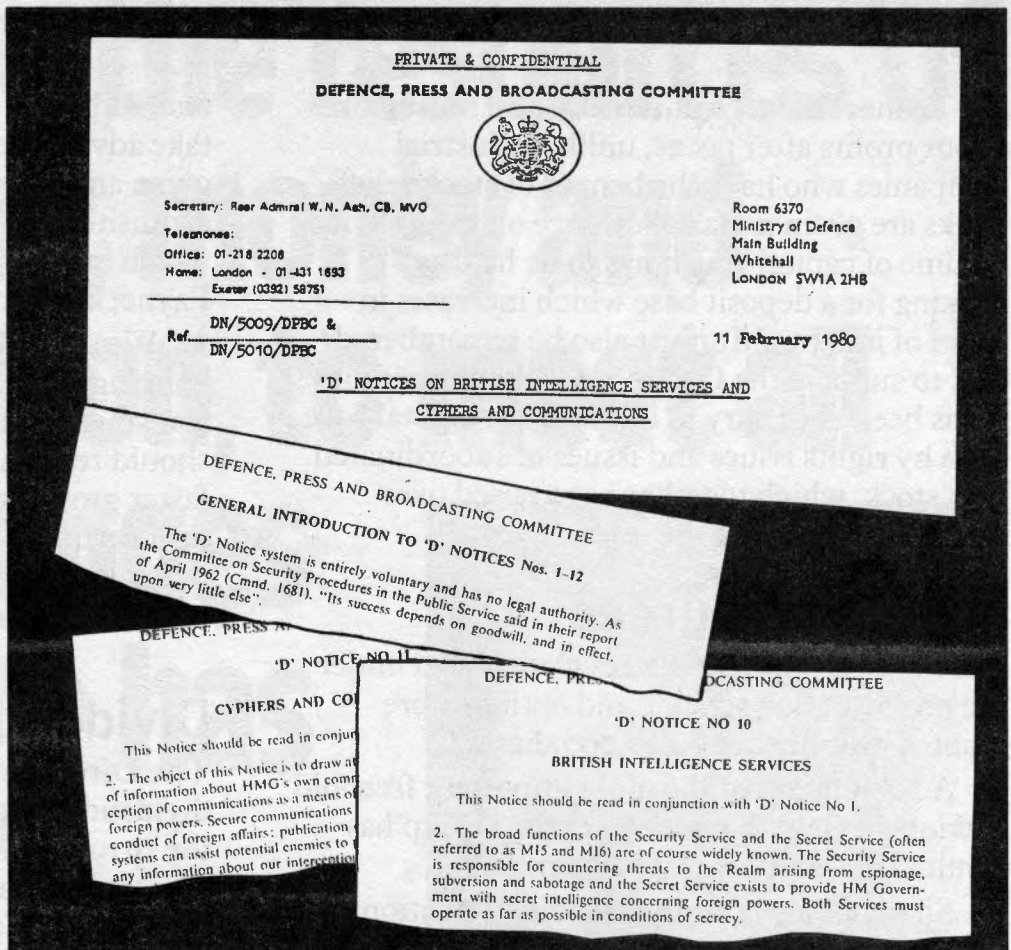
Ironically, one reason the D Notice system has broken down is the deep secrecy with which it is surrounded. Few media employees have any idea of what D Notices say, or where in their respective organisations they might be found. If they did know what the D Notices said, they would be surprised by the all-embracing sweep of censorship which they suggest. D Notice No 1 on 'Defence Plans', for example, would if obeyed prohibit the British public from hearing anything not 'released officially' or 'published in another country' on:

Information relating to . . . defence policy or plans . . . actual Service manpower strengths by specialities, categories or trades . . . future movements or intended destinations of HM Ships . . . current or projected tactics (or) trials. In cases of doubt, you are requested to seek advice through the appropriate Government Department.

Quite clearly, the press does not in its daily work suppress all information on defence which has not been 'officially released'. It therefore comes as something of a surprise that a serious body can issue such a permanent proclamation and continue to expect to be taken seriously.

D Notice No 1 is just one of twelve notices which have remained unaltered since their issue in August 1970. Contrary to popular myth they do not arrive by despatch rider, but lie gathering dust in an Editor's drawer. Each set of notices is contained in a small green loose leaf folder. The folder also contains an explanation of the system and a list of committee members. Each folder is numbered and stamped in gold lettering (the *NEW STATESMAN* is issued with no 511).

The members of the D Notice Committee include four top civil servants and 11 'press and broadcasting' representatives. Numerically, it would appear, the Committee is run by the press. The truth is clearer from a detailed examination of the membership list; the civil servants are all heavyweight Permanent Secretaries, while the press members are predominantly some distance from frontline



news gathering. The civil service members are Sir Frank Cooper, Chairman (MOD permanent Under-Secretary), Sir Robert Armstrong (Home Office), Sir Arthur Hockaday (also MOD), and Sir Anthony Duff (Deputy Under-Secretary at the Foreign Office). The press contingent is led by Windsor Clarke, the 'Group Editorial Consultant' of Westminster Press, who is the Vice-Chairman, and includes the following:

John Grant, Managing Editor, *The Times*; J H Donlan, News Editor, the *Sun*; J H Ramsden, Editor of *Flight* magazine; J Bishop, Editor of the *Illustrated London News*; B Vickers, Editor of the *Scottish Daily Record*; David Chipp, Editor-in-Chief of the Press Association; T Smith of the *Melbourne Herald* cable service; H Whetstone, Editor of the *Coventry Evening Telegraph*; Richard Francis, BBC Editor of News and Current Affairs; and D Horobin of ITN.

The Defence, Press and Broadcasting Committee might have greater credibility as an advisory body if their record was as anything other than a rubber stamp for the civil service view of affairs. The membership distinctly omits those sections of the press with a critical attitude to government secrecy. The Committee in fact seldom meets more than once a year, and then almost ceremonially. Since 1971, when the current set of Notices were issued, the Committee has met 11 times. All the work is done instead by the Committee Secretary who is a salaried £15,000-a-year Ministry of Defence employee. The current holder of the position is Rear Admiral W. N. Ash, who was appointed at the beginning of this year.

ALL TWELVE D Notices take the form of general please-do-not-publish-anything-new concerned-with-certain-topics. On occasion 'some relaxation may be possible' from stiff censorship: the most widespread ban, as may be imagined, concerns intelligence activities. D Notice No 10 calls for a complete secrecy on all details of intelligence or security activities. Its terms would specifically prohibit publication of any of the *NEW STATESMAN* stories on these subjects this February. In particular, telephone tapping cannot be discussed:

You are requested not to publish anything about . . . details of the manner in which well-known intelligence methods (eg telephone tapping) are actually applied or of their target and purposes . . .

Our article on this subject, which was reported by almost every other publication

D Notices 'in force' since 16 August 1971

- 1 Defence plans, operational capability and state of readiness
- 2 Classified military weapons, weapon systems and equipment
- 3 Royal navy warship construction and naval equipment
- 4 Aircraft and aero engines
- 5 Nuclear weapons and equipment
- 6 Photography
- 7 Prisoners of war and evaders
- 8 National defence – war precautions and civil defence
- 9 Radio and radar transmissions
- 10 British intelligence services
- 11 Cyphers and communications
- 12 Whereabouts of Mr and Mrs Vladimir Petrov

thus breached D Notice 10 (and others). This did not matter in the slightest; the D Notice system bears no relationship to the Official Secrets Act, and it was clear (not least from the Home Secretary's recent announcement on the subject) that telephone tapping was a matter of considerable public concern, particularly as it had got so out of hand.

Admiral Ash reflected official alarm over awakening public interest when he circulated a reminder to Editors that D Notices were still 'in force' on the 11th of February. D Notices do not, however, have any 'force'. They merely operate by consent and are written to reflect a presumed consensus. But the system is now far behind the times, hopelessly immutable, and ultimately irrelevant. Neither the NEW STATESMAN nor any other responsible publication would wittingly publish information which endangers life or serious national interests. In these matters, however, neither we nor anyone else is usefully guided by the blanket ban on discussion contained in D Notices issued by a committee rubber stamping the views of the vested military and other civil service interests. In these circumstances the Editor of the NEW STATESMAN has suggested to Admiral Ash that the disbandment of the Defence, Press and Broadcasting Committee would be a worthwhile contribution to the present government's crackdown on unnecessary quangos. The D Notice Committee is currently maintained at public expense on the Ministry of Defence budget.

Admiral Ash replied tersely (see box). His letter arrived, in true D Notice fashion, by despatch rider from the the Ministry of Defence and the envelope is reproduced on this week's cover.

ON CRITICAL OCCASIONS in the past, the D Notice Committee has ill served the press, and demonstrated who actually calls the shots. In 1961, the committee cheerfully passed out a notice which ostensibly banned all unauthorised discussion of any military equipment whatsoever until 'officially announced'. An outcry by some alarmed newspapers resulted in the notice being withdrawn and rewritten; it then became (and now remains) meaningless. The current equivalent notice (No 2) - 'Classified Military Weapons, Weapons Systems and Equipment' - is unhelpful, since it precludes discussion of 'classified' systems weapons but offers no guidance as to which are, and are not 'classified'.

Persons not known for their radicalism, such as Lord Shawcross and Chapman Pincher of the *Daily Express*, have observed that D Notices were to avoid embarrassment or to 'protect a department rather than national security'. The worst example of this was in 1967, when a new notice was rushed out to prohibit any discussion of traitors living abroad (Philby, Burgess and Maclean). The Notice was aimed specifically at investigations into the full extent of Philby's treachery then being conducted by the *Sunday Times* and the *Observer*. Both papers, after some debate, completely ignored the attempt to suppress the Philby story.

Both the abortive censorship of the Philby affair, and the D Notice rumpus of 1967 involving the *Daily Express*, left their mark on the procedure. Subsequently, it has become clear that the system, besides its absurd generalities of censorship and irrelevance, has no value in one area where such a body might make a positive contribution to journalism

Correspondence between NEW STATESMAN and the D Notice Committee

Defence, Press and Broadcasting Committee
Memorandum Ref 11 February 1980
DN/5009/DPBC &
DN/5010/DPBC
'D' Notice on British Intelligence Services and
Cyphers and Communications

Following the appearance in the Press of recent articles on the subjects concerned, enquiries have been received from Editors as to the continuing validity of D Notices Nos 10 and 11.

The need to protect the information on the intelligence services covered by these two notices is unchanged and remains of the first importance in the interests of national security. Editors are requested to be continued to be guided by the advice contained in them. As is the case with all D Notices, the guidance in Notices Nos 10 and 11 is kept under review by the Defence, Press and Broadcasting Committee.

The Secretary of the Committee remains available to Editors at all times for consultation and advice on any aspect of the D Notice system.

W. N. Ash, Secretary of the Committee

New Statesman 14 March 1980

Dear Admiral Ash,

After some consideration, we feel that we should reply in some detail to your letter concerning D Notices 'in force'. It is unfortunate that the letter omits to refer to the General Introduction which is issued with D Notices, and in particular the observation therein that the 'D Notice system is entirely voluntary and has no legal authority'.

Your letter appears intended to answer enquiries from other Editors who, following the recent publication of a number of articles on intelligence matters, are confused as to the role of D Notices. It is unfortunate that nothing in the letter seeks to balance the public interest in these matters with the blanket ban on discussion contained in the two Notices - Nos 10 and 11 - to which you refer. These Notices, it is worth observing, are unaltered since their issue on the 16th August 1971.

You will perhaps be aware from reading recent NEW STATESMAN articles and other reports that matters we have recently raised in the areas concerned are of deep public concern. This, we would suggest, is evident from the press, parliamentary and public response to our discussions of phone tapping, mail opening or the real cost of the intelligence services. The Home Secretary, for example, has recently seen fit to convene an inquiry into telephone tapping.

The D Notice system, the Introduction also notes, 'depends on goodwill and in effect very

and the public interest. That is the administration of the Official Secrets Act and the opening up of the processes and activities of government. Two cases under the Official Secrets Act have shown that obeying D Notices provides no protection whatsoever to journalists. In the 1970 *Sunday Telegraph* case, both the newspaper and journalist Jonathan Aitken had cleared their articles entirely (which made use of an alleged official report on British arms supplies to Nigeria at the time of Biafra) with the D Notice Committee. It was of no avail.

Similarly, in the 1977 ABC case, where the present author and another journalist interviewed a former soldier with intelligence experience, we were in obedience to the terms of D Notice No 10, which is only concerned with the publication, not the gathering, of information. Once again, although the point was usefully taken in defence, it did not prevent a long and costly prosecution.

As far as opening up government is concerned, the Committee as presently consti-

little else'. There is no reason not to extend all goodwill to yourself and your committee members. There are many reasons not to extend the same silent goodwill to the matters and organisations covered in the D Notices you mention.

It has always been an open question whether an informal arrangement made in exceptional times could be legitimately extended and institutionalised. Today, it cannot be said that there is any simple unanimity about political issues. It must be stressed that during the 1970s the intelligence services in many Western societies have, by their actions and attitudes, lost the confidence of large sections of the public. (The fact that there are other societies where in which such trust has never existed does not affect the point.)

If it is the case that these notices have been kept 'under review', then it is remarkable indeed that there has been no change in them to reflect the changes in public knowledge and public attitudes since 1971.

During the 1980s - in our argument at least - there are political and civil liberties which are directly threatened by many activities of the intelligence and security agencies (D Notice No 10) and by those departments engaged in communications interception (D Notice No 11). No doubt you would take a different view, but it would be hard to deny that this is a legitimate subject of debate. If the 'reviews' conducted by your colleagues and yourself lead to no discernible changes, then we would ask you to consider whether your organisation still serves any useful purpose.

It must be plain to you and your committee that many serious media organisations now give the system little or no credence. They apply instead their own best judgment on what may wisely be published and what may not. A set of D Notices attempting to suppress any real information in the areas concerned is of no value.

As a contribution to public understanding we propose to publish edited versions of your letter and our reply.

Yours sincerely, Bruce Page, Editor

Defence, Press and Broadcasting Committee
19 March 1980

Dear Mr Page,

[...] Your representation of the D Notice system is so tendentious and wide of the mark that I do not think that anything would be gained by joining issue on it.

You know, of course, that the Periodical Publishers Association, of which I understand the New Statesman is a member, is among those who represent the Press on the Defence, Press and Broadcasting Committee.

Yours sincerely, W. N. Ash

tuted is clearly not interested. To raise these issues, the NEW STATESMAN's Editor Bruce Page responded to Admiral Ash's circular with a lengthy comment on the issues, and an invitation to debate the matter (see box). Admiral Ash has replied that discussion would be 'tendentious'.

We do not suggest here that D Notices should be ignored and forgotten. For most of the major national media, that has already happened to a greater or lesser extent. (Minor publications may continue to be intimidated.) But formal recognition should be given to the actual ending of the system, through the disbandment of the Committee in its present form. It might ideally be replaced by a more genuinely representative interface between Fleet Street and Whitehall which sought to open up the government and not to close down press investigation. In the meantime, it clearly borders on the farcical to suggest, as Admiral Ash did in February, that a set of largely forgotten non-legal rules remain 'in force'.