

Ref. A03077

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PRIME MINISTER

Panorama Programme on the Intelligence Services

I last reported to you on this in my minutes of 29th July and 8th August (A02749 and A02844).

2. I saw Sir Ian Trethowan again on 18th September. What happened at that meeting is recorded in a letter, a copy of which is attached to this minute.

3. The position is not very satisfactory. The Panorama team have been pursuing their inquiries extensively, particularly overseas. All the reports suggest that their approach is not balanced but starts from the basis of a prejudice against the services, and looks for material which will justify and support that prejudice. Following my first meeting with him, Sir Ian Trethowan instructed the team not to interview past or present members of MI5 or MI6 in London; but he has not so far been monitoring their activities or their product (though he was to be seeking a preliminary account of the proposed contents of the programme from the producer this week). He has, however, said that he will himself see the programme before it goes out; that the BBC would put out nothing that was not authoritative and balanced; that the BBC will consider the material by reference to the 'D' Notices (copies of the relevant 'D' Notices 10 and 11 are attached); and that he is prepared to excise material or even prohibit the showing of the programme if he thinks it necessary to do so.

4. Sir Ian Trethowan at one stage floated the idea of consulting (or even showing the film to) the Chairman of the Defence, Press and Broadcasting Committee (the "'D' Notice Committee"). I doubt whether it would be appropriate to consult the Chairman; but it would be perfectly reasonable for him to consult the Secretary of the Committee (who might then be able to give us an idea of how damaging the programme might be), and I have encouraged Sir Ian Trethowan to keep this possibility well in mind.



5. My judgment is that we have now taken this as far as we can within the framework of what was agreed at your meeting on 25th July. We can keep at Sir Ian Trethowan (though we are near if not at the point when further pressure of that kind will be counter-productive). But the likelihood is that a programme or programmes will go ahead and be shown; and that they will contain material which it would be preferable should not be shown.

6. The risk has always been that we shall have something of a wide-ranging exposé which, by diminishing the protection which secrecy confers on them, damages the morale of members of the intelligence services and diminishes their capacity to do their job effectively and their credibility in the eyes of those to whom they need to be credible. My concern in talking to Sir Ian Trethowan has been to leave him in no doubt of that risk. We cannot be sure what the effects on the programme will be; but it is possible that the result will be a programme which is uncomfortable but not too seriously damaging, the results of which might well be more tolerable than intensifying the pressure.

7. If we were to intensify the pressure - by writing to Sir Ian Trethowan - there are broadly two degrees of pressure open to us:

- (1) We could write to the effect that the Government was aware of the proposal for a Panorama programme on the intelligence services and of the activities of the team, that there were 'D' Notices relating to these services, and that in the interests of national security the Government trusted that the BBC would have full regard to those 'D' Notices in deciding what should be shown.
- (2) We could write to the effect that the Government was aware of the proposal for a Panorama programme on the intelligence services and of the activities of the team, that there were 'D' Notices relating to these services, that this was a field in which an inadvertent breach of the 'D' Notices could have serious consequences for national security, and that the Government would therefore be grateful if arrangements could be made for the Government to see a detailed synopsis of the contents of the programme (or the script of the programme, or the film itself) in advance, so as to be able to advise the BBC if there was material in it whose publication would be prejudicial to national security.



8. A letter on the lines of (1) would put into writing the sort of points I have been putting to Sir Ian Trethowan, but it would leave responsibility with the BBC. The only advantage would be that, if the programme shown was in the event irresponsible, the Government would be able to say not only that it was irresponsible but also that the BBC had been warned in writing: the letter could be drafted with a view to eventual publication if need be. The disadvantage would be that it would not in practice add anything to what had been said; it would no doubt annoy Sir Ian Trethowan and other members of the BBC (and thus risk being counter-productive); and it could be leaked as evidence that the Government were bringing pressure to bear on the BBC. As we should in any case be able to state that the Director General had been fully warned about the possible risks and consequences, I think that the disadvantages of this course outweigh the advantages.

9. In a letter on the lines of (2), the iron fist in the velvet glove would be the request that the Government should be shown a synopsis (or script or film) in advance. Such a request would, I believe, be unprecedented. The BBC would, of course, want to avoid the risk of exposing themselves to charges of irresponsibility; but even so I think that the request would be refused, on the ground that it was an attempt at censorship. It might well be suspected of being the precursor to using the veto; and the BBC might well publicise it in the hope of making it more difficult for the Government to use the veto. If the request was made and refused, the chances of voluntary co-operation would be impaired, and the Government would in effect have been defied, and its bluff called. It would then be necessary to consider whether to exercise the veto, with all that that implies. I believe that this is a course on which we should not embark unless we are prepared to use the veto.

10. As to that, it might be argued that, if ever there was a case in which the use of the veto was justifiable on its merits, a case like this, where interests of national security are at stake, would be such a one. But it has to be accepted that the use of the veto would have little support in Parliament and none in the media, and there would be a political row in which the Government would have few



allies; relations between the Government and the BBC would be profoundly affected; and the use of the veto and the consequences that would flow from that could well do the services themselves more damage than the programme would. An explicit threat to use the veto would have many of the same disadvantages. I remain of the view that the cure would be worse than the disease.

11. No course is satisfactory, but I think that the least unsatisfactory is to continue with the course already agreed upon: to do whatever is still possible without risking being counter-productive with Sir Ian Trethowan, the Chairman of the Governors and perhaps one or two other Governors, to encourage and induce the BBC to act responsibly; but not to write any letters and not to do anything which would inhibit the Government from finding fault publicly with the BBC, if in the event it acts irresponsibly.

12. I am sending copies of this minute to the Secretaries of State for the Home Department, Foreign and Commonwealth Affairs, Defence and Northern Ireland; you may want to discuss the matter with them again.

A handwritten signature in black ink, consisting of the letters 'R' and 'A' in a stylized, overlapping fashion.

ROBERT ARMSTRONG

24th September, 1980

TOP SECRET

PERSONAL

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22nd September, 1980

Ref. A03045

I had a further word with Ian Trethowan on 18th September about the Panorama programme on the intelligence services.

He said that he had not been able to get an up-to-date report on where matters stood, as the editor of Panorama was in Stuttgart. He expected to be talking to the producer of the programme early this week; he would get from him an account of what they had been doing, their ideas for the content of the programme, and what they were going to do next. He reiterated that nothing would be shown before the end of October. He said that he would be seeing the material himself, and that he would be instructing the team to excise material which offended against D Notices. Indeed, he still did not exclude the possibility of ruling that the programme should not go out at all.

I said that recent reports of the activities of the team had done nothing to diminish our own apprehensions about the possible damage that the programme might do. It appeared that the team were calling upon and trying to interview heads of corresponding services in other countries, seeking material not only about the accountability of those services but also about the functions and activities of our own services in this country. These inquiries overseas were giving rise to some concern in overseas services about the effect of the programme on our services. The tone of the inquiries suggested that those concerned were not approaching the subject with an open mind or balanced outlook, but with a prejudice against the services. They must be accumulating a considerable amount of material, which might be used elsewhere even if it was not used by the BBC.

It was clear that Ian Trethowan knew very little about recent activities of the team. He said that in July he had given an instruction that nothing was to be shown before the end of October, and that they were not to seek further to interview past and present members of MI5 or MI6 in London. He knew that they were likely to visit the United States to talk to members of the CIA; he had not

/expected

Sir Brian Cubbon, KCB

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expected them to go to Hong Kong, and he did not know what they were doing there. He said that film made by or for the BBC would not be available for use outside, though he obviously could not prevent "leaks" of written or oral communications. I said that in Hong Kong they were no doubt pursuing the allegations made by Mr. John Kane about the GCHQ station there. I hoped that it would not be argued that, because written material and photographs relating to that station had been published in Campbell's articles in the New Statesman, the BBC must be free to publish whatever they liked. This was D Notice country; and in the circumstances of this case the argument that the BBC should be able to do whatever the New Statesman might have done could not be accepted at its simple face value. Ian Trethowan acknowledged that this was a point which needed careful consideration.

Ian Trethowan referred to his suggestion that the film might be shown to the Chairman of the D Notice Committee. I said that I doubted whether that would be appropriate, though it might well be appropriate for them to consult the Secretary of the D Notice Committee. Ian Trethowan said that he would consider this; but he said that Dick Francis was a member of the D Notice Committee, and he thought that he and Dick Francis between them should be able to make up their minds what did and did not offend against D Notices.

Ian Trethowan said that they had two hours of interview with Mr. Merlyn Rees. All he told me about the content of that was that Mr. Rees had said that there should be more accountability.

I said that if, when he came to look at the material, he decided that some of it should be taken out, there was a risk that that would lead to protests within the BBC and some leakage outside it. This seemed inevitable, given that his decisions could not be taken until he saw the programme: it was a risk that had to be run, and I hoped that it would not affect his judgment about what should or should not come out on grounds of national security. He assured me that it would not do so; he was resigned to, and not affected by, the prospect of articles in Time Out and the Guardian.

He was obviously slightly inclined to feel that we were protesting a little too much. He said, for instance, that some of the points that had been put to him by Bernard Sheldon appeared on examination to be without substance. One of the difficulties was that his contact with Bernard Sheldon was private, and he was unable to use the information quoted to him. His task would be easier, in dealing with his own people, if he were able to make more use of some of the specific points which had been put to him.

I said that I should be available if he wanted to be in touch again, after he had talked to the producer of the programme.

I am sending copies of this letter to Michael Palliser, Frank Cooper, Ken Stowe, Howard Smith, 'C' and Brian Tovey.

ROBERT ARMSTRONG

TOP SECRET

PERSONAL

DEFENCE, PRESS AND BROADCASTING COMMITTEE

'D' NOTICE NO 10

BRITISH INTELLIGENCE SERVICES

This Notice should be read in conjunction with 'D' Notice No 1.

2. The broad functions of the Security Service and the Secret Service (often referred to as MI5 and MI6) are of course widely known. The Security Service is responsible for countering threats to the Realm arising from espionage, subversion and sabotage and the Secret Service exists to provide HM Government with secret intelligence concerning foreign powers. Both Services must operate as far as possible in conditions of secrecy.

3. Attempts are made by foreign powers to plant stories in the British Press. A variation of this technique, which must be taken into account where the activities of foreign intelligence services are concerned, is the planting in an overseas newspaper or other publication of a piece of information about British Intelligence matters with an eye to stimulating the British Press not only to republish the story but also to expand on it.

4. You are requested not to publish anything about:

- a. secret activities of the British intelligence or counter-intelligence services undertaken inside or outside the UK for the purposes of national security;
- b. identities, whereabouts and tasks of persons of whatever status or rank who are or have been employed by either Service;
- c. addresses and telephone numbers used by either Service;
- d. organizational structures, communications networks, numerical strengths, secret methods and training techniques of either Service;
- e. details of assistance given by the police forces in Security Service operations;
- f. details of the manner in which well-known intelligence methods (eg telephone-tapping) are actually applied or of their targets and purposes where these concern national security. Reference in general terms to well-known intelligence methods is not precluded by this sub-paragraph;
- g. technical advances by the British Services in relation to their intelligence and counter-intelligence methods whether the basic methods are well-known or not.

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5. You are also requested to use extreme discretion in reporting any apparent disclosures of information published abroad purporting to come from members or former employees of either Service. If you are in any doubt please consult the Secretary.

6. You are also requested not to elaborate on any information which may be published abroad about British intelligence.

7. On all these limitations some relaxation may be possible: please consult the Secretary.

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DEFENCE, PRESS AND BROADCASTING COMMITTEE

'D' NOTICE NO 11

CYPHERS AND COMMUNICATIONS

This Notice should be read in conjunction with 'D' Notice No 1.

2. The object of this Notice is to draw attention to the need for careful handling of information about HMG's own communications arrangements and its interception of communications as a means of obtaining secret intelligence concerning foreign powers. Secure communications are essential for our defence and for our conduct of foreign affairs; publication of details about secure communications systems can assist potential enemies to penetrate them. Similarly, publication of any information about our interception arrangements tends to stimulate other countries into taking measures which could make the work of our security and intelligence services more difficult. In these matters many of the security interests of our allies are identical with our own.
3. You are requested not to publish anything about:
  - a. HM Government's codes and cyphers;
  - b. details of duties and numbers of employees in defence and diplomatic communications establishments (in personal identification the place of work and grade may be given; but this information should not be enlarged upon without first consulting the Secretary);
  - c. the nature and extent of interception by HMG of any form of communications, or of transmissions such as radar, for the purposes of national security: this includes the establishments and the personnel, methods and arrangements involved.
4. Bearing in mind the points in paragraph 2 above and the specific requests in paragraph 3, discussion of the subject in general terms is not precluded.
5. You are also requested to use extreme discretion in reporting any apparent disclosures of information published abroad purporting to come from individuals who are or were employed on British codes and cyphers or in interception activities. If you are in any doubt please consult the Secretary.
6. You are also requested not to elaborate on any information which may be published abroad about British codes and cyphers or interception activities.

Date of issue 16 August 1971