

CAB 301/933

SECRET & PERSONAL

1216

CABINET OFFICE
A 2913
20 FEB 1970
FILING INSTRUCTIONS
FILE NO.

144

19 February 1970

Sir Philip Allen KCB
Home Office
Whitehall
LONDON SW1

A2754 (SFA)

Thank you for sending me a copy of your letter of 11 February to Antony Part about the activities of G K Young.

HM Customs are responsible for that part of Exchange Control enforcement which involves the interception of mail and I have arranged that any enquiries which might come our way on this matter should be referred to them.

I am sending copies of this to the recipients of your letter.

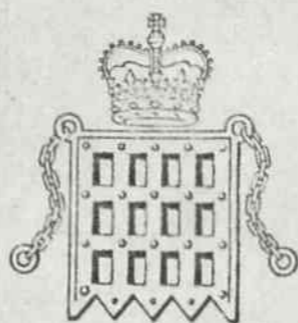
DOUGLAS ALLEN

*With the Compliments
of*

SIR LOUIS PETCH

BOARD ROOM
H.M. CUSTOMS AND EXCISE
KING'S BEAM HOUSE
MARK LANE
E.C.3

SECRET AND PERSONAL



BOARD ROOM,
H. M. CUSTOMS AND EXCISE,
KING'S BEAM HOUSE,
MARK LANE, E.C. 3.

Sir Philip Allen KCB
Home Office

19 February 1970

Dear Philip,



Thank you for your letter of 11 February about the interception of information.

Our position as regards the opening of mail is quite simple. The Customs law specifically authorises the opening of all Customs packets imported or exported in the foreign mail. This power is used solely for the purpose of enforcing the payment of duty and of administering the various prohibitions and restrictions on imports and exports (including Exchange Control) which fall within our Departmental sphere of responsibility. Letters are not opened unless it is thought that they may contain goods or currency.

Our Press Officer has a stock answer to enquiries on this point. I am arranging for him to keep in touch, in the event of future such enquiries, with your own Press Officer.

As regards telephone interceptions we are, of course, careful to keep to the established rules and to be very circumspect. In dealing with enquiries on this subject, we shall be glad to follow the line supplied in the last paragraph but two of your letter.

I am sending copies of this letter to the recipients of yours.

Yours

Louis

L PETCH

SECRET AND PERSONAL

File

CABINET OFFICE
 A 01462
 - 6 APR 1967
 FILING INSTRUCTIONS
 FILE NO.

5th April, 1967

TOP SECRET

Dear Wolstencroft,

- 46549

Thank you for your letter of 30th March about the interception of correspondence addressed to Members of Parliament. I am writing simply to let you know that I have now seen Philip Allen's letter of 3rd April, with which I entirely agree.

46598

I am sending copies of this letter to Philip Allen and Furnival Jones.

yours sincerely

BURKE TREND

A. Wolstencroft, Esq., CB



With the Compliments

of

Sir Philip Allen

Home Office
Whitehall

TOP SECRET

3rd April, 1967

A6549

Thank you for sending me a copy of your letter of 30th March to Burke Trend about the interception of correspondence addressed to Members of Parliament.

The issue of a Home Office warrant authorising the interception of mail posted by a named organisation or person is itself rare; and the chances of failing to identify a letter to an M.P. would be even rarer. Indeed, the possibility seems so remote that I myself doubt if we need worry ourselves very much about it.

We have always recognised that under a normal Home Office warrant authorising the interception of mail directed to a particular address letters which may emanate from Members of Parliament may be included. But this is a different story - the Prime Minister's statements have been concerned with correspondence addressed to Members.

I am sending a copy of this to Burke Trend and Furnival Jones.

(sd) Philip Allen

Wols tencroft, Esq., C.B.

CABINET OFFICE
A 6598
- 3 APR 1967
FILING INSTRUCTIONS
FILE No.

TOP SECRET



G.P. O. Headquarters
St Martin's - le - Grand
LONDON, ECI

Telephone: 01-432 1234

Telex: 21166 (POHQ LDN)

30th March 1967.

TOP SECRET

Dear *Trend,*

Interception of Correspondence
addressed to Members of Parliament

A01342

In your letter to Sir Philip Allen dated the 13th March 1967 you made clear the Prime Minister's wishes prohibiting the interception of correspondence to Members of Parliament. The Post Office will have no difficulty in carrying out those arrangements except, perhaps, where a Home Office Warrant authorises the interception of all mail posted by a named organisation or person. As you know, in those cases the mail is intercepted at the office of origin. A letter which then falls into the net intended for a Member of Parliament might not be recognised if it did not happen to be addressed to him at the House of Commons, or did not bear the initials 'M.P.' after his name. Such letters which are recognised will, of course, be released for delivery without opening.

In short, I thought you should know that there is an outside chance of intercepting letters addressed to Members of Parliament when the Post Office is operating a Home Office Warrant concerning 'posted' as opposed to 'delivered' mail.

I am sending a copy of this letter to Allen and Furnival Jones.

Yours sincerely,

(A. WOLSTENCROFT)

Sir Burke Trend, KCB, CVO,
Cabinet Office,
S.W.1.

File

CABINET OFFICE
01342
13 MAR 1967
FILE NO.

13th March, 1967

TOP SECRET AND PERSONAL

**THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3
OF THE PUBLIC RECORDS ACT**

Dear Philip,

You will have seen that the answer which the Prime Minister gave last Thursday to Mr. Onslow's PQ about the interception of correspondence addressed to Members of Parliament was on the lines which we had recommended, namely that the principles underlying his original statement on 17th November, 1966, are applied equally to correspondence addressed to MPs.

The Prime Minister also asked for advice about the reply which he should give to any supplementary question asking whether this immunity of Members of Parliament from interception extended to oversea cables. After quick consultation with both Ryland and Bonsall, I advised him that he should reply that the same principles applied here too. In the event, no supplementary question was asked; and no public reference to the matter was therefore made. Nevertheless, the Prime Minister's wishes are now clear; and I am therefore sending you this letter - with copies to Garner, Greenhill, Ryland, Bonsall, Furnival Jones - to put it formally on record that there should continue to be no interception of correspondence (both letters and cables) addressed to Members of Parliament or of cables from Members of Parliament. It is fully understood that in the case of cables the procedure is such that a cable sent to or by a Member of Parliament may inevitably be caught in the initial "sorting" of cables for subsequent scrutiny; but any such cable should thereafter be allowed to take its normal course and should not be subjected to any process of scrutiny.

Yours truly,

Sir Philip Allen, KCB

MEMBERS (INTERCEPTION OF CORRESPONDENCE)

Q2. Mr. Onslow asked the Prime Minister what fresh instructions he has given, since October, 1964, with regard to the interception of correspondence addressed to Members of Parliament on the authority of a warrant issued by a Secretary of State.

The Prime Minister: The principles which underlay my statement to the House in reply to Questions on 17th November, 1966, are applied equally to correspondence addressed to Members of Parliament.

Mr. Onslow: Why has the Prime Minister left it until now to tell the House this? Is he too thick to understand that the reputation of Parliament is in no way enhanced if Members who may be a risk to national security are given automatic immunity? Why will he not stop playing Sir Oracle on this matter and refer it to the Committee of the Privy Council?

The Prime Minister: The hon. Gentleman can speak for himself. I have answered this Question when it was on the Order Paper. The Questions which I answered on 17th November were also on the Order Paper. If the hon. Gentleman thinks that I am thick not to have given the answer before, perhaps he should have put down the Question before.

Mr. Heath: Is there not a serious point here in that the Radcliffe Report made certain recommendations which were accepted at the time by Mr. Harold Macmillan, who announced his acceptance to the House, and the then Leader of the Opposition, the late Hugh Gaitskell, took no exception to them? The Prime Minister himself made changes on his own authority. As far as I know, there were no discussions with the then Leader of the Opposition, and certainly no statement was made to the House. Does not the right hon. Gentleman think that he had the responsibility to tell the House of a change in procedure which had already been announced to the House?

The Prime Minister: No. I made clear on 17th November—and I am not aware that the present Leader of the Opposition objected to the statement I then made—that this was a very difficult question of balance between the rights of Members and national security. I said then that the practice previously followed had been altered. I have now been asked whether this applied to correspondence, and I have given the answer.

Mr. Heath: The procedure followed until the right hon. Gentleman changed it when he became Prime Minister had been announced to the House by Mr. Macmillan. It was an acceptance of the Radcliffe Committee's recommendations. The Prime Minister, on his own authority, changed that procedure directly he took office. He did not tell the House that a change was being made. Why not, and should not he have done so?

The Prime Minister: I think that it is certainly an arguable proposition that the House should have been told. But if the right hon. Gentleman really wants to go into the whole issue of action taken before 1964 on telephone tapping—[*Interruption.*] This cannot be isolated. If the right hon. Gentleman wants to go into the practice of the previous Government in all these matters—because Mr. Macmillan did not make a full statement to the House; he merely said that he accepted the Radcliffe Report—and if he would like to debate this issue, I should be very happy to join him in doing so.

Mr. Heath: The Prime Minister has still not answered my question. It is very simple and straightforward. Mr. Macmillan announced that the recommendations of the Radcliffe Report would be followed. If the Prime Minister is trying to insinuate that those recommendations were not followed, he should openly give the details. What I am asking him is: when he changed the procedure, which he did last November, why did he not inform the House that he was changing it, and changing it on his own authority?

The Prime Minister: The right hon. Gentleman is on his favourite wicket of a procedural point. I decided, with the authority which must be exercised in these matters, that it would be wrong to

go on with the practice that had been used in the past. I agree that this practice had not been committed on a very large scale but I felt that it was right to change it. When hon. Members opposite and in other parts of the House wanted to make a great political issue of this, with suggestions in the Conservative Press that we were tapping all these messages and activities of hon. Members, I thought it right to tell it to the House.

Mr. Heath: Is the Prime Minister aware that he is on his favourite wicket of failing to give information to the House and treating it with contempt?

Thursday, March 9, 1967.

*Q 2. Mr. Cranley Onslow:

(Answered by the Prime Minister)

The instructions of which I informed the House in reply to Questions on the 17th of November, 1966 are applied to the interception of correspondence addressed to Members of Parliament.

NOTES FOR SUPPLEMENTARIES

1. The considerations which I outlined to the House on the 17th of November apply to letters as well as to telephone conversations. This is well understood by the responsible authorities.

2. My answer relates - in the terms of the question - to correspondence addressed to Members of Parliament. It will be obvious that there may be no means of identifying a letter from a Member.

3. As I have repeatedly made clear, it is not in the public interest to enter into further details about these matters.

VETTING OF MPs' CABLES

Background Note: not for use in the House

The position, under the overseas cable vetting procedure, of telegrams sent to and by Members of Parliament is as follows:-

1. Copies of such cables are necessarily included among the great number of cables ^{sorted} submitted to the initial ^{pick out those for} scrutiny.
2. The selection, in this initial ^{sorting} scrutiny, of cables for further study is governed by the contents of a "watch list". It has not been the practice ^(of names & addresses) to include Members of Parliament on this list.
3. A cable sent to or by a Member of Parliament may, however, be selected for study because it is ^{from a} to a person or place on the watch list.
4. It would be possible to arrange that no cable sent to or by a Member of Parliament should pass beyond the initial ^{sorting} scrutiny, even if it is from or to a person or place on the watch list. But as long as cable vetting continues it would be impossible to prevent the inclusion in the initial ^{sorting} scrutiny of cables sent to or by Members of Parliament. In order that cables which may yield required information can be selected there must first be a ^{sorting} scrutiny of all cables indiscriminately.

In short, under present practice cables to and from Members of Parliament may be selected for study. It would be possible to give them the limited privilege that no cables would pass beyond the ^{sorting} "initial scrutiny" stage. But absolute privilege would be impracticable.

"The contents of tele. despatches."
Or just dig in heels & make it clear he can't say quid.
Birkett doesn't deal w. this

MR. LE CHEMINANT

CABINET OFFICE
A 01310
- 6 MAR 1967
FILING INSTRUCTIONS
FILE No.

File

The attached Answer and Supplementaries are for Mr. Cranley Onslow's Question to the Prime Minister for 9th March about the interception of correspondence. This has been prepared by the Home Office and has been approved by Sir Burke Trend.

W. K. REID

6th March, 1967

QUESTION FOR ORAL ANSWER ON THURSDAY, 9th MARCH, 1967

- 139 Mr. Cranley Onslow (Woking): To ask the Prime Minister, What fresh instructions he has given, since October, 1964, with regard to the interception of correspondence addressed to Members of Parliament on the authority of a warrant issued by a Secretary of State.

DRAFT REPLY

The instructions of which I informed the House in reply to Questions on 17th November 1966 are applied to the interception of correspondence addressed to Members of Parliament.

NOTES FOR SUPPLEMENTARIES

1. The considerations which I outlined to the House on 17th November apply to letters as to telephone conversations. This is well understood by the responsible authorities.
2. My answer relates - in the terms of the Question - to correspondence addressed to Members of Parliament. It will be obvious that there may be no means of identifying a letter from a Member.
3. As I have repeatedly made clear, it is not in the public interest to enter into further details about these matters.



TOP SECRET

HOME OFFICE

WHITEHALL · S.W.1

CABINET OFFICE

A 6134

- 3 MAR 1967

FILING INSTRUCTIONS

FILE No.

2nd March, 1967

CRI/66 625/1/12

Dear Burke

I refer to Mr. Cranley Onslow's Question to the Prime Minister for 9th March about the interception of correspondence.

The earlier replies were in terms of telephone tapping; but in practice we have not drawn any distinction between letters and telephones and the Security Service are acting on the basis that the Prime Minister's instructions apply to letters in precisely the same way as they apply to telephones.

... On this basis, we suggest a reply as in the attached draft.

Yours sincerely

Philip Allen

2 am.

Si. 6/3.

Sir Burke Trend, K.C.B., C.V.O.

TOP SECRET



QUESTION FOR ORAL ANSWER ON THURSDAY 9th MARCH 1967

- 139 MR. CRANLEY ONSLOW (Woking): To ask the Prime Minister what fresh instructions he has given, since October 1964, with regard to the interception of correspondence addressed to Members of Parliament on the authority of a warrant issued by a Secretary of State.

DRAFT REPLY

The instructions of which I informed the House in reply to Questions on 17th November 1966 are applied to the interception of correspondence addressed to Members of Parliament.



NOTES FOR SUPPLEMENTARIES

1. The considerations which I outlined to the House on 17th November apply to letters as to telephone conversations. This is well understood by the responsible authorities.

2. My answer relates - in the terms of the Question - to correspondence addressed to Members of Parliament. It will be obvious that there may be no means of identifying a letter from a Member.

3. As I have repeatedly made clear, it is not in the public interest to enter into further details about these matters.

**CABLES AND TELEGRAMS
(SECURITY MEASURES)**

Q13. Sir L. Heald asked the Prime Minister whether there is now any warrant in force, under Section 4(1) of the Official Secrets Act 1920, requiring the production

17 R 21

24 March 1967. *Written Answers* 152

of all telegrams or of any specified class or description of telegrams.

The Prime Minister: It would be contrary to long-established practice to give this information.

Mr. Evelyn King asked the Prime Minister to what extent the practice of reading private cables and telegrams by security officers has been extended since 11th November, 1965.

The Prime Minister: I have nothing to add to my previous replies to Questions on this subject.—[Vol. 741, c. 1432-3; Vol. 741, c. 1975-80; Vol. 742, c. 274-8.]



With the Compliments of
MR LE CHEMINANT

10 DOWNING STREET,
WHITEHALL, S.W.1

Thursday, March 2, 1967.

*Q13. Sir Lionel Heald:

*Q15. Sir Frederic Bennett:

(Answered by the Prime Minister)

With permission, I will answer this Question and Question No. *Q15 together.

It would be contrary to precedent long established practice to give this information, Sir.



Secretary of the Cabinet

Sir B. Trend

I don't think the
Le Cheminant draft is an improvement
(the 3rd & 4th lines will surely
provoke a storm!); and I gather
that Sir P. Allen prefers his own.

This tallies with the PM's

own view. I have told Mr

to write

So to J. Sir: it would

might be better to $\frac{2}{3}$ $\frac{1}{3}$

begin: "It would be contrary

to long established practice to

publish ...", would Allen

of m 2

to $\frac{1}{3}$.



CONFIDENTIAL

CABINET OFFICE
A 6104
- 1 MAR 1967
KLING INSTRUCTIONS
FILE NO.

10 Downing Street
Whitehall

March 1, 1967.

Dear William

A 6096. You will have seen the Home Office letter to me of March 1 suggesting a possible draft answer to the Questions on telegrams which Sir Lionel Heald and Sir Frederic Bennett have down for answer by the Prime Minister tomorrow. As you will see the Home Office have some doubt about whether their proposed answer might not in fact inhibit Lord Radcliffe in preparing his report. A possible way of avoiding this might be to answer on the following lines:-

"It would I think be inappropriate for me to answer Questions on these matters, even if the information sought were of a kind which could be given to hon. Members, until after Lord Radcliffe's Committee has reported."

I am copying this letter to Miss Hunt and to the other recipients of her letter.

Yours sincerely

W. Reid

W. Reid, Esq.,
Cabinet Office.



TOP SECRET

CABINET OFFICE
6096
1 MAR 1967
FILE NO.

HOME OFFICE
WHITEHALL · S.W.1

1st March, 1967

Dear Mr. Le Cheminant,

At a meeting of the interested Departments yesterday, there was general agreement that the Prime Minister might be advised to answer together the Questions tomorrow by Sir Lionel Heald and Sir Frederick Bennett about the interception of telegrams.

... I attach a draft reply and suggested Notes for Supplementaries.

One difficulty about replying at this stage is that a statement that details of the warrants under section 4 are not to be made public in effect precludes Lord Radcliffe at the outset from giving such details in his report - or at any rate goes pretty far to committing H.M.G. to exclude any such details from the published version. But it is not easy to see any escape from this; and any way our own view is that at the end of the day it would be right not to publish these details. I suppose that it would be possible to answer both these Questions simply by saying that there was nothing at present to add to previous replies, but Sir Lionel Heald at least could feel that he was not getting anything like a direct reply to a direct question.

I am sending this note to you now so that you will see the terms of the reply we are suggesting. I am also sending copies of this letter to Mr. Wright (Foreign Office), Mr. Bourn (Defence), Mr. Cartwright (Post Office), Mr. Reid (Cabinet Office) and [redacted] and should be grateful if they could let me know in the course of the day whether they have any comments on the draft. When I have had the replies, I will get in touch with you again.

Yours sincerely,

Geoff Hurst

Private Secretary

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

P. Le Cheminant, Esq.

TOP SECRET



QUESTIONS FOR ORAL ANSWER THURSDAY 2nd MARCH 1967

SIR LIONEL HEALD (Chertsey) to ask the Prime Minister whether there is now any warrant in force, under section 4(1) of the Official Secrets Act, 1920, requiring the production of all telegrams or any specified class or description of telegrams.

SIR FREDERICK BENNETT (Torquay) to ask the Prime Minister by what authority other than that included in section 4(1) of the Official Secrets Act 1920, production may be required by Her Majesty's Government of all telegrams or any specified class or description of telegrams.

DRAFT REPLY

I will with permission answer this Question and Question No. together.

It would not be appropriate to publish details of the warrants in force under section 4 of the Official Secrets Act, 1920; and at present I have nothing further to add to my previous answers on this subject.



NOTES FOR SUPPLEMENTARIES

1. It would be neither in the public interest nor in accordance with long established practice to disclose details of the action which is taken in this matter. The Prime Minister has made it clear that the practice has not changed for over 40 years.
2. Section 4 of the Official Secrets Act, 1920 is concerned with telegrams to or from any place outside the United Kingdom. Sir Frederick Bennett's Question goes wider than this. The Birkett Committee expressed the opinion in paragraph 51 of their report that the power to intercept letters, which had been exercised from the earliest times, and had been recognized in successive Acts of Parliament, extended to telegrams; but the line has consistently been taken that no information is given about the use of any such power.
3. Refusal, in accordance with practice, to disclose details of these procedures carries no implication, one way or the other, about the truth or falsity of press speculation on their purposes.
4. Pending the report of Lord Radcliffe's Committee it would not be right to make any further comment on the recent newspaper stories or the events which led up to them.



SECRET AND PERSONAL



HOME OFFICE
WHITEHALL · S.W.1

10th March, 1967

Dear Burke.

A01326

Thank you for your letter of 7th March about the allegation that the telephones of certain Labour M.P.s were tapped in 1961 to 1962.

I confirm that we have no reason at all for supposing that the Security Service were in some way responsible for a leak of information - indeed the fact that the stories put about were so wildly inaccurate suggests that it is most improbable that the Security Service was the source of the information. And I also confirm that we have no knowledge of any connection between Sir Tufton Beamish and the Security Service.

Furnival Jones did at my request get out a list of all those past and present members of the Security Service who were aware of Mr. Gordon Walker's original approach - the list is longer than I had expected - but he has not put into operation any leak inquiry, and in view of your letter I will now tell him that no such inquiry should be mounted.

Just to round off the record I ought to say that I had a word with Charles Cunningham who confirmed my impression that no one else in the Home Office, other than the Home Secretary, Charles and their immediate staffs, knew about this approach.

Yours sincerely

Philip Allen

Sir Burke Trend, K.C.B., C.V.O.

File

CABINET OFFICE
A 01326
- 7 MAR 1967
FILE INSTRUCTIONS
FILE No.

7th March, 1967

SECRET AND PERSONAL

Dear Philip,

You ought to know that I asked the Prime Minister the other day whether he was expecting anything further from us about the allegation that the telephones of certain Labour MP's were tapped in 1961 to 1962 at the instigation of the present Foreign Secretary, the Minister without Portfolio and Mr. Gaitskell or whether he would prefer to deal with the matter, so far as he thought it necessary to do so, through Party channels.

He confirmed that no further official action was required - unless we had any reason to think that the story had become public as a result of some indiscretion or breach of security by the Security Service. I told him that there were no grounds for believing this to be so and that we had no knowledge of any connection between Sir Tufton Beamish and the Security Service which could explain the former's allegation. I think that I got this right?

yours ever,

BURKE TREND

Sir Philip Allen, KCB.



TOP SECRET

Secretary of the Cabinet

Sir B. Trench

The Home Secretary is seeing the
PM at 10 am. on Monday 20th about
this. You are asked to be present.

WKK

17.ii.67

Strictly Personal for



Sir Burke Trend

With the Compliments of
MR LE CHEMINANT

I must speak about

to :-

a) Sir P. Allen

b) the Paymaster General

- preferably in his own.

10 DOWNING STREET,
WHITEHALL, S.W.1

Si.

16.2.67.

16/2

TOP SECRET

CYPHER/CAT A

FLASH FOREIGN OFFICE TO BONN

TELNO 506

15 FEBRUARY 1967

(PRIVATE OFFICE)

PRIME MINISTER'S
PERSONAL TELEGRAM

DEDIP

SERIAL No 1541/67

TOP SECRET

PERSONAL FOR PRIME MINISTER AND SECRETARY OF STATE FROM MINISTER WITHOUT PORTFOLIO.

THIS MORNING'S DAILY MAIL AND DAILY EXPRESS HAVE RUN STRONG PAGE ONE STORIES, ALLEGING THAT THE FOREIGN SECRETARY, HUGH GAITSKELL AND MYSELF QUOTE AUTHORISED UNQUOTE THE TAPPING OF THE TELEPHONES AND TRAILING OF 15 LABOUR M.P. S BETWEEN AUGUST 1961 AND JANUARY 1962. I UNDERSTAND THAT THE MAIL STORY IS AVAILABLE TO YOU. THE TEXT OF THE EXPRESS STORY IS IN MY IMMEDIATELY FOLLOWING TELEGRAM.

2. I DISCUSSED THIS WHOLE QUESTION WITH THE HOME SECRETARY AND HIS P.U.S. THIS MORNING. THE FACTS AS I RECALL THEM, AND AS THEY HAVE BEEN CHECKED, ARE AS FOLLOWS.

3. AT AROUND THE TIME OF THE ARTHUR BAX DISCLOSURES, I CALLED ON THE THEN HEAD OF THE SECURITY SERVICE, WITH THE KNOWLEDGE AND APPROVAL OF HUGH GAITSKELL AND THE FOREIGN SECRETARY, TO ASK WHETHER THEY HAD ANY INFORMATION ABOUT POSSIBLE COMMUNIST ASSOCIATIONS OF 15 NAMED LABOUR M.P. S. I WAS ULTIMATELY TOLD THAT NO INFORMATION COULD BE GIVEN WITHOUT THE PRIOR DIRECT CONSENT OF THE THEN HOME SECRETARY. AFTER DISCUSSION, WE THREE DECIDED NOT TO PROCEED ANY FURTHER. AT NO TIME DID I ASK FOR THE M.P. S CONCERNED TO HAVE THEIR TELEPHONES QUOTE TAPPED UNQUOTE OR TO BE QUOTE TRAILED UNQUOTE.

/4. I UNDERSTOOD

TOP SECRET

TOP SECRET

FOREIGN OFFICE TELEGRAM NO. 506 TO BONN

- 2 -

4. I UNDERSTOOD THAT GEORGE BROWN HAD BEEN IN TOUCH AT AROUND THE SAME TIME WITH THE UNITED STATES SECURITY AUTHORITIES ON THE SAME SUBJECT.

5. IF PRESSED TODAY BY MEMBERS OF THE LOBBY I WILL, ON STRICTLY LOBBY TERMS, STATE THAT THE STORIES IN THESE NEWSPAPERS ARE A FICTION. I ASSUME THAT YOU WILL MAINTAIN THE SAME LINE BEFORE YOUR RETURN.

6. I UNDERSTAND THAT SOME MEMBERS OF THE OPPOSITION BELIEVE THAT THEY ARE ON TO A GOOD THING. WHILE THE STORY THEY HAVE IS WHOLLY UNTRUE, THERE ARE ONE OR TWO FEATURES TO THIS MATTER THAT MAKE ME SUSPECT THAT THERE HAS BEEN A VERY GRAVE SECURITY LEAK, BUT WE WILL OF COURSE DISCUSS THIS MATTER ON YOUR RETURN.

SOSFA

SENT 1737Z/15 FEBRUARY 1967

[COPIES SENT TO NO. 10 DOWNING STREET]

P R I S E C (F.O.)

EOS.

TOP SECRET

FFFFF

15 MPs 'had phones tapped'

By **WALTER TERRY**
Daily Mail Political Editor
A TORY MP claimed last night that up to 15 Labour MPs were shadowed by security men and had their phones tapped.

He said Labour leaders asked for this action.

Sir Tufton Beamish, MP for Lewes, said the screening took place between August 1961 and January 1962.

The Labour Party, then in opposition, had just been through one of its worst internal crises over nuclear disarmament.

And, it is alleged, the names of chosen Left-Wing MPs were handed over to the Special Branch of Scotland Yard with the specific request that their backgrounds be checked for crypto-Communist links.

According to Sir Tufton, three men were responsible for issuing the order: **Mr. Hugh Gaitskell**, then leader of the Opposition; **Mr. George Brown**, now Foreign Secretary; and **Mr. Patrick Gordon Walker**, who recently

returned to the Cabinet as Minister Without Portfolio.

An attempt was made to raise the issue in the Commons yesterday with Mr. Wilson who, as Prime Minister, is now responsible for the security services.

Sir Tufton, a strong critic of a recent ruling from the Premier that MPs' phones will not be tapped without a special ruling from himself or an explanatory statement, asked how Mr. Wilson squared this "high-handed" attitude with the affair of 1961.

'Delicate'

At the time of the alleged shadowing of MPs, Mr. Wilson was chairman of the Labour Party.

But in the Commons yesterday he brushed aside the question with the comment: "I know nothing about any such request. This is a question you should have put to your own Home Secretary at the time." (In 1961, of course, the Conservatives were in office.)

That was all said publicly

about a most delicate affair—one in which a political dispute within the Labour Party became so embittered that doubts of MPs' integrity were being discussed freely.

Mr. Wilson probably is right in saying he knew nothing about it at the time. Though Party chairman, he was in the chillier atmosphere outside the confidants around Mr. Gaitskell.

But as chief of the security services today he has ample opportunity to check back on the truth of the story if he wishes.

According to Sir Tufton last night, about six of the Labour MPs who were investigated are still MPs.

Said Sir Tufton: "I know some of their names. But I do not think it would be right to reveal them."

The straight allegation at the time seems to have been that the 15 MPs were not idealistic Left-Wingers, but MPs so Red-influenced that they were forming dangerous links with Communist Embassies.

Check

One question Sir Tufton wants to ask the Prime Minister: "Were they being checked by the Special Branch simply to see whether they were suitable to be members of the Labour Party?"

It seems unlikely. If the security forces were involved it could only be because the reliability of some of the MPs was in doubt.

As there were no known resignations—let alone arrests—as a result of so big a security check, presumably the Special Branch came up with nothing firm about the MPs.

An effort will be made to pursue the subject again.

Labour's anti-Red probe

By CHAPMAN PINCHER

AN allegation that Labour M.P.s were subjected to a secret loyalty investigation at the request of their own party chiefs six years ago was made in Parliament yesterday.

It came from Sir Tufton Beamish (Tory, Lewes) as part of a question to the Prime Minister on phone-tapping.

He claimed that during the investigation at least a dozen Labour M.P.s had their phones tapped.

The Prime Minister told Sir Tufton that he knew

nothing about the investigation. Members on both sides were equally mystified by Sir Tufton's allegation.

I can disclose the full facts of the investigation, which was made at the request of a special committee of three Labour leaders, two of whom are now in the Cabinet.

In 1961 this committee decided to purge the party of any secret Communists who might be masquerading as Labour M.P.s.

The purpose was to cleanse the party of any Communist taint before the next election, which proved to be in

October 1964, when Labour won.

A member of the committee asked the Directors of the security services for any evidence of Communist activity on the part of any Labour M.P.s or Labour officials.

The security chiefs were told that if they supplied any hard evidence the purge committee would ask the M.P.s or officials concerned for an explanation.

If this proved unsatisfactory the M.P.s or officials would be asked to resign or failing that would be expelled.

The inquiry lasted many

months. The standard methods employed in such inquiries involve surveillance, the tapping of phones, and the opening of mail.

When the inquiry ended early in 1962, the security chiefs produced no evidence that any M.P. was a secret member of the Communist Party or was actively involved in Communist organisations.

Mr. Wilson was chairman of the Labour Party in 1961, when Mr. Hugh Gaitskell was leader.

His statement that he knew nothing of the operation can only mean the committee kept its secret from him.

SECRET

CABINET OFFICE

A 6201

-6 MAR 1967

FILING INSTRUCTIONS

FILE No.

Sir Philip Allen

No.10 are looking to the Home Office for advice on the reply to the attached Question by Lord Erroll for Thursday which is to be answered by Lord Longford.

There is much to be said for answering the Question with the general formula that it would be contrary to practice to give information about the use made of the powers in Section 4. On the other hand, the Question can be read, and is probably intended to be read, as a Question about the effect in law of Section 4 (i.e. is a telex message a telegram for the purpose of the Section) and it seems difficult to avoid giving an answer on that point.

In fact the Post Office take the view that the Section does not cover the interception of telex messages: see Mr. Gould's letter of 6th March within.

The problem is that while there is no interception of telex messages under the Section 4 procedure it would, as you know be misleading to give an Answer which implied that there was no interception of telex messages. This may be thought to be an argument for making the Answer to the Question a flat refusal to say what is the practice under Section 4. But on the whole I think it may be best for Lord Longford to state the legal position as we see it, and to be briefed to go no further in answering Supplementaries.

I attach a draft Answer and notes and a draft letter for Miss Hunt to send to Mr. LeCheminant as for the Question to the Prime Minister last week. I have agreed with Mr. Reid that we should follow this drill and he has said that Sir Burke Trend would particularly like to see the proposed Answer this afternoon before he leaves with the Prime Minister for Luxembourg.

A. J. E. BRENNAN

7th March 1967

SECRET

D R A F T

I understand that Lord Longford is to answer Lord Erroll's Question for Thursday 9th March which asks "to what extent the transmission of telex messages is covered by Section 4 of the Official Secrets Act 1920".

We think that the Question can be read, and is probably intended to be read, as a question about the legal effect of Section 4. The Post Office's view of the legal position is set out in the letter of 6th March from Gould to Brennan of which I enclose a copy, and on the whole we think it may be right to give a specific answer on the lines the Post Office propose. It should do no harm to admit, in effect, that the Section 4 procedure is not used for intercepting telex messages provided that Lord Longford is not drawn into any comments about the use that may or may not be made of other powers.

I attach a draft Answer on the lines suggested by the Post Office and Notes for Supplementaries. The question whether such an answer might lead to embarrassing Supplementaries is however, not primarily for the Home Office and accordingly I am sending copies of the Answer and Notes to [as for Sir Lionel Heald's Question last week] asking them to let me have their views during the afternoon.

The alternative to the proposed answer would, we think be simply to say that it would be contrary to practice to give information about the use made of the powers in Section 4: but there would be an element of evasion in this since the Government ought, it would be claimed, to be in a position to say whether or not it interprets Section 4 as permitting telex messages to be intercepted.

QUESTION

The Lord Erroll of Hale: To ask Her Majesty's Government to what extent the transmission of telex messages is covered by section 4 of the Officials Secrets Act, 1920.

DRAFT REPLY

My Lords, I am advised that the section is not regarded as applying to telex messages.

NOTES FOR SUPPLEMENTARIES

1. Section 4 of the Official Secrets Acts, 1920 (copy attached) provides for the production of "the originals and transcripts" of overseas telegrams. The section is not in terms which cover telex messages since in the transmission of telex messages there is no original telegram or transcript in the possession of the provider of the service.
2. The Prime Minister has made it clear that while the use made of the powers in section 4 of the 1920 Act has not changed for very many years it would be contrary to long-established practice to give information about that use. There is nothing to add.
3. It would similarly be an unacceptable departure from practice to disclose information about the use made of other powers to intercept communications.
4. It would be wrong, while Lord Radcliffe's Committee is sitting, to make any further comment on the events leading to recent newspaper stories about cable vetting.

EXTRACT FROM THE OFFICIALS SECRETS ACT 1920

4. (1) Where it appears to a Secretary of State that such a course is expedient in the public interest, he may, by warrant under his hand require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of the United Kingdom, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place sent or received to or from any place out of the United Kingdom by means of any such cable, wire, or apparatus, and all other papers relating to any such telegram as aforesaid.

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so shall be guilty of an offence under this Act, and shall, for each offence, be liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without [*hard labour] for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

2 33 Vict.
3
dw. 7.
4
(3) In this section the expression "telegram" shall have the same meaning as in the Telegraph Act, 1869, and the expression "wireless telegraphy" shall have the same meaning as in the Wireless Telegraphy Act, 1904.

* Abolished (E.) (18.4.1949), 11 & 12 Geo. 6. c. 58. s. 1(2)



In any reply please quote:
Your reference:

External Telecommunications Executive
Alder House
1 Aldersgate Street
LONDON EC1

Telephone: HEADquarters 1234 (switchboard)
 HEADquarters 5642 (direct line)
Telex: 21601 (POETE LDN)
Telegrams: Gentel London EC1
 Phongen London EC1

6th March, 1967

Dear Brennan,

With reference to the question from Lord Errol which is down for March 9th

"To what extent is the transmission of telex messages covered by Section 4 of the Official Secrets Act 1920".

the P.O. Solicitor has advised that Section 4 (3) of the OSA provides that "telegram" in Section 4 shall have the same meaning as in the Telegraph Act 1869 and that when Section 3 of the 1869 Act is read with Section 3 of the Telegraph Act 1863, it is clear that "telegram" in Section 4 of the 1920 Act includes a message sent by telex.

Although the definition of telegram includes a message sent by telex, the transmission arrangements are different, and I propose that the answer to Lord Errol's question, with which the P.O. Solicitor agrees, should be as follows:

"The Section does not apply. In the transmission of telex messages there is no original telegram or transcript in the possession of the provider of the service".

I cannot see that this should give rise to supplementaries except perhaps questions relating to tapping of telex in which case if an answer is necessary it would be along the usual lines that it is the established practice not to give information on this subject.

Yours sincerely,

(E. F. H. GOULD)

A. J. E. Brennan Esq.,
Room 421,
Home Office,
Whitehall,
S.W.1.

RECEIVED

HOUSE OF LORDS

Thursday, 9th March, 1967

The House met at three of the clock,
The LORD CHANCELLOR on the Woolsack.

*Prayers—Read by the Lord Bishop
of Birmingham*

TELEX MESSAGES AND THE OFFICIAL SECRETS ACT

3.7 p.m.

LORD ERROLL OF HALE: My Lords,
I beg leave to ask the Question which
stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government
to what extent the transmission of
Telex messages is covered by Section
4 of the Official Secrets Act 1920.]

THE LORD PRIVY SEAL (THE EARL
OF LONGFORD): My Lords, it could be
contrary to long-established practice to
give information about the interception
of communications.

LORD ERROLL OF HALE: My
Lords, while thanking the noble Earl for
that reply, as it is now public knowledge
that cables are intercepted, may I ask if
he can say whether or not Telex messages
are intercepted?

THE EARL OF LONGFORD: My
Lords, I am afraid that, as the noble
Lord will gather from my first Answer, I
have nothing to add.

LORD ERROLL OF HALE: My Lords,
is it not the case that it is impossible to
intercept Telex messages?

THE EARL OF LONGFORD: My
Lords, I have nothing to add on that
comment, either.

LORD ERROLL OF HALE: My Lords,
does the noble Earl realise that that is
not being intercepted?



SECRET

CABINET OFFICE
A 6230
- 8 MAR 1967
FILING INSTRUCTIONS
FILE No.

HOME OFFICE
WHITEHALL · S.W.1

8th March, 1967

Dear Burke

Lord Erroll's Question about telex messages.

As you know, the Post Office suggested that the answer should explain that section 4 of the Official Secrets Act 1920 does not apply (since in the transmission of telex messages there is no original telegram or transcript in the possession of the provider of the service).

But if an answer were given in this sense, it would straight away give rise to the two Supplementary Questions, first, whether telex messages are intercepted and, secondly, if so under what power this is done, if it is not done under section 4 of the 1920 Act.

But it would I think be wrong to be drawn into giving more and more information about telex messages. The only argument for giving more information is that section 4 itself provides a power for dealing with oversea cable messages, and the Birkett report explains the procedure for intercepting letters and telephone messages and that therefore it is not unreasonable to ask the power under which telex messages ^{could be} are intercepted. But it seems to me that it would be wrong to give any information - just as the Prime Minister refused on 2nd March to say whether there was any warrant in force under section 4 of the 1920 Act. After all, the genesis of Lord Radcliffe's Committee is our belief that it is contrary to the public interest to disclose information about interception of communications.

... I have discussed all this with Ryland, and he would be content with a reply on the lines of the draft attached.

In dealing with Supplementaries, it would be necessary to keep to the line that no information can be given.

I am sending a copy of this letter to Le Cheminant.

I entirely agree. Pl. tell Allen and Le Cheminant.

Philip Allen

9/3

Sir Burke Trend, K.C.B., C.V.O.

SECRET



QUESTION

THE LORD ERROLL OF HALE: To ask Her Majesty's Government to what extent the transmission of telex messages is covered by section 4 of the Official Secrets Act, 1920.

DRAFT REPLY

My Lords, it would be contrary to long established practice to give information about the interception of communications.

Tuesday, April 11, 1967.

*Q 4. Mr. Cranley Cuslow:

(Answered by the Prime Minister)

I would like to remind the House that in replying to Questions by the hon. Members for Feltham, Pembroke, High Peak and Lewes on the 17th of November last I made it clear that the fact that I was exceptionally answering Questions about the official interception of communications in no way detracted from the long-established practice whereby Ministers normally - and I quote - "are unable to answer Questions relating to these matters". Since then a number of further Questions have been put to me - including the present one by the hon. Member for Woking - on points arising from my original Answer and I have done my best within the strict limits imposed by national security to be helpful. However, in fairness to hon. Members I should make it plain

/that . . .

that I have [for the present] no further information
to give on this subject additional to that which
I have already made available to the House.

NOTES FOR SUPPLEMENTARIES

1. Surely the right hon. Gentleman is not refusing in advance to answer any Questions which may arise out of the forthcoming Report of Lord Radcliffe's Inquiry into 'D' Notices?

We should await Lord Radcliffe's Report before speculating as to what Questions arising from it may or may not be relevant. All I am now doing is re-stating the general rule that in normal circumstances Questions on matters of this kind are not answered in this House.

2. The Question is in terms which would cover all forms of surveillance, including the surveillance by the police for the purpose of ordinary criminal investigation. It is obvious that Members and Peers cannot be made immune from normal criminal investigations if the need for them arises.



Whitehall 5422

TOP SECRET

Note

The PM. agrees it,

CABINET OFFICE
LONDON, S.W.1

Wick
10/iv

10th - April 1967

Dear Gay,

Could you please let me know whether the attached from Peter Le Cheminant ^{wd. be} acceptable to Sir Philip Allen? We had advised No. 10 to use the material provided for Sir T. Beamish on 23 March and I agreed this with Tony Boreman; but there could be merit in this new idea.

Yours sincerely,
William Reid

Miss P.G.W. Hunt



Secretary of the Cabinet

Do we know how Philip
Allen would react to
an answer on these
lines?

(would there continue
correspondence - or discuss -
with him about Ontario's
Question?)

Yes.

S.
S.

PRIME MINISTER

Mr. Cranley Onslow has the following Question down to you for answer next Tuesday when, at *Q 4, it is bound to be reached.

"To ask the Prime Minister, whether the immunity from telephone tapping and letter interception which has been extended to Members of Parliament since October 1964 also applies to all other forms of security surveillance."

It is also relevant that Mr. Peter Blaker has the following two Questions for answer by you on Thursday, April 20 and that they too will be reached at *Q 2 and *Q 3.

"To ask the Prime Minister, how many peers may not have their telephones tapped on the authority of a Secretary of State as a result of his 1964 ruling."

"To ask the Prime Minister, what instructions he has given regarding the cancellation of any authority for the tapping of telephones of Members of either House of Parliament when the individual concerned takes his seat or accepts the writ of summons."

As you know we have had a number of Questions since your substantive Answer on telephone tapping on November 17 last but, with only ~~two~~^{three} exceptions, you have escaped having ^{to} give oral Answers to them. Nevertheless, each such Question creates a significant tremor in the ranks of those concerned and there is a good deal to be said for ostentatiously putting up the shutters again. Mr. Onslow's Question, which broadly repeats a Written Question you answered from Sir Tufton Beamish on March 23, provides a suitable opportunity and you might like to consider an Answer on the following lines:-

"I would like to remind the House that in replying to Questions by the hon. Members for Feltham, Pembroke, High Peak and Lewes on the 17th of November last I made it clear that the fact that I was exceptionally answering

/Questions . . .

14 Feb cd 336-7

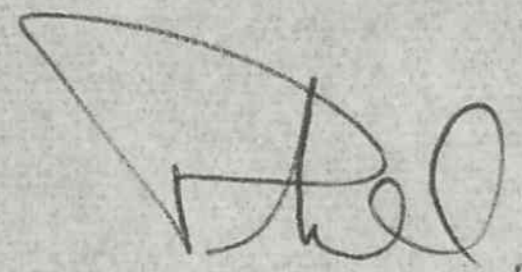
9 Mar cd 1746

14 Mar cd 233-4

Questions about the official interception of communications in no way detracted from the long-established practice whereby Ministers normally do not answer such Questions. Since then a number of further Questions have been put to me - including the present one by the hon. Member for Woking - on points arising from my original Answer and I have done my best within the strict limits imposed by national security to be helpful. However, in fairness to hon. Members I should make it plain that I have [for the present] no further information to give on this subject additional to that which I have already made available to the House."

An Answer on these lines would, I think, be of help to the Table Office in resisting further Questions and would provide you with a new point of reference for any Questions which do get through the net. Of course, it may well be that Lord Radcliffe's Report, when available, may require further "exceptions" to the rule but there can be no harm, and perhaps considerable advantage, in reminding the House of it.

I have copied this minute to Sir Burke Trend.

A handwritten signature in dark ink, appearing to be 'A. E. L.', is written on the page. The signature is stylized and somewhat cursive.

April 7, 1967



Secretary of the Cabinet

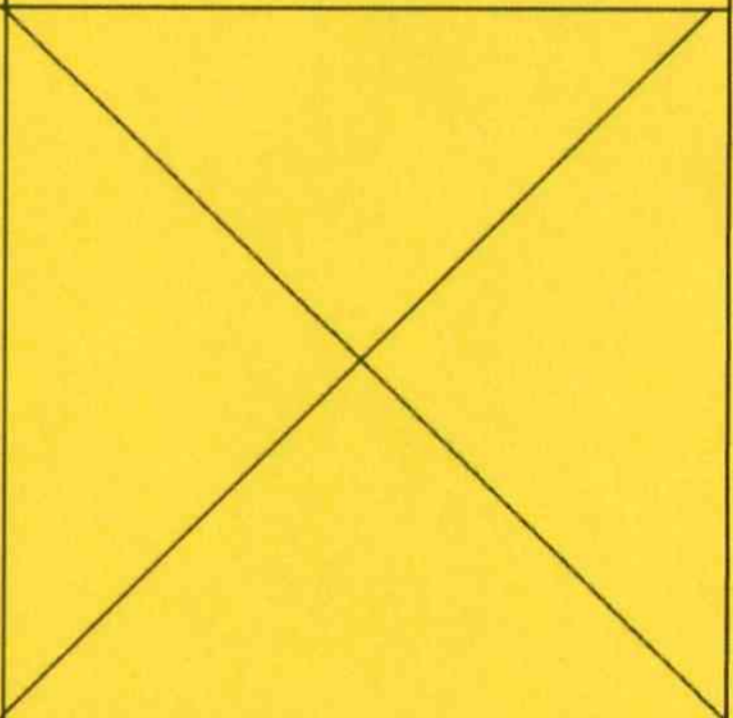
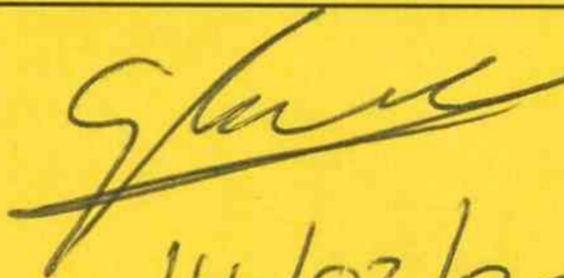
Re Bill Allen has
in P.N. of us. (I have
left the enclosure to
his letter with the Chemist.)

Done.

6

2/2

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301 PIECE/ITEM 933 (one piece/item number)	Date and sign
Extract details: Letter dated 21 March 1967	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	 14/03/22
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	



Q. 2

QUESTION FOR ORAL ANSWER ON THURSDAY 23rd MARCH 1967

155. Col. SDR TUFTON BEAMISH (Lewes): To ask the Prime Minister if his decision not to allow the private telephones of Members or peers who have taken the oath to be tapped on the authority of a Secretary of State also applies to other forms of surveillance.

DRAFT REPLY

I have nothing to add to my replies to Questions on 9th and 14th March by the hon. Member for Woking and the rt. hon. Member for Stafford and Stone.



NOTES FOR SUPPLEMENTARIES

1. The reply to Mr. Onslow (Woking) referred to the interception of correspondence and the reply to Mr. Fraser (Stafford and Stone) to the "perlustration" of cables and radio telegrams. The replies made it clear that the principles which underlay the Prime Minister's statement of 17th November 1966 on the interception of telephone calls applied to these other forms of communication.
2. The question is in terms which would cover all forms of surveillance including surveillance by the police for the purpose of ordinary criminal investigation. It is obvious that members and peers cannot be made immune from normal criminal investigations if the need for them arises.

EXTRACT TAKEN FROM HANSARD

Dated 20th February, 1967, Vol. 741, cols. 1051-5

HOUSE OF COMMONS

Monday, 20th February, 1967

The House met at Ten o'clock

PRAYERS

[Mr. SPEAKER in the Chair]

UNAUTHORISED TELEPHONE
MONITORING

10.4 a.m.

Mr. Peter Bessell (Bodmin): I beg to move,

That leave be given to bring in a Bill to prohibit monitoring of private telephone conversations by unauthorised persons.

The attention of the public was excited by Questions in the House on 17th November last year on the tapping of the telephone conversations of right hon. and hon. Members. Naturally, I accept without qualification the assurance given to the House on that occasion by the Prime Minister that there is no tapping of the telephones of right hon. and hon. Members. The House will, however, recognise, and I am sure that the Prime Minister would agree, that that undertaking applied only to tapping of telephone conversations by the authority of the Secretary of State, the Prime Minister or other responsible Ministers.

I would like to make it clear at the outset that my Bill does not seek to restrict in any way the provision whereby telephone conversations of any person, be he a Member of the House or not, shall be the subject of monitoring in the interests of the security of the State, provided that such monitoring or tapping is undertaken on the authority of the Secretary of State. Nor would it restrict the provisions which already exist to permit the police to carry out their work by this means and that also of the officers of Customs and Excise. These things were recommended in Part III of the Report of the Committee of Privy Councillors appointed to inquire into the interception of communications, as presented to Parliament by the then Prime Minister in October, 1957. My sole objective is to prevent unauthorised persons from using mechanical devices

which enable them to listen to or to record the private telephone conversations of people using the Post Office telephone service.

It is important to note that in the Report which was submitted to the House in 1957, and to which I have referred, the Committee, which comprised the late Lords Birkett and Monckton and the present Minister without Portfolio, the right hon. Member for Leyton (Mr. Gordon Walker), stated in paragraph 130 that whilst unauthorised tapping of telephone conversations might be more difficult in this country than in America, there was no certainty that such tapping did not occur. The Committee continued, in paragraph 131:

"In these circumstances Parliament may wish to consider whether legislation should be passed to render the unauthorised tapping of a telephone line an offence."

I recognise that there are certain difficulties of a technical nature, but I am advised that these need not present a serious problem. For example, anyone who has a telephone installed by the G.P.O. on a party line is informed of this arrangement by the appropriate telephone manager and is, therefore, aware that he cannot expect his conversations to be treated as confidential. There is every possibility that another subscriber on the party line may accidentally overhear the conversation by picking up another instrument. There is also the inevitable problem which occurs as a result of mechanical difficulties and failures at the telephone exchange which will result in what most people know as a crossed line, which again results in other persons overhearing a conversation between people using a separate telephone. These are hazards to which every subscriber is subject and which he must accept as inevitable.

There is, however, a grave distinction between an accidental interception by a third party of a telephone conversation and the deliberate tapping of a telephone or telephone lines with the specific intention of obtaining information which may be of pecuniary value to the person obtaining the information or which is a deliberate and calculated intrusion upon the liberty and privacy of the individual—an individual who is not suspected of any criminal activity or of anything likely to be detrimental to the security of the State.

For meeting on future
GPO. Proceedings.
S.

[MR. BESSELL.]

Not for the first time, Mr. Bernard Braden rendered a service to the public by his exposure of the ease whereby any person or corporate body may arrange for a private telephone to be tapped through agencies which are willing to do this for a fee without question or inquiry as to the reason why the person engaging them wishes another individual's telephone to be tapped and the conversation monitored.

In his programme "On the Braden Beat" on 17th December last year, Mr. Braden revealed that he had been able to discover without difficulty two agencies who were delighted to tell him that on payment of a fee they would arrange for anyone's telephone to be tapped. They were not in the least concerned with the reasons why Mr. Braden's investigators might require this to be done.

There are three reasons why I believe this practice to be extremely dangerous. In the nature of business today, it is customary for members of boards of directors or the executives of companies to transmit vital information to each other or to business associates by telephone. It therefore follows that trade secrets, business negotiations and other matters affecting the progress of private or public companies or nationalised industries, and, consequently, the employment of many people, could be jeopardised. The State has a duty to protect corporate bodies and individuals against the abuse of a privacy which is vital for the progress of industry and commerce.

Secondly, it is surely quite wrong that judicial decisions, for example, in cases of divorce, should be prejudiced or even influenced by information or evidence obtained by these means and which is totally contrary to the standards of liberty and personal privacy which have been safeguarded so vigorously by this House over the centuries.

A case was reported in *The Times* of 26th January involving the recording of private telephone conversations of several individuals who featured in a divorce action. In the *Evening Standard* of 25th January, with reference to that case, it was reported that private detectives had made secret tape recordings for some six months. I cannot believe that there is

any lawyer in the House who would approve of the violation of privacy exposed by that case.

It has been represented to me also—I do not stress this too far but it has been represented—that, in addition to the danger of trade secrets and so forth being disclosed and the intrusion on privacy, there is the sinister threat of an unfriendly Government obtaining the services of an agency, or, for that matter, doing the work themselves, to monitor the private telephones of civil servants, members of the Government or other responsible persons who might be compelled in an emergency to discuss matters on the telephone which would affect the security of the State and would normally be subject to the Official Secrets Act.

My Bill has the support of hon. and right hon. Members on both sides of the House and in all parties. I am most grateful to the very many hon. Members who have taken the trouble to write, telephone or speak to me to give me their cordial assurances of wholehearted support. I have not had a single example of an hon. Member expressing other than agreement with this proposed legislation.

I have asked the House to consider three imperative reasons why the Bill should be allowed to commence its progress through Parliament, and I call in aid of my submission the Report of Privy Councillors to which I referred earlier. Since that Report was presented to Parliament, just over nine years ago, there has been conclusive evidence that the suspicion expressed by the Committee is no longer a matter of doubt and that the unauthorised tapping of telephone conversations which the Committee clearly felt to be wholly undesirable now occurs. The suggestion contained in paragraph 131 of the Report should, therefore, be acted upon.

Finally, I appeal to every hon. and right hon. Member to support the Bill not only because I believe that it will be welcomed by the public at large, by the legal profession and by all who are concerned with the security of our nation but, most of all, because privacy and liberty are one and indivisible. This is a comparatively small Measure but it is designed to protect something which is at the foundation of our national heritage,

namely, the right of every honest citizen to security and privacy.

Question put and agreed to.

Bill ordered to be brought in by Mr. Peter Bessell, Mr. Gwynfor Evans, Mr. Eric S. Heffer, Mr. Eric Lubbock, Mr. Peter Mills, Sir Gerald Nabarro and Mr. Eric Ogden.

UNAUTHORISED TELEPHONE MONITORING

Bill to prohibit monitoring of private telephone conversations by unauthorised persons, presented accordingly and read the First time; to be read a Second time upon Friday, 14th April and to be printed. [Bill 190.]

Dated Sunday, 19th February, 1967

12 MPs still have phones tapped

By NOYES THOMAS

AT least a dozen Members of Parliament, Labour and Conservative, claim that their private telephones are still being tapped. Several more are convinced that they have been subjected to phone tapping and Secret Service checks in the past.

And there is a growing demand on both sides of the House for a full investigation of the whole security set-up, as it affects certain M.P.s and Peers.

A steady trickle of questions in the House to the Prime Minister and the Postmaster-General will culminate in the presentation tomorrow by Mr. Peter Bessell, Labour M.P. for Bodmin, of a Bill to stop the monitoring of private telephone conversations by unauthorised persons.

When the rumpus over telephone tapping last reached serious proportions, only three months ago, the Prime Minister took the unusual step of speaking on the subject himself, instead of leaving it to the Home Secretary.

He took the opportunity of attacking the Press for what he called "monstrous accusations" and "scurrilous comments."

Exempt

He denied that M.P.'s telephones were being tapped. And he revealed that when Labour took office, he decided that M.P.s should specifically be exempted from tapping on the authority of the Home Secretary.

This reversed the recommendation of an all-Party committee of Privy Counsellors in 1957 that M.P.s should not be treated differently from members of the public.

Sir Tufton Beamish, Conservative M.P. for Lewes, said in the House that he would gladly give the Prime Minister some official evidence.

Sir Tufton now tells me that while his Party was in power and while he was chairman of the Conservative Foreign Affairs Committee, he discovered that the telephone at his own London home was being tapped, he presumes without authority.

At the end of a conversation and just before the receiver was replaced, voices were heard in the earpiece. Then the whole conversation was played back, presumably by a recording machine.

Sir Tufton claimed in the House on Tuesday that back in 1961, at least 15 Labour M.P.s were shadowed by security men and had their phones tapped at the request of the Labour Party.

The order paper shows this now

"That leave be given to bring in a Bill to prohibit monitoring of private telephone conversations by unauthorised persons."

EXTRACT TAKEN FROM HANSARD

Vol. 741, No. 143, Col. 336, 14.2.67

**TELEPHONE TAPPING
(PEERS)**

Q1. Sir T. Beamish asked the Prime Minister whether his decision not to allow the telephones of peers to be tapped on the authority of the Home Secretary applies to peers generally or only to peers who sit as Members of the Upper House.

The Prime Minister (Mr. Harold Wilson): The statement which I made on 17th November extends to holders of peerages in receipt of Writs of Summons to the House of Lords.—[Vol. 736, c. 634.]

Sir T. Beamish: How does the Prime Minister square his high-handed and personal decision not to allow the telephones of peers and hon. Members to be tapped on the authority of a Secretary of State with the fact that he was Chairman of the Labour Party in 1961, when, it is said, at least a dozen Labour Members had their loyalty investigated by the Special Branch, including having their telephones tapped, at the request of the Labour Party?

The Prime Minister: That may have been said at the Party Conference, but I know nothing about any such request. This is a Question which, if the hon. Gentleman was as interested then as he is

now, he should have put to his own Home Secretary at the time. This is not high handed, but an act of government within the control of Government. I gave the House my reasons. I said that on balance—very much on balance—I thought the previous practice was undesirable.

Tuesday, February 14, 1967.

Con.

*Q22 Mr Cranley Onslow (Woking): To ask the Prime Minister, what instructions he has given regarding the automatic cancellation of any authority for the tapping of the telephones of an individual who becomes a member of the House of Commons or the House of Lords when the individual concerned takes his seat in Parliament.

DRAFT REPLY suggested by Private Office.

Thursday, February 14, 1967.

*Q 21. Mr. Cranley Onslow:

(Answered by the Prime Minister)

I have nothing to add to the answers I gave to questions on the 17th of November.

Tuesday, February 14, 1967.

*Q21 Mr Peter Blaker (Blackpool, South): To ask the Prime Minister, how many peers may not have their telephones tapped on the authority of a Secretary of State as a result of his 1964 ruling.

DRAFT REPLY suggested by Private Office
and Home Office.

Tuesday, February 14, 1967.

*Q 30. Mr. Peter Blaker:

(Answered by the Prime Minister)

I would refer the hon. Member to the answer I gave earlier to-day to a question by the hon. Member for Lewes.

Tuesday, February 14, 1967.

*Q16 Mr Hugh Fraser (Stafford and Stone): To ask the Prime Minister, whether peers who have not taken the oath are exempted from telephone tapping.

DRAFT REPLY suggested by Private Office
and Home Office.

Tuesday, February 14, 1967.

*Q 16. Mr. Hugh Fraser:

(Answered by the Prime Minister)

I would refer the hon. Member to the Answer I gave earlier to-day to a Question by the hon. Member for Lewes.



With the Compliments of
MR LE CHEMINANT

10 DOWNING STREET,
WHITEHALL, S.W.1

*198 **Colonel Sir Tufton Beamish** (Lewes) : To ask the Prime Minister, whether his decision not to allow the telephones of peers to be tapped on the authority of the Home Secretary applies to peers generally or only to peers who sit as members of the Upper House.

Tuesday, February 14, 1967.

Q 1. —Colonel, Sir Tufton Beamish:

(Answered by the Prime Minister)

The statement which I made on the 17th of November extends to holders of peerages in receipt of Writs of Summons to the House of Lords.

NOTES FOR SUPPLEMENTARIES

1. This formula includes all hereditary Peers of England, Scotland and the United Kingdom (but not Ireland) who have established to the satisfaction of the Lord Chancellor their right to receive Writs, and the Life Peers, Law Lords and Bishops entitled to a seat in the House of Lords. It includes Peers who have been given leave of absence. In addition to the Irish Peers it excludes Peers who are disqualified for membership of the House of Lords - those under the age of 21, aliens, bankrupts and certain convicted persons; and it also excludes those hereditary Peers (perhaps about a hundred of them) who, because they have not produced evidence to satisfy the Lord Chancellor of their claims to succeed, do not receive Writs of Summons.

File

CABINET OFFICE
A 01224
13 FEB 1967
FILING INSTRUCTIONS
FILE No.

11th February, 1967

SECRET

Dear Gay

Sir Burke Trend has seen Sir Philip Allen's letter of 9th February about the Questions due for Answer by the Prime Minister on Tuesday, 14th February and agrees with the proposed draft Answer to the Questions by Mr. Hugh Fraser and Mr. Peter Blaker, on the understanding that the Question by Sir Tufton Beamish is not the one at the top of the page attached to Sir Philip's letter, but is the one in the Order Paper -

A 5814

"To ask the Prime Minister whether his decision not to allow the telephones of peers to be tapped on the authority of the Home Secretary apply to peers generally or only to peers who sit as members of the Upper House."

The Question which Sir Tufton Beamish addressed to the Home Secretary about the study of the implications of unauthorised tapping was on the Order Paper of 2nd February but, so far as I am aware, has not been answered - at least I can see no evidence of it in Hansard for 2nd February. Perhaps you could let me know whether it was withdrawn, deferred or answered on a different date.

May I take it that you will now be providing No. 10 with the draft Answer including supplementary material on the lines of the 4th paragraph of Sir Philip's letter of 9th February.

y.s.

W. K. REID

Miss P. G. W. Hunt.



SECRET

CABINET OFFICE
A 5812
-9 FEB 1967
FILING INSTRUCTIONS
FILE No.

HOME OFFICE
WHITEHALL · S.W.1

9th February, 1967

Dear Burke,

I had a word with you on the telephone about the reply to the Questions by Sir Tufton Beamish and Mr. Hugh Fraser on the subject of the tapping of Peers' telephones.

You confirmed my clear recollection that when you discussed with the Prime Minister the answer to Lord Balfour's Question in the House of Lords on 22nd November, the Prime Minister took the view that it was inappropriate to exclude Peers who had been given leave of absence.

On this assumption, we suggest that one possible way of answering these Questions would be to use a formula which explained that the arrangements were limited to holders of peerages in receipt of Writs of Summons.

As I understand it, this formula includes all hereditary Peers of England, Scotland, Great Britain and the United Kingdom (but not Ireland) who have established to the satisfaction of the Lord Chancellor their right to receive Writs, and the Life Peers, Law Lords and Bishops entitled to a seat in the House of Lords. It includes Peers who have been given leave of absence. In addition to the Irish Peers it excludes Peers who are disqualified for membership of the House of Lords - those under the age of 21, aliens, bankrupts and certain convicted persons; and it also excludes those hereditary Peers (perhaps about a hundred of them) who, because they have not produced evidence to satisfy the Lord Chancellor of their claims to succeed, do not receive Writs of Summons.

...

On this assumption the reply might be as in the attached draft.

Mr. Sweeney

Philip Allen

P.S. Since dictating this I have seen that a further Question on this subject has appeared on the Order Paper. I think this might be answered with the earlier two Questions.

Sir Burke Trend, K.C.B., C.V.O.

SECRET



*(?) *Q1 To ask the P.M. whether his decision not to allow the telephones of peers to be tapped on the authority of the Home Secretary applies to peers generally or only to peers who sit as members of the Upper House.*

COLONEL SIR TUFTON BEAMISH (Lewes): To ask the Secretary of State for the Home Department, if he has completed his study of the implications of unauthorised telephone tapping; and if he will now introduce legislation to make this practice unlawful.

*Q16 14 Feb. MR. HUGH FRASER (Stafford and Stone): To ask the Prime Minister whether Peers who have not taken the oath are exempted from telephone tapping.

*Q21 14 Feb. MR. PETER BLAKER (Blackpool, South): To ask the Prime Minister, how many peers may not have their telephones tapped on the authority of a Secretary of State as a result of his 1964 ruling.

*Q22 14 Feb. MR. CRANLEY ONSLOW. To ask the P.M. what instructions he has given regarding the automatic cancellation of any authority for the tapping of the telephones of an individual who becomes a member of the H.C. or the H.L. when the individual concerned takes his seat in Parliament.

DRAFT

I will with permission answer this Question and Questions Nos. and together. The statement which I made on 17th November extends to holders of peerages in receipt of Writs of Summons to the House of Lords.



With the Compliments of
MR LE CHEMINANT

CABINET OFFICE
A 5754
- 7 FEB 1967
FILING INSTRUCTIONS
FILE No.

10 DOWNING STREET,
WHITEHALL, S.W.1

Tuesday, February 7, 1967

Co

*Q 9 Colonel Sir Tufton Beamish (Lewes): To ask the Prime Minister, if he will move to refer to a Joint Committee of both Houses the question whether the tapping of the telephones of Members and peers is covered by Parliamentary Privilege.

DRAFT REPLY suggested by the Private Office and
being copied to the Home Office and Cabinet Office

Tuesday, February 7, 1967.

*Q 9. Colonel Sir Tufton Beamish:

(Answered by the Prime Minister)

No, Sir.

NOTES FOR SUPPLEMENTARIES

1. If asked about privilege you could say:-
 - (a) that the matter was discussed in the 1957 Report of the Committee of Privy Councillors which interested hon. Members may care to study;
 - (b) that any hon. Member who wishes to pursue the privilege issue is, of course, at liberty to do so within the rules of the House but that you know of no reason why you should attempt to do so;
2. On authorised tapping you will wish to refer Members back to your statement of the 17th of November last.
3. On unauthorised tapping you could refer Members to the Answers to Questions given by the Home Secretary on the 26th of January this year (when the Home Secretary said that he was "open to receive representations and ... evidence").



10 Downing Street
Whitehall

January 27, 1967.

Dear William,

You may have noticed that Colonel Sir Tufton Beamish, M.P. has the following Question down for oral answer by the Prime Minister on February 14:-

"To ask the Prime Minister, whether his decision not to allow the telephones of peers to be tapped on the authority of the Home Secretary applies to peers generally or only to peers who sit as members of the Upper House."

I would be most grateful if you and David Dowler, to whom I am copying this letter, would arrange for us to receive advice on how this Question might be answered.

I am sincerely
Yours
Herbert Morrison

W. Reid, Esq.,
Cabinet Office.

Some order
to get about

Speak to P. Allan's office; suggest H. off do a first draft; and that it mt. fluff the distinction between sitting members of the H/Lord and those with leave of absence.

Dated Thursday, 26th January, 1967

Telephone Tapping

3. Mr. Winnick asked the Secretary of State for the Home Department if he will review existing practices of authorised telephone tapping in non-criminal matters.

Mr. Roy Jenkins: I have nothing to add to the statement made by my right hon. Friend the Prime Minister in answer to Questions on 17th November last.— [Vol. 736, c. 634-41.]

Mr. Winnick: Is my right hon. Friend aware of the deep disquiet which exists in the country at the ever-increasing amount of telephone tapping, perhaps for political or for divorce reasons? Would he really

1743 Oral Answers 26 JANUARY 1967 Oral Answers 1744

not agree that it is time telephone tapping ceased in this country once and for all?

Mr. Jenkins: No; I do not accept my hon. Friend's premises. I can assure him that the present practice conforms fully with the recommendations of the Committee of Privy Councillors which reported in 1957. I have nothing to say beyond that.

Mr. Alexander W. Lyon: Is my right hon. Friend aware that the Question does not refer to the kind of practices which were dealt with by the Committee of Privy Councillors but rather with the invasion of privacy by people who are not authorised to be used for telephone tapping? Would he look into that?

Mr. Jenkins: I think, with great respect to my hon. Friend, that this Question refers to authorised telephone tapping, though there is on the Paper another Question which refers to unauthorised tapping.

14. Sir T. Beamish asked the Secretary of State for the Home Department if he has completed his study of the implications of unauthorised telephone tapping; and if he will now introduce legislation to make this practice unlawful.

Mr. Roy Jenkins: I am keeping a close watch on the position, but I have at present no firm evidence to indicate that legislation would be appropriate.

Sir T. Beamish: As the 1957 White Paper clearly suggested that Parliament might wish to consider whether the unauthorised tapping of telephones ought to be made an offence, and as there have been technical advances since then which make tapping easier, and probably more widespread, surely there is a clear cut case for making unauthorised tapping unlawful?

Mr. Jenkins: I think one has to be satisfied that there is a substantial evil, and I think that there may well be, but one also has to be satisfied that legislation could deal with it effectively. I am open to receive representations, and to receive any evidence about the prevalence of the position if the hon. Gentleman wishes to send it to me.

Mr. Alexander W. Lyon: Now that we have reached the proper Question,

may I put my supplementary and ask my right hon. Friend whether he is aware that in a number of recent cases, particularly divorce cases, judges have cast strictures on inquiry agents who have used telephone tapping or bugging devices to collect evidence, and that it is this kind of incident which is on the increase? Would not my right hon. Friend agree that the best way to deal with this matter is to institute a civil action for damages, rather than a criminal prosecution? This might be the better way of dealing with it.

Mr. Speaker: Questions must be brief.

Mr. Jenkins: I shall certainly look at that, but I think that it would be strictly outside the scope of the Home Department.

SECRET



PERSONAL

CABINET OFFICE
A 5418
17 JAN 1967
FILING INSTRUCTIONS
FILE No.

G. P. O. Headquarters
St Martin's - le - Grand
LONDON, ECI

Telephone: 01-432 1234 4001

Telex: 21166 (POHQ LDN)

16 January 1967

Dear Trend,

When refreshing my memory ^{5.15 p.m.} on one or two points in readiness for our meeting on 18th January, I came across the enclosed copies of correspondence between Sir Tufton Beamish on the one hand and the Prime Minister and Postmaster General on the other. If you do not already know of these letters, you may like to glance at them before our discussion.

I am sending a copy of this note and enclosures to Allen.

Yours sincerely,

(A. W. C. RYLAND)

Sir Burke Trend, KCB, CVO
Secretary of the Cabinet,
Cabinet Office,
Whitehall,
SW1

SECRET

CONFIDENTIAL

From COLONEL SIR TUFTON BEAMISH, M.C., M.P.



22nd November 1966

Dear Prime Minister,

Unauthorised Telephone Tapping

You will remember that in my supplementary question to you on the 17th November (Hansard column 638) I said that I would be glad to give you, confidentially, some evidence of the apparent ease with which a private telephone can be tapped without the knowledge of the Post Office. I expressed the view that unauthorised telephone tapping, unknown to the Post Office, is a good deal easier than many people imagine.

My own experience is only significant in that it gives one positive example to emphasise the latter point. In any case I think it is common knowledge that with recent technical advances unauthorised telephone tapping is considerably easier than it was even ten years ago. This possibility was strongly hinted at in Paragraph 130 of Cmnd 283.

My own experience occurred on Friday, 20th March 1964 when my wife was telephoning to a friend, Mrs. Walford, about a family matter. At the end of the conversation which lasted several minutes my wife was astonished to hear the whole conversation played back over the telephone. Mrs. Walford also heard this. After my wife had listened to the whole of the recording she protested on the telephone in case anyone was still listening and was, in fact, answered by a man's voice telling her to be careful how she used the telephone in future as it could not be regarded as private. My wife and Mrs. Walford were naturally very much upset by this incident and it has, in fact, worried my wife and me very considerably since then.

I naturally asked the Post Office to investigate this incident. They did this and the attitude of the technician concerned was, first of all, one of incredulity that such a thing could happen and, secondly, one of mystification of how it could have happened.

The Post Office was quite unable to give any explanation that seemed to make sense. The Telephone Manager for this area has full details of the complaint that I made and the investigation that followed it. I have, of course, no means of telling for what motive my telephone was tapped in this way but whether it was done as a practical joke or for some more sinister reason does not detract from the point I am making - that it was possible for such a thing to happen without the knowledge of the Post Office.

I have no wish to make a mystery about this incident but have been anxious that the details should be kept confidential because of my wife's strong and understandable wish not to have her name involved.

When I asked my supplementary question in the House I had not intended to refer to this experience so it was only in the light of your perfectly reasonable suggestion that many people delude themselves into thinking that their telephones are being tapped, that I said I would gladly give you details of this incident in confidence.

The whole point of my putting down my question was to get an opportunity of suggesting the the proposal made in paragraph 131 of the White Paper ought now to be followed up. I very much hope, if your inquiries lead you to believe that unauthorised telephone tapping does take place for a wide variety of reasons, and knowing as you certainly will the great distaste with which such activities are widely regarded, that you will give urgent consideration to the introduction of the necessary legislation "to render the unauthorised tapping of a telephone line an offence".

I will greatly appreciate it if you will be good enough to let me know your views.



The Rt.Hon.Harold Wilson, OBE, MP.
10 Downing Street,
LONDON S.W.1

Copy

10, Downing Street,
Whitehall.

December 11, 1966.

Dear Tufton-Beamish,

Thank you for your letter of November 22 about the telephone tapping incident experienced by your wife in 1964. I was most interested to read your account of this and, if you agree, will let Ted Short see your letter so that he can send you any comments that he may wish to make.

As to unauthorised telephone tapping generally, I do not think I can as yet go further than I did in my replies in the House on November 17.

Yours sincerely,

(Sgd.) HAROLD WILSON.

Colonel Sir Tufton Beamish, M.C., M.P.



From COLONEL SIR TUFTON BEAMISH, M.C., M.P.

14th December 1966

3

For Prime Minister

Telephone Tapping

Thank you for your letter of the 11th December acknowledging mine of the 22nd November.

I would certainly like Ted Short to let me have his comments on this incident so will be grateful if you will let him see my letter.

Erasmus
Wilson

The Rt.Hon.Harold Wilson, OBE, MP.,
Prime Minister,
10 Downing Street,
London.S.W.1.

4
January, 1967.

The Prime Minister has sent me a copy of your letter of 14th December, asking if I would comment on the unfortunate telephone tapping incident experienced by your wife in 1964. It must have been most disturbing for her and I sympathise with your anxiety to get to the bottom of the matter.

After the lapse of time I cannot add very much to the letter which Miss Stevens, of the Telephone Manager's staff, sent to you a few days after the incident. It seems highly improbable that it was in any way connected with deliberate telephone tapping as this term is usually understood - though my grounds for saying this are purely circumstantial. Unlikely as it may seem, the only reasonable explanation we can think of is that your wife's conversation was intercepted accidentally by a boaxer who got a crossed line when dialling another call, and took the opportunity on the spur of the moment to record her conversation on a standard recording machine. Many office telephones have recording machines associated with them, and it would have needed only the flick of a switch for the boaxer to get his recording and then play it back at the end of the conversation. If this is indeed the correct explanation, it is of course a chance in a million that led to your wife's experience.

I am indeed sorry that I cannot be more specific.

(SGD.) EDWARD SHORT

Col. Sir Tafton Bevanish, M.C., M.P.

House of Commons,
London, S.W.1.

Wednesday 18th January
at 5.5 p.m.

11th January, 1967

SECRET AND PERSONAL

CABINET OFFICE
A 01072
11 JAN 1967
FILING INSTRUCTIONS
FILE No.

Dear Philip,

We have had a word about the PQ which Sir Tufton Beamish has put down to the Prime Minister for oral Answer on 2nd February - "To ask the Prime Minister if he has completed his study of the implications of unauthorised telephone tapping; and if he will now introduce legislation to make this practice unlawful".

We agreed that the rather baffling first half of this Question probably derives from the Prime Minister's Supplementary Answer to Sir Ian Orr-Ewing on the 17th November (Hansard, Column 640) in which he said that he agreed about the seriousness of unauthorised tapping and that the matter "will be further considered". We were less certain how best to reply to the present PQ; and I think that it would be useful if we could have a word with Ryland about it. I am, therefore, sending him a copy of this letter and will try to arrange a discussion between the three of us in the near future.

Yours ever,

BURKE TROND

Sir Philip Allen, KCB

CABINET OFFICE

A 0991

23 DEC 1966

FILING INSTRUCTIONS

FILE NO.

23rd December, 1966

Wednesday 11th Jan
at Noon.

CONFIDENTIAL

Dear Gay,

You have no doubt seen two Questions on the Order Paper which deal with telephone tapping. The first is for oral answer by the Home Secretary on 26th January and is by Mr. David Winnick; the second is for oral answer by the Prime Minister on 2nd February and is by Sir Tufton Beamish.

Sir T. Beamish refers to "the Prime Minister's study of the implications of unauthorised telephone tapping". But, so far as we are aware, he is making no such study.

Sir Burke Trend would be grateful if he might have a word with Sir Philip Allen about these two Questions in the New Year. Perhaps we might arrange a meeting, say, in the week beginning 9th January, if you agree.

Yours ever,

W. K. REID

Miss P. G. W. Hunt

E.R.

SIR BURKE TREND

You should be aware of two Questions on telephone tapping on the Order Paper -

Thursday, 26th January for Oral Answer

Mr. David Winnick (Croydon South): "To ask the Secretary of State for the Home Department, if he will review existing practices of authorised telephone tapping in non-criminal matters."

Thursday, 2nd February for Oral Answer

Colonel Sir Tufton Beamish (Lewes): "To ask the Prime Minister, if he has completed his study of the implications of unauthorised telephone tapping; and if he will now introduce legislation to make this practice unlawful."

If you wish me to do so, I will draw Sir Philip Allen's attention to these Questions and suggest that he might like to discuss the Answers with you in the new year. I also drew your attention the other day to Sir Tufton Beamish's mention in the Debate on the adjournment for Christmas of his continued interest in this matter and the Lord President's reply.

WKR

Yes, please - as at X.
(What study of unauthorised tapping is he P.M. making?)

22nd December, 1966

P.
S.
M.P.

Thursday, November 24, 1966.

*Q12. Mr. Hugh Fraser:

(Answered by the Prime Minister)

P.M. o/mms.

Si.

I have nothing to add to the Answers I gave
to Questions on this subject on the 17th of November.

Regards for the integrity of Parliament

For Cab. box

21. Mr. Hugh Fraser (Stafford and Stone): To ask the Prime Minister, what were the considerations which on balance led Her Majesty's Government to decide that Members of the House of Commons should be treated differently from members of the public in regard to telephone tapping.

To be answered on Thursday, 24th November.



Covering TOP SECRET

Secretary of the Cabinet

Sir B. Tread

Pl. see Sir P. Allen's letter.
On Y see however the attached
extract from Erskine May on
Members of Parliament.

Their Lordships favour rather
expansive Answers; and I suspect
that something on the lines of
Allen's last paragraph may be
needed.

WKK
22.xi.66



TOP SECRET

CABINET OFFICE
A 4521
22 NOV 1966
FILING INSTRUCTIONS
FILE No.

HOME OFFICE
WHITEHALL · S.W.1

22nd November, 1966.

Dear Burke.

We had a word last night about the Question by Lord Balfour of Inchrye which is for answer today.

We have been through our records. There is no current warrant in force on any member of the House of Lords, nor can we trace any since the war. We have a record of one during the war, but that is presumably ancient history for these purposes.

Y | The Prime Minister said on 17th November that he had given an instruction "that there was to be no tapping of the telephones of Members of Parliament". Members of the House of Lords are Members of Parliament, and it is not very easy to see how one can distinguish between them and Members of the House of Commons.

If an answer were given saying that there was nothing more to be said in addition to what the Prime Minister had already announced, there would presumably be an immediate assumption that some members of the House of Lords were having their telephones tapped, and I think that one is driven to the conclusion that the answer to Lord Balfour's Question should be "Yes".

It is rather tiresome that the question assumes that the Prime Minister announced an extension of Parliamentary privilege. He did not do this; and simply to answer "Yes" would imply an acceptance of all the implications.

If the Prime Minister decides that members of the House of Lords for this purpose should be in the same position as Members of the House of Commons, and that this fact should be announced, perhaps the reply should simply be to the effect that the decision announced by the Prime Minister on 17th November applies to members of the House of Lords in the same way as to members of the House of Commons.

Yours sincerely

Philip Allen

Sir Burke Trend, K.C.B., C.V.O.

TOP SECRET

EXTRACT TAKEN FROM THE TIMES
Dated Thursday, 24th November, 1966

NEW MEASURES TO STOP CRIME WAVE

PHONE TAPPING MAY BECOME LEGAL IN U.S.

FROM OUR OWN CORRESPONDENT—WASHINGTON, Nov. 23

An influential presidential panel is now studying whether the fight against organized crime in the United States needs legalized phone tapping and electronic eavesdropping on suspects by the police.

The National Crime Commission was set up to prepare a report to President Johnson early next year. Its conclusions are expected to provide the basis for one of the chief aspects of the Administration's programme for the new Congress.

The unabating wave of crime and violence on the streets is a main worry for many American suburbanites today

Federal law at present makes phone-tapping a crime, but the Department of Justice has not taken any action against federal agents, ruling that there is no violation if the information obtained is not disclosed outside the Government. "Bugging" with electronic devices is too new to be covered by a federal law.

Any kind of eavesdropping by the police or F.B.I. agents is an extremely delicate issue, and the Department of Justice is being attacked by the press for having forgotten its prime obligation to protect the liberties of American citizens against the ominous advance of modern surveillance techniques, and for cooperating much too eagerly with the law enforcement agencies.

Eight hour shifts

A group of American lawyers can be expected to give immediate battle if the Administration decides to act upon the newest advice.

The Justice Department last week admitted rather shamefacedly the extent of its electronic eavesdropping on Mr. Robert Baker, the former Democratic secretary in the Senate. He is now facing a preliminary hearing on charges of fraud and tax evasion while in office.

His lawyers are fighting back on the ground that much of the evidence is tainted because it was obtained by government eavesdropping.

The defendant's rights, guaranteed under the Fourth Amendment, against "unreasonable search and seizure", have been persistently violated, they assert.

F.B.I. agents described at the hearings how monitors were assigned in eight-hour shifts, working individual "bugs" in a Las Vegas hotel, transcribing by hand summaries of conversations that they overheard involving Mr. Baker and simultaneously tape recording them.

Mr. J. Edgar Hoover, head of the F.B.I., has already defended the "snooping" of his agents in Las Vegas against the public protests of Mr. Sawyer, Governor of Nevada. Mr. Baker is now trying to get Mr. Hoover subpoenaed to appear in open court.

TELEPHONE TAPPING AND
PARLIAMENTARY PRIVILEGE

2.41 p.m.

LORD BALFOUR OF INCHRYE: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government whether the administrative decision announced by the Prime Minister extending Parliamentary privilege of Members of the House of Commons by exemption from any properly authorised telephone tapping extends also to Members of the House of Lords.]

THE LORD PRIVY SEAL (THE EARL OF LONGFORD): My Lords, as my right honourable friend the Prime Minister made clear in another place on November 17 the Answers he then gave to Questions on this matter did not, nor could they, affect the privileges of Parliament. The House will also recall that on that occasion my right honourable friend made it clear that the answering of Questions on this subject was most exceptional and in no way detracted from the normal practice whereby Ministers are unable to answer Questions relating to these matters. I am, however, authorised to say exceptionally that the statement the Prime Minister then made extends to your Lordships' House.

LORD BALFOUR OF INCHRYE: My Lords, may I ask the Leader of the House to accept my thanks for that Answer, and add that if privilege goes to one House it should go to the other, but in my own view it would be far better if neither House had this particular privilege?

THE EARL OF LONGFORD: My Lords, I suppose I must regard that as a qualified vote of gratitude.

THE EARL OF SWINTON: My Lords, may I ask the Leader of the House to treat this matter a little more seriously? Is it not an established rule that neither House, the Members of neither House, can claim new privileges? And would it not be an entirely new privilege, whether claimed, as I am sure it would not be by any Member of this House or by a Member of the House of Commons,

or not claimed, that they should not be subject to the ordinary law of the land?

THE EARL OF LONGFORD: My Lords, I am afraid I cannot agree with the noble Earl that this is an extension of Parliamentary privilege.

LORD HAWKE: My Lords, may I ask the noble Earl the Leader of the House whether, looking at the history of the last 700 years, he would not agree that it would be most unwise to give Parliament this particular privilege?

THE EARL OF LONGFORD: My Lords, I have not had time since luncheon to look at that.

COPY

10, Downing Street,
Whitehall, S.W. 1.

CABINET OFFICE
A 4529
22 NOV 1966
FILING INSTRUCTIONS
FILE No.

November 22, 1966.

Lord Longford discussed the Question which Lord Balfour of Inchrye has put down for answer this afternoon about telephone tapping with the Prime Minister and the Home Secretary after Cabinet this morning. I attach the form of Answer which they then agreed should be given.

It was also agreed that Lord Longford should refuse to answer any Supplementary Questions arising from his original Answer and should refer all such Questioners to the exchanges which took place in the Commons on November 17.

I am copying this letter to Sir Burke Trend and David Dowler (Home Office). As neither the Home Secretary nor Sir Burke Trend have seen the precise formulation of the attached Answer you will no doubt wish to ensure that they are in agreement with it before Lord Longford rises in the House this afternoon.

(Sgd.) P. LE CHEMINANT

*Sir B. Trend content with
answer. Mr. Wheeler-Booth
advised by telephone at 12.24 pm.*

M. Wheeler-Booth, Esq.,
House of Lords.

WLB.
22.11.66.

As my right hon. Friend the Prime Minister made clear in another place on the 17th of November the answers he then gave to Questions on this matter did not, nor could they, affect the privileges of Parliament. The House will also recall that on that occasion my right hon. Friend made it clear that the answering of Questions on this subject was most exceptional and in no way detracted from the normal practice whereby Ministers are unable to answer Questions relating to these matters. I am, however, authorised to say exceptionally that the statement he then made extends to your Lordships' House.

Where bugging is big business

From STEPHEN BARBER
WASHINGTON.

THE admission by Washington's Department of Justice last week that it used telephone tapping and other electronic eavesdropping devices in its investigations into the financial affairs of President Johnson's former protégé, Mr. Robert (Bobby) Baker, focused public attention anew on a long-standing controversy. And, if his counsel gets away with it, it may well serve handily to smother a congressional scandal.

It is prohibited by United States federal law to intercept and divulge telephone conversations. But it is done flagrantly, not only by law-enforcement agencies and income-tax men, as has been disclosed in open hearings before Senator Edward Long's sub-committee on invasions of privacy, but by private detectives in divorce cases, for example, and businessmen. And evidence gained by wire-tappings is inadmissible in American courts.

Among the foremost campaigners in favour of reform of the law against wire-tapping by federal agents is Senator Robert Kennedy. He has pleaded fervently, as a result of his experiences combating nation-wide organised crime, while serving as his brother's Attorney-General, for the practice to be allowed. He argues that without the right to "bug," the F.B.I. would be hamstrung in its non-stop fight with America's gangster underworld.

Sentiment on Capitol Hill, however, is strongly opposed to bugging in all its forms—just as it is at Westminster. The difference is that in Washington a firm was able recently to launch a thriving business in "debugging" Congressmen's suites, on a monthly contract basis. How many hidden microphones have been swept up in the course of these regular electronic launderings is not known. That it is done at all, however, is a sign of the times.

There is no doubt that the super-secret Central Intelligence Agency takes the matter seriously. This was proved recently by a curious incident reported by Senator Clifford Case, a Republican member of the Foreign Relations Committee. It so happened that one day the committee was hearing the C.I.A.'s director in secret session when the Senator was summoned suddenly from the room. In passing through the ante-chamber, he literally stumbled on a mysterious character bent over a curious looking box, whereupon he not unnaturally demanded to know what he was doing, who he was, and why, only to learn that the stranger was a C.I.A. officer escorting his chief.

The gadget he was busily operating was an electronic jammer, the function of which was to counter any possible attempt on the part of unauthorised outsiders to eavesdrop on the C.I.A. director's testimony before the Senate committee.

If this was not alarming enough, the widening possibilities of telephone tapping, tape recording and snooping generally have lately been introduced to the public by the manufacture and open sale of "do-it-yourself" kits.

The Continental Telephone Supply Co. Inc., of New York, for example, advertises an instrument it calls its "Infinity Sentry" for the modest sum of £180. Equipped with this device, one can turn any telephone reachable by direct dialling into a microphone to eavesdrop on what is going on in the room in which it is installed.

In advertising its product, Continental naturally emphasises its value as a burglar alarm. If one is apprehensive that one's home is being burgled, for example, it is suggested that one should call up one's own number from time to time to make sure all is well.

For those who have a limited use for such paraphernalia, economies can be achieved by hiring equipment. According to one Washington private detective firm specialising in divorce, a handy kit suitable for listening in on one's spouse can be rented for under £180. For this sum self-

More Close-up—P.16.

activating recorders can be strategically placed in the family car, the bedroom, on the home telephone. Anyone wishing for more elaborate evidence can also hire a movie camera, suitably adapted for secreting at some vantage point that will switch itself on and off at intervals as it maintains its automated vigil of surveillance.

There is nothing hush-hush about the existence of all these contrivances. Their inventors and manufacturers have been hauled at intervals before Senator Long's Congressional sub-committee to demonstrate them. But it was not until the miniaturised microphone-transmitter planted in the olive of a Martini cocktail was displayed that Washington was jarred. It now turns out that this item was hardly more than a toy compared with the more sophisticated gear that has come on the market since.

Senator Long wants to introduce legislation to ban all these gadgets. But when the Justice Department is compelled to admit, as it was last week, that it, like other Government agencies, consistently flouts existing law in the matter of telephone bugging, it is difficult to see it implementing any new rules that might exhibit its own practices.

EXTRACT TAKEN FROM THE SUNDAY MIRROR
Dated 20th November, 1966

WILSON KNEW MPs' PHONE-TAP SECRETS

*Sunday Mirror Political
Correspondent*

SECRET files on phone-tapping which would normally have been kept from an incoming Government were made available to Premier Harold Wilson when he took office in 1964.

Mr. Wilson told the Commons on Thursday that he refused two years ago to continue the permission given by Tory governments for the tapping of MPs phones — a special immunity condemned strongly yesterday by leading Tory Mr. Selwyn Lloyd.

Since the Prime Minis-

ter's statement some Tories have cast doubt on how much information Mr. Wilson could have received.

For there is a Civil Service rule that confidential minutes from members of a Government should not be shown to their successors.

Leading Conservative ex-Ministers have been suggesting that although Mr. Wilson may have been told by the Security Service that the Conservatives had accepted tapping in principle, he could have no evidence of whether this had actually been done.

In fact, I understand the Prime Minister was shown such evidence.

The Security Service revealed the results of interception of phone conversations of MPs so that Mr. Wilson could decide whether to continue it.

The rules allow the passing on of confidential memos if a new minister needs to know in order to carry out his own responsibilities.

This explains why Mr. Wilson was able to tell the Commons on Thursday that he knew his own telephone had not been tapped when he was in Opposition, and also that tapping orders were "unrelated to the party affiliations of Members concerned."

In other words, that Conservative as well as Labour members may have been involved.

TELEPHONE TAPPING.

hope to be clearer in a few days and to make a statement to the House.

Mrs. Biggs-Davison: Is not the suggestion made in the hon. Gentleman's Question entirely in line with the right hon. Gentleman's own letter to Dr. Mutasa? In order to remove some of the mistrust which has bedevilled relations between London and Salisbury, will the right hon. Gentleman now make clear where he stands on the question whether or not there must be majority rule before independence?

The Prime Minister: I have fully answered questions about the letter to Dr. Mutasa on several occasions in the House. The Rhodesian Government, with whom we were negotiating, were in no doubt about the position. I discussed it with them. As regards distrust, as the hon. Gentleman knows from the exchanges, the Rhodesian Government made their position very clear, and, when Mr. Smith was on the telephone on the last morning before U.D.I., he said that he placed no responsibility on my shoulders for the breakdown. He said over a long period that it was distrust about statements made earlier, before this Government came to office, that caused the difficulty, which I have always said was a little unfair to our predecessors.

ELECTORAL REFORM

Q9. Mr. William Hamilton asked the Prime Minister if he will make a statement on the progress made on the question of electoral reform.

The Prime Minister: No, Sir. I think we should first await the report of Mr. Speaker's Conference on Electoral Law.

Mr. Hamilton: Can my right hon. Friend say whether it is intended to produce and present to this House a package deal on which the House will have to vote *in toto* or whether we will have an opportunity to vote on each proposal separately? Can he also say whether the terms of reference of the Speaker's Conference can be extended to include electoral reform in Northern Ireland?

The Prime Minister: I do not think that there is any question of extending the terms of reference of Mr. Speaker's Conference on these matters. When we

have reports from Mr. Speaker's Conference, it is a matter for consideration by the Government and other authorities in the House through the usual channels and in other ways as to how the House should best approach the reports.

Mr. Turton: As you, Mr. Speaker, have already sent three reports to the Prime Minister—the last reaching him more than seven months ago—can we know when we are to have the Government's observation on these reports?

The Prime Minister: I would like to consider that and perhaps give a reply to the right hon. Gentleman because, of course, one of the points raised by my hon. Friend the Member for Fife, West (Mr. Hamilton) is whether we should make piecemeal comments on individual reports or wait until we have more of a general pattern of proposals for electoral change.

Mr. Doughty: Is the Prime Minister aware that one of the most important aspects of electoral reform is the reform of electoral boundaries? Will he give an assurance that when the Boundary Commission's Report is received legislation will be introduced in this Session?

The Prime Minister: I have no statement to make on that point at the moment. When the Government are ready to make a statement, the hon. and learned Gentleman can be sure that we shall do so.

TELEPHONE TAPPING

The following Questions stood upon the Order Paper:

Q13. Mr. RUSSELL KERR: To ask the Prime Minister on how many occasions warrants have been issued for the tapping of hon. Members' private telephones; and if he will give an assurance that no such warrants will be issued.

Q14. Mr. DONNELLY: To ask the Prime Minister whether he will state the criteria upon which he has issued his warrant for the tapping of hon. Members' telephones.

Q15. Mr. PETER M. JACKSON: To ask the Prime Minister if he will bring up to date the statistics of warrants authorising telephone-tapping given to the Committee of Privy Councillors; and whether he

will issue an annual return, showing the number of permissions that have been given, the number that have been withdrawn, and the number outstanding at the date of making the return.

Q16. Sir T. BEAMISH: To ask the Prime Minister whether he will give an assurance that the issue of warrants giving authority to tap telephone conversations remains under the Home Secretary's sole authority; and in what respects the criteria governing the issue of such warrants have been changed since October, 1964.

The Prime Minister (Mr. Harold Wilson): With permission, I will now answer Questions Nos. Q13, Q14, Q15 and Q16.

The House will know that, since the publication of the Report of the "Committee of Privy Councillors appointed to Inquire into the Interception of Communications" in October, 1957, it has been the established practice not to give information on this subject.

Nevertheless, on this one occasion, and exceptionally because these Questions on the Order Paper may be thought to touch the rights and privileges of this House, I feel it right to inform the House that there is no tapping of the telephones of hon. Members, nor has there been since this Government came into office.

The House will, I know, understand that the fact that I have felt it right to answer these Questions today in no way detracts from the normal practice whereby my right hon. Friend the Home Secretary and myself are unable to answer Questions relating to these matters.

Mr. Russell Kerr: May I thank my right hon. Friend for his reply? However, is he aware that many hon. Members on both sides of the House believe, rightly or wrongly, that their telephones have been tapped? While the whole House would acquit my right hon. Friend of any knowledge or complicity in such a perversion of the nation's security arrangements, will he consult with my right hon. Friends the Home Secretary and the Paymaster General—[*Laughter.*]—to make sure that some of our security people are not undertaking free enterprise of a rather smelly kind on this issue?

The Prime Minister: On the issue of the belief of certain hon. Members that their telephones are being tapped, I would point out that my postbag and those of many other right hon. and hon. Members suggest that a very high proportion of the electorate generally are under the delusion that their telephones are being tapped. This delusion spreads to hon. Members and I should say that I used to suffer from it myself at one time.

As for the general position, I hope that my statement will be an answer to some of the scurrilous comment in the Press during the last three or four days about the attitude of the Government to this question and will also answer, I hope, some questions put by hon. Members on Monday and the usual Pavlovian titter which occurred when the name of my right hon. Friend the Paymaster General was mentioned—not least because the only connection that he has had with this question was when I sought his advice on reviewing the practice about tapping Members' telephones when we came into office. He therefore shares such responsibility as I can take for the present arrangements.

Mr. Donnelly: Is my right hon. Friend aware that this is an extremely serious matter and that three questions arise? The first is the criteria on which any telephones belonging to anyone are ever tapped. Will my right hon. Friend make it clear that there has been absolutely no change in the circumstances listed in the Report of the Privy Councillors?

The second point concerns who is entitled to authorise such tapings. Will my right hon. Friend make it clear that these people are known and identifiable, because it is a very important matter?

Thirdly, when the matter goes outside national security and the whole question of detection of crime, will my right hon. Friend give instructions that any extraneous information which may be discovered as a result of tapping will not go beyond the security authorities to anyone who is not a member of the security services?

The Prime Minister: My answer referred to the tapping of telephones of hon. Members. As regards any other person or group of persons, the position

[THE PRIME MINISTER.]
is exactly as stated by the then Prime Minister to the House after the publication of the Privy Councillors' Report and I have nothing to add to or subtract from what was said then. Authority for tapping rests with my right hon. Friend the Home Secretary, as the Report made clear.

So far as the special case of Members of Parliament is concerned, as I have said, following the discussion I had, shortly after we took office, with the then Home Secretary, the policy has been laid down in the terms which I have again stated today.

Mr. Jackson: Is my right hon. Friend aware that many hon. Members believe that both authorised and unauthorised tapping is increasing? Is he further aware that paragraph 130 of the Report of the Privy Councillors stated that

"... there can be no certainty that the unauthorised tapping of telephones does not occur and it might even be done without the commission of a trespass on private or Crown property."?

and that paragraph 131 states—

Mr. Speaker: Order. Questions even on telephone tapping must be concise.

The Prime Minister: The position regarding unauthorised tapping—and this also relates to the question put by my hon. Friend the Member for Feltham (Mr. Russell Kerr)—is as follows: any tapping that, in accordance with the rules of the Report, becomes necessary by any Crown servant concerned with the things covered in that Report, can only be done with the individual authority of my right hon. Friend the Home Secretary under very strict conditions.

If the question put by my hon. Friend the Member for The High Peak (Mr. Peter M. Jackson) relates to a practice which one understands has developed in other countries, and is causing concern here—tapping by private persons to steal industrial secrets, for example—that is a separate matter and does not come within the remit of Question and Answer in this House.

Mr. Speaker: The hon. Member for The High Peak (Mr. Peter M. Jackson) did not get his question over. Would he like to put it now?

Mr. Jackson: Is my right hon. Friend aware that paragraph 131 of the Report

states that Parliament might consider whether legislation should be passed to make unauthorised telephone tapping illegal?

The Prime Minister: That is an entirely different matter from the subject raised in the Questions on the Order Paper today. It has, however, been raised at Question Time with the Postmaster General on past occasions.

Sir T. Beamish: May I press the right hon. Gentleman on this point? Since the tapping and taping of private telephone conversations without the knowledge of the Post Office and without authority is much easier than many people imagine—and I assure the right hon. Gentleman that I am not suffering from delusions and would gladly give him confidential evidence—will the Prime Minister consider the question in paragraph 131 that the unauthorised tapping of private telephone conversations might be made an offence?

The Prime Minister: I would be glad to consider any evidence the hon. and gallant Gentleman sends me. I know that my right hon. Friend the Postmaster General would also want to consider it to see whether there was a case fully made out for dealing with "private enterprise" telephone tapping of the kind that the hon. and gallant Gentleman has in mind. I hope, however, that the answer I have given to his and other questions will put into perspective some of the monstrous accusations made in certain newspapers over the past four days about the Government's attitude towards tapping of Members' telephones.

Mr. Lubbock: Is the Prime Minister aware that one of the reasons for the widespread delusion which he has mentioned is the grossly unsatisfactory state of the telephone system as a whole? To give one example, when I tried to telephone someone yesterday, I burst in on another private conversation between two individuals on three consecutive occasions. Will the Prime Minister therefore ask his right hon. Friend the Postmaster General to get a move on with improving the telephone system so that these allegations are not made?

The Prime Minister: That is a separate question, which has been raised many times with the Postmaster-General.

I notice that the level of the supplementary questions now is very different from the dramatic build-up given to this subject by some of the Conservative Press over the past three days.

Mr. Driberg: Is my right hon. Friend aware that at least two of his answers have implied quite clearly that there was tapping of hon. Members' telephones before the present Government came to power in 1964? Would he say anything more about that?

The Prime Minister: I hold no responsibility for what was done in this matter before the present Government came to power, but it is fair to point out that the Privy Councillors' Report itself said that Members of Parliament should not be treated differently from members of the public. It is always a difficult problem. As Mr. Macmillan once said, there can only be complete security with a police State, and perhaps not even then, and there is always a difficult balance between the requirements of democracy in a free society and the requirements of security.

With my right hon. Friends, I reviewed the practice when we came to office and decided on balance—and the arguments were very fine—that the balance should be tipped the other way and that I should give this instruction that there was to be no tapping of the telephones of Members of Parliament. That was our decision and that is our policy. But if there was any development of a kind which required a change in the general policy, I would, at such moment as seemed compatible with the security of the country, on my own initiative make a statement in the House about it. I am aware of all the considerations which I had to take into account and I felt that it was right to lay down the policy of no tapping of the telephones of Members of Parliament.

Mr. Frederic Harris: Can the Prime Minister tell me why any Labour Members should imagine that their conversations on the telephone are interesting enough for them to be tapped?

The Prime Minister: I do not think that this matter, which raises very deep concern about the privileges and rights of hon. Members, is in any sense a party question. My decision that hon. Mem-

bers' telephones should not be tapped was, of course, unrelated to the tapping of telephones of hon. Members of any particular party; and I am sure that the attitude of the previous Government was also completely unrelated to the party affiliations of any hon. Members concerned.

Mr. Gordon Walker: I am very glad to hear the Prime Minister's decision that no hon. Members' telephones should be tapped, but would he agree that, in principle, there is a distinction between the privilege of a Member concerned in some proceedings in Parliament and the similarity of all Members with ordinary citizens in all other respects, and that it is important that this principle should be maintained and asserted?

The Prime Minister: I certainly agree about that and I do not myself believe that this involves a question of privilege, as we understand it in the narrow sense in this House. My original Answer was drafted to make that clear. Someone has to take the decision one side or the other of this very, very difficult balance. With my concept of responsibilities to the House, I feel, that although the arguments are finely argued in the Report of the Privy Councillors, it has been right to alter the practice and to say that there should be no tapping whatsoever.

Sir Ian Orr-Ewing: Is the Prime Minister aware that during the nine years which have elapsed since the Privy Councillors' Report was published, unauthorised tapping of telephones has become both much easier and much more ingenious and that, therefore, the recommendation of the Privy Councillors in paragraph 131 has now become urgent? As it is easy to make an unauthorised tapping of a telephone cable, will the Government give serious consideration to making it illegal?

The Prime Minister: I agree about the seriousness, particularly if tapping comes to be developed in this country on the scale on which it has developed in other countries for use by one industrial company against another industrial company. This matter has been raised in the House before and it will be further considered. My answers have related not to unauthorised, but to authorised tapping, and I have stated the practice which we are following.

Mr. Fitt: Would the Prime Minister agree to extend the assurances which he has given to the House to cover Members of Parliament in Northern Ireland? Is he aware that it is very well known that the Government of Northern Ireland indulge in telephone tapping for party political purposes?

The Prime Minister: If my hon. Friend wants to send me any evidence which he has on that subject—

Mr. Fitt: Will my right hon. Friend ask Captain O'Neill next time he sees him?

The Prime Minister:—it will be studied with very great care. I can assure him that the answers which I have given this afternoon have related to all questions and practices connected with authorised tapping under the coverage of the White Paper and for which my right hon. Friend and I are responsible.

Mr. Chichester-Clark: Is the Prime Minister aware that the question of the hon. Member for Belfast, West (Mr. Fitt) was the gross terminological inexactitude which he knows it to be and which he has never been able to substantiate in this House and which should not have been made?

The Prime Minister: I asked for evidence, but this afternoon I was dealing with areas within the jurisdiction of my right hon. Friend.

Mr. Fitt: On a point of order. Is my right hon. Friend aware that telephone tapping was admitted in the Northern Ireland Parliament?

Mr. Speaker: The hon. Member must know that that was not a point of order.

BUSINESS OF THE HOUSE

Mr. Heath: May I ask the Leader of the House to state the business of the House for next week?

The Lord President of the Council and Leader of the House of Commons (Mr. Richard Crossman): Yes, Sir. The business for next week will be as follows:

MONDAY, 21ST NOVEMBER—Supply [4th Allotted Day]: Committee.

There will be a debate on Aviation, which will arise on a Motion for the Adjournment of the House.

TUESDAY, 22ND NOVEMBER—Remaining stages of the Industrial Reorganisation Corporation Bill and of the National Coal Board (Additional Powers) Bill.

Motions on the National Health Service (Superannuation) (Amendment) Regulations.

WEDNESDAY, 23RD NOVEMBER—Second Reading of the Local Government (Termination of Reviews) Bill and of the Arbitration (International Investment Disputes) Bill [*Lords*].

Remaining stages of the Land Registration Bill [*Lords*].

THURSDAY, 24TH NOVEMBER—Debate on the First Report from the Select Committee on Broadcasting etc., of Proceedings in the House of Commons.

FRIDAY, 25TH NOVEMBER—Private Members' Motions.

MONDAY, 28TH NOVEMBER—The proposed business will be: Supply [5th Allotted Day]: Committee.

Mr. Heath: Can the right hon. Gentleman yet say when either the Prime Minister or the Commonwealth Secretary is likely to make a statement soon about Rhodesia? Can he confirm his undertaking that the Government will not take action until there has been a debate on the White Paper itself?

Mr. Crossman: We appreciate the forbearance of hon. Members opposite. The Prime Minister hopes to make a statement next week and, after that, we will consult through the usual channels.

Mr. Mendelson: In view of the serious drop in the level of production, especially in manufacturing and engineering, will my right hon. Friend arrange for a very early debate, preferably next week, on this development and on the connection between it and the level of unemployment at present and in the immediate future?

Mr. Crossman: I appreciate the anxiety of my hon. Friend about this question, but I think that we must keep to the business for next week. However, I will certainly consider how far the House desires a debate on this issue in the near future.

Mr. Lubbock: Did I understand the Prime Minister to say at Question Time that a statement about the future of the

Extract from Erskine May, 17th Edition, Page 13.

Member of Parliament

In the reign of Henry VIII the title "Member of our Parliament" was applied indifferently to the Members of either House of Parliament, but since the Restoration the title "Member of Parliament" has been used as the designation of a Member of the House of Commons.

22nd November, 1966

E.R.

SIR BURKE TREND

No. 10 have informed us of the attached Question to be asked in the House of Lords. The Home Office have been invited to draft the Reply and you may like to know the terms in which it is couched. Sir P. Allen's Private Secretary thinks that he may want to speak to you on your return.

Mr. Le Cheminant suggests a first draft as follows:

"My Lords, it is not for my rt. hon. Friend to extend Parliamentary privilege. As to the second part of the Question, I would refer the Noble Lord to the statement made by my rt. hon. Friend in another place on 17th November."

By implication this excludes the Lords from exemption.

21st November, 1966

Wkh

Tuesday, November 22, 1966.

Lord Balfour of Inchyre: To ask H.M.G. if the administrative decision announced by the Prime Minister extending Parliamentary privilege to members of the House of Commons by exemption from any properly authorised telephone tapping extends also to members of the House of Lords.

Mr. Russell Kerr (Feltham): To ask the Prime Minister, on how many occasions warrants have been issued for the tapping of honourable Members' private telephones; and if he will give an assurance that no such warrants will be issued.

Mr. Desmond Donnelly (Pembroke): To ask the Prime Minister whether he will state the criteria upon which he has issued his warrant for the tapping of honourable Members' telephones.

Mr. Peter M. Jackson (High Peak): To ask the Prime Minister if he will bring up to date the statistics of warrants authorising telephone-tapping given to the Committee of Privy Councillors; and whether he will issue an annual return, showing the number of permissions have have been given, the number that have been withdrawn, and the number outstanding at the date of making the return.

Colonel Sir Tufton Beamish (Lewes): To ask the Prime Minister whether he will give an assurance that the issue of warrants giving authority to tap telephone conversations remains under his sole authority; and in what respects the criteria governing the issue of such warrants have been changed since October, 1964.

DRAFT REPLY

With permission I will answer Questions numbers together. I must make it clear that I am doing so, exceptionally, because they touch upon the rights and privileges of this House; but the responsibility for the subject remains, of course, with my right honourable Friend the Home Secretary.

It has always been the practice not to disclose information about warrants authorising the interception of telephone conversations; and I would not propose [it would not be in the public interest] to depart from this precedent. But I can assure the House that the purposes of interception, the procedures which are followed in this matter and the safeguards which are maintained remain as recommended in the Report of

the 1957 "Committee of Privy Councillors appointed to inquire into the interception of communications"; and the reply which I have given should not be interpreted as in any way endorsing current public speculation that the principles of that Report have been eroded.

DRAFT NOTES FOR SUPPLEMENTARIES

1.Q Why will you not publish figures about the extent of interception, since Appendix I of the 1957 Report gave particulars over the years 1937-56?

A. Those figures were given for the purposes of a unique inquiry; and it would be contrary to the public interest - and to the recommendation of the Committee themselves (paragraph 165) - to bring them up to date or to amplify them.

2.Q Cannot the Prime Minister be more explicit about the position of Members of Parliament in this respect, having regard to the obvious question of privilege which arises?

A. This question was discussed in the 1957 Report (paragraphs 124-128); and the Committee then concluded that "a Member of Parliament is in exactly the same position as any private citizen in regard to the interception of his communications, unless those communications were held to be connected with a proceeding in Parliament" (paragraph 166).

3.Q Is authority for the interception of telephones still confined to a Secretary of State, acting personally?

A. Yes, Sir. I have already said that the procedures recommended in the 1957 Report - of which this was one - continue to be scrupulously observed.

4.Q In order to allay public anxiety will the Government arrange for a fresh inquiry on the lines of the 1957 model?

A. No, Sir. There are no grounds for an inquiry, such as existed in 1957.

Telephone tapping:

**TOMORROW THE ISSUE HOTS UP—
AND I ASSURE YOU IT'S ABOUT TIME**

LABOUR M.P.s who suspect that their telephones are being tapped by the Government as part of an investigation into their private lives are to question Mr. Roy Jenkins, the Home Secretary, about it in Parliament tomorrow. The questions are being put to the Home Secretary because he is normally the only man who authorises warrants for tapping private lines.

But the Home Office confirmed last night that legally any Secretary of State can approve such a warrant. There are nine of them in the Cabinet.

Whatever Mr. Jenkins may say, this would not be the first time that Labour M.P.s have been investigated by telephone-tapping at the instigation of their party chiefs. It happened five years ago when Labour leaders, then in opposition, decided to eliminate the slur that their backbenchers

by CHAPMAN PINCHER

included several crypto-Communists.

At their request, an inquiry lasting several weeks was made by the M.I.5 Security Service. It produced no evidence that any Labour M.P. was a Communist.

Since then, Mr. George Wigg, the Paymaster-General, who is not a Secretary of State, has been

detailed by the Prime Minister to warn him in advance of any misbehaviour of a scandalous or security nature which might land the Administration in a Profumo-type affair.

Mr. Wigg has stoutly denied being involved in any such eavesdropping. But far more important than the tapping of M.P.s' telephones is the tapping of lines

belonging to ordinary citizens. There are only 630 M.P.s but more than 52 million of us.

The highest official figure ever given for the number of private telephones tapped in one year is 242. After working for more than 20 years in close proximity to security, I suspect that the practice is much wider and is increasing steadily.

Infringed

I do not believe that a telephone in which officials are interested must remain untapped until Mr. Jenkins signs a slip of paper. I suspect this duty is commonly delegated or infringed, especially when time is short.

Most of the tapped phones

belong to suspected spies, criminals, Customs evaders, Communists, Fascists, and Nuclear Disarmers.

But the conversations of ordinary citizens are often listened to in the hope that they might yield a lead on leakages of official information they may have been told.

The home telephones of journalists—including mine—have been frequently tapped after politicians have been embarrassed by the publication of some non-secret matter they were hoping to announce themselves.

All Ministries concerned with defence have their own internal tapping system to check that civil servants are not speaking too freely. This is done on a sampling basis—a few calls from the secret areas being monitored each day by security snoopers sitting at the switchboard.

Recorded

The tapping of private phones is organised by the Post Office which has a full-time security division operating on instructions from the Special Branch, M.I.5, the police, and possibly other agencies.

If the Post Office is ordered to tap your telephone this can be quickly done without entering your house. All conversations will be automatically recorded on tape at a special exchange.

Sometimes one can hear

clicks and flashing when a telephone is being monitored but modern equipment makes no background noise.

If Post Office engineers are ordered to fit a "bug and tap"—which also happened to me some years ago—a visit is necessary.

First they put your phone out of order. Then when you report it they say they will come and fix it, and "fix it" they do.

They insert a device in the base of the telephone which short-circuits the bar-switch on which the receiver rests. This is linked with an amplifier and from then on every conversation in that room is tape-recorded at the exchange, even when your phone is hung up.

Bedside

There are more than 11 million such Big Brother microphones, in the form of telephone receivers, waiting to be abused in Britain's homes and offices.

Bedside extensions are usually doctored at the same time as the main phone. So the secretaries who type out the tapes for examination must get some entertaining material.

Any relevant parts of the conversations help to swell police files or the 2 million dossiers in the registry at M.I.5.

Few of us like the way that advancing technology is subverting human requirements like peace and quiet. But at least this is being done openly.

Privacy, perhaps the most basic requirement of all, is being eroded by stealth with the approval of Ministers who find themselves unable to separate the public interest from their own.

Thursday, November 17, 1966.

*Q13. Mr. Russell Kerr:

*Q14. Mr. Desmond Donnelly:

*Q15. Mr. Peter M. Jackson:

*Q16. Colonel Sir Tufton Beamish:

(Answered by the Prime Minister)

With permission, I would now like to answer Questions Nos. *Q13, *Q14, *Q15 and *Q16. I must make it clear that I am doing so, exceptionally, because they touch upon the rights and privileges of this House; but the responsibility for the subject remains, of course, with my right hon. Friend the Home Secretary.

On my instructions no telephones of hon. Members are now tapped.

MR. Le CHEMINANT

CABINET OFFICE
A 0750
16 NOV 1966
FILING INSTRUCTIONS
FILE No.....

For Cabinet

I attach the draft reply and draft notes for supplementaries for tomorrow's P. Qs about telephone tapping. They have been agreed with Sir Philip Allen; and I am sending him a copy, since I understand that the Prime Minister may wish to discuss the Answer with the Home Secretary after Cabinet tomorrow.

I hope that the reply and the notes are self-explanatory; and I think that the only comments which I need add are that:-

- (a) As regards the words in square brackets in the draft reply, it is almost immaterial whether the Prime Minister says "I would not propose" or "It would not be in the public interest"; but I have a slight preference for the former.
- (b) As regards the position of Members of Parliament, I do not think that we can do better than repeat the actual conclusion of the 1957 Report (as in the second of the notes for supplementaries). It is true that, as the Committee themselves pointed out, nobody can be quite sure what is, or is not, "a proceeding in Parliament"; but it is quite clear that the Committee were unable to find any grounds for distinguishing between a Member of Parliament and a member of the ordinary public in relation to the three categories of offence - crime, customs evasion and espionage - for the detection of which telephone tapping is permissible.
- (c) I very much hope that there will be no question of conceding a fresh inquiry on the 1957 model (see the fourth of the notes for supplementaries). There are very strong arguments against this course, which can be elaborated orally if necessary.

BURKE TREND

16th November, 1966

Mr. Russell Kerr (Feltham): To ask the Prime Minister, on how many occasions warrants have been issued for the tapping of honourable Members' private telephones; and if he will give an assurance that no such warrants will be issued.

Mr. Desmond Donnelly (Pembroke): To ask the Prime Minister whether he will state the criteria upon which he has issued his warrant for the tapping of honourable Members' telephones.

Mr. Peter M. Jackson (High Peak): To ask the Prime Minister if he will bring up to date the statistics of warrants authorising telephone-tapping given to the Committee of Privy Councillors; and whether he will issue an annual return, showing the number of permissions have have been given, the number that have been withdrawn, and the number outstanding at the date of making the return.

Colonel Sir Tufton Beamish (Lewes): To ask the Prime Minister whether he will give an assurance that the issue of warrants giving authority to tap telephone conversations remains under his sole authority; and in what respects the criteria governing the issue of such warrants have been changed since October, 1964.

DRAFT REPLY

With permission I will answer Questions numbers together. I must make it clear that I am doing so, exceptionally, because they touch upon the rights and privileges of this House; but the responsibility for the subject remains, of course, with my right honourable Friend the Home Secretary.

It has always been the practice not to disclose information about warrants authorising the interception of telephone conversations; and I would not propose [it would not be in the public interest] to depart from this precedent. But I can assure the House that the purposes of interception, the procedures which are followed in this matter and the safeguards which are maintained remain as recommended in the Report of

the 1957 "Committee of Privy Councillors appointed to inquire into the interception of communications"; and the reply which I have given should not be interpreted as in any way endorsing current public speculation that the principles of that Report have been eroded.

DRAFT NOTES FOR SUPPLEMENTARIES

1.Q Why will you not publish figures about the extent of interception, since Appendix I of the 1957 Report gave particulars over the years 1937-56?

A. Those figures were given for the purposes of a unique inquiry; and it would be contrary to the public interest - and to the recommendation of the Committee themselves (paragraph 165) - to bring them up to date or to amplify them.

2.Q Cannot the Prime Minister be more explicit about the position of Members of Parliament in this respect, having regard to the obvious question of privilege which arises?

A. This question was discussed in the 1957 Report (paragraphs 124-128); and the Committee then concluded that "a Member of Parliament is in exactly the same position as any private citizen in regard to the interception of his communications, unless those communications were held to be connected with a proceeding in Parliament" (paragraph 166).

3.Q Is authority for the interception of telephones still confined to a Secretary of State, acting personally?

A. Yes, Sir. I have already said that the procedures recommended in the 1957 Report - of which this was one - continue to be scrupulously observed.

4.Q In order to allay public anxiety will the Government arrange for a fresh inquiry on the lines of the 1957 model?

A. No, Sir. There are no grounds for an inquiry, such as existed in 1957.

E.R.

Could you give this to Sir Philip
when he arrives, please
Caghr.

~~SECRET~~

^{at} Confidential

~~Miss Hunt~~

The Parliamentary Questions down to the Home Secretary on telephone tapping are being transferred to the Prime Minister. No. 10 have asked for urgent advice, but I have explained that this ^{will} ~~would~~ have to wait until after Sir Philip Allen's meeting with Sir Burke Trend this evening. The Home Secretary's present view is that, had he answered the Questions himself, he would have said something like:•

"Greatly tempted though I am to give a definitive answer,
I have reached the conclusion that I must be bound by
the precedents."

D.E.J.D.

D.E.J. DOWLER

15th November, 1966.



~~680~~

~~Monday~~

445

Secretary of the Cabinet

Tuesday

Cento ↓ Somehow

have 10 minutes

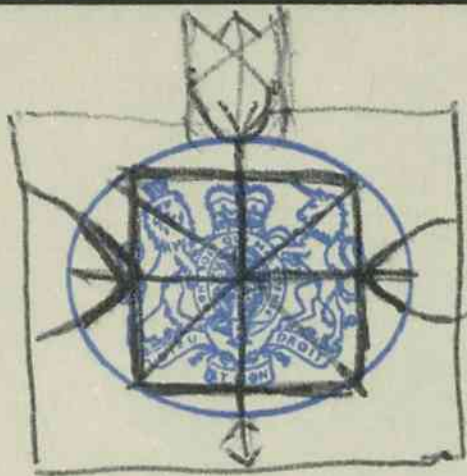
with Allen on

Thursday or Tuesday:

(probably Thursday)

Sr.

12/11.



Secretary of the Cabinet

Sir B. Trend

To my mind the Answer is not good:

(i) The second sentence sh^d go in as a supplementary.

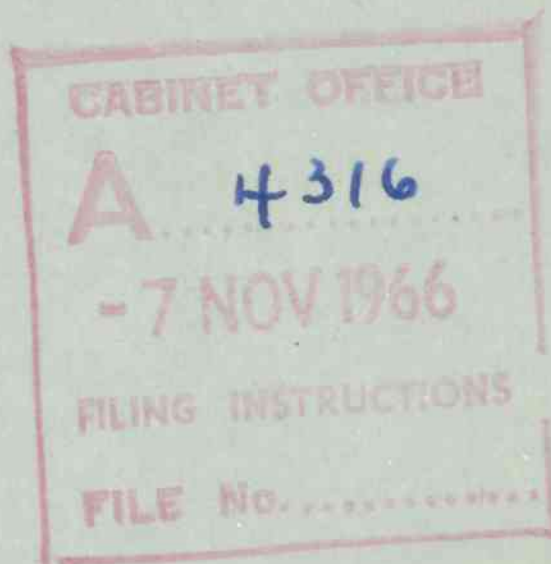
(ii) It wd be helpful if the Answer cd begin "None, Sir" - but that may not be possible!

(iii) The Answer might consist only of "I am not prepared" to the end.

(iv) To refer early on to "the public interest" usually provokes a row.

Wkb

8.xi



HOME OFFICE
WHITEHALL · S.W.1

9th November, 1966.

Dear Burke

I enclose a draft reply to Mr. Russell Kerr's Question to the Home Secretary for 17th November, and should be grateful for your comments.

The Postmaster General, we are told, has asked that he may be told the true answer to the Question; and I should be grateful if we could have a word on this aspect.

*Yours
Philip Allen*

Sir Burke Trend, K.C.B., C.V.O.

P - M -

MR. RUSSELL KERR (Feltham): To ask the Secretary of State for the Home Department, on how many occasions warrants have been issued for the tapping of honourable Members' private telephones; and if he will give an assurance that no such warrants will be issued.

THURSDAY, 17TH NOVEMBER 1966

DRAFT ORAL REPLY

It has always been the practice, in the public interest, not to disclose information about warrants authorising the recording of telephone conversations. The Committee of Privy Councillors, in the report presented to Parliament in October 1957, endorsed this practice. This reply is not to be read as carrying any implication other than that I am not prepared, by answering questions about particular groups of persons, to breach the principle that disclosure of information on this topic is against the public interest.

Dated 13th November, 1966

MPs DEMAND PROBE ON PHONE-TAP



David Ensor
as a judge in ITV's
"The Verdict" is
"Yours."

by KEITH RENSHAW

MR. ROY JENKINS, the Home Secretary, will come under powerful pressure from M.P.s in the Commons on Thursday to give copper-bottomed assurances that members' telephones are not being tapped.

Behind the scenes at Westminster a number of backbenchers are voicing grave suspicions that confidential telephone conversations are being violated.

Mr. Russell Kerr, Labour M.P. for Feltham, has put down a pointed question on the issue. And it is clear that if Mr. Jenkins's answer is anything less than a flat denial of tapping by Government agencies, a political storm will break.

At least one backbencher believes that his correspondence as an M.P. is also being tampered with.

Most M.P.s who share in the suspicion about tapping—and they include Tories—prefer to withhold their names at this stage. But yesterday Mr. David Ensor, Labour M.P. for Bury and Radcliffe, said:—

"It is a nice state of affairs when an M.P. feels he cannot ring up even a constituent without a suspicion in his mind that the conversation is being listened to."

Mr. Ensor explained that he had a number of friends behind the Iron Curtain, and added: "Since I became treasurer of the Anglo-Soviet Group in the House of Commons I am convinced that Security are taking more interest in me than before."

"Of course, I could be mistaken and I sincerely hope I am."

A showdown

Mr. Jenkins faces a showdown over the uneasiness felt by M.P.s because he is the only Minister with authority to sign secret warrants authorising telephone tapping and interference with mail.

In 1957 a committee headed by Lord Birkett defined the exercise of this authority as limited to security purposes and the detection of major crime.

Apart from Mr. Jenkins's responsibilities, what some M.P.s cannot completely rule out is that they are victims of illegal telephone tapping by private agencies. The whole issue is giving rise to clouds of doubt.

One M.P. said: "Until the business is cleared up, I shall carry on using public call-boxes for my confidential calls because I believe my own phone is tapped."

The M.P. who believes that his mail is under surveillance said yesterday: "I think the whole issue should be blown wide open."

"In Roy Jenkins we have a man who is generally regarded as a progressive Home Secretary, and it is up to him to come clean."

Delayed

This M.P. has noticed that mail forwarded to him from Westminster by 10.30 a.m. on Saturday does not reach him until late deliveries on Monday.

Because it happens consistently, he is not now prepared to regard it as due to ordinary postal delays.

"I have raised the matter with Mr. Edward Short, the Postmaster-General, and he is investigating it. If I fail to receive a satisfactory explanation, I shall approach Mr. Jenkins and raise the matter in the Commons."

Mr. Kerr last night declined to comment on the background to his question to Mr. Jenkins, or to reveal the line he will take with his supplementary oral question on Thursday.

His comment was: "I have been quite amazed at the number of M.P.s who have come to me recently indicating that they feel a similar disquiet on the issue."

E.R.

B.F. 11 Nov.

EXTRACT TAKEN FROM THE SUNDAY EXPRESS DATED 30th
OCTOBER, 1966

HOW MANY TAPPED PHONES? M.P. ASKS

MR. RUSSELL KERR, Labour M.P. for Feltham, is to ask the Home Secretary how many times warrants have been issued for the tapping of M.P.s' private telephones.

A Commons question which he has tabled for November 17 also calls for an assurance that no such warrants will be issued.

Mr. Kerr said yesterday: "I cannot give the background at present. To do so could prejudice a supplementary question I want to ask."

Asked if the tapping concerned his own telephone, he said: "No comment." Then he added: "There may be someone on the line now."

Mr. Kerr, a 45-year-old Australian, became an M.P. at the General Election last March. He is the husband of another Labour member — Mrs. Anne Kerr (Rochester and Chatham).

Both are on the Left wing of the party. In 1960 they were arrested after leading a protest march to South Africa House.

What answer
are the H.O.
proposing :

Si
w/r

I have asked

Miss Hunt in Sir P. Allen's

office to let us see

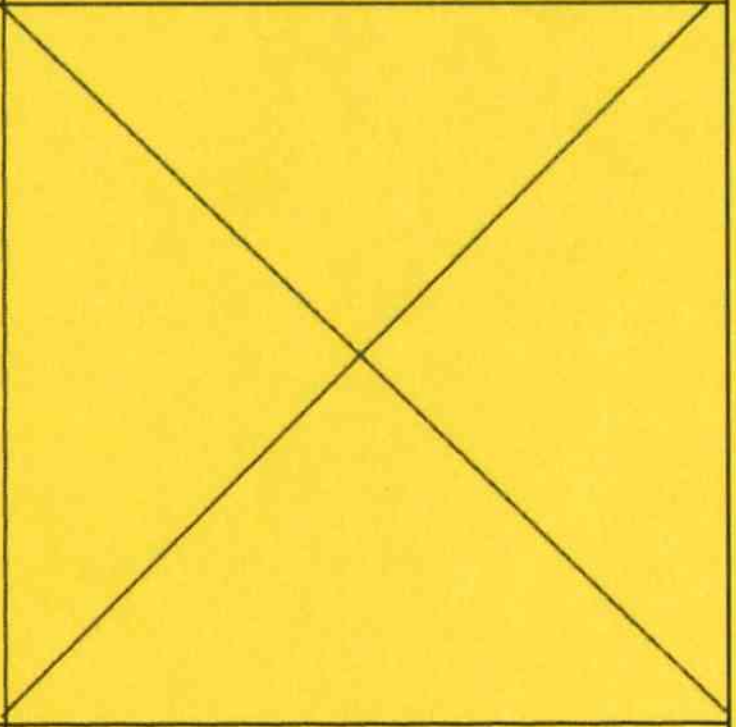

the draft reply +

supps.

w/r

4/xi

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301 PIECE/ITEM 933 (one piece/item number)	Date and sign
Extract details: Note for record dated 2 January 1958	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	 14/03/22
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

TELEPHONE:
HEADQUARTERS 1234.



G.P.O. HEADQUARTERS,
ST. MARTIN'S LE GRAND,
LONDON, E.C.1.

TOP SECRET AND PERSONAL

12th December, 1957.

Dear Brook

Thank you for your letter of 10th December about the use of Clive House. The small difficulty which you mentioned has not yet been reported to me, but I shall be very glad to come to the meeting you suggest with the others.

I have not yet replied to your letter of 3rd December, when you returned my note of our discussion on 20th November. Your suggested alterations have raised one or two points about which neither our Solicitor nor I am entirely happy. If time permits could we discuss these difficulties after the meeting which you propose. Cunningham and Dean will also be available and it might be helpful to bring them in too.

Yours sincerely
W. R. Radley

Sir Norman Brook, G.C.B.,
Cabinet Office,
Great George Street,
LONDON, S.W.1.

File

6th Dec

Dear Pat,

Thank you for your letter of 6th December about Clive House. I enclose a copy of a letter which I have written asking those concerned to attend a meeting to try and resolve the difficulty and I will arrange for you to be present also.

M. J. ...

(Signed) ... BOOK

Sir Patrick Dean, K.C.M.G.

TOP SECRET AND PERSONAL

File

6th Dec

Sir Pat,

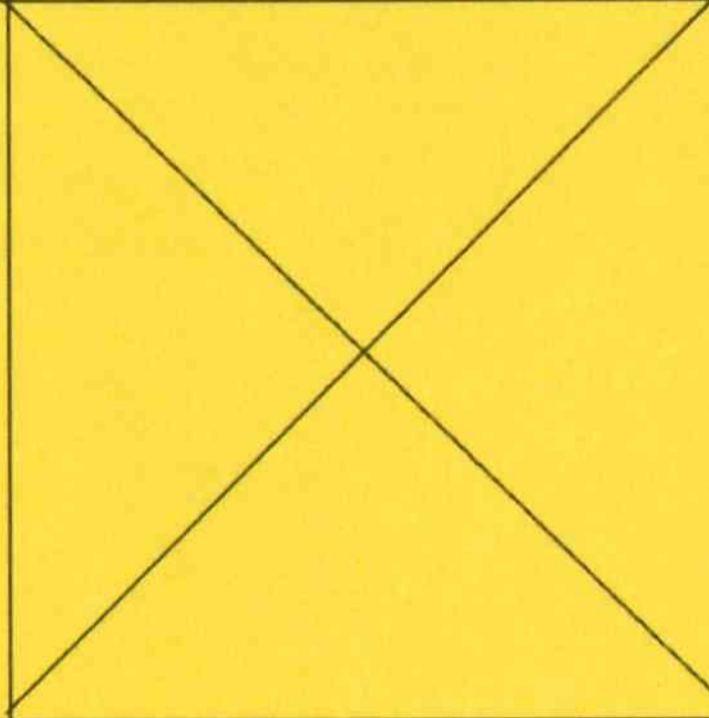
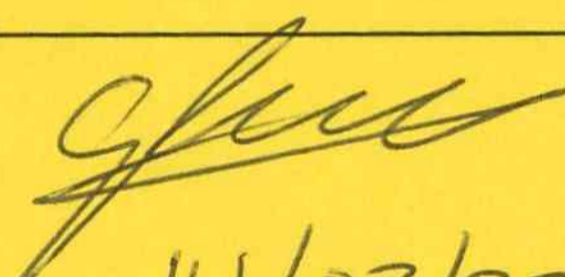
Thank you for your letter of
6th December about Clive House. I
enclose a copy of a letter which I have
written asking those concerned to attend
a meeting to try and resolve the difficulty
and I will arrange for you to be present
also.

Morse

Sir Patrick Dean, K.O.M.G.

TOP SECRET AND PERSONAL

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301 PIECE/ITEM 933 (one piece/item number)	Date and sign
Extract details: Letter dated 10 December 1957	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	 14/03/22
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301	Date and sign
PIECE/ITEM 933 (one piece/item number)	
Extract details: Cover note ^{Slip} dated 9 December 1957	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	<i>glenn</i> 14/3/22
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301 PIECE/ITEM 933 (one piece/item number)	Date and sign
Extract details: letter dated 6 December 1957	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	 14/3/22
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

✓ SHP 898

PRIME MINISTER'S
PERSONAL MINUTE

LODGED PRIVY SEAL

SERIAL No. M 273/57

I have been thinking further about the telephone problem. It would be greatly to our interest to confine Parliamentary discussion of the question to the use of this machinery by the police in criminal cases. We do not want to get drawn into discussion of what is done by K.L.S. For this purpose it seems to me that there are two things which might be done:-

(a) You might ask Shawcross to get on with the Bar Council trial as soon as possible, since so long as it is sub judice it is difficult to reveal the true facts about these men. (b) You might consider it is possible to make a statement that although it is a matter of very balanced judgment as to what should be done in a case like this, the Government have decided that such information as is obtained by the police should be used only for the purposes of the Crown in detecting and prosecuting criminals. If that

assurances were given we might be able to avoid the such
more embarrassing part of the argument, and we would be
giving away nothing of any real value from the national
point of view.

We can talk about this tomorrow when we meet.

HAROLD MACMILLAN

12.9.57.

PRIME MINISTER'S
PERSONAL MINUTE

SERIAL No. N.266 (5)

LORD PRIVY SEAL

I am very sorry that you have had all this trouble about the telephone tapping. I went home on Thursday night and took two days of complete rest. That is the reason I have not communicated with you about it, but I would like to say how unhappy I am that you should have inherited this troublesome affair. Perhaps we could have a word about it on Thursday.

If it comes to a debate, I think it might be worth recalling the circumstances of the Burgess-Maclean row. I was then Foreign Secretary and every newspaper in the country and a great part of the House of Commons was blaming me for being too liberal. I took quite a risk in the speech I made when I pointed out the importance of keeping a balance between the claims of national security and individual liberty. There are some passages in that speech

which might be worth your quoting. Public memory is very short and in modern conditions with an Opposition anxious to score every point, a quite irresponsible Press, the B.B.C., and the I.T.V., public opinion is also very easily swayed backwards and forwards. I hope you will not fail to let me know of any way in which I can support you.

HAROLD MACMILLAN

11.6.57.



HOME OFFICE
WHITEHALL · S.W.1

11th June, 1957.

Dear Freddie,

... I attach a note about the question of the intercept on the telephone which the Home Secretary dealt with in the House last week.

This note is purely factual. We are still enquiring into certain aspects of the matter but these will not materially affect the story as I have set it out.

Yours ever

Tom Citchley

A. H. Warren, Esq., M.B.E.

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES CAB 301 PIECE/ITEM 933 (one piece/item number)	Date and sign
Extract details: Note dated 12 JUNE 1957	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

The prerogative power of intercepting telephone communications can be used only by the personal authority of the Secretary of State. This power is one which Parliament has always recognised to be essential for the protection of Society. It is used solely in cases involving the security of the State or for the purpose of detecting serious crime. Information from this source is jealously guarded and it is settled principle that it is not disclosed to persons outside the public service.

The circumstances of this case were, however, wholly exceptional. It was represented to the Secretary of State that the disclosure of this information to the Bar Council was desirable in the interests of maintaining our high standard in the administration of justice. The Secretary of State felt it to be his duty to supply to the Bar Council information which had already been obtained, as I said yesterday, from an intercept on the telephone communications of a notorious and confessed criminal.

As certain disciplinary proceedings are pending and the matter is sub judice, it would be improper for me to go into any further detail. But I must make clear that this case will not be treated as a precedent. I can further assure the House that

/ Her Majesty's

Her Majesty's Government appreciate to the full
the necessity of preventing any abuse of this
necessary but distasteful power.

There is no question of using this power to obtain information about what passes between a lawyer and his instructing solicitor or between a member of the legal profession and his client. The power is used, as stated, for detecting serious crime, and would never be used for prying into confidential communications between an accused person and his legal advisers. I can say no more about this particular case.

2. There is no question of a contravention of the Official Secrets Act since the Secretary of State authorised the disclosure. There was no question of an intercept on the telephone line of a member of the legal profession.

HOLBORN 7641, EXT.

Communications on this subject
should be addressed to

THE LEGAL SECRETARY,

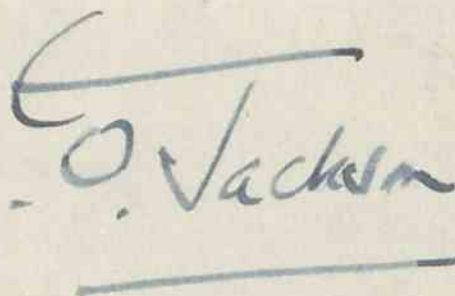
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

12th June, 1957.

Dear Warren,

Dudman, who is to-day celebrating the Queen's birthday, has asked me to send you this copy of his note about the Attorney General's part in the telephone-tapping episode.

Yours sincerely,


C. O. Jackson

A. H. Warren, Esq.,
Cabinet Office,
Great George Street,
LONDON, S.W.1.

1. A report was sent to the Attorney General by Counsel who appeared for the Crown in the prosecution at the Central Criminal Court on the 16th October last year of two of the men involved in an attack on Jack (Spot) Comer. The report suggested that a barrister, Mr. Marrinan, had obstructed the police while they were arresting the two men in Dublin and that he had acted in the case without the instructions of a solicitor.

2. The Attorney General, who is as such leader of the Bar, referred the report to the Secretary of the General Council of the Bar, together with -

(a) in support of the first charge, statements which had been served on the defence at the trial as notices of additional evidence;

and

(b) in support of the second, the name and address of a solicitor who was prepared to give evidence to that effect.

The Attorney General's letter did not, either directly or indirectly, invite the Secretary to seek further information from the Home Office; nor did it indicate to him that further information was available.

3. At this time the Attorney General did not know that telephone conversations between Mr. Marrinan and Billy Hill had been recorded by the police.

4. The Attorney General had no knowledge of the action taken by the Secretary of the Bar Council on this complaint. In the ordinary course it would have been referred to the Council's Professional Conduct Committee of which the Attorney General is not a member.

5. The Attorney General was consulted by the Home Office about the form of the Answer and Supplementary Answers to be given to Mr. Lipton's Parliamentary Question on Thursday. He was then informed for the first time that Hill's telephone had been tapped and that records of his conversations had been handed to the Chairman of the Bar Council. It appears from the information given to the Attorney General by the Home Office on that occasion that the Chairman of the Council had been told in confidence of the existence of the records and had then asked the Home Office if copies could be supplied to him.

6. The Attorney General was consulted personally by the Home Secretary on Thursday after Questions asked on the statement to be made by the Home Secretary on Friday morning.

The Attorney General was not consulted about the statement issued on Friday on behalf of the General Council of the Bar.

The two men referred to in paragraph 1 were members of Billy Hill's gang.

