

THE RIGHT TO KNOW

the case for freedom of information
to safeguard our basic liberties

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The relationship between Science and Democracy is central to any discussion about the future. Unless they can be reconciled power may be abused, and the development of knowledge may be restricted.

My thesis is that secrecy is the great enemy of democracy and science, and the key to the advance of both lies in the wider spread of knowledge.

It is in the joint interest of the scientific community and the general body of citizens to formulate such clear demands for greater openness, and to press for them with such strength, that the present tradition of secrecy is broken down and replaced by an open system offering freedom of information.

This is necessary if we are to reveal the issues, and the choices that are available, so that individual citizens may exercise their judgement upon them, and press their policies according to their interests and opinions within our democratic system.

Knowledge is the only natural resource which is increasing; while most natural resources are diminishing.

Access to that knowledge, and control of the uses to which it is put, is therefore the key to the future. The choice between the private and the public ownership of knowledge is a major scientific and political issue.

Science is rightly proud of its reputation as the liberator of mankind from the obscurantist superstitions of the past, and in its achievements it has increased man's control of the forces of nature by enlarging his knowledge of the laws of nature.

Science and the scientific method, engineering and applied technology now permeate every part of a modern society. But they have also helped to create great power — and the organisations which control it — for good or ill.

If the men and women who are now in charge of those big organisations — be they governmental, industrial or financial — are successful in shrouding their thinking, decisions and their policies in secrecy then it could be that the resources of science and engineering which they command could enslave humanity instead of liberating it. And if mankind is excluded from understanding the knowledge which is now available he will be deprived of his inheritance.

If we apply this test of the “extent of knowledge” as an index of freedom for both citizen, and scientist, we have to ask ourselves how society stands against that test in practice.

Clearly the record varies from country to country. But it is in general true that the most secretive societies are the most oppressive, and that even the least oppressive are still secretive.

The Desire for Knowledge

The demand for openness is a clear sign of democratic pressure. Throughout history this demand has had to be conceded albeit partially and bit by bit, by those with power in order to gain consent for the exercise of their power.

Successive kings were forced by this means to concede knowledge first to the feudal barons, and then to the gentry, the merchants, and later still to the entrepreneurs in order to stave off the revolts against their power.

“Grievance before supply” – the right to be heard before money was voted by the Commons to support the King’s Government before an instrument for accountability to force the king to disclose his policy in order to win the support of his people.

Later the struggle to secure the admission of the press to the House of Commons and bring about the publication of Hansard reflected the demand of the voters to know what their MPs were doing in their name.

Similarly the campaign for the franchise was accompanied by the demand for knowledge.

As early as 1649 the Levellers were arguing that “common people have been kept under blindness and ignorance, and have remained servants and slaves to the nobility and the gentry. But God hath now opened their eyes and discovered unto them their christian liberty”.

“Open the books” has long been a demand of unions and employees.

This demand for disclosure has been increasingly evident in the very areas that science has made the greatest impact.

The whole range of government and industrial policies, especially in areas of high technology, where the impact of science on mankind is likely to be the greatest, has been the focus of the greatest campaigns for disclosure.

The development of parliamentary democracy, universal education and the growth of the mass media have all increased the range of public understanding by the dissemination of knowledge about government, science and industry and have, in their turn both reinforced democracy and stimulated pressure for disclosure.

The Growth of Power

But it would be wrong to look at only one side of the balance sheet.

For what also has to be considered is the growth of industrial, financial and public, power which have all developed practices of secrecy which have effectively kept millions of people in ignorance of the biggest decisions of all which affect their lives.

First the exponential growth of human knowledge in all spheres of learning has completely outpaced the capacity of any one human being to encompass its range.

As the volume of knowledge increases the proportion of it that any one person can acquire in his life span has fallen and is now falling at an accelerating rate.

However much a person may learn in a day, or a week, or a year, it is always a diminishing proportion of the increase in the sum of knowledge gained by humanity in that same day, week or year.

It is a chastening, but an unescapable fact, that at the end of this British Association Meeting each of us will be relatively more ignorant than we were at the beginning however much we have learned, as individuals, during the course of the conference.

This accelerating rate of relative ignorance may well mean that the expansion of knowledge by mankind as a whole — which is, in total, liberating in its effect, may in respect of any one individual have the effect of demoralising him as he comes to realise that knowledge is being used by others to control his life.

The Arguments for Secrecy

It is against that background that the arguments of secrecy that are made by those with power have to be examined.

These arguments are of various kinds, each of them understandable but which, taken together, constitute an entrenchment of secrecy at a level which is becoming increasingly unacceptable.

1. The Security Case

Let me begin with the security case. This argument for secrecy is basic and runs like this.

Every country is vulnerable to external attack and internal subversion and its defence requires it to prepare plans against these possibilities.

Thus preparations must be kept behind the tightest veil of secrecy.

The logic of this argument, is on the face of it, unanswerable and few will challenge it.

To disclose defence secrets or internal security arrangements would be to invite those against whom we wish to be protected to find ways to evade the defences that otherwise they would have to meet.

No Freedom of Information legislation proposed has ever been framed to include open access to security information.

But having said that limits of security have to be carefully defined to avoid a situation in which any, and every, action by government is justified by reference to security.

Every tyrant and dictator in history has always found that an appeal to security is a simplest way to win public acquiescence for his tyranny or dictatorship.

And today the identification of “enemies” at home, and abroad, is still the easiest justification for all sorts of actions that may limit civil liberties.

The denial of human rights all over the world including South Africa, Iran, Chile, China or the Soviet Union is almost invariably justified in this way.

But we all know that strong armed forces built up to resist foreign aggression may then be used to commit aggression abroad, or be diverted to suppress discontent arising from legitimate demands for human rights at home.

Similarly an internal security apparatus may be established in the guise of defending a free society and then become an instrument for eroding freedom in the society it is intended to defend.

All these distortions of security can themselves be concealed behind the very veil of secrecy which the needs of security are supposed to justify.

External Security

For example total secrecy surrounded the preparations of the Anglo-French invasion plans for Egypt in 1956; the USA supported attack on Cuba at the Bay of Pigs in 1961; and the Soviet invasion of Czechoslovakia in 1968.

But whatever the military case for preserving this secrecy in advance of an immediate military operation the real issues in every case were political, and related to the policies which led up to the situation in which Britain and France came to attack Egypt, America came to attack Cuba or Russia came to invade Czechoslovakia.

The proper public discussion of these critical policy issues was of course prevented by the same secrecy and was later justified by the need to protect the troops just about to go into action.

Foreign policy choices cannot be excluded from proper public discussion on the grounds that they involve military security.

For to do so would be to make foreign policy an instrument of the military, instead of military policy being the instrument of foreign policy, which must be maintained in a democratic society.

Thus any demand to extend military secrecy to cover foreign policy must be resisted.

Internal Security

Exactly similar limits must be placed on the extent of legitimate secrecy in matters of internal security.

Obviously the publication of plans to arrest a foreign spy or a domestic terrorist would frustrate the purpose of the operation and no one in their senses would advocate doing so.

But it is obviously important to draw a clear distinction between a spy and a critic; and between a terrorist and a dissident.

If no such distinction is drawn the apparatus used to safe-guard freedom can be used to suppress it.

In countries which do not aspire to political liberty this presents no problem because the government is openly committed to the proposition that its own survival is in the interests of the people, and any one who opposes the government is therefore an enemy of the people.

But in societies which allow the people freely to decide who is to form the government then no such argument can be sustained.

Indeed in such democratic societies the freedom of the people is the test by which freedom is judged – not the survival of the government.

In such societies the decision by the people as to whether they wish the government to be replaced depends upon a free and an unfettered debate between supporters of the government and its critics and other dissidents.

There is always the risk that internal security measures, introduced to defend freedom, could be abused under the veil of the secrecy justified to deal with spies and terrorists to harass critics and dissidents and if this were to happen it could destroy the very freedom these measures are intended to defend.

The balance between freedom and security poses special difficulty in political democracies and requires wider public debate.

First it should be obvious that while the specific measures adopted for internal security may need to be protected the policy, overall extent and methods of the security services are legitimate objects for public discussion and decision together with the sums of money spent upon them.

These are domestic policy issues comparable to the foreign policy issues which should dictate the defence policy of the nation.

And if we are to insist that the internal security services are to be under democratic control then the policy they follow must be the subject of full public debate in the light of adequate information.

In dictatorships of right or left such a proposition would not be entertained for a moment.

But in democratic societies the issues are real and immediate.

They require our attention because national security is still the major argument used for absolute secrecy covering foreign and defence policy and domestic police powers.

Unless we can think through these difficult issues we could find that the term "national security" could become a blanket excuse for secrecy on any matter which the government of the day wished to exclude from public scrutiny.

In Britain defence secrets are guarded by the Official Secrets Act.

Foreign Policy is more widely discussed but is still subject to the protection of government position papers, diplomatic exchanges and negotiating briefs.

As far as domestic security is concerned normal police activities are discussed, but the operations, policy and extent of the security services are completely blanketed out by tight secrecy.

Only the Prime Minister is entitled to know the full extent of the operation of the security services. The only Prime Minister who has written about these matters in recent years was Harold Wilson who devoted one chapter of his book *The Governance of Britain*.

This whole chapter which was only 446 words long, being the only authoritative report ever written by the only office holder able to know, merits full quotation.

"The Prime Minister has the ultimate responsibility for the National Security Authority at home and abroad, though the home and overseas organisations concerned come departmentally under the Home Office and the Foreign and Commonwealth Office responsibility.

The Number 10 responsibility is exercised through the Secretary of the Cabinet, who is the Prime Minister's link with the authorities concerned.

Cabinet Office account for the Secret Service vote which is published under the heading

'Other external relations: Secret Service being the best of it of the amount required in the year ending . . .'

In 1975/6 it amounted to £22 million. No other details of estimates or expenditures are made available to Parliament either in the estimates or the accounts. By agreement of the Public Accounts Committee the account is supported by the personal certificate of the Comptroller General in a unique form: 'I certify, that the amount shown in this account to have been expended, is supported by certificates from the responsible Ministers of the Crown'.

The Prime Minister is occasionally questioned on matters arising out of his responsibilities. His answers may be regarded as uniformly uninformative.

There is no further information that can usefully or properly be added before bringing this chapter to an end."

Against that background of officially supported public ignorance it is necessary to turn to the United States of America to find any serious public discussion about these matters.

It is greatly to the credit of the Americans that faced with a clear abuse of power by the executive, they were determined to bring all these issues out into the open.

Apart from the direct investigation into the Watergate Affair a proper Inquiry was held into the conduct of the security services by Senator Church, and it brought to light information about matters which in Britain would never have been disclosed.

I would like to read you a passage from a speech made on the subject by a member of the Church committee – a Senator Walter Mondale, who is of course now the Vice-President of the United States, and whose words acquire their importance by virtue both of his intimate knowledge of the investigative Committee of which he was a member, and the high position which he now occupies in the American Federal Government.

"Our investigation showed that many of the abuses of the Nixon years could be traced back to the attitudes of the Cold War.

Fastened on us was the fearful myth that America could not be defended without more deceit and illegality than democracy permits – and without more cynicism and hypocrisy than our beliefs would allow.

For years, this assumption was used to justify actions abroad – from subversion of freely elected governments, to assassination attempts aimed at foreign leaders. And inevitably, in Macbeth's words, the invention returned home 'to plague the inventor'.

The CIA came home to launch 'operation chaos' – a surveillance programme directed against American citizens – even though that agency is forbidden from exercising internal security functions. The law didn't matter.

The army spied on the lawful democratic activities of groups ranging across the political spectrum – from Carl McIntyre's Conservative Christian Action Movement and the John Birch Society to the Urban Coalition, the anti-defamation league, and even the Chamber of Commerce. The law didn't matter.

There was massive invasion of privacy. For years the FBI and the CIA illegally tapped phones and engaged in other forms of electronic surveillance. The law didn't matter.

The FBI and CIA both opened the private mail of American citizens. Over 300,000 first class letters were opened – the mail of people like John Steinbeck, Senators Church and Kennedy, and organisations like the Federation of American Scientists. The law didn't matter.

The National Security Agency obtained from major international cable companies copies of all private telegrams sent overseas by American citizens of businesses. The law didn't matter.

Legitimate law enforcement functions were twisted and perverted. In 1969 the Internal Revenue Service established a 'Special Services Staff' to examine the tax returns of individuals – not because they had violated the tax laws, but because some people in government did not like their politics. The law didn't matter.

Eventually these agencies resorted to the Commission of Common Crimes to obtain what they considered necessary information. So the FBI and the CIA illegally broke into the homes and businesses of American Citizens – the so called 'black bag jobs'. They even established official liaison with organised crime. The law didn't matter.

Perhaps the most terrifying abuse of power during this period was what the FBI called Cointelpro. That ugly little acronym would have been at home in any police state in Eastern Europe or Latin; it meant illegal investigations targeted against America law abiding individuals in groups – and punishment administered not by a court but by a government agency – through harassment and tactics designed to break up marriages, destroy reputations, terminate employment, sabotage political campaigns and even encourage violent retribution by falsely and anonymously labelling intended victims as government informers."

The United States has now made a serious effort to open up a discussion of the proper limits of security in a democratic society. There has of course been a long tradition in the United States Congress of Committees and Committee hearings at which members of the executive have been required to answer questions that in Britain we would never be allowed to ask.

Now there is a Freedom of Information Act which has conferred a right to know on citizens.

There are many people in Britain who would like to see the same openness here; and who cannot, in the absence of information, assess whether or not abuses of a comparable kind could occur here.

Maybe the ultimate authority of the Prime Minister is effective in preventing it – but Harold Wilson said the public is not entitled to know more than he disclosed in his chapter.

I have dwelt on security at great length for obvious reasons.

First that political freedom must be secured.

Second that true security for that purpose must require secrecy.

Third that the border line between legitimate secrecy, and the abuse of power in the name of security, is one that must be defined to prevent it justifying total secrecy.

Fourth that since the technological instruments of persecution, manipulation and repression done in the name of security – which may amount to police state methods – inevitably bring science into bad repute, and could inhibit free scientific inquiry, it is a matter of concern to scientists as to how these issues are handled.

2. *The Financial and Commercial Case for Secrecy*

The second argument for secrecy that is most commonly advanced is based upon the maintenance of financial and commercial interests.

The main advocates of secrecy on these grounds are of course those whose own interests are involved.

Banks are extremely secretive about their policy and practices; so are major business firms, and the decision making of multinationals and international financial

institutions are shrouded in such mystery that even governments do not find it easy to discover what is really going on.

Pressure for full disclosure is likely to be met by a blank refusal accompanied by due warnings of the consequences if disclosure were to be enforced.

There is no doubt that the publication, in advance, of details of specific negotiations by industrial or banking enterprises could frustrate the objectives the negotiations were intended to secure. Governments may be in a similar position.

But having identified those narrow categories of information where the requirements of secrecy are strictly limited in terms of time, the rest could easily be released without damage to the organisation concerned.

Indeed without information it is impossible for the *policy* that lies behind the decisions to be properly discussed; and for the people who make these policy decisions to be held accountable for what they have done.

3. The Case for Secrecy to Protect the Individual

A third defence of secrecy that is advanced is that the records about individuals relating to their own personal affairs should be protected from publication.

Since such records are of no interest in terms of public policy there is no pressure to include the publication of such categories of information within the scope of any Freedom of Information policy.

Indeed the argument works the other way. There is growing anxiety in many parts of the world that information may be accumulated about individuals for one purpose, and then grouped together in the centralised computer records that could be used for purposes other than the purpose for which the information was gathered.

In plain English there is a fear that dossiers may be collected which if kept secret from the person to whom they relate could infringe his liberty by making it easier for him or her to be penalised, harassed or in some way disadvantaged.

It is also possible for mistakes to be made and it is theoretically possible for untrue statements to be included in such records for malicious reasons.

In this situation the only real safeguard is to confer a right upon all persons to know what is on their own files, so that they can correct errors, challenge unfair judgements and "clear their names" literally.

Such a remedy requires personal disclosure but not publication. We have not yet achieved that right.

Apart from these three arguments relating to military, financial and personal information which may need to be protected — and all of which require secrecy limited to the extent which is necessary, a whole host of other arguments are advanced for maintaining secrecy over a far wider range of subjects.

These arguments need to be listed in order to reveal the extent of the opposition to openness that still persists in official quarters.

4. The Arguments for Secrecy based upon Administrative and Ministerial and Professional Convenience

These arguments are regularly used and appear in many forms.

It may be said that the issues are too complicated for the lay public to understand; that the public are not really interested; that wide consultation will be costly and cause delay; or make administration more difficult; or that discussions will narrow the government's freedom of manoeuvre; or weaken its negotiating stance; or subject it to unhelpful external pressures; or undermine its negotiating strength; and sometimes that the publication of information collected by government would destroy the confidence of those who gave that information and inhibit people from speaking their mind.

But if all these arguments fail to carry weight it may be asserted that the government has a duty to govern and that disclosure erodes the power necessary to do that duty.

In the course of my life as a Minister I have heard all these arguments used many times over, and in some shape or form, they constitute the real reason why open government is so strongly resisted.

It is that disclosure weakens the prerogative of Ministers and the role of officials who enjoy their greatest power when they alone know what is up for decision, what the choices are and what are the relevant facts. Then their advice is hard to challenge.

Seen from an official or ministerial view point these are obviously attractive arguments. But to accept them would be to accept that the convenience of the government is synonymous with the national interest; and that the national interest actually requires the exclusion of the public from enjoying any real role in formulating policy, or exercising any effective influence before decisions are made.

These arguments are usually used to justify secrecy in areas of policy in which science and technology play a major role and if the public are precluded from participating in them the frontiers of democratic control would be sharply reduced.

It is just because openness, by contrast, can actually extend the frontiers of democracy, that is so important to press for it.

How Secrecy is Upheld

If these then are the arguments for secrecy that predominate in large organisations and especially within government how is it sustained?

Various techniques are used and it is to them that I now want to turn.

1. The Official Secrets Act

This legislation covers everything from espionage designed to undermine the security of the state, to the protection of all official documents covering the whole range of government work. The workings of the Official Secrets Act have recently been the subject of a great deal of public discussion and inquiry, and the government have recently published a White Paper proposing changes in Section 2 of the Act and indicating a readiness to consider some proposals for wider reform.

However at present it is an offence in law to disclose any documents or information acquired in the conduct of official duties.

The proponents of reform fall into two categories.

There are first those who want to confer the statutory right to know subject to safeguards kept to a necessary minimum; and second there are those who want to make the minimum number of changes designed to stave off the pressure for real reform — leaving us with official secrets legislation that, unlike the present Act, would command sufficient public and judicial support to make prosecutions possible.

This latter school of thought, which is strongly held by the establishment, inside and outside the government, is also prepared to accept the need for greater disclosure of information than hitherto — so long as the decision as to whether, and what, to publish is strictly controlled by the executive as part of its prerogative.

What this school of thought will not have is the statutory right to know entrenched that would pass the initiative to the citizen.

But it would be a mistake to regard the Official Secrets Act as being the sole, or even the prime, instrument by which secrecy is observed.

There are in fact a number of equally important techniques and institutional arrangements which reinforce it.

2. *The Thirty Year Rule*

The protection of public records under the Thirty Year Rule merits separate consideration.

Under this rule more than a generation has to elapse before the citizens are allowed to know the thinking that lay behind even the most major government decisions which affected their lives.

The justification for this rule rests mainly on the argument that the knowledge of publication of minutes and papers and records of discussions, less than thirty years ago would inhibit the candid expression of opinion by ministers and officials and thus endanger the free exchange of views which good government requires.

These arguments are different from the arguments for protecting current discussions, the immediate secrecy necessary for diplomatic and other negotiations, or budgetary preparations.

It is in fact an argument that is based on the *principle* that accountability by publication is incompatible with good government and hence that democracy which depends upon accountability must be limited by a time gap of thirty years.

Since democracy can be properly described as the institutionalisation of a process, by which a society can learn from its own experience — and especially by its own mistakes — a thirty year time gap before that experience, and those mistakes can be published in full, must necessarily make that learning process at best ineffective and at worst almost useless.

3. *Restrictions on Ministerial Memoirs*

It is in this context that attempts to restrict the right of ministers to publish their own experiences has to be seen as being especially relevant. This policy — insofar as it is effective — is intended to deny those citizens elected to serve in higher office from conveying their experience to those who elected them unless the Cabinet Office have approved the text.

4. *The Privy Councillors Oath*

All Cabinet Ministers are, upon appointment, sworn into the Privy Council by an oath administered in the presence of the Sovereign. This oath, which has now been published, imposes a special duty upon all Ministers to preserve the secrecy of government and Cabinet business to which they become privy. It is a powerful reinforcement of the Official Secrets Act in relation to ministers.

5. *Collective Cabinet Responsibility*

Similarly the constitutional convention of collective cabinet responsibility which is thought to be central to the working of the British Constitution has considerable implications for secrecy of government.

Under this doctrine the myth of cabinet unity on all matters discussed is fostered.

Cabinets are of course rarely united in their views. Indeed were it so there would be no cabinet discussion at all.

Why then is this myth fostered?

In its origins it was a protection for the Sovereign's principal advisers, against attempts by the Sovereign, to pick out those ministers who were ringleaders of advice unacceptable to the crown.

It must simultaneously have been clear that, parliament and the populace could best be kept quiescent if they were told that the Cabinet was solidly behind every policy announced by HMG; and thus dissatisfied groups could not nourish the hope of a change of policy based on the knowledge that their view was being advocated if the highest councils of the state.

Later as the franchise extended the democratic influences party unity became a major factor in securing electoral, success. This too gave a practical reinforcement to the idea of collective cabinet responsibility.

It is certainly both right and necessary that Cabinet colleagues should meet to discuss the options before them, and should agree to stick together in defending the choice made.

Common sense and ordinary personal loyalty must require defeated minorities to accept the majority decision and to explain and defend it. But there is no reason whatsoever why this necessary and sensible principle should be extended to the necessarily false pretence that no alternative policies were considered, no real debate took place, and that everyone present was convinced of the merits of the majority view — as distinct from accepting that it was the majority view and that as such it should be supported.

The narrow interpretation of collective Cabinet responsibility denies citizens essential knowledge of the processes by which their government reaches its decisions.

6. *The Effect of Patronage upon Secrecy*

In addition to these factors working for secrecy there is the effect of patronage in enforcing it.

In this context the Prime Minister's powers to hire and fire Ministers without any requirement to consult, or seek parliamentary approval of any kind, for either process, can naturally be used to enforce secrecy by the occupant of Number 10.

The last Prime Minister, who formed four separate Administrations, over an 8 year period, appointed or reshuffled a 100 cabinet ministers and 403 ministers of state and junior ministers.

And since all those who hold Ministerial office depend upon the PM's continued approval for their positions, his view of what it is right to disclose, and right to withhold, is more likely to prevail than that of the minister's own assessment of what he — or the public as a whole — might think it was in the public interest to publish.

There are many other techniques open to any large organisation which can have the effect of protecting information from “unwelcome” public interest.

Vice-President Mondale referred to the more extreme abuses, but private pressure, deliberate mystification, the misrepresentation of criticism, and news management have all been practiced to a greater or less degree by all those who have held power in all countries throughout the whole of human history.

These then are some of the means by which secrecy is maintained.

But it would of course be entirely wrong to conclude from what I have said that the blanket on official information is in any sense effective — or is even intended to be effective.

For the practices followed differ substantially from what the formal position suggests.

A brief reference to these practices is therefore in order.

How Information Gets Out

1. Official Information Officially Released

Although much official information is withheld a great deal of it is officially released.

The mass of White Papers come, government publications, official statements of statistics and report of commissions, working parties and committees, constitutes a fair volume of output.

There are ministerial speeches in parliament and outside, press releases and press conferences and articles and broadcasts on radio and television.

The volume of official publications has steadily increased.

Ministers are, by long established convention, permitted to disclose information which they believe to be in the public interest to release.

2. Official Briefings

In parallel with all this goes an equally well established practice of ministers and officials giving unofficial background briefings to journalists — including the lobby.

These non-attributable briefings at No. 10; or the House of Commons or in government departments are accepted by the correspondents concerned on the basis on which they are offered — namely that sources are not identified.

The government can then fly kites, offer an analysis or explanation that advances their policy, or feed out selected pieces of information.

But it should be noted that such practices all leave the discretion entirely with the government and are themselves secretly conducted.

3. *Unauthorised Disclosures*

It is now well known that a great deal of information about government gets out as a result of unauthorised disclosures or "leaks".

It is common knowledge that some ministers, officials or those who have come into the possession of information which they wish to become public knowledge have as individuals, passed it on to journalists or others.

The motives for these leaks could be to win public support for a particular policy by letting it be known that an important choice is just about to be made.

A regular procedure exists for inquiring into leaks of this kind but they are rarely if ever successful in identifying the source or sources.

Much of the information that appears in the press derives from such sources and they can be as embarrassing for Ministers as they are valuable for the shaping of a public understanding of government policy discussions.

It is rare for official documents to leak.

But two examples, one for the US and one for the UK, deserve a mention because of the motivation which lay behind them.

The most famous and the most recent was the deliberate publication of the Pentagon papers by Daniel Ellsberg.

He was so concerned by what he learned about the conduct of the Vietnam war by the US administration that he resolved deliberately to make the facts known to help the anti-war campaign.

For Ellsberg it was a matter of conscience and in defence, as he saw it, of the American National Interest.

The other case occurred in this country during the 1930s although the facts only came to light quite recently.

The *Daily Telegraph* reported on November 30 1976 under a headline that ran as follows: "Whitehall Spies Fed Churchill Secrets in 1930s". The story began:-

"Sir Winston Churchill received hundreds of secret documents surreptitiously removed from official files sent to him in breach of the Official Secrets Act when he was fighting appeasement as a back bench MP."

"Mr Martin Gilbert, Sir Winston's biographer reported that these documents had been found at the Churchill Archives at Chartwell and said 'there was total, consistent and persistent breach of the Official Secrets Act'."

Presumably those officials or serving officers who abstracted these documents and sent them to Mr Churchill were moved by the same motives as Daniel Ellsberg – namely a concern for the British National Interest and a fear that that interest was being betrayed by the then Government.

Ministerial Memoirs – In Practice

After referring to the official attitude to ministerial memoirs I should draw attention to what happens in practice. Anthony Nutting, Dick Crossman and Selwyn Lloyd and others certainly committed technical breaches of the conventions in publishing what they did about events that occurred less than thirty years before the books they wrote were published.

Conclusion

This then is the balance sheet as best I can draw it up at the moment.

The growing demand for open government is still being held back by the sort of arguments set out above whilst the present practices succeed in restricting disclosure to the prerogative of the executive, supplemented by briefings.

Meanwhile evasions of the law and custom are growing, have been to some extent accepted, and few if any of them can be held to have inflicted serious damage on the national interest though Governments may have been embarrassed for a time.

But the question is not whether there are sufficient breaches of secrecy to satisfy the idle curiosity of the public or to furnish material for commentators to write their articles in the press.

The real issue is whether the public interest is served by the present system as it is supposed to work. The answer must be "no".

For when we discuss the subject it is not an arid constitutional technicality that we are considering but the central question of the method by which current decisions are made which affect the lives of all of us, and determine the deployment of massive financial resources and resources of highly skilled people.

If we accept that the control of information about those decisions and how they are arrived at, are a prerogative of government then we are also accepting that democracy cannot become mature enough even to allow the people to share the thinking that precedes those descriptions.

The extent to which governments should become open cannot be left to the discretion of ministers alone.

It should be entrenched in a statutory right to know which transfers the prerogative for initiating demands for disclosure to citizens and then Parliament.

There must be absolutely adequate safeguards for information bearing on genuine questions of national security including protection for citizens about information relating to them.

Any serious attempts to secure real democracy control in the age of science would require some major changes.

First

The development of a series of select committees covering the work of each and every department with an effective power to call ministers and officials to account and to see all relevant papers – save only for the narrow range of real security classified documents to which I have referred.

Second

The development of procedures which would allow the elective rather than the present appointive system to operate for ministers which would make them more sensitive to the demand of MPs for a greater role in decision making.

Third

A comprehensive Freedom of Information Act conferring the statutory right to information upon parliament and the electors.

I think I should mention two further changes that go wider than the issues which I have been discussing.

For a fully mature democracy capable of true self management must concern itself with the free flow of information in all its aspects. I therefore would add:-

Fourth

Provision within the education structure for the right of all citizens to real access to the main stream of knowledge in our schools and post schools institutions throughout the whole of their life.

Fifth

Provision within the mass media for greater and more systematic access to it by those representing the full range of interests, faiths and opinions in society in place of the present very narrow range of interests and opinions which now predominate.

For all these reasons I appeal most strongly to the scientific community to join actively in pressing for greater openness by the passage of the full Freedom of Information Act and the strengthening of the rights of electors and of Parliament to hold government more fully to account for the decisions that it takes.

These reforms are now urgently needed to safeguard democracy, and the scientific tradition of freedom which depends upon it.

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