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WAR CABINET.

PUBLICATION BY THE PRESS OF ARTICLES LIKELY TO PREJUDICE THE RELATIONS OF HIS MAJESTY'S GOVERNMENT WITH FOREIGN POWERS.

Joint Memorandum by the Foreign Secretary, the Home Secretary and the Minister of Information.

WE were invited by the Cabinet on the 9th October to consult together on the measures which might be taken to prevent the publication by the Press of articles likely to react unfavourably on this country's relations with foreign Powers.

1. During the last war there was a Defence of the Realm Regulation making it an offence to "spread reports or make statements intended or likely to prejudice His Majesty's relations with foreign Powers." During the first 16 months of the war it was the practice of the newspapers to submit material for censorship so as to avoid the risk of contravening this Regulation. Material so submitted was occasionally sent to the Foreign Office direct, but more often was submitted to the Press Bureau,* which either gave a decision or referred the material to the Foreign Office for decision. As time went on grave objections were felt to this censorship, and it was discontinued in December 1915. It was, however, the practice of the Foreign Office when they heard that dangerous material was likely to be published, to telephone to the newspaper and explain the objections. The conclusion reached by the Foreign Office at the end of the war was that this gentle guidance proved far more effective than censorship.

2. At present there is no Regulation corresponding to the Defence of the Realm Regulation quoted above, but the News Department of the Foreign Office advises the press both on the accuracy of its material and on the advisability of publishing it. Most papers are co-operative, and this procedure is effective over a large field. There are, however, a few papers, including the *Daily Mirror*, whose editors would no doubt contend that on certain subjects their estimate of what serves the national interest is more accurate than that of the Government. For instance, the *Daily Mirror* would allege that restraint and moderation in connection with Spain are symptoms of a mistaken policy of "appeasement."

3. The Secretary of State† has at present power under paragraph (2) of Defence Regulation 39B, if he is satisfied that it is necessary to prevent or restrict

* During the last war the Minister responsible for the Administration of the Press Bureau was the Home Secretary, but in giving decisions on material submitted the Directors were guided by the advice of the several departments concerned.

† At the time when this Regulation was made a general responsibility was invested in the Home Secretary for the Press Bureau, and by "the Secretary of State" was meant the Home Secretary. If, however, it were now decided to bring this paragraph into operation, further consideration would have to be given to the question of who is the appropriate Minister to exercise powers of censorship dealing wholly with questions of foreign affairs.

the publication of matters prejudicial to the relations between the United Kingdom and any other country to bring that paragraph into operation and thereafter to give such directions as appear to him necessary or expedient for prohibiting the publication of such matters except under authority.

The bringing of this paragraph into operation would introduce a system of *compulsory* censorship as distinct from the principle at present in operation of *voluntary* censorship, subject to the risk that the publication of uncensored material may lead to a prosecution under the Defence Regulation which prohibits the publication of matter which may be of assistance to the enemy.

The field covered by this new system of compulsory censorship would be determined by the "directions" issued in the Regulation. No doubt at the outset such directions would be closely restricted to matters which present special and urgent dangers from press indiscretions, but there would be an inevitable tendency to widen the scope of such directions. There would, for example, be demands from foreign Powers either for fuller protection or for equality of protection with States already covered by directions. It would be very difficult to resist these demands, and what began as a limited censorship would before long cover a wide field.

The giving of such directions would involve many difficulties. The directions might have to be varied or added to from day to day or week to week. Sometimes new directions contradicting previous directions might be necessary as the international or military situation changes, with consequent changes in the attitude of the British Government to problems of foreign affairs.

4. The existing censorship has to apply security considerations to factual material. The new censorship would be concerned largely with expressions of opinion, with the effect of the tone and character of press comments, and with the impression produced by the selection for publication of certain items of news and the prominence given to them. Such censorship could not be done by the existing staff of the Ministry of Information. The work would involve a very wide and up-to-date knowledge of the international situation and of the attitude of the Government, and it seems questionable whether many of the questions could fairly be left to the decision of Civil Servants.

5. Would censorship of press matter relating to foreign affairs be attended by such difficulties and disadvantages as to outweigh any benefits? The indiscretions of a controlled press are much more embarrassing than those of a free press. A Government which has any control over the material published can be alleged by foreign Powers to be responsible for everything which appears in the press, and however wise and vigilant the censors may be, some of the material passed will, nevertheless, offend some foreign susceptibilities. When the resultant complaint is made the Foreign Office will no longer have the answer that the press is free. The difficulty is illustrated by the frequent protests from foreign Governments as to B.B.C. announcements and appeals from His Majesty's Ministers abroad asking that the B.B.C. should be admonished or restrained. The influence abroad of a controlled press is far less than that of a press renowned for its freedom.

These and other objections would be vehemently voiced. On the issue of principle the few offending papers would be championed by all the other papers. The whole press would be united against the proposal, and there would be much opposition to the proposal in Parliament.

6. Would there be less objection to a provision aimed not at the press in general, but at those papers only which have persistently offended? Should power be taken to suppress a paper which systematically publishes matter prejudicial to our foreign relations, or, alternatively, to require such a paper to submit for censorship all matter relating to foreign affairs?

Under such provisions the decision as to what is matter prejudicial would rest with the Government, and any provision giving the Government power to suppress views on foreign policy with which the Government does not agree would excite much opposition. There has been criticism of Regulation 2d, which empowers the Home Secretary to suppress a newspaper if he is satisfied that it has systematically published matter calculated to foment opposition to the prosecution to a successful issue of the war. There would be much stronger opposition to a Regulation empowering the Government to suppress or "gag" a newspaper

—however patriotic it might be or however fervently it might support the war effort—if the views of the paper on foreign policy are different from those of the Government. The censorship of such a newspaper would also present peculiar difficulties. The aim of the newspaper in such circumstances would no doubt be to circumvent the Government and to publish under the ægis of Government authority matter which would be embarrassing.

Another possible course would be to have a provision similar to Regulation 2c rendering a paper on which a warning notice has been served liable to prosecution if thereafter it publishes matter prejudicial to our foreign relations. If, under such a provision, it were left to a jury to decide whether the matter published after such warning is or is not prejudicial to our foreign relations, there would probably be less opposition to such a provision. Would, however, the fear of prosecution check a newspaper which is purposely campaigning against some foreign policy of the Government? Would not such a paper welcome the chance of advocating its views in a court of law?

In order to convince the jury that the matter in question was prejudicial to our foreign relations, it might be necessary to reveal to them confidential information. Even if the case were heard *in camera*, such information would have to be disclosed to the jury and to defendants who, *ex hypothesi*, might misuse it.

7. In October 1940, when the *Daily Mirror* and *Sunday Pictorial* had published objectionable articles, the Cabinet decided that the Lord Privy Seal and the then Minister of Aircraft Production (Lord Beaverbrook) should put the view of the Government before the Newspaper Proprietors' Association. As a result, the tone of these newspapers showed for some time a marked improvement.

If this procedure were repeated, there is a risk that the recalcitrant papers might refuse to respond and might attempt to exploit the situation by representing that the Government had tried to exercise illegitimate pressure on the press and to "gag" their critics.

8. Another possible course would be for a Government spokesman (and we doubt whether anyone less than the Prime Minister would be effective) to make a statement in Parliament pointing out that a specified newspaper was not acting in the national interest, calling attention to the mischievous effect on foreign relations and commenting on any other misdemeanours of the paper in question, such as irresponsible and ill-informed excursions into the field of strategy and unfounded or exaggerated criticisms of the administration made for the purpose of attracting readers by sensational statements. Such a statement would in a proper case be very damaging to a newspaper so stigmatised; it would not be likely to provoke united opposition from other papers and could not be represented as an attempt to silence expressions of opinions inconvenient to the Government.

9. During the war numerous articles have appeared in the press which at the time seemed likely to impair the war effort either by injuring foreign relations or by shaking confidence in the national Government or disrupting the national unity, but in retrospect it is seen that the effect of such articles has been comparatively insignificant.

While we fully realise that the freedom allowed to the press presents special dangers in time of war and that a vigilant watch must be kept lest such freedom should endanger the successful prosecution of the war, we do not feel able to recommend—in present circumstances at any rate—the introduction of new methods of coercion, but we think the possibility of taking such action as is outlined in paragraph 8 above should be kept in mind.

A. E.

H. M.

B. B.

November 12, 1941.