

<p>1 Friday, 15 March 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 10 of</p> <p>4 this public hearing. Mr O'Connor?</p> <p>5 MR O'CONNOR: Good morning, chair. Our first witness this</p> <p>6 morning is Kenneth Clarke.</p> <p>7 MR KENNETH HARRY CLARKE (sworn)</p> <p>8 Examination by MR O'CONNOR</p> <p>9 MR O'CONNOR: Can you give your full name, please?</p> <p>10 A. Kenneth Clarke. My full name is Kenneth Harry Clarke.</p> <p>11 Q. Thank you. Mr Clarke, you have had a long and</p> <p>12 distinguished political career. You have been MP for</p> <p>13 Rushcliffe since June 1970?</p> <p>14 A. That's so.</p> <p>15 Q. And you have held a series of ministerial positions</p> <p>16 under Margaret Thatcher, John Major and David Cameron,</p> <p>17 including Home Secretary, Chancellor of the Exchequer</p> <p>18 and Lord Chancellor?</p> <p>19 A. That's correct.</p> <p>20 Q. As you know, of particular interest to us this morning</p> <p>21 you were also a junior Whip in Ted Heath's government</p> <p>22 between 1972 and 1974?</p> <p>23 A. That's right.</p> <p>24 Q. You are now the longest-serving MP in the House of</p> <p>25 Commons, the "Father of the House"?</p> <p style="text-align: center;">Page 1</p>	<p>1 A. I'm afraid so. I beat Dennis Skinner by 25 minutes. He</p> <p>2 was sworn in after me.</p> <p>3 Q. Something he still remembers as well as you?</p> <p>4 A. I don't think -- I always remember, Gerald Kaufman asked</p> <p>5 me if he could go ahead of me in the queue, so he took</p> <p>6 first turn as "Father of the House" in the '70 intake.</p> <p>7 Q. As I said, you were in the Whips' Office in 1972 --</p> <p>8 A. I had two years.</p> <p>9 Q. -- only a couple of years after you started --</p> <p>10 A. The last two years of the Heath government, when we were</p> <p>11 taking through the legislation to join the European</p> <p>12 Community.</p> <p>13 Q. I'm not going to ask you about Brexit?</p> <p>14 A. No, "tout ça change", but that's not the subject for</p> <p>15 a change.</p> <p>16 Q. The Chief Whip at the time was Francis Pym, I think?</p> <p>17 A. Yes.</p> <p>18 Q. Could we perhaps call up on screen INQ004198. We have</p> <p>19 cribbed this from your book, Mr Clarke?</p> <p>20 A. I'm glad you've read it.</p> <p>21 Q. We have. I think the first page of this -- you will see</p> <p>22 it come up on screen -- is perhaps the title page of</p> <p>23 the book. That's just so we know where we are. Then if</p> <p>24 we can turn to the third page, please, is that a picture</p> <p>25 of the Whips' Office when you were in it?</p> <p style="text-align: center;">Page 2</p>
<p>1 A. It is indeed. I have a copy of it on my wall.</p> <p>2 Q. Is that you, third in from the left, at the back?</p> <p>3 A. It is. That's the version I use. It was when we were</p> <p>4 all getting ready. It was windy, and it is a much</p> <p>5 better one than the rather formal one that was taken</p> <p>6 a few minutes later. The reason we are all waving our</p> <p>7 hands in the air is, there was a gust of wind, and we</p> <p>8 are tidying our hair, including Ted Heath in the front.</p> <p>9 It is a jolly photograph, and that's the one I keep.</p> <p>10 Q. The one they took a few minutes later I think we might</p> <p>11 see shortly because there is a passing shot of it in</p> <p>12 a clip I'm going to play, but, as you say, there's</p> <p>13 Ted Heath sitting in the middle. Do we see</p> <p>14 Tim Fortescue, who I am going to ask you some questions</p> <p>15 about?</p> <p>16 A. He is on the front row, on the far right. Next to me,</p> <p>17 on my left, to the right of me on the photograph, is</p> <p>18 Michael Jopling, who got out of a taxi at the same time</p> <p>19 as I got out of mine outside, so you're calling him</p> <p>20 later.</p> <p>21 Q. At the time the photo was taken, or this morning?</p> <p>22 A. No, no, this morning. Michael and I, by coincidence,</p> <p>23 arrived at the same time, so I know you're calling him</p> <p>24 next. Tim Fortescue is the man sitting down on the</p> <p>25 extreme right of the front row.</p> <p style="text-align: center;">Page 3</p>	<p>1 Q. Francis Pym, he is the man sitting to the right of</p> <p>2 Ted Heath?</p> <p>3 A. Yes, indeed.</p> <p>4 Q. We have mentioned Tim Fortescue. I am going to come</p> <p>5 back to ask you a few questions about an interview he</p> <p>6 gave in a few minutes, but, first of all, you provided</p> <p>7 the inquiry with a statement, which we have, and in it</p> <p>8 you give a bit of detail about how the Whips' Office</p> <p>9 worked in the 1970s in the House of Commons, as it then</p> <p>10 was. Can you, in a few sentences, give us a description</p> <p>11 of how life was, back in those days, in the Whips'</p> <p>12 Office?</p> <p>13 A. Well, it was a kind of -- we were a tight little club.</p> <p>14 We were chosen because of a range of our views, a range</p> <p>15 of ages. I think I, along with one or two -- well,</p> <p>16 indeed one of the others -- I was a fairly newly elected</p> <p>17 member. As you can see from the photograph, I do look</p> <p>18 the youngest, and I think I was by far the youngest. So</p> <p>19 I knew all the new intake on both sides, actually,</p> <p>20 better than most of the others. I was very pro-European</p> <p>21 and a sort of "one nation" Tory and we had a range of</p> <p>22 views. But it was a very enjoyable club. Very</p> <p>23 old-fashioned atmosphere. You're going back almost</p> <p>24 50 years here, so it really was like a sort of boys'</p> <p>25 club, really. We all of us spent all the time, when the</p> <p style="text-align: center;">Page 4</p>

<p>1 House was sitting, in the House of Commons. We were -- 2 our main duty was to maintain the majority and to 3 politically ease the path of the government, and we were 4 the eyes and ears of the government, really. You spent 5 a lot of your time actually just gossiping around the 6 House. 7 The House, in those days, sat for much longer, sat 8 into the night, became a political village in the 9 evenings, everybody came in, and in the bars and in the 10 tearooms you picked up all the gossip and got to know 11 your colleagues, which meant you hoped nothing would 12 take you by surprise and you saw any political trouble 13 coming, tried to head it off and smooth the way. It was 14 lucky I was there at a fascinating time, because the 15 Heath government, it was a delicate stage, and 16 particularly suited to me was we had the delicate 17 politics of the European Communities Bill and that was 18 carried on a cross-parties majority, so you were 19 liaising across the House as well. 20 We spent a lot of time in meetings. We were very 21 candid with each other. Francis got us all into 22 everything. Ted Heath liked keeping in touch with us, 23 because he -- I think he'd enjoyed his time as 24 Chief Whip in the past. So we were just the eyes and 25 ears of the party.</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. You mention in your book, I think, that each of 2 the Whips was given a group of Tory MPs? 3 A. Yes, sure. 4 Q. Sometimes described as a "flock", I think? 5 A. You were meant to particularly keep on eye on your 6 flock. Mine was a Midlands group. You were also given 7 a subject matter. I was, I think, the Education Whip. 8 Q. You have mentioned socialising. You used the word 9 "gossip". Let me just read a sentence from your 10 statement -- we don't need to bring it up on screen: 11 "We relied a great deal on gossip, rumour and 12 conversations with parliamentary colleagues to build up 13 a picture of the state of political opinion and the 14 political views of individual MPs." 15 Is that right? Is the use of the word "gossip" 16 accurate? 17 A. Yes. You took part in conversations, but you listened 18 and you reported back if there was anything in it that 19 showed that the political opinions of one of your 20 colleagues were -- you know, you looked out for trouble 21 and we tried to make sure that no-one was taken by 22 surprise and, if some problem was arising, then you'd 23 devise some way of sorting it out. If someone was going 24 to be dissident or difficult, you heard about it and 25 then perhaps had a meeting with a minister to try to</p> <p style="text-align: center;">Page 6</p>
<p>1 sort it out, or whatever it was. Yeah, we were getting 2 political -- I would stress, because of the nature of 3 this inquiry, and because, as well, of course, the 4 bizarre concept people have of the duty of Whips, 5 essentially, it was political -- the gossip we were 6 aiming for was not particularly titillating, sexual 7 gossip, although, you know, we did discover if somebody 8 was in trouble, which is what Tim's obviously referring 9 to. 10 But the point was the politics. The private lives 11 of my colleagues was not a matter of particular 12 interest, nor was it normally of any interest to the 13 government unless it was going to affect their behaviour 14 in the House of Commons. 15 Q. So, for example, if you heard a bit of gossip that 16 a particular MP was going to oppose a Bill or have 17 strong views about an issue that was coming up, that, 18 from what you say, would be important and that would be 19 something that would be fed back into the system. But 20 what if you heard a bit of gossip to say that 21 so-and-so's marriage was in trouble or so-and-so was 22 having an affair with someone? 23 A. If someone's marriage was breaking down -- I can't 24 remember a particular example of that. But if someone's 25 marriage was in trouble and it might explain why he</p> <p style="text-align: center;">Page 7</p>	<p>1 wasn't attending regularly or affecting his behaviour, 2 yes, then you'd report that kind of thing. If anything 3 then went badly wrong -- say you were about to have 4 a financial scandal -- we didn't have one in my time, 5 but, you know, we would know first. We'd warn people. 6 Sometimes, if people were getting into trouble -- and by 7 that I mean usually financial trouble, which -- I mean, 8 several hundred MPs, that occasionally happened. 9 I mean, they looked to the Whips' Office for help. But 10 the first thing a junior Whip like me would do would be 11 to report it back, if I heard gossip. 12 Q. Would this -- 13 A. You didn't always believe the gossip, but you'd still 14 report it in case anybody else could confirm it. 15 Q. Your flock is obviously members of your own party, are 16 you also interested in the gossip relating to other 17 parties? 18 A. Not particularly. I did some liaising with the other 19 party, but that was simply to find how many Jenkins-ites 20 were going to support us on the biggest Bill we had, 21 which was the Communities Bill. 22 Q. So the storing up of information and gossip was really 23 focused on the Conservative Party? 24 A. Yes. Our own side. That included, you know, the 25 standing of people, people being rude about ministers,</p> <p style="text-align: center;">Page 8</p>

1 you know, two colleagues falling out politically and
 2 having a row or some strange political opinion someone
 3 had voiced over a drink in the bar. I mean, there were
 4 a whole variety of things.
 5 I mean, you'd probably report a lot of rubbish half
 6 the time, but what you had to ask yourself is: could
 7 this be of some political significance in keeping the
 8 governing party's majority on the road?
 9 Q. Was there also perhaps a keenness to know about any sort
 10 of press scandals that might be about to emerge?
 11 A. They didn't emerge in those days, because the House of
 12 Commons -- we didn't run those scandals. There was
 13 a kind of -- it was very rare for celebrity scandals
 14 involving politicians. So -- but, yes. If there had
 15 been likely to be some great scandal, yes, we'd have
 16 like to have heard it first and warned political leaders
 17 that this was coming so they could handle it. But there
 18 wasn't a major -- no-one was exposed in any scandal that
 19 I can recall in my time.
 20 Q. We have heard some evidence about Private Eye back in
 21 the '70s. Was that something that commanded a great
 22 deal of attention?
 23 A. I can't remember when Private Eye started. Sure, I used
 24 to read it. But, I mean, that rather saved the
 25 trouble -- I mean, we weren't collecting things for the

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1 colleagues had recorded.
 2 Again, the purpose of that was to share the
 3 information you'd got. I mean, a lot of entertaining
 4 nonsense surrounds the work of a Whips' Office. I went
 5 to a theatrical production recently about life in the
 6 Labour Whips' Office -- I forget what it was called. It
 7 was a quite a good play, but it did rather imitate
 8 American soap opera. The idea that everybody spends
 9 their entire time shouting at each other and the whole
 10 thing is riddled with all sorts of bizarre scandals and
 11 that Whips spend their time blackmailing their
 12 colleagues to get their political support is complete,
 13 you know, Mickey Mouse nonsense. It is a very political
 14 gathering. Half the time, you pick up the information
 15 just because of the fact you all have a Whips' Office,
 16 you all meet -- we'd meet once a day, we'd all gather,
 17 and you just share a lot of gossip and you know your
 18 friends. The way you deal with members is rather --
 19 just listening sympathetically and trying to encourage
 20 them to be loyal and trying to get someone trying to
 21 answer their doubts about what you're doing, and it's
 22 not like these daft American soap operas that give the
 23 impression the whole thing is people walking around
 24 bawling at each other and losing their temper.
 25 Q. Let's turn to Tim Fortescue. Perhaps we can play the

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1 same purpose. As I say, you did have to -- I always
 2 tried to remember that the object of keeping your ears
 3 and eyes open and reporting back if something happened
 4 was things that could be of political significance.
 5 That involved, obviously, the reputation of
 6 the government as well as its political majority, but,
 7 you know, we weren't -- I wasn't -- didn't feel I was
 8 working for Private Eye. I was working for
 9 a government.
 10 Q. You have mentioned a few times reporting this
 11 information that you picked up, and I want to ask you
 12 about how that was done. There's an idea, perhaps, in
 13 the public imagination that there is what's sometimes
 14 known as a "dirt book" in the Whips' Office where all
 15 this information is carefully stored away, and you talk
 16 about something similar to that in your book?
 17 A. There was a "dirt book" or a "Black Book", yes, which
 18 you reported things which you thought might have been of
 19 interest to the Chief Whip in particular and your
 20 colleagues, and it was kept in the cupboard and you
 21 would put an entry in it to -- if you picked up
 22 something interesting, and, actually, you could read it
 23 if you wanted to. As the Whip, you could, sometime
 24 during the day or the week, usually during the week,
 25 pick it up and read it so you caught up with what your

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1 clip. You may not be aware, Mr Clarke, but it was
 2 a documentary in 1995 --
 3 A. I'd never heard of it until you wrote to me about it in
 4 approaching me.
 5 Q. It wasn't an American soap opera, but it was a BBC
 6 documentary --
 7 A. So I gather.
 8 Q. -- called "Westminster's Secret Service". It is
 9 INQ00 --
 10 A. That sounds, again, like a rather sensational
 11 description: "Westminster's Secret Service".
 12 Q. Let's see what he told the BBC. Perhaps we can play the
 13 clip, please.
 14 (Video played)
 15 Mr Clarke, you can see, I'm sure, how Mr Fortescue's
 16 reference to "small boys" and the Whips having
 17 information about the scandals --
 18 A. I realised when I read the transcript that you sent me.
 19 Q. -- is something that's going to cause a lot of concern?
 20 A. How far he thought that through -- I mean, I have no
 21 idea what he's talking about, because I don't remember
 22 a problem with any member of parliament with small boys
 23 in my time in the office. He was in the office for
 24 longer than me. I was there for two years, and he was
 25 there before I arrived, so unless something had happened

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1 before I arrived, I don't remember anything to do with
 2 small boys.

3 The main thing that was a lurking possible problem
 4 in those days -- because we are talking about 50 years
 5 ago, a different culture -- when homosexuality was
 6 illegal and homosexuality was deeply disapproved of and
 7 was thought to be shocking by sections certainly of
 8 the establishment and the bourgeois population, and, not
 9 surprisingly, there were quite a few homosexual people
 10 in the House of Commons, although one right-wing member
 11 once caused great amusement by saying he'd never met
 12 one, but it caused open laughter when he said that in
 13 a debate.

14 It was more the homosexuals, the gay people, who
 15 were at risk of getting into trouble. They all had to
 16 keep it a deadly secret. Life is very much better now.
 17 We have a quite different culture. We have plenty of
 18 gay members of parliament -- not many, but quite
 19 a significant minority, and nobody bothers tuppence and
 20 they all come out. But the homosexual ones were
 21 probably the ones most at risk of scandal in those days.

22 Q. We have heard a fair amount of evidence about those
 23 ambiguous terms: "boys", "rent boys" and, as you say, in
 24 that time, that didn't necessarily mean children at all.
 25 But just to go back to Mr Fortescue, he did use the

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1 or anything about, as it happens, small boys.

2 A paedophile would be -- I think it would have been
 3 really rather strongly disapproved of and would have
 4 found the House of Commons a difficult place to work if
 5 we'd had one.

6 Q. As you say, you were only in the Whips' Office for
 7 a couple of years?

8 A. Yes.

9 Q. What do you say, then, about how likely it is that
 10 something like this might have happened in the years
 11 after you left it?

12 A. Well, the turnover in the House of Commons is quite
 13 brisk. There are over 600 members. I must, by now,
 14 have served alongside probably thousands of people as
 15 members of parliament. It would be astonishing if,
 16 amongst those, there weren't one or two paedophiles, and
 17 later, after I was in the Whips' Office, there were of
 18 course rumours. There were rumours about two or three
 19 members but, with the exception of Cyril Smith, none of
 20 which I would have altogether believed.

21 The trouble with people going for this kind of
 22 gossip -- and it is Whips' Office -- you know, it is
 23 gossip we are talking about, is, once someone starts
 24 getting gossiped about in some sexually scandalous way,
 25 it gets repeated. It never actually stops. People who

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1 words "small boys", which perhaps is a lot less
 2 ambiguous.

3 A. Yes.

4 Q. Did you, during your time in the Whips' Office, ever
 5 come across --

6 A. No, I --

7 Q. -- any scandal about small boys?

8 A. I mean, to the best of my recollection -- but I would
 9 have remembered it, and it would have been quite
 10 a problem, I think. I would have regarded it as that.
 11 Although, as a junior member of the office, if I'd
 12 discovered somebody was molesting -- sexually molesting
 13 children, and I'm sure I would remember it if we had
 14 one. But, as I said, when I was approached about that,
 15 no idea what Tim was talking about. Although -- I lost
 16 touch with him once he left the House, but he looks
 17 older and greyer and he -- I wondered whether he was
 18 just casually talking, but it looks as though he was
 19 talking quite seriously. But whether he really thought
 20 through the example he chose or whether it was because,
 21 the morning he gave the interview, there had been a case
 22 involving small boys in the newspapers, I have no idea.
 23 But I have absolutely no recollection.

24 Looking back, the members of parliament, our members
 25 of parliament at that time, I can't remember any gossip

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1 enjoy gossip just relate it to somebody else and it soon
 2 becomes established fact. So, you know, in modern
 3 times, I think the allegations about Leon Brittan and
 4 Ted Heath were just ludicrous, but you found people who
 5 believed them. Going back in time, Peter Morrison,
 6 Greville Janner, as far as I'm aware, no-one ever
 7 established there was any substance to them. It was
 8 just, once two or three people start gossiping, all the
 9 people who like to pretend they're in the know just
 10 repeat it. Of all those -- I mean, Cyril Smith, it is
 11 now public knowledge that he obviously was a paedophile.
 12 I don't think -- I think the idea that Leon and
 13 Ted Heath were is just ludicrous, and I suspect --
 14 I have no idea whether Peter was, but I very, very much
 15 doubt it.

16 Q. Mr Clarke, let me ask you about Cyril Smith. You
 17 mentioned about Cyril Smith. The inquiry have heard
 18 what they have heard about his case now. But --

19 A. I read it in the newspaper this morning, yes.

20 Q. Let me ask you about what you remember hearing back when
 21 he was alive, in the House of Commons. What do you
 22 remember hearing about him then?

23 A. When we were in the Whips' Office, he was in that
 24 parliament. He arrived in the by-election in my first
 25 parliament, and at first he was a jovial,

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1 larger-than-life character. We all thought he was
 2 a great -- he was, literally, larger than life and he
 3 was full of bonhomie and all the rest of it. It
 4 slightly wore off because, politically, he was actually
 5 rather wily and cunning and he -- gathered that he
 6 wasn't quite just the jovial, nice chap he appeared.
 7 But I just -- I wasn't in the Whips' Office for that,
 8 I was Shadow Minister and things -- I just, with the
 9 public, followed the emerging gossip in the newspapers
 10 and the allegations against him and, it was actually
 11 discovered -- and I think it is established now -- that
 12 he plainly had engaged in a lot of paedophile activity,
 13 which of course put him into total disgrace.

14 Q. So you didn't hear any rumours other than those --

15 A. I don't think in that first part -- when Cyril was a new
 16 member of parliament, he was just a great big, fat,
 17 jolly chappy. I don't think at that time -- I don't
 18 know whether the suspicions in Rochdale, but as far as
 19 I recall, none of them had reached Westminster by then.

20 Q. Let me just ask you a little bit more about some of
 21 the suggestions made by Mr Fortescue in that clip. He
 22 said, for example, that MPs might come to the Whips
 23 because they had financial problems, because they were
 24 in debt?

25 A. Yes.

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1 if the Whips helped a member out, whether it's money or,
 2 to use his words, "a scandal involving small boys", then
 3 that information or help would somehow be used to secure
 4 the MP's loyalty?

5 A. Well, you put the word "used" in. There's absolutely no
 6 way of forcing -- as the government is discovering at
 7 the moment, there is no way of forcing any member of
 8 parliament to say or vote in any particular way.
 9 Someone you'd helped out would indeed be extremely
 10 likely, I would have thought, would feel grateful to the
 11 Whips, and sometimes, politically, reluctantly do what
 12 the Whips -- helped. Again, people who write TV, sort
 13 of, soap operas start to put that in a kind of
 14 blackmailing way, and I don't think that was the style
 15 of Francis Pym and Humphrey Atkins and Michael Jopling
 16 and these people. But it would be a pretty bizarre
 17 character who, if he had been bailed out, spent the next
 18 12 months rebelling against the Whips on some
 19 significant issue. That was not likely to happen. That
 20 was one of the motives. Tim is being -- Tim had got
 21 cynical as he got older, I think, on the thing, but it's
 22 not the only motive for doing it, and it's -- as I say,
 23 people give it the -- the very word "Whips' Office"
 24 conjures up sinister men twisting arms and so on, which
 25 is a slightly comic parody of a perfectly

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1 Q. Is that something you remember?

2 A. Yes. I can't remember particular examples. I genuinely
 3 can't because we are going back nearly 50 years.
 4 I think -- well, I know that happened once or twice.
 5 I mean, apart from anything else -- apart from, as Tim
 6 says, getting the gratitude of a colleague who you
 7 thought was probably more receptive to the Whip's advice
 8 if you helped him out -- I mean, I was too junior to be
 9 actually involved in the actual helping out of anybody
 10 with financial trouble, but you had to avoid
 11 by-elections. Certainly in the second half of the Heath
 12 government, we didn't want any by-elections. There was
 13 also a responsibility, going back 50 years ago, the
 14 boys' club atmosphere of politics in the House of
 15 Commons in which a few women managed to survive in this
 16 very strange, rather St James Club-type atmosphere the
 17 place had, but you helped colleagues out, and a few very
 18 wealthy members of parliament -- because we had the
 19 landed gentry, and so on, still represented in the
 20 1970s -- probably would step in and just help somebody
 21 through his problems. They weren't very well paid in
 22 those days, and some of the members were skint, some
 23 were also a bit foolish.

24 Q. What about the suggestion that's implicit in what
 25 Tim Fortescue said, that there was a quid pro quo, that

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1 straightforward political activity.

2 Q. Let me push you on that just a little bit. We can all
 3 understand what you say, in that, if someone has been
 4 helped out, they will be grateful and that might tip the
 5 balance between supporting and not supporting?

6 A. But that's not the only reason for helping him.

7 Q. No. But if the Whips' Office have gained lots of --
 8 some personal information about someone, let's say
 9 they're having an affair, let's say their marriage is
 10 breaking up, was there ever a sense in which the
 11 suggestion might have been made that if they didn't stay
 12 loyal, this information might be released or might gain
 13 further coverage?

14 A. Never. That would be a dreadful thing to do.
 15 I really -- the men you show on the photograph didn't
 16 behave like that. Actually, certainly Francis Pym would
 17 not have run that sort of Whips' Office. That is soap
 18 opera fiction, that version of how it worked. Certainly
 19 in the Whips' Office in my short experience.

20 Q. As you say, Mr Clarke, it was a short experience, two
 21 years?

22 A. Yes, I enjoyed it a lot. It was a pretty full
 23 experience, because I was every day in the House of
 24 Commons.

25 Q. Many years ago. But you have, of course -- you haven't

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1 been back to the Whips' Office, but you have been in the
 2 House of Commons ever since.

3 **A. Yes.**

4 Q. And no doubt dealing with the Whips, even if you're not
 5 privy to their private conversations. In general, can
 6 you help us with whether the position has changed,
 7 whether the way they go about their work has changed
 8 over the years and, the sort of questions I have been
 9 asking, whether the answers are any different for the
 10 period following your time in the Whips' Office?

11 **A. Well, of course, obviously, I don't know -- well,
 12 actually, I know several of the Whips, I'm on quite good
 13 terms with several of the Whips, despite at the
 14 moment -- I will make it clear I don't actually agree
 15 with the government's policy on things and I'm therefore
 16 a bit of a serial rebel at the time. But I'm still
 17 certainly on perfectly good terms with the Whips, I go
 18 and have meals with them occasionally, and if there's
 19 gossip about the office, I think it's, on the whole,
 20 quite similar.**

21 The House of Commons has changed and the culture has
 22 changed, but the sort of people in the House of Commons
 23 are a much broader range of people now and it's -- so,
 24 you know, a lot of things have changed, and people's
 25 values and judgments and all that have -- the culture

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1 I was lucky. I don't think he molested many people.
 2 But now I talk to people I went to school with, we all
 3 knew we'd got this one chap who, if you'd got any sense,
 4 you kept out of the way of.

5 Now, how -- to somebody in 2019, it is utterly
 6 inexplicable, that a very smart school that actually
 7 regarded itself as a Christian school, upright school,
 8 did nothing whatever about this man. It just wasn't put
 9 on the same basis.

10 Now, disapproval was severe, and so it is -- you
 11 know, it's one of the things that you're enquiring into.
 12 They should have been -- I don't think people
 13 appreciated quite what lasting damage it did to the
 14 victims. But it wasn't a coverup exactly. It wasn't
 15 a conspiracy. But it was just not -- the law was, for
 16 some peculiar reason, not enforced properly.

17 Now, I, and I think most of the politicians in my
 18 generation coming in, I wouldn't have covered up for
 19 a paedophile if I had found one of the people in the
 20 parliament was a paedophile. If I had discovered the
 21 Whips' Office knew and were doing nothing about it,
 22 I don't know what I would have done. I would have
 23 regarded that as quite a serious moral dilemma: what am
 24 I going to do if we are all proposing not to do anything
 25 about this guy? But that's just the change in culture.

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1 **has changed since 50 years ago.**

2 **The actual way the Whips' Office is organised, the
 3 things it does, the hours of the day the House is
 4 sitting -- it doesn't sit so long now -- and this
 5 collection of information and being the eyes and ears,
 6 that's absolutely the same, as far as I can judge. Only
 7 from my conversations with the current Whips that
 8 I know.**

9 Q. But can you also help us with how the current Whips, or,
 10 for that matter, the Whips in the '80s and '90s, would
 11 have reacted to coming across information about child
 12 sexual abuse?

13 **A. Well, as this inquiry knows, looking back, if you go
 14 back 50 years -- it is difficult to explain looking
 15 back. There obviously was a different culture.
 16 Paedophilia was always disapproved of. I mean, fiercely
 17 disapproved of. But it was -- prosecution for it was
 18 rare, compared with today. It was kind of associated
 19 with a tiny minority of professions which attracted
 20 paedophiles -- teachers, scoutmasters, priests -- and,
 21 looking back, there's a curious and mystifying thing
 22 that people tried to stop them but nothing would be done
 23 and they wouldn't be reported.**

24 The school I was at had one teacher who every pupil
 25 knew was a paedophile. I mean, he never molested me,

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1 I had a liberal 1960s-type approach to these things,
 2 but that didn't extend to paedophilia. Whereas my
 3 views, when it came to the homosexuals, was, I was quite
 4 prepared to -- you know, I wouldn't disclose that to
 5 anybody, because I couldn't quite see why it was
 6 a criminal offence and the sexual activities of someone
 7 who happened to be gay was nothing to do with me, was my
 8 view, so ... but you have to be careful about applying
 9 the judgments and the culture of 2019 to 50 years ago
 10 when, for some reason, the judgments of the generations
 11 that preceded me were totally different.

12 Q. You've described a culture not of today but of 50 years
 13 ago, in a school, for example --

14 **A. Yes.**

15 Q. -- where, as you put it, everyone knew that someone was
 16 a paedophile --

17 **A. All the boys knew, yes.**

18 Q. -- but no-one reported it, no-one did anything about it?

19 **A. I suspect that the staff over the years must have known,
 20 but for some peculiar reason, probably because of
 21 the threat to the reputation of the school -- but even
 22 then, you could have quietly got him at least to leave.
 23 But they didn't. It went on.**

24 Q. That's another story. What I want to ask you is, why
 25 shouldn't the same circumstances, why shouldn't the same

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1 situation, have arisen in parliament, where everyone
 2 knew that someone was a paedophile but no-one did
 3 anything about it, possibly to save reputations?
 4 **A. Well, to my knowledge, it never did. I don't think**
 5 **parliament would have been very attractive to**
 6 **a paedophile to join. I'm sure -- as I have already**
 7 **said, it would be astonishing statistically if there had**
 8 **never been a paedophile throughout the House of Commons**
 9 **in my time. We know there was one. I think,**
 10 **Cyril Smith, there is undoubtedly quite sufficient**
 11 **evidence that he was. But I'm sure there were more who**
 12 **went undetected, but not many.**
 13 **But to actually be discovered, some evidence that**
 14 **someone was a paedophile, I think would have been quite**
 15 **a serious matter, just to cover that up. I would have**
 16 **been very unhappy at being party to that. But, again,**
 17 **I was a younger man than my colleagues.**
 18 **Q. What do you think you would have done if some evidence**
 19 **of that nature had come to light in the Whips' Office**
 20 **and --**
 21 **A. Well, if all the rest had said, "No, no, no, we can't do**
 22 **anything about this", I don't know what I would have**
 23 **done, to be honest. It's easy for me to sit here and**
 24 **say I would have said, "I'm resigning and I'm**
 25 **protesting". Well, that's easy to say now. The idea**

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1 **right-wing Tory. But the whole point of the Whips'**
 2 **Office was it was representative of the party as**
 3 **a whole. Oscar was a great guy, he was very good**
 4 **company, and Oscar, I'm sure, had rather different**
 5 **judgments to me on quite a lot of things, as well as**
 6 **shades of political opinion. We were both Tories but**
 7 **very different sorts of Tory, so -- but, no, my attitude**
 8 **is not universal.**
 9 **I think I was part of the new wave of members coming**
 10 **in, in the '70s. We were the post-war, rather more**
 11 **meritocratic, rather more -- very wide group of members**
 12 **that began to come in after the -- from '70 onwards,**
 13 **really. The two political parties had rather more**
 14 **stereotyped membership before that. It was -- the kind**
 15 **of people on both sides were more divided by class and**
 16 **more divided by background and divided by attitudes as**
 17 **well.**
 18 **MS SHARPLING: Thank you very much.**
 19 **THE CHAIR: Just continuing Ms Sharpling's point, may I ask**
 20 **if Whips would always report to the police anything of**
 21 **a potentially criminal nature they might discover?**
 22 **A. Well, I would hope so, but I don't know. I genuinely**
 23 **don't remember an example where that dilemma applied.**
 24 **I personally would have objected if we'd reported to the**
 25 **police someone engaging in homosexual activity, because,**

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1 **that a comparatively newly-elected,**
 2 **bit-wet-behind-the-ear, frightfully keen new member of**
 3 **parliament -- I don't know what I would have done,**
 4 **really. Fortunately, the dilemma never arose. I didn't**
 5 **have anything of that kind in my day.**
 6 **MR O'CONNOR: Mr Clarke, thank you very much for coming.**
 7 **A. Okay. As I said before I came, I have never been -- had**
 8 **any factual knowledge of any case of paedophilia, either**
 9 **in the House of Commons or anywhere else, so I'm sorry**
 10 **I can't help you more. But that's my position.**
 11 **MR O'CONNOR: I don't have any questions for you. It may be**
 12 **that the chair and panel have some.**
 13 **THE CHAIR: Thank you, yes. Ms Sharpling first.**
 14 **Questions by THE PANEL**
 15 **MS SHARPLING: Thank you, Mr Clarke. Just one question from**
 16 **me, if I may: when you were a part of the Whips' Office**
 17 **in your early career, did your fellow Whips share the**
 18 **same sort of philosophy you have just described to us**
 19 **today or were there different approaches to the job?**
 20 **A. We were all ages, frankly, and a great wide range of**
 21 **opinions. So I was a social liberal, pretty well**
 22 **a feature of the 1960s, born earlier but obviously, as**
 23 **a young man in the '60s, we had the beginnings of**
 24 **today's rather more liberal attitudes. Oscar Murton**
 25 **probably didn't share those. He was a stern, old,**

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1 **even at those days, I -- you know, again, with my '60s**
 2 **attitudes, I thought it was utterly ludicrous that**
 3 **a homosexual act was a criminal offence. We are asking**
 4 **hypothetical questions, but I give you at least a sexual**
 5 **illustration of where I might probably have thought:**
 6 **I couldn't see any point in reporting this to the**
 7 **police, quite honestly; indeed, I would have been**
 8 **strongly against it.**
 9 **THE CHAIR: What do you think the position would be now with**
 10 **Whips?**
 11 **A. Oh, in the present atmosphere, I suspect any Whip who**
 12 **gets any evidence of any criminal activity gets the**
 13 **police in pretty quickly. Otherwise, everybody is**
 14 **looking for conspiracy theories and celebrity scandals**
 15 **and all the rest of it, on a slightly ludicrous scale.**
 16 **I mean, we have had a -- I'm sure this inquiry is**
 17 **conducting a perfectly serious inquiry, but I just read**
 18 **now ludicrous things about sex orgies in Dolphin Square**
 19 **and all the rest of it and establishment conspiracies to**
 20 **cover up, both of which I regard as internet, ridiculous**
 21 **nonsense, but the present Whips' Office will be**
 22 **sensitive to all that, so I'm sure they'd be off to the**
 23 **police if someone admitted shoplifting at the drop of**
 24 **a hat.**
 25 **THE CHAIR: Thank you. Mr Frank?**

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1 MR FRANK: Just one matter of little detail, really. The
 2 book that you described as either the "dirt book" or the
 3 "Black Book", as it's sometimes been known -- people
 4 might have all sorts of different ideas of what this
 5 really amounts to. Presumably, when you joined the
 6 Whips' Office, whatever book it was already had some
 7 entries in it?
 8 **A. Yes.**
 9 MR FRANK: And when you left, was it the same book or was
 10 there more than one book or was there a cupboard full of
 11 books?
 12 **A. I can't actually remember. I can't clearly remember**
 13 **what it looked like. I suspect we got a new book when**
 14 **we filled up the last one. It was a sort of -- I really**
 15 **can't remember much of the content. We are going back**
 16 **over 40 years here.**
 17 MR FRANK: We are indeed.
 18 **A. There was just continuously a book, and I gather there**
 19 **still is, I think.**
 20 MR FRANK: As far as you're aware, does the book still exist
 21 or has it been disposed of?
 22 **A. That was up to the Chief Whip. Again, you have two**
 23 **Chief Whips following me -- I never became Chief Whip --**
 24 **but they would know better than me. My understanding,**
 25 **I think, was, because we didn't want this to go into the**

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1 **MR O'CONNOR: Chair, the next witness is Lord Jopling.**
 2 **LORD THOMAS MICHAEL JOPLING (affirmed)**
 3 **Examination by MR O'CONNOR**
 4 **MR O'CONNOR: Can you give your full name, please?**
 5 **A. Thomas Michael Jopling.**
 6 Q. You were an MP between 1964 and 1997?
 7 **A. Correct.**
 8 Q. In that year, 1997, you were appointed a life peer?
 9 **A. Yes.**
 10 Q. And you have sat in the House of Lords ever since?
 11 **A. Yes.**
 12 Q. I think it is right to say that you were, as we have
 13 heard from Mr Clarke, a fellow junior Whip with him in
 14 Edward Heath's government in the early 1970s?
 15 **A. Correct.**
 16 Q. But you then subsequently became Conservative Party
 17 Chief Whip between 1979 and 1983?
 18 **A. Correct.**
 19 Q. The first few years of Margaret Thatcher's premiership.
 20 After that, you became Secretary of State for
 21 agriculture --
 22 **A. No, I wasn't Secretary of State.**
 23 Q. I'm sorry.
 24 **A. We always resisted being called Secretary of State in**
 25 **that department. We said, "We've always been 'Minister'**

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1 **archives, they were the property of the Chief Whip, and**
 2 **the Chief Whip would take them off, and I seem to**
 3 **remember stories of some Chief Whip long before my time**
 4 **solemnly burning them in his garden when he got home,**
 5 **and that was not because they were full of lurid**
 6 **scandals of orgies and crime, and all the rest of it,**
 7 **but because we had actually put down political gossip**
 8 **about half our colleagues, sometimes things -- you know,**
 9 **colleagues being extremely critical of other colleagues**
 10 **and things that, you know, were -- would have annoyed if**
 11 **the person knew we were writing it, most Chief Whips**
 12 **might have disposed of the Black Book because they never**
 13 **wanted their friends, their former colleagues, to**
 14 **realise some of the stuff that the Whips had put in the**
 15 **book about them, because I stress again, the purpose of**
 16 **the book and the purpose of the Whips' Office was**
 17 **political. They're not just a collection of people who,**
 18 **you know, just like collecting salacious gossip. You**
 19 **could read the News of the World for that, if that was**
 20 **your particular interest.**
 21 MR FRANK: Yes, thank you very much. That's all I ask.
 22 THE CHAIR: Thank you. We have no further questions. Thank
 23 you, Mr Clarke.
 24 **A. Thank you very much.**
 25 **(The witness withdrew)**

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1 **and we want to continue". Both my predecessors and,**
 2 **I think, most of my successors insisted on not being the**
 3 **Secretary of State and being just "Minister".**
 4 Q. You were then Minister for Agriculture, Fisheries and
 5 Food?
 6 **A. Yes.**
 7 Q. As with Mr Clarke, Lord Jopling, I am going to come to
 8 ask you some particular questions about Tim Fortescue's
 9 comments, and so on. But, as with him, can I ask you to
 10 give in a few sentences your general recollections of
 11 the Whips' Office in the 1970s, and perhaps you can
 12 indicate whether you agree with the way Mr Clarke
 13 described it or not?
 14 **A. I wouldn't wish to disagree with anything that**
 15 **Kenneth Clarke has told the inquiry. I can't think of**
 16 **anything that I even remotely disagree with. I think he**
 17 **explained the work of the Whips' Office. Nearly all of**
 18 **it was over two issues: that was to ensure the**
 19 **government was never defeated at a division and, in my**
 20 **four years as Chief Whip, the government was only**
 21 **defeated once, over an issue of immigration. Therefore,**
 22 **it was necessary to make sure that the whole team was on**
 23 **parade for divisions.**
 24 **We used to have, from the clerks of the Whips'**
 25 **Office, a list every day of those who were absent**

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1 without leave in divisions the previous day, and one of
 2 the most important things I did as Chief Whip when I --
 3 you're talking about when I was Chief Whip, I imagine?
 4 Q. Yes.
 5 A. The first thing I did the following day when I met the
 6 Whips, which I did every afternoon, except once a week
 7 in the mornings, was to go through the list of
 8 the absentees who were absent without permission. It
 9 took a lot of time. So that was the key thing, because
 10 unless you could be sure that you were getting the whole
 11 team on parade and not going off to the cinema, that you
 12 maintain the government's legislative programme.
 13 The other thing was, where there were -- and I don't
 14 think Kenneth mentioned this. Where there were serious
 15 reservations within the party about the detail of
 16 legislation, it was terribly important to find out the
 17 earliest date that Mr So-and-So did not like a certain
 18 aspect of Bills that were going through parliament, and
 19 this -- it was essential that this was brought to the
 20 attention of ministers as soon as possible, and I used
 21 regularly to say to ministers, "So-and-so doesn't like
 22 what you are doing over this legislation", whether it
 23 was detail or whether it was just detail -- "legislation
 24 or general policy. Will you please have him in and talk
 25 to him as soon as possible and explain to him why you're

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1 There were appointments to international bodies: the
 2 Council of Europe, the NATO Assembly, which I'm
 3 currently very much involved with. Those appointments
 4 were, and I think still are, in the hands of the Whips.
 5 Therefore, the Whips had a good deal more influence in
 6 my day, I think I'm right in saying, than they do now.
 7 Q. Why did they need to know about gossip and the MPs'
 8 personal lives in order to wield that influence?
 9 A. Because if there was -- if you were in danger -- for
 10 instance, Kenneth was talking about financial problems.
 11 If you knew there was an MP who was in serious financial
 12 difficulties, there was quite a case for not suggesting
 13 that he becomes a minister, because you don't want
 14 a bankruptcy -- you don't want a bankruptcy anyway
 15 because, as he said earlier, that probably means
 16 a by-election, and we didn't want that, obviously, but
 17 you don't want particularly ministers to get involved
 18 with a lot of media attention or even problems of major
 19 financial difficulties or not paying debts and one thing
 20 and another.
 21 Q. Was there ever a sense that this store of gossip that
 22 the Whips accumulated might be used to influence MPs,
 23 for example, to persuade them to vote for the
 24 government?
 25 A. No. I think that's entirely the wrong way of going

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1 doing this and, if necessary, see if you can make any
 2 alterations to your policy to deal with that particular
 3 MP's reservations".
 4 Q. You heard Mr Clarke explain how one function of
 5 the Whips in his time, in any event, was to gather what
 6 he described as gossip about fellow Conservative MPs.
 7 Do you agree with that?
 8 A. Of course.
 9 Q. Why was the gossip gathered?
 10 A. The gossip was gathered -- the Whips' Office, in those
 11 days, I think -- I mean, I have no knowledge whatsoever
 12 of the current Whips' Office, so I can't help you over
 13 that. But the impression I get is that the Whips'
 14 Office, in my day, had a great deal more patronage than
 15 is the present situation. The Whips' Office, in my day,
 16 had very considerable influence over the hiring and
 17 firing of ministers. The Whips' Office -- one of
 18 the first things we did when I was Chief Whip, we set up
 19 the departmental Select Committees, and there was great
 20 competition to be members of those. They covered each
 21 department, almost every one in government, and there
 22 was a great competition. But the appointments were in
 23 the hands of the Whips in those days. Now I understand
 24 they're elected, and that bit of patronage has
 25 disappeared.

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1 about managing a political party, and I would not have
 2 encouraged that sort of approach by my team of Whips to
 3 doing that. As I say, a much more subtle way of
 4 managing a political party is if the backbenchers know
 5 that the Whips' Office had the sort of patronage I was
 6 talking about. We never used to say, "Well, of course
 7 we have a major influence in the hiring and firing of
 8 ministers". We obviously didn't say that. But we made
 9 sure people knew that.
 10 Q. It's not either/or, though, is it, Lord Jopling?
 11 I understand your point about patronage, but might it
 12 not also be quite a subtle way of managing a party for
 13 the MPs to know that you had a store of information
 14 about them?
 15 A. No. In my view, you made an enemy of an MP if you did
 16 that, and the one thing that is essential if you are
 17 trying to manage a political party is to maintain
 18 goodwill, particularly with your more difficult -- your
 19 difficult members.
 20 Q. Mr Clarke described the system of reporting these pieces
 21 of gossip on the notes. In your statement, you describe
 22 these as Whips' notes, I think?
 23 A. Yes.
 24 Q. Is that what you have -- you refer to it as that rather
 25 than a "dirt book" or a "Black Book"?

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1 **A. Before you ask that, can I just add something that**
 2 **occurs to me?**
 3 Q. Of course.
 4 **A. It might be helpful. Divorce was obviously something**
 5 **which could be messy. I found it essential that, where**
 6 **there were situations of that sort, quite unexpectedly,**
 7 **you may think, I remember the first Christmas that**
 8 **Mrs Thatcher was Prime Minister. I remember her coming**
 9 **to me and saying, "Tell me, do you know of any of our**
 10 **people in our parliamentary party who are going to be**
 11 **alone, through divorce or death, this Christmas?**
 12 **Because, if you do, will you tell me, because I would**
 13 **like to invite them to Chequers for Christmas". There**
 14 **is an example. And it was essential, in that sort of**
 15 **situation, that I had some idea about the personal lives**
 16 **of all the backbenchers and ministers, of course, within**
 17 **the parliamentary party. There's just one example of**
 18 **how important it was to know, in that particular**
 19 **situation.**
 20 Q. Thank you.
 21 **A. Sorry, I interrupted your question.**
 22 Q. No, tell us about the Whips' notes.
 23 **A. Yes.**
 24 Q. Mr Clarke described it as a system of the individual
 25 Whips writing down in a book, which he remembered being

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1 **night to the Chief Whip, and the Chief Whip would then**
 2 **go home with these, would probably read them before he**
 3 **went to bed, so that the following morning he was up to**
 4 **date with what the Whips had been able to discover.**
 5 **A huge proportion of those notes concerned**
 6 **legislation and policy. The two nice ladies who came**
 7 **and went through all my Whips' notes -- you will**
 8 **probably come to this in a moment -- they went through**
 9 **these. I have, as you well know -- there are a very**
 10 **large number. Whether the two ladies who came actually**
 11 **counted them, I have no idea, but as far as I'm**
 12 **concerned, I can't be bothered to count them. But let's**
 13 **say there were eight a day.**
 14 Q. Eight notes a day?
 15 **A. Let's say. I have no idea how many. I'm just guessing.**
 16 **There might have been eight notes a day, five days**
 17 **a week, because we used to sit on Fridays in those days.**
 18 **That's 40 a week. House sitting 30 weeks in the year.**
 19 **That's 1,200 in a year. Four years I was Chief Whip,**
 20 **that's nearly 5,000.**
 21 **Now, you can imagine that these covered a huge**
 22 **amount of ground, but the massive majority were with**
 23 **regard to legislation and government policy and the**
 24 **difficulties in getting it through. Perhaps I have said**
 25 **enough.**

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1 kept in a cupboard, these pieces of gossip as and when
 2 they came by them. Is that right?
 3 **A. Yes.**
 4 Q. He says that it was a book which was essentially kept by
 5 and for the Chief Whip; is that right too?
 6 **A. No. It was -- there was a locked cabinet in the upper**
 7 **Whips' Office. I think the whisky was kept in the**
 8 **bottom drawer and the Whips' notebooks were kept in**
 9 **another drawer. They consisted of two different sorts**
 10 **of those blue duplicating books, if you know what**
 11 **I mean. There was a bigger one, which was used entirely**
 12 **for reporting on backbench committees, standing**
 13 **committees and what was going on, all party groups**
 14 **reporting what was being said at those meetings. That**
 15 **was one.**
 16 **There was a smaller book for the notes I think**
 17 **you're -- I know you're talking about. What happened**
 18 **was that a Whip wanted to pass some information to not**
 19 **only the Chief Whip, because this was open to the whole**
 20 **Whips' Office, of course; that he would write on this**
 21 **duplicated piece of -- what's it called -- copy --**
 22 Q. Carbon paper?
 23 **A. Carbon paper. That he would write this and, at the end**
 24 **of the day, the Deputy Chief Whip would tear all these**
 25 **out and would pass them over at the end of play each**

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1 Q. We are going to come to some notes in a moment,
 2 Lord Jopling, and it is a very fair point you make and
 3 one I had intended to ask you about. Before we look at
 4 the notes themselves, let me just go back a little bit.
 5 Just the mechanism of it. You describe the notes being
 6 written in the carbon books and then a copy being taken
 7 away by the Chief Whip. If they are the sort of books
 8 I think you are describing, that would leave one copy of
 9 each note in the book; is that right?
 10 **A. Yes.**
 11 Q. Is it right, then -- and you have partly answered this
 12 already -- that when you finished your term as
 13 Chief Whip in 1983, you kept those carbon books from
 14 your time in office?
 15 **A. Yes.**
 16 Q. Is that because, as Mr Clarke suggested, they were
 17 regarded as being the property of the Chief Whip rather
 18 than, for example, the government or the House of
 19 Commons?
 20 **A. Yes, they were my property. They were notes written by**
 21 **the Whips to me.**
 22 Q. What happened to the top copies, by the way? Were they
 23 just thrown away on a daily basis?
 24 **A. No, I have them all.**
 25 Q. You have the top copies and the books?

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<p>1 A. Oh, yes.</p> <p>2 Q. I see. Let's have a look at some of these documents,</p> <p>3 Lord Jopling. First of all, before we do so, they are</p> <p>4 not all dated -- some of them are -- but, from what you</p> <p>5 have said, they will all relate to the period between</p> <p>6 1979 and 1983, when you were Chief Whip; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Secondly, as you have said very fairly, we have</p> <p>9 identified some which are of interest to this inquiry</p> <p>10 because they refer to individual people who we have</p> <p>11 heard evidence about or because they seem to be talking</p> <p>12 about scandals and so on. But, as you have said, this</p> <p>13 is only a very small proportion of the books that you</p> <p>14 hold and you have already described that, by far, the</p> <p>15 greater amount of entries are more boring, if you like,</p> <p>16 and refer to legislation and so on?</p> <p>17 A. Correct.</p> <p>18 Q. So, with that in mind, perhaps we can look at some of</p> <p>19 these Whips' notes. I am simply -- do you have a file</p> <p>20 in front of you?</p> <p>21 A. Yes.</p> <p>22 Q. I think, possibly, with the exception of one of these</p> <p>23 notes, they will be in there. The chair and panel also</p> <p>24 have a file and for everyone else we will bring them up</p> <p>25 on screen. But if we can start, please, with a document</p> <p style="text-align: center;">Page 41</p>	<p>1 which you should have behind tab 2 in your bundle, and</p> <p>2 for the screen it is INQ002018.</p> <p>3 This is one of the notes you have referred to?</p> <p>4 A. Yes.</p> <p>5 Q. Can you say, Lord Jopling, whether this is -- you</p> <p>6 mentioned the larger book and the smaller book?</p> <p>7 A. These are all small.</p> <p>8 Q. They are all small books?</p> <p>9 A. Yes. At least I think they are.</p> <p>10 Q. I only ask because this one, unlike most of them --</p> <p>11 A. Wait a minute, I think this one is a big one. Yes, it</p> <p>12 says at the top "Home affairs meeting with the</p> <p>13 Home Secretary".</p> <p>14 Q. We are going to look at a few of these and most of them</p> <p>15 are not about legislative processes and so on, but this</p> <p>16 one looks like it is, so this may have been from the</p> <p>17 large book?</p> <p>18 A. Yes.</p> <p>19 Q. There is a date of 22 March, we don't know which year,</p> <p>20 but that doesn't matter --</p> <p>21 A. Well, we should, because all the notes were put together</p> <p>22 monthly and put into an envelope, so it should be</p> <p>23 possible to know which year. I can't tell you because</p> <p>24 I have no idea.</p> <p>25 Q. I'm sure you're right, Lord Jopling, and if we need to,</p> <p style="text-align: center;">Page 42</p>
<p>1 the inquiry will be able to, from the documents you have</p> <p>2 made available to us, date it. But let's not worry</p> <p>3 about that for now.</p> <p>4 A. Right.</p> <p>5 Q. We see from the title it is a report, is it, of a Home</p> <p>6 Affairs -- would that be the Home Affairs Select</p> <p>7 Committee meeting or a different meeting?</p> <p>8 A. No, it will be the party meeting, the party Home Affairs</p> <p>9 Committee.</p> <p>10 Q. Is that Willie Whitelaw's name we see there?</p> <p>11 A. Yes.</p> <p>12 Q. Was he Home Secretary at the time?</p> <p>13 A. Yes.</p> <p>14 Q. In the first paragraph, we see reference to an affair</p> <p>15 with a name redacted. It is right, isn't it, that a lot</p> <p>16 of redactions have been made to these documents to</p> <p>17 protect people's names, and so on?</p> <p>18 A. Yes.</p> <p>19 Q. But there is a reference to what is described as</p> <p>20 "serious implications against the background of</p> <p>21 Dickens."</p> <p>22 Would that be Geoffrey Dickens?</p> <p>23 A. Yes.</p> <p>24 Q. Does it read:</p> <p>25 "Real undermining of establishment. Answer to be</p> <p style="text-align: center;">Page 43</p>	<p>1 put off until PM returns on Thursday when Pincher book</p> <p>2 will be available."</p> <p>3 A. I'm bound to say, I have no recollection of this. That</p> <p>4 book is presumably by Chapman Pincher.</p> <p>5 Q. Yes.</p> <p>6 A. I have no memory, it is so long ago, as to what that was</p> <p>7 about. If you don't mind me going on to the next part</p> <p>8 on that page --</p> <p>9 Q. No, do.</p> <p>10 A. The Hayman affair. Again, I have to say, and the ladies</p> <p>11 I think will corroborate this who came to look at these</p> <p>12 notes, when they showed me this one that they'd</p> <p>13 identified, I said to them, "Hayman: that doesn't ring</p> <p>14 a bell with me at all". I'm afraid -- I have since</p> <p>15 discovered, from reading counsel's opening statement</p> <p>16 last week, which I wasn't aware of all the details of</p> <p>17 the inquiry until last weekend, that I discovered more</p> <p>18 of what the Hayman affair was about.</p> <p>19 Q. In summary, Geoffrey Dickens named Peter Hayman in the</p> <p>20 House of Commons, I think it was 1981, and referred to</p> <p>21 the fact that he had not been prosecuted a couple of</p> <p>22 years earlier arising out of some pornographic material</p> <p>23 that was found, and also referred to the fact that he</p> <p>24 was a member of the Paedophile Information Exchange?</p> <p>25 A. Right, so I read in the opening statement.</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. Quite. There was also reference around the time to the 2 fact that a trial had taken place of certain members of 3 the Paedophile Information Exchange, but not 4 Peter Hayman. If we look here at this middle paragraph, 5 it would seem -- is that Tim Raison -- is that the name? 6 A. Yes. 7 Q. "... is very concerned about Sunday Times report -- does 8 look like partiality as Hayman was not called as 9 witness" or "or Hayman was not called as witness". Does 10 that jog any memories? 11 A. No, it doesn't, I'm afraid. Again, was Tim Raison then 12 junior minister in the Home Office? 13 Q. I'm afraid I don't know. 14 A. You don't. Well, I'm afraid I don't. But I think he 15 was a junior minister. I imagine -- I'm really 16 unsighted on that, I'm afraid. 17 Q. We don't need to get into the detail of this, 18 Lord Jopling. We are really looking at this just to 19 understand the type of information that was recorded in 20 these notes. 21 A. Yes. 22 Q. Would these then have been matters that were raised, 23 what, by Conservative MPs with the Home Secretary and 24 his team -- 25 A. Yes.</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. -- at an internal party meeting? 2 A. Yes. 3 Q. These were the matters that the Whips thought necessary 4 to record? 5 A. Yes. 6 Q. Perhaps -- 7 A. But it was obviously in the hands of the Home Secretary 8 himself, because he was at the meeting. 9 Q. But the Whips' interest, just looking at this middle 10 paragraph, would it be that the Whips were particularly 11 interested in the fact that MP -- Tim Raison at least 12 was concerned about this issue? Would that be something 13 that you were interested in? 14 A. Well, one would take an interest in that, but if the 15 thing was in the hands of the Home Secretary, and if 16 Tim Raison was an Undersecretary at the time, then, yes, 17 one obviously was concerned about these things, very 18 concerned. 19 Q. Let's move on, Lord Jopling. I am being helpfully 20 informed that Tim Raison was indeed a minister between 21 1979 and 1983, so it looks like -- in the Home Office. 22 A. You obviously had the ministerial team at the backbench 23 meeting. 24 Q. Yes. Indeed, on the basis of this document, not only 25 there, but expressing concern about the way in which, on</p> <p style="text-align: center;">Page 46</p>
<p>1 the face of it, the Hayman affair either had been 2 conducted or at least is being reported. Let's move on 3 to tab 3, please. This is INQ002019. 4 A. Yes. 5 Q. One of the things we will see in these documents is of 6 course there's lots of different handwriting because 7 they are being completed by different Whips; is that 8 right? 9 A. Yes. 10 Q. This one is headed -- is that "Geoff Dickens"? 11 A. Yes. 12 Q. Do you remember Geoffrey Dickens? 13 A. Of course. 14 Q. Tell us what you remember about him? 15 A. From a Chief Whip -- from a Whips' Office point of view, 16 he was totally impossible to deal with. He saw himself 17 as an independent Conservative, would do what he wanted, 18 when he wanted, how he wanted, and he was extremely 19 difficult to yoke in -- yoke up as part of the team. 20 Q. This may be an example of just that. 21 A. Yes. 22 Q. The report reads: 23 "According to Brian Mawhinney, GD [presumably 24 Geoffrey Dickens] is [something] ..." 25 A. Is "ready".</p> <p style="text-align: center;">Page 47</p>	<p>1 Q. "... to start his anti-child porno bandwagon again. 2 This time he intends to name people in showbiz." 3 The suggestion might be that people didn't approve 4 of Geoffrey Dickens making a fuss about anti-child 5 porno? 6 A. The Whips' Office did not regard Geoffrey Dickens as 7 their favourite client. 8 Q. What about the issue of anti-child porno? Was that 9 regarded as a tiresome bandwagon? 10 A. No, I don't think so for a minute. I think that any 11 allegation of any sort which was -- I mean, we'll 12 perhaps come to this with a later note about 13 Geoffrey Dickens. 14 Q. I will. 15 A. But I think child abuse would have been regarded with 16 horror to a much larger extent than almost anything else 17 I can think of. 18 Q. Well, that may be right, Lord Jopling, but the tone of 19 this note, at least, perhaps, is that when 20 Geoffrey Dickens was campaigning against child abuse, or 21 here anti-child porno, it was regarded as a bandwagon 22 and something that was perhaps unwelcome; is that a fair 23 reading of this note? 24 A. No, I don't think it was unwelcome at all. 25 Q. What do you think was the purpose of this note? Simply</p> <p style="text-align: center;">Page 48</p>

1 to alert the Whips to the fact that Geoffrey Dickens was
 2 proposing to start a new campaign?
 3 **A. Well, I mean, there were quite a lot of notes about**
 4 **Geoffrey Dickens over the years. He was a continual**
 5 **subject of concern to the Whips. And I don't think it**
 6 **is fair to read into that note the suggestion that the**
 7 **Whips' Office regarded child pornography or child --**
 8 **well, we are talking about child pornography here,**
 9 **treated it as a trivial issue.**
 10 Q. Let's look at one more document, Lord Jopling, perhaps,
 11 and then it may be the chair and panel will want to take
 12 a break. In your bundle, if we can go over one tab, so
 13 it is tab 4, and for the screen it is INQ002020.
 14 **A. Yes, I saw that. I really --**
 15 Q. Just pause, because we will wait until everyone can see
 16 it. They have it on the screen now. Let me just read
 17 it and then you can tell me what you want to say about
 18 it. I think it says "Nick" -- is it Nick Budgen?
 19 **A. Yes.**
 20 Q. "... very angry about Dickens. I suggested the
 21 all-party motion. He said he would think about this."
 22 Can you help as to --
 23 **A. I have no recollection of this at all. I have given**
 24 **some thought to what it might have meant. I am really**
 25 **at a loss to know what an "all-party motion" might have**

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1 through some of these notes and asking you questions
 2 about them. Can we turn over, for those of us with
 3 a bundle, to tab 5, INQ002021. We see it is headed --
 4 is that Anthony Grant.
 5 **A. Yes.**
 6 Q. Was he an MP?
 7 **A. Yes.**
 8 Q. Someone is reporting apparently on a conversation with
 9 Anthony Grant. It seems that Grant was unhappy that the
 10 Hayman/Dickens affair was handled too well -- or not
 11 handled too well by Havers -- Havers being the
 12 Lord Chancellor at the time?
 13 **A. No, he was Attorney General.**
 14 Q. So the Hayman/Dickens affair, I think that's probably
 15 a reference to the matter we were discussing before the
 16 break?
 17 **A. Yes.**
 18 Q. The allegations about PIE and so on. And then this:
 19 "Seemed too quick to cover up!!"
 20 Is that what it says there?
 21 **A. That's what it says.**
 22 Q. Do you know what that means?
 23 **A. No. I'm afraid I -- as I tried to explain earlier,**
 24 **I have no memory, really, at all, of the Hayman/Dickens**
 25 **affair at that time. The Dickens thing, in the light of**

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1 **done and what might have made Mr Budgen angry about**
 2 **Geoffrey Dickens.**
 3 Q. Is that trying to choose which thing about
 4 Geoffrey Dickens might have made Nick Budgen angry or
 5 trying to think of anything that might have made him
 6 angry?
 7 **A. I think there were quite a number of things that made**
 8 **people angry.**
 9 Q. Thank you.
 10 **A. He wasn't a very good attender, for one thing.**
 11 Q. Was Nick Budgen a member of the Whips' Office?
 12 **A. No. He was later. But -- oh, well, I'm not sure which**
 13 **year it was. Well --**
 14 Q. Would the Whips' notes be used to report --
 15 **A. Budgen would have -- he became a member of my Whips'**
 16 **Office, but if he was angry about Dickens, he would have**
 17 **written the note himself. So I assume that this was**
 18 **before he was.**
 19 **MR O'CONNOR: Chair, would that be a good moment to have**
 20 **a break?**
 21 THE CHAIR: Yes. We will return at 11.25.
 22 (11.14 am)
 23 (A short break)
 24 (11.33 am)
 25 MR O'CONNOR: Lord Jopling, I'm going to carry on going

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1 **this inquiry, the one thing I did remember we shall no**
 2 **doubt come to later.**
 3 Q. The use of the language is perhaps significant. It's
 4 generally used to suggest that something has been
 5 suppressed?
 6 **A. Yes.**
 7 Q. But you can't help us any more than that?
 8 **A. No, I can't, I'm afraid.**
 9 Q. Let's move on, please, to tab 7 in the bundle.
 10 INQ0002024. A short note, February 1981:
 11 "I am not sure [someone] ..."
 12 **A. Sorry, I'm not on the same one.**
 13 Q. It is tab 7.
 14 **A. I beg your pardon. I haven't turned over enough pages.**
 15 **Right.**
 16 Q. It is on the screen as well, but you have it there in
 17 front of you.
 18 **A. Yes.**
 19 Q. "I'm not sure" -- the name has been redacted; it's
 20 a Conservative MP -- "that this person's marriage is all
 21 that good."
 22 Why would that be something the Whips were
 23 interested in, Lord Jopling?
 24 **A. I think I gave you an example of that earlier on.**
 25 **I think when Mrs Thatcher wanted to see if there was**

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1 anyone she could entertain over Christmas at Chequers --
 2 I don't remember, but I'm sure -- I do remember her
 3 conversation vividly, but I'm sure I went back to the
 4 office and said, "Do any of you know of anybody in this
 5 situation?", and they all knew that I was keen to know
 6 for that purpose, and therefore, not unnaturally, when
 7 there was an anxiety about somebody's marriage, it went
 8 in the book.
 9 Q. It's a sort of a pastoral function that's being
 10 performed?
 11 A. Of course.
 12 Q. Let's turn over another couple of tabs, please,
 13 Lord Jopling. I'm looking at tab 9 now, INQ002027.
 14 There's a heading "The Monday Club"?
 15 A. Yes.
 16 Q. What was the Monday Club?
 17 A. The Monday Club was a group of MPs on the right wing of
 18 the Conservative Party who met every now and again, and
 19 they pursued right-wing policies to try and countenance
 20 other policies which the party was pursuing which they
 21 felt perhaps was too liberal.
 22 Q. It may be obvious, then, but why were the Whips
 23 interested in what they were up to?
 24 A. Well, because Whips were always interested in groups of
 25 people who were unhappy about the policy of the party.

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1 Q. Let's go on, please, to tab 12, INQ002033. The heading
 2 of this note is "Tomorrow's Private Eye"?
 3 A. Yes.
 4 Q. Was the Whips' Office interested in news articles in the
 5 newspapers and Private Eye that might damage the
 6 Conservative Party?
 7 A. Well, obviously the Whips' Office is interested in
 8 anything that was likely to damage the Conservative
 9 Party. As far as I was concerned, I didn't at that time
 10 regularly read Private Eye. It was never in the office,
 11 to my knowledge, except, I'm sure, some Whips read it
 12 from time to time. But it was never central, but one
 13 was always -- hoped to be conscious if something was
 14 likely to confront us which might appear in Private Eye.
 15 There is a note I think later on, which you may be
 16 coming to, with regard to the Attorney General having
 17 meetings with the DPP to try and find out what was going
 18 on before Private Eye got it.
 19 Q. You're right. But let's look at this one for a moment:
 20 "Tomorrow's Private Eye.
 21 "Gordon Greig ..."
 22 A. A well-known lobby journalist.
 23 Q. "... told me that it [Private Eye] has a little snippet
 24 in it suggesting that there is a sex scandal in a sauna
 25 bath which involves a Cabinet minister."

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1 This was one of the central responsibilities of
 2 the Whips, to know in advance when there was trouble
 3 coming and, over legislation, the Monday Club was
 4 concerned entirely -- I was never a member of it because
 5 I don't come from that wing of the party, but the
 6 Monday Club was concerned entirely about policy and,
 7 therefore, it's crucial that the Whips were warned what
 8 the Monday Club were concerned about. This one says "an
 9 all-out attack on immigration and the new rules". Well,
 10 that's pure politics.
 11 Q. It looks as though this is a report of a meeting of
 12 the Monday Club, doesn't it?
 13 A. Yes.
 14 Q. So this is simply --
 15 A. It's what I explained earlier, that there was always
 16 a Whip, if they could get admittance -- some of these
 17 groups didn't particularly like Whips to be present.
 18 Q. I was going to ask that. You obviously don't remember
 19 this very event, but perhaps sometimes they were there
 20 officially and sometimes they might have other sources
 21 of information, but might not be able to get there
 22 themselves?
 23 A. Of course.
 24 Q. And this doesn't make clear which one it is?
 25 A. Yes.

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1 I'm sure you don't remember the details of that?
 2 A. I don't remember the details and I did wonder who it
 3 was.
 4 Q. You may not be alone in that. But what would the Whips'
 5 Office have done with this information, Lord Jopling?
 6 A. I can't remember, but it's a good example, I think, of
 7 a situation -- I can't remember what I did about that.
 8 I'm sure I did something about it. It will be either or
 9 both of going and talking to the Attorney General, who
 10 was the government's legal adviser, or I might have gone
 11 to the Secretary of the Cabinet.
 12 Q. The inquiry has heard --
 13 A. Or, probably most likely, to the Prime Minister.
 14 Q. Would that have been to warn --
 15 A. Yes.
 16 Q. -- that this is coming, or would it have been to try and
 17 stop this information being published? I think the
 18 suggestion here is that it's already been published?
 19 A. The thought that anyone in government could stop
 20 Private Eye from printing whatever they wanted to print
 21 is fanciful.
 22 Q. Leave Private Eye to one side. Because the inquiry has
 23 heard evidence relating to Peter Morrison that
 24 allegations were made about him in Chester and there may
 25 have been some sort of deal or arrangement struck which

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1 involved the local media not reporting those
 2 allegations?
 3 **A. I'm totally unaware of that.**
 4 Q. I don't want to ask you about those allegations.
 5 **A. I have read from counsel's opening statement that. You**
 6 **don't bring this as a surprise to me because I did read**
 7 **it over the weekend. I don't think I was -- as far as**
 8 **I remember, I wasn't aware of that earlier.**
 9 Q. I wasn't intending to ask you about the detail of those
 10 allegations.
 11 **A. Yes.**
 12 Q. But you suggest that it's incredible that anyone would
 13 try and stop Private Eye publishing something. Let's
 14 not focus our discussion on Private Eye. But do you
 15 ever remember a time when the Whips' Office was involved
 16 in any attempt to stop things being published -- in
 17 books or newspapers -- about Conservative MPs?
 18 **A. I have no recollection of that at all.**
 19 Q. Let's move on. I think this was the next note, which is
 20 behind tab 13, the one you mentioned, INQ002034. Again,
 21 it's headed "Private Eye", and it's "Michael Havers" --
 22 who we have already established was the Attorney General
 23 at this time; is that right?
 24 **A. Yes.**
 25 Q. "... said he always asks the DPP at their weekly

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1 **A. Yes.**
 2 Q. Scottish Conservative MP?
 3 **A. Yes.**
 4 Q. "Nicky's new lady is very pretty, charming and has
 5 a curvy [is that?] figure."
 6 **A. It looks more like "lovely", I can't tell you.**
 7 Q. "When she was out of the room, NF told me that when he
 8 was having an affair with [someone], she was
 9 occasionally being poked by [someone] and had previously
 10 been by [another name]."
 11 Why would the Whips' Office need to know this sort
 12 of information, Lord Jopling?
 13 **A. For reasons I explained to you earlier, that one wanted**
 14 **to be ahead of the news, ahead of events, ahead of those**
 15 **events which might cause future embarrassment. I made**
 16 **a point of trying not to tell my team of Whips, "I don't**
 17 **want to hear about this, I don't want to hear about**
 18 **that"; I gave them a free rein to put in the book**
 19 **whatever they thought was relevant, and these things are**
 20 **irrelevant as far as this inquiry is concerned -- at**
 21 **least, I think they are -- but they were -- they have**
 22 **been picked out, and I can only say that it was so**
 23 **that -- I mean, Nicholas Fairbairn was a somewhat**
 24 **eccentric figure in many ways. The purpose of this note**
 25 **was so that the Chief Whip was aware of situations,**

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1 meetings to preface their business with the bad news,
 2 and whatever Private Eye has has not reached the DPP
 3 yet, which is apparently unusual. At the same time,
 4 someone has been prosecuted for keeping a brothel in
 5 Pall Mall, which may not be disconnected. My poor
 6 constituency: if you're not bombed, you're stoned."
 7 The Attorney General then at least appears to be
 8 interested in what's going on in Private Eye?
 9 **A. I'm not surprised.**
 10 Q. Is this just more information that the Whips are adding
 11 to their store of knowledge?
 12 **A. Actually, he's more interested in what the DPP is**
 13 **concerning himself with more than them, it's a case of**
 14 **racing Private Eye and the rest of the media, because,**
 15 **as you said, it's not only Private Eye who were doing**
 16 **these things. But it's to try -- I mean, in the same**
 17 **way as the Whips' Office, to try and keep ahead of**
 18 **the news so that one isn't caught by surprise more than**
 19 **you might otherwise be.**
 20 Q. Let's move on, then, to tab 18 in your bundle.
 21 INQ002376.
 22 **A. I have it.**
 23 Q. It is headed:
 24 "Drink with Fairbairn."
 25 Is that Nicholas Fairbairn?

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1 **private situations, with regard to the members.**
 2 **Nicholas Fairbairn, I don't know which year that is, but**
 3 **of course he had been Solicitor General for Scotland,**
 4 **and it could have been that he was still doing that when**
 5 **this note was written.**
 6 Q. Lord Jopling, Mr Clarke described this type of
 7 information that we are looking at as gossip, and you
 8 have explained that some of it is necessary for party
 9 discipline or to understand views about legislation,
 10 there's a pastoral element to it, but looking at
 11 a document like this, it's difficult to see how it is
 12 anything other than just a salacious piece of gossip
 13 about a Conservative MP?
 14 **A. Call it that if you wish.**
 15 Q. Is there any possibility that this sort of
 16 information -- sexual skeletons in cupboards, if you
 17 like -- might have had a use for persuading people to
 18 take certain action in the future --
 19 **A. I tried to explain to you earlier, that I think to use**
 20 **situations of this sort to induce people to do what they**
 21 **didn't want to do in the voting lobby was not a clever**
 22 **way of managing the parliamentary party, and I felt that**
 23 **it was -- I certainly never encouraged anybody, as I am**
 24 **sure my predecessors and successors, as far as I know,**
 25 **would also discourage the use of this sort of**

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1 **information -- it is gossip, of course -- would**
 2 **discourage them from using this to try and coerce people**
 3 **into doing what they didn't want to do.**
 4 Q. Thank you. Let's move on to the next tab, then, please,
 5 INQ002378. Now, the name at the top has been redacted
 6 out, but we can see that it was not an MP but
 7 a Conservative parliamentary candidate. Do you see
 8 that?
 9 **A. Yes.**
 10 Q. Then the text that we can see is:
 11 "Nothing yet known, but inquiries show that ..."
 12 And then some detail.
 13 **A. I have to say, I have forgotten, although I did see the**
 14 **original note, I have forgotten for the minute --**
 15 Q. I don't want to ask you about the detail. The question
 16 is, we have so far been talking about you understanding
 17 your own MPs.
 18 **A. Yes.**
 19 Q. It looks as though here efforts are being made to make
 20 enquiries not about existing MPs, but about someone who
 21 is standing as an MP?
 22 **A. Yes, well, somebody standing as an MP -- I don't know if**
 23 **that referred to a by-election or a General Election,**
 24 **but the -- I can't remember what was in this note**
 25 **because it's been redacted. If whatever it was was**

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1 Q. I'm going to come to ask you a few more questions about
 2 Peter Morrison in due course. Let's turn over, please,
 3 and look at tab 21, the next tab on, INQ002385.
 4 **A. Yes.**
 5 Q. Now, this is slightly different again, Lord Jopling,
 6 because it is a note not about a Conservative MP, but
 7 about a Labour MP. Let's read it and then I will ask
 8 you. Again, I think it seems that it is
 9 Tristan Garel-Jones reporting:
 10 "John Heddle tells me that he stopped at a filling
 11 station on the M1 where [a Labour MP] was putting petrol
 12 into a van accompanied by a young person of
 13 indeterminate sex. [the Labour MP] drove off without
 14 paying and had to be chased and stopped.
 15 "Sadly, they gave him the benefit of the doubt."
 16 What was the value to the Conservative Whips' Office
 17 of this piece of information?
 18 **A. There was, in my day, a close co-operation between the**
 19 **two Chief Whips who used to meet very regularly. This**
 20 **didn't mean that the Opposition Chief Whip wouldn't beat**
 21 **hell out of the government whenever he saw an**
 22 **opportunity. But there was that liaison. It wouldn't**
 23 **surprise me if, after I saw that note, I might have said**
 24 **to the Labour Chief Whip, "I think you might like to**
 25 **know".**

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1 **thought to be potentially embarrassing to that candidate**
 2 **at a by-election or at a General Election, I think it is**
 3 **quite important that the Whips -- the Chief Whip knew**
 4 **about it and, if necessary, whatever it was, might have**
 5 **talked to the chairman of the party and said, "Look, one**
 6 **of your candidates could be prone to unnecessary media**
 7 **attention, and you ought to know about it".**
 8 Q. I see. Thank you. If you can turn over to the next
 9 tab, tab 20, INQ002384, heading "Rhodes James",
 10 a Conservative MP?
 11 **A. Yes.**
 12 Q. And the note that the Whip -- does "TGJ", at the bottom,
 13 mean Tristan Garel-Jones?
 14 **A. Correct.**
 15 Q. Records:
 16 "Rhodes James was being particularly offensive about
 17 Peter Morrison during his windup tonight."
 18 Would that be the windup speech at the end of
 19 the debate?
 20 **A. I guess so.**
 21 Q. "Alan Clark asked if he was mad!"
 22 **A. I don't know whether Alan Clark was saying whether**
 23 **Rhodes James was mad or Peter Morrison was mad. My**
 24 **suspicion would be he was thinking Rhodes James was mad,**
 25 **who, again, was a somewhat eccentric backbencher.**

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1 Q. Do you think that's why Tristan Garel-Jones wrote it?
 2 **A. Yes, I guess, because it was well known that there was**
 3 **this -- we haven't talked about the usual channels and**
 4 **you will no doubt talk about the usual channels later on**
 5 **today. The usual channels are a very delicate**
 6 **situation. Parliament cannot operate without the usual**
 7 **channels working properly. The situation is very**
 8 **difficult indeed when the usual channels are not**
 9 **working, and there is a certain trust behind the scenes**
 10 **between the two Chief Whips of the government and**
 11 **opposition party.**
 12 Q. If you had mentioned this incident to your opposite
 13 number, would it have been the fact that this person was
 14 with a young person of indeterminate sex or that he'd
 15 almost been -- got into trouble for failing to pay for
 16 his petrol?
 17 **A. I think almost certainly for -- I mean, "accompanied by**
 18 **a young person of indeterminate sex" could mean**
 19 **anything. But I think almost certainly it would be**
 20 **because he'd been potentially dishonest.**
 21 Q. We are going to come back to the whole question of
 22 "the usual channels", Lord Jopling, with
 23 Sir Murdo Maclean, but just in a few sentences, can you,
 24 for those who are listening and may not understand what
 25 "the usual channels" are, describe what you mean by that

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<p>1 term?</p> <p>2 A. "Usual channels" are a co-operation between all the</p> <p>3 parties at Westminster so that, first of all, the</p> <p>4 opposition parties are not caught by surprise by the</p> <p>5 government wanting to change tack over procedure, over</p> <p>6 the business of the House. It's crucial that there is</p> <p>7 a perfect knowledge by the opposition parties of what</p> <p>8 the government intend to do and, in return, very often</p> <p>9 the opposition parties will tell the government when</p> <p>10 they're intending to have votes so that, again, the</p> <p>11 government is not necessarily surprised. Not always, of</p> <p>12 course, because opposition parties have the weapon of</p> <p>13 surprise, which they do use every now and again. I'm</p> <p>14 not suggesting for a minute that the opposition don't</p> <p>15 make their teeth bleed every now and again, which they</p> <p>16 do. But, generally speaking, there is this liaison</p> <p>17 between the parties.</p> <p>18 As I say, they will beat hell out of each other if</p> <p>19 they get the opportunity, but this is done by</p> <p>20 a remarkable figure, who you will be meeting later on,</p> <p>21 the private secretary to the Chief Whip. It is one of</p> <p>22 the most astonishing jobs within the British</p> <p>23 Civil Service, that you can have a civil servant who</p> <p>24 operates and is crucially trusted, totally, by both</p> <p>25 sides. It wouldn't work anywhere else, I don't believe,</p> <p style="text-align: center;">Page 65</p>	<p>1 but it does work here extremely well and it is done by</p> <p>2 very, very remarkable civil servants. The private</p> <p>3 secretary I had, I think I'm right in saying, was only</p> <p>4 the third in the 1980s, early 1980s, since about 1918.</p> <p>5 Q. Your private secretary was Sir Murdo Maclean --</p> <p>6 A. Sir Murdo Maclean.</p> <p>7 Q. -- who will be giving evidence later?</p> <p>8 A. A very, very remarkable civil servant.</p> <p>9 Q. We have three more of these to look at. Tab 22,</p> <p>10 INQ002386.</p> <p>11 A. Yes.</p> <p>12 Q. It is headed -- the name of the Conservative MP that's</p> <p>13 been redacted out:</p> <p>14 "Joe Dean told David Trippier (who he knows well</p> <p>15 from previous contacts) that he is expecting a scandal</p> <p>16 'like the Alan Roberts scandal of Berlin' to break</p> <p>17 concerning [the name of the Conservative MP] and his</p> <p>18 boyfriend. Apparently Dean heard this from a journalist</p> <p>19 and expects it to appear in The Telegraph within seven</p> <p>20 days. Dean has seen [the Conservative MP] with the</p> <p>21 boyfriend at the House."</p> <p>22 So this is not like the Private Eye situation where</p> <p>23 there is a record being made of something that is</p> <p>24 already in the press but something that is thought</p> <p>25 shortly to be published. Of interest because?</p> <p style="text-align: center;">Page 66</p>
<p>1 A. Well, of interest because there is a suggestion of</p> <p>2 a future press disclosure, and, as I was trying to</p> <p>3 explain to you earlier, one of the main jobs of</p> <p>4 the Whips' Office is to try and be ahead of the news.</p> <p>5 Q. Let's turn over, then, tab 23, INQ002392. Another note</p> <p>6 from Tristan Garel-Jones headed with the name of</p> <p>7 a Conservative MP. The report that that MP "was in the</p> <p>8 lower office" -- would that be the lower Whips' Office?</p> <p>9 A. Lower Whips' Office, yes.</p> <p>10 Q. "... with his secretary and two others. All rather</p> <p>11 pretty young men -- not quite 16 annas to the rupee.</p> <p>12 "I think [the Conservative MP] is a nice man, but</p> <p>13 I fear that some colleagues in the lower office may not</p> <p>14 be disposed to take a tolerant view if he flaunts</p> <p>15 himself in this way too often."</p> <p>16 Then someone else has said, "I agree". Someone else</p> <p>17 has said, "[someone] will have a word with [the MP]."</p> <p>18 There is then a note saying:</p> <p>19 "I already have."</p> <p>20 Was the Conservative MP a member of the Whips'</p> <p>21 Office, if he was in the lower Whips' Office, or was he</p> <p>22 an MP who would have come into the Whips' Office?</p> <p>23 A. No, that individual was not a Whip.</p> <p>24 Q. What do we take from this note, Lord Jopling?</p> <p>25 A. Well, Kenneth Clarke told you this morning that the</p> <p style="text-align: center;">Page 67</p>	<p>1 Whips' Office in both the Heath government and the time</p> <p>2 I was there was a broad church team of people: some</p> <p>3 older, some younger, some from the right wing, some from</p> <p>4 the liberal wing, and trying to cover the whole of</p> <p>5 the country geographically, to try and make it as</p> <p>6 representative as possible. Therefore, with that sort</p> <p>7 of description in the second paragraph, I'm not</p> <p>8 surprised that there were some of the older Whips who</p> <p>9 had a rather different view about homosexuality as</p> <p>10 people like Kenneth Clarke, which he explained vividly</p> <p>11 this morning, and I think that is what he means by "some</p> <p>12 colleagues may not be disposed to take a tolerant view".</p> <p>13 But where you've got somebody who -- the words</p> <p>14 "flaunting himself", if that was right -- I don't know</p> <p>15 whether it's right or not, but it's there, written</p> <p>16 there, then it was probably rather a good idea for the</p> <p>17 Whips to say, "Look, just calm down".</p> <p>18 Q. It looks like someone did quite quickly?</p> <p>19 A. Yes.</p> <p>20 Q. Let's look at one more of these documents, Lord Jopling.</p> <p>21 This one may not be in your bundle, so I hope it's okay</p> <p>22 to look at it on the screen. INQ002044. Can you see</p> <p>23 that one all right?</p> <p>24 A. I do. This is one I referred to earlier. This seems to</p> <p>25 me, if I may say so, the one note which, out of all</p> <p style="text-align: center;">Page 68</p>

1 **those thousands which the staff of the inquiry found,**
 2 **which I would have thought was the most important.**
 3 Q. Well, let's look at it. It is dated March 23. It
 4 records a telephone call from Michael Havers, whose name
 5 we have heard before, he was the Attorney General at the
 6 time, probably, "to tell the Chief Whip that it would be
 7 likely to break within 48 hours that [a particular
 8 MP]..."
 9 Then there is a word, I'm not sure what it says.
 10 **A. "Present".**
 11 Q. "... present woman, a call girl, also a letter of
 12 homosexual nature in existence from [the MP] to a boy."
 13 What do we take from that, Lord Jopling?
 14 **A. I think that is the most serious note which I received**
 15 **from the Whips during my period as Chief Whip. I think**
 16 **I put in my original submission to the inquiry that it**
 17 **is the only event I can recall during my period which**
 18 **alleged there might be a case of child abuse.**
 19 Q. Can you actually remember now receiving this note?
 20 **A. I remember at the time very much. And I can remember**
 21 **that there was -- shock and horror went through the**
 22 **entire office at that time, having read that.**
 23 Q. Shock and horror because, what?
 24 **A. Well, because we were into the business of paedophilia.**
 25 Q. The wording of the note suggests it was possibly another

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1 **A. No, but where else could he have got it?**
 2 Q. Perhaps he got it from the press. If it was going to
 3 break within 48 hours, it reads a little bit more like
 4 he heard it from the press?
 5 **A. I would have thought almost certainly it came from the**
 6 **people who were investigating it.**
 7 Q. That was your view at the time, in any event?
 8 **A. Yes, very much so.**
 9 Q. As you say, was this the only occasion that you can
 10 remember when information came into the Whips' Office
 11 about sexual abuse or possible sexual abuse of children?
 12 **A. Yes.**
 13 Q. Thank you, Lord Jopling. Now, I'm not going to play the
 14 clip from Tim Fortescue's documentary, because you saw
 15 it, I imagine, when Mr Clarke was giving evidence?
 16 **A. Yes.**
 17 Q. We have covered a lot of the ground relating to what he
 18 said, but just for completeness, he was in the Whips'
 19 Office with you in your first time, in the early 70s.
 20 He left parliament, didn't he, in the mid '70s, so he
 21 wasn't still around at all by the time you were
 22 Chief Whip?
 23 **A. No, that's right, he'd gone.**
 24 Q. Can we take it, then, from what you have already said
 25 that you don't accept the suggestion made by

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1 one of these warnings about something that was likely to
 2 come up in the press, is that how you read it, "likely
 3 to break within 48 hours"?
 4 **A. That's what the Attorney General had said. He said it**
 5 **would be likely to break within 48 hours.**
 6 Q. Did it in fact break, as far as you remember?
 7 **A. As far as I remember, it didn't, but I could be wrong.**
 8 **But it came from the Attorney General. Therefore,**
 9 **I assumed that he'd got it either from the police or**
 10 **from the DPP.**
 11 Q. That was going to be my next question: what did you
 12 think about where this information had come from and
 13 what did you do about it?
 14 **A. Well, I'm sure at the time I talked -- afterwards, I'd**
 15 **got the message -- I spoke to the Attorney and discussed**
 16 **it, and there's not very much one can do if the police**
 17 **or the DPP have in their possession a letter of**
 18 **a homosexual nature to a boy.**
 19 Q. But you didn't think it was necessary to take any
 20 further steps, for example, reporting it yourself?
 21 **A. Once it's in the hands of the Attorney General, who's**
 22 **obviously got it from the police or the DPP -- I had no**
 23 **idea which -- then the matter is being properly handled.**
 24 Q. Just looking at it, of course, it doesn't say he got it
 25 from the police.

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1 Tim Fortescue that the Whips did receive allegations
 2 about small boys?
 3 **A. I read that statement several times. I think he --**
 4 **I don't think he was suggesting, first of all, that**
 5 **there was evidence of incidents with small boys.**
 6 **I didn't read that into his statement. Maybe you might**
 7 **demonstrate that it did say that. He was just creating**
 8 **a hypothetical situation. But also, I didn't really**
 9 **read that he was alleging it was a coverup. Unless I'm**
 10 **mistaken, and I don't have it here, he is talking about**
 11 **the possibility of doing something about it, which is**
 12 **not necessarily the same as doing a coverup.**
 13 Q. I think what he said was:
 14 "For anyone with any sense who was in trouble, would
 15 come to the Whips and tell them the truth and say, 'Now,
 16 I'm in a jam, can you help?' it might be debt, it might
 17 be a scandal involving small boys, or any kind of
 18 scandal that a member seemed likely to be mixed up in.
 19 They'd come and ask if we could help and, if we could,
 20 we did."
 21 At least one inference there, you will agree, that
 22 if the Whips are going to help with a scandal it is
 23 defusing the scandal, isn't it, avoiding the scandal?
 24 **A. I didn't read that as necessarily a coverup, but I had**
 25 **no idea what Tim Fortescue had in mind when he made that**

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1 **statement. I mean, he did leave the Whips' Office under**
 2 **a cloud --**
 3 Q. Yes.
 4 **A. -- which I think you know. We won't go into it.**
 5 Q. No.
 6 **A. But he did leave it under a cloud. I have no**
 7 **recollection from the period of the Pym Whips' Office of**
 8 **any sort of scandal suggestion with regard to the abuse**
 9 **of children.**
 10 Q. Nor, from what you have said, do you have any similar
 11 recollection relating to your later time as Chief Whip?
 12 **A. Correct.**
 13 Q. Other than the note we have talked about?
 14 **A. Yes, I have said that.**
 15 Q. I have a few questions to ask you about the second
 16 witness statement you provided the inquiry with?
 17 **A. Yes. I must apologise to the inquiry for coming back at**
 18 **a late stage with a later statement, but I did read**
 19 **through, over last weekend, the opening statement by**
 20 **counsel, because I hadn't really been aware up until**
 21 **then of the nature -- the way the inquiry was going, and**
 22 **there were these two issues which, I wondered whether it**
 23 **was better to put a second statement in earlier in the**
 24 **week or ask to raise it here, but I did feel -- I hope**
 25 **that was helpful.**

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1 with someone that relates to that. Perhaps you can just
 2 tell us about that?
 3 **A. Well, a friend of mine who lived close to where I live**
 4 **in Yorkshire was John Cobb QC, who I think I'm right in**
 5 **saying was leader of the northern circuit, and he later**
 6 **became Sir John Cobb, who is the Assize judge who**
 7 **tragically died whilst he was presiding at Winchester**
 8 **Assizes, I think, died very suddenly. He said to me**
 9 **that he had been invited -- I really have no idea**
 10 **whether it was the police or the DPP -- to look at the**
 11 **papers with regard to Cyril Smith and that he had**
 12 **advised that he did not think there was evidence**
 13 **sufficient to get a conviction.**
 14 Q. When did you have this conversation with him?
 15 **A. This is a problem. I obviously can't remember.**
 16 Q. I'm not asking for the date, but roughly?
 17 **A. I have said around 50 years ago, probably less than**
 18 **that. But I have really no idea. I knew John Cobb**
 19 **quite well.**
 20 Q. Let's put it this way: from the substance of what you
 21 are saying, him being asked to advise either the police
 22 or the DPP, the obvious time that that might have
 23 happened was in 1969 or 1970?
 24 **A. Could well have been.**
 25 Q. Does that broadly fit in with the sort of timescale you

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1 THE CHAIR: Thank you.
 2 MR O'CONNOR: Let's call it up on screen, INQ004197. Please
 3 don't apologise, Lord Jopling. It's very helpful that
 4 you raised these matters with us in writing in the way
 5 that you did.
 6 As you say, there are two factual issues, different
 7 factual issues, relating to different matters that you
 8 have drawn our attention to. I think for the chair and
 9 panel it may well be behind -- I think it's slipped in
 10 behind Lord Jopling's first witness statement. I will
 11 ask you about the detail, Lord Jopling.
 12 The first of the factual matters you wanted to bring
 13 to our attention relates to the Cyril Smith case,
 14 doesn't it?
 15 **A. Yes.**
 16 Q. I'm looking at paragraph 3 of your statement. We
 17 haven't got it on the screen but we can talk about the
 18 content of it. We know, and this inquiry knows from its
 19 previous Rochdale investigation, that Cyril Smith was
 20 investigated by the police on allegations of child abuse
 21 at the Cambridge House Hostel in around about 1969/1970.
 22 We know that the police investigation led to some papers
 23 being sent to the DPP and that the DPP considered the
 24 case and decided not to take any prosecution. That much
 25 we know. You have remembered a conversation you had

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1 have in mind?
 2 **A. It would fit in with that sort of period.**
 3 Q. I suppose it's possible that he -- did you get the
 4 sense --
 5 **A. It could have been a bit later. I honestly -- I'm very**
 6 **unsighted on when it was.**
 7 Q. Do you remember enough about your conversation with him
 8 to recall whether he was then describing something that
 9 had happened quite recently or a long time ago, or do
 10 you simply not remember?
 11 **A. I got the impression from -- this is -- I'm uncertain**
 12 **now. I got the impression that it was fairly recent.**
 13 Q. Do you remember whether the advice that John Cobb had
 14 given was advice given in writing or orally?
 15 **A. No. No, no, no, no. No idea.**
 16 Q. This was obviously a very long time ago?
 17 **A. Yes.**
 18 Q. Is there any danger that in your own mind you have
 19 confused it with something else --
 20 **A. Not at all.**
 21 Q. -- or it might have been about another case?
 22 **A. Absolutely not.**
 23 Q. So you're not, understandably, sure about the timing,
 24 but you are sure that it was about the Cyril Smith case?
 25 **A. Yes.**

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1 Q. And that that was the advice that Mr Cobb had given?
 2 **A. Yes. I'm absolutely certain about that.**
 3 Q. Thank you. The other matter that you refer to -- let me
 4 just finish that, because there is another part to that
 5 story, isn't there? You remember the conversation you
 6 had with John Cobb --
 7 **A. Yes.**
 8 Q. -- a long time ago. Then at paragraph 4 of your
 9 statement you describe passing that information on.
 10 Could you just tell us about that?
 11 **A. Well, yes. I became aware that David Steel, who I knew**
 12 **quite well when he was leader of the Liberal Party, was**
 13 **being criticised for not having reacted sufficiently**
 14 **quickly to the Cyril Smith situation, and recalling the**
 15 **conversation that I had with John Cobb -- I may say, I'm**
 16 **not in the business of supporting the Liberal Party,**
 17 **rather the opposite, but I just thought it was fair to**
 18 **tell David Steel about this previous conversation, which**
 19 **I did.**
 20 Q. Whereas your initial conversation with John Cobb back in
 21 the 1970s sometime, your conversation with David Steel
 22 much more recent?
 23 **A. Oh, yes. Oh, yes, that was -- again, I'm sorry, I can't**
 24 **help you much with time. But I would have thought it**
 25 **was within the last four, five, six years, something**

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1 heard evidence about allegations being made about
 2 Peter Morrison and indeed about him being doorstepped.
 3 That evidence is related to the late 1980s -- late
 4 1986/87, but as I understand what you are saying now,
 5 the episode you're describing took place while you were
 6 still Chief Whip, so 1983 or earlier?
 7 **A. My recollection is that I was still Chief Whip, but,**
 8 **again, I'm -- I find it difficult to swear it was then.**
 9 **I think it was then.**
 10 Q. You were still in the House of Commons throughout the
 11 1980s?
 12 **A. Oh, yes, I was in the Commons until '97.**
 13 Q. Is your evidence that you think it was while you were
 14 still Chief Whip, but it might have been later?
 15 **A. Yes. I'm sorry if that's a bit vague.**
 16 Q. Not at all. There is one final matter that I want to
 17 ask you about, Lord Jopling, and you mention it briefly
 18 in your statement. But you will recall that we asked
 19 you about some observations that Norman Tebbit had made
 20 about the general culture of the 1980s politically?
 21 **A. Yes.**
 22 Q. In fact, that was based on a clip. It was an interview
 23 he gave on the Andrew Marr Show. I am just going to ask
 24 if we can play it briefly and then I will ask you
 25 a couple of questions about it. It is INQ004091,

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1 **like that.**
 2 Q. The other matter that you address in this second
 3 statement relates to Peter Morrison?
 4 **A. Yes.**
 5 Q. Tell us about that?
 6 **A. I think it was when I was still Chief Whip.**
 7 **Peter Morrison had been a member of my Whips' Office.**
 8 **He was the pairing Whip when I took it over in '79.**
 9 **He'd gone on to become a junior minister, and I can't**
 10 **remember which department, but you will know. It**
 11 **doesn't matter. I heard that he was being pursued and**
 12 **doorstepped by the press over some misdemeanour of some**
 13 **sort.**
 14 **I knew Peter Morrison very well indeed, and I said**
 15 **to him, "Look, I want to know what this is about", and**
 16 **I asked him about it, to the extent that he was being**
 17 **doorstepped.**
 18 **He was absolutely firm that he had done nothing**
 19 **wrong, and, as I said in that statement --**
 20 Q. I think it is paragraph 5. We have it on screen now.
 21 **A. I said there he flatly denied any misdemeanour, but it**
 22 **never crossed my mind that there were any allegations of**
 23 **child abuse. I thought, if there was anything, it**
 24 **was -- he was a bachelor, that it was some gay incident.**
 25 Q. Thank you, Lord Jopling. Just to be clear, we have

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1 please. The chair and panel have seen this before, but
 2 let's have one more look at it now, if we can.
 3 (Video played)
 4 Lord Tebbit, a Cabinet colleague of yours in the
 5 1980s?
 6 **A. Yes.**
 7 Q. He made some remarks about Geoffrey Dickens. We have
 8 looked at some of the contemporaneous notes about him.
 9 But he also made a much more general point: he talked
 10 about what he described as the atmosphere of the times,
 11 to the effect that the establishment, the system, was to
 12 be protected and, if a few things had gone wrong here
 13 and there, it was more important to protect the system
 14 than to delve too far into them. Either from your
 15 perspective as a Chief Whip or subsequently a Cabinet
 16 minister, is that a description of the 1980s that you
 17 recognise?
 18 **A. I don't recognise it at all. I hope you're going to**
 19 **have Lord Tebbit here. I don't know whether you are.**
 20 Q. He's provided us with a witness statement to explain
 21 what he means?
 22 **A. Oh, good.**
 23 Q. I'd like to know whether you recognise that idea?
 24 **A. I do not recognise what he said. It is contrary to my**
 25 **recollection. It is contrary to the way I would have**

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1 **wished to do business.**
 2 Q. What about his suggestion that there may well have been
 3 a big political coverup in the 1980s?
 4 **A. I have no knowledge of that at all. I have tried in**
 5 **this evidence to show to you that it is not in my**
 6 **recollection and it certainly was never part of any**
 7 **intention of mine.**
 8 **MR O'CONNOR: Lord Jopling, thank you. Those are all the**
 9 **questions that I want to ask you. It may be that the**
 10 **chair and panel have some questions for you?**
 11 THE CHAIR: No, we have no questions. Thank you,
 12 Lord Jopling.
 13 **A. Thank you.**
 14 **(The witness withdrew)**
 15 MS BEATTIE: Chair, the next witness is Nick Brown MP.
 16 MR NICK BROWN (affirmed)
 17 Examination by MS BEATTIE
 18 MS BEATTIE: Could you please give your full name?
 19 **A. Nicholas Hugh Brown.**
 20 Q. You have made a statement to the inquiry dated
 21 1 May 2018?
 22 **A. That is correct.**
 23 Q. The first thing I want to ask you about is something
 24 about your parliamentary and political background. You
 25 have been an MP for 35 years; is that right?

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1 **whilst the Labour party found a new leader and then**
 2 **returned to the backbenches.**
 3 Q. Just to be clear, that means you were Chief Whip from
 4 2008 to 2010?
 5 **A. That's correct.**
 6 Q. Have you also been Chief Whip of the parliamentary
 7 Labour Party from 2016 to date?
 8 **A. That's absolutely correct.**
 9 Q. So you are Chief Whip, in fact, today?
 10 **A. I am.**
 11 Q. You have had a busy week?
 12 **A. I have.**
 13 Q. I think in your statement you say it's unusual to have
 14 served in that way for three different, separate periods
 15 in the Whips' Office over three separate decades, but
 16 not unheard of; is that right?
 17 **A. There is a precedent. Arthur Henderson did it in the**
 18 **early part of the last century. And then got the Nobel**
 19 **Peace Prize.**
 20 Q. You describe in your statement that Edward Short wrote
 21 a memoir entitled "Whip to Wilson" covering his time as
 22 Chief Whip in the 1964 to '66 Labour government?
 23 **A. Yes.**
 24 Q. Is that right? I think you exhibited that to your
 25 statement. I wonder if we could just bring that up,

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1 **A. 36 now, I think.**
 2 Q. Of particular interest to the inquiry is your time as
 3 a Whip in parliament, and I understand you've been
 4 a Whip for three different periods in both opposition
 5 and government; is that right?
 6 **A. Yes, I have set this out in my written statement.**
 7 Q. So you were, I think, Deputy Chief Whip and Chief Whip
 8 in 1996 to 1998?
 9 **A. That's correct.**
 10 Q. A period that spanned both opposition and government?
 11 **A. Yes. I was the Deputy Chief Whip in 1996 first,**
 12 **alongside Don -- he went on to be Lord Dixon, and then**
 13 **in my -- doing the job on my own, and then, after the**
 14 **General Election in 1997, Tony Blair appointed me as the**
 15 **Chief Whip for the parliamentary Labour Party.**
 16 Q. I think you left that role to take up ministerial posts?
 17 **A. I went on to become the Minister for Agriculture, a bit**
 18 **like Michael Jopling. It's the same career path.**
 19 Q. Was the subsequent period in which you were in the
 20 Whips' Office in 2007?
 21 **A. Yes. I came back as the Deputy Chief Whip to Geoff Hoon**
 22 **when Gordon Brown became the leader of the Labour Party**
 23 **and a year later was appointed the Chief Whip and held**
 24 **that post right up until the fall of the Labour**
 25 **government. I then carried on over the interregnum**

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1 please. It's LAB000035_005. Just to put this in
 2 context, this is a page from that book, "Whip to
 3 Wilson"; is that right?
 4 **A. That's correct.**
 5 Q. That was published in 1989?
 6 **A. I don't know.**
 7 Q. You can take that from me.
 8 **A. I will take that from you, yes.**
 9 Q. I think Ted Short, as he was known, was in fact an MP
 10 for Newcastle-upon-Tyne Central, which is near your
 11 constituency?
 12 **A. The boundaries have changed and I represent part of what**
 13 **was Ted's old Newcastle Central seat.**
 14 Q. He was a minister during the Labour government of
 15 Harold Wilson and was later a member of the House of
 16 Lords; is that right?
 17 **A. And deputy leader of the Labour Party.**
 18 Q. You say in your statement that you have exhibited this
 19 because you think, although written in 1989, it's still
 20 a good summary of what a Labour Whips' Office does and
 21 how it conducts itself?
 22 **A. Yes. I have extracted it and exhibited it for two**
 23 **reasons. Firstly, because I think Ted's description of**
 24 **the functions of a Labour Whips' Office has stood the**
 25 **test of time. It's pretty -- you know, we have to do**

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1 things that Ted would never have had to do, but it's
 2 a reasonable general description of our functions. But
 3 also, he specifically deals with the question of
 4 Black Book, the keeping of records, of salacious gossip
 5 about other MPs. Ted says explicitly in his book that
 6 her forbade the doing of it. That's in 1964. To the
 7 best of my knowledge and belief, that approach to this
 8 question has continued ever since in the parliamentary
 9 Labour Party, and certainly, in 1997, I restated it
 10 explicitly at the first meeting I held with -- in many
 11 cases MPs for the first time -- the newly-elected and
 12 very large parliamentary Labour Party of which I was the
 13 Chief Whip.

14 Q. Thank you, Mr Brown. We will come back to the detail of
 15 those notes and the Labour Party's practice in that
 16 respect. But can we just look, to start with, at what
 17 is said in that extract. A few lines down, it starts,
 18 "The term 'Whip' was imported in the 18th century from
 19 the hunting field where the job of the whipper-in was to
 20 keep the hounds from straying and, so far as our MPs are
 21 concerned, that remains the basic function of the Whips
 22 in parliament in the late 20th century -- 'straying' in
 23 both the physical and political sense."

24 A. I wouldn't express it in quite the same language, but it
 25 is Ted's language, it is the language of the time.

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1 though, that the welfare role of the Whips' Office had
 2 grown rather than diminished from his time because of
 3 the changing pressures that are on members of
 4 parliament. For example, Ted Short wouldn't have had to
 5 deal with social media and all of the different things
 6 that people say to MPs directly through social media,
 7 which we have to deal with now.

8 Q. So in your view, the welfare role has grown?
 9 A. It has.

10 Q. It's said there that Whips must make themselves aware of
 11 the personal problems of their members. Does that
 12 reflect the active role that Whips are expected to take
 13 in that way?
 14 A. The Whips are supposed to get to know the members of
 15 parliament that they are supervising or helping, their
 16 flock, and to have a relationship with them, and it has
 17 to be one that involves a certain amount of trust and an
 18 understanding that we are working together for a common
 19 purpose.

20 Q. I think you, in your statement, refer to the
 21 Labour Party Whips' Office assisting members of
 22 parliament who bring problems of a welfare nature?
 23 A. We don't run an Intelligence Service. The way you find
 24 out is that people come and tell you that they have
 25 a particular problem. It may be that they need time off

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1 I think he is correct about the hunting metaphor. It is
 2 quite difficult to find another one.

3 Q. I think we have heard from a number of witnesses
 4 reference to the term "flock", having a flock of MPs?
 5 A. Yes.

6 Q. Is that one you recognise?
 7 A. Yes.

8 Q. So you keep your flock together and put them through the
 9 voting lobby. Is that one of the functions?
 10 A. It is.

11 Q. It says "in both the physical and political sense". And
 12 it says there is a good deal more to their work than
 13 maintaining discipline in the party:
 14 "Whips are also welfare officers who must make
 15 themselves aware of the personal problems of their
 16 members and give whatever assistance they can,
 17 particularly where attendance at Westminster may be
 18 affected."
 19 Can I just ask you a few questions about that. That
 20 refers, obviously, expressly to Whips being welfare
 21 officers. Is that something that you --
 22 A. I would have thought that role --
 23 Q. -- recognise --
 24 A. I have no knowledge of how it was when Ted Short was the
 25 Chief Whip. I was 14 years old. I would have thought,

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1 for a family matter or there's something happening in
 2 the constituency that they have to -- the obvious
 3 example would be a disaster of some sort, where people
 4 would want to see their MP, and we would factor that
 5 into the logistics of the management of
 6 the parliamentary business.

7 I mean, to give you an example, if they were serving
 8 on a piece of secondary legislation and they needed to
 9 be in the constituency, then we would ask somebody else
 10 to undertake the parliamentary duties so that they could
 11 be in the constituency.

12 Q. Would it be fair to describe it as a two-way role, both
 13 MPs bringing problems to Whips and Whips seeking out
 14 information about MPs that's relevant?
 15 A. We are not intrusive, but we -- I'm trying to run a show
 16 where people feel they can come and talk to us.

17 Q. We have heard it described by other witnesses, not from
 18 the Labour party, that the Whips are the eyes and ears
 19 of the party. Is that a formulation that you recognise?
 20 A. Up to a point.

21 Q. In terms of what welfare problems or problems of
 22 a welfare nature those might be, as you have already
 23 alluded to, MPs might need time off parliament -- is
 24 that right?
 25 A. Yes, it could be anything: a domestic issue, a health

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1 **problem, a particular difficulty in the constituency.**
 2 **I mean, these are more obvious things.**
 3 Q. In your statement, you refer to issues with the
 4 Independent Parliamentary Standards Authority?
 5 **A. Yes, there are --**
 6 Q. Would that be about MPs' expenses?
 7 **A. Yes, they are very stern. Sometimes the costs of what**
 8 **you are doing for the particular reason that is specific**
 9 **to the MP and the constituency can't be met from the --**
 10 **by IPSA. If there is a case to put to IPSA, we will**
 11 **assist in putting it. We act as advocates rather**
 12 **than -- we cannot tell IPSA what to do, it is an**
 13 **independent authority. But we do try to help MPs.**
 14 **I recall a specific problem, I will give you an example.**
 15 **We had an MP in my time as Chief Whip who broke her leg**
 16 **and therefore couldn't come in to parliament without**
 17 **using a taxi. It was impractical to use the London**
 18 **Underground. IPSA wouldn't pay for the taxi, and then**
 19 **IPSA said, "Well, we will pay for the taxi if the**
 20 **parliamentary business warrants it". My view is it is**
 21 **not for them to say whether the parliamentary business**
 22 **warrants it or not, and that, in order to bring the**
 23 **member in, they should pay for the taxi. In the end,**
 24 **they did. But it is that sort of advocacy.**
 25 Q. Thank you, Mr Brown. Other problems you refer to are,

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1 Q. Lord Jopling referred, though, to wanting to be ahead of
 2 events that might cause future embarrassment. Is that,
 3 again --
 4 **A. We would all like to do that, but unfortunately, mostly**
 5 **it's not a practical proposition. If something has**
 6 **happened, it has happened.**
 7 Q. That's something, though, that the Whips' Office aims to
 8 do?
 9 **A. I don't quite see how.**
 10 Q. By being the ears and eyes of the party and --
 11 **A. How would that help with something that had already**
 12 **happened?**
 13 Q. Mr Brown, I'm just asking you whether you recognise that
 14 description of the function of the Whips' Office as
 15 wanting to make sure that the party is ahead of events
 16 that might cause future embarrassment?
 17 **A. Inasmuch as you can be, yes, of course.**
 18 Q. In respect of the keeping of notes in the Whips' Office,
 19 in the Labour Whips' Office, we have seen from the
 20 extract from Mr Short's book where he says, when he
 21 arrived at number 12, "I was told that it had been the
 22 practice to keep a dirt book in which unsavoury personal
 23 items about members were recorded. I gave strict
 24 instructions that no such book was to be kept in
 25 future."

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1 as I have mentioned already, accommodation and travel,
 2 an MP being stressed or having health problems, or
 3 family matters. Is that right?
 4 **A. Yes, exactly so.**
 5 Q. What about financial -- I don't mean expenses, but other
 6 financial matters relating to MPs? Their private
 7 financial affairs?
 8 **A. There's not much I can do about it, I'm afraid. I don't**
 9 **have any control of any funds that I could lend MPs**
 10 **money from, nor does the Labour Party have such a thing.**
 11 **So I'd be willing to listen, but I don't think there's**
 12 **very much I could do about it.**
 13 Q. In terms of that being the sort of personal problem that
 14 would come to the Whips' Office or that you would be
 15 wanting to know about --
 16 **A. On money, and drawing on my own experience, nobody ever**
 17 **has done.**
 18 Q. What about other personal matters that might lead, for
 19 example, to media interest or media scandal for an MP or
 20 the party?
 21 **A. Yes. Sometimes people have foreknowledge of it where**
 22 **they explain what has happened to the Whips' Office and**
 23 **all we can do is brace ourselves. There isn't any**
 24 **intervention I could make to prevent publication, nor do**
 25 **I think that would be a proper thing to do.**

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1 I think you indicated already you think that was
 2 probably around 1964?
 3 **A. Yes, it would be, because that's when the Labour**
 4 **government same in, Sir Harold Wilson's government.**
 5 Q. So it was your understanding from that, therefore, that
 6 there had been an equivalent book kept by Labour Whips
 7 before that date?
 8 **A. I don't know of such a thing. I was 13 years old at the**
 9 **time.**
 10 Q. But you understand it was banned in 1964 and you say in
 11 your statement that you reiterated that ban when you
 12 became Chief Whip in 1997?
 13 **A. Yes, and from what I know of the characters of**
 14 **the Labour Chief Whips before me, they wouldn't have**
 15 **kept such a thing.**
 16 Q. I think you say --
 17 **A. I certainly didn't inherit one.**
 18 Q. You didn't inherit one?
 19 **A. No.**
 20 Q. So you say you made it a rule that the Labour party
 21 Whips' Office would not hold subjective information.
 22 You issued an instruction that "the only records we
 23 would keep would be objective records", and you forbade
 24 the holding of subjective information in your records;
 25 is that right?

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<p>1 A. That is correct. Although, to qualify it, we do keep 2 letters that people send to us complaining about 3 individual MPs, and we do have the facility to conduct 4 press searches and, therefore, there could be 5 a subjective element to those things. But, you know, we 6 don't generate subjective information ourselves. 7 Q. It leads one to wonder why it would need to be banned 8 again if it had so clearly been banned in 1964, 33 years 9 earlier, by Mr Short? 10 A. Because it's the stuff of legend. It's a great 11 fictional tool for -- Chief Whips are almost always the 12 villains of the piece in fictional depictions, you know, 13 House of Cards, and the American equivalent that came 14 later. There was a landslide victory in 1997, well over 15 half of the parliamentary Labour Party was completely 16 new to parliament, and, for the avoidance of any doubt 17 whatsoever, I reiterated that it was banned, that we 18 weren't -- we didn't keep records about people's private 19 lives, and indeed we don't, and I just wanted them to be 20 happy, and I got a great cheer from the parliamentary 21 Labour Party when I said it. 22 Q. Was that cheer because they thought it was a change in 23 practice from what had gone before? 24 A. It was gallows humour, I think. 25 Q. You did that in 1997, but for the period between 1983</p> <p style="text-align: center;">Page 93</p>	<p>1 and 1997, when you'd been an MP, were you aware of any 2 such notes being held in the Labour Party Whips' Office? 3 A. I knew the Chief Whip for most of that period, 4 Derek Foster, quite well. Derek has just died, 5 Lord Foster. He was a Salvationist. He was 6 a teetotaler. He was a very gregarious figure. It 7 would have been beneath him to keep such a thing. 8 Q. Mr Brown, I'm just asking you whether you saw any such 9 notes in the Whips' Office? 10 A. No. 11 Q. Was there any book or any safe in which they were kept? 12 A. No. 13 Q. You used the phrase in your witness statement 14 "subjective information". Is that another word or 15 a euphemism, if you like, for the gossip that we have 16 been hearing about today? 17 A. Exactly. I think that's a fair thing to say. 18 Q. So that would be gossip or subjective information about, 19 what, the personal lives of MPs? 20 A. Yes, I mean, Westminster is awash with such stories, 21 most of which tend to be put about by, you know, others 22 that work in Westminster. 23 Q. So you forbade the holding of such subjective 24 information and that only objective records would be 25 kept?</p> <p style="text-align: center;">Page 94</p>
<p>1 A. Yes, that's correct. 2 Q. I think the distinction you make there in what you 3 describe as "objective records" are such matters as MPs' 4 attendance at Select Committees, being released from the 5 Whip, leaves of absence, pairing arrangements. So, 6 really, parliamentary matters; is that right? 7 A. Exactly, yes. I think we have -- it may not be this 8 strand of the inquiry, but I think a strand of this 9 inquiry has had a chance to look through our record 10 keeping and to see the paper files that we hold. 11 I mean, the reason I say I think that is because 12 I wasn't the Chief Whip at the time. It was during 13 Rosie Winterton's time as the Chief Whip. We cooperated 14 fully. 15 Q. So you forbade records about that, but obviously the 16 creation of records is different from the knowledge of 17 that information. Would it be right to say it remained 18 the function of the Whips' Office to know about their 19 MPs and their personal lives? 20 A. Not in a salacious or gossipy sort of way. Frankly, I'm 21 just not interested. 22 Q. But the knowing of subjective information would still be 23 relevant to the function of the Whips? 24 A. No, I wouldn't have thought so. 25 Q. If information of that nature was not being written</p> <p style="text-align: center;">Page 95</p>	<p>1 down, would it nonetheless still be discussed in the 2 Whips' Office? 3 A. If you're asking me, "Do Whips gossip amongst 4 themselves?", yes, like everybody else, they do. 5 Q. If there were personal issues relating to an MP of 6 the nature that you have referred to that were relevant 7 to the function of the Whips, how would that then be 8 communicated in the absence of Whips' notes? 9 A. It wouldn't be. I don't know if you're saying, do we 10 give some sort of emphasis to Westminster gossip? No. 11 Q. Mr Brown, you, yourself, have referred to problems of 12 a welfare nature being brought to the Whips' Office? 13 A. That's entirely different. 14 Q. How would that be communicated within the Whips' Office? 15 A. The individual member would talk to the Whip, and if it 16 was something that the individual Whip couldn't sort out 17 for themselves, they would discuss it either with the 18 deputy or myself or possibly with the pairing Whip, 19 which is a separate function. If it was about needing 20 time off. I mean, a lot of what we do is logistics. 21 Q. Are there meetings in the Whips' Office where you would 22 discuss that information? 23 A. It is the culture of the Whips' Office that we meet and 24 discuss issues and decide what to do or what to 25 recommend to others that we do, so, yes, there are.</p> <p style="text-align: center;">Page 96</p>

<p>1 Q. That would be oral sharing of information, but without 2 it being written down? 3 A. Yes. In the main, yes. 4 Q. You say in your statement that you aren't aware of 5 Labour Whips' Office using confidential information to 6 pressure Labour members to vote; is that right? 7 A. If I was aware of it, I would put a stop to it. 8 Q. You will have seen -- I think you've been at the inquiry 9 today -- the comments by Tim Fortescue about expecting 10 loyalty, in effect, from MPs if they got an MP out of 11 trouble. What's your reaction to that? 12 A. The culture of the Labour Party is different and the 13 Labour Whips' Office reflects the culture of our party 14 rather than the culture of the Conservative Party. 15 People stand for election under the Labour Party's 16 political banner, and are expected to work in 17 a cooperative way with the rest of the Labour Party. We 18 are not in the business of blackmailing people into 19 doing it, if that's the implication of the question. 20 Q. If a Labour Whip heard a rumour or gossip about 21 child abuse, how would that be dealt with? 22 A. I would expect them, if there was serious and credible 23 evidence of a criminal act of any kind, including 24 abusing people under the age of consent, for them to 25 bring that to me with the evidence. If the evidence</p> <p style="text-align: center;">Page 97</p>	<p>1 was -- seems to a reasonable person to present a solid 2 case and wasn't just tittle-tattle, I meet with the 3 police regularly, and I would report it to them. If 4 I thought it was serious enough, I would ask for 5 a special meeting to report it. 6 Q. In your statement, do you say: 7 "If an allegation of criminal conduct against 8 a member of parliament came to my attention, I would 9 immediately advise them to contact the relevant 10 authorities, including, of course, the police." 11 By that, do you mean advise the member of parliament 12 to make that contact? 13 A. Well, it depends who had the evidence of the wrongdoing. 14 If somebody was making a charge of wrongdoing, the onus 15 is on them to report it, and I would expect them to do 16 so. 17 Q. So you would refer that back, then, to the individual 18 concerned, rather than making a report yourself? 19 A. Well, I would have no first-hand knowledge of it. So 20 I think it would be a bit unreasonable for me to report 21 it. If the person was concerned and worried, they 22 should report it. 23 Q. That's even though it may be an allegation of criminal 24 conduct against a member of parliament of your 25 parliamentary party?</p> <p style="text-align: center;">Page 98</p>
<p>1 A. If the person felt strongly enough to report it to us, 2 and it was a criminal allegation, then surely they would 3 feel strongly enough to report it to the police? And 4 I would certainly advise them to do so. 5 Q. You will have also seen the comments by Lord Tebbit 6 which have been played today -- 7 A. Yes, I saw it earlier on. 8 Q. -- in the evidence in relation to there being a big 9 political coverup in relation to child sexual abuse in 10 the 1980s; that it was more important to protect the 11 system than to delve too far into them. Again, how do 12 you react to that? 13 A. A bit like Michael Jopling: I would be happier if you 14 asked Norman Tebbit about that rather than ask me what 15 I think he meant. From what I know of the character of 16 the Labour Chief Whips, and here we are talking about 17 Ted Short, we are talking about Michael Cox, we are 18 talking about Bob Mellish, we are talking about 19 Derek Foster, who I did know well and regard as 20 a personal friend, they wouldn't be embraced in what 21 Lord Tebbit is talking about as "the establishment", and 22 they would -- I cannot envisage any of them being party 23 to a coverup of a serious allegation of child abuse. 24 Q. They are Lord Tebbit's comments, but you were an MP in 25 Westminster from 1983, and he says that it was almost</p> <p style="text-align: center;">Page 99</p>	<p>1 unconscious and the thing that people did at that time, 2 you didn't talk about those sorts of things. Is that 3 a culture that you recognise from the 1980s in 4 Westminster? 5 A. Not really. I mean, my memory of the times is that we 6 were -- it was a time of industrial change, it 7 particularly hit my constituency, and we spent most of 8 our time -- because the Labour Party was on the back 9 foot in 1983 -- trying to save the jobs of our 10 constituents. 11 Q. Mr Brown, just one further question to follow up those 12 questions I was asking you about, whether you would make 13 a referral directly in relation to an allegation of 14 criminal conduct against a member of parliament or leave 15 it to the informant, if I can put it that way, to make 16 that referral? 17 A. "Complainant" might be -- 18 Q. The complainant. Is that your understanding of 19 the Labour Party safeguarding policy currently? 20 A. Well, I mean, it really does depend on the strength of 21 the evidence. But if I -- and it is quite difficult to 22 fully answer without having understood the nature of 23 the complaint and who the complainant was and what sort 24 of supportive evidence there was, but if I thought it 25 was credible, then I would raise it with the police</p> <p style="text-align: center;">Page 100</p>

1 myself. But it would have to be -- you know, I don't
 2 regard myself as having to report every bit of gossip
 3 I hear to the police. I mean, the distinction is: look,
 4 how serious is this?
 5 Q. What about the case of an allegation of child sexual
 6 abuse against an MP?
 7 A. It would depend on what the evidence was for that.
 8 Q. That's an assessment that you would seek to make?
 9 A. Sorry?
 10 Q. That's an assessment that you would seek to make?
 11 A. Well, I would be forced to make, wouldn't I? If
 12 somebody had come and told me about it, I wouldn't want
 13 to have knowledge of a crime, a very serious crime,
 14 without doing something about it. I mean, it would
 15 depend on the circumstances, but am I ruling out
 16 reporting it to the police myself because the
 17 complainant either didn't want to or didn't feel they
 18 could, and if the evidence seemed, on the face of it,
 19 a subject for concern, then I would take it upon myself
 20 to do so.
 21 MS BEATTIE: Thank you, Mr Brown. The chair and panel may
 22 have some questions.
 23 Questions by THE PANEL
 24 MS SHARPLING: Thank you, Mr Brown. Just one question from
 25 me, if I may. We heard from Lord Jopling a little

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1 of thing I was thinking about.
 2 A. I cannot think of an occasion in any of my times as
 3 Chief Whip where that specific advance notice has been
 4 exchanged either between myself in government and the
 5 Conservative Chief Whip in opposition or the other way
 6 around. But the explanation -- it is not that I would
 7 be opposed to doing it in principle. I just cannot
 8 think of a practical example of it, and in fact it does
 9 assume that we get advance notice of something that's
 10 going to appear in the media, and I cannot think of
 11 a recent example of my getting that either.
 12 MS SHARPLING: I see.
 13 A. The world moves, remember, at a much faster pace now,
 14 with social media and 24-hour coverage than perhaps it
 15 did in the past.
 16 MS SHARPLING: Indeed.
 17 THE CHAIR: Mr Frank?
 18 MR FRANK: In terms of the records, I think you describe
 19 them as objective records that you would keep?
 20 A. I hope they are, yes.
 21 MR FRANK: Yes. First of all, can I ask you this: we have
 22 heard from Lord Jopling and I think also from
 23 Kenneth Clarke that, as far as the Conservatives are
 24 concerned, they regard those records as the personal
 25 property of the Chief Whip. Is that the policy in your

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1 earlier that the Chief Whips on both sides of the House
 2 would occasionally or from time to time meet as
 3 a pre-warning system to reveal any particular issues
 4 that may affect the other party and vice versa. Is that
 5 something that you are familiar with?
 6 A. There are two parts to your question. Yes, we do meet
 7 regularly. It's not from time to time, it's regular,
 8 and the meetings are professional and cordial, and
 9 that's been my experience with the different
 10 Conservative Chief Whips that I have dealt with in my
 11 three times as Chief Whip, both in government and in
 12 opposition.
 13 Do we share the sort of tittle-tattle and gossip
 14 about -- I mean, you didn't put it that way, in
 15 fairness, but I infer that's sort of what you are
 16 getting at.
 17 MS SHARPLING: No, it is not what I'm getting at.
 18 A. Oh, I'm very sorry then. The answer to that, is, no, we
 19 do not.
 20 MS SHARPLING: I see. Thank you.
 21 A. Sorry, did you mean something different?
 22 MS SHARPLING: Not necessarily tittle-tattle or gossip, but
 23 a pre-warning system. For example, where something was
 24 going to occur in the press the following day, that the
 25 other side perhaps should be aware of. It is that sort

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1 party?
 2 A. We don't keep such records, and I certainly am doing the
 3 job for the party. The information that I have is
 4 shared with others. It's recorded on a database. We
 5 don't have -- you know, we are not using carbon-backed
 6 record keeping. It is -- everything is digital.
 7 The only exceptions to this are letters that people
 8 write to us. I mean, I can go into more detail, if you
 9 like.
 10 MR FRANK: I don't think we need detail about the letters.
 11 What I really want to ask is, is there any such thing --
 12 A. Sorry, and the press surge --
 13 MR FRANK: -- in your memory, of people burning the records
 14 that are held by the Whips' Office in your party?
 15 A. No.
 16 MR FRANK: Thank you very much. That is all I ask?
 17 A. Sorry, I shouldn't have said "No" in that sort of -- but
 18 no is the answer.
 19 THE CHAIR: One final point from myself: you mentioned that
 20 you determined whether any kind of allegations that were
 21 potentially criminal, you would make a determination on
 22 whether they were sufficiently serious or not serious
 23 enough --
 24 A. I think as the Chief Whip I should take the
 25 responsibility, if it's been reported to the Whips'

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1 **Office, and not leave it with a Whip or the deputy or**
 2 **someone else. I think if you are the head of**
 3 **the department, then you have to take the**
 4 **responsibility. I'm not a lawyer myself, although, you**
 5 **know, I deal with lawyers, just as I deal with the**
 6 **police. But I would end up having to make a judgment on**
 7 **the circumstances as they presented. But would I let**
 8 **something serious go, let alone cover it up? No,**
 9 **I would not. And, to the best of my knowledge and**
 10 **belief, my predecessors wouldn't have done either.**
 11 THE CHAIR: Yes, I understand that, but can you give any
 12 examples, which was the end of my question, of something
 13 which you considered, without identifying anyone, not
 14 serious enough?
 15 **A. No. Most of the issues that have come to me have been**
 16 **serious enough to involve the police, and I have done.**
 17 **Not exclusively, but to give you the flavour of it, they**
 18 **concern serious threats to the security of members of**
 19 **parliament.**
 20 THE CHAIR: Thank you very much. We have no further
 21 questions. Thank you, Mr Brown.
 22 **A. Thank you.**
 23 **(The witness withdrew)**
 24 MS BEATTIE: Chair, that conclude's the morning's evidence.
 25 THE CHAIR: We will now take the lunch break and return at

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1 Government Whips' Office?
 2 **A. Yes.**
 3 Q. You served there until 1994; is that right?
 4 **A. Yes.**
 5 Q. After that, I think, again, you held ministerial
 6 appointments for some years before becoming Opposition
 7 Chief Whip in the House of Commons in 1997?
 8 **A. That's correct, yes.**
 9 Q. I think you held that role of Opposition Chief Whip for
 10 four years under William Hague, and you stood down when
 11 he did?
 12 **A. Yes, that's correct.**
 13 Q. Was that in 2001, then?
 14 **A. Yes.**
 15 Q. Just to finish off that chronology, I think you left the
 16 House of Commons in 2015 and that same year were
 17 appointed to the House of Lords?
 18 **A. That's right, yes.**
 19 Q. Of interest to this inquiry is the time you've spent in
 20 the Whips' Office, so just to summarise that, there are
 21 two periods then, 1992 to 1994 and 1997 to 2001; is that
 22 right?
 23 **A. Yes.**
 24 Q. But in your witness statement I think you explain that
 25 your experience of the Whips' Office was not limited to

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1 2.00 pm.
 2 (1.00 pm)
 3 (The short adjournment)
 4 (2.00 pm)
 5 MS BEATTIE: Chair, the next witness is Lord Arbuthnot.
 6 LORD JAMES NORWICH ARBUTHNOT (affirmed)
 7 Examination by MS BEATTIE
 8 MS BEATTIE: Could you please give us your full name?
 9 **A. James Norwich Arbuthnot.**
 10 Q. You have made a statement to the inquiry dated
 11 24 May 2018; is that right?
 12 **A. Yes.**
 13 Q. The first thing I would like to ask you about is
 14 something about your parliamentary and political
 15 background. Is it right you entered the House of
 16 Commons in 1987?
 17 **A. Yes.**
 18 Q. You were an MP, I think, for 28 years in two different
 19 seats?
 20 **A. Yes, that's correct.**
 21 Q. You spent time as Parliamentary Private Secretary in the
 22 Ministry of Defence and the Department for Trade and
 23 Industry?
 24 **A. Yes.**
 25 Q. I understand that in 1992 you were appointed to the

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1 those periods because every MP has dealings with the
 2 Whips?
 3 **A. Yes, they do.**
 4 Q. I'd just like to ask you some more questions about the
 5 role of the Whips and the function of the Whips. I'm
 6 looking at your witness statement. If you want to look
 7 in the bundle in front of you, it's behind tab 1.
 8 I don't ask for it to be brought up, but it is from
 9 paragraph 4 onwards where you deal with this.
 10 You explain that over your time as an MP, being
 11 a period of 28 years, the power of the Whips reduced in
 12 relation to MPs because of a change to the role of
 13 the Whips in selecting MPs for positions on Select
 14 Committees. Is that right?
 15 **A. Yes, that is right.**
 16 Q. Would you like just to explain that a bit more, please?
 17 **A. Well, perhaps I'm the best example of that, because**
 18 **I became the chairman of the Defence Select Committee in**
 19 **2005, having been chosen by agreement between the**
 20 **Conservative Chief Whip and the Labour Chief Whip, and**
 21 **then they put it on the order paper and, under a whipped**
 22 **vote, my appointment was confirmed by the House of**
 23 **Commons, as everybody expected it would be.**
 24 **In 2010, the situation had changed because the**
 25 **choice of who was to be the chairman of a Select**

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<p>1 Committee was done by election rather than by the Whips, 2 and so I had to stand for election against other MPs, 3 and won that. So that gave to the House of Commons, as 4 opposed to the Whips, the power to determine who was 5 going to be in positions on Select Committees. 6 Q. So that change was one that took place, then, between 7 2005 and 2010? 8 A. Yes. 9 Q. So, in terms of this inquiry's timeframe and focus, 10 that's quite a recent change? 11 A. Yes. 12 Q. And, up until 2005, so for the period 2005 and earlier, 13 is it right that Whips were still relevant for those 14 decisions? 15 A. They were still relevant, but they were much less 16 important after that change, yes. 17 Q. So for 2005, earlier, using the language you use in your 18 witness statement, Whips did have rewards to offer for 19 good behaviour or to withhold for bad behaviour? 20 A. Yes. They still do have rewards, as Michael Jopling 21 said earlier, but they are fewer rewards in number. 22 Q. I think Lord Jopling explained that there are still some 23 appointments which are determined by the Whips. That's 24 right? 25 A. Yes.</p> <p style="text-align: center;">Page 109</p>	<p>1 Q. You say in your statement that the Whips play a large 2 part in the course of the lives and careers of their 3 MPs; is that right? 4 A. Yes. 5 Q. I think you say that they represent a network of 6 communication between backbenchers and government 7 ministers? 8 A. Yes. 9 Q. You say that there are perhaps 15 Whips at any one time 10 and that each Whip has a flock of backbench MPs? 11 A. Yes. The role of a Whip is very similar to that of 12 a sheepdog, so just making sure that everybody is going 13 in roughly the same direction at roughly the same time. 14 Q. This seems to be fairly common terminology -- 15 A. Yes, it is. 16 Q. -- as understood in the House of Lords and the House of 17 Commons? 18 A. Exactly the same in both parties -- in both houses, yes. 19 Q. So that's the Whip as a sheepdog with his flock of 20 sheep. I think you also use the term "pastor", which of 21 course is used with reference to a flock as well. So is 22 the Whip's role also one of pastor over his flock? 23 A. Yes, and that is because you only get people going in 24 the same direction at the same time if they feel they 25 have a common sense of purpose. I can't remember</p> <p style="text-align: center;">Page 110</p>
<p>1 whether it was Nick Brown who said that or Lord Jopling, 2 but that is the main role of the Whips, to create within 3 the party structure a sense of unity and common purpose, 4 and in order to do that, you need to become trusted by 5 the flock that you have, and, as Chief Whip, the entire 6 parliamentary party was my flock, so that they feel 7 there is a purpose worth moving together in unity over. 8 Q. You explain that it is an important role of the Whips to 9 know individual MPs well? 10 A. Yes. 11 Q. And to be the eyes and ears of the parliamentary party? 12 A. Yes. 13 Q. So those roles and functions, do they also assist in 14 moving the MPs in that common direction that you 15 described? 16 A. Yes, it's all a question of having a good set of 17 relationships within the party so that if you are asking 18 someone to do something which they might not naturally 19 be very keen on doing, they're more likely to do it out 20 of a sense of loyalty and friendship than if you don't 21 have those good relationships. 22 Q. I suppose knowing information about someone is an 23 important part of having a good relationship? 24 A. Yes, knowing what makes them tick: what they like, what 25 they don't like, what they're interested in --</p> <p style="text-align: center;">Page 111</p>	<p>1 particularly what they're interested in. 2 Q. The inquiry heard from Gyles Brandreth earlier this week 3 who said you would keep your ear to the ground and 4 report in whatever you hear about people. The idea is 5 to get to know the people who are within your flock, 6 including what their problems are, so that you have 7 a rounded view of them? 8 A. Yes, that's a good way of putting it: a rounded view is 9 very helpful and, also, you can be there, if they want 10 you to be, to help. 11 Q. You say in your statement that one of the reasons for 12 knowing what was going on was so that the party could 13 head off trouble. Is that right? 14 A. Yes. Sometimes people behave not wisely, and if you can 15 say, "Look, I really wouldn't do that if I were you. It 16 is going to get you all sorts of problems", they might 17 start behaving wisely. They might not, but at least you 18 can try. 19 Q. The sort of trouble that might be headed off, what kind 20 of trouble would that be? 21 A. Well, amongst the papers that you have found in the 22 papers that I gave to the Bodleian Library is 23 a telephone conversation transcript that I had, 24 apparently, with Charles Wardle. I have to say, I don't 25 actually remember that telephone conversation. But it</p> <p style="text-align: center;">Page 112</p>

1 seems from that transcript that Charles Wardle had
 2 written an article for a newspaper, of which we had no
 3 warning, the Whips had no warning. That meant that the
 4 Conservative press office was completely blindsided,
 5 from the looks of that transcript, about that article,
 6 and it would have been helpful to have had advance
 7 notice of the article so that the press office could
 8 have, for example, prepared lines to take in the event
 9 of newspapers contacting them. I don't actually know
 10 whether that's what happened, but that's the sort of
 11 thing that might -- that is an example.

12 Q. So trouble might be if there is going to be a press
 13 story about a member of parliament?

14 A. Yes, that could be.

15 Q. That press story could be related to personal matters as
 16 well as --

17 A. It could be related to anything.

18 Q. -- more squarely political matters?

19 A. Yes, it could be related to anything.

20 Q. You were asked the question by the inquiry whether the
 21 Whips sought to obtain details of confidential matters
 22 relating to members of the party, and you said the
 23 answer is unequivocally no. Is it right that when you
 24 gave that answer, we would have to understand that in
 25 the context of the Whips being the eyes and ears of

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1 party could make the best use of that experience. So,
 2 in that sense, we would try to get to know the MP as
 3 well as possible.

4 Q. You would want your Whips, presumably, to take
 5 initiative in that regard and get to know their MPs?

6 A. Yes, absolutely, I would say that, "This needs to be
 7 done by such and such a date".

8 Q. You say that if someone did get into trouble, that
 9 person might come to the Whips on the basis that the
 10 Whips might be able to help?

11 A. Yes.

12 Q. What sort of help would a Whip provide?

13 A. Normally, it would be advice, but the trouble could take
 14 many different forms. Not that, at this considerable
 15 distance of time, I can remember many of those forms of
 16 trouble, but there were a couple of incidents of
 17 financial trouble. There were -- that's the only
 18 trouble that I can actually remember at this distance.
 19 Most of the information that the Whips got was about
 20 political differences or personal dislikes or
 21 legislative concerns; things like that.

22 Q. You say the consequence would be that if someone got
 23 into trouble, and in most walks of life there are people
 24 who do, that person might come to the Whips on the basis
 25 that the Whips might be able to help. Would it be right

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1 the party wanting to keep their ears open, trying to
 2 know individual MPs well and doing so in part to head
 3 off trouble?

4 A. Yes. I think Nick Brown put it correctly when he said
 5 the Whips are not intrusive. In a sense, the Whips act
 6 as sponges for information, and so, if they hear
 7 something that looks as though it might need to be acted
 8 upon in order to stop people behaving stupidly or to get
 9 changes of legislation, something like that, then the
 10 Whips will take that information in.

11 But they don't go out -- as Nick Brown said, they
 12 are not an Intelligence Service, except from the point
 13 of view of listening and taking in information such as
 14 comes to them.

15 Q. If the Whip is expected to get to know their individual
 16 MPs well, would you expect them to take an active role
 17 in that regard?

18 A. Yes. When I was the Chief Whip, I introduced a system
 19 of having regular -- I wanted it to be every six
 20 months -- meetings between the Whip and each member of
 21 his or her flock so that the Whip and the member of
 22 the flock could discuss where that person's career was
 23 going, what they were interested in, what they liked,
 24 what they didn't like, what they wanted to do in terms
 25 of ambition, what their experience was, so that the

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1 to say that, as in most other walks of life, people got
 2 into personal trouble as well as professional trouble?

3 A. Yes.

4 Q. So that could involve, if it does, the personal lives of
 5 MPs, potential scandal or damaging stories that would
 6 get into the media?

7 A. Yes.

8 Q. That may then have an effect of electoral damage for
 9 a political party?

10 A. Yes.

11 Q. You say that most of the few cases you were aware of
 12 were financial. We heard from Mr Brandreth about there
 13 being plenty of other scandals in the 1990s that weren't
 14 necessarily financial. Were you aware of other trouble
 15 in the 1990s coming to your attention as a Whip?

16 A. Well, I was aware of a few affairs, and bearing in mind
 17 that I did not have a book to write, as Gyles Brandreth
 18 did, I didn't take too much note of them. I'm sure
 19 I was aware of, for example, sexual alliances that might
 20 have been uncomfortable if they had hit the public eye.
 21 I can't actually, thinking back on it, remember many of
 22 them.

23 Q. You said most of the few were financial. Is it likely,
 24 then, that the rest of the few were of the nature you
 25 have just described?

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1 **A. I suppose so. It is a long time ago, though.**
 2 Q. We saw from Lord Jopling's notes this morning -- I think
 3 you have been in the inquiry to see that --
 4 **A. Yes.**
 5 Q. -- that there were a lot of notes there, and
 6 I appreciate that's an earlier period, in relation to
 7 the personal lives of MPs.
 8 **A. Yes.**
 9 Q. Was that, again, consistent with these other kind of
 10 cases that you have alluded to, of trouble that was not
 11 financial but relating to affairs or sexual alliances?
 12 **A. It's consistent with them, yes. One thing I do want to**
 13 **say about Lord Jopling's notes, the first note that**
 14 **referred to Willie Whitelaw, I don't think it is**
 15 **likely -- he is likely to have been -- this is a pretty**
 16 **minor point. I don't think he is likely to have been**
 17 **correct in saying that it was a backbench meeting**
 18 **relating to the Home Office. I think it's much more**
 19 **likely to have been a ministerial meeting in the**
 20 **Home Office to which the Home Office Whip will have gone**
 21 **along, because I think the things that were raised in**
 22 **that note were not the sort of things that would have**
 23 **been raised with backbenchers. But that is an**
 24 **unimportant point in the terms of this inquiry.**
 25 **But those are the sorts of things that might make**

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1 Q. A sense of loyalty, is that to the party?
 2 **A. Yes, I suppose it is. Actually, it's more to your**
 3 **mates. So when questions have been asked this morning**
 4 **about, "Would you use knowledge of bad things about an**
 5 **MP to encourage them to behave in a particular way?",**
 6 **I entirely agree with Lord Jopling that that is not**
 7 **a good way to motivate people. You get precisely the**
 8 **reverse reaction -- at least, I would assume you'd get**
 9 **precisely the reverse reaction from an MP if you tried**
 10 **to do that. But MPs build a sense of loyalty to their**
 11 **colleagues. They don't want to let their colleagues**
 12 **down. And that's something to be fostered within**
 13 **a party.**
 14 Q. The suggestion from Tim Fortescue, which you will have
 15 seen played in the clip --
 16 **A. Yes.**
 17 Q. -- was that, "We would do everything we can because we
 18 would store up Brownie points. If we could get a chap
 19 out of trouble, then he will do as we ask for evermore".
 20 I understand that you are saying that you and, as you
 21 understand it, Lord Jopling would disavow any direct
 22 pressure on an MP by reference to their trouble -- is
 23 that right?
 24 **A. Yes, for a number of different reasons. First, because**
 25 **I don't think it would work; second, because you thereby**

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1 **their way into Whips' notes, yes.**
 2 Q. You explained earlier that you might have a meeting with
 3 an MP and suggest that they do or don't take a certain
 4 course of action.
 5 **A. Yes.**
 6 Q. So, again, if the trouble in a particular case were in
 7 the nature of personal trouble, such as affairs or
 8 sexual alliances or that sort, would you be discussing
 9 what an MP -- you would advise an MP to do or not to do
 10 in those circumstances?
 11 **A. I suppose I would, but since I can't remember any actual**
 12 **instances of it, I suppose it would depend hugely on the**
 13 **details of the trouble.**
 14 Q. Do you remember any trouble relating to allegations of
 15 child sexual abuse?
 16 **A. No.**
 17 Q. You referred earlier to wanting to create a sense of
 18 loyalty and friendship --
 19 **A. Yes.**
 20 Q. -- among MPs and between MPs and their Whip in the
 21 flock?
 22 **A. Yes.**
 23 Q. And between you as Chief Whip and the entirety of
 24 the parliamentary party?
 25 **A. Yes.**

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1 **destroy the trust, which is the main thing you're trying**
 2 **to build up; third, because an MP who had the feeling**
 3 **that there was something hanging over his head would**
 4 **eventually break, and that's not a good way to lead**
 5 **people.**
 6 Q. If MPs know that it's the job of the parliamentary Whips
 7 to know them well and to share that information with
 8 their fellow Whips and the Chief Whip, they are going to
 9 know that their trouble is known about?
 10 **A. Yes.**
 11 Q. So even without an overt reference to the trouble, is
 12 there not a way in which more subtle pressure can be put
 13 on an MP because they know you know?
 14 **A. Well, no, not really. They will know that their trouble**
 15 **is known about if they know how the Whips' Office works,**
 16 **but they will also know that the Whips keep things**
 17 **confidential, and that they can trust the Whips' Office**
 18 **not to talk about the information that they know, which**
 19 **was why I disapproved so strongly of Gyles Brandreth**
 20 **writing a book about the Whips' Office.**
 21 Q. Because he broke that silent code?
 22 **A. Well, that's not a phrase that I used, although he says**
 23 **I did, but, yes, he was -- it is not that he was**
 24 **breaking a code of silence, he was breaking the**
 25 **confidentiality, which is the key strength of the Whips'**

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<p>1 Office.</p> <p>2 Q. That confidentiality would extend to personal</p> <p>3 information about MPs?</p> <p>4 A. Yes.</p> <p>5 Q. Most particularly, perhaps?</p> <p>6 A. Most particularly.</p> <p>7 Q. I'd like to ask you some questions about the Whips'</p> <p>8 notes. You refer, as we have already heard from others,</p> <p>9 to there being "the book", which you say was the</p> <p>10 collective memory of the Whips, and that gossip, any</p> <p>11 gossip or information, would be written in it, and in</p> <p>12 fact, on leaving -- you have heard in the tearoom, on</p> <p>13 leaving the tearoom, the Whip who had picked up any</p> <p>14 gossip might return to the Whips' Office and write</p> <p>15 a Whip's note in the book?</p> <p>16 A. Yes.</p> <p>17 Q. It was, as I understand it, then, very much for gossip,</p> <p>18 not limited to parliamentary business or the policy of</p> <p>19 the day?</p> <p>20 A. Oh, certainly not limited to that. But I agree with</p> <p>21 Lord Jopling that it's not a good idea to limit things.</p> <p>22 You need to gather in what you can and glean from that</p> <p>23 what is useful and of interest. Frankly, not much was.</p> <p>24 Q. Well, I imagine the chair and panel will make their own</p> <p>25 view of the notes that we saw from Lord Jopling this</p> <p style="text-align: center;">Page 121</p>	<p>1 morning and the extent to which they're of interest.</p> <p>2 But we saw from those notes that certainly very personal</p> <p>3 information was noted down in those notes?</p> <p>4 A. Yes.</p> <p>5 Q. Yes? You would agree with that?</p> <p>6 A. Yes, I would.</p> <p>7 Q. That predates your time as Chief Whip?</p> <p>8 A. Yes.</p> <p>9 Q. But is that the sort of gossip and information that you</p> <p>10 wrote down and saw written down in the book?</p> <p>11 A. Those were some examples of the type that I would see or</p> <p>12 write myself, yes. But there was a lot more about</p> <p>13 policy, usually, than the more salacious gossip that has</p> <p>14 been referred to.</p> <p>15 Q. I think you've said there were 15 Whips. Does that</p> <p>16 include the Chief Whip and Deputy Whip or is that in</p> <p>17 addition?</p> <p>18 A. It's a very rough number. They changed in terms of</p> <p>19 numbers.</p> <p>20 Q. So all those people could be writing in the book?</p> <p>21 A. All of them could be. Sometimes they had to be</p> <p>22 encouraged to because they couldn't be bothered.</p> <p>23 Q. Was it the case in your time that, as we have heard,</p> <p>24 there was the carbon copy used?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 122</p>
<p>1 Q. So a hard copy was ripped off and the rest was left in</p> <p>2 the book?</p> <p>3 A. Yes.</p> <p>4 Q. You say that there was a change in practice between the</p> <p>5 two periods when you were Whip, so from '92 to '94, the</p> <p>6 notes were kept for longer than two weeks; is that</p> <p>7 right? But then, when you returned in 1997, there was</p> <p>8 a practice of destroying them after two weeks. Is that</p> <p>9 right?</p> <p>10 A. Yes. When I say that from '92 to '94 they were kept for</p> <p>11 longer than two weeks, that's what I believe happened.</p> <p>12 But since I wasn't the Chief Whip in that period --</p> <p>13 I don't know exactly what did happen to them. They</p> <p>14 weren't under my control. But I heard about the change</p> <p>15 of policy later, possibly from Gyles Brandreth's book,</p> <p>16 I don't know.</p> <p>17 Q. I don't want to take too long on it, but if I can turn</p> <p>18 that up, it's INQ004169_006. You're obviously familiar</p> <p>19 with Mr Brandreth's book and you have seen this today,</p> <p>20 I think. For you, it's page 388 of the internal page</p> <p>21 numbering of the book?</p> <p>22 A. Yes.</p> <p>23 Q. This is just to clarify the timing of this change of</p> <p>24 practice. So I think Mr Brandreth was in the Whips'</p> <p>25 Office between 1995 and 1997, which is the gap between</p> <p style="text-align: center;">Page 123</p>	<p>1 your two periods in the Whips' Office?</p> <p>2 A. Yes.</p> <p>3 Q. He describes here, as the chair and panel have already</p> <p>4 seen, that there was a change in practice in 1996</p> <p>5 whereby the Chief Whip decided that the notes would</p> <p>6 still be written, "Keep writing the notes, he needs the</p> <p>7 information, so does the PM, but sleep easy, boys, from</p> <p>8 now on the notes will be shredded on a regular basis"?</p> <p>9 A. Yes.</p> <p>10 Q. Would that make sense, then, that in 1996 -- between the</p> <p>11 two periods of your time in the Whips' Office, this was</p> <p>12 the new policy and, when you came back in, shredding was</p> <p>13 the practice?</p> <p>14 A. Although I can't say that from my own knowledge, yes,</p> <p>15 that makes sense.</p> <p>16 Q. Who would destroy and where would the notes be</p> <p>17 destroyed?</p> <p>18 A. The notes were kept under the control of my special</p> <p>19 adviser and she would give them to me at the end of</p> <p>20 the day and she would keep the carbon copy books and,</p> <p>21 once I had read them, I would give the notes back to her</p> <p>22 and she would destroy them.</p> <p>23 Q. You will have seen from Mr Brandreth's book that there</p> <p>24 is also this question, which has been already alluded to</p> <p>25 today, about who owns the notes. Did you regard them as</p> <p style="text-align: center;">Page 124</p>

1 your own property?

2 **A. Very ephemerally. For two weeks, I suppose I did. But**

3 **I don't think I troubled myself about that.**

4 Q. You transferred some notes, as you have already

5 mentioned, to the Bodleian, or was it Oriel College?

6 **A. I thought it was Oriel College when I wrote my witness**

7 **statement. It later turned out to -- I looked it all up**

8 **in my emails. It turned out to have been the Bodleian.**

9 **I gave them all the papers I had from the Whips' Office.**

10 Q. Can we look briefly at one of those documents which

11 behind your tab 3, INQ002014. It's called "The Whips'

12 Charter", and it says:

13 "Mission statement:

14 "The aim of the office is to sustain the government

15 and promote the personal success and development of each

16 Conservative member in a caring environment."

17 **A. Yes.**

18 Q. I think that's of a piece with what you were alluding to

19 before about caring for your flock?

20 **A. Well, this was just an elaborate joke produced at a time**

21 **of the Citizens' Charter; an internal document for**

22 **looking -- for the Whips only. I suppose it's**

23 **consistent, yes, with what I've been saying about caring**

24 **for my flock, or our flock.**

25 Q. Was it kept in the Whips' Office on the wall?

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1 "(c) when reason alone appears insufficient."

2 **A. Yes.**

3 Q. Was that a frequent occurrence?

4 **A. What, that reason alone appeared insufficient? That was**

5 **a frequent occurrence. But threats or intimidation were**

6 **not used that I can remember, except for on one occasion**

7 **which I referred to in my witness statement, when,**

8 **apparently, David Lightbown picked up Jerry Hayes and**

9 **shoved him against the wall and called him all sorts of**

10 **nasty things. But that was par for the course, I think,**

11 **for both David Lightbown and Jerry Hayes.**

12 Q. Yes, I was going to ask you about that. You refer to

13 that as an example of apocryphal stories of bullying in

14 your statement?

15 **A. Yes.**

16 Q. I think they were MPs in the '80s and '90s; is that

17 right?

18 **A. Yes.**

19 Q. So that is sometime ago. Are there other apocryphal

20 stories of more recent origin?

21 **A. Probably, but none I can call to mind at the moment.**

22 Q. But again, that time period obviously of some relevance

23 to this inquiry, the '80s and '90s?

24 **A. Yes, the timescale is relevant. The incident is --**

25 **well, it's for you to decide.**

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1 **A. Oh, no, no, I think it was distributed to the Whips**

2 **between -- probably about 1993, probably. I just kept**

3 **my copy in some file or other because I thought it was**

4 **funny.**

5 Q. We can see the humour starting at paragraph 1:

6 "Whips (or [carers]) shall wear name badges which

7 will include familiar or popular names, eg, Mr Nasty,

8 Mr Smooth, The Smiler, The Persuader, The Ineffectual,

9 The Terminator", et cetera.

10 **A. Yes.**

11 Q. Perhaps I won't ask if you were one of those?

12 **A. I think best not, yes.**

13 Q. But, on a serious note, does that indicate that the

14 Whips were adopting, if I can use the vernacular, a kind

15 of good cop/bad cop approach to their flock, if they

16 were The Terminator or if they were Mr Smooth?

17 **A. No, it doesn't indicate anything except for the gallows**

18 **humour that Nick Brown referred to earlier in his**

19 **evidence.**

20 Q. At paragraph 2:

21 "Threats or intimidation must not be used, except in

22 the following circumstances:

23 "(a) on a three-line whip.

24 "(b) when the member concerned has missed a division

25 within the previous year.

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1 Q. Carrying over the page of this document to the second

2 page, clearly the humour continues:

3 "If a member dies in the Palace of Westminster, the

4 following should be informed, in order.

5 "(a) the pairing Whip ...

6 "(b) central office

7 "(c) the accommodation Whip

8 "(d) next of kin.

9 "* if so, delete (d)."

10 If I can go over the page, I think the top paragraph

11 is missing, probably, paragraph 7, but:

12 "The views of Parliamentary Private Secretaries may

13 sometimes be sought. In return, PPSs must always abide

14 by the words spoken by Sir Carol Mather:

15 "We must endeavour to inculcate that instinctive

16 reaction to the word of command which is the foundation

17 of all good discipline!."

18 Can you explain to us what that means?

19 **A. I think the humour in that paragraph is contained in the**

20 **word "may". In other words, Parliamentary Private**

21 **Secretaries, it is implying, are generally to be**

22 **completely ignored. I don't think I need say more about**

23 **that.**

24 Q. Then finally in relation to paragraph 8:

25 "Whips' Office relations with the media, photo

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1 opportunities, interview requests, video rights,
 2 et cetera, will be handled exclusively by Trappist Vows
 3 Limited (prop R Ryder).
 4 "Encounters with lobby journalists take place
 5 outside the terms of the Whips charter."
 6 Firstly, Trappist Vows Limited -- reference to a vow
 7 of silence?
 8 **A. Presumably.**
 9 Q. And "(prop R Ryder)"?
 10 **A. Richard Ryder was the Chief Whip at the time.**
 11 Q. We have heard about Mr Brandreth's reference to the code
 12 of silence, and in fact him calling his book "Breaking
 13 the Code", and I think you said you don't share entirely
 14 that characterisation?
 15 **A. Well, I wouldn't have used those words, although he says**
 16 **that I did. We did have a telephone conversation about**
 17 **the book.**
 18 Q. Here we see, if only in jest, a reference to monks' vow
 19 of silence?
 20 **A. Yes.**
 21 Q. I think that's consistent with the evidence you have
 22 given about things not going outside the Whips' Office?
 23 **A. Yes.**
 24 Q. That would extend, would it, to personal trouble for
 25 MPs?

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1 **So was I aware of anything being shared with the**
 2 **police? No, because I wasn't aware -- I can't remember**
 3 **any criminal allegations that were made while I was**
 4 **either Chief Whip or a junior Whip.**
 5 Q. You were asked about Lord Tebbit's comments, and, again,
 6 they have been referred to today, and you say that it is
 7 true that there was, even as late as the 1980s, a degree
 8 of deference towards the establishment?
 9 **A. Yes.**
 10 Q. What did you mean by "a degree of deference towards the
 11 establishment" in the context of comments about a big
 12 political coverup relating to child sexual abuse?
 13 **A. Well, what I meant, and I think I said this in the**
 14 **sentence before, accepting the degree of deference, what**
 15 **I meant was, I suppose it is conceivable that there was**
 16 **a big political coverup because it is hard to prove**
 17 **a negative, but I'd put the likelihood of its having**
 18 **happened as very low. Nevertheless, deference has**
 19 **slipped away gradually over the course of the last 50 or**
 20 **60 years in a way which is very visible, particularly**
 21 **today, and in many respects, that's a very good thing.**
 22 Q. Do you think the degree of deference, even as late as
 23 the 1980s, would, or did, extend to turning a blind eye
 24 to certain types of behaviour?
 25 **A. To certain types of behaviour, possibly; to criminal**

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1 **A. I think that is taking it further than I would want to**
 2 **take it. The point about things not going outside the**
 3 **Whips' Office was that you only build up trust if you**
 4 **can build up a belief in the confidentiality of**
 5 **the people that you are talking to. So I don't think**
 6 **it's right to say that because the Whips maintained**
 7 **confidentiality, they would take no action if there were**
 8 **personal trouble. I think that's taking it a step too**
 9 **far.**
 10 Q. If it were known, though, that there were those
 11 circumstances of confidentiality, the Whips' Office
 12 might become a greater repository for confidential
 13 information?
 14 **A. Yes, and that was probably the purpose of that knowledge**
 15 **about the confidentiality.**
 16 Q. Were you ever aware of information that had been --
 17 confidential information that had been brought to the
 18 Whips being shared outside, with police or other
 19 authorities?
 20 **A. Well, I was a bit surprised to hear that Nick Brown**
 21 **meets regularly with the police, because I can't**
 22 **remember, when I was Chief Whip, having any meetings**
 23 **with the police, but then he explained that in the terms**
 24 **of the threats that members of parliament now find**
 25 **themselves under.**

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1 **behaviour of a serious nature, no, I don't. And I don't**
 2 **think it would have in the 1980s either. I don't,**
 3 **myself, think it would have. But different people react**
 4 **in different ways.**
 5 MS BEATTIE: Thank you. The chair and panel may have some
 6 questions.
 7 THE CHAIR: Mr Frank?
 8 Questions by THE PANEL
 9 MR FRANK: Just if you could help us with a bit more
 10 information about the record keeping. It is rather
 11 a dull subject for some people. But we have heard that
 12 different parties have different practices. But in your
 13 party, as I understand it, the practice was, and
 14 probably still is, that the notes are regarded as the
 15 property of the Chief Whip, although I think in your
 16 case you said only ephemerally. Do you know, first of
 17 all, in terms of the keeping of these notes, did you,
 18 yourself, keep any of them for yourself after you ceased
 19 to be Chief Whip?
 20 **A. No.**
 21 MR FRANK: Do you know whether it is still the practice that
 22 the Chief Whip regards the notes as his or her own
 23 property?
 24 **A. No, I don't know.**
 25 MR FRANK: You don't know. Can you help us, because you

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1 have been referred already to a passage in
 2 Mr Brandreth's book about the problem that arose because
 3 of a note that was kept from the Whips' book --
 4 **A. Yes.**
 5 MR FRANK: -- whether or not you have a view about whether
 6 the notes should be regarded as the personal property of
 7 the Whip or whether in fact they should be regarded as
 8 government property, in effect, or the property of
 9 the government of the day, and therefore maintained
 10 rather more strictly, if I may put it that way.
 11 **A. I rather liked Nick Brown's evidence suggesting that**
 12 **this is pretty much rubbish stuff. On the whole, it's**
 13 **the sort of stuff that probably should not be created in**
 14 **the first place. Sometimes you need the sort of**
 15 **personal information that allows you to have a rounded**
 16 **view of your flock, but if you don't have it written**
 17 **down, that's probably best. Now, whether it should be**
 18 **the Chief Whip's or somebody else's, I don't have**
 19 **a view. If the Whips, under the Conservative party,**
 20 **only last for two weeks, it really doesn't matter who**
 21 **owns them.**
 22 MR FRANK: When you left the Whips' Office, your notes
 23 I think eventually found their way into a college
 24 library.
 25 **A. You're talking about different things. The Whips' notes**

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1 Examination by MR O'CONNOR
 2 MR O'CONNOR: Can you give us your full name, please.
 3 **A. Murdo Maclean.**
 4 Q. Sir Murdo, you have provided a witness statement to the
 5 inquiry dated 28 April last year, 2018. Is that right?
 6 **A. That's correct.**
 7 Q. Could we bring it up on screen, please? Sir Murdo, it
 8 will be behind tab 1 of your bundle and it is INQ001179.
 9 If we can look at the top half of the page, please, we
 10 see from paragraph 1.1, I think, that you had a career
 11 as a civil servant?
 12 **A. That's correct.**
 13 Q. You started in the '60s and '70s holding various posts
 14 in various different ministries?
 15 **A. Correct.**
 16 Q. Then in 1978, you were appointed to the post of private
 17 secretary to Government Chief Whip?
 18 **A. That is correct, in 1967 I was appointed to**
 19 **10 Downing Street and then in '78 to the Government**
 20 **Chief Whip at 12 Downing Street.**
 21 Q. Was that someone called Michael Cox at the time?
 22 **A. Michael Cox was the Chief Whip at the time.**
 23 Q. That was in the Labour, Jim Callaghan, administration?
 24 **A. Very much so.**
 25 Q. In fact, as we have heard already this morning, you then

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1 **are those things that appear in the duplicate books.**
 2 **Those got destroyed after two weeks.**
 3 **All the other documents that I had -- the letters**
 4 **that were written, the notes of a telephone conversation**
 5 **which have appeared in the papers here, the Whips'**
 6 **Charter that we have been going through just now, those**
 7 **were the ones that went to the Bodleian Library. They**
 8 **are different from the Whips' notes. Those are just my**
 9 **Whip's papers I had no further use for.**
 10 MR FRANK: When it came to destroying them, was that done by
 11 you or somebody else?
 12 **A. Destroying what?**
 13 MR FRANK: The Whips' notes?
 14 **A. The Whips' notes. No, they were destroyed by my special**
 15 **adviser.**
 16 MR FRANK: Thank you.
 17 THE CHAIR: Thank you, Lord Arbuthnot. We have no further
 18 questions.
 19 **A. Thank you very much.**
 20 **(The witness withdrew)**
 21 **MR O'CONNOR: Chair, the next witness, in fact the final**
 22 **witness for today, is Sir Murdo Maclean.**
 23 **SIR MURDO MACLEAN (sworn)**
 24
 25

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1 served in that same post for 22 years?
 2 **A. I said I would do three.**
 3 Q. You probably said that more than once?
 4 **A. I said that more than once.**
 5 Q. You retired, then, in 2000?
 6 **A. At the end of 2000, in December 2000, just before the**
 7 **next election was coming up.**
 8 Q. That was then the end of your Civil Service career?
 9 **A. That was the end of my Civil Service career.**
 10 Q. Just to be clear, throughout that period, then, from
 11 1978 through to 2000, you worked in the Whips' Office
 12 throughout that period?
 13 **A. Yes.**
 14 Q. That, of course, is very much the period that we are
 15 interested in?
 16 **A. Indeed.**
 17 Q. That means you will be able to help us, I'm sure. Can
 18 we just look down a couple of paragraphs in your
 19 statement, please, to paragraph 1.3?
 20 **A. Yes.**
 21 Q. We are going to go on, Sir Murdo, to talk about your
 22 role, and I'm sure also the role of the Whips.
 23 I understand this is -- so this is, as it were, an
 24 introductory explanation, and I know that you are going
 25 to want to give us some extra detail. But if we just

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<p>1 approach it as a very broad explanation of what you did, 2 within the context of the Whips' Office, what you say 3 here is that the Chief Whip had two main roles: on the 4 one hand, a party manager, and we have heard evidence 5 today about that, and you have heard -- 6 A. Indeed. 7 Q. -- Lord Jopling and others explain about how they 8 managed their MPs; and secondly, as you describe, 9 a government business manager, and, again, we have heard 10 evidence about that? 11 A. Yes. 12 Q. What you say in your statement at paragraph 1.3 is that 13 your duties related solely to the second part of the 14 role of the Chief Whip, that is, the management of 15 government business in the House of Commons? 16 A. Correct. 17 Q. As I say, it may be that we will find that there are 18 some exceptions to that. But, broadly speaking, is that 19 accurate? 20 A. That is correct. Party matters were not a matter for 21 me. 22 Q. Because you were a civil servant? 23 A. Because I was a civil servant. 24 Q. You have helpfully appended to your statement a document 25 which gives us a little bit more detail about the Whips'</p> <p style="text-align: center;">Page 137</p>	<p>1 Office in general, and also part of it, your role, which 2 has been described already today, "the usual channels". 3 Perhaps we can look at that. In fact, it is, for the 4 sake of the computer, in the same document, but just 5 a few pages further on. If we can just go to the second 6 page of this same document, that's the cover of 7 the document, Sir Murdo? 8 A. Mmm-hmm. 9 Q. We see it is dated 2008. Do you have it? 10 A. Yes. 11 Q. So relatively recent. It was produced by the House of 12 Commons library, wasn't it? 13 A. It was. 14 Q. Can you tell us a little bit about how this document, or 15 documents like this, come to be produced in the House of 16 Commons library? 17 A. I think they just have researchers who do a bit of 18 history on various aspects of government, and the Whips' 19 Office was one of those. I thought it was a helpful, 20 succinct account of what the office does. 21 Q. Let's have a look at it, then. If we can go on to the 22 next page, please, internal page 3, and let's have 23 a look at paragraph 1.1. We have heard already -- we 24 don't need to delay on it -- the expression "Whip" in 25 parliamentary context has its origins in hunting</p> <p style="text-align: center;">Page 138</p>
<p>1 terminology. The whipper-in is the huntsman's assistant 2 who keeps the hounds from straying by driving them back 3 with the whip into the main body of the pack. We have 4 heard Whips as whippers-in, sheepdogs. Broadly 5 speaking, you agree with those terms, do you? 6 A. It is part of the narrative, I think. 7 Q. Let's move on -- 8 A. I should say, the Chief Whip formally I believe is 9 Parliamentary Secretary to the Treasury. I'm not sure 10 whether under the Ministerial and Other Salaries Act 11 that's what it is. That's how he is named, but he is 12 a Treasury minister and I think that was his title. 13 Q. Well, you are right. We can see that in this document? 14 A. Yes, I see that. 15 Q. It is paragraph 1.2: 16 "The position of the Government Chief Whip has long 17 associations with the office of Parliamentary Secretary 18 to the Treasury and to this day this is the official 19 title of the government Chief Whip." 20 Indeed, one sees in some of the evidence before the 21 inquiry that other members of the Whips' Office also 22 hold -- almost honorific titles related to the Treasury 23 which we don't need to go into in any detail this 24 afternoon? 25 A. Correct.</p> <p style="text-align: center;">Page 139</p>	<p>1 Q. Let's go on in the document to page 5, please, 2 section 2. We see the title "Functions and duties of 3 the government and Opposition Chief Whips". 4 Paragraph 2.1, "Securing the government's majority". 5 That's part of the parliamentary function of the Whips? 6 A. Yes. 7 Q. We see it's said: 8 "The primary role of the Chief Whip is to get the 9 government's business through parliament, and in 10 particular to secure the government's majority in votes 11 on its legislative and policy programmes." 12 This is touching on your role, but not entirely; is 13 that right? 14 A. I was not involved in whipping. 15 Q. No. The parliamentary process was part of your 16 function, but not that part of it which involved making 17 the MPs of a particular party vote in a particular way. 18 Would that be a fair description? 19 A. I would organise the business or the -- well, the Leader 20 of the House to read out, but before that, the Whips 21 would look at it and determine the level of whipping 22 they were going to apply to the forthcoming business. 23 But I had no involvement in the actual whipping. 24 Q. I see. Let's go on. If we can go over the page to 25 page 5, please, we see towards the bottom of that</p> <p style="text-align: center;">Page 140</p>

1 page -- sorry, page 6, the title "The Chief Whip and the
 2 usual channels". This is getting much closer to your
 3 role, Sir Murdo?
 4 **A. Yes.**
 5 Q. There is a passage from Erskine May here:
 6 "The Chief Whip is concerned with mapping out the
 7 time of the session; for applying in detail the
 8 government's programme of business; for estimating the
 9 time likely to be required for each item and for
 10 arranging the business of the individual sitting", and
 11 so on.
 12 I won't read it all out, but in a sense it is an
 13 administrative function for making the timing work, the
 14 practicalities --
 15 **A. In reality, I would do that.**
 16 Q. That was part of the job that you did?
 17 **A. Yes.**
 18 Q. Can you expand on that?
 19 **A. Yes. I mean, scheduling the business of parliament**
 20 **becomes -- it is an art rather than a science. At the**
 21 **beginning of each new parliament, new Queen's speech,**
 22 **I would try and map out the programme for the whole**
 23 **session. So I would draw up -- knowing the Bills we**
 24 **were going to have, the opposition time that was**
 25 **required and various commitments that had to be given,**

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1 not -- or perhaps not even with them?
 2 **A. I would certainly share it with the Chief Whip, but it**
 3 **was just -- it was trying to ensure that things fitted**
 4 **into the session.**
 5 Q. That's, as it were, the strategic part of what you are
 6 did.
 7 **A. Yes.**
 8 Q. But was there also a role, tactical role, much more
 9 short term, negotiating, liaising between the Government
 10 Chief Whip and the Opposition Chief Whip?
 11 **A. Well, very much so. I mean, I would probably see the**
 12 **Opposition Chief Whip two or three times a day. I think**
 13 **Lord Jopling said that nothing should come as a surprise**
 14 **on the order paper to the Opposition Chief Whip and**
 15 **nothing should happen in the House at the government's**
 16 **behest that would come as a surprise for the Opposition**
 17 **Chief Whip.**
 18 Q. Your role was as personal secretary to the Government
 19 Chief Whip?
 20 **A. Yes.**
 21 Q. So can we take it that, physically speaking, you were
 22 based in the Government Whips' Office?
 23 **A. I was in 12 Downing Street in the morning and then**
 24 **I would move my office to the House of Commons in the**
 25 **afternoon, so I would work from the House of Commons.**

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1 **recesses and so forth, and try to put that into some**
 2 **sort of context so that we knew which Bills would go to**
 3 **the Lords, we knew when the Lords would need the Bills**
 4 **from the Commons so they could go through in an orderly**
 5 **way to get Royal assent. At the time they required**
 6 **Royal assent. One tried to work from that and then**
 7 **finesse it as time went on, because there could be all**
 8 **sorts of different things, but at least one had an idea**
 9 **that it fitted in.**
 10 **In those days, we did not have automatic timetabling**
 11 **to Bills as they do now, so one had to make allowances**
 12 **for that.**
 13 Q. Presumably, the task you're describing is one which, for
 14 all that you could sit down and devise a sort of ideal
 15 timetable, "We will spend this much on this Bill and
 16 then we will have a slot for that Bill and then that
 17 Bill can come back from the House of Lords", none of
 18 that could work without discussing it with the
 19 Opposition and also the Government Whips and trying to
 20 find a way that everyone could agree on how the
 21 timetabling was going to work?
 22 **A. I would not share that with the Opposition Whips.**
 23 **I would share the forthcoming business with the**
 24 **Opposition Whips, but not the grand plan, so to speak.**
 25 Q. So that would be discussed with the Government Whips but

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1 **And that adjoined the Chief Whip's Office.**
 2 Q. So you were very much part of the workings of the Whips'
 3 Office?
 4 **A. My office was one side of the Chief Whip's Office. The**
 5 **Whips' Office was on the other side of the office.**
 6 Q. When you went to see the Opposition Whips, would you go
 7 and see them in their room?
 8 **A. I would go and see the Chief Whip in his office. To**
 9 **understand, 40 years on 29 March, 40 years -- it was the**
 10 **vote of confidence that brought down the Callaghan**
 11 **government. Forty years ago today, it would be a fairly**
 12 **febrile time in the House of Commons -- not that that's**
 13 **uncommon at the moment. But the relationships were very**
 14 **strong and built up. One was working very hard to**
 15 **support the government, who had no majority at the time.**
 16 **After the vote of confidence, the government had no**
 17 **right to govern, so I had to negotiate with the**
 18 **opposition to determine business. We actually got**
 19 **22 Bills on to the statute book between the vote of**
 20 **confidence and the dissolution.**
 21 **A new government came in to power, and my Chief Whip**
 22 **and Deputy Chief Whip, who had been, became my**
 23 **Opposition Chief Whip. So it became -- I think, as one**
 24 **of the former Chiefs have said, it is a matter of trust**
 25 **and impartiality that your position is known and that is**

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1 **accepted, that's how it is.**
 2 Q. Thank you. To summarise, I think you've explained, on
 3 the one hand, you worked closely with both the
 4 Government Whips and the Opposition Whips?
 5 **A. Very much.**
 6 Q. But of course, there was that degree of separation which
 7 was appropriate for your role?
 8 **A. Very much so. My job is to get the government's**
 9 **business through.**
 10 Q. But in practice, that meant a daily working relationship
 11 with the Whips on both sides of the house?
 12 **A. Certainly.**
 13 Q. That was the case throughout those 20 or so years of
 14 your career?
 15 **A. Yes.**
 16 Q. With that --
 17 **A. In the Labour government, pre '79, the minority parties**
 18 **had a much greater role. The government was dependent**
 19 **on the minority parties for their majority. So they**
 20 **were consulted much more than perhaps was the case**
 21 **thereafter.**
 22 Q. I want to move on. You know, because you have been
 23 here -- of course, you would know anyway -- that this
 24 inquiry is really focusing, as far as the Whips are
 25 concerned, on the question of what information the Whips

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1 Q. You simply mean you didn't hear anything at all about
 2 child sex abuse?
 3 **A. No. I have to say, you know, the word "paedophile" was**
 4 **hardly in my vocabulary at the time. I think the only**
 5 **time I heard it was when that -- was it the PIE document**
 6 **came out? There was some sort of parliamentary**
 7 **involvement, although I can't remember the background.**
 8 Q. I'm sorry, did you say "some sort of parliamentary
 9 involvement", did you say?
 10 **A. Not involvement. I thought there was some involvement**
 11 **of parliamentarians in the --**
 12 Q. Yes, in the early '80s. There were allegations --
 13 **A. No, I mean as legal advisers to an organisation.**
 14 **I really don't remember the details. But there were**
 15 **legal advisers to an organisation of some sort. But**
 16 **prior to that, it really was not a word, I say, in my**
 17 **vocabulary.**
 18 Q. You say in your statement that if you had heard of
 19 anything, any rumour, we take it, or evidence of child
 20 sexual abuse, you would have reported it?
 21 **A. I certainly would have.**
 22 Q. Who to?
 23 **A. It probably would depend on who -- against whom the**
 24 **allegations were being made, but I would probably have**
 25 **told the Chief Whip, and I would certainly have told the**

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1 had, in particular whether they may have had any
 2 information relating to allegations of child sex abuse,
 3 and what they did with that information.
 4 We are still in the same document for the computer's
 5 sake. Let's have a look at your witness statement, so
 6 it's back to the first page of the document, please,
 7 paragraph 1.5. You say this, Sir Murdo:
 8 "During my service in the Whips' Office, I never
 9 heard of any suggestion, let alone saw any evidence, of
 10 child sex abuse by members of parliament of any
 11 political party."
 12 Is that right?
 13 **A. That is correct.**
 14 Q. All of those 22 years, Opposition Whips, Government
 15 Whips, you simply never came across any suggestion of
 16 evidence of child sex abuse?
 17 **A. I think the only time I heard of anything was reading it**
 18 **in the newspaper.**
 19 Q. Do you use the word "evidence" in any special way there?
 20 Are you to be taken to be saying that you may have heard
 21 rumours or allegations?
 22 **A. No.**
 23 Q. But you didn't see any evidence, or do you not mean
 24 that?
 25 **A. No, I'm not using it in that sense.**

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1 **Cabinet Secretary.**
 2 Q. And not the police?
 3 **A. No. It would have been for the Cabinet Secretary to do**
 4 **that.**
 5 Q. Then the last sentence of this paragraph, you say:
 6 "In the nature of things, in such a small
 7 office ..."
 8 Do you mean the Whips' Office?
 9 **A. I mean the Whips' Office, yes.**
 10 Q. "... if there had been any such rumours, I would have
 11 almost certainly heard about them."
 12 **A. Well, there were rumours and rumours going around.**
 13 **Obviously, if somebody had wanted to keep something very**
 14 **tight indeed, then I wouldn't. But if it would be just**
 15 **a rumour that was going around, the chances are one**
 16 **would have heard about it.**
 17 Q. Just help us then, because we have heard evidence about
 18 the way the Whips worked, albeit that it seems to have
 19 changed over time. But, for example, the Whips' notes.
 20 We have heard about them variously being locked in
 21 cupboards or safes. I'm sure you were aware that they
 22 were there?
 23 **A. Oh, indeed. I mean, I didn't see them as a matter of**
 24 **regularity. But sometimes the Chief Whip would just**
 25 **throw out the old notes into his out-tray, the messenger**

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1 would bring the contents of his out-tray to me and, you
 2 know, there were the notes. But I don't remember
 3 anything particularly exceptional.
 4 Lord Jopling used to share some of the notes
 5 relating to business, but other Chief -- I mean,
 6 I really didn't have any interest in seeing them and
 7 I never sought to see them.
 8 Q. Apart from being shown them, I think, you've explained,
 9 accidentally, could you have simply gone up to the safe
 10 or the cupboard and leafed through them? Is that
 11 something you might have done?
 12 A. Well, they were actually -- the old notes were retained
 13 not with the government papers, but with the political
 14 secretary or the special adviser who kept them in
 15 a separate filing cabinet.
 16 Q. Would they have been accessible to you if you had wanted
 17 to see them?
 18 A. If I'd wanted to see them, I -- in a way, many of them
 19 just seemed like yesterday's newspapers. Once the
 20 business elements has been dealt with, the notes were of
 21 no further relevance.
 22 Q. Did you attend the regular meetings that the Whips had,
 23 either daily or weekly?
 24 A. No, I didn't attend the Whips meetings at all.
 25 Q. Because they were political?

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1 Francis Pym was one of the most -- well, the Right
 2 Honourable Francis Pym MC and the Right Honourable
 3 Bernard Weatherill MC, I believe, were not the sort of
 4 people who would, in my view, try to shield anyone who'd
 5 committed an offence of this sort.
 6 Q. Let's look. I think it is 1.7 of your witness
 7 statement. You do say with regard to Mr Pym that you
 8 can't envisage circumstances in which Mr Pym, with whom
 9 you worked when he was Leader of the House of Commons --
 10 is that a little bit later in his career?
 11 A. It was later in his career.
 12 Q. "... and whom I regarded to be a man of complete
 13 integrity, would demean himself or his office by seeking
 14 to conceal the actions of any member of parliament who
 15 was guilty of any crime, let alone one so abhorrent.
 16 I would echo that belief in regard to all of
 17 the Chief Whips I had the honour to serve."
 18 That takes us, does it, through that whole period up
 19 to 2000?
 20 A. To Ann Taylor, who was the last one.
 21 Q. Would it be fair to say the description that
 22 Mr Fortescue gave is simply one that you don't
 23 recognise?
 24 A. I don't recognise at all.
 25 Q. I'm going to move on in a minute to ask you about

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1 A. The Whips met on a Monday and Tuesday and Thursday
 2 before business in the House of Commons, and they had
 3 a longer meeting on a Wednesday morning when they would
 4 go through various things, including the business for
 5 the following week, when they would determine the
 6 whipping.
 7 Q. I think you're saying you wouldn't have attended those
 8 meetings?
 9 A. I didn't attend. I may have been called in if there had
 10 been a matter of business that needed some explanation,
 11 but I didn't attend the meetings.
 12 Q. Did you know Tim Fortescue?
 13 A. No.
 14 Q. He left parliament in 1974, so that was right around the
 15 time --
 16 A. No, I was in number 10 as a junior official in 1970.
 17 But I didn't know Tim Fortescue. I've never met him.
 18 Q. I think you were in court this morning when we played
 19 a clip of him giving his account of life in the Whips'
 20 Office?
 21 A. Yes.
 22 Q. We have covered some of the ground already. But just in
 23 a few sentences, can you give us your reaction to what
 24 he said?
 25 A. I think I said in my witness statement at the end,

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1 something a little bit different and some documents
 2 which I know you have seen, but before I do, can I just
 3 take you back to some answers you gave a few minutes
 4 ago. We were talking about the Paedophile Information
 5 Exchange?
 6 A. Yes.
 7 Q. You were doing your best to remember something that you
 8 recalled about an involvement between -- was it
 9 parliamentary lawyers and that organisation?
 10 A. No, not parliamentary lawyers. I thought it was --
 11 I thought it was politicians who had been legal advisers
 12 to some organisation with -- I -- that had some
 13 involvement --
 14 Q. Is it possible that you're remembering politicians from
 15 the Labour Party who were associated with the National
 16 Council for Civil Liberties?
 17 A. Exactly.
 18 Q. And there is an issue about a relationship between that
 19 organisation and PIE?
 20 A. Exactly.
 21 Q. And that is something that has actually been in the
 22 media in the last five or so years?
 23 A. Yes, that is what I recall.
 24 Q. All right. Are you saying that you remember that from
 25 the last five or so years or from the 1980s, say?

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1 **A. I think it might have been from the 1980s.**
 2 Q. So can you tell us what you remember, if indeed it is
 3 anything more than you have already said?
 4 **A. I think, since it didn't affect me or the business**
 5 **management, I really wouldn't have paid much attention**
 6 **to it.**
 7 **MR O'CONNOR: Let's leave that there, Sir Murdo.**
 8 **Chair, I see the time. I probably only have another**
 9 **10 or 15 minutes at most with Sir Murdo, so shall we**
 10 **carry on?**
 11 THE CHAIR: Yes.
 12 MR O'CONNOR: I want to ask you a few questions about
 13 Peter Morrison, Sir Murdo. First of all, I will take
 14 you to some documents in a moment, so don't worry, but
 15 just tell us, did you know Peter Morrison?
 16 **A. Yes. As I said in my witness statement, he was the**
 17 **pairing Whip. When Michael Jopling became**
 18 **Mrs Thatcher's first Chief Whip, Peter Morrison was the**
 19 **pairing Whip.**
 20 Q. Pausing there, it's more terminology. Probably most
 21 people understand, but a pairing Whip, that's P-A-I-R,
 22 is it?
 23 **A. P-A-I-R, yes. They were the ones who arranged to pair**
 24 **with someone from the other side, so if there was going**
 25 **to be a major vote, they would have a Labour pairing**

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1 Q. Can we have internal page 7 of that document, please?
 2 In fact, if we could very briefly go to the next page,
 3 page 8. In fact, it has been slightly concealed by
 4 a redaction, but I think you will agree with me,
 5 Sir Murdo, that that date we see lurking at the bottom
 6 there, which has just been cut off, is 21 May; is that
 7 right? 21/5?
 8 **A. Yes, I think it is.**
 9 Q. We will see, if we can go back to the page before now,
 10 in due course, I'm sure you will agree with me, that
 11 that was 21 May 1990.
 12 **A. 1990.**
 13 Q. So you were still doing the same job in the Whips'
 14 Office?
 15 **A. Mmm-hmm.**
 16 Q. By this time, as we will see, Sir Peter Morrison -- in
 17 fact, he wasn't Sir Peter Morrison quite yet --
 18 Peter Morrison, no longer a Whip, hadn't been for some
 19 years?
 20 **A. He was Minister of State in the Department of Energy.**
 21 Q. Correct. A minister in the Department of Energy. Now,
 22 what we have here, then, is a manuscript note which is
 23 addressed to Sir Robin Butler, who was the Cabinet
 24 Secretary?
 25 **A. Cabinet Secretary and I think head of the Civil Service.**

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1 **Whip in those days and they would arrange for the two**
 2 **members to be there at the same time so it didn't affect**
 3 **the voting.**
 4 Q. Generally speaking, was the pairing Whip a relatively
 5 junior member of the Whips' Office or not?
 6 **A. I don't think it was a senior member. He wasn't one of**
 7 **the household officers, as it were, that you mentioned**
 8 **earlier.**
 9 Q. In any event, he had that role, Lord Jopling, as he now
 10 is, in the Whips' Office, so in the first few years of
 11 Mrs Thatcher's --
 12 **A. I think for quite a long time. In that regard, I had**
 13 **a lot to do with the Whips, the departmental Whips, who**
 14 **would be sitting on Bill Committees to ensure that the**
 15 **Bills would come out of committee in proper order and in**
 16 **good time, but I didn't have anything to do with the**
 17 **pairing Whip. Nonetheless, he was -- I said he was**
 18 **a perfectly amicable colleague.**
 19 Q. A colleague, but not a friend?
 20 **A. Not a friend, no.**
 21 Q. Let's look at these documents, then, please, Sir Murdo.
 22 First of all, if we can go behind tab 5 in your bundle,
 23 CAB000118. I know you have seen this document before,
 24 Sir Murdo?
 25 **A. Very much so.**

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1 Q. He'd taken over by that stage from Sir Robert Armstrong,
 2 who the chair and panel heard evidence from earlier this
 3 week?
 4 **A. That's correct.**
 5 Q. It is a note to him from someone in his office?
 6 **A. His private secretary signed it.**
 7 Q. Let's just read it through and then I will ask you some
 8 questions about it:
 9 "Andrew Turnbull ..."
 10 He was the principal private secretary to the
 11 Prime Minister?
 12 **A. To the Prime Minister.**
 13 Q. A civil servant, someone in Robin Butler's office.
 14 Would that be a fair way of describing him? A senior
 15 member?
 16 **A. No, Andrew was in No 10. He became Cabinet Secretary.**
 17 Q. Fine. So he was then another senior civil servant?
 18 **A. Very much so.**
 19 Q. I just wanted to distinguish him from the Parliamentary
 20 Private Secretary?
 21 **A. No, no, he was principal private secretary.**
 22 Q. "Andrew Turnbull and/or Murdo Maclean would like to come
 23 in for a word about Mr Peter Morrison.
 24 "Andrew Roth, author of 'Parliamentary Profiles'
 25 plans to include in his entry on Mr Morrison ..."

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1 Then there is a quote:
 2 "Stories of a sex scandal circulated in his patch
 3 and in Fleet Street but were never
 4 corroborated -- October/November 1986'.
 5 "Mr Morrison sought the advice of Mr Wakeham, who
 6 sent him to Murdo. The Chief Whip asked Murdo to speak
 7 to you. Murdo knows Andrew Roth and would be prepared
 8 to speak to him himself or to ask Mr Garel-Jones to do
 9 so. Mr Morrison's lawyers advise him that he would
 10 'probably have a case' if Mr Roth publishes.
 11 "Mr Maclean asked to see you", and so on.
 12 First of all, the sentence that Mr Roth was planning
 13 to publish in his book about Mr Morrison was true,
 14 wasn't it?
 15 **A. Well, it's true according to Mr Morrison.**
 16 Q. There had been uncorroborated stories of sex scandals --
 17 **A. Oh, I see.**
 18 Q. -- about Mr Morrison circulating in Chester and London
 19 in 1986?
 20 **A. Mmm-hmm.**
 21 Q. We have heard evidence about that this week?
 22 **A. Right.**
 23 Q. Did you know that at the time?
 24 **A. No, no.**
 25 Q. We have also heard evidence this week that at least some

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1 that sentence, they would sue him for libel?
 2 **A. The answer is, I don't know. I mean, what happened was,**
 3 **I got a phone call from Mr Morrison, and I think I said**
 4 **in my witness statement I was surprised that he'd**
 5 **approached me. But he'd been directed to do so by the**
 6 **Secretary of State, John Wakeham.**
 7 Q. He was the Secretary of State for Energy?
 8 **A. And Mr Morrison was Minister of State. It would appear**
 9 **he had gone to the Secretary of State, who was probably**
 10 **privatising the electricity industry in 1990, and he**
 11 **directed him to me. It was a long time ago, but I think**
 12 **that would be the -- a cause of some surprise because**
 13 **I would have normally expected him to direct him to the**
 14 **Chief Whip. But, again, not that I'm -- it's possibly**
 15 **one and the same thing. You know, I mean, I was sitting**
 16 **next door to the Chief Whip. Morrison rings me.**
 17 **I would tell the Chief Whip.**
 18 Q. What did Mr Morrison say? He rang you up and said,
 19 "This is what is going to be published about me"?
 20 **A. Yes, that's correct.**
 21 Q. Did he also say that he'd received advice about probably
 22 having a case for libel?
 23 **A. He said his lawyers had advised him, mmm-hmm,**
 24 **accordingly.**
 25 Q. Why did you not say to him, "Well, why didn't you tell

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1 of those rumours that were circulating in 1986 involved
 2 allegations of paedophilia against Mr Morrison?
 3 **A. Mmm-hmm.**
 4 Q. Did you know that?
 5 **A. No, I did not.**
 6 Q. Did you ask Mr Morrison about that at the time?
 7 **A. No.**
 8 Q. We have heard that two sources had told the Conservative
 9 Party agent for Westminster, towards the end of 1986,
 10 that Mr Morrison had a penchant for small boys. That
 11 was one of the rumours that was circulating in Fleet
 12 Street. Did you know that at the time?
 13 **A. No.**
 14 Q. What we see further down this document is that
 15 Mr Morrison had been given some legal advice that he
 16 probably had a case, it seems a case for libel, if
 17 Mr Roth had published that sentence in his book. You
 18 seem to have understood that much at the time?
 19 **A. Yes.**
 20 Q. We have seen documents suggesting that Mr Morrison was
 21 perfectly willing and able at the time to threaten
 22 journalists with suing them for libel if they published
 23 anything about him, in particular, anything about these
 24 rumours. The first question is, why didn't Mr Morrison
 25 or his lawyer simply tell Mr Roth that if he published

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1 the journalist that"?
 2 **A. I was not going to -- I didn't feel that I was in**
 3 **a position to question anything. I mean, this was an**
 4 **administrative state in a government department who had**
 5 **been directed to me by a Secretary of State. I thought**
 6 **the sensible thing would be to take note of what he had**
 7 **to say and then consult the Chief Whip.**
 8 Q. Did you then consult the Chief Whip?
 9 **A. Yes, I did.**
 10 Q. What did he say?
 11 **A. He said, "You should get Robin Butler" -- he asked me to**
 12 **go and talk to Robin Butler.**
 13 Q. Sorry, Mr Wakeham had previously --
 14 **A. No, no, it was Tim Renton.**
 15 Q. Did you not take the view, perhaps, when you were
 16 speaking to the Chief Whip, that this really wasn't
 17 government business at all, it was simply a question of
 18 the reputation of Mr Morrison, and it wasn't appropriate
 19 for you to get involved?
 20 **A. Well, insofar as it's a government minister who feels he**
 21 **has a grievance, I think -- and, as events showed, it**
 22 **was the proper thing to do because Sir Robin**
 23 **subsequently gave guidance as to how it might be**
 24 **handled.**
 25 Q. We will see what he said in a moment, but go on.

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<p>1 A. If it hadn't been proper, he would have dismissed it. 2 The Chief Whip sought advice. I informed the principal 3 private secretary in No 10 and we went together to the 4 Cabinet Secretary. 5 Q. Let's look at what is one of the possible reasons why 6 someone might have suggested you got involved, and 7 that's because you knew Andrew Roth? 8 A. Yes. 9 Q. You say you would have been prepared to speak to him? 10 A. I would, under ministerial direction. I mean, if the 11 Chief Whip -- if the Chief Whip had asked his private 12 secretary to convey a message to a journalist on his 13 behalf, that would be a proper thing for the private 14 secretary to do. 15 Q. What would the message have been? 16 A. It would have been based on the guidance that the 17 Cabinet Secretary had given. 18 Q. You must have -- if you were volunteering to go and 19 speak to Mr Roth, you must have had an idea of what you 20 might have been going to say to him. Would it 21 essentially have been, "You are going to get sued for 22 libel if you include that sentence in your book"? 23 A. I would only do that under ministerial guidance. I was 24 not suggesting I would do this on my own initiative, 25 because I wouldn't.</p> <p style="text-align: center;">Page 161</p>	<p>1 Q. All right. 2 A. But if this is what ministers decided, then it would be 3 appropriate -- it would not be inappropriate for me to 4 convey that message to a journalist. 5 Q. Sir Murdo, I don't want to go on with this too long, but 6 doesn't this whole episode really amount to 7 Mr Morrison's personal reputation and, if anything, 8 isn't it really a party matter and one that it wasn't 9 appropriate for civil servants to get involved with? 10 A. No, I don't think so. I mean, he was a Minister of 11 State in a government department, a senior minister. 12 That is not a party matter, he is a government minister. 13 Q. We have heard evidence that other allegations about 14 Mr Morrison had circulated but had never been published. 15 We have heard evidence from Chester that even, on one 16 occasion, the local newspapers were about to print 17 allegations against him, but for some reason were warned 18 off or reached some sort of arrangement and the 19 allegations were never published. At least on one 20 reading, this document suggests that something similar 21 may have been happening here: Mr Roth, rather than 22 simply being given a message by Mr Morrison or his 23 lawyer, was going to be warned off by you or some senior 24 civil servant. 25 A. I think one has to look at the Cabinet Secretary's</p> <p style="text-align: center;">Page 162</p>
<p>1 guidance before coming to the idea of warning him off. 2 I mean, I would not warn anyone off. That would not be 3 my position. What I would do is convey the message on 4 behalf of the Chief Whip. 5 Q. Then let's look at what happened. If we go back a page, 6 so to page 6 in the document for the computer's 7 purposes, and it is tab 4 for our purposes, this is 8 a typed note of a meeting which I think happened the 9 next day. We see at the top that you and 10 Andrew Turnbull went to see Sir Robin Butler? 11 A. Yes. 12 Q. If we look at the second paragraph -- sorry, the third 13 paragraph, it says: 14 "Sir Robin Butler said he thought that Mr Roth 15 should be approached informally before the new edition 16 of 'parliamentary profiles' went to press. The approach 17 might appropriately come from the Deputy Chief Whip, 18 Mr Garel-Jones." 19 But not you. Do we read into that that the Cabinet 20 Secretary had taken the view that it wasn't appropriate 21 for you to go and see Mr Roth? 22 A. No, I don't think so. I think we discussed the 23 possibility of my doing it, it was either me or 24 Mr Garel-Jones, and I think he took the view it was 25 a matter for the politicians first of all. But if the</p> <p style="text-align: center;">Page 163</p>	<p>1 Chief Whip had asked me to do it, it would not have been 2 inappropriate. 3 Q. Just going back to what you said then, did not the 4 Cabinet Secretary take the view that this was 5 essentially a party matter and not something that was 6 appropriate for civil servants to become involved with? 7 I may have misunderstood you. You said it was a matter 8 for the politicians? 9 A. For the Deputy Chief Whip rather than -- for an official 10 to do it. I don't know that the Cabinet Secretary would 11 give advice on a party matter. 12 Q. He would presumably indicate where he felt that 13 something should not be done because it was a party 14 matter? 15 A. I think if you read the style that it is done -- that it 16 is written, the approach might appropriately come from 17 the Deputy Chief Whip. It did not say it should only 18 come from the Deputy Chief Whip. 19 Q. I see. I don't want to get caught up in the language. 20 I don't want to lose sight of the substance of the point 21 here, Sir Murdo. Perhaps we need to go back to your 22 first comment which is, you were surprised to get this 23 call to start with? 24 A. Yes. 25 Q. Was it unusual for you to be asked to speak to</p> <p style="text-align: center;">Page 164</p>

1 a journalist or a publisher or an author about material
 2 of this nature which was about to be published?
 3 **A. It had never happened before.**
 4 Q. Did it happen again?
 5 **A. No.**
 6 Q. Was there anything about Mr Morrison's status in the
 7 party or his connections which, looking back on it, you
 8 think explains why, on this one occasion, it was him
 9 that you were asked to speak for?
 10 **A. I was surprised that Mr Wakeham had sent him to me**
 11 **rather than perhaps to the Chief Whip, but that was the**
 12 **case.**
 13 Q. I see. I don't imagine you know this, but do we in fact
 14 know the end of the story and whether that passage ever
 15 appeared in Parliamentary Profiles that year?
 16 **A. I don't know. I never looked, I don't think. At this**
 17 **time, we were just coming up to I think Whitsun recess.**
 18 **We would have come back in June. There was a reshuffle**
 19 **in July where Mr Morrison went to No 10, and he was gone**
 20 **by November. So I don't think I ever looked.**
 21 **MR O'CONNOR: Well, we have seen Edwina Currie's diary**
 22 **recording that July reshuffle. We have seen that**
 23 **earlier this week.**
 24 **Sir Murdo, thank you very much. Those are all the**
 25 **questions I want to ask you. I don't know if the chair**

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1 **A. Whether it's collective memory -- they were current, so**
 2 **I suppose when the book was there, until it got filled**
 3 **up, that was the current book. Whether it was**
 4 **collective memory --**
 5 MR FRANK: You will appreciate that, if it is the collective
 6 memory and they are then destroyed, the collective
 7 memory is lost.
 8 **A. Well, I would not have regarded them as state papers.**
 9 MR FRANK: No, I understand that.
 10 **A. If they are not state papers --**
 11 MR FRANK: But they may be material evidence of what the
 12 state of mind of the Whips was at the material time.
 13 **A. Well, if they were not state papers, it would have been**
 14 **inappropriate for me in No 10 to keep them along with**
 15 **government papers.**
 16 MR FRANK: I wasn't asking whether you should keep them.
 17 I'm merely asking you whether or not you think they
 18 could fairly be described as the collective memory of
 19 the Whips' Office and, if you do agree with that, do you
 20 think there may be something to be said for not
 21 destroying them so that, when questions arise in
 22 inquiries like this years later, we may know what the
 23 collective memory was rather than having had witnesses
 24 come to us and say, "We don't remember. It was all
 25 a long time ago".

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1 **and panel have any questions for you?**
 2 THE CHAIR: Mr Frank has a question.
 3 Questions by THE PANEL
 4 MR FRANK: Yes, please. It concerns the documents that you
 5 have I think referred to as being the equivalent of
 6 yesterday's old newspapers, which is the Whips' notes
 7 that were in the Whips' Office for you to see if you
 8 wished to and you occasionally did almost accidentally,
 9 you have told us.
 10 **A. Yes.**
 11 MR FRANK: What I wanted to ask you about is this, and I am
 12 doing this by reference to the statement that we have
 13 had read to us today in part which was the statement of
 14 Lord Arbuthnot, his page 11. I don't know whether you
 15 were here when he was asked about this. In his page 11,
 16 he talks about the book from which the notes were taken
 17 and copies kept. He described it as the collective
 18 memory of the Whips. That's one of the phrases that he
 19 used in his witness statement. In fact, I don't think
 20 I put that to him when he was here, but does that seem
 21 to you to be a fair and accurate summary of -- statement
 22 of what it was: the collective memory of the Whips?
 23 **A. Do you mean the Whips' notes?**
 24 MR FRANK: Well, the book. He was actually referring to the
 25 book in which the Whips' notes were written up.

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1 **A. Well, insofar as they keep notes these days, I don't**
 2 **know. Most of the notes that I probably saw related to**
 3 **parliamentary business which had come and gone. So**
 4 **there was no real story there. It's just perhaps**
 5 **reflecting a backbencher's view on a matter of policy,**
 6 **perhaps something to do with a standing committee. But**
 7 **there was no real sort of institutional memory there, as**
 8 **far as I could see.**
 9 MR FRANK: So far as you understood it, what were the -- was
 10 the book the personal property of the Chief Whip or was
 11 it -- did it have some different status?
 12 **A. Well, if they weren't state papers and they weren't**
 13 **Conservative Party papers, they were -- they either**
 14 **belonged to the Chief Whip or -- it would be unclear to**
 15 **whom they do belong.**
 16 MR FRANK: I see. Did you read Mr Brandreth's passage on
 17 this subject about the --
 18 **A. I did not read Mr Brandreth's book.**
 19 MR FRANK: I needn't trouble you further. Thank you very
 20 much.
 21 THE CHAIR: Thank you. We have no further questions.
 22 (The witness withdrew)
 23 MR O'CONNOR: Chair, Sir Murdo was the last live witness
 24 today. As you are aware, the inquiry has sought
 25 evidence, witness statements, from a number of former

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<p>1 Chief Whips, and Ms Beattie is going to ask you to 2 adduce those statements into evidence. 3 Witness statements adduced by MS BEATTIE 4 MS BEATTIE: Yes, chair, I will invite you to adduce seven 5 statements from former Whips. I will just read them out 6 in order: Lord Young of Cookham, who was a Conservative 7 Whip in the 1970s, in 1990 and in 2012-14. The 8 reference for that is INQ003990. 9 The second statement is Lord Beith, who was Liberal 10 Party Chief Whip, and the INQ is INQ003885. 11 The third statement is from Lord Foster of 12 Bishop Auckland who was a Labour Whip. I should note 13 that this witness statement is in fact not dated or 14 signed, as Lord Foster has passed away, but it is 15 INQ003919. 16 The next statement is from Lord Goodlad, who was 17 a Conservative Whip in the '80s and at various times in 18 the '90s, and that reference is INQ003539. 19 The next statement is from Lord Ryder of Wensum, 20 another Conservative Whip in the '80s and '90s, and that 21 reference is INQ001705. 22 Next, a statement from Baroness Taylor of Bolton, 23 a Labour Whip in the '70s and in the late '90s and early 24 2000s, and that reference is INQ001189. 25 Finally, a statement from Lord Wakeham, Conservative</p> <p style="text-align: center;">Page 169</p>	<p>1 Whip at various times in the late '70s and '80s. The 2 reference is INQ001704. 3 Chair, we would invite you to adduce those 4 statements in full. 5 THE CHAIR: Yes, I will do that. Thank you, Ms Beattie. 6 That concludes today's hearing and we will resume on 7 Monday, March 25. Thank you. 8 Discussion re disclosure 9 MR STEIN: Chair, we have a point to raise on behalf of 10 Mr Hulbert before we leave today, but we note there has 11 not been a break this afternoon. I wonder whether you 12 need to take a break now? This is a matter I have 13 raised only briefly with counsel to the inquiry because 14 it concerns Mr Box, whose evidence is going to be given 15 when we resume in the week after, and because Mr Box's 16 statement was only served on, I think, the 12th of this 17 month, we have had very little time to look at it and 18 consider it. Chair, shall I continue and outline the 19 difficulties that we have got or would you prefer to 20 have a break? 21 THE CHAIR: No, I am going to ask Mr Altman if he wishes to 22 address me on this. 23 MR ALTMAN: Chair, Mr Stein hasn't given me, personally, any 24 notice of this at all. I know he's spoken to 25 Ms O'Byrne, who may have some inkling into what Mr Stein</p> <p style="text-align: center;">Page 170</p>
<p>1 is about to say. It relates to a witness we are not 2 calling until Monday week. The only reason we are 3 calling this witness on Monday week is as a result of 4 Mr Stein's encouragement that we do so and research 5 certain information which we have been asked to do. So 6 all of this is as a result of Mr Stein on behalf of his 7 client and Mr Enright, his solicitor, asking us to make 8 certain further enquiries in order to plug what is 9 perceived, on behalf of Mr Hulbert, to be gaps in the 10 evidence. 11 The best I can do, though, if we are to drill down 12 into any detail, I don't have the detail, I am not alive 13 to what the issues are. Ms O'Byrne may be able to 14 assist. I know that on a Friday you need to rise by 15 4.00 pm, and Mr Stein may not be aware of that, and 16 therefore we have perhaps ten minutes in which to 17 resolve this issue. It is much better perhaps for 18 Mr Stein to put this in writing. But if he is going to 19 make a fuss about what he hasn't got, he should bear in 20 mind that he has more than a week, and we are doing our 21 best to make disclosure of certain information, that 22 much I do know, in relation to Mr Box and it is far 23 better, rather than raising issues like this before you, 24 to allow us to get on with the job of disclosing, having 25 redacted an awful lot of material that came in very</p> <p style="text-align: center;">Page 171</p>	<p>1 recently from Mr Box, and then Mr Stein will be in a far 2 better position, rather than complain about it now. 3 Submissions by MR STEIN 4 MR STEIN: No fuss is being made. This is a proper matter 5 to raise at this stage. I, of course, wasn't aware that 6 you are intending or need to rise at 4.00 pm, so we had 7 better outline the difficulties. 8 Mr Box's statement was served on the 12th, only 9 a few days away. With that statement and within the 10 statement there are references to many exhibits. Over 11 the last few days, we have had service of most but not 12 all of those exhibits. We have been assured, 13 repeatedly, by the solicitor to the inquiry that the 14 remaining exhibits are to come, yet we still don't have 15 them. We are assured that the work is ongoing and hard 16 work is being currently engaged to make sure that those 17 exhibits are available, going through the redaction 18 process. We do not know what those remaining exhibits 19 are because we have not had them. We cannot leave this 20 matter until next week because the inquiry is not 21 sitting, and if it concerns a point that the chair of 22 this inquiry can only deal with, which we suggest it 23 does, then we have to raise it now. 24 Otherwise, when we resume on the 25th, it will be 25 too late. So this is not a fuss, this is in fact the</p> <p style="text-align: center;">Page 172</p>

<p>1 only time that we can raise this particular matter. 2 The problem we have with Mr Box is this. Mr Box 3 describes himself in this way: he says -- inquiry 4 reference HOM003218_002. This is Mr Box stating of his 5 own functions as part of the secretariat to the 6 Wanless/Whittam review. You will see there at the 7 bottom of the page, paragraph 8, if that could be 8 highlighted, please: 9 "The secretariat's role was to support the reviewers 10 in fulfilling their terms of reference." 11 The reviewers are Mr Wanless and Mr Whittam QC: 12 "Its functions were largely administrative, to 13 facilitate the provision of factual information and we 14 were not involved in the decision-making process. Its 15 functions included ..." 16 You can read for yourself what it says about its own 17 functions, but this is the purpose of the employment of 18 Mr Box. The difficulty that we are encountering is that 19 it is clear, as Mr Box describes himself, that he is 20 carrying out general day-to-day functions. He is not 21 a decision maker for the Wanless and Whittam review, he 22 is not directing that review, he is not going to be able 23 to answer questions as to what was done by that review 24 or what was not done by that review. 25 So, as an example of that, the sorts of questions</p> <p style="text-align: center;">Page 173</p>	<p>1 that we will be seeking to ask Mr Box will include 2 whether the Wanless and Whittam review properly carried 3 out its investigation into what Mr Hulbert had explained 4 through documents that he had placed before that review. 5 We know Mr Hulbert did that because the Wanless/Whittam 6 review clearly identifies the material that was provided 7 Mr Hulbert, but it is not Mr Box that can answer those 8 questions. He simply is unable to answer what was done 9 by the two reviewers, Mr Wanless and Mr Whittam QC. 10 So what we will rapidly see when we resume in 11 a week's time, that cannot be fixed in the intervening 12 time unless, chair, you take the steps to do so, is that 13 we will not be able to have the answers as to what was 14 done by that review at the time in order to properly 15 investigate Mr Hulbert's concerns. 16 The only people that can do that will be Mr Wanless 17 and Mr Whittam QC. 18 MR ALTMAN: Chair, I am going to intervene, because this 19 isn't fair, it is not fair on you and the panel, for 20 Mr Stein to adopt oral submissions on a Friday afternoon 21 on finely detailed matters which you can't possibly 22 absorb. In any event, I would invite you not to make 23 any ruling on this because it is purely administrative 24 and it is not a matter for the chair and panel to rule 25 on matters like this or make any determination.</p> <p style="text-align: center;">Page 174</p>
<p>1 What I am going to invite Mr Stein to do, given he 2 feels so strongly about this, is to put into writing by 3 way of short submissions, to be served as soon as he 4 wishes to do so, what his point is and what he seeks by 5 way of resolution, and it will be considered by us. The 6 mere fact that this inquiry is not sitting next week 7 does not mean to say that we are not working on the 8 inquiry, and the reality of what he's asking is a matter 9 of decision for us going forwards as to the material 10 that we put before you. 11 Therefore, I am going to invite Mr Stein to stop the 12 submissions he is making, reduce what he wishes to say 13 to writing. He can serve it on us -- he knows where to 14 find us -- as soon as possible and we will take it from 15 there. 16 MR STEIN: Chair, the decisions to be made by this inquiry 17 are the chair's, not Mr Altman QC's. His 18 decision-making concerns the way that counsel to the 19 inquiry will proceed. That is not for the chair to be 20 bound by his decision making. The reason why -- and if 21 I am just allowed to continue for two sentences more, 22 and I hope it really is that -- I am raising it at this 23 stage is to put the inquiry on notice that we will be 24 seeking the calling of Mr Wanless and Mr Whittam. 25 Unless we do it at this stage -- second sentence -- the</p> <p style="text-align: center;">Page 175</p>	<p>1 difficulty is that you, chair, are unlikely to be seized 2 of this issue as firmly as we are seeking to put it 3 before you at this point. 4 So of course we will put it in writing, and I was 5 not seeking to ask you to make a decision today; putting 6 you on notice. 7 So we have two problems: first of all, wrong 8 witness. Mr Box can help us when he is called to give 9 evidence, but he will not be able to answer all 10 questions. So please consider with, of course, counsel 11 to the inquiry, the calling of either Mr Wanless or 12 Mr Whittam. We are putting the inquiry on notice of 13 that as soon as we reasonably can. Of course it will be 14 confirmed in writing. 15 Secondly, the remaining exhibits of Mr Box, which we 16 will identify in correspondence, we do need. We do have 17 to put questions in writing within a certain timetable. 18 My learned friend, of course, Mr Altman, may not be 19 aware of that. 20 MR ALTMAN: Strangely, I am. But what I am going to insist 21 on is that Mr Stein, as I already said, puts his 22 submissions in writing. We will respond and you can 23 make a determination in the usual way whether you are 24 sitting on this hearing or not. 25 THE CHAIR: That is correct, Mr Altman. I am not in</p> <p style="text-align: center;">Page 176</p>

<p>1 a position to respond this afternoon to these matters --</p> <p>2 MR STEIN: Sorry. I wasn't standing up. My fault.</p> <p>3 THE CHAIR: I will accept that proposal and I would expect</p> <p>4 you to come up with some form of conclusion of this</p> <p>5 matter and I will be available, of course, next week, if</p> <p>6 necessary.</p> <p>7 MR STEIN: Thank you, chair.</p> <p>8 THE CHAIR: Thank you.</p> <p>9 (3.50 pm)</p> <p>10 (The hearing was adjourned to</p> <p>11 Monday, 25 March 2019 at 10.00 am)</p> <p>12</p> <p>13</p> <p>14 I N D E X</p> <p>15</p> <p>16 MR KENNETH HARRY CLARKE (sworn)1</p> <p>17</p> <p>18 Examination by MR O'CONNOR1</p> <p>19</p> <p>20 Questions by THE PANEL26</p> <p>21</p> <p>22 LORD THOMAS MICHAEL JOPLING31</p> <p>23 (affirmed)</p> <p>24</p> <p>25 Examination by MR O'CONNOR31</p> <p style="text-align: center;">Page 177</p>	<p>1</p> <p>2 MR NICK BROWN (affirmed)81</p> <p>3</p> <p>4 Examination by MS BEATTIE81</p> <p>5</p> <p>6 Questions by THE PANEL101</p> <p>7</p> <p>8 LORD JAMES NORWICH ARBUTHNOT106</p> <p>9 (affirmed)</p> <p>10</p> <p>11 Examination by MS BEATTIE106</p> <p>12</p> <p>13 Questions by THE PANEL132</p> <p>14</p> <p>15 SIR MURDO MACLEAN (sworn)134</p> <p>16</p> <p>17 Examination by MR O'CONNOR135</p> <p>18</p> <p>19 Questions by THE PANEL166</p> <p>20</p> <p>21 Witness statements adduced by MS169</p> <p>22 BEATTIE</p> <p>23</p> <p>24 Discussion re disclosure170</p> <p>25</p> <p style="text-align: center;">Page 178</p>
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