

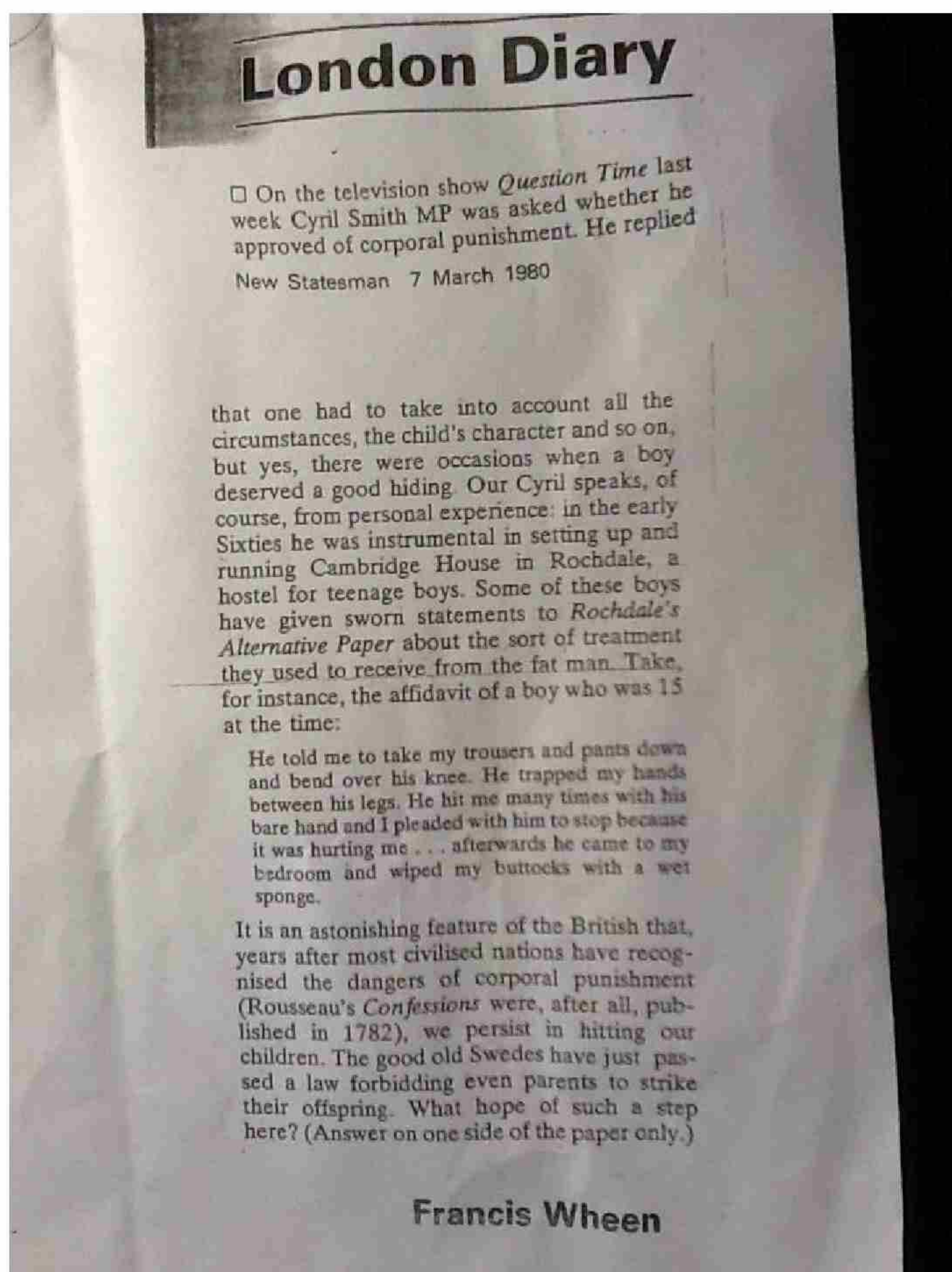
Oliver Carlyon,
Investigation Lawyer,
IICSA

Dear Mr Carlyon,

Thank you for your letter to Ian Hislop of 15 September. Ian has asked me to reply as I have been involved in *Private Eye*'s Cyril Smith coverage for some years. I am sorry for the delay:

Irrelevant

Although you are almost right in saying that *Private Eye* was the only national publication to report the information published by *Rochdale's Alternative Paper* (RAP), there was one other publication that (briefly) covered it, albeit some months later. As it happens, I myself wrote a diary item in the *New Statesman* on 7 March 1980. Here's a photo of the item:



I had no comeback from Cyril Smith or his lawyers.

The *Private Eye* piece in 1979 was written by Paul Foot, who is now dead, but I shall try to answer your numbered questions. These answers are based mainly on my knowledge of how

Private Eye (where I have worked for 30 years) operates, but also from past conversations with Paul Foot and with Richard Ingrams, the editor at the time. Incidentally, I presume you have also contacted Ingrams, who is still very much alive.

- 1) In the 1970s *Private Eye* was often willing to publish allegations that no national newspaper would touch (see its early coverage of the Thorpe scandal, or the Poulson scandal), so it wouldn't have been put off publishing the Smith story merely by the failure of Fleet Street to cover it. Quite the opposite: if Fleet Street was unwilling to touch a story, Ingrams was all the keener to publish it.
- 2) Foot told me that he knew Cyril Smith's lawyers were trying to intimidate the national media into not mentioning the RAP story, by suggesting that RAP was being sued. But Foot spoke to RAP (I think to John Walker, the co-editor, who is still alive) and decided that since the story was backed up by a number of sworn statements from victims there would be a good defence even if Smith did sue the *Eye*.
- 3) As far as I know, *Private Eye* never had any threat of legal action over the Cyril Smith allegations. Nor did I for my short *New Statesman* piece, as I mention above. My item would have been passed before publication by one of our libel readers, who at the time were the barristers Geoffrey Robertson (still practising, now a QC) and Andrew Nicol (now Sir Andrew, a High Court judge). I can't now say for certain which of them cleared it, but one or other of them might remember.
- 4) I inferred from the lack of any legal reaction that Smith didn't want to have the allegations from the affidavits aired in court, where the media would feel bolder about reporting them because of the privilege attached to reports of court proceedings. When no writ was issued against *Private Eye*, or later against me, during conversations with journalists on other papers I did sometimes ask why no one had picked up on the RAP story. They all assumed that it was because of legal nervousness on the part of their editors. (At least one national newspaper editor from the time is still alive: Mike Molloy of the *Daily Mirror*. Perhaps you have already contacted him to ask what he recalls about it.)
- 5) The "materials" in the *Eye* story were essentially nothing more than what RAP had printed. I don't know if anyone contacted Paul Foot asking for a copy of RAP, but if they did I imagine he'd have put them in touch with the Rochdale editors. John Walker of RAP is the likeliest person to know.

I hope this is of some help. If you have further inquiries I can be reached at

DPA

Best wishes,

Francis Wheen