

Smith. The complete truth of what happened remains frustratingly out of reach, but the most likely explanation in our view is that between the secretary speaking to Mr Bartlett and Ms Phillips' return call with the formal 'no comment' position there was another communication that was misleading. Sir Thomas may well have been uneasy about it. Unfortunately, the precise details of those conversations we will never know and a question remains about why Sir Thomas felt it necessary to contact the MI5 legal adviser. However, the provision to the press of misleading information by the Director of Public Prosecutions' office could have contributed to the failure of the press to publish the story, which was ultimately beneficial to Smith.

86. What is clear is that the Director of Public Prosecutions' office's misleading of the press by saying there was no trace of a case on Smith fuelled rumours and speculation that there had been some kind of cover-up. That problem was anticipated by Lancashire Constabulary almost immediately, as the fourth file note from MI5 shows. This is dated 3 July 1979 and records a conversation between a Security Service officer and Chief Constable Laugharne of Lancashire Police at the Regional Association of Chief Police Officers' Conference on 23 June. Mr Laugharne had complained to the MI5 officer about the Director of Public Prosecutions having denied receiving a file about Cyril Smith, and "*pointed out that there was a danger of critics of the Lancashire Police drawing the conclusion that the report had not been sent to the DPP as part of a conspiracy to assist Mr SMITH*".¹³⁸ The danger identified by Mr Laugharne is precisely what did in fact happen over the subsequent years, partly as a result of the Director of Public Prosecutions' refusal to set the record straight. We hope that this might prove a lesson for any institution or public authority tempted to mislead the media over any issues relating to child sexual abuse or failures to address it.

Cyril Smith's knighthood

87. The stark fact is that despite the RAP allegations in 1979, and whether or not partly as a consequence of the Director of Public Prosecutions' office's misleading statement about the matter, Cyril Smith's standing in public life grew ever greater. In 1988, his ascent to a position of considerable prominence and respect was marked by his being awarded a knighthood for his political services.

88. We have obtained various documents from the Cabinet Office that demonstrate that the Political Honours Scrutiny Committee (PHSC) considered the 1970 Lancashire Police investigation and the 1979 RAP articles in some detail, and yet still came to the conclusion that it was open to the then Prime Minister, Margaret Thatcher, to recommend Smith for a knighthood. The first document is a memorandum from Mrs Hedley-Miller, the Secretary to the PHSC, to Sir Robin Butler, the Principal Private Secretary to Mrs Thatcher, dated 28 April 1988. The memo attaches copies of the RAP article and the follow-up Private Eye article, and notes that these justified a 'warning of risk' letter to the Prime Minister. It records the Committee's view:

"They feel that if there is fire under this smoke, they would probably not wish to sign a certificate giving their go-ahead...if it is all rather baseless then 'let the press do its worst', but the Prime Minister need not be prevented from giving an honour where this is due. They would accordingly wish (i) to see the Lancashire police report to the DPP; (ii) to know

¹³⁸ INQ000975_6

*what lay behind the DPP's advice that there was no reasonable prospect of conviction. Did they mean that MR Smith was probably innocent? Or merely that he probably was not innocent but the evidence was nevertheless not such as to stand up in court?"*¹³⁹

89. The memo attached a draft letter to the Director of Public Prosecutions requesting further information along the lines indicated. It also attached a draft letter to the Prime Minister, which comments in relation to the RAP and Private Eye articles that *"one may regret this kind of press reporting"*. This draft letter noted that in 1982, following a break-in at the offices of The Sun, police enquiries revealed that the editor had a copy of the 1970 police report.¹⁴⁰ This information confirms that the national newspapers did know about the story, and had considerable detail about the underlying facts, but chose not to publish it for some unknown reason. The draft letter also commented, *"We consider that Mr Smith would be slightly unfortunate if this episode were to stand in the way of an award, and we would not wish to make a positive adverse report if, after considering what I have said, you yourself were minded to proceed."*

90. A handwritten note on the memo, dated 8 May 1988, indicates that Sir Robin wrote to the Director of Public Prosecutions, at that time Allan Green. He did not have the full police file but did have the 1970 letter from the Director of Public Prosecutions' office and discussed it with Sir Robin, who told him that there was 'no reasonable prospect for prosecution' because of the problems identified in that letter. Sir Robin had asked what the PHSC would do if there had been a prosecution that resulted in an acquittal. He was told that in that case they would give the person the benefit of the doubt, and so he felt that this applied all the more strongly where there had been no prosecution.¹⁴¹

91. On that basis, Mrs Hedley-Miller wrote to the Prime Minister and her office on 11 May 1988 attaching a certificate that left to the Prime Minister herself the final decision whether or not to recommend an honour. The letter alerted Mrs Thatcher to the Private Eye and RAP articles, but commented that the PHSC *"dislike the risk of doing injustice on the basis of press reporting from such sources"*. The letter said the PHSC *"noted Mr Smith was made an MBE in 1966, when an Alderman, for his political and public services in Rochdale, and that he subsequently became Mayor. He also became a Member of Parliament in 1972 after the police enquiries"*, and passed on the view of Sir Robin (endorsed by the PHSC) that where there had been no prosecution Smith should be given the benefit of the doubt.¹⁴² Clearly the Prime Minister took a similar view because Smith did receive a knighthood.

92. We have seen nothing to suggest that there was any cover-up or conspiracy in the way Smith obtained his knighthood. On the contrary, it is clear that there was some frank discussion at the highest level of British politics about the 1969-70 police investigation and the 1979 press articles. However, what is remarkable is the extent to which Smith was given the benefit of the doubt, a phrase that is repeated in the documents and appears to have been a general policy.

93. There are a number of striking aspects to this correspondence. It makes plain that the PHSC brought no independent judgment to bear upon the allegations made against Smith. Although the PHSC asked the Director of Public Prosecutions for further information

¹³⁹ [CAB000008_012-013](#)

¹⁴⁰ [CAB000008_018](#)

¹⁴¹ [CAB000008_13-14](#)

¹⁴² [CAB000008_002](#)