

PRIME MINISTER

LUNCH WITH BBC

You are to have a long-arranged lunch with John Birt, BBC deputy managing director, and his top editorial team at Broadcasting House tomorrow (Friday) leaving No 10 12.30pm. Andrew and I will accompany you.

John Birt wants to make it an occasion to discuss serious policy issues entirely off the record and a right fine team (I jest) he has assembled for the purpose:

- Tony Hall, Director of News & Current Affairs
- Jenny Abramski, Editor, News & Current Affairs, Radio
- John Cole, political editor
- Peter Jay, business and economics editor
- Polly Toynbee, social affairs editor

None of this lot is particularly friendly. But Peter Jay recently rang me up after Rome and your Statement to the House on the Rome Council to say how much he admired your stand. He positively glowed with compliments.

Tomorrow they will, of course, be agog with the by-election results and the media will be waiting for you out in the street as you leave and at Broadcasting House as you arrive. We can take a view on what, if anything, you should say tomorrow morning.

Notwithstanding the by-election and the leadership issue, John Birt wants to use the occasion to examine major issues rather than current events. This means:

- economic prospects (against the background of the Chancellor's excellent presentation of the Autumn Statement)
- our relations with the EC
- the Gulf crisis



- the performance of the education system; and, of course,
- the general political landscape (which I would judge will be of most interest to them).

No doubt lying behind John Birt's proposed programme is his desire to avoid a row over the BBC. While the BBC deserve a clobbering for their recent performance, I do not think it would serve your purposes to have a row. There are far bigger issues at stake than the BBC and you need on this occasion to rise above the BBC.

Having however commented on the BBC's recent programme, I must tell you that I have had some very hard words recently with the BBC's chief political correspondents, John Sergeant and John Harrison, working under John Cole. Sergeant, in particular, has been culpable of disgraceful journalism in forecasting a challenge to you on the basis of gossip - a performance which has earned him not merely my condemnation but also criticism from his own BBC colleagues and others in the Lobby. And John Cole continues to give Kinnock an easy ride.

I think it would do no harm at an appropriate moment to tell them quite tersely that on the political/Parliamentary front at least the BBC's performance latterly has been a mess. If you do so, I will indicate my vigorous support.

Turning to substance, the lunch will be concerned to:

- observe your demeanour; for signs of weakening or irresolution in leading your party. You need to sparkle - and to leave them in no doubt you have an iron resolve to see the Government out of the wood and into another term;
- secure some impression of your political timetable; the current talk is of clearing the decks for a Spring election; they will push you on this, October or 1992. You can honestly say you don't know; but you will go when you think you can win - as you must for the sake of Britain;
- this (they will say) assumes of course you survive a challenge; here you can assume an air of indifference - if a challenge comes you will meet it and defeat it, though your strongest advice is that the vast majority in your party don't want to see a challenge;



- on Europe they will be looking for signs of compromise; your views on the circumstances in which a referendum would be appropriate; the likely outcome of the EMU IGC; and whether, if 11 want to go it alone you will stand out. You need to tell them that you have no secret agenda; you are operating behind a secure Governmental and Cabinet position; and you do not intend to give up a principled and practical position for artificial date setting and Eurowaffle;
- on the Gulf all they want to know is when you and George Bush are going to fight. Since this is the very last thing you would ever tell them - don't let the BBC ruin it - you should emphasise the importance now, in an effort to convince Hussain of his perilous position, that war will indeed come if he doesn't depart;
- on education I think it is reasonable to broaden out the argument. One of the golden threads running through your Administration has been reducing the power and influence of vested interests. The most enduring have been local government and the professions - notably teachers and doctors, though the professions have been far from monolithic in their opposition to change. The fact remains, however, that the Government has had to move in on education to rescue children from the failures of local education authorities and some teachers. The reforms are now in train and a national curriculum, testing, parent power and choice will progressively do their remedial work.

One final point: while I don't think you should get into BBC journalism, you might find it interesting to skim two articles on the release of pictures to the police. In Annex I John Birt, addressing the Association of Chief Police Officers, wants to make it as difficult as possible for the police to get their hands on evidence and then only in cases of crime of the utmost seriousness.

In Annex II Sir Peter Imbert voices my sentiments exactly.

Another example of a British media which has got ideas above its station.



BERNARD INGHAM  
November 8, 1990



# Conflicting Interests

**Legal rights over TV footage are dangerously unbalanced, argues BBC deputy director-general JOHN BIRT, in this edited speech to the Association of Chief Police Officers.**

One of the most striking aspects of contemporary life over the last 20 or 30 years has been the escalation of disorder on the streets. The change started in the late Sixties, particularly with the outbreak of the troubles in Northern Ireland. Protest and demonstration turned, over a period of months, into bitter street-fighting. In the early days, the rioters used stones and bricks. Later, they turned to petrol bombs. These days, street-fighting in the Province is less common, but when it does occur, the tactics remain vicious.

In the last ten years, and elsewhere in Britain, other disorders have left their scars on British social history: the Brixton and Toxteth riots, the miners' strike, Broadwater Farm, Wapping and Trafalgar Square. Others again lack resonant labels but point to a climate of casual disorder: the spate of rural violence, the riots that followed England's match with West Germany—the many *unnamed* disturbances in deserted shopping malls and in the street outside the pub.

The statistics have to be handled carefully, because of the reclassification of public order offences after 1987. But from 1977 to 1986, recorded annual offences more than trebled. Since 1987, the figures have trebled again—a very rapid rate of increase indeed. So disorder on British streets has become more common; it's *also* become more violent.

As you all know only too well, punches are now thrown on what would once have been very ordinary and peaceful marches. The weapons in major disorders are home-made spears as well as bottles. And the range of people involved in a riot is surprisingly wide. At the magistrates' court, it's no surprise to find teachers, accountants and City dealers.

When disorder breaks out, you in the police and we in the media have clear duties to perform. Your duty is to keep order and to bring lawbreakers to justice. Our duty is to report the disorder, so that our audiences and readers can make informed judgments about what has happened. Both tasks are difficult and dangerous.

But, in the case of television crews, the increasing likelihood of being caught up in disorder, and the rising violence that goes with it, is not the only threat to their safety, and therefore to our ability to cover disorder. That comes from a change we've detected in the *attitude* of crowds to our crews.

Veterans recall with a wry smile the early days in Northern Ireland, when they could stand in the space between the crowd and an advancing line of soldiers, filming first in one direction—then calmly turning round to film the other.

Those innocent days are over. Now there is evidence to suggest that crowds, not only in Ulster but throughout the United Kingdom, have become increasingly hostile to television crews. The riots in 1981 provided early signs of the change. At Toxteth, one of the BBC crews was surrounded by a threatening mob of youths. The crew commandeered a van, only to drive into a cul-de-sac. The mob caught them and began to rock the vehicle as if to turn it over. The crew escaped, badly shaken, by reversing at speed. The members of a second crew fared less well. They were beaten up and had their equipment set on fire. All our crews formed the clear impression they were at risk because they were carrying cameras—

an impression strengthened when a freelance cameraman was killed at Brixton by a blow to the head with an iron bar.

The events at Broadwater Farm in 1985 reinforced our belief that attitudes to crews have changed. The first crew to arrive, seeing the ferocity of the riot, was filming from behind police lines: they were peppered with shotgun pellets by a man firing from a second-floor window. The cameraman escaped with flesh wounds. The sound recordist lost an eye. I'm aware, of course, that whatever dangers crews may face, the dangers faced by your officers, pressed into action behind riot shields, will always be even greater—in the case of Broadwater Farm, horrendously and tragically so.

But, for us, the most significant scenes of all took place in Bournemouth this spring, when Leeds supporters rioted before and after a football match. All the crews at the scene were jostled and punched. The BBC crew was kicked, spat upon and sprayed with lager. The sound recordist was pinned against a van by a group of five fans, held by the throat and forced to hand over his tape. The tape was kicked up the street and never recovered. The camera was battered and the viewfinder broken. The crew was badly shaken; and there were no pictures to offer the national news from that part of the afternoon's events.

These days camera crews know the game. They've learned from hard experience to minimise risk; not to get caught up with any one group; where possible, to keep their backs to a wall. And they know about keeping a low profile, about when to film and when not to film. So it's not a case of naivety getting them into scrapes. Rather, it's a fundamental change of attitude in the crowds.

So what has *caused* the change? The clue, I think, lies in the new jibes now being thrown at crews as they cover disturbances. During the Trafalgar Square riot, there were cries of 'Maggie's boys'. At Bournemouth, it was 'Police narks' and 'You're on their side'.

What this suggests is a growing perception among crowds that all film shot during public



disturbances can and will be used against them in court cases to pinpoint individual offenders; that broadcasters are no longer there simply to observe and report; that we are, in effect, gatherers of evidence and—by only one remove—an extension of the arm of authority.

Certainly, over the last few years, police forces throughout the United Kingdom have been making more and more requests for videotape—sometimes for material that has already been transmitted; sometimes for material that has been recorded but not transmitted. The reason cited in these requests is that the tapes may help you identify offenders and secure their conviction in court.

Sometimes you in the police have not been pursuing a specific arrestable offence so much as gathering intelligence. You have wanted to trawl through material shot during





**Long arm of the law: increasing police use of news material—as after the poll-tax riots this year (above)—threatens the safety of TV crews and limits their ability to report on disorder**



PRESS ASSOCIATION



DAVID HOFFMAN

**All our crews formed the clear impression they were at risk because they were carrying cameras**

the course of a public disturbance to check if it contains any evidence of offences being committed, as when you went to Guildford Crown Court to obtain film of an acid house party, arguing that it might show evidence of unspecified offences of riot and violent disorder. And when you went to Southwark Crown Court for film of a demonstration by

Asian people in Bethnal Green, not as evidence against people already charged but because it might provide evidence against others suspected of incitement to violent disorder.

Your court applications for the release of tapes, under the Police and Criminal Evidence Act (1984), reflects only a small proportion of all requests: usually, when we've explained our position, you've decided not to press the matter further. But the *trend* is toward more frequent applications. In 1988, you applied only once. In 1989, you applied four times. In 1990, you've applied eight times already, with more applications in the pipeline. And that's only for BBC material.

The degree of protection in United Kingdom law for journalistic materials, as compared to the protection given in some other democratic countries, is remarkably small. In the United States, for example, there's a strong presumption in favour of free speech, stemming from the First Amendment to the Constitution. And a body of federal case law, built on First Amendment arguments, provides due protection both to the confidentiality of journalists' sources and to journalistic materials—including notes, documents, photographs, films and tapes.

What American law and the courts recognise is that good journalism allows people to form their own views and opinions and to make balanced, informed decisions. Good journalism provides fact and impartial analysis that enables us to understand why events have happened and whether and why they are important.

The central London poll-tax riot provides a good example of what television journalism can tell us. We saw the original march along the Embankment, the flashpoint—the Downing Street sit-in—and the first clashes with the police. Then we saw the pitched battles in Trafalgar Square itself. Later, we saw the widescale destruction and looting. We heard, too, from authoritative witnesses, identifying some of the groups involved. As a result, what had happened in central London, and the na-

ture and scale of it, was known within 24 hours to a large proportion of the population. And the debate about its significance could begin.

I hope you would agree that the role of television journalism in providing a coherent account of violent disorder on the streets is valuable for all and needs to be sustained. That means that the defenceless crews who record these scenes in inherently risky circumstances need all the protection that can be offered them. Being seen as evidence gatherers further jeopardises their safety; and, if current trends continue, it threatens their ability to do their jobs as close to the action as they do now. That would be a loss for all. And that is why I ask the police to exercise restraint in seeking television news material of violent disorder.

If I cannot so persuade you, and if you continue to press for access to news material, we will continue to apply a standard procedure. We will ask you to put your request in writing. We will require you to seek a court order. And we will then invite the court to weigh the media interest against the interest of justice. (Let me add that we make no distinction between a request from the police and a request from the defence solicitors.)

I readily accept, however, that we have some way to go before we can persuade the British courts routinely to weigh the media interest. In a number of cases, judges have recognised that there is a media interest to be considered. Judge Denison ultimately granted an order to hand over untransmitted tape of the central London riot. But he noted that the opposition of the BBC, and other broadcasters and newspapers, was 'perfectly proper'.

There have been a couple of occasions when a judge has declined to weigh the media interest, but has agreed to view the tape to decide whether all, or any of it, might reasonably be thought to help the police. On the first occasion, Judge Mota Singh concluded that videotape of the demonstration by Asian people in Bethnal Green would be of no value







## The song remains the same

The injunction now contained within the Broadcasting Act to maintain balance on major matters is at the same time both vague and deeply worrying.

David Mellor's hasty withdrawal of earlier versions on impartiality held up the hope that attempts to legislate on impartiality would be abandoned. What he came back with at the eleventh hour was no more encouraging even though it appeared softer.

Journalism is now littered with authorities, commissions and codes, all of which pivot upon the question of interpretation. It will be up to the Independent Television Commission and the Radio Authority to decide whether broadcasters are fulfilling that vague injunction over balance. But with franchises and vast sums of money riding on the question of suitability it is hard to imagine that this is a charter for free and fearless journalism.

The hot air merchants in the House of Commons, whose idea of independent journalism is to say what they want without the convenience of difficult cross-examination, have terrorised broadcasters and print journalists recent years.

With Mellor's impartiality wording within the Broadcasting Act they now have a bone on which to chew and we have to expect that their teeth will be relentlessly bedded in news and current affairs programmes.

With this warning light shining strongly, how do you imagine the aspiring Channel 3 bidders are going to phrase their journalistic ambitions when they tender?

What will existing TV companies, facing perhaps the toughest franchise round yet, be doing to present the right image?

The subtext to Mellor's revised wording is clear. Refusing to be moved by it is vital and it's up to Sir David Nicholas, John Birt, Michael Grade and the rest to let the ITC know that they are defending their journalists to the hilt.

# Journalists must face duties of citizenship



by Sir Peter Imbert QPM, Commissioner of the Metropolitan Police

John Birt made a point to the Association of Chief Police Officers recently when he spoke about police access to journalistic material. He spoke about passers-by who had become victims of the Trafalgar Square riot, and he spoke about the increasing dangers faced by media personnel. However, in his IPI paper, John Wilson wrote that many reporters and photographers are not much moved by the argument that the journalist as citizen should satisfy the citizen's duty by providing evidence to convict wrongdoers. He related the difficulty of those whose identity is exposed in the witness box.

The fact is that in serious cases the community expects all of us, including journalists, not to shirk from bringing wrongdoers to justice. Nor is a journalist treated differently to any other witness. Let me make it clear that I find it deeply disturbing that photographers, TV crews and reporters seem to have been targeted by those who tried violently to hijack the largely peaceful poll tax protest in Lambeth on 20 October. The troublemakers clearly understood the threat which journalistic film and video posed to their ability to intimidate the community.

The events of 20 October make even more relevant some questions which I recently had the opportunity to put to the Institute of Journalists. I asked them this: if a member of your reporting team was struck down by a brick, and you had film

of the now-vanished assailant, would you refuse to give it to the police? And if you refused, how would you explain that to the victim's husband, or wife, or children, or colleagues? And what if that film clearly showed the innocence of an accused man, but pointed to the guilt of another, unknown to the police. Would you publish nothing and say nothing? Or would you publish the evidence of innocence, but refuse access to the incriminating material? Or would you hand over all the film?

Police officers do not have any choices. The public and the courts do not think highly of investigators who ignore the evidence. Victims think even less.

Max Hastings told ACPO that the man on the Clapham omnibus, while supporting police requests for journalistic material, might not be alive to the fact that the journalist as citizen had no greater legal privileges than others, but might face greater risks and dilemmas. I agree with that, as I agree that police requests for such information must not become a reflex reaction to crime or public disorder. Eamonn McCabe wrote recently that there should be better ways of protecting photographers, and in London we are considering his suggestions seriously.

But all police officers and all journalists are volunteers, while victims of crimes are not. Nor are the people who now fear to exercise their right to demonstrate peacefully. When that right is eroded, the petrol bombers of 20 October have secured some sort of victory.

Everybody owes a great duty to those conscripted into silence, or fear – or worse. John Wilson wrote that "when the journalist is threatened, society loses" – but that is only part of the story. Society loses even more when those who seek to intimidate the community, through disruption, damage and violence, believe they can do it with impunity in the glare of television lights.

He is right to say that: "The media should be accepted, and protected, as independent retailers of fact." I believe that the police service should not expose journalists and the reporting of news to more risk than is absolutely necessary, and that the police should only seek access to film or video where we firmly believe that it is of undoubted use in clearing up serious, and I stress serious, crime.

But in turn, I cannot easily accept that any duty is higher than that of the citizen – and in a society policed by consent, every citizen has a duty to see the law maintained. Only Parliament and the courts can balance the need to protect the functioning of a free press, and the needs of victims and potential victims.

● Sir Peter wrote this shortly before his heart attack. We wish him a speedy recovery.

## UK PRESS Gazette

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cc: John Whittingdale



**CONSERVATIVE**

PRIME MINISTER C. Major

I too saw this news bulletin and Brendan is quite right that both items were a disgrace.

JAW 8/11

7 November 1999

Ms Margaret Douglas  
BBC  
Broadcasting House  
Portland Place  
London W1

Dear Margaret

Could I make two observations about last night's 9.00 o'clock news?

1. Peter Jay's piece (dare I say 'feature') on an unsubstantiated rumour of a possible deficit next year. The piece involved reporting the opinions of his source, the Opposition's Shadow Chancellor and the opinions of an economic adviser to the Labour Party - who was billed merely as a Goldmann Sachs analyst. No Conservative politician was interviewed. No independent economic analyst was interviewed and the graphic used managed to imply a large deficit next year, again based on no evidence. It is difficult, on the face of it, to see where balance was achieved in this piece. I would appreciate your comments.
2. The news led with the assertion that the leadership contest was likely, based, it seems, on the evidence of a conversation between John Sergeant and a Conservative backbencher. I have no doubt this conversation took place in good faith, but what it contained was merely the hearsay opinion of this backbencher's as to the future actions of others. If John Sergeant had been told by the backbencher that he himself intended to stand, and assuming he was a normally reliable source, the conclusion that a leadership contest was likely would have been perfectly legitimate. In fact this was not the case. Hearsay was reported as fact. Again I would very much appreciate your observations.

Best wishes.

BRENDAN BRUCE

**BRENDAN BRUCE**  
**DIRECTOR OF COMMUNICATIONS**



cc: John Whittingdale



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FROM CHIEF POLITICAL ADVISER

BRITISH BROADCASTING CORPORATION  
BROADCASTING HOUSE  
LONDON W1A 7AA  
TELEPHONE: 01-580 4463  
TELEX: 265781

8 November 1990

Dear Brendan

I am writing to follow up our telephone conversation and your note about the Nine O'Clock News on Tuesday.

1. The Peter Jay report

Peter Jay's report was based on authoritative information given to him as the BBC's Economics Editor: he was not reporting a rumour.

The Editor of the programme was satisfied that Gavyn Davies was speaking as an independent, professional economist from a leading City firm. Incidentally, it is our understanding that Mr Davies is not now an adviser to the Labour Party.

The Treasury was told about the story well in advance and was twice asked for a Ministerial response; but Ministers declined an invitation to take part. I think, nonetheless, that the item should have contained a contribution from a Conservative speaker; and I am sorry it did not do so.

2. John Sergeant's report

It was clearly appropriate to report on a possible leadership challenge to the Prime Minister on the day when this was a matter of intense discussion and when an election timetable was established. The Nine O'Clock News made clear the precise basis of the story: that John Sergeant was reporting a conversation with a reliable source - a senior Conservative - about the intentions of another MP. His report also contained Downing Street's comment dismissing talk of a likely challenge as speculation, and another Conservative backbencher supporting that view.



Given Mr Sergeant's long experience as a political journalist, I think it was legitimate for him to report the conversation. But given also that the person standing was not identified, I am unhappy that we gave the report such a degree of prominence.

*As ever,*

*Margaret*

(Margaret Douglas)

Brendan Bruce Esq.,  
Conservative Central Office,  
32 Smith Square,  
London SW1





FROM THE DEPUTY DIRECTOR-GENERAL

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Mr Bernard Ingham,  
Chief Press Secretary  
to the Prime Minister,  
10 Downing Street,  
London SW1A 2AA.

30 October 1990

Dear Bernard,

We look forward to our lunch with the Prime Minister.

The BBC party will be:

|                |   |
|----------------|---|
| John Birt      | Deputy Director-General                 |
| Tony Hall      | Director of News and Current Affairs    |
| Jenny Abramsky | Editor, News and Current Affairs, Radio |
| John Cole      | Political Editor                        |
| Peter Jay      | Business and Economics Editor           |
| John Simpson   | Foreign Affairs Editor                  |
| Polly Toynbee  | Social Affairs Editor                   |

I have stressed to my colleagues that the lunch is off-the-record. With the Prime Minister's agreement, I hope we can discuss major themes rather than the immediate stories of the moment. So I hope we might cover: the prospects for the economy; our relationship with the E.C; the Gulf crisis; the performance of the Education system; and the general political landscape.

/cont...





/cont...

If there are any other matters you feel we should address,  
please let me know.

Kindest regards,

A handwritten signature in blue ink that reads "John." with a horizontal line extending to the left and a short horizontal line underneath the "n".

JOHN BIRT



*Val*  
*Handed to file*  
*pm*  
*26/7*



FROM THE DEPUTY DIRECTOR-GENERAL

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Mr T Perks,  
Deputy Press Secretary,  
10 Downing Street,  
London,  
SW1A 2AA

*BI*  
*For info*

*Anne*

25 July 1990

Dear Mr Perks,

I am very pleased that the Prime Minister is able to join us for lunch; Friday 9 November is perfectly convenient. I would propose to invite only our most senior editorial executives and our four specialist editors - John Simpson, John Cole, Polly Toynbee and Peter Jay. I trust you will phone me nearer the time about the details.

I look forward to the lunch.

Yours sincerely,

*John Birt*

JOHN BIRT





10 DOWNING STREET  
LONDON SW1A 2AA

17 July 1990

*Dear Mr Birt,*

You wrote to Bernard recently about the possibility of the Prime Minister attending one of your off-the-record lunches at the BBC at some point in the autumn.

Bernard handed this to me as I deal, among other things, with media bids. I have now had an opportunity to discuss this with the Prime Minister and she would be pleased to attend one of your lunches on Friday 9 November.

I hope this date is suitable as it may be difficult to find an alternative date in the PM's busy diary between now and the end of the year. Perhaps we can talk nearer to the date about who will be attending the lunch.

Yours sincerely

TERRY J PERKS  
Deputy Press Secretary

Mr John Birt



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FROM THE DEPUTY DIRECTOR-GENERAL

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Mr Bernard Ingham,  
Chief Press Secretary to the Prime Minister,  
10 Downing Street,  
London,  
SW1A 2AA

5 June 1990

Dear Bernard,

A ✓

As usual, I enjoyed our talk. I think it would be a good idea for me to call on you more often. I'll ask my office to call yours in the Autumn, if I may, and settle another date.

X |

Another thought occurs to me: as you may know, we regularly invite ministers to off-the-record lunches with our senior journalists and editors. It is an arrangement which seems to work very well. If the Prime Minister would care to come to such a lunch at some point in the Autumn, she would of course be most welcome.

Yours sincerely,

John.

JOHN BIRT