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Thatcher, the IBA and 'Death on the Rock'

Tony Fleck

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Introduction

Since its beginnings in the 1920s, broadcasting in these islands has always been considered by the various governments of the day, whatever their political complexion, to be too important to be left solely to the broadcasters. Successive administrations have attempted to regulate and control what is heard or seen over the airwaves by a series of acts of the British Parliament or Dáil Éireann. These acts have been drafted so as to give designated ministers the power to decide on the composition and membership of the Authorities, Boards of Governors or Commissions established by law – and to dismiss them if deemed necessary as happened in the Republic in 1972 under a Fianna Fáil government – to set the parameters of what may or may not be broadcast and effectually exert financial control over the broadcasters, a control that can have a decisive influence. Government power does not however end here, for there are the many formal and informal contacts between ministers and senior civil servants and the Directors General, Programme Controllers and editors that make up the higher echelons of the broadcasting organizations.

These contacts may come in the form of face to face confrontations but more often they consist of letters, formal and informal, discreet telephone calls or seemingly casual conversations at receptions or other public gatherings, for they all tend to be part of the same social milieu. There may be critical statements made in the privileged atmosphere of the Houses of Parliament or Leinster House, or interviews given by ministers to the press or on radio or television, while papers sympathetic to the government may rally in support to denounce the broadcasters and attempt to slant public opinion. In Britain there is also an even more subtle form of influence on senior broadcasters, what Douglas Gageby has termed 'velvet glove control', that is the distribution of honours and knightshoods. It is no mere coincidence that the only two Directors General, one of the BBC and the other of the Independent Authority, not knighted were Alasdair Milne, who was in charge – or not, depending on your point of view – of the BBC during the *Real Lives* crisis, and John Whitney, senior executive of the IBA when *Death on the Rock* was broadcast, two programmes that were anathema to the Thatcher government. In 1988, when *Death on the Rock* was transmitted by the ITV network including Ulster Television, I was in charge of the Belfast Office of the IBA responsible to the Director General, John Whitney, for the day-to-day working of the system in Northern Ireland. I also had the responsibility, unique among my eight Regional Officer colleagues, of being consulted by right before the transmission of any ITV or Channel 4 programme concerning the troubled situation in Northern Ireland. The Authority itself worked to the Broadcasting Act, 1981 – a copy of which I kept at hand in my desk – which stated inter alia:

(a) that nothing is included in programmes which offends against good taste or decency or is likely to encourage or incite to crime or lead to civil disorder or to be offensive to public feeling;

and

(f) that due impartiality is preserved on the part of the person providing the programmes as respects matters of political or industrial controversy or relating to current public policy.

1. See the accounts in DG *The Memoirs of a British Broadcaster* and *The Last Days of the Beeb*.

Broadcasters in the North are also subject to the law of the land and also to the various laws enacted specifically for Northern Ireland: the Prevention of Terrorism Act Northern Ireland 1974, the Emergency Provisions Act and the Criminal Law Act (NI) 1967 which in Section 5:

imposes a *duty* to give a constable information which is likely to secure or assist in securing the apprehension of any person who has committed an arrestable offence.

In addition, the IBA also published and distributed to all ITV companies and to Channel 4 a set of 'Television Programme Guidelines' which in Section 8.1(i) under the heading 'Interviews with people who use or advocate violence or other criminal measures' stated:

Any plans for a programme item which explores and exposes the views of people who within the British Isles use or advocate violence or other criminal measures for the achievement of political ends must be referred to the IBA before any arrangements for filming or video-taping are made. A producer should therefore not plan to interview members of proscribed organisations, for example, members of the Provisional IRA or other paramilitary organizations, without previous discussion with his/her company's top management. The management, if they think the item may be justified, will then consult the IBA.

It was against this legal framework and the political and terrorist tensions in the Province that the confrontation between the Thatcher government and the IBA developed, exacerbated by a concerted onslaught on the integrity of the Authority and the programme makers, Thames Television, by ministers at the highest level including the Prime Minister and also an influential section of the British Press which marched to Mrs Thatcher's drum, including Murdoch's *Sun* and *Sunday Times* a confrontation which had lasting and serious consequences for all those concerned with broadcasting in Britain.

Sunday, 6 March 1988

News of the Gibraltar shootings came to Downtown Radio, then Northern Ireland's only commercial radio station, from the Press Association in the afternoon, and the next headlines at 4.00 p.m. led with the story: 'Three people have been shot dead in Gibraltar. It is believed they were Irish. Army bomb experts have been called in to examine a huge car bomb found at the scene.' Within the next hour, Sinn Féin's Press Office had issued a statement saying that the three people killed were members of an IRA active service unit. By 4.55 pm Downtown Radio news was reporting that the car in Gibraltar had been examined and did not contain explosives but that security forces were now looking for a second car. The three killed were later identified as Mairead Farrell, Sean Savage and Daniel McCann, while on Tuesday, 8 March Spanish police did find a car parked with 64kg of Semtex explosives, detonating equipment and 2kg of ammunition.

Monday, 7 March

To an expectant House of Commons, the then Foreign Secretary, Sir Geoffrey Howe reported that the Gibraltar shootings had prevented 'A dreadful terrorist act'. He also stated that when challenged the terrorists had 'made movements which led the military personnel operating in support of the Gibraltar police to conclude that their own lives and the lives of others were under threat. In the light of this response, they were shot. Those shot were subsequently found not to have been carrying arms.' In answer to a question from George Robertson, the then Labour Deputy Foreign Affairs Spokesman, Sir Geoffrey went on:

As I have said, the three people concerned were approached by military people operating in support of the Gibraltar police. They were challenged at that time, and the movement that they then made led the military personnel to conclude that their own lives and the lives of others were under threat. The matter, of course, will be subject to further amplification as further evidence becomes available, but I have given the House the full extent of my information at present.²

2. *Hansard* 7 March 1988.

As we now know, and as *Death on the Rock* was to attempt to show, there was further information which the Home Secretary did not have to hand and which threw considerable doubt on his original statement.

Monday, 14 March

After a delay in Gibraltar before the local Coroner released the bodies, the three IRA volunteers were flown into Dublin airport some 100 miles from their homes and not into Aldergrove airport only 15 or so miles from Belfast. This facilitated the Provisional IRA and Sinn Féin to stage a remarkable funeral cavalcade – fully covered by the television cameras – which passed through towns and villages draped with black flags and witnessed by thousands of sympathisers and inquisitive sightseers.

Tuesday, 15 March

Jenny McGeever, an RTE reporter, who had interviewed Martin McGuinness of Sinn Féin at Dundalk as the funeral progressed towards the North, was suspended for a breach of Section 31 of the Republic's Broadcasting Authority Act which then prohibited interviews with members of terrorist organisations or their political affiliates – in effect Provisional Sinn Féin, the INLA, UDA, UVF and UFF. (Later in the month, Ms McGeever was dismissed by RTE after a disciplinary hearing. The broadcasting ban, introduced by Dr Conor Cruise O'Brien in 1976 when he was Minister for Posts and Telegraphs in the Cosgrave/Corish coalition government in the Republic, was suspended in 1994 after the announcement of the IRA ceasefire.)

Wednesday, 16 March

During the burial of the three IRA volunteers – again fully covered by cameras and the world's press – three men were shot dead by a lone gunman who had infiltrated the crowd and then made a grenade and gun attack on mourners at Milltown Cemetery in Belfast. Gerry Adams, President of Sinn Féin, promptly accused the police and army of collusion with the attacker. A man, later identified as Michael 'Rambo' Stone – who had some connection with the Loyalist Ulster Defence Association – was later arrested by the RUC and subsequently charged and convicted of the murders. He is now in prison.

Saturday, 19 March

The funeral procession of one of the victims of the Milltown shootings, Kevin Brady, again covered by television cameras, radio and press, was inexplicably interrupted by a car driven by two British army corporals, Corporal Wood and Corporal Howe, both in civilian clothes. In plain view of the camera, the car was attacked, the men pulled out and hauled away out of sight. No camera was allowed to follow the men who were bludgeoned to near death before being shot. There were attempts by Sinn Féin officials to confiscate film and video of what happened but later pictures of the corpses lying bloody and near naked, one spread out as if crucified, went round the world – as did shots of a priest attempting mouth-to-mouth resuscitation.

Tuesday, 22 March

Despite assurances from the broadcasters that the untransmitted pictures of the mobbing of the corporals' car had no value as evidence, ITN, the BBC and RTE were requested by the RUC to hand over the untransmitted video and film of the attack. They initially refused, pointing out that to do so would put their reporters in jeopardy. The Prime Minister, Mrs Thatcher, said in the House of Commons,

I believe that everyone, the media included, has a bounden duty to do everything he can, to see that those who perpetrated the terrible crimes we saw on television and that disgusted the whole world are brought to justice. Either one is on the side of justice in these matters, or one is on the side of terrorism.³

3. *Hansard* 22 March 1988.

Feelings ran so high that Richard Dunn, then Managing Director of Thames Television and Acting Chairman of ITN, was accused by ministers of being an ally of the terrorists and told to his face by irate MPs that the ITN crew should have intervened and made a citizen's arrest.⁴

4. Speech by Richard Dunn to the Royal Society of Arts, 16 November 1994.

In the next two days, under considerable pressure from the RUC (John Conway, the News Editor of the BBC in Northern Ireland was threatened with arrest) and acting on legal advice – Section 11 of the Prevention of Terrorism Act 1974 makes it an offense to withhold without reasonable excuse information of material assistance which would assist in bringing terrorists to justice – the video and film was given to the police by ITN, the BBC and the local office of RTE. Michael Checkland, then Director General of the BBC, stated,

The BBC has never set itself above the law. In dealing with this matter, we have been concerned with the difficult and dangerous position of our crews in Northern Ireland... I very much hope that as a result of this action by the authorities the BBC's future news gathering in the province will not be damaged. (*Daily Telegraph*, 24 March 1988)

The legality of the RUC's actions was questioned at the time and most recently by David Miller in his *Don't mention the War* where he writes, '...there remains some doubt as to the applicability of Section 11 to seizing media materials... the power of the RUC action was *de facto*. The power has still not been tested in the courts.'⁵

5. Miller (1994: 39-41).

Thursday, 7 April

This Week, a regular and usually authoritative documentary programme from Thames Television, was broadcast at 8.30pm. This edition, devoted to a consideration of public attitudes in Republican West Belfast after the funerals, the shootings and lynchings, was previewed earlier that afternoon by myself and a colleague from IBA's Television Division in London. I found the programme depressing as attitudes had not altered; there was general support for the actions of the IRA and Sinn Féin and little contrition – apart from a few church-goers and the local priest – as to the terrible events surrounding the deaths of the two soldiers. Roger Bolton, the editor of the series and who had previously worked on the BBC's *Panorama*, when questioned informally about his future plans about the Northern Ireland situation, told us that he had a team working on a detailed examination of the events leading up to the Gibraltar shootings and that he had already mentioned this to the IBA's Programme Officer whom he had met recently at dinner. Next day when I returned to Belfast, I alerted the member of the Authority with special responsibility for Northern Ireland, who at that time was Professor J. F. Fulton, Director of the School of Education and Pro-Vice Chancellor of the Queen's University of Belfast.

Tuesday, 26 April

Sir Geoffrey Howe, the Foreign and Commonwealth Secretary, having been told by his staff of the many enquiries being made by the *This Week* team and also having seen the listing in *TV Times* which said that there would be 'startling new evidence which challenges previously accepted views', telephoned Lord Thomson of Monifieth, the Chairman of the IBA, asking in confidence for a postponement of *Death on the Rock*, as the Thames' documentary was now called, until after the inquest in Gibraltar into the deaths of the three IRA volunteers. He gave as his reason for the request that the contents of the programme might in some way prejudice the result of the inquest. Lord Thomson promised to consider what the Foreign Secretary had said. At this time Lord Thomson, a formidable political figure in his own right,⁶ had been Chairman of the IBA for some seven years. He was originally appointed in 1980 Deputy Chairman to Lady Plowden,⁷ an equally strong character, during the early months of the Thatcher administration when the Prime Minister was only testing her ability to pack statutory bodies with men and women she judged 'one of us'. He succeeded Lady Plowden in 1981. Thames Television were not informed of Sir Geoffrey's call, as the Foreign Secretary had stressed its confidential nature.

Wednesday, 27 April

Death on the Rock, extended from the usual *This Week* length of about 30 minutes to nearly 45 minutes, was previewed by senior television staff and myself in London at 10.00am. The programme was undubbed in that the commentary, of which we had a full script, had yet to be added but all the interviews were complete. David Glencross, then Director of Television and now Chief Executive of the IBA's successor body, the Independent Television Commission, who was on his way to another meeting, said that we should know that Sir Geoffrey Howe had telephoned Lord Thomson the previous evening asking for a postponement of the programme. After closely viewing *Death on the Rock* and at times replaying parts of it, we recommended that it be transmitted, subject to three minor changes in the commentary. We felt that it suggested unjustly and without any evidence, that the coroner's inquest would be unable to establish the truth and that the evidence given by the police in Gibraltar would be unreliable. Roger Bolton later accepted both these points but argued that our third query concerning the Prime Minister's foreknowledge of the attack and that she 'must have had on her desk details of how an IRA unit had been detected in Spain'⁸ before the shootings, could be shown to be true. This latter point was accepted by the IBA and was never subsequently challenged by the government.

All the staff at the preview felt that the programme raised serious questions concerning the official version of what had happened in Spain and Gibraltar before and during the shootings. The IBA then sought legal advice from Counsel representing Thames that in his opinion *Death on the Rock* could not be seen as 'contempt of court'. Later in the day the programme was seen by David Glencross as Director of Television, John Whitney the then Director General and finally near midnight by Lord Thomson himself. (With the exception of Professor Fulton, the other members of the Authority were not informed nor consulted, as it had previously been agreed in general that in matters such as this Lord Thomson would use his discretion as to the need for special meetings of the Authority⁹.) It was unanimously decided that, despite the pleas of the Foreign Secretary, *Death on the Rock* should be transmitted.

Thursday, 28 April

In the morning, David Glencross's office informed the Foreign Secretary's Private Secretary of the IBA's decision to broadcast the programme and in turn Sir Geoffrey informed Mrs Thatcher and the Cabinet. Another phone call followed, this time from Sir Geoffrey to David Glencross, expressing disquiet at the decision and repeating that the

6. As George Thomson, he had been a member of Harold Wilson's Cabinet in the 1960s and subsequently an EEC Commissioner from 1973 - 1977.

7. Lady Brigid Horatia Plowden is descended from the Nelson family which produced the famous Admiral whose pillar and statue once graced O'Connell Street in Dublin.

8. See transcript of *Death on the Rock* in the Windlesham Rampton Report.

9. Interview with Professor Fulton.

programme might influence the forthcoming inquest – for which a date had not been set. For the first time Sir Geoffrey raised the question of 'contamination' of evidence and quoted sections of the Salmon Report of 1969 on the law of contempt as it affects Tribunals of Inquiry, the key passage reading:

The Press, Television and Radio have always considered that once any type of tribunal had been appointed it is inappropriate for them to conduct anything in the nature of a parallel inquiry and they have never done so. We regard it as of the utmost importance that this restraint should continue to be exercised.

The IBA again consulted Counsel, this time their own, who gave as his opinion that neither of the Foreign Secretary's objections could be sustained. It was confirmed that *Death on the Rock* would go out as scheduled.

Around lunchtime, Sir Geoffrey Howe called an impromptu press conference at the Foreign Office to deplore the IBA's decision, while in the House of Commons that afternoon, both the Foreign Secretary and Tom King, then Secretary of State for Northern Ireland, referred to the programme as 'trial by television'¹⁰, a phrase picked up and later developed by Mrs Thatcher. Thames Television were astonished by the sudden furore as no hint of the Foreign Secretary's telephone calls to the IBA had reached them. Speaking much later, Richard Dunn, Managing Director of the company, revealed another twist in an already complicated story, and one which underlined differences in opinion within the Cabinet itself:

On the night before *Death on the Rock* was transmitted, Ian Tethowen (Chairman of Thames and a former Director General of the BBC) and I had dinner with Douglas Hurd, the Home Secretary (among whose responsibilities was broadcasting).

Over dinner, which had been arranged some weeks earlier to discuss the forthcoming White Paper (on broadcasting), the Home Secretary told us that he had been telephoned the previous day by the Foreign Secretary. Sir Geoffrey had explained the programme being planned by Thames and had urged Douglas Hurd to ask the Chairman of the IBA to postpone its transmission until after the inquest (for which, incidentally, no date had been set, and wasn't for some months). Douglas Hurd had told Sir Geoffrey Howe that he would not call the Chairman of the IBA, and said he did not think it was right for the government to interfere in programme decisions that were clearly the responsibility of the IBA.

He asked us if the Authority had been fully and properly consulted, and whether they had previewed the film. When I explained that the IBA Director of Television and the Director General had already viewed it, and that the Chairman of the IBA would see it later that evening he was content. Thames were willing to abide by the final decision of the IBA. So was the Home Secretary.¹¹

In response to the Foreign Secretary's press briefing that afternoon, the IBA issued the following statement:

The IBA considers that the programme is a responsibly made documentary which assesses and analyses the role of the terrorists and the SAS in a thorough manner. The IBA has taken advice of Counsel and has been told that the transmission of the programme is not in contempt of court. The programme makes clear the full horror of the crimes committed by the IRA terrorists. The events of the Gibraltar shooting have already been the subject of wide journalistic investigation. The IBA believes that it would be

10. *Hansard* 28 April 1988.

11. Speech by Richard Dunn (1994).

unreasonable to deny further reporting of them to television. The IBA believes that the material in this programme is unlikely to prejudice the outcome of the inquest. The IBA believes that to postpone the programme until after an inquest which is still a long way away would give the IRA more 'oxygen of publicity', and would certainly not prevent it being shown elsewhere e.g. in Parliament to interested MPs, or its contents being widely reported.

At 9.00pm that evening, *Death on the Rock* was transmitted as agreed between Thames and the IBA. It contained interviews with five witnesses who had not been previously interviewed by the Gibraltar police and who threw considerable doubt on Sir Geoffrey Howe's original statement to the Commons that the terrorists had been shot 'after being challenged'. Among the statements made were allegations that the three IRA volunteers had been shot repeatedly by the SAS without warning and that two had tried to surrender. A former army bomb disposal expert also said that the security forces could not have believed that the terrorists' car contained a bomb as such a heavy load would have been obvious. This contradicted government sources which had suggested that one of the reasons for the shooting was that the security forces feared that the terrorists might set off the car bomb by remote control.

Friday, 29 April

In an interview on Japanese television, which was later carried by the BBC and ITN, Mrs Thatcher whose phrase 'the oxygen of terrorism' had been neatly turned against her by the IBA, said that her anger over the programme went much deeper than being 'furious'. Arguing that the place for trial was a court of law, she added,

Trial by television or guilt by accusation is the day that freedom dies. Press and television rely on freedom. Those who do rely on freedom must have the duty and responsibility and not try to substitute their own system for it.

Sir Geoffrey Howe also returned to the attack in an interview for *The World at One* on BBC radio where he said there could be no justification for the attempt to constitute a television programme as 'Judge, Jury and Prosecuting Counsel'. It was 'grossly and wholly improper'.

In a forthright statement that afternoon, Lord Thomson replied that the government had 'grossly' over-reacted and described the decision to make public the government's attempts to delay the programme as 'not wise' as their high profile intervention had resulted in *Death on the Rock* receiving much more attention. He went on,

The programme would have gone out, there would have been a fair degree of interest in it but the general concern about it would have been a fraction of what has now been created. I think there has been a serious and ill-judged over-reaction...I reject absolutely that this is trial by television. It is a normal piece of journalism in the face of terrible events. The over-reaction by Ministers runs not the risk of threatening the IBA - that's a secondary question - but really of undermining something that's immensely valuable in terms of the free media. That's what's at issue.

Later on 7 May Professor Michael Zander quoted the Salmon Royal Commission on contempt before Tribunals (1969) in an article in *The Guardian* in support of the IBA's decision. He wrote,

Unless it could be shown that the interview was intended to or was obviously likely to contaminate the evidence, the Salmon Commission said it should not be contempt to publish such interviews even after the Tribunal had been established. Far from supporting Mrs Thatcher and Sir Geoffrey Howe, the Salmon Report therefore demolishes their whole case, for no one could suggest

that interviews in the TV programme were obviously likely to contaminate the evidence... Government will also derive little comfort from the view of the Salmon Commission on the value of press comment on such situations. When there is a crisis of public confidence about a matter of nationwide concern, it is very much in the public interest that there should be complete freedom of discussion for all – the man in the street, the press, television and radio. To curtail or prohibit free discussion is only likely to increase public unease and is altogether contrary to our concept of a free society. Moreover, freedom of comment may lead to fresh factors being brought to light or new theories being aired which may help the tribunal in its task of arriving at the truth. We have no doubt but that the solid advantages of freedom to comment greatly outweigh the remote risk of the tribunal being improperly influenced by such comment.

While on 9 May Lord Scarman, a former Law Lord in a letter to the *The Times* of London wrote,

There is no trial imminent in the United Kingdom which could be prejudiced by the broadcast. There is no public inquiry set up, or even promised, in the United Kingdom. The broadcast, therefore, could not be stopped as a contempt of court or as a threat to any judicial proceeding pending or promised in the United Kingdom. The right to be informed and to comment upon matters of public interest is vital to the workings of a democratic society. Restraint is justifiable if necessary to prevent prejudice or judicial proceedings which are imminent. But to extend the restraint to protect proceedings overseas would have serious implications. It would, for instance, imperil the opportunity, often the only opportunity, of exposing the victimization of the innocent in many parts of the world.

Thursday, 5 May

In Northern Ireland only, the BBC screened an edition of their current affairs programme *Spotlight*, also investigating the Gibraltar shootings. Again there was strong reaction from the government. Sir Geoffrey Howe had telephoned Marmaduke Hussey, Chairman of the BBC's Board of Governors, the previous morning to seek reassurances that interviews with new witnesses of the shooting of the three IRA members would not be broadcast and making it clear that the government strongly objected to the screening of any interviews which could 'prejudice' the result of the inquest. In a letter he wrote that evening, he maintained that the broadcast in Northern Ireland would, 'directly affect the security forces of the country'. Despite this government pressure, *Spotlight* was transmitted at 8.30pm as scheduled.

Next day, Sir Geoffrey Howe, describing himself in the Commons as a champion of the BBC, went on,

It does concern me deeply because it did contain the very features about which I have warned. The interviewing of witnesses, the presentation of their evidence in interview form in a selective, edited fashion is precisely to contaminate the evidence and influence unhelpfully the way in which the interview will be conducted.¹²

12. *Hansard* 5 May 1988.

Thursday, 12 May

In reply to a letter from the Foreign Secretary dated 4 May and carrying the salutation 'Dear George', which attempted to give the rationale concerning the government's intervention before the transmission of *Death on the Rock*, Lord Thomson wrote, 'Dear Geoffrey':

Apart from the importance of avoiding contempt, the issues as we see them relate to free speech and free enquiry which underpin

individual liberty in a democracy. The right of broadcasters and the press to examine events of major public concern is well established and should be preserved. In the last year alone the enquiries of the media and their interviews with eye witnesses have helped inform the public about the circumstances surrounding such events as the Zeebrugge ferry disaster, the King's Cross fire, the shootings at Hungerford, the Remembrance Day massacre at Enniskillen, and the brutal murders at the Anderstown funeral – all of them controversial. In all these cases inquests have been held and in some cases public enquiries have also been set up without any suggestion that previous interviews with witnesses on television or in the press have interfered with the course of justice.¹³

13. Windlesham Rampton Report, pp 136-140.

Outcome

The repercussions of broadcasting *Death on the Rock* in the face of the implacable opposition of Mrs Thatcher and her government were many and are still with us. In 1988, using his powers under Section 29 of the Broadcasting Act of 1981, which states:

(4) ... The Secretary of State may at any time by notice in writing require the Authority to refrain from broadcasting any matter or classes of matter specified in the notice; and it shall be the duty of the Authority to comply with the notice.

and also a similar clause (13.4) in the BBC's Licence and Agreement 1981, the Home Secretary introduced a ban on direct interviews with members of Sinn Féin and other specified organizations such as the IRA, the Irish National Liberation Army, the Ulster Volunteer Force and the Ulster Freedom Fighters. This ban was only rescinded in 1994, after the IRA and loyalist ceasefires were announced.

Following the great outcry in parliament and the even greater outcry by certain sections of the press, all of which impugned the integrity of those who had been interviewed and also the programme makers. Thames Television set up an independent inquiry under Lord Windlesham – a former Tory Leader in the House of Lords and junior minister in Northern Ireland and Richard Rampton QC a leading and respected lawyer. Its findings in effect vindicated the broadcast, the company and the IBA. Mrs Thatcher immediately rubbished the report as she had rubbished the original programme. Writing much later, Ian Gilmour, a member of her first cabinet, said:

That effectively was the end of the ITV as it had been known since its inception in 1955. If Independent Television was not going to do what it was told, it had to be changed to make it amenable. In a speech to the Press Association in June 1988, the Prime Minister had announced that the way forward was more channels because 'the free movement of expression of ideas is guaranteed far better by numbers and variety than it ever can be by charters and specific statutes'. Superficially that was odd, since the objective of the government had been to inhibit the free expression of ideas on television, while the charters and statutes to which Mrs Thatcher objected sought to preserve free expression. But the oddness was only superficial. A multiplicity of channels as in America, allegedly providing choice but in reality providing fifty-seven varieties of the same trivia, would achieve the Thatcherite objective: the neutering of television as a forum for political ideas independent of the agenda set by Downing Street.¹⁴

14. Gilmour (1993:257-258).

And so the Broadcasting Act of 1990 replaced the Independent Broadcasting Authority – which as the legal broadcaster had interposed itself between the government of the day and the individual programme company – with the Independent Television

Commission, a licensing body shorn of most of its predecessor's powers and without the obligation to educate and inform as well as to entertain. Programme franchises were to be auctioned to the highest bidder with only a passing acknowledgement of the quality of programmes they promised to deliver, and in the ensuing scramble Thames Television, one of the most adventurous producers of programmes in the days of the IBA and incidentally the perpetrator of *Death on the Rock*, lost its contract to the lack-lustre Carlton. At the end of his term as Chairman, Lord Thomson was replaced by George Russell, Chairman and Chief Executive of Marley plc and with a much sounder, in Mrs Thatcher's eyes, background in business and high finance. He was later knighted. While the Director General, John Whitney, disappointed at his lack of preferment and disillusioned by the tensions of his office, left the IBA to join Andrew Lloyd Weber's Really Useful Company. He was succeeded by Shirley Littler, a former career civil servant who had served in the Home Office and for some time as Deputy Director General. Finally, and almost as if to disprove the allegations by Sir Geoffrey Howe that *Death on the Rock* might contaminate the evidence or unduly influence the outcome of the Coroner's inquest, on 30 September 1988 the jury of eleven men in Gibraltar after a nineteen day hearing and a retirement of nearly eight hours, returned a verdict of 'lawful killing' by a majority of nine to two.

The confrontation between the Thatcher government and the Independent Broadcasting Authority over the transmission of *Death on the Rock* led to a major transformation in the ecology of British Broadcasting – and not one for the better. As Richard Dunn had said,

There was something about the shrill cry in the White Paper that television should go to the highest bidder that made it feel as if television had gone to the tallest gallows. The Prime Minister had made it plain that if the broadcasters were not wholly with her, 'supporting our boys', they were the enemy. It was as simple as that.¹⁵

15. Speech by Richard Dunn (1994).

References

- BBC License and Agreement* (1981) London: Her Majesty's Stationery Office.
Broadcasting Act (1981) London: Her Majesty's Stationery Office.
Dunn, Richard (1994) *The 1990 Broadcasting Act – A benefit or a Disaster?* Unpublished speech given to the Royal Society of Arts.
Gilmour, Ian (1993) *Dancing with Dogma* London: Simon and Schuster.
Hansard London: Her Majesty's Stationery Office.
Leapman, Michael (1986) *The Last Days of the Beeb* London: Allen and Unwin.
Miller, David (1994) *Don't Mention the War* London: Pluto Press.
Milne Alasdair (1988) *DG The Memoirs of a British Broadcaster* London: Hodder and Stoughton.