

# FREE PRESS

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## WHAT LEVESON SAID

Beef up regulation of the press



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Serious faults in the report

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## LEVESON

# This time let's stop the big stitch-up

THE BRITISH government and national press are fighting to circumvent the main recommendation of the Leveson report.

There is a real danger that they will succeed.

Lord Justice Leveson said that legislation was "essential" to give statutory backing to a self-regulatory system set up by the industry.

The papers presented this modest proposal as a monstrous assault on press freedom, even though there could be no state involvement in the system. Indeed the proposed law would guarantee the freedom and independence of the press and outlaw censorship.

Prime Minister David Cameron also balked at the proposal, but told the industry to act fast and get something plausible up and running.

Government could then declare the matter resolved and it would be up to the opposition and media reform campaigners to do something about it.

It is a cycle that has been acted through before: disgraceful behaviour by the popular press leads to public outrage; a government inquiry says there must be a stronger system of regulation; the press says "leave it to us" and tinkers at the edges; the government says "pshaw ..."; and things carry on much as before.

This time it must be different.



STEFANO CAGNONI/REPORTDIGITAL.CO.UK

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Now they must sort it out

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For all the latest on the campaign go to [www.cpbf.org.uk](http://www.cpbf.org.uk)



## AFTER LEVESON REGULATION OWNERSHIP

# NO THREAT TO — SO WHY DO

**TOM O'MALLEY** explains Leveson's careful formula for regulation — and why the owners have so badly misinterpreted it

*uphold the rights and liberties of individuals. In short to honour the very principles proclaimed and articulated by the industry itself.*

Leveson went out of his way to balance freedom and responsibility when recommending changes to the system of press regulation. He left self-regulation in the hands of the press and suggested a minor statutory measure to verify the standards of the new body they set up.

He called for an independent self-regulatory body governed by an independent board, the members of which “must be appointed in a genuinely open, transparent and independent way, without any influence from industry or Government”, and with no powers to prevent publication. It should be industry funded and have a majority of members independent from of the industry.

The board would establish a standards code balancing press freedom and the public interest. It would deal with complaints from individuals and groups and have the power to direct the nature and placing of apologies. Systematic and serious code breaches could be punished by fines of up to 1 per cent of turnover, to a maximum of £1 million.

There would be a fast track arbitration service to deal with civil legal claims against newspapers. Publications that subscribed to the board would have their membership taken into account in the determination of any legal costs in any civil cases which went to court. This was the key financial incentive Leveson offered to papers to sign up to the system.

The sticking point has been Leveson's recommendation that a “recognition body” be appointed by statute to verify that the

WITH RIGHTS come responsibilities. Lord Justice Leveson explained:

*“The press, operating properly in the public interest is one of the safeguards of our democracy ... As a result of this principle the press is given significant and special rights ... With these rights, however, come responsibilities to the public interest: to respect the truth, to obey the law and to*



Leveson: tried to make report acceptable to government

## No change without changing ownership

**DES FREEDMAN** and **JUSTIN SCHLOSBERG** say there must be limits to what any media group can control

THE NATIONAL papers have tried to pick holes in Lord Justice Leveson's report on the culture, practices and ethics of the press. The *Sun* described the recommendations as “a basis on which to destroy 300 years of Press freedom”, which was predictable enough, but it also lamented that it had nothing to say about the internet.

The “elephant in the room remains the internet,” it wrote. “An over-regulated press in parallel with an unregulated internet spells chaos and will be the nail in the coffin of the newspaper industry”.

This seems an odd target. Because the real

elephant in the room, the genuine absence that will make it hard to achieve the aim of an ethical and representative press, is the need to tackle concentrated media ownership.

Leveson does not ignore it altogether. There is discussion of News International's purchase of *The Times* and *Sunday Times* in 1981 and News Corp's proposed takeover of BSkyB in 2010/11, a consideration of the relationship between politicians and powerful news groups, and an entire chapter on plurality and media ownership. The problem is that the gap between the problem and the solution is so vast.

Leveson suggests that triggers for regulatory intervention should be “considerably lower” than those used for ordinary competition concerns and that the scope of the public interest test might be extended within competition law. He further says that plurality should be kept under review.

But he has no concrete proposals about how to tackle the facts that three news organisations in the UK control 75 per cent of national daily circulation and that the build-up of this kind of press power is bound to distort both media and politics in this country.

For many people, it was the arrogance that comes with this kind of power that gave rise to phone hacking in the first place. The idea that existing competition rules can address this effectively is wishful thinking when you consider that no major newspaper acquisition has been

Leveson recommended that discretionary power remain with the Secretary of State in respect of public interest decisions over media mergers. This is in conflict with much of the evidence presented to the inquiry which demonstrated the pervasive nature and influence of industry lobbying.

This was particularly evident in the run-up to key decisions taken by ministers such as Jeremy Hunt's approval of News Corp's bid to buy out BSkyB prior to the unfolding of the phone hacking scandal, or Margaret Thatcher's permission for News International to buy up *The Times* and *Sunday Times* in 1981 without a proper investigation.

Evidence of tacit deals between political leaders and media industry lobbyists is unlikely to be substantive — indeed Leveson notes that “not surprisingly, the contemporary documents do not evidence any form of express ‘deal’ between Thatcher and Murdoch” — but this does not mean that deals are not done.

In the absence of definite ownership thresholds, established in law, the door will always be open to both “commercial capture” (politicians taking certain decisions under pressure from media groups) and/or politicisation (media

# PRESS FREEDOM THEY SAY IT IS?

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self-regulator fulfilled the criteria set out in the report. This was intended to meet the public concern that regulation is by a body which is independent of the press, government and Parliament.

The statute would place an explicit duty on the Government to uphold the freedom of the press, something which might be used in the future to challenge repressive measures proposed by future governments.

If you needed evidence of the overweening power of the national papers – including the *Guardian* and the *Observer* – over the minds of politicians, the response to Leveson has provided just that. They have chosen to characterise this “recognition” function as real or potential threat to press.

Why? It can't be about censorship. The recognition body has nothing to do with decisions about what goes into the papers.

In any case, as many have gleefully pointed out, most of the papers that reject this measure have signed up to a similar one in the Republic of Ireland.

The answer is simple. The proprietors and their supporters who have been pumping out these distortions fear an effective regulator would limit their capacity to push up circulations, or online traffic, by trading in extreme forms of lies, sensationalism and distortion.

Characteristically they have used their platform to push their views rather than give equal space to arguments in support of the recognition body.

But this time there is real public anger and a chance for change. We must not allow the owners to get their way and re-establish yet another form of regulation which they dominate. Otherwise we could only look forward to more of the same.

Leveson was keen to placate the press. He wanted to deliver something which even a Prime Minister as closely bound up with the proprietors as David Cameron could support.

But the owners have refused to accept the fundamental principle that there has to be statutory underpinning if self-regulation is to work. Only this can guarantee that the reformed system does not succumb to the inevitable, and often hidden, economic and cultural pressures that will in the end make it ineffective.

Anything short of recommending continued self-regulation was always going to be unacceptable to the press. Leveson perhaps knew this.

If he didn't then the venomous and distorted reception his recommendation for a recognition body has received will have enlightened him.

groups being favoured or disadvantaged by political decisions).

Of course, any threshold will be to some extent arbitrary. But the Media Reform Coalition proposed to the Leveson Inquiry a 15 per cent benchmark that would trigger regulatory intervention. This would be a specific public interest obligation to ensure editorial autonomy.

On top of that would be a 20 per cent overall limit in the key sub-markets of national print, television, radio and online.

We argue this on the basis that no fewer than five owners — within or across media markets — is the minimum basis for media plurality.

It was, therefore, a little surprising to read in the Leveson report that “there have been no suggestions as to what level of plurality is sufficient”.

Tackling media concentration is a popular issue with the public: nearly three quarters of those polled in an IPPR survey in May 2012 supported limits on media ownership.

If we are ever to produce a press system that is genuinely independent, we need to be pressing not just for ethical forms of regulation but also for a range of remedies, including ownership caps and public interest obligations, to achieve the plurality our democracy so desperately needs.

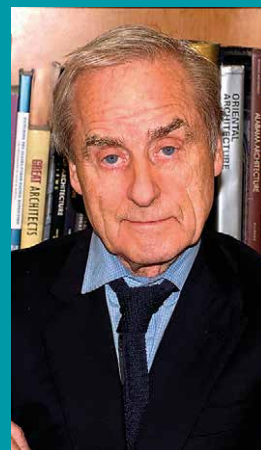
■ *Des Freedman and Justin Schlosberg represent the Media Reform Coalition. Go to [www.mediareform.org.uk](http://www.mediareform.org.uk). The CPBF is a member of the coalition.*

**Leveson  
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## AN OPPORTUNITY MISSED

**SUPPORT for limits on media ownership — and regret at an opportunity missed by the Leveson report — has come from Sir Harold Evans (right), the former editor of *The Times* and *Sunday Times* often regarded as the one of the greatest.**

**He was sacked from both positions by Rupert Murdoch for standing up for the editor's right to edit. He wrote on the *Guardian* website of the report:**



**“The biggest disappointment in Leveson is how far he skates over the crucial issue of ownership. It matters very much that the law on competition was broken by Margaret Thatcher's participation in 1981 in a secret deal by which *Times* Newspapers came under *News International's* control.**

**All Leveson's fine language about the need for future transparency is justified by the vaguest of references to what made it necessary in the first place.**

**It surely matters a great deal that the greatest concentration of the British press was achieved by a backroom deal that gave *News International* such sway over British public life.**”



# Polls: you get what you want

DESPITE THE noisy campaign in the press against legally-backed regulation, the public seem to like the idea, though their responses are erratic.

Two opinion polls in the week of the Leveson report showed healthy majorities for the principle. One conducted by YouGov for the pro-Leveson Media Standards Trust returned 79 per cent in favour of "an independent press regulator, established by law".

The sample of 3,620 adults showed just 9 per cent wanting a "new self-regulator" and a further 9 per cent "neither".

On other questions, 82 per cent said that "national newspapers should be obliged by law to join any new regulatory system." And 70 per cent "totally disagreed" with the statement: "We can trust newspaper editors to ensure that their journalists act in the public interest."

A Comres survey for BBC Radio 5 Live asked 1,002 people: "Who would you most like to see regulate newspapers in Britain?" 47 per cent said: "A regulatory body with rules agreed and enforced by the courts" (stronger than Leveson's option), and 12 per cent said "a regulatory body with rules agreed and enforced by newspaper owners".

Asked "to what extent, if at all, do you trust British newspapers to tell the truth?", some 2 per cent said "a great deal", 31 per cent said "a fair amount", 42 per cent said "not very much" and 24 per cent said "not at all".

Earlier in November the press owners commissioned their own poll, via the Free Speech Network, which asked different questions and got different answers.

It posed the question: "Some people believe that the

solution to press misbehaviour is make sure the existing law is fully enforced ... Other people believe that the law needs to be changed to add further regulations to the behaviour of journalists. What should the government focus on to stop bad practices and misbehaviour by the media?"

Put like that, the responses were only 24 per cent for "new laws and regulations", while 71 per cent said "ensure that the existing laws are actually enforced."

■ MEANWHILE the online campaigns go on with impressive returns.

The Hacked Off! campaign launched a petition immediately after David Cameron rejected the Leveson proposal for statutory backing. The petition demands that party leaders implement the recommendations in full; to "ignore pressure from media barons and introduce legally-backed regulation, independent of politicians and the press".

It also asks for "tighter limits on how much of our media an individual is allowed to own."

By December 9 it had attracted 145,020 signatures.

The pressure group Avaaz followed up with a petition calling on government to "implement a 20% ownership cap by revenue on each media sector."

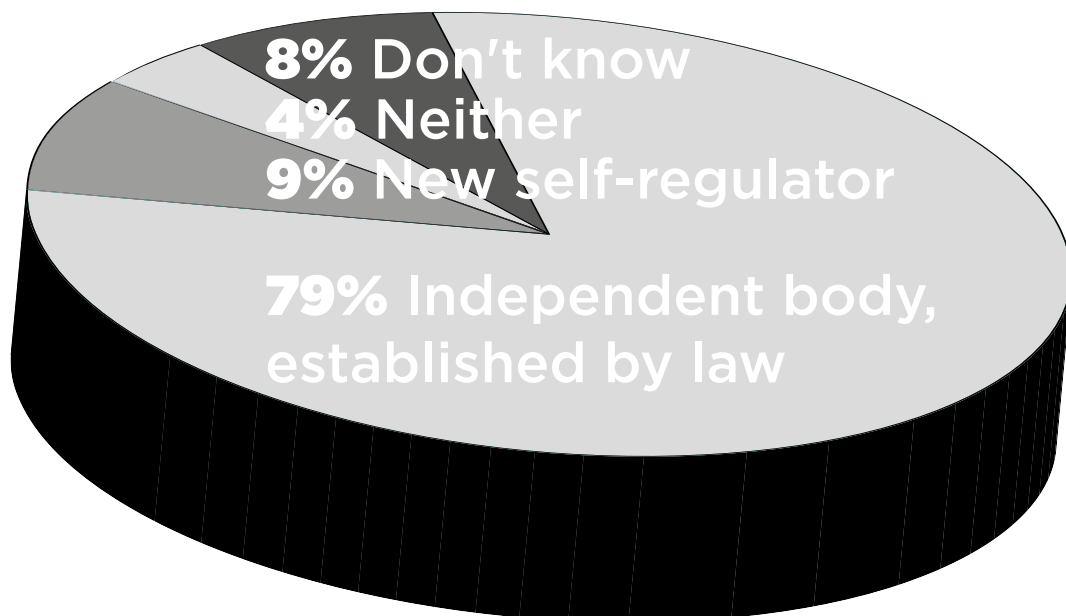
This one had 52,443 signatures on December 9.

■ TWO PETITIONS have been started on the Downing Street e-petition site.

One calling for the full implementation of Leveson, including state backing, had 5,526 signatures, while another opposing it had 1,153.

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## WHICH OF THE FOLLOWING STATEMENTS COMES CLOSER TO YOUR VIEW ON HOW YOU THINK NEWSPAPERS IN BRITAIN SHOULD BE REGULATED?



The YouGov survey showed massive support for state backing

# WHO WANTED WHAT: THE DIFFERENCES THAT MATTER

	<b>The CPBF</b>	<b>Leveson</b>	<b>PCC/Lords Hunt &amp; Black*</b>
<b>1</b>	Clear limits on the share of media markets that companies can be allowed to hold.	Ofcom has presented a menu of potential remedies ... each of them might be appropriate	No reference
<b>2</b>	The power for Ofcom when it sees fit to invoke the public interest test on media ownership and the application of these limits.	The Secretary of State should remain responsible for public interest decisions in relation to media mergers	No reference
<b>3</b>	Government support for local media by investing in ventures that must adhere to public interest criteria.	No reference	No reference
<b>4</b>	An effective regulator, representative of the public and journalists and free from state or proprietorial interference, to promote media freedom and standards, oversee a right of reply to factual inaccuracies and to adjudicate on complaints. To be funded by the state.	An independent self-regulatory body ... independent of government. The power to direct the nature, extent and placement of apologies should lie with the board. Funding should be settled in an agreement between the industry and the board.	New, independent regulatory structure 'with real teeth', operationally independent both of politicians and the newspaper industry. The supervisory board would have specialist panels, on all of which the chairman and majority of membership would be independent of the industry – but not the Code Committee or the Industry Funding Board that controls the operation.
<b>5</b>	A code of conduct setting out principles of professional practice.	The standards code must be adopted by the board	Publishers undertake to abide by the code
<b>6</b>	Statutory back up powers to be used in the last resort to enforce the regulator's adjudications.	The law must provide a mechanism to recognise and certify that a new body meets the public concern. The role of recognition body should fall on Ofcom	No statutory involvement
<b>7</b>	Powers to undertake wide ranging research into press standards and behaviour and to promote measures designed to maintain high journalistic standards.	The Board should have authority to examine issues on its own initiative. Publishers must be required to co-operate. The law should place an explicit duty on the government to uphold and protect the freedom of the press.	A Standards Arm of the regulator would promote, monitor and enforce standards across the industry. The regulator would have power to investigate.
<b>8</b>	A clear definition of the public interest in journalism to justify publication of potentially defamatory material or the use of intrusive or surreptitious means.	The code must take into account the public interest	The regulator should be imbued with the public interest.
<b>9</b>	A conscience clause for journalists to empower them to refuse instructions to work unethically without putting their jobs at risk.	A regulatory body should establish a whistleblowing hotline. The industry should consider a clause to the effect that no disciplinary action should be taken as a result of a refusal to act in a manner contrary to the code.	Publishers should be required to provide an externally-run whistle-blowing service to all employees and freelancers.

*\*THE PRESS Complaints Commission, its chair Tory peer Lord Hunt and its former director Tory peer Lord Black have made a number of submissions. There is no single document containing the often-mentioned "Hunt-Black proposals", because they change with circumstances. The entries in the third column are from Lord Hunt's submission to Leveson.*

## EDITORS' LANGUAGE PROBLEM: WHEN ACCEPTANCE MEANS REJECTION

IN THE negotiations that followed David Cameron's rejection of Leveson's statutory option, the editors were reported to have agreed to most of Leveson's recommendations.

In all Leveson made 47 on media regulation. The editors held a power-breakfast meeting to go through them at a London restaurant.

A leaked memo of the meeting was widely reported

as agreeing to "all but seven" of them.

But an analysis of the memo by the Media Standards Trust showed that in reality the total was less than half. Some were missing altogether from the

memo and others recorded as "acceptances" were so heavily qualified as to make them, in effect, rejections.

Of the list in this table, only numbers 5, 8 and 9 were wholly agreed.



The Fleet Street press may be in decline but the barons who own it can still do great damage.

**TIM GOPSILL** says their journalists need to wise up and stand up to them

# Dinosaurs at bay

STEVE BELL'S long-running *Guardian* cartoon strip "If ..." was originally called "If dinosaurs roamed Fleet Street", and the first frames in 1981 showed the beasts marauding up the street, laying waste to all in their path.

The dinosaurs have left Fleet Street of course and are facing extinction, but when they dimly perceive a threat to their survival they can still crash about and roar and do a lot of damage.

And while the national newspapers' noisy campaign against the Leveson inquiry didn't help them or anybody else, it did draw attention to the problem Leveson had been set to solve – which is precisely the damage that the blundering, bullying, insensitive owners and editors of the press can themselves do to free speech, to journalism and society at large.

In October all the nationals joined together to launch the Free Speech Network (FSN), a vehicle to promote their advance retaliation to Leveson's report.

The FSN put full page ads in their own papers asking: "These people believe in state control of the press. Do you?", with pictures (clockwise from top left) of Vladimir Putin, Robert Mugabe, Bashar al-Assad, Mahmoud Ahmadinejad, Kim Jong Un and Fidel Castro.

In their own pages, the *Sun* said it was "alarmed by [Leveson's] main proposal that could allow State officials to walk into papers like the *Sun* and censor stories."

The *Daily Mail* allocated 11 pages to a demented expose of a supposed left-wing conspiracy to seize control of the media for the state. The target was a Blairite network called Common Purpose, one of whose luminaries, Sir David Bell of the *Financial Times*, was among Leveson's six "assessors".

He was also chairman of the Media Standards Trust, the body that set up the Hacked Off! campaign. The *Mail* solemnly noted that he "stepped down as chairman of the Media Standards Trust only when he was appointed a

Leveson assessor". Why should he have resigned before?

Professor Tim Luckhurst of the University of Kent, a former editor of *The Scotsman*, wrote the FSN's manifesto *Responsibility Without Power*, concluding: "Westminster's statutory backing for a Press Ombudsman would become President Putin's State Censorship Committee or Mahmoud Ahmadinejad's Board of Righteousness."

THAT THE rogues' gallery of tyrants might represent the mild and urbane Brian Leveson, and the wild scaremongering about the end of press freedom might represent his report, was evidently absurd. Equally evident was the arrogance and insouciance of the people who could produce



such things. Their inanity did not occur to them and probably wouldn't have mattered if it had.

"This debate [over Leveson] is not about to be settled with facts and reasoned argument," wrote Nick Davies, the *Guardian* reporter who persisted with his revelations of phone-hacking in defiance of all the roaring and intimidation from the dinosaurs. "It will be conducted under the same old rules — of falsehood, distortion and bullying. Will any government stand up to it?"

Nick Davies, who says he sees "no obvious problem" for reporters with Leveson's regulatory proposals, added: "These people are just used to having their way and they don't like anyone daring to stand up to them.

"But thank God their day is over – I hope.

"Those full page advertisements, all that high-octane coverage about 'state regulation of Britain's free press' have proved to be no more than another round of the same old distortion that did so much to create this inquiry in the first place.

"To lose control of the regulator is to lose their licence to do exactly as they please." Free speech, in effect, is for the owners.

Naturally the dinosaurs will defend aggressively the territory they have occupied for hundreds of years, regardless of the havoc they wreak on their environment. They have poor eyesight and are, to be frank, a bit dim and not very self-aware, so they can't see that it is their own blundering about that is destroying their world, not Lord Justice Leveson.

But a rather alarming number of honest



The owners used an ID parade of dictators to scare readers about Leveson's approach



TIM SANDERS

## The press barons were required by Leveson to submit to public questioning for the first time

and decent journalists have followed their leaders into the swamp. The National Union of Journalists, which has stood firmly by the Leveson principle of state-backed self-regulation, has suffered resignations among members who imagine they see their union joining the enemies of a free press.

These people are not fools. They are right to be concerned about threats to press freedom. They have just got the wrong threat.

THE EDITORS have abused press freedom for years, to advance the owners' commercial and political interests. Alongside the brilliant work still produced by many is not only the rotten consumer- and celebrity-led journalism but the peddling of political interest and the corruption that led to Leveson.

One of the more breathtaking hypocrisies of the anti-Leveson campaign is this allegation of

interference by the politicians whom it is the press's duty to scrutinise, when all the evidence has pointed to unhealthy cosy relationships between Big Media and governments for 30 years.

Who was scrutinising the invasion of Iraq or the catastrophic social effects of the coalition's supposedly essential "austerity" project? The press seems to manage quite well to be subject to censorship on these matters without formal involvement by the state of any kind.

It's not really surprising that so many in newspapers have followed the owners' line. The message they hear every day is that print journalism is doomed — the dinosaurs.

On top of the internet with its cheating news aggregators and consumers refusing to pay for news online, on top of the slump in sales and classified advertising, now here comes another threat: all the people the journalist are told to hate — all the lefties, the liberals, expense-fiddling politicians and pampered celebrities — ganging up to bring the British press to its knees.

There is a siege mentality. Gripped by the paranoia of the press barons, required by Leveson to submit to public questioning for the first time in their lives, journalists don't realise how big, strong and dangerous these dinosaurs still are.

Nor that their freedom of speech could well be enhanced by working in a fairer regime, with a right to stand by professional principles in the face of bullying editors, for a press that takes its responsibilities more seriously.

## WILL THEY PRACTISE WHAT THEY PREACH?

NEWSPAPER BOSSES are coming under greater pressure to grant their staff the right to produce responsible journalism in the public interest.

One of Leveson's most far-reaching proposals is to advocate the "conscience clause" in journalists' contracts to allow them to refuse to undertake unethical work.

The clause would make it unlawful to dismiss a journalist for insisting on adhering to the code of practice to be introduced by the new regulator if instructed by editors to breach its terms.

The NUJ has been promoting the idea since 1998 but has been persistently rebuffed by the Press Complaints Commission and the newspaper employers.

In the report, Lord Justice Leveson says that he was "struck by the evidence of journalists who felt that they might be put under pressure to do things that were unethical or against the code.

"I therefore suggest that the new independent self-regulatory body should establish a whistle-blowing hotline and encourage its members to ensure that journalists' contracts include a conscience clause protecting them if they refuse."

The report does not call for legislation to enact the proposal, since employment law was not within Leveson's remit. Instead it says only that the industry "should consider" the idea.

But the NUJ has picked up on it and written to all employers urging them to act and asking for talks.

Labour MP John McDonnell, chair of the NUJ Parliamentary Group, said: "There should be no reason for such a clause not to form part of a journalist's contract."

# AFTER LEVESON

## HISTORY CRITICISM

The campaign group Avaaz held a demonstration at Parliament the day the Leveson report came out, with puppets symbolising David Cameron gagged by Rupert Murdoch.



JESS HURD/REPORTDIGITAL.CO.UK

# Let history repeat itself as triumph

## GRANVILLE WILLIAMS

looks back at previous reports on the press that came to nothing but says, this time it's different

WHEN LORD Justice Leveson presented his report he made great play of the fact that "this is the seventh time in less than 70 years ... that the issues have been addressed. No-one can think it makes any sense to contemplate an eighth."

During the inquiry he had an opportunity to reflect on the fate of a previous one that recommended statutory regulation of the press but which was, through political procrastination, kicked into the long grass.

This is not speculation but the truth according to the evidence presented by Stephen Dorrell MP to the Leveson Inquiry.

In Parliament in 1988 two Private Members' Bills, on Protection of Privacy and the Right of Reply, secured first and second place in the ballot for backbench legislation and won a lot of support. To take the heat off, the government set up the Calcutt Committee into Privacy and Related Matters.

During its deliberations a Home Office minister, David Mellor, attacked the tabloids for their intrusion into the private lives of individuals and the close-up pictures of the dead and dying at the Hillsborough football disaster. In a phrase that would come back to bite him he said the popular press was "drinking in the Last Chance Saloon."

The Calcutt Report of June 1990 was sweeping. The Press Council was to be

disbanded and replaced by the Press Complaints Commission which would concentrate on "providing an effective means of redress for complaints against the press."

There was a warning: "Should it at any time become clear that the reformed non-statutory mechanism is failing, this should be replaced by a statutory tribunal."

In July 1992 David Mellor, now Heritage Secretary, asked Sir David Calcutt to conduct another review of press self-regulation. The report came out in January 1993.

A week later the *People* reported Mellor had been having an affair with an actress, Antonia

## We have a broad-based media reform movement pushing for the implementation of the Leveson report

de Sancha, whose telephone calls with him had somehow been recorded. She was paid £35,000 for her story. Mellor resigned.

Calcutt's second report reached brutal conclusions on the PCC: "a body set up by the industry, financed by the industry, dominated by the industry, and operating a code of conduct devised by the industry and which is over-favourable to the industry."

He recommended the establishment of a statutory Press Complaints Tribunal.

The government's response became the

responsibility of Mellor's eventual successor Stephen Dorrell. By that time the government of John Major was the focus of unrelenting hostility from the newspapers, with a stream of stories about sleaze, scandal and corruption.

This was the context that shaped Stephen Dorrell's response. In his evidence to Leveson he said: "There was the reality that if you were going to even contemplate going down that road [statutory regulation], you would encounter huge opposition from the press themselves ...

"It would be powerful, vigorous opposition, and that would, as a practical matter, have made it, I think, impossible for such a proposal to have been carried through the House of Commons."

So, in spite of the government's own scathing assessment of the effectiveness of the PCC and the clear proposals in Calcutt's second report, Stephen Dorrell presented a do-nothing strategy: the government would act "when Parliamentary time permitted".

The government suggested changes that the PCC itself could adopt to make it more effective, many of which were ignored.

Clearly there are parallels between David Cameron's response to Leveson and John Major's government to Calcutt. Cameron desperately needs the support of Murdoch and the other Conservative newspapers proprietors and wants to avoid any statutory oversight.

But there are also differences. Firstly, we have a broad-based media reform movement outside Parliament pushing for implementation of the Leveson report.

Secondly, unlike in 1995, when Tony Blair was desperately seeking Rupert Murdoch's support, we have clear statements from Labour, the LibDems and some Tories, in support of statutory oversight of press regulation.

That combination can make a difference the seventh time round.



# Nobody's perfect ...

WHILE MOST public discussion of the Leveson report has been about press regulation and statutory underpinning, important criticisms of the proposals have been aired by journalists and editors alike.

Had some of them already been in effect, journalists are warning, important stories would never have seen the light of day – including the phone-hacking story itself.

## Relations with police

LEVESON wants an end to off-the-record briefings by police, which Guardian reporter Nick Davies, who broke the story, said would stop leaks by officers. "If that rule had been in place over the last few years, it is fair to say that the *Guardian* might not have been able to expose the hacking scandal."

## Protecting sources

ANOTHER danger lay in a section which implies that reporters should be able to conceal the identities of confidential sources only if they have some kind of proof of the obligation for confidentiality, such as a written agreement with the source. "This would hardly be possible if your source is a criminal, or a police officer," Nick Davies said.

## Data protection

THERE ARE queries about proposals to give the Information Commissioner new powers to prosecute journalists and for the press to have fewer public interest exemptions from data protection rules.

The idea seems to be to tighten the laws on phone-hacking and other unlawful means of acquiring confidential personal information. But the effect could again be to undermine the journalist's duty to protect sources of information.

## Criminal evidence

FURTHER proposed changes to the Police and Criminal Evidence Act would give police more power to gain access to journalistic material. Together, the NUJ is warning, the measures would have major consequences for investigative journalism.

Repeated staffing cuts in the industry have already had an impact on the pursuit of quality journalism. The new measures would be yet another inhibiting factor on investigative journalism, already becoming something of an endangered species.

The judge also recommended that it should be made "abundantly clear" that the names of people who have been arrested should not be released to the press "save in exceptional and clearly identified circumstances".

This too, journalists say, could stop stories that might be in the public interest.

## Court costs

PUBLISHERS have criticised Leveson's suggestion that publications that refuse to sign up to the new regulator should be made to pay the full costs of an ensuing civil court action – even if

**THE CPBF has posted two podcasts on its site discussing the aftermath of the Leveson report.**

■ The first, *The Leveson Report: Let down by Cameron?*, was recorded on the day of the report, with former BBC political correspondent Nicholas Jones interviewing seven media reform campaigners, including CPBF activists and Labour MP John McDonnell, on their reaction to the events of the day.

■ The second, *Leveson: The Great Stitch Up?*, features Frances O'Grady, the new TUC general secretary; Michelle Stanistreet, leader of the NUJ; and Julian Petley, co-chair of the CPBF and professor of media studies at Brunel University.

■ Go to [www.cpbf.org.uk/podcasts](http://www.cpbf.org.uk/podcasts)

they win the case.

The *Daily Mail* said this would mean that "for the first time, the principle of punishing the innocent would be enshrined in British law".

It later accused Leveson of displaying an

"other-worldly naivety that can only undermine public faith in his understanding of the issues at stake".

## Online publishing

LEVESON has been widely criticised for his apparent failure to tackle issues surrounding the internet. Just one of the report's 1,987 pages deal with the issue of social networks and blogs.

He described the internet as an "ethical vacuum" that "does not claim to operate by express ethical standards, so bloggers and others may, if they choose, act with impunity.

"Most blogs are read by very few people and rarely as news or factual, but as opinion and must be considered as such".

Internet consultant Gary Herman — who manages the CPBF website — said that to imply such a distinction from newspapers is a mistake.

"Leveson clearly has an idea of news and factual writing which runs counter to most people's experience of the press, much of which does not deal in fact either, but rather gossip, titillation and PR.

"Did Leveson ask Sun readers how much of the paper they thought was factual? How does he know what people read blogs for?"

## Trade union rights and press freedoms

Regulation of the media by means of statutory underpinning to protect the public is essential, along with a right of reply.

Restriction on the scale and range of media ownership is fundamental. But effectiveness in curbing press and media excess is also linked with union rights.

Rupert Murdoch built his worldwide media empire on the backs of his UK unionised workers. Those workers presented a challenge to employer and editorial excess by strong trade union organization and industrial action, which included demanding the right of reply.

In 1986, with the connivance and support of government and police, Murdoch got rid of those workers and their unions, handing unchecked power to his editors and managers, extending dramatically the debasement of the British media.

The News International dispute at Wapping 26 years ago illustrated just how much the UK law on trade union rights and action favours the employers. Workers and progressives will fight for justice, equality and peace whatever the state of the law.

A crucial part of support for those struggles is the twin duty of the trade union movement to increase pressure on the Tory government, and to demand that the Labour Party is committed to repealing the anti-union measures, at the very least bringing our law into line with international law and rights.

News International Dispute Exhibition Working Party  
November 2012



## ELSEWHERE ...

### Look out local hacks: Montgomery's back

DAVID MONTGOMERY, the reviled newspaper manager of the 1990s, is back at the helm of a new local paper chain.

When he managed the Mirror group in London in the early 1990s he earned himself the sobriquet Rommel from staff, because "Monty was on our side".

Journalists were defenceless as Monty rampaged through their ranks, sacking hundreds, including at least six NUJ reps.

He went on to take over the management of the *Independent*, where he sacked dozens (it's a smaller paper) including two NUJ chapel reps in quick succession.

Montgomery reduced the Mirror group to such an emaciated remnant of its former glory that it was taken over by Trinity, a small group of provincial newspapers. In the process he found himself kicked out of the company; the new owners didn't want him.

Montgomery set up a company called Mecom that bought big daily papers in half a dozen central and eastern European countries. Journalists protested at his brutal managerial style and his fellow directors succeeded, after several attempts, in kicking him out of the company.

Now he has re-emerged back home at the head of another vehicle called Local World. A couple of existing regional publishers — the Northcliffe and Iliffe Media groups — have sold him their titles.

Last year Northcliffe Media, the regional arm of the Daily Mail group, made only £26 million profit last year, up 53 per cent on the previous year, on sales of £213 million; that is 12 per cent, more than most big corporations can manage.

This was achieved by sacking 324 employees, one in eight of the payroll.

### Nothing seems to go Rupert's way online

RUPERT MURDOCH'S News Corporation suffered another online setback when forced to close its supposedly pioneering digital newspaper *The Daily* in November.

*The Daily* was accessible solely as an iPad application and failed to build a readership in 18 months.

The closure follows the forced sale of MySpace and the failure of the *Times* website paywall as the latest instance of Murdoch's inability to comprehend the internet.

It also coincided with the announcement that Murdoch favourite Robert Thomson would head the publishing division when News Corp splits in half to protect the more lucrative film and TV business from the toxic print assets in London.

At the same time the head of that operation, News International chief executive Tom Mockridge announced his resignation. He had held the fort and steadied the ship since the arrest and disgrace of Rebekah Brooks and felt he had earned the new top job.

### US media regulations relaxed. The UK next?

REGULATIONS restricting media ownership in the USA are about to be relaxed to help recession-hit companies in the newspaper business.

The Federal Communications Commission (FCC) is pushing through new regulations to allow cross-ownership of newspapers and TV or radio stations by the end of the year.

The current rules prohibit major newspapers from merging with major television and radio stations in the same metropolitan market — though waivers can be granted to companies in particular difficulties.

The changes are intended to make it easier for TV companies to buy ailing newspapers, whose owners cannot afford to invest in them any further.

Newspaper advertising has more than halved, from \$47.4 billion in 2005 to \$20.7 billion last year.

## ON ONE HAND ON THE OTHER,

**IN NOVEMBER 2011 the BBC took a decision it was not even aware of. Sir Jimmy Savile had died on October 30. Unknown to each other, two departments started preparing conflicting programmes about his life. Unconsciously, the BBC decided to broadcast one and not the other.**

**Newsnight editor Peter Rippon's spiking of the investigation into Savile's crimes was**

**not necessarily a bad decision. Editors have to face tough calls, particularly BBC editors, whose formal independence is limited by the stifling cowardice of their managers. They have the right to kill stories they're not confident about.**

**Meanwhile, the other BBC was pressing on with its gushing tributes to Savile — and that's where it went wrong.**

# '20 per cent must fail. The rules say so'

Working for the BBC in these times is hard, says a staff programme maker

THE BBC has been brought to its knees by a direct assault on its resources, its much-vaunted values and ultimately its output.

This assault may have been cheered on by the usual critics of the Corporation in Wapping and Northcliffe House, but it has been aided and abetted by a self-serving management within the BBC, who have recklessly promised to deliver more for less without any regard to obvious effects on morale or quality.

There is no point blaming individuals even as they resign, "step aside" or are sacked. Removing an individual, however publicly, will achieve nothing while a rotten management culture continues with the guarantees of quality as sturdy as the emperor's latest outfit.

Professionalism and the opportunity to reflect, question and check our work is being gradually replaced by a culture of acquiescence.

Within the senior ranks this is typified by senior managers who are always looking for their next move up, collecting between them £3 million in car allowances (even if they don't drive), £2 million in private healthcare and £4.7 million in golden goodbyes.

At more junior levels, acquiescence is achieved through an arbitrary appraisal system (in which 20 per cent must fail), a constant

fear of redundancy and the impending abolition of pay progression and grading.

What you earn will be determined by your manager, based not on the job you do or your skills, but on your "attitude". With ever more journalists on rolling fixed term contracts, "acting up", or working on a "casual" basis, the ability to question editorial decisions is reduced.

Leading news programmes that used to be overseen by assistant editors are outperformed by acting Senior Broadcast Journalists, who are often themselves substantively Broadcast Journalists. Important packages are produced or even reported by Broadcast Assistants.

Newsnight insiders have testified that this downgrading of responsibility was the case at the programme, whose funding has been slashed by half in the last decade.

When the cuts programme "Delivering Quality First" (DQF) was announced last year, the then Director-General Mark Thompson said it could not be made through the usual salami-slicing if quality was to be maintained. Last week acting D-G Tim Davie defended DQF but acknowledged that "we cannot keep cutting forever".

Now having been stretched by various "productivity" and "efficiency" programmes, the BBC's reputation has finally shattered.

It is time for the Corporation to stop, look and listen. To invest in its staff, resources and creativity; to reassert quality and independence; and to rebuild trust.

Just like it says in the BBC values.

# THEY WERE WRONG. WRONG AGAIN

With all the inhouse collective memory of the behaviour of Savile over the years, the BBC was stupid, complacent and obtuse to produce these shows, whether Newsnight was investigating or not. The fault was not dropping the story but running the tributes.

The blame must rest with Mark Thompson, Director-General at the time. He had been brought

in to steady the ship — that is, to neutralise the journalism and make concession after concession to government — after the BBC's crushing defeat by the Blair government over the Hutton Report and the reporting of the US-led invasion of Iraq.

Yet Thompson has had a fairly easy time of it. In the midst of the crisis he left behind he was able to stroll into one of the

world's top media jobs: chief executive of the New York Times.

Opprobrium was applied instead onto Peter Rippon and George Entwistle, the walking briefcase who was briefly Thompson's successor.

The outcomes of the inquiries into what went wrong over Savile were awaited as *Free Press* went to press.

Tim Gopsill

## No more crises. Just get it right

NUJ official **LAURA DAVIDSON** says the new Director-General will have a real chance to make the changes needed

WHEN CRISES strike the BBC, which happens not infrequently, they swamp the airwaves and screens, as other broadcasters, papers and politicians frenziedly dive in.

At the height of the Savile crisis the chair of the BBC Trust, Lord Patten, suggested splitting the Director-General job in two — managerial and editorial — as part of a radical overhaul of the BBC's systems. But what of reviewing the Trust itself?

Is the relationship with the BBC Executive functional? Shouldn't the Trust have ordinary licence fee payer representation on it?

The enquiries into the Savile affair include: examining the culture and practices at the BBC in the era of alleged sexual abuse by Savile; sexual harassment policies at the BBC; and the Pollard enquiry into the decision not to broadcast a Newsnight programme about Savile.

Others have given their view: Jeremy Paxman has argued that

a key part of the problem has been enforcing a series of cuts on programme budgets, while bloating the management.

Meanwhile a National Audit Office report has highlighted concerns that the BBC is carrying out a programme of major cuts without basic mechanisms in place to monitor the effect on quality.

The unions have warned of the potential impact in terms of the quality of the journalism, the diversity of the organisation and

**Shouldn't the Trust have ordinary licence fee payer representation on it?**

damaging the relationship with viewers and listeners.

The new D-G has a chance to undo the damage caused by his predecessor but one, Mark Thompson, who agreed to the current licence fee freeze until 2017 and to take on an extra £340 million in spending commitments, including the funding of the World Service, kick-starting local TV and the roll-out of fast broadband.

He should put a stop to the job cuts on the front line that have damaged the BBC's journalistic capacity in television current

affairs, in the World Service and the regions. He should make the political arguments for re-investment in these core areas.

Remember the mooted expansion of the BBC's local websites which met its death because of lobbying by organisations which feared it would damage them commercially? Remember their promises of investment in regional journalism as an alternative?

Instead, regional newspaper groups have continued to make journalists redundant, clamped down on pay, driving many out of the industry, and failed to take account of disadvantaged people without internet access by closing papers and turning them online only. Not very public service.

Charter renewal is never far away at the BBC and the danger from those hostile to the very concept of the BBC and its licence fee is as real as ever. This was exposed during the Savile scandal when opponents attacked the BBC and used it as a political tool to argue that regulation had failed, in order to try and undermine Lord Justice Leveson's enquiry.

Now Tony Hall has a chance to undo the damage done by Mark Thompson and his cuts programmes "Creative Futures", "Delivering Quality First", "Future Focus" and other BirtSpeak nonsense. This opportunity must not be missed.

*With all the inhouse collective memory of the behaviour of Savile over the years, the BBC was stupid, complacent and obtuse to produce these shows, whether Newsnight was investigating or not. The fault was not dropping the story but running the tributes*

REVIEW

# Star hack makes an honest man of himself

**One Rogue Reporter,** one-person show with Richard Peppiatt, Soho Theatre, London W1

ON THE EVE of the publication of the Leveson report, actor Hugh Grant presented his documentary to the nation via Channel 4. Taking On The Tabloids it was called.

The same evening in a basement theatre club in London's Soho, another rather raffish yet personable character was doing just that, and taking them on with even more gusto.

Richard Peppiatt is not yet a big star but does enjoy a degree of fame in certain circles. He was the *Daily Star* reporter who walked out in 2009 in disgust at the degrading things reporters on Richard Desmond papers are expected to do, dressing up in stupid costumes and making up stupid stories.

He gave refreshingly candid evidence to the inquiry and joined the Leveson circuit — that bunch of individuals who have spent much of last year and will probably the next trooping to ever more predictable meetings and debates on the regulation of the press.

A number of CPBF activists are in this little community.



STEVE ULLATHORNE

Richard Peppiatt: from *Daily Star* newsroom to Soho theatre

**One Rogue Reporter is going on tour in 2013, opening in Belfast at the Black Box on January 11, playing in Colchester, Exeter, Berwick, Glasgow, Crawley, Taunton, Barton on Humber, Selby, Chipping Norton, Barnsley, Leamington Spa and Halifax (May 5). Other venues to be confirmed. More info at [www.rich-peppiatt.com](http://www.rich-peppiatt.com)**

Richard Peppiatt has done more than most and is making a living of it, as a stand-up comic. Well, he's got some good material.

Cuts of his more outlandish stories – poncing around in a burka, for instance — flash up on an onstage screen while he tells how people congratulate him on his “dignity”, for resigning.

Stories by fellow hacks get the same treatment, but the best is the footage of the pranks he gets up to doorstepping the editors. Paul Dacre of the *Daily Mail* and High Whittow of the *Express* both get the treatment.

The show is called *One Rogue Reporter* – lifting the phrase immortalised by News International as its lying explanation for phone-hacking — and Richard Peppiatt does his roguish best to get his own back.

He even manages to trap Kelvin MacKenzie into an interview in which he gets him to denounce some saucy texting that he turns out to have sent himself.

We see the truth slowly dawning and the former editor's sheepish retreat.

Perhaps the targets are too easy. The only thing that everyone agrees on in the wake of the Leveson report is that national paper editors are a revolting and hypocritical breed and no-one except them can fail to enjoy their discomfiture.

Richard Peppiatt is going to have to expand his range if he really wants to make it as a comic. But he can't really go back to the day job.

**Tim Gopsill**

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