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WE HAVE to learn to use language in new ways, and question phrases that trot easily off politicians' tongues. Take the word 'derogation'. No sooner had we got used to the idea of the European Convention on Human Rights being enshrined in our domestic laws as the Human Rights Act than the Home Secretary moves to suspend Article V.

It will mean he can detain indefinitely asylum seeker who pose a terrorist threat without trial. It does really raise the issue of how substantial the Human Rights Act is if a Parliamentary majority can vote to ignore it.

New Labour Home Secretaries have certainly not distinguished themselves in their defence of citizens' rights. Jack Straw pushed through the Regulation of Investigatory Powers Act (RIPA) that gave sweeping and effectively unsupervised powers to the authorities to snoop on the e-mail and online activities of UK subjects.

He also bequeathed an emasculated Freedom of Information Act, the

implementation of which is now indefensibly to be delayed. (See the article by Maurice Frankel in this issue)

And now David Blunkett has gone one better. Whereas RIPA only enabled real-time monitoring of communications, Clause 102 of Blunkett's new anti-terrorism legislation contains measures will enable him to compel internet service providers to stockpile all their logs of customer activity.

However this data will be available not just for anti-terrorist investigation but also for tax collection and public health and safety purposes.

The Foundation for Information Policy Research argues that the data Blunkett wants to accumulate and monitor constitutes 'a near complete map of private life: who everyone talks to (by email and phone), where everyone goes (mobile phone coordinates), and what everyone reads online (websites browsed)'.

A.C.Grayling in a thoughtful piece ('The last word on freedoms', The

Guardian, 24 November) quotes Rudyard Kipling, describing how a tyrant works: He shall mark our goings, question whence we came, Set his guards about us, as in Freedom's name, He shall peep and mutter, and night shall bring Watchers 'neath our window, lest we mock the King.

It is precisely in times of emergency, Grayling argues, that people have to be most vigorous in defending civil liberties, for that is when governments take the opportunity to limit them, preaching necessity. Blunkett's actions do amount to an infringement of civil liberties and human rights. The irony is that they have been railroaded through under the justification that they are necessary to defend the values of liberal democracy against the depredations of terrorism.

CORRECTION

In FP 124 the editorial gave the date of the Question Time programme that the Director General, Greg Dyke, apologised for as 11 September. It was transmitted live on Thursday 13 September.

THE PAPERS' WAR

Julian Petley on the battle in the Press

MUCH of the reporting in the British press of September 11 and its aftermath did a good deal to restore faith in British journalism. Most papers reported the events, both in words and pictures, with a breadth and depth that, in recent years, have been all too often conspicuously lacking from their shrinking foreign affairs coverage. Papers such as the Mirror, Guardian and Independent further distinguished themselves by carrying an extremely wide range of views on the bombing and the resultant 'war on terrorism' – views which were frequently, but by no means wholly, critical of the latter and especially of the British government's role in it.

Unfortunately, as press coverage of the James Bulger case all too clearly proved, there are no events too horrible to save them from being dragged by certain papers

into their unceasing campaign against viewpoints – namely liberal ones – which have the temerity to differ from their own. Thus the inclusion by the Guardian and Independent in their comment pages of the occasional views which were critical of American foreign policy and sought to explain why Americans are so hated in certain parts of the world rapidly became the occasion for a tirade of abuse from the Murdoch press, the Mail and Telegraph against what Richard Littlejohn in the Sun summed up as the 'anti-American propaganda of the fascist Left press' and 'vile, racist, seditious rubbish'.

Nor was it long before the attack was broadened to include another familiar hate object for certain papers – the public service broadcasters. Thus the Sun complained that 'the broadcast media – led by the BBC – have happily given hours of airtime to those who misguidedly feel they have a duty to undermine the war effort'. The papers' strictures presumably excluded its proprietor

Rupert Murdoch's own Sky News channel, and had nothing to do with the fact that, as the owner of BSkyB, Murdoch is engaged in bitter rivalry with the terrestrial broadcasters.

So, whilst George Bush was busy declaring 'war on terrorism', sections of the British press declared war on each other and on the broadcasters. Nor could it be entirely coincidental that those most forthright in their denunciations of others for their criticisms of US foreign policy and of the closeness of the US/UK relationship were, in fact, North American owned. Thus in the Daily Telegraph (prop. Hollinger International) Charles Moore established his 'useful idiots' beach-head from which he could regularly open fire on deserters exhibiting what he called 'western defeatism' and his columnist Janet Daley perceived as 'intellectual decadence'. Elsewhere in the same paper Robert Harris set about the enemy within in the shape of

→ continued back page

BY BILL NORRIS

THE gutters of Wapping are running with crocodile tears. With a stroke of his pen, preventing The People from identifying an adulterous footballer, Mr Justice Jack has destroyed the freedom of the press.

Utter nonsense. The judge has done nothing of the sort. What he has done is to balance the clause in the Human Rights Act which guarantees privacy, with that which guarantees freedom of expression in matters of public interest. That was his job. In this instance he found that the former held precedence, and few who bothered to read The People's defiant (but de-identified) story in its next edition can doubt that he was right. This was a petty, prurient non-story, the publication of which could not possibly be held to be in the public interest.

It is no surprise that the tabloid press, which profits hugely from kiss-and-tell stories, should rise in fury against this threat

CROCODILE TEARS

to their God-given right to profit from human frailty. What is surprising is that it should be joined by no less a personage than Lord Wakeham, chairman of the Press Complaints Commission. The PCC's own code of practice, which his lordship may not have read lately, states: "Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent."

Lord Wakeham writes in The People that

"The privacy of the famous and the unknown is already protected by the Press Complaints Commission." This undoubtedly holds true for the inhabitants of Downing St and Buckingham Palace; lesser mortals are less fortunate. If the mysterious Mr A had gone to the PCC – after publication had ruined his reputation – the offending editor (who happens to be a member of the PCC) just might have got his knuckles rapped. Nothing more. Wisely, he decided to go to law instead.

Lord Wakeham also claims that "Mr Justice Jack's law is the law of double standards and hypocrisy," which brings to mind an old proverb about glass houses and the throwing of stones. It will be interesting to see how he reacts to Lord Irvine's impending complaint about the press treatment of his cocaine-addicted adult son. Bill Norris is Associate Director of The PressWise Trust. He is a former Parliamentary Correspondent of The Times

Media ownership consultation

THE government's long-awaited Consultation on Media Ownership Rules was published on 26 November, and the deadline for responses is 25 January 2002.

On a number of issues the document is clear. The removal of the rule preventing ITV companies controlling franchises with more than 15% of the total audience will go, paving the way for a merger between Carlton and Granada, and eventually the creation of a single ITV.

Commercial radio will also see the creation of larger radio groups, with radio companies being allowed to merge, subject to advice to the competition authorities from OFCOM.

The areas which are less clear go to the heart of the conflict between commercial and economic pressures to jettison media ownership rules, and concerns about diversity of political opinion and plurality of ownership.

The document promises a more relaxed approach to newspaper mergers, and this is partly because of the lobby by the Newspaper Society, representing local and regional newspapers. They want a simpler and speedier system to allow the takeover of regional titles. However, the document suggests that the Trade and Industry Secretary can call in any proposed merger and the government can intervene where a merger might compromise diversity of political opinion.

The other area is cross-media ownership. Instead of publishing a firm set of proposals a range of options are set out. The Guardian quotes one senior broadcaster: "It seems the government is reluctant to grasp the issue because on the one hand it's paranoid about upsetting Murdoch and it doesn't want to offend the non-Murdoch community on the other."

Some papers said the document dashed Murdoch's TV hopes because of the proposal that only EU companies can control UK broadcasting groups.

However BSkyB is an EU company and could be the vehicle for expansion into terrestrial TV.

USA security curbs basic freedom

AMERICAN concerns about emergency security measures are now becoming more voluble. The New York Times, in an unusually critical leader on 10 November, denounced the curbing of basic freedoms. "Thousands of detainees are being held in secret by the government; wiretaps on prisoners' conversations with their lawyers; public debate about the advisability of using torture to make suspects talk," it said.

A case the week previously highlighted the extent of the security clampdown, where more than two centuries of painfully accrued constitutional checks and balances have been discarded. The American Civil Liberties Union says the Bill of Rights is now 'distorted beyond recognition'.

Nancy Oden, a member of the Green Party USA co-ordinating committee, was surrounded by military personnel armed with automatic weapons and seized as she tried to board a plane at Bangor, Maine to attend a party meeting in Chicago on the use of pesticides in war. Oden, an organic farmer, was told the airport as closed to her, her fare would not be refunded and all airlines were instructed not to authorise her passage.

A staggering accrual of power in the hands of the US president has been made possible by the intense public revulsion over the events of September 11.

The justification for the measures – which include the arrest, trial and, if found guilty by a two-thirds majority, execution of non-US citizens by military tribunal – is that they protect the very American values they suspend.

The authorities also have greatly increased powers to wiretap phone calls and e-mails. However intelligence briefings about what is going on are restricted to eight of the 535 members of Congress.

The President has also issued a new executive order, known just as 13223, which bars the public from seeing documents from the past four presidencies and overrides the Freedom of Information Act.

INJUSTICE BEGINS WEST END RUN

As we went to press *Injustice*, the feature length documentary about deaths in police custody, was due to go on general release from Friday 30 November and begin its West End run at the Prince Charles Cinema, London.

Injustice has been described as the most politically controversial film of recent years, with its moving portrayal of the struggles for justice by the families of people who have died at the hands of police officers. The attempts by police officers to censor the film, which still continue, have also made *Injustice* the subject of national and international attention.

The film will also have an official launch screening on Sunday 2nd December at the Prince Charles Cinema in Leicester Place (just off Leicester Square) and the families & film makers will take part in a Q&A session after the film.

Injustice will run at the Prince Charles until further notice. *Injustice* is also touring both in the UK and abroad in screenings and festivals.

In the week before the West End launch *Injustice* will premier in New York where families from London will be meeting families who have lost loved ones at the hands of the NYPD.

For details of other screenings, articles and reviews: www.injusticefilm.co.uk email: info@injusticefilm.co.uk

LESBIAN AND GAY NEWSMEDIA ARCHIVE OPENS

A lesbian and gay newsmedia archive has recently opened at Middlesex University Cat Hill campus in North London. It houses the only collection of media cuttings covering all aspects of lesbian and gay life from the 1930s to the present day.

Currently over 80,000 news items from the general press are available at the archive, which covers all the crucial periods of change of gay life and spans a broad range of topics including the arts, film, television, personalities, and censorship.

A subject classification of the cuttings available can be seen at the archive's web site at: <http://hallcarpenter.tripod.com/hca/presscut.html>

Further information from Oliver Merrington on 01223 3546000

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IRANIAN FILMMAKER FACES EXECUTION

Iranian filmmaker Tahmineh Milani, who was arrested then released on bail earlier this fall, faces execution if convicted in an forthcoming trial in Tehran.

Ms. Milani was arrested on the orders of Iran's Revolutionary Council as she was promoting the film *The Hidden Half*, which

she wrote and directed. *The Hidden Half* depicts internal struggle within Iran soon after the 1979 Islamic Revolution.

Ms. Milani has been charged with supporting factions waging war against God, and misusing the arts in support of counter-revolutionary and armed opposition groups. The Revolutionary Council has previously ordered the arrest of journalists and other cultural figures, but this is the first time it has taken direct action against a filmmaker.

One of Iran's best-known filmmakers, Tahmineh Milani has written and directed films including *The Legend of a Sigh* (1991), *What Else Is New* (1992), and *Two Women* (1999), in addition to *The Hidden Half* (2001). She is well-known for taking strong feminist positions in both films and public appearances.

Mr. Mohammad Khatami, the President of Iran, personally supported Ms. Milani's release on bail.

Like all domestically produced Iranian films, *The Hidden Half* went through intense censorship processes. It was then approved by the Ministry of Culture and released to cinemas. For the director then to be arrested for the content of the film seemed, as Mr. Khatami himself put it at the time, unfair to say the least.

Facets Multimedia of Chicago released a declaration of solidarity with Ms. Milani signed by dozens of filmmakers from around the world.

The filmmakers who have signed include such eminent directors as Jamsheer Akrami, Hisham Bizri, John Boorman, Francis Ford Coppola, Jonathan Demme, Carlos Diegues,

WITHOUT COMMENT

"PUBLIC service broadcasting" is another shibboleth whose time has come. It's a term you never hear during the day-to-day practice of making television – you only hear it when people make speeches.

So let's be candid – public service broadcasting is now drained of all purpose and meaning. It's time for us to do an emperor's new clothes on this venerable piece of hokum. Without going through the whole of the Monty Python parrot sketch, public service broadcasting – as any useful guide for living – has ceased to be.

Michael Jackson
(formerly Controller, BBC 2 and Chief Executive Channel 4) Chief Executive USA Entertainment in New Statesman Media
Lecture 31 October 2001

Ali Kazimi, Hanif Kureishi, Ang Lee, Spike Lee, Lucrecia Martel, Raoul Peck, Martin Scorsese, Steven Soderbergh, Oliver Stone, plus many other directors, producers, actors, and other filmmakers. The filmmakers come from across the Middle East, North America, Asia, Europe, and South America.

The declaration has been sent to Mr. Ayatollah Khamenei, the Supreme Leader of the Islamic Republic of Iran; Mr. Mohammad Khatami, the President of Iran; Mr. Mahmoud Hashemi Shahrudani, the Head of the Judiciary; Mr. Masjed Jamee, the Minister of Culture and Islamic Guidance; and many other dignitaries and interested parties.

Facets Multimedia coordinated this declaration of solidarity because of long-time commitments to promoting and distributing Iranian cinema, to human rights, and to the freedom of artists.

Other filmmakers, organisations, and individuals who would like to express their solidarity with Ms. Milani can sign the petition online at www.facets.org/petition.html, a website with links that will be updated as new information related to Ms. Tahmineh Milani's case becomes available.

HUSSEY'S MEMOIRS

The old-boy network certainly worked well for Marmaduke 'Dukie' Hussey.

A phone call in October 1986 from Douglas Hurd, the then Home Secretary, inviting him to become chairman of the BBC was followed up by one from his brother-in-law, William Wedggrave, another member of the government.

He accepted the invitation. In April 1991 another Home Secretary rings. 'Hallo Dukie, it's Kenneth (Baker) here. I've been talking to John (Major) ... You're doing a bloody good job in difficult circumstances and we'd like you to do another five years. I hope that's fine with you.'

Dukie's ten-year reign at the BBC coincided with some of the most destructive moments in the organisation's history, including the sacking of the director-general, Alasdair Milne (whose name he manages to spell wrongly in the memoirs).

What has been revealing is the reception of the memoirs, *Change Governs All*. Anthony Howard's review in *The Sunday Times* points to the mistakes he made – the shut-down of all the Thomson national titles for a year at a cost to the company of £46m, the appointment of two director-generals who, on his own admission, weren't up to the job.

Peregrine Worsthorpe in *The Times* is withering about 'the harm he did the BBC, which he seems neither to recognise nor regret'.

CPBF to give oral evidence on bill

THE paving bill to set up the monster communications regulator OFCOM reached the report stage in the House of Lords on 22 November. But not before the government had been forced to respond to concerns inside and outside Westminster about the complexity of the forthcoming communications legislation and the lack of public scrutiny so far.

New Labour has now promised that, subject to the go-ahead from parliament, a joint Commons/Lords committee will 'undertake pre-legislative scrutiny of the communications bill'.

It is a move designed primarily to iron out problems and inconsistencies in the draft bill at an early stage. At the same time it potentially opens up the debate on the radical shake-up of mass communications being proposed.

Culture Secretary Tessa Jowell, meanwhile, has signalled the government's readiness to use the communications bill to dispense with present regulations designed to counteract media mergers and defend diversity.

Announcing that her department and the Department of Trade and Industry are jointly to launch a two-month consultation on media

ownership, she promised: 'we will try to be as deregulatory as possible, and intend to allow what market consolidation we can'.

The CPBF has warned that government plans point to more and more media being placed in the hands of large corporations with minimal public and political accountability. The Campaign is determined that the voices of industry will not be allowed to monopolise the media ownership debate.

A series of brainstorming seminars where media experts will help CPBF supporters, trade union representatives and voluntary organisations to review and update their policies on media ownership and look in depth at other proposed reforms, will start on 5 December.

At Westminster, following an October presentation to peers and MPs in the LibDems communication study group, the CPBF has asked to give oral evidence on the communications bill to the Culture Media and Sport Committee of the House of Commons.

The Committee is to hold hearings early in the New Year on the likely impact of measures proposed and on the latest developments in the mass communications industry.

Roadshows raise awareness

CPBF regional 'roadshows' organised with the NUJ and BECTU to raise public awareness on the communications bill have been attracting lively interest among journalists, broadcast technicians, media students, media academics, community media and voluntary and cultural organisations.

In **Manchester**, a roadshow hosted by the Cornerhouse cultural centre in October was chaired by Jenni Murray presenter of BBC's Woman's Hour.

Speakers included journalist Andy Walsh of the Manchester United Football Supporters Club. He described the successful campaign to stop the takeover of the club by Rupert Murdoch and warned of the dangers of growing media concentration.

In **Sheffield**, an important centre for community media, media and film studies, the Community Media Association hosted a well attended October meeting with speakers Bob Franklin of Sheffield University, Sylvia Harvey of Sheffield Hallam University, Steve Buckley of Public Voice and Granville Williams of CPBF.

In **Preston** on 30 October, the media studies department of Lancaster University joined forces with CPBF to organise a successful meeting of over 70 media students and media academics from universities and colleges of higher education in the north west. Students were keen to convene further meetings on the communications bill in their colleges when the draft legislation is published.

In **Cardiff** in November, the NUJ and CPBF lobbied Culture Minister for Wales Jenny Randerson on the potential threat to regional programming posed by the communications bill. Ms Randerson will now be invited to be a speaker at a public meeting on the future of broadcasting in Wales being organised in February by CPBF, the NUJ, BECTU and the Writers Guild of Great Britain.

In **Bath**, after local journalists read the CPBF pamphlet on the communications bill 'Communications Revolution – Who Benefits?' Bath NUJ Branch invited the author, CPBF council member Tom O'Malley, to speak at their October meeting.

In **Nottingham**, roadshow speakers Alan Simpson MP and BECTU president Tony Lennon and NUJ president Rory MacLeod pledged support for staff at Carlton TV, Nottingham, facing the threat of redundancies.

Wales, OFCOM and democratic deficit

BY TOM O'MALLEY

"BROADCASTING and film possess a unique power to project Wales's image abroad, as well as to contribute to economic development within Wales. S4C along with BBC Wales and HTV, have helped to generate a distinctive film and television culture, and have stimulated a whole new generation of film and programme makers, together with ancillary support services." (Jenny Randerson, Minister for Culture, Sport and the Welsh Language, 28 March 2001).

Jenny Randerson's remarks echo the widespread understanding that broadcasting plays a central role to play in Welsh life. The existence of a strong Welsh dimension in broadcasting is the product of struggles in the 1920s and 30s for a distinctive Welsh service on the BBC as well as those in the 1970s that led to the establishment of S4C, the Welsh language broadcaster. Yet, in spite of this centrality, the Welsh Assembly has no powers over mass communications in Wales. It can comment, suggest, exhort, seek influence, but the Welsh people, through their elected assembly, have no formal role in shaping media policy.

Political control has always resided, primarily in London, in spite of both the ITV and BBC systems having strong regional production centres in Wales. Nonetheless the BBC Board of Governors, the governors of the Independent Television Commission and the Radio Authority all have national members for Wales. This reflects the, albeit poorly implemented notion, that in some sense those who 'govern' broadcasting must have a representative brief.

The White Paper on Communications, 'A New Future For Communications' published in December 2000 threatens to undermine this limited degree of accountability. OFCOM, which will replace the ITC and the Radio Authority, will only be required to 'develop

good links' and 'consult with' the Assembly. This has provoked justified criticism in Wales. Critics of the lack of a Welsh dimension on OFCOM were vocal at a 'media summit' of broadcasters in Cardiff in the summer.

The Welsh Assembly has pressed for a much more formal role for the Wales in OFCOM structures. It has recommended that any legislation should provide for a Member for Wales on the Board of OFCOM; a Welsh member on the Consumer Panel; and establish a Welsh Advisory Committee on Communications.

Even if there were a Welsh national member on OFCOM, without major changes to its remit then the problems facing public service media in Wales generated by government policy will be multiple. OFCOM's role is to promote economic efficiency. This, in spite of protestations to the contrary, is the central pillar on which OFCOM will rest. In this context, the use of public monies to sustain Welsh public service broadcasting will be harder and harder to justify as the commercial sector complain about the lack of a level playing field.

What is needed is a strong accountable regulator, with the powers to promote public service media, and to limit media cross ownership. It must also genuinely represent the range of views in the UK. This is not on the cards for the UK generally, no more than it is for Wales.

The CPBF is working with media unions on these issues. There are plans for a public meeting in Cardiff in early 2002. We plan to bring together people to campaign for a much more accountable and public service orientated conception of communications policy in Wales. Anyone in Wales who wants to participate in this please contact the CPBF office. We need to work, not only to remedy the current democratic deficit, but also to press for fundamental changes to current government proposals.

The danger in a reasonable approach

ITC chief executive Patricia Hodgson signalled in a recent Royal Television Society speech in Newcastle about the need for a debate about regional programming.

'The status quo is not an option – the current obligations on ITV remain too detailed and focus too heavily on the quantity of regional output rather than quality, investment and prominence in the schedules,' she said.

The real danger in this approach, which seems so reasonable, is that it fits quite nicely into the corporate mentality of the ITV franchise holders. As the push towards a single ITV continues, regional programming becomes a cost that fits uncomfortably within a more streamlined system. The impact on the regions would potentially take two forms.

Firstly, at present there is a requirement to produce up to 15 hours a week of regional programming in some regions. If there was standardisation, which stipulated a reduced amount of programmes and applied to all franchise regions, clearly the sense and identity of a region would be weakened. It would also have a dramatic impact on regional independent production companies whose programming goes into slots allocated under current requirements.

The other consequence is that a single centralised ITV would inevitably lead to cost cutting. Patricia Hodgson referred to this when she said, 'It doesn't make sense to spend money on bricks and mortar when it should be focussed on programmes.' However there is a clear link between regional production centres providing programmes for the region they are based in and serve, reflecting the issues and concerns of the region. If a single ITV cuts back on such regional bases in the interests of economy it is unlikely that staff working in a centralised London base will put regional programming high up on their commercial priorities.

ITN to embrace Madonna

ITN won the new six-year contract to supply the ITV network, but at a price. Under pressure from the rival consortium, which included BSkyB, the ITN bid of £36 million compared the the present contract of £46 million.

One consequence is that ITN's chief executive, Stewart Purvis wants to cut jobs – his 'worse-case' estimate is 133 – and he wants to do it before the new contract starts so that redundancy payments are funded from the existing contract.

The unions at ITN are saying they will oppose any compulsory redundancies.

This news is bad enough. But at the same time plans are afoot to place showbusiness and human interest stories at the core of ITV's bulletins. The change in news values is part of a re-branding which

will see ITV scrapping the ITN tag and logo and replacing it with 'ITV News'. Steve Anderson, ITV's controller of news said the re-think was intended to reflect the choice of ordinary people.

'We want to spend more of our time covering stories that are about people's lives. Too much attention has been paid to the trivia of Westminster.

'Showbusiness matters. It is a multi-million pound industry, so if a good Madonna story comes along we will do it. I have no problem in saying that showbusiness will feature on our agenda,' he said.

Accusations that in the past ITN had downgraded its serious news coverage will be renewed as it moves to a more populist format.

Trade unionists take up the gauntlet

CPBF speakers have been busy taking the debate on the communications bill into the trade unions. A London meeting in September brought together members of the NUJ, BECTU and AEEU working in ITV companies across the country.

Others gatherings have targeted public

sector workers on UNISON committees in the union's southern, south west, and Yorkshire and Humberside regions.

At a special NUJ meeting planned for 6 December CPBF chair Julian

Petley, NUJ General Secretary John Foster, NUJ Vice President John Barsby and BECTU

President Tony Lennon will discuss the communications legislation with the union's members in broadcasting.

BECTU and CPBF are to invite Culture Secretary Tessa Jowell to present the government's case for communications reform to public meeting in London early in 2002.

What are they afraid of?

BY MAURICE FRANKEL

THE Freedom of Information Act has suffered another blow. The right of access was due to be implemented in summer 2002 for government departments, with other bodies following later at intervals. That timetable has now been abandoned. Instead, the law will come into force for all authorities simultaneously, but not until January 2005. This unprecedented delay means the right of access will not come into force until more than four years after the Act was passed.

Everyone acknowledges that public authorities need some time to prepare for the Act – but four years is ridiculous. The Irish and Canadian FOI laws came into force a year after they became law; in Australia the wait was nine months and in New Zealand seven months. It is not as if we were at the cutting edge of reform. More than 30 countries have introduced FOI laws including Portugal, Greece, South Africa, Thailand, Israel, Japan, South Korea and former Soviet bloc countries like Bulgaria,

Hungary, Poland, the Czech Republic and Bosnia & Herzegovina – all ahead of us, and with a fraction of the delay.

The Information Commissioner, Elizabeth France, who will enforce the Act made clear her that she considered earlier implementation would be “realistic” and “logical” starting with government departments next year, with local authorities, the NHS and the police following in 2003. One hundred and sixty MPs have signed a Parliamentary motion calling on ministers not to delay. Even the Lord Chancellor, Lord Irvine, who is now responsible for FOI, is on record as favouring the original timetable.

The obstacle seems to have been the cabinet secretary, Sir Richard Wilson, and the prime minister himself. An internal

document obtained by The Guardian – released, ironically, under John Major’s open government code – revealed that the original timetable “has been abandoned in favour of across-the-board implementation, supported by the PM”.

Yet it was Tony Blair who in 1996 promised that FOI was “not some isolated constitutional reform” but “a change that is absolutely fundamental to how we see politics developing in this country over the next few years”. No-one listening to him could have dreamt that FOI would disappear into the bottom of the Blair

freezer, not to be defrosted until 2005. This totally unjustified delay not only sets back the public’s right to know – it undermines the efforts that government departments had been making to prepare

It was Tony Blair who in 1996 promised that FOI was ‘not some isolated constitutional reform’ but ‘a change that is absolutely fundamental to how we see politics developing in this country’

FREEDOM OF INFORMATION IN SCOTLAND

NUJ and David Shayler give evidence in Scottish Parliament

BY FRANCIS SHENNAN

PRESS freedom made double sets of headlines following evidence given to the Scottish Parliament by the National Union of Journalists.

The NUJ delegation of Scottish Organiser Paul Holleran and myself invited former MI5 agent David Shayler to join us on 2 November in giving evidence to the Justice 1 Committee (one of the Parliament’s two such committees) on the Freedom of Information Bill. And we revealed attempts by new First Minister of Scotland Jack McConnell to exert control over stories about him in his local paper.

The purpose was to show that threats to Press freedom come from both a culture of secrecy and a culture of cosiness in parts of public life which accept behind-the-scenes solutions to perceived problems.

We knew we risked being accused of “grandstanding” or stunts, but both stories were inextricably linked with two of our main objections to a Bill which has been under-reported in the media.

When I wrote the NUJ’s response to the original consultation document last year, we responded to every point in detail. To the draft Bill, we focused on eight main aspects.

At the Justice 1 Committee, we homed in on four: class exemptions, charges, restrictions on so-called vexatious and multiple requests for information, and a First Ministerial veto.

Shayler, by talking on blanket use of claims of national security, underlined our objections to class exemptions in addition to the harm test. We had argued: if harm cannot be demonstrated to the Scottish Information Commissioner, then the harm test is wrong, the Commissioner is wrong, or there is no harm.

The class exemption covering police, judicial and statutory investigations – including health and safety – effectively removes any investigation by any public body at any stage from the remit of the Bill.

So the Bill would not have increased information available to the public on the BSE crisis, food safety, rail safety or major

public scandals.

The proposed charging structure, to be governed by still-to-be-drafted regulations, threatens to deter legitimate applications, even by the media. Local newspapers, especially, would be inhibited in covering local stories and freelance journalists would be largely prevented from using the Act.

If cost is a genuine problem, we argued, a central fund should be made available for applications in the public interest.

Restrictions on so-called vexatious and multiple requests for information could apply to almost any journalist pursuing a legitimate inquiry. Repeated requests are almost inevitable in many serious lines of inquiry, and the pursuance of a campaign is part of what journalists rightly do.

Section 52 (2) of the Bill allows the First Minister, after consulting the other Scottish Ministers, to issue a certificate telling the Information Commissioner there has been no failure to comply with the Act for certain classes of information: in other words, to over-rule the Commissioner.

for the legislation. Some had commissioned training courses for staff, drawn up action plans, set up monitoring committees – momentum that will now be lost.

What is the Government afraid of? The Act already contains a veto, allowing ministers to overrule the Commissioner if she pushes for disclosure in areas they are determined to protect.

The hope is that they will be too embarrassed to invoke such a power, but this month Labour ministers overruled the Parliamentary Ombudsman when he called on them to release information under the open government code – the first time this has ever happened.

By resisting the openness that Labour has promised for 25 years, ministers are damaging themselves, reinforcing a reputation for spin that corrodes their public standing. Before he took office, Tony Blair described FOI as an essential antidote for the “disillusion” and “disaffection from politics” that he saw around him. The mystery is why he no longer sees it.

Parliament

The day after the Committee hearing, MSPs were due to choose Jack McConnell as First Minister-elect. Yet only a month before the NUJ Scottish Office had received a complaint from a senior reporter in his area about demands to have stories about him vetted.

I suggested raising this at the Committee hearing. The Scottish Organiser and I discussed it at length, along with whether to invite David Shayler. We consulted with the reporter several times.

During the hearing, the Committee’s questions returned repeatedly to the First Ministerial veto. We suggested the Minister should instead appeal to the Court of Session in Edinburgh – as others would have the right to – against the Information Commissioner’s decision.

This has raised our hopes that a Bill, already better than its Westminster counterpart, could have one level of Ministerial interference deleted from it. Francis Shennan is Chair of Scottish Council, National Union of Journalists

Don't believe everything ...

Trust Us, We're Experts: How Industry Manipulates Science and Gambles With Your Future

Sheldon Rampton and John Stauber
published by Tarcher/Putnam \$24.95

I DON'T know if this book is available in the UK – I ordered my copy over the net – but it deserves to be widely read over here. The book documents the efforts by corporations to use sophisticated public relations techniques to manipulate public opinion. At the heart of this sort of activity is a deeply cynical view of human beings and the democratic process.

The cynical view is held both by the public relation industry’s key players and by the scientific experts whose data is manipulated and packaged on behalf of corporate clients. People, they argue, cannot be trusted to reach decisions because they are irrational, emotional and illogical. The authors cite physics professor H.W. Lewis, a risk assessor who says people worry about non-problems like nuclear waste and pesticides because they are irrational and poorly educated.

“The common good is ill served by the democratic process,” he says.

Or how about this from a spokesperson for Burson-Marsteller, whose clients include Philip Morris, Monsanto and Exxon Mobil, at the Society of Chemical Industry: ‘All of this research is helpful in figuring out a strategy for the chemical industry and for its products. It suggests, for example, that a strategy based on logic and information is probably not going to succeed. We are in the realm of the illogical, the emotional, and we must respond with the tools that we have for managing the emotional aspects of the human psyche.’

Perception management involves using ‘independent experts’ presented as neutral ‘third parties’ such as watchdog group, professor or psychiatrist. In the early 1990s tobacco companies secretly paid 13 scientists a total of \$156,000 to write a few letters to influential medical journals. One biostatistician received \$10,000 for writing a single eight-paragraph letter that was published in the Journal of the American Medical Association. A cancer researcher received \$20,137 for writing four letters and an opinion piece to the Lancet, the Journal of the National Cancer Institute and the Wall Street Journal. However the scien-

tists didn’t even have to write the letters themselves. Two tobacco-industry law firms were available to do the drafting and editing.

The authors point out that corporations spend at least \$10 billion each year hiring PR propaganda experts. The consequence is that an enormous amount of material generated by them appears in the media as authoritative reporting. For example, about 40% of all stories that appear in newspapers are planted by PR firms on behalf of their clients. A great deal of radio and TV news in the USA is simply re-written from newspaper stories so that a substantial proportion of ‘news’ has a PR source but without a specific acknowledgement of the connection.

The book’s material is obviously rooted in the US experience. It does however provoke the question – how bad is the situation in the UK, and why don’t we have good critical accounts about the UK experience?

GW

THIS MODERN WORLD

BY TOM TOMORROW



Censored 2000: 25th Anniversary Edition

By Peter Phillips

Project Censored

Published by Seven Stories Press £12.99

THE new edition of this hardy annual is packed with good material. Apart from a selection of the top 25 stories that Project Censored considered were sidelined by the mainstream media in 2000, there are a number of good, thoughtful pieces, including ones by Norman Solomon on The Media Oligarchy and Robert A. Hackett on Building a Movement for Media Democratization. And, of course, a generous selection of the wonderful cartoons of Tom Tomorrow.

The papers' war

→ from front page

the Guardian's new Comment editor, Seamus Milne, whom he termed 'a Stalinist Rip van Winkle', whilst in The Times Michael Gove evoked echoes of earlier conflicts in his attacks on the 'Guardianistas' and the 'Prada-Meinhof gang'. This, of course, was just the kind of campaign which Andrew Neil loved to launch at the Sunday Times, so it was hardly surprising to find him using the (British-owned) Sunday Business in order to turn the flame-thrower on the 'apologists for terror who dominate the opinion pages of the hard-left Guardian, henceforth better known as the Daily Terrorist'. Meanwhile the Sun alleged that the 'anti-American, anti-Tony Blair press' had 'pumped out anti-war propaganda as if they were the handmaidens of Osama bin Laden'.

However, the most savage and bloody battle in this particular campaign was not between tabloid and broadsheet, nor liberal and populist, newspapers, but between the country's two leading red-top tabloids: the Mirror and Sun.

Right from September 11 onwards the Mirror appeared to have undergone nothing less than a Damascene conversion and to have re-discovered the values that tabloid journalism stood for before 'tabloid' became a dirty word, namely the ability to put

across complex matters in a direct, readily comprehensible but yet unpatronising fashion, and a refusal to kow-tow to the 'official' line, even in difficult times, without simply lapsing into loudmouthed and loutish populism. Indeed, in a move which few in journalism ever expected to witness, it even re-hired John Pilger to comment on the war!

All this was just too much for the Sun, whose front page headlines during this time of international crisis included 'Queen Has Rubber Duck in Bath', 'Phil Quits Eastenders' and 'Elton Fancies Girls'.

Eventually, on 14 November, its pent-up fury exploded over two pages headed 'Shame of The Traitors', much of which was

Sun front page headlines during this time of international crisis included 'Queen Has Rubber Duck in Bath', 'Phil Quits Eastenders' and 'Elton Fancies Girls'

taken up by a vitriolic attack on its rival, which it accused of being so 'blinded by an illogical hatred of the United States' that it 'went into peacenik overdrive' and filled its pages with 'disgusting, obscene and treacherous rubbish'. And, just for good measure, on 16 November, a Sun editorial branded the Mirror 'corrupt, disgraced, morally bankrupt and spivvy'.

Unsurprisingly, the Mirror responded in kind, denouncing 'one of the most outra-

geously idiotic editorials ever published in a national newspaper' as 'mad, twisted and stupid' and 'an astonishingly bigoted rant'. Standard tabloid knock-about stuff, perhaps, but, much more importantly, the Mirror also utilised its lengthy editorial on 15 November to highlight the key journalistic principle at the heart of this row, arguing that what Sun editor David Yelland failed to understand is that 'the whole point of this war on terror is to preserve the very freedoms we enjoy, including the fundamental freedom of speech. Nor does he seem to understand the role of a newspaper. If a newspaper can't question the actions and policies of governments, it ceases to be a newspaper. If it cannot propose alternative ideas and views, it ceases to be a newspaper. If it doesn't respect the right of others to express beliefs it doesn't agree with, then it ceases to be a newspaper. If it just pathetically toes the government line on things as serious as war, it ceases to be a newspaper'.

Fine words indeed. However, the acid test for the Mirror, and for all other newspapers which appeared to have rediscovered their journalistic souls in the aftermath of 11 September (and which were rewarded for doing so by initial upturns in their circulation figures) is, quite simply this: will their new-found commitment to the values befitting the Fourth Estate survive the end of the current military action against Afghanistan, let alone of the rather more nebulous 'war on terrorism'?

Julian Peley is the Chair of the CPBF National Council

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