

FREE PRESS

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THE PLEDGE FOR CHANGE

CAMPAIGNERS ARE working flat out to win commitments from political parties to the reform of media ownership and an increase in plurality in May's general election.

The Media Manifesto drawn up by the CPBF and the Coalition for Media Reform (CMR) is to be launched at a meeting in the House of Commons in London on March 18.

The text has been finalised after a two-month consultation period in which groups and individuals were asked to contribute or comment on a draft on the CPBF website. The outcome is a comprehensive list of positive media policies. The Manifesto is included in the centre pages of this issue of *Free Press*.

The CPBF is joined in the campaign by a range of civil society bodies, trade unionists and academics working with the CMR, which includes the TUC, the NUJ, the Open Society Foundation, Media Standards Trust, Hacked Off and others.

MPs are being asked to sign a pledge to promote the campaign's aims in parliament; see text below.

The CMR is calling for two broad strands of activity

1. positive action to encourage the growth of a more plural media environment, including support for digital innovation, local news, investigative journalism and youth media;

2. limits on ownership in specific media markets linked to behavioural or structural remedies.

Of the political parties, Labour has supported similar aims in the past and its leadership has made numerous speeches critical of the current state the market, dominated as it is by a handful of big corporations.

An appeal to Labour leader Ed Miliband to maintain the stance has been signed by seven major union leaders, media professors and the chair and secretary of the CPBF, Ann Field and Jonathan Hardy, who co-ordinated the composition of the Manifesto.

The Liberal Democrats in their 2014 "pre-manifesto" stressed the fact that "a diverse and independent media is essential to both a fair and thriving market and to a pluralistic democracy."

And the Green Party passed a resolution along these lines last September.

THE PLEDGE MPs ARE ASKED TO SIGN

IF DEMOCRACY is to flourish, we will need diverse and independent voices in the media. Yet media concentration in Britain remains at worrying levels and, despite what we have learned over the last few years, a handful of media corporations and individuals continue to have considerable power over our news, cultural life and access to information. There is a danger that the increasingly digital media environment could well increase this risk.

I therefore pledge to take steps within Parliament and my own party to promote the growth of a more pluralistic media environment by pressing for legislation that will provide new funding for invaluable areas such as local news, investigative journalism, youth media and digital innovation, and that will temper the power of the largest media companies through the introduction of thresholds in specific media markets.

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Rupert's new job for Rebekah

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centre pages

MURDOCH

'This one' – the one that got away

The return of Rebekah Brooks to work for a Murdoch company shows how little the media bosses have really been damaged by the turmoil of the last four years, says

GRANVILLE WILLIAMS

AFTER THE phone-hacking trial last year, which led to the jailing of five journalists – the first for decades – but the acquittal of their boss Rebekah Brooks, former chief executive of News International, attention turned to the USA.

US Justice Department investigators looked into allegations that Murdoch's tabloid journalists tried to hack the phones of 9/11 victims as well as celebrities like Jude Law, who claimed his phone was hacked while he was in New York. In addition they investigated whether the alleged bribing of British police officers may have violated American laws which bar US companies from engaging in corrupt practices overseas.

In February the Justice Department announced that Murdoch's media empire would not face prosecution, and shortly after came the announcement that Rebekah Brooks is now to be re-hired. She would be heading Storyful, a Dublin-based social media news agency bought

up by News Corporation in 2013 for \$25 million.

It emerged during the hacking trial that she struck a severance deal of £16.1 million in compensation for future loss of earnings.

After Brooks's acquittal her counsel applied for recovery of her massive legal costs, which had been covered by the company. The judge, Mr Justice Saunders, who said the trial was the most expensive in British legal history, responded that he would need to see all internal correspondence that would illuminate "the relationship between News International and the *News of the World*" and their conduct after the original arrest of phone-hacking royal editor Clive Goodman, when the frantic cover-up began. The application for costs was quickly withdrawn by Brooks's lawyers. They seemingly didn't want to go there.

Despite the acquittal, it was widely agreed to be impossible for her to return to work at Murdoch's British publishing empire while her

A huge body of people now know about the corrupting relationship of media power

former colleagues were still being dragged through the courts on charges relating to their work under her editorship.

Rupert Murdoch made the depth of his support for her public when in July 2011 he arrived in London to face the humiliation of a public grilling by MPs. Asked what was his top priority, he replied "this one", indicating Brooks



standing at his side. The company proceeded to delete 3 million emails that may have incriminated her and other bosses, while handing millions more over to police to form the basis of the cases against the working journalists.

In November 2014, at the trial of six *Sun* journalists accused of paying public officials for confidential information, an email from April 2006 surfaced which was sent by the newspaper's managing editor to senior executives stating: "With immediate effect, no cash payments to be made without Rebekah's approval."

And in the currently running trial involving four senior staff from the *Sun*, one of their defence barristers, Vincent Coghlan QC, told the Old Bailey jury that Rebekah Brooks has been "removed from the narrative ... If the editor was happy to pay for these stories it would be a brave deputy who refused."

He added that "if editorial approval was sought from anyone, it would be Rebekah Brooks." The jury was reminded of a 2008 email from Brooks, who asked for paperwork for confidential cash payments not to be sent to her any longer "otherwise I will be signing all day."

So maybe *Guardian* reporter Nick Davies, who doggedly pursued the phone-hacking story for three years, was right when in the epilogue to *Hack Attack*, his book on the trial, he wrote: "In truth, very little has changed ... For a while, we snatched a handful of power away from one man. We did nothing to change the power of the elite."

But a huge body of people now know about the corrupting relationship of media power over politicians and the police. On that solid foundation that we have to build our media reform campaign.

NET NEUTRALITY

VICTORY AT THE HALF WAY STAGE

GARY HERMAN says the great victory being hailed by US media freedom campaigners doesn't mean much in the UK

FEBRUARY'S news that the US Federal Communications Commission (FCC) had voted to uphold "net neutrality" – by classifying internet providers as public utilities, or "common carriers" in the jargon – seemed to cast a US government agency in the role of libertarian white knight.

The FCC had ridden in with swords flashing to rescue the internet from the threat of huge telcos and cable companies imposing restrictions on the use of their networks for streaming movies or any other applications making heavy demands on bandwidth. The FCC Chair Tom Wheeler spoke of the need to protect a "fast, fair and open internet". Net neutrality had won the day.

It isn't really that simple. The ugly giants who control US fixed wire and wireless networks – like Verizon, AT&T, Comcast and T-Mobile (known collectively as "the pipes") – want more money to pay for

the costs of delivering the high speed or high quality content provided by the likes of Netflix, Amazon, Spotify and YouTube (known as "the swipes"). The pipes have been threatening to erect toll-booths on the superhighway, throttle speeds or simply ban content providers who were unwilling or unable to pay from using their networks.

The FCC decision, by a 3 to 2 vote split along US political party lines, was intended to impose pre-emptive conditions on the pipes. As common carriers under Title II of the US Communications Act of 1934, they must fulfil the same requirements in respect



OCCUPY

THE MEDIA BILLIONAIRES

#OCCUPYRUPERTMURDOCH

If you're
in town
Rupert,
look out of
the window

PROTESTS AGAINST Big Media are moving onto Rupert Murdoch's London doorstep at the end of March when the Occupy movement sets up for a week. Occupy Rupert Murdoch will run from March 23 to 29 with rallies, discussions, comedy and music.

There will be discussion of a provocative draft Charter for a Free Democratic Press that includes such ideas as a 10 per cent maximum market share for any owner and a boycott of the main national titles though it does also call for trade union rights for all journalists and media workers.

The CPBF cannot endorse much of the charter or the Occupy movement itself, but members will be contributing to some of the media-related activities, which include sessions on the Wapping dispute and unions in the industry to promote our policies and ideas.

IT ALL CATCHES UP WITH FOX NEWS 'LIAR'

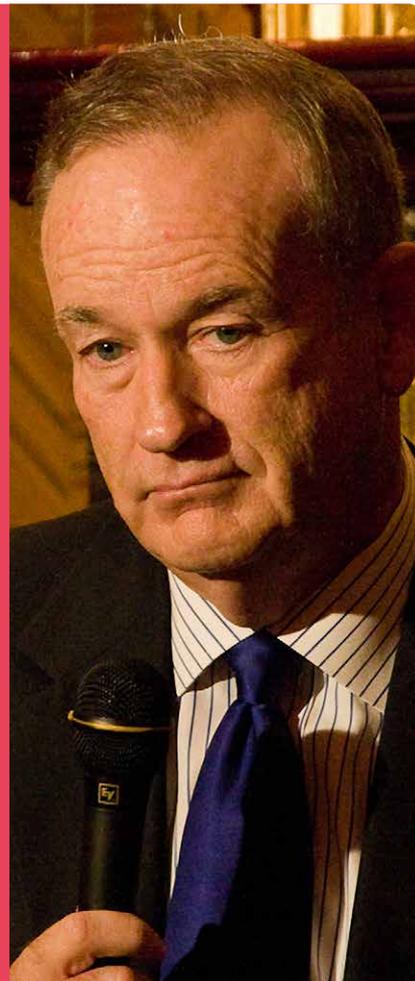
ONE OF Rupert Murdoch's top US journalists has been caught out lying about his journalistic past. Fox News presenter Bill O'Reilly (*right*) has for years made claims of his heroic on-the-spot war reporting - claims found to have been untrue.

O'Reilly, an aggressive right-winger, has been dubbed a "pathological liar" in *Rolling Stone* magazine for his boasting about his reporting from El Salvador and the Falkland Islands, and is now drawing harsh criticism from journalists who did cover them.

He says he witnessed the brutal 1980 murders of four American nuns in El Salvador, which he did not. The murders took place before he even arrived in the country. As for the Falklands in 1982, he wasn't even there, but in Buenos Aires, 1,200 miles away.

A lawyer for the women's families says: "To use the death of four women just to do good for your own self-aggrandizement is unsavory." Celebrated photographer Susan Meiselas, who was at the site when the bodies were exhumed, says: "For someone to pretend to have participated in that or witnessed it, it's outrageous."

Charles Krause, a former CBS News reporter who flew in to El Salvador with the nuns and covered their murders, says he is "outraged by the McCarthy-like smear campaign Fox News is using to try to save its bloviator by suggesting that anyone who corrects the record regarding O'Reilly is part of some left-wing conspiracy that's out to get him."



of their broadband offerings as they, or other companies, do for fixed line telephone services.

Verizon criticised the ruling as a throwback to the 1930s, but the use of Title II does not mean that broadband providers must follow the same set of regulations that apply to traditional telephone companies. This could hardly be the case since broadband provision is actually a service offered using both traditional fixed line networks and wireless networks that didn't exist 30 years ago.

The FCC has actually done little more than declare an intention to treat broadband suppliers in the same way as it treats common carrier phone companies. And even this is complicated because some broadband suppliers own their networks and some lease them.

We await the precise interpretation of

Title II. It will be a tough job to come up with something that works.

Wheeler has argued that he is open to a liberal reading and has already stripped out some of the obligations that apply to fixed line operators. It is, however, pretty certain that Section 202 ... Discrimination and Preferences will survive the process of interpretation.

The first clause of this section says: "It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or

locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage."

This is pretty much what most people mean by net neutrality, that all internet content must be treated alike and move at the same speed over the network.

But this doesn't mean the FCC has rescued the fair damsel. Far from being over, the battle has only just begun. Cable companies are threatening legal action against the FCC. Republicans in Congress - the majority - will fight the FCC decision.

Even if it survives, the internet will not be an even playing field as long as it is owned by companies seeking to maximise their profits, and as long as it remains a global network operating on many different technological platforms across many different jurisdictions.

Stop the rot in the local press

NATIONAL ACTION is needed to end the crisis in local newspapers, says the National Union of Journalists, which wants a national inquiry into its plight.

More than 150 titles have closed in the last four years, says the union, which is launching a "Local News Matters" campaign. A quarter of local government activities are not covered by a daily local newspaper, with more than a third (35 per cent) by only one.

NUJ national organiser Laura Davidson said: "Local newspapers and their websites are the most trusted form of the media, read by more than 30 million people each week.

"They are a crucial part of our democracy. But, in the past decade more than 5,000 journalist jobs have gone; most newsrooms are about half the size they were. There is genuine concern that

your
local news
matters

many newspapers no longer have the capacity to provide the coverage necessary to inform voters about local politics."

One solution the union calls for is to have local papers declared community assets to prevent their closure by the four big groups that dominate the sector: Trinity Mirror, Local World, the American-owned Newsquest and Johnstone Press. There would then be time for potential new owners, including local co-operatives and groups of the journalists to put together bids for a paper.

This idea is supported by the CPBF and is in the Media Manifesto for the election.

NOT NEARLY GOOD ENOUGH. BUT DIDN'T WE DO WELL?

THE EUROPEAN Initiative on Media Pluralism last year failed to reach its target of a million signatures on the Europe-wide petition to demand the EU take action over media ownership. The UK exercise, which the CPBF supported, gathered 7,555 signatures, which was 13.8 per cent of the target of 54,750. Yet according to new figures listing all the national totals, that was the second highest in the continent.

Bulgaria was the best, the only one to beat its target. The UK narrowly beat Hungary, which is in the throes of a desperate crisis of media ownership but got 13.4 per cent, as did Cyprus, but no others got anywhere near 10 per cent. Even the Italians, who took the lead in the campaign and have suffered from the abuses of former Prime Minister and media magnate Silvio Berlusconi, struggled to a derisory 2,109 signatures (3.85 per cent). France got a miserable haul of 318 signatures.



PICTURES: MARK HARVEY

The banners fly high in the Unity Hall in Wakefield

Miners' strike 'a dry run for Wapping'

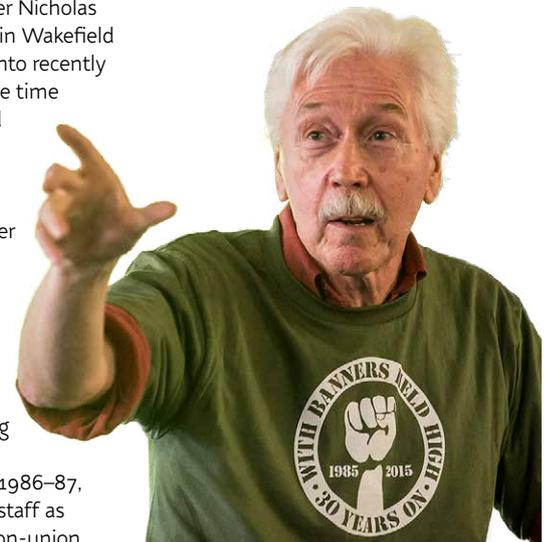
FORMER BBC industrial reporter Nicholas Jones told a CPBF-backed rally in Wakefield in March of how his research into recently published cabinet papers of the time revealed how government and the newspaper owners used the miners' strike of 1984-85 as a rehearsal for the great showdown with the newspaper unions two years later.

Prime Minister Margaret Thatcher mobilised the full resources of the state to beat the National Union of Mineworkers, urging police to "stiffen their resolve" in dealing with pickets.

In the Wapping dispute of 1986-87, Rupert Murdoch sacked 5,500 staff as he moved all his papers to a non-union computerised print factory. The tactics followed by police, launching repeated assaults on pickets and clearing streets to let Murdoch's lorries through, were developed during 1984-85.

"No wonder most newspapers were cheerleaders, urging the miners to return to work," Nicholas Jones said. "They could see union power and organisation was in retreat."

The rally, entitled With Banners Held High, marked the 30th anniversary of the end of the strike, when the defeated



miners went back to work with all the dignity they could muster.

It was organised by a group headed by long-standing CPBF activist Granville Williams (above), who is editor of three campaign books. The latest, *Big Media and Internet Titans*, was published last year.

Also central to the day's success were members of the Orgreave Truth and Justice Campaign, the group that wants a public inquiry into the violent policing at the Orgreave coke works in June 1984.

2015 CPBF ANNUAL GENERAL MEETING

Saturday 27 June
10 am to 1 pm

Post general election analysis and the future for media reform, plus election of national council for 2015/16 and lots more ...

At the NUJ, 308 Gray's Inn Road, London WC1X 8DP

Nearest tube/rail Kings Cross St. Pancras

THE MEDIA AND DEMOCRACY

Public pre-election meeting on media reform

Speakers include Granville Williams (CPBF), editor of *Big Media and Internet Titans*

RED SHED Wakefield WF1 1QX

Saturday 18 April

1.00-4.00pm • Free admission

Organised by Wakefield Socialist History Society

Losers in the phoney war

Two years on from Leveson and there's little to show for those whose hopes for a fairer media world were raised so high by the revelations of Big Media corruption.



TIM GOPSILL

follows the empty activities of the main parties involved

IT'S 28 MONTHS since Lord Justice Leveson brought forth his report and 24 since Parliament laid the foundation stone for an independent system for regulating print periodicals and their websites. Since then wars of words have been ceaseless but very little has changed.

It's a classic phoney war. The pro- and anti-Leveson forces – regulators and would-be regulators, politicians, campaigners and the press – have circled round each other making menacing noises but all that is new in real terms is that the discredited Press Complaints Commission (PCC) has got a new name.

It's very frustrating, all the more so because Leveson's timid reforms really wouldn't change the world very much if they were implemented to the letter. From the moment the report was published in November 2012 it was clear that the judge's intention was to finesse some kind of compromise that the editors might be persuaded to accept.

If you are going to have anything other than the ranks of the industry itself involved in press regulation, then it couldn't be less than what Leveson proposed and Parliament enacted: a statutory body specifically prevented from exerting any kind of influence on the press, with its sole remit to check from time to time that the regulator is carrying out the functions Leveson said it should.

After all, Leveson emphasised that the new system must be "self-regulation", which can only be what it says it is: unhindered by outside authority. That's the first problem: that even if

the Independent Press Standards Organisation (IPSO, the successor to the PCC) meticulously did everything asked of it, nothing would stop the prejudiced and cruel reporting that the mass circulation papers so like to indulge in.

The victims would have easier and cheaper redress, yes, but as long as they were selling papers, or drawing eyeballs, the journalists could carry on as usual. But while injured parties might indeed benefit from a Levesonian arbitration process, what's additionally unfair about the system is that, then again, they might not.

Leveson decided to stick with the PCC formula of a "membership" organisation – that is, a regulator whose sway applies only as far as those that choose to join it. Its authority derives from the terms under which publishers join: essentially, a contract that they agree to be bound by its rulings. A superior alternative, the thinking goes, to statutory authority.

Maybe it is, but it has a bigger flaw, from the question: what happens to publishers that don't choose to join? Leveson built a web of incentives and punishments to induce them to do so, but by definition they are unfair and there's no reason they should work.

This is not an unforeseen problem. It happened under the PCC, from which sleazebag proprietor Richard Desmond withdrew his

If you get done over by a newspaper or website, what happens to you will be a matter of chance

Express Newspapers in 2010, taking umbrage at its criticism of the papers' coverage of the McCann family. Lawyers like to use the phrase "hard cases make bad law", and to construct a regulatory edifice around the whims of a brute like Richard Desmond rather proves the point.

The upshot is that if you get done over by a newspaper or website, what happens to you will be a matter of chance. If your persecutor happens to be a member of a Leveson-compliant regulator, you stand a chance of a decent mediated settlement and apology. If you fail to win justice at this stage, however, and decide to sue, you will do worse in court because the publisher's status gives them certain legal advantages.

On the other hand, if the paper is not Leveson-compliant, you will have little help or luck at the regulatory stage but at court you could fare better because it will be punished for its transgression.

There may too be variations between the

treatment from different regulators because the Press Recognition Panel (PRP) set up by government to monitor the regulator can recognise any that meets Leveson standards; anyone can set one up and we could end up with several, all running their own shows – in effect, a lottery. But so far nobody has applied for recognition at all, and the only likely candidate is Impress, established by Jonathan Heawood, formerly head of English PEN, as a Leveson-compliant rival to IPSO.

For the last year Impress has been doing the same as everyone else: appointing worthy individuals to various panels and committees and straining to show just how independent they all are. Leveson set limits for the proportion of "independent" individuals on any regulator's committees, and every announcement is pored over by commentators as if press freedom depended on it. In truth they are all much the same mix of meritocrats and bureaucrats as office-holders everywhere.

IPSO has a board, an executive, a complaints committee and an appointments panel; there is also an Editors' Code Committee that draws up IPSO's code of practice but is appointed by a nominally separate body called the Regulatory Funding Company (RFC).

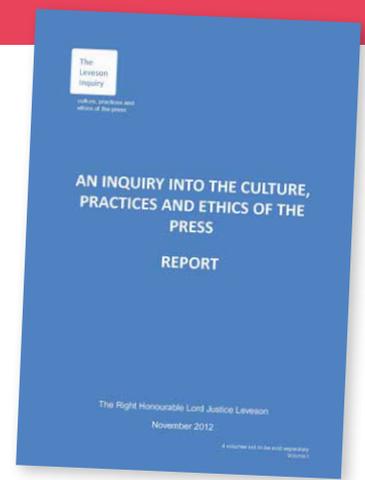
The RFC, though IPSO's paymaster, is not a regulator, so no pretence is needed there and all its eight members are Big Media bosses and proud. The Code Committee by the way has three independent members out of 15, and one of those is a former BBC journalist. The RFC says: "in line with the recommendations of the Leveson Report in 2012, the committee is being restructured to include a greatly increased lay membership", and this composition is the outcome.

Its chair is Paul Dacre, editor-in-chief of the Daily Mail group whose titles have for some years drawn more complaints for breaches of the Code than anyone else. Dacre would not be wasting his time in this position if it did not hold great sway over the whole IPSO process.

Chair of the RFC was until March 5 Paul Vickers, for years the legal director of the Trinity Mirror group. After the News International phone-hacking scandal broke he headed an investigation into whether similar scams had been employed on Mirror group papers, amid swirling rumours that they had, particularly involving the reptilian former Daily Mirror editor Piers Morgan.

Vickers's verdict was unequivocal: "We have done huge investigations and, to date, we have not found any proof that phone hacking took place". Soon the writs from disgruntled celebrities

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So hard for Labour to commit itself

THE CURRENT preoccupation of media reform campaigners is to get the Labour Party to include a meaningful commitment for change in its election manifesto, to give it a mandate to take on the owners of Big Media.

In the recent past all parties have shied away from making a pledge that would incite their rage. But the right-wing press have been crying wolf on press freedom for some time so it's hard to see what the party has to lose.

Labour's media frontbencher is no less than deputy leader Harriet Harman who at the height of the phone-hacking scandal made numerous pronouncements that the concentration of media ownership was unacceptable. She said: "Media monopoly matters in a democracy. The concentration of unaccountable media power distorts the political system ...

"Plurality ensures that no media owner can exert such a damaging influence on public opinion and on policy makers ..." and so on. Like many others she has often praised party leader Ed Miliband for his immediate condemnation of the conduct of the Murdoch press.

Now she has to be more measured, telling

a rally organised by Hacked Off at Parliament in February: "We are absolutely committed to what Leveson proposed and we do not think that business as usual is acceptable."

Asked twice whether that commitment would appear in the manifesto she twice replied: "We have a mandate to follow through on Leveson."

Naturally she cannot divulge the contents of the manifesto until it is published. But "following

The right-wing press have been crying wolf for some time so it's hard to see what the party has to lose

through on Leveson" is hardly enough. The problem that has Labour raised repeatedly – the concentration of ownership – was left hanging by Leveson and needs separate legislation. There is plenty of policy there for Labour to follow through with.

Harriet Harman's number two on media is Chris Bryant, one of the MPs who made the running in the backbench assault on the popular press over phone-hacking. In December he said at the Commons event to launch the Media Manifesto that the "idea that the media could NOT be an election issue is incredible. They are an issue because they have made it one.

"I don't believe in an owners' press, a proprietors' press, controlled by a few people," he said. "If they want to hack the phones of government ministers, everybody turns a blind eye. I am determined that when it comes to the election we will have a different policy."

A fortnight later he was surprisingly appointed as a number two frontbencher to Harman on arts and media. The story was blown up in the press as the outcome of a row over immigration policy, as a result of which Miliband had to remove Bryant from his shadow work and pensions brief.

But it is not unknown for noisy backbenchers to be promoted to shut them up, and Bryant has gone uncharacteristically quiet. "Leave it to Harriet" appears to be the order of the day.

Losers in the phoney war

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started to arrive and last October he was "made redundant". (Legal directors are never redundant.) But the RFC had no problem with him staying in the chair and it was only in the week that the eventual trials began, with accusations of hacking on an even grander scale than at the News of the World, that he had to resign.

It's not hard for Impress to look cleaner than this but it has not yet sought recognition from the PRP nor announced any publisher members. It has naturally made thoroughly independent appointments to its appointments panel and its board. It has its own putative funding body called the Independent Press Reform Trust (IPRT), from which it maintains a fitting distance, as different from the IPSO/RFC as it can. Indeed it is so distanced that when the IPRT applied for charitable status it was turned down, twice, by the Charity Commission on the grounds that there was insufficient information about what IPSO would be doing to judge whether it may be charitable.

Impress is trying to prevail upon on the three national papers that have baulked at joining IPSO – The Guardian, Financial Times and Independent – that have problems with IPSO's dependence on the press and the PRP's on the state. All are currently regulating themselves and unable to apply for recognition even if they wanted to.

If they continue to resist the blandishments of Impress, it will go to the PRP in the summer with a portfolio of smaller publications it has approached, many of them online. No-one thinks about regulating such publications – local and niche websites and magazines – but if they malign someone and are outside any system, and don't have any money, then redress is likely to be meagre.

Leveson compliance would be attractive to publishers and readers alike, by setting standards to be adhered to and offering decent and cheap redress. This would be a real gain from Leveson,

What they are defending is not freedom but its abuse by big corporations

to regularise the position of small local and niche publications. It's hard to see any others. With the membership model he decided to go with there could never be a just and even system, because the "members" are so different.

The terms of public discussion of regulation are set by Big Media. All their bluster about attacks on press freedom might be bogus – because what they are defending is not freedom

but its abuse by big corporations – but it puts their critics, people who care about it more than they do, onto the defensive.

Leveson almost invited this reaction by pandering to the papers in the forlorn hope they would respond positively. Some hope. In any case his model was flawed by a fatal confusion between two quite different issues: the setting of standards for journalistic conduct, and the provision of redress for people who have been traduced by them.

The former is a professional matter that should properly be left to journalists themselves; indeed, the idea of plonking well-meaning outside amateurs on the committee that draws up a Code of Conduct is silly and irrelevant. The press is right about this, in my view. The NUJ would be a good body to perform this function, though there are problems in relation to its remit to defend all members; the BMA manages it, though, for doctors.

The latter requires some kind of tribunal for quick and cheap justice – I have long argued that the Employment Tribunal is a good model – but although it would work by enforcing agreement between the parties it would at some late stage have to involve the force of law. That would enrage the editors, but everything enrages the editors and you might as well enrage them over something meaningful rather than Leveson's tepid compromises.



UK GENERAL ELECTION 2015

A Manifesto *for* Media Reform

Our media are too important to be left to the bottom line of big business or the whims of government. We cannot rely on unaccountable private corporations or partisan administrations if we want media that serve the many and not just vested interests.

NOT MUCH PLURALITY HERE...

NO MEDIA CONTROLS

OFCOM = STASI

FREE PRESS = NO CONTROL

NO TO STATE CONTROL

MEDIA SAYS NO TO STATE

Communications should be organised and regulated in the public interest

WHEN THE phone hacking scandal surfaced in 2011 it didn't only expose the sickening corruption involving the government and Britain's biggest media company, Rupert Murdoch's News Corporation. It also stopped in its tracks the bid from News Corp to get even bigger by buying up Sky TV, which is Europe's biggest pay-TV broadcaster – which was on the point of being waved through by Tory culture minister Jeremy Hunt.

This year the resignation of *Daily Telegraph* political commentator Peter Osborne showed how close Big Media are to the corporate bottom line. All too often they end up protecting powerful interests while failing to represent the lives and experience of women, workers, young people, minorities and migrants. We want media to be more accountable and more responsive to the public they serve.

UK voters want their political parties to promote truly independent media.

We want effective ways to challenge inaccuracies in

reporting. We want to ensure communities have access to a diverse range of communication services geared to serving their needs. We want an end to the corruption that surrounds the largest media corporations – but how do we achieve this?



Communications should be organised and regulated in the public interest. This means public involvement and oversight in the decisions made. Overwhelmingly, decisions are made between ministers, senior regulators and powerful commercial interests.

There are five main proposals:

- 1 Controls on media ownership**
- 2 Independent, trusted and effective regulation of the press**
- 3 Well-funded, independent public service media**
- 4 Protection for communication rights**
- 5 Action on lobbying and transparency**

THIS MUCH AND NO MORE

Time for controls on media ownership

WE NEED regulations to limit how much companies can own, and to require those with significant market shares to meet agreed editorial standards.

Firms with significant market share should help ensure media plurality themselves by adhering to agreed standards, protecting journalistic independence and editorial output. In order to secure plurality, we are proposing ownership caps across the total media market, as well as in separate markets for national and regional news, so that no single voice can control more than 20 or 30 per cent of a designated media market.

Any publisher with a 15 per cent share in a designated market should be subject to a Public Interest test in respect of any merger or takeover. Ownership concentration above the 15 per cent threshold may be permitted if publishers meet certain obligations, such as investment in newsgathering or

original programming, upholding codes of practice, and protecting editorial independence.

This applies to local press as much as the nationals. Over the last 15 years there has been an accelerating concentration of papers into four big groups, with many titles merged or closed. A threatened local paper should be considered a “community asset”, so that if it faces closure, a moratorium must be imposed to allow others, such as employee cooperatives or third sector groups, to take it over as a going concern. Charity law should be amended to allow newspapers to become charitable enterprises.

We call on Parliament to

- **Limit the power of ministers to override curbs on media concentration**
- **Impose public service duties on large media groups**
- **Strengthen the public interest test for media mergers**
- **Give the regulator Ofcom stronger powers to tackle media concentration and launch periodic reviews of media plurality. Ofcom itself must be made more accountable to the public.**

Any publisher with a 15 per cent share in a designated market should be subject to a Public Interest test in respect of any merger or takeover

MARKING THEIR HOMEWORK

Independent, trusted and effective regulation of the press

WE CALL for the implementation of the arrangements for press self-regulation put forward by the Leveson Inquiry in 2012. In addition we need the system to offer an effective right of reply to inaccuracies, operated by a regulator that represents, among others, working journalists and the public.

The regulator should require publishers to operate a “conscience clause” that enables journalists to refuse to work unethically. All media workers must have the right to union recognition.

With increasing pressures on media to accommodate the commercial demands of owners and advertisers, stronger safeguards are needed to protect editorial independence.



HANDS OFF THE BBC!

For well-funded, independent public service media

THE renewal of the BBC Charter and the licence fee settlement due next year must maintain a strong, independent BBC that can perform the central role of public service media across platforms, local neighbourhoods, and communities of interest.

The licence fee remains the best way to finance BBC services by users, but this should be collected as a progressive tax on households, with tiered rates for working households and free services for those in receipt of benefits.

The fee should fund BBC public services alone and cease to be “top-sliced” to finance digital infrastructure or other services that benefit commercial providers who currently have no public service obligations.

We should restore the revenue lost to the BBC caused by the cuts in licence fee imposed under the deal with the coalition government five years ago. Creeping privatization must also be reversed so that the BBC can be a central resource for developing and promoting digital public media for the 21st century.

The BBC has responded to financial and political pressures by becoming too pro-establishment. We want to strengthen BBC independence to ensure that it is strong enough to stand up both to government and commercial pressures, something it has notably failed to do in recent times.

We accept that there is a crisis of trust with the performance and governance of the BBC and a need for a more accountable, democratically elected body to oversee its work. This body should reflect and promote greater cultural diversity, social experiences and opinion across communities. We propose that one third of the members should be elected by licence fee payers, one third should be elected by BBC staff, and one third appointed by an independent panel.

Despite pressure from phone and data companies, a

significant portion of the audiovisual spectrum (which carries the broadcast signal) should be retained in public ownership in order to ensure that free-to-air broadcasting continues to be accessible to all.

Stricter obligations should be imposed on the commercial public service broadcasters relating to levels of investment in original programming and the nature and range of programming at peak times. All providers of broadcasting content should meet public service obligations once they reach a certain threshold of market share in return for access to spectrum.

New sources of finance are required for other public service media. This could include levies on recording equipment, pay TV revenues, advertising income and mobile phone operators. Industry levies should be imposed

The BBC has responded to financial and political pressures by becoming too pro-establishment. We want to ensure that the BBC is strong enough to stand up both to government and commercial pressures

on companies like Google and Microsoft, and satellite and cable providers not covered by PSB provisions, to fund public service content across all platforms. And all the big media corporations, including internet giants like Amazon and Google, must be made to pay proper levels of tax.

The nations of the UK through their elected assemblies should be granted greater powers over the regulation of the media. Ofcom and other regulatory bodies should be subject to democratic membership and be charged with upholding and promoting public service media.

STOP THE SNOOPING

Protection for everybody's communication rights

BOTH JOURNALISTS and the public are at risk from state surveillance. There is also a growing threat from private companies whose business models are based on economic surveillance, gathering information on users as a commodity for marketing purposes.

Powerful corporations like Google invest heavily in lobbying to secure regulatory favours while states induce them to give up more data on users.

Neither the state nor private interests can be trusted to safeguard peoples' communication rights. These rights include access information and services, privacy and freedom of expression. Free communications also depend on protection for journalists and other communication workers to foster a diversity of voices.

A major threat to free media lies in anti-terror and surveillance laws to harass and spy on journalists and put the confidentiality of their sources at risk. This threatens investigations into vital areas of public interest and the laws must be changed – notably the Regulation of Investigatory Powers Act that allows police to bypass secretly the proper procedures.

It is vital to maintain an open internet, providing universal access for producers and consumers of online content. There are not the same threats to what is known as “net



neutrality” as in the USA because in Europe the market in broadband provision is better regulated. But the goals of public service and the universal service obligation must still be protected from market monopolisation and authoritarian political control.

WHO'S INDUCING WHO?

Urgent need for transparency on lobbying

THE POLITICAL agenda is being set more and more by lobbyists for powerful interests and corporations. It is a £2 billion industry but there are few rules governing its activities and no requirement for lobbyists to register or disclose their clients or activities. The Commons Public Administration Select Committee has concluded that “there is a genuine issue of concern that there is an inside track who wield privileged access and disproportionate influence”. There should be a statutory system to compel the disclosure of who is lobbying

whom and how much is being spent in the process, in Westminster and the devolved assemblies.

Clandestine lobbying should then be outlawed and a fund established to allow civil society groups to carry out research in the public interest. There should be restrictions on the ways that politicians, former civil servants and media executives move effortlessly and influentially between different parts of the industry, making a complete mockery of the regulatory process.

THIS Media Manifesto has been drawn up to promote an agenda for media reform in the run-up to the 2015 UK General Election.

The Campaign for Press and Broadcasting Freedom (CPBF) and Media Reform Coalition have worked with media trade unions, media, cultural and civil society organisations, academics and individuals to contribute and comment on proposals that reflect the need for change.

We are encouraging everyone interested in media reform to join us in raising these issues with Parliamentary candidates and parties.

We want public discussion to generate a movement for media reform that sets out achievable and progressive reform.

With these changes – we believe we have set out the key demands to bring us closer to a democratic and diverse media for all.

**Published by the
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www.mediareform.org.uk

**and the Campaign for Press
and Broadcasting Freedom**

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Conscience clause hits the cutting room floor

A simple but effective idea raised during the Leveson process – a ‘conscience clause’ to help journalists stick to decent professional practice – has all but disappeared from public debate. It must be brought back, says **TIM GOPSILL**

IN THE EARLY 2000s the News International and the Mirror group tabloids were locked in grim competition to hang on to their share of the declining mass circulation market, amid prophesies that the industry was on its last legs.

Managers saw the way to shore up circulation as to step up the quota of celebrity tittle-tattle in their pages, in print and online. What was needed was an endless stream of inconsequential stuff about royalty, show business people and others defined as famous. It didn't matter how the journalists got hold of them.

Everyone knows what came of this, and the big losers have been the journalists. Dozens lost their jobs and their careers, were arrested, spent years on bail and weeks in court. Whatever they felt about the things they got up to, they had little choice but to do them.

No doubt some of them had good fun hacking phones and otherwise blagging private information. But a lot weren't happy; dozens supplied evidence for Leveson about job insecurity and the prevalence of bullying in Murdoch newsrooms. A handful did so to the inquiry; quite a few more have done so since in their court cases; and others were only prepared to do so anonymously, though the NUJ, which presented it to Leveson.

But happy or not made no difference. Journalists on the Sun, the News of the World and the Mirror titles had no right to refuse instructions to work unethically and no support to fall back on since the National Union of

Journalists was banished from their newsrooms in the 1980s.

For 20 years the union has been promoting the conscience clause to protect both professional standards and journalists' jobs. A clause in contracts of employment would grant a right to refuse to undertake work they consider unethical. If sacked for refusing, they would have solid case for wrongful dismissal at the Employment Tribunal.

The clause in the NUJ rules says: "A journalist has the right to refuse assignments or be identified as the author of editorial which would break the letter and spirit of the code. No journalist can be disciplined or suffer detriment to their career for asserting his/her rights to act according to the code."

The NUJ presented the proposal to Leveson, who was impressed. He wrote in his report: "I 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 NUJ called on national newspapers to insert a conscience clause into journalists'

Of all the things, the conscience clause is the last the bosses would ever agree to

contracts, and on the government to include it in the Royal Charter enacted to underpin as new regulatory regime.

Nothing came of either. In part this must have been because it was dropped by the lead campaigning group Hacked Off.

The Hacked Off website has a page listing 12



No doubt some journalists had good fun hacking phones and otherwise blagging private information. But a lot weren't happy; dozens supplied evidence for Leveson about job insecurity and bullying in Murdoch newsrooms

concessions made to the newspaper corporations in the 2013 negotiations over the royal charter. Number 10 reads: "Leveson said clearly that a self-regulator 'should consider' the introduction of protective 'conscience clauses' in journalists' contracts.

The draft Charter at one stage included a requirement that a self-regulator must at least show it has considered these matters, but again the industry objected and again the concession was made."

It goes on: "The concessions were made in good faith in the hope that the industry's leaders would be persuaded to buy in to the new system, but as we know they have not done so."

Anyone could have told them that would happen. And of all the things, the conscience clause is the last the bosses would ever agree to because it affects their role as employers.

The ads are in and Peter's out

In the latest scandal to swirl around the national press the *Daily Telegraph* was denounced by its own top political commentator for letting advertising overrule editorial – a heinous betrayal for journalism.



DES FREEDMAN says the Peter Osborne affair tells us a lot about modern media

PETER OSBORNE'S resignation as chief political commentator of the *Telegraph* has touched a nerve for lots of reasons.

First, simply because of its rarity. Very few journalists are confident enough to speak out against their employers or to refuse to write stories that they don't agree with. Newsrooms may claim to be at the forefront of protecting free speech but they don't seem to be that comfortable with internal dissent.

Second, because of what it tells us about the direction in which "prestige" journalism is heading. Osborne (right) talked about the "decimation" of the *Telegraph's* newsroom, the decline in fact-checking and the obsessive pursuit of online traffic that pushes titles towards agendas like the Mail Online's "sidebar of shame" and away from well resourced public interest journalism. Similar claims are regularly made about the increasingly bland, establishment-obsessed coverage of BBC News.

Third, because it reveals a lot about the networks of power and influence that dominate the everyday business of news. The firm divide between editorial and advertising that has long been part of the folklore of quality journalism is under huge pressure from a variety of sources.

This can take the form either of "branded content", like the *Guardian's* partnership with Unilever, that has become increasingly pervasive as traditional publishers seek to make up for some of the revenue that has migrated to online

advertisers. Or as in the *Telegraph* case it can assume an even more blatant kind of interference. Osborne claimed with reason that a major news story – HSBC's encouragement of tax evasion schemes – was sacrificed in order not to jeopardise the *Telegraph's* advertising contract with the bank. Stories were run and then "disappeared", or not commissioned at all, simply because of commercial considerations that compromise the fundamental purpose of independent journalism.

"There is a purpose to journalism," he wrote, "and it is not just to entertain. It is not to pander to political power, big corporations and rich men. Newspapers have what amounts in the end to a constitutional duty to tell their readers the truth."

Many people will be utterly unsurprised by the revelation of such intimate links between large media groups and their corporate sponsors but Osborne's statement makes it clear just how open *Telegraph* bosses are about this state of affairs. According to Osborne, chief executive Murdoch MacLennan "agreed that advertising was allowed to affect editorial, but was unapologetic, saying that 'it was not as bad as all that'



and adding that there was a long history of this sort of thing at the *Telegraph*."

This is not quite what is taught in journalism colleges – nor what is expressed in the usual editorials praising this country's long tradition of a free press.

The *Telegraph* was likewise open about its priorities in the language of its responses to

Osborne's bombshell. A spokesperson said: "Like any other business, we never comment on individual commercial relationships, but our policy is absolutely clear. We aim to provide all our commercial partners with a range of advertising solutions ..."

It shows the need urgently to change the patterns of media ownership

Next day the paper's leading article began: "We have covered this matter as we do all others, according to our editorial judgment and informed by our values. Foremost among those values is a belief in free enterprise and free markets. We are

proud to be the champion of British business and enterprise." This was its defence.

The final reason why Osborne's resignation has been so widely acclaimed is because it gives voice to an increasingly widespread view that ordinary people are being lied to by people with power – which is why we need fearless journalists like him in the first place: to alert us to this fact.

A Eurobarometer poll carried out in 2013, two years after the phone hacking crisis exploded, found that a mere 19 per cent of the UK population "tend to trust" the press – the lowest of the 33 countries polled. A more recent survey of world public opinion listed the UK as 19th out of 27 countries in terms of the population's trust in key public institutions.

There is a crisis of legitimacy in traditional sources of authority – including government, media, police and mainstream political parties – and very little confidence in the ability of these institutions to correct their own behaviour. In relation to press regulation, this means that the public is hardly likely to be impressed by a new regulator, IPSO, that is funded and controlled by groups like the *Mail*, News UK and, not least, the *Telegraph*.

Peter Osborne's statement provides us with a clear warning that corporate influence, if unchecked, represents a systematic attack on free speech. He reminds us that we shouldn't allow news organisations to "mark their own homework" and that we need mechanisms to protect ethical practices in newsrooms.

But this is about far more than the behaviour of individual journalists and individual proprietors. Above all, it shows the need urgently to change the patterns of media ownership in this country – to introduce limits to the amount of the media owned by a single voice and to redistribute income to voices which are otherwise being silenced – if we are to challenge the corrupt relationship between journalism and elite power.

BBC goes with the flow for change that's going to come

THE BBC is making big changes as it prepares itself for the fight to preserve its public status and funding when its charter comes up for renewal next year.

The new top team of Director-General Lord Hall and chair of the Trust Rona Fairhead made clear in February that they were open to change two core elements of the running of the corporation: governance by the BBC Trust and funding by the licence fee.

Rona Fairhead has called for the abolition of the trust and supervision by an outside regulator, effectively putting herself out of a job. She conceded that the lack of clarity over governance had led to recent financial and editorial management failures.

There was a "faultline in the blurred accountabilities" between the trust and the management it was supposed to oversee that had damaged the corporation.

Instead of the separate trust and board of management there should be a single internal board, with an independent chair and a majority of non-executive directors. The trust's responsibilities for regulation and accountability should pass to a dedicated external regulator.

"The BBC board and its regulator would need to be able to act as a protective buffer between government and management, to ensure the organisation's independence," she said.

Operational management would be handled by a new beefed-up BBC executive with a non-executive chairman sitting alongside the BBC director general, Tony Hall.

Rona Fairhead's proposal came just a week after a similar one from the Commons culture media and sport (CMS) committee, though she did not support the committee's proposal for a Public Service Broadcasting Commission that would have the power to "top-slice" or allocate parts of the licence fee income to other purposes – a long-standing dream of enemies of the BBC that the coalition government has followed for the past five years.

The CPBF in its Media Manifesto is calling for an end

to top-slicing the fee. The campaign also supports the proposal to scrap the present system of paying the fee, with its replacement by a levy raised on all households.

Director-General Lord Hall called for the change in a speech to staff in March. It will mean the BBC can draw income from households without a television or that watch programmes only online. He said: "The licence fee should be updated for the internet age".

Since the fee (currently £145.50) was introduced in 1946 it has been payable for the ownership of a TV set, which will soon become an outdated concept. The household levy would reaffirm the corporation's public service status through its

funding by a universal payment separate from government taxation. It would also do away with the need to detect TV sets and prosecute those who don't buy a TV licence. It is estimated that the BBC loses £250 million a year through non-payment.

Again the proposal has been made by the Commons CMS Committee, though it said the earliest it could be introduced

would be in 2026.

The second drawback of the present fee for supporters of the BBC is the fact that non-payment is a criminal offence, with a few dozen people jailed each year for failure to pay, not the fee itself but the fine for non-payment. Reports have shown they are overwhelmingly poor people who say they cannot afford the £145.50 a year.

There have been calls to de-criminalise non-payment, but this would lead to a big loss of revenue – and no doubt to "don't pay the licence fee" campaigns in the right-wing press. The BBC has been consulting with government but no conclusions have been reached.

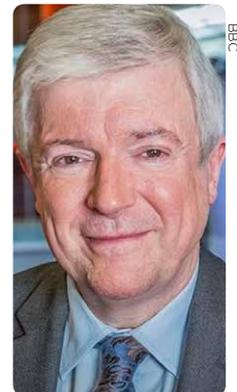
The CPBF Media Manifesto calls for the household charge to be progressive, with a lower charge for the poor. If it were paid with council tax – which is how county police forces are funded – it could be graded according to the council tax bands, and poor people on benefits who pay no council tax would be exempt.

It is estimated that the BBC loses £250 million a year through non-payment



HSBC

Rona Fairhead has called for the abolition of the BBC Trust and supervision by an outside regulator, effectively putting herself out of a job



BBC

Tony Hall: The licence fee should be updated for the internet age

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Vision for the digital age

What happens to public broadcasting when TV itself becomes outdated?

PAT HOLLAND explores the ideas of a digital visionary at the BBC

WE'RE LIVING in a time of transition. The broadcast age, when television and radio are organised in channels, and programmes are scheduled to give a patterned regularity to our week, is being overtaken by an online age when programmes are available at any time and may well share a screen with video games, Facebook, online newspapers and whatever else we ask Google to find for us.

The viewing of broadcast television is shrinking. Despite the attempt to gather audiences for live competition-based shows (*Strictly Come Dancing*, *Britain's Got Talent*) fewer programmes are watched by a significant number of people at the same time: increasing numbers are using catch-up services such as 4oD or BBC iPlayer – and watching dramas or comedies on DVD or a pay service like Netflix.

Many argue that free-to-air broadcasting is rapidly becoming outdated and will disappear. It is a convenient prediction for those who scorn the idea of public service and are pushing for a completely market-led system. After all, they argue, consumer choice is everything, and in the online age choice is everywhere. And it is global. Protection and regulation are not only unnecessary but impossible.

The very idea of a regulated public service system, which has underpinned the familiar landscape of radio and television in the UK, is under renewed attack from the free-market right.

The attacks go back to 1986, when the Peacock Committee on the funding of the BBC reported. The committee looked forward to the day when a "full market" in broadcasting would become possible – and predicted that that would happen when the appropriate technology became available. For the last 30 years those who continued to adhere to the Thatcherite vision of



Tony Ageh: Create a digital public space

MAXIM THOMPSON

a marketised broadcasting system have looked forward to that day. Now they feel their time may have come.

In response, rather than seeking to perpetuate the old system, some radical new thinking is needed. The concept of public service needs to be reasserted and the practice needs to be re-defined and refreshed for the online environment.

In fact this means renewing an older, broader definition of public service, from before the concept was put under pressure. The idea of "public service" in broadcasting has narrowed over the years. It has changed from describing the provision of a broad and diverse system, which included the commercial terrestrial channels as well as the licence fee funded BBC, to mean a certain type of programme.

Peacock declared that public-service programmes should be supplementary to those created in the marketplace. The market should be given priority, and these so-called "public service"

The idea of public service has narrowed over the years to mean only a certain type of programme

programmes would compensate for "market failure". Today the re-definition has tended to be accepted by Ofcom and by most commentators. The meaning of public service has been shrunk to mean a few worthy genres – news and current affairs, children's programmes, top-quality drama – that the market doesn't want to pay for.

That opens the public service BBC to criticism because it persists in producing popular entertainment and dares to compete with the commercial channels.

A new form of public service for the digital age would go back to the original purpose of the licence fee: not just to fund the BBC, but to

secure the infrastructure which ensured that a wide range of broadcast output was equally and democratically accessible to all who owned a radio and television set. (The pioneering role of the BBC engineering department in the history of broadcasting has often been overlooked).

This revived function could be secured by creating a "digital public space". This is the visionary argument put forward by Tony Ageh, Controller of Archive Development at the BBC and the man behind the launch of the iPlayer.

He points out that the licence fee, so often referred to as the BBC licence fee, is in fact a permit to own the equipment to receive terrestrial broadcasts. "It's not a tax," he says; "it's a permit and the whole of our society benefits from its unique status and in particular from the protection it buys us from those who would see that preserved public realm removed or turned only into a means of charging everyone who can afford to pay more for less".

Since the early days the licence fee has protected a publicly accessible space on the airwaves, so why not protect a public space online? In fact the BBC charter (quoted by Ageh) has as a declared aim: "helping to deliver to the public the benefit of emerging communications technologies".

He argues: "The licence fee ensures that the allocated public spectrum is safeguarded and secured and that barriers to entry cannot be placed in the way of the general public by either politicians or commercial gatekeepers. We need to rediscover what it is that the only the licence fee only does ... It enables plurality not competes with it".

A digital public space would be the equivalent of free-to-air television. Just as a number of frequencies on the spectrum are still – just about – preserved for the broadcast signal and available to everyone, a space on superfast broadband would be set aside for public access.

"It would ensure a guarantee of access to a protected allocation of internet bandwidth for every citizen, free at the point of use, at home and in key public places – conceptually similar to frequencies within the broadcast spectrum reserved for public service broadcasting," Tony Ageh says.

He points out that the BBC and the licence fee are not synonymous. His vision is of a public space which would carry BBC programmes, but would also contain a digital library of public assets from other broadcasters, museums, libraries, art galleries and other public services. It would "ensure that each and every one of us has guaranteed access to the public sphere, control over their own data and identity, and enduring services that they can trust and depend on".

In the run-up to the renewal of the BBC's Royal Charter next year Director General Tony Hall has recognised that the licence fee needs to be extended so that it covers online material. He should go further and commit the BBC to campaigning for a digital public sphere. What is needed is more than just damage limitation but a re-assertion of the principles of a universal service funded by a universal payment.

■ The text of Tony Ageh's lecture outlining his proposal at Royal Holloway, University of London, on March 10, is at <http://bit.ly/17dm81b>



THE "SAVEBBC3" campaign handed in a 270,000-signature petition to the BBC in February demanding that the channel must stay on air.

The campaign hopes to emulate the success of those against the closures on the Asian Network and BBC6 Music four years ago.

The corporation had announced their death knell as part of the panic cuts imposed by former Director General Mark Thompson. Vigorous campaigning forced both to be kept going, and both have since gone from strength to strength and vastly increased their audiences.

Perhaps the BBC announces these things on purpose to goad listeners and viewers to protest in numbers and generate backing for BBC services, which they have no real intention to close. And perhaps it doesn't. At least BBC3 is not closing, but just facing huge budget cuts as it goes online-only.

Labour MP John McDonnell (right holding box) joined protesters to deliver the petitions at the BBC Trust offices. Campaign organiser Jono Read said: "What an amazing day! We had fans in #savebbc3 t-shirts, a star from *Criminals*, an MP who is pushing the fight in the House of Commons, and a busker singing about the campaign!"

PUBLIC BROADCASTING

Keep it going, keep it on air

THE EXTRAORDINARY possibility of privatising a BBC TV channel has receded since the corporation rebuffed a bid to buy the doomed youth-oriented channel BBC3.

Instead the BBC insists the channel will cease transmission to save money and go online-only; but a vigorous viewers' protest campaign threatens to repeat the success of campaigns against earlier closures.

The heads of two big independent TV production companies had prepared a bid of a reported £100 million to take over BBC3 and

broadcast it as a commercial channel funded by advertising. The BBC is trying to save £800 to cover losses incurred by the disastrous licence fee settlement it agreed to in 2010.

The bid came from TV production veterans Jimmy Mulville and Jon Thoday, head of Hat Trick and Avalon productions respectively. They said they could make £170 million a year, even though they would

not be able to retain the BBC name or branding. They have not said what the new name would be but the BBC says it is not for sale.



C4 MUST STICK TO ITS TASK

OFCOM SHOULD toughen up its regulation of Channel 4 to keep it closer to its original remit, the CPBF has urged. As a publicly owned corporation it has unique features which are in danger of being eroded and should be protected, the campaign says in its response to an Ofcom consultation.

"C4's original remit to provide for tastes and interests not properly catered for by the other PSB channels, has been reinterpreted as the provision of new forms of light entertainment and life style programming," the campaign says.

"It is arguable that in seeking to compete with its commercial niche channel and online rivals in the same field, it has lost a clear sense of what makes the channel different from many of the others crowding the programme guide."

Hacks, hackers get together

Report from a groundbreaking conference involving all sides of media-based resistance to the surveillance state

"YOU'VE GOT TO do better; but we can help". This was the message to the media from campaigners on information and communications at a remarkable gathering in London in December.

The symposium, entitled *Building an Alliance Against Secrecy, Surveillance and Censorship*, was convened by the Centre for Investigative Journalism (CIJ) to organise resistance to the rapidly expanding threats to independent journalism, political freedom and democracy itself. There were investigative reporters, whistleblowers, computer hackers, lawyers and social groups.

The imperative for collaboration comes from the revelations of Edward Snowden, the American whistleblower who worked for the National Security Agency. The secretive and unaccountable NSA is the US equivalent of the British Government Communications Headquarters (GCHQ), and Snowden last year leaked millions of documents confirming that the two agencies were routinely intercepting the phone and online communications of everybody in the country.

Journalists have often enjoyed the attentions of the security services but the new world of mass surveillance is different. Journalists have always defended colleagues from the consequences of targeted surveillance; now they have to defend everybody, and more importantly everybody has to defend them.

"We are looking to journalists because the law has let us down," said Jacob Applebaum, an American collaborator with Snowden and a prominent hacker and developer of surveillance-protected software. "You need to live in a free society but currently you don't. Britain is a surveillance state. Even doing research on the internet is dangerous unless you use encryption."

Wikileaks journalist Sarah Harrison, who is also director of the Courage Foundation, which raises money for the legal and public defence of journalistic sources said: "The government in the UK and the US as well, they like to use the rhetoric of national security, terrorism etc, basically as propaganda tools to give them the

cover to operate in all sorts of abusive ways," she says, and added: "The press in the UK really needs to grow some balls."

Veteran journalist and film-maker John Pilger asked why had "so much journalism succumbed to propaganda? Propaganda is no longer an invisible government. It is the government.

"If journalists in the free press had done their job, the US and UK might not have gone to war in Iraq, had they questioned and investigated the propaganda instead of amplifying it, hundreds of thousands of men, women and children might be alive today, and the infamous Islamic State might not exist."

Galvin Millar QC said we need a "shield law" to establish the rights of people in the face of mass



Sarah Harrison: Governments use the rhetoric of terrorism to give themselves cover

surveillance. At present the police are getting hold of journalists' phone records and GCHQ was intercepting journalists' confidential material and compromising their sources – in both cases bypassing the Police and Criminal Evidence Act and the Human Rights Act, which require the authority of judges to access journalistic material.

He said: "Politicians are not bothered because they feel the end justifies the means – and who cares about journalists?"

Fellow QC Ben Emmerson, who is the UN Rapporteur on Counter-Terrorism and Human Rights, said the right to privacy human rights law must be preserved online. "Mass surveillance does not combat terrorism. Prevention of terrorism is regarded as an imperative of the highest

importance but states must still comply with international human rights law. Merely to assert that mass surveillance can prevent terrorism does not provide justification in that law."

Bea Edwards, executive and international director of the US Government Accountability Project, a whistleblower protection organisation in the USA, said: "It has been the press who have best protected Edward Snowden and others. We need the press and the public working together to not just address the crimes but to protect the whistleblower."

Nicky Hager, a leading investigative journalist from New Zealand, said that journalists and IT people need to work together more on projects. "Investigative journalism is about focused work, strategising, and luck. It's not just waiting for leakers. Even in the age of mass surveillance, good sources will come forward."

Eileen Chubb said there were now more than 1,500 whistleblowers from the UK healthcare industry, and NHS America's most revered leaker Daniel Ellsberg gave an inspiring address, imploring people who wanted to expose wrongdoing to contact journalists. Former White House official Ellsberg leaked the so-called Pentagon Papers in 1971, chronicling the lies and the real truth about the Vietnam War, after agonising for more than five years.

"Don't do what I did," he said. "Don't wait for the bombs to drop and people to die. Do what I wish I'd done in 1965 or 1966."

He spoke after America's most revered journalist, the great investigative writer Seymour Hersh, who said: "The world is changing quickly; it's a very hopeful prospect now.

"The world is basically run by idiots, nincompoops and thieves. We are here to keep them in check. That's the only thing between them and chaos – fascism if you like. Because they lie. They are rigging liars; we have a role to play. We can at least keep them afraid of us."

The fellow veteran, investigative reporter Duncan Campbell, spoke of mass surveillance; in particular of the US-UK Echelon network, the "global electronic spy system" that he first reported on in 1988, which he says the more recent Snowden revelations have backed up. "We got it right!" he says.

Echelon had been set up in 1970 as "a project of equal priority, at the height of the Cold War, to spy on the population of the United States, United Kingdom and western Europe, just as much as on the Soviet Union."

Tim Gopsill