

Press Release

London College of Communication

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Sir Harold Evans talks speaking at the annual Hugh Cudlipp lecture at London College of Communication.

“What is to prevent a newspaper from being the greatest organ of social life, the prime element of civilisation?”

That’s a quote. This may seem an odd moment to attempt an answer to the question it poses. The focus, following all the scandals and the horrors so well documented by Lord Justice Leveson, is very much on a contrary question:

What is to prevent a newspaper doing bad? What is to prevent a newspaper being the greatest agent of social disruption, the prime element of uncivilized conduct?

From doing bad again and again through decade after decade of rebukes and promises? The mood is not celebratory. It is punitive. Write it in 72 pt Franklin Gothic condensed: Stop them before they kill again.

Those of you familiar with the Cudlipp lexicon may wonder where the quotation it came from. You probably have better luck with this passage from 1988:

“It was the dawn of the Dark Ages of tabloid journalism, when the proprietors and editors – not all but most- decided that playing a continuing role in public enlightenment was no longer the business of the popular press. Information about foreign affairs was relegated to a three inch yapping editorial insulting foreigners

“It was the age when investigative journalism in the public interest shed its integrity and became intrusive journalism for the prurient, when nothing, however personal, was any longer secret or sacred and the basic human right to privacy was banished in the interest of publishing profit....”

Hugh made that observation in 1988 at a time of sorrow, at the funeral of his lifelong friend and colleague Sydney Jacobson. He was also in mourning about what had become of the newspaper they created when they extinguished the Daily Herald, the paper IPC ran in conjunction with the Trade Union Congress, what you might expect when a racehorse cohabited with a carthorse. To Hugh, the Herald had become a “bloated, listless boa constrictor “ and hopes were high for the successor the created. Alas, his parrot he had trained to say “Buy the Daily Mirror!” just could not ever learn to say “Buy the Sun!”. The man who asked the opening question in 1835 wasn’t Hugh Cudlipp. It was a cross-eyed Scottish immigrant to America named John Gordon Bennett who got off the boat New York in 1817 with only five pounds in his pocket. Eighteen years later he founded the model of the mass circulation daily, the New York Herald. By 1860, his newspaper had the world’s largest circulation. His two eyes became ever more deviant as he tried to reconcile his loftier ambitions with the diet of sensational murders and Wall Street panics but it one worth putting,

posthumously, to ourselves when we have been consumed by what an uncivilized newspaper might do.

Bennett's vision of what the good a newspaper might do if it tried is one Hugh Cudlipp lived his life answering in his own vivid way. He cared about that. On its 50th birthday in 1953, when it could claim the biggest sale on earth he wrote a rollicking history, *Publish and Be Damned*, in which he celebrated the rows its polemics had provoked – but they weren't rows about the way it behaved. They were about its beliefs, openly, bluntly stated without cant. . . . They were rows about politics and public purposes, the espousal of unpopular causes, confrontations with authority and there was a proudful note: "It has always done a great deal of good, exerted much influence and bedevilled its rivals". Publisher Revel Barker captions a graph of the circulation heading for five million in 1952 with a Cudlipp question asked himself for the *Mirror* and its successive leaders: "An immense power for good lies within its grasp. Can it increase its popularity and at the same time raise its prestige?"

An immense power for good! It sounds sententious, but as Geoffrey Goodman has reminded the millions who never felt the gust of his gruffly genial personality "journalism always meant fun much as anything else for Hugh Cudlipp." If you were at the receiving end of his wit and polemics it was hardly fun but these were big people – Winston Churchill for instance - who could take it, they were powerful and they gave as good as they got.

In the service of both aims, profitable popularity and public esteem, Cudlipp deployed exhilarating talents. He had a depth of feeling for the way folk think and a consummate ability to translate an idea into the idiom of the tabloid, using the splash to addressing a princess or a dictator in the same breezy manner– "Come On Margaret, Make Up your Mind" ; and to Khrushchev in sledgehammer type: "Mr K! if you will pardon the English phrase, "Don't be so bloody rude" with a tiny italic PS: Who do you think you are ? Stalin?"

One can see Cudlipp exuberantly chomping on his Havana as he sent the page to press. There has never been a more challenging tabloid editor even to the point of partisan overkill – *Whose Finger on the Trigger?* infuriated Churchill in the 1951 election, and with justice. But Cudlipp was also a phenomenal public educator, risking pages in *MirrorScope* without bias to explain inflation, NATO, the Common Market and no doubt, if he'd been around, the labyrinths of financial derivatives and that were to wreak such havoc on our lives. His techniques have been imitated, but alas, not so much the integrity. On the centenary of his birth, we should celebrate his brave - and vulnerable - aspiration to do well and do good.

The Dark Age of tabloid journalism! He ascribed the way his bastard child, Rupert Murdoch's *Sun*, overtook the *Mirror* to "the daily nipple count and sleazy stories about bonking bimbos" . There was much more to The *Sun*'s success than that, but its contempt for the basic human right to privacy was a fair indictment even before the hacking scandal exposed the suppurating wound.; I am told the *Sun* is now ahead of the late and lamented *News of the World* in the league table of arrests.

But neither paper has had a monopoly of the disdain for personal privacy and other decencies set out in the Editor's code and so often disregarded. Ever inventive, the tabs now have a verb for a victim they are intent on defaming – to monster him or her.

Long before the hacking scandal and the lies of the cover-up, it was obvious that press respect for private lives had all but vanished.

Is there something about the ownership, tradition, structure and personnel of the British press that breeds a unique recidivism in which we seem doomed to experience what the economists call a negative multiplier effect – every reform provoked by some abuse is followed by still grosser offences and, if we are to believe the defenders of the status quo, by still more extreme reformist assaults on the sacred freedom of the press bequeathed to us from time immemorial etc. Milton! Locke! Wilkes! Mill!

Have ever those who recruit you to their cause more reminded us of Queen Gertrude: they doth protest too much, methinks. Twenty years ago when from my American experience I was arguing here for a Freedom of Information Act, I was asked, reasonably enough, freedom for what? Freedom for exposing the records of a mental health therapist? Freedom for the clandestine taping of calls, the toxic seed of hacking yet to be fertilized by technology? Freedom to trespass in hospital wards? Freedom to ridicule a Minister because she has put on weight? Freedom to corrupt the police? Freedom to snoop on children at school? Freedom to blackmail and bribe?

Freedom of the press – importantly to inquire as well as to utter in the public interest – is too great a cause, too universal a value to a civilized society, to be cheapened as it is in the current debates. Every year upwards of a hundred journalists, broadcasters and photographers die in the name of freedom of the press. We remember the horrific kidnapping and beheading of the Wall Street Journal's Daniel Pearl, the death of the brave Marie Colvin in Syria, the sensational murder in Moscow of Anna Politkovskaya investigating abuses by Russian troops in Chechnya, but otherwise the world barely notices. At last count, 2,156 names were etched on the glass panels on a memorial tower at the Freedom Forum at the fabulous Newseum in Washington, DC. We tend to envisage them as chance victims of the roulette of covering war, and that is grievous enough, but the majority of deaths are not due to bad luck. According to the International News Safety Institute, they are the result of planned assassinations. Seven out of every ten have died in their own countries at the secret instigation of government and military authorities, guerillas, drug traffickers and criminal gangs. The US-based Committee to Protect Journalists (CPJ) reports that 51 have been killed in Pakistan since 1992, and more than 50 journalists in Mexico, most of whom were murdered. Universally, 90% of the triggermen and their paymasters go unmolested, their crimes never investigated, let alone prosecuted, convicted and punished.

The common thread is that these journalists died for the very simple reason that they did their jobs seeking truths relevant to the well being of their societies. The "most humble day of one's life" is to

read the stories of their colleagues around the world. Daily many risk assassination and imprisonment to report on drug cartels, expose police corruption, criticize predatory corporations, and resist arbitrary rule. They look to the freer societies of the West for example and inspiration. Press freedom, as Rosemary Righter observed, is an indivisible whole. We should be as vigilant in defending their freedom but their own stories are little known beyond the readership of the CPJ and International Press Institute's bulletins. How many of us knew that the country which has imprisoned most journalists is not Cuba or China or Iran, but Turkey. No doubt there are press transgressions, but they do not commonly confuse the public interest with prurience and public purpose with private profit, as the hackers and their bosses did so egregiously. Not that the sleaze merchants cared to make fine distinctions. The whole culture that fed them was rotten, corrupt, bullying, mean and cynical, inured to the misery caused by their intrusions, contemptuous of 'do-gooder' press codes. They betrayed the ideals and principles that have animated generations of journalists – but they felt they were above the law. They were merely detritus of what is now referred to as "too cosy" a relationship between politicians and the press. Cosy? How about corrupt?

As depressing as exposure of the dark arts has been, it is deepened by the cynicism and arrogance of much of the reaction to Leveson, coming from figures in the press who did nothing to penetrate - indeed whose inertia assisted - the cover-up conducted into oblivion by News International, a cover up which would have continued, but for the skill of Nick Davies and the courage of his editor.

Let me be clear, as President Obama likes to say. I will come to statutory underpinning – Cudlipp would have invented a better phrase in a flash – but I do have serious reservations about other aspects of Leveson. Securing the plurality essential for discourse may be complicated in the digital age, but constraints of time are no excuse for glossing over the demonstrable effects of media concentration. The summary of what happened in 1981 in the fateful sale of Times Newspaper is inaccurate and misleading. I don't propose to spell that out again except to say a representative democracy is undermined when the truth is evaded to serve the political interests of a Prime Minister and the commercial interest of a media owner. The consequence of the meeting for Times Newspapers is well documented: infringement of the five key principles of editorial independence designed to protect the political independence of The Times and Sunday Times as separate titles. The departure of Mr Harding and the argument over a merger gives me a powerful sense in the words of baseball great Yogi Berra, "it is déjà vu all over again."

Secondly, the Report is far too soft on the Metropolitan Police; that they were busy with terrorism is a lame excuse. Right at the start of my time in London as a national editor in 1967, when William Rees Mogg at the Times risked outfitting a criminal with a wire to expose bribery and fitting up, corruption has recurred with alarming frequency – outstripping Fleet Street, as it was, in the venality stakes. I think the changes in data protection are dangerous.

Insisting that an editor must tell a target where the newspaper has got an investigation, before it has formed any view of its validity, is a gift for the litigious and the cunning. I rejoice in the vibrancy of the British press, its literacy, its vigor, its irreverence, its investigations which Leveson warmly commends; I deplore political reporting and commentary only when argument is augmented by lies unrelieved by the wit of Private Eye. The right to be free is not the duty to be perfect.

A certain rowdiness is a given, but the misrepresentation of Leveson's main proposal is staggering. To portray his careful construct for statutory underpinning as state control is a gross distortion. In that fine but poorly reported debate in the House of Lords, Norman Fowler expressed his discomfort at his transition from a defender of the press as a journalist and Conservative Minister to a critic. I know the feeling. He says he is confirmed in his conviction that there must be change, as I am, by "the dishonest campaign mounted against change by some of the most powerful figures in the industry. "Rather than admit", he says, "that there has been abuse of power, they seem to feel they have been unfairly put upon. Even before the Leveson report there were advertisements with pictures of Mugabe, Assad, Castro and Putin with the caption. These people believe state control of the press. Do you?"

The anti Leveson campaign invites the response,
well, what do you believe in?

What stops your newspaper to be from being the greatest organ of social life, the prime element of civilisation?

The anti Leveson campaign invites the response, well, what do you believe in? We are brought right back to the exuberant opening question: What is to prevent a newspaper from being the greatest organ of social life, the prime element of civilisation?

The swift answer would be, what's it got to do with you? The assumption in John Gordon Bennett's musing is that the press has a role in public life, that it claims its privileges, its freedoms, for the common good. That its purpose is an ethical one. It must, therefore, have a point of view, and not simply the making of money. There's great value in a newspaper of record, but merely to record opposing statements may leave the reader bewildered. Recently, with the slaughter of the innocents at Sandy Hook, some newspapers in the US have made an effort not to be hostage to the false notion of objectivity epitomized in a fragment of verse by Chicago Tribune columnist Bert Leston Taylor I stuck in my science scrapbook at elementary school.

Behold the mighty dinosaur
Famous in prehistoric lore,
You will observe by these remains
The creature had two sets of brains--
One in his head (the usual place),
The other in his spinal base.

Thus he could reason "A priori"
As well as "A posteriori."
If something slipped his forward mind
'Twas rescued by the one behind.
Thus he could think without congestion
Upon both sides of every question.
Oh, gaze upon this model beast;
Defunct ten million years at least.

Reporting what matters, clearly and fairly, is not easy. But even when that is done, there are the laws, delays and obstructions.

When making money is the primary goal, it tends to subsume all others. Arguably, that's what happened at the News of the World. It did much good journalism, but the bad killed the good. That's a truth in many areas of business, one brilliantly argued in Dr David Potter's analysis of the banking collapse. Now, everyone recognizes that commercial viability is an essential condition of independence unless there are other means of support with an affinity for the same principles. A newspaper that is broke or going broke is otherwise not well placed to be the 'prime element of civilization'. It may well be sustained by ownership, as The Times was in the family control of Astor and Thomson and has been under Mr. Murdoch, until now at least, and The Guardian and Observer, too, under the Scott Trust. Having edited a profitable daily and a profitable Sunday in Britain, directed a profitable news magazine in the United States, founded and edited a monthly glossy, and run a profitable publishing house, I am acutely aware of the buoyancy provided by a good balance sheet - but in none of those enterprises was making money the primary objective. The conviction on all of them, shared by editor, staff and ownership, was that if they consistently delivered the qualities they promised, commercial success would follow, and it did. It was an example of what Canada's Roger Martin called the Virtue Matrix – building the trust of its audience and ultimately its power by adhering to the public values, no short cuts. On a newspaper, it is built by care for every word, by a commitment shared by the whole staff, and by the ownership.

The British press has little of this, the bland leading the bland, though I do wonder whether the fatness and effluvia of multiple sections is not anachronistic, dinosauric in a digital age. The excess volume of weekly paper may dilute the compact story telling and news values so impact is diffused.

Then there is the law.. How bizarre it has been that private lives are exposed to irrelevant truths (and half truths) with no redeeming value and without real redress against the malefactors, while substantive journalism essential to a functioning democracy is restricted and its practitioners punished. The British press is already unduly restricted on matters of real public import. The Society of Editors recently reviewed what had happened since I suggested 38 years ago, in the Granada Guildhall lecture, that the British Press was half-free by comparison with the free, but imperfect, press of the United States, which is protected by the First Amendment in the US Constitution.

Society found more regression than progress.

So what use is the Leveson Report for our predicaments. It shows a way to protect privacy and encourage high standards while enlarging, not diminishing, the freedom of the press.

Lord Leveson did not propose that a law should be passed laying down how the press should behave with civil servants as censors. Did not. Did not. He entirely accepted that it should regulate itself through a Trust, though with independent opinion dominant. He more or less accepted the architecture proposed by the press but wanted a surveyor to check that its foundations were stable. Let me emphasise: he sees regulation of the press organized by the press, but with a statutory process to ensure that the required levels of independence and effectiveness are met.

Two well-meaning alternatives are being canvassed. Neither the system of contracts similar to the Advertising Authority nor a Royal Charter offer the same benefits.

The radiance of the monarch and the historic echo of Magna Carta are prayed for in aid of a Royal Charter for the press. The BBC has one, why not the Press? On the once upon a time radio program called the BBC Brains Trust, there was a certain Dr. Joad who, asked what he thought on virtually any subject, meditated for minutes, it seemed, puffed his pipe and solemnly answered "Well it all depends." Parliamentary counsel can whistle up something that might look as good as the statutory underpinning of press freedom and high standards in three of the draft bills but Lord Dow of Dalston expressed a reaction worthy of a Cudlipp headline. It's a busted flush. The BBC has a Royal Charter and a fine Trust. Yes, despite the blunders concerning Jimmy Savile and a defamed peer, it has a record of public service unmatched and envied around the world. It enjoys greater esteem than the national press. It is indispensable - but it is also incomplete. The doughty defender of its editorial achievements, then Director General Mark Thompson, now CEO of the NY Times, has said that the BBC could not have bought the disc that enabled to break the story of MP's expenses, and numerous other scandals in gray areas of press ethics would never have broken by the BBC including, I might add, the thalidomide investigation. Nor is the BBC invulnerable to government pressure. At its back it must always fear the paymaster hurrying near, especially in time of political strain - the long ordeal of Northern Ireland, the torments of the Iraq war come to mind. It would not be surprising, would it not, if it were to tread lightly around landmines of political controversy in a way the press does not? And there are other considerations. Thompson himself has recognized that the imperative of plurality of media is it would be a bad dry for the potential, for good and ill. Plurality of media in The Charter may be thought of as a rock but it is reviewed every decade or so and you don't have to be a geologist to find a fissure or two indicative of government attitudes in the 2006 review. It is hardly reassuring to know that the behind the aura of all 900 Royal Charters, mostly ceremonial, there is the Privy Council, ancient in its history, and its composition of 600 members where a quorum of a handful of worthy Privy

Councillors, many politicians and former politicians, can decide. The Prime Minister was bold and brave in setting up the Leveson inquiry in the first place and endures the slings and arrows of an outraged media corporation with becoming grace, but this wheeze won't work.

I don't see how this can be a mechanism for Westminster control over the Press, when the first clause of the three little draft bills other than the government's specifically prohibits just that in way it never has been before. "If MPs decide they do not like the press they are getting they can easily amend the Act," says the eloquent Timothy Luckhurst, but isn't it just a bit harder to do when that very Act requires Ministers of the Crown to have regard to the importance of the right of to freedom of expression or to another first clause?

Some of my best friends are strongly opposed to the underpinning. Leveson erred badly in assigning the key role to Ofcom which, whatever its virtues, is dependent for its appointments on the government of the day. It has enriched the metaphors - take your pick from slippery slope, thin end of the wedge, trapdoor, thin ice. Angera. The metaphor I offer for target practice is our very own First Amendment, that Parliament should make no law abridging the freedom of the press. Of course, I recognize that there are large differences between Britain and its unwritten constitution and the US, but the attraction of the Leveson underpinning, for me, is that for the first time it would be a legal duty of the government to protect the freedom of the press. Many a time on the hard benches of the courts, when we have been attempting to publish a report in the public interest, I have wished we could refer to a binding judgment. But too many cases had turned on property rather than personal rights, hence our difficulties in achieving publication on the Crossman Diaries and of essential documents on the series of thalidomide challenges, where the company claimed the law of confidence protected the information, and though it was highly relevant to the search for justice, the courts agreed that the documents were not sufficiently iniquitous to justify breach of the law of confidence.

The three bills before Parliament, other than the government's, spell out the prime essential of the free press in very clear terms. The sponsor of one of them, Lord Lester, who won the thalidomide case for the Sunday Times in the European court, affirms that statutory underpinning is not state regulation, and that Lord Leveson is right, that it is statutory underpinning which is required to guarantee independence from government interference.

But Lord Lester is surely right, that Lord Leveson's proposal to extend the law on punitive damages would seriously hamper investigative journalism.

Coming back to that first question, I regard the Leveson plan, with the exceptions mentioned, as I regard the proposals on statutory underpinning - as an opportunity, not as a threat. What further might the British press do if it were free of internal and external restraints inimical to excellence. If the intellectual analysis of the heavies tremendous flair in tabloid journalism were bent to more positive

outcomes – such as Hugh Cudlipp dreamt in his youth and achieved so well in his prime.