

COMPLAINANT NAME:

Gordon Brown MP

CLAUSES NOTED: 1

PUBLICATION: The Sunday Telegraph

COMPLAINT:

Gordon Brown MP complained to the Press Complaints Commission through Reed Smith LLP that an article headlined "Inside story of Murdoch's special relationship with our politicians", published in The Sunday Telegraph on 10 July 2011, was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

While there had been an initial breach of Clause 1, the newspaper had taken and offered a sufficient form of remedial action.

The article - an analysis of the relationship between political parties in the United Kingdom and News International - claimed that Rupert Murdoch was "once warned by Gordon Brown, while still in No 10, that he would smash the tycoon's media empire if Labour won last

year's general election" and that he had "told Rupert he had made his choice politically and [...] 'you had better win the election or we are coming after you' - or words to that effect". The context was said to be that "at the time, some members of Mr Brown's inner circle were secretly preparing a package of measures that included an inquiry into phone hacking and an investigation into media 'plurality'".

The complainant said this claim was entirely incorrect and had been misleadingly presented as fact: he had not made any such threat in his telephone call with Mr Murdoch. The telephone call, which was personal between the complainant and Mr Murdoch, had been about The Sun's reporting of Afghanistan, which he considered to be undermining the war effort. A contemporaneous follow-up email had subsequently been sent to Mr Murdoch confirming the complainant's recollection of the call. The newspaper had not sought the complainant's comments before publication, as it should have done given the nature of the allegation.

The complainant said that - as soon as the article appeared online - he had contacted the newspaper to complain. The article had then been amended to include his denial of the claim (albeit, he said, buried within the text). In the complainant's view, the article now read as if the truth of the allegation was not in doubt, and that he was wrong to deny it. While the article had subsequently been removed from the newspaper's website, the complainant had rejected offers of either a letter for publication or an interview. As it was simply untrue that the threat had been made, the article should not have appeared in the first place. This was not a case of reporting a viewpoint and a

denial: the newspaper had taken sides and, accordingly, it was its responsibility to correct the record properly. The complainant said that a correction confirming that the story was "wholly wrong" and an unreserved apology was required on the part of the newspaper.

The newspaper said that the anecdote in question had not been considered controversial at any point prior to publication: the complainant had frequently adopted a robust approach towards Mr Murdoch. The piece was not intended to be and would not have been understood as an attack on him. The existence of the telephone call had been reported in 2009 as part of coverage of deteriorating relations between the government and News Corporation. Around this time, the newspaper's political editor had become aware of the claims about the content of the telephone conversation from a member of the complainant's inner circle, including suggestions of forthcoming inquiries into phone hacking and media plurality. It was not seen as newsworthy at the time.

Prior to the recent publication, the newspaper said that it had spoken to another member of the inner circle who had repeated the anecdote, independently and without prompting. This was seen as a colourful and valuable illustration of an important political relationship, provided by trusted sources who had direct knowledge of the telephone call. The anecdote was not adopted by the newspaper; rather, it was presented as an account provided by a "former aide of Mr Brown's".

The newspaper said that it had taken immediate steps to address the concerns raised by the complainant at the time

of publication. While it remained of the view that the sources were reliable, it had modified the online version of the piece, softening the anecdote and including a clear and prominent statement outlining the complainant's denial (which was not buried). The print edition was also altered in the same manner, ensuring that the later editions were substantially different to the first edition. The article was also removed as a gesture of goodwill and on a without prejudice basis. Further offers of the interview or letter for publication were rejected. Even so, the newspaper also published a denial the following week as part of its news coverage of the same issue. Following publication, its political editor had received unprompted confirmation from a third individual, again close to the complainant, that the account was accurate.

The newspaper said that it was important to recognise the value of confidential sources who were vital in ensuring that material of public interest was brought into the public domain. The Code itself said that there was a "moral obligation" on newspapers to protect such sources, a principle reflected in law. The two pre-publication sources in this case provided the information on a precondition of confidentiality: this was necessary and warranted in the circumstances. Nonetheless, the newspaper offered to publish a further, stand-alone text outlining the complainant's position, which read as follows:

Following our article "Inside story of Murdoch's special relationship with our politicians" (July 10), Gordon Brown has asked us to make clear that, during a telephone call while Prime Minister, he did not threaten Rupert Murdoch

about what would happen to his media empire after a general election.

The complainant said that the newspaper had not any specific evidence to support the extraordinary claim, and did not believe that a third source had verified it post-publication. In his view, the newspaper was using the sources to protect itself. He then supplied four on-the-record witness statements from individuals who had listened to the telephone call, in full or in part, and another from an individual who was briefed on it after it had been made. In the circumstances, it was incumbent on the newspaper to set the record straight in an appropriate manner, including a full apology. He suggested the following wording:

In our July 10 2011 edition, we wrongly reported that in a conversation between Gordon Brown and Rupert Murdoch Mr Brown had threatened Mr Murdoch generally and specifically about what would happen to Mr Murdoch's empire after a General Election. This report was wholly wrong, and we apologise unreservedly to Mr Brown.

The newspaper did not agree to this text, and considered that it had addressed the complaint in a proportionate manner. It also pointed to public comments made by the former editor of The Sun, Kelvin MacKenzie, who had revealed a story that the complainant had been "furious" in the telephone conversation with Mr Murdoch at the time he publicly supported David Cameron. In the newspaper's view, this corroborated the account it had published.

The complainant said that this second-hand account was at the time of the Labour Party Conference in September

2009. The telephone call in question in the complaint had taken place in November 2009. In any case, the words ascribed to him during the alleged call had not been made.

DECISION:

Sufficient remedial action offered

ADJUDICATION:

Confidential sources are a fundamental feature of journalism, especially in political stories, and newspapers are clearly entitled to use information provided by individuals who indicate that they do not wish to be identified for various reasons. Clause 14 of the Editors' Code sets out that journalists have a "moral obligation to protect confidential sources of information".

The Commission's case law is clear, however: newspapers cannot simply rely on confidential sources when material provided by them is said to be inaccurate. The Commission has previously ruled [*Clarke v The Times, Report 58*] that - where the accuracy of information which stems from a confidential source is challenged - the newspaper "must be able either to produce corroborative material to substantiate the allegations or to demonstrate that the complainant has a suitable opportunity to comment on them".

On this occasion, the newspaper had not provided any form of on-the-record evidence to corroborate the allegation and had not asked the complainant for his comments prior to publication. In the Commission's view, this latter point was crucial. Although the information had been based on confidential sources, the Commission took the view that the

story had initially been presented as a factual statement in the copy (later attributed to an aide) and readers would not have been aware that the accuracy of the story may have been in dispute. The specific claim in the article - central to the article's argument about the relationship between the political elite and News International - was plainly a significant one, which reflected directly on the complainant.

Given the seriousness of the claim, the Commission considered that the newspaper should have put the allegation to the complainant before publication, taking into account the requirements of Clause 1 (i) of the Code which states that newspapers must "take care not to publish inaccurate, misleading or distorted information". The Commission wished to make clear that prior notification is not an absolute requirement under the Code; however, the omission of the complainant's position in regard to this point had led to a breach of Clause 1 of the Code.

In this context, the next question for the Commission was whether the newspaper - having been informed of the complainant's categorical denial of the claim after publication - had demonstrated that he had been given a suitable opportunity to respond to it. The newspaper had taken a number of steps to address the complaint: the addition of his denial to the online article at the time of publication, and the modification of the paper edition; the removal of the online article; the publication of his denial as part of the following week's coverage; the offer to publish a letter from the complainant, or conduct an interview with him; and the offer to publish a clarification outlining his position. In the Commission's view, the complainant's denial of the claim had been stated publicly, and the

newspaper had offered to clarify this further in a variety of ways.

While the Commission had due regard for the witness statements supplied by the complainant and the contemporaneous email he had provided ultimately it was not in a position to determine precisely the content of a historical conversation between the then Prime Minister and Rupert Murdoch. However, it was able to ensure that readers would be aware that the complainant denied the account presented in the newspaper. The Commission considered that the stand-alone text - to be published with due prominence - represented the most appropriate manner in which the position could be made clear to readers. This should be published at the earliest opportunity after the publication of this adjudication, unless the complainant objected. In all the circumstances, the Commission decided that the newspaper had remedied the initial breach of the Code, and there were no outstanding issues to pursue.

Relevant rulings

Burrell v News of the World, Report 78

Clarke v The Times, Report 58

DATE PUBLISHED:

6 November 2011

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