

SONG-PLUGGING: News of the World February 14, 1971

PHONEY WINE: The Sunday Times November 27, 1966

POLICE CORRUPTION, The Times November 29, 1969

MASTER SPY: The Sunday Times October 8, 1967

Privacy and journalism: striking the balance

THE PRESS

WHAT would the British public think of an editor who bought a girl of 13 for prostitution and took her into a London brothel where he posed as a dirty old man? We do not have to speculate because it happened and some time before double-mirrors, infra red cameras and bugging devices began to worry us. The editor was W. T. Stead and since his paper, the Pall Mall Gazette, was as like the News of the World as the Church Times of today his conservative-minded readers were appalled when they opened their paper on July 6, 1885, to find an account of Stead's experiences sensationally headed The Maiden Tribute of Modern Babylon. It was as if today, if he will forgive the comparison, Mr William Rees-Mogg of The Times and not the News of the World photographer had taken those wretched pictures.

There was the usual reaction: the cries of indignation were drowned only by a rush of the self-righteous to buy up the succeeding articles in the series. The judge who presided at Stead's trial—for he was accused of abduction—had pronounced views on how far editors should go with what we now call investigative journalism. "I cannot forget," he said, "that you are an educated man and should have known that the law cannot be broken to promote any good or supposed good, and that the sanctity of private life cannot be invaded for the furtherance of views of an individual who, I am inclined to think, believes that the end justifies the means." Stead, soon found himself in convict dress at the beginning of a jail sentence of two months and seven days.

And yet Stead had performed one of the most signal services in the history of journalism. A sealed commonplace of Victorian London. Girls were sold to rich men for seduction. The day after a girl passed her 13th birthday she had reached "the age of consent" and could easily be procured for prostitution if there was some kind of evidence that she had agreed. If she was inveigled into a brothel her consent was assumed, yet a draft Bill attacking the scandal by raising the age of consent to 18 seemed doomed in that complacent and hypocritical society. Stead decided to shock it by proving how easy procuring was (while also making elaborate plans with the Salvation Army to protect the girl). He bought a girl from her mother for £3. He went "disguised," as he put it, "into the lowest haunts of criminal vice." He succeeded. Four days after his first article the reform Bill was speed on its way to law. Only a technical error made him open to the charge of abduction which the Attorney-General seized with relish. What Stead did disgusted the public as much as the News of the World's sneak pictures. He was denounced by the rest of the Press; W. H. Smith & Sons banned his paper, advertisers cancelled bookings; a hostile crowd threatened to storm his offices. Yet right was on Stead's side, it seems to me, as much as it is against the News of the World, and against the Sunday People to a lesser extent.

If I am correct the comparison provides us, in the confused debate about privacy and the Press, with a double test for the limits of legitimate journalism. The public good must be proportionate to the

methods of inquiry and disclosure. This will disappoint those who seek a quick salve for public wounds in a new code of conduct for the Press. We can, from our experience, rough out some general principles and I will, from mine, indicate some which guide me and my colleagues. But only at risk to the value of true information in a free society could we embrace any abstract and immutable code of conduct drawn up in the heat of today's sensation. No code by-lined even by H. G. Wells and Immanuel Kant could provide an automatic censor for the infinite permutations of privacy and public interest that will occur again and again in the unimagined circumstances of the future. Circumstances must determine everything.

The three questions

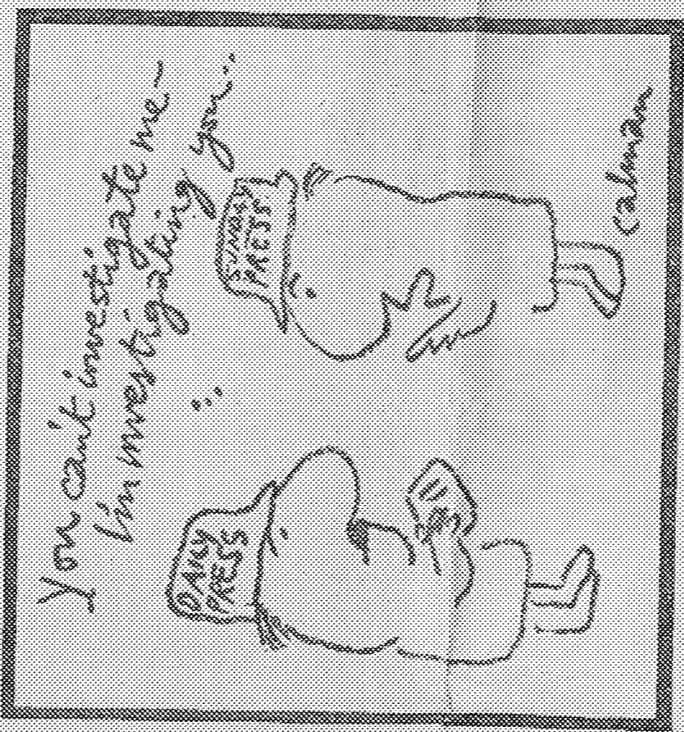
THERE ARE three immediate questions. Should the News of the World have taken its secret photographs? Should the Sunday People have paid Colin Levy for these pictures? Should the Sunday People—and the rest of the Press and broadcasting—have published Norma Levy's allegations against a Turb Minister? Beyond these questions loom the recumenscences of the Younger Commission on privacy and the Press to produce a code of conduct.

Both the immediate and long-term debate is confused because two distinct, if related, topics are mixed up. They are the role of the Press, and the means by which it fulfils its role. There is a school of thought—more sincerely held the closer one approaches any centre of power—that the Press should simply act as a conduit pipe for information which others wish to see published. When the Press comes across something else it should inform "the authorities." It is not a view which bears much scrutiny for a considerable part of the duties of the Press is to act as a check on the very authorities for whom it is supposed to be a lackey. The Times, for instance, rightly decided to conduct its own inquiry into police corruption because it rightly had no confidence in the official attitude then to investigation. This is one instance among hundreds yet a good deal of the criticism of Press methods comes down, on examination, to a disbelief in its duties. One is always reminded of Northcliffe's definition—that news is what someone somewhere wants to suppress and everything else is advertising.

Deciding the public good in the Lambton-Jellicoe affair is difficult. It is because it is such a complex brew of private morals and public standards, of the freedom for an individual and the wisdom of a Minister of the Crown associating with a world flecked by crime, that it is a relief to escape to a simple denunciation of the methods of the Sunday newspapers. That does not take us far. It is more helpful in defining Press standards and fairer to editors, if we assume that the Prime Minister was

right to accept the resignations. Curiously, some of those most insistent that it was a public scandal are also among the most scornful of the Press. But if this is more honest it requires a further response. The onus is on the critics to say what they would have done to ensure that the allegation was checked and the truth not suppressed. This is the heart of the matter, but though it is more difficult to practise investigative journalism than strike moral postures, it is here that the Sunday newspapers erred. They were, on any ordinary citizen's rights more extensively but this does not affect the principle. And there are countervailing restrictions. There is the law of libel, which is more rigorous in Britain than in any comparable country and

that the public may be induced to regard investigative journalism as electronic eavesdropping, cheques for unsavory characters, and a claim for rights greater than the ordinary citizen's. It is nothing of the kind. The Press has no greater rights than the ordinary citizen. It has no powers comparable to the police, for instance, such as the right to search. It does not claim any such powers. Because it has made investigation its business it is equipped to exercise the ordinary citizen's rights more extensively but this does not affect the principle. And there are countervailing restrictions. There is the law of libel, which is more rigorous in Britain than in any comparable country and



raise hell. The News of the World could not even raise Lord Lambton to confront him with its evidence. Disclosing the substance of an allegation on the subject is one of the first principles of good journalism, or fair play, which can only be disregarded in exceptional circumstances. It is no excuse that the News of the World, having been willing to wound, was afraid to strike by publication, for it gave to Colin Levy the photographs it had taken which he could have used for blackmail and which he did indeed peddle in Fleet Street. Nor was it necessary, in any event, to go into this odious business of poring over photographs. A combination of surveillance from the Leys and affidavits from the Leys would have been less offensive and enough for a challenge. Divorce judges settle for that. As for the Sunday People, its real offence was shared by all the daily newspapers and BBC and ITV. It was to publish in an atmosphere reminiscent of the post-Proflumo hysteria allegations about an unnamed third Minister without independent corroboration or private confrontation with the victim.

The People is also open to criticism for paying Levy, but the Press Council principle which frowns on payments to persons engaged in crime or other notorious behaviour, does concede that the public interest may sometimes warrant payment. The trouble with all this is

We have no kind of monopoly in social and political investigation. The treachery of Philby and the blunders which permitted it were exposed in hot competition between The Sunday Times and the Observer. It was the Guardian which disclosed low commercial spies tap state records. This week the Daily Mirror has named British firms whose goods overcome the sanctions barrier to reach Rhodesia. Most recently the Sunday Times and Daily Mail investigated thalidomide.

Set of principles

Not one of these investigations involved bugging or payment to criminals (though most attracted the usual crop of unsubstantiated allegations against the conduct of the reporters). Investigative journalism by and large is a hard slog of interviews and prolonged reading and checking. In all this activity a set of principles has grown up in this office which we consider with each set of circumstances. They are not a code but tests in no order of priority, which are put in the balance with the claims of privacy and the public good.

1. The matter under investigation should be of genuine public concern.
2. The reporter should not do anything illegal, such as breaking and entering, stealing documents or other property, threatening people with physical violence, demanding money with menaces, impersonating a police officer, etc.
3. When photographing people without their permission or using recording machines not should be done which may not subsequently be described in the published story. These methods should be considered only when no other means are available.
4. Reporters should in general identify themselves but in some circumstances it is permissible to assume unofficial roles as members of the general public, tourists or students or so on. A reporter should not, however, impersonate a public official like a gas meter reader.
5. Anyone investigated should be told the findings before anything is published. Where the subject has left the country or gone to ground every effort should be made to get a message to him. Where the people named have not been contacted, this fact should be included in the published report.
6. People should not be paid sums or in such circumstances as the paper is unwilling to disclose. Payment should not be made to fugitives from justice or people engaged in hostile espionage activities. Under no circumstances should anybody be given any help to break the law, such as being supplied with money or any information by which he could do something a respectable reporter would not do, e.g. We should not give people anything which could be used in blackmail.
7. After publication, reasonable corrections of substantiated errors should be printed. In general, a newspaper should not hit people who cannot hit back. It is true that some exposes

Wanted: more disclosure

THE TRUTH is that what we need in Britain is not further sanction for secrecy but more disclosure in business and Whitehall. It is comic that should have been cautions under the Official Secrets Act for publishing an official canvassing abolition of the railway system. It is and potentially travesties the public that the files at Companies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

