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FREE AT LAST - FOR WHAT?

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Would that Iain Walker were alive at this time, an auspicious one I believe in the history of the freedom of the press in Britain. It is on journalism like his that we make our claims in the name of freedom. I am glad of the opportunity and honored to speak in his name.

Years ago when I was trying to survive my first week in journalism on the Ashton-under-Lyne Reporter, I was alarmed to be given the responsibility of interviewing a "General Carpenter" - it was wartime and the paper had lost its experienced reporters. The editor, who gave the command, was a towering figure diminished only by the fact that he mumbled and nobody could understand a word he said. I did not dare to ask him to elucidate. When I arrived at the address, I was surprised to find it to be a meeting hall, and it was packed with uniformed men and women banging tamborines, clapping hands and signing hymns. They, too, wanted General Carpenter and it turned out that he was THEIR General - the leading general of the Salvation Army. I squeezed in on the front row, took out my notebook - I had only got the job at the age of 16 because I could write shorthand - and waited to record the General's every word. He had other priorities. Everyone was asked to stand while he went down each row, starting with ours, receiving souls one by one into the Lord's care. Everyone stood. I sat. Was I not a race apart? When within a few minutes the collision of the spiritual and temporal occurred, the dialogue went like this:

The General:

Won't you stand for Jesus, son?

-I'm press.

But you can still be SAVED!

If you detect an evangelical tamborine in this lecture, I want to assure you all at the outset. You don't - at any point - have to stand.

I didn't in those days have much of an idea of what journalism was about, except that it didn't stand for anybody. I had probably seen too many Hollywood movies: "Keep your filthy dollars! You can't buy the Daily Bugle!" And I was, in any event, soon corrupted by the practices of the newsroom. At the end of that first week when I had typed up two full columns of local news, the news editor bawled me to his desk. "Where's your expense report, laddie?"

"I haven't spent anything", I said.

"You must have taken a few bus rides".

"No, sir, I walked."

He glared at me and scribbled on a scrap of paper. "Take that to the front office". Not a firing, as for a moment I thought. It was a claim by one Harold Evans, countersigned News Editor, Bus Fares, 3 pence.

I took every penny.

I offer these fragments of confession because somehow along the way I developed a perhaps absurdly elevated view of what an independent press ought to achieve - what in singular circumstances I will describe the British press, in print and in broadcasting, might now achieve. I hope to show that we are at a pivotal point in the history of press freedom in Britain, and you may want to make allowances for a boy scout bias. Where it came from precisely I don't know, and forgive me if I can only guess: I feel like the cowed husband in the New Yorker cartoon whose wife at the cocktail party is urgently sidemouthing him: "Tell them who you WERE, Henry. Tell them who you WERE."

Well, my first editorship was of The Northern Echo, Britain's first halfpenny daily that was in the 1870s edited by a Northumbrian of 23 called W.T. Stead. William Thomas Stead. This is the same Stead who as editor of the Pall Mall Gazette later exposed the trade in prostitution of minors in England and went to jail on a malicious technicality, though his "sting" in procuring a girl of 12 had the complicity of the Archbishop of Canterbury and General Booth of the Salvation Army - there you go again. From Darlington in 1872 Stead succeeded in arousing the whole of Europe against Turkish atrocities in Armenia - the Holocaust of the 19th century. He had been frank with his employers on accepting the job the year before. Every night when I sat in Stead's very own chair, I looked across at his letter accepting the editorship which someone had framed on the wall.

"What a marvellous opportunity", his hand had written, "for attacking the devil!"

Iain Walker, about the time I was contemplating Stead, was starting journalism just a bit further north; he would have applauded Stead's perception of the job.

Perhaps gazing at Stead's copperplate night after night, stuck for an intro to an editorial, made an indelible impression on my young mind. And Stead, after all, was a Spiritualist - cap S in Darlington - who made it clear before he went down on the Titanic in 1912, reading his Bible, that he intended to haunt the imaginations of his successors.

No doubt his shade is even now roaming the World Wide Web.

Either of my own volition or the vapors from Stead, I had by the time I reached Darlington in 1961 found inspiration in American newspapers as he did. I first made the crossing on the modest steamship Franconia in 1956, borne up by American philanthropy on a Harkness postgraduate Fellowship with generous dollars to sample life and newspapers all over the country. Admiration was hardly excited by American newspaper sign or subbing; reporters grazed unedited across infinite prairies of newsprint. It was excited, rather, by the journalists' and publishers' certainty of their role, their genuine commitment to a community's well being, and the intensity with which they defended their extraordinary constitutional freedom. We owe a lot to King George III; the rebellious Americans came to appreciate the crucial importance of a free press and we may yet benefit by that. If the flame was lit by the First Amendment, it was sustained down the years by many editors and writers of vision. Before Stead - and C.P Scott - James Gordon Bennett, founder of the New York Herald, had asked the right question: "What is to prevent a daily paper" he asked, from being made the greatest organ of social life?"

In the backwater of Darlington in the sixties, there didn't seem to be much officialdom to stand in the way of the Echo if we wanted to try, and we did. From Darlington, thanks to the reporting of a graduate trainee called Kenneth Hooper and a campaign in Parliament in which we enrolled the M.P. for Middlesbrough, Jeremy Bray, The Northern Echo won the establishment of the first national program for the early detection of cervical cancer. It was an odd lesson for us. I had seen a paragraph about a pilot detection program in Vancouver and recklessly sent Hooper round the world only to discover after the three months that the most passionate advocate of the Pap smear was Dr. Stanley Way, up the road in Newcastle, but nobody had bothered to hear him out. Again, it was a local man, a Jewish refugee manufacturer of chemicals, called Herbert Wolfe, who prodded us into a campaign to revive interest in the wrongful hanging of Timothy Evans for murders at Rillington Place committed by John Christie. A campaign from Darlington eventually got the case reopened, Evans' innocence established and a pardon recommended by the Chancellor of this university granted just in time for the critical vote in Parliament on abolition of the death penalty.

In the early sixties in Britain there didn't seem to be much to prevent newspapers from doing their duty. I was wrong. Only a swift review can be suggested here, but very roughly it seems to me the story of press freedom and press performance in Britain went something like this. In the postwar years, as society grew more complex, there was a vast extension of state power and corporate power umatched by institutional checks on what was being done with it. Parliamentary scrutiny was perfunctory. The press, in its staffing, traditions and leadership - in newspapers and in broadcasting - was hardly a monitor at all. The popular press investigations focused on petty fraud, slum landlords and villains of vice - read Murray Sayle's novel *A Crooked Sixpence*; the pops had a rollicking time but they did not disturb the mandarins. The quality newspaper scoops were Whitehall kites or leaks; it would not be too much to say the qualities were apt to regard investigation and campaigning as vulgar.

The bolder editors might have campaigns of opinion in the fifties: one thinks of Alastair Hetherington at *The Guardian* and David Astor at the *Observer* who took a stand against Suez, William Haley with his bolts from Olympus in *The Times*. But such campaigns, then and now, are in the classic tradition of thundering. Their significance is moral, not factual. They might arouse official ire, but they do not excite the coercive power of the state - cannot excite it in the birthplace of Milton, Locke and Mill. This is what "free speech" has long meant in Britain; it is the element our future judges absorbed when as young men they read *Greats* at Oxford; I doubt that any of them were obliged to debate the *Federalist* papers. In any event, Hetherington and Haley or Cudlipp and Junor then were men at Hyde Park corner with a bigger megaphone, indulged by the British bobby and the British should they feel moved to incite the masses to revolution; and the polemicists who fill so many columns today are the same.

Tolerance for dissent is very different, however, from tolerance for disclosure. As Issy Stone put, it facts are subversive.

This is the fundamental point of divergence between the history of press freedom in Britain and in America. Founding father James Madison's language is explicit: "A people who mean to be their own governors, must arm themselves with the power KNOWLEDGE gives. A popular government without popular INFORMATION or the means of acquiring it, is but a prologue to a farce or a tragedy or both." This is the logic of the First Amendment to the Constitution that "Congress shall make no law...abridging the freedom of speech, OR OF THE PRESS." Madison saw what Mill and Milton did not; the error of our classical philosophers was the same as the error of the classical economists - the assumption that there was a free flow of exchanges in a perfect, in our case a free flow of facts.

It was not until the later sixties and seventies that the harsh fallacy of the assumption was exposed, that the limits of free inquiry, as distinct from free speech, were there for all to see. The principal reason, I suggest, lay in the arrival of a new breed of print and broadcast journalist - @LM15

- one immediately thinks of Peter Harvey and Adam Raphael at the Guardian, Jeremy Wallington at the Mail, World in Action at Granada, Andrew Boyle at the BBC, Michael Cudlipp at The Times, David Hopkinson and Peter Harland, and the Sunday Times Insight teams notably Bruce Page, Ron Hall, Murray Sayle, Colin Simpson, Philip Knightley, Hugo Young, Stephen Fay, John Barry, Lewis Chester, Magnus Linklater, Godfrey Hodgson -

@LM10 Many of them were restless university graduates trained to question authority, including, be it said, the authority of the editor, especially the hard core of didactic rebels from Australia. They and their newspapers collided with the barriers that had until then been the invisible defences of - to adapt Teddy Roosevelt - malefactors of great power. Malefactors capable of poisoning citizens with nuclear wastes; or building an airline knowing it will fall out of the skies; or concealing plans to rob communities of their railways; or bribing a member of Parliament for a foreign interest; or selling a deforming drug and refusing to compensate for the shattered lives; or bringing the weight of the state against a Cabinet ministers who wanted to shed light on the hidden places in government.

I am not suggesting the "invisible" barriers were erected in some conspiracy by the wielders of power. The law of confidence was a bastard of commercial law; it is instructive to track its development from protecting a patent for glue to concealing affairs of the realm. Some statutes, like unexploded bombs, lay in the exigencies of war - the Official Secrets Act. But the last time I counted there were no fewer than 61 statutory provisions to conceal information. Again, the last time I counted there were 95 forbidden subjects in Parliamentary questions. The most significant restraints lay - still lie - in the marrow of our constitutional bones, in common law precedents which for long have exalted property rights over personal rights and in judges accustomed to regarding official information as the property of the government not of the people. It was not some bolshie journalist but Thomas Jefferson who argued that the trouble with British democracy was that the Tory or Norman concept of rights is dominant: that rights are grants from the Crown, rather than the Whig or Saxon concept that they are natural to the people and the Crown has no powers except those expressly granted.

I first traced the restraints on the freedom of the press in the Granada Guildhall Lecture in 1974. Comparing a specific liberty in America with a specific restriction in Britain, in defamation, in access, in judicial attitudes, I suggested that ours was a Half Free Press - and, pace Lincoln, that a democracy so conducted could not flourish. The British press would never have been able to expose a British Watergate because of the laws of contempt and confidence. Conversely, the American press would not have been prevented by archaic contempt of court rules from ventilating the scandal of the treatment of the thalidomide children. It is often overlooked that even when the Sunday Times won the right to publish facts about the origins of the thalidomide tragedy, by a belated judgment of the European Court of Human Rights under the free-speech provision of Article 10, a British judge subsequently denied the newspaper the right to quote from the drug company's documents. Why the suppression? The judge ruled that the documentation of negligence was a lesser public good than protection of the company's property rights.

The first Amendment was only part of what I had in mind in 1974. The First Amendment ensures that the press can do battle, but it does not guarantee that the press will secure the ammunition in spite of secrecy and deception. The ammunition arrived in the Freedom of

Information Act signed by LBJ in 1966, and its progeny in sunshine laws in all 50 states. But in Britain in all these years the open society receded. Five years after the Guildhall when the Institute of Stationers invited me to reconsider the half-free epithet, the print unions had put another hand on the windpipe by their determination to prevent the journalist having access to the computer - as vital I suggested then for search and retrieval of information as for printing. By 1989, such is British fortitude, I was asked yet again to review the half-free judgment, at the Freedom of Information Awards ceremony. It seemed to me then, after five years working as a journalist in America, that the scene was darker than ever. There was the Ponting/Belgrano case where Mr. Justice McCowan identified the "interests of the State" as synonymous with the political interests of the government of the day. And there was Mrs. Thatcher yoking contempt and that deformity, the law of confidence, to suppress the Spycatcher book, i.e. in preventing the British people from learning that M15 might have plotted against the democratically elected Socialist government of the day - information available to every foreign country, but suppressed in the country where it mattered. It was some satisfaction to old Sunday Times hands that in a maelstrom of actions the death blow to the government's pretensions was delivered in Australia by a young lawyer who was a former Sunday Times reporter, Malcolm Turnbull: he joined the paper just as it closed for a year in 1979 and had clearly built up a head of steam.

In our years of regression, the American press reinforced its constitutional freedom. It was imperfectly realized at the time what a remarkable victory the New York Times had won when it fought the heavy damages awarded to the police commissioner in Montgomery, Alabama, for an advertisement depicting the city's brutal response to blacks claiming their constitutional freedoms. The suit was nothing less than an attempt to suppress reporting and discussion of Southern racism; and it had a fair prospect of success since the Supreme Court had always regarded libel as a matter for the states. The success of the New York Times in persuading the Court that public officials should not be permitted to hide behind the law of libel was a stunning vindication of the role of the press as an agent of democratic change. Free speech was acknowledged as not only an individual right but a collective necessity. In the Pentagon Papers case the New York Times joined with the Washington Post established that there were limits to what the executive might suppress on grounds of national security.

The most glaring comparison with the United States lies, of course, in the use of ex parte injunctions, the subject of Iain Walker's thesis when he was at Queen Elizabeth Hall in this institution of higher learning. In epochal cases, the American judiciary has stayed faithful to the great English jurist Blackstone:

®LM15~"The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publication. Every freeman has an undoubted right to lay what sentiments he pleases before the people; to forbid this is to destroy the freedom."

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British judges strayed from Blackstone; certainly they did not ingest ingest Lord Northcliffe's dictum that news is something somebody somewhere wants to suppress; everything else is advertising. Nor can one readily imagine a British judge echoing Justice Gurfain's declaration in the Pentagon papers case that national security is defended not only on the ramparts but in the institutions of a free society. The difference in the two democracies has never been more starkly exemplified than the contrasting experiences of Mr. Robert MacFarlane in the Iran Contra scandal and Mr. Clive Ponting in the Belgrano affair. In America, MacFarlane, President Reagan's National Security Adviser, was prosecuted for deceiving Congress. In Britain it was the whistle-blower Ponting who revealed the deception

of Parliament, not the deceiving Minister of the Crown, who was prosecuted. J. B. Morton's story about Dr. Strasbismus (Whom God Preserve of Utrecht) summed it up: In the middle of a public speech the good doctor reached down for rotten eggs and threw them at his audience. As he was led away by police called to quell the uproar, he remarked "Oh, dear, I seem to have got things the wrong way round."

A few things seem to have been got the right way round in the period from Spycatcher to today. Shafts of sunshine have penetrated the brooding gothic of the Appeal Court and the House of Lords. The most brilliant was in the rout of the Derbyshire County Council claiming libel damages as an official body: a nod to the European Convention of Human Rights and a promising echo of NYT v. Sullivan in its veto of libel writs from authorities local and national. It is pleasing to me to see The Sunday Times, both here and in the Albert Reynolds case, being willing to bear the burden of legal cost and risk for a fight on principle of importance to the whole press. Rupert Murdoch deserves full credit for that. Other national proprietors please copy. When I catch wind of some of the battles avoided on grounds of the legal costs, insurance problems, etc. I wonder if the accountant has supplanted the lawyer as the brake on reform. A viable battle avoided is a battle lost for all. The vindication of Alan Rusbridger and Peter Preston in their quite brilliant investigation of sleaze was a vindication not just for the Guardian but for journalism.

But these and other achievements have been by what is still a half-free press. It is understandable that smaller newspapers who expose a public wrong frequently cave in rather than face bankrupting libel costs and possibly damages. Only the jury saved The Guardian, for the time being, in its police-corruption libel case where the judge shut his face against public interest evidence. Only a newspaper with resources could risk what the Daily Mail so sensationally risked in challenging the acquittals in the Lawrence murder. In America the Daily Mail would have been able to investigate and report before trial, a practice with mixed results.

Where can we go from here?

In Fidelio I am always moved by the moment of anguish when the jailer tells Leonore that Florestan has already been in the dungeon for two years and she cries out piteously "zwai jahre!" Well, we have been crying out rather longer than that, but at last my transAtlantic ear picks up the first sound of a trumpet in Act III. Can rescue really be at hand?

Nothing less is in prospect now, with the advent of Tony Blair's government, than a press almost as free as the American. If they mean what they say, the chains are set to be sundered by two hammer blows. The first, of course, is the promise to incorporate the "main provisions" of the European Convention of Human rights into domestic law. If Labour's Act rules that future UK legislation has to conform to the Convention, Britain may soon lose the European championship as the leading recidivist on breaches of human rights. A lot will still remain for judges to decide. At Strasbourg in the narrow 11-9 Sunday Times victory on thalidomide, the focus of hostility was the British judge. The passage of time has made the court at Strasbourg less inviting since with the enlargement of the community it now includes judges from former communist countries who cannot be relied on to quote Tom Paine. At the appellate and Law Lord level, the prospects are now better than they have ever been for a reconciliation in Britain of the competing claims of publicity and privacy, fair trial and free speech, free speech and reputation. Still, I'd recommend to the new Lord Chancellor that he send his lower court judges for a constitutional refresher with Anthony Lewis's law course at Harvard.

The second hammer blow is the promise to enact a Freedom of Information statute. The postponement of that Bill must remind the great campaigners that often have they cried "once more unto the breach dear friends" only to fill up the wall with their English dead. I don't underrate the "Yes, Minister" genius of Whitehall. I am sure a silken web of plausible

exemptions will be stitched together to hobble the radicals, but will not the dashing Tony Blair with one bound be free? The velocity of his rhetoric on the subject is certainly impressive. The press can use this next year or so to good effect. Be ready for the Cassandras who will predict the end of orderly government; they predicted it in Washington: I can testify that it was still there when I flew out last Thursday. They predicted that publication of the Crossman diaries would end Cabinet government; it seems to have survived. The law of predictive amnesia applies. The more catastrophic the prediction the more swiftly the naysayers forget when experience proves them wrong. The press should re-examine that intelligent draft Bill drawn up when Labour was in opposition, check that what is given with one hand in an FoI is not taken away with the other in the extended UK Data Protection Act. And British press and television should look again - now! - to the most recent experiences in the United States. The benefits of the FOI, as amended, have been well documented. There are thousands of examples of beneficial disclosure of fraud and waste, dangerous consumer products and environmental practices - the revelation of radiation experiments on citizens; the chaos in blood donor centers threatening to introduce Aids-tainted blood into the system; the many unreported mishaps at 141 nuclear power plants; lethal defects in tires; the spying on domestic dissidents. But the difficulties have to be addressed - the delays, the cost of appeals, the varying practices of departments, the counter claims of national security, privacy and commercial confidence. Privacy is the most difficult, the area of vulnerability. It is a genuine value, one where the practices of the worst among us constantly threaten the freedom of the best. On privacy, the American legislation allows the custodians to deny information where it involves an "unwarranted" intrusion. Experience shows this leaves too much leeway to the custodian to judge what is "unwarranted". A better definition may be found in the U.S. tort law language: protection should be for "highly intimate information disclosure of which would be offensive to a reasonable person."

The FoI act is justified by the citizen's right to know. We might well ask government to imitate the practice of the better departments which make reading rooms available where newly disclosed documents may be examined by any member of the public. Better still, put them on line. That also simplifies administration: typically after the first disclosure hundreds of requests follow, aggravating the delays - there is a two year wait for FBI documents. The press should also insist on a provision for multi-tracking of requests so that the urgent gets priority over the routine: 90 per cent of the FoI requests, it has to be remembered, are from commercial companies snooping on their rivals, not journalists.

But there is an even bigger question than the technicalities of the Freedom of Information Act, important though they are.

If there is to be freedom, it is freedom for what? Freedom for what? Freedom for the clandestine taping of calls to a therapist? Freedom for snooping on children at school? Freedom to pay for a video of the Princess of Wales and her supposed lover? Freedom to trespass in hospital wards? Freedom to ridicule a Minister because she has put on weight?

Freedom is an opportunity; the eternal vigilance required for liberty is also required to frustrate its misuse.

Having now lived and worked in the United States for more than a decade, I am troubled. A decline in standards and in the frequency, quality and range of investigative journalism is discernible, with a sharp rise in public disaffection with the press. Let me emphasize at the outset that fine original reporting and investigations are still to be found in the New York Times, in the intellectual magazines, The New Yorker and Atlantic, and occasionally in the regional press, and there is unexceptional routine reporting from C-Span, the PBS news hour and CNN. But generally several things seem to be happening:

1. Tabloid values now suffuse the press in ways unthinkable a decade ago. Complex stories are squeezed into good-guy, bad-guy formats. A significant erosion began when network television news, as well as documentary television, became a profit center and began to chase the lowest common denominator. Sam Donaldson is no Walter Cronkite.

2. Sullivan was a progressive and necessary reform, but it has been abused. It is one thing to facilitate criticism and exposure of public officials in the public interest. It is another to dilute "public official" to "public figure" and so remove the right to a reputation from anyone who happens to have had five minutes of fame.

3. The panic over audiences has resulted in an erratic, not to say, zany sense of priorities. The emerging rule seems to be the more trivial the event, the more tremendous the coverage, the more frantic the chase. It is indeed the era of the TRIVIA COPS. Goodnewspapers and the better elements in television do not hesitate to use a supermarket scandal sheet as the source and pretext for the most scurrilous stories - stories of no redeeming public value. The practice is defended if it is defended at all - on grounds that the story is about "character". This is no more than prurience on stilts. It is as much about character as Joe McCarthy's list of names was to do state secrets.

Example: When I left a scandal sheet had set up a trap, hiring a prostitute to compromise a sports hero, and filming it. The rest of the press followed. Worse. Nobody criticised the scandal sheet. On the contrary, there is a good deal of vindictive gloating as if it had performed a notable public service - the man's marriage to a television personality could not be as good as they said, could it? The New York Times is conspicuous by virtue of the fact that it is one of the few, perhaps the only, newspaper to have refrained from joining the hyena pack.

3. There has been a significant growth of paranoid radio where lies in all shapes and sizes go forth unchallenged.

4. At the same time, paradoxically, various inhibitions of political correctness, a false patriotism, and a suffocating sanctimony restrict reporting and debate in ways unfamiliar in Britain or France for that matter where there is more tolerance for the wayward and unconventional. When Dick Morris wrote his book about just how Clinton was re-elected - something nobody had thought possible in 1994 - it was better reported in Britain, notably in The Guardian, than in the U.S. because in the U.S., however newsworthy his revelations, his sexual misconduct, made him a non-person. Another example: fears of being accused of racism discouraged the press for years from examining the plight of the black underclass and they have also have led the press to ignore and downplay the dramatic changes in the composition of the American population due to the wholly unpredicted results of the change in immigration law in 1965.

5. For all the size and vivacity of the country, there are proportionally fewer independent voices than in Britain. The American manufacturing genius for standardisation seems to have carried over into journalism in the newspapers and the network news shows. In the supposedly sophisticated east, in the sunbelt and the midwest, you find the same packaging of news, the same columnists, the same preoccupation with the same celebrities, the same semi- envious, semi-admiring fascination with their lifestyle rather than their work, the same obsession with short-time finances.

6. Management pressure to maintain the exceptional profits of the eighties - 15, 20, even 50 per cent - has compelled more and more editors to think of market research first and the imperatives of journalism second. Resources devoted to the production of news began a dramatic fall in the eighties from a national average of 20 per cent of revenues to 6 and 8 per cent.

6. While energies are deployed on the titillating, real power in the bureaucracies of government and corporations often escapes proper scrutiny.

For instance...

* For instance, if only one hundredth of the energy spent on the relatively trivial story of congressmen who had written bouncing checks had been expended on watching over the billions misspent in the S& L debacle.

* The increase in mandated sentencing has resulted in a subtle but enormously important shift in power from judges to prosecutors in the federal system. It should have caused the press to scrutinize more carefully prosecutors' exercise of discretion, but it has not, according to a study by Judge Kimba Wood. The press continues to focus on the need for access to judicial proceedings because that is what they are used to doing; plea bargains on file are not scrutinised to see if justice has been done.

* More ink was spent, more air exhaled, on Mrs. Clinton's conversion of \$1000 in cattle futures than has ever been spent monitoring the secretive institution that deals in trillions - the FEDERAL RESERVE BOARD. The Fed's monetary actions affect the prospects of millions of Americans. Nobody expects the press to be in on decisions that will affect the stock and currency markets, but when the minutes are released years later they can be reviewed, and there is nothing to stop the press giving us regular profiles of the changing membership, their attitudes and actions.

The profile, incidentally, is altogether a neglected art; typically, only when Congress starts to monitor a nomination for some office or other is it discovered, shock-horror, that the candidate has long professed to be a disciple of Gengis Khan.

* Again, if only the forensic energy expended on an Arkansas law firm could be deployed to look into the murk, say, of the National Rifle Association which terrifies numerous legislators into voting against a ban on the street criminals' choice automatic machine guns. Who are the men who run the NRA? How do they get their mandate, decide their policies? Precisely how much money has been paid to which legislators? The press constantly exclaims at the influence of the NRA, but never penetrates the facade.

I offer the mighty Army Corps of Engineer as another neglected public institution of great power.

* The press shortcomings in areas like this are much more important than the failed land deal called Whitewater which developed into a witchhunt.

The distaste for Clinton - reminiscent of the sectional hatred for FDR - distorted news priorities. Mort Zuckerman at U.S. News & World Report was about the only editor to draw attention to the fact that the original Whitewater allegations were splashed on the front page, but the subsequent rebuttals by independent inquiries were not reported or were buried inside - even on the Times.

It was different in Reagan's presidency. I had a grandstand seat in Washington for the metamorphosis of lion into mouse. One case is suggestive of the mindset. In July 1985 Gorbachev announced a unilateral nuclear test ban to begin on August 6, 1985, the fortieth anniversary of Hiroshima. I expected the cessation of testing ban to be examined as an interesting way to stop the still escalating arms race, as President Kennedy indeed had seen it when he announced his moratorium on atmospheric testing. But all the leading reporters simply regurgitated the line of the administration. Not once but four times on the CBS Evening News Lesley Stahl described the the ban as "propaganda". The New York Times, the Washington Post, and the Los Angeles all inaccurately described Gorbachev's moratorium not as a deed, an action, - which it was - but as a proposal. For months then the press ignored the

test ban - exactly as an embarrassed White House wanted. Peace activists collected more than a million signatures in favor of the test ban and were portrayed on the networks and in the press as unpatriotic. Jesse Jackson who carried the petition to Geneva to Gorbachev and Reagan and was all but called a Communist dupe even by the cool Bill Moyers. Not one of the networks mentioned that the Soviets, unlike the US, had halted testing. When Gorbachev ended years of Soviet stalling and offered to allow inspectors on Soviet soil, Dan Rather began that important story "Well, a little pre-Christmas propaganda in the air..." Not a single newspaper or television program examined the history of test ban negotiations - over an 18 month period when the Soviets conducted not a single test explosion and the US announced 20.

In case the thought should cross your mind that these are the lamentations of an expat, let me say that there is now a whole literature of anxiety in America and most of it is written by distinguished journalists themselves - people like David Broder, Mike Wallace, Robert McNeil, Ben Bagdikian, Jim Squires, Abe Rosenthal, Bill Kovach, Adam Gopnick, James Fallows, Osborn Elliott. They use words like malicious, negative, self-serving, mean, shameless, sanctimonious, belligerent, aggressive, disingenuous, plain nasty. Elliott, a pioneering editor of Newsweek in the Watergate and Vietnam years, deplors it as journalism with a sneer with little sense that any public policy is much worth pursuing. Adam Gopnick discerns a transference from investigation to inquisition with very few unequivocal successes in proportion of the amount of human misery caused.

And so to the opportunity for the British press.

Can it be saved - saved by freedom?

Can a jealously independent press respond to a large measure of liberation from legal restraint with a large measure of restraint of its own? Can it make professional pariahs of the exploiters of private lives? Can a press fiercely competitive for readers find the willpower to ignore the circulation director and reject other people's dirty laundry? Can it respond to new access not with glee in finding fault, but with a good faith effort to advance the common good? Can it do this without turning from watchdog to lapdog? Indeed, will it make vigorous use of the Freedom of Information Act? Can it find the humility to acknowledge the truth of Walter Lippman's perception that the press alone is too frail to bear the burden of popular sovereignty? Can it more readily admit error and correct it? Can it live by the precepts it preaches - that the preferable path to truth is through open debate and not the law courts? ITN rightly wants to defend its correspondents in Bosnia, but it is a shame it did not choose to seek redress against Living Marxism in a television confrontation - on BBC, say - rather than by issuing writs and apparently silencing discussion of a complex situation. Finally, let us acknowledge that we have only ourselves to blame for many signal failures; the monitoring of the subterranean movements in society as well the obvious. Perhaps the most conspicuous even now was the long years of inertia when the evil stew began to brew in Northern Ireland.

I believe the British press can rise to the occasion. Adam Rushridger in the James Cameron lecture - whole lotta lectures goin' on - last week suggested a subtle bargain which would balance a new right of privacy, a new right of free expression, and a new right to know. This is the kind of leadership demanded by the hour. Will other editors respond?

The British press has advantages over the American at the present. The society is less afraid of controversy; perhaps, perhaps, a little less obsessed by money. Television is not driven by the same demons. The quality press is as good as any press anywhere in writing and has a wider view of the world. And there are no better popularisers of the complicated, no

better dramatisers of the dull, than the tabloids: one thinks back to the genius of Hugh Cudlipp at the Mirror and we saw a flash of that in the election.

One thinks back, also, to founding father Alexander Hamilton. He was wrong in doubting the worth of a Bill of rights, as our experience has shown, but he was surely right when he wrote that "whatever fine declarations may be inserted in any constitution must altogether depend on public opinion and the general spirit of the people and government".

The spirit is willing. The force is with us. We CAN be saved.

end 46 mins at 140 wpm.
