

EvansLeveson

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From: Harold Evans

To: Lord Justice Brian Leveson

Cc: Mr. Robert Jay

The Inquiry gave my testimony a good hearing on May 17, but I would like to amplify the time-constrained response to the question¹ on why the events of 1981 remain so relevant to relations between press and politicians, and relevant, in turn, to achieving the ideal of a free and independent press with the highest ethical standards.

Patterns of Behaviour:

Modules 3 and 4

1. The Ruling at the opening of proceedings on 11 June 2012 strikes at the heart of relations between press and politicians:

“To be more specific, the purpose of this Inquiry is..... to look at the wider sweep of history across party political boundaries in order to discern any patterns of behaviour that would not be recognized as fitting with the open, fair and transparent decision making that our democracy requires.”²

¹ May 17, Day 73, pm, Line 8

² June 11, Day 83 am, Lines 7-13

2. The proceedings of 1981 are germane to the purposes of the Inquiry for two reasons:

- (a) The acquisition of Times Newspapers was itself hardly open, fair and transparent. On the contrary, it was marked by ***closed, unfair, and secret decision-making*** inimical to a democracy.
- (b) The approval of the acquisition would have been lamentable had the new ownership been entering the field naked. Instead, the acquisition also represented a dangerous concentration of media power that is historically unprecedented: “The fiefdoms of Beaverbrook, Northcliffe and Hearst, often invoked as the zenith of proprietorial omnipotence were in fact smaller by every criteria than the enormous, geographically diffuse, multi-lingual empires of the latest newspaper tycoons...none dominated so many world markets simultaneously as does Rupert Murdoch in Britain, the Far East and Australia...”³
- (c) The acquisition was followed not by restraint but by further engrossment in newspapers and television. Control of the daily newspaper Today newspaper was similarly assisted by covert political activity.
- (d) The manner of these acquisitions also established a pattern of behaviour. It is one characterised by secrecy, misstatements of fact, contempt for law, and a progressive diminishment of independence in the press in relations with politicians: independence was traded for commercial gains. 1) A representative democracy is undermined when

³ Paper Tigers by Nicholas Coleridge, p. 2. Heinemann, London. 1993

there are secret meetings between the head of government answerable to Parliament and a commercial concern with a vested interest.

- (e) With respect, it is not a question of who said what to whom, but of the demonstrably negative effects on the promised independence of Times Newspapers.

Evidence

Times Newspapers

(1) The secrecy of the access afforded to one bidder in the Times Newspapers sale, contrived and concealed from Cabinet, Parliament and press, facilitated a manipulation of key *Sunday Times* statistics to pass without timely scrutiny. It was designed to avoid the required reference to the Monopolies Commission. The excuse that the long-profitable newspaper was not “a going concern” shocked the key executives on the executive committee I chaired; the finance director in particular was ready to rebut this but was not called by the Department. (Further, the Inquiry has the supporting affidavit of eminent counsel).

(2) The January 24, 1981 meeting between the Prime Minister and a bidder for the titles of Times Newspapers violated principles of equity. Similar access was not afforded to every other contender for Times Newspapers. The number and nature of other bids were also misrepresented to the Prime Minister.

(3) The meeting had no connection to national security to justify concealment from the Cabinet, from Parliament and the public. The deliberate decision not to inform

the Cabinet, in particular, is documented in the minutes of the meeting by the No. 10 press officer, Bernard Ingham.

(4) The insistent denials that such a meeting took place (see the official history of *The Times*) represented deception on a matter of public interest.

(5) 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*. These five points laid down by the Board of Times Newspapers as a condition of sale were accepted by the bidder, and incorporated in the Articles of Association by the Secretary for Trade. Their fate is a mockery of constitutional government. To borrow a phrase, they weren't worth the paper they were written on.

We are not concerned with who said what to whom and when. It is not at all a clash of personalities, but of principle: There is documented evidence of agreements solemnly entered into, incorporated into legal documents with criminal penalties and then disregarded; of the express will of Parliament thwarted to satisfy the commercial ambitions of a media corporation feared for its capacity for blackmail by headline. The characteristic of the dealings is secrecy which is itself indicative of their impropriety. Why the secrecy? One cannot but see the denials as a pattern, a behavioural precursor to the cover-ups in the hacking scandals.

Concentration

(6) Importantly, the loss of those five points bequeathed us an unhealthy concentration of media power, recognized as against the public interest by every

Royal Commission on the Press and Inquiry since 1977. Such a concentration is an invitation to an abuse of power, irresistible to all but the saintly.

Whatever form of regulation or self-regulation emerges from the recommendations of the Inquiry and the deliberations of Parliament, extreme concentration of media – by any entity – will remain inimical to a free and responsible press. His Lordship referred in his Ruling to his intention to view events in “the wider sweep of history across party political boundaries.” The wider sweep across party boundaries, cultures, and national borders, as evidenced in the UK, US and Australia, is that while concentration has economic benefits for monopolies and oligopolies, the effects on democratic information and discourse are negative. There is a considerable academic literature and journalistic history to cite in evidence which I merely footnote.⁴

One might ask why the hacking and blagging investigation was left so long to *The Guardian* and not initiated or followed up others with vigor and professionalism.

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(i) Media Concentration and Democracy by Edwin Baker, New York and Cambridge University Press, 2006 Also: www.bsos.umd.edu/lpbr/subpages/reviews/baker5007.htm Media

(ii) The impact of Media Concentration on professional journalism
(Organisation for Society and Co-operation in Europe, Vienna 2003
www.osce.org/fom/13870
The impact of media concentration on professional journalism.

(iii) The New Media Monopoly by Ben Bagdikian. The Beacon Press.

(iv) Media Mergers, Media Studies Journal, The Freedom Forum. Spring-Summer 1996
“To-day’s deals may weigh on the culture for decades. The potential for harm is at least as impressive as the potential for good. If the country believed in the countervailing authority of the government, the recourse would be obvious. It’s time for the sheriff to step in and say No. But the sheriff has been disarmed – at least politically” – Todd Gitlin

I can say with some confidence that had *The Sunday Times* maintained the independence it enjoyed under the Thomson family, the paper would never have allowed this scandal to remain unexamined for so long; its skilled investigative staff would have set it in context, and conceivably would have led the way.

It is a fair question to ask why all NI papers looked the other way and eventually entered the arena primarily to debunk *The Guardian*.

BSkyB

(7) The pattern was even more dramatically manifest in 1990, nine years after the Times Newspapers case by News Corps acquisition of a 50% stake in a satellite television service, cross-media law regulations imposed a limit of 20%. The limit was set aside by the same means – a private meeting with the Prime Minister to get round the cross-ownership law in the clear expectation of a favorable press (“pro Margaret” is Woodrow Wyatt’s phrase). *The Independent* newspaper pinned down the essential hypocrisy:

The fact that Mr Murdoch employs his media power in the direct service of a political party, which now turns a blind eye to what it has itself depicted to Parliament as a breach in which Mr. Murdoch is involved. So much for Mrs. Thatcher’s lectures on media bias. In other spheres she endorses the principle that accommodations of power are bad for democracy. Why not this one?

Until the hacking scandal was thoroughly exposed, this further concentration of news sources was about to be crowned by the same oligopoly gaining full control

of the channel, control which would have yielded it 50% of television revenues. The way round this obviously threatening concentration, we were assured, was to be what? Another series of guarantees of independence for Sky News – another collation of fig leaves.

The Inquiry has heard testimony on the privileged position again afforded to News Corps in the way undiluted control of the BSkyB was addressed. Given the wide ranging nature of the Inquiry, BSkyB may indeed be seen as a “small but significant part of the story”,⁵ but it surely has to be seen in the context of the piratical precedents. It is part of a pattern inimical to democracy.

Standards of Behaviour

(8) There is throughout a pattern of conduct highly relevant again to the culture, ethics and practice of the press in the use of the printing press to defame competitors and people in a manner inconsistent with high standards of objective journalism. Witness the misuse of the *news* columns of *The Times* and *Sunday Times* against the BBC during the contest for control of satellite television. Nor is the pattern limited to television and newspapers. In the conduct of a democracy, book publishing has an important role. The pattern evident in newspapers and television is seen again in the News Corps acquisition of William Collins Publishing in the UK and Harper and Row in the United States: the defamation of the chief executive responsible for its success (Mr. Ian Chapman) and a short life for the autonomy promised on editorial questions. The Inquiry has heard testimony from Lord Patten on the cancellation of his contract to write on his time as

Governor of Hong Kong on the grounds apparently conflicted with other business interests of News Corp – another demonstration of effects of media concentration.

Conclusion

We should be very concerned today with 1981 because the decision to allow News Corp to attain a larger share of the newspaper market than law or public opinion normally considered proper, shaped the structure, style and values of our newspapers and media for the next generation – shaped more to political manipulation and lies and the pursuit of celebrities than to responsibility.

Thus the acquisitions of 1981 have had repercussions well past 1981, right up to 2012 and possibly beyond, depending on the findings of the Inquiry. When Parliament and press fail in their responsibilities, we can but look to the judiciary to restore integrity in public life and defend the rule of law.

Harold Evans