

# THE BRITISH TABLOID PRESS, **Lord Justice Leveson,** **and lessons for elsewhere**

By John Mair

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Niamh Walsh-Vorster

To say Lord Justice Leveson has and will have a seismic effect on the practice of British journalism is an understatement. The Press Barons (American, Australians, Russians, Channel Island tax exiles and a very few Brits) are resisting reform like mad, but soon there will be a royal charter enshrining the Leveson recommendations after his 16-month inquiry into the “culture, ethics and practices of the British press” following the Millie Dowler affair and the closure of the *News of the World* by Rupert Murdoch in July 2011. He brought the great and the good, from Rupert Murdoch to Piers Morgan to David Cameron, to his witness box and took over three million words of evidence.

In brief Lord Leveson concluded in his nearly 2000 word report published in November 2012: elements of the British Press had acted badly for too long. They wreaked havoc through phone hacking, blagging, monsterring and more, and were out of control.

Self-regulation of the press through the Press Complaints Commission, in Brian Leveson’s memorable phrase, “marking their own homework”, had failed dismally to protect the innocent and generate trust by readers. It was dead in the water.

#### **Leveson proposed:**

A much firmer self-regulation body with outsiders on it and the powers to investigate and to fine heavily, underpinned by a tiny dab of statute/law to ensure the press did not roll back on its commitments.

And British journalists could be going to jail for breaking the law. Parallel to Lord Leveson’s Judicial Inquiry there have been four big police investigations in England and Scotland. Arrests occur almost daily, so keeping score is not easy.

In June, Rebekah Brooks, the former CEO of Rupert Murdoch’s British newspaper empire News International, appeared in a London court with eight others for, among other charges, “conspiracy to pervert the course of justice”. Her trial is expected in September.

Brooks and Prime Minister David Cameron’s former press chief, Andy Coulson are not alone. Dawn raids have seen many journalistic collars felt in the last two years. The roll call is not impressive.

Thirty six have been arrested including 27 journalists for hacking into or illegally tapping other people’s mobile phones. Sixteen people have so far been charged.

Sixty two including 29 journalists have been arrested for allegedly bribing public officials to get information. The arrestees include 13 police officers. Six people have so far been convicted.

One major paper, Britain’s most popular *The Sun*, currently has had nearly a half of its news desk journalists arrested.

Eighteen people, including seven journalists, have been arrested in relation to computer hacking.

Three journalists or former journalists have been charged in Scotland with perverting the course of justice, allegedly perjuring themselves in a perjury trial. They include two former senior editors of the Scottish edition of the *News of the World* and Andy Coulson, former Director of Communications for Prime Minister David Cameron from 2007-2011.

#### **How Scotland Yard finally opened the bin bags and turned over the stones**

Initially the police were reluctant to investigate. The then assistant metropolitan commissioner John Yates ignored nine bin bags of evidence in 2009 and decided there was no need to look any further. He was wrong. It was only the 2011 furore over hacking that forced the police to investigate, nudged by public pressure and their political masters.

There are now at least three on-going police investigations by Scotland Yard.

Operation Weeting investigates phone hacking at the *News of the World* and elsewhere and has made 36 arrests so far. Those include 21 former *News of the World* journalists and much of the editorial high command of the paper for the last decade. Arrestees also include *The Sun* journalists and four former *Daily Mirror* (the major tabloid competitor to *The Sun*) senior executives.

Operation Elveden investigates corrupt payments by journalists to public officials, including police and prison officers, in return for information. Sums of up to £80 000 were mentioned by a very senior policewoman in her evidence to Lord Leveson.

Much of the information for these arrests was supplied by News International through a trawl of three hundred million staff emails. There have been 52 arrests to date, including 22 *Sun* journalists in total and the deputy editor.

Operation Tuleta has made 18 arrests so far in its investigation of the misuse of computers and computer hacking.

British popular journalism and British journalism is in a bad place. This autumn, the Old Bailey dock could be full of journalists on trial. Some, including very significant names, could go down. How did it get to this dire position?



### ***The tabloid, the News of the World, dies.***

In the beginning and at the end there was the *News of the World*, closed down by Rupert Murdoch after 168 years in July 2011. They were guilty of the gross offence of offending public taste. They had hacked the phone of a missing girl Millie Dowler who was later found murdered. The advertisers simply deserted the paper. Murdoch took the commercial decision to close it.

Millie was not alone. *News of the World* engaged in an orgy of phone hacking, usually at one remove, over at least a decade. Up to 4 000 plus names appeared on private investigator Glenn Mulcaire's (who did the dirty work) list.

Scotland Yard say there could be up to 820 victims, but 500 more have been found in the last few months.

### ***Wild West: the good, the bad and the ugly of British tabloids***

First the good, they know and serve their market. The tabloids or "red tops" as they are called in Britain are still popular. *The Sun*, *Mirror*, *Daily Star* and their Sunday equivalents sell close to five million copies daily. They are the papers of choice of "white van men" (tradesmen) and the great British working class. The red tops are irreverent and they do hold power to account, whether politicians, celebrities or otherwise, usually in 300 words or less. This week pop star Tulisa Contostavlos was caught allegedly dealing cocaine in an elaborate *Sun on Sunday* sting.

They can be funny too, a former UK culture minister was caught in a sexual liaison, and went

from "Toe Job to No Job", according to *The Sun*, and comedian Freddie Starr ate somebody's hamster, but they can also be cruel. You live or you die by the tabloids and their world view. Look at Katie Price (Jordan), the super-boob model and her career, largely tabloid generated with ups and downs, or Premiership footballers like John Terry who has gone from hero to zero and back again several times.

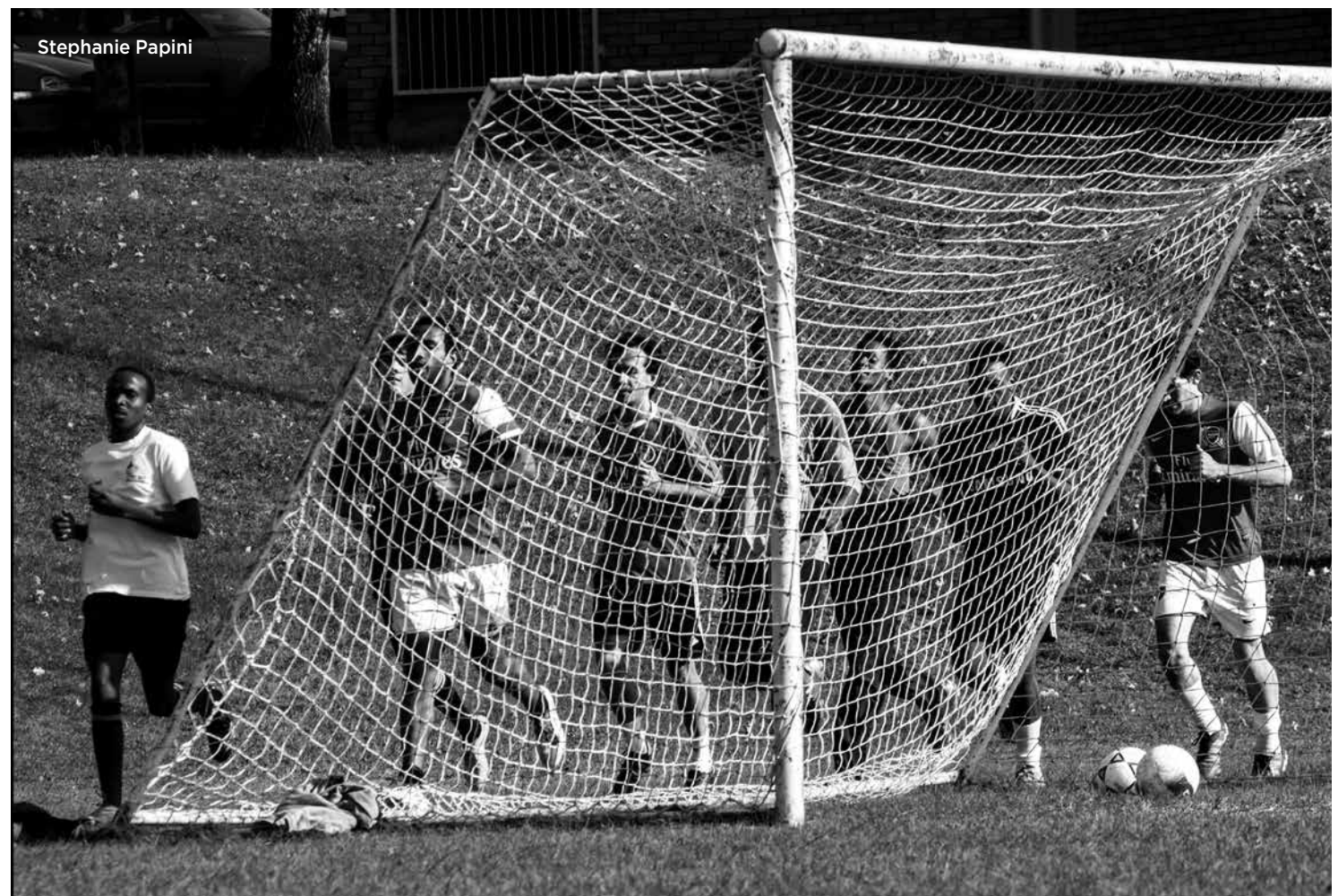
The super red tops, posh-end tabloids like the *Daily Mail*, which informs and entertains the prejudices of suburban Britain, can also be principled and campaigning. The *Daily Mail* got the killers of Stephen Lawrence charged and convicted, after the legal system had failed, once Lawrence's father had decorated the home of editor in chief Paul Dacre and bent his ear.

They can also behave quite badly. Madeleine McCann disappeared in Portugal six years ago. Her parents, Gerry and Kate, have run a media campaign to try to find her. It has been pure tabloid fodder with speculation replacing fact and a "truth" going round the world and ending up on the front page of the *Daily Express* in minutes. They ran dozens of front pages about the Maddy story, mostly untrue. The McCanns were forced to sue for libel and settle for £500 000 plus in damages. The *Express* were unlucky, many others did the same but got away with it.

Then there's Christopher Jeffries, the innocent landlord of Joanna Yeates, who was murdered at his Bristol flat in December 2010. Jeffries was vilified and convicted by the tabloids, because he had long grey hair, it had been blue when he was a teacher and he looked

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“weird”, and therefore guilty. No other evidence. Even the police joined in and arrested him. Jeffries was innocent and he too took the tabloids to court and the cleaners.

Tabloids call it “monsterring”. It happens to fallen celebrities. The other side of irreverence is raw prejudice – against Muslims (especially post the Woolwich murder), against gypsies, against scroungers, against immigrants. You name it and the minorities are in the cross hairs.

Ethics sadly is “a county north of London” to many tabloid journalists, in the memorable phrase of the best-known ever British tabloid editor Kelvin Mackenzie who steered the *Sun* for 13 years.

*The Sun* is the leader of the ugly pack. They got it wrong on the Hillsborough disaster in which 96 Liverpool football fans were crushed to death at a cup match 25 years ago, when they and the police said the fans were drunk. Only last year did an official inquiry disprove their claim. The *Sun* apologised, as did the then editor Mackenzie. Sales in Liverpool have never recovered.

### ***Phone hacking: how to get a story easily and other Fleet Street dark arts***

For much of this century some or all of the tabloids have indulged in an orgy of phone hacking and tapping on an industrial scale. It is kids’ stuff with mobiles. Why practise normal journalism when you can get the info through one illegal phone tap? The victims varied from celebrities like Angelina Jolie and Hugh Grant, politicians like former home secretaries David Blunkett and Charles Clarke, to footballers like Rio Ferdinand and Ashley Cole.

Glenn “Trigger” Mulcaire, ironically a former professional footballer, was the master of this art. He made £115 000 in one year alone in fees from the *News of the World*. He was convicted and jailed in 2007 with the “one rogue reporter”, Clive Goodman, for intercepting the phones of Prince William and others.

That “one rogue reporter” has since become two or three or four rogue newsrooms, the *Sun*, *Mirror*, and maybe the *Star* added in. Phone hacking was the journalism tool of choice in tabloid newsrooms.

So was “blagging”, or using journalists or even better private investigators to impersonate and blag private information such as bank records, medical records and more. Britain’s Information Commissioner no less found thousands of cases of blagging, commissioned from one private detective by 305 national newspaper reporters back in 2003.

Those plus monsterring, deciding on a target and then picking them apart like the legs from a fly, are just some of the dark arts of the new Fleet Street.

### ***Crossing that ethical rubicon***

The British tabloids are raw and raucous and used to “shit-kicking”. Now the boot is on the other foot. People will go to jail in the next two years for breaking the law to get a story. They could include some very serious names in British journalism like Coulson, a former *News of the World* editor, and Rebekah Brooks, a former *Sun* and *News of the World* editor.

Will all of this change the amoral, unethical character of the British tabloids? Will the red tops discover morality and power with responsibility post Leveson? I think not, they were breaking rules long before hacking came along.

### ***Lessons for the rest of the world***

The British press was a pioneer for a century for much of the world, especially the old empire. For the last decade it has led the way in bad behaviour. In life and in journalism, ethical behaviour is everything. Teach that to young journalists, reinforce it regularly, and refresh it as they get older.

Set out clear codes of conduct. In Britain the broadcasters, especially the BBC, all have codes of conduct as part of employee contracts and are subject to external statutory regulation by Ofcom, the office for communication. It has not neutered their journalism or bravery in any way.

If you have a regulating body, make sure it is a watchdog and not a dachshund. We need proper rules of investigation, proper and fair hearings, proper and proportionate sanctions. The British PCC, the Press Complaints Commission, self-regulated by slaps of wrists, which were infrequent, and the carefully hidden corrections, did nothing to enhance British journalism’s reputation.

Remember the public are your customers but they are also your judges. They know right from wrong. They judge you day in and day out. You have to maintain that trust not just for sales but for credibility too. Look how trusted brands operate, like the BBC, *The Guardian*, and *The New York Times*.

Journalism to an unbelieving or even hostile audience is not far from fiction. If you break the law as journalists, expect to get caught eventually. The British jails and their stylish prison newspapers over the next few years should be testimony to that.



*John Mair is the editor of After Leveson? The Future of British Journalism (Abramis 2013) and The Phone Hacking Scandal Journalism on Trial (Abramis 2012), with Professor Richard Keeble. He has now edited 10 “hackademic” volumes on contemporary issues in journalism. He is the Chair of the Institute for Communication Ethics and teaches journalism. johnmair100@hotmail.com*