

Evidence to the Leveson Inquiry

WITNESS STATEMENT OF RT HON HARRIET HARMAN QC MP

I, Harriet Harman, c/o House of Commons, London SW1A 0AA, WILL SAY as follows:

1. I am the Shadow Secretary of State for Culture, Media and Sport, having been appointed to the position in October 2011. I am the Deputy Leader of the Labour Party, Shadow Deputy Prime Minister and have been the Member of Parliament for the constituency of Camberwell and Peckham since October 1982. Before I was elected to Parliament I was the legal officer of the National Council for Civil Liberties (Liberty).

2. In this statement I want to summarise the Labour Party's approach to media reform, taking in our recent past, what we believe the problems to be, and the principles we want to see in a new system of press complaints and media ownership.

The past

3. We all come to this issue drawing on different personal experience. Mine includes:

4. Working as a solicitor, first at Brent Law Centre in 1974 (where I was legal advisor to the Trico Equal Pay strike committee and the Grunwick Strike Committee, and represented tenants and residents groups) before joining the National Council for Civil Liberties (Liberty) as legal officer, where I worked with campaigning journalists.

4. Early on in my professional life, in 1979, I was the subject of a contempt action. It was instigated by the Attorney General and the Home Secretary of the then Conservative government to try to punish me for giving documents critical of prisons policy that had already been read in an open court to *The Guardian* newspaper – the case of *Home Office v Harman* (1983). It was a frightening ordeal to find myself the subject of a legal action by Government, especially as a relatively newly-qualified solicitor. Although it was a long time ago it left me with the strongest sense that the very last thing a government should be able to do is use its power to hit back at critical press reports. I know how important a free press is and how objectionable it is for government to use their power to stifle it.

5. Having been elected in 1982, most of my years in Parliament have been spent in Opposition. The last thing you would want as an Opposition – trying to make your arguments and seeking to hold the government to account – would be for the government to be able to muzzle or control the press.

6. Therefore, I am strongly opposed to anything which would allow government to inhibit the freedom of the press.

7. I was on the Labour front bench as we drew up our manifesto for the 1992 General Election, in which we committed to safeguarding press freedom and removing unjustified restrictions on broadcasting, but also pledged:

'If the press fail to deal with abuses of individual privacy, we will implement the Calcutt Report's recommendations for statutory protection'

To 'establish an urgent enquiry by the Monopolies and Mergers Commission into the concentration of media ownership'.

We felt that because we made these pledges and because we were committed to introducing a robust press complaints system and tackling media monopoly, the Murdoch press was determined to stop us getting into government. The Labour Party went on to receive extremely hostile coverage from newspapers owned by Rupert Murdoch. We then lost the 1992 General Election.

8. As we approached the 1997 election, Tony Blair pursued a different approach towards the media. Although none of us wanted to be in the position of "courting, assuaging and persuading" the media, as Tony Blair later said in what came to be known as his 'feral beast' speech of 12 June 2007: "after 18 years of Opposition and the, at times, ferocious hostility of parts of the media, it was hard to see any alternative." And I agreed with him.

9. In government, as a Secretary of State, I was mindful that we had to consider how the press would respond and how they would, sometimes unfairly, characterise what we were planning to do. We often had to 'look over our shoulder' even if we then went ahead with proposals knowing that they would be the subject of press opposition or even ridicule – for example the Equality Act. I took the view that it was necessary to have a functional relationship with journalists and to try to explain policy decisions to them rather than to court them.

10. But, from my perspective from the inside of government, I also recognised that government needs to be challenged by the press – uncomfortable though it may seem at times.

11. I feel strongly that those of us who are engaged in the debate surrounding this Inquiry, whether press or politicians, must resist the temptation to settle old scores or exact revenge for the past. Both sides should be honest about the past and leave any baggage they may have behind. We can only serve the public interest if we make progress for the future.

12. We should all draw on our different experiences and contribute to this process that is an historic opportunity for an improved system of redress for victims of press abuse alongside a strong and fearless press.

The problems

13. I believe there are two deep-seated problems which are the basis for the abuses which have become evident and which need to be confronted:

the lack of redress for press complaints which led to a sense of impunity; and
a concentration of ownership which led to a sense of invincibility.

14. Lack of redress for press complaints gave the press a sense of impunity.

Because of the inadequacy of the Press Complaints Commission, newspapers had a sense of impunity. I admire the courage and strength of witnesses such as Bob and Sally Dowler, and Charlotte Church, who have come to this Inquiry and – in public – relived their experiences in the full glare of some of the news outlets that caused them so much suffering. Many victims of press misreporting also fear being punished for daring to complain such as the original slur being repeated or intensified hostile coverage.

The evidence to this inquiry of the victims of press abuse underlines the failure of the Press Complaints Commission: a system appointed by the press, financed by the press and run by the press, for the press. The PCC has failed.

15. Concentration of newspaper ownership gave Murdoch a sense of invincibility. I believe that the wrongdoing in News International went unchecked because their size gave them too much power. News International owns too many newspapers. Controlling 37% of national circulation before the *News of the World* closed, owning two of our most influential dailies and two of our most influential Sundays, was too much.

Principles for the future

16. A free press: Because the press is now in the dock, it looks like special pleading from a vested interest when they make the case for press freedom, making it all the more important for us politicians to insist on the freedom of the press. Politics cannot operate in a democracy without a free and fearless press: we don't want a cowed press.

17. Press complaints: While we recognise the financial pressures afflicting the newspaper industry, financial pressures which have left some papers feeling that they are fighting for their lives, this can never justify illegality and invasion of privacy. The financial problems within the industry cannot be an excuse for low standards.

18. I think there should be a new press complaints system. Any new system cannot just be a change of name run in the same way by the same people; it must be a substantive change.

19. Any new system for press complaints needs to embody these principles:

It must be independent of government – it should be free from political interference

It must be independent of serving editors – although it should take account of their advice and expertise

It must be accessible and straightforward for anyone to use – seeking redress should not work just for the rich and powerful

It must apply to all newspapers – whoever their complaint is against, members of the public should be able to obtain redress

It should be able to enforce its rulings.

20. It would be best for newspapers to come forward with a solution that meets these principles - rather than having a solution imposed upon them. To date, the most substantive proposal put forward by the press has come from Lord Hunt of the Press Complaints Commission. His proposals do not satisfy these principles.

21. Media ownership: It is important that we do not have monopolies in the ownership of our media. Monopoly inhibits a diversity of views, competition and new entrants to the market, which is bad for our democracy and for the consumer.

22. There is now an historic opportunity for reform to media ownership rules. The Labour Party believes there should be agreement on reform in the following areas:

triggers for intervention - action by regulators should not be confined just to an event such as a takeover

maximum percentage of ownership permitted

methodology for how ownership is measured
mechanisms for enforcing – for example, divesting
plus a strong Ofcom, which must be powerful in practice as well as on paper.

The issue is not just ownership across newspapers, broadcasting and other media but also how we address monopolistic ownership within the newspaper industry.

23. The situation is different for local newspapers, where the biggest danger at local level is not having a newspaper at all. So we should take the problems of local newspapers into account when framing protection against monopoly in the future. But we must guard against local media being a shopfront for national conglomerates.

24. We look forward to submitting more detailed thoughts on the prescription in our submission to Module 4 of the Inquiry.