



Pressing matters



Heather Brooke is Professor of Journalism at City University and author of *The Revolution Will be Digitised*

It is deeply disturbing to read Brian Leveson's recommendations on regulating the press at a time when police and security services are trying to legalise the broadest surveillance powers yet on ordinary citizens.

The Leveson Inquiry was "sparked by public revulsion about a single action – the hacking of the mobile phone of a murdered teenager". Yet the Communications Data Bill will give the state a legal right not simply to 'hack' voicemails, but rather to spy on all our communication – both telephone and internet – without judicial oversight.

Regulating the press? The state spying on its citizens? These are not the hallmarks of a democracy. When the supposed torch-bearers of Enlightenment values fall under the spell of authoritarianism, we must worry not only for ourselves, but for the citizens of truly authoritarian countries. The West is in danger of abdicating its values and becoming a place where the

stifling of a free press and universal surveillance of citizens is legitimised.

The Leveson Report is a screaming in the wind by an Establishment who cannot believe how fast power is slipping from its grasp in the digital age. Watching the hearings I was reminded of *Sunset Boulevard* with Leveson as Norma Desmond, waiting for his close up.

Leveson is an exercise in delusion and denial. For the sad fact is that newspapers are dying. News is now online. Digital information does not respect national borders. If there is any jurisdiction it does respect, it is that of the United States where most of the major technology companies operate and where there is a First Amendment protecting free speech and a free press. The judges, lawyers, the great and the good of Britain who

“ Leveson is an exercise in delusion and denial ”

once controlled what could be said, now cannot. In their pique, they are in danger of throwing away what still matters: our democratic values.

Leveson deals with inconvenient truths – such as the largely self-regulating internet – by ignoring them. The sheer bulk of the report symbolises bias towards a statist ideology where bigger is better and centralised state control best of all. That the internet has become so fabulously successful precisely because it is not centrally regulated is again ignored.

A few proposals are worth singling out. Leveson acknowledges the importance of whistleblowers in identifying and alerting us of corruption and injustice. But the "us" he refers to are not the public. Even when he admits there is no authority within the police service that commands the trust of officers, he wants only a confidential channel. He proposes that employment or service contracts include a clause "to the effect that no disciplinary action would be taken against them as a result of a refusal to act in a manner which is contrary to the code of practice". But this is limited only to journalists' contracts. Why not public servants such as NHS staff where gagging clauses can be found that deter, undermine and penalise whistleblowers? They are dealing with matters of life and death.

He claims the "Police Service as a whole has responded positively and proactively", which is not what the journalists who investigated phone-hacking say. And if the police did fail to do their job, Leveson forgives that, too, because they had "perfectly reasonably decided to limit the prosecutions in 2006 not least because of their incredible workload that was a consequence of terrorism". No such real-world pressures – such as lack of public records, severe financial constraints even the collapse of the industry – are accepted for newspapers.

He concludes that the press is too close to politicians and the police but entirely ignores why this is so. In Britain, there is simply no other way to get information without getting close to either. It is the secrecy of the system that has created the collusion and the information cartels.

Despite all my efforts to investigate MPs' expenses using the law, in the end it came down to an inside leak paid for with cash. Newspapers are pragmatic. They operate in the system as they find it. The only reason I was different is that I came from America where the records are public and there is less need for reporters to collude with the powerful to get information.  