

The media and civil liberties

Charles Clarke, Home Secretary

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I have been asked this evening to talk about the relationship between the media and politics.

There is of course a great deal to be said about this subject, and much has been said.

But what I want to focus on today is what I think is at the core of the problem which is the differing and conflicting agendas from which politics and the media address the world.

Part of this is about the recurrent theme of agenda-setting, or 'spin' in the vernacular. I have argued before, and will not repeat in detail today, my view that it is the media, whose direct access to the majority of the public which no politician can even contest, who have been for some decades now the principal 'spinners' of truth as they have sought to be the public agenda-setters. It is their grip which politicians of all colours have sought to contest. I believe

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that this is even truer in the 7/24 media world where synthetic novelty and personality take on great importance to media planners.

Such disputes about political, policy or public agendas are now par for the course and the various media outlets, whether TV and radio news and current affairs programmes or great national newspapers, all have their own approach to political debate to which politics has to adapt as best it can.

More profound, and of an entirely different order, is the prism through which the media sees its role in relation to the wider world. And how this means it conducts the debate over civil liberties.

I think that this stems from the entirely noble view of the free media as a fundamental bastion against dictatorship and totalitarianism. There are many examples of the importance of that role. I have no doubt for example that one of the main reasons for the relatively peaceful collapse of the Apartheid state or of totalitarianism in the former Soviet empire is the influence of the free media upon the peoples of those countries.

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And of course the advance of democracy has been profound and substantial. As recently as the early 1970s, when I was at university there was fascism in Spain and Portugal and a military regime in Greece, totalitarian communism dominated eastern and central Europe, apartheid South Africa was accompanied by colonialist regimes throughout Southern Africa, Latin and Central America were dominated by military dictatorship and in Asia democratic India was very much the exception.

But now in all these parts of the world, democracy has been established, of course still evolving, of course still facing very real difficulties, of course still needing very material improvement – but all so very much better than the totalitarianism or military despotism which it replaces.

And my generation has been brought up upon those struggles for democracy. Many of us participated in small ways and all of us, both in politics and the media, were deeply influenced by the experience.

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And of course the campaign for democracy continues, most notably in the Middle East where some of the issues are most difficult.

So in this campaign, the media has, with much justification, generally seen itself as on the side of the good guys.

But I believe that a pernicious and even dangerous poison is now slipping into at least some parts of this media view of the world. In the absence of many of the genuinely dangerous and evil totalitarian dictatorships to fight – since they've gone - the media has steadily rhetorically transferred to some of the existing democracies, particularly the United States and the United Kingdom, some of the characteristics of those dictatorships.

So some commentators routinely use language like 'police state', 'fascist', 'hijacking our democracy', 'creeping authoritarianism', 'destruction of the rule of law', whilst words like 'holocaust', 'gulag' and 'apartheid' are regularly used descriptively of our society in ways which must be truly offensive to those who experienced those realities.

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As these descriptions and language are used, the truth just flies out of the window, as does any adherence to professional journalistic standards or any requirement to examine the facts and check them with rigour. In the case of often complex debates, for example on the appropriate balance between liberty and security, much media comment reduces itself to simplistic and flowery rhetoric.

One recent example of this was the articles of Henry Porter which have stimulated the e-mail exchange between him and Tony Blair in yesterday's 'Observer'.

Another is Simon Carr's article in the 'Independent' on April 15th which lists 34 'measures and effects' which in his opinion mean that in this country we no longer live in a liberal and democratic society. Many of these assertions are frequently accepted as fact by media commentators. I have replied to him pointing to his numerous and unprofessional misleading statements as well as the many errors of fact. A copy of my reply is on the Home Office website.

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But let me draw your attention to a number of these frequently asserted 'myths' where incorrect, tendentious and over-simplified statements have been made about this government's record on civil liberties.

Carr asserts, for instance, that, "damaging GM crops is defined as a terrorist act". Where is this idea from? Nowhere in terrorism legislation is damaging GM crop fields defined as a terrorist act. Damaging crops is a criminal act on its own account and would be treated as such by the police where appropriate.

Or what about the statement: "People wearing satirical T-shirts in a "designated area" may be arrested under the Prevention of Terrorism Act. The City of London is a permanently 'designated area'". Wrong again. There is no such provision in any Prevention of Terrorism Act. Nor is there any law against bad taste in t-shirts as long as they do not, for example, incite murder.

And I particularly like this one: "The National Identity Register may be used to record every sort of personal information- such as withdrawing more than £200 from the bank, getting prescription drugs, voting, applying for a mortgage, taking out an insurance

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policy, applying for a fishing licence". Wholly untrue, I am glad to report.

The National Identity Scheme is being introduced to safeguard people's identities, not track their lifestyle or activities. The information that can be held on the National Identity Register covers only basic personal information roughly the same as that needed for a passport. It will not include details of withdrawals of cash from bank accounts, medical records or even whether someone has obtained a fishing licence.

In some instances, some assertions are broadly right. For example, on whether "People can protest in Parliament Square only with the written permission of the police. Where 'reasonably practical', six days notice must be given." But what is not added is that in some cases 24 hours notice is sufficient. Or that since the legislation came into effect last August, 157 demonstrations have taken place in Parliament Square ranging from human rights in Burma to a protest about the right to protest itself. Organisers of demonstrations must give prior notice to the Commissioner of the Metropolitan Police, who is then *obliged* to authorise the demonstration although he may attach conditions to the

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authorisation where it is necessary. This is more or less the same as the situation that prevailed in the 1970s when I myself organised demonstrations in Parliament Square.

It is also right that, “three million DNA samples are held on file (rising to four million in two years).” And thank goodness for that. In 2004/05 the detection rate rose from 26% to 40% in cases where DNA was successfully recovered from a crime scene. The DNA Database now holds the majority of the known active offender population and is a powerful tool.

And let me conclude with one of the more ridiculous statements: “The presumption of innocence is no longer a fixed legal principal”. This is complete nonsense. In this country that you are innocent of an offence until proven guilty.

Don’t let us confuse, as some people have tried to do with this assertion, the presumption of innocence with the urgent need to prevent criminal acts ranging from anti-social behaviour to terrorism. Ordinary people also have the right to be protected.

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Yet another is Jenni Russell writing in the 'Guardian' on April 6th, who writes that 'Tony Blair's administration is removing the safeguards that protect all of us from the whims of a government and the intrusion of a powerful state. It is engaged in a ferocious power-grab'. These are ridiculous assertions, unsupported in a long article by any hint of understanding the balance of powers which currently exists in our society, whether legal or political. It's at one with her assertion in today's "Guardian" that "Britain is about to create a tracking system for its citizens,unprecedented in the western world, which would allow officials, foreign governments and hackers to follow almost everything we do", a fantasy just about as dark as it's possible to imagine, and completely untrue.

These pieces are in my opinion symptomatic of a more general intellectual laziness which seeks to slip onto the shoulders of modern democratic states the mantle of dictatorial power.

Some of this, it is true, flows from criticism of the United States, and particularly the policies of the Bush administration, notably in relation to Iraq but more generally in criticism of the response of the US and the UK to the 9/11 attack.

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Such criticism fails to understand the immense significance of 9/11 in clarifying the nature of the new world that is emerging so strongly in this century.

From 1945 until the end of the 20th century it was the fight for democracy against dictatorship which dominated both the media and politics. Nazism and Stalinism were the twin enemies, and only after 1990 could totalitarian communism be said to be in retreat. In that climate it was the human rights of the individual in relation to the State which were pre-eminent. Those politicians and journalists who fought for individual rights against the tyrannical state set the agenda. It was in response to those imperatives that the United Nations Conventions, the European Convention on Human Rights were established and became central to our experience.

However, as democracy has advanced so powerfully across the world, other rights become important too. The right to go to work safely on the tube. The right not to be killed by someone who has served his sentence for violent crime but remains dangerous. The right to live at home without being disturbed by anti-social behaviour outside the front door. And much more.

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None of these rights remove the right of any individual to exercise their freedoms in relation to the state. None of them remove the obligation on the state to operate in accordance with its national and international obligations under law.

But all of these other rights are real too. All of them are the routine subject of complaint – in my opinion justified – to which democratic politicians have – rightly – the obligation to respond.

But when we do respond, for example with Counter-Terror legislation, for example with proposals to try and control those criminals who are dangerous to society, for example with Anti-Social behaviour orders, many in the media retort that we are destroying democracy and constructing tyranny. And too many resort to misrepresentation and deceit to try and strengthen their case.

So my appeal this evening is to urge our media to come to terms with a modern concept of rights and responsibilities in our society; to continue their historically important campaign to replace dictatorship with democracy, whilst recognising that an enormous

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amount has been achieved in recent decades; to accept and applaud the differences between democratic states and dictatorships; to accept the modern reality that human rights are wider than simply those rights which the individual possesses in relation to the state; and to work with politics to consider how best those rights too can be fulfilled.

END