

NEWSWATCH OBSERVATIONS ABOUT SINGLE ISSUE COMPLAINTS:

Europol is watching you

Comment *Daily Telegraph* - 15 October 2004

It is a besetting British vice: we ignore what is happening on our doorstep until almost too late. In 1999, at a Finnish town called Tampere, EU interior ministers agreed one of the most ambitious projects since the Treaty of Rome.

What they proposed was nothing less than the extension of Brussels jurisdiction into criminal justice, policing and immigration. Many of these ideas found their way into the Nice Treaty in 2001; others will come with the constitution. But, five years on, hardly anyone in Britain is aware of what is being done.

Congratulations, then, to David Davis, the shadow home secretary, for alerting us to the menace in Parliament yesterday. Part of his problem is that the scale and ambition of the Tampere agenda can make an accurate critique sound hysterical.

A corpus of EU criminal law; a European police force; an EU prosecuting magistracy; a border gendarmerie; habeas corpus under threat - these things sound so outlandish that people are disinclined to believe them. Surely, they reason, it must just be rhetoric. It couldn't possibly work in practice. But impracticality is rarely allowed to stand in the way of European integration.

In any case, these are no longer proposals; they are facts. The EU is creating a two-tier justice system, rather like that in America, whereby the states continue to be responsible for petty crimes, but serious or cross-border felonies are subject to federal law. As well as a European Public Prosecutor and an accompanying magistracy, "Eurojust", there is a federal police force called Europol.

For the past decade, Europol has simply been an agency through which national police forces exchange information. Now, it is being given operational authority. Meanwhile, common rules on who may enter the EU are making a nonsense of Britain's opt-out from the border-free zone: there is little point in keeping physical frontier checks if we lose the power to regulate who can pass through them. Bit by bit, our common law traditions are giving way to a Continental, Bonapartist jurisprudence.

It is often said that the Tories spend too much time talking about Europe. But, as Tampere demonstrates, the EU now affects virtually every aspect of public life in Britain. One would have thought that home affairs, by definition, would be the one area untouched by Brussels. Not any more. The precondition for domestic reform is that we control our own affairs, and the Conservatives need not be embarrassed about pointing this out.

On the face of it, an item about Europol broadcast on November 12 this year could be a potential pilot for a one-off complaint. The issues are outlined below. But we have serious reservations about such an approach, many of the points of which are encapsulated in the way Kevin Marsh, the former editor of *Today*, responded to an earlier attempt to move towards this type of narrower analysis.

The 'single complaint' approach may be useful for audience members who notice clear evidence of bias within a particular report, but it does not suit professional research looking at systemic bias within the corporation. Even then, with the very small number of complaints being upheld, it would not appear to be a very successful route. This feels like an attempt to push a massive square peg into a tiny round hole.

Anything that has ever triggered change at the BBC has been based on systematic monitoring, and any research which is genuinely thorough - Loughborough, Cardiff etc - has adopted very similar approaches (though at times inferior) to those undertaken by Minotaur/NewsWatch.

Transcript of BBC Radio 4, Today, 12th November 2008, Europol, 6.51am

EVAN DAVIS: Maybe the European Union is missing a trick and failing to deal with cross-border crime, because it can't get the European police office, Europol, working as well as it should. A House of Lords Committee thinks member states of the EU are failing to work with Europol properly. Lord Jopling is chairman of the House of Lords European Union Committee, and he joins us from the radio car, good morning.

LORD JOPLING: Good morning.

ED: You might need to take us back to the beginning here, and just explain what Europol is and how it should work.

LJ: Yes, yes, first of all it's one of the sub-committees I'm chairman of, of the European Union committee, it covers the Home Office. Europol is not the same as Interpol. Europol is an organisation of the European Union, it's based in the Hague in the Netherlands, and its purpose is to coordinate information between police forces in the member states of the Union and to allow them better to combat serious crime, because they have got information through Europol . . .

ED: (*speaking over*) Sounds like a good idea.

LJ: . . . which they wouldn't normally get. I mean, basically, it's a very good idea, but it doesn't seem to work as well as it should.

ED: Why? What is going wrong?

LJ: Well, one of the problems is this: that we found that Europol has an organisation called the European Information System, EIS, and we found to our amazement that only five countries are automatically loading data onto EIS. I mean, the United Kingdom, for instance, particularly can't take part in it, because the UK's IT data system is not compatible with Europol's. It seems strange. And so my committee is calling on the government to take the necessary steps so that automatic data loading from the British Serious Organised Crime Agency, SOCA, is automatically loaded onto EIS as a matter of urgency.

ED: Is the reason that we're not doing it already, because it sounds pretty obvious that you would just want to have a data system that can swap data, is the reason we're not doing it a sort of . . . is it Europhobia, why are we not doing it, or are we just a bit . . . a bit slow?

LJ: I don't think it's anything to do with Europhobia. I think one of the main reasons, and one of the main disadvantages is there is a lack of trust we found between national police forces and Europol. And this is particularly so with regard to the security of confidential information. I think there is a feeling among national police forces that information which they provide on a confidential basis is not always treated that way. And I think one of the difficulties is that some of the staff at Europol do not have the necessary high level of security clearance, they're popped in by member states to fulfil their quota of people working in Europol, and they're not of sufficient high quality, so far as security clearance is concerned. I think this is very worrying.

ED: It sounds like there is a fair bit of work to be done on Europol. Lord Jopling you've started the debate off there, thank you very much indeed.

LJ: Thank you.

Analysis

The peg for this Today item was the publication of a 285-page, highly detailed report under the auspices of the Lords European Union Committee (carried out by the Home Affairs sub-committee) with the title **Europol: coordinating the fight against international and organised crime**.

Whilst distillation of such reports to concise programme items is the meat and drink of journalism, analysis shows that this particular exercise was shot through with problems.

They include:

The feature provided no background material about Europol in its set-up, and suggested only that the Agency was “not working as well as it should”. Instead, it was left to the interviewee, Lord Jopling – the committee chairman – to explain the background.

The lack of detail was not justified because it could be assumed that a BBC audience, even one as versed in news and current affairs as that for Radio 4, would be familiar with the topic. According to our transcript records, which cover approximately six months per year of Today’s output, this was the first item on this subject since 2005 when there was a brief, one-phrase, mention of Europol in a feature about a drugs crackdown. Investigating the BBC News website as a whole via its search engine yields only one recent mention of Europol – this story. Otherwise, there are only a handful of mentions over the past decade. It was therefore an unusual topic and one which the audience needed to specially informed about.

What Lord Jopling was invited to say by way of explanation was a brief overview, but was very limited (to the point of partisanship) in Europol’s favour and arguably – from a Eurosceptic perspective – sanitised its role. He made no mention, for example, of controversy relating to expansion of its powers into different types of crime, unaccountability for its actions¹, and the recent decision to make it a fully-fledged EU Agency as part of the changes triggered by the Lisbon Treaty². Interviewer Evan Davis did not seek to remedy this gap by asking further questions.

Thereafter, Mr Davis’s main effort seemed to be towards enthusiastically supporting the idea of an extension of Europol’s powers, as outlined in the report. He encouraged Lord Jopling to spell out the main recommendation, but made no effort to place it in a wider context, for example by mention of the civil liberties implications that could be involved in the widespread transfer of highly sensitive data to an agency that – in some people’s eyes – was not properly accountable. Mr Davis also accepted uncritically the idea from Lord Jopling that there would be automatic “data loading”. He could have asked at this stage whether there were concerns about either the costs or the data protection dimensions of such a move. Instead, Mr Davis observed that it sounded “pretty obvious” that you would want such a system.

He added to this one-sided approach by then suggesting that any opposition to changes of the type raised by Lord Jopling might be down to “Europhobia”. This was a sudden leap into different territory – that eurosceptics might be hampering the progress of the development of Europol – and was a partisan point of view.

Lord Jopling discounted this and gave the committee line that the problem was entirely down to distrust between police forces.

The item thus boiled down to a brief one-dimensional interrogation of the committee chairman about one recommendation of the report, namely that there should be more data sharing between EU police forces and Europol.

The impression given was that it was extraordinary that such cooperation was not underway already.

¹ <http://tripatlas.com/Europol>

² <http://www.timesonline.co.uk/tol/news/politics/article3257641.ece> An article in the Times from January 2008 “MPs Kept in Dark over EU Treaty”

Observations

As coverage of an important EU-topic, the feature was shallow, too short (three minutes and fifteen seconds) to do justice to a complex subject, one-sided - featuring only the views of a sub-committee chairman who was unreservedly in favour of the expansion of powers of Europol - and ignored completely important controversy about the developing role of one of the key EU cross-border agencies³.

The Home Affairs sub-committee report as a whole contained dozens of other recommendations and findings, covering all aspects of the operation of Europol, from the effectiveness (or otherwise) of the director, its overall remit (whether its duties should encompass more crimes than drug-trafficking and terrorism) and problems of data sharing, to whether information on serious crimes uncovered in the UK should be shared automatically with the Agency.

The producers of Today chose to focus on just one aspect of the report, whether alleged inadequate data sharing between member countries was hampering the fight against organised crime.

In doing so, they made a conscious choice not to look at controversy over the role of Europol, and in particular, worries among eurosceptics that a body set up initially in 1999 to share data about major cross-border crimes was evolving - as part of steps linked to the Lisbon Treaty - into a full-blooded EU institution with considerable powers and 600 staff.

The Wilson report specifically warned against reporting of this kind. It said:

All EU correspondents know their stories are considered "opaque and for the foreign page" by their editors, and the evidence suggests the BBC is no exception. This means that too often the first the audience hears of an EU issue is the day a decision is made, without any prior context. This might suggest reluctance on the part of programme editors to run pieces or a failure to make proper use of the Brussels bureau.

In this case "Europol" as a topic was thrust on Today's audience without adequate explanation; the item was framed purely as a one-sided advocacy of the committee's main finding; and Evan Davis seemed to endorse enthusiastically the recommendation, making no effort to challenge the need to further add to police powers or those of the European Union.

To do justice the topic, the feature should have been:

Longer and more factual, so that it could have incorporated more background material about what Europol was, and the wider context in which it operated, particularly in relation to the controversy about its expanding powers. These areas could have been introduced easily into a feature running to six or seven minutes (rather than 3'15").

In peak time. This was broadcast at 6.51am when audience figures are relatively low. Analysis by Newswatch has established over time that the Today programme routinely carries a disproportionate amount of EU material of this nature outside peak viewing hours.

More adversarial: Evan Davis could have challenged the need for more "data transfer" and could have couched his questioning in less supportive ways. Instead of stating that it was "pretty obvious" that the main recommendation was necessary, and that it was "Europhobia" to oppose it, he could, for example, have asked why the committee seemed oblivious of the continued and repeated worries about data files being lost or mishandled by both the police and civil servants.

More inclusive: the feature was one-sided. This could have been remedied by the inclusion of an additional interviewee who could have discussed the worries about the expansion of powers and data protection, as well as a different viewpoint on the need for data transfer..

³ See Daily Telegraph leader at the beginning of this paper.

One of the committee witnesses quoted in the report, for example, had grave reservations about both the need for Europol and the added expenditure on the Agency, on the ground that it was diverting resources away from policing at a more local level within the UK, where, he claimed, lay the real need.

This is not to say that Today should have run a marathon piece about Europol; rather, one that did a complex EU subject justice and properly informed the audience. Though this was a relatively busy news day - with stories about the continuing woes of the economy and the aftermath of the death of Baby P - there was room to make it longer; other items on the running order were a short feature about a new alleged photograph of "Nessie", two items about a shortage of sperm donors (one running to seven minutes), five minutes on the dangers of nanotechnology and four minutes on a new music label in Iraq.

Wider monitoring by Newswatch suggests that this narrow approach to EU-related issues is worryingly typical and symptomatic of the failure to meet the requirements to properly inform audiences about matters of serious concern.

Weaknesses

The above is what a one-off complaint might look like.

The difficulties of such an approach (inherent in previous BBC responses to complaints registered by Newswatch) include:

Gavin Allen, the deputy editor of Today, told Keith Bowers (and his remarks were apparently accepted unreservedly by the ESC even though he produced no evidence to back them up) in the process of response to our most recent complaint that even three months analysis was not enough and might produce an inaccurate "snapshot". He declared:

So a selected snapshot of three months coverage may well suggest a limited number of stories on the Constitution. But another snapshot - take the past three months for instance - might suggest a different story. So a statistical snapshot which compares September/December 2006 with previous periods is fundamentally flawed because it's based on a misreading of our Editorial Guidelines. They don't place any sort of duty upon us to spend a consistent amount of time discussing the European Union.

Mr Allen was clearly referring also to there being an ebb and flow in EU-related stories. But given there are such ebbs and flows, it becomes virtually impossible to analyse adequacy or otherwise of coverage unless there is sustained analysis. From Mr Allen's perspective, it would be vital that this single item needed to be put into a much wider context to see how it fitted.

Earlier, Kevin Marsh, when he was editor of Today, responded waspishly to a CPS paper written by Minotaur about Today's coverage of the 2004 Party Conference season and the 2005 General Election. His letter, and Minotaur's response to it (submitted to Michael Grade but never replied to in detail) are attached. Mr Marsh attacks the paper on two fronts in ways relevant to how one-off complaints might be dealt with in future.

- That the items chosen for monitoring yielded one result, but if other periods had been chosen, that result would be different;
- That measurement and analysis of individual items leads to misleading results.

Taken together, these two responses from senior editorial figures on Today imply an editorial mindset that is hostile in principle to the idea that analysis of individual items leads to useful conclusions.

Other points relating directly to the Europol feature:

Was there another item on Today about this topic (or one that was similar) that could be regarded as having "balanced" the one-sided approach in this item? The only way of checking is to monitor for a block of time, as the Gavin Allen point also suggests.

Was the choice of interviewee appropriate? Lord Jopling, though a Conservative (and presumably toeing the party's eurosceptic line, though there is no way of knowing definitively), could be regarded as "Europhile" in this piece because he advocated enthusiastically and uncritically the extension of the power of an EU agency. As committee chair, he was an obvious choice of interviewee. But was it "imbalanced" because of his views in this case? The only way of sensibly answering this question is to look at the handling of a number of EU items in the same time period and establish whether a balance of views about the EU are being presented to the audience.

Was Evan Davis unusually non-confrontational in his approach? He seemed to be. But the only way to find out is to analyse a number of items presented by him over time.

Was this piece so short because of tightness in the news agenda? It would have been desirable to encompass other points of view. In this instance, an item of EU news was among the shortest features on the running order that morning. As previously noted, it was a busy news day, but the only way of establishing just how busy, and how news stories were being prioritised, is through analysis of running orders over a longer time than one day or one week.

Was this a typical treatment of an EU item on the Today programme at the moment? Are they all so short? Do they all contain enthusiastic endorsements of EU expansion and policy? Again, the only way of establishing this is through wider analysis of Today material.

It is extremely difficult to frame such complaints within a month. This item was flagged as "of concern" when it was transcribed, roughly a week after transmission. But it was not flagged on the Radio 4 website (because it was broadcast at 6.51am) and the analysis above indicates that the full dimensions of a complaint now are not available, because they rely upon checking broadcasts over a more sustained period for any balancing material.

Appendix

In April 2005, the Centre for Policy Studies published **BBC Bias? Two Short Case Studies**⁴ an analysis of the BBC coverage of EU affairs by Kathy Gyngell and David Keighley of Minotaur (Newswatch's predecessor). The paper was based on the type of relatively short-term analysis that the BBC have suggested is the way forward of future complaints, in this case a) the treatment of main Labour and Conservative party spokesmen during the party conference season of autumn 2004, and b) the handling of the Conservative and Labour approaches to the economy by Today in two weeks during the general election campaign. It is worth noting however, that although the paper was written very swiftly during the 2005 election campaign, it would not (under existing Trustee rules) have been considered a legitimate complaint because some of the material was at the time of publication more than a month old.

It is important to note that the analysis (despite what Kevin Marsh claims), though tightly focused on a few main interviews, was based in the wider context of detailed analysis of the programme in the relevant periods. This entailed the monitoring, logging, transcription of all relevant programme items.

The two periods were deliberately chosen in order to make the complaint both succinct and easily explicable in the context of a General Election campaign.

As previously noted, Kevin Marsh responded waspishly to the paper - claiming it did not deserve the CPS imprimatur, was flawed and incogent - but seemed not to have read it properly or understood that it was based on detailed monitoring. He sought to rebut the paper by using a number of devices very familiar to Newswatch, including sweeping claims of poor quality, that the research was not accurate or comprehensive enough, that the research periods were 'arbitrary', that the left also were complaining about coverage (so therefore it must be balanced), and that coverage could not be analysed by the measurement methodology deployed by Minotaur (though not suggesting an alternative approach or producing any counter evidence that rebutted the points involved).

What follows is his response and Minotaur's detailed reply (submitted to then Chairman of the Governors Michael Grade, but never responded to). All this is relevant.

The Daily Mail last week published the findings of a report for right-leaning think tank the Centre for Policy Studies which claimed Radio 4's Today had been anti-Tory in its election coverage. Here, the BBC responds.

“It's surprising - and disappointing - that the Centre for Policy Studies has put its imprimatur on such a flawed piece of work. Cogent, well-researched criticism is important to Today - and everyone else at the BBC. This is neither.

Minotaur Media tracking concede that they could find "no evidence of deliberate or even conscious bias" in our political journalism, that they "cannot demonstrate whether the BBC is systematically hostile to centre-right views" and that Today's coverage of the early part of the election campaign was "robust journalism in action". Not quite the "damning dossier of BBC's anti-Tory bias" the Daily Mail headlined it on Thursday.

Even the report's plaudits, though, are not based on accurate, undistorted research and evidence-based conclusions.

Highly questionable

The second paragraph of the opening summary states the unsupported assertion that "since at least the mid 1980s, the BBC has often been criticised for a perceived bias against those on the centre-right of politics".

What it doesn't mention is that the centre-left, left, right and centre have also persistently criticised the BBC for the bias they perceive.

⁴ The paper is available online at: <http://www.cps.org.uk/historiccatalogue/default.asp>

The authors' methodology is highly questionable. They arbitrarily choose two chunks of Today's output - the coverage of the Conservative and Labour party conferences (but not the Liberal Democrat) in 2004; and the period of 31 March to 15 April 2005 - a period that starts a little after a succession of Today interviews with Michael Howard and ends just before four of the toughest interviews of the campaign with Labour spokesman.

One - John Humphrys' interview with Jack Straw on Monday 24 April - was heaped with praise in the leader columns of the Daily Mail no less.

Minotaur's monitoring is also questionable. They claim that "monitoring the output of the Today programme... shows a remarkable disparity in the studio time allocated to Labour compared to the Conservatives".

And as part of their evidence, the authors cite the interviews with Gordon Brown and Oliver Letwin on 1 April. Gordon Brown's interview, the authors claim, was 11 minutes 15 seconds and Oliver Letwin's 5 minutes 18 seconds - proof of bias, they say.

Certain naivety

However, they appear to have missed two of the other three interviews with Oliver Letwin (against none with Gordon Brown) in the same period - 5 and 7 April. Had they included these, they would have reported that in appearances, Letwin outscored Brown by four to one; in time, by about three to one.

Their account of Mr Letwin's fourth appearance - 12 April - makes interesting reading. This was a long interview - 11 minutes. The balancing interview with Labour's Ed Balls was less than half as long.

However, Minotaur arbitrarily add an interview from the following day's programme - with Alan Milburn - to Balls of 12 April to produce a figure of 16 minutes for Labour and 11 for the Conservatives.

They criticise Today for not following up a story in the Times - on postal voting - on 11 April. However they missed our report on 6 April that covered the same ground - indeed, went slightly further, including an interview with an ACPO spokesman.

The report shows a certain naivety. They observe in one footnote that Today has never carried a panel discussion including Paul Dacre. True - but that's because we have asked Mr Dacre onto the programme repeatedly over the past three years and he has always refused to appear.

Impartiality paramount

The most doubtful element of the report is its measure of bias: counting the number of interruptions.

The logic of this "measure" of an interview appears to be that the BBC should introduce an "interruption metre"; or that presenters should carefully count the words and restrain themselves from challenging a contentious assertion until the required number of phonemes has been uttered.

Answers, in reality, can be short or long for a variety of reasons; interruptions can be challenges or clarifications or even assent. It has not necessarily to do with integrity or honesty.

The report presents assertions as fact and shows a poor understanding the nature of daily news - believing that it can be done according to a grid and decided months in advance.

Impartiality is paramount to Today and to the BBC. We welcome criticism and debate - but it's important that it's reasoned criticism and an informed debate. ”

Minotaur's response to Kevin Marsh analysis of Today coverage was based on line-by-line analysis of his points:

(Kevin Marsh) Impartiality is paramount to Today and to the BBC. We welcome criticism and debate - but it's important that it's reasoned criticism and an informed debate.

(Minotaur) We share Mr Marsh's sentiments entirely so are surprised at his attempt to discredit our research.

It's surprising - and disappointing - that the Centre for Policy Studies has put its imprimatur on such a flawed piece of work.

We cannot find any substance for this in his rebuttal. He misreads the paper and his defence is based on factual inaccuracies.

Minotaur Media tracking concede that they could find "no evidence of deliberate or even conscious bias" in our political journalism, that they "cannot demonstrate whether the BBC is systematically hostile to centre-right views" and that Today's coverage of the early part of the election campaign was "robust journalism in action". Not quite the "damning dossier of BBC's anti-Tory bias" the Daily Mail headlined it on Thursday.

This first extrapolation is wrong. Minotaur Media Tracking concluded that it **did** find evidence of bias, with the qualification that it was perhaps unintentional and piecemeal rather than deliberate and systematic. Mr Marsh's second point is equally disingenuous. He *incorrectly* quotes the report as saying, "Today's coverage of the early part of the election was robust journalism in action." The report does not say this. It did conclude that the challenges mounted against Conservative spokesmen were robust. But what it also found, the nub of the analysis, was that the parallel interrogation of Labour was *not* robust, and was therefore unfair.

Yet Mr Marsh ignores the central subject matter and the main finding of the survey: that Today's treatment of *the economic policies of the two main parties*, during this critical period, was fundamentally unfair.

The second paragraph of the opening summary states the unsupported assertion that "since at least the mid 1980s, the BBC has often been criticised for a perceived bias against those on the centre-right of politics". What it doesn't mention is that the centre-left, left, right and centre have also persistently criticised the BBC for the bias they perceive.

As a simple point of fact, the assertion *was* supported by sources (P.2). The centre-right has perceived the BBC to be biased for a variety of reasons. Conservative party concerns over the years are a matter of record. More recently, websites such as www.biased-bbc.blogspot.com have become regular chroniclers of alleged instances.

Lord Wilson of Dinton, in his report into the BBC's coverage of the EU (one of the few independent surveys of BBC coverage ever commissioned by the corporation) observed:

Sometimes being attacked from all sides is a sign that an organisation is getting it right. That is not so here. It is a sign that the BBC is getting it wrong, and our main conclusion is that urgent action is required to put this right.

The BBC frequently responds to criticism by saying that it must be getting its coverage right because criticisms have been made by both the left and the right. But two wrongs seldom make a right. The Minotaur paper presents evidence that in this instance, centre-right views were not properly explored.

The authors' methodology is highly questionable. They arbitrarily choose two chunks of Today's output - the coverage of the Conservative and Labour party conferences (but not the Liberal Democrat) in 2004; and the period of 31 March to 15 April 2005 - a period that starts a little after a succession of Today interviews with Michael Howard and ends just before four of the toughest interviews of the campaign with Labour spokesman (sic).

It is a legitimate methodology to select samples and from them to infer generalities. Without such sampling few social science research projects, opinion polls and market research could proceed. The difficulty in monitoring the BBC is always the *choice* of sample. It depends on what you are monitoring and why. Editors frequently respond to criticism by saying "if only you had also checked x or y". This can be a defence, but it does not apply here. In this case, the demarcations drawn were anything but arbitrary. The two periods and the subject matter selected were exactly when and where the BBC would be expected to pay special attention to balance:

a) The party political conferences and the treatment afforded to the key cabinet and shadow cabinet spokesmen in their allocated prime time spots.

b) The first 15 days of general election coverage: the period over which *Today itself* identified the management of the economy as the defining battleground.

These were important segments of output. The analysis involved monitoring (listening to and logging) almost 60 hours of output, transcribing verbatim and timing relevant programme sequences. The conclusion, that within these critical weeks and over these critical debates, there was imbalance and unfairness in the treatment between the two main parties, is what Mr Marsh singularly fails to address.

His point about the exclusion of the Liberal Democrats is irrelevant. The object of the exercise was to compare treatment of Labour and Conservatives. It was the Conservatives not the Liberal Democrats who, during both periods, were mounting an alternative strategy to public spending cuts through projected waste reduction.

Mr Marsh's point about 'tough' Labour interviews happening outside the survey period is also not relevant. Balance was being assessed during the specific survey periods.

Minotaur's monitoring is also questionable. They claim that "monitoring the output of the Today programme... shows a remarkable disparity in the studio time allocated to Labour compared to the Conservatives".

And as part of their evidence, the authors cite the interviews with Gordon Brown and Oliver Letwin on 1 April. Gordon Brown's interview, the authors claim, was 11 minutes 15 seconds and Oliver Letwin's 5 minutes 18 seconds - proof of bias, they say.

However, they appear to have missed two of the other three interviews with Oliver Letwin (against none with Gordon Brown) in the same period - 5 and 7 April. Had they included these, they would have reported that in appearances, Letwin outscored Brown by four to one; in time, by about three to one.

Their account of Mr Letwin's fourth appearance - 12 April - makes interesting reading. This was a long interview - 11 minutes. The balancing interview with Labour's Ed Balls was less than half as long.

However, Minotaur arbitrarily add an interview from the following day's programme - with Alan Milburn - to Balls of 12 April to produce a figure of 16 minutes for Labour and 11 for the Conservatives.

These observations are both disingenuous and erroneous. Mr Marsh's record of who appeared on his own programme is simply incorrect. Contrary to his statement there was an interview with Gordon Brown on April 7. It immediately preceded one with Oliver Letwin.

This interview sequence was part of our survey but not included in the paper because of limitations of space. This was a considered judgement, and, in retrospect, may have been wrong. But in overall terms, the additional sequence made no difference to the imbalance of airtime in Labour's favour (Mr Brown had ten minutes and Mr Letwin, nine). At the same time, Mr Letwin was treated more toughly than Mr Brown.

The interviews were pegged on the selection as Conservative candidate of Nick Herbert to Arundel in place of Howard Flight. The editorial set-up gave Mr Brown the opportunity to once more assert that the Conservatives had a secret economic agenda. The points he raised were used to put Mr Letwin on the back foot. John Humphrys drove the exchange on the spectre, raised by Brown, of an alleged lie at the heart of Conservative policy. By contrast, Mr Humphrys gave Mr Brown ample opportunity to attack the alleged £35bn cut in spending and did not pin him down effectively on the key question of the interview, whether he would pledge not to put up taxes. He did not, in any sense of the phrase, "go for the kill", or make parallel aspersions about Mr Brown's honesty. At the same time, from the outside, it appeared that Mr Humphrys was not sufficiently briefed to make points which refuted properly Mr Brown's claims (which, in contemporary commentary and analysis elsewhere were heavily challenged).

Thus, this sequence, far from invalidating Minotaur's research, was another example of imbalance.

The interview on April 5th with Mr Letwin was not relevant because it related to the demise of MG Rover.

The point made by Mr Marsh about the "arbitrary" inclusion of the interview with Mr Milburn also misses the main point of the report. It was included because it was a major interview on Labour's economic policy within the sample period. The transcript reveals that it was another occasion on which Labour were given ample space to put across their party political messages on the economy. After the intense scrutiny of Mr Letwin the previous day, it could have been an opportunity for Today to subject Mr Milburn to similar treatment. This was not the case. He was allowed to repeat again and again that the Tory plans did not stack up and that Labour's did.

They criticise Today for not following up a story in the Times - on postal voting - on 11 April. However they missed our report on 6 April that covered the same ground - indeed, went slightly further, including an interview with an ACPO spokesman.

The context of this section of the paper was the apparent reluctance of the programme in the survey period to include or follow up stories of potential embarrassment to the government. The story in the Times of April 11 brought to light *news* concerning the government's response to postal balloting fraud - that Labour was planning to legislate to stop cheating in postal voting, but only after the election. This was not known to Today on April 6 and was not dealt with. Further the interview mentioned by Mr Marsh did not entail scrutiny of Labour's handling of the postal votes issue. Rather it focused on the issue as a police problem - the police's failure to handle law enforcement in response to fraud with an ACPO spokesman..

The report shows a certain naivety. They observe in one footnote that Today has never carried a panel discussion including Paul Dacre. True - but that's because we have asked Mr Dacre onto the programme repeatedly over the past three years and he has always refused to appear.

Minotaur referred to Mr Dacre as an example, and had no way of knowing that Mr Dacre had continued to refuse to appear on the programme. Our point was that Today had manned one of its election panels with three markedly left of centre spokesmen who all made extensive attacks on the Conservatives. There was no balancing discussion between three equivalent figures from the right or centre right in the period monitored (or over the earlier monitoring period). Does the programme keep a log of such appearances to ensure demonstrable balance?

The most doubtful element of the report is its measure of bias: counting the number of interruptions.

The logic of this "measure" of an interview appears to be that the BBC should introduce an "interruption metre"; or that presenters should carefully count the words and restrain themselves from challenging a contentious assertion until the required number of phonemes has been uttered.

Answers, in reality, can be short or long for a variety of reasons; interruptions can be challenges or clarifications or even assent. It has not necessarily to do with integrity or honesty.

The report presents assertions as fact and shows a poor understanding the nature of daily news - believing that it can be done according to a grid and decided months in advance.

Measuring bias is not a precise science because there is no easy or agreed methodology of measurement. Answers in interviews can be long or short for a variety of reasons. In the

relevant Conservative interviews they were more often short than long, and in the Labour ones, long rather than short. The research also investigated whether the interviewers frequently over-rode, over-talked or foreshortened interviewees' responses. Some interviews are obviously more confrontational than others and some are more carefully planned. Taken together, the quantifications in the report, including counting the number of interruptions as one of the measures, revealed interesting patterns and insights.

The level of interruption *in relation to the proportions of the interview taken up by the interviewers and interviewees* proved to be a useful indicator of how much one side dominated. Consistent discrepancy across a number of interviews towards one political party or subject, as was the case in our sample, became a reasonable indicator of imbalance. However, it was not the *sole* indicator deployed in our analysis (as Mr Marsh suggests). Others included the editorial set-up; whether the interviewer kept the discussion on track; whether interviewees were able to sway the agenda; and the overall time allocation

The conclusion, supported by quantifications as well as the factors detailed above, was that in the selected survey periods there was imbalance. Overall, the questioning of the Conservatives was both more focused and more robust than that of Labour and also appeared to be more carefully prepared in terms of editorial set-ups. Mr Marsh does not deal with these points and produces no evidence to contradict these findings. Since he does not appear to accept the fact that the Conservatives were allocated only half the overall time (compared to Labour) to deal with economic policy between April 1 and 15, he does not begin to account for it. It is also the case that his observations about timing are both cursory and wrong.

Today, as three hours of live radio a day, is a difficult editing challenge and is demanding for the presenters, particularly in election periods. It is accepted that editorial judgements can never be foolproof. But some understanding or acceptance of the type of observations made in the report - instead of a blanket rejection or the ridiculous suggestion that the BBC should introduce an interruption meter - would help the programme to take both a dispassionate and critical look at itself and fulfil its public service remit.

Today has two of Britain's most able presenters, and in John Humphrys possibly one of the most talented professionals of the broadcast era. It is not fair to rely on their memory and on the spot political judgement to ensure that every decision they take is correct. They deserve programme planning that is meticulous in its awareness of day-to-day and week to week content and the different dimensions of imbalance at play. They also deserve support through well researched preparation and briefing for *all* interviews. The Minotaur report shows that neither the programme's presenters, nor its listening public were well served in the treatment of the debate in this key area of economic policy.

David Keighley and Andrew Jubb, December 3, 2008