

To the Competition and Markets Authority

From the Campaign for Press and Broadcasting Freedom

Submission to the Fox/Sky merger investigation

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# THE SPECTRE OF FOXIFICATION

## Commitment to broadcasting standards in the merged entity

There is a threat to the ecology of British broadcasting if 21<sup>st</sup> Century Fox succeeds in gaining full control of Sky. The distinction between the factual reporting of news and the freedom of political comment, which is central to the regulated system of public service broadcasting, stands to be eroded by a style of programming precisely designed for the purpose.

This is the conservative political talkshow, the means by which Fox News in the USA has already corrupted broadcasting standards, if not the whole political ecosystem. It facilitated the rise of a series of belligerent conservative political movements: the Tea Party, the Alt-Right and Donald Trump's electoral bandwagon. It fostered the "fake news" phenomenon and undermined the credibility of "mainstream" TV news and current affairs around the world.

The CPBF makes no judgement on US politics or the groups concerned; our point is that this function is not within the proper remit of a licensed public broadcaster in the UK such as Sky.

Fox News is not a news channel, in the sense that licensed UK channels are, but a TV version of commercial talk radio; its origins lay in the "shock jock" phenomenon of the 1990s. It abandons the notion of a professional, impartial news service in favour of one explicitly shaped to be a strident mouthpiece for its owner's political agenda.

It has two operating slogans: "Fair and balanced", and "We report, you decide". These have been widely mocked, but they do have meaning: "balanced" to conservatives Americans means a counterweight to the perceived liberal bias of the other big corporate networks and the press; "you decide" means viewers can form opinions different from those set by the "liberal" networks.

Every evening Fox News broadcasts four hours of strident politically-charged talkshows, each with a strongly opinionated host and a panel of like-minded experts or activists, sometimes with a solitary opponent for balance. They are currently anchored by Tucker Carlson, Eric Bolling and Sean Hannity, though there have been major changes this year since the former top two, Bill O'Reilly and Megyn Kelly, left: O'Reilly after accusations of sexual harassment and assault that saw six women paid off with sums running into millions; Kelly after herself accusing colleagues of such treatment.

These shows set the political agenda. False allegations and stories can originate with right-wing bloggers, radio hosts or other conservative outlets, which Fox's commentators loudly proclaim, while berating the "liberal" media for ignoring them. The stories thus get onto the news agenda and

cannot be stopped. Frequently they are proved untrue and Fox can even formally disown them, but this has little effect since they are by now circulating on social media and out of control. In effect, Fox may not originate “fake news” but does legitimise it.

It is a wilful confusion between news and comment, which are carefully separated in the UK; a means of imposing political partisanship onto a news channel without apparently breaching regulations requiring accuracy and impartiality in news. This is what is meant by “Foxification”.

Two such recent stories concerned the UK. In March this year commentator Andrew Napolitano, described as Fox’s “senior legal analyst”, said that the UK intelligence agency GCHQ had wiretapped Donald Trump on behalf of President Obama during last year’s election campaign. He said:

*Three intelligence sources have informed Fox News that President Obama went outside the chain of command. He used GCHQ .... That’s the initials for the British spying agency.*

Trump’s press secretary Sean Spicer repeated the claim from the White House podium. GCHQ said the allegations were “nonsense. They are utterly ridiculous and should be ignored.” Fox News then disowned Napolitano’s remarks. Anchor Shepard Smith said on-air:

*Fox News cannot confirm Judge Napolitano’s commentary. Fox News knows of no evidence of any kind that the now-president of the United States was surveilled at any time, any way. Full stop.*

Donald Trump said only: “All we did was quote a certain very talented legal mind.”

The other was an assertion about Muslims in Britain in 2015. Commentator Steve Emerson, described as “an internationally recognised expert on terrorism”, said on air:

*In Britain, it's not just no-go zones, there are actual cities like Birmingham that are totally Muslim where non-Muslims just simply don't go in ... Muslim density is very intense, where the police don't go in, and where it's basically a separate country almost, a country within a country ... Parts of London, there are actually Muslim religious police that actually beat and actually wound seriously anyone who doesn't dress according to Muslim, religious Muslim attire.*

This was hotly contested, obviously, in Britain, and was again formally corrected and Fox apologised for it. Yet it persists; Trump repeated it during the election campaign and still makes unfounded allegations about the prevalence of Muslim terrorism -- earlier this year about Sweden, and just two weeks ago about the UK crime statistics – that emanate from Fox news.

Polls in America still show substantial numbers of people convinced that Barack Obama is a Muslim (despite being a practising Christian) and was not born in the USA (though the records are clear). Both stories were promoted by Fox News and used by Donald Trump.

Fox News was broadcast in the UK on the Sky platform until August, when 21CF withdrew it. There had been a number of complaints and Ofcom had seven times found breaches of the code since 2013. The cases comprised the inadvertent live coverage of a suicide; two cases of product promotion in consumer programmes; a breach of electoral law in its referendum coverage; a heavily biased pro-Trump report on last year’s presidential election; and two “fake news” stories: a sickening anti-abortion item by Andrew Napolitano, accusing Planned Parenthood doctors of trading in the body parts of aborted fetuses; plus the story about Muslims in Birmingham.

That an MFT-controlled Sky News should introduce programming of this kind has been stated by Rupert Murdoch several times. In 2007 he told a House of Lords Committee that Sky News would be more popular if it were more like Fox. The minutes of the session read:

*He believed that Sky News would be more popular if it were more like the Fox News Channel. Then it would be "a proper alternative to the BBC". One of the reasons that it is not a proper alternative to the BBC is that no broadcaster or journalist in the UK knows any different. Mr Murdoch stated that Sky News could become more like Fox without a change to the impartiality rules in the UK. For example Sky had not yet made the presentational progress that Fox News had. He stated that the only reason that Sky News was not more like Fox news was that "nobody at Sky listens to me" (a).*

This often-quoted remark may have been tongue-in-cheek but the word "presentational" is significant. It means presenting current affairs, not in conventional bulletins, but in the talkshows.

Asked by the New York Times back in 2003 whether Sky would imitate Fox if he owned it outright, Murdoch replied:

*I wish. I think that Sky News is very popular and they are doing very well, but they don't have the entertaining talk shows - it is just a rolling half-hour of hard news all the time .... It is 'BBC lite' .... with a 'liberal bias'. (b)*

In fact Sky News has tried it; twice, from 1994-95 and 2003-04 and both times a flop. The presenter both times was journalist Richard Littlejohn, formerly of the Evening Standard, LBC Radio and the Sun, now with the Daily Mail, an aggressive right-wing controversialist. He was hired by former Sun editor Kelvin MacKenzie, who ploughs the same field and whom Murdoch made managing director of Sky in an attempt to make it more aggressively right-wing. The show, called Richard Littlejohn, was pulled after a year.

Perhaps unsurprisingly, the failure was put down to regulation. Littlejohn said:

*We'd never been able to make the programme we intended. If Sky News could emulate its US sister Fox News, which has wiped the floor with CNN with opinion-driven 'fair and balanced' coverage, ratings would soon shoot past the Astra satellite [Sky's Luxembourg-registered transmitter]. But the regulators won't allow it. (c)*

In early 2003 he returned to present a revived show, called Littlejohn, four nights a week. The programme was dropped in July 2004 and again replaced with regular rolling news.

The risk, however, remains real. There was strong anecdotal evidence of the Murdochs' intentions from the BBC's former political editor Nick Robinson, in his 2012 book *Live From Downing Street: The Inside Story of Politics, Power and the Media*. He wrote that before the 2010 election Rupert Murdoch had lobbied the Conservatives hard to get rid of Ofcom, and added:

*A senior Tory minister has told me that had the party secured a majority it was his expectation that the regulator would have been weakened, the Murdoch company News Corp would have taken full control of BSkyB and James Murdoch would have got his way and turned Sky News into a channel to challenge what he saw as the BBC's innate liberal bias. (d)*

# SKY NEWS IN AUSTRALIA

In a similar process to the current attempted buy-up of Sky in Europe, an MFT-controlled company took control of Sky News Australia, likewise previously jointly-owned with other media owners, on December 1 last year. The Murdoch entity in this case is News Corp rather than 21FC but the service is evidently following the “Foxification” formula that is feared for the future of Sky in London. Sky News Australia is a cable channel broadcast on the Foxtel cable network, which is 50 per cent owned by News Corp.

Its daytime schedule retains a rolling news format and is well regarded for its accuracy and professionalism, like Sky in the UK. But the night-time schedule is very different: like Fox in the US, a series of opinion-led programmes, unlike any other TV station in Australia, much of it is on the extreme right. The programmes are heavily populated with columnists from News Corp newspapers, sometimes interviewing each other.

The strategy of converting news to comment has been acknowledged by CEO Angelos Frangopoulos, who has said: “The era of ‘autocue’ newsreaders is over. We need people who can ‘host’ a show and handle events as they unfold without relying on words on a screen.” Regulated news is of course very much “autocued”; carefully scripted to allow newsreaders no scope for biased comment.

The Australian presenters dominate the screen like their American counterparts. They include Andrew Bolt, a far-right columnist on News Corp’s Herald Sun, Australia’s biggest-selling tabloid daily; and Paul Murray, a former radio “shock jock” with an aggressive right-wing style. A number of commentators, including some with Murdoch connections, have written about their effect on Australian broadcasting.

On the Conversation website, influential media commentator Denis Muller wrote:

*Sky has a kind of split personality. During the day, it runs a professional, no-frills TV news service. But when darkness falls, it becomes a different beast altogether. The Bolt Report is a nightly piece of right-wing punditry in which Andrew Bolt does his more-in-sadness-than-in-anger routine.*

*Yet he looks a model of reason by comparison with Paul Murray, a crass vulgarian who swaggers about the set unburdening himself of a string of grotesqueries ... its stable of commentators and panel chairs is skewed to the right ... It is too glib to say that Sky is just an Australian version of Fox News, but the Murdoch connection is a critical factor. (e)*

The media page of his Australian national newspaper, the Australian, is sometimes regarded as a defender of his interests, yet in March this year columnist Mark Day, a respected and pro-Murdoch former newspaper editor, wrote:

*Sky’s shift to full prime-time opinion programming — or ‘engaging conversation’ as insiders characterise it — broadly follows the highly successful Fox News format in the US, frequently criticised for its strong conservative leanings. Our Sky presenters generally lean towards conservative — sometimes disconcertingly so. Increasingly I have felt that opinion programming may have gone a step too far. Would it not be better to pull back to the core function of providing more news, at least part of the time? (f)*

Another former Murdoch luminary who has come out against the company is John Menadue. He was general manager of News Ltd, Murdoch's Australian newspaper company, from 1967-74, as well as Australian ambassador to Japan, government minister, a Prime Minister's private secretary and head of civil service departments. Menadue told ABC in June that News Corp was

*... not just rogue individuals, it's a rogue organisation and the Australian government should resist any attempt to expand the media power of the News organisation. In recent decades [Rupert Murdoch's] organisation has become a disgrace. It's trampled on democracy in three continents, it's damaged the media enormously in three countries. (g)*

Paul Barry, host of the Media Watch programme on ABC, the public broadcaster, wrote:

*There's long been talk of the Foxification of Sky News. Since News Corp took full ownership in December it's been looking and sounding more and more like its famous American counterpart, especially in the evenings, when its conservative commentators are often in furious agreement. (h)*

The Australian BuzzFeed News website conducted an investigation, speaking to current and former Sky News presenters and reporters on the condition of anonymity. One long-term Sky News presenter told them:

*It's like Frankenstein's monster comes out after 7pm - it's big and ugly enough that you can tell the difference to what's going on during the day. (i)*

Two of the five hours are hosted by Paul Murray, the most aggressive of the presenters. A Sky News presenter told BuzzFeed:

*It's pretty clear what Murray is doing, he's aping Sean Hannity ... He's closely watched the Hannity and (former Fox News host) Glenn Beck style and now he's putting it on Australian TV.*

Paul Murray Live, the highest rated show, opens with a monologue by Murray reportedly littered with crude taunts and attacks against perceived "lefties". In a six-minute rant on June 26 Murray called coalition government minister Christopher Pyne "an arsehole" and "a wanker". This attack on was seen as part of a Sky campaign to undermine the coalition government of Malcolm Turnbull and promote its right-wing critics. The channel interviews former Prime Minister Tony Abbott, the leader of this faction, several times a week, employing his close adviser Peta Credlin as a regular commentator. It also entertains the leader of Australia's far-right One Nation party, Pauline Hanson, introduced by Murray as the "queen of the revolution". At the same time the channel is promoting the Australian Conservatives party, a right-wing breakaway from Turnbull's Liberal Party led by a disgruntled Senator, Cory Bernardi. Murray has called on viewers to leave the Liberals and join Bernardi. (j)

Sky News also features right-leaning Australian Labour Party figures, including former party leader Mark Latham, who was sacked in March after a series on intemperate ad hominem attacks on air. His targets included a fellow Sky pundit, former Labour leader Kristina Keneally, who was Prime Minister of New South Wales between 2009 and 2011; a Sydney schoolboy who appeared in an

International Women's Day video on feminism; and the well-known writer and journalist Wendy Harmer, who is a radio host at ABC. Latham said she was

*a proven commercial failure, so naturally she got a job at ABC Radio at the sheltered workshop there for all the lefties.*

Ms Harmer has lodged a formal complaint and is demanding an apology. (k)

A final sign of the Murdochs' disdain for regulated news was revealed in August when Guardian Australia site reported that News Corp's newspapers in the country had deleted ABC's news channel from their TV listings. ABC staff who noticed the omission contacted the outsource contractors that produce the listings to be told that they had been so instructed by News Corp. (l)

#### NOTES

- (a) [www.theguardian.com/media/2007/nov/24/bskyb.television](http://www.theguardian.com/media/2007/nov/24/bskyb.television)
- (b) [www.nytimes.com/2003/04/07/business/media-mr-murdoch-s-war.html](http://www.nytimes.com/2003/04/07/business/media-mr-murdoch-s-war.html)
- (c) British Journalism Review, Vol. 13, No. 3, 20
- (d) Nick Robinson, Live From Downing Street: The Inside Story of Politics, Power and the Media, Bantam Books, 2012
- (e) Muller, Denis. [Sky News is not yet Fox News, but it has the good, the bad and the uglies](#). *The Conversation*, February 15 2017
- (f) The Australian, March 27, 2017
- (g) ABC Melbourne, Mornings, June 23 2017
- (h) ABC Media Watch July 3 2017
- (i) BuzzFeed, Australia's News Channel And What It Learned From Fox News, July 9 2017
- (j) Sky news, Paul Murray Live, June 26 2017
- (k) The New Daily, March 29 2017
- (l) Guardian Australia August 24 2017



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