IS THE BBC ANTI-LABOUR?

PANORAMA’S BIASED ANTI-SEMITISM REPORTING — A CASE TO ANSWER

AN INVESTIGATION BY PADDY FRENCH
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Paddy French edits the website Press Gang. He has been an investigative reporter for four decades, founding and editing the magazine Rebecca and its Corruption Supplement in the 1970s. He also worked on investigations for BBC’s Man Alive series, Thames Television’s This Week strand and for the Sunday Times (when Harold Evans was editor). In the 1990s he was an independent television producer making documentaries for Channel 4 (Dispatches), BBC and ITV. He was a current affairs producer at ITV Wales for ten years before retiring in 2009. In 2012 he and researcher Chris Nichols gave evidence to the Leveson Inquiry revealing that News of the World reporter Mazher “Fake Sheik” Mahmood lied to the inquiry about the number of convictions he’d secured. He warned current Times editor John Witherow that Mahmood was a “serial perjuror” – four years before the Fake Sheik was gaoled for perverting the course of justice in the Tulisa Contostavlos trial. Earlier this year he co-authored, with Professor Brian Cathcart, Unmasked: Andrew Norfolk, The Times Newspaper And Anti-Muslim Reporting: A Case To Answer (Unmasked Books). The Times published an editorial condemning French and Cathcart as “politically motivated campaigners … trying to smear and suppress fine reporting”. Paddy French joined the Labour Party after the 2017 manifesto For The Many, Not The Few.
ON DECEMBER 10 – two days before the general election – we will know if Panorama has won the Politics Journalism prize in the 2019 British Journalism Awards for its programme Is Labour Anti-Semitic? If presenter John Ware, director Leo Telling, executive editor Neil Grant and Panorama editor Rachel Jupp win, it will be a bad day for journalism in the UK. Labour branded the 59 minute film, broadcast on July 10, an “authored polemic” by John Ware, a reporter who has made no secret of his personal contempt for Jeremy Corbyn. Labour also condemned the programme as “an overtly one-sided intervention in political controversy by the BBC“. The Corporation hit back saying the “BBC stands by its journalism … we completely reject any accusations of bias or dishonesty.”

This interim Press Gang report presents the initial findings of a long examination of the Panorama programme. We believe Labour’s criticisms are sound – the broadcast was a piece of biased journalism. The first part of this report is taken up with a detailed “charge sheet” which shows how the Panorama programme systematically broke key sections of the BBC’s own Editorial Guidelines. The second is a reprint of a more general article which has just appeared in the international magazine ColdType, based in Toronto. There’s little or no appetite for this type of reporting in British mainstream media.

More than 1,600 viewers complained to the BBC about the biased nature of the Panorama programme. All were rejected by the first stage of the Corporation’s labyrinthine and secretive complaints procedure. Some 50 of the more dogged complainants then took the matter to the second stage – the Executive Complaints Unit headed by former Panorama deputy editor David Jordan. Again, all were rejected in letters from Complaints Director Richard Hutt. Although none have been published, Press Gang has seen many of them. The Labour Party’s complaint was also rejected.

Once this would have been the end of the affair. No longer – it’s the broadcasting regulator Ofcom which will ultimately decide if Panorama and the BBC have a case to answer. At the time this report went to press, 25 complainants had appealed to Ofcom. These are currently being assessed by Ofcom – as is a Press Gang request to make a complaint without going through the BBC process. (See A Case To Answer – The Ofcom Equation, page 15.)

It’s important to stress that this is more a report about the journalistic failures of Panorama and less about politics generally or the rights and wrongs of the Israel-Palestine situation. However, the Panorama programme crossed a line from balanced reporting and joined the right wing media chorus using anti-Semitism as a stick to beat Labour in general and Jeremy Corbyn in particular. Our findings chime with persistent criticism in the current election campaign that the BBC is anti-Labour.

Given the lack of balanced coverage of the anti-Semitism issue in both mainstream and broadcast media, Press Gang has resurrected the pamphlet as a means of fighting back. Copies of this report will be sent to every senior manager and journalist at the BBC, ITV Channel 4, Channel 5, LBC and Al Jazeera. Every editor and senior journalist on the main London newspapers will also receive a copy. Panorama’s rogue journalism is a grave disservice to democracy and to the thousands of BBC staff trying to uphold its traditional values of impartiality. It needs to be called out…
How the BBC broke its own Editorial Guidelines – the charge sheet...

IN JUNE 2019 – a month before Panorama broadcast its programme about anti-Semitism in the Labour Party – the BBC published the seventh edition of its Editorial Guidelines. Director General (Lord) Tony Hall was emphatic: “It’s just a few short years since the term ‘fake news’ entered our lexicon. It’s now a weapon of choice used worldwide. In a world of misinformation, our values have never been more important. That’s why accuracy, impartiality and fairness are given such prominence in these Guidelines.”

A few weeks later, on July 10, the BBC broadcast one of the most biased programmes in its entire history: Panorama’s Is Labour Anti-Semitic? What follows is an indictment, in the form of a charge sheet, showing how discrete elements of the programme broke specific sections of the Editorial Guidelines. The format is simple: the charge is made, followed by the operative section of the guidelines, followed by the BBC’s response, wherever possible gleaned from its response to individual complaints.

Charge 1
Painting Without Numbers

Press Gang Panorama was not impartial in the way that it dealt with the extent of anti-Semitism in the Labour Party. It left out the only detailed statistics on the subject. These had been made public by Labour in February of this year. They showed that, in the ten months up to the end of January 2019, just 249 members or 0.05 per cent of the party’s half million members had been disciplined as a result of anti-Semitism complaints. The problem exists but is both numerically and statistically small. Yet Panorama talks of a “constant stream of complaints,” of Jeremy Corbyn’s “failure to drive out anti-Semitism,” that before Corbyn anti-Semitism complaints “were rare” but under his leadership “complaints were growing and beginning to seriously undermine the party’s anti-racist credentials.”

Presenter John Ware claims that by last spring there were “still several hundred anti-Semitism cases waiting to be resolved.” He added that “…the Labour Party won’t give us precise figures although they do acknowledge the numbers have increased but they also say they’re getting through them four times faster.” Ware’s comments reinforce the views of other witnesses heard in the programme: Labour is “institutionally racist” and a place where “anti-Semites feel that it’s their political home.” Another witness said the problem is “massive.” The fact that Labour’s detailed statistics had the potential to undermine the Panorama narrative leaves programme-makers open to the charge that the decision to leave them out was deliberate. The decision to exclude the statistics “knowingly and materially” misled viewers on the subject of anti-Semitism with the result that its programme was not “impartial.” (See note on page 15.)

Editorial Guidelines
Section 3.1 – The BBC must not knowingly and materially mislead its audiences.
Section 4.1 – The BBC is committed to achieving due impartiality in all its output.

BBC BBC Complaints Director Richard Hutt addressed this issue in a letter to a complainant. He does not explain why Panorama excluded the figures. Instead he argues about what light they might have cast on the issue had they been included: this “would have to be judged against the fact that the party’s leader has made it clear it and he has zero tolerance for antisemitism and that (although he regards the numbers involved as relatively small) ‘one is too many.’” Hutt adds that “…the relatively low number of people involved in formal investigations as a proportion of overall membership would not mean this is not a matter of concern and nor would it gainsay the accounts heard in the programme.”

Charge 2
The Wrong Kind Of Jew

Press Gang The title of the Panorama programme was Is Labour Anti-Semitic? Under its own impartiality rules, Panorama was duty-bound to present both sides of the argument, for and against Labour being anti-Semitic. Instead, it concentrated on one to the virtual exclusion of the other. Of the 22 individuals interviewed for the programme, 21 supported the thesis that anti-Semitism was a serious problem in the Labour Party. These 21 individuals included 10 party members who spoke of the anti-Semitism they’d experienced or seen in the party. None of the 10 was identified by Panorama (although one identified herself and another gave her first
name). By not naming them, Panorama gave viewers the impression that they were ordinary Jewish party members. They were not (see Charge 3 for more details). No other Jewish Labour member, ordinary or otherwise, was permitted to give the opposing view: that the problem exists but is relatively small, is being dealt with—and is being magnified by groups who oppose Corbyn. The programme included two experts who backed up the idea that anti-Semitism in Labour was a serious problem—Professor Alan Johnson (left) and author Dave Rich. There were plenty of other experts—including the academic Professor Geoffrey Alderman, the lawyer Sir Geoffrey Bindman and international figures like Noam Chomsky or US Senator Bernie Sanders—who could have given the opposing view.

This alternative view sees the issue of anti-Semitism in the Labour Party as largely the result of a battle between opposing views of Jewish members on the subject of the Israel-Palestine conflict. Broadly speaking, they say, right-wing Labour Jews consider that much of the left-wing Jewish criticism of Israel as an apartheid regime illegally building settlements on the West Bank is anti-Semitic.

Experts like Alderman, Bindman, Chomsky and Sanders were not invited to appear on the programme—leaving the BBC open to the charge that Panorama considered them to be the wrong kind of Jew. Added to the failure to include the published statistics (see Charge 1), this decision adds weight to the criticism of the failure to include the published statistics (see Charge 3 for more details). No other Jewish Labour member, ordinary or otherwise, was permitted to give the opposing view.

**Editorial Guidelines**

**Section 3.1**—The BBC must not knowingly and materially mislead its audiences.

**Section 4.1**—The BBC is committed to achieving due impartiality in all its output. We are committed to reflecting a wide range of subject matter and perspectives...so that no significant strand of thought is under-represented or omitted.

**Section 4.3.3**—There may be occasions when the omission of views or other material could jeopardise impartiality. There is no view on any subject which must be excluded as a matter of principle, but we should make reasoned decisions, applying consistent editorial judgement, about whether to include or omit perspectives.

**Section 4.3.12**—We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities and think tanks) are unbiased. Appropriate information about their affiliations, funding...and particular viewpoints should be made available to the audience, when relevant to the context.

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**BBC Panorama** will argue that it carried an interview with Labour shadow communities minister Andrew Gwynne and several statements from the party itself. It will also point to the fact that it invited Jeremy Corbyn and five other key players in the Labour machine—including Seumas Milne, Jennie Formby and Baroness Chakrabarti—and that all declined. However, Complaints Director Richard Hutt, in a letter to one complainant, has begun to try and re-define what the programme was about. “It was less concerned with establishing whether the Labour Party was antisemitic,” he wrote, “and more with how it had managed the issue and complaints about it. Notwithstanding the title I think viewers would have understood this from the context of the programme—and its ‘due’ accuracy/impartiality would have to be judged accordingly.” This begs the obvious question—if the programme was about complaints handling, why give it the provocative title Is Labour Anti-Semitic?

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**Press Gang** The programme misled readers by presenting the testimonies of ten individual party members as if they were ordinary Jewish Labour members. Panorama did not tell viewers that most of them belong to the Jewish Labour Movement, an anti-Corbyn pressure group. Panorama added to the deception by taking the unusual step of not identifying them on screen. (As already stated, one identified herself on screen and another gave her first name).

The programme went even further—all were allowed to give their testimony directly to the camera, a directorial device that heightened the impact of what they had to say. In all, 6 minutes of the programme—more than ten per cent of the entire programme—was taken up with what the BBC described as “powerful and disturbing testimonies from party members who’d suffered anti-Semitic abuse.” Labour also interviewed the Jewish Labour MP Louise Ellman without telling viewers she is a former chairman of Jewish Labour Movement.

The ten anonymous Labour members were later identified by internet journalists. Eight of them are, or were, senior figures in the Jewish Labour Movement.

They are (with their positions in brackets):
- ELLA ROSE (Equities Officer, ex-Director)
- ALEX RICHARDSON (Membership Officer)
- STEPHANE SAVARY (National Vice Chair)
- IZZY LENGA (International Officer)

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**Charge 3**

**Witness Protection Programme**

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**IZZY LENGA**

**International Officer**
ELLA ROSE, (right) one of the “anonymous ten” in the previous charge, deserves further scrutiny. She takes up the first 42 seconds of the Panorama programme telling viewers she’d been the “unfortunate victim of a lot of anti-Semitism within the Labour Party…” and that she wouldn’t “say to a friend, go to a Labour Party meeting if you’re Jewish. I couldn’t do that to someone I cared about.”

Panorama did not name her, leaving viewers with the impression she was an ordinary, Jewish party member. In fact, she’s a key figure in the Jewish Labour Movement, the anti-Corbyn pressure group. She was its first full-time Director, appointed in August 2016, and took up the post after a year with the Israeli Embassy in London working as a public affairs officer. In January 2017 she featured in the Al Jazeera series The Lobby where an undercover reporter filmed her threatening to “take” down fellow Labour activist, Jackie Walker using martial arts techniques developed by the Israeli military. It took Iain McNicol, then Labour’s general secretary, just seven working days to conclude Rose was not in “clear breach” of the party’s rulebook. She was sent a “reminder of conduct”. Iain McNicol, ennobled after he left his post, appeared in the programme but there was no mention of his swift and lenient treatment of Ella Rose. Many left wing Jews feel that Rose’s special treatment shows that the former general secretary was biased.

The BBC position is that there was no need to balance the views of those Jewish members who were interviewed since adding opposing voices would not “gainsay” the evidence of those who appeared in the programme. The Corporation has not explained why it protected the identity and affiliations of the ten although an argument can be made that it was done to protect some of them from intimidation.

PHIL ROSENBERG (left) (Director of Public Affairs, Board of Deputies of British Jews). The Board is fiercely anti-Corbyn: Board President Marie van der Zyl told an Israeli TV channel in August 2018 that Corbyn’s “hatred of Israel and Zionism runs so deep he cannot separate that from antisemitism.” She said that in the current situation “it’s like Jeremy Corbyn has declared war on the Jews”. Rosenberg didn’t reply to our email asking why Panorama chose not to name him.

The Jewish Labour Movement (JLM), the only Jewish organisation formally affiliated to the Labour Party, was opposed to Jeremy Corbyn even before he became leader and the issue of anti-Semitism arose. In the first leadership contest, JLM endorsed Yvette Cooper. Despite the statistics issued by the Labour Party, JLM has taken an uncompromising stand on the anti-Semitism issue. In November 2018 it asked the Equalities and Human Rights Commission (EHRC) to investigate what it called the party’s “institutional anti-Semitism”. In April 2019 the group passed a motion of no confidence in Jeremy Corbyn over his alleged failure to deal with the issue. In the same month, Jewish Labour Movement chairman Mike Katz made it clear that the group would not campaign for candidates who supported the leadership’s handling of anti-Semitism. The fact that at least 9 of its interviewees were members of the JLM leaves the BBC open to the charge that it was secretly promoting the group’s agenda.

In addition, a further two individuals – also critics of Jeremy Corbyn – were interviewed without being named. They were:

RACHEL BARKER (personal assistant to London Assembly labour member Onkar Sahota). Barker is not Jewish but told Press Gang she’s an affiliated member of the Jewish Labour Movement. In the July 2018 leadership campaign, she described removing Corbyn as “like chopping the head off a monster”.

Editorial Guidelines

Section 3.1 – The BBC must not knowingly and materially mislead its audiences.

Section 4.1 – The BBC is committed to achieving due impartiality in all its output.

Section 4.5.17 – The BBC must remain independent and distanced from government initiatives, campaigners, charities and their agendas, no matter how apparently worthy
Labour Party staffers who appeared in the Panorama programme were biased against them because they were supporters of Jeremy Corbyn.

**Editorial Guidelines**

**Section 5.1** – The BBC must not knowingly and materially mislead its audiences.

**Section 4.1** – The BBC is committed to achieving due impartiality in all its output.

**BBC** Complaints director Richard Hutt said there was no reason to mention Rose’s comments from the Al Jazeera programme. “Ms Rose spoke of her personal experiences, and a previous professional association with the Israeli Embassy would not prevent someone from being able to recognise antisemitism or suggest that they were not able to honestly describe how what they had seen or heard had made them feel.”

**Charge 5**
**Beware John Ware?**

**Press Gang** John Ware’s Panorama commentary is biased. Ware has made no secret of his dislike for Jeremy Corbyn. In an article for the magazine *Standpoint* in June 2017 he said the Labour leaders’s “entire political career has been stimulated by disdain for the West, appeasement of extremism, and who would barely understand what fighting for the revival of British values is really all about.”

Sometimes his bias is subtle, for example when he declares that “many British Jews once saw the Labour Party as their natural political home. No longer.” That’s probably true for some Jewish members – but it’s equally valid to say that “many British Jews still see the Labour Party as their natural political home”. Yet Ware does not allow a single Jewish Labour member to make that point. Another of his techniques is to ask a question – and then keep repeating it, as if to invite viewers to adopt the question as the answer. He calls his programme *Is Labour Anti-Semitic?* and early on we hear him asking former Labour official Mike Creighton if he thinks Jeremy Corbyn is anti-Semitic. Creighton answers that “it’s still a question I struggle with.” This exchange is repeated at the end of the programme. All of this would be within the BBC Guidelines – if it did not reinforce the general lack of impartiality.

On other occasions, however, Ware’s bias is obvious. In the section dealing with allegations of anti-Semitism in Liverpool (Charge 9) he states as fact that merely asking if someone comes from Israel is anti-Semitic. This is an absurd assertion.

**Editorial Guidelines**

**Section 4.3.11** – Our audiences should not be able to tell from BBC output the personal opinions of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area.

**Section 4.3.8** – Due impartiality normally allows for programmes and other output to explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed. This should be clearly signposted when dealing with ‘controversial subjects’. The existence of a range of views and their respective weights should be acknowledged, and neither those views nor their respective weights should be misrepresented.

**BBC** The BBC has not directly addressed this charge. However, the Corporation can say that John Ware (right) is one of Britain’s most experienced and respected journalists. He was a Panorama staff reporter from 1986 to 2012 and won many awards. The citation for the 2004 James Cameron Prize, for example, praised his “moral vision and professional integrity”. Although both his first wife and his current partner, Wendy Robbins, are Jewish and his children have been brought up in the Jewish faith, he denies being a Zionist. He points to his work exposing the corruption of the Jewish Tory politician Dame Shirley Porter in Westminster.

**Charge 6**
**The Accumulator**

**Press Gang** We have shown in Charges 1-5 the evidence for why we believe Panorama broke the BBC’s Editorial Guidelines. But there are a series of additional clauses which place an extra burden on programme-makers when they are considering sensitive issues. These are what the BBC describes as a “controversial subject” and a “major matter”. There can be no doubt that the issue of anti-Semitism in the Labour Party – the main opposition party with more than 12 million voters – is a major controversial matter. The additional failure to observe these clauses adds powerful weight to Labour’s assertion that *Is labour Anti-Semitic?* was an “authored polemic” that constituted an “overtly one-sided intervention in political controversy by the BBC.”

**Editorial Guidelines**

**Section 4.3.4** – … there are particular requirements for ‘controversial subjects’
whenver they occur in any output … A ‘controversial subject’ may be a matter of public policy or political or industrial controversy. It may also be a controversy within religion, science, finance, culture, ethics or any other matter.

Section 4.3.6 – When dealing with ‘controversial subjects’, we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active.

Section 4.3.7 – We must take particular care to achieve due impartiality when a ‘controversial subject’ may be considered to be a major matter. ‘Major matters’ are usually matters of public policy or political or industrial controversy that are of national or international importance …

When dealing with ‘major matters’, or when the issues involved are highly controversial and/or a decisive moment in the controversy is expected, it will normally be necessary to ensure that an appropriately wide range of significant views are reflected …

**BBC**

This issue has not been raised in any of the complaints Press Gang has seen. It’s one of the reasons why we’ve asked Ofcom to allow us to make a complaint to make sure the regulator considers the matter.

**Charge 7**

**Prejudged?**

**Press Gang** We have not seen Labour’s complaint but the party is likely to say that Jeremy Corbyn and other senior figures were unable to take part because Panorama had made its anti-Labour stance clear. If this forms part of its complaint, then it will argue that this hostile position was demonstrated by the programme’s questions and by John Ware’s known hostility to the Labour leader. Labour will argue it could not get a fair hearing.

**Editorial Guidelines**

Section 3.1 – The BBC must not knowingly and materially mislead its audiences.

Section 3.3.8 – We should reserve the same scepticism for statistics as we do for facts or quotes and not necessarily take numbers at face value.

We should use a range of evidence to put statistical claims into context and help audiences to judge their magnitude and importance.

Section 4.1 – The BBC is committed to achieving due impartiality in all its output.

**BBC** The BBC is likely to say that it asked a series of questions and gave the individuals the chance to take part. It will argue that it carried an interview with shadow communities minister Andrew Gwynne and included statements in answer to its questions. This argument has considerable force – Labour should have found a more robust way of dealing with the problem.

**Charge 8**

**Misleading Statistic**

**Press Gang** John Ware made great play of the fact that “only around” 15 members had been expelled by Labour in the period since Jeremy Corbyn became leader. This is the only concrete figure about anti-Semitism in the entire programme.Ware questioned shadow communities secretary Andrew Gwynne on this issue:

**Ware** Do you regard 15 expulsions of anti-Semites in a crisis that’s been running over three years as evidence of having dealt with this crisis?

**Gwynne** Well, of course there are lots of cases that are ongoing as well – and of course there are many members who, going through a disciplinary process when you are faced with possible expulsion, actually leave the party before …

**Ware** I know … is 15 evidence of a party which says it is serious about dealing with anti-Semitism?

**Gwynne** Well, 15 fewer racists and people who hold obnoxious views I think is important but the point is we are serious about getting shot of this problem.

Ware is misleading viewers here. First of all, he says that he “knows” about members leaving before disciplinary processes are complete. His viewers, however, don’t – because he chose not to tell them. Labour released figures for the period April 2018 to January 2019 which showed that 44 members resigned before their cases could be completed. And there’s another problem here: the 15 expulsions figure isn’t evidence that Labour is failing to deal with the problem. Ware only had to look at the BBC’s own record to realise this: in 2018-2019 there were 58 upheld complaints out of more than 2018,000. Labour’s expulsion rate is actually higher than the BBC’s findings of a breach of its guidelines …

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**BBC** We have been unable to find any BBC reference to this issue in the Corporation’s responses to complaints. The BBC will say that Andrew Gwynne was allowed to answer the charge.
He said, she said...

**Press Gang**  
Former Labour disputes official Ben Westerman told Panorama viewers of an incident where he said he personally encountered anti-Semitism. He had been sent to Liverpool to investigate tensions within the Riverside constituency between the then MP Louise Ellman and some party members. He was interviewing one pensioner when, after the meeting was over, he was asked if he came from Israel. “What can you say to that?” said Westerman, “You’re assumed to be in cahoots with the Israeli government, it’s this obsession with that that just spills over all the time into anti-Semitism.”

Introducing this incident John Ware baldly states: “While interviewing one member he was confronted with the very anti-Semitism he’d been investigating.”

There are five problems with this account. The first is that, as far as Ware and Westerman are concerned, simply asking someone if they’re from Israel is evidence of anti-Semitism – a patently absurd proposition. Second, the pensioner says this incident never happened: during the interview, a friend had innocently asked Westerman what branch of the party he was in – this is confirmed by the transcript. The third is that there is no mention of this incident in Westerman’s report into the Liverpool Riverside dispute. The fourth is that the pensioner and her friend were not contacted by anyone from Panorama to get their side of the story. The fifth is that John Ware failed to tell viewers that both the pensioner and her friend are Jewish …

**Editorial Guidelines**

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*Section 4.1 – The BBC is committed to achieving due impartiality in all its output.*

**BBC**  
The pensioner complained to the BBC about this incident. Complaints Director Richard Hutt told her Westerman’s version of events was his “honest recollection”: programme makers “have said this version of events tallies with what he told his colleagues at the time, which seems to me to support his account”. Hutt says that “Mr Westerman was giving his recollection of what he had experienced, rather than an indisputable statement of fact, on which there could be no other perspective”. Hutt seems to be forgetting that just before Westerman tells this story, John Ware was describing it as “the very anti-Semitism he’d been investigating”. Hutt adds that the audio of the interview with the pensioner “cuts out abruptly” and “it is impossible to ascertain from this whether anything was said after this point …” Hutt also says that it’s not clear if Westerman was actually referring to this particular pensioner: he “interviewed around a dozen people as part of his investigation and the fact that your witness said something similar would not prove this was the conversation he had in mind.” This is not a persuasive response.

**Charge 10**  
The Milne Email

**Press Gang**  
Panorama cited an email from Labour’s Director of Communications, Seumas Milne, as evidence of interference in the handling of anti-Semitism complaints. John Ware said Milne asked for a review of the disciplinary process as there was a risk of muddling up political disputes with racism. But the programme failed to make it clear that the case Milne was discussing involved a Jewish member – and that the political disputes were, in fact, disputes between Jewish factions in the party. Panorama knew about this because it actually flashed the email up on the screen. Here is what Milne actually said:

“I think to suspend this guy for anti-Semitism is really problematic. None of the posts can be identified as anti-Semitic in the terms of the definition we have adopted as a party … Several of them quite clearly relate to political arguments within the Jewish community, between Jewish Labour activists and between Jewish Zionists and Jewish anti-Zionists.

Add to that that this member is a Jewish activist, the son of a Holocaust survivor, a leading member of Jewish Voices for Labour and a long-term Middle East rights activist – and it’s pretty clear that we’re mis-identifying political arguments for anti-Semitism.

Throughout the Panorama programme, the existence of the battle between Jewish Zionists and Jewish anti-Zionists was suppressed giving viewers a distorted view of the anti-Semitism issue in the party…

**Editorial Guidelines**

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**BBC**  
Richard Hutt, Complaints Director, insisted Panorama was accurate in its account of this email. He wrote to the complainant “… the basis for Mr Milne’s interjection and his objection to the suspension would not make it untrue to say this email constituted interference.” He added “… there is no basis for upholding your claim the meaning of the email was changed.”

The BBC has cleared itself of all charges. But it is the broadcasting regulator Ofcom that will make the final judgement. See page 15.
Paddy French examines an extraordinary battle between the British Broadcasting Corporation and the Labour Party over a controversial programme about antisemitism. Labour says it was a deliberate attempt to sabotage its electoral prospects . . .

Political storm rages over BBC’s ‘rogue’ journalism

The BBC has always been something of a political football in the UK – the left considers it too right-wing, the right believes it’s full of left-wingers. But on July 10 the corporation crossed a line when its flagship current affairs series Panorama broadcast a programme entitled Is Labour Anti-Semitic? Veteran reporter John Ware – a man who openly despises Labour leader Jeremy Corbyn – was allowed to produce a programme Labour branded an “authored polemic” that was “an overtly one-sided intervention in political controversy . . .” The BBC hit back saying it stood by its journalism – “we completely reject any accusation of bias and dishonesty.” The evidence, though, strongly favours the Labour Party: this was a piece of rogue journalism that presented just one side of the argument, ignored basic facts and bent the truth to breaking point.

Part of the BBC’s defence of the programme was that “it explored a topic of undoubted public interest, broadcasting powerful and disturbing testimonies from party members who’d suffered anti-Semitic abuse.” The programme begins with an unnamed young woman who tells viewers “I’ve been the victim of a lot of antisemitism within the Labour Party” and “I wouldn’t say to a friend go to a Labour Party meeting if you are Jewish. I couldn’t do that to someone I cared about.

After she speaks, award-winning reporter John Ware says “Labour says anti-racism is at its very core. Why then is there a constant stream of complaints by party members?”

The programme then presents the testimony of a further nine witnesses saying that antisemitism is a serious problem in the Labour Party. Since they are not identified by the programme – apparently to protect them from threats and harassment – viewers are inevitably led to believe they’re just ordinary members of the Labour Party. In fact, of the “anonymous ten,” most are high-profile Labour Jewish members – and all of them are opposed to Jeremy Corbyn’s leadership.

Take Ella Rose, the
A young woman who opens the Panorama programme as an anguished victim of antisemitism.

Eighteen months earlier she was playing – without being aware of it – an equally high profile role in the sensational Al Jazeera documentary *The Lobby* about Israel’s clandestine attempts to shape British politics. At the time she was Director of the Jewish Labour Movement, having moved into the job from her previous post as a public affairs officer at the Israeli Embassy. She was filmed discussing the case of the black Labour activist Jackie Walker who was under investigation for antisemitism. Rose was caught on camera saying she could “take” Walker using martial arts techniques developed by the Israeli military. The Jewish Labour Movement denied that it was close to the Israeli Embassy.

Another of the “anonymous ten” is Phil Rosenberg, Director of Public Affairs at the Board of Deputies of British Jews which is also opposed to Corbyn. I asked Rosenberg why *Panorama* thought it necessary to anonymise him: after all his job, it would seem, is to represent the Board in public. He didn’t reply.

But there’s a more serious problem than just the identity and the affiliations of the ten. They all come from the right wing of Labour’s Jewish membership which supports Israel and opposes Corbyn. Eight of them are, or have been, officials of the Jewish Labour Movement (JLM) which insists that antisemitism is a serious problem in Labour and that the leadership isn’t doing enough to deal with it.

In November 2018 it asked the UK’s Equality and Human Rights Commission (EHRC) to investigate the party’s “institutional antisemitism.” In April 2019 it passed a motion of no confidence in Jeremy Corbyn over his alleged failure to deal with the issue. JLM chairman Mike Katz has made it clear the group will not be campaigning in this month’s General Election for any Labour election candidate who supports Corbyn.

There is an alternative narrative coming from pro-Corbyn Jewish organisations which says that, while there is antisemitism in Labour, it’s not a widespread problem. And it would have been a simple matter to obtain the testimonies of ten Jewish members who have never experienced antisemitism in the party.

Moreover, anecdotal evidence suggests many of the complaints are made about Jewish members by other Jewish members – and that a large number of them relate...
to criticism of Israel’s policies towards the Palestinians. But this side of the issue is unrepresented in the Panorama programme.

And then there’s the scale of the problem. Ware asserts that before Corbyn complaints about antisemitism “were rare” but after he became leader there was a “constant stream of complaints.” He states that many British Jews “once saw the Labour Party as their natural political home. No longer”. As well as the “anonymous ten” who give personal experiences, a former Labour Party insider says “the problem was massive ...” Ware adds that by the spring of this year “there were still several hundred antisemitism cases waiting to be resolved”. He says the Labour Party “won’t give us precise figures ...”

In fact, Ware did have access to figures which throw genuine light on the scale of the problem – statistics he chose to ignore. In February, Labour Party general secretary Jennie Formby released figures for a ten-month period from April 2018 to January 2019. There were 673 complaints of antisemitism against party members, of which 394 – more than half – were found not to involve a breach of party rules and were dismissed. Leaving aside 30 cases which were not completed, there were 249 cases where sanctions were imposed or where members resigned before their cases were determined. Given that the Labour Party has 500,000 members, these 249 cases amount to 0.05 percent – a tiny fraction. The problem is, then, statistically small.

Not only does Panorama fail to give viewers the only reliable statistics on the scale of the problem, John Ware then goes on to talk about “Mr Corbyn’s failure to drive out antisemitism”, as if this was an accepted fact. As proof of this, he seize on the fact that “only around” 15 people have been expelled from the party for antisemitism in a three year period. But Ware should have known this proves nothing – and to understand why he only had to look at the BBC’s record when it comes to complaints. In its annual report for 2018-2019 the Corporation records more than 218,000 “editorial and general complaints” of which 58 were found to be in breach of BBC editorial guidelines – a fraction of one percent. In the antisemitism statistics for April 2018-January 2019, the number of people expelled from Labour is close to 2 percent.

This pattern is common in all regulatory regimes: the number of complaints upheld is usually a small percentage of the total. And Ware could have also looked at the issue of Labour’s antisemitism in another way. In the ten months to January 2019, the party took action against 249 individual members out of a total number of 763 complaints. In other words, in more than a third of all cases Labour took some form of disciplinary action – an extraordinary figure in any regulatory regime. The evidence, then, suggests that the party is bending over backwards to address the concerns of Jewish members.

Having purged his narrative of any meaningful statistics and presented only those party members who conformed to his analysis of the problem, John Ware goes on to present highly one-sided accounts of alleged incidents of antisemitism. In
one case, he examined the experience of a Labour Party disputes official called Ben Westerman when he went to Liverpool to investigate problems in the city. There had been friction between supporters of the Riverside MP, Louise Ellman, and critics over the issue of Labour policy on the Israel-Palestinian question. Westerman is Jewish and among the people he interviewed was Helen Marks, a pensioner.

Of this interview, John Ware states: “While interviewing one member he was confronted with the very antisemitism he’d been investigating.”

Westerman says: “We finished the interview, the person got up to leave the room and then turned back to me and said where are you from? And I said what do you mean, where am I from? And she said I asked you where are you from? And I said I’m not prepared to discuss this. They said are you from Israel? What can you say to that? You’re assumed to be in cahoots with the Israeli government, it’s this obsession with that that just spills over all the time into antisemitism.”

Aside from the fact that it’s difficult to see how asking someone if they come from Israel can be, of itself, antisemitic, this account is disputed. Helen Marks says it never happened. She says that, during the interview, she was accompanied by a friend who asked Westerman what branch of the party he was in. A transcript of the interview confirms this – and the fact that Westerman’s response was “I don’t think that’s relevant.”

Neither Helen Marks nor her friend were contacted by Panorama to give their side of the story. Nor did the programme reveal the fact that they are both Jewish. When Helen Marks complained to the BBC, a Corporation executive said he was satisfied Westerman’s “account is his genuine memory of what he heard and we confirmed that it was as he reported it at the time.” Just what is meant by the words “we confirmed that it was as he reported it at the time” is not explained.

Having posed the question – is Labour antisemitic? – the BBC was duty-bound to give both sides of the argument. In fact, apart from an interview with Labour shadow communities secretary Andrew Gwynne and statements from the party, Panorama devotes the majority of the programme to voices claiming the problem was serious and critical of Labour’s handling of the problem. Of 22 people interviewed for the broadcast, 21 fell into this bracket.

The BBC sets itself high standards. In June 2019, just a few weeks before the Panorama broadcast, it published a new set of Editorial Guidelines. Chairman Sir David Clementi was emphatic: “… nothing is more important than the BBC’s reputation for independence, impartiality and editorial integrity … ” Director General Tony Hall was even more forthright: “It’s just a few short years since the terms ‘fake news’ entered our lexicon. It’s now a weapon of choice used worldwide. In a world of misinformation, our values have never been more important. That’s why accuracy, impartiality and fairness are given such prominence in these Guidelines.”

After the Panorama programme, the BBC recorded 1,593 complaints alleging “bias against the Labour Party.” The BBC’s initial response – it stood by its journalism and rejected “any accusations of bias or dishonesty” – was enough to dissuade most of these from proceeding any further. However, at least 49 appealed the decision. These were rejected by the Corporation’s Executive Complaints Unit. The Unit also dismissed a detailed complaint from the Labour Party itself. Until recently, that would have been the end of the matter. For nearly a century the BBC has been judge and jury in its own case. In April 2017, however, this self-regulation came to an end and the statutory broadcasting regulator Ofcom took over the role. Ofcom is one of the UK’s most powerful watchdogs and its complaints system is rigorous. Ofcom has already received 25 appeals about the BBC’s rejection of their com-
plaints. Given that the Labour Party – Her Majesty’s Loyal Opposition with more than 12 million votes in the 2017 election – will also join this list, it’s inevitable that Ofcom will open an investigation under its own Broadcasting Code.

This is what Ofcom did when there were complaints about the 2017 Al Jazeera series The Lobby about Israel’s clandestine attempts to influence political policy in the UK. The sensational four-part series, screened in January 2017, caused an Israeli Embassy employee trying to “take down” the then Conservative Foreign Office minister Sir Alan Duncan, an outspoken critic of Israel who said in 2014 of the settlements in the West Bank: “Occupation, annexation, illegality, negligence, complicity – this is a wicked cocktail which brings shame on Israel.” Israeli Ambassador Mark Regev was forced to apologise, insisting that taking down the minister was not official Israeli policy. The Israeli Embassy employee was sacked.

The Jewish Labour Movement complained about the programme on the grounds that it was not impartial. Ofcom rejected the complaint: it concluded the programme had “included a range of viewpoints on this matter of political controversy” and had, therefore “maintained due impartiality”. The Movement’s then Director Ella Rose also complained that Al Jazeera, in using undercover film of her, had treated her unfairly and had invaded her privacy. Again, Ofcom rejected the complaints. The BBC is disdainful of Al Jazeera: in a comment to one of the Panorama complainants, it noted that the channel: “…. has very different editorial processes to the BBC”.

Now it’s the turn of the BBC’s editorial processes to come under the Ofcom microscope.

Labour has not revealed the contents of its complaint but the general outlines are clear. The party says it was perfectly acceptable for Panorama to examine the issue of antisemitism among its membership – it’s a clear matter of public interest. However, John Ware’s “author’s polemic” was so one-sided that it broke one of Ofcom’s cardinal rules. This is clause 5.12 of the watchdog’s broadcasting code: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme … Views and facts must not be misrepresented.”

Moreover, the party is also likely to argue that the BBC, in first approving and then defending the Panorama programme, was partisan at a time when an election was likely to take place within a matter of months. And, given the slowness of the BBC’s complaints system (even after four months the process is still not complete) combined with the length of time Ofcom requires, the chances of Labour obtaining a correction before any election in 2019 were always remote. And this is what has happened. Panorama’s programme is still available on iPlayer and significant harm has been done to Labour’s reputation on the antisemitism issue.

Although any Ofcom ruling will not come until next year, the stakes are still high. If Ofcom finds against the BBC – it can also impose a fine of up to £250,000 – it will be a huge blow for the Corporation’s reputation for impartiality. The jobs of chairman Clementi and Director General Tony Hall could be on the line. For Ofcom to make such a sensational ruling against the UK’s state broadcaster may also have serious political repercussions for the watchdog itself, especially if the Conservatives, who are the main beneficiary of Panorama’s rogue journalism, are returned to power. But if Ofcom decides that the BBC has not broken its code, then it could face a challenge in the courts …
Note: Labour’s Statistics on anti-Semitism Complaints

Labour’s general secretary Jennie Formby released these figures in February 2019. These showed a total of 1,106 complaints in the 10 months from April 2018 to January 2019. Of these, 343 did not involve party members. Of the remaining 763 complaints which did involve members, 394 were not proceeded with because they did not involve a breach of the party’s rulebook. In other words, there was no anti-Semitism involved. Of the remaining 279, 30 were pending and are not included in the workings for this report. This leaves 249 complaints which were upheld in some form or another: 171 were sent a “reminder of conduct” with a further 34 either given a formal warning, sanctioned or expelled and the remaining 44 individuals resigned before their cases were heard: it’s assumed that they would have faced some disciplinary action had they remained in the party. Given that Labour’s membership stands at around 500,000, these 249 complaints represent 0.05 per cent of the total. When the figures were released, the Jewish Labour MP Margaret Hodge challenged them claiming that she herself had submitted a “dossier” of 200 cases. Jennie Formby wrote to her to say that these complaints came from 111 individuals, 91 of whom were not party members. There has been no credible challenge to the figures released by Formby.

The 249 upheld complaints amounts to 24.9 upheld complaints a month. In the 46 months between Jeremy Corbyn’s election (September 2015) and the July 2019 Panorama broadcast, if this figure had been constant, there would have been 1,145 upheld complaints. This increases the percentage to 0.2 per cent of the membership from 0.05 per cent but the figure is still small.

A Case To Answer – The Ofcom Equation

WHICH IS the more honest broadcaster when it comes to investigative reporting concerning Britain’s Jewish community — the BBC or Al Jazeera? That’s the question that’s going to be answered by Ofcom’s consideration of Panorama’s Is Labour Anti-Semitic?

In January 2017 Al Jazeera broadcast an explosive four-part series called The Lobby. The channel used an undercover reporter to follow the activities of a senior Israeli Embassy official as he tried to influence British politics. He talked of MPs he wanted to “take down,” including the Tory MP Sir Alan Duncan, a critic of Israeli policy towards the Palestinians. The programme led to the sacking of the official and a public apology from Israel’s UK Ambassador Mark Regev. Ofcom ruled that The Lobby did not breach impartiality rules.

Now it’s the BBC and Panorama that will come under the Ofcom microscope. Until April 2017 the BBC was, effectively, judge and jury in its own case. But after that date Ofcom – which has always (under various incarnations) regulated ITV and Channel 4 – became the BBC’s watchdog. Ofcom is the UK’s most powerful media regulator. Ofcom also has teeth when it comes to rogue programmes: in 1998 Ofcom’s predecessor, the ITC, fined ITV franchise holder Carlton (head of public affairs: David Cameron) £2m for a largely faked documentary on cocaine smuggling. Should Ofcom find Panorama in breach of its code, the current maximum fine is £250,000 – chickenfeed for the BBC – but the damage to the Corporation’s worldwide reputation would be enormous.

The case Panorama and the BBC will have to answer is that they breached section 5 of the Ofcom’s Broadcasting Code: “Due impartiality and due accuracy”.

Section 5.12 states: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.” Section 5.13 requires the “prevention of undue prominence of views and opinions on matters of political or industrial controversy and matters relating to current public policy.”

The Ofcom code is based on the Communications Act of 2003 and its decisions are open to judicial review. This may prove to be an important point if Ofcom finds in favour of the BBC. Given Labour’s deep anger at the BBC’s decision to broadcast – and then defend – the Panorama programme, this is an issue that could end up in the courts…

A fuller version of this report will be published next year. You can contribute to this on Crowdfunder.co.uk. (search for Press Gang).

Following is a direct link to the page http://bit.ly/pressgang_bbc_19
A sensational Panorama programme on anti-Semitism

Condemned by Labour – “an overtly one-sided intervention in political controversy”

Defended by the BBC – “we completely reject any accusations of bias or dishonesty”

Who’s right?

This damning report finds against the BBC

– the broadcast was rogue journalism
– Panorama repeatedly broke the BBC’s own editorial guidelines

The report adds to growing concerns about BBC impartiality

And asks

IS THE BBC ANTI-LABOUR?