

<p>1 2 (2.00 pm) 3 LORD JUSTICE LEVESON: Yes, Mr Jay. 4 MR JAY: Mr Murdoch, the emails at pages 16 and 17, 5 01657/01658 didn't go to you. It's clear that behind 6 the scenes, efforts were made to work out who was the 7 best person to speak to close to Mr Cable, who therefore 8 could be lobbied. 9 The answer came at 01659, page 18, which is an email 10 which did go to you: 11 "Mission accomplished." 12 This is Mr Michel, of course, to you. 13 "Lib Dem MP, former Sky employee, with major Sky 14 customer centres in his constituency and around, will 15 contact Vince Cable to ask him to bear in mind the 16 economic investment point of view rather than getting 17 influenced by political games, especially in times of 18 austerity and a very difficult economic environment for 19 those areas. He will also emphasise the opportunity for 20 Cable to show the maturity of the Lib Dems as Coalition 21 partners, working for the long-term, and will draw from 22 the coalition government experience Lib Dems have had in 23 Scotland." 24 Then we can see the second bullet point: 25 "Alex Salmond is also very keen to put these issues</p> <p style="text-align: center;">Page 1</p>	<p>1 <b>It's entirely straightforward and normal for</b> 2 <b>a business to reach out and advocate legitimately the</b> 3 <b>economic benefits of a transaction or a business, as</b> 4 <b>it -- as it were. I don't see that there's anything</b> 5 <b>related to the other piece in this email. This is just</b> 6 <b>legitimate advocacy.</b> 7 Q. Did you, as part of that process, have any discussion 8 with Alex Salmond shortly thereafter? 9 <b>A. I had a discussion with Alex Salmond at some point in</b> 10 <b>here, making many of the same points as well as, I'm</b> 11 <b>sure, other agenda items.</b> 12 Q. Thank you. Can we look at our page 01662, your page 21. 13 Not an email you were copied in on. 14 "Vince's adviser just called me, unprompted. We 15 discussed the state of the process. He promised to make 16 sure he has read the BIS submissions by Thursday 17 afternoon. He will then schedule a face-to-face chat." 18 So I think that's a reference to the adviser who is 19 going to read the submissions. Indeed, the adviser did 20 read them, page 22, our page 01663, because the adviser 21 texted Mr Michel, stating that it was his view you'd put 22 up a very strong case which would stand you in good 23 stead on this. 24 The next page, 01664, this time you are sent the 25 email, but on 8 November 2010, which was four days after</p> <p style="text-align: center;">Page 3</p>
<p>1 across to Cable and have a call with you tomorrow or 2 Wednesday. His team will also brief the Scottish press 3 on the economic importance of News Corp for Scotland." 4 I think you did have a conversation with Mr Salmond 5 about it, didn't you, Mr Murdoch? 6 <b>A. I think I did, but Mr Jay, I don't -- I think you</b> 7 <b>characterised page 18, the note that starts "Mission</b> 8 <b>accomplished", as somehow the answer to who to talk to</b> 9 <b>with respect to Mr Cable, and I don't think the two are</b> 10 <b>related. For clarity, I think the -- 16 is Vince's main</b> 11 <b>adviser suggesting that Lord Oakeshott be contacted or</b> 12 <b>others or -- and then this is a separate point on 18,</b> 13 <b>which is Mr Michel, who basically started speaking to</b> 14 <b>some Scottish politicians where, as we discussed</b> 15 <b>earlier, British Sky Broadcasting is a major employer,</b> 16 <b>to make some of the economic arguments with respect to</b> 17 <b>investment. I think we have to recall that this merger</b> 18 <b>was about the creation of a pan-European digital</b> 19 <b>television platform with major operations in the United</b> 20 <b>Kingdom, and particularly that meant potentially quite</b> 21 <b>a lot of operations and an increase in operations in</b> 22 <b>Scotland, where technical support, IT, service centres,</b> 23 <b>et cetera, were located for British Sky Broadcasting as</b> 24 <b>an important employer there, and it's entirely</b> 25 <b>straightforward to reach out to --</b></p> <p style="text-align: center;">Page 2</p>	<p>1 Mr Cable had issued a European intervention notice. Do 2 you recall that? 3 <b>A. Yes, and I'd note that the previous email I think is on</b> 4 <b>the day or thereabouts when the European intervention</b> 5 <b>notice was put, saying that our case was strong with</b> 6 <b>respect to our briefing.</b> 7 Q. The gist of the email 01664, page 23 -- this is a call 8 with Mr Cable's main adviser, really along the lines, if 9 I can paraphrase it, that they didn't want a meeting at 10 that stage between News Corp and Mr Cable. You can see: 11 "They also want to be able to say they took an 12 independent view. Asked me to be in touch regularly in 13 coming weeks, if only to provide him with any 14 evidence/materials we would like Vince/him to read." 15 Then we can see at the bottom: 16 "I also have follow-up calls scheduled with David 17 Laws and Clegg on this." 18 Mr Cable was taking an appropriate line, wasn't he, 19 in terms of not wishing to have a meeting? He wanted to 20 take an independent view; would you agree? 21 <b>A. No, I actually think it would have been entirely</b> 22 <b>appropriate -- and it's the reason that I sought it --</b> 23 <b>to have a meeting with Mr Cable and his advisers to be</b> 24 <b>able to lay out some of the issues as we saw them and to</b> 25 <b>be able to lay out both the rationale for the</b></p> <p style="text-align: center;">Page 4</p>

1 **transaction and also our analysis of the relevant**  
 2 **plurality and competition concerns. It's self-evident**  
 3 **in what emerged over the next 12 months, namely in --**  
 4 **I guess it was December when he was removed but then**  
 5 **interviews that he made afterwards, that he was taking**  
 6 **other people's advice, which is very frustrating**  
 7 **because, really, you know, all we wanted to do was be**  
 8 **able to sit down in a proper way and say, "Here are the**  
 9 **issues. You, the Secretary of State, should consult on**  
 10 **this and you should be listening to -- we know you are**  
 11 **going to be listening to and informed by all the**  
 12 **different noise around. Please sit us down and let us**  
 13 **make our case."**

14 Q. Page 24, 01665, Mr Michel to you. Mr Michel had  
 15 a meeting with Rupert Harrison, who, I think as we  
 16 established before lunch, is the special adviser to  
 17 Mr George Osborne; is that right?

18 **A. That is what you said earlier, yes.**

19 Q. This was a way into finding out what was going on at  
 20 a high level, and we can see that from the text of the  
 21 email:  
 22 "Confirmed tensions in the Coalition around Vince  
 23 Cable and his current policy positions. Vince made  
 24 a political decision ..."  
 25 This is the issue of the European intervention

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1 notice.  
 2 "... probably without even reading the legal advice,  
 3 as confirmed also to us by Vicky Price and David Laws  
 4 yesterday."  
 5 Do you think it's appropriate, Mr Murdoch, that here  
 6 you are getting confidential information as to what's  
 7 going on at a high level in government?

8 **A. I think -- I think -- what I was concerned with here was**  
 9 **the substance of what was being communicated, not**  
 10 **necessarily the channel by which it was being**  
 11 **communicated. Mr Michel's job was to engage with**  
 12 **special advisers and at a political level with**  
 13 **Westminster, to put it broadly. That is what a public**  
 14 **affairs executive does. He reports back what he's been**  
 15 **told, and at no point in here did he or the company put**  
 16 **forward anything illegitimate or inappropriate. We**  
 17 **just -- I was concerned here with the substance of what**  
 18 **I was hearing. I thought you were about to ask: "Do you**  
 19 **think that it's appropriate that he took the decision**  
 20 **without reading any of the legal advice?" That's --**

21 Q. That speaks for itself. I'm not going to comment on  
 22 that.

23 **A. That was the thing that stood out to me in all of these**  
 24 **communications. It was the substance of what was being**  
 25 **communicated more than reflecting on the channel.**

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1 Q. Maybe this is your view -- and I'm not saying whether  
 2 it's right or wrong: that if Mr Harrison is prepared to  
 3 speak to Mr Michel and speak indiscreetly, that's  
 4 a matter for Mr Harrison, but Mr Michel is simply doing  
 5 his job?

6 **A. Mr Michel is reporting back what he's hearing. In some**  
 7 **cases he's calling people and in others, as you just**  
 8 **referred to an email, he's receiving telephone calls**  
 9 **unprompted, and a channel of communication exists that**  
 10 **is just additional to, really, the important channels**  
 11 **which were the voluminous submissions that we were**  
 12 **making to the Secretary of State and to his people, and**  
 13 **to whomever else asked for them.**

14 Q. It's also clear from this email that Mr Salmond was  
 15 onside as well. That's consistent with the previous  
 16 email. I'd like to move forward, please, to your  
 17 page 26, our page 01667.

18 **A. Yes.**

19 Q. 15 November 2010. Michel to you:  
 20 "Jeremy [that's Jeremy Hunt] tried to call you."  
 21 So it looks as if Mr Hunt was trying to call you,  
 22 Mr Murdoch, directly. Is that your understanding?

23 **A. That seems to be what it says, that Mr Hunt tried to**  
 24 **call me.**

25 Q. "He has received very strong legal advice not to meet us

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1 today as the current process is treated as a judicial  
 2 one (not a policy one) and any meeting could be referred  
 3 to and jeopardise the entire process. Jeremy is very  
 4 frustrated about it but the Permanent Secretary has now  
 5 also been involved."  
 6 What did you understand by that?

7 **A. I understood that there was a meeting scheduled with**  
 8 **Mr Hunt and presumably his advisers and I certainly was**  
 9 **bringing along my public affairs executive, and then it**  
 10 **was cancelled because of advice that, as a minister, he**  
 11 **shouldn't meet with someone who had an issue before the**  
 12 **government.**

13 LORD JUSTICE LEVESON: What was the date on which Mr Cable's  
 14 responsibility passed on to Mr Hunt?

15 **A. It was a month later.**

16 MR JAY: 21 December.

17 LORD JUSTICE LEVESON: December? Thank you.

18 **A. And again, Mr Jay, you know, I was seeking to have**  
 19 **entirely transparent conversations with policy-makers**  
 20 **and around the place, because by this point we were**  
 21 **obviously extremely frustrated by the things we were**  
 22 **hearing. I'd also add that a lot of the communications**  
 23 **that were coming back from government and from**  
 24 **politicians I took with a grain of salt, given the fact**  
 25 **that we had been hearing many, many sides -- people were**

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<p>1 <b>speaking out of different sides of their mouth, it</b></p> <p>2 <b>seemed to me, in all the communications that we've come</b></p> <p>3 <b>up to.</b></p> <p>4 Q. Aside from the point that Mr Hunt didn't have carriage</p> <p>5 of the decision -- at this stage it was Mr Cable -- what</p> <p>6 you were being told here was that the government was</p> <p>7 receiving strong legal advice that as this was</p> <p>8 a judicial process, meetings were inappropriate. Did</p> <p>9 you understand that to be the case?</p> <p>10 <b>A. I understood that that was the advice he was getting.</b></p> <p>11 <b>It said that he was frustrated and I was frustrated by</b></p> <p>12 <b>it as well, because there was nothing inappropriate,</b></p> <p>13 <b>I thought, about being able to advocate a reasonable</b></p> <p>14 <b>position, which was that the government should be</b></p> <p>15 <b>applying the appropriate legal test, particularly when</b></p> <p>16 <b>we had already heard, as we saw in the emails before,</b></p> <p>17 <b>that perhaps that wasn't the process that had been</b></p> <p>18 <b>followed earlier. I would also --</b></p> <p>19 Q. Whatever the position before, Mr Murdoch, you were being</p> <p>20 told that as this was a judicial process and not</p> <p>21 a policy issue, it was inappropriate to have certainly</p> <p>22 formal meetings, and by parity of reasoning, informal</p> <p>23 meetings, because that had the propensity to subvert the</p> <p>24 judicial process. You must at least have understood</p> <p>25 that.</p> <p style="text-align: center;">Page 9</p>	<p>1 <b>substantive, where we could make the case that we wanted</b></p> <p>2 <b>to make.</b></p> <p>3 <b>And I'm sure, by the way, there were lots of other</b></p> <p>4 <b>things on the agenda to meet with Mr Hunt on at that</b></p> <p>5 <b>time, most notably the IP review, the Hardwicke(?)</b></p> <p>6 <b>review, next generation access, networks legislation --</b></p> <p>7 <b>all of the normal things that actually we weren't able</b></p> <p>8 <b>to discuss at all because of this idea that we weren't</b></p> <p>9 <b>able to have government meetings.</b></p> <p>10 Q. Did you have a conversation with Mr Hunt on his mobile</p> <p>11 phone or otherwise?</p> <p>12 <b>A. I believe he called me to apologise for cancelling the</b></p> <p>13 <b>meeting but -- I don't have a specific recollection, but</b></p> <p>14 <b>I think that's what's in the records.</b></p> <p>15 Q. Your reply, which is the one reply which may be</p> <p>16 relevant, timed at 12.02 in the early afternoon:</p> <p>17 "You must be fucking joking. Fine. I will text him</p> <p>18 and find a time."</p> <p>19 So you were angry?</p> <p>20 <b>A. As I said earlier, I was displeased.</b></p> <p>21 Q. Did you get advice as to what a judicial process such as</p> <p>22 this meant and also what it would be or would not be</p> <p>23 appropriate for News Corp to be doing in relation to</p> <p>24 officials and ministers who were responsible for that</p> <p>25 judicial process?</p> <p style="text-align: center;">Page 11</p>
<p>1 <b>A. But I didn't have any informal meetings. This was,</b></p> <p>2 <b>I understood to be, that Mr Hunt would not be taking</b></p> <p>3 <b>direct meetings from hereon in.</b></p> <p>4 Q. So you understood that it was inappropriate, because</p> <p>5 this was a judicial process, to have formal meetings</p> <p>6 with the Secretary of State, did you?</p> <p>7 <b>A. That seems to be what this says. I didn't agree with</b></p> <p>8 <b>the points, and I was -- you know, and I'm sure I know</b></p> <p>9 <b>what you're coming to. I was displeased with the</b></p> <p>10 <b>decision.</b></p> <p>11 Q. The email from Mr Michel continues:</p> <p>12 "My advice would be not to meet him today, as it</p> <p>13 would be counter-productive for everyone, but you could</p> <p>14 have a chat with him on his mobile, which is completely</p> <p>15 fine, and I will liaise with his team privately as</p> <p>16 well."</p> <p>17 Which suggests: well, if you do it surreptitiously</p> <p>18 by direct mobile phone contact, then no one will find</p> <p>19 out about it. That's what this is telling you, isn't</p> <p>20 it?</p> <p>21 <b>A. I didn't make it -- I didn't take it to mean</b></p> <p>22 <b>surreptitiously. I took it to mean that maybe a small</b></p> <p>23 <b>telephone call, if he wanted to speak to you, would be</b></p> <p>24 <b>fine. But there was no understanding in my mind that</b></p> <p>25 <b>a telephone call would replace a meeting that was to be</b></p> <p style="text-align: center;">Page 10</p>	<p>1 <b>A. With respect to judicial process, my understanding was</b></p> <p>2 <b>that the Secretary of State had a responsibility to take</b></p> <p>3 <b>into account the advice that he was receiving from his</b></p> <p>4 <b>advisers and that they would receive submissions from</b></p> <p>5 <b>various parties in putting that advice forward to him.</b></p> <p>6 <b>Our only concern in this -- and I think a lot of</b></p> <p>7 <b>these communications as we'll keep going were really</b></p> <p>8 <b>around that, around the process itself, to -- because,</b></p> <p>9 <b>remember, under the Enterprise Act here, this was</b></p> <p>10 <b>unchartered territory. We hadn't really done this</b></p> <p>11 <b>before with the Secretary of State doing this, and so</b></p> <p>12 <b>the timetables, how many submissions, what other bodies</b></p> <p>13 <b>would be consulted and what wouldn't be consulted at</b></p> <p>14 <b>different phases in it was something that was, you know,</b></p> <p>15 <b>a matter of dialogue with the relevant authorities as we</b></p> <p>16 <b>went through it.</b></p> <p>17 Q. Yes.</p> <p>18 <b>A. Which is why again -- you know, which is what a public</b></p> <p>19 <b>affairs executive does, is try to have an understanding</b></p> <p>20 <b>of those things and keep the process moving along.</b></p> <p>21 Q. The next few pages, starting at 01668, show that</p> <p>22 Mr Michel was also trying to work on the special adviser</p> <p>23 for Mr Cable, and Mr Wilkes, who was Mr Cable's special</p> <p>24 adviser, was saying that that would be inappropriate.</p> <p>25 <b>A. Are you on pages 27 and 28?</b></p> <p style="text-align: center;">Page 12</p>

<p>1 Q. Yes. He refers, for example, to his being sure that 2 "we're both equally interested in staying within the 3 bounds of proper conduct". So he's warning Mr Michel to 4 lay off, isn't he?</p> <p>5 <b>A. But I think Mr -- I mean, I can't speculate, I wasn't on 6 any of these emails, but actually what we've seen, given 7 the process that the department for business innovation 8 and skills had gone through, they didn't want any 9 dialogue and they didn't want any -- they didn't want to 10 have anyone talking to them about the process because 11 they hadn't had one.</b></p> <p>12 Q. Okay. Page 31 --</p> <p>13 LORD JUSTICE LEVESON: I think a proper reading of this 14 email requires a look at the one at the bottom. 15 Mr Michel is saying to Mr Wilkes: 16 "Well, so that means nobody else has spoken? You've 17 not met anybody else?" 18 Asking somewhat pointedly, and he's responding: 19 "Well, as happens, I don't think I have, and of 20 course we have to stay in proper conduct." 21 And then the top one says: 22 "Well, I understand. I was only being cheeky in 23 a friendly way." 24 <b>A. And he does back off.</b> 25 MR JAY: You weren't copied into those emails. The next Page 13</p>	<p>1 <b>A. It was a presentation at an investor conference.</b> 2 Q. Do you appreciate that presentation was interpreted by 3 some as a threat to government over a reference to the 4 Competition Commission? 5 <b>A. I think it was miscast as that in the UK press. At the 6 time, the initial wire stories and things like that -- 7 and I've gone back and looked at it -- actually played 8 it pretty straight. It was simply an argument about the 9 economic benefits and an argument about potential 10 disincentives to invest around lengthy and uncertain 11 regulatory processes.</b> 12 Q. That wasn't a gentle message to government to get on 13 with it, was it? 14 <b>A. It was a clear message to say that uncertain and lengthy 15 regulatory processes were a disincentive to invest and 16 they made it harder for businesses who have a lot of 17 choices to invest around the world, particularly News 18 Corporation, to make decisions to invest in those areas 19 where that uncertainty existed. I think any business 20 person would agree with that, and anyone would think it 21 entirely reasonable to advocate that position.</b> 22 Q. Page 32, 01673, email Mr Michel to you, 19 November: 23 "Lord Oakeshott. Was told today by Cable's adviser 24 to approach any meeting with Lord Oakeshott as a proxy 25 for Vince Cable, an intro discussion on the substance of Page 15</p>
<p>1 email that was sent to you was in the early evening of 2 15 November, page 01672, your page 31, when Mr Michel 3 tells you: 4 "Just had a conversation with Vince's main adviser 5 regarding meetings they might have had with the 6 complainants to the transaction, given rumours we hear." 7 <b>A. That he might have had a meeting?</b> 8 Q. Yes. 9 <b>A. I am sorry, where are you in this? I apologise, Mr Jay.</b> 10 Q. Page 31. 11 <b>A. I have the page --</b> 12 Q. I've just read out the first sentence. I think at one 13 stage -- I'm not sure exactly when -- there was 14 a meeting between Mr Cable and the complainants to the 15 transaction, wasn't there? 16 <b>A. We understand that to be the case, but it's being -- 17 they're saying it didn't happen here. This group of 18 people -- I don't think the FT, although they were sort 19 of outside it, had very publicly come together. I think 20 they'd called themselves an Alliance -- they capitalised 21 it -- and they had a PR firm and a legal firm, Slaughter 22 &amp; May, that was doing a lot of lobbying on the other 23 side.</b> 24 Q. On 17 November -- it's not within these emails -- you 25 gave a speech at Barcelona. Do you remember that? Page 14</p>	<p>1 Rubicon ..." 2 Is Rubicon the internal company name for the 3 acquisition of -- 4 <b>A. Yeah, it was just a project code name on internal 5 documents.</b> 6 Q. "... and the possible way forward." 7 The next email: 8 "I will have a session with Hunt's adviser next 9 Wednesday to update on Ofcom process and next steps." 10 Why was there continual interaction with Mr Hunt at 11 this stage, when he didn't have responsibility for 12 deciding the bid? 13 <b>A. I think the view was that we wanted any interested party 14 in policy-making to be able to see the relevant 15 arguments and the relevant submissions, given that we 16 were concerned about the process and we wanted to make 17 sure that the relevant process, the right process and 18 the relevant legal tests were applied. So we were happy 19 to provide documents, arguments, official copies, copies 20 of submissions, et cetera, if ministers' advisers wanted 21 them.</b> 22 Q. The email continues: 23 "Jeremy has also asked me to send him relevant 24 documents privately." 25 Do you know which documents those were? Page 16</p>

4 (Pages 13 to 16)

<p>1 <b>A. I would imagine it was things like submissions, things</b>  2 <b>that were the official documents, just so he could have</b>  3 <b>them, but I'm speculating.</b>  4 Q. Do you know whether that happened?  5 <b>A. I don't. I think so, because I think -- well, I think</b>  6 <b>in reading all of these just the other day, that there</b>  7 <b>are some -- they say they've read them, but I don't know</b>  8 <b>if that's the advisers or ...</b>  9 Q. I move forward to your page 36, our page 01677,  10 Mr Michel reporting back to you, 2 December 2010.  11 Michel has spoken to the advisers of both the Deputy  12 Prime Minister and the Prime Minister. Do you see that?  13 <b>A. Yes.</b>  14 Q. Particularly the emboldened bullet point, message coming  15 from the Deputy Prime Minister's adviser:  16 "Honest discussion on the importance for us of  17 getting Labour on board, comfortable with the  18 transaction, as that will influence Cable a lot."  19 That, again, is demonstrating the importance of the  20 political dimension, isn't it?  21 <b>A. Which they were telling us to focus on.</b>  22 Q. Look at page 38, 01679. 16 December. I think in order  23 to understand this, I have to interleave into the  24 chronology that on 10 December 2010, Ofcom published its  25 issues letter identifying the key issues which would</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>has to do, so I didn't assume that it was all direct.</b>  2 Q. On the next --  3 <b>A. But I think you can appreciate just -- I mean, again,</b>  4 <b>the channel wasn't my primary concern here; it was the</b>  5 <b>content of these notes, which were confirming our</b>  6 <b>concerns, or at least providing -- at least other people</b>  7 <b>seemed to agree with our concerns about the process.</b>  8 Q. Although this time the issues letter emanates from  9 Ofcom. It doesn't have anything to do with government,  10 does it?  11 <b>A. Well, I believe it's an issues letter that's issued by</b>  12 <b>Ofcom in response to the intervention notice the</b>  13 <b>Secretary of State had made a little while before. The</b>  14 <b>issues letter identifies issues and then it comes out</b>  15 <b>and then people opine and then Ofcom publishes a more</b>  16 <b>formal report later on, and that didn't come until the</b>  17 <b>end of December. The issues letter is part of the same</b>  18 <b>process and gives interested parties an idea of what</b>  19 <b>sort of things they're going to be weighing up and</b>  20 <b>thinking about in terms of how they determine what to</b>  21 <b>do.</b>  22 Q. I think its title is self-explanatory. We understand  23 its purpose. But if you read through the email chain  24 going upwards, Mr Michel -- pardon me, it's  25 Rebekah Brooks --</p> <p style="text-align: center;">Page 19</p>
<p>1 need to be addressed in relation to the merger. We know  2 that from another exhibit, KRM17, but we're not going to  3 look at it.  4 The right order for reading these emails -- can you  5 first at the second email on page 38, 01679, because  6 that comes first in time.  7 <b>A. Yes.</b>  8 Q. That's Michel to you:  9 "Very good debrief with Hunt on the issues letter.  10 He is pretty amazed by its findings, methodology and  11 clear bias. He very much shares our views on it. We  12 are going to try to find a way for you to meet with him  13 one to one before Christmas."  14 Of course, we don't know whether that reference to  15 Mr Hunt is to Mr Hunt in person or his special adviser,  16 do we?  17 <b>A. Or Hunt's office in general. Yeah, we don't.</b>  18 Q. Can I ask you this general question, Mr Murdoch: when  19 you were getting these emails through, did you interpret  20 all the references to Mr Hunt as to him personally or  21 did you interpret them more widely as being a reference  22 to his adviser or to his office?  23 <b>A. I think I assumed that he was communicating through his</b>  24 <b>office. I would have assumed that. The minister is</b>  25 <b>busy, doing events, all the other things that a minister</b></p> <p style="text-align: center;">Page 18</p>	<p>1 LORD JUSTICE LEVESON: I think Mr Michel is -- oh, it's  2 Mr Michel forwarding or adding an email to an email that  3 is sent, isn't it?  4 MR JAY: I think it might be a separate one. I'm not sure  5 it matters much.  6 LORD JUSTICE LEVESON: All right.  7 MR JAY: It's Rebekah Brooks, three minutes later, sending  8 an email to you and to Mr Michel. It's clear that  9 Rebekah Brooks has spoken to either George Osborne or  10 his office. The message is:  11 "Same from GO -- total bafflement at response."  12 So you're also gaining insight into what Mr Osborne  13 thinks about the issues letter, aren't you?  14 <b>A. It may not have been the issues letter in particular.</b>  15 <b>Remember, there was a general bafflement at Ofcom's view</b>  16 <b>because most people had assumed that we had controlled</b>  17 <b>Sky already.</b>  18 Q. Mr Osborne's list of meetings with proprietors -- this  19 conversation with Mrs Brooks is described as a general  20 discussion. Maybe we can consider that.  21 Higher up the page, Mr Michel is emailing you and  22 Mrs Brooks referring to feedback from a spokesman close  23 to Mr Cable. I think the feedback we learn at page 39,  24 01680, when you're told that Mr Michel has just spoken  25 to Vince's main adviser:</p> <p style="text-align: center;">Page 20</p>

<p>1 "Neither date I put forward for a meeting with Vince 2 [in early January] is likely to work. Vince is out of 3 the country." 4 So there's a possibility of a meeting in 5 mid-January. Do you see that? 6 <b>A. Again, I took a lot of the communication coming from the 7 politicians with a big grain of salt because they -- 8 this is now six months into this process. We hadn't 9 been able to get a meeting with the relevant adviser. 10 We'd heard conflicting accounts of whether or not he was 11 willing to look at evidence or not willing to look at 12 evidence. We had an issues letter from Ofcom that was 13 hard to understand where they were going, so the whole 14 thing at this point was very frustrating.</b> 15 Q. Next page, page 40, 01681, Mr Michel to you: 16 "Just had a chat with Clegg's Chief of Staff 17 regarding the ongoing process. He was very surprised 18 when I pointed out to him that Cable will be tempted to 19 take a decision with a lot of political influence. For 20 him, the referral is not a matter for Lib Dems; it's 21 a matter for the Secretary of State in accordance with 22 his statutory obligations." 23 As it happens, that's 100 per cent correct. 24 "Said he was unclear therefore why News Corp is 25 seeking out the views of people who have no locus in the Page 21</p>	<p>1 role of Telegraph. Cable about to be blackmailed ..." 2 Do you know what that was about? 3 <b>A. Blackmailed? I didn't ...</b> 4 <b>Oh, I think it's because when the comments came out, 5 they had been -- they came out on -- well, I guess it 6 was on TV, but also Mr Peston's -- for the BBC's blog, 7 came out and apparently the Telegraph, who had done the 8 recording around a number of Liberal Democrats at that 9 time, had gotten this recording and then had published 10 it as the full transcript but without the relevant piece 11 about News Corporation. I think Mr Cable said something 12 like: "They're under attack from everywhere and I've 13 declared war on Mr Murdoch", and he'll stop the BSkyB 14 transaction. Importantly, he says that that's the 15 reason why it's good to be in Coalition government, 16 because they can do things like this as opposed to just 17 protesting in opposition. I'm paraphrasing there.</b> 18 <b>That whole piece was left out of the Telegraph, and 19 given their prominent role in the so-called alliance 20 against this, that was cause for some concern of ours, 21 and we thought it was pretty inappropriate.</b> 22 <b>And then the demands with Oakeshott. When I did 23 meet with Lord Oakeshott, ahead of any Ofcom piece or 24 whatever it is, there were suggestions made of divesting 25 the Times and other things like that that I just Page 23</b></p>
<p>1 decision-making process and thinking that their views 2 indicate that the decision will be political." 3 Why were you doing that? 4 <b>A. Because Vince's main adviser, many months before, had 5 advised us to do so.</b> 6 Q. I can paraphrase the rest, that Mr Cable was keen to 7 make up his own mind and not be influenced by anyone, 8 although you were trying to influence him, weren't you? 9 <b>A. We were simply trying to make the case that a clear 10 process should be put in place around this and the 11 relevant legal test that's clearly understood should be 12 applied. I don't think that's influencing. That's 13 saying, "Let us make the side of the argument one way or 14 another", so that he can have the right inputs to make 15 a decision.</b> 16 Q. Okay. Page 41, 01682. We're now the early evening of 17 21 December 2010. Mr Cable's remarks to the two persons 18 posing as members of his constituency but in fact 19 journalists had entered the public domain. It's clear 20 that Mr Michel had spoken to either Mr Clegg's Chief of 21 Staff or his special adviser: 22 "Just spoke. He is absolutely furious." 23 That's Mr Clegg who is absolutely furious, or his 24 adviser. It doesn't matter which. 25 "Said Cable's comments unacceptable. I ran through Page 22</p>	<p>1 <b>wouldn't engage in because I thought that only the 2 relevant legal test should be the matter at hand.</b> 3 Q. The reference, though, to Mr Clegg's office being 4 furious and Mr Cable's comments being unacceptable, that 5 must, though, be a reference to Mr Cable's remark that 6 he wanted to declare war on Murdoch? 7 <b>A. Or that he had.</b> 8 Q. Yes. 9 <b>A. I think it was an exposure of acute bias, as I mentioned 10 earlier.</b> 11 Q. Okay. Page 42, 01683. We're now Christmas Eve. 12 Mr Michel emailing you and others. Mr Michel says: 13 "Just spoke to JH." 14 So he claims to have spoken, I think, to Mr Hunt 15 directly. This is the last of the communications which 16 is with Mr Hunt directly, according to Mr Michel's 17 witness statement. 18 "Said he was very happy for me to be the point of 19 contact with him/Adam ..." 20 Adam is the special adviser of Mr Hunt. 21 "... on behalf of JRM going forward. Very important 22 to avoid giving the anti any opportunity to attack the 23 fairness of the process and fine to liaise at that 24 political level, while also DCMS/NWS legal teams are in 25 touch." Page 24</p>

<p>1 So, to be clear, by this stage Mr Hunt had now been 2 seized with responsibility for making the quasi-judicial 3 decision, hadn't he?</p> <p>4 <b>A. Yeah, that's right, and my understanding is that this is 5 the -- we had sought to understand what the right way to 6 liaise with DCMS was, now that the responsibility had 7 passed to them, and it appears that this was DCMS's 8 answers.</b></p> <p>9 Q. Yes. So the answer seems to be: well, there can't be 10 direct contact between Mr Hunt and Mr Murdoch, but there 11 can be indirect contact through Mr Michel and Mr Hunt's 12 special adviser, Mr Adam Smith. That's right, isn't it?</p> <p>13 <b>A. I think it's direct contact between Mr Smith and 14 Mr Michel, I read it to be. Nothing inappropriate 15 there, but actually just to say that people's advisers 16 and their staff would co-ordinate and communicate 17 throughout the process.</b></p> <p>18 Q. I'm not quite sure that's what this is saying. What 19 Mr Michel is saying: 20 "[It's] very important to avoid giving the anti any 21 opportunity to attack the fairness of the process." 22 So he's saying that if there were direct contact, 23 Mr Murdoch and Mr Hunt, that would give the anti 24 an opportunity to attack the fairness of the process -- 25 and I would add, in brackets, "correctly" -- but if we</p> <p style="text-align: center;">Page 25</p>	<p>1 <b>contact at the political level, if you will, at the 2 staff level, around process, around document 3 submissions, around -- just to give colour around these 4 things from us, that that was something that was 5 acceptable and that was part of the process he was 6 setting up.</b></p> <p>7 Q. It may depend on what the contact is about. Would you 8 agree?</p> <p>9 <b>A. I suppose so, and I assume we're going to keep going 10 through this --</b></p> <p>11 Q. We'll keep going. We'll see the sort of contacts which 12 took place as the months ensued, and we might begin to 13 see whether they fell into the appropriate box or the 14 inappropriate box.</p> <p>15 Let's look at the next one, New Year's Eve, 01684. 16 You're not party to this one. 17 "Jeremy Hunt and his team have not received it yet." 18 The "it", just bear with me, was the Ofcom report on 19 the bid, which was published that day. 20 "Will let you know if they do today. We already 21 know privately Jeremy will not look at it before next 22 Wednesday. Not to be repeated." 23 So what did you deduce from that?</p> <p>24 <b>A. I didn't, really. I mean, I just deduced from this 25 whole piece that Ofcom were keeping us informed and</b></p> <p style="text-align: center;">Page 27</p>
<p>1 do it on the level of political adviser and Mr Michel, 2 well, then, that risk is reduced.</p> <p>3 <b>A. But Mr Hunt in January did meet with me, and with all of 4 his advisors, and those are the minuted meetings you 5 referred to earlier, and that there was a formal meeting 6 process where we could make our case, and which is what 7 we always sought. I understand he also took meetings 8 with other constituents in this whole piece, people who 9 were against the deal and so on and so forth, but that 10 coordination sort of -- coordination by staff was, you 11 know, a normal part of making sure that process moved 12 along.</b></p> <p>13 Q. Mr Hunt must have taken the view on advice that formal 14 meetings -- and we've seen the minutes of those 15 meetings, 6 January and 20 January 2011 -- were okay, 16 would not impugn the fairness of the process, but if 17 there is informal contact of the sort we're seeing here, 18 that would be inappropriate and the way to avoid the 19 appearance of that is let the informal contact take 20 place secretly between Mr Michel and the special 21 adviser. Do you see that point?</p> <p>22 <b>A. Mr Jay, respectfully, I disagree with that point. 23 I think he was saying that informal contact between me 24 and Mr Hunt or others would raise eyebrows, because they 25 would say, "What was discussed?", et cetera, but general</b></p> <p style="text-align: center;">Page 26</p>	<p>1 <b>Mr Hunt's office was in a dialogue and we were waiting 2 for this report to be released so that we could digest 3 it and understand what the issues may be.</b></p> <p>4 <b>And I think earlier on it said that Mr Hunt was away 5 or something like that, so it probably was just that 6 he's away and he's not going to read it right away.</b></p> <p>7 Q. Move forward to page 01687, page 46. Mr Michel: 8 "Spoke to Hunt ..."</p> <p>9 According to Mr Michel's statement, we must read 10 that as Mr Hunt's office or Hunt's adviser more likely, 11 and not Mr Hunt directly. But you're getting an insight 12 here into Mr Hunt's current thinking: 13 "He is relaxed re Guardian/FT piece tomorrow. 14 Amazed by Watson sending the confidential email to 15 Guardian ..."</p> <p>16 That, I think, relating to the phone hacking issues. 17 "... and Reuters and hopes Whittingdale will launch 18 enquiry into it. He said Webber Shandwick were still 19 doing the session with CMS committee Thursday and we 20 should not tell anyone."</p> <p>21 <b>A. Sorry, it says that we should tell everyone.</b></p> <p>22 Q. What did I say?</p> <p>23 <b>A. The opposite.</b></p> <p>24 Q. Pardon me. 25 "He understands the cost of a CC referral and the</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 potential damage for the bid." 2 So this is Mr Hunt's insight into the current state 3 of affairs, which you are receiving directly from his 4 special adviser, aren't you? 5 <b>A. As I understand it, this is the feedback that we heard, 6 and I think the important thing here is to look at -- 7 you know, Webber Shandwick, remember, is working for the 8 parties against -- Associated Newspapers, British 9 Telecom, the -- who else was in there? The BBC was at 10 first, and then they came out. The Guardian was in 11 there. That group of complainants. And what they were 12 doing talking to the CMS committee about it, I don't 13 know, but they were the PR firm advising on plurality, 14 on the proposal that we were making.</b> 15 I think it's important to note as well that there 16 was lots of selective leaking going on around this time 17 and through the spraying around also 18 of Slaughter &amp; May's opinion that had been commissioned 19 around the issue of plurality. So we were dealing with 20 incomplete information and we didn't actually this 21 have -- we didn't know what information other people had 22 seen, but we were told that they had seen quite a lot. 23 Q. All right. You're also being given confidential 24 information here as to Mr Hunt's discussions with Mr Ed 25 Richards of Ofcom because towards the bottom of the</p> <p style="text-align: center;">Page 29</p>	<p>1 <b>spin one way and then the next trying to just have the 2 conversation. Mr Michel, who's a public affairs 3 executive, his job is to have that conversation and 4 listen and come back.</b> 5 Q. Look at pages 48 and 49, our pages 01689 and 01690. 6 You'll see an example of a different sort of email, 7 which Mr Smith sent to Mr Michel. It's a much more 8 formal email, isn't it? 9 <b>A. Mm-hm. I'm just reading it.</b> 10 Q. The sort of email which could appropriately be sent and 11 received rather than the informal, gossipy and perhaps 12 inappropriate emails we were looking at previously. Do 13 you notice the difference in the tone? 14 <b>A. Well, I think this is a formal letter about the process, 15 which is something that we would have -- I mean, again, 16 most of these emails in here, as we continue to go 17 through them, are really about the process and our 18 concern that the appropriate things were being 19 considered, that they were being considered in the 20 appropriate way and that our legal arguments were heard 21 around the place.</b> 22 I mean, this is a large-scale transaction that was 23 in the hands, with respect to the decision-making 24 process, of the department of culture, media and sport. 25 <b>We're going to get into, in a minute, the undertakings</b></p> <p style="text-align: center;">Page 31</p>
<p>1 email we see that: 2 "He [that's Mr Hunt] challenged Ed on the 'may be' 3 rationale. Ed was adamant that the threshold was very 4 low and referral was the only option. He also 5 challenged him on sufficiency of plurality. Ed repeated 6 the same concerns which are in the report." 7 Did you think it was appropriate that you were 8 receiving insights into private conversations between 9 Ofcom and the Secretary of State? 10 <b>A. I'm not sure how accurate they were anyway. As I told 11 you before, Mr Jay, all of this was taken with a grain 12 of salt, given what we were going through, and in the 13 event, Mr Hunt took every single word of Ofcom's advice 14 all the way up until we withdrew the transaction. So it 15 doesn't really -- this may have just been coming from 16 his adviser, colouring it, trying to make nice, while 17 behind the scenes they were just going to follow 18 everything that Ofcom and the OFT said, which is, in the 19 event, exactly what happened.</b> 20 Q. I think you're making the point that one can't 21 necessarily trust the accuracy of what appears here, but 22 you didn't know that at the time, did you? 23 <b>A. No, but as I said, I had taken all of it with a grain of 24 salt because again, we were dealing with politicians and 25 they were -- we'd seen in the early emails that they'll</b></p> <p style="text-align: center;">Page 30</p>	<p>1 <b>in lieu that were extracted, the concession, the remedy, 2 if you will, and it was entirely reasonable to try to 3 communicate with the relevant policy-makers about the 4 merits of what we were proposing.</b> 5 Q. Although you weren't sent this email, we can see at 6 page 51, 01692, an example of a rather different email 7 where Mr Michel is reporting back on discussions he had 8 with Mr Hunt's special adviser as to what was going to 9 happen next. You're given detail here, on 10 a confidential basis, of timetables, and indeed 11 Mr Hunt's view of the merits of your case. If you look 12 at the middle of the page, it says: 13 "His view [that's Mr Hunt's view] is that once he 14 announces publicly he has a strong UIL [that's reference 15 to the undertakings] it's almost game over for the 16 opposition." 17 <b>A. Well, it was already game over once we offered it 18 because they had won. We basically said to them: 19 "Irrespective of the merits of the plurality conclusion, 20 we will take plurality off the table by removing Sky 21 News, the main issue." The only change in plurality that 22 could possibly or conceivably come from this 23 transaction, the undertaking in lieu had removed it 24 because it removed Sky News from the transaction 25 entirely. Sky News was spun as a separate entity and it</b></p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 would have no change to its ownership structure.</p> <p>2 So Mr Hunt was trying to say he is being helpful,</p> <p>3 but actually by this point, he had already extracted</p> <p>4 a structural solution that was very, very robust and on</p> <p>5 the face of it dealt with the problem.</p> <p>6 Q. Yes, but Mr Hunt was still acting in a quasi-judicial</p> <p>7 role. He still hadn't granted you the bid, as it were,</p> <p>8 and he's letting you know what his view is. It's almost</p> <p>9 game over for the opposition. You understand that,</p> <p>10 don't you?</p> <p>11 A. Yes, because the undertaking -- but the undertaking was</p> <p>12 strong, and I would have thought that the opposition</p> <p>13 actually -- we would have won the arguments with the</p> <p>14 opposition because they had gotten what they professed</p> <p>15 to want.</p> <p>16 Q. I'm not sure you understand the difference, Mr Murdoch.</p> <p>17 Even if you think you had a 99 per cent rock solid case,</p> <p>18 there's a difference between you having that view and</p> <p>19 then the judge who's going to decide the case telling</p> <p>20 you behind the scenes that it's the judge's view as well</p> <p>21 that you're going to win. Don't you see the difference</p> <p>22 between the two?</p> <p>23 A. I guess the primary case that I was concerned with here</p> <p>24 was whether or not an undertaking would be required at</p> <p>25 all. Given the strength of the undertaking we required,</p> <p style="text-align: center;">Page 33</p>	<p>1 and we submitted lots of work on that and went through</p> <p>2 it, and ultimately we conceded that we would not be able</p> <p>3 to win that argument and the case was lost.</p> <p>4 At this point we enter a new case, right? And the</p> <p>5 only case really is how to negotiate the undertakings in</p> <p>6 lieu and those pieces. That was just starting. And the</p> <p>7 undertakings, they were very strong undertakings. They</p> <p>8 structurally separated the company.</p> <p>9 Q. We understand that. This is the third time you've told</p> <p>10 us that. I understood it the first time and I</p> <p>11 understand it this time. But all you're doing is</p> <p>12 telling me how good your case was. My point is that you</p> <p>13 were learning that the judge also thought it was a good</p> <p>14 case.</p> <p>15 A. And again -- but I would say I took all of that with</p> <p>16 a grain of salt because I thought it may have just been</p> <p>17 his office saying, "Oh, look it will be fine", but</p> <p>18 actually, all the way through this, there was never any</p> <p>19 inch of -- he only just took the advice of the OFT and</p> <p>20 Ofcom at every turn.</p> <p>21 Q. Look what we see later on, which may resonate with at</p> <p>22 least part of the truth it not all of it.</p> <p>23 "He understands fully our concerns/fears regarding</p> <p>24 the publication of the report on the consultation with</p> <p>25 Ofcom and the process, but he wants us to take the heat</p> <p style="text-align: center;">Page 35</p>
<p>1 I saw that as largely the end of the process and now</p> <p>2 this was really just about negotiating some of the</p> <p>3 details around the undertaking going forward.</p> <p>4 Q. If you look --</p> <p>5 A. The game had been over, because the undertaking had been</p> <p>6 extracted, and it was so strong.</p> <p>7 Q. I'm not sure that begins to answer my question. Your</p> <p>8 answers systematically are on the basis that News Corp's</p> <p>9 case was a brilliant case. I'm saying: let's accept</p> <p>10 that as a given, but there's a difference between you</p> <p>11 thinking you had a brilliant case and the judge telling</p> <p>12 you that you had a brilliant case, and that's what</p> <p>13 you're being told through this email, aren't you?</p> <p>14 A. I think there are two cases here, Mr Jay, respectfully.</p> <p>15 Q. Is the answer "yes" or "no", Mr Murdoch?</p> <p>16 A. Mr Jay, I apologise, but may I? I think there are two</p> <p>17 cases here.</p> <p>18 Q. Okay.</p> <p>19 A. There is a case which was really about whether or not</p> <p>20 there was insufficiency of plurality with respect to</p> <p>21 this transaction completing, and I did think that we had</p> <p>22 a strong case and I still believe it was a strong case.</p> <p>23 Q. Yes.</p> <p>24 A. That case was lost, essentially, when Ofcom wrote its</p> <p>25 reports, which I thought, you know, had lots of flaws</p> <p style="text-align: center;">Page 34</p>	<p>1 with him in the next two weeks."</p> <p>2 So the political heat he wants to be shared.</p> <p>3 "He said very specifically that he was keen to get</p> <p>4 to the same outcome and wanted JRM to understand he</p> <p>5 needs to build some political cover on the process."</p> <p>6 A. Which I took to mean basically he didn't want to take</p> <p>7 any heat alone -- I have never met a politician who</p> <p>8 did -- and he was about to go and do something that we</p> <p>9 wouldn't like and he wanted us to be quiet about it</p> <p>10 while he went out and consulted on the undertaking.</p> <p>11 Q. Yes, but you got some solace, though:</p> <p>12 "He said he would get there at the end and he shared</p> <p>13 our objectives."</p> <p>14 A. Which --</p> <p>15 Q. Pardon me?</p> <p>16 A. Just again, you know, all of these things from</p> <p>17 politicians you take with a grain of salt.</p> <p>18 Q. Yes, but if it weren't for the public relations disaster</p> <p>19 of the Guardian piece on 5 July 2011, you would have got</p> <p>20 the remaining shares, wouldn't you?</p> <p>21 A. I can't speculate. He never ended up making that</p> <p>22 decision.</p> <p>23 Q. Well, Mr Murdoch, you've read these emails, I'm sure, as</p> <p>24 closely as I have. The wind by that point was blowing</p> <p>25 firmly in your direction, wasn't it?</p> <p style="text-align: center;">Page 36</p>

<p>1 <b>A. I think the legal test had been examined and the</b>  2 <b>undertaking in lieu was strong enough and I had high</b>  3 <b>hopes that we would be able to proceed with the</b>  4 <b>transaction.</b>  5 Q. Mr Hunt as well, or his office, page 52, 01693. This is  6 Mr Michel to you:  7 "Subject: confidential. I had a very constructive  8 conversation with JH tonight. Please read all the  9 below. He is keen to look at the URL tomorrow/Tuesday  10 and confirmed we would have a meeting with him on the  11 business plan later in the week."  12 I read on:  13 "He will, as he confirmed yesterday, go ahead  14 Tuesday with the publication of the Ofcom report, our  15 submission, and announce he is looking at UIL. He did  16 not say that he is minded to accept in the statement."  17 The statement is the public statement, isn't it?  18 <b>A. I assume so.</b>  19 Q. "He is keen to see our legal letter on process early  20 tomorrow morning. I have run through it and he  21 recognises the strength of our argument, especially on  22 consulting Ofcom and Ofcom report publication."  23 So your letter on process, before he receives it, is  24 transmitted to him -- or the gist of it is transmitted  25 to Mr Hunt's adviser in advance, isn't it?  Page 37</p>	<p>1 <b>course of tomorrow and offer some possible language.</b>  2 Q. I do think it's Mr --  3 <b>A. Perhaps I'm wrong. That was the way I read it when</b>  4 <b>I went through these emails.</b>  5 Q. Didn't you feel by this point that in effect, although  6 this was going to take some time, this deal was in the  7 bag with this Secretary of State?  8 <b>A. I didn't, actually. I was very worried about this</b>  9 <b>transaction because while we had done as much as we</b>  10 <b>could do, it just seemed to be interminable, and the</b>  11 <b>more consultations went on and the longer the process</b>  12 <b>lasted, the more I was concerned. We were -- the whole</b>  13 <b>point of the undertaking was to avoid the 32 weeks or if</b>  14 <b>not more of the Competition Commission process. So as</b>  15 <b>it took longer and longer, the value of that diminished</b>  16 <b>and it was becoming difficult for us.</b>  17 Q. If you look towards the bottom of the email, you see the  18 paragraph beginning "For the statement" --  19 <b>A. Yeah, I've just seen that.</b>  20 Q. It does look as if that's Mr Hunt's statement and not --  21 <b>A. It may be. Whether that's the same statement, I just</b>  22 <b>don't know. Again, it was a while ago.</b>  23 Q. Look at the email on page 54, 01695, in the middle of  24 the page, 24 January, Mr Michel to you:  25 "Confidential. JH statement. Managed to get some  Page 39</p>
<p>1 <b>A. Well, I think that just in terms of updating him and</b>  2 <b>say, "This is where we are, this is the letter we're</b>  3 <b>putting together. Is that helpful or not?" I mean,</b>  4 <b>I think it's just a staff conversation, as I understand</b>  5 <b>it, about process. Again, because the undertaking</b>  6 <b>was -- again we were sort of in new territory in terms</b>  7 <b>of timetables, in terms of who Mr Hunt had to consult</b>  8 <b>with, how to run those consultations, et cetera.</b>  9 <b>Process was really top of our mind.</b>  10 Q. "Nevertheless, he thinks that the publication of Ofcom  11 report, although a departure from the Sky ITV process,  12 does help to buy him some time politically and provide  13 some content to the public debate."  14 Then a bit later on:  15 "He's keen for me to work with his team on the  16 statement during the course of tomorrow and offer some  17 possible language. That's really good news."  18 So the public statement that Mr Hunt is going to put  19 out is one which is going to be a collaborative effort  20 between his, Mr Hunt's team, and your team, isn't it?  21 <b>A. I think it's not necessarily about the statement by</b>  22 <b>Mr Hunt. It seems to me about a statement by News</b>  23 <b>Corporation, that they were trying to influence us in</b>  24 <b>the statement. That's my reading of that. He's keen</b>  25 <b>for me to work with his team on the statement during the</b>  Page 38</p>	<p>1 infos on the plans for tomorrow (although absolutely  2 illegal)."  3 What do you make of that?  4 <b>A. I thought it was a joke. I think the little -- the</b>  5 <b>"greater than" and the exclamation point there, or</b>  6 <b>wink -- it's a joke.</b>  7 Q. Is it? It was absolutely illegal in one sense. It's  8 completely unethical, wasn't it?  9 <b>A. I'm not so sure. Look, Mr Jay, I'm really not -- I have</b>  10 <b>to say, I am not familiar with the sort of ins and outs</b>  11 <b>of Westminster protocol. I know that the rules around</b>  12 <b>lobbying and all of those bits and pieces are of some --</b>  13 <b>you know, some debate, and it's really not my</b>  14 <b>profession, but it seemed to me -- and again, as I was</b>  15 <b>going through these, my fundamental concern was that</b>  16 <b>a process was sound and that the appropriate things were</b>  17 <b>being considered, and that it wasn't becoming</b>  18 <b>politicised, and I think in the context of everything</b>  19 <b>we've seen today in this evidence, that was a very</b>  20 <b>legitimate concern that the company had, and our</b>  21 <b>representatives sought to gain as much information as</b>  22 <b>they could and have a dialogue in the right way and try</b>  23 <b>to find out how things were going.</b>  24 Q. It was a sneak preview of the Secretary of State press  25 statement and statement to Parliament, wasn't it? And  Page 40</p>

<p>1 you were given the gist of it here. We can read it for 2 ourselves in this email, can't we?</p> <p>3 <b>A. Well, from the dialogue a few pages ago, yes, this was 4 a question of the process going forward and they 5 outlined to us: "This is the timetable. On Tuesday, it 6 will be this and on Thursday it will be that, and that's 7 how this process will work", so that both sides could 8 prepare, and I understand that's -- you know, I've 9 looked into this -- I've been told, anyway, more 10 recently, that in a judgment, for example, it's 11 sometimes customary for the two sides to get advance 12 warning of how the process is going to work, how it's 13 going to go, so they can prepare.</b></p> <p>14 Q. It's not quite the analogy here. When the judge gives 15 his or her decision, it is submitted in draft to the 16 parties, confidentially, a few days beforehand, so the 17 typographical errors, if any, can be pointed out. Of 18 course, the judge has reached a decision without covert 19 submissions from either party.</p> <p>20 <b>A. I think --</b></p> <p>21 Q. Hold on. The reason why it's a poor analogy is that 22 this judge arguably -- I'll put it as low as I can -- 23 was in contact through his special adviser with 24 Mr Michel directly. So you were having covert 25 interactions with him, weren't you?</p> <p style="text-align: center;">Page 41</p>	<p>1 <b>A. I do see it, yes.</b></p> <p>2 Q. It's obvious what's going on here, isn't it? He's 3 giving you a nod and a wink?</p> <p>4 <b>A. I don't think he is. I think their office is trying to 5 cover themselves because they actually don't know what 6 their decision is going to be. They have a decision to 7 be made and at every part in this process they follow 8 the advice of Ofcom and the OFT and it was for us, 9 really, to negotiate. And I think it's crucial -- you 10 mentioned earlier, in the sort of preamble to this 11 evidence -- to take into account the enormous amount of 12 documentary submissions, official legal backs and forths 13 in the negotiation with both the OFT and Ofcom and DCMS 14 at this time. So this is really just a sort of side of 15 that where they're saying, "No, no, no, it's not as bad 16 as you think", when we were asserting that actually 17 there were problems.</b></p> <p>18 Q. Page 66, 01707.</p> <p>19 <b>A. Which page, sorry, Mr Jay?</b></p> <p>20 Q. 66 in your version.</p> <p>21 "Just had an update on today's events with JH. We 22 seem to have been able to weaken most of the arguments 23 of the complainants and Labour and expose Ofcom's very 24 political/biased approach towards the bid and its 25 rationale. Undertakings mentioned include independent</p> <p style="text-align: center;">Page 43</p>
<p>1 <b>A. I never saw them as necessarily covert, and I would have 2 expected that his advisers were communicating with other 3 parties around this transaction as well. It's a hotly 4 contested and very high profile transaction, and there 5 was quite a lot going on. I mentioned before certain 6 briefing notes being leaked, briefings being given to 7 the press selectively. These things were very, very 8 difficult to cope with and I assumed that Mr Hunt's 9 office, as the centre of it, was trying to co-ordinate, 10 trying to have a discussion with all of the relevant 11 parties as well as agencies so that it could be kept in 12 line and move the thing along.</b></p> <p>13 Q. Is it your evidence then that you assumed that Mr Hunt's 14 office was having the same sort of surreptitious 15 conversation with the alliance against News Corp?</p> <p>16 <b>A. I haven't seen that evidence, but I assumed that 17 conversations were going on.</b></p> <p>18 Q. There's another insight into Mr Hunt's private thinking, 19 assuming that the special adviser is correctly 20 communicating it, on page 63, 01704.</p> <p>21 "JH just said there was plenty of support for the 22 remedy in the statement -- 'potential to mitigate 23 problems'. He can't say they are too brilliant 24 otherwise people will call for them to be published." 25 Do you see that?</p> <p style="text-align: center;">Page 42</p>	<p>1 board and complete sale of Sky News, which is not 2 unhelpful. Given the opposition has very few arguments 3 on the impact on media plurality, they decided to focus 4 on the process and political bias."</p> <p>5 And then, at the end: 6 "JH believes we are in a good place tonight."</p> <p>7 <b>A. Well, I think --</b></p> <p>8 Q. You're being given private information about the 9 Secretary of State's current view, aren't you?</p> <p>10 <b>A. I'm just looking at that ... I think this is -- 11 I think -- it's a private view? I think they're just 12 saying, "Calm down, we're still ..." if we were upset 13 about this, given what else was going on out there -- 14 and I can't remember exactly the sequence, what was 15 confidential and what wasn't at this point, with respect 16 to the undertaking and the details around it because 17 there were commercial issues around it. This was 18 a question of this debate now being very public and 19 arguments being made by others and hopefully, you know, 20 we were doing a reasonable job to defend the undertaking 21 that the Secretary of State was consulting on.</b></p> <p>22 Q. Move forward to page 71. We're not going to cover all 23 these emails. 01712. Mr Michel to you, 4 February: 24 "Confidential -- JH -- please read." 25 Why do you think Mr Michel is putting "confidential"</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 on all these emails?</p> <p>2 <b>A. I sort of think it was customary in a lot of these -- of</b></p> <p>3 <b>any sort of transaction like this, or whatever it is,</b></p> <p>4 <b>that pretty much everything I would think was marked</b></p> <p>5 <b>"confidential" if it could be. I don't think there's</b></p> <p>6 <b>anything that notable. Certainly in my experience in</b></p> <p>7 <b>business in general, lots of things are commercially</b></p> <p>8 <b>sensitive or what-have-you.</b></p> <p>9 Q. According to this, Mr Hunt's view was:</p> <p>10 "He feels overall the process is in a good place.</p> <p>11 The media attention on the remedy has disappeared. DCMS</p> <p>12 officials have been very clear with OFT and Ofcom today</p> <p>13 that Ofcom has to respect its remit. He is fully aware</p> <p>14 of the nine questions ..."</p> <p>15 Those are the questions sent by OFT to News Corp on</p> <p>16 1 February.</p> <p>17 "... we have worries on and completely agree with</p> <p>18 our fears, given the toxic relationship and mistrust of</p> <p>19 Ofcom. He has received enormous pressure from Enders</p> <p>20 and Slaughter &amp; May to take into consideration their</p> <p>21 evidence."</p> <p>22 And then, a bit later on:</p> <p>23 "I am trying to get the documents but it might be</p> <p>24 difficult."</p> <p>25 So Mr Michel on your behalf is trying to get</p> <p style="text-align: center;">Page 45</p>	<p>1 <b>forth. So it really speaks, I think, to that</b></p> <p>2 <b>relationship between the pressure that the other</b></p> <p>3 <b>newspapers were putting on Mr Hunt, presumably through</b></p> <p>4 <b>coverage, et cetera, to pursue a commercial objection to</b></p> <p>5 <b>this transaction.</b></p> <p>6 Q. Page 76, 01717. Michel to you, 7.24 in the evening,</p> <p>7 "Confidential".</p> <p>8 "As agreed on the call --"</p> <p>9 That must have been a previous conversation you had</p> <p>10 with Mr Michel; is that correct?</p> <p>11 <b>A. I don't remember.</b></p> <p>12 Q. "... I have managed to get JH quickly before he went in</p> <p>13 to see Swan Lake and have further chat."</p> <p>14 We may have to discover in due course whether it was</p> <p>15 JH or Mr Adam Smith to went in to see Swan Lake. How</p> <p>16 did you interpret this at the time?</p> <p>17 <b>A. Again, I thought that these -- the conversations were</b></p> <p>18 <b>going through the staff level, and I think when you</b></p> <p>19 <b>interweave -- and I've been told -- because I haven't</b></p> <p>20 <b>been through it in great detail -- that some of the text</b></p> <p>21 <b>messages and other things that are in touch between</b></p> <p>22 <b>Mr Smith and Mr Michel, it would support that I think</b></p> <p>23 <b>Mr Smith and -- I shouldn't speculate. I think Mr Smith</b></p> <p>24 <b>and Mr Hunt went to Swan Lake together.</b></p> <p>25 Q. Okay. That answers that.</p> <p style="text-align: center;">Page 47</p>
<p>1 documents which aren't yet in the public domain, isn't</p> <p>2 he?</p> <p>3 <b>A. I think this refers to what I was talking about before</b></p> <p>4 <b>with respect to briefings and submissions being made</b></p> <p>5 <b>by -- and conversations being had with -- in terms of</b></p> <p>6 <b>pressure here, for example, from Enders and Slaughter &amp;</b></p> <p>7 <b>May -- which I think is more than just documents; it's</b></p> <p>8 <b>pressure -- which is on the other side of this. And</b></p> <p>9 <b>then what we wanted to do is we wanted to see Slaughter</b></p> <p>10 <b>&amp; May's arguments. I don't think we ever managed to.</b></p> <p>11 <b>They were leaked selectively to the press at various</b></p> <p>12 <b>times, but -- I don't recall ever actually seeing them</b></p> <p>13 <b>but we asked people if they would share them with us and</b></p> <p>14 <b>I don't think anybody did.</b></p> <p>15 Q. You don't believe that Mr Michel was successful in</p> <p>16 obtaining these documents from the Secretary of State's</p> <p>17 team; is that right?</p> <p>18 <b>A. I don't recall. I don't recall and -- from anywhere,</b></p> <p>19 <b>I should say, from press, et cetera, we asked. I think</b></p> <p>20 <b>if you look again, this goes -- this email, really,</b></p> <p>21 <b>again, is about the process here, and the understanding</b></p> <p>22 <b>of our frustrations, but it also goes on to really</b></p> <p>23 <b>describe the political pressure and the heat, it says,</b></p> <p>24 <b>from the Mail, the Guardian, the Independent, the</b></p> <p>25 <b>Telegraph, once the UIL is known, and so on and so</b></p> <p style="text-align: center;">Page 46</p>	<p>1 But as with previous emails -- I'm not sure I'm</p> <p>2 going to dwell on the detail -- you're being given</p> <p>3 further insights as to Mr Hunt's then current view,</p> <p>4 aren't you?</p> <p>5 <b>A. This about feedback around the negotiation with various</b></p> <p>6 <b>parties, the OFT and Ofcom, on the undertaking, which</b></p> <p>7 <b>was a lengthy negotiating process. I mean, we're now in</b></p> <p>8 <b>almost the middle of February.</b></p> <p>9 Q. Page 78, 01719. Michel to you:</p> <p>10 "I met with Alex Salmond's adviser today. He will</p> <p>11 call Hunt whenever we need him to."</p> <p>12 What do you think that was about?</p> <p>13 <b>A. I think it was -- previously when I had went and seen</b></p> <p>14 <b>Mr Salmond to talk about some of the economic benefits</b></p> <p>15 <b>and I ran him through the plurality arguments, if he was</b></p> <p>16 <b>asked, he had offered to be supportive as a Scottish</b></p> <p>17 <b>politician and leader. Now that the responsibility had</b></p> <p>18 <b>shifted to Mr Hunt, we were in an undertakings phase,</b></p> <p>19 <b>those economic arguments still stood, and if you see</b></p> <p>20 <b>previously in other places, Mr Hunt's advisers and</b></p> <p>21 <b>others say -- suggest that we should try to find allies,</b></p> <p>22 <b>people who can advocate who aren't just us talking our</b></p> <p>23 <b>book, and Mr Salmond had already said that he thought</b></p> <p>24 <b>that this might be a good transaction for Scotland.</b></p> <p>25 Q. That's supposed to be a personal and quasi-judicial</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 decision made by the Secretary of State alone, isn't it?</p> <p>2 <b>A. As we were told by Mr Cable's advisers, as well as</b></p> <p>3 <b>Mr Hunt's, having an atmosphere of more support around</b></p> <p>4 <b>this transaction would be helpful for them for their own</b></p> <p>5 <b>political purposes.</b></p> <p>6 Q. Look at point 1:</p> <p>7 "He noticed a major change in the Sun's coverage</p> <p>8 recently."</p> <p>9 That's the Sun in Scotland, isn't it?</p> <p>10 <b>A. That is the Scottish Sun, yeah, because he's talking</b></p> <p>11 <b>about the Daily Record there, well.</b></p> <p>12 Q. The major change was that the Sun in Scotland was being</p> <p>13 supportive of him, wasn't it?</p> <p>14 <b>A. I'm not sure at that time, but Mr Salmond always talked</b></p> <p>15 <b>about the way he was covered in the newspapers,</b></p> <p>16 <b>particularly the Scottish Sun, and he had a relationship</b></p> <p>17 <b>with Mr Dinsmore, the editor there, that was ongoing.</b></p> <p>18 Q. Doesn't this give rise to at least the perception that</p> <p>19 the favourable coverage of Mr Salmond in the Scottish</p> <p>20 Sun means that Mr Salmond is more willing and more</p> <p>21 likely to want to call Mr Hunt "whenever we need him</p> <p>22 to"?</p> <p>23 <b>A. No, if the insinuation is that there was any quid pro</b></p> <p>24 <b>quo with editorial coverage versus a commercial agenda,</b></p> <p>25 <b>I can tell you categorically that it's false. There's</b></p> <p style="text-align: center;">Page 49</p>	<p>1 <b>of the debates the previous year and Mr Salmond always</b></p> <p>2 <b>raised it with me and with Sky and with everyone, that</b></p> <p>3 <b>he thought they should have Scottish debates and we</b></p> <p>4 <b>should put them on Sky News. This was a standing agenda</b></p> <p>5 <b>item for him, and I believe they did, eventually.</b></p> <p>6 LORD JUSTICE LEVESON: All right. I think that's</p> <p>7 a convenient moment to have a break. We've had an hour</p> <p>8 and a quarter. We'll give you a break as well, and</p> <p>9 we'll give the shorthand writer a break, just for a few</p> <p>10 minutes.</p> <p>11 (3.13 pm)</p> <p style="text-align: center;">(A short break)</p> <p>12 (3.21 pm)</p> <p>13 MR JAY: Mr Murdoch, there are about 80 emails to go, but</p> <p>14 I have decided, editorially, if you like, to reduce</p> <p>15 this, because they're very much along similar lines.</p> <p>16 We're just going to pick up some key ones, if you don't</p> <p>17 mind.</p> <p>18 <b>A. Okay.</b></p> <p>19 Q. But the flavour, if that's the right word, doesn't</p> <p>20 differ very much.</p> <p>21 Page 79, 01720, Mr Michel to you. Here he's giving</p> <p>22 you a preview about Ofcom and OFT and what their</p> <p>23 recommendations will be, and why.</p> <p>24 "JH called. He now knows what Ofcom and OFT will</p> <p>25</p> <p style="text-align: center;">Page 51</p>
<p>1 <b>no connection. As we discussed earlier in the section</b></p> <p>2 <b>more broadly around politicians -- you know, politicians</b></p> <p>3 <b>seek the favour of the press at all times, and I don't</b></p> <p>4 <b>think I've had a conversation with Mr Salmond or others</b></p> <p>5 <b>where it didn't come up, either complaining about how</b></p> <p>6 <b>they were covered or saying, you know, that they liked</b></p> <p>7 <b>so-and-so. So this is always something that was on</b></p> <p>8 <b>their agenda and there was no way to avoid it.</b></p> <p>9 Q. To be clear, Mr Murdoch, is it your evidence to us that</p> <p>10 there wasn't a deliberate policy at News Corp that</p> <p>11 News International's Scottish paper, the Sun, would</p> <p>12 improve its coverage of Mr Salmond with the expected</p> <p>13 quid pro quo that Mr Salmond would then call Mr Hunt</p> <p>14 "whenever we needed him to"?</p> <p>15 <b>A. That was absolutely not News Corporation's policy and</b></p> <p>16 <b>I wouldn't do business like that.</b></p> <p>17 Q. Point 2:</p> <p>18 "He believes the time has come to organise a first</p> <p>19 ministerial debate between him and Ian Gray (Labour</p> <p>20 leader), who are the two only possible FF [that's First</p> <p>21 Minister] candidates. He would be very keen for Sky</p> <p>22 News to organise it with Adam."</p> <p>23 Is that Adam Boulton of Sky News?</p> <p>24 <b>A. It could be but I just don't know. Sky News, as you</b></p> <p>25 <b>know, had been the driving force behind the organisation</b></p> <p style="text-align: center;">Page 50</p>	<p>1 send him tonight: both will recommend he refer to the</p> <p>2 Competition Commission. Ofcom: concern on non-exec</p> <p>3 chairman. OFT: concern on acquisition of shares. JH</p> <p>4 doesn't want this to go to the CC. He also said his</p> <p>5 officials don't want this to go further as JH believes</p> <p>6 it would kill the deal. He also knows that Ofcom is</p> <p>7 taken a very subjective and non-legal approach on the</p> <p>8 chairman issue and understands the very serious/personal</p> <p>9 nature of it for us."</p> <p>10 You must have been very pleased to receive</p> <p>11 confidential information of this sort in advance of its</p> <p>12 formal publication, Mr Murdoch; is that right?</p> <p>13 <b>A. No, because the information was awful. It was saying</b></p> <p>14 <b>that the advice of Ofcom and the OFT would be to refer</b></p> <p>15 <b>the deal to the CC, even after the undertaking was</b></p> <p>16 <b>negotiated, and that the remaining issues there, you</b></p> <p>17 <b>know, we were going to have to cave on if we wanted to</b></p> <p>18 <b>avoid referral.</b></p> <p>19 Q. Aside from the substance -- and I understand what you</p> <p>20 say about the substance --</p> <p>21 <b>A. But --</b></p> <p>22 Q. -- the fact that you were being given an insight ahead</p> <p>23 of time into what the regulator was saying was of</p> <p>24 interest and value to you, wasn't it?</p> <p>25 <b>A. Not -- it wasn't really of value. It was just from the</b></p> <p style="text-align: center;">Page 52</p>

<p>1 <b>standpoint of the process and to be able to think about</b>  2 <b>it and prepare. I guess that's good, but it was -- the</b>  3 <b>substance was the important piece, and at no point in</b>  4 <b>this process was the substance anything other than the</b>  5 <b>Secretary of State following the advice of the OFT and</b>  6 <b>Ofcom.</b>  7 Q. We note that it was Mr Hunt's belief that a referral to  8 the CC would kill the deal. That, I don't believe, was  9 News Corp's position, was it?  10 <b>A. I don't think we had made a firm decision, but it would</b>  11 <b>material risked it. The problem with the referral to</b>  12 <b>the CC was that it extended the period that much</b>  13 <b>further, potentially another 32 weeks, and we're already</b>  14 <b>now in the middle of February. It's incredibly</b>  15 <b>inefficient for us, for the company, to be waiting on</b>  16 <b>what appeared to be an indefinite process, actually,</b>  17 <b>with uncertain outcomes with respect to the amount of</b>  18 <b>cash that it would require us to keep on our balance</b>  19 <b>sheet, which doesn't earn much money. We were under</b>  20 <b>quite a lot of pressure at the time to invest that money</b>  21 <b>in other ways, either buying back our own shares or</b>  22 <b>other things, mostly buying back our own shares, and</b>  23 <b>investors were restive on the subject of the use of</b>  24 <b>capital, and any delay in this transaction had real</b>  25 <b>costs and also, you know, increased that pressure.</b></p> <p style="text-align: center;">Page 53</p>	<p>1 <b>with Mr Dinsmore to say, "This is the outcome of the</b>  2 <b>dinner and now the editor is going to go back", which</b>  3 <b>I don't think -- and again, as I said, Mr Salmond --</b>  4 <b>this was the top of his agenda, was his ability to</b>  5 <b>convince people that he was right, so it was natural</b>  6 <b>that he would mention the Sun in a conversation with</b>  7 <b>anyone associated with News Corporation because that was</b>  8 <b>something that he was very interested in.</b>  9 Q. Did you have any conversations with the editor of the  10 Sun in Scotland as to which party the Sun in Scotland  11 should back at the next election?  12 <b>A. I don't -- I don't recall any of those conversations,</b>  13 <b>no. But I would point out that it would have been</b>  14 <b>unusual for the Sun to support anyone else other than</b>  15 <b>SNP at that point, given the political situation in</b>  16 <b>Scotland. This has been reminded to me lately, but it</b>  17 <b>wasn't -- I don't think it was a big surprise at all.</b>  18 Q. The Sun had supported the Labour party in the 2007  19 election, hadn't it?  20 <b>A. I believe so. That was before my time.</b>  21 Q. Page 107, our page 01748. Again, Michel to you:  22 "JH -- confidential. Had one hour catch-up today.  23 Overall, he believes the debate is extremely quiet and  24 lacks arguments. Feels journos are moving into pricing  25 debates, which is good for regulatory clearance. He</p> <p style="text-align: center;">Page 55</p>
<p>1 Q. You'd certainly want Mr Hunt to believe that delay would  2 kill the deal, wouldn't you?  3 <b>A. Well, I wanted him to understand the parameters of the</b>  4 <b>decisions that he was taking, given the fact that there</b>  5 <b>were consequences.</b>  6 Q. I think the answer is yes, isn't it, Mr Murdoch?  7 <b>A. Yes, I'd want him to understand that.</b>  8 Q. Okay, I'm moving on, if you don't mind. There are  9 individual points on individual emails, but in the end,  10 it's the overall impression.  11 Page 100, our page 01741.  12 "Alex Salmond called. He had a very good dinner  13 with the editor of the Sun in Scotland yesterday. The  14 Sun is now keen to back the SNP at the election. The  15 editor will make his pitch to the editorial team  16 tomorrow. Alex wanted to see whether he could help  17 smooth the way for the process."  18 What did you make of that?  19 <b>A. Not much. As I mentioned before, he had a relationship</b>  20 <b>with the editor of the Sun in Scotland. I would just</b>  21 <b>point out that I don't know why Mr Salmond would have to</b>  22 <b>tell Fred and Fred would feel necessary to tell me that</b>  23 <b>the Sun is now keen to back the SNP at the election if,</b>  24 <b>as you insinuated earlier, that had already been</b>  25 <b>a foregone conclusion. This is a report of the dinner</b></p> <p style="text-align: center;">Page 54</p>	<p>1 called all the key editors last Thursday to explain his  2 decision. Paul Dacre was clear that their campaign was  3 purely motivated for commercial reasons and fears around  4 bundling. JH told him it was not his remit and EC has  5 already approved."  6 Then you see "JR", which is "judicial review".  7 "He doesn't see any rationale for a successful one  8 and it won't affect the consultation process."  9 Possibly there's an irony there that the readers of  10 KRM18, this bundle, might understand.  11 Then a bit later on:  12 "On 21 March, his team will look at the submissions.  13 It should take three to four days. Lots will be pure  14 anti-Murdoch ones and he doesn't expect any  15 groundbreaking issue. If there is one, he will then  16 probably first talk to us and, if needed, OFT."  17 So again, you're going to be given advance notice of  18 anything which might bear on the bid and which you can  19 put input in in relation to; is that right?  20 <b>A. Well, he's saying that if a change has to be made to the</b>  21 <b>UIL, if it's a material issue, then we would have to</b>  22 <b>make the change, because this is a two way negotiation.</b>  23 <b>So if there is a change, he'll tell us, and then it will</b>  24 <b>go to the OFT and out for consultation again. I think,</b>  25 <b>again, there is -- you know, I would just point to the</b></p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 <b>first bit and say this is exactly what we were worried</b>  2 <b>about, is that you had an editor of a newspaper, of</b>  3 <b>a commercial group -- not a chief executive, but an</b>  4 <b>editor -- saying that they were purely motivated for</b>  5 <b>commercial reasons, and this is exactly what we worried</b>  6 <b>about.</b>  7 LORD JUSTICE LEVESON: Could I understand this, and it may  8 be you won't be able to answer the question. The bid  9 was pursued by News Corporation and, for commercial  10 reasons, was the subject of objection from some other  11 media competitors. I've understood that. The advice  12 you've received is that the Secretary of State isn't  13 going to speak to you directly, except in formal  14 meetings, and you don't know whether he's speaking to  15 others -- you've said that -- but here there's  16 a reference to the key editors being called together to  17 explain his decision. Is that, as it were, a press  18 conference, which would also involve your editors, or is  19 that -- that is, the editors of the News International  20 papers -- or is that some other consultation process, as  21 far as you understand it?  22 <b>A. I don't think it's a consultation process at all, sir.</b>  23 <b>I think he just called them up bilaterally and talked to</b>  24 <b>them about his decision.</b>  25 LORD JUSTICE LEVESON: So --  Page 57</p>	<p>1 <b>I think.</b>  2 Q. That's right. Was there a conversation between you?  3 <b>A. I don't know. I think I've disclosed in my evidence all</b>  4 <b>of the calls and scheduled things that I can recall or</b>  5 <b>find in my diary, that I kept.</b>  6 Q. If this were an informal communication by mobile phone,  7 would that be the sort of thing that you would record in  8 your diary?  9 <b>A. Some of them, as the other calls were, that I disclosed</b>  10 <b>to you, so ... but I don't recall a telephone call</b>  11 <b>in May, so -- unless it's referenced later on in here,</b>  12 <b>I don't remember. Can you help me with that, Mr Jay?</b>  13 Q. I don't think it's in your diary. Indeed, I'm sure it  14 isn't in your diary, my recollection of it.  15 <b>A. Okay.</b>  16 Q. Page 151, 01792, Michel to you. We're on 30 June now,  17 so it's getting quite close to the fruition of the bid.  18 The public consultation, which I think had just started,  19 on the revised UILs, was going to close on 8 July.  20 "Had a debrief with JH and his team tonight at 7 pm  21 before he left to his constituency. He is very happy  22 with the way today went and especially with the  23 absolutely idiotic debates led by Watson and Prescott.  24 Moreover, Labour's Ivan Lewis made very helpful  25 statements throughout and the strength of the UIL has  Page 59</p>
<p>1 <b>A. In order to explain what he was doing. As I said,</b>  2 <b>politicians always try to explain what they're doing to</b>  3 <b>the press.</b>  4 LORD JUSTICE LEVESON: I don't know whether that's usual or  5 not, but if he's explaining his decision to one of those  6 that are opposing your acquisition, has he ever  7 explained it formally and openly to you?  8 <b>A. I don't know. I don't know the answer to that. I mean,</b>  9 <b>I think his -- again, I think, taking into context here,</b>  10 <b>there was a huge amount of official submissions and</b>  11 <b>formal communications around this, but I don't know --</b>  12 <b>I don't know the answer. I don't know what he said to</b>  13 <b>those people on the telephone, if it was the telephone,</b>  14 <b>because I have I obviously just wasn't there.</b>  15 LORD JUSTICE LEVESON: I appreciate that. I'm just trying  16 to understand the circumstances that maintain balance  17 here. That's all. But you can't explain.  18 MR JAY: Page 136, our page 01777. We're now into May 2011.  19 Michel to you:  20 "JH confidential. Further to his call with him one  21 hour ago, JH just called back. He said he might give  22 you a call in the coming days."  23 So this would be Mr Hunt speaking directly to you;  24 is that right, Mr Murdoch?  25 <b>A. It seems to say that, yes. This is the middle of May,</b>  Page 58</p>	<p>1 been widely endorsed."  2 So this giving you further insight into Mr Hunt's  3 thinking, isn't it, self-evidently?  4 <b>A. Yes, this is after the public debate was had, so it was</b>  5 <b>a debrief post the public debate. Nothing new</b>  6 <b>particularly is disclosed. It would seem to me that</b>  7 <b>there was a parliamentary debate about the UIL.</b>  8 Q. Right:  9 <b>A. And this was just feedback after the public debate.</b>  10 Q. Page 158, 01799, 7 July. This was two days after the  11 Guardian article on the Milly Dowler voicemail  12 deletions. Further insights into Mr Hunt's thinking:  13 "Was not discussed at the Number 10 meeting that  14 Hunt had with the PM -- was discussing the two enquiries  15 (police one led by a judge and media practices one not  16 with a judge and led by DCMS)."  17 So you're being given, really, confidential  18 information here as to then government thinking as to  19 how what in the end became this public inquiry,  20 a judge-led inquiry into media practices rather than two  21 separate inquiries. You were given private information  22 as to that, weren't you?  23 <b>A. Well, it seems to be saying that there's -- I don't</b>  24 <b>know -- I don't remember that part of this, so it seems</b>  25 <b>to me to be saying, yes, that this was a discussion</b>  Page 60</p>

15 (Pages 57 to 60)

1 around these inquiries that had been out there in the  
 2 open but most of this as well is just around, again, the  
 3 process going forward, the number of petitions coming  
 4 through, the online pressure group. Avaaz had weighed  
 5 in, there was hundreds and thousands, and as you can  
 6 imagine, it was an incredibly busy time, so I don't  
 7 recall exactly reflecting on all of this email.  
 8 Q. Then he's telling you, third bullet from the end:  
 9 "The closure of the News of the World does not  
 10 affect JH decision and if anything helps the media  
 11 plurality issue by weakening our voice."  
 12 One can see the logic of that.  
 13 "The cabinet divisions reported in the press are  
 14 much more to do with the hacking saga rather than the  
 15 deal itself."  
 16 He's trying to give you reassurance, isn't he?  
 17 A. I think in his view -- and I think he had said publicly,  
 18 that he didn't think the two issues were separate and  
 19 that he had a proper process with respect to taking the  
 20 advice of the OFT and Ofcom on the plurality issues and  
 21 that he wasn't going to let -- he said this publicly  
 22 a number of times, I think in the spring, that he saw  
 23 the two things as not linked. So I don't think this is  
 24 new or inconsistent with that, with his public  
 25 statements.

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1 Q. Then the last email, page 160, 11 July. Mr Hunt was  
 2 going back on Ofcom and the OFT for further advice,  
 3 really in the light of revelations coming out of the  
 4 phone hacking cases. We can see those for ourselves,  
 5 can't we?  
 6 A. I think at this point we had already -- we had already  
 7 volunteered that it would go to the Competition  
 8 Commission, and I think the vote went ahead anyway.  
 9 Indeed, maybe perhaps we had even withdrawn the offer.  
 10 I can't remember the exact --  
 11 Q. You withdrew the offer just before --  
 12 A. Just before that.  
 13 Q. -- there could be a vote.  
 14 Can I ask you about the business ethics of this in  
 15 the light of the remit of this Inquiry, the culture,  
 16 practice and ethics of the press. In your view, did  
 17 Mr Hunt fulfil the quasi-judicial role he occupied?  
 18 A. I think throughout the process what we saw is that he  
 19 consulted widely, he took advice from all sides, he  
 20 followed the advice at every decision point of the OFT  
 21 and Ofcom, and I can't say that he didn't. It was an  
 22 incredibly rigorous process around the negotiation of  
 23 the undertaking, in an environment where the precise  
 24 protocol for doing so, negotiating an undertaking like  
 25 that, was uncharted territory. So he never ultimately

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1 adjudicated or decided, but at every step in the process  
 2 I can tell you, you know, he followed the advice of the  
 3 independent specialist that he was going to, and  
 4 extracted a substantial undertaking and then extracted  
 5 strengthenings of it.  
 6 Q. It may or may not afford insight into your own ethical  
 7 approach. Are you to invite us to say that there's  
 8 absolutely nothing surprising in KRM18 -- this is the  
 9 exhibit we've been looking at -- that it's exactly what  
 10 you'd expect to see? Or are you inviting us to consider  
 11 that there are surprising things in there relating to  
 12 departmental conduct and your company's own conduct?  
 13 A. I would say first of all that with respect to our own  
 14 company's conduct, I think -- you know, and I think you  
 15 would find in a large transaction as public and as hotly  
 16 contested as this transaction, you would see a very  
 17 active public affairs function in any large company  
 18 going after a transaction of this size or nature, and  
 19 I think that's entirely separate from questions of the  
 20 ethics of the press. I think this is a question of  
 21 mergers and acquisitions activities, active public  
 22 affairs engagement with the relevant policy authorities  
 23 around those things, just as there's active regulatory  
 24 engagement with the regulators, and that you would  
 25 find -- you would find, you know, active engagement to

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1 be the norm rather than the other way around.  
 2 With respect to departmental behaviour, I really  
 3 can't say. Again, I don't know the ins and outs of  
 4 Westminster protocol, but I do -- but I was -- you know,  
 5 we were receiving feedback and information, you know,  
 6 through our public affairs channel.  
 7 Q. Might it be possible to say that the reason why,  
 8 Mr Murdoch, you do not appear to be evincing much, if  
 9 any, surprise about what we see in this exhibit is that  
 10 you would expect governments to respond favourably to  
 11 a bid by News International, since -- or rather  
 12 News Corp, since support had been given to at least the  
 13 Conservative party by the Sun on 30 September 2009, and  
 14 you are somewhat blind to what might appear to the rest  
 15 of us to be obvious, namely that this is in part a quid  
 16 pro quo for that support?  
 17 A. As I've said earlier in my testimony, Mr Jay, there is  
 18 absolutely not a quid pro quo for that support, and the  
 19 decision-making around the Sun's policy and who they  
 20 support, which political parties, et cetera, I've  
 21 described to you, and it had absolutely nothing to do  
 22 with other business interests around the place. And the  
 23 negotiations -- the lengthy negotiation and regulatory  
 24 process -- or rather political process around the Sky  
 25 transaction was entirely separate. I simply wouldn't

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<p>1 <b>make that trade. It would be inappropriate to do so and</b>                  2 <b>I just don't do business that way.</b>                  3 Q. Okay. Can I move on to the issue of press regulation                  4 and your philosophy. I believe your position may be                  5 this, Mr Murdoch: that although you are not in favour of                  6 much external regulation, your position is not that                  7 there should be no external regulation; is that right?                  8 <b>A. Of course, yes. I think regulation is often necessary</b>                  9 <b>and appropriate in various industries.</b>                  10 Q. Is it your position that, generally speaking, we should                  11 be satisfied with the current system, namely that of                  12 self-regulation?                  13 <b>A. Look, I think it's -- you know, I have personal opinions</b>                  14 <b>about this, and actually, as the subject of a lot of</b>                  15 <b>press coverage over the last year myself, to be honest,</b>                  16 <b>I've had cause for reflection, and I have been concerned</b>                  17 <b>with things like the ability to make a case, the ability</b>                  18 <b>to reply. I have been concerned with things like</b>                  19 <b>prominence of corrections. The Guardian alone I think</b>                  20 <b>has had to correct stories about News Corporation over</b>                  21 <b>40 times in the last ten months or so, none of which</b>                  22 <b>seemed to have the same prominence as the original</b>                  23 <b>story, and that worries me. I think clearly it shows</b>                  24 <b>that somewhere in that code strengthening needs to occur</b>                  25 <b>with respect to accuracy and creating accountability</b></p> <p style="text-align: center;">Page 65</p>	<p>1 <b>is there's a real question about clarity with respect</b>                  2 <b>to -- clarity with respect to the accountability around</b>                  3 <b>news gathering -- so when we look at the public interest</b>                  4 <b>arguments and things like that that are often made,</b>                  5 <b>I think greater clarity or certainty for people who are</b>                  6 <b>making those decisions about the public interest is</b>                  7 <b>important. Simply relying on the discretion or --</b>                  8 <b>I shouldn't say "discretion"; it should be stronger than</b>                  9 <b>that, but simply relying on the attitude of the Crown</b>                  10 <b>Prosecution Service or whatever it seems to be not</b>                  11 <b>firm enough. And I'm not a lawyer and I apologise if</b>                  12 <b>I'm not saying the right things, but the -- but I think</b>                  13 <b>there's another piece here, and that's really with the</b>                  14 <b>question of enforcing the law, because we know things</b>                  15 <b>that are illegal happened, and they should have been</b>                  16 <b>prosecuted and people should have been brought to</b>                  17 <b>account, and for whatever reason at the News of the</b>                  18 <b>World, they weren't in 2006 and 2007, and it took all</b>                  19 <b>this time, which is a matter of huge, huge regret.</b>                  20 <b>There's those issues and then there's a question</b>                  21 <b>of -- and I think the key one here is where the locus of</b>                  22 <b>the public interest decision is, and that's very</b>                  23 <b>difficult because it's one that editors and editorial</b>                  24 <b>independence guards jealously.</b>                  25 LORD JUSTICE LEVESON: Yes. But if somebody has to be able</p> <p style="text-align: center;">Page 67</p>
<p>1 <b>there, but you know, I think this is going to be</b>                  2 <b>a matter for this Inquiry and for the industry.</b>                  3 <b>I think statutory regulation is very -- is</b>                  4 <b>difficult, and there's a precedent and a slippery slope</b>                  5 <b>and all of those things that you would hear, but I don't</b>                  6 <b>think there's an easy answer.</b>                  7 LORD JUSTICE LEVESON: I'm not sure that I really grasp, if                  8 you can grasp a slippery slope, that argument.                  9 Obviously, if one introduced a statutory regime whereby                  10 the government regulated the press, everybody would be                  11 horrified and that's simply not even on the agenda. The                  12 only question that has to be decided -- and I'd be                  13 interested in your view, both from the perspective of                  14 somebody who has had responsibility for the governance                  15 of a newspaper group and also from the perspective of                  16 somebody who has been experiencing the last year -- is                  17 whether some framework, described in a statute but then                  18 independently set up and administered, might not better                  19 fit what this country requires.                  20 <b>A. I think, sir, that depending on obviously the scope and</b>                  21 <b>depending on the nature of that statute, obviously --</b>                  22 LORD JUSTICE LEVESON: Yes, I understand.                  23 <b>A. Without knowing all the details, it's difficult, but</b>                  24 <b>I think certainly something -- you know, something</b>                  25 <b>stronger -- or rather, to me there are two issues. One</b></p> <p style="text-align: center;">Page 66</p>	<p>1 to review the way in which the press go about its                  2 business, at one level you can say, well, the police are                  3 there, but that has its own problems, because on the one                  4 hand, if one calibrates it insufficiently finely, then                  5 there's a criticism that not enough has been                  6 investigated -- and you will have doubtless been                  7 conscious of the evidence that I heard some months ago                  8 about the timing of the 2006 investigation and the                  9 counter-terrorism problems that we faced at the time.                  10 So there's, on one hand, not going far enough,                  11 potentially. On the other hand, there's the risk that                  12 if you do what is presently happening, you will get                  13 criticisms in the press, which you will doubtless have                  14 read, about far too many policemen chasing journalists                  15 rather than robbers or burglars or other legitimate                  16 police targets.                  17 So there's a balance, and it can't always be left --                  18 some might say, and I'd be interested for your view --                  19 to the police.                  20 <b>A. I agree with that.</b>                  21 LORD JUSTICE LEVESON: There has to be some other method of                  22 regulation that can deal with issues that are less than                  23 criminal, but also can make sure that governance is in                  24 place to protect the industry from serious problems.                  25 It's a question of how one tries to create that system</p> <p style="text-align: center;">Page 68</p>

<p>1 in a way that binds everybody but does not impact upon                  2 the freedom of the press, which everybody, quite                  3 rightly, feels is so important, and I am certainly in                  4 that group. But how to find that balance is the                  5 problem.                  6 If you've thought about it at all, I'd be interested                  7 in your thoughts, from your particularly unique                  8 perspective.                  9 <b>A. Well, sir, it's -- you point out rightly it's a very                  10 difficult question and it is a balance and I wouldn't                  11 presume to have the answer. However, perhaps I would                  12 just -- I would just say that the things that may be                  13 weighed up with respect to when you're considering up                  14 would be both a question of clarity around defence,                  15 really around criminal defence, and it may be a question                  16 of a stronger enshrining of speech rights on the one                  17 hand, coupled with a stronger set of consequences and                  18 either a self-regulating body or a statutory body that                  19 includes the press but also individuals that are not                  20 part of the working press today, so that just as one of                  21 the great learnings for us as a business has been not to                  22 allow an operating company to investigate itself without                  23 absolute transparency to the corporate centre, which                  24 I think is one of the learnings from the failure in 2006                  25 and 2007 for News Corporation to get to the bottom of</b>                  Page 69</p>	<p>1 <b>down of barriers, both in distribution and the creation                  2 of content, journalism, story-telling, what-have-you.                  3 So in a digital environment you have both                  4 journalists, if you will, who are producing content for                  5 consumption by others, by -- you know, actors that are                  6 down to a scale of one unit of one person, with                  7 a laptop, and you have on the other side Google or                  8 News Corp at a much smaller level, and where you draw                  9 the boundaries with respect to what is the discourse                  10 that you're trying to control or what is the discourse                  11 that you're trying to ensure a set of rules around is                  12 one of the most profound things that this Inquiry is                  13 going to have to grapple with.</b>                  14 LORD JUSTICE LEVESON: I'm very grateful for that. I agree.                  15 Of course, Google is an aggregator rather than                  16 a news-gatherer as such, I think.                  17 <b>A. But to suggest the way that search algorithms work is --                  18 I shouldn't say unbiased, but the way the search                  19 algorithm works affects the results in terms of what's                  20 presented and also the way that any aggregator                  21 approaches the set of data that it is compiling is also                  22 relevant editorially, I'm sorry to say.</b>                  23 LORD JUSTICE LEVESON: No, I see the point. It may be that                  24 trying to find one solution that fits all is not going                  25 to be easy, but do you see the value of a distinction                  Page 71</p>
<p>1 <b>this, I also think it's difficult to allow an industry                  2 in and of itself to control itself on a voluntary basis,                  3 given the concerns that we obviously all have, and                  4 I think balancing a strengthening on both sides may be                  5 one way to think about it.</b>                  6 LORD JUSTICE LEVESON: Yes, I understand that point, and                  7 that actually moves into the next question I was going                  8 to ask about --                  9 <b>A. I'm sorry.</b>                  10 LORD JUSTICE LEVESON: No, not at all -- which is that in an                  11 industry where everybody is about the same size, then it                  12 becomes easier to create a regulatory regime, but where                  13 you have players who are of vastly different size, would                  14 you agree or would you have any observation on the                  15 proposition that it becomes much, much more difficult                  16 for the independents and the smaller players to control                  17 the really very, very big players?                  18 <b>A. Well, I think -- I mean, it goes to a broader question                  19 here, which is the scope of -- or rather, the set that                  20 you're actually referring to, because, as we know, the                  21 traditional news print business is one that will                  22 struggle to grow from where it is, and I would argue                  23 that there will be fewer newspapers in the future than                  24 there are today. I also think that plurality continues                  25 to be greatly enhanced by the -- really, the breaking</b>                  Page 70</p>	<p>1 between those who aggregate and those who collect and                  2 disseminate for profit, and yet a third group of those                  3 who blog: your one person with a laptop, who is going to                  4 fall into a slightly different category?                  5 <b>A. Although who may be doing it for profit as well, and                  6 I think it's -- it will be difficult to avoid                  7 arbitrariness in where you draw those lines.                  8 Ultimately, in an all-digital, sort of all-media                  9 marketplace, ones and zeros going across a network are                  10 ones and zeros going across a network, and how we                  11 differentiate regulation within that is one of the great                  12 challenges for an industry associated with that contact.</b>                  13 LORD JUSTICE LEVESON: Yes, and the point you make is valid                  14 and particularly apposite at the moment, where we have                  15 to address the problem of flagrant breaches of the law,                  16 probably by one person then retweeted many, many times                  17 in the naming of a victim of sexual crime. So you're                  18 right to bring in the individual; I'm not suggesting                  19 you're not. The question is whether one regime can deal                  20 with everything, or whether one has to try and create                  21 a framework that can be customised to different forms of                  22 news-gathering or presentation.                  23 <b>A. I think you point out exactly the issue: the                  24 republication as well, like you mentioned, the                  25 retweeting of something like that. Once the genie is</b>                  Page 72</p>

<p>1 out of the bottle, if you will, it's very, very hard to</p> <p>2 she how you then enforce the right of reply, where they</p> <p>3 retweeted from at a second and third instance, how we do</p> <p>4 that in one country, in one jurisdiction, with respect</p> <p>5 to that sort of behaviour, I think is going to be very</p> <p>6 challenging. I think ultimately one has to be practical</p> <p>7 and not say, well, nothing's possible, it's too</p> <p>8 conflicted, and I know that that's going to be something</p> <p>9 that you reflect.</p> <p>10 <b>But ultimately, something that is adaptable and</b></p> <p>11 <b>I think also doesn't create absurdities in differential</b></p> <p>12 <b>rule-making with respect to what's published online in</b></p> <p>13 <b>one place and what's published online in another, that</b></p> <p>14 <b>one piece online is okay because it's only online and</b></p> <p>15 <b>it's in Canada but it's being consumed here and another</b></p> <p>16 <b>piece is not okay because it's online but it happens</b></p> <p>17 <b>also to be printed on a piece of paper. That's</b></p> <p>18 <b>a difficult -- it's difficult to slice that off and say,</b></p> <p>19 <b>"Well, if you happen to print it on paper, it will have</b></p> <p>20 <b>these regulations, and if you don't, there will be other</b></p> <p>21 <b>issues."</b></p> <p>22 LORD JUSTICE LEVESON: I agree entirely. That's so in</p> <p>23 relation to one of the News International title.</p> <p>24 There's the Times behind the pay wall digitally and also</p> <p>25 available in print, but one could equally talk about</p> <p style="text-align: center;">Page 73</p>	<p>1 necessary and an important part of having the set of</p> <p>2 rules by which society operates itself, and I think in</p> <p>3 certain industries it's more important than in others to</p> <p>4 be either heavier-handed or less, and my points in my</p> <p>5 lecture that day were really confined to the media</p> <p>6 industry in general in the UK and some of the</p> <p>7 approach -- really, a top-down sort of outcome-driven</p> <p>8 approach as opposed to a bottoms-up kind of</p> <p>9 enterprise-led approach, which I would have preferred.</p> <p>10 Q. A fairly extant external regulatory scheme. Is that not</p> <p>11 the logical consequence of what you're saying, in</p> <p>12 particular the last line, an almost philosophical</p> <p>13 position:</p> <p>14 "The only reliable, durable, and perpetual guarantor</p> <p>15 of independence is profit."</p> <p>16 <b>A. That wasn't a comment necessarily on regulation, it was</b></p> <p>17 <b>a comment on the ultimate durability of structures,</b></p> <p>18 <b>trusts, independent bodies, subsidy, et cetera, and its</b></p> <p>19 <b>ability to be self-sustaining, and I think the qualifier</b></p> <p>20 <b>is there, the durable and only qualifiers are important,</b></p> <p>21 <b>and they were chosen carefully. There are other ways to</b></p> <p>22 <b>achieve independence, but I have less confidence in</b></p> <p>23 <b>their durability relative to the self-sustaining nature</b></p> <p>24 <b>of being able to generate profit in partnership with</b></p> <p>25 <b>your customers.</b></p> <p style="text-align: center;">Page 75</p>
<p>1 those that aren't behind a pay wall and are just</p> <p>2 available.</p> <p>3 <b>A. Very much so.</b></p> <p>4 LORD JUSTICE LEVESON: I'm not sure you've given me an</p> <p>5 answer, Mr Murdoch. A solution.</p> <p>6 <b>A. I think that's a little above my pay grade, sir.</b></p> <p>7 LORD JUSTICE LEVESON: I doubt it, because although I have</p> <p>8 no idea about your pay grade, I certainly know mine.</p> <p>9 Right.</p> <p>10 MR JAY: May I ask you: have you changed your position on</p> <p>11 regulation since the views you expressed in the</p> <p>12 MacTaggart lecture in 2009, "The absence of trust"?</p> <p>13 <b>A. I may have -- I think you learn things as you go along,</b></p> <p>14 <b>but the broad thrust of my discomfort with the scale and</b></p> <p>15 <b>manner of intervention in the media marketplace is</b></p> <p>16 <b>consistent with my views today.</b></p> <p>17 Q. The only fair reading of that -- page 02986,</p> <p>18 paragraph 24 of your statement -- is that although you</p> <p>19 may be going too far to say that you are against all</p> <p>20 forms of external regulation, you are not particularly</p> <p>21 keen on external regulation, are you?</p> <p>22 <b>A. Could you remind me of the paragraph? I'm sorry,</b></p> <p>23 <b>Mr Jay.</b></p> <p>24 Q. 24. Penultimate page of your statement.</p> <p>25 <b>A. Yes, I think regulation, as I said before, is often</b></p> <p style="text-align: center;">Page 74</p>	<p>1 Q. Would you accept at least this proposition, that if one</p> <p>2 were a believer in fairly weak external controls, the</p> <p>3 greater the need for robust internal controls?</p> <p>4 <b>A. I think that internal controls -- I mean, there's</b></p> <p>5 <b>a couple of points I think you're touching on there.</b></p> <p>6 <b>I think certainly with respect to the regulation of the</b></p> <p>7 <b>television business, really what this is about, and the</b></p> <p>8 <b>media business more broadly in the UK, the question</b></p> <p>9 <b>there was around how -- you know, what was the best way</b></p> <p>10 <b>to guarantee the independence of these entities, the</b></p> <p>11 <b>independence of their coverage, the independence that</b></p> <p>12 <b>they have from factions, from industrial or political</b></p> <p>13 <b>factions and so on and so forth, and that was something</b></p> <p>14 <b>that was an important point. I never made an argument</b></p> <p>15 <b>that -- this was never a comment about internal</b></p> <p>16 <b>controls, internal governance, compliance or anything</b></p> <p>17 <b>like that, nor was it an argument to say that</b></p> <p>18 <b>competition law enforcing competition infringements and</b></p> <p>19 <b>enforcing the rule of law in general around an</b></p> <p>20 <b>organisation was in any way to be done down.</b></p> <p>21 Q. I think my point was a more modest one, really, that if</p> <p>22 one were to believe in weak external controls, almost</p> <p>23 from an ideological position, that would tend to suggest</p> <p>24 a greater need for robust internal controls. Would you</p> <p>25 accept that or not?</p> <p style="text-align: center;">Page 76</p>

<p>1 <b>A. I would accept that that would be the case. However,</b>  2 <b>I do not believe in weak external controls from an</b>  3 <b>ideological basis.</b>  4 Q. Okay.  5 <b>A. So I would be hypothesising.</b>  6 Q. Fair enough. There are just a couple of questions from  7 other core participants, which I have notified you of,  8 Mr Murdoch.  9 Did you discuss the developing phone hacking scandal  10 with your father between 2008 and 2010, particularly  11 given the reputational repercussions to your company  12 flowing from the Gordon Taylor settlement?  13 <b>A. After -- yes, I did, after 2009 when the Gordon Taylor</b>  14 <b>settlement was -- resurfaced in the Guardian. I had</b>  15 <b>discussions with him about those things and those</b>  16 <b>discussions continued from time to time all the way</b>  17 <b>through.</b>  18 Q. Okay. So 2009 is the first discussion, and we can link  19 that to the publication of the Guardian piece, can we?  20 <b>A. Yes. The middle of 2009.</b>  21 Q. Did you discuss with him the reputational ramifications  22 for your company, as the story, as it were, took wing,  23 the Guardian piece, and then subsequently in the United  24 Kingdom?  25 <b>A. After the initial story, which again, you know, the</b>  Page 77</p>	<p>1 <b>do in situations like that is affirm to staff that</b>  2 <b>they're doing good work and I would have been suggested</b>  3 <b>to give, you know, a handful of examples of stories to</b>  4 <b>discuss.</b>  5 <b>I would note that it was before the court case</b>  6 <b>around the publication of that story, and had I known</b>  7 <b>then what happened in the course case a month later, two</b>  8 <b>months later, I think, with respect to the story being</b>  9 <b>both not true and not in the public interest,</b>  10 <b>I certainly wouldn't have included it.</b>  11 Q. Am I to understand from your evidence that you saw the  12 story, when it was published?  13 <b>A. I saw it when it was published, yes.</b>  14 Q. And you were therefore sufficiently comfortable with it  15 that you could say in an internal magazine or  16 publication it was outstanding journalism; is that  17 correct?  18 <b>A. I didn't read it in -- in great detail, but I was -- in</b>  19 <b>an internal communication around the stories of the</b>  20 <b>month, it was a big story that they had published, and</b>  21 <b>that was that.</b>  22 MR JAY: Thank you very much, Mr Murdoch.  23 LORD JUSTICE LEVESON: Could I raise a different question?  24 I've talked to you about -- I asked you and Mr Jay's  25 asked you about the regulation of the press, and the  Page 79</p>
<p>1 <b>assurances internally were given -- and I had -- we had</b>  2 <b>just appointed a chief executive of News International</b>  3 <b>in the summer of 2009, so the day-to-day handling of the</b>  4 <b>matter was in her hands, but there was the initial piece</b>  5 <b>there, which then, as you know and we discussed earlier</b>  6 <b>today, the company -- the News of the World said that</b>  7 <b>they had investigated it and there wasn't any issues</b>  8 <b>there, et cetera, and they denied those allegations, so</b>  9 <b>that was there, but the wider reputational damage, if</b>  10 <b>you're going back to the point we touched on this</b>  11 <b>morning, the notion that, you know, that the</b>  12 <b>reputational damage, that there was a lot more there,</b>  13 <b>wasn't discussed, because we didn't know that there was</b>  14 <b>a lot more there until much later, as you know.</b>  15 Q. In your News International business update of June 2008,  16 you refer to your challenging and innovative titles  17 publishing outstanding journalism written by great  18 journalists every day of the week, and one example you  19 give is exposes like that of Max Mosley in the News of  20 the World. Why did you include that one?  21 <b>A. I would have been given a list of stories to highlight.</b>  22 <b>It was a longer communication around corporate</b>  23 <b>restructuring we had done and there was a couple of</b>  24 <b>pages in there, it was an important part of internal</b>  25 <b>communication, and one of the things that one likes to</b>  Page 78</p>	<p>1 likely or possible successors to the PCC. We've not  2 specifically discussed the PCC. I don't want to do so,  3 unless there's anything you particularly want to say  4 about that subject, and I give you the opportunity to  5 say anything you wish about the Press Complaints  6 Commission. That's the first point.  7 <b>A. Would you like me to do that now, sir? Look, I think,</b>  8 <b>as an executive and as a -- just as a business person,</b>  9 <b>a company that invests in journalism, I think I'd like</b>  10 <b>to have -- knowing what I know now, I'd like to have</b>  11 <b>more comfort that training around things like the PCC</b>  12 <b>Code and accountability around the PCC, you know,</b>  13 <b>delivered better results, because clearly there have</b>  14 <b>been failings in journalistic practices, and so</b>  15 <b>obviously there's been an issue there, but I think we</b>  16 <b>talked a little bit before about what are the things to</b>  17 <b>strengthen and what not, and I would say, having people</b>  18 <b>in and around the PCC who are perhaps -- having</b>  19 <b>a greater balance that's outside the current working</b>  20 <b>press may be a good thing to have.</b>  21 LORD JUSTICE LEVESON: All right.  22 Another topic upon which I am asked to make  23 recommendations by my terms of reference relate to  24 a new, more effective policy and regulatory regime,  25 which support the integrity and freedom of the press,  Page 80</p>

1 the plurality of the media and its independence,  
 2 including from government. Much of this afternoon,  
 3 you've been talking about arguments about plurality, and  
 4 debate about that. Had you given consideration to  
 5 a system that more effectively regulates plurality  
 6 within the media and its independence, including from  
 7 government?  
 8 **A. The media's independence from government?**  
 9 LORD JUSTICE LEVESON: Yes.  
 10 **A. I think it's hard to say that one wants to regulate**  
 11 **plurality, given that plurality is a state of affairs in**  
 12 **a marketplace at a given point in time --**  
 13 LORD JUSTICE LEVESON: I'm supporting -- I'll read it again.  
 14 The term of reference is to make a new, more effective  
 15 policy and regulatory regime, which supports the  
 16 integrity and freedom of the press, the plurality of the  
 17 media and its independence, including from government,  
 18 while encouraging the highest ethical and professional  
 19 standards. So it's for a new, more effective policy and  
 20 regulatory regime which supports, among others things,  
 21 the plurality of the media.  
 22 **A. I think I understand, and I think with respect to the**  
 23 **plurality piece, I would simply say that the first part**  
 24 **of protecting plurality or supporting plurality is being**  
 25 **crisp around what plurality might be sufficient, because**  
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1 otherwise you would simply have the ability of  
 2 a regulatory body to intervene at any stage, if they  
 3 thought that -- you know, if -- let's say we have ten  
 4 newspapers and one newspaper goes out of business. They  
 5 could say there's been a deficiency in plurality, so  
 6 we're going to go and do something and intervene to fix  
 7 that, whereas the real question is: what is the state of  
 8 affairs where there is a sufficiency of plurality? When  
 9 we engaged on this plurality argument twice, both with  
 10 respect to the acquisition after minority interest in  
 11 ITV and then in the question of the acquisition of the  
 12 balance of shares in British Sky Broadcasting, one of  
 13 the problems was achieving a state where we agreed that  
 14 when the Enterprise Act was done in 2002 or 2003, when  
 15 this was said, that by inference plurality was  
 16 sufficient at that time, so the question becomes: what  
 17 has happened to plurality in the intervening years and  
 18 what is a tolerable decrease in plurality that could  
 19 result from business performance, from mergers and  
 20 acquisitions and the like?  
 21 So I think the baseline is the key thing to  
 22 understand with respect to sufficiency, because then it  
 23 will become a much, much more predictable and  
 24 straightforward and, frankly, light-touch environment  
 25 with respect to understanding what's expected and what's  
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1 **good for the country.**  
 2 **With respect to freedom of the press, we touched on**  
 3 **that a little bit earlier, and with respect to**  
 4 **independence from government, I think we have a very**  
 5 **independent press. They're not necessarily -- you know,**  
 6 **they're dependent on other things, some of them, but**  
 7 **it's a -- but I don't think there's a lot of dependency**  
 8 **on government, and I think that's a credit to it.**  
 9 LORD JUSTICE LEVESON: All right. Mr Murdoch, thank you  
 10 very much.  
 11 **A. Thank you, sir. And thank you, Mr Jay.**  
 12 MR JAY: Sir, we need to take some evidence as read. The  
 13 statements of Mr Frederic Michel --  
 14 LORD JUSTICE LEVESON: You've summarised that prior to  
 15 starting --  
 16 MR JAY: Yes.  
 17 LORD JUSTICE LEVESON: -- the questions you asked  
 18 Mr Murdoch about, KRM18.  
 19 MR JAY: It's also important to note in relation to his  
 20 statement -- this will be clear when it's published  
 21 online -- that some, indeed many of his emails are  
 22 matched by an immediately antecedent text message from  
 23 Mr Adam Smith, the purport of which is reflected in the  
 24 email, which then goes to Mr James Murdoch.  
 25 The Inquiry is going to publish on the website, as  
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1 soon as it can, Exhibits KRM17, KRM18, the exhibit to  
 2 Mr Michel's statement and obviously Mr Murdoch's  
 3 statement.  
 4 LORD JUSTICE LEVESON: Yes, right, thank you very much  
 5 indeed. Thank you. 10 o'clock tomorrow.  
 6 (4.16 pm)  
 7 (The hearing adjourned until 10 o'clock the following day)  
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