Tuesday, 10 January 2012 1 (1000 am) 3 MS PATRY HOSKINS: Good morning, sir. We have four with six discussions and with six discussions and the first witness will be Mr Busber of the Financial Times. 5 10 RD JUSTICE I FAYESON: Very good. 7 MS PARNILIN LIONED, BARBER (affirmed) 8 Questions by MS PATRY HOSKINS 8 Questions by MS PATRY HOSKINS 10 just air down and make yourself conflortable. You should find in front of you a bundle of tabbed decuments and behind tab, you witness statement. 10 just air down and make yourself conflortable. You should find in front of you a bundle of tabbed decuments and behind tab, you witness statement. 11 Could you please confirm your full mans to the Inquiry? 12 A. Farnakin Linoel Busber. 13 Could you please confirm with the contents of that statement as the 3. 14 It's signed at the end, although redacted. Can you confirm that they can true to the best of my 20 knowledge. 15 Q. Thank you very much. I'm going to ask you first of all about your cacer history. I'm looking at panagraph 5 of the statement, You explain that you've worked at the 4 position of manuging editor for the United States, based in New York. You also beld executive politics as news. I for the positions as news. I'm going to sak you first of all and turney. You were the Laurence Stern fellow at the Washington. Poor, and you have bectured widely on economics, You very land the your've currently a member of the band's required by the PCC cade on issues such as a discussed. You were maned young journalism of the year. 11 You worked on the Scotsman and on the Sunday University's School of Cournalism. I which promotes quality journalism worldwide. That's all to correct? 20 A. That's correct. 21 Q. Financial Times, the Financial Times code and so on, but before I do that, can I ask you this general question. Mr Barbert: to what extent a your opinion, does the Financial Times, for the through the province of practice speaks for itself; and if I may read it—it should be political. Times that it is titlogene				
2 celebrities, mean that it is altogether easier to be an ethical title? 3 mS PATRY HOSKINS: Good morning, sir. We have rour wincesses this morning, and the first winess will be wincesses this morning, and the first winess will be M barker of the Financial Times. 4 Mister of the Financial Times. 5 MB PATRY HOSKINS: Thank you very much indeed. If you would find a fir ont of you a bundle of tabbed decuemers and 12 behind tab 3, you should find your winess statement. 12 behind tab 3, you should find your winess statement. 12 behind tab 3, you should find your winess statement at tab 3. 16 If si signed at the end, although reducted. Can you 17 confirm that the contents of that statement at tab 3. 17 least one of the beat of your knowledge and belief? 19 A. Lean confirm that they are true to the heavy of the beat of your knowledge and belief? 20 (2) Tours you work more lab garangaph 5 of the beat of your knowledge and belief? 21 (2) Tours you work on the langury manufactured that the contents of that statement are true to 16 the beat of your knowledge and belief? 22 about your career history. This looking at pangaph 5 of the Statement. You explain that you've worked at the 4 position of managing editor for the United States, based in New York. You also beld executive positions as news? 3 me York boased and make your early and the media in the US advisory committice of Columbia University's School of 6 accolades. You were amend young journalism with the your exhibits should be in the next tab, and Europe, You served, between 2002 and 2005, on the 4 you were the Laurence Stern fellow at the Washington Post, and you have lectured widely on economics. 2 can be advisory committee of Columbia University's School of 6 accolades. You were amend young journalism worldwide. That's all your exhibits should be in the next tab, and European editor in London. Prior to journalism which promotes quality journalism worldwide. That's all your exhibits should be in the next tab, and European editor in London the advisory commi	1	Tuesday, 10 January 2012	1	fact that it has little interest in the private lives of
3 M SPATRY HOSKINS: Good morning, sir. We have four 4 witnesses this morning, and the first witness will be 5 Mr Barber of the Financial Times. 6 LORD JUSTICE LEVENON: Very good. 7 MR PRANKIN LIOLDE BARBER (affirmed) 8 Questions by MS PATRY HOSKINS 8 Ogenisation in print and online. It is true that we ware an inche publication, albeit a global news organisation in print and online. It is true that we ware maniche publication, albeit a global news organisation in print and online. It is short the thing organisation in print and online. It is short the two wards on braining the public of the position of managing editor for the United States, based in New York. You also held executive pusitions as news ecidior and European editor in London. Prior to joining to have lectured widely on economics, position of managing editor for the United States, based in New York. You also held executive pusitions as news ecidior and European editor in London. Prior to joining to save yor much. It is a position, antional security and the media in the US and Furope. You served, between 2002 and 2005, on the advisory committee of Columbia University's School of Journalism and you're currently an member of the board of the New York-based International Centre for Journalism, which promotes quality journalism worldwide. That's all the Financial Times, the Financial Times, the Financial Times, the prior of joining to ask you about some of the policies in place at the Financial Times, the Financial Times, the financial Times code of practice. You explain that the Financial Times code of practice speaks for itself, and if I may read it — it is fundamental to the integrity and success of the Financial Times code of practice speaks for itself, and if I may read it — it is fundamental to the integrity and success of the Financial Times code of practice speaks for itself, and if	2	(10.00 am)	2	
5 Inquiry for calling me to contribute to this discussion, and on behalf of the Financial Times. It is true that we are an inflamental pour ability. Bankington. You're now obviously the editor of the Financial Times for you explain that you're worked at the principal Times. 15 Washington. You're now obviously the editor of the policies in politicin, national security and the media in the US and Europe. You served, between 2002 and 2005, on the land Europe. You served, between 202 and you speak good on, but before I do that, can I ask you this general question, Mr Barber: to what extent n your opinion, does the Financial Times, the Financial Times code of and the correct? 10 (1 mg you very much. In going to tak you first of all and Europe. You served, between 2002 and 2005, on the laddsworp committee of Columbia University's School of the New York. Sou allow provided a transparency and disclosure in the contest of financial Times code at at the Financial Times, the Financial Times code and so on, but before I do that, can I ask you this general question, Mr Barber: to what extent n your opinion, does the Financial Times, the Financial Times code of practices and why the decision has been made to have a color of the policies in place at the Financial Times, the Financial Times code of practice set the financial Times, to clear the color of the policies in place at the Financial Times, the Financial Times code of practice set the Financial Times, the Financial Times code of practice set the Financial Times, the Financial Times code of practice set the financial Times to color of the policies in place at the Financial Times, the Financial Times code and why the decision has been made to have a could of the policies in place at the Financial Times, the Financial Times code and the place at the Financial Times, the Financial Times code and the place at the Financial Times, the Financial Times code and the place at the Financial Times, the Financial Times code and the place at the Financial Times, the Financial Time	3	MS PATRY HOSKINS: Good morning, sir. We have four	3	ethical title?
5 LORD JUSTICE LEVESON: Very good. 6 7 MR PRANKLIN ILONEL BARBER (affirment) 7 8 Questions by MS PATRY HOSKINS: Thank you very much indeed. If you would 7 10 10 11 12 13 13 14 14 15 15 15 15 15 15	4	witnesses this morning, and the first witness will be	4	A. First, let me say that I'm extremely grateful to the
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1 professional and ethical standards of journalism -- and 2 is seen to do so."

And the reason we set such a high bar is that our relationship with our readers -- and they are largely in business and finance, but not exclusively, and diplomacy and academia -- is one of trust. People have to be able to rely on the Financial Times for accurate information which is set in context, multiple sourced and that they can rely on it because they're making decisions, important decisions in their respective professions.

I think it was Sir Gordon Newton, who was probably the finest editor of the Financial Times -- he served for 23 years in the immediate post-war period. He said that the Financial Times appeals to decision-makers in business, finance and public affairs all around the world. That's our audience. They need to be able to trust the information that we provide, and that is why we have a very stiff code of conduct, which goes beyond the PCC.

- 20 Q. All right. That answers my question as to why you have 21 one. In what respects does it go further than the PCC 22
- 23 A. Well, if I could be more specific.
- 24 Q. Yes?

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25 A. We obviously do have specific clauses which relate to Page 5

- in an honest, transparent fashion. That is why
- 2 journalists pursuing stories on the Financial Times do
- 3 not misrepresent themselves. They represent themselves
- 4 as Financial Times journalists.
- 5 Q. All right. I think the question -- if I can rephrase it 6 in this way: yes, there is a Data Protection Act.
- 7 There's a requirement to comply with it. Why do the
- 8 Financial Times feel it necessary to include relevant
- 9 guidance on it within its code as opposed to just saying
- 10 to journalists: "You must obey the law"?
- A. Well, the Act was passed in 1998. Clearly, we have seen 11
- 12 a number of stories which have come out in the public
- 13 domain regarding phone hacking, and that would be one
- 14 reason why we've included that particular section in our
- 15 code of conduct.
- 16 Q. I understand. The code then goes on to set out the
- 17 provisions of the PCC code. Do you see that? The
- 18 question I have for you is this: it's true to say that
- 19 your code of practice does go further than just the PCC
- 20 code. It has some specific provisions relating to
- 21 financial journalism. It has the data protection
- 22 provisions. In your view, does the PCC code as it
- 23 currently exists need amending to include this kind of
- 24 provision or is it fit for purpose?
- 25 A. Well, I think that would be a matter for discussion Page 7
- 1 financial holdings, shareholdings by journalists. First
- 2 of all, they are obliged, under the Financial Times code
- 3 of conduct, to disclose those holdings to a share
- 4 register, the contents of which are known to the --
- 5 certainly the managing editor and editor. It's
- 6 restricted, but they are obliged to disclose those
- 7 shareholdings, and certainly they are not in any way 8 able to trade in those shares if they're -- when they

 - are covering sectors which -- related sectors.
- 10 So in other words, we are making sure that we are 11 not in any way conflicted or behaving unethically, and 12 to trade in shares when you're actually covering
- 13 a sector would be unethical conduct, and actually would 14 be grounds for dismissal.
- 15
- Q. Those are aspects of the code which deal with the 16 particular area of journalism that the Financial Times
- 17 is concerned with, but can we look, please, at the
- 18 second page of the code of conduct, under the heading 19 "Data Protection Act 1998 requirements". There also
- 20
- seems to be a section on data protection. Can you
- 21 assist us with why the Financial Times considered it

necessary to introduce this section into the code?

- 23 A. Well, first of all, there was a law called the Data
- 24 Protection Act and Financial Times journalists do not
- 25 break the law. We also feel it is important to behave Page 6

- 1 between editors. My personal view is that the code
- 2 needs to be enforced, the current code, before its
- 3 substantially amended, and in the case of phone hacking
- 4 it clearly wasn't enforced.
- 5 O. All right.
- 6 A. And one of the parties did not represent themselves in 7
 - an honest way when dealing with the PCC.
- 8 Q. So I understand your answer to be then that you're more
- 9 worried about issues of enforcement than issues of
- 10 amendment to the existing code?
- 11 A. I think the code is pretty robust but it needs to be
- 12 enforced and it needs to be credible.
- 13 Q. I'll come on to ask you more about regulation in
- 14 a moment. Sticking, though, with the code for the
- 15 moment, you explain in your -- back to your witness
- 16 statement, please, in the previous tab. You explain at
- 17 paragraph 11 that you send reminders to your staff of
- 18 the code at appropriate opportunities or appropriate
- 19 times. You explain in paragraph 11 that, for example,
- 20 in October 2010 a member of staff employed by Thomson
- 21 Reuters resigned following alleged breaches of their
- 22 code of conduct and you give the gist of what happened.
- 23 But as a result, you say, you sent an email to FT
- 24 editorial staff worldwide reminding them of their
- 25 obligations under the FT code as financial journalists, Page 8

- 1 for example, you say, to ensure that they do not make
- 2 editorial decisions about shares in which they have an
- 3 interest.
- 4 You then attach a copy of the email at exhibit 5.
- 5 Can we just look at that briefly. It's behind tab 4.
- 6 A. Where is this? Sorry, I'm having trouble -- oh yes,
- 7 I've got it.
- 8 Q. If you look at the bottom right-hand corner, there'll be
- 9 a number and it's 734.
- 10 A. Yes, I have it.
- 11 Q. Do you see that?
- 12 A. Yes.
- 13 Q. It may appear on the screen?
- 14 A. Yes, no, I have it now.
- 15 Q. To paraphrase that, you explain what's just happened at
- 16 Thomson Reuters and say:
- 17 "To ensure that there can be no room for doubt over
- our conduct, we are now taking the step of requiring all
- members of staff to sign a form affirming that they have
- read and understood the code and have made or updated
- their entry in the Investment Register as laid out in
- the code and will continue to update the register as
- soon as their investment position changes."
- You attach a copy of the code, a compliance form and
- a link to the Investment Register and you say if there
 - Page 9
- 1 are any questions, please come back.
- 2 Did you receive back to that email or any similar
- 3 email any response from journalists saying, "No,
- 4 I haven't complied with the code", or any expression of
- 5 concern as a result of that email?
- 6 A. Nobody sent me an email saying they had not complied
- 7 with the code.
- 8 Q. Or that there was any problem?
- 9 A. No. We needed a little bit of time to make sure that
- everybody did fill out the register and update their
- entry in the Investment Register, and I can now say that
- since that statement was issued to you, that we have --
- and we have more than 600 journalists at the FT -- it's
- pretty well 99.9 per cent compliant.
- May I make a broader point?
- 16 O. Of course.
- 17 A. The reason for sending out this email was that I felt
- very strongly that it was important that we uphold the
- 19 highest standards and that we needed to make sure that
- 20 we were doing so because in general the profession has
- 21 to be a lot more open and transparent about how it's
- doing its business and also be seen to be accountable to
- 23 ourselves and to standards.
- So if we are going -- and I feel this -- and I have
- worked now almost 27 years for the FT. I think the FT

Page 10

- should be the gold standard in journalism, and that
- 2 means that we need to uphold the highest practices, the
- 3 highest standards of integrity, and that is why we have
- 4 the Investment Register and why we want to have full
- 5 compliance from our journalists.
- 6 Q. The question is really whether self-certification by
- 7 journalists is sufficient to uphold those standards?
- 8 A. Yes.
- 9 Q. Why?
- 10 A. It is, because the penalty of not upholding those
- standards and damaging the reputation of the FT is
- dismissal, and people who do not uphold the highest
- standards put in jeopardy the reputation of the
- 14 Financial Times, are at risk of dismissal.
- 15 Q. Have you ever dismissed anyone on that basis?
- 16 A. I have not personally dismissed -- there is one instance
- which is not related to this particular matter regarding
- 18 Investment Registers -- the Investment Register.
- 19 Q. That's the editorial code of conduct. There's also --
- 20 LORD JUSTICE LEVESON: I suppose you mean, in answer to the
- 21 question that Ms Patry Hoskins was asking:
- 22 self-certification is sufficient because your
- 23 journalists wouldn't try and mislead you in any way
- because the risk of being caught out was just too great?
- 25 A. That is correct, sir.

Page 11

- 1 LORD JUSTICE LEVESON: So I think the question was not so
- 2 much "is your certification system sufficient" but "is
- 3 it sufficiently robust", and that really requires you to
- 4 know your staff, I suppose.
- 5 A. Yes, sir. I would argue that the Financial Times code
- 6 of conduct is a model for self-regulation.
- 7 LORD JUSTICE LEVESON: Well, that's a slightly different
- 8 question, which I think we'll probably come on to
- 9 discuss.
- 10 A. Yes, because the penalties of not getting it right are
- 11 severe, potentially.
- 12 LORD JUSTICE LEVESON: Yes, but they're imposed by the
- 13 editor, and therefore what might work within a newspaper
- setting which has the power to dismiss is rather
- different from what might work in a wider setting.
- I don't think we'll leave this topic alone before you're
- 17 finished.
- 18 MS PATRY HOSKINS: No, we certainly won't.
- 19 Just finishing on the code of conduct, you were
- 20 telling us about the editorial code of conduct. There's
- 21 also a Pearson company-wide code of conduct which I'm
- sure you're aware of. It's referred to in the statement
- of Mr Ridding, which is at tab 1.
- 24 If we look at his witness statement, please, behind
 - tab 1 in the bundle, we find within that paragraph 12.

Page 12

- Yes? 1 2 A. 12, yes.
- Q. He says this:
- 4 "Pearson plc publishes a code of conduct."
- 5 I'm assuming you're aware of this code of conduct?
- 6 A. I hope so.
- 7 Q. He attaches a copy and he says this:
- 8 "It requires all Pearson employees, including
- 9 therefore Financial Times employees, to conduct
- 10 themselves not only in accordance with the law but in
- 11 accordance with the ethical principles set out in the
- 12 code. The code is made available on the FT's intranet
- 13 and is referred to in all new starter packs for
- 14 Financial Times employees."
- 15 He goes on to say:
- 16 "Pearson circulates an email annually to all Pearson
- 17 employees, reminding them of their obligations under the
- 18 code and asking them to confirm either compliance with
- 19 it or to notify incidences of noncompliance which
- 20 they're aware of."
- 21 Pausing there, does the Pearson code add anything,
- 22 in your view, to the editorial code?
- 23 A. Well, it does.

- 24 Q. Tell us about that.
- 25 A. For the last half of the sentence which you just cited,

Page 13

- 1 role but that is the person who deals with human -- HR
- counsel, which is that it not only reminds Pearson 2 employees of their obligations under that code, asking
- 3 them to "confirm either compliance", but crucially "to
- 4 notify incidences of non-compliance they're aware of".
- 5 We don't have that.
- Q. I see. When I said "does it add anything", I guess the 6
- 7 second half to that question is: is it necessary to have
- 8 an editorial code and a company-wide code of conduct for
- 9 just that reason or could there simply be one code of
- 10 conduct and achieve the same aim?
- A. Well, that would be an interesting intellectual 11
- 12 question --
- 13 Q. That's why I'm asking you.
- 14 A. -- which I'm going to try to answer. The Financial
- 15 Times is a discrete entity within the Pearson group.
- 16 The editor is independent. Pearson, however, own the
- 17 Financial Times, so should they wish to have a separate
- 18 code of conduct, that's a matter for them, and we think
- 19 that the two can happily live alongside each other.
- 20 Q. In the same paragraph, Mr Ridding goes on to say this:
- 21 "Pearson also operates a whistle-blowing hotline
- 22 called Ethicspoint, which allows employees to report
- 23 breaches of the code on an anonymous basis. Employees
- 24 can also report breaches of the code locally, for
- 25 example to their line manager or in-house legal team."
 - Page 14

- 1 Now, is there any similar whistle-blowing hotline
- 2 for breaches of the editorial code?
- 3 A. No, we don't operate the whistle-blowing principle. If
- 4 there are problems at the Financial Times, my experience
- 5 is that they are brought to senior employees, if not to
- 6 me personally.
- 7 Q. What if the complaint was about you or involved you in
- 8 some way?
- A. Then it would go to my deputy.
- Q. Can a person who's concerned about breaches of editorial 10
- 11 code phone the whistle-blowing hotline? Is that an
- 12 avenue open to them or is it just a hotline for the
- 13 Pearson-wide code?
- 14 A. No, we are employees of the Financial Times and we're
- 15 owned by Pearson, therefore if a Financial Times
- 16 journalist or an employee in general wished to use the
- 17 Pearson hotline, they could. But I think it's important
- 18 again to understand something -- an intangible quality
- 19 called culture, and I don't wish to sound too
- 20 high-minded here but we think we have a pretty good
- 21 culture, and if there are problems, they're shared at
- 22 all levels. We also have a union at the Financial
- 23 Times, and if individuals have problems or grievances,
- 24 they can go to the union. They can also go, crucially,
- 25 to the managing editor. We haven't talked about that
 - Page 15
- 2 problems or budget problems and that is an open door
- 3 too. And then finally they can go to me.
 - So we don't think -- we don't want to be complacent
- 5 but we don't think we need to have a whistle-blowing
 - function in the newsroom at the Financial Times.
- 7 Q. Can I come on then to ask you, please, about sources and
- 8 sourcing. In paragraph 17 onwards of your statement,
 - you say this. It's in response to our question, which
- 10 was this:

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- 11 "To what extent is an editor aware/should be aware
- 12 of the sources of the information which make out the
- 13 central stories featured in your newspaper each day,
- 14 including the method by which information was obtained?"
 - You say this:
- 16 "In terms of sourcing, we follow a minimum two
- 17 source policy at the FT as evidenced by the sourcing
- 18 policy [which we can look at if necessary] ... this
- 19 means that as a general rule every story should be
- 20 dual-sourced irrespective of whether our sources are on 21 or off the record."
- 22 I can see why you've taken that decision. In
- 23 practice, does that happen?
- 24 A. You bet it happens.
- Q. Okay. How can you be so sure?

3

- 1 A. Because it's standard practice at the FT and it has been
- 2 for some time, and it was reaffirmed in the strongest
- 3 terms when I took over as editor just over six years
- 4 ago. If I may explain just a little bit?
- 5 Q. Of course.

9

- 6 A. If you rely on a single source for a story, you are
- 7 leaving yourself open to manipulation, you leave
- 8 yourself open to being misled and not understanding
 - fully context. There's always another side to a story.
- 10 I sometimes think about this in terms of an image of 11
- walking up a mountain. If you go on a single source, 12
- you get up to the top of the mountain and you have the
- 13 most glorious view. You have the idea of a wonderful
- 14 scoop the next morning. But then look down on the other
- 15 side of the mountain. That's the risk. So you need to
- 16 go for a second story. No story, however good it seems,
- 17 if it comes from one source, is going to enter the pages
- 18 or on the online of the Financial Times. You need to
- 19 have two sources, and even if the Prime Minister were to
- 20 speak off the record to a journalist and give that
- 21 journalist at the FT a big story, we would still check
- 22 it, we'd still talk to other people to verify, to also
- 23 put the story in its broader context.
- 24 So -- and when you say, "Is it followed at the FT?"
- 25 every other week something comes up. A news editor on

Page 17

- the desk says, "We have a very interesting story here, 1
- 2 but we need a second source." It's ingrained.
- 3 Q. You say it's helpful in terms of verification. It may
- 4 be very good in terms of --
- 5 A. It's not helpful; it's essential.
- 6 Q. Okay. It may be essential in terms of verification, it
- may be very good in terms of the reliability of the 7
- 8 information that you then obtain, but how would you know
- 9 about methods? How would you know, for example, if one
- 10 of the sources was a hacked phone message or a hacked
- 11 email or a blagged medical record? How does your
- 12 sourcing policy affect that?
- 13 A. First of all, to the best of my knowledge -- and I've
- 14 spent some time ahead of this Inquiry talking to
- 15 colleagues -- I know of no instance of phone hacking or
- 16 so-called blagging for information at the FT. We don't
- 17 engage in that sort of business. We do obtain sensitive
- 18
- information but we don't do it using those methods.
- 19 Now, how do I know? Because the appointment of the 20 news editor at the Financial Times is one of the most
- 21 critical appointments that I can make as editor. The
- 22 news editor at the FT has a great deal of power. Direct
- 23 reports and the key jobs, like political editor,
- 24 economics editor. He or she deals with journalists on
- 25 a regular basis. The news editors who report to that Page 18

- news editor, the other ones, sit around the common desk.
- 2 They share how stories are obtained and in terms of
 - sourcing, if the story is especially sensitive, then
- 4 again it's a matter of course. It comes down to
- 5 culture. If it's a sensitive story, the news editor
- 6 will come to me and discuss it, or to my deputy when I'm
- 7 travelling, and that way we have a system of checks and
- 8 balances in the Financial Times. We have
- 9 a transparent -- an overused word. We have an open way 10 of working.
- 11 So I'm very confident that we do not -- that first
- 12 of all, two sources works, and second, that we're not
- 13 using questionable, if not illegal, methods to obtain
- 14 our stories. And there's a reason for that. We have
- 15 a reputation to defend. We have a bond of trust with 16
- our readers, and if we're seen to be engaging in illegal 17
- activity or questionable activity, then that bond of 18
 - trust with our readers risks being broken.
- 19 Q. I understand that and I accept what you say about the
- 20 fact that your staff doesn't engage in illegal
- 21 practices, it doesn't use unethical means to obtain
- 22 stories. My question was about sources. A two-source
- 23 policy may be a very worthy one, but how do you know,
- 24 how can you check whether sources have not used
 - unethical methods? Is that possible?

Page 19

- 1 A. Not sources. You mean journalists using unethical --
- 2 Q. I mean sources.
- 3 A. Ah. Well, that presumes that we are relying, for
- 4 example, on private detectives or other people engaging
- 5 in illicit methods, so-called -- what I would call
- 6 secondary sources. We like to deal with primary
- 7 sources.

25

- 8 Q. Right.
- 9 A. Again, counsel, you are using the word "helpful", and
- 10 I'm insisting it's essential for us. I don't wish to be
- 11 prescriptive for the whole industry, but I'm just
- 12 talking about the Financial Times' practice. And
- 13 I repeat, you know, two sources is essential for the way
- 14 we do our business. We make mistakes. We've made
- 15 mistakes in the past. We correct them and we learn from
- 16 them. But the basis, the foundation for how we go about
- 17 our business is to, one, obtain information by
- 18 representing ourselves as Financial Times journalists,
- 19 and second, obtaining -- and by the way, it's not --
- 20 that's a minimum two sources. Preferably we'd like
- 21 three and there have been instances where we have not
- 22 published stories, sometimes to my chagrin.
- 23 We had a story which -- in New York, I had one --24 a person I'd known for ten years told me that Shell was
 - going to revise its policy on oil reserves and the story

Page 20

spent aday, and yes, the next day Sheld amounced that spent aday, and yes, the next day Sheld amounced that they were revising their policy. It had a big impact on they were revising their policy. It had a big impact on they were price. We didn't run the story. And there are other camples of that. But in the end and again. I'm quoted to the point of being boring at the Financial Times - I'd rather be right than first. In fact, not "rather"; that's the way we operate. We don't want to be first and get it wrong. I LORD JUSTICE LEVESON: When you're talking about sources, 101 JONE JUSTICE LEVESON: When you're plant that's they and sources? That's the point that I think - 13 A. Yes, sir. Again, you've phraced that much better than 14 I have been able to in several sentences, but that's the 15 point. You can't rely, if you're in the business that 16 we're in, on hearsay. We deal with primary sources, 17 people who are making the decisions and others outside. 18 MS PATRY HOSKINS: I understand. Can we look at your 19 point. You can't rely, if you're in the business that 20 exhibit 3 or your statement. If you look in the bottom 21 gright hand corner, you should find the number of 729. 22 A. Yes. 23 Q. Tiest of all, in your view, how important is it to 24 actually have a sourcing and attribution policy as 5 orgonosed to just giving guidance on an as and when basis? Page 21 1 A. Well, the reason that this was written down and 2 I remember the discussion because I was in New York 11 think procedures, and if we were going to be, to use this phrase, the gold standard, then we should be celibrar. Hove Raines and Gerry Boyd, their joins — they had to resign, so the New York Times, which I think is widely recognised as one of the best newspapers and news of reporter, was revealed to have literally invented stories and was guily of plaquisms. We took a view at the time — is that the New York Times, which I think is widely recognised as one of the best newspapers and news of the New York				
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, , , , , ,	24	LORD JUSTICE LEVESON: It's a very good example of where	24	definitely not meant to happen, because you pursue your
	25	something's gone wrong, then you just check your own	25	story and then you go to the source. Sometimes,

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- 1 frankly, it can be a pain because people don't come back
- 2 to you in time for deadlines. They want more time and
- 3 sometimes we do give them more time, and if it's
- 4 especially sensitive and there is the risk of libel,
- 5 which we haven't talked about, then we want to make sure
- 6 that we've given people the right opportunity to answer
- 7 questions and put the other side of the story. Again,
- 8 you can be surprised. You may think you have something 8
- 9 which is watertight, but actually is less so when
- somebody comes back.
- 11 Q. I was going to come on to prior notification but if you
- think this is a convenient moment, perhaps you could
- tell us why you certainly don't have a prior
- 14 notification policy in place at the FT.
- 15 A. I think it's important that we do our business in
- 16 a dispassionate way. Obviously journalists cultivate
- sources. They're important, whether they're in the
- political, financial or any other arena. That's how you
- 19 get information. But you never want to get so close to
- a source that you're offering prior notification or
- sharing everything. It's a dangerous business. That's
- a dangerous path to go along.
- So we are in an odd half-world where we need to be
- both close, but then to move away, to engage in building
- 25 a relationship of trust with sources but never to get so Page 25
- 1 close that you're offering prior notification. You need
- 2 to do business.
- 3 Q. Why is it a dangerous path? I think it would be helpful
- 4 for the Inquiry to understand why, in financial
- 5 journalism in particular, prior notification, you think,
- 6 would be a dangerous path?
- 7 A. I speak as a journalist, not just a financial
- 8 journalist. Obviously there may be instances -- if you
- 9 were to tell a company that you were about to write
- 10 a story, this could get out into the market, it could --
- it could be passed on, it could move the share price.
- 12 You know, you want to be able to do your work first,
- before necessarily going to the company. I wouldn't
 want to take that too far. I just think in general you
- don't go to, if you like, the subject of a story. If
- you'd been offered some information which may be
- damaging, may be positive, you don't want to go to that
- 18 source straight away.
- 19 LORD JUSTICE LEVESON: I don't think the question is whether 19
- 20 it's straight away. The question is whether, before you
- 21 actually publish the story, you say, "Right, we have
- this. Do you have a comment to make upon it?"
- 23 A. No, we always -- that's exactly what we do. I'm just
- saying in terms of the process of working on the story,
- when it's cooked, you then -- or when it's finished, you

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- then go to the company and ask for a response. Because,
- 2 as I say, it may alter both the timing of publication
 - and the substance of what you're writing about.
- 4 MS PATRY HOSKINS: I understand.
- 5 A. And it's also a question of balance and fairness and
- 6 context, which we haven't talked about much, but that's
- 7 the reason for sourcing. You need to think about
- 8 context. Has it happened before? How significant is it
 - really? That's not just -- that's a question of what
- 10 prominence you're going to give to the story but also
- whether you're actually going to publish it.
- Q. Can you envisage a situation where you would publish
 a story about a company without telling them in advance
- that you were going to publish it?
- 15 A. No, I can't -- I think it would be very difficult.
- 16 I think there are some instances where -- and there was
- an instance about this in the last 12 months, where
- a subject of a Financial Times story who was well
- endowed, a very rich person, had taken out a series of
- 20 injunctions, not just in Britain but elsewhere, because
- 21 of a very messy divorce, which severely limited what one
- could publish about that person or anything related. We
- 23 had a story about what was going on at the company and
- about surveillance methods used by that person and
- because we were concerned about an injunction being
 - Page 27
- 1 taken out, although we had had some contact, we did not
- 2 go and ask for a full response because we were fearful
- 3 of an injunction. But we had had prior contact and
- 4 there was some knowledge about this, but this was a very
- 5 unusual case because of the number of injunctions that
- 5 diffusion case because of the number of injunctions tha
- 6 had been taken out which were restrictive of reporting.
- 7 Q. But wouldn't an injunction only be granted if it was
- 8 appropriate for it to be granted?
- 9 A. Well, we took the view in this particular instance that
- an injunction wouldn't have been warranted, and in fact
- the story was published, we received a very hostile
- letter from a well-known law firm in this city that
- specialises in reputation management, and a week later
- said subject came to see me in my office and addressed
- me on first name terms and wanted to be friendly and
 - co-operative.
- So I think when there are that number of injunctions taken out, one needs to be quite careful about what how
- one is proceeding, but if -- we judged in this particular instance that the story should be published,
- we did, and that's what we did.
- 22 Q. Can I come back to the sourcing policy very briefly.
- Paragraph 9, under the heading "Sourcing":
- "We should be able to justify to readers how we cameby a story [and we've touched on that already]. When we

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1 talk to people, we should be honest about being FT 1 close to the Prime Minister". 2 reporters. The PCC code states that subterfuge can be LORD JUSTICE LEVESON: Yes. I wasn't actually thinking 3 justified only in the public interest and only when 3 about the Prime Minister. Yes. 4 material cannot be obtained by other means. If FT 4 A. I do think -- the important point you're making is that 5 reporters want to go undercover, they must first talk to 5 you need to be as clear as possible with the reader 6 an editor." 6 where this information is coming from. And also, if you 7 7 Can you tell us a little more about how often, if at can identify as closely as possible, then you give the 8 all, reporters do wish to go undercover? 8 reader some guide as to motivation, as to why this 9 A. Yes, I saw that. In the six years since I've been an 9 information is being put out there. 10 editor, I don't know of any instance in which an FT 10 I think the Americans, frankly, take it too far, "a 11 reporter went undercover. I'm not quite sure what that source whose name cannot be disclosed because of ..." da 11 12 means. Actually -- well, I just --12 da da, and two paragraphs later, the reader has either 13 LORD JUSTICE LEVESON: It means that they don't declare who 13 fallen asleep or is more enlightened. I think we are a 14 they are and they pretend to be somebody slightly 14 bit tighter than that. Phrases like "it is understood" 15 different. 15 have also been removed. So one needs to be tough on 16 A. Yes. Actually, I'm now -- we had an instance of one of 16 this, vigilant. 17 our top journalists went into Burma to interview Aung 17 I think the other point, which isn't here, which is 18 San Suu Kyi, and he did not misrepresent himself when he 18 important -- and frankly, again, you need to be really 19 was inside the country but I'd have to check whether 19 quite tough on this -- is anonymous sourcing, 20 he -- my memory is -- I need to go back, but --20 particularly in business and financial stories, where 21 LORD JUSTICE LEVESON: I don't think we're talking about 21 the source is offering a negative comment about 22 that sort of example. 22 a company or a person, is problematic. Now, it's quite 23 A. All right. 23 difficult because analysts like to talk about companies 24 LORD JUSTICE LEVESON: We're talking about an example where 24 and offer -- and they're certainly spicy and juicy, 25 pursuing a story, the journalist knows that if he says, 25 those comments, but they can be quite damaging and Page 31 Page 29 "I'm from the Financial Times", nobody will talk to him, 1 1 there's no -- if they're anonymous, you have to question 2 2 but if he says, "I'm a middle eastern potentate ..." motivation sometimes. So that's something that may --3 A. Yes, yes. I'm not sure whether very many FT journalists 3 it does happen at the FT, but we need to keep a very 4 could represent themselves --4 close eye on it. 5 LORD JUSTICE LEVESON: No, I wasn't necessarily --5 MS PATRY HOSKINS: That's probably paragraph 8: 6 A. But, sir, I think the point that I made at the beginning 6 "Be especially careful of relying on anonymous 7 is very important. We do not misrepresent ourselves. 7 criticism. Too much of that, and you have written LORD JUSTICE LEVESON: You don't do it. Right. 8 gossip, not news." 9 9 A. Yes. A. We say we're from the Financial Times. That's 10 important. 10 Q. That's the point you're making? 11 LORD JUSTICE LEVESON: All right. 11 A. That's the point. 12 MS PATRY HOSKINS: One last aspect of this sourcing and Q. Is there any other aspect of this policy that you would 13 13 attribution policy, please. Under the heading like to draw to the Inquiry's attention before I move 14 "Attribution", paragraph 7 says this: 14 "If we must cite an anonymous source, supply as much 15 A. I think that's fine, counsel. 15 16 information as you can. 'An aide to Mr Cheney said' is Q. Right. Turning back, please, to your statement, coming 16 17 17 preferable to 'an administration official said'. The back to a subject we've just been looking at, 18 stock phrase 'sources said' means almost nothing at all 18 subterfuge, at paragraph 21 of your statement you deal 19 and is banned." 19 with this. You say, I think we've already said, that 20 20 I think I can guess the answer to this question. Is you can't really see circumstances in which subterfuge 21 that a practice that is adhered to at the FT? 21 would be justified at the Financial Times, the nature of 22 22 A. It is. We don't publish "sources said". That's as very the issues you report on do not generally require the 23 loose attribution. We need to be always vigilant. 23 use of such methods, and so on. 24 LORD JUSTICE LEVESON: "Sources close to"? 24 A. Mm.

A. Ah, yes, that's a little bit less tenuous. "Sources

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Q. You explain right at the end of paragraph 21 that

Second -- and this is important -- I have the

2 lawful practices: 2 highest respect for the Daily Telegraph. I think that 3 3 "Certain news organisations have not necessarily the story that that they did on the Westminster expenses 4 acted professionally or responsibly and certainly not 4 scandal was a terrific piece of journalism. It's 5 ethically -- that is why I felt I had to make the 5 outstanding. Yes, they paid for the disk, but the 6 remarks I did in my Cudlipp lecture. I took the view 6 journalism and the series of articles that they produced 7 7 that certain organisations had crossed the line and they plainly met the public interest test. The laws had been 8 8 needed to be called to account for their conduct." broken by MPs and it was important that the wider public 9 9 You've exhibited the Cudlipp lecture to your was aware of this and the flaws therein, and there was 10 10 statement. It's not paginated and it's quite hard to nothing -- there's absolutely nothing but praise for 11 11 find references in it, so perhaps you can tell us in that particular story. 12 your own words what you meant by "certain news 12 In the instance of -- this is a personal view, and 13 organisations have not necessarily acted professionally 13 editors should make their own decisions about what they 14 or responsibly and certainly not ethically" --14 consider to be right, so I was expressing a personal 15 A. Well --15 opinion that I felt that it was wrong for journalists to 16 Q. -- and why you took the view that they'd crossed the 16 go to an MP, an elected member of Parliament, and 17 misrepresent themselves as constituents because I think 17 line and needed to be calling to account for their 18 18 conduct. there is a bond of trust between an elected 19 A. I was primarily referring, clearly, to 19 representative and constituents and that is important to 20 News International and specifically the 20 protect. That was a personal view. Certainly the 21 21 News of the World in the light of the phone hacking Telegraph took a different view and perhaps others in my 22 scandal, the details of which now everybody is aware of. 22 profession would do so, and I respect their views. 23 23 I just happen to think in this particular instance that Q. Okay. 24 24 A. I did make reference to the Daily Telegraph and the it was wrong. 25 25 story in which two reporters misrepresented themselves Q. What if using this kind of method is the only way of Page 33 Page 35 as constituents to Vince Cable, the business secretary. obtaining the information and that the information 1 1 2 2 I should add and make very clear -itself is valuable? 3 Q. Can we pause there and just find the reference. I think 3 A. Then we have to look at the quality of the story 4 it's more helpful if we do. If we look within your 4 produced in that particular case, and I always -- so 5 exhibits, the number in the bottom right-hand corner 5 I think that the question is: what is the story that 6 will be 750 6 you've produced as a result of this? 7 LORD JUSTICE LEVESON: Yes. 7 There may be cases for others to pursue in which 8 MS PATRY HOSKINS: Sorry, it's all behind tab 4, 750, fourth 8 they may seek to engage in these practices but they 9 paragraph down on that page. 9 would have to justify by passing a very high bar. 10 A. Yes. 10 I would refer, again, to an editor, a former editor of Q. You say this: 11 11 the Sunday Times and the Times, who I greatly respect, 12 "In this respect, the Daily Telegraph's decision to 12 one of the finest editors in the post-war era, Harold 13 13 dispatch two journalists posing as constituents to Evans, who said just last year that: 14 interview the business secretary Vince Cable falls into 14 "Deception may ultimately be justified in the 15 a very different category than its earlier scoop on MPs' 15 pursuit of the public interest but it must only be used 16 expenses. The latter story, although acquired for money 16 in the most exceptional circumstances. The reason is 17 and deeply damaging to the standing of the Westminster 17 that it can be deeply corrosive, not just to the 18 class, clearly met the public interest test. The first 18 newspaper's bond with its readers but also to the body 19 did not. It was nothing more than entrapment 19 politic." 20 journalism." 20 That is my view. 21 A. Well, first of all I'd like just to make clear that I'm 21 Q. I'm going to ask you about just a few more things that 22 talking about the kind of methods and practices employed 22 you said in the Cudlipp lecture, if I can. It starts on 23 by the Financial Times and what we expect of our 23 page 741 and continuing. First of all, can I ask you to 24 journalists in that we do not engage in 24 turn to the third page of that, which should be 743. 25 25 misrepresentation. About two-thirds of the way town, you'll see

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there's a difference between robust journalism and

1 a paragraph starting: 1 journalists having a very clear view of their 2 "Today, many members of the political elite in 2 responsibilities and how they conduct their 3 Britain have all worked in or with the media industry. 3 relationships with politicians. 4 David Cameron worked in a commercial TV company. Jeremy 4 LORD JUSTICE LEVESON: And vice versa. 5 Hunt ran a publishing business." 5 A. Very much vice versa, sir. Again, it was taken as 6 And so on. Now, can you tell us a little more about conventional wisdom that in order to govern, in effect, 6 7 7 why that's relevant, in your view? with today's -- what is known as the 24/7 media 8 8 A. Well, it's first quite striking, the number of people environment, where you have to, if you like, feed the press, feed the media with stories, and you need to be 9 who have worked in the media business. It would 9 10 10 certainly encourage me to believe that they understand particularly sensitive to the demands of the popular 11 the media business very well, but also it can lead to 11 press, that you needed to have somebody very close to 12 too cosy relationships, and we can talk about that. 12 you, as Prime Minister, or as indeed Chancellor, who 13 I'm not just talking about the fact that Ed Balls was an 13 understood the tabloid press, and these people assumed 14 editorial writer for the FT. He certainly doesn't agree 14 the role of almost policy-makers. 15 with our editorial line at the moment on the economy. 15 This, I would suggest, is a little bit dangerous. 16 I think the problem is that -- again, this is 16 Politicians -- again, this is very much a personal view, 17 a personal view. I'm not necessarily offering you 17 so I don't wish to -- I think I'm probably treading way 18 empirical evidence for my case, other than what I've 18 beyond my remit as such anyway, but I think -- I just 19 just described, but it did seem to me that in the last 19 feel that if you have a 179-seat majority, that's quite 20 ten years or 15 years, in the Blair/Brown years, perhaps 20 a mandate. It's pretty good in the second time around 21 21 a bit -- latterly -- perhaps a little less so in the 22 present government, and I'll come to that in a minute --22 MS PATRY HOSKINS: I'm going to come on to ask you about 23 that there was a very close relationship between the 23 press regulation, if I can. I'm going to deal first 24 24 government and sections of the press, particularly with one of the judge's favourite questions about online 25 News International. 25 content. At pages 4 onwards of the lecture, you discuss Page 37 Page 39 1 Now, you could explain that because of the 1 the changes relating to online content in some detail. 2 2 preponderance of power that the Murdoch press had in You discuss Wikileaks and other examples. 3 3 this country. You could also explain it, perhaps, by Perhaps I can ask the question in this way: what's 4 some wonderful PR marketing by the likes of Kelvin 4 the purpose of close and careful press regulation if 5 McKenzie, who proclaimed in essence that the Sun had won 5 Wikileaks or other bloggers can publish what they want 6 the election in 1992 for the Conservative government. 6 with utter impunity? Can online bloggers be regulated 7 7 But it always struck me as very strange. Why would as well in your view? 8 a Prime Minister who had a 179-seat majority care so 8 A. No, I don't believe they can and I wouldn't seek in any 9 much about what the popular press, and particularly the 9 way to regulate the Internet. This is a very difficult 10 Sun, was writing about the government and policies, day 10 area. There are the questions of a two-tier media 11 in, day out? 11 market, in effect, where you have a press which is 12 Again, if you read Piers Morgan's memoir -- it's 12 subject to certainly self-regulation to be discussed, 13 13 actually one of the first books that was given to me but these people are within the media ecosystem but 14 when I took over as editor, because I'd spent some time 14 clearly unregulated. Of course, if they break the law 15 in the country, to understand or reacquaint myself with 15 and if they libel someone, or if they were to engage in 16 the British political culture -- it was quite 16 contempt of court, they could be brought to the law --17 17 extraordinary how much time Tony Blair seemed to have could be brought before the courts, but I would look at 18 spent with Piers Morgan. You'd have thought he had 18 this -- it's a very complicated question, but I think if 19 a bit of time running the country, but maybe not. 19 you're talking about the overall picture for how the 20 LORD JUSTICE LEVESON: I'm interested to know -- and 20 press should be regulated or regulate themselves in this 21 I accept you're expressing an entirely personal view, 21 country, you need to think about two principles. 22 22 and it really is touching upon a later bit of this The first is that we shouldn't think just about the 23 Inquiry -- what you would do about that. 23 press, because the press have significant -- and in many 24 A. Well, you certainly can't -- you certainly would not 24 ways, thinking of the Guardian, certainly the Daily Mail 25 wish to regulate it or pass a law. This is about 25 and Telegraph and others -- have successful online

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describe --

A. Yes.

- operations. So they are news organisations. That's
 what I call the Financial Times. It's a news
 organisation. Don't think just about the press. If
 I may say, sir, without, again, wishing to stray beyond
 my remit, it would be a huge mistake for the Inquiry to
 focus just on the press. You need to think about the
 news in general and the general ecosystem.
 - Second principle is that -- so we have news, so we do have online operations, those should be subject to the law. We need to establish a code of conduct. We need to establish practices which are so good, so credible, so robust, that others would wish to join such a body of, say, independent regulation. We can discuss the details.

You will not, I believe, I suspect, have individual bloggers out there in the stratosphere joining, but I'm talking about media aggregators, people like, say, the Huffington Post, that are drawing on what is loosely described as mainstream media content, that they would feel that -- not necessarily an obligation but be encouraged to be part of a quality system of independent regulation in this country.

- Q. All right. So the answer is not everyone can be
 regulated, but you could have a system of encouragement
 which meant that some people would choose to be
- which meant that some people would choose to be Page 41
- 1 an obligation, in other words, to go through the kind of

between the simple presentation of information and the

reflective and all those words that you might

provision of information in context mediated by opinion,

LORD JUSTICE LEVESON: -- as the high point of journalism

and not just reflective pieces such as you might produce

in the Financial Times but if I take the example from

straightforward language, readily accessible by those

Times. You understand, the different expertise that all

goes into making the press, but which isn't there on the

who wouldn't necessarily want to read the Financial

A. Well, again, sir, I think you've cut to the heart of the

LORD JUSTICE LEVESON: You don't need to be polite.

A. Probably flattering rather than polite, but there we

are. But this is the case. This is the issue. Because

if you talk -- and again, having spent a lot of time in

the States, for those who do their journalism on the

anything and they believe that it can be -- it will be

corrected by peers on the Internet. So they don't feel

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Internet and bloggers, they think they can publish

yesterday that Mr Mohan spoke about: descriptive

analyses of complex issues in comparatively

Internet. Is that the distinction?

matter because if you think about --

- 2 processes which not only the Financial Times but also
- 3 the tabloids do. That is what I would regard or
- 4 describe as a crafted piece of journalism. And that
- 5 craft means sourcing, multiple, but also in terms of --
- 6 again, I believe this is the case, it certainly is in
- 7 other news organisations I've worked for, that -- there
- 8 is a revise function. You don't just publish the story
- 9 immediately and wait for it to be corrected by an angry
- 10 reader. You actually check it out, talk to the news
- editor, and then it goes through a process known as
- subediting, which again is the revise function. In that
- way, it's as very different commodity from
- 14 Internet-based journalism.
- 15 LORD JUSTICE LEVESON: That might be an area which actually
- 16 identifies the difference and encourages those that want
- 17 to be considered journalists and mainstream to join that
- 18 particular club.
- 19 A. That would presume, sir, that they feel they want to be
- 20 part --
- 21 LORD JUSTICE LEVESON: If they want to be.
- 22 A. It should be obviously up to them. I believe that is
- 23 the way forward because this is a fast-moving train
- 24 here, but I suspect from numerous conversations that
 - there is -- that web-based journalists, bloggers, they
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1 regulated. For those who chose not to be regulated, do

- 2 they not place the press at a competitive disadvantage?
- 3 A. Indeed they do.

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- 4 Q. And is there any way of resolving that issue?
- 5 A. I've wrestled with this and I haven't come up with an
- 6 answer. I think it's -- there is a real problem when,
- 7 for example, some people in the -- on the Internet,
- 8 web-based news organisations outside this jurisdiction
- 9 can publish details, for example, of a famous footballer
- and his affair and -- or affairs, and the popular press
- in this country can't. That clearly puts them at
- 12 a competitive disadvantage.
 - Now, one would have to go and ask the question about
- how legitimate is it to write that story, what is the public interest, et cetera. That's a separate matter.
- But if we are saying -- now, this is not the first case
- this has happened. I do refer in the lecture to the
- this has happened. I do refer in the lecture to the
 1930s when the New York Times, that august publication,
- 19 had a field day with King Edward VIII's affair with an
- 20 American, Wallis Simpson. They were happily publishing
- 21 juicy and raunchy details of the affair while the
- 22 British press, and not just the tabloid press, couldn't
- print a word, or actually had an arrangement with
- 24 Buckingham Palace that they would not cover the story.
- LORD JUSTICE LEVESON: Is there a distinction to be made Page 42

1	look at the mainstream media, not just in this country	1	I was just about to explain why I think we need to have
2	but also in the United States, and say, "That's the	2	a little bit more of the regulatory aspect and not just
3	past. That's in decline. We don't want to be part of	3	the mediation.
4	that. We're part of a new bright future of journalism	4	LORD JUSTICE LEVESON: Yes, please.
5	on the Internet and it's new and it's different."	5	A. So I think we need a new body, we need a new
6	Now, having said there's a little bit of naivety and	6	composition, and we need of that body, and we need
7	a little bit of idealism in that approach, but certainly	7	new powers. I'm happy to elaborate.
8	for those web-based news organisations who are	8	MS PATRY HOSKINS: Yes, please.
9	aggregators I'm thinking about the Huffington Post,	9	A. First of all and other editors or others have alluded
10	for example that are drawing on mainstream media	10	to this, and others will elaborate on this, but I think
11	content, they should think hard about becoming part of	11	first of all, in the event of serious breaches of the
12	what we hope to put forward in this country in terms of	12	code, fines should be applicable. I also think that
13	a new body of independent regulation which is robust,	13	forcing or obliging newspapers to publish very
14	credible and worthy of joining.	14	prominently, according to the seriousness of the
15	MS PATRY HOSKINS: It sounds like you're suggesting a system	15	mistake, where they have erred or where they have got
16	of sticks and carrots. Do you have a formulated view as	16	matters seriously wrong, and the PCC or the new body
17	to what that system would look like?	17	rules against it, then that should be prominently
18	A. I think that I'm more interested in carrots than sticks.	18	featured. And believe me, editors do they hate,
19	I think that if you're looking at the current set-up in	19	I personally really you don't want to devote a large
20	this country because I wish we did have a First	20	portion of your newspaper to explaining why you got
21	Amendment in this country we can come back to that in	21	something wrong. That's a deterrent. Don't
22	a minute, but we don't. So we have a body called the	22	underestimate the significance of that.
23	PCC, which practices self-regulation. Now, in my view,	23	I also think that there should be a high bar I've
24	and I've said this, the PCC does some very important,	24	alluded to this in the Fulbright lecture that I gave
25	valuable work. This is easily forgotten in all the	25	there should be a high bar but there should be powers of
	Page 45		Page 47
1	criticism that was levelled against the PCC.	1	investigation if the new body seriously believes that
2	But in my experience what they do in terms of	2	there's been a serious breach of the code. One could

But in my experience what they do in terms of mediation, picking up readers' complaints, dealing with editors, they do it very well. They're timely, it's free, they're thorough and they have good people, and they've had an unfair rap in that respect. And they do reach out to the public and interest groups and they're involving them in the process.

However, they fail -- they misstepped badly in the phone hacking scandal. Now, it is true again -- one qualification here -- they were lied to.

News International lied to them. So in that case, it's pretty difficult because you have a major news

14 organisation that is part of your independent,

15 self-regulatory set-up, and it's not telling you the

16 truth, and you also -- you don't have the powers to

17 pursue that. The misstep was to -- and it was a serious

18 misstep -- was to criticise the Guardian for its

19 reporting and to minimise the significance thereof. And

20 that was a serious misstep, and as a result of that

21 I believe that the body has lost credibility.

22 LORD JUSTICE LEVESON: But it's not just that, is it,

23 Mr Barber? Is it really a regulator at all? It's

24 a complaints mechanism.

25 A. No, it is a complaints mechanism, and if I may say, Page 46

3 think of mechanisms within the body where a serious

4 panel, not just of insiders but also outsiders, lay

5 experts, could make a judgment that this required or

6 this should trigger an investigation. But that, for me,

7 would be part of the solution.

8 And then, finally -- not finally, but we should --

we have to think about how we make sure that everybody

10 joins -- comes under the tent. We mentioned the

11 Internet, that that would be difficult, but certainly

12 for the press everybody should be. I would not --

13 I would not pass a law or any statutory form of

14 compliance because I don't support that in any way.

15 I support creating the best possibly and most credible,

16 most robust form of self-regulation, which is so good

17 that everybody wants to --

LORD JUSTICE LEVESON: I prefer your word "independent 18

19 regulation".

20 A. Yes.

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21 LORD JUSTICE LEVESON: Because one of the arguments about

22 the system is that editors sit in judgment on each other

23 in respect of which they are and with whom they are

24 competitors.

A. It's not a tenable position. We need outsiders. There 25 Page 48

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1 have been some changes, but certainly for too long the 1 industrial scale of phone hacking, but the pattern of 2 PCC was dominated by insiders. You need to have some 2 lies and also the result, which was shocking. The 3 3 people who are -- if not serving editors, certainly closure of a national newspaper with a circulation of 4 4 people who have served as -several million, and a newspaper actually that has done, 5 LORD JUSTICE LEVESON: With experience of the business? 5 in its own way over the years, some very good stories. A. Experienced people in the business of journalism. Not 6 I'm thinking of the price-fixing -- no, the cheating in 7 7 just lawyers. the Test match. So this was a shocking episode. And 8 LORD JUSTICE LEVESON: I shouldn't be considered to be in 8 all of us -- I speak for myself -- believe that as 9 favour of giving everything to lawyers. I'm not. 9 a result we need to change the way we do business. If 10 A. I'm relieved. But we need to have some outsiders, and 10 this isn't a wake-up call, I'm not sure what is. 11 11 LORD JUSTICE LEVESON: You'll understand my concern that I think that plays generally into the -- again, this is 12 very much a personal view but, you know, journalists are 12 there have been wake-up calls in the past and 13 not monks in cells. Journalists are members of the 13 everybody's woken up and then it all just appears to 14 14 community. Journalists should be accountable in the have drifted off again. Is that unfair? 15 court of public opinion. Journalists need to be more 15 A. It's certainly a fair characterisation of what happened 16 open about how they conduct their business. 16 20 years ago, but I would make two points in response. 17 We should have nothing to fear from a robust body of 17 First of all -- and I don't want to steal anybody's 18 independent regulators. We should have nothing to fear 18 thunder, but I believe that Lord Hunt will be putting 19 where some outsiders are brought into the process. 19 forward some interesting proposals on independent 20 LORD JUSTICE LEVESON: Of course, journalists look at all of 20 regulation shortly, probably before this Inquiry. 21 21 LORD JUSTICE LEVESON: I certainly hope so, because I've the other institutions of the state and of the body 22 politic. They look at politicians, they look at 22 encouraged everybody to be thinking about it 23 23 schools, they look at the judiciary. Who looks at and I expect them to be thinking about it. What I've 24 journalists? 24 said -- and I'm happy to make it clear publicly, if I've 25 A. Well, at the moment, there's plenty of people offering not done so -- is that I hope that the business of Page 49 Page 51 opinions about the state of journalism. 1 journalists, journalism, is considering it on the basis 2 LORD JUSTICE LEVESON: At the moment that is so, but we're 2 that it has to work for them but it will also have to 3 3 in unusual times, Mr Barber. work for the public. It won't be good enough, in my 4 A. We are in certainly interesting times. My remedy, or 4 present view -- and I'm obviously listening and will 5 5 the remedy that should be considered, is bringing in continue to listen with great care to everything that 6 6 everybody is saying -- just to think that one can tinker some outsiders so that it doesn't look like a cosy 7 stitch-up at the PCC where sitting editors decide the 7 around the edges. 8 rules and then enforce them. 8 A. I agree with that, sir, and it is incumbent on the 9 I also would say that the new body needs strong 9 industry to produce new, credible proposals for 10 leadership. That's going to be a really important job, 10 independent regulation. That is the lesson of the phone and my preference would be to see somebody with 11 hacking scandal, and to a degree it's the lesson of 11 12 experience of journalism but also somebody who's done 12 what's already come out in this Inquiry. I think 13 13 other -- worked in other areas, perhaps, but somebody I speak for fellow editors: we're serious about this. 14 14 with really strong leadership qualities to insist on the We want to produce something which is new. 15 15 highest standards of integrity and to make sure that But my second point is everybody should read what 16 this new body works. Because, as I said just a few 16 Chief Justice judge said last year about the importance 17 months ago, we are in the last-chance saloon, drinking 17 of the independence of the press and that we will make 18 our last pint. 18 mistakes and reputations may be damaged, but the 19 19 LORD JUSTICE LEVESON: I think that was 20 years ago. principle of free expression is really critical. So 20 A. Well, not necessary -- well, I'm going to disagree with 20 before anybody thinks about introducing new laws to 21 21 regulate the press, let us at least look at the quality you, sir. I think that what has happened in -- and I'm 22 22 of proposals which are going to be put on the table. basing my comments on conversations I've had with 23 23 members of the profession outside the Financial Times. LORD JUSTICE LEVESON: Yes, the Lord Judge wasn't actually 24 This has been a real shock, what happened at the 24 saying that there shouldn't be a framework. Lord Judge 25 25 News of the World, not just in terms of the extent, the was emphasising the importance of free speech and

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1 freedom of expression, views which I think I have 1 journalism to be robust, but following certain 2 2 repeated more than once over the last six months, but he 3 was identifying the importance of having a system that 3 LORD JUSTICE LEVESON: Somebody will bring it to account, 4 actually worked and wasn't one that was entirely 4 and also, of course, I just need to make the point: it's 5 optional. 5 not just phone hacking. Nobody could have listened to 6 A. Again, I subscribe to that view. It can't be optional. 6 the evidence that I've been hearing since November and 7 7 Everybody needs to buy in to the new arrangements. think that this is a problem just restricted to phone 8 Otherwise they won't be credible. But I think if they 8 hacking. Would you agree? 9 are good enough, robust enough -- there is, by the A. Phone hacking has been the trigger. 10 LORD JUSTICE LEVESON: I agree. I understand that. But way -- the matter which we haven't touched on, which is 10 11 11 rather important, is the cost. Credibility may come would you agree with my proposition? 12 12 with a high cost, and the press in this country -- and A. Well, sir, you probably have to be a little more 13 I'm thinking not just in London, but elsewhere -- is not 13 specific about what you're referring to. 14 exactly flushed with cash at the moment. So this will 14 LORD JUSTICE LEVESON: The proposition that there is more 15 be the price. If it means paying more money -- I'd 15 that needs to be addressed simply than phone hacking. 16 better be careful here, because I don't control the 16 A. Yes. Again, I would say it would depend on more 17 budgets. But this is important. 17 specifics. If you're referring to libel, if you're LORD JUSTICE LEVESON: I understand the problem of cost. 18 18 referring to privacy matters -- as I said, I don't 19 consider myself a specialist in this area, it's fraught 19 20 LORD JUSTICE LEVESON: And there are all sorts of potential 20 with perils, but there are examples of where -- if there 21 21 issues that arise in relation to that, which may is recklessness -- if recklessness has taken place in 22 actually be tied into the sort of model that one 22 the publishing of stories, that needs to be looked at, 23 23 eventually alights upon. So I understand the problem. but again -- you're correct, but let's just think about 24 A. Sir, if I may add that one of the tests of the new body 24 specifics. It is beyond just phone hacking, yes, sir. 25 will be: could the events of 2008, 2009, 2010 and the LORD JUSTICE LEVESON: Right. Page 53 Page 55 1 phone hacking that went beforehand occur and not be MS PATRY HOSKINS: Was there anything you wanted to add or 1 2 2 prevented or tackled with rigour and promptness by the how you would encourage the various different parties to 3 new body? If that new body fails that test, it's not 3 sign up to this new system? 4 A. Again, I think that it just has to be seen as a new LORD JUSTICE LEVESON: Is it very much an opportunity, which 5 industry standard. 6 is why I've encouraged you and your fellow editors to Q. It just has to be a really good one and one that the 6 7 think about sensible solutions, not just to see how near 7 industry is proud to be part of? 8 to the present system they can persuade me to go but 8 A. Well, credible. "Pride" is a loaded term. But it has 9 actually be prepared to be forward-thinking, to address 9 to be credible and it's not just got to be credible to 10 all the issues, not merely those you have mentioned but 10 the people who are part of the system; it has to be 11 also the others that have been brought up over the last 11 credible to the public at large. We'd hope that it 12 six months. 12 would receive the support of politicians but we're not A. Well, we want to be careful, to coin a phrase, of 13 13 going to go begging in that direction. We will just fighting the last war. We definitely need to think 14 14 produce the ideas, the format, and hope that people feel 15 ahead as well as draw lessons from the past, and this 15 it's different. It has to be qualitatively different. 16 sorry, appalling episode of phone hacking. So we do 16 Q. I have two final questions, if I can. The first is 17 need to think about the future. We need to think about 17 picking you up on something you said about changes to 18 our processes. We need to be opened up. We need to be 18 the PCC. You said one of the things that you fear as an 19 19 able to show that our processes and our standards are editor is having to publish apologies and taking up 20 robust and accountable. 20 space in your newspaper having to publish corrections or 21 I think this is a word I'd like to just emphasise. 21 apologies. Have you ever given consideration to the 22 22 The public needs to feel that the press, the media -possibility of having a readers' editor at the Financial 23 23 talking about the media in this country -- I'm leaving Times, and if not, why not? 24 aside broadcasting because that's separate -- is 24 A. Well, when this idea first came up, I was very 25 25 accountable and can say in public why it considers its sceptical, not least because I consider myself to be the Page 54 Page 56

1 readers' editor. If there are problems and they're 1 are dwarved by the enormous costs that are incurred, but 2 serious problems, I deal with them, my deputy deals with 2 the consequence of doing that and adding on to your 3 3 them or the number three. commission or council, whatever it's called, some sort 4 I've slightly changed my mind now. I mean, 4 of mechanism may mean that you need a structure which 5 obviously in America there are readers' editors and 5 you can't simply do consensually, because you want to 6 sometimes they can be quite tricky to handle, especially 6 bind in everybody who's going to be affected. 7 when they want to write long articles. Obviously you 7 A. Indeed. I don't wish to pre-judge what Alan Rusbridger, 8 wouldn't interfere with that. But I now think that 8 the editor of the Guardian, may want to say on this, 9 perhaps, as part of this qualitative difference and as 9 because he's done a lot of serious thinking and from 10 part of being seen to operate -- then I might be open to 10 what I've seen I think it's promising, to look at 11 the idea. But I think again what I would emphasise is 11 whether this new body, the Media Standards Board, 12 that if you have the culture, a strong culture in a news 12 whatever you want to call it -- by the way, it will have 13 organisation which is committed to upholding the highest 13 to have a new name -- can offer an arbitration process 14 standards, that should be your starting point. You're 14 or some form of resolution where parties do not 15 not going to solve these things, these difficulties, 15 immediately resort to the court, forcing news 16 with just offering tokens like appointing of a readers' 16 organisations to employ highly expensive barristers, and 17 editor. But I'd be more open than I was. 17 before you know where you are, you've seen £100,000 plus 18 Q. I think you wanted to say a few words about libel 18 disappear. We don't have that kind of money. 19 reform. I say this because in your contribution to the 19 Therefore -- and this is a real problem, because the 20 seminars, which took place in -- September? 20 Financial Times is an independent news organisation with 21 LORD JUSTICE LEVESON: Yes, it was September. 21 plenty of resources. We have more than 600 journalists, MS PATRY HOSKINS: A long time ago. 22 more than 100 foreign correspondents. We're happy to 23 LORD JUSTICE LEVESON: No, maybe in October, early October. 23 write about the connection between oligarchs and the 24 MS PATRY HOSKINS: In your contributions to those seminars, 24 Kremlin, we've written thousands of words in that 25 you mentioned this and I thought you might want to say 25 particular area and others, and every time we write Page 57 Page 59 a word or two about this. 1 1 about the rich and famous, particularly people who have 2 A. Again, we don't probably have the time and neither do 2 really substantial sums of money, we get a letter --3 3 I have necessarily the competence to offer a blueprint a very threatening, bullying letter from a law firm, and 4 for libel reform in this country. My principal concern 4 I'm thinking one in particular -- that is simply 5 was just simply the costs of dealing with a libel claim 5 outrageous. And, you know: "If you do not capitulate 6 or where people --6 before noon on Saturday, you will be hung at dawn on 7 LORD JUSTICE LEVESON: No, no, I'm quite keen to pick up 7 Sunday", and this is bound to have -- even if you think 8 that point because it actually feeds into something 8 that you're robust and the story is robust, it can have 9 9 you've just said. You may have heard that a couple of a chilling effect because you are aware of the cost of 10 10 times -- more than a couple of times -- during the a libel action. 11 course of these hearings I've floated the concept of LORD JUSTICE LEVESON: But that's why it can't just be 11 12 some sort of arbitral system for speedy resolution of 12 consensual because your extremely wealthy person would 13 13 privacy claims, potentially small libel claims, not never go down that route. So to protect everybody from 14 necessarily the largest, because the cost is 14 that sort of tactic, there has to be some framework to 15 prohibitive. There was a time when it was prohibitive 15 it which is not merely consensual, if that's one of the 16 to claimants because there wasn't legal aid available 16 things you want to achieve. 17 17 for it is and therefore the powerful position was held I offer that to you not for you to provide me with 18 by the press. Now, because of CFAs, it's turned the 18 an instant response but to put into your deliberations. 19 19 other ways, and that pendulum is moving. I understand A. We'll certainly take that under consideration, but 20 that. 20 I think my views on any form of statutory regulation are 21 But if you want an arbitral system, which I actually 21 fairly clear. But --22 22 think has value, then it's going to be quite difficult LORD JUSTICE LEVESON: I'm not talking about statutory 23 to do that without some sort of framework that requires 23 regulation. I'm talking about a framework which then 24 everybody at least to exhaust that possibility. Because 24 has built onto it a mechanism for everything to be done

I think most claims needn't be settled where the damages

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consensually, but without some background, then the

1	concern you've just expressed can't be addressed because	1	territory.
2	they won't come into the system.	2	A. Thank you, sir.
3	A. I can see that. I think there is a real practical	3	LORD JUSTICE LEVESON: We'll take seven minutes.
4	problem here. I am concerned about it, as are other	4	(11.40 am)
5	editors. In terms of libel, this is the one area that	5	(A short break)
6	probably concerns me most, and so I'll give that careful	6	(11.49 am)
7	thought, sir.	7	MS PATRY HOSKINS: Sir, we have three more witnesses this
8	LORD JUSTICE LEVESON: If you have some other suggestion,		morning. The first two are going to be rather short.
9	then I'm here for some time and I'm very pleased to	9	We have Mr Mullins, Mr Malhotra and Mr Blackhurst in
10	think about any solutions that work for everybody. But	10	that order.
11	that's what really matters to me.	11	LORD JUSTICE LEVESON: Very good.
12	A. I'll take a rain check.	12	MS PATRY HOSKINS: If I could call Mr Mullins first of all,
13	MS PATRY HOSKINS: Mr Barber, those are the questions that	13	please.
14	I had. Is there anything that you wish to add?	14	LORD JUSTICE LEVESON: We're changing titles?
15	A. No, I think I've thanks to the close questioning,	15	MS PATRY HOSKINS: We are. We're moving to the Independent
16	I've had a chance to really offer my thoughts on the	16	MR ANDREW OLIVER MULLINS (sworn)
17	current state of the industry and the challenges we	17	Questions by MS PATRY HOSKINS
18	face. I think I would just we haven't talked much	18	MS PATRY HOSKINS: Please make yourself comfortable. I was
19	about the public interest but we don't have the time	19	going to ask you to move the previous folder, but you
20	to exhaust that particular subject, but all I would say	20	have.
21	is that I strongly believe that there is a public	21	A. Yes.
22	interest in freedom of expression itself, and with that	22	Q. Can you please state your full name to the Inquiry?
23	I put myself right alongside editors such as Paul Dacre	23	A. Andrew Oliver Mullins.
24	of the Daily Mail, and I think we need to be very	24	Q. You've provided a witness statement in response to
25	careful in this country about forgetting that principle. Page 61	25	a section 21 notice. Can you confirm that the contents Page 63
	rage or		r age 03
1	There are plenty of other countries, in which I have	1	of that statement are true to the best of your knowledge
2	direct experience, whether it be Hungary or	2	and belief?
3	South Africa, that are looking at new media laws to curb	3	A. Yes.
4	the freedom of the press and the media and we should not	4	Q. You should find your witness statement behind tab 1 in
5	go down that road in this country.	5	this bundle. If you look at paragraphs 10 and 11 of the
6	LORD JUSTICE LEVESON: Again, I've said many, many times my	6	statement, you will find your career history. I will
7	strength of belief about freedom of expression and the	7	just check with you that it's correct. You are the
8	freedom of the press, which aren't quite the same thing.	8	managing director of IPL, Independent Print Limited?
9	But one just has to be careful, doesn't one, that one	9	A. Yes.
10	doesn't seek to justify that which you, in uncoded	10	Q. You were appointed to that role following the purchase
11	language, have condemned as unlawful and wrong, that one	11	of the Independent and the Independent on Sunday by IPL,
12	doesn't, as it were, say, well, the price of freedom of	12	a company controlled by the Lebedev family, on 30 April
13	expression is that we just have to put up with that	13	2010. Prior to taking that role, you were the managing
14	stuff.	14	director of the Evening Standard from 2007 to 2009, and
15	A. No, I do not believe that we should put up with that	15	prior to that you worked for News International as
16	stuff, as you say.	16	general manager of Times newspapers and marketing
17	LORD JUSTICE LEVESON: No, neither do I.	17	director of Times newspapers.
18	A. And I'm not condoning law-breaking. But I am defending,	18	At the present time, you are also the managing
19	and I will to the last breath, freedom of expression.	19	director of Evening Standard Limited, which is also
20	So I think we should leave it perhaps there on that high	20	owned by the Lebedev family, although you say the
		21	companies' operations are legally, editorially and
21	note. Thank you.	21	
	MS PATRY HOSKINS: Thank you very much indeed.	22	financially independent from each other. Have
21	MS PATRY HOSKINS: Thank you very much indeed. LORD JUSTICE LEVESON: Thank you, Mr Barber. Thank you very	22	
21 22	MS PATRY HOSKINS: Thank you very much indeed. LORD JUSTICE LEVESON: Thank you, Mr Barber. Thank you very much. That's rather longer than I think you probably	22	financially independent from each other. Have
21 22 23	MS PATRY HOSKINS: Thank you very much indeed. LORD JUSTICE LEVESON: Thank you, Mr Barber. Thank you very	22 7 23	financially independent from each other. Have I correctly summarised the situation?

1	Q. Before we just touch on the corporate structure at the	1	printing the newspaper. But as you've already
2	Independent and your role within that corporate	2	mentioned, the philosophy of the titles is that
3	structure, I'd like to touch upon something that you say	3	editorial staff are not subject to proprietorial control
4	at paragraph 9 of your statement. Just turn back to	4	or influence. You say this:
5	where we were just reading from.	5	"As such, whilst there is an editorial and legal
6	A. Yes.	6	clearance procedure, it is generally kept separate from
7	Q. You draw a distinction between serious news and	7	the financial and commercial side of the business."
8	celebrity kiss-and-tells, and that distinction that you	8	So two questions, please. First of all, what do you
9	make there at paragraph 9 is stressed a lot in the	9	mean by the word "generally"? In what situations would
10	evidence that you give. I have this question for you:	10	the editorial and legal procedure not be kept separate
11	should ethical standards or codes of conduct differ	11	from the financial and commercial side of the business?
12	depending on the content of the newspaper in your view?	12	A. Newspaper businesses tend to work on annual plans and
13	A. No.	13	budgets pre-agreed on an annual basis, and we separate
14	Q. Also, does the fact that you may not seek this type of	14	commercial and editorial to create clear editorial
15	story, celebrity kiss-and-tells and so on, mean that it	15	independence. If the editorial team is delivering their
16	is altogether easier to be ethical?	16	costs to the pre-arranged budgets and the sales of the
17	A. I think that's probably a better question for the	17	newspaper are going in line with expectation, there
18	editor.	18	would be no reason to challenge editorial processes or
19	Q. We'll move on to corporate governance.	19	procedures at all from a commercial side. However, if
20	LORD JUSTICE LEVESON: But your view about the approach to	20	something did go wrong and the sales were affected
21	editing or what should be in newspapers or shouldn't be	21	dramatically or there was a huge change in the cost of
22	in newspapers professionally appropriately hasn't	22	the editorial structure, it could come up to a board
23	differed whether you've been at the Times or the Mail or	23	level and it would be debated and discussed and the
24	whenever?	24	editor would talk through the issues, why they had
25	A. I've never been involved in the editorial sign-off	25	occurred, and we'd work out whether the board needed to
	Page 65		Page 67
1	process of stories, but I think people believe that it's	1	be involved in any shape or form.
2	exactly the same in each newspaper group but some	2	Q. Okay. The second question: why is editorial
3	newspaper groups have a harder challenge because they	3	independence considered so important at the Independent
4	have more stories of a certain type, so the pressure on		
4		4	or the IPL titles?
5	the business may be greater, so they probably are going	4 5	or the IPL titles? A. I think it is every newspaper. It's the traditional
	the business may be greater, so they probably are going to get it wrong slightly more times than people that		or the IPL titles?
5	the business may be greater, so they probably are going to get it wrong slightly more times than people that don't have such challenging stories.	5	or the IPL titles? A. I think it is every newspaper. It's the traditional
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- at reports relating to that on a weekly basis. 1
- 2 A. Weekly and -- mainly on a monthly basis. It's reported
- 3 on a weekly but we get into the detail on a monthly
- 4 basis, yes.
- 5 Q. All right. Then you're asked: does this system of
- 6 corporate governance work in practice? You're answer
- 7 appears to be: absolutely, it's all incredibly rigorous.
- 8 You then refer back to the fact that something will only
- 9 be referred up to the board if something happens that
- 10 affects IPL's finances or a serious reputational issue,
- 11 and then you would expect the board to become involved?
- 12 A. Yes.
- 13 Q. Is that correct? Thank you. You explain at 17 that
- 14 there are documents with cover some of the relevant
- 15 issues. For example, employment contracts, contributory
- 16 agreements, terms for freelancers, the PCC code, the
- 17 staff handbook, and you've just introduced a formal code
- 18 of conduct as well which covers policy matters in one
- 19 document. That, you say, was triggered by the advent of
- 20 the Bribery Act. How much input did you have into that
- 21 process, the code of conduct coming into being?
- 22 A. A lot. The Evening Standard, which I also manage, has
- 23 HR help and legal help from DMGT, its shareholder, but
- 24 when IPL was sold, all of the corporate overstructure
- 25 was removed and documentation needed to be updated. The 25 Page 69
- 1 commercial teams have been merged between the two
- 2 businesses, so as the head of both businesses, I was the
- 3 only person who could actually be involved to a deep
- 4 degree in terms of trying to pull together policies. So
- 5 yes, I was very much involved in it.
- 6 Q. Does the code of conduct apply across the titles or just
- 7 to the Independent?
- 8 A. Across the titles.
- 9 Q. You go on to explain in paragraph 18 that you consider
- 10 your role to be absolutely fundamental and critical to
- 11 all of the business strategy, et cetera, and central to
- 12 corporate governance, and I think I am pretty much aware 12
- 13 of everything that happens in that respect."
- 14 A. I certainly am now, yes.
- Q. Okay. What do you mean you certainly are now? 15
- 16 A. Because the history of editorial separation and
- 17 a business like ours, which has been losing a lot of
- 18 money in threat of going out of business, there are
- 19 different focuses and priorities. If the phone hacking
- 20 hadn't gone on, I think we'd have probably taken
- 21 a longer time to get our code of conduct out, but it was
- 22 very necessary and important that we did it for both
- 23 businesses because it pulled together and created
- 24 clarity on a range of issues that were cropping up
- 25 across the industry and a couple that were occurring in Page 70

- 1 our business.
- 2 Q. Could I ask you allow to look at the code of conduct,
- 3 please. It's in the exhibits to Mr Malhotra's
- 4 statement. If you look behind tab 4 in this bundle,
- 5 you'll find exhibit 1 to Mr Malhotra's statement and
- 6 you'll find an extract from the code of conduct. I'm
- 7 going to ask some questions about this because it is
- 8 referred to in your witness statement.
- A. Yes.
- 10 Q. Are you happy with that?
- A. Yes, that's fine. 11
- 12 Q. If you'd rather --
- 13 A. No, that's fine.
- 14 Q. If there's any question you feel is better addressed to
- 15 Mr Blackhurst, then please tell me.
- 16 A. Okay.
- 17 Q. Just glancing through it, we can see there are sections
- 18 on anti-bribery. There's also a section on data
- 19 protection, much like the Financial Times code we were
- 20 looking at. Then there's a section under "Editorial
- 21 provisions" on the third page which is headed "Stage
- 22 one, preparing for publication". Do you see that?
- 23 A. Right, yes.
- 24 Q. Without reading it all out, I'd like to look at the
- section headed "Putting the story to the subject", which Page 71
- is over the page on page 4. 1
- 2

- 3 Q. "It is good journalistic practice that any potentially
 - damaging story is put to the subject before
- 5 publication."
- 6 Is this a kind of prior notification policy?
- 7 A. It's -- the code of conduct was put together around the
- 8 time of the change of the editors, where Simon Kelner
- 9 stood down and Chris Blackhurst took over, and it was
- 10 created in conjunction with the legal department. We
- 11 meant it to be not an absolute document. It would be
- one that would be improved in time. This is one thing
- 13 we've looked at subsequently which I don't think we're
- 14 all in agreement on. I know the editor has very clear
- 15 views or has different views to what's stated here now
- 16 that he's in the seat, so I think I might leave that to
- 17 him to comment on.
- Q. I'll make a note to myself that I need to ask him. 18
- 19 Could I ask you about stage 2, which is over on page 6,
- 20 "Pre-publication". This is under the heading
- 21 "Attribution".
- A. Yes. 22
- 23 Q. Were you here during the evidence of Mr Barber just now?
- 24
- 25 Q. You'll have heard what he said about attribution of Page 72

- 1 material. What's the position at the Independent?
- 2 Let's just focus on the Independent for the moment.
- A. I'll give a comment. I think the editor will give
- 4 a more in-depth comment on this.
- 5 We started to highlight some these issues around the
- 6 Johann Hari case, which came up just before this
- 7 publication, and we have stressed certain issues that we
- 8 think are incredibly important that might not have been
- 9 clear before. This was the position we took when we put
- 10 the code of conduct together. I think we still hold it,
- 11 but I think the editor can probably enlarge on that.
- 12 Q. I think I might ask my other questions relating to the 13
- code of conduct to Mr Blackhurst. 14
- Can I pick you up on something you say at
- 15 paragraph 30 of your statement.
- 16 A. 30 or 13?
- Q. 3-0. 17
- A. Okay. 18
- 19 Q. You're dealing healer with a question about the use of
- 20 private investigators. Do you see that?
- 21 A. Yes.
- 22 Q. You're asked whether, to the best of your knowledge,
- your newspapers have used, paid or had any connection 23
- 24 with private investigators.
- 25 A. Mm-hm.

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- Q. And you say to the best of your knowledge no, and then
- 2 at paragraph 30 you say this:
- 3 "If this question covers payments to freelancers,
- 4 then yes, IPL does make payments to freelancers.
- 5 However, to my knowledge, IPL would not use a freelancer
- 6 who paid for information from private investigators or
- 7 public officials. We do not run those kind of stories."
- 8 What does that mean, "run those kind of stories"?
- 9 A. I think that's about the secondary sources and primary
- 10 source argument. I think the editor will confirm that
- 11 we mainly run primary source-type stories and therefore
- 12 we know all the sources involved. I think that's mainly
- 13 the line that's taken there.
- 14 Q. I understand. Have you, in your time at IPL, ever
- 15 considered the possibility of appointing a readers'
- 16 editor?
- A. I think we'd like to --17
- Q. You globally, rather than you personally. 18
- 19 A. No, I think we're in the game of trying to reduce our
- 20 costs and give more responsibilities to fewer people,
- 21 so -- we're very, very tight on people and costs, so
- 22 I don't think we're looking to expand our remit.
- 23 Q. Is it a question of cost rather than principle?
- 24 A. I think the argument about the editor being the readers'
- 25 editor is probably the best answer. That's certainly Page 74

- 1 the case on the sister publication, the I, which is
- 2 very, very interactive with readers and the whole
- 3 dialogue is talking about reader comments and feedback
- 4 on a daily basis, online and within the paper. Less so
- 5 on the Independent for historical practice, I think, but
- 6 we're not looking to take on more people if we possibly
- 7 can, I think is the best way of replying to that.
- 8 Q. Is there anything you'd like to add?

14

- 10 MS PATRY HOSKINS: Thank you very much then.
- LORD JUSTICE LEVESON: Thank you very much indeed. 11
- MS PATRY HOSKINS: Mr Malhotra next, please.
- 13 MR MANISH MALHOTRA (sworn)
 - Questions by MS PATRY HOSKINS
- 15 MS PATRY HOSKINS: Thank you very much. Could you give your
- 16 full name to the Inquiry, please?
- 17 A. Manish Malhotra.
- 18 Q. You've provided a witness statement to the Inquiry.
- It's behind tab 3 in the bundle before you. Can you 19
- 20 please confirm that the contents of it are true to the
- 21 best of your knowledge and belief?
- 22 A. I can confirm that.
- 23 Q. Can we turn, please, to your career history starting at
- 24 paragraph 7 of this statement. You explain that you are
- 25 currently the finance director and company secretary of

Page 75

- 1 IPL, positions that you have held since the 29th and
- 2 30 September 2010 respectively. You explain that you
- 3 are also finance director and company secretary of
- 4 Evening Standard Limited and prior to your current roles
- 5 you were a finance director of the Evening Standard
- 6 division of Daily Mail and General Trust plc, group
- 7 financial controller of Associated Newspapers Limited,
- 8 financial controller of investments of
- 9 Associated Newspapers Limited and finance manager, group
- 10 finance at Associated Newspapers Limited. And prior to
- 11 joining the media industry, you worked at Baker Tilley
- 12 as a business services manager and an audit senior.
- 13 That is a correct summary, is it?
- 14 A. That's correct.
- Q. I want to ask you about two things, Mr Malhotra: first
- 16 of all, IPL's financial scrutiny of journalists'
- 17 practices and expenses, and secondly, briefly, matters
- 18 that you raised on the IPL code of conduct. Again, if
- 19 those are matters best addressed to Mr Blackhurst, just
- 20 tell me and I'll move on.
- 21 Let's start with financial controls, please. At
- 22 paragraph 11 of your statement, you explain that
- 23 financial governance is extremely important to IPL and
- 24 that you have strict procedures in place for authorising 25
 - payments, expenses and so on. Why is it, in your view,

- 1 so important for the newspaper to have this financial 2 governance in place?
- A. I think as Andy's alluded to earlier, we have 3
- a separation between editorial and commercial which has 4
- 5 been known as a sort of church and state almost, as
- 6 a separation, and so for that reason it's very important
- 7 that editorial payments are going through the overall
- 8 corporate and financial governance of the company so
- 9 that we have clear sight of what's being paid and who's
- 10 being paid.

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- 11 Q. You go on to say that the procedure you have in place 12 and the constant financial scrutiny would ensure it 13 would be very difficult for employees to use IPL fund to
- 14 pay bribes or to fund the gathering of information by 15 illegal methods. Do you see that? It's the end of

16 paragraph 11.

> You go on to set out the procedures, in a nutshell, that are in operation over the IPL titles. We're not going to go into them in any detail, but what I want to understand is whether or not these controls would prevent, in practice, payments such as to police

- 21 22 officers or cash payments to private investigators, and
- 23 whether financial controls can really ever stamp out
- 24 those types of practices. Do you understand?
- 25 A. Clearly there is a risk that those payments might be Page 77

- 1 Q. I'm going to give you a theoretical example. I know you
- 2 say at Independent or IPL titles, you don't use private
 - investigators, but imagine you had a situation where you
- 4 were trying to obtain information from someone like
- 5 a private investigator, something that you believe to be
- above board. He may well be paid in a way which is 6
- 7 completely in compliance with the systems you have in
- 8 place but nevertheless is obtaining information
- 9 illegally. How can a system of financial controls ever
- 10 stop that occurring?
- 11 A. I would go back to the person who has to approve that
- 12 payment would be -- generally within editorial payments
- 13 is the managing editor's office, and they would always
- 14 ask the person who's putting in the claim what exactly
- 15 this money is for, and if they're not satisfied with
- 16 that answer, I don't think they would make a recompense
- 17 to that individual.
- 18 Q. I understand. You then tell us that as far as you're
- 19 aware these practices are adhered to in practice. Is
- 20 that still the case?
- 21 A. Yes, it is.
- 22 Q. I'm going to ask you briefly about the code of conduct,
- 23 simply because you refer to it in the statement and in
- 24 your appendix to your witness statement. It's in
- 25 exhibit 1 to your statement. Do you see that? You Page 79
- made but we have a system of internal controls in place,
- 2 which places great reliance on the managing editor and
- 3 his office, or her office, to ensure that the payments
- 4 that are made are proper, are substantiated and, if
- 5 appropriate, that there is a receipt to support them. 6
 - We don't have any cash in the system, so there's no mechanism for journalists or any other member of staff
- 8 to make those sorts of payments.

We also have a very robust series of monthly meetings going through the numbers, and we break down the editorial budgets into a series of departments, so these are relatively small numbers.

We've also, as a business -- as Andy alluded to earlier, we've been sailing in some fairly choppy waters. It's a very competitive environment, so we've been managing our cost base very carefully, which means we go into quite a lot of detail to ensure we know exactly what these costs are. So from my point of view, we also -- we only ever really delegate the responsibility for approving these payments to very hand-selected senior members of staff, so what we would 21 call officers of the company: the directors, the

managing editors and some desk eds. So from that sense,

I'm very comfortable that the controls we have in place

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would pick up these kinds of payments.

- 1 explain that it came into force in September 2011. What
- 2 input did you have into drafting the code, putting it in
- 3 place?
- 4 A. I was involved in to a certain extent in the drafting
- 5 and the initial kick-off meetings around it. I think
- 6 the majority of the work was done by our in-house legal
- 7 team, and Andy as managing director took a great lead in
- 8 driving this forward as well. Once the code had been
- 9 pushed up to board level and approved, then the
- 10 distribution of it was down to the HR department and
- 11 I took a hand in that as well.
- 12 Q. You explain at paragraph 35 that the code formed an 13 integral part of editorial practice at IPL and your
- 14 approach, you say, is:

"Our journalists are required to work within the criminal law and the PCC code."

17 So what does the IPL code of conduct add to the PCC 18 code?

- 19 A. I think it's a wider document because it covers both
- 20 commercial and editorial operations. It also goes into
- the use of hospitality and guidance and policies around
- 22 that. So it's broadening out and bringing into one
- 23 document a whole series of policies.
- 24 Q. I want to ask you about paragraphs 36 and 38 of your
- 25 statement now, the contributory agreements which Page 80

20 (Pages 77 to 80)

15

- 1 columnists who are self-employed have to sign and the
- 2 terms for freelance contributions. Can I just be clear:
- 3 are these two policies or agreements intended to apply
- 4 to two different groups of people, the former being
- 5 self-employed columnists and the latter being simply
- 6 freelance journalists who may make a contribution to the
- 7 titles?
- 8 A. Yes.
- 9 Q. I understand that contributories have to sign
- 10 a particular agreement and freelancers have to comply
- with certain terms which you append to your statement,
- but is there any oversight over the practices of
- self-employed contributors and freelancers over and
- above their agreement to those terms?
- 15 A. I think the relationship generally with freelancers will
- be with the commissioning editors on the desks, so there
- 17 you have a very good working relationship between the
- two individuals involved. So I think that is
- 19 generally -- the series of checks and balances will be
- around that relationship.
- 21 Q. Finally, I need to ask you about paragraph 39. You
- 22 explain that one of the non-executive directors,
- 23 Mr Whittam Smith, has carried out an internal review of
- 24 IPL's practices which looked at some of the issues which
- you refer to above:

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- 1 A. I'm not 100 per cent sure, if I'm honest, but my
- 2 understanding is that it was a series of verbal
- 3 interviews. Whether he then took it further, I don't
- 4 know.
- 5 LORD JUSTICE LEVESON: Thank you.
- 6 MS PATRY HOSKINS: Thank you very much indeed. Is there
- anything you want to add? I apologise, I always ask
- 8 that question.
- 9 A. No. Thank you.
- 10 MS PATRY HOSKINS: Finally this morning, sir, we have
- 11 Mr Blackhurst, the editor of the Independent.
- 12 LORD JUSTICE LEVESON: Very good.
- 13 MR CHRISTOPHER CHARLES BLACKHURST (sworn)
 - Questions by MS PATRY HOSKINS
- 15 MS PATRY HOSKINS: Good afternoon, Mr Blackhurst. Your ful
- name, please?
- 17 A. Christopher Charles Blackhurst.
- 18 Q. Again, you've provided a statement to the Inquiry
- 19 following the provision of a section 21 notice. Can you
- 20 confirm that the contents of that statement are true to
- 21 the best of your knowledge and belief?
- 22 A. Yes.

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- 23 Q. You'll find that statement behind tab 2 in the bundle
- that you should have before you.
- 25 A. Yes.

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- 1 "This was concluded recently and Mr Whittam Smith
- 2 was satisfied that the titles have not been involved in
- 3 telephone hacking, blagging, employing private
- 4 journalists or any other types of improper journalist
- 5 practices".
- 6 Can you tell me a little bit about this internal
- 7 review. Who did he speak to? How long did the process
- 8 take?
- 9 A. My understanding is that Andreas verbally interviewed
- a whole series of journalists, some of whom had been
- 11 with the paper for some years -- so it was crossing over
- into the previous ownership by Independent News and
- 13 Media -- mostly the senior desk heads and managing
- editors, to get a sense from them as to what the
- editorial practices were and to ensure that the systems
- that had been put in place were being adhered to in
- 17 practice.
- He then reported back to the board and gave us the assurance that nothing untoward had been happening.
- 20 MS PATRY HOSKINS: Sir, unless you have any questions, I'm 20
- 21 going to -- yes, you do.
- 22 LORD JUSTICE LEVESON: Just so that I understand, thinking 22
- about what Mr Whittam Smith did, he spoke to people,
- looked at stories, looked at documents, looked at
- 25 background stories, or just spoke to people?

- 1 Q. We know that you have been editor of the Independent
- 2 newspaper since 4 July 2011.
- 3 A. That's correct.
- 4 Q. Paragraph 6 of this statement contains your previous
- 5 career history. You explain that you've worked in the
- 6 media in total for 27 years. After reading law at
- 7 Cambridge, you entered journalism and you worked
- 8 initially at a legal magazine and at various business
- 9 magazines. You then moved to the national newspapers
- and have worked at six national titles: first, the
- Sunday Times, then you were city editor at the Sunday
- 12 Express. You moved to the post of deputy editor at the
- 13 Independent and then the Independent on Sunday. Then in
- 14 1998, you became deputy editor at the Daily Express and
- 15 Sunday Express, and for the last nine years you've been
- the city editor of the Evening Standard and you were
- 17 recently named business journalist of the year. Then
- you tell us that you started in your current position,
- as we said, in July 2011.
- 20 So at the time of drafting your statement, you'd
- 21 only been in the role for ten weeks?
- 22 A. That's correct.
- 23 Q. Now it's been about six months?
- 24 A. That's right.
- 25 LORD JUSTICE LEVESON: We'll do this rather generally. Is Page 84

1 there anything substantial that you want to alter as 1 organisation. I mean, the Independent -- I think we 2 a result of your additional experience? 2 need to put this slightly in context. The Independent 3 A. No. 3 is fairly small. It's extremely collegiate. We have, LORD JUSTICE LEVESON: Thank you. 4 4 I think across three titles, just short of 200 journalists, whereas other places have 600. We do have MS PATRY HOSKINS: I'm not going to ask you about corporate 5 6 governance or financial governance, you'll be glad to 6 some foreign correspondents but generally we are a bit 7 hear. 7 smaller and it's possible for people to have a rough 8 A. Good. 8 idea of what people are doing. 9 Q. But I am going to ask you about some of the matters that Q. Before I forget, I am going to come straight to the code 10 you deal with in your statement. Can we start, please, 10 of conduct, please, because you were passed that 11 with paragraph 9. You say this -- and I have to pick 11 particular baton. If you look at tab 4 within the 12 you up on this. You'll see why. 12 bundle you will find at the start of that extracts from 13 "I am aware, as editor of the Independent, that we 13 IPL's code of conduct. 14 are expected to operate according to the highest ethical 14 A. Yes. 15 standards. The Independent -- I would say out of all 15 Q. I have some questions to ask you about it, if I can. 16 the national newspapers -- prides itself on taking 16 First of all, please, on page 4 of that internally, 17 a high ethical stance. It is at the core of the 17 under the heading "Stage 1 -- preparing for 18 newspaper's brand." 18 publication", there is a section headed "Putting the 19 Why do you say "of all the national newspapers"? 19 story to the subject". Do you see that? 20 A. I think it's a historic thing, really. I think when the 20 A. Yes. 21 Independent was founded by Andreas and Steve Glover and 21 Q. "It is good journalistic practice that any potentially 22 Matthew Simons back in 1986 that it did take a very 22 damaging story is put to the subject before 23 different stance and always has done. It certainly 23 publication." 24 24 likes to think it's free from proprietorial influence. Now, good journalistic practice and what actually 25 In those days, you had a heavy concentration of 25 happens in practice may be different, so can you tell us Page 85 Page 87 1 News International papers, you had union-restrictive 1 whether, at the Independent, that's something that does 2 2 practices that were dominating industry and the happen? 3 Independent at that time was seen as something different 3 A. It is good journalistic practice that it's put to the 4 and has certainly maintained that ever since. 4 other side. 5 Obviously I heard Lionel Barber this morning and he 5 O. Yes? 6 says his paper's the gold standard, and we can argue A. I would say that there are instances -- and I've come 7 among ourselves which is higher but we've certainly put 7 across them, I must admit, very rarely in my short stay 8 ourselves up there. 8 at the Independent but in my very long time as 9 Q. I understand. You've heard Mr Malhotra and Mr Mullins 9 a national newspaper journalist, there are some 10 tell us a bit about corporate governance, the separation 10 organisations -- some types of organisation that play 11 between commercial and editorial sides of the newspaper. 11 games with the press, and you have to be very wary if 12 In your view, do procedures and policies and the 12 you put a story. If you're very confident of the 13 13 separation between editorial and commercial sides of sources, very, very confident, and I mean two or three 14 a newspaper actually make a difference to the culture of 14 times sourced, and if you're putting it to them, they're 15 a newspaper, or does it depend more on the types of 15 quite likely -- and I don't mean they're going to seek 16 stories that a newspaper is particularly interested in? 16 injunctions or anything like that -- they're quite 17 A. I think it does depend more on the type of stories. 17 likely to be tipping off other journalists. We are in 18 I think some papers have a different culture, 18 a very competitive field and there are one or two 19 a different mindset. I think if you work in the Sunday 19 instances, types of organisations, where you have to be 20 market, where I have worked, there's very much a need to 20 quite careful. If you go to them with a story, it's 21 break exclusives on Sunday. We seem to have got 21 quite likely that somebody in that organisation might 22 ourselves into a position as a society where we expect 22 tip off another journalist, so you do have to be a bit

different.

Sunday newspapers to break stories, so that's quite

Yes, I would say it's more the culture of the

Page 86

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that's all.

wary. I really don't have much problem with that

particular clause. I just think it's a bit broad,

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- Q. What happens in practice? Would you notify the subject?
- 2 A. I would expect us to, yes.
- 3 Q. And the situations in which you wouldn't would be
- 4 dictated by the fact that in the past you'd had a bad
- 5 experience --
- 6 A. Not me personally or the paper. I think it's just
- 7 knowledge that one or two types of organisations,
- 8 particularly where there's constant press attention on
- 9 them -- or where you phone up with a story and you just
- have to be a bit wary that it's going to leak and it's
- going to be passed on to another journalist on another
- paper, and it is -- as I say, it is an extremely
- competitive environment in which we operate.
- 14 Q. If someone was to say to you: "Mr Blackhurst, we've
- decided that actually prior notification in every case
- is going to be compulsory", would you have a concern
- 17 about that?
- 18 A. Not really, no. No.
- 19 Q. I was going to ask you about attribution policies within
- the code of conduct as well. Page 6 internally.
- 21 A. Yes.
- 22 Q. Do you see that under the heading "Stage 2,
- 23 pre-publication"?
- 24 A. Yes.

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25 Q. "All substantial material and quotes must be attributed Page 89

- 1 further down:
- 2 "If you receive a complaint about a story, you
 - should forward it to the managing editor and legal
- 4 department."
- 5 And so on. Now, I raised with one of your
 - colleagues the possibility of a readers' editor.
- 7 I think his answer was: "We're not going to pay for
- 8 that", although he said it much more politely than that.
- 9 What's your personal view on the merits of having
- 10 a readers' editor who is independent from the editor
- 11 himself?
- 12 A. Personally, in an ideal world with a large organisation,
- lots of resources, it would be a nice thing to have. In
- my time as editor of the Independent and actually prior
- 15 to that, when I was deputy editor for a many longer
- period than I've currently been editor, I've always --
- 17 I've not felt the need for it. If somebody writes to
- me, I will read their letter, I will read their email,
- 19 I will pass them to the managing editor, some I may
- 20 respond to personally, or they will respond. I have not
- felt the need. On the other hand, I have no problem
- 22 with it. As was pointed out, it is a cost, and we are
- 23 not an overly rich organisation and we live in hard
- 24 times.
- Q. Where do you publish in the Independent corrections and Page 91
- correctly [and so on] ... whatever the source of the material."
- Then it goes on over the page to discuss quotes:
- 4 "If quoting someone directly, you must use their
- 5 exact words. Take care if you want to quote someone
- 6 anonymously. Ask yourself what their motivation is, if
- 7 they are not prepared to go on the record ..."
- And so on. Did you hear Mr Barber give evidence earlier?
- 9 earlier? 10 A. Yes.
- 11 Q. What's the Independent's policy on using words such as
- "sources said" or "sources close to X said"?
- 13 A. We don't like them. I much prefer it that we actually
- 14 name somebody or as close as could, give some sort of --
- not identification but make it plain that we were
- talking to somebody on the inside. There are stock
- 17 phrases like "sources close to the Prime Minister",
- 18 which now is sort of ingrained in our brains, and we all
- 19 know that's somebody at Number 10 or close, one of his
- 20 advisers or whatever, but generally I think we try and
- 21 avoid it.
- 22 Q. The last thing I want to ask you about is stage 3, post
- publication.A. Yes.
- 25 Q. Complaints handling. This is on the same page, page 7, 25 Page 90

- 1 clarifications?
- 2 A. We have a column on the -- I can't give you the
- 3 page number but on the letters page there's a strip down
- 4 there which we do use for those.
- 5 Q. Is that a daily column, a weekly column?
- 6 A. Well, fortunately we don't have daily corrections and
- 7 clarifications. I mean, I'd say once a week, twice
- 8 a week. If somebody's -- obviously if we have got
- 9 something wrong and they are seeking a correction in the
- place where it appeared, I think we go along with that.
- I have no problem with that.
- 12 Q. I was about to ask you where you were on the prominence13 of apologies debate.
- or apologies debate.
- 14 A. I think we try and publish them as prominently as we
- 15 can. I mean, I -- I've not had cause to put one on the
- 16 front page yet. If I had to -- I wouldn't want to, but
- if I had to, I would.
- 18 Q. So again, a theoretical example. If someone was to come
- 19 to you and say, "Actually, we've decided that the
- 20 industry-wide standard will be that all corrections and
- 21 apologies must be published on page 2" -- that's only
- a theory -- would you have a problem with that?
- 23 A. None --
- Q. Or do you think that each newspaper should be allowed to publish corrections where it sees fit?

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- A. No, if the industry-wide standard is page 2, then page 2 2 it is. I have no problem with that at all.
- 3 Q. Can I ask you to turn back to your statement now,
- 4 please, and ask you about your section on page 5,
- 5 starting at paragraph 19. You were asked about where
- 6 the responsibility for checking sources of information
- 7 lies. You've told us a bit about attribution and so on,
- 8 but I want to ask you about the responsibility now for
- 9 checking sources. You say this at the start of this

10 section:

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"As a preliminary comment, I would say that, from my 11 experience, this is not an issue that arises very often at the Independent. Most of the stories we publish are relatively straightforward news reporting, comment and analysis, rather than investigative or in-depth feature pieces which might rely on a wider array of sources."

17 Now, are you really intending to say that the 18 responsibility for checking sources, that issue, doesn't 19 arise very often? And if you are, can you just explain 20 that a bit further?

- 21 A. I don't think -- I suppose what I'm trying to say there 22 is that I think in nine times out of ten, or 99 times
- out of 100, the sources are obvious. We are quoting 23
- 24 from reports, we're quoting from press conferences, from
- 25 named interviews. Very rarely -- not very rarely, but Page 93

2 wait for the deputy editor to speak to the news editor 3 to speak to the reporter. We haven't got all day. I mean, just get on with it.

"Where's the story come from?" I'll ask them. I won't

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5 Q. Fine. Let's move on to private investigators, please. 6 This is the section starting at paragraph 30 of your 7 statement. You were asked whether the newspaper has 8 ever used or paid or had any connection with private 9 investigators in order to source stories or information.

You say: to the best of the knowledge in the ten weeks that you'd been editor, the newspaper had never used, paid or had any connection with private investigators, and you say this:

"Generally speaking, the sorts of stories that we publish in the Independent are not the sort that would require a private investigator or payments to the types of third parties referred to in the question. If a journalist on the newspaper did intend to use a private investigator, I would expect the journalist or their desk head to clear that with me in advance."

Does that mean that you don't rule out the possibility of using private investigators?

A. I don't rule them out, no, but I'd say if I felt that a story was of such paramount importance in the public interest and there was a piece of information that was Page 95

- 1 rarely do we have stories where the provenance of the
- 2 source is an issue. In that case, I would say -- if it
- 3 was a news story, I would be saying to the news editor:
- 4 "Where's this from?" I might speak to the reporter
- 5 directly. I've not had cause to do it yet.

Actually, I have asked the news editor: "Where's the story come from?" but I mean I've been happy with the answer. But it happens quite rarely.

9 Q. You explain at paragraph 21 how, if it was necessary to

10 check the source of information, it works. Each level?

11 A. Yes.

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12 Q. The original reporter and then the editor or the foreign 13 editor, depending whether it was a news or a foreign 14 story. Then deputy editor and then to you, with legal 15 advice.

A. Yes. 16

17 Q. Is that a proper process? You're happy with that 18 process?

19 A. Yes. I mean, I think we're giving slightly the wrong 20 impression there. I stand by the words but we're not

21 talking about a corridor of offices. We are -- we work 22

with each other. I'm with the news editor, the foreign 23 editor, the deputy editor pretty much all day long, and

24 they're around me, and it's not a case of formal up and

25 down the line requests. If I want to ask a reporter: Page 94

1 vital, be it a phone number or an address or something

2 that was in the public interest, that that information

3 was obtained and we could not obtain it another way,

4 then I might sanction it, but it hasn't happened.

5 Q. Over the page, paragraph 41, you were asked about 6 whether or not you pay -- or whether there are protocols

7 or policies in place relating to payments to other

8 external sources and you say that the Independent has 9 a diary page which publishes out-and-about and social

10 event-type stories. It doesn't publish inherently

11 private stories such as exclusive celebrity

12 kiss-and-tells, but you say you sometimes pay for tips

13 for stories on the diary page. 14 Can I ask you this: you can't have seen but did you

15 hear or read of the evidence of Mr Atkins to this

16 Inquiry? He's the gentleman who produced a film called 17 Starsuckers and who planted false stories in showbiz and

18 diary columns?

19 A. No. You're going to tell me that the Independent --

20 Q. No, I'm not going to tell you that he rang the

21 Independent, but I am going to ask you how you ensure

22 that tips for diary pieces don't encourage fictional

23 stories planted essentially for payment?

24 A. I think we'd have to -- I'm very wary. I mean,

25 I have -- in my own experience, I've edited diaries and Page 96

- 1 I was always very wary of people just ringing up who we
- 2 didn't know. If it's from a named journalist who is
- 3 a freelancer, who we have a relationship with, that's
- 4 different. I'm very wary indeed of somebody phoning
- 5 with a tip just like that, and we would only pay --
- 6 I would only pay, as a point of principle, if
- 7 subsequently the story checked out. You wouldn't be
- 8 agreeing and paying -- you know, no one can just ring up
- 9 and say, "Pay me 50 quid, here's a story and I want it
- 10 in my bank account now." That's not how it works. It
- 11 would be -- if the story checked out, they might get
- 12
- 13 Q. Do you publish a phone number or an email address in
- 14 your diary column for the public to ring in with tips?
- 15 A. No, we're not that -- I mean, we've got -- lots of
- 16 people know where we are. They can get us online.
- 17 There's email addresses published and phone numbers, but 17
- 18
- we don't -- we're not seeking -- I mean, we're not
- 19 actively sort of putting signs up saying, "Please send 20 us your really nasty stories." That's not how we work.
- 21 Q. There are two topics that I need to ask you about before
- 22 we break for lunch. The first is the Johann Hari
- 23 scandal, in inverted commas.
- 24 A. Yes.
- 25 Q. Then I'm going to ask about regulatory reform. Can we

Page 97

- the time an interviewer and columnist for the
- 2 Independent?
- 3 A. Yes.
- 4 Q. If I can summarise it in this way: he was accused first
- 5 of all of plagiarism in this sense, in that it was
- 6 pointed out that in relation to some of the interviews
- 7 that he had published quotes were attributed to the
- 8 person that he had interviewed that had not necessarily
- 9 been spoken by them during the course of the interview.
- 10 They were in fact quotes that had been taken from other
- 11 sources. So, for example, in one case it was alleged
- 12 that the subject had said what was attributed to him but
- 13 he hadn't said it to Johann Hari; he'd said it in
- 14 a book?
- 15 A. Yes.
- 16 Q. Is that a fair and accurate summary of the plagiarism
- 18 A. That's correct.
- 19 Q. Secondly, Mr Hari was accused of having used a false
- 20 identity to go into -- it's not a very technical term,
- 21 I know, but to access the Wikipedia pages of others.
- 22 A. Yes.
- 23 Q. And amend them in such a way as to insert derogatory
- 24 comments.
- 25 A. That's correct.

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- do it in that order? 1
- 2 A. Sure.
- 3 Q. Can I ask you about the Johann Hari issue first of all.
- 4 First of all, I understand that the Johann Hari scandal
- 5 broke very shortly before you became editor?
- 6 A. Yes.
- 7 Q. Can you tell us roughly how long that was?
- 8 A. Gosh, I think the paper first became aware of the
- 9 plagiarism allegations against him -- I think it was two
- 10 days before I was publicly appointed. You have to sort
- 11 of remember that in the background, management knew
- 12 there was a change of editor taking place and I think
- 13 the previous editor knew there was a change of editor
- 14 taking place, so people were -- there was an element of
- 15 distraction, but the story, the allegations of the
- 16 plagiarism, I think, broke two days before.
- 17 Q. In that context, I'm going to paraphrase and I'm going
- 18 to just summarise very briefly what happened. If I say
- 19 anything that you think is incorrect, please stop me and
- 20 correct me.
- 21 A. Yes.
- 22 Q. Johann Hari was and remains an interviewer and columnist 22
- 23 for the Independent?
- 24 A. He doesn't remain an interviewer.
- Q. All right. We'll come on to what happened but he was at Page 98

- O. Would that be a fair assessment? 1
- A. Yes. 2
- 3 Q. You became aware of this, I assume, on taking --
- A. It's hard not to be aware. I mean, there was a -- the
- 5 whole storm broke on the plagiarism --
- LORD JUSTICE LEVESON: What a wonderful way to start. 6
- A. It was a great way. 7
- 8 MS PATRY HOSKINS: The storm broke and you were aware,
- 9 weren't you, that this had generated considerable
- 10 feeling?
- A. Yes. 11
- 12 Q. Some supporters of Mr Hari and the excellent work that
- 13 he had done up to that point, and others who were very
- 14 angered indeed by what had occurred, not least the
- 15 people whose Wikipedia's entries had been changed?
- 16 A. I think I'd slightly pause you there. I think there was
- 17 a slight gap between the plagiarism and the Wikipedia
- 18 amendments. They didn't happen concurrently -- sorry
- 19 they didn't happen simultaneously. There was a gap.
- 20 I think what I would want to stress was the shock
- 21 this caused. Enormous shock to myself, as somebody who

prior to then had mainly been an observer and an admirer

- 23 of Johann's journalism, and a much deeper shock,
- 24 I think, to his colleagues at the Independent. It was
 - really profound and totally unexpected.

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- 1 My response -- I don't know if I'm heading off your 2 questions or not, but if you want to keep asking me 3 questions --4 Q. If I can, I want to ask you specific questions. 5 A. Sure.
- 6 Q. Because there are two fundamental points which have been 7
- put, which I must put to you.
- 8 A. Yes.
- 9 Q. You can deal with it in whatever form you would like.
- 10 First of all, the allegation is that the Independent or
- 11 editors at the Independent had known about this for some
- 12 time and had done nothing about it, secondly that the
- 13 sum consequence of all of this is that Mr Hari has not
- 14 been sacked from the Independent. He remains at the
- 15 Independent, although he's had a leave of absence, which
- 16 I'm sure you'll tell us about it in a moment. The
- 17 argument that's levelled against the Independent is that
- 18 you have essentially protected your own, in much the
- 19 same way as it has been suggested to News of the World
- 20 that after the scandal involving Neville Thurlbeck and
- 21 the comments made by a High Court judge, that they
- 22 protected their own. He did not face the sack from
- 23 News of the World despite having been heavily criticised
- 24 for his actions.
- 25 If we could just take those in stages, first of all, Page 101

- 1 news to me. We had no inklings of the plagiarism at
- 2 all. Indeed, one of the problems with the Johann affair
- 3 was that nobody had ever complained. No journalist that
- 4 he'd plagiarised, no person that he'd interviewed, no
- 5 member of the public, no reader, no colleague, nobody
 - had alerted us to the fact that he had drawn his
- 6 7 information from somewhere else. If they had, it might
- 8 have been nipped in the bud at a much earlier stage.
- 9 The fact was it continued.
- 10 What happened was that interview, 29 June -- and
- 11 I took over literally -- that's the Wednesday. I took
- 12 over on the Monday. One of my first acts was to ask
- 13 Andreas Whittam Smith to investigate the allegations
- 14 against Johann so -- and at that stage it was just the
- 15 plagiarism. We did not know about the Wikipedia. That
- 16 happened later when Nick Cohen wrote his article in the
- 17 Spectator. Again, we had absolutely no knowledge.
- 18 I certainly didn't. I don't believe any of my
- 19 colleagues did. They had absolutely not knowledge that
- 20 Johann Hari was messing about on the Internet under
- 21 a false name amending people's Wikipedia entries.
- 22. I mean, we just had no knowledge.
- 23 Q. So you started an investigation into what happened --
- 24 A. Andreas Whittam Smith started an investigation.
- 25 Q. How did that conclude? What were the conclusions that Page 103
- 1 the issue of cover-up. I've seen there's an interview
- 2 in the bundle with Mr Kelner in which he said that he
- 3 would investigate which editors knew about this. If you
- 4 look behind tab 10, it's probably easier than me reading
- 5 it out. You'll see an article headed "Johann Hari row
- 6 is political". It's the third article in to that tab.
- 7 It's dated Wednesday, 29 June 2011. It's a Guardian
- 8 article. Do you see that?
- 9 A. Yes.

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- 10 Q. At the top of the second page, the interviewer quotes 11 Mr Kelner as saying this:
- 12 "Kelner confirmed that the paper is investigating 13 which editors knew about Hari's interview technique and 13 14 that they would review some of his past articles."
 - First of all, can you tell us whether or not the issue was investigated and whether, as part of that investigation, there was an investigation into whether editors knew about Hari's interview technique?
- 19 A. I think the word "investigating" there is probably quite
- 20 strong. I think Simon -- I mean, I can't speak for
- 21 Simon. Maybe you want to ask Simon to speak for
- 22 himself. But I think that the -- as I stressed, the
- 23 paper was in deep shock. The paper hadn't -- I'm
- 24 surprised you say that there was cover-up in the sense
- 25 that we'd had inklings before, because that is genuinely Page 102

- 1 you reached?
- 2 A. What happened was -- and there's two issues. The two
- 3 issues are the plagiarism and let's call it the
- 4 Wikipedia. The plagiarism -- I know it's hard for the
- 5 rest of the world to understand but I've read Andreas'
- 6 report. We won't publish it, simply because it is an
- 7 internal report into an employee. It is a disciplinary
- 8 matter. No company -- even though we're the
- 9 Independent, we can't set a precedent of publishing
- 10 disciplinary reports about employees. That wouldn't be 11
- 12 I know it's hard for -- I mean, on the plagiarism,
- Johann genuinely believed he was doing nothing wrong.
- 14 He wasn't amending people's words. He did fabricate
- 15 things like: "He took another sip of wine and said", and
- 16 obviously he wasn't taking another sip of wine, and then
- 17 the bit he said he'd borrowed from elsewhere, but the
- 18 fact that nobody complained, the fact that nobody
- 19 spotted it, Johann did not believe he was doing anything
- 20 wrong, and there was an issue, which came back to the
- 21 fact that Johann left university -- he left Cambridge in
- 22 2001, I think I'm right in saying, and in 2002 he was as
- 23 staff columnist on the Independent, and at no stage had
- 24 he had any training.
 - Q. Is that an excuse?

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- 1 A. No, because there are plenty of journalists who have no 2 training who know the difference between right and 3 wrong, and I accept that, and he should have known what 4 he was doing was wrong, but nobody told him. I think in 5 terms of plagiarism, it wasn't as stark and as severe as 6 the Jayson Blair case. He wasn't fabricating hard news, 7 as far as I was aware. 8 On the Wikipedia, he was able to produce evidence 9 that he acted in the way he did -- I mean, I don't want 10 to too much into this. 11 Q. No, let's not go there. 12 A. But he produced his medical history, which showed 13 that -- which, again, is another reason for not 14 publishing the report -- which showed he acted in the 15 way he did. Andreas took those into account. Andreas 16 produced a very tightly argued reasoning as to why, 17 while he had committed misdemeanours, he did not think 18 it sufficient for him to lose his job. 19 Q. What sanctions were imposed?
- 24 Columbia and NYU. He will be returning to the paper in 25 about four or five weeks' time as a columnist. He Page 105

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A. Johann's now had four months without pay. He's had

entirely without pay from the Independent. He's gone to

no -- his salary was stopped. That's four months

New York at his own cost to do ethics courses at

1 we've not had a witness yet who is in favour of that. 2 Perhaps you could outline your views on this. A. I'm not in favour of state licensing. I think that 4 the -- as much as I regret saying it, I think the Press 5 Complaints Commission has become tarnished in the eyes 6 of the public. It is what the words say on the tin. 7 It's a receptacle for complaints, and it ought to be --8 I think the industry now recognises, and certainly when 9 the editors meet and we talk among ourselves, we now 10 recognise that there is need for substantial reform. 11

What I'm profoundly against is state intervention, state control of the media. I think if we can find a formula so that all the newspapers are brought within the new body -- I think much is made of this, but the government has a way of defining newspapers for VAT purposes, and so if they can be defined and brought in, that might need a small statute. They are then in the body, whatever this body is called. It is then enshrined in every journalist's employment contract and every condition of payment for a freelancer that they abide by the code of this new body and failure to abide by the code may lead to disciplinary measures, and in the case of employed journalists, those employed by the news organisations, as opposed to freelancers, it could mean that they lose their job. Page 107

- 1 understands he won't be interviewing people. He 2 understands -- I hope he understands that if anything 3 arises that damages the paper's reputation, then I'm 4 afraid that's it, and everything he writes will be 5 heavily looked at, as I'm sure it will be by the outside 6 world. There's a whole Twitter community who probably 7 can't wait for him to start writing again, but that's 8 what's going on happen. I think, as Roy Greenslade 9 wrote in the Guardian, he thought it was a proportionate 10 punishment. Q. So did you protect your own? four months without pay -- his reputation has been very,
- 11 12 A. No. I think if you're publicly suspending somebody for 13 14 very severely damaged. The reputation of the 15 Independent in relation to Johann Hari has been severely 16 damaged. He produced cogent reasons why he did what he 17 did. We are the Independent. We had to respect those. 18 I don't think we covered up at all. 19 Q. I want to move on to ask you about press regulation and
- 20 reform, please. If you look at tab 9 in your bundle, 21 you will find an article which is headlined: 22 "Independent editor backs plan for bad journalists
- 23 to be struck off." 24 This sounds like you are in support of some kind of
- licensing of journalists, which is interesting. I think 25 Page 106

- 1 I certainly would advocate fining the newspapers and
- 2 I think this new body should be far more proactive. The
- 3 example I give -- I would have dearly loved in the
- 4 Johann Hari case to have passed the Johann Hari file to
- 5 the PCC and said, "There you are, you look at this,
- 6 I will respect this, because it won't damage -- " I mean,
- 7 I wouldn't be sitting here -- it's not standing, you're
- 8 standing -- I wouldn't be sitting here being accused of
- 9 a cover-up if I'd passed the file to the PCC and they'd
- 10 come back with a verdict on Johann that I followed.
- 11 There's no means in the system for doing that.
 - If you look at -- I mean, we all sort of in a way
- 12
- 13 poke fun at slightly anachronistic organisations like
- 14 the Jockey Club. The Jockey Club has a way of dealing
- 15 with jockeys. The Law Society has a way of dealing with
- 16 solicitors. The GMC -- if you're a hospital manager and
- 17 you suspect negligence, you go to the GMC and they look
- 18 into it and they might move against a doctor. There is
- 19 nothing in our industry for that.
- 20 LORD JUSTICE LEVESON: One of the problems with that -- and
- 21 I'm very interested in what you've just said and I'd
- 22 certainly like to take it up with you, but one of the
- 23 problems with your recent analogies is that the state is
- 24 entitled to say who could practice as a doctor, who can
- 25 practice as a lawyer or an optician or whatever, but

it's fundamental to freedom of expression that what you 1 1 are magazines that don't subscribe. 2 are doing when you're writing something is doing no more A. Yes. 3 than exercising your right of free speech. 3 LORD JUSTICE LEVESON: It's not merely the Express. 4 A. Um ... A. I think if you're -- obviously it is the right of 5 LORD JUSTICE LEVESON: Whether that means you have to have 5 everybody to go to a photocopying machine and start 6 a job is different, and I take the point you make. writing and photocopying and handing out pamphlets in 6 7 7 A. I think the way I would do it, and I have given some the street. That's the sort of society we believe in 8 thought to this, is that this new body, if they said --8 and the sort of society we want, and that's a principle 9 I mean, you know, let's use hypothetical -- I don't 9 that we hold very dear, all of us in this room. Well, 10 really want to use Johann, it's not fair on him, but say 10 I can't speak for everyone, but we do. 11 they came back to me and said, "We believe that Johann 11 LORD JUSTICE LEVESON: Well, I'm going to agree with you 12 Hari broke our code, broke the code, and in our view he 12 A. Yes, good. But on the other hand we need to find a way 13 should not continue to be employed by the Independent." 13 of defining newspapers and magazines, if they're taking 14 Obviously we have our own HR. The contract is with us, 14 paid-for advertising. The government is able to find 15 the employer, but in that contract, if there was 15 a way. The HMRC defines it for the purposes of VAT. 16 a clause saying that it would be a disciplinary matter, 16 Newspapers are exempt from VAT. I haven't looked at how 17 17 that if you broke the code, we would then hold -- it they define but they do define it. 18 would be quite a brave organisation that then turned 18 LORD JUSTICE LEVESON: It could be also the trade or 19 around and said, "Actually, you know what, we hear what 19 business of journalism. 20 you say but we're going to ignore it." 20 A. Yes. LORD JUSTICE LEVESON: You can tweak that slightly and fit 21 LORD JUSTICE LEVESON: So, in other words, one analogy, i 21 22 in with employment law responsibilities by saying that 22 I take a quite different example: if you sell your car 23 23 a disciplinary matter could be adjudged by a press individually, then you're not within the trade 24 complaints authority, whatever it's called --24 description legislation. 25 A. Sure. 25 A. Sure. Page 109 Page 111 LORD JUSTICE LEVESON: -- and passed back to the management 1 LORD JUSTICE LEVESON: If, however, every single week you're 2 of the newspaper to deal with the particular journalist advertising three different cars in a newspaper, then 3 3 it's an inference that you're in the trade or business as they felt right. 4 of selling cars and you are then --5 LORD JUSTICE LEVESON: I could see that, but I'd like to go 5 A. That's right. 6 back on what you've just said, because what you did say LORD JUSTICE LEVESON: -- so it's that sort of thing. 6 7 is that -- hang on: 7 A. That's right, and I think that then spills over onto 8 "If we can find a formula so that all newspapers are 8 other areas, because obviously one area of concern is 9 9 brought within the new body ..." the Internet, but it strikes me that there's an enormous 10 10 amount of concern about people blogging and saying what And you said that might require a small statute. 11 You probably heard my exchange with Mr Barber, that I'd 11 they like on the Internet, but how often does it 12 be very keen to ensure that whatever regulation there 12 actually come back to the story not being true until 13 13 was was independent. a recognisable, reputable news organisation has actually 14 14 A. Yes. reported it? And that happens all the time. LORD JUSTICE LEVESON: I like that word, if you'll allow me 15 15 Yes, there's a blogosphere out there, but it's the 16 to use it. 16 BBC -- until it's on the BBC reporting it, or until it's 17 A. It's a good word. 17 in the Independent, the Guardian, the Times or the Sun 18 LORD JUSTICE LEVESON: That it isn't in any sense 18 or whatever, it's not regarded as true. Therefore, some 19 19 state-controlled or state-influenced. But to get some type of badging, whether it's kite marks or standards or 20 of the bells and whistles in place, do I gather --20 whatever, could easily be applied. If you want that 21 A. We have a problem at the moment, as you know, with 21 standard, you have to play by these rules. I don't see 22 Express Newspapers not wishing to be part of the PCC, 22 that as -- it wouldn't affect the way I go about my 23 and therefore we don't have -- in terms of our national 23 business as a journalist, and would not affect the way 24 title, we don't have an all-encompassing referee. 24 the Independent goes about its business. 25 LORD JUSTICE LEVESON: And there are lots more, too. There 25 LORD JUSTICE LEVESON: Sorry. I'll have a go after you. Page 110 Page 112

MS PATRY HOSKINS: I'm very conscious of the time and the 1 I'm interested in a system, however we devise it, fact that you may have questions for Mr Blackhurst. 2 2 that works for everybody. 3 LORD JUSTICE LEVESON: Yes. Let me just carry on a little 3 A. Obviously I've not made a study of this, but one that 4 4 does come to mind is in construction law. In 5 5 You also heard the exchange about libel and the construction, they have very quick procedures where 6 whole cost of litigation, and you've heard me speak 6 money is agreed. You know, they have a very quick 7 7 about some sort of arbitral system which allowed people arbitration procedure. You know, as I understand it, 8 cheaply to resolve issues without incurring these vast 8 they have an expert, who probably isn't a judge, an 9 9 expenses, both sides. expert who might be, in our case I guess it would be A. Yeah. I think -- I heard Lionel Barber and I agree with 10 10 a former editor or former -- somebody who would sit in, 11 him and I think I know the law firm he was referring to, 11 both sides agree, and it's settled there and then. 12 and when you get one of their letters, you feel you're 12 I don't see why something like that from the world of 13 going to be boiled in -- you know, they're pretty 13 construction could not be applied to journalism. 14 horrific. 14 LORD JUSTICE LEVESON: All right. 15 LORD JUSTICE LEVESON: I'm not going to get too involved in 15 MS PATRY HOSKINS: Sir, it's past 1 o'clock. 16 what law firms or how they write letters. I'm more 16 LORD JUSTICE LEVESON: Do you have any more? 17 concerned with the idea of providing a mechanism, but if 17 MS PATRY HOSKINS: I don't have any more questions for 18 it's consensual, then the very, very wealthy will simply 18 Mr Blackhurst. I've not afforded him the opportunity --19 say, "I'm not interested". If that's the only way they 19 LORD JUSTICE LEVESON: I'll afford him the opportunity. Is 20 can do it, then actually that has an advantage for the 20 there anything you'd like to say that you don't feel 21 21 vast majority of people, and indeed for the press as you've had the opportunity to say? 22 22 A. No. I think it's a matter of regret that the PCC has 23 A. Yes. I'm intrigued as to -- in my time, and I've 23 been found to be wanting. I think we all recognise the 24 24 worked, as has been said, on Sunday Times, Express, need for reform. My biggest worry is that the sort of 25 Observer, Independent, Independent on Sunday -- I've not 25 journalism that we do, and we do do investigations and Page 113 Page 115 really come across these people who are libelled and 1 we do think they're in the public interest, and I would 1 2 2 have no form of redress. I'm not entirely sure that -count some other newspapers in this -- but also I don't 3 3 but nevertheless, if this new body had -think, you know, some the newspapers who've been 4 LORD JUSTICE LEVESON: Mr Blackhurst, with respect, you 4 traduced in public in the last months, they do fantastic 5 5 work. Without the Daily Mail on Lawrence, we wouldn't wouldn't, because if they have no money and have not 6 been able to go to libel lawyers, then they'll be told, 6 have got to where we got last week. Without the 7 "I'm very sorry, unless you have £X thousand to invest 7 News of the World, we'd still believe that Test cricket 8 in it, you're wasting time." 8 was entirely clean. These are huge things. 9 A. Except now we operate in a different world of 9 I'm very worried that the outcome of this Inquiry, 10 10 and I hope not, that our ability as an industry to conditional fee arrangements. 11 investigate will be curtailed, because it's pretty hard, 11 LORD JUSTICE LEVESON: That's only comparatively recently. 12 A. Yeah. I -- it would not cause me a problem, and I don't 12 investigating. We don't live in an open society, 13 13 believe it would cause a Independent a problem, if this whatever people might think, and finding out things 14 14 new body had some sort of -- let's call it arbitration about people that they do not want you to find out --15 15 division or complaints division that actually dealt with I mean, one thing that's lost in all this is that when 16 these cases and both sides respected. It wouldn't 16 you're doing investigations, and I've done an awful lot, 17 bother me at all. I am all for legal disputes being 17 the key point is very often the person you're 18 settled in an afternoon by both parties in a room, and 18 investigating does not want you to find out. 19 that's it, and I've always thought that should be the 19 LORD JUSTICE LEVESON: Somebody defined news as: something 20 best way to operate. If it's left to lawyers, dare 20 that somebody else doesn't want you to hear. 21 21 I say it, it will be strung out because -- you know. 22 22 LORD JUSTICE LEVESON: We're not that evil. LORD JUSTICE LEVESON: I understand that point and I am 23 23 A. No, no, no, lots of my friends are lawyers. absolutely at one with you that nothing should happen 24 LORD JUSTICE LEVESON: That doesn't necessarily disagree 24 which, in any sense, impacts adversely on appropriate 25 25 with what you just said. journalism. Page 114 Page 116

1 2 3 4 5 6	 A. Yeah. LORD JUSTICE LEVESON: The problem and the trick is going t be to separate out all that is good, and there is a great deal that is good, as I've said several times. A. I would stress very heavily there's a lot more good than bad. 	1 o 2 3 4 5 6	 A. Oh, gosh. We're not going there, are we? LORD JUSTICE LEVESON: You look at everybody else. The extent to which you look at yourselves you are now, I recognise that. A. We do. There is a sort of you know, the phrase "people in glass houses" always springs to mind.
7	LORD JUSTICE LEVESON: Yes, that's as may be, that's as may	7	Whenever we look at what another paper's done, we're
8	be; but, on the other hand, there certainly have been	8	very wary, and I think they're wary about having a go at
9	some practices which are not entirely laudable.	9	us, and there is a sort of unwritten code between us
10	A. Sure.	10	that we don't do that sort of thing.
11	LORD JUSTICE LEVESON: And it's not just phone hacking.	11	LORD JUSTICE LEVESON: And that's the problem. Because we
12 13	A. No, it's not just phone hacking, although I stress on phone hacking, if the police had not had such a cosy	12 13	look to you, the press, to guard all of us, and we therefore need to make sure we have robust systems that
14	relationship with News International, as they possibly	14	guard you.
15	had, it may have been investigated a lot earlier and	15	A. Sure.
16	people dealt with.	16	LORD JUSTICE LEVESON: That takes me back to the early part
17	LORD JUSTICE LEVESON: Except, we have to be a little bit	17	of July, which is what I said when I was first
18	careful about that as well, Mr Blackhurst, because we	18	appointed. Mr Blackhurst, thank you very much indeed.
19	don't have a society where a policeman can sit on	19	A. Thank you.
20	everybody's shoulder, and I'm not making any finding	20	LORD JUSTICE LEVESON: We'll say 2.10 pm.
21	about this at all.	21	(1.08 pm)
22	A. Sure.	22	(The luncheon adjournment)
23	LORD JUSTICE LEVESON: But I've read some of what has been	23	` ,
24	said in Parliament, and it is at least plausible that if	24	
25	you're investigating or concerned about enormous crimes	25	
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1	against the country, terrorism or the like, that how		
2	much you investigate every single allegation of data		
3	protection or hacking I'm not in any sense		
4	applauding, approving; I'm merely saying there's		
5	a balance even there.		
6	A. Yes.		
7	LORD JUSTICE LEVESON: But one has to be a little bit		
8	careful about saying if the police had done their job		
9	if it's to do with their relationship with		
10	News International, doubtless we'll find out.		
11	A. Sure.		
12	LORD JUSTICE LEVESON: That's part of the Inquiry.		
13	A. Likewise, you could say if the PCC had done their job,		
14	we might not		
15	LORD JUSTICE LEVESON: Yes.		
16	A. They're one of the guilty parties here.		
17	LORD JUSTICE LEVESON: But my concern is it's a bit more		
18	fundamental than all that.		
19	A. Sure, sure. LORD HISTIGE LEVESON: But Leptirely endorse your view that	t	
20 21	LORD JUSTICE LEVESON: But I entirely endorse your view that there is much, the predominance, the real predominance	ι	
22	of work that's done by the press in this country is to		
23	everybody's advantage.		
24	The extent to which the press investigate the press		
25	is perhaps another question.		
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