

<p>1 Thursday, 10 May 2012                  2 (10.00 am)                  3 Statement by LORD JUSTICE LEVESON                  4 LORD JUSTICE LEVESON: On Sunday last there was an article                  5 in the Independent on Sunday which disclosed details                  6 which are in fact part of Mr Coulson's witness                  7 statement. Using the power vested in me under Section                  8 21 of the Inquiries Act, I have caused an inquiry to be                  9 made of the editor of the Independent on Sunday and                  10 I anticipate that as a result he will be interposed at                  11 some stage during the course of today's evidence to deal                  12 with the issue.                  13 Right.                  14 MR JAY: Sir, the first witness today is the Viscount                  15 Rothermere, please.                  16 VISCOUNT ROTHERMERE (sworn)                  17 Questions by MR JAY                  18 MR JAY: Lord Rothermere, your full name, please?                  19 <b>A. Jonathan Harold Esmond Vere Harmsworth.</b>                  20 LORD JUSTICE LEVESON: Lord Rothermere, thank you very much                  21 for your statement and for the obvious care that you've                  22 taken in putting it together.                  23 <b>A. Thank you.</b>                  24 MR JAY: Your statement is dated 3 May. You've signed it.                  25 There isn't a formal statement of truth, that doesn't</p> <p style="text-align: center;">Page 1</p>	<p>1 <b>moved to the Internet, and within the national newspaper</b>                  2 <b>group a sort of increase in the amount of competition</b>                  3 <b>for advertising if you like with the emergence of the</b>                  4 <b>Internet and the growth of online news services mean</b>                  5 <b>that circulation is harder to come by.</b>                  6 Q. In terms of your flagship paper, if I can describe it                  7 that way, the Daily Mail, of course it remains                  8 profitable, doesn't it?                  9 <b>A. Yes, it does.</b>                  10 Q. Do you have a view as to why that is?                  11 <b>A. I think that the Daily Mail has been built on very firm</b>                  12 <b>ground. It has a loyal readership base. It has a good</b>                  13 <b>place in the market. People are willing to pay</b>                  14 <b>a healthy amount of money for it in cover price, from</b>                  15 <b>which 60 per cent of our revenue is derived, and that</b>                  16 <b>means that we are able to withstand the storm of</b>                  17 <b>economies better than others.</b>                  18 Q. You also explain in paragraph 6 that you're very proud                  19 of what has already been achieved with MailOnline. What                  20 in particular gives you pride in relation to that                  21 publication?                  22 <b>A. I think that -- well, firstly, MailOnline is a global --</b>                  23 <b>has a global footprint. It is one of the most looked at</b>                  24 <b>newspaper sites in the world, and has grown to that</b>                  25 <b>level quite quickly and is growing faster than others,</b></p> <p style="text-align: center;">Page 3</p>
<p>1 matter. This is the evidence you're content that our                  2 Inquiry receive; is that right Lord Rothermere?                  3 <b>A. Yes, that is correct.</b>                  4 Q. You have been the Executive Chairman of the Daily Mail                  5 and General Trust since 1998, when your father, the                  6 third Viscount Rothermere, died.                  7 <b>A. Yes.</b>                  8 Q. So you're from a distinguished family in newspapers.                  9 You chair the main board of I'm going to call it DMGT.                  10 What in general terms are your responsibilities?                  11 <b>A. I'm responsible for the oversight of the board and the</b>                  12 <b>corporate governance of the company and, along with the</b>                  13 <b>executive team, the strategic direction of the</b>                  14 <b>organisation.</b>                  15 Q. Thank you. And you explain that your role is to take                  16 a broad long-term perspective, that's understood.                  17 <b>A. Yes.</b>                  18 Q. You also explain in paragraph 6 of your statement that                  19 the pressures facing the newspaper industry are well                  20 known.                  21 <b>A. Yes.</b>                  22 Q. But from the particular perspective of your company,                  23 what do you see those pressures to be?                  24 <b>A. The process of the newspaper industry -- on the regional</b>                  25 <b>newspaper industry have been primarily classified, has</b></p> <p style="text-align: center;">Page 2</p>	<p>1 <b>so I suspect it will become the number one site.</b>                  2 <b>It's built on a fundamental belief that I share</b>                  3 <b>within the company on trust in journalism as opposed to</b>                  4 <b>technology, and I think that that's what makes me proud.</b>                  5 <b>I think we've seen our organisation be able to transfer</b>                  6 <b>its skills into the online world.</b>                  7 Q. Looking at the MailOnline and comparing it with the                  8 Daily Mail, some might say that it has a greater                  9 interest in celebrity tittle-tattle and pap. Would you                  10 feel that's fair or not?                  11 <b>A. I would say that one of the reasons the Daily Mail has</b>                  12 <b>been so successful is it has a broad spectrum of news.</b>                  13 <b>We don't try and feed our readers stuff that they don't</b>                  14 <b>want, and online you can measure stories that people</b>                  15 <b>want, and so -- and also you have an unlimited amount of</b>                  16 <b>space, because obviously you're not limited by your</b>                  17 <b>press configuration. So if people want to read more</b>                  18 <b>celebrity stories online, then we provide it for them,</b>                  19 <b>but that's, I believe, not everything they read.</b>                  20 <b>I believe that they also -- Martin Clarke gave evidence</b>                  21 <b>yesterday which stated that most people, 90 per cent of</b>                  22 <b>the people who go to MailOnline also read news stories,</b>                  23 <b>not only about celebrities, so it's a mixed bag.</b>                  24 Q. Okay, I may come back to that point. You say in                  25 paragraph 9, Lord Rothermere, that you believe your</p> <p style="text-align: center;">Page 4</p>

<p>1 personal role in achieving this vision -- that's the                  2 strategy, as it were, through your group of                  3 publications -- is "to promote these principles which                  4 are built on my own personal and family values".                  5 <b>A. Yes.</b>                  6 Q. Which aspects of those would you particularly draw to                  7 our attention?                  8 <b>A. Well, I think in my witness statement I talk about three</b>                  9 <b>things: pride in our products and services. I think my</b>                  10 <b>family have always had a tremendous pride in the</b>                  11 <b>newspapers that our company produce, and in the</b>                  12 <b>journalists that produce them. That's something that</b>                  13 <b>I care very deeply about and which my predecessors did</b>                  14 <b>also.</b>                  15 <b>We also have a fundamental belief in people who work</b>                  16 <b>for us, and particularly the editors and entrepreneurs</b>                  17 <b>who run a lot of our businesses. We believe in</b>                  18 <b>supporting them, helping them, but basically having</b>                  19 <b>faith and trust in them, and that's, I think, a strong</b>                  20 <b>differentiator for us.</b>                  21 <b>And I also think that I'd like to think that our</b>                  22 <b>company has the courage to think innovatively and to try</b>                  23 <b>new things and to go into new markets. Those are the</b>                  24 <b>sort of principles that Lord Northcliffe and my great</b>                  25 <b>grandfather had when they started the company and</b>                  Page 5</p>	<p>1 <b>job that I do. My father felt the same way, and I think</b>                  2 <b>my grandfather felt the same way also.</b>                  3 <b>I think that's what gives us value, and ...</b>                  4 Q. It may be, Lord Rothermere, you're not, if I may say so,                  5 particularly a political person. Paragraph 48 makes                  6 clear you were a cross bench peer in the House of Lords,                  7 so is it fair to say that you are apolitical or is that                  8 unfair?                  9 <b>A. I would say that I think it's very important in my role</b>                  10 <b>for me to not exhibit partisan political -- because</b>                  11 <b>I think it puts undue pressure on my editors to support</b>                  12 <b>perhaps a political view that they think that I may</b>                  13 <b>have. I don't want to influence them through inference,</b>                  14 <b>so -- and I also think it's important for me to be</b>                  15 <b>available to people from all political parties to</b>                  16 <b>approach me if they feel that the paper's been unfair to</b>                  17 <b>them, if they seek redress. That's why I took that</b>                  18 <b>decision.</b>                  19 Q. In terms of some of the positions the paper might have                  20 taken over the years, have you ever felt personally                  21 uncomfortable with them?                  22 <b>A. At times inevitably the paper will do things which makes</b>                  23 <b>one feel uncomfortable, and I think that it's at that</b>                  24 <b>point which really stretches the notion of everything</b>                  25 <b>I've said, but as I said, I let my editors edit, and</b>                  Page 7</p>
<p>1 <b>I fervently hope that those are the principles we still</b>                  2 <b>have today.</b>                  3 Q. Thank you. Your statement deals with the various                  4 corporate structures interlocking and over-arching.                  5 We're going to take those as read, Lord Rothermere. Can                  6 I come straight to paragraph 42, which is our                  7 page 03297.                  8 <b>A. Yes.</b>                  9 Q. You say in the third line:                  10 "The editors have complete editorial                  11 independence ..."                  12 And then I paraphrase: the editors are subject to                  13 the same corporate governance structures as everyone                  14 else.                  15 Is that something which comes from you, namely the                  16 conferring of complete editorial independence, or from                  17 somewhere else? Because you could, if you wished,                  18 intrude, couldn't you?                  19 <b>A. Potentially, yes. I think that -- well, I was always</b>                  20 <b>brought up to believe that specialists should do their</b>                  21 <b>job and that it's the job of the proprietor to enable</b>                  22 <b>them to do that and to protect them, in fact, so I feel</b>                  23 <b>that it's my job to protect the independence of</b>                  24 <b>editorial. That's my position and that's where I get my</b>                  25 <b>authority from. My justification, if you like, for the</b>                  Page 6</p>	<p>1 <b>however uncomfortable it makes me feel, I believe</b>                  2 <b>they're the people who have the responsibility, and so</b>                  3 <b>therefore they should have the authority.</b>                  4 Q. I'm not going to come up with examples, since this isn't                  5 going to help the discourse at all, but in terms of what                  6 might give you discomfort, are we talking sometimes                  7 about political positions the paper might take or not?                  8 <b>A. It may -- no, largely not on political grounds, no. It</b>                  9 <b>may be around friends of mine who are being attacked in</b>                  10 <b>the newspaper, people I have a high regard for who</b>                  11 <b>I think are being attacked in the newspaper. It may be</b>                  12 <b>sensitive stories about people who I feel that maybe</b>                  13 <b>I feel for on a sort of empathetic level, but I try and</b>                  14 <b>keep those feelings to myself.</b>                  15 LORD JUSTICE LEVESON: You said just a moment ago that it's                  16 important that all political parties feel able to                  17 approach you if they feel that they've been treated                  18 unfairly.                  19 <b>A. Yes.</b>                  20 LORD JUSTICE LEVESON: Maybe we're going to come back to                  21 that, but can I just pick up that answer for one moment                  22 and ask this: is that well known? In other words, do                  23 the major political parties know that if they feel the                  24 Mail editorial line has treated them unfairly, they                  25 could come to you?                  Page 8</p>

<p>1 <b>A. I -- sir, I don't know what they think. Certainly, when</b>  2 <b>I've had meetings with politicians, they have</b>  3 <b>expressed -- of all parties -- expressed unhappiness</b>  4 <b>with some of the coverage in the newspaper. Largely,</b>  5 <b>I refer them back to Paul Dacre, but if there is an</b>  6 <b>instance which I feel justifies merit, then I may well</b>  7 <b>bring that up with Paul and say that -- and recommend</b>  8 <b>that he look into it and talk to that politician to seek</b>  9 <b>out the truth.</b></p> <p>10 <b>So if they say that we've run something which is</b>  11 <b>blatantly untrue, and that is probably -- I won't get</b>  12 <b>involved on a level of opinion, but if someone comes to</b>  13 <b>me and says, "Your newspaper has printed an untruth, it</b>  14 <b>is categorically a mistake", then I will say to Paul,</b>  15 <b>"This person has written to me", and it is normally</b>  16 <b>a letter, "complaining about this which they say is</b>  17 <b>untrue, would you please look into it" and he and the</b>  18 <b>legal team look into it and either talk to the</b>  19 <b>politician and sort it out directly or write back to me</b>  20 <b>and say that there is no truth in it -- sometimes people</b>  21 <b>have a different opinion as to truth.</b></p> <p>22 LORD JUSTICE LEVESON: So it's just a system that's built  23 up. It's not something that you've made known?</p> <p>24 <b>A. No, I -- well, yes, it's not something I've made known,</b>  25 <b>and to be honest, I don't really invite it, because</b></p> <p style="text-align: center;">Page 9</p>	<p>1 <b>ultimately, the commercial reputation that we have is</b>  2 <b>with our readers and advertisers, and they continue to</b>  3 <b>read our newspaper and continue to advertise in our</b>  4 <b>newspaper, and I think you can see with the closure of</b>  5 <b>the News of the World what happens when they do -- when</b>  6 <b>the reputation is so badly affected that advertisers and</b>  7 <b>readers stop buying the product.</b></p> <p>8 Q. That's the commercial end point of the process. You  9 said we wouldn't be having this Inquiry if the  10 reputation of the press were not a matter of concern.  11 Without differentiating between any section of the press  12 or any particular print title, do you think that those  13 concerns which you're referring to are justified?</p> <p>14 <b>A. Well, I can see why people have concerns for the press.</b>  15 <b>After all, it does appear to have quite a lot of power,</b>  16 <b>and some elements of our industry have not necessarily</b>  17 <b>acted in the right way, apparently, so it is probably,</b>  18 <b>you know, worthy of review. However, I feel pretty</b>  19 <b>confident that our newspaper has acted ethically and I'm</b>  20 <b>willing to stand up for us.</b></p> <p>21 Q. As you say in paragraph 44, you will, of course, discuss  22 issues of concern with your editors, so some of these  23 concerns must enter onto your radar in terms of what  24 your print titles are doing; is that correct?</p> <p>25 <b>A. Yes, sometimes.</b></p> <p style="text-align: center;">Page 11</p>
<p>1 <b>I don't think that is -- I don't wish to get into</b>  2 <b>a position of having to constantly deal with this issue</b>  3 <b>because obviously the newspaper is writing controversial</b>  4 <b>things all the time, so it is --</b></p> <p>5 LORD JUSTICE LEVESON: That's actually why I asked you the  6 question.</p> <p>7 <b>A. Yes.</b></p> <p>8 MR JAY: You were talking in general terms about the nature  9 of your concerns. Does it amount to this, that as  10 a fair-minded person, as I'm sure you are, there have  11 been occasions when you feel that the paper may have  12 gone too far in terms of intrusiveness, in terms of the  13 tone and substance sometimes of some of its material?  14 Is that it?</p> <p>15 <b>A. Well, sometimes we have breached or appear to have</b>  16 <b>breached and made apologies, and of course at those</b>  17 <b>times I am -- I regret those instances.</b></p> <p>18 Q. In paragraph 44 of your statement, in the fourth line,  19 you refer to the reputation of your business. I've been  20 asked to raise this specifically with you,  21 Lord Rothermere. How do you measure reputation?</p> <p>22 <b>A. Well, it is a very good question. Clearly we wouldn't</b>  23 <b>be having this Inquiry if the reputation of the press</b>  24 <b>wasn't under serious concern, and as a leading</b>  25 <b>newspaper, we have to take that on board. However,</b></p> <p style="text-align: center;">Page 10</p>	<p>1 Q. When you say in paragraph 45, about two-thirds of the  2 way through it -- we're on page 03298, "We allow our  3 editors to make editorial decisions without reference to  4 commercial considerations", again I've been asked to  5 explore that with you, Lord Rothermere. What do you  6 mean by "commercial considerations" in that sentence?</p> <p>7 <b>A. Commercial considerations would be, I suspect,</b>  8 <b>advertisers, for example. Sometimes they threaten to</b>  9 <b>pull advertising if they don't like a particular line of</b>  10 <b>stories or they feel they've been harshly treated. Our</b>  11 <b>editors are encouraged to pursue what they feel is the</b>  12 <b>truth rather than react to coercion.</b></p> <p>13 Q. Although, particularly with MailOnline, where you are  14 able to identify the most visited sites on a particular  15 day, inevitably you will have an eye on what is or  16 appears to be most appealing to your readers, wouldn't  17 you?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Mr Murdoch expressed a view about MailOnline. Let's see  20 what your reaction to it is, whether you agree with him.  21 This was in the transcript Day 65, page 83, line 10. He  22 told us this:  23 "The MailOnline, which is unrecognisable as part of  24 the Daily Mail, I think Mr Dacre doesn't have a computer  25 and said to someone else, 'You do this', that just</p> <p style="text-align: center;">Page 12</p>

<p>1 steals. But they have their own gossip, they steal                  2 gossip from everybody. It's a great sort of gossip                  3 site. Or bad, whichever way you look at it. And comes                  4 right up to the barrier of what is fair use of other                  5 people's material."                  6 I can't deliver that in the same way as Mr Murdoch                  7 did sitting in that seat, but is there any basis for                  8 what he said?                  9 <b>A. Certainly MailOnline glories in the fact that it isn't</b>                  10 <b>just a newspaper online. It has been -- I think one of</b>                  11 <b>reasons why it's been so successful is it's taken all</b>                  12 <b>the advantages that the online world offer journalism</b>                  13 <b>and it's able to take advantage of it and build a better</b>                  14 <b>relationship with its users or readers.</b>                  15 <b>I think that our business is about journalism more</b>                  16 <b>than about newspapers, and Mr Murdoch is, you know,</b>                  17 <b>entitled to his view.</b>                  18 Q. I think he was suggesting, though, that MailOnline                  19 pilfers material from other sites and other newspapers.                  20 Isn't that the point he was making?                  21 <b>A. Honestly, I don't get involved in that level of</b>                  22 <b>executive control. I know that Martin Clarke gave</b>                  23 <b>a statement yesterday, so he's probably better able to</b>                  24 <b>answer that question than I.</b>                  25 Q. Then he said, and I paraphrase now, "there's no profit                  Page 13</p>	<p>1 <b>legal team, with the journalists, by building</b>                  2 <b>a relationship, by making sure that there's appropriate</b>                  3 <b>training going through the journalists -- all our</b>                  4 <b>journalists are appropriately trained. You know,</b>                  5 <b>basically utilising all his skills as a journalist of</b>                  6 <b>some note and huge experience in order to ferret out</b>                  7 <b>best practice.</b>                  8 Q. Was the appointment of Mr Wright to that post anything                  9 to do with the issues which have arisen during this                  10 Inquiry or would you have done it anyway, do you think?                  11 <b>A. No, I think Mr Wright -- Paul felt that Mr Wright should</b>                  12 <b>make way for a younger, newer editor for various</b>                  13 <b>reasons, which -- some personal, which I don't wish to</b>                  14 <b>go into, but Paul wanted to retain Peter's great skills</b>                  15 <b>as a journalist to help him in navigating a path through</b>                  16 <b>appropriate conduct and ethical conduct.</b>                  17 Q. Then the last sentence of paragraph 45 you say:                  18 "Our newspapers do not have political allegiances                  19 but support or criticise government policies according                  20 to the editorial assessment of their merits."                  21 It's certainly fair to say the Daily Mail doesn't                  22 hold back from criticising government, but in terms of                  23 its political allegiances, at General Election time it                  24 usually makes its position clear, doesn't it?                  25 <b>A. Seemingly, yes.</b>                  Page 15</p>
<p>1 in it" -- I think he's saying at the moment MailOnline                  2 makes no profit, we'll come back to that -- "according                  3 to their public statements". He's obviously been                  4 studying you quite closely. Then he says:                  5 "Yet. Their hope is for profit. Profit motive,                  6 perhaps, but I think that would include everybody."                  7 I'm sure it would.                  8 Is it the position that MailOnline will be entering                  9 into profit soon?                  10 <b>A. We certainly hope so, and indeed if we didn't reinvest</b>                  11 <b>so much of its current revenues in expanding it, then it</b>                  12 <b>would already be profitable.</b>                  13 Q. Thank you. Paragraph 46 now. Since he gave evidence to                  14 us in January, Mr Wright has moved on and he's now the                  15 first editor emeritus in charge of standards for your                  16 newspapers?                  17 <b>A. Yes.</b>                  18 Q. Could you explain, please, the general remit of his role                  19 in that capacity?                  20 <b>A. He is to work with Paul in overseeing the managing</b>                  21 <b>editors and to make sure that appropriate ethical</b>                  22 <b>conduct and regulation is enforced throughout our</b>                  23 <b>organisation.</b>                  24 Q. But how is he supposed to do that?                  25 <b>A. By working closely with the editor, by talking with the</b>                  Page 14</p>	<p>1 Q. Tends to support one particular party, doesn't it?                  2 <b>A. I -- yes.</b>                  3 Q. And the brand, that's been described in all sorts of                  4 different ways. There's a piece in the Independent, no                  5 less, which refers to the values of Middle England.                  6 That more or less sums it up, doesn't it?                  7 <b>A. Yes. I mean, the newspaper -- a good editor reflects</b>                  8 <b>the views of his readership, and I would say that the</b>                  9 <b>area of concern that I would have is if Paul suddenly</b>                  10 <b>went off on a wing and supported a political party which</b>                  11 <b>the readership did not believe in. I think a good</b>                  12 <b>editor has to reflect the views of its readership, and</b>                  13 <b>not lead them, but, you know, work in, if you like,</b>                  14 <b>collusion with the readers.</b>                  15 LORD JUSTICE LEVESON: But doesn't that involve a certain                  16 measure of leadership, to spot what is likely to work                  17 and then to take, as it were, the next step? Some of                  18 the campaigns presumably have been very much led, and                  19 you would say very well led --                  20 <b>A. Yes.</b>                  21 LORD JUSTICE LEVESON: -- by the paper, isn't that fair?                  22 <b>A. That is exactly fair and that is what a great editor</b>                  23 <b>should do. He should have an affinity with what his</b>                  24 <b>readers care about and fight a cause that he feels that</b>                  25 <b>they believe in.</b>                  Page 16</p>

<p>1 MR JAY: I think the point that's being made, it's not just 2 a reflection of what the readers want. It is 3 anticipating what they might want and moving forward 4 with campaigns which are assessed might appeal to them. 5 Isn't there a sense of leading opinion in that way? 6 Would you agree?</p> <p>7 <b>A. I think yes, but it may not be necessarily leading 8 opinion. It may be highlighting an opinion, it may 9 be -- editing is as much about what you focus on as 10 opposed to what you don't focus on. So take, for 11 example, the plastic bag -- the Tesco's plastic bag 12 story, where we campaigned against not just Tesco's but 13 against the use of plastic bags in supermarkets. 14 I don't know where that campaign originated or how Paul 15 got involved in it, but I certainly felt that his 16 readers had an affinity for it, even though many of them 17 might have used plastic bags in supermarkets. Does that 18 answer your question?</b></p> <p>19 LORD JUSTICE LEVESON: Yes, I'm actually trying to work out 20 where the balance lies. You've made the position very 21 clear in relation to your own position, and you've 22 identified where you see the editor sits, and I'm just 23 not sure, just pursuing the question Mr Jay has asked, 24 whether it isn't part of the editor's job to identify 25 what is next going to be the issue that truly affects</p> <p style="text-align: center;">Page 17</p>	<p>1 Lord Rothermere, which is exhibit LR1, it starts at 2 page 03281. So we understand its provenance, it's been 3 compiled from your personal diaries; is that correct?</p> <p>4 <b>A. It's been compiled from my personal diaries and from 5 Finsbury, who have been helping us with this area.</b></p> <p>6 Q. So you can't put this forward as necessarily 7 100 per cent accurate, but you've done the best you can 8 to assist the Inquiry with the materials you've got, 9 going back over ten years, is that a fair summary?</p> <p>10 <b>A. That is absolutely correct.</b></p> <p>11 Q. If we look at the first page of the list, which starts 12 on 11 February 2002, our page 03282.</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Without examining this in very fine detail, would you 15 agree that the picture which might emerge or does emerge 16 is that until about 2008 you were seeing more government 17 and Liberal Democrat politicians than Conservative 18 politicians?</p> <p>19 <b>A. Yes. I think that's about right.</b></p> <p>20 Q. You saw Mr Clegg on at least three occasions. Were you 21 reasonably close to him?</p> <p>22 <b>A. I've known Nick Clegg since he was an MEP for Leicester, 23 which is where we have the Leicester Mercury and he was 24 an MEP in that area and he helped us with some 25 legislation in Europe in the late 1990s so I got to know</b></p> <p style="text-align: center;">Page 19</p>
<p>1 those whom he understands read the Daily Mail.</p> <p>2 <b>A. I would agree with that. I think it's a fair 3 assessment.</b></p> <p>4 MR JAY: In terms of assessing these matters, you defer to 5 the judgment of Mr Dacre; is that correct?</p> <p>6 <b>A. Of course, yes.</b></p> <p>7 Q. Are these matters the subject of frequent discussion 8 between you and him?</p> <p>9 <b>A. Not really. I don't -- if he decides to launch 10 a campaign, he doesn't feel the need to tell me about it 11 and nor do I feel he needs to. It's his job and I let 12 him get on with it.</b></p> <p>13 Q. I'm sure that's right, but are there occasions in which 14 particular campaigns nonetheless are discussed between 15 him and you?</p> <p>16 <b>A. I can't remember one. I think the reason I brought up 17 the plastic bag campaign is because he didn't tell 18 anybody and actually at the time we were polybagging 19 quite a lot of copies of the Sunday paper and we had to 20 change our supplier to a biodegradable polybag, so 21 I think I might have said, "If you'd given us a bit of 22 notice, we could have done that before you launched the 23 campaign", but ...</b></p> <p>24 Q. Fair enough. Your dealings or relations with 25 politicians, you've kindly provided us with a list,</p> <p style="text-align: center;">Page 18</p>	<p>1 <b>him then, yes.</b></p> <p>2 Q. "General discussion". We've seen that under the subject 3 matter of others' similar lists. That's presumably 4 because you can't remember precisely what was discussed 5 at this distance, would you agree?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. The sort of things, though, which might be discussed, 8 would you discuss the general political issues of the 9 day?</p> <p>10 <b>A. Yes, generally. Politicians like to talk about their 11 general issues and they like to talk about what they're 12 trying to achieve and it's very interesting to listen to 13 them.</b></p> <p>14 Q. Do they ever discuss media-related policies?</p> <p>15 <b>A. Unless it's a formal meeting, in my experience they 16 really don't like talking about special interests, so -- 17 in a full meeting, for example, where you go to there 18 and there's public servants there then there's an agenda 19 and you can talk about the issues that you want to 20 discuss, but largely when it comes to personal 21 engagement, they talk about -- you know, they try and 22 impress you with what they're trying to do with the 23 country and their vision for the country and then they 24 might complain about the fact that the paper's not 25 supporting them, but they don't talk about the</b></p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 <b>commercial interests of our newspapers. Nor do</b>  2 <b>I encourage them to, to be honest.</b>  3 Q. Standing back from this, no one is suggesting that you  4 meet with politicians with great frequency, but what do  5 you think is in it for them? Why do they want to engage  6 with you in this way at all?  7 <b>A. Well, I think, coming back to my, you know, comments</b>  8 <b>earlier on, I think honestly sometimes they feel the</b>  9 <b>paper's been hard on them and I think they try and</b>  10 <b>implore, you know, on me, to have some sort of</b>  11 <b>influence, and I tell them that that's not going to be</b>  12 <b>the case, but honestly I would have to -- I think you</b>  13 <b>really should ask them the question of why they feel the</b>  14 <b>need to meet with me, but ultimately that's what I think</b>  15 <b>is going on.</b>  16 Q. But if they know that there's little point imploring you  17 for your papers to back off, why do they persist?  18 <b>A. I don't know. That's really a question for them.</b>  19 Q. We've heard from one other proprietor, I think, that  20 there are frequent emails or in the nature of text  21 message exchanges between him and a politician. Is that  22 the sort of way you operate or not?  23 <b>A. No. I don't send text -- I mean I've sent two text</b>  24 <b>messages. One was to Nick Clegg and the other one was</b>  25 <b>to David Cameron and it was after the public debate</b></p> <p style="text-align: center;">Page 21</p>	<p>1 <b>think -- seeing more Tories? Perhaps I think Finsbury</b>  2 <b>were suggesting that there's a chance they may win the</b>  3 <b>election so we needed to hear more about what they were</b>  4 <b>going to do, so there was this sort of formal</b>  5 <b>relationship with meeting shadow ministers to find out</b>  6 <b>what their commercial ideas were, to familiarise with</b>  7 <b>them on a commercial basis, and then I suspect also that</b>  8 <b>leaders of the opposition want to, you know, try and get</b>  9 <b>in with high-ranking media individuals so they instigate</b>  10 <b>more meetings.</b>  11 Q. Is this fair, that you like others were beginning to  12 assess that the Conservative Party was likely to win the  13 next election -- that was the 2010 election, of  14 course -- or at least if not win it, at least be the  15 major force in Parliament?  16 <b>A. I have to say that it did look like there was going to</b>  17 <b>be some form of change and it would be -- it's important</b>  18 <b>for the company to become adaptable to that.</b>  19 Q. Indeed. Is there any sense, though, that you would want  20 to be becoming closer to the likely winning party of the  21 next election because that would safeguard or might  22 safeguard, as best it could, the general commercial  23 interests of your paper?  24 <b>A. Well, obviously it's important for us to have a good</b>  25 <b>commercial relationship with all government, so that</b></p> <p style="text-align: center;">Page 23</p>
<p>1 <b>before the last election saying, "Congratulations on</b>  2 <b>a job well done". That's the only two text messages</b>  3 <b>I can recall ever sending them.</b>  4 Q. We know Mr Dacre was personally quite close to Mr Brown.  5 Did you have a view about that?  6 <b>A. I -- not really. I thought it was amusing and I used to</b>  7 <b>tease Paul about it, but basically he was entitled to</b>  8 <b>have a relationship with whoever he wants. Personally,</b>  9 <b>I like Gordon very much, so I wasn't opposed to it.</b>  10 Q. But why did you think it was amusing, though?  11 <b>A. Because Paul has a view of the world which is,</b>  12 <b>I suspect, quite different from -- and an economic view</b>  13 <b>of the world which is quite different from Gordon, but</b>  14 <b>they shared an affinity with one another, which is</b>  15 <b>surprising.</b>  16 Q. In 2008, and other commentators have remarked on this,  17 there appears to have been a shift more back to the  18 Mail's natural habitat, namely the Conservative Party,  19 and that's reflected to some extent by your own  20 engagements. Would you agree with that?  21 <b>A. Yes, probably.</b>  22 Q. Why is it that the Mail is shifting back to the Tories  23 and you're seeing more Tories? Why is that the  24 position?  25 <b>A. I think -- well, it's in the nature of -- I don't</b></p> <p style="text-align: center;">Page 22</p>	<p>1 <b>they can listen to what we have to say over various</b>  2 <b>elements to do with regulation, and I make no apology</b>  3 <b>for that. It would be -- but did we seek to familiarise</b>  4 <b>with themselves to get extra favours? No, we didn't,</b>  5 <b>and there's no reason for us to have done that. There's</b>  6 <b>no favours that we sought anyway.</b>  7 Q. I'm not saying there was a discussion which amounted to  8 an express quid pro quo in exchange of favours, but we  9 know, for example, in 2008 that you were still extolling  10 the virtues of self-regulation of the press, weren't  11 you?  12 <b>A. Yes.</b>  13 Q. Was that a topic, you think, which you ever discussed  14 with the politicians we see listed here, particularly in  15 2008 to 2010?  16 <b>A. I can't recall it. I can't be positive that I didn't,</b>  17 <b>either.</b>  18 Q. But do you think it's a topic that you're likely to have  19 discussed?  20 <b>A. No, I don't think I'd have brought it up. The</b>  21 <b>regulation of the press has only really become a big</b>  22 <b>issue recently. Until that time, government was largely</b>  23 <b>happy with the way the PCC was run. That's certainly my</b>  24 <b>understanding of it. And so there would have been no</b>  25 <b>real reason to bring it up.</b></p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 LORD JUSTICE LEVESON: There was an issue, wasn't there, in 2 relation to the implementation of the amendments to the 3 data protection legislation?</p> <p>4 <b>A. Oh, okay. Well, if they did bring it up, they would 5 have brought it up with Paul Dacre and not me. And if 6 they had brought it up with me, I'd have said that 7 I wasn't really familiar on the details of that 8 legislation, so.</b></p> <p>9 MR JAY: In this period, or particularly if we look at 10 2009/2010, the context of press regulation, was the 11 phone hacking issue ever discussed with government or 12 opposition?</p> <p>13 <b>A. No.</b></p> <p>14 Q. We see from this list as well -- we may be coming back 15 to this in a moment when I put questions to you from 16 another core participant, but I was interested in this 17 as well. At page 02384, Chequers on 10 and 11 July 18 2010. Do you see that, Lord Rothermere?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. This presumably is a weekend at Chequers, isn't it?</p> <p>21 <b>A. It is.</b></p> <p>22 Q. Are the persons present just limited to the people we 23 see there? There would therefore have been eight of 24 you, with you and your wife, presumably?</p> <p>25 <b>A. Jeremy and Lucia joined us for Sunday lunch, along with</b></p> <p style="text-align: center;">Page 25</p>	<p>1 Q. What was your personal position or your company's 2 position in relation to that bid?</p> <p>3 <b>A. At that time, we didn't have a position. It was only 4 later on, when the Claire Enders report on the merger 5 came out, that Kevin Beatty and Paul Dacre started to 6 take notice of quite how powerful the combination was 7 going to be, and that took a while to settle in and 8 I think we only really started to wake up to the 9 ramifications of the merger after the summer.</b></p> <p>10 Q. Is that really right? Okay, News Corp had 39.1 per cent 11 and arguably a rolling interest in any event, but they 12 wanted the extra 61 per cent. That must, as someone in 13 your business, have immediately struck you when the bid 14 was announced in June, and I would suggest caused you 15 concern. Isn't that true?</p> <p>16 <b>A. Well, it caused us concern, but we were under the 17 impression that because News Corp already controlled 18 BSKyB, that there wasn't really going to be a material 19 change. It was only after the report by Claire Enders 20 pointed out what they could do which was extra to the 21 power they currently wielded that we started to become 22 concerned.</b></p> <p>23 Q. It really took that report to bring that point home to 24 you, did it?</p> <p>25 <b>A. The detail of it, yes, I think it did.</b></p> <p style="text-align: center;">Page 27</p>
<p>1 <b>Michael Green, and Miranda and Luke Taylor, who are 2 personal friends of David Cameron, were there overnight.</b></p> <p>3 Q. Michael Green, is he Carlton?</p> <p>4 <b>A. Michael Green was chief executive of Carlton, and 5 I believe David Cameron's former boss when he was 6 working for Carlton.</b></p> <p>7 Q. So he was there as well. So Mr Hunt was there. So the 8 conversation must have involved, at least from time to 9 time, media and newspaper issues, didn't it?</p> <p>10 <b>A. The only conversation I had with any minister about 11 media issues was when I -- when Jeremy Hunt arrived, we 12 talked a bit about local TV. Jeremy was very passionate 13 about his ideas for local TV and wanted us to be a core 14 participant of that and he talked to me briefly about 15 that, but it was in passing, it was probably less than 16 a few-minute conversation, and that was the only thing 17 that we discussed. That was discussed with --</b></p> <p>18 Q. I've been asked to put this to you specifically, that 19 the BSKyB bid by News Corp was announced on 15 June 2010 20 and this weekend at Chequers obviously follows that. 21 Did you discuss the bid with any of Mr Cameron, Mr Gove 22 or Mr Hunt on that occasion?</p> <p>23 <b>A. No, I did not.</b></p> <p>24 Q. You're sure about that, are you?</p> <p>25 <b>A. I'm absolutely positive.</b></p> <p style="text-align: center;">Page 26</p>	<p>1 Q. I'm also asked to pursue this with you: we can see in 2 your list that after the Chequers weekend in July of 3 2010, we move to 25 August 2010. You had a meeting, 4 this time it looks like a more formal meeting, at DCMS 5 with Mr Hunt, Mr Vaizey, isn't it?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Who is, I think, a minister in DCMS but I'll be 8 corrected if I'm wrong -- if he's not there, he's at 9 BIS -- and others. Did you discuss the BSKyB bid with 10 Mr Hunt or Mr Vaizey on that occasion?</p> <p>11 <b>A. I did not, no.</b></p> <p>12 Q. By the time the alliance against the bid had coalesced, 13 you say, based on the expert evidence of Claire Enders 14 and a legal assessment of it, did you then discuss the 15 BSKyB bid with any politician?</p> <p>16 <b>A. I can't recall having done so, no.</b></p> <p>17 Q. Without requiring, as it were, a particular occasion, 18 looking at it generally, do you think you might have 19 done?</p> <p>20 <b>A. No, because I think that it was obviously a very 21 contentious issue. It's unlikely that I would have 22 got -- wouldn't have got an answer that I wanted anyway, 23 or, you know, the only answer that we were possibly 24 wanting is that there would be a fair review of the 25 process. I didn't really see any politicians during</b></p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 that time other than these two meetings, and I had                  2 a very full agenda during the meeting with Ed Vaizey and                  3 Jeremy Hunt, and at that time it was Vince Cable who was                  4 the person who had the decision and I didn't see him at                  5 all. In fact, I don't think I've ever spoken to                  6 Vince Cable in my entire life, so -- and it's also not                  7 my job to go around particularly lobbying politicians on                  8 things like this. I mean -- so.</p> <p>9 Q. Politicians don't shrink from complaining to you about                  10 what the Mail prints. Can't the tables occasionally be                  11 turned around to this extent: your company has a, you                  12 might say, legitimate commercial interest. Why not                  13 raise it if the opportunity arises? It shows admirable                  14 self-restraint not to, doesn't it, Lord Rothermere?</p> <p>15 A. Well, at Chequers it was a friendly weekend. We were                  16 getting on. We didn't -- I didn't want to bring up                  17 business. It's sort of rude to do that if you're                  18 invited to someone else, even if it is the                  19 Prime Minister, on a friendly basis. With Jeremy Hunt                  20 and Ed Vaizey, we had a strict agenda so I didn't feel                  21 it was appropriate to bring it up then either.</p> <p>22 Also, we had an alliance with other people and we                  23 thought the best use of our concern was expressed                  24 through that alliance as a group rather than                  25 individually.</p> <p style="text-align: center;">Page 29</p>	<p>1 Daily Mail was born out of the Education Act in the                  2 Victorian times, and we feel that it's very important                  3 that the quality of education and literacy in this                  4 country improves, so like Mr Murdoch, I had ample                  5 opportunity to talk to Mr Gove about that, because we                  6 have an affinity on that.</p> <p>7 Q. Okay. There's one anecdote I'd like to put to you. It                  8 doesn't actually tie in with any item on your list, but                  9 we're going back now to 2004. My source is a book                  10 called "The New Machiavelli" by Jonathan Powell, who, as                  11 you know, was close to Tony Blair.</p> <p>12 A. Yes.</p> <p>13 Q. You've seen the relevant extract --</p> <p>14 A. Yes, you sent me a copy of it.</p> <p>15 Q. 205 and 206. What Mr Powell says, just to seek your                  16 comment on this:</p> <p>17 "The other lesson we had learned too well in                  18 opposition was the importance of staying on the right                  19 side of the media moguls. The moguls have no problem                  20 with their papers attacking politicians, but they have                  21 an unwritten rule not to attack each other."</p> <p>22 I'll come back to that point because it's a point of                  23 slight interest.</p> <p>24 "The Mail broke this understanding by constantly                  25 referring to Richard Desmond, the owner of the Express,</p> <p style="text-align: center;">Page 31</p>
<p>1 Q. If you look at the next page of your list, I want to                  2 bring this point out really for balance. It's                  3 page 03285 and if you look at the various meetings with                  4 politicians you had between 22 September 2010 and                  5 I think the last relevant occasion, 19 March 2012, we                  6 can see that you have dinners, social engagements, with                  7 Michael and Sarah Gove?</p> <p>8 A. Mm-hm.</p> <p>9 Q. And you have three with George Osborne, and they're                  10 both, each of them, said to be close to News                  11 International.</p> <p>12 A. Mm-hm.</p> <p>13 Q. What in general terms is the nature of the discussions                  14 you had with these people? I'm not talking about social                  15 interaction, I'm talking about discussions which relate                  16 to political or media issues. Could you assist us at                  17 all?</p> <p>18 A. Largely talking about the economy, talking about how                  19 to -- you know, what George's attitude was towards the                  20 economy, the crisis of the economy. You know, largely                  21 macro things like that. And -- if I had a conversation                  22 with him at all which wasn't just about social issues.                  23 And then with Michael and Sarah it was normally about                  24 the importance of education. My company feels very                  25 strongly about education, in fact the success of the</p> <p style="text-align: center;">Page 30</p>	<p>1 as a pornographer."</p> <p>2 That's true, isn't it?</p> <p>3 A. That is true.</p> <p>4 Q. "He eventually hit back with stories about the personal                  5 life of Jonathan Rothermere, the proprietor of the                  6 Mail."</p> <p>7 Without going into what those stories were about, is                  8 that true?</p> <p>9 A. Is it true that he attacked me?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, but I wasn't that offended by it. He seemed to                  12 think the fact that I have an illegitimate son is of                  13 some concern. In fact, my son -- I'm very proud of my                  14 son, he's a member of my family, we go on holiday                  15 together and my children are very proud to call him                  16 their brother, so I don't make a secret of it and                  17 frankly the idea that I'm offended by it is slightly                  18 offensive.</p> <p>19 Q. The purpose of my question was not to explore that, but                  20 I read on:</p> <p>21 "When Jonathan and his wife Claudia came to dinner                  22 with Tony and Cherie in April 2004" -- pausing there,                  23 there isn't a dinner on your list for April 2004, but                  24 that may or may not matter -- "they complained bitterly                  25 about their treatment in the Express. When Claudia said</p> <p style="text-align: center;">Page 32</p>



1 'I can't believe they print that stuff', Tony said  
 2 Cherie was 'literally speechless'.  
 3 Is that true?  
 4 **A. I have no recollection of it. I think it's as**  
 5 **fictitious as the date of the dinner.**  
 6 Q. Really?  
 7 **A. I do.**  
 8 Q. "And when she had recovered [that's Cherie] she asked  
 9 mildly, 'Have you seen what they put in your paper about  
 10 me?' the Rothermeres just laughed and said oh that was  
 11 a little fun."  
 12 Is that true or not?  
 13 **A. I have no recollection of it, no. I don't believe it's**  
 14 **true.**  
 15 Q. As for the non-aggression pact, the evidence about this  
 16 is vague or anecdotal, but there may or may not have  
 17 been a discussion back in 2001, I think, between  
 18 Mr MacLennan and Mr Desmond. Do you know anything about  
 19 that?  
 20 **A. Yes, I do.**  
 21 Q. What light if any can you throw on that.  
 22 **A. So, if I shall tell the story as I remember it:**  
 23 **Paul Dacre felt very strongly that Richard Desmond**  
 24 **should not own the Express Newspapers, that the**  
 25 **government had -- should have used the fit and proper**  
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1 **person clause in order to stop him from doing it because**  
 2 **of his other business interests, and sort of expressed**  
 3 **that point of view forcibly through the newspaper.**  
 4 **Richard Desmond responded by trying to dig up everything**  
 5 **he possibly could on my family, my wife's family, you**  
 6 **know, making things up about my parents, which we**  
 7 **largely took in stride. However -- I largely took in my**  
 8 **stride.**  
 9 **Murdoch, however, took the view that firstly he was**  
 10 **very loyal to my father, and I think that the stuff that**  
 11 **Richard was printing about my father, which was very**  
 12 **untrue, was very painful to him personally, and**  
 13 **secondly, he felt that Richard Desmond was going to be**  
 14 **the owner of a national newspaper, we had to work**  
 15 **together in all forms of -- you know, and that this**  
 16 **unhealthy antagonistic relationship was not in the**  
 17 **interests of the readers and not in the interests of the**  
 18 **industry. So he decided, I think at Richard Desmond's**  
 19 **invitation, to accept a lunch to talk about this to try**  
 20 **and pour oil on troubled waters, so to speak. He asked**  
 21 **me if I thought that was a good idea. I said I didn't**  
 22 **think it would be a good idea, but he had a good**  
 23 **commercial rationale for doing it, so he should go along**  
 24 **and see what Richard Desmond had to say.**  
 25 **He went to lunch at the Howard Hotel. They**  
 Page 34

1 **discussed various issues to do with the industry, and,**  
 2 **you know, this mud-slinging, I suspect, although**  
 3 **I didn't actually get a full briefing from Murdoch on**  
 4 **what was said at lunch. On the way back from the lunch,**  
 5 **Richard Desmond announced publicly that there had been**  
 6 **some form of truce. I asked Murdoch about that, and he**  
 7 **said no truce had been created and no agreement was**  
 8 **created and he just thought that Richard Desmond was**  
 9 **making trouble, and that is that, really.**  
 10 Q. But at all events, you say there wasn't a truce, because  
 11 if there was one, it didn't last very long anyway, did  
 12 it?  
 13 **A. I don't believe there was a truce, and I think the proof**  
 14 **is in the pudding, so to speak. You know, the Express**  
 15 **continued to attack me, you know, so.**  
 16 Q. But this in microcosm, I suppose, raises the sort of  
 17 privacy intrusion harassment concerns which we were  
 18 touching on earlier, doesn't it, because there isn't  
 19 really a public interest in talking about you in this  
 20 way, is there?  
 21 **A. Oh, I think if he had found something genuinely shocking**  
 22 **about me, then he had every right to publish it. Still**  
 23 **does, you know.**  
 24 Q. No, but what he did publish there was no public interest  
 25 in publishing, was there? Or do you think there was?  
 Page 35

1 **A. I don't personally, no. I don't think so, no.**  
 2 Q. I think all this is trying to say is this is an example  
 3 of the concern which arises more widely in the context  
 4 of the culture, practices and ethics of the press.  
 5 Would you agree with that or not?  
 6 **A. Sorry, I don't quite understand. Could you explain?**  
 7 LORD JUSTICE LEVESON: The point is that there's a risk that  
 8 newspapers may use the power of their position without  
 9 there being a public interest justification, to have  
 10 a go at, invade the privacy of people for reasons which  
 11 may be good to them, but which don't really stand up.  
 12 That's the point.  
 13 **A. I see. There is obviously a danger of it, yes. It is**  
 14 **not a conduct that we condone in our company. Indeed,**  
 15 **Paul Dacre's decision to attack Richard Desmond's**  
 16 **ownership of the Express is an example of that. He**  
 17 **thought it was a gross -- he thought the government had**  
 18 **acted wrongly and he thought it was not in the public**  
 19 **interest for Richard Desmond to own the Express and he**  
 20 **thought it was in the public interest to publish those**  
 21 **stories.**  
 22 **I think that if we have a free press, there will**  
 23 **always be a danger that some people will try and abuse**  
 24 **that power, but I don't know -- I mean, that is**  
 25 **something I believe that you're struggling with.**  
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1 **Certainly I do not try and do that. I try and -- I'm**  
 2 **very mindful and respectful of the power that our**  
 3 **newspaper has and I have, and I respect our readers,**  
 4 **I respect their right to know the truth, and if**  
 5 **I thought my editor-in-chief was using those tactics,**  
 6 **then I would be very unhappy.**  
 7 MR JAY: Okay. Lord Rothermere, you were asked to address  
 8 the Mail's coverage of the McCann story. This is  
 9 paragraph 51 now of your witness statement, page 03299.  
 10 You say in paragraph 52 you have "... great sympathy for  
 11 the Drs McCann and the terrible ordeal they continue to  
 12 face. Mistakes are made from time to time in the  
 13 coverage of crime."  
 14 Then you say:  
 15 "Our legal and editorial systems are designed to  
 16 minimise these risks."  
 17 Was your sympathy for the McCanns something that you  
 18 felt when this particular story or these stories were  
 19 published back in 2008 or is this something you're  
 20 looking back on now?  
 21 **A. As a parent, you would have to be inhuman not to feel**  
 22 **deeply about what the McCanns went through, and I was no**  
 23 **different from anybody else.**  
 24 Q. Was your analysis then that -- we're not just talking  
 25 about the Daily Mail now, we're talking more widely --

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1 that part of the problem may be rooted in too great  
 2 a taste for sensationalism, prurience and intrusion, and  
 3 this is just another manifestation of it?  
 4 **A. I'm sorry?**  
 5 Q. Looking at the McCann case as an example, was your  
 6 analysis back in 2008 that part of the root of the  
 7 problem was an unhealthy taste in sensationalism,  
 8 prurience and intrusion?  
 9 **A. Sorry, part of what problem?**  
 10 Q. The problem which we see exemplified by the stream of  
 11 stories which related to the McCanns.  
 12 **A. The stories they disagreed with?**  
 13 Q. Well, the stories not that they disagreed with but which  
 14 were frankly palpably incorrect.  
 15 **A. Okay. Firstly, it is obviously a very big story because**  
 16 **of the nature of it. The McCanns encouraged publicity**  
 17 **in order -- for very good reasons, and then there was,**  
 18 **I believe, the problems of the jurisdiction, Portugal,**  
 19 **created briefings by police officers. I think our**  
 20 **journalists were unfamiliar with the way in which the**  
 21 **Portuguese media and police operate, and a number of**  
 22 **allegations were made that were followed up in our**  
 23 **newspapers which we regret, which we -- when the McCanns**  
 24 **complained about, we immediately rectified, and gave**  
 25 **them compensation.**

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1 **It's a regrettable occurrence, and -- but it is the**  
 2 **nature of -- sometimes of journalism to do that.**  
 3 Q. That's as far as I --  
 4 **A. But not wilfully. Sorry, I don't believe our newspapers**  
 5 **set out to wilfully upset the McCanns. I think they**  
 6 **were reporting on briefings that they had which they**  
 7 **believed at that time to be true. And when they**  
 8 **realised that they'd made a mistake, they rectified it.**  
 9 Q. Paragraph 53, Lord Rothermere, the reports of the  
 10 Information Commissioner, which you say there was  
 11 a discussion you had with Mr Dacre about those. Do you  
 12 recall that?  
 13 **A. Yes.**  
 14 Q. Was that a conversation that you instigated or he  
 15 instigated?  
 16 **A. Paul instigated it.**  
 17 Q. Can you remember why?  
 18 **A. He instigated it because he said that he -- this report**  
 19 **had come out, that it shone a light on an area of**  
 20 **practice within our organisation which was not best**  
 21 **practice, and that he was going to do his best to put in**  
 22 **better controls to stop it happening in the future.**  
 23 Q. When he said "shone a light on an area of our practice  
 24 which was not best practice", was that the exact  
 25 language he used or was he blunter?

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1 **A. I can't remember in detail what Paul said. I'm only**  
 2 **sort of paraphrasing what he said.**  
 3 Q. Because I think the ICO, as you know, were going  
 4 further, were saying this was strong prima facie  
 5 evidence of criminal conduct. Was that the message  
 6 which Mr Dacre was imparting to you?  
 7 **A. To be honest, I can't remember it, but he said that**  
 8 **there was no evidence that -- he said that he was going**  
 9 **to deal with the matter and make sure that it desisted**  
 10 **and that he would put in controls within the**  
 11 **organisation to stop it happening again.**  
 12 Q. Your view, finally, Lord Rothermere, any changes to  
 13 regulation. You're quite careful in the way you express  
 14 yourself. Of course, you should be careful in the way  
 15 you express yourself, but paragraph 56 says:  
 16 "The perception is that self-regulation has not  
 17 worked."  
 18 I mean, do you feel that self-regulation has not  
 19 worked?  
 20 **A. The press -- do I feel -- I believe that the**  
 21 **establishment and many members of the public do not**  
 22 **believe that self-regulation has worked and so therefore**  
 23 **it has not worked. I mean, rather the form of the PCC**  
 24 **has not been able to establish a level of truth and**  
 25 **faith that is necessary for it to function properly.**

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<p>1 <b>That is almost certainly the case.</b></p> <p>2 Q. Does it go any further than that or not, in your view?</p> <p>3 <b>A. Well, the press complaints body, as I understand it, is</b></p> <p>4 <b>a body which is about complaints. People are able to</b></p> <p>5 <b>complain to it and under the codes that they have then</b></p> <p>6 <b>journalists and newspapers have to correct themselves.</b></p> <p>7 <b>I believe that that's been largely done. I don't know</b></p> <p>8 <b>of many instances where the PCC has asked a newspaper to</b></p> <p>9 <b>do something and it hasn't complied. So on that level</b></p> <p>10 <b>I have to say that it has worked.</b></p> <p>11 <b>It is not the job of the PCC to administer, you</b></p> <p>12 <b>know, the law.</b></p> <p>13 LORD JUSTICE LEVESON: Well, is that right? I mean,</p> <p>14 possibly this is not a discussion which we need to</p> <p>15 develop too far, but you may have heard that I've had</p> <p>16 this debate with others. Of course we have the police</p> <p>17 and we have the civil courts, but isn't self-regulation</p> <p>18 also to do with the industry itself making sure that its</p> <p>19 practices are not merely the absolute minimum, but are</p> <p>20 appropriate and proper?</p> <p>21 <b>A. I would like to think so, yes, but it is very difficult</b></p> <p>22 <b>to enforce the law on people where you have no authority</b></p> <p>23 <b>to do so.</b></p> <p>24 LORD JUSTICE LEVESON: Well, that's another question, and</p> <p>25 therefore raises issues of what authority a regulator</p> <p style="text-align: center;">Page 41</p>	<p>1 them in order at all of age or whatever -- you do have</p> <p>2 the Murdoch family, Mr Murdoch taking over from his</p> <p>3 father and News Corp and News International. We have</p> <p>4 now the Barclay family. We have Mr Lebedev and his</p> <p>5 family. We have Mr Desmond. I think those are the</p> <p>6 families that I'm talking about. Then you have the</p> <p>7 plcs, such as Trinity Mirror, and then you have the --</p> <p>8 I won't use the word "odd", although that's the word</p> <p>9 that came to my mind -- the unusual arrangements such as</p> <p>10 the Scott Trust for the Guardian.</p> <p>11 <b>A. Yes.</b></p> <p>12 LORD JUSTICE LEVESON: Do you have any observations --</p> <p>13 I start by saying we are where we are, and I can't tear</p> <p>14 up what we have, and before anybody suggests I might,</p> <p>15 I have no intention of doing so. But the question does</p> <p>16 arise about how that ought to be managed so that it is</p> <p>17 open, transparent and obvious to the public that the</p> <p>18 public interest is being served by what are</p> <p>19 a comparatively small number of organisations, of</p> <p>20 families. I'd be very interested for your observations</p> <p>21 on that, speaking with all the authority of your</p> <p>22 forefathers.</p> <p>23 <b>A. Okay. Hm. It's a very interesting question. I can</b></p> <p>24 <b>certainly see why people would be concerned. It's hard</b></p> <p>25 <b>to imagine, though, a free commercial press which isn't</b></p> <p style="text-align: center;">Page 43</p>
<p>1 should have. If the regulator is no more than</p> <p>2 a collection of some of the titles, then their authority</p> <p>3 is obviously comparatively modest.</p> <p>4 <b>A. I would certainly agree that in order for</b></p> <p>5 <b>self-regulation to work, I think that you would have to</b></p> <p>6 <b>have all members of the industry support it, yes. Or</b></p> <p>7 <b>the defined industry support it, whatever that</b></p> <p>8 <b>definition was.</b></p> <p>9 LORD JUSTICE LEVESON: That raises a question of definition.</p> <p>10 Could we come back to that. As Mr Jay has sat down, I'm</p> <p>11 going to start a bit. One of the issues that I have to</p> <p>12 think about is the whole issue of plurality.</p> <p>13 <b>A. Yes.</b></p> <p>14 LORD JUSTICE LEVESON: If one looks at our press: vibrant,</p> <p>15 not always entirely profitable, but I hope free, and</p> <p>16 vital to our democracy, all of which I have made very</p> <p>17 clear I fundamentally believe in. Should we have</p> <p>18 concern that with are in the main talking about six</p> <p>19 families, a couple of companies and one or more trusts?</p> <p>20 <b>A. Mm.</b></p> <p>21 LORD JUSTICE LEVESON: So if one deals with it historically,</p> <p>22 obviously your family has been engaged in the</p> <p>23 development of a free press for many generations.</p> <p>24 <b>A. Yes.</b></p> <p>25 LORD JUSTICE LEVESON: Then -- and I'm not trying to put</p> <p style="text-align: center;">Page 42</p>	<p>1 <b>run by commercial interests, and those commercial</b></p> <p>2 <b>interests may sometimes be corporations and sometimes</b></p> <p>3 <b>they may be individuals and sometimes they may be</b></p> <p>4 <b>families. It's hard to see how the government can</b></p> <p>5 <b>regulate ownership of free commercial enterprise on that</b></p> <p>6 <b>level.</b></p> <p>7 <b>Certainly I can only speak for my family in that we</b></p> <p>8 <b>try and be as fair as we possibly can. We believe in</b></p> <p>9 <b>ethics, we believe that good journalism is ethical</b></p> <p>10 <b>journalism, we believe in putting our faith in</b></p> <p>11 <b>journalists, we believe in most journalists, on the</b></p> <p>12 <b>whole, wish -- you know, are good people and want to</b></p> <p>13 <b>find the truth, and that is what motivates them.</b></p> <p>14 <b>I believe our newspapers and our journalists only</b></p> <p>15 <b>print what they believe to be the truth. If I thought</b></p> <p>16 <b>that a journalist was printing lies knowing they were</b></p> <p>17 <b>lies, then I would expect him to be fired. I think that</b></p> <p>18 <b>if you take authority away from the people -- and</b></p> <p>19 <b>responsibility away from the people that should have</b></p> <p>20 <b>that authority and responsibility, if you try and create</b></p> <p>21 <b>a body which takes a box-ticking mentality to this</b></p> <p>22 <b>issue, then you devolve authority and responsibility and</b></p> <p>23 <b>that's quite a dangerous place to go.</b></p> <p>24 <b>Certainly in my organisation, Paul Dacre has the</b></p> <p>25 <b>responsibility and the authority, and it is my duty to</b></p> <p style="text-align: center;">Page 44</p>

1 **make sure that he upholds those responsibilities. So**  
 2 **there is a clear --**  
 3 LORD JUSTICE LEVESON: But in the way you want him to do it,  
 4 which you've just described.  
 5 **A. We set the parameters as an ethical organisation, what**  
 6 **we believe to be right, yes. That's naturally -- there**  
 7 **has to be a set of parameters. We believe in the**  
 8 **Editors' Code, for example.**  
 9 LORD JUSTICE LEVESON: I'll come to the code in a minute.  
 10 **A. And Paul is duty-bound to honour those practices as part**  
 11 **of our organisation, as indeed every other employee is**  
 12 **duty-bound to do.**  
 13 **If legislation wishes to intersperse on that and**  
 14 **effectively become the one that's responsible, you could**  
 15 **end up in a situation like the FSA, where you have more**  
 16 **and more regulation with more and more box-ticking**  
 17 **without people really focusing on the matters which**  
 18 **really count.**  
 19 LORD JUSTICE LEVESON: Yes, I understand that the FSA might  
 20 not provide me with a solution, but I'm grappling to  
 21 organise in my mind how it actually operates, and to  
 22 understand the extent to which it requires a proprietor  
 23 to be benign, the risk being that if he or they are not  
 24 benign, they materially affect the way in which we learn  
 25 what happens in our democracy.

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1 **A. Well, polarity is the best guard, really. If you get**  
 2 **a Hurstian type situation where one individual becomes**  
 3 **very powerful, then you don't create natural balance,**  
 4 **the universe gets out of kilter, so to speak. But in**  
 5 **a commercial world where people are not forced to buy**  
 6 **newspapers, in fact they have to part with money in**  
 7 **order to get them, by and large, people can take the**  
 8 **views that they take, and even, I believe, in**  
 9 **Mr Murdoch's stable, his newspapers take different views**  
 10 **over different subjects. So it's that polarity which**  
 11 **creates a rich environment of diverse thinking. It's**  
 12 **hard to see how we could replace that. Does it not work**  
 13 **at the moment is the question.**  
 14 LORD JUSTICE LEVESON: That's one of the questions I have to  
 15 address, I think.  
 16 All right. Let me give a subset of that. You  
 17 answered Mr Jay and explained that there was no  
 18 agreement, as far as you're aware, between the Express  
 19 and your papers that nobody would attack each other.  
 20 But another of the concerns that I have to address is  
 21 whether newspapers really do hold each other to account.  
 22 It is interesting, isn't it, that if the judiciary make  
 23 a decision -- and I have no complaints on behalf of the  
 24 judiciary -- then within hours those who disagree with  
 25 it will make their disagreement very, very clearly felt.

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1 **A. Yes.**  
 2 LORD JUSTICE LEVESON: If politicians make decisions, if  
 3 local authorities make decisions, health trusts make  
 4 decisions. But it doesn't very often happen, does it,  
 5 that the press hold each other to account, and we have  
 6 got this example, haven't we, that the whole business of  
 7 interception of voicemails, 2005, 2006, all that period,  
 8 and concern about sentences on those who were breaking  
 9 the law really dies a death until it so happens that the  
 10 Guardian, or that a particular journalist within the  
 11 Guardian picks it up and runs with it.  
 12 **A. Mm-hm.**  
 13 LORD JUSTICE LEVESON: And runs with it pretty vigorously,  
 14 and nothing much happens, and then it's the New York  
 15 Times that picked it up.  
 16 **A. Mm.**  
 17 LORD JUSTICE LEVESON: I posed this in the question when  
 18 I was first appointed, and I said who guards the  
 19 guardians? Who actually is watching what the press  
 20 themselves are doing? Do you think the press have  
 21 failed in that regard?  
 22 **A. To guard ourselves?**  
 23 LORD JUSTICE LEVESON: Yes. To keep an eye on everybody  
 24 else. And I'm sorry if you've got the question, but  
 25 it's really prompted by the anecdote about the exchange

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1 of insults with Mr Desmond.  
 2 **A. Okay, interesting. I can't speak for -- the Guardian**  
 3 **certainly surfaced much of what's now become public**  
 4 **knowledge, so I would say that was an example of the**  
 5 **press regulating itself to a degree.**  
 6 LORD JUSTICE LEVESON: Do you think? Do you think? Given  
 7 that it took, I think, probably the best part of five  
 8 years, three years before the 2009 article, then  
 9 something in 2010, and then in 2011, they really did  
 10 have to -- this is not a publicity advertisement for the  
 11 Guardian, but I am raising the issue.  
 12 **A. I think that it's very difficult to ferret out**  
 13 **information, particularly given all the rules around**  
 14 **data protection and so forth that's come through in the**  
 15 **last, you know, few years. So the Guardian had to work**  
 16 **very hard indeed, and they have my admiration for all**  
 17 **the work they put into it.**  
 18 LORD JUSTICE LEVESON: I think newspapers ferret out  
 19 information all the time, and sometimes they get  
 20 information which perhaps they shouldn't have, but they  
 21 still ferret it out and publish it if they believe it's  
 22 in their interests to do so, notwithstanding orders to  
 23 the contrary, sometimes. Hm? All right.  
 24 **A. Certainly I believe that newspapers have a right to**  
 25 **publish what they think is in the public interest and**

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<p>1 <b>sometimes the debate over what is in the public interest</b>  2 <b>is a debate. Sometimes we come down on the wrong side</b>  3 <b>of that debate. Happily, the MPs' expenses, which is</b>  4 <b>a clear example of information that was bought by the</b>  5 <b>Telegraph, which would actually be in breach of the</b>  6 <b>Parliament Act and certainly fall foul of the current</b>  7 <b>Bribery Act, was defensible through public interest,</b>  8 <b>I think, and I hope that this country continues to do</b>  9 <b>that.</b></p> <p>10 LORD JUSTICE LEVESON: Well, I think there has to be  11 a balance, hasn't there? But ultimately it's likely to  12 have to be a court that decides that.</p> <p>13 <b>A. Yes.</b></p> <p>14 LORD JUSTICE LEVESON: Because -- well, you may be aware  15 that I encouraged the Director of Public Prosecutions to  16 consider putting some flesh around the concept of the  17 test for the code for Crown prosecutors in relation to  18 public interest, and he has done so and he is currently  19 consulting on it. But you would agree that it's  20 important that we try to ensure that everybody is held  21 to account?</p> <p>22 <b>A. I think that is correct. I think there shouldn't be --</b>  23 <b>yes, no, I think it's the job of our institution to hold</b>  24 <b>people accountable, yes.</b></p> <p>25 LORD JUSTICE LEVESON: Including members of your  Page 49</p>	<p>1 really focusing on is the slightly different point,  2 which is the lobbying aspect. It's perfectly legitimate  3 for the coal industry to make an appointment to see the  4 Prime Minister and say, "Actually, we think coal is  5 a good idea and we want to develop this particular  6 colliery and we will provide so many people and it will  7 have this effect", and equally it's legitimate for  8 Greenpeace or somebody to come along and say, "Actually,  9 we don't think coal is a good idea and we think that  10 it's causing enormous damage to our environment and you  11 shouldn't do it".</p> <p>12 <b>A. Yes.</b></p> <p>13 LORD JUSTICE LEVESON: And the way our democracy works is  14 that we elect politicians who make the decisions and  15 then we allow commentators to criticise the decisions,  16 whichever way they go. Commentators in that way can't  17 lose. It's -- I don't say easy, but I suppose it's  18 rather less difficult than actually sometimes having to  19 make the decision in the first place.</p> <p>20 The question then becomes, at the level of the  21 press, where there is not a deal -- I'm not for a moment  22 suggesting there's a deal -- but that there can be  23 a recognition that actually these things are in the  24 interests of -- we think these things are in the  25 interests of the press and what we believe is important,  Page 51</p>
<p>1 institution?</p> <p>2 <b>A. Including members of our institution. Including myself.</b></p> <p>3 LORD JUSTICE LEVESON: You say about links with politicians  4 that there's no reason why what's discussed shouldn't be  5 confidential, but they should be more transparent.  6 I think that's in your statement.</p> <p>7 <b>A. Mm.</b></p> <p>8 LORD JUSTICE LEVESON: Can you help me, if you've considered  9 the issue, how one distinguishes between the right of  10 everybody, you, the Prime Minister, Mr Gove, whoever, to  11 be friendly with whomsoever you wish, while at the same  12 time being able to preserve an openness and transparency  13 about what is otherwise an opportunity for lobbying?</p> <p>14 <b>A. Yes. It is a duty I take very seriously. My father and</b>  15 <b>I understand that in order to be an effective newspaper</b>  16 <b>publisher you have to be an outsider. That doesn't mean</b>  17 <b>that you can't have friendly relationships with people</b>  18 <b>and get along with them, but ultimately it means that</b>  19 <b>when, you know, things are exposed that are -- might be</b>  20 <b>painful to that person, you have to have a degree of</b>  21 <b>aloofness and professionalism. It means it's sometimes</b>  22 <b>very hard to make friends and keep them, but that is the</b>  23 <b>cost of doing the job properly, and, you know, that is</b>  24 <b>my duty.</b></p> <p>25 LORD JUSTICE LEVESON: I understand that. But what I was  Page 50</p>	<p>1 and nobody's saying, "Well, if you do this, we'll  2 support you, or we'll go down your route", but creating  3 the understanding, the common understanding, has with it  4 danger unless it's open and transparent. Would you  5 agree with that?</p> <p>6 <b>A. I believe that -- but my own -- I can only describe my</b>  7 <b>own personal conduct, which is that if there is a matter</b>  8 <b>of industry that I have a particular, you know, view on,</b>  9 <b>like, I don't know, the EU privacy directive, and I want</b>  10 <b>the minister in charge to understand the views of my</b>  11 <b>organisation, I believe that is -- the best form of that</b>  12 <b>conversation is in their office with public servants</b>  13 <b>with the whole thing being on the record.</b></p> <p>14 <b>I think for me, I'm the sort of person who quite</b>  15 <b>likes to do business and then there's pleasure and</b>  16 <b>I don't really like mixing the two, honestly, so -- and</b>  17 <b>I think if I invite someone to my home or I go to</b>  18 <b>somebody else's home, on a friendly basis, and then</b>  19 <b>I use my access to, you know, bore them with my</b>  20 <b>particular problems, then I think that that's not very</b>  21 <b>good manners, basically.</b></p> <p>22 LORD JUSTICE LEVESON: You may not be boring them, actually,  23 Lord Rothermere.</p> <p>24 <b>A. Yes.</b></p> <p>25 LORD JUSTICE LEVESON: It's really not just at the personal  Page 52</p>

<p>1 level, it's the level of how you believe the press 2 should operate.</p> <p>3 <b>A. Well, I don't -- I think that if I see a politician and 4 they want to talk about general politics and they want 5 to talk about -- they want to explain their views and 6 I want a general understanding of what's going on, then 7 that's appropriate in one scenario. If I have specific 8 issues that I wish them to understand over something 9 like the EU privacy directive or local television, 10 I think that's best done in a business environment, 11 where everything is on the record. Frankly, I think 12 it's the -- it protects them and it protects me from 13 insinuations of undue access. That's how I operate, 14 anyway. Or try to operate.</b></p> <p>15 LORD JUSTICE LEVESON: All right.</p> <p>16 In relation to regulation, if I just touch upon that 17 very, very quickly, I think you've said that regulation 18 that is only for part of the industry simply doesn't 19 work. It has to involve everybody.</p> <p>20 <b>A. I think -- yes, I would say that in order for it to be 21 credible, and credibility is very important, I agree 22 with that, yes.</b></p> <p>23 LORD JUSTICE LEVESON: All right. Well, I have no doubt 24 that Associated Newspapers will be taking part in 25 Module 4 to look at the future and we'll get their</p> <p style="text-align: center;">Page 53</p>	<p>1 the public, the press and the police, the press and 2 politicians and the future.</p> <p>3 Before commencing Module 3, which concerns the press 4 and politicians, it's important to expand the language 5 out again and to focus not only on precisely what it 6 encompasses, but also on what it does not deal with. 7 Stripped of anything that relates to other modules, it 8 is as follows:</p> <p>9 "To inquire into the culture, practice and ethics of 10 the press including:</p> <p>11 "(a) contacts and relationships between national 12 newspapers and politicians and the conduct of each ... 13 "(d) the extent to which there was a failure to act 14 on previous warnings about media misconduct.</p> <p>15 "2. To make recommendations ... for a new more 16 effective policy and regulatory regime which supports 17 the integrity and freedom of the press, the plurality of 18 the media and its independence ...</p> <p>19 "(b) for how future concerns about press behaviour, 20 media policy, regulation and cross media ownership 21 should be dealt with by all the relevant authorities 22 including Parliament, government ...</p> <p>23 "(c) the future conduct of relations between 24 politicians and the press ..."</p> <p>25 The focus, therefore, is on the way in which the</p> <p style="text-align: center;">Page 55</p>
<p>1 views, which will incorporate your views in the process.</p> <p>2 <b>A. Thank you very much, sir.</b></p> <p>3 LORD JUSTICE LEVESON: Thank you very much indeed, Viscount 4 Rothermere.</p> <p>5 Right, we'll take a few minutes.</p> <p>6 (11.29 am)</p> <p>7 (A short break)</p> <p>8 (11.40 am)</p> <p>9 LORD JUSTICE LEVESON: Right. Mr Jay, the proprietors that 10 we've heard have crossed several modules. The witnesses 11 from now on, though, essentially deal with Module 3.</p> <p>12 MR JAY: Correct.</p> <p>13 LORD JUSTICE LEVESON: So it's appropriate to, as it were, 14 start that module, and although I haven't done so in 15 every case, I think I would like to introduce my 16 perception surrounding this module first, before you 17 open it. At some stage, we're going to have to deal 18 with the Independent on Sunday and the point, but we'll 19 doubtless find some time to do that. But I'll start.</p> <p>20 Statement by LORD JUSTICE LEVESON</p> <p>21 When seeking to devise a convenient method of 22 addressing the wide terms of reference that have been 23 set for part 1 of this Inquiry, it has been convenient 24 to do so in short form by reference to the modules into 25 which the work has been divided. That is the press and</p> <p style="text-align: center;">Page 54</p>	<p>1 press goes about its business, and in that context its 2 relationship with politicians and how each behaves 3 towards the other. To put it more crudely, has the 4 relationship, which is of critical importance in our 5 democracy so that politicians can inform the public 6 about their policies and the press can hold those in 7 political life to account, got out of hand? Does it 8 need to be recalibrated?</p> <p>9 It is obvious that politicians will want to gain 10 support and need support for the messages they wish to 11 convey, but in developing entirely appropriate 12 relationships, is there a risk that there is an 13 inappropriate press influence, without anything being 14 expressed, or at least the perception of inappropriate 15 press influence?</p> <p>16 Although I retain an open mind and will listen very 17 carefully to the many different perspectives that will 18 be offered over the next weeks, I have so far understood 19 that all political leaders have been saying that the 20 relationship does need to be rebalanced, but the problem 21 is to identify an approach that preserves what is 22 absolutely vital for our democracy, while at the same 23 time ensuring that whatever might be the appropriate 24 line in necessary relationships is not crossed.</p> <p>25 It's also important to consider whether, because of</p> <p style="text-align: center;">Page 56</p>

<p>1 those relationships, warnings about media misconduct                  2 have been left unaddressed. This inevitably is                  3 a historical issue, and given where we are, it will be                  4 important to go back to various Royal Commissions, to                  5 the reports of Sir David Calcutt and various more recent                  6 incidents of serious press misconduct over the past,                  7 after none of which, or so it is submitted, was                  8 sufficient done to address the problem.                  9 This, it is said, is at least one of the reasons why                  10 we are where we are today.                  11 The module is therefore directed towards                  12 recommendations as to the ways in which future concerns                  13 about press behaviour, media policy, regulation and                  14 cross media ownership should be dealt with by Parliament                  15 and government. That is at the core of this part of the                  16 Inquiry.                  17 As I have said, I am determined that it should not                  18 simply represent the next footnote in a historical                  19 analysis of failed efforts to find a correct approach to                  20 the regulation of the press, whatever form that                  21 regulation might ultimately take.                  22 For the avoidance of all doubt, I must emphasise                  23 what this module is not about.                  24 First, although I recognise that some have sought to                  25 make political points arising out of the evidence as it</p> <p style="text-align: center;">Page 57</p>	<p>1 25 April I spoke about the need to hear every side of                  2 the story, and that although I had seen requests for                  3 other inquiries and other investigations, it seemed to                  4 me that the better course was to allow this Inquiry to                  5 proceed. That may cause me to look at the Ministerial                  6 Code and its adequacy for the purpose, but I will not be                  7 making a judgment on whether there has been a breach of                  8 it. That is simply not my job, and I have no intention                  9 of going outside the terms of reference that have been                  10 set for me.                  11 Third, in order to get to grips with culture,                  12 practice and ethics of the press, it will of course be                  13 necessary for me to consider internal governance of                  14 propriety issues, generally within the press and                  15 specifically within News International, although I will                  16 not do so to the extent that it risks causing prejudice                  17 to the criminal investigation or any prosecution.                  18 Furthermore, everybody might as well understand                  19 immediately that it will not draw me into questions of                  20 the fitness or suitability for a particular                  21 responsibility of Mr Rupert Murdoch, or indeed anyone                  22 else whether senior management executive, editor, senior                  23 journalist, journalist, policeman or politician.                  24 I appreciate that this module is rather different                  25 from the first two because there is no corresponding</p> <p style="text-align: center;">Page 59</p>
<p>1 has emerged, and I am not so naive that I do not                  2 understand that there are elements of what I am doing                  3 that are likely to be of party political interest,                  4 I have absolutely no intention of allowing the Inquiry                  5 to be drawn into such a debate, and will vigorously                  6 resist any attempt to do so.                  7 I am approaching my task in a politically neutral                  8 fashion, and intend to ensure that the principles of                  9 fairness, which I have sought to maintain throughout,                  10 apply equally to this module. I will be considering the                  11 way in which politicians of all parties have engaged                  12 with the press.                  13 In the same vein, I will also be considering the way                  14 in which this part of the Inquiry is reported. Robust                  15 reporting and comment is of course entirely appropriate.                  16 In my judgment, an attempt to divert what I am doing                  17 into political channels, away from the culture,                  18 practices and ethics of the press, along with the                  19 conduct both of the press and politicians, is not.                  20 Second, although I have made it clear that I will                  21 look at the facts surrounding the News Corporation bid                  22 for the remaining shares of BSkyB, I will do so in order                  23 to investigate the culture, practice and ethics of the                  24 press and its relationship with politicians. It was                  25 because of the need to examine the facts fairly that on</p> <p style="text-align: center;">Page 58</p>	<p>1 factual investigation in part 2 of the Inquiry, with the                  2 result that it might be appropriate to go somewhat                  3 further than in the earlier modules where, in                  4 circumstances of possible or potential criminal                  5 liability, I have ruled out who did what to whom, and                  6 created the self-denying ordinance in relation to                  7 others.                  8 Having said that, however, I've approached how                  9 I view Rule 13 of the Inquiry Rules 2006. I will                  10 approach my task with those broad principles, including                  11 the self-denying ordinance, in mind. Further than that                  12 I will not go. Again, it's simply not the task that                  13 I have been set.                  14 Finally, I must recognise the limits of what I can                  15 do in another way. The issues arising from the fact                  16 that the press have access to politicians and are able                  17 to lobby them about issues that affect them directly,                  18 such as the implementation of amendments to the Data                  19 Protection Act, are a subset of the wider issues arising                  20 in relation to lobbying generally. Whereas this may                  21 well be a question that requires to be addressed by the                  22 government, and I recognise that my consideration of                  23 press lobbying might have implications for more general                  24 issues about lobbying, I do not consider that these                  25 wider issues can be fully addressed in what I am doing.</p> <p style="text-align: center;">Page 60</p>

<p>1 The same is likely to be so for competition issues 2 and questions of plurality. Although paragraph 2(a) of 3 the terms of reference includes making recommendations 4 for "a new more effective policy and regulatory regime 5 which supports the integrity and freedom of the press, 6 the plurality of the media and its independence", and 7 paragraph 2(d) asks "how future concerns about press 8 behaviour, media policy and regulation of cross media 9 ownership should be dealt with", the former is limited 10 to regulatory recommendations to support plurality of 11 the media, and the latter to mechanisms that can deal 12 with concerns about cross media ownership. In each case 13 the emphasis on those words is mine. 14 Without commenting one way or the other about 15 whether other investigations of any sort are necessary, 16 this Inquiry cannot take the place of an investigation 17 either by Ofcom or by the Competition Commission, and 18 again nobody should think that it does. 19 In the light of a number of comments in the press, 20 I ought also to say something about the approach the 21 Inquiry takes to the questioning of witnesses. 22 First, as I have previously explained, witnesses are 23 warned about issues likely to be raised and it is not my 24 intention that anyone should be tripped up or trapped. 25 We need to elicit relevant information that helps to</p> <p style="text-align: center;">Page 61</p>	<p>1 at the conduct and mores of the press in the context of 2 Module 3 national newspapers, rather than the conduct 3 and mores of politicians. 4 Having said that, it would be idle to assume that 5 the conduct of politicians is not being brought within 6 scope, and as I've already pointed out, the terms of 7 reference are explicitly concerned with the conduct of 8 each, namely the conduct of both sides of this equation. 9 Even so, this remains an Inquiry into press 10 standards, and the conduct of politicians, both 11 collectively and individually, should not occupy centre 12 stage. 13 To borrow from Mr Rupert Murdoch's own terminology, 14 the Inquiry has already had a taster of evidence 15 relevant to this module. Some of the Module 1 and 2 16 witnesses were asked Module 3 questions towards the end 17 of their evidence: viz Lord Patten, Mr Dacre, 18 Lord Prescott, Mr Simon Hughes MP. I mention but four. 19 And it will not have escaped anyone's notice that the 20 evidence of Murdoch father and son covered much Module 3 21 terrain. However, your modules have never been 22 hermetically sealed caskets and we have taken 23 a pragmatic approach to the timetabling of evidence as 24 well as to these opening submissions. 25 For the avoidance of any doubt though it should be</p> <p style="text-align: center;">Page 63</p>
<p>1 address the terms of reference. There is no 2 cross-examination as such. Those who look for forensic 3 fireworks should turn to fictional trials. 4 Second, in relation to Mr Coulson and Mrs Brooks, 5 I repeat that I remain concerned to ensure that criminal 6 investigations and possible prosecutions are not placed 7 in peril by the work of the Inquiry. That means not 8 only that I will not investigate certain issues with 9 these witnesses, bearing in mind their own rights 10 against self-incrimination, but also that I will try to 11 ensure that the witnesses do not prejudice the rights of 12 others who may be subject to investigation. 13 It should not be assumed that failure to ask 14 a question or follow a line of questioning is not the 15 result of careful consideration of the adverse impact or 16 effect of doing so. 17 Right, Mr Jay. 18 Opening submissions on Module 3 by MR JAY 19 MR JAY: May it please you, sir. 20 The main subject matter of Module 3 of your Inquiry 21 is the "contacts and the relationships between national 22 newspapers and politicians and the conduct of each". 23 The principal focus of your terms of reference is and 24 always has been the culture, practices and ethics of the 25 press. Thus the laser of scrutiny is primarily directed</p> <p style="text-align: center;">Page 62</p>	<p>1 made clear to everyone that it was your decision to 2 sequence the proprietors' evidence before the 3 politicians. This was obviously right in principle, 4 because the politicians needed to know what the 5 proprietors were saying more than the other way around. 6 I hope that it may be thought to be of some value if 7 I were to outline the issues which in my view occupy the 8 heartland of Module 3. There are also some hinterland 9 issues which I will touch on and which the evidence you 10 will receive will address. 11 In some important respects, there are themes common 12 to Modules 2 and 3. During the course of opening the 13 previous module, I explained that a healthy relationship 14 between the press and the police was essential to the 15 sound workings of a mature democracy and the same 16 observation may surely be made with even greater force 17 to this module. The role of the press is to inform, to 18 communicate, to facilitate public debate, to comment, 19 and perhaps most importantly to hold power to account in 20 the public interest. 21 Although the printed word of Fleet Street, whether 22 literally printed on newspaper or electronically 23 delivered, is less important now than it was in the past 24 for the obvious reasons many witnesses have explained, 25 the press still provides an essential function as</p> <p style="text-align: center;">Page 64</p>



<p>1 a disseminator of news and comment.</p> <p>2 Politicians also need an outlet to get their message</p> <p>3 across and the press needs to understand and reflect the</p> <p>4 range of their readers' views. The fact that particular</p> <p>5 titles may not provide a politically balanced or neutral</p> <p>6 viewpoint on events is irrelevant to this issue.</p> <p>7 Newspapers are entitled to be partisan in a democracy,</p> <p>8 to campaign in favour of causes, policies and political</p> <p>9 parties, and were the state to legislate otherwise, that</p> <p>10 would be undemocratic as well as, under our current</p> <p>11 settlement, an abrogation of human rights.</p> <p>12 The only boundaries on free comment are those</p> <p>13 imposed by the criminal law, the law of defamation and</p> <p>14 broadly analogous constraints, themselves imposed in the</p> <p>15 interests of democracy and the public at large.</p> <p>16 Informal contact between journalists and politicians</p> <p>17 off the record can also be a function of the healthy</p> <p>18 relationship I am describing. Here, as some witnesses</p> <p>19 will explain, there may be differences between</p> <p>20 government ministers and party politicians, although the</p> <p>21 former will, of course, be wearing two hats. Save in</p> <p>22 limited circumstances, politicians, unlike the police,</p> <p>23 are not generally required to act in a capacity which</p> <p>24 demands independence and impartiality, and the sort of</p> <p>25 considerations you were investigating in Module 2 do not</p> <p style="text-align: center;">Page 65</p>	<p>1 from the risks of contagion. These risks are in danger</p> <p>2 of maturing when the fair balance of power between the</p> <p>3 press and politicians is distorted. For example, if</p> <p>4 politicians had the ability to control the political</p> <p>5 content of newspapers, this would be the consequence of</p> <p>6 the fair balance of power having shifted decisively to</p> <p>7 one side of the equation. Such a press would be</p> <p>8 subservient, unable to hold political power to account</p> <p>9 and quite unrecognisable in fact from the press which</p> <p>10 has thrived in this country since the Second World War.</p> <p>11 The fearlessness and vibrancy of our press is</p> <p>12 something of which we should be enormously proud and</p> <p>13 which we cannot take for granted. Why the British press</p> <p>14 possesses these attributes is capable of being explained</p> <p>15 in a number of ways, but at root the reasons are</p> <p>16 historical and cultural. I could elaborate here, but</p> <p>17 I will not.</p> <p>18 Module 3 of this Inquiry is not about the balance of</p> <p>19 power having shifted in favour of the executive. It is</p> <p>20 primarily concerned with the consequences of that</p> <p>21 balance arguably having shifted in favour of the press,</p> <p>22 in particular the potential harm to the democratic</p> <p>23 process and what some have called the democratic</p> <p>24 deficit.</p> <p>25 The concentration of political influence in the</p> <p style="text-align: center;">Page 67</p>
<p>1 usually apply. These things having been said, the</p> <p>2 relationship becomes less healthy if, for whatever</p> <p>3 reasons, and whether as a result of the behaviour of</p> <p>4 journalists or of politicians, the public is misled or</p> <p>5 cannot assess for themselves the truth or accuracy of</p> <p>6 what is reported.</p> <p>7 Or put another way, if journalists seek to make the</p> <p>8 news rather than to report it, the politicians pay more</p> <p>9 attention to the reporting of a policy than its benefit</p> <p>10 to the country.</p> <p>11 In the words of one Module 3 witness whose statement</p> <p>12 I have studied but who is remaining anonymous for the</p> <p>13 time being, I quote:</p> <p>14 "Of course there are risks in this, although the</p> <p>15 risks for politicians being detached from the media and</p> <p>16 therefore the public are greater for all involved. The</p> <p>17 key risks are that the relationships become incestuous,</p> <p>18 manipulative and self-serving, the politicians allow</p> <p>19 themselves to be influenced by agendas generated by</p> <p>20 media organisations in order to secure favourable</p> <p>21 coverage for themselves, their party and their</p> <p>22 government."</p> <p>23 These are some of the hinterland issues, which</p> <p>24 I will touch on later.</p> <p>25 The healthy relationship I am describing is not free</p> <p style="text-align: center;">Page 66</p>	<p>1 hands of a few press barons has, it is true, always been</p> <p>2 a feature of political life in this country since the</p> <p>3 mid-19th century. We have just heard from the current</p> <p>4 Viscount Rothermere the fourth, but with respect to him,</p> <p>5 the influence exerted by his great grandfather the first</p> <p>6 Viscount Rothermere, in the second and third decades of</p> <p>7 the last century, was probably much greater. I will not</p> <p>8 dwell on aspects of his performance during the 1930s.</p> <p>9 Lord Beaverbrook became the first Minister for</p> <p>10 Information towards the end of the First World War,</p> <p>11 a Minister of Aircraft Production and later Minister of</p> <p>12 Supply in the second. Whether this was a manifestation</p> <p>13 of some sort of "I'll scratch your back if you scratch</p> <p>14 mine" phenomenon is now only of historical interest.</p> <p>15 If powerful newspaper moguls have always been</p> <p>16 a feature of the British political landscape, what then</p> <p>17 is the problem? Put another way, is the problem an</p> <p>18 inevitable by-product of the fact that the state does</p> <p>19 not own national newspapers, which we all agree would be</p> <p>20 undesirable, leaving political power free to follow the</p> <p>21 concentration of economic power?</p> <p>22 At the heart of the problem is putting the matter at</p> <p>23 its lowest a perception that the press is capable of</p> <p>24 influencing voter choice or public opinion on key issues</p> <p>25 or personalities and that the trade-off for political</p> <p style="text-align: center;">Page 68</p>

<p>1 support is the deliverance by government of media 2 policies which favour by act or omission the commercial 3 interests of newspapers in general or of particular 4 newspaper groups. Or put more broadly, the espousal by 5 government of other policies which correspond with the 6 world or political views of influential newspaper 7 proprietors or editors whether or not they're presented 8 as personal views or the views of their readers.</p> <p>9 I use the noun perception because I suspect that it 10 could never be proved that press support for a political 11 party has in fact influenced the outcome of an election. 12 Taking the example of the 1992 election, it is arguable 13 that the Sun's support for the Conservatives, or 14 accurately its hostility to the Labour Party, was 15 causative of the result, but it is also arguable that 16 such support was reflective of public opinion, which 17 would have delivered the same result in any event. We 18 will never know.</p> <p>19 However, Mr Murdoch's own reaction to the "It's The 20 Sun Wot Won It" headline, "the biggest bollocking of my 21 life", Mr Kelvin McKenzie, speaks volumes, and 22 politicians must still believe that newspapers are 23 capable of making a difference. If they did not, why 24 else would they go to such lengths to cultivate support 25 and afford such access to men such as Mr Murdoch?</p> <p style="text-align: center;">Page 69</p>	<p>1 understandings reached.</p> <p>2 Mr Murdoch invited himself to that lunch. 3 Baroness Thatcher did not know what was on the agenda. 4 He pushed lightly on the door and it sprung open. The 5 initial talk was all about the new US administration and 6 what Mr Murdoch described as the new right. Mr Murdoch 7 stressed that the problem lay with the print unions, by 8 implication that their power needed to be reduced. He 9 and Baroness Thatcher were altogether on the same page.</p> <p>10 Mr Murdoch used this opportunity to get his message 11 across to the Prime Minister in like manner as modern 12 politicians so often hope that the press will avail 13 them. By getting his message across, it is arguable 14 that what he was doing was advertising his personal 15 qualities to Baroness Thatcher. That is why 16 face-to-face interaction matters. Instinctively he knew 17 which buttons to press.</p> <p>18 On 4 January 1981 Mr Murdoch could not predict 19 whether he would be given a rough or an easy ride in the 20 context of the Fair Trading Act 1973, recognising always 21 that the locus of decision-making would reside with the 22 Secretary of State for Trade and Industry. But he must 23 have been able to surmise that the Labour Opposition 24 would oppose his acquisition of the title without 25 a reference to the MMC and there was at the very least</p> <p style="text-align: center;">Page 71</p>
<p>1 Either his insights are such that anyone would want to 2 hear them for no other reason or is it envisaged that he 3 can deliver something which politicians want.</p> <p>4 Mr Murdoch denied the charge that there were any 5 express deals. His account when he was giving evidence 6 in April suggested that it was all a matter for the 7 politicians, many of whom he criticised. He told us 8 many times that politicians want his support, which is 9 understandable, but that he asked for no favours in 10 return and received none.</p> <p>11 It is for you to decide, on the evidence you've 12 already heard and will hear, whether any explicit 13 request for favours was either made or offered, but the 14 modus operandi of sophisticated people is likely to be 15 far more subtle.</p> <p>16 It is implausible that Mr Murdoch would have asked 17 Baroness Thatcher for express favours at that lunch at 18 Chequers on 4 January 1981, and Mr Ingham's no doubt 19 carefully crafted memorandum indicates that no such 20 request was made, nor would Baroness Thatcher have 21 offered any regulatory favours either, and the 22 memorandum shows that as well. However, it is arguable 23 that we are witnessing here the interplay being two 24 extremely powerful individuals where messages are being 25 transmitted by and to finely tuned antennae and implied</p> <p style="text-align: center;">Page 70</p>	<p>1 the risk that the Secretary of State would take the 2 political line of least resistance, in other words, in 3 the parlance of the 1980s, a wet rather than a dry 4 approach.</p> <p>5 As it happens, the documentary evidence shows that 6 at their meeting on 26 January 1981 Mr Biffen told 7 Mr Murdoch that he was minded to refer the bid to the 8 MMC and Mr Murdoch stated that he would not withdraw his 9 bid if that happened, although everyone understood that 10 this would cause delay, uncertainty and problems with 11 Thomson. Some might say that a direct threat to 12 withdraw the bid might have backfired.</p> <p>13 Later that afternoon at Cabinet Subcommittee, the 14 merits of a referral to the MMC were discussed and it 15 was concluded first that the statutory conditions for 16 non-referral were met and secondly that there were no 17 commercial or political advantages in favour of a 18 referral. Whether there were any private conversations 19 between Baroness Thatcher and Mr Biffen is both unknown 20 and now unknowable. They would not have been recorded 21 if they had taken place. There is no direct evidence 22 that the Prime Minister gave her Secretary of State 23 a nod and a wink, but for present purposes it may be 24 sufficient to state that Mr Murdoch knew that if she 25 were consulted, Baroness Thatcher fully understood and</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 empathised with his position and that there was common 2 ground between them. 3 You may think that this vignette affords 4 illuminating insights into the subtle and sophisticated 5 way in which press moguls and politicians operate. You 6 may, on the other hand, come to the conclusion, which 7 I am sure will be News International's submission, that 8 this whole issue demonstrates the truth of what 9 Mr Murdoch has been saying all along, namely that he 10 does not asks for favours and that politicians ask for 11 none either. 12 There is a further reason why it's appropriate to 13 think very carefully indeed about the events of January 14 1981, in particular the luncheon engagement. Until the 15 Thatcher Foundation released the relevant papers in 16 March 2012, Mr Murdoch had apparently no recollection of 17 it whatsoever. His evidence to you was that he still 18 does not, to be honest, as he put it. One does at least 19 have to question whether this is selective amnesia. 20 Mr Murdoch told us in evidence that he did not enjoy 21 frequent encounters with Baroness Thatcher. The 22 acquisition of the Times and its associated titles must 23 have been one of the most important in his commercial 24 life. This was a time of heightened emotion. Could an 25 intimate lunch at Chequers really have been forgotten? Page 73</p>	<p>1 interests whilst in power. 2 Political endorsement by a newspaper is a commodity 3 of perceived value, and the greater the readership of 4 that paper, the greater the value may be. But that 5 value is compounded, as it were, if the readership 6 comprises significant numbers of floating voters. 7 Thus, the Sun has enjoyed an iconic status in this 8 respect and politicians will fly halfway round the world 9 to win its endorsement. The fact that Mr Murdoch 10 arguably played hard to get in the run-up to the 1997 11 election, taking just one example, serves to reinforce 12 the point. His opponents would say by the time he did 13 confer his support he had won the maximum concessions he 14 was ever likely to in terms of policy. His supporters 15 would say that cause and effect is unproven and even to 16 the extent that policy may have been modified to reflect 17 the Murdoch world view, that is more likely to have been 18 because politicians were appreciating for independent 19 reasons that the viewpoint was sound and popular rather 20 than because politicians were acting responsively to 21 Mr Murdoch's wishes. 22 Q. This is not to say that Mr Murdoch expressly asked for 23 any such concessions. There is little or no direct 24 evidence that he did and so one is left speculating 25 about private conversations which were never recorded or Page 75</p>
<p>1 Human recollection is notoriously patchy and 2 unreliable, we all know that, and the fact that I, for 3 example, would be 100 per cent certain that I would be 4 able to remember an event such as this occurring 30 plus 5 years ago is not going to assist you in coming to 6 a conclusion either way. 7 If you accept Mr Murdoch's evidence on this topic, 8 the point goes no further, but if you do not, the 9 consequences are capable of being wide-ranging. Not 10 merely would the selective amnesia appear to be 11 convenient but inferences might be drawn as to 12 Mr Murdoch's true motives and intentions in seeking out 13 the Prime Minister's ear in January 1981. Furthermore, 14 this issue is capable of bearing on Mr Murdoch's 15 integrity. 16 Looking more broadly now at the history of the last 17 30 years and the inferences to be drawn from it, the 18 proposition that there is an implied trade-off needs to 19 be examined with care. Key to this may well be the 20 observation that Mr Murdoch likes to back the winning 21 party. This enhances the mystique that he has some sort 22 of power or influence over the outcome. This 23 perception, regardless of its foundation in fact, is an 24 immensely valuable asset and serves to reduce the risk 25 that the political party be inclined to harm his Page 74</p>	<p>1 noted. It would not be safe to base any findings on 2 such speculations. On the other hand, patterns of 3 behaviour may be revealing, and so the argument runs, 4 politicians would know where Mr Murdoch stands on the 5 big questions of the day and would also know what would 6 in the interests of his companies. All these things 7 would be made obvious over the years, whether or not his 8 so-called lieutenants or gurus would be communicating 9 his views to those in power. 10 The balance of power is on this narrative 11 predominantly with the newspaper magnate, although it 12 might wax and wane slightly over the course of an 13 electoral cycle and be disrupted by major events. Of 14 course, if the newspaper magnate is powerful enough it 15 might not matter over much if he backs the wrong horse. 16 Five-year electoral cycles are short and the party in 17 power may already be looking ahead to the next election. 18 Thus far, I have solely examined the position of 19 Mr Murdoch. News International, with 35 per cent of the 20 national newspaper market share, as reported in the 21 Times on 25 April 2012, has the greatest potential 22 influence, but Associated Newspapers are scarcely 23 without importance at 22 per cent, although their 24 influence would appear to derive more from their being 25 a litmus paper for the thinking of Middle England than Page 76</p>

<p>1 their ability to impinge on floating voter opinion at 2 election time.</p> <p>3 Furthermore, in contrast perhaps to 4 News International, their influence is seen as operating 5 more through the personality of their editor than any 6 economic power wielded by their proprietor. I'm not 7 excluding from account any influence flowing from other 8 newspapers, nor am I suggesting that influence is 9 directly proportional to market share, but there is 10 likely to be a correlation.</p> <p>11 What if anything is the vice of all of this? 12 I referred in opening the first of your modules back in 13 November to the alleged subterranean influences operated 14 by the press on the democratic process but without full 15 democratic accountability. The issue of implied 16 trade-offs and tacit quid pro quos has nothing to do 17 with the sort of overt campaigning we might see in the 18 Times in relation to cycling safety or the News of the 19 World in relation to Sarah's Law. Instead we are in the 20 realm of possible back-scratching and unspoken 21 reciprocations, with each side of the equation knowing 22 full way the aspirations if not the expectations of the 23 other.</p> <p>24 In terms of possible influence over media policy, 25 the Inquiry will no doubt be examining issues such as</p> <p style="text-align: center;">Page 77</p>	<p>1 of Princess Diana, the response to Operation Motorman 2 et cetera and in each case where I refer to "response" 3 or "reaction" I am also to be interpreted as referring 4 to the lack of it. Questions clearly do arise as to the 5 underlying reasons for this: these might include 6 a genuine disinclination to clip at the wings of the 7 press, and by so doing harm or at least attenuate its 8 power to hold the right people to account, as much as 9 a more concerning lack of political will to interfere 10 with the powers and privileges of those who are well 11 able to do both short- and long-term damage.</p> <p>12 In all the various respects I've outlined it may be 13 difficult to convert rumour, hearsay and surmise into 14 hard fact. The Inquiry has already seen, for example, 15 that the rumours put about by at least one political 16 commentator that Mr Murdoch had some role in Mr Gordon 17 Brown's decision not to call a snap election in October 18 2007 are unlikely to be true because the 19 Prime Minister's decision was made before the former 20 arrived at Chequers that weekend. Other aspects of the 21 matter may be difficult to prove for this separate 22 reason, that government may well have wanted to pursue 23 policy X or not to pursue policy Y for reasons 24 disassociated with the wishes and objectives of media 25 moguls.</p> <p style="text-align: center;">Page 79</p>
<p>1 the enactment of Section 12 of the Human Rights Act 2 1998, the passage of the Communications Act 2003, the 3 fate of the amendments to Section 55 of the Data 4 Protection Act and, looking more broadly, the failure of 5 successive governments to tackle the issue of press 6 regulation as well as the approach of successive 7 governments to questions of media ownership.</p> <p>8 It has also been suggested that the press has been 9 using their contacts, influence and covert lobbying to 10 impact upon the course of wider government policy. Here 11 interesting areas would appear to include matters such 12 as criminal justice reform, immigration policy and 13 European policy.</p> <p>14 Related but subsidiary questions arise in relation 15 to the press or powerful sections of the press 16 intervening in ministerial or shadow ministerial 17 appointments, especially to law and order positions.</p> <p>18 There is an important theme which I would wish to 19 emphasise, because this is arguably a recurrent theme 20 and one which interlocks with paragraph 1(d) of your 21 terms of reference, namely the extent to which there's 22 been a failure to act on previous warnings about media 23 misconduct.</p> <p>24 Other the years we have seen Royal Commissions, the 25 response to Calcutt 1 and 2, the reaction to the death</p> <p style="text-align: center;">Page 78</p>	<p>1 In relation to the last Labour government's policy 2 on the euro, we know the Prime Minister was more 3 comfortable with entry than was his Chancellor of the 4 Exchequer, and the latter set conditions which were 5 unlikely to be fulfilled, he would say in the public 6 interest. Mr Murdoch's wishes may well have been wholly 7 coincidental.</p> <p>8 That said, these are all issues which the Inquiry 9 will need to address within the constraints of its terms 10 of reference and the timescales imposed on it by the 11 Prime Minister. At the very least, you may conclude, as 12 many have now accepted, that not merely did governments 13 get too close to News International but that human 14 nature being as it is, a clear perception arises that 15 electoral support would receive its reward.</p> <p>16 Furthermore, the point has already been made that the 17 reward may have been, either in perception or as 18 a matter of reality, the disinclination of governments 19 to intervene in areas which they would otherwise have 20 wished.</p> <p>21 Particular attention has been directed in recent 22 days to the Coalition Government's treatment of News 23 Corporation's bid to acquire the remaining publicly 24 owned shares in BSkyB and in particular the interchanges 25 and exchanges between the Conservative Party in</p> <p style="text-align: center;">Page 80</p>

<p>1 opposition and News Corporation in the period leading up 2 to the last election, and the interplay between the 3 bidder and personalities in government once the bid was 4 launched in June 2010. Unsurprisingly, perhaps, the 163 5 pages of emails comprising exhibit KRM18 have attracted 6 close scrutiny both within this room and outside.</p> <p>7 The terms of reference of this Inquiry are not such 8 as to require you to determine the immediate political 9 career of the Culture Secretary in the context of 10 alleged breaches of the Ministerial Code or otherwise, 11 and you have made it crystal clear you have no intention 12 of doing so or of being drawn into that political 13 debate.</p> <p>14 However, this Inquiry is examining the proposition 15 that the press, or here a section of the press, has 16 exercised excessive influence over government, and 17 correlatively that government or individuals within it 18 have permitted themselves to the acquire an excessive 19 degree of propinquity to News International. I'm 20 putting this in a deliberately roundabout way. I could 21 I suppose be much blunter.</p> <p>22 The issue is whether a Minister of the Crown 23 exercising a quasi-judicial role may have failed to 24 fulfil it because he has demonstrated through his 25 actions that he was too close to News International or</p> <p style="text-align: center;">Page 81</p>	<p>1 fact of past favours being traded in, or the perception 2 that future support may be provided.</p> <p>3 In setting out the issues in this way, I should be 4 interpreted as expressing no view one way or another as 5 to where the evidence might lead. However, it is right 6 that I should echo the note of caution you sounded on 7 26 April. If the emails in KRM18 were direct 8 communications between the Culture Secretary and 9 Mr James Murdoch the case would be relatively clearcut, 10 but they are not. What we see, speaking metaphorically, 11 is light retracted through two intermediate prisms. 12 Inevitably perhaps we are seeing not white light but 13 many of the colours of the rainbow.</p> <p>14 In addressing the issue of an overcosy relationship, 15 one must recognise that politicians are entitled to be 16 friendly with whomsoever they might choose. The issue 17 here is where the line should be drawn.</p> <p>18 These are the principal issues arising from the 19 language of paragraph 1(a) of your terms of reference. 20 There are two subsidiary issues. The first concerns 21 treatment of politicians by or in the press as a means 22 of influencing policy or seeking to determine their 23 political careers. Politicians, it goes without saying, 24 choose to place themselves under public scrutiny and we 25 have examined in the context of your first module many</p> <p style="text-align: center;">Page 83</p>
<p>1 News Corporation (these two companies are 2 interchangeable in this respect). Having heard all the 3 evidence, you may conclude that there's nothing to 4 support this proposition and that the quasi-judicial 5 function was exercised entirely properly. If on the 6 other hand you were to conclude otherwise, there is 7 a range of possible findings. The least serious finding 8 is that an appearance of bias arises in relation to the 9 specialist adviser's dealings with News Corporation's 10 European Head of Public Affairs.</p> <p>11 The most serious is that the nature of the 12 relationship was such that the Secretary of State was 13 prepared expressly to authorise his special adviser to 14 conduct what in effect were covert communications with 15 the lobbyists or, put another way, provide a running 16 commentary on the bid, giving assurances along the way 17 that the bid would ultimately be successful. In between 18 these two poles there's a range of possible findings 19 which would amount to attributions of intermediate 20 severity.</p> <p>21 The real point here, and it's the point which needs 22 to be examined if only to be rejected in due course if 23 that is where the evidence leads you, is that the BSKyB 24 bid is really an example in microcosm of an over-cosy 25 relationship giving rise to the appearance if not the</p> <p style="text-align: center;">Page 82</p>	<p>1 of the issues raised by the desire of public figures to 2 protect their privacy and reputations while maintaining 3 a public profile. I doubt we need to revisit these 4 issues here. The issue is not "politician as victim" 5 but the press seeking to interfere with the democratic 6 process by unfair and intrusive means.</p> <p>7 The second subsidiary issue concerns the whole topic 8 of spin, which might be visualised as one facet or 9 function of the relationship between the press and 10 politicians. The former would say that spin leads to 11 public misinformation and itself justifies the use of 12 more robust or journalistic methods to strike at the 13 truth. The latter would say that presentation is 14 a legitimate response to the way in which the press are 15 constantly manipulating the truth to attain their 16 "story".</p> <p>17 Expressed in these terms, spin is no more or less 18 than a manifestation of the shifting balance of power 19 between the governing classes and the fourth estate. 20 The reason why it is a subsidiary issue is because it 21 does not inhabit the same sort of terrain as the issue 22 which occupies centre stage in this module and which 23 I have already outlined. Additionally, it is difficult 24 to see what recommendations you might make to address 25 it.</p> <p style="text-align: center;">Page 84</p>

<p>1 This is a convenient moment to address the issue of                  2 recommendations. Under paragraph 2 of part 1 of your                  3 terms of reference you are required (missing out                  4 irrelevant words):                  5 "To make recommendations:                  6 "(a) for a new more effective policy and regulatory                  7 regime which supports the integrity and freedom of the                  8 press, the plurality of the media et cetera.                  9 "(b) for how future concerns about ... media policy,                  10 regulation and cross media ownership should be dealt                  11 with by all the relevant authorities, including                  12 Parliament, Government, et cetera;                  13 "(c) the future conduct of relations between                  14 politicians and the press."                  15 It may be convenient to take these in reverse order.                  16 Any recommendations as to the future conduct of                  17 relations between politicians and the press are highly                  18 unlikely to be enshrined in any form of general                  19 legislative change. When the Prime Minister said last                  20 July that the relationship between politicians and the                  21 press needed to be reset, he is unlikely to have been                  22 thinking about a new law to do so. At the very least,                  23 he may have been referring to the fact that this Inquiry                  24 and the ongoing political process would themselves lead                  25 to a culture shift amongst politicians so that they</p> <p style="text-align: center;">Page 85</p>	<p>1 competition law or the law regarding media plurality.                  2 As we saw in relation to the evidence of                  3 Mr James Murdoch, the former is largely EU based and the                  4 latter is domestic. But the substantive law is beyond                  5 the scope of this Inquiry. What you are concerned with                  6 is how concerns should be addressed.                  7 If Ofcom or any other regulatory body with                  8 jurisdiction over these matters wishes to explore the                  9 current state of affairs in relation to BSkyB or                  10 whatever, that would be entirely for them and outwith                  11 the scope of your Inquiry. What would be within scope,                  12 however, is whether understandable public concern is                  13 being adequately addressed by a system which permits                  14 decisions of this nature to be taken by ministers rather                  15 than by regulators free from the biases forged in the                  16 political arena, or less encumbered by them.                  17 The phrase "a minister carrying out a quasi-judicial                  18 function" sounds almost oxymoronic if the nature of that                  19 function is correctly understood in this context: that                  20 a politician is expected to apply a fair, unbiased and                  21 disinterested mind to a topic which inevitably arises                  22 strongly felt views either way. Some might say that                  23 these problems are capable of being avoided only if                  24 decisions of this sort are removed from the bailiwick of                  25 ministers altogether.</p> <p style="text-align: center;">Page 87</p>
<p>1 would no longer wish to tolerate any risk of being seen                  2 as too close to the press.                  3 In the context of paragraph 2(c) of your terms of                  4 reference, the principal focus you may think is the                  5 conduct of politicians rather than the behaviour of the                  6 press. Put bluntly, if Mr Murdoch pushes on a door and                  7 it springs open, that without more involves no issue                  8 which might trouble this Inquiry. Bully for him, one                  9 might say.                  10 As a businessman, he's surely entitled to seek to                  11 lobby in support of his views as much as anyone else.                  12 The fact that Mr Murdoch occupies such power that the                  13 door springs open with the exertion of miniscule force                  14 might involve issues under other subparagraphs of                  15 paragraph 2 of your terms of reference. So the focus in                  16 this specific context is on appropriate and ethical                  17 conduct by politicians and in this regard you may be                  18 considering in due course possible amendments to the                  19 Ministerial Code, including in the area of greater                  20 transparency.                  21 Recommendations as to how concerns about regulation                  22 and cross media ownership should be dealt with by the                  23 relevant authorities fall into the next subcategory,                  24 paragraph 2(b). Fortunately the terms of reference are                  25 not so ambitious that you are required to rewrite</p> <p style="text-align: center;">Page 86</p>	<p>1 I have not overlooked that paragraph 2(b) of your                  2 terms of reference also requires you to address how                  3 future concerns as to media policy should be addressed                  4 by the relevant authorities. I see no difficulty here                  5 regarding the role of the independent regulators, and                  6 their responsibility for media policy; but much of that                  7 policy is determined by government. In order to address                  8 the concern that the media policy of government has been                  9 generated by an overly close relationship with                  10 News International, it might be argued that government                  11 should have no or a lesser role in this area. Having                  12 said this, it is difficult to see how constitutionally                  13 this could be so. The answer can lie only in greater                  14 transparency and accountability.                  15 Under paragraph 2(a) of your terms of reference you                  16 are required, I paraphrase, to make recommendations for                  17 a better policy and regulatory regime which supports                  18 amongst other things the plurality of the media. In                  19 this context, the policy and regulatory regime being                  20 referred to is not a regime which replaces Ofcom or the                  21 OFT but a regime which either improves or wholly                  22 replaces the existing system of so-called press                  23 regulation, namely the Press Complaints Commission.                  24 Thus the new or successor body as one of its aims                  25 should uphold the plurality of the media as much as the</p> <p style="text-align: center;">Page 88</p>

<p>1 highest professional and ethical standards also referred 2 to in paragraph 2(a). It ought not to be overly 3 difficult to achieve this policy directive since the 4 public will find it easy to accept that you would not 5 want to engineer a state of affairs whereby any enhanced 6 or new regulatory system either impeded the independence 7 of the press or jeopardised the plurality of the media. 8 Only a regulatory system which drove existing publishers 9 out of business would create that jeopardy, and one may 10 be confident that would not be your intention. 11 In opening the previous module I did indicate in 12 general terms the identities of the witnesses the 13 Inquiry intended to call. Well, the names of some have 14 already entered the public domain. Beyond that, I'm not 15 providing any further intelligence. It would not be 16 fair to do so. 17 What I will say is that the Inquiry has done its 18 best to sequence the evidence in a logical and 19 intelligible fashion, but ultimately it has had to defer 20 on occasion to the availability and convenience of busy 21 individuals. 22 I conclude these short opening remarks by noting the 23 apparent similarity of thinking underlying paragraph 90 24 of the witness statement of Mr Rupert Murdoch and 25 page 96 of Mr Blair's memoir. First quote, this is Page 89</p>	<p>1 Q. Are the contents of your witness statement true and 2 correct to the best of your knowledge and belief? 3 <b>A. They are indeed.</b> 4 Q. You provided a witness statement to the Inquiry in 5 response to a statutory notice asking questions about 6 the circumstances in which the Independent on Sunday 7 came to publish an article about Mr Coulson on 6 May. 8 You are the editor of the Independent on Sunday, aren't 9 you? 10 <b>A. That's correct.</b> 11 Q. It follows from holding that position that you are 12 responsible for what the newspaper publishes, but in 13 particular in this case it's right, isn't it, that you 14 were personally involved in the decision to publish this 15 story? 16 <b>A. That's correct.</b> 17 Q. You tell us in your witness statement that you were 18 aware of the order made by the Chairman on 26 April 19 2012. You tell us in paragraph 13 of your witness 20 statement that the order had been served on the 21 Independent on Sunday and at paragraph 16 you say: 22 "Although we are fully aware of the orders which 23 restrict the use of the witness statements and 24 exhibits ..." 25 And then you assert that you've always abided by Page 91</p>
<p>1 Mr Murdoch: 2 "As for the 'value' to me of these meetings, my view 3 is that if an editor or publisher is invited or 4 otherwise has an opportunity to meet with a head of 5 government or political leader, you go ..." 6 This is Mr Blair: 7 "Again, now, it seems obvious: the country's most 8 powerful newspaper proprietor, whose publications have 9 hitherto been rancorous in their opposition to the 10 Labour Party, invites us into the lion's den. You go, 11 don't you?" 12 LORD JUSTICE LEVESON: Thank you very much. 13 What we're going to do is go back, if it's possible 14 now, to consider the position of the article in the 15 Independent on Sunday and we will call the evidence of 16 this afternoon, that is Mr Coulson, at 2 o'clock. Yes, 17 Mr Barr? 18 MR BARR: Mr Mullin is in the building and is just being 19 brought over. 20 LORD JUSTICE LEVESON: Thank you. (Pause). 21 MR JOHN MULLIN (sworn) 22 Questions by MR BARR 23 MR BARR: Could you confirm to the Inquiry your full name, 24 please? 25 <b>A. John Mullin.</b> Page 90</p>	<p>1 them. In those circumstances can I take you to the 2 order, and perhaps we could have a copy on the screen, 3 please. 4 Before I go into the details, can I be absolutely 5 clear, so that there are no semantic misunderstandings, 6 is it right then that you at all material times knew 7 about and were aware of the contents of the restriction 8 order? 9 <b>A. Yes, indeed.</b> 10 Q. If we look at the preamble and the last of the 11 paragraphs which commences "And upon ..." it reads: 12 "And upon the Chairman considering that it is 13 conducive to the fulfilment of his terms of reference 14 and in the public interest that witness statements 15 provided to the Inquiry should not be published before 16 they are put into evidence by a member of the Inquiry 17 Team as the case may be without the express permission 18 of the Chairman or a member of the Inquiry Team." 19 You knew from that that that was part of the basis for 20 the Chairman's restriction order that he considers it in 21 the public interest that witness statements should not 22 be leaked? 23 <b>A. Indeed.</b> 24 Q. And if we look now at paragraph 1, which reads: 25 "Prior to its publication on the Inquiry website, no Page 92</p>

23 (Pages 89 to 92)

<p>1 witness statement provided to the Inquiry whether 2 voluntarily or under compulsion, nor any exhibit to any 3 such statement, nor any other document provided to the 4 Inquiry as part of the evidence of the witness (not 5 otherwise previously in the public domain) shall be 6 published or disclosed, whether in whole or in part, 7 outside the confidentiality circle comprising of the 8 Chairman, his assessors, the Inquiry Team, the Core 9 Participants and their legal representatives." 10 That's a provision that's drafted in very wide 11 terms, wouldn't you agree? 12 <b>A. Indeed.</b> 13 Q. And you were again, it follows, fully aware of that? 14 <b>A. Yes.</b> 15 Q. Paragraph 2, you would have been aware that the order 16 binds all persons, and you don't dispute, do you, that 17 it binds you? 18 <b>A. I don't dispute that.</b> 19 Q. In paragraph 3 it reads: 20 "Any person (including any company) affected by this 21 order may apply for it to be varied pursuant to 22 Section 20 of the Inquiries Act 2005." 23 So again you were well aware of your right to apply 24 for the order to be varied? 25 <b>A. Indeed.</b></p> <p style="text-align: center;">Page 93</p>	<p>1 Q. You word your statement as saying that the Independent 2 on Sunday received the statement, but in email 3 communications this morning you have said that you were 4 shown it but have not retained a copy. 5 <b>A. That's right.</b> 6 Q. Is that correct? 7 <b>A. That's right.</b> 8 Q. Did you retain a copy or a transcript of any part of the 9 witness statement? 10 <b>A. No, I did not.</b> 11 Q. So is it your evidence that you were simply physically 12 shown a copy which you read? 13 <b>A. It is.</b> 14 Q. Can we move now to why it was that you were prepared to 15 read the statement at all, knowing of the restriction 16 order? Why did you read it? 17 <b>A. I think it's human nature that if you're presented with 18 something and you're a journalist that you would read 19 it. I think in retrospect it would have been much 20 better all round had I not read that statement.</b> 21 Q. Because you're at pains to tell us in your witness 22 statement that the subject of the article, which is 23 shareholdings by Mr Coulson, was a matter on which you 24 already had three sources? 25 <b>A. That's correct.</b></p> <p style="text-align: center;">Page 95</p>
<p>1 Q. Is that correct? 2 <b>A. That's correct.</b> 3 Q. Now can we come to Mr Coulson's witness statement. You 4 tell us in paragraph 12 of your witness statement that 5 late last Thursday the Independent on Sunday -- and you 6 say it is vital to emphasise that you confirmed the 7 shareholding prior to this -- received Mr Coulson's 8 statement to the Inquiry. 9 Can I ask you, first of all you make clear in your 10 statement that it didn't come to you from a core 11 participant or a member of the Inquiry Team. Did it 12 come to you from someone who was within the 13 confidentiality circle? 14 <b>A. I'm not prepared to go any further than what I've said 15 in this statement there.</b> 16 Q. Can you help us, if not with the identity of the person 17 concerned, then with the method by which the statement 18 had been obtained? In particular was it obtained 19 through an intermediary or was it obtained by some form 20 of subterfuge? 21 <b>A. No form of subterfuge on our part, but beyond that 22 I can't comment any further.</b> 23 Q. You say no form of subterfuge on your part; was 24 subterfuge used by the person who obtained it? 25 <b>A. No.</b></p> <p style="text-align: center;">Page 94</p>	<p>1 Q. But the effect of reading the statement was that you 2 then had a fourth source, didn't you? 3 <b>A. Well, I wouldn't put it like that. How I would put it 4 is that we are a Sunday newspaper, publishing on 5 Sundays. Had we been a daily newspaper, we would have 6 been perfectly able to have gone ahead and run exactly 7 the same story that we published in the Independent on 8 Sunday last Sunday on the Thursday before even receiving 9 this statement, so the story stands absolutely on what 10 we had on the Wednesday evening.</b> 11 Q. Mr Mullin I'm not interested in hypotheticals, I'm 12 interested in actuality, and the reality was that on 13 Thursday you got a fourth source of the information? 14 <b>A. I did not view that as a fourth source of the 15 information.</b> 16 Q. You're not denying, are you, that you read in the 17 witness statement about Mr Coulson's shareholdings? 18 <b>A. No, I'm not denying that, but we had three sources to 19 confirm the story.</b> 20 Q. Are you seriously trying to suggest that a signed 21 statement from Mr Coulson himself telling you about his 22 shareholdings is not further confirmation of the matter? 23 <b>A. What I'm saying to you is we had the story 24 copper-bottomed on the Wednesday evening.</b> 25 LORD JUSTICE LEVESON: It's not quite the point, is it?</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)



<p>1 Because if you hadn't been interested in what Mr Coulson 2 said, then you wouldn't have read the statement, and 3 you've just explained that no journalist wouldn't read 4 the statement in those circumstances. 5 <b>A. I accept that, sir.</b> 6 MR BARR: So when the time came for you to publish on the 7 Sunday, you had four sources? 8 <b>A. We didn't use the statement as a source.</b> 9 Q. Can I just explore very quickly the other three sources, 10 and I'm not going to ask you to identify who they were. 11 <b>A. Sure.</b> 12 Q. But you say that you were shown a document by a source 13 which was not, you say, part of a witness statement. 14 Was it an exhibit? 15 <b>A. No.</b> 16 Q. And you say that you had two further sources who 17 corroborated your first source. Did they provide you 18 with any documents? 19 <b>A. They did not.</b> 20 Q. Did they show you any documents? 21 <b>A. They did not.</b> 22 Q. Now, when you came to make the decision to publish last 23 Sunday, knowing that you had the witness statement which 24 contained Mr Coulson's confirmation of his shareholding 25 and knowing of the restriction order and knowing of the</p> <p style="text-align: center;">Page 97</p>	<p>1 person, I could ask the other person. And so you get 2 three sources to back up the story. Would you agree 3 that would be a breach of the order? 4 <b>A. Well, to quote the gentleman here, that's a hypothetical 5 situation, isn't it?</b> 6 LORD JUSTICE LEVESON: Well -- 7 <b>A. But I think that that probably is a breach of the order, 8 if that helps.</b> 9 LORD JUSTICE LEVESON: It becomes very difficult, then, 10 doesn't it, because the problem then becomes for me how 11 I can unpick this. 12 Let me make it very clear. I am very anxious to 13 ensure that the evidence that we're going to deal with 14 it presented in an orderly fashion. 15 <b>A. I understand that.</b> 16 LORD JUSTICE LEVESON: I have no problem about it being -- 17 I'm not trying to censor it, as somebody has suggested. 18 I'm not trying to keep it secret. Tonight -- 19 <b>A. I understand.</b> 20 LORD JUSTICE LEVESON: -- everybody will see it, and it will 21 be spoken about this afternoon, but the risk is that by 22 doing what you've done you've created a dialogue in the 23 public with questions being asked and allegations being 24 made, people having to respond before we've even heard 25 it, and that, do you see, is likely to disrupt the</p> <p style="text-align: center;">Page 99</p>
<p>1 provision to apply for a variation, why didn't you 2 contact the Inquiry Team and say, "Look, I've got this 3 story by four sources, only one of them is the Inquiry, 4 which came to me last, I would like to apply for 5 permission" -- 6 <b>A. Because my view of the story was we had three sources of 7 the story, none of them relied on Mr Coulson's statement 8 and I believed that meant the order didn't apply to our 9 story.</b> 10 Q. And isn't the effect of that that you went ahead 11 regardless of a legally binding order and published -- 12 material -- 13 <b>A. No, I really don't --</b> 14 Q. -- derived from the statement? 15 <b>A. I really, really don't accept that. Nothing that 16 appeared in our story didn't come from the three sources 17 that I've outlined --</b> 18 LORD JUSTICE LEVESON: Let's put it the other way round, can 19 we, please. Let's assume, and we've actually had some 20 experience of this in the Inquiry, that you'd seen the 21 statement first, and you'd picked up from the signed 22 document a fact which was of real interest to you and 23 you'd then seen, well, that's very interesting, I can 24 now go backwards and prove it. How am I going to prove 25 it? Well, I could ask this person, I could ask that</p> <p style="text-align: center;">Page 98</p>	<p>1 process that I am trying to advance? 2 <b>A. Well, from my point of view, I'm an editor of 3 a newspaper. We may not be the world's greatest 4 newspaper, in fact we may not be the greatest newspaper 5 in our own building, but we're good honest journalists 6 and we try and do our job as best as we can do it. This 7 is an issue of massive public importance. The fact that 8 your Inquiry is going on shouldn't stop us from doing 9 good honest journalism as we go ahead. It was our 10 misfortune that through good honest journalism we got 11 this statement after we had already substantiated the 12 story.</b> 13 LORD JUSTICE LEVESON: Hang on a minute. I might take issue 14 with the words "good honest". Somebody has broken the 15 confidentiality agreement. Somebody. It may not be the 16 person who gave it to you -- 17 <b>A. Hang on, hang on, we stood the story up without the 18 statement.</b> 19 LORD JUSTICE LEVESON: Mr Mullin, you've just said "through 20 good honest journalism we got a fourth", namely the 21 statement, but the statement came from somebody, and I'm 22 never going to find out who, who failed to comply with 23 the terms of the confidentiality agreement. Now, that 24 might itself be something that would be of interest to 25 journalists who are doing the job of trying to explain</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 what should happen and what shouldn't happen. I'm not 2 saying it was the person who gave it to you, it's not 3 very difficult to see that somebody within the 4 confidentiality circle gives it to somebody who isn't 5 within the confidentiality circle who gives it to you, 6 so you never know the link. That's one of the problems 7 that I can never unpick, and I recognise that. But that 8 is why it's important, and the concern I have is that 9 knowing the effect of the order, and knowing the 10 inevitable story that would then start to generate, yet 11 knowing that this was going to be the subject of 12 evidence this afternoon, you published it.</p> <p>13 <b>A. Can I ask you a question? If I had those three sources, 14 all confirmed, and had the story confirmed on the 15 Wednesday evening, and never received the document, 16 would you say we still could not publish that story?</b></p> <p>17 LORD JUSTICE LEVESON: I am not here to give you advice, 18 Mr Mullin, actually, but let me postulate that you could 19 have published the story, because you would not know 20 what Mr Coulson was going to say in his statement, and 21 you would not know -- you could honestly sit there and 22 say, "I simply didn't appreciate that this was going to 23 come up", but by Thursday night you knew exactly what 24 was going to come up.</p> <p>25 <b>A. We have used nothing from his statement in our story.</b></p> <p style="text-align: center;">Page 101</p>	<p>1 this: there was in fact no public interest in revealing 2 something that was going to be revealed in Inquiry 3 proceedings four days later?</p> <p>4 <b>A. Can I just set a little bit of context here? The key 5 question that we have followed from Andy Coulson going 6 to the Conservative Party office as director of 7 communications, whatever his title was then, is who knew 8 what when? So who knew what when about Andy Coulson's 9 involvement in phone hacking, we've never really got to 10 the bottom of that.</b></p> <p>11 <b>As of November, a long time back, six months ago, we 12 learned that there was some issue over his financial 13 settlement with News International when he left in the 14 aftermath of the Clive Goodman and Glenn Mulcaire 15 convictions. If that is an ongoing financial 16 relationship, that clearly is a matter of great 17 significance in which the issue of who knew what when, 18 and that is the key question -- now we're getting onto 19 the sharp end of the Leveson Inquiry -- that demands to 20 be answered.</b></p> <p>21 <b>Now, my job as an editor of a newspaper is to put in 22 the public domain the key question that has to be 23 answered in this affair, and that's a key question that 24 has to be answered as we go forward in this, and I think 25 putting that in the public mind before Mr Coulson gives</b></p> <p style="text-align: center;">Page 103</p>
<p>1 <b>Nothing.</b></p> <p>2 LORD JUSTICE LEVESON: Well, we may not entirely agree about 3 that. Anyway, yes, Mr Barr.</p> <p>4 MR BARR: You asserted in your answers to Lord Justice 5 Leveson that the story was in the public interest, and 6 that's a matter which you picked up at paragraph 14 of 7 your witness statement. You say that: 8 "The Independent on Sunday believes its story was in 9 the public interest. We were revealing that Downing 10 Street's communication chief, at a time when News Corp 11 was bidding for BSkyB, it was bound to be a political 12 issue, held shares and so had a financial interest in 13 what the government might decide."</p> <p>14 Let's examine that. You were revealing something, 15 to use your verb, that was going to be made public and 16 which you knew was going to be made public by an 17 independent judge-led Inquiry in four days' time, didn't 18 you?</p> <p>19 <b>A. Yes, I think that's true.</b></p> <p>20 Q. And you knew from the restriction order that 21 Lord Justice Leveson had concluded that there was 22 a public interest in the witness statement and its 23 contents not being divulged --</p> <p>24 <b>A. Which is why we never used any of the witness statement.</b></p> <p>25 Q. There we will have to disagree. But isn't the position</p> <p style="text-align: center;">Page 102</p>	<p>1 <b>evidence is perfectly defensible journalism.</b></p> <p>2 Q. It misses a point, doesn't it, that answer, because 3 you're right that the issue is a matter of public 4 interest, but it's not in the public interest to publish 5 it four days earlier than it's going to come out in 6 a proper and orderly way in a public Inquiry?</p> <p>7 <b>A. I don't know what was going to come out in the Inquiry 8 and I don't know how you conduct the Inquiry. I can 9 only speak for the people I edit and we have followed 10 this story, probably behind the Guardian only, for five 11 years and it's quite important to our readers.</b></p> <p>12 Q. That's nonsense as well, isn't it, because you knew full 13 well that the Inquiry was dealing with the shareholding 14 issue because it was in the witness statement?</p> <p>15 <b>A. But I don't know how you're going to deal with the 16 shareholding issue.</b></p> <p>17 LORD JUSTICE LEVESON: You knew the statement was going to 18 be published, didn't you? Because we've published every 19 single statement.</p> <p>20 <b>A. Yes, of course.</b></p> <p>21 LORD JUSTICE LEVESON: We can dance around the topic, 22 Mr Mullin. Let me asks you this question, if you don't 23 mind. Do you understand why I might be concerned about 24 this order of events?</p> <p>25 <b>A. Yes, I fully understand that. Of course I do.</b></p> <p style="text-align: center;">Page 104</p>

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<p>1 LORD JUSTICE LEVESON: You see, it might be said that for 2 you, the scoop was just too irresistible. Would that be 3 fair?</p> <p>4 <b>A. No, I don't think so. I think if we had been that 5 excited about it, we might have put it on the front 6 page. I mean, it's a very good story and it puts in the 7 public mind the key question in the week that Mr Coulson 8 is going to have to give evidence, the key question that 9 has to be answered: who knew what when?</b></p> <p>10 LORD JUSTICE LEVESON: You are right, perhaps you shouldn't 11 have looked at the statement, because then it would all 12 have been very much easier.</p> <p>13 <b>A. I agree with that.</b></p> <p>14 LORD JUSTICE LEVESON: Which actually might be taken as 15 a message to everybody, that it wouldn't be sensible to 16 look at any of these statements unless you're using them 17 for the purpose of the Inquiry, and if that message gets 18 across, at least something will be achieved.</p> <p>19 MR BARR: You make something of an apology at paragraph 17 20 of your witness statement. In the light of our debate, 21 would you like to repeat and possibly amplify that 22 apology?</p> <p>23 <b>A. Certainly. I made a decision ahead of pressing the 24 button on publication on Saturday and I made that 25 decision with the facts and calculations I made at that</b></p> <p style="text-align: center;">Page 105</p>	
<p>1 <b>time. I think with hindsight, and of course hindsight 2 is a wonderful thing, there certainly would have been 3 scope for me to at least have sought some informal 4 guidance from the Inquiry, but I wouldn't want that to 5 be taken as an acceptance that that decision I made on 6 Saturday night was entirely incorrect.</b></p> <p>7 <b>I do apologise for the trouble this has caused the 8 Inquiry and I do apologise for the effort you've had to 9 go to today. It wasn't our intention. We are motivated 10 only by trying to get to the bottom of this issue, as is 11 the Inquiry.</b></p> <p>12 LORD JUSTICE LEVESON: All right.</p> <p>13 MR BARR: Thank you. Those are all my questions.</p> <p>14 LORD JUSTICE LEVESON: Thank you for coming, Mr Mullin. 15 Thank you for responding to the notice when you did. 16 I appreciate that I used the force of law to require you 17 to, so you didn't have much choice but I'm grateful --</p> <p>18 <b>A. Delighted to be here.</b></p> <p>19 LORD JUSTICE LEVESON: I am going to think about what you've 20 said very, very carefully. Thank you very much.</p> <p>21 <b>A. Thank you.</b></p> <p>22 LORD JUSTICE LEVESON: Right. 2 o'clock. 23 (1.00 pm) 24 (The luncheon adjournment) 25</p> <p style="text-align: center;">Page 106</p>	

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