1	Monday, 11 June 2012	1	and journalists have treated politics and politicians in
2	(10.00 am)	2	ways that are designed to keep or have the effect of
3	(Proceedings delayed)	3	keeping the press insulated from criticism, from being
4	(10.15 am)	4	held accountable by anyone, so as to ensure that there
5	LORD JUSTICE LEVESON: I am today handing down rulings in	5	is no political will to challenge their culture,
6	relation to the application made concerning Operation	6	practices or ethics.
7	Motorman and in relation to costs.	7	To be more specific, the purpose of this Inquiry is
8	When this Inquiry was established last July, it was	8	not to challenge the present government or the decisions
9	extremely important that it had the benefit of	9	taken in the recent past, but to look at the much wider
10	cross-party support and it is equally important that it	10	sweep of history across party political boundaries in
11	conducts its work so as not to undermine the basis upon	11	order to discern any patterns of behaviour that could
12	which it was established.	12	not be recognised as fitting with the open, fair and
13	Two weeks ago, the former Prime Minister,	13	transparent decision-making that our democracy requires.
14	Mr Tony Blair, gave evidence. This week, I shall be	14	Inevitably, as I've already explained, the way in
15	hearing from others who are or who have been the leading	15	which the BSkyB bid was addressed is a small but
16	politicians of the day. They come from different	16	significant part of the story. To the extent that there
17	parties, with different political allegiances, and	17	are political questions that Parliament wishes to
18	already there has been demonstrated intense public	18	investigate, I repeat that nothing I say or do is
19	interest in what they will be asked and what they will	19	intended to limit or prevent that investigation from
20	have to say.	20	taking place. I do hope, however, that it will be
21	It is vital to bear in mind that the Inquiry is	21	appreciated that this issue is merely the most recent
22	grounded in the terms of reference announced when it was	22	example of interplay between politicians and the press,
23	set up. These include:	23	and that it will be recognised by everyone that failure
24	"1. To enquire into the culture, practice and	24	to address the impact of press behaviour or the
25	ethics of the press, including (a) contacts and the Page 1	25	consequences of press interests is not confined to one Page 3
1	relationships between national newspapers and	1	government or one political party. For that reason, it
2	politicians and the conduct of each"	2	remains essential that cross party support for this
3	And 2:	3	Inquiry is not jeopardised much.
4	"To make recommendations (b) for how future	4	So far as the terms of reference are concerned, in
5	concerns about press behaviour, media policy, regulation	5	the same way that I recognised in Module 2 that there
6	and cross-media ownership should be dealt with by all	6	are bound to be entirely acceptable social and
7	the relevant authorities, including, among others, the	7	professional relationships between police officers and
8	government; (c) as to the future conduct of relations	8	journalists, so my aim for this module is first to
9	between politicians and the press."	9	recognise that there are entirely appropriate social
10	The present focus is on the press and its	10	relationships between politicians and journalists,
11	relationship with politicians. I am specifically not	11	doubtless borne of friendship and equally entirely
12	concerned and am very keen to avoid inter-party politics	12	appropriate professional relationships between
13	and the politics of personality. I am simply not	13	politicians and journalists as the former seek to
14	interested in either.	14	promote their policies and their message while the
15	Further, however much some might want me to	15	latter seek to ensure that politicians and their
16 17	investigate all manner of issues, I know that all of this week's witnesses are equally keen to ensure that	16 17	policies are held fully and properly to account. Secondly, it is also to recognise the risk that in an
18	- ·	18	-
19	the Inquiry itself remains on its correct track. That track relates not only to the undeniable importance of	19	effort to keep the press onside, supporting promoted policies that are firmly believed to be in the public
20	the role of the press in a democratic society and the	20	interest, rather too much attention may be paid by
21	ways in which the press serve the public interest, but	21	governments to the power that the press can exercise
22	also the privileges that are claimed as a consequence in	22	pursuing its own agenda, particularly where that agenda
23			
24	the way in which that role is fulfilled in practice. It also relates to the other side of the coin, which	23 24	is agreed by the entire press or at least a significant powerful section of it. That might include questions

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the weakest in our society.

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In that regard, I anticipate questions will be asked about the draft criteria for a solution which has been published on the Inquiry website, not to commit any of the party leaders giving evidence but rather to hear their perspective on the problems to be addressed in relation to problems culture, practices and ethics of the press and in relation to any unintended consequences which they have spotted but I may not have considered. Nothing I say shall be taken as expressing any concluded opinion: testing ideas with witnesses is doing no more than testing ideas.

I add only this. It may be more interesting for some to report this Inquiry by reference to the politics of personality or the impact of the evidence on current political issues. That is not my focus, and as ever, I'll be paying attention to the way in which what transpires is in fact reported. This week will not conclude the evidence for Module 3, although we will not be sitting next week, thereafter it is intended to call further witnesses from the media to deal with the relationship between the press and politicians, not least to see if, in their perception, there are issues that need to be resolved and changes made. We will then turn to Module 4, which concerns ways

1 MR DAVIES: It's simply this. We would like to see the

2 questions which those -- which some of the witnesses are

3 answering in the cases where they have not quoted the

4 questions in their witness statements. What has

5 happened is this: most of the witnesses who have given

evidence recently have been responding to Section 21

7 notices from the Tribunal. Most of them have chosen to

8 set out the questions in their witness statements and

9 then to answer them. In one or two cases, I think they

10 have exhibited the Inquiry's notice. In either case,

one can see exactly the question being answered and

relate the answer to the question.

However, there have been a handful of cases where the witnesses have chosen to answer the questions without setting them out or exhibiting them. That is no criticism at all of the witness, but it does make it very difficult for those seeking to understand in detail what their evidence is to reach a full appreciation of

A particular example of this was in fact Mr Blair, whose statement has a heading, "Turning to the particular questions", which then runs on for several pages, but he doesn't set them out and he says things such as, "I do not recognise any of the quotes I have been asked about", so we don't know what they are.

Page 7

forward for the future. During the course of that 1 2 module, I look forward to hearing how the industry has

progressed with the plans that Lord Hunt outlined as

Page 5

4 long ago as 31 January 2012. I also look forward to

5 considering the various other suggestions for the

6 replacement of the PCC that have been submitted in 7

detail to the Inquiry. It was on 17 May that I sought

to provide some assistance for those intending to make

submissions by publishing on the Inquiry website what

are possible or potential draft criteria for an

11 effective regulatory regime -- that is why they are

called draft -- along with some key questions for

13 Module 4, relating to public interest and press ethics.

14 The purpose of doing so has been and remains to 15

encourage everyone to consider the issues that I must

think about and to welcome comments and suggestions.

I repeat that I retain an open mind as to the

future. All ideas will be subject to scrutiny and

I have no doubt will help to inform the conclusions that

I reach and the recommendations that I ultimately make.

Thank you.

22 I'm sorry for the delay in commencing the

23 proceedings.

24 MR DAVIES: Might I raise a point, sir?

25 LORD JUSTICE LEVESON: Yes.

Page 6

LORD JUSTICE LEVESON: All right, I understand that.

2 MR DAVIES: We've been in correspondence with the Inquiry

3 about this and the answer we've received is that

4 correspondence -- the Inquiry's correspondence with

5 witnesses is confidential. Now, it does appear to us

6 that that simply cannot apply in this instance, and

7 given that the vast majority of witnesses have set out

8 the questions their answering, there can't be anything

confidential in the remaining cases.

10 And there arises to a lesser extent but also with

11 Mr Brown, whose evidence we're about to hear, so we

would ask for the questions in those two matters and any

13 others where it arises.

14 LORD JUSTICE LEVESON: All right, thank you.

15 MR CAPLAN: Might I just support that, please.

LORD JUSTICE LEVESON: Yes. 16

17 MR JAY: I'll think about it and come back to you at

18 a convenient moment.

LORD JUSTICE LEVESON: Very good, thank you very much. 19

20 Right.

21 MR JAY: Sir, may I call this morning's witness, the Right

22 Honourable Gordon Brown, please.

23 LORD JUSTICE LEVESON: Thank you very much.

24 MR GORDON BROWN (sworn)

25 Questions by MR JAY

Page 8

2 (Pages 5 to 8)

the 7

1	MR JAY: Mr Brown, your full name, please?
2	A. James Gordon Brown.
3	Q. You've provided us with a witness statement dated 30 May
4	2012. It has the standard statement of truth and you've
5	signed it. Is this your formal evidence to our Inquiry?
6	A. Yes, it is.
7	LORD JUSTICE LEVESON: Mr Brown, thank you very much for
8	work that's obviously gone into the Inquiry. I'm sorry
9	that our start this morning has been slightly delayed.
10	A. It's fine by me. Thank you very much,
11	Lord Justice Leveson.
12	MR JAY: Mr Brown, may we start your general comments, which
13	I'm going to ask you to elaborate. On the bottom of the
14	first page of your statement, our page 14207, you refer
15	to securing the right balance between the freedoms of
16	the media and the privacy of the citizen. Implicit in
17	that is the premise that there is an imbalance at
18	present, but how do you rectify the imbalance without
19	impinging on the freedoms of the media?
20	A. I think the starting point of all this has been the cri
21	de coeur, if you like, the complaint that has been made
22	by a family like the Dowler family, and they would
23	support, I have no doubt, the freedom of the press, but
24	they're worried about the threat that was made to their
25	privacy as individuals, and I think Lord Justice Leveson
	Page 9
1	nut it: who will guard the guardians? was a guestion

he said, "Yes, there is", and the next day the editor of the best-selling daily newspaper in this country arrived wanting an interview about how this man was the greatest statesman in the world, and so that is not, I think, the best way that the press exercises its freedom.

I would defend the right of the press also, even when it gets things wrong, as it does on occasions and in circumstances. I remember when I started off as a Member of Parliament, I was plagued for the first two years with a story in the Times that was then in every one of the cuttings that said -- I was a new MP, of course, I was only in my early 30s. It said I had been born in 1926. It said I was a veteran, a stalwart, and then I was getting letters from pension companies saying that you had entered a new job late in life and were about to retire", and would I want to make provision for that? And the Times had gone into the House of Commons and had a photograph of me at the age of 19 and said that I was 57 years old.

That was an honest mistake. Where I think we have a problem is in two respects. The freedom that the press has has got to be exercised with responsibility. Rights in our society can only come with responsibilities attached to them, and in two very specific areas in Britain today, we have a problem.

Page 11

put it: who will guard the guardians? was a question which he wanted to address. I will say: who will defend the defenceless? We have to provide answers in a situation where we have two freedoms that are competing with each other.

Perhaps I've had some time to reflect on these matters. You might call it a period of enforced reflection courtesy of the British people, but I've had a chance to look at some of these issues, and I would still hold to the view that really came from my religious upbringing, that the media, one of those institutions in society that have not only a right but a duty to speak truth to power, that they should continue to shine a torch on those dark secret recesses of unaccountable power and that, for example, in the great Sunday Times campaign on the thalidomide was proven to be the right thing to do.

I would say that at its best, the media in this country is indeed also the best in the world, and I would defend the right of the media to exercise a freedom, even when there is a political bias.

I was phoned up by a prime minister during the period I was in Number 10 when he was having great trouble with his other colleagues around Europe, and he -- I said, "Is there anything I can do to help?" and Page 10

The first is the conflation of fact and opinion,
which is of course totally against the Press Council
guidelines, and I think we ought to explore that, how
standards in journalism could be upheld in a situation
where there is a tendency for newspapers in particular
to editorialise outside their editorial content.

And the second is the thing is the question that the Dowlers put to us: how can we defend the privacy of a family who at their moment of greatest grief and at a time when they're at their most vulnerable have their privacy invaded by the press in a way that splits the family apart and makes everybody in that family suspicious of each other, and particularly so since it's been done by unlawful means, which include telephone tapping.

You can deal with the legal issues by enforcing the law. I don't think the complaint system has ever worked properly, so I don't think the Dowlers could have expected to get redress from a complaints system, but I think -- and this is where I suppose I part company with some the statements that have been made so far to the Inquiry -- I think there is an issue not just about rooting out the bad and how you discipline and sanction where mistakes are made that are injurious to family life. I think we have to have some means by which we Page 12

- 1 incentivise the good as well. In other words, if the
- 2 standard of journalism declines, and I think there is an
- 3 issue in the Internet age about declining standards, we
- 4 must have a means by which we incentivise the good.
- 5 Q. Thank you. You mention freedom with responsibility, you
- 6 mentioned it in your witness statement as well. How
- 7 does one instill or ferment the necessary cultural
- 8 change in the press to create that responsibility?

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A. I think in the first case it is a matter for the press.
 I think it's a matter about -- of upholding standards of journalism.

I was -- funnily enough when I was very young, editor of my student newspaper at Edinburgh University and it was successful, we had as rector of our university at that time Kenneth Allsop, who was one of the greatest journalists, I think, of that period, and I used to debate with him this issue about the responsibility of the press and I'd rely on him because he influenced my judgments very much on this issue. And he said very clearly that the press had to exercise its judgment about what it published, how it framed its coverage but also how it conflated fact or opinion or avoided doing so with responsibility. I don't think we do enough to encourage the good.

If I can say what I think the problem is -- and it Page 13 from the ordinary news media to the Internet, and the question arises then: who is going to sponsor, who is

3 going to pay for, who is going to be the person that

4 underpins quality journalism? And I believe therefore

that we have to look not only at mechanisms by which we deal with abuses in the press, we have to look at

7 mechanisms by which we can enhance and incentivise good

8 standards.

9 The BBC found a way to do it in the 1940s when they 10 introduced the licence fee. Perhaps that licence fee 11 should be available for the internet and for 12 publications that go beyond broadcasting. I think 13 there's a huge debate to be had, but you cannot ignore 14 a fact that the holder for the coverage of news now is 15 intimately related to the development of the Internet, 16 and if standards are not there on the Internet, then the 17 print media can rightfully say that they're being asked 18 to observe standards that in no circumstances are being 19 applied to the Internet. So the issue, I think, is 20 a new one, and it's one that we have to deal with the 21 transformation of the technology that is now available 22 to us and the information flow that is absolutely 23 massive for the ordinary member of the public.

Q. You refer to the conflation of news and comment.

25 A. Yes.

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may be that we're dealing in some cases with the problems of yesterday and not the problems of tomorrow -- we are now in an Internet age, there's a massive flow of information available to everyone. I think it's true that in the 1930s, the BBC would have its news coverage and some days it would say, "There is no news to report today". Can you imagine a situation in 2012 in a 24-hours news, 7-day-a-week media where something like that could be said?

We're about to see a flood of information on to the internet. We're moving from the ordinary web to the semantic web, from the web of linked files to what is called the web of linked data. So the amount of information on the internet is going to increase exponentially, the amount of information about you and me, the amount of information about people is going to increase exponentially.

There is a zero cost for publication in the Internet. I can become a publisher overnight at almost zero cost. There is a new citizen journalism that is developing. We have all these things that are happening, and that is putting pressure on the quality of ordinary journalism because the advertising and business model of today's newspapers, today's print media, is being shot through as advertising gravitates

Page 14

1 Q. And you rightly refer to clause 1 of the code which

2 directly addresses that, but how in practical terms

3 would you, if one wished to, segregate news and comment

4 so they fall into clear compartments?

A. We've gone into the practice, have we not, of
 editorialising outside the ordinary editorial. We used
 to talk about the editorial as the chance for the
 newspaper to reflect its views.

Perhaps I could illustrate this best by giving you an example of what happened during the period of government. Perhaps it's good -- you could take a number of examples, but perhaps I could take one that is controversial: the coverage of Afghanistan.

During the period I was Prime Minister, we had incredibly difficult decisions to make. This is a country of 35 million people, 135,000 troops at the maximum. You have nothing like the coverage that you have, for example, in Kosovo or East Timor, where you had 1 in 50, a peace-maker for every 50 people in Kosovo, and therefore you're dealing with a very complex set of circumstances in a country that has never been subject to effective law and order, and at a time when an army of occupation is -- that started as an army of liberation is becoming an army of occupation, and you're making very difficult and complex decisions about how

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you deal with these problems, and so we increased the number of troops from 4,900 to 9,500. We increased the money spent on Afghanistan six fold, from 600 million to 3.5 billion. The chief of the defence staff said that these were the most effective defence forces that we had ever had, given the resources we were putting into them.

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You could have an honest debate about whether we made policy mistakes. You could have, in fact, a very effective debate about what was the right judgment about troop numbers and everything else. We happened to have the biggest troop numbers of any country apart from America.

But what, I think, one newspaper in particular decided to do -- and this is my point by way of illustration -- is it didn't want to take on the difficult issues so it reduced their opinion that we were doing something wrong to a view that was an editorialising position that we simply didn't care. So the whole weight of their coverage was not what we had done and whether we had done the right thing; it was that I personally did not care about our troops in Afghanistan. And that's where you conflate fact and opinion, and when you descend into sensationalism, you make it not an issue about honest mistakes or matters of judgment, but about evil intentions.

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So you can laugh about it now, and I do laugh about it sometimes. If you pick up a newspaper and you find that you've failed to bow at the cenotaph and then the quote is: "That is an example of how he doesn't care about our troops in Afghanistan", first of all, that isn't true, and secondly that's not the conclusion that should have been drawn.

You have then a story before that that you fell asleep during the service of remembrance, but you were actually praying and you were bowing your head, and one newspaper decides -- and this was the Sun and I will name it -- this is an example of someone falling asleep and dishonouring the troops and again, you don't care.

You then have a letter which you send to someone on which is a mark of respect to someone who is deceased and you are told that you have 25 misprints and then a handwriting expert appears to say this shows as lack of empathy and it goes on and on and on, and that is the

So here is a difficult issue that the press really, in the interests of the British public, have to treat seriously. There are very few war correspondents in Afghanistan actually reporting what is happening on the ground. All the reporting in these newspapers is being done from Westminster, and the issue is not the facts of

Page 18

what is happening or even an honest disagreement. That 2 is the tragedy of all. The issue is reduced to: "This 3 person doesn't care."

Now, that is where I find -- you see, if the media only had a political view and said, "We are Conservative", you could accept that because that's in their editorials and that's part of freedom of speech, but to use the political view to then conflate fact and opinion -- of course that's the opposite of the press rules -- and at the same time to sensationalise, to trivialise and in a sense to demonise, it's what Professor Onora O'Neill, who I think gave the Reith lectures in the early years of the century talked about as a licence to deceive, and I think that is where the danger arises. It's too easy, following, of course, the citizen journalism of the Internet, where there is unresearched items, where people put their views very fiercely, where you have right wing and left wing bloggers, then to sensationalise in the print media, to distort fact and opinion and mix them together, and then, of course, to make it an issue not of policy difference but an issue of motive, an issue of intentions, an issue of character, an issue of personality, an issue of evil practice, and I think that's where the press has failed our country and Page 19

1 I think on this particular issue of Afghanistan --2 I could give you an example from the economic crisis

3 or what was called Broken Britain, I could give you 4 examples, but this conflation of fact and opinion and 5 the way it is done is very damaging to the reputation of

the media and I find it done differently in other

6 7 countries.

8 Q. Okay. Mr Blair's "feral beast" speech, which was on 9 12 June 2007, days before he left and you took over.

10 Did you agreement with the sentiments he expressed in 11 that speech?

12 A. I think Tony was saying exactly what I'm saying today,

13 that this issue of fact conflated with opinion -- I've 14 never used these words, nor would I, and I think my

15 sentiment about the importance of the press has been

16 expressed in my earlier remarks to you, that we both

17 need a free press and should support and try to defend

18 and uphold the best of standards in a free press, but

19 I think his remarks were exactly what I'm saying, that

20 if you set out to editorialise beyond your editorial

21 column, if you conflate fact and opinion and put it on

22 the front page of your newspaper, if you then 23

sensationalise it by alleging that the opinion is not 24 about the policy that you're supposed to be discussing

but about the person that you are now attacking, then

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I do note on Afghanistan that -- and this is what makes me very sad indeed -- I'm afraid that half the country is falling into the hands of the Taliban. I'm afraid that, as we reduce troops, we're just handing over power not to the Afghan army but to the Taliban, but the very newspaper that wanted to make the issue were we doing enough for our troops, has been virtually silent since the day of the General Election in 2010, and I have to conclude, as Mr Blair concluded, that these were not campaigns that were related to objective journalism exposing the facts. These, unfortunately, were campaigns that were designed to cause discomfort to people who were politically unacceptable.

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- Q. Okay. What's your analysis, Mr Brown, for the failure
 to address this issue, the fusion of fact and comment,
 the "feral beast" issue, put it as one wills, between
 1997 and 2010?
- A. Tony gave evidence as few days ago, and he rightly said
 that a decision was made that there would be no
 manifesto commitment to reform of the media.

When I came in in 2007, we had no mandate in our manifesto to propose reform of the media. I did want to make a change, and I did try to move away from what I thought was the excessive dominance of what is called

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it's this small group of insiders who get the benefit of early access to information, and I think that is one of the problems that prevents the greater openness that we have to see.

Yes, we should have made changes a lot earlier, and yes, the changes that eventually we tried to make we didn't make successfully, I'm afraid, because there was a huge resistance to them, and to be honest, if you announce something in Parliament or announced it in a speech, it was not being reported. Unless it had been given as an exclusive to a newspaper, they tended to put it on page 6, rather than page 1.

- Q. Wasn't part of the reason for the inaction simply this, that until September 2009, your government had the support of the Sun, or certainly didn't expressly not have the support of the Sun and therefore the political will did not exist to take on the feral beasts?
 - A. I think that's a completely wrong impression about what was happening. I don't see us having the support the Sun for almost all the time that I was Prime Minister.

 You have to remember that when I started off as

Prime Minister, the first thing the Sun did was try to ruin my first party conference but launching their huge campaign about how we were selling Britain down the river and demanding not only a European referendum but

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the lobby system, and what really has led to these allegations of spin -- by the way, spin assumes that you got success in getting your message across, even if it's superficial and I don't think anybody could accuse me of having a great success in getting my message across. But I tried to move away from that.

One, we moved from having a political chief of communications to having a civil servant doing the job. That was to send the message that we were not trying to politicise government information; we were trying to give the information that was necessary for the public to understand what was happening.

We then tried to move back to a system where announcements were made in Parliament. They were not pre-briefed, they were made in Parliament, and therefore that moved away from a system where, to be honest, there were a selected group of people who previously could expect to get early access to information, and I think that's been a problem with the way the media system has worked, but I'm afraid it was wholly unsuccessful, and I see that the current government have moved back to having a political appointee as -- originally, of course, Mr Coulson as the head of the communications operation, and the lobby system remains intact.

It's not the lobby system per se that's the problem,

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demanding that I support it. Then they ran, I think,
a huge campaign on Broken Britain, which was taken up by
the Conservative Party but was simply an attack on the

government. So at no point in these three years that
 I was Prime Minister did I ever feel I had the support

of the Sun.

I think what really changed, however, and I have to be honest about this, is when News International decided that their commercial interests came first, and I have to be absolutely clear about that, and I've submitted a note to you about that. There was a point in 2008 and 2009 where, particularly with James Murdoch's speech in Edinburgh at the MacTaggart lecture when he set out an agenda, which to me was quite breathtaking in its arrogance and its ambition, and that was to neuter the BBC, it was to undermine Ofcom, the regulator, and it was a whole series of policy aims, which I've itemised for you in evidence I've given you, which no government that I was involved in could ever agree to. So the BBC licence fee was to be cut, they were to be taken out of much of the work on the Internet, their commercial activities were to be reduced, Ofcom was to be neutered, the listing of sporting occasions was to benefit

News International, product placement was to be allowed.

A whole series of issues. The impartiality of news

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coverage should be removed as a requirement on the need, and it should be like Fox News and not Sky News. The remarkable thing about this period in government -- and I say this with regret, and I say this with a great deal of sadness -- is that we could not go along with that sort of agenda. We could not go along with the neutering of Ofcom or the BBC seeing its licence fee cut in real terms -- as I think has happened now by something in the order of 15 per cent by 2016, plus a whole series of other responsibilities put on them -- nor could we see a case for the BBC being taken out of much of its work on the Internet because that's a valuable media service for the future, but while we resisted that and were not supported, on each and every one of these issues, I'm afraid to say -- and I think this is an issue of public policy -- the Conservative Party supported every one of the recommendations that were made by the Murdoch group.

- Q. There's possibly the slight danger there, Mr Brown, of
 straying away from the ambit of the question.
- 21 A. I want to make the point, Mr Jay, if I may --
- 22 Q. I was going to come to?
- A. -- it was suggested that somehow relations with the Sun
 newspaper or with Mr Murdoch broke down because he
- 25 decided that he wanted to support the Conservative

Page 25

unnecessarily, but I hope you will see the value of the
 example, in the same way as I apologised to those who
 complained about press intrusion last November when they

I don't want to cause you or your family any distress

gave evidence, because I do think it's an important part

6 of the story.

A. I'm very grateful to you, Lord Justice Leveson. I have never sought to bring my children into the public domain, but I do think if we don't learn the lessons from this, we'll continue to make mistakes.

In 2006, the Sun claimed that they had a story from a man in the street who happened to be the father of someone who suffered from cystic fibrosis. I never believed that could be correct. At best, he could only have been the middleman, because there were only a few people, medical people, who knew that our son had this condition.

In fact, for the first three months that our son was alive, I just have to say to you, we didn't know, because there were tests being done all the time to decide whether this was indeed his condition or not, and only by that time, just before the Sun appeared with this information, had the medical experts told us that there was no other diagnosis that they could give than that this was the case. So only a few people knew this.

Page 27

Party. I want to suggest to you that the commercial interests of News International were very clear long.

2 interests of News International were very clear long

3 before that and they had support from the Conservative

4 Party.

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Q. May I move off the general comments now, Mr Brown, onto
 your own experience, which is page 14214, or page 8 on
 the internal numbering of your statement. Can I go back
 to 2006 and the story in relation to your younger son in
 the Sun newspaper.

May we start off, please, by establishing the facts as you know them to be in relation to this story. In particular, do you know the Sun newspaper's source for that story?

A. This is very difficult for me, if I may say so, because
I've never chosen and never wanted my son or my sons and
my daughter ever to have been across the media. I do
think there is an issue -- and I hope that you will
address this -- about the rights of children to be free

from unfair coverage in media publications. But because this issue was raised and became an issue for me. I've

this issue was raised and became an issue for me, I've

had to look at what actually happened at the time and

it's only, in a sense, latterly that the facts that
 I think are necessary to a fair examination of the

I think are necessary to a fair examination of this have

24 become available.

25 LORD JUSTICE LEVESON: Mr Brown, let me make it clear, Page 26

1 I have submitted to you a letter from Fife Health 2 Board which makes -- the National Health Service in 3 Fife, that is -- which makes it clear that they have 4 apologised to us because they now believe it highly 5 likely that there was unauthorised information given by 6 a medical or working member of the NHS staff that 7 allowed the Sun, in the end, through this middleman, to 8 publish this story.

Now, whether medical information should ever be hounded out without the authorisation of a parent or of a doctor through the willingness of a parent is one issue that I think it addressed, and I know the Press Complaints Commission code is very clear, that there are only exceptional circumstances in which a child's -- or information about a child should be broadcast, and I don't believe that this was one of them.

I find it sad that even now, in 2012, members of the News International staff are coming to this Inquiry and maintaining this fiction that a story that could only have been achieved or obtained through medical information or through me or my wife leaking it -- which we never did, of course -- was obtained in another way. I think we cannot learn the lessons of what has happened with the media unless there is some honesty about what actually happened and whether payment was made and Page 28

that we can sensibly say that we've dealt with some of the abuses that are problematical for us. I would say this about any child. I don't think any child's medical information, particularly at four months, has any interest for the public and should be broadcast to the public. MR JAY: Could you tell us, please, Mr Brown, the circumstances in which you or your wife were told that the Sun had this story and were minded to print it?

whether this is a practice that could continue, and if

we don't root out this kind of practice, I don't think

A. I think again, if I can be very specific about this, because it is something that I believe you've been given information in this Inquiry that is not strictly correct. Our press office was phoned by a journalist from the Sun and said that they had this story about our son's condition and they were going to publish it. I was then contacted. I was engaged in the pre-budget report. I immediately, of course, phoned my wife, Sarah, and we had to make a decision. If this was going to be published, what should happen? We wanted to minimise the damage, to limit the impact of this, and therefore we said that if this story was to be published, then we wanted a statement that went to everyone that was an end to this, and there would be no

choice that we are told we made, to give explicit permission for that to happen.

So there was no question ever of explicit permission, and I think if my son were to read, at a later stage, on the Internet that his mother or I had given permission that all his medical information or medical knowledge should be broadcast in a newspaper, he would be shocked at our failure as parents. So I just cannot accept, as a parent, that we would ever put ourselves in a position where we gave explicit permission for medical knowledge about our son to be broadcast to the press.

We had, I'm afraid, had previous experience of this when our daughter died, and we were very aware that this was a problem, but when you're presented with a fait accompli, there's nothing you can do other than to try to limit and minimise the damage.

I may say we had not told relatives about this. This is a hereditary condition and therefore there were some relatives who actually were directly affected by it and we had to tell them. So there was no question of us being willing or complicit or anxious or, as one of your core participants has said this morning, desiring that this information be made public. No question about that at all. You could never imagine a situation.

Page 31

further statements, no days and days and days of talking about the condition of our son.

Page 29

Unfortunately, this was unacceptable to the Sun newspaper. The editor phoned our press office and said that this was not the way that we should go about this, and to be honest, if we continued to insist that we were going to make a general statement, the Sun wouldn't, in future, give us any chance of advance information on any other story that they would do.

It was at that time that the editor of the Sun phoned my wife, whose aim then, having accepted that this was a fait accompli -- there was no thought that the Press Complaints Commission could help us on this. I think we were in a different world then. Nobody ever expected that the Press Complaints Commission would act to give us any help on this, and we were presented with a fait accompli, I'm afraid. There was no question of us giving permission for this. There was no question of implicit or explicit permission.

I ask you: if any mother or any father was presented with a choice as to whether a four-month old son's medical condition, your child's medical condition, should be broadcast on the front page of a tabloid newspaper and you had a choice in this matter -- I don't think there's any parent in the land would have made the Page 30

If people are able to say, in the aftermath of something like this, that they've had explicit permission when they haven't, and they can claim ex post facto that permission was given when there's no evidence that there was, then this practice will go on and on and on and children's information and information about people will go into the public arena with this idea that you can claim afterwards that you had explicit permission for something you never had permission for.

I think this is important because we have to learn lessons from this, and I think there are more general lessons to be learned, but surely the rights of children must come first.

Q. Thank you, Mr Brown. Another core participant has
required me to put some questions to you, of which
I know you have advance notice. I might just run
through them.

Mrs Brooks has stated on oath that the Sun had consent from your wife to run the story in November 20 2006. Do you deny that consent was given?

A. Absolutely. My wife has issued a statement to that effect.

Q. If no consent was given, you and your wife must have
 been extremely upset and angry. If so, why was no
 complaint made by either yourself or your wife

until June 2011?

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2 A. That's not correct at all. Again, I think the 3 trivialisation of this is really unfortunate.

> When we found out that this had happened -- and we had had our previous experience, when information, medical information about our daughter, had been made public before she died -- we thought the only way to deal with this was to get the Press Complaints Commission in this case, but through the editors of the major newspapers, to reach an agreement that they would not publish information or photograph our children.

Before I became Prime Minister, I set in motion, and Sarah and I set in motion, this procedure that we would ask the editors of all the newspapers. We felt this was a structural problem. It wasn't simply a problem associated with only one newspaper. We wanted them to agree that our children would not be covered while they were at nursery school and primary school. They're very young, as you may know.

We didn't want our children to grow up thinking that they were somehow minor celebrities. We'd seen the effect of this in other countries. We wanted our children to grow up just as ordinary young kids that went to school with everybody else and were treated just like everybody else. So it was important to us that we Page 33

1 in the White Ribbon Alliance and in the campaign to cut

2 maternal deaths, the maternal mortality campaign, which

was incredibly successful in cutting maternal mortality

4 by 30 per cent. And it was Wendi Murdoch -- and I think

5 it was her 40th birthday as well -- and Sarah that had

6 campaigned together on this maternal mortality campaign.

7 So my wife's charity work is something that she was

8 engaged in quite separately from my political work. As

9 far as I was concerned, I couldn't allow what had

10 happened to me to become a huge issue when I had a job 11

to do.

12 Q. Are you aware that your wife wrote Mrs Brooks a number 13 of personal notes and letters between 2006 and 2010 in 14 which she expressed her gratitude for "the support given

15 to us"?

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16 A. Well, I think my wife, as I said, is a person who is 17 forgiving and would be kind to people irrespective of 18 what had happened in this particular incident, and 19 I don't think that that is evidence that we gave 20 explicit permission for a story to appear in the Sun.

Q. The last question, if I can turn to you: the records show that there are 13 meetings between you or your wife after Mrs Brooks had caused the article to be published

24 in November 2006. Why did you have those meetings? 25

A. Well, I'm not sure that there were 30, but I think that Page 35

had this agreement with the press, but that is how we went about changing the way things had been done, and to be fair to the media -- and I say this in my written evidence, that we did have only two incidents where this was breached. So it was possible, after this, to hold a voluntary agreement, but the idea that we did nothing after this incident is quite wrong, and I'm afraid it's offensive. We took action to deal with it in the best way we could without any fuss and without any noise, but to get an agreement that children would not be covered in this way, and I hope it is of help to others in similar positions.

Q. Thank you. Why did your wife in particular remain good friends with Mrs Brooks, to the extent of arranging a 40th birthday party at Chequers for her in June 2008, attending her birthday party in 2008 and Mrs Brooks' wedding in June 2009, if what you say is correct? A. I think Sarah is one of the most forgiving people

I know, and I think she finds the good in everyone. Look, we had to accept that this had happened, and we had to get on the with job of doing what people expected a politician to do, to run a government. My wife had a massive amount of charity work that she was engaged in, and in fact, if I'm being accurate, I think it was Wendi Murdoch, Mrs Murdoch's wife, who joined her Page 34

1 we had regular meetings -- what is the role of

2 a politician, particularly someone who is

3 a prime minister? You have a duty to explain. You have

4 to engage with the media. They are a medium by which

5 the concerns of the nation are expressed. We were

6 a country at war in Afghanistan, and before that, in

7 Iraq, at the time I was Prime Minister. We were

8 a country that faced a grave economic crisis. I would

9 have been failing in my duty if I had not tried -- and

10 I've listed all the meetings with the Telegraph, with

11 the Mail. They're hardly Labour supporters, are they,

12 and hardly people that actually did a huge amount to

13 promote my premiership? I met them all to try to

14 explain because I believed I had a duty to try to build

15 a consensus in this country about how we approached what

16 was the most difficult problem that took, after the

17 global economic crisis, most of my time, Afghanistan,

18 and how we approached the economic crisis.

19 I think people would be criticising me if I had 20 failed to talk to the media and failed to engage with 21 them, but I may say to you: there was a red line in 22 everything I ever did, and there was a line in the sand 23 across which I could never cross. If there was any 24 question that a vested interest was trying to promote

something that was against the public interest, then

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1 I could have nothing to do with that, and I think you 2 can serve up dinner but vou don't need to serve up BSkvB 3 as part of the dinner. You have to have a clear 4 dividing line between what you do in politics, and for 5 me there was never a point -- we had issues related to 6 the takeover or attempted takeover of ITV. We had --7 News International were very annoyed about what was 8 happening in Ofcom to sporting rights. We had other 9 news media concerned about different things. The BBC, 10 of course, was concerned about the licence fee. 11

But at no point in my premiership would I ever allow a commercial interest to override the public interest, and I've looked at all the records of what happened, including the records of our ministers in this matter, and we would never allow the public interest to be subjugated to the commercial or vested interests of any one company.

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- 18 Q. Did you sense, though, in your dealings with 19 News International, that they were trying to persuade 20 you to pursue media policies which were favourable to their interests but contrary to the public interest?
- 21 22 A. News International had a public agenda. What's 23 remarkable about what happened in the period of 2009 and 24 2010 is that News International moved from being --25 I think it was under James Murdoch's influence, not so Page 37

perceived her to be a powerful women and it would have 2 been against your interest to have taken her on?

3 A. I don't think I had a conversation with Mrs Brooks in 4 the last -- I think I had one conversation in the last 5 nine months of our government.

It became very clear in the summer of 2009, when Mr Murdoch junior gave the MacTaggart lecture, that News International had a highly politicised agenda for changes that were in the media policy of this country, and there seemed to me very little point in talking to them about this.

- Q. Okay. Page 9 of your statement -- we're just going to note this, Mr Brown. This is our page 14215. You identify a number of breaches of your privacy, whether assaults, as it were, on your build society account, the national police computer was entered to check your name on police files, blagging, et cetera. We've heard evidence in relation to a lot of that already, but you formally draw this to our attention.
- 20 A. Yes. Let me say, politicians must expect scrutiny. 21 I have no doubt that the level of scrutiny that is going 22 to happen in a modern technology age is going to be 23 very, very great indeed.

I think the question is whether you can justify what you might call fishing expeditions, based on nothing Page 39

much Rupert Murdoch's influence, if I may say so -- to having an aggressive public agenda. They wanted not just to buy BSkyB, of course; they wanted to change the whole nature of the BBC. They wanted to change Ofcom, they wanted to change the media impartiality rules, they wanted to change the way we dealt with advertising so that there was more rights for the media company to gain advertisers. They wanted to open up sporting events so that Sky could bid for them in a way that -- they were perfectly entitled to put this agenda. That was the agenda they were putting publicly. I think what became a problem for us was that on every one of these single issues, the Conservative Party went along with the policy, whereas we were trying to defend what I believe was the public interest.

Q. So is this the gist of your evidence: that the agenda they pursued was done publicly but not privately?

A. I think their agenda was very public, and I don't think that they should be criticised for having a view about events. I think, however, it is the duty of the political system to distinguish between what's a vested interest and what's a public interest. I did so, and I think we did so at a cost.

23 24 Q. Was not part of your reason, Mr Brown, for continuing to 25 have dealings with Mrs Brooks that you correctly Page 38

1 other than a political desire to embarrass someone, and 2 I think the evidence that I give you is in relation to 3 fishing expeditions where newspapers --4

Look, if you take everything that is personal about your life -- your bank or building society account, your medical records, your tax affairs, your lawyer and what he -- his legal records, your accountant -- in every area during the period that I was chancellor, there was either a break-in or a breach of these records. In most cases, I can show now that that happened because of an intrusion by the media.

Now, I have been the first to say that there is a public interest defence if people are looking for information where they feel that there's a crime being committed and that the police or someone else is not investigating it, or where there's a security issue that is vital to the safety of the country and it's not being properly looked into, or, as the Press Complaints Commission rules themselves say, where there is an individual who is lying and who is deceiving. But I look at these instances, and I give you one as an example. I just give it to you. I was accused of buying a flat in an under-the-counter sale by a Sunday Times Insight team. They suggested that I'd bought this flat and it hadn't appeared on the open Page 40

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market and I got it at a knock-down price, and they would not accept that -- the starting point of any investigation was something that they would not acknowledge, that this very flat that I was supposed to have bought in an under-the-counter sale had first of all been advertised in the Sunday Times itself.

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We had impersonating me to get bank information, we had blagging by lawyers, we had what's called reverse engineering of telephone. Someone sent me a tape which I passed on to the police, where the Sunday Times Insight team reporters are talking about how they're going to use these -- what I think are underhanded, perhaps unlawful techniques and tactics. But there was no public justification for this because there was no wrongdoing, and even now, I'm afraid the editor of the Sunday Times has come to your Inquiry and said that he had evidence of something that he was never able to prove and there was no public interest justification for the intrusion and the impersonation and the breaking into the records.

I accept a huge amount has to be tolerated in the interests of a politics that is free of corruption, but I don't think a newspaper, when it resorts to these tactics and then finds that there's nothing to report, should hold to a story which they know patently to be Page 41

1 limited, with the Guardian. Mr Harding of the Times.

2 One meeting with Mr Hinton, one with the Lebedevs.

It's a full range, really. Would you agree?

4 A. Yes. I tried my best to meet everyone. I think

5 probably -- yes, I met everyone where I could, and I did

it sometimes at events that they had organised,

7 sometimes at events that we organised, but I did it as

8 regularly as I could. Not, I may say, with a great deal

of success.

10 Q. In relation to the Murdochs, on the internal numbering of this document on the top right, page 12, we see that

12 there are only two relevant meetings with

13 Mr James Murdoch. The last was on 19 January 2009. Do

14 you see that? And then there's a list of your meetings

15 with Mr Rupert Murdoch.

16 You've put in a revised schedule quite recently,

17 which --

18 A. I did so, if I may say so, because the Cabinet Office 19 gave me the information, and I gave you what information

20 they'd given me originally and I now give you the

21 information they've given me subsequently. So that --

22 if there has been --

23 Q. We will publish the revised schedule. It removes the 24 meeting of 5 October 2007 which you say didn't take 25

place.

Page 43

absolutely wrong. If you can laugh at it now, that they were claiming something that actually was advertised in their own paper was not correct, we have lessons to learn from that.

It's about freedom being exercised with responsibility and where irresponsibility is the way that freedom is exercised, it casts a doubt on the motives of the media.

Q. May we look now at your exhibit GB3, which is a list of your meetings with the media between 2007 and 2010. It's under tab 5 of the bundle we've prepared. Just so

we get the flavour of this.

A. It's -- it was a duty of office, if I may say so. If I had not met media owners and editors, I would be failing in my duty. We had to explain to them what was basically two huge national issues, and the reason that calls are greater in some parts than others is because Afghanistan and the economic crisis were bigger issues at the time.

20 Q. We can see the range of people you were seeing, 21 Mr Brown. The Barclays at the Telegraph on the first 22 page, Mr Paul Dacre on the second page. Quite a few

23 interactions with him, mainly over breakfast. We'll be 24 coming back to that. Mr Dan Cone(?) of the Telegraph,

25 the editor of the Telegraph, them some meetings, quite

Page 42

1 According to exhibit KRM 27, the exhibits to

Mr Rupert Murdoch's witness statement, there was

3 a meeting on 6 October. I thought there was also

4 a phone call on 4 October, but that may not be right.

5 No, his meetings start on 6 October so there's nothing 6

for 4 October.

7 If we can deal with one point which was floated in 8 evidence. This relates to the snap election, if you

9 recall that, in 2007. An interview was pre-recorded by

10 Andrew Marr with you on Saturday, 6 October. We know

11 that there was dinner at Chequers with Mr Murdoch and

12 his wife and others on the evening of 6 October 2007.

13 A. That's right. I think there was a misunderstanding, 14 that people thought that I'd met Mr Murdoch and then 15 done an interview with Mr Marr, and that somehow that

16 would have influenced what I said to Mr Marr. In fact,

17 I did the interview with Mr Marr and was very careful to

18 do it before I had any meetings. I spoke to Mr Marr, 19 did the interview, it was recorded the day before, so

20 when I went for dinner with Mr Murdoch later on, I'd

21 already recorded everything I was going to say about

22 these issues and he had no influence on that interview

23 or any decision I made, and he wasn't consulted about

24 it, nor should he have been, nor, to be fair to him,

25 would he have expected to have been.

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- 1 Q. I think there's also a correction of the dinner with
- 2 President Bush was 15 June, not 15 August 2008. There
- 3 are a couple of other meetings which you've added to
- 4 your schedule but I don't think much turns on those.
- 5 We'll publish the revised schedule in due course,
- 6 Mr Brown.
- 7 A. Okay.
- Q. There's also a list of phone calls at GB3B, which we'llcome to in a short moment.
- In relation to Mr Rupert Murdoch, Lord Mandelson has told us that relations were closer than was wise, and he included you within that statement. Do you agree with
- 13 him?
- 14 A. No, I don't, actually, and I'm sorry, because I think
- 15 Mr Mandelson is perceptive about events normally.
- 16 I think -- I obviously came from a Scottish
- 17 Presbyterian background. Mr Murdoch himself was the
- 18 grandson of a Scottish Presbyterian minister. I always
- 19 found it interesting that his grandfather had gone out
- 20 to Australia and immediately been put into prison
- 21 because he had defended church against state, so the
- 22 same Presbyterian interest in the freedom of conscience
- and the, if you like, speaking truth to power was
- 24 I think very much part of what Rupert Murdoch's view of
- 25 the media was.

Page 45

- But I think you have to distinguish again between
- 2 the views that you have about him as an individual and
- 3 the red line that I would draw, the line in the sand
- 4 I talked about, between that and any support for
- 5 commercial interests.
- 6 Q. But Lord Mandelson, when stating that relations were
- 7 closer than was wise, also made it clear that neither
- 8 Mr Blair nor you crossed that line, so I think his point
- 9 was more about perception than the reality. On that
- 10 basis, do you accept his observation?
- 11 A. No, because the implication is that I would be
 - influenced by what Mr Murdoch was saying about these big
- issues. I mean, I thought that it was wrong to join the
- euro and I think we'll come back to that when you talk
- about some of the issues relating to the media later,
- but I didn't agree with him on most of these other
- 17 issues, and the idea that Mr Murdoch and I had a common
- 18 **bond in policy is, I'm afraid, not correct. Mr Murdoch**
- was probably more on the flat tax school of policy than
 - in the school of policy that was identified with what we
- 21 were doing.
- 22 But I don't detract from the respect that I think he
- 23 deserves for having built up a very strong media empire,
 - starting from a view about the importance of a free
- 25 media.

Page 47

- 1 So I understood, I think, quite a lot about his
- 2 Scottish background, but the idea that I was influenced
- 3 in what I did by Mr Rupert Murdoch's views is faintly
- 4 ridiculous, because Mr Murdoch would have, if he had had
- 5 the chance, persuaded us to leave the European Union,
- 6 not just stay out of the euro. He probably would have
- 7 had us at war with France and Germany. He probably
- 8 would have had us as a 51st state of America, and
 - Scotland, of course, which he wants to be independent,
- he would have had as the 52nd state, with probably
- 11 a Republic in Scotland.

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- So the idea that I went along with Mr Murdoch's views is quite ridiculous. Mr Murdoch has very strong views. He's entitled these views. The idea that I was
- 15 following his views is just absolutely nonsense.
- 16 Q. Mr Murdoch himself describes a warm relationship he had
- with you. Is that a fair characterisation?
- A. Yeah, I think the similar background made it interesting because I think I understood where many of his views
- came from, and I do also think he's been, as I said,
- 21 I think, publicly, a very successful businessman, and
- his ability to build up a newspaper and media empire,
- 22 ms domey to build up a newspaper and media empir
- 23 not just in Australia but in two other continents, in
- America and Europe, is something that is not going to be surpassed easily by any other individual.
 - Page 46

- 1 Q. Between 1997 and 2007, were relations closer than was
- 2 wise?
- 3 A. No, I don't think so. I rarely met Mr Murdoch, to be
 - absolutely truthful. I don't think he was in the
- 5 slightest bit interested in what I was doing --
- 6 Q. Yes.
- 7 A. -- and I can't remember many meetings with him at all.
- 8 I don't know if you have a record of these meetings but
 - I think you'll find them few and partner between.
- Q. Speaking more generally of the government of which you
 were part, do you think that government was too close
- than was wise to Mr Murdoch?
- 13 A. I don't think so, but I don't know all the details of
- what was discussed at the time. I had very few dealings
 - with Mr Murdoch and not many dealings with
- 16 News International. They had their own views on issues
- of policy, and they weren't, in many ways, similar to
- 18 **mine.**
- 19 Q. But weren't you aware of policy from the very top, as it
- were, courting, assuaging and persuading the media,
- 21 including, in particular, News International. Was that
- something (a) that you were aware of and (b) that you
- 23 assented to?
- 24 A. My efforts were to persuade every media group that what
- 25 we were doing was serious. Look, we were trying to

- Day 83 am Leveson Inquiry 1 rebuild the National Health Service, improve our 1 exclusivity for some people within the lobby that people 2 2 education system, get more police onto the street, rightly, I think, resent. 3 3 legislate for freedom of information. We had agendas on But when we tried to change it after 2007, we found 4 4 civil liberties, on issues like gay partnerships. All it example impossible to do so, and this openness of 5 these issues, you needed to have an understanding, at 5 culture that we should have really encouraged earlier is 6 least, on the part of the media, and you needed to talk 6 something that I think still eludes us. 7 7 to them. Q. In 1997, did you believe that the support of the Sun 8 8 As for any particular media group, I don't think newspaper was important or not? 9 that I was involved in any sort of way that I would feel 9 A. Well, I wasn't involved in that particular issue. 10 uncomfortable about now with any particular media group 10 I wasn't involved in talks about that, but clearly, if 11 11 at all. you'd been in opposition for what has been 18 years, and 12 12 O. You must have been aware, though, of the pieces in the a newspaper that has previously been Conservative comes 13 13 Sun newspaper in March and April 1997 which we're told to you or is prepared to come to you, that is a bonus, 14 adopted a rhetorical position but not one of substance. 14 that is something that you would welcome. But it's not 15 Didn't those pieces cause you any qualms or distaste at 15 the be all and end all, and it's not something that 16 16 dictates the future of politics in your country, but 17 17 it's an important element of building a coalition for A. Are you talking about the articles about the euro or 18 about Europe? 18 SHCCESS. 19 19 Q. Yes. Q. Going forward 12 years to 2009 --20 A. It's a strange coincidence that I, while supporting the 20 A. Yes. 21 21 idea of a single currency in principle, was always Q. -- were you not concerned at the runes, as it were, the 22 doubtful and dubious about its benefits to Britain in 22 23 practice, so I have found it of no great difficulty to 23 Tory Party? 24 24 me that people were questioning the euro. 25 I think this goes to the heart of what happened 25 Page 49 1 during a period of 13 years of government, that the euro 1 2 2 was a huge, huge issue, because some people argued that 3 3 if Britain did not join the euro then its future was 4 always to be on the periphery of Europe, and that was an 4 5 issue that had to be taken seriously. 5 6 6 I, however, argued that the economics of the euro 7 made it almost impossible that Britain could benefit 7 8 from joining, and we did a whole series of studies in 8 9 detail showing that in fact it may not be of great 9 10 10 benefit to Europe to have the euro. months. 11 Q. Even looking back on this period -- I'm looking now at 11 12 12
 - the period 1997 to 2007 -- do you think that there are any lessons to be learnt from the relationship the Labour government, of which you were a part, fostered with the media, in particular News International? A. Definitely. I hope I'm not misunderstood, because my original point was this: that we accepted too easily a closed culture where it was possible for stories about political events to be told to a few people rather than openly by Parliamentary announcement or by speech, and we should have reformed that system earlier, and the system, I'm afraid, is still waiting to be reformed announcement. It is too closed a system. It relies on too small a number of people. Of course, it has its heart in the lobby system, but it is actually the Page 50
- signs of the Sun moving away from you to support the A. I think that had happened from the time I became Prime Minister. I'll be honest. I think they had Page 51 severe reservations that were expressed in the European campaign, the Broken Britain campaign, their Afghanistan campaign, and I think, as I said, also there was a new agenda that Mr James Murdoch was promoting about the future of the media policy in Britain. So I was not surprised at all when the Sun -- I perhaps was surprised about the way they did it, which was a strange thing to do, but the act of deciding to go with the Conservatives, I think, had been planned over many, many Q. But Lord Mandelson's account in his book was that the shift of support stung you, to use his words, and in the 13 weeks and months that followed, it grated on you more 14 and more. Is that an accurate observation or not? 15 A. No, I don't think so, because I had accepted that --16 I never complained to the Sun about us losing their 17 support. I never phoned them up. I have never asked 18 a newspaper for their support directly and I've never 19 complained when they haven't given us their support. 20 I don't think that you should be dependent on people by 21 begging them to support you in this way, and perhaps 22 it's a failing on my part that I never asked them 23 directly, but I never asked them directly, and I never 24 complained to them directly when they withdrew support 25 from the Labour Party. Page 52

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- 1 Q. I'm not sure that Lord Mandelson is saying that. He's
- 2 making a personal observation, that you were personally
- 3 stung and that's something that --
- 4 A. No, I don't think the word "stung" is correct, because
- 5 I expected it. It was something that you could read for
- 6 months previously. I think the manner in which they did
- 7 it was offensive, but that was their choice, but I don't
- 8 think that I was stung by it at all.
- 9 Q. Many commentators have said, rightly or wrongly, that
- you're someone who is obsessed by the news and therefore
- from that obsession, if correct, more likely to be stung
- by this sort of change of support. Is that a fair
- 13 observation or not?

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- 14 A. Well, you may say I'm so obsessed by the newspapers that
- 15 I barely read them, so -- I have to tell you that that
- 16 is not -- even in Downing Street, I didn't spend a great
- deal of time reading newspapers at all.
- Obviously if you're in a job where you have 24-hour questions about what's going on, you have to be able to
 - answer them, so you have to have someone that's telling
- 21 you: "You have to answer this question and that question
- 22 and that question", but as far as the editorialising of
- 23 the different newspapers, whether it be the Mail, the
- 24 Telegraph or the Sun or whatever, I can tell you
- 25 I didn't spend a great deal of time reading them.

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- 1 LORD JUSTICE LEVESON: Yes. Mr Brown, periodically we give
- 2 the shorthand writer a break.
- 3 A. Thank you very much.
- 4 (11.30 am)
- 5 (A short break)
- 6 (11.39 am)
- 7 MR JAY: Mr Brown, we're onto the issue of a phone call that
- 8 Mr Rupert Murdoch says took place. You'll recall his
 - evidence in relation to that.
- 10 Can we look, please, first of all, at exhibit GB3B,
- which is the last page of tab 4, which is a list of
- telephone calls with Rupert Murdoch.
- 13 A. Yes.

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- 14 Q. Can we understand, first of all, who has compiled this
- list or what is the source of it?
- 16 A. Any call I would have made with someone like
- 17 Rupert Murdoch would go through Downing Street. In
- 18 other words, there was a switchboard at Downing Street
- 19 which would take calls wherever I was in the world and
- 20 would link me up to whoever I wanted to speak to. So
- 21 any calls I had with Rupert Murdoch, or indeed anybody
- 22 else in this list, would have gone through Downing
- 23 Street and it is their list.
- 24 Q. Thank you. Does this list include calls in, as it were,
- as much as calls out?

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- Q. Are we to interpret your evidence then -- and we're
- 2 going to come to a particular event in a moment -- that
- 3 really you received this news in relation to the news
- 4 with complete equanimity?
- 5 A. It was very strange, because I had phoned up the editor
- 6 of the Sun on the afternoon of my conference speech.
- 7 You know, every time I did a conference speech, or did
- 8 a budget, I used to phone the political editors or the
- 9 editors of the newspaper to ask if they had any
- 10 questions arising from your speech, and sometimes they
- 11 had more questions than others. If it was an unpopular
- 12 budget, they would have lots of questions. If it was
- a popular budget, less so, and when it was a conference
- speech, I would phone them up.
 - I phoned the editor of the Sun up that afternoon, as
- 16 I phoned the editor of the Times, of course, that
- afternoon, and he had one or two questions for me about
 Afghanistan, and I think this may be 5 o'clock in the
- 19 afternoon, and he didn't mention at all that the Sun was
- making this decision and it was to be announced in two
- 21 hours. So if the editor of the Sun, you talk to him and
- he doesn't tell you what's happening, there doesn't seem
- 23 to be much point in phoning anyone else at the Sun after
- 24 Cartain point in phoning anyone cise at the
- that. So I just left it.
- 25 MR JAY: Is that a convenient moment?

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- 1 A. Yes. It would include a call that he had placed with
- 2 me, or anybody had placed it me, and a call that I had
- 3 placed to speak to anybody else, and it would include
- 4 calls that were transacted through a mobile phone as
- 5 well as through a fixed line phone, so it would include
- 6 any telephone conversation I had with someone like
- 7 Mr Murdoch.

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- 8 Q. When you were out of London, Mr Brown, was it ever your
 - practice to call out directly to someone, either from
- your mobile phone or perhaps from a hotel phone?
- 11 A. Not someone like Mr Murdoch. I would always go through
- 12 Downing Street because you would always want someone on
- 13 the phone call. You would want to have a record of what
- 14 was being said, and you would want to know exactly the
- 15 time you did the call and everything else. There's no
- question that any phone call could have been made
- 17 without it going through this procedure.
- 18 Q. May I turn that on its head and say that if for some
- deliberate reason you didn't want there to be a record
- of what was said, that might be a reason for arranging
- 21 the call to take place without going through Downing22 Street?
- 23 A. Well, I would never have done that. If I was calling
- 24 a newspaper proprietor or I was calling a political
- 25 leader around the world or calling someone about

- $1 \qquad \hbox{a policy issue, I would always go through Downing Street} \\$
- 2 because I would always want someone on the call to
- 3 verify what happened. I don't think there's any doubt
- 4 that that's the way that I did things, and that's the
- 5 way that I think most people I know had been in the
- 6 office that I'd been in would do things. So no call
- 7 could have been made without it going through Downing
- 8 Street in this way.
- 9 Q. I'm just seeking to cover all possible options,
- 10 Mr Brown.
- 11 A. I understand that.
- 12 Q. Did you have his number on your mobile phone?
- 13 A. No. I wouldn't know Rupert Murdoch's phone number.
- 14 I didn't engage in emailing or anything like that.
- 15 There was one letter sent to him through an email, but
- 16 it was sent through Downing Street. I wouldn't have any
- 17 of the proprietors' numbers on my mobile phone. They
- would be mainly personal.
- 19 Q. If we go to GB3B, we can see that there are two recorded
- 20 phone calls in the year 2009, one in March, which is not
- relevant for our purposes, but one on 10 November 2009,
- which was 12.33 in the afternoon. Can you remember, was
- 23 Mr Murdoch in New York on that occasion?
- 24 A. I don't know where he was. I suspect he was in
- New York. I think he may have just come back from

- 1 someone said could be almost -- is totally illegible,
- 2 yes.
- 3 Q. Yes, although we have a transcription of it. I'm pretty
- 4 sure I've seen one somewhere. The version we have at
- 5 01917 is typed.
- 6 There's another one, though, Mr Brown. 26 April,
- 7 under tab 14 at page 01921.
- 8 A. That's the handwritten one, I think. Yes. There's only 9 three. One was November and the other two followed.
- 10 Q. One was 5 April, which is only typed, one 26 April,
- which was handwritten, and the earlier one was December
- 12 2009, so I think we've covered the three you've
- 13 mentioned.
- 14 Are you clear, Mr Brown, that you had no
- 15 conversation with Mr Murdoch shortly after the
- withdrawal of support for you in the Sun, which was
- 17 28 September 2009, in which you threatened to declare
- war on News International or uttered words to that
- 19 effect

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- 20 A. This is the conversation that Mr Murdoch says happened
- 21 between him and me that -- where I threatened him and
- 22 where I'm alleged to have acted in an unbalanced way.
- 23 This conversation never took place. I'm shocked and
- 24 surprised that it should be suggested, even when there's
 - no evidence of such a conversation, that it should have

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- 1 Australia. It was a call I placed because of what was
- 2 happening over Afghanistan.
- 3 Q. There's other surrounding evidence which bears on that
- 4 call. In your exhibit GB1, under tab 2, at our
- 5 page 14228, there's an email which you caused to be sent
- 6 to Mr Murdoch on the evening of 10 November, which
- 7 refers expressly to a telephone call you had earlier
- 8 that day in relation to Afghanistan. Do you see that?
- 9 A. Yes, that's absolutely right. I decided to follow up
- 10 the phone call about Afghanistan with information that
- 11 I thought would be of use to him about public support
- 12 for the war in Afghanistan and what was actually
- happening to it, and I think it was originally sent as
- an email so he got it that day, but it was also sent as
- a letter to him. And there were two follow-up letters
- on Afghanistan, because there was a correspondence --
- 17 three letters, one of which I think he submitted to this
- 18 Inquiry, but three letters on Afghanistan over the next
- few months, and I may say that's the only time in
- 20 government that I've ever had any letter communication
- 21 with Mr Murdoch.
- 22 Q. Yes. There was an email on 24 December 2009 in relation
- 23 to Afghanistan, which is under our tab 2. Under our
- tab 14 -- this is Mr Murdoch's exhibit KRM 33 --
- 25 A. I think that's mine. The famous handwriting, yes, which Page 58

- 1 happened. There was no such conversation. I decided
- 2 after September 30, when the Conservative Party gained
- $3 \qquad \hbox{ the support of the Sun, that there was no point in} \\$
- 4 contacting them. As I said earlier, I'd never asked
- 5 them for support directly, nor did I complain to them
 - directly when they decided to support the Conservatives.
 - So I didn't phone -- I didn't return calls to
- 8 News International, I didn't phone Mr Murdoch, I didn't
 - talk to his son, I didn't text him, I didn't email him,
- 10 I didn't contact him. This was a matter that was done.
- 11 There was no point in further communication about it at
- all, and I'm surprised that, first of all, there's
- a story that I sort of slammed the phone down on him,
- 14 and secondly, there's now a story from Mr Murdoch
- 15 himself that I threatened him. This did not happen.
- 16 I have to say to you that there's no evidence it
- 17 happened, other than Mr Murdoch's, but it didn't happen,
- because I didn't call him and I had no reason to want to
- 19 call him, and I would not have called him, given
- 20 everything I've said to you.
- 21 Q. Finally on this point, so we're absolutely clear, one
- 22 might say Mr Murdoch could be mistaken about the date
- and the call happened later. Is it possible that you
- 24 might have uttered that sort of language during such
- a subsequent call?

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1 A. No, there is only one further telephone call and that is 2 in November. And if I may say, the sequence that led to 3 that call was on the Monday, the Sun had said that I'd 4 disrespected our troops by not bowing at the cenotaph. 5 On the same Monday, they said that I'd written a letter 6 with 25 misprints and had been discourteous to a woman 7 for whom I have the utmost sympathy, who was the mother 8 of a deceased soldier, and I could understand that she 9 was upset but they had claimed that I'd done things 10 I hadn't done. 11

Then on the Tuesday, I had taken a phone call -- I'd wanted to phone this lady to sympathise with her and to explain that we thought a huge amount about her son and his contribution to our country, that it may be little comfort to get letters but it was important that she knew how much the country valued the service of her son.

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The Sun had printed a partial version of that conversation, which they had clearly had a mechanism for taping which they shouldn't have had. The tape was in their hands and it's very surprising for a conversation with the Prime Minister and an ordinary member of the public to appear in the Sun newspaper, but to appear in this distorted way, with these headlines, "Bloody shameful" and everything else ...

I had concluded that the Sun were damaging our Page 61

He then asked me again, and for a third time, to phone her, and I said, "Well, look, out of respect to you, I will contact her", and that's how the conversation ended, with me agreeing that I would talk to her, and at the same time me sending the letter that explained -- as you can see, it's completely and entirely about Afghanistan and what was happening to Afghanistan and that's what the call was about.

You see, the problem about this is that I can see why it may suit people to say now that there was some pre-orchestrated campaign against News International and that I was threatening on a phone call and this is the justification, so this is nothing to do with telephone hacking, it's all to do with some political campaign against News International. But this call did not happen. The threat was not made. I couldn't be unbalanced on a call that I didn't have and a threat that was not made, and I found it shocking that we should get to this situation, sort of some time later, when there is no evidence of this call happening at the time that he says it happened, and you to be told under oath that this was the case and to be backed up by other people from News International who had been continuing to make comments about such a position.

Now, I think, because we're dealing with a very Page 63

effort in Afghanistan and they were now persuading people who were actually in favour of the war that there was no point in supporting the war. And Mr Murdoch had always told me that he supported what we were doing in Afghanistan and I felt he should be aware of the facts and how we were losing public support at a difficult time, when we were trying to persuade the Americans and the rest of Europe that we had to have a collective effort not just to get more Afghan troops on the ground but also to get more European troops supporting these Afghan troops on the ground. So it was a very delicate political moment, so I phone him on that basis and that was what the call was about. There was no reference to threats or Conservative parties or anything. I'm quite surprised.

In fact, the conversation ended in a quite different way from what he says, because he asked me, given that he said that there should be no personal attacks by the Sun due to Afghanistan, which he supported -- he asked me would I phone Mrs Brooks, the editor of the -- would I have a phone call with her, where she would, he hinted, want to apologise for what had happened, and I said I saw no point in phoning her because the Sun was pursuing this course of action and it was for him to talk to her.

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important issue, about the freedom of the press and about the responsibility of the press and about whether people had been either too hostile to News International or too favourable to News International, it's important that this is obviously cleared up. There is absolutely no evidence for this phone call or for the threat or for the judgment that Mr Murdoch made as a result of something that he was never party to. The only call that ever happened was in November, and it was about Afghanistan, and it was weeks after when people allege the call took place.

Q. Mrs Brooks' account of the call that you mention, which eventually you had with her on 10 November 2009 -- of course, she was no longer editor of the Sun; she was now chief executive of News International -- was that you were angry and aggressive. Is that right or not?

A. No, I don't think so, because I had come off a call with Rupert Murdoch. I had written a letter to him about Afghanistan, and out of respect to him I was phoning her to hear what she had to say.

Unfortunately, she wanted to tell me that the Sun had got this tape of my phone call with Mrs James, who was the very sad case of a lady whose son had died, and she had a lot of questions to ask about this that I was trying to help her with. But she tried to explain that

- 1 they had got this tape -- which, of course, was very 2 unusual circumstances, as I say, for a tape of 3 a conversation from Downing Street to appear suddenly in 4 the Sun newspaper -- and she wanted to tell me that 5 they'd got this entirely lawfully and everything else 6 had been checked and so on and so forth, and that was 7 really what the nature of the call was, but I didn't get 8 the sense that there was an apology coming from the Sun 9 and I decided that there was no point in continuing the 10 conversation. But it ended without acrimony. It was 11 simply a conversation where she tried to tell me that 12 they'd got this information in totally appropriate ways. 13 Q. It sounds as if, Mr Brown, you had every reason to be 14 angry and aggressive but you managed not to show it. Is 15 that the message you're communicating? 16 A. I think that when things are very difficult, you tend to 17 be very calm indeed, and it was difficult because we 18 were going through a period where the whole Afghanistan 19 war effort was being, in a way, undermined by what 20
- 1 you take time to write him this personal handwritten 2 3 A. Because Mr Murdoch had replied, and for the first time 4 Mr Murdoch had said, which he had never said to me 5 before, that he disagreed with the management of the war 6 effort. 7 All my conversations with Mr Murdoch were perfectly 8 civilised and were courteous and, as you can see, 9 I wished him and his family well at the end of my 10 letters and everything else. And then suddenly, out of 11 the blue in our correspondence, he says, "I disagree 12 entirely with the management of the war effort", and 13 I felt that merited a reply. This was the first time 14 he'd said to me personally that this is what he thought. 15 I didn't understand what he meant by "the management of 16 the war effort", because we had put extra resources in, 17 and equally I've heard very little about complaints of 18 the management of the war effort since, and it seemed to 19 me that he was making a political point and I wanted him 20 to know that he had never said this before and that 21 I asked him to reconsider it. 22 If you look at the letter, it says, "I'm surprised 23 to hear these views from you personally because you've 24

never said them to me in any conversation we've had and would you like to reconsider these views?" And I said Page 67

1 I tried to persuade him by argument that this was the 2 right way to move forward, not by anything other than by 3 putting the facts to him.

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I thought was a campaign on the part of the Sun that was

worried me, but on the other hand, I felt that the Sun's

position was that they should be supporting the war in

Afghanistan, and as my letters to Rupert Murdoch show,

alleging that we didn't care at all about our troops,

and it was this distortion of fact and opinion that

4 LORD JUSTICE LEVESON: I think that if I'd been persuaded to

5 phone somebody to listen to an apology and to be greeted 6

with the opportunity, as it were, to investigate further

7 a private conversation, I think I'd be rather irritated.

8 A. I think in these circumstances, when you're surprised at

what comes back to you -- look, Mr Murdoch had given me the impression that an apology was forthcoming. He also gave me the assurance that the Sun were going to remove

12 this personal element of their attacks over Afghanistan.

13 I didn't ask him for these assurances: he offered them.

14 And I didn't discuss other issues with him, and

15 therefore to some extent that was where the conversation

lay, but it was really finding out that this was not

necessarily how the Sun was going to proceed that was

the surprise to me, but I don't think I was aggressive.

19 LORD JUSTICE LEVESON: Well, you might have a thicker skin 20 than I might have had.

21 A. I think when you're dealing with some of these issues, 22 you tend to be calmer when you're dealing with them.

23 MR JAY: The last letter you wrote to Mr Rupert Murdoch, the

24 handwritten one of 26 April 2010, was in the General

25 Election campaign. You had other things to do. Why did Page 66

1 to him, "Look, no matter what the Sun and the Times 2 does, I'm afraid I would rather have been an honest 3 one-term Prime Minister than a dishonest two-term 4 Prime Minister."

5 Whatever happened, I said, "Look, we are pursuing 6 a campaign in Afghanistan that I believe is right. If 7 the Sun is undermining it, even though it says it's 8 supporting it, I have to tell you that that is the case, 9 but given that this is the first time you've criticised 10 the management of the war effort as an individual, I'd 11 like to know what you were thinking of when you did so", 12 and I didn't actually have a reply to that letter. He

13 didn't think it necessary to reply. 14 Q. But isn't it obvious, Mr Brown, that you cared very much

15 about this? It was a personal attack on you and it 16 might be said to show that you do care deeply about what

17 newspapers write about you and about ad hominem attacks

18 of this sort.

19 A. Look, there were two big issues during the period I was 20 Prime Minister. One was the global economic crisis,

21 which we had to deal with and we took extraordinary

22 action in Britain and I believe that we led the way, and 23 I feel that international leadership is something that

24 is needed. The second one was Afghanistan, where we

25 dealt with a hostile media, but at the same time we were

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1 trying to prevent Taliban control in areas where the 2 Taliban are now in charge, I'm afraid, and it mattered 3 to me what was being done on Afghanistan and it mattered 4 to me that we got the policy right of persuading other 5 countries to contribute to the war effort and to 6 persuade people that we had to get the Afghan army and 7 police up and running. 8

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So these were not issues about me personally that I was really trying to take up with Mr Murdoch. These were issues of policy. So if you look at the letters -and I suspect that they could only be looked at now because the sequence of them is now presumably available to people -- you'll see that none of these letters refer to the political views of Mr Murdoch or to the Sun or to the News of the World or the Sunday Times. None of that. It was all about the management of the war effort, and I still feel to this day that huge damage was done to the war effort by the suggestion that we just didn't care about what was happening to our troops, which clearly had an effect on public opinion and clearly was something that I felt, as you can see, strongly about.

22 23 Q. I move off Mr Murdoch onto Mr Paul Dacre now and your 24 relationship with him. Some have described that as 25 personally close, although you weren't, of course, very Page 69

- 1 were chancellor, owing in part to your position on the
- 2 euro. Do you think that's a fair comment or not?
- 3 A. I don't know whether it was. Look, one of the huge
- 4 dividing lines in British politics over the past
- 5 10 years has been the euro. Most of the newspapers, of 6 course, were against it.
- 7 I was in a minority within our government for a very
- 8 long period of time of being sceptical about the euro.
- 9 My colleague, Ed Balls, who was the economic adviser to
- 10 the Treasury at the time and was later a Member of
- 11 Parliament, did this enormous amount of work that proved
- 12 to my satisfaction that the euro couldn't work, but it
- 13 was a hugely divisive issue. But if the Daily Mail
- 14 supported the objections that I had to the euro, then
- 15 that's absolutely understandable, but I'm afraid to say
- 16 on just about every other issue they were wholly against
- 17 us and they wanted to see a Conservative government, as
- 18 you know.
- 19 Q. Were policies such as the u-turn on casinos,
 - reclassification of cannabis and the retreat on 24-hour
- 21 drinking attempts to appease the Daily Mail in your
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- 23 A. No. If you look at each one of these individual
- 24 issues -- and I don't want to bore you with them --
- 25 I personally have strong opinions, as an individual,

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- 1 often on the same page politically. Is that a fair
- 2 description? 3 A. I didn't see Mr Dacre that much, as you can see from the
- 4 records. Mr Dacre and I disagreed about many things on
- 5 politics. I think he, like me, believes that there
- 6 should be an ethical basis for any political system and
- 7 that that is an issue that is not properly addressed
- 8 both in our media and in our politics, so there is sort
 - of common ground on that, even though we may disagree about what that means in practice.

be personally very kind, when we had difficulties with our child, our first child, and I have not forgotten that. But to be honest, I got no support from the Daily Mail. The Daily Mail was totally against the Labour Party, and when it came to the election, you may see that I had a meeting with Lord Rothermere, as

He was personally very kind, as Rupert Murdoch could

- 17 18 I talked to Paul Dacre, and I said, "Look, you're
- 19 entering a situation where you have a party that's got
- 20 a relationship with the Murdoch empire and their
- 21 commercial interests and you should be very wary of it",
- 22 and I did warn them that that was one of the problems
- 23 that was going to happen.
- 24 Q. Some have said, including Mr Alastair Campbell, that the
- 25 Daily Mail was less hostile to you personally when you Page 70

1 about the evil of excessive gambling. I thought that 2 the 24-hour licensing was causing us problems, and on

3 cannabis, you know, I don't hold what is probably the

4 more conventional view about the effects of soft drugs,

so I was against the reclassification of cannabis and in

fact we reclassified it back.

7 These are views that I hold personally and I hold 8 them quite strongly and I may say that probably I used 9 my position to persuade members of the government who 10 were not as keen on that policy was I was.

Q. Can I ask you, please, about section 55 of the Data Protection Act, the Information Commissioner's two reports in 2006.

14 At that time, when you were still Chancellor of the 15 Exchequer, it didn't fall directly within your policy 16 area, but do you recall considering the issues raised by

17 them or not?

18 A. Not in huge detail at the time, but it became an issue after I became Prime Minister and we had to make a judgment. It comes back to this very important point

- 20 21 that I think we discussed at the beginning about the
- 22 protections that are available for the press where there
- 24 have taken that might initially sound unacceptable.
 - And, you know, in the press complaints code there

is a public interest defence for actions that they may

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- 1 are these three public interest defences. One is about 2 exposing criminal wrongdoing, another is about threats 3 to the security and safety of the realm, and another is 4 a bit more, I think, difficult, about whether deception 5 by an organisation or individual is being exposed, and 6 I felt quite strongly -- and still do -- that there has 7 to be a public interest defence available in these 8 circumstances, and that was what the -- is basically my 9 own view about how you must have institutions outside 10 the state who have the power to question and hold 11 accountable the state, and no matter what we think about 12 the way that the media behaved in certain instances. 13 there is, in my view, a right to a public interest 14 defence. 15 That's what we were debating after the Information 16
 - Commissioner made a number of proposals about data protection, and I could understand the strength of feeling that he brought to this, and therefore I was anxious not to overrule him, but I could understand also my own instinct that there had to be at least a public interest defence in favour of the media where they had ventured into areas where, for good public reasons, they were exposing something that was wrong.
- 24 Q. But following the consultation on the proposal to introduce custodial sentences, the government's original 25 Page 73

1 A. Yes.

- O. He says:
- 3 "About 18 months ago [he means on 10 September 2007]
- 4 I, Les Hinton of News International and Murdoch McLellan
- 5 of the Telegraph, had dinner with the Prime Minister
 - Gordon Brown. On the agenda was our deep concern that
- 7 the newspaper industry was facing a number of very
- 8 serious threats to its freedoms."
- 9 Then he said:
- 10 "The fourth issue we raised with Gordon Brown was 11 a truly frightening amendment to the Data Protection 12
 - This is the amendment --
- 14 A. I don't think there's any disagreement in these 15 accounts. He had it on his agenda for the meeting.
- 16 They raised it, but I told them as they raised it:
 - "Look, this is my view." I didn't say, "I'm waiting to
- 18 hear your view"; I told them: "This is my view."
- 19 I remember this distinctly. I had already made up my
- 20 mind before I went into the meeting, and I told Jack and
- 21 Michael that there should be a public interest defence
- 22 and that we should probably postpone the implementation
- 23 of this clause.
 - Look, at that time, of course, we didn't have all the information we now have about the abuse of this --

Page 75

- 1 position -- and this is when you were in charge -- was
- 2 to introduce such custodial sentences, and Mr Jack Straw
- 3 gave us evidence about it.
- 4 A. Yes.

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- 5 Q. There was a dinner you had with Messrs Hinton, McLellan 6 and Dacre on 10 September 2007.
- 7 A. That's right.
- 8 Q. Which we have in tab 34 of this bundle. Do you remember
 - the issue being discussed on that occasion?
- 10 A. I remember the issue. I told them, as we started the 11 dinner, what my own view was. I didn't ask them for
- 12 their view, I'm afraid. Maybe I should have. I told
- 13 them what my view was, that there should be a public
- 14 interest defence, and therefore it wasn't a question of

implement this in a way where there was a public

- 15 them lobbying me. I was informing them that this was my
- 16 view, but that Michael Wills, who was an excellent 17 minister, and Jack Straw, who was doing a great job on
- 18 this, were consulting people about how we could 19
- 20 interest defence but we weren't going to back off
- 21 entirely the potential need for legislation.
- 22 Q. Mr Dacre's account doesn't quite match that, Mr Brown.
- 23 Under tab 34, he gave a speech to the Society of Editors
- 24 conference on 9 November 2008. So it's about 16, 17
- 25 months after the relevant date.

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- 1 of data by the media. At that time, there was no
- 2 suggestion that there was anything other than what was
- 3 called the rogue hacker. But again, my instinct is
- 4 still the same, that there ought to be a public interest
- 5 defence. I know it's uncomfortable, because you are
- 6 balancing off two freedoms, as we said at the beginning.
- 7 You have this right that I would defend for people to
- 8 have privacy, and you have this right of the media,
- 9 I would say the individual, to express themselves and
- 10 for the media to do this through a freedom of speech and
- 11 therefore a willingness or ability to investigate things
- 12 that are wrong, and you are balancing off these two 13
 - freedoms.
- 14 It seemed to me that we may end up with the 15 custodial sentences, and that was an option that was
- 16 left to us. We said we'd come back to this, but at that
- 17 time we thought that -- let us look at whether a public
- 18 interest defence can be introduced into this
- 19 legislation, which is what we did.
- 20 Now, these are very, very difficult issues, and
- 21 I thought about them at the time, I've thought about
- 22 them since. I would still hold to the idea of a public
- 23 interest defence, but I think we're now on a course 24 where there will almost certainly be custodial
- 25 sentences. But I think as the government of the day has

1	said, they want to rely on your final judgment on this	1	would suggest going further than that. Of course, the
2	as well, before they make a decision.	2	fact that the defence can't be made out doesn't mean
3	LORD JUSTICE LEVESON: Yes, it's quite important to be quite	3	that everybody who is convicted then goes directly to
4	careful about this. What the data protection amendment	4	jail. There are an enormous number of variations that
5	did was to introduce a public interest defence to data	5	will always be taken into account.
6	protection offences.	6	A. Yes. I think maybe I've been misunderstood. My
7	A. Yes.	7	position was in relation to the Data Protection Act, but
8	LORD JUSTICE LEVESON: But it wasn't for a moment suggesting	8	I was conscious that there was a public interest set of
9	in relation to other breaches of the criminal law that	9	issues raised in the Editors' Code and it seemed to me
10	there should be a public interest defence.	10	this was reasonable.
11	A. No, it was in relation to Data Protection Act; you're	11	MR JAY: Mr Dacre's account is that you were hugely
12	absolutely right.	12	sympathetic to the industry's case and promised to do
13	LORD JUSTICE LEVESON: Correct.	13	what you could to help. It sounds as if the industry,
14	A. I hope I'm not overelaborating on the argument, but it	14	through Mr Dacre, Mr Hinton and Mr McLellan, were
15	seemed in that instance there was a case for a public	15	allowed to put their case and you were persuaded by it;
16	interest defence.	16	is that fair or not?
17	LORD JUSTICE LEVESON: I understand. But you're not	17	A. I distinctly remember this conversation and I think
18	suggesting or are you suggesting, an open question	18	Mr Dacre, if you asked him under cross-examination,
19	that there should be a public interest defence in	19	would confirm that at the beginning of that discussion,
20	relation to any crime?	20	I said, "Look, I am persuaded that we need this public
21	A. No, I'm not saying that, but what I am saying is that	21	interest defence and we've been talking about how we can
22	I do think that the press you're looking again at the	22	do this."
23	Press Complaints Council guidelines and one of these	23	I'd also, I think, either before or after, made a
24		$\begin{vmatrix} 23 \\ 24 \end{vmatrix}$	speech on liberty. I think I've sent you an extract
25	guidelines I think it's the editors' rules LORD JUSTICE LEVESON: Code.	25	from it. I felt that the debate in Britain had become
23	Page 77	25	Page 79
	rage //		r age 79
1	A suggests that there is a public interest at stake	1	coloured by what we'd had to do in relation to
1 2	A suggests that there is a public interest at stake where three things are in issue that have to be taken		coloured by what we'd had to do in relation to terrorism, and you know that it was very controversial.
2	where three things are in issue that have to be taken	2	terrorism, and you know that it was very controversial,
	where three things are in issue that have to be taken into account when judgments are made.	2 3	terrorism, and you know that it was very controversial, that we wanted to have, for example, a longer period of
2 3 4	where three things are in issue that have to be taken into account when judgments are made. LORD JUSTICE LEVESON: That's	2 3 4	terrorism, and you know that it was very controversial, that we wanted to have, for example, a longer period of potential detention for people who were terrorist
2 3 4 5	where three things are in issue that have to be taken into account when judgments are made. LORD JUSTICE LEVESON: That's A. Yes, of course.	2 3 4 5	terrorism, and you know that it was very controversial, that we wanted to have, for example, a longer period of potential detention for people who were terrorist suspects. But I felt, on a whole range of other areas
2 3 4	where three things are in issue that have to be taken into account when judgments are made. LORD JUSTICE LEVESON: That's A. Yes, of course. LORD JUSTICE LEVESON: entirely right.	2 3 4 5 6	terrorism, and you know that it was very controversial, that we wanted to have, for example, a longer period of potential detention for people who were terrorist suspects. But I felt, on a whole range of other areas where liberty was an issue, we could do better. We
2 3 4 5 6 7	where three things are in issue that have to be taken into account when judgments are made. LORD JUSTICE LEVESON: That's A. Yes, of course. LORD JUSTICE LEVESON: entirely right. A. And I bore that in mind as well when I was looking at	2 3 4 5 6 7	terrorism, and you know that it was very controversial, that we wanted to have, for example, a longer period of potential detention for people who were terrorist suspects. But I felt, on a whole range of other areas where liberty was an issue, we could do better. We could do better about the freedom of assembly, we could
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1 Q. Were you aware that there already was a public interest 1 MR JAY: It's also noteworthy in this speech that you said, 2 defence in Section 55 of the Data Protection Act? 2 towards the top of this same page: 3 3 A. Yes. "No case for statutory regulation of the press. 4 4 Q. The speech you referred to, 25 October 2007 under Self-regulation of the press should be maintained." 5 tab 3 -- this obviously postdates the dinner we're 5 6 referring to by about six weeks. 6 Q. In other words, the status quo is adequate. Is that 7 7 correct? A. Yes. Q. Arguably, if you look at the second paragraph of the 8 8 A. We had no mandate for that. We had never proposed that 9 9 that should happen. I think Tony Blair explained in his speech --10 A. What tab is that? 10 own evidence that we had decided that this was not 11 11 Q. It's tab 3, page 14235. a priority for us, so it was not part of our mandate and 12 12 A. I think I remember what I said. therefore it was obvious that that was not what we were 13 Q. You're still referring there to taking into account --13 doing. 14 LORD JUSTICE LEVESON: I think it is behind tab 3 of 14 Q. So is your evidence that you didn't respond to the 15 volume 1. 15 lobbying of you at dinner on 10 September 2007 and 16 A. I have the wrong volume. That's a fundamental mistake. 16 modify the government's existing proposals to take into 17 MR JAY: Confusingly, Mr Brown, although it's the second 17 account of a powerful press view? 18 page of the speech, it bears the number 6 on the top 18 A. I felt strongly about this myself. I'm not sure that 19 19 every other minister felt as strongly as I did, but I've 20 LORD JUSTICE LEVESON: I think it's an extract from the 20 explained the background to my own views. So I really 21 21 didn't need persuading by Mr Dacre about this. This 22 A. It's not the full speech. I wouldn't want to bore you 22 was -- or by Mr Hinton or who else was there, I don't 23 23 with all the detail. know. 24 24 Q. But is it your evidence that you had a conversation with Q. Towards the bottom you say: 25 25 "But Jack Straw has asked the Information Mr Straw before 10 September 2007 in which your Page 81 Page 83 1 Commissioner to produce guidance in consultation with 1 scepticism was communicated? 2 the PCC to make sure we take into account concerns about 2 A. I think we were having conversations quite a lot about 3 the new rules which allow for a prison sentence of up to 3 some of these things. I mean, these are things that 4 two years." 4 arise from time to time. I don't think there was any 5 So at that point, was your thinking still that will 5 formal meeting about it, but I think we were having 6 a custodial sentence was appropriate? 6 conversations. 7 A. Yes, I think the issue was whether we would trigger the 7 Q. But his evidence was along the lines that, owing to time 8 two-year sentence at a later stage, while leaving it in 8 pressures with the criminal justice and immigration 9 the legislation. 9 bill -- it had could come in before 7 or 8 May 2008 --Q. That didn't come as an idea until March of 2008 --10 10 a rapid compromise was carved up, as it were, and that 11 A. Yes. process started in March 2008. Do you recall that? 11 12 Q. -- from documents we have at tab 28. 12 A. I recall conversations with Mr Michael Wills, who was 13 A. Yes. 13 the minister, and Jack Straw, who was the minister, and 14 LORD JUSTICE LEVESON: What you're saying here is that clear 14 I had this view that we could find a way forward and 15 guidance will make sure legitimate investigative 15 I think in the end we did. 16 journalism is not impeded. So you're very keen to 16 Q. We turn now to the issue of special advisers. 17 protect legitimate investigative journalism, but where 17 A. Yes. 18 that is not triggered, then there should be a sanction 18 Q. I'm asked to put to you a number of questions about 19 to protect individual privacy? 19 them. Mr Campbell, in his second witness statement at 20 20 A. Yes. paragraph 64, suggested there was a real problem with 21 LORD JUSTICE LEVESON: That's precisely what you're saying. 21 a Treasury special adviser, and by that he means 22 22 A. I say: Mr Whelan, who was one of your appointments. Do you 23 "... but the sanctions provide a strong deterrent to 23 agree with his analysis? 24 protect individual privacy." 24 A. Look, there was tittle tattle, rumour, gossip. 25 25 Yes. Political advisers, there's lots of them around, they're Page 82 Page 84

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1 having debates and arguments. 2 The one thing I insisted upon -- and I think this 3 deals with this point about Mr Campbell -- is our 4 political advisers worked through the head of 5 communications, who was a civil servant, so anything 6 that they did in relation to the press they had to 7 report to and through the head of the civil -- the civil 8 servant head of our communications, and that's how we 9 dealt with these issues. 10 Q. But were not Messrs Whelan and McBride systematic 11 perpetrators of selective anonymous briefings, either at 12 your instigation or with your knowledge? 13 A. No, I wouldn't say that at all. I mean, I operated or 14 asked them to operate under these rules, that they would 15 work to their head of communications, who was a civil 16 servant, and he would have to report to me if things 17 were wrong. 18 Q. So if they did indulge in this behaviour, that would be, by definition, without your knowledge; is that correct? 19 20 A. It would be without my knowledge and without my 21 sanction. 22 Q. Okay, we'll come back to that. 23 Mrs Brooks, in her witness statement, paragraph 61, 24 states that Tony Blair and his aides were convinced that 25 Gordon Brown and his aides had conspired together in Page 85 1 order to force his early resignation. Do you agree with 2 that analysis? 3 A. I don't think that's Tony Blair's view and it's 4 certainly not my view. This is -- again, you're relying 5 on second-hand conversations that are reported by people 6 who are not participants in the events, so I don't take 7 that as a serious comment about what happened. 8 Q. But were your aides involved in using the media to force 9 or attempt to force Mr Blair's resignation? This was in 10 2006. 11 A. I would hope not. 12 Q. But were they involved? 13 A. Well, I would hope not. I have no evidence of that. 14 Q. Mr Blair said that he didn't know whether you, 15 Mr Whelan, Mr McBride and Mr Balls were briefing against 16 him in the media. Did you authorise your aides to brief 17 against Mr Blair? 18 A. No. 19 Q. Do you think they may have done so without your explicit 20 approval, even with your knowledge? 21 A. If they did so, it was without my authorisation. 22 Q. But it's the role of an aide or special adviser only to 23 act with your express or implied authority; would you 24 25 A. No, I made it clear -- I mean, I'm trying to explain why Page 86

were a new development from the 1970s onwards. You had always worked with civil servants without political advisers. You bring in political advisers and they're obviously party people with their own views about what should happen. They had to find a way of working with the Civil Service, and my insistence was that the political advisers, who were doing a job, had to work under the auspices of the Civil Service head. This is what we tried to enact in the Treasury, and this is why, when I went to Downing Street, I removed the order in council, I said that we would not have a political appointee as head of communications, I appointed a traditional -- a conventional civil servant as the head of communications and then, when he retired and went back to the Treasury -- and incidentally went back to perform a policy job which he now does for the new government, which is of a different political colour --I appointed the person who had been previously head of communications at Buckingham Palace, who was not, in a sense, a career civil servant, but one who was trusted absolutely for both his discretion and his propriety. So I wanted to send a message that we wanted to work within these traditional channels and political advisers Page 87 were instructed to do exactly that. Now, if they failed, as happened in a terrible instance where

we changed the system when we went to Number 10 and why

I thought it was better to have -- political advisers

- 1 2
- 3 Mr McBride had to resign, then they had to go.
- 4 Q. Did you instruct your special advisers at the Treasury
- 5 and at Number 10, while you were Prime Minister, to 6
 - conduct off-the-record briefings with the press?
- 7 A. No, but if the Civil Service head of communications was 8 informed, then that was the way that anything would have
- 9 to be done in relation to briefings. So there would
- 10 have to be some communication between him and any
- 11 political advisor if the press was being talked to.
- 12 It's unrealistic to expect that a political adviser is
- 13 never going to talk to the press. I think they had to
- 14 go through the Civil Service head.
 - Q. Lord Mandelson's book, page 461, states, describing
- 16 Mr McBride as your attack dog:
- 17 "... had developed a reputation for briefing against
- 18 anyone who was perceived to threaten his boss'
- 19 interests, not only the Tory opposition but those of the
 - Blairite persuasion."
 - Is Lord Mandelson correct or incorrect about that?
- 22 A. This is what I mean about tittle-tattle. You know, you
- 23 have gossip, rumour, innuendo. You have people saying
- 24 something about someone else. I don't know the truth of
 - all these things, but what I can say is that the people

- 1 that worked for me were under specific guidance about
- 2 what they had to do, and I think that's an important
- 3 point in this. Were the rules there? And there were
- 4 rules. Were they observed? In one very bad case, they
- 5 were not observed and the person had to go.
- 6 Q. He also notes a conversation he says he had with you in
- 7 October 2008, when you invited him back into government,
- 8 when he specifically raised the issue of Damian McBride
- 9 with you and reached what he thought was a clear
- 10 understanding that he would be transferred to the
- 11 Cabinet Office as a stepping stone to departing
- 12 altogether. Is Lord Mandelson's recollection correct
- 13 about that or not?
- 14 A. I think Peter was -- did not like Mr McBride. I don't
- 15 think there's any doubt about that from -- this is the
- 16 first time I've read this, by the way. This appears to
- 17 be in his memoirs.
- 18 But I can't remember -- Mr McBride was pushed back
- 19 from a front line role and he was given a new role, but
- 20 unfortunately in this new role he made a very bad
- 21 mistake and he had to go. That's, I think, what
- 22 happened. He wasn't doing his original role; he'd been
- 23 pushed back to another role. I don't think it was in
- 24 the Cabinet Office, I think it was still at Number 10,
- 25 but he had to go.

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- O. But I'm back on October 2008 and I was just wondering
- whether you agree or disagree with Lord Mandelson's 2
- 3 recollection in his memoirs of what he says --
- 4 A. I don't think there's any doubt that Mr Mandelson didn't
- 5 want Mr McBride, but I don't think there was any talk
- 6 about Cabinet Office. I think we probably talked about
- 7 how Mr McBride was moving back from what you might call
- 8 the front line and he had a different role, but in the
- 9 end it was only a few months later that he had to go.
- 10 Q. Did either or both of Gus O'Donnell and Jeremy Hayward 11 warn you specifically about Mr McBride?
- 12
- A. I don't remember in specific documentation or letters.
- 13 They may have said something in conversations.
- 14 Q. But did they, in the course of conversation, warn you
- 15 about Mr McBride?
- 16 A. I don't know whether you're talking about what happened
- 17 in the leaking of these emails. They certainly would
- 18 have talked to me about that when it happened, but I was
- 19 very clearly of my I own mind that he had to go.
- 20 Q. No, I'm talking about an earlier warning --
- 21 A. I don't recall other conversations. Perhaps you have
- 22 better information from these people than I have, but
- 23 I don't recall any conversations about that. There was
- 24 a general view that some of them had that Mr McBride had
- 25 to change his role.

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- 1 Q. You were also warned by Ed Miliband and Douglas
- 2 Alexander about Mr McBride?
- 3 A. When I say there was a general view, I'm not excluding
- 4 the fact that one or two people might have talked about
- 5 it to me, but the fact is he was moved from his original
- 6 role and he was moved back and then we had this incident
- 7 where he had to go.
- 8 I may say that Mr McBride was a career civil
 - servant. He had worked his way up through Customs and
- 10 Excise and the Treasury. He only became a political
- 11 adviser in 2005. He was originally a fast-track civil
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- 13 Q. There's also evidence that Jacqui Smith warned you about
 - him as well. Do you remember that?
- 15 A. Oh, I can't remember all these things.
- 16 Q. It sounds as if a lot of peopling warning you about
- 17 Mr McBride, but did you heed their warnings?
- 18 A. What is material to this, I suspect, is you're wanting
- 19 to understand what the relationship between political
- 20 advisers and ministers is and how it worked itself
- 21 through. I can only say this: that I was aware that we
- 22 had to move Mr McBride from his original role to a new
- 23 role. He had been moved into that new role and then we
- 24 had this incident and he had to go. That's how it
- 25 worked.

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- 1 Q. Did you instruct Mr Whelan to brief specifically against
- Mr Darling when he was Chancellor of the Exchequer?
- A. Not at all. Not under any circumstances. 3
- 4 Q. You've seen the extract from Mr Darling's memoirs called
- 5 "Back from the Brink", in which he's convinced that you
 - did. Are you aware of that?
- 7 A. Yes, but I didn't. I think this issue about "Back from
- 8 the Brink", which again, I only read for the first time
- 9 yesterday, this extract, is about an interview that
- 10 Alastair gave to the Guardian, and I think the issue was
- 11 he had been quoted as saving that he thought this was
- 12 the worst crisis for the British economy for 60 years,
- 13 when actually what he wanted to say or had said was that
- 14 this was the worst global crisis for 60 years, and he
- 15 told me that he wanted to go out and tell the media that
- 16 that was the case. I mean, that's the incident.
- 17 I don't think there was any disagreement about the
- 18 interpretation.
- 19 Q. Do you remember a conversation that you had with
- 20 Mr Darling, which is noted in his book at page 108,
- 21 where he told you specifically that he knew where the
- 22 anonymous briefings were coming from and that they had
- 23 to stop?
- 24 A. I don't know. There may have been a conversation like
- 25 that. I -- you know, this conversation within

1 government, everybody worries about who is saying what 1 who was blamed for giving him it. These things happen 2 2 about whom and so on and so forth. The one thing I can in politics. People say things and do things and the 3 3 say to you, which is absolutely clear -- and I'm not press says things. I don't recall anything about this 4 4 at all and I've never sort of been involved in sure how relevant this is to your conclusions, but the 5 5 a briefing operation against John Major. one thing I can say to you definitely is that nobody in 6 my position would have instructed any briefing against 6 Q. Is the position this, Mr Brown: that a sort of mythology 7 7 has built up around these special advisers, described in a senior minister, and Alastair Darling was a friend of 8 8 certain quarters as paranoid attack dogs, or whatever, mine as well as a colleague. 9 Q. There's reference as well -- it's not clear that these 9 but there's no evidential basis for it? Or is it the 10 10 position that if they did act in this way, it was were the words he uttered to you -- to Henry II's 11 utterings about Thomas Becket: "Will no one rid me of 11 without your authority and instructions? 12 12 this meddlesome priest?" A. Look, you have special advisers. They're part of the 13 Then he says: 13 government machine now. They're a new innovation. They 14 14 "He didn't order his knights to go and kill Becket have a role to play in defending the minister and 15 but they believed that they had his blessing to do so." 15 defending the policy. You have competition between 16 Is that near the mark or not? 16 special advisers in different departments because that's 17 A. These sound very dramatic comments. No, they're not 17 the nature of politics. You have competition, 18 near the mark at all. Quite wrong and quite the 18 unfortunately, between ministers and departments, and 19 19 that's the nature of politics. The question is what you opposite of what actually happened. 20 I think, if I may say, on the incident that you're 20 read into this, as whether there's an abuse of the 21 21 constitution. referring to, there was an interview given to the 22 Guardian and it was about the economic crisis and 22 I asked my political advisers to operate under very 23 Alastair was sure that he'd talked about the global 23 distinct rules, and I actually had tougher rules than 24 24 economic crisis and the Guardian had reported it as was the general rule that was applied to political 25 being about the British economic crisis, and of course 25 advisers. After Mr McBride left, we toughened up the Page 93 Page 95 1 1 the distinction was important but there was no tape of rules even more about the use of equipment and 2 the interview, the Treasury had no tape of the 2 everything for personal purposes, and I was determined 3 interview, and that was the source of the problem, that 3 that we could integrate the political advisers into the 4 we couldn't get to the bottom of it because the Treasury 4 Civil Service system. 5 had not taken a tape, and I think that was the source of 5 If it didn't work on occasion and if people behaved 6 the issue. 6 badly on occasion, then that is not because there were not rules that were there and instructions that were 7 7 Q. I've also shown you a letter from Sir John Major, who of 8 course is giving evidence tomorrow. It's dated 30 June 8 given by me that should be followed, but I think we now 9 9 2008. He will, of course, give evidence about it but it know enough about the nature of politics to know that 10 10 relates to the withdrawal of the Mugabe knighthood. He there's rumour, there's gossip, there's innuendo, 11 11 makes the specific allegation that you briefed or you there's gossip and so on and so forth. 12 instructed either Mr Whelan or Mr McBride -- he isn't 12 The question is what you conclude from this. My 13 13 named specifically -- to brief against Sir John Major. conclusion is that you need tough rules that people have 14 14 Is that correct or not? to follow, and if people don't obey the rules, then then 15 A. Mr Whelan was not, working for us at that time at all, 15 have to go. I'm not sure if gives us a general insight 16 and Mr McBride -- I don't know which year you're 16 into the way the media was behaving. 17 referring to. 17 Q. Well, the focus of this Inquiry is rightly, under its 18 Q. This was June 2008. 18 terms of reference, the culture, practices and ethics of 19 19 A. This was before he had gone. I don't know anything the press. about this, because I don't think, despite the fact that 20 20 A. Yes. 21 my name is mentioned in this letter, Gus O'Donnell and 21 Q. But we're also looking at the conduct of each and 22 I talked about this in any detail, and I don't really 22 therefore the culture of the political class.

know much about this incident. I mean, I know that

Sir Fred Goodwin lost his knighthood, I was the person

Mugabe lost his knighthood. I doubt that when

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A. Yes.

Q. Are there any lessons to be learnt at all, if one looks

at the period 1997 to 2010, which is a 13-year period,

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as to the culture of the political class?

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2 A. Yes. As I said right at the beginning -- and I don't 3 know if you picked me up in the way that I might have 4 expected. I said that we should have changed the lobby 5 system and changed the system where people relied on 6 exclusive briefings and had a far more open and 7 transparent system of addressing the country through the 8 press than we have even today, and I obviously have to 9 take some responsibility for this. My only defence in 10 this is that I tried after 2007 to change the rules.

We actually have a consultation, by the way --I didn't mention this -- about the future of the lobby, which Simon Lewis, who is a very honourable man, led, but we could find no consensus amongst the media about what could be done, and of course it was getting very near a General Election. But I would have preferred to have open briefings that were given by ministers to inform the press day by day. I'd looked at the White House system, I'd looked at other systems.

So yes, there needed to be more openness. We inherited a system that was based on, if you like, exclusivity. It was also based on insiders winning over outsiders, so a lot of people were excluded from that system. The political advisers ought to and had to work under specific guidance and I believe they should have Page 97

A. The guidelines were, as I said, that they had to go

2 through the official head of communications, who was

a civil servant, and this is an issue that will have to

4 be resolved at some stage because we've had political

5 appointees as press offices and you cannot say that it's

6 worked in its entirety. We've had civil servant

7 appointees and it hasn't been wholly satisfactory

8 because of what the press expects of the head of

9 communications. I don't think we have an answer yet to

10 what is a real problem about how you deal with the press

11 on a day-to-day basis, but I would prefer a more open

12 system, and I think that we will get to that at some

13 point, and if your Inquiry, sir, can take us further on

14 these roads and call for greater openness and

15 transparency, I would welcome that.

16 LORD JUSTICE LEVESON: Have you thought about how that might

manifest itself?

18 A. I would have thought that you move away from the daily

19 briefings that is to what's called the lobby -- this

will be very unpopular with people who are now in the

21 gallery listening to me, some of whom are in the

22 lobby -- that you would have someone who was briefing

23 with the television cameras there, so it would be

24 completely open. You would have to allow in press that

25 are not part of the lobby system at the moment -- and

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worked under Civil Service leadership and we changed that when we went into Number 10 as well. So these are the lessons I learned about what some people call the spin culture.

I come back to the point that it assumes a great deal of success in dealings with the media that I don't feel that I had. You know, in the 1970s, when I was a student, I read once that it was said the Shah of Persia, when he was still the Shah of Iran, had the worst press relations in the business and a British politician had raised an objection because his were somewhat worse than that, and I felt that if that had been said in the 1990s and up to 2010, I would have raised that objection.

I did not have, unfortunately, good relations with the press, and I used to say myself about spinning -when people said, you know: "You guys are got good at getting your message across", I used to quote Shelley when Shelley was talking about a relative of his. He said he had lost the art of communication but not, alas, the gift of speech. I felt that I had got myself into a position like that before I finished office.

Q. Did you, incidentally, issue any guidelines to your special advisers, either at the Treasury or at

Number 10, or were they just left to get on with it? Page 98

1 that includes, of course, the new Internet media that is 2 developing -- and I think the Civil Service and the

3 politicians have to work out a better relationship so --

4 the danger is you have a Civil Service head that people

5 think does not speak to behalf of the Prime Minister or

6 the minister because he's not close enough, but the

7 danger is you have an overpoliticised head who looks as

8 if he or she is pushing the Civil Service in

a particular direction.

10 So I think you have this dilemma about how you 11 organise the management of information, but I think the 12 openness of it is much to be welcomed, and as I say to 13 you, we did try to return to a situation where when you 14 made an announcement in the House of Commons it was new

15 information, and we did try to return to a situation

16 where you made a speech and you were giving the

17 information for the first time. But I'm afraid that the

18 way things worked, these things were not reported. They

19 were not seen as news in this highly competitive

20 business in the media unless someone either had an

21 exclusive or a group of people had an exclusive to these

22 stories and felt that that was something that was news. 23

So this competition between the different media

24 outlets is intensifying, obviously. 24-hour news is 25 a reality. Newspapers are in danger of being left

1

- 1 behind because they publish at a certain time, whereas
- 2 the Internet is going all the time, and this will only
- 3 intensify. Therefore I think more openness is an
- 4 essential element of it, but of course the
- 5 trustworthiness of participants is important to this as
- 6
- 7 MR JAY: May I just touch on Mr Watson now, a different
- 8 topic.
- 9 A. Yes.
- 10 Q. You address this at page 16 of your statement, our
- 11 page 14222. Can I just be clear what your evidence is
- 12 about this. You say that you can recall telling
- 13 Mr Watson that the government had been under pressure
- 14 from News International to sack him. Are we, back here,
- 15 in 2006 in relation to the plot to dethrone Mr Blair, or
- 16 are we --
- 17 A. I think we're talking about a conversation that you've
- 18 asked me about that Mr Watson had with me in 2010
- 19 Mr Watson has phoned me up and he's asking me what's
- 20 happening, and I remind him of what happened in the
- 21 past. I'm not giving him new information, as far as I'm
- 22 concerned, about something that happened in the last
- 23 week. I'm telling him: "Look, you know when you were in
- 24 government that News International had editorials, that
- 25 they wanted you sacked, but you also know" -- and I did Page 101
- 1 say that Mrs Brooks had made her feelings about
- 2 Mr Watson pretty well-known to my wife. That's all the
- 3 new information I think I brought to this.
- 4 Q. Yes. There may be a misunderstanding. That's why I was
- 5 trying to tease this out. Did the text message you
- 6 refer to relate to earlier events or did it relate to
- 7 phone hacking? Can you remember?
- 8 A. No, this was -- look, News International had taken the
- 9 view that Tom Watson was to be held culpable for
- 10 anything that had happened in 2006, I think, and this
- 11 was still the line that they wanted to pursue.
- 12 I don't want to get involved in this because I don't
- 13 understand everything that happened. There was a legal
- 14 case taken about defamation by Mr Watson and for all 15 I know, there are still proceedings -- I don't know, but
- 16 there was an animosity between News International and
- 17 Mr Watson, and I was merely reporting to him, when he
- 18 asked me about these things, that I was well aware that
- 19 News International had wanted to get rid of him when he
- 20 was a minister.
- 21 Q. This was because of alleged machinations against
- 22 Mr Blair, not because of his persistent pursuit of the
- 23 phone hacking issue; was that correct?
- 24 A. But you are putting words into News International's
- 25 mouth. I don't know. All I reported to him was that

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- 1 News International had made it clear that they wanted--
- 2 they didn't like him, of course, and I think they had
- 3 editorials saying that Tom Watson had to go. I can't
- 4 remember the detail of this.
- 5 Q. Can you remember what the text says or is it still
- 6
- 7 A. Well, they're not my texts. They're my wife's texts.
- 8 I think you would have to ask her --
- 9 Q. She might have communicated this to you.
- 10 A. -- if you thought it was important. I think it
- 11 communicated, if I'm right -- and this is all
- 12 I remember, and I haven't asked for a text to be
- 13 disclosed but it's your right to ask for them if you
 - need them -- but I think it communicated a feeling about
- 15 Mr Watson and that was it.
- 16 O. I don't think the issue is so important we're going to
- 17 ask to see the text. Anyway, it's on your wife's phone.
- 18 I have been asked to put to you this other question
- 19 in relation to Mr Watson. In 2006, the media reported
- 20
- that he visited you at your house in Scotland before his
- 21 resignation. Did you discuss any political matters at
- 22 all with Mr Watson on that occasion?
- 23 A. No. Our baby had just been born. He was bringing
- 24 a present for our baby with his wife and his family, and
- 25 we were talking about children. I mean, if I had known
 - Page 103
 - that he was planning any political initiative, I would
- 2 have told him not to do it, but I knew nothing about it.
- 3 Q. And the follow-up question was: did you discuss
- 4 Mr Watson's subsequently published round-robin letter
- 5 calling for Mr Blair's resignation --
- 6 A. I think I've already answered that. If I'd known that
- 7 he was planning anything like that, I would have told
- 8 him to desist from this. This was a bad mistake, it was
- 9 a wrong thing to do, and I told him so once I found out
- 10 about it, but I didn't find out about it from
- 11 a conversation with him.
- 12 Q. So your evidence is this was entirely a social call to
- 13 deliver a present for your baby; is that right?
- 14 A. Entirely, because he had his family with him and they
- 15 were talking to Sarah and they were talking about -- we
- 16 were all talking about our children.
- 17 Q. Mr Brown, you called for a judicial inquiry in September
 - 2010, in the sense that I think you wrote a letter to
- 19 Lord O'Donnell. We have it at tab 35.
- 20 A. Yes, I remember.
- 21 Q. Sorry, he was Sir Gus then. Obviously, the context was,
- 22 although you don't refer to it, the piece in the
 - New York Times which was published on 1 September 2010;
- 24 is that correct?
- 25 A. Yes, and the report that was being done by the culture Page 104

26 (Pages 101 to 104)

18

and media committee. That was the prompting for -asking whether something had to be done.

Look, we did not know about -- as I said in my speech in the House of Commons about this matter, we did not know about the extent of this phone hacking, and it only gradually became known to me that it could be considerably more than what had been reported and that this rogue hacker or rogue reporter was not a proper defence, but as the information became available and as I realised that this was a bigger issue than people had imagined, it seemed to me we had to look at what needed to be done.

Now, the Home Secretary had looked at whether the police investigation should be extended to -- or be carried out by another body. I had to look, given that there was some media speculation at this time that there was a case for a public inquiry, as to whether there was a case for a judicial inquiry.

Unfortunately, when I asked Sir Gus O'Donnell to look at this, he did not look at other evidence than simply the report of the Culture Select Committee --I think that probably was an unfortunate decision -- and therefore we had a report back that basically reflected the minimum amount of information that was available to the Select Committee and said nothing about any further Page 105

1 him at any stage, either before or after his election?

- A. This letter was independently done by me. I didn't 3
 - consult anybody before I sent that letter.
- 4 Q. No, I'm not suggesting that you needed to consult.
- 5 A. Yes.
- 6 Q. Did you discuss your concerns about the issue with
- 7 Mr Miliband?
- 8 A. I had expressed my concern to a number of people about
- 9 what was happening, but I can't remember a specific
- 10 conversation with Mr Miliband. Perhaps there was one,
- 11 perhaps there wasn't. I did raise it with Mr Clegg,
- 12 I remember, at one point.
- 13 Q. Okay. Now may we look to the future, Mr Brown, and 14 recommendations.
- 15 A. Yes.
- 16 Q. We know what you said in 2007 and we've seen that
- 17 speech, the extracts of which you've kindly provided us
- 18 with. In your witness statement, at page 14212, you set
- 19 out some ideas for the future.
- 20 A. Yes.
- 21 Q. On the internal numbering, it's page 6, which we've
- 22 carefully considered but can I just pick up some themes
- 23 on where we are.
- 24 Statutory backstop. Could you elaborate on that and
- 25 differentiate between that and state regulation of the

Page 107

- 1 information that was actually known within government at
- 2 the time, including the Home Secretary's examination of
- 3 this on his own bat.
- 4 Q. To be fair to Sir Gus, the letter he wrote back to you
- 5 on 10 September 2010 simply stated that the issue is now
- 6 under review by the Metropolitan Police and also subject
- 7 to an inquiry by the standards and prejudicial
- 8 committee.
- 9 A. You're talking about the second letter. My first
- 10 request to him was before we left office.
- 11 Q. Yes.

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- 12 A. And that was a request that he answer with a memo that
- 13 I think you now have about the various pros and cons of
- 14 taking action. It's at that point that I think we might
- 15 have looked at the other evidence available within
- 16 government and that's the point I'm making.
- 17 When I wrote to him in September 2010, it was
- 18 because further knowledge was available and that is the
- 19 New York Times --
- 20 Q. I'm focusing on the September 2010 issue because, as you
- 21 rightly say, we've looked carefully with Lord O'Donnell
- 22 at the March 2010 consideration.
- 23 Can I ask you this: we know that Mr Miliband was not
- 24 elected leader of the opposition until I think
- 25 25 September 2010. Did you discuss these issues with

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1 press?

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- 2 A. Can I just say, by way of introduction to this section,
- 3 that I would make a distinction between two roles that
- 4 this Inquiry might have, and indeed the way that further
- 5 self-regulation or regulation may go. I think there is
- 6 the issue of dealing with wrongs that have to be
- 7 righted, redressed for individuals who have a complaint
- 8 to make, and I've said, I think, pretty clearly in my
- 9 evidence that I don't think the present system, much as
- 10
 - it may be the better part of the complaint commission, the dealing with complaints is satisfactory.
- 12 The second aspect, however, that I would urge you to
- 13 look at is not just how we can deter the bad, but how
- 14 far we can incentivise the good. If I'm right, there is
- 15 a problem developing in this but also in every advanced
- 16 country in the world about the quality of journalism and
- 17 the commercial basis on which it can proceed, and if, in
- 18 the 19th century, you had big proprietors and if, in the
- 19 20th century, you had advertising that managed to
- 20 finance quality journalism, there is a big issue now
- 21 about what can incentivise or give support to quality
- 22 journalism in the future.
- 23 So I would just want to make, by way of
- 24 introduction, if you're dealing with this, that yes, we
 - can look at a better complaints system -- and you have,

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2 guidelines for how we might proceed in sorting that 3 issue out, and I believe there will be all-party support 4 for doing so, and I know that that is important to you, 5 that there is all-party support -- but I think we have 6 to look at a second issue, about the quality and 7 standards of journalism and how that can be improved, 8 and what we can do to help good journalists actually be 9 able to survive, based on their ability to sell their 10 content across the media and not just across newspapers. 11 That may demand quite radical thinking about how we 12 incentivise this for the future, including what happens 13 to the BBC licence fee, what happens to spectrum 14 auctions and the fees that come from that, and I think 15 these are all issues. There is going to be a real 16 problem in the next 20 years about how quality 17 journalism can flourish. 18 LORD JUSTICE LEVESON: Yes. When you made that comment at 19 the very beginning of your evidence, I wrote in the 20 margin: "How?" If you can answer that question, even 21 with some ideas, I will be very interested to hear them. 22 A. I have tried to give some thought to this. When the BBC 23 was set up in the 1920s and then developed its licence 24 fee system in the 1940s, it was clear that there was 25 a market failure. In other words, the finance that was Page 109 1

sir, put on the website I think very, very good

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because their advertising model has collapsed, basically, and therefore they're finding it more and more difficult. I mean, every week, I see a local newspaper going under.

So we have a problem about how we finance quality journalism for the future and there are journalists who are sitting here today who are in employment today, but I think the quality journalism that we need and that they represent for the future will have to find new ways of financing it.

Is the BBC model of any use to us? I think we ought to look at that. It certainly deals with this issue that there is a public good that the market cannot supply, and it certainly deals with the issue about how you might apply this to the Internet, as well as to broadcasting, because there is a zero cost in getting to millions of people once you get to the first thousand of people, and I would think that if we are genuine in trying to root out the bad but also trying to encourage the good, I think we to have to say something about how quality journalism in this country can be financed, supported and really sponsored in the future.

This is a problem which is even greater in America, and there's a huge debate now in America about how quality journalism can survive, and there's some very

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available for supporting quality broadcast journalism and quality content was simply not there. There was a market failure. So it had to be dealt with. Despite what James Murdoch says in his MacTaggart lecture, it had to be dealt with by taking action, and the action which was chosen, which was popular for at least some time, was the creation of the licence fee. And the licence fee was to support quality journalism, and of course, the argument in favour of it was that there were great extra novelties, if you are an economist -- there were great benefits from high quality journalism, from the educational effect of that, from getting trusted information, and that there was a public good to be supported that the market itself would not necessarily support in broadcasting. Then, of course, there were further benefits, because once you put it on a broadcaster network, the marginal cost of delivering it to millions of people as against thousands of people was minimal. Now, some of these arguments, in my view, now apply

Now, some of these arguments, in my view, now apply to the Internet. There is a problem about the lack of quality journalism. Most internal journalism has not got the resources to be as, if you like, persuasive or to be as trusted information as you would like it to be.

There is a problem now developing in the newspapers

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1 good people joining that debate, but all I'm saying,

2 sir, if you forgive me for doing so, is that you can

deal with this issue about what I think was a terrible

4 injustice done to the Dowler family, innocent people who

5 had their rights trampled over, and we need to have

6 a complaints system that deals with that and we need to

7 have proper penalties and proper fines for dealing with

8 that, but we also have to look at how we not just

9 discourage the bad but encourage the good. And that's

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 $10\,$ $\,$ not making a judgment about what's good and bad in

journalism; it's making a judgment that you will need

12 trained journalist and you will need medias like the

internet to be able to support that in future.

14 LORD JUSTICE LEVESON: But one needn't just look at the

journalism of the national newspapers. You've

16 commented -- and indeed it's been the subject of

17 evidence -- that local journalism is very much suffering

from the lack of advertising --

19 A. Absolutely.

20 LORD JUSTICE LEVESON: -- and the consequence is that local

21 issues therefore aren't reported as once they were, and

as more newspapers find it difficult to survive, the

loss of local information will be a very serious blow to

the development of local politics, the development of

25 holding local health boards, local countries to

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account --2 A. Absolutely. 3 LORD JUSTICE LEVESON: -- because nobody else will report 4 5 A. This is why I defend the freedom of the press and the 6 right of the press to have the powers that they have, 7 because without shining the light on potential 8 corruption or maladministration or the abuse of power --9 and that's true at a local level as well as at 10 a national level -- people get away with doing things in 11 an unaccountable manner that are completely 12 unacceptable, and that's why you need a local press. 13 I mean, there was a study done in America about what 14 happened to a town where they were faced with -- I think 15 16 local journalism in place and because the information 17 could not flow properly, then citizens were being 18 19 particular difficulty. This will continue to happen. 20

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newspapers, which then deprive the independent

journalists of an opportunity to investigate their

it was a flooding or something, and because there was no deprived of the means by which they could deal with this LORD JUSTICE LEVESON: At least one of the witnesses who has given evidence has brought my attention to the development of the concept of free local authority

A. As you know, there's a debate about whether the BBC should be in local radio, whether it should simply be commercial radio, and how the integration of local newspapers with local broadcasting, with local television and local radio should happen.

It's clear to me, however, that without some underpinning -- and it may be financial -- then there is a market failure here. There is not enough resources now to support the quality journalism that you are talking about. My own local newspaper has just had its editorial staff merged with the next door newspaper. They're running down the numbers of staff that are providing this local service and I think you would find this in every part of the country that you go into, and more than that, you're finding it all across the world now, because an internet journalist, who is someone who's sort of doing their own, if you like, self-journalism, can put their views up on a screen and put their views across the world, but if they're not resourced and they're not doing proper research and there's no investigative journalism, then we're diminishing the quality of the output that is available to us.

So it's not a strict answer to this problem that there's more people communicating on the internet --Page 114

1 that's a good thing -- when you don't have the research 2 that is being done and the investigation that is being 3 done to bring quality journalism.

My point to you is that we can deal with the issue 5 of complaints, and I think you have got excellent 6 suggestions and I do applaud what you are trying to move 7 to there, and I would emphasise, when I talk about the 8 Press Complaints Commission, that without an investigative arm, it cannot be successful. The one 10 thing you go to the Press Complaints Commission to get is a judgment on whether something is accurate or not, 12 and when they reply to you, they say, "We cannot make

a judgment on the accuracy of these statements", and therefore the one thing you ask them for, they cannot do because they have no investigative arm.

16 That's one thing, but encouraging quality journalism 17 is, I think, something that I hope that in your next set 18 of evidence you might be able to consider.

19 LORD JUSTICE LEVESON: I'll take that point very, very much 20 on board.

21 A. I may say I think there's quite a lot to learn from 22 America, where this is a live debate.

Sorry, I moved from the initial point of your question about self-regulation.

25 MR JAY: Not at all. Mr Brown, the Prime Minister, as you Page 115

1 know, has said that the relationship between press and 2 politicians needs to be reset. What, if anything, would

3 you recommend in that regard?

4 A. There has to be greater openness and transparency, as 5 I've said, and I just repeat that.

> I don't think -- I do want to answer you previous question about regulation because I think it's important. I've never been one -- and this may sound surprising to people. Despite my discomfort with the press, I've never been one that has favoured heavy regulation or even regulation of the press. I've always looked for solutions that would avoid the idea that there was some form of interference in the press by politicians and I've always been very careful when we've talked about the BBC to make sure that we safeguard the independence of the BBC. So I start from this -- I said

17 before it was a religious upbringing but the idea that 18 people should be able to speak truth to power and the 19 idea that the individual conscience is respected, free 20 from state power, is very important to me.

21

Now, what do you do in circumstances where you have 22 a recalcitrant newspaper which will not join the Press 23 Complaints Commission? This is a problem which I know, 24 sir, you face. What do you to in circumstances where 25 you have a Press Complaints Commission that actually is

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1 not able to deal and has proved itself unable to deal 1 what's coming, I don't think this is going to take you 2 2 with these big issues? by surprise. 3 In Ireland and Australia and New Zealand, they have 3 A. I don't know what's coming but I'm happy to take the 4 found a way to do -- I think in one case they call it 4 question. 5 statutory underpinning, is recognised in legislation but 5 Questions by MR DAVIES 6 not --6 Q. Mr Brown, my name is Rhodri Davies. I appear for News 7 LORD JUSTICE LEVESON: That's the Irish method. 7 International. 8 A. -- not decreed by legislation, so I think there is a way 8 A. Yes, I understood that. 9 but I think we have less to fear from the proposals that 9 Q. I think you're probably familiar with this. It's behind 10 you're talking about, about a statutory underpinning, 10 tab 8 of your bundle. If you'd like to go to it, 11 than people think, and certainly if there are 11 it's ... 12 recalcitrant members of the press who are not prepared 12 A. Tab 8 of my bundle? 13 to join, I think your case is strengthened. 13 Q. Yes. 14 But I share your views that this has to be 14 A. The new bundle or the old one? 15 independent of the politicians, it has to be independent 15 Q. That's a transcript of the evidence that Lord Mandelson 16 of -- but it also has to be independent of the newspaper 16 gave. 17 editors. It has to be independent of both and it has to 17 A. What day is it referring to, please? 18 be genuinely looked to and trusted as a source of fair 18 Q. It's 21 May. 19 and balanced investigations and judgments. 19 A. What day? 20 MR JAY: Mr Brown, those are all the questions I had. 20 Q. Day 74. 21 LORD JUSTICE LEVESON: Mr Brown, thank you very much. It's 21 A. No, what day is Mr Mandelson referring to? He was 22 all very easy to say; rather more difficult to seek to 22 referring to a call that took place when? 23 achieve it, but thank you very much indeed for your 23 Q. He was. He was asked about whether or not there was 24 24 assistance. a call between you and Mr Murdoch shortly after the Sun A. I don't envy your job, but I know you're doing a great 25 had announced that it was no longer going to support the Page 117 Page 119 1 1 Labour Party on 30 September 2009, I think it was. 2 LORD JUSTICE LEVESON: Thank you. 2 3 Oh, one moment, Mr Brown. Yes? 3 Q. This is Day 74 in the afternoon. 4 MR DAVIES: It relates, I'm afraid, to the disputed call 4 A. I find this very difficult to read because of the light 5 between Mr Brown and Mr Murdoch. 5 type here. Perhaps you can just read out the section 6 LORD JUSTICE LEVESON: Yes? 6 that's relevant. 7 MR DAVIES: The position is you may recall that 7 O. I will do that. 8 Lord Mandelson gave some evidence about that. Mr Brown 8 A. I'm grateful. 9 hasn't addressed that and I think he ought to be given 9 Q. The questions are from Mr Jay: 10 the opportunity to deal with it, or at least, we would 10 "Question: "The allegation is, or rather the 11 like to know what he says about it. evidence was from Mr Murdoch that Mr Brown said or 11 12 LORD JUSTICE LEVESON: Do you want to put what 12 uttered the words 'declare war on News International' or 13 Lord Mandelson said? Do you have it to hand? 13 words to that effect. From your own knowledge, 14 14 MR DAVIES: Yes, I have. Lord Mandelson, can you assist us as to whether there 15 LORD JUSTICE LEVESON: Then by all means, let Mr Brown 15 was such a call? "Answer: Well, I wasn't on the call. I hadn't been 16 respond 16 A. Anybody else who wants to put questions as well, I don't 17 17 patched into the call. 18 18 "Question: No, of course not. 19 LORD JUSTICE LEVESON: No, no. The position is, Mr Brown, 19 "Answer: I assumed that there was the call because 20 that the system permits core participants to put 20 I seem to remember the Prime Minister telling me that 21 questions through counsel and Mr Jay, I think, several 21 Rupert Murdoch was not at all happy with the method and 22 22 times has said, "I've been asked to ask this question", timing of James and Rebekah's action. 23 and that's how he's done it, but if he declines to put 23 "Question: What did the Prime Minister tell you, 24 a question, then the core participants are entitled to 24 Lord Mandelson, about the call? Did he communicate to 25 25 ask me for permission to ask the question. As I know you that's what he told Mr Murdoch? Page 118 Page 120

1 1 "Answer: No, he didn't say that. He told me what 2 2 Mr Murdoch had said to him. 3 "Question: So there was nothing about what Mr Brown 3 4 said to Mr Murdoch; is that your evidence? 4 5 5 "Answer: Yes, it is. I cannot remember being told 6 6 by Mr Brown what he said, and I have no way of knowing, 7 7 but I know -- but I know what he said to me about 8 8 Rupert Murdoch's reaction, which was to say, basically: 9 9 'I don't like how it's been done and I think it's a bad 10 10 day to do it and I wouldn't have done it this way 11 11 myself, but that's life and we have to get on with it.' 12 "Question: Mr Murdoch's reaction to what, though, 12 13 Lord Mandelson? 13 14 14 "Answer: The decision of the Sun to switch support 15 15 from New Labour to the Conservative Party, which he has 16 said, if I recall correctly, was James and Rebekah's 16 17 17 decision, not the editor's, incidentally." 18 A. First of all, there was only one call with Mr Murdoch, 18 19 and it was on November 10, and that was a call that was 19 20 related to Afghanistan and you have five letters that 20 21 21 are affidavits from people who were on that call -- four 22 of them on that call, one of whom who had to report to 22 23 the press what happened afterwards -- and they make it

he said that you had in the evidence I've just read to A. I don't remember a conversation with Mr Mandelson about this specifically, but if a conversation took place, it would have been about a call on November 10, and it was nothing to do with the support of the Conservative Party; it was about support for Afghanistan. There was no call on September 30. You're allowing me the chance to make this absolutely clear, and News International have produced not one shred of evidence that a call took place, not one date for the call or time for the call. You're not able to tell us what happened, except you have these statements from Mr Murdoch that this happened, and I do find it very strange that we're being asked to debate a call that never took place, for which you have no information about when it took place and where Mr Murdoch was at the time and who was also on the call. MR DAVIES: Thank you very much, Mr Brown. LORD JUSTICE LEVESON: Thank you. Thank you. Mr Brown, thank you very much indeed. (1.09 pm)

23 (The luncheon adjournment) 24

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      referring to that call I don't know, but the November 10
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      call is the only call I had in a year with Mr Murdoch.
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      I don't know if you're in a position to confirm that
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      that is the case on behalf of News International or not.
5
        As for what happened on September 30, when the
6
      Conservative Party was given the imprimatur, if you
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absolutely clear that that call was about Afghanistan.

Whatever you're reading out, and whether you are Page 121

like, of the Sun, there was no call. There was no discussion, there was no text, there was no conversation with Mr Murdoch at all, and I don't know how -- I notice that questions have come in from core participants, and the suggestion is that somehow there was a mobile call that hasn't been registered in Downing Street. I really think News International is doing itself a great deal of harm by trying to suggest that a telephone call took place which never happened, and trying to suggest that comments were made on that call that never were made, and trying to suggest also that the attitude of the person on the call was unbalanced when there was no call at all.

So you must tell me whether you want to refer to a call that was made on November 10, or a call that you are claiming was made after September 30 which never happened.

Q. Mr Brown, the only question I want to ask you is this: did you have the conversation with Lord Mandelson that Page 122

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